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Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, June 2, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Teach me Thy way, O Lord, that I may walk in Thy truth.—Psalms 86: 11.

O God, our help in ages past and our hope for years to come, we pause in Thy presence seeking the guidance of Thy Spirit as we face these days with decisions to be made, work to be done, burdens to be carried, and life to be lived as best we can.

Keep love's banner floating o'er us as we walk in the way of those who do justly, love mercy, and walk humbly with Thee. Fashion our desires, our duties, and our deeds in accordance with Thy will that we may labor for a better world filled with better people for the betterment of all.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the eligible bill on the Consent Calendar.

ENDORSING THE WORLD FOOD CONFERENCE OF 1976 IN AMES, IOWA

The Clerk called the concurrent resolution (H. Con. Res. 136) relating to the World Food Conference of 1976 in Ames, Iowa.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if we could have an explanation as to why a resolution of this character is being considered on the Consent Calendar rather than being brought up under suspension of the rules or under a rule allowing debate. It does have to do with a policy matter and an international conference to be held on that matter. Ordinarily, these things are not handled under Consent Calendar procedure.

Mr. Speaker, is there some explanation some member of the committee can give us?

Mr. HARKIN. Mr. Speaker, if the gentleman will yield, basically the Senate has already passed this concurrent resolution, and the thing is that we are scheduling this for next summer at Iowa State University at Ames, because things have to be done, procedures have to be laid out, provisions have to be made.

Mr. Speaker, I do not think the resolution is at all controversial. I am sure it has the support of everybody in the House. There are no money outlays for this. It will have no impact on inflation. We will be simply taking the lead for having a World Food Conference at Iowa State University at Ames next summer during the year of our Bicentennial.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I would just say to the gentleman that this resolution, which has been reported by the Committee on International Relations, certainly has some impact on the Committee on Agriculture and its interests, since it does state as a policy of the Congress that we endorse the World Food Conference.

We really do not know what is going to come out of that Conference. The holding of the Conference, I suppose, is endorsable, but usually these policy matters are not handled under the Consent Calendar. At the very least, they are handled by a rule being granted from the appropriate committee.

Mr. Speaker, I wonder if we might not hold this off until an appropriate time for fuller consideration.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT AND THE ATMOSPHERE TO SIT ON WEDNESDAY, JUNE 4, 1975

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment and the Atmosphere of the Committee on Science and Technology may sit on the afternoon of Wednesday, June 4, 1975, while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONGRESS HAS BEEN DILIGENT IN MEETING THE ENERGY ISSUE

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, I found the President's address accusing Congress of doing nothing about the Nation's energy problems exceedingly disconcerting, First, because his assertions were patently untrue.

The Energy and Power Subcommittee of the House Committee on Interstate and Foreign Commerce, on which I serve, has reported out a comprehensive energy program providing for a strategic petroleum reserve allocation authority, industrial energy conservation, auto fuel efficiency standards, appliance labeling, and gradual decontrol of old oil prices. That bill is due to be considered by the full Commerce Committee this week, and the President knew it.

The Committee on Ways and Means has reported out a comprehensive energy bill calling for import quotas and tax incentives to conserve gasoline, insulate homes, develop new energy sources, and to convert industrial processes from petroleum and gas to other energy sources; that bill is ready to be considered by the House at the present time, and the President knew it.

Mr. Speaker, this is an exceedingly complicated matter. It involves tremendous consequences to every individual and every business in this country and will have tremendous economic impact. This Congress has acted exceedingly diligently. Indeed, our subcommittee has been meeting all day long virtually every legislative day since the convening of Congress on this legislation.

The President took more than 2 years after the Arab boycott in November 1973 to devise an energy program with all the vast resources available to him. Now he is carping at Congress for not producing finished legislation in 4 months. This is both unfair and contrary to the public interest.

The President's speech was hardly in the spirit of cooperation, compromise, and conciliation which he announced he was going to pursue with this Congress. It was clear confrontation, particularly unfortunate since it was intentionally misleading.

HEEL-DRAGGING ON ENERGY LEGISLATION

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, I did not mean to answer the gentleman from New York when I came to the well, but as a member of the Committee on Interstate and Foreign Commerce, I must say that really the committee has not met regularly, that is, the full committee, on the legislation which he mentioned.

I feel that that committee has done some work, but it has not passed out this legislation; and I must say, in all fairness, that a mountain has labored and brought forth a mouse.

Mr. Speaker, energy is a critical matter in this country, and I regret to see the lackadaisical manner in which we are proceeding.

PERSONAL EXPLANATION

Mr. Speaker, on rollcall 240, I was inadvertently recorded as voting "no" on final passage of H.R. 6900, the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, when I intended to vote "aye."

Throughout my 11 years in Congress I have always supported unemployment compensation legislation and other measures to help our unemployed citizens, and I shall continue to do so. I want to emphasize that I favored passage of H.R. 6900 and to stress that this mixup should not be misconstrued as a departure from my very strong support for helping the unemployed.

IN PRAISE OF TURKEY'S AND GREECE'S RESORT TO INTERNATIONAL COURT OF LAW

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker and Members of the House, I hope that we will not let this moment pass without comment, seeing that two great nations, Turkey and Greece, have agreed to submit their differences of opinion to the International Court in the Hague.

I think that for all of us who look forward to a world in which the courts will be the first thought in a dispute rather than armed might, this is a great moment; it should not pass without some comment in this House. Two civilized nations, in a highly civilized way, have submitted their differences to an international court of law. We should all take note. I hope the nations of the world will take note. This is a forward step in the history of mankind, and it is greatly to be admired and commended.

HEEL-DRAGGING ON ENERGY LEGISLATION

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, the Congress, the Committee on Ways and Means, and its chairman have worked long and hard to develop a comprehensive energy plan. Their efforts are to be recognized, but not necessarily applauded, for the final judgment must be made on the end result, the final product, and its effect. Unfortunately, as of yet, a final bill, the result of this work, is not yet available.

The President's criticisms of the Congress on May 27, I must reflect, are painfully accurate.

The Congress has done little since the President made his proposals 5 months ago. We still have not passed any energy legislation.

It is refreshing to hear the truth, even as painful as it may be, and the President should be commended for pointing this out to the American people. Through his forceful leadership the Congress will respond to the important energy problem that we all face.

We in the Congress should stop criticizing the truth, and go about our business of developing an energy plan.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 23, 1975.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted on May 22, 1975, the Clerk has received this date the following messages from the Secretary of the Senate:

That the Senate passed H.R. 7136, An Act to continue the special supplemental food program for women, infants, and children through September 30, 1975; and

That the Senate agree to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 5899, "An Act making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes." That the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 20 40, 43, 44, 45, 46, 47, 49, 59, 63, 106, 108 and 171 to the above-entitled bill; That the Senate recede from its amendment numbered 83 to the above-entitled bill; and That the Senate further insist on its amendment numbered 107, disagreed to by the House, to the above-entitled bill.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By BENJAMIN J. GUTHRIE.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, May 22, 1975, he did, on that day, sign the following enrolled bill of the Senate:

S. 249. An act to amend the Securities Exchange Act of 1934 to remove barriers to competition, to foster the development of a national securities market system and a national clearance and settlement system to make uniform the Securities and Exchange Commission's authority over self-regulatory organizations, to provide for the regulation of brokers, dealers, and banks trading in municipal securities, to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investment managers, and for other purposes.

And on Friday, May 23, 1975, signed enrolled bills of the House as follows:

H.R. 3786. An act to authorize the increase of the Federal share of certain projects under title 23, United States Code; and

H.R. 7136. An act to continue the special supplemental food program for women.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 27, 1975.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:30 p.m. on Tuesday, May 27, 1975, and said to contain a message from the President wherein he transmits the sixth and final report in accordance with Section 812(d) of the Department of Defense Appropriation Authorization Act, 1974.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

SIXTH AND FINAL REPORT IN ACCORDANCE WITH SECTION 812(D) OF THE DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–166)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

In accordance with Section 812(d) of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93–155), I am pleased to submit to the Congress the sixth and final report on our progress toward offsetting the fiscal year 1974 balance of payments deficit resulting from the deployment of U.S. forces in NATO Europe. Section 812 (the Jackson-Nunn Amendment) states that if our European NATO Allies fail to offset this deficit, then U.S. troops in Europe must be reduced by the percentage of offset not provided. I am pleased to report that our Allies have fully offset the U.S. fiscal year 1974 deficit and that the troop reduction provision will not have to be implemented.

The U.S. NATO-related balance of payments expenditures during fiscal year 1974 totaled $1.997 billion. We sought to cover these expenditures in two ways. First, we negotiated with the Federal Republic of Germany (FRG) an Offset Agreement which had a total value of $2.218 billion over the 1974–75 time period. The fiscal year 1974 portion of the agreement has come to $1.150 billion. Second, our other NATO Allies have placed substantial military procurement in the U.S. They have been able to identify $1.016 billion in such procurement, of which $917 million can at this time be applied against fiscal year 1974 expenditures. The NATO Allies and the NATO Economic Directorate deserve our special recognition for their cooperation in establishing a liaison mechanism for identifying these purchases. Appendix A provides an accounting of our compliance with the provisions of the Amendment.

The Jackson-Nunn Amendment also called upon our Allies to assist the U.S. in meeting some of the added budgetary costs that result from maintaining our forces in Europe rather than in the continental United States. The major form of this budgetary support is contained in the two-year U.S.-FRG Offset Agreement. The agreement includes approximately $224 million to rehabilitate badly deteriorated barracks and other troop facilities used by American military personnel in the FRG. The FRG also agrees to absorb about $8 million of real estate taxes and landing fees directly related to U.S. forces in Germany. Finally, very considerable budgetary relief is implicit in the FRG agreement to purchase DM 2,250 million in special U.S. Treasury securities at a concessional interest rate of 2.5 percent. The interest rate which Germany could have obtained through investment of these funds in marketable U.S. Treasury securities would, of course, have been much higher. The purchase of securities made by the FRG pursuant to the agreement were made at times when the market was paying just under eight percent interest. As a consequence, the FRG will have foregone approximately $343 million in interest over the life of these securities. Essentially this represents a budgetary gain to the U.S.

A final provision of the Amendment requires that we seek to reduce the amount paid by the U.S. to support NATO's Infrastructure Program. NATO recently agreed to a new five-year program (CY 1975–79) totaling $1.35 billion. The Allies have agreed to reduce the U.S. percentage from the current official level of 29.67 percent to 27.23 percent. The new program also includes a special category of projects totaling $98 million which benefit only American forces and which would normally have been funded in the U.S. budget. When this special category is considered, the effective U.S. share is approximately 21 percent. Likewise, the U.S. share of funding for the Common European Pipeline deficit has been reduced from 36 percent to 25 percent.

The Amendment specifies that 22½ months (July 1, 1973–May 16, 1975) of Allied balance of payments transactions can be applied against the FY 1974 deficit. The balance of payments data we have used have been based on only the first 12 months of this period. We do not yet have complete data on Allied procurement expenditures during the last 10½ months of the statutory period. However, assuming that Allied expenditures in Foreign Military Sales (FMS) and commercial accounts remain at about the same levels as in FY 1974, there would be available an additional $1.3 billion to offset our FY 1974 expenditures.

It should be noted that the Allied financial transactions reported here do not represent the total financial burden incurred by the Allies in support of U.S. forces in Europe. Our Allies absorb many of our troop-related operation and maintenance costs for facilities, building and repairing roads, and other payments which have a total value of several hundred million dollars a year.

A good economic argument can be made that some of our balance of payments expenditures would have occurred whether or not our troops were in Europe, and hence should not have been charged against the NATO balance of payments account. For example, the Department of Defense purchased approximately $137 million of petroleum, oil, and lubricants (POL) in Europe during FY 1974, mostly for our Sixth Fleet operations. The great majority of these products were purchased from the Middle East. However, if the fleet had been brought home, its shift to U.S. POL resources would have forced other U.S. consumers to purchase their POL requirements from abroad. Thus, the impact on our balance of payments expenditures would have remained unchanged.

We should also recognize that, even if our troops were returned to the continental U.S., there would still be personnel-related expenditures for European goods and services. These personnel would continue to purchase some European goods. Also, we should not overlook the fact that some of our military-related balance of payments expenditures in Europe generate Allied or third nation purchases in the U.S.—both military and commercial.

Finally, we must consider that more than $300 million of the U.S. defense expenditures in Europe merely reflect the effect of dollar depreciation. This depreciation was a contributing factor to the substantial improvement in the U.S. trade balance, but it has made relatively more expensive the goods and services purchased by our military forces in Europe.

GERALD R. FORD.

THE WHITE HOUSE, *May 27, 1975.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 27, 1975.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:30 p.m. on Tuesday, May 27, 1975, and said to contain a message from the President wherein he transmits the Annual Report of the Administration on Aging for the fiscal year 1974.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By BENJAMIN J. GUTHRIE.

ANNUAL REPORT ON AGING, 1974, UNDER OLDER AMERICANS ACT AMENDMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–167)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

Section 208 of the 1973 Amendments to the Older Americans Act (Public Law 89–73) provides that the Commissioner on Aging shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act, not later than one hundred and twenty days after the close of each fiscal year.

Secretary Weinberger has forwarded the Annual Report of the Administration on Aging for the fiscal year 1974 to me, and I am pleased to transmit this document to the Congress.

GERALD R. FORD.

THE WHITE HOUSE, *May 27, 1975.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C., May 28, 1975.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:55 P.M. on Thursday, May 28, 1975, and said to contain a veto message from the President on H.R. 5357, An Act to authorize appropriations to the Secretary of Commerce for the promotion of tourist travel.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

AUTHORIZING APPROPRIATIONS TO THE SECRETARY OF COMMERCE FOR THE PROMOTION OF TOURIST TRAVEL—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–168)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 5357, which would authorize appropriations totalling $98,125,000 to the Secretary of Commerce for the promotion of tourist travel.

This bill would reinstitute in the Department of Commerce a domestic tourism program to encourage Americans to travel within the United States. It also would authorize appropriations totalling $90 million for the period July 1, 1976 through September 30, 1979, for continuation and expansion of the current program of the United States Travel Service to promote and facilitate foreign tourism in the United States.

My Administration proposed an extension of the existing tourism program through fiscal year 1979 at an annual authorization level of $15 million to encourage foreign visitors to the United States. It opposed the reinstatement of a domestic tourism program, which would be unnecessary.

The promotion and management of domestic tourism should remain the responsibility of the private sector, especially the accommodation and transportation industries, and of state and local governments. Each of the fifty States has its own tourist promotion agency. I find no justification for the Federal Government taking on this role.

Moreover, the amounts authorized in the bill for the Travel Service's existing program are excessive, almost doubling the adequate amounts proposed by my Administration for the promotion of foreign travel to this country.

I find it necessary, therefore, to withhold my approval from a bill which would create an unnecessary new Federal program and unduly enlarge an existing program.

GERALD R. FORD.

THE WHITE HOUSE, *May 28, 1975.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary not withstanding?

Mr. ROONEY. Mr. Speaker, I ask unanimous consent that further consideration of the veto message from the President on the bill (H.R. 5357) be postponed until Tuesday, June 24, 1975.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

May 29, 1975.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:00 p.m. on Thursday, May 29, 1975, and said to contain a veto message from the President on H.R. 4481, An Act making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By BENJAMIN J. GUTHRIE.

EMERGENCY EMPLOYMENT APPROPRIATION ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–169)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return without my approval, H.R. 4481, the Emergency Employment Appropriation Act.

Earlier this year, I asked the Congress for legislation to deal with the Nation's most immediate employment problems through an extension of public service jobs and a program of summer youth employment.

The Congress has taken this simple, straightforward and specific proposal and turned it into a bill containing a host of provisions of questionable value.

This bill, as presented to me, is not an effective response to the unemployment problem. It would exacerbate both budgetary and economic pressures, and its chief impact would be felt long after our current unemployment problems are expected to subside.

The bill authorizes spending of $3.3 billion above my budget requests. Almost half of this added spending would occur in fiscal 1976 and an appreciable amount of spending would continue in calendar year 1977. Economic recovery is expected to be well underway by the end of 1975, and the accelerative influences of this bill would come much too late to give impetus to this recovery. Instead, those influences would run the risk of contributing to a new round of inflation later on.

In my address to the Nation on March 29, announcing my decision to sign the Tax Reduction Act, I stressed the need to keep the 1976 deficit below $60 billion. This bill is one of many being considered by the Congress that, combined, would increase the deficit to $100 billion or more. Already, Congressional actions and inactions have added $7.3 billion to the 1975 deficit and $4.4 billion to the 1976 deficit.

Such an increase in the Federal budget deficit would lead to an increase in Federal borrowing from private financial markets. These heavy Federal demands for capital could deprive business firms of funds needed for modernization and expansion of capacity.

Thus, H.R. 4481 would contribute to choking off the very economic growth it is intended to stimulate.

To help overcome the recession and high unemployment, I have proposed, and the Congress has enacted, a major tax cut. I have also proposed an extension of unemployment compensation benefits, together with increases, which are included in this bill for public service jobs and summer employment.

Further stimulus would hurt more than it would help our economy in the long run. H.R. 4481 provides for too much stimulus, too late, and I must therefore veto the bill.

The need remains, however, for a bill that will provide the funds I recommended for immediate and temporary employment through the public sector and summer youth jobs. Since student summer vacations are close at hand, I urge the Congress to pass such a bill as quickly as possible.

GERALD R. FORD.

THE WHITE HOUSE, *May 28, 1975.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move that further consideration of the veto message from the President on the bill H.R. 4481 be postponed until Wednesday, June 4, 1975.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 247]

Abdnor
Alexander
Ambro
Andrews, N.C.
Annunzio
Aspin
Bafalis
Barrett
Baucus
Beard, Tenn.
Bell
Biaggi
Bingham
Boggs
Boland
Bowen
Breaux
Breckinridge
Burton, John
Burton, Phillip
Chisholm
Clausen, Don H.
Cleveland
Cochran
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Crane
Daniels, N.J.
Delaney
Dent
Derrick
Derwinski
Dickinson
Dodd
du Pont
Eckhardt
Eilberg
Erlenborn
Esch
Eshleman
Fish
Fithian
Foley
Ford, Tenn.
Frey
Fulton
Goodling
Gradison
Green
Hammerschmidt
Hannaford
Harrington
Harris
Hébert
Henderson
Hillis
Holland
Holt
Holtzman
Howard
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kemp
Keys
Leggett
Lent
McEwen
McKinney
Macdonald
Madigan
Mathis
Metcalfe
Meyner
Mezvinsky
Michel
Milford
Mills
Minish
Mink
Mollohan
Mottl
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nichols
Obey
O'Neill
Pattison, N.Y.
Pettis
Pike
Railsback
Randall
Roberts
Roe
Roncalio
Rostenkowski
Rousselot
Ruppe
St Germain
Scheuer
Shipley
Slack
Snyder

Stark
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Taylor, Mo.
Teague
Udall
Vigorito
Walsh
Waxman
White
Wilson, Bob
Wilson, Tex.
Wolff
Wydler
Wylie
Yates
Zeferetti

The SPEAKER. On this rollcall, 304 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VOTING RIGHTS ACT EXTENSION

Mr. YOUNG of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 469

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years, to make permanent the ban against certain prerequisites to voting, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Georgia (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Georgia. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN). Pending that, I yield myself such time as I may consume.

Mr. Speaker, this House Resolution 469 provides for an open rule with 3 hours of general debate on H.R. 6219, a bill to amend the Voting Rights Act of 1965 to extend certain provisions for an additional years, to make permanent the ban on literacy tests as qualifications for voting, and for other purposes.

Mr. Speaker, as I said, House Resolution 469 provides for 3 hours of general debate, to be followed by reading for amendment under the 5-minute rule. The bill is to be read by titles.

Mr. Speaker, Members of the House may not remember that 10 years ago, when this legislation was first enacted, the Nation was in a series of great turmoils because of the violence surrounding attempts on the part of black citizens in the Southern part of the United States to register to vote. It was at that time that many Americans lost their lives in an attempt to gain the right to vote. That was the time of Selma. That was the time of people being blown out of their churches simply for attempting to hold voter-registration meetings. That was a dark time in the history of the United States, but it was a time to which the Congress responded.

Mr. Speaker, since the passage of the Voting Rights Act of 1965, the Constitution of the United States has been sustained in these States. We have had remarkable success with the registration of voters. More than 1 million and a half blacks in the South have been registered, including 1.1 million in the States covered by the jurisdiction of the act.

VOTING RIGHTS ACT AND CHANGE IN THE SOUTH

BLACK ELECTED OFFICIALS

In 1965, there were 72 black elected officials in the 11 Deep South States (Voter Education Project). Today, there are 1,587—including 1,114 in the seven States specially covered by the Voting Rights Act. (VEP)

However, blacks hold less than 2 percent of the 79,000 public offices in the South.

In the 101 black-majority counties, blacks hold a majority of seats in the county governments of only 6 counties. (VEP)

There are 362 majority-black towns and cities in the South which have not yet elected even 1 black public official. (VEP)

In the 7 covered States, 27 percent of the population is black, but only 1 of 57 Congressmen from the States is black; of 1,174 State legislators in those States, only 68 are black. No blacks in the States hold statewide office. (VEP)

The number of black elected officials in the South has risen as follows:

1965	72
1966	159
1968	248
1969	388
1970	565
1971	711
1972	873
1973	1,144
1974	1,307
1975	1,587

Source: Voter Education Project.

Georgia: 23 of Georgia's 159 counties have a black majority. As of 1975, there were five black county commissioners in these counties. In 22 other counties which are between 40 and 50 percent black, there are no black commissioners. (CRC)

In city government, Georgia has 2 black mayors and 84 councilmen, aldermen, and commissioners. (VEP)

In law enforcement, black elected officials in Georgia include one judge and five justices of the peace.

There are 53 black elected school board members.

Of the 236 State legislators in Georgia, 22—9.3 percent—are black. The State's population is 25.9 percent black. (CRC)

VOTER REGISTRATION

Since 1965, about 1.5 million blacks in the South as a whole have become registered voters—about 1.1 million in the covered States. The percentage of eligible blacks registered in the seven covered States rose from about 29 percent in 1964 to 56 percent in 1972.

However, it is estimated that as many as 2.5 million eligible blacks in the South are still not registered, and that black registration is about 15 points below the percentage of white registration. The disparity is even greater in many rural areas. (VEP and U.S. Civil Rights Commission)

VOTER TURNOUT

Black voter turnout in the South has increased in terms of percentages and numbers of registered voters since 1965. Although Census Bureau statistics on turnout are not entirely reliable—the statistics are based on surveys in which some people, both black and white, say they voted but did not actually vote—it is apparent that black voter turnout in the South is lower, percentagewise, than white turnout.

According to a U.S. Census survey of the voting age population, 47.8 percent of blacks in the South reported that they voted in the 1972 election, compared to 57 percent of whites:

VOTER REGISTRATION AND TURNOUT (U.S. CENSUS SURVEY OF VOTING AGE POPULATION ON PARTICIPATION IN 1972 ELECTIONS)

[In percent]

	Reported registered	Reported voted
Nationwide:		
White	73.4	64.5
Black	65.5	52.1
Spanish-speaking	44.4	37.5
South:		
Urban:		
Black	65.1	49.5
White	70.7	59.5
Rural:		
Black	61.9	44.5
White	68.2	53.0
Total, South:		
Black	64.0	47.8
White	69.8	57.0

SPANISH-SPEAKING (NATIONWIDE)

	Voting age population (millions)	Reported registered (percent)	Reported voted (percent)
Mexican	3.2	46.0	37.5
Puerto Rican	.8	52.7	44.6
Other Spanish	1.6	36.8	33.5

Some barriers still exist in the South:

Barriers to registration:

Restrictions on times and places.

Long distances to travel to register.

Hostile or uncooperative officials.

Purging of rolls; reregistration.

Economic pressure.

Inadequate education or publicity about registration.

Barriers to voting:

Denial of requests for ballots.

Location of polls.

Inadequacy of polls—too crowded, not enough machines, and so forth.

Hostile or uncooperative officials.

Inadequate assistance to voters needing help.

Difficulties in absentee voting.

Economic pressure.

Barriers to candidacies:

Filing fees.

Obstacles to qualifying.

Campaign costs.

Candidate's need for poll watchers, other volunteers.

Irregular vote counting.

Obstacles to biracial campaigns.

We have seen come to the House of Representatives and to the State houses of this Nation candidates who are elected by virtue of being able to forge a coalition of good will rather than a coalition of bigotry and prejudice.

Mr. Speaker, I think the success that the Congress afforded the Southern States by the passage of this act 10 years ago is a success that needs continuation, for remarkable though that success may be, there is a continued need for the presence of this act.

The present extension would be for 10 years, and it would provide a kind of continued preclearance of voting changes by the Attorney General's office, which has afforded such dramatic change for the United States.

Enforcement of section 5 preclearance got off to a slow start, partly because preclearance regulations were not put into effect by the Justice Department until 1971.

Since 1965, specially covered jurisdictions have submitted 4,476 voting changes for preclearance; only 163 were objected to by the Attorney General.

Opponents of the Voting Rights Act—especially state and local officials who are required by the law to submit voting changes—have claimed that preclearance is burdensome, time-consuming, and expensive. They assert that most voting changes are "minor" or "technical." But the pre-clearance procedure clearly is more efficient than case-by-case lawsuits. The Attorney General is supposed to act on preclearance submissions within 60 days. Under the Civil Rights Acts of 1957, 1960, and 1964, the Justice Department filed only 71 cases, and each one required a great deal of time to research the problem, compile evidence, prepare for trial, and work on the almost inevitable appeal. "Minor" or "technical" changes in voting procedures can and do have a major impact on voting rights—for example, the location of a polling place in a private white club—see example from Jones County, Ga., below.

Here are some recent examples of voting changes which did not receive preclearance. (CRC)

Atlanta, Ga., 1972: Reapportionment of Fifth Congressional District so as to dilute black voting strength and remove potential black candidates from district.

Jones County, Ga., 1974: Removal of a polling place from a store in the central part of the precinct to the Lions Club Fairground Building on the outer fringe. The Lions Club does not accept blacks as members, and also many blacks would have had to travel an additional 3½ miles to vote.

Grenada County, Miss., 1975: For the second time, the Attorney General refused to clear a redistricting plan for five county supervisor election districts. The plan would fragment the concentration of black voters in the city of Grenada.

Charleston, S.C., 1974: A city and county consolidation plan provided for election of the new governing body through the use of multimember districts, at-large elections, a majority vote requirement, residency requirements, and numbered posts. It would have diluted black voting strength. A fairly drawn plan of single-member districts, the Justice Department said, would allow fair opportunity for the election of blacks.

New Orleans, La., 1974: The polling place for a 95 percent precinct would have required voters to travel an excessive distance outside the precinct. Several more convenient polling sites were available.

Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia: Each of these seven specially covered Southern States has redistricted its State legislature since the 1970 census, and each plan was challenged and found discriminatory either by the Justice Department or the courts.

Failure to submit for preclearance. One problem with the Voting Rights Act is that governmental officials have refused or failed to submit voting changes for preclearance, as required by law.

The CRC says that "a large number of counties have never made any submissions under section 5," but no one seems to know how many.

It is known that in Georgia between 1964 and 1973, four majority black counties—Calhoun, Dooly, Macon, and Peach—and in one county that is more than 40 percent black—Jenkins—made changes in the method of electing their commissioners, but did not submit the changes for preclearance. In each case, the CRC found, the new method "has features that are often discriminatory."

Eighteen other Georgia counties which are less than 40 percent black made changes between 1964 and 1973 in the method of selecting school board members, usually a change from appointment to election at-large. None have attempted to obtain section 5 preclearance.

In Bessemer and Fairfield, Ala., in recent years, black voting strength was diluted by the annexation of several white areas—without preclearance.

These and other failures to seek preclearance suggest another argument for extension of the Voting Rights Act—for it is clear that many localities continue to flaunt the law, and that more vigorous enforcement is obviously needed in the specially covered areas of the South:

Preclearance as a deterrent. It is generally agreed that the preclearance requirement has in some areas served as a deterrent to passage of discriminatory voting changes.

USE OF FEDERAL EXAMINERS

The Attorney General may send Federal examiners into the specially covered jurisdictions. Examiners prepare lists of applicants eligible to vote, and State officials are then required to register the applicants.

There are 553 southern counties—6 complete States, plus 39 counties in North Carolina—specially covered by the act. As of mid-1974, examiners had been sent to only 60 of those counties. They had listed for registration 155,148 persons. No examiners were ever sent to North Carolina or Virginia.

There are some reports that the threat of using examiners has a deterrent effect—that local registrars began to register black voters so that Federal examiners would be kept out.

USE OF FEDERAL OBSERVERS

Federal observers may be sent by the Attorney General into specially covered jurisdictions to act as poll watchers, observing whether eligible persons are allowed to vote and whether all ballots are accurately counted. The observers report on the conduct of the election, but have no role in the management of polling places.

Since 1966, about 6,500 observers have been sent into 61 counties in 5 of the 7 covered Southern States. In 1974, there were 430 observers assigned in Alabama, Georgia, Louisiana, and Mississippi.

Federal observers are still needed to counteract such practices as deleting names from precinct lists, failure to assist illiterate voters, locating polls in all-white facilities, and outright intimidation of minority voters.

The remarkable effect of this act is that it has had a preventive effect. It has, by virtue of its existence, assured and sustained our voting rights and given us democracy all over this Nation with a minimum of trouble.

Yet, Mr. Speaker, as we think about the presence of this act, and as we think about the advantages that it has attained for black Americans and for the southern part of the United States in general, it would seem to me to be a great weakness on our part if we did not extend those provisions to include other minorities as well.

After all, Mr. Speaker, we have just completed a war which cost $150 billion, and which cost 55,000 American lives to insure the right to vote, the right to determine their own democracy for the people in South Vietnam, so it would seem to me that the dozen or more lives that were shed in 1965 that made possible this act should not be repeated by the Spanish-speaking Americans, or by the Asian Americans, or by the American Indians, but that there has been enough suffering done by Americans in general so that we should be able to appreciate the fact that all men in these United States are endowed not by their education, not by their color, not by their wealth or religion, but that they are endowed by their Creator with certain unalienable rights, and one of those rights should certainly be the right to vote.

VOTING PROBLEMS OF LANGUAGE-MINORITY GROUPS

Registration: Problems include inadequate numbers of minority registration personnel, uncooperative registrars, and purging of registration lists.

Purging can be especially burdensome to language minorities in the many areas where purging notices are mailed out in English only. In Arizona, failure to vote every 2 years in the general election results in removal from the registration rolls. After the 1972 election in that State, Coconino County purged 25 percent of the 24,358 registered voters from the rolls. Most of the more than 6,000 purged were Navajos. Few Navajos in that region can read English. (CRC)

In 1974, research in Tucson on lists of challenged and purged voters in Pima County showed that a much higher rate of Chicanos had been purged than of other voters. A sample of canceled voters showed that many were not aware they had been purged and did not know how to be reinstated. (CRC)

New York law also has strict purge provisions which have a severe effect on minorities, including Puerto Ricans. People can be purged for failure to vote in general elections, and many Puerto Ricans have voted only in the more important primaries. Also, many people do not receive their purge notification—which is in English.

Voting: Language minorities seldom control the election or appointment of local officials or occupy positions of influence. Problems at polling places include outright intimidation by officials, failure to locate voters' names on precinct lists, location of polls where minority voters feel unwelcome or location at inconvenient places, underrepresentation of minorities as poll workers, unavailable or inadequate assistance to illiterate voters, lack of bilingual materials, and difficulties with use of absentee ballots.

Language minorities have been victims of physical, economic and political intimidation when they attempted to vote. In House hearings, witnesses testified that Texas law-enforcement officials patrol Mexican American, but not Anglo, precincts on election days: sheriffs reportedly walk around polling places brandishing guns and billy clubs. When Anglos challenged the election of Mexican Americans, they subpenaed 200 Mexican Americans in Pearsall, Tex., and 150 in Cotulla. Witnesses said the subpenas had the effect of intimidating the Mexican Americans and convincing them to avoid politics and voting. Also in Pearsall, Tex., a witness testified that an Anglo candidate for city council who was a bank loan officer went to Mexican-Americans who had loans with the bank and told them he expected their votes.

In Uvalde, Tex., some Chicanos are afraid that their welfare checks will be reduced because of their political activity. (CRC)

Chicano elected officials. To illustrate the underrepresentation of Spanish-speaking people, in Texas, Mexican Americans comprise 16.4 percent of the population, but hold 2.5 percent of the elective positions. In New York, Spanish heritage citizens make up 7.4 percent of the population, but hold less than 0.1 percent of the elective positions.

Dilution of language-minority voting strength. This is a major problem which calls for protection under the preclearance provision of the Voting Rights Act.

In Apache County, Ariz., Navajos make up about three-fourths of the population. The three county supervisor districts are drawn so that all the Navajos are in one grossly overpopulated district.

In Bexar and Dallas Counties, Tex., State legislators were elected from multimember districts, diluting or canceling the voting strength of blacks and Mexican-Americans. The Supreme Court has since upheld a ruling that this system was discriminatory.

Throughout Texas, many cities and school districts have at-large majority runoff systems, which effectively exclude Mexican-American and black candidates who could win with pluralities.

In 1972, San Antonio was almost evenly divided between Anglos and Mexican-Americans. The city made massive annexations including irregular or "finger" annexations of heavily Anglo territory.

Illiteracy among language minorities: Of all Spanish heritage citizens over 25 years old, more than 18 percent have not completed 5 years of education—the level generally said to be necessary to achieve literacy in English—compared to 5.5 percent for the total U.S. population. (Census) In Texas, more than 33 percent of the Mexican-American population has not completed the fifth primary grade. American Indians, Alaskan Natives and Asian Americans have similar language difficulties. The illiteracy rate among Chinese-Americans is 16.2 percent; among American Indians, 15.5 percent; among Anglos, 4.5 percent. (Census)

Other language minorities: Other language-minority groups are not covered by the proposed legislation because no evidence was received concerning voting difficulties among these groups.

U.S. Census survey of voting-age population on participation in 1972 elections, nationwide, by ethnic origin:

	Percent	
	Reported registered	Reported voted
Black	67.5	54.1
Spanish	44.4	37.5
German	79.0	70.8
Italian	77.5	71.5
Irish	76.7	66.6
French	72.7	63.2
Polish	79.8	72.0
Russian	85.7	80.5
English/Scottish/Welsh	80.1	71.3

Mr. Speaker, I urge the Members of the House to pass this resolution.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Georgia (Mr. Young) has ably described the provisions of this resolution, but I would like to say, Mr. Speaker, that the report from the Judiciary Committee, which was filed and discussed before the Committee on Rules, contained more additional, supplemental, and separate views than any which has come to my attention since being a Member of this body.

I am sure that the Voting Rights Act has done a tremendous amount of good, and should be extended, but the members of the committee have presented additional views which I think should be considered before final adoption of the act.

For instance, the trigger is still aimed at the South. The South has corrected its problems as to voting rights, and it should be on an even track in the future. The act is further extended to Spanish-speaking minorities, but why should this act, which is so greatly needed, be limited to a few States of this great United States of America? I think it should be extended to the people of all States of this great Union, to all minorities irrespective of race, creed, or color. The triggering provision should be changed.

In the North if 50 percent of an area votes, and the area contains a good number of minority members, then this act does not trigger. Those people do not have the same advantages, in my opinion, as those in the States we are covering here in this legislation.

Why do we not make it all-embracing to all of our 50 States and make the triggering mechanism work?

It will—if the act is continued as presented to us in the bill which will be discussed after this rule is adopted—take away local control of redistricting or even the annexation of a property in a city because of the requirements of the statute. I think when we give up States' rights and we give up the rights of cities and counties, then we are taking away the heritage which our Founding Fathers gave us in our Constitution.

Mr. Speaker, I would, therefore, ask the Members to consider this measure carefully when it is debated on the floor of the House, because, as I said in the beginning, some 15 additional and separate views have been filed in the report. It could not be a unanimous decision of the committee in reporting this bill out.

It is my understanding that the gentleman from California (Mr. WIGGINS) is going to offer a substitute which will give a new triggering provision, making it applicable in all of our 50 States. What is good for the goose is good for the gander, and what is good for the people of one State likewise should be good for the people in other States.

Mr. Speaker, I have no objection to the rule. I do want to repeat again that the membership of this great body should consider these additional views, should consider the benefit of all Americans having the right to vote and not limiting and not triggering it to areas of this country on a sectional or a regional basis.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. I thank the gentleman from Tennessee for yielding to me.

It is not my purpose to take 5 minutes to discuss the merits or demerits of the proposal which I shall offer at the appropriate time. I merely seek the attention of the gentleman from Georgia and the gentleman from Tennessee to discuss what occurred before the Committee on Rules. Before the Committee on Rules I suggested that that committee make in order as a substitute the proposal sponsored by myself. By an equally divided vote, I was informed that the motion to make it in order was defeated.

However, during the debate before the Committee on Rules, there never was any doubt about the germaneness of my substitute. I seek the gentleman from Georgia's attention for the purpose of confirming that statement.

Mr. YOUNG of Georgia. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. YOUNG of Georgia. I thank the gentleman for yielding.

The gentleman is correct. There was never any question about the germaneness of the gentleman's substitute. It was only a question as to whether or not that should be specified under the rule, but since it is an open rule, the gentleman's substitute, it would seem to me—although I am not the Parliamentarian—would be quite in order.

Mr. WIGGINS. I thank the gentleman.

I will ask the gentleman from Tennessee if that is also his recollection.

Mr. QUILLEN. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Tennessee.

Mr. QUILLEN. I thank the gentleman for yielding.

That is my recollection, and I will so state it. I feel that the gentleman has a sound basis for his contention, and his substitute should be in order.

Mr. WIGGINS. I thank the gentleman for yielding.

Mr. Speaker, I yield back the remainder of my time.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Georgia. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EDWARDS of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6219, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. EDWARDS) and the gentleman from Virginia (Mr. BUTLER) will each be recognized for 1½ hours.

The Chair recognizes the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, in 1965, I was serving in this body when President Lyndon Baines Johnson called a historic special session of Congress to express his deep concern over the tremendous difficulties which black citizens in certain areas of this country were experiencing when they attempted to register and vote. He made an urgent plea for legislation which would at long last put an end to the violence and unconstitutional barriers suffered by minorities seeking to participate in the electoral process. It was not a plea which the 89th Congress could ignore. At that time, worldwide attention had been drawn to the extreme brutality and suffering of blacks in areas such as Selma, Ala., where, in fact, marchers for the cause of equal voting rights had been killed and injured at the hands of local law enforcement officials. The day of that march is now known by many as bloody Sunday.

The Congress acted with dispatch by passing some 5 months after President Johnson's plea the Voting Rights Act of 1965. I am very proud to have been a Member of this body and the Committee on the Judiciary at the time when that momentous and important legislation was enacted. It has been termed by many to be the most effective civil rights legislation ever passed and justifiably so. The application of the Voting Rights Act's special remedies has led to drastic improvements in the voting situation of southern minorities. In jurisdictions first triggered for special coverage under the remedies, namely, jurisdictions in the South, the political participation of minorities has greatly increased in terms of registration, voting and the actual holding of political office. We are at this time confronted with the important decision as to whether or not that special coverage and the special remedies which it entails ought to be allowed to expire for certain jurisdictions in August of this year. Unless we now act to extend the act's special provisions, that coverage will cease to exist for certain areas within the next 2 months.

H.R. 6219, a bill which was favorably reported out of the Judiciary Committee by a vote of 27 to 7, does in fact extend the Voting Rights Act's special provisions for an additional 10 years. It was the committee's judgment that each of those provisions or remedies needs to remain operative for at least that additional period of time. For example, in reviewing the continued need for this legislation in those jurisdictions soon eligible for release, we concluded that the act's Federal preclearance requirements, mandating Federal review of all voting changes to be implemented in covered jurisdictions, were still needed because of the recent increase in the number of Justice Department objections to potentially discriminatory changes. In other words, in recent years the Justice Department, under the preclearance provision, has halted by means of objections proposed changes in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, each of which will soon be eligible for exemption from the act unless we act and act quickly. Those objections have prohibited, in those jurisdictions, discriminatory annexations, redistrictings, polling place changes, switches to at-large elections, and other devices which would have adversely affected minority political participation. The committee found, and I personally suggest to you, that it would simply be unthinkable to now remove the preclearance protections when such changes have been prevented by the Justice Department as recently as 1974 and 1975.

Furthermore, it was especially this preclearance remedy that the committee sought to preserve for an additional 10 years. Pursuant to section 5 of the Voting Rights Act, the Federal preclearance provision, covered jurisdictions must submit all redistricting plans prior to their implementation, and in view of the fact that at least one-third of the Justice Department's objections have been directed at such plans at all levels of government, it is imperative that the preclearance requirement remain in effect during the reapportionment and redistricting which will necessarily take place in the years after the 1980 decennial census. H.R. 6219 accomplishes that end by providing for a 10-year extension, making the preclearance provision operative at least through 1985.

In addition to Federal preclearance, other special remedies applicable to covered jurisdictions are the Attorney General's powers to certify the appointment of Federal examiners and Federal observers. In covered jurisdictions, where the Attorney General finds that they are needed, Federal examiners serve to list eligible voters and Federal observers serve to list eligible voters and Federal observers serve to monitor the conduct of elections. The committee found that there was a continuing need for these remedies in those States and political subdivisions which will soon be eligible for exemption. Significant registration disparities between blacks and whites still exist in the States of Louisiana, 16 percent, and Alabama, over 20 percent, and Federal examiners can yet play a significant role in insuring that large numbers of unregistered blacks are entered upon the rolls. Additionally, the Federal listing of eligible minority voters must continue to be available because of local registration barriers in covered jurisdictions. Such barriers were documented in the recent report of the U.S. Commission on Civil Rights. That report, "The Voting Rights Act: 10 Years After," reveals that in many of the covered jurisdictions the times and places of registration are so restrictive that blacks, frequently living in distant rural communities, are unable to register. Some white registrars in those areas are also reputed to treat blacks with extreme discourtesy, so much so that blacks find the registration process under these circumstances at best embarrassing and humiliating. In light of such factors, the committee concluded that the important remedy of Federal registrars should be continued.

The same conclusion was reached with respect to the Federal observer remedy. The hearing record on this legislation reveals that many minority voters in the covered jurisdictions have frequently found that their names cannot be found on precinct lists and that abuses exist with respect to aid to be provided to illiterate voters. Also, polls in these areas continue to be located in all-white clubs and lodges where minority persons are otherwise not allowed to go, with such locations obviously representing extremely hostile and intimidating atmospheres for the nonwhite voter. Thus, the presence of Federal observers can still serve to deter abuses and to prevent or diminish the intimidation frequently experienced by minority voters.

H.R. 6219, a bill which extends each of these remedies for an additional 10 years, must be passed by this body if the political rights of minority citizens are to continue to be safeguarded from future infringements.

H.R. 6219 also proposes to make permanent the temporary nationwide ban on literacy tests which Congress enacted in 1970. That nationwide test suspension expires in August of this year and the committee concluded that it was now appropriate, as well as constitutional, for that ban to be made permanent. It is well documented that, primarily because of disparate education opportunities, minority citizens in this country suffer from much higher rates of illiteracy than do nonminority citizens. In reaching its conclusion that literacy tests ought to be permanently banned, the committee also took into account the long and tragic history of the discriminatory use of such tests to disenfranchise minority voters, as well as the extensive use of broadcast media in today's society as a source of acquiring knowledge on the political scene.

Having decided in favor of extending the Voting Rights Act's special provisions, the committee was then faced with another important and momentous decision; namely, whether or not the act's special coverage ought to be expanded in some manner to insure the protection of the voting rights of language minority citizens. During subcommittee proceedings, members of language minorities offered testimony on incident after incident in uncovered jurisdictions where language barriers as well as other forms of discrimination served to impede political participation on the part of minority citizens with native languages other than English. Described were instances where the inability to speak English served to deter or otherwise frustrate the registration and voting efforts of language minority citizens. Election officials who speak only English and election materials printed only in the English language effectively exclude such citizens from the electoral process. Also related were instances of discriminatory districting plans, discriminatory annexations, and acts of physical and economic intimidation when language minority citizens do in fact attempt to participate. The entire situation in these uncovered jurisdictions is tragically reminiscent of the earlier and, in some respects, current problems experienced by blacks in currently covered areas.

With the same commitment and dedication which led the Judiciary Committee to report out the 1965 act and its 1970 extension, the committee has now reported out to you for favorable action, provisions in H.R. 6219 which would meet the tremendous needs of language minorities. And with the same dispatch with which the Congress acted in 1965 and 1970, we must now adopt these expansion provisions.

Based on the subcommittee record as well as judicial proceedings the committee felt that each of the act's special remedies ought to also be applicable, first, where language minorities—defined as Alaskan Natives, Asian Americans, American Indians, and persons of Spanish heritage—reside in greatest concentrations; second, where there has been a low voter turnout in the most recent Presidential election; and, third, where there have been conducted elections only in the English language. Other language groups were not added for coverage purposes at this time merely because the committee had no evidence before it that such citizens experience severe voting barriers. In fact, nationwide voting statistics for other language groups indicate that they have much higher participation rates than, for example, do persons of Spanish heritage. Moreover, it is primarily the four language minority groups set forth in the bill which have experienced discrimination in education, thereby leading to their continued illiteracy in the English language.

Thus, H.R. 6219 proposes to mandate, for a 10-year period, in newly covered jurisdictions such as Texas, Alaska, and various other counties throughout the country, the conduct of bilingual elections, Federal preclearance, and Attorney General authorization to certify the need for examiners and observers. Such remedies will clearly address many of the language minority voting problems elaborated upon in the record; a record which, incidentally, is quite extensive in that it includes 13 days of hearings. This expansion of the act's special coverage is found in title II of H.R. 6219.

Additionally, H.R. 6219 provides for the bilingual elections remedy in jurisdictions where language minorities with high illiteracy rates reside in significant numbers. This remedy is provided for in title III of H.R. 6219.

While the committee's report on H.R. 6219 sets forth in considerable detail why it in fact believes that the expansion to these additional jurisdictions is both appropriate and constitutional, I believe it important to note that only recently the Justice Department has directed a letter, dated May 16, 1975, to Senator JOHN V. TUNNEY, indicating that, in its opinion, H.R. 6219 and its expansion to non-English speaking minorities, is constitutional. The letter states:

> The evidence is sufficient to support a legislative determination of need and to support the means chosen for protecting the right to vote.

Both the extension as well as the expansion of the Voting Rights Act are constitutional exercises of congressional authority. The burden is now simply upon us to make a legislative judgment as to whether or not these provisions should be voted up or down. I can only say that a no-vote on these provisions would be a tragedy, indeed. For the result would be a continued disenfranchised minority citizenry, and such a result would make a travesty of our so-called democratic system.

Mr. Chairman, at this time I would like to compliment the chairman of the subcommittee and the ranking minority member of that subcommittee, together with the committee members who worked industriously and diligently over a period of time, and held 13 days of hearings at which were heard witnesses who presented testimony which is convincing proof of the need to expand coverage and the need to extend the Voting Rights Act to insure the rights of every individual, regardless of race, creed, color or language to be able to vote in these United States.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, today we take up for consideration H.R. 6219, a bill which both expands and extends the Voting Rights Act of 1965. It was over 3 months ago that we first began extensive study on this legislation in that it was at that time that the Subcommittee on Civil and Constitutional Rights first convened its hearings. Some 13 hearing sessions and 2 volumes of testimony later, I now stand before you to describe what we heard, what we found, and why we believe that it is absolutely imperative that you support H.R. 6219.

I do not think that I need to go into great detail in relating how and why the Voting Rights Act came about. Most of us here can readily recall the disturbing memories of the recent past when in certain areas of this country, not only were minority citizens denied the right to vote outright—but some were also killed and injured in their attempts to speak out against that exclusion. The Voting Rights Act of 1965 was passed to bring about swift administrative relief by finally admitting into political life those whom others were determined to exclude.

In passing the act, the 89th Congress proved to be a very optimistic body in that it designed the 1965 legislation to be applicable for a 5-year period. It was apparently hoped that, under the act, the tides of change would flow quickly and that the affected areas would readily open up their electoral processes to those who were formerly excluded. That their optimism was not well founded is now apparent. In 1970, just prior to the time that the act was to have expired, the Congress thoroughly assessed the progress which had been made during the previous 5 years and determined that it fell far short of bringing about the change that was yet needed. The special application of the act was therefore extended for another 5 years—until August 6, 1975. At this time, therefore, we again find ourselves in a posture of reassessment because, in 2 months, jurisdictions brought under the act in 1965 will begin to be eligible for automatic exemption.

H.R. 6219 proposes to again extend the special provisions of the Voting Rights Act—only this time, we propose that a more realistic extension of 10 years be adopted. It takes time to root out evils which have been allowed to exist in certain areas of this country for hundreds of years; and I believe that by urging a 10-year extension, H.R. 6219 is a bill which finally comes to grips with that reality.

Moreover, there can be no denying that so very many of the same voting barriers which existed in the covered jurisdictions in 1965 continue to exist in those jurisdictions in 1975. We heard witness after witness relate the continued prevalence of insidious voting discrimination existing in jurisdictions which could conceivably be released from the act in less than 10 weeks. In a recently released report, "The Voting Rights Act: 10 Years After," the U.S. Commission on Civil Rights poignantly documents that in the currently covered jurisdictions barriers to voting and registration yet persist.

The locations and office hours of registration places are frequently so restrictive that significant numbers of minorities are unable to register, especially when those minorities live in distant rural areas far from the county seat. Moreover, even when minority citizens do manage to arrive at the registration offices during the regularly scheduled hours, the offices are frequently closed or the white registrars treat them with discourtesy that, at best, registration is a humiliating experience.

Problems are cited of polling places being located in all-white clubs or lodges where minority citizens are not otherwise allowed to go, and of the fear and intimidation which those citizens experience. Other abuses relating to discriminatory purgings and reregistrations are also documented. And although fewer in number than in earlier years, there are even still some reported incidents of violence being perpetrated upon those who do attempt to become active in the political process. Thus, the need for the act continues.

The Voting Rights Act's special remedies, which include Federal preclearance of voting changes, section 5; Federal examiners or registrars, section 6; and Federal observers or poll watchers, section 8, are now applicable to jurisdictions which had literacy tests or devices and less than 50-percent turnout at the time of the Presidential election of either 1964 or 1968. Those special remedies are now applicable to six Southern States and parts of another, to three New York counties, to areas of California and Arizona, to certain areas in New England, and to a few other counties. The provisions of title I of H.R. 6219 would require that the special remedies continue to be applicable to these currently covered areas for an additional 10 years. In assessing the future need for the act, it was felt that a 10-year extension is needed in order to have the act's section 5 preclearance requirements effective during the redistricting which will take place after the 1980 census. Experience has indicated that Federal approval of such plans is needed since it is often through the reapportionment and redistricting process that minority voters, in covered jurisdictions, are adversely affected. In addition to section 5, the act's examiner and observer provisions can still be critical in terms of alleviating some of the many abuses yet persisting.

Before going any further, I should also, of course, mention that while we do find continued abuses, there has been some measure of success under the act in terms of improving black and minority political life. The gains which have been made in the currently covered jurisdictions since the passage of the act have been significant. Prior to the passage of the Voting Rights Act, it was estimated that blacks in the southern covered States lagged behind whites in registration by 44.1 percentage points. Most recent estimates show that the gap has diminished to some 11.2 percentage points. The number of black elected officials in those jurisdictions has increased from less than 100 as a pre-act figure to approximately 1,000. However, one should take care not to be misled by these early signs of success. Problems still persist. In 1972, it was estimated that there were well over 2.5 million blacks unregistered in all of the 11 Southern States. Also, the seven covered Southern States continue to have the greatest disparities between percentages of black elected officials and percentages of blacks in the voting age population. For example, Alabama, as of April 1974, had a 23-percent black voting age population, while it had only 3.7 percent black elected officials; Mississippi had a 31.4-percent black voting age population with only 4.0 percent black elected officials, et cetera. While blacks have, in fact, begun to serve in the covered areas in State legislatures, on county commissions, school boards, and city councils, no blacks in those areas hold statewide office. Therefore, in terms of statistical gains, the picture is mixed, and again I urge the need for the act continues.

Now, I would like to turn to another provision of H.R. 6219. That provision would make permanent what is now a temporary nationwide ban on the use of literacy tests and other devices. In this age when electronic media serve to inform the great bulk of the populace on issues of national and local concern, it is simply unthinkable that a State might be allowed to limit the franchise to only those who can read and write. If the purpose of the literacy test is to insure an informed electorate, then surely the Congress can now find that that purpose can be achieved without the imposition of a literacy test. Moreover, it is imperative that we disallow such tests—since they have historically been the tools of abuse in denying minorities, with poor educational backgrounds, the franchise.

In addition to extending the Voting Rights Act, on the basis of other documentation found in the record, H.R. 6219, in its title II, also broadens the act's special coverage to new geographic locations in order to insure the protection of the voting rights of language minority citizens. This is accomplished in title II by expanding the definition of "test or device" to also mean the use of English-only election materials in jurisdictions where more than 5 percent of the voting age citizen population is comprised of members of any single language minority group. The title defines language minority group as American Indians, Alaskan natives, Asian Americans or Spanish heritage groups.

Currently available data indicates that title II coverage would be triggered in certain counties in California—including the two counties already covered—in areas of Arizona—again, most of which are already covered—in areas of Florida, Colorado, New Mexico, Oklahoma, New York, North Carolina, South Dakota, Utah, Virginia, Hawaii, and in the States of Alaska and Texas. The remedies which title II would mandate in these areas are: First, bilingual election procedures; second, section 5 preclearance; and third, Attorney General authority to certify service of examiners and observers.

What did we find that convinced us that this title II expansion was necessary? During the subcommittee's 13 hearing days, we heard of the extensive language barriers still being experienced by language minorities. We heard of the shamefully high illiteracy rate among language minorities in the areas proposed to be covered and of the small number of language minority citizens holding elective office—this, despite the fact that they comprise significant portions of the population. We heard of economic reprisals being suffered by such citizens when they seek to become active in the political process of, the intimidation and harassment resulting from inordinate law enforcement "patrolling" of language minority precincts during elections, of polling places being located only in white or Anglo areas of a community, of annexations which add only white or Anglo voters to the city rolls, of discriminatory gerrymandering, and of uncooperative and hostile local election officials.

The Civil Rights Commission's report, which is also a part of our record, further documents the greatly disproportionate effect of Arizona's purging laws on non-English-speaking Navajo citizens and Mexican-American citizens and of New York's purging laws on non-English-speaking Puerto Rican citizens. The purging notices in these areas have been provided only in the English language. Areas in the country with significant populations of Spanish-speaking and American Indians were also found to have severely overcrowded and too few polling places. Also, the Justice Department has recently taken part in litigation which was necessary in order to force certain county officials in the Southwest to seat a duly elected Navajo, as a county commissioner.

The needs are there. They are met by title II, and I therefore ask that you support its passage.

H.R. 6219 also contains a title III which is directed solely toward the language barriers faced by language minority voters of this country, such barriers usually being perpetuated by inequities in the educational opportunities provided. This title serves only to suspend the conduct of English-only elections where the language minority constitutes more than 5 percent of the voting age population and has a high illiteracy rate. It does not depend on overall low voting turnout for coverage, as does title II, nor does it impose any of the act's special remedies aside from a bilingual elections requirement.

It is important to note that this legislation is both narrow and temporary in nature. It applies in counties of high population and high illiteracy among the language minorities, and it applies for only a period of 10 years. The view and hope of the subcommittee is that by 1985 there will no longer be a need for such bilingual election procedures because the scars of unequal educational opportunities will have by then been removed. Additionally, as an incentive to jurisdictions to speed up the process of improving the educational opportunities for these language minorities, title III allows jurisdictions to "bail out" of bilingual coverage if they can come in at some later date and prove an increased or improved rate of literacy for the language minority group. This bilingual elections requirement is nothing new. Such procedures are now already taking place in many areas of the country. We should not now hesitate to mandate it on a nationwide basis where language minorities reside in large concentrations and are functionally illiterate.

Title IV of H.R. 6219 is generally a series of technical and enforcement amendments which, I believe, will be discussed in some detail by other members of the subcommittee.

I close now by again asking your full support for H.R. 6219. It is a bill which seeks to insure that minorities now protected by the Voting Rights Act continue to be protected. And it also seeks to protect those minorities who are still, in 1975, excluded from the processes of democracy. These excluded citizens are waiting in the wings to see what your decision will be. Please do not disappoint them.

Mr. Chairman, I ask your support today for H.R. 6219, a bill which both extends and expands the protections of the Voting Rights Act. In 1965, when the Voting Rights Act was first passed, it was in response to the severe voting discrimination being experienced by minority citizens in certain areas of the country. Those abuses had been unsuccessfully addressed by Federal voting legislation enacted in 1957, 1960 and 1964. Despite this earlier legislation, voting abuses still persisted in areas because of the myriad forms of discrimination devised by those determined to break the law. Case-by-case litigation under the earlier laws meant extreme judicial delays and the creation of new discriminatory methods as old ones were voided by the courts.

This situation came to a head in 1965, when citizens seeking to peacefully demonstrate against voting barriers suffered loss of life and serious injury. The suffering of these demonstrators and marchers took place at the hands of those determined to deny them the right to vote; and it was only a short time later that the 89th Congress expressed its concern by enacting into law the Voting Rights Act of 1965. That act was landmark, both in terms of its abandonment of the case-by-case litigation approach as well as the significant improvements which it has thus far wrought.

The Voting Rights Act was designed to effectuate immediate relief by means of an automatic triggering device which made the act's special remedies applicable to jurisdictions meeting the triggering criteria. After considerable study, the Congress chose as its trigger automatic coverage of those jurisdictions where the overall turnout or registration rate in the 1964 Presidential election was less than 50 percent and where literacy tests or other similar devices had been used at the time of the 1964 Presidential election. It was felt that by covering those areas, the significant "problem" spots would be identified—essentially because discriminatory use of literacy tests was then known to be one of the primary means by which blacks were being excluded from the electoral process. As a result of the operation of the trigger, special coverage in 1965 was applicable to six Southern States and portions of another, and to a sprinkling of other counties throughout the country.

Special coverage of these jurisdictions meant that they became automatically subject to a number of special requirements under the act. First, the use of literacy tests and other similar devices was automatically suspended in those areas. Second, section 5 of the act required that all voting changes made by the covered jurisdictions be subject to review by either the District Court for the District of Columbia or by the Attorney General of the United States prior to their implementation. And a third special remedy; namely, Attorney General authorization to certify service of Federal registrars and poll watchers, was also applicable in affected areas. Each of these special remedies was initially designed to be effective for a 5-year period.

In 1970, when the covered jurisdictions were soon to become exempt from the operation of the remedies, the Congress thoroughly reassessed the situation and found that severe voting problems still persisted. The Congress found that the act had, at that time, fallen short of bringing about the significant changes that were needed and that its application should continue at least until 1975. Thus, the 1970 Voting Rights Act amendments extended the life of the act for a second 5-year period. Additionally, in 1970, Congress broadened the trigger to also bring under the act's coverage, jurisdictions with low turnout and tests or devices at the time of the 1968 Presidential election. New jurisdictions added include areas in New York, Arizona, and California.

At this time, in June of 1975, we again find ourselves in a posture of reassessment, since jurisdictions brought under the act in 1965 will, in 2 months, again be eligible for automatic exemption from coverage. The Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary began deliberations on this matter some 4 months ago. We held 13 days of hearings and compiled two volumes of testimony in our efforts to determine future needs under this act. Finally, after careful study, it was concluded that a 10-year extension of the act's special provisions was needed. Thus, H.R. 6219, a bill which is the product of 3 days of subcommittee markup as well as 3 days of full committee markup, provides for such a 10-year extension.

An analysis of the progress which has been made during the 10 years of the Voting Rights Act's application presents a very mixed picture. The act has been extremely effective in terms of diminishing barriers to and improving minority voting and registration throughout the covered areas. Registration rates for blacks in the covered southern jurisdictions has continued to increase since the passage of the act. For example, while only 6.7 percent of the black voting-age population of Mississippi was registered before 1965, 63.2 percent of such persons were registered in 1971–72. Similar dramatic increases in black registration can be observed in Alabama, Georgia, Louisiana, and Virginia.

Severe gaps between black and white registration rates have also greatly diminished since the act's passage. Prior to 1965, the black registration rate in the State of Alabama lagged behind that of whites in that State by 49.9 percentage points. In 1972, that disparity had decreased to 23.6 percentage points. Likewise, in Mississippi, that disparity had decreased from 63.2 to 9.4 percentage points. These closing registration gaps have occurred throughout the covered southern jurisdictions.

Despite these impressive gains in the area of black registration, a bleaker side of the picture yet exists. Most recently available data reveal that percentage point disparities of 23.6, 16, and 17.8 can still be found in the States of Alabama, Louisiana, and North Carolina, respectively. In addition, the diminishing statewide disparities which have been pointed to cannot be allowed to obscure the tremendously low rates of registration still afflicting blacks within various counties in the covered States. In Louisiana, for example, significant disparities are much more evident in rural than in urban parishes. The disparity is greater than 20 percentage points in 8 of the 10 least populous parishes of that State. In 6 of the covered counties in North Carolina, white registration exceeds that of blacks by more than 25 percentage points. In South Carolina, as in Louisiana, whites are registered at much higher rates than blacks in many rural counties. For example, in Newberry County, S.C., the gap is 37 percentage points and in McCormick County, S.C., the gap is 28 percentage points.

In much the same manner as improved registration rates have been documented for blacks in covered southern jurisdictions so also has there been improvement in those areas in terms of an increasing number of black elected officials. One estimate suggests that only 72 blacks served as elected officials in the 11 Southern States in 1965, including those Southern States presently covered by the act. By April 1974, the total number of black elected officials in the seven Southern States covered by the act had increased to 963. After the November 1974 elections, those States could boast of one black Member of the U.S. Congress, 68 black State legislators, 429 black county officials, and 497 black municipal officials. This rapid increase in the number of black elected officials marks the beginning of significant changes in political life in the covered southern jurisdictions.

So as not to be misled by the sheer numbers, however, other points should be noted when assessing this progress. Significant among these points is the fact that most of the offices newly held by blacks are relatively minor and located in small municipalities or counties with overwhelmingly black populations. Also, in the seven Southern States which are totally or partially covered by the Voting Rights Act, no black holds statewide office. As of November 15, 1974, the number of blacks in the State legislatures in the covered southern areas fell far short of being representative of the number of blacks residing in those jurisdictions. In Mississippi, for example, the percent of State legislative seats held by blacks is 0.6, despite the fact that 36.8 percent of Mississippi's population is black. In South Carolina, a State with a 30.7 percent black population, only 7.6 percent of the State legislative seats are occupied by blacks.

That minority political progress has been made under the Voting Rights Act is undeniable. However, the nature of that progress has been limited. It has been modest and spotty insofar as the continuing and significant deficiencies yet existing in minorty registration and political participation.

A 10-year extension of the Voting Rights Act was recommended by the U.S. Commission on Civil Rights in its recent report; "The Voting Rights Act: 10 Years After." In that report, the Commission noted the significant gains yet to be achieved in terms of minority registration and office-holding, as well as the clear barriers to minority political participation still existing in covered areas. It was noted that the locations and office hours of registration offices are frequently so restrictive that significant numbers of minorities are unable to register. Even when minority citizens do manage to arrive at the registration offices during the regularly scheduled hours, it is reported that the offices are closed or that the white registrars treat them with extreme discourtesy or, at a minimum, in an uncooperative manner. Problems are cited of polling places being located in all-white clubs or lodges where minority citizens would otherwise not be allowed to go. Other problems relating to the discriminatory impact of purgings and reregistrations are also documented. Thus, it was concluded that, in view of these continuing voting barriers, a 10-year extension was required for each of the Voting Rights Act's special remedies.

Section 5 of the act requires review of all voting changes prior to implementation by the covered jurisdictions. The review may be conducted by either the U.S. District Court for the District of Columbia or by the Attorney General of the United States. In recent years the importance of this provision has become widely recognized as means of promoting and preserving minority political gains in covered jurisdictions. Section 5 attests to the foresight and wisdom of the 89th Congress, in anticipating the need for future Federal review of voting changes in covered jurisdictions. At the time of the 1965 enactment, this committee had evidence of the great lengths to which certain jurisdictions would go in order to circumvent the guarantees of the 15th amendment (H.R. Rept. No. 439, 89th Cong., 1st sess., 10–11). In order to insure that any future practices of these jurisdictions be free of both discriminatory purpose and effect, the section 5 preclearance requirements were adopted. The Supreme Court in upholding the constitutionality of section 5, noted:

> Congress knew that some of the States covered by Section 4(b) of the Act had resorted to the extraordinary stratagem of contriving, new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for discrimination contained in, the Act itself. *South Carolina* v. *Katzenbach*, 383 U.S. 301, 335 (1966).

Under section 5 the jurisdiction submitting the proposed change bears the burden of proving nondiscriminatory purpose and effect and the change cannot be implemented until the section 5 review requirements have been met.

It was not until after the 1970 amendments that section 5 actually came into extensive use. At the time of the adoption of those amendments, Congress resisted attempts to repeal the preclearance provisions, and in so doing gave a clear mandate to the Department of Justice that it improve enforcement of section 5. In addition, near that same time, the Supreme Court acted in two decisions (*Allen* v. *State Board of Elections*, 393 U.S. 544 (1969) and *Perkins* v. *Matthews*, 400 U.S. 379 (1971)) which gave broad interpretations to the scope of section 5. On September 10, 1971, the Department of Justice for the first time adopted regulations for implementing section 5's preclearance provisions. Today, enforcement of section 5 is the highest priority of the Voting Section of the Department of Justice's Civil Rights Division.

Many and varied changes have been submitted from most of the covered jurisdictions for the Attorney General's review. The number of submissions increased from 1 in 1965 to 1,118 in 1971. In 1974, the number of submissions was 988. The Justice Department has entered objections to changes submitted from a number of jurisdictions, including Arizona, Georgia, Louisiana, Alabama, Virginia, North Carolina, and New York.

The recent objections entered by the Attorney General of the United States to section 5 submissions clearly bespeak the continuing need for this preclearance mechanism. As registration and voting of minority citizens increases, other measures may be resorted to which would dilute increasing minority voting strength. Such other measures may include switching to at-large elections, annexations of predominantly white areas, or the adoption of discriminatory redistricting plans. In fact, the Justice Department has recently entered objections, at the State and local levels, to at-large requirements, polling place changes, majority vote requirements, staggered terms, increased candidate filing fees, redistrictings, switches from elective to appointive offices, multi-member districts, and annexations. In each of these objection situations the submitting jurisdiction failed to meet its burden of satifying the Attorney General of the nondiscriminatory purpose or effect of the proposed change.

The provisions of H.R. 6219 propose to amend the Act so that the special remedies, including section 5 preclearance, will be operative for an additional ten years. Although the 1965 legislation and the 1970 amendments did, in large part, provide for only 5-year coverage periods at a time, the committee concludes that it is imperative that a 10-year extension now be adopted in order to especially insure the applicability of section 5 protections during the reapportionment and redistricting which will take place subsequent to the 1980 decennial census.

Approximately one-third of the Justice Department's objections have been to redistrictings at the State, county, and city levels. This past experience ought not be ignored in terms of assessing the future need for the act. While it is something of an irony, the Supreme Court's "one man-one vote" ruling in *Reynolds* v. *Simms*, 377 U.S. 533 (1964) has created opportunities to disfranchise minority voters. Having to redraft district lines in compliance with that ruling, jurisdictions have not always taken care to avoid discriminating against minority voters in that process. By providing that section 5 protections not be removed before 1985, H.R. 6219 would guarantee Federal protection of minority voting rights during the years that the post-census redistrictings will take place.

The Judiciary Committee stated in its report that it "is convinced that it is largely section 5 which has contributed to the gains thus far achieved in minority political participation, and it is likewise section 5 which serves to insure that that progress not be destroyed through new procedures and techniques."

A continued need was also found for the Federal examiners remedy. Under the Voting Rights Act, jurisdictions which are covered by the statutory formula are subject to the appointment of Federal examiners. These examiners prepare lists of applicants eligible to vote and state officials are then required to register those "listed" persons.

Federal examiners have served in a Mississippi county as recently as 1974. Since the passage of the act, approximately 317 examiners have been sent to 73 designated jurisdictions. In the period from 1970–74, Federal examiners listed 1,974 black voters. Estimates provided by the Voter Education Project in Atlanta, Ga., indicate that the registration of blacks by Federal examiners accounted for 34.2 percent of the black registration increase in Georgia, 13.2 percent in Louisiana, 27.5 percent in Mississippi, and 7.4 percent in South Carolina. In general, it is estimated that 18.9 percent of black registration has been accomplished through Federal examiners.

Although Federal examiners have been used sparingly in recent years, the provisions of the act authorizing their appointment must be continued. Diminishing disparities between black and white registration rates in the covered Southern States can hardly be hailed as indicative of a lack of work to be performed by Federal examiners. The use of such Federal officers cannot now be eliminated when most recently available data indicates that the gap in Alabama is still over 20 percentage points and in Louisiana the disparity continues at 16 percentage points. Also, such examiners might serve to increase minority registration in rural areas where it is found to be lowest.

In addition, the hearing record developed before the subcommittee revealed that in many of the covered jurisdictions, the times and places of registration are so restrictive that blacks, frequently living in rural communities, are unable to register. Some white registrars in these areas are reputed to treat blacks with extreme discourtesy, so much so that

> [b]lacks find the registration process under these circumstances at best embarrassing and humiliating.

Discriminatory purgings have also been experienced by minority voters in certain covered areas. Thus, the job which can yet be performed by Federal examiners in these covered jurisdictions is significant and the availability of this important remedy must be continued.

The remedy of Federal observers must also be extended in covered jurisdictions. Under section 8 of the Voting Rights Act, whenever Federal examiners are serving in a particular area, the Attorney General may request that the Civil Service Commission assign one or more persons to observe the conduct of an election. These Federal observers monitor the casting and counting of ballots.

In 1975, a total of 464 observers served in Alabama, Georgia, Louisiana, and Mississippi. A total of 568 observers served in 1970, 1,014 served in 1971 and 495 served in 1972. It has been found that the presence of observers tends to diminish the intimidation of minority voters, especially when they must vote in polling places located in traditionally hostile areas of a community. Also, observer reports have served as important records relating to the conduct of particular elections in subsequent voting rights litigation.

Despite the fact that the number of observers recently assigned has decreased from the large numbers which were consistently assigned during the earlier years of the act's coverage, their use has nevertheless been significant since the time of the passage of the 1970 amendments. Furthermore, the record reveals that the need for such Federal election observers continues. Many minority voters in the covered jurisdictions have frequently found that their names have been left off precinct lists and that other problems and abuses exist with respect to aid to be provided to illiterate voters. Also, polls in these areas continue to be located in all-white clubs and lodges where minority persons are otherwise not allowed to go, with such locations representing an extremely hostile atmosphere for the nonwhite voter. Under such circumstances, the role of Federal observers can be critical in that they provide a calming and objective presence which can serve to deter any abuse which might occur. Federal observers can also still serve to prevent or diminish the intimidation frequently experienced by minority voters at the polls.

In addition to extending the special provisions of the Voting Rights Act, H.R. 6219 converts the existing temporary nationwide ban on literacy tests into a permanent ban. In 1965, when Congress first enacted the Voting Rights Act, it suspended literacy tests and other similar devices only in the jurisdictions specially covered by the act. In 1970, at the time that the Voting Rights Act was last extended, Congress extended this prohibition to all other jurisdictions, with that extended prohibition to be effective until August 6, 1975. Therefore, at the same time that the act's special remedies expire for certain jurisdictions, so also does the temporary nationwide test ban expire.

Tests or devices, as defined in the act, remain on the books in some 14 States. Those States are Alabama, Connecticut, Delaware, Georgia, Idaho, Louisiana, Maine, Washington, New Hampshire, New York, North Carolina, South Carolina, Washington, and Wyoming. If the nationwide test suspension is not extended or made permanent, these States will be able to enforce their literacy or other similar requirements as prerequisites to voting or registration. In addition, some other States will be able to enact and enforce such provisions.

In 1970, when the Congress enacted the temporary nationwide test suspension, it adopted a proposal which had been advanced strongly in the administration's proposed legislation. In testimony presented by the Department of Justice before a Judiciary subcommittee, the Attorney General testified that, under the Supreme Court's decision in *Gaston County* v. *United States,* 395 U.S. 285 (1969), any literacy test has a discriminatory effect if the State or county has offered its minority citizens inferior educational opportunities. It may be assumed that many minority citizens who have received inferior education in certain areas of the country migrate to Northern and Western States where literacy tests might be imposed. For this reason, Congress felt that a nationwide test suspension would be appropriate to protect throughout the country the voting rights of minorities who had been unconstitutionally subjected to educational disparities.

According to 1970 census statistics, only 5.5 percent of the total population 25 years old or older had less than 5 years of school. In contrast, the 1970 data indicate that 14.6 percent of the blacks and 18.9 percent of persons of Spanish heritage had less than 5 years of school. Clearly, the imposition of any literacy test by any State or county where such minority citizens reside would have a disproportionate and discriminatory impact upon these citizens. In reaching the conclusion that such tests ought to be permanently banned throughout the country, not only was unequal educational opportunities which minority citizens have experienced taken into account, but also the long and tragic history of the discriminatory use of such tests was considered as well.

There is no legitimate reason for any jurisdiction to retain such literary requirements as a prerequisite to voting. The proliferation of broadcast media, programing in many languages and serving many different communities, clearly evinces the inappropriateness of requiring a reading and writing ability on the part of voters. The expressed justification for such requirements is that they serve to weed out the informed from the uninformed voter. In view of the availability of numerous sources of data on candidates and political issues, other than in printed form, it is obvious that many well-informed voters can be excluded by this process. Furthermore, there is no guarantee that the literate citizen, who is allowed to vote, has used his skills to become informed about election issues and candidates.

Essentially, in recommending a permanent ban on literacy tests, we rely on facts to which Mr. Justice Douglas referred in *Oregon* v. *Mitchell,* 400 U.S. 112 (1970), the Supreme Court's decision upholding the constitutionality of the temporary nationwide test suspension. In that regard, Mr. Justice Douglas noted:

> [The Congress] can rely on the fact that most States do not have literary tests, that the tests have been used at times as a discriminatory weapon against some minorities, not only Negroes but Americans of Mexican ancestry, and American Indians; that radio and television have made it possible for a person to be well informed even though he may not be able to read and write.

Thus, it would truly be a step backward for this Congress to fail, at this time, to permanently ban these archaic devices which have so often served as the tools of abuse.

The provisions of H.R. 6219 which extend the act for 10 years and permanently ban literacy tests and devices are found in title I of the bill. A title II also exists in H.R. 6219 and that title serves to expand the special coverage of the Voting Rights Act to new geographic areas in order to insure the protection of the voting rights of language minority citizens.

In its recently released voting report, the U.S. Commission on Civil Rights indicated that there was evidence which tended to establish that minority citizens, in jurisdictions other than those currently covered by the act, encounter discrimination in the electoral process. The Commission recommended that the Congress give serious consideration to amending the Voting Rights Act to cover those language minorities which, according to their preliminary information, require the protection of the law. Following through on that recommendation, the Subcommittee on Civil and Constitutional Rights did in fact broaden its deliberations on the matter to include an examination of the voting problems experienced by minority citizens in uncovered areas.

Based on an extensive evidentiary record of voting discrimination against and high rates of illiteracy among language minorities, title II of H.R. 6219 was included so as to apply the Voting Rights Act's special remedies to areas where severe problems were identified. H.R. 6219 uses the term "language minority" and that term is defined to mean persons who are Asian American, American Indian, Alaskan Native, and of Spanish heritage.

Because of the reliance, under the title II trigger, upon census determinations for coverage purposes, it is intended that the census definitions or usages of these terms are to apply. Based upon census usage, the category of Asian American includes persons who indicate their race to be Japanese, Chinese, Filipino, or Korean. It is therefore these Asian groups which are to be used for purposes of triggering the act's special remedies. Although Census usage also includes in the Asian American category persons who indicate their race as Hawaiian, it is not intended that this group be included by census when making its Asian American coverage determinations. We are advised that unlike the languages of the other delineated Asian groups, the Hawaiian language is seldom, if ever, used; and since—as will be discussed later—one of the primary remedies accompanying title II coverage is a mandate for bilingual election procedures, it was determined that the inclusion of Hawaiian for purposes of triggering that remedy was inappropriate.

The category of American Indian includes persons who indicated their race as Indian-American—or who did not indicate a specific race category but reported the name of an Indian tribe. The population designated as Alaskan Native includes persons residing in Alaska who identified themselves as Aleut, Eskimo, or American Indian. Persons of Spanish heritage are identified as: "persons of Spanish language" in 42 States and the District of Columbia; "persons of Spanish language" as well as "persons of Spanish surname" in Arizona, California, Colorado, New Mexico, and Texas; and "persons of Puerto Rican birth or parentage" in New Jersey, New York, and Pennsylvania.

Why are these four language minority groups chosen for protection? It was found, during the subcommittee's deliberations on this matter that members of these groups continue to suffer severe language barriers. It was further found that in most cases, these language barriers were the result of unequal educational opportunities having been afforded these citizens. Illiteracy in the English language effectively excludes members of these four groups from any meaningful participation in the electoral process. Therefore, as a trigger, title II of H.R. 6219 brings under special coverage jurisdictions where English-only elections were conducted in the 1972 Presidential election if those jurisdictions had over 5 percent of a single language minority group and if the jurisdiction's overall turnout or registration rate at the time of the 1972 Presidential election was less than 50 percent. Essentially, in title II, the definition of "test or device" is expanded to also mean the use of English-only election materials in jurisdictions where more than 5 percent of the voting age citizen population is comprised of members of any single language minority group. The trigger of title II is virtually identical to the traditional trigger, now found in section 4(b) of the act; that is, the existence of a "test or device," as newly defined, and less than 50 percent turnout or registration at the most recent Presidential election.

Currently available data indicates that title II coverage would be triggered in certain counties in California—including the two counties already covered—in areas of Arizona—again, most of which are already covered—in areas of Florida, Colorado, New Mexico, Oklahoma, New York, North Carolina, South Dakota, Utah, Virginia, Hawaii, and in the States of Alaska and Texas.

In these areas, title II would require: First, suspension of literacy tests; now defined to also mean the conduct of English-only elections. Therefore, a covered jurisdiction would have to comply with a mandate for bilingual election procedures; second, section 5 preclearance of all new voting changes; third, Attorney General authority to certify service of Federal examiners; and fourth, Attorney General authority to certify service of Federal observers.

As I noted above, the language groups covered generally suffer from severe language barriers in that they experience a high rate of illiteracy in the English language. For example, it has been estimated that 80 to 90 percent of the Spanish heritage citizens in the counties which proximate the Rio Grande speak and write only in Spanish. It has also been found that in Dallas, Fort Worth, and Houston, 50 percent of the Spanish heritage citizens speak and write only Spanish. This information has been provided by Dr. Ricardo Cornejo, an expert on bilingual education in Texas. More general statewide Texas figures found in the record indicate that 90 percent of the Mexican American population of Texas use Spanish as the language spoken at home. Throughout the United States, it has been estimated that almost 50 percent of all persons of Spanish heritage speak only Spanish and have only a limited comprehension of oral and written English. It has also been found that among the various Alaskan Native language groups, a large number of persons still speak their native language or dialect. In the Central Yupik Eskimo language family, for example, 15,000 out of a total population of 17,000 speak the language; 6,000 of the 11,000 in the language group Eskimo Inupiaq speak the language. Similar significant native language usage is found among the other Alaskan Native groups. Also native language usage is known to be still prevalent among the Navajo and various groups within the Asian community.

It has been found that these groups frequently suffer English-language disabilities and high rates of illiteracy not as the result of choice or mere happenstance. They are the product of the failure of State and local officials to afford equal educational opportunities to members of language minority groups. In *Lau* v. *Nichols*, 414 U.S. 563 (1974), the Supreme Court held that the failure of the San Francisco Board of Education to provide language instruction to Chinese students who do not speak English denied them a fruitful opportunity to participate in the public school program. The Court observed:

> We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful. *Id.* at 466.

If the word "voting is substituted for the word "classroom" in the Court's opinion, we can appreciate the difficulties which Asian Americans face when they seek to engage in the political process.

The same pattern of educational inequality exists with respect to children of Indian, Alaskan Native, and Hispanic origin. In one of its many reports on the subject, the U.S. Commission on Civil Rights concluded:

> The basic finding of this report is that minority students in the Southwest—Mexican Americans, blacks, American Indians—do not obtain the benefits of public education at a rate equal to that of their Anglo classmates.

In *Natonabah* v. *Board of Education*, 355 F. Supp. 716 (D.N. Mex. 1973), a Federal district court has found that Navajo pupils in the Gallup-McKinley School District have been denied equal educational opportunities. Similar findings have been made by the Supreme Court and lower Federal courts regarding students of Spanish origin. Finally, In *Hootch* v. *State Operated School System*, Civil No. 72-2450 (Super. Ct. Alaska 1973) (plaintiffs motion for summary judgment denied) (appeal pending before Supreme Court of Alaska), the plaintiffs have challenged the practice of the State of Alaska to provide public secondary schools for Alaskan Native children only in urban areas distant from their communities. Most non-Native children, on the other hand, are offered public secondary schools in their own communities.

Thus, it is apparent that the providing of bilingual ballots for the affected groups is a much-needed remedy.

I should also note that the providing of bilingual election processes is certainly not a radical step. Bilingual election procedures have been ordered by courts in numerous jurisdictions with Spanish-speaking populations. Such procedures have been ordered in both New York State and New York City, in Chicago, in Philadelphia, and in certain counties in New Jersey. Some non-court-ordered bilingual election procedures can now be found in Dade County, Fla., New Jersey, California, Massachusetts, Connecticut, and Pennsylvania. Among these areas, the range is from total bilingual procedures to more limited bilingual procedures. In certain instances, these methods have been implemented at the direction of the Secretary of State and in others, some bilingual procedures are required by State statute. In *Torres* v. *Sachs,* 381 F. Supp. 309 (S.D. N.Y. 1974), one of the court decisions requiring such procedures, the court found that—

> It is simply fundamental that voting instructions and ballots, in addition to any other material which forms part of the official communication to registered voters prior to an election, must be in Spanish as well as English, if the vote of Spanish-speaking citizens is not to be seriously impaired.

That court ordered complete bilingual election materials and assistance, from dissemination of registration information through bilingual media and the use of bilingual election inspectors.

Some may, of course, wonder why the term "language minorities" has been limited to include only the four designated groups; and why other ethnic groups with native languages other than English were not included. No evidence was received concerning the voting difficulties of other language groups. Indeed, the voter registration statistics for the 1972 Presidential election showed a high degree of participation by other language groups: German, 79 percent; Italian, 77.5 percent; French, 72.7 percent; Polish, 79.8 percent; and Russian, 85.7 percent. These figures are significantly high when compared to the comparable Spanish figure of 44.4 percent.

In addition to language barriers, the subcommittee found instance after instance of clear voting discrimination being practiced against language minorities. We heard of acts of physical, economic, and political intimidation when these citizens attempt to exercise the franchise. Witnesses testified that local law enforcement officials in areas of Texas patrol only Mexican American voting precincts, and harass and intimidate Mexican American voters.

Much more common, however, are economic reprisals against minority political activity. Fear of job loss is a major deterrent to the political participation of language minorities. A witness from Texas indicated that an Anglo candidate who was a loan officer at the bank went to each Mexican American who had loans with the bank and told them he expected their votes. The subcommittee record is replete with overt economic intimidation designed to interfere with and abridge the rights of Mexican American voters. In its analysis of problems of electoral participation by Spanish-speaking voters, the Commission on Civil Rights reported that some Mexican Americans in Uvalde, Tex., are afraid their welfare checks will be reduced because of their political activity. Underlying many of the abuses is the economic dependence of these minorities upon the Anglo power structure. People whose jobs, credit, or housing depend on someone who wishes to keep them politically powerless are not likely to risk retaliation for asserting or acting on their own views.

Because of discrimination and economic dependence, and the fear that these factors have created, language minority citizens for the most part have not successfully challenged white political domination. The proportion of elected officials who are Mexican American or Puerto Rican, for example, is substantially lower than their proportion of the population. In Texas, although Mexican Americans comprise 16.4 percent of the population, they hold only 2.5 percent of the elective positions. In New York, where Spanish-heritage citizens comprise 7.4 percent of the population, they hold less than 0.1 percent of elective positions.

The subcommittee also heard extensive testimony on the question of representation of language minority citizens, that is, the rules and procedures by which voting strength is translated into political strength. The central problem documented is that of dilution of the vote—arrangements by which the votes of minority electors are made to count less than the votes of the majority. Testimony indicated that racial discrimination against language minority citizens seems to follow density of minority population. As one witness noted, "As the Mexican American or black voter appears to threaten potentially local power structures, a wide variety of legal devices are employed to intimidate, exclude and otherwise deny voting rights to minority citizens."

The way lines are drawn for election districts has a significant effect on the ability of voters to elect the candidate of their choice. Often lines are drawn in order to dilute or negate minority voting strength. For example, although Navajos residing on the reservation constitute about three-quarters of the Apache County, Ariz., population, the three supervisors' districts are drawn in such a way that all the Navajos are placed in one grossly overpopulated district. The Navajos and the Department of Justice have filed suit against the districting plan. Moreover, the one Navajo candidate who was eletced to the three-member Apache County Board of Supervisors by a 3 to 1 margin, was refused his office until the Arizona Supreme Court ordered him seated.

In Nacogdoches, Tex., the city charter provided for at-large elections with electoral victory for a plurality of the votes. In spring 1972, a black candidate almost won a plurality of votes in the election. In June 1972, the all-white city commission amended the city charter for the first time in 43 years to adopt a majority runoff, numbered place system for city elections. In the April 1973 election another black candidate ran for city commissioner only to win a plurality of the votes but to lose in a majority runoff election. In 1975, a Federal district court ordered single-member districts for the city of Nacogdoches on grounds that the at-large majority runoff, numbered place system abridged the voting rights of black citizens. *Weaver* v. *McUlroy,* Civil No. 5524 (E. D. Tex. 1975). Thus, it is apparent that in certain of the jurisdictions newly covered under title II, other minorities, in addition to language minorities, also need protection.

Election law changes which dilute minority political power in Texas are widespread in the wake of the recent emergence of minority attempts to exercise the right to vote. The following communities have adopted such changes in the face of growing minority voting strength: Corpus Christi, Lufkin, and Waco, in addition to a number of local school districts throughout the State. In January 1972, a three-judge Federal court ruled that the use of multimember districts for the election of State legislators in Bexar and Dallas Counties, Tex., unconstitutionally diluted and otherwise cancelled the voting strength of Mexican-Americans and blacks in those counties. This decision was affirmed by the U.S. Supreme Court in *White* v. *Regester,* 412 U.S. 755 (1973).

It is because of the prevalence of these extensive voting barriers that title II of H.R. 6219 provides that the jurisdictions newly covered by its provisions are to have applicable to them, in addition to the bilingual elections requirement, the section 5 preclearance provisions as well as the remedy of Attorney General authorization to certify service of Federal examiners and observers. Very many of the discriminatory electors devices present in these newly covered jurisdictions would have been prevented by section 5 had its provisions been operative at the time of their impelmentation. H.R. 6219 takes care now to insure that beforehand any future implementation of such devices will be subject to section 5 review.

Furthermore, it is believed that the appointment of Federal examiners and observers in these newly covered areas ought to be authorized. Federal observers could clearly serve to diminish the intimidating impact of having to vote in all-white areas of the city or being subject to constant "law enforcement surveillance." Also, in those communities where uncooperative and hostile registration officials are found, examiners could "list" minority citizen residents.

Coverage under title II is based on a rational trigger which describes those area for which we had reliable evidence of actual voting discrimination in violation of the 14th or 15th amendment. It is possible, of course, that there may be areas covered by this title where there has been no voting discrimination. The bill takes account of this possibility by a provision which allows a jurisdiction to exempt itself from coverage of the act if it meets certain criteria. Any State or political subdivision may exempt itself by obtaining a declaratory judgment that English-only elections or any other "test or device" has not in fact been used in a discriminator fashion against language minorities and other racial or ethnic groups for the 10 years preceding the filing of the action. The "bailout" process operates in the same manner as the current provision in the act and is a relatively minor one if no evidence of discrimination is present. In fact, with respect to jurisdictions covered by title II, it is expected that a successful bailout could typically be achieved if the jurisdiction can demonstrate factors such as high turnout and participation by its language minority population; and and literacy in the English language among that group. It is clear that if factors such as these could be demonstrated, for the 10 years preceding the filing of the bailout action, then the jurisdiction's past use of English-only election procedures did not have a discriminatory effect.

I should note that where H.R. 6219 defines "test or device" to also mean the conduct of English-only elections where there reside over 5 percent citizens of a "single language minority," the single language minority terminology is used to indicate that populations cannot be aggregated from among the four language minority groups in order to reach the over 5 percent criteria. For example, American Indian citizens and Asian American citizens cannot be added together to meet the criteria. Of course, subgroups within a single language minority group are to be aggregated for coverage determination purposes. So, Japanese, Chinese, and Filipino would be added together in arriving at any Asian American coverage. The same would be true with respect to adding together various tribal populations within a jurisdiction to arrive at American Indian coverage and adding together Aleut and Eskimo populations to arrive at Alaska Native coverage.

The question then naturally arises as to just what the bilingual mandate means when you have coverage triggered in areas where several subgroups of a single language minority reside and where each of those subgroups speaks a different language. Is the bilingual mandate to apply with respect to the language of each subgroup? The answer is yes. However, as a practical matter, the mandate under these circumstances will usually be fulfilled primarily by the providing of bilingual oral assistance at each stage of the election process. This is so because for two language minority groups; namely, American Indians and Alaskan Natives, while there are different languages spoken by their subgroups, those languages are generally oral only and, therefore, the bilingual election procedures are to be fulfilled only through bilingual oral assistance. Therefore, in many multiple language situations, there will be no printing of multiple language ballots and materials required. Instead, what is required is that persons be available to orally assist the persons speaking the different languages in registration and voting.

The multiple languages of the various Asian American subgroups could of course result in the printing of ballots and materials in two or more languages, in addition to English. This is true because these various subgroup languages, such as Korean, Japanese, and Chinese are in fact written. It is important to note, however, that any jurisdiction subject to title II coverage because of its Asian American population could attempt to bailout from title II's bilingual elections mandate on a subgroup-by-subgroup basis. In appropriate circumstances, this could of course be true for areas covered by language minorities other than Asian Americans. The availability of the bailout procedure must be interpreted in this manner because the bilingual elections mandate remedy could otherwise be considered overbroad. In the past, such an interpretation of the bailout has not been needed because the act has predominantly covered black citizens, among whom no comparable subgroups exist; and there were therefore no special remedies of the act tailored to meet needs on any subgroup basis.

Such is not the case under title II coverage in that bilingual ballots could be required in the languages of a number of different subgroups. It is important in such situations that a jurisdiction be allowed to demonstrate that its procedures; namely, English-only elections, have not discriminated against one or more of the pertinent subgroups, in order to be relieved of its obligation to provide materials or assistance to that subgroup or subgroups. This could be demonstrated by showing such factors as English literacy and/or high turnout and participation on the part of the subgroup for which the bailout is sought.

One general and final point to note with respect to title II is that it will essentially provide for 10 years of coverage for the affected areas. It is assumed that each of the act's special remedies will be applicable for 10 years of coverage for the affected areas. It is assumed that each of the act's special remedies will be applicable for 10 years because if the jurisdiction uses no tests or devices and conducts bilingual elections from the effective date of this law, then 10 years hence it can automatically prove that it has not, for the preceding 10 years, used in a discriminatory fashion a test or device, including English-only elections—because it will not have used such devices or election procedures at all during that period.

I would like now to describe and explain the provisions found in title III of H.R. 6219. Title III of H.R. 6219, like title II, seeks to enfranchise citizens of four language minority groups—persons of Spanish heritage, Asian Americans, American Indians, and Alaskan Natives—which have excluded from the electoral process because of their inability to speak, write, or understand English. The line between title II and title III is based upon the severity of voting discrimination against such language minorities. The evidence before the Committee demonstrates that the voting problems of language minority groups are not uniform in all parts of the country. That evidentiary record is reflected in the different findings made under the two titles. The less stringent provisions of title III are based largely on the unequal educational opportunities which language minorities have suffered at the hands of State and local officials.

In contrast, the more severe remedies of title II are premised not only on educational disparities, but also on evidence that language minorities have been subjected to "physical, economic, and political intimidation" when they seek to participate in the electoral process. Essentially, title II brings to bear upon the jurisdictions which it newly covers, all of the Voting Rights Act's special remedies. Whereas, in jurisdictions covered under title III, H.R. 6219 mandates, for 10 years, only bilingual election procedures.

The evidence before the committee indicated a close and direct correlation between high illiteracy among these groups and low voter participation. For example, the illiteracy rate among persons of Spanish heritage is 18.9 percent, among Chinese is 16.2 percent and among American Indians is 15.5 percent, compared to a nationwide illiteracy rate of only 4.5 percent for Anglos. In the 1972 Presidential election 73.4 percent of Anglos were registered to vote compared to 44.4 percent of persons of Spanish origin.

It was found that the high illiteracy rate among these language minorities is not the result of mere happenstance. It is the product of the failure of State and local officials to afford equal educational opportunities to members of language minority groups. In my earlier discussion of title II, the extent of educational disparities among the four language minority groups covered by H.R. 6219's expansion amendments is detailed a bit more.

While title III is predicated upon unequal educational opportunity for which the State bears responsibility, the purpose of the title is not to correct the deficiencies of prior educational disparities, although that may be a necessary concomitant. Its aim is to permit persons disadvantaged by such inequality to vote now.

Title III covers the same language minorities as title II: citizens of Spanish heritage, Asian Americans, American Indians, and Alaskan Natives. As I noted earlier, the hearing record did not disclose any evidence of voting discrimination against other language minority groups. Again, since it will be census making the coverage determinations under title III as well, the four designated language groups are to bear their census meaning and usage. It is intended that my earlier, more detailed discussion of this matter, as it relates to title II, be operative here as well. The meanings and definitions of these groups, as earlier discussed, are to also apply to title III.

Because of the disparate voting problems reflected in titles II and III, the committee designed different triggers to take account of the dissimilarities among the jurisdictions with language minorities. A State or political subdivision is brought within the purview of title II if a single language minority comprises 5 percent of the total voting age citizen population, and if the illiteracy rate of that group is greater than the national average. For purposes of this title "illiteracy" is defined as failing to complete the fifth primary grade, the level at which a minimum comprehension in English ordinarily would be achieved. It is also a demarcation utilized by the Bureau of the Census in collecting data on educational attainment. The use of census classifications is important because administrative determinations of coverage under this title are made by the Director of the Census. It is my understanding that the national average illiteracy rate, as defined in H.R. 6219, is 5.5 percent; that is, that 5.5 percent of the total population 25 years old or older has less than 5 years of school.

Also, with regard to title III's coverage trigger, I believe that some clarification is needed with respect to the precise manner in which the census determinations are to be made. For coverage purpose under title III, where there are distinct racial subgroups within a single language minority group, for which illiteracy data is available, census is to make coverage determinations for illiteracy on a subgroup-by-subgroup basis rather than aggregate one illiteracy figure for the overall language minority group. Thus, it would work in this manner: A jurisdiction would meet the title III population criteria if it had, for example, more than 5 percent Asian Americans but would only meet the illiteracy criteria if it had higher than the national average illiteracy rate among either Japanese, Chinese, Korean, or Filipino. And the language, in addition to English, to be required would be any language or languages of the subgroups triggering coverage under the illiteracy factor. If, in my hypothetical, none of the Asian subgroups had a high illiteracy rate, coverage would not be triggered at all.

I note further that this interpretation of the triggering method of title III is consistent with the language of H.R. 6219. And I note specifically that where the language says "illiteracy rate of such persons as a group," the "as a group" language is intended to disallow the illiteracy of a language minority individual from being considered. It must be a group's and not an individual's illiteracy rate used for purposes of determinations. But whether or not illiteracy must be determined on an overall language minority group basis or whether or not it is to be, or may be, determined on a subgroup basis is left open in the language and that is why I have taken this opportunity to make it clear exactly what the specific intent is.

Unlike title II and the present Voting Rights Act, covering an entire State under title III does not automatically cover every political subdivision within it. In order for a smaller governmental unit to be covered, it must also meet the 5-percent minimum requirement; that is, that 5 percent of its population is of a single language minority. If the population of a political subdivision does not contain 5 percent of the same single language minority which triggered statewide coverage, then that subdivision is not obligated to provide bilingual election materials in the relevant language.

Most of the jurisdictions covered by title II are also covered by title III. That occurs because coverage under H.R. 6219, as under the Voting Rights Act, is determined by a "trigger" mechanism based on objective findings of the Attorney General and the Director of the Census. Underlying those administrative determinations is an extensive record and a legislative finding of a direct relationship between the "trigger" device and voting discrimination. As under the present act, coverage is thus "triggered" automatically.

It should be recalled that the line between title II and title III is based on severity of voting discrimination. Generally those jurisdictions in which the evidence shows extensive discrimination against language minorities will be covered by title II. On the other hand, title III is designed to be both broader and narrower. It covers more areas but imposes less stringent remedies. As a consequence, most of the jurisdictions covered under title II are also covered under title III. However, such double coverage will not impose any additional obligations upon the covered area. A State or political subdivision which complies with title II will invariably comply with title III.

Title III requires that its covered jurisdictions provide, for 10 years, bilingual election materials and information in the language of the applicable minority group or groups. If a State, for example, has two or more language minorities comprising more than 5 percent of the population and whose illiteracy rate is above the national average, then it would have to provide such materials for each group which triggered coverage. On the other hand, the State would not be required to provide bilingual materials for groups which did not exceed 5 percent of the total population and whose illiteracy rate is not greater than the national average. In other words, a political subdivision which is required to provide bilingual materials in Spanish would not have to provide bilingual materials for its American Indian residents if they comprised less than 5 percent of the population. Also, it should be pointed out that, as is the case in title II, when the language of the minority group triggering coverage is oral only, the bilingual elections mandate of title III is compiled with by providing bilingual oral assistance at all stages of the electoral process.

Because of the limited nature of title III, its bailout procedure is different from the one which is in the present act and in title II. Under title III, a jurisdiction, which seeks to use English-only procedures before 1985, may bailout if it shows that the illiteracy rate of the language minority which triggered coverage has dropped to, or below, the national average. If it bails out, it may then conduct English-only elections without violating title III of H.R. 6219.

H.R. 6219 provides a title III bailout procedure which rewards those jurisdictions where literacy rates among language minority residents improve to at least the national measure. Having found that the voting barriers experienced by these citizens is in large part due to disparate and inadequate educational opportunities, the committee believed it appropriate to provide, through the bailout mechanism, this incentive to educate and make more literate language minority citizens. By so doing, jurisdictions could be released from the title III requirements prior to their expiration in 1985.

Allowing jurisdictions covered by title III to remove themselves from the requirements of the title does not mean that the coverage determinations of the Director of the Census are reviewable. Those determinations are effective upon publication in the Federal Register and are not reviewable in any court. That is the way the present Voting Rights Act and title II operate. Thus the question of initial coverage is not subject to administrative or judicial challenge.

After the initial determination by the Director of the Census, however, there may be changed circumstances which provide a basis for bailing out. For example, assume that a particular subdivision is covered based upon the 1970 census data showing that the illiteracy rate of a language minority which triggers coverage exceeds the national average. If the 1980 census figures show that the illiteracy rate of that group has dropped to equal to, or below, the national average, then the subdivision would be eligible for bailout.

In seeking to bail out, a State or political subdivision may rely on data not gathered by the Census Bureau. Any survey which meets accepted scientific standards of realiability and validity may provide a basis for reviewing continued inclusion of a jurisdiction under title III. The survey results will, of course, be subject to challenge in the judicial proceeding instituted by the State or political subdivision against the United States to remove itself from title III. In such litigation, members of the language minority which triggered coverage, or their organizational representative, or any other aggrieved person, may intervene in the lawsuit in appropriate circumstances. As noted earlier, some jurisdictions will be covered by both titles II and III. If such a State or political subdivision "bails out" from either title, it does not relieve itself of the obligations of the other title. A jurisdiction covered by both titles must satisfy the requirements of each, including the differing provisions for bailing out. It must be remembered that the "trigger" mechanisms of title II and III are quite different, and the determinations under each are made separately and independently. It should also be recalled that the remedial devices in those titles are different. It is not the intention of Congress to merge them for bailout or any other purpose.

Since, with respect to certain of the language minority groups, subgroup illiteracy determinations will have triggered coverage, bailout is available on such a subgroup-by-subgroup basis. So, if coverage of a jurisdiction is triggered for both Chinese and Filipino, when its Chinese illiteracy rate has dropped to equal to or below the national illiteracy rate, it can seek bailout from its Chinese bilingual procedures. It need not wait until the literacy rate of all of its triggering groups has improved before it can attempt to bailout.

The provisions found in title IV of H.R. 6219 are actually a number of miscellaneous sections, some intended to beef up enforcement and others intended to clarify or update the act. Section 401 of H.R. 6219 amends section 3 of the Voting Rights Act to afford to private parties the same remedies which section 3 now affords only to the Attorney General. Under the current provisions of section 3, whenever the Attorney General has instituted a proceeding to enforce the guarantees of the 15th amendment, the court may authorize the appointment of Federal examiners, may suspend the use of literacy tests and other similar devices, and may impose preclearance restrictions on all changes relating to voting or election processes. The amendment proposed by H.R. 6219 would authorize courts to grant similar relief to private parties in suits brought to protect voting rights in covered and uncovered jurisdictions. The term which is used, "aggrieved person," is a commonly used phrase which appears throughout the United States Code. The words are used in the Civil Rights Acts of 1964 and 1968, and a similar expression is employed in the Administrative Procedure Act. An "aggrieved person" is any person injured by an act of discrimination. It may be an individual or an organization representing the interests of injured persons. In this regard, I would suggest that the following decisions be referred to: *Trafficante* v. *Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972); and *NAACP* v. *Button*, 371 U.S. 415 (1963).

In enacting remedial legislation, Congress has regularly established a dual enforcement mechanism. It has, on the one hand, given enforcement responsibility to a governmental agency, and on the other, has also provided remedies to private persons acting as a class or on their own behalf. It is sound policy to authorize private remedies to assist the process of enforcing voting rights.

The provisions of H.R. 6219 also amend the act by adding section 402, which would allow a court, in its discretion, to award attorney's fees to prevailing parties in suits brought to enforce the voting guarantees of the 14th or 15th amendments. That section would, of course, also authorize attorney's fees in cases brought under statutes designed to enforce or enacted under either or both of those amendments. The awarding of such fees is important in the area of voting rights because of the significant role which private citizens must play in their enforcement. Similar attorney's fees provisions can be found in title II of the Civil Rights Act of 1964 [42 U.S.C. § 200a-3(b)] and in title VII of the same act [42 U.S.C. § 2000e-5(k)], which are designed to prohibit discrimination in public accommodations and employment, respectively. Also, attorney's fees are authorized by the Fair Housing Act of 1968 [42 U.S.C. § 3612 (c)] and by the Emergency School Aid Act of 1972 (20 U.S.C. § 1617).

In its report on this legislation, the committee noted its approval of the prevailing case law which holds that where a statute authorizes it, a successful plaintiff "should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S 400, 402 (1968) (per curiam). "Plaintiff" in this sense is used to mean the parties seeking to enforce the voting rights involved and can include an intervenor.

The use of the term "prevailing parties" entitles successful defendants to fee awards where they can show that the lawsuit was frivolous and brought for harassment purposes. In fact, in *U.S. Steel Corp.* v. *United States*, 385 F. Supp. 346, 348 (W.D. Pa. 1974), the court, in interpreting the identical term, as it appears in section 706(k) of title VII of the Civil Rights Act of 1964, indicated that the award of attorney fees is in order "to those parties who must defend against unreasonable, frivolous, meritless or vexatious actions brought by either private parties or the Government." The court in the U.S. Steel case, supra, went further to cite with approval *Richardson* v. *Hotel Corporation of America*, 332 F. Supp. 519 (E.D. La. 1971), aff'd 468 F. 2d 951 (5th Cir. 1972), a case where attorney's fees were denied to a prevailing defendant because the plaintiff's proceeding had been brought in good faith on the advice of competent counsel. These cases establish the proper standard to be applied to prevailing defendant awards under section 402 of H.R. 6219.

In appropriate circumstances, counsel fees may be awarded pendente lite. See *Bradley* v. *School Board of City of Richmond*, 416 U.S. 696 (1974). Such awards are especially appropriate where a party has prevailed on an important matter in the course of the litigation even when he ultimately does not prevail on all issues. See *Bradley, supra,* and *Mills* v. *Electric Auto-Lite Co.*, 396 U.S. 375 (1970). Moreover, for purposes of the award of counsel fees, parties may be considered to have prevailed when they vindicate rights through a consent judgment or without formally obtaining relief. *Parham* v. *Southwestern Bell Telephone Co.*, 433 F. 2d 421 (8th Cir. 1970); *Richards* v. *Griffith Rubber Mills*, 300 F. Supp. 338 (D. Ore. 1969); *Thomas* v. Honeybrook Mines, Inc., 428 F. 2d 981 (3d Cir. 1970).

As with cases brought under 20 U.S.C. 1617, the Emergency School Aid Act of 1972, defendants in cases brought to enforce voting guarantees are ordinarily State or local bodies or officials. It is intended that under section 402 of H.R. 6219, as is the case with section 1617, attorney fees, like other items of cost, can be assessed from the funds under the official's control, or directly from State or local government or agency funds or treasuries, or directly from the official.

During its deliberations on extending the act, the subcommittee became very much aware of the paucity of data by race, color, and national origin on voter registration and turnout. Although Congress passed legislation in 1964 to help remedy this problem, the surveys called for by title VIII of the Civil Rights Act of 1964 [42 U.S. § 2000(f)] have never been undertaken. In H.R. 6219, we would again be requiring the collection of such data. Section 403 of H.R. 6219 requires the Director of the Census to collect data on registration and voting by race or color, and national origin. Such data is to be collected for each national election in the covered jurisdictions and for such other elections in any areas, as designated by the U.S. Commission on Civil Rights. Reports of such surveys are to be transmitted to the Congress. The confidentiality and criminal penalties provisions which are normally applicable to census data collection processes are also applicable to the surveys mandated by H.R. 6219, except that no one is to be compelled to disclose his race, color, national origin, political party affiliation, or how he voted—or the reasons therefor—and no penalty shall be imposed for the failure or refusal to make such disclosures.

H.R. 6219 amends section 5 of the act to make clear in the statute the Attorney General's authority, upon good cause shown, to provide expedited consideration of section 5 submissions during the 60-day period following their receipt. In a situation where such expedited consideration is being accorded, the statute is amended to allow the Attorney General to indicate affirmatively, before the running of the full 60-day period, that no objection will be made. However, the statute would further provide that the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the 60-day period. These amendments to Section 5 serve to codify the already existing expedited consideration procedures which the Department of Justice has established in its section 5 regulations (28 C.F.R. § 51.22). It is noted that, in codifying these procedures, it is not intended that any doubt whatsoever be cast upon the legality of the Attorney General's regulations, as already promulgated. [See, *e.g. Georgia* v. *United States*, 411 U.S. 526 (1973).]

The single amendment to H.R. 6219, adopted at the full committee level, serves to conform section 10 and title III of the present act to reflect the current state of the law and particularly the ratification of the 24th and 26th amendments. Title III of the current act, which prohibits the denial of the right to vote of citizens 18 years of age and older in National, State and local elections, was passed by the Congress as part of the 1970 amendments. In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Supreme Court upheld the constitutionality of title III insofar as it lowered the voting age to 18 for national elections. However, the Court held that that title III prohibition was not valid for State and local elections. Subsequently, in 1971, the 26th amendment to the Constitution was ratified. That amendment, by prohibiting the denial or abridgment of the right to vote of persons 18 years of age and older by the United States or any State, accomplishes the end which Congress had sought to achieve by its enactment of title III. The committee's amendment to title III deletes what are now unnecessary findings and prohibitions. The amendment retains, however, title III's enforcement provisions, but modifies them to authorize Attorney General enforcement of the 26th amendment.

The amendment, adopted at the committee level, to section 10 is intended to conform that section to reflect the ratification of the 24th amendment and the Supreme Court's decision in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the latter having been decided after the 1965 enactment of section 10. The 24th amendment prohibits the denial or abridgment of the right to vote in Federal elections because of the failure to pay any poll or other tax.

In Harper, supra, the Court held that it is a denial of the equal protection clause of the 14th amendment for a State to deny the right to vote in its elections because of the failure to pay a poll tax. Section 10(b) is amended by adding section 2 of the 24th amendment to the other enforcement provisions, pursuant to which Congress directs the Attorney General to institute actions against poll tax requirements. Section 10(d) is deleted. That provision provides for the eligibility of voters in covered jurisdictions upon payment of current year poll taxes to either Federal examiners or local election officials. The 24th amendment to the Constitution and the Supreme Court's decision interpreting the 14th amendment now clearly prohibit the imposition of poll taxes for all elections.

The provisions of 11(c) of the act are amended to reflect the recent addition to Congress of Delegates from Guam and the Virgin Islands. The amendment made by section 406 of H.R. 6219 corrects what is apparently a typographical error which has appeared in the act since the adoption of the 1970 amendments.

I close now by again asking you full support for H.R. 6219. It is a bill which seeks to insure that minorities now protected by the act continue to be protected. And it also seeks to protect those minorities who are still, in 1975, excluded from the processes of democracy. These excluded citizens are waiting in the wings to see what your decision will be. I would only hope that your votes on this legislation would not add to the many tragic disappointments which they have already experienced in this great land of ours.

Mr. BUTLER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, if I may have the attention of the gentleman from California (Mr. EDWARDS), it is not often that I have the benefit of a special "Dear Colleague" letter dealing with an amendment which I propose to offer, and I have before me the gentleman's "Dear Colleague" letter of last week in which, in paragraph 5, the gentleman mentions "The Butler amendment"—which I prefer to call the impossible amendment—"because of the difficulties it will make for those who wish to come out from under the act, suffers from a series of drafting problems and ambiguities."

I would appreciate it if the gentleman will tell me if I may fairly assume that those ambiguities and drafting problems are those set forth in the letter of the Civil Rights Commission dated May 16, 1975, which is in our hands.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I will yield to the gentleman from California.

Mr. EDWARDS of California. The Commission on Civil Rights, by letter dated May 16, 1975, reviewed the proposal of the gentleman from Virginia in great detail and said in the letter that on the basis of the enclosed staff memorandum the Commission decided to recommend against the adoption of the amendment in the present form, and in a 17-page letter or memorandum, which is an analysis of the Butler impossible bailout amendment.

Mr. BUTLER. Yes. My question is, with respect to that analysis, does the gentleman have objections other than those set forth?

Mr. EDWARDS of California. Generally speaking, the objections that I have and will outline later have to do with the objections by the U.S. Commission on Civil Rights.

Mr. BUTLER. I thank the gentleman. I would also like to say to the gentleman that this letter of May 16, 1975, only came to my attention today. That may be a form of discrimination.

In any event, Mr. Chairman, I have endeavored to redraft my bailout amendment to accommodate these objections.

I would also like to call attention to the letter from the Attorney General of the United States and the objections to the drafting that he called to our attention.

Mr. Chairman, the chairman of the subcommittee has covered the legislation very well. I will not burden the House with the details of it again, except to say that once more that the Voting Rights Act was enacted in response to a shameful situation existing in 1964 requiring governmental action. I regret it was Federal action. The Voting Rights Act, in my judgment, does violence to the Federal system, and at the time I would have thought it was unconstitutional. The Supreme Court has indicated otherwise.

Whether the Voting Rights Act has been effective or not in the interim is not easily determined. I mention this because there have been so many things going on in this area during this time that it is impossible to say exactly what is responsible for the improved voting opportunities of the minority. I do not have any hesitance, however, in saying that the voting rights of the minorities have been substantially improved. Nonetheless, the figures which were set forth in the report of the majority of the subcommittee and the committee have been challenged by the attorney general of Virginia by saying that the figures are distorted.

If I may have the attention of the gentleman from California (Mr. EDWARDS), on this account, I call attention to a copy of the letter of May 27, 1975, from the attorney general to me, in which he said:

> It is apparent that the compilers of the chart, without so indicating, chose their figures from different materials in order to prove their preconceived point.

This indicates that the voting situation in Virginia was dramatically better before 1964 than these figures indicate, and I would ask the gentleman if he has had an opportunity to determine where this error arose or to verify it or not.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes, I yield to the gentleman from California.

Mr. EDWARDS of California. The table in the committee's report to which the gentleman from Virginia (Mr. BUTLER) refers appears on page 43 of the recently released report of the U.S. Commission on Civil Rights, "The Voting Rights Act Ten Years After." In utilizing that report and the tables which appear there we have, of course, relied on the information furnished to us.

Mr. BUTLER. All right. Has the gentleman made any effort to check behind the report of the Civil Rights Commission on this point?

Mr. EDWARDS of California. This is an official Government agency which is provided funds by Congress, and generally their information is very reliable.

Mr. BUTLER. I thank the gentleman, but we will assume that there was no effort made to check these figures. I will, of course, stick, for the record, to the letter of the Attorney General for an explanation as to exactly where they appear because there are distortions.

Mr. Chairman, the covered jurisdictions have come under this act presumably because they are not inclined to be generous with voting opportunities of minorities as Congress considers appropriate. What I am saying here is that we would not have this law if we did not have a problem in these jurisdictions.

When the Civil Rights Commission finds that certain vestiges of discrimination still exist in the covered jurisdiction after 10 years, it means two things: That the act is deficient in some regard, and I will submit that the chairman of the subcommittee and the chairman of the committee have put their fingers on a few of them today. The location of voting places, the polling places themselves, is an excellent example of this sort of thing and of the fact that there is objection still persisting.

The reason there is no inclination in the covered jurisdiction to change their voting laws is very simple: They have to go to Washington, to the Attorney General of the United States, and have him approve all of these changes. I am sure that these things that still persist persist because they are frozen in the law by the Voting Rights Act, and there is no inclination under the Voting Rights Act to expand the voting opportunities of minorities in the covered jurisdiction. That is so for two reasons: There is no reason to do so and it is because of the burdensome provisions of Section 5 of the Voting Rights Act.

Section 5 of the Voting Rights Act is the one that requires the covered jurisdiction to take every change in the voting law to the Attorney General of the United States for his approval.

I mention this so that the Members may be aware of exactly how it works: Each time we change a voting procedure in any of the covered jurisdictions, that change in the voting procedure has to go to Washington, D.C., to be approved by the Attorney General of the United States.

The classic example of this is one which occurred in the State of Virginia where the change would have required the partitioning off of the hallway in the city hall of the city of Fredericksburg, Va., of 3 feet of the registrar's office. The city was advised by the Department of Justice that this was a change which was subject to the preclearance provisions and the hallway could not be widened creating an alcove in the mayor's office. This record indicates, as it does in the case of all of these classic examples, the details which must be taken to and approved in Washington; this is an affront to the sovereignty of the covered jurisdictions.

Several of the witnesses before our subcommittee proudly called this act "Reconstruction legislation" the second reconstruction. But what is now proposed, with this 10-year additional extension, would extend this reconstruction legislation beyond the life even of the post-Civil War reconstruction legislation.

The burdens of this status are a nuisance, but the covered jurisdictions have learned to live with them, Contrary to the representations of the gentleman from California, (Mr. EDWARDS) and others, they are a burden, and they are indeed a burden to the State of Virginia.

For example, we in Virginia have had over 2,200 changes in voting laws which have been submitted to the Office of the Attorney General of the United States. A letter from the Office of the Attorney General dealing with reference to the amount of time that must be taken to process section 5 submissions indicates that an average of 54 days are taken for a routine submission that is sent to the Office of the Attorney General of the United States for its approval, and the result is that we are continually in a never-never land as to which changes are correct State law, and which are not. The average time for all submissions to be processed is 54 days, and those to which objections are entered average 67 days. This is indeed a burden to the State of Virginia. In the State of Virginia we have 134 separate local, election jurisdictions, and all of those people have to be cognizant of the Voting Rights Act, and understand what it is all about.

The attorney general of Virginia has one man in his office whose principal function is to make sure that we comply with the Voting Rights Act. As a result, we have to continually have seminars and educational experiences to stay abreast of the complex regulations interpreting the act, just to change a voting rights provision, a simple voting rights problem of jurisdiction.

The problem is that now that we are getting ready to extend this act for another 10 years; the Members must understand that under the existing legislation there is no way that a covered jurisdiction can get out from under these burdensome provisions of the Voting Rights Act; there is just no way.

The Supreme Court of the United States has said——

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Mr. Chairman, I would prefer that I be permitted to complete my statement, and then I will be happy to yield to the gentleman from Massachusetts.

Mr. Chairman, I wish to emphasize the point that under the existing legislation there is no way that a covered southern jurisdiction in the United States can get out from under it. To bail out of the act, a jurisdiction proves that its literacy test did not discriminate.

The literacy test in the State of Virginia was that a person simply had to register in his own handwriting, that was all; there was no real problem there. But now the Supreme Court of the United States has said that, in a recent effort by the State of Virginia to prove itself out from under the act, that they cannot prove that they did not discriminate in the use of a literacy test, if at the time the literacy test was used in 1964 they also had a separate but unequal school system for blacks. So now if you had a separate but unequal school system and a literacy test in 1964, there is no way that you can prove that that literacy test was not being used to discriminate. And the effect of that is for States like Virginia, where we can prove and have proven that it was not being used to discriminate, that you cannot come out from under the act.

That raises a serious question because what we are doing by extending this act for 10 years is we are sentencing every covered jurisdiction to submitting every change in its voting procedure, every little change in its voting procedure, to the Attorney General of the United States, whom no one elected, until 1985 because of a presumed voter discrimination, a conclusively presumed voter discrimination which occurred in 1964. People will be voting in 1985 who were not even born in 1964. Bear in mind that in effect for two Presidential elections. this law for 10 years; it has already been in effect for two presidential elections. We are extending it for three additional Presidential elections. This is not a small step; it is a tremendous step; and it raises serious constitutional questions—serious constitutional questions which, I might add, have never been responded to by proponents of the legislation.

If the Members are familiar with the adoption of Albrecht then they will understand where the remedy exceeds the problem, the law becomes unconstitutional. This is the situation we are now in when we trigger ourselves by a 1964 situation, leaving no way to escape from under it until 1985.

Whether we agree with this thing or not, we have got to recognize that the constitutional question is there. I have offered an amendment which I call the "Impossible Bail Out Amendment." I have developed it extensively from time to time in the RECORD, and I have developed it in the portion of my remarks, which I will revise and extend.

But whether we agree or not, this is an important constitutional problem. It is important also that those covered jurisdictions of the South may have an opportunity to work their way out from under this act. The way this "bail out" will work is that those covered jurisdictions which have been "pure" under the act for 5 years and which have a 60-percent turnout of minority voters, and that is substantial—and in addition to these two factors have an affirmative legislation program which meets the complaints the chairman suggested, and which meets the complaints of the gentleman from California: all of those little things about registrars not being available, about voting places being in the wrong place—an affirmative legislative program to work its way out from under the act, will be given the opportunity to do so, and that will make the

15th amendment truly meaningful, which is what was had in mind in the beginning.

Mr. Chairman, the Congress is being called upon to extend and expand the Voting Rights Act of 1965, one of the most extraordinary and controversial pieces of legislation in the history of this great nation. In order to focus on the numerous deficiencies in the act and in H.R. 6219, the legislation to extend the act, it will be necessary to briefly recount the history of the act and to explain some of the important provisions currently in the act and some of the provisions in H.R. 6219. With that background, the deficiencies of the legislation will be developed and affirmative solutions proposed to remedy these deficiencies.

HISTORY OF THE VOTING RIGHTS ACT OF 1965 AND H.R. 6219

The Voting Rights Act of 1965 was enacted to prevent State and local laws and practices from denying or abridging the right to vote to black citizens. While the act was designed to apply neutrally on its face based upon the 1964 Presidential election, the major purpose and effect of the legislation was to cover six Southern States and a large portion of a seventh Southern State where the record indicated that voting discrimination was most rampant.

The act imposed extraordinary remedies upon the covered jurisdictions by suspending all literacy tests and devices and by providing for Federal examiners and observers to monitor State and local elections. The act also provided that all voting changes would be subject to a Federal veto prior to their enforcement; while this provision was dormant during the early years of the act, Supreme Court decisions beginning in 1969 gave this provision a broad construction to apply to all changes even remotely affecting voting and stretched words in the statute to permit condemnation of any such change not submitted for review prior to its enforcement regardless of whether the change in fact had a discriminatory purpose or effect. To protect the rights of a few people, these remedies were imposed upon all of the people.

Progress in minority registration since shortly before passage of the act until the present has been substantial. But in evaluating the effectiveness of this legislation, it is important to note that much of this progress cannot be attributed to the act. In Virginia, for example, the great portion of the increase in minority voting came after the repeal of the poll tax; the statistics extracted from page 43 of the report of the Civil Rights Commission entitled "The Voting Rights Act: Ten Years After" indicating otherwise are erroneous. This misrepresentation was recently brought to my attention by the attorney general of Virginia, Mr. Andrew P. Miller. Because this incident serves to impeach the credibility of the entire report relied upon so heavily by members of the committee in drafting H.R. 6219, I will repeat verbatim crucial parts of Mr. Miller's letter:

DEAR CONGRESSMAN BUTLER: Having reviewed the Report of the Committee on the Judiciary, accompanying H.R. 6219 (Report No. 94–196, 94th Cong., 1st Sess., May 8, 1975), I would like to draw your attention to an error in the Committee's Report dealing with the proposed extension of the Voting Rights Act. The statement on page 6, to the effect that dramatic increases in black registration occurred in Virginia as a result of the Voting Rights Act, is incorrect. Moreover, the chart printed on that page, purporting to show black and white registration rates before and after passage of the Voting Rights Act, is also, at least as it applied to Virginia, inaccurate and quite misleading.

In the first place, that chart derives its pre-Act and post-Act registration figures for Virginia from different and inconsistent sources. The registration rates used in the chart for years after the passage of the Voting Rights Act are taken from figures developed by the Voter Education Project—the organization devoted to measuring black voting strength in the several Southern states and recognized its accuracy in doing so. For the years prior to the passage of the Voting Rights Act, however, the chart completely ignores the figures arrived at by the Voter Education Project and instead uses estimates developed by other sources. It is apparent that the compilers of the chart, without so indicating, chose their figures from different materials in order to prove their preconceived point.

Second, not only does the chart select its pre-Act and post-Act registration figures from inconsistent sources, but the pre-Act figures chosen for Virginia are incomplete and inaccurate on their face. Those figures are taken from estimates set forth in Appendix VII, Table 12, of the U.S. Civil Rights Commission's publication, *Political Participation*. A review of this appendix reveals that the estimate for black registration in Virginia totally excludes the number of blacks registered in the City of Richmond. In other words, although the black voting-age citizens in that jurisdiction are included in calculating the total black voting-age population of the Commonwealth, not a single black citizen of that jurisdiction is counted as having been registered. Moreover, the black registration figures used in the appendix are based, for a number of Virginia counties, on estimates as of April 1964—some five months before the registration books closed for that year. Thus, the estimate of black registration in Virginia in 1964, set forth in the appendix and used by the Committee in its Report, omits a large number of black citizens who were actually registered in that year.

The Report's use of such a patently incomplete figure is especially difficult to understand in view of the fact that the Voter Education Project did publish figures showing black and white registration in Virginia in 1964, which filled that gap left by the Commission's estimate. Based on the Voter Education Project figures, 200,000 of Virginia's black citizens, or over 45.7 percent of the black voting-age citizens of Virginia, were registered to vote in 1964. In that same year, 55.9 percent of Virginia's white citizens were registered to vote.* 4 *Voter Education Project News* Nos. 1 and 2 (Jan.-Feb. 1970); 2 *Voter Education Project News* No. 4 (April 1968); 111 *Cong. Rec.* 10062 (1965); *Hearings on H.R. 6400 Before Subcommittee No. 5 of the House Committee on the Judiciary*, 89th Cong., 1st Sess., ser. 2, at 257 ("1965 House Hearings").

These figures, developed by the Voter Education Project, showing the black and white registration rates in Virginia in 1964, were previously used by Congress when it originally considered the Voting Rights Act in 1965 (111 *Cong. Rec.* 10062 (1965); 1965 House Hearings at 257), and more recently were accepted by the United States District Court for the District of Columbia and by the United States Supreme Court in Virginia's recent action to obtain limited relief from certain provisions of that Act. *Commonwealth of Virginia* v. *United States*, 386 F. Supp. 1316 (D.D.C. 1974) (three judge court), *aff'd*, —— U.S. ——, 95 S.Ct. 820 (1975).

If the Voter Education Project figures are employed—and a chart developed consistently using the figures developed by that organization—quite a different picture emerges. According to the Voter Education Project, between 1960 and 1964, prior to the passage of the Voting Rights Act, black registration in Virginia almost doubled—from approximately 100,000 in 1960 to 200,000 in 1964. By contrast, in 1966, over a year after the Voting Rights Act was enacted, 205,000 blacks were registered in Virginia—an increase of just 2.5 percent. 4 *Voter Education Project News* Nos. 1 and 2 (Jan.-Feb. 1970); 2 *Voter Education Project News* No. 4 (April 1968).

The original legislation enacted in 1965 was to expire in 1970 to the extent that if a covered jurisdiction complied with the act and remained pure for 5 years, it could terminate the special coverage provisions by filing an action for a declaratory judgment to "bail out." However, in 1970, Congress extended the act for another 5-year period until 1975 by requiring a covered jurisdiction to prove a period of purity of 10 years rather than 5 years. Also new areas were covered based on the 1968 Presidential election.

The 1970 amendments also banned for 5 years literacy tests and devices on a nationwide basis and provided for uniform residency requirements and the 18-year-old vote in new titles.

Now, in 1975, the temporary nationwide ban on literacy tests is set to expire. Also, many jurisdictions originally covered in 1965 are on the verge of being able to escape the special coverage provisions by virtue of having been pure for 10 years. To cope with these two issues, H.R. 939 was introduced in the House of Representatives on January 14, 1975. That bill would have extended the special coverage provisions of the act for 10 years and would have made permanent the temporary nationwide ban on literacy tests and devices.

On January 27, 1975, H.R. 2148 was introduced to offer the administration's proposal to extend for another 5-year period both the special coverage provisions and the nationwide ban on literacy tests and devices. Just prior to the commencement of hearings on these two measures, two bills were introduced to expand coverage of the Voting Rights Act. H.R. 3247, introduced by Ms. JORDAN, would have covered jurisdictions, based upon voter turnout in the 1972 Presidential election, if an election was conducted

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*These figures show a 10.2 percent differential between black and white registration rates in Virginia in 1964, the year before the Voting Rights Act was passed. It should be noted that a differential of 11.5 percent between black and white registration existed in the nation as a whole in 1966, the year following passage of the Act. U.S. Bureau of the Census, *Current Population Reports*, Series P–20, No. 208 (1970).

in English only in an area where more than 5 percent of the persons of voting age were of a single mother tongue other than English. H.R. 3501, cosponsored by Messrs. Roybal and Badillo, would have expanded coverage of the act to include persons of Spanish origin in a similar manner. Neither bill mandated bilingual elections as a remedy.

Hearings were held on these four bills for 13 days in February and March 1975. The hearings focused almost exclusively on extension of the special coverage provisions of the act, the ban on literacy tests and devices, and the plight of Spanish-speaking persons. The testimony on American Indians, Asian Americans, and Alaskan Natives was nil.

Upon conclusion of the hearings, H.R. 5552 was introduced and cosponsored by Messrs. Badillo and Roybal and Ms. Jordan. The bill contained three titles. The first title extended the special coverage provisions of the act for 10 years and permanently banned tests and devices similar to H.R. 939. The second title represented a compromise between H.R. 3247 and H.R. 3501 expanding coverage to the following "language minority groups": American Indians, Asian Americans, Alaskan Natives, and persons of Spanish heritage. The third title was entirely new and was based on a draft submitted to members of the majority party, after the record was closed, by the Department of Justice. This new bill furnished the basis for markup of this legislation in subcommittee.

On April 17, 18, and 23, 1975, the Subcommittee on Civil and Constitutional Rights marked up H.R. 5552 by adopting six Democratic and two Republican amendments. Nine other Republican amendments were either defeated or withdrawn. H.R. 6219 was introduced on April 23, 1975, incorporating all of the successful subcommittee amendments to H.R. 5552 and an additional technical amendment. That bill was recommended to the full committee for favorable action by a partisan record vote.

On April 29, 30, and May 1, 1975, the full Committee on the Judiciary considered H.R. 6219. A Republican amendment, pertaining to the 18-year-old vote and the poll tax, was adopted unanimously, but 11 other Republican amendments were defeated, including the Butler bailout amendment which lost by virtue of a 17 to 17 tie vote. On May 1, 1975, the full Committee on the Judiciary voted 27 to 7 in a recorded vote to report H.R. 6219, as amended, for favorable action by the House. The report was filed on May 8, 1975, with bipartisan supplemental views of 13 members of the committee running nearly 60 pages in length.

Thus the Congress is now called upon to write another chapter in the history of the Voting Rights Act. To evaluate whether H.R. 6219 is the proper chapter to write, a brief review of the act and the provisions of H.R. 6219 is in order.

HOW THE VOTING RIGHTS ACT WORKS

The original Voting Rights Act of 1965 consisted of 19 sections including the title. In 1970 titles II and III were added to deal with a nationwide ban on tests and devices, residency requirements, and to reduce the voting age to 18. All of these provisions are permanent except for section 291 which bans literacy tests and devices until August 6, 1975. Additionally, the jurisdictions subjected to the special coverage provisions of sections 4, 5, 6, and 8 in 1964 will be able to escape these provisions in reality after August 6, 1975. It will be necessary only to examine these sections of the act which are the subject of extension by H.R. 6219, and to explain section 3 of the act which is also the subject of revision.

Section 4 of the act establishes the trigger of the act in section 4(b) and also provides for a "bail out" in section 4(a). The trigger determines which jurisdictions will be subjected to the special coverage provisions of sections 4, 5, 6, and 8. The "bail out" determines when these covered jurisdictions can be released from the special coverage provisions.

Section 4(b) triggers the special coverage mechanisms of the act in all States or political subdivisions which the Attorney General determines maintained a test or device on November 1, 1964, or on November 1, 1968, and with respect to which the Director of the Census determines that less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or November 1, 1968, or that less than 50 percent of such persons voted in the Presidential election of 1964 or 1968 respectively. The term "test or device" is defined in section 4(c) to mean: "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class."

Section 4(a) enables a covered jurisdiction to "bail out" by filing, as plaintiff, an action for a declaratory judgment against the United States in the U.S. District Court for the District of Columbia and proving that for the past 10 years, no test or device has been used with the purpose or with the effect of denying or abridging the right to vote on account of race or color.

Additionally, during the 10 years preceding the filing of the action, no court of the United States must have entered a final judgment with respect to such plaintiff determining that a test or device has been used within the territory of the plaintiff to deny or abridge the right to vote on account of race or color. For purposes of the bail out, section 4(d) of the act excuses de minimis applications of a test or device by providing that—

> No State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Once a jurisdiction successfully bails out, under section 4(a) the court retains jurisdiction over the case for 5 years after the date of judgment. During that period, the Attorney General may compel the court to reopen the case by making a motion alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color. Case law has established that if the court sustains the allegations, then the culpable jurisdiction is recovered under the act.

As previously described, the trigger of section 4 acts to cover a State or political subdivision, a term defined in section 14(c)(2) to mean "any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other division of a State which conducts registration for voting" that is, a municipality or school district. Once the trigger is activated, such covered jurisdiction becomes subjected to the extraordinary remedies of sections 4, 5, 6, and 8.

Section 4(a) effectively suspends the use of tests or devices within a covered jurisdiction by providing that no citizen shall be denied the right to vote because of his failure to comply with a test or device in such covered jurisdiction.

Section 5 has been interpreted by case law to require every covered jurisdiction to submit all changes in voting laws or practices to the U.S. District Court for the District of Columbia or to the U.S. Attorney General before such laws or practices may be enforced or administered. The courts have liberally defined the scope of voting practices to include redistricting and even annexations. Once information concerning a change is submitted to the satisfaction of the Attorney General, he has 60 days in which to object to the change. At the end of that period, which may be extended to receive additional information, if no objection has been interposed, the voting change may be put into effect.

A subsequent action to enjoin the change is not prejudiced by the Attorney General's failure to object. It is to be emphasized that only changes in voting practices different from those in force and effect when the jurisdiction was originally covered are subject to this process of "preclearance."

The preclearance requirement of section 5 imposes an enormous burden upon a covered State and its political subdivisions. An extraordinary example is one which occurred in the State of Virginia. The city hall of the city of Fredericksburg was scheduled to have a hallway enlarged to make a alcove for a sitting room for the mayor. Such a change would have required partitioning off approximately 3 feet of the registrar's office. The city was advised by the Department of Justice that this was a change subject to the preclearance provisions of the Voting

Rights Act, and the hallway could not be widened for 60 days. See hearings on H.R. 939 before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 94th Congress, 1st session, serial No. 1 at 761 (1975)—hereinafter referred to as "Hearings."

The record indicates that nearly 4,000 submissions have been made pursuant to section 5 in the past 4 years alone. Hearings at 182. Moreover, J. Stanley Pottinger, Assistant Attorney General, stated in a letter to subcommittee chairman DON EDWARDS dated May 6, 1975, that in 1974 it took the Department of Justice an average of 54 days to act upon section 5 submissions; submissions which received departmental objections took an average of 67 days to be considered due to requests for supplemental information. In the case of the State of Virginia, testimony at page 763 of the hearings indicated that 134 local election boards in addition to the State are required to process section 5 submissions. All of this evidence confirms that the burden of section 5 is substantial.

Section 6 allows the Attorney General, inter alia, to certify that in his judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment whereupon the Civil Service Commission must appoint as many examiners for the jurisdiction as it deems appropriate. The examiners prepare and maintain lists of persons eligible to vote and, pursuant to section 7, examine applicants in the covered jurisdiction concerning their qualifications for voting. Those applicants who are found to be qualified are given a certificate of qualification pursuant to section 7(c), and such person's name is placed on an eligibility list entitling him to vote unless a challenge to his qualifications is sustained pursuant to section 7(d).

Section 8 of the act authorizes the Attorney General to request, and the Civil Service Commission to appoint, observers in any covered jurisdiction in which examiners are serving pursuant to section 6. The observers are to observe whether those persons entitled to vote are being permitted to vote and to observe whether the votes cast are accurately tabulated. Such observers must report the results of their observations but they can take no on-the-spot action to correct or even object to election irregularities.

To recapitulate, the section 4(b) trigger subjects a covered jurisdiction to the extraordinary special remedies of suspension of tests and devices under section 4, preclearance of all voting changes under section 5, examiners under section 6, and observers under section 8.

Section 201 of the act temporarily bans tests or devices until 1975 in jurisdictions not subject to the special coverage provisions of section 4. This section, added as a part of the amendments of 1970, was intended to complement the ban on tests and devices in section 4 to effectuate a temporary nationwide ban of all tests and devices.

The definition of "test or device" is identical to the definition previously detailed in section 4(c) of the act. On its face, the definition is very broad, encompassing even a rudimentary requirement of sanity. Fortunately, regulations have not prohibited reasonable forms of tests or devices traditionally used by the States to prevent persons adjudged criminally insane or otherwise ineligible from voting.

Before covering the provisions of H.R. 6219, one other section of the Voting Rights Act merits examination. Section 3 of the act permits a court to grant extraordinary remedies equivalent to the remedies found in sections 4, 5, 6, and 8 in any suit instituted by the Attorney General, under any statute, to enforce the guarantees of the 15th amendment. Although the Attorney General has never used section 3, the potential power that may someday be unleashed pursuant to it is enormous.

Section 3 applies in any court, in any State or subdivision, and it is a permanent provision of the act. Although a separate right of action is not created by section 3, the remedies far expand the traditional equitable remedies available to a Federal or State court. Aside from being able to authorize the appointment of examiners under section 3(a), the court may suspend the use of tests or devices, pursuant to section 3(b), for such period as it deems necessary. No bail out provision is available. Moreover, under section 3(c), the court can force a State or subdivision to preclear all voting changes, different from those in effect when the proceeding commenced, with the court or Attorney General for such period as the court deems appropriate. The court can thus retain jurisdiction, theoretically forever, to compel preclearance of all voting changes as the result of a suit based upon even a de minimis violation of the 15th amendment in any State or subdivision in the Nation.

THE EFFECT OF H.R. 6219

With the provisions of the present act firmly in mind, the effect of H.R. 6219 upon these provisions can now be evaluated.

As previously stated in tracing the legislative history, H.R. 6219 is divided into four titles. Title I extends the basic provisions of the act; titles II and III expand coverage of the act to language minorities; and title IV contains miscellaneous provisions including the expansion of section 3 of the act to any voting rights suit by an aggrieved person. An in-depth analysis of these provisions will prove useful.

Section 101 of title I extends the special coverage provisions of the act for another 10 years by changing the period of purity a covered jurisdiction must be able to prove it has not used a test or device from 10 years to 20 years. This will alter the section 4(a) bail out provision to freeze in covered jurisdictions who used tests or devices prior to 1965 for another 10 years.

Section 102 makes permanent the ban on all tests and devices in section 201 of the act by removing the temporary language. The effect of section 201 is made nationwide by eliminating the exclusion of jurisdictions otherwise covered under section 4(a).

Title II of the act expands the special coverage provisions to cover language minority groups, a term defined in section 207 to mean persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage. Additionally, section 203 mandates bilingual or multilingual elections as a new and additional remedy.

The expected coverage is accomplished by the creation of a new trigger in section 202 which amends section 4(b) of the act based upon the voter turnout in the 1972 Presidential election. While the trigger is otherwise identical on its face with the 1964 and 1968 triggers, an important difference lies in the new definition of test or device set forth in section 203 of the bill.

Since all tests and devices were banned nationwide in 1970, a new trigger based upon the presence of a test or device as traditionally defined would never function unless a jurisdiction violated the ban imposed by section 201 of the act in 1970. Section 203 of the bill adds to the traditional definition of test or device, for purposes of the new trigger, the conducting of an English-only election in a jurisdiction where more than 5 percent of the citizens of voting age residing therein are members of a single language minority group.

In effect, if a jurisdiction had less than 50 percent of its population registered and voting in the 1972 Presidential election and that jurisdiction conducted an election only in the English language where more than 5 percent of the citizens of voting age residing in the jurisdiction were separately either American Indian or Asian American or Alaskan Nations or of Spanish heritage, then such jurisdiction will become covered by the act. Section 203 of the bill makes clear that the jurisdiction is culpable if any practice or requirement, including any registration or voting notices, forms, instructions, assistance, or other materials relating to the electoral process, such as ballots, is provided only in the English language where there is more than 5 percent of a single language minority group. The term single language minority does not mean that all members of the group must speak a single language; rather it means that each of the four language minority groups will be considered as a separate unit for the 5-percent test.

In addition to being subjected to the traditional special coverage remedies of the act, a jurisdiction covered by the new trigger will be forced to institute bilingual or multilingual elections as provided by section 203 of the bill. That section says that whenever a jurisdiction provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in English.

Since an applicable single language minority group may have members speaking several languages, the reference to "the language" of the minority group is ambiguous. In the case of American Indians, Asian Americans, and Alaskan Natives, many languages and dialects are used. The statute would seem to require provisions of materials in each language since it would be impossible to select just one.

In the case of American Indians and Alaskan Natives, many languages are oral only. The statute seems to require the covered jurisdiction to provide orally in the minority languages any notice or form it may provide in English.

Under section 201 of title II, a covered jurisdiction may invoke the bail out provision of section 4(a) only if it can show that during the preceding 10 years its English-only election did not deny or abridge the right to vote on account of race or color or because someone was a member of a language minority group and that in the past 10 years no final judgment has determined that a test or device has been used within the covered jurisdiction with the proscribed effect. Although the de minimis language of section 4(d) will also apply, it seems impossible to show that the impact of an English-only election was de minimis within the terms of the act.

Thus since almost every covered jurisdiction will have a small number of language minority people who cannot read English, bail out will be practically impossibe. Even if a covered jurisdiction can show the de minimis effect, section 4(d) seems to require the jurisdiction to provide for bilingual elections in order that the de minimis discrimination is not likely to occur in the future.

Section 204 of the bill amends section 5 of the act to incorporate a reference to newly covered jurisdictions. Section 205 expands the coverage of section 3 and 6 of the act to include the 14th amendment as a source of protection. Finally, section 206 adds the protection of language minority groups throughout the act by prohibiting voting discrimination against such groups.

Title III of the bill incorporates none of the traditional remedies of the Voting Rights Act. Rather, it imposes bilingual elections upon covered jurisdictions in an identical manner to title II. However, the jurisdictions upon which this remedy is imposed is determined by a new more pervasive trigger than the trigger set forth in section 202, and under the section 301 trigger, coverage is only imposed until August 6, 1985. Section 301 covers any jurisdiction in which the Director of the Census determines that more than 5 percent of the citizens of voting age are members of a single language minority group which group has an illiteracy rate higher than the national average. The term "illiteracy rate" is defined to mean failure to complete the fifth primary grade.

A bail out of title III coverage is possible if the jurisdiction can show subsequent to coverage that the illiteracy rate of the language minority group is no longer higher than the national average; but the original determination of the Director of the Census is not subject to direct judicial review.

Title IV of the act contains many miscellaneous provisions. Section 401 expands access to section 3 of the act by allowing the court to impose section 3 remedies in any suit brought under a separate statute by an "aggrieved person" to enforce the guarantees of the 14th or 15th amendments with respect to voting. An "aggrieved person" is any racial- or language-minority person injured by an act of discrimination. The existence of 42 U.S.C. 1983 (1970) and other civil rights statutes insures easy access to section 3 remedies by an aggrieved person in any part of the country irrespective of whether that jurisdiction is covered by the act. That means that any court upon the complaint of one person can impose indefinitely the extraordinary remedies set forth in section 3, including preclearance.

Section 402 permits a court to award attorneys' fees to a prevailing party in a voting rights suit as part of the costs. Currently, only plaintiffs are awarded attorneys' fees as a part of the court costs by some courts.

Section 403 provides for the Director of the Census to conduct a voluntary survey to compile data only pertaining to race, color, and national origin, and whether a subject was registered or voted in the election surveyed. The bill also seems to provide that every person interrogated shall be fully advised of his right to fail or refuse to answer information pertaining to race, color, or national origin, but criminal penalties require information to be furnished with respect to registration and voting.

Section 404 of the bill extends the antifraud provisions of section 11 of the act to cover elections for the delegates from Guam and the Virgin Islands. These offices were created subsequent to the 1970 amendments of the Voting Rights Act.

Section 405 of H.R. 6219 codifies a regulation enabling the Attorney General, for cause shown, to give affirmative expedited approval of a voting change submitted for preclearance prior to the expiration of the 60-day period. Since some changes must be implemented within 60 days, such a mechanism is essential.

Section 406 makes a simple technical correction to section 203 of the act by replacing the reference to 28 U.S.C. 2282 with a correct reference to 28 U.S.C. 2284.

Section 407 amends title III of the act to modify the provisions relating to the 18-year-old voting age in light of the 26th amendment. Similarly, section 408 amends section 10 of the act with respect to the poll tax in light of court cases and the 24th amendment.

Now that the provisions of the act and H.R. 6219 have been reviewed in detail, it is appropriate to discuss the infirmities in the present law and pending legislation.

SHORTCOMINGS OF THE VOTING RIGHTS ACT AND H.R. 6219

While there are many technical deficiencies in the present legislation, only matters of substance merit discussion at this stage of the legislative process. Six areas of the legislation are particularly troublesome. First, the law provides no incentive for covered jurisdictions to improve their voting laws. Second, discriminatory laws existing prior to the date of coverage of a jursdiction are immune under the act resulting in entrenched discrimination. Third, there is no meaningful way for some covered jurisdictions to bailout of the extraordinary special coverage provisions. Fourth, the actual coverage of the act, as extended by H.R. 6219, is both overbroad and underinclusive. Fifth, the method of effectuating an extension of the act for 10 years is inefficient. And sixth, the act does not prohibit a person from voting more than once in a Federal election.

Each of these points will be elaborated upon. The first three points can be grouped together. Because of the recent holding in Virginia against United States, there is no way that a Southern State can bailout of the act within the temporary period of coverage. That case held that where a State had maintained separate and inferior schools for blacks prior to 1954, any literacy test or device applied by such State would almost certainly deny or abridge the right to vote on account of race or color in violation of the bailout clause as long as persons receiving an inferior education were among persons eligible to vote.

Since the Southern States are frozen in under the act until 1985, they have no incentive to improve their voting laws. Even if 100 percent of the minority citizens were registered and voted, the State could not escape from the onerous burdens of the Voting Rights Act. Since any voting change in a covered jurisdiction must be submitted to the Attorney General in compliance with section 5, the incentive is to avoid the bother in producing the evidence and proof needed to justify a change in voting by keeping old laws on the books. Hence, old laws, which may be discriminatory in purpose or effect, remain on the books; and the Attorney General cannot remedy this entrenched discrimination because he has power to review only voting changes different from those in force and effect on the date of coverage of the jurisdiction.

One other result of the failure of the act to provide a meaningful bailout provision with respect to the Southern States is that it may be unconstitutionally overbroad. A statute is overbroad when it punishes those who deserve to be punished as well as those who do not. The Supreme Court in the original constitutional challenge to the Voting Rights Act, in South Carolina against Katzenbach, noted that the bailout saved the statute from being overbroad.

But now, with the bailout of section 4(a) being a nullify with respect to the

South, the question of overbreadth remains ripe for litigation. The argument, quite simply, is that once States no longer deny or abridge the right to vote in violation of the fourteenth or 15th amendments, the power to impose the extraordinary remedies of the Voting Rights Act upon those States evaporates. In South Carolina against Katzenbach, the Court stressed that only a pervasive and insidious evil warranted these stern and elaborate remedies that infringe upon areas traditionally left to the States. In his eloquent dissent, Mr. Justice Black thought that these remedies were unconstitutional in distorting the balance of federalism to leave the States as little more than conquered provinces. Thus, unless a source of power within the Constitution can support the imposition of these severe remedies, other provisions of the Constitution mandate their unconstitutionality. In this context, prior unequal educational opportunity is wholly unrelated to present voting discrimination and is not in and of itself a source of power to warrant these remedies.

Legally, the findings of discrimination necessary for an extension of this act are the same as if this were an original enactment. It is doubtful that there is sufficient evidence on the record to war- being continued when in fact no discrim- necessary to support extending the old trigger; but even if such evidence did exist, unless the act permitted a State to bail out by showing that coverage was being continued when in fact no discrimination exists, the act would be unconstitutionally overbroad. But by making the presence of voters who received an inferior education a bar to an effective bail out, the act fails to provide a meaningful and constitutionally necessary bail out provision.

People who received an inferior education on the basis of race are voting in every State in the Nation. Literacy tests have been banned nationally since 1970 and in the South since 1965. It is simply not rational for Congress to extend this act based upon occurrences prior to 1965.

Even the original act focused on a 5-year trigger period running back to August 6, 1960. Yet, this extension moves into uncharted territory forcing States to justify tests imposed back as long ago as August 6, 1955.

For these reasons, the present act, as extended by H.R. 6219, stands on an unsound constitutional footing.

Also, as a matter of policy, the act is defective. By the admission of its draftsman, it is underinclusive failing to cover a tremendous number of language minority citizens. Also, if Anglos vote at levels above 50 percent, a low minority vote may completely be overshadowed in an application of the 50-percent test which measures the total voter turnout.

At the same time, the act is overinclusive in covering jurisdictions in which no discrimination exists. This forces many States and small towns to take the time and spend the money to come to Washington, D.C. to bail out. Alaska has twice sent legal representatives one-fourth of the way around the world to successfully bail out. Another group of jurisdictions, such as Honolulu County, Hawaii, have never expended the resources to bail out; unfortunately, many of those jurisdictions also have not bothered to comply with the preclearance provisions of section 5. The result may be that all of their voting changes enacted after coverage without the requisite submission are void or at least voidable.

Thus the trigger mechanism of the act, as extended, is defective in its coverage.

Testimony during the hearings also made clear that the method of extending the special coverage provisions of the act as accomplished by H.R. 6219 is inefficient. The method of extension, as previously discussed, is to lengthen the period of purity necessary to bail out from 10 years to 20 years. While this method will keep those southern jurisdictions originally covered in 1965 under the act until 1985, it has the side effect of keeping those jurisdictions covered in 1970 under the act until 1990. Another defect is that if any test or device is used by accident in some small subdivision within a State in, for example, 1984, that State would be kept under the act until 2004. This is too steep a price to pay especially if a less restrictive means of accomplishing a 10-year extension is available.

Finally, neither the bill nor the act prohibits a person from voting more than once in a Federal election. While section 11 of the act does regulate fraudulent registration, it is possible for a person to validly register in more than one jurisdiction and vote twice without breaking any law. At least six States have no law prohibiting registration in more than one voting location; the law of many other States is at best ambiguous on the issue. Hence section 11 of the Voting Rights Act fails to prevent one obvious means of diluting the minority vote by failing to prohibit multiple voting.

The shortcomings of the act are severe, but identifying the problem is only half of the battle. Affirmative, constructive solutions are necessary to correct the deficiencies. Accordingly, a discussion of several practical solutions is at last in order.

SOLUTIONS TO THE DEFICIENCIES OF THE VOTING RIGHTS ACT AND H.R. 6219

Although many solutions to remedy the deficiencies of the Voting Rights Act and H.R. 6219 have been proposed, only those that are reasonable and meaningful will be reviewed. Clearly, an amendment in the nature of a substitute revamping the entire structure of the act is appropriate if it leads to a better, more rational act with respect to voting rights. Barring the adoption of such a substitute, amendments dealing with the deficiencies discussed above, especially in the area of a bail out provision, are sorely needed. Fortunately, proposals covering each of these alternatives have been drafted.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 6219

Mr. Chairman, my colleague from California, Mr. WIGGINS, proposed an amendment in the nature of a substitute to H.R. 6219 shortly after the full committee on the Judiciary refused to adopt amendments to improve and perfect the Voting Rights Act. The substitute received bipartisan support and was included in the supplemental views at pages 97–103 of the report on this legislation; it was subsequently introduced as H.R. 6985.

The substitute takes a bold new look at the problem of voting rights taking account of present realities rather than focusing on historical circumstances. The purpose of the substitute is to remedy and eliminate entrenched discrimination by giving a covered jurisdiction an incentive to encourage minority voter turnout and to reform outdated election laws. The amendment accomplishes this goal by changing the trigger mechanism of section 4(b) to operate prospectively based upon minority voter turnout in biannual general Federal elections. At the same time, progressive measures of H.R. 6219 are incorporated into the substitute to provide a politically palatable package.

Section 2 of the amendment extends the current act until after the 1976 Presidential election as an interim provision. During this time data will be gathered, and effective February 6, 1977, the trigger mechanism will be revised pursuant to section 3 of the substitute.

Section 3 of the substitute is the heart of the amendment. It revamps the trigger in section 4(b) to operate in a State or political subdivision if less than 50 percent of the black citizens of voting age eligible to vote, where blacks comprise more than 5 percent of the voting age population, voted in the most recent general Federal election.

Similarly, the trigger is tripped if the Director of the Census determines that less than 50 percent of eligible citizens of Spanish heritage voted in the last general Federal election where such citizens comprise more than 5 percent of the eligible citizens of voting age within the State or political subdivision. Thus the trigger is geared to the turnout of blacks or browns in the most recent general Federal election.

The rationale for such a trigger is readily apparent. It is more rational to determine whether minority citizens are currently being denied their voting rights than to retrospectively focus on events occurring more than 10 or 20 years ago. Such a trigger applies on a uniform national basis where discrimination actually occurs rather than penalizing a region of this Nation in which discrimination regrettably occurred in the past.

The substitute does much more than amend the coverage provisions of the trigger. Section 3 also amends the length of coverage of the trigger to provide that a jurisdiction will be covered only based upon a triggering determination which focuses on minority voter turnout in the most recent general Federal election. Thus if a covered jurisdiction can encourage a sufficiently significant minority voter turnout in a subsequent general Federal election, it automatically escapes from the special coverage provisions of the act once the Director of the Census makes such a determination. This kind of an escape provision is salutary insofar as it encourages a high minority voter participation, one goal which the present act fails to pursue. Also it encourages covered jurisdictions to take whatever action is necessary to achieve such a turnout; this may include bilingual ballots, at large elections, or other measures requested by the minority community.

To prevent the trigger from being unconstitutionally overbroad, a bailout provision is included by amending section 4(a) of the act to determine whether the covered jurisdiction has any voting practice which does or is likely to deny or abridge the right to vote on account of race or color or national origin. Although a jurisdiction trips the trigger and is subjected to coverage based upon minority participation, the bailout will not function if there is any discrimination against any racial or ethnic group.

This differs from the bailout provision found in H.R. 6219 which tolerates discrimination against some ethnic minorities. Those supporting the substitute feel that once a jurisdiction is covered, that no voting discrimination against any person can be tolerated. Even if a jurisdiction can successfully bail out, the court retains jurisdiction for the balance of the period until determinations are made following the next general Federal election after the filing of the action. This will prevent a jurisdiction from enacting any discriminatory laws or practices.

Section 3 of the substitute also amends the preclearance provisions of section 5 effective February 6, 1977, to permit the Attorney General to review all voting laws of a covered jurisdiction—both those on the books prior to coverage and laws enacted after coverage. One of the deficiencies previously referred to is that under the present act, the Attorney General cannot review laws enacted prior to the date of coverage. This substitute remedies this defect by mandating a submission of all voting laws to the Attorney General prior to their enforcement.

Another modification in section 5 of the act effectuated by the substitute is the focus on any form of voter discrimination rather than a restricted protection of certain minority groups. As is done with respect to the bail out provision, the substitute recognizes that any discrimination should be prohibited regardless of the national origin of the victim. Once an Attorney General must review a voting change there is no justification for condemning discrimination against some ethnic groups, as is done with the current act and perpetuated by H.R. 6219, while failing to condemn discrimination against other ethnic groups merely because they do not have colored skin.

Section 4 of the substitute incorporates changes to section 3 of the act similar to those made in H.R. 6219. However the substitute provides a remedy to redress discrimination against all national origin groups whereas H.R. 6219 extends the section 3 protections only to certain types of aggrieved persons. Effective February 6, 1977, section 3 is expanded to allow the court to strike down any voting change regardless of when it was enacted. Since the revised trigger embodied in the substitute is prospective and part of permanent legislation, it is appropriate to offer section 3 relief to an aggrieved person in a consistent context. Thus, under the substitute, the court will retain jurisdiction only until determinations are made following the next general Federal election after the filing of the action.

Sections 5 through 14 of the amendment replicate various provisions of H.R. 6219 designed to make permanent the ban on tests or devices, to provide attorney's fees to the prevailing party, and to make certain technical revisions in the act.

Section 7 of the substitute enlarges the survey provisions of section 403 of H.R. 6219 to ascertain voting statistics on a nationwide basis rather than only in the covered jurisdictions. Also the survey makes mandatory the divulging of racial information, and elicits citizenship information as well. It is inconceivable that a trigger based upon citizenship can be evaluated by a survey which fails to elicit that fact. Yet the survey in section 403 of H.R. 6219 excludes all factors not specified therein from being ascertained. The substitute eschews this wasteful policy by recognizing the economies of scale available; to this end, additional questions are not prohibited.

Mr. Chairman, for these reasons I strongly urge my colleagues to support the amendment in the nature of a substitute to H.R. 6219. But if the substitute is not adopted, then every effort should be directed toward perfecting H.R. 6219. There are several proposals before us designed to accomplish that result.

NEED FOR A MEANINGFUL BAILOUT

By far the most glaring defect in the present act, as modified by H.R. 6219, is the failure to provide the presently covered jurisdictions with a meaningful bailout mechanism or with any other incentive to reform their election laws. To remedy these deficiencies I have drafted an amendment called the "impossible bailout." Mr. Chairman, to place my bailout amendment to H.R. 6219 in perspective, a complete account of its evolution should prove useful.

The need for a meaningful bailout device was first set forth in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 331 (1966). The Court noted that the Voting Rights Act of 1965 provided a termination mechanism to prevent it from being unconstitutionally overbroad. A statute is overbroad when it unjustifiably punishes those who do not deserve to be penalized as well as those who do. While the 15th amendment can legally warrant a Federal restriction of State powers if a State is denying or abridging the right to vote on account of race or color, such restriction would be unconstitutional in the absence of evidence that voting discrimination exists within the affected jurisdiction.

Early this year, the case *Virginia* v. *United States*, 386 F. Supp. 1316 (D.D.C. 1974), aff'd per curiam, 95 S. Ct. 820 (1975), effectively eliminated any hope that many of the covered jurisdictions could ever bail out of the act pursuant to the current termination provision in section 4(a). The court extended the doctrine of *Gaston County* v. *United States*, 395 U.S. 385 (1969), to hold that the previous existence of inferior schools for blacks would conclusively cause the application of any literacy test or device to result in the denial or abridgement of the right to vote on account of race or color. Since the bailout in section 4(a) can only operate if the State can show that its test or device did not have the effect of denying or abridging the right to vote on account of race or color, the covered jurisdictions which maintained inferior schools for blacks prior to 1954 are helplessly trapped. There is nothing they can do to escape the preclearance provisions of the act, and since any change in voting practices is subject to the preclearance sanction, they have no incentive to reform their laws. Moreover, since the Attorney General can only review changes in voting practices, present discriminatory laws on the books remain invulnerable to attack resulting in entrenched discrimination.

Mr. Chairman, to remedy these deficiencies in the Voting Rights Act, I strived throughout the hearings on this legislation to elicit suggestions from many witnesses. This effort continued through markup of this bill at the subcommittee and full committee levels and culminated this past week. The result is the "impossible bailout amendment" which is designed to encourage covered jurisdictions to encourage minority voter participation, remain in compliance with the special coverage provisions of the act, and take affirmative action to pass and implement affirmative, progressive voting laws.

NEED FOR A MEANINGFUL BAILOUT

Once these stringent requirements are met, the jurisdiction is rewarded with an exemption from the preclearance sanctions of section 5 subject to a 10-year probation period. I have called this amendment the impossible bailout amendment because it is not possible to meet the rigid requirements to bail out under this proposal based upon the composition of the legislatures in the covered jurisdictions and their penchant for passive legislation. Compliance with the proposed amendment can only be achieved by radical reforms and a total commitment to the goals and objectives of the Voting Rights Act and the 14th and 15th amendments.

IMPOSSIBLE BAILOUT AMENDMENT EXPLAINED

This amendment represents the distillation of effort of several of my colleagues and the Assistant Attorney General of the Civil Rights Division of the Department of Justice. A less perfect version was offered in committee and failed as the result of a 17 to 17 tie vote. Many members of the committee have given me the benefit of their judgment of the amendment and suggested changes. I am grateful for their help. It is my hope that the refinement of my amendment subsequent to the vote in committee will result in its adoption. To that end, a detailed evolution of each section of the amendment will be developed.

The impossible bailout amendment is to be inserted at the end of the present section 5—preclearance—and provides that a covered jurisdiction may be relieved of the burden of this extraordinary remedy by filing an action for declaratory judgment against the United States in the U.S. District Court for the District of Columbia and establishing that three sets of circumstances exist.

The first of these three circumstances is set forth in section 1 as follows:

> (1) The Director of the Census has determined that no less than sixty per centum of the eligible citizens of voting age of minority race or color or national origin (which terms include language minorities) residing therein on the date of the most recent general election for President or Members of Congress were registered to vote and no less than sixty per centum of such citizens voted in said election.

Section 1 of the bailout currently provides that the State or political subdivision, in order to obtain a declaratory judgment, must prove that the Director of the Census has certified that no less than 60 percent of the eligible citizens of voting age of minority race or color or national origin residing therein on the date of the most recent general election for President or Members of Congress were registered to vote and voted in that election. This section was originally drafted to test whether 60 percent of the voting age population was registered and voted and whether there was any substantial statistical disparity evidencing a denial or abridgment of the right to vote on account of race or color. Although this section received support in the hearings, Representative Badillo suggested, in subcommittee, that the substantial statistical disparity language was vague and that "race or color" did not embrace the expansion of the act to language minorities.

Prior to the full committee meeting, the section was redrafted to measure whether 60 percent of the general population of voting age were registered and voted and to test whether the percentage of persons of minority race or color or national origin—which terms include language minorities—who were registered and the percentage of such persons who voted were not substantially less than the percentage of registration and voting for the general population. While this draft did incorporate the suggestion of Representative Badillo concerning language minorities, the new language testing whether minority registration and voting percentages were substantially less than general population percentages was attacked as vague by Representatives Badillo, Jordan, and Drinan.

To cure the problems of vagueness, the present language tests in absolute terms whether minorities register or vote less than 60 percent. To insure the validity of the statistics, the Director of the Census is the only source that may make such a determination. Of course, as indicated so eloquently by my colleague from California, Mr. Wiggins, 60 percent is not a hard number. Rather than waste the time and money it would take to zero in on exactly 60 percent, with customary 95 percent certainty, ascertaining whether that level has been reached by producing clear and convincing evidence should prove sufficient to implement the policy of this legislation; this means that if the Director of the Census statistically determines a jurisdiction to have at least 60 percent minorities voting, that in reality he will be approximately 75 percent certain that the true percentage is no lower than 60 percent.

Section 1 was also amended subsequent to markup in the full committee to focus on eligible citizens residing in the relevant State or subdivision. The prior focus on persons included illegal aliens who were not citizens, and felons and idiots who were citizens, but ineligible to vote. Thus the current focus is the most rational measure—the percentage of eligible citizens of voting age residing within the jurisdiction. Voting domicile is to be determined by local or State law.

The second set of circumstances is set forth in section 2 as follows:

> (2)(A) At all times during the two years preceding the filing of the action for a declaratory judgment, there were no objections interposed by the Attorney General (which were not overriden by the granting of a declaratory judgment) or the denial of a declaratory judgment by the United States District Court for the District of Columbia, pursuant to this Section, against such State or political subdivision; and
>
> (B) At all times during the five years preceding the filing of such action for declaratory judgment there has been—
>
> (a) no final judgment of a federal court ruling that such State or political subdivision has denied or abridged the right to vote on account of race, color, or in contravention of the guarantees set forth in section 4(f)(2) in violation of the fourteenth or fifteenth amendment, or any legislation implementing such amendments;
>
> (b) no change in any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting in such State or political subdivision put into force or effect without timely filing of a declaratory judgment action in the United States District Court for the District of Columbia or timely submission to the Attorney General pursuant to this Section;
>
> (c) repealed any test or device as defined by subsection (c) of section 4 of this title and section 4(f)(3) and that all changes in any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting to which the Attorney General interposed an objection, or the United States District Court for the District of Columbia denied an action for declaratory judgment pursuant to this section, in such State or political subdivision, have been repealed or the objection withdrawn;
>
> (d) no federal voting examiner sent to or maintained within such political subdivision or sent to or maintained within any political subdivision of such State pursuant to Section 6 of this title; and
>
> (e) no incident of voting discrimination that has denied or abridged the right to vote on account of race or color or in contravention of the guarantees set forth in section 4 (f)(2) in violation of the fourteenth or fifteenth amendments or any legislation implementing such amendments; or if there are any such incidents:
>
> (1) the incidents have been few in number and have been promptly and effectively corrected by State or local action;
>
> (2) the continuing effect of such incidents has been eliminated; and
>
> (3) there is no reasonable probability of their recurrence in the future.

Section 2 of the impossible bailout amendment was originally inspired by testimony from Assistant Attorney General, J. Stanley Pottinger. He said, at 791 of the hearings on H.R. 939 before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 94th Congress, First Session, Serial No. 1 (1975) the following:

> It seems to us that it might be worth a line of inquiry for this entire committee . . . to pursue whether or not such standards can be drawn along the lines that I am suggesting. That is to say, perhaps it is possible to state that if there has been for a period of 5 years no literacy tests or devices which were in use in the given jurisdiction, whether State or subdivision of it, no outstanding objections by the Attorney General under section 5, no judgment of the court stating the political subdivision or State has violated either the 15th amendment or any implementing legislation under the 15th amendment, the literacy tests, and devices of the States have actually been repealed, not simply put in disuse, and there have been timely submissions of changes and the like, if all of those things that are now covered by the act can be shown to have been complied with, I suppose it would be difficult to argue that the State has not freed itself of the obligations under the act as other States have.

His testimony was supplemented by a letter which recommended elements that a bailout should include. First, during the 5 years prior to the filing of the bailout suit there must have been no final judgment of a Federal court ruling that such State or political subdivision violated the 15th amendment or any implementing legislation. Second, during the 5 years preceding the filing of the action, no change in any voting practice must have been put into effect without a timely filing in compliance with section 5. Third, during the 2 years preceding the filing of the action, there must have been no section 5 denials of declaratory judgments or objections. Fourth, a State or political subdivision must have repealed all tests or devices and all changes in voting which were objected to must have been repealed or the objection must have been withdrawn. Lastly, during the 5 years preceding the filing of the action, no examiners must have been sent into or remained within the State or political subdivision pursuant to section 6.

These five criteria, as modified, were offered as a separate amendment in subcommittee and also offered as section 2 of the Impossible Bail Out Amendment. One modification, originally made, was to change the third requirement to prohibit substantial objections within the previous 5 years. This was attacked by Representative Drinan as vague and so section 2(A) of the current amendment incorporates the original language suggested by the Assistant Attorney General for the Civil Rights Division of the Department of Justice, thereby remedying the problem of vagueness.

The first requirement enumerated by Mr. Pottinger, relating to final judgments of a Federal court, was attacked on two grounds. Representative Railsback noted that since the act was being expanded to cover language minorities that this restriction should apply to judgments based on the 14th amendment as well. The amendment was adopted in full committee and is now reflected in section 2(B)(a).

The second objection, voiced by Representative DRINAN, was that other evidence of discrimination including nonfinal judgments such as temporary restraining orders should be evaluated. A similar concern was voiced by Congressman FISH, and he urged the inclusion of a comprehensive section that would encompass other forms of discrimination. Such a section was drafted under his supervision and is now embodied in section 2(B)(e). This provision condemns any incident of discrimination and contains a de minimis provision similar to that found in section 4(d) of the act.

The other requirements set forth by the Attorney General were incorporated as suggested, with a slight expansion of the definition of "test or device" to include the new definition in section 4(f)(3), and have received overwhelming support. To clear up an ambiguity, adverted to by Representative DRINAN during markup at the full committee, the words "at all times" have been inserted at the beginning of section 2 to clarify that the language "during the 5 years preceding the filing of such action * * *" means at all times and not just at one point in time. Thus section 2(B)(b) provides that the State or political subdivision has the burden of proving that, at all times during the last 5 years, timely filings were made in compliance with the preclearance provisions. At the suggestion of Assistant Attorney General J. Stanley Pottinger, the word "of" was changed to "in" to insure that the voting changes in such State would include changes made by subdivisions. Section 2(B)(c) requires the State to prove at all times during the past 5 years that tests or devices have been repealed and that all changes once objected to, have been repealed or the objection withdrawn. The language allowing withdrawal of the objection as an alternative to repeal of the change was added after committee markup to deal with cases where, at the suggestion of the Attorney General, a voting change is modified rather than repealed, and the objection withdrawn. Lastly, section 2(B)(d) insures that, in the past 5 years, no examiners have been sent into or maintained within covered jurisdictions pursuant to section 6; while examiners can be authorized pursuant to sections 3 and 6, it is clear that they can be appointed only pursuant to section 6. The language referring to the maintenance of examiners within a jurisdiction was added after committee markup to clarify that the intention of the section was to focus on the presence of examiners within the covered jurisdiction.

The final set of circumstances is set forth in section 3 as follows:

> **(3) The laws of the State and its political subdivisions or of a political subdivision with respect to which a determination has been made pursuant to section 4(b) of this title as a separate unit provide and have been implemented to effectuate:**
>
> (a) An opportunity for every eligible citizen of voting age residing therein to register to vote including the opportunity to register during evening hours on a reasonable number of days each month and on a reasonable number of Saturdays and Sundays of each month;
>
> (b) reasonable public notice of the opportunity to register;
>
> (c) a place of registration and a place for voting at a location with access to and not an unreasonable distance from the place of residence of every eligible citizen of voting age residing within such State or political subdivision;
>
> (d) reasonable provision for minority representation among election officials at polling places where minorities are registered to vote;
>
> (e) apportionment plans which assure equal voter representation;
>
> (f) apportionment plans which avoid submergence of cognizable racial or minority groups;
>
> (g) removal of all unreasonable financial or other barriers to candidacy; and
>
> (h) adequate opportunity for minority representation in all local governing bodies where eligible citizens of voting age of a minority race or color or national origin (which term includes language minorities) exceed twenty five per centum of the eligible citizens of voting age residing within such political subdivision.

Section 3 of the amendment was inspired by the report of the U.S. Commission on Civil Rights entitled "The Voting Rights Act: Ten Years After." That document carefully identified several problems confronting minority voters in areas of registration, candidacy, and voting, and may be summarized as follows:

First, outright exclusion and intimidation at the polls;

Second, inadequacy of voting facilities;

Third, location of polls at places where minority voters feel unwelcome or uncomfortable, or which are inconvenient to them;

Fourth, underrepresentation of minority person as poll workers;

Fifth, unavailability or inadequacy of assistance to illiterate voters;

Sixth, failing to locate voters' names on precinct lists;

Seventh, lack of bilingual materials at the polls for non-English speaking persons;

Eighth, problems with the use of absentee ballots;

Ninth, inconvenient times and places of registration;

Tenth, underrepresentation of minorities as registration personnel;

Eleventh, frequent purging of registration rolls necessitating reregistration;

Twelfth, unreasonsable filing fees;

Thirteenth, burdensome qualifications on independent or third party candidates;

Fourteenth, dishonest counting of votes;

Fifteenth, lack of access to voters at the polls; and

Sixteenth, lack of campaign information.

These findings illustrate the shortcomings of the act previously adverted to. The reasons for the existence of these problems are clear: The Voting Rights Act freezes in existing law and immunizes entrenched discrimination; the Voting Rights Act provides no incentive to the covered jurisdictions to change their laws; and the Voting Rights Act fails to combat many obstacles to minority voting, registration, and candidacy.

Section 3, which originally dealt with six problem areas, now covers eight broad areas in which a State or political subdivision must act and produce affirmative results. Some Members, including Representatives BADILLO, DRINAN, and JORDAN, indicated that the language in section 3 was vague. The introductory language was susceptible to the construction that either the laws of the State or any subdivision within the State could fulfill the obligations of section 3 while the other's laws need not do so. The present language clarifies that it must be the law within the jurisdiction which is covered by the act that complies with section 3 of the amendment. Thus, section 3 only applies to a subdivision with respect to which a determination has been made pursuant to section 4(b) as a separate unit. However, when the covered jurisdiction in question is a State, then section 3 applies to all laws of the State and its political subdivisions.

Section 3(a) was originally worded in terms of reasonability to allow a reasonable opportunity to register during a reasonable number of evening hours on a reasonable number of days each month, and on a reasonable number of Saturdays and Sundays. This was to meet the complaint that in many places minority persons are inconvenienced by the fact that registration hours coincide with working hours. Many Members agreed with the spirit of this provision, but they thought that the word "reasonable" made the section vague. Hence, prior to the markup in full committee, the word "reasonable" was deleted in two places to insure an opportunity to register during evening hours on a reasonable number of days each month and on a reasonable number of Saturdays and Sundays. The word was retained in two instances to give flexibility to the covered jurisdiction since it is unreasonable to force the State to allow registration 24 hours a day every day of the month.

Section 3(b) provides for a reasonable public notice of the opportunity to register. Since a reasonable method of publication will vary depending upon the nature of the election district, the U.S. District Court for the District of Columbia is vested with discretion to determine compliance. Since over 60 percent of eligible minority citizens must in fact register to satisfy section 1, it is unlikely that this section can be abused to deny minority voting rights. Rather, it will encourage jurisdictions to inform the people of their right to register and it must have been implemented to effectuate that goal. All of the requirements of section 3 require affirmative implementation; however, neither section 3(a) nor section 3(b) should be construed to require any specific form of implementation such as postcard registration.

Section 3(c) originally provided for reasonable locations of places of registration and voting with reasonable access, within reasonable distances of all persons of voting age residing within the jurisdiction. Again, after criticism from

Representatives BADILLO, DRINAN, and JORDAN, that the use of the word "reasonable" caused problems of vagueness, this section was redrafted into its present form prior to markup at the full committee. The section currently insures that eligible minority citizens will not have to face the difficulty of being forced to vote in an inaccessible or far distant location. The reasonability factor was retained in the case of distance because it was unfeasible to quantify a fixed distance into the statute in light of variations among election districts; while 3 miles might be reasonable in a rural area, it may be unreasonable in a densely populated area. The use of the word "places" was changed to the singular subsequent to full committee markup to dispel the possible interpretation that more than one place of registration or voting would be required for any citizen. The section merely insures that a person will not be inconvenienced by the location of a place of registration or voting to which he is assigned.

Section *3(d)* insures that the law provides and has been implemented to effectuate reasonable representation of minorities as election officials in precincts where minorities are registered. Although the word "reasonable" is vague, it is the best term available in light of the great variation in local precincts ranging from the number of election officials to local methods of selection. The judges reviewing the actual practice will be able to determine if a good faith effort has been made to afford minorities an equitable representation among election officials.

Sections 3(e) and 3(f) are new, representing the essence of an amendment offered by my colleague from Arkansas (Mr. THORNTON) and passed by the full committee. These sections respond to a critique of the amendment by Representative DON EDWARDS that oversight in the areas of reapportionment and gerrymandering was not adequately provided for. These sections insure that apportionment plans have been implemented to assure equal voter representation in compliance with the 14th amendment, and that such apportionment plans avoid the submergence of cognizable racial or minority groups. This will assure that minority voting strength is not minimized until at least 1986 in light of the fact that the first possible bailout could occur in 1976 and the court would retain jurisdiction for 10 years.

Section 3(g) provides for the removal of all unreasonable financial or other barriers to candidacy. This sweeping provision will encourage jurisdictions to remove all barriers to candidacy as documented by the U.S. Commission on Civil Rights. While this language was originally worded to prohibit barriers to minority candidates, it was changed following full committee markup to dispel the notion that minorities were to receive special treatment or that barriers were to be tolerated against nonminority candidates. The section is cast in terms of reasonability to preserve the right of the States to maintain nominal filing fees to cover costs and to keep reasonable budgetary restraints in election practices, as long as in forma pauperis filings or other reasonable methods are available to enable a poor candidate to qualify.

The final requirement which the covered jurisdiction must meet is in section 3(h). The laws must be implemented to effectuate an adequate opportunity for minority representation in all local governing bodies where eligible minority citizens of voting age exceed 25 percent of the eligible voting population. This provision was drafted in response to objections during the subcommittee markup of this legislation that the bailout would not preclude at large voting, numbered posts, campaign regulations, and other devices from preventing minority candidates from being elected. Although election of minority candidates cannot be guaranteed, this provision will prevent any laws within the covered jurisdiction from denying minority candidates an equitable opportunity to be elected in areas where minorities represent a significant proportion of the eligible citizens of voting age. While no specific form of election is forbidden or mandated, the court will be able to insure that fair play will prevail.

As was done throughout the amendment, the focus was changed from "persons" to eligible citizens of voting age residing within the jurisdiction to provide a more germane measurement.

The next paragraph of the amendment provides for an advisory opinion to be given by the Attorney General and for a consent decree to be entered if the Attorney General is satisfied that the covered jurisdiction has complied with each of the elements of the amendment. To prevent a jurisdiction from reenacting discriminatory laws after it bails out, the court retains jurisdiction during a probation period of 10 years. If any discriminatory voting practice is used with the purpose or effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in section 4(f) (2), then the Attorney General can sue and the court shall reopen the case and recover the jurisdiction. Although Representative DRINAN was concerned that the language permitting a reopening of the action was ambiguous, the case of *New York* v. *United States*, Civil No. 2419–71 (D.D.C.)—Orders of April 13, 1972, January 10, 1974, and April 30, 1974—*aff'd per curiam*, 95 S. Ct. 166 (1974) settles the matter. That case involved a successful bailout by three covered New York counties and the bailout was rescinded under section 4(a) pursuant to nearly identical language to that contained in the amendment. See footnote 5 at page 6 of the report on H.R. 6219. The reason for expanding the period of retention from 5 years, as is currently provided in section 4(a), to 10 years was to insure that the 1980 reapportionment would be within court supervision upon motion of the Attorney General.

The final paragraph of the bailout amendment was added after full committee markup of the legislation in combination with the revision made to section 1 with respect to the determination therein being made only by the Director of the Census. The final paragraph insures that inaction of the Director of the Census will not prevent a covered jurisdiction from bailing out by allowing a covered jurisdiction to mandate that such a determination be made upon request. At the same time the statistical determination is made nonreviewable as it is under comparable provisions in sections 4, 6, and 13 of the act.

The criteria incorporated in the impossible bailout amendment are rigorous and complete. Several persons have contributed to the refinement of the final language. Recently, Chairman DON EDWARDS requested Assistant Attorney General J. Stanley Pottinger to assess the impossible bailout amendment. Mr. Pottinger responded in a letter to Chairman EDWARDS dated May 6, 1975, in part as follows:

> It is my view that any bail out amendment must be comprehensive in scope and require proof of nondiscrimination in voting beyond nonuse of literacy tests or devices. The bail out proposed by Congressman Bulter in the Judiciary Committee mark up, to which you referred in your letter of April 23, is such a provision.

Mr. Pottinger did state that in his opinion the present bail out was adequate, but he went on to note:

> It is also my judgment that if the Congress nonetheless deems it appropriate to further amend the Act, a bail out along the lines of that proposed by Congressman Butler is consistent with the goals of the Act.

Lastly, after recommending two changes which were in fact, subsequently incorporated into the amendment, Mr. Pottinger said:

> If these changes were made in the Butler bail out provision, it is my judgment that it would be stringent enough (particularly in light of the fact that the court retains jurisdiction for 10 years) to ensure that only those jurisdictions which, in fact, have rooted out the evils which the Act was designed to prohibit, could bail out.

Mr. Chairman, I am grateful that a person opposed to letting the Southern States out from under the act has the integrity to sincerely state that in his honest judgment, the impossible bail out amendment is stringent and consistent with the goals of the act. Unfortunately, other opponents of the amendment have adopted a strategy to divert debate from the major issue of whether a State that does not discriminate should be permitted to bail out.

Although the record is clear that every reasonable effort has been made to accommodate the suggestions of Members who wish to see the Southern States reform their election laws in order to regain the sovereignty that is due them under the Constitution, some Members oppose the impossible bailout amendment and any other attempt to let the South escape this so-called Second Reconstruction prior to 1985. In a "Dear Colleague" letter dated May 29, 1975, Subcommittee Chairman DON EDWARDS stated five reasons for rejecting the impossible bailout amendment which can be summarized as follows:

First. No new bailout is needed since the bailout under the current act is adequate;

Second. New standards in the impossible bailout amendment are either vague or untested;

Third. Many of the criteria proposed are so lenient that they severely weaken the act;

Fourth. The application of section 5 of the act does not prevent progressive changes in covered jurisdictions; and

Fifth. The amendment suffers from a series of serious drafting problems and ambiguities too numerous to address in detail.

These five charges are to my knowledge the strongest theoretical reasons for rejecting the impossible bailout amendment that the opponents of the amendment can muster. Yet, while each charge may be superficially devastating on its face, a reasoned analysis will reveal these objections to be illusory.

The first assertion is that the bailout currently in section 4(a) of the act is adequate. While the bailout in the present act has worked to allow jurisdictions outside the south to bailout, it is totally ineffectual with respect to the Southern States. As previously noted, the recent holding in *Virginia* v. *United States*, 386 F. Supp. 1316 (D.D.C. 1974), *aff'd per curiam*, 96 S. Ct. 820 (1975), extends the Gaston doctrine and presumes that any literacy test operates in a discriminatory manner in any State which had inferior school systems for blacks. It is not unreasonable to assume that this extension of the Gaston rationale will be further extended to bar a successful bailout by any jurisdiction, since blacks who have received inferior educational opportunities presumably reside in every State in the Nation. But even if the Gaston rationale is limited to plague the South, it renders the bailout in the present act completely inadequate. If a southern State has all of its black citizens registered, voting, and even elected to office, there is no way for the State to bailout under the act. The current bailout, if extended by H.R. 6219, will focus on events as long ago as 1955 to determine whether a State can escape from the act. Although it is accurate to say that this current bailout is irrational, unfair, and possibly unconstitutional, it is absurd to contend that it is "adequate" unless reconstruction legislation, which per se freezes in Southern States, is "adequate."

The second assertion is that the standards in the impossible bailout amendment are either vague or untested. The language in Chairman Don Edwards' letter also claims that—

> [T]here is not one shred of evidence supporting the relevance of any of the objective standards proposed by Mr. Butler's bailout (sic) amendment.

However, as previously detailed, the record indicates that several Members and the Assistant Attorney General of the Civil Rights Division suggested many component parts of the impossible bailout amendment. The Report of the U.S. Commission on Civil Rights entitled "The Voting Rights Act: Ten Years After" has also been shown to be the source for several of the criteria. This testimonial evidence in support of the amendment is substantial. While many of the suggestions contributed to curing the problem incipient in using adjectives such as "reasonable" or "adequate," it also was recognized that such adjectives are appropriate in cases where the inherent diversity of living patterns and voting practices across the country make precise standards unsuitable for statutory enumeration.

Moreover, legislation that is susceptible to interpretation by the liberal U.S. District Court for the District of Columbia is anathema to the covered jurisdictions. History indicates that overly precise standards can be complied with to the letter while avoided in spirit. Thus the objection that the standards in the impossible bailout amendment are vague is more apparent than real.

The third assertion is that many criteria are so lenient that they weaken the act. The only examples given are that the 60-percent registration rate for minorities is too low and that the required period of purity, ranging as low as 2 years, is too short. It is inconceivable that a 60-percent registration rate for minorities is more lenient than the 50-percent registration rate for the entire population set forth in the current trigger. Moreover, the focus on registration rates is only for historical continuity; when the statutory registration rate is equivalent to the statutory voting rate, only the voting rate will be determinative; that is, if greater than 60 percent minority citizens vote, then a fortiori, at least 60-percent minorities must be registered. Furthermore, the entire purpose of the Voting Rights Act is to encourage minority voting. Registration, as an end in itself, is irrelevant once actual voter participation is increased. Thus, the registration criterion does not weaken the act, and in any event, in light of the 60-percent voting standard, it is superfluous.

The criticism that a 2-year period of purity is too short to insure that long-range voting improvements have actually been made is either naive or disingenuous. Only one of the five components of the period of purity is for 2 years with the balance requiring 5 years of purity. The 2-year period relates to objections having been interposed by the Attorney General, and, as previously noted, it was based upon a recommendation of the Assistant Attorney General of the Civil Rights Division of the Department of Justice. Since the standard prohibits a bailout if any objection has been interposed to any submission, no matter how trivial, it is obvious that a period of purity longer than 2 years with respect to this component would be unduly burdensome.

Moreover, it is the impossible bailout amendment as a whole which insures long-range voting improvements; while any portion of the amendment can be attacked individually, it is clear that the entire package absolutely guarantees the commitment of the covered jurisdiction to pass and implement progressive voting changes which have achieved tangible results.

The fourth objection is that section 5 does not prevent progressive changes in voting laws by the covered jurisdictions. While it is true that section 5 does not absolutely prohibit progressive changes, it cannot be denied that the burden of complying with section 5 preclearance requirements hinders and discourages a jurisdiction from making voting changes. The burden of preclearance in terms of cost and delay has been established on the record; it is misleading for Representative Edwards to write that "the State (sic) of Virginia now employs only one person part-time to take care (sic) of section 5 Submissions." While the State employs only one person, every local voting jurisdiction in the Commonwealth also employs at least one person to file submissions pursuant to section 5 of the Voting Rights Act. Thus hundreds and perhaps thousands of people throughout the South are caught up in the web of paperwork necessary to comply with section 5 and the numerous regulations promulgated thereunder.

The final criticism of the impossible bailout amendment stated in the letter is that the amendment suffers from a series of serious drafting problems and ambiguities "too numerous to address in detail." Unfortunately, the letter fails to even generally advert to either a drafting problem or an ambiguity. The reader is offered the cryptic comment that many of these problems "jeopardize policies and interpretations which have been applicable to the act since its inception in 1965." Rather than jeopardize the policies of the 1965 act, the impossible bailout amendment reinforces one policy of the act, recently subverted by the courts, that jurisdictions which in fact do not discriminate should not be covered by the act.

Mr. Chairman, this discussion has been lengthy, but it was necessary to reveal the substance and merit of the impossible bailout amendment. The amendment will encourage States and political subdivisions to modernize their voting laws and to encourage minority voter participation. Such an incentive is necessary and salutary; I urge my colleagues to adopt this amendment to cure the deficiencies of the Voting Rights Act.

The adoption of my bailout amendment will cure many, but not all, of the other deficiencies of the act previously enumerated. A brief discussion of five other amendments will reveal the formulation of practical solutions in many areas.

OTHER PROPOSED AMENDMENTS

First, an amendment to delete the expansion of section 3 of the act to an "aggrieved person" should be adopted. Senate 401 of H.R. 6219 introduces this novel provision which is also included in a modified form in the amendment in the nature of a substitute.

The expansion of section 3 to an aggrieved person is inconsistent with the remainder of the act. While the extraordinary remedies of the act are temporary, section 3 is permanent. While the rest of the act applies to specially covered jurisdictions, section 3 applies in any jurisdiction. While the special remedies are subject to the bailout clause of section 4(a) of the act, the remedies of section 3 can be imposed indefinitely.

In short, long after sections 4, 5, 6, and 8 are dead letters, section 3 will remain to allow a Federal or State court to require preclearance—theoretically forever. If the special coverage provisions of the act are to be made permanent, then the amendment in the nature of a substitute should be adopted with a concomitant restriction on the retention of jurisdiction by the court available under section 3.

Also, as presently drafted, section 401 of H.R. 6219 opens up the remedies of section 3 only to certain language or racial minorities. There is simply no reason to discriminate against Anglo ethnic minorities by denying them access to a remedy designed to prohibit voter discrimination.

Hence, I urge my colleagues to adopt the amendment to strike section 401 of H.R. 6219.

Another fundamental inequity in the Voting Rights Act centers on locating all actions for declaratory judgments against the United States pursuant to sections 4, 5, and 13 in the U.S. District Court for the District of Columbia. This specialized venue has been defended on grounds of creating expertise in the judges, saving the United States expenses in defending litigation, and creating uniform laws on the issue of voting rights. However, none of these reasons holds up under analysis.

Only 10 bailout suits, including 1 brought by the Attorney General to effectuate recoverage, have been brought under the Voting Rights Act in its 10-year history.

Fourteen judges have sat on the three judge panels in these suits; only two have decided four cases and one has heard three cases. The other 11 judges have sat either once or twice. Only 3 of these 10 cases resulted in decisions other than consent decrees. Thus even in these few cases, no expertise has been developed and the likelihood of nonuniform decisions remains. Moreover, there is simply no argument that the litigation must be centralized in Washington, D.C. to save the Government the cost of defending litigation in remote areas of the country; only 10 suits have been filed in 10 years.

The only reason for prohibiting actions from being brought in local U.S. Federal district courts is a politically based distrust of the judges sitting in those courts. The refusal of the supporters of H.R. 6219 to adopt an amendment permitting local venue reveals the true hypocrisy of those who steadfastly contend that this act is not regionally oriented reconstruction legislation. With the imminent expansion of this act being a real possibility, it is time to allow States to sue in local Federal district courts to reclaim their sovereignty under the Constitution. The inconvenience and cost of filing an action for declaratory judgment should no longer be a factor that a State must weigh in determining whether to seek relief from the act.

For these reasons, the amendment to permit local venue in an action for a declaratory judgment should be passed.

A fundamental defect with the structure of H.R. 6219 lies in its expansion to cover "language minorities", for example, American Indians, Asian Americans, Alaskan Natives, and persons of Spanish heritage. As previously discussed, there is no reason to deny relief to any group affected by voting discrimination. It can also be contended that the act should be triggered based upon indications of discrimination against any ethnic group; but if the trigger is to be selective, then it should be rationally limited to groups with respect to which the record indicates rampant discrimination.

The record with respect to this legislation is clear. The only language minority that was seriously considered was persons of Spanish heritage. This was the sole concern of H.R. 3501 and represented the concern of the overwhelming number of witnesses. In fact, no witnesses representing the needs of American Indians, Asian Americans, or Alaskan Natives even testified. The record makes no reference to Alaskan Natives and only scant reference to Asian Americans. Similarly, reference to American Indians is insubstantial. Yet each of these groups was included in the legislation to dispel the notion that this expansion, sponsored by Representatives BADILLO, JORDAN, and ROYBAL, was only for persons of Spanish heritage.

To supplement a practically barren record, I requested J. Stanley Pottinger to indicate what evidence the Department of Justice had concerning Alaskan Natives. He replied in a letter dated May 13, 1975, that he suggested using the term "any single minority race or color the native language of which is other than English" in response to a request from Chairman EDWARDS to draft expansion language. Mr. Pottinger said that the reason for using this term, which is substantially the same as "language minorities" as currently defined in H.R. 6219, was that "legislation of this nature should not single out individual racial groups when there are several racial groups which may be similarly situated." He went on to add, "[t]his is not to say that any evidence has been presented to us of a need for expansion of the coverage of the act to Alaskan Natives; we have received no specific evidence regarding them." I must respectfully disagree with Mr. Pottinger that many groups should be covered when the evidence at best justifies the inclusion of only one group.

If citizens of Spanish heritage are to be given special treatment, there is no reason to burden other States and political subdivisions where citizens of Spanish heritage are not present. Yet this act will impose severe sanctions on several jurisdictions whose residents include American Indians, Asian Americans, and Alaskan Natives. In order to rectify this overinclusive expansion of the act, amendments to strike Asian Americans, Alaskan Natives, and American Indians from the definition of "language minorities" will be offered. The record indicates that each of these amendments should be supported by all fair-minded Members.

If it is the will of the Congress that this act be extended for an additional 5 or 10 years, then it is exceedingly important that the extension be done in an efficient manner. If the intent is to extend the act until 1985, then we should not enact a provision that can freeze in jurisdictions until beyond the year 2000, as long as a less restrictive alternative is available.

One such alternative was recommended during the hearings. Instead of lengthening the period of purity from 10 to 15 or 20 years, the suggestion is to merely prohibit a covered jurisdiction from bailing out prior to August 6, 1985, and to reduce the burden of proof back to the original period of 5 years. This has the simplicity of insuring that every 1980 reapportionment plan of a covered jurisdiction will be subject to review. At the same time, the future use of a test or device will not result in the jurisdiction being punished for 20 long years.

Those of my colleagues who believe in rehabilitation and compassion should lend their support to this amendment to effectuate a straight forward extension of the act without imposing an unintentional, unconscionable side effect.

Before I complete an admittedly lengthy debate on this subject, one last topic deserves discussion and deliberation. Under the present law, it is legally possible to vote more than once in a Federal election. Section 11 of the act deals with antifraud provisions prohibiting fraudulent registration, but as previously indicated, fails to prohibit voting more than once in a Federal election as long as valid registration has been procured.

An amendment to close this loophole has been drafted. Unbelievably, it was defeated in subcommittee and full committee on partisan grounds. The amendment is not dilatory, nor is it deceitful. It is merely a Republican amendment designed to prevent the abuses that occur in many parts of the country to dilute every person's vote, including the minority vote.

Consistent with the structure of section 11, the amendment requires criminal penalties to be imposed upon any person who votes more than once in the same Federal election, subject to certain technical exceptions. Clearly, a person evincing criminal intent to vote more than once ought to be punished.

Mr. Chairman, it is inconceivable that any Member can vote against an amendment to outlaw this insidious evil. Logic and reason call for unanimous support of this amendment.

In conclusion, we have seen that the Voting Rights Act was designed to combat the disenfranchisement of minority voters in this country. The inadequacies of the present act and of H.R. 6219 in accomplishing this goal have been explicated in detail. Progressive, affirmative solutions have been proposed and discussed to eliminate entrenched discrimination and to encourage minority voter turnout.

Mr. Chairman, the Members of this Congress have a choice. We can pass H.R. 6219 and perpetuate the stench of reconstruction legislation which does more harm than good, or we can adopt bold new legislation which will encourage affirmative action by the States to preserve and protect the voting rights of all of the people. The time to act is now.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I want to commend the subcommittee on the hearings that amount to 1,500 pages, and for the enormous work that has resulted in this very historic legislation.

Mr. Chairman, there was a time in our country, not so very long ago, when only white men over the age of 21 who owned property were allowed to vote. Blacks, women, persons under 21, and propertyless men were totally excluded from the electoral process. In determining the number of Representatives from each State to this House, the Constitution counted only three-fifths of the blacks and omitted altogether untaxed Indians. Thus while the "supreme law of the land" proposed to establish a constitutional democracy, it in fact perpetuated an electoral aristocracy.

Since the period of Jacksonian democracy in the last century, however, we have witnessed successful efforts, slow to be sure, to expand the size and composition of the electorate. The political process, both at the State and Federal levels, has accounted for much of the gain. First, most property restrictions were removed. Then denying the right to vote on account of race, color, or sex was prohibited by constitutional amendments. Recognizing the unfairness of age restrictions, voting eligibility was lowered from 21 to 18 years.

While the legislative bodies in the Nation were removing some of the barriers to voting, the courts also sought to bar, as a constitutional matter, artificial and unreasonable limitations on the right to vote which the legislatures declined to remove. In a series of decisions, which have accelerated in the last 10 years, the U.S. Supreme Court has regularly invalidated voting restrictions. It is no longer constitutionally acceptable for legislatures to enact franchise limitations which are only rationally related to a legitimate objective. The Supreme Court has held that voting is a fundamental right which cannot be infringed except where a "compelling interest" or a "supervening necessity" requires it. The Court has struck down poll taxes, durational residency requirements, and excessive candidacy fees. Only 3 weeks ago the Court invalidated Texas laws which limited voting in bond elections to certain taxpayers.

The bill before us marks another major advance in extending the right to vote to citizens previously excluded from the electoral process. H.R. 6219 continues the protection for certain minority voters which we first enacted 10 years ago, and it expands coverage of the Voting Rights Act for the first time to certain language minorities. This second feature of the bill is particularly important because it removes discriminatory barriers which States have erected to prevent non-English and illiterate persons from voting. While the ultimate solution for such language minorities is through the educational process, this bill would allow these citizens to vote now; they will not have to await some distant, indeterminate time when remedial educational programs might furnish sufficient skills to comprehend the English-only elections which are conducted almost universally in America.

Apart from the general thrust of H.R. 6219, I wish to address two particular provisions of this bill, sections 401 and 402. Both of these sections were proposed by me during the markup before our subcommittee, and were subsequently adopted as proposed. At the markup session before the full Judiciary Committee, a motion to strike section 401 was overwhelmingly defeated. Another attempt will be made on the floor to remove that section; I trust it will also fail. I should note that the substitute to be offered by the gentleman from California (Mr. WIGGINS), although greatly inferior to H.R. 6219, contains provisions identical to sections 401 and 402.

Section 401 amends section 3 of the Voting Rights Act of 1965 to provide parallel remedies to private litigants which are now available to the Attorney General. Under the present section 3, whenever the Attorney General initiates a voting suit to enforce the guarantees of the 15th amendment, he or she may ask the district court to impose the "special" remedies of the act which apply automatically in covered jurisdictions. In such suits, the court, in its discretion, may suspend any "test or device," authorize the appointment of Federal registrars—examiners—and observers, and require the defendant State or political subdivision to submit any voting change to the court or the Attorney General prior to implementing it.

The amendment which I sponsored, now section 401, would make the special remedies of section 3 available to private litigants. This is accomplished by adding the phrase "or an aggrieved person" to the appropriate places in section 3, specifying that either the Attorney General or "an aggrieved person" may seek the remedies of section 3 in any voting suit to enforce the guarantees of the 14th or 15th amendments. Such suits may, of course, be based directly upon those amendments, see *Bivens* v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), or upon statutes enacted pursuant to them, such as 42 U.S.C. 1971, 1973, and 1983.

With this amendment, we provide a dual enforcement mechanism in the voting field as we have done in other areas of civil rights. In the Civil Rights Act of 1964, for example, Congress created both private and governmental remedies in the public accommodations and equal employment opportunity titles of that statute. Section 401 is intended to fill the dual enforcement hiatus that now exists in the Voting Rights Act.

The use of the phrase "aggrieved person" is intended to mirror its usage in other Federal statutes. It is well-known and familiar phrase which has been employed by the Congress on many occasions and regularly interpreted by the courts. We used the term in titles II and VII of the 1964 act and in title VIII of the 1968 act; a similar expression is contained in the Administrative Procedure Act.

Needless to say, under section 401, only an "aggrieved person" will have standing to seek the remedies of section 3. Because voting is a fundamental right which lies at the heart of government based on the consent of the people, it is our intention to give the phrase the broadest meaning the Constitution will allow so that all barriers to the right to vote may be challenged in a proper legal proceeding. The report of the Judiciary Committee on this bill makes that perfectly plain.

In addition it must be stressed that the term "aggrieved person" should not be limited to a natural person. Ordinarily the voter, or potential voter, who is injured will be the initiator of legal action to correct illegal restrictions on the franchise. There may, however, be a number of circumstances when that is impossible or impractical. In such cases, an "aggrieved person" may be an organization representing the interests of the victims or a person who, although not a member of the excluded class, is nonetheless adversely affected by the challenged act or practice.

The standing of such persons to bring suit is not a novel concept as the courts have long recognized such interests. In *Trafficante* v. *Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972). *NAACP* v. *Button*, 371 U.S. 415 (1963), and *Barrows* v. *Jackson*, 346 U.S. 249 (1953), the Supreme Court held that individuals and organizations, other than the direct victims of the discrimination or members of the protected class, have standing to challenge exclusionary practices. Congress, of course, cannot go beyond the limits which article III of the Constitution places on the jurisdiction of the Federal courts. But we can legislate to the outer perimeters of that authority, and that is what we mean to do here.

I should note additionally that the thrust of section 3 is to authorize the application of the "special" remedies of the Voting Rights Act to noncovered jurisdictions since they already apply to covered areas. There may be circumstances, however, when a private litigant wishes to invoke the authority of the Federal court so that it may apply and supervise the implementation of the section 3 remedies in States or political subdivisions already covered by the act. Section 401 would allow an aggrieved person to ask a Federal court to apply section 3 remedies to a presently covered jurisdiction for such purposes.

Mr. Chairman, I also wish to comment on section 402, a provision which I offered as an amendment during the markup. This section authorizes the court, in its discretion, to award a reasonable attorney's fee to the prevailing party in a voting suit. This provision is extremely important if the dual enforcement scheme envisioned by section 401 is to be effective. We cannot expect private litigants, especially minorities, to bear the tremendous costs of instituting suit to remedy unlawful voting practices. In the wake of the recent decision of the Supreme Court in *Alyeska Pipeline Service Co.* v. *Wilderness Society*, No. 73–1977 (May 12, 1975), the importance of section 402 is underscored. In that case, the Court held that counsel fees are not ordinarily recoverable, even by "private attorneys general," in the absence of a statute authorizing them. No such statute presently exists for voting suits.

Section 402 takes on added significance when it is considered that the ordinary plaintiff in a voting suit is seeking only an injunction. Thus the need for recovering counsel fees is even greater than might be in the case where damages are also obtained. Consequently, under section 402, a successful litigant seeking to secure voting rights "should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968) (per curiam). Of course, even if damages are awarded, counsel fees would still be appropriate.

The provision for attorney fees in section 402 is available in "any action or proceeding to enforce the voting guarantees of the 14th or 15th amendment." Such litigation would include not only suits based directly on those amendments, but also cases based on statutes passed pursuant to them, such as 42 U.S.C. 1971, 1973, and 1983. The phrase used are words of inclusion, not limitation. To the same extent, the provision is available to the State court as well as the Federal court litigant. This is the scheme we enacted in the Federal Fair Housing Act, 42 U.S.C. 3612, and that is the result we desire here. Private litigants, particularly, should have the option of choosing local courts since they may be more convenient forums. In such instances, section 402 counsel fees ought to be available to them.

Section 402 uses the phrase "prevailing party" in defining who should recover counsel fees. That language is meant to be as broad as the phrase "aggrieved person" contained in section 401. Both should be liberally construed to effectuate the purpose of these sections: to achieve broad-scale compliance with voting proscriptions. "Prevailing party" would include an individual as well as an organizational plaintiff. It might be the party who originally brought the suit or it might be an intervenor. See *Thomas* v. *Honeybrook Mines, Inc.*, 428 F. 2d 981 (3rd Cir. 1970), *cert. denied* 401 U.S. 911 (1971). In bailout suits instituted by covered jurisdictions against the United States, it would also include a private person who intervened as a defendant or participated as a third-party plaintiff, to urge the district court not to allow the State or political subdivision to remove itself from coverage under the act.

Consequently to recover attorney's fees, it is not necessary that the "prevailing" party succeed in obtaining an injunction against an offending State or political subdivision. An intervenor in a bailout suit, for example, would "prevail" when the district court denied relief to the plaintiff government. Furthermore a litigant would "prevail" when the law suit causes the jurisdiction to alter practices which adversely affect voting rights even though the court might conclude that formal relief, such as an injunction of declaratory judgment, is unnecessary as a matter of equity.

Under a similar provision for attorney's fees in Title VII of the 1964 Civil Rights Act, the courts have allowed such awards in those circumstances. *Parham* v. *Southwestern Bell Telephone Co.*, 433 F. 2d 421 (8th Cir. 1970); *Brown* v. *Gaston County Dyeing Machine Co.*, 457 F. 2d 1377 (4th Cir.), *cert. denied* 409 U.S. 982 (1972). Similarly, if the litigation terminates in a consent decree, it would be appropriate to award counsel fees. *Aspira of New York, Inc.* v. *Board of Education of the City of New York*, 65 F.R.D. 541 (S.D.N.Y. 1975). And, of course, plaintiffs who bring so-called "test cases" would clearly be entitled to such fees. *Lea* v. *Cone Mills Corp.*, 438 F. 2d 86 (4th Cir. 1971); see also *Evers* v. *Dwyer*, 358 U.S. 202 (1958).

In appropriate circumstances, I should add, a court is also authorized to award counsel fees as a matter of interim relief pending the outcome of the case. The word "prevailing" does not require the entry of a final order before fees may be recovered. See *Bradley* v. *School Board of the City of Richmond*, 416 U.S. 696 (1974); *Mills* v. *Electric Auto-Lite Co.*, 396 U.S. 375 (1970).

In exceptional circumstances, the phrase "prevailing party" might also include a defendant. The standard for awarding counsel fees to a prevailing defendant, however, is not the same as for a prevailing plaintiff. If it were, the risk to the disadvantaged, minority litigant might be so great that it would discourage law suits to remove barriers to voting. In the Alyeska case, supra, the Supreme Court indicated that the liberal test for awarding fees announced in Newman against Piggie Park was intended to apply only "to the successful plaintiff."

Furthermore such defendant governmental units are much better able to bear the expenses of litigation. When they are required to pay counsel fees, they draw from the common treasury (including, incidentally taxes paid by the plaintiffs). See Bradley case, supra. Such resources are not available to minority litigants. Thus it is intended that a much more restricted test be applied when the "prevailing party" is a State or political subdivision, or its officials.

A court might award counsel fees to defendants on those rare occasions when they must "defend against unreasonable, frivolous, meritless or vexatious actions brought by either private parties or the Government." *United States Steel Corp.* v. *United States*, 385 F. Supp. 346, 348 (W.D.Pa. 1974). As long as the plaintiff has initiated the action "in good faith," however, counsel fees should not be awarded to a prevailing defendant. See *Richardson* v. *Hotel Corp. of America*, 332 F. Supp. 519 (E.D.La. 1971), aff'd without published opinion 468 F. 2d 951 (5th Cir. 1972).

Mr. Chairman, I therefore urge all my colleagues to vote in favor of H.R. 6219, and to reject all amendments which would weaken or dilute its provisions.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Virginia.

Mr. BUTLER. I thank the gentleman for yielding.

I regret I used my time up before I could yield to the gentleman.

I appreciate the gentleman's yielding to me as I do think it is important to advise that the Attorney General of the United States in a very learned letter of very recent origin, which inadvertently came into my hands, has stated that the effect of the Butler "bailout"—and I quote:

> does not legislatively negate the doctrine for Gaston County, but it does allow the jurisdiction to demonstrate its compliance with all of the goals of the act for a substantial period of time.

I mention this so that the gentleman will understand that my purpose is not to negate Gaston County, which I judge is the gentleman's only objection to the impossible bailout.

Mr. DRINAN. Would the gentleman agree that his amendment does in effect repeal not merely Gaston County against the United States but also Virginia against the United States, another Supreme Court decision?

Mr. BUTLER. If the gentleman will yield, it was a per curiam decision of the Supreme Court of the United States in Virginia against the United States which did not allow any covered State an opportunity to prove its way out from under the act. Because it was conclusively presumed that the literary test was used to discriminate against minorities.

Yes, it does overcome that by giving ourselves the opportunity to develop, to prove our way out of section 5, and protect the constitutionality of our legislation.

Mr. DRINAN. But would the gentleman be able to respond to the key factor in that particular decision, namely that for a number of years the particular State in question did in fact maintain its inferior schools and that the whole legislative history of the Voting Rights Act suggests and makes overwhelmingly clear that the purpose of this act was to give every citizen, regardless of his lack of training in literacy, an equal opportunity to vote. If blacks had had separate but equal, but truly unequal, opportunity, then they were simply not in a position to live up to the literacy test even if that is of a meaningless character? That is the basic constitutional thrust and, with all due deference, I have not heard the gentleman from Virginia speak to that.

Mr. BUTLER. One reason the gentleman from Massachusetts has not heard me speak to it is because I have not had the opportunity to speak to it but if the gentleman will yield, I would like to say the requirements in Virginia was not like the literacy test in other States. I mention this because we have in the record no indication, and this has been affirmed many times, that there was discrimination in the application of even our modest literacy test, which has been since repealed. It did not require that the applicant read and write the Constitution or interpret portions of it. It required only that a prospective voter make application in his own handwriting on a form supplied by the registration officer. No evidence was presented to the district court in Virginia against the United States that such a test had been applied in a discriminatory manner during the 10 years preceding the filing of this action. All the evidence was to the contrary.

Even in 1961 the Court reported that Virginia unlike many Southern States did not practice discriminatory voting processes. The Attorney General of Virginia conducted an extensive factual investigation into the manned in which Virginia's test had been applied during the previous 10 years. That showed the test had no significant impact in disqualifying voters, black or white, in Virginia.

Despite that, the Supreme Court nevertheless found Virginia had to comply with the act. But in doing so, we find Virginia was commended by the Court for its good faith effort in voter registration in the sixties. Yet despite all this: because of the Gaston doctrine, Virginia would not be able to prove its way out of the act.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BUTLER. I yield to the gentleman from Massachusetts 3 additional minutes.

Mr. DRINAN. Mr. Chairman, I thank the gentleman from Virginia for requesting the additional time for me.

I am inclined to think the gentleman from Virginia misconstrues the Gaston decision of June 2, 1969, by the Supreme Court. This opinion explicitly disclaims any per se rule; it notes that the Court's decision below is premised not merely on Gaston County's maintenance of a dual system but on substantial evidence that the county deprived its black residents of equal educational opportunity, a fact which is turn deprived them of equal opportunity to pass the literacy test.

If the gentleman from Virginia wants to reverse this decision completely the burden is on him to prove the justice of a reversal of such a decision.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. DRINAN. In conclusion, Mr. Chairman, I urge all my colleagues to vote for this monumental legislation, to vote in favor of H.R. 6219 and to reject all amendments which would weaken or dilute its provisions.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. Kindness).

Mr. KINDNESS. Mr. Chairman, the Voting Rights Act has served its purpose. The testimony before the subcommittee shows overwhelmingly that registration and voting by black Americans, and in particular in the covered States, has increased dramatically since the enactment of the Voting Rights Act. Strong indications of the change in the attitude of most citizens throughout our land is shown in the record.

Now, however, some fear and some reticence remains in certain areas that voting and registration may carry with the rights, some risk. That feeling is not limited to identifiable minority group members. Therefore, it could be argued that the Voting Rights Act need not be extended. I believe that the Voting Rights Act should be extended, but point out that the Voting Rights Act is not the only protection that is available, however. The poll tax, of course, has been done away with. The Civil Rights Act remedies are still available, and section 3 of the Votings Rights Act is already permanent protection.

The basic question before us is whether the extraordinary provisions of sections 4 and 5 of the Voting Rights Act should be continued in force. If so, for what period of time? If so, under what modifications and what provisions.

I would like to suggest that there are modifications that are necessary. Our colleague, the gentleman from Virginia (Mr. Butler) has already indicated one great need. The law, as it is, is not dynamic. It is static. It does not encourage improvement in the performance of the States. That, indeed, should be changed.

There are amendments that we can find in the Congressional Record at page H4591 of May 21, 1975, that I will seek to gain the support of the membership on tomorrow which would make other modifications. One would have to do with the period of purity, as I call it, necessary to obtain a declaratory judgment on the part of the State to "bail out" from under the coverage of the Voting Rights Act.

Section 4 of the Voting Rights Act presently provides that a State may free itself from the special coverage of section 4 by filing a declaratory judgment in the U.S. District Court for the District of Columbia and proving that for the past 10 years the State had not used a test or device requirement to vote on the basis of race or color.

Hence, if a State transgresses the law and uses a test or device with the prohibited effect, it must wait 10 years before it can successfully escape the onerous special provisions of the Voting Rights Act.

Historically, this "period of purity" was originally set at 5 years in the Voting Rights Act of 1965. When the Voting Rights Act was amended in 1970, the proponents sought to extend it by changing the period of purity from 5 years to 10 years. This had the effect of freezing the States then under the act because of transgressions in 1964.

In 1975, the Voting Rights Act will again undoubtedly be extended for 5 or 10 years. The proposed method of extension again lengthens the period of purity. While this will freeze the States presently covered by retaining 1964 transgressions for another 5 or 10 years, it has the disadvantageous repercussion of punishing a future transgression for 15 or 20 long years.

For example, if Virginia were to employ a test or device in derogation of the act in 1984, the special coverage provisitons would apply until the turn of the century, as the bill is now worded.

This amendment I will propose seeks to accomplish the goal of extension, while at the same time retaining a reasonable "period of purity" in order that future transgressions will not carry an inordinately long penalty.

A second thing that is needed by way of modification is to allow the States to litigate with regard to the declaratory judgments we have been discussing in the Federal district court that is local to that State, rather than everyone having to come to the U.S. District Court for the District of Columbia. I think it is quite apparent that the District of Columbia is not the most convenient forum for these matters. The States that are covered or that will be covered under the language of the act as it now stands would have to come from great distances to litigate here in the U.S. District Court for the District of Columbia; bring witnesses and everything that is necessary to the decision of the declaratory judgment action, rather than being able to go into the U.S. district court for the district involved in that State.

I would point out one more modification that is very necessary, I think, which has been discussed here already, in the opposite direction, by our colleague from Massachusetts (Mr. Drinan). That is the matter of an aggrieved person being able to bring an action, in addition to the Attorney General, to obtain the extraordinary relief afforded under the act. Assuming that the committee language is retained in the bill, there is the need, I believe, to strike this particular language which says that an aggrieved person can bring this action.

We should notice, first of all, that these are extraordinary remedies that are provided at present only to the Federal Government to encroach upon the proper constitutional area of the States which are covered under the act. The reason for that and the justification for that is the past malpractices of the States which have, for this period of time since 1965, been denied their normal constitutional function. Now, it is being suggested, in the language of the bill as it comes to the House floor, that any aggrieved person should be able to bring an action which could bring about the application of these extraordinary remedies.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, would the gentleman be opposed to including the provisions which are presently included in the Civil Rights Act of 1964, and also in the Housing Act of the Congress in title II and title VIII of the 1964 act, and title VIII of the 1968 act?

The precise language that we now incorporate in the Voting Rights Act was included in those acts. Would the gentleman, therefore, be suggesting that we are to wipe out all the dual enforcement procedures in virtually all previous civil rights bills?

Mr. KINDNESS. I think the gentleman makes an excellent point. What we are considering here is not the Federal Civil Rights Act and its connection with other laws already on the books.

We are talking here only about the Voting Rights Act, which provides an extraordinary set of remedies, and which provides for the extraordinary flow of actions which may be put into place by the court in the event certain findings are made, at the behest of the Attorney General.

I would suggest that the possibility of any aggrieved person being able to bring about the set of remedies that provides for Federal examiners and the whole works, including preclearance with the court, is of such an unusual nature that it is really foreign to the type of statutory provision of which the gentleman from Massachusetts speaks. It is an entirely different set of circumstances, and I differentiate on that basis.

I would suggest that these modifications are very necessary in order to bring the Voting Rights Act into line so that it will be broadly supported.

As a member of the subcommittee, I have spent a reasonable amount of time on this bill, but I cannot pretend to know or foresee all of the results which may flow from the enactment of this bill as the law of the land. I can only say that the proper constitutional rule of the individual States which comprise and support this Nation as a Republic should be reinstated to them as soon as possible, consistent with the protection of the rights of all citizens to vote and participate in our Republic. The conditions under which this law is extended must be reasonable and consistent with that principle, in order to be respected by the people of the Republic generally. We must not petrify the law.

The tendency to emulate the dinosaur and other extinct creatures should be removed.

Mr. EDWARDS of California. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. Badillo).

Mr. BADILLO. Mr. Chairman, I rise in support of this legislation, and I rise in support of this legislation in full, without amendment, as it is.

Mr. Chairman, I want to say that I was a member of the subcommittee, and I want to commend the chairman of the full committee, the gentleman from New Jersey (Mr. Rodino). I want to particularly commend the gentleman of the subcommittee, the gentleman from California (Mr. Edwards) for giving us all an opportunity to present our points of view and to present whatever witnesses we had so that we could make sure that the Voting Rights Act of 1975 was an improvement over the Voting Rights Act of 1965 and 1970.

Mr. Chairman, I particularly appreciate the opportunity, because I became a member of the Committee on the Judiciary because I felt that this can be the most important legislation of this session of Congress, in terms of seeing that everyone understands that the spirit of the 1960's which led to the Voting Rights Act of 1965 is still alive in the 1970's, and in terms of seeing to it that everyone understands that we mean to insure that there will be a full opportunity for everyone in this country to vote.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I will certainly yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I would like to point out to the Committee that the gentleman from New York (Mr. Badillo) and the gentlewoman from Texas (Miss Jordan) and the gentleman from California (Mr. Roybal) all shared the honor of being the authors of titles II and III of the bill, which constitute its great forward step in civil rights and voting rights in the United States, and all three, particularly the gentleman in the well now, should be commended.

Mr. BADILLO. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I want to point out that the gentlewoman from Texas (Miss Jordan) is here, as well as the gentleman from California (Mr. Roybal), and that we saw to it that these hearings were structured so that those who wanted to testify would have an opportunity to do so. There were people who came from all parts of the country, particularly to testify on the question of extending the act to include the new language minorities.

We had individuals such as Mrs. Vilma Martinez, the president and general counsel of the Mexican-American League Defense and Education Fund; Mr. Jack John Olivero, the director of the Puerto Rican Legal Defense and Education Fund; Mr. Leonard Castillo, the comptroller of Houston, Tex.; and many others. All of them documented the fact that there exists today barriers to registration, barriers to voting, and barriers to candidacy in the areas affected by the language minorities which make it essential that the Voting Rights Act be extended to include them as well.

Mr. Chairman, it was for that reason that the gentlewoman from Texas (Miss Jordan), the gentleman from California (Mr. Roybal), and I submitted a bill together, at the end of the hearings, which became the basis for title II and title III.

I want to point out to the Members that title II and title III, as already enacted, are really very limited provisions which admittedly do not cover all of the areas that should be covered, but merely try to establish the principle that the language minorities are entitled to the same protection that presently exists in the Voting Rights Act for other groups. The reason that we specifically refer to the protections of the 14th amendment was because of the fact that the Spanish-speaking groups may be of one racial group or another. They might be white; they might be black; they might be Indian; or they might be a mixture of two or three different groups. In order to insure that all of them would be covered, whatever their background be, we provided that the protections of the act shall include not only the protections guaranteed by the 15th amendment, but the protections guaranteed by the 14th amendment as well.

We sought to maintain precisely the same structure that presently exists in the act, and that is the reason that in title II the trigger mechanism that is retained is identical to the mechanism in the 1965 act. That is the principle that the jurisdictions to be covered will be those where less than 50 percent of the persons of voting age were registered to vote or actually voted.

The only change we made was that in the definition of "test" or "device" we provided that a test or device shall be considered to exist where there are more than 5 percent of the people of a single language minority and the ballots are in English only. It is for that reason, when that test is applied, that we get a certain number of additional covered jurisdictions.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Virginia.

Mr. BUTLER. As I understand it, there is no evidence that would indicate the necessity for extending the act to Alaskans.

Mr. BADILLO. I remember that the gentleman was a member of the subcommittee when the Assistant Attorney General, Mr. Pottinger, testified. He had requested that we go beyond merely a one-language minority. Does the gentleman remember that I asked him whether he would be willing to agree to have only persons of Spanish heritage, and he felt that other groups should be included. It is at the request of the Attorney General that the language minorities are extended to include not only Spanish-speaking persons or persons of Spanish heritage, but the Alaskans and the Indians.

Let me just make one other point: Alaska was included, in fact, under the previous act, and the Alaskans would technically be included under the 15th amendment as well as the 14th because they are members of a separate race.

It is clear that under this provision in title II, since Alaska has already been bailed out, it would be possible for the Alaskans to bail out again if this provision were to be enacted.

Mr. BUTLER. Mr. Chairman, if the gentleman will yield further, along these lines, it is perfectly clear that the extension to the Alaska Natives was not based on research in that area, and indeed, Mr. Pottinger, the Assistant Attorney General, wrote us to this effect on May 13:

> This is not to say that any evidence has been presented to us of a need for expansion of the coverage of the Act to Alaskan natives. We have received no specific evidence regarding them.

The gentleman is familiar with that statement from the Attorney General; is he not?

Mr. BADILLO. That is right.

Mr. BUTLER. I thank the gentleman.

Mr. BADILLO. I do want to point out, as I said earlier, that the Alaskans will be covered in any event under the 15th amendment. The new problems with respect to Alaskans are not under title II because the Alaskans went through that already in 1965 and 1970. The new problems arise with regard to title III, however, on the question of a bilingual ballot, and this problem arises in view of the fact that certain of the languages that are spoken in Alaska are not written languages, and therefore a difficulty arises as to that.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, my understanding of this bill is that the language of a minority has nothing to do with regard to whether the minority speaks English or not, but, for instance, persons who have Spanish surnames, they would be classified in the language minority.

Mr. BADILLO. That is right.

The term "language minorities" so far as the Spanish-speaking people are concerned, is defined by the legislation as persons of Spanish heritage, and the reason for that is that there are different definitions in the census, one of persons of "Spanish origin" and another of persons of "Spanish heritage." The more limited term used was persons of Spanish heritage, and that is why that language is used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS of California. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. BADILLO. I thank the gentleman for yielding me the additional time.

Mr. GOLDWATER. Mr. Chairman, if the gentleman will yield still further: in other words, this is based on their name, and not on whether they can speak English or not?

Mr. BADILLO. That is right. It is based on persons of Spanish heritage, which is the census definition. However, there have to be certain factors that do exist. First, that there be a jurisdiction where less than 50 percent of the people were registered to vote, or voted in 1972; record, that there be more than 5 percent of persons of Spanish heritage, and in that case; third, of course, that there had been no ballots in a language other than English. In that case the provisions of title II would apply. But, as I have indicated, this is a very limited number of cases throughout the country. It is for that reason that title III was put in the bill. Title III does not bring about the full provisions of the Voting Rights Act into each jurisdiction, title III merely provides that there shall be a bilingual ballot, and no other condition, where more than 5 percent of the people are of Spanish heritage, and they have a literacy rate that is lower than the national average. If those conditions exist, then the jurisdiction will be covered by title III.

So that essentially there are two totally different triggering mechanisms, one which brings a jurisdiction within full coverage of the Voting Rights Act in terms of the power of the Attorney General, and another one, in title III, which merely provides that there shall be multi-lingual elections, and does not give the Attorney General any more powers.

Mr. GOLDWATER. If the gentleman will yield still further, does this still authorize the Bureau of the Census to do anything other than what it is doing today, or does it give them added power to go in, in more detail, into the lives of people, or their backgrounds?

Mr. BADILLO. Not to go into more details. The Bureau is required to conduct special studies in order to determine compliance; that is, to take more regular samples to determine, first of all, the exact percentage of a single-language minority or, second, whether or not the literacy rate in a given jurisdiction has improved over a period of time, but we do not require any additional information than would otherwise be borne by the Bureau of the Census, only that we require such information more often, and hopefully in a much more systematic way that we have gotten it up to now.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, title II requires that the ballots in an appropriate jurisdiction be printed in the language of the minority; does it not?

Mr. BADILLO. That is right.

Mr. WIGGINS. The gentleman has spoken in terms of a bilingual ballot, but you really must assume the possibility of a trilingual ballot, or a multilingual ballot; do you not?

Mr. BADILLO. It is possible, yes.

Mr. WIGGINS. Let us talk about Indians. Would the act require the ballot to be printed in the dialect of the Indian?

Mr. BADILLO. If the other conditions were met, yes.

Mr. WIGGINS. If the gentleman will yield further, how many dialects are there of Indians?

Mr. BADILLO. I have no idea.

Mr. WIGGINS. If I told the gentleman that there are over 160, would that strike the gentleman as being wrong?

Mr. BADILLO. No, but I would doubt that there would be a single jurisdiction where there would be more than 5 percent of Indians who would be speaking the 160 languages. We know, of course, the reality is that Indian tribes like all other people live together, and generally a tribe would be living within one jurisdiction, so a tribe would ordinarily speak one dialect.

Mr. Chairman, the enactment of H.R. 6219 could represent a further advancement in civil rights by continuing to provide needed protections, previously covered jurisdictions, and by extending the vital protections of the Voting Rights Act to Hispanic Americans and members of other language minority groups.

Specifically, the bill would add a subsection to section 4 of the act. The new subsection (f):

First, sets forth congressional findings relative to voting discrimination against citizens of language minorities who suffer from illiteracy in the English language because of unequal educational opportunities. This subsection further declares the necessity to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

Second, prohibits States and political subdivisions from enacting any voting qualification, or prerequisite to voting, or standard, practice or procedure to deny or abridge the right to vote of any citizen because he is a member of a language minority group.

Third, expands the definition of the phrase "test or device." A jurisdiction is determined to employ a test or device if more than 5 percent of the citizens of voting age residing in the jurisdiction are determined by the Director of the Census to be members of a single language minority; and the jurisdiction, in the 1972 Presidential election, provided any registration or voting notices, forms, instructions, assistance, or other materials relating to the electoral process, including ballots, only in the English language.

Fourth, requires that whenever any jurisdiction subject to this section provides any registration or voting materials—as defined above—it shall provide them in the language of the applicable minority group as well as in the English language.

Title II of H.R. 6219 also contains a specific separability clause with respect to the amendments made by this bill to the act. This separability clause is of particular importance in this bill because it should be the demonstrable intent of Congress that the extension of the Voting Rights Act of 1965 not be impaired by a challenge to the constitutionality of the provisions of this bill which would expand the coverage of the act.

Title III of H.R. 6219 would amend the Voting Rights Act of 1965 to ban the use of English-only election and registration materials and assistance until 1985 in those States and political subdivisions not covered by the special provisions of the act, but which have a substantial concentration of language minorities and where the illiteracy rate in English of such persons is above the nationwide illiteracy rate in English for all persons of voting age.

Under title III, citizens of language minority groups who have been excluded from the political process because of their inability to speak, write, or understand English would be provided some assistance through bilingual election procedures. In contrast to title II of the bill, such assistance under title III would require a minimum of Federal intrusion into State affairs and would not set into operation all the stringent requirements of other sections of the Voting Rights Act.

The less stringent provisions of title III are based largely on unequal educational opportunities. The evidence indicates a close and direct correlation between high illiteracy among these groups and low voter participation. For example, the illiteracy rate among persons of Spanish heritage is 18.9 percent, among

Chinese is 16.2 percent and among American Indians is 15.5 percent, compared to a nationwide illiteracy rate of only 4.5 percent for Anglos. In the 1972 Presidential election 73.4 percent of Anglos were registered to vote compared to 44.4 percent of persons of Spanish origin.

The high illiteracy rate among these language minorities is not coincidence. It is the result of the failure of State and local officials to afford equal educational opportunities to members of language minority groups. While title III will not correct the deficiencies of prior educational disparities, although that may be a necessary concomitant, it will permit persons disadvantaged by such inequality to vote now.

A State or political subdivision would be covered under title III of H.R. 6219 if a single language minority comprises 5 percent of the total voting age citizen population, and if the illiteracy rate of that group is greater than the national average. For purposes of this title, "illiteracy" is defined as failing to complete the fifth primary grade, the level at which a minimum comprehension in English ordinarily would be achieved.

It is clear, therefore, that the present legislation is carefully and narrowly limited in its impact. Nevertheless, it serves notice to all local jurisdictions that Congress does not mean to either retreat or to stand still in asserting its authority to enact legislation under the 14th and 15th amendments to insure that the right to vote becomes a meaningful right available to all citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. JOHNSON of Colorado. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore (Mr. STUDDS). One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, my first purpose in taking the well is to underscore the importance of what we do here today and tomorrow. The Voting Rights Act of 1965, as amended in 1970 and as now proposed for amendment in 1975, is probably the single most important act passed by the Congress of the United States with respect to the exercise of the franchise since the adoption of the 15th amendment.

This is critically important legislation.

Now, given the importance of this bill, it is important to review its efficacy and the rationality of the procedures adopted in the act to achieve the benefits intended.

It is my contention, Mr. Chairman and members of the committee, that the triggering mechanism under the act is, in the light of present day circumstances, irrational and ought to be improved. There will come a time tomorrow when I shall offer a substitute which is designed to improve this act, to make it a better act, to make it more rational more logical, in light of today's circumstances.

What is wrong with the trigger which this Congress imposed upon the country in 1965? Let me give the Members an answer to that question in the following way: The whole theory of the Voting Rights Act is that the right to vote should not be denied or abridged by reason of racial discrimination. The emphasis is on the right to vote.

We were mindful in 1965 that there were many techniques for denying and abridging the right to vote and a case-by-case remedy was totally undesirable and unrealistic.

Accordingly, we adopted a triggering mechanism which presumed discrimination where certain facts existed historically. The facts which triggered the presumption were the presence of a test or device in 1964, and the failure of voters to turn out in the 1964 election. If those two things existed, then the Congress rebuttably presumed that discrimination existed within that jurisdiction.

The presumption was merely rebuttable because a jurisdiction had the right to bail out from under the act by demonstrating to the U.S. District Court in the District of Columbia that, in fact, it had not discriminated against blacks in its voting practices. The key was to look to historical events, to what happened in 1964, to presume discrimination for a period of 5 years into the future.

When we extended this act in 1970, we continued to apply the 1964 trigger, as the Members all know. We added a refinement to it, but basically if a jurisdiction erred in 1964, it was going to be covered for a period of 10 years. We continued to rely upon historical facts rather than on current reality.

I contend, Mr. Chairman, that we can make this act a better act if we look to current circumstances rather than to what happened 10 years ago. With that in mind, I have proposed a substitute. The substitute makes this bill permanent legislation. It does not extend it for a period of 5 years or 10 years; it is a permanent act of Congress, and I think that is a desirable thing to do.

Second, it modifies the triggering mechanism so that a jurisdiction would be covered if two things occurred: That there were 5 percent of more black citizens or brown citizens within the jurisdiction at the time of the most recent general election. Those are the only two covered minorities in my substitute. Indians are not; Asian Americans are not; Alaskan Natives are not; only blacks and browns.

If 5 percent of blacks or browns are within a jurisdiction at the time of the most recent general election, and if those designated minorities fail to vote—not historically, but in the most recent general Federal election—at a rate of 50 percent or more, then that is a sufficiently suspicious circumstance to cause the Congress of the United States to require preclearance of that jurisdiction's voting practices to insure the absence of discrimination.

Clearly such an approach is much more rational than the current trigger, Mr. Chairman. The Members understand that in the year 1976 if a jurisdiction in Georgia, for example, had every single black vote, every one, it would still remain covered under the act because of something that happened in 1964. What is the common sense of that?

I would suggest to the Members that there is no rationality in that kind of trigger.

Let us look at the other side of this coin. Let us look at the jurisdiction of Chicago, for example. If in fact, in 1976 no blacks voted in Chicago, none, that jurisdiction would not be covered because the present act looks to what happened either in 1964, 1968, or 1972.

The trigger which I have proposed in my substitute is dependent, as I have said, upon the existence of a 5 percent minority, black or brown. I picked 5 percent, Mr. Chairman, only for de minimis reasons. It makes no sense to me to invoke the extraordinary remedy of Federal preclearance in the jurisdictions where they have only a handful of blacks. The appropriate relief in such an instance is not Federal preclearance but rather individual lawsuits under section 3 of the act.

And, second, the turnout is dependent on the performance in the most recent election. That means that in 1976 if a jurisdiction gets its blacks and browns out to vote, 50 percent or more, they will be thereupon uncovered for 2 years. In 1978 they will be subject to review again. If the blacks and browns in that same jurisdiction fail to turn out 50 percent or more, coverage would attach, and so on, each 2 years.

No one can convince me—and I try not to be bullheaded about this—that it is more rational to look at historical events rather than current performance. The irrationality of the current mechanism is further demonstrated by the requirement of the test or device.

Tests or devices were outlawed in this country in 1970. A national ban was imposed for 5 years in 1970, and there has not been a testing device lawfully in existence since 1970 anywhere in this country.

This legislation makes that ban permanent, and I wish to support that change. My substitute also requires a permanent ban on literacy tests. To continue to look to tests or devices is outmoded in current circumstances.

Mr. Chairman, I want to suggest to the Members, as well, that the jurisdictions entitled to bailout under the existing act are given no incentive to improve their voting procedure. None at all. They are locked in as a result of what happened in 1964.

Why in the world would a jurisdiction endeavor to improve its voting laws when there was no way that it could benefit by reason of that improvement by escaping the burdens of the act.

If we adopt my substitute, on the other hand, there is a positive incentive for dominant white majorities to get the blacks out to vote, because to do so they will get out from under the act. And, after all, that is what this act is all about: to get those minorities out to vote.

There have been several objections that I have heard to my substitute. One is as to its cost. I have had several discussions with the Bureau of Census on this problem. The problem of cost, of course, pervades not only my substitute but the committee bill, as well. It is a troublesome item. The difficulty is that the Bureau of Census is unaccustomed to dealing with probabilities. And yet for purposes of this act, the existence of a 50-percent turnout or the existence of a 5-percent minority is not the ultimate fact to be proved. Those facts merely trigger a rebuttable presumption. That is all. A high degree of precision with respect to whether in fact there is exactly 5 percent or exactly 50 percent is not necessary.

Accordingly, the Bureau of the Census is instructed, by reason of the legislative history which I shall include in this bill, to simply make the determinations required for it on the basis of probability; that is, whether it is more probable than not that there is a 5-percent minority population and that 50 percent of that minority voted in the most recent general election.

There are many lawyers in this House, and many are listening to me right now. We are accustomed to dealing in probabilities. We are accustomed to establishing and accepting as true facts which are demonstrated simply by a preponderance of the evidence, and clearly that standard is sufficient for purposes of triggering a rebuttable presumption.

The Bureau of the Census, on the other hand, would like to make the determinations under this act with a 95-percent degree of certainty. That is a very expensive process, but it is not necessary. They can determine the existence of the 5-percent minority on the basis of the statistical data in their computer based upon the 1971 census data.

As far as I am concerned, that is adequate for the purposes required under this act, and it is a very inexpensive procedure. They have talked in terms of hundreds of millions of dollars. I want to suggest to the Members that if the Bureau of the Census cannot make the determinations required hereunder on the basis of probability, that is, more probable than not, for less than $10 million a year, then our appropriation committee ought to look very carefully and very skeptically at their budget proposals because they are injecting a greater degree of certainty than we require under this act.

I want to make clear with respect to the legislative history—and I shall, by insertion in the Record, show the constitutionality of the proposal which I have advanced—that it is important under the standard Katzenbach against South Carolina that this trigger mechanism which I have proposed be rational. I am prepared to demonstrate and to argue here now that it is more rational than the trigger mechanism invoked under the bill because it deals with voter performance by the very minoriy to be affected rather than the performance of everyone.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, the gentleman indicated he would cover the legislative history.

Would the gentleman please indicate any support for his proposition that is contained in the 1,300 pages of hearings conducted by the subcommittee?

Mr. WIGGINS. Did I understand the gentleman to say, do I intend to support that record? Of course, I support that record.

Mr. DRINAN. No, I am sorry. Does the gentleman seek to support his substitute by anything that is in the record of the hearings that the subcommittee conducted over many, many weeks, a record that now totals more than 1,300 pages?

Mr. WIGGINS. Yes, indeed. My substitute properly takes into account that record.

How in the world can the gentleman from Massachusetts (Mr. Drinan) whose record as a civil libertarian is richly deserved—and I commend him for it—but how in the world can he seek to impose a trigger on this country which does not hit discrimination in the North, yet institutionalizes a trigger mechanism in the South? I say to the gentleman that it does him no credit to perpetuate it.

Mr. DRINAN. If the gentleman will yield further, I would like to respond to that.

We have here the record of the U.S. Commission on Civil Rights. It is reproduced in part 3 of the hearings. Throughout the cities of the North there are all sorts of discrimination against blacks and minorities, but there is no overt or perhaps no implicit voting rights discrimination. The problem that the U.S. Commission found, and the problem that the subcommittee found, was that in the South and elsewhere there has been a persistent pattern of discrimination that prevents or inhibits blacks and Spanish-speaking persons from voting.

If the problem were found in the same way in northern cities, I would be the first one to say that we should extend this Voting Rights Act to the northern cities.

Mr. WIGGINS. I would suggest to the gentleman that he simply open his eyes to reality, because it does exist elsewhere in the country.

The CHAIRMAN. The time of the gentleman from California (Mr. Wiggins) has expired.

Mr. BUTLER. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. So long as blacks in the South are refused or denied the right to vote, they will be covered, but the same law should apply elsewhere. If blacks in your district do not vote in sufficient numbers then your district ought to be covered. I want you to know that my district will be covered under my alternative and I will be working hard to see that the browns in my district get out to vote in order to avoid the burden of preclearance.

But is not that what the act is all about? Of course it is.

Members of the committee, if you want to support a strong civil rights bill, a strong voting rights bill, then you will support my substitute. If you want to interject rationality into the trigger then you will support my substitute. If you simply want to be on the side of common sense in imposing this preclearance mechanism, you will support my substitute.

Mr. Chairman, let me conclude this way: I see many Members on the floor from various jurisdictions. I see the gentleman from Florida (Mr. Bennett) here. Let me say to that gentleman that any act of Congress that prevents your State legislature from amending its own constitution without trotting down here to the Attorney General for his advance approval, is a most terrible burden upon the Federal system and ought to be tolerated only for the most compelling of reasons.

Well, if we are going to do that, and we will under this act, then, by George, it ought to be done on a rational basis. I urge all of the Members to support my substitute.

Mr. Chairman, to improve the Voting Rights Act of 1965, I have offered a substitute to H.R. 6219, a bill to extend the Voting Rights Act. My substitute, which has been introduced in H.R. 6985, provides a progressive new approach to the voting rights problem. The heart of the substitute is found in section 3 thereof, where the trigger mechanism of section 4(b) of the current act is revamped effective February 6, 1977.

Because this trigger was not the subject of scrutiny during the hearings, it is important to establish its constitutionality and rationality on the record. This is particularly necessary because of the misconception voiced by some that to be constitutional, a trigger must be dependent upon the presence of a voting test or device.

Any inquiry into the constitutionality of a trigger mechanism must begin with the holding in *South Carolina* v. *Katzenbach,* 383 U.S. 301, 330 (1966) that a triggering device must be rational both in theory and in practice. The legal perspective from which a triggering device must be reviewed for rationality was set forth many years ago by then Chief Justice Marshall when he said in *Mc-*

Culloch v. *Maryland,* 17 U.S. (4 Wheat.) 316, 421 (1819):

> Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.

This, then, is the classic formulation to be applied in all cases where the reserved powers of the States are circumscribed by express powers of Congress.[1]

The traditional provisions of the Constitution supporting the trigger of the Voting Rights Act are sections 1 and 2 of the 15th amendment. Section 1 prohibits the United States or any State from denying or abridging the right to vote of any citizens of the United States on account of race, color, or previous condition of servitude. Section 2 authorizes Congress to enforce section 1 by appropriate legislation. Another basis of constitutional power to support a trigger lies in sections 1 and 5 of the 14th amendment. Section 1 provides, in part, that no State shall deny to any person within its jurisdiction equal protection of the laws. Section 5 grants Congress the power to enforce section 1, inter alia, by appropriate legislation. Hence these are the sources of congressional power on which the trigger is based; the extent to which the trigger is plainly adapted to meet the purposes of these sources of power is determinative of its rationality and constitutionality.

In evaluating what the purposes of the 14th and 15th amendments are, Congress is not limited to prohibiting State and local laws and practices that would themselves be unconstitutional; rather, Congress may enact legislation appropriate to enforce the 14th and 15th amendments similar to the broad power of the necessary and proper clause, article I, section 8, clause 18. *Katzenbach* v. *Morgan,* 384 U.S. 641, 648–51 (1966).

Also, it is well settled that an appropriate solution to a problem need not be the best solution; Congress can, consistent with the letter and spirit of the Constitution, enact a statute that "is not invalid under the Constitution because it might have gone further than it did." Id. at 657.

When these principles of constitutional law are applied to the trigger in section 3(a) of the substitute, the conclusion that the trigger is constitutional is beyond doubt. The trigger encompasses jurisdictions in which black and brown voters represent at least 5 percent of the voting age population and in which less than 50 percent of the blacks or browns voted. The implication of this circumstance is that sufficient suspicion of discrimination exists to invoke the prophylactic remedies of the Voting Rights Act to both cure and prevent violations of the 14th and 15th amendments.

The rationality of this "suspicion" can be demonstrated in the following way: If available evidence revealed that all eligible minority citizens voted in a given election, the reasonableness of a legislative judgment that discriminatory practices did not exist in that jurisdiction could hardly be questioned. If, on the other hand, available evidence revealed that none voted, the reasonableness of a contrary legislative judgment would similarly be beyond challenge. Between these two poles there is room for legislative discretion.

The requirement of at least a 50-percent minority turnout represents a rational legislative conclusion that, if such a standard is not achieved in a given jurisdiction, it is more probable than not that discriminatory laws or practices may have caused the poor voting participation by such minorities so as to justify a review of the voting laws or practices of that jurisdiction by the U.S. Attorney General.

The statute is saved from being unconstitutionally overbroad by providing that a covered jurisdiction which does not discriminate in fact can "bail out" by filing an action for declaratory judgment against the United States in the U.S. District Court for the District of Columbia. *Cf. South Carolina* v. *Katzenbach,* (383 U.S. 301, 331 (1966).)

In examining the rationality of the trigger, three variables require scrutiny. First, the trigger applies only where blacks and browns are concerned; second, it applies only where these groups comprise at least 5 percent of the voting age population; and, third, it applies only when less than 50 percent of such blacks and browns vote.

The traditional trigger in the existing act was challenged in *South Carolina* v. *Katzenbach* (383 U.S. 301, 331 (1966)). That trigger was activated when, in addition to using a "test or device," a jurisdiction had less than 50 percent of its voting age population registered and voting. The trigger was sustained because Congress had reliable evidence of actual voting discrimination in a great majority of the jurisdictions affected by the act, id. at 329, and because a low voter turnout was evidence of widespread disenfranchisement. Id. at 330.

The trigger in the present act focuses on 50 percent of the entire voting age population; the trigger in the substitute focuses on 50 percent of blacks and browns. Since the legitimate end of the legislation is the protection of voting rights by minorities who have been the target of discriminatory practices historically, it is clear beyond reasonable challenge that a trigger based upon their voting participation is far more rationally related to this legislative object than one based upon voting participation by the total population. The record is replete with evidence that blacks and browns vote less than Anglos as a general rule.

Thus the coverage under the substitute trigger will generally be at least as broad as the trigger held by the court to be constitutional, but will not be overbroad because of a meaningful bailout device. While it is true that the trigger may not apply to some jurisdictions where the instant trigger applies because minorities vote over 50 percent but Anglos vote under 50 percent, this defect is far less egregious than the underinclusiveness of the trigger in the present act which would not apply where minorities vote 10 percent as long as Anglos voted at 80 or 90 percent to pull the average above 50 percent.

The substitute trigger may not apply in a few jurisdictions covered under the present trigger because of the 5-percent requirement. But Congress can rationally draw a de minimis line to measure the magnitude of the voting discrimination taking place. This does not deny those blacks and browns living in areas of dispersed minority concentration equal protection of the laws merely because Congress sees fit to offer others affirmative remedies. The Court in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1965) stated the rationale when it said at 657:

> In deciding the constitutional propriety of the limitations in such a reform measure we are guided by the familiar principles that a statute is not invalid under the Constitution because it might have gone farther than it did. *Roschen* v. *Ward,* 279 U.S. 337, 339, that a legislature need not strike at all evils at the same time, *Semler* v. *Dental Examiners,* 294 U.S. 608, 610, and that reform may take one step at a time addressing itself to the phase of the problem which seems most acute to the legislative mind, *Williamson* v. *Lee Optical Co.,* 348 U.S. 483, 489."

The above reasoning also supports the limitation of the trigger to Negroes and persons of Spanish heritage. Moreover, the rationality of the black/brown trigger must be tested against the sweeping preclearance remedies it invokes. Preclearance of State laws by the U.S. Attorney General is an extraordinary remedy posing severe strains upon our federal system. It should be tolerated only in response to the most compelling evidence that discrimination in voting can be ended by no less burdensome procedures. Such evidence is clear with respect to Negroes and those of Spanish heritage. A compelling case has not been made with respect to others. In confining the preclearance remedies to those jurisdictions where a suspicion of voter discrimination against blacks or browns can logically be drawn, other persons subject to discrimination are not neglected under the legislation. Relief under section 3 remains available.

Congress can and should differentiate in fashioning relief to the magnitude and pervasiveness of the wrong which has been demonstrated by the record before it. Testimony in the record has revealed that persons of Spanish heritage do suffer discrimination. Testimony in 1965 has documented the discrimination felt by Negroes. The record for other groups failed to indicate that their right to vote was being denied or abridged in violation of the 14th or 15th amendments.[2]

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[1] *See South Carolina* v. *Katzenbach,* 383 U.S. 301, 326 (1966).

[2] *The Hearings on H.R. 939 before the Subcommittee on Civil and Constitution Rights of the House Committee on the Judiciary,* 94th Cong. 1st Sess., Ser 1 (1975) [hereinafter referred to as "Hearings"], revealed little evidence of discrimination against other groups. Of the 171 references to various minority groups in the *Hearings,* 135 were to various Spanish groups, 16 refer-

Thus there is clearly a perceivable basis from which Congress can trigger relief only from the voting data of Negroes and persons of Spanish heritage. It is to be noted that while relief is triggered on a limited basis, relief is extended to all citizens whose right to vote is denied or abridged on account of race, color, or national origin. This broad remedy is defensible as a matter of policy and law; voting discrimination of any kind cannot be tolerated, once it is uncovered, no matter who the victim of the discrimination may be.

Thus the trigger is rational in theory and there is no reason to presume that it will not be rational in practice. To allay any fears of my colleagues, the inescapable conclusion is that whatever else may be said about the substitute, there is overwhelming evidence of its constitutionality.

Mr. Chairman, for the guidance of the Bureau of the Census, it is important to make the legislative history clear as to the purpose for which its determinations are to be made and the degree of precision required in making them, if my amendent is adopted.

The entire thrust of the present Voting Rights Act, and my amendment, is that Federal preclearance of State election laws and procedures is necessary if there is a sufficiently strong suspicion of voter discrimination. Proof of actual discrimination is not required to invoke remedies. Discrimination will be rebuttably presumed based upon historical voting performances by minorities which our record demonstrates have been the victims of discrimination. To trigger the preclearance mechanism, the Bureau of the Census is asked to determine for each jurisdiction if there is a black or brown minority population of 5 percent or more, and if so, whether at least 50 percent of those minorities eligible to vote did so in the preceding general election.

Since the purpose of these determinations is merely to trigger a rebuttable presumption of discrimination, it is at once apparent that a high degree of proof of the facts upon which the presumption is based is unnecessary. The Bureau of the Census need only determine that it is more probable than not that 5 percent of the total population of a given jurisdiction is black or of Spanish heritage, and that such minorities participated to the degree required in the most recent general election. Understandably, the Bureau of the Census is unaccustomed to dealing in probabilities. It prides itself on the precision of its statistics. For other purposes such precision is necessary; but it is not for the purposes of this act or my amendment to it.

Courts and lawyers, unlike statisticians, are accustomed to accepting the truth of facts which are often controverted. The standards by which a fact is accepted as true in civil litigation is normally that of a preponderance of the evidence—that is to say, the weight of credible evidence favors the proposition to be proved. A preponderance of the evidence does not require 95 percent certainty—a standard customarily employed by the Census Bureau—nor even 75 percent certainty. It merely requires the fair conclusion that the fact to be proved is more probably true than not based upon the credible evidence bearing on this issue.

The Bureau of the Census is required to make two determinations under my amendment. As has been indicated, it need only conclude, first, whether it is more probable than not that black or brown minorities constituted 5 percent or more of the total population of each State or political subdivision; and, second, in those jurisdictions in which the first determination is made affirmatively, whether it is more probable than not that less than 50 percent of such minorities eligible to vote in fact did so.

The determinations to be made in each case, with the standard of certainty which I have described, must of course be based upon probative evidence. As to the first determination, the Bureau of the Census need not look beyond its most recent general census data. Of course, if more recent data is available, it should not be neglected; and if the Bureau of the Census has special reason to believe that in some jurisdictions population shifts since the most recent general census has rendered that data grossly unreliable, it may take note of demographic information collected by other governmental agencies. It need do no more. Physical counts to determine with great precision the facts upon which a rebuttable presumption is to be triggered is not contemplated nor necessary.

The second determination is of voting participation by the designated minorities. Once again, physical counts and massive surveys are not required. It is to be expected that the Bureau of the Census will identify representative precincts in which blacks or browns predominate and will project its findings for those precincts to the whole of the jurisdiction involved. It is to be expected that the Bureau of the Census will follow standard practices which have attained a reputation for reliability among private polling organizations.

The second determination is to be made with respect to a class of eligible voters. Presumably, noncitizens, convicted felons and persons suffering from severe mental disorders are not to be counted within the "eligible" class. In eliminating those ineligible to vote from the class to be analyzed, the Bureau of the Census need made no special surveys. It may rely upon the most recently available data from other agencies of Government, such as the Immigration and Naturalization Service, and the Department of Justice to determine the percentage of those within the total voting age population suffering from voting disabilities.

I am aware that the Bureau of the Census regards the standards stated here to be unreliable. They would opt for a physical survey costing several hundred millions of dollars. The advise of the Bureau of the Census is valued, but in this case it is rejected. By accepting this amendment, Congress is directing the Bureau of the Census to follow a special course of action for purposes of the Voting Rights Act only. Adherence to the standards imposed by this amendment should reduce the cost estimates drastically. Any budgeted amount to the Bureau of the Census in excess of $5 million per annum to discharge the special responsibilities imposed by this act, as amended, should be carefully and skeptically reviewed by the Appropriations Committee.

Mr. EDWARDS of California. Mr. Chairman, I yield myself such time as I may consume for the purpose of advising my colleagues that in the last few days the legislatures of Illinois and of Maine have passed resolutions asking for passage of this bill, and extension of the bill.

We also welcome the resolution from the Legislature of Maryland asking for extension of the Voting Rights Act of 1965.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the communication received from the State legislature of Illinois, however, it seems to me that they are under a complete misapprehension as to what this bill does. They are supporting the extension of the 1965 act, which I also support, but at the same time they appear to be not knowledgeable with respect to the expansion of the act as set forth in H.R. 6219. At least, that is my interpretation of the letter from State Representative Corneal Davis to our colleague from New York (Mr. RANGEL).

Mr. EDWARDS of California. Mr. Chairman, I share with the gentleman from Illinois great respect for the Legislature of Illinois, and I am sure they knew what they were doing.

They also specifically said: Extend the Voting Rights Act of 1965 for 10 more years, and also expand the coverage of this act to include citizens of Spanish-American heritage, Indians, Asians, and Alaskan heritage.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, I would ask the gentleman from California are any of the jurisdictions who have favored us with their views presently covered by the Voting Rights Act?

Mr. EDWARDS of California. Portions of Maine were covered. I do not believe that any part of Illinois or Maryland were covered.

Mr. BUTLER. Will any of these jurisdictions now be covered under titles II and III?

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ences were made to American Indian groups, one set of letters was submitted concerning Asian Americans at 1602–03 and no evidence was submitted concerning Alaskan Natives. When asked whether there were substantial groups of Asian Americans that really should have protection of the Voting Rights Act, J. Stanley Pottinger, Assistant Attorney General, Department of Justice, commented at page 767 of the *Hearings*, "We really don't know the answer to that."

Mr. EDWARDS of California. No, I believe not.

Mr. BUTLER. I thank the gentleman. I hope the gentleman will communicate my expression of gratitude to the States for their concern for the welfare of the presently covered jurisdictions.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I was intrigued by the comments of the gentleman from California (Mr. WIGGINS) who pointed out to another colleague from Florida that his Legislature would have to come trotting hat in hand to the Attorney General here in Washington to make any changes under this proposal.

But under this proposed extension it is no different from that which has existed for lo these many years; is that not correct?

Mr. EDWARDS of California. That is correct.

Mr. CONYERS. That requirement exists now; it has existed since the inception of the Voter Rights Act; and it would in no way be changed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS of California. I yield myself 20 additional seconds to point out to the gentleman from Virginia on May 10, 1974, 18 towns of Maine were included in the Voting Rights Act.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, our debate today focuses on a fundamental issue of justice—the right of a people to cast a meaningful and effective vote. The preservation of that right goes to the very heart of our constitutional system. As the courts have affirmed repeatedly:

> Any discrimination in determining who may participate in political affairs . . . undermines the legitimacy of a representative government.

Despite the presence of the 14th and 15th amendments, this Nation has seriously failed to protect the voting rights of our language minority groups, especially our second largest minority of over 12 million Americans of Spanish heritage. Mexican Americans and Puerto Rican Americans continue to experience serious impediments to registration and voting participation. The discriminatory practices include physical and economic intimidation, widespread gerrymandering, systematic use of at-large elections resulting in under-representation, and registration and voting irregularities.

Evidence has been compiled showing failure by officials to locate voters' names on precinct lists, inaccessible or hostile voting locations and lack of adequate voting facilities. Other abuses, especially rampant in Texas, involve annexation of only Anglo areas but not contiguous Spanish speaking neighborhoods and shifts from single-member to at-large elections.

Aggravating these voting obstacles has been the almost total absence of bilingual registrars and election officials in areas having a substantial percentage of Spanish speaking and other language minority voters.

The total effect of these practices has been a negligible level of representation for Mexican American. In California, for example, Mexican Americans comprise approximately 16 percent of the total population and 12 percent of its voting age population, but yet hold only 0.7 percent of the elected offices. In the county of Los Angeles, they make up 18 percent of the population, but have no representation on the board of supervisors or the city council. In Texas, Mexican Americans comprise over 18 percent of the total population and over 16 percent of the voting age, but only hold 2.5 percent of the elected offices.

It must be emphasized that the right to vote, as the Supreme Court stated as early as 1886, is a "fundamental political right" for it preserves "all rights." Its denial jeopardizes the vitality of this country's democratic system. We have yet to overcome the tragic effects of racial and ethnic discrimination. We have yet to achieve the goal of equal opportunity. Not only have the Spanish speaking, blacks, and other minorities been denied their right to vote and be properly represented, but they have suffered the oppressive weight of discrimination in housing, health, education, economic opportunity, and equal justice under the law.

It is this experience that imbues our present deliberations with so much urgency and constitutional importance. We are engaged today in a struggle for civil rights. Passage of the Voting Rights Amendments of 1975 will mark a significant milestone in the civil rights movement. It will provide an historic opportunity to affirm our commitment to our democratic and egalitarian ideals. It is for this reason that we as representatives of the people must base our vote not on political self-interest but on the necessity to secure the right to vote for language minority citizens as afforded to other Americans.

Some have argued that H.R. 6219, in its present form, is too radical a change and that Congress really has no obligation to take such a formidable step even if sufficient evidence exists. I strongly disagree with this line of reasoning, for it ignores the spirit and language of the 14th and 15th amendments which grants Congress the "power to enforce by appropriate legislation." This power imposes an affirmative duty on Congress to carry out the principles and directives expressed in these two amendments. For Congress to shun that responsibility would make a mockery of our basic freedoms and protections. We cannot allow ourselves to slip into a do-nothing philosophy, into a governmental approach built on benign neglect and indifference.

Others object that they have seen "no evidence of any discrimination to prevent members of language minority groups from registering or voting." It is my contention that titles II and III of the 1975 act, which provide voting protection to language minorities, do offer a rational and legitimate approach based on extensive evidence which I and other witnesses presented during House and Senate hearings. Further, both titles satisfy the constitutional standard of legislative appropriateness enunciated by the Federal courts in recent voting decisions.

The evidence shows a systematic pattern of voting discrimination and abuse. In California, we found that at-large school elections, in both rural and urban communities, effectively deny Mexican Americans representation on the board, even though they constitute a substantial part of the population.

Further, we found that Mexican Americans must face considerable resistance from county officials to employ bilingual registrars and election officials. County officials have told Chicanos they were not needed as registrars since the county already had a sufficient number—almost totally Anglo and English speaking. Clearly this type of practice only perpetuates a political quota system which excludes Mexican Americans and other minorities from the political process and preserves, at all cost, an Anglo-only registration and election system within these communities.

In one predominantly rural area, the county clerk instructed an election official, who had Spanish-speaking skills, not to speak Spanish at the polling facility because it was against the law to do so.

The intentional failure to provide bilingual assistance has serious repercussions in voter turnout among Spanish-speaking citizens. It creates a negative and hostile setting—one of embarrassment and intimidation. We heard of incidents where Anglo officials denied Spanish-speaking persons an opportunity to vote, supposedly because their names did not appear on the list.

Subsequent discovery, however, revealed that their names were listed. We were also confronted with incidents involving threats by election officials. In one rural community, a Mexican American voter was told she could not vote unless she removed her farmworker button. The threat was clearly intended to intimidate, for the election did not involve any farmworker issue nor was there any evidence that the woman attempted to campaign or influence anyone's vote.

Some may raise the question whether California's 1937 law, which is designed to encourage bilingual registration, is not sufficient? The answer is an emphatic no. A recent report by the State of California shows that the law has been ineffectual. The reason is that the administration and enforcement of the election laws, including bilingual assistance, are left to each county's discretion, the very upholders of the status quo. The statewide report adds that—

> The vast majority of county clerks and/or registrars of voters . . . have made little progress in assisting voters who have difficulty in voting in English.

Some of the worst voting practices have involved statewide and local gerrymandering schemes which have been pro-incumbent even though it meant diluting the vote and level of representation for Mexican Americans.

In Texas, we have documented a history of voting obstacles instigated by State as well as local action to deny and abridge the right to vote of Mexican Americans and black Americans. The House Judiciary report concludes that—

> Election law changes which dilute minority political power in Texas are widespread in the wake of recent emergence of minority attempts to exercise the right to vote.

Clearly the evidence is sufficient to warrant the special remedies of the Voting Rights Act for Texas and portions of California under title II. Further, it justifies the need for bilingual election requirements under title III in areas where over 5 percent of the voting age population are Spanish heritage or other single language minority group. As the Department of Justice stated affirmatively in its May 16 analysis on the constitutionality of H.R. 6219:

> The goal of protecting the voting rights of non-English speaking racial minorities is legitimate under the fifteenth amendment. The evidence is sufficient to support a legislative determination of need and to support the means chosen for protecting the right to vote.

The focus on English-only elections under title III is extremely important. Title III is directed exclusively to voting abuses relating to language barriers and perpetuated by inequities in our educational system. The conduct of an English-only election in areas with a substantial percentage of non-English speaking voters acts as a prerequisite, as a prior condition, to exercising the right to vote. It is beyond a doubt a "test or device" which discriminates against Spanish speaking and other language minority voters. This concept is not new; in fact, it simply affirms legislatively a growing number of recent Federal court decisions requiring bilingual elections in Spanish speaking communities.

It has been documented that English literacy and language requirements were instituted to discriminate against certain racial and ethnic groups. In California, both Asian and Mexican Americans have borne the brunt of this exclusion not only in the classroom but at the voting booth as well. The point is that there is a profound connection between voting and educational discrimination. The Supreme Court in Gaston County against United States recognized this relation between the denial of equal education and the validity of literacy or language tests.

Further, Federal courts have found widespread isolation and segregation of Mexican American students in the Southwest. And recently in Lau against Nichols, the Supreme Court spoke directly to the issue of bilingual education and the need for school districts to develop meaningful programs for non-English-speaking children.

The overall effect of this lack of educational opportunity, of the absence of bilingual voting assistance and of the systematic attempt to deny language minority citizens the right to vote has been low registration and voting participation. As long as Spanish-speaking and other language minorities continue to receive inferior and discriminatory education, there is a need for bilingual elections and assistance.

It is the purpose of H.R. 6219 to assure the right to vote to these citizens now, consistent with our constitutional commitments. I urge your strong support of this historic piece of legislation.

Mr. BUTLER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. Mr. Chairman, I would like to address a question to the gentleman from California (Mr. Roybal).

I would like to ask the gentleman if this bill is passed and if the city and county of San Francisco had 4 percent Chinese, 2 percent Japanese, 6 percent Filipino, and 10 percent Spanish heritage population in 1972, in what language will the ballot distributed in the city and county of San Francisco be printed?

Mr. ROYBAL. In the case where minorities compose 5 percent of the population, it would be in the language of those minorities that meet that requirement.

Mr. WIGGINS. In other words, the ballot in that city and county would be printed in all those languages?

Mr. ROYBAL. That is not correct, because the percentages the gentleman mentions in some instances are below 5 percent, but those representing 5 percent of a single language minority would have the ballot printed in that language.

Mr. WIGGINS. The gentleman misunderstands the act, because under the facts presumed the act would require the printing of the ballot in each of the languages I have indicated.

The gentleman has on occasion indicated that people of Spanish ancestry have not been elected to various public offices in the State of California and apparently he cites that fact as evidence of some discrimination against the right of the Spanish-speaking to vote. Is it the gentleman's contention that the proper purpose of the legislation before us is to insure the minorities are elected to public office?

Mr. ROYBAL. No; that is not correct, but it is one of the ultimate results of equal registration and voting rights and people exercising their right of franchise in an understandable manner. What this definitely does is to provide an informed electorate, and this is something that is very much needed in this Nation.

Mr. WIGGINS. I get the clear impression that the result of the election of minorities to public office is an objective which the gentleman desires to achieve, but the gentleman may well be eroding the constitutionality of this legislation by taking such a position.

Mr. ROYBAL. I most certainly disagree with the gentleman.

Mr. WIGGINS. Mr. Chairman, the fundamental purpose of the Voting Rights Act when enacted in 1965 was to "banish the blight of racial discrimination in voting, which has infected the electoral process in parts of our country for nearly a century." Congress was not unmindful of unconstitutional discrimination elsewhere, but political realities dictated against the imposition of the harsh remedy of Federal preclearance except in those few States where discrimination against blacks had become institutionalized.

Amendments adopted in 1970, and the bill before use now, carefully prevent these same Southern States from reasserting the authority over the voting rights of their citizens which other States exercise. Justification for such a massive assault upon the structure of the Federal system and the Republican form of government guaranteed to each State has been pegged to the enforcement power of Congress under section 2 of the 15th amendment. Continued congressional reliance upon this power is, of course, dependent upon our good-faith purpose of assuring the rights of citizens to vote without discrimination, and not peripheral benefits unconnected to the franchise, however laudable these benefits may seem to some.

It has been asserted in the strongest terms by partisans of the committee bill that it is essential to keep the Southern jurisdictions under the coverage of the act beyond the 1980 census and the redistricting processes which will presumptively follow in 1981. The openly stated purpose is to subject the redistricting plans in these Southern States to U.S. Attorney General preclearance.

Although seldom argued for the record, it is clear beyond doubt that the objective of Federal preclearance of redistricting plans in 1981 will be the rejection of those plans which do not carve out "black districts" so as to enhance the likelihood of the election of a representative number of black legislators.

I do not intend to argue the merits or demerits of racially motivated redistricting plans whether designed to insure the election or defeat of a black or white candidate. I do contend, however, that such a purpose is beyond the reach of the 15th amendment and thus beyond the power of Congress to enforce by appropriate legislation. Stated another way, legislation with such a purpose is not appropriate to enforce the guarantees of the 15th amendment, and is therefore beyond the constitutional authority of Congress to enact under section 2 of that amendment.

By its terms, the 15th amendment is concerned with voting. Redistricting, in a constitutional sense, seeks to distribute the representatives to be elected among geographical districts of substantially equal population. Unequal population in legislative districts dilutes the voting power of some citizens, and enhances the power of others, in contravention of the equal protection clause of the 14th amendment to the Constitution. If legislative districts were gerrymandered in such a way as to dilute the voting power of blacks or other racial minorities, I would have no hesitancy in finding authority under the 15th amendment as well to correct the constitutional wrong. But unequal voting power is not the wrong which proponents of the current bill seek to remedy. Their primary concern is no longer that blacks have a right to vote free of discrimination, nor that their votes be accorded a weight equal to that of white voters. The desire for 1981 Federal preclearance of redistricting plans reflects a concern over who blacks vote for.

To my knowledge, the U.S. Supreme Court has never held that the Constitution requires the drawing of district boundaries so as to enhance the election opportunities of minority candidates. Perhaps Congress is not limited to constitutional minimums in enforcing voting rights, but it is to extend the rationale of Katzenbach against Morgan beyond its proper reach to conclude that congressional authority to enforce the 15th amendment can confer political benefits upon candidates unrelated to their constituents' right to vote for or against them.

Arguments which seek to justify the 10-year extension of the act so as to submit Southern State redistricting plans to Federal preclearance in 1981 have no proper place in our legislative history. Indeed the making of such arguments erodes the constitutional underpinnings of section 5 of the act and places any extension thereof in some legal jeopardy.

Mr. EDWARDS of California. Mr. Chairman, I yield 7 minutes to the gentlewoman from Texas (Miss Jordan).

Miss JORDAN. Mr. Chairman, we have been talking about the extension and expansion of the Voting Rights Act for some time now. We have recounted the history of this legislation, the bullets, the blood, the tear gas, the billy clubs. We have done that. We have talked about the basic purpose of the act, to guarantee to minority citizens in this country the right to have the free and unfettered access to the polls.

We were told by the gentleman from California that he will offer a substitute because the historical basis for the legislation now before us no longer really exists and that he is going to offer us a much more sensible rationale. If the gentleman would answer this question for me, I would like to please understand how we reach the problem of districts which switch from single to at large?

School boards which have been abolished or reduced in order to prevent minority membership on the board; redistricting legislation which focuses on multimember districts; polling places removed without notice; annexation by cities and counties in an effort to delute minority votes; that is what is taking place.

Let me anticipate the answer of the gentleman from California (Mr. Wiggins) and say that under the substitute of the gentleman from California, for 2 years these practices could have been in existence, but could not have been addressed, since the only way to trigger the act under the gentleman's provision is for less than 50 percent of the blacks or the browns in a given district to vote, provided they number 5 percent.

So how are they to reach these kinds of abuses? Is the gentleman going to ask them, "Why don't you wait and have a low voter turnout the next time we have a Federal election, so that we may invoke the provisions of the Voting Rights Act?"

Mr. WIGGINS. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. I yield to the gentleman from California.

Mr. WIGGINS. There are two quick answers, and I will not intrude unduly upon the gentlewoman's time.

The first answer is that the section 3 provisions of the act may be available to any class of people who have been having subject to unconstitutional discrimination in denying their rights to vote. That is one answer.

The second answer is to recognize what the act is all about. It is to insure the right of people to vote. If they, in fact, vote, there is no rational reason to say they have been discriminated against.

Miss JORDAN. I thank the gentleman. I have just a limited amount of time here.

I know that the basic reason for the act was to enable these rights to develop in an unimpeded way; but it was also part of the underlying purpose of the act to make sure that these county, city, and State legislative bodies, these elected bodies in other areas, did not impede through other mechanisms or devices, other kinds of interlopers into the political process, which would have had the net effect of preventing one exercising his right to vote.

Mr. WIGGINS. If the gentlewoman will yield further, the answer is that if they were not denied that opportunity, if the blacks, in fact, voted notwithstanding all these impediments, there is no reason to subject their legislative act to Attorney General preclearance.

Miss JORDAN. So the gentleman would say he would encourage a low-voter turnout, less than 50 percent, in order to trigger the provisions of the act under the gentleman's substitute?

Mr. WIGGINS. No, not at all, and I totally reject that. My purpose is to encourage the minority vote, not to discourage it.

Miss JORDAN. What bothers me, as the gentleman can tell, is that here we have a new concept, a new structure being offered to the Voting Rights Act which has never been tested in the courts, which has never been tested by anyone, totally new and different and unique. We know that there remain jurisdictions necessitating the kind of preclearances of the Attorney General, which are presently available under the legislation and which will be available under this act.

Mr. Chairman, one more thing before I yield to the gentleman from Michigan (Mr. Conyers). We have heard Member after Member come to the well and say the States would have to go hat-in-hand to the Attorney General.

My friends, the only thing a jurisdiction has to do in order to satisfy the preclearance requirement is to put that change in an envelope, put a 10-cent stamp on it and send it to the Attorney General of the United States. It is not a matter of coming hat-in-hand and absolutely being cowered by the Federal officials.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, might I associate myself with my colleague's remarks. I think she has supplemented these issues in a very important way; but I would like to ask if the gentlewoman heard the colloquy between the gentleman from California (Mr. Roybal) and the gentleman from California (Mr. Wiggins), in which the gentleman from California (Mr. Wiggins) gave one of his very elaborate hypotheses, a hypothetical example of whether the Voting Rights Act would pick up language minority groups.

As I remember that hypothetical example, he eliminated the fact that whether or not there was less than a 50-percent registration or voter turnout in the 1972 election on which that hypothesis must necessarily turn.

Did the gentlewoman recall that?

Miss JORDAN. I did recall that. I did hear that.

Mr. CONYERS. He stated that the gentleman from California was in error with such finality that I had to check myself to make sure if he understood the law correctly. He pronounced that the gentleman was wrong, but I think if the gentleman from California (Mr. Wiggins) will check carefully, he will see that it takes both of the circumstances, so that, in fact, there is no such place in the United States of America that would meet the test of that hypothetical situation.

Miss JORDAN. I thank the gentleman for his comment.

Mr. WIGGINS. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. I yield briefly to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I agree that I failed to include the 50-percent turnout factor, but I strongly disagree with the gentleman's last statement that there is no place in the United States which would meet the test. The city of Honolulu, for example, clearly would have to print a ballot in goodness knows how many languages. I wish the gentleman from Hawaii were present to inform us of how many languages are involved.

I assure the gentleman that the city and county of San Francisco would have to print ballots in multiple languages if it failed to turn out 50 percent in 1972.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas has expired.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Texas.

Miss JORDAN. Mr. Chairman, this act is the frontispiece of the civil rights movement in this country—the Civil Rights Act. It is the frontispiece. We have heard time and time again in this debate of the numbers of black elected officials who now hold office because the right to vote was eased a little bit, and State legislative bodies were redistricted. We have heard of this coming of political awareness on the part of black people in the South.

But, Mr. Chairman, there is a provision in this act as it would be amended by this bill to include and expand it to language minorities. It would include for the first time my State, the State of Texas. There are Mexican-American people in the State of Texas who have been denied the right to vote; who have been impeded in their efforts to register and vote; who have not had encouragement from those election officials because they are brown people, and there are economic reprisals which would be leveled against them and they would be subject to boycotts and other discriminatory practices.

So, the State of Texas, if we approve this measure, would be brought within the coverage of this act for the first time. We were not brought in in 1965 because there was no literacy test in Texas, and consequently we were not brought under the provisions of this act. But, the committee has documented pages upon pages of testimony of acts of discrimination against brown people—Mexican-Americans—in Texas which are just as severe as those acts which triggered the original passage of the Voting Rights Act of 1965.

Those brown people in the counties of Texas would like for the Congress of the United States to make it possible for them to say, "I too am included, along with my black brothers and sisters, in the whole workings of the 14th and 15th amendments of the Constitution of the United States."

I feel the Congress can do no less.

When President Lyndon Johnson asked the Congress, in a special joint session, to enact the Voting Rights Act, the Nation had witnessed local officials in the South deny the right of blacks to register and to vote with billy clubs, tear gas, dogs, and bullets. The barriers were dramatic. The remedies afforded in the Voting Rights Act were equally dramatic for those times. Now, 10 years later, the drama may have subsided, but the barriers remain. And the barriers are as equally effective. County officials have tried to switch from district to at-large elections for county commissioners' offices. School boards have attempted to reduce the size of their boards. State legislatures have passed redistricting legislation containing multimember seats and numbered posts. Polling places have been moved without notice. Cities and counties have annexed new areas with the effect of diluting minority votes just when it appeared they might win an election. These, and more, devices have been continually objected to by the Department of Justice under section 5 of the Voting Rights Act.

The record before the Subcommittee on Civil and Constitutional Rights is replete with attempts by State and local officials to deny the right to vote to minority citizens within their jurisdictions. Because voting discrimination continues, though not on as dramatic a scale as 10 years ago, the Congress cannot do less than extend the Voting Rights for an additional 10 years.

For conclusive proof that the act is still needed one need only look to the Department of Justice's own records. The Department objected to 30 discriminatory voting practices proposed to be implemented last year by State and local officials. The Department entered 27 objections in 1973, 32 in 1972, and 50 objections in 1971. If the Voting Rights Act were no longer needed, it would seem to me that the covered jurisdictions would have ceased attempting to erect barriers to minority voting. But that is simply not the case. The barriers continue. And so must the Voting Rights Act—the most effective statute minorities have to guarantee that one day those barriers will come down.

In addition to extending the Voting Rights Act for 10 years the Judiciary Committee found that the same types of voting discrimination practiced in currently covered jurisdictions are also practiced in parts of the Southwest against blacks, Mexican-Americans and other language minority groups. Consequently the committee's bill extends the Voting Rights Act to these areas in two ways: First, by extending to some jurisdictions the full remedies of the Voting Rights Act, and second, by extending to other jurisdictions, where voting problems are less severe, the requirement that ballots and other election materials be printed in the language of the dominant language minority. Titles II and III of H.R. 6219 are a revision of H.R. 5552, introduced by myself and Mr. ROYBAL and Mr. BADILLO, and my original bill, H.R. 3247.

Mr. Chairman, I introduced these measures and I support the committee bill because I am persuaded that the only means available to language minority citizens, and specifically Mexican-Americans in Texas, to gain equal access to the franchise is through application of the remedies of the Voting Rights Act.

Language is a problem. Census figures show that almost 90 percent of the Mexican-American population in Texas use Spanish as a language spoken in the home. It is estimated that almost 50 percent of all persons of Spanish origin speak only Spanish and have only a limited comprehension of oral and written English. As a remedy the committee bill requires that covered jurisdictions print election materials in the language of the language minority group triggered under the act. In Texas, for instance, the bill requires election materials to be printed in Spanish as well as English.

Registering to vote is a problem. In testimony before the Civil and Constitutional Rights Subcommittee, it was pointed out that the percentage of persons of Spanish surname who register to vote is 44 percent as compared to 73 percent for the Anglo population. As a remedy the Voting Rights Act authorizes the U.S. Attorney General to send Federal registrars into covered jurisdictions to assist in the registration process.

The act of voting itself is a problem. In most rural Texas counties, where paper ballots are used, the voter must sign a numbered stub which corresponds to a number on the ballot. After voting the ballot is placed in one box and the stub in another. Although the stub box is supposed to remain sealed, there have been instances where the boxes were delivered with the seal broken. As a remedy for this and other voting abuses, the Voting Rights Act authorizes the U.S. Attorney General to send examiners into covered jurisdictions to oversee the voting process and the counting of ballots.

Gerrymandering, use of at-large elections, and a myriad of other devices are employed to dilute the minority vote. As a remedy the Voting Rights Act requires covered jurisdictions to submit to the U.S. Attorney General changes in their voting laws prior to their going into effect.

For each abuse there is a remedy in the Voting Rights Act. Although much has been made of the burden imposed upon covered jurisdictions by the act, the facts are otherwise. Federal examiners and registrars have only been rarely used. Submitting voting law changes to the Attorney General only requires putting the new statute in an envelope and applying a 10-cent stamp.

As the 10 years of experience of the Voting Rights Act in the South demonstrates, application of the Voting Rights Act to new jurisdictions threatens the political power of those who have employed various devices to minimize minority votes. The issue before us is not political longevity. The issue is whether the enforcement clauses of the 14th and 15th amendments of our Constitution can be made meaningful for those minorities denied equal access to their full voting rights. I believe every word in the Constitution is meaningful, and that is why I will vote for this bill.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, in the course of our consideration of this measure under the 5-minute rule, I will be offering various amendments. In offering these amendment, I want to emphasize that I am wholeheartedly in support of extending the existing Voting Rights Act.

However, the measure which has been reported by the committee is a far cry from the Voting Rights Act of 1965, or the kind of extension which this House considered in 1970 and which I had in mind when I introduced the administration measure—H.R. 2148—in this session for a simple 5-year extension of the existing act.

I will offer several amendments directed primarily against the expansion of the Voting Rights Act to include so-called minority language groups. I want to emphasize my desire to preserve in the bill a reference to the 14th amendment, as well as the 15th amendment. Accordingly, we should declare that all eligible citizens regardless of race, color, or any other characteristic, are entitled "to the equal protection of the laws," as provided in the 14th amendment—as well as the prohibition against discrimination based on race, color, or prior condition of servitude as set forth in the 15th amendment.

In my amendments, I aim to remove from this bill that entire title which would blanket in all of the minority language groups under the extraordinary remedies provided in the original law back in 1965, against practices of racial discrimination in voting which had developed for more than a century in certain parts of our country. Title II would extend those same remedies to all of those States and political subdivisions where there is 5 percent or more of a single language minority group and where less than 50 percent of the citizens voted at the last Presidential election in 1972.

First of all, in order to subject those states and areas to this extraordinary remedy, the legislation undertakes to establish as a new "test or device" that registration or voting notices, forms, and other materials or information relating to the electoral process, including ballots, are provided only in the English language. This new proposed "test or device" is made retroactive to 1972.

There is no way in which any of the States or political subdivisions could bail out of this situation. If the formula of a 5-percent minority language group—and less than 50 percent voting participation exists, the application of title II is automatic—the trigger is pulled. The State legislatures will be prohibited from making changes in their laws affecting elections, registration of voters, and the like, including legislation affecting the boundaries of electoral districts and all other matters affecting practices or procedures with respect to voting—unless first submitted to the Attorney General of the United States for approval.

Indeed, the areas governed by this title would be subject to the further imposition of federal registrars and examiners precisely in the same manner as was authorized in the 1965 act with respect to racial minorities.

Let me repeat, the basis upon which this extraordinary Federal control would become operative is that less than 50 percent of the persons of voting age voted in the Presidential election of November 1972, and, additionally, that a language minority group of 5 percent or more existed in the state or political subdivision.

As I mentioned also, the basis for contending that relief is required, as in title II, comes because the ballots and other election materials were printed only in the English language. There is no necessity for finding out whether or not all persons with Spanish surnames, or persons of so-called Spanish heritage, or American Indians, Alaska Natives, or Asian-Americans, understand the English language. The entire conclusion is reached on the basis of the two percentages.

The lack of factual information and the dearth of testimony or other evidence is apparent. This, indeed, may explain the reason for adopting the formula which triggers the application of these Federal controls. However, this reasoning is quite fallacious.

There is no evidence or other finding that Asian Americans, Alaskan Natives, or other persons are unable to understand the English language. Arguments will be advanced here that amendments should be rejected because there were no hearings on the subject of the proposed amendments.

Let me observe that with respect to Asian Americans, I find only two short paragraphs in a brief letter mailed to the chairman of the full Judiciary Committee which makes any reference to Asian Americans whatever. The statistic which the committee seems to have relied upon would indicate that this kind of remedy is needed in Honolulu, where presumably ballots and all of the various election information would be required to be printed in Chinese.

I notice in addition that the next title includes a reference to San Francisco County. My Asian American daughter-in-law lives just outside this area, but I am sure that she and other Asian Americans who speak fluent English and are entirely literate will not require a ballot in one of several Chinese languages in order to register or vote. The only reference in the report refers to educational facilities for Asian Americans. There is no record relating to voting discrimination.

With respect to Alaska Natives, I have received a communication from Lowell Thomas, Jr., the State's Lieutenant Governor, in which he points out that there are a number of Eskimo dialects, none of which is reduced to writing. Indeed, the State of Alaska, by constitutional amendment in 1970, decided that knowledge of English was not a qualification for voting. However, Alaska would be subjected statewide to the penalties of title II, and compelled to provide election materials and ballots in languages of the language minorities, which, I remind you, are not indeed written languages.

In other words, the test or device, of which the entire State of Alaska would be guilty because it did not print its ballots or election materials in the language of its language minority group, would be completely powerless to extricate itself from the penalties of this title because there is not any form in which ballots or other election materials can be provided in the language of the applicable minority language group.

Turning to title III, which I will also move to strike, I would point out that the coverage would be far broader, although the penalties perhaps not as great. In other words, title III would impose upon every State or political subdivision in which 5 percent of the citizens of voting age were members of a single minority and where the illiteracy rate of such persons as a group is higher than the national literacy rate a requirement to provide election and voting materials, including ballots, in the language of the minority language group, as well as in the English language.

The requirements of title III will apply at once with respect to all elections, imposing the obligation to print ballots and all other election materials in the languages of minority language groups, many of which languages, as I indicated, do not exist in written form—with the only escape clause being that the District Court of the District of Columbia in a declaratory judgment shall find that the rate of illiteracy has risen so that the language minority group in question within the State or political subdivision is equal to or less than the national literacy rate. Let me add that illiteracy is determined arbitrarily by a Census Bureau finding that persons of the minority language group have a fifth grade education or less.

If there are any of us who feel that a literate society in the English language is important to our Nation's future, and to the successful integration, and economic and social welfare of our citizens of foreign origin, or of distinct ethnic backgrounds, these provisions of the proposed Voting Rights Act could only serve to perpetuate and make permanent English language illiteracy.

Registration and voting are among the most treasured privileges of citizenship. They should be and are protected by our Constitution and Federal and State laws. But to guarantee that there is no need to be able to read or understand a written or mechanical ballot, and to build this into our statutory law, has the dual effect of denying the public obligation to assure a literate society and to excuse the States from enabling citizens from ever acquiring a knowledge of the English language sufficient for him or her to vote.

These titles of the bill, in my opinion, should be rejected as we move forward toward erasing the remaining discrepancies which persist in the discrimination against black Americans whose fundamental voting rights were and continue to be the main subject and obligation of this Nation and of this Congress.

In this regard, I should point out that present law already provides for mandatory responses to certain official surveys—and the Federal courts have repeatedly held that such data gathering is justifiable, constitutional, and definitely not an invasion of privacy. To alleviate concerns as much as possible, my amendment would also require that the survey takers sent out by the Census Bureau advise the interviewees that the data obtained from their responses will be used solely for enforcing Federal voting rights law—and for no other purpose.

Mr. Chairman, I would like to offer a brief explanation of two other amendments which I intend to offer to improve that section of this bill which provides for Census Bureau compilation of voter registration statistics for determining whether the extraordinary remedies offered by this act will be triggered. It seems to me that the bill, as currently drafted, has two serious flaws in it with respect to its survey procedures.

First of all, section 403 directs the Census Bureau to compile statistics based upon race, color, and national origin only of all persons of voting age—what is obviously lacking here is a requirement that the Census Bureau elicit information on the citizenship of the interviewees. If we are interested in pinpointing discrimination against potential voters—we should at least be able to determine that a person has a right to vote in the first place—that he or she is a citizen of the United States.

Accordingly, I will offer an amendment to require that the Census Bureau compiles figures on citizenship as well as on race, color, and national origin—so that the Federal Government will have the relevant and reliable data necessary at hand before imposing the extraordinary remedies available under this act.

Second, Mr. Chairman, I will offer an amendment to require that persons interviewed in these surveys answer the questions posed by the Census Bureau regarding race or color. Similar surveys have shown that if responses are discretionary at the will of the interviewee, the statistics are often distorted and unreliable. It is necessary to require mandatory responses because a refusal by a small number of persons interviewed can lead to a very significant distortion in the resulting statistics.

Finally, it seems rather incongruous to mandate the Census Bureau to conduct a survey in which the Bureau is required to include a count of persons of voting age by race, color, and national origin—as specified in section 207, page 11 of the bill—while in the next paragraph it is provided specifically that "no person shall be compelled to disclose his race, color (or national origin)"—and no penalty shall be imposed for failure or refusal to make such disclosures. In addition, the bill would require the Census Bureau to advise persons interviewed fully regarding their right to fail or refuse to furnish such information.

If the surveys mandated by this legislation are to be useful in promoting voting rights of blacks and other minority citizens, then information must and should be compiled on a mandatory and not discretionary basis. In the first place, citizenship is a prerequisite to voting and should be basic to any such survey. Furthermore, if the statistical information relating to race, color or national origin is to be valid—and useful—it must be required from all of the potential voters, not some lesser percentage (at their option)—which would nullify the value of the statistics.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I would like to raise a question with my friend, the gentleman from Illinois, a member of the committee. Is the thrust of his objection to expanding the Voter Rights Act to cover language minority groups such that we will be encouraging States to continue illiteracy patterns rather than encouraging them not to? Does the gentleman see some connection?

Mr. McCLORY. If the gentleman will yield, I think there is no question, if we mandate the printing of the ballots and voting information in these various foreign languages, that what will happen is that members of minority language groups will never get the initiative nor the incentive to learn the English language; and, consequently, we start down the road toward a bilingual or multilingual society, which I do not think we ever intended to become. So, a bill which mandates elections in languages other than English would discourage literacy in English.

Mr. CONYERS. I doubt that seriously. First of all, we have an obligation to people who may not be able to speak English clearly enough to understand and to vote intelligently be provided with some other means, but I do not think that States bearing this additional burden and expense will want to continue it for long, and I think this legislation will also accelerate improvement by pinpointing those States which are flagging in their educative efforts and they will certainly be motivated in a new way to rectify this situation.

It just does not seem to me logical that we would expect this provision to promote illiteracy rather than discourage it.

Mr. McCLORY. If the gentleman will yield further, I hope that the gentleman is correct, but we do provide in all the States for assistance to voters, and we should do that, where they do not understand the ballot or they do not understand the language. We should continue to provide assistance to the voter, but to provide that all the voting information and ballots shall be provided in multiple languages is quite inconsistent with our society, which I think is a single-language society in which we should try to encourage people to become literate in the English language.

Mr. CONYERS. I do not like to interrupt my colleague because he is on my time and I could not get any time on his, but I would like to move on with another observation. It seems to me that one thing has been neglected in much of this debate and that is that there can still be quite serious voter rights problems, even if there is a high voter turnout. We can have section 5-type problems.

So, when people continually refer to the State of Texas as being somehow singled out and picked on when they have now complied with the requirements of bilingual legislation through very speedy action on the part of the State legislature, I think we forget that we would also be eliminating this State from section 5, which would pick up many, many other serious violations. So in my judgment I think we ought to approach any amendments of this kind with great care and deliberation.

Miss JORDAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Miss JORDAN. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is absolutely correct. The Texas Legislature, in great haste, upon learning that Texas may be included under the Voting Rights Act of 1965, passed a bilingual election bill. It was rushed through. It addresses only one small part of the problem: the English-only ballot where there is more than 5 percent of minority-speaking population. It does not relate one whit to the many county commissioners' courts, gerrymandering of precincts to dilute the minority precincts, black and brown in Texas. It does nothing about redistricting which was recently before the Texas Legislature and the many counties which still have many member districts which dilute the effect of the minority vote.

It does nothing about the integrity of the ballot in many elections which are being held by written election and the ballot is in one place and the voter signs the stub in another place and there is a correlation between the ballot and the stub and the seal is broken, so there is no consideration given to that question when we talk about bilingual ballots.

So the gentleman is absolutely correct. We will be ignoring the larger part of the problem in Texas if we simply let Texas ease out from under simply because of rushing through in haste legislation pertaining to the bilingual ballots.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, this legislation as originally enacted and as it would be amended by this bill is an effort to bring into reality the rights guaranteed by the 14th and 15th amendments to the Constitution, amendments which were enacted into law about 100 years ago, and yet for three generations these amendments as far as voting rights were concerned were ignored for millions of our citizens.

Now, three generations of abuses should be long enough to make us aware that we need to do something, as we did in 1965, but they should also be long enough to make us aware that the patterns of conduct that resulted in the denial of equal protection of the law and the denial of voting rights because of race or color are not patterns which are likely to be dissipated in a very short period of time. After 90 years of abuses, 10 years is a very short period of time.

These have been 10 years in which the rights to equal educational opportunity have just begun to be recognized and implemented, in which discrimination has just begun to be eliminated, in which it is true hundreds of black officials have been elected in parts of this country where few or no blacks had been elected for generations. Yet the patterns which led to their exclusion in the past are patterns which have not been dissipated either in the minds or in the hearts of some of those who would oppose or weaken this legislation.

I would like to address myself to two or three of the criticisms of and proposed amendments to this legislation. First of all is the so-called Butler amendment, the so-called impossible bailout amendment. The Voting Rights Act as amended by this bill already provides for States to bail themselves out of coverage of this bill. If a State can come in and show that for a period of 10 years it has not had any tests or devices or any of the other abuses that trigger the coverage of this bill, that State can bail itself out from the coverage of this law.

But the burden of proof is on the State that has the coverage. Now, the proposed Butler bail-out amendment——

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Virginia.

Mr. BUTLER. Is the gentleman familiar with the case of Virginia against the United States, in which we endeavored to prove ourselves out and we did, in fact, prove that the literacy test in Virginia had not been used to discriminate. The Supreme Court of the United States in affirming per curiam the District court said in effect:

> That is too bad, that under the Gaston Doctrine you are conclusively presumed to have discriminated.

The Assistant Attorney General of the United States stated that there was no way for Virginia to come out from under the act, and Howard Glickstein, a very recognized authority, agreed with that, that there is no way for Virginia to prove itself out.

Mr. SEIBERLING. I agree with the gentleman; but all that proves is that the State of Virginia failed to meet their burden of proof.

Mr. BUTLER. No, quite the contrary.

Mr. SEIBERLING. Or was unable to meet the burden of proof.

Mr. BUTLER. Virginia was commended for its great registration effort and it was said that our hands are tied because of the Gaston doctrine and that is the problem.

Mr. SEIBERLING. If the gentleman will yield further, because of the fact that the deprivation of the equal educational opportunity had made it impossible for the State of Virginia to meet the burden of proof.

Mr. BUTLER. The fact we had an unequal school system in 1964 is being used against us to establish that our modest literacy test was discriminatory and we were not allowed to prove that they were not.

Mr. SEIBERLING. The gentleman is proving my very point, that it is going to take time to dissipate the effects of past patterns of discrimination.

Mr. Chairman, I prefer not to yield any further.

Mr. BUTLER. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, that is my exact point. The gentleman from Virginia would provide that if a State had been a good boy for 5 years as far as Voting Rights Act observance is concerned, it can go in and show that fact to a court and bail itself out from coverage under the act. Then from that point on, even though the court retains the jurisdiction, the burden then shifts to those that would show that, nevertheless, the State has slipped into its old ways, a recidivist, so to speak, and is back at the old stand discriminating against voting minorities in its State.

The CHAIRMAN pro tempore (Mr. STUDDS). The time of the gentleman has expired.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, during the debate in committee, much was made of the fact that one local government had to go in and get the approval of the Attorney General to narrow the doorway to the voting registrar's office. I suggest that this is the very kind of thing, the subtle intimidation, that led to the passage of this legislation originally, and is the very reason why it is important to continue the act until people are not intimidated by this sort of thing.

I would like to make one other point and that is that it is very important that we keep the jurisdiction in the District Court for the District of Columbia. We not only need uniformity and in national standards, but we need to have these cases brought up in a court where the judges are not likely to be subjected to local pressures, but can objectively carry out the intent of Congress in enacting this legislation.

For that reason, I would suggest that we not adopt a proposed amendment to transfer jurisdiction under this act to Federal district courts all over the country.

The CHAIRMAN pro tempore. The time of the gentleman has again expired.

Mr. BUTLER. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, is the gentleman seriously suggesting we should extend the voting rights amendment for 10 years because of the remote possibility that in some remote county we might narrow the doorway to the registrar's office?

Mr. SEIBERLING. No; I am suggesting that that example was used as an argument that we should not extend some of these provisions. I am saying it is just that kind of thing that needs to be reviewed, because in certain cases it could be used for intimidatory purposes.

Mr. BUTLER. If we already have the narrow existing hallway to the registrar's office, is there anything in the Voting Rights Act which would make the locality widen its hallway?

Mr. SEIBERLING. I know of nothing, unless the narrowness had been used for purposes of discrimination in voting rights.

Mr. BUTLER. Then it would have to be under section 3.

Mr. SEIBERLING. That is correct.

Mr. BUTLER. Does the gentleman realize that if they had a narrow hallway existing prior to the Voting Rights Act and they wanted to get out from under, that under the Butler bailout amendment they would have to come in and prove that they had put a wider hallway in and adopted a legislative program that would put aside all those subtle discriminations which we cannot do anything about because they are frozen into the law under the Voting Rights Act.

Mr. SEIBERLING. The gentleman is his own best expert on the Butler bailout amendment.

Mr. BUTLER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

First, I would like to point out that in the colloquy which has just preceded these remarks, the point was made that these cases, the litigation concerning declaratory judgments to allow States out from under the coverage of the act, should be brought in the U.S. District Court for the District of Columbia, one unified court, where expertise is supposedly developed.

Mr. Chairman, there have only been three cases, and I would wager that there were not two of them which were heard by the same judges involved in the District Court for the District of Columbia. There is no such thing as the development of any expertise on this subject for the District Court for the District of Columbia. This is a very hollow point.

Where other litigation belongs in the district court in the appropriate Federal districts throughout the country, it seems to me that there is no reason, and no reason has been cited, why this type of case should be treated differently. It is an insult to the Federal district court judges and the Federal court system to suggest that they cannot decide cases any place other than the District of Columbia on a fair and reasonable basis.

Mr. Chairman, it has also been suggested in the preceding remarks that a "10-year period of purity" is what would be involved if this bill passes in its present form. The Members should not rely upon my word or upon the word of the other gentleman. If they would like to find out just what it would be, they can read the bill. It would be 20 years—not "10-year period of purity" is what would to prove that it had no violation of any provision of the Voting Rights Act before a declaratory judgment could be obtained.

Mr. Chairman, there is one other amendment I did not mention in my remarks a little earlier which I will offer on the House floor tomorrow, which is closely related and is a germane topic for an amendment to the bill, which would forbid voting more than once in a Federal election.

Section 11 of the Voting Rights Act of 1965 currently regulates voter fraud and conspiracy in Federal elections. Severe criminal penalties are provided to punish anyone who knowingly gives false information for the purpose of establishing his eligibility to register or vote. But, no criminal law prohibits anyone from voting twice—and this can occur in at least seven States which have no law prohibiting voting in more than one location. Thus, a person voting in Wyoming could move to Arkansas and register, where he could register within 30 days without having to give up his Wyoming registration. If such a person were to vote twice in a subsequent Federal election, no law would be violated because each registration was procured with true information.

This amendment which I will propose remedies this gap in Federal law by prohibiting, in a new subsection, 11(e), voting more than once in the same Federal election.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. KRUEGER).

Mr. KRUEGER. Mr. Chairman, we have been told that this amendment is somehow directed against Texas and that there are abuses there. And it is my State, and there are.

We have been told that this amendment somehow encourages illiteracy and that if it is passed we will encourage people not to develop a mastery of the English language. Und ich sage Ihnen dass als ich vier Jahre alt war, dann konnte ich nur Deutsch sprechen.

But although I spoke only German until I was 4 years old, I learned English, too. And I have no reason to suppose that if this amendment were to pass, it would encourage people not to develop a mastery of English, as the gentleman from Illinois suggests.

What we are basically talking about in this bill is not something that is pure in form, not something that has all of the elements of ideal legislation. What we are talking about is a bill that has worked and it has worked for a decade. It has brought from 6 percent to above 60 percent in the State of Mississippi the number of blacks who are registered to vote, and it has prompted only 317 instances of actually bringing down Federal examiners who were called in response to some sort of voter irregularity.

I have in my own district encountered someone who came from outside the congressional district, who was of Spanish surname, and sought a county office. He wished to be registered to run for that office. On the day that registration for that office was to be closed, he was told that he was not allowed to register because of some sort of minor technicality. We were able, by telephoning the State attorney general, to get this man listed on the ballot. When the results came in from this election, he had himself previously taken 112 people with him to the polls to vote absentee for him, but only 55 votes were recorded for him, and he lost the election by 7 votes.

I suggest to the Members that if this bill had been in effect, this man, could after the first instance in which he saw some sort of discrimination was likely, have asked for Federal observers, and he might very well have been protected. He might be that county official today, whereas in fact, he is not.

We are not concerned, when we write bills, with achieving absolute perfection in form. What we are concerned about is improving the current legislation, and I think this current legislation would clearly do that.

In predicting the inevitable end of slavery, Thomas Jefferson said:

> Nothing is more clearly written in the book of fate than that these people shall be free.

It is pointless for us to talk about freedom in our society unless we can be sure that we have free and open elections, not only for blacks but for chicanos, not only for American Indians but for many others who Jefferson could not have foreseen some day might be citizens.

I want very much for the citizens of my State to have the protection of the Federal Government, and I hope some day that those from other States who seem to think that this bill is aimed simply at Texas will seek the same protection for the people of their States.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I will be glad to yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I want to commend the gentleman and I would like to associate myself with his remarks. It is one of the most eloquent statements on behalf of the Voting Rights Act which I have ever heard—and I commend the gentleman for his statement.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I will be glad to yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I do want to thank the gentleman for his very persuasive and eloquent statement.

Mr. KRUEGER. I thank the gentleman.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, the record produced by the hearings on the Voting Rights Act printed on instructions of this august committee known as the Committee on the Judiciary, and particularly the report on the bill as it pertains and makes specific reference to my native city of San Antonio, is not only seriously misleading, it is an outright mendacious fabrication of the truth.

The statement on page 20 of this report, where it says that the city's 1972 annexation was intended to dilute minority voting strength, is not only just plain misleading, but I repeat, it is a lie. No matter how lofty the intentions of any legislation, including this one, there is nothing that would justify using outright falsehoods in support of it. There is nothing in any legislation that would justify the use of fraudulent or misleading statements.

I am from San Antonio. I was born there. I represent now a fairly big chunk of the city of San Antonio. For the first 8 years of my congressional career, I had the responsibility of representing the entire county of Bexar, and therefore, I think I have a little experience in politics there and not only in San Antonio.

Mr. Chairman, I have campaigned the length and the breadth of the State of Texas, and I know about voting fraud. I know about restrictive legislation, and I know about intimidation and oppression.

I am for the Texas voters' rights. The first thing I did as a Member of this House in 1962 was to introduce a bill to eliminate the poll tax, as the hearing record on this bill recognizes; and I will not go into my antecedent record of public endeavor, both on the level of the City Council of San Antonio as well as in the State Senate of Texas.

I was not asked about the amendment that would, in effect, extend this act to the State of Texas and to the city of San Antonio. That does not offend me, but it puzzles me because I know a little something about the subject matter. I simply cannot understand and let stand unchallenged any statement that infers, as the report does, that the city of San Antonio annexation was intended to dilute, let alone violate, anybody's right to an effective vote. Until I read the report—and remember, I am not a member of this committee and therefore, this report was not available to me until fairly recently, a few days ago—so I repeat, until I read this report, I had never heard any such complaint. I read the hearing record, which, incidentally, I was not able to obtain, again, until late last week, during the recess. It makes no case that there was any such intention.

There are complaints about at-large elections and not having single-member districts. This entire legislation does not do anything about those issues, and it cannot. There is nothing that I know—and I stand to be corrected if I am wrong—but if I interpret this extension and amendments correctly, they have absolutely nothing to do with single-member districts or with that kind of irregularity. Moreover, this does not cure whatever effect requiring a majority runoff might have, for instance. There were complaints about having to have runoffs because every time there is a runoff, a minority candidate would lose. I do not know that this bill does anything about that.

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will not yield at this time because I have to clear this record, and I have been yielded only 5 minutes. It is important that I clear the record because of the outright lie concerning the city of San Antonio. I will fully document that, and I intend to do it. I cannot, however, do it in 5 minutes if I am interrupted.

Mr. Chairman, nothing about this so-called annexation bit goes to the reason for this bill. The only reason that I can see that all these discussions have been going on concerning all the irrelevant issues about this bill is an attempt to generally indict the Texas Legislature.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

Mr. GONZALEZ. Mr. Chairman, will

the gentleman from California (Mr. EDWARDS) yield me an additional 5 minutes?

Mr. EDWARDS of California. Mr. Chairman, I yield the gentleman from Texas an additional 2 minutes, and at the end of that time we will see how we are doing.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I am concerned here about what San Antonio intended to do when it annexed the territory in 1972 referred to on page 20 of the report.

I know that the record must be straightened out, and I will be derelict in my duty, no matter what opprobrium would result otherwise, if I did not see to it that this report is straightened out.

In Texas the usual practice for a city is to make an annexation of a subdivision. The subdivision wants the city services, and it petitions for annexation and, as a rule, it is done. That is the routine action.

In Texas there is a limit on how much land a city can annex at any given time. It is this restriction that led to the invention of the irregular, or the finger annexations, the kind of annexations that are mentioned in this report.

Under Texas law there is no county zoning power. If you want to control and/or to impose city building codes, then you have to annex the area, but there is a limit on how much you can annex on the part of the municipality.

Therefore the problem is, see, how do you get control over a subdivision, and how do you prevent the growth of these little bedroom cities that develop and take advantage of the city services, but pay no city taxes?

We have had a lot of that in San Antonio, just as I am sure the Members of the Congress have had it. Also such an enclave can get city water, use all of the city services, get city bus service, and yet pay nothing toward those services.

This bill does not do anything about that.

Up until the time I was on the city council these little places could arise suddenly. It is not that bad any more, but the truth is that it is unauthorized to allow these places to keep mushrooming.

Well, how do you, under Texas, law, do this so as to prevent the incorporation of these little places? The law of Texas says you cannot incorporate a town within the extraterritorial boundaries of a city. That is a kind of buffer zone to prevent somebody setting up a town on the existing city limits. That is the main purpose.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. GONZALEZ. Mr. Chairman, I would ask unanimous consent to continue for an additional 5 minutes.

The CHAIRMAN pro tempore. The Chair will state that the gentleman from California (Mr. EDWARDS) has control of the time. Does the gentleman from California wish to yield additional time to the gentleman from Texas?

Mr. EDWARDS of California. Mr. Chairman, one of the problems we are faced with today is that the Committee on Appropriations was supposed to be taking up an urgent bill on the floor of this House 10 minutes ago. I will be very glad to yield to the gentleman from Texas if the gentleman wishes to do so under those circumstances.

I am a friend of the gentleman from Texas, and I will yield the gentleman all the time he wants.

Mr. GONZALEZ. I would like to have an additional 5 minutes. This is a grave issue. The tax bill is important, yes, but so is this, because this has to do with clearing the record.

Mr. EDWARDS of California. I will yield the gentleman from Texas 5 additional minutes.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will yield to the gentleman from Michigan for a brief question.

Mr. CONYERS. Mr. Chairman, this would be very brief.

I would ask the gentleman from Texas where in the report on page 20 does the committee do the gentleman's city of San Antonio an injustice? Precisely what is incorrect in the report?

Mr. GONZALEZ. The report says:

> In 1972, in Pearsall, Texas—

Which is a municipality outside of the county that San Antonio is situated in, and is about 55 miles down the road—

> the City Council, while refusing to annex compact contiguous areas of high Mexican American concentration, chose to bring a 100 percent Anglo development within the city.

The city of San Antonio, mind you, it is being dumped in with the city of Pearsall. That is a gross injustice right there.

> The City of San Antonio, in 1972, made massive annexations including irregular or finger annexations on the city's heavily Anglo northside. The population breakdown in the areas annexed was overwhelmingly Anglo, although the city was previously almost evenly divided between Anglos and Mexican Americans (Hearings, 369).

Mr. CONYERS. That is correct, is it not?

Mr. GONZALEZ. As far as it goes, but it mentioned nothing about the other annexations in which they had massive concentrations of Mexican Americans. The context of this report, as I think the gentleman from Michigan can see it, and also, I am sure, he would not dispute it, the impact of this statement is that any reader would believe that the city of San Antonio has finger annexed only a community because it wanted it to exclude large masses of Mexican Americans, or other ethnic minorities.

That is the plain thrust of this, and that is not true. That is a lie. Nobody on the gentleman's committee, on the staff or on the committee itself, who had anything to do with the writing of this paragraph ever bothered to get the history of annexation or get the facts or the truth, and that is why I am here in the well trying to clear the record.

Mr. CONYERS. Might I ask the gentleman if it is correct where it is stated on page 20 that although the city, referring to San Antonio, was originally almost evenly divided between Anglos and Mexican Americans——

Mr. GONZALEZ. That is not true. That is not true. I have the statistics that I wish to make part of the RECORD in order to describe this misstatement. The truth of the matter is that in San Antonio historically and notoriously the Mexican American in effect is the majority at this particular time. He is not the minority at this particular time populationwise. This is simply an absolute fabrication. Nobody who has been responsible for this statement ever bothered to check with any official in the city either to get the history of the annexation or the truth of the annexation or the truth of the historical development of the city of San Antonio. I think that I would be derelict if I were not to correct on the record in general debate, which is the only opportunity I have, this serious misstatement on the part of the committee in issuing this report to accompany the act.

To continue, as I said, there is no county zoning law in Texas, so if we have a situation of a city like San Antonio or any other similarly situated city, their big question is, How can we come in and insure an orderly development? This so-called 1972 spoke or finger annexation had one primary purpose and that was to try to exert some municipal control over the aquifer which provides the sole source of water for the city of San Antonio.

Where do we come in here with any attempt to discriminate against any voter? There is just absolutely not one scintilla of evidence or fact or thought in this, and I think that as Members of Congress, or even members of the staff, we have to have a deep veneration for the fact and the word. I just think it is abominable that such a distinguished committee as the Committee on Jurisprudence would allow over its imprimatur to publish a report that would be such a gross and misleading fabrication, and I want no doubt in anybody's mind that I strongly protest it.

The law in Texas says we cannot incorporate a town within those extraterritorial jurisdictions that the legislature has given incorporated cities, so we have some buffer zones, and they could be strangle zones. In fact, to talk about voter discrimination, we ought to worry about economic discrimination because of that practice, and certainly this act has nothing to do with that.

San Antonio could not get control over subdivision growth in any way except the use of this annexation technique. It could not take in all of the areas that it needed to control. The county cannot exercise any zoning control, so the city annexed spokes of land down highway areas and developed areas.

That gave the city a zone of jurisdiction adjacent to those spokes, and allowed San Antonio to get the kind of basic control that any reasonable mind would desire.

There was nothing sinister about any of this. These spoke annexations go all around the city, just like the spokes of a wheel.

That is why irregular annexations exist.

San Antonio did make a giant annexation in 1972, and I think that anyone who knows the facts of the situation will be able to tell you that the purpose of that was anything but discriminatory. The city had not annexed anything, except by petition, for a number of years. Huge new facilities had mushroomed outside the city limits. There was a need to provide services to those areas. The town needed tax revenues from those areas. So it was done. In 1972 San Antonio annexed much of the area that it had previously controlled by means of its spoke annexations.

I have obtained a complete statement from the San Antonio city attorney with respect to those annexations, and make that a part of the record. I also have a map illustrating those, and will show it to anybody having any questions to ask. And I will make part of the record statistics relevant to those questions.

I do not think it is proper, in our zeal to protect voting rights, to make misleading statements, as was done here in the case of San Antonio. I hope that I have been able to straighten the record out.

San Antonio did make annexations, and they do look irregular. But the inference drawn is wholly incorrect and not supported by anything in the record of hearings.

There is much to debate about here. The rate of voter participation can be affected by many things. It could be affected by low enthusiasm. Candidates without much to say, or the dearth of candidates, might cause low participation. The Republican Party in Texas was only invented a decade or two ago, and in Bexar County in 1956 it was only invented as a means of getting some general election opposition for me. The Republicans are not a factor in Texas politics, in the usual sense of that word, and they are especially not much of a power in San Antonio. So there is not a lot of excitement about elections sometimes. Maybe that accounts for low enthusiasm.

No one can say for sure.

Maybe the fact that elections are on Tuesday affects turnout. It is tougher for a working guy to get out and vote than it is for someone who does not have to work—a retiree, for instance. Maybe we should have elections on Saturday or Sunday.

Again, nobody can say for sure. We can speculate, but we have no real basis for drawing any conclusions.

It seems to me that what we ought to be considering here is whether or not to set up a whole basic Federal election code. Maybe we should treat all jurisdictions alike. But it is certain that if this whole bill is predicated on statements like those about San Antonio, it is plain erroneous. This error, and I think it is not intentional, nevertheless makes me wonder whether I can support the bill.

I am in a dilemma here: I want full and effective voter participation. I have worked for human and political rights throughout my career. And yet here I see a bill that would affect my own city in a way that is wholly uncalled for, based on a complete misstatement of the true situation, and which worst of all would not in any way resolve the grievances complained of. It would not change the existence of at-large districts. It would not eliminate runoff elections. It would not address those things at all—and yet those are the grievances most often alluded to, most documented, and most argued of. This bill would not really change anything in San Antonio, at all. After all, there has been no intimidation reported to the committee; there has been nothing at all, except the annexation aforementioned, and which I have explained. As far as I can see, the bill as applied in my city would rectify nothing.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

The CHAIRMAN pro tempore. The gentleman will suspend. The Chair must advise the gentleman that under the rule that request is not in order.

Mr. GONZALEZ. Mr. Chairman, I include the following information:

BRIEF HISTORY OF SAN ANTONIO ANNEXATION

(1965–75)

I. GENERAL LAW

Municipal annexation power is a legislative function delegated to cities by statute. In Texas, prior to 1963, the only statutory limitations on the power of Home Rule cities (of which San Antonio is one) to annex was that the land in question be adjacent to the annexing city and not within the boundaries of another city. This latter limitation was likewise imposed upon incorporations of new towns. *Arts. 1175, 1133–1134, Vernon's Anno. Tex. Stat.*, and *State ex rel Pan American Production Co.* vs. *Texas City*, 303 S.W. 2nd 780.

City governments have always had one or more of the following motives in annexing new territory: (1) To gain tax revenues; (2) To control the growth and development of the City (Texas cities have no zoning control beyond their boundaries, although since 1931 they have had subdivision control. *Art. 974a, V.A.T.S.*); (3) To prevent the incorporation of towns around their outer boundaries. Such incorporation ultimately leads to duplication of municipal services as the "parent" city grows around the incorporated "bedroom" city. (Olmos Park is a good example). (4) Political considerations. For example, black communities have been excluded from annexation by some southern cities.

Prior to 1963, an annexing city was not compelled by legal mandate to service annexed areas. Indeed the only thing that prevented massive annexations (which nevertheless sometimes did occur) of land for revenue purposes alone were political considerations. People do not like to be annexed and receive no municipal services for their newly imposed taxes.

In 1963, however, the law of annexation was drastically changed by the legislature. See *Art. 970(a), V.A.T.S.* This bill was no doubt passed to prevent some of the annexation excesses and abuses of cities in the past, such as that exemplified by the Pan American case, supra.

Article 970(a) contains a number of provisions, but the following ones should be noted, at least in essence:

(1) The statute created an "'"extraterritorial jurisdiction" (ETJ) for cities of various population brackets. Cities of 100,000 or more were given five (5) miles of ETJ. There were several incidents of ETJ. First, a City could not annex beyond the limits of its ETJ, except by request of property owners. Second, no town could incorporate within a City's ETJ. Third, a City's subdivision regulations were applicable within its ETJ (but not its zoning or building regulations). Fourth, ETJ land was not taxable by the City. Fifth, when a City annexed within its ETJ, the latter expanded accordingly. (This accounted for San Antonio's "spoke" annexation of the middle sixties).

(2) Further limitations were placed upon the area a City could annex in any one year. Thus a City was limited to annexing a maximum of an amount equal to 10% of its total area in any one year. *Area annexed by petition of landowners did not count against this 10%,* however. Furthermore, a City could build up "credit" to the extent of an amount equal to 30% of its total incorporated area by annexing less than 10% in three or more calendar years.

(3) The annexing City was compelled to furnish municipal services to the area annexed within three years from the time of annexation or the land was subject to being disannexed.

(4) The requirement of "adjacency" was retained in annexations.

THE "SPOKE" ANNEXATIONS

Under Art. 970(a), a City, while limited in the extent and area of its yearly annexations, was given a measure of protection against the encroachment of bedroom cities in the ETJ and given subdivision control in the ETJ. San Antonio's government did not feel, however, that 5 miles of ETJ was enough. As noted above, the ETJ expanded, under Art. 970(a), with any given annexation. Thus, if a City annexed out one mile beyond its boundary, its ETJ was extended out beyond the newly annexed area accordingly. This gave rise to the "spoke" idea.

There are, of course, many roads and highways leading into San Antonio. They are publically owned and controlled. Annexation of such roads and highways would net no taxes nor population to the City, but would increase the extent of the City's ETJ. Thus, if such roads and highways entering the City were annexed out to the extent of the City's ETJ, the latter would double if the roads and highways were close enough together. Instead of having a 5-mile belt of ETJ, the City would have a 10-mile belt and this would be accomplished without annexing any privately owned land.

San Antonio, in 1964, in accordance with the above, annexed roads and highways out to the limit of its ETJ, but such annexations included *only* the roads and highways. The result was as above stated. Several lawsuits also resulted later, challenging this device, but the City won them.

This broad belt of ETJ had a good deal to do with San Antonio's failure to make any significant annexations until 1971. After all, it had 10 miles of subdivision control and 10 miles of insulation against the establishment of "bedroom" cities.

PATTERN OF SAN ANTONIO ANNEXATIONS FROM 1965–75

As of January 1, 1965, San Antonio contained 176.8 sq. miles. Since that time, the City has annexed 86.2 sq. miles. There have been 112 separate annexations, almost all of which were "petitioned" annexations and thus did not count against the City's yearly 10% allotment. The typical "petitioned" annexation involves a subdivider who has gotten his plat approved by the Planning Commission, having originally purchased the land when it was in the ETJ. His motive for requesting annexation is desire for City services (which ETJ land is not entitled to).

The great bulk of San Antonio area development has been to the northwest, north, and northeast and this is where most of the annexations have been. The development trend to the Northwest, North and Northeast has progressed faster than to the West and South for several reasons. Besides the location of the U.T.S.A. and the medical hospital facilities on the North and Northwest sides, the topography of the San Antonio region together with past development has to a large degree forced such a pattern.

For instance, the general fall of the land is in a south and southeasterly direction from the north and northwest. The elevation of the land to the south side of San Antonio is much flatter and has small grade differentials. This results in much more area of land on a percentage basis being subject to periodic flooding as well as taking longer for run-off of such waters. Additionally, as the waste water systems of the City are mainly gravity flow, the regional treatment facilities have all been located on the south side within the watersheds of the various natural drainageways. As these lines terminate at the plants, all of them are on an almost flat gradient and of very large size as well as approaching being a pressure system. Accordingly, the planning and construction of systems adequate to support development in the far south side of San Antonio would be difficult and expensive, both in construction and operation, without construction of additional major treatment facilities some distance further to the south of San Antonio. The result has been that the economics of development has been to portions of the area around the City other than southwest and south.

Still another factor which to some degree fosters development other than to these areas is the availability of potable drinking water. Again, because of the underground formations, developers have determined it is more advantageous to develop areas where a water source is readily available through either City's system or the development of their own, and the existing formations on the south side do not produce the quality desired.

There have been three notable exceptions to our "petitioned annexations" in the past 10 years. The first was the UTSA annexation in 1971. The second was our massive December, 1972, annexation. The third was our recent (1974) Randolph Field annexation.

The UTSA Annexation

This annexation in 1971 was requested by the Board of Regents of the University of Texas in order that the UTSA and its immediately surrounding area be afforded City services, particularly fire and police protection, water and sewage. The area annexed was roughly 13 square miles and had to be reached by a "spoke" which had been previously annexed by the City.

This area was sparsely populated except for a small unincorporated, but newly developed, area called "Hills & Dales" (some of the inhabitants of which filed a lawsuit contesting the annexation in the Federal Court. The City won).

The UTSA annexation is shown on the small Polaroid photos in yellow in the upper left-hand corner and, of course, upon the larger maps which accompany this narrative.

The 1972 annexation

As inferred above, San Antonio, from 1965 to 1971, annexed almost exclusively by "petition". Almost all of the petitions were from subdividers whose subdivisions were northwest, north or northeast. Thus, as of 1972, San Antonio was in a position to annex an amount of land equal to 30% of its corporate area.

By 1972, it had become apparent that large areas around the City's boundary—especially in the northwest, north and northeast—were either developed or were going to be developed in the immediate future. The UTSA area was an anomaly, far removed from the City and connected thereto only by a spoke. The developed or developing areas were becoming densely populated and this created municipal problems in the traffic, police, fire and health fields. Additional tax revenues were necessary to meet these problems and the imposition of zoning was desirable. The protection of the Edwards aquifer was also a factor.

For all these reasons, the City Council annexed approximately 53 square miles of land, the bulk of which was southwest and west (around Kelly Field), northwest and northeast.[1] This area is shown on the accompanying maps.

The Randolph Field annexation

In 1973, Air Force officials began to be concerned about threatened buildup of the area immediately south of Randolph and asked for San Antonio's cooperation in controlling such buildings. (Both ground and flight safety were their primary concerns).

Largely to accommodate the Air Force, San Antonio, again using a spoke as in UTSA, annexed about 9 square miles in the area in question in order to impose zoning restrictions upon the same. This annexation has been challenged in the Federal Court and thus far the City has prevailed. The case is now on appeal to the Fifth Federal Circuit Court. The annexed area is sparsely settled, but is active agriculturally. It really is not "municipal" land, but zoning was needed, as aforesaid.

V. SUMMARY

From what has been stated thus far it is easy to see that San Antonio's annexations over the period 1965–1975 have been made for three of the classic reasons set out in the beginning (prevention of "bedroom" cities, acquisition of tax revenues, control of growth and development of the City). Two major annexations, the UTSA and Randolph, were largely at the instance of the State and of the Air Force, respectively. The fourth reason, political, has truly played little or no part. There has been no effort to make any systematic exclusion of ethnic minorities and there has, in fact, been no such exclusion with respect to ETJ areas otherwise appropriate for annexation. (In fact, in the 1972 annexation there were two "substandard" subdivisions, heavily populated by Mexican-Americans included in order to furnish them City services—not for tax purposes because the services cost more than the amount of the tax revenues from them. These two areas, both small, are Villa Coronado and Grass Valley Acres, shown on the accompanying maps).

It is true that about 70% of the populations of the area annexed have been white Anglo-Saxon. But this results from the fact that annexation follows growth, or potential growth. Most of the area annexed over the subject period has been either residentially developed or has immediate potential for such development.

White Anglos, as a group are more affluent than either Mexican-Americans or Negroes and consequently they buy more new homes per capita than do the latter. It might be added that bulk of Bexar County's Mexican American population and virtually all of its Negro population reside in San Antonio. Few Mexican-Americans reside in the "bedroom" cities and even fewer Negroes so reside and the County is sparsely populated otherwise than in San Antonio and the "bedroom" cities.

VI. CONCLUSION

San Antonio's annexations—1972 included—have not been ethnically or politically motivated nor have they resulted in ethnic discrimination. Any assertions to the contrary are simply not factual.

CRAWFORD B. REEDER,
City Attorney.

ANNEXATION 1970–74, POPULATION, SAN ANTONIO

	Total	Anglo	Mexican American	Black	Other nonwhite
Addition	55, 261	39, 939	13, 112	1, 566	644
Percentage		72. 27	23. 73	2. 83	1. 17

Year	Acres per year	Square miles per year	Cumulative square miles
Acres annexed 1970–74:			
1970	213. 4430	0. 3335	184. 1450
1971	8, 800. 6830	13. 7511	197. 8961
1972	34, 434. 8300	53. 8044	251. 7005
1973	985. 0000	1, 5391	253. 2396
1974	6, 301. 2970	9. 8458	263. 0854

POPULATION, SAN ANTONIO, 1970—DEPARTMENT OF LABOR 1970 CENSUS

	Total	Anglo	Mexican American	Black	Other nonwhite
Population	654, 153	256, 390	341, 333	50, 041	6, 389
Percentage		39. 2	52. 2	7. 6	1

ANNEXATION, 1970–74, POPULATION ESTIMATE

Annexation No.	Anglo	Mexican-American	Black	Other nonwhite	Total
201					0
202	5	2	0	0	7
203					0
204					0
205					0
206	9	2	0	0	11
207					0
208	102	25	0	2	129
209	361	95	2	2	460
210					0
211	9	2	0	0	11
212	1, 068	208	55	56	1, 387
213					0
214	1, 566	177	1	7	1, 751
215	34	6	0	0	40
216					0
217	30	11	0	0	41
218					0
219	6	1	0	0	7
220	5, 614	2, 502	203	111	8, 430
221	9, 476	1, 639	417	134	11, 666
222	50	10	3	0	63
223	11, 647	4, 370	706	168	16, 891
224	5	2	0	0	0
225	9	1	0	0	17
226	1, 921	279	11	23	2, 234
227	1, 377	115	2	2	1, 496
228	64	9	0	1	74
229	539	45	0	2	586
230	721	129	1	3	854
231	1, 376	294	2	15	1, 687
232	3, 348	487	41	74	3, 950
233	124	116	2	2	244
234					0

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[1] This made developer Ray Ellison unhappy and he filed a lawsuit to invalidate the annexation, claiming that the City had taken an area greater than 30%. We felt it possible that he was correct and joined with him in judicially invalidating the whole annexation. In the next few months, we carefully computed and outlined "safe" boundaries and annexed essentially the same area and this was not challenged (December, 1972).

ANNEXATION, 1970-74, POPULATION ESTIMATE—Continued

Annexation No.	Anglo	Mexican-American	Black	Other non-white	Total
235	128	1,931	10	34	2,103
236	5	69	0	1	75
237	71	13	0	1	85
238					0
239	38	461	104	4	607
240	174	103	6	2	285
241	62	8	0	0	70
242					0
Total	39,939	13,112	1,566	644	55,261

Mr. EDWARDS of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I refer the committee and, of course, my good friend, the gentleman from San Antonio (Mr. GONZALEZ) to page 368 and page 369 of the hearings and the statement of George J. Korbel, assistant regional attorney for the EEOC of Chicago, who in 1971 took the position as staff attorney with the Mexican-American League Defense Fund of San Antonio, Tex., and remained there until November of 1974.

This witness gave very impressive testimony pointing out that:

> In 1972, the city of San Antonio made massive annexations (moving the city from 11th to 9th largest city in the Nation) including irregular or so-called finger annexations on the city's heavily Anglo north side. The population breakdown in the areas annexed was overwhelmingly Anglo although the city was previously almost evenly divided between Anglos and Mexican Americans . . .
>
> In the recent general elections held in November of last year, none of the five absentee polling places were located in San Antonio's West Side barrio; this in spite of the fact that the difficulty of political participation which the 200,000 Mexican Americans in that area experience had been extensively commented on by a Federal district court and affirmed by the U.S. Supreme Court *Graves v. Barnes,* 343 F. Supp. 704, 703-733 (W.D. Tex. 1974).

So for the gentleman from Texas who has always been a strong supporter of civil rights and a good friend of the Committee on the Judiciary to characterize the report of that committee as mendacious or in some way indicate that it is erroneous by design certainly is not appropriate.

Mr. GONZALEZ. I reiterate my statements.

Mr. EDWARDS of California. For the gentleman from Texas to characterize the report in those terms is not in accordance with the gentleman's usual accord with fair procedure in the House.

Mr. GONZALEZ. If the gentleman will yield, I wish to reiterate that statement and say I am aware of that inclusion of that testimony from this gentleman. The trouble is the gentleman never returned from Chicago to San Antonio long enough to get the facts.

Second, there is another statement on the part of a professor of government, St. Mary's University, San Antonio, Prof. Charles L. Cotrell, in which he makes reference to San Antonio, and not to the annexation but in general terms, and he is talking about such things as single-Member districts. Unless I am abysmally wrong about this legislation, this bill we have here has nothing to do with single-Member districts.

Mr. EDWARDS of California. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield further to me long enough for me to submit into the RECORD, if the gentleman desires proof, a statement from the city attorney of San Antonio, together with the facts surrounding the city's annexation in 1972? If the gentleman says he is interested in proof, would he accept this, and I will ask unanimous consent now that this be accepted into the RECORD.

Mr. EDWARDS of California. That cannot be accepted into the RECORD now. That has to be done in the House.

If the gentleman will present it to me I will be interested in reading it.

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, this bill does have to do with annexation and with single-Member districts. It is not that it is mentioned in the bill, but the fact is that once a district becomes covered, then any change in procedures to at-large districts or any annexation becomes subject to preclearance by the Attorney General, and therefore the effect of covering the State of Texas under this bill would mean that any future redistricting, any future change would be subject to preclearance. Therefore, although it does not appear in the bill as such, these actions would be covered and have in fact been covered in the seven States which are presently subject to the jurisdiction of the law.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, it is perfectly clear that the evidence for the extension of the Voting Rights Act is so completely unreliable, in contrast to the substantial evidence that we had when we enacted the original Voting Rights Act in 1965, that we should give very thoughtful consideration to a flat simple extension of the Voting Rights Act without this terrible expansion which is intended to include all kinds of other minorities than the black minority, who were entitled to this kind of support when we enacted the original Voting Rights Act in 1965.

Mr. BUTLER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. JOHNSON).

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from North Carolina.

Mr. MARTIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, although no board of election in my district is currently encumbered by the 1964 Voting Rights Act, and could very well face action from time to time under the Wiggins substitute, I rise in support of the amendment in the nature of a substitute offered by our colleague from California (Mr. WIGGINS). I have no objection to a uniformly fair and evenhanded standard being applied across the country.

Much has been said here today in praise of the Voting Rights Act and I join in that praise in that I believe that in the recent past the act served the Nation well in bringing minorities into the political process and effectively ending racial discrimination at the voting booth. Denial of access to political participation on the basis of race was and is morally as well as constitutionally wrong. The Voting Rights Act ended it. For that we should be grateful.

While I do not represent an area covered by the act, I recognize the problems with the act and support the way they can be cured by the Wiggins substitute.

The extension proposed by the committee would lock in place the act's supervisory mechanisms regardless of whether or not a jurisdiction has ended discrimination. It is eminently fair that a jurisdiction which has cured its ills be allowed to get off "medication." The Wiggins substitute will do this by making imposition of the act's protections depend on the jurisdiction's progress, while the committee proposes to extend a State's punishment based upon its history without relation to its progress. The Wiggins substitute provides an incentive for covered jurisdictions to maximize minority participation, something the committee's extension does not do.

These walls heard debate 115 years ago about erring sisters being allowed to go in peace. Shortly thereafter, the Union preserved, it was briefly fashionable to treat the erring sisters as pariahs, as conquered provinces. Today, we recognize that the Voting Rights Act was necessary for a while. I am sure most of my neighbors representing districts covered by the act agree. We had some sisters who erred, and the penance imposed 10 years ago has changed the face of politics in the South, literally and figuratively.

So, instead of locking in place forever the admittedly protective mechanisms in this act and, thereby treating the covered jurisdictions as conquered provinces again, we should adopt the Wiggins substitute and/or the Butler amendment which allows formerly errant jurisdictions to be rewarded for having changed their bygone ways. The substitute would be there to reextend protections in the event of any backsliding. Importantly, it would not focus punishment on the South alone, but would improve the voting rights of minority citizens in all States.

Adoption of the Wiggins substitute, apart from giving me a Voting Rights Act—vintage 1975—that I can fully support, will recognize that the South has changed enormously in recent years, and changed for the better. Ten years ago, the original Voting Rights Act allowed millions of American citizens to reenter the political life of our country. The Wiggins substitute would permit hundreds of American communities 2 years from now to reenter the political life of the country cleansed of discrimination and with a strong incentive to remain cleansed.

Mr. JOHNSON of Colorado. Mr. Chairman, I am strongly in favor of the Voting Rights Act which protects the rights of every individual in the country to vote; but I would like the attention of the gentleman from California (Mr. EDWARDS).

I would like to point out to the gentleman, because I think it is illustrative of the problem that I have with the bill, as one who is nominally in favor of it.

I would like to point out one of the problems we have in this little area of northern Colorado, we have three counties with populations of less than 5,000. There is Clear Creek with 4,784; there is Jackson with 1,809 and there is Sedgwick with 3,405. I have a total of nine counties which qualify, and only three of them have a population of 20,000 people.

Now, each of these small counties as I understand which qualify under the bill have to come back to the District of Columbia to "bail out" of the provisions of the bill, or else they have to print their ballots in both Spanish and English. Now, as I understand the provisions——

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I might say to the gentleman that we have already checked these figures. I know about those nine counties that qualify.

Mr. EDWARDS of California. Pardon me, I did not get that.

Mr. JOHNSON of Colorado. Before they can bail out, they have to print those ballots in both Spanish and English. To bail out, they have to come back to Washington, D.C., and get permission from the district court back here. That does not make any sense to me whatsoever.

I have been in every one of those counties recently. I have never had a complaint that anybody is being discriminated against in registration or anything else. I do not have any qualms about the district court in Colorado. Why cannot the district court in Colorado make a determination that these counties should be able to bail out? It is hardly worth their while to come back here to the District of Columbia to be exempted under the provisions of the bill. What is wrong with having a district court locally make that kind of determination?

Mr. EDWARDS of California. Well, it was determined in 1965 that it would work much better and be more appropriate to have the district court here in Washington, D.C. handle those matters. It has worked very well. I believe that the committee would resist the amendment which is coming up tomorrow. I certainly would hope that the amendment that is to be offered tomorrow would be defeated.

Mr. JOHNSON of Colorado. I would ask the gentleman, is he saying that because of what happened in 1965 we are writing legislation that is not more effective?

Mr. EDWARDS of California. I have read the testimony that shows we have all kinds of serious problems in voting discrimination in this country today. The situation has improved to a certain extent, but there is strong need for continuation of the present provisions of the Voting Rights Act.

Mr. JOHNSON of Colorado. The gentleman is in effect saying that the U.S. district court is so prejudiced, so unqualified, so unresponsive to the law that we cannot let something like this be decided in the U.S. District Court of Colorado, because in that jurisdiction the district court of Colorado is incapable of making a fair decision; that we have to come back to Washington because that is the only place we can get a fair decision. That is an absurd position on its face.

Mr. EDWARDS of California. The gentleman will have the opportunity to demonstrate that to the House at the proper time.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, actually, the Department of Justice desires to centralize all litigation about this matter right here in the District of Columbia. If they had cases all over the country, they would have their attorneys going out with extensive documentation to Colorado, Texas, and Massachusetts. The Department of Justice in this and other areas of national importance feels that they should build up a body of jurisprudence right in the District of Columbia and it is they, more than the civil rights group, that really want to locate this here, rather than the regional aspects.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, might I just add an additional reason? That is, in the original instance there was so much racial animosity that involved these cases that many judges, many Federal judges sitting in parts of the South, were so seriously intimidated and so threatened that it was considered that it was a very important reason. That is not to suggest that this is going to be the case in the gentleman's State or in other States, but it is a general application that is very, very necessary.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado has expired.

Mr. BUTLER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, I would like to make a comment, because I understand the gentleman's point of view, but he is imposing a burden in an area of the country where it is not justified. I do not know why we cannot work out some legislation which would prevent that kind of a burden being imposed.

The people in the area of Colorado of which I am aware, where they are illiterate in English and speak Spanish, most probably are illiterate in Spanish. They have not had schooling in Spanish, so we are going through an additional expense of setting up a procedure where we cannot go through the easy way of exempting these counties.

I do not believe we ought to exempt all the counties. The burden is on the county, but it ought to be done in an area where it is convenient. I can give the committee four more counties where the population is less than 10,000. They have a county attorney, and the gentleman from Massachusetts (Mr. DRINAN) says they should come back here because it is convenient for the Federal Government. They have to bring all their proof and everything back from a county in Colorado.

Jackson County has a population of 1,800 and has a part-time county attorney. He should come to the District of Columbia because it is inconvenient for the Justice Department to go out there to Colorado. That does not make any sense to me.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, the argument just made by the gentleman from Massachusetts to the effect that we were building a body of expertise among the judiciary in Washington does not hold up. We called the Clerk's office and got these statistics:

During the time of this act, only 10 bailout cases, including one brought by the Attorney General, were brought under the Voting Rights Act. Fourteen judges sat on the three judge panels. Only two have decided four cases and one has decided three cases. The other 11 set were consents. Only three resulted in decisions other than consent decrees.

Thus, even in these cases, no expertise has been developed.

Concerning the likelihood of decisions remaining and that litigation must be centralized in Washington to save the Government from litigation, only 10 suits have been filed in 10 years. In Honolulu, they have chosen to ignore Washington and have gone forward even though they are under the act. The gentleman may consider that alternative, although if he does that, he runs the risk of every voting procedure we have will be held illegal in a later litigation.

Mr. CLAY. Mr. Chairman, it has been said that the Voting Rights Act of 1965 is the single most important piece of civil rights legislation in our Nation's history. The relative merit of such claims notwithstanding, I can say with some real assurance that this legislation, like none before it, has effectively begun the process of guaranteeing the most fundamental of those essential rights descriptive of any truly democratic society, the right to vote. Certainly, until the award of the basic franchise is in reality universal, from the large urban metropolitan areas of the eastern seaboard to the most remote rural backwaters of the Deep South, America cannot in good faith pretend to democratic laurels it has not earned. No doubt in the last 10 years, we have made notable progress but we have yet a long course to travel. There remain millions of Americans who are denied the right to vote for no other reason than the color of their skin, the foreignness of their tongue, or the simple want of English literacy.

The Voting Rights Act of 1965 as extended in 1970, prohibits racial discrimination in voting everywhere in the United States. But Mr. Chairman, certain key provisions of this historic legislation are only temporary. Unless the Congress acts with constructive dispatch, these provisions, and the national suspension of the use of tests and devices as a condition for registering and voting enacted in 1970, will expire in August 1975.

Should these temporary provisions expire, the remaining provisions will be rendered virtually meaingless; that is, remedial legislation with no practicable mechanism for enforcement. Under the expiring provisions the following safeguards are afforded: Section 4 suspends the use of literacy tests and devices as conditions precedent to registration and voting in subdivisions where voter registration or turnout for the Presidential elections of 1964 or 1968 were less than 50 percent of the voting age population; section 5 disallows any change in a given jurisdiction's voting laws without prior approval of the proposed changes by the U.S. Attorney General or the district court for the District of Columbia, either of which is charged with deciding whether or not the proposed change is discriminatory in purpose or application; sections 6 through 9 empower the Attorney General and the Civil Service Commission to send examiners and observers to watch over questionable elections and, when necessary, list eligible voters for registration.

If these provisions that make up the act's enforcement apparatus are allowed to expire, any of the presently covered jurisdictions may remove itself from supervisory coverage by demonstrating to the district court for the District of Columbia that it had not used a discriminatory test or device for 10 years. Once the provisions expire and the jurisdictions are released, they would then be free to resume the use of literacy tests and other obstructing devices; they would not be required to present electoral laws for preclearance as required by section 5; and the Attorney General would have no further authority to send examiners or observers. In effect, with the task but half complete, the Voting Rights Act would become a legislative nullity.

Mr. Chairman, the House Judiciary Subcommittee on Civil and Constitutional Rights Act has given its approval to H.R. 6219, a measure if passed by the House and the Senate and signed by the President would:

First. Extend the temporary coverage provisions of the 1965 Voting Rights Act for 10 years;

Second. Permanently ban literacy tests; and

Third. Expand the Voting Rights Act to cover more than 6 million Spanish-speaking citizens, as well as native Alaskans, Indians, and Asian-Americans.

Mr. Chairman, I strongly urge my colleagues to support this extension bill. To do less would constitute a clear retraction of our national commitment to the safeguarding of the most threshhold of rights.

Recently, Mr. Chairman, upon reading a report published by the U.S. Commission on Civil Rights entitled, "The Voting Rights Act: 10 Years Later," I was deeply impressed by the gains we have achieved but equally alarmed by the distance we have yet to go.

It is indeed encouraging to find that since passage of this legislation, more than 1½ million new voters have registered in the South; that by January 1972, black registration in the seven covered States had increased from 29.3 percent of the black voting age population to 56.6 percent, and that the gap between black and white registration had decreased from 44.1 percentage points to 11.2 percentage points.

These data clearly describe real progress but it remains principally important to remember that we are still in the early stages of eradicating the odious stain of centuries of discrimination, that were these temporary provisions not extended, the likelihood would be that we would find ourselves back at the starting point.

It is significant to note that 105 years after the ratification of the 15th amendment and 10 years after passage of the Voting Rights Act, 2½ million blacks today in the South remain unregistered. Though comprising large segments of the population in each of the covered seven States: Mississippi, 37 percent; South Carolina, 31 percent; North Carolina, 22 percent; Virginia, 18 percent; et cetera—no blacks holds statewide office in any of them. Nor does black representation in any of the State legislatures scarcely approach the black proportion of the voting age populations in the respective States.

It is of no small and revealing consequence that whites throughout the South are still very much in control of the electoral machinery. Verified reports abound detailing accounts of lost ballot boxes, inconvenient registration hours, and inaccessible locations for voting and registration. The results: Blacks remain underrepresented even in the 84 southern counties where blacks comprise voting age majorities.

For these reasons among others, the real implications of a congressional failure to extend the special provisions are frightening, more especially in view of one approaching development: Based on the 1980 census, by 1985, all States and many local jurisdictions will have redrawn lines for representative subdivisions altering constituencies from town council districts to congressional districts. Mr. Chairman, I think none of us here has any allusions about the outcome of this redistricting process should the section 5 preclearance requirements be removed. The small gains that blacks have made to date could be all but wiped out by those remaining unreconstructed whites in power who still resist the command of the 15th amendment.

A similar result will obtain, Mr. Chairman, if the national ban against the literacy test is not continued. By March 1974, 12.9 percent of blacks over 25 years of age had received less than 5 years of formal education. For Mexican-Americans the figure was 27.2 and 19.5 percent overall for Spanish-origin populations. As discouraging as these measurements may be, illiteracy is hardly a disability peculiar to blacks and Spanish-speaking Americans. In absolute numbers, more whites living in America are functionally illiterate than are minority group members.

Mr. Chairman, it is safe to assume that if the literacy test ban is not extended, millions of voting age Americans—blacks and Spanish-speaking citizens disproportionately—would again be excluded from participating in our democratic system, the same system that in the first instance failed in its responsibility to provide all Americans alike with the most fundamental of learning skills, the capacity to read and write.

And in closing, Mr. Chairman, I urge my colleagues as fervently as possible to support H.R. 6219. By so doing, we move ahead an important increment toward vindicating a national promise so long ago made, so long now overdue.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise to support the extension of the Voting Rights Act of 1965. I would like you to know that one of my first legislative actions in the 94th Congress was to cosponsor H.R. 4002, a bill from which H.R. 6219 grew and upon which it improved. This proposal was designed to extend certain provisions of the Voting Rights Act of 1965 for 10 years and to create a permanent ban against certain prerequisites to voting. Too often, these literacy tests and devices have been used as a discriminatory weapon against certain minorities. A vote against extending the Voting Rights Act of 1965 would create a situation conducive to the regeneration of these abuses.

It is essential to the livelihood of our democratic process that every citizen be afforded the opportunity to vote. This is a fundamental part of our civil rights. Too often, literacy tests have had discriminatory effects as State and county educational possibilities were inferior for members of minorities. A nationwide, permanent ban on these tests would protect the voting rights of citizens where this imposition on minorities would result in great inequities in our electoral process. The permanency of the ban must be stressed as provisions for tests or devices remain on the books of 14 States in our country. Therefore, the extension of the Voting Rights Amendments of 1965 must be ongoing so that these States will not be permitted to enforce literacy tests as prerequisites to registration and voting.

The positive effects of the Voting

Rights Act of 1965 are evident and speak for themselves. The progress of minority political representation has become increasingly obvious. However, significant deficiencies in minority registration and, therefore, political participation still exist. We must work to amend the inequities in our political process in order to insure the rights of all citizens.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 6219, which amends and extends the Voting Rights Act of 1965.

Ten years ago, when the original Voting Rights Act was first passed, it was designed to meet the needs of minorities who were being denied the right to vote. Since then, the situation has improved greatly in those areas which the act was designed to effect. Yet the need for the bill is still evident, for new areas have been discovered which need the special protection and benefits which the bill, as originally drafted, does not address.

In the 1974 congressional election, 44.7 percent of the total population exercised their right to vote. Among black citizens, who were the major beneficiaries of the original Voting Rights Act, voter participation was only 33.8 percent. In the South, in 1974, where many of the first publicized instances of voting injustice took place, there was only a 5-percent difference between black and white registration: A marked improvement over 1966, when there was an 11 percentage point difference.

However, there are other minority groups in the United States which are lagging behind in voter registration. According to the Social and Economic Statistics Administration to the U.S. Department of Commerce, only 22.9 percent of the total voting age population of Americans of Spanish descent were registered to vote in 1974.

Some of this alarmingly low rate can be laid to the fact that many Americans of Spanish descent—Mexican Americans, Puerto Ricans, Cubans, and those from South America—have not yet become citizens. However, much of the reason can also be caused by language difficulties, unfamiliarity with voting laws, de facto and de jure discrimination, and a history of neglect on the part of the United States toward Americans of Spanish descent.

Many of the same difficulties beset other minority groups as well. American Indians and Alaskan Natives have, for the most part, been ignored by Federal voters' rights programs. Asian Americans face many of the same problems. While many people feel safe to say that discrimination and prejudice against Asian Americans is a thing of the past, yet the problems facing these people still continue. And the recent outcry against the arrival of Vietnamese refugees, although motivated by many factors beside racial prejudice, shows that bigotry against Asians is far from a thing of the past in the United States.

In the congressional district I represent, 20 percent of the total population is of Spanish descent—primarily Mexican American. Blacks comprise 10 percent of the population, and there is also a sizable Asian American community, made up of Japanese, Filipino, Samoan, Korean, and Guamanian Americans. In the 1974 election, only 31.3 percent of the population voted in the congressional election.

Mr. Chairman, if we are to increase the voter participation of minority Americans, strong congressional action is needed. We must insure that language and cultural differences do not become stumbling blocks on the way to the polls. H.R. 6219 is a step in this direction, because it recognizes the special needs of many American citizens in exercizing of one of our basic rights; the right to vote.

For these reasons, I urge that H.R. 6219 be adopted—without weakening amendments.

Ms. ABZUG. Mr. Chairman, I rise in support of H.R. 6219, the Voting Rights Act extension. The original Voting Rights Act has been instrumental in paving the way for the politically disadvantaged to secure enforcement of their right to vote. Enforcement of the law has enfranchised many black people in our Nation who, through the use of discriminatory practices, were denied equal opportunity to register and vote. However, the task is far from complete. H.R. 6219, sponsored by my distinguished colleague, Mr. EDWARDS of California, would provide for a sorely needed extension of the act, as well as extending its coverage to language minorities.

The original Voting Rights Act contained a section 5 preclearance provision, which insured protection and assistance by the Federal Government for the politically weak and suppressed citizens who were unable to attain justice through State case-by-case litigation. In this section lies the strength of the Voting Rights Act, for it facilitates the enactment and protection of the act. However, section 5 did not become widely used until 1971. Thus it is crucial that this provision be extended, as only 4 years of such protection is too short a time to alleviate all discriminatory practices. H.R. 6219 does extend and strengthen this section.

I would like to point out another area of concern to all those present who feel the need, as I do, to expand and extend the outstanding coverage of minorities which the Voting Rights Act has accomplished thus far. Notable areas of progress under the act have been in increased minority registration, voter turnout, and in the increased number of minority elected officials. It is now time to expand this coverage to other disadvantaged groups. H.R. 6219 accomplishes this through its inclusion of "language minorities," specifically American Indian, Asian-Americans, Alaskan Natives, and people of Spanish heritage. This coverage will secure the right of these peoples to assert their political strength through their increased ability to participate in our electoral process, a right all disadvantaged groups should have.

H.R. 6219 includes the provisions essential to the continued success and effectiveness of any voting rights legislation. To reiterate, these provisions are the section 5 preclearance provisions, the 10-year extension of the act's coverage, inclusion of language minorities, the addition of jurisdictions in which there exists in illiteracy rate higher than the national average, and the permanent nationwide ban on literacy tests.

Opposition to an extension of the Voting Rights Act may exist in part because of a mistaken impression that the act is a great burden imposed on a particular region of the country solely by representatives whose districts are unaffected. I wish to note, however, that my own district is one of those affected by this legislation: It is located in one of the three counties of New York which are covered by sections 4 and 5 of the act. It is not despite but because of our experience under the act that I support H.R. 6219 and oppose the Wiggins substitute amendment.

Most jurisdictions covered by sections 4 and 5 never actually sought an exemption from the act. The attorney general of New York, however, did go to court to seek just such an exemption from New York, Kings, and Bronx Counties in New York City. The courts applied the same standards to us in New York as are applied to covered jurisdictions in the South. After 2 years of litigation and three appeals to the Supreme Court, New York was denied an exemption. The case was lost because of evidence introduced by the New York NAACP which showed that our literacy test, like Virginia's, was adopted for a discriminatory purpose, and that minority voters in New York, like those in Gaston County, N.C., were more likely to be illiterate because they had attended inferior schools.

Section 5 has been applied to a large number of State and local laws in New York. Last year we submitted to the Attorney General under that provision the new senate, assembly, and congressional district lines in the three covered counties. The Attorney General disapproved many of these lines. Using the same standards applied to submissions from Southern States, the Attorney General found that the lines divided up concentrations of minority voters and placed the fragments in districts with white majorities. As a result there were large numbers of nonwhite voters in white districts, but very few white voters in nonwhite districts. The Attorney General's decision required the Governor to call a special session of the State legislature, which adopted new lines more fair to all.

We have not found that compliance with the section 5 preclearance procedures is a serious or significant problem. In fact, knowledge that we are covered by section 5 has had the laudable effect of detering last minute changes in election laws. I have been advised by civil rights lawyers that in numerous occasions during the last several years they have been able to persuade the city board of elections to refrain from taking potentially discriminatory steps by invoking the act. None of this offends the dignity of the city or the State.

For the past 2 years New York City has been providing all voting and registration materials in both Spanish as well as English. This is a result of a court decision in Torres against Sachs brought by the Puerto Rican Legal Defense and Educational Fund. The court found that using English-only materials violated two provisions of the Voting Rights Act, that prohibiting the use of literacy tests and that banning English language literacy tests for Puerto Ricans. We have found that providing dual language materials is not only entirely workable, but are substantial assistance to many Spanish speaking voters in New York. Title III of H.R. 6219 would extend this type of requirement to the entire country without need for further litigation.

So it is as a representative of a jurisdiction covered by the Voting Rights Act that I speak to you today and urge you to renew the act for 10 years by adopting H.R. 6219. Time has been short since the original Voting Rights Act of 1965 was enacted—a mere 10 years. The time has been much shorter in which the essential section 5 preclearance provision have been properly and frequently used, and again, it was only in 1970 that the act was expanded, with the temporary ban on literacy tests included.

I hope that all of my distinguished colleagues will join me in full support of all the provisions of the bill H.R. 6219, and oppose any attempts to alter the substantial strength and extended coverage of that bill.

Mr. EDWARDS of California. Mr. Chairman, I have no further requests for time.

Mr. BUTLER. Mr. Chairman, I have no further requests for time.

Mr. EDWARDS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Studds, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during general debate on the bill, H.R. 6219.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1975

Mr. MAHON. Mr. Speaker, I move to take from the Speaker's table the bill H.R. 5899 with the remaining amendment in disagreement and move that the House recede from its disagreement to the amendment of the Senate No. 107 and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment insert the following:

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

"For administrative expenses and preparation of plans to provide assistance to financially distressed railroads for repairing, rehabilitating, and improving railroad roadbeds and facilities, $5,000,000 to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon the enactment of authorizing legislation."

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment to the text of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment No. 107, page 39, line 15, insert:

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

"For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitation, and improving railroad roadbeds and facilities, $700,000,000 of which not to exceed $7,000,000 shall be available for administrative expenses of the Secretary to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon enactment of authorizing legislation."

The SPEAKER. The Clerk will report the motion offered by the gentleman from Texas (Mr. Mahon).

The Clerk read as follows:

MOTION OFFERED BY MR. MAHON

Mr. Mahon moves to take from the Speaker's table the bill H.R. 5899 with the remaining amendment in disagreement and move that the House recede from its disagreement to the amendment of the Senate numbered 107 and concur therein with an amended, as follows: In lieu of the matter proposed in said amendment insert the following:

"RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

"For administrative expenses and preparation of plans to provide assistance to financially distressed railroads for repairing, rehabilitating, and improving railroad roadbeds and facilities, $5,000,000 to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon the enactment of authorizing legislation."

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. Mahon) for 30 minutes.

Mr. MAHON. Mr. Speaker, when the $5 billion emergency employment appropriations bill passed the House and went to the Senate, the Senate added $700 million for grants to railroads—not loans, but grants to railroads. This was the major controversy in conference on the jobs bill.

We had a rollcall vote in the House on this item, and the position of the House that we not provide the $700 million for grants to railroads was overwhelmingly sustained. It was sustained to a considerable extent on the basis that there was no enabling legislation—no authorization for the program whatever.

So the emergency employment bill was approved by the House and the Senate and sent to the President without the unauthorized $700 million program of grants to railroads.

Then the other body added on to the second supplemental appropriation bill the same amount, providing the $700 million for the railroads. We went to conference and brought back in disagreement the $700 million item. The House voted on this amendment again and turned it down by 215 votes to 136 votes.

Therefore, the bill was returned to the other body on the day that we recessed, on the 22d of May. The other body refused to accept the House provision and voted, about 46 to 16, to insist upon the $700 million of unauthorized grant money to the railroads.

The situation now is that this bill must go to the President promptly. It must be enacted. It provides about $15 billion for the fiscal year which ends June 30 and it is hung up on this one item.

The bill, as approved by both bodies, provides for paying employees of the Federal Government an additional $1.7 billion. It provides $752 million for veterans. It provides $884 million for food stamps. It provides $176 million for child nutrition. It provides $5 billion for unemployment compensation. For public assistance, it provides $1.7 billion. It provides $1.7 billion to cover the cost of providing $50 to every recipient of social security benefits as required by the tax bill.

Mr. Speaker, the urgency of this matter is that funds are already exhausted for certain veterans' payments, and funds will very soon run out for many of these other programs to which I have referred. There is a great urgency that we pass this legislation and send it to the President.

There are 45,000 veterans whose payments are now being delayed. The next two payment cycles will be for 300,000 veterans and will require some $100 million, for which funds are not available, but will be made available in this bill.

Then I mentioned unemployment compensation. Loans to certain States for unemployment compensation benefits are in serious jeopardy. Three States, Michigan, Vermont, and Connecticut, have exhausted their resources and must receive loans from the Federal Government.

The language to which we are objecting in the Committee on Appropriations, which was put in the bill by the Senate, is the following:

For payment of financial assistance to assist railroads to provide funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $700 million, of which not to exceed $7 million shall be available for administrative expenses of the Secretary to remain available until December, 1976: *Provided, however,* That these funds shall become available only upon the enactment of authorizing legislation.

Mr. Speaker, my motion does not provide any $700 million for the rehabilitation of railroads. It does not provide any money for actual rehabilitation of railroads. It simply provides for administrative expenses and for planning in the event some kind of authorization is passed. There is no money for construction. It is just for administrative expenses and for planning.

Just let me read the motion. It provides:

> For administrative expenses and preparation of plans to provide assistance to financially distressed railroads for repairing, rehabilitating, and improving railroad roadbeds and facilities, $5,000,000 to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon the enactment of authorizing legislation.

The House vote when this matter was before us on May 22 was 215 against the $700 million and 136 for. The vote today is on whether or not to provide $5 million in administrative and planning money in the event Congress does pass a program for bailing out the railroads that are in distress, and it will not become available until authorizing legislation is enacted. If authorizing legislation is enacted, the money will become available immediately for administration and for planning.

I see in the Chamber the gentleman from Pennsylvania (Mr. ROONEY) who is working on the authorizing legislation. I would be glad to have that gentleman comment upon my statement in regard to whether or not this would be considered appropriate as it relates to authorizing legislation.

Mr. ROONEY. As I assured the gentleman last week, Mr. Chairman, before we adjourned for the recess, I said that we were going to hold hearings on the 22d, 23d, 24th, and 25th of June. I think this is an excellent way to handle the disagreement with the Senate. I can assure you that I will hold these hearings and we will report in a bill that will provide moneys for railroads that need the moneys. I am talking about bankrupt railroads, I am not talking about profitable railroads, and conceivably that is where the $700 million possibly would go.

Mr. CEDERBERG. Mr. Speaker, would the gentleman yield?

Mr. MAHON. I yield to the distinguished ranking minority member of the Appropriations Committee.

Mr. CEDERBERG. Mr. Speaker, I opposed the $700 million that was not authorized, as did our chairman. However, I recognize the urgency of this supplemental. As has already been pointed out by the chairman, the gentleman from Texas (Mr. MAHON) we have unemployment checks that are in jeopardy, and veterans pension checks, and consequently we urgently need this supplemental.

In discussions with the chairman and with the other House conferees, we felt this amendment might be the vehicle by which we could move this matter, because I just do not see how we can delay it any longer.

It is in that vein that I intend to support the amendment to be offered by the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I am sure the gentleman from Michigan (Mr. CEDERBERG) as well as the gentleman from Texas, would like to see this whole matter postponed until we know what the features of any authorizing legislation may be. But we do need to reach a compromise because of the urgent nature of other items in the bill, and since this proposed compromise does not provide any funds for any railroad at this time, and requires authorizations before it can be expended, I think we can accept this as a reasonable compromise in view of all the circumstances.

I think it is important that we have a rollcall on the issue, so that we can demonstrate the position of the House. The House in the two previous votes indicated strongly that it does not want to provide any money for the railroads themselves unless and until such a program is authorized. Under the amendment pending at this time we would provide money only for administration and for planning so that immediately upon the passage of legislation authorizing appropriations, the funds will be available for the planning and administration. Then we can take whatever action the Congress wants to take about an appropriation.

Mr. CEDERBERG. Mr. Speaker, I agree with the gentleman from Texas.

Mr. MAHON. I thank the gentleman from Michigan.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the proposed substitute amendment by the gentleman from Texas (Mr. MAHON). It is representative of the inconsistent positions which have been taken thus far in this bill.

I must explain why the position of the House is patently inconsistent in this bill. May I direct your attention to amendments Nos. 88 and 90 which the House, by unanimous consent, voted to recede and concur therein. Notice that each of the two amendments provided funding for as yet unauthorized programs. Further notice that they provide that funds shall be available only upon enactment of authorizing legislation. This is exactly the same language we are here involved with in Senate amendment No. 107. May I further direct your attention to page 39 where the bill provides as yet unauthorized funds to the National Railroad Passenger Corporation in the amount of $74 million. Further note that this "House" provision in the bill provides "that $59,800,000 shall be available only upon enactment of authorizing legislation."

Now there is an amendment on the floor to provide $5 million for planning and development providing that no funds shall be available until authorizing legislation is passed. This language which provides that funds shall be made available only upon enactment of authorizing legislation was the reason my previous amendments on this subject was so violently opposed. Now there is an amendment on the floor with that same type of language proposed those who were so opposed to the language in my previous amendments. Therefore, if my amendment was bad because there was no authorization bill, then this $5 million amendment is bad because there is no authorizing bill.

Mr. Speaker, it is clear that the procedural position of the House on this amendment is inconsistent and contradictory with the rest of the bill. What is the purpose of this inconsistency? Why do we relax our conviction on requiring preceding authorization on three amendments and then take a complete about-face and require it on a fourth amendment?

Fellow Members, based on the latest information received by the Department of Labor and the Federal Railroad Administration—my amendment could have returned every unemployed railroad worker to work on rail rights-of-way rehabilitation projects. Let me remind you that this amendment was originally in the "emergency jobs bill."

Its purpose is primarily to create jobs. The benefits from the rights-of-way rehabilitation projects are secondary to the main purpose of creating those jobs. Railroads in every State could be eligible for funding of this type. This amendment is not intended to benefit any particular geographical sector of the country. This funding will have national application. Mr. Asaph Hall, acting Administrator of the Federal Railroad Administration advises that there are 3,500 miles of rails stockpiled by the railroads across the country with no funds to employ construction crews to use them. Further, there are more than 24 million railroad ties sitting in railroad yards ready to be used. Surprisingly, almost half of these materials belong to railroads in the Nation's western district. The last estimate from the Federal Railroad Administration was that $40 million per month will put every unemployed railroad worker back to work. Accordingly this funding can keep these men at work through the end of the transition period.

Let me reemphasize that no funds under my amendments were to be made available until appropriate authorizing legislation was passed. The purpose of my amendment was to make funds available as soon as authorizing legislation is passed. Because of the 4th of July recess and the August recess, it is doubtful we can pass an appropriation bill after the authorizing legislation before the summer is over. That is why it is so important to act now.

I want to remind my colleagues that now a new issue has been brought up before this House saying if we do not pass the bill, the veterans are going to go without benefits, and Federal employees will go without salaries. Yet I was up here the night before we recessed and said, "Let's stay here and work, and let's get this done," and the Members took a 10-day recess. They could not even get a quorum here that night, if the chairman will recall.

Why was the chairman not worried about the veterans at that time? How could we go home on a 10-day recess and not pass this bill for the veterans? We could have gone back to the conference with the Senate.

I hope the Senate has the tenacity to stand up there today and not accept this amendment. If they do that, maybe we can go back to conference. Perhaps we can get a compromise and then when the Committee on Interstate and Foreign Commerce, headed by the very able gentleman from Pennsylvania, (Mr. Rooney) passes out a bill between the July-August recess, we might get this to conference with the Senate. Perhaps at that time we can have the $700 million ready to go to put 31,045 people back to work.

What is going to happen here, Mr. Speaker, is that this delay is going to prevent any work to begin in the colder areas of this country during the winter. That is what I am concerned about.

I hope the amendment is defeated, because it is merely an empty provision. It does nothing. It merely provides $5 million for planning after authorization. Let us not kid anyone.

Fellow members, this appropriation will not solve all our rights-of-way problems but it will make a start. In this past year, a derailment outside of Decatur, Ill., resulted in explosions that completely destroyed an elementary school. Luckily, no one was in the building at the time. Also this past year a railroad car loaded with explosive materials derailed under the city of Chicago, Ill. Luckily there were no explosions. The incident could have resulted in the destruction of an area encompassing three city blocks. These two incidents are representative of more than 10,000 which occurred last year due to the dilapidated state of our roadbeds. Why do we drag our feet and hide behind the mask of procedural arguments when we can take the initiative to put every unemployed rail worker back on the job and off the welfare rolls as well as a positive step in rehabilitating our rail right-of-way.

Fellow members this arbitrariness and inconsistency flys in the face of responsible legislation. We must not relax procedure arguments on three portions of one bill and utilize them to thwart a fourth provision in the same bill. We now have the opportunity and means to enact timely, prudent and responsible legislation. Let us rise to the occasion.

I urge my colleagues to defeat the motion on the floor and recede and concur therein with Senate amendment No. 107.

Thank you, Mr. Speaker.

Mr. Speaker, I have no further requests for time.

Mr. MAHON. Mr. Speaker, I would just like to state to my colleagues that these issues respecting the urgency of the matter before the House today was pressed by me and others on the floor on May 22, and I was here, myself, as chairman, trying to secure action on this bill in order to take care of the urgent needs of veterans and others. I am back here today trying to do the same thing, even though some of the veterans' checks are being delayed.

I think that it is clear that what we are doing here today is trying to work out a compromise that will be reasonably acceptable.

Further, Mr. Speaker, the gentleman from Massachusetts (Mr. Conte) has suggested that we are abandoning our principles by providing the $5,000,000 without authorization when we objected to providing the $700,000,000 on the grounds that it was not authorized.

Mr. Speaker, I would suggest that there is a world of difference in providing $5,000,000 for administration and planning purposes than in providing $700,000,000 for a program that does not even exist.

Even though I would personally have preferred to provide nothing until a program has been authorized, in the spirit of compromise I think it is reasonable to provide $5,000,000 for planning purposes so that as soon as an authorization bill is passed, the essential development of procedures and planning that is necessary can get underway.

The important point is that the House and the other body must develop a program for the railroads before funds are provided.

I do hope the House by a resounding vote will support the position set forth here in order that the other body may be persuaded to accept this compromise which we have undertaken to develop today.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Mahon).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 95, not voting 110, as follows:

[Roll No. 248]

YEAS—228

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Ashley
AuCoin
Badillo
Beard, R.I.
Bedell
Bennett
Bergland
Bevill
Blanchard
Blouin
Boggs
Boland
Bonker
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Carney
Carr
Carter
Casey
Cederberg
Chappell
Collins, Ill.
Collins, Tex.
Conyers
Corman
D'Amours
Davis
de la Garza
Dickinson
Dingell
Downey
Duncan, Oreg.
Edwards, Ala.
Edwards, Calif.
English
Evans, Colo.
Evans, Ind.
Fascell
Fenwick
Findley
Fisher
Flood
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Ginn
Gonzalez
Guyer
Hagedorn
Haley
Hamilton
Hanley
Harkin
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hefner
Helstoski
Hicks
Hightower
Hinshaw
Howe
Hubbard
Hungate
Hutchinson
Ichord
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keys
Krebs
Krueger
LaFalce
Landrum
Latta
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Madden
Mahon
Mann
Mazzoli
Melcher
Metcalfe
Meyner
Mikva
Miller, Calif.
Mink
Mitchell, Md.
Mitchell, N.Y.
Morgan
Moss
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Nedzi
Nix
Nolan
Nowak
Oberstar
O'Brien
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Peyser
Pickle
Poage
Pressler
Preyer
Price
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Risenhoover
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Ryan
Sarbanes
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Stanton, James V.
Steed
Steelman
Stokes
Stuckey
Taylor, N.C.
Thompson
Thone
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Veen
Vigorito
Wampler
Weaver
White
Whitten
Wiggins
Wilson, C. H.
Winn
Wirth
Wright
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—95

Armstrong
Ashbrook
Baldus
Bauman
Biester
Broyhill
Burke, Mass.
Byron
Clancy
Clawson, Del
Cohen
Conable
Conte
Cornell
Crane
Daniel, Dan
Daniel, R. W.
Danielson
Dellums
Devine
Downing
Drinan
Duncan, Tenn.
Early
Edgar
Emery
Florio
Forsythe
Frenzel
Giaimo
Gibbons
Gilman
Goldwater
Gradison
Grassley
Green
Gude
Hall
Hansen
Hechler, W. Va.
Heinz
Holt
Horton
Hughes
Hyde
Jarman
Jeffords
Johnson, Calif.
Kasten
Kelly
Ketchum
Kindness
Koch
Lagomarsino
Lujan
McCloskey
McDonald
Macdonald
Maguire
Martin
Matsunaga
Miller, Ohio
Mineta
Moakley
Moffett
Moore
Moorhead, Calif.
Moorhead, Pa.
Mosher
O'Hara
Pike
Quillen
Riegle
Rinaldo
Robinson
Runnels
Russo
Santini
Sarasin
Satterfield
Shuster
Simon
Staggers
Steiger, Ariz.
Stratton
Studds
Symms
Talcott
Thornton
Tsongas
Waggonner
Whalen
Whitehurst
Young, Alaska
Young, Fla.

NOT VOTING—110

Abdnor
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Aspin
Bafalis
Barrett
Baucus
Beard, Tenn.
Bell
Biaggi
Bingham
Bolling
Bowen
Breaux
Breckinridge
Broomfield
Burton, John
Burton, Phillip
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Conlan
Cotter
Coughlin
Daniels, N.J.
Delaney
Dent
Derrick
Derwinski
Diggs
Dodd
du Pont
Eckhardt
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fish
Fithian
Foley
Frey
Goodling
Hammerschmidt
Hannaford
Harrington
Hébert
Heckler, Mass.
Henderson
Hillis
Holland
Holtzman
Howard
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kemp
Leggett
Lent
McEwen
Madigan
Mathis
Meeds
Mezvinsky
Michel
Milford
Mills
Minish
Mollohan
Montgomery
Mottl
Murphy, N.Y.
Myers, Pa.
Neal

Nichols
Obey
Pattison, N.Y.
Pettis
Railsback
Roberts
Roe
Rostenkowski
Rousselot
Ruppe
St Germain
Scheuer
Slack
Snyder
Stanton, J. William
Stark
Steiger, Wis.
Stephens
Sullivan
Symington
Taylor, Mo.
Teague
Vander Jagt
Vanik
Walsh
Waxman
Wilson, Bob
Wilson, Tex.
Wolff
Wydler
Zeferetti

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Zeferetti against.

Mr. Breckinridge for, with Mr. Bingham against.

Mr. Evins of Tennessee for, with Mr. Mottl against.

Mr. Nichols for, with Mr. Mollohan against.

Mr. Walsh for, with Mr. Rousselot against.

Mr. Railsback for, with Mr. Conlan against.

Mr. Goodling for, with Mr. Derwinski against.

Mr. Hillis for, with Mr. Beard of Tennessee against.

Until further notice:

Mr. Hébert with Mr. Baucus.

Mr. Teague with Mr. Barrett.

Mr. Ambro with Mr. Cotter.

Mr. Eilberg with Mr. Alexander.

Ms. Holtzman with Mr. Andrews of North Carolina.

Mr. Leggett with Mr. Aspin.

Mr. Milford with Mr. Biaggi.

Mr. Delaney with Mr. Phillip Burton.

Mr. Dent with Mr. Clay.

Mr. Bowen with Mr. Eckhardt.

Mr. Breaux with Mr. Abdnor.

Mr. Murphy of New York with Mr. Hannaford.

Mr. Montgomery with Mr. Bell.

Mr. Rostenkowski with Mr. Henderson.

Mr. St Germain with Mr. Jones of North Carolina.

Mr. Stephens with Mr. Mathis of Georgia.

Mr. Charles Wilson of Texas with Mr. Anderson of Illinois.

Mr. Minish with Mrs. Heckler of Massachusetts.

Mr. Dominick V. Daniels with Mr. Broomfield.

Mr. Diggs with Mr. Derrick.

Mr. Dodd with Mr. Erlenboon.

Mrs. Chisholm with Mr. John L. Burton.

Mr. Fithian with Mr. Esch.

Mr. Foley with Mr. Bafalis.

Mr. Neal with Mr. Cleveland.

Mr. Obey with Mr. du Pont.

Mr. Roberts with Mr. Don H. Clausen.

Mr. Slack with Mr. Eshleman.

Mr. Roe with Mr. Coughlin.

Mr. Stark with Mr. Fish.

Mrs. Sullivan with Mr. Frey.

Mr. Jones of Alabama with Mr. Hammerschmidt.

Mr. Howard with Mr. Kemp.

Mr. Holland with Mr. Lent.

Mr. Harrington with Mr. Madigan.

Mr. Jacobs with Mr. McEwen.

Mr. Meeds with Mr. Scheuer.

Mr. Pattison of New York with Mr. Mills.

Mrs. Pettis with Mr. Snyder.

Mr. Ruppe with Mr. William J. Stanton.

Mr. Wolff with Mr. Vanik.

Mr. Symington with Mr. Waxman.

Mr. Wydler with Mr. Steiger of Wisconsin.

Mr. Vander Jagt with Mr. Taylor of Missouri.

Mr. Mezvinsky with Mr. Bob Wilson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment No. 107 to the bill, H.R. 5899, upon which we have just voted.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FINANCIAL CRISIS IN THE POSTAL SERVICE

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, when we passed the Postal Reorganization Act of 1970, many proclaimed that a new day had dawned. The Postal Service was going to be run according to the best of business principles and was going to move rapidly toward self-sufficiency.

Top-flight management talent from business was imported to perform this miracle, often at the expense of career employees who had a wealth of experience in moving the mail. Unfortunately, much of this promise has failed to materialize, and for various reasons we now must face some harsh realities.

To put it bluntly, the Postal Service is now facing a financial crisis of great magnitude. In 1974, the Postal Service incurred a net debt of approximately $450 million and received $1.6 billion in various appropriations. For fiscal year 1975, it is estimated that the debt will exceed $800 million on top of approximately $1.5 billion it will receive in appropriations. For fiscal year 1976, the estimates include a $1.6 to $1.8 billion debt on top of at least $1.4 billion in appropriations.

In the 3 years before the Postal Reorganization Act, the total shortfall between revenue and expenditures ranged between $1.1 and $1.5 billion. It does not take a financial genius to see that the Postal Service is not making great strides toward financial self-sufficiency. On the contrary, the Postal Service appears to be going down the road of financial disaster unless something is done rather quickly to shore it up.

In the Postal Reorganization Act we gave the Postal Service the authority to borrow up to $10 billion. It was anticipated that this borrowing authority would be used primarily to fund capital improvements. No more than $2 billion in debt can be incurred in any one fiscal year, and no more than $500 million a year can be applied to cover operating expenses. To date, the Postal Service has borrowed $750 million, about $500 million of which was applied to the 1974 deficit. The Postal Service Board of Governors recently approved the borrowing of another $1.5 billion by July. Only $500 million will go toward capital improvements. The remaining $1 billion will be divided, with $500 million going to cover the amount borrowed for the 1974 deficit and $500 million to be used to cover part of the 1975 projected deficit of more than $800 million.

Thus, of $2.25 billion borrowed or authorized to be borrowed, more than half—or $1.5 billion—will be or has been applied to cover operating expenses. The Postal Service cannot continue to do this and expect to remain solvent. And since the projected deficits far exceed the authority of the Postal Service to use borrowed money for operating expenses, we are facing an immediate crisis which in the next few months could lead to unpaid bills, unmet payrolls, and radical cuts in service. In other words, the Postal Service would be skirting bankruptcy if it were a private business.

Why has this happened? What has occurred to make the predictions of vast improvement and self-sufficiency made when the Postal Reorganization Act passed in 1970 seem so hollow a scant 5 years later?

The cases are many and complex.

Management turnover and inexperience, particularly at the headquarters level, has taken its toll. One of the goals of the Postal Reorganization Act was to encourage long-term continuity of top management. The leaders in the postal reform movement cited the turnover in top level management due to political appointments as a major cause of inefficiency and lack of direction in the old Post Office Department. They argued that we must bring in businessmen and give them an opportunity to stay in the job for a sufficient period of time to make felt the impact of new policy directions.

In this respect, the promise held out by the Postal Reorganization Act has failed to materialize. Since 1970, we have had three Postmasters General, three Deputy Postmasters General, and a multitude of Assistant Postmasters General. There have been at least two major reorganizations and an almost constant process of minor reorganizations and policy changes on a national, regional, and district level.

This state of flux has taken its toll in poor and costly decisions, lack of clear policy direction, the loss of experienced employees who were replaced by men and women from the business world who, though competent in their own fields, have often failed to grasp the true public service nature of the Postal Service, and declining morale among employees at all levels.

To be fair, the situation appears to be stabilizing now, and the Postal Service does enjoy the talents of many fine executives. I am very hopeful that Ben Bailar's Postmaster Generalship will be a long and fruitful one. It would also be a mistake to place the Postal Service's ills at the feet of management exclusively, but management turnover and inexperience has taken its toll.

A second major factor has been the impact of inflation on the Postal Service. Inflation has hit us all, of course, but it has hit the Postal Service even more severely than most Federal agencies. For example, the Postal Service is probably the biggest user of transportation in the United States. Skyrocketing fuel costs have hit the Postal Service severely—some $3 million a year is added to operating expenses for every penny increase in fuel costs. And, of course, the Postal Service must heat and air-condition a vast network of facilities throughout the Nation, a very expensive item in this day of escalating utility bills.

With the cost-of-living increasing, demands on the part of labor for adequate salary adjustments are an important factor in the Postal Service's financial picture. Some 85 percent of all Postal Service costs are directly related to salaries and fringe benefits. The salaries of employees in bargaining units are tied to the cost of living, so as that index rises, so do postal labor costs.

In these, and many other ways, inflation has eaten away at the financial structure of the Postal Service in an intensity which was unanticipated in 1970.

Another factor has been the failure of the Postal Rate Commission to act expeditiously on requests for rate adjustments by the Postal Service. The Postal Reorganization Act established a relatively complex procedure for the establishment of postal rates. At the heart of the procedure is the requirement that hearings on rate cases be conducted in accordance with the quasi-judicial type hearing procedures outlined in the Administrative Procedure Act. This is both time consuming and expensive for intervenors. The first rate case took 17 months to decide and the current rate case has been pending since September 1973. It is expected that a recommended decision will not be ready for another 2 or 3 months. The Postal Service estimates that it is losing because of the slow rate process $7 million a day.

Thus, the Postal Service will probably not, under current law, be able to place a temporary rate increase into effect until December or January. If the Rate Commission had acted with reasonable speed, an increase may have been placed into effect during the spring or early summer.

While none of us like the prospect of a rate increase, the Postal Service cannot operate without revenue and the bulk of its revenue comes from postal rates. It has become evident that the Postal Rate Commission procedures are not designed for the expeditious adjustment of rates during a period of rapid inflation.

Another factor is the relative inexperience of the Commissioners. The Commission was supposed to be a body of five experts who would serve for long terms. This has not been the case. Since 1970, there have been a total of eleven commissioners and four different chairmen. Many of the appointees, which are not confirmed by the Senate, have not even had a nodding acquaintance with ratemaking of any sort, much less with postal rates. There is disquieting evidence, in fact, that the Commission has become little more than a political dumping ground to provide well-paid sinecures for honorable but unqualified people. This has taken its toll in the ability of the Commission to face its responsibilities squarely instead of succumbing to internal bickering and nonproductive fights with the Postal Service. Certainly the Commission should not be a Postal Service rubberstamp. But it should be able to act more expeditiously and responsibly.

Finally, the public service nature of the Postal Service is an important, but little discussed, factor in the Postal Service's financial picture. The Postal Service is supposed to be operated in a businesslike manner and, in fact, we have provided Postal Service management with many flexibilities which are patterned after business experiences. But this is not to say that the Postal Service can act like a business in every way.

The Postal Service operates a vast communications network essential to America's commercial, cultural, and social life. The Postal Service is limited in the extent to which it can cut service before such cuts have a deleterious effect on our economy. And, certain levels of service are demanded by the American people—levels of service which may not be economical for the Postal Service, but which are considered essential. Six-day delivery, post offices in small towns and rural areas, window service at hours convenient to the customer are examples of services which are expensive but important for good mail service.

In times of economic stress, the Postal Service cannot cut services, close facilities, and engage in layoffs to the extent that private industry can, if for no other reason than such actions would not be consonant with efforts by other government agencies to spur economic recovery.

Thus, to summarize, the Postal Service is in a financial bind because of management turnover and inexperience, the impact of inflation, the inability of the Postal Rate Commission to act quickly and effectively in postal rate cases, and the public service nature of the Postal Service. No single factor could alone have caused the problems with which we are faced. The real problem arises because the full impact of these factors have coalesced to place inordinate financial pressure on the Postal Service at this time.

What can be done to alleviate this situation? In the long run, the approaches taken in H.R. 2445 provide a solid foundation for responsible action.

H.R. 2445 authorizes increased appropriations for public service costs of up to 20 percent of operating expenses. This would replace the current authorization of 10 percent of 1971 appropriations. The authorization would be renewed biennially, whereas the current authorization is a permanent one. For comparison, if H.R. 2445 were in effect today, an authorization of approximately $2.4 billion would apply, as opposed to the current $920 million, or a net increase of about $1.5 billion.

Another feature of this provision is the elimination of the break-even concept included in the Postal Reorganization Act. The current public service authorization is scheduled to decline by 1 percent a year beginning in 1979 to a floor of 5 percent in 1984. The Postal Service will then decide whether or not to continue to request funds under this authorization.

Recent events have shown to me that the public will not be well served by the break-even concept. Elsewhere, I have discussed my attitude toward this issue and will not repeat it here. It is suffice to say that the unique public service performed by the Postal Service for all citizens requires, to my mind, some funding from the General Treasury. Such will help assure quality postal service at relatively reasonable rates.

H.R. 2445 also contains a series of provisions which would simplify Postal Rate Commission procedures. Such a move would allow the Commission to act more expeditiously and at the same time enable individuals and organizations to participate in rate cases for substantially less cost. Some consideration will also be given to requiring the Commission to act with a specified period of time.

These provisions, or variations of them, which may come out of subcommittee and committee deliberations, will not, however, solve the immediate financial problems of the Postal Service. Short of doing nothing, which would at a minimum require severe service cuts, two courses of action must be considered: either an emergency appropriation or an authorization for the Postal Service to place a rate increase into effect immediately. Neither of these are particularly palatable or popular solutions, and I hope that we will not have to take such extreme measures. But I would be less than fair if I did not make some attempt to inform the Members and the public that we may have to make some hard decisions in the near future.

THE 29TH ANNIVERSARY OF THE ITALIAN REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today is the 29th anniversary of the founding of the Italian Republic. On June 2, 1946, the Italian people voted away the remains of a bankrupt fascist regime, established a republic, and elected a constituent assembly. The war-weary Italians yearned for a new beginning, and on that day they expressed their faith in parliamentary democracy as the form of government best suited to lead Italy on the road to recovery and peace, while guaranteeing individual freedoms and national integrity.

June 2, 1946, was indeed a new beginning. The remarkable achievements of the Italian Republic in the past 29 years have amply shown that the Italians had made the right choice.

The road was not easy. The fledgling Republic was beset with many problems—political, social, and economic. In the economic realm, everything needed to be done. In 1946, Italy suffered from the ravages of the war added to 20 years of Fascist mismanagement and incompetence. Hunger and disease were rampant. Thousands of homes were mere rubble. One-quarter of Italy's railroad tracks, one-third of its bridges, one-half of its powerplants, and two-thirds of its roads were destroyed as a result of the intensive fighting which had taken place on Italian soil.

Great strides were made by the Italian people and their Government to overcome these problems and begin anew. Indeed, Italy became a powerful member of the European Economic Community and a major industrial power of the world. The northern part of the country became a leading industrial center in Europe and dynamic growth was experienced in all sectors of the economy.

Although the southern part of the nation traditionally lagged behind the rest of Italy in economic growth, the Cassa per il Mezzogiorno, or fund for the south, was established and billions of dollars were poured into the region to help finance public works and agrarian reform, establish new industries, and create vocational and technical schools.

The most recent economic difficulties experienced by Italy have been turned around and recent news reports indicate that since the beginning of 1975, Italy's inflation rate has been trimmed by 40 percent, the balance-of-payments deficit has been changed into a surplus, and foreign loans of more than a billion dollars have been repaid.

Giovanni Agnelli, head of the Fiat auto works and president of the Italian Confederation of Industry, is quoted as saying:

> In 1974, the country was losing a billion lira a month; we were hemorrhaging to death. A year ago, the Communists had what amounted to a lien on the government. That is gone now. There is enormous economic elasticity in Italy, as we are now in the process of proving.

Agnelli also mentions that—

> The unions and management have acquired a certain amount of trust in one another; there is a mutual credibility that did not exist before. This was the fruit of the economic crisis. If it proves long-lasting—and I sincerely believe it will—the crisis may even have been worthwhile. Certainly, we regard the unions as much more reasonable now. Doubtless, they would say the same about us.

These accomplishments are all the more impressive when one remembers that Italy's parliamentary regime has had to face antidemocratic opposition on two fronts. Attacks and terrorism through the years have come from the extreme right and the extreme left. In light of this opposition, the Italian Republic has shown remarkable resilience and stability. Moreover, in the North Atlantic Treaty Organization, Italy has been and continues to be a stalwart and loyal Western ally.

Italian vitality and ingenuity have not been confined to economic development and political stability. The postwar era was also a new beginning for the arts. The establishment of democratic institutions in 1946 guaranteed the freedom necessary for artistic expression. True to their humanistic heritage, Italian artists and intellectuals have focused their attention on personal and social problems, problems of change and problems of stagnation with such fancy, imagination, and poignancy, that their works have achieved worldwide relevance and acceptance.

Italy, through the centuries, has maintained an advanced civilization and has served as the font of Western culture. Her legal system is a model for the West, her language is the tongue of music, and her Renaissance stands as one of man's greatest achievements. Her glorious history is reflected today in her bright and beckoning future and in the outstanding accomplishments made during the era of the Italian Republic.

Mr. Speaker, it is, therefore, with pride and admiration that I offer my congratulations to the Italian people and to their Ambassador to the United States, His Excellency Egidio Ortona.

On this glad occasion, I pay tribute to the Italian people and their outstanding leaders for the achievements made during the 29-year existence of the Italian Republic, and I extend warmest best wishes to the people of that great Republic as well as to our many friends of Italian decent in my own 11th District of Illinois, throughout the United States, and all over the world who are joining in the celebration of this anniversary.

SPECULATION—A MAJOR CAUSE OF THE RECESSION

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, it is not often that Arthur Burns, Chairman of the Federal Reserve Board, and I are in agreement in assessing the weaknesses of our economy. In his address on May 6 to the Society of American Business Writers, Chairman Burns candidly conceded that since the mid-1960's the American economy suffered from speculative excesses. He singled out four speculative waves that sapped our national vitality and contributed importantly to the deep recession that we are now experiencing.

They include: First, the heavy volume of corporate mergers and acquisitions that obscured the traditional business objective of seeking larger profits through better technology, marketing and management; second, stock market speculation wherein performance-minded institutional investors drove up stock prices to levels that could not be supported by corporate earnings experience; third, real estate speculation in land, condominium and other structures, many of which remain vacant because they are too expensive to rent or to buy; and fourth, the massive accumulation of inventories by businesses that gave rise to shortages and escalating prices.

Where Chairman Burns and I part company is in the explanation of these speculative waves. He largely blames the speculation on what he terms "a lack of discipline in governmental finances." But the real cause of the speculative excesses was the ready availability of credit from commercial banks and other financial institutions which financed the speculative activity.

Such speculation financing is detailed in a study on "credit flows and interest costs" that was recently issued by the Subcommittee on Economic Progress of the Joint Economic Committee. This study, which was prepared by Arnold H. Diamond, economic consultant to the committee on loan from the Department of Housing and Urban Development traces the large credit outlays by commercial banks and other lenders to finance speculation in land, the stock market, foreign currencies, bank trading securities, and inventory stockpiling by businesses. It also measures the diversion of funds from the U.S. credit markets through loans to foreign borrowers and the spectacular growth of direct lease financing by commercial banks.

These speculative loans were made in a period when the overall volumes of credit, particularly short-term loans to business and foreign borrowers, were extended in record amounts at historically high interest rates. As documented by the JEC study, each identifiable economic sector obtained a larger amount of credit in 1974, as compared to 1973, with the exception of housing. Significantly, as the JEC study shows, perhaps one-fourth of the higher interest costs resulting from the record levels of interest rates prevailing in 1974 were financed by the U.S. Treasury through the tax deductions of interests cost and the high interest rates on Treasury borrowings in 1974.

Chairman Burns now complains that "the canons of financial prudence that had been developed through hard experience were set aside—questionable loans were extended at home and abroad, insufficient attention was given here and there to the risks of dealing in foreign exchange markets and too much bank credit went into the financing of speculative real estate ventures."

While such public handwringing cleanses one's soul, it would have been much better if the Federal Reserve Board, together with the other bank supervisory agencies, had acted to stop, or even slow down, the loan extensions for speculative activities. Had they acted in time, the inflation last year would have been less virulent, the inventory stockpiling would have been less vigorous, and the ensuing recession would have been much milder.

STATEMENT BY CONGRESSMAN BOB SIKES TO THE NORTHWEST FLORIDA PRESS CLUB, MAY 30, 1975, RELATING TO NEW YORK TIMES CHARGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, on May 22 the New York Times published a lengthy article implying a conflict of interest because I had sponsored legislation enacted in 1962; legislation which was sponsored at the request of a local Florida governing agency for its benefit. The Times implied that the legislation also benefited land on which a lease was held by a company in which I was a stockholder. The company was the CBS Development Corp. The legislation was not intended to apply to the CBS lease and, in my opinion, did not. The Times charge is false, as I indicated on May 22 when I took the floor on a point of personal privilege to refute the Times statement.

I now offer for the benefit of my colleagues details on the operations of the CBS Development Corp. and the reasons for my statement that the Times allegations are not only baseless, but deliberately false. It is well to recall, also, that the Times charge is based on legislation enacted 13 years ago. A number of newspapers subsequently have sought to make capital of the same story, but all have dropped it because they saw it had no validity.

Now let me begin the chronology of the legislation under discussion.

After World War II there was rapid demobilization in military forces and a very big drop in the wartime economy enjoyed by northwest Florida. Pensacola Naval Air Station and Eglin Air Force Base were cut far below their wartime strengths. The Panama City shipyard, Tyndall, the Panama City amphibious naval base, and Whiting were closed or scheduled to close. Faced with severe economic problems, the area leaders were searching frantically for new activities which would help offset loses in revenue.

The Federal Government owned all of Santa Rosa Island with its unmatched but little-used beaches. West Florida had long cast wistful glances at the lucrative tourist industry of south Florida. The beaches could open the door to tourism. After conferences with district leaders and at their request, I introduced legislation to transfer title of the western half of the island to Escambia County which once had owned all of it. The eastern half was still being used by Eglin, but Eglin officials agreed to the transfer of 3 miles of the beach immediately adjacent to Fort Walton Beach to Okaloosa County. Another bill was introduced to accomplish this. Almost as an afterthought, a low-lying area east of the pass and formerly a part of Santa Rosa Island was included. It was partically submerged and considered largely worthless.

It was first estimated that the 3-mile strip contained 600 acres. There had been no survey to establish accurately the acreage. During the transfer proceedings, it was established that the tract contained about 875 acres. No one attempted to estimate the acreage of the two small islands east of the pass and several miles away. Please remember that neither the U.S. Corps of Engineers nor the Island Authority, which was later established, considered the 875 acres to include the two small islands which are now termed Holiday Isle. This bill was passed in 1948.

In 1953 the State legislature created an Island Authority for the supervision of the property. Streets were laid out and lot lines established on the 3-mile tract. There was some speculator activity, but only very limited development.

I felt that the Island Authority lots represented a very good investment. Nevertheless, I refrained from investing there, even when prices were at their lowest. I did not want it said I was trying to cash in on my own legislation and I knew there would always be some who claimed that had been my purpose in passing the bill.

I do not apologize for the fact that I am a businessman. I believe in the American free enterprise system. I have confidence in northwest Florida. Most of my investments have been in northwest Florida real estate. Most of the property which I own was accumulated slowly in earlier years when prices were low. Actually, I never had much money to invest. Of the property which I acquired, that which I still have is now much more valuable. Anyone who invested in well-located property in northwest Florida between the 1930's and 1950's knows what has happened to land values as development progressed.

Later a situation developed which looked attractive as an investment. In 1955 the Island Authority had leased the low-lying areas east of the pass for $100. This is the property known as Holiday Isle. Obviously they did not place much value on it. They had no plan or obligation then or later to develop that area with streets and utilities similar to those required for the 3-mile, 875-acre tract. In fact, I thought they should have kept the area for park purposes, but they leased it instead.

As a condition of the lease, the authority required that the lessors spend $50,000 to improve the property within a 30-month period. It was Ben Cox, a longtime friend, who told me that the lessors were unable to comply with the requirements for development and would soon be in default. In 1957, he and Newman Brackin and I arranged with the lessors to acquire their lease. This was 9 years after the legislation was passed. If there were any others interested in acquiring the lease, then or before, I did not hear of it. Most people laughed at the idea that Holiday Isle would in time be valuable property. There was still much desirable land available which was less subject to tidal and storm damage and much less costly to develop.

We bought the lease for $60,000, though we thought it high for a lease which had cost $100 just a few years before. We also took in another associate, George Trawick. We four were the stockholders of CBS. Then came the problem of developing the land. We had a lease from the Island Authority which called for a 1-percent assessment on all revenues received. Those who acquired leases on the 3-mile, 875-acre tract paid 2 percent, but the authority provided their streets, utilities, and maintenance. The authority assumed no responsibility of any kind to assist in the development of Holiday Isle. CBS was the red-headed stepchild that had to make its own way. Nevertheless, we managed to meet the requirements for improving the property at our own expense. We had to borrow money to do so. We paid 1 percent on all revenues received, of whatever kind, including sales of property. Those leasing property on the 3-mile, 875-acre tract pay a 2-percent fee on receipts from transactions other than sales of property. This gave them another advantage not enjoyed by the CBS lease.

A few years later the Island Authority found itself having problems in their attempts to obtain funds to provide the improvements needed on the 875-acre tract. A reverter clause in the original legislation had been specified by the military in order to insure that the property would be used for recreational purposes. Recreational purposes had later been construed to mean virtually any activity associated with the use and enjoyment of the beaches. However, the existence of the reverter clause was making it very difficult for the authority to borrow the money needed for development. CBS was not having a similar problem because our developments were small, a little at a time, funding requirements were not large, and the banks were willing to accept our paper. I repeat, the Island Authority was not committed in any way for any improvements on Holiday Isle. Holiday Isle had to pay its own way.

At the request of the authority, and with the concurrence of military officials, I introduced and passed a bill cancelling the reverter clause. The bill was introduced in 1961 and action completed in 1962. It is this bill on which the New York Times attempts to make a case that the bill was for my own benefit. The bill was introduced 14 years ago and passed 13 years ago. It is a little late for the Times to "discover" an interest in it.

Now let me call your attention to the official report on the original bill conveying the property to Okaloosa County. It includes not only the 3-mile strip but also, and I quote, "that part of Santa Rosa Island which lies east of the new channel at East Pass, consisting of two small islands." I have also the report on the bill which repealed the reverter clause. It mentions only the 875-acre tract. Nothing is said about the property east of the pass. This was deliberate. I assumed that Holiday Isle was excluded by the way in which the language of the report was written. Others have said the language is broad enough that this property also can be considered as included in the bill. This situation could mean a cloud on the title and that a further bill would be required for clarification. Anyway, my intentions were clear. I did not seek to cancel the reverter clause on Holiday Isle. I did not consider that I was affected by the legislation and did not expect to benefit from the introduction and passage of the bill. It was intended only to help the Island Authority make improvements on the 875-acre, 3-mile tract—improvements which my leasehold was not eligible to receive.

The effect, if any, of the reverter clause on the CBS property is now a moot question. Development on the CBS lease has largely been completed, but only after years had elapsed. The property has been developed after great effort and expense to the lessors. The Government has no interest in reacquiring it. The property has no defense value and to reacquire it would mean reimbursing the investors.

Undoubtedly the cancellation of the reverter clause helped the Island Authority with its development plans on the 3-mile, 875-acre tract. Improving economic conditions probably helped considerably more. Long after significant progress was being made in the development of the 3-mile tract, CBS was still having serious difficulties making progress on Holiday Isle. Most of it was too low for development. Sand had to be pumped in or bulldozed at the expense of the lessors. Development was too costly to be undertaken except a little at a time. Many investors were afraid of the low-lying aspects of the property. Old-timers remembered that, before development, a lot of it was under water even after a heavy rain. Sales were slow.

It was years later before any appreciable sales were made, and the prices were considerably lower than those prevailing on the larger tract. Actually, it was a sales drive by John W. Brooks Realty that sold much of the land then available, but only at very low down payments and long terms. It was a bargain-basement type of operation. We had thought we were stuck with the property. This was in 1967 and 1968, 5 and 6 years after the passage of the reverter clause bill.

Still later, land speculation spread to all of northwest Florida and beach land prices simply went through the ceiling. Regrettably, it came too late to benefit CBS. We sold our interests in mid-1972 for $600,000. Some of the remuneration was in sales contracts on leases. I had received limited income from sales prior to that time. I still received a small amount from the sales contracts which have not been fully paid out. The total received after taxes is not an impressive return for 15 years of effort and investment, and it is much, much smaller than that which the New York Times seems to imply.

I have seen comments about additional payments to CBS based on future sales by White Sands, and which bought the CBS holdings. I know nothing about this. I was not present when the sale was negotiated. But I can tell you there have been no receipts to CBS from sales by White Sands in the 3-year interval since White Sands acquired the property.

The sudden bloom of Holiday Isle and the emergence of condominiums and similar developments came more than a decade after the passage of the reverter clause bill and only after the discovery by investors that northwest Florida was a relatively undeveloped area ripe for additional activities. It appears that some people have made a lot of money on Holiday Isle since CBS sold its holdings. Those are the breaks of the investment game.

Much has been written about land on Holiday Isle which is not on the tax rolls. At the time that CBS holdings were sold, there was no tax roll for any of the island property. Ad valorem taxation came later and still is an unresolved question. The courts have not completed action on it. The U.S. Corps of Engineers asked CBS for an easement for spoilage disposal on a part of the island. Most of you know what problems everyone, including the Government, encounters today on finding areas for spoilage disposal. Without maintenance dredging, East Pass, which is used by thousands of boats, could not be kept open. CBS gave the engineers the easement they wanted. I repeat—CBS gave the engineers the easement they wanted. There was no compensation. I have been repeatedly advised by reliable sources that the easement was not used in spoilage operations which benefited CBS. Some of the spoil was deposited west of the pass, some on the western tip of Holiday Isle which is owned by Okaloosa County, and some of it at the base of the jetty where the land which was "made" is completely under the control of the engineers.

The greater part of the land fill which is the subject of newspaper comment comes from accretion. It has always been difficult to keep East Pass open. Jetties were constructed to help accomplish this. The jetties stopped the westward drift of beach sand from tidal action, with which people are familiar all along the northern gulf coast. This resulted in accretion at the point nearest the jetty. Ordinarily accretion is considered to belong to the upland owner. He loses from erosion; gains from accretion.

CBS made no attempt to develop the property in question and did not offer it for sale. The press seems reluctant to clarify the fact that the accretion and/or fill problem has no relation whatever to CBS. The press says the effect of the soil pumping was to increase the area of the property which is now almost twice the size it was in 1967." They say nothing about accretion. If they are implying pumping or accretion doubled the size of CBS holdings, or even made a major addition to them, the statement is false.

The press has carried a statement indicating major manipulation by CBS through secondary corporations. There was one instance, only one, when there had been no development on Holiday Isle, and CBS set up a subsidiary corporation which built five or six houses. This was in an effort to get some action started on the island. There had been no development.

That in general is the story of CBS. This is the information which I gave to a meeting of the Northwest Florida Press Club in my district on May 30. The facts on this matter also were made available to the New York Times by my attorneys well in advance of publication of their charges. Facts, of course, are of little concern to a publication like the New York Times. Their antidefense, prowelfare record is clearly known. They championed Fidel Castro as the Robin Hood of the Caribbean after he was flying communist flags and displaying huge pictures of Lenin all over Cuba. They helped to break the story that the United States was raising a sunken Russian submarine which could have given secrets of great value to our defense forces. Their action helped to kill the operation and to deny our country these valuable secrets. Only Russia and the Communists benefited. These illustrations are only the tip of the iceberg where Times proclivities are concerned.

It is a policy of the New York Times and others of their type to drown facts with words, confuse and obscure their meaning with meandering innuendos which say little or nothing but which readily can be construed to mean, but do not say, except in the headlines, what the publication wants you to believe. Then they repeat the charges with variations day after day until the public has only the accusation to remember. This, of course, is similar to the Communist "big lie" technique, which works very well for the Communists. Here we call it yellow journalism. The Times is antidefense and proliberal. That is their right. But have you ever known the Times to speak out for America, or only what is wrong with America?

The New York Times charges of conflict of interest are false. They know this. Unfortunately, public officials have very little or no protection from an unscrupulous press. One of the unbelievably bad decisions of the U.S. Supreme Court said the press could lie about public officials with immunity unless malice can be shown. Of course, it is extremely difficult to prove a newspaper lied with malice, even when it is obvious they lied.

The policies of the New York Times in publishing Government secrets in clear violation of the law—a timid Department of Justice lets them operate beyond the law—helps to destroy our effectiveness in defense and diplomacy, and could one day cost the lives of millions upon millions of Americans.

We need so much to work together as a Nation to protect the principles, the heritage and the traditions of America. The press seldom seems to care about these things. They jealously speak of freedom of the press, but what we have is a censorship imposed by the liberal press in America. There is virtually no way for a conservative to get a favorable press. I question that the dictatorships practice a censorship that is any tighter than the one which the liberal press of this country imposes on conservative public officials. To the liberal press, anything a conservative does is wrong.

Perhaps these are the reasons more and more people tell me they no longer believe anything they read in the newspaper. They are tired of twisted, biased reporting and warped editorializing.

You have long known that I fight for the causes in which I believe. I like to see people stand together and work together for things that are constructive. I think we must nourish and keep alive confidence in America. Recently I read a quotation from a young woman's address to her graduating class: "Our problem today is not so much the noise of the bad; it is the silence of the good." I think it is both the noise of the bad and the silence of the good. But so very often all that we hear is the noise of America's detractors. They love to wallow in the wrong and ignore the good. This country has something special to offer—freedom, the right of every person to live in peace and dignity, the right to pursue a livelihood with opportunity for those who really seek it.

This also is an important part of the free enterprise system—something which may be slipping away from us very fast.

Does the liberal press want America to lose the free enterprise system? Do they feel that a welfare populace is more easily controlled than an independent taxpaying citizenry?

LEGISLATION TO CONVEY PROPERTY TO THE CITY OF HAINES, ALASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a companion bill to S. 1365 which was introduced on April 7, 1975 by Mr. STEVENS of Alaska. This bill would convey title to the city of Haines, Alaska, in order to give the community greater flexibility in their development. The land was obtained originally by deed from the Department of the Interior. The deed had a restrictive clause which required that this property be used as a school or for other public purposes.

Initially, the building on the site was used for a school and later was converted into a health center. When the health center became obsolete the building was used as a teen center; still later the deteriorating building was condemned by the fire department. The building is in a residential area. It is no longer adequate for public use. For these reasons the city would like to sell the property as well as the building. Because of the restrictive clause in the deed this is not presently possible.

The community of Haines would derive a much greater benefit from the sale of the land and the buildings than is possible through any use of the building at present. The building is capable of use by other groups and there is, therefore, a market for it. The city has agreed to use the proceeds from the sale for the benefit of the community. The receipts will be used to construct a building or purchase land for public purposes in the city. The new facility is to be restricted to public purpose uses in perpetuity.

I request that the city of Haines be given this opportunity to make the best use of the building and the land. I hope that this bill will be referred to the proper committee and acted upon favorably.

H.R. 7511

A bill to authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of the Interior is authorized to transfer by quitclaim deed or other appropriate means to the city of Haines, Alaska, all right, title, and interest remaining in the United States in and to the following described lands in the City of Haines, Alaska, together with all improvements thereon:

Beginning at the NW Corner of Lot 17 in Block 13, which is the same as Corner 1 of the Native School Reserve; thence N. 76° 23½′ West 58.11 feet to Corner No. 2; thence South 17° 58′ West 165.26 feet to Corner No. 3; thence S. 76° 45′ East 82.08 feet to Corner No. 4; thence N. 9° 38′ East 164.65 feet to Corner No. 1, the place of beginning, containing 17,531 square feet.

Lots 8 and 9 of Block 13 in the Townsite of Haines, Alaska, containing a total of 7,330 square feet.

Lot 17 of Block 13 in the Townsite of Haines, Alaska, containing a total of 5,885 square feet.

SEC. 2. No conveyance may be made under this Act unless the City of Haines has shown to the satisfaction of the Secretary of Interior that:

(1) the city of Haines will sell such land and improvements referred to in the first section at not less than fair market value;

(2) the proceeds from the sale thereof will be used to acquire property or to construct a building to be used for public purposes; and

(3) any amount by which the proceeds from the sale of such lands and improvements referred to in the first section exceed the acquisition costs of property or construction costs under clause (2) shall be paid to the United States.

SEC. 3. If the requirements of section 2 are satisfied, the Secretary of the Interior is authorized to enter into an agreement or agreements with the City of Haines, Alaska, whereby, in consideration of a quitclaim deed to the City of Haines of all right, title, and interest remaining in the United States in and to those lands and improvements conveyed to the City of Haines, the City of Haines:

(1) agrees that title to any property acquired or building constructed with the proceeds of the sale of such property and improvements referred to in the first section of this Act will vest in the United States if such property or building acquired or constructed with the proceeds from such sale ever ceases to be used for a public purpose; and

(2) agrees to execute, within ninety days after acquiring such lands, a deed to this effect and deliver said deed to the Secretary of the Interior.

TO COMMEMORATE THE IDEALS CONTAINED IN THE POLISH MAY 3 CONSTITUTION OF 1791

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, on the third of May of this year, a great celebration was held in Chicago to commemorate the freedom and ideals contained in the May 3 Polish Constitution of 1791.

Thousands of people marched in a colorful parade down State Street as close to a quarter of a million people lined the streets to participate.

My good friend and our colleague, Senator BIRCH BAYH, delivered the principal address at civic ceremonies at the Civic Center Plaza following the parade. It was a marvelous address which I would like to share with all of my colleagues for it touches on the very soul of this Nation. I include Senator BAYH's address in the official RECORD today.

ADDRESS BY SENATOR BIRCH BAYH

It is a distinct pleasure and a great privilege to participate in this third of May Polish Constitution Day Celebration.

I know the proud heritage of the Polish people. That heritage is evidenced in the spirit of my own constituents of Polish descent who contribute so much to the communities in which they live and which I represent in the Senate.

The entire history of Poland and particularly the May 3rd Constitution of 1791 stand as enduring tributes to the unswerving dedication of the Polish people to the principles of freedom, justice, equality, social progress and individual liberty. It has been an unfortunate fact of history that although the Polish people have for generations cherished freedom, tyrannical neighbors and leaders have made Polish liberty more a dream than a reality.

It is the great tragedy of Poland that her citizens today are not free to practice the principles embodied in the May 3rd Constitution. But it is the great triumph of the Polish people that the spirit of Freedom has never died—neither in Poland nor in the lands to which Poland's sons and daughters immigrated to begin new lives.

We in this country owe much to Poland and her people. In times of national crisis Polish Americans have always responded with honor. When our founding fathers were engaged in a life and death struggle for independence and liberty, two Polish patriots were largely responsible for improving the effectiveness and fighting qualities of American troops who they trained and helped to lead.

Throughout our history this nation has been enriched by hardy, freedom loving Polish immigrants who came here seeking refuge from tyranny. Bringing with them their humanitarian ideals and love of liberty, they have added strength and durability to our American character. Their skills and hard work helped to build this country and make it the richest and most powerful nation in the world. They have greatly enhanced our intellectual and artistic life. And above all, they have consistently championed our nation's freedom and have courageously defended it on battlefields throughout the world.

As we in America approach our 200th year as a free and independent nation, it it appropriate that we remember that the people of Poland share with us common hopes and dreams. Let us never forget that the philosophy of government expressed in our own Declaration of Independence and Constitution is also expressed in the Polish May 3rd Constitution.

And let us never forget that despite a history of oppression, the spirit of freedom in Poland lives on in the hearts of her people.

When I was in Poland some years ago I had the privilege of talking with Stefan Cardinal Wyszynski. He spoke eloquently of the centuries long struggle of the Polish people to achieve and maintain their freedom and independence. He spoke of the courage and the faith that have sustained them through the years, through the invasions and the partitions. And Cardinal Wyszynski told me that for the oppressed people of Poland, America was an indispensable symbol of liberty—of hope for the day when Polish citizens would again know liberty.

In these days of detente, we must not forget that for the people of Poland and for other oppressed millions a strong and free America still represents hope—hope for freedom and justice for all people everywhere. We must remain true to that hope.

As we celebrate this anniversary of the Polish May Third Constitution and as we approach our own bicentennial as a free nation, I am deeply concerned that many Americans have lost faith in our country, our institutions, our leaders and often in themselves.

To be sure, our generation is confronted with difficult and complex problems. But other generations have been confronted with adversity and each generation has faced it with confidence that the problems could be solved within the framework of our free institutions. And each generation has succeeded.

We cannot ignore today's problems. They do exist. But with all of our problems, let us not overlook the true strengths of America. This is still the most powerful country in the world. This is still a nation with a wealth of natural and human resources, the most efficient system of agriculture, the greatest industrial potential and, most important of all, the strongest free institutions in the world.

We must get Vietnam and Watergate behind us once and for all. We must turn from the past and look to the future. We cannot tolerate that kind of pessimistic, backward looking leadership which embraces an economic policy that puts more than 8.5 million Americans out of work.

With the needs of our people and the unfinished business of our communities there is no reason why every American who wants to work should not have a job. I am tired of listening to those so-called leaders who continuously tell us what we cannot do. We need leadership what tells us what we can do and the will to do it.

To be sure, our space-age problems are complex, but I believe a nation which marshalled the know-how and the will to get to the moon can marshal the know-how and the will to find new sources of energy to heat our homes and fuel our industry here on earth. The technological excellence that can produce a plane that can fly three times the speed of sound can certainly produce an automobile that gets 30 miles to the gallon without polluting our atmosphere.

With positive leadership, with hope in the future and faith in the potential of this great land that we love we can solve our problems and build a better nation and a better world.

As we confront the task of building an America of spirited minds, healthy bodies, clean neighborhoods and streams and fresh air; an America with jobs for every man and woman who wants to work; an America where every family has a decent home and where the elderly have lives of dignity and usefulness; we must understand that the true quality of a better life must be built on the solid foundation of individual liberty and justice.

One of the most significant differences between our democracy and totalitarian regimes is that we encourage ethnic and cultural diversity in this country and gain strength from it while the Fascists and the Communists feel threatened by diversity and ruthlessly repress it.

Here the noble purposes which inspired our forefathers and the high ideals which they cherished endure today in the hearts of Americans of all ethnic backgrounds. We believe in an America in which each ethnic group has the freedom to develop its own unique qualities and strengths, where the language, culture, traditions, music and customs of each is respected by the others and where all of us can work together to achieve peace, social progress and justice for ourselves and all mankind.

There are some well intentioned individuals who insist these differences, these customs, these traditions are not important in America today. Nothing could be farther from the truth.

As we gather here to commemorate the freedom and ideals contained in the May Third Polish Constitution of 1791 we must recognize that all peoples are imbued with certain inalienable rights and we must rededicate ourselves in this generation in America to those principles of liberty and freedom contained in the Bill of Rights. We must remain eternally vigilant to ensure these rights for ourselves so this country may continue to serve as the symbol of hope for oppressed peoples everywhere.

The ultimate test of our belief in liberty and freedom is the tolerance with which we insist on protection of the rights of those with whom we disagree. It is easy to defend the rights of those with whom we agree. It is much harder, but perhaps more important to defend the rights of those with whom we disagree.

Each of us should remember the comment of Pastor Niemoller in Germany a quarter of a century ago.

"... they came after the Jews. And I was not a Jew. So I did not object.

"Then they came after the Catholics, and I was not a Catholic. So I did not object.

"Then they came after the Trade Unionists. I was not a Trade Unionist. So I did not object.

"Then they came after me. And there was no one to object."

I intend to object. And I am sure that those who are freedom loving Polish Americans are going to object.

DEATH CLAIMS EISAKU SATO, ADVOCATE OF UNITED STATES-JAPAN FRIENDSHIP, NOBEL PRIZE PEACEMAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA), is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, Japan's distinguished former Prime Minister Eiskau Sato, leading advocate of United States-Japan friendship and Nobel Peace Prize winner, passed away today following an illness of several weeks duration. He was 74 years of age. I know that my colleagues will want to join me in extending heartfelt condolences to Mr. Sato's family and to the Japanese people. His family and his countrymen can take great pride in the fact that Mr. Sato lived a long and honorable life, dedicated to the service of his country and to the cause of world peace.

Mr. Sato's 8 years of service as Japan's Prime Minister spanned a period of great change in the Pacific area, for Japan and also for the United States. It was during the 1960's that Japan became one of the world's major industrial powers and began to assume a truly equal role in the affairs of Asia and the Pacific. In 1964, when Mr. Sato first assumed office, the United States had not yet begun its massive, ill-fated military buildup in Southeast Asia, and the People's Republic of China was still unrecognized by most Western governments. When Mr. Sato retired at the age of 71 in 1972, still undefeated after serving four 2-year terms as Prime Minister, both the United States and Japan had opened discussions with the People's Republic of China and the United States was attempting to end its military involvement in Southeast Asia.

Mr. Sato, a member of Japan's Liberal Democratic Party, was a staunch proponent of American-Japanese friendship. Perhaps his proudest achievement in this area was the successful negotiation of the reversion of Okinawa. The Treaty of Reversion which returned Okinawa to Japan was due in no small measure to his own personal efforts. He was also a strong supporter of many cultural and political exchange programs, such as the Japan-United States Interparliamentary Conference. His contribution to international understanding and world peace was given highest recognition when he was declared winner of the Nobel Peace Prize in 1974.

With the death of former Prime Minister Sato, the United States has indeed lost a great and unswerving friend. The foundations of Japan-United States friendship which he helped to construct during his tenure in office will stand as a living memorial to Eisaku Sato.

As one who enjoyed his personal friendship for well over a decade I extend to Mrs. Sato and her family my deepest sympathy and heartfelt condolences, and pray that the Good Lord's comfort will be theirs, in their bereavement.

REFORM OF OUR NATION'S FINANCIAL STRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 15 minutes.

Mr. ST GERMAIN. Mr. Speaker, I enter into the CONGRESSIONAL RECORD a speech by Chairman HENRY S. REUSS of the House Committee on Banking, Currency and Housing, on reform of our Nation's financial institutions. The speech was delivered at Louisiana State University and the topic is of paramount concern to my colleagues.

It has been 40 years since any significant change in our financial structure which is now straining under the twin problems of inflation and recession. The speech is a broad outline of the problems with our financial institutions and the issues that will be confronted in the financial institutions and the Nation's economy study now being undertaken by the Financial Institutions Subcommittee.

The speech follows:

FINANCIAL INSTITUTIONS AND THE NATION'S ECONOMY—OUR HOPES FOR THE FINE STUDY

(Remarks of Representative
HENRY S. REUSS)

In the course of the nation's history, periods of financial stress have led to monumental reforms that changed the face of banking. The strains of the early 1900's inspired creation of a central bank in 1913. The collapse of the 1930's brought about the Glass-Steagall Act separating investment from commercial banking and setting up the Federal Deposit Insurance Corporation to protect small depositors.

It has been some 40 years since Congress has undertaken a major review of the nation's financial structure. And while the times are not comparable to the panic of 1907 or to the Great Depression, stresses have shown up in the system that cannot be ignored.

Not that our financial house is about to collapse. It isn't. Americans, unlike citizens of some other countries, have no need to feel they must keep a little gold buried in the backyard, or a bank account tucked safely behind the Swiss Alps.

But strains have been building up over the years. The liquidity shortages that developed in 1966, 1970 and again in 1974 have become a little more worrisome each time The demise of three big banks last year, including the largest bank failure in American history, the Franklin National, cannot be passed off as an isolated phenomenon.

Fortunately, after a decade of "go-go banking," a chastened industry is getting back on more solid ground. Relief from the immediate pressures, however, should not be taken as an excuse to forget the problems. The time to shingle the roof is when it is not raining. As far as Congress is concerned, that time is now.

Before we call in the carpenters, however, there are basic questions that need to be asked about our financial system. They go well beyond the primary concern of seeing that the system is sound, and that we avoid any depression-era wave of bank failures.

FOCUS ON MONETARY POLICY

We must ask whether decisions on monetary policy, while trying to contain inflation, take adequate account of the nation's need for jobs and economic growth. This Congress has already asserted its fundamental interest in this area by directing the Federal Reserve to disclose its targets for growth of the money supply, and to conduct policy in such a way as to bring long-term interest rates down. The nation's financial organizations cannot function effectively if the raw material of their industry—the money supply—is subject to sudden swings, pulled back and forth by decisions made in secret and far removed from the public policy arena.

The recent appearance by the Federal Reserve Chairman before a Congressional committee to disclose the Board's goal of a 5 to 7½ percent growth in the money supply for the year ahead is an historic event. It helps open a public dialogue on the whole forbidden subject of monetary policy. The nation will be better for it. I was pleased to note Chairman Burns' own conclusion that the development is salutary. Now a retiring member of the Federal Reserve Board known for his conservative views, John E. Sheehan, has pressed the dialogue another round. He asks such questions as whether the powerful Open Market Committee should not make its decisions known immediately instead of keeping them secret (from the public, if not from experienced Fed-watchers on Wall Street) and whether members of the Committee should not be confirmed by the Senate.

MEETING HOUSING GOALS

Another basic issue Congress faces in connection with our financial institutions is how to assure that thrift institutions do not expire of disintermediation every time credit is tight, and that a steady supply of mortgage money is supplied for housing. We have set a national goal of producing 2.6 million housing units a year. But a period of record-high interest rates has drained mortgage money out of the thrift institutions, and plunged housing into the worst depression since the 1930's.

The Administration has offered two proposals for dealing with this problem—variable rate mortgages, and the Financial Institutions Act that would let thrifts become more like banks and encourage banks to do more mortgage lending. But these are piecemeal solutions that need to be looked at in a broader context. Homogenizing banks with thrifts, for instance, opens up other questions such as what kind of competition we want and need in the banking industry, whether regulation is adequate, and who should do the regulating?

It leaves open the basic question of what the public needs from its financial institutions and how the nation's resources should be channeled to those needs. The Hunt Commission, whose recommendations are embodied in the proposed Financial Institutions Act, recognized its own shortcomings.

"The Commission is not the proper agent," it said, "for assessing the divergencies between private and social benefits. It strongly believes, however, that public policies to achieve society's goals should be established where such divergences are found. Elected officials have the responsibility to debate and identify such goals and to devise means of achieving them."

CONCENTRATION OF FINANCIAL POWER

We must inquire into the concentration of financial power in a few big money-center banks. Although there are some 14,500 banks in the country, the 50 largest banks hold over half the total bank deposits.

The tremendous growth of bank holding companies leads to more concentration of financial resources with each new acquisition. It has already reached the stage where upstate New York banks, for instance, charge the international banking giants with what they call "strip mining"—draining economic resources out of the small towns and cities to be disseminated elsewhere in the world.

The holding company phenomenon raises other questions besides concentrating the control of wealth.

What does it do to competition among banks and bank-related services? Banks through their holding companies now lease ships and aircraft, act as advisers and make loans to Real Estate Investment Trusts, sell insurance, engage in factoring, offer computer processing and courier services.

Is it always fair competition when a bank holding company, with all the financial power of its bank subsidiary, engages in businesses that are not strictly banking? Is there not likely to be pressure on a person taking out a mortgage from a bank, for instance, to take out a credit life policy through an affiliated insurance agency?

The concept behind the 1970 bank holding company legislation was to provide for proper regulation in the hope of increasing customer services and competition. But Congress in its authorizing legislation, and the Federal Reserve in its implementation, may have gone too far in permitting acquisitions and development of financial conglomerates. This whole area needs a probing review.

Potentially enhancing concentration is another development that has crept up on us with little notice: electronic banking. The explosion of electronic banking could revolutionize the industry in a very short period of time. Banks are not permitted to branch across state lines, for instance, and in some States are not allowed branches at all or are limited in geographic range. But the Comptroller has ruled recently that an electronic terminal is not a branch, even though a good deal of branch banking can be done over those little machines. The question is how we can take advantage of technological advances while maintaining competition and guarding the interests of the consumer.

GROWTH OF INTERNATIONAL BANKING

The whirlwind growth of international banking confronts us with another great set of problems. Money is now global. It moves across national borders like wind and water, little regulated, little controlled.

Foreign banks operating in this country largely manage to escape the kind of regulation we have built up over the years for American banks. Through state charters, they operate interstate branches—something mostly forbidden to domestic banks. They can and do combine commercial and investment banking. They are not subject to the reserve requirements imposed on domestic banks by the Federal Reserve, which gives them a competitive advantage over domestic banks.

Another problem: The domestic and Eurodollar financial markets are already well on the way toward integration. This has advantages in expanding the pool of financial resources available for domestic use. But it also exposes the domestic economy to the vicissitudes of economies overseas. While we do not want to discourage the movement toward economic interdependence, we must keep a careful watch over how this affects our own financial institutions.

REFORMING REGULATION

Cutting across all these minefields of public policy is the problem of bank regulation. Regulators have not been able to keep up with the heady expansion of the 1960's—an era in which banks found themselves, as the Chairman of Clevetrust Corporation put it so graphically, "caught up in giving analysts a thrill a minute."

For instance, banks were never intended to engage in real estate speculation. Yet through the REIT's—set up for the laudable purpose of channeling more investment into real estate—bank holding companies went overboard in the real estate game. Today they find themselves saddled with billions in shaky loans.

Bank regulation suffers from what Chairman Burns last October called "a jurisdictional tangle that boggles the mind" and a "competition is laxity" among bank regulators. With authority divided among three federal agencies and 50 States, the system leaves too many loopholes. Yet monolithic agencies may be subject to monolithic mistakes. That is a risk we must be wary of in whatever reforms we make in bank regulation.

COMPREHENSIVE REVIEW UNDERWAY

All these problems of the nation's financial institutions interlock in a tangle of legitimate interests and conflicting public policies. We cannot deal with just one set of problems in isolation.

The House Banking Committee is now undertaking a comprehensive review of these questions through its Financial Institutions Subcommittee, headed by the hard-working and knowledgeable Representative FERNAND J. ST GERMAIN of Rhode Island. All members of the full committee will participate. We do not intend to repeat the work of groups that have gone before: the Hunt Commission, the 1961 Commission on Money and Credit, the Heller Report of 1963. We know what St. Thomas Aquinas thought of usury, without another research project.

What is needed at this point is a Congressional review, starting from the viewpoint of what the public needs from its financial institutions. Congress must define what the basic issues are, where the public interest lies, and what should constitute a solid financial system for a nation approaching the 21st century.

The study we are undertaking is not limited to the problems of the financial institutions themselves. The name of our study is Financial Institutions and the Nation's Economy—FINE. So far we have spent a dozen hours thinking up the FINE acronym, and about twenty minutes on the substance. We hope to reverse those priorities shortly.

In drawing up legislation, we in Congress will need all the advice and cooperation we can get from the banking industry, as well as from other segments of society. There is no conflict in our goals. We all want a sound, stable system, diverse and flexible enough to accommodate the needs of a fast-changing, free market economy, a system which encourages investment and harnesses it to the growth of a productive economy.

Our job in Congress is to wed the needs of the financial institutions to the needs of the public. I hope that before the 94th Congress is over at least a trial marriage will have been arranged.

NO DÉTENTE IN SOUTHERN RHODESIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, we have been hearing a lot in recent weeks about the "détente" in Southern Africa. One of the factors in this supposed "détente" was the reported willingness of the illegal and racist Smith regime in Southern Rhodesia to negotiate with the leadership of the African National Council toward majority rule.

Mr. Speaker, I would not want my

colleagues to be misled into believing that the Smith regime is seriously interested in negotiating a peaceful and just settlement with legitimate representatives of the people of Zimbabwe—the African name for Southern Rhodesia. The facts indicate otherwise.

Following the release last December of nationalist leaders Joshua Nkomo and Ndabagnini Sithole—who had each been in detention for over 10 years—Reverend Sithole was rearrested this March. Simultaneously, other African nationalists were arrested. We presume they are still being held, although the ANC eventually secured the rerelease of Reverend Sithole to attend a special session of the Organization of African Unity held in Tanzania in April.

The most recent outrage giving the lie to the pious statements coming out of the so-called Government of Southern Rhodesia is the arrest on May 24 of the Rev. Canaan Banana, a well-known ANC leader, as he was deplaning on his return from nearly 2 years of study at Wesley Theological Seminary here in Washington, D.C. He was arrested under a general detention order, which means that he may be detained without charge and without trial for an indefinite period. This outrageous undemocratic procedure is perfectly proper in Salisbury, under the Emergency Powers Act.

I wish to go on record as deploring the arrest of Rev. Canaan Banana. I do not see how we can look for serious negotiation between the African National Council and the Smith regime as long as the "government" continues to capriciously arrest the African leadership of the country. Those who support the continued importation of chrome from so-called Rhodesia by the United States ought to bear in mind the consequences of propping up the economy of that God-forsaken minority-ruled land which, given its present course, is headed toward a costly armed struggle that whites will inevitably lose.

HOME HEALTH CARE—PART XVII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, together with 111 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators Frank Moss and Frank Church, respective chairmen of the Senate and the Senate Subcommittee on Long-Term Care and Committee on Aging, Hugh Scott, Senate minority leader, and Senators Williams, Domenici, and Tunney.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements by myself and others commenting on the legislation in the Record several times a week. Today I am submitting three statements. The first is the text of an address I delivered before National Association of Home Health Agencies' Legislative Workshop on May 14, 1975. The second and third items are the fact sheet and the policy statement of the National Association of Home Health Agencies.

This is the 17th statement in the series:

Address to the National Association of Home Health Agencies' Legislative Workshop

(By Representative Edward I. Koch)

I know that you—as representatives of the Nation's major home health agencies—are aware of the critical problems facing our elderly and disabled in obtaining adequate health care. But you are a select group.

The elderly and disabled, so desperately in need of our concern and help, have long been ignored by our society. Although millions of dollars are paid out each year to maintain them in nursing homes, they are ignored once they are there. We, as a society, ignore the abuses that exist in some nursing homes as a result of unscrupulous operators who overcharge the elderly and their families, sell their nursing homes at high profits to members of their own families and then charge the government through medicaid the higher costs. We ignore such abuses until they are dramatically brought to our attention by investigations. But equally we ignore the basic question of whether particular patients belong in nursing homes at all. And the shock-fact is—many of the people who are institutionalized in nursing homes do not belong there at all.

It is past time for a national commitment to be made to guarantee decent health care for our elderly. We must make that commitment now.

To help the elderly and disabled, we must not look at regulations only. That, in a sense, is the easiest problem to attack. To provide the means to match the needs of the elderly to the care available is much more challenging. For years the nursing home has been the dumping ground for the senior citizens for whom our society no longer has any use. The fact that our nursing homes are crowded is an indication of our inability to offer the elderly a rewarded life at the same time that we offer them a long one. If only our social science could keep pace with our medical science, it would be possible to offer them both.

Together with Senator Moss and Representative Claude Pepper, I have introduced a 49-bill package to require more stringent controls on the nursing home industry, to provide training of additional persons specializing in the care of the elderly, and to support expansion of health services for the elderly.

Central to this effort is my National Home Health Care Act of 1975, which I introduced in refined form on March 12. This bill provides a key alternative to institutionalization. There is no reason why an elderly or disabled person should be institutionalized if it is not necessary. There is no reason to compromise his dignity and independence without necessity. The numbers of elderly and disabled who would benefit by such an alternative—who now are forced to seek institutionalization, whether in a hospital or a nursing home only because of a lack of this alternative—are astounding. A study done for HEW in January of this year cites figures showing that as many as 144,000 to 260,000—or 14 to 24 percent of the Nation's one million nursing home patients may be—I quote—"unnecessarily maintained in an institutional environment."

Such a state of affairs is tragic, for no matter how well maintained a nursing home may be, the effect of entering one upon the patient is depressing—the feeling that one might never leave the facility again to return to the outside world. A major loophole in current medicare/medicaid law is the fact that the alternative, part-time nursing care in the home setting, for those who do not require the full range of services of a nursing home, is far cheaper than institutionalization. Estimates by the General Accounting Office, the Library of Congress, and others, depending on the services provided, say about one-third the cost of nursing homes.

I am still not satisfied with the figures we have, but even if the expense approached the nursing home costs, it would be worthwhile because of the positive impact upon the patient. And, in any event, it is possible to structure the cost payments so that an individual's reimbursement for alternative care through medicare/medicaid could be up to that local area's cost for nursing home care. HEW mentions the possibility of reimbursement up to intermediate care level, but it could be equally possible to apply this idea up to full skilled nursing facility level, which is what medicaid reimburses for institutionalization. Thus patients would be given the choice at no additional cost to the Government.

The National Home Health Care Act, H.R. 4772, provides unlimited visiting nurse and doctor visits as needed to avoid institutionalization. Current law provides artificial limits of one hundred visits under medicare post-hospital coverage and another one hundred, regardless of hospitalization under part B, if the patient pays for it. Medicaid has no federally imposed limits, but states can set their own. Our bill pre-empts both the artificial federal and state limits and allows any needed visits up to the cost of that which would have been reimbursed if the patient were institutionalized.

The bill permits additional services to the home health patient such as physical therapy, nutritional guidance, family and personal counseling, as well as necessary medical equipment such as hospital beds, wheel chairs, salves, oils and other necessities.

In addition, the bill provides assistance with household tasks and repairs, shopping, walking, transportation to doctors' offices and senior centers: and rent subsidies or private home mortgage costs for those who would otherwise require nursing home care. A three-member board, which could include nurses, doctors, social workers, psychiatrists and psychonalysts, and other professionals chosen by HEW, would be instituted to review each patient's need for and level of care.

It is irrational to force thousands of persons to accept institutionalization if they can be helped through home health care. The passage of the national home health care bill will correct this injustice. If enacted, it will hopefully act as a stimulus in the development of existing home health services and expansion of such services throughout the country.

I believe that the National Home Health Care Act has an excellent chance of becoming law in this session of Congress. The bill has 111 cosponsors as of today in the House and wide support in the Senate, where it has been introduced as S. 1163 by Senators Frank Moss, Frank Church, Hugh Scott, Harrison Williams, Pete Domenici, and John Tunney.

With your help we will make home health care a reality either under medicaid/medicare or under national health insurance, if enacted. With your help we will move dramatically closer to the goal of giving the elderly the life of dignity and well-being that should be the reward of their later years.

National Association of Home Health Agencies

FACTSHEET

N.A.H.H.A.

The National Association of Home Health Agencies believes that: the inclusion of in-home health services as an integral part of a rational health system should result in a reversal of a trend toward institutionalization, increased consumer satisfaction and moderation of rising costs.

Definition

In-home health services are the activities and services provided to individuals and families in their places of residence for the purpose of promoting, maintaining or restoring health, or minimizing the effects of illness and disability.

Advantages

Home care produces greater results in relieving human misery. Various studies have revealed that:

1. 84–90% of the patients preferred home health care to institutionalization.
2. 84–95% of physicians felt that home care could satisfactorily meet the needs of their patients.
3. Home care was the service of choice.
4. Home care enables patients to retain independence.

Home care extends services to residents of ghetto, rural and suburban areas. It increases efficiency in utilization of manpower.

Cost

In-home health services lessens the cost of illness:

1. Home care is 3½ times less expensive *per case* than hospitalization.
2. Home care is 4–5 times less expensive *per day* than skilled nursing home care. (E.C.F.)

In-home health services reduces the high health care costs:

1. Home care saves community funds.
2. Reduces the length of hospitalization.
3. Decreases hospital re-admissions.
4. Makes many nursing home admissions unnecessary.
5. Reduces capital construction costs of new institutional beds.

(New Jersey in 1970 saved Medicare an estimated $3.5 million through selective and proper use of home health services, extended care services and hospitals.)

In-home care insures that given amounts of money will accomplish more:

1. Maximizes each individual's potential for self-care.
2. Extends the efficiency and coverage of practicing physicians.
3. Home environment is more conducive to patient learning than the hospital.

Qualified providers

In-home health services must be furnished only by organizations that meet the following qualifications:

Primarily engaged in providing in-home health services.

Have a readily identifiable governing body accountable for the management of the agency.

Have established policies, reviewed and approved by a committee of health professionals and consumers.

Provide health services under the direct supervision of appropriate health care personnel.

Maintain appropriate clinical records.

Conduct periodic peer reviews and utilization reviews.

Establish policies and procedures for systematic evaluation and revision of their programs.

Summary

In the past, price has been the least important consideration in health care purchases. However, we must solve the current dilemma of too many people requiring care, not enough manpower, (doctors, nurses, etc.) and not enough money. The home must be re-established as to the center of care so that resources will go where they can do the most good for all; the tax-payer, the poor, the elderly, the children, the handicapped, and the disadvantaged. Greater utilization of in-home health services will help develop a high quality health care delivery system that uses the institution as the last alternative.

National Association of Home Health Agencies

POLICY STATEMENT ON HEALTH CARE

I. Preamble

It is the responsibility of this nation to provide all people ready access to a rational system of comprehensive health services. These services must be compatible with the individual's health needs and must be designed to be delivered at the appropriate place at the appropriate time.

For the past forty years, most health professionals of this country have promoted a health care system emphasizing institutionalization for acute and chronic illness. Third-party payors through their financing mechanisms have reinforced the traditional attitudes of institutionalization, thus leaving few alternatives and limited choices available to individuals.

One of the essential choices available to individuals within a health care delivery system must be timely access to high quality in-home health services. These services help prevent physical, emotional and mental illness; speed recovery from illness; facilitate rehabilitation and promote and maintain health and assist in a humane and orderly process of life.

In-home health services will become a viable link in the continuum of health care, when they receive necessary consideration, support and financing. We are committed to a course of action which establishes the home as a center of health care and institutionalization as an alternative to in-home health services.

II. Definition

A. In-home Health Services*

Home health service is that component of comprehensive health care whereby services are provided to individuals and families in their places of residence for the purpose of promoting, maintaining, or restoring health, or of minimizing the effects of illness and disability. Services appropriate to the needs of the individual patient and family are planned, coordinated, and made available by an agency/institution or unit of an agency/institution, organized for the delivery of health care through the use of employed staff, or a combination of administrative patterns.

These services are provided under a plan of care that includes, but is not limited to, appropriate services components, such as medical care, dental care, nursing, physical therapy, speech therapy, occupational therapy, social work, nutrition, homemaker-home health aide, transportation, laboratory services, and medical equipment and supplies.

*This definition has been endorsed by:

Representatives of the Assembly of Ambulatory and Home Care Services, American Hospital Association; the Council of Home Health Agencies and Community Health Services; National League for Nursing; the National Association of Home Health Agencies; and the National Council for Homemaker-Home Health Aide Services, Inc.

B. Qualified Providers

In-home health services shall be planned, organized, developed, provided and maintained by an agency which . . .

1. is primarily engaged in providing in-home services as an effective method of promoting health and optimal function through prevention, treatment, rehabilitation and maintenance for all persons who need such services regardless of age, race, sex, religion, economic status, place of residence or state of health;

2. has a governing body that is readily identifiable and shall be held accountable for the management of the agency and meets all applicable requirements of law of the state or locality in which it furnishes services;

3. has established policies which are periodically reviewed and approved by a committee of health professionals and health consumers, some of whom are not employees of the provider. The committee shall include at least one physician, at least one professional nurse, (preferably a public health nurse), and representatives of health consumers;

4. provides therapeutic services through agency staff under the supervision of appropriate professional health care personnel under a plan of care collaboratively established and periodically approved by the responsible physician;

5. maintains appropriate clinical records on all patients;

6. has a periodic peer review mechanism and utilization review by a committee composed of health professionals not primarily involved in the care of the cases reviewed. This committee shall include at least one licensed professional nurse (preferably a public health nurse), and one licensed physician;

7. has established policies and procedures for ongoing systematic evaluation and revision of the total program;

8. has a planned program of orientation and inservice education for all employees and contractual personnel;

EXHIBIT A: PROPOSED LEGISLATIVE PROGRAM—"HOME HEALTH SERVICES"

Medical Model

The term "home health services" means the items and services furnished by a home health agency to an individual on a part-time or intermittent visiting basis in a place of residence used as such by an individual under a plan of care collaboratively established and periodically approved by the responsible physician. Home health services may include but are not limited to:

1. nursing, physical therapy, occupational therapy, medical-social work, nutrition, speech therapy, podiatry, homemaker-home health aide, as are ordinarily furnished by the home health agency for the care and treatment of home health patients;

2. such drugs, biological supplies, appliances and equipment, as are ordinarily furnished by such home health agency for the care and treatment of patients;

3. such other diagnostic and therapeutic items or services furnished by the home health agency or by others under arrangements with them made by the home health agency, as are ordinarily furnished to patients by either such home health agency or others under such arrangements; and

4. such other related services necessary to provide for the health and safety of the patient including household services which would prevent unnecessary institutionalization; excluding however:

a. any item or service if it would not be included if furnished to an in-patient of a hospital;

b. lodging (rent, utilities, etc.);

9. has viable reciprocal arrangements for transfer of patients' information between other care facilities and in-home health services.

III. Planning, coordination, funding and delivery

A. Comprehensive health planning shall actively involve in-home health agency providers in the planning for meeting the health care needs at national, state and local levels.

By this action, comprehensive health planning shall . . . .

1. promulgate a coordinated plan for providing in-home health care for all citizens;

2. promote maximum utilization of resources and prevent costly duplication of existing services; and

3. assist in the recognition of need and

establishment of additional in-home health services.

B. In accordance with the goals and objective of comprehensive health planning, we believe that health services should not be fragmented because of funding. Therefore, we recommend coordination of governmental and private resources at all levels. This is necessary in order to effect expansion and development of in-home health services and to prevent duplication of health services.

C. Levels of care varying in intensity and service components responsive to the individual needs of patients must be available in the home. As patients' needs change, there must be adequate mechanisms for movement of patients within the varying levels of home care, as well as for transfer to other care settings.

IV. Differential costs analysis

Due to economic realities, advances in medical technology, better communications and control systems, we believe that cost units such as per visit, per hour, per diem, per month, and per case must be evaluated and compared because each in its own way limits the type or scope of services which are provided to individual patients.

We recommend that governmental and private funds be used to help providers of in-home health service develop models that use both functional budget practice and differential cost analysis to arrive at a proper unit cost system.

COLLEGE MISERICORDIA PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, the end of the current academic year at College Misericordia in Dallas, Pa., marks the conclusion of one of the most dynamic and inspiring tenures of any college president I have ever known. For the past 10 years, Sister Miriam Teresa O'Donnell, R.S.M., has served as president of College Misericordia, and during the course of the decade the institution has grown in leaps and bounds which have won for it the recognition and respect of academicians and colleges and universities throughout the Nation.

College Misericordia means more to me than its mere presence in my congressional district. It is a place which I have come to know and to love, and its president is a person whom I have admired and respected since the occasion on which we first were introduced. My wife Catherine is an alumna of the college, and this, too, I assure you, Mr. Speaker, further endears it to my heart.

Throughout my entire congressional career, I have had a special working relationship with College Misericordia. Fortunately, I have been able to be of assistance to the school, and I have been the proud recipient of recognition by them on many occasions, including an honorary degree which I received 2 years ago.

College Misericordia last fall marked the celebration of its golden jubilee. From its genesis days as a small college for women founded by the members of the Order of the Sisters of Mercy, it has grown in great dimension, with its undergraduate and graduate programs now available to both men and women.

Throughout the years of economic recession after World War II, the college was able to train thousands of women for careers which, if nothing else, provided for the livelihood of families hard hit by unemployment.

The first four decades of significant advances were followed by the unprecedented growth in progress which began with the appointment of Sister Miriam Teresa O'Donnell as president. A native of New York, she obtained her formal education with a bachelor's degree from Hunter College and a master of arts degree from Columbia University. As a member of the Order of Sisters of Mercy, she taught science and mathematics at St. Mary's High School in Wilkes-Barre, before joining the faculty of the college in the department of mathematics and physics. She later became chairman of the department, prior to her service as president of the school. While her career as an educator has been one of great distinction, her devotion and responsibility to the duties of the religious order where she has spent most of her life have been marked by a dedication of purpose which further contributes to her enriching career. Sister Miriam Teresa O'Donnell seved as provincial councilor of the religious Sisters of Mercy in the Scranton province, before becoming assistant provincial of the Scranton province. While her dual capacities as college executive and religious have commanded the fullest measure of her time, she has been able to serve on the executive committee of the Commission of Independent Colleges and Universities in Pennsylvania, along with her role in the Luzerne County Mental Health Association and its committee on drugs.

In addition to the doctor of laws honorary degree from her own school, Sister Miriam Teresa O'Donnell holds similar tributes from King's College and Loyola University in Baltimore.

During her career as president, the remarkable advances of the college have made it a distinguished institution of higher learning. The construction of North Hall on the beautiful campus and the maintenance and improvement of its vast facilities make the campus hillside setting worthy of the attention of an artist or poet. The imprint of this devout woman is everywhere at College Misericordia, and well it should be.

I could not close my remarks, Mr. Speaker, without paying special recognition to Sister Miriam Teresa O'Donnell for the role she assumed during a time of disaster at a period when much of my congressional district suffered from havoc and misfortune of the worst kind. I refer of course to the awful hurricane Agnes floods of 1972. It was the worst natural disaster in the history of this Republic. Many people, in many ways, contributed to the unbelievable recovery, and Sister Miriam Teresa O'Donnell stands with the best of them. The devastating waters of the Susquehanna River caused the evacuation of several hospitals, and through the foresight and perseverance of the college's president, the campus immediately became an evacuees' center, a hospital, a staging area for those in distress, and a site where human services of every nature could be provided. For day and night, week after week, babies were born, the hungry were fed, the despondent were counseled, the sick were cared for, as a college campus became the focal point of life for those whose dreams and realizations were plundered in the wake of disaster. It was the unyielding determination of this college president which co-ordinated the effort and made it all possible. As the coauthor of the historic Agnes Recovery Act, and as a man who had an awful lot to do with the magnificent recovery of the hundreds of thousands who participated in their own comeback, I shall always recall the contribution of this champion of the human spirit whose dedication caused others to believe that after all, life could go on, bigger and better than ever.

Mr. Speaker, on the Saturday evening to come, the hundreds of friends and colleagues of Sister Miriam Teresa O'Donnell will gather on the College Misericordia campus at a testimonial dinner which will serve as a small token of the appreciation of all who have come to know and love her. As only life would have it, it will be impossible for me to be present for this great gathering. Unfortunately, I will be in Los Angeles to speak to a national convention of cancer researchers and practitioners in my capacity as chairman of the Appropriations Subcommittee for Labor; Health, Education and Welfare. Indeed, I will feel remiss that I cannot take part in the outstanding program of tributes which will be coordinated by my dear friend, Msgr. Andrew McGown, who is acting as toastmaster.

Mr. Speaker, on behalf of the people of northeastern Pennsylvania and all of the College Misericordia alumnae, I say "Ad Multos Annos" to a great woman, a great educator, and a devout participant in the religious order. It can be said of her, as it was said of a great servant in Biblical times, "Well done, thy good and faithful servant."

HOW THE CORPS OF ENGINEERS HAS EXAGGERATED THE CONSEQUENCES OF THE WATER PERMIT PROGRAM UNDER THE WATER POLLUTION CONTROL ACT OF 1972

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I have been dismayed by an overreaction of the Corps of Engineers to the meaning of a decision handed down in March by the U.S. District Court for the District of Columbia defining its water permit responsibilities. The corps has resorted to false and misleading scare tactics in its efforts to try to decrease its responsibility for the "waters of the United States" which Congress gave the corps in amendments to the Water Pollution Control Act in 1972. The corps, in its desire to shirk its responsibilities, has alarmed millions of people across the Nation by erroneously asserting that "permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion." This outrageous statement was contained in a press release issued from the Washington office of the corps on May 6.

Because of my concern with environmental protection and with the way in which the Corps of Engineers conducts itself, I am placing in the RECORD the text of a letter I sent on May 27 to Secretary of the Army Calloway about the corps' misleading statements:

DEAR SECRETARY CALLAWAY: As a person deeply concerned with the protection of our environment, I am extremely disturbed by the recent actions of the Corps of Engineers regarding the Section 404 permit program under the Federal Water Pollution Control Act. This program is the principal means for protecting our nation's wetlands from unregulated filling. Congress has decided that the protection afforded by this program should extend to the "waters of the United States." The Corps, however, has issued a grossly misleading press release on this matter on May 6, 1975, the apparent intention of which was to generate substantial public opposition against the proper view of the law by exaggerating the potential coverage of the program.

For example, the press release states that a farmer might need a Federal permit before he could plow his field. Nothing in the Act or its legislative history remotely suggests that the Act would require permits for such activities. Later the press release states that under the interpretation of the Act favored by the Environmental Protection Agency, "millions of people may be presently violating the law." This is not the case. While there probably are a number of people who are presently discharging without a permit due to the Corps' unlawfully restrictive program, as Mr. Russell E. Train stated in his May 16th letter to General Gribble on this matter:

"To say, however, that this number approaches millions is totally without basis."

I find it hard to believe that responsible people within the Corps would issue such a misleading press release. I find it inexcusable that General Gribble has not taken action to correct the misimpressions created by the press release since the problems it created were brought to his personal attention by Mr. Train in his May 16th letter. The seriousness of the situation is underscored by the fact that the District Engineer in Nashville, Tennessee, is echoing the statements and sentiments expressed in the Corps' misleading May 6th press release. See the enclosed copy of a story in the *Nashville Banner* of May 7, 1975, as well as the editorial cartoon which appeared the next day.

I am also at a loss to accept as true what appears to be the motive behind the Corps' actions. Apparently the Corps feels that it can gain substantial public opposition against the proper and lawful scope of the Section 404 permit program by exaggerating its potential coverage. If this is the case, the Corps' total recalcitrance in implementing the requirements of the Act. In the Act, Congress quite deliberately broadened Federal control over activities relating to the nation's waters by extending Federal jurisdiction to cover the "waters of the United States." This standard is broader than "navigable waters of the United States," the standard which previously defined the Corps' jurisdiction. In implementing its responsibilities under Section 404 of the Act, the Corps initially proposed regulations which were consistent with the new standard. However, in promulgating final regulations, the Corps decided that it would exercise its responsibilities only within the "navigable waters of the United States," as traditionally defined.

The Corps received notice that its position was inconsistent with the requirements of the Act by the Administrator of the Environmental Protection Agency and by the Assistant Attorney General for Lands and Natural Resources of the Department of Justice. In addition, the House Committee on Government Operations issued a thoughtful and detailed report which, among other things, analyzed the proper scope of the Act's coverage under Section 404 and reached conclusions similar to those of the EPA and the Justice Department. (See report, titled "Our Threatened Environment: Florida and the Gulf of Mexico," October, 1974 (Report No. 93–1396)).

The Corps, however, refused to revise its regulations. As a result the Natural Resources Defense Council and the National Wildlife Federation brought suit against the Corps for its unlawful interpretation of the requirements of the Act. On March 27, 1975, the U.S. District Court for the District of Columbia held that the Corps' regulations were unlawfully restrictive and directed the Corps to adopt new regulations consistent with the Act's requirements.

Accordingly, the Corps developed the new proposed regulations in issue and decided to offer for public comment four alternatives regarding the scope and operation of the Section 404 permit program. The first alternative—the one the Corps characterized in the May 6th press release as the broadest of the four and as the one favored by EPA—represents essentially the proper view of the Act's requirements. The Corps, however, by exaggeration and misleading statements, apparently seeks to generate substantial public opposition against this position in order to support action again to restrict Section 404 protection.

This continuous course of action of failing to comply with—and intentionally frustrate—the objectives and purposes of the Act should not be condoned. I emphasize again that Section 404 is the principal means for protection of our nation's wetlands. According to the National Wildlife Federation, we have already lost 40 per cent of these wetlands and the Corps' delay and recalcitrance in faithfully implementing the requirements of the Act will only result in further unregulated loss of such wetlands.

In closing, it is pertinent to note that the Environmental Protection Agency has developed and administered its regulatory programs as they apply to "waters of the United States" without encountering serious problems. Surely the Corps is equally able to accomplish this goal. I should add that I will oppose vigorously any proposed change in the Water Polution Control Act which would exempt the Corps from striving for such accomplishment.

I sincerely believe that the Corps and its District Engineers should put their best efforts into faithfully implementing the Act, rather than into issuing misleading press releases wih the apparent objective of undermining the Act's goal "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

ALTERNATIVE VEHICLE PROPULSION SYSTEMS RESEARCH AND DEVELOPMENT ACT OF 1975

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am today introducing legislation designed to expedite the development of alternative vehicle propulsion systems.

The essence of this legislation is the encouragement of the research and development of steam, electric, hybrid, and other alternative propulsion systems for all vehicles and to demonstrate their commercial feasibility.

Automobiles and other internal combustion vehicles presently consume more than one-third of the petroleum used in the United States. Nothing more dramatic could be done to further "Project Independence" than to free us from the use of oil products for vehicle propulsion.

Alternative systems to the gasoline-powered internal combustion engine have many other advantages, not the least of which will be a dramatic reduction in air pollution emissions. Internal combustion engines account for more than 50 percent of all air pollution nationally. In addition, many electric and hybrid systems use little or no energy when stopped in traffic, thus conserving energy currently wasted by conventional vehicles.

Mr. Speaker, the electric and steam car are not pipe dreams of the future. They are feasible now.

I am inserting a copy of the bill for the benefit of the Members of the House:

H.R. 7506

A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote non-gasoline powered vehicles, and to demonstrate the commercial feasibility of such vehicles, and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Alternative Vehicle Propulsion Systems Research and Development Act of 1975."

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) our balance of payments and our economic stability are threatened by the need to import high priced oil for the production of gasoline to power motor vehicles;

(2) the increased priced of gasoline is a major factor in recent inflationary and recessionary trends;

(3) the economic problems associated with the high price of gasoline could be alleviated by the development of an alternative source of propulsion;

(4) gasoline powered vehicles contribute significantly to environmental pollution and the steadily increasing numbers of such vehicles threatens the quality of the air even when strict controls are applied to individual vehicles;

(5) stationary sources of potential pollutants are simpler to control than moving vehicles, making it environmentally desirable for transportation systems to be powered from central sources.

(6) gasoline powered vehicles are a major source of urban noise pollution;

(7) vehicles powered by alternative sources which do not emit any significant pollutants and are far less noisy than conventional automobiles and trucks are feasible. Properly designed steam, electric, and electric hybrid vehicles can have acceptable chemical and noise pollution levels, and represent feasible alternatives to gasoline powered vehicles;

(8) new technologies of propulsion have made electric, hybrid, and steam powered vehicles more practical than in the past, and developments in battery and other technologies indicate that further progress is likely in the next decade;

(9) because electric and hybrid vehicles use little or no energy when stopped in urban traffic, they permit the conservation of en-

ergy currently wasted by conventional automobiles, buses and trucks;

(10) the power demands of electric vehicles would promote energy conservation by loading utilities in off peak late night hours, permitting more efficient use of plant capacity; and

(11) electric hybrid vehicles can use both electric and internal combustion engines at peak capacities for each, thus permitting only the most efficient operation of each, acheiving substantial energy savings.

DEFINITIONS

SEC. 3. For the purposes of this act—

(1) the term "electric vehicle" means a vehicle which is powered primarily by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current. It may include also a non-electrical source of power designed to charge batteries or provide auxiliary power to the wheels.

(2) the term "hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other alternative engine.

(3) the term "alternative engine" means any steam, electric or hybrid engine or other engine that eliminates or minimizes the use of gasoline as its fuel.

(4) the term "alternative vehicle" means a vehicle powered by an alternative engine.

(5) the term "project" means the alternative vehicle project established with the Energy Research and Development Administration as provided in Section 5 of this Act;

(6) the term "Administrator" means the Administrator of the Energy Research and Development Administration.

(7) the term "significant numbers" means numbers sufficient to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for the purposes of subsection (a) of Section 7, significant numbers of vehicles shall be considered to have been produced if 4,000 or more are produced.

(8) the term "major auto companies" means those companies with more than 1,500 employees.

POLICY AND GOALS

SEC. 4. (a) It is declared to be the policy of the United States and the purpose of this Act to: (1) demonstrate the commercial feasibility of all steam, electric, hybrid, and other alternative propulsion systems for vehicles for urban and rural, individual and business use;

(2) to encourage research and development in new technologies for all such vehicles;

(3) to remove institutional barriers to development and use of such vehicles;

(4) to provide incentives for consumers, government, and industry to purchase and utilize alternative vehicles; and

(5) to provide research and development background for further applications of alternative vehicle technology.

ALTERNATIVE VEHICLE RESEARCH AND DEVELOPMENT PROJECT

SEC. 5. (a) The Administrator shall promptly establish, as an organizational entity within the Energy Research and Development Administration, the Alternative Vehicle Research and Development Project.

(b) The overall management of the project shall be the responsibility of the Administrator; but he may enter into such arrangements and agreements with the National Aeronautics and Space Administration, the Secretary of Transportation, the National Science Foundation, the Environmental Protection Agency, the Secretary of Housing and Urban Development, and other Federal offices and agencies as he may deem necessary or appropriate for the conduct by them of parts or aspects of the project which are within their particular competence.

(c) In providing for the effective management of the project the Administrator shall have specific responsibility for—

(1) promoting research and development of batteries, controls, motors, designs and other technology applicable to alternative vehicles;

(2) conducting demonstrations of the feasibility of a commercial alternative vehicle by contracting for the manufacture, purchase and lease of such vehicles and by developing arrangements with other agencies and non-governmental entities for the purchase, operation and testing of such vehicles;

(3) ascertaining consumer needs and desires so as to match the design of alternative vehicles to their potential market; and

(4) promote research on planning, traffic management, maintenance facilities, utility rate structures, and tax policies which are needed to facilitate the manufacture and use of alternative vehicles.

RESEARCH AND DEVELOPMENT

SEC. 6. The Administrator, acting through appropriate agencies and contractors, shall initiate and provide for the conduct of research and development in all areas related to alternative vehicles, including—

(1) energy storage technology, including batteries, chargers, and other equipment;

(2) vehicle control systems and overall design for energy conservation, including the use of regenerative braking;

(3) urban design and traffic management for minimum transportation-related energy use and minimum transportation-related degradation of the environment; and

(4) vehicle design for maximum practical lifetime, ease of repair, and interchangeability and replaceability of parts.

DEMONSTRATION

SEC. 7. (a) The Administrator shall enter into such contracts as may be necessary and appropriate—

(1) for the production, within one year after the date of the enactment of this Act, of significant numbers of urban passenger and commercial vehicles (meeting the standards and criteria developed under subsection (b)) emphasizing alternative propulsion systems, with or without chassis designed for that system; and

(2) for the production, within three years after such date, of significant numbers of urban passenger and commercial vehicles (meeting such standards) which are designed completely with chassis for alternative propulsion.

(b) Within one hundred and twenty days after the date of the enactment of this Act, the Administrator shall promulgate developing, or arranging for the development of, performance standards and criteria for alternative engines which are suitable for the needs of urban private passenger vehicles and urban commercial vehicles (and which shall be applicable to the vehicles produced under subsection (a)). The standards and criteria so developed shall not be designed simply to reflect the characteristic patterns of use for "second" vehicles, consumer preferences, maintenance needs, battery recharging characteristics, materials demand and recyclability, vehicle safety, insurability, and other relevant considerations. Such standards and criteria are to be developed and determined separately for vehicles designed with alternative propulsion systems on conventional chassis and for vehicles designed completely for alternative engine propulsion. In developing such standards and criteria, the Administrator shall consult with appropriate State and municipal authorities concerning design needs for alternative vehicles compatible with long-range planning and traffic management.

(c) The Administrator shall make such arrangements as may be necessary or appropriate—

(1) for the introduction of the alternative vehicles produced under subsection (a) into the vehicle fleets of State and local governments and Federal agencies;

(2) for the introduction of such vehicles into individual and business use, with the individuals and businesses involved being chosen by an equitable process (such as lottery in each region or category) and being given the option of purchasing or leasing such vehicles under terms and conditions which will insure their widespread use, testing and demonstration;

(3) for the evaluation of alternative vehicle performance and of consumer reaction to such vehicles in use;

(4) for demonstration maintenance projects (including maintenance organization and equipment needs);

(5) for the dissemination of data on alternative vehicle safety and operating characteristics including nontechnical descriptive data made available through the Government Printing Office to State and municipal consumer affairs agencies and groups.

USE OF ALTERNATIVE VEHICLES BY FEDERAL AGENCIES

SEC. 8. (a) The United States Postal Service, the General Services Administration, the Secretary of Defense, and the heads of other Federal agencies shall arrange for the introduction of alternative vehicles into their fleets as soon as possible. For competitive procurement purposes in purchasing such vehicles, life cycle costing and the beneficial emission characteristics of alternative vehicles shall be fully taken into account. In any case where (as determined by the head of the agency involved) alternative vehicles are practical but are not economically competitive with conventional vehicles (as part of the demonstration program under section 7) the Administrator may pay the agency an amount agreed to as the appropriate price differential, in order to insure that the maximum number of alternative vehicles are placed in use by Federal agencies.

INCENTIVES AND ASSESSMENTS

SEC. 9. (a) The Administrator shall conduct a study to determine the existence of any tax, regulatory, traffic, urban design, and other institutional factors which may tend to bias transportation systems against the use of alternative vehicles, and shall report the results of such study to the Congress within six months after the date of the enactment of this Act.

(b) The Administrator shall conduct a continuing assessment of the long-range materials demand and pollution effects which may result from or in connection with the use of alternative vehicles in urban traffic, and shall include a statement of his current findings in each report submitted under section 12. Any environmental impact statement which may be filed under a Federal law with respect to research, development, or demonstration activities under this Act shall include reference to the matters which are subject to assessment under this subsection.

(c) In carrying out his functions under this Act, the Administrator shall perform or cause to be performed studies and research on incentives to promote broader utilization and consumer acceptance of alternative vehicle technologies.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS AND SMALL ALTERNATIVE ENGINE MANUFACTURERS

SEC. 10. (a) In carrying out his functions under this Act, the Administrator shall take steps to assure that small business concerns and qualified individuals will have realistic and adequate opportunities to participate in the programs under this Act to the maximum extent possible.

(b) Not more than 50 percent of the contracts under section 7, or the Federal Government's use of advanced vehicles under section 8, shall be from major auto companies.

(c) In making grants, preference shall be given to firms, other than major auto companies, with experience in the manufacture of alternative engines and vehicles.

REPORTS TO CONGRESS

SEC. 11. The Administrator shall report to the Congress semiannually on all activities being undertaken or carried out pursuant to the provisions of this Act, including such projections and estimates as may be necessary to evaluate the progress of the program under this Act and to indicate the extent to which and the pace at which the objectives of this Act are being achieved. Each report shall also include any recommendations which the Administrator may deem appropriate for legislation or related action which might further the purposes of this Act.

APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator not to exceed $50,000,000 for each of the three fiscal years 1976, 1977, and 1978. Any amount appropriated pursuant to this section shall remain available until expended, and any amount authorized for either of the first two such fiscal years but not appropriated may be appropriated for any suceeding fiscal year through the third year.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Zeferetti (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for this week, on account of illness.

Mr. Don H. Clausen (at the request of Mr. Rhodes), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 10 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. Sikes, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Broyhill, for 5 minutes, today.

(The following Members (at the request of Mrs. Smith of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. Hammerschmidt, for 5 minutes, today.

Mr. Young of Alaska, for 5 minutes, today.

(The following Members (at the request of Mr. McDonald of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. Metcalfe, for 10 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Morgan, for 15 minutes, today.

Mr. AuCoin, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Matsunaga, for 10 minutes, today.

Ms. Abzug, for 20 minutes, today.

Mr. St Germain, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. McFall, for 15 minutes, today.

Mr. Koch, for 10 minutes, today.

Mr. Flood, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gonzalez, to revise and extend his remarks and to include extraneous matter in the Committee of the Whole today.

Ms. Abzug, to revise and extend her remarks and to include extraneous matter in the Committee of the Whole today.

(The following Members (at the request of Mrs. Smith of Nebraska and to include extraneous matter:

Mr. Kemp in two instances.

Mr. Latta in three instances.

Mr. Derwinski.

Mr. Kasten.

Mr. Findley in five instances.

Mr. Archer.

Mr. Crane.

Mr. Horton.

Mr. Sarasin.

Mr. Myers of Indiana.

Mr. Hansen.

Mr. Ashbrook.

Mr. Shuster.

Mr. Young of Florida in five instances.

Mr. Rousselot.

Mr. Bell.

Mr. Rhodes.

Mr. Armstrong.

Mr. Conte.

Mr. Rinaldo.

Mr. Burgener.

(The following Members (at the request of Mr. McDonald of Georgia) and to include extraneous material:)

Mr. Brinkley.

Mr. Murphy of New York.

Mr. AuCoin.

Mr. Downey of New York in five instances.

Mr. Murphy of Illinois in two instances.

Mr. Flood.

Mr. Harrington.

Mr. de Lugo.

Mr. Anderson of California in three instances.

Mr. Annunzio in six instances.

Mr. Gonzalez in three instances.

Mr. Sisk.

Mrs. Lloyd of Tennessee in five instances.

Mr. Rangel in 10 instances.

Mr. Harris in 10 instances.

Mr. Nowak in 10 instances.

Mr. Long of Maryland in 10 instances.

Mr. Brademas in 10 instances.

Mr. Dingell in two instances.

Mr. Eilberg in 20 instances.

Mr. Stokes.

Mr. Hefner.

Mr. de la Garza in 10 instances.

Mr. Fraser in 10 instances.

Mr. Matsunaga.

Mr. Steed.

Mr. McDonald of Georgia in three instances.

Mr. McCormack in two instances.

Mr. Zeferetti.

Mr. Udall in six instances.

Mr. Teague in two instances.

Mr. Wirth in two instances.

Mr. Rodino.

Mr. Mikva.

Mr. Drinan.

Mr. Obey in six instances.

Mr. Bolling.

Mr. Ford of Tennessee.

Mr. Gaydos.

Mr. Moffett.

Mr. Zablocki in two instances.

Mr. Rogers in five instances.

Mr. Flowers in three instances.

Mr. Danielson.

Mr. Early in two instances.

Mr. Ryan.

Ms. Abzug.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3786. An act to authorize the increase of the Federal share of certain projects under title 23, United States Code; and

H.R. 7136. An act to continue the special supplemental food program for women.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 249. An act to amend the Securities Exchange Act of 1934 to remove barriers to competition, to foster the development of a national securities market system and a national clearance and settlement system to make uniform the Securities and Exchange Commission's authority over self-regulatory organizations, to provide for the regulation of brokers, dealers, and banks trading in municipal securities, to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investment managers, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from Committee on House Administration, reported that that committee did on May 23, 1975 present to the President, for his approval, bills of the House of the following titles:

H.R. 3786. An act to authorize the increase of the Federal share of certain projects under title 23, United States Code; and

H.R. 7136. An act to continue the special supplemental food program for women, infants, and children through September 30, 1975.

ADJOURNMENT

Mr. McDONALD of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 3, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1112. A letter from the President of the United States, transmitting budget amendments for the legislative branch for fiscal year 1976 and for the transition period July 1 through September 30, 1976 (H. Doc. No. 94–170); to the Committee on Appropriations and ordered to be printed.

1113. A letter from the President of the United States, transmitting budget amendments for the Federal Election Commission for fiscal year 1976 and for the transition period July 1 through September 30, 1976 (H. Doc. No. 94–171); to the Committee on Appropriations and ordered to be printed.

1114. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the supplementary summary of the budget for fiscal year 1976, pursuant to section 221(b) of Public Law 91–510; to the Committee on Appropriations.

1115. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists; to the Committee on Armed Services.

1116. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period May 15–August 15, 1975, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1117. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with the Korea Electric Co., which exceeds $60 million, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended [12 U.S.C. 635]; to the Committee on Banking, Currency and Housing.

1118. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan guarantees and insurance transactions supported by Eximbank during April 1975 to Communist countries; to the Committee on Banking, Currency and Housing.

1119. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting chapter 1 (summary and recommendations) of the report on the Commission's study of problems associated with multistate taxation of commercial banks, mutual savings banks, and savings and loan associations, pursuant to section 7(e) of Public Law 93–100; to the Committee on Banking, Currency and Housing.

1120. A letter from the Secretary of Labor, transmitting the first annual report on the Department of Labor's administration of the black lung program under section 415 (part B) and part C, title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, pursuant to section 426(b) of the act; to the Committee on Education and Labor.

1121. A letter from the Chairman, National Advisory Council on Supplementary Centers and Services, transmitting the seventh report of the Council, pursuant to section 309(c) of the Elementary and Secondary Education Act of 1965, as amended (81 Stat. 797); to the Committee on Education and Labor.

1122. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on recommendations and actions related thereto contained in the first report of the Advisory Council on Intergovernmental Personnel Policy, dated January 1973, pursuant to section 6(b) of the Federal Advisory Committee Act (H. Doc. No. 94–172); to the Committee on Government Operations and ordered to be printed.

1123. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on recommendations and actions related thereto contained in the annual report of the National Advisory Council on Adult Education, dated March 1973, pursuant to section 6(b) of the Federal Advisory Committee Act (H. Doc. No. 94–173); to the Committee on Government Operations and ordered to be printed.

1124. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on recommendations and actions related thereto contained in the report of the National Advisory Commission on Education Professions Development, November 1973, pursuant to section 6(b) of the Federal Advisory Committee Act (H. Doc. No. 94–174); to the Committee on Government Operations and ordered to be printed.

1125. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the activities of the Board under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1126. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 18–R, *Bay Mills Indian Community, Sault Ste. Marie Bands, Arthur W. LaBanc, Daniel Edwards and John L. Boucher, plaintiffs,* v. *the United States of America, defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

1127. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Suquamish Tribe of Indians in docket 132 before the Indian Claims Commission, pursuant to 87 Stat. 466; to the Committee on Interior and Insular Affairs.

1128. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 75–18, authorizing the provision of military assistance and security supporting assistance to Spain without regard to the restriction of section 620(m) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

1129. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the intention of the Department of State to consent to a request by the Government of The Netherlands for permission to transfer certain U.S.-origin defense articles to the Government of Belgium, pursuant to section 3(a) of the Foreign Military Sales Act, as amended; to the Committee on International Relations.

1130. A letter from the Administrator, Agency for International Development, Department of State, transmitting notice of the Agency's intention to obligate Middle East special requirements funds for various loan and grant activities, pursuant to section 903 (b) of the Foreign Assistance Act of 1961, as amended (88 Stat. 1813); to the Committee on International Relations.

1131. A letter from the Administrator, Agency for International Development, Department of State, transmitting a quarterly report on world food needs, pursuant to section 55(a)(4) of Public Law 93–559; to the Committee on International Relations.

1132. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92–403; to the Committee on International Relations.

1133. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a semiannual report on the inventory of nonpurchased foreign currencies as of December 31, 1974, pursuant to section 613(c) of the Foreign Assistance Act of 1961 [22 U.S.C. 2363]; to the Committee on International Relations.

1134. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles and services to the Government of Australia, pursuant to section 36(b) of the Foreign Military Sales Act, as amended; to the Committee on International Relations.

1135. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles to the Government of Iran, pursuant to section 36(b) of the Foreign Military Sales Act, as amended; to the Committee on International Relations.

1136. A letter from the Secretary of Transportation, transmitting the annual report on the financial condition of the Penn Central Transportation Co., pursuant to section 10 of the Emergency Rail Services Act of 1970; to the Committee on Interstate and Foreign Commerce.

1137. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a letter from the American Academy of Pediatrics to supplement the previously submitted report on the safe level of lead in residential paint; to the Committee on Interstate and Foreign Commerce.

1138. A letter from the Chairman, Federal Power Commission, transmitting a copy of a publication entitled "The Financial Outlook for the Electric Power Industry," prepared by the National Power Survey Technical Advisory Committee on Finance; to the Committee on Interstate and Foreign Commerce.

1139. A letter from the Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of February 1975, pursuant to section 308(a)(1) of the Rail Passenger Setrvice Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1140. A letter from the General Counsel of the Department of the Air Force, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes; to the Committee on the Judiciary.

1141. A letter from the American Symphony Orchestra League, Inc., transmitting an examination for the financial statements of the organization for the year ended March 31, 1975, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

1142. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 15(B) of the Endangered Species Act of 1973 to extend the appropriation authorization; to the Committee on Merchant Marine and Fisheries.

1143. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 142 of title 13, United States Code, entitled "Census"; to the Committee on Post Office and Civil Service.

1144. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to clarify the status of nonappropriated fund personnel at the U.S. Merchant Marine Academy; to the Committee on Post Office and Civil Service.

1145. A communication from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on the Gulf Intracoastal Waterway, Carrabelle to St. Marks River, Fla., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; to the Committee on Public Works and Transportation.

1146. A communication from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Thomas Hill Reservoir, Mo., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 24, 1965, and May 5, 1966, respectively; to the Committee on Public Works and Transportation.

1147. A communication from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Yadkin-Pee Dee River, N.C., and S.C., requested by resolutions of the Committees on Public Works, House of Representatives and U.S. Senate, adopted August 6, 1948, and June 28, 1962; to the Committee on Public Works and Transportation.

1148. A communication from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Scottsville, James River Basin, Va., requested by resolutions of the Committees on Public Works, U.S. House of Representatives and U.S. Senate, adopted May 8, 1964, and August 6, 1964, respectively; to the Committee on Public Works and Transportation.

1149. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1150. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to authorize the payment for a 1-year period of a variable allowance to assist in the recruitment and retention of certain physicians in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

1151. A letter from the Chairman, U.S. International Trade Commission, transmitting a record on the concepts and principles which should underlie the formulation of an International Commodity Code, pursuant to section 608(c)(1) of the Trade Act of 1974 (H. Doc. No. 94–175); to the Committee on Ways and Means and ordered to be printed.

1152. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to upgrade the position of Under Secretary of Agriculture to Deputy Secretary of Agriculture; to provide for two additional Assistant Secretaries of Agriculture; to increase the compensation of certain officials of the Department of Agriculture; to provide for an additional member of the Board of Directors, Commodity Credit Corporation; and for other purposes; jointly, to the Committees on Post Office and Civil Service, and Agriculture.

RECEIVED FROM THE COMPTROLLER GENERAL

1153. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Government National Mortgage Association for fiscal year 1974 (H. Doc. No. 94–176); to the Committee on Government Operations and ordered to be printed.

1154. A letter from the Comptroller General of the United States, transmitting a report on problems in slowing the flow of cocaine and heroin from and through South America; to the Committee on Government Operations.

1155. A letter from the Comptroller General of the United States, transmitting the fifth semiannual report on the status of selected major weapon systems being acquired by the Department of Defense; jointly, to the Committees on Government Operations, and Armed Services.

1156. A letter from the Comptroller General of the United States, transmitting a report on efforts to develop two nuclear concepts that could greatly improve the country's future energy situation; jointly, to the Committee on Government Operations, and the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on May 22, 1975, the following report was filed on May 29, 1975*]

Mr. HUNGATE: Committee on the Judiciary. H.R. 6799. A bill to approve certain of the proposed amendments to the Federal Rules of Criminal Procedure, to amend certain of them, and to make certain additional amendments to those rules; with amendment (Rept. No. 94–247). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted June 2, 1975*]

Mr. NEDZI: Committee on House Administration. House Joint Resolution 353. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 94–248). Referred to the House Calendar.

Mr. NEDZI: Committee on House Administration. House Joint Resolution 354. Joint resolution to provide for the reappointment of Thomas J. Watson, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 94–249). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN:

H.R. 7496. A bill to amend section 2004 of title 10, United States Code, to provide that in computing the 6-year maximum active duty service of any member of the Armed Forces for purposes of qualifying for being detailed as a student to a law school, any period of time such member was a prisoner of war shall be disregarded; to the Committee on Armed Services.

By Mr. CORNELL (for himself, Mr. Baucus, Mr. Badillo, Mr. Carr, Mr. Conyers, Mr. Harrington, Mr. Krebs, Mr. Meeds, and Mr. Studds):

H.R. 7497. A bill to provide public financing of primary and general elections for the Senate and the House of Representatives; to the Committee on House Administration.

By Mr. DINGELL (for himself, Mr. Leggett, Mr. Reuss, Mr. Fisher, Mr. Vander Veen, Mr. Kreuger, Mr. Fraser, Mr. Whitehurst, Mr. Zeferetti, Mr. Hayes of Indiana, and Mr. Matsunaga):

H.R. 7498. A bill to amend the National Wildlife Refuge System Administration Act of 1966, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDGAR (for himself, Mr. Eilberg, Mr. Forsythe, Mr. Green, Mr. Leggett, Mr. Moorhead of Pennsylvania, Mr. Nix, and Mr. Thompson):

H.R. 7499. A bill to provide for certain additions to the Tinicum National Environmental Center; to the Committee on Merchant Marine and Fisheries.

By Mr. HAYS of Ohio:

H.R. 7500. A bill to authorize appropriations for the Department of State, and for other purposes; to the Committee on International Relations.

By Mr. LOTT (for himself, and Mr. Montgomery):

H.R. 7501. A bill to amend the Internal Revenue Code of 1954 to increase from $1 million to $10 million the exemption from industrial development bond treatment for certain small issues; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 7502. A bill to amend title 18 of the United States Code to require that whenever mortuaries or morticians offer preneed burial plans and deposit funds obtained from the sale of such plans in federally insured depository institutions that such deposits be placed in special trust accounts to assure that the funds are only disbursed from such accounts to carry out the plans; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7503. A bill to amend the Interstate Commerce Act; to the Committee on Public Works and Transportation.

By Mr. MITCHELL of Maryland:

H.R. 7504. A bill to amend the Internal Revenue Code of 1954 to exempt from levy for the collection of taxes certain property which is used by the taxpayer as his principal residence and is used in a trade or business and to increase the exemption from levy for books and tools in a trade or business; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 7505. A bill to amend title 10 of the United States Code in order to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with noncombatant missions of the Air Force; to the Committee on Armed Services.

By Mr. OTTINGER:

H.R. 7506. A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote nongasoline powered vehicles, and to demonstrate the commercial feasibility of such vehicles, and other purposes; to the Committee on Science and Technology.

By Mr. PATMAN:

H.R. 7507. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve Banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking, Currency and Housing.

By Mr. PERKINS:

H.R. 7508. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 7509. A bill to help improve and maintain an adequate transportation system through the systematic collection and publication of transportation statistics, to establish a National Center for Transportation Statistics, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROSTENKOWSKI:

H.R. 7510. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 7511. A bill to authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.R. 7512. A bill to amend the Internal Revenue Code of 1954 to provide that section 265 of such code shall not apply with respect to certain interest paid by certain dealers in connection with the purchase of tax-exempt obligations; to the Committee on Ways and Means.

By Mr. DANIELSON (for himself, Mr. Helstoski, Mr. Madden, and Mrs. Schroeder):

H.R. 7513. A bill to amend section 204 of the Federal Water Pollution Control Act to authorize the use of ad valorem taxes to satisfy the user charge system requirement; to the Committee on Public Works and Transportation.

By Mr. CONTE:

H.R. 7514. A bill to amend section 204 of the War Claims Act of 1948 to permit adjudication of the claims of additional persons for certain World War II losses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mr. Matsunaga, Mr. Conable, Mr. Flowers, Mr. Fish, Mr. Stokes, Mr. Pattison of New York, and Mr. Murphy of New York):

H.R. 7515. A bill to assist in the settlement of medical malpractice claims through a Federal program of reinsurance and through voluntary arbitration under State laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 7516. A bill to amend the Consolidated Farm and Rural Development Act, to provide an alternate method of making loans for acquisition and improvements of the farm, needed by farm families, including young farmers, and to provide the borrower family with adequate standards of living and the consumer with reasonable prices for dairy and other agricultural products, as well as to maintain and improve national health, and for other purposes; to the Committee on Agriculture.

By Mr. RICHMOND:

H.R. 7517. A bill to establish the Federal Municipal Bond Guarantee Administration to guarantee municipal bonds; to the Committee on Banking, Currency and Housing.

By Mr. RICHMOND (for himself, Mr. Riegle, Mr. Hawkins, Mr. Solarz, Mr. Matsunaga, Mr. Nix, Mr. Stokes, Mr. Diggs, and Ms. Collins of Illinois):

H.R. 7518. A bill to amend the Food Stamp Act of 1964 to provide for improved and more extensive means of distributing food stamp informational materials, to improve the application procedure for food stamp applicants, and to provide special assistance in areas of high unemployment; to the Committee on Agriculture.

By Mr. RINALDO:

H.R. 7519. A bill to amend title II of the Federal Water Pollution Control Act to provide for State certification; to the Committee on Public Works and Transportation.

By Mr. THONE:

H.R. 7520. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 7521. A bill to amend section 2040 of the Internal Revenue Code of 1954 to provide that a spouse's services shall be taken into account in determining whether that spouse furnished adequate consideration for jointly held property for purposes of qualifying for an exclusion from the Federal estate tax; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.J. Res. 477. Joint resolution to proclaim October 1975 as UHF Television Month; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

150. By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, relative to expanding Federal inspection of dairy products; to the Committee on Agriculture.

151. Also, memorial of the Legislature of the State of Hawaii, relative to releasing 1,324 acres of ceded land to the State of Hawaii; to the Committee on Armed Services.

152. Also, memorial of the Legislature of the State of Tennessee, relative to extending the Federal revenue sharing law beyond 1976; to the Committee on Government Operations.

153. Also, memorial of the Legislature of the State of Connecticut, relative to providing assistance to Israel; to the Committee on International Relations.

154. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to obtaining the return of the remains of Marine Cpl. Charles McMahon, Jr., from South Vietnam; to the Committee on International Relations.

155. Also, memorial of the Legislature of the State of Nevada, relative to negotiating with Canada to stabilize the price of natural gas; to the Committee on International Relations.

156. Also, memorial of the Legislature of the State of California, relative to bilingual television programing; to the Committee on Interstate and Foreign Commerce.

157. Also, memorial of the Legislature of the State of New Hampshire, relative to investigating pricing of and problems related to energy resource supplies; to the Committee on Interstate and Foreign Commerce.

158. Also, memorial of the Legislature of the State of Oklahoma, relative to priority use of natural gas for irrigation purposes; to the Committee on Interstate and Foreign Commerce.

159. Also, memorial of the Legislature of the State of Maine, relative to assisting Vietnamese refugees resettle; to the Committee on the Judiciary.

160. Also, memorial of the Legislature of the State of Nevada, relative to the Interstate Civil Defense and Disaster Compact; to the Committee on the Judiciary.

161. Also, memorial of the Legislature of the State of Maine, relative to the transmittal of Federal census data to the States; to the Committee on Post Office and Civil Service.

162. Also, memorial of the Legislature of the State of Tennessee, relative to reestablishing the Concord Post Office as a separate entity; to the Committee on Post Office and Civil Service.

163. Also, memorial of the Legislature of the State of California, relative to the highway trust fund; to the Committee on Public Works and Transportation.

164. Also, memorial of the Senate of the State of Oklahoma, relative to raising the water level of Lake Wister; to the Committee on Public Works and Transportation.

165. Also, memorial of the Legislature of the State of Maine, relative to the use of selective taxes as a means to reduce consumption of petroleum based fuels; to the Committee on Ways and Means.

166. Also, memorial of the Legislature of the State of Maine, relative to changing the proposed Federal regulations for title XX of the Social Services Act of 1974; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDGAR:

H.R. 7522. A bill for the relief of Robert H. Glazier; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 7523. A bill for the relief of Tin Kee NG; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and refered as follows:

136. By the SPEAKER: Petition of Edward E. Kubista, Owatonna, Minn., relative to unclaimed Federal grants; to the Committee on Government Operations.

137. Also, petition of Rev. James Coleman Jr., Chicago, Ill., relative to disposition of Creek Indian funds; to the Committee on Interior and Insular Affairs.

138. Also, petition of the South Suburban Association of Chiefs of Police, Blue Island, Ill., relative to the funding of the law enforcement education program; to the Committee on the Judiciary.

139. Also, petition of the city council, St. Marys, Ohio, relative to deconcentration of ownership in the energy field; to the Committee on the Judiciary.

140. Also, petition of Mr. Edward Serzysko, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

141. Also, petition of Paul J. Parobeck, Cleveland, Ohio, relative to redress of grievances; to the Committee on the Judiciary.

142. Also, petition of the Wisconsin National Guard Association, Madison, Wis., relative to increasing retirement annuity credit for past technician service by National Guard technicians; to the Committee on Post Office and Civil Service.

143. Also, petition of the board of directors, Texas Highway-Heavy Branch, Associated General Contractors, Austin, Tex., relative to exempting fixed price construction projects from Federal Government increase of the price of oil; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4925

By Mr. OTTINGER:

Page 117, line 6, strike "$215,000,000" and insert "$240,000,000."

Page 117, line 7, strike "$235,000,000" and insert "$280,000,000."

H.R. 6219

By Mr. McCLORY:

Page 1, line 6, strike out "twenty" and insert in lieu thereof "seventeen"'.

Page 2, strike out lines 1 and 2 and insert in lieu thereof the following:

"(1) striking out '1975' and inserting '1982' in lieu thereof; and".

By Mr. SOLARZ:

Page 9, line 23, immediately after "heritage" insert the following: ", or who are members of a group which the Director of the Census determines has a mother tongue other than English".

H.R. 6860

By Mr. GIBBONS:

At the end of the bill add the following new section:

Sec. —. Repeal of Percentage Depletion on Oil and Gas Royalty Income.

(a) Subsection (d) of section 613A of the Internal Revenue Code of 1954 (relating to persons entitled to percentage depletion on 2,000 barrels of oil per day) is amended by adding at the end thereof the following new paragraph:

"(5) Royalty income excluded.—Subsection (c) shall not apply to income derived from a nonoperating mineral interest as defined in section 614. In applying such definition for purposes of this paragraph, the taxpayer's share of the costs of production of the oil or gas shall be treated as zero if his percentage share of such costs is substantially less than his percentage share of the production."

(b) The amendment made by subsection (a) shall apply to income received on and after the date of enactment of this Act.

SENATE—*Monday, June 2, 1975*

The Senate met at 12 noon and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Spirit of the Living God, in this hallowed moment, assure us of Thy continued presence working Thy will in and through us. Come to us as a still small voice, creative and joyous. Come to us as the God of history, awesome and transcendent, moving out of the past through the present into the future, guiding the Nation each step of the way. Send Thy light into our souls, dispelling doubt and fear, and lighting up our pathway through the perplexities of these testing times. Be with the President and all leaders of the Government to guide them in the way which leads to Thy coming kingdom. And to Thee shall be all the praise and the glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 2, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 22, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 149 and Calendar No. 154.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HELLS CANYON NATIONAL RECREATION AREA ACT

The Senate proceeded to consider the bill (S. 322) the Hells Canyon National Recreation Area Act, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, in line 11, strike out "July 1974," and insert in lieu thereof "May 1975,".

On page 3, in line 10, strike out the following language:

The Congress hereby incorporates the Rapid River and the Snake River into the National Wild and Scenic Rivers system in the status listed

(1) Rapid River, Idaho. The segment from the headwaters of the main stem to the national forest boundary and the segment from the headwaters of the west fork to the confluence with the main stem, as a wild river.

Snake River, Idaho, Oregon and Washington. The segment from Hells Canyon Dam downstream to Pittsburg Landing, as a wild river; the segment from Pittsburg Landing to Dough Creek, as a scenic river; and the segment from Dough Creek downstream to the town of Asotin, Washington, as a recreational river.

And insert in lieu thereof:

Subsection 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906) is hereby amended by adding at the end thereof the following clauses:

"(11) Rapid River, Idaho.—The segment from the headwaters of the main stem to the national forest boundary and the segment from the headwaters of the west fork to the confluence with the main stem, as a wild river: *Provided,* That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments.

"(12) Snake, Oregon, and Idaho.—The segment from Hells Canyon Dam downstream to Pittsburg Landing, as a wild river; the segment from Pittsburg Landing to Dough Creek, as a scenic river; and the segment from Dough Creek downstream to the town of Asotin, Washington, as a recreational river: *Provided,* That the relevant provisions of the Hells Canyon National Recreation Area shall be applicable to these river segments.".

On page 4, in line 20, strike out the word "uniform".

On page 6, in line 1, strike out the following:

No provision of the Wild and Scenic Rivers Act (82 Stat. 906), nor of this Act, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict.

And insert in lieu thereof:

No provision of this Act, nor any other provision of law, nor any guidelines, rules, or regulations issued thereunder, shall in any way limit, restrict,

On page 10, beginning at line 9, insert the following new language:

(f) Such activities as are compatible with the purposes of this Act including, but not limited to, timber harvesting by selective cutting, mining, and grazing may continue during development of the comprehensive plan at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in the development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas.

On page 11, in line 13, after the words "required by" insert the words "subsection (a) of".

On page 14, in line 4, strike out the word "and".

On page 14, in line 9, strike out "area." and insert "area; and".

On page 14, beginning in line 10, insert the following new language:

(e) standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and development as are compatible with the provisions of this Act.

On page 15, in line 9, after the word "farming," insert the words "timber harvesting,".

On page 16, beginning in line 4, strike out the following:

(a) There is hereby authorized to be appropriated the sum of not more than $60,000,000 for improvements of—

(1) the existing road from the town of Imnaha, Oregon, to Dug Bar on the Snake River;

(2) the existing road from White Bird, Idaho, over Pittsburg Saddle to Pittsburg Landing on the Snake River;

(3) either the existing road from Imnaha, Oregon, to Five Mile Point or an alternative road following generally the same route to Five Mile Point, and thence to Hat Point Lookout above the Snake River;

(4) the existing road from Riggins, Idaho, to Heaven's Gate Lookout above the Snake River.

On page 16, in line 18, strike out "(b)" and insert in lieu thereof "(a)".

On page 16, in line 21, strike out "(c)" and insert in lieu thereof "(b)".

On page 17, in line 3, strike out "(d)" and insert in lieu thereof "(c)".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) to assure that the natural beauty, and historical and archeological values of the Hells Canyon Area and the one hundred and one and four-tenths mile segment of the Snake River between Hells Canyon Dam in Idaho and Asotin, Washington, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.

(b) The Hells Canyon National Recreation Area (hereinafter referred to as the "recreation area"), which includes the Hells Canyon Wilderness Areas (hereinafter referred to as the "wilderness areas"), the components of the Wild and Scenic Rivers system designated in section 3 of this Act, and the wilderness study areas designated in subsection 8 (d) of this Act, shall comprise the lands and waters generally depicted on the map entitled "Hells Canyon National Recreation Area" dated May 1975, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of

Agriculture. The Secretary of Agriculture (hereinafter referred to as "the Secretary") shall, as soon as practicable, publish a detailed boundary description of the recreation area, the wilderness study areas, designated in subsection 8(d) of this Act, and the wilderness areas established in section 2 of this Act in the Federal Register.

SEC. 2. (a) The lands depicted as the "Hells Canyon Wilderness Areas" on the map referred to in subsection 1(b) of this Act are hereby designated as wilderness.

(b) The wilderness areas designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act or in accordance with the provisions of the Wilderness Act (78 Stat. 893), whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act. The provisions of section 9(b) and section 11 shall apply to the wilderness areas. The Secretary shall make such boundary revisions to the wilderness areas as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

Subsection 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906) is hereby amended by adding at the end thereof the following clauses:

"(11) Rapid River, Idaho.—The segment from the headwaters of the main stem to the national forest boundary and the segment from the headwaters of the west fork to the confluence with the main stem as a wild river: *Provided,* That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments."

"(12) Snake, Oregon and Idaho.—The segment from Hells Canyon Dam downstream to Pittsburgh Landing, as a wild river; the segment from Pittsburgh Landing to Dough Creek, as a scenic river; and the segment from Dough Creek downstream to the town of Asotin, Washington, as a recreational river: *Provided,* That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments.".

(b) The segments of the Snake River and the Rapid River designated as wild, scenic, or recreational river areas by this Act shall be administered by the Secretary in accordance with the provisions of the Wild and Scenic Act (82 Stat. 906), as amended: *Provided,* That the Secretary shall establish a corridor along such segments and may not undertake or permit to be undertaken any activities on adjacent public lands which would impair the water quality of the Rapid River segment: *Provided further,* That the Secretary is authorized to make such minor boundary revisions in the corridors as he deems necessary for the provision of such facilities as are permitted under the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906).

SEC. 4. (a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided,* That the provisions of the Federal Power Act (41 Stat. 1063), shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act.

(b) No department or agency of the United States may assist by loan, grant, license, or otherwise the construction of any water resource facility within the recreation area which the Secretary determines would have a direct and adverse effect on the values for which the waters of the area are protected.

SEC. 5. The Asotin Dam, authorized under the provisions of the Flood Control Act of 1962 (76 Stat. 1173), is hereby deauthorized.

No provision of this Act, nor any other provision of law, nor any guidelines, rules, or regulations issued thereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby for beneficial uses, whether consumptive or nonconsumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power, or industrial uses.

(b) No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), of this Act, or any other guidelines, rules, or regulations adopted pursuant thereto.

SEC. 7. (a) Except as otherwise provided in sections 2 and 3 of this Act, and subject to the provisions of section 10 of this Act, the Secretary shall administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation in a manner compatible with the following objectives:

(1) the maintenance and protection of the free-flowing nature of the rivers within the recreation area;

(2) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit;

(3) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith;

(4) protection and maintenance of fish and wildlife habitat;

(5) protection of archeological and paleontologic sites and interpretation of these sites for the public benefit and knowledge insofar as it is compatible with protection;

(6) preservation and restoration of historic sites associated with and typifying the economic and social history of the region and posal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.
the American West; and

(7) such management, utilization, and disposal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

SEC. 8. (a) Within five years from the date of enactment of this Act the Secretary shall develop a comprehensive management plan for the recreation area which shall provide for a broad range of land uses and recreation opportunities.

(b) In the development of such plan, the Secretary shall consider the historic, archeological, and paleontologial resources within the recreation area which offer significant opportunities for anthropological research. The Secretary shall inventory such resources and may recommend such areas as he deems suitable for listing in the National Register of Historic Places. The Secretary's comprehensive plan shall include recommendations for future protection and controlled research use of all such resources.

(c) The Secretary shall, as a part of his comprehensive planning process, conduct a detailed study of the need for, and alternative routes of, scenic roads and other means of transit to and within the recreation area. In conducting such study the Secretary shall consider the alternative of upgrading existing roads and shall, in particular, study the need for and alternative routes of roads or other means of transit providing access to scenic views of and from the western rim of Hells Canyon.

(d) The Secretary shall review, as to their suitability or nonsuitability for preservation as wilderness, the areas generally depicted on the map referred to in section 1 of this Act as the "Lord Flat-Somers Point Plateau Wilderness Study Area" and the "West Side Reservoir Face Wilderness Study Area" and report his findings to the President. The Secretary shall complete his review and the President shall, within five years from the date of enactment of this Act, advise the United States Senate and House of Representatives of his recommendations with respect to the designation of lands within such area as wilderness. In conducting his review the Secretary shall comply with the provisions of section 3(d) of the Wilderness Act and shall give public notice at least sixty days in advance of any hearing or other public meeting concerning the Wilderness Study Area. The Secretary shall administer all Federal lands within the study areas so as not to preclude their possible future designation by the Congress as wilderness. Nothing contained herein shall limit the President in proposing, as part of this recommendation to Congress, the designation as wilderness of any additional area within the recreation area which is predominantly of wilderness value.

(e) In conducting the review and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations, and individuals including, but not limited to, the Nez Perce Tribe of Indians, the States of Idaho, Oregon, and Washington. The Secretaries or Directors of all Federal departments, agencies, and commissions having relevant expertise are hereby authorized and directed to cooperate with the Secretary in his review and to make such studies as the Secretary may request on a cost reimbursable basis.

(f) Such activities as are compatible with the purposes of this Act including, but not limited to, timber harvesting by selective cutting, mining, and grazing may continue during development of the comprehensive plan at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in the development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas.

SEC. 9. (a) The Secretary is authorized to acquire such lands or interests in land (including, but not limited to, scenic easements) as he deems necessary to accomplish the purposes of this Act by purchase with donated or appropriated funds with the consent of the owner, from willing sellers, donation, or exchange.

(b) The Secretary is further authorized to acquire by purchase with donated or appropriated funds such lands or interests in lands without the consent of the owner only if (1) he deems that all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and (2) the total acreage of all other lands within the recreation area to which he has acquired fee simple title, or lesser interests therein, without the consent of the owner is less than 5 per centum of the total acreage which is privately owned within the recreation area on the date of enactment of this Act: *Provided,* That the Secretary may acquire scenic easements in lands without the consent of the owner and without restriction to such 5 per centum limitation: *Provided further,* That the Secretary may only acquire scenic easements in lands without the consent of the owner after the date of publication of the regulations required by *subsection (a) of* section 10 of this Act when he determines that such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations.

(c) Any land or interest in land owned by the States of Oregon or Washington or any of their political subdivisions may be acquired only by donation. Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired by donation or exchange.

(d) As used in this Act the term "scenic easement means the right to control the use of land in order to protect esthetic values for the purposes of this Act but shall not preclude the continuation of any farming or pastoral use exercised by the owner as of the date of this Act.

(e) The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the recreation area to sell land to the Secretary. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(f) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the same State which he considers as suitable for exchange and which is under his administrative jurisdiction: *Provided,* That the values of the properties so exchanged shall be approximately equal, or if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(g) Notwithstanding any other provision of law, except for the provisions of subsection (a) of this section, the Secretary is authorized to acquire mineral interest in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this Act withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(h) Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

Sec. 10. The Secretary shall promulgate, and may amend, such rules and regulations as he deems necessary to acomplish the purposes of this Act, but are not limited to—

(a) standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 9 of this Act, and which may differ among the various parcels of land within the recreation area;

(b) standards and guidelines to insure the full protection and preservation of the historic, archeological and paleontological resources in the recreation area;

(c) provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided,* That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and

(e) standards for such management, utilization, and disaposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and development as are compatible with the provisions of this Act.

Sec. 11. Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Sec. 12. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction with the boundaries of the recreation area in accordance with applicable laws of the United States and the States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administrations, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

Sec. 13. Ranching, grazing, farming, timber harvesting, and the occupation of homes and lands associated therewith, as they exist on the date of enactment of this Act, are recognized as traditional and valid uses of the recreation area.

Sec. 14. Nothing in this Act shall diminish, enlarge, or modify any right of the States of Idaho, Oregon, Washington, or any political subdivisions thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, and agencies in the development and opera-franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

Sec. 15. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, restoration and maintenance of the historic setting and background of towns and settlements within the recreation area.

Sec. 16. (a) There is hereby authorized to be appropriated that sum of not more than $10,000,000 for the acquisition of lands and interests in lands.

(b) There is hereby authorized to be appropriated the sum of not more than $10,000,000 for the development of recreation facilities (principally campgrounds) along the four roads as described in subsection (a) of this section and for the development of interpretive visitors' centers at Hat Point in Oregon and at Heaven's Gate in Idaho.

(c) There is hereby authorized to be appropriated the sum of not more than $1,500,000 for the inventory, identification, development, and protection of the historic and archeological sites described in section 5 of this Act.

Sec. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

Mr. McCLURE. Mr. President, today the Senate is taking affirmative action on a bill, S. 322, which I am pleased to have cosponsored with my distinguished colleagues, Senators CHURCH, HATFIELD, and PACKWOOD. This bill establishes a Hells Canyon National Recreation Area which will insure the protection of the Middle Snake River in its free-flowing state. The Middle Snake has carved a canyon which forms the common boundary between Oregon and Idaho and forms the deepest gorge on the North American Continent. Over the years it has attracted more than local attention, and when it was considered for protection in the 93d Congress, the bill drew national support, as it has in the 94th Congress.

Water, its availability and quantity, is the life blood of Idaho. The water from the mighty Snake has literally worked its way across the breadth of southern Idaho from the Wyoming border to Hells Canyon Dam, where it enters the Middle Snake. This water has provided habitat for some of the finest fishing in the Henrys Fork of the Snake; irrigated fields of potatoes, corn, and sugarbeets from Idaho Falls westward to the Caldwel-Payette area that I call home. The upland game birds thrive on the irrigated acres, and the migrating geese and ducks find the Snake River a welcome haven on their flights to and from their nesting grounds.

I want to emphasize the importance of the Snake River water to users upstream from the location of the Hells Canyon National Recreation Area, to assure those upstream users that their concerns have been carefully considered by the cosponsors of the bill. Section 6(a) of the bill provides for no conflict between this act and the present and future rights of the water users upstream in the State of Idaho. Section 6(b) prohibits the establishment of any minimum flow requirements through that portion of the Snake River included within the wild and scenic rivers system. No Federal law now on the books guarantees upstream water rights, let alone future use. Neither is there any present law that prohibits flow requirements. In each of these areas, this protective language adds safeguards that do not now exist and, in my opinion, the net effect of the bill poses no threat to upstream water rights.

The area involved in the bill has been studied for many years. The national recreation area concept will provide for appropriate use of resources, consistent with the purpose of the bill, which is to make recreation a dominant use. This is vital to the dependent communities who rely on a steady flow of renewable resources from the public lands.

This bill provides the kind of balance necessary to assure adequate protection of a truly unique resource, while at the same time assuring needed protection for upstream water users and others who rely on the harvest of resources from the public lands.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

STANDARD REFERENCE DATA ACT AUTHORIZATIONS

The Senate proceeded to consider the bill (H.R. 37) to authorize appropriations to carry out the Standard Reference Data Act, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert the following:

> That there is authorized to be appropriated to the Department of Commerce not to exceed $2,800,000 for fiscal year ending June 30, 1976; not to exceed $750,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; not to exceed $3,000,000 for the fiscal year ending September 30, 1977; and not to exceed $3,000,000 for the fiscal year ending September 30, 1978, to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290–290f; 82 Stat. 339).

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FIRST LINE REPORT

Mr. MANSFIELD. Mr. President, on May 19, 1975, Mr. Dan Rather, a CBS correspondent, reported from New York. This is a program which comes on every morning about a quarter to 8. The title of it is "First Line Report."

Mr. President, the commentary by Mr. Rather is in connection with words spoken by the Secretary of Defense. I think it is worthy of the consideration of the Senate because it refers not to muted statements, which I think should be the norm in this time and period, but, rather, statements which might be misinterpreted as to the real intent of the United States in certain areas in the fields of defense and foreign policy.

I ask unanimous consent that this First Line Report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

First Line Report—News and Commentary by Dan Rather, CBS News Correspondent

For better or for worse, the Secretary of Defense of the United States is talking tough. James Schlesinger says that if North Korea invaded South Korea, this country's military might quote go for the heart of the opponent's power. The Defense Secretary also says the United States could use military force to counter another Arab oil embargo. These comments were made in a special interview with the magazine U.S. News and World Report. It was an interview for which the Defense Secretary had ample time to prepare. There was nothing off-the-cuff about it. His statements apparently accurately reflect the thinking of President Ford and Secretary of State Kissinger, if indeed they were not prepared under the specific direction of the President and Kissinger. In short, this was not just another interview. The Defense Secretary, speaking for the Ford Administration, made a point of talking about as tough, militarily, as any top-ranking U.S. Government official ever has during peace time. No one should challenge, said the Defense Secretary, what he called U.S. commitments to Northeast Asia—to Japan as well as to Korea. Asked for details on exactly how the United States would react to any North Korean invasion of the South, Schlesinger said, direct quotation, it is necessary to go for the heart of the opponent's power—destroy his military forces, rather than simply being involved endlessly in ancillary military operations, end of quotation. In the nuclear weapons age, that kind of talk, whether intended to or not, and in this instance there is little cause to believe it wasn't intended, that kind of talk takes on special significance. It is the kind of talk that must be thought through carefully by the people whom the speaker represents, as well as by the people to whom the speaker is addressing his remarks. Now, about foreign oil producing states. Discussing the possibility of another oil embargo, Schlesinger said, again direct quote, I think we are less likely to be tolerant of a renewed embargo than we were of the initial one in 1973. Asked what did he mean by less tolerant, the U.S. Secretary of Defense replied, quote, I'm not going to indicate any prospective reaction other than to point out that there are economic, political, or conceivably military measures in response, end of quote. Now this is the second time in recent months that the possibility of a U.S. military response to an oil embargo has been pointedly discussed in public by decision makers at the top in the Ford Administration. You may recall that Secretary of State Kissinger did it in another interview earlier. This is no accident—it is carefully orchestrated. Oil exporting countries, especially the Arab oil exporting countries, do not take this as peace-making conciliatory talk. They didn't when Kissinger did it, and they don't with Defense Secretary Schlesinger. Cairo newspapers had the new Schlesinger quotes on the front page. One under the headline quote, America returns to the old tune of resorting to force. The Reuters News Service quotes diplomats in Cairo as saying the Schlesinger comments are tactless and untimely at best, coming as they do just before President Ford's meetings early next month with Egyptian President Sadat to discuss prospects of Middle East peace. President Ford, Secretary Kissinger, and Secretary Schlesinger all are obviously elated by the reclaiming of the freighter *Mayaguez* from Cambodia. There is no question that an overwhelming majority of the American people shares that feeling.

DIEGO GARCIA BASE

Mr. MANSFIELD. Mr. President, in the Washington Post of yesterday, I note two brief paragraphs relative to the Diego Garcia Base, for which the administration had recommended appropriations but which Congress still has to approve.

The article is datelined Kuala Lumpur, and reads as follows:

Diego Garcia Base

KUALA LUMPUR.—The United States is going ahead with construction of air and naval reconnaissance facilities on Diego Garcia island in the Indian Ocean despite some opposition from Congress, U.S. Assistant Secretary of State Philip Habib said.

Habib said at a news conference that the United States has "no aggressive intention at all in the Indian Ocean" and that the move is to insure the safety of U.S. ships and commitments in the area.

I do not know what the commitments are. I do know that Congress has not yet approved the proposal of the President of the United States. I hope that here, again, the words would be muted until the facts are laid out and a decision is reached.

THE PRESIDENT'S TRIP

Mr. HUGH SCOTT. Mr. President, when the President returns, Congress, of course, will have a full report from him on the events which occurred during his visit to Europe. This visit has particular importance in view of the fact that we have been so long preoccupied with Asian matters and, meanwhile, many of our principal allies have been curious about the policies of the United States, the intent of the President and the Congress, and the evolution of our continuing undertaking in that important part of the world.

While the President will give us this report, it is proper, I believe, to comment on part of the reaction to some of those things that he has discussed. For example, at NATO he has assured the NATO nations of the firmness of our commitment, our intention to remain as a friend and an ally in Europe and as a strong and participating partner in NATO.

He has discussed the respective responsibilities of the United States and other nations to that body.

He has, I believe, improved the morale and the understanding of our NATO associates.

I think it notable that while it was reported that originally the Government of France would probably have lesser officials meet with the President, nevertheless it was President Valery Giscard d'Estaing who honored our President by arranging a lengthy meeting where undoubtedly better communications were established with one of our most ancient allies.

In Spain, where I had an earlier opportunity as a member of the committee, with the Senator from Minnesota (Mr. HUMPHREY) and other Senators to meet with Arias Navarro, the Prime Minister, and I had a personal meeting with Don Juan Carlos, the heir apparent to the throne, I note the President has met with the same people and also with Generalissimo Franco; there the Spanish bases were discussed, and apparently we are going to have a continuance in general, in principle, and in broad terms, at least, of our arrangements for the use of the Spanish bases, a matter of importance to us and to Spain.

I note that he has again called to the attention of other European countries the importance of Spain to the defense of the western world and to the desires of Spain ultimately to be included as a partner in NATO.

The President's influence was also manifested in the important exchange of views between Premier Caramanlis of Greece and Premier Demirel of Turkey resulting in an undertaking jointly to seek a peaceful solution of the Cyprus matter.

President Ford's meetings with President Sadat at Salzburg offer an opportunity for some hope, as will his meetings with Israeli leaders which continue regularly. I am sure that their countries, our country, and the whole world hope that some accommodation can be reached, whereby we can resume step-by-step negotiations, in view of the fact that, while everyone was talking about going to Geneva, it presently appears that nobody really wants to go to Geneva very much, and this does carry us back to the step-by-step negotiation. I hope that the discussion with President Sadat and with Israeli leaders will prove fruitful and that our President will come home with a message of progress and of improvement of conditions in the Middle East.

(Further remarks made by Mr. Hugh Scott at this point in connection with the introduction of a bill to increase the authorization for the U.S. Commission on Civil Rights are printed in today's Record under Statements on Introduced Bills and Joint Resolutions.)

LETTER BY CASPAR WEINBERGER STATING HEW VIEWS ON S. 462

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that a letter, with attachments, to me from Secretary of Health, Education, and Welfare Caspar Weinberger stating the administration views on S. 462, a bill to amend the Developmental Disabilities Services and Facilities Construction Act, be printed at this point in the Record.

There being no objection, the letter with attachments was ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C., May 22, 1975.

Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: This is to bring to your attention this Department's concern over several provisions in S. 462, a bill "to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act," which was ordered reported by the Senate Labor and Public Welfare Committee on May 6, 1975.

The Department's most serious reservations are with respect to Title II, under which standards would be established for all residential and community facilities providing services to persons with developmental disabilities (i.e., mental retardation, epilepsy, cerebral palsy, and other neurological conditions). We object to these standards because they would conflict with standards designed to accomplish the same goals which have already been established by this Department and because the demands they would place on the institutions involved would be impossible for many to satisfy. Implementation of the Title II standards, therefore, could result in the severe disruption of services to the developmentally disabled. Consequently, we strongly oppose the enactment of this title.

Title I of S. 462 would revise and extend the Federal program administered by this Department for persons with developmental disabilities, the authority for which expired June 30, 1974. This program provides grants directly to States on a formula basis to enable them to plan and coordinate services provided to persons with developmental disabilities, as well as to university-affiliated facilities providing interdisciplinary training for persons working with the developmentally disabled.

In general, we have been pleased with the operation of this program which has effectively served to coordinate and integrate the delivery of services to persons with developmental disabilities. The commitment of the Administration to the program is demonstrated in its bill, S. 1194, introduced by Senator Stafford, which is similar in many respects to S. 462. We are pleased to note that the Labor and Public Welfare Committee adopted amendments that have made the Committee bill more similar to the Administration's bill. However, there remain some provisions in Title I which cause us very serious concern.

I am enclosing at Tab A a summary of our objections to provisions incorporated in S. 462. A somewhat more detailed discussion of these points is enclosed at Tab B. Finally, I am including at Tab C suggested amendments to S. 462 which would modify the bill to meet our concerns. I respectfully urge you and your colleagues in the Senate to give careful consideration to the Department's position with regard to S. 462, and to amend this bill as herein recommended.

The Office of Management and Budget advises that there is no objection to the transmittal of this letter, and that enactment of S. 462 would not be consistent with the Administration's objectives.

Sincerely,
Caspar W. Weinberger,
Secretary.

Enclosures.

Summary of Administration Objects to S. 462

1. Quality Assurance (Title II): The rigorous standards that would be imposed on facilities providing services to the developmentally disabled would place unrealistic demands on such facilities and could result in the disruption and termination of services by many facilities.

2. Federal Match (Section 100): S. 462 provides for a Federal matching rate of 70% (90% in poverty areas) for each of the fiscal years 1975 through 1979. The Administration prefers a declining Federal matching rate (70% in FY 75, 60% in FY 76 and 50% in FY 77).

3. Authorizations (Sections 101, 102, 111, 113, 121, and 122): The authorizations that would be provided under S. 462 are excessively high ($712.5 million over a five-year period) as compared to $160.9 over a three-year period under the Administration's bill.

4. University-Affiliated Facilities (Part A): S. 462 would shift the emphasis of the UAF program away from training to the provision of direct services.

5. Advisory and Planning Councils (Sections 113 and 115): Under S. 462 the functions of the State Planning Councils and the National Advisory Council would be expanded to the point of impeding the effective administration of the Developmental Disabilities program by responsible officials.

6. Regulation Promulgation (Section 119): S. 462 would set a 90-day deadline for the promulgation of final regulations implementing the new Act. Such an unrealistic deadline would greatly hinder the development of effective regulations.

7. Evaluation of Services (Section 121): The problems with this provision are: (a) too short a deadline is provided for the full implementation by the States of the evaluation system; (b) the scope of the system (all services for the developmentally disabled) is too broad; (c) the system is too ambitious, as it would have to "evaluate the effects of services on the lives of persons with developmental disabilities"; and (d) the characteristics specified for the system are too specific and fail to provide the necessary flexibility.

8. Special Projects (Section 122): S. 462, like our proposal, would establish a new authority for special projects to expand or improve services to persons with developmental disabilities. We believe that projects under this authority should terminate after three years of initial assistance, and that this authority should replace both atuhorities for special projects established in present law. We further believe that the set-aside for projects of national significance should be contained in this special projects authority, and not in the State grant authority.

Administration Objections to S. 462

1. TITLE II

We strongly oppose the enactment of Title II of S. 462, which would establish unrealistically rigorous standards to be met by all facilities serving the developmentally disabled. In January 1974 we published regulations establishing standards to be met by all residential facilities participating in Medicaid and providing medical care at a level lower than the hospital or nursing home level of care (Intermediate Care Facilities, or ICFs). Even more demanding standards were imposed on such facilities providing care to the mentally retarded (IFC–MRs). The Title II standards, imposed on top of the ICF enforcement effort which is already under way, would create confusion among the facilities and could result in disruption in, and possibly termination of, services to the developmentally disabled.

Moreover, Title II would require the Department to develop performance criteria for evaluating the progress of a person with developmental disabilities, which facilities providing services to the developmentally disabled would be required to adopt. While we believe that this "outcome" approach to quality assurance—wherein a facility's performance is measured by the result it produces with its residents—is the next necessary step in our efforts to raise the standard of care for the developmentally disabled, at this time we are too limited by the technological developments in this field to implement the criteria which would be required under S. 462. However, we believe we should have authority to move in this direction as the approach is validated. Our proposal for an evaluation system (see #6 below) would enable us to validate this approach and develop the necessary criteria over time.

2. SECTION 100: FEDERAL MATCH

S. 462 would provide for a Federal matching rate of 70% (90% in poverty areas) for each of the fiscal years 1975 through 1979. We believe that the Federal share should be on a declining basis (70% for FY 1975, 60% for FY 1976, and 50% for FY 1977) so that State and local governments will assume an increasingly greater degree of responsibility for service programs that affect their citizens.

3. SECTIONS 101, 102, 111, 113, 121, AND 122: AUTHORIZATIONS

We believe that the authorizations in Title I of S. 462 ($712.5 million over a five-year period) are too high in light of the many demands on the Federal budget and the severe Federal deficits which we face in years ahead. In addition, they misrepresent the intent of this program, which is designed to encourage planning and coordination of existing resources for the developmentally disabled and not to supplant those services with yet another service delivery program.

4. PART A: UNIVERSITY-AFFILIATED FACILITIES (UAF'S)

We believe that the UAF program was designed primarily to provide training for persons working with or preparing to work with persons with developmental disabilities. Therefore, we object to the following features of S. 462: the shift in emphasis in the UAF program from training to the direct provision of services, the provision for the establishment of Satellite Centers to provide direct services, and the continuation of authority for grants for the administration of demonstration projects not related to training. We also object to the continuation of authority for grants for the construction and renovation of UAFs, which is no longer needed since many such facilities now exist and since this authority has not been funded for the last few years. Such funds would be better used if channeled toward the provision of training.

5. SECTIONS 113 AND 115: ADVISORY AND PLANNING COUNCILS

We believe that S. 462 would inappropriately expand the functions of the National Council on Services and Facilities for the Developmentally Disabled and the State Planning Councils. Especially in the case of the State Planning Councils, S. 462 would impede the effective administration of the Developmental Disabilities program by responsible officials by subjecting plans for that and other programs serving the developmentally disabled to review and comment by the Councils.

6. SECTION 119: TIME LIMITATION FOR REGULATION PROMULGATION

S. 462 would require the promulgation of final regulations implementing Title I within 90 days of the bill's enactment. We believe this is an unrealistically short deadline, which will greatly hinder the development of effective regulations.

7. SECTION 121: EVALUATION OF SERVICES

We are very pleased that the Committee adopted many of the Administration's suggestions, which greatly improved this section of the bill. However, the following problems still remain in the revised version:

States would be required to implement the full evaluation system within thirty-six months of the bill's enactment, which will be only about nine months after the deadline for their implementation of the initial phase (October 1, 1977). Such a short deadline defeats the purpose of the time-phased implementation plan, which was designed to allow States with low capability for implementing such evaluation systems ample time for developing such capability.

The scope of the evaluation system would cover all services provided to the developmentally disabled. Expansion of the system to cover all services, in addition to just Federally-supported services, would render the evaluation system almost impossible to implement.

The evaluation system would be required, among other things, to "evaluate the effects of services on the lives of persons with developmental disabilities." Such a determination of the cause and effect relationship between services and the status of developmentally disabled individuals would require years of highly controlled laboratory research, and is technically infeasible for an evaluation system of the type that would be created by Section 121.

The specification of the characteristics of the evaluation system in subsection 121(b) is too specific. Subsection 121(a) will require this Department to undertake an intensive design and planning study to analyze the feasibility of various approaches to the evaluation system. In advance of this analysis, it would be unwise to specify the basic characteristics of the new system, as such specifications could lock the system into infeasible or undesirable approaches.

8. SECTION 122: SPECIAL PROJECTS AUTHORITY

We believe that individual special projects funded under this authority should terminate after three years of initial assistance to induce greater State and local involvement. Also, we believe the new special projects authority created by this legislation should replace both special projects authorities utilized under present law, not just those under the Rehabilitation Act. We further believe that the authority for a set-aside for projects of national significance would be more logically contained in the special projects authority of the Administration's bill rather than in the State grant authority.

AMENDMENTS TO S. 462

1. AMENDMENT TO S. 462 TO DELETE TITLE II

Strike out everything beginning on page 47, line 5, through the end of the bill.

2. AMENDMENT TO S. 462 RELATING TO THE DECLARATION OF PURPOSE AND FEDERAL SHARE

Beginning on page 7, line 22, strike out everything through page 8, line 16, and insert in lieu thereof the following: "persons with developmental disabilities; (B) support of interdisciplinary training programs and training demonstration projects at institutions of higher education; and (C) the support of other activities which will contribute to improving the condition of persons with developmental disabilities."

Beginning on page 8, line 24, strike out everything through page 9, line 2, and insert in lieu thereof the following: "for the fiscal year ending June 30, 1975, 60 per centum of such cost for the fiscal year ending June 30, 1976, and 50 per centum of such cost for the fiscal year ending September 30, 1977."

On page 9, strike out lines 3 through 5 and insert in lieu thereof the following:

(d) (1) The non-Federal share of the cost of any project assisted under this Act shall be provided in cash or in kind, in accordance with rules generally applicable to grants provided by the Department of Health, Education, and Welfare.

3. AMENDMENT OF PART B OF TITLE I OF S. 462 RELATING TO AUTHORIZATION OF APPROPRIATIONS

On page 18, strike out lines 9 through 18 and insert in lieu thereof the following:

Sec. 111. For the purpose of making grants to carry out this part, there are authorized to be appropriated $30,875,000 for the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years.

On page 19, beginning at line 6, strike out everything after "000" through "(84 Stat. 1317))" in line 9.

On page 19, beginning at line 12, strike out everything after "000" through line 18.

4. AMENDMENT TO PART A OF TITLE I OF S. 462 WITH REGARD TO DEMONSTRATION AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES AND RENOVATION AND CONSTRUCTION OF FACILITIES

On page 9, lines 16 and 17, strike out "and renovation and construction of facilities".

Beginning on page 9, line 18, strike out everything through page 17, line 17, and insert in lieu thereof the following:

"DEMONSTRATION AND TRAINING GRANTS

"Sec. 101. (a) For the purposes of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and social problems of children and adults suffering from developmental disabilities, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering interdisciplinary training programs and other demonstration training programs for personnel who are serving, or preparing to serve, persons with developmental disabilities. Such programs may be directed toward established disciplines as well as new kinds of training to meet critical shortages in the care of persons with developmental disabilities.

"(b) For the purpose of making grants pursuant to this section, there are authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, $4,250,000.

"APPLICATIONS

"Sec. 102. Applications for grants under this part may be approved by the Secretary, only if the applicant is a college or university operating a program of the type described in section 101(a), or is a public or nonprofit private agency or organization operating such a facility. In considering applications for such grants, the Secretary shall give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college or other community-based educational or health facility to participate in the programs for which the application is made."

5(a) AMENDMENT TO PART B OF S. 462 RELATING TO THE NATIONAL ADVISORY COUNCIL

Beginning on page 22, line 23, strike out everything through page 26, line 19, and insert in lieu thereof the following:

"Sec. 113. (a)(1) The National Advisory Council on Services and Facilities for the Developmentally Disabled (hereinafter referred to as the "Council"), which was established pursuant to section 133 of the Developmental Disabilities Services and Facilities Construction Act, shall continue to exist for the period for which appropriations are authorized under this Act. The Council shall consist of twenty members, not otherwise in the regular full-time employ of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

"(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(3) The members of the Council shall be selected from leaders in the fields of service to the mentally retarded and other persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations representing consumers of such services. At least five members shall be representative of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least five shall be representative of the interests of consumers of such services.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this Act with a view of determining their effectiveness in carrying out the purposes for which they were established.

"(d) The Council is authorized to engage such tecnical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

"(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS-18 of the General Schedule for each day of such service (including travel time), and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

5(b) AMENDMENT TO PART B OF TITLE I OF S. 462 WITH REGARD TO STATE PLANNING COUNCILS

On page 28, strike out lines 6 through 13 and insert in lieu thereof the following:

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with developmental disabilities shall—

"(1) designate—

"(A) a State planning and advisory council, which shall be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary, and which shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned and groups concerned with services for the developmentally disabled: *Provided*, That at least one-third of the membership of such council shall consist of representatives of consumers of such services;"

On page 28, line 14, strike out "(A)" and insert in lieu thereof "(B)"; in line 15, strike out "(B)" and insert in lieu thereof "(C)"; and in line 21, strike out "(B)" and insert in lieu thereof "(C)".

On page 5, line 11, strike out "section 115" and insert in lieu thereof "section 114(b)(1)".

Beginning on page 34, line 23, strike out everything through page 36, line 25.

6. AMENDMENT TO PART B OF TITLE I OF S. 462 RELATING TO ISSUANCE OF REGULATIONS BY THE SECRETARY

On page 41, strike out lines 20 through 23 and insert in lieu thereof the following:

"Sec. 119. (a) The Secretary shall prescribe general regulations applicable to all the States to carry out the purposes of this title."

7. AMENDMENT TO SECTION 121 OF S. 462, AS AMENDED BY THE SENATE LABOR AND PUBLIC WELFARE COMMITTEE—COMPREHENSIVE EVALUATION SYSTEM

1. In the first sentence of section 121(a) strike out "within thirty-six months after date of enactment".

2. In the second sentence of section 121(a) strike out "all services" and insert in lieu thereof "Federally-supported services".

3. In the second sentence of section 121(a) strike out "in order to evaluate the effects of services on the lives of persons" and insert "to individuals" in lieu thereof.

4. In section 121(b) insert ", to the extent feasible," after "shall be designed".

B. AMENDMENT TO PART B OF TITLE I OF S. 462 RELATING TO SPECIAL PROJECTS

On page 45, line 24, strike out "$17,500,000" and insert in lieu thereof "$18,500,000".

On page 45, line 25, strike out everything beginning with "$20,000,000" through page 46, line 4, and insert in lieu thereof "and for each of the two succeeding fiscal years.".

On page 46, strike out lines 5 through 26 and insert in lieu thereof the following:

"(b)(1) The Secretary, after consultation with the National Council, shall make grants to States and public or nonprofit agencies and organizations to pay part or all of the cost of special projects and demonstrations (and research and evaluation in connection therewith) for (A) establishing programs which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are disadvantaged or multihandicapped), and (B) for carrying out projects of special national significance including, but not limited to—

"(i) demonstration projects for integrating services for the developmentally disabled population,

"(ii) demonstration projects to coordinate and utilize all available community resources,

"(iii) projects designed to improve the administration of, and the quality of care provided under, programs for individuals with developmental disabilities, and

"(iv) projects to demonstrate new or improved techniques for the provision of services for such individuals.

"(2) From the amount appropriated pursuant to subsection (a), the Secretary may reserve 30 per centum thereof for the purpose of making grants for projects described in subsection (b)(1)(B).

"(3) Grants under this section may be used to support only the initial three years of any project or demonstration.

"(c) A copy of each application for a grant under this section shall be submitted by the applicant to the appropriate State planning and advisory council simultaneously with submission to the Secretary. The Secretary shall not approve such an application until the State planning and advisory council has had an opportunity, for a period of at least thirty days, to review and make comments on the application to the Secretary.

"(d) Projects, or a component of any project funded under this section, shall not be eligible for funding under section 304 of the Rehabilitation Act of 1973 or section 303(a)(2) of the Public Health Service Act."

Beginning on page 21, line 19, strike out everything through page 22, line 16. On page 22, line 17, redesignate subsection "(f)" as subsection "(e)".

On page 18, line 21, strike out everything beginning with "other than" through "this section," in line 23.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the conduct of routine morning business not to extend beyond the hour of 20 minutes to 1, during which time there will be a time limitation of 3 minutes attached thereto.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 920

Mr. CRANSTON. Mr. President, I ask unanimous consent that during consideration of the military procurement bill Mr. Murray Flander and Mr. Bill Jackson of my staff be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTION OF NEBRASKA LEGISLATURE REGARDING MISSING IN ACTION IN SOUTHEAST ASIA

Mr. CURTIS. Mr. President, the end of war in South Vietnam has left this country with many tasks yet to be faced with courage, with diplomacy, with sacrifice, and with generosity.

We are committed to the task of integrating thousands of Vietnamese refugees into our communities.

We are dealing with the recessionary effects of a postwar economy.

We have had an amnesty program underway for some time.

We are assuring the rest of the free world of our continued strength and support in all our alliances, and everywhere in the name of freedom.

We must not now overlook the fact that 1,300 American men never came home from Southeast Asia, and never were accounted for by the North Vietnamese.

The families of our missing in action are not content with the "conclusion" of the war in South Vietnam. Their heartbreak has not ended.

Neither must we be content. We must do everything possible to obtain an accounting of our MIA's. The war has not ended for them.

Mr. President, the 84th Legislature of the State of Nebraska has passed a resolution asking for a congressional investigation of the issue of American prisoners of war and missing in action in Southeast Asia, and that Congress take whatever action it deems necessary to obtain an accounting of the fate of these men.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION 39

Whereas, more than two years have passed since the signing of the Paris Peace Accords; and

Whereas, the Communist bloc countries in Southeast Asia are not abiding by Articles 8a and 8b of the Paris agreement or the Laotian Protocols, which provide for an accounting of American servicemen who are Missing in Action and the repatriation of all Prisoners of War; and

Whereas, there appears to be a lack of effective action being taken or proposed to achieve a full accounting of the remaining 1300 Prisoners of War and Missing in Action; and

Whereas, the 1300 families of these men have too long borne the painful burden of uncertainty that this situation has caused; and

Whereas, we as Americans and citizens of a free nation acknowledge our continuing responsibility to resolve the fate of these men who served their country in Southeast Asia.

Now, therefore, be it resolved by the Members of the Eighty-fourth legislature of Nebraska, first session:

1. That the Congress of the United States be requested to conduct a thorough investigation of the issue of American Prisoners of War and Missing in Action in Southeast Asia, and that it take such action as may be necessary to ensure an honorable determination of the fate of these men.

2. That a copy of this resolution be forwarded to each member of the Nebraska delegation in the Congress of the United States with the request that it be inserted into the Congressional Record.

PRIVILEGE OF THE FLOOR—S. 920

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Mr. Peter Hughes, of my staff, have the privilege of the floor during the consideration of the military procurement bill .

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I make a similar request with regard to Mr. Robert Turner, of my staff.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of May 22, 1975, messages from the President of the United States submitting sundry nominations were received on May 23, 1975; and on June 2, 1975, the messages were referred to the Committee on Armed Services.

(The nominations submitted on May 23, 1975, are printed at the end of the Senate proceedings of today.)

REPORT OF THE ADMINISTRATION ON AGING—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of May 22, 1975, a message from the President of the United States transmitting the annual report of the Administration on Aging for the fiscal year 1974 was received on May 27, 1975; and, on June 2, 1975, the message, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

Section 208 of the 1973 Amendments to the Older Americans Act (Public Law 89–73) provides that the Commissioner on Aging shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act, not later than one hundred and twenty days after the close of each fiscal year.

Secretary Weinberger has forwarded the Annual Report of the Administration on Aging for the fiscal year 1974 to me, and I am pleased to transmit this document to the Congress.

GERALD R. FORD.

THE WHITE HOUSE, *May 27, 1975.*

REPORT ON BALANCE-OF-PAYMENTS DEFICIT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of May 22, 1975, a message from the President of the United States transmitting the sixth and final report on progress toward offsetting the fiscal year 1974 balance-of-payments deficit resulting from deployment of U.S. forces in NATO Europe; and, on June 2, 1975, the message was referred to the Committee on Armed Services. The message is as follows:

To the Congress of the United States:

In accordance with Section 812(d) of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93–155), I am pleased to submit to the Congress the sixth and final report on our progress toward offsetting the fiscal year 1974 balance of payments deficit resulting from the deployment of U.S. forces in NATO Europe. Section 812 (the Jackson-Nunn Amendment) states that if our European NATO Allies fail to offset this deficit, then U.S. troops in Europe must be reduced by the percentage of offset not provided. I am pleased to report that our Allies have fully offset the U.S. fiscal year 1974 deficit and that the troop reduction provision will not have to be implemented.

The U.S. NATO-related balance of payments expenditures during fiscal year 1974 totaled $1.997 billion. We sought to cover these expenditures in two ways. First, we negotiated with the Federal Republic of Germany (FRG) an Offset Agreement which had a total value of $2.218 billion over the 1974–75 time period. The fiscal year 1974 portion of the agreement has come to $1.150 billion. Secondly, our other NATO Allies have placed substantial military procurement in the U.S. They have been able to identify $1.016 billion in such procurement, of which $917 million can at this time be applied against FY 1974 expenditures. The NATO Allies and the NATO Economic Directorate deserve our special recognition for their cooperation in establishing a liaison mechanism for identifying these purchases. Appendix A provides an accounting of our compliance with the provisions of the Amendment.

The Jackson-Nunn Amendment also called upon our Allies to assist the U.S. in meeting some of the added budgetary costs that result from maintaining our forces in Europe rather than in the continental United States. The major form of this budgetary support is contained in the two-year U.S.-FRG Offset Agreement. The agreement includes approximately $224 million to rehabilitate badly deteriorated barracks and other troop facilities used by American military personnel in the FRG. The FRG also agrees to absorb about $8 million of real estate taxes and landing fees directly related to U.S. forces in Germany. Finally, very considerable budgetary relief is implicit in the FRG agreement to purchase DM 2,250 million in special U.S. Treasury securities at a concessional interest rate of 2.5 percent. The interest rate which Germany could have obtained through investment of these funds in marketable U.S. Treasury securities would, of course, have been much higher. The purchase of securities made by the FRG pursuant to the agreement were made at times when the market was paying just under eight percent interest. As a consequence, the FRG will have foregone approximately $343 million in interest over the life of these securities. Essentially this represents a budgetary gain to the U.S.

A final provision of the Amendment requires that we seek to reduce the amount paid by the U.S. to support NATO's Infrastructure Program. NATO recently agreed to a new five-year program (CY 1975–79) totaling $1.35 billion. The Allies have agreed to reduce the U.S. percentage from the current official level of 29.67 percent to 27.23 percent. The new program also includes a special category of projects totaling $98 million which benefit only American forces and which would normally have been funded in the U.S. budget. When this special category is considered, the effective U.S. share is approximately 21 percent. Likewise, the U.S. share of funding for the Common European Pipeline deficit has been reduced from 36 percent to 25 percent.

The Amendment specifies that 22½ months (July 1, 1973–May 16, 1975) of Allied balance of payments transactions can be applied against the FY 1974 deficit. The balance of payments data we have used have been based on only the first 12 months of this period. We do not yet have complete data on Allied procurement expenditures during the last 10½ months of the statutory period. However, assuming that Allied expenditures in Foreign Military Sales (FMS) and commercial accounts remain at about the same levels as in FY 1974, there would be available an additional $1.3 billion to offset our FY 1974 expenditures.

It should be noted that the Allied financial transactions reported here do not represent the total financial burden incurred by the Allies in support of U.S. forces in Europe. Our Allies absorb many of our troop-related operation and maintenance costs for facilities, building and repairing roads, and other payments which have a total value of several hundred million dollars a year.

A good economic argument can be made that some of our balance of payments expenditures would have occurred whether or not our troops were in Europe, and hence should not have been charged against the NATO balance of payments account. For example, the Department of Defense purchased approximately $137 million of petroleum, oil, and lubricants (POL) in Europe during FY 1974, mostly for our Sixth Fleet operations. The great majority of these products were purchased from the Middle East. However, if the fleet had been brought home, its shift to U.S. POL resources would have forced other U.S. consumers to purchase their POL requirements from abroad. Thus, the impact on our balance of payments expenditures would have remained unchanged.

We should also recognize that, even if our troops were returned to the continental U.S., there would still be personnel-related expenditures for European goods and services. These personnel would continue to purchase some European goods. Also, we should not overlook the fact that some of our military-related balance of payments expenditures in Europe generate Allied or third nation purchases in the U.S.—both military and commercial.

Finally, we must consider that more than $300 million of the U.S. defense expenditures in Europe merely reflect the effect of dollar depreciation. This depreciation was a contributing factor to the substantial improvement in the U.S. trade balance, but it has made relatively more expensive the goods and services purchased by our military forces in Europe.

GERALD R. FORD.

THE WHITE HOUSE, *May 27, 1975.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of May 22, 1975, on May 23, 1975, a message from the House of Representatives was received stating that the Speaker had signed the following enrolled bills:

H.R. 3786. An act to authorize the increase of the Federal share of certain projects under title 23, United States Code; and

H.R. 7136. An act to continue the special supplemental food program for women, infants, and children through September 30, 1975.

The enrolled bills were signed on May 23, 1975, by the Acting President pro tempore (Mr. METCALF).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BUMPERS) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL

A message from the President of the United States stated that on May 28, 1975, he approved and signed the enrolled bill (S. 326) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

MESSAGE FROM THE HOUSE

At 5:08 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House recedes from its disagreement to the amendment of the Senate numbered 107 to the bill (H.R. 5899) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, and concurs therein with an amendment in which it requests the concurrence of the Senate.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the Acting President pro tempore (Mr. BUMPERS):

A resolution adopted by thee County Legislature of Suffolk County, New York, opposing the implementation of Public Notice 8070 of the Army Corps of Engineers regarding the disposing of dredge material in Long Island Sound; to the Committee on Public Works.

House Joint Resolution No. 123 adopted by the Legislature of the State of Connecticut; to the Committee on Foreign Relations:

"RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO CONTINUE TO ASSIST ISRAEL IN MAINTAINING ITS ECONOMIC VIABILITY AND STRATEGIC SECURITY

"Resolved by this Assembly:

"Whereas, the State of Israel has shown throughout its existence that it follows the ideals and aspirations of the ancient prophets of the Jewish people, the ideals which were guidelines of the founding fathers of our own country and our bill of rights; and

"Whereas, the State of Israel has always demonstrated its devotion to those ideals of freedom and peace which have moved America in its endeavors; and

"Whereas, the existence of Israel is most fragile, threatened as it is on every side by those who seek the extinction of this young democracy; and

"Whereas, the State of Israel has been a consistent de facto ally of the United States and its strategic and political strength serves the best interests of our country and world peace.

"Now, therefore, be it resolved, that we, the members of this assembly unite in memorializing the President and the Congress of the United States to continue to provide Israel with the necessary means for the maintenance of its economic viability and strategic security.

"Be it further resolved, that the clerks of the house and senate cause copies of this resolution to be sent to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Connecticut congressional delegation."

Assembly Joint Resolution No. 12 adopted by the Legislature of the State of Wisconsin; to the Committee on Agriculture and Forestry:

"1975 ENROLLED JOINT RESOLUTION URGING CONGRESS TO TIGHTEN FEDERAL INSPECTION OF IMPORTED DAIRY PRODUCTS

"Whereas, under Wisconsin law it is illegal to sell any food that is adulterated or contaminated with dirt, disease or any filthy, putrid or decomposed substance or to sell any food produced under conditions whereby it might become so contaminated; and

"Whereas, Wisconsin dairy farmers are subject to strict laws, regulations and inspections governing the method of production of dairy products which are designed to ensure that only safe and wholesome dairy products reach the consumer, but which add considerably to the costs of production that the farmer must bear, thereby raising the prices he must get for his product on the market in order to stay in business; and

"Whereas, dairy products imported from foreign countries that do not regulate production methods as stringently as does Wisconsin are sold in Wisconsin at prices which put Wisconsin farmers at a competitive disadvantage; and

"Whereas, the federal government has an inspection program for imported foods to prevent adulterated or contaminated food from entering the country under which approximately 10% of the inspected dairy products are rejected as being unwholesome or adulterated or misbranded; and

"Whereas, over the last 5 years the federal government has inspected only 12% of the dairy products being imported from foreign nations, so that, assuming a similar contamination rate for uninspected as inspected products, approximately 10% of the dairy products entering Wisconsin from foreign nations are adulterated or contaminated with unwholesome substances and filth; and

"Whereas, the sale of these imported products poses a health hazard to citizens of the state and forces state farmers to sell products at prices which threaten their ability to continue producing wholesome foods: Now, therefore, be it

"Resolved by the assembly, the senate concurring, That the Wisconsin legislature strongly urges the Congress of the United States to expand and tighten the federal inspection of dairy products being imported from foreign nations to ensure that all such dairy products entering the U.S. that might thereafter enter Wisconsin are free from contaminating substances, filth, disease or other unwholesomeness; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted to all members of congress from this state, the secretary of the senate, the chief clerk of the house of representatives, and the U.S. secretary of agriculture."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The Acting President pro tempore (Mr. BUMPERS) laid before the Senate the following letters, which were referred as indicated:

SUPPLEMENTAL APPROPRIATIONS FOR THE LEGISLATIVE BRANCH—(S. Doc. 94–63)

A communication from the President of the United States transmitting requests for supplemental appropriations for fiscal year 1975 in the amount of $8,366,780 for the legislative branch (with accompanying papers); to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration:

S. Res. 172. An original resolution relating to the payment of witness fees (Rept. No. 94–162).

By Mr. JACKSON (for Mr. Johnston), from the Committee on Interior and Insular Affairs, without amendment:

S. 313. A bill to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes (Rept. No. 94–164).

H.R. 5158. An act to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands (Rept. No. 94–165).

By Mr. JACKSON (for Mr. Johnston), from the Committee on Interior and Insular Affairs, with amendments:

S. 98. A bill to establish the Klondike Gold Rush Park (Rept. No. 94–166).

By Mr. JACKSON (for Mr. Johnston), from the Committee on Interior and Insular Affairs, with an amendment:

S. 82. A bill to repeal certain provisions of the act entitled "an act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", approved September 21, 1965, and for other purposes (Rept. No. 94–163).

By Mr. MORGAN, from the Committee on Banking, Housing and Urban Affairs:

S. 1839. An original bill to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the authorization for certain small business loan and guarantee programs, and for other purposes (Rept. No. 94–167).

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, with amendments:

S. 6. A bill to provide financial assistance to the States for improved educational services for handicapped children (together with additional views) (Rept. No. 94–168).

S. 1256. A bill to extend for one additional year entitlements for part B of the Education of the Handicapped Act (Rept. No. 94–169).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 23, 1975, he presented to the President of the United States the enrolled bill (S. 249) to amend the Securities Exchange Act of 1934 to remove barriers to competition, to foster the development of a national securities market system and a national clearance and settlement system to make uniform the Securities and Exchange Commission's authority over self-regulatory organizations, to provide for the regulation of brokers, dealers, and banks trading in municipal securities, to facilitate the collection of public dissemination of information concerning the holdings of and transactions in securities by institutional investment managers, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUGH SCOTT (for himself, Mr. Phillip A. Hart, Mr. Tunney, and Mr. Mathias):

S. 1834. A bill to raise the limitation on appropriations for the U.S. Commission on Civil Rights. Referred to the Committee on the Judiciary.

By Mr. HUGH SCOTT:

S. 1835. A bill for the relief of Hok Hing Ku. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1836. A bill to amend sections 403 and 1002 of the Federal Aviation Act of 1958, as amended, relating to tariff changes and suspensions. Referred to the Committee on Commerce.

By Mr. CURTIS:

S. 1837. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees engaged in livestock brand inspections from the overtime compensation provisions of that Act. Referred to the Committee on Labor and Public Welfare.

By Mr. McGOVERN:

S. 1838. A bill to establish a National Transportation Services Board and to transfer to such Board regulatory and other functions over the Nation's transportation services. Referred to the Committee on Government Operations.

By Mr. MORGAN, from the Committee on Banking, Housing and Urban Affairs:

S. 1839. An original bill to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the authorization for certain small business loan and guarantee programs, and for other purposes. Placed on the calendar.

By Mr. PROXMIRE:

S. 1840. A bill to amend the Fair Credit Reporting Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH (for himself, Mr. Tunney, Mr. Mathias, and Mr. Abourezk):

S. 1841. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph type equipment for certain purposes. Referred to the Committee on the Judiciary.

By Mr. STENNIS:

S. 1842. A bill for the relief of Dr. Arturo Bomolan Dela Rosa. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGH SCOTT (for himself, Mr. Philip A. Hart, Mr. Tunney, and Mr. Mathis):

S. 1834. A bill to raise the limitation on appropriations for the U.S. Commission on Civil Rights. Referred to the Committee on the Judiciary.

Mr. HUGH SCOTT. Mr. President, I am today introducing, along with Senators Hart of Michigan, Tunney, and Mathias, a bill to increase the authorization of the U.S. Commission on Civil Rights to $7,843,000 for the fiscal year ending September 30, 1976 and for $10,500,000 for each fiscal year through the current legislative life of the Commission, September 30, 1978.

In its own relatively quiet fashion, the U.S. Commission on Civil Rights has been a major force for more than 15 years in fighting discrimination in America. An official and full-fledged arm of the Federal Government, the Commission has played a role considerably less dramatic than that of the private civil rights organizations. The Commission's job, since its creation in 1957, as been to establish facts and recommend solutions. It has no enforcement authority, a small budget, and restricted subpena powers. With these limited tools, the Commission has gone about the painstaking and unspectacular work of documenting the efforts of discrimination. Down through the years, the Commission's findings and reports have furnished the basis for countless public and private steps to combat inequality for opportunity in America.

The Commission on Civil Rights has a unique place in the Federal Government. Unlike the Presidential study commissions, the Commission reports to both the President and Congress and enjoys a relatively independent status. The act of Congress which established the Commission—Public Law 85–315—shields it from control by any political party.

Although technically a temporary agency, the Commission has become virtually permanent. The 1957 law gave the Commission a life of 2 years, but that expiration date and each of the five others that followed was extended by Congress. The most recent extension came in 1972 and carried out a recommendation in the President's state of the Union address. That extension—Public Law 92–496—keeps the Commission in existence until mid-1978 and gives it, for the first time, jurisdiction over sex discrimination.

The Commission was born amid turmoil over the Brown decision, over public accommodations closed to blacks in many States, and over a highly effective assortment of official and unofficial devices that denied the ballot to thousands of black people. The Commission assaulted firmly entrenched segregation and discrimination with a small budget and almost no real power. Its budget was less than $1 million and did not climb above that mark until 1965. The Commission could not put anybody in jail, prosecute anyone, or cutoff anybody's Federal grant. It could recommend—to the appropriate authorities—that all these things be done, but that was about all. The Commission could receive complaints, conduct investigations, hold hearings, expose wrongdoers, and make findings. That was the extent of its authority, but the Commission soon established a reputation for making the most of its modest weapons.

The Commission's first report, issued in 1959, covered voting, education, and housing. Two years later, employment and justice were added to this list. Two years after that, the list of subjects was expanded again to health services, urban problems, and the Armed Forces.

The Commission's earlier reports dealt principally, naturally, with discrimination against blacks. In recent years, however, the Commission has begun to focus systematically upon discrimination against other minorities—Mexican Americans, Puerto Ricans, and Native Americans. It has recently begun a study of the civil rights problems of Asian Americans—following two excellent reports of its California and New York State Advisory Committees on this subject. Since the Congress expanded its jurisdiction in 1972 to include sex discrimination it has moved vigorously in that area. Many Senators, I am sure, have already reviewed the Commission's excellent report—"The Voting Rights Act: Ten Years After," in preparation for the Senate's forthcoming deliberations regarding extension of the Voting Rights Act of 1965—as amended.

The Commission's recommendations have found their way into numerous laws, executive orders, and policies. Civil rights acts from 1960 onward reflect Commission recommendations. Two major examples of Commission suggestions that have become law are title VI of the 1964 Civil Rights Act, which prohibits discrimination in federally assisted programs, and the Voting Rights Act of 1965, which provided for the assignment of Federal examiners to areas where citizens experience difficulty in registering to vote. A 1972 tabulation showed that more than 60 percent of the Commission's recommendations have been adopted in some form.

In 1964, Congress assigned the Commission the duty of serving as a "national clearinghouse" of information about discrimination in America. Under this authority, the Commission maintains a large library of civil rights information and has published more than 40 studies on subjects ranging from Indian rights to busing. These "clearinghouse" studies are in addition to the Commission's formal, or "statutory" reports and its quarterly magazine, Civil Rights Digest.

Another major Commission responsibility is that of appraising the Federal Government's laws and policies regarding discrimination. In carrying out this duty, the Commission has issued, during the last several years, a series of extensive and often critical reports on the Federal Government's execution of civil rights laws and policies.

Among the Commission's unique features are its State advisory committees, which serve in every State and the District of Columbia. Each State advisory committee has a membership of prominent and knowledgeable citizens. Committee membership and functions are very much like, on a State level, the membership and functions of the Commission itself. The advisory committees hold meetings—they cannot subpena witnesses—gather facts, and issue reports and recommendations. These committee reports and recommendations often are used by the Commission in planning hearings, issuing reports, and formulating recommendations on the national level.

I know that the Subcommittee on Constitutional Rights and the Senate Judiciary Committee will give early consideration to this authorization legislation so that we can insure that the Commission on Civil Rights continues to function at peak proficiency.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 2. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"Sec. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1976, the sum of $7,843,000 and for each fiscal year thereafter through September 30, 1978, the sum of $10,500,000 and additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of enactment of this Act."

By Mr. MOSS:

S. 1836. A bill to amend sections 403 and 1002 of the Federal Aviation Act of 1958, as amended, relating to tariff changes and suspensions. Referred to the Committee on Commerce.

Mr. MOSS. Mr. President, today I am introducing a bill amending the Federal Aviation Act of 1958 to permit the airlines to more effectively notify the consumers of air transportation of changes in the airlines' tariffs.

At the present time, section 403(c) of the Federal Aviation Act requires 30 days' notice of a proposed change in "any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, specified in any effective tariff of any air carrier or foreign air carrier." Pursuant to section 1002(g) of the act, the Board may in turn enter into an investigation of a given tariff and pending hearing and the decision thereon, suspend the operation of the tariff. Section 1002(g) does not impose, however, any notice requirement upon the Board with regard to its suspension action and, consequently, the Board is permitted to suspend tariffs at any time prior to their effective date. Such a situation, in which the Board can actually defer decision on a proposed tariff until the "11th hour," necessarily renders it extremely difficult for the carriers to insure the proper dissemination of new tariffs and creates the potential for great uncertainty for consumers of air transportation.

Although the Board recognizes the problems created for both the carriers and consumers by this situation, it nevertheless is permitted under the act to utilize the full 30 days to consider a proposed tariff. The bill I propose today will eliminate this uncertainty by:

First, amending section 403(c) of the act to provide for 45 days' notice of proposed tariff changes; and

Second, amending section 1002(g) of the act to require the Board to make public its decision on whether to suspend a tariff at least 15 days before its effective date in the case of tariffs for interstate or overseas air transportation.

By thus creating this period of at least 15 days between the Board's decision on a tariff and its effective date, the carriers will then be able to properly disseminate these tariffs to their personnel and, at the same time, communicate the tariff changes to the air traveling public. In this manner, the present uncertainty surrounding these proposed tariffs will be ameliorated to the benefit of the consumer.

Mr. President, this 15-day requirement applies to interstate and overseas air transportation but not to foreign air transportation. The rationale for restricting this proposed change to interstate and overseas transportation at this time is essentialy twofold: First, experience has indicated a more pressing need for this change in interstate and overseas transportation; and second, considerations unique to tariffs for foreign air transportation require that these tariffs be treated separately. Since in the case of tariffs for foreign air transportation, Board suspension orders must be submitted to the President and are subject to his disapproval, and the United States and many foreign governments are parties to bilateral agreements which provide for advanced notice of dissatisfaction by a contracting party with any rate proposed by an airline or either party for services between their territories, it may be appropriate to have a different time period for notice of suspension Moreover, experience under the Board's recently granted suspension power for tariffs for foreign air transportation may indicate that a separate and distinct time period for such tariffs is appropriate. As a consequence of these factors, it was deemed advisable to restrict this proposed change to the Board's suspension power to interstate and overseas air transportation.

Mr. President, I believe that these amendments will significantly improve the ability of the carriers to disseminate their new tariffs and thereby significantly benefit the consumers of air transportation.

By Mr. CURTIS:

S. 1837. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees engaged in livestock brand inspections from the overtime compensation provisions of that act. Referred to the Committee on Labor and Public Welfare.

Mr. CURTIS. Mr. President, I am introducing legislation today to amend the Fair Labor Standards Act of 1938 to exempt employees engaged in livestock brand inspection from the overtime compensation provisions of that act.

I am introducing this legislation at the request of several constituents, who have pointed out to me the overall incompatibility of the Fair Labor Standards Act with the Nebraska Brand Committee.

Two letters I have received best outline the need for this legislation. These are a joint letter from Mr. Allen J. Beermann, Secretary of State of Nebraska, and Art Thomsen, secretary and chief inspector of the Nebraska Brand Commission, and a letter from Mr. Calvin L. Coulter, chairman of the American National Cattlemen Association's Committee on Brand and Theft and also a member of the Nebraska Brand Committee. I ask unanimous consent that these letters be printed in the Record.

I introduced similar legislation at the end of the 93d session of Congress, and at that time expressed the wish that the chairman of the Committee on Labor and Public Welfare would place this subject on the committee agenda early this session. I renew this concern today and urge quick and responsive committee action on this legislation.

There being no objection, the letters were ordered to be printed inn the Record, as follows:

Department of State,
Alliance, Nebr., November 13, 1974.
Re Fair Labor Standards Act.
Hon. Carl T. Curtis,
U.S. Senator,
Washington, D.C.

Dear Senator Curtis: At this time we wish to bring to your attention, problems currently evolving within our department of State Government, as a direct result of the overall incompatibility. The Fair Labor Standards Act has with The Nebraska Brand Committee. We also wish to emphasize the importance of gaining relief from the requirements of the Act, and point out the possibility that our State Agency will be bankrupt in a very short time if we are forced to comply with the provisions of overtime payment of wages to our Livestock Brand Inspectors.

First, may I state that our State Agency is supported for the most part by the livestock industry of Nebraska, primarily the cattle industry.

Secondly, may I point out that by the very nature of the industry, cattle movements are seasonal, and they vary to a great degree by marketing conditions, meat prices, truck strikes, fuel availability, and other such external factors. Consequently, our full time Livestock Brand Inspectors must reside in strategic geographical areas of the state. They must be available during daylight hours and on occasion must work hours in excess of forty hours per week. Since we are a fee operated, cash fund State Agency, we must operate within the scope of the monies available as derived from Brand Inspection fees. If we are forced to limit our employees to a forty hour week, we will then be unable to provide the quality and types of services to the industry, for which we are charged with performing by State Law. If we require our Livestock Brand Inspectors to work in excess of forty hours per week, we will then be forced out of existence by the Fair Labor Standards Act overtime requirements.

Traditionally, during the slack seasons of the year our employees work many weeks of less than forty hours per week, however, they still receive a full month's pay, just as if they had worked a full forty hours per week. However, during the busy months of the year they frequently must work hours in excess of forty. To date, none of our employees have complained about the hours in excess of forty, because they know much of the year they do not work a full forty hour week.

With this thought in mind, we respectfully request your assistance in seeking a realistic amendment to the Fair Labor Standards Act, whereby our State Agency can possibly gain an agricultural exemption for all categories of our Livestock Brand Inspectors.

We are enclosing copies of additional correspondence from other states and organizations presently having similar problems, and pointing out to you at this time the fact that our situation is critical. Livestock Brand Inspection work is a very unique type of work, and we feel it is totally unrealistic for the Federal Government to expect Livestock Brand Inspection agencies to comply with a law that is primarily geared for non-agricultural work.

Thank you in advance for kindly giving this matter your attention and consideration.

Very truly yours,
Allen J. Beermann,
Secretary of State, and Chairman, Nebraska Brand Committee.
Art Thomsen,
Secretary and Chief Inspector, Nebraska Brand Committee.

American National
Cattlemen's Association,
Denver, Colo., September 3, 1974.
Mrs. Betty Murphy,
Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C.

Dear Mrs. Murphy: As Chairman of the American National Cattlemen's Association Committee on Brand and Theft and as a member of the Nebraska State Brand Board, I am requesting that an administrative opinion granting "livestock brand inspectors" exemption from the overtime provisions of the Fair Labor Standards Act of 1938 as amended. Said "livestock brand inspectors" ought to be classified as agricultural employees.

Brand inspectors inspect only livestock for the owner and potential purchaser and are paid from funds raised from fees charged for the inspection or from taxes levied on the livestock or from a combination of both. The program serves only the agricultural industry and is financed by the industry even though administration is generally by a state agency under the authority of state law.

While conditions of employment vary somewhat from state to state, basically brand inspectors are employed to do a job and not to work set hours. During the "off season" many inspectors work very few hours but must be available when needed. Many of these inspectors hold outside employment with the understanding that they are to be available when called to perform the duties as brand inspectors. On the other hand, during the "cattle runs", many inspectors work 50 to 60 hours a week in order to serve the industry. This situation is one of the conditions of employment and has traditionally been taken into consideration by both employee and employer.

It is doubtful that the inspection system can continue to operate or exist if subjected to the overtime provisions of the Act, Competent part-time or seasonal help would not be available to provide the man power necessary during the "cattle runs". It is necessary to maintain a full staff during slack times in order to insure availability of qualified inspectors when they are much in demand. At the present level of compensation, the requirement of one and one-half for over 40 hours would bankrupt the system. Less than full service at this very critical shipping season would be unacceptable to the industry. It would appear that our only other alternative would be to ask the state legislatures to repeal the inspection laws which protect the industry and to proceed on whatever hit-and-miss basis of inspection the industry could afford. This would result in less protection from cattle theft and because of reduced inspections during the cattle runs, less revenue and the accompanying reduction of personnel. In my opinion, neither the reduced protection to the cattle industry or the elimination of any brand inspection positions would be desirable.

Please give this request your prompt and earnest consideration.

Respectfully submitted,
Calvin L. Coulter,
Chairman, ANCA Committee on Brand and Theft.

By Mr. McGOVERN:

S. 1838. A bill to establish a National Transportation Service Board and to transfer to such board regulatory and other functions over the Nation's transportation services. Referred to the Committee on Government Operations.

A NEW TRANSPORTATION SYSTEM FOR AMERICA

Mr. McGOVERN. Mr. President, I introduce for appropriate reference the National Transportation Services Board Act of 1975.

In the last decade and a half, the United States built a major transportation system to carry men to the Moon. From Cape Canaveral to Houston and around the world, we have invested $30 billion in the enterprise. Now a few pieces of metal and a flag which never waves are all that stand amid the lunar silence.

For the last several decades, the United States has spent much but planned too little for its domestic transportation system. From New York to Houston and Chicago and on to Los Angeles, railroads are in trouble or in bankruptcy; railbeds are in disrepair; airlines are financially pressed; the automobile industry is in decline; inland waterways are nearly nonexistent or neglected. Now the capacity to transport and the convenience of travel are both uncertain.

This measure is intended to establish, at long last, a balanced, coordinated, and workable national transportation policy Such a policy must remake our transportation system, to make it as reliable and efficient as possible.

The legislation addresses directly the disastrous state of our railroads. It mandates a major effort to upgrade, restore and properly maintain railbeds, tracks and signal systems. It will be funded from current revenues and the returns of the program itself. It will sustain a railroad industry which contributed nearly $22 billion in wages and services to our economy in 1974. Finally, this program represents a real breakthrough in using constructive public service employment to create work and combat recession.

The bill will stimulate the economy in the most direct manner—by putting people on a meaningful job and paying them for it. We have jobs which need to be done and we have people, for too many million of them, who need jobs. They should not be out of work; they should be earning their way by work which will add a real product to our economic resources.

THE NATIONAL TRANSPORTATION SERVICES BOARD

In order to expedite policy planning and bring coherence to the currently fragmented Federal transportation structure, the bill creates a 15-member National Transportation Board. The Board will assume the functions currently divided between the Secretary of Transportation, the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission and the United States Railway Association.

The President will nominate the

Board, whose members must include representatives of Government and labor and consumer interests, as well as the operating carriers. Nominees will be subject to congressional confirmation procedures. In addition, the bill makes provision for periodic congressional oversight and review of Board decisions.

The Board's first priority will be to develop and submit to Congress a national transportation policy which it considers, on the basis of extensive analysis, to provide the most energy-efficient, environmentally sound, and economically feasible mix of transportation mechanisms. This policy should respond to the need for a single system, rather than to contending special interests, each concerned only with its own narrow interest.

The Board's programs will be funded by a national transportation trust fund. The trust fund will aggregate existing resources such as the Highway Trust Fund, the Airport and Airways Act revenues, and rents on federally owned railbeds, tracks, signal systems, and related rail facilities. Ample funds are available for efficient railroads, mass transit systems and inland waterways as they were for the interstate highway program.

THE RAILWAY SYSTEM

The first country in the world in economic power has a third-rate rail system. The Penn Central and the Rock Island are but two recent casualties in an industry which does not earn sufficient private profits to provide necessary public services.

There have been a number of suggestions to deal with the rail crisis, generally based on the provision of Federal subsidies. But mere subsidies do not solve the underlying problem. They literally subsidize inefficiency rather than encouraging efficiency. They only respond to immediate symptoms and do not cure long-term causes. They are devices for passing money to business and losses to the public.

Instead of subsidies, this bill mandates outright Federal ownership of roadbeds, tracks and signal systems. Only Federal ownership can marshall the necessary resources to restore our rail system, to make it what it must become if it is to survive and the economy is to prosper—the central component of a comprehensive transportation network.

The bill does not nationalize the entire railroad industry. Rather, railroad companies will be licensed to operate as air carriers are now. Railroads will operate over Federal track and pay a per-ton mile fee. They will be compensated for Federal acquisition of property under the act by credits against future ton-mileage charges.

Fees will be paid into the national transportation trust fund, to be used to restore and maintain rail facilities at the direction of the National Transportation Services Board. Current rail applications to cut back rail service will be suspended until the Board can assess the utility of routes and trackage in terms of an overall national transportation plan. As national rail patterns emerge, some trackage might well be abandoned; and by improved scheduling, other routes might be better serviced, with a number of operating companies sharing the same Government rail network.

In addition to upgrading and maintaining facilities, the Board will also contract for research and development to improve equipment and procedures. The Board may also establish a reserve pool of freight cars which could be leased to the railroads when special circumstances—a heavy grain harvest, for example—require special services.

HIGHWAYS

One of the best ways simultaneously to reduce pollution and to promote energy-efficient means of transportation is quite simply to stop building highways, freeways, and vast parking lots in urban areas. We are now in a vicious cycle on which more and wider highways and freeways attract more cars and mean less patronage and therefore a lessened viability for other transportation methods. And as these other methods decay, even heavier automobile traffic creates a demand for even more highways.

The Interstate Highway System is very nearly complete. Of the 42,500 authorized miles, 36,021 are open to traffic, with 5,596 miles under construction. Designs are not yet final on only 883 miles.

Each year, we pour one-sixth of our gross national product into automobiles and roadbuilding—over $5 billion for highway construction alone. We have paved over 4 million square miles of land, an area equal to the size of the entire New England region. Every mile of freeway consumes 24 acres of land and every year we uproot 50,000 people from their homes to make way for federally aided highway construction.

It is a sad commentary on our transportation system that in the City of New York in 1907, the average speed of horse-drawn vehicles on the city streets was 11.5 miles per hour. In 1966, the average speed of motor vehicles, with the power of 200 to 300 horses, through the central business district was 8.5 miles per hour. Yet the number of automobiles is increasing twice as fast as the number of people. Registered motor vehicles number 110 million—almost one vehicle for every two Americans and half of the cars in the world. A car consumes 5 times as much fuel per passenger as a bus and 10 times as much as a train. We are left with more cars, less public transportation, and an energy shortage.

Our economy is keyed to the automobile, with $1 out of every $5 spent in our whole economy spent directly or indirectly in one part—auto manufacturing and its maintenance and incidental enterprises like oil, steel, rubber, plastics, and highway construction. This complex accounts for 20 percent of our gross national product and 18 percent of all Federal taxes; it employs 15 percent of our work force and consumes 20 percent of our steel, 30 percent of our zinc, 56 percent of our petroleum, 72 percent of our rubber, 20 percent of our aluminum—and in fact, a quarter of all the energy produced in the United States each year. We spend so much on automobiles, yet the return is insufficient.

The Federal Government has spent $50 billion on highways and highway related construction and only $1 billion for public transit systems. Now the American Association of State Highway Officials has asked that we lay out an additional $320 billion—an amount equal to the national debt—for highways during the next 15 years. The Interstate Highway System, with an estimated cost of $27 billion when it was proposed and passed will involve a cost overrun of at least $48 billion by the time it is completed. The average mile costs about $1.4 million; the average in rural areas is $887,000 and in urban areas $4 million.

We cannot afford to continue this super-highway building binge. We must decrease the number of cars and increase the availability and feasibility of other forms of transportation. Road building is the biggest construction industry in the country primarily because it is supported by our gasoline taxes, which provide the States with 90 percent of the cost of new highway construction. Over $5 billion automatically rolls into the highway trust fund each year from taxes on gasoline, oil, tire rubber, asphalt and motor vehicle purchases. I am not suggesting that all highway construction cease; I am recommending—and this act provides—that our resources be redirected to meet a balanced transportation need, not spent for unneeded highways.

We have seen some progress toward a rational policy. This year, $200 million of the trust fund will be available for metropolitan transit systems; and in 1976, cities will have the option of spending $800 million on other transportation such as mass transit. Another $120 million will be allocated in 1976 to cities for the construction of bikeways and trails along streets and highways. In addition, under present law, if a city, a State, and the Secretary of Transportation all agree that a specific stretch of interstate highway need not be built, then funds equivalent to its construction costs can be used for mass transit. The funds involved are not very significant; they total only 4.5 percent of the $22 billion in highway trust fund money available for the 3-year period, 1974 to 1977. But even this small change could mark a symbolic, indeed historic, turning toward a balanced transportation system. This bill moves from that symbolic step to a comprehensive plan.

MASS TRANSIT

National transportation policy must include special attention to mass transit systems in urban areas. Improvements in mass transit could lower the overall price of transportation and could yield impressive energy savings.

A National Transportation Services Board is particularly appropriate with respect to mass transit. The fact that mass transit lines traverse many jurisdictions—municipal, county, and even State—leads to severe administrative and financial difficulties. A single, central authority can resolve the difficulties more equitably and at lower cost to the taxpayer. The Board could—and local authorities often cannot—develop comprehensive transportation plans for entire metropolitan areas. Service would be upgraded. The current array of companies and lines could be allied in a collaborative working relationship.

AIR

Since the advent of the jet aircraft, commercial aviation has been able to fill partially the gaps opened by deteriorating rail passenger service. Still costs per passenger for commercial carriers operating from 525 airports across the country remain relatively high.

Load factors for commercial aircraft hover around the 50 percent mark, which means that almost half of available seat miles are unproductive. This is largely a result of overly competitive schedules, duplicative route structures, and unrealistic fares.

The Civil Aeronautics Board has not been responsive to the needs of the flying public, nor has the Federal Aviation Administration administered the Airport/Airways Act of 1970 in ways which would encourage all forms of air transportation. In fact, the proposed tax schedules for general aviation in effect would eliminate many private aircraft on a cost basis alone.

The confusing jumble of commercial airfares makes it impossible for the average traveler to know how to fly a given distance at the lowest cost. All too frequently passengers choose the wrong day and have to pay as much as a 50-percent premium because they did not have the facts. We desperately need a simplified structure, the elimination of duplicative service, and adequate routing.

Air transportation should be part of a well balanced national transportation program. It should not supply additional demands which could otherwise be met by alternative methods.

INLAND WATERWAYS

In many parts of America, navigable rivers and likes could carry much commerce at low cost. With a comprehensive transportation policy in place, we could provide for extensive development of these great natural resources.

CONCLUSIONS

We can afford no longer the luxury of transportation chaos. We can afford, and we must create, a transportation system. We must invest our financial resources, our inventive powers, our engineering skills where they can maximize service at minimum per passenger- and ton-mile cost.

Current policies were formed decades ago and many of them have hardly been rethought in the decades since. They reflect different lifestyles, different technologies, different mobility and different expectations. Too often, they constrain essential change. Now we face a transportation crisis in a context of energy shortages, environmental threats, and declining services.

This bill will not solve all our transportation problems. It will set a prudent course for the development of a commonsense transportation system.

We have the technology and the resources to make American transportation first-rate and second to none. This bill will provide the organizational capability to muster those resources for a revitalized transportation system.

It is especially important that we rebuild America's railways into a great system of freight and passenger service. This effort—comparable in size to the Interstate Highway System and the space program—can open new frontiers in the American economy and for our society as a whole. As imaginative, well conceived reconstruction of the rail system means more efficient use of energy, the creation of many new jobs, less pollution, and a splendid addition in transportation for the American people.

T. E. Eliot once wrote of the death of modern society that our "only monument—would be—an asphalt road and a thousand lost golf balls." A modern economy will decline and finally die if it lives too much, too long by super highways. Economic revival and prosperity require an efficient and revitalized transportation system. Then we will leave behind not monuments to our mistakes, but a vital economy which has been sustained by sensible and far-reaching change.

I ask unanimous consent that the text of my bill be printed in the RECORD, together with a section-by-section analysis.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Transportation Services Board Act".

TITLE I—NATIONAL TRANSPORTATION SERVICES BOARD ESTABLISHMENT

SEC. 101. There is established, as an independent establishment of the executive branch of the United States Government, the National Transportation Services Board (referred to in this Act as the "Board").

TRANSFER OF FUNCTIONS

SEC. 102. (a) There are transferred to the Board, and the Board shall perform, all functions of—

(1) the Secretary of Transportation;

(2) the Interstate Commerce Commission;

(3) the Civil Aeronautics Board;

(4) the Federal Maritime Commission; and

(5) the United States Railway Association.

(b) There are transferred to the Board the Undersecrtary of Transportation, all Assistant Secretarys in the Department of Transportation and all Administrations, Bureaus, Boards, and other agencies within such Department, together with the officials thereof, and such officials and agencies shall operate with respect to the Board in the same manner as they previously operated with respect to the Secretary of Transportation.

(c) Within 180 days after the effective date of this section, the President may transfer to the Board any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Board by this section.

(d) On and after the effective date of this section the—

(1) Department of Transportation,

(2) Interstate Commerce Commission,

(3) Civil Aeronautics Board,

(4) Federal Maritime Commission, and

(5) the United States Railway Association, shall cease to exist.

BOARD MEMBERSHIP

SEC. 103. (a) The Board shall be composed of 15 members appointed by the President by and with the advice and consent of the Senate. Individuals shall be appointed on the basis of their professional eminence with respect to the functions to be performed by the Board and to represent the various segments of the transportation industry including representatives of government, labor, consumers and operative carriers. Not more than 8 of the members shall be members of the same political party. The President shall select one individual to serve as chairman of the Board at the same time he nominates such individual for appointment to the Board. Such individual shall serve as chairman for the duration of the term of his appointment as a member.

(b) The members of the Board shall exercise all powers necessary to carry out the purposes, functions, and powers of the Board. The members may delegate to any officer, employee, or agency of the Board such powers vested in the Board as the members deem appropriate.

(c) Members shall serve for terms of 5 years except that—

(1) such 15 members first taking office shall serve, as designated by the President at the time of appointment, 3 for a term of 1 year, 3 for a term of 2 years, 3 for a term of 3 years, 3 for a term of 4 years, and 3 for a term of 5 years; and

(2) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(d) (1) Section 5311 of title 5, United States Code, is amended by adding at the end thereof the following:

"(13) Chairman, National Transportation Services Board.".

(2) Section 5313 of such title is amended by adding at the end thereof the following:

"(22) Members, National Transportation Services Board (14).".

(e) Vacancies in the membership of the Board, as long as there are 8 members in office, shall not impair the powers of the Board to execute the purposes, functions, and powers of the Board. Eight members shall constitute a quorum for the transaction of business.

(f) Any member of the Board may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

PERSONNEL OF THE BOARD

SEC. 104. (a) The Board may appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as are necessary to carry out the provisions of this Act.

(b) The Board may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFERS

SEC. 105. All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 102, are transferred to the Board.

POWERS

SEC. 106. (a) The Board may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Board by this Act, delegate any of its functions to such officers and employees of the Board as the Board may designate, may authorize such successive redelegations of such functions as are desirable, and may make such rules as are necessary to carry out its functions.

(b) In order to carry out the provisions of this Act, the Board is authorized—

(1) to adopt, alter, and use a seal;

(2) to adopt, amend, and repeal rules governing the manner of its operations, organization, and personnel, and the perform

ance of the powers and duties granted to or imposed upon it by law;

(3) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

(4) to take such other action as may be necessary to carry out the provisions of this Act.

ANNUAL REPORT

SEC. 107. The Board shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President ties of the Board during the preceding fiscal for submission to the Congress on the activi- year.

SAVINGS PROVISIONS

SEC. 108. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Board by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Board. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Board by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceeding shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of action, suits, or other proceedings may be asserted by or against the United States or such official of the Board as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or office is transferred to the Board; or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Board;

then such suit shall be continued by the Board.

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any officer, agency, office, or part thereof, the functions of which are so transferred shall be deemed to mean the Board.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Board in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Board.

(g) In the exercise of the functions transferred under this Act, the Board shall have the same authority as that vested in the officer, agency or office, or part thereof, exercising such functions immediately preceding their transfer, and actions of the Board in exercising such functions shall have the same force and effect as when exercised by such officer, agency or office, or part thereof.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 109. (a) This Act, other than this section, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in sections 103 and 104(a) of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the appropriate rates provided for in this Act or amendments made by this Act. Such compensation and related expenses of such officers shall be paid from funds available for the functions to be transferred to the Board under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 110. There are authorized to be appropriated to the Board such amounts as are necessary to carry out the provisions of this Act.

TITLE II—NATIONAL TRANSPORTATION POLICY AND PLANNING NATIONAL TRANSPORTATION POLICY

SEC. 201. (a) In order to develop and promote a unified efficient transportation system in the United States the Board shall—

(1) recognizing such statements of transportation policy as now exist in law, develop a single National Transportation Policy;

(2) consider in developing such policy the need for coordinated development and improvement of all modes of transportation and the priority to be assigned in developing and improving each mode;

(3) review all existing programs providing financial assistance for transportation, including the Highway Trust Fund and the Airport and Airway Trust Fund, and make recommendations for necessary legislation to consolidate and revise such programs in order to more effectively carry out such Policy and priorities; and

(4) develop and recommend such other legislation as may be necessary to more effectively carry out the provisions of this Act and such Policy and priorities.

NATIONAL RAIL SERVICES PLAN

SEC. 202. (a) The Board shall prepare a financial analysis of the Nation's railroads other than those in reorganization under the Regional Rail Reorganization Act of 1973 (Public Law 93-236). Such analysis shall include a projection of capital requirements over the next 10 years for each category of investment including equipment maintenance, rolling stock, rail yards, track construction and rehabilitation, and such other categories as the Board may prescribe. In preparing this analysis the Board shall take into account the factors and alternatives set forth in subsections (b), (c), and (d) of this section. In addition, the analysis shall—

(1) evaluate the level of performance of the industry and its components; the level and quality of service; and the implications of apparent trends for the continued provision of transportation service,

(2) evaluate the performance and efficiency of railroad management, and recommend such changes in management techniques and procedures as are indicated by such evaluation, and

(3) include recommendations as to whether all or any portion of the rail carrier operations on existing rail lines should be taken over in whole or in part by the Consolidated Rail Corporation (established pursuant to Public Law 93-236) or by regional, State, or local agencies.

(b) The Board shall survey existing railroad equipment and report on a region-by-region basis—

(1) the number, type, and condition of rolling stock;

(2) the number of miles, types of lines, and condition of track, railbeds, and rights-of-way (calculated on maximum miles per hour);

(3) the number of railyards and their condition;

(4) the number of lines proposed to be abandoned in whole or in part;

(5) the number of lines which might be consolidated without affecting service;

(6) the number and type of employees;

(7) the percentage utilization of rolling stock;

(8) the systems used to coordinate and deploy rolling stock; and

(9) such other factors as the Board deems appropriate.

(c) The Board shall project railroad requirements for track rehabilitation and construction, rolling stock, railyards, and other equipment necessary to meet the transportation needs of the United States. In making such projections, the Board shall construct different alternative models for railroad transportation, taking into account other modes of transportation, the financial condition of the railroads, possible Federal assistance, and such other factors as it deems appropriate.

(d) The Board shall evaluate and develop cost estimates for the Federal assistance necessary for each projected transportation model developed in accordance with subsection (c) of this section. Among the alternatives for Federal assistance, the Board shall consider—

(1) direct Federal subsidies to existing carriers;

(2) the expansion of the system of rail passenger service operated by the National Rail Passenger Corporation (Amtrak);

(3) the expansion of the system to be operated by Consolidated Rail Corporation;

(4) the expansion of its functions under the Regional Rail Reorganization Act of 1973;

(5) changes in and coordination with other Federal programs, including short-haul passenger and freight air routes, and Federal crop storage programs; and

(6) such other factors as the Board deems appropriate.

(e) The Board shall prepare a comprehensive report containing its conclusions with respect to essential rail services within the

Nation and its recommendations as to the geographic zones at and between which rail service should be provided. The Board may use as a basis for the identification of such geographic zones the standard metropolitan statistical areas, groups of such areas, counties, or groups of counties having similar economic characteristics such as mining, manufacturing, or farming.

(f) The Board shall prepare a report on the feasibility and desirability of expanding service by the National Railroad Passenger Corporation. The report shall consider the current and projected shortage of refined petroleum products, curtailment of alternative modes of travel, availability of additional equipment for the provision of rail passenger service (whether domestic or foreign), the economic feasibility of additional service on existing routes and expansion of service to new routes, and such other matters as the Board deems relevant. The report shall consider the extent and value of the Federal commitment to rail passenger service, the longstanding lack of commitment of private railroad companies to rail passenger operations, the current financial crisis of intercity and rail mass transit operations, the potential for coordination of the national rail passenger system, including rail mass transit and subway lines, the implications of including other public transportation modes within the expanded system, the need for a comprehensive, computerized coordination and assessment of railroad service in rural areas, the estimated costs, economic, social, and environmental, of such expanded rail passenger service, the relative efficiency and transportation effectiveness of the National Railway Passenger Corporation. The National Railroad Passenger Corporation shall cooperate fully with the Board in the preparation of this report.

(g) In making the studies and reports pursuant to this section the Board shall solicit, study, and evaluate the views with respect to present and future rail service needs from Governors of States within the Nation; mayors and chief executives of political subdivisions within such States; shippers; the Secretary of Defense; manufacturers, wholesalers, and retailers within the region; farmers; consumers of goods and products shipped by rail; and all other interested persons. The Board is authorized and directed to conduct public hearings throughout the United States to solicit comments on such studies and reports and to receive such views. The Board is further directed to—

(1) evaluate methods of achieving economics in the cost of rail system operations in the Nation including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; relocation; rehabilitation and modernization of equipment, track, and other facilities; alternative modes of transportation; and abandonment of lines consistent with meeting needs and service requirements; together with an evaluation of the anticipated economic social, and environmental costs and benefits of each such method;

(2) evaluate the costs and benefits of any change proposed in the National Rail Services Plan or any views or comments received under this subsection; and

(3) study of the effect on railroad employees of any restructuring of rail services.

(h) The Board shall prepare a National Rail Services Plan on the basis of the studies and reports prepared pursuant to the preceding subsections of this section and shall publish such Plan in the Federal Register no later than ———. Such Plan shall include a preliminary identification map of the rail services system which in the judgment of the Board would best satisfy present and future rail services needs of the Nation in such a manner as to maximize the conservation of energy.

(i) After the determination of the National Rail Services Plan pursuant to this section the Board shall prepare, keep current, and publish periodically in the Federal Register, a schedule setting forth major transportation services that should be provided by railroads in the United States. In formulating such a schedule the Board shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; the facilities of alternative modes of transportation currently in existence; the cost of establishing transportation facilities in addition to existing facilities ;the cost of providing transportation by rail and alternative modes; the existing investment in the transportation facilities of rail and alternative modes and the economic value thereof; the existing pattern of service by alternative modes; and the public interest in a balances and economical transportation system responsive to the needs of the public and the users of such system.

(j) After publication in the Federal Register the Board shall deliver the National Rail Services Plan to both Houses of Congress and to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate. Such Plan shall be deemed approved at the end of the first period of 60 calendar days of continuous session of Congress after such date of transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor such Plan.

(k) If either the House or the Senate passes a resolution of disapproval under subsection (j) of this section, the Board shall prepare, determine, and adopt a revised plan. Each such revised plan shall be submitted to Congress for review pursuant to such subsection.

(l) For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(m) In carrying out the provisions of this section the Board may request assistance of any department, agency, or other instrumentality of the executive branch of the Federal Government. Each such department, agency, or instrumentality is authorized and directed to grant such assistance upon written request, on a reimbursable basis or otherwise. Reports pursuant to this section shall be prepared in accordance with accepted accounting practices and statistical survey and sampling techniques.

(n) There are authorized to be appropriated to the Board for purposes of carrying out the provisions of this section not to exceed $35,000,000, to remain available until expended.

TITLE III—ACQUISITION OF RAILROAD RIGHTS-OF-WAY, AND CERTAIN OTHER PROPERTIES

ACQUISITION AUTHORITY

SEC. 301. (a) The Board—

(1) shall after obtaining two independent appraisals of value, acquire by purchase or condemnation such railroad rights-of-way, track, and appurtenant property, equipment, and structures as are necessary for the operation of such rights-of-way and track to carry out the National Rail Services Plan approved pursuant to title II of this Act; and

(2) enter into appropriate arrangements with the railroads for the use by such railroads of such rights-of-way, track, property, equipment, and structures in carrying out such Plan in return for the payment of an agreed upon fee calculated upon gross ton-miles of locomotive and train operation or upon such other standard or standards as may be determined by the Board.

(b) In the determining of the amount to be paid for property pursuant to subsection (a)(1) the following shall be taken into consideration:

(1) the fair market value of the property;

(2) the capital investment necessary to bring the line, track, and appurtenant structures up to standard;

(3) the capital investment necessary to modernize the track and appurtenant structures;

(4) the degree to which the previous owner maintained the rail lines and the average yearly investment therefor;

(5) the fees which the Board may be expected to receive from users of the rail lines other than the previous owner; and

(6) the amount of loss the petitioner would have sustained but for the acquisition of the rail lines by the Board.

(c) (1) Payment for property acquired pursuant to this section shall be made out of funds appropriated for the purpose of this section and there are authorized to be appropriated for such purpose such amounts as are necessary.

(2) Amounts received by the Board for the use of property acquired pursuant to this section may be used by the Board for the maintenance and improvement of such property in accordance with the provisions of this title.

(3) The Board shall prescribe such regulations pursuant to the Interstate Commerce Act as may be necessary to require that the amount received by any railroad for property acquired by the Board pursuant to this section be maintained or used to improve the economic viability of such railroad as a common carrier and such use may include the retirement of existing debt.

(d) For the purposes of this Act the term railroad means a common carrier by railroad as defined in section 1(3) of the Interstate Commerce Act and includes the Consolidated Rail Corporation and the National Railroad Passenger Corporation.

REHABILITATION AND MAINTENANCE

SEC. 302. (a) Upon acquisition of any rights-of-way or other property pursuant to section 301, the Board shall assume responsibility for the rehabilitation and maintenance of such property.

(b) The Board shall make capital improvements on such property to the extent necessary to carry out the National Rail Services Plan approved pursuant to title II of this Act, taking into consideration its evaluation of expected benefits from such improvements in relation to the cost thereof, and available financial resources. Such capital improvements shall include, but not be limited to, interlocking devices; centralized traffic control; improved safety devices governing train movements; extra main tracks; new and extended sidings; interchange and connecting tracks; removal of restrictive clearances; improved grade crossing protection; and reduction of curves and grades.

(c) (1) The Board shall prescribe standards for maintenance of all main track on its rights-of-way with respect to track geometry, rail mismatch, rail-end batter, and frogs, for smooth, dependable operation of freight trains at speeds up to sixty miles an hour and passenger trains at speeds up to eighty miles an hour. In formulating such standards, the Board shall be guided by preferred or recommended practices from an engineering, economic, agricultural, and energy standpoint as distinct from minimum requirements for safety.

(2) In all rspects other than those enumerated in paragraph (1), all main track shall meet the requirements for class four track of the track safety standards prescribed by the Board pursuant to the Federal

Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.).

USE OF RIGHTS-OF-WAY

SEC. 303. (a) A railroad which conveys its rights-of-way to the Board, or which holds trackage rights over right-of-way which are conveyed to the Board, shall have the right to continue operations as a rail carrier over all such rights-of-way at the same frequency that it was conducting such operations prior to the conveyance thereof, in return for payment to the Board of the fee agreed upon pursuant to section 301(a)(2). The terms and conditions of preexisting agreements and contracts for the use of rights-of-way and other facilities shall be of no force and effect as between the Board and any railroad, but insofar as applicable, shall remain in effect as between two or more rail carriers of freight using the same rail line.

(b) Upon application to the Board by any railroad for the use of any right-of-way of the Board for freight or passenger service, if the applicant is fit, willing and able to properly perform the service proposed; if such service is or will be required by the present or future public convenience and necessity and is in accordance with the National Rail Services Plan, and if the operations of the applicant will not significantly impair the level of performance of the carrier or carriers already using the right-of-way who are adequately serving the public, the Board shall permit the applicant to use such right-of-way for compensation fixed in accordance with section 301(a)(2).

(c) If, in the opinion of the Board, the transfer of freight traffic off of one right-of-way and onto another right-of-way will permit significant economies through reduction in maintenance expenditures, it may order such transfer, after notice and hearing and finding that such transfer will not result, directly or indirectly, in a significant impairment in the rail service provided to any rail customer.

(d) Applications under this section shall be acted upon by the Board within one hundred and twenty days after the application is filed.

(e) A railroad or freight shipper whose service or operations are affected by new or expanded passenger service may file an application with the Board requesting appropriate relief. If after hearing and upon sufficient proof the Board finds that such passenger service causes a significant downgrading of the quality of service provided to freight shippers, it shall issue an order fixing such terms and conditions for the operation of such passenger service as are reasonable in the interest of adequate freight service.

OPERATING RULES

SEC. 304. (a) The Board shall have the power to fix rights of trains, maximum train speeds, size and weight limits for equipment, and other rules governing operations over the Board's rights-of-ways. The provisions of this Act and of rules adopted by the Board shall supersede the terms of any agreements previously entered into between railroads for the provision of passenger service.

(b)(1) Except in an emergency, passenger trains shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing of the Board, unless the Board has issued an order to the contrary in accordance with paragraph (2) of this section.

(2) A rail carrier or freight shipper whose service or operations are affected by paragraph (1) above may file an application with the Board requesting appropriate relief. If, after hearing and upon sufficient proof, the Board finds that adherence to paragraph (1) causes a significant downgrading of the quality of service provided to freight shippers, it shall issue an order fixing rights of trains, on such terms and conditions as are reasonable in the interest of adequate freight service.

LIABILITY FOR INJURY AND DAMAGE

SEC. 305. The Board shall be responsible for all bodily injury and property damage arising out of any accident or occurrence caused by defects in, or improper maintenance of, track, roadbed, signals, communications, or other facilities owned or controlled by the Board or caused by the negligence of a Board employee. Railroads shall be responsible for all bodily injury and property damage arising out of any accident or occurrence caused by reasons other than those enumerated in the preceding sentence.

REDUCTION IN CAPACITY OF RAIL LINES

SEC. 306. If at any time the Board desires to realize economies through the elimination of any extra main track or tracks, or other type of reduction in capacity of any of its rail lines that would not result in elimination of service to any point, it shall give notice of its intention to the carriers using the line, to the States and localities through which the line runs, and to any other person who has requested to be given such notice. The Board may proceed with such elimination or reduction on or after the expiration of one hundred and twenty days following the giving of notice unless it determines, on the basis of protests submitted in response to the notice, that such elimination or reduction will not be consistent with the present and future public interest in adequate rail service.

EXPANSION OF AUTHORITY TO ASSIST CERTAIN LOCAL RAIL SERVICES

SEC. 307. Title IV of the Regional Rail Reorganization Act of 1973 (Public Law 93-263) is amended by deleting therefrom the phrase "in the Region" wherever it appears.

TITLE IV—ABANDONMENT MORATORIUM AND ALTERNATIVE SERVICE MORATORIUM ON ABANDONMENT

SEC. 401. Notwithstanding any other provision of law or of this Act, no rail service may be discontinued except in accordance with section 402 of this title, or section 304 of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as applicable.

ABANDONMENT AND ALTERNATIVE SERVICE

SEC. 402. A railroad or other interested party may petition the Board for permission to abandon rail services, or for alternative service, in accordance with this section. The grounds for the petition may include uneconomical operation of the service. The Board shall not permit a railroad to discontinue rail service unless it determines—

(a) that the proposed discontinuance would not adversely affect the economic well-being of the communities served by such service; or

(b) that alternative means of transportation are available at a cost which would not adversely affect the economic well-being of the communities served by such services; or

(c) The petitioner has offered to, and in fact will, provide or arrange for alternative means of transportation at a cost which will not adversely affect the economic well-being of the communities served by such service; or

(d) such communities will be provided with service under a local, State, regional, or Federal transportation plan under section 402 and 403 of the Regional Rail Reorganization Act of 1973 (Public Law 93-236) or section 403 of this title.

ALTERNATIVES TO DISCONTINUANCE

SEC. 403. Upon denial of a section 202 petition or in connection therewith, the petitioner may in addition apply for—

(a) a rail service continuation subsidy under section 402 of the Regional Rail Reorganization Act of 1973 (Public Law 93-236); and

(b) an increase in rates, fares, or tariffs under the Interstate Commerce Act.

PROCEDURE AND JUDICIAL REVIEW

SEC. 404. The hearings and proceedings under this title shall be governed by the Interstate Commerce Act and shall be subject to judicial review under that Act. In addition, the Board shall conduct public hearings with adequate notice in the communities affected by any application for discontinuance, shall afford all segments of the community, including elected and appointed officials of the political subdivisions, consumers of the rail services sought to be discontinued, and other interested parties, the opportunity to testify and otherwise comment on the petition and adequately publicize the alternatives available under this and other Acts of Congress, and regulations promulgated thereunder.

INTERIM FINANCIAL ASSISTANCE

SEC. 405. (a) The Board shall provide financial assistance in accordance with this section to maintain rail services on eligible lines pending final determination of an application under section 402 of this title.

(b) A railroad which earned an average rate of return of less than 10 per centum of its invested capital in its last five fiscal years, is entitled to financial assistance on rail service which it proposes to discontinue in a petition to the Board under section 402 of this title if the Board determines that such service is unprofitable to operate and could not continue to be operated without Federal assistance.

(c) The Board shall provide the minimum amount of assistance necessary to maintain such service.

(d) Within ninety days after the effective date of this Act, the Board shall issue, and may from time to time amend, regulations with respect to interim financial assistance under this section.

(e)(1) Each recipient of financial assistance under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Board shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Board and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of three years after completion of the project or undertaking referred to in paragraph (1) of this subsection, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Board or the Comptroller General may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

MAJOR PROVISIONS OF THE NATIONAL TRANSPORTATION SERVICES BOARD ACT OF 1975

TITLE I—ESTABLISHMENT OF THE NATIONAL TRANSPORTATION SERVICES BOARD

Sec. 101 Establishment

Establishes the National Transportation Services Board as "an independent establishment of the executive branch . . ."

Sec. 102. Functions and Personnel

Transfers to the Board all functions currently performed by the Secretary of Transportation, the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission and the United States Railway Association, all of which shall cease to exist when this section becomes effective.

This section also transfers the personnel of the Department of Transportation, the Secretary excepted, to the Board and authorizes the President to transfer any other executive offices or agencies, in whole or in part, if he determines that their functions relate primarily to those transferred to the Board.

Sec. 103. Membership

The Board will have 15 members, appointed by the President with the advice and consent of the Senate. No more than eight Board members who may belong to any one political party. Members will be chosen so as to represent government, consumer and labor interests as well as operating carriers.

Board members will serve five year terms except in the beginning when terms will be staggered in length so as to facilitate turnover. The President will name a chairman from among the Board members. The President may remove Board members only for inefficiency, neglect of duty or malfeasance in office.

TITLE II—NATIONAL TRANSPORTATION POLICY AND PLANNING

Sec. 201. National transportation policy

Instructs the Board to review current transportation policy and programs with a view toward developing and promoting a unified and efficient transportation system in the United States.

The Board is specifically instructed to review current programs providing financial assistance to transportation including the Highway Trust Fund and Airway Trust Fund. This review should produce recommendations on legislation which might be needed to consolidate and revise these programs in line with policy.

Sec. 202. National rail services plan

The Board shall prepare a financial analysis of all railroads not currently in reorganization under the terms of PL93–236. This analysis will include recommendations as to whether all or any portion of rail carrier operations should be taken over in whole or part by the Consolidated Rail Corporation or by regional, state or local agencies.

The Board shall also survey existing railroad equipment and report in detail on its condition on a region-by-region basis. This study will result in projections of railroad requirements for track rehabilitation and equipment, with such projections based on a series of unified transportation system models, taking various funding options into account.

In addition, the Board shall prepare a report on essential rail services within the Nation and shall study the feasibility and desirability of expanding National Railroad Passenger Corporation service.

When compiling these studies, the Board is instructed to seek wide input from various interested groups and individuals and to conduct public hearings throughout the country.

Finally, the Board shall compile a National Rail Services Plan which shall be delivered to both Houses of Congress and to appropriate committees.

TITLE III—ACQUISITION OF RAILROAD RIGHTS OF WAY AND CERTAIN OTHER PROPERTIES

SEC. 301. The Board is authorized to acquire such rights of way, track, equipment, etc., as shall be necessary to implement the National Rail Services Plan.

Once such property has been acquired, the Board will make arrangements with railroads to use such facilities in return for payment of an agreed upon fee.

Payment for property acquired will be at fair market value as determined by the criteria set out in Sec. 301(b).

SEC. 302. Upon acquisition of rights-of-way or other property, the Board shall assume responsibility for the rehabilitation and maintenance of such property. Capital improvements will be made to the extent necessary to carry out the National Rail Services Plan.

TITLE IV—MORATORIUM ON ABANDONMENT AND ALTERNATIVE SERVICE

SEC. 402. Sets out procedures for abandonment of rail services. The Board shall not permit abandonment of services unless it determines that the proposed abandonment would not adversely affect the economic well-being of the communities served, taking into account the availability and cost of alternative services, the willingness of the petitioner to provide or arrange for such service at a reasonable cost or the availability of such services under a local, state or federal transportation plan.

SEC. 408. The Board is authorized to provide interim financial assistance to certain railroads pending final disposition of a petition filed under Sec. 402, if the Board determines that such service is unprofitable to operate and cannot be continued without federal aid.

By Mr. PROXMIRE:

S. 1840. A bill to amend the Fair Credit Reporting Act. Referred to the Committee on Banking, Housing and Urban Affairs.

FAIR CREDIT REPORTING AMENDMENTS OF 1975

Mr. PROXMIRE. Mr. President, today I introduce legislation calling for stronger and stricter regulation of credit reporting agencies, which I believe still constitute the No. 1 threat to individual privacy in America. This bill will close gaps that have appeared in the Fair Credit Reporting Act since its enactment in 1970.

The purposes of the original Fair Credit Reporting Act were to enable consumers to learn what information is on file about them, to correct inaccurate and misleading files, to preserve necessary confidentiality of credit report information, and to protect the individual's right to privacy. As the author of that act I believe it has been helpful in these areas. But despite the progress achieved by the original Fair Credit Reporting Act, the rights of millions of Americans continue to be systematically invaded by large investigative reporting agencies which pry into almost every aspect of a person's life, and then clamp a lid of secrecy and confidentiality on the information thus acquired.

The major reporting agencies maintain well over 100 million files and supply more than 100 million reports annually in connection with consumer applications for credit, insurance, employment, and other benefits. One of the largest of these companies itself maintains files on 46 million Americans and prepares over 30 million reports a year. Testimony from former employees of this firm reveals that these reports are often hastily put together with little regard for accuracy and in many cases are complete fabrications.

Loopholes have appeared in the original act which have permitted blatant invasions of privacy to occur without the consumer's knowledge or permission: Medical information about consumers, stockpiled in a centralized bureau and regularly made available to insurance companies to which the consumer applies, has escaped the act's protective provisions; consumer reports have been obtained for improper purposes; a report on a member of this Congress was obtained by his political opponents, and a report on a State government employee was acquired by lobbyists. These are extraordinary cases, but my files overflow with letters from ordinary consumers expressing dissatisfaction with the present act. The Federal Trade Commission alone has received more than 20,000 consumer complaints since the original act went into effect in 1971.

Among the most common complaints are these:

The credit reporting agency refused to give the consumer a copy of the report, or refused to show it to the consumer;

The credit bureau refused to provide information about the consumer's file by mail;

The information in the credit bureau's file was unfair, erroneous, stale or incomplete; and

The credit bureau was unwilling, slow or uncooperative in the correction of erroneous or incomplete information in the consumer's file.

Aside from the accuracy of the information, many consumers expressed total outrage at the idea that these companies could, without permission and on the barest of notification, invade their privacy by conducting a personal investigation into their character, morals, drinking habits, reputations and life-styles.

The legislation I introduce would strengthen the Fair Credit Reporting Act in the following major respects:

First. The bill would outlaw the use of quota systems which require reporting agency investigators to produce a large number of reports and a minimum percentage of derogatory information. It would also forbid the use of deceit and trickery in the gathering of information for reports. Testimony last year from former investigators revealed that these practices produce grossly biased and inaccurate reports which injure hundreds of thousands of innocent consumers.

Second. The bill would give consumers real control over investigative reports on their character and habits. Those who order these investigative types of reports would be required to first obtain written permission from the consumer after having made a full and complete disclosure of the nature of the planned investigation. These requirements would apply to all reports ordered from consumer reporting agencies regardless of purpose. The present law does not require advance permission from the consumer and provides for only a general and vague advance disclosure about the nature of the investigation.

Third. The bill entitles consumers to have access to all the information in their credit files, including the right to actually read their file, obtain written copies of items in the file, and to have medical information disclosed to a physician of their choice. Consumers will be able to learn the contents of their files by mail as well as by personal visit and by phone. A new provision of special value in this time of high unemployment requires that where a prospective employer orders a report on a consumer, the reporting agency must first send a the reporting agency must first send a copy of the report to the consumer himself. The present law only entitles consumers to an oral disclosure of the "nature and substance" of the information —this has produced probably the single most common complaint from consumers: disbelief, suspicion, and consternation at the credit bureau's limited disclosure. The present law also permits reporting agencies to withhold medical information.

Fourth. The bill would bring the Medical Information Bureau—MIB—under the provisions of the Fair Credit Reporting Act. Through a loophole the MIB has been able to avoid regulation despite the fact—as revealed in hearings in the last Congress—that it maintains computerized medical records on 11 million citizens and responds to over 19 million inquiries a year from nearly 800 member insurance companies. Not only would MIB's records be accessible to the consumer—or a physician of his choice, but the consumer's permission would be necessary before any insurance company could transmit that consumer's medical records to MIB.

Fifth. Perhaps most importantly of all, this bill will assure that consumers have a great deal more knowledge about the collection and uses of consumer reports on them, and about their legal rights with respect to those reports. Thus, the bill requires that consumers be notified when a file is first opened on them. It also requires that consumers be fully informed of their right to inspect and get copies of their files and to have disputed information reinvestigated, and of the results of any reinvestigation. These provisions will insure that the rights given under the act will be more widely exercised.

In sum, this legislation will substantially strengthen the original Fair Credit Reporting Act in ways desperately needed by American citizens who are otherwise helpless to prevent manipulation of their lives by this largely unknown credit reporting industry. It contains the substance of changes recommended by the Federal Trade Commission and other enforcement agencies; it contains also the substance of the amendments offered by Senators KENNEDY and BIDEN to my similar bill (S. 2360) in the last Congress. And it contains provisions, noted above, that are responsive to the problems identified in the 1973 and 1974 hearings on S. 2360.

Other provisions in the bill are intended to strengthen the enforcement of the act by setting minimum civil penalties, establishing evidentiary presumptions, and requiring reporting agencies to maintain written copies of investigative reports subject to examination by the Federal Trade Commission.

A final word is in order about what this bill does not do: First, it leaves government agencies outside the definition of "consumer reporting agencies"—not because invasions of privacy cannot be committed by the Civil Service Commission or the Federal Bureau of Investigation, but because regulation of these agencies is better left to other legislation; second, this bill does not require the users of consumer reports to disclose specific reasons for taking adverse action—again, not because this is not important information for consumers to have, but because the issue of mandatory disclosure of credit-granting standards is a very complicated one deserving of fuller exploration at another time.

The 4 years of experience with the Fair Credit Reporting Act have amply demonstrated the urgent need for the amendments in this bill. I therefore hope to hold hearings on this legislation as soon as possible.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SHORT TITLE

This Act may be cited as the "Fair Credit Reporting Amendments of 1975".

COVERAGE OF THE ACT

SEC. 2. Section 603(f) of the Fair Credit Reporting Act is amended—

(1) by striking out "fees, dues, or" and inserting in lieu thereof "compensation,"; and

(2) by striking out "regularly" and inserting in lieu thereof "or otherwise".

MEDICAL INFORMATION

SEC. 3. Section 603(i) of the Fair Credit Reporting Act is amended to read as follows:

"(i) The term 'medical information' means information on a person's medical history or condition obtained directly from such person or another person related to such person and acting on his behalf by an application, or questionnaire, or by a similar means, or obtained directly or indirectly from a licensed physician, medical practitioner, hospital, clinic, or other medical or medically related facility. The term 'third party medical information' means medical information which is obtained directly or indirectly from a licensed physician, medical practitioner, hospital, clinic, or other medically related facility.".

OBSOLETE INFORMATION

SEC. 4. Section 605(b) of the Fair Credit Reporting Act is amended—

(1) by striking out "$50,000" each time it appears therein and inserting in lieu thereof "$75,000"; and

(2) by striking out "$20,000" and inserting in lieu thereof "$30,000".

DISCLOSURE

SEC. 5. (a) Section 606 of the Fair Credit Reporting Act is amended to read as follows:

"§ 606. Disclosure of investigative reports and medical information.

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless that consumer has given a specific, dated, and separately signed affirmative written indication of his authorization of such an investigative consumer report after receiving a clear, complete, and conspicuous written disclosure to him of the methods, details, purpose, and scope of the investigation pursuant to regulations of the Federal Trade Commission.

"(b)(1) A person may not procure or cause to be prepared a general investigative report on any consumer by a person engaged primarily in the business or practice of furnishing consumer reports or business credit reports unless—

"(A) the consumer has given a specific, dated, and separately signed affirmative written indication of his authorization of such general investigative report after disclosure to him of the methods, details, purpose, and scope of the investigation pursuant to regulations of the Federal Trade Commission; or

"(B) the report is to be used for the purpose of establishing the legitimacy of a claim made by the consumer against the user of the report. "(2) For the purpose of this subsection—

"(A) the term 'general investigative report' means a report which would otherwise meet the definition of an 'investigative consumer report' contained in section 603(e) but for the purpose for which the information in such report is collected or used or expected to be used; and

"(B) the term 'person engaged primarily in the business or practice of furnishing consumer reports or business credit reports' means an organization which derived one-half or more of its revenue from the furnishing of such reports during its last fiscal year or an organization controlled by or under common control with an organization which derived one-half or more of its revenues from the furnishing of such reports during its last fiscal year.

"(c)(1) A person who obtains medical information on a consumer for a purpose listed under section 603(d) shall not disclose such information (or any portion or summary thereof) to a consumer reporting agency or other third-party or fail to prohibit by contract the retention of such information (or any portion or summary thereof) by a consumer reporting agency or other third-party who has collected such information for such person unless such person has furnished to the consumer to whom such informtaion relates a clear and conspicuous written disclosure setting forth—

"(A) the name, street address, and telephone number of any consumer reporting agency which will receive or retain such information;

"(B) the circumstances under which such a consumer reporting agency will release such information to other persons;

"(C) the consumer's rights with respect to such consumer reporting agency under sections 609 and 610; and

"(D) the circumstances under which such person may release such information to third parties other than consumer reporting agencies.

"(2) The disclosure required by paragraph (1) shall be made—

"(A) prior to receiving any medical information directly from the consumer or from a person related to the consumer and acting on his behalf; or

"(B) in the case of third-party medical information, prior to receiving a specific, dated, and separately signed statement from the consumer authorizing such person to obtain such information, and specifying the category of sources from which such third-party medical information may be obtained.

"(3) No consumer reporting agency or other person shall violate his contractual obligations assumed pursuant to the requirements under paragraph (1)."

(b) The table of sections is amended by striking out item 606 and inserting in lieu thereof the following:

"606. Disclosure of investigative reports and medical information."

ACCURACY

SEC. 6. Section 607(b) of the Fair Credit Reporting Act is amended by striking the period and inserting in lieu thereof "in accordance with regulations prescribed by the Federal Trade Commission. Such regulations shall prohibit consumer reporting agencies from operating quota systems which tend to encourage the production of—

"(1) a minimum number of reports when such minimum number is inconsistent with the achievement of maximum possible accuracy; or

"(2) mimimum number of reports containing adverse information.

Such regulations shall also prohibit consumer reporting agencies or their agents or employees from using unfair or deceptive acts or practices in the collection of information for consumer reports."

CONTENT OF DISCLOSURE

SEC. 7. (a) Section 609(a) of the Fair Credit Reporting Act is amended—

(1) in paragraph (1) by striking out "The nature and substance of all" and inserting in lieu thereof "All";

(2) in paragraph (1) by inserting after "except" the term "third-party";

(3) in paragraph (1) by striking out the period and inserting in lieu thereof ", except that the consumer shall be advised of the existence of any third-party medical information withheld, and of his right to have such information furnished to a licensed physician of his choice."; and

(4) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The source of the information, except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose are required to be disclosed only—

"(A) in an action in which the consumer is a party, under appropriate discovery procedures in the court in which such action is brought; or

"(B) if a consumer disputes the completeness or accuracy of any item of information pursuant to section 611 (a) and after reinvestigation the consumer reporting agency does not delete the item of information from the consumer's file."

(b) Section 609 of the Fair Credit Reporting Act is amended by adding at the end thereof the following:

"(c) Subject to subsections (a) and (b) of this section, if a consumer report to be used for employment purposes contains information which may be adverse to the consumer to whom it relates, a consumer reporting agency shall, at least 5 business days prior to furnishing such report to any third party, mail or otherwise deliver without charge a copy of such report to the consumer to whom it relates.

"(d)(1) No consumer reporting agency shall maintain a file on any consumer unless the agency mails or otherwise delivers to the consumer a notice in writing setting forth clearly and conspicuously—

"(A) the fact that a file is maintained; and

"(B) the purposes for which the information therein may be used; and

"(C) the consumer's right to examine the file, to obtain a copy of any information therein at a nominal charge, and to challenge inaccurate information; and

"(D) the name, address, and telephone number of the consumer reporting agency.

"(2) The notice required under paragraph (1) shall be made no later than 10 days following the day on which a consumer's file initially has been established except that in the case of files maintained on the effective date of this subsection, the notice shall be made no later than 10 days following such effective date.

"(e) Nothing in this title prohibits the user of any consumer report from disclosing the contents of that report to the consumer to which it relates, and any contract or agreement prohibiting such disclosure is unenforceable."

CONDITIONS

SEC. 8. (a) Section 610 of the Fair Credit Reporting Act is amended by inserting "(a)" after "609".

(b) Section 610(b) of such Act is amended—

(1) by inserting "(a)" after "609";

(2) by inserting before the semicolon in clause (1) the following: "and in any such case, the consumer shall be permitted a personal, visual inspection of his file"; and

(3) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) by telephone, on proper identification, provided the toll charge, if any, for the telephone call is prepaid or charged directly to the consumer; or

"(3) by mail on written request, with proper identification".

(c) Section 610(c) of such Act is amended by adding at the end thereof the following: "Such explanation shall include identifying adverse or potentially adverse information."

(d) Section 610(e) of such Act is amended to read as follows:

(c) Section 610(c) of such Act is amended by adding at the end thereof the following: "Such explanation shall include identifying adverse or potentially adverse information."

(d) Section 610(e) of such Act is amended to read as follows:

"(e) Following any disclosure under subsection (b), and subject to section 612, the consumer reporting agency shall advise the consumer of his right to obtain a copy of any item of information in his file and the charge therefor, and shall promptly provide the consumer with a copy of any information so requested."

DISPUTES

SEC. 9. Section 611(a) of the Fair Credit Reporting Act is amended by adding at the end thereof the following new sentence: "After any such reinvestigation, the consumer reporting agency shall promptly notify the consumer of the result of the reinvestigation and of its decision on the deletion of the information, and shall clearly and conspicuously disclose to the consumer his rights under subsections (b), (c), and (d) of this section."

COST OF COPIES

SEC. 10. Section 612 of the Fair Credit Reporting Act is amended—

(1) by inserting after "609" the first time it appears therein the following: ", furnish copies of information pursuant to section 610(e),";

(2) by inserting after "609" the second time it occurs in such section the following: ", 610(e),";

(3) by inserting after "609" the third time it appears in such section the following: "or furnishing copies of information pursuant to section 610(e),"; and

(4) by striking the word "person" and inserting in lieu thereof "persons".

RESTRICTIONS

SEC. 11. Section 614 of the Fair Credit Reporting Act is amended—

(1) by inserting "(a)" before "Whenever"; and

(2) by adding at the end thereof the following new subsection:

"(b) Each investigative consumer report shall be in writing and shall be retained by the consumer reporting agency which prepared it in the file of the consumer to whom it relates for a period of one year following its completion."

REQUIREMENTS ON USERS

SEC. 12. The text of section 615 of the Fair Credit Reporting Act is amended to read as follows:

"(a) Whenever any adverse action is taken either wholly or partly because of information contained in a consumer report from a consumer reporting agency, or because of an investigation caused by information in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and in addition shall—

"(1) disclose in writing to the consumer—

"(A) the name, street address, and telephone number of the consumer reporting agency making the report; and

"(B) a statement of the consumer's rights to inspect and obtain copies of information in his file under sections 609 and 610; and

"(2) furnish a copy of the consumer report if the consumer report was an investigative consumer report.

"(b) Whenever credit or insurance for personal, family, or household purposes involving the consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall disclose such fact in writing to the consumer at the time such adverse action is taken and in addition shall disclose in writing the nature, substance, and subject to section 609 (a)(2), the sources of the information, except that in the case of third-party medical information, the user may withhold the substance of such information if he advises the consumer of his right to have such information disclosed to a licensed physician of his choice and so discloses such information at the request of the consumer. Nothing in this title shall be construed to prevent, or to authorize any user of information to prevent such a physician from subsequently disclosing such third-party medical information to the consumer to whom it relates, except that the source or sources of the information need not be disclosed by such physician if such information would, if reported by a consumer reporting agency, constitute an investigative consumer report.

"(c) Whoever obtains a consumer report from a consumer reporting agency shall certify a specific purpose for which the report shall be used and shall use the report for no other purpose."

WILLFUL NONCOMPLIANCE

SEC. 13. Section 616 of the Fair Credit Reporting Act is amended—

(1) by inserting "and knowingly" after "willfully" in clause (1); and

(2) in paragraph (2) by inserting after "allow" the following: ", except that the liability under this clause shall not be less than $1,000".

NEGLIGENCE

SEC. 14. Section 617 of the Fair Credit Reporting Act is amended—

(1) by inserting "(a)" before "Any"; and

(2) by redesignating clause (2) as clause (3) and inserting after clause (1) the following:

"(2) such additional damages as the court may allow except that, in an individual action, the liability under this section shall not be less than $100 for each violation of this title or each consumer report which contained any item of erroneous information that contributed in whole or in part to the decision to take adverse action against the consumer. For the purpose of this subsection, multiple errors in a single consumer report shall give rise to a single recovery; and"; and

(3) by adding at the end of such section the following new subsections:

"(b) It shall be deemed a rebuttable presumption that whenever a consumer report is furnished and subsequently adverse action is taken by the recipient, any item or erroneous information contained therein contributed to the decision to take such adverse action.

"(c) It shall be deemed a rebuttable presumption of negligence whenever an item of information is subject to reinvestigation under section 611 but not deleted and is later proven erroneous.

"(d) It shall be deemed a defense to any action brought under this section if the defendant shows by a preponderance of evidence that at the time of the violation it was not intentional and resulted from a bona fide error notwithstanding the maintenance of reasonable procedures to assure compliance and avoidance of error."

ADMINISTRATION

SEC. 15. (a) Section 621(a) of the Fair Credit Reporting Act is amended—

(1) by redesignating paragraph (1) as paragraph (2) and inserting the following before such redesignated paragraph:

"(1) The Federal Trade Commission shall prescribe regulations to carry out the purposes of this title. Such regulations may contain such classifications, differentiations, and other provisions, and may provide for such adjustments and exceptions as in the judgment of the Commission are necessary or proper to effectuate the purposes of this title to prevent circumvention or evasion thereof, or to facilitate compliance therewith. Any reference to any requirement imposed under this title or any provisions thereof includes reference to the regulations of the Commission under this title or the provisions thereof in question.";

(2) by inserting after "documents," in paragraph (2) as redesignated the phrase "examination and production of consumer reports and consumer reporting agency files,".

(b) Section 604 of such Act is amended by striking out "A" and inserting in lieu thereof "Except as provided in section 621 (a)(2), a".

(c) Section 608 of such Act is amended by inserting after "604," the following: "and except as provided in section 621(a)(2),".

STATE LAWS

SEC. 16. Section 622 of the Fair Credit Reporting Act is amended by adding at the end thereof the following new sentence: "The Federal Trade Commission is authorized to determine whether such inconsistencies exist. The Commission may not determine that any State law is inconsistent with any provision of this chapter if the Commission determines that such law gives greater protection to the consumer."

EFFECTIVE DATE

SEC. 17. Section 609(d) of the Fair Credit Reporting Act, as added by this Act, shall become effective 60 days after the date of enactment.

By Mr. BAYH (for himself, Mr. Tunney, Mr. Mathias, and Mr. Abourezk):

S. 1841. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph type equipment for certain purposes. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I am today introducing, together with the distinguished chairman of the Subcommittee on Constitutional Rights, Mr. Tunney, Mr. Mathias, and Mr. Abourezk, a bill to bar the use of polygraphs, Psychological Stress Evaluators—PSE—and other mechanical or electrical devices used by the Federal Government or by employers engaged in interstate commerce. Strict limitations of the use of polygraphs have been considered by the Senate on a number of occasions in recent years. Our distinguished former colleague, Mr. Ervin, guided no fewer than five separate bills through the Senate which would have placed some limits on the use of polygraphs by the executive branch. Yet after almost a decade of effort, no legislation has been ultimately successful. I believe, Mr. President, that the Senate has given the issue perhaps more than adequate consideration and that the time is ripe for final action.

My colleague, the distinguished Congressman from New York, Mr. Koch, had introduced a similar bill in the other body, and he reports the likelihood of favorable House action. I might also note, Mr. President, that no Member of the Congress has devoted more of his time and given more thorough study to the entire issue of privacy than has Ed Koch. He should, I believe, be congratulated for his leadership in this area.

Senator Ervin's efforts were successful in convincing the executive branch to voluntarily limit its use of lie detector tests. Under Civil Service Regulations issued in January 1972 the use of these devices was restricted to agencies having intelligence or counterintelligence responsibilities and upon written authorization by the Chairman of the Civil Service Commission. Yet in 1973, almost 7,000 such tests were authorized. This bill bans the use of lie detectors by any Federal agency without exception. I am willing, however, to listen to reasonable arguments as to the need for a very limited use in the intelligence field. The total number of such tests under the present regulations, however, suggests a serious abuse of the very limited exception that might be justified. Accordingly, until I am convinced that the scope of such an exception could be sufficiently restricted, I will propose a total ban.

It is not in the Federal Government, but rather in the commercial world where mass invasion of privacy is taking place by large-scale use of these devices. There are no reliable statistics on the number of lie detector tests given by private examiners for business purposes, but knowledgeable estimates have ranged from a low of 300,000 to a high of 500,000 per year. This bill would, therefore, bar any person engaged in interstate commerce from "permitting, requiring, or requesting" any employee or applicant to take a lie detector test, and it would enforce this prohibition with criminal sanctions.

I should emphasize, Mr. President, that the bill would not in any way impede law enforcement authorities from making use of the investigative tool which a polygraph provides if there is reason to believe that a crime has been committed.

I believe, Mr. President, that the record presented to the Senate over the past decade suggests three essential reasons which justify the legislation we introduce today. First, clear evidence exists as to the questionable reliability of the results of these tests. Second, an analysis of the judicial development of the constitutional right of privacy reveals that the use of lie detector tests poses serious problems under the first, fourth, and fifth amendments, all of which were cited by the Supreme Court in Griswold against Connecticut as constituting the "penumbra where privacy is protected from government intrusion". Third, and equally important to me, is the inherently offensive nature of the polygraph procedure. As to the first two of these three points, I ask unanimous consent to have printed in the Record at this point in my remarks an excellent staff study prepared by the Staff of the Constitutional Rights Subcommittee on the reliability and constitutionality of polygraphs.

There being no objective, the study was ordered to be printed in the Record, as follows:

THE POLYGRAPH TEST: RELIABILITY

The theory behind the polygraph procedure and its results involves physiological responses purportedly related to the act of lying. It is professed that lying causes conflict to arise within the individual subject. The conflict produces fear and anxiety which, in turn, produce physiological changes which the polygraph devices can measure and record. Thus, the assumption underlying the polygraph test is that a uniform relationship exists between an act of deception, certain specific emotions, and various bodily changes.[23]

A typical polygraph examination may contain several features. The subject to be investigated is usually ushered into a waiting room where it is hoped he will avail himself of the favorable polygraph literature left for his attention. His reactions to these readings are often observed by the secretary or receptionist and reported to the examiner prior to his encounter with the subject.[24] The purpose of this conditioning is that the person to be examined carry with him into the test a belief in the reliability, accuracy and even infallibility of the polygraph. Examiners maintain that it is important and helpful in obtaining good responses for an individual to be convinced that his lies will be detected, thus heightening his sensitivity to the questions and the likelihood of clear physiological changes.[25] The "spy" in the waiting room reports to the examiner the degree of skepticism or acceptance exhibited by the subject while reading the polygraph literature. In this way, it is claimed, the examiner can better understand and compensate for all types of recorded responses to his questions.

Still prior to his being connected to the machine, the subject is brought into the testing area, usually a room sparsely decorated and furnished to avoid the presence of outside distractions or stimuli. At this point, some polygraph operators may make use of "two-way" mirrors to further observe the individual's behavior.[26] Then, with the machine in view, the examiner typically conducts a preliminary interview which aids him in assessing the type of person he is dealing with, and in obtaining other knowledge he might deem helpful in his interpretation of the results of the polygraph test.[27] The general questions pertaining to the circumstances being investigated are typically gone over to familiarize the subject with them and to allow the operator the opportunity to alter them where he feels it is necessary to elicit clear, definite responses.[28] The pneumograph tube, measuring respiration, is then placed around the subject's chest, the blood pressure and pulse cuff around his upper arm, and electrodes, which record galvanic skin responses (the change in the electrical conducivity of the skin due to increased skin perspiration) are attached to his hands. The examiner then proceeds with the questioning as he sits behind his control desk watching and marking the recordings of these devices.

How reliable is this process in determining the veracity of an individual? A study conducted at the Massachusetts Institute of Technology concluded:

". . . There exists no public body of knowledge to support the enthusiastic claims of

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operators. There are no publications in reputable journals, no facts, no figures, tables, or graphs. In short, there is nothing to document the claims of accuracy or effectiveness except bald assertions.[29]"

Though studies and experiments to assess the polygraph's effectiveness have been done, even when interpreted favorably, their results seem far from convincing of the polygraph's reliability. In an experiment conducted for the Defense Department, subjects were tested to determine the effect of their faith in the polygraph on the ability of the examiners to detect their lies.[30] The study concluded that a belief in the machine's accuracy did aid the detection of responses under certain types of questioning,[31] but it is significant to note the figures derived for the accuracy of the examiners' interpretations: only 83 percent of the subjects were correctly classified as guilty or innocent in the paradigm used.[32]

Even a study conducted by a large, well-known polygraph firm, yielded results which, when scrutinized, are unsettling. The experiment was set up so that examiners worked independently and solely with the records of polygraph tests.[33] The analyses of the ten examiners, averaged, produced 87.75 percent accuracy in identifying guilty and innocent subjects.[34] The experimenters were quick to point out that the examiners involved in the project did not have the benefit of observing or interviewing the subject so as to "make allowances for a resentful or angry attitude, a condition which could cause an error in interpretation of polygraph records."[35] Further, when figures were calculated separately, experienced examiners achieved an accuracy of 91.4 percent, whereas the accuracy of inexperienced examiners was 79.1 percent.[36] The enthusiasm expressed by supporters of the polygraph for results such as these seems unfounded. Even an eight or nine percent fallibility figure is substantial, and there is admittedly a large degree of subjectivity in the examiner's estimation of the subject's state of mind. The fact that there are no uniform standards or qualifications which require a minimum level of competence for examiners cast their subjective evaluations into even greater doubt.

Polygraph promoters and examiners generally quote a 95 percent accuracy rate for the tests performed in actual, as opposed to experimental situations. They also hasten to add that most errors are made in attaching an innocent label to a guilty individual, a fact they apparently view as comforting. The proponents' statistics are based on test results checked against the future dispositions of the subjects: an admission of guilt, confession to a crime, or the judgment of a jury. Yet even these means of verification are not conclusive. Whether or not a person has lied can never be known beyond any doubt; the confession or jury verdict may, in fact, be false or wrong. The staff, in short, has found no independent means for confirming the results of actual polygraph examinations.[37]

There is an established probability theory, however, which purports to sustain the validity of polygraph results. The theory of conditional probability maintains that, unless a diagnositic instrument has been demonstrated to be completely infallible, the probability that it will be accurate in any one test depends upon the prevalence of the condition being diagnosed in the group being tested.[38] In a group of 1,000 subjects, supposing 25 to be liars, and with a 95 percent accuracy rate assumed for the polygraph, the conditional probability for the lie detector is that for every one true liar, or "employment risk," found, two people will be falsely classified as such.[39]

Another objection to the claims of reliability for the polygraph test centers around the meaning of the physiological responses recorded. In hearings held before the House Foreign Operations and Government Information Subcommittee, chaired by Representative John Moss, experts declared that, given a physiological response under the polygraph test procedure, any of three inferences could be made: either the subject was lying; or he was telling the truth but some emotional factor, such as anger or embarrassment, caused the reaction; or the response was generated by a neurotic pre-condition of the subject.[40] Other less frequent or obvious factors possibly affecting the machine-measured replies include extreme nervousness; physiological abnormalities, such as heart conditions, blood pressure problems, headaches and colds; deep psychological problems; the use of drugs and alcohol; fatigue; simple bodily movements; and even the subject's sex.[41] Thus, the fact that peculiar physiological responses may be caused by physiological factors unrelated to whether the subject is lying casts the validity of these tests into further disrepute.

Furthermore, are there mental activities besides deception that can cause the physical changes recorded by the polygraph? Psychiatric experts state that any situation or stimuli that produced feelings of frustration, surprise, pain, shame, or embarrassment could be responsible for such physiological responses.[41] In fact, humans do respond differently to emotional stresses. No one would claim the physical responses to different people would be the same even under similar stimuli.[43] Nor, for that matter, has there been any relationship proven between lying well as guilt, fear, or anxiety.[44]"

". . . people cannot go through life without some lying, and every individual builds up his own set of responses to the act. Lying can conceivably result in satisfaction, excitement, humor, boredom, sadness, hatred, as well as guilt, fear, and anxiety.[44]"

Negative polygraph result could be obtained because of feelings such as hostility, possessed unconsciously by a mentally-unbalanced subject.[45]

Are there other individual differences which could affect the polygraph? Studies conducted have shown that many individual factors, including skin pigment, may affect the galvanic skin response, heartbeat, and respiratory response measured by the device.[46] In a study conducted for the Air Force to determine the role played by environmental stress in the ability to detect lies,[47] the experimenters unexpectedly discovered another potential problem area. They found that the galvanic skin reactivity of an individual was not predicated only upon environmental or situational circumstances producing increased perspiration and electrical conductivity of the skin. Instead, it appeared that these physical responses differed among individuals, as recorded by the polygraph, in a way not accounted for in the experimenters' predictions. Further investigation seemed to point to biological, racially attributable differences as the reason.[48]

A related problem inherent in the polygraph test pertains to questions of cultural differences. It is generally recognized that values and moralities—honesty and truth—are, in part, culturally acquired; a serious lie in one person's view could, based on a different personal experience and background, be, in another's eye, inconsequential.[49] This throws further suspicion on the validity of a technique which depends upon accepted notions of morality for its value.

If the public were aware of the fallibility of the polygraph, would its effectiveness decrease? An important feature of the examination procedure, as previously explained, is the attempt to convince the subject of the machine's accuracy. Thus, as one authority notes, "Were the machine regarded as capable of error, fear of detection would be reduced, and this lowering of fear would result in diminishing physiological response."[50] One polygraph study concluded that the more a guilty subject could control his own attitudes and answers, the greater the contamination he could produce in the polygraph results; an intelligent subject could often succeed in eluding detection.[51]

What is the examiner's influence in the polygraph procedure and results? Interpretation is the essence of the process, making lie detecting a highly subjective business. Judgments about the subject's attitude and personality, about the composition of questions, and regarding the meanings of the machine's recordings are all made by the examiner. The results presented are solely the assessment of an operator of the lines recorded on the graphs of his machine. The expertise requisite in making such interpretations raises several questions as to the reliability of polygraph reports. Familiarity with several medical specialties and an understanding of clinical and social psychology should be required and expected of examiners; yet, the curriculum should be required and expected of examiners; yet, the curriculum offered by a leading polygraph school, a program lauded by advocates as producing truly reputable examiners, amounts to a mere 244 hours of study with only 14 hours in psychology and 31 hours in "medical aspects."[52] Even the mere possession of an academic degree, unless an advanced one in physiology or psychology, should not be enough qualification.[53] Clearly, the level of most examiner competence across the country, when the finest of the profession receive the minimal training noted here, falls far short of these criteria.

Another consideration is the possibility that examiner bias will be injected into the test. There are examiners who sympathize with the employer who is seeking protection from thieving employees,[54] who believe that most of the people who resist the tests are trying to hide something incriminating,[55] and who maintain that the polygraph is an effective instrument for bringing out a person's compulsion to confess.[56] The chance for an unprejudiced examination and interpretation, with underlying examiner attitudes such as these, greatly diminishes.

With this number of potential trouble-spots involved, doubt must be cast upon the objectivity, accuracy, and reliability of the polygraph test. It has been noted that the acceptance of the machine is the product of circular logic: belief in the device induces confession, and the rate of confessions creates faith in the polygraph's effectiveness.[57] In reality:

"The polygrapth technique only provides measures of various autonomic responses. The stimuli that elicit these responses, the intervening variables (constitutional predisposition, past learning, conscious and unconscious motivation, etc.) and the interpretations made of the resulting graphs are highly complex and are inferences made from more or less incomplete data."[58]

THE POLYGRAPH TEST: CONSTITUTIONALITY

The courts have been embroiled in the polygraph issue for a half-century, contending with questions of reliability and, in related contexts, with the deeper constitutional implications for individual rights. Reservations have been expressed again and again concerning the admissibility of polygraph results as evidence: (1) the jury's role would be undermined by a test purportedly as related to the determination of truth as the polygraph; (2) the test data offered by a defendant couldn't be cross-examined; (3) the problems of assuring that consent to be examined has been completely uncoerced are great; (4) with the polygraph usable as evidence, the presumption of innocence would certainly be damaged by a refusal to take the test; and (5) a polygraph exam could violate the privilege against self-incrimination,[59] as well as other constitutional provisions. These

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last considerations and concerns are also relevant to the use of polygraphs in employment, where this method of investigation threatens to violate the right to privacy possessed by every individual.

The right to privacy is not one of the specific guarantees enumerated in the Bill of Rights. Yet it has been recognized as an implicit right, intended by the Constitution and its framers, a result of the entwinement of express constitutional mandates and necessary to the preservation and viability of these liberties.

In particular, the provisions of the First Amendment have been among those deemed related to the right to privacy. "The right of freedom of speech and press includes . . . freedom of thought . . . Without those peripheral rights the specific rights would be less secure." [60] Freedom in our thoughts and beliefs has been long acknowledged as being within the First Amendment freedom of speech. In *Palko* v. *Connecticut* [61] this point was clearly stated:

"Of that freedom [of thought, and speech] one may say that it is the matrix, the indispensable condition, of nearly every other form of freedom. With rare aberrations a pervasive recognition of that truth can be traced in our history, political and legal. So it has come about that the domain of liberty, withdrawn by the Fourteenth Amendment from encroachment by the states, has been enlarged by latter-day judgments to include liberty of the mind as well as liberty of action. The extension became, indeed, a logical imperative when once it was recognized as long aso as it was, that liberty is something more than exemption from physical restraints . . ." [62]

Freedom of thought, then, has been held to be a fundamental right. In fact the connection between liberty of thought and the right to keep those thoughts private is inescapable.

Griswold v. *Connecticut* [63] is a landmark Supreme Court case upholding the constitutionality of this right of privacy. The Court stated that, along with the other amendments, "the First Amendment has a penumbra where privacy is protected from governmental intrusion." [64]

In a concurring opinion, Justice Goldberg urged that privacy does not have to be inferred from enumerated freedoms. Instead, the Ninth Amendment can be turned to, for it "simply shows the intent of the Constitution's authors that other fundamental personal rights should not be denied such protection or disparaged in any other way simply because they are not specifically listed in the first eight constitutional amendments." [65]

Justice Goldberg went on to say that in deciding what rights are fundamental we must examine our traditions to discover the principles rooted there. In *Griswold*, the controversy revolved around the marriage relationship and the privacy traditionally accorded its intimacies. The Court declared, "We deal with a right to privacy older than the Bill of Rights . . ." [66] Certainly the right to privacy in our minds, to speak or keep silent about our thoughts, is one of the oldest and most basic principles of human individuality and life. Such a valued tradition should not be tampered with for reasons of alleged expediency.

Though the *Griswold* decision focused on the right to privacy as peripheral to First Amendment rights, it was noted that other constitutional guarantees manifest this same purpose:

"The Fourth Amendment explicitly affirms the 'right of the people of be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.' The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment." [67]

Boyd v. *United States* [68] recognized that in questions of privacy the Fourth and Fifth Amendments are closely tied, as explained in a passage from the Court's opinion:

"The principles laid down in this opinion [of Lord Camden] affect the very essence of constitutional liberty and security . . . they apply to all invasions on the part of the government and its employers, of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors and the rummaging of his drawers that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property where that right has never been forfeited by his conviction of some public offense . . . any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of a crime or to forfeit his goods is within the condemnation of that judgment [of Lord Camden]. In this regard the Fourth and Fifth Amendments run almost into each other." [69]

Several of the points made in *Boyd* can be related to the issues of a federal employee's rights, to the nature of the self-incrimination and unreasonable search and seizure protections outside of criminal proceedings. Clearly, the Constitution does not limit these guarantees to a criminal context. In the landmark decision *Miranda* v. *Arizona*,[70] in which guidelines were first set forth for the questioning of suspects to secure the Fifth Amendment protection, the Supreme Court maintained that "the privilege is fulfilled only when the person is guaranteed the right 'to remain silent unless he chooses to speak in the unfettered exercise of his own will' " [71] The Court further noted that, "Today, then, there can be no doubt that the Fifth Amendment privilege is available outside of criminal court proceedings and serves to protect persons in all settings in which their freedom of action is curtailed from being compelled to incriminate themselves." [72]

These tenets of *Boyd* and *Miranda* are indeed relevant to employment situations and polygraph-induced confession even though the purpose of such tests is not to elicit incriminating evidence for a court. Congressional hearings into the use of polygraphs in federal employment determined that:

"The polygraph technique forces an individual to incriminate himself and confess to past actions which are not pertinent to the current investigation. He must dredge up his past so he can approach the polygraph machine with an untroubled soul. The polygraph operator and his superiors then decide whether to refer derogatory information to other agencies or officials." [73]

The concern in *Miranda* was to compensate for the coercive aura of a police station to insure that all precautions are taken so that a suspect does not feel compelled to speak. Where obtaining or retaining a job is dependent upon the taking of a polygraph test, the environment can be just as coercive. Employment is vital to existence and survival in our modern society, and the competition for jobs is great. The submission to polygraph examinations is pre-employment interviews is deemed voluntary, but the knowledge that a refusal will automatically end the employment opportunity undermines this claim. Furthermore, the onus of guilt, of hiding potentially damaging revelations that accompanies a refusal to be tested by a polygraph further reduces the voluntary aspect. Many job offers are conditioned upon an agreement to submit to future polygraph tests, entirely eliminating any element of choice. For a person seeking or obtaining a job to be coerced to reveal private knowledge, thoughts, and beliefs would appear repugnant to Supreme Court cases which recognize the constitutional rights of employees.[74] The price of gaining employment must not be a surrendering of civil liberties.

The polygraph examiner's questions themselves can be extremely coercive resulting from "the subject's defensive willingness to elaborate on his answers because he fears that unless he reveals all the details, the machine will record that he is lying even when his basic story is true." [75] Freedom from being compelled to make self-incriminating disclosures, a part of every citizen's right to privacy, should be applicable to a business setting, expecially where polygraphs are in use, for, as one commentator summarizes:

". . . the nature of an employer's inquiries about past deeds and guilt is often indistinguishable from criminal interrogation. Moreover, the loss of personal liberty or property which would result from a criminal conviction is often no more significant than the denial of livelihood which may result from compelled testimony concerning past and present activities, associations, and even beliefs during preemployment or promotion screening via personality and polygraph testing.[76]"

Another matter germane to the self-incrimination discussion is the question of how the responses elicited by the polygraph machine and examiner are characterized. In response to the growing complex of investigative techniques available for the identifying of a suspect in a criminal case, a distinction has emerged between physical as opposed to communicative evidence. Thus, a person may be compelled to provide a sample of his handwriting,[77] to speak,[78] or to exhibit his body for identification,[79] but he may not be expected to be a source of testimonial evidence against himself. In *Schmerber* v. *California*,[80] in which the Court held that the taking of a blood sample over petitioner's objections did not violate constitutional requirements, the polygraph was discussed in relation to the difficulties inherent in the process of separating physical evidence from communications. The opinion noted:

"Some tests seemingly directed to obtain 'physical evidence,' for example, lie detector tests measuring changes in body function during interrogation, may actually be directed to eliciting responses which are essentially testimonial. To compel a person to submit to testing in which an effort will be made to determine his guilt or innocence on the basis of physiological responses, whether willed or not, is to evoke the spirit and history of the Fifth Amendment." [81]

The technique applied to extract information from an individual must also be weighed against Fourth Amendment considerations. Methods for obtaining evidence, though in theory permissible, must, the Court has held, adhere to other principles as well as strict constitutional ones. In *Rochin* v. *California*,[82] the Court deemed it proper to refer to the sense of the community in determining whether drugs obtained from a forced stomach pumping could be used to achieve a conviction. The opinion concluded that "conduct that shocks the conscience" must be prohibited: "They are methods too close to the rack and the screw to permit of constitutional differentiation." [83]

The Fourth Amendment protection against unreasonable searches and seizures does not apply merely to criminal matters. "It is surely anomalous to say that the individual and his private property are fully protected by the Fourth Amendment only when the individual is suspected of criminal behavior." [84] In dissenting from a 1928 opinion upholding the constitutionality of wiretaps, Justice Brandeis, gazing into the future, predicted and worried that:

"Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts and emotions.. Can it be that the Constitution affords no protection against such invasions of individual security? [85]

Footnotes at end of article.

The Fourth Amendment has now been recognized as applying to more than simple physical trespass.[86] Electronic listening devices,[87] police "stop-and-frisk" procedures,[88] the taking of fingernail scrapings,[89] all have come under its purview. The retention of an individual's privacy, in the face of ever increasing odds against it, is obviously a significant concern. Courts have found it to be their legitimate duty to protect this fundamental principle, as set forth in *Mapp* v. *Ohio:*[90]

"We find that as to the federal government, the Fourth and Fifth Amendments and, as to the states, the freedom from unconscionable invasions of privacy and the freedom from convictions based on coerced confessions do enjoy an "intimate relation" in their perpetuation of "principles of humanity and civil liberty [secured] only after years of struggle."[91]

In the staff's view, polygraphs used in employment indisputably fall within the areas of constitutional concern presented here. To many knowledgeable commentators the relationship is evident.[92] To be probed and questioned so deeply, to be expected to reveal personal attitudes and beliefs under conditions such as those imposed by polygraph testing, is to be subjected to searches and seizures that are unreasonable, to coerced self-incrimination, to loss of civil liberties that amount to a true invasion of privacy.

FOOTNOTES

[23] *Ibid.*, pp. 699–700.

[24] *Ibid.*, p. 704.

[25] *Ibid.*, p. 705.

[26] ACLU Report, p. 4.

[27] Skolnick, *op. cit.*, pp. 704 and 705.

[28] ACLU Report, p. 5.

[29] Burkey, *op. cit.*, p. 81.

[30] Martin T. Orne and Richard I. Thackery, "Methodological Studies in Detection of Deception," distributed by the Clearinghouse for Federal Scientific and Technical Information, Dept. of Commerce.

[31] *Ibid.*, summary.

[32] *Ibid.*

[33] Frank S. Horvath and John E. Reid, "The Reliability of Polygraph Examiner Diagnosis of Truth and Deception," *The Journal of Criminal Law, Criminology and Police Science*, vol. 62, 1971, p. 276.

[34] *Ibid.*, p. 278.

[35] *Ibid.*, p. 281.

[36] *Ibid*, p. 278.

[37] Skolnik, *op. cit.*, p. 699.

[38] *Ibid.*, p. 715.

[38] *Ibid.*, p. 715.

[39] *Ibid.*, pp. 717–718.

[40] Hearings, pp. 10–11

[41] *Ibid.*, pp. 12–13.

[42] H. B. Dearman, M.D. and B. M. Smith, Ph.D., "Unconscious Motivation and the Polygraph Test," *The American Journal of Psychiatry*, May 1963, p. 1019.

[43] Skolnick, *op. cit.*, p. 701.

[44] *Ibid.*, p. 700.

[45] Dearman and Smith, *op. ct.*, pp. 1017-1018.

[46] Equal Employment Opportunity Commission brief related in *Circle K. Corp.* v. *EEOC.*, U.S. Ct. of Appeals, 10th Circuit, case No. 72–1967, p. 8 (hereinafter cited as EEOC brief).

[47] S. Kugelmass, "Effect of Three Levels of Realistic Stress On Differential Psychological Reactivities," report for the Air Force Office of Scientific Research.

[48] *Ibid.*, pp. 22–23.

[49] EEOC, brief, p. 7.

[50] Skolnick, *op. cit.*, p. 705.

[51] Joseph F. Kubis, "Studies In Lie Detection," report for the Air Force Systems Command, N.Y. June 1962.

[52] Skolnick, *op. cit.*, p. 707.

[53] Burkey, *op. cit.*, p. 87.

[54] Pete J. Perras, "Polygraph Invaluable Tool," *The Charlotte Observer*, July 6, 1971.

[55] Franklin, *loc. cit.*

[56] *Ibid.*

[57] *Ibid.*

[58] Dearman and Smith, *op. cit.*, p. 1019.

[59] Howard S. Altarescu, "Problems Remaining for the 'Generally Accepted' Polygraph," 53 Boston Univ. L. Rev. 375 (1973), p. 376.

[60] *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), pp. 482–483.

[61] 302 U.S. 319 (1937).

[62] *Ibid.*, p. 327. For other related discussions see *Abrams* v. *U.S.*, 250 U.S. 616 (1919), Holmes dissent; *Whitney* v. *California*, 274 U.S. 357 (1927), Brandeis concurrence.

[63] 381 U.S. 479 (1965).

[64] *Ibid.*, p. 483.

[65] *Ibid.*, Goldberg concurrence, p. 492. For another discussion of privacy see *Poe* v. *Ullman*, 367 U.S. 497 (1961), Harlan dissent.

[66] *Ibid.*, p. 486.

[67] *Ibid.*, p. 484.

[68] 116 U.S. 616 (1885).

[69] *Ibid.*, p. 630.

[70] 384 U.S. 436 (1966).

[71] *Ibid.*, p. 460, quoting *Malloy* v. *Hogan*, 378 U.S. 1 (1964).

[72] *Ibid.*, p. 467.

[73] Hearings, pp. 19–20.

[74] See *Slochower* v. *Board of Education*, 350 U.S. 551 (1955); *Garrity* v. *New Jersey*, 885 U.S. 493 (1966); *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967).

[75] ACLU Report, p. 35.

[76] Hermann, *op. cit.*, p. 131.

[77] *Gilbert* v. *California*, 388 U.S. 263 (1967).

[78] *U.S.* v. *Dionisio*, 93 S. Ct. 764 (1973).

[79] *U.S.* v. *Wade*, 388 U.S. 218 (1967).

[80] 384 U.S. 757 (1966).

[81] *Ibid.*, p. 764.

[82] 342 U.S. 165 (1952).

[83] *Ibid.*, p. 172.

[84] *Camara* v. *Municipal Court*, 387 U.S. 523 (1966), p. 530.

[85] *Olmstead*, Brandeis dissent, p. 474.

[86] *Katz.* v. *U.S.*, 389 U.S. 347 (1967).

[87] *Ibid.*

[88] *Terry* v. *Ohio*, 392 U.S. 1 (1968).

[89] *Cupp v. Murphy*, 412 U.S. 291 (1973).

[90] 367 U.S. 643 (1961).

[91] *Ibid.*, p. 657, quoting *Bram* v. *U.S.*, 168 U.S. 532 (1897).

[92] See ACLU Report and Hermann.

Mr. BAYH. Finally, it is not mere rhetoric, Mr. President, but a painful fact that the procedures used in taking polygraphs far too strikingly resemble something from George Orwell's "1984." The prospective job applicant or employee is situated in a waiting room to be observed through a one-way mirror by the examiner who attempts to ascertain the individual's initial reaction to the entire procedure. A polygraphist enters and proceeds to ask seemingly innocuous control questions which assist him in determining the type of individual he is dealing with. At the appropriate time, the pneumograph tube—to measure respiration—is placed about the subject's chest, the blood pressure cuffs—sphygmometer—are secured around the upper arms and electrodes are attached to the arms and hands. Tension is accentuated because a job and future, and much more, are at stake. I do not believe, Mr. President, that any American should be subjected to this degrading procedure.

I ask unanimous consent that the conclusions of the subcommittee staff study, together with the text of the bill be printed in the RECORD.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

THE POLYGRAPH TEST: CONCLUSIONS

A congressional subcommittee has concluded:

"There is no 'lie detector,' neither machine nor human. People have been deceived by a myth that a metal box in the hands of an investigator can detect truth or falsehood."

But whether or not the polygraph is a myth, it seems clear that it is here to stay. And, given modern ingenuity, it is not unreasonable to expect that new techniques and devices will be devised in an attempt to facilitate determining honesty. There are, in fact, some already in use. The "wiggle seat" is a new contraption for lie detecting derived from the original polygraph. It, too, measures and records physiological changes due to heart action and a person's nervous movements, but with an added advantage over the polygraph. The wiggle seat's sensing is mounted in an ordinary office chair. A subject sitting in the chair has his mechanical energy changed to electrical energy which is broadcast to hidden recording instruments. Thus, the response detection can go on completely without the subject's knowledge.

Another type of examination that is gaining acceptance in American business is the Psychological Stress Evaluator (PSE).[116] The PSE registers the FM vibrations in a person's voice. The premise is that under stress the FM modulation is altered due to mouth and throat tightening. A graphic picture of the voice's modulations is made, and the presence and absence of stress are judged according to the character of the markings. The obtaining of the conversation to be assessed can be done secretively with the use of hidden tape recorders. The questions posed by this method are the same as those that critics of the polygraph have been raising, and proponents have been trying to refute, for years. Can the stress in a person's voice be directly attributed to lying? Can the evaluator objectively and accurately detect lies from physiological recordings of the voice? What of the constitutional problems of testing a speaker without his knowledge, so easily accomplished by the PSE technique?

These two innovations indicate that rather than being curtailed, use of the polygraph is being expanded, particularly in private business. Attitudes of employers, insofar as polygraph testing is concerned, are characterized in the following: "If a person refused to take the test, we probably wouldn't hire him."[117] "I use the polygraph because I got tired of playing God. It's hard to tell things by looking at people."[118] Even a U.S. Court of Appeals has lent its approval to polygraph testing:

"A statement challenged on the ground that it was obtained [from a polygraph examination administered to petitioner as a part of a hiring procedure] as the result of economic sanctions must be rejected as involuntary only where the pressure reasonably appears to have been of sufficiently appreciable size and substance to deprive the accused of his "free choice to admit, to deny, or to refuse an answer" . . . But the threat of discharge for a job as a driver's assistant, which Sanney had held for one or two days, can hardly be labelled a "substantial economic sanction" rendering his statement involuntary."[119]

These comments indicate that if polygraphs are here to stay, so, in fact, are the constitutional problems inherent in their use.

The right to privacy is basic to the American way of life and recognized as inherent in and guaranteed by the constitutional provisions of the First, Fourth and Fifth Amendments. The federal government ordinarily strives to curtail and prevent infringements of individual rights such as these. But the polygraph, as a tool of public and private

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employers, clearly demands more attention. Compulsory submission to a polygraph test is an affront to the integrity of the human personality that is unconscionable in a society which values the retention of individuals' privacy. Employers have a multitude of less objectionable resources at their disposal for investigating applicants' backgrounds and employees' performances. Expediency is not a valid reason for pitting individuals against a degrading machine and process that pry into their inner thoughts. Limits, beyond which invasions of privacy will not be tolerated, must be established. The Congress should take legislative steps to prevent Federal agencies as well as the private sector from requiring, requesting, or persuading any employee or applicant for employment to take any polygraph test. Privacy is a fundamental right that must be protected by prohibitive legislation from such unwarranted invasions.

FOOTNOTES

[116] Fred P. Graham, "Lie Detecting By a Voice Is Center of Controversy," *New York Times*, June 5, 1972, p. 1.

[117] Bill Bradley of Eckerd Corp. quoted in "To Catch A Thief," *Newsweek*, Sept. 23, 1974, p. 80.

[118] St. Petersburg, Fla. Chevrolet dealer quoted in "To Catch A Thief," *Newsweek*, *Ibid.*

[119] From a Court of Appeals opinion, *Sanney* v. *Montanye*, 6/20/74, reported in *The United States Law Week*, 43 LW 2027, 7-23-74.

S. 1841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 13, of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 246. Polygraph testing in connection with employment

"(a) For purposes of this section, the term—

"(1) 'polygraph test' means an examination administered to an individual by mechanical or electrical means to measure or otherwise examine the veracity or truthfulness of such individual; and

"(2) 'employee organizations' includes any brotherhood, council, federation, organization, union, or professional organization made up in whole or in part of employees and which has as one of its purposes dealing with departments, agencies, commissions, independent agencies of the United States, or with businesses and industries engaged in or affecting interstate commerce, concerning the conditions and terms of employment of such employees.

"(b)(1) Any officer or employee or person acting for or on behalf of the United States who willfully—

"(A) permits, requires, or requests, or attempts to require or request, any officer or employee of the United States, or any individual applying for employment as an officer or employee of the United States, to take any polygraph test in connection with his services or duties as an officer or employee, or in connection with such individual's application for employment; or

"(B) denies employment to any individual, or discharges, disciplines, or denies promotion to any officer or employee of the United States, or threatens to commit any such act by reason of his refusal or failure to submit to such requirement or request,

shall be guilty of a misdemeanor and punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

"(2) Any person engaged in any business or other activity in or affecting interstate commerce, or any individual acting under the authority of such person who willfully—

"(A) permits, requires, or requests, or attempts to require or request any individual employed by such person or any individual applying for employment in connection with such business or activity to take any polygraph test in connection with his services or duties or in connection with his application for employment; or

"(B) who denies employment to any individual, or discharges, disciplines, or denies promotion to any individual employed in connection with such business or activity, or threatens to commt such act by reason of his refusal or failure to submit to such requirement or request,

shall be guilty of a misdemeanor and punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

"(c)(1) Whenever—

"(A) any officer or employee or any person acting for or on behalf of the United States, or

"(B) any person engaged in any business or other activity in or affecting interstate commerce, or any individual acting under the authority of such person,

violates or threatens to violate any of the provisions of subsection (b) of this section, any employee or officer of the United States, or any person applying for employment in the executive branch of the United States Government, or any individual seeking to establish civil service status or eligibility for employment in the United States Government, or any individual applying for employment in connection with any business or activity engaged in or affecting interstate commerce, or any individual employed by a person engaged in such business or activity, who is affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or employee or person in the United States District Court for the district in which the violation occurs or is threatened, or for the district in which the offending person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation.

"(2) The district courts of the United States shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation.

"(3) With the written consent of any person affected or aggrieved by a violation or threatened violation of subsection (b) of this section, any employee organization may bring such action on behalf of any such person, or may intervene in such action."

(b) The analysis of chapter 13 of such title is amended by adding at the end thereof the following new item:

"246. Polygraph testing in connection with employment."

Sec. 2. The amendments made by this Act shall become effective thirty days after the date of enactment.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 334

At the request of Mr. Hathaway, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 334, a bill to prohibit sex discrimination by educational institutions whose primary purpose is the training of individuals for the military service of the United States.

S. 1000

At the request of Mr. Hugh Scott (for Mr. Magnuson), the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 1000, a bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition.

S. 1153

At the request of Mr. Mondale, the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of S. 1153, the Truth in Contributions Act.

S. 1625

At the request of Mr. Packwood, the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Hollings), and the Senator from North Carolina (Mr. Morgan) were added as cosponsors of S. 1625, a bill to extend and revise the State and Local Fiscal Assistance Act of 1972.

S. 1776

At the request of Mr. Hugh Scott, the Senator from Montana (Mr. Mansfield) was added as a cosponsor of S. 1776, a bill to authorize the Secretary of the Interior to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania, and for other purposes.

S. 1801

At the request of Mr. Taft, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1801, a bill to provide an alternative plan for providing essential rail services to the Midwest and Northeast regions of the United States, to modernize certain railroad procedures, and for other purposes.

SENATE RESOLUTION 158

At the request of Mr. Packwood, the Senator from Alaska (Mr. Stevens), the Senator from Michigan (Mr. Philip A. Hart), the Senator from Iowa (Mr. Culver), the Senator from Kentucky (Mr. Ford), and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of Senate Resolution 158, a resolution to express the sense of the Senate that the income tax rebates should not be subject to State income tax.

SENATE JOINT RESOLUTION 63

At the request of Mr. Percy, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of Senate Joint Resolution 63, to authorize the President to designate the period from June 8, 1975, through June 15, 1975, as "National Wheelchair Athletes' Week."

SENATE RESOLUTION 172—ORIGINAL RESOLUTION REPORTED RELATING TO THE PAYMENT OF WITNESS FEES

(Place on the Calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 172

Resolved, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $35 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination, in no case to exceed 35 cents a mile for the distance actually traveled by him for the purpose of appearing as a witness if such distance is not more than six hundred miles or 20 cents a mile if such distance is more than six hundred miles.

AMENDMENTS SUBMITTED FOR PRINTING

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS—S. 1247

AMENDMENT NO. 499

(Ordered to be printed and to lie on the table.)

TRANSFER OF SURPLUS ARMY LAND TO AUGUSTA COLLEGE

Mr. NUNN. Mr. President, this amendment is identical to S. 3831, which I submitted on July 30, 1974. It authorizes the transfer of a 5-acre parcel of land from the Department of the Army to Augusta College in Augusta, Ga. The distinguished senior Senator from Georgia, Senator TALMADGE, joins me as a cosponsor of this amendment. Congressman ROBERT STEPHENS, who represents Georgia's 10th Congressional District, and Congressman JACK BRINKLEY, who represents Georgia's Third Congressional District, have introduced legislation in the House of Representatives as H.R. 4018 to accomplish this transfer.

The purpose of this amendment is to facilitate the transfer of the land which is desired by both parties to the transaction. Provision is made in this measure for the payment of full market value. There are no other competing claims to the land, and no objections to the conveyance have been voiced from any quarter. By authorizing the Secretary of the Army to make the transfer directly to the board of regents of the University of Georgia for Augusta College, the bill is merely intended to simplify, accelerate, and assure completion of the transfer.

This amendment represents the completion of a process of negotiation and cooperation which goes back nearly 4 years when the first request by the college for the Army site adjacent to the school was made. In fact, the story begins nearly 20 years ago.

At that time, in 1955, about 70 acres of property occupied by the Augusta Armory was declared surplus by the Army and acquired by the Richmond County Board of Education. Excluded from that transaction by the Army were approximately 5 acres at a corner of the tract. On this land in 1957 the Army built the present U.S. Reserve Armory, which has since served as a reserve training center.

In 1958 the board of education transferred the main body of the armory property to the board of regents of the University of Georgia for use by Augusta College. That same year Augusta College, then a small junior college with a history dating back to 1783, became a unit of the State university system.

The college and its new site underwent a remarkable growth and development in the succeeding 15 years. The college was transformed from a junior college into a senior institution offering, first, a baccalaureate program and, subsequently, graduate programs as well. Enrollment grew from less than 450 students in 1958 to over 4,000 students in 1975, drawn from throughout the Central Savannah River area of Georgia and South Carolina. The State of Georgia spent over $10 million to refurbish existing structures and add new facilities, developing a campus which today has a replacement value of over $30 million. In short, in a decade and a half, Augusta College has grown nine fold into a truly important community asset and a valuable State facility serving a broad and expanding area as an essential educational resource.

Anticipating that continued growth could push enrollment beyond the 6,000 mark by 1980 and recognizing that property for expansion was virtually nonexistent in the college's land-locked residential area, Augusta College officials first turned to the Army for help with its expansion in 1971. The college asked that the adjacent 5 acre armory and training center site be transferred to it to help relieve the space problems.

The Army was sympathetic to the college request. In fact, it was finding the 5-acre site smaller than it needed for its own expansion plans for the training center, but it had no suitable alternate site available. Thus began a cooperative effort extending to the present to find a mutually acceptable solution to the joint problem of relocation.

I do not intend to recount the efforts that have been required over the last 4 years to find the happy answer. Suffice it to say that it has been found through the determined efforts of the college under its able president, Dr. George Christenberry; through the unstinting cooperation of the Army, locally and in Washington; through the understanding and support of local and State officials and the assistance of Federal agencies; and with a boost where needed from the distinguished Senator from Georgia, Senator TALMADGE, from our esteemed colleague from South Carolina, Senator THURMOND, Congressman STEPHENS, Congressman BRINKLEY, and my own office.

The Army now has a fine site in Augusta on which to relocate its expanded reserve training center. Augusta College is moving ahead with plans to utilize the present site, and the transfer has been endorsed by all interested parties. The board of regents of the University System of Georgia has committed itself to expend funds to purchase the tract of land from the Army whenever congressional approval is obtained.

Hence, the next step required is enactment of the authorizing legislation I am submitting today. I recommend passage of this amendment as consonant with the best interests of the Department of Defense, the University System of Georgia, Augusta College and Richmond County, Ga., residents. I hope that the legislative wheels will roll smooothly and rapidly to passage so that we may soon set the seal of Federal approval on this fine example of cooperation, civilian and military, local, State and Federal.

Mr. President, I ask unanimous consent that this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 499

At the end of the bill, insert the following:

TITLE IX

SEC. 901. The Secretary of the Army is authorized and directed to convey to the Board of Regents of the University System of Georgia, subject to the provisions of this Act, all of the right, title, and interest of the United States in and to a parcel of land, with improvements thereon, lying and being situated in Richmond County, city of Augusta, State of Georgia, more particularly described as follows:

Beginning at a chiseled X in concrete at the intersection of the south line of Walton Way with the west line of Katherine Street; thence along the west line of Katherine Street, south 02 degrees 27 minutes 55 seconds west 288.29 feet to a point 1 foot south of a cyclone fence; thence along a line 1 foot south of and parallel to a cyclone fence, north 85 degrees 31 minutes 15 seconds west 227.32 feet to a point 1 foot east of a cyclone fence; thence along a line parallel to and 1 foot east of a cyclone fence, south 04 degrees 19 minutes 50 seconds west 233.05 feet to a point; thence along a line 1 foot south of and parallel to a cyclone fence, north 85 degrees 19 minutes 27 seconds west 305.74 feet to a point 0.60 foot west of a cyclone fence; thence along a line parallel to and 0.60 foot west of a cyclone fence, north 04 degrees 59 minutes 48 seconds east 520.23 feet to a concrete monument on the south side of Walton Way; thence along the south side of Walton Way, south 85 degrees 30 minutes 15 seconds east 517.62 feet to the point of beginning, and containing 5.09 acres, more or less.

SEC. 2. The conveyance authorized by this Act shall be made upon payment to the United States of not less than the appraised fair market value of the land and the improvements thereon, as determined by the Secretary of the Army, or the sum of $662,000, whichever is the greater, and upon such terms, conditions, reservations, and restrictions as the Secretary of the Army shall deem necessary to protect the interests of the United States.

SEC. 3. The money received by the United States for the lands conveyed under this Act shall be credited to a special account in the Treasury and shall be available, without fiscal year limitation, for the construction of a United States Army Reserve Training Center on lands owned by the United States at the intersection of Jackson and Wrightsboro Roads, Augusta, Georgia.

SEC. 4. The cost of any surveys necessary as an incident to the conveyance authorized by this Act shall be borne by the Board of Regents of the University System of Georgia.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT—S. 920

AMENDMENTS NOS. 500 AND 501

(Ordered to be printed and lie on the table.)

Mr. PROXMIRE submitted two amendments intended to be proposed by him to the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

AMENDMENTS NOS. 502 AND 503

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted two amendments intended to be proposed by him to the bill (S. 920), supra.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 488

At the request of Mr. Hathaway, the Senator from Massachusetts (Mr. Kennedy) and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of amendment No. 488, relating to the eligibility, appointment, and admission to service academies of women, intended to be proposed to the bill (S. 920), the Defense Department Authorization Act.

NOTICE OF HEARINGS BEFORE THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, this Friday, June 6, the Committee on Banking, Housing and Urban Affairs will hold hearings on a bill to amend and extend the Defense Production Act of 1950. As I believe my colleagues are aware, it has been customary to review and renew this act every 2 years. The bill under consideration in both Houses this year would also improve the procedural safeguards for the granting of antitrust immunity when the President asks firms to cooperate to meet certain emergencies. The hearings will address this aspect of the bill in particular.

The Defense Production Act provides the authority for a number of preparedness and mobilization programs relating to our industrial base. In hearings last month before the Joint Committee on Defense Production, we discovered that certain of these programs have encountered difficulties in recent years. Remedial action is being taken, however, and the act remains sound in principle and intent.

The hearings will begin at 10 a.m. on June 6 in room 5302 of the Dirksen Senate Office Building.

Witnesses scheduled to testify are:

General Leslie W. Bray, Jr., Director of Preparedness, GSA; Mr. Joe Sims, Special Assistant to the Assistant Attorney General, Antitrust Division, Department of Justice; Mr. James T. Halverson, Director, Bureau of Competition, Federal Trade Commission; John Lamont, Esq., of Lobel, Novins and Lamont.

NOTICE OF POSTPONEMENT OF HEARING

Mr. CHURCH. Mr. President, I wish to announce, for the information of the Senate and the public, the postponement of a hearing scheduled for June 3 before the Energy Research and Water Resources Subcommittee of the Senate Interior Committee.

The subject matter of the hearing involved the utilization of coal and associated coal technologies in the development of a synthetic fuels program.

NOTICE OF COMMITTEE MARKUP SESSION

Mr. CHURCH. Mr. President, I wish to announce for the information of the Senate and the public the scheduling of a markup session before the Subcommittee on Energy Research and Water Resources of the Senate Interior Committee for June 9, 1975.

The subcommittee will continue its markup of S. 598, the Energy Research and Development Administration's authorization bill. The markup will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, in accordance with the rules of the Senate Interior and Insular Affairs Committee, I wish to advise my colleagues and the public that the following hearings have been scheduled before the committee for the next 2 weeks:

June 4.—Minerals, Materials and Fuels Subcommittee: 10 a.m., room 3110—Hearing Mineral Resources of the Deep Seabed and status report on the Law of Sea Conference.

June 5.—Full Committee: 10 a.m., room 3110—Business Meeting—Pending calendar business.

June 5.—National Fuels and Energy Policy Study and Public Works Committee: 10 a.m., room 4200—Hearing—S. 1777, coal conversion bill.

June 6.—Indian Affairs Subcommittee: 10 a.m., room 3110—Hearing—S. 887, Zuni land bill and S. 540, Indian land and Garrison Dam.

June 9.—Full Committee: 10 a.m., room 3110—Business Meeting—Pending calendar business.

June 9.—Energy Research and Water Resources Subcommittee: 2 p.m., room 3110—Business Meeting—Continuation of markup on S. 598. ERDA authorization bill.

June 10.—National Fuels and Energy Policy Study and Public Works Committee: 10 a.m., room 3110—Hearing—S. 1777, Coal Conversion bill.

June 11.—National Fuels and Energy Policy Study and Public Works Committee: 10 a.m., room 3110—Hearing—S. 1777, Coal Conversion bill.

June 12.—Energy Research and Water Resources Subcommittee: 10 a.m., room 3110—Hearing—Oversight hearing on San Juan Chama Project.

June 12.—National Fuels and Energy Study and Public Works Committee: 10 a.m., room 4200—Hearing—S. 1777, Coal Conversion bill.

June 13.—Full Committee: 10 a.m., room 3110—Hearing—S. 740, Energy Production Board.

June 16.—Energy Research and Water Resources Subcommittee: 10 a.m., room 3110—Hearing—Information hearing on oil shale research and development.

NOTICE OF HEARING

Mr. ALLEN. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold a hearing tomorrow, June 3, on S. 18, to prevent the importation of the African/Brazilian honeybee. The hearing will be in room 324, Russell Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

MOYNIHAN ON THE THIRD WORLD

Mr. PROXMIRE. Mr. President, I would like to recommend to my colleagues in the Senate a recent article by Mr. Daniel P. Moynihan entitled "The United States in Opposition." The article appeared in the March issue of Commentary and was reprinted in the June issue of the Reader's Digest.

Mr. Moynihan, in this article, deals completely and incisively with the role of the United States and the United Nations vis-a-vis third world countries. His precision of argument and insight into world history combine to address and effectively dispel current popular myths about the third world. He argues what role the United States should assume in its dealings with less developed countries, and presents international insights worthy of note in this Chamber.

Mr. President, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The United States in Opposition

(By Daniel P. Moynihan)

"We are far from living in a single world community," writes Edward Shils, "but the rudiments of a world society do exist." Among those rudiments, perhaps the most conspicuous, if least remarked, are the emerging views as to what kind of society it is. A measure of self-awareness has appeared, much as it did for smaller politics in earlier times. These assessments tend at the international level to be as diverse as those commonly encountered concerning national societies, or local ones. Some will think the society is good and getting better; others will see it as bad and getting worse. Some want change; some fear it. Where one sees justice, another sees wrong.

The notion of a world society is nothing new to Americans. It dominated the rhetoric of World War II, of the founding of the United Nations, of much of the cold war. It is now a received idea, and its impress may be measured by the success with which advocates have found audiences for issues defined in international terms: the world environmental problem; the world population problem; the world food problem. Not a generation ago, these were national issues at most.

Much of this internationalist rhetoric is based on things real enough. There is a world ecology; there *is* a world economy; and some measures important to individual countries can only be obtained through international accord. Thus the concept of interdependence has become perhaps the main element of the new consciousness of a world society. This is a valid basis on which to posit the existence of a society; it is almost a precondition of a society's coming into being.

Yet societies rarely stop at the acknowledgement of the need for cooperation which is implied by the term interdependence. The image of a society as a family is a common one, and with reason, for in both cases the idea of cooperation is frequently supplemented or even supplanted by the idea of obligation. What does one member *owe* another? This is something new in international pronouncements. If one were to characterize the discomfiture and distress with which Americans responded to the events of the 29th General Assembly of the United Nations in 1974, some measure would have to be attributed to the discovery that a vast majority of the nations of the world feel there are claims which can be made on the wealth of individual nations that are both considerable and threatening—in any event threatening to countries such as the United States which regularly finds itself in a minority (often a minority of one or two or at most a half-dozen) in an assembly of 138 members.

The tyranny of the UN's "new majority" has accordingly been deplored, and there has been much comment that whereas opposition to the United Nations was once a position of "conservatives" in the United States, it is increasingly one of "liberals" also. Yet while there have been some calls to boycott the General Assembly, or not to vote on it, there have been but few calls for withdrawal from the United Nations. It is almost as if American opinion now acknowledged that there was no escaping involvement in the emergent world society. All the more reason, then, for seeking to understand what has been going on.

(NOTE.—Daniel P. Moynihan has just returned to Harvard after two years as the United States Ambassador to India. Among the many other positions he has held in government service, he was a member of the United States delegation to the 26th United Nations General Assembly. Mr. Moynihan's books include *Maximum Feasible Misunderstanding, The Politics of a Guaranteed Income, Coping,* and (with Nathan Glazer) *Beyond the Melting Pot.*)

I

Now, of course, a lot is going on, and no single element dominates. Yet it may be argued that what happened in the early 1970s is that for the first time the world felt the impact of what for lack of a better term I shall call the British revolution. That is the revolution which began in 1947 with the granting by socialist Britain of independence to socialist India. In slow, then rapid order the great empires of the world—with the single major exception of the Czarist empire—broke up into independent states; the original membership of the United Nations of 51 grew to 138. These new nations naturally varied in terms of size, population, and resources. But in one respect they hardly varied at all. To a quite astonishing degree they were ideologically uniform, having fashioned their polities in terms derived from the general corpus of British socialist opinion as it developed in the period roughly 1890–1950. The Englishmen and Irishmen, Scotsmen and Welsh, who created this body of doctrine and espoused it with such enterprise—nay, genius—thought they were making a social revolution in Britain. And they were. But the spread of their ideology to the furthest reaches of the globe, with its ascent to dominance in the highest national councils everywhere, gives to the British revolution the kind of worldwide significance which the American and French, and then the Russian, revolutions possessed in earlier times.*

From the perspective of their impact on others, the American and French revolutions can be treated as a single event. They were not of course identical in themselves, and profoundly important distinctions can be made between them. But these distinctions were little noted in the political rhetoric of the century that followed, or in the forms of government fashioned in the likeness of this rhetoric, or in the goals of governments so fashioned. Men sought a constitutional regrime which disestablished ancient privilege, guaranteed liberties, and promoted the general welfare through which came to be known as liberal social policies. Liberalism was at first characterized by the opposition to state intervention in economic affairs, and later by the advocacy of such intervention, but the intervention in question was a fairly mild business, it being no liberal's view that the state was an especially trusthworthy servant of the citizen. The citizen, as liberals viewed the world, was a very important person, especially pershaps if he tended to clean linen.

The Russian revolution of 1917 brought into existence a regime even more dramatically different from the predecessors than had the liberal regimes of a century earlier been from theirs. Everything, it was understood, had changed. Those who would change everything, or who believed that, like it or not, everything was going to change, rallied to this rhetoric. As for the rest of the world, it came soon enough to know that a wholly extraordinary event had occurred, even that the future had occurred. For three decades, culminating in the triumph of Communist arms in China in 1948, this was quite the most vivid, and the most attended to, movement in the world.

The British revolution of the second quarter of the 20th century attracted no such attention. Everyone certainly recognized that new states were coming into existence out of former European, and indeed mostly British, colonies, but the tendency was to see them as candidates for incorporation into one or the other of the older revolutionary traditions then dominant elsewhere in the world. It was not generally perceived that they were in a sense already spoken for—that they came to independence with a preexisting, coherent, and surprisingly stable ideological base which, while related to both the earlier traditions, was distinct from both. This most likely accounts for the almost incurious initial reaction in what would soon be known as the First and Second Worlds. In the Republic of India the United States could see democracy; the Soviets could see socialism. In truth, a certain Hegelian synthesis had occurred. On the one hand, the Minimal State of the American revolution; in response, the Total State of the Russian revolution; in synthesis, the Welfare State of the British revolution.

Samuel H. Beer describes the doctrine of British socialism as follows:

". . . it is especially the socialist's commitment to 'fellowship' that fundamentally distinguishes his approach. . . . For private ownership he would substitute public ownership; for production for profit, production for use; for competition, cooperation. A cultural and ethical revolution would also take place, and motives that had aimed at individual benefit would now aim at common benefits. Industry, which had been governed by individual decisions within the competitive system, would be subject to collective and democratic control. . . . Government would consist in comprehensive and continuous planning and administration."

Two general points may be made about this British doctrine. First, it contained a suspicion of, almost a bias against, economic development which carried over into those parts of the world where British culture held sway. The fundamental assertion of the age of the Diamond Jubilee was that there was plenty of wealth to go 'round if only it were fairly distributed. No matter what more thoughtful socialist analysts might urge, redistribution, not production, remained central to the ethos of British socialism. Profit became synonymous with exploitation. That profit might be something conceptually elegant—least-cost production—made scarcely any impress. "Production for profit" became a formulation for all that was wrong in the old ways, and Tories half-agreed. (For it was the Liberals and the Radicals who were being repudiated by such doctrine, and it was the Liberal party that went under.) This, too, was passed on. When Sir Arthur Lewis in 1974 gave the Tata lectures in India and found himself pleading, as a socialist and as a man of the Third World, but also as an economist, that profit was not a concept public-sector enterprise could afford to ignore, no less a personage than the head of the Indian Planning Commission felt called upon to rebut him.

To be sure, much of this redistributionist bias was simply innocent. British socialists, for example, proved in office to know almost nothing about how actually to redistribute income, and British income has not been significantly redistributed. Coming to power just after World War II, the socialists appeared to think they had abolished wealth by imposing a top income-tax rate of nineteen shillings six pence in the twenty-shilling pound, which is to say confiscating the rich man's pay envelope. Few seemed to note that capital gains remained exempt from income tax altogether, so that in large measure thereafter only those with property could acquire property: the very antithesis of the social condition socialism sought. (This detail perhaps did not escape the well-to-do of the developing nations when the prospect of socialism on the British model first appeared there.)

The second general point about socialist doctrine as it developed in Britain was that it was anti-American. More anti-American, surely, than it was ever anti-Soviet. The reasons for this are not that obscure. The British were not overmuch admiring of Americans in that era, nor we of them. In part their attitude began as aristocratical disdain. (An intimate of Pandit Nehru's describes once asking India's first Prime Minister why he was so anti-American. This was in 1961. Nehru's first reaction was a rather huffy denial of any such predisposition, but he then became reflective and after a moment admitted that, yes, it was true, and that probably it all dated back to his days at Harrow. There was one American boy there at the time: filthy rich, and much too pushy.) But more importantly, of course, America was seen as quintessentially capitalist.

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*The term British revolution is open to objection as seeming to exclude the influence of continental socialism on the new nation, and indeed a good case could be made for calling the phenomenon I am trying to describe the revolution of the Second International. But the term British can be justified by the fact that of the 87 states to have joined the U.N. since its founding more than half—47—had been part of the British Empire. Even apart from the empire, British culture was in the first half of this century incomparably the most influential in the world, and that culture was increasingly suffused with socialist ideas and attitudes. I anticipate and hope for a rigorous critique of the arguments of this paper, but I also hope it will not be too much distracted by the difficulties of finding a concise term to describe what was on the whole a concise phenomenon; the development of socialist doctrine and the formation of socialist parties in Western Europe at this time. I should also note that the political ideology in the new state of the Third World of which I will be speaking was best described by the late George Lichtheim as "national socialism." This term has, of course, acquire an altogether unacceptable connotation.

With the Russian revolution, and then especially with the world depression of the 1930's and the onset of popular-front movements in Europe, a considerable number of British socialists, despite their party's fundamental and central attachment to democratic processes, became supporters of the Soviet regime. Russia was the future. America was the past. With the coming of the cold war this attitude became institutionalized and almost compulsory on the British Left. The *New Statesman*, a journal which tended to follow Asian and African graduates after they had left Britain and returned home, became near Stalinist in its attachment to Soviet ways with the world and its pervasive antagonism to things American.

And yet the *New Statesman* was never Communist, and neither, save in small proportion, were its readers. They were British socialists, part of a movement of opinion which spread in the course of the first half of the 20th century to the whole of the British empire, a domain which covered one-quarter of the earth's surface, and which an inspired cartographic convention had long ago decreed be colored pink. It was British civil servants who took the doctrine to the colonies. (How curious, in retrospect, are the agonizings of Harold Laski and others as to whether the civil service would carry out the policies of a socialist government. What more congenial task for persons whose status comes from the power and prestige of government? But in the Britain of that era it could be thought that class origin would somehow overcome occupational interest.)

What the civil service began, British education completed. Has there ever been a conversion as complete as that of the Malay, the Ibo, the Gujarati, the Jamaican, the Australian, the Cypriot, the Guyanan, the Yemenite, the Yoruban, the sabra, the felaheen to this distant creed? The London School of Economics, Shils notes, was often said to be the most important institution of higher education in Asia and Africa. In her autobiography, Beatrice Webb wrote that she and her husband felt "assured that with the School [LSE] as the teaching body, the Fabian Society as a propagandist organization, the LCC [London County Council] as object lesson in electoral success, our books as the only elaborate original work in economic fact and theory, no young man or woman who is anxious to study or to work in public affairs can fail to come under our influence." For reasons that are understandable, this was true most particularly for young men and women coming from abroad in that long and incongruously optimistic intellectual age that began amid late Victorian plumpness and ended with the austerity of postwar Britain. In 1950 the conservative Michael Oakeshott succeeded to the Fabian Harold Laski's chair in political theory at LSE and in a sense *that* party was over. But by then not Communists but Fabians could claim that the largest portion of the world's population lived in regimes of their fashioning. Before very long, the arithmetical majority and the ideological coherence of those new nations brought them to dominance in the United Nations and, indeed, in any world forum characterized by universal membership.

But if the new nations absorbed ideas about others from the doctrines of British socialism, they also absorbed ideas about themselves. The master concept, of course, is that they had the right to independence. This idea goes back to the American revolution, and even beyond to the Glorious Revolution in 17th-century Britain, but British socialism readily incorporated and even appropriated it. As the 20th century wore on and the issue of independence arose with respect to these specific peoples and places, it was most often the socialists who became the principal *political* sponsors of independence. It was a Labour government which in 1947 granted independence to India and formally commenced the vast, peaceful revolution that followed. The Indian Congress party had been founded in 1883 by a British civil servant, Alan Octavian Hume, whose politics were essentially Liberal. But by the time of independence, it was a matter to be taken for granted that the Congress was socialist and that its leaders, Gandhi and then Nehru, were socialists too.

Two further concepts triangulate and fix the imported political culture of these new nations. The first is the belief—often, of course, justified—that they have been subject to economic exploitation, exactly as the working class is said in socialist theory to have been exploited under capitalism. The second is the belief—also, of course, often justified—that they have been subject to ethnic discrimination corresponding to class distinctions in industrial society. As with the belief in the right to independence, these concepts, which now seem wholly natural, rarely occur in nature. They are learned ideas, and they were learned by the new nations mostly where they mostly originated, in the intellectual and political circles of Britain of the late 19th and early 20th century. Gandhi greatly elucidated the moral dimensions of exploitation and discrimination, but he did so in the context of a worldwide political movement that was more than receptive to his ideas, a political movement of which he was a part. At root, the ideas of exploitation and discrimination represent a transfer to colonial populations of the fundamental socialist assertions with respect to the condition of the European working class, just as the idea of independence parallels the demand that the working class break out of bondage and rise to power.

Now it is possible to imagine a country, or collection of countries, with a background similar to that of the British colonies, attaining independence and then letting bygones be bygones. The Americans did that: our political culture did not suggest any alternative. International life was thought to operate in Wordsworth's terms:

The good old rule
. . . The simple plan
That they should take, who have the power.
And they should keep who can.

So in their own terms might Marxists judge the aftermath of Marxist triumph; history was working its ineluctable way; there would be no point, no logic, in holding the past to account. Not so the heirs of the British revolution. British socialism is, was, and remains a highly moral creed. It is not a politics of revenge; it is too civil for that. But reparations Yes: reparations. This idea was fundamental to the social hope of a movement which, it must ever be recalled, rested on the assumption that there existed vast stores of unethically accumulated wealth. On the edges of the movement there were those who saw the future not just in terms of redistribution, but of something ominously close to looting. In any event, the past was by no means to be judged over and done with. There were scores to be settled. Internally and internationally.

A final distinctive character of the British revolution concerns procedure. Wrongs are to be righted by legislation. The movement was fundamentally parliamentarian. The Labour party came to power through the ballot, and proceeded to change society by statute. This was dramatically so with respect to the empire. For the first time in the history of mankind a vast empire dismantled itself, piece by piece, of its own systematic accord. A third of the nations of the world today owe their existence to a statute of Westminister. What more profound experience could there be of the potency of parliamentary majorities in distant places, and of their enactments?

Plainly, not all the new nations of the postwar world were formerly British. There were French colonies. Belgian. Dutch. Portuguese. Political traditions in each case were different from the British. But only *slightly* different: viewed from Mars, London, Paris, and The Hague are not widely separated or disparate places. By the time of the granting of independence, all were democratic with a socialist intelligentsia and often as not a socialist government. With the exception of Algeria—which is marked by the exception—the former French and Dutch colonies came into being in very much the manner the British had laid down. For a prolonged initial period the former British possessions had pride of place in the ex-colonial world—they speak English at the UN, not American—and pretty much set the style of politics which has become steadily more conspicuous in international affairs.

Not everyone has noticed this. Indeed, there is scarcely yet a vocabulary in which to describe it. In part, this is because the event is recent; but also because it was incomplete. As with the liberal revolution which came out of America, and the Communist revolution which came out of Russia, this socialist revolution coming mainly out of Britain carried only so much of the world in its initial period of expansion. The liberal revolution of America was not exactly a spent force by the mid-20th century, but (*pace* the Mekong Delta Development Plan) there was never any great prospect of its expanding to new territories. On the other hand, the heirs of the Russian revolution did capture China, the greatest of all prizes, in 1948, and at least part of Indochina a bit later. But in the main the Communist revolution stopped right there, and the two older revolutions now hold sway within fairly well-defined boundaries. Since 1950 it has been not they but the heirs of the British revolution who have been expanding.

Almost the first international political act of the new states was to form the nonaligned bloc, distinguishing themselves—partially—from the two blocs into which the immediate postwar world had formed. From politics the emphasis shifted to economic affairs. In 1968 these countries, meeting at Algiers, formed the Group of 77 as a formal economic bloc. Their Joint Statement described the group as "comprising the vast majority of the human race"—and indeed it did. The B's in the list of members gave a sense of the range of nations and peoples involved: Bahrain, Barbados, Bhutan, Bolivia, Brazil, Burma, Burundi. And yet there was—now somewhat hidden—unity to the list. Of these eight countries, five were formerly British-governed or British-directed. At its second Ministerial Meeting in Lima in 1971, the group (now numbering 96) drew up an Action Program which stated, *inter alia*, that developing countries should: "encourage and promote appropriate commodity action and, particularly, the protection of the interests of primary producers of the region through intensive consultations among producer countries in order to encourage appropriate policies, leading to the establishment of producers' associations and understandings. . . ."

This was represented in the press as a major gain for the black African states who carried the point over objections from Latin Americans accustomed to working out raw-material and commodity arrangements with the United States. But the idea was fundamentally a heritage of the British revolution, and if the black Africans took the lead in proclaiming it, there is no reason to think it was any less familiar to Arabs. They had all gone to the same schools. Was it not right for those who have only their labor to sell, or only the products of their soil, to organize to confront capital? Had they not been exploited?

II

How has the United States dealt with these new nations and their distinctive ideology? Clearly we have not dealt very successfully. This past year, in the 29th General Assembly, we were frequently reduced to a voting bloc which, with variations, consisted of ourselves, Chile, and the Dominican Republic. As this "historic session" closed, the Permanent Representative of India to the United Nations declared:

"The activities of the Soviet delegation at the session showed once again that the Soviet Union deeply understands and shares the aspirations of the Third World." This was not Krishna Menon, but a balanced and considerate Asian diplomat. If no equivalent pronouncement on China comes immediately to hand, this may be because the Chinese feel free to identify themselves as members of the Third World. As such, at the end of 1974 they declared that the new majority had written a "brilliant chapter" during the twelve months previous, that it was "sweeping ahead full sail as the boat of imperialism [the United States] and hegemonism [the Soviet Union] founders." "These days," the Chinese statement continued, "the United Nations often takes on the appearance of an international court with the Third World pressing the charges and conducting the trial." A statement to which many could subscribe. But no such statement could come from an American statesman, no such praise would be accorded American policy. Clearly at some level—we all but *started* the United Nations—there has been a massive failure of American diplomacy.

But why? Why has the United States dealt so unsuccessfully with these nations and their distinct ideology? A first thought is that we have not seen the ideology as distinctive. Not recognizing it, we have made no sustained effort to relate ourselves to it. The totalitarian states, from their point of view, did. They recognize ideologies. By 1971 it was clear enough that the Third World—a few exceptions here and there—was not going Communist. But it was nevertheless possible to encourage it in directions that veered very considerably from any tendency the bloc might have to establish fruitful relations with the West; and this was done. It was done, moreover, with the blind acquiescence and even agreement of the United States which kept endorsing principles for whose logical outcome it was wholly unprepared and with which it could never actually go along.

A relatively small but revealing example of this process may be seen in the development of the World Social Report, a document of the Economic and Social Council. The first volume, covering the year 1963, was directed almost exclusively to problems of the developing countries, and the United States took its advent as a promising event. The 1965 report, concentrating on "practical methods of promoting social change," might have caused some to take note, but American officials were entirely unwary: this was, after all, a report designed to help the developing world. In actual fact, it was becoming a document based on the veritably totalitarian idea that social justice means social stability and that social stability means the absence of social potest. Thus by 1970, the Soviet Union—not much social protest there!—emerges as the very embodiment of the just state, while the United States is a nation in near turmoil from the injustices it wreaks upon the poor and the protests these injustices have provoked. And Western Europe hardly comes off any better.

What happened here was that a "Finlandized" Secretariat (the official in charge of preparing the document was indeed a Finn) found that the developing countries and the Communist countries had an easy common interest in portraying their own progress, justifying the effective suppression of dissent, and in the process of deprecating and indicting the seeming progress of Western societies. It is easy enough to see that this would be in the interest of the Soviet bloc. (The Chinese did not participate in the debate.) But why the developing world? First, the developing nations could ally with the totalitarians in depicting social reality in this way, in part because so many, having edged toward authoritarian regimes, faced the same problems the Communists would have encountered with a liberal analysis of civil liberties. Secondly, the developing nations had an interest in deprecating the economic achievements of capitalism, since almost none of their own managed economies was doing well. To deplore, to deride, the social effects of affluence in the United States is scarcely a recent invention. For a generation the British Left has held the patent. Further, there is an almost automatic interest on the Left in delegitimating wealth—prior to redistributing it—much as the opposite interest exists on the Right.

Small wonder that officials could describe the Social Report as the most popular document in the UN series, a statement intended as more than faint praise. Yet it has been more representative than otherwise. There are hundreds like it, suffused with a neo-totalitarian, anti-American bias.

American protests at the 26th General Assembly have evidently influenced the most recent Social Report, submitted to the 29th, but here the significant fact is that this protest—entered at the very last moment, when the document was being presented for pro-forma approval—was the first of its kind, or one of the first. In fact the United States until then did not protest. To the contrary, the United States actively participated in preparing this sustained assault on American institutions. The 1970 Social Report had been three years in the making. During those three years it made its way through layers of bureaucracies, all manners of meetings, Americans were always present, and Americans always approved. This was, after all, a Third World document; it was to be treated with tolerance and understanding. Complacency of this order could only arise from the failure to perceive that a distinctive ideology was at work, and that skill and intelligence were required to deal with it successfully.

The blindness of American diplomacy to the process persists. Two large events occurred in 1971, and a series of smaller ones were set in motion. China entered the United Nations, an event the Third World representatives saw as a decisive shift of power to their camp. In that same year the Lima conference established the nonaligned as an economic bloc intent on producer cartels. Less noticed, but perhaps no less important in its implications, a distinctive radicalization began in what might as well be termed world social policy.

This radicalization was first clearly evidenced at the United Nations Conference on the Human Environment, held at Stockholm in 1972, or more precisely at the 26th General Assembly, which was finally to authorize the conference. The conference was in considerable measure an American initiative, and while American negotiators were primarily concerned with ways to get the Russians to join (which in the end they did not), the Brazilians suddenly stormed onto the scene to denounce the whole enterprise as a conspiracy of the haves to keep the have-nots down and out. The argument was that the rich had got rich by polluting their environments and now proposed to say that way by preventing anyone else from polluting theirs. This, among other things, would insure that the rich would continue their monopoly on the use of the raw materials of the poor. Thus was it asserted that matters originally put forward as soluble in the context of existing economic and political relations were nothing of the sort. To the contrary, they were symptomatic of economic and political exploitation and injustice which could only be resolved by the most profound transformation: to expropriate the expropriators.

At Stockholm itself, this quickly became the dominant theme—espoused by a dominant majority. "Are not poverty and need the greatest pollutors?" Prime Minister Indira Gandhi of India asked. "There are grave misgivings," she continued, "that the discussion of ecology may be designed to distract attention from the problems of war poverty." She was wrong in this. They were not so designed. But at Stockholm the nations who feared they might be took control of the agenda. The conference declared as its first principle:

"Man has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality which permits a life of dignity and well being, and bears a solemn responsibility to protect, and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated."

The American delegates routinely voted for this resolution. It was, after all, language the new countries wanted. What wholly unwelcome meanings might be attached to other forms of oppression and foreign domination" which stood "condemned" and had to be "eliminated" was a thought scarcely in keeping with the spirit of the occasion.

The Stockholm Conference had been turbulent. The United Nations World Population Conference, held nearly two years later, in August 1974, had an air of insurrection. This conference too was largely an American initiative, the culmination of years of State Department effort to put population on the agenda of world social policy. The Secretary General of the United Nations proclaimed the gathering would be a turning point in the history of mankind." The centerpiece was a Draft World Population Plan of Action, which in essence set 1985 as the year crude birth rates in developing countries would be reduced to 30 per thousand (as against an anticipated 34) and when "the necessary information and education about family planning and means to practice family planning" would be available "to all persons who so desire. . . ." There can be no doubt of the social change implicit in such a conference's even meeting: in most industrialized countries, family planning has only just achieved the status of an accepted social value deserving of public support. Yet neither should there be any doubt that a disaster overtook the American position in the course of the conference, and that this disaster was wholly predictable.

To begin with, the conference was thought up by Americans to deal with a problem we consider that other people have. (In fairness, not long ago the United States itself was thought to have a problem of population size, while the provision of family-planning services is an issue of social equity as well as of population growth.) Specifically, it was considered a problem of the developing countries: countries, that is, of the British revolution who was animated by the liveliest sense that their troubles originate in capitalist and imperialist systems of which the United States all but offered itself as an exemplar. Further, the conference met in Bucharest, capital of a Communist country.

At one level no great imagination would have been required to anticipate the outcome. President Nicolae Ceausescu opened the conference by declaring that "The division of the world into developed and underdeveloped countries is a result of historical evolution, and is a direct consequence of the imperialist, colonialist, and neo-colonialist policies of exploitation of many peoples." He called for "a new international economic order" and condemned "a pessimistic outlook" on population growth.

But if this was to be expected, few could have anticipated the wild energy of the Chinese assault on the Western position. China has the strictest of all population-control programs. Yet the Chinese arrived in Rumania to assail with unprecedented fury and devastating zeal the very idea of population control as fundamentally subversive of the future of the Third World. The future, the Chinese proclaimed, is infinitely bright. Only the imperialists and the hegemonists could spoil it and population control was to be their wrecking device. A theory of "consumerism" emerged: it was excessive consumption in the developed economies which was the true source of the problems of the underdeveloped nations and not the size of the latter's population. None dared oppose the thesis. The Indians, who are thought to have a population problem, went to the conference rather disposed to endorse a Plan of Action. But they did nothing of the sort. Instead, the Maharaja of Jammu and Kashmir, who headed the Indian delegation, found himself denouncing "colonial denudation" of the East, and the "vulgar affluence" of the West. The scene grew orgiastic.

In the end, a doctrine emerged which is almost certainly more true than otherwise, namely that social and economic change is the fundamental determinant of fertility change, compared with which family planning as such has at most a residual role. There need be no difficulty with this assertion. The difficulty comes with the conclusion said to follow: that economic growth in the West should cease and the wealth of the world be redistributed. We are back to Keir Hardie, expropriating the expropriators. Not to produce wealth, but to redistribute it. As with the environment conference, the population conference turned into another occasion for reminding the West of its alleged crimes and unresolved obligations.

This tone attained to manic proportions in Population Tribune, an unofficial, American-financed parallel conference of a form that first appeared in Stockholm. Ritual recantation became the order of the day as one notable after another confessed to a class-bound past which had blinded him to the infinitely bright future. Most of the recanters were American, but it was Professor René Dumont of France who epitomized the argument in a statement, "Population and Cannibals," which was subsequently given the full front page of *Development Forum*, an official, five-language, UN publication. Professor Dumont—blaming the "Plunderers of the Third World" for world conditions—"They . . . 'under-pay' for the rare raw materials of the Third World and then squander them"—put the case with some vivacity:

"Eating little children. I have already had occasion to show that the rich white man, with his overconsumption of meat and his lack of generosity toward poor populations, acts like a true cannibal, albeit indirect. Last year, in overconsuming meat which wasted the cereals which could have saved them, we ate the little children of the Sahel, of Ethiopia, and of Bangladesh. And this year, we are continuing to do the same thing, with the same appetite."

Dr. Han Suyin, a sympathetic commentator on Chinese Communist affairs, summed up for others:

"You cannot cut off any talk about population, about people, from economics and politics. You cannot put in a vacuum any talk about population and world resources without relation to the present as its exists. I admire people who can talk about a noble future where there will be an equal society and where resources will be controlled by all. But, forgive me for saying so, if this is to be done, then we have to begin by sharing now everything and that would mean that a lot of people who have a lot of private property, for instance, should divest themselves immediately of it in favor of the poor. It means that at this very moment we should start to implement a very simple thing—something which we heard . . . at the United Nations where the voice of the Third World—the majority of the world—at last formulated their demand for more equitable terms of trade, and for an end to exploitation, for an end to the real cause of poverty and backwardness, which is not population, but which is injustice and exploitation. The Third World has a word for it, it calls it imperialism and hegemony."

And the American delegation? The official view, flashed to diplomatic posts around the world, was as uncomplicated at the end as it had been at the outset: "All basic U.S. objectives were achieved and U.S. accomplishments were many. . . . U.S. delegation unanimously pleased with final result."

The World Food Conference which followed in Rome in November was even more explicitly an American initiative. Yet as the American delegation somewhat sadly noted, the plenary forum was used to the fullest by LDG's (Less Developed Countries) to excoriate the United States and other developed nations as responsible for the current food crisis and the generally depressed state of their part of the world, calling for "radical adjustment in the current economic order and, in effect, reparations from developed countries" to the less developed. Such negotiations as took place were somewhat more sober since something immediately of value—wheat—was at stake and obviously only the United States and a few such countries were prepared to part with any. Even so, by the time the conference was concluded, one of the great, and truly liberal, innovations of world social policy—the American-led assertion that the hungry of the world should be fed by transfers of resources—had been utterly deprecated. Thus the Indian Food Minister's statement with respect to the needs of the developing countries:

"It is obvious that the developed nations can be held responsible for their [the developing nations'] present plight. Developed nations, therefore, have a duty to help them. Whatever help is rendered to them now should not be regarded as charity but deferred compensation for what has been done to them in the past by the developed countries."

The UN General Assembly pursued this theme with notable persistence throughout 1974, commencing with a special session in the spring which dealt with the economic crises of the underdeveloped in just such terms. Occasioned as much as anything by the devastating impact of oil price increases, the special session dwelt on every conceivable abuse of economic power save that one. At the end of the regular autumn session, the General Assembly solemnly adopted a Charter of Economic Rights and Duties of States which accords to each state the right freely to exercise full permanent sovereignty over its wealth and natural resources, to regulate and exercise authority over foreign investments, and to nationalize, expropriate, or transfer ownership of foreign property pretty much at will. The vote was 120 to 6—the United States, Belgium, Denmark, West Germany, Luxembourg, and the United Kingdom. What was being asserted was a radical discontinuity with the original, essentially liberal vision of the United Nations as a regime of international law and practice which acknowledges all manner of claims, but claims that move in all directions. Now they moved in one direction only.

In general a rhetoric of expropriation became routine. At year's end, Prime Minister Indira Gandhi, opening the 56th Conference of the International Law Association meeting in New Delhi, declared:

"Laws designed to protect the political or economic power of a few against the rights of the many, must . . . yield place to laws which enlarge the area of equality, and . . . law itself should be an ally and instrument of change."

She spoke a now-common language of resentment over population issues:

"It is not a new form of arrogance for affluent nations to regard the poorer nations as an improvident species whose numbers are a threat to their own standard of living?"

She suggested a reversal of roles had taken place as between the new nations and the old:

"An obligation rests on the haves to generate confidence among the have-nots. . . . A new approach to foreign investments is indicated, in which investments abroad are regarded more as a service to the recipient community than as an enterprise where profits and their repatriation must be secured at all cost."

Now there is nothing unfamiliar in this language: only the setting is new. It is the language of British socialism applied to the international scene. American diplomacy has yet to recognize this fact and, failing to recognize it, has failed even to begin dealing intelligently with it.

III

But if the beginning of wisdom in dealing with the nations of the Third World is to recognize their essential ideological coherence, the next step is to recognize that there is every reason to welcome this ideology, and to welcome the coherence also. Because of the British revolution and its heritage, the prospect now is that the world will not go totalitarian. In the Christian sense, has there been such political "good news" in our time? But there is bad news also. The great darkness could yet consume us. The potential for absorption of these states into the totalitarian camp is there and will continue to be there. This is perhaps especially true where one-party states have been established, but even the "socialist countries," to use the UN term, persists.

The outcome will almost certainly turn on whether or not these nations, individually and in groups, succeed in establishing sufficiently productive economies. If they do not if instead they become permanently dependent on outside assistance, that assistance is like more and more to come from the totalitarian nations, and with it the price of internal political influence from the totalitarian camp through the local pro-Moscow, or pro-Peking, Communist party. For everywhere there are such parties. They appear able to go on indefinitely in a dormant state, and can be awakenend pretty much at will. India, with a population equal to that of the whole of Africa and South America combined, is the best current example. Parliamentary democracy is vigorous enough there, but economic incompetence on its part and diplomatic blunders on our have led to an increasing dependence on Soviet support, which in the space of three years has brought about an open electoral alliance between the Congress party and the Moscow-oriented Communists, an alliance we would have thought worth fighting a war to prevent two decades ago, but which we scarcely notice today.

This alliance would not have come about save for the failure of the Indian economy to prosper and the success—typical—of the argument that the cure for the damage done by leftist policies is even more leftists policies, which in practice translates into dependence on the Soviets and alliances with their internal allies. And here is the nub of the bad news: for all the attractions of this variety of socialist politics, it has proved, in almost all its versions, almost the world over, to be a distinctly poor means of producing wealth. Sharing wealth—perhaps. But not producing wealth. Who, having read British political journals over the past quarter-century, would be surprised to find that during this period (1950–73) the United Kingdom's share of the "Planetary Product" has been reduced from 5.8 to 3.1 per cent? Why then be surprised that those who have made British socialism their model have trouble taking off in the opposite direction? Yet even so, one must be surprised at the decline of economics such as those of Burma and Sri Lanka: immensely productive places not a generation ago. Sri Lanka, for example, having first got to the point where it was importing potatoes from Poland, has now got to the further point where it can no longer afford to do so. A recent survey of the Ceylonese economy in the *Far Eastern Economic Review* was entitled: "Conspiracy or Catastrophe?" For what else could explain such failure?

What else, that is, to those experiencing it (with all that implies for political instability)? The outsider can indulge a more relaxed view. The fault lies in ideas, not persons. Americans—Westerners—do not have any claim to superior wisdom on the subject of these economics. Starting in the 1950's a large number of first-rate economists began working on theories of economic growth designed to get the LDC's on a path of self-sustained growth. "To be perfectly brutal about it," Jesse Burkhead recently stated, "it hasn't worked." And yet there is no need to stand mute. Two assertions may be reasonably put forth, of which the first is that to say these economies haven't worked as well as hoped is not to say that none has worked at all. There *has* been growth. In the main, things are better than they were. For every Argentina—that "miracle" of economic non-growth—there is a Brazil. For Ghana, Nigeria. For Calcutta, Singapore. The second assertion is that relative failure is particularly to be encountered in economies most heavily influenced by that version of late Fabian economics which compounded the Edwardian view that there was plenty to go around if justly distributed with the 1930's view that capitalism could never produce enough to go around regardless of distributive principles.*

Still, there are gains in the relative loss of income associated with the managed economies of the Third World which need to be appreciated. An Asian economist has said of his own country, plaintively yet not without a certain defiance: "We are socialists, so we do not believe in capitalism. We are democrats, so we do not believe in terror. What, then, is our alternative save one per cent a year?" There *is* a welfare state of sorts; there is protection of industrial labor; and in some countries, at least, there is freedom to protest.

But the most distinctive gain and the least noted is that in the course of its outward journey, the managed economy was transmuted from an instrument of economic rationality to an instrument of political rationality. It is sometimes difficult to recall, but early socialist theory expounded the greater *efficiency* of production for use rather than for capital, and put much stress on capitalist wastefulness. In practice, however, the real attraction of the managed economy has been the means it provides to collect enough political power at the center to maintain national unity—almost everywhere a chancy thing in these generally multi-ethnic states.

One must still conclude, however, that these political gains are purchased at the expense of even more conspicuous economic losses. India will serve for a final example. In the year of its independence, 1947, India produced 1.2 million tons of steel and Japan only 900,000 tons. A quarter-century later, in 1972, India produced 6.8 million tons and Japan 106.8. These outcomes are the result of decisions made by the ruling party of each nation, and only an innocent could continue to accept Indian protestations that the results were unexpected. The break in Indian growth came precisely in 1962 when the United States, which had been about to finance its largest aid project ever, a steel complex at Bokharo in Eastern India, insisted that it be managed privately. India insisted on a public-sector plant, for which read a plant that would do what the Prime Minister of India wanted done. In the manner of the Aswan Dam (and with as much political impact), the Russians stepped in to finance the public-sector plant. By 1974 this plant had yet to produce sheet steel. For the period 1962–72 Indian steel production grew by a bare 1.8 per cent, while Japanese grew 13.4 per cent.

There is no serious way to deny that India has in a very real sense desired this outcome, just as there is no way to deny that high living standards in the modern world are associated with relatively free market economies and with liberalist international trade policies. Granted that much economic policy does not have high living standards as its true objective, but is rather concerned with political stability, and granted that such a concern may be wholly legitimate in a new nation—in any event it is not anyone else's business—it nevertheless remains the case that the relative economic failure accompanying political success in regimes such as that of India sooner or later begins to undermine that very success. Promises are made and political stability, especially in the more democratic regimes, requires some measure of performance. When it is not forthcoming, regimes change. They become less democratic. They become less independent.

Neither of these developments can be welcomed by the United States. The United States in the past may have cared about the course of political events in these nations, but only in the most abstract terms. (Consider the casualness with which we armed Pakistan and incurred the bitter and enduring hostility of India, the second most populous nation in the world.) But India has now exploded a nuclear device. *That* may well prove the most important event of the turbulent year 1974. Other Third World nations are likely to follow. Hence political stability in the Third World acquires a meaning it simply has never in the past had for American strategic thinking, as well as our general view of world politics.

IV

What then is to be done? We are witnessing the emergence of a world order dominated arithmetically by the countries of the Third World. This order is already much too developed for the United States or any other nation to think of opting out. It can't be done. One may become a delinquent in this nascent world society. An outcast in it. But one remains "in" it. There is no escape from a definition of nationhood which derives primarily from the new international reality. Nor does this reality respond much to the kind of painfully impotent threats which are sometimes heard of America's "pulling out." Anyone who doubts that Dubai can pay for UNESCO, knows little of UNESCO, less of what the United States pays, and nothing whatever of Dubai.

In any event, matters of this sort aside, world society and world organization have evolved to the point where palpable interests are disposed in international forums to a degree without precedent. Witness, as an instance, the decisions of the World Court allocating the oil fields of the North Sea among the various littoral states in distinctly weighted (but no doubt proper) manner. Witness the current negotiations at the Law of the Sea Conference. Two-thirds of the world is covered by the sea, and the United Nations claims the seabed. That seabed, especially in the region around Hawaii, is rich in so-called "manganesenodules"—concentrations of ore which American technology is now able to exploit, or will be sooner than anyone else. At this moment we have, arguably, complete and perfect freedom to commence industrial use of the high seas. This freedom is being challenged, however, and almost certainly some form of international regime is about to be established. It can be a regime that permits American technology to go forward on some kind of license-and-royalties basis. Or it can assert exclusive "internationalized" rights to exploitation in an international public corporation. The stakes are considerable. They are enormous.

And then, of course, there remains the overriding interest, a true international interest, in arms control, and here true international government has emerged in a most impressive manner. If we were to ask who is the most important international official, a persuasive case could be made for choosing the Inspector General of the International Atomic Energy Authority, the man who supervises the safeguard agreements of the world's atomic reactors. Few would know the name of this unobtrusive Swiss chemist, few, perhaps, need to. But more than a few do need to know that the post is there and that its viability derives ultimately from the international system of which it is a part. For the moment; American security derives primarily from our own armaments, and our strategic agreements with the Soviet Union and a few other powers. But the international regime of arms control is already important and certain to become more so.

If, that is, it does not go down in the general wreckage of the world system embodied now in the United Nations. But assuming that the new majority will not destroy the regime through actions that drive nations like the United States away, it is not reasonable to anticipate a quasi-parliamentary situation at the international level—the General Assembly and a dozen such forums—in which a nominally radical majority sets about legislating its presumed advantage in a world which has just come into its hands? The qualification "quasi-parliamentary" is necessary, for in fact the pronouncements of these assemblies have but limited force. So did the pronouncements of the Continental Congress. They are not on that ground to be ignored. What then does the United States do?

The United States goes into opposition. This is our circumstance. We are a minority. We are outvoted. This is neither an unprecedented nor an intolerable situation. The question is what do we make of it. So far we have made little—nothing—of what is in fact an opportunity. We go about dazed that the world has changed. We toy with the idea of stopping it and getting off. We rebound with the thought that if only we are more reasonable perhaps "they" will be. (Almost to the end, dominant opinion in the U.S. Mission to the United Nations was that the United States could not vote against the "have-nots" by opposing the Charter on the Rights and Duties of States—all rights for the Group of 77 and no duties.) But "they" do not grow reasonable. Instead, we grow unreasonable. A sterile enterprise which awaits total redefinition.

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* This later idea is very much alive. On leaving my post as United States Ambassador to India, I gave a press conference in which *inter alia* I touched upon the failure of India to achieve a productive economy. The *National Herald*, the Nehru family newspaper, commented in an editorial: "Mr. Moynihan may be justified in some of his criticism of the state of the Indian economy, but what he is trying to sell is the capitalist system which can only impoverish India's millions further."

Going into opposition requires first of all that we recognize that there is a distinctive ideology at work in the Third World, and that it has a distinctive history and logic. To repeat the point once again, we have not done this, tending to see these new political cultures in our own image, or in that of the totalitarians, with a steady shift in the general perception from the former to the latter. But once we perceive the coherence in the majority, we will be in a position to reach for a certain coherence of opposition.

Three central issues commend themselves as points of systematic attack: first, the condition of international liberalism; second, the world economy; third, the state of political and civil liberties and of the general welfare. The rudiments of these arguments need only be sketched.

It is the peculiar function of "radical" political demands, such as those most recently heard in the international forums, that they bring about an exceptional deprecation of the achievements of liberal processes. Even when the radicalism is ultimately rejected, this is rarely from a sense that established processes do better and promise more. American liberalism experienced this deprecation in the 1960's; international liberalism is undergoing it in the 1970's. But the truth is that international liberalism and its processes have enormous recent achievements to their credit. It is time for the United States to start saying so.

One example is the multinational corporation which, combining modern management with liberal trade policies, is arguably the most creative international institution of the 20th century. A less controversial example is the World Health Organization. In 1966, it set out to abolish smallpox, and by the time this article is read, the job will more than likely have been successfully completed—in very significant measure with the techniques and participation of American epidemiologists. While not many Americans have been getting smallpox of late, the United States has been spending $140 million a year to keep it that way. Savings in that proportion and more will immediately follow. Here, as in a very long list, a liberal world policy has made national sense.

We should resist the temptation to designate agreeable policies as liberal merely on grounds of agreeableness. There are harder criteria. Liberal policies are limited in their undertakings, concrete in their means, representative in their mode of adoption, and definable in terms of results. These are surely the techniques appropriate to a still tentative, still emergent world society. It is time for the United States, as the new society's loyal opposition, to say this directly, loudly, forcefully.

The economic argument—which will appear inconsistent only to those who have never been much in politics—is that the world economy is not nearly bad enough to justify the measures proposed by the majority, and yet is much worse than it would otherwise be in consequence of measures the majority has already taken. The first half of this formulation will require a considerable shift in the government mind, and possibly even some movement in American elite opinion also, for we have become great producers and distributors of crisis. The world environment crisis, the world population crisis, the world food crisis are in the main American discoveries—or inventions, opinions differ. Yet the simple and direct fact is that any crisis the United States takes to an international forum in the foreseeable future will be decided to the disadvantage of the United States. (Let us hope arms control is an exception.) Ergo: skepticism, challenge.

The world economy is the most inviting case for skepticism, although it will be difficult to persuade many Americans of this during an American recession, and although the rise in oil prices is now creating a crisis in the Third World which is neither of American contrivance nor of American discovery nor of American invention. But until the dislocations caused by OPEC, things were simply not as bad as they were typically portrayed. *Things were better than they had been.* Almost evereywhere. In many places things were very good indeed. Sir Arthur Lewis summed up the evidence admirably:

"We have now had nearly three decades of rapid economic growth. . . . Output per head has been growing in the developed world twice as fast as at any time within the preceding century. In the LDC world, output per head is not growing as fast as in the developed world, but is growing faster than the developed world used to grow."

The data can be quite startling. In 1973, as Sir Arthur was speaking, the "Planetary Products," as estimated by the Bureau of Intelligence and Research of the Department of State, grew at a real rate of 6.8 per cent, an astonishing figure. The Third World product expanded by 5.75 per cent, no less astonishing.

Simultaneously it is to be asserted that these economies do less well than they ought: that the difference is of their own making and no one else's, and no claim on anyone else arises in consequence. This will be hard for us to do, but it is time we did it. It is time we commenced citing men such as Jagdish N. Bhagwati, Professor of Economics at MIT, an Indian by birth, who stated in the Lal Bahadur Shastri lectures in India in 1973:

"In the 1950's our economic programs were considered by the progressive and democratic opinion abroad to be a model of what other developing countries might aspire to and emulate. Today, many of us spend our time trying desperately to convince others that *somehow* all the success stories elsewhere are special cases and that our performance is not as unsatisfactory as it appears. And yet, we must confront the fact that, in the ultimate analysis, despite our socialist patter and our planning efforts, we have managed to show neither rapid growth nor significant reduction of income inequality and poverty."

It is time we asserted, with Sir Arthur—a socalist, a man of the Third World—that economic growth is governed not by Western or American conspiracies, but by its own laws and that it "is not an egalitarian process. It is bound to be more vigorous in some professions, or sectors, or geographical regions than in others, and even to cause some impoverishment."

A commentator in *The Statesman,* Calcutta's century-old and most prestigious journal, recently warned:

"It would be unwise for policy planners in the developing world to dismiss too easily . . . the basic premise of a society that worships success: if you are poor, you have only yourself to blame. Development is a matter of hard work and discipline. So if you are not developing fast, it is not because the rules of the game are stacked against you or that structural changes are never easy to bring about, but because you are lazy and undisciplined. The general disenchantment with economic aid flows from this. It is difficult for Americans to understand why such substantial flows of food and money have made so little impact."

Well, the time may have come when it is necessary for Americans to say, "Yes, it *is* difficult to understand that." Not least because some Third World economies have done so very well. For if Calcutta has the lowest urban standard of living in the world, Singapore has in some ways the highest. It is time we asserted that inequalities in the world may be not so much a matter of condition as of performance. The Brazilians do well. The Israelis. The Nigerians. The Taiwanese. It is a good argument. Far better, surely, than the repeated plea of *nolo contendere* which we have entered, standing accused and abased before the Tribune of the People.

Cataloguing the economic failings of other countries is something to be done out of necessity, not choice. But speaking for political and civil liberty, and doing so in detail and in concrete particulars, is something that can surely be undertaken by Americans with enthusiasm and zeal. Surely it is not beyond us, when the next Social Report comes along, to ask about conditions and events in many countries of the Third World of which almost everyone knows, but few have thought it politic to speak. The AFL-CIO does it. Freedom House does it. Amnesty International does it. *American* socialists do it. The time has come for the spokesmen of the United States to do it, too.

It is time, that is, that the American spokesman came to be feared in international forums for the truths he might tell. Mexico, which has grown increasingly competitive in Third World affairs, which took the lead in the Declaration of the Economic Rights and Duties, preaches international equity. Yet it preaches domestic equity also. It could not without some cost expose itself to a repeated inquiry as to the extent of equity within its own borders. Nor would a good many other Third World countries welcome a sustained comparison between the liberties they provide their own peoples with those which are common and taken for granted in the United States.

For the United States to go into opposition in this manner not only requires a recognition of the ideology of the Third World, but a reversal of roles for American spokesmen as well. As if to compensate for its aggressiveness about what might be termed Security Council affairs, the United States has chosen at the UN to be extraordinarily passive, even compliant, about the endless goings-on in the Commissions and Divisions and Centers and suchlike elusive enterprises associated with the Economic and Social Council. Men and women were assigned to these missions, but have rarely been given much support, or even much scrutiny. Rather the scrutiny has been of just the wrong kind, ever alert to deviation from the formula platitudes of UN debates, and hopelessly insensitive to the history of political struggles of the 20th century.

In Washington, three decades of habit and incentive have created patterns to appeasement so profound as to seem wholly normal. Delegations to international conferences return from devastating defeats proclaiming victory. In truth, these have never been thought especially important. Taking seriously a Third World speech about, say, the right of commodity producers to market their products in concert and to raise their prices in the process, would have been the mark of the quixotic or the failed. To consider the intellectual antecedents of such propositions would not have occurred to anyone, for they were not thought to have any.

And yet how interesting the results might be. The results, say, of observing the occasion of an Algerian's assuming the Presidency of the General Assembly with an informed tribute to the career of the liberator Ben Bella, still presumedly rotting in an Algerian prison cell. The results of a discourse on the disparities between the (1973) per-capita GNP in Abu Dhabi of $43,000 and that of its neighbor, the Democratic People's Republic of Yemen, with one-thousandth that. Again, this need not be a uniformly scornful exercise; anything but. The Third World has more than its share of attractive regimes, and some attractive indeed—Costa Rica, Gambia, Malaysia, to name but three. Half the people in the world who live under a regime of civil liberties live in India. The point is to differentiate, and to turn their own standards against regimes for the moment too much preoccupied with causing difficulties for others, mainly the United States. If this has been in order for some time, the oil price increase—devastating to the development hopes of half-a-hundred Asian and African and Latin American countries—makes it urgent and opportune in a way it has never been.

Such a reversal of roles would be painful to American spokesmen, but it could be liberating also. It is past time we ceased to apologize for an imperfect democracy. Find its equal. It is time we grew out of our initial—not a little condescending—supersensitivity about the feelings of new nations. It is time we commenced to treat them as equals, a respect to which they are entitled.

The case is formidable that there is nothing the Third World needs less—especially now that the United States has so much withdrawn—than to lapse into a kind of cargo cult designed to bring about our return through imprecation and threat rather than the usual invocations. The Third World has achieved independence, and it needs to assert it in a genuine manner. The condition of the developing countries countries is in significant measure an imported condition. In the main a distinctive body of European ideas has taken hold, not everywhere in the same measure. Sri Lanka will be more cerebrate in its socialism than will, says, Iraq, Brazil more given to actual economic expansion than Syria or Egypt, Algeria considerably less libertarian than Nigeria. Still, there is a recognizable pattern to the economic and political postures of these countries, of which the central reality is that their anti-capitalist, anti-imperialist ideologies are in fact themselves the last stage of colonialism. These are imported ideas every bit as much as the capitalist and imperialist ideas to which they are opposed. The sooner they are succeeded by truly indigenous ideas, the better off all the former colonies will be, the United States included.

The Third World must feed itself, for example, and this will not be done by suggesting that Americans eat too much. It is one thing to stress what is consumed in the West, another to note what is produced there. In 1973, 17.8 per cent of the world's population produced 64.3 per cent of its product—and not just from taking advantage of cheap raw materials.

In the same way, the Third World has almost everywhere a constitutional heritage of individual liberty, and it needs to be as jealous of that heritage as of the heritage of national independence. It should be a source of renown that India, for one, has done that, and of infamy that so many others have not.

Not long ago, Alexander Solzhenitsyn, speaking of the case of a Soviet dissident who had been detained in a mental hospital, asked whether world opinion would ever permit South Africa to detain a black African leader in this fashion. Answering his own question, he said, "The storm of worldwide rage would have long ago swept the roof from that prison!" His point is very like the one Stephen Spender came to in the course of the Spanish Civil War. Visiting Spain, he encountered atrocities of the Right, and atrocities of the Left. But only those of the Right were being written about, and it came to him, as he later put it, that if one did not care about every murdered child indiscriminately, one did not really care about children being murdered at all. Very well. But nothing we finally know about the countries of the Third World (only in part the object of the Solzhenitsyn charge) warrants the conclusion that they will be concerned only for wrongdoing that directly affects *them*. Ethnic solidarity is not the automatic enemy of civil liberties. It has been the foundation of many. If there are any who can blow off the roof of any such prison—then all credit to them. If you can be against the wrongful imprisonment of a person anywhere, then you can be against wrongful imprisonment everywhere.

It is in precisely such terms that we can seek common cause with the new nations: granted that they, no more than we, are likely wholly to live up to either of our protestations. Yet there exists the strongest possibility of an accommodating relationship at the level of principle—a possibility that does not exist at all with the totalitarian powers as they are now constituted. To contemplate an oppositional role to the Soviet bloc, or the Chinese, in, say, the General Assembly would be self-deceptive. One may negotiate there as between separate political communities, but to participate as in a single community—even in opposition—would simply not be possible. We can, however, have such a relation with most Third World nations. And we can do so while speaking for and in the name of political and civil liberty.

And equality, what of it? Here an act of historical faith is required: what is the record? The record was stated most succinctly by an Israeli socialist who told William F. Buckley, Jr. that those nations which have put liberty ahead of equality have ended up doing better by equality than those with the reverse priority. This is so, and being so, it is something to be shouted to the heavens in the years now upon us. *This is our case.* We *are* of the liberty party, and it might surprise us what energies might be released were we to unfurl those banners.

In the spring of 1973, in his first address as director-designate of the London School of Economics—where Harold Laski once molded the minds of so many future leaders of the "new majority"—Ralf Dahrendorf sounded this theme. The equality party, he said, has had its day. The liberty party's time has come once more. It is a time to be shared with the new nations, and those not so new, shaped from the old European empires, and especially the British—and is the United States not one such?—whose heritage this is also. To have halted the great totalitarian advance only to be undone by the politics of resentment and the economics of envy would be a poor outcome to the promise of a world society. At the level of world affairs we have learned to deal with Communism. Our task is now to learn to deal with socialism. It will not be less difficult a task. It ought to be a profoundly more pleasant one.

BERNARD FALL: VIETNAM PROPHET

Mr. PERCY. Mr. President, almost a decade ago I called on Bernard Fall at his home. Although I had never met him, I sought out his advice because of his reputation as an authority on Vietnam.

I was not disappointed. I found him an encyclopedia of knowledge. There was no aspect of the war in Vietnam that I could question him on that failed to evoke a thoughtful and considered reply. We worked together in his study. Whenever he would want to reference or document a particular point, he would virtually leap from his chair, go to his bookshelves, and in a matter of minutes could not only find the proper volume but quickly flip through the pages to find the section that he wanted to read to me.

Outside of my own direct visits to Vietnam and my intensive study of the situation on the ground there, my talk with Bernard Fall offered me more help in understanding the war than any other single factor.

Bill Moyers, writing in Newsweek on April 21, 1975, under the title "Last Reflections on a War," said that he had never met Bernard Fall, but he reflects on the war as he reflects on the man and the lessons that we can draw from him. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAST REFLECTIONS ON A WAR

(By Bill Moyers)

The man who could best help us to understand Vietnam today is dead, but the legacy of insights he left us seems more valuable than ever.

His name was Bernard Fall, and he was killed in South Vietnam on Feb. 21, 1967. while accompanying marines on a sweep between Quang Tri and Huế—a scholar at work, cut down by a war he felt was unnecessary.

At the time, Fall was professor of international relations at Howard University in Washington and an authority on Vietnam. Born in Vienna and raised in France, he had come to feel at home in America and intended to become a citizen. His most acclaimed books were "Street Without Joy" and "Hell in a Very Small Place," but all his books and articles, based on meticulous research and lengthy trips to North and South Vietnam, added immeasurably to the West's knowledge of the history, culture and politics of Indochina.

It was a storehouse of knowledge almost no official bothered to tap. All along, Fall had warned that the situation in Vietnam was much different from what high policymakers thought it was, that Vietnamese nationalism was an idea no Western army could overwhelm, and that in the North Vietnamese and Viet Cong we were up against people prepared to take immense punishment for the sake of reunifying their country. None of us paid attention soon enough.

THE WRONG SIDE

I never met Fall, but in early 1966 my White House colleague, the late Hayes Redmon, did. One afternoon he announced: "I have just talked to a man who says we are headed for catastrophe. He says that by becoming surrogates of colonialism in Indochina we have gone over to the wrong side of history." Periodically, Redmon, a former Air Force officer who abhorred the war, would summarize Fall's articles and circulate them to associates. No policies changed but a few eyes opened gradually.

"There were times when Bernard was bitter because officials disregarded reality," his widow, Dorothy, told me the other day. "As early as 1961 and 1962 he saw that official reports from Vietnam were being distorted by people who had a stake in vindicating their own hypotheses. Yet Bernard knew that their assumptions flew in the face of facts, and and he was increasingly frustrated as Washington based its decisions on the wrong facts or on a false reading of history or on lies. He loved this country, as he loved the people of Vietnam of both sides, and his heart sank as he saw the tragedy unfolding. Yet officials not only ignored such warnings, they turned on people who made them. Some of them were suspicious of Bernard because he was French and even accused him of being a spy for French intelligence. Bernard was a scholar and an analyst, not a partisan."

What might he think about events now, if he had lived? "He thought that what is happening in Vietnam today was inevitable. It was the spirit of the North Vietnamese and the Viet Cong that convinced him." As his books make clear, Fall did not think people in the south were inferior, only that they had surrendered their independence to foreigners—the very people northerners were fighting to oust. Fall knew that to be ridding Vietnam of foreigners was an old dream.

ANCIENT WISDOM

He carefully documented that dream all the way back to the 1,000-year occupation of Vietnam by China, which ended in A.D. 939. There are revealing vignettes, as in the thirteenth century, during the third Mongol invasion of Vietnam, when the Vietnamese marshal, Tran Hung Dao, wrote this "Essential Summary of Military Arts," and trained his troops in guerrilla warfare. "The enemy must fight his battles far from his home base for a long time," he wrote. "We must further weaken him by drawing him into protracted campaigns. Once his initial dash is broken, it will be easier to destroy him." His successors took the marshal's wisdom to heart. Their enemies ignored it.

Of more recent events Bernard Fall's writings are equally instructive. One result of French failure to provide a real say in the political development of Vietnam was "the growth of the secret societies that had always been part of the Sino-Vietnamese civilization. This is a phenomenon largely unknown to us: in the West, only Communism is specifically geared to operate as a clandestine political party—a combination of Marxist ideology and secret societies that produced the *one* effective political organization Vietnam has ever had—the Indochinese Communist Party, which later became the Vietnam Workers' Party under its creator, Ho Chi Minh."

In an essay on Ho, Fall tells of a bitter debate in the Cabinet of the recently proclaimed Vietnamese Republic at the end of World War II. As the defeated Japanese left, the Vietnamese were faced with the choice of asking short-term aid from their recent masters, the French, or their ancient conquerors, the Chinese. Ho's right wing argued that at least China was a "blood brother" and could be counted upon to "protect" Vietnam against further Western encroachment. His left wing argued that France then had a leftist government that surely would concede independence to Vietnam eventually and in the meantime would provide badly needed assistance. According to Fall's source, who was present at the meeting, Ho Chi Minh finally sprang to his feet and shouted:

"You fools! Don't you realize what it means if the Chinese stay? Don't you remember our history? The last time the Chinese came, they stayed 1,000 years. The French are foreigners. They are weak. Colonialism is dying out. Nothing will be able to withstand world pressure for independence. They may stay for a while but they will have to go because the white man is finished in Asia. But if the Chinese stay now, they will never leave. As for me, I prefer to smell French sh-- for five years, rather than Chinese sh-- for the rest of my life."

HELPFUL PERCEPTIONS

It may seem useless to dredge up the past just now, as the ghost of Ho Chi Minh stalks closer to Saigon and the debacle grows. The past heals no wounds and in war opportunities lost are lost forever. Certainly Fall would take no consolation from being vindicated posthumously. Hating the war, as he loved his adopted countries of America and Vietnam, he did not welcome the chance to earn a reputation from it. But his perceptions could help us to realize the futility of thinking that a few more million dollars can stay the course of Vietnamese history, and they might prevent us from exaggerating the consequences elsewhere in the world of our failure in Indochina. There is no reason to turn into disaster everywhere a single defeat under particular circumstances in one small place, unless we make an ideology of Henry Kissinger's illusion that our role in the world is a seamless garment unadorned by distinctions. Even this late, the work of a scholar like Bernard Fall will not have been totally in vain if we learn to discriminate.

THE "WATERGATE" OF AMERICAN FOREIGN POLICY

Mr. McGOVERN. Mr. President, the war in Vietnam is over, but it is not yet behind us. It may be out of sight, but it is surely not out of mind. We must move quickly to grasp the lessons the war has taught us, and the opportunities brought by its end.

There is clearly a demanding need for a cooperative reexamination of the link between our experience in Southeast Asia and America's posture in the world. Only this kind of reassessment can avert misplaced ventures such as our losing struggle to decide the outcome of a civil conflict in Asia .

Doubt has been created both here and abroad about our future role in world affairs. If we are to address those doubts, we must first recognize that they are in large part a product of false rhetoric used to sell a mistaken policy.

In his commentary in one of South Dakota's largest newspapers, the Sioux Falls Argus-Leader, Dr. Alfred Hotz has called official past Vietnam policy "the Watergate of American foreign policy." Self-deception and secrecy dominated the administration's thinking on both these issues. A political science professor at Augustana College in Sioux Falls, Dr. Hotz urges the administration to abandon that Watergate manner of thinking by discarding the rhetorical baggage of the war years and honestly examining the realities of America's role in world affairs.

I agree with Dr. Hotz that we can only welcome such a return to sensibility and I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "WATERGATE" OF AMERICAN FOREIGN POLICY

(By Dr. Alfred J. Hotz)

COMMENTARY

(The author is retiring this spring from fulltime teaching duties as professor of political science at Augustana. He was recently named 1975 Augustana College Faculty/Administrator of the year.)

While President Ford stated that the Vietnam War was "finished," his administration is hopefully undergoing as serious a reappraisal on our failures in the prolonged Vietnam quagmire as is presently being undertaken in the Middle East—i.e., the Joe Sisco reassessments.

What precise linkage there actually may be between the two events (Vietnam and Middle East debacles) and to what extent the reassessments of both failures are soberly and maturely done in Washington only time will tell. What is, however, irrevocably clear is that in both of these reassessments the administration cannot afford to "coverup" the basic realities that always obtained with respect to Vietnam, but which constantly were obscured through deceptions and lies by past administrations, both Democrat and Republican, thus leading to our deserved defeat.

The "coverup" surrounding past Vietnam policies can now be revealed as the "Watergate" of American foreign policy.

A "CIVIL WAR"

First, the real issue in Vietnam was that the conflict was, from the outset, a genuine "civil war" between nationalist Vietnamese, led by Ho Chi Minh, to be sure a Communist, but with indigenous support vs. a series of "puppets" supported initially by the French, and since 1954 by the Americans—i.e., non-Asians, incapable of understanding the Asian revolution unleashed since World War II.

Second, that a series of presidents, both Democrat and Republican, falsely perceived that overwhelming American military power could sustain a transplanted South Vietnam regime as an American model of nation-building in contravention of the basic legal-political provisions of the Geneva Accords (1954), and reincorporated in the Paris Accords (1973). The map of reality shows clearly, since 1954, that there was no such sovereign entity as South Vietnam. American self-deception only compounded the fiction with massive military intervention to no avail although Nixon's American troop withdrawal was sound policy though belated.

Third, Nixon-Kissinger could/should have refused to coverup the Watergate of the Vietnam folly after the signing of the Paris Accords (1973), but, instead they employed the rhetoric of "peace with honor" as deception of the map of reality. It was clearly evident that the Thieu regime's days were numbered with Vietnam nationalism the ultimate victor.

Even had President Nixon been audacious enough to reintervene with massive American armed forces, as his "illegal" (secret) assurances to President Thieu suggested, the ultimate end, an American defeat, would have resulted though the timespan for the final truth would have taken longer with greater tragedy and travail for all concerned.

MAP OF REALITY

The fundamental question today is can/will the Ford-Kissinger team, themselves perpetrators of the myth that a separate fictious, South Vietnam might be saved by massive American military aid to the very end of the charade, can/will they reassess the map of reality in Vietnam and all Southeast Asia? The coverup by past presidents of the unrealities of the basic issue, the deceptions surrounding our military ventures, the false premises that undergirded mistaken political judgments must be exposed as stark, naked, brutal errors, or America will continue as a great power with pigmy minds in leadership roles to determine our precarious future.

American credibility at home and abroad is precisely low, as of today, not because we did not do enough for President Thieu (and his quicksand satrap), but because the United States attempted to do too much to the bitter end of a known collapse of falsities, rather than recognize the map realities.

If American Congress and public permit the continuance of the Watergate on Vietnam, I fear for the future of American foreign policy not only in Southeast Asia, in the Third World, our real challenge for the future, but also for the forthcoming assessments on the Arab-Israeli protracted conflict.

While the Middle East controversy includes different issues and variables, some of the assumptions and perceptions operating within present administration policy toward the Middle East, however, suffer from some of the same erroneous conceptions as led to the Vietnam quagmire; whereas the realities are (1) that Arab nationalism is viable, vital and growing; (2) that Israeli military power augumented by American arms or even American direct intervention to seize Arab oil wells would be folly; and (3) that to continue past cold war perceptions as a rationale for our pro-Israeli policy is stupid.

TROLLEY, PLEASE COME BACK

Mr. TAFT. Mr. President, I would like to commend to my colleagues' attention a most interesting article from the Sunday Washington Post, by Mr. Wolf von Eckardt, "Trolley, Please Come Back."

Mr. von Eckardt makes the observation— and it is a very true one—that we acted foolishly and in haste when we replaced our streetcars with buses. We bought buses on the grounds that streetcars were "old-fashioned," and that buses could be routed flexibly. Yet when we study most cities' bus routings today, we find they make the same runs the streetcars made. In Europe, most cities still use streetcars, and, far from being old-fashioned, those streetcars provide better service than we get from our buses.

Streetcars are electric; thus they are virtually silent and nonpolluting. Toronto, Canada, which is expanding its streetcar system, has found that streetcars are one-third cheaper to operate than buses and one-third faster, even in city traffic.

I think Mr. von Eckard's suggestion, that we bring back streetcars to Washington, has great merit. I am proud to say that the State of Ohio is currently in the lead in taking a new look at the streetcar. Dayton, Ohio, has applied for a UMTA grant to build a light rail system, which would be the first new streetcar system in this country in many years. Dayton's plan, which is typical of the forward-looking thinking in that city, will, one way or another, be approved by UMTA, and Dayton will in turn be able to serve as a model for other cities across the country.

Mr. President, if we are serious about wanting to reduce petroleum consumption and air pollution, there is no better tool to those ends than the streetcar. I, for one, sincerely hope the trolley will come back, to give us transportation that is not only efficient but enjoyable as well.

Mr. President, I ask at this time that the article, "Trolley, Please Come Back." be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROLLEY, PLEASE COME BACK

(By Wolf Von Eckardt)

It is just as well that Washington never got around to taking up its old streetcar tracks.

We may be using them again.

This country has finally learned that over-reliance on heavy highway construction in urban areas was an expensive mistake. As Metro's costs soar, we are also learning that heavy subway construction is fearfully expensive.

So there is suddenly much talk about "light rail transit," which is another way of saying "trolley come back, all is forgiven!"

The federal Department of Transportation now wants "light rail transit" considered a serious alternative in all regional transportation planning. It is sponsoring a national conference in Philadelphia next month where Europeans and Canadians will tell how efficiently their old streetcars still work. The Americans will, of course, focus on vast, new improvements.

It would be quite a miraculous improvement, however, if we could just get back to the old-fashioned trolley cars that were efficient and fun to ride. They not only got us from one point to another, but they also let us see and enjoy what was in between.

Their only sin was that they got in the way of impatient motorists, which was why they were banned in America. The last Washington streetcar ran in 1962. Our streetcars are now serving the people of Zagreb and other Yugoslav cities.

But the sin of annoying the sacred cows can be corrected by giving streetcars their own right-of-way. Besides, the cows are no longer quite so sacred since we discovered that they pollute and disrupt the cityscape and consume an awful lot of land and energy.

This is why a team of private Washington transportation planners is urging the city to preserve the tracks, underground conduits and right-of-way of Washington's former streetcar system and take a good look to see if it should be restored, at least in part.

The team, headed by Joseph A. Bosco, who formerly worked for the Department of Transportation, has prepared an 85-page "Citizens' Proposal," which the city authorities should find well worth reading.

The Bosco team points out that streetcars would be a cost efficient and attractive way to move Bicentennial visitors from fringe parking lots to the points in interest on the Mall. Bosco believes that with real determination it still could be done in course of 1976.

For the long haul the Bosco study sees streetcars as a necessary supplement to Metro.

In addition to taking riders to and from Metro stations, streetcars could stimulate increased shopping and residential development along the 14th Street riot corridor and in the Shaw urban renewal area. They could service the proposed new town at Fort Lincoln, which will not have a nearby Metro stop. And they could go far to reduce automobile traffic in Georgetown and other residential neighborhoods.

Streetcars, the report says, have several advantages over buses. Operational costs are lower. And commuters would save from eight to 21 minutes along the routes Bosco suggests. On the premise that time is money, the saving amounts to $200 to $500 per passenger per year.

It is easier to provide separate lanes for streetcars than for buses. Streetcars don't bunch up or leapfrog, as buses do. And they can carry more passengers in peak periods.

What is more, streetcars are less noisy than buses, they provide a smoother ride and they don't pollute the air.

Energy consumption seems to be about the same. Buses burn gas and electric streetcars need coal for the electricity. Streetcars may, however, have a slight advantage because they do not burn fuel while they stop to pick up passengers. They need little power for their lights and airconditioning.

An important factor is that the diesel oil buses require is increasingly scarce and expensive, while coal for electricity is abundantly on hand.

The decisive question, however, is which mode is more likely to reduce the use of private cars by commuters and tourists. Chances are that people will take to the greater reliability and smoother ride of streetcars, which will, of course, never entirely replace buses.

Bosco would not buy Washington's banned streetcars back from the Yugoslavs because he considers them much too big, slick and modern. He could buy some of the nice, old, ornate turn-of-the-century models, combining nostalgia with their greater efficiency.

He says he even knows a place in Europe to buy some old trolley cars that could help Washington out of its traffic jam. But he won't tell.

A streetcar museum might snap them up.

THE TRANSITION QUARTER

Mr. WILLIAMS. Mr. President, an article in the April 30 issue of Effort, publication of the Committee for Full Funding, by Roy H. Millenson of the Association of American Publishers, throws needed light on the issue of education funding for the transition quarter, the period from July 1, 1976, to September 30, 1976. By virtue of the Congressional Budget and Impoundment Control Act of 1974, the 1976 fiscal year will be of 15 months duration. The additional quarter is necessitated by the switchover from a fiscal year beginning on July 1 to one beginning on October 1.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRANSITION QUARTER—IT IS A PUZZLEMENT

(By Roy H. Millenson)

The Federal budget wonderland is, for so many of us, a semantic wonderland overgrown with such terminology as outlays, budget authorities, interfund transactions, obligations, undistributed offsetting receipts and the other exotic flora of fiscal parlance. A new growth in this jungle of verbiage is "transition quarter". If you don't fully comprehend, don't feel too bad because sometimes even the native guides get lost.

It all began last summer. The Congress, with the enactment of the Congressional Budget and Impoundment Control Act of 1974 (PL 93–344), provided that, beginning in the 1976 calendar year, the Federal fiscal year will extend from October 1 to September 30 instead of the present July 1–June 30 cycle. In order to make the transition, it was further provided that FY 1976, the transition year, would run from July 1, 1975 through September 30, 1976. The additional quarter, July 1, 1976 to September 30, 1976, has come to be known as the transition quarter.

Not much of a puzzle so far. Or even an enigma. The specter of obfuscation, however, waits in the wings.

The explanatory papers distributed at HEW at the February 1 press and organization briefing on the budget compared proposed FY 1976 funding at a 12-month level with FY 1975 funding levels. On the final page of the briefing document—and this was supplemented by verbal assurances—the impression was given that the Administration was also requesting an additional 25% of the indicated FY 1976 figures to cover the fifth quarter transition period, July 1, 1976 to September 30, 1976.

However, an analysis of the Administration's budget for the transition quarter—which the House Appropriations Committee considered as a distinct budget period, separate from FY 1976 and FY 1977—reveals that only $240.4 million was requested, a far cry from 25% of the FY 1976 budget request. And this transition request covered only parts of eleven Education Division budget categories. This was a "puzzlement" not only to those with a flirting acquaintance with the education budget, but also to many knowledgeable individuals on Capitol Hill, at HEW and in the education community.

The House Appropriations Committee increased the funding for the transition quarter by $196.4 million to $436.815 million, an increase of slightly over 80%. It added no new items to receive transition quarter funds, cut from the Administration request on one item, increased two, and concurred on the other eight. No transition funds were added on the floor either by the Roybal Amendment or any other motion.

Let us examine, briefly, the specifics.

The Administration had requested $5 million for the transition quarter for PL 874 payments to school districts heavily impacted with category A children. This amount was based on the first tier entitlement. The committee increased this to $70 million. Neither the Administration nor the committee included funds for other PL 874 or PL 815 areas for the transition quarter.

The Administration had asked for $17 million for vocational education for the interim period, based on a yet unsubmitted proposal for new authorizing legislation. The House committee, noting that the new legislation had not yet been offered and the authorization had not expired, raised the amount of $151 million, to be used for State grants and research. Vocational education is not forward funded.

These, then, were the two increases.

The one cut was a reduction from the $13.1 million request for Education of the Handicapped to $10.5 million. This change was based upon the fact that the Administration's original budget request was in error.

Unchanged by the committee were transition funds for higher education ($124 million), Emergency School Aid Act ($325,000), educational activities overseas ($200,000), salaries and expenses for the U.S. Office of Education ($24,643,000), Student Loan Insurance Fund ($30 million), the Higher Education Facilities Loan and Insurance Fund ($548,000), the National Institute of Education ($20 million), and salaries and expenses for the Office of the Assistant Secretary ($5,599,000).

Among programs not receiving transition quarter funds are several newly enacted last year—metric education, gifted and talented, community schools, career education, consumers' education and women's educational equity—as well as the new consolidations, school library and instructional resources (Title IV–B, ESEA) and support and innovation (Title IV–C, ESEA).

Title I ESEA, received no transition quarter money based on the premise that funds are expended on a school year basis. This rationale was applied to other programs such as state grants for handicapped education and college student aid.

However, this logic is not applicable to Library Services (Title I, LSCA). Public libraries, the beneficiaries of the program, are not run on a school year basis. Public libraries, for example, do not receive a 15-month subscription to a scholarly journal or a news magazine for the 12-months' subscription price just because FY 1976 is a transition year. Costs for public libraries are obviously proportionately higher during the 15-month transition year—yet, LSCA I receives no transition quarter funds.

Unfortunately, the transition quarter issue was just barely mentioned during the April 16 House floor debate. An opportunity to clear the air was thus, unfortunately, lost. Also underlining the uncertainty on this issue is the fact that neither the House nor Senate Budget Committees dealt with the transition quarter in their recently-reported budget resolutions.

There's an old ballad with the catch line: "Don't shoot the piano player; he's doing his best." The same could be said of the Appropriations Committee which, it is felt, is not endeavoring to use the transition quarter phenomenon as a shortcut to shaving funds but would like to find an equitable path. But many also feel that because the issue is not too well understood, there are inconsistencies, and some education programs may well fall by the wayside and end up shortchanged. The Committee for Full Funding is endeavoring to clarify the situation.

SO CONGRESS—"WHAT'S THE STORY?"

Mr. PERCY. Mr. President, on November 17, 1974, I announced a comphensive energy conservation program which included a stiff gasoline tax with tax credits for essential driving, and a steep tax on inefficient new cars with cash bonuses for fuel-efficient new car purchases. I announced this program in response to what then was almost universally acknowledged as a very serious threat to our economy from excessive dependence on foreign oil sources and massive outflows of dollars for imported oil. My energy conservation program was reintroduced in the 94th Congress as S. 635 through S. 640 inclusive.

Since last November, Congress has done precious little about the energy crisis. A bill providing standby emergency authorities, but not mandating the saving of a single barrel of oil, has passed the Senate. Another bill adding another layer of price controls to domestic oil, but again not conserving a single barrel of oil, also has passed the Senate. The House has shown little or no interest in either of these bills.

A third bill to stop the President from placing a tariff on oil imports, but of course not offering any alternative method of reducing consumption, passed the Congress and was promptly—and properly—vetoed. The congressional box score for the "year of energy" so far is a big zero.

At last, the House has begun work on a serious energy conservation bill, H.R. 6860, which contains some semblance of a gasoline tax and an auto efficiency tax. However, the special interests are eating away at that bill, too, so that what is finally delivered at the door of the Senate may more closely resemble a picked carcass than a bold stallion.

Mr. President, it is time for the Congress to face up to the reality of the energy crisis, with full knowledge that our actions may not be popular, but they are necessary. I have often said that in this situation the people are far ahead of their leaders in their understanding of the urgency of this problem.

The people will support us in the Congress if we take decisive action. If we fail to take meaningful steps to reduce energy consumption, then we can blame only ourselves for the adverse economic results of continued dependence on foreign oil.

A timely article by Andrew Tobias in New York Magazine makes the point exceedingly well. However, the author incorrectly shifts the responsibility for action to the President by asking, "So Jerry—What's the story?" The question should be put to us, the lawmakers, to explain what action we propose to meet the energy crisis: "So Congress—What's the story?"

Mr. President, I ask that Andrew Tobias' article from the May 19, 1975, issue of New York Magazine be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

So, Jerry—What's the Story?

(By Andrew Tobias)

You will recall that before the babylift and the Connally acquittal and the Ali-Wepner fight and the unemployment . . . but after the Nixon landslide (but before the resignation) and around the time of the Hearst and Getty kidnappings and *The Exorcist* . . . there was, for a time, and with considerable commotion and fanfare, the energy crisis. And with it its mother-in-law, the petrodollar crisis.

You might think, from the conspicuous absence of headlines, let alone action, that the problem has up and left us, like the water shortage we once had. The crisis is over. True, drivers who creep along the Long Island Expressway are now taunted by signs that say "55" instead of "65"—but, like having to *ask* to get a glass of water in a restaurant, this is just scar tissue. The crisis is over. (If—*knowing wink*—it ever was here in the first place.) The market is up, dramatically; Con Ed's investment rating has been restored by at least one of the services; the banks have not collapsed; the gold bugs are not rich (or at least no richer); and you haven't seen Sheik Ahmed Zaki Yamani on TV in quite some time.

Fishfeathers. If anything, with each month the problem gets worse. Mainly, we are transferring, day by day, barrel by barrel, Cadillac by Cadillac, overheated office building by supercooled condominium, more of our wealth to the producing countries than we need to. We are getting poorer and poorer even faster than necessary. It's now been nineteen months since the Arab oil embargo sent the world economy into shock, and so far we have attacked the problem with all the spring of a 400-pound high jumper. You even have to wonder—except that it's too depressing to wonder about for long—whether our democratic system of checks and balances and myriad diverse private and public interests (any one of which can initiate an interminable legal battle) is *structurally able* to cope with such a complex, but eminently modern, crisis.

Some progress has been made, of course. The auto industry is gearing up to achieve a 40 per cent saving in average gasoline mileage by 1980—partly through improving the gas efficiency of American-made cars, and largely by simply selling a larger proportion of small cars. They are shooting for an average of 18.7 miles to the gallon for the 1980-model cars, though it will take longer for *all* cars on the road to come up to that average. (In Japan, where the people are really not all that much smaller, average mileage in *1972*, even before the embargo, was 22.9 m.p.g. Here it is 13.5 m.p.g. for all American cars on the road.)

Just last month General Motors announced that its Chevy Monza got 34 miles per gallon in Environmental Protection Agency highway tests, though "this is possible," the *Wall Street Journal* reported, "only for buyers who pay $285 for a special five-speed transmission and an optional engine." Without those options, mileage is about 15 per cent worse. Since Detroit is famous for making "previously optional equipment" standard, and raising prices accordingly—where the chrome and the carpeting are concerned, anyway—perhaps the same will someday be done for gas efficiency. But at least there seems to be a genuine shift in direction, however long overdue, in Motor City.

And there are signs of progress in Washington, too, where, if only by accident, *some* energy legislation is bound to slip through all the special-interest groups sooner or later. Of course, God only knows what legislative course is best to take in this highly complex area. So I gave Him a call.

"Yes, what is it?" He asked brusquely when I finally got through. (There is an economics professor at Harvard who is forever referring to "an open line to the Lord" and making dialing motions from the lectern, and that's how I got the Number.)

"You know why I'm calling, Lord."

"Of course I do," He said, "and I will give you one hint. [The Lord helps those who help themselves.] While you are trying to figure out about strip-mining and nuclear reactors and energy price floors and offshore drilling and all the other ways to increase your energy supply, you really ought to do something about cutting down on your energy waste. Waste not, want not."

"Yes, Lord—but how?"

"Place ye an excise tax on gasoline, and make it a whopper. Exempt trucks and buses. And share the money ye collect among all low- and middle-income taxpayers so that, net, no purchasing power is taken out of the economy—just shifted from gasoline to other things." The Lord is on the board of editors of *The Economist*.

"But what about fuel oil and electricity—shouldn't they then be taxed likewise?"

"Con Edison has already taxed the people sufficient unto the day. Maybe later."

"All right, well, an awful lot of us down here have proposed a gasoline tax—even the auto companies have said they would go along—but President Ford insists it is out of the question. Why is he so set against it?"

"Lord knows," He said—and we were cut off. (I could tell you stories about the *New York* Magazine switchboard that would make your head spin, but that's another article.)

If the proceeds of a gasoline tax were returned immediately in the form of lower Social Security or withholding deductions, and, if necessary, in the form of higher unemployment and welfare payments—what harm would it do? It would impose a bit more of a burden on Detroit (except to the extent that it encouraged the trading of gas guzzlers for more efficient models). But the president of at least one giant auto company told us he agrees the price of gas is too low.

It would penalize the man who commutes 40 miles to work and back each day, alone in a six-passenger car. But weigh that against a saving of perhaps a million barrels of oil a day through slower, more careful driving in smaller, more efficient cars. In the aggregate, that would mean stunting the outflow of American wealth by a few billion dollars a year—which is a lot in the context of the delicate balance of trade. And it would also increase the strain on the oil producers' cartel, and contribute to its eventual breakup and lower prices.

Variations on the gasoline excise tax have been in the works for nearly two years now, the latest being a bill voted out of the House Ways and Means Committee that would immediately add 3 cents a gallon to the excise tax, and could go as high as 23 cents in 1977 if gasoline consumption rose above 1973 levels. Even with a 23-cent tax, plus—though they say it hasn't a chance of passing—a 10-cent New York State excise tax, a gallon of gasoline in 1977 in New York City could still be had for less than a dollar. Current prices in England, France, Germany, Italy, and Japan are $2.10, $1.50, $1.25, $1.60, and $1, respectively. In most parts of the United States it is around 50 cents. Are our prices so much lower because we are trying to encourage people to burn the stuff?

President Ford has a plan for raising gasoline prices, too, and in all fairness it is not quite as dumb as it sounds. Ford would take the price controls off so-called "old oil"—the oil that has already been found—in order to encourage exploration for new oil. Old oil, which went for around $3.50 a barrel a couple of years ago and is frozen at $5.25 now, would in short order rise to the going world price of more like $11 or $12 a barrel. Gasoline prices would rise, but instead of the extra revenue's being shared among the populace, it would accrue to the oilmen.

Now, "new oil," which is oil from newly discovered wells or extra production from existing wells, *already* is exempted from price controls, and already brings shah-like prices. You may wonder: How will raising the price of "old oil" be an incentive to go and find more "new oil"? If anything, isn't it an incentive to just quit work altogether and let zillions flow in?

Well, the administration argues thusly: First, the profits from all this old oil would provide the capital for scouting out new oil. Second, they would impose an excess-profits tax along with the decontrol of "old oil," so that if most of the extra revenue were *not* spent on finding new oil, it would be taxed away by the government. And third, having just one price for oil, though very high, would smooth out the competitive advantages and disadvantages among buyers, some of whom were lucky enough to have been supplied largely from domestic producers (old oil) where others were unlucky enough to be supplied by imports (OPEC oil).

The other point the administration makes is that in order even to maintain "old" levels of production from many domestic fields, expensive secondary and tertiary recovery methods are required—and at old oil prices there is not enough incentive to bother. But rather than decontrol the price of *all* old oil, couldn't an incentive be provided by very gradually lowering the production levels that are currently used in dividing old oil from new?

It's hard to believe that decontrol of old oil prices is necessary to spur the exploration for new oil. It's more a philosophical question of "ownership," of private versus public good, finders-keepers, and all that stuff. But even if this rather remarkable oil-company windfall were approved, it still wouldn't raise gasoline prices by much more than a dime, and still wouldn't obviate the need for a higher excise tax to further discourage consumption. In other words, it's not necessarily an either/or situation, though that's the way the argument seems to be structured in Washington.

Because the energy/petrodollar "crisis" is both slow-moving and complex, it is *boring*. Because relatively little has been done about it, there is little new to write about it, so it drops out of the news—which makes prompt action all the less likely. But little by little it eats away at our economic strength.

So, Jerry—what's the story?

Hello?

A BALANCED NATIONAL TRANSPORTATION SYSTEM

Mr. McGOVERN. Mr. President, the South Dakota Farmers Union, through its president, Mr. Ben Radcliffe, has issued a statement of support for my bill, the National Transportation Services Board Act of 1975 (S. 1770).

South Dakota farmers are keenly aware of the need for a balanced and coordinated national transportation system that will enable them to get their products to market and to obtain their farm supplies in a manner which is both cost effective and environmentally sound.

I continue to believe that we can no longer address the national transportation problem in a series of patchwork bills that do not fully meet the challenge. I am encouraged by the support of the respected South Dakota Farmers Union for my bill, S. 1770.

I ask unanimous consent that Mr. Radcliffe's statement as published in the Huron Daily Plainsman be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the Huron (S. Dak.) Daily Plainsman, May 21, 1975]

SDFU Backs McGovern's Bill To Revitalize Railroads

The president of the South Dakota Farmers Union Tuesday voiced strong support for a bill introduced by Sen. George McGovern aimed at revitalizing the nation's rail system.

Ben Radcliffe, Farmers Union president, said McGovern's bill basically would place the railbeds, tracks and signal systems of all railroads under federal ownership.

Radcliffe emphasized that the McGovern bill would "essentially provide the same support for railroads that we are now providing for aircraft and motor vehicles—with the same kinds of charges we now assess in the form of road taxes and aircraft landing fees."

He said the bill would also set up a national board of power to dispense trust funds for maintenance of highways, railroads and airports.

"Passage of this legislation would, for the first time, give the United States the means to develop a national transportation policy," Radcliffe said.

The state farm leader also pointed out that the bill carries a crucial provision for South Dakota which would "nullify all applications for rail track abandonment until the national system is operative and we have a chance to evaluate what our national transportation needs are."

South Dakota currently stands to lose at least 540 miles in proposed rail line abandonments.

"The McGovern rail bill would give us the opportunity to make abandonment decisions on the basis of the interests of society as a whole rather than on the purely economic interests of the railroad companies," Radcliffe said.

He said the Farmers Union has been a leading force in fighting proposed rail abandonments during the past several years and the state's largest farm organization has been active in initiating South Dakota's Emergency Task Force on Railroad Abandonment and establishment of the South Dakota Department of Transportation and its division of railroads.

EXPORT-IMPORT BANK FINANCING PRENOTIFICATION

Mr. PROXMIRE. Mr. President, I call the attention of my colleagues to a communication I have received from the Chairman of the Export-Import Bank, William J. Casey, notifying me of a pending loan to the Bank of Tokyo, Ltd., Japan's ninth largest commercial bank. This is the fifth notice to be transmitted pursuant to section 2(b)(3) of the Export-Import Bank Act, as amended in the last Congress. That section requires prenotification to both Houses of Congress of any loan, financial guarantee, or combination thereof in an amount of $60 million or more at least 25 days of continuous session of Congress prior to the date of final approval. Upon the expiration of this period, the transaction may receive final approval by the Bank unless

Congress takes action to prevent the same.

In this case, the Bank proposes to extend a loan of $75 million to the Bank of Tokoyo to assist various Japanese spinning mills in the purchase of U.S. raw cotton. The full amount will be available for draw-down for a period of 1 year commencing August 1, 1975. Each draw-down is to be repaid within 1 year from the date thereof at an annual interest rate of 8 percent.

Mr. President, I ask unanimous consent that Chairman Casey's letter and the attached statement be printed in full in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Export-Import Bank of the
United States,
Washington, D.C., May 15, 1975.

Hon. William Proxmire,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Washington, D.C.

Dear Mr. Chairman: In accordance with section 2(b)(3) of the Export-Import Bank Act of 1945, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I respectfully furnish herewith a copy of this statement for your consideration.

Sincerely,

William J. Casey.

Export-Import Bank of
The United States,
Washington, D.C., May 15, 1975.

Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: Pursuant to Section 2(b)(3) of the Export-Import Bank of 1945, as amended, Eximbank hereby submits a statement to the United States Senate with respect to the following transaction:

A. DESCRIPTION OF TRANSACTION

1. Purpose:

Eximbank is prepared to provide financing to assist The Bank of Tokyo, Ltd. in purchasing from the United States $75,000,000 worth of raw cotton.

2. Identity of Parties:

The Bank of Tokyo is Japan's ninth largest commercial bank and was established in 1947 as successor to the Yokohama Specie Bank, Ltd.

By a law enacted in 1954, the Bank of Tokyo was specifically authorized to specialize in foreign trade financing. Although other Japanese banks are authorized to engage in foreign transactions, the 1954 law established the Bank of Tokyo as the official foreign exchange bank of Japan.

In Japan, the Japan Spinners Association, under the administrative guidance of the Ministry of International Trade and Industry, allocates foreign loan funds available for cotton imports to mills wishing to purchase cotton. Thereafter, loan funds are made available to the mills through Japanese commercial banks acting as agents of the Bank of Tokyo.

The indebtedness of the Bank of Tokyo to Eximbank will be evidenced by twelve month drafts drawn on and accepted by the Bank of Tokyo. The Bank of Tokyo will hold the obligations of the Japanese foreign exchange banks issuing letters of credit at the request of the mills which purchase the cotton, and these banks in turn will hold the obligations of the mills.

3. Nature and Use of Goods:

Raw cotton of all grades and staples for use in the Japanese spinning industry.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reason:

Since the early 1950's, Japan has been a steady purchaser of U.S. cotton, and each year since then Eximbank has provided loans to Japanese banks to enable Japanese cotton spinning mills to finance a significant portion of their U.S. cotton requirements. In the past five years, Japan has imported an average of 3,600,000 tons each year from all sources, of which about twenty-five percent has come from the United States. The proposed Eximbank credit will result in the export next year of $75,000,000 worth of raw cotton to Japan or approximately fifty percent of Japan's total annual purchases of cotton from the United States. As has been the case in the past, these exports will have a favorable impact on significant segments of the U.S. economy without any apparent adverse effects.

Cotton growers will benefit from the exports of cotton to Japan, since they will be assured of the continued presence of major customers. The exports will help to stabilize prices, which have declined from more than 80 cents a pound to less than 40 cents, as a result of severe weakness in world textile markets and a global recession. At the same time, cotton exports will not account for such a large portion of the harvest as to cause any increase in the price of cotton or decrease in the supply available for use domestically. Finally, it should be noted that, with at least 50% of the cotton exports to be carried on U.S. flag ships, the U.S. maritime industry will also derive substantial benefit from the proposed Eximbank credit.

In summary, not only will the proposed credit improve the foreign trade account of the United States, but it will also aid the U.S. cotton and maritime industries and provide employment during a time of historically high unemployment and deep recession.

2. The Financing Plan:

The total cost of $75,000,000 will be financed by Eximbank at an 8% interest rate. The credit will be repaid one year from each drawdown. Drawdowns will be made from August 1, 1975 through July 31, 1976.

Sincerely,

William J. Casey.

FEDERAL ELECTION COMMISSION RULES

Mr. CANNON. Mr. President, the Federal Election Commission, which is responsible under Federal election law for the disclosure of campaign contributions and expenditures by candidates for Federal elective office and which is charged with broad oversight of the Federal Election Campaign Act of 1974, will publish from time to time in the Federal Register its rules, regulations, and other actions pertinent to its jurisdictional obligations.

I believe that candidates for election to the Senate and to the House of Representatives will be greatly benefited by the publication in the Congressional Record of any rules, regulations and other actions of the Commission.

Therefore, I ask unanimous consent that the following documents be printed in the Record, at the conclusion of my remarks:

First is a news release from the Commission dated June 2, 1975, relative to various interpretations of the new Federal campaign financing law;

Second is a pamphlet containing highlights of proposed regulations; and

Third is a pamphlet containing notice of proposed rulemaking.

There being no objection, the material was ordered to be printed in the Record, as follows:

[News Release from Federal Election Commission]

Federal Election Commission Begins Rulemaking

Washington, June 2.—The Federal Election Commission today asked for public comment on various interpretations of the new federal campaign financing law.

In a formal "Notice of Proposed Rulemaking," the Commission took the first step in preparing rules and regulations that will govern all election campaigns for the Presidency, the U.S. Senate and the U.S. House of Representatives.

FEC Chairman Thomas B. Curtis said, "The Commission's goal is to insure that the new federal campaign law treats all persons and organizations equally as we draft and enforce the rules and regulations. The questions we have published today for public comment will assist the Commission in drafting some of the sections of the regulations that require the most immediate attention," he said.

The 1974 election law created the new commission to supervise and enforce the new limits on contributions to federal campaigns, ceilings on federal candidate and political committee spending, and public financing for Presidential primary and general elections.

Rules and Regulations prescribed by the Commission do not go into effect until after a 30 "legislative day" period during which Congress may disapprove any rule or regulation.

Among the questions released by the Commission today for public comment are the following:

Whether a candidate unopposed in a primary can spend the same amount during the primary period as candidates involved in a primary fight;

Whether "in-kind" services provided by a host city for a national party convention must be included in the national convention expenditure limit;

Whether local and state political party committees are required to register as political committees with the Commission;

What procedures can be implemented to simplify reporting so that local committees "will not require extensive backup material or a professional staff;"

Whether hearings involving complaints filed with the Commission about a candidate or political committee should be open or closed to the public;

Whether any interested individual should be able to receive an "advisory opinion" from the Commission on specific transactions or activities, or whether the Commission should limit the issuance of such binding opinions to the recipients specifically enumerated in the law (office-holders, candidates and political committees);

Whether the Commission has the authority to issue rules and regulations relating to sections involving Title 18, the criminal code;

What procedures and regulations should be created concerning "excess contributions" that the law permits an officeholder to use "to defray any ordinary and necessary expenses" of that office;

What regulations should be imposed with respect to the $1,000 limitation for expenditures by any individual on behalf of a candidate but which are independent of that candidate or the candidate's political committee;

What procedures should be utilized to certify a "new party" that would become eligible for public financing for the Presidential election based on its percentage of the vote in the election;

How expenditures of multi-candidate committees should be apportioned between different candidates; and

How requests under the Freedom of Information Act should be processed.

[To be published in Federal Register on Monday, June 2, 1975, Part III]

TITLE II—FEDERAL ELECTIONS; CHAPTER II—FEDERAL ELECTION COMMISSION; [NOTICE 1975-1] INTERIM GUIDELINES; REPORTS

Pending the issuance of revised regulations and forms under the Federal Election Act Amendments of 1974, committees, candidates and others subject to the Act may, in complying with the reporting requirements of the Act, as amended, submit such reports in conformance with regulations promulgated by the previous Supervisory Officers under the Federal Election Campaign Act of 1971, the Secretary of the Senate, the Clerk of the House of Representatives, and the Comptroller General of the United States.

Such reports will be accepted by the Federal Election Commission on forms heretofore published by the previous Supervisory Officers. The Commission recommends that reporting parties observe the following modifications in completing said forms:

1.) In connection with reports due on or before July 10, 1975, on the front page of the Reports of Receipts and Expenditures (for either a political committee or a candidate) issued by the previous Supervisory Officers, the date July 10 should be typed in the section captioned "Type of Report." Committees, candidates and others who have heretofore filed reports with the Secretary of the Senate or the Clerk of the House of Representatives should file the July 10, 1975 reports with those officers as before. Committees, candidates and others who have heretofore filed reports with the Comptroller General of the United States should file the July 10 report with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. All other persons subject to the Act should file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

2.) The definition of "file," "filed" and "filing" has been superseded by provisions of the 1974 Act which stipulated that the U.S. postmark shall be deemed to be the date of filing. [2 USC § 436(d)]

3.) The definition of "periodic reports" has been revised to mean reports filed not later than the tenth day following the close of a calendar quarter. [2 USC § 434 (a)(1)(C)]

4.) The definition of "pre-election report" has been revised to mean those reports filed not later than the tenth day before the date on which such elections are held. [2 USC § 434(a)(1)(A)(1)]

5.) The instructions entitled "Dates for Closing Books" have been modified by provisions of the 1974 Act which stipulate that pre-election reports shall be complete as of the 15th day before such election; that reports filed not later than the 30th day after an election shall be complete as of the 20th day after such election, and that periodic reports shall be complete as of the close of the calendar quarter. [2 USC § 434(a)(1) (A) (B) and (C)]

6.) In Parts 5 and 10 on the Summary Page issued by the previous Supervisory Officers, both the total amount of transfers and the portion thereof comprised of transfers between political committees which support the same candidate and which do not support more than one candidate should be entered on the same line separated by an oblique (/), pursuant to the requirements of 2 USC § 434 (b)(8) and (11). For example, the Part 5 entry might be 800/500, the 800 figure representing the total transfers, the 500 after the oblique representing the amount transferred between political committees supporting the same and no other candidate. In computing the "TOTAL RECEIPTS" amount in the line immediately below Part 5, the total transfer figure (in the foregoing example, 800) should be used. In computing the "TOTAL EXPENDITURES" amount in the line immediately below Part 10, the total transfer figure (the figure before the oblique /) should similarly be used.

7.) Expenditures, including communications media expenditures, need be itemized only when they aggregate in excess of $100 to any individual in a calendar year [See 2 USC § 434 (b)(9)]. Communications media expenditures need not be separately itemized under Part 6 of the Summary Page issued by the previous Supervisory Officers, but may be included under Part 9 of the Summary Page.

The Commission will at the earliest possible date issue interim guidelines relating to the following matters (as well as matters described in the Commission's Notice of Proposed Rulemaking published in today's Federal Register): a) when and how a candidate should designate a principal campaign committee; b) when and how a candidate should designate campaign depositories.

Effective Date: May 30, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

FEDERAL ELECTION COMMISSION [11 CFR CHAPTER II]—IMPLEMENTATION OF FEDERAL ELECTION CAMPAIGN ACT [NOTICE—1975-2]—NOTICE OF PROPOSED RULEMAKING

Federal Election Campaign Act Amendments of 1974 (P.L. 93-443, 2 U.S.C. Section 431 *et seq.*). The FEC is responsible for the administration of, for obtaining compliance with, and for formulating policy with respect to the Federal Election Campaign Act of 1971, as amended (the Act), and Sections 608, 610, 611, 613, 614, 615, 616, and 617 of Title 18, United States Code (the Act and these Sections are collectively referred to herein as the "Statutory Provisions"). Pursuant to these responsibilities the FEC is preparing regulations to implement certain of the Statutory Provisions; the FEC proposes to make rules with respect to some or all of the aforementioned matters. Such regulations will be designed to insure that all persons and organizations subject to the Statutory Provisions are equally treated, and that the public interest requiring a clear development of constitutional safeguards is served.

Any interested person or organization is invited to submit written comments to the FEC concerning any part of this Notice. The facts, opinions, and recommendations presented in writing, in response to this Notice will be considered in drafting regulations related to the Statutory Provisions.

Set forth below is a general description of the subjects and issues that the FEC believes require the most immediate attention:

I. PROCEDURES

A. Comments should be directed to whether or not the Commission has the authority to issue regulations generally for 18 U.S.C. §§ 608, 610, 611, 613, 614, 615, 616, and 617, similar to its authority with respect to Title 2, or whether the Commission can only issue regulations in respect to Title 18 so far as there is a question of:

(1) General policy;

(2) Where such regulations are necessary or appropriate in connection with the reporting requirements under Title 2; or

(3) Where there are parallel references in Titles 2 and 18.

B. Comments should be addressed to general rulemaking procedures of the FEC and consideration should be given to the manner in which comments should be solicited, hearings (if deemed appropriate, the timing, location and duration of said hearings), and the manner in which notices and regulations shall be made public.

C. Advisory opinion requests. Among other considerations, comments should be addressed to whether or not the FEC should have a procedure for issuing opinions to other than the categories of persons listed in 2 U.S.C. § 437f(a). See generally 2 U.S.C. § 437f.

D. Complaints. Comments should be addressed to whether or not complaint hearings such as those contemplated by 2 U.S.C. § 437g(a)(4) should, if ever, be closed to the public. Additional comments as to the entire complaint procedure may be submitted.

E. Comments are invited concerning the manner in which requests under the Freedom of Information Act should be processed.

F. The regulations and procedures necessary to carry out the provision of 2 U.S.C. § 439a requiring disclosure of excess contributions and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office.

II. DEFINITIONS

A. "News story, commentary or editorial" is used in the definition of "expenditure" under the Act at 2 U.S.C. § 431(f) and in 18 U.S.C. § 591(f) but is not mentioned in the definition of "contribution" in 2 U.S.C. § 431 (e) of the Act and 18 U.S.C. § 591(e). Comments may be addressed to the issue of whether a "news story, commentary or editorial" is to be included in the definition of a "contribution".

B. "Debt" is not defined in the Act or in Title 18. Comments may be addressed to the distinction between "debt" and "loan" and "anything of value". In this regard comments are solicited concerning "debts" incurred in the normal course of business and consideration should be given to both contingent fees and 18 U.S.C. § 610. In addition, comments may be addressed to the question of whether both the expenditure of the proceeds of a loan and the repayment of the loan itself are "expenditures" for the purposes of 2 U.S.C. § 431(f) of the Act and 18 U.S.C. § 591(f); similar attention should be given to a "debt". [See 2 U.S.C. § 436(c)

C. "Slate cards" are defined in 2 U.S.C. § 431 of the Act and 18 U.S.C. 591 to require the listing of three or more candidates and costs involving such cards are excluded from expenditures. Comments regarding further definitions of "slate cards" may be concerned with the treatment of slate cards that include partial slates and the printing requirements of such cards in regards to the size and type of print of the cards.

D. "Unreimbursed payment for travel expense" is used in 2 U.S.C. §§ 431(e)(5)(D) and 431(f)(4)(E) of the Act and 18 U.S.C. §§ 591(e)(5)(D) and 591(f)(4)(E), but is not defined. Comments may be addressed to the issue of whether or not the $500 limitation regarding unreimbursed travel expenses is applicable to travel to a campaign site, to travel expenses at or near the campaign site, and to living expenses at said campaign site.

E. Comments are invited with respect to interpretive rules governing the application of 18 U.S.C. § 608(e), the "independent expenditure" limitation, including the definition of the phrase "directly or indirectly, on behalf of a particular candidate" in 18 U.S.C. § 608(b)(6) so as to make it clear that only truly independent expenditures will be considered under 18 U.S.C. § 608(e), and the scope of activities covered.

F. "Ordinary and necessary expenses incurred . . . in connection with his duties as a holder of Federal office" is used in 2 U.S.C. § 491(a) but is not defined. Comments may be submitted concerning the distinctions between "ordinary and necessary expenses" and political expenses, whether or not there should be time limits placed on the use of excess funds prior to and after an election, whether or not a distinction should be drawn between a declared and non-declared candidate for reelection and other matters concerning 2 U.S.C. § 439(a).

G. Comment is invited as to whether the term "new party" as defined in 26 U.S.C. § 9002(8) includes only organizations that formally considered themselves political parties and nominate candidates for a number of offices, or whether it includes any political organization which serves as the principal campaign committee for a presidential candidate which does not qualify as a "major party" or "minority party" under 26 U.S.C. § 9002 (6), (7).

III. COMMITTEES

Persons and/or organizations commenting on this section should attempt to suggest ideas and recommendations that will allow local committees to file relatively simple, although comprehensive, reports that will not require extensive backup material or a professional staff to maintain said backup material or prepare the required reports. One purpose of the Act is to encourage widespread participation in the political process, and to such end the FEC will attempt to avoid any regulation tending to limit the economic feasibility of local committees.

1. Comments are invited concerning allocation of expenditures among candidates by multi-candidate committees and by hybrid committees contributing to both non-Federal and Federal candidates.

2. Comments are invited concerning filing requirements for multi-candidate committees and local and State committees, both Federal and non-Federal. Comments may involve whether such committees are required to file and/or register with the FEC and/or file with a principal campaign committee. Standards for such filings may involve the degree of control—and/or fund interchange among various committees.

3. Comments are invited concerning the issue of whether local and State party committees are required to register with the FEC.

IV. ELECTIONS

1. Unopposed Primary Nominations. Comments are invited to discuss whether or not a candidate who is unopposed on the last day of filing for a party nomination and otherwise qualifies to be the nominee of a party should be entitled to the same expenditures under 18 U.S.C. § 608(c)(1) during the primary.

2. Independent Nominees. Comments are invited to discuss whether or not candidates not chosen by a primary election, who may [or may not] be required to secure nominating petitions before appearing on the general election ballot, should be entitled to the same expenditures under 18 U.S.C. 608(c)(1) during the primary period as a candidate running opposed in the primary.

V. CAMPAIGN DEFICITS

1. Comments are invited to discuss whether or not contributions made after January 1, 1975, the effective date of the Act, should be allowed to reduce a campaign deficit in existence prior to January 1, 1975 and whether or not such contributions should be counted toward the limits of the next "election".

2. Comments are invited to discuss whether or not the 1974 Amendments to the Act should be applied to a run-off election held after January 1, 1975 but arising out of an election in 1974.

3. Comments are invited to discuss whether or not contributions received after an election to retire a deficit should be counted for the election just completed. Comments are invited to discuss how businesses should be allowed to deal with valid business debts which a political committee or candidate cannot pay due to lack of campaign funds or expenditure limits.

VI. NATIONAL CONVENTIONS

1. Comments are invited on the method which should be used to determine payout schedules and amounts.

2. Comments are invited to discuss the treatment of "in kind" contributions, such as reduced room rates, reduced car rental, payment of expenses to site selecting committees, and reduced charges for use of convention halls.

VII. PUBLICATIONS

Comments are solicited on the number, type and orientation of materials which the Commission should publish to serve as guides to compliance with the laws in the most convenient form and efficient manner.

Comments with respect to additional matters not specifically mentioned are also invited.

Comment Period.—Comments should be mailed to Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 by July 1, 1975. For further information call (202) 382-5162.

Thomas B. Curtis,
Chairman, for the Federal Election Commission.

IMPORTANCE OF GENOCIDE CONVENTION IN GLOBAL AFFAIRS II

Mr. PROXMIRE. Mr. President, I wish to amplify my remarks from yesterday. We are acutely aware of the rapid emergence of independent states from the ruins of former colonial empires. Because of the resources and sheer numbers of people they represent, the path these nations follow will have profound implications for the course of world events. We must view with concern the courses of their political systems.

We must realize—particularly in light of recent occurrences in Indochina and the Mideast—that it is foolish and even dangerous to expect that these newly influential nations will behave exactly as we wish. It is not, however, unrealistic to hope that they will embrace certain fundamental characteristics that all nations should value highly: The basic guarantees of liberty and freedom. We should do all that is reasonably in our power to foster these rights.

Yet we continually refuse to reaffirm these basic tenets through the ratification of the Genocide Convention. If indeed we hope that the best of our system will be transmitted to other nations through the force of our example, then we cannot hesitate to assert our support of these things to the rest of the world.

While we delay, the convention is ratified by many of the very nations to whom we are supposedly offering an example. The list is embarassingly long—over 80 nations. In them, whole generations have grown to adulthood since the creation of the convention. If we are to exert a constructive influence in this sphere, Mr. President, if we are not to lose our traditional leadership in the field of human rights, we must act to ratify these conventions now.

OUR GRAIN TRANSPORTATION SYSTEM: A TEMPORARY RESPITE?

Mr. McGOVERN. Mr. President, nearly every Member of this body will recall in vivid detail the great railroad bottleneck which strangled our grain transportation system in 1973 and 1974.

Hardly a rural elevator anywhere in America could move grain out as fast as farmers brought it in. The Interstate Commerce Commission reported peak daily car shortages of up to 30,000 cars.

It was one symptom—a severe one—of a seriously deficient transportation system in this Nation.

In an article from Farm and Home Research, a publication of South Dakota State University's Agricultural Experiment Station, that university's economics professors Richard K. Rudel and William F. Payne describe a more hopeful grain transportation outlook for 1975.

Their story, simply put, is that there is less grain to move and more rolling stock to move it this year than in the past 2 years.

But they point out further that nothing fundamental has happened since the 1973–74 crisis. There has been no structural change in our transportation system. Railbeds that were in deteriorated conditions in 1973–74 are, if anything, more deteriorated today.

For the immediate future, it appears that we have some breathing time—purchased, in a sense, by the massive infusion of Federal aid into our rail system.

But we cannot buy time indefinitely. Neither our supply of money nor the public's willingness to see it poured into a faulty transportation system are limitless.

I recently introduced S. 1770, the National Transportation Services Board Act of 1975, which has been referred to the Committee on Commerce. This legislation calls for a fundamental reform of not only our Nation's rail system but also related modes of transportation. I believe firmly that such major reform is the only way out of what otherwise is a hopeless situation.

Mr. President, I ask unanimous consent that the article by South Dakota State University Economics Professors Rudel and Payne be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Moving Grain in 1975

(By Richard K. Rudel and William F. Payne)

Although we'll still have some problems during peak harvest periods, the U.S. grain transportation system will adequately meet 1975 demands.

There are several reasons for this favorable outlook. The massive movements of previously stored grains to export has been substantially completed. Lower crop production in 1974 was accompanied by declines in domestic consumption and sales to foreign countries.

In addition, improvements have been made in railroad equipment, rail car utilization, truck utilization, and in the structure of the total grain marketing system.

LESS GRAIN WILL BE MOVING

Total movement of U.S. grains is projected at 203.2 million short tons (2,000 lb) for the 1974–75 crop year. That's 26 million tons below the 1973–74 movement.

Accounting for this drop will be a 17.6 million ton reduction in exports and an 8.4 million ton reduction in domestic movements due primarily to a cutback in cattle feeding.

The drop in movements is equal to 260,000 covered-hopper carloads of grain.

We will still have the traditional seasonal peak demands for rail cars and trucks during winter wheat (June and July) and corn and soybean (October and November) harvests.

Peak daily car shortages, even for these periods, are anticipated to average less than

1,000 cars for 1975 as compared to the 20,000 to 30,000 daily car shortages reported in 1973 and 1974.

Export movements are forecast to average between 180,000 to 220,000 tons per month; however, if exports would climb to 250,000 tons per month or more, peak car shortages could increase above the anticipated 1,000 level.

Unless a record crop is experienced, there could even be surplus rail cars and trucks around, especially if producers elect to hold a substantial amount of their 1975 grain in on-farm storage.

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COVERED-HOPPER FLEET IS LARGER

Substantial changes are occurring in the rail car grain-carrying fleet. The basic trend is to phase out the 40-foot narrow-door boxcars in favor of the larger capacity covered-hopper cars. By January 1, 1976, the boxcar fleet is expected to number 134,515 cars, which is 26 percent fewer than January 1, 1970. In contrast, the covered-hopper fleet is forecast to number 228,500 cars on January 1, 1976, which is a 42.5 percent increase in the same 5 years. This transition increases the total carrying capacity of the grain-carrying fleet by 25 percent over 1970.

The proportion of boxcars to covered-hopper cars, measured in terms of numbers of cars loaded, has been completely reversed. In 1970, boxcars accounted for 62 percent of grain car loadings, with covered hoppers carrying the remaining 38 percent. By 1974, only 38 percent of the loadings were in boxcars, with covered hoppers taking 62 percent. This trend will continue during 1975, with covered-hopper cars gaining another 3 to 4 percent.

Two main factors account for recent increases in the covered-hopper fleet. One was the passage of the Transportation Improvement Act of 1974, which established federal loan guarantees of $2 billion to help railroads expand purchases of rail equipment and facilities. The second factor is that shippers are buying or leasing new cars directly from manufacturers. About one out of four covered-hopper cars is owned or leased by private shippers.

CARS ARE NOW USED MORE EFFICIENTLY

Rolling stock accounts for 50 percent of the net capital investment in rail service, but in a typical freight car cycle, only 14 percent of the car's time is spent in line-haul movement. About 42 percent of the time the car is empty.

Nearly two-thirds of the car's cycle is spent in terminal and switching operations. Most of these switching and terminal operations are not controlled by the car owners, but involve transfers between competing railroads.

Some improvements, however, have been achieved in rail car utilization. The development of the unit train is one of these improvements. The train remains intact throughout the trip to the port terminals. As a result, unit trains (50 or more cars) generally make a round trip from grain elevator to the terminal market and back to the grain elevator about three times more quickly than a single car shipment. A single car round trip taking 30 days has been accomplished in only 10 days by a unit train.

Another factor improving rail car utilization is an increase in the average load size. The average loaded weight for covered-hopper cars increased from 3,000 bushels in 1970 to 3,400 bushels in 1974. Boxcar average loaded weight remained at 2,000 bushels.

Covered hoppers are also faster to get in and out of local elevators. Compared with boxcars, they need very little preparation for loading.

So, with less congestion at ports and terminals due to declining grain movements, increased number of covered-hopper cars and trends toward unit-train shipments, car utilization has improved, and is expected to continue improvement during 1975.

Rail car shortages and rail abandonments forced many grain elevators to turn to trucks.

An indication of this is the number of truck arrivals in the Minneapolis terminal market. From January through November, total truck arrivals increased from 174,409 in 1972 to 208,424 in 1974.

In the past several years, trucks did respond to fill the shortages of rail cars. However, with the substantial increases in the covered-hopper rail-car fleet, and with the recent decline in demand for grain transportation, trucks may be in excess supply for the rest of 1975.

A random survey of 25 grain elevator firms in South Dakota in January of 1975 asked these questions of elevator managers:

1. Have you experienced any improvements in track conditions, rail car equipment, or service during the past year?

2. Have you added any storage or loading facilities to your grain elevator firm since 1973?

3. Are farmers in your area selling their grain or holding it on their farms?

4. What are your current transportation rates for rail and truck shipments of grain?

Responses indicate that South Dakota's outlook for grain transportation is similar to that for the nation.

Concerning improvements in track conditions, equipment, and service, 50 percent of the elevator managers reported that some progress was being made in their areas. The following is a sample of the positive responses. "Yes, the railroad is building a brand new track so they can handle the heavier hopper cars." "No new trackage, but the last four cars I received were brand new hoppers." "Yes, trackage is being upgraded, no complaints, we have good service."

Comments made by the other 50 percent of the managers included: "Even our best line is in rough shape." "No improvements are being made in my area and we still have poor service with boxcars, even though we have no shortage in number of cars."

Nearly all managers of elevators located on main lines reported some improvements in facilities and/or service. Although some of these managers were located on branch lines, all reports of no improvements or deteriorating service came from managers of elevators on branch lines.

Only two elevator managers reported additional storage capacity, and just one manager stated that an improved loading system had been installed. Seven managers indicated that due to reduced crop production in their area and/or readily available transportation, they have more empty storage than at any time during the past several years.

When asked during the January survey whether producers were selling or holding grant, managers gave widely different estimates. The low estimate was: "Every time there is a price change in the market farmers get excited, and result, I believe we have only about 10 percent of the 1974–75 crop on the farm in our area." The high estimate: "80 percent of the 1974–75 crop was still on the farm."

The estimate most often given was that 50 percent of the 1974-75 grain crop was on the farm.

Holding of this grain reduced the current demand for transportation; however, as the harvest for the 1975–76 crop approaches, more of this grain may move to market and create additional demands for transportation. As a result, substantial storage space could become available on farms. If recent grain price decline continue producers could place much of the new crop in storage. If this situation develops, peak movements of grain will be less than forecast, and transportation equipment will be even less in demand for 1975.

The estimated bushel rates for shipping wheat from South Dakota to primary terminal markets are reported in Figures 1 and 2. Truck rates for shipping wheat as of January 1975 were about 3 to 4 cents per bushel lower than 1973 rates, but about 2 to 7 cents per bushel above 1972 rates. Rail rates increased more during 1974 than during 1972 or 1973.

Comparisons between truck and rail rates for wheat shipment from selected South Dakota points to Minneapolis are shown in Table 1. The comparisons indicate that January 1975 truck rates were lower than rail rates for all of the distances considered in this study. A similar condition existed in 1972. During 1973, rail shipments of wheat were cheaper than truck shipments except for hauls under 96 miles.

Although some improvements are being made, South Dakota is faced with several continuing rail transportation problems.

For example, 309 miles of Chicago and Northwestern Transportation Company track are up for abandonment. This includes 126 miles of South Dakota track between Iroquois, S.D., and Wren, Iowa; 48.2 miles of track from Watertown to Doland; 71.4 miles of track from Watertown to Stratford; and 63.2 miles of South Dakota track between Winner, S.D., and Norfolk, Nebraska.

The energy shortage might slow the trend, but abandonments will continue, even though in comparison to trucks, railroads are at least four times more efficient in the use of fuel.

Most remaining South Dakota rail lines are not structurally capable of handling the large capacity covered-hopper cars which are part of the new grain transportation technology in other states.

Unless South Dakota railroad tracks are upgraded, the state will be forced to continue using smaller-capacity less-efficient boxcars. The costs involved in upgrading are substantial, and it is doubtful if either South Dakota or the railroads could bear the entire expense.

One suggestion for solving the problem of light capacity track involves the federal government purchasing rights-of-way, upgrading the track, and leasing it back to the railroads. While this would be an expensive project, it might be preferable to federal ownership and operation of the nation's railroads.

TABLE 1.—RAILROAD AND TRUCK RATES FOR TRANSPORTING WHEAT FROM SELECTED SOUTH DAKOTA COUNTRY ELEVATORS TO MINNEAPOLIS, 1972, 1973, AND 1974[1]

City	Miles	1972 (cents/bushel)		1973 (cents/bushel)		1974 (cents/bushel)	
		Rail	Truck	Rail	Truck	Rail	Truck
Brookings	207	20	17	22	23	25	21
Aberdeen	269	23	20	24	28	28	25
Fort Pierre	384	27	26	28	36	34	32

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[1] Rates based upon the trend lines given in figs. 1 and 2. Rail and truck distances are approximately equal between Minneapolis and the towns used in this table. Although these rates were based on he January 1975 survey they had been in effect since the last quarter of 1974.

Trucking cannot provide a year round alternative to rail shipments because of spring-time weight restrictions, which reduce the amount of axle weight by one-third. The U.S. Department of Transportation has found 37 percent of South Dakota's roads either deficient of intolerable[1], which means that even without the spring-time restriction, South Dakota highways are in need of substantial upgrading. This problem will become much more severe as rail abandonment continues.

Truckers in South Dakota also may face additional difficulties because of the continuation of "truck discounts" at the terminal markets. Several of the elevator managers surveyed in January indicated that trucks were still being discounted by 4 to 20 cents per bushel.

Truck discounts means that the terminal elevator pays less for the same grain if it is delivered by truck than if it comes by rail.

The outcome is that the lower prices eventually seep back to the grain producer.

Another problem area involves adjustments made by railroads and truckers in response to changing market conditions. The fluctuating truck rates reflect the trucking industry's exempt position from ICC rate regulation. This enables truckers to change their rates in response to competition from other modes and to changes in the volume of grain movement.

The increasing but time-lagged nature of railroad rate increases reflect railroads' regulated position and their inability to adjust rapidly to meet competition from other modes and to changing grain marketing conditions.

The volatile rate adjustments by grain truckers, however, often creates substantial competition between truckers. During peak transportation demand periods, the grain truck supply expands. When the demand for transportation service declines, the excess truck supply results in rate cutting, and failure of some trucking firms. While, in principle, competition between and within transportation modes is desirable, situations as described above can and do result in misallocation of resources and lead to coordination problems between and within modes.

Adjustments are also expected in handling and loading facilities of elevators that use or intend to use covered-hopper cars. Their improvements are especially important if either unit trains or multiple-car shipments of 25 to 50 cars are to be regularly scheduled and used.

Similar improvements in handling and loading facilities may be needed by elevators that rely heavily upon truck shipments of grain discounted from 4 to 20 cents per bushel.

COST-OF-EDUCATION GRANTS

Mr. BAYH. Mr. President, 3 years ago Congress authorized cost-of-education grants to those colleges and universities enrolling federally subsidized students. This program has never been funded even though authorized in 1972. This year Congress must once again decide whether to appropriate funds for the cost-of-education grants. It is impossible to overstate the importance of this provision. Although we have made tremendous strides in broadening access to postsecondary education over the past decade, institutions still are bearing the ever-increasing burden of costs for the aided students. Their only alternative is to raise tuition costs thereby placing a heavier burden on all students which threatens higher education for students from poor and middle-income homes.

Mr. President, because of the importance of this issue, I ask unanimous consent that an article by Mr. John Mallon, the director of governmental relations at the American Association of Colleges and Universities appearing in Change magazine—The Magazine of Higher Education—stressing the importance of the cost-of-education grants be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COST-OF-EDUCATION CONTROVERSY

(By John P. Mallan)

This year Congress will have to decide once again whether to appropriate funds for the federal cost-of-education program, a decision of great potential importance to all of higher education. The program, part of the Higher Education Act amendments of 1972, has never been funded, despite Senate efforts to do so in 1973 and 1974.

Cost-of-education, if it were funded at statutory levels, could provide hundreds of millions of dollars a year in direct institutional aid to public and private colleges. Funds would be granted largely on the basis of the number of students receiving federal student aid funds at each college, with a small allowance for graduate enrollment. Once awarded, these funds could be used for general instructional purposes.

Federal institutional aid is a concept with a long and stormy history. In the late 1960s most of the Washington-based higher education associations decided that such aid was needed for the basic, continuing support of their institutions. Then, as now, categorical funding—such as aid for research and special training programs—was likely to rise and fall as federal priorities shifted. Furthermore, the largely undergraduate colleges, which make up most of the academic community, did not receive much assistance from most categorical aid programs.

Student aid, which has received a considerable amount of attention from the federal government and from special study commissions in recent years, does not solve college financial needs. The fraction of student aid paid to the college as tuition covers only a small part of the cost of instruction at most institutions; the remainder has to be made up by the state or from other sources.

Proposals to "give the student the money and let him or her decide in the free market," popular in recent years, ignore the fact that even if student-aid levels were adequate to meet the need, a college could not maintain its capacity to provide adequate instruction without substantial additional funds. Indeed, proposals that emphasize student aid alone may force colleges to raise tuition for all students. Conversely, institutional aid funds can help colleges keep tuition down; one public college system is considering using all cost-of-education funds for this purpose.

For these and other reasons, the educational associations have strongly supported direct institutional aid—preferably on a general per-student basis rather than on a cost-of-education basis. They point out that a college serves all of its students, not simply those who are federally aided.

In 1971 and 1972, then Representative Edith Green of Oregon, who headed the House subcommittee that dealt with higher education, became a strong supporter of general per-student institutional aid. In response to her urging, the House passed a bill that included one form of such aid. In the Senate, however, Claiborne Pell of Rhode Island preferred the cost-of-education approach. Senator Pell, the father of the Basic Educational Opportunity Grant (BEOG) program (sometimes called the Pell grant program), believed that institutional aid based on the number of student-aid recipients would encourage colleges to seek out and enroll such students. The Senate bill included his cost-of-education formula.

The Nixon administration probably would have preferred no institutional aid program of any kind; it tried to end other such programs. Some administration planners favored aiding poor students through grants and aiding other students through expensive, long-term loans. Many opposed institutional aid either in principle or because it might cost too much. Ultimately, however, Elliot Richardson, then secretary of HEW, supported the Senate approach. The Pell cost-of-education formula prevailed over the Green formula, and after a bitter struggle it became law in 1972. But since then the administration has refused to request funding for it.

In 1973 Senator Robert C. Byrd of West Virginia, the majority whip who has emerged as a major power in Congress, tried unsuccessfully to obtain congressional support for funding cost-of-education. Last year Byrd, joined by Senator Birch Bayh of Indiana and 12 other senators, tried again. The Byrd-Bayh effort might have succeeded but it came at the time when President Ford had just come into office and had called for austerity. The Senate voted on the HEW budget in the early days of its honeymoon with President Ford, and cost-of-education lost again.

The outlook for 1975 is unpredictable. There will be serious controversies over the budget as a whole and over domestic spending. In recent years the President's budget request has tended to set an overall ceiling for higher education expenditures, which the appropriations committees stay close to. It is not yet clear how much a new congressional budget process and a new class of liberal Democrats will affect spending levels in higher education. Meanwhile, the effects of the economic crisis, declining or steady-state enrollments, and state fiscal problems are hurting many public and private colleges. Some experts feel that literally hundreds of institutions may be unable to survive over the next 5 to 10 years without a major new source of financial aid.

Indeed, there is a hidden agenda in the debate over institutional aid. Those economists and planners, inside the government and elsewhere, who favor much higher levels of tuition at public colleges, more emphasis on student aid for the poor, and long-term loans for everyone else have generally opposed institutional aid. Some planners want a market model in which students pay much more and "decide" which colleges to support. In other words, an emphasis on federal and state student aid and student choice can sometimes be a subtle means of raising charges for almost all students. At least one economist who has published extensively on higher education has advocated that federal student aid be used deliberately as a way to encourage the states to raise tuition.

Given this, many public colleges have been leery of financial plans that place their emphasis largely or entirely on student aid. Private colleges are also in need of institutional aid and have supported efforts to fund cost-of-education. They, too, are painfully aware that student aid alone, at least in its present form, cannot meet the rising costs of instruction and the maintaining of institutional capability.

Representative James G. O'Hara, chairman of the House Subcommittee on Education, has announced that he wishes to reopen the whole institutional aid question this year.

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[1] U.S. Senate Committee on Agriculture & Forestry, "Prelude to Legislation to Solve the Growing Crisis in Rural Transportation," February 10, 1975."

O'Hara wants to look at cost-of-education as well as other approaches. Meanwhile, Senators Byrd and Bayh have begun a new drive for funding cost-of-education this year.

In any case, if the federal government believes that public and private higher education is an irreplaceable national resource, some kind of institutional aid is needed. Cost-of-education, so far, has had the most support in principle.

PROPOSED ARMS SALE

Mr. MANSFIELD. Mr. President, section 36(b) of the Foreign Military Sales Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million. Upon such notification, the Congress has 20 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD the notification I have just received.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

WASHINGTON, *May 27, 1975.*

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding herewith Transmittal No. 75–15, concerning the Department of the Navy's proposed Letter of Offer to Australia for eight (8) P3C aircraft with support equipment estimated to cost $187.8 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, U.S. Air Force, Director, Defense Security Assistance Agency and Deputy Assistant Secretary (ISA), Security Assistance.

TRANSMITTAL No. 75–15

Notice of proposed issuance of letter of offer pursuant to section 36(b) of the Foreign Military Sales Act, as amended

(a) Prospective Purchaser: Australia.

(b) Total Estimated Value: $187.8 Million.

(c) Description of Articles or Services Offered: Eight (8) P3C aircraft with support equipment, spare parts and flight and technical training.

(d) Military Department: Navy.

(e) Date Report Delivered to Congress: May 28, 1975.

MOVING GRAIN IN 1975

Mr. HUDDLESTON. Mr. President, the crisis in transporting agricultural commodities has subsided. But similar problems could easily arise in the future unless certain conditions and trends are modified.

A number of possible policy changes to insure a sound transportation system for the American countryside have been proposed. I believe these should be examined by the Congress as a prelude to policy changes in transportation.

Several means for preventing future crises have been proposed. Locating storage facilities for surplus food grains near ports could also help by preventing wide year-to-year variations in agricultural demands for domestic transportation services. Flexible pricing of rail services could prove a more satisfactory solution than equipment allocation mechanisms used in the past.

During the period when many shippers could not move agricultural commodities to market, the Association of American Railroads and the Interstate Commerce Commission used car distribution and service orders to allocate equipment. Such mechanisms, though helpful during crisis periods, can create financial hardships for some users and equipment shortages in many areas.

Private automobiles and small trucks will probably continue as the dominant means of travel for rural residents, but some relatively inexpensive means exist for providing service to disadvantaged rural residents. Most transportation of perishables and general freight generated by rural industries, as well as travel by people, takes place on highways, yet rural highways are generally in poor condition.

The conditions of rural roads and their potential for improvement must be considered in decisions about rail abandonments in rural areas. Abandonment applications in the 1970's increased several times over those applied for during the 1960's. Retaining all of the present rail system is not an economically sound idea for the railroads. But mass abandonment of all line segments currently held to be unprofitable would cause severe hardships on many rural communities.

Mr. President, Richard K. Rudel and William F. Payne, two assistant professors in the economics department of South Dakota State University, have recently published an article, "Moving Grain in 1975." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOVING GRAIN IN 1975

(By Richard K. Rudel and William F. Payne)

Although we'll still have some problems during peak harvest periods, the U.S. grain transportation system will adequately meet 1975 demands.

There are several reasons for this favorable outlook. The massive movements of previously stored grains to export has been substantially completed. Lower crop production in 1974 was accompanied by declines in domestic consumption and sales to foreign countries.

In addition, improvements have been made in railroad equipment, rail car utilization, truck utilization, and in the structure of the total grain marketing system.

Total movement of U.S. grains is projected at 203.2 million short tons (2,000 lb) for the 1974–75 crop year. That's 26 million tons below the 1973–74 movement.

Accounting for this drop will be a 17.6 million ton reduction in exports and an 8.4 million ton reduction in domestic movements due primarily to a cutback in cattle feeding.

The drop in movements is equal to 260,000 covered-hopper carloads of grain.

We will still have the traditional seasonal peak demands for rail cars and trucks during winter wheat (June and July) and corn and soybean (October and November) harvests.

Peak daily car shortages, even for these periods, are anticipated to average less than 1,000 cars for 1975 as compared to the 20,000 to 30,000 daily car shortages reported in 1973 and 1974.

Export movements are forecast to average between 180,000 to 220,000 tons per month; however, if exports would climb to 250,000 tons per month or more, peak car shortages could increase above the anticipated 1,000 level.

Unless a record crop is experienced, there could even be surplus rail cars and trucks around, especially if producers elect to hold a substantial amount of their 1975 grain in on-farm storage.

Substantial changes are occurring in the rail car grain-carrying fleet. The basic trend is to phase out the 40-foot narrow-door boxcars in favor of the larger capacity covered-hopper cars. By January 1, 1976, the boxcar fleet is expected to number 134,515 cars, which is 26 percent fewer than January 1, 1970. In contrast, the covered-hopper fleet is forecast to number 228,500 cars on January 1, 1976, which is a 42.5 percent increase in the same 5 years. This transition increases the total carrying capacity of the grain-carrying fleet by 25 percent over 1970.

The proportion of boxcars to covered-hopper cars, measured in term of numbers of cars loaded, has been completely reversed. In 1970, boxcars accounted for 62 percent of grain car loadings, with covered hoppers carrying the remaining 38 percent. By 1974, only 38 percent of the loadings were in boxcars, with covered hoppers taking 62 percent. This trend will continue during 1975, with covered-hopper cars gaining another 3 to 4 percent.

Two main factors account for recent increases in the covered-hopper fleet. One was the passage of the Transportation Improvement Act of 1974, which established federal loan guarantees of $2 billion to help railroads expand purchases of rail equipment and facilities. The second factor is that shippers are buying or leasing new cars directly from manufacturers. About one out of four covered-hopper cars is owned or leased by private shippers.

Rolling stock accounts for 50 percent of the net capital investment in rail service, but in a typical freight car cycle, only 14 percent of the car's time is spent in line-haul movement. About 42 percent of the time the car is empty.

Nearly two-thirds of the car's cycle is spent in terminal and switching operations. Most of these switching and terminal operations are not controlled by the car owners, but involve transfers between competing railroads.

Some improvements, however, have been achieved in rail car utilization. The development of the unit train is one of these improvements. The train remains intact throughout the trip to the port terminals. As a result, unit trains (50 or more cars) generally make a round trip from grain elevators to the terminal market and back to the grain elevator about three times more quickly than a single car shipment. A single car round trip taking 30 days has been accomplished in only 10 days by a unit train.

Another factor improving rail car utilization is an increase in the average load size. The average loaded weight for covered-hopper cars increased from 3,000 bushels in 1970 to 3,400 bushels in 1974. Boxcar average loaded weight remained at 2,000 bushels.

Covered hoppers are also faster to get in and out of local elevators. Compared with boxcars, they need very little preparation for loading.

So, with less congestion at ports and terminals due to declining grain movements, increased number of covered-hopper cars and trends toward unit-train shipments, car utilization has improved, and is expected to continue improvement during 1975.

Rail car shortages and rail abandonments forced many grain elevators to turn to trucks.

An indication of this is the number of truck arrivals at the Minneapolis terminal market. From January through November, total truck arrivals increased from 174,409 in 1972 to 208,424 in 1974.

In the past several years, trucks did respond to fill the shortages of rail cars. However, with the substantial increases in the covered-hopper rail-car fleet, and with the recent decline in demand for grain transportation, trucks may be in excess supply for the rest of 1975.

A random survey of 25 grain elevator firms in South Dakota in January of 1975 asked these questions of elevator managers:

1. Have you experienced any improvements in track conditions, rail car equipment, or service during the past year?

2. Have you added any storage or loading facilities to your grain elevator firm since 1973?

3. Are farmers in your area selling their grain or holding it on their farms?

4. What are your current transportation rates for rail and truck shipments of grain?

Responses indicate that South Dakota's outlook for grain transportation is similar to that for the nation.

Concerning improvements in track conditions, equipment, and service, 50 percent of the elevator managers reported that some progress was being made in their areas. The following is a sample of the positive responses. "Yes, the railroad is building a brand new track so they can handle the heavier hopper cars." "No new trackage, but the last four cars I received were brand new hoppers." "Yes, trackage is being upgraded, no complaints, we have good service."

Comments made by the other 50 percent of the managers included: "Even our best line is in rough shape." "No improvements are being made in my area and we still have poor service with boxcars, even though we have no shortage in numbers of cars."

Nearly all managers of elevators located on main lines reported some improvements in facilities and/or service. Although some of these managers were located on branch lines, all reports of no improvement or deteriorating service came from managers of elevators on branch lines.

Only two elevator managers reported additional storage capacity, and just one manager stated that an improved loading system had been installed. Seven managers indicated that due to reduced crop production in their area and/or readily available transportation, they have more empty storage than at any time during the past several years.

When asked during the January survey whether producers were selling or holding grain, managers gave widely different estimates. The low estimate was: "Every time there is a price change in the market farmers get excited, and many have sold in my area. As a result, I believe we have only about 10 percent of the 1974–75 crop on the farm in our area." The high estimate: "80 percent of the 1974–75 crop was still on the farm."

The estimate most often given was that 50 percent of the 1974–75 grain crop was on the farm.

Holding of this grain reduced the current demand for transportation; however, as the harvest for the 1975–76 crop approaches, more of this grain may move to market and create additional demands for transportation. As a result, substantial storage space could become available on farms. If recent grain price declines continue, producers could place much of the new crop in storage. If this situation develops, peak movements of grain will be less than forecast, and transportation equipment will be even less in demand for 1975.

The estimated bushel rates for shipping wheat from South Dakota to primary terminal markets are reported in Figues 1 and 2. Truck rates for shipping wheat as of January 1975 were about 3 to 4 cents per bushel lower than 1973 rates, but about 2 to 7 cents per bushel above 1972 rates. Rail rates increased more during 1974 than during 1972 or 1973.

Comparisons between truck and rail rates for wheat shipment from selected South Dakota points to Minneapolis are shown in Table 1. The comparisons indicate that January 1975 truck rates were lower than rail rates for all of the distances considered in this study. A similar condition existed in 1972. During 1973, rail shipments of wheat were cheaper than truck shipments except for hauls under 96 miles.

Although some improvements are being made, South Dakota is faced with several continuing rail transportation problems.

For example, 309 miles of Chicago and Northwestern Transportation Company track are up for abandonment. This includes 126 miles of South Dakota track between Iroquois, S.D., and Wren, Iowa; 48.2 miles of track from Watertown to Doland; 71.4 miles of track from Watertown to Strafford; and 63.2 miles of South Dakota track between Winner, S.D., and Norfolk, Nebraska.

The energy shortage might slow the trend, but abandonments will continue, even through in comparison to truck, railroads are at least four times more efficient in the use of fuel.

Most remaining South Dakota rail lines are not structuraly capable of handling the large capacity covered-hopper cars which are part of the new grain transportation technology in other states.

Unless South Dakota railroad tracks are upgraded, the state will be forced to continue using smaller-capacity less-efficient boxcars. The costs involved in upgrading are substantial, and it is doubtful if either South Dakota or the railroads could bear the entire expenses.

One suggestion for solving the problem of light capacity track involves the federal government purchasing rights-of-way, upgrading the track, and leasing it back to the railroads. While this would be an expensive project, it might be preferable to federal ownership and operation of the nation's railroads.

Trucking cannot provide a year round alternative to rail shipments because of springtime weight restrictions, which reduce the amount of axle weight by one-third. The U.S. Department of Transportation has found 37 percent of South Dakota's roads either deficient or intolerable*, which means that even without the spring-time restriction, South Dakota highways are in need of substantial upgrading. This problem will become much more severe as rail abandonment continues.

Truckers in South Dakota also may face additional difficulties because of the continuation of "truck discounts" at the terminal markets. Several of the elevator managers surveyed in January indicated that trucks were still being discounted by 4 to 20 cents per bushel.

Truck discounts means that the terminal elevators pays less for the same grain if it is delivered by truck than if it comes by rail.

The outcome is that the lower prices eventually seep back to the grain producer.

TABLE 1.—RAILROAD AND TRUCK RATES FOR TRANSPORTING WHEAT FROM SELECTED SOUTH DAKOTA COUNTRY ELEVATORS TO MINNEAPOLIS, 1972, 1973, AND 1974[1]

City	Miles	1972 (cents/bushel)		1973 (cents/bushel)		1974 (cents/bushel)	
		Rail	Truck	Rail	Truck	Rail	Truck
Brookings	207	20	17	22	23	25	21
Aberdeen	269	23	20	24	28	28	25
Fort Pierre	384	27	26	28	36	34	32

[1] Rates based upon the trend lines given in figs. 1 and 2. Rail and truck distances are approximately equal between Minneapolis and the towns used in this table. Although these rates were based on the January 1975 survey they had been in effect since the last quarter of 1974.

Another problem area involves adjustments made by railroads and truckers in response to changing market conditions. The fluctuating truck rates reflect the trucking industry's exempt position from ICC rate regulation. This enables truckers to change their rates in response to competition from other modes and to changes in the volume of grain movement.

The increasing but time-lagged nature of railroad rate increases reflect railroads' regulated position and their inability to adjust rapidly to meet competition from other modes and to changing grain marketing conditions.

The volatile rate adjustments by grain truckers, however, often creates substantial competition between truckers. During peak transportation demand periods, the grain truck supply expands. When the demand for transportation service declines, the excess truck supply results in rate cutting, and failure of some trucking firms. While, in principle, competition between and within transportation modes is desirable, situations as described above can and do result in misallocation of resources and lead to coordination problems between and within modes.

Adjustments are also expected in handling and loading facilities of elevators that use or intend to use covered-hopper cars. Their improvements are especially important if either unit trains or multiple-car shipments of 25 to 50 cars are to be regularly scheduled and used.

Similar improvements in handling and loading facilities may be needed by elevators that rely heavily upon truck shipments of grain discounted from 4 to 20 cents per bushel.

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* U.S. Senate Committee on Agriculture & Forestry, "Prelude to Ligislation to Solve the Growing Crisis in Rural Transportation," February 10, 1975.

THE PRESIDENT AND OIL TARIFFS

Mr. MATHIAS. Mr. President, in the past I have expressed doubt over the President's policy of imposing tariffs on imported crude oil and refined product. I felt that the across-the-board nature of these price increases was undesirable and, in fact, I described the effect of this program as spreading schrapnel throughout the economy.

A more specific energy program is clearly needed for the long term, but I have modified my view on the merits of imposing a tariff in the near term. I am now sympathetic to the President's position, because Congress has simply failed to act.

An editorial in the Washington Post of May 28 draws a conclusion similar to mine. I hope that Senators will pay close attention to one aspect of the Post editorial. They conclude, and I agree, that taxing imported crude less than imported product is antiproductive. I do not advocate an immediate $3 tariff on imported product, but rather a long-term energy program which recognizes that imported product is more harmful than imported crude and which consequently encourages domestic refinery capacity. I have legislation to accomplish that end which will be ready for introduction in a matter of days.

I ask unanimous consent that the Washington Post editorial of May 28, 1975, entitled "The President and Oil Tariffs" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND OIL TARIFFS

President Ford has raised the tax on imported oil because it is, in truth, almost the only weapon available to him. There are better strategies, but they cannot be pursued without legislation by Congress. Since he cannot shake legislation out of Congress, he is resorting to powers he holds under present law. The whole idea of escalating the tariff, as Mr. Ford first announced it last January in his State of the Union Message, was to force Congress forward to pass the much more complicated energy program that he brought out then. But now the other aspects of Mr. Ford's original program are beginning to fade from view. The interim device is the only one going into effect, and it is simply a device to discourage imported oil by making it more expensive.

It would be wrong to say that Congress is gripped by an obdurate and partisan refusal to cooperate with the President. The real trouble in Congress is that very few members, among the huge Democratic majority, agree with each other on anything. All members have in common a sinking feeling that most of their constituents still think that the gasoline shortage is a hoax and do not see why they should suddenly now undertake highly uncomfortable sacrifices to conserve.

But the advance state of confusion and contention among the Democrats makes prompt legislation utterly unlikely. This newspaper argued in late April that the President at that point ought not impose the additional dollar of tariff, on grounds that it would undercut those few Democrats—notably in the House Ways and Means Committee—who were earnestly trying to get realistic bills to the floor. The President did, in fact defer action. But the bills have not yet reached the floor, and the country cannot drift forever. The President was right to raise the tariff now.

But it needs to be understood by everyone—not least by Mr. Ford himself—that this reliance on tariffs alone is dangerous. As a central policy for the long haul, simply making oil more and more expensive is profoundly defective. Price increases by the foreign oil producers have thrown our whole national economy into disarray, and are responsible for the extraordinary depth of the present recession. Higher and higher prices will doubtless be effective to choke off oil consumption, but at a terrible cost in prolonging the recession and disrupting industrial production.

The peculiar structure of these tariffs is also widening the gap between the costs of importing crude oil and the costs of the refined products. While the tax on foreign crude is now $2 a barrel, the tax on products like fuel oil is—in deference to the sensibilities of New England—only 60 cents a barrel. Although part of our present, troubles arises from a shortage of refining capacity in this country, the present tariff levels offer a strong incentive to refine the oil abroad before bringing it here.

President Ford's action can be justified only as a short-term emergency measure. Unfortunately, short-term expedients have a way of drifting into long-term solutions. A confused and divided Congress is evidently willing to let the President take the action—and the blame. But if this country cannot pull itself together around any response except steadily escalating tariffs, that political failure of inspiration on the part of Congress will only amplify the unwholesome economic effects of indiscriminate and continuous price increases.

CHESAPEAKE BAY: THE OIL SPILL THREAT

Mr. MATHIAS. Mr. President, we all recognize the importance of providing additional sources of energy supply and facilities to transport and refine the energy that is available. But at the same time we recognize the growing need for better systems of transporting and refining energy, particularly oil.

There are proposals for constructing additional refinery capacity on the Chesapeake Bay and such plans will necessitate the movement of greatly increased amounts of oil up the bay to refinery locations. This development alone demands that we take a close look at methods of oil transportation.

The Chesapeake Bay is considered to be North America's most productive estuary. An oil spill in the delicate Chesapeake ecosystem could ruin the $200 million a year commercial fishing industry, as well as an important recreational resource.

William Mullins, assistant director of the Chesapeake Bay Foundation, has written a provocative article for the Saturday, May 3, 1975, Washington Post entitled "Chesapeake Bay: The Oil Spill Threat." Mr. Mullins discusses in detail the great need for the most modern navigation systems to direct Chesapeake Bay merchant traffic. I share his belief that new technology must be forthcoming to handle the greatly increased commercial traffic on this narrow and winding waterway.

Mr. President, we are extremely lucky on the bay that more has not been spilled. We should not take that good fortune to mean that the Chesapeake Bay is immune from the oil damage that has occurred elsewhere.

I ask unanimous consent that the article, "Chesapeake Bay: The Oil Spill Threat" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHESAPEAKE BAY: THE OIL SPILL THREAT

(By William Mullins)

Oil is increasingly on the public's mind—and the ocean's surface. Portugal, Singapore, South Africa and Ireland have all suffered calamitous tanker spills in the past year. The recent fiery collision at Marcus Hook on New Jersey's Delaware Bay brought the problem home to American waters.

The Chesapeake Bay has been spared this modern phenomenon, but for how long? What are the chances of a tanker spill on the bay? And what precautions are, and are not, being taken to avoid one?

This year, the two major harbors of the Chesapeake—Baltimore and Hampton Roads—will handle more ships than any other port in the United States. Twenty thousand arrivals and departures are expected. All of these ships will be carrying large amounts of oil; an average freighter carries 40,000 barrels of bunker fuel for her own propulsion. One out of 10 will be an "oil" tanker, carrying gasoline and other refined products with the ever-present potential of disrupting the bay's prosperous seafood industry. Yet the Chesapeake Bay lacks even the rudimentary system of traffic control that hundreds of smaller ports around the world have found effective in preventing collisions.

Over the last three years, 480 shipping accidents have occurred on the Chesapeake. Some have been serious but by good fortune none has caused a large amount of oil to enter the estuary. However, events are moving in a direction that makes reliance on chance a poor safeguard against a spill. Maritime professionals are unanimous in their concern over dredging delays that have made Chesapeake navigation increasingly hazardous. As channels are narrowed by siltation, the likelihood of collision increases. Scraping bottom is a common occurrence in Baltimore Harbor these days, one that could cause an oil-laden hull to fracture.

Moreover, tanker movements on the Chesapeake will increase significantly if proposed refineries receive state and local approval. Crown Central Petroleum has announced plans for a 250,000 barrel-a-day refinery in Baltimore and the Hampton Roads Energy Company hopes to build a 175,000 barrel-a-day refinery in Portsmouth, Va.

Federal and state clean-up teams are currently ill-equipped to contain a major spill on the bay. As a former Coast Guard spill-team member says: "Don't let anybody con you; once a big spill occurs, there just isn't a hell of a lot anybody can do—not us, not the state, not private contractors. That oil will be in the marshes in no time."

Such a spectre haunts sicentists who look upon the Chesapeake as North America's most productive estuary. They warn that the delicate ecosystem of the bay and the $200-million-a-year commercial fishing industry it supports could not withstand a major spill.

Facing similar threats, major ports around the world are attempting to reduce the possibility of spills by installing traffic control systems similar to those used by commercial airports. Known as Vessel Traffic Systems (VTS), almost 200 of varying sophistication are now in use.

The purpose of a VTS is simply to insure coordinated movement of ships over a given body of water. Most systems employ shore-based radar surveillance in combination with ship-to-ship radio communication.

The first VTS was installed in Liverpool, England, in 1948. Long Beach, Calif., followed in 1949 with a harbor radar and accompanying radio communication. By the mid-'60s, both Hamburg and Rotterdam had systems that proved enormously successful; the rate of collisions in the approach to Rotterdam was reduced fourfold despite the huge increases in tonnage caused by the advent of the Common Market. Since its inception in 1969, Canadian officials credit VTS with a significant drop in ship casualties on the St. Lawrence Seaway.

Two incidents spurred development of traffic control for American ports. On January 20, 1970, the USS Yancy broke away from her anchorage in violent winds and knocked out three portions of the Chesapeake Bay Bridge Tunnel. Damage was extensive—the bridge was closed for three weeks and the repair bill came to $2.5 millon. If a VTS system had been in effect, the Yancy would not have been permitted to moor in that location. Within a month, Rep. Thomas N. Downing of Newport News, a member of the House Merchant Marine and Fisheries Committee, introduced leigslation to provide funds for vessel control in U.S. waterways. Just one year later in California, two Coast Guard men helplessly watched a radar screen as two blips converged; because of a faulty radio they could not reach the ships, and the Oregon Standard collided with the Arizona Standard, spilling 800,000 gallons of oil into San Francisco Bay.

These accidents led Congress to pass the Ports and Waterways Safety Act of 1972. The act authorized the Coast Guard to:

Establish, operate and maintain vessel traffic systems in congested waterways.

Require vessels to carry electronic devices necessary in the traffic system.

Control vessel traffic, when conditions are hazardous or congested, by specifying times of vessel movements, establishing routing schemes and esablishing vessel size and speed limitations.

Since passage of the act, the Coast Guard has been developing VTS systems in San Francisco, Puget Sound, Houston-Galveston, New York, New Orleans and the booming oil port of Valdez, Alaska. Sophistication and costs vary widely, from $10 million in New York to $2 million each in Puget Sound and Houston. Total cost for these six systems is $30 million.

In February the General Accounting Office urged the Coast Guard to speed up its activity in the Chesapeake. A GAO report took the Coast Guard to task for concentrating its funds on a few expensive systems instead of developing simpler and less costly reporting systems for a greater number of waterways, including Gulf Intercoastal Waterway, Chesapeake Bay and Delaware Bay. By diverting funds now earmarked for electronic surveillance of Houston-Galveston to these other areas, the study said, 52 ship casualties and over a million dollars in property damage could be prevented annually without additional accidents in Houston-Galveston.

Cheaspeake maritime professionals are far from unanimous in supporting even a basic system for the bay. Pilots fear increased regulations would hamper their traditional independence and shippers worry about costly delays. Two years ago, a committee of shippers convened by the Coast Guard in Baltimore concluded that a VTS in the Chesapeake was unnecessary. They did, however, recommend that the communication facilities of a shipping cooperative, the Baltimore Maritime Exchange (BME), be expanded to a degree that would essentially make it a VTS for the upper bay. A new antenna, planned for the top of the Bay Bridge, would greatly increase the range of BME radio coverage, but funds to keep the station on the air 24 hours a day are still to be found.

The commander of the fifth Coast Guard district in Portsmouth, Va., Admiral Ross Bullard, has ordered another assessment of the need for a VTS on the bay. The study, focusing on the technologically sophisticated approach, is unlikely to yield swift results. Captain William G. Rodin, study director, has estimated that it will not be feasible to install a VTS on the bay before 1980.

Meanwhile, the odds continue to mount against the bay's unblemished record. In February the U.S. Coast Guard commandant, Admiral Owen Siler, testified before a congressional committee that a polluting accident occurs once in every 5,500 harbor transits: not much consolation for the Chesapeake, which again can expect four times that number of transits this year.

HIS JOB IS TO KEEP THE SENATORS POSTED

Mr. HARRY F. BYRD, JR. Mr. President, Martha Angle, the able staff writer for the Washington Star who covers the Senate for the Star, wrote an excellent profile of Stanley Kimmitt, Secretary to the Democratic majority. The piece was published June 2.

Stan Kimmitt is a fine asset to the Senate. He is a man in whom one instinctively has confidence.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEAR-INVISIBLE MAN: HIS JOB IS TO KEEP THE SENATORS POSTED

(By Martha Angle)

Sometime in the next few days, a single long buzzer will reverberate throughout the Senate side of the U.S. Capitol, summoning members to the floor for a roll call vote.

When that happens, it's a safe bet that most of the 61 Democrats now serving in the Senate will pause just inside the rear doors of the chamber to ask a square-jawed, graying man of military bearing just what they're voting on.

Stan Kimmitt will tell them, quietly and succinctly, what the bill or amendment is, who is sponsoring it, and what position has been taken by the committee chairman handling the measure.

If they ask, Kimmitt also will rattle off names of other senators supporting or opposing the proposal. But he will not tell them how to vote, and he will not—except on rare occasions—reveal the wishes of the Democratic leadership.

These mini-briefings by Joseph Stanley Kimmitt, secretary to the Democratic majority, seem a modest enough service—but without them, recorded roll call votes could prove embarrassing to a substantial number of senators.

More often than not, a senator has only the sketchiest notion of what's happening on the Senate floor at any given moment.

Unless he has a direct interest in the legislation under consideration, a senator is more likely to be at a committee meeting or in his own office than on the floor when a roll call begins.

Sometimes a Member's own staff aide has been bird-dogging the floor activity and will give the boss a fast fill-in while the vote is in progress. But usually, it's Kimmitt who provides the background a senator needs to decide whether to respond "aye" or "nay" when his name is called.

Failure to stop by Kimmitt's station can have face-reddening consequences, as Sen. Edward M. Kennedy, D-Mass., recently discovered. Kennedy zoomed in late for a roll-call vote on a bill to remove the ban on military aid to Turkey and cast a "yes" vote.

Five minutes later, after the roll call had ended and the measure had passed by a three-vote margin, Kennedy walked up to the well of the Senate and asked permission to change his vote to "no." He simply hadn't understood what he was voting on, he confessed, and he hadn't bothered to ask.

In that instance, Kennedy was allowed to change his vote—cutting the margin of passage to 41–40. If the switch had meant altering the outcome, however, Kennedy would have been stuck with his original, mistaken vote.

Republicans have no one quite like Kimmitt, although three different aides to the minority leadership are usually available to answer questions on the Senate floor. Sometimes GOP members simply join the Democratic queue to check with Kimmitt on the nature of the issue up for a vote.

To the outside world, Kimmitt is virtually invisible. His title, if it means anything, rings a vaguely dissonant bell. Secretary to the majority . . . Bobby Baker's old job?

Indeed it is, but Kimmitt is no Baker. And his boss, Majority leader Mike Mansfield, is no Lyndon Johnson.

"The Senate was a different world then," Kimmitt said recently. "Baker was delegated a great deal of authority and responsibility.

"He was far more involved in the power structure, and he supervised various segments of the party. He exercised a hell of a lot of party control, because that's the way Johnson wanted it.

"You know, Bobby was damned effective. He just couldn't stand prosperity," Kimmitt said.

Mansfield, said Kimmitt, has "changed the whole operation" of the majority leader's office. "The last thing he wants us to get involved in is politics."

Much of Kimmitt's work is nut-and-bolts activity, scheduling presiding officers, running the Democratic cloakroom, assuring that the proper documents are on each senator's desk at the start of every session.

But he also supervises the "executive calendar" of the Senate, scheduling action on nominations and treaties, and recommends to Mansfield which Democratic senators should travel to various international conferences each year.

In addition, Kimmitt handles a number of legislative issues for Mansfield, the Montana senator, as opposed to Mansfield, the majority leader.

On rare occasions—and only at the specific request of the majority leader—Kimmitt also conducts discreet polls of the Democratic senators to get a reading on how they will vote on particular bills or amendments.

The results of such nose counts go to Mansfield and no one else, Kimmitt said. When Bobby Baker held the job, he polled Senate Democrats on a wide variety of issues and did so more or less on his own, with Johnson's blessing.

But Mansfield dislikes anything that smacks of leadership pressure on individual members, and uses nose counts very sparingly.

Kimmitt, unlike his notorious predecessor, Baker, never planned on a career in politics and spent the better part of his adult life as a professional military man.

Asked why he wound up in the Senate, as secretary to the majority, the retired Army colonel replied, "primarily because I was a student of Mike Mansfield's back in 1940–41."

At the time, Kimmitt was working his way through college and Mansfield was teaching Far Eastern history at Montana University.

It was a quarter of a century before their paths converged again.

In early 1941, Kimmitt was drafted. "I went into the Army in June for a one-year stretch and ended up staying almost 25 years," he recalled.

After service in Europe during World War II, a stint with the Utah National Guard, command of a battalion in Korea and a teaching post at Ft. Sill, Okla., Kimmitt wound up at the Pentagon in 1955 as a congressional liaison officer for the Army.

Assigned to the Senate, he soon renewed acquaintances with his old history professor—then a freshman senator from Montana. "He remembered me, all right—he's got fantastic recall," Kimmitt said.

By 1958, Kimmitt was off to the Naval War College in Newport, but he returned to the Pentagon and Capitol Hill a year later. Then it was four years in Germany, commanding an artillery division, before he returned once again to Washington as chief Senate liaison officer.

By then, Mansfield was majority leader, Johnson was in the White House and Bobby Baker was on his way to a court conviction and jail.

Mansfield offered Kimmitt a job as administrative assistant. "I thought long and hard about it. I liked the Army, I really enjoyed it. But when I balanced all the factors, and with seven kids to look after, I decided to do it. I haven't regretted the choice," Kimmitt said.

He retired from the Army in January, 1966, joined Mansfield's staff the following month and became secretary to the majority in October of that year.

The work, Kimmitt said, is perpetually fascinating

And despite his military background, he never clashes with the dovish Mansfield. "He never asks my advice on military matters and I never volunteer it. He pretty well knows what I'd say in any case, so why bother?"

Many times, when military issues are under debate on the Senate floor, Kimmitt deliberately leaves his backdoor post and lets others assume the briefing chores during roll calls.

"Everybody knows I'm retired military, and some might assume I would tilt in favor of the Pentagon," he said. "So lots of times I just stay off the floor."

Other issues pose few problems. "Sometimes the unprinted amendments can be a bitch, and some of the stuff the Finance Committee produces is terrifying, it's so complex," Kimmitt said.

"But if I get in a jam, I'll refer a senator to a committee staff guy for help."

Despite his caution about suggesting how a senator might vote on any given bill or amendment, Kimmitt acknowledged there are "one or two" members who look to him for a thumbs-up or thumbs-down signal when they arrive late during a roll call.

"Actually, with the exception of three or four senators, I can just about tell how everyone will vote on any given issue. It would be very easy to say, 'Senator, your vote is aye' or 'Senator, your vote is nay.' But that's a damned dangerous game, so I don't play it."

AN ADVISORY COMMITTEE REUNION OF FORMER PENTAGON OFFICIALS

Mr. METCALF. Mr. President, the Deputy Secretary of Defense has established an acquisition advisory group—and chartered it under the Federal Advisory Committee Act—to review suggested changes in the weapon systems acquisition process of the Army, Navy, and Air Force.

The AAG has been handed a big responsibility. Defense acknowledges that some of the recommendations to be reviewed would, if implemented, "impinge on the activities, procedures, operations and interrelationships of the Office of Secretary of Defense." It also declares that these recommendations "are expected to improve the weapon systems acquisition process in the military departments."

Accordingly the Deputy Secretary has appointed what he calls "a group of independent but knowledgeable individuals familiar with the duties and responsibilities of the various components of the Office of the Secretary of Defense" to serve on the AAG, explaining they have "been commissioned to assess the feasibility and desirability of adopting" the recommendations.

On examining their backgrounds, I find no reason to regard the appointees as "independent." In fact, the AAG is an advisory committee reunion of former Pentagon officials.

Here are the AAG members:

Dr. Alexander H. Flax, President, Institute for Defense Analyses, Chairman.

Mr. Don R. Brazier, Treasurer, National Railroad Passenger Corporation.

Mr. Charles A. Bowsher, Managing Partner, Government Services Division, Arthur Andersen and Company.

Dr. Emory J. Cook, Consultant.

Lt. Gen. W. G. Dolvin, USA (Ret.).

Lt. General Glenn A. Kent, USAF (Ret.).

Admiral Thomas H. Moorer, USN (Ret.).

Mr. Philip A. Odeen, Vice President, Wilson Sporting Goods Company.

The executive director is Vice Adm. Eli T. Reich, U.S. Navy (retired), and the secretary of the AAG is Comdr. Edward B. Baker, U.S. Navy.

Dr. Flax was an Assistant Secretary of the Air Force. Mr. Brazier was Principal Deputy Assistant Secretary of Defense—Comptroller. Dr. Cook was Deputy and Technical Director, Advanced Surface Missile System Assessment Group, Navy Department. Mr. Odeen was Principal Deputy Assistant Secretary of Defense—Systems Analysis.

Mr. President, notice of establishment of the AAG appeared in the Federal Register on April 23 and indicated the AAG was expected to complete its work within 120 days. Its findings will be reported to the Deputy Secretary of Defense. Its first meeting was announced as a closed session on June 3 at the Institute for Defense Analyses Building in Arlington, Va.

The AAG has been assigned the task of examining and assessing recommendations made in the reports of two other advisory committees, the Army Materiel Acquisition Review Committee, which reported on April 1, 1974, and the Navy and Marine Corps Acquisition Review Committee, which reported this past January, as well as recommendations of the Secretary of the Air Force.

Annual reports for these panels, required by the Federal Advisory Committee Act, show that AMARC was established on January 14, 1974, terminated on September 26, 1974, and operated at an estimated cost of $374,444, while NMARC was established on September 4, 1974, was scheduled to terminate on January 31, 1975, and operated at a cost of $400,000. They also show that Mr. Bowsher was a member of NMARC.

When it submitted its annual advisory committee reports for 1974, the Defense Department attached a memorandum which offered the following statement:

> Each DOD advisory committee is composed of members, chosen in accordance with the specific requirements of the committee, from a cross-section of authorities and experts in the academic, economic, business, industrial, financial, scientific, engineering, and other fields. The committees select members with expertise applicable to their individual problems, and form combinations which are conducive to the most excellent attainment of the committees' objectives in the most expeditious and inexpensive method. Each committee is acutely aware of the constant need for fresh innovative ideas, and to achieve this, reviews of memberships are conducted periodically. DOD advisory committee memberships are based on the most extensive and careful research and the highest criteria possible for maintenance of balanced membership and efficient use of the committee tool.

Mr. President, the AAG does not appear to me to represent "a cross-section of authorities and experts in the academic, economic, business, industrial, financial, scientific, engineering, and other fields," nor as I have said, do its members strike me as "independent" in any ordinary sense of that word.

An independent group would conduct an arm's-length review, but that is not what is happening here. The AAG is made up of insiders, who will be reviewing recommendations on behalf of present and former colleagues. As such, their review will be anything but an arm's-length transaction.

I ask unanimous consent to print in the RECORD the notice of establishment of the AAG, as published—and subsequently corrected—in the Federal Register, the biographies of AAG members supplied at my request by the Defense Department, and the annual reports and rosters for AMARC and NMARC.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY: ACQUISITION ADVISORY GROUP—ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the establishment of the Acquisition Advisory Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Acquisition Advisory Group is set forth below:

The Acquisition Advisory Group has been assigned the task of examining and assessing the recommendations made in the reports of the Army Materiel Acquisition Review Committee, dated April 1, 1974, and of the Navy Marine Corps Acquisition Review Committee, dated January 1975, as well as recommendations of the Secretary of the Air Force relative to major weapon systems acquisitions insofar as those recommendations suggest changes of current procedures or policies of the Secretary of Defense. The recommendations made in these reports are expected to improve the weapon systems acquisition process in the military departments. Some of the recommendations, if implemented, would impinge on the activities, procedures, operations and interrelationships of the Office of Secretary of Defense. Accordingly, a group of independent but knowledgeable individuals familiar with the duties and responsibilities of the various components of the Office of the Secretary of Defense has been commissioned to assess the feasibility and desirability of adopting such recommendations.

The Charter of the Acquisition Advisory Group provides for meeting at periodic intervals and indicates that the total estimated time required to complete its purpose is 120 days. The Group will report its findings to the Deputy Secretary of Defense.

Because the implementation of the

AMARC and NMARC recommendations is proceeding in the Army and the Navy, it is essential that the Secretary of Defense be provided with recommendations concerning OSD procedures as soon as possible to insure cohesive interface of the program within the Department of Defense. In accordance with section 6(a) of OMB Circular A–63, OMB has waived the waiting period between publication of the notice and the filing of the charter.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 18, 1975.

[FR Doc.75–10592 Filed 4–22–75;8:45 am]

BRIEF BIOGRAPHIES OF ACQUISITION ADVISORY GROUP MEMBERS

Dr. Alexander H. Flax, Chairman: B. Ae. E., New York University, 1940; Ph. D. (Physics), University of Buffalo, 1958; Vice President and Technical Director, Cornell Aeronautical Laboratory; Chief Scientist of the Air Force, 1959–1961. Assistant Secretary of the Air Force (Research and Development), 1963–1969. Vice President for Research, 1969; President, 1969 to present, Institute for Defense Analyses. Member various advisory committees on Aerospace and Aerodynamics; the President's Science Advisory Committee; the Defense Science Board; and Chairman and National Delegate to NATO (AGARD).

Admiral Thomas H. Moorer, USN (Ret.): Naval Academy, 1933; Naval Aviator, 1936; Naval War College, 1953; Executive Officer Naval Aviation Ordnance Test Station, Chincoteague, Virginia, 1946–1948; Experimental Officer, NOTS, Inyokern, California, 1950–1951; Commander, Seventh Fleet, 1962–1964; Commander-in-Chief, Pacific Fleet, 1964–1965; NATO's Allied Command, Atlantic, U.S. Unified Atlantic Command and U.S. Atlantic Fleet, 1965–1967; Chief of Naval Operations, 1967–1970; and Chairman, Joint Chiefs of Staff, 1970–1974.

Dr. Emory J. Cook: B.S. (Chem), 1936; Ph. D. (Physics), 1940, University of Chicago; President and Chairman of the Board, Operations Research, Inc., 1954–1968; Chairman of the Board, Leasco Systems and Research Corporation; Staff General Manager, Consulting and Systems Services Group, Control Data Corporation. Executive Director, Harnwell Commission, Navy Bureau of Ordnance, 1948; member Advisory Board, Weapons Systems Evaluation Group, Joint Chiefs of Staff, 1951–1954; Deputy and Technical Director, Advanced Surface Missile System Assessment Group, Navy Department, 1965.

Lt. General Glenn A. Kent, USAF (Ret.): B.A., Western State College, Colorado, 1936; California Institute of Technology (Meteorology), 1942; Naval Post Graduate School, Annapolis, 1947; University of California at Berkeley (Radiological Engineering), 1949; Air War College, 1956–57. Deputy to Director of Research, Kirtland Air Force Base, 1953–1955; Military Assistant to the Deputy Director (Strategic and Defense Systems), DDR&E, OSD, 1962–1965; Deputy Director, Development Plans, Deputy Chief of Staff, R&D, USAF Headquarters, 1965–1966; Assistant for Concept Formulation to the Deputy Chief of Staff, R&D, USAF Headquarters, and Deputy Chief of Staff for Development Plans, Air Force Systems Command, 1966–1968; Assistant Chief of Staff, Studies and Analysis, 1968–1972; and Director Weapons Systems Evaluation Group, DDR&E, OSD, 1972–1974.

Mr. Charles A. Bowsher: B.S., University of Illinois, 1953; University of Chicago, 1956; CPA, 1957. Partner, Arthur Andersen and Company, 1956–1967; Assistant Secretary of the Navy (Financial Management), 1967–1971; Managing Partner, Government Services Division, Arthur Andersen and Company, 1971 to present; member Navy Marine Corps Acquisition Review Committee, 1974–1975.

Lt. General Welborn G. Dolvin, USA (Ret.): West Point, 1939; U.S. Army Command and General Staff College (Ft. Leavenworth, Kansas), 1950; Army War College, 1954. Program Manager of the Joint United States and Federal Republic of Germany Tank Development Program, 1963–1966; Commanding General, 3rd Armored Division, Chief of Staff of NATO's Central Army Group and Commanding General U.S. Army Element, Central Army Group, 1966–1970; Chief of Staff, U.S. Military Assistance Command, Vietnam, 1970; Commanding General U.S. Army XXIV Corps, 1971; Commander U.S. Army, Japan/IX Corps, 1972–1975.

Mr. Don R. Brazier: B.C.S., M.C.S., 1952, Benjamin Franklin University. Deputy Comptroller for Budget, OASD (Comptroller), 1966–1967; Comptroller, Defense Supply Agency, 1967; Deputy Assistant Secretary of the Army (Financial Management), 1967; Principal Deputy Assistant Secretary of Defense (Comptroller), 1968–1974; Treasurer, 1974 to present, National Passenger Railroad Corporation.

Mr. Philip Odeen: B.A. (Government), University of South Dakota, 1957; M.S. (Political Science), University of Wisconsin, 1959; Graduate work Liverpool University (England), 1958. Deputy Assistant Secretary of Defense (Regional Programs), 1969–1970; Principal Deputy Asssistant Secretary of Defense (Systems Analysis), 1970–1971; Director, Program Analysis, National Security Council, 1971–1973; and Vice President, Planning, Wilson Sporting Goods Company, 1973 to present.

ANNUAL REPORT OF FEDERAL ADVISORY COMMITTEE

1. Department or agency: Department of the Army.

2. Calendar year: 1974.

3. Exact name of advisory coommittee: Army Materiel Acquisition Review Committee (AMARC).

4. Committee status: (a) New this year. (d) Abolished during year.

5. Establishment authority: (c) Agency authority.

6. Specific establishment authority: Established by Secretary of the Army in accordance with P.L. 92–463, as approved by Memorandum, Dep Asst Sec of Def, 14 Jan 1974, Subject: Establishment of Army Materiel Acquisition Review Committee.

7. Committee type: Ad hoc.

8. Establishment date: 14 Jan 74.

9. Last continuation date: None.

10. Termination date: 26 Sep 74.

11. Next continuation date: None.

12. Committee charter revised during year?: No.

13. Brief statement of function: The Committee served as an advisory body to the Steering Group composed of the Under Secretary of the Army, Vice Chief of Staff of the Army, Assistant Secretary of the Army (R&D) and Assistant Secretary of the Army (I&L) to conduct an independent review of the Army's materiel acquisition process, to assess the current Army organization and procedures for Materiel Acquisition, and to make recommendations for improvement. The goal is an Army Materiel Acquisition Process which: 1. Is responsive to the needs of the Army in the field, assuring that equipment is introduced into the inventory in an efficient and timely manner. 2. Requires fewer personnel and less Army-owned/or operated facilities. 3. Reflects a proper balance in the distribution of field and headquarters personnel. 4. Provides for a proper balance between in-house and contract operations. 5. Will result in the development, fabrication, and user verification of hardware items more closely meeting established requirements prior to the heavy production involvement which has characterized our recent past history.

14. Total number of all reports submitted by the committee during the calendar year: 1974.

TITLES AND DATES

Report of the Army Materiel Acquisition Review Committee (AMARC): 1 April 1974.

Volume I—Precis.

Volume II—Committee Reports.

MEETINGS

15. (a) Total number of open meetings: 0.

(b) Total number of closed meetings: 2.

(c) Total number of partially closed meetings: 0.

(d) Actual dates of all meetings: 14–16 Jan 1974 and 18–30 Mar 1974 (Periodically).

16. Estimated annual man-years of Federal staff support for the committee: 550.

17. Total annual cost to the U.S. to fund, supply and maintain the committee: $374,444 (Estimated).

18. Statement of any information excluded from this report for reasons of national security: No information excluded.

19. Total number of committee members: 22.

MEMBERSHIP LIST OF FEDERAL ADVISORY COMMITTEE

1. Department or Agency: Department of the Army.

2. Page 1 of 2 pages.

3. Exact name of committee: Army Materiel Acquisition Review Committee (AMARC).

4. Calendar year: 1974.

5. Name and address of chairman: Sell, Wendell B., Dr., 4323 Arden Drive, El Monte, CA 91734.

6. Name and address of Agency representative: Farmer, William P., Department of the Army, HQDA (DACS-DMA), Washington, D.C. 20310.

Title: Pres & Chief Exec Officer, Hoffman Electronics Corporation.

Occupation: Corporation Executive.

Title: LTC.

Telephone OX–55299.

7. List members alphabetically:

Amile, Thomas S., Dr., Federal Aviation Agency, 600 Independence Ave., S.W., Washington, D.C. 20591, Acting Chief, Advanced Concepts Staff, FAA Staff Director.

Boileau, Oliver C., Jr., P.O. Box 3999, Seattle, WA 98124, President, Boeing Aerospace Company, Company Executive.

Camm, Frank A., MG, Department of the Army, DAMO–ZB, Washington, D.C. 20310, Asst Dep CofS for Operations & Plans, Dept of the Army. Army Officer.

De Lauer, Richard D., Dr., TRW Inc., One Space Park, Redondo Beach, CA 90278, Executive Vice Pres., TRW Inc., Corporation Executive.

Dinneen, Gerald P., Dr., MIT Lincoln Laboratory, Lexington, MA., Director, Lincoln Laboratory, MIT, Lab Director & Professor of Engineering.

Dorough, Gus D., Jr., Dr., Lawrence, Livermore Laboratories, P.O. Box 808, Livermore, CA 94550, Assoc. Dir., Lawrence Livermore Lab., Univ. of California, Lab Director.

Duke, William M., Dr., 15250-Ventura Boulevard, Suite 702, Sherman Oaks, CA 91403, Chairman of the Board, Tasker Ind., Dynasciences Corp., Will Duke and Assoc., etc., Corporation Executive.

Esposito, Alfred L., BG, USAF (Ret.) Fairchild Burns Company, 1455 Fairchild Drive, Winston Salem, NC 27105.

Manager, Fairchild Burns Co., Fairchild, Ind., Company Manager.

Fink, Daniel J., General Electric Company, P.O. Box 8555, Philadelphia, PA 19101, Vice Pres. & General Manager, Space Division, GE, Business Executive.

Jackson, Roy P., Northrop Corporation, Aircraft Div., 3901 West Broadway, Hawthorne, CA 90250, Corp. Vice Pres, Program Mgmt, Northrop Corp., YF–17 Program Manager.

McCurdy, Richard C., One Weed Lane, Contentment Island, Darien, CT 06820, Consultant, NASA, Consultant.

Morgan, Earl J., McDonnell Douglas Corp. 1150 17th Street, N.W., Suite 500, Washington, D.C. 20036, Exec Asst to VP, Eastern

Region, McDonnell, Douglas Corp., Business Executive.

O'Neill, Lawrence H., Riverside Research Institute, 80 West End Avenue, New York, NY 10023, Pres, Riverside Research Institute Consultant.

Pickering, William H., Dr., Jet Propulsion Lab, 4800 Oak Grove Drive, Pasadena, CA 91103, Director, Jet Propulsion Lab, Cal Tech., Laboratory Director.

Raviolo, Victor G., 6 Stratford Place, Grosse Point, MI 48230, Director, Raviolo Associates, Business Consultant.

Reed, Eugene D., Dr., Bell Telephone Laboratories, Room 3B-411, Whippany, NJ 07981, Exec. Director, Ocean Systems Div., Bell Telephone Laboratories, Laboratory Director.

Sanders, Frank, The Signal Companies, 815 Connecticut Ave., N.W., Washington, D.C. 20006, Vice Pres., The Signal Companies, Inc., Consultant.

Shea, Joseph F., Dr., Raytheon Company, Box AA-11, Wayland, MA 07778, Senior VP & Gen. Manager, Equipment Div., Raytheon Co., Business Executive.

Shore, David, RCA, Marne Highway-Blg. 108, Moorestown NJ 08057, Div. V, Plans & Systems Development, RCA Corp., Business Executive.

White, John P., Dr., Rand Corporation, 1700 Main Street, Santa Monica, CA 90406, Vice Pres, The Rand Corporation, Research Analyst/Consultant.

Wilson, Haskell G., 3902-27 Vista Campana North, Oceanside, CA 92054, Retired Civil Service Employee, Consultant.

ANNUAL REPORT OF FEDERAL ADVISORY COMMITTEE

1. Department or agency: Department of the Navy.

2. Calendar year: 1974.

3. Exact name of advisory committee: Navy and Marine Corps Acquisition Review Committee (NMARC).

4. Committee status:

(a) New this year.

(b) In existence at end of year.

5. Establishment authority: Agency authority.

6. Specific establishment authority:

1. DEPSECDEF memo of 29 June 1974.

2. SECNAV memo of 1 Aug 1974.

3. NMARC Charter, Federal Register, VOL 39, NO. 155, Friday, August 9, 1974.

7. Committee type: Ad hoc.

8. Establishment date: 4 Sept 1974.

9. Last continuation date: None.

10. Termination date: 31 Jan 75.

11. Next continuation date: None.

12. Committee charter revised during year: No.

13. Brief statement of function:

The scope of the NMARC is to assess the organization, management, staffing and procedures used by the Navy in developing and producing weapon systems. The NMARC is examining in depth, the development and production of seaborne and airborne systems and related subsystems. The objective of the NMARC is the development of an action plan which will define changes to Department of the Navy basic procedures and organization to improve responsiveness to operating Fleet and Marine Corps requirements. The NMARC will not be responsible for the implementation of the action plan.

The duties of the NMARC is to examine the organization, management, staffing and procedures used by the Navy in acquiring weapon systems. The NMARC will advise the Secretary of the Navy, by preparation of an action plan of recommended steps to be taken to improve responsiveness to Fleet and Marine Corps requirements.

14. Total number of all reports submitted by the committee during the calendar year: None.

TITLES AND DATES

Report of NMARC is to be presented to the Secretary of the Navy about 30 January 1975.

MEETINGS

15. (a) Total number of open meetings: None.

(b) Total number of closed meetings: 1.

(c) Total number of partially closed meetings: None.

(d) Actual dates of all meetings: 31 October 1974.

16. Estimated annual man-years of Federal staff support for the committee: 15.

17. Total annual cost to the U.S. to fund, supply and maintain the committee: $400,000.

18. Statement of any information excluded from this report for reasons of national security: None.

19. Total number of committee members: 32.

4. Exact name of committee: Navy and Marine Corps Acquisition Review Committee (NMARC), 1974.

5. Name and address of chairman: Roche, James M., Mr., General Motors Corporation, General Motors Building, Detroit, Michigan 48202.

Title: Director and retired Chairman of the Board.

Occupation: General Motors Executive.

6. Name and address of agency representative: Hopkins, Leroy E., Captain, SC, USN, Naval Material Command, Department of the Navy, Washington, D.C. 20360.

Title: NMARC Study Directorate Secretary.

Telephone: 692-9146.

7. List members alphabetically:

Banks, John V., Mr., National Steel and Shipbuilding Co., 28th and Harbor Drive, San Diego, California 92138. Title: President. Occupation: Executive.

Bennett, Ralph D., Dr., 204 San Rafael, Belvedere, California 94920. Title: Vice President and Director of Research, Martin-Marietta. Occupation: Retired.

Bowsher, Charles A., Arthur Andersen and Co., 1666 K Street, N.W., Washington, D.C. 20006. Title: Managing Partner. Occupation: Consultant.

Cox, A. E., Mr., Newport News Shipbuilding, 4101 Washington Avenue, Newport News, Virginia 23607. Title: General Manager, CSD. Occupation: Executive.

Cvetko, E. F., Mr., LTV Aerospace, P.O. Box 5907, Dallas, Texas 75222. Title: Vice President, Manufacturing. Occupation: Executive.

Dart, C. E., Mr., Newport News Shipbuilding, 4101 Washington Avenue, Newport News, Virginia 23607. Title: Senior Vice President. Occupation: Executive.

Dubos, R. F., Radm, USN (Ret.), 7901 Birnam Wood Drive, McLean, Virginia 22101. Title: Product Line Director, Simulation Products Div., Singer Corporation. Occupation: Executive.

Fuhrman, Robert A., Mr., Lockheed Missile and Space Co., P.O. Box 504, Sunnyvale, California 94088. Title: Executive Vice President. Occupation: Executive.

Goodhue, Harrison M., Mr., R.R. No. 3—Box 3162, Grayling, Michigan 49738. Title: Retired General Motors Executive. Occupation: Retired.

Heinemann, Edward H., Mr., Box 1795, Rancho Santa Fe, California 92067. Title: Retired Vice President, General Dynamics. Occupation: Retired Executive.

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Maguire, Walter W., Mr., Building 261—Hughes Aircraft Co., Mail Station N10, Canoga Park, California 91304. Title: Assistant Division Manager. Occupation: Executive.

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Stokes, R. A., Mr., Newport News Shipbuilding, Newport News, Virginia 23607. Title: Director of Engineering. Occupation: Engineer.

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Word, Weldon, Mr., Texas Instruments, M/S 228, P.O. Box 6015, Dallas, Texas 75222. Title: Division Manager. Occupation: Executive.

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CORRUPTION IN THE GRAIN TRADE—IV

Mr. CLARK. Mr. President, another chapter has been opened in the history of the grain trade.

For some it may be a thriller, but for others like myself, it is extremely disturbing. First, news came of the indictments of some federally-licensed grain inspectors for accepting bribes. Then stories of testimony before the grand juries indicated a link-up with the major grain shipping and exporting companies. These companies—either directly or indirectly—appear to have authorized or encouraged the bribes in an effort to export grain, which was purposely mislabeled for weight and grade, in ships which did not meet Government standards of cleanliness.

The next disclosure was that the system of Federal inspection is largely dependent on approximately 3,000 privately employed grain inspectors who, in turn, are bankrolled by the huge grain exporting companies. Some of the 300 Federal inspectors in the field were threatened or roughed up when they tried to review the inspections of private agencies.

A further installment now comes from the Secretary of Agriculture himself. Mr. Butz told the New York Times in an interview of May 29 that a "web of evidence" had been accumulated in the Federal investigation of alleged corruption in the handling of grain exports from every major grain port in the country. If the Secretary means every port, this would include: Baltimore, Md., Baton Rouge, La., Beaumont, Tex., Chicago, Ill., Milwaukee, Wis., Duluth, Minn., Houston, Tex., Mobile, Ala., New Orleans, La., Norfolk, Va., Philadelphia, Pa., Portland, Oreg., Port Arthur, Tex., Sacramento, Calif., Seattle, Wash., and Toledo, Ohio.

Some shipping companies and individuals implicated in the bribe payments are based in New York City as well.

Even if Secretary Butz did not mean every city I have mentioned, he certainly made it clear that these corrupt practices are widespread. Furthermore, he implied that professional racketeers are involved. As he is quoted in the New York Times, "we are dealing now with the kind of guy and the kind of system that sees great rewards—not just a few dollars but large rewards"—in the grain trade as a result of the sharp increases in values over the last few years.

The Des Moines Register, which has led the investigation of corrupt practices, has pointed out that they go back at least to 1968 when Western European countries complained of poor-quality shipments. We do not know what was done about these complaints then, but we do know that the present system is well intact and very well greased. Now, the Register reports more indictments, new evidence of "short weighting" in soybean exports, and widespread concern over neglect and mismanagement in the Department of Agriculture.

I am afraid that this is only the beginning of a very long and disillusioning chapter on the grain trade. I am confident that the investigations by the Subcommittees on Multinational Corporations and Foreign Agricultural Policy will disclose more and help correct present malpractices.

We cannot hope to end the present scandal and other related inequities in the present system by tinkering. We will have to take a look at the entire nature of the grain trade, now the subject of a current Multinational Corporation Subcommittee preliminary investigation.

Mr. President, I ask unanimous consent that the latest of a group of reports, these from the Des Moines Register and the New York Times, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Des Moines Register, May 24, 1975]

Thuggery in Grain Inspection

The corruption of grain inspection for export in New Orleans and Houston turns out to be even worse than we had at first thought. James Risser of our Washington bureau reports that federal supervisory officials have been threatened with physical injury if they interfered with the faulty inspections.

The New York Times also has reported that some USDA supervisors had their auto tires slashed and were jostled while riding man lifts in grain storage warehouses.

The U.S. Department of Justice with the cooperation of USDA has been conducting a large-scale investigation of the bribery and conflicts of interest in grain inspection at the southern ports. Now the Senate Agriculture Committee is going to dig into the problem.

A dozen grain inspectors have been indicted on bribery charges in New Orleans and Houston, and other employees of grain companies and others connected with grain inspection are under investigation.

The inspectors are privately hired and paid but are licensed by USDA. The inspectors are supposed to be checked and supervised by USDA officials. It is evident that this has been very lax. In fact, USDA was warned about the grain inspection mess six years ago, but instead of asking for more supervisors and intensifying its monitoring of the inspection, USDA cut back on the operation. Considering the heavy emphasis on farm exports by the Nixon and Ford administrations, this indifferent attitude toward grain inspection is amazing.

The importance of grain exporting to American agriculture can hardly be exaggerated—or, for that matter, its importance to the national economy in earning foreign exchange. A black cloud over the integrity of U.S. inspection and grading of grain for export cannot but harm export business and the incomes of farmers.

Congress and the administration need to clean house on this situation as rapidly as possible. It wouldn't be a bad idea to investigate the whole *farm-product grading and inspection service of USDA,* since the grain-export scandal is unlikely to be unique in lending itself to conflicts of interest and crooked dealing.

It is strange that the farmer's grain cooperatives have not blown the whistle on this crookedness. *Apparently, people in the grain trade have known something was wrong, but little was done about it.*

American business, labor unions and even farm co-ops have too long been willing to close their eyes and "go along" with wrongdoing in payoffs, bribery, illegal political finance and violations of consumer protection laws. It is time for a "law and order" drive in these fields of criminal activity.

[From the Des Moines Register, May 24, 1975]

Chief of USDA Grain Unit To Be Quested

(By James Risser)

Washington, D.C.—The director of the U.S. Agriculture Department's (USDA) grain division will be replaced, as part of a shake-up brought on by the growing scandal surrounding the inspection of American export grain.

The Des Moines Register learned Friday that Director Howard H. Woodworth will be removed from his post and will be succeeded by the deputy director, David R. Galliart.

Other personnel changes are in the works as well, and the grain division office will be moved from suburban Hyattsville, Md., to Agriculture Department headquarters in downtown Washington so that department officials can exercise closer control over its operations.

SEVERAL INDICTMENTS

The division is charged with overseeing the work of some 3,000 privately employed grain inspectors and samplers at ports and in grain-producing areas of the country. A dozen inspectors in New Orleans, La., and Houston, Tex., have been indicted for allegedly accepting bribes, and further indictments are expected in the widening investigation.

Department officials would not confirm the shake-up in the grain division, because Galliart has not yet been cleared formally by the Civil Service Commission for the director's job. But the planned changes have become widely known both within the Agriculture Department and in the private grain trade.

"I am leaving as director," Woodworth acknowledged in a telephone interview with The Register. "It may or may not be related to the stories," he said, referring to the newspaper's disclosures about the extent of the corruption investigation and the conflicts of interest in the inspection system.

SECOND DEPUTY

Woodworth said he has been offered the job of deputy director and will either accept the lower-ranking job or seek employment somewhere else. The grain division is being reorganized, and a second deputy also will be appointed, he said.

Galliard would not discuss his new job, saying "it's still at the Civil Service Commission." Galliard, 48, has been with the grain division for 22 years and has been deputy director for the past four and one half years.

The shake-up is being directed by Ervin L. Peterson, administrator of the Agricultural Marketing Service, of which the grain division is a part. Peterson could not be reached for comment Friday, but he said earlier this month that the division's supervision of the grain and ship inspectors "has been less than adequate."

PRIVATE AGENCIES

The grain division, under Woodworth, has mistakenly concentrated on proving that inspectors are generally accurate in their work, rather than cracking down on the private inspection agencies to see that their inspectors perform honestly, Peterson said then.

During the past 10 years, the grain division cut its staff of inspection supervisors from 300 to 220, at the same time that U.S. grain exports have been booming and American ports have been swamped with business.

The Register disclosed May 11 that Woodworth had been warned in a report in 1969 that American inspectors might be taking bribes. The warnings came primarily from foreign purchasers concerned about damaged and dirty U.S. grain.

Woodworth described his staff as "lean but efficient" and said the division "is not staffed to find conspiracies or briberies."

"NOT A BUREAUCRAT"

He said he went along with staff cutbacks because, "I'm not an empire builder or a bureaucrats. . . ."

In 1973, Woodworth acknowledged that some of his staff were concerned that surveillance of inspectors in only about 2 per cent of all export grain shipments was not adequate. But Woodworth said bringing surveillance levels up to 10 per cent would be too costly, and he proposed instead to increase surveillance at "the known problem elevators in the New Orlean circuit" by transferring other grain division employees to New Orleans.

The beefing-up of the grain division office in New Orleans did not take place until late summer, however, at about the same time the first indictments were handed down by a grand jury.

SHIP CERTIFICATION

Those indicted so far have been accused of taking payments in exchange for certifying that ships were clean and insect-free and acceptable for loading with grain. Federal agents now are looking at alleged misgrading and misweighing of grain, and at possible involvement of shipping and grain company employees.

The inspectors work for organizations such as the New Orleans Board of Trade and the Houston Merchants Exchange, both of which are partly controlled by people from the grain, shipping, and other export related businesses.

Administrator Peterson already has said he favors turning over the inspection to full-time federal employees, although it is not yet clear whether Agriculture Secretary Earl Butz will support such a move.

Legislation to federalize the inspectors has been introduced in the House by representative Edward Mezvinsky (Dem., Ia.)

[From the Des Moines Register, May 28, 1975]

Illness of Witness Perils Five Grain-Bribery Cases

(By James Risser)

Washington, D.C.—The prosecution of five federally licensed grain inspectors, indicted in Houston, Tex., on charges of accepting bribes, has been imperiled by the serious illness of the government's key witness.

Capt. Victor G. Diaz of New York, N.Y., a port captain of the Maritime Overseas Corp., is suffering from heart trouble and high blood pressure, his physician has told the U.S. District Court in Houston.

Diaz is named in each of the five indictments as the man who paid bribes to the inspectors so that they would certify the company's ships as clean, insect-free, and acceptable for loading with export grain.

He has been co-operating with the U.S. Justice Department in Houston, and in New Orleans, La., where the grain inspector bribery investigation began, and was scheduled to testify for the prosecution in the first Houston trial beginning this week.

TRIAL POSTPONED

However, the court ordered Tuesday that the trial of Bill Gene Mercy, accused of accepting six separate payments of $300 each from Diaz be postponed until August.

The trial of Arthur James Taute, indicted on five counts, is set to begin next Monday but probably also will be put off until later, in hopes that Diaz will recover sufficiently to testify.

The prosecutors are particularly troubled because the "speedy trial" rule of the federal courts in the Southern Texas District generally requires criminal defendants to be brought to trial within 90 days after indictment, although continuances sometimes are granted.

MAY SEEK DEPOSITION

The Justice Department attorneys believe they may have to seek permission to take a sworn deposition from Diaz in his sickbed, to be used in the trials if he is unable to appear.

Without his testimony, the government is believed to have a weak case against the five defendants.

The other three defendants, in addition to Marcy and Taule, are Billy Ray Davenport, Jerry Robert Parker, and Billy James Westbrook.

All were employed by the Houston Merchants Exchange, a private inspection agency designated by the U.S. Agriculture Department to inspect and grade export grain and to inspect ships for cleanliness.

The alleged bribes took place over a period from mid-1950 to mid-1974, according to the grand jury indictment.

ALREADY COMPLETED

The New Orleans case, with which Diaz was connected already has been completed, as the result of guilty pleas, and his illness does not appear to be any threat to the success of the continuing investigation in that city.

Meanwhile, Representative Charles Thone (Rep., Neb.) said Tuesday he has written Atty. Gen. Edward Levi and Agriculture Secreary Earl Butz "asking them to put more personnel and urgency into investigating and prosecuting these port cases."

Thone said he is studying whether the present system of inspecting grain and ships can be sufficiently strengthened or whether the law should be changed to provide for all-federal inspection.

"BLACK EYE"

"More than three-fourths of Nebraska wheat, half of our soybeans and a third of our feed-grains are sold to foreign countries," said Thone. "If our grain is transported in dirty ships, it will cause dissatisfied customers, lost sales and lower grain prices for farmers."

Tony Dechant, president of the National Farmers Union, said that he favors legislation "to take the power to inspect and grade agricultural commodities out of the hands of the international traders who are the very ones needing to be policed."

Dechant, just back from a Paris, France, meeting of the International Federation of Agricultural Producers, said: "The worldwide publicity about corruption in the grading and inspection of U.S. grain being sold for export is another black eye that American farmers have suffered in the international area."

[From the New York Times, May 29, 1975]

Butz Says Inquiry on Grain Spreads

(By William Robbins)

Washington, May 28.—Secretary of Agriculture Earl L. Butz said today that the investigation of alleged corruption in the handling of grain shipments had spread to every major grain port in the country.

He also told a reporter that there was evidence that organized crime was involved.

The Secretary said that the investigation was developing "a web of evidence." He listed as included in the inquiry ports on both the East and West Coasts as well as those on the Gulf Coast previously reported to be centers of the investigation.

He said that they included Baltimore, Norfolk, Portland, Ore., and Seattle.

Another official source said that investigators had also followed leads into other cities, including Albany, Beaumont, Tex.; Duluth, Minn., and Port Arthur, Tex., but that "in some cases we came up with nothing."

Although New York City is not a major grain port, some shipping companies and individuals that have reportedly been implicated in bribe payments are based there.

"The professionals, racketeers," are part of the investigation's scope, Dr. Butz said.

"When you've got something like this going, the professionals get involved," he said. Asked if he meant the Mafia, he replied, "Those or similar organizations."

An investigative official, referring to Dr. Butz's remark on involvement of "professionals," said, "A reasonable man would draw that conclusion." But he added, "For me to say now that we have definite evidence would be premature."

"We are dealing now with the kind of guy and the kind of system that sees great rewards—not just a few dollars, but large rewards"—in the grain trade as a result of the sharp increases in values over the last few years, he said.

The broad investigation began in New Orleans, where seven grain inspectors were indicted last year on charges of accepting bribes to approve ship holds as clean and fit to receive grain. A ship-cleaning company and its president were indicted on charges of paying bribes, and a grain sampler was indicted on perjury charges.

One of the inspectors has been convicted but appealed, and another awaits trial. The other cases were disposed of with guilty pleas, suspended sentences and fines.

In the current phase of the New Orleans inquiry, investigators have been taking secret testimony and inquiring into informants' accounts of alleged bribery, misgrading of grain, short-weighing of ship cargoes and alleged grain-theft rings reported to be operating within some large international grain corporations.

The investigation spread from New Orleans to Houston, where five grain inspectors were indicted on charges of bribery to approve ship holds. It also reportedly involves the neighboring ports of Brownsville, Corpus Christie and Galveston.

SEVERAL AGENCIES HELP

In both New Orleans and the Houston area, the investigation is headed by the United States Attorneys' offices and aided by the Federal Bureau of Investigation and the Agriculture Department's office of Investigation. In the New Orleans area, the Internal Revenue Service and the Agriculture Department's grain division are also giving help.

In the interview today, Dr. Butz said that there would be additional indictments, but did not say how many.

"Those are hard people to get evidence on," he said. "They cover their tracks pretty well."

From the beginning of the investigation, he said, he ordered "our people" to "get smoking" on the inquiry.

* * * * *

As part of the investigation, the Secretary said, departmental investigators and inspectors were dispatched abroad to check ships as they arrived. Those agents "pieced together a web of evidence" that is aiding the investigation, he said.

In one such case, the Santista, a Brazilian ship loaded in New Orleans, was met by two agents in Spain and found to contain grain of a vastly different quality from that recorded as loaded, according to accounts of some individuals close to the case.

The ship was loaded at the Mississippi River Grain Elevator with corn classed by inspectors as No. 3 grade for the seller, Tabor & Co., a Decatur, Ill., concern, according to the accounts. The inspectors are licensed by the Department of Agriculture, but work for private agencies.

The elevator handles Tabor's grain, but commingles it with that belonging to the elevator company, and on receiving shipping orders, is responsible for shipping out grain equal in quality to the commodity it received.

After the ship sailed, two Federal agents—Richard Venaglia of the Office of Investigation and Milton Blust, an inspection supervisor for the Agriculture Department's grain division—were dispatched last Feb. 19 to Spain to meet her.

The cargo was inspected at two ports—Gijon, where about half was unloaded, and again at Santander, 100 miles away in the Bay of Biscay.

There, Mr. Blust probed the cargo for samples, which were then sent to the department's laboratory in Hyattsville, Md., where they were graded.

In No. 3 corn, foreign matter, such as trash, and broken particles of grain can average no more than 4 per cent of the total. According to the sources, when the samples were graded in Hyattsville, there were so many broken kernels that the average qualified only for "sample grade," which includes all corn below grade No. 5, in which an average of 7 per cent broken kernels is allowed.

According to several sources, the average of broken kernels found in the Hyattsville tests was over 8 per cent, or twice that allowed for No. 3 corn.

According to two experts questioned, a difference in testing methods can account for as much as 1 per cent variation, and the loading process can cause broken kernels, especially as much of last year's crop was brittle because much was immature and required an unusual amount of drying.

[From the Des Moines Register, May 30, 1975]

BUTZ FAVORS TAKEOVER OF INSPECTIONS

(By James Risser)

NEW YORK, N.Y.—Agriculture Secretary Earl Butz, in the wake of five new indictments in the New Orleans-centered grain inspection scandal, said Thursday he favors a governmental takeover of the inspection system.

In an interview with The Des Moines Register in New York City, where he delivered two speeches and held a press conference, Butz said:

The system of having export grains inspected and graded by privately employed inspectors is "not consistent" with federally run inspections of other agricultural products, and apparently has led to corruption.

He was unaware, prior to a Register story earlier this month, that department officials had been warned six years ago of a possible bribery scheme involving the grain inspectors.

Both the employers of the inspectors and the Agriculture Department have been lax in overseeing the inspectors' activities, and the department's supervision was, in fact, cut back in recent years due to budgetary "manpower ceilings."

The department's grain division, which handles grain inspection regulation, will be "beefed up" and division director Howard H. Woodworth will be replaced, as reported by The Register last week.

He has no evidence that organized crime is involved in the inspection scandals, insisting he was "misquoted" to that effect by the New York Times.

VIEW OF TAKEOVER

In stories by The Register and in statements by federal investigators, the question has been raised of conflict-of-interest in having the inspections conducted by agencies controlled by grain and shipping interests. Asked in the interview whether he now favors a governmental takeover, Butz said, "at this moment, I think I would."

He said he will study the cost of such a move, which would involve some 3,000 new federal jobs, and also will examine whether the inspections could be handled jointly by federal and state authorities.

But pointing to the fact that inspections of meat, poultry, fruits and vegetables are done by federal inspectors, Butz said, "It bothers me that we're not in a consistent stance as far as grain is concerned."

FOREIGN BUYERS

He warned that foreign buyers of U.S. grains are beginning to believe that "this is not a dependable place to buy."

Meanwhile, a federal grand jury in New Orleans, which previously had indicted seven grain inspectors, a ship-cleaning firm and its president, Thursday indicted four more persons and a Louisiana corporation in an alleged scheme involving the sale of nonexistent soybeans to Peavey Co., an Alton, Ill., grain firm.

The conspiracy indictments said those charged cheated the Peavey firm out of $44,281 by falsely claiming to have grown and transported soybeans to the Public Grain Elevator at New Orleans for shipment overseas by Peavey.

New Orleans sources said the latest indictments are considered a relatively minor part of the continuing investigation, which now is centering on misgrading and misweighing of grain. More indictments are expected during the summer.

NICARAGUA SHIPMENT

One of those indicted Thursday was Richard M. Blades, a licensed grain inspector employed by the New Orleans Board of Trade.

The Register disclosed May 15 that New Orleans grain inspectors misgraded a 427,000-bushel corn shipment to Nicaragua in 1972, with the result that the Nicaraguans received an inferior grade of corn containing damaged kernels and foreign material. The story also revealed that the grading of that shipment was done by Inspector Blades.

The ship-hold inspector, who certified the Nicaraguan-bound vessel as being clean and insect-free was Richard S. Shultz, another New Orleans Board of Trade inspector who was indicted last August on charges of taking bribes in connection with other grain shipments.

THOSE INDICTED

Thursday's indictments, announced in New Orleans by U.S. Attorney Gerald J. Gallinghouse, charged Blades, of Metairie, La., his brother, Dewey F. Blades, jr., of Picayune, Miss., Carey T. Lindsay, of New Orleans, and Le Trac Land, Inc., of LaPlace, La., with conspiracy to defraud.

In addition, Rufus J. Hebert, of Porte Barre, La., a grain elevator operator, was charged with improperly influencing Richard Blades in his official inspection duties.

The indictments alleged that the scheme began in January, 1974, when Dewey Blades and Lindsay formed the Le Trac firm for the supposed purpose of planting, raising and selling soybeans on 250 acres of land leased from Hebert.

Records then were falsified to show fictitious costs on the soybean production, storage, and trucking to the Public Grain Elevator, where they were sold to Peavey, the grand jury charged.

Richard Blades prepared fraudulent truck grain tickets to show that seven truckloads of soybeans were delivered by Hebert's elevator to the Public Grain Elevator, with the fraudulent tickets then being transmitted by wire to Peavey's Alton offices, it said.

The Peavey firm then issued seven checks totaling $44,281 to Hebert's grain elevator in payment for the non-existent soybeans, the indictment charged.

Those indicted for conspiracy face maximum sentences of five years and fines of $10,000, Gallinghouse said.

He said the indictments resulted from an investigation by his office, the FBI, and the Agriculture Department's office of investigation.

NOT ONLY AREA

Gallinghouse warned that "evidently the the Port of New Orleans is not the only area involved" in "wrongful conduct in grain transactions."

He said "the proper and efficient handling of grain is vital to the general welfare of the people of the United States, and it is imperative that the high standards provided in the U.S. Grain Standards Act and U.S. Department of Agriculture regulations for the inspection, grading, weighing and shipment of grain be achieved and maintained."

New Orleans is the largest grain exporting port in the world. Nearly 40 per cent of all U.S. export grains are shipping out of eight elevators along the Mississippi River in the New Orleans area.

BUTZ QUOTATION

The New York Times had quoted Butz in its Thursday editions as saying that there is evidence that organized crime is involved in the inspection scandal, and that the investigation has spread to other major grain ports including Baltimore, Md., Norfolk, Va., Portland, Ore., and Seattle, Wash.

At his news conference here Thursday, Butz contended he was not accurately quoted. He said flatly he has no evidence of organized crime involvement, but has told his investigators to check that possibility in view of the huge sums of money involved in international grain trade.

He also said that he named the specific port cities only as examples of major grain ports where investigations are taking place. He said many other cities are involved, including Great Lakes ports, as part of a general probe of ports.

JUST AS GUILTY

Noting that the indictments in New Orleans and in Houston, Tex., have been primarily confined to inspectors so far, Butz said, "the people who offered the bribes are just as guilty as those who accepted them." He said he hopes the investigators will be able to develop the evidence to prosecute the payers of the bribes.

Butz said the investigators have no evidence at this point that any Agriculture Department employes or grain company officials were involved in unlawful conduct.

"That's not to say they weren't," he added. "Every man has his price.

QUESTION OF DISCIPLINE

He promised to move swiftly to discipline any federal employes found to be involved and to improve supervision of the inspectors while the decision is made at the department and in Congress whether to convert to all-government inspection.

Butz said he did not know, prior to a Register story May 11, that a 1969 report to grain division chief Woodworth warned of the possibility of a bribery system and specific problems in New Orleans.

The report, based on a European inspection tour by John A. Browning, chairman of the grain division's board of appeals and review, said many government officials and grain traders in European countries had complained of U.S. grain inspections and had told him U.S. grain inspectors probably were taking bribes.

Butz indicated he did not know whether the report was ever followed up.

MANPOWER CEILINGS

Asked why the grain division reduced its supervisory inspection staff from 300 persons to 220 in recent years, in the face of the warnings and while U.S. grain exports were increasing sharply. Butz said the cuts were "a result of manpower ceilings" imposed by the White House.

The agriculture secretary's press conference took place at the offices of Calvin Bullock, Ltd., a Wall Street mutual funds firm.

Butz also delivered private speeches to the Calvin Bullock Forum, an organization of investment bankers, and to the Union League Club, an exclusive businessmen's club in midtown Manhattan.

[From the Des Moines Register, June 1, 1975]

PROBE GRAIN SHORTAGES TO SPAIN

(By James Risser)

WASHINGTON, D.C.—U.S. Agriculture Department agents are investigating allegations that American grain inspectors misweighed shiploads of soybeans bound for Spain, so that Spanish buyers consistently received fewer soybeans than they had paid for.

The complaints involve shiploads of soybeans, sent from New Orleans, La., Philadelphia, Pa., and perhaps other U.S. ports in 1972, 1973 and 1974.

Investigators fear the incidents may be tied to the current scandal involving briberies and other corruption in the inspection, grading and weighing of U.S. export grains.

HABITUAL SHORTING

The Spanish buyers charge that "short weighings" of U.S. soybeans shipments have become "habitual" and "appear to have their origin at the point of loading" in the United States.

The American Embassy in Madrid accused the Agriculture Department of not taking the complaints seriously and warned that "what appears to be a widespread problem" could squelch U.S. hopes of expanding agricultural exports.

The weighers, although licensed by the Agriculture Department, are employed by private inspection agencies and in some cases by the grain elevators themselves. Department officials conceded there is little federal surveillance of the weighers' activities by the department's transportation and warehouse division, which does not even have an office in New Orleans, the biggest grain export city.

SIX SHIPS LISTED

Files of the Agriculture Department's Foreign Agricultural Service (FAS) examined by The Register list six specific ships on which short weighing occurred, and it is understood that the department's office of investigation has developed additional information.

The Kelsa Co., a soybean importing firm at La Coruna, Spain, complained to U.S. officials in March, 1974, that the vessel Pedro Menendez had arrived Feb. 14, 1974, with a shipment certified for 14,139 metric tons of soybeans but which actually was 522 metric tons short—a loss of nearly 4 per cent.

The complaint said the beans were shipped from the Mississippi River Grain Co. of Myrtle Grove, La., near New Orleans.

In addition, Kelsa said the S.S. Magdalena del Mar had arrived Jan. 3, 1974, from Philadelphia with a shortage of 425 metric tons of soybeans.

COMPLAINT READ

"As habitual importers of various products from your country, we would like to know how we can make these purchases without having disagreeable surprises upon the arrival of the merchandise," Kelsa's complaint said.

"We refer to important short weighings that habitually occur and which, by the characteristics of the merchandise, of the ships that transport the merchandise, and the controls upon unloading, appear to have their origin at the point of loading," it said.

The firm said it had heard of "the same complaint from our colleagues as well as importers of other grains.

"As the conditions of purchases are based on weight and quality at origin, we cannot accept these losses as a regular procedure, particularly when they are of this size," it continued.

The company said "these losses appear to indicate a deficiency in the official weight controls in the elevators of your country, and as the deficiencies always are for short weight you can suppose what may be happening."

OTHER COMPLAINT

FAS files also contain a complaint from another major Spanish soybean importer, Industria de Produccion y Envasado de Aceites de Sevilla, complaining of "frequent short deliveries."

The firm cited five ships in particular, including the same Magadelena del Mar, which stopped in Seville two days before docking at La Corona and unloaded 7.6 million kilos of soybeans, which was 179,772 kilos less than the firm had been promised was aboard for it. (A thousand kilos is about one long ton.)

In addition, the importer said, the ship Serifos had arrived Dec. 25, 1972, with a shortage of 101,573 kilos; the Dolphic Eagle was 87,248 kilos short on arrival Mar. 7, 1973; the Thera docker Apr. 14, 1973, with a shortage of 83,017 kilos, and the Luis Pereda arrived Nov. 18, 1973, with an unexplained loss of 56,667 kilos.

In each case, the U.S. inspection certificate accompanying the shipments said that the amount of soybeans billed to the buyers were aboard.

The American Embassy in Madrid said it viewed the complaints with "seriousness" and noted that soybeans are the "number one commodity in U.S. trade with Spain"—totaling $181-million in 1973.

A SPOKESMAN'S RESPONSE

James F. Lankford, of FAS, replied May 8, 1974, that U.S. inspection and grading certificates, though they list grain shipment size, do not certify that the amount is actually on the ship.

He said it is up to the buyers, if they wish, to hire a private surveyor to check the amount and issue them a guarantee that a certain amount of grain is on board.

Lankford said the U.S. government is not a party to grain sales and he warned the embassy in Madrid to "avoid being drawn into" the dispute.

He said that sometimes a shipload is divided up among several purchasers, with the result that one buyer sometimes gets slightly more grain than he was charged for and another buyer gets less. The one who receives extra grain does not complain, he added.

However, the American Embassy in Madrid in June, 1974, rejected Lankford's explanation as "not adequately responsive to the problem."

In the case of the Magdalena del Mar, the shipment was divided among two buyers and both received short amounts, the embassy noted.

"The embassy repeats its request for information as to what practical course may be followed by buyers here to resolve what appears to be a widespread problem," the cable concluded.

Later that month, the State Department replied to Madrid that it "appreciate embassy's concern that consistent short weight deliveries (of) soybeans to Spain could damage U.S. trade interests."

But it said the "Department of Agriculture believes that U.S. trade has excellent worldwide reputation for shipping contractual quantities within accepted tolerances.

"Since we are unaware of any significant incidence of complaints in other countries, we (are) inclined to believe Spanish problems due to misunderstanding or factors peculiar to our exports to Spain," said the State Department reply.

The matter apparently rested there until recently, when other complaints about damaged and short-weighted soybean shipments began to be voiced, and as it became clear there was a potentially widespread scandal involving illegal acts by grain graders and weighers.

More than a dozen inspectors have been indicted in New Orleans and Houston, mostly on charges of taking bribes to certify that ships were clean and acceptable for loading with grain. The investigations have spread to other ports, and include a probe of misgrading and short weighing complaints.

[From the Des Moines Register, June 2, 1975]

Tie Inspector Abolition to Grain Woes

(By Clark Mollenhoff)

Washington, D.C.—The abolition of the Office of Inspector General by Agriculture Secretary Earl Butz created the conditions that led to his lack of knowledge of the scope of the grain inspection problem.

That is the opinion of a wide range of past and present Agriculture Department officials, and of the critics in the Congress who have heard Butz say in recent days that he was unaware until early May that department officials had been warned six years ago of a possible bribery scheme involving the grain inspectors.

Butz said Thursday in a press interview that he was unaware of a 1969 report in grain division chief Howard H. Woodworth warning of the possibility of a bribery system and specific problems in New Orleans until after it was reported May 11, in The Des Moines Register.

The Office of Inspector General had the responsibility of examining all evidence of fraud, mismanagement and conflicts of interest and calling it to the attention of the secretary of agriculture.

ESTES SCANDALS

The Office of Inspector General was created by former Secretary of Agriculture Orville Freeman in the wake of the Billie Sol Estes scandals that touched off several congressional investigations in 1962, and caused the Kennedy administration and Freeman much embarrassment. They involved misuse of cotton allotments and frauds involving liquid fertilizer tank mortgages.

Representative Neal Smith (Dem., Ia.) and Representative Jamie Whitten (Dem., Miss.), both of whom had roles in the establishment of the office were critical of Butz in 1974 when he abolished the office and split its functions into an Office of Audit and an Office of Investigation.

"I told them something like this would happen if they did not have the investigation and audit functions under one man who would report directly to the Secretary," said Whitten, who is chairman of the House appropriations subcommittee that handles Agriculture Department spending.

Whitten said his subcommittee has conducted its hearings on the Agriculture Department budget, but, "I think there will be time to reopen them to find out just how much the abolition of the inspector general and the weakening of the over-all investigative authority contributed to the secretary's lack of knowledge of the seriousness of the problem."

COVERUP FEARED

Whitten said he had "helped Secretary Freeman set up the inspector general's office after the Billie Sol Estes case, for it was clear that the various agencies in the department could not be permitted to investigate themselves or they would cover up corruption and mismanagement."

Smith recalled that Freeman had told him: "I've just got to have a way of knowing about this type of problem (the Estes case) before it reaches crisis proportions."

The Iowa Democrat said that "combining investigation and audit functions under an inspector general was the answer, and it worked well until Butz abolished it and split the functions."

"I dont think Butz wanted to hear about what was wrong with the way the department was operating," Smith said. "If he didn't know about what was wrong, he just thought it would go away, or would be someone else's responsibility."

BY HINDSIGHT

Ervin L. Peterson, administrator of the Agricultural Marketing Service, said that "by hindsight we haven't done a very good job" and that "there is no doubt that the splitting of the investigation and audit functions had something to do with it."

Peterson said that, when he was first apprised of the possibility of some frauds and bribery in the grain inspection services about 2 years ago, "we got the * * * investigation into it with the problem," and then got busy them of "what the options would be if we had wholesale indictment of inspectors" in New Orleans, because of the necessity of providing some alternate inspection personnel.

"The Office of Investigation followed it through part way, then turned it over to the FBI and the Justice Department," Peterson said. He added that no one took on the job of going back and examining the system to see if there were any pending problems.

"All of us were at fault in some degree," Peterson said, "in not recognizing the weaknesses in this kind of a private inspection system."

LAUDED IN BOOK

Other present and former officials concerned with investigations said that when the Office of Inspector General was headed by Lester P. Condon from 1962 to 1969 it worked well and was recognized as perhaps the closest thing to a department ombudsman in the entire federal government.

Walter Gellhorn, former Columbia University professor and an expert on ombudsman operations and other public grievance procedures, made laudatory mention of the Agriculture Department's inspector general in his book "When Americans Complain—Governmental Grievance Procedures."

The Gellhorn book was published in 1966.

On Jan. 9, 1974, Butz abolished the office of inspector general in an Agriculture Department reorganization.

In response to critics who asserted that one man should have both the audit and investigation functions, Butz said that he was handling this by having Under Secretary of Agriculture Phil Campbell responsible.

When Butz gave this explanation, representatives Whitten and Smith said Campbell had too many other duties as Number 2 man in the department to do the job.

Also, the under secretary and each of the assistant secretaries had program responsibilities that would inevitably result in a conflict of interest situation at some time that would eliminate the independent objectivity that was the strength of the inspector general, Smith said.

CREATING PRODUCTIVE MARSHLAND

Mr. MATHIAS. Mr. President, we are all affected by the finite nature of world resources. In critically short supply are productive regions where our salt and fresh waters commingle. The ramifications of this particular shortage cannot be overestimated since by and large estuaries are the most productive areas that can be found. In fact, 9 out of 10 species of fish reside at some point in their life cycle in an estuary. If there is a chance of feeding our expanding world population, then much of the food must come from the sea, and particularly estuaries. This requires that we maintain the integrity and health of productive estuaries.

In the estuary itself marshes are of critical importance. But with each passing year, more and more marshland is filled for recreational or residential use. In the long term we will pay a heavy price for these encroachments on fertile marshes.

Because of my great concern for the world's estuaries and particularly for the Chesapeake Bay, which is considered by many to be the most productive of estuaries, I was very pleased to read an article by Bayard Webster in the New York Times of Friday, May 2, entitled "Army Engineers Creating Salt Marshes From Sediment." A successful program to maintain the productivity of marshes must include not only strong conservation efforts to protect existing marshes, but also a program such as the one described in the Times article which turns depleted land into productive marsh.

While I have for some time been aware of the fine work conducted by Dr. Ed Garbisch and Environmental Concern, the organization which he heads, I am pleased that their work is now receiving the wide attention that it so greatly deserves. I ask unanimous consent that the article by Bayard Webster appearing in the Friday, May 2, issue of the New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY ENGINEERS CREATING SALT MARSHES FROM SEDIMENT

(By Bayard Webster)

The Army Corps of Engineers, whose dirty-red barges annually dredge up millions of tons of bay and river muck to keep the nation's harbors and waterways clear, is often accused of destroying wetlands and shellfish beds when its barges spew out their spoils.

But the success of some recent corps-sponsored marine biological experiments in the Chesapeake Bay area is causing the agency to consider using a significant part of the sediment to create living salt marshes instead of dumping it onto the nearest available land or water.

In three tidewater areas in Maryland and Virginia the lush green plants of newly made salt marshes now flourish on a base of silt and sand provided by Corps of Engineers dredges.

The marshes, ranging from two to 10 acres were grown for the corps by Environmental Concern, Inc., a nonprofit scientific corporation in St. Michaels, Md., that specializes in the preservation and creation of tidal wetlands.

"We're greatly encouraged by the way our two marshes have taken hold," said John P. O'Hagan, operation division chief of the Baltimore District of the corps. The marshes, planted a year ago, are near Cambridge and Hoopersville in Maryland's Eastern Shore.

IN ANY SPACE

"Up to now," he said, "there's been hardly any constructive use of harbor or bay spoil. We'd dump it wherever we could find the space—on open land or in the bay—sometimes to the detriment of oyster or clam beds or fish areas."

And often, he added, the corps would pipe its stream-bottom sediment to a wetland that a community official had wanted to fill in for a developer.

"But now, with the emphasis on preserving marshes and with what we know about their value as fish nurseries and storm barriers, we are looking at more beneficial ways of using the dredged material," Mr. O'Hagan said.

He pointed out that there are 4,000 miles of tidal shoreline on the Chesapeake Bay that is subject to erosion by wind and wave. The corps estimates that the bay shoreline erodes at a rate of one to 10 feet a year, depending on the location.

The creation of tidal marshes that are alternately inundated by water and then exposed to the sun and air and that have the ability to withstand and absorb wave action could solve the erosion problem in many bay areas of the nation, Mr. O'Hagan said.

"It's cheaper than building bulkheads. It's not a panacea but it can be a big help," he added.

At the headquarters of the Norfolk District of the corps, Elliot E. Whitehurst of the engineering division voiced similar approval of the corps-funded marsh that has been established near Wachapreague on Virginia's Eastern Shore.

"There are lots of areas where this can be applied," he said. "And it's cheaper to deposit the spoil overboard and build a marsh than to pipe it a mile or so inland to a disposal area."

The marshes were created under the supervision of Dr. Edgar W. Garbisch, the head of Environmental Concern. His group of 14 marsh and marine biology specialists is generally credited with creating the first man-made tidal salt marsh in this country in 1972, a three-acre plot near Hambleton Island, Md., in the Chesapeake.

After creating an intertidal sand flat, he and his workers planted some 60,000 seedlings by hand. Seven months later the marsh was flourishing and is now firmly established.

Today, Dr. Garbisch's group uses more mechanized methods to transplant seedlings and sow seeds that enable them more quickly to build a marsh of the traditional tidal-zone plant species such as Spartina alterniflora and cord grass.

In addition to the three corps projects, Dr. Garbisch's organization is exploring two additional sites for future corps-funded marshes.

"We've gotten to the point now where we know we can build a marsh," said Dr. Garbisch in an interview. "We're working on practical projects, not experiments."

He said that his group, in addition to acting as consultants to utilities and developers on marsh preservation projects, was also engaged in compiling an inventory of all existing or planned marsh research projects in the country for the Corps Waterways Experiment Station in Vicksburg, Miss.

Dr. Conrad J. Kirby, head of the station's environmental effects laboratory, said that the experiment station was engaged in a five-year, $30-million program to explore new, ecologically sound uses of part of the 380 million cubic yards of sediment the corps dredges up each year.

A dozen experimental projects in the program have just gotten under way. They range from attempts to establish a fresh-water marsh in the Columbia River in Oregon to building up a mangrove swamp in Florida's Tampa Bay.

"If we can find the uses that blend into natural wildlife systems, such as using spoil to make new game preserves, that's the kind of thing we're aiming for," Dr. Kirby said.

KENNETH KEATING: COLLEAGUE AND FRIEND

Mr. MATHIAS. Mr. President, the death of Kenneth Keating on May 6 took from us a former colleague, an experienced diplomat, a good friend, and, most important, a distinguished American whose service to his country was substantial and significant. He will long be remembered for his contributions to the improvement of many areas of American life. One of them was civil rights. As a Member of the House of Representatives, he was the author of many civil rights bills, including one on antilynching and another on fair employment practices. He was a coauthor of the bill that became the 1957 Civil Rights Act. He continued his efforts on behalf of civil rights when he came to the Senate. In addition to his consistent support for civil rights legislation, he was concerned about such matters as discrimination in the armed services, negative hiring policies of Federal agencies, and efforts within the Republican Party to emphasize the importance of civil rights. Ken Keating was, without a doubt, a major figure in the campaigns of the fifties and sixties to assure that all Americans were equal under the law. And that, let us remember, was just one of the areas of American life to which he contributed his interest and his energy. Mr. President, the Afro-American of September 8, 1964, contained a column about Ken Keating, written by our mutual friend, Clarence Mitchell, director of the Washington office of the National Association for the Advancement of Colored People. I ask unanimous consent that Mr. Mitchell's column be printed in the RECORD as a special tribute in which I join with Mr. Mitchell.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILLIONS MAY CROSS PARTY LINE FOR LBJ

(By Clarence Mitchell)

With Senator Hubert Humphrey running as vice presidential nominee, the bold and altogether effective leadership given by President Johnson in the 1964 civil rights fight and the sneaky manner in which the Goldwater backers are trying to capitalize on race prejudice, it is easy to decide who should be in the White House. So far as I am concerned, it is Johnson and Humphrey.

It is my opinion that millions of pro-civil rights voters will cross party lines if they are Republicans and support the LBJ-Humphrey ticket. Pro-civil rights Republicans and Democrats will have a much harder choice in many of the House and Senate elections. Perhaps the hardest choice of all will be in the State of New York.

New York senators can usually be courted on to vote for civil rights. The two now in office, Jacob Javits and Kenneth Keating, not only vote for civil rights, they are also the men who carry the flag even when they must go against the leadership of their own party. Both have served in the House and from the first day that they took the oath of office they have been waging a brilliant and usually successful fight for civil rights.

This year Senator Keating is up for reelection. His opponent is the greatly cherished Robert Kennedy who seems so much like your best buddy in high school, college or every day life that no matter whether you address him as General Kennedy or Honorable Robert Kennedy you affectionately think of him as Bob. He, too, has fought the good fight for civil rights and has earned all of the good things one might say about him.

However, if I were eligible to vote in New York I would vote for Senator Keating. I would do so because of my warm friendship for him but more importantly because he is one of the men who must help to save the Republican Party from becoming a haven for advocates of white supremacy and racial discord. His victory in New York will retain a vital line of communication between the Republican Party in Congress and those who work for equal treatment under law.

ALWAYS BACKED RIGHTS

When President Eisenhower took office it was easy for House and Senate Democrats to advocate civil rights, because they did not mind needling the opposition party, Senator Keating, who was then the ranking Republican member of the House Judiciary Committee, called for civil rights legislation even though there were some who said it would embarrass his party to ask for it at that time.

In 1957 when a coalition of Southern, Northern and Western Senators of both parties killed a vital part of the civil rights bill, he was among the House members who fought to the end for restoration of the title that was lost. At all times, he has insisted that wherever the federal dollar is spent there must also be safeguards against racial discrimination.

At the opening of the Eighty-eighth Congress he was among the first to begin fighting for a senate rules change to halt filibustering and also to urge action against discrimination in places of public accommodation and in employment. When Senator James Eastland appointed a hostile sub-committee to conduct the hearings on Judge Thurgood Marshall, Senator Keating exercised his right as a member of the full Judiciary Committee to attend each day of the hearings and to fend off unfair attacks.

In the 1964 Civil Rights effort he helped fight for the whole package, including FEPC, at a time when many thought its inclusion would kill the bill. Again and again he busily worked with mid-western Republican senators to get them to support key procedural matter and important parts of the bill. The Justice Department was reluctant to include language which would give the federal government broader powers to protect Fourteenth Amendment rights, but Senator Keating wanted the powers included.

Now at election time he faces the double handicap of being the candidate whose party is led by an unpopular nominee and an opponent who is capable, attractive.

Yet he has entered the fight without yielding to compromise on his principles. With him in the Senate, GOP liberals will have a much needed strong voice in party councils. To the extent that he can help to keep his party a part of the Twentieth Century he will also help to keep the Nation in step with the times. In his long career in Washington he has never forsaken civil rights. I hope his loyalty will be matched by the voters on election day.

WHEELING, W. VA., HOSPITAL CONSTRUCTED WITHOUT FEDERAL FUNDS—VOLUNTEER EFFORT PRAISED—DEDICATION DRAWS THOUSANDS

Mr. RANDOLPH. Mr. President, on Sunday the citizens of the Wheeling-Ohio County area of West Virginia participated in the dedication of a modern hospital complex. This new facility, with 286 beds, will serve an area population of 250,000, most of whom are now within a 15-minute motor drive of superior health care. This hospital will be utilized by Ohioans and Pennsylvanians, as well as West Virginians.

This noteworthy ceremony represents a most remarkable achievement in that the Wheeling hospital complex, constructed at a cost of $25 million, contains no Federal funds. It is the culmination of some 10 years of planning, preparation, funding, and construction efforts by hundreds of persons, all of whom share an understandable satisfaction in seeing their goals become reality. It is also the 125th anniversary of the founding of this oldest health care institution in West Virginia. The Wheeling hospital complex is a tribute to the hospital board and staff, the Diocese of Wheeling-Charleston, and residents of the area. Some $2 million was raised just within the Wheeling community.

The realization of this modern and comprehensive health care facility is perhaps the finest example of the rebirth of individual responsibility in the recent history of our State. The project was carried forward by dedicated people working together to provide improved health care. Thousands of persons attended the ceremony and toured the hospital—an indication of the community interest in this program.

It was my privilege to join with the Most Reverend Joseph H. Hodges, Bishop of the Diocese of Wheeling-Charleston, Governor of West Virginia Arch A. Moore, Jr., and younger and older citizens in the dedication. The program, characterized by expressions of determination, partnership, understanding, hope and faith, causes me to recall the lines of Ella Wheeler Wilcox:

> Say you are well, Or all is well with you;
> and God shall hear your words and make them true.

And also the words of John G. Whittier:

> The healing of His seamless dress, is by our beds of pain; we touch Him in life's throng and press, and we are whole again.

Mr. President, I ask unanimous consent that extracts from the dedication program be printed in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

DEDICATION PROGRAM

WHEELING HOSPITAL, MEDICAL PARK, WHEELING, W. VA.

1 o'clock Sunday, June 1, 1975

Master of Ceremonies: Howard V. Corcoran.

Invocation: Dr. Robert L. Larson, President, Greater Wheeling Council of Churches.

Welcome James Haranzo, Mayor
City of Wheeling

Flag Raising: Linsly Institute Color Guard, Drill Team and Band.

David S. Cunningham, President, Wheeling Hospital Board of Directors.

Herbert G. Dickie, Jr., M.D., President, Wheeling Hospital Medical Staff.

Samuel G. Nazzaro, Administrator, Wheeling Hospital.

The Honorable Jennings Randolph United States Senate.

The Honorable Arch A. Moore, Jr., Governor, The State of West Virginia.

Blessing of the Hospital Building: The Most Rev. Joseph H. Hodges, Bishop Diocese of Wheeling-Charleston.

Benediction: Rabbi Morton Kaplan, Temple Shalom.

1850–1975, WHEELING HOSPITAL'S 125TH ANNIVERSARY

The year was 1850. The Ohio Valley throbbed with growth. New industries . . . iron, glass, coal, cloth . . . were booming.

With its Ohio River port and new National Road, Wheeling became an important crossroads for a growing nation. Wheeling Hospital was founded in 1850 . . . the only hospital between Pittsburgh and Cincinnati.

Innovation inspired the man who founded Wheeling Hospital. At the age of eight, Simon Hullihen was seriously burned. Bedridden for two years, young Hullihen designed a pair of shoes which permitted him to walk without a cane.

Dr. Hullihen invented surgical instruments and devised new procedures for operations. He is widely recognized as the "Father of Oral Surgery."

The Civil War etched a new testimonial to Wheeling Hospital's humanitarian record. The hospital was crowded with wounded soldiers from both the Union and Confederacy. When Union boats on the Ohio River passed Wheeling Hospital, the crews would pause to salute their fallen comrades.

IN THE PIONEERING SPIRIT . . .

In the pioneering spirit of its founder, Wheeling Hospital has been in the forefront of technological advancements.

West Virginia's first Coronary Care and Intensive Care Units were established at Wheeling Hospital. Coronary Care Units, featuring electronic monitoring, have dramatically increased the survival rate of patients following severe heart attacks.

SPIRIT OF '76 ALIVE

The new Wheeling Hospital is an outstanding example of the spirit that led to America's independence nearly 200 years ago.

"The Patriots in 1776 believed in taking care of their own needs. The new Wheeling Hospital proved Ohio Valley residents haven't forgotten the old-fashioned do-it-ourselves spirit," Howard Corcoran points out.

Advancement Fund Chairman Corcoran explains: "No federal grants were available for this new hospital. But Ohio Valley residents demonstrated they don't have to depend upon federal handouts to get needed facilities. The new Wheeling Hospital was built without one cent of federal money."

Corcoran continues. "We're confident that this public support will continue so we can deliver the full potential of the new medical complex."

WHEELING HOSPITAL BOARD OF DIRECTORS

Most Rev. Joseph H. Hodges, *Chairman of the Board.*
David S. Cunningham, *President.*
Edouard S. Ziegler, *Vice President.*
Rt. Rev. Msgr. F. J. Schwertz, P.A., *Secretary.*
Carlyle D. Farnsworth, *Treasurer.*
John Braddock, D.D.S.
D. Paul Camilletti.
Howard V. Corcoran.
Laurance F. Good.
Richard G. Herndon.
Philip C. Kirby.
Robert L. Levenson.
Col. Basil G. Lockhart.
Lee C. Paull, III.
John L. Seabright.
Ned C. Sheats.
Herbert M. Sonneborn, Jr.
George T. Welsh.
S. G. Nazzaro, *Administrator*

TREASURY STUDY SHOWS "TAX EXPENDITURES" WILL BENEFIT WEALTHY MOST

Mr. MONDALE. Mr. President, a Treasury study prepared at my request shows that the benefits from most "tax expenditures"—preferential tax provisions intended to encourage or reward specific activities—are concentrated heavily on taxpayers with the highest incomes.

Of the $58 billion in fiscal year 1974 tax expenditures, over 23 percent went to individuals with incomes of over $50,000, who make up only 1.2 percent of all taxpayers.

The 160,000 taxpayers with incomes of $100,000 or more received an average of $45,662 each in tax relief from the 57 tax expenditures on the Treasury list, while the 9.9 million taxpayers earning between $15,000 and $20,000 saved an average of only $901 apiece, and those from $10,000 to $15,000 saved only $556 each.

Tax expenditures are defined by the new Congressional Budget Act as the revenue losses attributable to Federal tax provisions—

> * * * which allow a special exclusion, exemption or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability.

The Senate Budget Committee, on which I serve, is required by the new law:

> To request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis.

The 57 tax expenditures on the Treasury list include the special tax treatment of capital gains, $6.7 billion; the tax exemption for state and local bond interest, $1.1 billion; excess depreciation deductions, $700 million; the investment tax credit, $880 million; deductions for home mortgage interest, $4.9 billion; property taxes, $4.1 billion; and medical expenses, $2.1 billion; and a variety of other provisions.

Many of the larger expenditures are very heavily concentrated in the higher income brackets. Over 88 percent of the $1.1 billion in tax relief going to individuals from tax-exempt State and local bonds goes to people with incomes over $50,000.

Over 62 percent of the $6.7 billion tax expenditure from the special tax treatment of capital gains goes to the 1.2 percent of taxpayers with incomes over $50,000, and over 47 percent goes to those with incomes over $100,000.

THE TAX EXPENDITURE CONCEPT

Mr. President, there is a good deal of misunderstanding about the concept of tax expenditures.

The concept is based on the assumption that the main purpose of an income tax system is simply to raise revenue, and that all taxpayers and all forms of income should, as nearly as possible, be treated alike. There are, of course, broad exceptions to this rule, such as the progressive rate structure and the provisions which take into account differing family sizes, but these are considered part of the basic structure of our income tax system.

However, when the Government seeks to use the tax system for other, more limited, purposes—to encourage oil drilling, exports, business investment, home building, and so forth—by giving preferential tax treatment to those who engage in those activities, it is in effect subsidizing them with money that must be made up by higher tax collections from others.

The practical effect is the same as if the Government took a portion of its tax revenues and made a direct grant to those who engage in the activities the Government wants to encourage or reward.

But instead of collecting the money from all taxpayers and granting it back to some taxpayers, it allows the favored taxpayers to keep the money and make it up by collecting more from everyone else.

These tax expenditures are thus a form of Government spending or subsidy, and they should be evaluated on the same basis as other forms of Government spending.

Calling these special tax provisions expenditures does not make them either good or bad. It is meant to be a neutral term, and it is intended only to require us to begin looking at these tax subsidies in the same way we look at other Federal spending programs. Their practical effect is the same, and they should be judged by the same standards.

Many tax expenditures serve a legitimate purpose and they should be continued. Others need to be examined to see whether they can be restructured so that their benefits are distributed more broadly and equitably. In still other cases, a direct expenditure, loan or guarantee program might work better than a tax expenditure, and we should consider substituting one for the other. And finally, some tax expenditures serve no defensible purpose at all, and should be abolished.

The new budget process will enable the Congress to review and analyze these tax expenditures in the same way we look at other Federal spending programs, so that we can make certain they are serving the purposes for which they were intended efficiently and at the lowest possible cost.

CONCENTRATION IN HIGHER BRACKETS

The concentration of tax expenditure benefits in the higher income brackets is one of the important reasons these provisions must be examined with great care. If the Federal Government is, in effect, going to be spending money to support or reward certain activities, we must determine whether it makes sense to do so under a system which provides the highest benefits to those with the highest incomes.

One reason why most tax expenditures provide more relief to those with higher incomes, is that they exclude or exempt from taxation income which would otherwise be taxed at a taxpayer's highest marginal rate. As a result, the tax benefit from a provision increases as a taxpayer's highest marginal tax bracket increases. For a taxpayer in the lowest, 14-percent bracket—making around $5,000 a year—each $100 deduction, exclusion or exemption is worth only $14 in reduced taxes. But for someone in the highest, 70-percent bracket—making over $200,000 a year—each $100 deduction, exclusion or exemption is worth $70 in reduced taxes.

This problem could be avoided by

changing deductions or exemptions into credits. Unlike a deduction, a credit is subtracted directly from the tax otherwise due, so it is worth the same amount in tax savings to all taxpayers, no matter what marginal tax bracket they are in. A $100 credit would save everyone $100 in taxes, rather than saving the rich $70 and the poor $14.

I have proposed, for example, that taxpayers be given the choice of taking a $200 credit for themselves and each dependent, instead of the present $750 personal exemption. This $200 optional credit would be worth more in tax savings than the $750 exemption to almost all families earning $20,000 or less.

The Senate approved this $200 optional credit earlier this year as part of the Tax Reduction Act, but it was dropped in conference and replaced by a $30 credit which may be taken in addition to the $750 exemption.

The use of a credit rather than a deduction could well be extended to other areas, such as the provisions dealing with home mortgage interest and property taxes. If properly structured, the credit could result in greater tax savings than the present deductions for the great majority of taxpayers.

Mr. President, I would like to express my thanks to the Treasury Department, and especially to Assistant Secretary Frederic W. Hickman and his staff, for their work on this tax expenditure study. These estimates are difficult to make, and the Treasury had many other demands that had to be met at the same time this work was being done.

MODIFICATIONS IN TREASURY LIST

One item is omitted from the Treasury list of tax expenditures which has been included on other lists—the maximum tax on earned income.

The maximum tax is estimated to cost $330 million in fiscal year 1974, and was included in the list of tax expenditures prepared by the staff of the Joint Committee on Internal Revenue Taxation—JCIRT—for the Senate and House Budget Committees.

The maximum tax was instituted in the 1969 Tax Reform Act, and limits the maximum marginal tax rate on earned income—wages, salaries, and so forth—to 50 percent, as compared to the maximum marginal rate on all other income of 70 percent.

Another item—untaxed capital gains at death—was included in the Treasury list at my request, but the $700 million cost attributed to it is far below the $5 billion cost estimated by the staff of the JCIRT.

The reason is that the Treasury assumes a specific limited form of taxation of these gains, and estimates the cost of this provision as merely the revenue gain that would result from this limited form of taxation.

This is not the way the cost of other tax expenditure items is estimated. The $6.7 billion cost of other capital gains, for example, represents the difference between taxing these gains as ordinary income, and the present favorable treatment. If the capital gains at death item is measured on this same basis, the cost for fiscal year 1974 comes to $5 billion.

The staff of the JCIRT is in the process of preparing a breakdown of the maximum tax and the capital gains at death items by adjusted gross income class, but this information is not available as yet.

I ask unanimous consent that tables showing a complete breakdown of individual tax expenditures by adjusted gross income class be reprinted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. This information was supplied by the Treasury. The tables also show the following additional information, which was prepared by my office:

First. The aggregate total of all 57 tax expenditures, broken down by AGI class, along with the percentage of the total going to each AGI class, and to AGI segments (0–$10,000, $10–$20,000, $20–$50,000 and $50,000 and over);

Second. The percentage distribution of each tax expenditure by AGI segment (0–$10,000, $10,000–$20,000, $20,000–$50,000 and $50,000 and over).

EXHIBIT 1

ESTIMATED DISTRIBUTION OF TAX EXPENDITURES OF INDIVIDUALS BY ADJUSTED GROSS INCOME CLASS, FISCAL YEAR 1974

Adjusted gross income class	Number of taxable returns[1] (thousands)	Percent of taxable returns		Total tax expenditures by income class (millions)	Percentage distribution	
		By income class	By segment		By income class	By segment
0 to $3,000	4,057	6.1	46.9	$1,085	1.9	16.6
$3,000 to $5,000	7,579	11.3		1,738	3.0	
$5,000 to $7,000	8,273	12.4		2,357	4.1	
$7,000 to $10,000	11,428	17.1		4,403	7.6	
$10,000 to $15,000	15,952	23.8	38.5	8,875	15.3	30.6
$15,000 to $20,000	9,856	14.7		8,881	15.3	
$20,000 to $50,000	9,006	13.4	13.4	17,414	29.9	29.9
$50,000 to $100,000	655	1.0	1.2	6,116	10.5	23.1
$100,000 and over	160	.2		7,306	12.6	
Total	66,966	100.0	100.0	58,175	100.0	100.0

[1] Calendar 1974. Fiscal year 1974 figures are not available.

[Dollar amounts in millions]

Adjusted gross income class	Exclusion of benefits and allowances to Armed Forces personnel (1)	Percentage distribution by segment	Exclusion of military disability pensions (2)	Percentage distribution by segment	Exclusion of certain income earned abroad by U.S. citizens (3)	Percentage distribution by segment	Expensing of certain agriculture capital outlays (4)	Percentage distribution by segment	Capital gains treatment of certain agriculture income (5)	Percentage distribution by segment
0 to $3,000	$10	66.1	$1	66.1	$15	48.9	$10	33.6	$10	33.7
$3,000 to $5,000	135		13		13		35		30	
$5,000 to $7,000	160		16		7		60		55	
$7,000 to $10,000	125		13		9		90		80	
$10,000 to $15,000	110	25.4	11	26.1	7	15.6	115	31.9	105	31.7
$15,000 to $20,000	55		6		7		70		60	
$20,000 to $50,000	50	7.7	5	7.7	24	26.7	125	21.6	115	22.1
$50,000 to $100,000	4	.8	*		6	8.9	40	12.9	35	12.5
$100,000 and over	1		*		2		35		30	
Total	650	100.0	65	100.0	90	100.0	580	100.0	520	100.0

EXHIBIT 1

ESTIMATED DISTRIBUTION OF TAX EXPENDITURES OF INDIVIDUALS BY ADJUSTED GROSS INCOME CLASS, FISCAL YEAR 1974—Continued

[Dollar amounts in millions]

Adjusted gross income class	Expensing of exploration and development costs (6)	Percentage distribution by segment	Excess of percentage over cost depletion (7)	Percentage distribution by segment	Capital gains treatment of certain timber income (8)	Percentage distribution by segment	Deduction of nonbusiness state gasoline taxes (9)	Percentage distribution by segment	Housing rehabilitation 5-year amortization (10)	Percentage distribution by segment
0 to $3,000	*	5.0	$1	6.9	*	12.7	$1	12.6	$2	4.0
$3,000 to $5,000	$1		5		$2		5		*	
$5,000 to $7,000	1		4		2		22		*	
$7,000 to $10,000	2		11		3		81		*	
$10,000 to $15,000	10	22.5	19	13.1	4	12.7	198	47.7	2	8.0
$15,000 to $20,000	8		21		3		215		2	
$20,000 to $50,000	19	23.8	76	24.9	10	18.2	307	35.5	6	12.0
$50,000 to $100,000	13	48.8	62	55.1	9	56.4	28	4.2	14	76.0
$100,000 and over	26		106		22		8		24	
Total	80	100.0	305	100.0	55	100.0	865	100.0	50	100.0

[Dollar amounts in millions]

Adjusted gross income class	Exclusion of scholarships and fellowships (11)	Percentage distribution by segment	Parental personal exemptions for student age 19 and over (12)	Percentage distribution by segment	Deduction of contributions to educational institutions (13)	Percentage distribution by segment	Deduction of child and dependent care expenses (14)	Percentage distribution by segment	Exclusion of employer contributions to medical insurance premiums and medical care (15)	Percentage distribution by segment
0 to $3,000	$6	68.7	*	22.3	*	0.8	*	17.0	$26	17.5
$3,000 to $5,000	39		$8		*		$1		73	
$5,000 to $7,000	48		38		$1		7		131	
$7,000 to $10,000	41		100		2		31		285	
$10,000 to $15,000	31	25.6	212	52.1	3	6.5	85	77.0	662	44.8
$15,000 to $20,000	19		129		20		92		655	
$20,000 to $50,000	11	5.6	74	11.3	64	18.0	14	6.1	827	28.1
$50,000 to $100,000	*		73	14.4	65	74.6	0		193	9.6
$100,000 and over	*		21		200		0		88	
Total	195		655	100.0	355	100.0	230	100.0	2,940	100.0

[Dollar amounts in millions]

Adjusted gross income class	Deduction of medical expenses (16)	Percentage distribution by segment	Exclusion of social security disability insurance benefits (17)	Percentage distribution by segment	Exclusion of social security OASI benefits for aged (18)	Percentage distribution by segment	Exclusion of social security benefits for dependents and survivors (19)	Percentage distribution by segment	Exclusion of railroad retirement system benefits (20)	Percentage distribution by segment
0 to $3,000	$4	19.7	$44	70.6	$470	70.4	$80	70.7	$30	70.6
$3,000 to $5,000	38		43		460		75		29	
$5,000 to $7,000	112		35		380		60		24	
$7,000 to $10,000	264		44		470		75		30	
$10,000 to $15,000	481	40.3	31	18.7	330	18.6	55	18.3	21	18.8
$15,000 to $20,000	376		13		140		20		9	
$20,000 to $50,000	634	29.8	20	8.5	215	8.5	35	8.5	13	8.1
$50,000 to $100,000	145	10.2	4	2.1	45	2.6	5	2.4	3	2.5
$100,000 and over	71		1		20		5		1	
Total	2,125	100.0	235	100.0	2,530	100.0	410	100.0	160	100.0

[Dollar amounts in millions]

									Net exclusion of pension contributions and earnings			
Adjusted gross income class	Exclusion of sick pay (21)	Percentage distribution by segment	Exclusion of unemployment insurance benefits (22)	Percentage distribution by segment	Exclusion of workmen's compensation benefits (23)	Percentage distribution by segment	Exclusion of public assistance benefits (24)	Percentage distribution by segment	Employer plans (25)	Percentage distribution by Segment	Plans for self-employed and others (26)	Percentage distribution by segment
0 to $3,000	$10	26.3	$50	37.1	$25	37.5	$30	100.0	$15	9.7	*	1.3
$3,000 to $5,000	16		80		40		25		50		*	
$5,000 to $7,000	17		100		50		15		110		$1	
$7,000 to $10,000	24		160		80		5		290		2	
$10,000 to $15,000	66	49.4	250	38.1	120	37.5	*		790	37.2	6	7.4
$15,000 to $20,000	60		150		75		*		990		11	
$20,000 to $50,000	57	22.4	200	19.0	100	19.2	*		1,740	36.3	107	46.5
$50,000 to $100,000	4	2.0	50	5.7	25	5.8	*		545	16.8	87	44.8
$100,000 and over	1		10		5		*		260		16	
Total	255	100.0	1,050	100.0	520	100.0	75	100.0	4,790	100.0	230	100.0

[Dollar amounts in millions]

Adjusted gross income class	Exclusion of premiums on group term life insurance (27)	Percentage distribution by segment	Exclusion of premiums on accident and accidental death insurance (28)	Percentage distribution by segment	Exclusion of privately financed supplementary unemployment benefits (29)	Percentage distribution by segment	Exclusion of employer furnished meals and logding (30)	Percentage distribution by segment	Exclusion of capital gain on house sales if age 65 or over (31)	Percentage distribution by segment
0 to $3,000	$5	16.9	*	17.5	*	40.0	$1	17.1	$1	20.0
$3,000 to $5,000	15		$1		*		4		*	
$5,000 to $7,000	30		2		$1		8		*	
$7,000 to $10,000	65		4		1		17		1	
$10,000 to $15,000	155	45.6	9	45.0	2	60.0	39	44.6	1	20.0
$15,000 to $20,000	155		9		1		39		1	
$20,000 to $50,000	190	27.9	11	27.5	*		50	28.6	2	20.0
$50,000 to $100,000	45	9.6	3	10.0	*		12	9.7	2	40.0
$100,000 and over	20		1		*		5		2	
Total	680	100.0	40	100.0	5	100.0	175	100.0	10	100.0

[Dollar amounts in millions]

Adjusted gross income class	Excess of percentage standard deduction over minimum standard deduction (32)	Percentage distribution by segment	Additional exemption for the blind (33)	Percentage distribution by segment	Additional exemption for age 65 or over (34)	Percentage distribution by segment	Retirement income credit (35)	Percentage distribution by segment	Exclusion of veterans disability compensation (36)	Percentage distribution by segment	Exclusion of veterans pensions (37)	Percentage distribution by segment
0 to $3,000		6.2	*	46.7	$7	48.3	$1	61.0	$61	43.5	$17	100.0
$3,000 to $5,000	$1		$1		95		18		39		8	
$5,500 to $7,000	13		3		185		22		44		*	
$7,000 to $10,000	64		3		268		20		67		*	
$10,000 to $15,000	645	79.1	3	33.3	196	26.3	19	28.0	102	35.9		
$15,000 to $20,000	352		2		106		9		72			
$20,000 to $50,000	178	14.1	2	13.3	211	18.3	10	10.0	87	17.9		
$50,000 to $100,000	6	.55	1	6.7	56	7.1	1	1.0	10	2.7		
$100,000 and over	1		*		26		*		3			
Total	1,260	100.0	15	100.0	1,150	100.0	1C0	100.0	485	100.0	25	100.0

[Dollar amounts in millions]

Adjusted gross income class	Exclusion of GI bill benefits (38)	Percentage distribution by segment	Credits and deduction for political contributions (39)	Percentage distribution by segment	Exclusion of interest on State and local debt (40)	Percentage distribution by segment	Exclusion of income earned in U.S. possessions (41)	Percentage distribution by segment	Deduction of nonbusiness State and local taxes (other than on owner-occupied homes and gasoline) (42)	Percentage distribution by segment
0 to $3,000	$34	87.2	*	20.0	*	0.09	*		$1	4.4
$3,000 to $5,000	124		*		*		*		13	
$5,000 to $7,000	60		$1		*		*		55	
$7,000 to $10,000	35		1		$1		*		239	
$10,000 to $15,000	16	9.0	2	40.0	4	2.5	1	60.0	661	24.1
$15,000 to $20,000	10		2		22		2		1,016	
$20,000 to $50,000	9	3.1	3	30.0	98	9.3	2	40.0	2,968	41.7
$50,000 to $100,000	2	.69	1	10.0	389	88.2	*		1,063	28.8
$100,000 and over	*		*		546		*		939	
Total	290	100.0	10	100.0	1,060	100.0	5	100.0	6,955	100.0

[Dollar amounts in millions]

Adjusted gross income class	Depreciation on rental housing in excess of straight line (43)	Percentage distribution by segment	Depreciation on buildings (other than rental housing) in excess of straight line (44)	Percentage distribution by segment	Investment credit (45)	Percentage distribution by segment	Dividend exclusion (46)	Percentage distribution by segment	Capital gain (other than farming and timber) (47)	Percentage distribution by segment
0 to $3,000	$2	10.4	$2	10.9	$1	13.2	$3	15.0	$76	5.7
$3,000 to $5,000	6		3		12		8		34	
$5,000 to $7,000	10		6		32		11		81	
$7,000 to $10,000	21		13		71		26		158	
$10,000 to $15,000	42	21.3	25	21.4	149	32.3	42	27.5	304	9.5
$15,000 to $20,000	38		22		135		46		282	
$20,000 to $50,000	128	34.1	75	34.1	300	34.1	134	41.9	1,137	18.5
$50,000 to $100,000	80	34.1	47	33.6	108	20.5	37	15.6	969	66.3
$100,000 and over	48		27		72		13		3,109	
Total	375	100.0	220	100.0	880	100.0	320	100.0	6,150	100.0

EXHIBIT 1

ESTIMATED DISTRIBUTION OF TAX EXPENDITURES OF INDIVIDUALS BY ADJUSTED GROSS INCOME CLASS, FISCAL YEAR 1974—Continued

[Dollar amounts in millions]

Adjusted gross income class	Exclusion of interest on life insurance savings	Percentage distribution by segment	Deferral of capital gain on home sales	Percentage distribution by segment	Deduction of mortgage interest on owner-occupied homes	Percentage distribution by segment	Deduction of property taxes on owner occupied homes	Percentage distribution by segment	Deduction of casualty losses	Percentage distribution by segment
0 to $3,000	$10	19.7	$1	14.1	*	6.8	$1	7.7	*	9.8
$3,000 to $5,000	60		7		$13		24		$3	
$5,000 to $7,000	90		9		52		66		4	
$7,000 to $10,000	120		19		265		221		18	
$10,000 to $15,000	200	26.1	42	34.9	886	41.5	583		54	37.6
$15,000 to $20,000	170		47		1,133		771	33.3	42	
$20,000 to $50,000	420	29.6	98	38.4	2,078	42.7	1,774	43.7	74	29.0
$50,000 to $100,000	195	24.6	21	12.5	348	9.1	407	15.3	34	23.5
$100,000 and over	155		11		95		213		26	
Total	1,420	100.0	255	100.0	4,870	100.0	4,060	100.0	255	100.9

[Dollar amounts in millions]

Adjusted gross income class	Deduction of charitable contributions (other than for education)	Percentage distribution by segment	Deduction of interest on consumer credit	Percentage distribution by segment	Additional items for Senator Mondale					
					Untaxed capital gains at death[1]	Percentage distribution by segment	Deferral of income of controlled foreign corporations	Percentage distribution by segment	Asset depreciation range	Percentage distribution by segment
0 to $3,000	$3 ----	7.3	* ----	6.8	$18 ----	11.4	* ----		* ----	13.3
$3,000 to $5,000	18 ----		$7 ----		8 ----		* ----		* ----	
$5,000 to $7,000	67 ----		26 ----		18 ----		* ----		$5 ----	
$7,000 to $10,000	190 ----		133 ----		36 ----		* ----		9 ----	
$10,000 to $15,000	445 ----	26.0	443 ----	41.5	70 ----	19.1	$1 ----	10.0	10 ----	19.0
$15,000 to $20,000	548 ----		567 ----		64 ----		2 ----		10 ----	
$20,000 to $50,000	1,251 ----	32.7	1,039 ----	42.7	194 ----	27.7	7 ----	23.3	36 ----	34.3
$50,000 to $100,000	506 ----	34.0	174 ----	9.0	112 ----	41.7	7 ----	66.7	25 ----	33.3
$100,000 and over	792 ----		46 ----		180 ----		13 ----		10 ----	
Total	3,820 ----	100.0	2,435 ----	100.0	700 ----	100.0	30 ----	100.0	105 ----	100.0

[1] Carryover of basis to heirs. (Effect after 10 yrs. Assumes heirs have lower marginal rates.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period designated for the transaction of routine morning business under the previous order having ended at 12:40 p.m., morning business is concluded.

Mr. STENNIS. Mr. President, I had understood that the time for morning business to be concluded had arrived.

The ACTING PRESIDENT pro tempore. The Senator is correct. Morning business has been concluded under the previous unanimous-consent agreement. The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. There is no pending business. To take up the unfinished business before the hour of 2 p.m. would require a motion to proceed to its consideration.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

Mr. STENNIS. Mr. President, I move that the Senate proceed to the consideration of the unfinished business, S. 920, the military procurement bill, which was carried over from the last day preceding the recess.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the immediate consideration of S. 920.

Mr. STENNIS. I thank the Chair.

Mr. President, one observation now: It is the understanding of the Senator from Mississippi that the control of time heretofore entered into, on the amendments and in the bill, does not apply for today and tomorrow and until amendments are actually taken up.

The Senator from California had to be detained for a few minutes from the Chamber, and I will mention that matter again on his return, unless the Chair is ready to rule.

The ACTING PRESIDENT pro tempore. It is the Chair's understanding that there is a general limitation of 10 hours. The unanimous-consent agreement provides that on Monday, June 2, 1975, the Senate will resume consideration of the military procurement authorization bill with no votes thereon to occur on that day.

Provided, further, that there be a limitation of time on debate on Monday and Tuesday, June 2 and 3, of not to exceed 10 hours to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the minority leader or his designee.

Mr. STENNIS. Mr. President, I have before me now a copy of this unanimous consent wherein Monday and Tuesday are expressly covered. My concern was regarding the 5 hours mentioned later, and the 3 hours also mentioned. They are not involved in today's proceedings—I am talking about that time limitation.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. STENNIS. I thank the Chair.

Now, Mr. President, as we continue the consideration of S. 920 today I believe that the Senate floor discussion, today and tomorrow, will be on various background issues and questions covering foreign and military policy. All the questions will be quite useful, of course, although some of these may not relate directly to the items of the bill.

Mr. President, later I will make some remarks with reference to the matter of foreign policy, and considerations of policy, being primarily the concern and the jurisdiction of the Senate Foreign Relations Committee, although there is an overlap of interest, and there is relation between the two committees. But I want to make it clear all the way through that I stand for the jurisdiction of the various committees being respected.

(At this point, Mr. GLENN assumed the chair.)

Mr. STENNIS. Now, Mr. President, I will comment briefly at this point about the work that has been done by the Armed Services subcommittees on this legislation. Each subcommittee chairman will speak in detail on his subject, but I would like to emphasize now and recognize the fine contribution made by the Tactical Air Subcommittee, whose chairman is the Senator from Nevada (Mr. CANNON); the Research and Development Subcommittee, whose chairman is the Senator from New Hampshire (Mr. MCINTYRE); and the Manpower Subcommittee, whose chairman is the Senator from Georgia (Mr. NUNN). In addition, Senator CULVER and Senator BARTLETT made an in-depth study on the matter of Army tanks, and presented a fine report to the committee on this subject.

The contributions this year of Senator THURMOND, ranking minority member, as always, were very important and are greatly appreciated.

I also want to personally and officially thank each member of our committee for the work that each of them did over the period of months that the facts in this case were being developed and this bill was being prepared and marked up.

This is actually a committee-written bill, as will appear more and more as this debate goes on.

Mr. President, the Senate begins the debate on this military procurement authorization bill at an uncertain time in our Nation's history. This authorization bill, let us remember, does not cover the entire military program, the entire military appropriation items. It covers what we call the hardware—the guns, the tanks, the ships, the submarines, the planes, the missiles, and another highly important item, too, research and development.

Each morning during recent weeks the newspapers have been reminding us that the Vietnam war is over. But I have to advise the Senate that while the war is over the state of the world and its climate have not materially changed. The circumstances which have helped to shape this military procurement bill are substantially the same or worse than they were before the windup in Vietnam.

Let me emphasize, Mr. President, that a vital part of this bill is to defend the people of the United States, the people in every State of the Union represented by the entire membership of the Senate. I refer to our so-called strategic forces which will be used to counterattack against the Russians or anyone else in the event they start a nuclear war against this country. These forces are our own real deterrent.

This bill also includes other matters, not just the strategic forces, but programs to protect our interests as we talk about our commitments and our promises. I have never lost sight of the fact, and we must not lose sight of the fact, that this bill is keyed to our own programs and our own policies. It is in our interest, for our benefit, in the judgment of the men who pass on them, so that our people who are paying the taxes are the ones given first consideration.

Another powerful fact in this entire picture that we cannot overlook is the fact of our growing dependence on foreign resources, raw material. This country imports, to some extent, 53 of the 65 basic raw materials used today by American industry. The United States, with only 5 percent of the world's population, consumes over 27 percent of the raw material produced throughout the world annually. So we cannot airily assume that we are not in danger ourselves or that our lifelines are not in danger or our trade routes are not in danger. Further, with regard to oil with which we are preoccupied daily, the United States in 1974 imported 35 percent of its crude oil and refined petroleum products.

By 1985, with only current consumption, it is estimated the United States will import 50 percent of its oil needs.

Of course, I hope that we can improve on that situation, but just 10 short years away, only with current consumption standards, as I say, we will import 50 percent, or very near 50 percent, of the oil needs.

So in dealing with these large foreign policy issues, we should never forget that we are not only protecting our allies—we speak of these commitments—but we have the most important commitment of all to our own people. We are not only protecting the allies, but protecting our own people and much of the material upon which this country and its economy are dependent.

Now, further with reference to these actual commitments and the situation in the world today:

First. The United States is broadly committed around the world, and U.S. troops are widely deployed in support of those commitments.

Second. The political situation, in some parts of the world, is such that severe strains could result on those U.S. commitments. I will mention East Asia, the Middle East, and Cyprus without trying to name them all.

Third. In this situation the Soviet Union is continuing its inexorable expansion of force—both strategic and conventional.

There is no doubt about that, there is no question about it. We might disagree as to the interpretation of it, but those matters have been steadily happening for several years. This expansion by the Soviet Union is enough to count and enough to move toward closing the gap, not fully, but the unquestioned trend is to close that gap in an effective way.

I do not mean to paint the picture too darkly. However, all of us should understand that the end of the Vietnam war has not helped very much when it comes to deciding what is needed, really needed, for national security. In that context, as I have said, it is an uncertain world indeed that we are in today.

If further proof of this were needed, it has been abundantly provided in the recent ship seizure and recovery in the Gulf of Siam. Whatever else has been demonstrated there, it is clear that, for the present, at least, no nation is too new, too small, too weak, or too remote—that is the thing that challenges me more, that got my concern more than anything else—to challenge the United States if the proper opportunity presents itself and if such a challenge appears to serve national interests.

In this situation, I believe the United States must make it clear that it will maintain the weapons and manpower necessary to protect its own interests. I think the committee bill, S. 920, does provide that strength, and I urge the Senate to approve it.

I believe that if we can get a full understanding of this bill here, and that is not an easy job, it will be left substantially intact.

This is a committee-written bill. We spent 5 or 6 days around the big table writing up this bill. We took many votes, many rollcall votes, many other votes, tabulated votes. There was some disagreement at times on various matters, some members changed positions, and we would make some concessions and find a place in which to meet.

I believe when these matters are fully understood by a majority of this body that the position we finally formed will be unshakable.

I am one that favors and encourages debate and consideration of any item of the bill that any Senator wishes to discuss, but I do think that an attempt to just come in and put an overall ceiling on the bill is an attack on the committee system, not on the committee members, but on the system itself. I have said this many times, that it is an assault on the committee system. I am going to ask that every Member of this body think a long time before that vote, before voting to sustain a position like that.

The bill: The overall total of administration requests for fiscal 1976 was $29.9 billion, a substantial increase over requests of last year. The Armed Services Committee has approved a bill totaling about $25 billion in round numbers. I used round numbers to keep from stringing out a long list of figures. In addition, the committee approved $5.3 billion of the $5.9 billion requested for the 3-month transition period which is called fiscal 197T.

As a general proposition, regardless of what the figures show, provision for that 3-month period is very much in line with the 12-month period. Any difference is largely due to the stage at which some of the weaponry is being developed.

The $4.8 billion in committee reductions for fiscal 1976 amounts to 16.2 percent of the overall $29.9 billion requests. It is a 12.6-percent reduction excluding the $1.3 billion requested for aid to South Vietnam which was deleted. It is a 9.4-percent reduction excluding Vietnam and the cuts in a Navy fund to offset cost escalations on ship programs of prior years.

These figures are brought forward with reference to the $1.3 billion requested for aid to South Vietnam because the overall figures have been used by us and other committees, including the Budget Committee, after the calculations were made and while these events in South Vietnam were happening that made this request obsolete. Time has passed by. But to keep the figure straight, to make it coincide with other statements and reports, it must be brought forward each time.

The important thing is that this reduction in the basic procurement and R. & D. authorizations—and that is what the bill covers—is by any test the largest percentage reduction recommended by the committee in these programs since 1967, which goes back to a certain part of that war, and this is the largest reduction made, you might say, in very modern and in recent years.

These percentage reductions are also somewhat larger than the 6.5-percent cut in budget authority and the 3.5-percent reduction in outlays recommended in the new Congressional budget resolution with respect to entire defense budget of which this bill, S. 920, is only a part.

This bill is, in short, consistent with the budget resolution.

We can argue about these figures, Mr. President, back and forth. We can take various approaches to the bill, the percentages, and the comparisons. But I believe our committee can stand on these facts that I have just related about these reductions and compare them with previous years, taking into account some very fine work that is being done by our new Budget Committee.

I want to make clear, however, that there may be questions with respect to appropriations if military pay raises are greater than the 5 percent provided in the President's budget and the additional cost, about $1.8 billion, must be accommodated within the $107.7 billion requested budget authority. I relate again that operation and maintenance funds are not included in this bill and never have been; that pay for military and civilian employees is not included in the dollar request of this bill and comes into consideration only in that we do set the strength level of military personnel and the civilian employees. But those other matters do not have to be expressly authorized to be appropriated by the Appropriations Committee.

In recommending manpower strengths, as we do annually in the procurement bill, the committee has also made modest reductions, about 1 percent of the Pentagon request for regular forces totaling 2.1 million, or about 2 percent in the 985,000 requested for civilian employment. What is important here is that the reductions in military strength can be accomplished in command headquarters, in support elements reduced as a result of combat force withdrawals from Thailand, in base operating support personnel, and in training staff overhead. The reduction recommended in these categories will not affect combat capability.

Mr. President, I do not know whether we are going to have any amendments about manpower or not, but this committee for several years has gone into these manpower questions to a depth heretofore unknown to the Senate. Through that indepth process we have carried to the Senate-House conference room for several consecutive years recommendations that we made which were approved by the Senate for these reductions. They were not meat axed but systematic, indepth, considered and specific reductions in fields where the fat was.

To a degree those recommendations, in votes of the Senate, have been accepted in conference and have become law. They have been a controlling factor with reference to manpower. We are down to a level now, in view of world affairs and our own security, where the committee believes we are about as low as we should go until at least some of the dust settles—and hopefully it will settle some—and until there is some kind of improvement. There is where your big money is, Members of the Senate, in the personnel account.

I will speak on this again later, but the personnel account which I have been talking about, while it has been reduced, is where the big money is. Frankly, I feel that some pay figures were set too high. I think we increased them too much, as the record will show. But the scales were voted in by the Senate and I respected the Senate position and I respect it now. But I know that some of those who are now wanting to reduce manpower costs were right up there in front fighting for these tremendous increases when they were made, making for tremendous increases in the cost of personnel.

I am not arguing now who was right and who was wrong. I just say that we have this manpower and it costs money to pay them. You can take one-third of the weaponry out of this bill and we will still have the manpower and will have to pay them. That is where a lot of the big money now goes in this whole military program.

There are different ways to figure the percentage. One approach is to just take the bare manpower alone, salaries and matters tied directly to the person. Under those figures you get about 53 percent of the military budget, I believe. If you add in other matters, like food and travel, as I recall, and go into other items of operation and maintenance, things that do not go to the individual as his property, you can run that figure up into the 60's, some 61 or 62 percent of the military dollar going for manpower purposes. Any way you approach it, the big money has already moved over from the weaponry side to the personnel side of the ledger.

I do not have one dollar—not one dollar—to throw away or lavishly spend with reference to weapons. They cost a lot of money on an individual weapon basis. I want us to get them at the lowest price we can, and still maintain the quality, and I want to get just as few weapons as we think we should.

At the same time, we have obligations to meet, first to the people of the United States as regards their security. Then, tied in with that security, is the question of these commitments that we have made. I believe you will find that every one of those commitments that we made was said to be in the interest of the United States.

It was my privilege to be here when all of those commitments were made. I got the feel of them at the time they were being made. I believe it would be well if we would go back and review the feel, the spirit and the necessity for those agreements. Frankly, I did not vote for all of them, but time has moved on a long way and we cannot just wish them away.

My main point is that with conditions as they are now it is just the wrong time to be lessening our preparedness or unilaterally withdrawing our forces beyond the strength around which we have tried to build into this bill. I say I welcome debate, but we saw what happened the week before last. These matters came up in the House of Representatives in a very sharp, vivid way.

In vote after vote after vote in the House of Representatives, those men turned down those proposals for these reductions, turned them down without exception, those that were of substance one time the vote was 2½ to 1 against one of the proposals for reduction, another one about 2 to 1 against reductions, and on down to a lesser figure. But all of the proposals of substance were defeated by a considerable margin, except one, as I recall, which was fairly close.

Those were votes reflecting the judgment of these men who have been most recently elected. All of them have very recently been elected. They made a judgment of responsibility, and that reflects the way the people feel.

I do not claim to know how the people feel, but I use what commonsense I have. I think the people who have thought about this matter from a commonsense standpoint do not think that now is a time for us to be taking chances, shaving things too thin.

Mr. President, I will discuss certain programs within the procurement and research and development categories. But before I do that, again I thank the Subcommittee on Research and Development, chaired by the Senator from New Hampshire (Mr. McINTYRE), and each individual member, for his work in this field. Here is where we find some difference of opinion, but there would be something the matter with us if there were not a difference of opinion. This $9 billion account is gone into in great depth by the staff assigned to this project that works on this 12 months of the year, and many members of the committee work on it just about that much time, too.

Among programs involving procurement and these research and development accounts the committee approved most of the requests totaling $2.3 billion for the Trident submarine and the new Trident missile, as follows:

In the R. & D. accounts for fiscal year 1976, $816.3 million, of which the major portion is for work on the new missiles—$732.5 million. In the fiscal 1976 procurement accounts, $602.6 million for the submarine and $235.7 for missiles.

In the 197T R. & D. accounts, $184 million of which all but $12.5 million is for work on the Trident missiles. In the 197T procurement accounts, $253 for long lead components submarine construction and $181.2 for missiles.

For the B–1 bomber, the committee voted to deny advance production requests—$77 million for fiscal year 1976 and $31 million for fiscal year 197T—and certain requests for production-related research and development—$75 million for fiscal year 1976 and $39.3 million for fiscal year 197T. The committee approved research and development authorizations—$597.2 million for fiscal year 1976 and $129 million for fiscal year 197T—which will permit the building of a fourth B–1 prototype but delay an initial production funding decision on the bomber until next year.

That is the way this matter was settled, and this is a major part of the new airpower of the Triad as we call it—this is the big new bomber, which is very expensive. I do not say that anyone can fully explain all of the cost increases except to take an overall look at the time in which this is being built. It is a great pity, as we can see now when hindsight is so accurate, that we did not get started on this earlier.

But, anyway, that is the recommendation of the committee, that this fourth prototype be built, but defer the initial production funding decision on the bomber until next year. We will have the benefit then of another year's experience with it.

With respect to the tank program, a special task force reviewed these requests. The Senator from Iowa (Mr. CULVER) and the Senator from Oklahoma (Mr. BARTLETT) were members of the special task force. On their recommendation the committee voted a $726 million tank program for fiscal year 1976 and $210.4 million for 197T, including $51.8 million in R. & D. authorizations for the new XM–1 tank in fiscal year 1976 and $9.3 million in 197T. Total funding reductions for the 15-month period were $114.5 million. The authorized program includes 910 new tanks—M–60—and 636 modifications to M–48 tanks.

Mr. President, here is an illustration of a matter which was highly contested, and contested in good faith, by some of the Senators not on the committee. Two members of our committee went into this matter thoroughly. They developed the facts, brought in a recommendation to the committee, and after going over it fully we adopted it. As I understand from one Senator, who had heretofore objected to the tank program, he now has withdrawn his amendment or his idea of having an amendment attacking it, reducing it, and is going to accept the work of the committee on that score.

I just use that as an illustration of the in-depth consideration. These men were not trying to please anyone, and the committee was not trying to please anyone. But they did the work, and it stands on its own merit.

I commend the Senator from Iowa (Mr. CULVER) and the Senator from Oklahoma (Mr. BARTLETT), and thank them for their very helpful work on this matter.

That is a highly important weapon, and there will be more about that next year.

I would also like to say a word here about the advanced airborne command posts. This is the program for equipping jumbo jet liners with sophisticated electronics and communications equipment for use by the President and other leaders in time of emergency.

During our hearings I noted the difficulties encountered in the continuing development of the equipment for these planes and questioned the procurement requests for three of the aircraft in the transition period. I am glad to report that the Defense Department has abandoned that procurement plan for the present and of course we have denied the $185.8 million request.

But that does not mean that there is anything basically the matter, as I understand it, with this advanced airborne command post. In fact, I went out and went though one of these planes not too many days ago. One cannot understand a matter like that in a few minutes—not when I spent about 40 minutes in it—but I can understand better whether the other fellow knows what he is talking about if he is attacking the program. So this matter is not discredited in any way. That is just carried over until some very sophisticated equipment can be worked out. There is something there that will be a great asset and a tremendous one, to anyone who ever has to make those decisions—those decisions facing a President and his staff, which, God forbid, may never have to be made by our present President or any future President, or any one of his staff.

The committee, on subcommittee recommendation, also approved requests for the smaller, lighter, lower cost fighter planes for the services, reducing authorizations for the F–16 for the Air Force—to $221 million 1976 and $69.7 million in 197T—and supporting requests for development of the aircraft designated F–18 by the Navy—$110.2 million in 1976 and $22.6 million in 197T.

Our Tactical Air Power Subcommittee, again under the chairmanship of Senator CANNON, reviewed the programs relating to tactical air. The Senate is greatly indebted to Senator Cannon and his subcommittee for their work in this area.

On recommendation of the subcommittee approved substantially intact, the Air Force requests for the F–15 fighter—108 aircraft in fiscal year 1976 for an authorization of $1.4 billion and 27 in 197T, authorization of $319.5 million. Similarly recommended and approved was the Navy request for the F–14—36 aircraft for fiscal year 1976, at $510.3 million; 9 for 197T, at $75.3 million.

I refer now briefly to a somewhat controversial program handled by the Subcommittee on Research and Development which was AWACS, the warning and control aircraft for possible battle areas such as NATO. The committee defeated a motion to delete all authorizations for AWACS and authorized the sum of $689.7 million for procurement and research and development as requested for six AWACS aircraft for fiscal 1976. That will be taken up, as I understand, here in debate. Our report states that a total of 20 to 24 of these planes should be the overall U.S. goal, rather than the previously mentioned 31, and it urges NATO nations to act on acquiring their share of this system for European air defense.

The committee's position will be presented fully. I have followed this program all the way with some concern especially to the cost. When the need is realized and the performance so far is understood, the program falls into line.

PROCUREMENT

Procurement requests totaled $18.4 billion for fiscal 1976 and $3.2 billion for 197T. The committee reduced that 1976 total to $15.3 billion—a reduction of 16.6 percent—and cut the transition requests to $2.8 billion.

Among the actions taken in this area, in addition to items already discussed, were these:

For Navy shipbuilding programs initiated in 1975 and prior years, the Defense Department requested $2.3 billion in authorizations to offset cost growth and escalation. The committee voted to authorize $1.3 billion for cost growth and escalation in those prior years and deleted authorizations for obligations which will not become due in fiscal year 1976. That is a matter into which I will go in more depth later. It involves crucial years when defense as well as nondefense materials—procurement items, from buildings on up—encountered enormous cost growth. The committee held back on some of these requests, with the idea that we could get the benefit if prices improved and things settled down during the intervening 12 months. We could get the benefit of that and finish out this authorization, which will have to be made at some figure in fiscal 1977.

We do not want anyone to be misled. Taking that out of the bill now does not solve the problem. We will have to come back, and more money will have to be appropriated.

On the stockpile for allies, the committee denied a $300 million request in fiscal year 1976 to set up a special contingency fund for replenishing U.S. weapon inventories in anticipation for foreign sales from those inventories. That is a matter in which we were not able to arrive satisfactorily at what we thought was a workable conclusion. We do want to do something to protect our own inventories, but, at the same time, this was a matter that was related partly to the Committee on Foreign Relations and their responsibility with reference to weapons for allies, or sales to allies. We thought it was not necessary to set up this fund this year; and, without abandoning the idea, we thought it could be worked out much better. So we took out that much money.

Again this year, the committee was asked to approve programs for improving the military airlift capacity. The committee voted to deny funds—$22 million, fiscal year 1976; $24 million, 197T—requested for developing a program to modify civilian jumbo jet airlines to carry large military cargo. The same vote supported funds—$16.5 million in fiscal year 1976—for the stretchout of the C–141 aircraft. The committee also agreed to approve $12 million of $22.3 million requested for fiscal year 1976—plus $3 million in 197T—to develop a wing-strengthening modification for the C–5A aircraft.

These programs are in the embryo stage, and they will come up for further consideration next year. The amounts in the bill this year are relatively small. It really is not a committal to the entire program.

PATROL FRIGATE

The committee agreed to reduce the Navy's request for 10 patrol frigates to 7 with a reduction in authorizations of $270 million to $617.5 million.

The committee also denied a requested $257 million in fiscal year 1976 for construction of the fifth of the Virginia-class nuclear-powered frigates—DLGN. The committee felt that this costly anti-aircraft escort vessel should not be authorized for construction before the Aegis missile system is available.

The committee denied the fiscal year 1976 request, $83.4 million, for two additional patrol hydrofoil boats, PHM's, but authorized $40 million of $125 million requested for cost growth in production startup costs. The amounts recommended will permit completion of two of the four ships previously authorized.

Approved by the committee was a $265.8 million authorization for procurement of 50 additional Minuteman missiles requested so that missiles will be available for testing in future years.

Also approved were Navy requests for two additional attack submarines, $439 million in fiscal year 1976, plus advance procurement, $189 million in 1976, and $102 in 197T, for long lead-time components of future submarines.

This time around the committee voted not to procure 12 F–111 aircraft, at a cost of $334.4 million in fiscal year 1976, which were not requested by the Defense Department. In recent years, the committee has voted such authorization to keep the F–111 in production as a possible alternative to the B–1.

RESEARCH AND DEVELOPMENT

As I have said, the work of our Research and Development Subcommittee, headed by the Senator from New Hampshire, Senator McINTYRE, has once again been of great value to our committee and to the Senate. I want to thank Senator McINTYRE and his committee, and I am sure other Senators will want to do so.

Total R. & D. requests for fiscal 1976 were $10.2 billion. The committee approved $9.7 billion, and that sum is a record, the largest R. & D. authorization we have ever approved.

However, I am sure Senators will understand the vital importance to the national security of a vital and aggressive research and development program to keep modern weapons on the shelf at a time when we are seeking, through negotiations, to limit by mutual action the deployment of weapons and manpower.

For 197T the R. & D. requests were $2.7 billion and the committee approved $2.4 billion. Among the important R. & D. actions were these:

On site defense, requests were for $140 million—$38 million in 197T—in authorization for this advanced anti-ballistic-missile development. The committee approved $70 million for fiscal 1976, and $19 million for 197T.

With respect to binary gas weapons, the committee deleted $6.8 million in fiscal year 1976 requests—$2.9 million in 197T—for research and development on binary lethal chemical weapons. The committee favors a stepup of defensive efforts in this area. This recommendation of the Research and Development Subcommittee on this matter was upheld by committee vote which defeated a move to restore half the authorizations.

Again this year, the committee considered requests for so-called strategic initiatives—steps designed to develop, but not to deploy, of course—improved strategic capability. The committee voted to approve research and development authorizations—$109.7 million for fiscal year 1976, $33.7 million for fiscal year 197T—for five programs designed to continue improving the accuracy and yield of warheads on ICBM's and submarine-launched missiles. The Subcommittee on Research and Development had recommended deletion of these authorizations as counterforce programs which could prove to be destabilizing to an international power balance.

The committee approved authorizations for development of cruise missiles by the Navy—$94.8 million in fiscal year 1976, $37.1 million in 197T—and the Air Force—$51 million and $13 million.

Certain matters with rsepect to research and development will be covered in full by the Senator from New Hampshire (Mr. McINTYRE).

I will touch on the high points of the work of another subcommittee that worked on the bill, the Manpower and Personnel Subcommittee, which is headed by the Senator from Georgia (Mr. NUNN). He will make a full explanation of their splendid work in this field. They richly deserve the thanks of the Senate. I have already touched on the work of the committee in this field.

The Committee on Armed Services is going into these matters in depth. The reductions that have been recommended over the years have been recommended in specific places, and such of them as were accepted and became law have worked out mighty well and proved that they were well founded, that they were reductions that could be made without cutting the bone and the muscle out of the military program.

MANPOWER

On recommendation of the subcommittee, the committee has this year approved a reduction of 1 percent in military end strength and 2 percent in civilian end strength. The military end strength will be the lowest since the Korean war, about 2,100,000.

With respect to the military strength reductions, the committee is recommending that the reductions be effected in command headquarters, through support elements reduced as a result of combat force withdrawals from Thailand, in base operating support personnel, and in training staffs and overhead—all categories which do not affect combat capability.

The cuts in civilian end strength do not mean reductions in force. They can be accommodated through normal attrition. When fully effective, these proposed reductions will permit savings of about $540 million in appropriations which are not considered here—savings above and beyond the totals I have mentioned.

Rather than read each of these totals, I ask unanimous consent that tables outlining manpower actions of the committee be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

	Fiscal year 1976 request	Committee approved	Reduction
Active Forces (end strength):			
Army	785, 000	779, 300	−5, 700
Navy	528, 700	524, 100	−4, 600
Air Force	590, 000	582, 400	−7, 600
Marines	196, 300	195, 900	−400
Total	2, 100, 000	2, 081, 700	−18, 300
Civilian employment (end strength);			
Army	334, 100	329, 000	−5, 100
Navy	304, 400	293, 000	−11, 400
Air Force	255, 900	251, 300	−4, 600
Marines	17, 600	17, 200	−400
Defense agencies	72, 900	71, 400	−1, 500
Total	985, 000	962, 000	−23, 000

Note: Manpower figures rounded to nearest hundred. Some totals do not add due to rounding.

Mr. STENNIS. Mr. President, as to reserve forces, authorized strengths for the reserve components in fiscal year 1976 were approved as requested: Army National Guard, 400,000; Army Reserve, 212,400; Naval Reserve, 92,000; Marine Corps Reserve, 32,900; Air National Guard, 94,600; Air Force Reserves, 53,200; and Coast Guard Reserve, 11,700. Total 896,800.

COMMITTEE AMENDMENTS

I have already mentioned two committee actions—on stockpiling for allies and binary gas weapons—which have a policy implication as well as a money impact on this bill. Other actions in that category include:

With respect to foreign military sales, the committee approved an amendment by Senator CULVER of Iowa, requiring a report by the Secretary of Defense to Congress, whenever major military equipment items are to be diverted from U.S. inventories for sale or transfer abroad. The report would address the impact on U.S. readiness of the proposed transfer, the proposed method of assuring reimbursement at full replacement costs and possible adverse effects of transferring technological information.

On standardization of NATO weapons and equipment, the committee approved an amendment by Senators CULVER and NUNN, designed to require that to the maximum extent feasible, equipment procured for U.S. forces identified for NATO be "standardized and interoperable with" equipment of NATO allies. The committee action provides for the exclusion of equipment bought for NATO standardization from the provisions of the so-called "Buy American" Act. When nonstandard equipment is purchased, the Secretary of Defense would be required to advise Congress and explain.

The committee also approved an amendment by Senator CULVER requiring that the Secretary of Defense provide a detailed report on the readiness of U.S. forces to perform their assigned missions.

CONCLUSION

I commend to the Senate the committee report on this bill. It contains detailed information on all the projects I have mentioned and many more. The report summarizes the testimony presented in more than 6,000 pages of printed testimony which is also available to Members of the Senate.

I want to thank each member of our committee for his attention to this bill, in the full committee and subcommittee hearings, and in six markup sessions in which issues were thoroughly aired.

Mr. President, I have here 10 volumes, which include the testimony of the subcommittees. These 6,000 pages are too much to read between now and Friday, when we will vote on the bill.

This report will be of value to the committee, to the staff, to other committees, to the membership of the Senate, to the military, to other departments, to the news media, and to the public at large. A world of talent from our staff is ground into the paragraphs and pages of this report.

Further, I suggest we consider our dependence—as I mentioned in the first part of my speech—on foreign sources for a great number of different kinds of raw material. I have made a statement about the percentage, but I wish to supplement later that with the names of these different ores and elements and basic material that we have to import. Oil is just a part of the picture.

I say it is frightful to think about where we would be, where our economy would be, where our financial structure would be without a flow of these materials. We have this economy of ours cranked up to where the wheels must turn—they must turn. People in a responsible position are talking about 20 or 25 more years, under present laws that we already have on the books, where accrued responsibilities will total more than half of what the people make, which means that they would have to be paying in taxes more than half of what they make. I hope that that estimate is not correct; I am not saying that it is. But I point out that responsible people are making such estimates and that could be a warning for a second look.

In closing, I can only suggest to Members of the Senate that they consider, as they review this bill, the world power equation as it has existed in recent years. I know that economic issues, in today's depressed economy, cannot be forgotten, but I think it must be stressed that an economic slump has not restrained the other superpower.

In fact, regular increases in Soviet military strength continue. Soviet defense spending increases some 3 to 5 percent every year. In the past 10 years Russian military manpower has grown from just over 3 million to a total 4 million men. At the same time U.S. military manpower has been reduced to 2 million.

Unlike 10 years ago, the Russian Navy now has a substantial seagoing force and spends an increasing amount of time away from its own shores. At the same time, the number of ships in the U.S. Navy has come down to pre-World War II levels.

The United States still remains secure and remains the most powerful country in the world. However, over the last 10 years the balance has been slowly but perceptibly shifting. While the Soviet Union has gradually increased its defense spending as well as its military manpower and equipment, the United States has gradually reduced its real defense spending and the amount of its military manpower and equipment. In that period the Soviet Union increased its military manpower by some 750,000 to almost 4 million, while the United States reduced its military manpower by some 585,000 to about 2 million.

The U.S.S.R. retained about the same number of major combatant ships and submarines, while the United States reduced these kinds of ships by one-third. Similarly, the number of Soviet tactical aircraft remained level while the U.S. number declined 17 percent. Thus over the long run the quantitative military potential of the Soviet Union has been increasing relative to that of the United States and has substantially narrowed the clear margin the United States had 10 years ago.

Looking back historically, U.S. military forces have been reduced to the lowest level since before the Korean war and in the case of Navy ships, before World War II. If this trend sharply speeds up or continues for a long time, our ability to influence the course of world affairs will be diminished. This could lead to a substantial threat to our national interests and to world peace.

I hope the Senate will approve this bill and make clear its determination to maintain military forces adequate to protect the Nation's interests and meet its international commitments.

I ask unanimous consent that certain charts and tables, relating to S. 920, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE FISCAL YEAR 1976 AND 197T AUTHORIZATION BILL—SUMMARY BY MAJOR WEAPON CATEGORY—ARMY, NAVY, AIR FORCE, AND DEFENSE AGENCIES

[Amount in thousands of dollars]

Program	Fiscal year 1975 program (current)	Fiscal year 1976: 1976 request	Fiscal year 1976: Change from request	Fiscal year 1976: Recommended	Fiscal year 197T: 197T request	Fiscal year 197T: Change from request	Fiscal year 197T: Recommended
PROCUREMENT AND R. & D. SUMMARY							
Aircraft:							
Army	242,800	362,300	−24,800	337,500	59,400		59,400
Navy and Marine Corps	2,775,400	3,077,000	−117,200	2,959,800	600,100	−21,900	578,200
Air Force	3,062,800	4,575,500	−614,808	3,960,700	1,087,100	−255,800	831,300
Subtotal	6,081,000	8,014,800	−756,800	7,258,000	1,746,600	−277,700	1,468,900
Missiles:							
Army	416,500	460,800	−67,300	393,500	56,500	−14,900	41,600
Navy	522,300	1,000,500	−10,100	990,400	309,100	−500	308,600
Marine Corps	77,600	52,900		52,900	10,700		10,700
Air Force	1,533,700	1,791,400	−73,300	1,718,100	277,400	−25,200	252,200
Subtotal	2,550,100	3,305,600	−150,700	3,154,900	653,700	−40,600	613,100
Naval vessels: Navy	3,059,000	5,446,000	−1,779,600	3,666,400	474,200		474,200
Tracked combat vehicles:							
Army	307,400	915,000	−52,300	862,700	272,600	−27,300	245,300
Marine Corps	75,000	101,500		101,500	400		400
Subtotal	382,400	1,016,500	−52,300	964,200	273,000	−27,300	245,700
Torpedoes: Navy	178,100	197,400	−7,900	189,500	19,200		19,200
Other weapons:							
Army	37,400	74,300		74,300	9,700		9,700
Navy	24,900	26,300	−8,600	17,700	4,400	−3,000	1,400
Marine Corps	500	100		100			
Subtotal	62,800	100,700	−8,600	92,100	14,100	−3,000	11,100
Subtotal section 101	12,313,400	18,081,000	−2,755,900	15,325,100	3,180,800	−348,600	2,832,200

DEPARTMENT OF DEFENSE FISCAL YEAR 1976 AND 197T AUTHORIZATION BILL—SUMMARY BY MAJOR WEAPON CATEGORY—ARMY, NAVY, AIR FORCE, AND DEFENSE AGENCIES—Con.

Program	Fiscal year 1975 program (current)	Fiscal year 1976			Fiscal year 197T		
		1976 request	Change from request	Recommended	197T request	Change from request	Recommended
Section 102		300,000	−300,000				
Total procurement—Title I	12,313,400	18,381,000	−3,055,900	15,325,100	3,180,800	−348,600	2,832,200
Research, development, test and evaluation:							
Army	1,741,416	2,181,700	−165,107	2,106,593	585,600	−94,386	491,214
Navy (including Marine Corps)	[1] 3,026,484	[1] 3,470,188	−101,386	3,368,802	903,837	−52,474	851,363
Air Force	3,290,853	3,903,200	−195,360	3,707,840	1,034,000	−87,379	946,621
Defense agencies	490,657	597,800	−23,100	565,700	152,700	−9,100	143,600
Test and Evaluation, Defense	25,000	28,500		28,500	6,800		6,800
Total, R.D.T. & E.[1]—Title II	[1] 8,574,410	[1] 10,181,388	−493,953	9,687,435	[1] 2,682,937	−243,339	2,439,598
Tota lprocurement and R.D.T. & E.[1]	[1] 20,887,810	[1] 28,562,388			[1] 5,863,737		
Procurement—Support of S. Vietnamese military	700,000	1,293,000	−1,293,000				
Grant total	21,587,810	29,855,388	−4,842,853	25,012,535	5,863,737	−591,939	5,271,798

[1] Includes $2,560,000 (fiscal year 1974), $2,570,000 (fiscal year 1975), $2,488,000 (fiscal year 1976), currency program.

FISCAL YEAR 1976 ARMY AIRCRAFT PROCUREMENT REQUEST

[Amount in millions of dollars]

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate			
									Change from request		Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
ARMY AIRCRAFT PROCUREMENT												
U-X utility transport							20	14.0			20	14.0
STOL U-(0) utility transport							2	2.0			2	2.0
AH-18 attack helicopter			6	15.0	6	12.1	38	43.0			38	43.0
AH-18 advancement procurement, current year						2.9		1.8				1.8
CH-47C cargo helicopter							12	36.4			12	36.4
UH-1H utility helicopter			48	18.5		12.8	48	24.8	−48	−24.8		
Utility tactical transport												
Modification of aircraft		116.7		158.3		151.9		127.7				127.7
Aircraft spares and repair parts		22.2		21.9		21.9		54.2				54.2
Support equipment and facilities		38.7		40.1		39.9		58.4				58.4
Subtotal		177.6		258.8		241.5		362.3		−24.8		337.5
Other financing		−23.2		−11.0		+1.3						
Authorization or appropriation		154.4		242.8		242.8		362.3				337.5

FISCAL YEAR 1976 NAVY AND MARINE AIRCRAFT PROCUREMENT REQUEST

NAVY AND MARINE CORPS AIRCRAFT PROCUREMENT												
A-4M light attack Skyhawk	44	105.8					24	67.3	−24	−59.1		8.2
A-4M advance procurement, current year				2.2		2.6						
A-6E all weather attack intruder	13	116.2		127.5	12	122.6	12	151.3	−4	−32.4	8	118.9
A-6E advance procurement, current year		3.5		1.8		6.7						
EA-6B electronic warfare Prowler	6	99.9	6	121.7	6	116.8	6	111.8			6	111.8
EA-6B advance procurement, current year		1.7		1.0		5.9		5.1				5.1
A-7E medium attack Corsair II	30	115.1	30	118.0	30	114.1	30	148.1			30	148.1
A-7E advance procurement, current year		11.6		3.8		2.0		12.0				12.0
AV-8A V/STOL Harrier	12	36.5										
F-14A fighter Tomcat	50	584.9	50	617.3	50	616.5	36	510.3			36	510.3
F-14A advance procurement, current year		55.0		70.0		70.0		89.0				89.0
CH 53E transport helicopter												
CH-53E advance procurement, current year								20.0				20.0
UH-1N utility helicopter Iroquois	24	18.0	15	11.4	15	13.5	24	27.4			24	27.4
UH-1N advance procurement, current year		2.1		1.6		1.9		2.3				2.3
AH-1J attack helicopter Sea Cobra	10	25.4					16	39.0	−9	−21.6	7	17.4
AH-1J advance procurement, current year								1.4		−1.4		
P-3C antisubmarine Orion, land based	12	124.1	12	138.4	12	138.4	12	147.5			12	147.5
P-3C advance procurement, current year		10.6		11.6		11.6		24.4				24.4
S-3A antisubmarine carrier based aircraft Viking	45	399.0	45	429.4	45	427.5	41	482.9			41	482.9
S-3A advance procurement, current year		54.0		56.0		56.0						
E-2C Hawkeye, early warning aircraft	9	134.4	6	107.1	6	105.3	6	146.6			6	146.6
E-2C advance procurement, current year		1.9				7.7		7.7				7.7
C-9B cargo aircraft Skytrain II			7	41.6	6	44.1						
CT-39 light cargo transport Saberliner			6	10.5	6	10.5						
Carrier on-board delivery aircraft (COD)												
T-2C trainer Buckeye	24	31.9										
T-34C trainer			18	7.0	18	7.0	115	29.5	−40		75	29.5
VTAMX trainer							15	9.2			15	9.2
F-5E trainer freedom fighter	5	9.8										
TAV-8A (V/STOL) trainer Harrier	8	41.1										
KC-130R tanker Hercules	4	27.0	6	39.1	6	44.0						
EC-130 special mission TACAMO IV	1	10.5					1	21.2			1	21.2
Modification of aircraft		309.1		290.0		290.9		488.9				488.9
Aircraft spares and repair parts		430.5		373.4		368.6		358.5		−2.7		355.8
War consumables		.7		1.0		.7		3.4				3.4
Component improvement		34.3		36.4		36.1		38.6				38.6
Aircraft industrial facilities		25.5		22.6		22.6		27.5				27.5
Common ground equipment		89.5		120.5		116.5		77.7				77.7

[Amount in millions ofdollars]

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate: Change from request		Senate: Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NAVY AND MARINE CORPS AIRCRAFT PROCUREMENT												
Other production charges		27.3		19.5		20.4		28.5				28.5
Subtotal		2,936.6		2,780.4		2,780.4		3,077.0		−117.2		2,959.8
Other financing		−118.9		−5.0		−5.0						
Authorization or appropriation		2,817.7		2,775.4		2,775.4		3,077.0				2,959.8
FISCAL YEAR 1976 AIR FORCE AIRCRAFT PROCUREMENT REQUEST												
AIR FORCE AIRCRAFT PROCUREMENT												
B-1 advance procurement, current year								77.0		−77.0		
A-7D tactical attack Corsair	24	70.1	24	100.1		70.5						
A-10 close support attack aircraft			25	138.0	22	138.0	61	303.5			61	303.5
A-10 advance procurement, current year				28.9		28.9		57.2				57.2
F-4E tactical fighter	24	98.6										
F-5A freedom fighter		69.3										
F-5E international fighter						69.2						
F-5E advance procurement, current year		44.0										
F/TF-15A tactical fighter	62	736.0	72	756.9	72	726.0	108	1,400.6		−22.3	108	1,378.3
F/TF-15A advance procurement, current year						30.9		37.2				37.2
F-111F tactical fighter	12	151.6	12	205.5		82.6						
F-111F advance procurement, current year												
E-3A AWACS			6	328.7	6	348.4	6	415.5			6	415.5
E-3A advance procurement, current year		7.6		42.0		22.3		15.0				15.0
C-5A unfunded deficiencies		37.2										
C-130H tactical transport	42	210.6		15.0		15.0						
T-41D basic trainer												
UH-1H utility helicopter	180	56.5										
CH-47C cargo helicopter	24	46.5										
C-12A (CX-X)							16	11.8			16	11.8
E-4A airborne command post	1	32.3										
Modification of aircraft		477.9		598.3		525.8		660.7		−22.0		638.7
Aircraft spares and repair parts		532.6		718.0		726.2		1,101.7		−429.5		672.2
Common ground equipment		76.6		110.3		110.3		209.3		−38.4		170.9
Component improvement		2.7		9.6		9.6		66.2				66.2
Industrial facilities		23.9		28.7		28.7		38.9		−1.3		38.9
War consumables				29.1		12.1		34.6				33.3
Other product on charges		120.4		122.3		115.5		146.3				146.3
Classified programs		29.5										
Subtotal		2,823.9		3,231.4		3,060.0		4,575.5		−590.5		3,985.0
Other financing		+4.2		−168.6		+2.8				−24.3		
Authorization or appropriation		2,828.1		3,062.8		3,062.8		4,575.5		−614.8		3,960.7
FISCAL YEAR 1976 ARMY MISSILE PROCUREMENT REQUEST												
ARMY MISSILE PROCUREMENT												
Safeguard missile system		159.3										
Chaparral (MIM-72-A) surface-to-air missile								37.5		−37.5		
Hawk (MIM-23-B) surface-to-air missile	720	101.3	520	80.3	520	80.3	520	78.2		−6.0	520	72.2
Short Range Air Defense (SHORAD) missile												
Stinger antitank missile												
Dragon (XFGM-77A, XFTM-77A) antitank missile	7,000	47.1	15,200	86.5	14,350	78.6	19,300	106.8			19,300	106.8
TOW (BGM-71A) antitank missile	18,000	112.7	23,860	104.6	23,860	104.3	23,813	140.2			23,813	140.2
Honest John surface-to-surface missile		.5										
Lance (MGM-52C) surface-to-surface missile	360	82.9	194	64.4	194	65.1		1.0				1.0
Pershing (MGM-31A) surface-to-surface missile	26	53.0		7.9		7.9		16.6				16.6
Modification of missiles		11.9		45.7		16.2		17.0				17.0
Safeguard spares and repair parts				3.0		3.0		1.9				1.9
Other spares and repair parts		37.3		18.0		12.6		17.4				17.4
AN/TSQ-73	5	13 2		5.7		5.7		6.9				6.9
Air defense targets		4.7		11.7		11.5		7.9				7.9
Interim airborne target acquisition system								23.8		−23.8		
Production base support (except Safeguard)		5.6		5.5		3.8		4.5				4.5
Other support		1.2		3.2		3.2		1.1				1.1
Subtotal		630.7		436.5		392.2		460.8		−67.3		393.5
Other financing		−32.0		−20.0		+24.3						
Authorization or appropriation		598.7		416.5		416.5		460.8				393.5
FISCAL YEAR 1976 AIR FORCE MISSILE PROCUREMENT REQUEST												
AIR FORCE MISSILE PROCUREMENT												
LGM-30F/G Minuteman II/III	115	346.9	61	283.4	61	278.9	50	265.8			50	265.8
Minuteman II/III advance procurement, current year		15.3		15.0		19.5						
Minuteman force modernization		253.2		298.9		298.9		387.7				387.7
AGM-69A SRAM	454	131.1										
AIM-7F Sparrow	75	20.0	300	43.3	300	43.3	620	80.1			620	80.1
AIM-9 Sidewinder							800	22.7	−800	−22.7		
AIM-9L Sidewinder							710	39.5			710	39.5
AGM-45A Shrike	200	8.1	300	11.1	270	11.1	1,318	45.9			1,318	45.9
AGM-65A Maverick	3,500	59.1	5,600	72.7	5,600	50.3	6,000	110.7			6,000	110.7
AGM-65A Maverick, advance procurement, current year						22.4		33.3		−33.3		
Target drones	18	8.5		10.3		6.3	40	20.8			40	20.8
Tactical drones		11.4						1.6				1.6
Modifications		43.0		40.9		40.9		49.1		−17.1		32.0
Spares and repair parts		37.9		58.1		43.3		86.6		−.2		86.4
Satellite data system		39.6		34.9		42.9		9.6				9.6

FISCAL YEAR 1976 AIR FORCE MISSILE PROCUREMENT REQUEST—Continued

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate: Change from request		Senate: Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Defense meteorological satellite program		15.8		15.2		20.1		30.1				30.1
Defense support program		28.1		74.8		79.5		39.1				39.1
Defense Satellite Com. System		33.1		44.7		46.6		36.7				36.7
AF Satellite Com. System		3.2		2.9		2.9		1.7				1.7
Industrial facilities		3.2		8.1		8.1		5.5				5.5
Classified drones		3.6		10.7		10.0		7.8				7.8
Special programs		355.2		517.7		517.7		517.1				517.1
Subtotal		1,416.3		1,542.7		1,542.7		1,791.4		−73.3		1,718.1
Other financing		−11.6		−9.0		−9.0						
Authorization or appropriation		1,404.7		1,533.7		1,533.7		1,791.4				1,718.1

FISCAL YEAR 1976 MARINE CORPS MISSILE PROCUREMENT REQUEST

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate: Change from request		Senate: Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
MARINE CORPS MISSILE PROCUREMENT												
Improved Hawk	230	30.3	230	20.6	230	22.6	140	14.3			140	14.3
Dragon antitank missile system			1,378	19.8	804	18.6	7,015	32.6			7,015	32.6
TOW antitank missile system	5,425	22.4	6,319	28.9	6,319	28.9	498	3.3			498	3.3
Stinger ground support equipment												
Redeye launcher simulator								.9				.9
Replenishment spares		.1		.2		.1		.1				.1
Initial spares		2.1		1.4		5.2		.5				.5
Modification kits				2.4		1.6		.8				.8
Interim support equipment				.6								
1st destination transportation		.1		.1		.2		.2				.2
Items less than $500,000		.1		.1		.4		.2				.2
Subtotal		55.1		74.1		77.6		52.9				52.9
Other financing												
Authorization or appropriation		55.1		74.1		77.6		52.9				52.9

FISCAL YEAR 1976 NAVY MISSILE PROCUREMENT REQUEST

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate: Change from request		Senate: Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NAVY MISSILE PROCUREMENT												
Ballistic missiles:												
UGM-27C (A-3) Polaris		2.1		1.0		1.0		1.6				1.6
UGM-73A (C-3) Poseidon	72	185.5		48.0		39.4		33.1				33.1
UGM-96A (C-4) Trident I		5.0		12.6		11.3		120.3				120.3
UGM-96A, advance procurement, current year								114.6				114.6
Modification of ballistic missiles		54.1		15.5		18.9		9.7				9.7
Spares and repair parts		1.9		1.0		1.1		1.8				1.8
First destination transportation		2.1		1.8		1.8		.9				.9
Missile industrial facilities		.7		.8		1.6		1.3				1.3
Astronautics		2.0		4.0		3.2		4.2				4.2
Other missiles:												
AIM-7E/F Sparrow III	85	26.2	300	54.9	300	53.0	360	60.8			360	60.8
AIM-9H/L Sidewinder ICIR	850	19.0	800	15.5	800	18.7	800	45.1			800	45.1
AIM-54A (Phoenix)	240	92.5	340	93.2	340	93.2	340	96.7			340	96.7
AIM-54A, advance procurement, current year												
AGM-45A (Shrike)	760	10.6	900	25.4	900	25.4		.8				.8
AGM-53A (Condor)	30	22.7					205	85.6			205	85.6
AGM-79D Standard Arm		.8		.5		.5		1.1				1.1
AGM-84A Harpoon			150	78.2	150	80.2	270	142.8			270	142.8
HARM												
RIM-66B Standard MR	244	29.1	200	29.1	200	29.1	285	38.1	−85	−10.1	200	28.0
RIM-67A Standard ER	68	9.9		3.2		3.2	22	52.6			22	52.6
RGM-66D Standard SSM	24	4.3		8.1	62	8.1		1.1				1.1
Aerial targets		32.0		41.3		41.3		49.8				49.8
Other missile support		11.4		10.7		10.7		8.4				8.4
Modification of missiles		7.6		17.8		17.8		13.0				13.0
Spares and repair parts		13.7		18.7		18.6		29.3				29.3
First destination transportation		.6		1.0		1.0		1.0				1.0
Missile industrial facilities		9.3		12.3		12.3		14.1				14.1
Fleet satellite communications		36.6		38.0		38.0		60.5				60.5
Classified projects				2.9		2.9		12.2				12.2
Subtotal		579.7		535.5		532.3		1,000.5		−10.1		990.4
Other financing				−10.0		−10.0						
Authorization or appropriation		579.7		525.5		522.3		1,000.5				990.4

FISCAL YEAR 1976 NAVY SHIPBUILDING AND CONVERSION PROCUREMENT REQUEST

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate: Change from request		Senate: Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NAVY SHIPBUILDING AND CONVERSION												
Fleet ballistic missile ships:												
SSBN Poseidon (conv.)	2	165.5	3	187.5	3	220.2						
Less advance procurement		−49.8		−82.9		−82.9						
Net		115.7	3	104.6		137.3						
Advance procurement, current year		13.8										
AS submarine tender (conv.)			1	29.2	1	30.7						
Less advance procurement				−10.9		−10.9						
Net			1	18.3		19.8						
Advance procurement, current year		8.7										
Outfitting		3.7		3.0		3.0		3.7				3.7
Post delivery		3.5		3.4		3.8		2.5				2.5
Trident (nuclear)	1	780.8	2	1,065.0	2	1,065.0	1	641.2			1	641.2
Less advance procurement		−194.0		−138.0		−138.0		−81.3				−81.3
Net		586.8	2	927.0		927.0		559.9				559.9
Advance procurement, current year		65.8		239.8		239.8		42.7				42.7

[Amount in millions of dollars]

Program	Fiscal year 1974 program		Fiscal year 1975 program (appropriated)		Fiscal year 1975 program (current)		Fiscal year 1976 request		Senate			
									Change from request		Recommended	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NAVY SHIPBUILDING AND CONVERSION—Continued												
Other warships:												
CVN aircraft carrier (nuclear)	1	956.0										
Less advance procurement		−299.0										
Net		657.0										
SSN-688 class submarine (nuclear)	5	908.2	3	580.5	3	580.5	2	491.0			2	491.0
Less advance procurement		−125.0		−78.0		−78.0		−72.0				−52.0
Net		783.2	3	502.5		502.5		439.0				439.0
Advance procurement, current year		130.0						102.0				102.0
DD-963 class destroyer	7	634.5	7	655.4	7	655.4						
Less advance procurement		−247.0		−198.3		−198.3						
Net		387.5	7	457.1		457.1						
Advance procurement, current year		198.3										
DLG 6/16 (AAW) guided missile frigate (conv.)	2	98.3										
Less advance procurement		−40.2										
Net		58.1										
DLGN-38 class guided missile frigate (nuclear)			1	268.0	1	268.0	1	368.0	−1	−368.0		
Less advance procurement				−115.7		−113.6		−111.0		+111.0		
Net			1	152.3		154.4		257.0		−257.0		
Advance procurement, current year		79.0		92.0		89.8						
DLGN guided missile frigate (nuclear) (conv)	1	113.0										
Less advance procurement		−30.1										
Net		82.9										
SCS sea control ship		29.3										
VSS sea control ship												
CVNX nuclear carrier, advance procurement												
Mine warfare/patrol ships:												
PHM patrol hydrofoil missile			4	96.2	4	96.2	2	83.4	−2	−83.4		
Less advance procurement				−3.9		−3.9						
Net			4	92.3	4	92.3	2	83.4	−2	−83.4		
Advance procurement, current year		3.9										
PF patrol frigate			3	186.0	3	186.0	10	955.5	−3	−338.0	7	617.5
Auxiliaries/craft:												
AD destroyer tender			1	116.7	1	127.7	2	393.2		−19.2	2	374.0
AS submarine tender												
AGHS (conv) PHM support ship												
AO fleet oiler							2	231.8		−19.7	2	212.7
ATF fleet tug												
T-ATF fleet ocean tug			1	10.8	1	10.8	3	41.4			3	41.4
SWOB (ship waste offloading barge)		10.4		10.4		10.4		11.5				11.5
Service craft				22.0		22.0		1.4				1.4
Outfitting		22.0		21.9		22.0		34.5				34.5
Post delivery		21.3		27.0		27.0		17.2				17.2
Cost growth		143.3		70.0		70.0		1,119.5		−206.1		913.4
Escalation on prior year programs		104.3		71.9		71.9		1,149.8		−781.2		368.6
Total program		3,508.4		3,129.0		3,174.6		5,446.0		−1,704.6		3,741.4
Other financing		−15.5		−70.0		−115.6				−75.0		
Authorization or appropriation		3,492.9		3,059.0		3,059.0		5,446.0		−1,779.6		3,666.4

MANPOWER—ACTIVE, CIVILIAN, AND RESERVE

ACTIVE DUTY MANPOWER—FISCAL YEAR 1976

[End strengths in thousands]

	DOD request	Committee recommended	Reduction from request	Percent
Army	785.0	779.3	−5.7	−1
Navy	528.7	524.1	−4.6	−1
Marine Corps	196.3	195.9	−.4	
Air Force	590.0	582.4	−7.6	−1
Total	2,100.0	2,081.7	−18.3	−1

CIVILIAN DIRECT HIRE EMPLOYEE STRENGTH

[End fiscal year 1976 strength in thousands]

	DOD request	Committee recommended	Reduction from request	Percent
Army	334.1	329.0	−5.1	−2
Navy-Marine Corps	322.1	310.3	−11.8	−4
Air Force	255.9	251.3	−4.6	−2
Defense agencies	72.9	71.4	−1.5	−2
Total	985.0	962.0	−23.0	−2

COMMITTEE ACTION ON SELECTED RESERVE STRENGTHS

	End strength, fiscal year 1976
Army National Guard	400,000
Army Reserve	212,400
Naval Reserve	92,000
Marine Corps Reserve	32,900
Air National Guard	94,600
Air Force Reserve	53,200
Coast Guard Reserve	11,700
Total	896,800

Mr. STENNIS. Mr. President how much time have I used?

The PRESIDING OFFICER (Mr. GLENN). The Senator has used 53 minutes.

Mr. STENNIS. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of S. 920, a bill to authorize military procurement and research for fiscal year 1976 and for the July–September 1976 3-month transition period described as fiscal year 197T.

This bill represents a reduction of 16.2 percent from that requested by the Department of Defense for fiscal year 1976 and a reduction of 10.1 percent from that requested by the Department of Defense for fiscal year 197T.

The request of $29.8 billion for fiscal year 1976 was reduced by $4.8 billion and the request of $5.9 billion for fiscal year 197T was reduced by $591.6 million. It should be noted that $1.3 billion of this reduction was in the Vietnam-aid account and, of course, has been taken out altogether because of the loss of that nation to Communist military aggression. However, even with this portion of the bill deleted, the committee cut fiscal year 1976 still amounts to 12.6 percent of the request.

Mr. President, the distinguished chairman has very thoroughly described the major points of the bill and, therefore, it is my purpose not to repeat some of those facts but, rather, to offer some of my own views relative to the decisions of the Senate Armed Services Committee. These views can be focused on four main areas: First, overall procurement; second, research and development; third, shipbuilding; and, fourth, manpower.

PROCUREMENT

Procurement of required new military equipment is proceeding only at a modest rate despite the appearance of defense spending increases each year. As pointed out in the committee report, the defense budget for investment—procurement, research, and development—has risen from $22.6 billion in 1964 to $28.6 billion requested this year. In a 12-year period that only represents a 21-percent increase. However, when compared to the $25 billion the committee recommends, it is only a 9.6-percent increase. In either case, the so-called increase has not been sufficient to keep pace with inflation, and in terms of real buying power, the investment account has been declining. On the other hand, during the same period we have had about a 19-percent reduction in military manpower, with a corresponding increase in the manpower operating budget of about 57 percent.

So while manpower costs are going up—even though manpower strength has been declining—we find ourselves less and less able to afford the costs of equipping the smaller force. It is a serious dilemma.

In this particular budget, we are recommending only a relative handful of aircraft, ships, and other equipment.

For example, for fiscal year 1976, the Air Force requested only 108 F-15 fighters, which are part of a planned total of 729. This request supports a production rate of nine per month, which means, when startup times are considered, that it will take over 7 years to produce the entire number of fighters required. On the other hand, almost $1.4 billion is required this year alone for these 108 aircraft. While the total cost for the 729 aircraft would be less if they were produced at a faster rate, fiscal constraints and competing procurement requirements for other items in the Air Force preclude that course. Consequently, inflation, along with this necessary fiscal constraint, is going to require us to pay more for these necessary systems.

There is another point that has applicability to the F-15 as well as other systems. It is correct that these fighters are more expensive in real terms than the fighters they will replace. However, they are more expensive because the projected threat requires them to be able to do far more than their predecessors. In addition, they are far more reliable and maintainable, which makes them more expensive, but this extra expense should be returned because of lower life-cycle costs.

Still referring to the Air Force aircraft procurement request, $2.2 billion of the $3.9 billion total recommended by the committee is for only three different types of aircraft. While this is a significant investment, I point out there are other systems approaching obsolescence that will require funding in the near future.

Referring now to the Navy and Marines, of the 244 combat and combat support aircraft requested for fiscal year 1976 and fiscal year 197T, the committee recommends that 202 be approved. The reductions recommended by the committee represent where we believe authorization is not required at this particular time. It does not represent any lessening of support for the requirement. I would point out, also, that in the R. & D. account the committee recommends authorizing $110 million for development of the Navy's recently selected lightweight fighter, the F-18.

Turning now to Army, I am pleased to report the committee recommends the full quantity of 662 M-60A1 tanks requested. The committee was most fortunate this year in that a special ad hoc subcommittee, comprised of Senators Culver and Bartlett, examined in great detail the entire tank program. This included the M60A1 procurement request, the request to modify M-48 and M-60 tanks, and the XM-1 R. & D. program. So, I am glad to report this most important Army program had a very thorough review and received a vote of confidence.

For the Army missile procurement request, the committee recommends the full amount requested for the Dragon and TOW antitank missiles. In my opinion, it is most important that the program continue to be supported because each of these missiles brings a new dimension of firepower to the battlefield. To be competitive, if required, against the Warsaw Pact forces in NATO, overwhelming firepower is essential if our Army forces are to have a chance at defeating an opponent superior in numbers of men and armor. I cannot stress too strongly to my colleagues the need to support these programs that provide increased firepower to our Army. It is the only thing that will give our men the edge against forces superior in numbers of soldiers and pieces of equipment.

There is one unique program applicable to all of the services that I would like to comment on, and that is simulators. Briefly the DOD, through the use of these devices is trying to achieve a 25-percent reduction in flying hours by the early eighties. This is the second year of this effort and the committee recommends $260.9 million, for fiscal year 1976 and fiscal year 197T, for simulators, trainers, and related devices. In last year's report the committee asked DOD to provide a report on flight simulators and because there has been considerable interest in this subject, I ask unanimous consent for the DOD report to be printed in the Record at this point in my remarks.

There being no objection, the report was ordered to be printed in the Record, as follows:

Department of Defense Report on Flight Simulation

INTRODUCTION

It is the objective of the Department of Defense to acquire and make optimum use, where applicable, of the new generation of synthetic flight training devices as a means of improving training and decreasing the use of operational aircraft in the training mission. This report addresses Department of Defense progress and future plans for flight simulators and trainers in terms of that objective. The report was requested by the Committee on Armed Services, United States Senate, Report No. 93-884.

BACKGROUND

Much has been written and said about the potential flight simulation offers for reducing the cost of flight training and the consumption of critical fuel resources. Yet a great deal of misunderstanding exists in regard to two aspects of Department of Defense simulation programs: first, the definition of flight simulators or training devices, and second, the lessons the Department of Defense can learn from the experience and success of commercial aviation in the use of simulation for training purposes.

The Family of Synthetic Flight Training Devices. The first misunderstanding derives from the lack of a clear definition of "flight simulator". This report will use the term "synthetic flight training device" to describe the full range of equipment, from the very sophisticated device employing the most advanced technology to the simple procedural trainer.

The potential a given device has for providing mission effective training and cost savings depends on the capability of the device. Figure One depicts a theoretical relationship between this potential and device capability. At the upper end of the spectrum is the sophisticated device which reproduces, to the greatest extent possible, the capability of a specific aircraft or system. A device of this type provides individual and/or crew training in all aspects of the operational mission under either visual or instrument conditions. These devices are equipped with visual displays that depict the view of the surrounding airspace and ground which the crew would see while performing its mission. They are also capable of simulating the motion of the actual aircraft. These devices are expensive and represent the upper bounds of simulation in the current state of technology. The Department of Defense has very few of these devices in its current inventory, although a concentrated program is underway to develop and procure them in considerable numbers.

At the lower end of the equipment capability spectrum is the procedural or part-task trainer. These devices afford the student the opportunity to become familiar with, and to develop limited proficiency in, the operation of a particular function or part of a total system. These devices may simulate the actual equipment only as far as external configuration and will not necessarily respond to trainee control inputs. These trainers are relatively simple, are the least expensive, and do not possess visual or motion systems. These devices are not capable of substitution for any significant number of flight hours.

(Figure one not printed in Record.)

Civilian Airline Pilot Training vs Military Pilot Train. The second area of misunderstanding concerns the comparability of techniques and methodologies of civilian airline pilot training and military pilot training. The civilian airlines use simulators almost exclusively for the purpose of training already highly experienced pilots to fly new types of aircraft—that is, for transition training as opposed to teaching basic skills or maintaining readiness. In contrast to the airlines, the purpose of a major portion of military flight training is to transform novices into pilots. With the exception of routine airlift missions and some other military flying mssions which are reasonably similar to typical airline flying, military flying is generally more complex than airline flying. That portion of the military flying mission concerned with takeoff, level flight and landing on fully equipped airfields is comparable to airline flying. However, the military pilot must be capable of performing other tasks not required of an airline pilot. For example, depending on the type of aircraft to which he is assigned, the military pilot must be able to perform nap-of-the-earth flying, aerial delivery of cargo or personnel, carrier or short field take-off and landing, air-to-air combat and other peculiar mission-related tasks, some of them involving flight in an unfriendly environment.

Operating Costs—Aircraft vs Training De-

vice. Operating costs of synthetic flight training devices are but a fraction of the cost of operating the simulated aircraft. Experience to date has shown that device operating costs generally are less than 25 percent of those of the actual aircraft. Therefore, substitution is cost beneficial where applicable. Synthetic training device operating costs may in the future increase in comparison to aircraft operating costs with the increase in sophistication of the training devices now being developed and procured; however, the cost-benefit relationship is expected to remain heavily favorable to flight training devices.

Assessing Priority for Simulation. Recognizing that all of the training device requirements of the Department of Defense cannot be satisfied immediately; the question arises as to which aircraft systems possess the greatest potential for benefits through simulation. The most limiting factor to simulator application is the applicability of simulation to the system's mission and the contribution such application can make to improve combat readiness. The objective of most military flight training activity is the attainment of a level of combat effectiveness which is superior to that of a potential enemy.

Unless at least some reasonable portion of the training for the aircraft system's mission can be simulated within the state of the art without undue degradation of flight safety or force readiness, the system cannot, of course, be a candidate for simulation. Devices within current technology have a considerably greater capacity for application than do the older devices the Department now has in its inventory. Significant improvements in visual display systems are major contributors to this increased capacity. Still greater improvement in visual display systems will be required, however, to meet a larger portion of the military train ing requirement.

Once it has been determined that synthetic flight training is a feasible alternative to the conduct of at least a portion of the required training in the actual aircraft, consideration can be given to the benefits that would accrue from simulator substitution. The possible benefits include improved training, reduced aircraft maintenance and spare parts costs, increased safety and decreased fuel consumption. While reduced maintenance and support costs and improved training and safety are important benefits, the high cost of fuel and its limited availability make reduced fuel consumption a primary factor in assessing priority for simulation. Table One ranks the Department's major aircraft systems from highest to lowest in terms of estimated total annual fuel consumption in millions of gallons. The data in Table One are based on FY 1976 programmed flying hours and average aircraft fuel consumption rates. The fuel consumption shown for certain aircraft (A–10, F–14, F–15 and S–3A), whose flying hour programs will increase as the systems are introduced into the force, are based on estimated FY 1980 flying hours.

The aircraft codes, e.g., C–5, UH–1, etc., used in Table One and throughout the remainder of the report are identified by their more formal designations in Appendix One to the report.

TABLE 1.—*Total projected annual fuel consumption by major aircraft system*

[Gallons in millions]

Aircraft system:	
F–4	920
(Navy/Marine Corps)	(240)
(Air Force)	(680)
C–141	660
KC–135	555
B–52	530
C–130	300
C–5	215
T–38/37	195
A–7	190
P–3	165
F–15*	160
F/FB–111	160
A/TA–4	145
A–6	140
F–14*	120
A–10*	80
UH–1	50
S–3A*	45

*Fuel consumption based on estimated FY 1980 flying hours.

SIMULATOR INVESTMENT

Substantial funds were appropriated by the Congress for synthetic flight training devices in FY 1975. The FY 1976 President's Budget gives further emphasis to those aircraft systems with large total annual fuel requirements as a continuing step in a long-term effort to acquire needed synthetic flight training devices. Acquiring the necessary training devices is a first step in achieving our objective of improving training and decreasing the use of operational aircraft in the training mission.

Aircraft Systems With Large Annual Fuel Requirements. Funding for the procurement of new devices and modifications of existing ones for the eight aircraft systems having the largest annual fuel requirements is as shown in Table Two.

TABLE 2.—TRAINING DEVICE PROCUREMENT FUNDING FOR AIRCRAFT SYSTEMS WITH LARGE ANNUAL FUEL REQUIREMENTS (FISCAL YEAR 1976 PRESIDENT'S BUDGET)[1]

[In millions of dollars]

Aircraft system	Fiscal year— 1974	1975	1976	197T	1977
F–4 (Air Force)		38.0	18.9		30.9
F–4 (Navy and Marine Corps)	1.1	14.6	3.3	1.3	1.2
C–141	1.0	4.2	2.5		
KC–135			17.0		
B–52			44.5		85.5
C–130		15.0	25.9		32.2
C–5	.2	1.3	.6		
T–38/37	6.1	38.7	39.3	11.3	46.8

[1] In this and following tables, fiscal year 1974 figures are actual, fiscal year 1975–77 figures are estimates contained in the fiscal year 1976 President's budget.

Funding for the Air Force F–4 is for a major modification of existing flight training devices. This modification program includes the addition of visual and motion systems which will increase the training capability of the equipment. The procurement of training devices for the Navy and Marine Corps F–4 aircraft was completed last year. The funds requested for FY 1976 will be used to support initial operations of the new devices and modification of existing trainers.

Procurement funds appropriated in previous years were used to acquire and modify training devices for the strategic airlift C–141 and C–5 aircraft. The funds requested in FY 1976 will be used to add a visual capability to those devices. When completed, the modified trainers for both aircraft systems will provide an increased training capability and additional fuel savings.

While some research and development funding will be needed to develop a capability to simulate the airborne refueling portion of the KV–135's strategic tanker mission, much of the flight training required to support the system is attainable using currently available simulation techniques. The requested $17.0 million will be used to begin acquisition of an instructional system to support the aircraft. It is anticipated that additional procurement funding will be required for FY 1977 and beyond. At the completion of the acquisition program, fuel savings from reduced flying hours could exceed 100 million gallons annually.

The major initiative in the FY 1976 Budget is a training device procurement program for the B–52 bomber. The $44.5 million requested for FY 1976 will be used to begin procurement of a flight instructional system for the G and H models of the B–52. This program has been initiated on an urgent basis because the savings potential is large and because timely training device introduction is necessary to maximize the time period over which the benefits can be realized.

The C–130 is a tactical airlift aircraft, and a major portion of its mission profile is capable of being simulated with current technology. When the devices programmed for the C–130 are operational, significant fuel savings will be realized annually through flight hour reductions.

The T–38 and T–37 aircraft are used in Air Force Undergraduate Pilot Training (UPT). The requested funds are for a new Instrument Flight Simulator to reduce T–38/37 aircraft hours. The simulator is designed to provide instruction in the instrument phase of training, which accounts for 23 percent of the flying time a student pilot currently receives.

Other Aircraft Systems Given Substantial Funding. In addition to the training devices for the eight aircraft systems just reviewed, six other systems have been programmed for substantial funding to take advantage of potential training flying-hour reductions and improved training and safety as well as fuel savings. These aircraft systems are identified in Table Three, together with their proposed funding.

TABLE 3.—TRAINING DEVICE PROCUREMENT FUNDING FOR SELECTED AIRCRAFT SYSTEMS (FISCAL YEAR 1976 BUDGET)

[In millions of dollars]

Aircraft system	Fiscal year— 1974	1975	1976	197T	1977
P–3	10.4	5.7	2.7	23.1	4.3
F–15	8.6	5.2	8.8	.1	12.4
F–14	22.2	20.2	6.1		8.9
A–10		4.0	22.2		30.1
UH–1	8.0	11.0	19.9		13.4
S–3A	1.0	25.8	15.7		3.1

Funding for the Navy's patrol antisubmarine warfare P–3 aircraft in FY 197T is for the acquisition of part-task and cockpit procedures trainers. One of the part-task trainers will be for the Naval Reserve. The part-task trainers are designed to provide a realistic approach to the training of acoustic sensor station operations. Simulated audio and visual information is displayed as it would be on actual mission this providing the acoustic sensor operator with an effective training environment. The cockpit procedures trainers simulate the cockpit environment of the P–3 aircraft. It will be used to provide training in normal and emergency operating procedures to P–3 pilots, co-pilots and flight assistants.

Full families of flight training devices are planned for the Air Force F–15 and Navy F–14, the newest fighter aircraft. For the F–15, these include flight simulators, cockpit procedures trainers, and egress trainers—that is, trainers for instruction in emergency pilot ejection procedures. The flight simulator will provide training in normal and emergency aircraft systems control and in the proper use of navigational and electronic warfare systems operations during instrument flight. Training devices planned for the F-14 include part-task trainers, weapon system trainers and operational flight trainers. The FY 1976 request includes funds for a wide-angle visual system. This system will significantly increase the device's training capability.

The A-10 is a new light attack aircraft now entering the Air Force inventory. The $22.2 million requested for FY 1976 will be used to acquire a combination of sophisticated instrument trainers and related ground training equipment. The Air Force intends to have the instrument trainers available for use when the first new pilot training graduates begin qualification training in the A-10. Funds requested for FY 1977 will be used to begin acquisition of mission simulators with full motion bases and wide-angle visual display systems.

The $19.9 million requested in FY 1976 for the UH-1 continues the acquisition of additional synthetic flight training systems. These systems are comprised of four separate cockpits, each with its own motion base, and an instructor station and a digital computer complex. A distinguishing feature of the device is its capacity to demonstrate maneuvers and provide programed instruction and training suited to the needs of each individual student. Savings of approximately $2 million in FY 1975 are expected as a result of substituting training device hours for actual flight hours in the UH-1. The system does not presently utilize a visual device; however, work has been initiated to evaluate the possible benefits of adding a visual capability.

The $15.7 million requested for the S-3A continues the program to acquire instructional systems for the Navy's newest carrier-based antisubmarine warfare aircraft. At the present time, the S-3A has one of the most highly developed and integrated operational flight training systems in the current inventory. This training device is a good example of an instructional system which is capable of taking a crew, individually and collectively, from self-paced classroom instruction through integrated, mission-oriented crew training in a state-of-the-art, motion-base simulator. The simulator is designed to train four-man crews. The crew stations and functions simulated include the pilot, co-pilot, tactical coordinator (TACCO), and the sensor operator (SENSO). The device has four basic modes of operation to allow it to be used either as a trainer for individual crew members or as an integrated weapon system trainer for the entire crew. The tactics section of the device can be utilized independently of the flight section. This permits training the TACCO and SENSO without a pilot and copilot. Similarly, the flight section can be used by the pilot and co-pilot without a TACCO or SENSO. A third mode permits simultaneous use of the two sections for separate and independent training missions.

Finally, the fourth mode integrates all crew positions into a single and coordinated device capable of simulating typical antisubmarine missions. A visual attachment now under development will further increase the capability of the system. The device is used as part of a highly developed training program. The training device is used both to qualify new or replacement crews in the S-3A and to maintain the proficiency of fleet crews who have returned from sea duty and are preparing for their next tour. The realism of the device is such that much of the tactical team training can be completed in the trainer rather than actual aircraft. While it is an expensive device, costing on the average approximately $10 million per unit, the trainer provides for improved training and will permit significant annual savings in crew replacement and fleet squadron training flying hours.

Other Aircraft System Candidates for Simulation. The aircraft systems shown in Table One which have not been addressed to this point in this report include the A-7, F/FB-111, A/TA-4, and A-6.

The last major devices for the A-7 aircraft were funded in FY 1975. Procurement funds for FY 1976 thru FY 1977 are for modifications to existing devices. It is expected that some of the A-7 training devices will be transferred to Reserve Components as the aircraft leave the Active force.

Training devices to include flight simulators and egress trainers were procured for the F-111 and FB-111 aircraft during previous years. No funds have been requested in the current budget, but the system's training and flying hour program will be reviewed to determine the cost and training effectiveness of further device acquisitions.

Training devices for the A-4 and TA-4 aircraft systems were procured in previous years to support Marine Corps replacement and proficiency training and Navy advanced undergraduate pilot training.

Navy and Marine Corps weapon system and part-task trainers have been procured for the A-6 in previous years. Two new weapon system trainers have been contracted for in FY 1975. While no funds have been requested for FY 1976, a visual attachment for one of the trainers is planned for procurement during FY 1977. The added visual capability will provide for field and carrier take-off and landing training, increase the effectiveness of familiarization training, and expand the present training capability to include visual as well as instrument navigation and weapons delivery training. The FY 1977 request also includes funds for an A-6E Night Carrier Landing Trainer. The device will be used to assist in carrier qualification training by providing a safe, controlled environment for initial training; the device will also be used to maintain fleet readiness.

Total Procurement Funding. Table Four shows the total Service procurement requests for FY 1976 and FY 197T together with funding data for FY 1974 and 1975 and projections for FY 1977. Detailed procurement funding by weapon system and non-system training device is provided in Appendix Two.

TABLE 4.—TOTAL TRAINING DEVICE PROCUREMENT FUNDING BY SERVICE (FISCAL YEAR 1976 PRESIDENT'S BUDGET)

[In millions of dollars]

Service	Fiscal year— 1974	1975	1976	197T	1977
Army	8.0	11.0	19.9		13.4
Navy/Marine Corps	59.6	134.2	42.1	33.9	42.5
Air Force	20.9	130.1	185.5	11.4	242.8
Total	88.5	275.3	247.5	45.3	298.7

The increased emphasis given to the acquisition and modification of flight training devices can be seen by noting the increased funding between FY 1974 and 1977. The proposed budget for FY 1977 is larger than in any previous year because of the cumulative effect of new acquisition programs. Nearly 17 percent of the total procurement request for FY 1976 is for the modification of existing devices to increase their capability or keep them abreast of modifications to the aircraft system.

Research and Development Funding. Research and Development funding support of synthetic flight training devices by Service is shown in Table Five.

TABLE 5.—TRAINING DEVICE RESEARCH AND DEVELOPMENT FUNDING BY SERVICE (FISCAL YEAR 1976 PRESIDENT'S BUDGET)

[In millions of dollars]

Service	Fiscal year— 1974	1975	1976	197T	1977
Army	3.3	3.5	4.2	1.3	15.6
Navy/Marine Corps	2.1	2.7	3.1	.9	2.7
Air Force	12.2	11.9	10.3	2.5	13.0
Total	17.6	18.1	17.6	4.7	31.3

The research and development programs to be supported by the above funding are, for the most part, to raise the level of technology in flight simulation. The increased level of effort in FY 1977 is primarily to support development and integration of simulator visual and motion systems to meet the requirements of advanced Army helicopters.

The research and development needed to increase the capability to simulate a greater portion of the military flying mission will be discussed in a subsequent section of this report.

Training Device Inventory. The substantial acquisition and modification programs discussed in the preceding paragraphs will increase the Department's inventory of modern, sophisticated training devices as shown in Table Six.

TABLE 6.—CURRENT AND PROJECTED INVENTORY OF ADVANCED FLIGHT TRAINING SIMULATORS

Aircraft system	Simulator inventory, fiscal year— 1974	1975	1976	1977	1978
A-10					2
B-52					1
C-5 [1]	1	2	2	4	5
C-130					2
C-141 [1]	1	2	2	3	7
KC-135					1
F-4 (Navy, Marine Corps) [2]	2	2	2	3	3
F-4 (Air Force)					1
F-14	2	4	4	5	6
S-3A	1	2	2	5	5
T-38/37 [3]				8	16
UH-1 [3]	3	8	12	18	24
Total	10	20	24	46	73

[1] Includes only those simulators which have visual and motion base systems.

[2] 2 of the Navy F-4 devices will not have a visual capability.

[3] The training devices that support the T-38/37 and the UH-1 have 4 cockpits per device; the data shown reflect the number of devices only.

These devices are of the type found at the upper end of the capability spectrum. They characteristically have motion bases, and most have visual display systems. The inventory increase in FY 1977, in part, reflects the increased funding emphasis given simulator acquisition in FY 1975, demonstrating the 24 to 30 month lag that characteristically exists between contract and the delivery of the devices. Projected inventories for FY 1978 depend on continued funding support and, in some cases, the success of development programs.

FUTURE DIRECTIONS

Future Investment. The FY 1976 budget request continues the thrust of last year to update and modify existing training devices as well as to initiate acquisition programs for those systems with significant savings potential. Substantial simulator investments over the next several years will be required to realize the full potential benefits in terms of reduced costs, fuel savings, and improved readiness. Simulator acquisition programs have been initiated for the aircraft systems with large flying hour programs or high hourly fuel consumption rates. Completion of the large-scale acquisition programs will continue into the early 1980's.

In general, priority in simulator procurement has been directed toward systems with the highest potential for cost savings based on the number of flying hours and fuel consumption. However, other criteria also influence the need for simulation. For example, an aircraft system may have a small inventory and low fuel consumption but very high maintenance costs because the aircraft, or its on-board systems, receive heavy wear and tear in normal mission operations. Other low-density aircraft systems may have wartime missions which, because of safety considerations, cannot be fully exercised in training. In either case, simulation may be the answer. For these reasons, additions or modifications to Service simulator programs are likely as new approaches to better training or additional opportunities for cost savings are developed.

Needed Management Improvements. In view of the substantial investment made and planned for synthetic flight training devices, a concentrated management effort is necessary to insure that the potential training, safety, and cost benefits are realized. In this regard, the acquisition and use of synthetic flight training devices have been given additional emphasis and visibility in the DoD planning, programming and budgeting system. This planning and policy guidance will require the Military Departments to identify their training device requirements and relate them to the total weapon system program, including projected cost and training benefits.

Additional direction is being developed and will be provided to the Services to insure that flight training devices will be maintained and kept current with the actual aircraft system. The Services will be encouraged to increase their efforts toward standardization of training device components as a means of reducing duplication of effort and life cycle costs of equipment through simplification of maintenance and logistics support.

The Military Departments are currently reviewing their management policies and directives governing flight training and the utilization of flight simulators. The purpose of this effort is to insure the most effective use possible, both at the present, with available simulators, and in the future, as new simulation technology is developed.

Needed Research And Development. Visual simulation and display techniques are the most limiting factors to the capability of current synthetic flight training devices. While certain advances have made possible the development of limited experimental wide-angle visual systems, additional advanced development is needed to further their ability to satisfy the high resolution, wide-angle, and multi-target requirements of the military mission. Technology has been demonstrated that is capable of adequately creating and displaying the scene required for the straight-in approach for day and night field and carrier landing and take-off. These and other visual simulation capabilities, similar to those used in commercial aviation, have been well demonstrated and have been incorporated in some of the devices now being procured. However, additional research and development is needed in visual simulation to develop wide field of view devices which integrate, with sufficient resolution, needed complex target imagery. This capability, if it can be satisfactorily developed, would go far toward realistic simulation of the full range of military missions. The military training tasks that would benefit from such a capability include:

1. Air combat and air-to-air gunnery
2. Formation flying
3. In-flight refueling
4. Air-to-ground weapons delivery
5. Vertical take-off and landing

Major research and development programs are in process to evaluate experimental wide field of view visual systems and their role in the transfer of learning. Other test and evaluation programs will provide data for defining air-to-air training requirements and techniques as well as improved air combat tactics. Additional effort is needed to improve simulation of acceleration and motion, computational technology for sensor and visual displays, the quality of data on aerodynamic flight characteristics, and quantitative and objective measures of pilot proficiency.

SUMMARY

Flight training device acquisition programs have been initiated, where applicable, for those weapon systems with greatest potential energy, cost and training benefits. Upgrade and modification programs are in progress for those systems that possess training devices capable of increased productivity. Emphasis has been given to the management of flight training device programs. Their cost and contribution to force readiness are reviewed with other major programs and are given separate consideration during budget preparation. Service maintenance and flight training policies and procedures are being reviewed to insure that maximum benefits can be derived from the devices. Finally, research and development programs are in progress and others will be initiated, as necessary, to expand the body of knowledge needed to satisfy the unique simulation requirements of military aviation.

APPENDIX ONE.—AIRCRAFT SYSTEM DESIGNATIONS

Service

Aircraft System or Device: Aircraft System or Device Designation:

ARMY

AH–1: Attack Helicopter.
CH–47: Cargo Helicopter.
UH–1: Utility Helicopter.

NAVY/MARINE CORPS

A–4: Light Attack.
A–6: All Weather Attack.
EA–6B: Electronic Countermeasures.
A–7: Light Attack.
F–4: All Weather Fighter.
F–14: All Weather Fighter.
E–2: Carrier Airborne Early Warning.
P–3: Patrol Antisubmarine Warfare.
S–3A: Carrier Antisubmarine Warfare.
T–2: Advanced Trainer.
TA–4: Advanced Trainer.
KC–130: Marine Corps Tanker/Transport.
ACM: Air Combat Maneuvering Trainer.

AIR FORCE

A–7: Light Attack.
A–10: Light Attack.
B–52: Strategic Bomber.
KC–135: Strategic Tanker.
C–5: Strategic Airlift.
C–141: Strategic Airlift.
C–130: Tactical Airlift.
F–4: Tactical Fighter.
F–15: Tactical Fighter.
F/FB–111: Tactical Fighter/Bomber.
T–37: Primary Undergraduate Pilot Training Aircraft.
T–38: Basic Undergraduate Pilot Training Aircraft.
ASUPT: Advanced Simulator for Undergraduate Pilot Training.
SAAC: Simulator for Air To Air Combat.
SEWT: Simulator for Electronic Warfare Training.

APPENDIX 2.—SYNTHETIC FLIGHT TRAINING DEVICE PROCUREMENT FUNDING

[In millions of dollars]

Service—aircraft system/simulator[1]	Fiscal year— 1974	1975	1976	197T	1977
Army: UH–1	8.0	11.0	19.9		13.4
Navy:					
A/TA–4	.7	3.2	4.0	0.2	.6
A–6	.5	14.6		1.2	9.8
A–7	6.6	6.2	1.1	.3	1.1
E–2	4.8	7.9	1.5		2.4
EA–6B	1.7	15.0	.5	.1	.5
E/KC–130	2.9	1.5	1.9	1.8	.2
F–4	1.1	14.6	3.3	1.3	1.2
F–14	22.2	20.2	6.1		8.9
P–3	10.4	5.7	2.7	23.1	4.3
S–3A	1.0	25.8	15.7		3.1
T–2	6.5	.6	2.7		1.4
ACM		12.0			
Other	1.2	6.9	2.6	5.9	9.0
Air Force:					
A–7	5.0	10.8			4.6
A–10		4.0	22.2		30.1
B–52			44.5		85.5
C–5	.2	1.3	.6		
C–130		15.0	25.9		32.2
C–141	1.0	4.2	2.5		
F–4		38.0	18.9		30.9
F–15	8.6	5.2	8.8	.1	12.4
KC–135			17.0		
T–35/37	6.1	38.7	39.3	11.3	46.8
AWACS		12.9	.6		.3
SEWT			5.2		
Total DOD	88.5	275.3	247.5	45.3	298.7

[1] Aircraft types and nonsystem simulators (ACM, SEWT, etc.) are further defined in app. 1.

RESEARCH AND DEVELOPMENT

Mr. THURMOND. Turning now to the research and development account, the $10.2 billion is the largest amount ever requested and is $1.6 billion more than was appropriated for fiscal year 1975.

Senator McINTYRE, I am sure, will be providing a complete report a little later on what this increase of $1.6 billion is comprised, so I will just note that the $9.7 billion recommended provides a real increase of only 2.4 percent.

There are many significant programs that are in research and development that will soon be ready to transfer to the procurement account. All of these programs, I might add, represent years of planning and effort and will make a very significant contribution to the inventory of our defense establishment. There are a few that I believe warrant a comment or two.

For the Army, the "big five" program, consisting of the advanced attack helicopter, the UTTAS helicopter, the mechanized infantry combat vehicle, the XM–1 tank, and SAM–D, continues to progress. Each of these systems is aimed at providing our Army with superior firepower and mobility which, as I stressed earlier, is a must if our Army is to cope with numerically superior forces.

The largest single R. & D. line item request for Navy is $732.5 million, which the committee recommends for the Trident missile system. This missile is the eventual replacement for the Poseidon and will be backfitted into a number of these boats, as well as being the primary weapon for the Trident submarine.

Another Navy R. & D. program that warrants comment is the air combat fighter program, for which $110.2 million is recommended for fiscal year 1976 and $22.6 million for fiscal year 1977. As I am sure most of my colleagues are aware, this became the F–18 program when, on this past May 2, Navy announced it had selected the McDonnell-Douglas/Northrop F–17 derivative over the LTV/General Dynamics F–16 derivative. We do not yet have good cost estimates for this program, although the estimated F–18 program unit price, based on fiscal year 1975 dollars and a buy of 800, is $9.6 million. With this selection it appears that the desire of the Congress to see the Navy and Air Force choose a common aircraft, from which each could develop a relatively inexpensive fighter—$6 million fiscal year 1975 dollars—will not come to pass. The funds recommended are for the development of the F–18 and the committee will monitor this program very carefully during the coming year.

For the Air Force, the largest research and development program is the B–1 strategic bomber. The committee recommends a total of $726.2 million for fiscal year 1976 and the 3-month transition period for this important program. I would like to stress that the committee denied the long lead procurement funds requested, since it was felt that might be considered as supportive of a production decision. In addition, funds within the R. & D. request related to production were also deleted. The funds recommended will allow the continuation of the flight test program, which will eventually comprise three aircraft, and the beginning of the fourth aircraft which will be built to production configuration.

NAVY SHIPBUILDING

Mr. President, for the Navy shipbuilding and conversion program the committee recommends approximately $3.7 billion. Although the committee is recommending about $1.8 billion less than requested, the recommendation is still $600 million more than the fiscal year 1975 program. However, there is not a single major surface combatant ship in the recommendation, since the committee denied the DLGN–42, the last of a planned five ship program. In this case the committee felt it inappropriate to build any ship, and especially a nuclear ship, with an air defense weapons system considered to be inadequate to meet the projected threat within a relatively short time after delivery of the ship. I would like to note that I do not agree with the majority of the committee on this particular recommendation.

On a more positive note, the committee recommends funding the fourth Trident submarine, two 688-class attack submarines, seven patrol frigates, and seven other support vessels. It is my personal opinion the Navy's shipbuilding program is far too low, almost to the point of being dangerous. The Navy testified this year that a minimum 30 ships per year construction program was required to come up to the 600 modern ship level. Yet Navy's request was for only 23 ships. In addition, a major portion of the ships now under construction are in only three private shipyards. I am concerned that we are not properly utilizing the shipbuilding industry. I am also concerned that the shipbuilding base for nuclear ship construction is essentially, at this point, confined to two shipyards.

The committee recommends a reduction of $987.3 million in cost growth and escalation on prior year programs. However, I would stress these costs, assuming the validity of estimates of economic inflation in the out years, must be paid at some point. So, in effect, we are only putting off the inevitable. However, the request for an additional $2.27 billion for ships previously authorized and funded shows very dramatically a major problem the shipbuilding industry is encountering today.

MANPOWER

Mr. President, the last area of the committee recommendation I wish to address is manpower. The committee recommends an overall 1-percent reduction in the 2.1 million military manpower request. This amounts to about 1 percent for each of the services, which is to come primarily from support spaces. The 18,300 total recommended reduction, when added to the 29,000 reduction included in the DOD request, would bring active duty military strengths in fiscal year 1976 about 2 percent below the planned end fiscal year 1975 strength of about 2.2 million.

I am pleased to advise my colleagues that the DOD estimates that all of the services will meet their planned end fiscal year 1976 strength under the All Volunteer Force.

For the Reserve forces, the committee recommends the end strengths as requested of 896,800. The committee continues its strong support of the Reserve components as part of the total force policy.

For civilian personnel, the committee recommends a 23,000, or 2 percent, reduction from the overall request of 985,000. The committee is confident this reduction can be accomplished by attrition.

SUMMARY

Mr. President, in summary, this recommendation represents a great deal of work in a relatively short time, primarily to comply with the dates established by the new Budget Act.

I would stress that our defense budget comprises a smaller percentage of the overall budget than last year, and that it will buy less.

I would stress that the funds recommended are required for the most part to insure that our continually reducing forces have the wherewithal to overcome forces superior in number.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield briefly?

Mr. THURMOND. I would be pleased to yield to the distinguished Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I heard the comments of the Senator from South Carolina indicating, I believe, that we would have about 2.1 million in our armed services if we adopt the committee's recommendation, but I did not hear any comments from him as to how that would compare with what the Soviet Union or Red China have.

Is it correct that the Soviet Union has approximately 4 million men under arms?

Mr. THURMOND. In reply, I will say the figure will be slightly less than 2.1 million. I might say that this is a very small figure compared with the Soviet Union. The Senator, I think, has indicated that the Soviet Union is much larger, and that is true. The Soviet Union instead of having 2.1 million has a force about 4.2 million; twice the size of ours.

Mr. WILLIAM L. SCOTT. It is my understanding that Red China also has 3 million, so we are talking about this Government having something over 2 million men under arms while Russia and Red China have roughly 7 million, if my recollection is correct. The distinguished Senator, I believe, is of the opinion that it is even greater than what I am saying.

Mr. THURMOND. That is correct.

Mr. WILLIAM L. SCOTT. So a cut in manpower would put us at a distinct further disadvantage.

I submit, Mr. President, if we cannot compete on a man-to-man basis—and I do not believe we can—with the Communist world, then it is necessary for the defense of this country that we have more sophisticated weaponry, that we have more firepower, that we develop a substitute for greater manpower. I am not suggesting that we have greater manpower. In fact, I have some concern—and the Senator and I may have some difference of opinion on this—about our manpower being spread all over the world like it is.

But, forgetting manpower for a moment, if we cannot compete on a man-to-man basis, is it not necessary that we have at least the weaponry that is set forth in this bill?

Mr. THURMOND. The Senator is eminently correct. The manpower we have in this bill is very small, as the Senator has brought out, compared with Red China and the Soviet Union, and we certainly cannot compete in manpower, because they overwhelm us in having larger numbers of manpower. Our only hope of competing is through more modern weapons and through our nuclear power.

Mr. WILLIAM L. SCOTT. Mr. President, I feel that we need to point out that potential enemies—and we hope that we will never have any armed conflict with either the Soviet Union or Red China, but their philosophy is different, their form of government is different from ours, and the possibility exists that the day might come when we would have a conflict with them and, I think, knowing the number of men that they have under arms should be persuasive to us in determining where to set our manpower limits, and then also the weaponry they have should cause us to reflect upon the weaponry that we have.

I just feel, Mr. President, it is essential that we have more sophisticated, better weaponry; that we have better trained men if we are going to preserve the freedom of this country, and assist other nations throughout the free world.

I appreciate the distinguished Senator's yielding so that I could make this observation and ask him a question or two.

Mr. BUMPERS. Mr. President, will the Senator yield for a question along the same line?

Mr. THURMOND. Mr. President, I heartily agree with the statements of the distinguished Senator from Virginia, and I hope the point he has made here about manpower and the reductions made in manpower will certainly be harkened to by Members of the Senate. I think it is a signal that we should not consider reducing manpower any further. In fact, I am concerned that the manpower has been reduced even below what the Defense Department recommended.

Mr. WILLIAM L. SCOTT. I believe it is 18,300 less for fiscal year 1976 than it is for the current fiscal year, so we are making some slight reduction. I am not thinking about the requests of the Defense Department. I am thinking about the number of men we have in the services, men and women, for this fiscal year compared with the next fiscal year, and I believe it is an 18,300-man reduction that we are recommending.

Mr. BUMPERS. Mr. President, will the Senator yield for another question along the same lines?

Mr. THURMOND. I will be pleased to yield to the distinguished Senator from Arkansas.

Mr. BUMPERS. I was a little troubled by the manpower statistics that I saw in the committee report. The Soviet Union had something like 4 million men compared to the 2.2 million in this country, but I wonder if they are really on all fours because I note, for example, that we are, as a part of this authorization bill we are discussing here, authorizing, at least the committee has recommended that we authorize 962,000 civilian personnel. I am wondering whether or not the functions which those 962,000 people, civilian people, perform in support of our military department, if the Soviet Union does not actually perform most of those functions with uniformed personnel.

Mr. THURMOND. Well, my information is that the Soviet Union performs some with civilians, but we perform a larger percentage of tasks than they do with civilians.

Mr. BUMPERS. The second question was we have somewhere between 6 and 7 million people in this country engaged in defense work, contractors, manufacturers, and so on, and whether, in the Soviet Union, some of those at least quasi-military functions are not also performed by uniformed military personnel rather than by civilian contractors such as we use in this country.

Maybe I can rephrase the question to say that it is my understanding, and this is the reason I asked the question for my own edification, it is my understanding that the Soviet Union performs a large number of Defense Department functions with uniformed military personnel who make up part of this 4 million-man force the Senator from Virginia just referred to, that we contract out to various private corporations, in some cases even universities, laboratories, and so on.

I am wondering if that is correct, and I am asking the Senator if it is, but if it is correct, would that not also bring us a little closer to the Soviet Union?

Mr. THURMOND. I think the point the distinguished Senator from Arkansas made has some bearing, but the actual fighting forces of the Soviet Union versus the United States clearly show that they have in numbers from 2 to 2½ times as many as we do, the number of forces actually available.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. THURMOND. I am very glad to yield to the Senator.

Mr. KENNEDY. On that particular point, I notice in the request that there is going to be a request for additional three divisions of combat troops, is that not the case?

Mr. THURMOND. Well, that is true, but those troops will be taken from what is now support troops, and it will not increase the ultimate number, it will merely be converting troops now used in support to combat troops. General Abrams recommended that before he died and he felt it could be carried out and Secretary Callaway is implementing that decision now.

Mr. KENNEDY. I was wondering if the Senator was going to elaborate for us why there was necessity for increasing the total number of combat divisions from 13 to 16 and what strategic exigencies have arisen over the period of the last year or two that would require this.

If there could have been a reduction in the number of support troops in the past, why are we not saving the American taxpayers the savings rather than increasing the cost?

Mr. THURMOND. The cost would not be increased for personnel but there will be for equipment, over the next 5 years. For the manpower, Army is merely converting support to combat and there never should have been a reduction to 13 in the first place.

What the Army is trying to do now is they will bring it up to the 16 which the JCS feel is a minimum number of divisions needed. They are doing that without increasing the total numbers in the Army.

Mr. KENNEDY. As I understand, in 1970 we changed from the concept, and the Armed Services Committee reviewed this, of being able to fight 2½ wars to 1½. At the same time, the number of divisions necessary to provide security for our country was defined by the Secretary of Defense as 13 combat divisions. They were viewed as sufficient to provide for security. At the urging of many Members of the Senate about the numbers of support to combat divisions, very careful review was done, and I commend the members of the Armed Services Committee, particularly the Senator from Georgia (Mr. NUNN) for the review of the manpower, and found out that there was an oversupply in these headquarters and support areas. So they changed that from support manpower to combat divisions.

Yet, I am just wondering what the change in threat was that justified this increase of combat divisions.

I am not completely satisfied myself that because we had a surplus of support manpower that we have been able to identify that, therefore, we should just convert it into combat divisions, unless there is a compelling need for it.

Obviously, if there is justification, then we ought to have all the combat divisions we need, but I am just wondering if the Senator could elaborate on what the strategic defensive exigencies are that arise today which did not exist over the period of recent years which would require an addition of three combat divisions.

Mr. THURMOND. Mr. President, in reply to the distinguished Senator from Massachusetts, I want to say that 13 was too low a number. It never should have been cut to 13. The Army felt that way, the Defense Department felt that way, and even the White House, but the Congress cut it down anyway. It was a mistake.

Now, without increasing the numbers, we have brought pressure on the Army to try to make more divisions out of their numbers and they are now doing that. They have eliminated a lot of headquarters and a lot of support troops and they are giving more firepower, more combat power, and that is exactly what we need to do.

I think the ultimate goal is to have as few headquarters as possible, to have as few support troops as possible, to put into the field as many combat troops as possible.

Mr. KENNEDY. Will the Senator yield?

Mr. THURMOND. General Abrams felt that very strongly. Secretary Calloway felt that very strongly. I am very pleased that they made the progress they have and can go to 16 divisions without increasing the total number.

Mr. KENNEDY. I do not think there is a Member of the Senate who does not support the reduction of support to combat divisions. I do not want my remarks interpreted as anything but support for the reduction of support troops versus combat slots, but I would like the Senator, as he has spoken about the increase in need in combat divisions over the period of the past, to point out any testimony or to have the staff show us any testimony where the formal requests for an increase of combat divisions was made between fiscal year 1971 and fiscal year 1974.

I do not understand that to be the case and when the Senator is making generalizations about the Defense Department, the President, the Congress, that all wanted an increase of divisions from 13 to 16, I would like to see the justifications for it.

I am particularly concerned that two of the three proposed divisions are now mechanized and therefore, more appropriate for Asian contingencies, which is the one area, given the end of Vietnam, that we must be reducing our conventional force requirements.

Mr. THURMOND. Well, Mr. President——

Mr. KENNEDY. I would like to discuss the Senator's own personal view

Furthermore, I wish the Senator would address himself to the increased cost of these additional divisions, what it is going to mean in terms of additional cost, in terms of equipping and maintaining these people over the next 5 years.

As to the best estimates, I have, it will cost a minimum of $2.7 billion. That does not begin to get into additional costs for other support units nor does it calculate increases in retirement or other long-term costs.

I wanted, as the Chairman said, to permit a full discussion and presentation of these issues, but since the Senator has been yielding on the manpower issue to our colleague from Virginia, I thought at least I would raise some of these questions so that in his presentation he might be able to address himself to them.

Mr. GOLDWATER. Will the Senator yield?

Mr. THURMOND. I am glad to yield to the Senator from Arizona.

Mr. GOLDWATER. Just to answer as much as I can the question of the Senator from Massachusetts, and I have to preface my remarks by saying the complete justification for the not 13 or 16, but more divisions can be obtained by the Senator from Massachusetts if he will ask for a briefing on it.

It is very highly classified and I do not thing it should be discussed on the floor, but in a general way I think I can give some of the answers.

Now, the 16 divisions——

Mr. KENNEDY. Well, just on that point——

Mr. GOLDWATER. Just a moment.

Sixteen divisions is the number that the Joint Chiefs will agree to as being semiadequate if it is backed up by eight reserve divisions.

The number they feel this country should have to be properly adequate and properly protected is greater than that, but unfortunately, I cannot give the number. I will be glad to tell it to the Senator off the record. This is an economical, much more economical situation than we have been having where we have been running a few more divisions, but up and down without ever in any year having what we might have the following year.

The committee has made a very determined effort to reduce the ratio of combat to noncombat, or the other way around if you want to put it that way, and we have achieved, I believe, remarkable success in that field.

Another thing I think the Senator should realize is when we are speaking division, we are not speaking of any specified number of men. For example, the Soviet division is much, much smaller than ours. The Vietnamese division is even smaller than the Soviet division. Ours can range anywhere from about 20,000 to almost 40,000 men, either number being greater than the other divisions of countries that I have mentioned. When we get to talking divisions, I think we have to recognize that there is a difference to start with in the number of divisions between ourselves, say, and the Soviets.

I might say that there would be no way that this country could ever match the Soviets in manpower strength on the ground or in division strength by division.

For our own purposes we classify our divisions from 20,000 to 40,000, and equipment would go with it, depending upon the mission of that particular division. But if the Senator would like to find out the reasons, I urge him to do this because it is very, very interesting, and, unfortunately, it cannot be put into the RECORD and it cannot be discussed on the floor because when we begin to do this, then we get into information that would be of value to the enemy.

I will be perfectly honest with the Senator. I have had my briefing on it, but I stopped the briefing because I do not care to know the full nature of these reports when they are so highly classified.

I do feel and I am convinced that 13 divisions, 16 divisions, is a much more economical situation than we have had. I think in the course of the debate on the equipment alone the Senator will understand why this statement can be made.

To conclude, although I cannot say this figure can be applied across the board, we figure about $1 billion for each 100,000 men. This may go up to 120,000 men or down to 90,000, but $1 billion, roughly, is the savings in this field.

I thank the Senator from South Carolina.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. THURMOND. I yield.

Mr. WILLIAM L. SCOTT. I appreciate the Senator yielding, Mr. President.

I would agree with the thoughts that the Senator from Arizona has just expressed. He has indicated that in some instances there is classified information involved that he would prefer not to bring to the attention of the Senate generally, and yet we can look at page 3 of the report of the committee. We find on page 3 some observations regarding the growing trend of Soviet military efforts. Let me just share a few of those with the Senate:

> Prior to United States involvement in Vietnam the United States enjoyed a relative military advantage both in strategic and conventional arms over the Soviet Union. Since that time the Soviet military strength has been gradually increasing to a point which, if continued in the years ahead, could result in a shift of the military balance against the United States. This fact must be recognized in making a judgment on U.S. defense needs. The following examples illustrate this trend:
>
> 1. From 10 years ago the Soviet Union has increased its military manpower by about 750,000 to almost 4 million. The U.S., on the other hand, has reduced its military manpower by 585,000 to about 2.1 million men.
> 2. The U.S.S.R. within the last 10 years has maintained about the same number of major combatant ships and submarines. The U.S. compared to 10 years ago has reduced this category of ships by about one-third.
> 3. The Soviet Union has maintained a level number of tactical aircraft over the last ten year period while the U.S. has reduced their number by seventeen percent.
> 4. While the U.S. maintains a technological superiority with regard to research and development in certain areas, the Soviet Union is closing the gap.

Mr. President, I believe it goes beyond manpower. We must think about our manpower needs, but to me, if we are not going to match the Communist world man for man in manpower, then we have to be superior with regard to our weaponry.

I appreciate the distinguished Senator yielding.

Mr. LEAHY. Will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the Senator.

I have the utmost respect for the knowledge of the Senator from Arizona on troop strength and troop makeup around the world. He has demonstrated time and time again in the Armed Services Committee that he has nearly encyclopedic knowledge of that subject. However, in regard to the question of the senior Senator from Massachusetts concerning the proposed increase to 16 divisions, I am concerned that perhaps we may be limiting not only Members of the Senate too much by the cloak of secrecy but perhaps the public, those who have the ultimate concern and ultimately pay the bills.

It is extremely easy in discussing matters regarding the armed services to overly concern ourselves with the confidentiality of the facts contained therein. Frankly, I was somewhat shaken from my own experience on the committee at one time when we were shown an item labeled "Top Secret—Sensitive," and I had seen a photograph of the same item several months before in Time and Newsweek magazines. I find it a little difficult as a Member of the Senate to go behind closed doors on something I can read at a newsstand anywhere in the country.

When we talk about the question of larger military manpower strength of the Soviet Union, I would ask if in this debate we might go to the further question in public session as to just where that manpower is deployed. It seems to me that such facts are necessary if the Congress is to decide rationally what our force levels should be and if the American public is to be allowed to decide whether we acted wisely. If three quarters of a million Soviet soldiers, for example, are deployed along the Soviet-Chinese border, it certainly puts us at no disadvantage if we do not add three-quarters of a million of our own men on the other side of that border.

As far as talking about Soviet strength, the Soviets know what their strength is, and I do not think it will hurt if the American people also know. I believe it is only within that context that we can decide just what our own military manpower levels should be.

I suggest in the light of the question of the Senator from Massachusetts, that we, in the course of this debate, remove the shroud of secrecy from as many things as possible. Certainly we should remove it from those things that the Soviet Union already knows, and which might be good to let the American people also know.

Mr. GOLDWATER. Will the Senator yield that I might answer that statement?

Mr. LEAHY. Yes.

Mr. GOLDWATER. I am glad the Senator brought up this point. I have discussed this with him and with others in the committee. If we can expand this to a greater step, I would like to start it right here, if the Senator from South Carolina would permit. I believe that the Armed Services Committee and the Foreign Relations Committee should either be the same committee, that we be members ad hoc of each committee, or that we meet intermittently with each committee so that when we talk about things like troop strength members of the Foreign Relations Committee will have an idea of what we are talking about, and when the Foreign Relations Committee questions something that the Armed Services Committee does we will be in a better position to understand why they are questioning.

Mr. LEAHY. Mr. President, will the Senator from Arizona yield on that point for a moment?

Mr. GOLDWATER. Yes.

Mr. LEAHY. As the Senator from Arizona knows, there are some areas of general philosophy on which we are not in total agreement.

However, he also knows that in so many committee meetings that I have lost count he and I raised precisely that same point that he has just articulated; namely, that it is impossible, really, to debate defense policies absent foreign policy.

We would do a far greater service, not only to the Senate, in my opinion as a newcomer, but to the American people if, in conjunction with the discussion on the pending Military Procurement Authorization Act, we started a real debate on the act's relationship to our foreign policy. It makes no sense to develop fantastically expensive weapons systems and deploy troops and ships, whether it is in Diego Garcia or anywhere else in the world, without knowing precisely what our foreign policy is in a given area and how such actions complement that policy. Not only is it wasteful, but in a nuclear age I think it is extremely frightening and extremely dangerous.

I concur totally with the Senator from Arizona that that debate must be one within the Senate, but beyond that it should be followed by a continuing dialog between the committees having jurisdiction.

I thank the Senator.

Mr. GOLDWATER. Mr. President, I thank the Senator for that comment and go a bit further on that before trying to answer the question to the fullest extent.

I have discussed this with the majority leader over a year, probably 2 years ago and discussed it with the leadership of our committee. I know there are other Senators, particularly the younger members on the Armed Services Committee, who feel very strongly about this. That is to get into this business of manpower and why it is so classified.

Here is another area that I am trying to open up, as the Senator knows, so that members of the Committee on Armed Services can participate or sit through the war games that are constantly being played in the Pentagon or by the National Security Council.

When a Senator sits through one of these or even is able himself to suggest a nebulous or probable situation and then watch what the Joint Chiefs have to go through in coming to the answer of how many planes do we need, how many tanks do we need, how much manpower do we need, he can have a better understanding of the answer to the age-old question that is put to every military man, a study of the estimate of the situation, where one assumes that this will be the battlefield and one assumes that these will be the battle conditions, and one assumes that the enemy has this potential or that potential, even getting into weather, then I think we all on the committee would have a better understanding of how they arrive at probable troop strength.

As I say, I have received these briefings. I do not care to go through them in their entirety because some of them get into areas that I think the Senator will understand once he has two or three times sat through the war gaming, from which the Joint Chiefs and the National Security Council arrive at these figures that are later sent to us by the President.

I can assure my colleagues that these are not figures that are just drawn out of the air. I doubt that there is a country in the world that more meticulously selects the number of men and the numbers of equipment that is needed for possible battles—and that is the important word—than ours. We have no idea where the United States might next become engaged on the field of battle. It could be the Middle East, it could be the flats of Russia, it could be the wooded country and hills and mountains of Europe. It could be any place. We pray it will not be. But we would be very foolish if we did not prepare for any eventuality, and that is why the figure has been arrived at, and I say again, not happily, at the division strength that we are proposing this year.

The Senator will recall in discussion in the committee we talked about heavier troop strength cuts and decided it would be imprudent to do it at this time.

So I hope during the course of the entire debate that we are able to answer questions that would naturally come up from the colleagues in the Chamber who do not have to live with this problem day after day, month after month, year after year, as we do.

Mr. SYMINGTON. Mr. President, will the Senator yield to me?

Mr. GOLDWATER. I do not have the floor.

Mr. THURMOND. Mr. President, I was making an opening statement here, and I think time should be charged against each side. If it is agreeable, I wish to conclude. I am almost through. I would like to finish that statement.

Mr. KENNEDY. Will the Senator permit a unanimous consent request?

Mr. THURMOND. Yes, if the Senator will get his time from the right party so it will not be charged out.

Mr. KENNEDY. Mr. President, if the Senator will yield for a unanimous-consent request as I understand the time now is divided for these first 2 days between the chairman of the Committee on Armed Services (Mr. STENNIS) and the Senator from South Carolina, each getting 5 hours.

I do not think there will be any difficulty, and I have received assurances from the Chair. But I ask a unanimous request that we be able to be entitled to 5 hours to be divided between the Senator from California (Mr. CRANSTON) and myself, and that we have the ability to be able to make this presentation.

Mr. STENNIS. Mr. President, if the Senator will yield to me and observe this, the Senator from South Carolina is almost finished with his speech. Afterward, I would propose that we have a new agreement about the time in which the Senator from Massachusetts and his associates would have equal time with the proponents of the bill, and the Senator will control it.

Mr. KENNEDY. I thank the Senator.

Mr. STENNIS. The Senator will control it, and we will control the other and move along in the usual way.

Mr. THURMOND. I think that would be a fair way to do it because the Senator from Mississippi (Mr. STENNIS) and the Senator from South Carolina are together on most issues, and it would be fair for the other side to have equal time.

Mr. KENNEDY. That is perfectly agreeable.

Mr. BUMPERS. Mr. President, will the Senator permit me a unanimous-consent request?

Mr. President, I ask unanimous consent that Eric Forman, of my staff, Herbert Jolovitz and Doug Racine, of the staff of the Senator from Vermont (Mr. LEAHY), be accorded the privilege of the floor during the consideration of S. 920.

Mr. KENNEDY. Mr. President, will the Senator add Mr. Mark Scheider, from my office, to that unanimous-consent request?

Mr. BUMPERS. I add the name of Mr. Schneider to that unanimous-consent request.

Mr. SYMINGTON. Mr. President, will the Senator add the name of Mr. David Raymond to that unanimous-consent request?

Mr. BUMPERS. I add the name of Mr. Raymond, from the office of the Senator from Missouri (Mr. SYMINGTON), and I also add the names of Bill White and Mr. Roy Warrner, from Senator GLENN's office.

Mr. THURMOND. Mr. President while that is being considered I ask that there be included any members of the staff of the Committee on Armed Services.

Mr. BUMPERS. Mr. President I so request.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. SYMINGTON. Mr. President will the Senator yield so that I may ask a question of Senator GOLDWATER?

Mr. THURMOND. I am almost through with my opening statement. If

I could finish that then we can debate in depth these different issues that the Senator wishes to bring up.

My distinguished chairman has as we have seen him do so many times in the past done a magnificant job on this bill and also in getting the bill to the floor in compliance with the spirit of the Budget Act. I wish to compliment our distinguished subcommittee chairmen, comprised of Senator CANNON, tactical air power; Senator MCINTYRE, research and development; and Senator NUNN, manpower and personnel; who did excellent work in their respective areas. Each will present a separate report later. I also wish to compliment the minority members, Senator TOWER, GOLDWATER, WILLIAM L. SCOTT, TAFT, and BARTLETT, for their fine cooperation and the effective work they did on this bill.

I urge each of my colleagues to support S. 920, as reported. Again, I state this is not a perfect bill, but we think it is a good bill. If some of us could have had our way, many of these items would have been increased and some changes would have been made. However, it is a bill that the Committee on Armed Services has agreed upon and has brought to the floor; and we hope that the bill will not be altered to any great extent, for the benefit of our country and the defense of our Nation.

Mr. McINTYRE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield as much time as may be necessary for me to deliver this brief report of the subcommittee.

Mr. STENNIS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McINTYRE. I yield.

Mr. STENNIS. Mr. President, the majority and minority members of the committee have made an overall presentation. Customarily, the chairmen of our subcommittees have followed, and I appreciate the attitude of all in letting them follow now. I think there should be another understanding about the division of time. The way it reads now, the Senator from Mississippi and the minority leader control all the time; whereas, the Senator from Massachusetts and the Senator from California, who requested these 2 days of debate, should have control of half the time, I believe. So I ask the majority leader to make the request that the remainder of the time for today and tomorrow be controlled in that way; then, on Wednesday, Thursday, and Friday, the other agreement will control.

Mr. MANSFIELD. Mr. President, if the Senators will allow me, I ask unanimous consent that the time be equally divided between the distinguished Senator from Mississippi, the chairman of the committee, and the distinguished Senator from Massachusetts (Mr. KENNEDY), or the distinguished Senator from California (Mr. CRANSTON), or whomever they may designate, the time to be equally divided for the remainder of today and tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Mr. President, reserving the right to object, I ask for a clarification.

As I understand it, we are really talking about two different matters here. If I recall correctly, a letter I signed had to do with foreign policy, and the discussion was to begin today. We are also beginning the discussion of the armed services. Will the unanimous-consent request cover the foreign policy discussion and the military discussion?

Mr. MANSFIELD. As the Senator knows, it is pretty hard to disassociate these two elements in many areas. However, it was agreed that we would have 2 days of debate, and if foreign policy and defense are intertwined, I think it is understandable. I believe that the suggestion by the chairman is the best way to face up to this situation—for only 2 days.

Mr. GOLDWATER. For example, I have not made my opening statement. I have one on armed services and one on foreign policy. So I do not know which side to lean toward and not be charged with the use of time.

Mr. MANSFIELD. No, that time would not be charged against the Senator, except under the agreement, and he could use either or both, whichever way he decided.

Mr. GOLDWATER. One more question, and I will not object: Will this time limitation have any bearing, say, on the discussion of a weapons system such as the B-1 or SAM-D or anything like that?

Mr. MANSFIELD. The amendments will come the last 3 days of the week. But if during the course of this discussion on foreign policy and defense we get into the B-1 or the Trident or other things, they will have to be considered incidental.

Mr. GOLDWATER. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask the Senators from California and Massachusetts if they will make sure that those who offer amendments at the proper time will be given due consideration.

Mr. KENNEDY. They certainly will.

We all have statements to make, and I am hopeful that we can put those statements in the RECORD and begin to talk about some of these matters. The time is going on.

I want to follow the procedures, to the extent that the members of the committee want to make their presentations. We have begun to talk about some of the matters which are of great interest. We have only a couple of days in which to do it, and I hope we will be able to get the more formal aspects of our presentation over with.

I should like to make a final comment with respect to the statement of the Senator from Arizona, and then I will yield the floor at this time.

As to the question of the presentation of the Committee on Armed Services, I feel that we are entitled to an explanation of change in the strategic situation and conventional defense threats, and the foreign policy implications of an increase in the number of divisions.

The Senator from Arizona has pointed out the significance and the importance of secrecy in these matters. I think we are completely prepared and equipped under the rules of the Senate, if necessary, to go into secret session and listen to the justifications for this matter.

The fact is that in fiscal years 1972, 1973, and 1974, only 13 divisions were requested by the Secretary of Defense. It was raised to 14 in 1975, and now we have a committee recommendation to go up to 16 combat divisions.

It seems to me that even with the dramatic change in our military situation in Southeast Asia in the last few weeks, of which we are all aware, we should have the opportunity to consider what the strategic implications are of these kinds of requests.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KENNEDY. I hope that if they are going to be of a sensitive and secret nature, the members of the committee or others will be prepared to make some observations under the kinds of security we have.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McINTYRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McINTYRE. Who has the floor?

Mr. STENNIS. Mr. President, I yield the Senator from New Hampshire 20 minutes.

Mr. GOLDWATER. Mr. President, I would like to answer a question put in a personal way, if I may. I think we have that personal privilege.

I point out to the Senator from Massachusetts that if he is looking for the saving of money, our troop strength is lower today than it has been in the last 3, 4, or 5 years. While we are asking for another division or three, we are doing it with fewer men. So we get into the subject of the size and composition of the divisions.

I hate to say this: It cannot be discussed on the floor of the Senate, either in closed session or open sesion; because, as the Senator knows, there is no such thing as a closed session, and any discussions we might get into would be of benefit to the enemy.

Mr. McINTYRE. Mr. President, I have the floor, and I intend to deliver a very short report on the work of the Subcommittee on Research and Development in the last 6 months.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 79–565, appoints the Senator from Ohio (Mr. GLENN) to the U.S. National Commission for the United Nations Educational, Scientific and Cultural Organization.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The Senate continued with the consideration of the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

Mr. McINTYRE. Mr. President, as chairman of the Subcommittee on Research and Development of the Committee on Armed Services, a position which it has been my privilege to hold for 7 years, I would like to speak in support of the committee recommendations on S. 920, the military procurement authorization bill for fiscal year 1976 and the 3-month transition period 197T.

Before addressing the research and development part of the bill, there are some general observations which I would first like to make.

The United States today stands at a critical crossroad in its history. We are still mourning our valiant dead and healing the wounds we suffered in South Vietnam. We are smarting from the sting of our disgorgement from Southeast Asia. Our national prestige and national pride have suffered a sharp rebuff. Our international position has been weakened and even the closest of our allies have expressed some concern. Our efforts to bring a real peace to the Middle East have been unsuccessful. We have antagonized our Greek and Turkish allies.

In England and Spain there is talk about closing our strategic submarine bases. And Portugal may force us out of the Azores.

If I were a pessimist, Mr. President, I would be tempted to join the gloomy little fellow who appears in the Li'l Abner cartoon with a dripping black rain cloud following him wherever he goes. In a real sense, many of our fellow Americans act that way and speak in antiquated isolationist tones.

But I am an optimist as well as a realist, Mr. President. I reject the prophets of gloom and doom. I am bullish on America. And I was greatly encouraged by the unanimity of the Nation's support of our quick and highly effective reaction last week to a blatant act of piracy on the high seas.

Some believe that it was a subtle and planned test of our mettle. But whether or not it was, our country recovered a substantial measure of respect in the eyes of the world by its commendable performance.

While we all share the grief of the families of our men who were lost or injured, it was not in vain. Who knows what the crew of the *Mayaguez* and their families would have suffered if we had not acted so boldly and so decisively.

Let us recognize one salient fact, Mr. President, that should stand out in the mind of every American citizen. While we cannot and should not be expected to police the whole world, whether we like it or not we are the leader of the free world. It is largely our dominant strategic force which has insured peace among the great powers for the 30 years since World War II. No other single nation in the free world has had the financial resources, technical knowledge, and industrial capability needed to achieve that goal.

The situation today is much more promising for the free world than it has been over these past 30 years. While the strength of our potential adversaries has grown substantially, we have continued to maintain a position which deters aggression. And the balance tips even heavier in our direction when we add the resources of our NATO and other allies. However, the competition for the lead is keen and we must not be deluded into complacency by those who would arbitrarily impose across-the-board reductions in defense spending.

We must maintain our strong military posture until mutual disarmament becomes a reality. But we must also carefully examine the specific details of the Defense budget and approve only what is essential.

Although I have disgressed somewhat from the main thrust of my statement, Mr. President, I considered it necessary to bring these historical and philosophical views into proper perspective before addressing the specific actions of the committee on the bill.

As a general observation I might simply state that the United States, in the primary interest of its own future peace and prosperity, which in a real sense is indivisable from the future peace and prosperity of our allies, if not the entire world, must continue in its historical leadership role. The reality of peace, the achievements of SALT, the opportunities within détente, all depend on the expensive precondition of America's military strength. Our adversaries are driven by provincial, willful military bureaucracies. Their government is mired in an ideology which celebrates conflict and insists upon ultimate triumph. We must show them through word and military fact that it is in their compelling interest to restrain their military and to reshape their dogmas.

Now turning to the pending bill, I was concerned at first glance that the Defense budget had broken the $100 billion threshold, but even more so that the research and development request was the largest ever submitted and finally had grown beyond the $10 billion mark. But, as the subcommittee began its long series of hearings and the details began to unfold, a different picture emerged. Most of the increase was the direct result of the high rate of inflation, and did not in fact provide a major increase over fiscal year 1975. I will elaborate on this later.

The subcommittee took a new approach this year in an effort to obtain a better understanding of the priority and emphasis assigned by the Department of Defense to the major strategic weapon system developments. The initial hearings were devoted to presentations by representatives of the Defense Intelligence Agency, the Deputy Assistant Secretary for Strategic Programs in the Office of Programs Analysis and Evaluation, and the Deputy Director for Strategic Systems in D.D.R. & E. These provided an excellent background when the subcommittee held hearings on the various strategic developments included in the budget. These had a direct bearing on the subcommittee's unsuccessful effort to delete all funds for the five counterforce programs. I will cover these later.

The subcommittee was faced with a tighter schedule this year than ever before. My very good friend, the distinguished Senator from Mississippi, had established a goal of May 15, 1975, to complete full committee action on the bill. To meet this schedule, the subcommittee had to complete its review of the bill and report its recommendations to the full committee two weeks earlier than in the past. We met this goal, and I am proud to state that it was done with as complete and as thorough a review as before.

This year, the subcommittee has three new members, Senator JOHN C. CULVER, the junior Senator from Iowa; Senator PATRICK J. Leahy, the junior Senator from Vermont; and Senator ROBERT TAFT, Jr., the senior Senator from Ohio. Together with my good friend, Senator BARRY GOLDWATER, we had an outstanding team. I must pay a special compliment to Senator CULVER and Senator LEAHY, whose attendance at hearings was excellent and who made substantial contributions in hearings and in markup sessions.

My able colleague, Senator GOLDWATER, attended whenever he could, considering the demands of other subcommittee and committee assignments. Senator TAFT was unavailable for our early sessions because of illness, but I am pleased to say that he has fully recovered, and attended most of the later sessions when he returned to work.

Now, Mr. President, turning to the subcommittee action, we held 30 hearings, which included appearances by all of the officials of the Department of Defense primarily responsible for the research and development program, as well as individual program managers responsible for specific major weapon system developments. These included the Director of Defense Research and Engineering, the three service Assistant Secretaries for Research and Development, and their military counterparts.

At the outset, the subcommittee recognized that the $1.6 billion increase represented by the request for $10.2 billion for fiscal year 1976 over the $8.6 billion authorized and appropriated for fiscal year 1975 could easily be misunderstood by a simple comparison of dollars. It is important to understand that only $700 million of the $1.6 billion increase represents real effort. Of the remaining $900 million, $700 million is for inflation and $200 million for items transferred from other accounts.

Therefore, the committee reduction of $494 million applies to real effort and provides only $206 million or 2.4 percent over the R. & D. program for fiscal year 1975.

The subcommittee recommended a reduction of $646.5 million, or 6.3 percent, from the $10.2 billion requested for fiscal year 1976, and $233.7 million or some 9 percent from the $2.7 billion requested for the 3-month transition period, 197T. However, the full committee reversed the subcommittee recommendations to terminate one major Army program, site defense, to delete the total request for 5 counterforce programs, and also restored funds to the B–1 program.

In the case of site defense, the subcommittee had recommended termination of this program because it was unnecessary, could be deployed only at a single Minuteman site under the ABM Treaty, and was too costly to develop and produce.

The committee rejected the subcommittee recommendation and restored $70 million of the $140 million deleted in fiscal year 1976, and $19 million of the $38 million deleted for 197T.

The committee reversed the subcommittee recommendation and restored $109.7 million in fiscal year 1976 and $33.7 million in 197T for the five counterforce programs. I will not discuss these now but will make my arguments when my amendment—which is co-sponsored by the distinguished Senator from Massachusetts (Mr. BROOKE)—to delete these amounts is debated on the floor when the bill is debated.

The subcommittee recommended deletion of all procurement funds and production-related funds in R. & D. for the B–1, the remaining funds to be used for continuation of the three aircraft prototype progam and to begin building a fourth prototype. The subcommittee considered that, with only eight flights having been conducted, a full year of flight testing and further development should be accomplished to prove the technical soundness of the B–1 and permit resolution of any other issues relating to need for the B–1 against other alternatives. This recommendation deleted $160.8 million in fiscal year 1976 and $69.8 million in 197T for R. & D., and all $77.0 million in fiscal year 1976 and $31.0 million in 197T for production.

The committee accepted the recommendation to deny all production funding, but restored $85.8 million in fiscal year 1976 and $30.5 million in 197T for R. & D. based upon a revised Air Force estimate of the amount needed for research and development. I am not satisfied that these restored amounts can be completely justified.

Other major reductions recommended by the subcommittee and adopted by the full committee include:

First. Termination of the Army heavy lift helicopter program with savings of $13.8 million. This helicopter is not required and is not approved for inventory by the Department of Defense;

Second. Reduction of $18.6 million of the $19.5 million requested for the Army advanced scout helicopter because the Army has not yet decided on the specific characteristics of this aircraft;

Third. Reduction of $42.9 million of the $81.0 million requested for Navy advanced and engineering ship development because the various ship programs proposed are premature; and

Fourth. Reduction of $138.0 million for various programs determined to be in excess of program requirements during fiscal year 1976 and 197T due to program slippage, unrealistic schedules, or changes in requirements since the budget was submitted.

Turning now to certain subjects which I consider should be brought to the attention of the Senate, I should like to talk first about tough decisions which are needed but not to being made by the Secretary of Defense.

Whether it is momentum, sunk cost arguments, or simply intensive lobbying, terminating an ongoing program in the Department of Defense is as difficult as stopping a 10-foot flood crest with a 5-foot dam. It just does not happen. The Department of Defense was hard pressed to identify any major weapon system program that was terminated during the past year. Moreover, the Department, with minor exception, was unable to identify any major weapon system that was not in some stage of development.

This proliferation of weapon systems, aggravated by an unwillingness or inability by Defense to terminate marginal or unnecessary programs, is a challenge to any frugal mind, and I have one of them.

My reaction this year was to propose termination of the site defense program, the five counterforce programs, and the heavy lift helicopter program. I am sorry to report that my batting average was not very good. But, I will continue to look for these opportunities whenever they arise and I will act in the same determined manner.

I am looking forward to the results of the Defense Science Board study, to be conducted this summer at the request of D.D.R. & E., to help identify areas for reduction or elimination. I hope that the results will have substance and that the Secretary of Defense will act boldly and firmly to implement any recommendations.

A second important subject is the success that the Department is having in pursuing the many advantages of cooperative research and development and standardization of equipment with our allies. The selection by the U.S. Army of the French/German developed Roland II, Short Range Air Defense System, to be produced in the United States, is a major milestone of far greater significance than is generally realized.

It demonstrated by positive action, and not merely rhetoric, that the Department of Defense, with full congressional support, is willing to overcome the long-entrenched parochial, not-invented-here attitude and save the billions of dollars wasted annually by the NATO alliance in unwarranted duplication of research and development.

Extending this cooperative attitude to standardization of weapons, munitions, and other logistic support will dramatically improve the combat efficiency of the alliance and has the potential for annual savings estimated at $10–$15 billion.

The committee has demonstrated its full support of standardization by adopting a new section 804 in the bill which will establish this policy in law and serve as a precedent for other NATO members to take the same step. I urge strong support of this provision in the bill.

Finally, I should like to reflect on the decision of the Department to reduce the defense research and development organization by some 6,000 civilian employees and 345 military personnel. During the past 10 years, in-house laboratory personnel has decreased by about 10 percent, while inflation forced salaries up by about 40 percent. This meant that a greater share of R. & D. funds was being used in-house at the expense of contract and university research and development. The Director of Defense Research and Engineering was emphatic in his concern that continuing this growing imbalance would be detrimental to the future quality of research and development. I accepted the merit of his logic with the assurance that most of the civilian personnel cuts would be accomplished by normal attrition and would not require reductions in force.

In conclusion, Mr. President, with the exception of the subcommittee reductions which were restored by the full committee, I am in full accord with the research and development program as reported in the bill, and urge my colleagues to give it their full support.

I am convinced that it is austere and realistic, and that it provides for the essential technology needed to keep ahead of our potential enemies, and that it will provide the future weapons vital to the defense of this Nation.

I cannot close, Mr. President, without paying a well deserved compliment to the staff assistant on Armed Services that works on the R. & D. Subcommittee, Mr. Hyman Fine. With some 37 years of service to the U.S. Government, Mr. Fine, by his tough questioning, by his long and detailed hours and work, is a very, very strong reason that we can accomplish the things we do and are able to accomplish our research and development.

Also, I cannot sit down without thanking and complimenting the distinguished chairman of the committee who, despite all the difficulties that are encountered and the long and sometimes pretty argumentative debates that take place in the committee, keeps his cool, keeps his calm, and is just a wonderful leader of that committee.

With that, Mr. President, I ask unanimous consent that Mr. Larry Smith and Mr. Robert Span of my staff be given the privilege of the floor during debate on S. 920 and any votes thereon.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

Mr. STENNIS. Will the Senator yield to me?

Mr. McINTYRE. Yes; I yield.

Mr. STENNIS. Mr. President, I am sure the Senate owes a debt of gratitude to the Senator from New Hampshire—I know our committee does and I as chairman—for the work he has done and the interest he has shown. He works a straight 13 months out of every 12 on these matters. He is very emphatic. He and I happen to have different ideas about the needs or propriety of these items, but we find a way to get along and I am grateful to him.

Mr. President, subject to one exception, I feel that the Senator from Massachusetts and the Senator from California could use some time now, but I do want to yield 15 minutes to the Senator from Nevada, who is chairman of our Subcommittee on Tactical Air Power. He will be held up all day tomorrow at the Committee on Rules on a matter that he has there.

Mr. TAFT. Mr. President, as the ranking minority member of the Research and Development Subcommittee, I wish to speak in support of the research and development recommendations in the bill.

Senator McINTYRE, the distinguished chairman of the Research and Development Subcommittee, has covered the recommendations in detail, so I will not dwell on those. However, I would point out that the outstanding and thorough report just presented by TOM McINTYRE is indicative of the same thoroughness with which he examined the many program requests that came before the subcommittee.

Unfortunately, I was unable, because of illness and an eye operation, to attend the majority of the more than 20 hearings that were held. This being my first session as a member of the subcommittee, I was looking forward to my work in this fascinating and important field.

However, even though I was unable to participate to the extent desired, my limited exposure to the subcommittee activities has merely reconfirmed my belief in the essentiality of a strong R. & D. program. In that regard, I am impressed with the ability of the Department of Defense to manage, as well as it does, an effort of this size.

Also, as a nation we are fortunate to have the people, both in government and industry, who can provide the technology needed to keep our defense establishment ahead of potential adversaries. Still, even with this talent, it takes good management by the Department of Defense to insure the most is made of this national capability.

Mr. President, reviewing the testimony given to our subcommitee, I was impressed with the conceptual and management framework for our Defense research and development programs. Dr. Malcolm R. Currie, Director of Defense Research and Engineering, told the subcommittee that defense R. & D. programs fall essentially into two groups, each having different objectives.

In group I, the objective is the creation and demonstration of options which may be useful for future military capabilities. This group includes those programs in the advanced development category such as, the so-called strategic initiatives programs, the advanced medium STOL transport and the site defense program. This group also includes the thousands of projects in the "technology base" that are conducted within the basic and applied research categories.

The advanced development programs within group I are generally brought on at a conservative pace and proven through trial and error. As a system progresses they are modified as required, and confirmed that they could be developed as a viable, integrated system. They are not, necessarily, oriented toward production and the inventory of a particular service. The cost, in relative terms, to keep a program in advanced development is low. Dr. Currie points out that because of this relatively low cost, we are able to pursue a number of programs, any one of which could be selected for group II as our national policy might require or as an external threat might dictate.

In group II, the objective is full-scale development for potential deployment. This category is generally referred to as engineering development and currently, for example, includes such programs as Army's UTTAS helicopter, Navy's AEGIS shipboard air defense system, and Air Force's B–1 strategic bomber. Programs in engineering development, sometimes referred to as full-scale development or operational system development, involve a considerably greater cost than advanced development. This is because of the much greater engineering, the design for conformance to full military specifications, the controlled and complete documentation necessary for eventual possible procurement and production, the design of support equipment, training requirements and extensive test and evaluation.

Therefore, it is a very important decision when a program is moved from group I to group II, or from advanced development to engineering development. The decision to advance a program is made, essentially, by the Secretary of Defense or the Deputy Secretary of Defense and then, only after a favorable recommendation by the Defense Systems Acquisition Review Council. Even with a favorable recommendation, the Secretary may elect not to advance a program.

The decision to advance a program does not rest exclusively with the Department of Defense. Further control is exercised by the Congress through the authorization and appropriations process. For example, on our R. & D. Subcommittee, we are especially alert to those programs for which funds are requested for the first time in engineering development. The subcommittee frequently recommends against requests to advance programs to engineering development.

It is my opinion that program cancellation, if required, should generally occur while the program is in group I, or advanced development. I think it is good procedure to allow ample time for these programs to meet the criteria required for engineering development but if they show no promise of becoming options which are required for future military needs, they should be canceled. The point here is that, we should generally not get ourselves in the position of having to cancel programs after large sums have been expended on them in engineering development. When this occurs, it usually means our collective management, meaning the Department of Defense and the Congress, has been faulty.

The heavy lift helicopter is an example of a program that is being recommended for termination while still in advanced development, or group I. It was the opinion of the subcommittee that in these times of fiscal constraint, we could no longer afford to pursue this option, especially an option for which there had never been a stated formal requirement. While a full flight test program with the prototype would be desirable, the subcommittee felt it was not absolutely essential to have completed such a program in order to reestablish the program, if required, at a later time. The majority of the component technology would still be available for any future program.

A final point I would like to make on the heavy lift helicopter is that, as things now stand, it was never destined to be anything more than an advanced development program. Consequently, as we made the tough decisions between a large number of competing programs and a limited number of dollars, we felt priority must be given to those higher priority systems already validated for the defense inventory.

Of course, there is another critical decision point in the R. & D. process and that is when a program graduates from engineering development to production and procurement. There are several major programs that are about to reach this point, with the largest, and probably most controversial, being the B–1 strategic bomber.

Let me stress that there are no funds in the committee recommendation related to B–1 procurement. Said another way, the committee recommendation in no way preempts the B–1 production decision scheduled to be made next year. The B–1 program will remain in engineering development.

I would like to point out that the amount recommended in the bill for the B–1 is more than was recommended by the R. & D. Subcommittee. However, the funding recommended supports the same program recommended by the R. & D. Subcommittee which continues the original three aircraft programs and authorizes the start of the fourth development aircraft. The amount recommended is the amount Air Force stated is required to carry out that program as directed by the committee.

Mr. President, as Senator McINTYRE has stated,

> **This is the largest amount for research and development our committee has ever recommended for authorization.**

However, I would like to reiterate, as the committee report explains, that the increase requested over last year is not a real increase, in effect, as compared with the amounts available in fiscal year 1975. In fact, most of the increase is needed to stay abreast of the high rate of inflation and to provide for items which were included under other appropriations in prior years. Setting aside funds required for these transfers and for escalation, the fiscal year 1976 request asked for an increase in real effort of about $700 million, or 8.1 percent. Therefore, the effect of the committee recommendation to reduce the request by $494 million is to provide a real increase of only 2.4 percent.

Mr. President, at an appropriate time I intend to offer two amendments related to ship development advanced engineering and advanced hydrofoil craft. With these two exceptions, I support the research and development section of the bill as presented and I urge my colleagues to do the same.

Mr. CANNON. I thank the distinguished chairman of the committee for yielding to me.

Mr. President, as we discuss our national defense posture, our national defense needs, and our conventional forces including tactical airpower, I want to provide some personal perspective on the latter issues today to include a discussion of what tactical air is and what it does, review the tactical air missions and force structures of the services, the equipment that they buy to fulfill these missions, and then I will conclude by presenting the report and recommendations on tactical air programs that the subcommittee and the full Armed Services Committee have included in this year's authorization bill.

THE NEED FOR TACTICAL AIRPOWER

Tactical airpower takes a significant part of the overall Defense budget, with roughly one-quarter of the weapons program funding being spent on Tac Air and also a large share of the overall budget including personnel and operating costs going into this functional area. With this large an investment of resources in this one category, the committee believes it is incumbent upon us to give a special scrutiny to our overall needs for Tac Air and also to review the individual weapons programs most carefully. As a first question, we must ask, "What is tactical airpower, and why do we need it?"

The end result of the use of tactical airpower is the delivery of ordnance on target. The distinguishing characteristic of tactical air ordnance is that a heavy volume of firepower can be delivered in a rapid period of time on the target or targets. Modern day strike warplanes can deliver payloads measured in tons per airplane, can move swiftly over long distances to hit their objectives, and their firepower can be massed as multiple sorties are applied to a particular target area. The results of tactical airpower can be devastating when air superiority has been obtained by the attacking side so the strikes are made unrestricted by any defenses. Perhaps the most outstanding recent example of the dominance of tactical airpower in the results of a war was in the 1967 Arab-Israeli 6-day war. There, the Israelis essentially destroyed the Arab air defenses in the first few minutes of the war by catching their fighters on the ground, and the Israelis then went on to wreak havoc on the Egyptian tank columns in the Sinai because they had uncontested control over and use of the air.

THE 1973 YOM KIPPUR WAR—A MODERN EXAMPLE

From this devastating lesson, the Arab States learned well that tactical air cannot be permitted a free run within one's airspace, and they adopted a modern day posture including all of the supporting elements required to fill out an air defense system. These include hardened shelters for aircraft parked on the ground, an integrated radar warning and command control network, an overlapping surface-to-air missile system, electronic jamming of enemy radars and communications, and a large force of air superiority aircraft.

The October 1973 Yom Kippur war was a more representative example of the likely scenario of tactical air warfare in the future. There, the Arab defenses fought the Israeli air offense essentially to a standstill in the furious early stages of that battle, and close air support and even tactical battlefield interdiction was denied to the Israelis in those first grim days until the defenses eventually were suppressed and air strikes could operate again with relative freedom.

As studies of that war have shown, the Israelis were not prepared at the outset of the 1973 conflict to face a modernized defense system. They lacked adequate electronic countermeasure equipment, defense suppression weapons, and precision guided munitions that are required to attack present day defenses, and their early losses were staggering, particularly when their limited inventory of tactical airpower is considered. Tactical air could not play the dominant role for the Israelis in 1973 that it had 6 years earlier when the Arabs were unprepared.

The detailed studies that our own Defense Department has made of that war have concluded that it validated the need for modern and sophisticated tactical air weaponry, both offensive and defensive, and the proponents of "simple, inexpensive, but effective" weapons systems for our own forces would do well to review the lessons of 1973 before coming down too strongly in support of that elusive and nonexistent panacea.

These are but two possible historical examples of the potential of Tac Air. In short, they show that tactical air can be a devastating instrument of firepower, even though it is costly. It can be the dominating element on the battlefield if applied to its maximum capability against a suppressed or inadequately defended opponent. On the other hand, when modern defenses must be surmounted, then a sophisticated and integrated system including command and control, defense suppression, and electronic warfare must be utilized to permit air superiority to be gained and to allow the full weight and effectiveness of tactical air power to be applied.

MISSION AREAS OF TACTICAL AIR

With this background to provide a context for our consideration of the various forces and programs reviewed by the Tactical Air Power Subcommittee, we on that subcommittee look at the aircraft programs as falling into two general categories, combat aircraft and combat-support aircraft. The missions of the combat aircraft are as follows: air-to-air fighters; light attack, the close air support, and daylight interdiction dive bombers; and heavy attack, the deep interdiction all-weather bombers. The current airplanes used for these missions, and their successors now in R. & D. or initial production, are listed in the following table:

Combat aircraft

Air-to-air fighter

Air Force: current F–4, future F–15, F16. Navy and Marines: current F–4, future F–14, F-18.

Light attack

Air Force: current A–7D, F–4, future A–10, F–16. Navy: current, A–7E, future F–18. Marines: current A–4M, Harrier, future Advanced Harrier.

Heavy attack

Air Force: current F–111, future F–111. Navy and Marines, current A–6, future A–6.

The combat support aircraft, in the view of the Tactical Air Power Subcommittee, includes those planes which do not deliver ordnance, although they very well may fly in combat areas. These are in five mission categories: electronic warfare tactical jammers, radar warning and control, reconnaissance, refueling tankers, and tactical airlift. The following table lists the aircraft programs that fulfill these missions, now and in the future:

Combat support aircraft

Support jammers

Air Force: current, none, future EF–111. Navy: current, EA–6B, future EA–6B. Marines: current EA–6A, future EA–6B.

Radar warning and control

Air Force: current, none, future AWACS. Navy, current E–2B, future E–2C. Marines: current, none, future, none.

Reconnaissance

Air Force: current RF–4C, future RF–4C.
Navy: current RA–5C, RF–8, future RF–18.
Marines: current RF–4B, future RF–4B.

Tankers

Air Force: current KC–135, future KC–135.
Navy: current KA–6D, future KA–6D.
Marines: KC–130, future KC–130.

Airlift

Air Force: current C–130, future AMST.
Navy: C–1, C–2, future S–3 COD.
Marines: current KC–130, CH–46, CH–53, future KC–130, CH–46, CH–53.

These two tables are pretty much self-explanatory as to what are the current aircraft and what we will be operating when today's development projects are completed and result in new production.

SERVICE FORCE STRUCTURES

The services operate their tactical aircraft structured into air wings for organizational control. The composition of the air wings in the three services differs markedly, however, so their individual strengths cannot be compared by looking at the relative number of wings each is operating. When looking at each years budget request, the subcommittee reviews the 5 year force plan for each of the services to see where the new planes will fit and what will be replaced. We also consider the modernization of the Guard and Reserves when reviewing these force structure and procurement plans.

An Air Force tactical air wing consists of 3 squadrons of the same type airplane, with 24 airplanes unit equippage—U.E.—per squadron. For example, an F-15 wing has 72 U.E., or officially assigned, airplanes. The Air Force presently is operating 22 wings U.E. of combat aircraft, the fighters and light and heavy attack planes. This year's force structure plan shows a force level of 1,584 U.E. airplanes, an increase of 12 planes over the fiscal year 1975 level of 1,572, due to the addition of 12 F-111s to the all-weather heavy attack force. Essentially the 22 Air Force wings will be composed of 14 F-4 wings, 4 F-111 wings, 3 A-7D wings, and initial elements of an F-15 wing plus some other F-4 units.

PLANNED INCREASE FROM 22 TO 26 WINGS

The Air Force discussed a plan to increase their active force to 26 wings of U.E. aircraft by the 1980's. This plan is based on holding the current manpower level in the Air Force constant and achieving the four additional wings within the current manpower level by using two methods. First, headquarters and other support-type personnel spaces would be reduced, and the people would be used to man new active aircraft squadrons. Second, new airplanes now in R. & D. or initial production are predicted to require fewer pilots and also less maintenance support; and as these new planes, the single seat F-15, A-10, and F-16's replace existing planes, such as the 2-place F-4's and the single seat A-7D's, the individual squadron manning levels are expected to decrease so that more squadrons can be formed from the same manpower pool.

Now a significant point that I want to emphasize very forcefully is that this year's budget authorization request does not contain any funds which implement this proposed future increase from 22 wings to 26 wings in the Air Force. All of the new airplanes requested in fiscal year 1976 and the 3-month transition period will be used to modernize squadrons within the existing 22 wings, and the airplanes that leave these squadrons in turn will be transferred to the Air Guard and the Reserves so that the oldest aircraft they use, such as the 25-year old F-100's, which are obsolete, can be sent to the scrap yard. The same statement holds true for the fiscal year 1977 budget, as presently planned, because the active force level for fiscal year 1977 will not change from fiscal year 1976. So this current budget request essentially is one for force modernization rather than force level increases. The plan to increase from 22 to 26 active wings of U.E. aircraft will be simply a plan until we consider the fiscal year 1978 budget request 2 years from now.

NAVY FORCE LEVELS

The Navy's tactical air wing force level is dependent directly on the number of commissioned aircraft carriers, as the Navy assigns an air wing to each carrier. A Navy air wing differs in composition from an Air Force wing, however, since the Navy wing contains a mix of all of the various types of combat and combat support airplanes that make up a single carrier's deck load of planes. Also Navy fighter and attack squadrons have 12 planes versus 24 in an Air Force squadron.

A typical Navy wing contains 24 fighters, 25 light attack dive bombers, and 12 all-weather heavy attack planes for a total of 60 combat aircraft, plus another 15 odd combat support aircraft. Under the new CV concept an alternate antisubmarine complement of 10 S-3's and 8 ASW helicopters can be placed on the carrier, but some of the strike and support planes must then be sent ashore.

The Navy will retire its two World War II small carriers, the *Hancock* and *Oriskany*, in fiscal year 1976, dropping the carrier level to 13. The Navy then plans to maintain a 13-carrier level through the 5-year planning period, with 12 of these ships deployable with air wings and the 13th acting primarily as a training and reserve ship. This last carrier will not have a dedicated air wing, so the Navy force level will decline to 12 active wings by the end of fiscal year 1976. The fiscal year 1976-7T procurement plans are in consonance with this force structure, and represent modernization rather than any basic changes of equipment or concept.

MARINE CORPS AIR WINGS

With the Marines we see still another composition of an air wing. The Marines operate 3 air wings to match their 3 active Marine divisions, while the 4th Marine Air Wing in the Reserve matches—in name only, not in actual strength—the Marine ground Reserves in the 4th Marine Division.

A Marine air wing is composed of the same basic combat elements as a Navy wing, in that it includes fighters and light and heavy attack airplane squadrons. Also the Marines operate combat support airplanes similar in function to the Air Force and Navy's with the single exception of airborne radar warning planes which the Marines do not have. Also the Marine air wing contains helicopters, both troop lift and gunships, which are not used by the Air Force or Navy but are, of course, comparable to what is included in the Army's aviation assets that go with their ground divisions.

The primary differences in the Marine air wings as opposed to the Air Force and Navy are in composition and in size. The typical Marine wing is a composite group of fixed wing and helicopters, and also the Marine air wing is larger than an Air Force or Navy wing, averaging about 300 U.E. aircraft in total assigned to each wing. The Marine out-year force structure plan does not change significantly in size or basic composition.

FORCE LEVELS REQUIRED

This now brings me to a discussion of how much tactical air do we need in our active forces, and in our Reserves. This issue, of course, is the central theme of our debate today. I want to emphasize that the following thoughts are my own on this subject and do not reflect any position discussed by or adopted by the Tac Air Subcommittee.

Consideration of force levels must, of course, be predicted on national policy considerations—that is, what do we want to accomplish as a nation with our Armed Forces, and then do we have an adequate force to fulfill those goals. Without dwelling specifically on the former point, I want to bring out some of the considerations that affect the latter question of, "Do we have enough—or too much, or too little?"

First of all, force levels are sized or calculated by the Joint Chiefs of Staff in the Pentagon to carry out whatever national policy is set by the Secretary of Defense, that is, the familair 1½ wars or 2½ wars, or whatever is the currently popular statement upon which to war game our forces. The Joint Chiefs studies invariably show that we do not have enough military manpower and equipment in being to fight all of the conflicts postulated by the Secretary of Defense's policy guidance. In fact, it is my impression that as a rough rule of thumb we usually fall about 50 percent short, as a minimum, from what is believed required by the JCS analyses. The reason, of course, is that as a practical matter our defense budgets do not support those levels of forces, and, therefore, we fall far short of those goals.

A second way of considering our force levels is by the "order of battle" approach, that is, by comparing what we—and our allies—have in the way of men and equipment, as compared to what potential adversaries could mount to oppose us in any given area. Most of us are familiar with the NATO versus Warsaw Pact comparisons using this approach. These generally show a rough equality in tactical air power from a quantitative standpoint, with the pact forces having a dominance in land forces and armor.

A third approach to sizing our forces is the straight budgetary one of "How much defense can we afford," where we look at the percent of our gross national product that is allocated to defense and then make a judgment on whether it is too much, too little, or just right. In this regard, our defense effort has been declining recently while reportedly that of the Soviets has been going up.

I do not believe that any or all of these three approaches provide us any easy answers to sizing our forces and our defense budget. The military authorities are concerned, and I believe justifiably, when they use the first two methods to evaluate what would happen if they were ordered into battle. I am concerned about our economy and our tax burdens when I use the third approach, and indeed I, along with all of my fellow members on the Armed Services Committee, have scrubbed this defense budget for next year just as tightly as we felt we possibly could.

So overall I do not have any easy answers to how many tactical wings the Air Force should have, to how many carriers the Navy should deploy, or to what the composition should be for each Marine air wing. I do believe that this year's defense and force levels represent a minimum prudent level of risk within what is affordable by this country, and, therefore, I do support the bill as proposed by the committee to the Senate.

REPORT ON TACTICAL AIR POWER PROGRAMS FOR FISCAL YEAR 1976/7T

I will present a review of the authorization programs within the category of tactical air power which are in the fiscal year 1976 and 3 months transition budgets.

First, I will run over the areas that the Tactical Air Power Subcommittee reviewed, then I will summarize our recommendations for changes and for programs that we approved, and I will mention some topics where programs are of general interest or where we have provided guidance to the Department of Defense in the committee report, and I will close with a summary of our budgetary changes as a result of the committee's recommendations to the Senate.

SCOPE OF THE SUBCOMMITTEE'S REVIEW

Our membership this year again included Senators SYMINGTON, JACKSON, NUNN, GOLDWATER, TOWER, and THURMOND, and GARY HART joined us for the first time. Their help was invaluable, both in the hearings and in arriving at the recommendations that we are presenting in this bill.

The functional areas that we reviewed were identical to last year, including the combat fighters and light and heavy attack airplanes of the air Force and Navy, the combat support aircraft including the electronic warfare, reconnaissance, radar warning, and tanker airplanes, the attack helicopters of the Army and Marines, the aircraft-launched tactical missiles including air-to-air and air-to-ground missiles, the Army SAM systems and antiaircraft guns, and the Navy shipboards SAM's and antimissile guns.

All in all, we examined some 50 odd separate programs, with applicable funding requests totaling $7.3 billion in fiscal year 1976 and $1.3 billion in 7T, or $8.6 billion in the combined budget. Of this $8.6 billion, $1.7 billion is in R. & D. and $6.9 billion is in procurement. The following table shows how these dollar totals are spread by service and how they break down between R. & D. and procurement for the two budget periods—dollars in millions:

	R. & D.		Procurement		Total	
	1976	197T	1976	197T	1976	197T
Air Force	$702	$204	$3,391	$608	$4,093	$812
Navy	451	78	2,239	380	2,690	458
Army	213	51	265	33	478	84
Total	1,366	333	5,895	1,021	7,261	1,354

The $7.3 billion is roughly a quarter of the total authorization request for fiscal year 1976.

Our hearings were held between March 6 and March 19, in 14 separate sessions. These included one special hearing on the AWACS program to review the certification by the Secretary of Defense that AWACS was cost-effective and met the mission needs and requirements of the Department of Defense. After that hearing the subcommittee voted 6 to 1 to release the fiscal year 1975 production funds for AWACS.

Our first regular hearing of the fiscal year 1976/7T budget review cycle was our annual Defense Intelligence Agency update of developments in tactical aviation in the Communist bloc. There were no new surprises here. Essentially the Soviets are continuing their vigorous modernization efforts as they move into volume production of the swing-wing Mig-23 Flogger, the large swing-wing SU-19 Fencer, and they continue to build the latest versions of the Mig-21, at a very substantial rate. Overall, they are adding significant quantities of more modern and more capable new aircraft to their inventory every year. The primary area of improvement from these new aircraft is in their air-to-ground capability, where these new airplanes represent a significantly superior capability in mission radius and in ordnance payload over the Mig-17's and Mig-19's that they are replacing. The Warsaw Pact forces are in the midst of a modernization improvement and upgrading of their tactical airpower inventory.

FORCE STRUCTURE PROBLEM AREAS RELATIONSHIP OF FISCAL YEAR 1976 BUDGET TO FORCE STRUCTURE

Having reviewed the basic Tac Air Force structures of the services earlier in this discussion and also the characteristics of the 5-year force plans, let us look at the problem areas of each service and also at what the current budget request will do to fulfill deficiencies in the force structure. For the Air Force, the F-15 is proving itself to be an excellent air superiority fighter, and it is beating up on everything it flies against. The Air Force procurement includes F-15's, A-10's for close air support, the F-4 Wild Weasel radar-killer airplane, and AWACS. The major R. & D. items are the F-16 and the EF-111. The combat aircraft programs appear to be reasonably healthy. As reference to the previous chart will show, however, the Air Force currently has no capability in the combat support areas of airborne radar warning and control, or in support jamming. The AWACS and the EF-111 will remedy these two areas of current deficiency when they are deployed. I intend to devote another more comprehensive discussion to review the AWACS program in detail, as I understand it will be subject to a floor amendment to stop production of the plane. For the present I will only say that AWACS is doing very well in the R. & D. phase and the prototype has just completed a highly successful demonstration in the NATO countries. The committee strongly recommends that production of AWACS continue as it is vitally needed in the Air Force Tac Air Force structure.

The EF-111 will provide to the Air Force a counterpart to the Navy's EA-6B high powered jammer airplane. The main concern that the subcommittee finds with this program is a recent OSD decision to stretch out the R. & D. program by 10 months, over the objections of the Air Force. This does not appear to be a well-founded decision in light of the fact that there is no such capability existing today in the Air Force inventory. The wisdom of this development stretch appears dubious.

NAVY PROBLEM AREAS

The Navy's primary problem areas are a potential shortage of fighter airplanes in the late 1970's and early 1980's, and a deficiency coming up in tactical reconnaissance. The fighter gap will be caused by the combination of a limited planned annual procurement of F-14's in the late 1970's, and the late availability of the Navy air combat fighter—NACF—which will not be introduced until the early 1980's. Since yearly peacetime losses of fighters will exceed the procurement total in that time period, the Navy and the Marines foresee a really serious shortfall in their fighter inventories until the NACF gets into volume production.

The Tactical Air Power Subcommittee and the Armed Services Committee have supported the Navy's and Marine's requirement for an NACF type of airplane for the last several years, ever since we rejected a proposal by Secretary Clements to prototype a stripped down F-14X and an F-15N as lower cost alternatives to the F-14. Instead we recommend then that the Navy examine with the aircraft industry the potential for a smaller and lower cost alternative plane to the F-14, and the Navy's Specific Operational Requirement, or SOR, for the NACF was the result of those recommended studies. The committee has supported this requirement which led to the recent selection of the F-18, and it continues to believe that there is a validated need for this type of airplane as a future air superiority complement to the F-14. The NACF also will replace the A-7's as the light attack dive bomber in the Navy.

Navy tactical reconnaissance is a real problem area for the carrier force. The Navy now operates RF-8 and RA-5C recce airplanes, both of which are old in design and expensive and difficult to maintain. The Navy has proposed to replace these supersonic planes with a reconnaissance pod carried on the subsonic A-7E.

This would be much less expensive, but unfortunately the fleet pilots say the A-7 is too slow to be an acceptable reconnaissance airplane in highly defended combat zones. The committee recommends extending the life of the present airplanes until a reconnaissance variant of the NACF is available.

The Marines feel that their major future deficiency will be in obtaining an all-V/STOL light attack force. Their hopes are to develop an improved version of the AV-8 Harrier, with most of the performance gains resulting from aerodynamics refinements to the existing design rather than from development of a completely new engine and airframe as had been intended a year ago. This advanced Harrier program still is in the planning stage, and an initial budget request for the R. & D.

program will not be made before next year.

ARMY FORCE LEVELS

The Army's attack helicopter force level will increase as new AH–1 Cobra/TOWs are procured between now and 1980. The AAH attack helicopter is planned to add further to the Army's inventory in the early-to-mid 1980's. The Army's procurement plan is to build to 1,500 attack helicopters in both the actives and reserves, with roughly a two-third and one-third split of assets.

The Army's Air Defense force structure plan is to change from the present mix of Nike Hercules, Improved Hawk, Chaparral-Vulcan, and Redeye, to a mix of SAM–D, Roland, Stinger, and a new antiaircraft gun by the mid–1980's. The dedication of the Army to the new mix appears somewhat ambivalent particularly as regards the development of a new antiaircraft gun. I will comment further on that program later on in this report.

PROGRAMS RECOMMENDED FOR CHANGES

With these background comments on the force structures and the problem areas of the services in the area of tactical air power, I now would like to give a rundown on the specific programs where we recommend that changes be made in the fiscal year 1976/7T budget requests. I shall give a very abbreviated synopsis of the reason for each recommendation, and a more detailed explanation is available in the committee's report on the bill.

The committee looked at these programs very carefully this year, and our goal was to hold down the level of defense spending to what we felt was the minimum level prudent without cutting the muscle out of this budget. Where we felt we could safely defer an item until some subsequent year, we did so. Where we felt an expensive new development program was being proposed that wasn't fully justified, we deferred it, too. We made a great effort to reduce this request wherever possible, and we succeeded in making sizable total reductions.

AIR FORCE PROGRAM CHANGES

The committee recommends changes in nine separate Air Force programs, as follows (note that dollar figures are in millions except where stated otherwise):

F–15 (procurement)

Fiscal year 1976/7T, request, $1.9/$.4 (billion).

Fiscal year 1976/7T, reduction, $170.0/$3.7 (million).

Fiscal year 1976/7T, recommended, $1.73/$.4 (billion).

The total fiscal year 1976/7T request for the F–15 program is for $2.3 billion for 135 F–15's, when all spares and other "below the line" charges are included. Specific items recommended for reduction are as follows:

First. Engineering change orders, reduce −$22.3 million of $96.6 million requested, allowing the normal 6 percent of flyaway;

Second, engine spares, reduce 45/2 spare engines requested, or excess over 20 percent—the Air Force planned procurement would buy all spares for the 729 F–15's by fiscal year 1977;

Third, replenishment spares—nonengines. Would delete all "War Reserve" spares in fiscal year 1976, reducing spares buy from $160.2 million to $95.5 million and $151.4 million against aircraft spares.

F–16 (R. & D.)

Fiscal year 1976/7T, request, $273.0/$82.5.

Fiscal year 1976/7T, reduction, −$51.9/−$12.8.

Fiscal year 1976/7T, recommended, $221.1/$69.7.

The Air Force F–16 program office identified these reductions as not needed for the F–16. The original budget request was prepared before the F–16 won the prototype competition, and was a deliberately high estimate.

A–10 (Procurement)

FY 1976/7T, Request, $408.1/$106.2.
FY 1976/7T, Reduction, 0/—$11.0.
FY 1976/7T, Recommended, $408.1/$95.2.

The reduction would hold A–10 production at a 9-10-11 per month buildup in 7T instead of 10-11-12. The reason is potential production problems at Fairchild, which has not built a complete airplane since 1964.

F–4 Wild Weasel (Procurement)

FY 1976/7T, Request, $90.2.
FY 1976/7T, Reduction, —$15.0.
FY 1976/7T, Recommended, $75.2.

Reduces request for initial spares from $20 million to $5 million, on the basis that the spares request was inflated relative to the procurement.

Maverick (Procurement)

FY 1976/7T, Request, $144.8/$25.2.
FY 1976/7T, Reduction, —$33.3/—$25.2.
FY 1976/7T, Recommended, $111.5/0.

The 76/7T request is for 6000/1200 TV Maverick missiles, respectively. The recommendation would provide the 6000 and delete the 1200. This would give the Air Force a total procurement of 20,000 TV Mavericks and would stop TV production until Laser Maverick production began in fiscal year 1977.

PELS (R&D)

FY 1976/7T, Request, $19.0/$10.6.
FY 1976/7T, Reduction, —$10.9/—$8.9.
FY 1976/7T, Recommended, $8.1/$1.7.

Deletes funds to start full scale engineering development of Precission Emmitter Locater Strike System, on the basis that this will be a $½ billion system and it is not clear that other Air Force systems cannot fulfill this mission in a more cost-effective manner.

Remotely Piloted Vehicles (R&D)

FY1976/7T Request, $15.3/$6.0.
FY1976/7T Reduction, −$5.5/$4.9.
FY1976/7T Recommended, $9.8/$1.1.

Deletes funds to start full scale engineering development of Compass Cope high altitude drone because the mission has not been identified yet.

Sidewinder

FY1976/7T Request, $22.9 (procurement). $17.1 (modification).

FY1976/7T Reduction, −$22.9 (procurement). −$17.1 (modification).

FY1976/7T Recommended, 0 (procurement). 0 (modification).

(*Note*: A buy of 710 new -9L Sidewinders (not shown) is recommended for approval.)

The procurement request was for 800 -9H Sidewinders to be stockpiled as a war reserve for foreign allies, for possible future need. The -9H is not usable on Air Force airplanes.

The modifications requested was to start phase 2 of an $89.3 million total modification program to update the Sidewinder B/E/J inventory. Since these missiles are already 15 to 20 years old, it is recommended that the funds be put into procurement of the new -9L Sidewinder.

F–111 RECOUPMENT

The fiscal year 1975 buy of 12 F–111's was stopped by the rescission. Of the $82.6 million not affected by the rescission, there will be some funds not used up on the canceled program. The Air Force has identified $24.3 million available to support the fiscal year 1976 procurement program.

NAVY PROGRAM CHANGES

The committee recommends changes in 11 Navy programs, as follows:

A–4M (Procurement)

FY76/7T, Request $70.
FY76/7T, Reduction −$61.8.
FY76/7T, Recommended $8.2.

Defers request for 24 A–4M's to fiscal year 1977 because this is an advanced attrition buy, and an FMS sale keeps the line open in fiscal year 1976. Allows $8.2 million nonrecurring for heavyweight landing gear and angle rate bombing system.

AH–IJ (Procurement)

FY76/7T, Request $42.2/$12.7.
FY76/7T, Reduction −$23.0/+$5.7.
FY76/7T, Recommended $19.2/$18.4.

Cuts 8 helicopters out of request for 22 because they will be delivered in fiscal year 1977 delivery period. Also defers procurement of TOW missile support equipment to fiscal year 1977, as TOW-equipped helicopters will not be requested until then. Addition of $5.7 million in 7T is long lead for fiscal year 1977.

F–14 (Procurement)

FY76/7T, Request $619.7/$138.4.
FY76/7T, Reduction 0/−$40.0.
FY76/7T, Recommended $619.7/$98.4.

The 9 F–14's in 7T will be bought in one contract with the 36 F–14's in fiscal year 1977. This reduction would provide long lead funds for the 7T airplanes and defer the remainder of full funding to fiscal year 1977, without changing the production schedule.

A–6E (Procurement)

FY76/7T, Request $156.2/0.
FY76/7T; Reduction −$32.4/+32.4.
FY76/7T, Recommended $123.8/$32.4.

The budget request was for 12 A–6E's in fiscal year 1976 and no further procurement due to an OSD decision to stop production. The Navy and Marines will be short of A–6E's if this plan is followed. The proposed change would provide eight A–6E's in fiscal year 1976, three in 7T, plus long lead funds for fiscal year 1977. Due to a 4-month gap in the A–6E line at the start of fiscal year 1976, this would not interrupt 1-per-month production.

SM–1 (Medium Range) (Procurement)

FY76/7T, Request $39.1/$7.6.
FY76/7T, Reduction —$10.1/—$0.5.
FY76/7T, Recommended $28.0/$7.1.

Reduces 85 missiles in fiscal year 1976 and 4 in 7T, providing production at 200 missiles per year rate which matches the out-year plan.

TASES (R&D)

FY76/7T, Request $19.6/$6.9.
FY76/7T, Reduction —$9.6/—$6.9.
FY76/7T, Recommended $10.0/0.

Reduces request to $10 million and holds TASES in advanced development pending additional review of the cost-benefit of this $½ billion program. This is a carrier-based electronic intelligence airplane.

Reconnaissance Pod (R&D)

FY76/7T, Request $6.3/$1.8.
FY76/7T, Reduction $6.3/$1.8.
FY76/7T, Recommended 0/0.

Deletes funds to develop a reconnaissance pod to carry on A-7E attack airplanes. Recommendation is to retain RA-5C and RF-8 supersonic recce airplanes until a reconnaissance version of the NACF is available.

ASMD Missile (R&D)

FY76/7T, Request $11.9/$4.6.
FY76/7T, Reduction 0/—$4.6.
FY76/7T, Recommended $11.9/0.

Deletes the $4.6 million in 7T to start engineering development. This will allow congressional review for fiscal year 1977 of lethality and effectiveness before approving full-scale development.

Sparrow Missile (R&D)

FY76/7T, Request $6.9/$4.6.
FY76/7T, Reduction 0/—$3.2.
FY76/7T, Recommended $6.9/$1.4.

Defers $3.2 million the Navy does not plan to use until fiscal year 1977.

CIWS (Procurement)

FY76/7T, Request $8.6/$3.0.
FY76/7T, Reduction $8.6/$3.0.
FY76/7T, Recommended 0/0.

Deletes production start on Vulcan-Phalanx shipboard antimissile gun. Full R. & D. request of $33.2 million is approved. Production start should wait more operational testing and resolution of issue of what caliber gun will be used.

GENERAL REDUCTION

The Navy identified a general reduction or $8.7 million in 7T which can be made because of economies from buying 1976 and 7T items in one procurement.

ARMY PROGRAM CHANGES

The committee recommends changes in five Army programs, as follows:

AAH (R&D)

FY76/7T, Request $65.0/$17.9.
FY76/7T, Reduction —$9.6/—$6.9.
FY76/7T, Recommended $55.4/$11.0.

The advanced attack helicopter request for $65 million in fiscal year 1976 and $17.9 million in 7T is all R. & D. funding. Included are funds to start both competitors in the prototype phase in ordering long-lead parts to build the full-scale engineering development aircraft. Since the protype loser's long lead would be largely wasted, it is recommended that the Army not release any long-lead funds until the flyoff winner has been selected. This will slip first flight of the winner's engineering development aircraft 8 months. The Army states that 5 months of that could be made up by earlier release of long-lead procurement funds at the end of the test program, and the committee recommends that action be taken.

Hellfire (R&D)

FY76/7T, Request $12.3/$5.4.
FY76/7T, Reduction 0/—$3.2.
FY76/7T, Recommended $12.3/$2.2.

This would delete the funds to start engineering development of Hellfire, and slip the start from August 1976 to October 1976. Since the Army is unable to say now whether they will start ED, this would allow the committee to review Hellfire in the fiscal year 1977 budget before approving ED.

Chaparral (Procurement) (R&D)

FY76/7T, Request $37.5/$1.0,$14.8/$5.7.
FY76/7T, Request $37.5/$1.0, $14.8/$5.7. —$4.7.
FY76/7T, Recommended 0/0, $4.9/$1.0.

The procurement cut would delete all funds to buy 52 new missile launchers on the basis that the Army does not have enough missiles for their existing launchers and is not buying any new missiles this year.

The R. & D. cut would delete funds to develop an improved seeker for Chaparral. This reduction would be made without prejudice to the merits of the program but because the OSD and Army do not have a rational R. & D. and procurement plan for Chaparral missiles and launchers. Submission of such a plan could change this committee position.

Improved HAWK (Procurement)

FY76/7T, Request $78.2/0.
FY76/7T, Reduction —$6.0/0.
FY76/7T, Recommended $72.2/0.

The reduction would delete funds to buy new missile launchers as the Army will be able to modify existing Basic Hawk launchers.

IATAS (Procurement)

FY76/7T, Request $23.8/0.
FY76/7T, Reduction —$23.8/0.
FY76/7T, Recommended 0/0.

The Interim Airborne Target Acquisition System would be a one-time buy of 36 photoreconnaissance drones for use by the Army near the FEBA. This would duplicate the Air Force's photorecce aircraft and drone capabilities.

Hellfire (R&D)

PROGRAMS RECOMMENDED FOR APPROVAL AS REQUESTED IN FISCAL YEAR 1976–7T

Program	Quantity	R. & D.	Procurement
ARMY			
AH–1S	38	$2.0	$50.3
Shorad (Roland)		78.0	0
Stinger		22.4	0
Antiaircraft guns		15.1	21.0
AIR FORCE			
AWACS	6	253.7	520.5
EF–111		10.0	0
Shrike	1,618	0	55.8
EOGB/MGGB		33.5	----------
EW programs		15.6	117.5
Sidewinder-9L	710	.3	39.9
Sparrow-7F	620	.6	81.5
Recce R. & D		22.3	----------
NAVY			
EA–6B	7	0	157.6
A–7E	36	7.3	209.2
E–2C	7	0	192.0
NACF (F–18)		132.8	----------
V/STOL		27.5	----------
Condor	243	0	101.4
Harpoon	265	19.9	192.3
SM–2	22	17.0	54.6
Aegis		126.1	----------
Phoenix	340	0	129.9
Sidewinder-9L	800	3.0	47.5

OTHER PROGRAMS DESERVING COMMITTEE COMMENT OR GUIDANCE

Following are some additional programs which the committee believes deserve special comment and where the committee report on the authorization bill provides guidance and direction to the Department of Defense. Comments on these individual programs follow:

AWACS: The committee recommends approval of the AWACS request for six more planes in fiscal year 1976. The details of the AWACS program will be discussed at a subsequent time. The particular point which I want to bring out is that we recommend that the Air Force procurement objective be revised to a more realistic figure than the present one of 31. We believe that a quantity in the range of 21 to 24 should be an adequate force level of AWACS planes for the United States.

I also want to point out that Dr. Currie—D.D.R. & E.—believes significant progress is being made in convincing the NATO countries to buy a quantity of AWACS to support their share of the total NATO requirement for this airplane. If NATO does make a decision to buy, it will help both our foreign sales picture and also will reduce the cost of our own procurements somewhat—on the order of perhaps 10 percent. The committee is definite that the United States will not be buying NATO's share of the AWACS program. In our opinion, the 21 to 24 Air Force total buy should be adequate to support U.S. forces worldwide including our share of a combined NATO program.

Navy F–4 Slats: The Navy fiscal year 1976 request includes funds to begin a major structural and equipment modification project for the F–4J's. The reason is that F–14 procurement totals are inadequate to maintain the Navy/Marine fighter force in the 1980's, and the F–4J's life will be extended well into that decade. Because of budget constraints the Navy did not plan to put leading edge slats on the F–4's in the course of this structural modification project. The Air Force has demonstrated the great increase in combat dogfight capability that these slats provide and has added the slats to all of its F–4E's. The committee directs the Navy to add these slats during the course of the modification program.

Aegis: Last year the Navy's Aegis shipboard SAM fire control system program was criticized by the committee because of the lack of a firm ship program to go along with the missile system R. & D. This year the same situation existed, and the so-called DG ship planned for Aegis had been scrapped. Within the last month the Navy proposed to modify the DD–963 destroyer hull to accommodate the Aegis system and forwarded a shipbuilding program to OSD for approval. The Secretary of Defense gave his approval to the program in principle, as the following letter received by the committee would indicate:

OFFICE OF THE
SECRETARY OF DEFENSE,
Washington, D.C., April 29, 1975.

Hon. JOHN STENNIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: In my report to the Congress this year, I emphasized the significant enhancement that the AEGIS weapon system would provide to Fleet Air Defense and that we were working toward early Fleet introduction of this system. I also stated that we were evaluating our surface combatant programs in light of Title VIII and would inform Congress concerning the resulting changes in our shipbuilding programs.

After a review of all aspects of this problem, the Navy has proposed a program for AEGIS ships which includes a variant of the DD-963 destroyer configured with AEGIS to be funded in the FY 77 Defense Budget and a nuclear powered AEGIS ship to be included in the FY 78 Defense Budget.

In view of the importance of the AEGIS system to the Fleet's ability to counter the threat of the 1980's, I have approved the Navy's program in principle and the program details are being worked out between the Navy and my staff. I am proposing an authorization amendment to the President's FY 77 budget to include the DD-963 AEGIS ship. This amendment is to be submitted to Congress after approval by the President.

J. R. SCHLESINGER.

This building program would start in fiscal year 1977 for the conventionally powered ship, with a nuclear powered Aegis ship to follow in fiscal year 1978. The fiscal year 1977 authorization request is understood to be in preparation within the executive branch. The subcommittee recommends approval of the Aegis R. & D. request with the condition that the ship program be submitted formally before the R. & D. funds are released.

Army AAA guns: There is an argument within the Army over whether a new antiaircraft gun, one better than the Army's present 20 mm Vulcan and the Soviet quad-23, should be developed. The systems analysts in the Army claim that missiles are more cost effective, while the "users" in the field strongly support a better gun system.

The Tac Air Subcommittee has heard enough testimony from combat-experienced Air Force and Naval aviators about the deep respect they have for antiaircraft guns—and their belief that they can decoy or evade SAM missiles—to know that the Army user community is right on this issue. We recommend that the Army program to prototype a new gun be fully supported.

The Tac Air Subcommittee pressed the Army for a firm position on the need for this new gun, as we felt that a $30 million prototype program should not be authorized unless the Army was definite on the requirement for such a weapon. The following letter was received after our hearings to definitize the Army position:

APRIL 16, 1975.

DEAR MR. CHAIRMAN: At the time of the Tactical Airpower Subcommittee Hearings on the Army FY 76 RDT&E request the Army had not yet made a decision whether it planned to complete development and procure an advanced air defense gun system. During the hearing the Army was requested to clarify its intent with respect to this program. Subsequently, a decision has been reached to develop and procure a new air defense gun system.

This system will ultimately replace the existing Vulcan which is quite limited in range, accuracy and lethality. The effort to be conducted will initially comprise an Advanced Development phase in which several existing and new guns will be evaluated along with candidate fire control systems and a single preferred design selected. Upon completion of this effort, the selected system (possibly an existing U.S. or foreign gun) will enter Engineering Development to complete whatever work remains prior to deployment. The resulting system, if it meets its design requirements as refined during the advanced development phase and no new unforeseen developments in air defense missiles have occurred which would surpass the projected benefits of guns, will then begin full deployment.

The reason it is planned to first conduct an Advanced Development phase rather than enter directly into Engineering Development is that several very promising candidate gun/fire-control systems exist and the development cost of assessing these candidates in hardware form rather than on paper is relatively modest as compared with the procurement costs ultimately to be committed to whatever design is, in fact, selected.

The Army looks forward to obtaining an advanced air defense gun as a part of its combat inventory. I hope that this decision will assist your committee in its evaluation of the Army's gun program.

NORMAN R. AUGUSTINE,
Assistant Secretary of the Army (Research and Development).

SUMMARY OF BUDGET REDUCTIONS

In summary, the tactical air power programs totaled $7.3 billion in fiscal year 1976, $1.36 billion in R. & D., and $5.9 billion in procurement and our reductions are $104 million in R. & D. and $485 million in procurement, for a net $590 million recommended cutback. This is an 8.1-percent reduction. The following table shows the figures for both the fiscal year 1976 and the combined 15-month budgets:

	R. & D.	Procurement	Total
Fiscal year 1976:			
Tac air request	$1,366.1	$5,894.4	$7,260.5
Reduction	−104.3	−485.8	−590.1
Recommended	1,261.8	5,408.6	6,670.4
Percent reduction	7.6	8.2	8.1
Combined 1976–7T:			
Tac air request	1,698.7	6,914.7	8,613.4
Reduction	−162.8	−530.4	−693.2
Recommended	1,535.9	6,384.3	7,920.2
Percent reduction	9.6	7.7	8.1

I believe that we have scrubbed this Defense budget carefully and reasonably and that what remains in it is the vital essence of necessary Defense programs. I hope that our recommendations will be accepted by my fellow colleagues of the Senate, and I will be glad to respond with more detail to any inquiries on any of these individual programs.

Now, Mr. President, I referred a moment ago to AWACS. The AWACS has been a controversial program. We have heard a lot of attacks on it in the press.

THE AWACS PROGRAM

Mr. President, the fiscal year 1976 defense budget request for the Air Force airborne warning and control system—AWACS—a radar warning and control airplane, is for $199.2 million for R. & D. funds and for $490.5 million for procurement of six airplanes—including initial spare parts. The 3-month transition budget request is for $54.5 million to continue the R. & D. and for $30 million advance procurement funds toward the fiscal year 1977 program. This will be the second increment of AWACS production, as six aircraft were approved in fiscal year 1975 and now are in production.

DESCRIPTION OF AWACS

The AWACS consists of an airborne radar mounted on a Boeing 707 transport airplane, plus associated computers and display consoles in the plane to process the radar information and allow controllers to follow the movement of individual targets, friendly or enemy. The controllers in the plane can radio instructions to friendly aircraft and also all of the AWACS information can be sent down to ground stations by data links for use by additional individual controllers or by senior commanders so they can get an overview of the battle area through the eyes of the AWACS. Therefore, AWACS serves the same overall function as any ground-based radar and command and control center, with the very important exception that it is airborne and thus has much better visibility and also mobility than any ground located radar.

The AWACS can identify and track both friendly and enemy aircraft, it can perform the ocean surveillance mission of tracking ships at sea, and it also can keep track of ground force units through the use of radar beacons. It, therefore, functions as a combined air, ground, and sea surveillance system, all in one airplane.

NEED FOR AWACS

As I discussed earlier, in the report of the Tactical Airpower Subcommittee, we view the Tac Air mission areas as combat and combat-support programs. The combat aircraft are the air-to-air fighters, the light attack close support and day interdiction dive bombers, and the heavy attack night or all-weather deep interdiction bombers. The combat-support aircraft include the five functions of radar warning and control, reconnaissance, electronic warfare jammers, tankers, and airlift.

At the present time the Air Force has essentially no capability for airborne radar warning and control. It now must rely totally on ground-based systems. Ten years ago the Air Force operated a fleet of some 60 odd EC–121 radar warning airplanes, using them primarily over water off our Atlantic and Pacific coasts to search for incoming bombers. These EC–121s now have nearly all been phased out to the reserves, but they never had a capability over land because their radars could not pick up airplanes at a lower altitude than the EC–121 as those planes were masked by ground "clutter" on the radar scope. EC–121's also were operated tactically in Southeast Asia, but here again they were limited to use over water because of this technical deficiency.

The Air Force recognized the requirement for this over land capability and issued a formal required operational capability—ROC—document in 1966 for an AWACS. The ROC specified that AWACS would be for the Tactical Air Command and for the Air Defense Command, as it would be useful for TAC's combat operations as well as for defense against penetrating enemy bombers.

At about that point in time, 9 years ago, it was being recognized that breakthroughs in radar technology would permit pulse-doppler type radars to be developed which could look down to ground level and pick out moving airplanes regardless of the type of terrain being overflown. The AWACS development program resulted from that technical breakthrough. Therefore, the AWACS will be providing a new military capability that has not existed previously, all-altitude radar coverage over land areas.

SCOPE OF THE AWACS PROGRAM

The total Air Force AWACS program, as reflected in the fiscal year 1976 defense budget plan submitted in January, calls for production of 31 AWACS airplanes plus refurbishment of the three R. & D. planes to the production configuration, for a total inventory of 34 AWACS for the Air Force. The R. & D. cost is $1.488 billion and the procurement cost is $2.289 billion—including initial spares. In addition, a future modification retrofit program costing $265 million has been identified if a number of added capability "enhancements" are retrofitted into the fleet of 34 planes. The grand total of these costs is $4.041 billion. The following table shows the funding by fiscal year:

	Fiscal year 1975 and prior	Fiscal year 1976	197T	Fiscal year 1977	Fiscal year 1978	Fiscal year 1979
R. & D.	$879.9	$199.2	$54.5	$123.8	$140.3	$90.4
Procurement	$415.1	$490.5	$30.0	$380.1	$534.0	$439.4
Quantity	6	6	0	6	6	7

Based on these numbers, the average procurement unit cost per airplane is $73.8 million.

The average program unit cost is $111.1 million—this includes a pro rata share of R. & D.

The total average cost, including the modification retrofit, is $118 million.

COST INCREASES

Since a year ago, when the program was presented with the fiscal year 1975 budget request, the total program cost has gone up from $2.477 billion for 34 planes to $4.041 billion for the same quantity. This is a 67-percent increase.

The specific increases are as follows: R. & D.; up from $1.223 to $1.488 billion, or 20 percent. The causes are the development of improvement items, plus higher than anticipated inflation. Procurement; up from $1.254 to $2.289 billion, or 84 percent. The causes are a slowdown in the production rate from one a month to one every other month, higher inflation, and the addition of improvement items. Retrofit; this $265 million is a new cost this year to put in the newly identified capabilities.

SUNK COSTS IN THE PROGRAM

Up through fiscal year 1975, which ends in 4 weeks, we have committed $880 million to the R. & D. program and $415 million to production of the first 6 AWACS. Thus $1.295 billion, or about one-third of the total estimated cost of the 31 airplane program, has been committed at this point in time.

If the Congress was to cancel the program at the end of fiscal year 1975, the $880 million in R. & D. would be spent, about $100 million of the production money would have been spent, and we would have nothing to show for it except one AWACS prototype aircraft. Thus about $1 billion is truly "sunk" in AWACS right now.

If the Congress was to complete the R. & D. program but deny any more production of AWACS beyond the six planes bought in fiscal year 1975, it would cost $1.488 billion for the R. & D.—including three planes—and $415 million for the six production planes, so we would end up with a nine-AWACS force costing $1.9 billion or an average unit cost of about $210 million each.

COST TO STOP PRODUCTION

The Air Force testified to the Tac Air Subcommittee that the cost to stop production for 1 year would be $430 million. The cost to delay for 2 years would be $850 million.

COMMITTEE RECOMMENDED AWACS PROGRAM

The committee in reviewing the AWACS program this year has concluded that the total procurement quantity should be reduced and that an Air Force program of from 21 to 24 aircraft should provide an adequate level of capability for U.S. forces. The committee position is based on two factors: The increased costs that have occurred and also the question of whether the other NATO countries will buy their share of the AWACS planes that would be needed for complete coverage of the possible NATO battle area.

I mentioned earlier the cost increases for the 31-plane program. Whereas a year ago it appeared that a $2.5 billion investment in AWACS would buy the 31-plane force, it now would require $4 billion. That appears to be too much for this system. The Air Force estimates the procurement—and retrofit—cost of an 18-plane program as $1.578 billion, and the procurement cost of a 21-plane program as $1.827 billion. When the $1.488 billion R. & D.—and three planes—are added, the cost for a 21-plane AWACS force would be $3.1 billion and for a 24-plane AWACS force would be $3.3 billion. I might note ironically the committee's recommendation would raise the unit program price to almost $150 million—and at the same time it would save the taxpayer almost $1 billion.

STATUS OF NATO INTEREST IN AWACS

Dr. Currie, D.D.R. & E., has reported an increased interest by the other NATO nations in procurement of a NATO AWACS force. The recent highly successful demonstration tour of the AWACS prototype in Europe served to increase this interest.

Two contracts have been funded—total value about $3 million—for studies of a NATO-common AWACS configuration and for a study of the interface with the NATO command and control network. It is expected that the formal decision-making steps would be completed by July of 1976 by those countries.

The quantity that the NATO countries would buy is not decided at this time. Prices were requested for quantities of 12 up to 36 airplanes.

The funding of this program is being proposed based on "NATO infrastructure" cost sharing arrangements. In the past, when common items have been bought, such as NATO aircraft shelters or the NADGE radar system, set sharing of the costs has been agreed to. Typically the United States pays between 23 to 30 percent under infrastructure funding.

There are several possibilities for U.S. participation in a NATO AWACS force. One would be for a U.S. commitment to provide a set share of the force level in a NATO conflict. We have used this method with our dual-based F-4's, which normally are based in this country but which are committed to deploy to Europe in the advent of hostilities. Another possible option would be to have the United States share in the procurement of the total NATO AWACS program, with the airplanes—including our share—permanently based in that theater. Apparently this latter option is being proposed by the Defense Department at this stage of the planning. This is a matter which the committee will have to review before any formal commitments are made.

I want to emphasize that the committee position for a U.S. force level of 21 to 24 planes includes any that will be committed to a NATO AWACS force. Thus if the NATO program totaled 28 planes and the U.S. share was 25 percent, then our 7 would be included in that total of 21 to 24, whether they were dual based or were permanently based in the NATO area.

AWACS CONTROVERSIAL ISSUES

There are four primary areas of controversy which have been raised about the AWACS program by the GAO and by the junior Senator from Missouri (Mr. EAGLETON). These are, first, the mission of AWACS; second, its susceptibility to electronic jamming; third, its physical vulnerability to being shot down by an enemy; and fourth, its usefulness in a high intensity NATO-central European war. A fifth item is the cost of AWACS, which I have discussed earlier, so I will cover these other four now.

THE MISSION OF AWACS

The charge has been made, incorrectly, that AWACS was designed originally for the Air Defense Command for defense against penetrating enemy bombers, but when that threat was downgraded in our planning then the mission was changed to one of operating with tactical fighters. The implication then is drawn by the critics that the AWACS would not be particularly useful for tactical war but since AWACS is available it will be used for that role.

The facts are that the mission of AWACS always has been a dual one, for operation with both TAC and ADC. It makes no difference to the AWACS radar whether it is tracking an incoming enemy bomber or a tactical fighter, the basic technological capability of the AWACS allows it to spot any moving aircraft at any altitude no matter what that aircraft's mission happens to be. This was recognized when the original formal requirement document—ROC—was issued in 1966. It was a joint TAC/ADC ROC, with no distinction made between use for either command. This was placed in the hearing record of the Tac Air Subcommittee a year ago—part 8, page 4236—but the charge nevertheless continues to be made by those apparently ignorant of the facts on this issue.

ECM VULNERABILITY

A year ago the GAO charged that the AWACS radar could be jammed easily by enemy electronic countermeasures—ECM. The GAO also said that friendly SAM radars would interfere with the AWACS radar, causing inadvertent jamming. The Air Force stated that both charges were incorrect.

At the insistence of this committee, the Secretary of Defense appointed an independent panel of radar and ECM experts to examine this issue. The members had no connection with the AWACS or the Air Force. The panel consisted of Dr. Harold Smith, chairman, professor of physics at the University of California; Dr. Roger Manasse, a radar consultant, Mr. Burton Brown of General Electric; Dr. Peter Swerling, president of Technology Service Corp., all radar experts; and Mr. Robert Gehrke, an ECM expert with Johns Hopkins Applied Physics Lab. The panel carefully reviewed all aspects of the AWACS radar-ECM question and issued their report to the Secretary of Defense in mid-December 1974.

ECM PANEL FOUND GAO ERRORS

The panel discovered that the GAO's radar consultant had made errors by factors of 100 to 1,000 in calculating the resistivity of the AWACS radar to ECM. The panel concluded that the AWACS radar was highly resistant to ECM jamming, much more so than any other current radars, that it could counter the current jamming threat, and that future improvements in enemy jamming technology could be offset by relatively minor changes to the AWACS radar system.

The panel also showed that an enemy could deploy a line of many low powered, and low cost, jammers behind his battle lines and then deny AWACS full ground-level look-down behind this line of jammers. This would have the effect of taking away some 2 to 3 percent of AWACS surveillance volume. This was the most significant operational effect of enemy jamming found by the panel.

The inadvertent jamming by friendly SAM radars that was claimed by the GAO was subjected to flight tests in 1974 and found to be nonexistent. Here again the GAO radar consultants were in error.

In summary, the independent panel of experts and also flight tests of AWACS itself have shown that AWACS is highly resistant to ECM jamming, much more so than any other radars in existence today. The claims regarding this particular issue concerning an AWACS deficiency have been shown to be false.

AWACS PHYSICAL VULNERABILITY

The statement has been made that AWACS is "a sitting duck for enemy aircraft and missiles." This apparently is intended to imply that AWACS could be shot down quite easily by enemy SAM missiles or enemy fighter airplanes. The Air Force states that quite the opposite is the case, and an AWACS would be extremely difficult to shoot down. Let us look at some of the relevant factors that would be involved in an attempt by any adversary to destroy an AWACS.

First, the AWACS will be operating 150 to 200 miles behind the battle lines, because of the long range capability of its radar and its elevated line of sight from its high on-station altitude. There is absolutely no enemy SAM system that could fire to within 100 miles of an AWACS on this kind of operating position, so the SAM threat to AWACS can be dismissed out of hand.

Second, let us consider the problem of sending a fighter-interceptor to find and shoot down an AWACS. This airplane would have to penetrate 150 to 200 miles of allied airspace, through our own Hawk SAM missiles, through our own Nike-Hercules SAM missiles, and through our own F-4 and F-15 fighters, in order to close on the AWACS. Even if this mission would be considered a possible one—and General Dixon, commander of TAC, testified quite candidly that he would rather be in the AWACS than in the enemy fighter under those circumstances—there still are tactics available to AWACS that would make it tough to locate and then shoot at. First, it can turn and retreat at 450 or 500 miles an hour if a large and determined raid comes after it. This means that the closing speed of the attackers would not be more than 100 to 200 miles an hour, and it would take a long time and many miles to catch up to the retreating AWACS. Also if AWACS descends in altitude it will get below the fan of enemy GC 1 cover, and the attacking fighter would have to locate AWACS with its own radar to pursue it. This would not be easy if friendly fighters were called up to defend the AWACS.

Overall, I think that level-headed consideration of the problem of penetrating 150 to 200 or more miles through SAM and fighter-defended airspace, to try to find and shoot down an opposing airplane that can retreat and descend down to the deck, obviously should be seen as a nearly impossible task. Consider the alternative problem, that of taking out our current fixed ground-based radars in NATO Europe. Many of these are within artillery range of the border, their location is known, and they are a fixed, not a moving target. It should be obvious that they will be taken out in the opening moments of any conflict and AWACS will be the surviving radar warning and control system.

I find the claim that AWACS is highly vulnerable to be specious at best.

OPERATIONAL UTILITY IN NATO EUROPE

The challenge has been made that AWACS would not be much help in an intense NATO-Central Europe war because the large numbers of airplanes at any one time would saturate the AWACS capacity to track all of these airplanes.

Frankly, I find that this claim demonstrates an ignorance of how the AWACS would be used in that area. First, even agreeing that there will be hundreds to possibly over a thousand airplanes airborne at any moment, we must keep in mind the fact that more than one AWACS can be put in orbit to help handle the target density, and also inherent in the digital computer capability of AWACS is the ability to reject targets in an area not of concern, such as to the areas behind the AWACS, if the system is in danger of saturation.

Third is the ability to data link the radar information down to ground stations so they can help with the air traffic control and battle management functions of the air war. Therefore, the basic utility of AWACS, that of elevating the radar so its range and field of view are enhanced over ground radars, is not lost, and at the same time there are tactics that can be used to overcome the problem of a high density of targets. It cannot be emphasized too highly the difference in level of capability between the present ground level radar system, so highly vulnerable to enemy attack and to enemy ECM, and the potential that will be provided when the relatively invulnerable and highly capable AWACS is added to our NATO forces.

ERRORS IN THE RECENT PRESS RELEASE

On May 28, 1975, the junior Senator from Missouri issued the latest of his press release attacks on AWACS. This release made a great to-do about an interim budget position within the Defense Department that would have stopped AWACS production in fiscal year 1976 until NATO decided on its procurement plans. The press release did not highlight the fact that this position was changed 20 days later, after the DSARC meeting that reviewed the ECM panel report and then approved starting AWACS production in fiscal year 1975, to be followed by continuing production in fiscal year 1976 and subsequent years.

Apart from making arguments about what significance there was to that interim defense decision, that was reversed so soon afterwards, I want to bring out the factual errors in that press release. As has been true of previous releases on AWACS, there were many.

First, the release states that—

> The Air Force has fixed its test program, not to find out whether AWACS will work in the real world, but to influence Congress. The most recent test sham took place on May 5 at Nellis Air Force Base. The tests were set up in such a way that the results were totally predictable and totally unrepresentative of the real world. Two days before the May 5 tests were conducted I had radar experts analyze the test plan. Each test was rigged to demonstrate that AWACS could overcome the designated jammer.

Now I do not know who the radar experts were who did this analysis for the Senator, but I would not be too surprised if they were not the same ones who a year ago were making errors by factors of 100 to 1,000 in their calculations of the effects of ECM on the radar.

AWACS GROUNDED ON MAY 5

The reason I say this is that the AWACS happened to be on the ground at the Boeing plant in Seattle, Wash., on May 5, 1975, and it did not take off or fly 1 minute on that day. Had the distinguished Senator checked the situation before he issued his press release on May 28, he would have found that these tests he referred to took place on May 12 and May 19, over 1 week later than originally planned. He also would have found that the AWACS passed them with flying colors, so despite claims by unnamed experts who do not even check their dates, I would have to conclude that the AWACS radar has once again been shown to be highly resistant to ECM, as was found by the panel of real experts, those who did their homework before issuing their report.

STATUS OF NATO STUDIES

Also, the release states that—

> GAO and NATO studies have raised serious questions about the operability of AWACS in Europe, where it would be highly vulnerable to enemy jammers and fighter aircraft and where it currently does not have the tracking capacity to handle the dense air theater. Both GAO and NATO have recomended additional development and testing before beginning full scale production.

It is true that GAO has taken that position, and I have mentioned many factors earlier that relate to the quality of the work that GAO has provided in leading up to its position on AWACS. However, I find that press release statement to be totally misleading as to the conclusions that have been reached by the NATO-sponsored studies of the AWACS system.

NATO's SHAPE Technical Center has been conducting a series of studies of the capabilities of AWACS and how it would operate within the NATO air defense system in order to advise the NATO countries on whether or not to buy AWACS. Their first studies were issued in the May 1974 time period. These raised all of the basic issues about AWACS that I mentioned earlier; that is, ECM vulnerability, physical vulnerability, and operational utility, and said that these required further technical study.

By November 1974 a second series of studies had been completed. These found that AWACS would provide a great increase in NATO air defense capability, at least doubling the effectiveness of our interceptors, that AWACS would be an extremely difficult target to find and shoot down, and that its ECM resistance was high. They also recommended continuing the analyses.

The next series of studies was finished in the March 1975 time frame and have been examined by the committee staff. These continue to find overall positive factors for the AWACS system, but they continue to probe for additional details on AWACS. I do not think this should surprise us, as a decision to buy an AWACS force will be a major procurement decision. Nevertheless, it is totally misleading to imply that at this point in time the NATO studies are doubtful about the value of AWACS in Europe, because such is not the case. These studies are finding that AWACS is highly effective and highly survivable at least at their present, still incomplete, status.

SUMMARY

In conclusion, the AWACS is going to provide the Air Force with a totally new dimension in radar warning and command and control capability. The direct result will be to increase the effectiveness of our tactical air and air defense forces by a significant amount, by up to 50 percent according to some studies. We have an enormous investment in these forces, many billions more than will be spent on the AWACS program. AWACS will provide the catalyst that results in a significantly greater return on that investment.

The attacks that have been made on AWACS have cast serious doubts on the wisdom of making this investment in the program. Yet the attacks are based on fallacious or erroneous information, in my opinion. I believe that those who have made the serious, but incorrect, charges against the AWACS have done a major disservice to the Congress and to the American public. We cannot afford to spend $3 billion on a system which will not work or will not provide an effective enhancement to our defense posture. I would oppose continuing the AWACS program if I was not convinced that it was a good one and that we need it even at the current price. I find these irresponsible accusations as serving to undermine public confidence in what will be an excellent and highly effective aircraft, and this is the most disturbing aspect of this situation.

I recently saw an editorial in a Louisville newspaper which said that we should not be buying a $111 million airplane that would not work and that is an easy target for the enemy. They concluded that we should not buy the AWACS. I could not agree more, if the basis for the conclusion were correct. Unfortunately, the editors of the paper had only heard one side of the story—the incorrect side.

As we prepare to debate the upcoming amendment to stop production of AWACS, I hope my colleagues will consider very carefully the points that I have raised today. I believe that our committee position and recommendation on this program is correct and fundamentally sound. I fully support continuing the production of AWACS in fiscal year 1976 and hope that the vast majority of the Senate will agree with me.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. CANNON. Mr. President, I thank the Senator for yielding to me. I will be available at the proper time to answer questions in detail on my statement.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I wish to thank him for his report, for his splendid work and for his presentation today and his offer to be here, too, on matters that come up. He has done mighty well.

Mr. CANNON. I thank the chairman.

I want to commend our staff man, Mr. Charlie Cromwell, as well as the minority staff for the fine work they have performed in connection with the subcommittee.

I now yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I compliment my distinguished colleague and friend, Senator HOWARD CANNON, who has again this year done such an outstanding job as chairman of the Tactical Air Power Subcommittee. He is a hard working chairman who knows his subject matter, much of it from first-hand experience. For example, he has flown at least three of the aircraft, the A-6, the F-14, and F-15, that are part of this year's request, so he has personal insight about the capability of these aircraft. And over the years he has become personally familiar with the many other systems that come before the committee.

I also have had the opportunity to fly the A-6, the F-14, and the F-15 and, in the past, between the two of us, we have probably flown in almost every aircraft the services have. So, I believe HOWARD and I represent a rather unique combination as chairman and ranking minority member of a subcommittee, in terms of our personal experience with some of these systems. It makes our job more interesting in that we are able to do this and I believe it enables us to give our colleagues a better evaluation of these systems than might otherwise be possible.

Senator CANNON has gone into considerable detail on the committee's recommendation in the tactical areas so I will try to avoid any repetition there. Rather, I would like to stress the importance of this annual recommendation to the future mission capability of our Army, Navy, Air Force, and Marines and make a few other observations.

The committee recommendation of $7.3 billion for fiscal year 1976 represents about 29 percent of the total amount recommended for authorization. While there are some R. & D. funds within the $7.3 billion, most of the funds will go for the acquisition of combat and combat-support capability. Last year, for comparison, the committee recommendation was for $5.3 billion which was about 24 percent of the total amount recommended for authorization. So I am glad to report there is an increase over last year which is sorely needed to continue modernizing and replacing equipment of our tactical forces which, in part, was put aside due to Vietnam.

On the other hand, let me point out that what we are asking you to authorize is, for the most part, what the services would use in any conventional conflict. Looked at another way, the $7.3 billion the committee is recommending represents only about 8 percent of the total DOD budget request. In my opinion we are certainly not overspending on our tactical forces.

Turning now to the service requests, the committee recommends 60 AH-1S Cobra/TOW helicopters for Army for the fiscal year 1976 and transition period. This is the first year of major procurement of this system that will give Army a standoff capability with helicopters against enemy armor. These Cobra/TOW helicopters are going to be in inventory for some time and later they will complement the advanced attack helicopter force when that comes into the inventory.

For Navy in fiscal year 1976 and fiscal year 197T the committee recommends authorizing 153 tactical aircraft, consisting of some seven different types. Seventy-two of these are fighter and attack aircraft and 81 are for long-range patrol, electronic countermeasures, antisubmarine warfare, early warning, and command and control. Although not directly comparable because of the 3-month transition period, last year Congress appropriated funds for 162 tactical aircraft.

I would like to note here that in the past the Navy has been criticized for having so many different types of aircraft. This especially complicates carrier operations as well as increasing training loads and it also adds to operations and maintenance costs. While Navy recognizes this problem, it has not been able to make much progress in reducing the number of types, nor is it likely to, as long as the threat establishes a requirement for a specialized mission aircraft to counter that threat.

All in all, I believe the Navy's aircraft procurement program is proceeding in an acceptable manner and at an economically acceptable rate. I would point out to my colleagues that as long as our Navy continues to be short in combatant ships, I think we must continue to make certain that Navy has alternative means to project power and to protect itself. Certainly air power is essential for both of those tasks.

For the Marine Corps the committee recommends authorizing for fiscal year 1976 and the transition period, 49 aircraft. The aircraft recommended for authorization are primarily 44 AH-1J attack and UH-1N utility helicopters. Although not directly comparable. Congress last year appropriated funds for the Marines for 21 aircraft, so this year's recommendation represents a needed increase.

For the Air Force, the committee recommends the Senate authorize 232 tactical aircraft for fiscal year 1976 and fiscal year 7T. This total consists of 135 fighter, 91 attack, and 6 AWACS aircraft. This is a significant increase over last year and is because the F-15 and A-10 production lines can now handle an increased production rate. Assuming the F-15 request is approved, this will bring the buy of F-15s to 341 out of a planned total buy of 729, so you can see, we are approaching the half-way point in this very successful program.

The A-10 is not yet in inventory and the production rate of this aircraft is just beginning to build. However, the committee made a three-aircraft reduction in fiscal year 197T to help insure the planned production building rate can be maintained.

The committee recommends for authorization the six AWACS aircraft requested. We, of course, are aware of the concern of some of our colleagues who, in general, believe there are too many unknowns with AWACS to continue the program at its planned procurement rate. Now, Senator CANNON has covered this program in some detail so I will not rehash the arguments. However, I would stress that AWACS must be viewed in terms of the total contribution it can make to any air battle and ground battle situation. AWACS must not be thought of as being oriented primarily toward defense or offense. Further, it must not be thought of as operating in isolation from other forces that can complement and protect it. To the contrary, it could well become the hub around which all other tactical air systems revolve.

Personally, I am convinced AWACS will bring a new dimension to the command, control, and communications of any future air battle situation. I suggest it might impact on the battle in a positive way that will exceed even the expectations of the strongest proponents of AWACS. I am impressed with the AWACS demonstrated success to date and our NATO allies are, too, since it looks more and more like they might buy AWACS. That, to me, is a very strong endorsement.

Mr. President, in summary, the committee took a good look at the existing and planned service force structures for the future that are necessary to accommodate these systems. I make this point, because I want to assure my colleagues we do not consider each of these aircraft and missile requests in isolation. In fact, we also examine the equipment and force structure of our Reserve forces to insure their needs are met to the maximum extent possible.

Mr. President, our tactical air forces are in pretty good shape and they will continue to be as long as we continue to update and modernize their equipment. This request, which we examined very closely and cut where required, will insure these forces can carry out missions as assigned. I do not believe it wise to go below the levels recommended by the committee.

I want to compliment the staff members, particularly Mr. Bob Old of my staff, an Air Force veteran himself, who has very keen technical insight into all of these matters.

Mr. CRANSTON. Mr. President, I yield myself such time as I may need. It will not be long as far as I am concerned. I would like the attention of the Senator from Missouri.

I was on the floor, as was he, when the Senator from Arizona spoke of the need, in his opinion, to not go into certain matters on the Senate floor now because of security matters, intelligence matters, secrecy matters.

I recognize, as do all Senators and all other observers, that there is a need for some prudence as to the discussion of national security matters. But I am deeply concerned about the fact that we do not know whether any figure in this budget is accurate because buried within it is the budget for the CIA and other intelligence agencies that distorts the entire budget.

I am very concerned by the very important decisions we must make that relate to national defense and also relate to national priorities. If we spend more on military matters, plainly we can spend less on long-neglected domestic needs. I feel that I and others, to vote intelligently, must have a maximum amount of information at our disposal, and then we must be able to have some give-and-take on the Senate floor on these matters.

Like other Members of the Senate, I have had my own private intelligence briefings in an effort to understand as much as possible about the very important matters we are considering.

I would like to ask the Senator from Missouri, Mr. SYMINGTON, who is a member of both the Foreign Relations Committee and the Armed Services Committee and also has served on the Joint Committee on Atomic Energy for his view of this matter of how much it is appropriate for us to consider and how much it is not, and on the statements that have been made that we really cannot come to grips here with these matters in any detail because of intelligence and security considerations.

Mr. SYMINGTON. Mr. President, if I could have the attention of the Senator from Arizona, he knows of my great respect for him, and I appreciate the kindness of the senior Senator from California for giving me time in this matter. It seems to me one of the reasons we have had so much controversy over the military budget is that so many aspects of it have been declared secret.

I was surprised to hear that the number of men in a division was so secret that it could not even be discussed in a secret session of the Senate.

When I first came to the Senate in January of 1953, I went to the chairman of the Armed Services Committee, the distinguished Senator from Massachusetts (Mr. Saltonstall) and said that I believed we should study the impact of the new force, atomic energy, on any preparations for the defense and security of the United States.

He, a very well-intentioned, honorable gentleman, nevertheless said that the matter of atomic energy and the question of nuclear weapons were so confidential that, frankly, the less he himself knew about it the better.

To me that seemed as if he were saying, as a president or chairman of a board of a bank, that the question of the net current assets of the bank or the question of bad loans was so secret that he would prefer not to know anything about it.

When I again requested information on this nuclear picture many years later in the same committee, I was again told that it was so secret that it would be better not to really get into it.

Then in the Foreign Relations Committee, on which I had been for some years, I attempted to find out about the whole question of what the new nuclear force was doing to our concept of how best to defend the United States, and was told by the Atomic Energy Commission that this was a matter which could only be given to the Joint Committee on Atomic Energy because it was so secret and because that was the way the law was set up.

As a result of these developments, I resigned from a committee of which I would now be chairman in order to go on the Joint Committee on Atomic Energy, in order to find out the facts with respect to by far the most important force in the world affecting our security.

Under the law, the Joint Committee on Atomic Energy is required not only to answer any questions, but also to keep members of the committee currently advised.

I think it is a very sad state of affairs that practically nobody knows the impact that nuclear weapons have made on the security posture of one power vis-a-vis another.

The significance of this fact is compounded by the rapid worldwide proliferation of nuclear materials which can be used to build nuclear weapons.

The degree of lack of information on nuclear weapons can perhaps best be illustrated by an exchange I had with the former Vice President, the very able and distinguished Senator from Minnesota. I asked him how many nuclear weapons of the Hiroshima-type he believed could be built with our present stockpile of nuclear material.

He said he had been on the National Security Council for some time and knew there would be a lot. I said, "Well, do not make the figure large because of the way I ask the question, but what would be your estimate?" He said, "I would say between 8,000 and 9,000 Hiroshima bombs could be built with our present stockpile."

The fact was that we could build over 600,000 Hiroshima bombs with our stockpile.

What worries me, as we discuss the secrecy of conventional forces, is why it would be dangerous to tell the American people why we need a certain number of combat divisions. Everybody knows the experiences we have had in these military ventures all over the world, so I would hope—and this is the point I would make to my good friend from Arizona—that we would try to continue this discussion of what we do or do not need in order to maintain our security, with a minimum amount of emphasis on the importance of secrecy.

I personally believe that the failure of the Foreign Relations Committee and the Armed Services Committee, on which I have been for a great many years, to really get into the details of the truth about nuclear forces, has cost the American taxpayer tens of millions of dollars. And from the way things now look from a fiscal and monetary standpoint, I do not believe we can afford to continue to lose that kind of money.

I can put it another way, perhaps, and that is that, as I see it—and my friend from Arizona knows that I say this with great respect—it seems to me that we have not changed our defense structure to account for the entrance of this great new force and related qualitative changes in weaponry into our thinking on defense. Today one plane in one mission can drop more than both sides dropped against each other in the 4½ years of World War II; and yet, we nevertheless continue to emphasize the importance of increasing the quantity of our arms and forces. For that reason, I was especially interested in the answers of the able Senator from Arizona to the questions of the able Senator from Massachusetts.

To me—and I will make a talk about this later in the week—a sound dollar and a sound economy are just as important to true national security as the latest weapon system.

I would hope that if there is any justification for three additional combat divisions—and may I say with great respect that, as a member of the Armed Services Committee, the Foreign Relations Committee, and the Joint Atomic Energy Committee, I have never believed there was—it should be brought out so that we can discuss it frankly.

Mr. BAYH. Will the Senator from Missouri yield for a question, please?

Mr. SYMINGTON. Yes.

Mr. BAYH. I wanted to make absolutely certain that the Senator from Indiana correctly heard the figures used by my friend and colleague from Missouri. The figure of 600,000——

Mr. SYMINGTON. In answer to the able Senator from Indiana, I was given a talk to make this year in the United Nations as a delegate, where I had the honor of serving with the Senator from Illinois. The talk that I was given by the head of the Arms Control Disarmament Agency did not say anything in any way that pointed up the dangers incident to what we are discussing. I wanted to say that the figure we computed from information of the Atomic Energy Commission and the Joint Atomic Energy Committee regarding the number of bombs that could be made of the Hiroshima type was 655,000.

Mr. BAYH. Do we have the material stockpiled now for 655,000?

Mr. SYMINGTON. Yes.

Mr. BAYH. That is in addition to the warheads we already have stored?

Mr. SYMINGTON. That counts everything that we have or could have. As you know, the figures are round. To me, it is a far more sensitive figure than the nature of a division. The number of nuclear weapons that we have in Europe another sensitive, though public, figure is over 7,000. It is well-known that we have nuclear weapons in Turkey and Greece. We do not seem to be on the best of terms with these countries, even though both are members of NATO. We should begin to get into this type and character of discussion on nuclear force, considering that over a period of years the Senate refrained from finding out what the real facts were.

Continuing with the story of the United Nations, the head of the Arms Control Agency said to me, "You cannot make this speech in this way. You have to change it."

I said, "Well, I am not going to get up and just say a lot of language that does not mean anything, so just count me out. Get somebody else to make it."

He said "You are on the first committee and you should make it." I said "That does not make any difference. Get somebody else to make it."

Then he came back to me and said I could make it, that in his opinion it would not be so bad, but the State Department objected to my making it.

Having had a previous experience of this kind when I was a delegate to the U.N. with the distinguished former Senator from Kentucky in 1968, I said "I will not make it unless I can say what I want."

So the word came back that I could make it if I said the figures I was giving were for myself and not for anybody else in the Government. I said I would be very glad to do that. We checked it and rechecked it and we thought we had the right figures. So I gave it on that basis. For the first time we received a little publicity about just how important, relatively important, nuclear weapons were to security issues, the kind we are talking about when we cite numbers of divisions, numbers of carriers, numbers of bombers, and so forth.

I received no criticism from anyone on the question of possible violations of security. In fact, I think it is fair to say we got quite a few compliments on putting this into the talk. It is rather ironic that when the talk was reprinted, and it has been reprinted several times by the State Department, the figures that I gave, and the part that said I was giving on my own behalf, were not included in the release of these United Nations discussions by the State Department.

So, here is a subject that should have been discussed in great detail as soon as the weapon became available, and there is not one American in 100,000 who really knows anything about the importance of this new force to any possible future general war.

Mr. BAYH. Mr. President, I want to compliment my friend from Missouri. I thank him for reiterating what I thought I had heard earlier. I think every man in the Senate and every Member of the 535 that constitute both bodies, the Senate and the House of Representatives, are anxious to have an adequate defense, but it is only when we define adequate defense in terms of what we now have and realize the enormity of the destructive force and the degree to which it goes beyond what we really need to defend ourselves that we can come to grips with the questions of how many dollars and how many missiles are really needed.

I appreciate the Senator from Missouri helping me.

Mr. SYMINGTON. I thank the Senator.

I say that the man who would probably be considered the senior living statesman of the United States at this time has told me in recent weeks that 9 years ago one of the leaders of the Soviet Union said:

> There is no way in the world you could prevent us from destroying you if we wanted to, and there is no way in the world we could prevent you from destroying us if you wanted to, regardless of who hits first.

As a member of the three committees mentioned, I believe that he made an accurate statement at that time; but in any case, since that time, the two countries together, counting military aid and foreign aid, and so forth, have probably spent over a trillion dollars on military arms; and this disturbs me because in some of the countries we fear, they do not ask a man whether he will work on the job, they do not negotiate wages, hours, and conditions at work. They do not go out and give continued additional incentives to join the services under the voluntary system.

They tell people where they are going to work, what the hours are going to be, what the wages are going to be and what the conditions of work are going to be.

Not long ago I said to a member of one of these countries, that we constantly build up as a danger to us, "Why are you so anxious to create all these additional weapons to destroy us when you know that under your activities or under our activities we are losing from the standpoint of fiscal and monetary deterioration of our economy? You order your people. Over here it is a voluntary system."

He said, "Well, I do not say that we are happy about that, but I think that certainly we do not want to get into any war with you."

This is what disturbs me, as there is so little recognition, in my opinion, in the administration and in many minds here in the Senate of the importance of a sound economy and a sound dollar, that being just as important as the latest weapons system.

I am the first to admit that we have a lot of waste in some of our programs here in the United States, but, quite frankly, I would rather see that waste over here than I would in in many other parts of the world where we are continuing our military adventures.

So, I thank the Senator. I simply wanted to present to my good friend from Arizona why I would hope that the question as to why we need three more combat divisions would not be a matter of secrecy; because if that has to be a matter of secrecy—and I have been through the war games, I have been at the Cabinet level at one time, even in the military—I cannot see for the life of me how you will ever get the truth out about the true nuclear picture.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. Of course, I yield to my friend from Arizona.

Mr. GOLDWATER. The Senator rose to comment on the force structure and got off into several other fields, and I will not follow those fields, as interesting as they are.

We are talking about numbers of divisions. Let me say—and I say this without authority to say it—that the Joint Chiefs of Staff want about 10 more divisions than the Committees on Armed Services of either the Senate or the House of Representatives have been willing to give them.

If the Senator wants to get into the reasons why they feel that force structure is necessary, then I honestly believe that it should be highly classified, as it is, but let me remind the Senator what has been occurring in this field. His great interest in the American dollar is reflected in what we have been able to deal with, and he is a member of the committee that has been doing this.

I will read from the report that manpower requirements result essentially from the force levels described earlier in this report.

The force levels themselves are derived from our national security objectives.

If we want to get into those objectives, I suggest that we can call on the Joint Chiefs to discuss them.

I said that I did not mean to indicate that we should not discuss them here, but they are not going to be secret. The Senate knows it. We can bar the press and bar everybody from it. Before we get out the doors, everybody in the United States knows what has been talked about in the secret session of the Senate, and to me they are a waste of time.

Let us take a look at the figures:

At the pre-Korea structure, the total of the DOD was 1,460,000; the peak Korea was 3.6 million; the pre-Vietnam in 1964 was 2.6 million, and the peak Vietnam was 3.548 million.

In 1973 the actual had dropped 1 million to 2.5 million, and this year, 1976, with the plan that we have approved it is going to drop to 2.1 million.

The important part of this, the part that we are discussing, the part of the service that comprises the divisions which is the Army, the pre-Korean strength was 593,000, in peak Korea it went up to 1,596,000; pre-Vietnam was 972,000, and the peak Vietnam in 1968 was 1,570,000. It dropped in 1973 to 81,000, and the plan this year is 785,000.

So what we are looking at across the board almost, with the exception of the Air Force—and they have not had any great reduction, but rather substantial—are figures of military strength that go below what I personally consider to be a safe level for the United States.

When the Army can talk about making 16 divisions out of 785,000 men, I think they are frankly looking at the Ouija board and not looking at facts and figures.

I would just repeat what I said at the outset, and I do not feel that I am free to say this, but I will take the gamble, that the Joint Chiefs of Staff want 24 divisions, and we, more or less, laugh at them. We have never seriously discussed it with them.

We have come up with 16 divisions at reduced strength of personnel and reduced strength of essential equipment.

So if we are going to debate on the subject of personnel and divisions, I wanted to make those questions perfectly obvious to my colleagues.

In closing, although we can discuss this at a later date, the expenditures for the military are at an alltime low in comparison with the gross national product.

If we want to get on the silly side, although I hesitate to use this, I am not a great believer in the gross national product as an economic figure. I never used it when I was a businessman, but it seems to be the accepted fact of life these days. We are spending less than 7 percent of the gross national product on the military today, and George Washington had spent more than that.

The military budget this year is running around 24 percent of the total budget.

If we want to look where we are spending money, and I know the Senator will argue with me on this, we are spending money in ever-, ever-increasing amounts in education and welfare. The Senator says perfectly all right. But if the dollar is in trouble, that is why it is in trouble. It is not from any increases that we have had in expenditures on the military because——

Mr. SYMINGTON. Mr. President, will the Senator yield?

That is another discussion.

Mr. GOLDWATER. Just a moment.

Mr. SYMINGTON. I was only protesting against the secrecy aspect of why we needed three more combat divisions for the infantry. We have two great Armies. We have four great Air Forces.

Mr. GOLDWATER. The Senator brought it up. I did not.

Mr. SYMINGTON. There may be a reason for it. I think the only way you can let the people decide if there is a reason for it is to get the facts out to them instead of withholding them on the grounds of secrecy.

I have known every Secretary of Defense fairly well, since the beginning; and the first one was at least as dedicated and sensitive to the needs of the military as any of his followers.

Secretary Forrestal told me and the rest of us one day that if you gave the Joint Chiefs all they wanted, there would be no money left for anything.

I am not saying that they do not need 24 divisions. I am not saying that they do not need three more combat divisions. But what I am saying is that the matter should be discussed and debated, especially as we have not recognized in our structure and functioning of the military service this great, new force, the nuclear weapon. That is all I am trying to say.

Mr. GOLDWATER. I remind the Senator from Missouri that we discussed this at great length in the subcommittees and full committees of Congress. We have one of the most able young men who has ever come to this body, and that is something for a Republican to say about a Democrat. The Senator from Georgia, in my opinion, is one of the great additions we have had to this body, and he knows what we have been through with respect to this entire matter.

We can get into the matter of personnel and talk about it forever. I asked the Secretary of Defense last year how many civilians work in his Department. Twenty-four hundred. That is not the Pentagon; that is just the Office of the Secretary of Defense.

I ask, "How many can you get along with?"

He said, "Let's start with 1,000. I think we can do with less than that."

Have we lost one? Not that I know of. That good old civil service . . . you are in there for life.

So if we want to start talking of cutting on the defense budget, we can start there. We can start on the whole procurement business of the Pentagon, and I suggested time and again that we do it.

If we want to get into why the Joint Chiefs of Staff made the suggestions, I think it is unwise. But if it is the decision of the leadership to hold a secret session and let the Joint Chiefs come on the floor of the Senate and present their reasoning, I have a hunch that not many people will understand it, but we might satisfy some people.

Mr. SYMINGTON. The Senator from Arizona knows my respect for his thinking in this field. His knowledge of military matters is unsurpassed. But I respectfully remind him that the Joint Chiefs practice and practice, and some day they will probably want to play. That is a normal attitude of any group of people.

However, there was a member of the Joint Chiefs who later became the President of the United States. The Chairman of the Joint Chiefs at that time was very anxious for us to enter Indochina. Against the advice of the Chairman and the Vice President at that time, President Eisenhower took the word of another military man and decided that we would not go into Indochina in 1954.

I mention this only because the mere fact that the Joint Chiefs want something, to my mind, does not necessarily mean much, unless we know why they want it, and, indeed unless they justify in considerable detail why they want it.

When it comes to the number of divisions, I would say that that is a matter which can and should be discussed frankly in some detail, especially considering the fact that we have been careful to keep from the American people, during all the years I have been in the Senate, the truth about the great new force which shortly will permeate the entire world. Nuclear reactors are being furnished all over the world, and one knows that they do not make electric energy without making plutonium as well, and this is the ingredient for making nuclear explosive devices.

So it seems to me that we are going strong down one road when we should be considering a more important item. It all sums up to whether or not, in order to justify the budget we want, we should tell the people more about it. That is all I am trying to say.

Mr. GOLDWATER. Mr. President, if the Senator will yield, I really do not know of anyone, unless it is the Senator from Georgia, who can get into the detailed classified accounts of why the number is 13, 16, or 24. We were not exposed to them. But I would be perfectly willing to let the Joint Chiefs make that decision.

The Senator made a remark about what President Eisenhower did about not getting into Indochina in 1954. I remind the Senator that it was a civilian who recommended B-52 bombing in Cambodia, and it was the Joint Chiefs of Staffs—men in uniform—who said, "No, we do not need that kind of superiority to get one ship free."

So it depends on whose hat you are wearing. One time, a former general makes a decision that is in consonance with the civilian. The other time, a civilian makes a suggestion that the man in uniform finds himself in argument with.

I think this testifies to the greatness of the American system. I would argue this in every case but one, as the Senator knows, and I will not bring it up right now. The idea of the civilian over the man in uniform is a superior one, and has always worked, with the exception of one time. I hope we never deviate from it and that we stay with it.

I am glad the Senator gave me an opportunity to bring up the recent decision on Cambodia. Many people in the media, uninformed, have tried to point out that it was the man in uniform, but it was not.

Mr. McGOVERN. Mr. President, I should like to direct a question to either Senator SYMINGTON or Senator GOLDWATER or any member of the committee who would care to respond to it.

Without getting into the matter of whether the Joint Chiefs want 13 or 16 or 24 divisions, is the number they are requesting based on the assumption that the Soviet Union and China present a united front against the United States? Has there been any change in the foreign policy assumptions on which those force levels are set? I think it is fair to say that 12 or 15 years ago we thought it was our mission in the world to be prepared to take on what we then referred to as the Communist bloc. Presumably, anybody who claimed to be a Communist was in that bloc.

My understanding is that our defense levels in that period were set on the assumption that we were fighting what we referred to as the Sino-Soviet bloc and we had to be prepared to take them on as a unified force. Is that still the assumption on which our manpower requests come to us from the Joint Chiefs?

Mr. GOLDWATER. I would be very presumptuous in attempting to answer that question, if I tried to put myself in the position of any member of the Joint Chiefs of Staff. I would doubt very seriously that a so-called Sino-Soviet front, as such, would present any military problem to the United States. I believe—if I were sitting on such a staff—that the possibility of war between Russia and Red China would have a very definite bearing in my mind on what our force structure should be.

I will say this: It would not cause me to become upset. It would not cause me to recommend great amounts of additional men. I feel that if we ever give up our role as the No. 1 power in the world, war between Red China and the Soviets will erupt and that the 20-odd divisions that Russia now has on the Red Chinese border—it may be more than that; it may be a few less—and the more than 2,000 tactical aircraft that the Soviets have massed on that border will be put into action.

If this ever comes about, it has been by feeling that the Third World War will have started and that eventually we will be sucked into it. I hope I am wrong.

In answering it, I would be presumptuous, but I doubt very, very seriously that this enters into it.

In tabulating where these figures might come from, the major point would be a possible engagement on the continent of Europe. There, again, it would get into whether it would be in the mountainous terrain of Western Europe or the flat country of certain parts of Russia. There is always the iffy subject of the Middle East, which I seriously doubt ever will engage American troops. When one is put in the position of the commander, I do not think it is wise to ignore those things.

So I would have to assume all these factors, plus a possible uprising in Panama, which we are beginning to hear about; possible repercussions if we do not bow down to Cuba; repercussions all over the world because we are held in question.

I hope that answers the Senator's question.

Mr. McGOVERN. I should like to clarify one point. Do I correctly understand the Senator to say that we practically have had to keep China and Russia from fighting each other?

Mr. GOLDWATER. The reason I say that is just the nature of power. If the two of us got together, sooner or later, one of us would be sort of running the show. When we get a world full of nations, there is never a vacuum in the leadership. If there is, it is quickly filled.

I do not think it is any secret that the Soviets would like to be the world leader. I think they feel that, given time, given the problems we get ourselves into, without firing a shot, the Soviet Union will be the world leader.

I also think that Red China, with her great desire to occupy the fertile valleys just north of her borders, badly needed by Red China—valleys as large as the Mississippi Valley—this fact alone would start it, but she, with her vastly superior army, I feel, would start a war, or the Soviets would retaliate with war if anything came of it, if we were not in the picture as a possible deterrent.

Mr. NUNN. Will the Senator yield for a moment for an answer to his question?

Mr. McGOVERN. I yield.

Mr. NUNN. First, I thank the Senator from Arizona for his very kind words regarding my service on the Manpower Subcommittee of the Committee on Armed Services.

The force structure is based on the so-called one-and-a-half war concept at this time. That varies considerably from the previous concept that existed, and I am not sure as to the exact number, a few years ago. That means primarily, as the Senator from Arizona has already said, the capability of being to fight a conventional type war in Europe after a war had broken out somewhere else. So the one-and-a-half comes from that kind of scenario.

Based on most information—I do not know how much detail the Senator would like to go into on that; some of it is classified.

Mr. McGOVERN. What I am trying to get at is, when we talk about a capability of fighting one-and-a-half wars, one major war and one minor war, is that major war based on the premise that the Soviet Union and China would be fighting together against us? Has there not been any change——

Mr. NUNN. Let me tell the Senator this: If the Soviet Union and China were fighting against us, we would have to double the military budget and, to meet the forces against us, would have to double the number of men we have right now. The Senator from Georgia has severe doubts whether we would have enough manpower in the conventional sense to conduct even the one-and-a-half war scenario. As to the Senator's premise, I can answer the question, without any doubt, that this budget would not even come close to that kind of contingency.

Mr. McGOVERN. That being the case, when the Senator recalls that a few years ago, we did operate on the assumption that the Soviet Union and China were a united bloc, why, then, is our military budget so much larger now, at a time when the Senator says it is impractical to think of the Soviet Union and China fighting on the same side?

I agree it is impractical. I think the Soviet Union and the Chinese are at each other's throats and doubtless, each one of them has a considerable percentage of its military capability deployed against the other, rather than deployed against us. But if we operated in the first 10 or 15 years after World War II on the assumption that China and the Soviet Union were together and that we were confronted with the united Communist bloc, why does not our military budget go down at a time when that fearful prospect no longer confronts us?

As the Senator said, if we are faced with that, we would have to double the budget. Well, the budget is double now from what it was 10 years ago, when we were operating on the assumption that we had to take the two of them on together.

Mr. NUNN. Let me answer the question this way and I shall answer only on the manpower premise. The manpower we have in this recommendation is at a lower level than at any time before the Korean war. In other words, this will be the lowest level of manpower we have had on active duty since before the Korean war.

As far as why the defense budget has gone up, I think the Senator from Georgia would have to answer that question with one word, inflation. The percent of the total Federal budget has gone dramatically down. It is something like 27 cents out of every dollar now. The percent of the GNP has gone down. So we are spending less money. We are spending less as a matter of priority compared to domestic matters. There is no doubt about that.

If the Senator wants to compare, the budget of HEW has gone up something like 900 percent since the early 1960's. The defense budget has gone up about 100 percent, so it is about double.

Mr. SYMINGTON. If the Senator will yield, I want to make my position in this very clear. I am not arguing in any way with the able, distinguished junior Senator from Georgia, who has devoted a great deal of time and done a superb job in this field. My problem in listening to this discussion has to do with whether or not it should be classified or whether or not the people should know about it.

I admit that today, a billion dollars is nothing as compared to what it was when I first came into the Government, 30 years ago next month. I have a note from my own staff. According to Defense Department statistics, as provided by the Committee on Appropriations Subcommittee on Defense Appropriations, the cost of going from 13 to 16 divisions is approximately $4,300,000,000 over the next 5 years, fiscal years 1976 to 1980. That would be the cost in terms of the additional funds required for military construction, procurement, operations and maintenance, and military personnel.

So if we do not make this increase of three new divisions, we could be saving the taxpayers of America billions of dollars.

It was testified before our committee, the Senate Committee on Armed Services, that the threat to our security is no greater this year than last year, when we had only 13 divisions. In time, if it looks as if the threat were going to increase, we could always take steps to form additional divisions. But at this time, when our economy requires fiscal restraint—and I think the Senator from Georgia would be the first to agree that that is true, and I am sure every other Senator would—should we not take a hard look as to whether these new divisions are actually necessary?

My only point is that not only should we take a hard look at these issues in subcommittees and full committees and on the floor of the Senate, if necessary in a secret session, but that we should get out to the people the truth as to why we authorize one program or another.

I believe the Senator would agree to that. It is our problem to restore our people's faith in their Government and the main way of doing it, in my opinion, is to give them the facts instead of keeping them in the dark and deceiving them, as we were deceived so long in recent activities that were primarily military.

Mr. NUNN. To the Senator from South Dakota, I am not yielding time, I am borrowing his time.

Mr. SYMINGTON. I think I had the floor, but that is all right.

Mr. NUNN. If someone will yield me time, I certainly think we ought to discuss in as full and complete a manner as possible the whole move to 16 divisions. I am going to be making a full statement on that subject in just a few minutes. I think there is some classification of parts of it. The parts that are classified, I think we could exclude from the discussion. But as fully as possible, I think we should debate it, and the Senator from Georgia is certainly prepared to do exactly that.

I do question the figures of the Senator from Missouri about the cost of going to 16 divisions, because there is no increase in cost of manpower. It obviously costs more to drive a tank than it does a desk, but I do not believe the U.S. Senate wants to take a force structure that admittedly has too many people in command headquarters and say to the U.S. Army, we want you to keep them in an inefficient and ineffective way, pushing a pencil behind a desk, rather than making them get out with a gun in the field, which is the purpose of the Army anyway.

Mr. SYMINGTON. These are not my figures. They are statistics provided by the Subcommittee on Defense Appropriations of the Committee on Appropriations.

Mr. NUNN. That is inconsistent with the cost figures which were testified to before our subcommittee, which is less than $2 billion over 5 years. It does cost more over a 5-year period to have a 16-division force. The very simple reason is that it costs more to have combat troops than it does to have support troops. But there are a lot of things to say on the 16 divisions and a lot of points I want to make. It really marks the first time in my short tenure in the Senate that we have seen any of the bureaucracy, including the Department of Defense or any of the other bureaus, have any incentive to convert from fat to muscle, from wasted manpower to efficient and effective manpower.

I say that a great deal hinges on this decision, even separate and apart from the military question. That is whether we want to send out a signal throughout the whole bureaucracy; fellows, if you ever discover fat and let us know about it, we are going to grab it and take it away from you. If we want to make this a more inefficient Government than any of us imagine, that is what we are going to do if we take away this incentive.

I do not want to infringe on time, but I do want to make the point that I am perfectly prepared to discuss this at any length the opponents of this concept want to discuss it and get in as many of these figures as we can regarding the 16-division structure.

Mr. McGOVERN. Mr. President, if the Senator will respond to a couple of questions, he has been very properly identified as a very thoughtful student of our defense posture. Just to clarify some of the basic assumptions we are operating under, do I correctly understand the Senator to say now that when the Armed Services Committee reports out a bill on defense authorization at the level where they think it should be, they are operating on the assumption that there is no longer a Sino-Soviet bloc that confronts us, but two countries that are actually going through a demonstrable friction of their own, and that they do not confront us as a unified bloc?

Mr. NUNN. I would be the first to admit to the Senator from South Dakota that there is not nearly as much consideration given in the subcommittee or in the committee to foreign policy concepts and assumptions as I would like to see in the Armed Services Committee; but I would start with the very general proposition that there is no possible way, given the constraints of the budget, that we could ever get the manpower required to meet both a Soviet challenge and a Chinese challenge at the same time. It is so far out to think that we could ever do that that the answer is rather self-evident.

Mr. McGOVERN. To carry it one step farther, could the Senator give us some general idea——

Mr. NUNN. I am speaking in a conventional sense at this point, not a nuclear sense.

Mr. McGOVERN. Yes. Could the Senator give us some idea what percentage of the Soviet military manpower is deployed for purposes of defense against China, rather than against the West?

Mr. NUNN. Mr. President, I would like to be able to add for the record on this point that my recollection is that the Soviet Union has about 4.2 million men under arms on active duty. That number has increased by something like 750,000 in the last 10 years. At the same time, the American force level has gone down very considerably in the last 10 years.

Out of that 4.2 million, according to my best recollection, the number of men that are aimed in the general area of geography that could be considered part of the Soviet answer to the so-called Chinese situation would be somewhere between 500,000 and 700,000. So that would be a considerable part of the 4.2 million, but yet when we subtract the 500,000 to 700,000 men who are in the approximate area of the Chinese challenge, it would leave considerably more men than the United States of America has.

These matters, however, are a little bit more complicated than that. I do not want to mislead the Senator on that score, because if you include NATO, all of the allies together roughly match the Warsaw Pact nations in manpower in the central region under MBFR discussion, but the question is whether that includes France or does not include France.

Mr. McGOVERN. I think that when the Soviets look at the question, they look at the border they share with China, which is some several thousand miles in length. We look at a border with Canada that is some several thousand miles in length, but to the best of my knowledge we do not keep very many forces along that border because of our historical friendship with Canada.

Would not the Senator agree that the Soviets and Chinese have a very different situation, and that they confront each other along a common border several thousand miles in length? Does not that change the situation somewhat, when we talk in terms of our maintaining parity with the Soviet Union?

Mr. NUNN. It does; there is no doubt about that. I have not advocated we maintain parity on any kind of man-for-man match-up.

Mr. McGOVERN. Or even that there is any necessity for it, considering the challenges that confront us as compared with the challenges that confront them?

Mr. NUNN. I agree; but I would point out that the Soviet Union has 4.2 million men under arms. We have 2.1 million under arms. The Soviet Union has increased its military manpower by about 750,000 during the last 10 years, during which time the United States has reduced its military manpower by 580,000.

I do not think the committee or anyone on the committee is taking the position that we are trying to achieve parity with the Soviet Union man for man.

Mr. McGOVERN. I agree with what the Senator has said, and I do not challenge his figures. I am just trying to make the point that the military planner sitting in the Soviet Union, trying to figure out what the defense requirement of that country is going to be, has to think not only of the combined forces of NATO on the east, but also has to think about the 800 million Chinese on their other side. That is a problem that does not confront us.

Mr. NUNN. I would agree with the Senator on that, and I am very thankful for that fact.

Mr. McGOVERN. I am, too. But I think when the Senator talks about the Soviets increasing their manpower by 750,000 over the last 10 years, the Chinese factor may have a lot more to do with that than anything we are doing.

Mr. NUNN. Of course, I might add on that point, if the Senator will yield, that they have also increased their military manpower as well as their armament in the NATO region, separate and apart from the Chinese border.

Mr. McGOVERN. Let me ask the Senator one final question; then I intend to yield the floor.

The official foreign policy of our Government toward the Soviet Union is one of deterrent, of an assumption that the two countries can live on the same planet in peace, that we hope to achieve a series of steps that will improve our relations. Does that factor influence the military force levels that the committee recommends for the Senate to act on here on the floor, or are we operating on the assumption that détente is something the diplomats talk about, but that really does not have very much impact in terms of the military considerations?

Mr. NUNN. I would say in response to that question that in the opinion of the Senator from Georgia—I would be very hesitant to speak for the committee on this, because it is a matter of judgment—I would define détente as the easing of tensions, and not the arrival of the millenium.

Mr. McGOVERN. I would agree with that.

Mr. NUNN. I would also say that as long as we have a national security policy, we must judge the potential adversaries, in this case the Soviet Union, by their military capabilities rather than their friendly smiles and gestures, because, as the Senator is well aware, friendly smiles and gestures can disappear in a period of about 8 hours. That has happened a couple of times just recently.

I think what we must do is judge their capabilities, because there is nothing we can do on the floor of the Senate in an emergency to increase military capabilities. We can only affect those capabilities in the 1980's by what we do here today.

So this is my judgment, and I would certainly think, as far as I am concerned, that we should pursue détente, the easing of tensions, but I happen to believe we would not have the détente we have already achieved unless we had a strong national security policy to go along with that, and I also believe that if the Soviet Union ever feels we are going to be inferior to them in a military situation, we would endanger if not completely prejudice the hope for détente.

Mr. GOLDWATER. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I do not know whether I have the floor.

Mr. KENNEDY. I believe we had yielded to the Senator from Missouri, who had gotten into a dialog with the Senator from South Dakota and the Senator from Georgia.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. KENNEDY. I think I have the floor. I yield for a brief question.

Mr. GOLDWATER. Very brief.

Mr. KENNEDY. I yield for that purpose.

Mr. GOLDWATER. I think we ought to keep these things in proper perspective, and I think the Senator has raised a very interesting point, namely, has the question of détente had any effect on the committee's or the Secretary of Defense's thinking on the question of manpower levels?

The U.S. defense budget has been eroding at about 5 percent a year, and the Soviet budget has been increasing at a rate of 3 to 5 percent a year. If the Senator will look at page 303 of part one of the authorization manual, he will notice, in connection with this discussion of the question of détente, that we have been decreasing our forces rather substantially, and the Soviets have been increasing their forces very rapidly. We have been decreasing our budget sizably, and they have been increasing theirs. So while all of us would like to believe in that beautiful bubble dream called détente, it just has not happened as far as the Soviets are concerned.

Mr. McGOVERN. Admittedly the Soviets have had some increase during the time we have had some tailing off. The point I wanted to make is that the Soviet Union confronts not only the possibility of conflict with us, but also with their next-door neighbor, the Chinese, and all I am pleading for here is that we do not assume that every move the Soviets make, either on manpower or on the nuclear front, is necessarily aimed at us. It may be that these increases the Senator refers to have nothing to do with Soviet intentions toward the United States, but reflect the anxiety and fear that they are experiencing with regard to their next-door neighbor.

That is the only point I am trying to make.

Mr. GOLDWATER. I think the Senator has raised a good point.

However, this is only part of the many, many points that the Joint Chiefs of Staff have to take into consideration as they sit down and make an estimate of the situation. The Senator, having had fine service in the Air Force, has lived through that estimated situation every morning he got out of bed, and this is what goes on downtown day after day after day.

I am sure every possible reason for their increasing their forces or taking them under consideration, also every possible reason for our reducing our forces, has to go into that consideration.

I thank my friend from Massachusetts. He has been most patient.

Mr. KENNEDY. Mr. President, I would just make a brief comment on this, and then I will be glad to yield to the Senator from Georgia, and that is really to come back to one of the earlier questions that I asked.

I listened to the Senator from Georgia outline the nature of the Soviet threat, and the fact that actions that would be taken here on the floor of the Senate could not be remedied if the smiles of the Soviet Union were to turn to a more aggressive attitude.

The fact of the matter is that we have had 13 divisions requested in fiscal year 1971, 1972, 1973, 1974 and, although a request for 14 was received in fiscal year 1975, the level effectively has remained 13 and that was the basis upon which the committee conducted its questioning of Defense witnesses this year.

Now we have seen a dramatic reduction of American troop involvement in Southeast Asia, and yet we have seen a request for an increase of combat divisions from 13 to 16 this year.

It is interesting to listen to explanations of the total reduction in terms of manpower being recommended. But if we are moving support slots into combat divisions, and we are justifying inefficiencies which I think is greatly and directly attributable to the Senator from Georgia, and for which I am very much appreciative, I would hope that we could listen to an explanation of why we are keeping that fat in the military instead of achieving cost savings. I think this should be a key part of the explanation.

If 13 divisions were good enough for the smiles in fiscal year 1972, 1973, 1974, and 1975, and were sufficient to justify the security of our interests at that particular time, then I think we are entitled to know what has changed in terms in either the attitude or threat from our adversaries which justifies that we move from 13 to 16 divisions.

I do not discount an earlier comment of the Senator from Georgia as being one of the very powerful factors. Under the workings of the Senator from Georgia, they found out there was a great deal of surplus in terms of the support aspect of our military force. So they were able to meet with the Secretaries of the Army and Defense and were able to convince them to transfer that fat to muscle.

Now, the Senator from Georgia says, "Well, boys, we cannot alter or change that because if we do then the Armed Forces are not going to reduce that fat any more."

That is an incredible justification, an absolutely incredible justification, and it is probably the best argument I have heard yet for the concept of a ceiling amendment. Instead of enticing the Department into identifying excess—whether men or weapons—by lowering their overall ceiling, we insure that they have a requirement to find that excess and remove it.

Here, we have seen a real example of where they can identify excess when they are absolutely put to the test. But then we are almost in a situation that says to the Army, "Well, boys, you went out and did a good job, so we are going to pat you on the head because if we do not pat you on the head, how are we ever going to expect the other Armed Forces to make any change for improved efficiency."

Mr. NUNN. Mr. President, will the Senator yield?

Mr. KENNEDY. In just a moment. I know the Senator from Georgia is going to develop these arguments in depth, and I will be glad to permit, obviously, any response he wants to make.

Mr. NUNN. I want to clarify that one point.

Mr. KENNEDY. Very well.

Mr. NUNN. I think the record will reflect very clearly that I never insinuated that the prime justification for going to 16 divisions was to incentivize bureaucracy. I think that is one consideration.

Mr. KENNEDY. Does the Senator from Georgia think it ought to have any consideration?

Mr. NUNN. I would ask the Senator from Massachusetts if anything has been done in the rest of the Federal Government.

Mr. KENNEDY. I commend him for doing it. Does that justify why we——

Mr. NUNN. No, it absolutely does not, and the committee report makes that fundamentally clear. It points out very particularly, just as the Senator from South Dakota and I were discussing just a minute ago, what the threat is.

Mr. KENNEDY. I would like to get the Senator from Georiga doing it for all the other services. I commend him.

Mr. NUNN. I would like to see the Senator from Massachusetts do it in some of the social fields, to be frank, because I think it could be done in other fields.

Mr. KENNEDY. Would the Senator like to hear how they have been reduced in comparison.

Mr. NUNN. HEW has gone up 900 percent since 1962.

Mr. KENNEDY. And I am sure the Senator voted for a good many increases in social security.

Mr. NUNN. The Senator is exactly right, but I am trying to put it in perspective.

Mr. KENNEDY. All right. We are talking about elementary and secondary education that is down approximately 9 percent; nutrition assistance is down 17 percent; community health services down 38 percent. The request that we have received for an increase in the budget for procurement and R. & D.—even excluding Vietnam spending—was 36 percent. And the committee permits a 20 percent hike. But I want to get back to the basic point that we are raising here.

Mr. NUNN. Will the Senator yield for one question?

Mr. KENNEDY. Yes.

Mr. NUNN. Are those figures which come from the President's budget or the Budget Committee's recommendation, because in the Budget Committee's recommendation the only thing that went down in the whole budget was national defense. None of these programs were cut. In fact, they were all added to.

Mr. KENNEDY. I will submit these figures they are from the President's budget.

I want to get back to the point, and that is—and I hope the Senator from Georgia will develop it and then we can talk about it at some length—what the increased threat is from last year to this year that requires increases, particularly, in relation to the changes that we have seen in terms of the military situation in Southeast Asia. Presumably we have reduced overall combat requirements after Vietnam—not greater.

There have been important changes since the budget requests were presented, and even since the Senator from Georgia considered this issue. We have seen an alteration, a dramatic one, in terms of the nature of our own commitment of forces in Southeast Asia, yet we see no place within this budget where that is reflected in terms of our overall force structure. I hope, in the Senator's preparation and comments here when he makes his statement later on this afternoon, he would talk about it because I do think we need a better justification than saying, "Well, our total manpower is down 1 percent, we were able to wring out the fat, and so we have increased the combat arms, since we do not want to discourage further reduction or unnecessary support elements."

I just want to say finally on this matter this has been something I have been interested in for some time. As the vice chairman of the NATO Defense Committee, I introduced a resolution with regard to support and combat ratios 4 years ago that was accepted in the North Atlantic Assembly and, actually, in an exchange of correspondence with the chairman of the Armed Services Committee over 3 years ago, received an indication——

Mr. NUNN. I might say on that point that is exactly what we are trying to do.

Mr. KENNEDY. I commend him. As I say, I wish we could do it with the rest of the forces. So I think, first of all, it is a more efficient and more effective combat force when we are able to reduce the size or the tail. But I am just wondering if we were able to meet the existing conventional threat from 1970 on through to this year with 13 divisions, and what has happened in terms of our view or a foreign threat that now justifies our going to 16 combat divisions?

Mr. NUNN. Mr. President, will the Senator yield at that point?

Mr. KENNEDY. Yes.

Mr. NUNN. If the Senator will yield, I will answer the question, at least to some extent, right here.

One thing that has happened in the last 4, 5, 6, 7 years—and a lot of this happened before the Senator from Georgia got here—is that an awful lot of people in our Government have felt for a long time—and I think this began in the early 1960's—that we would all be better off with nuclear parity.

Now, I might disagree with that, but I think we have to wake up today and ask where we stand today, and I think today we stand in a situation where we do not have nuclear superiority. We have a situation called parity. We do not talk about superiority; we talk about being second to none.

Now, the Senator from Georgia might disagree with that, but that is where we stand today.

I know the Senator from Massachusetts would be second to no one in his desire to avoid any kind of confrontation that could lead to a nuclear exchange, even a tactical nuclear exchange in Europe.

I know the Senator has spoken of such in NATO councils and he is highly regarded there, but one thing the Senator from Georgia is trying to do with manpower and in his overall philosophy in the committee is to raise the nuclear threshold.

One of the ways to raise that threshold, in fact, is giving the President of the United States as well as the NATO allies a conditional option.

I would have to say our policy in Europe for a long time was based on our nuclear superiority and I would have to say 5 or 6 years ago the Senator from Montana on his "trip wire" description was probably very close to correct.

But we are doing everything we can, because the President of the United States ought to be able to use nuclear conditional forces to avoid having to go to nuclear weapons at the outset of any kind of confrontation, if it took place in Europe.

This is one of the primary justifications for realizing we no longer have nuclear superiority and we must have an option.

I would say that 16 is not enough, not as much as I would like, but I think it is an improvement. It does raise the nuclear threshold. It can help us meet our NATO commitments and it does reinforce the option I think is essential and imperative for the President of the United States to have if there is any kind of confrontation, either by design or by reason.

Mr. KENNEDY. I am glad to hear the explanation.

I had hoped the Senator would be able to develop in his presentation the difference in terms of the strategic potential of the Soviet Union, how he believes that balance has changed in the last year to justify the increase and then relate that analysis to his assessment of the threshold test ban treaty, the Vladivostok Agreement, the strategic arms agreements of 1972. I think we ought to have an idea of what we can expect in the strategic balance for next year and the years beyond.

Mr. NUNN. Well——

Mr. KENNEDY. If I may finish.

If it is the Senator's assessment that, because of changes in the strategic balance with the Soviet Union, we must increase U.S. Army strength by three divisions, then I think the American people ought to understand whether next year, according to the assessment of the Senator from Georgia, we might have to increase by two or three more divisions, and even more after that.

If the case for relating the strategic balance to European security could be made in truly meaningful terms, then we ought to be asking harder and tougher questions with regard to these various arms control agreements that are being heralded by the President and others. Are they really meaningful in terms of U.S. security interests and in terms of leading toward strategic force reductions?

I think what we are trying to point out is that he is suggesting a correlation between these matters that overstates the case, and I am hopeful that the Senator will be able to comment.

Mr. NUNN. I would like to ask the Senator from Massachusetts a question. He has been a Member of the Senate longer than the Senator from Georgia; he has been in NATO councils longer than the Senator from Georgia, and I would very much like to get his opinion about what kind of conventional force NATO ought to have in order to raise the nuclear threshold. This is not a one-way street.

I would like to know what the Senator from Massachusetts thinks we ought to be able to do in order to avoid nuclear war in Europe. That would be a very interesting topic.

Mr. KENNEDY. The thing that constantly impresses the Senator from Massachusetts is the virtually even balance which exists between Soviet and other Warsaw Pact forces in Eastern European forces and the NATO forces in Western Europe.

Mr. NUNN. Would the Senator——

Mr. KENNEDY. If the Senator will permit me to respond, at the present time, in terms of total manpower, NATO versus the Warsaw Pact, we have a virtual standoff, certainly one that would permit significant conventional defense before the issue of nuclear weapons was ever raised. This is certainly time for any aggressor to understand clearly the dangers in pursuing an attack.

I have yet to hear, in attending North Atlantic Assembly meetings, that anyone feels we would be unable to mount a conventional defense in Europe for such a period of time that the Soviet Union would not be given cause to think again.

I think a review of those statistics, worked out in the Armed Services Committee, would show that in terms of any manpower change since last year in the European theater, there is no justification for the kind of increase being discussed today. I also wish the Senator from Georgia would point out whether he believes those additional three divisions should be committed to Western Europe or should be backup for Western Europe or would be placed somewhere else.

I think this is important, since two of those three divisions are nonmechanized ground infantry and, therefore, of the kind of division we maintain for Asian contingencies.

We have had debate and discussion about the relaxing of tensions in Europe in recent years, and questions about whether we could actually reduce some of the forces we have maintained there for 25 years. Some of us have felt in the last year or two that the mutual and balanced force reduction talks ought to be the forum within which changes in force levels should be made on both sides. Some of us have been at least led to believe, from contracts with the administration, that after the Vladivostok Agreement, is finished and the forthcoming summit meeting of the European Security Conference is held, that MBFR is going to be the first priority for the President of the United States as well as for the Soviet Union. Then, there might be some real potential for reduction of combat troops in Europe on both sides.

Yet we are being confronted here with the possibility of adding more divisions, and if we are going to allocate them overseas in percentages reflecting where we have troops now, that will mean additional troops in Europe. This hardly makes sense if our objective is force reductions on both sides.

I also wish the Senator could tell us, if we do gain three more divisions, whether this means there will be additional troops deployed overseas?

Mr. NUNN. No, I would not think so at all, but they would be prepared to go to NATO in 90 days. That is our basic plan as far as being able to develop in Europe.

I am very interested in what the Senator said as to the capability, matching the Soviet Union, because much of what the Senator said I agree with. But I am very puzzled because we heard again last year about unilateral withdrawal of U.S. troops, focused on the fact we were being a tripwire, and that is again used. We were a tripwire to the action and would have to go to nuclear weapons and, therefore, we ought to withdraw a substantial number of troops.

I understand the Senator from Massachusetts now is rebutting that argument. I happen to agree with the Senator. He is saying that we have the capability of a defense in Europe. I happen to agree with that.

I am just asking the Senator from Massachusetts, really, what is his philosophy on that? Are we a tripwire or are we capable of defending, because that turns on the whole question, whether we should have unilateral withdrawal or await reports of the talks?

Mr. KENNEDY. In my own view, just in terms of manpower, tanks and aircraft, we have the conventional forces at the present time to mount a considerable defense.

As I understand it, the present central front, when an area including Great Britain is considered, NATO has 1,202,000 men and the Warsaw Pact, 952,000, in terms of manpower. There are 6,700 tanks in NATO, to 16,000 in the Warsaw Pact—offset to a great extent by our superior antitank capability. In aircraft, it is 2,900 for NATO, 3,000 for the Warsaw Pact—where our planes are far superior.

The point I am trying to make is that, in terms of manpower, NATO and Warsaw Pact forces are in a very close kind of balance, with NATO superiority of perhaps 250,000.

Even if you look at the narrower area, as one do, where the Warsaw Pact forces have a slight advantage, they are still far from the two or three to one superiority generally viewed us necessary for a successful attack.

There is a difference in terms of some Air Force numbers, and in numbers of tanks, and other matters. But I do not believe, as the balance exists at the present time, that there would be difficulty for NATO in handling and present threat, perhaps even fighting to a standstill.

In the presentation that is made about increasing the number of divisions, I want to hear if it is the conclusion of the Senator from Georgia and the Armed Services Committee that, because of increased Warsaw Pact manpower in Europe, we are going to have to have additional backup in combat divisions, or despite the changed situation in Asia we are still going to have to have additional manpower needs, or if the justification is because of the change in the strategic balance. I want to hear that justification.

But I do not want to hear as a justification that, because the Army eliminated some fat, we are going to have to put in three more combat divisions or there will be no incentive for the Armed Forces to eliminate fat.

Mr. NUNN. I think I have gone into considerable detail about strategic balance. I have presented the case on that. Strategic balance has changed in the last 10 years very dramatically. If the Senator does not agree with that point, I would like to hear about it. I have already made that point. We do need a stronger conventional deterrent to avoid the nuclear weapons. We have the combat capability in Europe now, if it is properly utilized. I have several amendments that have been incorporated in the defense bill to try to improve the efficiency and effectiveness of those forces. We do not have the backup capability in this country necessary to deploy to Europe in the time required to add to and supplement a conventional force. We cannot match the Soviet Union in the first 90 days of resupply of forces and equipment. I believe that is very, very clear. I do not know of anybody who would rebut that. It cannot be done with the present forces. That is the reason we are trying to improve the forces. That is also the reason, as I mentioned a minute ago, that strategic parity has greatly changed the perception of this entire question.

Mr. KENNEDY. Would the Senator then give us some idea of what he will request next year in terms of combat forces? In terms of strategic weaponry on both sides, we are working toward greater arms control—the administration in the Vladivostok Agreement, and some of us in introducing resolutions to support further arms control.

We will have a change during the debate on the various strategic weapons amendments to elaborate the position I have advanced here. I do not think the case has been made that, on the basis of what the Soviet Union has done in the last year, there is reason for the additional combat divisions. If a view of the strategic balance is the justification or reason, I wish the Senator would project that balance over the period of the next 2 to 3 years, so we can get an idea of what we should expect. How many divisions are we going to need next year or the year afterwards?

Mr. NUNN. The Senator has mentioned an important point. The Armed Services Committee has not increased the manpower in the Army. The Armed Services Committee has decreased the manpower almost 5,700 spaces. We have reduced civilian personnel by 23,000 spaces. We have reduced the total of military personnel by 18,000 spaces. This comes up to an annual reduction when fully implemented of almost $500 million a year. Yet we are standing here in the Chamber making believe that we are increasing. We are increasing combat power. I do not think the Senator from Massachusetts would propose that we encourage the Armed Forces of the United States to continue to use their forces ineffectively in supply functions when they can be converted to combat. I do not believe the Senator would advocate that.

Mr. KENNEDY. What the Senator is suggesting is that we had sufficient divisions to face and to meet our national security requirements a year ago at 13. The Senator has been able to eliminate some cooks or secretaries or other personnel which should have been eliminated because they were not needed. I am suggesting that we might consider passing some of those savings on to the American taxpayer. If it is the Senator's position that, no, we will change them from being a dishwasher or a cook to being able to carry a rifle, then I think the Senator ought to be able to justify in strategic terms why we ought to do it.

Mr. NUNN. The Senator has done that and I have heard no rebuttal from the Senator from Massachusetts. The Senator keeps going back to the No. 3 argument I made after I made the first two and saying that is No. 1 and ignoring all the others.

If the Senator has rebuttal, I am wide open to hear it. Does the Senator think we do not need strategic parity or conventional options? The Senator from Georgia is totally confused by the Senator's presentation.

Mr. KENNEDY. It should not be confusing because I would think when the Senator is trying to persuade us to make the case for three additional combat divisions——

Mr. NUNN. It is two. There are already 14 in existence now. We went to 14 last year but it was done through the manpower authorization. The Army went ahead and converted. We are going from 14 to 16, not 13. In 2 years it is going to be 16.

Mr. KENNEDY. I would just note that the committee hearings reflected the debate on whether to go from 13 to 16 divisions. Whatever the increase, I think it has to be justified in terms of our commitments and strategic requirements. The Senator may feel he has made a persuasive case in terms of justifying that. I frankly and sincerely do not feel so.

If the division increase is to be justified in terms of the nature of our strategic situation—nuclear power and the number of nuclear warheads that we have, the ability to deliver them, or the number of MIRV's that we have, and tactical nuclear weaponry—then we should clearly understand where we are. The evidence on those issues I think actually demonstrates an overall superiority for the United States, and even if we did not have that edge, priority in nuclear weapons does not in itself imply a need for increased conventional strength. I, therefore, fail to be persuaded by the argument of the Senator from Georgia that there has been some relative increase in the potential of the Soviet Union in the area of strategic weaponry in the past year that justifies adding the additional combat troops.

Mr. NUNN. As I understand the Senator's argument, we do not have strategic parity with the Soviet Union and he is saying America still enjoys nuclear superiority?

Mr. KENNEDY. I do, in the sense of our having 8,000 weapons to their 2,600, our having some 1,000 MIRVed launchers compared to their low level at this time. Going back to the concern for our conventional forces, General Brown makes clear our level of proficiency, stating that—

> The U.S. Air Force is a stronger, more proficient, and professional force than ever.

Mr. NUNN. That is not strategic; that is tactical.

Mr. KENNEDY. Let me get the specific reference and I will put it into the RECORD. It provides clearly that the United States is still No. 1 in strategic weaponry. I just want to put in the RECORD a comment of the Secretary of State, Mr. Kissinger. He said:

> I have always believed that I would not exchange our strategic forces for the Soviet forces. We are ahead in every significant category.

Mr. NUNN. Does the Senator not believe we should have conventional options?

Mr. KENNEDY. Of course, I believe we ought to have conventional options. But that is not the issue. The Senator is arguing for additional conventional options and additional combat forces without being able to make the case, at least to my satisfaction, that they are justified by changes in the strategic balance.

Mr. NUNN. In other words, the Senator thinks we have a strong enough conventional option now, is that correct?

Mr. KENNEDY. That is correct; yes. As a matter of fact, I think we ought to consider the reduction of American troops in a number of places in Southeast Asia. I also believe we ought to consider that, in terms of the manpower we have for training, for every 1.6 persons trained in the Armed Forces, there is an instructor.

By contrast, in our colleges, there is 1 instructor for every 15 students. In our high schools there are 19 students per instructor. In the Armed Forces it is only 1.6 students per instructor. This is another area in terms of being able to convert manpower to more efficient uses or tax savings. I think there is a lot that can be done.

Finally, I commend the Senator from Georgia for acting to eliminate some of the waste, but I do feel that our strategic capability is still second to none. I believe in the area of conventional forces we have the ability to meet our responsibilities in terms of our commitments overseas as well as here at home.

I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, will the Senator yield?

I ask the Senator from Georgia just to clarify the argument that he is making. As I understand it, he is saying to the Senator from Massachusetts that because over the last few years we have lost what he referred to as nuclear superiority over the Soviet Union that, therefore, leads to the conclusion we have to increase our conventional forces.

Is that a fair statement of the Senator's case?

Mr. NUNN. I believe that we must have not only deterrence in the strategic nuclear field but we must also have deterrence in the conventional field. I believe that the President of the United States must be given an option to be able to deploy conventional forces, so that he will not have to immediately turn to nuclear forces in the event of a confrontation, particularly in Europe. So my answer is yes, very firmly yes.

I believe we must have a conventional option unless we want to have to use theater nuclear weapons if there is any kind of confrontation in Europe, or some place else. Without any doubt, we must have a conventional option.

Mr. McGOVERN. I do not think anyone is denying that. But is the Senator's argument that we need to increase the conventional forces from 13 divisions to 16 divisions based on his perception that we have been slipping in the nuclear field?

Mr. NUNN. I do not know of anybody that thinks that the Soviet Union in the last 10 years has not gained on America in the nuclear field. I did not know anyone had the position that we still enjoyed the same kind of superiority we had 10 years ago. If they do, I would like to see the case for it because it would be the first time.

Mr. McGOVERN. Let us assume that. the Soviets have arrived at what the Senator believes to be nuclear superiority.

Mr. NUNN. I have not said that. The Senator is not saying that.

Mr. McGOVERN. What is the Senator saying?

Mr. NUNN. I am saying we are much closer to nuclear parity today. I am not saying that we are in an inferior position. I am saying that we had a superior position for a considerable number of years and now we have moved into a position of parity.

Mr. McGOVERN. What I am trying to get at is this: Is the Senator's argument that we need to increase the number of ground forces from 13 to 16 divisions based on his assumption that we have reduced our nuclear capability relative to the Soviet Union? Is that his argument?

Mr. NUNN. Vis-a-vis the Soviet Union, I think we have, and I, therefore, believe that when a military force finds a way to convert support to combat, thereby increasing our conventional deterrence, that we should welcome that move, yes.

Mr. McGOVERN. Let me ask the Senator this question: At a time when I think he would agree that either the Soviet Union or the United States could utterly destroy the other several times over, no matter who struck first, what difference does it make whether one talks about parity or superiority or inferiority, if he is looking at an atomic or nuclear capability, where either one of those countries could pulverize the world? What difference does it make who could kill the world the most times over?

Mr. NUNN. It makes the difference how many times you have left over after absorbing the first strike, I say to the Senator.

Mr. McGOVERN. What I am asking the Senator is this: Do we not both have the capability to absorb a first strike from the other side, without building another weapon, and still retaliate to the point where we would destroy the society of the other country?

Mr. NUNN. I think so, and I think the very knowledge of that at this point in history leads any logical person to the conclusion that sane people would be a lot less reluctant to thereby resort to nuclear weapons.

Mr. McGOVERN. I agree with the Senator.

Mr. NUNN. Therefore, if the Senator will let me complete it, I think it increases very greatly a need for a conventional parity as well as a nuclear parity, if we are going to avoid war.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McGOVERN. If I may respond to that, then I shall yield to the Senator.

So, it seems to me that the argument is shifting now. A while ago I thought the Senator said we did not have the parity on ground forces, that he understood that the Soviet Union would outnumber us in terms of ground forces. Now do I understand that he is saying we not only have to have what he refers to as nuclear parity but we also have to have a conventional parity in terms of manpower levels?

Mr. NUNN. I think that the Senator missed part of the discussion.

Mr. McGOVERN. I have been here all through it.

Mr. NUNN. I am not saying that the Senator was not physically here. I am saying as to the point that was made.

The allies in Europe, combined with the United States combat forces in Europe, plus those divisions in the United States itself, that can be deployed to Europe within 90 days, should, in the Senator from Georgia's opinion, give us a conventional parity with the Warsaw Pact. That is certainly what I think we should have as a policy of this country.

The Senator may not agree with that, but the Senator from Georgia is not saying the United States should match man-for-man the Soviet Union. The Soviet Union has 4.2 million people under arms. We have 2.1 million people under arms. So no one can look at the report of the Committee on Armed Services and say that we are trying to match the Soviet Union man-for-man.

We have reduced 18,000 in the military based on my subcommittee's recommendation. We have reduced 5,700 in the U.S. Army. We are trying to cut fat

But we do, I think, need to have a conventional deterrent, together with our allies in Europe, vis-a-vis the Soviet Union.

Mr. McGOVERN. The point I am trying to make to the Senator is this: In his colloquy with the Senator from Massachusetts, it seemed to me that he was repeatedly justifying the increase in conventional forces on the grounds that somehow we had degraded our nuclear capability. I stress to the Senator that that makes no sense to me at a time when we have the capacity to utterly pulverize the Soviet Union.

The Senator certainly does not challenge that. So, the fact that they may have built XYZ, number of nuclear warheads and we built XYZ number of nuclear warheads—there may be a little bit of difference in the total—really does not change the fundamental fact that if either side strikes the other, they know they are going to be destroyed.

Mr. NUNN. I agree.

Mr. McGOVERN. We know if we hit the Soviet Union we are going to be gone in 24 hours, do we not, and do they not know the same thing about us?

So why does the Senator then draw the conclusion that, because of what even he, I think, would agree is a minor shift in the balance on nuclear power, we now have to increase our conventional forces by another three divisions? That is the question, I think.

Mr. NUNN. Because very simply, I say to the Senator, if I were in the Soviet Union and I knew that the United States of America and its leaders realized that they would be destroyed in any kind of nuclear exchange and yet I had overwhelming conventional superiority in Europe, then I might very well reach the conclusion—although I hope they do not, and I do not think it is a very logical one, but I think we must be prepared for that kind of thinking—that a conventional force would not be met in Europe decisively and that there could be a land grab there, or elsewhere, with the great reluctance on the part of the American leadership, as well as the American people, to guarantee the destruction of this country by reason of a nuclear exchange.

So the Senator is making the exact point I am making, which is strategic parity, or whether it is one way or a little bit of another. That kind of perception in the world means that we need to have a much better conventional capability so that we raise the nuclear threshold, not that we lower it.

If the Senator wants to bring all the troops home from Europe and wants to see the European——

Mr. McGOVERN. I am not arguing that.

Mr. NUNN. It was argued last year that we were going to take 100,000 of the troops home from Europe as a prelude to bringing others. If the Senator wants to bring them home and the Senator wants to see Western Europe over a period of time neutralized, and the Senator wants the President of the United States, in the event there is any kind of altercation, by accident or otherwise, have the choice of going to the big bang or capitulating, then we should not worry about our conventional forces. In fact, we ought to cut them.

Mr. McGOVERN. Absolutely.

Mr. NUNN. We ought to cut them from 13 divisions down to about 4, so we can protect from Mexico and Cuba, and then we ought to forget about Europe because that is the logical extension of the Senator's case.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McGOVERN. Yes, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I ask that the Senator yield to me at this time because there have been some good questions raised. While I think the Senator from Georgia has answered them completely, I would like to pose, as much as I dislike to, a hypothetical situation, because when you are discussing military problems and foreign relations problems hypothetical questions are constantly raising their heads.

The question is asked whether we should have 16 divisions or 14 divisions, even though we can achieve 16 divisions with fewer men than we now have or had last year.

I pose this question, but first let me put this nuclear thing a little bit at rest. I think the United States has pretty much destroyed the idea that we will ever use nuclear weapons as a first strike weapon. I happen to think this was a major mistake in our foreign policy following World War II where had we retained the intention, or the obvious intention or evident intention, of using nuclear weapons as a first strike weapon, we would not now be in the announced and most demonstrated position of only using them if they are used against us.

I agree with my friend from South Dakota that it is a rather hopeless situation.

Let us assume that we attempt to reach a treaty exchange with Panama this year, as is highly rumored, and let us assume that the——

Mr. McGOVERN. Before the Senator leaves that one point, could I make this comment so we do not get away from that:

Did I hear the Senator correctly that he really thinks it ought to be an American policy to preserve the public option of a first-strike nuclear capability, that we might use that as an instrument of national policy to attempt a surprise attack on a potential enemy?

Mr. GOLDWATER. I think it was a great tactical strategic error when we talked publicly, not once, but time after time, about a second-strike capability. Had I had anything to do with it, that would have been a weapon. I would not say publicly that I would use it, but it was a weapon.

Mr. McGOVERN. If the Senator believes that that should be our position and we announced that—or whether we announced it—if it became known that the United States was prepared to use nuclear power in a first strike, would that not almost guarantee that any country that felt that they might be at war with us would hit us first?

Mr. GOLDWATER. I have my doubts, because nobody can speak with certainty about nuclear war. My feeling is that they are never going to be used in warfare. But had we not announced to the world, "Don't worry, fellows, you can do anything you want to do to us. We are only going to retaliate with conventional arms, and if you use nuclear weapons, that is all right with us"—had we not taken that public attitude——

Mr. McGOVERN. I do not think we have ever taken that position.

Mr. GOLDWATER. Yes, we have.

Mr. McGOVERN. We have said to the world that we will not use those weapons first, "but if you hit us with nuclear weapons, you are going to be destroyed." That is what the other side has said to us.

Mr. GOLDWATER. That is what I am saying.

Mr. McGOVERN. That is the whole theory on deterrence. If we ever announce to the world what the Senator is proposing, that we are not sure, that we may at any time let the nuclear bomb go, it seems to me that that destroys the whole theory. It almost invites any potential enemy to make sure we do not get a chance to do it.

Mr. GOLDWATER. The whole secret of deterrence is escalation. That is something this country forgot completely about in Vietnam. When you go to war, escalation is your only real weapon. I am not saying that if I had the power we would change it. I think public opinion is far too much against it now—probably world opinion. But we made a mistake, which is what I said when we announced to the world that we would resort to nuclear weapons only as a second strike.

The Senator put his finger on it: There "ain't" going to be any second-strike possibility. There would not be a United States capable of answering. There would not be a Russia capable of answering. But if I knew that you had the power to defeat me, I would be mighty careful how I treated you.

Mr. McGOVERN. I do not want the Senator to misunderstand my position. I said that either the Soviet Union or the United States has the capability of absorbing a first strike and still destroying the other side. I do not think that situation has changed.

Mr. GOLDWATER. Give the world another few years, and China will have that capability. Any country in the world can get that capability.

I would like to get to the three questions I want to raise. We are getting away from what I stood up to ask.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I do not have the floor.

Mr. McGOVERN. I think I yielded the floor back to the Senator from Massachusetts.

Mr. GOLDWATER. I wanted to raise three hypothetical questions.

Mr. McGOVERN. To whom does the Senator want to direct the questions?

Mr. GOLDWATER. To the Senator from South Dakota or anyone else who wishes to answer.

Repeatedly, in the colloquy with the Senator from Georgia, the question has been asked as to what the strategic reasons are. I cannot stand here and give any reason that might be in the brains of the Joint Chiefs of Staff or the Chairman, or even the President.

But let us say, hypothetically, that so-called treaty with Panama comes to this body for advice and consent; and let us say that this body says, "No." Then let us say we reach a point of retaliation in Panama, where we are faced with the necessity of military intervention in order to evacuate Americans. I can see the need for more men there. We are talking about a time frame with a perimeter of a few months, where we have the question of what North Korea is going to do. Is North Korea going to invade South Korea? We have about 40,000 troops over there.

I realize that with the new War Powers Act, Congress does retain some control; but the President repeatedly has said that he will adhere to our promises to South Korea.

Let us say that they do invade South Korea and we do not feel that we have the conventional force to answer. There is a hypothetical question.

Let us look at the Middle East. I know that some of us have signed a letter to the President indicating that we would continue our support for support to Israel. But let us say that war does erupt in the Middle East—hypothetically—and all of a sudden the only friend in the world that Israel has sees Israel being pushed into the sea. We cannot use nuclear weapons there. They are no good there. They would be no good in Korea. They would be no good in Panama. Conventional force would be the only thing on which the President could rely. At the end of 90 days, this body could say, "Oh, no, we are through with that. We'll get out."

Those are three questions in questionable areas that come to me as reasons which might be on the minds of the Joint Chiefs or the Chairman. I do not know. I am not privy to being a conferee with him. Nevertheless, those are three matters that I raise in answer to the questions that have been thrown at the Senator from Georgia: Do we need more conventional forces—not more man power, more conventional forces—in the number of divisions? I think we do.

Mr. McGOVERN. Does the Senator put that in the form of a question?

Mr. GOLDWATER. I can preface it by a question.

Mr. McGOVERN. To comment on it very quickly, I would say that to take care of any threat in Panama, 13 divisions would be adequate, without the addition of another 3.

Mr. GOLDWATER. They were not adequate in South Vietnam.

Mr. McGOVERN. I will let the Members of the Senate judge that question, as to whether we really need additional conventional forces to take care of the Panama situation. But I do think it is important in the course of this debate for us to look at Korea, because this obviously is a flash point that we need to think about very soberly before we are suddenly confronted with it, without a position that has been thought through.

Frankly, I do not know what the answer is with respect to Korea, other than to express my hope that we will never again move unilaterally in Korea and that any kind of action that confronts us there will be one that we will take to the international community and not attempt to resolve ourselves.

With regard to the Senator's question as to the Middle East, even the most ardent advocate of the Israeli point of view has never suggested that American forces be dispatched to the Middle East. Quite to the contrary, the Israeli commanders have made clear time after time that they do not think that would be a useful request to make to the United States, that what they have requested from us are the arms they need to defend themselves.

The truth of the matter is that the real defense for Israel is to press ahead on the negotiations that are now going forward to arrive at a peaceful settlement. The last thing that either Israel or the Arab States need is another war, another conflict. I think this is not a place where we should be discussing American military intervention in the Middle East, particularly at the time when the Israeli leaders have said they neither expected nor would welcome it.

Mr. CRANSTON. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the opportunity to open this debate into the underlying foreign and military policy issues facing the Nation in the aftermath of the Indochina tragedy. I believe it will provide an opportunity to outline a series of challenges to the assumptions which underpin the Defense Department recommendations for spending in this fiscal year, assumptions which are reflected in part in the bill that is now before us.

Each year, the Secretary of Defense presents to the Congress the defense budget and defends it as essential to realize objectives and policies set forth in the defense posture statement. Yet, the Congress, with the diverse committees and subcommittees, rarely debates the underlying foreign and military policies woven through the budget request.

This year, the Defense Department has requested $104.7 billion, $15.7 billion over last year's spending level. In addition, of that increase, $8.3 billion, or more than half, was proposed in the bill before us which covers less than a third of the DOD budget. The massive nature of this request is seen by noting that the committee, which has produced an exceptionally detailed and, in many cases, innovative report, still allows a chopping 20-percent increase over last year.

Not since the high point of our Vietnam involvement has there been a similar increase. In any year, that increase would be viewed as abnormal. But in this year of fiscal budget restraints where the President proposed to cut back even on modest cost of living increases for social security recipients, that increase is excessive.

For that reason, Senator SYMINGTON will introduce with Senator CRANSTON, Senator SCHWEIKER, Senator MATHIAS and myself, a ceiling amendment to limit the overall spending in this measure by 4.8 percent. This will still give the Department a 14 percent increase over last year's spending, but it will save taxpayers $1.2 billion in fiscal year 1976 from the amount contained in the bill now before us.

Beyond the procurement increases, the budget proposed to increase the number of army divisions from 13 to 16 and to increase the number of tactical air wings from 22 to 26. And the committee has done nothing to indicate its disapproval of either step. Yet, it is difficult to find anywhere a clear description of a significant new threat that would justify those major and costly additions to our conventional forces.

It should also be recalled that the budget was prepared late last year, at a time when few were predicting the rapid decline and fall of South Vietnam and Cambodia. Thus, we have a series of requests for major increases in conventional combat forces and in conventional weapons systems while a major determinant of military requirements has disappeared from the horizon.

In addition, almost in spite of the operation in force of the ABM Treaty and SALT I and the progress recorded at Vladivostok, continued expansion of our already sufficient strategic forces and destabilizing nuclear initiatives also are being proposed.

Many of us believe that a reduction can be made in the level of overall funding approved by the Senate Armed Services Committee in S. 920 without affecting our security or our ability to fulfill our vital commitments.

The Senators who speak today do not propose a withdrawal into Fortress America. They do not seek to turn away from the world. For there is no turning away from the facts of international involvement. Our power, both military and economic, our allies in Europe, Japan, and the Middle East, our neighbors in this hemisphere—all of these elements speak to continued international involvement.

Nor could we avoid those involvements even if one wished. The degree of our reliance on imported oil, our massive level of trade with other nations, our existing alliances—all clearly deny this option to any foolhardy enough to pursue it.

For the United States—as a great power—does have critical interests abroad; interests in areas that directly affect our security, interests in countries whose relation to our people and our values is so close as to require a direct commitment to their security and interests in other countries where our interest is not one of military security but rather one of encouraging long-term development and progress.

How we define those interests, how we determine what is needed to provide an adequate military structure to help secure those interests, and how we compare and contrast that determination with the Defense Department views—these are the critical questions to be discussed in this debate.

This single debate will not reverse the direction and course of American foreign and defense policies. But it may set in motion a reexamination of our policies in the aftermath of Vietnam that could achieve two significant objectives: First, the firm communication to our citizens, our allies, and our adversaries that the United States will continue to stand behind its vital interests; Second, that there will be a rational discrimination between those interests that affect our national security instead of an indiscriminate posture of global military intervenor in every area of the world where unwanted political changes occur.

Let me cite five principal areas of U.S. interests and challenges in a post-Vietnam era and, where appropriate, relate them to defense considerations.

For part of the reassessment of our foreign policy involves a recognition of the limits of military power, a recognition that there are increasingly important interests which cannot be secured, and may well be impaired, by a reliance on military solutions.

First, there is a continuing need to prevent the nuclear holocaust that threatens not only the two superpowers but the future itself. For three decades, under a succession of Presidents and with the support of numerous Congresses, that challenge has been met.

We have high confidence in stable nuclear deterrence. The ABM Treaty essentially removed any question of our second-strike capability. With the level of strategic forces we now have, that capability is assured. And that fact is acknowledged by the Secretary of Defense as well.

We have some 8,500 strategic nuclear weapons virtually in full deployment. They include 550 Minuteman III missiles, 450 Minuteman II missiles and 54 Titan missiles deployed in the U.S. We have 41 nuclear submarines with 656 Polaris/Poseidon missiles and nearly 500 strategic bombers.

We have more than 22,000 tactical nuclear weapons stockpiled around the world, many of them in locations where there would be a capacity to reach the Soviet Union. Thousands are berthed in Europe, in Asia and aboard our combat ships. The simple fact is that we have nuclear weapons in excess of security needs.

The series of arms control agreements with the Soviet Union add to the security of our deterrent and therefore raise serious additional questions against the recommendations of the Department of Defense this year for continuing unabated offensive strategic weapons development.

The counterforce programs designed to add to our capacity to kill Soviet missiles in their silos are the most disturbing. It is a program that must instill serious doubts in the minds of Soviet planners as to our intentions. For counterforce will inevitably be viewed by the

Soviets as a serious threat to their fixed ICBM deterrent force.

Since the Russians must assume that new, more accurate, higher yield missiles will make their ICBMs vulnerable to a U.S. attack, they will have either to procure new classes of less vulnerable strategic weapons, thus still further escalating arms buildups, or more dangerously adopt a "launch-on-warning" strategy which would only increase the risk of accidental nuclear war.

While these counterforce programs involve relatively small sums of money in the fiscal year 1976 budget—$109.7 million—they are the initial steps toward programs which, if allowed to continue, will eventually cost tens of billions of dollars.

With some $18 billion allotted this year to strategic forces, there are substantial savings that can be made. Building at a billion-dollar cost for bargaining purposes alone is questionable in its own right. At a time of a Federal deficit of over $60 billion, such arguments seem even less convincing.

It is perhaps most disturbing to note that prior to SALT I, we spent $2.5 billion on offensive strategic weapons. Now, after SALT I and after the Vladivostok accords, the Secretary has requested $4.3 billion this year and projected this spending for fiscal year 1977 at $5.4 billion—more than double our level of expenditure before these agreements.

We have defenses fully adequate to deter a nuclear war today. We surely can limit strategic spending in this year of fiscal restraints. And we must redouble our arms control efforts to end once and for all the tyranny of nuclear weapons.

Second, we must continue to maintain major security commitments where our interests and our security are truly at stake and where they have and deserve the backing of the American people.

For the past quarter century, we have been faithful to the trust imposed by our NATO commitments. We will continue to stand firmly behind that commitment. The historical bonds are strong, the economic ties are substantial and the vital relation to our own security remains unquestioned. Europe today ranks as one of our key economic partners, a market whose imports of U.S. products exceed $50 billion, and a site for nearly $50 billion of our investments. Our European exports alone are responsible for 2 million additional jobs in the United States.

But I dispute the assertion that a convincing argument has been put forward to justify any expansion of conventional forces as the Department of Defense is proposing.

Some see Vietnam as an expression of a failure of will. Instead, I believe it represented a final understanding that our security interests were never involved in that area and that our military involvement was a mistaken step which can only be regretted and learned from. The lesson is that we must throw off the cumbersome mantle of world policeman and limit our readiness to intervene to areas where our interests are truly endangered. Our European allies have nothing to fear from our having learned that lesson, rather it should be a welcome sign of our having finally begun to recognize the difference between real and illusory interests.

The same recognition of our vital interests must insure a full maintenance of our defense umbrella over Japan. But it must include the recognition that there are no vital security interests in Southeast Asia that require the continued deployment of substantial forces in that region. Thailand and the Philippines may force those withdrawals on their own. However, it would seem to be far more in our interests in a stable transition to adopt a coherent plan for the redeployment of those forces. Over time, the Southeast Asian forces which are deemed not needed for our Japan and Pacific commitments might well be phased out of our force structure entirely.

At the very least, two of the three proposed new Army divisions which are nonmechanized ground infantry divisions and therefore useful mainly in Asia are clearly without merit. These three divisions—without adding in the proposed new air wings—and without adding indirect costs—will cost $2.7 billion over the next 5 years to equip, pay, and maintain. Where is the increased threat which justifies these manpower increases?

What has been discovered is that the military has had a great deal of "fat" masquerading as muscle in its force structure. We still have yet to receive a description of a vast new threat in Asia or elsewhere that requires the conversion into additional divisions of that "fat" as opposed to its conversion into taxpayer savings.

With regard to our current Korean-based forces, precipitate action at this time is undesirable. Japan, at least in the short run, may see those forces in terms of our constancy. Yet many Americans have expressed concern that our existing military deployment would automatically draw us into an Asian land war without regard to circumstances and without an opportunity for independent judgment. The deployment of a U.S. division near the demilitarized zone as a human tripwire must be a key part of the reexamination called for by the committee in its report. Given the increasingly repressive nature of the South Korean Government, that reexamination is made even more urgent. At least it should result in a review of military aid to that country, when its character is turning increasingly dictatorial.

With regard to Israel, our commitment is not affected by the Vietnamese experience. Everything that was wrong about our relations with the government of Thieu is right in our relations with the Nation of Israel. Israel shares our democratic values and our democratic ideals. Its people support and are willing to sacrifice in defense of their country. They look not to U.S. manpower, but to our economic and military assistance. And they spend it wisely and efficiently in contrast to our former Vietnam clients.

After returning from the Middle East, I am convinced that we must play a role in trying to bring peace to this crucial area. The time for finding the answer is not interminable and if we fail to use the time that we now have, then the tragedy of war could come again to bring new suffering and sorrow.

Third, we will continue to have a critical interest, as a great power, in helping to resolve local conflicts. But our role must be one of good offices, of mediation, of diplomacy—not one of military force. We can no longer rely on sending Marines to the Dominican Republic or the CIA to Chile. It neither advances our security in the long run, nor the cause of freedom. We cannot assume the burden—or the right—of trying to manipulate physically the process of change in a complex and difficult world.

In areas of local concerns, such as in the Persian Gulf, our central role must shift from that of chief arms supplier to chief advocate of regional arms control.

In Panama, we still have time to defuse the growing tensions over the canal. We must negotiate a new accommodation, a more reasonable treaty that not only preserves America's interests, but also gives legitimate recognition to the sovereignty of the Panamanian Government. If we fail, our security will not be enhanced. Instead, we would risk a confrontation in our own hemisphere.

And in the Indian Ocean, the justification for our involvement and interest is clear. The rationale for starting to build bases there at Diego Garcia is not. A permanent U.S. military presence with a supporting base structure not only may not further our interests but in fact, may interfere with those real interests.

Before we embark on an arms buildup, we should push for an exploration of arms control possibilities with the Soviet Union. We should endorse the goal of making the Indian Ocean a "zone of peace" as all the littoral states have called for. For that reason, I strongly support the resolution of the distinguished majority leader disapproving the proposed base at Diego Garcia.

The fourth critical area, and one which is growing ever more crucial as a determinant of our national security, has little relation to questions of military force and power.

It demands our reaching a global economic compact with both industrial and consuming nations. It involves recognizing the challenges of defining a new economic structure of interdependence that will seek a cooperative structure of challenges in food, in fuel, in fertilizer, and in the control of raw materials.

It requires defining new institutions in strategic reserves and stockpiles of food and fuel and in ending the boom and bust history of commodity pricing.

After visiting the oil producing countries of Iran, Iraq and Saudi Arabia, I am convinced that we must open a better dialog on these economic issues with the leaders of these countries.

Nor is it adequate to pursue agreement with our industrial allies and the newly affluent producer nations. For if we leave the "fourth world" of the poor, the hungry, and the destitute outside the compact, we will insure regional instability and ultimately the erosion of the new compact itself.

And while these economic challenges cannot be solved by military forces and military weapons systems, they are equally crucial to our national security.

A final critical interest that is not related to direct military concerns but is linked to our view of ourselves and to our maintenance of purpose in the world involves support for humanitarian concerns. We must reassert our historic concern for human rights and human ideals. We must reaffirm our heritage as a people of compassion.

When we have lost this vision on Vietnam, in Chile, in Cyprus—our Nation has gone astray.

We see ourselves as a nation of liberty, a nation of compassion, a nation of ideals. We must act more often and more decisively so that others see us in that way again as well.

I believe that these five vital interests can form the basis of a new and vigorous foreign policy and a more rational defense policy as well, one that is sufficient to assure our security, one that permits us to define and fulfill our vital commitments, and one that recognizes that our security not only rests on the strength of our military forces, but the vigor of our economy, the just workings of our institutions and the confidence of our people in themselves and their government.

I regret that earlier we got off the question of the numbers of the divisions, rather than what I had hoped we would get into; that is, in the nature of where our commitments are in different parts of the world. That would really be the justification or lack of justification for changes in the number of divisions, their deployment, the number of air wings, the entire conventional force structure. I believe we do have critical commitments in Europe, in the Middle East, and in Japan, but I believe that we must distinguish those from other areas, such as Southeast Asia, where we no longer have or intend to use military force to affect the character of the governments there.

Mr. BROOKE. Will the Senator yield?

Mr. CRANSTON. Mr. President, I believe I have the floor.

Mr. BROOKE. Will the Senator from California yield just for a brief statement?

Mr. CRANSTON. Certainly.

Mr. BROOKE. I had understood that this was to be a debate on U.S. foreign policy. The media had advertised it as one in which the U.S. Senate would have one of its finest hours in debating the postwar foreign policy of this country. The focus would be on what that policy should be, what guidelines we should evolve to direct our efforts in the next 10 years or possibly beyond that—the next two or three decades.

It seems to me that the discussion so far has been on a matter which would be the proper subject for an amendment to the authorization bill; namely, whether we should field 14 divisions or 16 divisions. Of course, that is a very important consideration. But it is the proper subject for an amendment rather than a primary focus for a general foreign policy debate.

We started to touch upon the proper nature of such a debate when the distinguished Senator from Arizona got into the subject of nuclear weapons and whether we should have a first-strike posture or rely upon a second-strike deterrent capability. That certainly would be proper subject matter for a foreign policy debate.

I can also understand why we might focus on the general relationship between conventional warfare and U.S. foreign policy as proper subject matter for this debate.

But I do not think we ought to allow the debate to become completely unstructured. We ought to get down to specifics. We ought to talk about what our policy should be in Portugal, what our policy should be in Cyprus. These are the issues that it seems to me we should be discussing in this debate.

I feel, Mr. President—and I address my remarks to the distinguished Senator from California, who has provided great leadership in organizing this debate—that we ought to have some sort of program, some sort of plan by which we can guide ourselves in the conduct of this debate. Without that, I fear that, at the conclusion of this debate, we will not have achieved anything for ourselves and will have brought very little knowledge or enlightenment to the public at large.

I hope, Mr. President, that the distinguished Senator from California, recognizing this danger, will manage this debate tomorrow so that when we get into strategic policy, and its impact on our relations with other countries, we can focus on specific policy alternative that will help us correct the deficiencies of the past. This is what we should be discussing at this time, even though we are considering the military procurement authorization bill.

Which comes first, the chicken or the egg? I do not know, but it seems to me we should adjust our defense to serve our foreign policy rather than vice versa. The Senate can perform a service in this debate by identifying areas where our defense posture may be out of phase with altered foreign policy needs.

Mr. CRANSTON. The Senator well knows that it is difficult to structure a Senate debate. We have an outline that we hoped to follow. We will do our best to adhere to it. The outline for tomorrow's discussion has appeared already in the CONGRESSIONAL RECORD.

I think the discussion we have had up to now has, in some way, set the stage for a discussion of defense policy as it relates to foreign policy, and the examining of our commitments.

I propose now to talk about one area where matters are extremely sensitive, where it is highly explosive and deeply dangerous; namely, Korea. There are those who might feel we should not discuss that in open session or that certain Senators should not discuss it at all. I feel otherwise. Had we had a full-scale, free and open discussion of all the implications of our involvement in Vietnam, we might not have suffered the tragedies of that war, and the people of Vietnam, too, might have been spared much that befell them.

Mr. GOLDWATER. Will the Senator yield on that point?

Mr. CRANSTON. Certainly.

Mr. GOLDWATER. Mr. President, the Senator from Massachusetts was not on the floor during the time we discussed this earlier. Several of us pointed out the difficulty of conducting a foreign policy discussion, and the Senator from California will recognize that I was signatory to that recommendation, and debate at the same time on weaponry and manpower and so forth, because the two are so intimately intertwined that we cannot disregard them. In fact, it is one of the things that I, along with other members of the Committee on Armed Services, hope will come out of this—a recognition by the leadership that the armed services and foreign policies should go hand in hand.

So that the Senator from Massachusetts may understand where I stand on this, I have already made three foreign policy speeches and I have two more beauties here waiting to give. If somebody wants to give me an argument about nuclear weapons, or tactical or strategic, I am open.

Mr. BROOKE. I certainly would like to get into an argument on nuclear weapons, particularly when it is so clear what the Senator from Arizona was saying was that we ought to have a first-strike capability.

Mr. CRANSTON. Mr. President, I protest that I have the floor.

Mr. GOLDWATER. Here we go again. I am talking about foreign policy and here the Senator from Massachusetts is talking about nuclear weapons.

Mr. CRANSTON. Mr. President, I did not yield to the Senator from Massachusetts to get back to nuclear weapons.

The Senator from Arkansas wanted the floor a minute ago.

The PRESIDING OFFICER (Mr. HASKELL). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, the Senator from Arizona did allude to Korea and he mentioned only one very dangerous option that is open to us there. It seems to me that there are other options open, too, that do not necessarily involve American combat and certainly do not involve the use of nuclear weapons there, and that we should consider what those options are as best we can define them.

Before I get to Korea, let me say by way of preface that the budget presented to Congress by President Ford cut a great many domestic programs or only barely allowed them a cost-of-living increase. However, the bill now before us calls for a 38-percent increase in military procurement. That has been cut down by the Committee on Armed Services to a 20-percent increase, and I applaud the committee for that achievement. I believe, however, that we should cut it more, not in ways that endanger our security.

The question is, what is true security? Do we need huge increases in military expenditures after Vietnam, after Cambodia, and while détente with the Soviet Union and China is on the active agenda and we are engaging in strategic arms limitation talks with the Soviet Union? This is certainly a most appropriate time to conduct this sort of review, examination, of our foreign policies and our defense policies—what has gone wrong in the past, how we can prevent similar tragedies from occurring in the future. What commitments do we have? What commitments should we have? What is our foreign policy? What should be our foreign policy? What defense posture, what weapons, what manpower, what overseas bases and troops do we need to match and mesh with this foreign policy and to defend our true interests and our freedom?

How much of the budget, how many billions of American taxpayers' dollars, must be invested in an appropriate defense establishment?

The budget submitted by the Department of Defense seems to wish to prepare us to fight brush fire wars or conventional wars, assuming that they might lead on to limited nuclear wars, and that that might, in turn, lead to full-scale nuclear wars, all of this growing out of what starts as a brush fire war or a conventional war. So obviously a part of our task is to seek to avoid brush fire wars that might escalate into something awful for all of mankind.

One of the most devious aspects of our foreign policies and defense policies lies in our intimate ties with dictatorships—worst of all, those that brutally torture their own people. Often we provide those dictatorships with the weapons that they use to repress their own people and attack their neighbors.

Relationships with dictatorships are unfortunately unavoidable—there are so many of them in this world. I am strongly in favor of détente with two of them: the Soviet Union and the Peoples Republic of China.

The aim of détente, of course, is to resolve our deep differences by peaceful means, to our mutual benefit. Perhaps alliances are necessary with some dictatorships, but must we have them with those that brutally repress their own people? Must we choose ties with dictatorships in preference to ties with democracies?

Why, for example, our Pakistan tilt, when Pakistan, a military dictatorship, thrice in recent times has engaged in war with its neighbor India, the largest democracy on the face of the earth? Why can we not manage to have a closer relationship with India?

Our military policies, far more than our foreign policies, have contributed to the present difficulties in American-Indian relations. Particular dangers, apart from the overriding perils of the nuclear arms race that we have been discussing and of nuclear proliferation, lie in certain particular places. First, in the Middle East. There, I think, our military and foreign policies have generally been coordinated, and have generally made good sense. We are now seemingly and at long last out of the deep dangers that confronted us in Southeast Asia. But lo and behold, we now face dangers in Northeast Asia that are unfortunately very similar, in many ways, to those that created so much havoc and damage for us and others in Southeast Asia. I refer, of course, to the situation in Korea.

In Korea, as was the case for so long in Vietnam, we have combat troops on the ground—all in all, 42,000 Americans, many of them close to a demilitarized zone dividing, as in Vietnam, north from south. In Korea, as in Vietnam, to the north of our dictatorship in the south is a Communist dictatorship eager to take over the south. In Korea, as in Vietnam, there is no evidence that the Communist dictatorship of the north is a part of the monolithic, worldwide Communist conspiracy, while there is considerable evidence that, as in Vietnam, it is an independent Communist force, more like Yugoslavia than like Poland or East Germany.

In Korea, as in Vietnam, we have already lost many lives and untold treasure in a recent war. In Korea, as in Vietnam, we are allied with a military dictator identified as a collaborator with a colonial power, a burden for him to carry in relationship to his own people.

In Korea, as in Vietnam, the military dictatorship we are allied with ruthlessly represses its own people. In Korea, as in Vietnam, we face the clear and present danger of combat involvement, once again, in a ground war on the mainland of Asia. Our treaty with South Korea states that we shall take action in accordance with our constitutional processes if North Korea initiates an attack. That is supposed to mean a vote by Congress on whether or not to declare war; but the fact is that the presence of our combat troops so close to the demilitarized zone, integrated as they are with South Korean forces, backed up by tactical nuclear weapons, makes them a tripwire guaranteeing our instant involvement in hostilities, with no time for consideration in Congress, if war breaks out.

So our troops appear to be there for two purposes: First, in the hope that their presence will deter aggression; second, to guarantee that if their presence fails to deter aggression, we will at once be committed to efforts to repel that aggresssion.

The Ford administration has chosen to reemphasize on almost a dozen recent occasions American military support for South Korea in the event of an attack by North Korea. I do not claim that I can say with any absolute certainty which course we should follow to avoid war in Korea and our involvement in it. I do have some suggestions.

I believe that the present apparent situation in Korea is incredibly dangerous. It is an unthinking trip-wire situation under which the United States can be drawn into immediate combat without time for reflection, consideration, choice, or reason, in the event of an invasion of South Korea. Once again, we are placed at the mercy not only of our possible adversary, a dictatorship, but we are also put at the mercy of a dictatorial, authoritarian ally which could attempt to provoke an attack whenever such attack might seem to suit its purpose. Once again, some foreign dictator, not the Senate of the United States, could decide whether and when the United States goes to war.

We must consider this matter with the utmost care, and now. I know that it was a remark by the Secretary of State Dean Acheson in January 1950, suggesting that South Korea lay outside the "defense perimeter" of the United States, that led Kim Il Sung, then as now, the dictator of North Korea, to the mistaken conclusion that if he attacked South Korea, the United States would not intervene. That is one example of the way foreign policy and military policy are interwoven, because it was a statement by the Secretary of State, not the Secretary of Defense, that led to what followed.

Plainly, we must not repeat that mistake. Thus I do not propose that we should even suggest that we are disinterested in questions of war and peace in Korea by any large scale or total withdrawal of our troops from South Korea under prevailing circumstances. As I say, I do not suggest that. But should we leave them there forever?

There are two important differences between Korea and Vietnam, incidentally, that should not be overlooked. South Korea's ground forces, unlike the situation that prevailed so long in Vietnam, are superior to their northern adversaries; and there is no guerrilla-type insurgency in South Korea like that carried on by the Vietcong, which did so much to break down the Thieu regime.

So what policy choices do we have? We could, among other things, stress economic and social issues—not just depend primarily on a military approach—in our relations with South Korea. We could establish closer contacts with leaders, actual or potential, who are not military leaders, to supplement all the many relationships we have with those who are military leaders.

Second, we should do our utmost to persuade President Park to avoid President Thieu's error of stifling legitimate expressions of legitimate political opinions and differences, for in South Korea, as in South Vietnam, there is the grave danger that suppression of the people can lead the people to believe that they are without a just cause.

Third, we should seek full implementation of the 1953 Korean Armistice Agreement—presently just as ignored as the Vietnam Paris Peace Agreements including observing of the ban on introducing new weapons into either North or South Korea under inspection safeguards

Fourth, we should launch deep and probing discussions with all the powers concerned—including both Koreas, China, the Soviet Union and Japan—to reduce the dangers on and around the peninsula.

Fifth, we should consider, along with these and other steps, a slow but steady reduction of our troops in South Korea as part of the process of deemphasizing purely military solutions to problems there that have many other characteristics.

This is only a short list of the steps we might take. There are obviously others; perhaps there are better ones, but let us now start and come to grips with these alternatives.

Rather obviously both foreign policy and defense policy matters are involved. Korea, indeed, is a classic example of how inextricably linked these two policies really are, and of how disastrous it could be there as it was in Vietnam to sacrifice foreign policy principles and purposes to the destructive domain of military might and to leave it simply in that arena.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield.

Mr. PROXMIRE. I warmly commend the Senator on his most constructive suggestions with respect to Korea. This has troubled many others, and he is absolutely right in arguing this is an extraordinarily dangerous part of the world. It is an area where we need to think in broader terms than we have.

The military solution is one solution, but one which we have exclusively relied on. Is it not a fact, at the present time, that the South Koreans are reputed to have a large, better trained, better equipped armed force than the North Koreans have?

Mr. CRANSTON. Yes; it most certainly is.

If I may just expand on that for one moment, both North and South Korea today have effective armed forces. The South, however, has about 600,000 troops; the North, perhaps, a little over 400,000 troops. The southern troops have had recent combat experience; the northern troops have not.

The South has, in addition, approximately 2.4 million, and the North about 1.4 million paramilitary forces.

The North does have more combat aircraft, 578 to about 235 for the South, most of them all MIG fighter-bombers and interceptors. However, the balance plainly, according to every military analyst, lies with the South rather than with the North.

Mr. PROXMIRE. I think what haunts many of us when we hear statistics like those—and I am sure those statistics are as accurate as we can get—is that we had a somewhat similar situation in North and South Vietnam, and yet in South Vietnam, of course, it suffered a defeat, although we put 500,000 American troops there. That is why what the Senator is suggesting in other approaches is so important. Other than the strictly military approaches—the military is important and cannot be ignored, the suggestion of trying to work as much as we can to provide a more solid social fabric in South Korea, more support from the people of South Korea, more support from outside countries, more understanding on the part of the neighboring countries, is critical.

What I would like to ask the Senator from California, if he would permit me to do it at this point, is to get into another part of our foreign policy, of how our military policy has been leading our foreign policy.

What I am talking about here is that we are in a situation in Korea which is delicate, difficult, dangerous. We may be in a position where there is not as much as we can do in other areas.

I would call the Senator's attention particularly to the fact that we have a military sales and military aid program which is extraordinarily dangerous and is likely to build other Koreas in the future unless we act on it. Now is a good time to act. I am talking about the fact that we export more than half the arms exported by countries in the world, some 54 percent, which is twice as much as the Soviet Union; 9 times as much as the French, and 15 times as much as the British; and, as I say, 54 percent of the amount that is supplied in the world.

We are building up Iran in the Persian Gulf in what, in the view of many, is a disproportionate way, giving them weapons which are as modern as any weapons we have in the conventional area. This escalation is likely to increase very rapidly in the next year or two inasmuch as since 1973 we have committed $7.8 billion of additional arms to be delivered later. So the U.S. weapons exports of from $2 billion of deliveries from 1972 to $4 billion in 1974 is going to get bigger in the future.

As we arm these countries, just as we armed South Vietnam, is it not likely that foreign policy will follow our dollar commitments? Will not our equipment and military commitments encourage foreign policy commitments that put us in a very dangerous position? Is that not why now, in this kind of a debate, it is time to reflect on this kind of activity and to do what we can to prevent it?

Mr. CRANSTON. I certainly believe so. I believe we should do all we can to scale down the business of exporting arms, whether giving them away or selling them and, I believe, we should make the matter of getting this under control a matter very high on the agenda of our negotiations with the Soviet Union and all other nations that supply arms and weapons elsewhere. It would be in the interests of all of us and in the interests of peace to scale all that down.

Mr. PROXMIRE. If I might follow up with just one other point: It is particularly hard for this Senator to understand or to defend the actions the Senator from California has referred to of arming both sides as we armed Pakistan and India, as we armed Honduras and Nicaragua in 1957, Nicaragua versus Costa Rica in 1955, El Salvador versus Honduras in 1969, Greece, and Turkey. We have done this repeatedly and this is something that we focus very little attention on in the Senate. We have taken very little action on this either in our committees or on the floor. There have been, as far as I know, no efforts or no successful efforts, at least no efforts that have been called to my attention, by Senators to try to cut this down sharply. We would not only save money in the process but we would save a great deal of bloodshed and misery by doing so.

I just want to conclude by thanking the Senator from California for his statement, especially his statement with respect to Korea. It is so rare that we hear constructive suggestions on what we can do in highly dangerous situations, and hear them in time. I think the Senator from California has made a most useful contribution.

Mr. CRANSTON. I thank the Senator very much. I would like to add that I believe there are 12 recent wars where the United States has armed one or both sides, and supplied a preponderance of the arms that were used on both sides or on one side. Sometimes we armed two dictatorships who fought each other; sometimes it was a democracy and a dictatorship, and we armed the dictatorship against the democracy.

I am delighted the Senator has raised that point, and I hope that he will press for action on that particular point.

I yield to the Senator from Colorado.

Mr. GARY W. HART. I thank the Senator.

I would like to join the Senator from Wisconsin in congratulating the Senator from California in organizing a discussion of a subject which more and more of us feel is of vital interest to this body. What we are here discussing today are issues that the Senate has let slide for too long.

We are sometimes asked to ratify treaties, but there are other agreements which pass us by entirely. We seldom review the treaties after times have changed, and we never get a look at executive agreements except when it is time to foot the bill. Furthermore, each year we vote the men and equipment to meet these formal and informal commitments without ever examining why one agreement or another costs so much.

The time has come—and many of us feel this strongly—that we should not be voting funds for military commitments until we have a much better idea of what we are committed to around the world.

The fact of the matter is we have treaties with some 41 nations but other agreements, none ratified by the Senate, with many more. None of those commitments require one soldier, sailor, or airman of the armed services to be overseas or earmarked for a specific area, yet in terms of overseas deployment and the percentage of the total defense budget, these agreements cost us about 75 percent of all the money we spend on the military.

Some of these, as I have said, are formal treaties of which we are well aware, such as the North Atlantic Treaty Organization to which we commit 300,000 military personnel and many times that number in backup forces in the United States.

The President is now touring Europe and talking to some of our allies in that organization. Yet we will not see the results of those discussions until sometime in the future when we are asked to foot the bill for whatever promises he is making.

We also have the Southeast Asia Treaty Organization, and that is our sole justification for having forces deployed in Thailand and adjacent waters. Yet that body has been more or less abandoned by most of its member nations, such as Pakistan, Britain, and France.

With one of those members, the Philippines, we have a separate agreement, and that is justification for maintaining one of our biggest naval bases and airfields in the world at great expense to the American taxpayers. President Marcos is now saying we may not be welcome there much longer.

We have executive agreements, not treaties, with other nations all over the world.

The President is now negotiating for continuation of our bases in Spain [that would probably] as has happened before with that country, the agreement will cost us a great deal of money [and the bill will be coming to] but Congress will get the bill [for that] without approving of the basic agreement.

Iran is another area where expanded commitments are being made under an executive agreement not approved by the Senate. Once we arm Iran, who can say the Shah will remain friendly? If he does not, we shall need forces to counter him.

There are agreements binding Turkey, Pakistan, Iran, and Great Britain in a the Central Treaty Organization, defense alliance against the Soviet Union. How many are aware the United States is not a member of CENTO, yet we pay a share of the cost, direct absolutely all CENTO planning and spend millions each year providing forces, including aircraft carriers for exercises? Perhaps our CENTO involvement seems minimal, but the SEATO agreements seemed minimal also and led to the cost of 50,000 American lives and $150 billion because it was our sole justification for the Indochina war.

What many are concerned about is that agreements are made by the executive branch, body, are entered into by an executive agency such as even almost exclusively by the Pentagon, but what the Senate finally sees is the requirement to pay the bill. But even with Senate approved treaties, we seldom examine which commitments are sound and which are obsolete. Again we pay the bills.

Therefore, I join the Senator from California in his belief that this is the time for the Senate to begin to look at commitments around the world so that we shall no longer be paying bills without ever learning why.

I thank the Senator.

Mr. JAVITS. Will the Senator yield?

Mr. CRANSTON. I thank the Senator very much for his remarks for the review that goes beyond that specific part of the world I was talking about, as an example.

We plainly must examine the nature and general scheme of our commitments along with the specific relationships.

As to the matter of cutting down on arms sales, clearly we must cut down in conjunction with other suppliers like the Soviet Union, France, Britain, et cetera, so that democracies like Israel are not at a disadvantage.

The Senator from Oklahoma is waiting. Does the Senator wish the floor in his own right or to participate in this discussion?

Mr. BARTLETT. In my own right.

Mr. CRANSTON. Then I will yield first to the Senator from Indiana.

Mr. BAYH. Mr. President, we are witnessing a most important event today here on the Senate floor. After years of unorganized and, unfortunately, generally fruitless efforts to come to grips with annual defense budgets, we are engaged this afternoon in a systematic debate on the general principles which form a basis for defense policy. This is a welcome development.

In the past, we have been concerned with many issues regarding defense, most frequently focusing our attention on particular weapons systems. Though these issues were very important, Mr. President, they often represented the only frayed edges of the piece of cloth, and on rare occasions did we debate the pattern of the cloth itself, the heart and body of our defense policy.

Further, discussions of defense often assumed such a lofty tone that it has been difficult to meet issues on their merits. The word defense automatically evokes images—with accompanying patriotic emotions—of brave men accomplishing noble deeds in pursuit of liberty, and an air of magic surrounds the subject. While we must always be mindful of the sacrifices of the past and the continued need to persevere in our dedication to preserve freedom, Mr. President, we have more often than not in modern times allowed emotions connected with our conception of defense to cloud the very real, substantive issues which underlie defense policy. Consequently, as recent events bear out only too clearly, U.S. defense policy has not generally been tested and tempered by the rational, far-reaching debate which would make it strong and functional.

Mr. President, I believe that we must carefully, but very surely, take the magic out of defense and begin treating it with the proper, realistic and hard-nosed appraisal that it, like any other subject which comes before Congress, deserves. The Constitution provides Congress with broad powers to raise an army, declare war, ratify treaties, and appropriate funds. There is a definite and important role for Congress to play in developing defense and the foreign policy with which it is so intertwined.

As complicated as the problems are, and as fateful as the consequences may be, decisions will be made and policy will be established, based upon the judgment of elected officials. Though we have thousands of defense specialists in our Government, the question of what constitutes security boils down in the end to a political, not technical question. In our system of government it is no less a subject for debate by Congress than our policies for education, health care, or law enforcement.

Fortunately, over the past few years Congress has begun to discharge its responsibilities in this area more fully. Though change has been gradual, the controversy over U.S. involvement in Indochina has resulted in congressional insistence on playing its constitutional role in foreign affairs and military policy. The examples of the assertion of congressional will are numerous. By restricting the use of funds, Congress put an end to the conduct of hostilities by U.S. forces in Southeast Asia. Through an amendment which I had the privilege of writing, Congress now sets manpower levels for our armed services based upon its assessment of national security needs. The war making powers of the President have been more clearly defined in the War Powers Act, which had its first test only a few days ago.

It is fitting now that at the close of our involvement in Indochina, Congress has begun a wide-ranging debate on defense issues. In my experience in the Senate, this debate we begin today is unprecedented, and it could not be more timely. I wish to compliment my Senate colleagues, men of widely varying views, for the leadership they have exhibited and the efforts they have expended in organizing this debate. I sincerely hope that the questions we raise today will not be forgotten, but will be examined and reexamined in the months to come. America will be the stronger for it.

In beginning this debate on the defense bill, we will focus on the broad principles of foreign policy in a post-Vietnam world. It is our foreign policy and our foreign commitments which dictate our defense posture and discussion of these subjects provides the foundation for debate of particular defense topics later in the week.

Mr. President, as I said earlier, this wide-ranging debate could not be more timely. The recent events in Indochina have underlined the need for a reassessment of the basic principles of American foreign policy. Today, in public debate, we can begin this necessary review.

The starting point for any serious reassessment of our foreign policy must be a recognition of the historical circumstance which produced this basic foreign policy of the United States for the past quarter of a century.

At the end of World War II when we alone of all the combatants emerged strengthened rather than weakened; when we alone possessed nuclear weapons; when we alone accounted for more than 50 percent of the world's production of goods and services, it was both realistic and desirable for us to accept a role as world policeperson and philanthropist. We could and did accomplish a great deal.

We insured the independence of Western Europe with our armed forces and we rebuilt the economy of a war ravaged world with the Marshall plan. With moral certainty in the rightness of our cause and absolute confidence in our ability to achieve our goals, we set out to preserve and promote freedom throughout the world. It was clear from the conduct of the Soviet Union that an essential ingredient of our policy was a simple straightforward determination to challenge the advance of communism throughout the world.

For many years this approach to foreign policy served us and others well. While the Soviet Union was building walls in Berlin, intervening with military force in Hungary and propping up unpopular and repressive puppet governments, we generally fostered and frequently provided the means of establishing a climate in which democratic institutions could flourish. Our allies and friends, even former adversaries such as Germany, Italy, and Japan achieved new heights of prosperity and progress.

But while the nature of the world changed we continued to cling to an outmoded view of the world. And ultimately it was our failure to recognize and understand a changing world and our determination to challenge the advance of communism throughout the world—regardless of our capabilities, the costs involved, our essential national interests, and the character of governments with whom we allied ourselves—that led us to make a serious error of judgment in Southeast Asia—an error which led inexorably to the tragic events of recent months.

It was 14 years ago that John Kennedy pledged the United States to "pay any price, bear any burden, meet any hardship, support any friend or oppose any foe to assure the survival and the success of liberty."

Most of us still remember that pledge, but many do not remember that President Kennedy also warned that—

> The United States with only 6 percent of the world's population cannot impose its will upon the other 94 percent of mankind—that we cannot right every wrong or reverse each adversity—and therefore there cannot be an American solution to every world problem.

And most of us have forgotten that he told us an error does not become a mistake until you refuse to correct it. We made an error in Southeast Asia. We failed to correct it before it became a mistake. It would be stupid and totally indefensible if we now fail to learn from our mistake, or having learned, if we now fail to apply our knowledge to develop a new approach to American foreign policy.

For too long we have ignored the meaning of important and irreversible changes in the world while allowing ourselves to be preoccupied with superpower diplomacy and mesmerized by an unrealistic concept of what is needed and what is possible in our relations with other nations. The bipolar world of post World War II and the cold war long ago evolved into a multipolar world of more than 150 independent nations.

It is time we recognized that although we are still a nation with a wealth of natural, economic and human resources, the most formidable Armed Forces, the most efficient system of agriculture, the most advanced technology, and the greatest industrial capacity in the world, we are not omnipotent.

Certainly, we have learned in Southeast Asia, at a cost of 55,000 American lives, $150 billion, the polarization of our people and the alienation of a generation of our youth that some burdens are too heavy to bear, some prices are too high to pay when our vital national interests are not at stake.

Certainly, we should have learned the folly of making the threat of change in a remote corner of the world a test of our national will when that change would not alter the real balance of power and would pose no threat to our own security.

In our determination to oppose communism everywhere we deluded ourselves that we were still defending freedom while allowing ourselves to become surrogates of colonialism backing a decaying, corrupt government, which suppressed civil liberties and employed tiger cages to chastise its critics.

Ignorant of the real limits of American power, we Americanized the war by committing our own troops to propping up a succession of unpopular unrepresentative governments opposed to reform and unable to mobilize the popular support of their own repressed people. The result cost both ourselves and those we were trying to save more in terms of lost lives and suffering and insecurity than our national interests or the balance of power in the world required.

Our new approach to foreign policy must be idealistic because both America and the world hunger for a sense of noble purpose. But our idealism must be tempered with realism about our capacity to affect the course of world events.

I am not suggesting a retreat into isolationism. In today's complex and economically interdependent world we cannot "go it alone." To think that a withdrawal in to a Fortress America would insure our own security and progress is the ultimate self deception.

We can and must be willing to do what is necessary—even endure hardships, to support a realistic, intelligent, discriminating, and honorable foreign policy.

We must stand ready to serve the cause of freedom by helping others to help themselves.

We must stand ready to fight for America and for liberty if we must. But we must resolve that never again will we find ourselves fighting until we know what we are fighting for and know that what we are fighting for is right.

What is required, Mr. President, is a complete review of the 40-odd American "commitments" based upon a realistic appraisal of America's vital interests in the changing world in which we live. And in making this reappraisal we must take a new approach if our commitments are to become valid and workable.

In the past we have spoken of commitments in a unilateral context. We have spoken almost solely of American obligations. Seldom has there been discussion of the reciprocal responsibilities of our various allies. The reason for this is that our commitments in the past have, for the large part, been one-way streets. Little if anything has been required of our allies in return for American pledges of protection. Often there has been no definite time for expiration of obligations and no provision for changing circumstances. We have had little control of actions taken by our allies which affect the very interest the commitment was made to protect. As a result, our foreign commitments have acquired independent lives transcending the U.S. security interests that brought them into being and departing from the goals those commitments were designed to accomplish.

Mr. President, we must discard this one-sided notion of commitments as the first step in reviewing and reorienting American foreign policy. In the modern world, there must be a true interaction of nations, not unilateral pledges.

What we need is not new American commitments, but new American contracts. Contracts by their very nature indicate a mutuality of obligation, and this is what we must strive for. Other nations must understand that American protection brings certain responsibilities in conducting their own affairs and that failure to live up to those responsibilities will affect the nature of the American obligations.

There is nothing new or revolutionary about this, Mr. President. The principles of contract far outdate the birth of this Nation and have been an essential aspect of the American system. Indeed, the principle of contract is given definite and special protection by the Constitution. It is amazing that this American concept has not been an essential element of our foreign policy throughout our history.

I was interested by Secretary Schlesinger's comments at the NATO spring meeting:

> There is no question about the continuation of America's commitment to Europe's defenses, provided only one thing—that the Europeans continue to be serious about providing and supporting the necessary force structures and strategy.

Certainly, the willingness of countries to defend themselves should be an essential element of our contract with that nation. There are several others which must come into play in return for a promise from this country to commit its citizens to battle, and it is essential that we openly and clearly identify them so there can be no mistake or misinterpretation by allies or adversaries of the true nature of American commitments.

And this brings us to a second facet of our approach to the reassessment of American commitments—broad and open public discussion of these commitments. If we learned anything from Vietnam, Mr. President, it is that in the end, it is the people who bear the costs of policies established by their leaders. It is not only the sons of Cabinet members, or Congressmen who die in wars, but also the sons of farmers, laborers, teachers, and businessmen. If these people have not given an informed consent to foreign policy, that policy will inevitably fail. It is incumbent upon us now, Mr. President, in our attempt to reassess American policy, to encourage the broadest possible discussion and consideration of the possible costs of our numerous commitments and the alternative courses of action available. It is only upon such discussions and consideration that a meaningful foreign policy can rest.

I hope that today will mark the beginning of the necessary public debate. We cannot create a new foreign policy directed to the needs of the modern world overnight. We can, however, begin a thoroughly discussed movement toward meaningful and mutual commitments, which will lead to an American foreign policy of honor of which our people can be proud and to which they can commit themselves. The times, Mr. President, require no less.

Mr. President, I want to take a moment, if I may, to commend our colleague from California for the leadership role he has provided here.

I have sat most of the afternoon listening to this distinguished debate.

I was particularly impressed with the way the Senator from California and the Senator from Colorado looked at commitments. There has been a lot of discussion about what withdrawal from Vietnam means relative to American commitments. The Senator drew certain parallels and made certain distinctions between the situation in Korea and Vietnam.

I think it is also important for us as Members of this body to look at the commitments we have with Western Europe and the state of Israel, and compare them to the unfortunate situation that developed in Vietnam. The Senator hit the critical parts. In regard to a commitment, we must first ask whether it is in our national interest; second, what it will cost us to deliver on that commitment; and third, just what we are committed to.

We have all too often confused the commitment with the objectives we are trying to accomplish. To compare the commitment we had to the people of South Vietnam and the Thieu regime to the commitments we have to the free governments in Western Europe or Israel is the ultimate in misleading the American people.

As we examine our foreign policy commitments, I think we need to look more carefully at the governments we support. This concerns me about our friends in Korea right now. We are committed to maintain the freedom of the people of Korea, but when I look at what Mr. Park is doing there, I wonder how much freedom they have.

I would like to see us use our good offices there and other places where freedom is more present in language than in fact to encourage truly liberal governments.

As we approach our 200th birthday as a nation, we must recognize that we were the first nation in the history of mankind to throw off the shackles of imperialism, to strike out on our own, recognizing individual liberties and freedoms and all their ramifications. It saddens me that all too often we have found ourselves opposing many nations around the world which are trying to go through the same experience, trying to throw off the shackles of imperialism.

So as we look at our foreign policy and our commitments, I ask that we examine very carefully what we are committed to in the basic terms of freedom and liberty that are so important to us.

I think the dialog that has commenced here on the floor of the Senate is the kind of dialog I would like to see spread throughout the country.

I would like to see the President of the United States join in a national foreign policy dialog. I would like to see members of the executive branch, the legislative branch, mayors, State legislators, academicians, concerned citizens all across this country, called together in a truly comprehensive dialog discussing our foreign policy options.

These foreign policy questions are not too complicated for our citizens, and I think the American people should be given a better idea of what these options might lead to in the final analysis.

I think that if we had had a comprehensive dialog regarding where the Vietnam trail might ultimately lead, the American people would have had a much better comprehension of what Vietnam meant to them before the casualty lists started arriving.

I want to compliment again the distinguished Senator from California for initiating this debate. I hope it will lead to a greater spirit of cooperation.

There has been a lot of discussion to the effect that Congress is not willing to cooperate with the President. I would like to point out that the Constitution gives Congress an important role in foreign affairs. While we must cooperate with the Executive, we must also make certain that cooperation in the foreign policy area begins as foreign policy is developed, not as the bills are being paid.

I thank my colleague.

Mr. CRANSTON. I thank the Senator very much for adding some dimension to our discussion that we must take into account.

I would like to comment briefly on the very important point that the Senator from Indiana made about the difference between those that we found ourselves alied with in South Vietnam, and now find ourselves allied with in South Korea, and those we have been allied with in Europe and the Middle East where, basically, we are allied with true democracies, where the cause of freedom is plainly at stake, there and elsewhere, in what we are seeking to accomplish there.

However—and it is a big however—I would like to point out that even in Europe we have perhaps been a little bit careless and have not thought enough about the consequences of being allied with some who are not democracies.

We find ourselves in an embarrassing and difficult situation because Turkey, in violation of our law, used weapons we gave Turkey to attack people of Greek extraction in Cyprus, and that, in turn, some time back, partly due to the fact we did not concern ourselves much about the fact that some Greek colonels had formed a military dictatorship, and our ally, Greece.

We might have done something more than we did to strengthen democracy there, and that would not, in turn, have opened up some matters that are now called weaknesses on the southern flank of NATO.

Similarly, in Portugal we were very happy for a long, long time to ignore the fact that we were alined with a pretty tough dictatorship. Now we find that all coming home with some new problems that confront us in Portugal.

Mr. BAYH. If I might ask the Senator to yield a moment more, I think those points are right on the target. I have joined with the Senator from California, the Senator from Missouri, and several others in expressing the position of the Senate on these very issues. We so often get ourselves obsessed with the commitment, the paper, without looking behind that paper to see what principle is involved. I agree with the Senator from California. The commitment we had to the Greek people as part of our NATO obligation certainly did not involve shoring up a handful of colonels who were stifling freedom in the very nation where it was born.

We must look beyond the written word and see what the commitment was designed to accomplish when the commitment was first given. Here, again, I like the notion of contractual relationship. We commit ourselves to certain things and our allies also are committed to certain conduct. Thus, we can go forth together. If it is not a unilateral kind of thing, but a concerted effort to accomplish certain basic principles.

Mr. CRANSTON. I agree totally, and I thank the Senator.

Mr. BROOKE. Will the Senator yield?

Mr. CRANSTON. I promised to yield next to the Senator from Georgia.

Mr. ALLEN. Will the Senator from Georgia yield 2 minutes for an insertion on this subject?

Mr. NUNN. I yield.

Mr. ALLEN. I thank the Senator.

Mr. President, my distinguished senior colleague (Mr. SPARKMAN) is necessarily absent from the Senate today. He has prepared for delivery in the Senate a speech on requirements for U.S. forces overseas. As chairman of the Committee on Foreign Relations, Mr. SPARKMAN is extremely well qualified to discuss this issue.

This speech, because of Mr. SPARKMAN's unique role as chairman of the Foreign Relations Committee and because of his great knowledge and expertise in this field, will be of interest, I am sure, to Members of the Senate and to the public generally.

Mr. SPARKMAN knows full well that a strong military posture on the part of the United States is a necessary part of any successful American foreign policy.

I ask unanimous consent that Mr. SPARKMAN's speech be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR SPARKMAN

REQUIREMENTS FOR U.S. FORCES OVERSEAS

Within the past several months we have witnessed the collapse in Indochina. We have watched as our relationship with Thailand has become increasingly troubled and we have witnessed the breakdown of the step-by-step negotiation process in the Middle East.

For many, recent developments in Indochina have seemed a sign that the United States is over-extended and unable to cope with many of the problems which have developed. To some, the answer is to bring many of our forces home. Further reductions overseas are seen as a way to reduce our military expenditures, improve our balance of payments and save us from ill-advised involvements. I believe those who would have us pull back now have tended to dismiss many of the foreign policy implications for the United States of large withdrawals. I cannot think of a substantial presence overseas outside of Southeast Asia which could be given up unilaterally with-

out causing further uncertainty among our allies as to America's present intentions. There are no compelling military or economic reasons to seek any substantial or significant reductions which would balance the political repercussions these reductions would precipitate.

At present the United States has more than 500,000 military people outside the United States. About 30,000 of these are in our territories and possessions and another 480,000 are in foreign countries. About 300,000 of these people are stationed in Europe or on our Sixth Fleet. A little more than 140,000 are in the Western Pacific, including Japan, the Philippines, South Korea and Taiwan, as well as those serving in the Seventh Fleet.

If the Congress studied the various deployments of our forces carefully and on an individual basis, I am sure ways could be found to pare our forces but I would suspect that upon close analysis most of my colleagues would agree that, for the moment, our most significant deployments are justifiable.

Let us consider the case of Europe. We have had four and one-third divisions in Europe for a number of years now. As a result of an initiative by the Senator from Georgia (Mr. Nunn), the so-called tooth-to-tail ratio—the proportion of combat troops to support troops—is being improved, and the United States will have five divisions on station in Europe with no increase in total manpower. This improvement goes to the heart of many objections made concerning our deployments in Europe. We have persistently sought from our good allies in Europe commitments to improve their forces. At this point, one can say that modernization is being actively pursued throughout the NATO forces and that the allied conventional capability is being improved.

Although the long-term political and military necessity of the European alliance receives the most attention, we should not forget the economic benefits of a free and independent Europe. The very modernization now taking place will have considerable impact as the Europeans buy hundreds of millions of dollars in military equipment from us. Already, our European allies are purchasing at least ten times as much in military equipment from us each year as we buy from them.

The main argument made for pulling troops back from overseas is that it will save the United States a great deal of money. That question has been analyzed very thoroughly and so far as I know, no one has been able to come up with convincing evidence that substantial withdrawal represents much of a dollar saving. Smaller withdrawal would be of still less monetary significance. If troops are withdrawn to the United States and left ready for use if necessary, considerably greater air-lift and sealift becomes necessary. That costs money, probably more money than is saved by redeploying the troops.

The only way we could save a great deal of money by reducing our European commitment—or any other large troop presence—would be to bring the troops home and to demoblize them. That would be shattering to our defense structure as well as to our allies. It does not make sense unilaterally to reduce our force structure at a time at which our allies are improving and the other side is enhancing its own forces.

There are things we should change in connection with our deployments in Europe. If we are going to do what we can to make sure that our conventional defense structure is viable, we should ask no less of our allies. It is critically important that the NATO nations move away from 15 separate and distinct defense programs to a single coordinated effort. The results would be savings all around and considerably greater assurances that NATO would not fall into shreds in the event of conventional attack.

We should build upon what we have in NATO and give less credence to the view that a good, solid common defense is pointless because the other side is vastly superior to NATO. As Alain C. Enthoven, the former Assistant Secretary of Defense for Systems Analysis has pointed out: "NATO has more total active duty military manpower than the Pact; NATO has more total land forces manpower than the Pact; NATO and Pact land forces manpower in the critical Center Region are about equal; and NATO tactical aircraft are about equal in number and distinctly superior in quality to those of the Pact."[1] The Mutual and Balanced Force Reduction Talks (MBFR) have been going on for some time now with little concrete result. However, I am not ready to give up on them yet, for I believe that we are in the position now at which the two sides could agree on the mutual reductions which would lower tensions and save defense expenditures while avoiding further disparities and overcoming some present imbalances. There are ways to accomplish this.

Dr. Alain C. Enthoven, a former Assistant Secretary of Defense, has suggested: "a significant reduction in NATO's tactical nuclear weapons could well be offered in exchange for substantial reductions in Warsaw Pact tank forces, thus moderating at one stroke the most striking asymmetries and elements of concern in present force postures."[2]

It seems to me a negotiated reduction in our nuclear weapons in return for a reduction on their side affecting the conventional threat would be a very sound means of handling a very difficult problem. We need a certain number of tactical nuclear weapons to help deter attack and to reassure our allies of Western resolve. Our tactical nuclear weapons also serve, I believe, to deter the other side from using nuclear weapons.

However, there is little doubt that our 7,000 tactical nuclear weapons in Europe are grossly more than we need and could easily be cut by half or two-thirds with no deterioration in our usable tactical nuclear ability, while at the same time allowing us to devote scarce manpower and other resources to a solid conventional defense.

Mutual reductions would serve to reassure each side of the other's peaceful intentions. Certainly there is no genuine need for 30 years after the end of World War II for both sides to have nearly a million men under arms standing by for the contingency of war. However, the solution must be mutual and not unilateral. We have a right to insist that the Executive Branch pursue the Mutual and Balanced Force Talks diligently and attempt to achieve solutions acceptable to both sides. I hope the Soviet side understands the importance of their negotiating seriously and in good faith.

Turning to the Pacific, we have seen in recent weeks expressions of uncertainty as to future United States intent and resolve. The people of Japan, Korea, the Philippines, Malaysia, Singapore, Australia, New Zealand and Indonesia are all looking to us for reassurances as to our future stance in the Pacific. Certainly we never wish to become involved in fighting there but the solution to this wish is not to move away from the problems but to stay as a visible and friendly presence. That, not retreat, is the way to prevent war. Substantial withdrawals in Asia now might save a few dollars but the cost in future difficulty is incalculable.

Mr. President, I am not advocating that we hold firm forever and make no changes in our overseas strength. I believe that in time we should be able to reduce as the situation in Asia becomes more stable and as we develop clearer perceptions of our proper future relationship with our allies and our proper place in the world in the aftermath of the Indochina collapse. For the moment, however, our vital national interest dictates that we reassure those of our allies who are troubled and that we hold fast in the absence of any compelling reason to do otherwise.

The United States has been a force for stability throughout the world since the end of the Second World War. I believe we can continue to be such a force while abjuring the role of the world's policeman. We are not overseas now to dominate. We are overseas to provide a balance. We are not the dominating force in Asia now, but we are the balancing force. The same is true in Europe.

The United States is too great a nation to fall victim now to the vexations and frustrations which sometimes beset us in our relations with our overseas allies. The difficulties we all face now make it imperative that we work together with other nations in achieving mutual goals. We should not act now to scuttle our national interest.

Mr. NUNN. I yield to the Senator from Indiana.

Mr. BAYH. I thank my colleague.

Mr. President, I ask unanimous consent that Mr. Thomas Connaughton and Mr. William Heckman of my staff, be granted floor privileges during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I would like to thank my colleague from California for stimulating this debate. I think it is a beginning toward a more meaningful interrelationship between the military and foreign policies. I think there is a definite relationship. I think in the past we have probably not given near enough attention to that.

On the subject of Korea, I share the Senator's concern and the concern expressed by the Senator from Indiana. Our Subcommittee on Manpower went into some detail on this subject this year.

Mr. CRANSTON. The Senator made a trip to Korea, did he not?

Mr. NUNN. I did, and I voiced the same objections to some of the infringements of freedoms to President Park that have been expressed in the Chamber this afternoon. I did it in a very vigorous fashion but I cannot say I achieved any results whatsoever.

Nevertheless, we do have a section in our report that the subcommittee recommended and the full committee approved regarding Korea on the very points that are being made. I will not belabor that point.

I happened to be away a moment ago when the Senator from California started on this particular subject.

I would ask the Senator this question: Does the Senator have any specific recommendations about what we can do in Korea given all of these conditions, given the infringements on some of the freedoms there, but at the same time given our treaty position and the position we are in the world? I just wondered if there were any specific suggestions about what we can do there right now on this bill or otherwise what we can begin to do that I missed while I was gone.

Mr. CRANSTON. I do not have specific proposals that relate to this bill. I did make five suggestions:

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[1] "U.S. Forces in Europe," Foreign Affairs, June, 1974, pg. 514.

[2] *Ibid.*, pg. 531.

One, that we start stressing options and issues other than those that are simply military, giving greater consideration to economic, social and political issues, and seek to build some closer contacts with people who are not just military leaders, with whom most of our contacts presently exist.

Second, that we do our utmost to persuade President Park to stop following President Thieu's unhappy example of repressing the people there, which leads them to think they have not much at stake if combat comes. I know the Senator has spoken strongly on that subject after witnessing the dictatorship there.

Third, I think we should seek full implementation of the 1953 Korean armistice agreement which entails stopping new arms going in and having inspection.

Fourth, launching deep and probing discussions and examinations with all the interested powers, including both Koreas, the Soviet Union, the People's Republic of China and Japan on what can be done to turn away from war toward peace there and to reduce the dangers on the peninsula.

Finally, consider along with these steps a slow and steady reduction, provided other things are working or starting, of our troop force there. Nothing large at this time and nothing necessarily at all at this time in that particular respect.

Mr. NUNN. I share most of the Senator's observations on that. I would refer to the committee report at this point in the RECORD because I believe we are beginning, at least in part, to move in that direction. I refer to the second paragraph on page 122 of the report which states:

> Therefore, as part of the overall Pacific basing study, the Committee requests the Department of Defense to do an in-depth study of our military posture in Korea and alternatives to the current posture. Among the alternatives that should be examined would be one that (a) improves U.S. and South Korean tactical air capabilities; (b) provides military assistance to the South Korean armed forces, mainly ammunition and spare parts; (c) enhances the South Korean production base so that it can provide more of its own military capabilities; and (d) examines various U.S. ground force levels in Korea.

Particularly the (d) part, I believe, is very essential. I am not in any way saying that this report covers all of the things that the Senator talked about in the field of foreign policy, but I do believe it begins in a direction on military policy to examine those options correspondingly with some of the Senator's suggestions in the field of foreign policy.

Mr. CRANSTON. I thank the Senator. He has covered some very important ground. Certainly, we should be considering the various military options available to us there while seeking to develop some other options that might make it possible to resolve the matter without resort to military force. I am particularly pleased that the Senator spoke and added that to our considerations because I believe he knows about as much about Korea as any Member of the Senate.

Mr. BROOKE. Will the Senator yield?

Mr. CRANSTON. I yield.

Mr. BROOKE. Mr. President, the Senator from California mentioned Portugal in his remarks. As the Senator well knows, I recently visited Portugal. That experience and subsequent study led me to conclude that we were making some mistakes there, or were about to make some mistakes, respecting our relations with Portugal.

Mr. CRANSTON. I would like to say I am delighted the Senator picked up that cut and is speaking on a subject he knows so well. I believe it is very significant that as we get into some of these specifics, Senators rise who do know a very great deal about a number of these countries where we face some very difficult choices.

Mr. BROOKE. I appreciate that comment from my distinguished colleague.

As my contribution to this debate on U.S. foreign policy, I intend to focus on the present situation in Portugal and its implications for U.S. policy, both in terms of our specific relations with that country and wider policy perspectives. The stimulus for my remarks today comes from my recent visit to Lisbon and subsequent monitoring of developments in that country.

Many Americans are deeply concerned over the strains in our relations with Portugal. That concern exists for strategic reasons—Portugal's role in NATO, the U.S. base in the Azores and Portugal's strategic location near the entrance to the Mediterranean and the gateway to the South Atlantic; and because of historical and cultural affinities we have with the Portuguese people.

It is feared by some that the move to the left in Portugal, following the April revolutions of 1974, presages a Communist takeover in that country and, thus, a further diminution of our security and that of our vital allies in Western Europe. I believe that such a fear, taken to its extremes, and the hardline attitudes that stem from it are counterproductive in terms of developing an enlightened U.S. response to the evolving situation in Portugal.

Contrary to certain views expressed by some observers, I do not believe Portugal to be in an irreversible slide toward communism of the Soviet variety or even necessarily totalitarianism of any variety. There is that danger, of course, but it would be erroneous and self-defeating to assume that conditions in Portugal have deteriorated to such an extent that a communist takeover is inevitable. If such an assumption were to guide our policies, as I fear may have been the case in certain instances, we would likely accelerate rather than arrest any movement to replace the former "dictatorship of the right" with an equally or more reprehensible "totalitarianism of the left."

While a Communist takeover is not inevitable, we cannot ignore the fact that the Portuguese Communist Party has gained in influence over the past year. A major reason for this is that it has recognized the highly nationalistic content of the "Portuguese Revolution" and has adopted its policies to conform to its nationalistic fervor, at least for the time being.

The United States, on the other hand, has exhibited a less than adept understanding of the potency of Portuguese nationalism. Too often we have unnecessarily taken public positions that are perceived by the Portuguese to run directly counter to their legitimate desire to control the course of their country's political, economic and social development independent of coercive intrusion by outside forces. In doing so, we have allowed those groups in Portugal holding views inimical to our interests and, indeed, to the desire for freedom of the Portuguese people, to place themselves in a position of appearing to be the firmest supporters of nationalistic aspirations.

The long-term success of the communists' ability to graft their movement to the upsurge of nationalistic feeling is questionable, however, in light of the strong influence operating against their ascendancy. For instance, the anti-Communist sentiment of the Catholic Church still remains strong in Portugal although the influence of the church has been somewhat weakened because of its close identification with the previous rightist dictatorship.

Moderation rather than radicalism is still in evidence to a major degree in the upper military ranks according to U.S. Embassy sources. And it is the attitudes of the military, especially those individuals who dominate the armed forces movement, the controlling factor in Portugese politics, that still determine the course of events in Portugal.

However, one caveat must be entered here. U.S. officials have been told that the moderation of the upper military ranks is not paralleled at lower levels. It is rumored that some high military officials question whether the lower ranks would be willing to obey orders from their superiors that ran counter to the wishes of the radical left. Nevertheless, it still appears tenable to believe that the military, by and large, is still holding to the path of moderation.

A third important factor inhibiting a Communist seizure of power is the lack of widespread popular support for the Communists as evidenced in the recent elections for a constituent assembly. While it must be noted that the decisions of such an assembly will not be binding on the armed forces movement, the elections nevertheless serve as a useful barometer of popular sentiment.

About 91.7 percent of eligible voters participated in the election; 37.8 percent cast their votes for the Socialist Party; 26.4 percent voted for the Popular Democrats. And 7.6 percent voted for the Social Democratic Center. Thus, 71.8 percent of those voting cast their ballot for political parties committed to a non-Communist pluralistic political system.

The Communists, on the other hand, received only 12.5 percent of the vote. And the party most closely alined with them received 4.1 percent.

The impressive showing of the non-Communist parties indicates a strong popular sentiment for the type of open society that was promised by the leaders of the April revolution. Properly encouraged, both by Portuguese committed to the original goals of the revolution and by sympathetic outside parties, such sentiment can hopefully be strengthened to forestall any Communist seizure of power.

Understanding of what is taking place in Portugal is impossible without a sensitivity to certain psychological factors that apparently motivate the leaders of the revolution. These include the intense nationalism I have already referred to; a pervading sense of regret regarding the colonial wars in Africa; and an inclination among the Portuguese leadership to believe that the third world is "morally superior" to either the Western or Soviet blocs. Two results of the conjunction of the emotive forces emanating from these attitudes are a relatively high degree of distrust of major powers, including the United States, and an apparent fixation on developing close Portuguese ties with third world countries.

I believe that xenophobic distrust of the major powers is a more accurate explanation of Portuguese sensitivity to statements by U.S. officials that appear belligerent in tone than the common wisdom explanation that such sensitivity is attributable in the main to Communist influence. Looked at in the former rather than the latter light, one can more fully understand why Portuguses officials, in my meetings with them, made constant reference to their dismay over certain remarks by the Secretary of State, the Secretary of Defense, and Members of Congress that they construe as veiled threats or indirect attempts to interfere in the internal affairs of Portugal. If the "xenophobia explanation" is substantially correct, then we would do well to avoid unnecessary public statements tinged with bellicosity that serve no useful purpose and only further alienate the Portuguese leadership. Verbal animosity does not strike me as the most useful of our diplomatic tools in coping with this situation.

It should also be noted that the attitudes of the present leaders of Portugal are determined to a certain extent by their experience in the African colonial wars. There they formulated their socialist ideals and attained a desire for close association with the third world. Sent to suppress "socialist thinking and activities" in the territories, they apparently embraced many of the tendencies and concepts they initially sought to thwart. And they came to respect the depth of commitment to those ideals of the various liberation movements they fought against.

There should be little wonder, then, that the Portuguese leadership expresses its aspirations in terms more akin to the revolutionary rhetoric of the third world than the moderate tones of social democrats throughout Western Europe. But we err in assuming that such rhetoric necessarily indicates hardcore commitment to communism as we know it. We seem to be incapable of, or unwilling to, distinguish between communism and allegiance to Soviet policy on the one hand, and a commitment to a reforming socialism on the other. The latter rather than the former is, I believe, the goal of the vast majority of the Portuguese leadership. To the degree we fail to recognize this and shape our policies accordingly, we alienate ourselves from this majority. And we make the task of those who would usurp power in the name of social justice that much easier.

What we need to develop in our own thinking is greater toleration and understanding for those who seek social progress for their peoples by methods not coincidental with our own, but who nevertheless eschew the temptation to subject their peoples to the tyranny of a closed repressive political system in their drive to attain their goals. This is the crucial distinction that should determine our approach not only to the Portuguese situation but to many other experiments in social progress throughout the developing world.

Too often we focus on the rhetoric of those seeking social change, recognize similarities between it and Communist propaganda, and fallaciously assume an inevitable unity between the two forces. This is simply not necessarily so. We must develop the capacity to recognize the numerous distinctions rather than focus myopically on the similarities if we are to avoid continuing and mounting setbacks in our relations with countries such as Portugal who are striving to free themselves from the bondage of poverty.

Mr. President, in emphasizing today what I believe to be deficiencies in our approach to the Portuguese problem, I do not mean to minimize the gravity of the situation. The recent closing down of the major Socialist newspaper, Republica, by the armed forces movement, in the aftermath of threats by Communist workers to destroy the paper and physically harm the publisher, is a disturbing indication that the Communists do not intend to abide by the expression of popular support for the Socialist Party in the recent elections. I am sure that Prime Minister Goncalves and his cabinet is conscious of the fact that those who wish his country well are closely watching how he responds to this flagrant branch of the right of free speech that is such an integral part of any free country. A failure of the armed forces movement to provide the protection necessary to allow the Socialist to renew printing of their newspaper would be a serious blow to the forces of freedom in Portugal.

Portuguese limitations on our use of Lagens in the Azores is also disconcerting. Prime Minister Goncalves has stated that Portugal would not allow the United States to use Lagens as a refueling stop in any airlift to the Middle East in the event of another war. While this is regrettable, it was not unexpected given the unwillingness of our other European allies to risk a confrontation with the oil-producing Arab States. Nor is it reasonable at this time to assume that this Portuguese decision indicates the beginnings of an attempt to dislodge the United States from the Azores. Lisbon has given no substantive indications that it intends to do so. Indeed, there are several reason why such a course is unlikely in the immediate future. First, the situation in Portugal proper is sufficiently unsettled to discourage the Portuguese leadership from taking on the base issue. Even the Communists have apparently resisted the temptation to use the U.S. presence in the Azores as a major propaganda issue.

Second, a growing unemployment problem inhibits any tendencies to risk losing the jobs provided by the American presence in the Azores.

Finally, any attempt to alter the U.S. position at Lagens would run counter to the Portuguese regime's continued assurances that it intends to abide by its commitments to NATO. Prime Minister Goncalves has emphasized numerous times, the latest being at the NATO Conference, that his country will remain in NATO and will not allow internal developments to affect Portugal's external commitments.

The Prime Minister's commitment to keep Portugal in NATO appears to be a sincere one. There does not appear to be any great popular agitation within Portugal for withdrawal from NATO aside from minor propagandistic outbursts by radical fringe elements. Even the Communists have not attacked the NATO commitment to any great degree. One theory advanced for their reticence is that they, acting on Moscow's orders, would like Portugal to remain in NATO as a "viper in the nest," able to disrupt the effective functioning of the alliance. Another theory, again relying on the strong connection between the Portuguese Communist Party and the Soviet Union, suggests that Moscow does not want to see Portugal withdraw immediately from the alliance out of fear that such an event might stimulate the other Western European states to give greater attention to their defenses. Moreover, it is argued by some that Moscow fears that a Portuguese withdrawal would doom the Kremlin's long-held desire for a successful conclusion of the Conference on Security and Cooperation in Europe, a conclusion that would, in the Soviet's eyes, legitimize the post-World War II boundaries of its Eastern European empire.

An equally tenable explanation for the lack of Communist agitation for Portuguese withdrawal from NATO is that the Portuguese Communist Party fully recognizes that the vast majority of Portuguese still desire to maintain their country's links with the Western alliance. Any attempt to sever those links would be strongly resisted in my opinion.

Nevertheless, Portugal's participation in the alliance at the same time that Communists hold high positions in the Portuguese Government creates a difficult situation. Lisbon cannot be included in discussions or exchanges of highly sensitive material for fear that such information will be passed on to Moscow by the Portuguese Communists. Yet, Portugal must believe it receives certain benefits from the alliance if it is to have an incentive to remain in NATO.

No one has yet suggested a way out of this seemingly irreconcilable impasse. The fact that Portugal still evidences a desire to remain in NATO even though being unable to participate fully in its deliberations indicates a strong Portuguese desire to find some way to do so. The United States and its European allies should strive to do what they can to permit the Portuguese to fulfill their aspirations within the general framework of the western alliance. We should strive to evolve sufficient flexibility in the alliance to allow Lisbon some form of meaningful participation even though some restrictions will inevitably have to exist to protect alliance confidentiality and security.

However, we must realistically face the possibility that the Portuguese may not be willing ultimately to accept restricted participation in the alliance. If such proves to be the case, it would be to our advantage to indicate to Lisbon that should it seek a more neutralist posture, one emphasizing third world ties, it would not find itself totally ostracized by the West. We would, of course, prefer to keep Portugal alined with us. But certainly the third world alternative is preferable to allowing the Communists to capitalize unopposed on the wave of distrust of the United States currently evident in Portugal as a means of pushing Portugal into the Soviet orbit.

In regard to the factor of Portuguese distrust of the United States, it may be well for us to recognize that our ability to influence events in Portugal is limited. Indeed, our Western European allies may have a greater ability than ourselves to encourage moderation there. Various political parties throughout Western Europe, especially the Social Democrats, have affinities with important Portuguese political figures. Moreover, the EEC is in a particularly advantageous position to offer economic concessions to Portugal, the effect of which might be to alleviate that country's economic distress and encourage the moderates in Lisbon to push for closer relations with other Western European countries even while there is a certain "coolness" in United States-Portuguese relations.

Mr. President, I hope my remarks today have indicated several basic factors that should be considered in the shaping of our policies toward Portugal. First, to recapitulate, it must be recognized that we are not in a position to coerce Portugal into following a course of action necessarily coincidental with our own desires. However, through patience and understanding we may be able to convince the Portuguese of our willingness to help them fulfill their just aspirations for social progress so long as they do not abandon their commitments to a pluralistic open society.

Second, we should encourage our other Western European allies to take the lead in effecting the accommodations necessary to provide the maximum opportunity for continued Portuguese affiliation with the West.

Finally, we should not predicate our reactions to events in Portugal on a "for or against us" principle, even if Portuguese participation in NATO proves untenable in the long run. We should certainly strive to maintain a mutually beneficial relationship with Lisbon within the western alliance. But if such a context for that relationship proves inadequate, we should respect and perhaps encourage the Portuguese desire for close links to the third world. We should move toward a severing of our ties with Lisbon only if the Portuguese Government becomes subservient to the wishes of Moscow.

In concluding my remarks, I wish to identify several of the broader policy perspectives that I believe are evidenced in the Portuguese case. First, I believe the Portuguese situation is one more indication of the diminished efficacy of attempts by ourselves to exercise influence in the world because of military preeminence. Force, or the threat of force, is an inadequate and inappropriate response to the type of problems of which Portugal is an example. While I firmly believe that our military capabilities must remain sufficient to deter any would-be aggressor from pressuring ourselves or our allies, I am also convinced that our ability to cope with the more fluid nature of our relations with other States will depend increasingly on skillful diplomacy and an ability to convince others that we are truly committed to cooperation rather than confrontation in our relations with them.

Second, we are confronted by the anomalous situation wherein even as the reality of global interdependence in many spheres of human activity is becoming increasingly evident, the potency of nationalism is increasing. And we are slowly beginning to understand that nationalism, as the indispensable cohesive force that holds developing societies bordering on anarchy together, cannot be effectively opposed. It is, however, susceptible at times to being influenced in such a manner as to mitigate the negative effects of its centrifugal pressures on the international system. However, there is no evidence yet that we have discovered a feasible way to truly reconcile the apparently contradictory phenomena of nationalism and interdependence. One of the great tasks facing our foreign policy is to do so.

Finally, the Portuguese situation is likely a forerunner of similar difficulties ahead for the NATO alliance The problems posed by Communist participation in the Portuguese Government are likely to recur. Communists involvement in a coalition government in Italy is a possibility in the not too distant future. We can ignore this until events force us to cope with it as has been the case regarding Portugal. Or we can seek now to think the problem through and design institutional arrangements to meet it when it does occur. While there is no guarantee that our attempts to do so will be successful, it would be the height of folly not to give serious and extensive scrutiny to the problem now.

Mr. President, the complex problems facing us in our foreign policy are not susceptible to effective analysis, let alone solution, in a 2-day Senate debate. All that can be usefully accomplished in that time is the identification of certain matters that require our attention. This is what I have tried to do here today in regard to our relations with Portugal.

Aside from attention to specific country related issues of our foreign policy we should focus our attention in the remaining hours of this debate on what role Congress should have in the formulation and execution of American foreign policy. This is an issue we have not talked about today.

My concern about the proper scope of congressional participation in foreign policy is directly related to the problem of access to sufficient information to make wise policy judgments. In this regard, the *Mayaguez* incident is informative.

The Senator from California will recall that after the *Mayaguez* incident I was very much concerned about the lack of certain information, needed to properly assess the wisdom of the decisions made by U.S. officials. So I sent a letter to the Secretary of State posing some 20-odd questions relative to that incident. I am hopeful that those questions will be answered by the Secretary of State because I think it is important that Congress and the American people have the pertinent information on which to make enlightened judgments even after the fact.

The President acted courageously and decisively. Whether he acted wisely can only be judged when all the facts are known.

I again reiterate my hope that the Senator from California might allot time, in this debate, to examine the role of Congress in the shaping of American foreign policy and what the proper balance should be between the Executive and Congress in this area.

What can we effectively and intelligently do other than, of course, exercise the power of the purse. Can and should we do more to get into the shaping of American foreign policy. Moreover, how can we now work cooperatively with the Executive in the determination of that foreign policy?

These are foreign policy questions, which I hope that the Senator from California can program into the remaining hours of this debate.

In conclusion, I want to say again, that the distinguished Senator from California has done a commendable job. It it impossible, of course, to solve any of our foreign policy problems in 2 days, as it is to analyze effectively the relationship between those problems and our defense budget levels. Nevertheless, we can hope to identify what some of those specific problems are. I thank the Senator from California for this opportunity to do so.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CRANSTON. Yes. I am delighted to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think there is one thing that should be made clear in the course of this debate which has not yet been made clear, and that is that the debate is not intended to be some special pleading for cutting the defense budget.

Mr. CRANSTON. That is correct.

Mr. JAVITS. A lot of people think we ought to raise our defense budget. I do not happen to think so, but a lot of people do.

So if you and I—and I signed this letter of invitation to debate very advisedly—wish the Senate to participate intelligently, we ought to let the people know that we will let the chips fall where they may. We are anxious to find out all about the commitments and what they mean in military terms. We ought to let the people know what we are willing to undertake and what that means in military terms, whether it concerns the three great theaters—and the Senator from Arizona (Mr. GOLDWATER) I think certainly was right in pinpointing them—of Panama, the Middle East, and Korea, or any other issue and that we are perfectly willing to face the music.

But we have stopped—and that is somewhat in answer to the Senator from Massachusetts' question—taking the Pentagon's word for the postures upon which military policy is based. We intend to determine for ourselves what those postures are, and then to pass judgment on whether the military proposals to us are opposite to the issue. But we are not afraid of the issue, and I hope very much that the country will understand us in that. We want to know more rather than less. We want to do militarily what is needed for peace in the world, as we see it, but we want the people to know we do not want to take the word of those who have an interest for it, and the Pentagon, properly, has. That is their job. The Pentagon does have an interest in terms of military preparation.

I hope very much that my colleague will understand, because it is a question I am addressing to him, as he was the principal person to start this debate, and in this way will concur in that because I think that is vital as to our motives and our good faith.

Mr. CRANSTON. I most certainly do concur without reservation.

As the Senator knows, among the others who joined with us in writing the letter to all of our colleagues, were the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), and the Senator from Virginia (Mr. HARRY F. BYRD, Jr.), who certainly are not normally among those who wish to cut the defense budget.

Mr. JAVITS. I thank my colleague.

Mr. GARY W. HART. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Colorado.

Mr. GARY W. HART. Mr. President, I ask unanimous consent that Mr. Ed Miller of my staff, be accorded the privilege of the floor during the debate and vote on S. 920.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. BUMPERS and Mr. STENNIS addressed the Chair.)

Mr. STENNIS. Mr. President, if the Senator will yield, I have one question I want to ask him.

But the Senator may first finish his speech.

Mr. CRANSTON. Mr. President, I will yield to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to ask for a unanimous consent request and then make a short statement.

I ask unanimous consent that Bob Brown of my staff be accorded the privilege of the floor during the debate on S. 920.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, reserving the right to object, and I do not object in this case, but I have been here when we had so many Senators in the Chamber and so many other people in the Chamber that we had to sit down on the floor, and so forth. It got to where you could not carry on a debate.

If we are going to allow all these unanimous requests for privileges of the floor during the entire debate, I believe we will find ourselves without a chair. I do not object to this one, but I think we ought to try to work out something that would avoid situations getting congested here, because we are going to have a lot of amendments. I just call that to the attention of the leadership. I do not object.

Mr. BUMPERS. Mr. President, I have sought recognition without success many times this afternoon to say essentially what the Senator from Massachusetts (Mr. BROOKE) finally said in getting this debate back on what I thought was the subject matter.

He raised the issue: which comes first, the chicken or the egg?

It occurs to me, and I recognize that the Senate and Congress cannot set foreign policy, but I agree with the distinguished Senator from Colorado when he says it is unfair to ask Congress to enforce or finance Executive agreements over which we have no control and in which we have never been consulted.

I think that we need to debate not just Korea, but the whole spectrum of our foreign policy, where our vital interests lie, what sort of military posture the United States must maintain in order to carry out what I would like to think is not a morally neutral but envisionary foreign policy, that does indeed protect the interests of this country.

As I say, I certainly cannot dictate to the Secretary of State, or the President, as to what our foreign policy ought to be, but I can sit here and determine in my own mind what I think the legitimate interests of this country are and where they are, and I can during the last 3 days of this week then, I hope, determine more intelligently how I should vote on the weapons procurement bill and the authorized strength of our armed services.

Some of us, who are not privileged to be members of the Committee on Armed Services or the Committee on Foreign Relations, do not have an opportunity to hear all of these things debated.

I was troubled this afternoon to hear the distinguished Senator from Arizona say that since the question of the additional three combat divisions was highly classified the reasons for it could not be discussed in this Chamber, either openly or in closed session.

The reason that troubles me is because I am asked to vote on an authorization for troop strength and authorization of these three combat divisions, without any of the information which apparently the Committee on Armed Services was privy to.

I think this puts all of the Senators in this Chamber who are not members of that committee to a distinct disadvantage.

So, I will do my very best to participate in this debate tomorrow along the lines I have just mentioned.

But I regret very much that some of us are not going to be privy to information which I personally feel we ought to have in order to vote intelligently on that, as well as other matters.

Mr. STENNIS. Mr. President, will the Senator yield to me on that point very briefly?

Mr. CRANSTON. Certainly.

Mr. STENNIS. I direct this to the distinguished Senator from Arkansas.

Mr. President, I never have been committed to any increase in divisions. I have encouraged the Army, along a general pattern, to decrease the desk positions and increase the combat positions, in a pattern of working up some more fighting divisions. I approved of them only to that extent.

But on the key point here, unless it be contingency plans or war plans, as the term is generally used, I do not know of anything, and have never heard of anything, about divisions that could not be discussed openly.

I just make that statement flatly. I just have no such knowledge. I have no knowledge now of a secret nature.

Mr. CRANSTON. If the Senator will yield, the Senator from Arizona is the one who brought up that question.

Mr. STENNIS. Let me finish.

I have stayed here all afternoon, and I want to assure the Senator from Arkansas, and anyone else, that in all my years on the Committee on Armed Services, I have not heard of anything that goes on as to makeup of divisions that would be classified as highly secret, unless it be a matter of contingencies or war plans, where they have all kind of alternatives worked out that in case of this we would do that, and in the case of another contingency, we would do this, and so forth. These, obviously, are trade secrets, one might say. We would not want to give the enemy the benefit of all the contingency planning.

That is the extent of my knowledge on it, and I wanted to make that statement.

Mr. BUMPERS. The Senator from Arizona cast this doubt in my mind, and I would be very happy to hear from him.

Mr. GOLDWATER. I think the Senator from Mississippi has spelled out our problem in this field: That when the Joint Chiefs meet, after the discussions with the National Security Council and the President, and they begin to talk about force levels, they do get into international situations, both probable and actual, the discussions of which, in relation to our decisions, would be detrimental to the United States and helpful to the enemy.

I have talked to the Army this afternoon and asked them to develop for me, and for presentation on the floor of the Senate, answers to as many questions as they can reveal safely, as to why we want 16. I hope that sometime tomorrow I can be able to present that reasoning.

I have to tell my friends in this body that even those of us who serve on the Committee on Armed Services are not privy to the detailed reasoning as to why it is 16. I can say this, and I probably can get my hand slapped for saying it: They want 24 divisions, not 16. We feel ourselves in pretty good shape, having been able to keep the decision at 16, with fewer men than we have when we have 14 divisions.

Sometime tomorrow, I hope to be able to satisfy those people on the opposite side of this question with the major reasons as to why we reach 16 instead of 14 or 18 or 50.

We are going to have the same discussion when we get into the matter of the Air Force. They have suggested increased wings. I agree with everybody who says we should know more about these things. As a member of the Committee on Armed Services, I wish I knew more about it. But there comes a point when I do not think any Member of this body should be privy to some of the material that is discussed at that high level. If we remained locked in our quarters all the time and never talked to anybody, including our wives, that cosmic secrecy would be possible, but we do not live that way.

Mr. THURMOND. Mr. President, will the Senator from Arkansas yield me 1 minute so that I can comment on the remarks of the Senator from Arizona?

Mr. BUMPERS. I yield.

Mr. THURMOND. I contacted the chairman of the Joint Chiefs of Staff. The Joint Chiefs of Staff are really the people who have to make the decision as to the size of the forces. I have a statement from the Chairman about the 16 divisions, and I thought it would be helpful to the Senator from Arizona if I were to place the letter in the RECORD. It sets out the reasons for the 16 divisions.

In making my statement today, I just made a general statement and did not dwell on it in detail. I answered some of the questions from various Senators. Since then, I have received a complete statement from the Chairman of the Joint Chief's of Staff, Gen. George G. Brown, which I think clearly sets out the specific need for the 16 divisions.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
June 2, 1975.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: I am pleased to provide a brief unclassified assessment of the need for 16 action Army divisions.

The dynamic equilibrium now existing between the United States strategic forces and those of the Soviet Union increases significantly the importance of US general purpose forces in the deterrence of conflict below the level of strategic nuclear war. Neither the US nor the USSR will be capable in the foreseeable future of executing a disarming first strike. Under these circumstances, as vital as they are in maintaining an overall deterrent to major conflicts, strategic nuclear forces are less likely today to deter the lesser forms of conflict than in the days of our overwhelming nuclear superiority. Therefore, ready, mobile, and versatile general purpose forces, sufficient to provide a deterrent of their own, must continue to be one of our prime objectives and concerns.

The Soviet Army, on the basis of our current information, is estimated to deploy 166 divisions in various states of readiness.

The Joint Chiefs of Staff have been concerned, for several years, over the risks inherent in NATO's marginal ability to meet a Warsaw Pact attack. Substantial qualitative and quantitative improvements in Warsaw Pact forces have increased appreciably the "no room for error" risk which was associated with the 13⅓-division US Army. NATO forces have remained relatively stable as the size, mobility, firepower, and flexibility of the Warsaw Pact continued to increase significantly. In the past, we counted on the superior quality of Western weapons, equipment, and technology to offset the decided advantage the Warsaw Pact enjoyed in quantity. That time is now past. The hard fact is that the Warsaw Pact has achieved near qualitative parity with the West in general purpose weapons and equipment. The strength, speed of mobilization, mobility, and sustaining power of the Warsaw Pact, in our estimation, have increased significantly. I must add that any discussion of 2½ vs. 1½ wars is irrelevant here. As the Secretary of Defense and my predecessor have previously reported, we never had the forces for a 2½ war strategy under any contemporary circumstances.

In order to meet this challenge, we plan to raise the active Army division force to 16 divisions by the end of 1976, while retaining an end strength of 785,000 men and women. This will increase appreciably the US strategic posture, raise the Soviet perception of US capability, raise the nuclear threshold, and generally decrease the risk to a more acceptable level. This enhancement of visible deterrent power is being accomplished by converting headquarters and support spaces into combat spaces. The Army's effort to examine every space outside the combat division is truly impressive. Drastic cuts in headquarters support and administrative elements have been made in order to make these 16 active divisions possible. This program provides for the assignment of reserve brigades and separate maneuver battalions to round out parent active Army divisions. They should receive the same priority for equipment and other support as the active division. In time of war, the Reserve Component unit would be deployed and fight as an organic part of the division.

We also plan to deploy 2 brigades—1 each from the Second Armored and Fourth Mechanized Division—to Europe. The combat elements of these brigades will be reconstituted in the United States and the brigades stationed in Europe will rotate combat battalions on a 179-day cycle. In addition to enabling the Army to respond to the Supreme Allied Commander Europe's long quest for more early combat power in a NATO/Warsaw Pact engagement, the additional combat power and flexibility would clearly signal to the Soviet Union that the United States will sustain and improve the force to protect US vital interests. The increase of US combat forces in Europe will assure our allies that even under inflationary pressures, we intend to honor our commitment. I urge your full and complete support for this bold new program.

I am prepared, of course, to provide additional classified information on this subject, particularly in the area of its importance to the maintenance of the nuclear threshold at a reasonably high level.

Sincerely,

GEORGE S. BROWN,
General, U.S. Air Force.

Mr. BUMPERS. I thank the Senator from Arizona, and I look forward to hearing his remarks tomorrow.

This, of course, raises another facet of this entire debate, completely aside from where our interests lie around the world. I was disturbed by another factor, and it is this: Sy Hersch had a story in the New York Times on May 25, which I am sure many people have read, which many of my colleagues have read, in which he said that for the past 15 years, under a project called "The Holy Stone Project," American submarines have been penetrating the 3-mile limit of the Soviet Union, carrying out certain kinds of espionage, and so forth. This troubles me, as a sequence to the *Mayaguez* incident.

At this point, I would like to digress for a moment to express my concurrence again with the remarks of the Senator from Massachusetts (Mr. BROOKE). I was pleased to learn that he had submitted about 20 questions to the executive branch for answers regarding that incident.

This is another situation in which operations of the military are carried out, obviously under the authority of somebody in the executive branch, or certainly the military. I asked myself, what happens if the Soviet Union—the article goes on to say, incidentally, that the Soviet Union is quite aware of the operation there—should sink, intentionally or through inadvertence, one of our submarines there?

Under the War Powers Act, what does that commit the U.S. Congress to do? I would like to know. I think it would be fair to debate on the floor of the Senate what the proper response of the United States is in case such an incident occurs.

I have heard it said that perhaps the Soviet Union is not going to do it because they are carrying out the same kind of operation against the United States. Perhaps this is true. But all I am saying is that all this raises terrible possible consequences to world peace. It occurs to me that it is at least provocative.

I am wondering—and I would like to hear it debated here—what our response would be in such an event. Presumably, they would be operating within their legitimate rights.

I thank the Senator from California. I wanted to get all this off my chest.

Mr. CRANSTON. I thank the Senator. He is asking exactly the sort of questions we should be considering very carefully and debating in this body.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. LEAHY. Mr. President, the Senator from Arkansas raises many of the same questions that have bothered me for some time.

I have the privilege of serving on the Committee on Armed Services, and I consider it a distinct privilege. It is one of the committees on which I requested service, and I am honored to be the first Vermonter to serve on that committee.

I share the concern of the Senator from Arkansas about the amount of secrecy we have when we discuss military matters. Of course, no Member of the U.S. Senate wants to give away military secrets to any other world power or reveal any information that could in any way jeopardize the best interests of this country. At the same time to shroud in secrecy matters that are clearly known to our potential adversaries is not only often absurd but also unfair to the American people.

The Senator from Arkansas discussed the "Holy Stone Project." It is apparent that here we have an operation known to some members of the military and to some members of the executive branch. The Soviets obviously know about it. The only ones left in the dark are the American people. I believe this is the kind of reasoning that led us into the debacle in South Vietnam. It is the kind of reasoning that was underscored when Secretary Schlesinger and General Weyand, men for whom I have great respect, appeared earlier this year before the Committee on Armed Services, seeking additional authorization of funds for the war in South Vietnam.

When questions were raised by several members of the committee regarding certain secret agreements that were understood to have been made by Secretary of State Kissinger and former President Nixon, the Secretary of Defense had to admit that he had heard there were such, but that he was not aware of their content, and thus could not pass on this information to the Armed Services Committee, the committee that was being asked to authorize enormous amounts of taxpayers' money to fulfill, among other things, those matters that had been decided upon secretly.

Mr. President, I really do not think this serves the best interests of the American people, and it bothers me very much. It is this kind of secrecy that has been the subject of debate after debate after debate in this body, but it is the kind of secrecy that continues and continues and continues.

The distinguished Senator from Colorado (Mr. Gary W. Hart) stated that we are often faced with executive agreements over which we really have no control. It seems to be the policy of both the Nixon administration and the Ford administration to make commitments that are of great import by executive agreement and to refer to the Senate for ratification only treaties of minor import. At times this practice seriously diminishes the opportunity for open and frank debate on serious questions of foreign policy. In that same vein, during the course of committee deliberations on the military budget, I really was often shocked at the paucity of the consideration as to how these expenditures relate to our foreign policy. The distinguished Senator from Arizona (Mr. Goldwater) earlier today expressed his concern in that regard. We are in total agreement on the point.

We have a general understanding of what our foreign policy is, but in many ways it is just an understanding. We have not had a meaningful dialog on the interrelationship of this huge defense budget on our long term or, for that matter, our short term national goals.

Many times, the discussion centers on us versus them, and "them," of course, is the Soviets. It often is an if-we-do-this, they-will-do-that kind of reaction.

We lose sight of the fact that we already have 615,835 times as much explosive power in nuclear weapons alone as the one bomb that was dropped on Hiroshima; that we have 8,000 nuclear warheads providing 36 nuclear weapons to target on each of the Soviet Union's 219 major urban areas, and we know darn well, Mr. President, that they have similar weapons targeted on us. We end up with enough weapons to kill every man, woman, and child on this planet, and do it 27 times.

I wish we lived in a world where we did not need to maintain arms, but we do not. We have to maintain a strong defense posture. This country is a powerful country and will continue always to be a powerful country. But we have to make sure that we do not expend our money and our limited resources on unnecessary armaments.

We must determine what weapons are really necessary, and we have to consider how they impact, on our economy. But throughout all of this, in formulating a defense budget we have to consider what its relationship is to our foreign policy. We cannot consider it in a vacuum, separate and apart from our foreign policy. For example, we are talking about $14 million, for openers, for a major naval and air base in Diego Garcia—an installation that could, perhaps, eventually cost $200 million. Then, if this proposal succeeds, we are going to have to talk about eventually updating our fleet and enlarging it in the Indian Ocean.

I do not really know what our foreign policy is in that part of the world that requires this costly military buildup. Every country in the area is opposed to it. I think it is time to have a debate on that subject first, before voting expenditures.

Another example is our sale of $8.6 billion of arms to 136 nations last year alone. We gave military assistance to 51 nations. Much of that contributed little or nothing to our defense. We should be considering, both from a defense point of view—because many times these sales or giveaways deplete our own armaments—and also from a foreign policy viewpoint whose interests are served by these huge arms sales.

Billions of dollars in arms are being sold or given to nations in the Middle East, with little or no consideration of their eventual impact on that potentially explosive area. Is it in our best interests? Maybe it is. But let us have some real debate on it.

In formulating such a debate, Mr. President, I really hope that we will make every effort to remove the secrecy that surrounds such discussions.

The American people are the ones paying the bills. It really makes very little sense to me that there are certain matters that the Soviets are aware of, actions taken by us that the Soviets are aware of, but that the American people are not.

I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator for a truly magnificent contribution to this discussion. It is particularly helpful to have that sort of presentation and that sort of very careful thought and deep analysis given by the Senator who is privileged to be on the Committee on Armed Services and can bring to us the insights that one Senator has picked up on that committee.

I am delighted to yield to the distinguished chairman.

Mr. STENNIS. Mr. President, I thank the Senator. I will be quite brief.

With reference to our situation in Korea, which is perhaps—and I think it is—the hottest spot, so to speak, now in the Pacific area, and referring to our agreement, our commitment, our defense treaty with them—which, by the way, I did not vote for—did I understand the Senator to say that so far as the pending military procurement bill is concerned, he thinks of nothing that we can do now with reference to Korea that would affect this bill?

Mr. CRANSTON. That is correct.

Mr. STENNIS. He is very honest and straight about it and I appreciate his frankness.

One other question: With reference to the troops that we have there now, in view of the conditions—and I do not know that anyone proposes it, but if it is a fair question—would the Senator advocate withdrawing those troops now?

Mr. CRANSTON. I would not at this time.

Mr. STENNIS. Now, yes. What was the Senator's suggestion or his thinking in that line?

Mr. CRANSTON. I was an advocate of cutting down on our troops in Korea until the events that accompanied the collapse in South Vietnam and Cambodia led me to feel that this is not an appropriate time to do that, since it might appear to be an invitation to the other side to move in

I have read in the press, although I have not heard him personally state it, that Senator Nunn did come to the conclusion on his trip there a while back that it would be advisable to withdraw some of the troops, but that he, too, changed his mind in view of the recent events.

I did suggest earlier today that there are a number of things that are not military in nature, necessarily, that we might do to begin to develop options other than military options there, and that as we begin to do such things, we might consider a slow and steady cutback on our troops there. But I do not suggest that any such cut be made nor that any proposal be made, specifically in connection with this bill, for cutting back in Korea. While there might be some modest cuts in overseas troops that I would support, I also would not support any major reduction overseas, as I would have earlier and as I expect to later on, after the present situation changes.

Mr. STENNIS. I was not throwing anything up to the Senator. I had overlooked the fact that he had ever suggested withdrawing some, but I just wanted an appraisal of his present conditions.

Of course, that means that the Senator would propose living up to our agreement, but getting a modification and somewhat a change of our position by negotiation.

Mr. CRANSTON. That is correct. As I understand it, our treaty simply states that in the event that they are subject to an attack, we will respond or deal with that matter in accordance with our constitutional procedures, which would mean that there would be an opportunity for Congress to consider whether or not to declare war.

I recognize that events occur sometimes where the Commander in Chief has to make a swift decision. Under the War Powers Act, it still would come to us so we could not avoid that decision. I am concerned about the tripwire aspect of our troops there, which would seem to me that we would be involved without having much choice about that involvement under present circumstances.

Mr. STENNIS. I certainly think that the words "constitutional process" mean a declaration of war by Congress. We got into one, though, in Southeast Asia, without any such declaration.

I thank the Senator very much for his frankness.

Mr. TAFT. Will the Senator yield the floor at this point?

Mr. CRANSTON. Yes; I yield the floor.

Mr. TAFT. Mr. President, I ask the Senator to yield me 10 minutes.

Mr. STENNIS. That is correct. I yield 10 minutes to the Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, I have listened with great interest to this debate today, and I welcome it. As one of the authors of the War Powers Resolution, I have felt from the very beginning that it is extremely important that Congress take a far more complete role in the formation and the conduct of our foreign policy in a general way of outlining the rules, the objectives, the principles that we expect to follow. I think it is extremely important especially in the light of what I think is the first lesson that we must learn from the Vietnam war, and that is that American public opinion and the American people must be in on these decisions—in, as many have said, on the takeoffs as well as the landings that are involved.

As I say, I welcome this debate here today in that spirit. But I do think that we had better exercise a little caution in having a debate of this nature, for the first time, upon this particular bill. I would caution that letting a foreign policy dialog take place on this bill, which is all right if it does not divert us from the main purpose of the bill, is all well and good, and it is our duty to talk about these things and try to arrive at decisions with regard to them, but a military authorization bill does not relate primarily to the area of foreign policy decisions of the type that have been discussed in detail here today, and I think there is great danger if we allow the particular problems in the various theaters of the war that have been discussed here today to determine for us what the general nature of our Military Establishment must be.

I do not believe we have had—as some perhaps have implied here today, particularly in the colloquy in which our distinguished colleague from New York (Mr. Javits) partook—a crystal ball with regard to what will happen with respect to foreign policy needs in the world that will enable us to tailor our foreign policy establishment to the particular problems that we see today. I hope the debate we are engaged in will not have the effect of moving us in that direction. I think we have to recognize that the military ability we have must be sufficiently great and sufficiently flexible so that we will have options in connection with future developments in foreign policy that perhaps we cannot now assess.

I also have been very much alarmed today to see the lack of discussion, insofar as the size of our military is concerned and the direction of our foreign policy is concerned, of what Russian foreign policy and military might be. It seems to me this is a key factor. Any man familiar with the military arts will tell you that the first thing you must do is analyze the enemy capabilities and objectives. I do not think we have done that, necessarily, today. I think we have concentrated too much on what our objectives and commitments may be, and too little on what the overall threat to our national security over a long period might be.

I caution also that in planning a military establishment for such flexibility, it takes, indeed, many years to develop many of the weapons that we may be able to see that we are going to need in the future, to have the kind of flexibility about which I am talking. I expect to talk tomorrow at some length about the entire naval situation, particularly from a strategic point of view. Just by way of an example of the dangers that I see, I would like to talk very briefly now about this whole area of sea control, in which the Soviet Union—a land power—is challenging us today. We remain superior in the area of projection of sea power ashore; our aircraft carriers and our Marines give us tremendous superiority in that. But in a direct clash with the Soviet Union for control of the sea—which is to say, for the right to use the sea—we might find ourselves in very serious trouble.

A few facts serve to illustrate the Soviet capability:

Much of the Soviet capability is vested in antiship missiles. Today, the Soviets could theoretically launch, simultaneously, without reloading a single missile launcher, over 1,400 antiship missiles. That is over 100 missiles for each U.S. aircraft carrier.

In February of 1941, Germany had 21 ocean-going attack submarines. Today, the Soviet Union has about 300, 68 of which are nuclear powered.

In World War II, it took 25 escort ships per U-boat just to contain the German submarine threat. Today, for each American escort ship, there are two Soviet attack submarines.

A World War II escort could usually make about 28 knots. A World War II submarine submerged could sustain about 3 knots for about 8 hours. Our new patrol frigate does 28 knots. But a Soviet "victor"—class attack submarine can do 30 knots, submerged, indefinitely

The largest gun in service with the U.S. fleet is a 6 incher. The Soviets today have in commission 12 "Sverdlov" class cruisers, each of which mounts twice as many 6-inch guns as we have in the whole U.S. Navy. Nor is it the case that we have replaced our guns with antiship missiles; we currently have no antiship missiles in our fleet.

I believe these facts illustrate the key point: The Soviet Union, a land power, is building a formidable fleet. The United States, a sea power, is being surpassed by the Soviet Union in certain areas of naval power.

Mr. President, I ask unanimous consent to have printed in the Record two excellent articles dealing with the issue of U.S. sea power. The first, from the Denver Post of May 17, reports the Vice Chief of Naval Operations as stating:

> As they (the Soviets) drastically increase their forces, we see a continuing decrease on the western side.

I think the Admiral's observation is, regrettably, correct.

The second article is from the June 6 issue of National Review. This piece raises some very interesting points about the nature of the United States as a sea and air, rather than a land power. I strongly recommend this article to my colleagues: This fundamental strategic question is one we will be considering.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Sea-Power Gains of Russians Called Significant by Navy Aid

(By Dan Partner)

Adm. Worth H. Bagley warned Friday that Russia, "in the name of detente," is developing naval forces to control the "choke points" of the world's sea lanes.

The vice chief of naval operations described significant Soviet sea power improvements in the Mideast, the Persian Gulf, on the west coast of Africa and the Indian Ocean at a Denver Chamber of Commerce military affairs luncheon at the Downtown Holiday Inn.

Citing Russia's potential for naval operations from Cuban bases, Bagley said the Soviets are "working on" both Portugal and Peru to increase the capability of controlling entrances to the Mediterranean Sea and the Panama Canal.

"I see a worldwide Russian strategy in use of the seas," he said. "As they drastically increase their forces, we see a continuing decrease on the western side."

Bagley, a 1947 Naval Academy graduate, has been vice chief of naval operations since April 1974. He will retire June 30.

U.S. FLEET HALVED

He said Russia has increased its fleet to 1,370 during the last decade, while the U.S. fleet had dropped from 950 in 1969 to 490.

It is "strategically essential," Bagley said, that the United States have a minimum of 600 ships to counter the "threat to peace centered in the seas" and the United States must build 35 ships per year.

Twenty-two were built this year and 23 are proposed in the Navy's portion of the 1976 Defense Department budget that is expected to be cut by from 7 per cent to 10 per cent.

"We need $8 billion to $10 billion per year for new ships," Bagley said, noting that inflation had cut purchasing power by 50 per cent since 1968.

He said the U.S. Defense Department budget was 5.6 per cent of the gross national product (GNP) and estimated that Russia's arms expenditures range from 25 per cent to 40 per cent of its GNP.

Several U.S. Navy and Air Force bases in foreign countries may be eliminated or restricted because of international developments, he said.

Because "Portugal is going left," he said, the continued use of the Azores Islands is questionable and U.S. military presence in Spain, Turkey, Greece, Thailand and the Philippine Islands is being reviewed. Greece has a two-phase plan to reduce U.S. military operations there and several central European countries refused overflights by U.S. aircraft carrying arms and supplies to Israel during the 1973 war.

These developments, he said, have a serious strategic impact that is being studied by a "great" secretary of defense and a "very tough and realistic president."

VIETNAM'S MILITARY LESSON

The Vietnam War constituted, of course, a conflict on many levels. Not least, it was political. It was at the same time cultural, psychological, and economic—this last, indeed, reflected in the extraordinary behavior of all the indices since 1966. But it was also military. And the entire national experience has profound implications for U.S. military doctrine.

Naturally enough, American public opinion has now turned emotionally against the idea of U.S. troops fighting abroad, short of an obvious threat directed against the homeland itself. The Vietnam trauma has brought to the surface a "nuts to the foreigner" vein of feeling that has always been present in American life. Yet this mood may also encapsulate a profound strategic insight.

It may be well to point out here that pressure will persist, and indeed will increase, as a result of Vietnam, around the perimeter of the non-Communist world. Signs are already visible that the next power play may come across the 38th parallel dividing North Korea from South Korea, where some 42,000 U.S. troops are now stationed, and where we have formal treaty obligations. And when you begin talking about the Korean peninsula, you are also talking about the strategic situation of Japan, only a short distance across the Korea Strait from Pusan. It is clear that a contradiction now exists between U.S. interests and commitments, on the one hand, and the American political will to fulfill them, on the other.

But this contradiction may have a message for us that goes beyond frustration in Vietnam. Is there not a fundamental absurdity involved, sensed by the American people, in sending American troops into prolonged combat with the mass, cheaply produced armies available to our adversaries? It is not only that the numbers available are entirely in our disfavor, but that, to put the matter one way, it costs geometrically more to produce an American soldier, from birth to maturity—even the lowliest product of an American slum—than it costs to produce the illiterate peasant fighter with his meager provisions and his Soviet weapons. The equations are all wrong, and the people probably sense it.

Such considerations, pointed up by our experience in Indochina, revive a basic strategic question that has been discovered, off and on, since it was first raised by Douet, Billy Mitchell, and Alexander Seversky in the 1920s: May it not follow from this that the United States must operate as primarily an air and sea power? These arms would be brought to bear in support of allies whose ground forces would handle the direct job of ground combat. It is worth noting that with U.S. air support, the North Vietnamese offensive in 1972 was turned back, the countryside becoming a graveyard of Soviet tanks. The Korean peninsula, as indeed experience has shown, provides an ideal theater for the employment of air and sea power. The South Koreans deploy a formidable land army, though they would have to face the latest Soviet weapons supplied, as always, to the Communist side.

An air-sea global strategy would bring to bear natural U.S. strengths: level of education, technological sophistication, a more individualistic and supple ethos, potential decisiveness. It could have many modes, from tactical support on up to the maximum. It would avoid the long drawn-out Communist-style struggle amide exotic terrain. It would also go some distance toward addressing the political problem, since it would signal our various allied and associated regimes around the world that unless they can field a viable ground army, U.S. ships and planes will stay at their bases.

Mr. TAFT. I hope that fundamental questions of this kind do not become put on the second shelf, just simply because we want to have a debate on overall considerations of foreign policy, which, as I say, I welcome, but I question the wisdom of debate as we have done it today on this particular bill.

I ask unanimous consent that William Lind of my staff be accorded the privilege of the floor during the debate and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I commend the Senator from Ohio on his fine remarks, and I yield 15 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I will not need that much time.

Mr. THURMOND. Mr. President, before he begins, will the Senator allow me to be associated with the remarks of the Senator from Ohio, in connection with the statement he has just made?

Mr. GOLDWATER. Mr. President, I likewise; and I particularly commend our colleague from Ohio on his remarks relative to the state of the Navy. When we consider that our Navy will have fewer ships at the end of this year than we had in 1939, I think it is something to worry about.

Mr. President, before I begin the short series of remarks I have prepared for today, I ask unanimous consent to have printed in the RECORD a speech that I made on this floor on last May 20.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NEW FOREIGN POLICY FOR UNITED STATES IN ASIA

Mr. GOLDWATER. Mr. President, because this week and next week a number of Members of this body have decided to discuss foreign policy at the same time we will be discussing weapons authorization, I desire to open that colloquy this morning.

We no longer have a foreign policy for Asia. It lies in tatters as a direct result of the Vietnam debacle. The seeds of failure, however, are rooted much further afield.

For more than 30 years, the brew has been a-boiling. Vietnam was perhaps the best example of the naivete and stupidity of American liberalism at work. For a third of a century, and culminating in Vietnam, American liberals have failed to either understand Asia or, alternately, to delineate America's true interests in that vast and important region. Let me throw out a few random thoughts to illustrate my contention.

In terms of Asian understanding—or should I say "misunderstanding"?—they assumed that they knew the best form that Asian politics should take, and politician and pundit alike never ceased to instruct Asians accordingly. Significantly, they had the prescription for turning ancient cultures into liberal replicas of "developed" countries where each Asian was to march to the tune of an American liberal drummer as he shrugged off the beliefs and certainties that had sustained his culture for millenia.

While they babbled sloppy sentimentality about "democracy" in India, they sought to overthrow "dictators" in Vietnam. When they decided to go to war in 1962, they espoused such nonsense as "winning the hearts and minds of the people" instead of a clear-cut military strategy.

They degraded military strategy. In lieu, they espoused aid projects that almost invariably failed. They then blamed the local people for attempting to make end runs around their stupidity.

When one social nostrum failed, their ingenuity proved endless—new nostrums proliferated. With the best of liberal intentions they sought to bring Western educational forms to Asian masses and ended up giving these to the rich. They wrung their hands over India's starving millions but failed to point out that India runs twice as many cows as does the United States—but does not use them for human sustenance—or, that if even two of India's provinces were farmed by modern means, the country would be grain sufficient.

For some reason, America's liberals could never see that the slightly chaotic individualism of non-Communist Asia held greater hope for the democratic growth than did Mao's regimentation. More sinisterly, these same people who bowed politely when Mao Tse-tung conquered China, said nothing when Mao slaughtered perhaps 30 million people; because to these same liberals, there are "no enemies to the left."

I could go on and on, citing sad event after sad event of this disastrous American venture in Asia. The time has come, however, not to divide ourselves further by assigning blame but to seek out new policies. Neither, however, can we sweep these vast historical events under the rug and pretend they came about accidentally and not through actions arising from a particular style of American thought—liberalism. But before we can have new policies we must first get rid of these liberal philosophies and of the men who formed them. I will try to challenge the philosophy and I will leave it to you to get rid of the men.

For my part, let me offer some thoughts, different thoughts, from those liberal philosophies which have brought such human tragedy and material loss to so many Asians and to ourselves.

I would like to divide my talk into two main themes: What is the American interest in Asia? And, what are the military, political and economic policies to attain and preserve those interests?

Besides ourselves, three great powers border the Pacific: The U.S.S.R., the Peoples' Republic of China, and Japan. Here, along with Southeast Asia, at the more southern extremity, we find almost a third of the world's peoples. The vast Pacific Ocean links them to the United States, and the varying postures these yet diverse peoples adopt cannot be ignored by the United States, neither militarily nor economically. Let me give an example or two.

Between China and the Soviet Union there is a geopolitical conflict gravely complicated by racial conflict and ideological division. As but one illustration of this, let me mention the Soviet Union's eastern Siberia, which for over 100 years both tsar and commissar have been trying to develop and populate. In this 100 years, approximately 14 million Russians have migrated into this vast region.

In the same time, however, just across the border in northwestern China, some 100 million Chinese have moved northward without any government stimulus. And, now held back by a mere political boundary, this Chinese mass looks out over the vast empty Amur River Valley, a territory as large as our Mississippi River Valley. This is but one aspect of a now tense relationship which dominates Sino-Soviet relationships and in turn affects the entire planet.

Soon the situation will become more dangerous; that is when Mao Tse-tung dies. What then will the Soviets do, especially if there is a power struggle in China, as is highly likely, with resulting internal divisions? The temptations for the Soviets to intervene will be extreme. Think of the prize—removal of the threat and perhaps the resumption of the Sino-Soviet alliance, but this time with the Soviets in the driver's seat. Here, indeed, would be the Communist monolith that the Communist theoriticians have dreamed for half a century. It almost came about in the 1950's, and would have, except for Mao's ideological purity. Here then is one possibility. Another possibility is that the Chinese would successfully resist the Soviets should they attempt intervention. In doing this the Chinese would use nuclear weapons. In this case, could the Soviets afford to expend a large proportion of their nuclear arsenal upon China and by doing so, leave the United States with an overwhelming nuclear superiority? In essence, could they afford to win against China while giving the global victory to the United States? Again, I think not. Both sides would make every effort to involve us, including the ultimate of nuclear strikes upon the United States.

As yet another example, let us look at the position of Japan, and especially, its relationship to Korea. Japan now has the third largest economy in the planet. Japan absorbs the bulk of the U.S. agricultural exports and, in turn, we are Japan's best customer. It is a relationship in which both sides have benefited and these benefits are likely to increase and go on indefinitely. No matter how one looks at it, that is a significant relationship, not only in terms of mutual benefit but also in terms of world stability. Yet, grave problems may arise in the not too distance future. Japan has no significant military power—for this, Japan is dependent upon the United States. Yet, perhaps sooner than we think, Korea, the ancient land bridge between Japan and the Asian mainland, could come under Communist attack. There are approximately 40,000 American soliders in South Korea, and we are pledged to preserve the integrity of South Korea. Despite this, I have grave reservations whether or not we would. It is not a matter of military capability but of national will. Now, Mr. President, if you were a Japanese and you saw the situation this way, how would you react? Japan could build nuclear warheads and delivery systems rapidly and if her American mentor has lost his stomach, why not? What else might Japan do? Throw in the towel and aline with the Communist powers? For us, that is an even more frightening prospect.

I hope and pray that none of this will happen but all of it is inherent in the international relations of the region. I know, too, that Americans do not like to hear these scenarios. I am giving a view of the world that is antipathetic to our historical beginnings and our concept of the world as it ought to be, and I have no doubt that my liberal friends will again level their vigorous accusations against me for being bellicose or worse. They have done this before. But the whole history of this terrible century in which we find ourselves belies their objections. The history of this century is the history of forces I have described at work—and they are still at work. And, how might the worst be prevented? Only by an America with the sufficient military power decisively to swing the balance in a manner that preserves global stability. But to do this, we must first build the military forces. Second, we must develop a strategic sense, something almost absent from American thinking. Third, we must develop and employ a forward diplomacy with all of the nations in the region. The essence of this diplomacy must be a vigorous sense of our national aims and purposes; an intimate knowledge of the political aspirations, and capabilities of each Asian friend or adversary; a sense of, and a policy related to the cultural history and cultural nuances of each Asian state, and, based upon all of these, an ability to look ahead and be prepared for all eventualities. Such preparation must include, however, one vital ingredient hitherto absent from our policies and actions.

We must not only know what we ought to do in certain eventualities but also what we cannot do. I believe we can, for example, win military victories and this is a vital ingredient. But, we are unlikely to "win hearts and minds"—and one is not dependent upon the other, despite what my liberal friends might suggest. We can clearly tell both friend and foe where we stand and what we expect from them. But, we should not go further and try to remake some other nation's political or social fabric in some fashion then currently in favor in Washington.

In essence, we must face the realities of the world as it is and not what we would like it to be. Any other posture, especially that of substituting social and political engineering for diplomacy and military strength, spells disaster for the future perhaps even greater than the one we have just endured.

We must employ the two elements critical to maintain strategic stability; namely, an appropriate forward diplomacy and the military power to back it up. This is enough to get the job done.

Now, let me turn to some other issues where I think we must abandon the illusions of the past. I am specifically thinking of economic aid. This was to be the great "wonder worker." American-built roads, American agricultural practices, American machines, American education, just plain old American money was supposed to quickly bring about something called "economic development" and, in turn, this was to lead to stability and order and, in turn, this was to lead to democracy—American style—and thence to peace and tranquility. Of all the liberal shibboleths, I think this one was the worst.

We must change it. Let me give some thoughts. I shall begin with a maxim or two.

First, economic development does not bring peace by itself. Hitler's Germany was in a vigorous phase of economic development in 1939. Second, a people cannot achieve any kind of economic development through others that they are not ready to achieve in some degree by themselves. Third, the inability of a nation to attain economic development is rarely a technical inability. Such inabilities, where they exist, are easily rectified.

The real elements curbing economic development are political systems, ideologies, bureaucracies, and cultures. Let me give some examples. The Mekong River, one of the world's great rivers, could, if it were properly harnessed for irrigation, energy, and navigation, give to Southeast Asia the material resources for an economic development program as significant as was the Marshall plan for Europe. The scheme was first mooted more than 20 years ago, but war, political incompetence, ethnic hostility, and ideology have reduced the scheme to nullity. Compared to these issues the technical aspects of the Mekong scheme are relatively simple.

To move farther afield to India, a country living close to starvation, we find that after large government investments in agricultural colleges, there are more than 20,000 persons with agricultural degrees who are totally unemployed. In that same country, there are as many more people with agricultural degrees employed within the bureaucracy as clerks.

It is doubtful if even 20 percent of the trained agriculturists are in the field. The same country criticizes us for feeding grain to cattle, yet their 300 million animals forage at will and depreciate India's already slender resources without giving any return to their human fellow inhabitants. I have no objection to India worshipping cows—that is their business. But, neither can they play both sides of the street: demand American grain which we indeed do feed cattle, while their cattle are a materially negative factor in any concept of land use. I know that all in this room have other examples and if I had time I could quote many more.

Now, let me make a proposal for aid in a different form. My proposal has several features. First, money should never be given in any form and least of all to obtain political gain for us. This simply does not work. Instead, it should be loaned, but only loaned in accordance with strict, bona fide banker's standards. No other kind of loan should be contemplated. In other words, every developmental project should be assessed a priority as to whether or not it has a viable economic future of sufficient dimension not only to achieve present economic goals, but also to pay back the original investment. Such repayment also insures that further lending can be made for development and the process can be then indefinitely continued.

The Asian countries, with our help, have already set up an Asian development bank. Let us get it going. All we must do is insure that it employs the best banking standards.

Second, let us not recoil from putting strings on aid providing they are the right kind of strings. Who should decide what is right? Basically we should.

Presumably, if we are lending for a particular project, we know a good deal about it and to set standards under these conditions is not only right but a duty. For example why should not agricultural aid to India be tied to the establishment by India of an Indian equivalent of the magnificent Joint Commission on Rural Reconstruction which has performed so superbly for the Republic of China in Taiwan?

Third, by lending and not giving, we would at once kick away the giving of money as a prop to our diplomacy in a given country. You cannot buy allies any more than you can friends. For too long now the American diplomat has used those taxpayer's dollars which passed through his hands as a spurious substitute for vigorous representation of the American position. Getting people on your side because they are being paid to do so is not the same as telling them where American stands, what we will do, why we will do it and under what circumstances. As a result of this dependence upon the aid dollar, American diplomacy has become weak and supine as does that rich man's son towards whom daddy directs constant largesse. All in all, aid has hurt our diplomacy more than it has hurt even the recipient. Most importantly of all, as giving money does not buy friends neither does it buy allies. We should have learned this by now.

We shall obtain allies only when those potentially in this category know that their vital interests are related to an American interest and to an America that means what it says. For this, there is no substitute in any alliance, and it has little to do with dollars.

Fourth, if our liberal friends are correct in that they truly wish to encourage "nation building" as a part of economic development, well then, may I ask, "how is that task forwarded by making a nation your dependent?" Amongst many other things Vietnam surely taught us that lesson. I believe lending rather than giving is the proper posture for "nation building." For example, instead of tying giving—or lending—to the purchase of American products, let the recipient in full independence take his money to the open market and if we cannot compete with our product, so be it. Similarly, let them hire and fire what foreign experts they need. If they do not like our people, why should these be forced on them? At least give developing nations this much independence.

Here then is a program which costs less because it becomes self-sustaining; stiffens our diplomacy; promotes independence and, if the bankers are any good, will get the job done. I believe, too, this is a program the American people would understand and support.

As I have said, we do not have a foreign policy any longer for Asia; any semblance for such disappeared with Vietnam, and the erosion continues.

I interject, Mr. President, that this paper I am presenting was written before the courageous and wise action of the President relative to the ship and Cambodia. I think that signals a foreign policy that has historically been linked with America.

Thailand is the latest. Here is a traditional ally which has now said to us, Thailand's ally and most powerful country in the world, "an alliance with you is a liability—go!" Thailand's posture should prompt some thought and as I think has been generally recognized, our credibility to both friend and foe is now at zero in Asia. Yet, as I see the future in Asia, we Americans and the world at large face incredible dangers in the region which cannot be avoided.

The basic aim of Communist hegemony is alive and well. Whether such be sponsored by the Soviets, the People's Republic of China, or both. Peaceful coexistence became détente but either, if one believes the Communist theoreticians, are but tactics of warfare. The Communist powers believe that the capitalist world is collapsing of its own contradictions. They believe that direct confrontation at this time would only alert the capitalists to these dangers. Confrontation in the form of active warfare is held for later for the coup de grace.

I have talked of but a tiny percentage of the dangers that lie ahead of us. But Asia is also full of vast opportunities. These exist in terms of trade and commerce, intercultural relations and the building of a peaceful, stable world. But, we must take action. The old ideas and their initiators must go. If we do not find new ideas and new men we will retreat from Asia into a narrow isolationism. What else can the old ideas and their initiators do but that? But, that will not remove the dangers. All it will mean is that we shall wake up one fine morning—as we did with Cuba—and find that our national lethargy has painted us into a corner from which escape will at best be precarious for us and dangerous to everyone on this planet.

The nuclear confrontations that our liberal friends, or new isolationists, so much deplore will then be upon us. I especially call upon my colleagues in Congress to demand of the Executive, new concepts, new initiatives, and new long-term programs and these can only arise with new men. We have such persons. Let us tap some of our latent human resources and get the job done. The stakes are high. The time is short.

Let me offer six planks upon which I believe a new policy for our country in Asia needs be fashioned.

First, we must promote vigorous but equitable trading relationship with all our Pacific neighbors with the object in promoting our mutual economic stability. For too long trade and commerce have been divorced from foreign policy with the latter lapsing more and more into an academic plaything too pristine to be contaminated by the marketplace. This must stop. Foreign policy and trade are intertwined. Surely the Middle East situation has taught us this much. Let us then admit a reality long in being but short on recognition. We want a large and growing trade with Asia and this is a diplomatic task. Sure, we shall be accused of economic imperialism. That will happen anyway. In this case, let us be honest economic imperialists and I assure you that we will at least obtain respect and we will gain economic benefit for ourselves and our trading partners.

Second, let us formulate a new aid policy. I have given an outline today and let me add a few thoughts.

Our objectives should be simple. Never dependency; lend, not give, and promote thereby independence for those who work at it. And let us not be squeamish regarding establishing criteria for aid. For if we do not know how to do a job in its total technical, economic, political, and cultural content then we should stay away from it until we do.

Third, in conjunction but not in conflict with this new aid policy we should declare a policy of noninterference in any other nation's internal affairs especially relative to ancient cultural fabrics. Our interest in a nation's integrity should arise only when an attempt is made to export to that nation an alien political value by force and our help is sought. There should be no doubt in our minds, however, that if we have, after deliberation, entered into a commitment with a friend, we will intervene, decisively and quickly, and leave equally quickly and cleanly when the aggression has been stopped.

Fourth, we must quickly, within the next year, formulate a key statement relative to the Pacific Basin, basically incorporating what I have enumerated so far and declaring that no power or group of powers will be permitted to exercise hegemony over the Pacific Basin.

Fifth. We must create the military power, in degree and of a kind, to support our policies.

Mr. President, I emphasize this because, beginning today or tomorrow, there will be a debate dragged on to some extent by those people in the Senate who want to isolate America and unilaterally disarm us at the most critical time of our history. I suggest that foreign policy, the authorization and appropriations for military uses are woven together as one.

Last and most important of all, let us begin a forward diplomacy with friend and adversary alike with the objective of removing any doubt as to what our policy is, the nature of our strength and the validity of what has to be a new national resolve. I think you will be surprised, should we perform this diplomatic task promptly and skillfully, at the number of friends who yet remain. They await our leadership. It is our role in history to provide such. They will respond.

Thus, I am stating two things. First must be a firm abandonment of the old liberal policies that have brought us to this sad and even desperate strait. Second, I ask instead for a new American realism. It will call for new concepts, new skills and new men. I know that we have all three in profusion if we will but call on them.

Mr. GOLDWATER. Mr. President, it is often said that our security is based on deterrence and that deterrence is based on our ability to fight effectively.

What is rarely said, however, is that successful deterrence is based on Soviet views of what we have and where we are headed and what we say—not on what a Member of the U.S. Senate believes is adequate and certainly not on what a Senator believes is a better ratio of defense and domestic spending at home.

What we do here this week will either impress or encourage the Soviets. I do not know what is in the minds of the men hidden in the Kremlin, but I do know that no Soviet leader in his right senses will be other than encouraged if we reduce our defense funding and defense forces.

Our forces today—in terms of numbers of divisions, ships, planes and men—are back to the Louis Johnson level. This is the pre-Korea, pre-NATO, pre-Soviet-nuclear level which failed disastrously to deter Communist expansion, Communist probing and Communist troublemaking in the early fifties.

U.S. Armed Forces have been reduced again since 1968, and we can see deterrence of Communist expansion, Communist probing and Communist troublemaking deteriorating again in direct proportion to our reductions. It would defy commonsense to argue that further reductions this week would somehow turn the world around and change the Communist stripes.

NONNUCLEAR DETERRENCE

I remind you that deterrence is not just our path to peace and security in nuclear war. We must also deter nonnuclear war through the modernization and expansion of our general purpose forces.

General purpose military forces must be flexible enough to deter or prevail in a variety of contingencies that only the Kremlin and its client states can forecast. Flexibility must be complemented by numbers—numbers which in Soviet and other foreign eyes provide an adequate balance and counter to enemy forces on land, sea and air.

American forces must be ready in an instant and must be deployed to vital forward locations if they are to deter or fight successfully.

EUROPE AND NATO

Europe is most important to us, and we are committed through NATO to help in the collective Western deterrence and defense. Our NATO allies supply the bulk of the fighting men, but the U.S. forces in central Europe and those available for quick movement there are essential to the effectiveness of NATO. We provide leadership, technical progress, and a moderate number of the best-trained fighting men in the world.

If these forces are kept well armed and on the alert, and if they clearly have the support of the people and the political leaders at home, then the chances of war or serious crisis will be sharply reduced.

ACROSS THE PACIFIC

The grim events in Southeast Asia should be a lesson to us, not an excuse to abandon deterrence across the Pacific. Where we retreat or stumble, Communist powers will move forward. We must maintain forward bases in the Pacific and Asian areas and be present on the seas and in the air overhead.

Mayaguez was only one example of a Communist government flexing its muscles to see how far it can go in restricting American rights. We prevailed in that test, and our success should help deter other probes by other countries. But *Mayaguez* would have failed if our forces had not been in Asian waters, ready for action and superbly trained for flexible limited military operations in the national interest.

THERE WILL BE PROBES

But other probes will be made elsewhere if our enemies see signs of a lack of military capability or determination on our part. What we do here this week will provide the clues they seek about the distance they can move to encroach on our interests without a penalty. Amendments will be offered on the floor this week to further reduce U.S. military research and development, major U.S. weapons, and U.S. military manpower.

Mr. President, in my contacts with friends of mine in nearly every nation on this globe—and these contacts are rather constant—the question more and more is coming to me what is happening to the United States? Where is the national will? Where is the will of Congress that used to prevail? Where is the backing of the Chief Executive that used to be taken as a matter of course? Where, Mr. President—and these questions continue—will the United States go if they are faced with questions in Korea, questions in the Philippines, questions in Panama, questions in the Middle East?

We cannot sit here in the Senate Chamber and say blithely these things cannot happen. We never dreamed 25 years ago that we would become involved in Southeast Asia, a country not much bigger than the State in which I live, and be defeated in that country by inferior forces.

But, Mr. President, we forgot several things down there. We forgot that other people had national will; we forgot that this is one of the great strengths of the Communist. I do not care where he lives. He has a will, a will to win, a will to prevail, something that was part of our national pride and our national life, but is gone, Mr. President, that has gone from the American scene.

It sickens me to think that my grandchildren might have to live in a country that Stewart Alsop described just before his death to his brother Joseph when he said:

> Joseph, I think we have seen the best of America.

There are times when I have to say that I think that also.

Now, Mr. President, relative to the amendments that will be offered, laudable reasons will be given for across-the-board cuts. But our actions are being watched by our friends and our foes around the world.

Shall we encourage our foes and lead our friends to despair and to further accommodation with the enemy? Or shall we encourage our friends and give pause to our foes by giving solid backing to our Armed Forces? The reality that must lie behind our policy of deterrence and peace, Mr. President, is simply the size and guality of our forces and the national courage, plus the congressional guts to use this power if we have to.

Let us insure right here, this week, that we send the right message to the right people.

Mr. President, a lot will be said this week by members of this body relative to foreign affairs and the very important subject of military authorization and procurement. A man who is is not a member of this body has written one of the best, most succinct, understandable approaches to the subject of foreign policy and military strength that I have seen, and I think it is very important that the readers of this Record have an opportunity to study his statement. It is a European byline written by Mr. Arnauld de Brochgrave who is the senior editor of foreign affairs for Newsweek. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

EURO BYLINER

(By Mr. Arnauld de Brochgrave)

The U.S. "defeat and retreat" theme has been pounded day in and night out on Europe's air waves. Top honors, as usual in this type of contest, went to the French. French-speaking Vietnamese kept repeating "les Americains nous ont trahi (The Americans have betrayed us)." "What are you afraid of?" one of them was asked. "Only Communism," the Vietnamese replied and then quickly added, "but don't count on the Americans to save you. They are treacherous friends."

Marxist-influenced writers have barely managed to conceal their glee over America's "historical decline." Le Monde's editorials have long referred to U.S. "imperialism." Now France's most important paper editorialized that the era of U.S. fascism abroad," at least in Southeast Asia, had come to a close. No small wonder that not one West European government dares respond to a U.S. request that they denounce Communist aggression in Indochina.

"America now faces its first defeat in its 200 years of independent history," said the Financial Times. Frank Giles, a senior editor of the Sunday Times, wrote that "for the Europeans and other allies of the U.S. the greatest cause for concern in the future ... is not the fear of American isolationism or bad faith or unreasonable self-interest, but the sheer confusion and element of unpredictability now prevailing over the formulation of foreign policy."

The subliminal impact on European decision-makers, policy-planners and the man and the woman in the street has been tremendous. To argue that the final victory of the black-pajamaed discilples of Karl Marx over the greatest power the world has ever known will not affect the trans-Atlantic connection, said one British Conservative M.P., "is either naive or a distortion of the facts."

The most pro-NATO parliamentarians in all of West Europe are in West Germany and they are now asking questions never posed before. Said Karl-Heinz Lemmrich, as CDU specialist on European security: "When World War II ended I was a teenager in Stadtilm and to our great relief U.S. troops beat Soviet forces into our town in the nick of time. The commanding U.S. general summoned the population to the city square and solemnly assured us that U.S. troops were there to stay. Two days later that same general turned our town over to Soviet occupation forces and it has been in East Germany ever since. I dismissed this unhappy experience over the years as part of the fortunes of war.

"Now it has come back to haunt me. The Americans did nothing to interfere with the erection of the Berlin Wall 15 years later. Now, 30 years later, I am convinced they would not go to war if the Soviets decided to straighten out what they would doubtless call a 'cold war abnormality' and made an overnight grab for West Berlin."

Dozens of almost completed reports on NATO and European Security for WEU and various strategic institutes are now being redrafted or amended. They will contain more alarm bells than before. The Soviets are speaking with several voices. On a government to government level they are busy reassuring everyone about detente and how anxious they are to maintain the European status quo. But at every other level, they are waging a major de-stabilization campaign—from Portugal to Norway—emphasizing the unreliability of the present security system, talking up the dismantling of the two military blocs and vaunting the merits of a Pan-European collective security pact. Governments are not taken in. But public opinion—and a growing number of parliamentarians looking for pretexts to cut defense spending—is listening with renewed interest. Britain's major cuts in defense spending are already having a ripple effect on the continent. "If Britain can cut, why can't we?" they ask.

Lionel Bloch, writing in the Daily Telegraph, said "the era of that nefarious admixture of half-Soviet anaesthetic, half-Western alibi, is drawing to an end. What will we find on the cold morning of our awakening? A Western world with depleted remnants of under-equipped armies, unable to protect its relative opulence, its much-abused freedoms, its indispensable trade routes and its sources of raw materials."

Policy planners woke up long ago. But national concensus politics dictate a sort of fatalistic acceptance of a drift into neutralism. Government leaders feel they can only lose votes by blowing the whistle while opposition leaders (Britain's Sir Keith Joseph is now drafting an anti-appeasement appeal for delivery in late May) occasionally raise the alarm but their utterances are buried on the inside pages. Russia's biggest ever global naval exercise (220 ships deployed in five oceans—Pacific, Atlantic, Mediterranean, Indian Ocean and Arctic) was similarly buried in three or four paragraphs of minor news items.

Patriotism has long been dead in Europe. The alternative faith in self-preservation—supranationalism—never took hold. In quick succession two weeks ago, Jean Monnet, "Europe's" founding father disbanded his "Action Committee for a United States of Europe" and finally retired; an EEC-commissioned report by Robert Marjolin was, in effect, a death certificate for the attempt to create a European economic and monetary union; and Sir Christopher Soames, EEC's "foreign minister", decided to quit and go back to British politics.

Pacifism is now spreading. Moscow's friends and sympathisers are strategically placed to make sure that any serious moves on the political and defense fronts will quickly be denounced as a revival of the cold war. Policy planners fear that it is too late to reverse course. The long shadow of growing Soviet military power, coupled with America's shrinking shadow, has already achieved a large part of its objective—the demoralization of NATO theologians. Even if the Soviets continue to increase their military power five to ten per cent a year as they have been doing in Europe and on the high seas, the Europeans have come to the conclusion that there is nothing they can do to keep up militarily with inflation—let along come up with a credible deterrent.

There is a feeling in Europe that great mutations are now in gestation. It is not the resolve of the U.S. government that concerns the decision-makers. They accuse the Ford administration's reassurances at face value. But even the most pro-Americans feel they have become pretty meaningless in terms of planning for the years ahead. What Thailand and the Philippines have been saying publicly is precisely what European officials have been telling me privately. They are shocked and appalled, not at the Communist victory in Indochina, which they had been expecting, but at Congress' behavior which made the U.S. defeat that much more spectacular. What concerns them is Congress and the U.S. mood and what the Sunday Telegraph's Peregrine Worsthorne described, after a trip to the U.S., as "Senators seeming to take pride in proclaiming their faith in American impotence . . . as if their recognition of the inevitability of defeat was a form of high courage which would earn them an honored place in history . . . posturing proudly before the TV cameras, for all the world as if sealing the fate of South Vietnam was their finest hour, the moment when they walked with destiny. What is extraordinary and shocking about the manner in which the U.S. has observed the collapse of its client-state is its undertones of self-congratulation; not so much a trauma, more a cause for satisfaction."

"If Congress had made some wise decisions in the past few months," said one of Kissinger's opposite numbers, "it would only be a demi-mal. But they have triggered an unraveling process that will come back to haunt us much sooner than any Congressman seems to realize."

Decision-makers are more concerned with the 1973 War Powers Act, which they feel was the signal to Hanoi that they were now free to complete their conquest of Indochina, than with the final defeat. "We have come a long way from the days when Senator Fulbright argued (in 1960) that 'the source of an effective foreign policy under the American system is Presidential power. The President has the full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes," said one of the foreign ministers privately. "The U.S. umbrella over Europe," he continued, "can be closed by Congress when it is most needed and without that umbrella West Europe becomes the very exposed Westernmost tip of the Eurasian land mass." Congress, as they see it, has usurped the President's foreign policymaking powers and the U.S. has now become an unreliable partner.

There is bound to be a closing of ranks with the U.S. at the NATO summit in Brussels at the end of the month and a reaffirmation of the now ritualistic fidelity to the basic principles of collective Western security. But the planners already concede that the exercise will be largely cosmetics inspired by internal political considerations in the U.S. The drift on both sides of the Atlantic, clear for some time, is now accelerating. What the polls say these days is more important than what Ford may say at a NATO summit and that is that most Americans are not prepared to fight for West Europe, even if the Soviets tried to take over. And in the field of trade, Congress has obtained oversight powers unmatched in any other Western democracy—which to Europeans can only spell nationalistic protectionism.

They still believe in the U.S. commitment, at least on paper, and they realize the difference between Europe and Southeast Asia. But they also believe that disenchantment with all foreign entanglements runs very deep in the U.S. where commitments are contingent on a strong executive. Gerald Ford says there will be no unilateral withdrawal from Europe but no one believes a U.S. President can make such a decision stick in the future. More important is the American people's opposition to interventionist policy anywhere.

Europe's planners know that their U.S. opposite numbers have concluded there is little that can be done to stop countries like Portugal today and perhaps Italy and Greece tomorrow from going Communist or little England from falling prey to Marxist economic influences. The U.S. no longer sees its security tied to the survival of democratic regimes in West Europe but on its bilateral agreements with the Soviet Union (e.g., SALT) which, in turn, encourages neutralism in Europe. Washington does not appear to be as concerned with the kind of political regimes that are now, or may in the future, rule allied countries. Moreover, NATO is not equipped to deal with "inside" jobs or flanking political movements.

They agree with Ford's description of U.S. foreign policy—a collection of special economic, ethnic and ideological interests. Bipartisanship is dead. They have seen the past year as a succession of U.S. fiascos—Cyprus, followed by Greece's exit from NATO's military structure (and the end of Sixth Fleet homeporting arrangements this week), the Turkish military aid cutoff and the final dismantling of NATO's southern front, and the collapse of Mideast peace efforts that many believe will lead to yet another regional war this summer or fall and yet another oil embargo.

The Belgian Prime Minister scores more points at home shaking hands with Mao in Peking or on a state visit to Poland than he does trying to carry out his mandate to relaunch European political union. Belgium's Kink Baudouin and Denmark's Queen Margrethe will become the first reigning European monarchs to make state visits to the Soviet Union this summer. All this reflects a growing belief that there are East-West panaceas that are going to make large defense expenditures unnecessary. Political leaders tend to take the line of least resistance because they don't believe they can rely on the U.S. much longer. Politicians privately concede that they can see all the dangers and pitfalls but they are also thinking of their next election campaign and of short-term policies that will enable them to siphon defense funds to cover yawning deficits in social services.

Thus the stage has been quietly set for the progressive "Finlandization" of West Europe. Rightly or wrongly, planners and experts look at what they call the paralyzed American giant, and irresponsible and increasingly isolationist Congress, and can now see that their political leaders, in the event of political pressure from Moscow in the future, would probably decide that it would be unwise to do anything that the Soviets might regard as "provocative." Under this scenario, NATO would gradually wither away while Western countries retrained the illusion of freedom. Next, said one, the Kremlin will want the unacknowledged right to veto the appointment of ministers they consider unfavorable (as they now do in Finland).

One Danish politician was laughed at a few months ago when he suggested disbanding the armed forces and substituting an answering machine which would say in Russian, "we surrender." But that is increasingly the European mood. Youth sees no point to military machines. Some 35,000 Belgian youngsters recently demonstrated against the purchase of any kind of warplane to carry the Belgian air force through the next 15 years. Belgium's Etienne Davignon, the man who runs the International Energy Agency and who tries to coordinate policy among the nine common marketeers, engaged some of these youths in a dialogue. They argued that their air force would not make a particle of difference in case of war and it might as well be disbanded. Davignon rejoined that Belgium was committed to supply one of the components of the overall NATO defense and that if all NATO members followed their argument to its logical conclusion Europe would become a very tempting vacuum for the Soviet Union. "So what, university students replied, "if the Russians take over West Europe, sooner or later they will have to leave, just as the Germans did. Soviet occupation won't destroy Belgium anymore than the German occupation did." When Davignon asked them who would push the Soviets out, they shrugged their shoulders and didn't answer.

Under normal circumstances this could be put down to political immaturity. But a few weeks later, the Dutch Socialist Party Congress came out with a resolution that disowned its own ministers in the government—and rocked NATO circles. The Dutch Premier, in turn, disassociated himself from his party's strictures which had ordained stringent terms for continued NATO membership. Dutch socialists emulated the Belgian students and came out against either the U.S. F–16 or the French Mirage as a replacement for the aged F–104: Instead, the party platform decreed, Holland should opt for a light, strictly defensive plane which could not carry tactical nuclear weapons.

Other party demands:

Pull out of NATO if by 1978 alliance members have not made a contribution to détente by solemnly declaring that they will never be the first to use nuclear weapons (even in the event of a Soviet conventional attack). NATO members should also agree to include America's 7,000 tactical nukes now in Europe, which include "dual-key" weapons shared with some allies, in MBFR negotiations (a principal deterrent against Russia's overwhelmingly superior conventional capability).

Holland to withdraw from NATO if the French nuclear deterrent plays a role in Central Europe under any sort of joint European defense arrangement to which West Germany would be a party.

Holland must oppose any merger of the French and British nuclear arsenals in a common European deterrent.

No increase in NATO's military potential for the next four years.

Creation of a Europewide zone free of atomic, bacteriological and chemical weapons.

The script could have been written in Moscow. Dutch ministers were so worried by the implications of these resolutions that they debated privately the advisability of fighting the next election over the NATO issue. They are convinced they would win. But others can see a dangerous precedent; if an election can be fought and lost on the same issue in Holland or elsewhere in the future. Britain's House of Commons now contains eighty Marxist sympathisers and so-called "fundamental socialists" vs. 40 at the last nose count. Britain's referendum on whether Britain should get out of EEC is now a straight fight between Marxists and anti-Marxists and Harold Wilson, paradoxically, now depends on conservative support.

Such is the mood and temper of Europe, largely unreported in the U.S. where attention was focused on the Mideast and Indochina. There is no positive vision in the Western world which makes it easier for Marxists to maneuver Europe's social democrats further than they feel it prudent to go.

The European Security Summit Conference (33 European nations from east and west, plus the U.S. and Canada), Leonid Brezhnev's cherished dream before retirement, now assumes greater importance than ever before. The West had hoped it would become a genuine breakthrough to real détente. But the planners are now convinced it will be snare and delusion. The Soviets have made a few minor concessions during the last 29 months of negotiations on a freer exchange of people, ideas and information. But the preamble of the charter to be signed at the summit (probably in September) says the implementation will remain the voluntary prerogative of national governments—i.e., Moscow is not committed to deliver. Eastern diplomats even had the audacity to argue that a freer exchange would be a one-way street because Bulgaria, for example, had already printed one million copies of the translated works of Shakespeare but that Britain had not yet guaranteed that a million copies of Bulgaria's classics will be sold in Britain in English.

The east has agreed to more travel (but only in organized groups), an end to radio jamming (if the West pledges to control what's broadcast) and advance notification of military maneuvers (on a voluntary basis).

The Soviets will continue to exude sweetness and light and open up new vistas of a new Pan-European era which will, inevitably, accelerate pressures for major defense cutbacks. For Western opinion, detente means the end of the cold war. For the Soviets, it is a vehicle for (1) "peaceful intensification of the international class struggle against Western social systems" and (2) access to advanced technology to strengthen Russia's economic base and military capability. Confirmation has now come from the horse's mouth when A. I. Sobolev of the Institute of Marxism-Leninism wrote in "Working Class and Contemporary World" that "peaceful coexistence" makes it easier "for the socialist countries to render considerably greater aid to all peoples who are embarking on the path of revolutionary transformations."

The Kremlin is less inclined than ever to liberalize. Its military buildup on the European front continues from year to year (now 17,000 frontline Warsaw Pact tanks on the central front vs. 6,800 for NATO; with another 23,000 Soviets tanks on other fronts and in reserve). And everyone is convinced that this tremendous power is not destined to roll over West Europe but to back up Moscow's political "wishes" after U.S. troops have finally phased out of the continent. Europe's planners speculate gloomily that their military weakness, lack of political will to create a viable European entity, economic recession, and widespread social unrest fanned by irresponsible union leaders, will leave their political masters little alternative but to go through a negotiating charade and, in effect, give in.

To resist these pressures will be tantamount to casting oneself in the role of cold warrior. Wildcat strike actions by militant Marxists have become deliberate attempts to plunge economies into deeper recession in the hope that this will lock them into Marxist "reforms" from which there will be no turning back. After days of urban guerilla warfare between Marxist and Fascist extremists in Italy recently, the Communist Party enhanced its image as the moderate law and order party that could keep the restless masses under control—if only it could share power with the Christian Democrats.

Anti-Communism has long been out in Europe. But anti-capitalism is now very "in" and Marxism has been revived as a counter-religion. The Marxist label does not carry the opprobrum of communism. The thrust of Marxist action is increasingly clear on European TV channels where Marxist sympathisers acquired junior jobs in the heady days of the 1968 revolution and have now become influential. A soon to be published report on "The New Dimensions of Security in Europe," has come to contribute to the Marxist revival and to the reduced self-confidence of the advanced, non-communist countries . . . "for the first time since the world depression 'capitalism' itself seemed to be in danger . . . (true or false) is not the issue. The point is that the proposition that 'capitalism' was entering its final, general crisis, gained a new credibility in the eyes of the adherents of the various Marxist groups, swelling the number of new recruits."

Again the subliminal message of Marxist-oriented programs on TV has contributed to the steady demoralization of established institutions and their leaders. I have met several prominent private bankers and captains of industry in recent weeks who believe that if this Marxist campaign continues unchecked, free enterprise will be dead within ten years.

A sampling of Marxist-inspired productions on Europe's air waves in recent weeks (that I have seen personally):

A bitter denunciation of the allegedly vicious exploitation of Scottish oil riggers in the North Sea by their wicked Yankee capitalist bosses, later broadened to an indictment of the capitalist ruling classes—the Play of the Week of BBC–TV.

The exciting, purposeful life of a Palestinian female teacher in a revolutionary society who goes on to become a hijacker contrasted with the purposeless, empty life of a Belgian female factory worker in the consumer society whose only excitement is to enter a local beauty contest—a Belgian "Reportage-Fiction" shown on Swiss TV.

A nostalgic, evocative recreation of the Communist-Socialist alliance in France in 1936 in which anyone opposing the experiment was cast in the role of a fascist (or a dodo)—a documentary titled "Power to the Left" on French TV.

A debate on the media during which journalists argued there would be no real press freedom as long as papers are privately-owned and have to show profits to survive and suggested instead "an independent status for the media in the public sector"—on French radio.

In Britain last week, militant Marxist leaders railroaded the 28,000-strong National Union of Journalists into resolutions which, unless reversed, will sharply curtail press freedom by forcing all editors-in-chief to join the union and ban outside contributions written by non-union people.

In order to undermine non-communist societies, the ISC report (to be published later this month) says that "Marxists of all categories seek and obtain employment in educational establishments at all levels in the media and in publishing; penetrate Western parliamentary institutions, either (via the CPs) as in France and Italy, or as members of social democratic parties, as in Germany and Britain. In some countries, entire universities have been 'Marxicized' in this way; in others faculties have been taken over, especially in departments of politics and sociology, with consequent changes in curriculum.

The danger, as all of Europe's key policy planners see it today, is that slowly, almost painlessly, Russia's de-stabilization efforts in a much weakened and divided West Europe, will lead the continent into a kind of Pan-European limbo as it continues to slip into Moscow's political orbit.

Mr. CRANSTON. Mr. President, the debate this afternoon followed, to some extent, our plans insofar as content was concerned, but not fully. Therefore, those of us who have been trying to arrange for a somewhat orderly debate where various Senators could appear at particular times to participate in regard to particular topics are going to seek to follow the following schedule tomorrow, although we recognize we may not be able to adhere to it fully.

Following the special orders and the morning hour business, this would be the program when we take up the military procurement bill in terms of further discussion and debate.

From 10 to 11:30, American foreign policy after Vietnam.

From 11:30 to 1, strategic policies.

From 1 to 3, strategic force needs.

From 3 to 6, national security and national priorities.

Mr. President, I would like to have printed at this point in the Record some position papers on defense prepared by several Senate staffers.

I ask unanimous consent that they be printed in the Record.

There being no objection, the position papers were ordered to be printed in the Record, as follows:

Position Papers on Defense

(By Senator Alan Cranston)

Mr. President, I am submitting for the Record a compilation of papers prepared by several Senate staffers, and intended to raise questions concerning Secretary of Defense Schlesinger's annual defense posture statement. They drew inspiration from a similar document prepared in the House under the direction of Congresswoman Schroeder.

In submitting these position papers, Mr. President, I do not endorse all the views therein. But I submit it as an important attempt by congressional personnel to counter the voluminous output of the Pentagon.

A Rational National Defense

Each year, the Secretary of Defense proposes to the Congress a defense budget to achieve objectives and fulfill policies described within the defense posture statement. The Congress, with a variegated Committee and Subcommittee structure, rarely debates the underlying foreign and military policies which are woven through the defense budget request. The Military Procurement Bill contains authorizations for procurement of weapons systems and for research and development of new systems. However, additional weapons and equipment procured by DoD are not considered at all by the Armed Services Committees. They appear only as part of the final DoD appropriations bill. The Military Procurement bill also authorizes a ceiling for the military and civilian forces for the Defense Department. However, the actual salaries, quarters, maintenance costs are not considered until they form part of the appropriations bill. The actual construction of new facilities, either in the U.S. or at any of the 1700 minor and 300 major bases strung out across the globe, are authorized in the Military Construction bill. Only when the full Defense appropriations bill comes before the Senate is there an accounting of the annual cost of defense activities.

By then, the major decisions on strategic forces, on conventional force planning and on manpower utilization already have been taken, usually without major debate on the underlying defense policy issues themselves, and virtually never after any debate linking defense and foreign policy objectives.

This year, the Department has requested $104.7 billion for defense, $15.7 billion over last year's spending level. In addition, of that increase, $8.3 billion, or more than half was proposed within the procurement and R & D section of the budget, which traditionally involves less than a third of the total Department expenditures.

The Department also has proposed to increase the number of army divisions from 13 to 16 and to increase the number of tactical air wings from 22 to 26.

Since the budget was prepared late last year, these proposed increases were made while there was a clear drain on American military resources in Southeast Asia, at a time when few were predicting the rapid decline and fall of South Vietnam and Cambodia. Thus, we have a series of requests for major increases in conventional combat forces and in conventional weapons systems while a major determinant of foreign and military policies has disappeared from the arena.

In the aftermath of Vietnam, it would appear desirable to examine the underlying and general purpose force policies now being used by the Department of Defense and to suggest alternatives for consideration.

At the same time, we have included a listing of weapons systems which many observers, including former high Defense Department officials, have questioned for reasons of efficiency, of cost and of effectiveness.

We basically believe that substantial reductions can be made in the levels of funding approved by the Senate Armed Services Committee. We believe as well that many of the weapons systems could be delayed, re-designed or terminated without affecting our military structure, in some instances, freeing us to consider other more effective and less costly options.

STRATEGIC FORCES

The most critical task of U.S. defense is to deter a strategic nuclear war, launched by one or more possible aggressors. Without such a deterrent capability, little else in the U.S. force posture would have much meaning; the risks of nuclear war would become unacceptable.

For more than two generations, the United States has provided itself with the capacity to deter nuclear attack. The commitment is real; it is universally shared within the U.S. Government, and the necessary forces and means of employing them have long ago been provided.

Thus, the philosophy of deterrence, evolved over many years, is relatively simple. We require only the capacity to inflict unacceptable damage upon potential aggressors. This capacity we long ago achieved, in a series of complementary and redundant systems of massive striking power. In fact, the United States can destroy any potential enemy with only a fraction of its nuclear strike forces. What we actually have in our nuclear arsenal ensures a level of "overkill" that is staggering—and that is subject to no real threat from any quarter for the indefinite future.

This certainly is reinforced by limitations reached with the Soviet Union on the deployment of defensive nuclear weapons systems—systems that could intercept and destroy our nuclear weapons. Thus the Soviet Union and the United States have both abandoned serious efforts to prevent a nuclear retaliatory strike. They have both accepted the doctrine of mutual deterrence—mutual assured destruction—as the only means of gaining high confidence that there will be no temptations to launch a nuclear war, or few if any temptations to act in ways that might lead to a mutually-destructive nuclear war.

Do we therefore need to keep adding to our overkill capacity? The answer is NO. The conclusion is clear: we need only to maintain our capacity to respond to any nuclear strike, and our commitment to mutual assured destruction. In fact, controlling the arms race is in our national interest—both to ensure that neither the U.S. or the Soviet Union will see threats to its capacity to deter nuclear attack, and to focus attention on increasingly important issues, like nonproliferation and the health of our domestic economy.

There is little reason—and some risk—in either the United States or the Soviet Union continuing to build yet more strategic systems, or to upgrade those that already exist.

Thus, the nation has an opportunity to maintain military security while reducing the costs that threaten our economic security.

Instead, U.S. strategic planning has been dominated by a drive for technological advancement for its own sake, irreverently but accurately known as the "new toy" syndrome. Specifically:

1. The decline in spending on strategic systems over the past decade is sometimes cited with alarm. This argument neglects the fact that a strategic deterrent, once deployed at great expense, can be maintained at full effectiveness at considerably smaller expense.

2. U.S. strategic forces are compared against Soviet counterpart forces. For example, the strategic section of the annual report of the Chairman of the Joint Chiefs of Staff opens with a series of charts comparing U.S. vs. Soviet forces in terms of numbers of ICBMs, numbers of SLBMs, etc. Both nations can destroy one another several times over. Destruction is, after all, destruction. So long as an adequate second strike capability exists, attempts to draw exact parallels are misleading.

The Secretary of Defense has placed considerable stress on the danger of "perceived inequalities." This concept can fairly be paraphrased as, "We know it doesn't matter which side has a more effective force as long as both can perform their missions beyond a doubt. But other nations are not so sophisticated." This is a self-created peril which can then serve as a misleading justification for further unnecessary spending on strategic weaponry. Doubt concerning the validity of the U.S. strategic deterrent comés principally from those who plan it, and who then expect the American people to spend billions of dollars to reduce "perceived inequalities" which could have been erased entirely, and at no cost, by simple statements of well-founded confidence in the validity of the American strategic deterrent. Soviet leaders have shown through speeches and statements that they appreciate the fact that beyond a certain point extra strategic weapons become irrelevant and add no more to deterrence. And our allies will not be impressed by "perceived inequalities"—provided we do not create a self-fulfilling prophecy by implying that our will to act in our own and our Allies' defense is weak.

Comparisons of U.S. vs. Soviet spending levels are particularly specious. Instead, comparisons of U.S. and Soviet spending should be calculated not at U.S. price levels for both sides, or Soviet figures will be inflated to create a misleading impression of Soviet strength.

It is also disingenuous to emphasize yield, throw-weight and numbers of missiles—in which the Soviets are superior—without giving equal emphasis to accuracy, reliability, and numbers of warheads—in which the U.S. is superior. This is particularly true when we consider that in terms of counterforce capability, accuracy is as important as the cube of yield. Because of extensive publicity given the large size of the Soviet ICBMs, most Americans and most members of Congress today believe the Soviets to be far ahead of the U.S. in counterforce capability. In fact, when all factors of accuracy, numbers of weapons, yield and reliability are considered, the U.S. is ahead, and its lead is programmed to increase during the next few years. Similarly, U.S. bombers and missile submarines are far superior to their Soviet counterparts, widespread misinformation to the contrary notwithstanding.

Of course, there is value in a relative balance of U.S. and Soviet nuclear might, to guard against any risk of "perceived inequalities." Yet we are at least "equal" to the Soviet Union in real terms. And we are also in a "zone of perceived parity", and will remain so for some time, regardless of current Soviet force planning. The effort to secure limits on new Soviet forces should continue; but there is no justification for fueling the nuclear arms race ourselves.

The argument most often cited for continuing with new U.S. programs is that new Soviet forces, could, in time, threaten the survivability of our land-based Minuteman missiles. Yet this argument always ignores the difficulties of coordinating an attack against missile systems, plus the continued existence and security of our many bombers maintained on alert, and of the Polaris/Poseidon force to which there is no known counter.

There is grave risk in reacting to a potential Soviet threat to Minuteman, by building new missile systems of our own, especially when these could be perceived as threats to Soviet land-based systems. In time, we may choose to take steps that will increase the survivability of Minuteman, but new offensive systems—or qualitative improvements to old ones that are destabilizing—is not the way. The risks to arms control efforts are apparent.

Furthermore, there is renewed interest in the Defense Department in being able to control a nuclear war with the Soviet Union. But the means chosen to control a war actually make that war more likely by eroding the deterrent capabilities of the Soviet Union. Thus, the added "flexibility" (of which there is already enough to eliminate the need for a "spasm" nuclear response) could prove to be a dangerous course to follow.

It is highly doubtful therefore that the U.S. has anything to gain—and highly likely that it has much to lose—by improving warhead and missile technology in a way that would threaten Soviet land-based missiles—just as we are concerned about the deployment of new, Soviet systems that could attack Minuteman. Arms control efforts are the answer and a serious effort by both sides to understand the risks of eroding the security of mutual assured destruction is desirable—not the addition of a "hard target kill capacity" to U.S. strategic systems. Nor has the experience of arms control efforts provided any basis for believing that "bargaining chips" will promote arms control. Rather they establish a new "floor" on arms, at a higher level, and complicate the process of reaching real agreements in our mutual interest.

Increasingly when a new system cannot be justified by mission requirements nor by the need to keep up with the Soviets, it is sometimes justified in terms of comparison with the possible. When an operational system falls well behind the state of the art, pressure arises to replace it on the grounds that we must have "the next logical follow-on."

The best example of this is the manned bomber. The B–52G/H fleet, possibly augmented by electronic capabilities and improved engines, will be operationally effective as a nuclear delivery system for much more than a decade. But the B–52 is an old system which is long on function but short on glamour. Thus we once saw pressure to replace it with the B–70; now we see pressure to replace it with the B–1. We hear the B–52 referred to disparagingly as "15 years old", and lest anyone recognize that old may still be good, we find the Air Force prohibiting the General Accounting Office from releasing its estimate of the B–52's life expectancy.

Evaluation of U.S. strategic programs in comparison with those of previous years, or with those of the Soviets, or with the realm of the technologically possible is less valid than an evaluation in terms of national security mission requirements. This situation has been exploited by the Pentagon for many years with great skill but not always with the greatest candor because such simplistic comparisons are easier for the unsophisticated to comprehend.

In sum, the task for the United States is relatively straightforward: to maintain our capacity for assured destruction (which can be done at minimal cost); to reassure the Soviet Union that we do not plan to threaten its ability to deter attack (by avoiding counterforce programs); to have some flexibility in the event of a nuclear war (of which we have more than enough to prevent a "spasm" response); and to seek limits on Soviet systems that could have a counterforce capability against Minuteman. In the final analysis, our emphasis should be on arms control efforts, not on building new weapons systems, or on "gold-plating" those which we now have. We must build upon the Salt I and II agreements, firmly linking what has been agreed on ceilings to future efforts to limit the qualitative arms race and gain natural restraints on weapons systems. Moreover, such refinements as upgrading the B–52 force provide substantial cost savings with marginal change in defense capabilities

To do otherwise in strategic weaponry adds little, if anything, to our security.

SEAPOWER

The missions of the U.S. Navy in 1975, and in the decade ahead, are: (1) Strategic deterrence, (2) Off-Shore Pacific and Atlantic defense, (3) projection of power and influence overseas, (4) protection of U.S. citizens and property abroad, and (5) keeping the sea lanes open between the United States and the rest of the world in wartime.

The basic premise of the Administration program is that the rapid growth of the Soviet Navy in the past decade challenges U.S. Naval supremacy and threatens the ability of the U.S. Navy to successfully perform its missions.

Yet in 1975 there is little doubt of the superiority of the U.S. Navy over that of the Soviet combat fleet. Although the Soviet Navy has 685 [Brookings show 575] combat ships in operation to 500 U.S. Navy combatants, and a far more numerous fleet of attack submarines, experts rate the U.S. Navy far ahead of the Soviet Naval forces.

The advantages of the U.S. Navy are many. The U.S. has 14 attack carriers to none for the Soviets. Allies such as the United Kingdom, the French and the Italians also individually each possess attack carriers superior to present and projected Soviet carriers. The U.S. advantages extend to the rest of the surface Navy comparisons with few exceptions. The U.S. maintains 7 helicopter carriers; the Soviets, 2. The U.S. has 36 cruisers and frigates; the Soviets, 28 and the U.S. ships are twice the size in tonnage. Only in numbers of destroyers and destroyer escorts does the Soviet fleet have significant numerical advantages, 208 to 125, although U.S. ships are heavier and more importantly, outgun their Soviet counterparts. Soviet advantages in numbers of amphibious attack ships, 119 to 77, are deceptive since the U.S. ships can carry several times the load of these Soviet ships.

In support ships the U.S. advantage in numbers, 188 to 129, is further multiplied by the far greater tonnage of these U.S. ships. Overall the U.S. has almost ten times as many naval aircraft as the Soviet Union, and has 575,000 men in the regular Navy to 460,000 for the Soviets. U.S. Marines outnumber their Soviet counterparts 197,000 to 14,000.

In the vital strategic deterrent role U.S. strategic ballistic missile submarines (SSBNs) are far more potent than their Soviet counterparts although the Soviets maintain about 50 such vessels to 41 for the U.S. SSBNs of the United States Navy will have the capability of launching nuclear tipped weapons at over 5500 separate targets by FY 1976. The Soviet SLBMs are not yet MIRVed and can fire perhaps "only" 700 such separate nuclear warheads. This disparity however means little in a deterrent sense since both ballistic missile fleets constitute an invulnerable striking force sufficient to deter any rational adversary.

The U.S. Navy is also ahead of Soviet developments in critical technology areas. The U.S. possesses significant ASW and surveillance advantages. Further, the U.S. fleet is younger. Major U.S. surface combatants have an average age of 12.1 years to 13.4 for the Soviets. U.S. submarines have a mean age of 9.8 years to 12.6 for Soviet submarines. Moreover, the U.S. has better and larger ships. The newer U.S. ships are generally faster, more complex and sophisticated, have greater firepower, greater range, and represent more tonnage. In 1975, the U.S. fleet has over twice as much tonnage afloat as the Soviet fleet possesses. This trend is expected to continue into the 1980's. When the navies of U.S. allies are added to the U.S., they enjoy a 3 to 1 tonnage advantage over the Soviet Navy.

Indeed the U.S. Navy also has a far greater capacity to project power ashore. The Soviets have no attack aircraft carriers, few naval bases abroad, and far smaller and less capable amphibious assault forces. The U.S. carrier force alone is the most potent naval force in the world for projecting naval power ashore, not continuing their escorts, and represent a capability out of reach of the Soviet Navy for the present or in the next decade.

U.S. Navy advantages are likely to continue in the future because of the comparatively greater resources devoted to it. 30% of the U.S. defense budget is devoted to the U.S. Navy, whereas only 10% of the Soviet military budget is allocated to their fleet.

U.S. NAVAL PROBLEMS—MAINTAINING NUMBERS

Despite the decided edge that the U.S. Navy enjoys over the Soviet Navy today, there are several problems which now concern the Navy. Perhaps the most pressing concern is the declining number of U.S. ships at sea and the rising number of Soviet ships afloat. In 1970 the United States had nearly 1,000 combat ships in the active fleet. In Fiscal Year 1976, that number will drop to slightly below 500.

There are several reasons for this dramatic falling off in numbers of the U.S. combat fleet. First, nearly all of the remaining ships built in World War II wore out simultaneously, especially after rigorous use in the waters off Indochina during the Vietnam War. Secondly, the U.S. Navy made a conscious decision to go with fewer but better quality ships. Finally, the ship builders have been reluctant to take on the full Navy construction program and the spiraling costs of ships has lowered the number that can be ordered.

U.S. Navy plans now call for a reversal of the trend of recent years and project a Navy of 575 ships by the 1980s. Some Congressional supporters of an expended U.S. Navy would go further and fund a 600 ship Navy. Such a naval expansion would be extremely difficult to obtain given soaring costs, cost overrun problems, current ship retirement schedules, and the current lagging production pace and limited capacities of U.S. shipyards.

Nevertheless, the Navy in its testimony before Congress, has voiced concern about its declining numbers of ships and clearly presents Congress with the necessity for making choices on force levels. A debate is at hand on whether the U.S. will maintain a Navy of 500 combatants, or 600, or some force in between. However, to emphasize the number of combat ships alone is to ignore qualitative differences in ships and the applications of recent naval technological advances, and perhaps invites a return to an unlimited number of low-priced sailing vessels.

Clearly an emphasis on sheer numbers could backfire and produce ships of relatively little value unless we are prepared to fund greatly increased refinements. Clearly far more rethinking is necessary about the type of ships that are needed to perform the Navy's missions in the most likely battle scenarios of the future. Navy planners must also recognize the implications of major changes brought about in the Navy's requirements by technological breakthroughs since World War II. Obviously the number and kind of Navy ships to be built must change as the nature of the threat changes, as U.S. foreign policy changes, and as military technology evolves.

Role of the Carrier: At the heart of the Navy's force sizing projections are assumptions about the aircraft carrier. The U.S. surface Navy leadership assumes that the aircraft carrier will continue to be the "queen of the seas" and it sends its ships in carrier focused convoys around the globe.

Costs are now forcing the Navy to propose maintaining a 12 carrier force through the 1980s. To maintain a force of even this size, the Navy will have to replace the eight Forrestal class carriers on a one for one basis. Long lead items for the first of these replacement carriers will be included in the FY 77 budget, and full funding in the FY 78 budget. To maintain an adequate replacement schedule for the Forrestal class, a new carrier would have to begin construction every two years. This poses serious problems for the Navy planner, for the ship builder, and for the Congress.

The Navy planner might well question that heavy an investment in aircraft carriers for the aircraft carrier may prove to be outdated in a future major war at sea. This will certainly be the case in a naval nuclear war, and might well prove to be the case in a conventional major conflict given the greatly improved mobility, speed, and firepower of attack submarines or enhanced ship to ship missile capabilities. The aircraft carrier was the dominant sea force in World War II, but all too often military planners, wedded to past lessons, fail to perceive that a changing technology has made old weapons and old doctrines obsolete. As a recent study of the Navy by the Federation of American Scientists states:

"No military service has a greater problem keeping up with military reality than a navy. Between the major wars, there are always fewer naval engagements than land or air battles with which to update military doctrine and the ships built by navies last for much longer periods than any other combat vehicles."

Indeed, there is little doubt that in a war between Superpowers, the probability of survival for carriers would be low. They are vulnerable to nuclear missile attacks launched from several platforms. Moreover, many submariners believe that much of the surface Navy including the aircraft carrier may be obsolete in the era of the modern attack submarine. In testimony before the House Armed Services Committee he stated:

"If this country or Russia ever turned their forces of submarines loose, they would devastate the seas. That does not mean that we should not build other kinds of ships. But nuclear submarines have never been tried out under actual conditions of war. It is beyond the comprehension of most naval officers to comprehend the difference between a submarine that can make 9 knots for one half hour and stay submerged for 2 days at most and a submarine that can make over 20 knots and stay submerged indefinitely. They cannot grasp the significance of this military capability. It is beyond their comprehension because they are too loyal to their previous concepts and to the regime and environment in which they have been brought up."

Moreover, it is questionable whether the carrier force is more of a help than a hindrance in maintaining the U.S. Navy's role in "keeping the sea lanes open" in wartime. The U.S. Navy as currently deployed concentrates more on carrier protection than on protection of the sea lanes where supply convoys travel. It is an open question whether the emphasis on carrier protection yields as much convoy protection via carrier air cover as would investment in other defensive naval vessels such as attack submarines used in an anti-submarine warfare capacity.

Naval opinion is divided on the future role of the aircraft carrier. Pro-carrier advocates point out that no likely foe other than the Soviet Union could mount such an attack in the near future. They argue, therefore, that in confrontation below the nuclear level, the aircraft carrier will continue to provide the United States with the option of bringing quick reaction, effective military force into selected crisis areas such as the Middle East. Defenders of the aircraft carrier boast of its toughness, survivability, and ability to quickly repair damage and recover air-launch capability lost in conventional attacks. They see it as the optimal tool for projecting airpower ashore in conventional wars where air and sea control are maintained.

Critics of the aircraft carrier, however, say that even third rate naval powers might disable them to the extent that they can no longer fly aircraft, and that during the hours of repair these remain vulnerable prime targets for hostile airpower. Moreover, critics point at the new generation of weaponry which might become available to even second and third rate naval powers. The development of precision-guided "smart" bombs, fuel-air high explosives, ship-to-ship and air-launched cruise missiles, and superior satellite tracking systems all would seem to anger poorly for larger surface vessels like the aircraft carrier in the decaded ahead.

ALTERNATIVES TO THE CARRIER EXIST

The Navy leadership, composed mostly of men who served in WWII, should be directed to look to alternatives which take advantage of new technology that might better perform the role of the carrier. Defense analyst Dr. Richard Garwin recently told the Senate Budget Committee that:

"The aircraft carrier is a chief U.S. means to 'project power ashore under a wide range of circumstances' but a single carrier, its escorts, and its deployed aircraft cost far more than $2 billion. We plan to have only 13 carriers at a given time [due to this cost] and, here too, I believe both that we buy the shadow and not the substance of real military power and that the aircraft carrier has not been placed in alternative means for performing the same missions. The new technology of high-explosive armed cruise missiles and precision guidance permits the launching of such cruise missiles from military cargo ships to attack ground targets (fixed or moving) with very high accuracy at ranges of 500 miles or more, the separation of command and intelligence from the launching ship reduces the value and the vulnerability of that ship since it need only launch cruise missiles on command from higher authority, and the ground attack capability thus provided is far more robust than that of the aircraft carrier with its insured aircraft."

Such technological breakthroughs as NAVSTAR will also enhance the alternatives to the present day aircraft carrier. NAVSTAR is a demonstration program to test the feasibility of using satellites to give ships at sea an exact fix on their locations. NAVSTAR success would allow for far more accurate ship-to-shore and ship-to-ship missile bombardment. The combination of NAVSTAR, the precision-guided high explosive cruise missile, and the relatively cheap platforms of cargo ships and light cruisers might well increase the volume, rapidity, and accuracy of firepower of such systems over that of the aircraft carrier. This cheaper alternative to the carrier fleet holds promise of being a more cost-effective means of projecting military power ashore under a wide range of circumstances.

At the very least Congress should require the Navy to more fully explore the future role of the aircraft carrier and to make clear the alternative means of accomplishing its mission. Such a debate should occur and the choices clarified before the Congress approves funds for many new carriers or their alternatives.

However, even assuming the need for aircraft carriers does not resolve all controversy. Costs are forcing the Navy to propose maintaining 12 attack carriers rather than the present 14 through the 1980s. To maintain these 12 carriers, the Navy will have to replace the eight aging Forrestal class carriers on a one-for-one basis and build one new carrier every two years until the 21st century. This poses a serious problem. The prohibitive costs of maintaining 12 U.S. attack carriers conflicts with the goal of maintaining a large number of ships. The *Vinson,* the last carrier authorized by Congress, is costing $1.2 billion to build. Inflation in the shipbuilding costs will drive the price of later carriers even higher. The cost of eight new carriers will seriously impede the growth of a modern Navy in a time when Navy budgets are limited.

Today the U.S. Navy maintains on station three carriers in the Western Pacific and two carriers in the Mediterranean or Eastern Atlantic at all times. For each carrier on station the Navy requires approximately two on backup status, either in repair and overhaul, in training, or in transit. Presumably with the drop to 12 carriers, the U.S. will maintain only four carriers on forward station in the Eastern Atlantic and the Western Pacific combined. These carriers would be allocated according to needs.

A less costly alternative would be to go to a 9 carrier force with two in the Eastern Atlantic and Mediterranean and one in the Western Pacific. The reduced U.S. stance in Asia will require a lesser U.S. presence in the Pacific whereas the European theatre remains relatively more important and the naval need to project power ashore remains. In the European theatre French and British attack carriers can also supplement U.S. Naval power. The Atlantic carriers on station could stay close enough to the friendly airfields of the Western European allies to land its planes should the carrier landing platforms become inoperable while they are in flight. Perhaps the movements of the U.S., British, French and Italian carriers could be coordinated to give each an alternative landing platform in emergencies.

With an alternative defense posture of one carrier on station in the Pacific and two on station in the Eastern Atlantic and Mediterranean, the number of carriers actually needed drops from 12 to 9. The Forrestal class carriers should then be gradually phased out of the force at the end of their 30 year life cycles, as is currently planned. But a 9 carrier force for the 1980's removes the need to replace these platforms on a one-for-one basis. A nine carrier force would require the U.S. to start construction of one new carrier every three years, instead of the two year period that is currently under consideration. Assuming a requirement for 9 carriers, long lead time items would have to be funded in the FY 79 budget; the first replacement carrier would be ready for delivery in FY 1987.

A nine carrier fleet for the 1980's would accomplish many useful purposes. It would free ship construction funds for other classes of ships while maintaining an adequate carrier presence to serve our foreign policy goals; it would allow for a larger U.S. Navy than would otherwise be possible; it would alleviate real ship construction problems at the yard that will have to perform the work; and it will result in huge cost savings. As mentioned earlier, the cost of building one of these platforms will be at least $1 billion; the costs of the dedicated air wing per carrier will be another $1 billion. The estimated life cycle cost per carrier is $8.6 billion. By moving from a 12 carrier force to a nine carrier force the U.S. would save $26 billion over a 30 year period.

A Redefinition of Requirements Needed: Although the 14 attack carriers today compose under 3% of the 501 U.S. active combat vessels, their influence on the size of the 385 ship surface Navy is considerable. The U.S. Navy most often moves in convoys focused on carriers and their surface escorts, trailed by supply ships, and protected from rival submarines by accompanying attack submarines. Hence, the larger number of carriers on station that the Navy seeks to protect, the larger number of ships in the fleet that the Navy requires.

The relative numbers of carriers to other combat ships in the U.S. Navy can be seen by the following fleet breakdown based on February, 1975 figures.

U.S. Navy active combat fleet—
(February, 1975)

Type ship:	Number
Attack carriers	14
Cruisers	6
Frigates	30
Destroyers	61
Ocean escorts	64
Amphibious ships	65
Submarines	116
Patrol ships	14
Mine warfare	3
Auxiliaries and support	125
Total	501

Even to maintain a fleet of this size will be extremely expensive and perhaps unwarranted. To expend it to 575 or 600 combat ships involves *very* significant spending and ship building increases. Moreover an expanded Navy ship construction program appears to be running counter to current U.S. foreign policy which calls for a lower U.S. military profile abroad, and a less ambitious role in Asia.

Fleet Size: The core of the U.S. combat fleet resides in the attack carriers their surrounding escort ships, amphibious ships for projecting land forces and supplies ashore and in the attack and strategic submarine forces. These ships carry out the principal missions of the Navy, and one the muscle and bone of the fleet. Yet the numbers of these ships that the U.S. Navy deems essential in the 1980's are relatively modest. The baseline requirements for the "core Navy" projected by U.S. Navy planners in their ongoing and projected procurement programs are as follows:

Type of ship:	Minimum number	Maximum numbers
Attack carriers	9	12
Escort ships*	36	72
Amphibious ships	65	65
Submarines**	111	131
Totals	221	280

*The lower figure assumes 4 escorts per carrier. The higher figure assumes 6 escorts per carrier. (U.S. Navy projections)

**The low figure assumes 21 ballistic missile submarines (SSBNs) and 90 attack submarines. The higher figure assumes 41 SSBNs and 90 SSNs. (U.S. Navy projections)

EXPANSION OF SUBMARINE FORCE

Only in submarines will there be a marginal increase in number of "core Navy" combatants from 116 to a maximum of 131 in 1985. This would include 41 ballistic missile strategic deterrent submarines, the same as today, and 90 attack submarines, fifteen more than today. It is here that the Navy may well have a case for expanded numbers of "core Navy" ships.

As missile accuracies improve the possibility of delivering precision guided ordinance onto strategic targets, both the ICBM and strategic bomber forces of the U.S. and U.S.S.R. will become increasingly vulnerable to attack. Many strategic thinkers believe that more reliance must be placed upon the far less vulnerable sea-based deterrent. The maintenance of the ballistic missile submarine fleet at current numbers thus appears to be an attractive idea. This can be accomplished only with difficulty for according to Rear Admiral John H. Nicholson, Trident Program Coordinator, in testimony before the House Armed Services Seapower Subcommittee:

"If our current Trident building rate is continued and we are able to maintain reliable, survivable operation of our Poseidon submarines to an age of 25 years, we are faced with a significant reduction in force level in the early 1990's. The current building rate of 1, 2, 1,2 would drive our number of submarines to a low level of 21 as compared to our current level of 41 strategic submarines."

Maintaining the present number of SSBNs would thus require a follow on to the Trident fleet of 20 additional strategic submarines by the 1990s.

The projected growth in numbers of U.S. attack submarines does not seem at all unreasonable. The wartime mission of the attack nuclear-propelled submarine force is essentially to keep the sea lanes open and to contribute as much as possible to the effort to maintain control of the seas. By necessity the number of attack submarines necessary for adequate sea lane defense must be keyed to the number of potential targets for submarine weapons. The growth of the Soviet fleet has provided a logical rational for proceeding with the projected increase in numbers of U.S. attack submarines to insure an adequate naval defensive posture.

MATCHING MISSIONS WITH FLEET SIZE

The overall numerical projections of future "core Navy" strength show the difficulty involved in making our primary focus on numerical levels—whether it be 500 or 600 ships in the U.S. fleet of the future. Adding up these baseline requirements without taking into account the remainder of the surface fleet, it is necessary to provide 221 "core navy" platforms at a minimum, and 280 "core navy" platforms at a maximum. This leaves literally hundreds of new surface vessels to be procured if the Navy were to reach its arbitrary ceiling of 600 ships.

The purpose of this exercise is to show that baseline U.S. requirements are more modest than is popularly thought; fully one quarter of our current fleet consists of fleet auxiliaries. It goes without saying that the U.S. fleet should grow beyond the baseline requirements for carrier, destroyer, amphibious, and submarines forces mentioned earlier. The point here is that the number and types of the remaining surface vessels to be procured should be strictly within the context of their proposed missions and how those missions support realistic foreign policy objectives.

Some increase in ship construction funds appears to be warranted in order to keep an adequate naval force at sea perhaps in the range of an added $1–2 billion per year, for a $4–5 billion total, a substantial increase compared to the $3 billion authorized in the past year. Any increase, regardless of the size, should, however, must be tied to improvements in ship acquisition and ship building program management and to the Navy's close matching of the most cost-effective force structure to its missions, and its missions to prevailing U.S. foreign policy.

Tactical Air Forces

One of the largest components of the fiscal 1976 defense budget is for tactical airpower. At least $24 million is requested for the eight maintains.* That amounts to 26 percent of FY 1976 DoD budget. If approved, more defense dollars will be allocated to tactical airpower than to U.S. strategic deterrent forces in FY 1976.

As Secretary Schlesinger states, tactical air forces are "the most expensive components of the general purpose forces in terms of invested costs, and the cost per unit even after adjusting for inflation, is steadily rising." The cost of fighter planes has doubled every four years since 1943 when a fighter plane cost $100,000. In 1975, it costs $11 million per plane. The primary cause of this cost escalation is not inflation but rather the increasing technical complexity built into the aircraft. The huge costs of tactical airpower demand a careful scrutiny to determine whether such massive resources are indeed necessary, and to insure that the most effective tactical air force is bought for the defense dollars invested.

A close examination of the U.S. tactical air force and its projected future raises several critical questions which deserve careful answers.

(1) Should the U.S. spend as much as the Air Force currently plans on deep interdiction and air superiority aircraft, or should it invest primarily in the kind of attack plane used in close support of ground troops in combat?

(2) Does the U.S. need to purchase so many complex and expensive tactical fighters like the F–15, or would it be better served to invest more heavily in the simpler, cheaper F–16?

(3) Does the U.S. need to equip its reserve air forces with new A–10s or can it safely and economically utilize older aircraft for reserves?

(4) Is the projected growth in U.S. tactical air forces required by either a growing Soviet military threat or by increased U.S. foreign policy commitments?

(5) Does Congress and the Department of Defense adequately match requirements against these foreign policy commitments?

MISSION PRIORITIES

First, it must be asked whether Air Force planners have correctly assigned their tactical air force priorities for the kind of war that is likely to be fought in a theatre like Central Europe. Tactical aircraft have three traditional missions. One is to win the air battle and achieve local and theatre air superiority. A second mission is to carry out deep interdiction strikes against enemy surface supply lines, production centers, and air bases. A third mission is to provide close air support to ground forces in combat to directly aid in winning the land battle.

To know the correct mix of air superiority, deep interdiction, or close ground support aircraft to buy, the Air Force planner must know the character of the adversary forces and the likely duration of the land war. Most military analysts today believe that an all out land war in Europe would be short, probably lasting a month or two at most.

The current tactical air power balance between NATO and the Warsaw Pact favors the U.S. and its allies. Although Warsaw Pact combat planes would outnumber NATO by 6500 to 4500 at the start of combat, allied aircraft are much better. They are more maneuverable, far more sophisticated, and superior in firepower. Moreover NATO pilots are combat hardened and better trained. As a recent Brookings study concludes:

"On balance, NATO's qualitative advantages appear to more than outweigh its inferiority in number of aircraft. While NATO may have the stronger tactical air forces overall, it seems equally clear that the Warsaw Pact countries have a formidable capability as well, especially for counterair operations. The danger is that the Pact members' air strength might, in cooperation with the extensive anti-air weapons in the hands of their ground forces, suffice to neutralize the advantage of NATO's air forces in an offensive capacity. Certainly NATO's present superiority in the air is not so overwhelming that it can be relied upon to redress any serious imbalance that might develop between opposing surface forces."

A major weakness in U.S. tactical air force doctrine and structure may well be the bias toward "winning the air battle first," achieving overall long-range theatre air superiority, and emphasizing the deep interdiction of enemy supply lines.

It is highly probable that any meaningful interdiction campaign would take too much time in a short war, and would not have any real effect on the outcome of a ground battle. It would take an extended period for the NATO tactical air force to destroy a decisive number of the Pact's 6000 to 7000 combat aircraft prior to an interdiction campaign against enemy support units and facilities.

Quick, European-wide NATO air superiority appears impossible due to (1) the large number of airfields available to the Pact and (2) the growing size and sophistication of Pact anti-air defenses. Deep interdiction is unlikely to much hinder frontline Soviet and Pact troops. It was largely ineffective in stopping North Vietnam's support units. Such a mission would be very costly in terms of aircraft lost and relatively ineffective in preventing "a considerable leakage of tonnage to the forward edge of the battle," according to Secretary Schlesinger. Deep interdiction thus is unlikely to affect the outcome of a short war where the decisive battles are fought in the first few days on land.

Because of the unlikelihood of achieving meaningful deep interdiction and overall theatre air superiority in a short war, it is necessary to reprogram U.S. tactical air forces to fight a concentrated ground support war where mainly local air superiority over the immediate battlefield is attempted.

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*U.S. Navy Air Corps, U.S. Navy Reserve Air Corps, U.S. Marine Air Corps, U.S. Marine Reserve Air Corps, U.S. Air Force, U.S. Air Force Reserve, U.S. Air Force National Guard, and U.S. Army attack helicopter units. There are still other TACAIR units in the services as the later discussion will reveal. The total forces that perform the tactical air missions cost considerably more than $24 billion.

One option would be to purchase the same number of fighter planes (F–15's and F–16's), but to change their mission assignments to concentrate on the local air superiority role to provide better cover for ground support aircraft in the decisive short-war land battles. This would be a useful shift in strategy if not in force structure.

A second option would be to purchase fewer F–15s and F–16s, reduced by the number no longer needed to escort deep interdiction attack aircraft and no longer needed to accomplish a continent-wide theatre air superiority. Resource savings could be either passed to the taxpayer or invested in the ground support planes of the tactical air force. At present the Air Force has not presented a convincing case for more active-force A–10s than it has requested.

Finally, at whatever level is agreed upon for U.S. air superiority forces, a more rational tactical air force structure would include more F–16s and fewer F–15s. The air superiority role can be effectively carried out by the F–16 very nearly as well, and in some cases better, than by the far more costly F–15. Instead of buying equal numbers of F–15s and F–16s, the Air Force should operate perhaps four F–16s for every F–15 assigned the air superiority role.

TURNOVER AND GROWTH RATES TOO HIGH

The U.S. currently is buying three tactical aircraft on a crash basis, each in large numbers. In FY 1975, the U.S. maintains 105 squadrons of tactical combat planes, some 2300 aircraft. By FY 1980, the Air Force plans to increase that to 133 squadrons composed of 2500 aircraft. Moreover, the purchase of 749 F–15s, 650 F–16s, and 733 A–10s will upgrade the U.S. tactical air force to a point where it is estimated to be at least 100% better in combat effectiveness measured in maneuverability, ordnance, and avionics. This dramatic increase in both the quality and quantity of tactical aircraft clearly seems unnecessary when current U.S. tactical air strength exceeds its Pact counterpart by a comfortable margin today and where no comparable Pact rate of modernization is discernable. Cutbacks in purchases of the "gold-plated" F–15 and a slower U.S. modernization of tactical air wings via the F–16 and A–10 are a more reasonable path to take to achieve needed strength without such lavish expenditures as the USAF proposes for its tactical air force.

OLDER AIRCRAFT UTILIZATION FOR RESERVES

TACAIR expenditures can also be held down if older aircraft's lifespans are more fully utilized by continuing to assign them to reserve and National Guard units. New A–10s should be assigned only to active air wings and the planes they replace should go to the Guard and reserves. Thus the A–10 production program could be slowed and the A–10 program buy could be reduced by 200 aircraft.

REVIEWING PRIORITIES IN THE HIGH-LOW MIX

Defense Secretary Schlesinger has discussed at length the concept of the "high-low mix"—the idea that the U.S. needs to supplement very expensive high technology systems such as the F–15 with cheaper, simpler aircraft such as the F–16 and A–10 if it is to be able to procure enough aircraft to meet its needs. The principle is a good one, but far more emphasis should be placed on the so-called "low" end of the mix for achieving significant savings and sufficient numbers of aircraft to maintain an adequate tactical air force.

More tactical air force "bang for the bucks" can be achieved by substituting greater numbers of "low mix" aircraft for fewer "high mix" planes. For example, recent tests of the prototype F–16 indicate that it is fully as effective in the air superiority mission as the F–15 at one-half the cost.

Unfortunately the Navy has declined to purchase the F–16 on the grounds that it cannot be modified for carrier use. Consequently the Navy wishes to buy the F–18, a modified version of the A–17 which lost the Air Forces competition with the F–16. The F–16 program perhaps should now be halted pending an investigation and analysis to determine whether or not both services should adopt the F–16 or the F–18. A change to the F–18 might endanger foreign sale prospects but an F–18 suitable for USAF and USN use might be a more economical choice over the long run than two separate development and production programs. Either the F–16 or the F–18 ought to be much cheaper than the F15. Both together might cancel out much of the cost savings that a single "low mix" aircraft for both services might attain.

Carrier versions of the "low mix" A–10 might also assist Marine air wings in their ground support missions. The introduction of the new A–10 close support aircraft should also make possible substantial savings in the Army's attack helicopter program, a significant part of the tactical air power budget. Closer coordination between the Army and the Air Force can save needless duplication of functionally equivalent ground support weaponry. Large A–10 procurements should make large cutbacks in the Army's AH–1 attack helicopter program both logical and possible.

TACAIR AND A LOWER WORLD PROFILE

With the disengagement of the U.S. from Southeast Asia, and generally a lower Far East U.S. profile, the necessity of maintaining a static force of 11 Pacific area squadrons, or nearly three air wings, is subject to much doubt. U.S. tactical air power is certainly less needed to support U.S. troops in combat on the mainland of Asia in the post-Vietnam era. This shift in U.S. policy in the Far East would seem to call for a reduction rather than an expansion in U.S. tactical airpower given no exceptional added military threat in the rest of the world. At the least, phase-downs in TACAIR in the Pacific area can offset buildups in the European theatre, enabling the U.S. to hold the line on the number of tactical air wings at the current FY 1975 level of 23 active wings rather than the projected FY 1980 level of 25 active wings.

NO SYSTEMATIC APPROACH TO EVALUATING TACAIR

Whether or not the Department of Defense systematically and rigorously matches the requirements for tactical airpower against foreign policy commitments is not currently known to Congress. Now is there any very exact Congressional awareness of the trade-offs between tactical aircraft systems employed by the various services, or of the degree of duplication of effort that seemingly exists between the various Army, Navy, Air Force, and Marine tactical air forces. Congress has been remiss in not requiring a more comprehensive look at all TACAIR systems at one time by one committee and in not matching the requirements for tactical air forces against foreign policy commitments.

One problem facing Congress is that no one has clearly defined what tactical air forces are, what they cost or even how they are justified. The Senate Armed Services Tactical Air Power Subcommittee $7.3 billion in programs from the $18.4 billion procurement and $10.2 billion RDT&E Pentagon authorization requests. The Subcommittee spent half a day on the Russian/Chinese tactical air and air defense "threat" and then immediately began hearings on the individual programs, as many as eleven in one day, which the armed services are developing, producing or modifying. Army tactical aircraft programs were considered, but separately from Air Force, Navy and Marine programs. Army air defense projects were discussed, but never in conjunction with Air Force interceptor aircraft which do the same job. SAM–D, the Army's planned $6 million anti-aircraft missile was left to the R&D Subcommittee to consider.

Air Force coverage by the Tactical Airpower Subcommittee was more complete, but air-to-ground attack systems were discussed with only Air Force witnesses present despite the fact that the Navy's A–7E and A–6E fighters, the Marine Corps' A–4M, several Navy missiles and the Army's advanced attack helicopter plus several other programs compete in this same mission area.

The main purpose of aircraft carriers is, we are told by Secretary Schlesinger, "projecting tactical airpower ashore." Since this is what the Pentagon believes, perhaps aircraft carriers and escort ships authorizations should also have been considered by the Tactical Airpower Subcommittee. In practice, however, these ships are considered by no subcommittee at all, only by the full committee at the time the service secretaries and military heads first appear with the total DOD package.

On the question of what tactical air forces cost, answers vary. Mr. Schlesinger says it is $24 billion yearly, but it is unclear whether he counts $5.6 billion for reserve and national guard fighter squadrons or other items. Brookings Institution analysts get the same $24 billion total, but do not include aircraft carriers and support ships or the Army's more than 1,000 attack helicopters. Neither the Pentagon nor Brookings seems to count anti-aircraft guns and missiles.

How tactical air force requirements are determined is even more obscure than what they cost. The Defense Secretary says the Administration decides what our "national interests" are, and the military services decide what weapons they need to meet these lofty goals. Since national interests are most frequently vague, such as protecting the "free world" from Communism or continuing alliances and "commitments," Pentagon planners are driven by two clearer factors. One is the estimate of the "threat" which the Communist nations might pose to friends or others all over the world. This translates into counts of weapons, technical characteristics, bases, reliability rates, readiness and finally into estimated big and little war scenarios. From all these calculations, "nice-to-gave" lists are drawn and costed, assembled, argued and finally presented as a budget.

The second driving force is the technical possibilities which research indicates might be more effective or efficient weapons. Defensive system researchers compete against offensive system researchers on the premise that, if we can invent a countermeasure which neutralizes a weapon, so can the Russians.

It is quite impossible to compute the number of tactical air squadrons on the basis of so many for Middle East contingencies a fixed number for a long or short conventional or nuclear war in Europe, Northern Asia or any other place. The reason is that there is no way the armed forces could ever have enough for most predictable purposes. The solution is mobility which enables force to be concentrated depending on the warning time available, whether the hostilities become more violent gradually and so on. In short, regardless of the size or capabilities of our tactical air squadrons, there cannot be a risk-free force structure.

Unfortunately, Congress seldom examines the assumptions behind the collection of tactical air forces, preferring to investigate the attainment of technological objectives in each program, the details of contracts and delivery schedules. That these matters have no bearing on the justification for tactical air units and equipment seems to be ignored. Congress has yet to investigate the accumulation of forces, and consequently limits its discussions to budget line items.

Therefore, until Congress accepts its responsibility to question basic foreign policy assumptions, our tactical air force structure will not be examined in the context of how national objectives might best be met. Now it often seems that the accumulation of weapons and overseas deployments are the easy way to control world events. Political and economic means, divorced from threats or the use of force, appear much neglected, and it is quite possible that we have far more military power than the international situation justifies.

The Pentagon argues tactical air is a cost-effective means of applying force, and it has the attraction of not putting large numbers of U.S. military personnel at risk in time of war. Effectiveness is increasing in terms of what it takes to destroy an enemy target because guided, precision munitions are in vogue. Yet, each aircraft is becoming so expensive that budget pressures mean few can be bought. The result is that total numbers of weapons could be expected to drastically decline, yet levels are going up. This is because new aircraft, billed as low-cost alternatives, are being developed and purchased. The premise is that overall numbers can be maintained and expanded by a "high-low" technology costly equipment and the "low" somewhat cheaper systems. Actually, the services are buying the high and the low systems, thereby increasing the force structure.

The Pentagon's reason why we need more is a bit confusing. On the one hand, it is argued that the Army's expansion from 13 to 16 divisions will mean the Air Force must expand the number of aircraft available for Army support, because Mr. Schlessinger says requirements are computed on the basis of so many attack parties for division. On the other hand, Air Force Secretary McLucas says if the Army is held to 13 divisions, more tactical air than planned could be needed because firepower would have to substitute for less troops. In any case, the Air Force is expending from 22 to 26 wings of tactical aircraft, the reequipping to be completed by 1981.

Because Congress has not so far attempted to match requirements for tactical air forces against commitments, the present budget request must be examined against Pentagon assumptions. That is, it is necessary to accept assertions of need and then to proceed in seeking economies in individual programs which might be classed as either (1) too much-too soon, (2) duplicative of other systems or (3) wasteful. Some of these economies have been suggested for the A-10s, F-15s, F-16s, and F-18s. Others might be achieved including the following.

THE F-14 FIGHTER

The production rate for the Navy and Marines has been cut from four per month to three per month because of Iranian desires to get the F-14's they purchased sooner. The Navy plans to buy 390 instead of the previously planned 334 F-14's an increase of two squadrons and about $1 billion in total program costs. Perhaps F-14 production should be further stretched out, but certainly the Navy's need for two more squadrons should be further examined.

The Phoenix missile is being procured exclusively for the F-14. The missile costs should currently be part of the F-14 program, thereby reflecting the real price of the aircraft. Last year the Navy bought 340 Phoenix missiles while funding 50 F-14's. This year and in 1977 the Navy will continue to purchase 340 Phoenix missiles even though the F-14 yearly buy has been cut to 36. Some reduction in Phoenix missiles seems justified.

AWACS—TACTICAL DIRECTION AIRCRAFT

See the discussion elsewhere. The minimum reduction should be $430.5 million in FY 76 and $30 million in FY 7T the amount requested further AWACS product aircraft over the six already funded.

ADVANCED ATTACK HELICOPTER—ARMY

Now in R & D as replacement for helicopter gunships, the gunships, the planned AAH program is for 472 aircraft to be fitted into an Army requirement of 1,426 attack helicopters based on a 16 division force. This helicopter competes with the Air Force A-10 in carrying out the close support and tank-killing role. It also competes with other Maverick missile-equipped aircraft such as F-4, A-7 and other attack aircraft. The AAH may complement Air Force, Navy and Marine close support systems or it may be more than is required for the mission. It will also require a new missile, the Hellfire, now in development. The army is also purchasing AH-1 attack helicopters in quantity.

CONDOR NAVY MISSILE

To be used against ships and other targets at about 60 mile range, the Condor is launched from aircraft but only in clear weather. The missile is very expensive ($753,000 each) and competes with the Navy/Air Force Harpoon. It should be cancelled outright at possible $100 million saving in FY 1976 and in the transition period.

A-4M MARINE ATTACK AIRCRAFT

In 1974, forty-four of these were purchased to replace aircraft sent to Israel. None were bought in 1975. This year the Navy wants 24 more, presumably to keep the production line open and for expected attrition. The A-4 is still being purchased by foreign nations. Production for the Navy can either be slowed or ended.

A-6E'S—NAVY ATTACK AIRCRAFT

In FY 76, the Navy is purchasing the last 12 new A-6E's and funding the conversion of 36 older A6-A's to E specifications. The 36 conversions cost $140 million against $156 million for 12 new air frames. Obviously, the conversions are a better investment, but the number has been cut by 12 as compared to 1975. It would be advisable to allow the Navy funds for 48 conversions and to delete the last 12 new production aircraft.

A-7E—NAVY ATTACK AIRCRAFT

The Navy has already purchased 506 A-7Es and has several hundred earlier models in service. In FY 76, thirty new A-7Es at a cost of $178 million are planned, six for $41 million in FY 7T and another 30 for $129 million in FY 77. In view of the fact that earlier A7s are available and serviceable, the production rate should be slowed for the last 100 A-7Es planned.

MODIFICATION OF AIRCRAFT, AIRCRAFT SPARES AND REPAIR PARTS, AND SUPPORT EQUIPMENT AND FACILITIES

[In millions of dollars]

	1976	197T
Army request:		
Modifications	127.7	16.7
Spares	54.2	14.8
Support equipment	58.4	2.7
Navy request:		
Modifications	488.9	148.6
Spares	358.5	70.5
Support equipment	77.7	20.4
Air Force request:		
Modifications	660.7	126.3
Spares	1,101.7	190.1
Support equipment	209.3	29.7

Several hundred million dollars additional can be added for "other production charges," war consumables, industrial facilities and component improvements. All of these deserve closer examination by Congress because they represent annual costs far in excess of many weapons systems. Some aspects of these general areas are covered in hearings, but not often are modifications considered as alternatives for new production, etc.

AIRCRAFT DESTINED FOR OR RETURNED FROM INDOCHINA

Many tactical aircraft were in the pipeline for Vietnam and Cambodia when those wars ended. Additionally, hundreds of airplanes were taken out of those countries in the last days of those wars and are now returned to the U.S. inventory. The FY 1976 budget should be reduced accordingly.

GENERAL PURPOSE FORCES: MANPOWER

The determination of the size of the military forces, active and reserve, and the civilian work force of the Department of Defense should be determined by our definition of the critical commitments we have and the military requirements we need to fulfill them. We have generally been examining our needs in terms of being ready to fight one major war and one contingency at any one time. The basic difficulty is that we have essentially been operating under the assumption that we must be ready to engage militarily in that contingency in any part of the world. Vietnam is the classic example of that policy at work. A narrowing of commitments means a reduction in the numbers of potential contingencies and perhaps as well a reduction in the deployment and the total force needs of the military.

Whatever change occurs as a result of this redefinition cannot be accomplished from one year to the next. However, it can be begun this year. It must be part of a conscious long-term restructuring of our forces, one that is taken after consultation with those allies who might be involved, and one which does not, because of its speed, pose difficult retention and recruiting problems.

In the current context of the Department of Defense's recommendation for a 3 division increase and total manpower increases in future years, a thorough review suggests that a first year re-evaluation of our needs might involve merely rejecting the current plans for additional divisions and converting the savings in the discovery of non-essential support and headquarters personnel into tax savings.

The critical nature of a detailed examination of our general purpose needs is evident in the soaring costs of the manpower section of the budget. In FY 1976, the largest portion (53%) of the Defense Department budget is dedicated to pay more than 4 million active and reserve military and civilian employees of DOD to provide benefits to the 1.1 million career military retirees. The present Pentagon payrolls shows 5.5 million individuals who will receive $49.2 billion in FY 1976, of whom only 2.1 million are active duty military personnel. Supporting these active forces are 885,000 paid reservists.

Each time suggestions are made for increasing the size of the military establishment or maintaining an existing force, despite changed threats, the overwhelming manpower cost must be recalled. When decisions are made whether to maintain or delete a defense slot of perhaps marginal utility, these costs should be a factor. Eliminating a military slot not only saves payroll costs and maintenance costs this year and in every succeeding year, but forestalls continued escalation in future retirement and veterans benefits costs as well. The greatest opportunity for controlling defense spending lies in wise defense manpower decisions.

OVERSEAS FORCES

Our present deployment outside the United States is predicated upon a world far different from today's. There is therefore a degree of inertia in the present defense posture. The altered conditions of the post-Vietnam era, financial constraints and related manpower problems are the basic reasons to examine closely current deployments. There are now more than 300 major bases in foreign countries with more than 500,000 military and civilian personnel stationed abroad along with nearly 320,000 dependents.

The fundamental questions is what level of forces is necessary to defend the United States and its interests and allies while deterring, to the extent feasible, the use of force by others in the solution of disputes.

EUROPE

Recent studies by RAND, the Brooking Institute and by American and European scholars emphasize that NATO's defensive posture is predicated upon a protracted conflict whereas the Soviets with forward divisions, extensive armor, and centralized control of logistical support suggest a blitzkrieg posture. The defense Department is moving in the right direction with the recent restructioning of U.S. armed forces in Europe to engage in this more rapid form of warfare and the resulting increase in combat capabilities. The inability to halt and defeat rapidly onrushing forces means a protracted conflict is unlikely. Therefore, the ability to wage a short defensive conventional war is necessary until and if negotiations are successful in reducing force levels. Continuing emphasis in this area is urged. While the basic force deployment to Europe and the Middle East may not require alteration since this remains our most vital foreign commitment, the Department's own discovery of surplus support and headquarters personnel indicates that the level of forces does not have to remain totally static. Beyond these adjustments ecorts at MBFR to achieve mutual reductions should be vigorously pursued.

ASIA

The United States should adopt a more realistic and modest foreign policy role in Asia as part of our reassessment after Indochina. This U.S. policy requires that the U.S. play a less direct military role on the mainland of Asia, and no longer act as global intervenor. An examination of the forces now deployed in Southeast Asia should lead to a long-term program of either redeployment or demobilization of those Southeast Asian forces.

Japanese security remains crucial to our Asian defense interests. The credibility of that commitment rests upon American armed forces deployed to adequately defend Japan. However, 190,000 military personnel ployed throughout Asia at an estimate expense of $23 billion (Asian contingencies identifiable in the FY '76 baseline budget) seems excessive given an American consensus that we should avoid ground combát on the Asian land mass. The goal should be a stable environment in Northeast Asia with an emphasis on offshore sea and air presence.

The 23,000 U.S. troops in Thailand, the forces in the Philippines and on Taiwan and the South East Asia naval forces, would seem an especially questionable deployment. The United States could substantially reduce the likelihood of involving itself in another Asian land war by phasing out its forces of those countries and could concentrate its forces in Northeast Asia. The government of Thailand obviously sees a large U.S. presence as detrimental to good relations with the new regimes in Vietnam, Cambodia and Laos. Through economic and diplomatic initiative we should, however, continue to maintain the best possible relations with Thailand and other Southeast Asian nations who desire.

With regard to Korea, the retention of our current forces in the immediate short run concern may serve to reassure Japan of our staying power. However, the South Korean government has a far superior armed force compared to that of North Korea measured in numbers of men under arms, combat experience, and Army equipment. The Republic of Korea outnumbers North Korea by more than 155,000 active duty personnel and by almost 1,000,000 troops if reserve and militia personnel are counted. Moreover, the Secretary of Defense, James Schlesinger, has stated clearly for the record that South Korea has the manpower, firepower, and defensive position to repulse a North Korean attack without U.S. ground support. Indeed, only in air warfare does South Korea face a stronger foe and U.S. airpower based at sea or nearby allied airfields can maintain air superiority over the Korean peninsula. Current modernization of the R.O.K. Air Force is remedying this imbalance. A study of a long-term reduction of U.S. Army personnel in South Korea, with reserves maintained close by for reintroduction, might provide the U.S. with the *option* but not the necessity of involving itself on the ground in another Asian land war.

The presence of U.S. troops at the demilitarized zone and Korean based tactical nuclear weapons foreclose any such options, even in the event of a Korean crisis that does not involve a direct North Korean invasion. At the very least, the increasingly repressive character of the South Korean government should be sufficient reason for an expression of U.S. concern, such as a reduction of military aid.

In summary, the Department of Defense's deployments in Thailand and Southeast Asia in the short run seem ill advised given the reduced U.S. foreign policy commitments in that area. Our more direct interests lie in the defense of Japan. A stringent re-evaluation of U.S. force levels and deployments in the Pacific and Asian theatres, essential in the post-Vietnam era could well produce both redeployments and long-term savings.

EXPANDING NUMBER OF U.S. ARMY DIVISIONS

Perhaps the most significant military manpower decisions before the Congress is the request by the Army for authority to create three new U.S. Army divisions out of its current force structure of 785,000 men and women. This would increase the number of US Army combat divisions from 13 to 16 at the same manpower levels initially although slight increases are projected in future years.

In examining requests for proposed force increases, Congress must differentiate between what we would like to be able to do, and what we can realistically expect to do, and what we feel we must do.

In the past, Congress has authorized force levels for roles, commitments and contingencies which were global in scope and reach. Clearly the U.S. overextended itself in Indochina and it has become increasingly evident that our foreign policy exceeded our power to implement it effectively. We have learned that we cannot impose military order everywhere in the world, and that we need not be drawn into attempting to fill every regional power vacuum that develops. U.S. national security is not threatened by every civil war or regional conflict or imbalance.

There has been little consensus by Department of Defense officials on the military need for these new combat divisions. Defense planners have repeatedly stated that they have reduced their force and contingency planning assumptions from a 2½ war capacity to a 1½ war capacity since 1970. Logically, fewer, rather than more, combat units ought to be required under such assumptions. Nevertheless, Secretary of Defense Schlesinger has argued this year that the U.S. has gone too far in reducing our troop levels. General Brown, the Chairman of the Joint Chiefs of Staff, has pegged the proposed increase on qualitative improvements in Warsaw Pact military equipment. However, in arguing for three more divisions, General Brown neglects to mention U.S. and NATO qualitative improvements in weaponry which offset Warsaw Pact gains. Other Defense Department representatives have maintained that the transfer of headquarters and support "fat" into new combat divisions increased the U.S. capacity in "short war" confrontation, but at the expense of longer warfighting capability. Again, no convincing case has been presented to the Congress to demonstrate that such a tradeoff was made; that is, that the personnel "fat" eliminated was vital to prolonged operations.

The U.S. Army 16 division proposal is an open admission that there have been at least 3 divisions worth of excess manpower "fat" in its ranks, located chiefly in an over-large officer corps and within its oversized supply and maintenance units. The Army, by its own admission, is both top-heavy in headquarters staffs and tail-heavy in support elements. Approximately 45,000 persons (18,000 from Armed Forces in Europe) are identified as superfluous to the maintenance of the current 13 combat divisions.

It is laudable that the U.S. Army means to increase its combat power with the same number of people at its disposal. However, before the U.S. Congress appropriates funds for this purpose, three basic questions must be answered. First, is the increase from 13 to 16 U.S. Army divisions worth the additional cost of raising such a force? Second, is it better to turn identified manpower "fat" into additional "swords" or into additional savings to the U.S. taxpayer? Third, what is the proper number of men under arms to fulfill the missions of the U.S. Army?

It is clear that the addition of three U.S. army divisions will add significant costs to the defense budget, but the magnitude of these costs is not yet clear. General Weyand, U.S. Army Chief of Staff, has testified that 3 new divisions will mean an increase of $2.5 billion over a five-year period above current costs. Such expenditures only partially include appropriations for supplies and new equipment such as combat support aircraft and helicopters for three new combat divisions. In addition, the maintenance of an additional 45,000 troops in uniform rather than cutting them from the Army's active forces will cost the U.S. an estimated additional $2.7 billion in salaries over the next 5 years, and many more billions in payroll and retirement costs in the future.

The failure to cut these 45,000 salaries out of the U.S. Army budget will lead to other additional DoD costs in housing, supplies, support of dependents, and other operations and maintenance (O&M) costs.

Further, 16 divisions are likely to cause more duplication of functions than 13 divisions. Sixteen divisional bureaucracies will be putting in competing claims for supplies, equipment, and increases in staff rather than thirteen. Three additional divisions will be spawning their own growing headquarters staffs and logistics and supply "tails." The result will be a U.S. Army incurring greater costs, and generating an increased resistance to further economies.

Within the framework of a more realistic and modest U.S. foreign and military policy, there is assuredly no convincing need for two of the three additional U.S. Army divisions. Indeed, since the burden upon our grand forces was lessened by our disengagement from Indochina, the maintenance of 13 active U.S. Army divisions would seem fully adequate. The redefinition of U.S. roles, missions, and contingencies within a narrower geographical context argues strongly against more U.S. combat divisions.

An analysis of the three new divisions proposed by the Army further reveals that two of the three are "straight-leg" infantry divisions lacking armor and great mechanized mobility. These forces are most appropriate for Asian duty and are ill-suited for the highly mechanized war that could erupt in Europe or the Middle East. Since the United States has adopted a policy to avoid land involvements on the Asian mainland, two of the newly proposed divisions seem particularly ill-advised.

The third mechanized division however, could be justified on grounds other than increased defense requirements. It would have some positive value of adding the kind of combat capacity most needed by the U.S. in Europe, the only theatre where U.S. land forces are likely to be engaged. The current 13 numerical divisions contain 42 combat brigades, equal to 14 divisions equivalent of 3 brigades each. Further, the modest increase from 13 to 14 combat divisions might serve as a further positive inducement to the military to identify still more of its superfluous support and headquarters "fat." The recently discovered ability of the services to identify excess personnel under the goal of the Nunn amendment ought to be encouraged. The Secretary of Defense's statement that there is "more to do" in cutting personnel fat is welcomed as a sign that the need for progress is now apparent to all the services.

OTHER MANPOWER ECONOMICS NEEDED

Although reducing U.S. overseas deployments in Asia through demobilization and cutting 2 of 3 divisions worth of Army personnel excess is desirable, more still can be done to make the Armed Services leaner, yet strong enough to perform their missions.

For example:

1. While granting that newer and more technologically complex ships and missions may demand more personnel, the reduction of Navy ships from over 1,000 in 1970 to the present 501, a fifty per cent ship reduction has been matched by only 30% reduction in personnel. In 1964 there were 709 men per ship. In 1974 there were 1074 men per ship. Not only does this imbalance pose questions, but the decline in ships should, logically, allow for commensurate reductions in support personnel.

2. Extensive testimony reveals a general conclusion that our more than 7,000 tactical nuclear weapons located in Europe are quite in excess to defense needs. Thus, a reduction in some of the almost 30,000 custodial personnel assigned to nuclear weapons in Europe. Similar, although lesser, reductions are possible in Asia.

3. Manpower costs can be substantially reduced by fewer transfers and longer tours. In FY 76 an average of about one in seven military personnel will be undergoing formal classroom instruction or travelling between assignments. This is extraordinarily high and the lengthening of individual assignments, more concentrated training courses, more on-the-job training could reduce manpower spaces. We welcome and approve of longer stabilized tours for key personnel and suggest expansion of such programs. In addition, greater emphasis should be placed on a continuing reduction in the time spent attending classes.

4. The overly generous ration of students to faculty of 1.4 to 1.0 must be increased. Some 230,000 military students were taught or staffed by 166,000 faculty or civilian support people in FY 1976. Contrast these numbers to public high schools (20:1) and colleges (15:1). Admittedly, some forms of intensive military training require higher instructor supervision. However, the present disparity is too large. Even a 2 to 1 ratio could save nearly 50,000 manpower spaces.

5. Military sales activity currently uses some 6,000 military personnel. When one examines the number of personnel assigned to individual countries, the salesmen seem quite in excess to needs. Certainly the sales and limited training assistance could be provided more cheaply by civilians and extensive use of audio-visual equipment in the local language. The result would be more military personnel assigned to military units while reducing costs.

6. Today there is a very top-heavy U.S. military structure. There are more three and four star generals today than there were at the end of World War II when the U.S. forces were five times as numerous. Indeed there are more officers of nearly every rank. In the Navy, there are 308 Admirals, or one Admiral for every 1.7 ships. Clearly, needed payroll savings could be made by retiring many of these officers. Not only are these unneeded extra admirals and generals drawing large salaries, but each admiral and general creates demands for extra staffs, programs, and costly support. Increased acceptance of these high grades can only come if there exists valid and defensible requirements. At present, grade authorizations are established by manpower ceilings. Ideally national security needs, not bulk numbers or management concerns should dictate the number of "flag" officers. Further, the large number of lieutenant colonels, and colonels and Navy equivalents assigned not to combat units, but to headquarters and support activities suggest other substantive reductions might be achieved.

Indeed it may be that these high ranking officers are necessary. However, no rationale or justification has been forthcoming despite several years of general criticism.

7. High on our priority list should be the elimination of the duplication and waste within the redundant and overlapping intelligence services found in the Department of Defense and in the National Security Community. At the end of World War II, there were three intelligence units.

Today there are no less than ten intelligence services with overlapping and often parallel missions. These include the CIA, the Defense Intelligence Agency (DIA), the National Security Agency (NSA), Air Force Intelligence (A–2), Navy Intelligence (ONI), Army Intelligence (G–2), the Defense Investigative Service, The Department of State Intelligence Bureau, the Atomic Energy Commission (AEC), and the FBI. Some consolidation of these intelligence functions is overdue with a boiling down of the intelligence staffs—a welcome reduction in defense manpower would result.

8. Further reduction of the support unit "tail" and increases in the combat unit "teeth" are in order. Today, about 30% of the uniformed members of the Army and Navy are in combat units. Not even all of these personnel are in combat related jobs. Behind the active military are another 1.4 million civilians in supporting roles. A streamlining of support units and the supporting military bureaucracy is desirable.

9. At the end of Fiscal 1975, the armed services maintained nearly 5900 people in military bands. No specific data on military bands is listed in the FY 1976 Defense Manpower report, but it would seem advisable to drastically cut this category of defense jobs as a fulltime occupation.

The personnel cuts above are meant to be suggestive and not exhaustive. Undoubtedly there are other places where economies could be made and the responsible officials of the Department of Defense are charged with the responsibility of finding and eliminating these and other soft spots in our military manpower ranks where waste and duplication exist. Present economic and political needs dictate that we maximize manpower efficiencies. The pressure on our resources is clear. What is proposed meets our security needs while increasing productivity. Such an approach benefits all Americans.

INCREASING THE NUMBER OF ARMY DIVISIONS TO 16

Description.—In April 1974, the Army announced that it was planning to increase its number of active divisions from 13 to 16 by the end of FY 1978, without increasing overall authorized Army strength of 785,000. This was to be accomplished by 1) converting support to combat positions and 2) reducing the number of combat maneuver battalions in two Continental United States-based divisions from 10 to 9, using the extra battalions to fill the new divisions. The 3 new divisions would each consist of two active duty brigades, with the third to be provided from the Army Reserve Air National Guard upon mobilization.

Action by the House.—The House Armed Services Committee supported the proposal. The full House did not specifically discuss the issue.

Recommendation of the Senate Armed Services Committee.—The Committee report states: "The Committee supports the 16 division objective and approves and commends the Army generally in reducing its non-combat support type personnel." In approving the proposal, however, the Committee emphasized: 1) the number of divisions are not authorized as a matter of permanent law, 2) the committee supported the objective of 16 divisions only on the assurance that it can be manned by good volunteers now and in the future without a return to the draft, and 3) approval depends on Army's present plan to maintain an Army National Guard or Reserve brigade as one of the 3 brigades in each of the 3 proposed divisions.

Cost.—DOD estimates that increasing the division number to 16 by converting "tail" to "teeth" will cost about $600 million annually. *Leonard K. Sullivan*, Assistant Secretary of Defense for Program Analysis and Evaluation, told the Senate Budget Committee: "There is eventually a cost of around *$200 million per year per division*. Soldiers are more expensive driving tanks than they are riding desks. We don't run into that bind yet because we are so low on some of our stocks of the latest weapons and equipment that we would continue to buy at the same period of time even if we were targeting on 13 divisions." (Page 1140 of March 21 hearings)

ARGUMENTS FOR THE INCREASE

1. Efficiency.—On page III–39 of his posture statement, Secretary Schlesinger states: "This new 16 division plan was developed on the initiation of the late Army Chief of Staff, General Creighton W. Abrams, in response to my request that the Army find a way to obtain more combat capability from the manpower resources made available to it."

2. Threat.—On pages 66 and 67 of his posture statement, *General George Brown, Chairman of the Joint Chiefs of Staff*, states: "The Soviet Army, on the basis of our current information is estimated to deploy 166 divisions in various states of readiness. The Joint Chiefs of Staff have been concerned, for several years, over the risks inherent in NATO's marginal ability to meet a Warsaw Pact attack.

Substantial qualitative and quantitative improvements in Warsaw Pact forces have increased appreciably in the "no room for error" risk which was associated with the 13⅓-division Army. NATO forces have remained relatively stable as the size, mobility, firepower, and flexibility of the Warsaw Pact continued to increase significantly. In the past, we counted on the superior quality of Western weapons, equipment, and technology to offset the decided advantage the Warsaw Pact enjoyed in quantity. That time is now past. The hard fact is that the Warsaw Pact has achieved near qualitative parity with the West in general purpose weapons and equipment. The strength, speed of mobilization, mobility, and sustaining power of the Warsaw Pact, in our estimation, have increased significantly.

ARGUMENTS AGAINST THE INCREASE

1. Need.—DOD is playing a numbers game with Congress. As described more fully in the attached paper, by the Library of Congress, the REAL request by DOD is not to go from 13 or 13⅓ divisions to 16 BUT from 14 to **16⅔** divisions. At the end of FY 74, the Army

already had the *numerical equivalent* of 14 divisions—42 combat brigades. By the end of FY 76, it proposes to have 50 combat brigades—the numerical equivalent of 16⅔ divisions.

2. Cost.—The Center for Defense Information estimates that the real cost of this conversion from "tail" to "teeth" will be over $1 billion a year.

The Library of Congress has commented on a few of these costs. It noted that the build-up to 16 divisions will provide immediate increases in operation and maintenance, weapon and equipment procurement, and military construction costs. Some $600 million has been attributed to this build up in Army strength for FY 76. E. G. *Expenditures for tanks* has increased to $498.3 million in FY 76—from $256.5 million in FY 75 (almost double). *Expenditures for armored personnel carriers* increased to $103.6 million in FY 76—it was $7.7 million in FY 75. The FY 76 budget also shows an additional $150 million for operations and maintenance improvement to the National Guard and Reserve forces.

3. Cost in relation to other national priorities.—Testifying before the SASC, *William K. Brehm, Assistant Secretary for Defense for Manpower and Reserve Affairs,* stated: "The decision on the size of the Defense Department is a judgment which certainly will be affected by the overall resource allocation process, as the entire Presidential budget is put together."

4. *Are we really eliminating "tail?"*

This is a crucial question. *On February 25, William K. Brehm, Assistant Secretary for Defense for Manpower and Reserve Affairs, testified before the Subcommittee on Manpower of the SASC. Senator Nunn* queried the Secretary on the Army's ability to field three more divisions without adding to its military personnel strength.

The testimony is included in its entirety because of the importance of the issue:

The 1st Cavalry Division, successor of the TRICAP Division, is now in the process of reorganizing to an armed division. The reorganization is expected to be completed in early FY 76.

CIVILIAN PERSONNEL STRENGTH

Senator NUNN. *The Army states it can field three more divisions without adding to its military personnel strength. The question is: Can you do this without increasing civilian personnel* strength?

Mr. PHILLIPS. We would, in fact, expect to go down somewhat on civilian personnel direct hires. I guess it is the original question you asked this morning with regard to indirect hires, as well, perhaps.

Senator NUNN. Yes; I would include indirects and directs.

Mr. PHILLIPS. Yes.

Our total program is laid out here, and our civilian hires do not go up over the years. But there are some puts and takes that make it possible to do some additional hiring, indirect hiring in Europe, to accommodate what we are doing there.

I would like to review for you, sir, a thing that we were told to do by the Secretary of Defense after the Nunn amendment came out directing the Defense Department to take 18,000 support spaces out. As it turned out, the Army's share of that 18,000 was 12,200 over 2 years. Also at the same time that amendment came to us, the Secretary of Defense directed the Army over the years 1976 and 1977 to take out a total of 20,000—the Army alone to take out 20,000 support spaces from Europe. We were permitted to count those that we were required to take out because of the Nunn amendment. But that was another 8,000 support spaces. As in the case of the Nunn amendment, we were permitted to convert those spaces to combat in Europe and in addition were required to add 12,000 combat spaces back here in the United States.

Senator NUNN. Does this mean the additional 7,800 that you are taking out beyond the Nunn amendment as far as the Army requirement is concerned, are not going to be replaced in Europe but will be an actual reduction in Europe of 7,200 Army people?

Mr. PHILLIPS. No; because we are planning to stay at the 198,000. He directed us in fact to create 12,000 more combat force spaces in the United States.

Senator NUNN. What I do not understand, I thought you said that he said when you removed these extra support troops in Europe, not the first 12,200, but the next incremental 7,800, that you are going to have to replace those with combat in the United States.

Mr. PHILLIPS. A combination of both Europe and the United States, so our European strength will stay the same. But we could also convert them to combat, so that we would stay at the 198,000 where we are.

Senator NUNN. You are doing the same thing with them as you are doing under the Nunn amendment.

Mr. PHILLIPS. Yes. And we were also directed to create 12,000 combat spaces in the United States from those and other spaces.

The point I am trying to make, sir, is at the time he told us to take the 20,000 out, including the portion of the Nunn amendment, he told us that in fiscal 1976 to replace some of that support that he had directed us to take out, when functions could not be eliminated or consolidated, we could hire up to 7,000 indirect hire, and in fiscal year 1977 another 8,000 for a total of 15,000.

The fact of the matter is we have no intention of doing anything like that.

What we want to do is to hire 8,288 indirect hires, which almost corresponds with his extra 8,000 that he directed us to take out.

Senator NUNN. Could you furnish for the record a cost analysis on how we save money by taking out supply troops and replacing them one for one with indirect hires?

Mr. PHILLIPS. We do not think we will save very much money. We will save some, but we thought the idea was to get teeth instead of tail over there to improve the combat.

Senator NUNN. It is within the same budget.

Mr. PHILLIPS. We thought within the same manpower; and it is within the same budget.

Senator NUNN. There are two different problems here. Are you saying, of the 12,200 that are required under law, the Nunn amendment, that you are not replacing any of them with indirect hire?

Mr. PHILLIPS. I cannot say that, sir. The Secretary told you this morning, of course, that we would look at that and work with you on it so that there are no surprises. And we will outline exactly what it is we intend to use these 8,228 for that we think we are going to need to handle the work of 20,000 that we are taking out. Some, I am sure we are going to find if we dig into it, are probably going to do the kinds of things some of the units we took out under the Nunn amendment were doing.

Senator NUNN. In the 1976 budget, I saw 2,500.

Mr. PHILLIPS. Yes, sir. That is the first year.

Senator NUNN. Does that mean in 1977 there is going to be 5,600 more?

Mr. PHILLIPS. Yes. That is the idea, sir.

Senator NUNN. I would like for the record a cost comparison, because it really does not make much sense to me to take out a military man and supply and replace him with a civilian unless the civilian is much cheaper.

Mr. PHILLIPS. It is much cheaper, sir, because there is no training tail on him, and especially if it is indirect hire, it is a European national or a U.S. national who was there anyway. The average salaries are $8,600 for these new indirect hires.

[The information follows:]

"It is much cheaper to use indirect hire civilians because there is no replacement training cost, rotation cost and other support cost. The cost to maintain a soldier in Europe estimated at $13,985 is slightly greater than the Army-wide average of $13,405 due to a higher level of readiness and cost of second destination transportation. A comparison of the average cost of a military versus the newly employed indirect hire civilian in Europe is as follows:"

	Average cost
Civilian:	
Pay and allowances [1]	$8,611
PCS	0
Variable OMA spt.[3]	0
Family housing	0
Total	8,611
Military:	
Pay and allowances [1]	$8,831
PCS	754
Variable OMA spt.[2]	4,090
Family housing	310
Total	13,985

[1] Civilian—indirect hire German average salary for new employee; military enlisted average pay and allowances.

[2] Includes medical, supply consumption, and base operation support.

Senator NUNN. For the record we would like to get sort of a track of exactly all of the steps in the total picture that are going to happen by reason of this 20,000.

Mr. PHILLIPS. I understand.

Senator NUNN. And then also probably from the point of view of complying with the law, we need to break that out into just what is going to happen with the 12,200, and that would include everything that is going to happen in regard to civilian personnel, direct hire and indirect hire, so that we have the full picture.

Mr. PHILLIPS. All right, sir.

[The information follows:]

"In his guidance to the Services in July 1974, the Secretary of Defense included a requirement for the Army to increase its early combat power in Europe.

"His concept provided for increasing combat power in Europe by ⅔ division by the end of FY 76, decreasing military headquarters and non-divisional support military spaces in Europe by 12,000 spaces, and permitting the Army to hire up to 7,000 foreign nationals to replace military personnel withdrawn from those support functions which could not be consolidated or eliminated. The concept permitted the Army to incorporate in its implementation plans the conversion of support to combat in compliance with Congressional requirements (Nunn Amendment).

"The Army's plans to achieve early combat power in Europe are designed to comply with the guidance of the Secretary of Defense. The plans call for using about 3,843, rather than 7,000, foreign national spaces for partial replacement of the 12,000 military spaces to be converted.

"The use of indirect hire civilian personnel for partially offsetting the military support reductions increases the opportunities to reduce military support spaces. With such hires, military reductions can be made on an individual position basis in units which must be retailed because they have a continuing, essential peacetime workload. Without such civilian hires, far fewer military support reductions could be made since they could be taken only in units where failure to accomplish the required workload would not degrade readiness of the deployed force.

"If the Army had been required to make its plans for the specified reduction in military support spaces without employing civilian hires as partial offset, the plans certainly would have differed from the current plans as to the source of the reductions. Considering the limited opportunities to make alternative reductions without affecting continuing workload, the alternative plans would have impaired support for and readiness of the combat forces in Europe and certainly would not permit replacing each of the support spaces with a combat soldier.

"Army programs for increasing combat power through FY 76 call for increasing combat spaces by 12,000, with a corresponding reduction of 12,175 support spaces An additional 1,328 support reductions are required to offset the brigade headquarters and the support battalions of the two brigades deploying to USAREUR from CONUS. Attached are data which show:

"(*a*) FY 75 and FY 76 support reductions and the program for indirect hire civilians by end FY 76.

"(*b*) Combat increases planned for FY 75 and FY 76.

"(c) Estimated costs of indirect hire civilians to be employed by end FY 76."

MILITARY SUPPORT REDUCTIONS AND CIVILIAN HIRE

Category	Military reduction, total	Military reduction, fiscal year 1975	Civilian hire, total
Headquarters	1,942	1,582	0
Project Chase and other related actions	745	745	0
USAREUR Headquarters and subheadquarters	200	200	0
Non-USAREUR Headquarters	560	200	0
Manpower survey actions	437	437	0
Combat support	2,787	1,140	0
Engineer construction battalions conversion (3 battalions)	1,970	780	0
Field artillery headquarters (corps)	360	360	0
NATO support	457	0	0
Combat service support:			
Administration	667	587	162
2 bands	86	86	0
Postal services	65	65	65
Finance	169	89	97
Cook's helpers TDA units	306	306	0
ADP reduction/consolidation	41	41	0
Transportation	1,893	1,853	387
Car companies	120	80	120
Project Wheels	1,500	1,500	0
Civilian hire 2 truck companies	273	273	267
Supply	717	634	232
Wholesale supply	492	478	78
Retail supply	156	156	85
Civilian hire ordnance ammo handlers	69		69
Maintenance	2,652	347	1,423
Reduce/civilianize POMCUS	989	347	843
Reduce/civilianize DS/GS maintenance	1,663		580
Medical	846	93	487
Medical unit reductions	307	93	0
Eliminate dental activity	52		0
Civilian hire medical activities	487		487
Signal	750	250	0
Other	1,249	64	1,152
Psyops unit elimination	64	64	0
Projected fiscal year 1976 manpower conversions	452		419
To be determined	733		733
Total	13,503	6,550	[1] 3,843

[1] 3,488 IDH spaces were requested in fiscal year 1976 President's budget. Subsequent USAREUR plan changes based on OSD guidance have increased this request.

COMBAT INCREASES

Brigade, 2d Armored Division	[1] 3,229
Brigade, 4th Infantry Division	[1] 3,229
FA Battalion, 155mm SP	525
FA Battalion, 8" SP	511
Attack helicopter company	250
Engineer combat (heavy) battalion	1,970
ALO increase:	
23 tank battalions	11,111
4 division cavalry squadrons	312
2 armored cavalry regiments	684
16 Hawk batteries	160
Other ALO	19
Total	[1] 12,000

[1] Excludes 1,100 spaces for two support battalions accompanying the brigades deploying from CONUS and not meeting the Nunn combat definition.

"ESTIMATED COST OF INDIRECT HIRE CIVILIANS

"Based on average cost of German National indirect hire to be employed to offset military reductions in support, the estimated cost of 2489 manyears in attaining 3843 strength at end of FY 76 is $21.4 mil. Full manyear cost of these personnel in FY 77 (3843 manyears) is estimated at $33.3 mil. Average manyear cost in FY 76 is estimated at $8611, in FY 77 to be 8671."

AVAILABILITY OF DIVISION

Senator Nunn. How many divisions were available for use against the Soviet and Warsaw Pact forces at the height of U.S. military involvement in Vietnam, that is fiscal year 1968 and 1969.

Mr. Phillips. Senator, I do not want to say off the top of my head. Can we supply that for the record?

Senator Nunn. Also, in comparison with how many are available today.

Mr. Phillips. Yes.

[The information follows]

"[Deleted] Army Divisions were available in FY 68 and [deleted] Army Divisions were available in FY 69 for use against the Soviet and Warsaw Pact forces. These numbers include Active and Reserve Forces.

"[Deleted] Reserve and Active Army Divisions are available today for use against the Soviet and Warsaw Pact Forces."

READINESS FORCE

Senator Nunn. Also I would like for you to compare the readiness state of Army units available for use against Soviet and Warsaw forces at that time against the readiness of the same forces today. With respect to the Soviet and Warsaw Pact forces, we are not in a better position today with 13 Army divisions than we were in 1968, when we had a substantial portion of Army resources committed to South Vietnam?

Mr. Phillips. No question about it, sir.

[The information follows:]

"In 1968 and 1969 there were [deleted] respectively designated for employment against the Soviet and Warsaw Pact forces. The six divisions that were employed in Vietnam and that would have had to be redeployed to Europe were assumed to be fully ready. The Reserve Divisions did not start reporting readiness until April 1969. The Reserve Divisions that would have been employed were not ready in 1968 and 1969.

"The readiness status of the active divisions (less those in Vietnam) in 1968 and 1969 was:"

Unit	1968 readiness condition	1969 readiness condition
5th Infantry Division (mechanized)	C–4	C–2
24th Infantry Division (mechanized)	C–4	C–3
1st Armored Division	C–4	C–3
2d Armored Division	C–4	C–2
82d Airborne Division	C–2	C–1
3d Armored Division	C–4	C–3
4th Armored Division	C–3	C–3
3d Infantry Division (mechanized)	C–3	C–3
8th Infantry Division (mechanized)	C–4	C–3
2d Infantry Division	C–3	C–3
7th Infantry Division	C–3	C–3

Note: C–1 (fully ready); C–2 (substantially ready); C–3 (marginally ready); C–4 (not ready).

"Today there are [deleted] designated for employment. The divisions and their readiness status are:"

Active	[Deleted]
Readiness condition[1]	[Deleted]
Reserves	[Deleted]
Readiness condition[1]	[Deleted]

[1] C–1 (fully ready); C–2 (substantially ready); C–3 (marginally ready); C–4 (not ready).

THREAT INCREASE

Senator Nunn. Does the increase in Army divisions reflect an increased threat from the Soviet Union and the Warsaw Pact?

Mr. Phillips. Yes.

General Thurman. Absolutely.

Senator Nunn. So this is tied to the threat increase?

Mr. Phillips. Yes, sir.

Senator Nunn. Directly or indirectly. Are you trying to increase it in proportion to the Soviet increase?

Mr. Phillips. No, sir.

Senator Nunn. Is the 13- to 16-division move related to any threat or potential use in the Middle East?

Mr. Phillips. No, sir.

Senator Nunn. Are there any other kinds of commitments that we have that this would be related to, or is it strictly the Soviet Union?

Mr. Phillips. We think it improves the flexibility that the President and the Congress have worldwide over what we have today; but first and foremost and primarily it is because of NATO.

25TH DIVISION IN HAWAII

Senator Nunn. In regard to the Reserve brigades which will be part of the new division, what is your experience on the 25th in Hawaii in using Reserve forces in this manner?

General Thurman. Sir. I am not directly familiar with that, but I would say from what I have heard that it works exceedingly well in Hawaii, particularly since the brigade is so closely located physically to the division, and their relationships can be on practically a daily basis. We can provide additional information to you about that. But, from what I have heard, it has worked exceedingly well. I do not have any first-hand knowledge.

Senator Nunn. That is the best example we have, and I would like complete details on how that reform in plans is supposed to take place under their contingency plan; that is, when would the Reserve brigade be deployed, how long would it take to be deployed compared to the Active brigade, and so forth?

Mr. Phillips. All right, sir.

[The information follows:]

"When mobilization authority is granted, the affiliated brigade would join the division and we plan to deploy the full division. Based on the established deployment sequence of the 25th Division and the readiness status of the 29th Brigade, we feel this is a reasonable objective. In cases of accelerated deployment the active brigades could be immediately deployed and the affiliated brigade could later deploy and join the division.

"Under non-mobilization contingency plans, the division, if needed, would be deployed minus its affiliated brigade."

Mr. CRANSTON. Mr. President, following that, and in preparation for the discussion on priorities tomorrow and the vote on the ceiling amendment Wednesday, which relates to priorities, I ask unanimous consent to have printed in the Record at this point a comparison of S. 920 with the congressional budget resolution.

There being no objection, the comparison was ordered to be printed in the Record, as follows:

Comparison of S. 920 With Congressional Budget Resolution

The Congressional Budget Resolution was based on the assumption that the target ceiling for National Defense budget authority would be $100.7 billion. This is $7 billion below the Administration's request.

In addition, the Resolution assumed there would be $2.4 billion in additional costs. These are explained by differences in our estimate of receipts from sales of strategic stockpiles and oil from the Elk Hills Naval Reserve. We felt the Administration's estimates of receipts were too high. Included in the additional costs, is $1.8 billion if Congress lifts the cap on defense and retirement allowances.

To meet our target figure for National Defense budget authority we must cut that authority by $9.4 billion.

The bill before us is one of several defense authorization bills coming under the National Defense budget category. It covers military procurement, research and development, military assistance to South Vietnam and manpower levels. In all, including the implicit pay of the personnel strength requested, the bill represents 70 percent of the total budget authority requested for National Defense.

The Budget Committee based its assumptions on cuts being made as follows:

—$1.7 billion to be cut in military aid to South Vietnam and Cambodia of which $1.3 billion, aid to South Vietnam, was to be cut from the military procurement bill and $400 million in aid to Cambodia to be cut from the Foreign Military Assistance Act. S. 920 makes the requisite cut in this area.

—$6 billion to be cut from a classification of inflation and program growth. S. 920 cuts only $3.5 billion in this classification, almost all of this authority is cut from the so-called "slow-spending" programs which have limited effect on real spending for fiscal year 1976.

—$1.7 billion in cuts will be accomplished through financial adjustments. These include the following adjustment items, transfers of unobligated funds, sales of assets whose receipts go not to Treasury, but to the appropriate defense agency, and fees received from foreign military sales which go also to defense agencies, not to the Treasury. These financial adjustments are made generally in the appropriations bills at a later date. S. 920 disregards these items, as does the Senate Budget Committee's report.

From this it can be seen that additional cuts can come only from the line labeled "Inflation and Program Growth" by the Budget Committee staff. It is in this area that S. 920 falls short of the cuts required to keep the Senate in line with its commitment to the budget targets spelled out in the Budget Resolution and Report of the Budget Committee.

The Budget Resolution has assumed a cut of $6 billion in program growth and inflation areas of the budget. The Armed Services Committee has recommended a cut of $3.5 billion. Senator Symington is proposing an amendment, cosponsored by Senator Kennedy, myself, and others, to cut an additional $1.2 billion in this area, leaving a shortfall of $1.3 billion to be cut from this or subsequent defense authorization bills.

In sum, to conform to the initial decisions made thus far in connection with the new budget process, we will have to make defense authority cuts, up to a total of $9.4 billion. S. 920 as reported makes only $5 billion in the required cuts. The Symington amendment will bring us within striking distance of that goal.

Mr. CRANSTON. Mr. President, a number of Senators have been preparing statements in connection with various areas of Federal concern and expenditure in order to relate those matters to the defense budget.

I ask unanimous consent that three of them, one that I prepared concerning energy and environment, two prepared by Senator Hartke concerning, first, transportation, and, second, veterans benefits and services, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Energy and the Environment

The urgency of the dialogue we begin here today stems not only from the need to know where America goes in the era called post-Vietnam. It stems, as well, from the awesome American presence in the world today: As military force in an anxious age, as potential peacemaker on a planet flamed with fear, and as chief consumer in a dwindling global storehouse.

Mankind, says the Club of Rome, is at the turning point. Our choices are few. We can continue in our random way, gobbling up energy resources as if at an endless banquet, tossing our scraps on the floor. Or we can curb our energy appetites, clean up the litter around us, and join with our international neighbors in structuring world growth and consumption in positive, lasting ways.

America's actions are pivotal.

Consider:

During the past year, 214 million Americans—about 5.5% of the world population—consumed 35% of the world's expended resources.

Of all man-made pollution last year Americans contributed about 50%.

In terms of total impact on resources and waste in the world, Americans have some 25 to 50 times as much effect as any other people on earth.

Each year, as our population grows, a single American will use 10 tons of steel, 22 tons of concrete, 13 tons of coal, 3 pounds of pesticide, and 322,500 gallons of water. Each of us will produce 1 ton of smoke and fumes, 47,000 gallons of sewage, and one ton of solid waste.

It takes a lot to fuel America, and in this sense at least, our place in history is assured. As Hemingway put it, a continent ages quickly once we come.

Compounding what we do to the world at large is what we do to ourselves. Our domestic house is not in order. Our national priorities are tragically misplaced.

The American shopping list gives us choices:

Vetoed Environmental Protection Agency plan to depollute the Great Lakes=$141 million=1973 request for new airborne nuclear-war command post.

1973 unfunded Housing & Urban Development water & sewer requests=$4 billion=cost excess on F–111 aircraft.

National water-pollution abatement, 1970–75=$38 billion=cost excesses for 45 weapons systems.

National solid-waste-treatment program=$43.5 billion=B–1 bomber program.

Total environment cleanup=$105.2 billion=new weapons systems in development or procurement.

Unfunded program to upgrade rural American life=$300 million=5 C–5A aircraft.

Unfunded 1973 rural health care=$22 billion=50% of Lockheed Cheyenne helicopter funding increase, 1973.

Impounded Federal housing funds, 1972=$130 million=8 F–14 aircraft.

1972 Federal health budget deficiency=$2.3 billion=overruns on C–5A aircraft and Main Battle Tank.

This is a luxury list, a set of alternatives few nations could afford. Being able, America must make certain its choices of priorities not only contribute to world peace and domestic tranquility, but also keep our nation on its feet: Few visions are more shocking than the spectre of our great country brought to its knees, not by blows of an adversary nation, but by weakness brought on by internal neglect. All the weaponry of the world will be useless to a nation too exhausted to rattle its own sabres.

Nowhere are the alternatives more compelling, the results so predictably clear, than in the set of decisions America must make regarding energy and the environment. We are committed to providing all Americans with a realistic supply of energy to keep the nation running. We are also committed to providing all Americans with the resources needed to help our nation rest and enjoy—parks, wilderness, wildlife, as well as good air to breathe and clean water to drink.

Are we doing the job?

Scientists have warned, for example, that air pollution, if it maintains its current level of growth, will create a "greenhouse" that will raise the temperature of the earth enough by the end of the century to melt the polar ice and cause serious flooding.

Other ecologists, while not predicting out-

and-out doom, have warned of the grave consequences of man's continued abuse of the environment. The predictions don't always agree, and they are predicated on the unlikely expectation that Americans will maintain the present levels of pollution, consumption and reproduction. Nonetheless, the predictions are important because they dramatically illustrate the seriousness of the environmental crisis.

Here, then, drawn from dozens of speeches and articles by scientists, ecologists and government leaders, are forecasts for America twenty-five years from now:

By the year 2000, we will have dumped 60 billion tons of waste into the air and will have paved over 30 million oxygen-producing trees. Emphysema will most likely be the leading cause of death in the cities.

By the year 2000, five billion people will inhabit the earth. Three hundred million people will live in the United States—about 77% of them will live on 11% of the land. Or, looking at it another way, only 12% will live outside areas of 100,000 people or more.

By the year 2000, just about every American will be deaf or partially deaf.

By the year 2000, our national dump will include 210 million cars, 228 million television sets, 600 million tons of paper, 1.4 trillion cans and 840 billion bottles.

By the year 2000, the cost of waste disposal will have increased more than eight times—and will be about $52 billion a year. Air pollution will have cost Americans more than $330 billion—including $15 billion lost in agriculture alone.

By the year 2000, pollution will have cost Americans thousands of lives and billions of dollars. The problems of population, of waste, of consumption will be massive. By the year 2000, the destruction of the environment could possibly be complete—unless we launch drastic measures today—or more immediately, move forward at once to meet the commitments we have already made.

Just a few of these commitments follow.

The following table indicates the President's proposed budget outlays for FY 1976, functional categories contrasted with the priorities established by the Congressional Budget Committees:

PERCENTAGE DISTRIBUTION OF OUTLAYS BY FUNCTION

[Dollar amounts in billions]

Function	President's budget		President's adjusted budget		Senate budget		Budget conference	
	Outlays	Percent	Outlays	Percent	Outlays	Percent	Outlays	Percent
050—Defense	94.0	26.9	94.0	26.6	91.2	24.9	90.695	24.7
150—International affairs	6.3	1.8	6.4	1.8	4.9	1.3	4.9	1.3
250—Science and space	4.6	1.3	4.6	1.3	4.6	1.2	4.6	1.2
300—Natural resource and energy	10.0	2.9	10.1	2.9	11.7	3.2	11.6	3.1
350—Agriculture	1.8	.5	1.8	.5	2.0	.5	1.8	.4
400—Commerce and transportation	13.7	3.9	14.7	4.2	16.6	4.5	17.5	4.7
450—Community and regional development	5.9	1.7	5.9	1.7	6.6	1.8	8.65	2.3
500—Education, manpower, and social service	14.6	4.2	16.5	4.7	19.4	5.3	19.85	5.4
550—Health	28.0	8.0	28.1	8.0	31.0	8.4	30.7	8.3
600—Income security	118.7	34.0	119.4	33.8	126.1	34.5	125.3	34.1
700—Veterans	15.6	4.5	15.6	4.4	16.9	4.6	17.5	4.7
750—Law enforcement and justice	3.3	.9	3.3	.9	3.4	.9	3.4	.9
800—General government	3.2	.9	3.2	.9	3.2	.8	3.3	.8
850—Revenue sharing and general fiscal assistance	7.2	2.1	7.2	2.1	7.2	1.9	7.2	1.9
900—Interest	34.4	9.9	34.4	9.7	35.3	9.6	35.0	9.6
Allowances	8.0	2.3	8.0	2.3	1.1	.3	1.2	.3
950—Undistributed offsetting receipts	−20.2	−5.8	−20.2	−5.8	−16.2	−4.4	−16.2	−4.4
Total	349.4	100.0	353.1	100.0	365.00	100.0	367.0	100.0

TABLE 2.—FISCAL YEAR 1976 OUTLAYS REQUESTED BY AUTHORIZING COMMITTEE

	Functional category	Dollars	Percent
050	National Defense	96.1	24.5
150	International Affairs	6.3	1.6
250	General Science	4.7	1.9
300	Natural Resources	17.8	4.5
350	Agriculture	2.4	.6
400	Commerce and Transportation	19.2	4.9
450	Community and Regional Development	6.5	1.6
500	Education, Manpower and Social Services	26.6	6.8
550	Health	32.7	8.3
600	Income Security	127.5	32.5
700	Veterans Benefit	17.5	4.4
750	Law Enforcement	3.4	.9
800	General Government	3.2	.8
850	Revenue Sharing	12.2	3.1
900	Interest	35.3	.4
	Allowances	1.5	.4
950	Undistributed Offsetting Receipts	−5.1	20.2
	Total	392.5	

TABLE 3.—PERCENTAGE DISTRIBUTION OF OUTLAYS BY FUNCTION

[In billions of dollars]

	Functional category	Fiscal year 1975 estimated		Fiscal year 1976 President's budget		Fiscal year 1976 budget conference	
		Outlays	Percent	Outlays	Percent	Outlays	Percent
050	Defense	86.1	26.8	94.0	26.9	90.965	24.7
150	International Affairs	5.0	1.6	6.3	1.8	4.9	1.3
250	Science and Space	4.2	1.3	4.6	1.3	4.6	1.2
300	Natural Resources—Energy	9.5	3.0	10.0	2.9	11.6	3.1
350	Agriculture	1.8	.6	1.8	.5	1.8	.4
400	Commerce and Transportation	11.9	3.7	13.7	3.9	17.5	4.7
450	Community and Regional Development	4.9	1.5	5.9	1.7	8.65	2.3
500	Education, Manpower and Social Services	14.9	4.6	14.6	4.2	19.85	5.4
550	Health	27.4	8.5	28.0	8.0	30.7	8.3
600	Income Security	109.8	34.1	118.7	34.0	125.3	34.1
700	Veterans	16.0	5.0	15.6	4.5	17.5	4.7
750	Law Enforcement—Justice	3.0	.9	3.3	.9	3.4	.9
800	General Government	2.7	.8	3.2	.9	3.3	.8
850	Revenue Sharing	7.0	2.2	7.2	2.1	7.2	1.9
900	Interest	31.3	9.7	34.4	9.9	35.0	9.6
	Allowances	.7	.2	8.0	2.3	1.2	.3
950	Undistributed Offsetting receipts	−14.3	−4.4	−20.2	−5.8	−16.2	−4.4
	Total	321.8	100.0	349.4	100.0	367.0	100.0

Employment Impact of Energy/Environmental Expenditures

Employment can be stimulated directly and rapidly by increased funding of environmental and energy programs. Environmental enforcement, research and monitoring programs are manpower intensive and can provide immediate employment opportunities. The EPA's wastewater treatment construction grant program offers a good example. For every billion dollars expended in this area, 43,000 jobs will result directly with a potential for substantial economic impact through indirect employment. EPA-financed construction activities employs 55,000 people directly, with this figure expected to increase to 125,000 people by mid-1977.

In addition, all the benefits derived from environmental and energy programs will be reaped within the United States. Every dollar invested in environmental cleanup is advantageous. Not only is employment stimulated, but environmental expenditures serve to protect existing jobs. Some 65% of the U.S. harvest of seafood depends upon the stability of our estuaries. Approximately 90,000 commercial fishermen depend upon this seafood for their livelihood. However, the Environmental Protection Agency's program to protect these estuaries is seriously underfunded.

With regard to energy spending, the rigid link between energy growth and economic growth is no longer accepted as self-evident. Increased spending for energy conservation can have a beneficial rather than harmful effect on our economy. The most energy-intensive activities in the economy are the energy industry itself and various manufacturing industries (primary metals, stone clay and glass, food, chemicals, and paper). These industries have become more capital intensive and less labor intensive. Consuming one-third of total U.S. energy, these industries account for 45% of U.S. industrial production (15% of the GNP), but only 10% of total employment. In addition, they have generated almost no new jobs in the past two decades. Federal spending to develop conservation techniques in these industries can reduce U.S. energy consumption without reducing employment levels.

Research conducted at the Lawrence Berkeley Laboratory indicates that careful conservation leads to higher demand for labor in the preparation of the conservation technology, as well as more labor induced by spending the money saved from conservation. The result is more goods or services and more employment, with less energy.

Implementation of conservation plans calls for equipment, consultants, architects and designers, and other specialists not otherwise required. The costs of switching to a more efficient use of energy are, of course, borne out of savings from energy bills, and the net dollar savings is either passed on to consumers, reinvested, or taken out in profits. In all cases, energy expenditures are replaced by non-energy expenditures, generally increasing employment.

Frequently, energy development leads to employment opportunities in less populated, economically depressed areas. With proper safeguards, mining and shale oil developments in the West and development associated with the Alaska Pipeline, deepwater ports, and offshore oil and gas production are good examples.

POLLUTION

The last 10 years have been a period of growing environmental awareness in this nation. Yet, according to the Senate Public Works Committee, as a percentage of the federal budget, funding of environmental programs has been constant. In 1965 natural resources and environment received 2.5% of the federal budget. That percentage is unchanged for 1975.

The Council on Environmental Quality's 1974 annual report states that the U.S. is expected to spend $194.8 billion between 1973 and 1982 for environmental improvement as a result of federal environmental legislation. Although this estimate is almost one-third higher than that of 1973, the ratio of each year's estimated abatement cost to the projected GNP for that year varies from 0.7% (1973) to slightly over 1% through the remainder of the decade. Pollution control in the areas of air, water, noise, radiation, solid waste, and land reclamation are included in this estimate.

ENVIRONMENTAL PROTECTION AGENCY

The central government agency charged by the Congress with responsibility for environmental oversight, forecasts, and implementations of policy is the Environmental Protection Agency. The EPA's ability to carry out its mandate is proportional to the federal dollars committed.

The EPA is not an end in itself. It generates activities that provide environmental improvements, and these activities generate jobs. Late in 1974 EPA Administrator Russel E. Train reported some 55,000 people directly employed in EPA-financed construction activity. By mid-1977 that number will more than double, to approximately 125,000. These workers would be building sewage treatment plants around the country, carrying out the provisions of federal water legislation that allows EPA to pay up to 75 percent of the costs of constructing new treatment plants—provided the Congress appropriates the money.

Earlier this year the Agency drew up a FY 1976 "optimum budget"—in other words, the dollar amounts needed to continue the important tasks assigned it by the Congress of the United States on behalf of the American people.

This budget follows:

TABLE 4. EPA OPTIMUM BUDGET

	Fiscal year 1975 congressional budget		Fiscal year 1976 President's budget		Fiscal year 1976 OMB submission		Fiscal year 1976 optimum program	
	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars
Air, total	1,590	154.0	1,671	137.2	1,772	188.8	1,872	200.9
Abatement and control	730	87.3	773	77.2	770	110.1	792	125.7
Control agency grants		55.3		47.8		67.0		81.5
Vehicle inspection and maintenance assistance						10.0		10.0
Mobile sources	170	10.2	223	8.9	232	12.8	232	12.8
Stationary source standards and guidelines	146	6.4	146	6.4	142	6.3	146	6.4
Ambient trend monitoring	80	3.3	80	2.5	80	2.8	80	2.8
Technical assistance	334	10.4	324	10.5	316	9.5	334	10.5
Academic training		1.7		1.1		1.7		1.7
Enforcement	404	10.7	444	12.0	526	14.3	604	15.1
Stationary source enforcement	326	8.5	333	8.9	369	9.7	426	10.5
Mobile source enforcement	78	2.2	111	3.1	157	4.6	178	4.6
Research and development	456	56.0	454	48.0	476	64.4	476	60.1
Processes and effects	331	38.4	346	38.4	352	39.5	358	40.9
Control technology	125	17.6	108	9.6	124	24.9	118	19.2
Water quality, total	3,142	181.7	3,054	210.8	3,299	274.5	4,036	345.5
Abatement and control	1,664	111.2	1,729	144.6	1,897	196.1	2,468	233.9
Ambient trend monitoring	248	6.2	190	5.2	212	5.1	212	5.1
Technical assistance and planning	506	18.7	527	17.9	579	19.6	659	21.7
Areawide planning grants (208)		[1] (150.0)		53.0		75.0		75.0
Clean lakes		4.0					6	15.0
Academic training		2.8		1.9		2.8		2.8
Control agency support		45.7		34.4		60.0		60.0
Municipal source control	681	17.9	791	18.3	883	19.6	968	21.3
Adjustment for $9,000,000,000 grant level							200	4.0
Industrial source control	46	9.0	45	7.0	45	7.0	45	7.0
Nonpoint source control	28	1.6	27	1.6	28	1.8	228	16.8
Ocean disposal and spill prevention	155	5.3	149	5.3	150	5.2	150	5.2
Enforcement: Water quality enforcement	890	24.1	744	21.3	792	21.9	890	24.1
Research and development	588	46.4	581	44.9	610	56.5	678	87.5
Processes and effects	327	18.8	327	19.8	328	21.4	367	29.9
Control technology	261	27.6	254	25.1	282	35.1	311	57.6
Radiation, total	263	7.2	231	5.9	233	6.0	280	8.0
Abatement and control	191	4.6	174	4.3	174	4.2	208	5.4
Standards and guidelines	27	.8	27	.8	27	.8	27	.8
Monitoring	59	1.6	50	1.4	50	1.4	76	2.4
Technical assistance	105	2.2	97	2.1	97	2.0	105	2.2
Research and development: Processes and effects	72	2.6	57	1.6	59	1.8	72	2.6
Noise, total	59	5.4	86	10.2	96	7.7	103	11.0
Abatement and control	55	4.9	75	9.6	85	7.0	85	7.4
Standards and guidelines	29	3.5	49	8.3	55	5.4	55	5.8
Technical assistance	26	1.4	26	1.3	30	1.6	30	1.6
Enforcement: Noise enforcement	1	.02	10	.5	10	.5	10	1.1
Research and development: Noise research and development	3	.5	1	.1	1	.2	8	2.5
Toxic substances, total	56	8.0	56	8.1	44	8.8	56	8.9
Abatement and control: Standards and guidelines	45	6.8	45	6.9	44	6.8	45	6.9
Research and development: Processes and effects	11	1.2	11	1.2		2.0	11	2.0
Interdisciplinary R. & D., total	252	18.8	252	20.8	261	19.4	280	24.3
Processes and effects	240	17.5	240	19.5	245	17.2	262	22.0
Control technology	12	1.3	12	1.3	16	2.2	17	2.3

Footnotes at end of table.

	Fiscal year 1975 congressional budget		Fiscal year 1976 President's budget		Fiscal year 1976 OMB submission		Fiscal year 1976 optimum program	
	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars
Energy research and development, total		134.0	40	112.0		166.0	90	166.0
Processes and effects		53.0	22	47.0		62.0	52	62.0
Control technology		81.0	18	65.0		104.0	38	104.0
Water supply, total	158	7.8	255	32.4	176	8.8	290	35.0
Abatement and control	94	3.0	175	19.9	99	3.2	193	22.2
Technical assistance	94	3.0	175	9.9	99	3.2	193	12.2
Program grants				10.0				10.0
Enforcement: Water supply enforcement			5	.1			20	.4
Research and development	64	4.8	75	12.4	77	5.6	77	12.4
Processes and effects	44	3.4	52	9.4	56	3.7	56	9.4
Control technology	20	1.4	23	3.0	21	1.9	21	3.0
Solid wastes, total	174	19.5	184	15.6	200	19.0	3.4	51.1
Abatement and control: Technical assistance	151	10.3	161	11.6	176	14.0	341	32.1
Research and development	23	9.2	23	4.0	24	5.0	43	19.0
Processes and effects	3	.4	3	.4	2	.6	23	10.2
Control technology	20	8.8	20	3.6	22	4.4	20	8.8
Pesticides, total	972	34.1	972	44.3	1,024	43.5	1,104	62.9
Abatement and control	671	19.5	671	29.6	723	25.7	788	35.8
Registration and tolerances	407	7.7	407	8.1	441	8.1	486	9.1
Monitoring	80	4.5	80	4.6	82	4.6	82	4.6
Technical assistance	184	7.3	184	16.9	200	13.0	220	22.1
State training assistance				(5.0)		(6.4)		(8.9)
Enforcement: Pesticides enforcement	153	3.4	153	3.5	151	6.1	153	11.4
Research and development: Processes and effects	148	11.2	148	11.2	150	11.7	163	15.7
Management and support, total	2,386	124.1	2,378	137.4	,454	138.9	2,504	150.5
Buildings and facilities		1.4		2.1		3.0		3.0
Subtotal	9,052	696.0	9,179	736.8	9,559	884.4	10,999	1,067.1
Construction grant contract authority		9,000.0						
Scientific activities overseas [2]				6.0		4.0		6.0
Total	9,052	9,696.0	9,179	742.	9,559	888.4		1,073.1
Advances, reimbursements and allocation	151		121		121		151	
ERDA offsite monitoring [3]	(88)		(58)		(58)		(88)	
EPA, grand total	9,203	9,696.0	9,300	742.8	9,680	888.4	11,150	1,073.1

[1] Contract authority.

[2] Addition of $2,000,000 for special energy program in Poland provided after budget submission.

[3] OMB submission includes 17 positions and $5,000,000 transferred to the ERDA after formulation of the submission.

AIR POLLUTION

The Senate Public Works Committee emphasizes that Administration restrictions on manpower have been a major factor in delaying full implementation of the Clean Air Act. In 1970, the Committee and the Administration estimated that 2,930 people would be required to implement fully the Clean Air Act in FY 1973. Yet at present FY 1975 levels, the Environmental Protection Agency has only 1,590 people assigned to this task. Many new positions authorized by Congress have never been released to the EPA by OMB. The Committee recommends that the President's FY 1976 budget request of $140 million for air quality programs be increased to $270 million, which would allow for more vigorous enforcement of the Clean Air Act and an additional 300 positions. The optimum budget drawn up by EPA for the Congressional Budget Committees (Table 4) requests $201 million.

The National Academy of Sciences 1974 report, "Air Quality and Automobile Emission Control" estimates that annual benefits between $2.5 billion and $10 billion in value could be obtained for the American people by improving air quality from its 1974 level to the level of the federal ambient air standards for automobile-derived pollutants. This value is measured in terms of saving lives, reducing illnesses, preserving and maintaining materials, and reducing damage to plant life. However, the report goes on to state that the annual cost of reaching the standards now mandated could cost from $5 billion to $8 billion per year, with normal development of better technologies included.

Annual federal expenditures for evaluative research to help us weigh the costs and benefits of cleaning up our air have been relatively small: $10 million to study the health effects of air pollution; less than $1 million to study costs and benefits of controlling automotive emissions; less than $10 million to study the relation of emissions to air quality. The National Academy of Sciences report stresses that we must generate new knowledge to reduce the uncertainties in decisionmaking for these topics. Congress will continue to be faced with important decisions about air quality and auto emissions. The informational base that can be strengthened greatly.

In addition to the need for increased funding of air quality programs, the need to develop a better automotive power plant than the existing internal combustion engine is key. Not only does the automobile contribute harmful pollutants to our environment, but autos account for 40% of our annual oil consumption. In 1970, this sum amounted to 100 billion gallons of gasoline. At the present time "clean engine" research is being conducted almost exclusively in the private sector. However, the Congressional Research Service estimates that $2 billion in federal funds could be spent in the search for a "clean engine." The Office of Technology Assessment's analysis of the Energy Research & Development Administration's (ERDA) budget suggests an independent verification of industry progress in this matter is needed. In addition, because the industry necessarily favors the *status quo*, only federal research will produce the markedly different systems that are needed.

WATER POLLUTION

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) is the major legislative vehicle for federal water quality control. Under the Act, Congress set as a national goal the achievement of "zero discharge" of pollutants by 1985 and, concurrently, established stringent interim requirements for municipalities, industries, and other point sources to achieve this goal. The interim requirements call for industries to achieve the "best practicable technology" by 1977 and "best available technology" by 1983, and for municipalities to achieve "secondary treatment" of wastes by 1977.

To assist municipalities in meeting their 1977 requirements under the Act, the FWPCA authorizes $18 billion in contract authority to States for the construction of municipal sewage treatment facilities. Of the $18 billion in grants, $5 billion was authorized for FY 1973, $6 billion for FY 1974, and $7 billion for FY 1975. Until recently, half of the $18 billion had been impounded by the Administration, including a $6 billion impoundment in November, 1972, and a $3 billion impoundment in January, 1974.

While an $18 billion authorization for water quality control is regarded as one of the most expensive federal programs in recent years, past surveys have indicated that the authorization for municipalities is really a small percentage of anticipated "needs" for municipalities to meet the requirements of the FWPCA.

In 1973 and 1974 the Environmental Protection Agency conducted surveys on municipal "needs" in meeting certain provisions of the Federal Water Pollution Control Act Amendments of 1972. The 1973 survey, which was eventually used as the basis for allocating FY 1975 funds to the States, estimated that over $60 billion was required by municipalities. This figure is reportedly low, however, since estimates were not included for achieving "best practicable technology" and "zero discharge," nor for treating storm water pollution from waters not flowing through combined sewers.

Following is a State-by-State breakdown of the total costs reported by States in the 1973 survey:

TABLE 5.—TOTAL COSTS REPORTED BY STATES FOR CONSTRUCTION OF PUBLICLY OWNED TREATMENT FACILITIES CLASSIFIED AS TO ELIGIBILITY UNDER SURVEY GUIDELINES

[In millions of 1973 dollars]

	Total costs reported	Costs eligible under survey guidelines	Costs ineligible under survey guidelines
Region I:			
Connecticut	1, 436	1, 409	27
Maine	368	364	4
Massachusetts	1, 486	1, 485	1
New Hampshire	530	508	22
Rhode Island	484	367	117
Vermont	178	176	2
Region II:			
New Jersey	3, 414	3, 382	32
New York	9, 481	8, 032	1, 449
Puerto Rico	590	590	
Virgin Islands	44	44	
Region III:			
Delaware	338	329	9
Maryland	637	635	2
Virginia	1, 476	1, 345	131
West Virginia	615	614	1
Pennsylvania	4, 228	4, 196	32
District of Columbia	1, 087	1, 081	6
Region IV:			
Alabama	448	444	4
Florida	2, 426	2, 345	81
Georgia	1, 053	1, 031	22
Kentucky	2, 655	1, 032	1, 623
Mississippi	269	268	1
North Carolina	749	735	14
South Carolina	757	757	
Tennessee	773	695	78
Region V:			
Illinois	4, 181	4, 153	28
Indiana	1, 087	1, 081	6
Michigan	3, 710	3, 651	59
Minnesota	1, 128	1, 120	8
Ohio	3, 396	3, 265	131
Wisconsin	898	782	116
Region VI:			
Arkansas	356	355	1
Louisiana	446	445	1
New Mexico	119	109	10
Texas	826	826	
Oklahoma	627	627	
Region VII:			
Iowa	502	502	
Kansas	783	671	112
Missouri	1, 142	972	170
Nebraska	412	399	13
Region VIII:			
Colorado	429	426	3
Montana	74	74	
North Dakota	45	45	
South Dakota	43	43	
Utah	235	225	10
Wyoming	40	40	
Region IX:			
Arizona	275	264	11
California	6, 558	6, 048	510
Hawaii	523	523	
Nevada	227	277	
American Samoa	9	9	
Guam	22	22	
Trust territories	8	8	
Wake Island			
Region X:			
Alaska	205	205	
Idaho	112	112	
Oregon	584	563	21
Washington	1, 080	1, 080	
Total	65, 604	60, 736	4, 868

[1] Costs are affected by limitations of survey design, inconsistency in reporting, variations in planning status among States, and other variables explained in the report. Therefore, the costs should not be considered indicative of equitable shares for individual States or of total funds required to meet "needs" without careful review of the limitations cited in the report.

In 1974, the EPA conducted a "needs" survey, which was anticipated that it would be used for allocating FY 1976 sewage treatment construction funds. The survey estimated that State's would need to spend $350 billion to meet the 1983 requirements of the water act. Of the $350 billion estimate, funds required for the treatment and control of stormwater (a new category not included in previous surveys) would total $235 billion. Still, without this new category, States' "needs" were approximately double those reported in the 1973 survey.

The Journal of the Water Pollution Control Federation (October, 1974) which describes the 1974 "needs" survey provides a State-by-State breakdown of estimated "needs" reported by municipalities:

TABLE 6.—1974 COSTS REPORTED FOR CONSTRUCTION OF PUBLICLY OWNED WASTEWATER TREATMENT FACILITIES

[In millions of 1973 dollars]

		Categories							
	Total	I	II	IIIA	IIIB	IVA	IVB	V	VI
Region I:									
Connecticut	4, 287	181	85	23	36	328	265	702	2, 667
Maine	896	130	5	1	3	112	149	197	299
Massachusetts	6, 496	721	222	36	31	902	597	866	3, 121
New Hampshire	1, 088	165	95	26	0	218	181	191	212
Rhode Island	1, 444	68	30	4	1	193	134	87	927
Vermont	367	36	64	8	3	37	35	37	147
Region II:									
New Jersey	12, 163	1, 061	666	211	168	685	909	909	7, 554
New York [1]	37, 659	616	2, 593	465	2, 108	4, 467	2, 065	5, 004	20, 341
Puerto Rico	954	177	0	14	0	245	211	18	289
Virgin Islands	111	13	0	1	0	12	19	0	66
Region III:									
Delaware	1, 155	67	32	100	67	65	101	115	608
Maryland	13, 439	9	1, 705	50	1, 133	146	839	27	9, 530
Virginia	21, 768	478	384	293	50	298	472	207	19, 586
West Virginia	5, 999	115	338	156	5	1, 752	1, 698	195	1, 740
Pennsylvania	9, 322	1, 028	201	89	57	1, 185	625	2, 394	3, 743
District of Columbia	1, 354	0	68	41	217	0	2	726	300
Region IV:									
Alabama	4, 039	86	168	92	5	187	169	0	3, 332
Florida	7, 798	595	633	44	44	1, 326	926	0	4, 230
Georgia	4, 381	212	500	10	2	269	308	284	2, 796
Kentucky	3, 912	63	319	56	68	456	373	679	1, 898
Mississippi	857	36	170	42	28	57	98	2	424
North Carolina	8, 315	149	516	53	0	334	382	0	6, 881
South Carolina	3, 520	347	47	14	0	255	349	0	2, 508
Tennessee	5, 405	121	285	77	12	396	307	110	4, 097
Region V:									
Illinois	7, 170	250	1, 832	184	64	473	449	1, 693	2, 225
Indiana	5, 401	217	378	153	187	337	303	1, 429	2, 397
Michigan	8, 953	148	653	97	459	1, 021	1, 009	1, 936	3, 630
Minnesota	3, 232	69	407	52	14	204	233	368	1, 885
Ohio	14, 216	26	1, 508	635	115	626	946	3, 790	6, 570
Wisconsin	4, 225	184	421	80	131	427	447	621	1, 914
Region VI:									
Arkansas	4, 005	0	519	63	0	445	309	2	2, 667
Louisiana	6, 075	232	120	351	97	438	285	1	4, 551
New Mexico	189	52	8	4	1	53	38	0	33
Texas	15, 571	0	2, 162	206	187	713	468	118	11, 717
Oklahoma	5, 138	0	576	67	556	176	696	0	3, 067
Region VII:									
Iowa	3, 876	157	216	126	10	124	232	126	2, 885
Kansas	4, 760	263	71	587	326	861	297	113	2, 242
Missouri	3, 489	460	88	219	0	383	341	878	1, 120
Nebraska	1, 637	193	12	39	1	41	67	631	653

Footnotes at end of table.

	Total	Categories I	II	IIIA	IIIB	IVA	IVB	V.	VI
Region VIII:									
Colorado	713	96	203	29	24	123	212	26	(2)
Montana	754	40	18	4	2	22	35	8	625
North Dakota	548	61	0	1	0	78	24	50	344
South Dakota	283	33	32	1	0	2	9	0	206
Utah	750	196	0	14	2	59	24	0	455
Wyoming	433	62	0	300	0	56	15	0	(2)
Region IX:									
Arizona	613	166	9	1	1	1	332	0	(2)
California	76, 816	1, 016	2, 687	353	46	811	1, 184	900	69, 819
Hawaii	15, 120	203	27	0	0	80	210	0	14, 600
Nevada	316	42	102	1	0	126	45	0	(2)
American Samoa	97	8	0	0	1	28	18	0	42
Guam	363	36	10	1	0	53	16	0	247
Trust Territories	190	90	18	2	0	55	25	0	(2)
Wake Island	0	0	0	0	0	0	0	0	(2)
Region X:									
Alaska	857	122	0	4	2	98	64	9	558
Idaho	946	58	64	23	16	180	100	36	469
Oregon	1, 982	147	0	57	325	192	161	262	838
Washington	4, 366	578	44	95	465	558	352	323	1, 951
Total	349, 813	11, 679	21, 311	5, 655	7, 070	23, 090	19, 932	26, 070	235, 006

[1] The following additional needs, not included in this report, were received after the survey closing date: New York, $592 million; Kentucky, $301 million.

[2] No needs.

Under the FWPCA construction grants program, we are not only leaving our national environmental goals unfulfilled. We are also failing to meet the program's employment potential. Under an analysis commissioned by the National Utility Contractors Association, each $1 billion spent in FWPCA construction funds could result in the creation of nearly 40,000 jobs. Over half would be in the hard-hit construction industry, where unemployment has not passed 16 percent. At full potential the program could employ as many as 240,000 workers—about the number of unemployed auto workers. The full allotment of construction grants funds could alleviate from 23 to 42 percent of the unemployment problems in the construction industries of recipient states.

The total dollars authorized to construct facilities for sewage treatment, by state, follow:

TABLE 7.—*Environmental Protection Agency—Total authorizations for sewage treatment facility construction grants, by State*

Alabama	$95, 821, 100
Alaska	51, 569, 600
Arizona	43, 259, 200
Arkansas	81, 362, 800
California	1, 894, 076, 900
Colorado	89, 874, 200
Connecticut	308, 684, 700
Delaware	111, 035, 200
District of Columbia	146, 295, 800
Florida	691, 686, 500
Georgia	242, 575, 800
Hawaii	109, 558, 300
Idaho	38, 002, 500
Illinois	1, 136, 455, 100
Indiana	483, 619, 900
Iowa	197, 194, 700
Kansas	112, 696, 700
Kentucky	188, 609, 400
Louisiana	154, 404, 100
Maine	153, 097, 200
Maryland	564, 743, 400
Massachusetts	573, 905, 000
Michigan	1, 213, 699, 300
Minnesota	$337, 866, 800
Mississippi	80, 756, 900
Missouri	314, 797, 600
Montana	28, 222, 800
Nebraska	77, 973, 500
Nevada	64, 920, 400
New Hampshire	153, 817, 300
New Jersey	1, 300, 686, 700
New Mexico	36, 265, 400
New York	2, 089, 647, 700
North Carolina	226, 984, 200
North Dakota	12, 013, 100
Ohio	979, 291, 100
Oklahoma	134,336, 100
Oregon	154, 189, 600
Pennsylvania	992, 799, 000
Rhode Island	90, 908, 600
South Carolina	170, 538, 900
South Dakota	17, 736, 800
Tennessee	213, 748, 200
Texas	420, 340, 100
Utah	44, 996, 100
Vermont	45, 397, 400
Virginia	496, 196, 400
Washington	213, 176, 100
West Virginia	122, 150, 600
Wisconsin	284, 762, 800
Wyoming	8, 320, 100
Guam	12, 931, 200
Puerto Rico	169, 968, 400
Virgin Islands	15, 390, 700
American Samoa	1, 554, 900
Trust Territory of the Pacific Island	5, 087, 100
Total	18, 000, 000, 000

MASS TRANSIT

Late in 1974 Congress passed legislation authorizing $7.8 billion in capital grants to mass transit systems and $3.9 billion in operating grants over six years. According to the American Public Transit Association (APTA), these funds were desperately needed to revitalize our nation's transit systems—systems which carried 18.9 billion fares in 1945 (45% of all person trips) but only 5.5 billion fares in 1973 (7% of all trips). By the end of 1973, industrywide operating deficits totalled $600 million, increasing to an estimated $800 million in 1974.

The $11.7 billion mass transit bill agreed upon had been pared down from a higher figure of $20 billion—$7 billion in operating subsidies and $13 billion in capital grants. APTA advocates a federal program with up to $4.5 billion per year in capital and operating assistance, recognizing that only a large scale sustained commitment to revitalize public transport will sway significant numbers of our 51 million auto commuters away from their cars. Heavy rail systems are now under construction in three urban areas. Seventeen cities in fifteen states are also seriously considering rail or guided transit systems.

ENERGY

The President's FY 1976 direct energy research and development budget includes $1,837 million in obligations and $1,663 million in outlays for conduct of R&D and related facilities. These represent increases of 10% in obligations and 36% in outlays over 1975. According to OMB, the program is designed to accelerate the development of technologies needed to achieve and maintain a capability to utilize more fully domestic energy resources within "acceptable" environmental and economic costs.

The bulk of the funds requested for direct energy R&D ($1,550 million) will go to the newly-created Energy Research & Development Administration (ERDA). ERDA has requested a total budget of $3.4 billion for FY 1976. Because ERDA is a new agency, it is difficult to determine optimum funding levels for its various programs. However, the House and Senate are marking up ERDA authorizations at the present time. It is significant that the House Science & Technology Committee's marked-up version of the ERDA budget shows increased authorization levels in every energy R&D category:

TABLE 8.—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATIONS

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)

	Actual 1974	1975 estimate	1976 estimate
Program by activities:			
Direct program:			
1. Fossil energy development:			
(a) Coal	62, 613	174, 199	279, 473
(b) Petroleum and natural gas	7, 877	17, 267	23, 647
(c) Oil shale	2, 780	3, 454	8, 147
2. Solar, geothermal, and advanced energy systems development:			
(a) Solar energy development	3, 937	8, 770	57, 100
(b) Geothermal energy development	6, 231	13, 800	28, 370
(c) Advanced energy systems research	4, 160	12, 284	23, 173
(d) Physical research	252, 825	281, 600	312, 500
3. Conservation research and development:			
(a) Electric power transmission	1, 531	6, 372	11, 830
(b) Advanced automotive power systems	1, 500	4, 490	8, 240
(c) Energy storage systems	1, 689	5, 800	9, 100
(d) End-use energy conservation research and development			3, 000

Footnotes at end of table.

TABLE 8.—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATIONS—Continued

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)—Continued

	Actual 1974	1975 estimate	1976 estimate
4. Nuclear energy development:			
(a) Fusion power research and development	52,968	85,030	120,000
(b) Fission power reactor development	286,301	384,088	443,675
(c) Naval reactor development	154,122	167,000	186,200
(d) Space nuclear systems	26,237	26,600	30,900
(e) Nuclear materials	511,374	646,080	828,940
(f) Advanced isotope separation technology	3,272	11,700	24,200
5. National security:			
(a) Weapons	785,874	819,997	873,515
(b) Laser fusion	36,853	41,400	54,000
(c) Nuclear materials security	4,365	5,863	10,945
6. Environmental and safety research:			
(a) Biomedical and environmental research	106,260	132,215	156,515
(b) Waste management	16,606	29,570	36,000
(c) Operational safety	2,124	3,210	5,160
7. Program support	150,434	175,898	200,018
8. Cost of work for others	17,104	11,690	12,660
9. Adjustments to prior year costs	7,790		
Total direct program costs	2,506,827	3,068,377	3,747,308
Reimbursable program:			
1. Fossil energy research and development	1,562	1,600	1,660
4. Nuclear energy development: Procurement of reactor cores for nuclear powered naval vessels (DOD)	117,848	164,690	178,940
5. National security: Manufacture of weapons parts or assemblies for DOD	18,564	20,455	16,422
Weapons testing support for DOD	38,385	42,000	47,909
Weapons research and development for DOD	50,344	48,886	47,141
10. Research and development: Protection of public health and safety, environment, and energy for various agencies	36,735	74,761	91,021
Total reimbursable program costs	263,438	352,392	383,093
Total program costs, funded	2,770,265	3,420,769	4,130,401
Change in selected resources (undelivered orders and inventories)	282,331	536,856	341,124
Total obligations	3,052,596	3,957,625	4,471,525
Financing:			
Receipts and reimbursements from:			
Federal funds	−302,647	−256,874	−391,868
Non-Federal sources	−798,232	−622,190	−675,670
Unobligated balance available, start of year[1]	−475,602	−337,238	−36,100
Unobligated balance available, end of year[2]	337,238	36,100	36,100
Unobligated balance lapsing	35		
Budget authority	1,813,388	2,777,423	3,403,987
Budget authority:			
Appropriation	1,827,726	2,786,742	3,403,987
Transferred to other accounts	−14,338	−15,000	
Appropriation (adjusted)[3]	1,813,388	2,771,742	3,403,987
Proposed supplemental for civilian pay raises		5,681	
Relation of obligations to outlays:			
Obligations incurred, net	1,951,717	3,078,561	3,403,987
Obligated balance, start of year	630,730	799,417	1,487,694
Obligated balance, end of year	−799,417	−1,487,694	−1,817,787
Adjustments in expired accounts	−3		
Outlays, excluding pay raise supplemental	1,783,027	2,384,603	3,073,894
Outlays from civilian pay raise supplemental		5,681	

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[1] Includes $250,483,000 in 1974 and $246,455,000 in 1975 for reimbursable work.

[2] Includes $246,455,000 in 1974 for reimbursable work.

[3] Includes $1,813,388,000 in 1974 and $2,771,742,000 in 1975 for activities transferred pursuant to Public Law 93–438 from:

	In thousands of dollars	
	1974	1975
Atomic Energy Commission: "Operating expenses"	1,644,483	2,386,125
National Science Foundation: "Salaries and expenses"	9,776	51,720
Environmental Protection Agency: "Research and development"	9,915	5,010
Department of the Interior:		
Office of Coal Research: "Salaries and expenses"	123,303	233,191
Bureau of Mines: "Mines and minerals"	23,911	87,198
Office of the Secretary: "Underground and other electric power transmission research"	2,000	8,498

TABLE 9.—ERDA FISCAL YEAR 1976 NONNUCLEAR BUDGET OBLIGATIONS

[In thousands of dollars]

	Administration authorization request	House Science and Technology Commission change	Total
Fossil energy development	$416,527	+$19,000	=$435,527
Geothermal	23,390	+33,000	=56,390
Solar	70,300	+73,400	=143,700
Energy transmission and storage	24,680	+20,000	=44,680
Advanced transportation power systems	9,440	+15,560	=25,000
End use conservation/Improved conversion efficiency	6,750	+58,250	=65,000
Environment and safety	241,505	+15,500	=257,005

The Office of Technology Assessment's analysis of the ERDA budget raises additional questions about Administration authorization levels. The OTA report recommended increased funding aimed at basic research, particularly in low technology areas; energy conservation and productivity, particularly through auto design and energy storage devices; and possible health problems associated with non-nuclear energy sources.

The Joint Committee on Atomic Energy recommended an increase of $88.4 million more than the amount requested by the Administration for the nuclear portions of the ERDA budget. The Administration's authorization requests reflect costs in two broad areas, military and civilian applications. Approximately 39% of the Administration's FY 1976 estimated program costs for ERDA ($1,763 million) is attributable to military applications—nuclear weapons, naval propulsion reactors, and a portion of the nuclear materials program. Civilian applications total 61% of program costs ($2,809 million). Nuclear regulatory and reactor safety research functions are now under the jurisdiction of the Nuclear Regulatory Commission, which has requested total budget authority of approximately $220 million in FY 1976.

In addition to the ERDA budget, two other categories of energy expenditures should be focused on:

Surface Mining Reclamation: The Council on Environmental Quality's 1974 annual report states that $5 million (in 1973 dollars) will be needed between 1973 and 1982 to reclaim strip-mined land.

Offshore Oil & Gas Resources: It has been suggested that the best way for the federal government to determine the true value and extent of offshore oil and gas resources is to conduct its own exploratory drilling program. The Congressional Research Service estimates that this program would cost $500 million during the first year of operation, with costs increasing in following years.

PARKS, WILDERNESS, AND LAND USE

The national resources contained in this broad category are central to the American vision: elbow room in the midst of an increasingly crowded society, solitude away from urban pressures, and the freedom for a true pursuit of happiness at one's own pace, in one's own way. Federal programs in this area protect wildlife and wildlife habitat, prevent the extinction of species, preserve wilderness and park areas, and monitor the salvaging and restoration of land under industrial development.

Of all federal programs, this category comes closest to symbolizing what Americans want preserved and protected for this and for future generations. And again, we are far, far short of meeting clear needs, present and future.

NATIONAL PARKS AND RECREATION AREAS

The present backlog for national park land acquisition under the Land and Water Conservation Fund is $939 million. The National Park Service presently receives $70 million a year for its land acquisition program. Thus, with no land price escalation and no inflation, it will be 13 years before the federal government purchases all the parks and recreation areas established by Congress. A state breakdown of the national parkland acquisition backlog follows:

TABLE 10.—*National Park Service land acquisition backlog after fiscal year 1975—Including proposed areas and areas requiring amendatory legislation land and water conservation fund*

[In thousands of dollars]

	Backlog
Alabama	-------
Alaska	1,936
Arizona	12,257
Arkansas	17,907

California	89,015
Colorado	8,468
Connecticut	-------
Delaware	-------
Florida	131,134
Georgia	3,500
Hawaii	44,965
Idaho	62,553
Illinois	1,056
Indiana	63,457
Iowa	23
Kansas	-------
Kentucky	-------
Louisiana	-------
Maine	738
Maryland	47,709
Massachusetts	4,785
Michigan	40,207
Minnesota	35,632
Mississippi	11,197
Missouri	308
Montana	4,246
Nebraska	203
Nevada	2,229
New Hampshire	125
New Jersey	4,167
New Mexico	4,888
New York	23,324
North Carolina	42,289
North Dakota	1,186
Ohio	36,100
Oklahoma	-------
Oregon	395
Pennsylvania	16,453
Rhode Island	-------
South Carolina	36,440
South Dakota	453
Tennessee	3,112
Texas	63,748
Utah	3,440
Vermont	-------
Virginia	49,447
Washington	9,897
West Virginia	3,297
Wisconsin	11,092
Wyoming	21,010
Virgin Islands	10,935
Not Identifiable by State [1]	13,500
Total	938,823

[1] These funds will be utilized to pay for appraisals and title expenses necessary to prepare cases for trial and deficiencies on condemnation awards and settlements as the occasion demands in States unknown.

Pending legislation, S. 327, would increase the Land and Water Conservation Fund funding ceiling from $300 million to $1 billion. Under the present formula the states receive 60% of the funds and the federal government receives 40%. This would bring funding for the federal government's share to $400 million the Park Service share would be $240 million) and for the states to $600 million for much-needed state and local parks.

WILDERNESS AREAS

While the National Park Service and Bureau of Sports Fisheries and Wildlife have virtually completed their wilderness studies, the U.S. Forest Service is still 20 years off from completing its reviews, given the present level of funding. The Forest Service estimates it costs about $2/acre to make a wilderness study. The Forest Service has classified about 12 million acres nationwide as study areas. This means about $24 million worth of work. The present appropriation to the Forest Service for wilderness studies is $1 million-$1.2 million annually. Thus, 12 million acres of land with potential as multiple use areas are not being managed in that fashion, and the federal government is not receiving the full economic value from the land.

LAND USE PLANNING

The penalties we have all paid for a national lack of coordinated land use planning are evident across the country: urban sprawl, patchwork decision-making by more than 80,000 units of government, land badly scarred by misuse and overuse, or by strip zoning that puts factories and houses within a few feet of each other. National landuse planning legislation, H.R. 3510 and S. 984, would provide federal technical and financial assistance to states for land use planning. The House bill provides $500 million over a 6-year period. The Senate bill provides $100 million each year for 8 years.

WILDLIFE REFUGES

The FY 1976 budget for the U.S. Fish and Wildlife Service (FWS), despite increasing needs and inflationary costs, presents no increase in funding from the current fiscal year. This, in spite of critical facility deterioration, burgeoning with lack of proper attention. The 17,000 facilities found on the nation's Wildlife Refuges, representing a total capital investment of one-half billion dollars, have a current rehabilitation backlog of $83 million. $30 million, now, would meet just the most critical needs, but the FY 1976 budget asked just $423,000 for rehabilitation needs on only nine of the 367 refuges in the System—about 1.4% of the total needs.

Using the FWS' own estimates, the budget is $7 million and 182-man-years of personnel in meeting the Refuge System's immediate maintenance and operation needs.

If developed properly, the refuges presently in the System have the potential for producing an additional 1,500,000 ducks and geese and another 710 million use-days of wildlife utilization. The cost would include $103 million in construction funds and an additional annual allocation of $9 million and 207 man-years of work power. More human benefits could accrue. With sufficient funding, the Refuge System could provide an additional 96 million hours of enjoyment to visitors, nationwide, in such activities as environmental education, interpretation, and wildlife-oriented recreation.

Unless additional funds are forthcoming, we cannot halt the increasing devastation of our marine environment through the unregulated dumping of millions of tons of potentially toxic wastes annually. The estimated dumping total for 1973 was increased more than 40 percent over the 62 million ton figure of five years earlier.

Title II of the Act directs the Secretary of Commerce to investigate the short and long range effects of waste materials dumping into our ocean waters and the Great Lakes, while Title III authorizes the Secretary to designate certain ocean and Great Lakes waters areas as marine sanctuaries for the preservation or restoration of such areas for their conservation, recreational, ecological, or esthetic values. Although $10 million has been authorized for the implementation of Title III, no monies have been provided for the past several years. In the entire 3-year history of the Act, only one marine sanctuary—at a cost of $60,000—has been designated.

Six areas have been nominated as marine sanctuaries, in Florida, California, Alaska, Washington, and at Chincoteague, Virginia. If we are to meet the mandate of the Act, and provide the marine sanctuaries mandated by the Congress, we will need some $800,000 to a million dollars per designation.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES

Estuaries—fragile coastline zones where streams and rivers meet the ocean—and wetlands—the shallow shelves extending back from the freshwater-saltwater mix—comprise a maze of marshes, lagoons, bays, tidal flats, and mangrove swamps. Taken together, they comprise an estuarine zone—not the useless breeding grounds for mosquitos, as viewed by many, but rather one of the most productive habitats on our planet. Eugene Odum, a prominent ecologist, has estimated that a marsh can produce twenty times as much food nutrients as the sea, seven times as much as an alfalfa field, and up to six times as much as a midwest cornfield, because they trap the rich silt and organic matter that rivers wash down to the sea and use these nutrients to their fullest advantage.

Estuaries are also the source of most American shellfish and commercial and sport saltwater fish. Some 65 percent of the U.S. harvest of saltwater fish, clams, oysters, crabs, shrimps and lobsters depend on the estuaries. The tidelands, then, provide the livelihood for about 90,000 commercial fishermen.

Legislative authority for federal protection of these vital resources comes largely under the Marine Protection, Research, and Sanctuaries Act of 1972. Title I of the Act, which gives the Environmental Protection Agency authority and monies to provide protections such as ocean dumping regulations, is seriously underfunded. $5.5 million is needed for Title I in FY 1976 alone, but the budget request is just $1.62 million.

Mr. President, these are but a few of the pressing domestic priorities that beg our full and immediate attention. They are not only serious national needs unmet, but important national promises unkept.

How these issues are resolved, and when, will be a critical test of America's relevance in a swiftly changing world. I am confident that we can and will meet the test and do so in concert with our finest efforts to achieve and sustain world peace. For in my view, America's internal growth and stability and its place as a leader among peaceful nations of the earth are interdependent. In the words of Henry David Thoreau: "What is the use of a house if you don't have a decent planet to put it on?"

TRANSPORTATION

The United States is facing an unprecedented need for investment in transportation. Never in our history have the transportation needs of this Nation been so great and severe.

As Chairman of the Surface Transportation Subcommittee, the needs of surface transportation are particularly well-known to me. Only last week I had a meeting with the executives of several major railroads that are facing economic collapse. I should point out that some carriers have already collapsed.

The most important reasons for this situation were pointed out extensively and graphically in Appendix H to the Preliminary System Plan for the reorganizing and rebuilding of the railroad system in the Midwest and Northeast.

To put it bluntly but fairly, transportation expenditures must be increased to satisfy the needs and requirements of both commerce and the American consumer and to build and repair the economic infrastructure to support revitalized economic growth.

The President's budget proposals clearly do not consider transportation as a priority item. Fortunately Congress did not accept the President's budget as submitted on February 3.

In the First Concurrent Resolution on the budget, approved by both the House and the Senate on May 14 pursuant to the new Budget Act, the Congress provided funding to increase 1976 outlays for transportation by $2.7 billion above the President's request.

The action of Congress includes the following items.

1. Highways—up by $1.3 billion (Federal Aid Highway Program);

2. Railroad Assistance—up by $1.2 billion (for such programs and rehabilitation of railroad lines and facilities, assistance to ConRail, development of the Northeast Corridor project, expanded subsidies for branch lines, and refurbishment of historic railroad stations for use as intermodal terminals; and AMTRAK improvements);

3. Mass Transit—up by $.2 billion (Washington Metro). Due to inflation and unanticipated construction delays, the cost to complete the Washington Metro Rail rapid transit system has jumped $1.5 billion most of which will have to be financed with Federal funds. (The experience of Washington Metro is typical of urban railroad, mass transit system projects, and indicates increasing pressure for Federal assistance generally.)

These increased amounts represent a more adequate response than that provided by the President. But even these amounts do not fully meet the needs of transportation in the United States.

Shortly before it adjourned for the Memorial Day recess, the Congress passed the Highway Fund Matching Requirement Act. Federal loans to cover state matching requirements under this Act will further highway development and could add several hundred million dollars to 1976 outlays.

Even more importantly, the I.C.C. estimated that as of June 30, 1974, deferred maintenance and capital improvements for Class I Railroads totalled $7.2 billion. Inflation and high interest costs could more than double that amount by the time the work is actually accomplished.

The railroads simply are unable even to keep their plant and equipment at present levels. Clearly a long-term commitment to provide Federal assistance is required, as the Congress will discover once it begins consideration of the Final System Plan for restructuring the bankrupt railroads of the Northeast and Midwest. The recent bankruptcy of the Rock Island railway demonstrates that these problems are nationwide.

By way of summary, let me emphasize that our transportation system is a necessary and vital part of the country's infrastructure and, therefore, these difficulties must be overcome. Though we may prefer otherwise, there is no alternative but to increase the level of support granted transportation in the Federal Budget. Since funds are not available in unlimited supply, spending elsewhere—as for military procurement—will have to be cut-back.

I urge my colleagues to vote with Senator Cranston to trim the military procurement budget. The strength of the United States will be increased more by attending to *productive* investments in the U.S. rather than purchasing more weapons and related materials.

VETERANS BENEFITS AND SERVICES

Although the hostilities in Southeast Asia may have ended, the needs of our Nation's veterans have not. The President's submitted budget for the coming fiscal year fails to adequately acknowledge and provide for these needs as well assumes enactment of certain "cost saving" legislation of highly dubious merit. I wrote the Senate Budget Committee in March setting forth views and estimates with respect to matters within the jurisdiction of the Committee on Veterans' Affairs which I am privileged to chair, as provided for in Section 301(c) of Congressional Budget Act of 1974 (Public Law 93–344). In that letter I indicated a number of areas in which the President's budget was inadequate and deficient. The full text of that letter is as follows:

LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., March 15, 1975.

Hon. EDMUND S. MUSKIE,
Chairman, Committee on the Budget,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 301(c) of the Congressional Budget Act of 1974 (Pub. L. 93–344), the following report contains views and estimates with respect to matters within the jurisdiction of the Committee on Veterans' Affairs. Detailed comments concerning the general economic setting for the fiscal year 1976 budget, the President's budget estimates and program changes initiated either by the legislative or the executive branch are set forth in individual sections of this report hereafter. In general, however, it should be observed that the growth in veterans' program outlays are consistent with the general growth of the fiscal year 1976 Federal budget as a whole. Relative veterans' program expenditures have been stable during the Vietnam era despite a 15.3 percent increase in veteran population, comprised principally of young veterans with temporary but higher cost readjustment benefit needs. For the past 5 years, the Veterans' Administration expenditures as a percentage of the Federal budget have remained unchanged at 4.5 percent. Some increases in the submitted budget are anticipated because of projected legislative activity. The largest increases, however, are a result of misestimates by the Veterans' Administration as to the number of veterans and dependents applying and qualifying for various entitlement programs.

Inasmuch as this is the first experience of the Committee in responding to section 301 (c) of the Budget Control Act of 1974, the estimates and views contained herein are less precise than hopefully will be possible in future years. Further, because of the time constraints inherent in this year's tight schedule, all such estimates and views do not necessarily reflect the views of each member of the Committee as to each particular subject area.

If I or the Committee staff may be of further assistance in your consideration of veterans' programs, please do not hesitate to let us know.

Sincerely,

VANCE HARTKE, *Chairman.*

BUDGET VIEWS AND ESTIMATES FOR FISCAL YEAR 1976

I. COMMENTS ON THE GENERAL ECONOMIC SETTING FOR THE FISCAL YEAR 1976 BUDGET

The general economic setting of high unemployment and the continued rate of inflation projected for fiscal year 1976 will affect the veterans' programs in a number of ways. With respect to inflation it should be remembered that 72 percent of the VA budget represents transfer payments. Thus, veterans' income security programs, such as compensation for disabled veterans, will have to be adjusted to reflect cost-of-living increases, currently estimated to reach 14 percent by the commencement of fiscal year 1976, since enactment of Public Law 93–295. Similarly, the effect of inflation on non-service-connected pensioners will also have to be considered by the Committee in its deliberations this year concerning pension restructuring, discussed infra. Further, it is anticipated that inflation will also affect the Veterans' Administration in the acquisition of food, fuel, and medical supplies as well as in carrying out major and minor construction projects identified in the fiscal year 1976 $403.9 million budget request for these purposes. Additionally, projected inflation will require wage increases—and a concomitant supplemental appropriation—for the Veterans' Administration's 205,766 employees. Thus, all of the foregoing could require additional spending if the original program scope is to be maintained.

The continued economic recession and high unemployment rates experienced by veterans should also have a significant impact on the use of certain veterans' entitlement programs, which can in part be considered counter-cyclical in nature. In February, younger Vietnam era veterans were experiencing an unemployment rate of 17.3 percent, substantially higher than for their nonveteran counterparts. Thus, lack of promising readily available jobs, coupled with more adequate educational assistance benefits enacted in Public Law 93–508, should result in a greater number of Vietnam era veterans entering training than was originally estimated by the Veteran's Administration over 12 months ago. The continued depressed state of the economy may also have a significant impact on the number of veterans or survivors applying and qualifying for pension benefits or for VA hospital, nursing home, or domiciliary care. Potential VA liability in the housing programs it administers may be affected if mortgage foreclosure rates increase sharply in the coming months.

II. THE BUDGETARY IMPACT OF MAJOR NEW PROGRAMS OR PROGRAM CHANGES

A. Compensation and dependency and indemnity compensation

Compensation is an entitlement program providing monthly payments to veterans who are "compensated" for impaired earning capability resulting from service-connected disabilities. The fiscal year 1976 budget projects payments of $3.744 billion for 2,211,000 disability veterans. Death compensation or dependency and indemnity compensation (DIC) is an entitlement program providing monthly benefits to widows and dependents of veterans whose deaths were a result of service-connected causes. Approximately $873.1 million is scheduled to be paid to 366,000 survivors in the fiscal year 1976 budget submitted by the administration.

Both compenatsion and DIC rates were increased by the Veterans Disability Compensation and Survivor Benefits Act of 1974 (Pub. L. 93–295) effective May 1, 1974. Normally, these benefits are adjusted every 2 years. Given the rapid increase in the Consumer Price Index to date, and projected increases for the remainder of the year, however, it is clear that there will be a pressing need for rate adjustments this year in the range of from 10 to 14 percent producing first full-year additional costs of from $300 to $600 million. Presumably there will also be increased "tax expenditures" resulting from the non-taxable status of such benefits. In addition, the Committee will review a study of dependency and indemnity compensation denials recently submitted by the VA pursuant to section 201 of Public Law 93–295 to determine if legislation liberalizing the criteria for entitlement to these benefits is warranted. The need for, and prospect of such legislation is uncertain at this time; the costs entailed would be minimal.

B. Pension

Pensions are need-based monthly entitlement benefits payable to wartime veterans and dependents of deceased veterans for non-service-connected disability and death. (Those aged 65 or over are by statute presumed to be totally disabled, leaving economic need as the only test.)

The administration's budget assumes 2,215,310 veterans and survivors will receive pension benefits at a cost of $2.719 billion in fiscal year 1976. The Committee will continue its investigation of proposals to restructure totally the pension system in order to eliminate certain inequities and inconsistencies in the current system. Proposals to restructure the system are modeled on the supplemental security income program and would be applicable to all new beneficiaries; existing pensioners could elect coverage under the new system or continue under the current program.

Consideration of the administration's pension proposals submitted in fiscal years 1974 and 1975, as well as variations thereof, have been delayed by the lack of reliable, available data requested of the Veterans' Administration during the past 2 years. We are advised that a new computer "simulation model", development by the Veterans' Administration, will be completed in 30 to 45 days. This model should enable Committee consideration of these proposals to go forward. In addition, the Committee also expects to be aided by a study of the economic needs of older veterans and survivors to be submitted by the Veterans' Administration, pursuant to section 207 of Public Law 93–527, shortly after commencement of the coming fiscal year.

Although long-range savings are projected, immediate increases in pension costs are anticipated under either the administration's proposal of variations being considered. The tentative cost estimates for the administration's fiscal year 1975 pension proposal for the first full year are for $516 million in additional expenditures. This figure does not represent a net increase to the total Federal budget, however. There should be a substantial corresponding decrease in costs under the supplemental security income program, which currently serves many of the projected pension beneficiaries. Prospects for Senate passage of pension restructuring legislation during fiscal year 1976 at some point are considered good, but subject to the uncertainties of obtaining adequate information from the Veterans' Administration as well as the administration's position, which requested "deferred" consideration of the proposal last fall and which did not include it in the fiscal year 1976 budget submission.

C. Readjustment assistance benefits

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Pub. L. 93–508), among other things, provided for up to an additional 9 months of educational assistance benefits eligibility for those veterans entitled to the maximum eligibility of 36 months. This additional 9 months of benefits can only be used in the pursuit of an undergraduate degree. As originally passed by the Senate on June 19, 1974, by a vote of 91–0 (and subsequently unanimously ratified by the Senate in the first conference report), the additional entitlement was not so restricted. Legislation has been introduced in both bodies to remove this restriction, and congressional approval is anticipated although the administration is expected to continue its strong opposition. The Veterans' Administration estimates the first full-year cost of this amendment to be approximately $77 million.

D. Medical care

The VA medical and hospital system (171 hospitals, 212 outpatient clinics, 85 nursing homes, and 18 domiciliary facilities) is estimated in the fiscal year 1976 budget to provide 14,743,000 outpatient visits (1,972,000 on a fee basis) and maintain an inpatient average daily census of 119,152, treating 1,246,531 veterans over the fiscal year. The fiscal year 1976 medical care budget request is $3,667,866,000, up $343,346,000 over fiscal year 1975. This will provide for an increase of 9,448 in average employment of health care personnel.

Medical and prosthetic research (taking into account a transfer-in of $2,844,000 in health services research funds) remains static, with $95 million requested compared to appropriations of $91,377,000 for fiscal year 1975. The amount requested for the Medical Administration and Miscellaneous Operating Expenses item—$38,528,000, requested, up $850,000 over the fiscal year 1975 appropriation, with an average employment increase of 27—will staff the Central Office Department of Medicine and Surgery, carry out certain research and development activities and continuing education programs, and increase by 17 percent funding for the exchange of medical information program.

The construction (major and minor) budget request of $403.9 million for VA hospital and medical facilities is up $100.9 million over fiscal year 1975 appropriations (which includes a $34.9 million fiscal year 1975 supplemental appropriation request), with projected obligations up $114,167,000 from the level projected for fiscal year 1975. Of the $398,893,000 in construction costs identified in or in connection with the special study, carried out by the VA Chief Medical Director, of the "Quality of Patient Care at VA Hospitals and Clinics", the fiscal year 1975 supplemental request ($34,908,000), the fiscal year 1976 request ($224,708,000), and the transitional budget request ($5,177,000) meet $264,803,000 of these projects. A total of $134,100,000 in needed funding for these projects was deferred for future budgets. The assumption is that these projects will be included in the fiscal year 1977 construction budget request. The special study projects which have been funded fall into the following categories: Elimination of safety hazards and correction of electrical deficiencies; air-conditioning and boiler plants; ambulatory care and nursing home care projects; and patient support systems, essential specialized medical services, and clinical improvements. The $150 million remainer of the construction budget provides $130,554,000 for replacement and modernization and planning thereof for facilities at 16 VA hospitals and construction of one hospital at a new site; $14.8 million for general administrative costs of the Office of Construction; $16.6 million for cemetery work; $5 million to correct seismic deficiencies; and funds necessary to complete other projects.

For the first time, the administration has requested funding for the new chapter 82 added to title 38 by Public Law 92–541, the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972. Previously, Congress has appropriated $55 million to carryout this new health manpower training authority. Thus far, 5 medical schools (with one more under serious consideration) have been identified for initiation in conjunction with State universities, utilizing VA hospital clinical facilities; $3,417,000 has been obligated out of the $25 million available for this purpose (subchapter I of chapter 82). Of the remaining $30 million appropriated, approximately $21 million has been obligated for expansion of training capacity at existing medical and dental schools affiliated with VA hospitals and for initiation and expansion of other health manpower training facilities (subchapters II, III, and IV of chapter 83).

The overall VA medical care, administration, research, and health manpower assistance, and construction budgets are generally consdered adequate based on the workload projections and other estimates in the budget, with two caveats: The standstill budgets for research (described above) and education and training (residents, interns, and other trainees—projected at 73,000 with 8,170 average employment the same as in fiscal year 1975, with a total fiscal year 1976 allocation increase of less than $1 million over the $185,476,000 estimated for fiscal year 1975) are acceptable for fiscal year 1976 in view of immediate overall veterans' medical care priorities. However, these two areas will clearly require significant increased funding in fiscal year 1977, as will construction of research and education facilities, a category totally neglected in both the fiscal year 1975 and fiscal year 1976 requests.

The Veterans Health Care Expansion Act of 1973 (Pub. L. 93–82) provided for significantly expanded overall eligibility, particularly for outpatient care, for the treatment of non-service-connected disabilities of veterans, especially those with serious service-connected disabilities (80 percent or more). The act also made improvements in the nursing home care program for service-connected care; provided for certain care of service-connected veterans' dependents; and made numerous other improvements in title 38 with respect to personnel authorities, education and training of health care personnel, reimbursement for property loss and for health care provided in private facilities, and other matters.

As a result of enactment of Public Law 93–82, certain technical and clarifying changes will be required in title 38 provisions which will entail no significant costs. These changes will likely be proposed and approved in fiscal year 1976, as part of an omnibus veterans medical bill, which also will: (1) Improve and expand the veterans drug and alcohol treatment and rehabilitation program along lines twice passed by the Senate in S. 2108 (92d Congress) and S. 284 (93d Congress); (2) provide for readjustment professional counseling for recently discharged veterans (and, where necessary, their family members); (2) establish minimum due process requirements for separations and disciplinary actions affecting VA doctors, dentists, and nurses in probationary and post-probationary status; (4) provide for VA health care responsibility for a greater number of service-connected disabled veterans (currently only those with 80 percent or higher rated disabilities); (5) ensure priority care for the outpatient treatment of veterans' service-connected disabilities; (6) expand and improve the VA and contract nursing home care programs (including provision for inhouse intermediate care); (7) add special authorities to enable the VA to recruit and retain physicians, dentists, nurses, and other health care personnel in view of the $36,000 Federal pay ceiling; (8) clarify VA authority, and establish a revolving fund, for work-for-remuneration rehabilitative therapy programs; (9) improve the guardianship procedures for VA patients and the deposition of their funds; (10) extend the exchange of medical information program's authorization of appropriations; and (11) provide for a procedure to ensure equitable travel exepnses and per diem rates for veteran beneficiary travel. This legislation is estimated to entail $95 million in additional expenditures for the first full year.

III. BUDGETARY IMPACT OF ACTION ON PRESIDENTIAL LEGISLATION PROPOSALS

A. Readjustment benefits

The administration has requested legislation to repeal the 2-year extension of delimiting period for readjustment assistance benefits provided by Public Law 93–337. If enacted, such legislation would reduce outlays by $161 million in fiscal year 1975, (using the April 1, 1975 effective date assumed in the President's budget) and $600 million in fiscal year 1976. Despite administration opposition, Congress unanimously enacted legislation last July providing for an additional 2-year period within which to utilize educational assistance benefits. It is highly unlikely that the proposed repeal of this legislation will be enacted.

B. Medical care

The administration has also requested legislation to effect reimbursement to the VA by private insurers for the cost of inpatient hospital and medical care and treatment provided for the non-service-connected disabilities of veterans with health insurance coverage. Enactment is estimated to reduce budgetary outlays by $61 million in fiscal year 1975 and $122 million in fiscal year 1976. Identical proposals have been submitted annually since 1970 without favorable action by either body. It is equally unlikely that this legislation will receive favorable action in the current fiscal year or next.

C. Additional legislation or administrative initiatives

Although not reflected in the submitted budget, there are certain additional administrative and legislative initiaties by the administration which can presently be expected. It is anticipated, for example, that the President will by proclamation, prior to the commencement of fiscal year 1976, set a termination date to the "Vietnam era." This proclamation will have the effect of eliminating eligibility for certain veterans programs (notably pension and burial benefits) for those entering the armed forces after the termination date. While this will have long-range implications, there should be minimal budgetary impact in the fiscal year 1975 or fiscal year 1976. Legislation, however, will be needed to terminate the educational assistance benefits program. It is generally anticipated that such legislation would be submitted concurrently with the Presidential proclamation terminating the Vietnam era. If enacted, it would have little immediate budgetary effect (for at least 3 years) other than with respect to "inservice" educational benefits paid for under the GI bill by the Veterans' Administration on behalf of active duty servicemen. Termination of such inservice benefits would replace VA outlays by approximately $20 to $30 million in the first full year. This would not necessarily reduce total Federal outlays, however, since it may be presumed that the Defense budget would increase by a like amount in order to continue active duty education programs.

The probability of enactment of this legislation is very uncertain with prospects for passage apparently greater in the House than in the Senate.

In the area of compensation, the Administrator currently has administrative authority to adjust the disability rating schedule to reflect actual impairment of earning ability. Since August 1974, a proposal to increase the ratings for certain disabilities found to be undercompensated, has been pending within the executive branch. If such administrative action were forthcoming, it could result in additional compensation outlays of up to $144 million in fiscal year 1976.

IV. COMMENTS ON PRESIDENT'S BUDGET ESTIMATES FOR PROGRAMS ALREADY AUTHORIZED

A. Compensation and pension

Although the compensation population is now generally static following termination of hostilities in Vietnam, economic conditions can have an important effect on the need-based pension program both as to caseloads and payment levels. Because of the sharp down-turn in the economy, not contemplated when budget estimates were first proposed, it now appears that a supplemental appropriation of at least $100 million will be needed for the remainder of fiscal year 1975. For the same reasons, another $100 to $200 million above submitted budget estimates will probably be required for fiscal year 1976.

B. Readjustment benefits

As mentioned previously, GI bill benefits are a viable alternative for many unemployed veterans. The increased attractiveness of the program occasioned by enactment of Public Law 93–508 together with sharp increases in veterans' unemployment rates have rendered earlier prepared budget estimates obsolete. While figures are incomplete, it would appear that enrollment in GI bill programs is presently running 12 to 25 percent above previous estimates. Fiscal year 1975 budget estimates now appear to be underestimated by $300 to $400 million. Similarly, an additional $400 to $500 million in outlays will probably be required for fiscal year 1976.

C. General operating expenses

The present budget reflects a decrease of 495 in general operating expenses (GOE) personnel. This decrease is predicated on projected decreased workloads and also apparently on enactment of legislation repealing the extended delimiting period within which to use GI bill benefits. As noted previously, both of these assumptions are of doubtful validity. Further, this decrease in personnel ignores additional requirements to administrative workloads resulting from legislation enacted last year. Public Law 93–508 for example, requires the hiring of 600 additional campus veterans representatives and mandates the VA to undertake, for the first time, data collection, review, and evaluation of VA benefits programs on a regular basis. Additional controls, pursuant to new legislative requirements, to prevent abuses in the education program, also require that additional personnel be hired. Enactment of the Veterans Housing Act of 1974 (Pub. L. 93–569), creating expanded loan authority for condominiums and mobile homes, also will require the hiring of additional personnel.

In sum, it appears that it will be necessary not only to restore the 495 employees, but to hire an additional 1,165 as well, for a net increase in the GOE budget of $19 million.

D. Medical care

There are three areas in which there may be underestimates in the budget with respect to various aspects of the VA medical and hospital program. First, over the last several years the budget estimates of outpatient care visits have run consistently low. Although outpatient treatment is estimated to increase by 1 million inhouse visits over the fiscal year 1975 (11,771,000) level projected in the budget request, recent experience would indicate that this is low. For example, the increase projected by the budget is considerably less, both in absolute terms and as a percentage increase, than the utmost 13 percent increase originally projected for fiscal year 1975 over the 10,457,830 visits experienced in fiscal year 1974. In this connection, it must be noted that 1974 was the first fiscal year where the new outpatient care eligibility in the Veterans Health Care Expansion Act of 1973 (Pub. L. 93–82) began to impact on outpatient visit caseloads. At this time, it would appear that the fiscal year 1975 estimate is about 5 percent too low and that the additional work generated by Public Law 93–82 will increase the total fiscal year 1975 outpatient visits by about 527,000. Using an average of $30 per outpatient visit, the medical care budget in terms of outpatient visits is thus underestimated in fiscal year 1975 by $15.8 million. For fiscal year 1976, it would appear to be underestimated by 670,000 visits or $20 million.

Second, the budget includes an estimate of 975 in average daily patient census (ADPC) for contract hospitalization of 975, costing $28,468,000. This seems to be underestimated by 25 percent; fiscal year 1976 requirements will more likely be a 1,228 ADPC, with a total cost of $35,858,000.

A less certain area of possible underestimate in the budget is with respect to overall increased demand for inpatient and outpatient treatment which could be generated by the high unemployment rate and the concomitant loss of health insurance coverage by previously covered former workers. Congress now has before both Houses, legislation to provide coverage for unemployed workers whose health insurance benefits have lapsed by virtue of their job loss, and enactment of such legislation would likely obviate this potential area of increase in demand on VA medical facilities. Since the administration has strongly opposed this legislation, however, its enactment certainly cannot be presumed, and, hence, the VA system may well experience an increase in demand for health services brought about by the lapse of health insurance coverage due to unemployment.

Following the Budget Committee's completion of work on the first concurrent resolution, Chairman Muskie wrote me stating that "the recommendations of the Veterans' Affairs Committee have been largely acknowledged and provided for in our Committee's deliberations." Chairman Muskie further noted that the first resolution did not attempt to set "as a matter of law, targets for each of the functional categories in the budget", but rather concentrated on "aggregate budget totals—total spending, revenue and debt". The full text of his letter is as follows:

U.S. SENATE,
Washington, D.C., April 21, 1975.

Hon. VANCE HARTKE,
Chairman, Veterans' Affairs Committee, U.S. Senate, Washington, D.C.

DEAR VANCE: As you know, the Budget Committees of the House and Senate, acting pursuant to the Congressional Budget and Impoundment Control Act of 1974, have implemented principal features of the new budget process this year. On April 15, the Senate Budget Committee reported S. Con. Res. 32, the first concurrent resolution on the budget.

Senate consideration of that resolution is scheduled to begin likely late this week or next.

The budget resolution was approved by the Budget Committee by a vote of 13 to 2. It sets targets for spending and revenues for fiscal year 1976, beginning July 1 of this year.

Our report deals in considerable detail with the functional categories of the budget and explains the assignment of budget authority we made to each of these functional categories in arriving at our aggregate totals. I think you will find that the recommendations of the Veterans' Affairs Committee have been largely acknowledged and provided for in our Committee deliberations.

The Committee did not attempt in this first resolution to set, as a matter of law, targets for each of the functional categories in the budget. Nor will the statement of managers set targets for individual committees as will be required in future years. Instead, we have recommended aggregate budget totals—total spending, revenue, and debt—as required by the Budget Act. We intend these totals, as adopted by the Congress after conference with the House, to be firm guidance for the overall spending actions of the Congress this session.

I believe you will agree that the fiscal policy embodied in this first concurrent resolution on the budget is a prudent one, consistent with our national needs and resources at this time.

If you have any questions or suggestions regarding this resolution or report, please do not hesitate to have a staff member contact the Budget Committee staff or discuss the matter with me directly. The Budget Committee staff will present two briefings this week—one for committee staffs who are interested in more detail or have questions about the budget process or this resolution on Wednesday, April 23, at 3:00 p.m. in S–207 of the Capitol, and a comparable briefing for Senators' staffs the next day, April 24, at 10:30 in Room 4232.

With best wishes, I am
Sincerely,

EDMUND S. MUSKIE.

The Budget Committee recommended for function 700—Veterans Benefits and Services, budgetary authority of $17.6 billion and outlays of $16.9 billion as compared with the respective figures of $16.2 billion and $15.6 billion contained in the President's budget all as shown in the following excerpt from the Senate Report Numbered 94–77 to accompany Senate Concurrent Resolution 32:

BUDGET COMMITTEE RECOMMENDATION

The Committee recommends budget authority of $17.6 billion and outlays of $16.9 billion, an increase of $1.3 billion over the President's outlay proposal.

Several factors account for the increases suggested by the authorizing committee, including reestimates of pension and medical care caseloads and of enrollments under the GI bill; allowance for an adjustment to compensation benefits in calendar 1975; a projected enactment of an Omnibus Veterans Medical bill, assuming an effective date of January 1, 1976; and pending legislation to permit 9 extra months of education assistance for students doing graduate work.

Allowance was also made for additional funds provided for in the Emergency Employment Appropriations Act of 1975 for general work programs to improve Veterans Administration facilities, including hospitals.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

[In billions of dollars]

	1976	
	Budget authority	Outlays
President's adjusted budget request (Mar. 12)	16.2	15.6
Major authorizing committee suggestions:		
Adjust compensation benefits this year instead of waiting the normal 2 years	+.5	+.3
Higher estimate of pension caseload than in President's budget	+.2	+.2
Do not enact President's legislative proposals to repeal the 2-yr extension of the delimiting period for readjustment benefits, and to effect reimbursement to VA by private medical insures	+.7	+.7
Higher estimate of GI bill enrolment than in President's budget	+.5	+.5
Other possibilities[1]	+.2	.3
Total potential	18.3	17.6
Appropriations Committee suggestion	16.2	15.6
Budget Committee recommendation	17.6	16.9

VETERANS BENEFITS AND SERVICES—OTHER POSSIBILITIES[1] (IN MILLIONS OF DOLLARS)

	1976	
	Budget authority	Outlays
Readjustment benefits—remove restriction limiting extra 9 months of benefits to undergraduate education only	77	77
Enact omnibus veterans medical bill providing for numerous improvements in medical care	95	55
Higher estimate of medical outpatient care visits and contract hospitalization requirements than in President's budget	56	56
Increase VA general operating expenses due to higher workload than estimated in President's budget	19	19
Emergency Employment Appropriations Act, 1975—general work programs to upgrade VA facilities		70
Total	247	277

This target for veterans' benefits and services was unaltered in the first concurrent resolution adopted by the Senate. Although this functional total was $1.3 billion above the President's budget, and the Budget Committee executive session deliberations clearly indicated a near unanimous consensus to provide whatever veterans funds were needed, the target set is still inadequate. This occurred principally because of first, more accurate cost estimates now available to Congress than at the time the resolution was originally considered; second, even higher program usage than anticipated; and third, a mistaken assumption that the President's budget did not reflect enactment of certain unrealistic "cost saving" administration proposals. These factors were outlined in a letter which I sent to Chairman Muskie on May 7, prior to the first meeting of the House and Senate conferees.

The full text of that letter is as follows:

U.S. SENATE,
Washington, D.C., May 7, 1975.

Hon. EDMUND S. MUSKIE,
Chairman,
Committee on the Budget

DEAR MR. CHAIRMAN: Thank you for your recent letter concerning action taken by the Committee on the Budget as it relates to veterans' benefits and services. I am pleased that the recommendations submitted to you were largely acknowledged and provided for in your Committee deliberations and report. It is my understanding that Senate and House conferees are scheduled to meet today to begin to reconcile action taken by each body on the concurrent resolution on the budget for the coming fiscal year.

Prior to this meeting, I want to take the opportunity to convey additional information recently made available to the Veterans' Affairs Committee which may be of assistance to the conferees in their deliberations.

First, you will recall that in the Committee Views and Estimates submitted earlier this year pursuant to section 301(c) of the Congressional Budget Act of 1974 (Public Law 93–344), we indicated that, given rapid increases in the consumer price index, there was, with respect to veterans' disability compensation and survivor benefits, a "pressing need for rate adjustments this year in the range of from 10% to 14% producing first full-year additional costs of $300 to $600 million." Executive session deliberations by our Committee (including a specific voice vote) clearly indicated near unanimous agreement that such cost-of-living adjustments should be a part of the overall concurrent resolution. At the time the consensus was reached, however, complete and accurate information as to the cost of this proposal was neither available to your Committee nor ours. Consequently, in providing for Compensation and Dependency and Indemnity Compensation (DIC) increases, your Committee report indicates your Committee apparently utilized the lower parameter of $300 million in estimating costs.

Official estimates just submitted by the Veterans' Administration reveal that the rate adjustments contemplated in S. 1597, the "Veterans Disability Compensation and Survivor Benefits Act of 1975" sponsored by all of our Committee members, will actually be closer to the upper parameter with a first full-year cost of $584 million.

Second, with respect to medical care it is my understanding, based upon testimony given last week before the House Committee on Veterans' Affairs, that the Administration will shortly request legislation to authorize a special pay bonus to enable the Veterans' Administration to recruit and retain physicians. The Committee expects to introduce legislation for this purpose and promptly consider it and the Administration legislation. Both our bill and the Administration proposal contemplate a July 1, 1975 effective date. The full cost of such legislation, which was not included as part of the Administration's original budget request, nor specifically considered by the Committee on the Budget, is estimated at approximately $70 to $75 million for the coming fiscal year.

Finally, I would like to explicitly acknowledge a misapprehension which many of us shared concerning the budget impact of first, the Administration's requested repeal of the two-year extension of the delimiting period for readjustment assistance benefits provided by Public Law 93–337; and, second, the Administration-sponsored legislation to require reimbursement to the Veterans' Administration by private medical insurers for care provided to insured veterans by the VA. If such legislation were enacted, the Administration estimated that savings in the amount of $722 million would be effected for the new fiscal year. As indicated in our Committee Views and Estimates submitted to you, and as your Committee also concluded, enactment of such legislation is considered highly unlikely. Because of the total of the Administration's actual fiscal year 1976 appropriation request did *not* reflect enactment of this legislation, and because of certain budget support material provided by the Veterans' Administration, it was incorrectly assumed that the President's budget request for veterans benefits and services ($15.6 billion in outlays; $16.2 billion in budget authority) also did *not* assume such enactment.

Accordingly, in deliberation with the House conferees, I believe it is important for the Senate conferees to acknowledge explicitly the assumptions utilized in arriving at the overall Function 700 total for veterans benefits and services ($16.9 million in outlays; and $17.6 million in budget authority) and to convey the additional facts contained in this letter which alter those assumptions.

I also want to take this opportunity once again to thank you for the concern you have shown with respect to veterans benefits and services.

Sincerely,

VANCE HARTKE,
Chairman.

The recommendations of the House Veterans' Affairs Committee to the Budget Committee were outlined in the following letter:

BUDGET VIEWS AND RECOMMENDATIONS, COMMITTEE ON VETERANS' AFFAIRS, FISCAL YEAR 1976

Hon. BROCK ADAMS,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The enclosed report is submitted in compliance with section 301(c) of the Budget Control Act.

The Ranking Minority Member of the Committee has reviewed the report and concurs with the recommendations contained therein.

Sincerely,

RAY ROBERTS,
Chairman.

PRESIDENT'S 1976 BUDGET

The President's fiscal year 1976 budget for the Veterans' Administration provides for benefits and services to the country's 29.3 million veterans, 65 million members of their families, and 3.9 million survivors of deceased veterans.

Budget authority of $16.1 billion and outlays of $15.6 billion are estimated for fiscal year 1976. These estimates represent increases of $170.7 million in budget authority and $131.4 million in budget outlays over estimated requirements for 1975.

The Administration budget will provide:

1. $4.6 billion in compensation benefits to 2.6 million veterans and their survivors.

2. $2.7 billion in pension benefits to 2.2 million veterans and survivors.

3. Assistance to 2.6 million Vietnam era veterans and servicemen and approximately 80,000 sons, daughters, wives and widows with over $4 billion in education and training payments.

4. Burial benefits of $143 million, including $37.5 million for plot allowances authorized by Public Law 93–43, approved June 18, 1973.

5. $403.9 million for construction requirements—up $100.9 million over fiscal year 1975.

6. A funding level for medical programs totaling $3.9 billion—$366 million over fiscal year 1975.

With the increases for medical care, the Veterans' Administration will be able to:

(a) Support an average employment level of 173,109; an increase of 9,425 over fiscal year 1975.

(b) Treat a record high average daily beneficiary level of 178,575.

(c) Provide for an annual inpatient treatment level of 1,246,531.

(d) Provide for an average daily inpatient census of 119,152.

(c) Provide for 14,743,000 outpatient medical visits.

(f) Provide a composite hospital staffing ratio of 167 staff for each 100 patients—10 staff per each 100 patients more than was available in fiscal year 1974.

PROPOSED LEGISLATION

The following items are included in the President's legislative program for the first session of the 94th Congress and have been provided for in his budget for fiscal year 1976:

[In thousands of dollars]

Appropriation account and item	Cost Fiscal year— 1975	1976	July 1–Sept. 30, 1976
Readjustment benefits: Restore the 8-year period within which veterans, wives, and widows pursuing programs of education have to complete their programs in lieu of 10 years as provided by Public Law 93-337, enacted July 10, 1974	−161,000	−600,000	−23,700
Medical care: Provide for reimbursement to the Veterans' Administration by private insurers for the cost of medical care and treatment provided to nonservice connected veterans	−61,000	−122,000	30,500
Grants for construction and operation of State cemeteries. Authorize a 50-50 Federal grant program with State governments for the construction, improvement, and operation of veteran cemeteries		5,000	1,250
Total	−222,000	−717,000	−52,950

I. UNAUTHORIZED BUDGET ESTIMATES FOR FISCAL YEAR 1976

[In millions of dollars]

Major issue or program	Budget estimate: Budget authority	Budget estimate: Outlays	Committee recommendation: Budget authority	Committee recommendation: Outlays	Comment
Medical administration and miscellaneous operating expenses: Exchange of medical information.	3.5	3.5	3.5	3.5	This activity has been authorized at an amount not to exceed $3 million per year for fiscal years 1968 through 1971, and such sums as necessary for fiscal years 1972 through 1975. Legislation has been proposed to extend the program as follows: Period — Amount (millions) Fiscal year 1976 — $3.5 July 1, 1976–September 30, 1976 — 1.7 Fiscal year 1977 — 4.0 Fiscal year 1978 — 4.5 Fiscal year 1979 — 5.0

The exchange of medical information program has enabled the VA to harness technological advances in communications to the educational process and thus to engage in, and support, innovative pilot projects which have as their objective the strengthening of those Veterans' Administration hospitals not affiliated with medical schools or those located remote from medical centers. The program has helped attract and retain highly trained and qualified members of the medical profession at such hospitals. It has aided in achieving the ultimate purpose of making available the best and most up-to-date medical care for the veteran patients at VA hospitals not affiliated with medical schools.

Exchange of medical information projects have been conducted involving all VA hospitals. These hospitals are either "core" institutions from which information flows to outlying hospitals or are recipients of this information. In every instance, the programs are designed as instruments for the improvement of the delivery and the quality of health care at peripheral locations. Exchange of medical information activities are also being made available to health professionals in communities surrounding VA hospitals. This is of particular benefit to those members of medical communities located remote from medical teaching centers.

Grants authorized under this program are provided to medical schools, hospitals, and research centers, while the pilot programs not funded by grants are conducted at VA hospitals. These activities vary in concept, scope, and content although each has as its objectives the investigation, development, and implementation of innovative programs in exchange of medical information. They cover a wide spectrum of activity. Funds provided for the program have been fully expended and well invested in pilot programs which, once established, rapidly make contributions in increased and improved health care delivery for both veterans and nonveterans alike.

II.—LEGISLATIVE PROPOSALS IN THE BUDGET FOR NEW AND EXPANDED PROGRAM IN FISCAL YEAR 1976

[In millions of dollars]

Legislative proposal	Budget estimate: Budget authority	Budget estimate: Outlay	Committee recommendation: Budget authority	Committee recommendation: Outlay	Comment
Grants for construction and operation of State cemeteries: To authorize a grant-in-aid program with the several States for developing and maintaining veterans cemeteries on a 50-percent matching basis.	5.0	5.0	0.0	0.0	The administration feels the program will provide a viable alternative which will allow veterans to be buried near their homes.

The Administration proposed new legislation for grants for construction and operation of State cemeteries in the 93d Congress. There was little or no interest demonstrated in this legislation during the last Congress, and the Administration's proposed bill was never introduced.

The Administration's bill has not yet been submitted for the 94th Congress and unless there is substantially more interest exhibited in the proposal, there is not much likelihood that this legislative request will receive favorable consideration by the committee.

III. LEGISLATIVE INITIATIVES OF CONGRESS FISCAL YEAR 1976

[In millions of dollars]

Identify initiative	Budget authority	Outlays	Comment
1. Increase rates of disability compensation for disabled veterans and dependency and indemnity compensation.	$500 124.8 7/1/76–9/30/76	$500 124.8 7/1/76–9/30/76	Cost-of-living increase. Since the last increase effective May 1, 1974 the Consumer Price Index has increased more than 10 percent and is expected to go beyond 12 percent by May 1975.

The committee will give priority to legislation providing cost-of-living increases for veterans receiving disability compensation and survivors receiving dependency and indemnity compensation. The cost-of-living index already shows a 10 percent increase since the passage of Public Law 93-295, effective May 1, 1974. According to a Bureau of Labor Statistics report dated January 21, 1975, the Consumer Price Index rose 12.2 percent for calendar year 1974. Projections for 1975 are expected to run about the same.

Our committee members are aware of the state of our economy and are dedicated to holding the line wherever possible; however, we must give priority attention to our war-disabled veterans, especially our more seriously disabled veterans who depend primarily on their disability compensation checks. These veterans and their families suffer most from rising costs and prices.

A 12 percent cost-of-living increase would call for an expenditure of approximately $500 million in fiscal year 1976, and about $124.8 million for July, August and September of 1976.

Identify initiative	Budget authority	Outlays	Comment
2. To establish the per annum full-pay scale for certain personnel of the Department of Medicine and Surgery of the Veterans' Administration.	$40.0 9.9 7/1/76–9/30/76	$40.0 9.9 7/1/76–9/30/76	The committee continues to be concerned with the Agency's declining ability to recruit full-time physicians and dentists. Legislation is designed to improve recruitment in critical areas.

The basic intent of legislation to be considered (H.R. 1545) is to place the VA's Department of Medicine and Surgery back on a competitive footing for the recruitment and retention of critically needed physicians and dentists. The $36,000 per annum limitation has affected these and other full-time employees of the executive branch since January 1971. Meanwhile the cost-of-living index has risen by 31 percent. Many VA physicians and dentists have been held at the $36,000 level throughout this 4-year period, and the restriction now affects 40 percent of all VA full-time physicians and dentists.

Far better remuneration has become readily available through the private practice of medicine and dentistry, in military medicine, and in various categories of academic medicine. For physicians in the United States, the annual median net income for those in solo private practice, those in full-time teaching, and those in military medicine (including fringe benefits), is about $48,000; for those in teaching-plus-practice, about $65,000 and for those in group practice, about $66,000.

Increasing numbers of VA physicians are resigning to accept other positions; increasing numbers are opting for part-time VA assignments, so as to bolster their total income; increasing numbers of recruits are deciding against VA employment or are insisting on only part-time assignments. In the past 5 years the VA's professional staff has increased by 34 percent, but the number of full-time physicians has increased only 7 percent; meanwhile, the number of part-time physicians has increased 175 percent; part-time employment of physicians and dentists is an undesirable option but one which the VA has been forced to accept; it always means divergent demands on time and services, and often means split loyalties.

These statistics do not portray the loss in quality of VA's professional staff due to its noncompetitive salary position. One measure of this may be seen in the changing ratio of U.S. graduates to foreign graduates among VA's physicians and dentists. Over the past 2 years, the total of VA's full-time physicians has increased by 3.4 percent (5,225 to 5,408), but the number of full-time foreign medical graduate appointments increased by 18.5 percent (1,338 to 3,643). This means a *decrease* of 122 in the number of U.S. graduates and an *increase* of 305 in foreign countries. Thirty-one percent of the total full-time physician force in VA now are foreign graduates; an increase of 5 percent in 2 years. Foreign graduates now constitute one-third of VA's full-time psychiatrists and nearly one-half of its pathologists and physical medicine specialists. In quite a few VA hospitals foreign medical graduates constitute from 50 to 60 percent of the full-time staff and in some it reaches 90 percent. In 1974, of the U.S. graduates hired as full-time VA physicians, 33.5 percent were board certified compared to only 9.2 percent of the foreign graduates.

In numerous instances, language barriers exist between veteran patients and some foreign physicians. Patients do not understand explanations of their illnesses, and at the same time, there are numerous instances where the physician fails to fully comprehend the veteran's medical complaints.

In that same calendar year 1,209 bona fide offers of full-time employment resulted in 794 declinations (66 percent) owing to inadequate salary.

A highly trained, qualified professional staff is essential to the provision of quality health care for the veteran. The failure to recruit and retain such professionals will lead inexorably to deterioration of the quality of health care provided the veteran. H.R. 1545 will provide temporary relief of this critical personnel problem that the Department of Medicine and Surgery faces.

The authority to grant leave for pursuit of studies as provided in this bill will also improve the Agency's competitive position. This fringe benefit of employment is common to the academic and scientific communities with which the Department of Medicine and Surgery is closely affiliated and must compete for employment of professionals.

The estimated first-year cost of this legislation is approximately $40 million. An additional $9.9 million will be required for July, August and September 1976.

Identify initiative	Budget authority	Outlays	Comments
3. Veterans' Laws Technical Amendments Act of 1975—to make certain technical corrections in title 38, United States Code.	$0.0	$0.0	An up-date of title 38, United States Code.

The committee staff has met informally with the General Counsel's staff of the Veterans' Administration and the Legislative Counsel's office. Certain technical corrections in title 38 should be made and the committee plans to enact these changes this session. No new budget authority or outlays would be necessary.

Identify initiative	Budget authority	Outlays	Comments
4. To revise the eligibility requirements and the medical benefits provided eligible veterans.	$74.0 18.5 7/1/76–9/30/76	$74.0 18.5 7/1/76–9/30/76	The legislation would clarify ambulatory care eligibility operations of the Department of Medicine and Surgery. The first year cost is estimated to be approximately $74 million.

Legislation has been drafted to clarify and revise certain eligibility requirements for medical benefits provided to eligible veterans.

Hearings are tentatively scheduled on this legislation in April 1975, at which time some modifications may be made to the proposed bill which was recommended by the Chief Medical Director in the Quality Care Study of the VA medical program ordered by President Nixon.

Basically the bill, as presently drafted, will:

(1) Define more specifically the meaning of "health services" presently referred to in title 38 as it applies to ambulatory care.

(2) Alter present provisions of law pertaining to dental eligibility to insure that present law providing for a "one time completion basis" does not bar a veteran for future treatment if the dental services performed are found to have been unsuitable within the limitations of good professional standards.

(3) Provide that any veteran in receipt of pension is eligible for hospital care without signing the oath of inability to pay.

(4) Correct an oversight in Public Law 93–82 dealing with the CHAMPVA program by allowing widows to continue under CHAMPVA when a veteran dies of a service-connected disability.

(5) Provide for direct admission of any veterans to a community nursing home without prior VA hospitalization providing such admission is authorized by a VA physician or a physician carrying out such functions under a fee arrangement after proper examination.

The estimated first-year cost of this proposal would be approximately $74 million.

Identify initiative	Budget authority	Outlays	Comments
5. To provide for annual investigations by the Administrator reference to cost of travel by veterans to Veterans' Administration facilities.	$20.0 5.1 7/1/76–9/30/76	$20.0 5.1 7/1/76–9/30/76	Would require the Veterans' Administration to annually investigat the cost of travel by veterans to VA facilities and to set the rates therefor.

As introduced, this bill directs the Administrator to conduct annual investigations of the cost of travel (including lodging and subsistence) and the operation of privately-owned vehicles to beneficiaries while traveling to or from a Veterans' Administration facility and report the results of his investigation to the Committee on Veterans' Affairs of the Senate and the House of Representatives, setting forth the allowance rate authorized and the basis used for such determination.

The 93rd Congress enacted legislation (S. 3341) just prior to adjournment to increase per diem and mileage allowances for both Government employees traveling on public business and for disabled veterans with a service-connected disability traveling to and from veterans' facilities. President Ford vetoed the bill. Among other things, the President indicated extending the increased rates to disabled veterans would be too costly. The Veterans' Administration has informed the committee that extending the increased benefits to disabled veterans under S. 3341 would cost $22 million a year.

Early this year legislation similar to S. 3341 was introduced and referred to the Government Operations Committee. Members of that committee's staff discussed the title 38 provision with our committee staff and decided that since basic eligibility requirements were not being changed, the Committee on Veterans' Affairs would interpose no jurisdictional objection; however, upon learning that it was the intent of the Office of Management and Budget to have the agencies and departments "absorb" the increased cost of this legislation, the committee raised jurisdictional objection. It would have meant that the funds would be required to come out of the Veterans' Administration medical care budget. The medical care appropriation is already inadequate for direct patient care in VA hospitals and outpatient clinics, and any further erosion of this funding would cause additional serious problems.

The proposed legislation would authorize the Administrator to conduct annual investigations, and based on his findings, revise the rates. The Administrator's actions would be closely monitored by Congress, and if erans' Affairs Committees could initiate ap- erans' Affairs Committee could initiate appropriate legislative actions.

Identify initiative	Budget authority	Outlays	Comments
6. To entitle all veterans to 45 months of educational assistance for all educational programs provided in chapter 34 of title 38.	$70.9 6.2 7/1/76–9/30/76	$70.9 6.2 7/1/76–9/30/76	Public Law 93–508 provided that an eligible veteran entitled to 36 months of educational assistance may receive an additional number of months, not to exceed 9, to pursue a program of education leading to a standard undergraduate degree. This legislation would allow the additional 9 months to be used in pursuit of graduate degrees.

The proposed measure would entitle all veterans who served for a period of 18 months or more on active duty after January 31, 1955, to 45 months of educational assistance under all educational programs provided in chapter 34 of title 38.

Public Law 93–508, enacted December 3, 1974, provides that an eligible veteran who is entitled to 36 months of educational assistance may receive an additional number of months, not to exceed 9, to pursue a program of education leading to a standard undergraduate degree. The committee continues to receive complaints about this restriction and many contend that it is unfair and discriminatory against an individual who undertakes a heavier schedule and completes his undergraduate program within the 36-month period. In such cases, it is felt the veteran should be entitled to the additional 9 months in pursuit of an advance degree. Many Members of Congress feel that the restriction should be lifted and that all veterans receive equal educational benefits for equal service whether in pursuit of undergraduate or advance degrees.

According to the Veterans' Administration, the proposed legislation would require an expenditure of approximately $70.9 million in fiscal year 1976 and an additional $6.2 million for the transitional period (July through September), 1976.

Identify initiative	Budget authority	Outlays	Comments
7. To increase the payment of disability and death pension and dependency and indemnity compensation for surviving parents.	$126.0 63.4 7/1/76–9/30/76	$126.0 63.4 7/1/76–9/30/76	Cost-of-living increase and to offset increase in social security benefits to be enacted in fiscal year 1976. The estimated first year cost for this increase would be approximately $253 million.

During the 93d Congress, Public Law 93–527 was enacted. Basically, it provided for an average 12 percent increase in rates of pension or non-service-connected disabled veterans and dependency and indemnity compensation for surviving parents. It also increased the maximum annual income limitations for eligible veterans and their survivors receiving pension by $400 per year. The increase became effective January 1, 1975.

According to the Department of Labor, the cost of living is expected to rise approximately 11 to 12 percent during calendar year 1975. It is also anticipated that Congress will provide for an increase in social security benefits this year. Although the President has requested that the social security increase be limited to 5 percent, the Congress is expected to go beyond that figure.

In order to assure that an increase in social security benefits will not reduce a veteran's pension, a comparable cost-of-living increase in pension benefits will be necessary.

The effective date of any pension increase would be January 1, 1976. The estimated cost from January 1, to June 30, 1976 would be about $126 million. An additional $63.4 million would be required for July, August and September 1976.

The total first full year cost is estimated to be approximately $253 million.

Identify initiative	Budget authority	Outlays	Comment
8. To terminate the Vietnam era period of war	$0.0	$0.0	This legislation would end veteran's eligibility for certain veterans' benefits for any military service following termination date, such as pension, educational benefits, et cetera.

The President has indicated he will issue a proclamation to officially terminate the Vietnam war. The American Legion and other major veterans' organizations have urged the President and the Congress to officially terminate the state of hostilities that has existed for so many years. The "wartime period" can be terminated by Presidential Proclamation; however, it will take action by Congress to terminate the veterans' education program and establish a delimiting date for educational benefits accruing to those who served until such termination date.

The committee will consider such legislation this session.

Identify initiative	Budget authority	Outlays	Comment
9. To provide certain persons insured under Servicemen's Group Life Insurance with the choice of conversion either to an individual policy or Veterans' Group Life Insurance upon expiration of their Servicemen's Group Life Insurance coverage.	$0.0	$0.0	Under present law, a person who is eligible for automatic conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance may convert such insurance to an individual policy of life insurance after a 5-year period. The legislation would provide the member an option of converting without having to wait 5 years.

Last year, Congress enacted Public Law 93–289, the Veterans' Insurance Act of 1974. Among other things, it provided that a person eligible for conversion of Servicemen's Group Life Insurance while on active duty could automatically convert to a 5-year term policy known as Veterans' Group Life Insurance, effective the day after the Servicemen's Group Life Insurance expires for the veteran, usually 120 days after discharge from military service. The act also provided that insureds may convert their Veterans' Group Life Insurance to an individual policy with a commercial insurance carrier effective the day after the Veterans' Group Life Insurance 5-year policy terminates.

Legislation already introduced would provide that the veteran have the option of converting to an individual policy with a private commercial insurance carrier without having to wait 5 years should he elect not to participate in the Veterans' Group Life Insurance Program. This provision would correct an oversight in Public Law 93–289.

Identify initiative	Budget authority	Outlays	Comment
10. To provide hospital and medical care to certain members of the Armed Forces of the nation allied or associated with the United States in World War I or World War II.	Unknown	Unknown	Identical bill (H.R. 13377) passed the House on August 5, 1974 but failed to pass the Senate befor esine die adjournment.

On August 5, 1974, the House passed and sent to the Senate H.R. 13377. The bill provided that any person who served during World War I or World War II as a member of any armed force of the Governments of Czechoslovakia or Poland and participated while so serving in armed conflict with an enemy of the United States and has been a citizen of the United States for at least 10 years shall, by virtue of such service, and upon satisfactory evidence thereof, be entitled to hospital and domiciliary care and medical services from the Veterans' Administration to the same extent as if such service had been performed in the Armed Forces of the United States. Such benefit would not be authorized if the person concerned is otherwise entitled to payment for equivalent care and services under a program established by the foreign government concerned for persons who served in its armed force in World War I or World War II.

The committee is expected to consider enactment of this legislation this session.

In its report on H.R. 13377, the Veterans' Administration indicated it is impossible to estimate the cost of the proposed legislation "since we have no information as to how many individuals may qualify for benefits." However, based on testimony received during hearings on this legislation, the committee is of the view that the number of potential beneficiaries is relatively small, and in context with the expenditures for the overall broad veterans' programs, the actual cost of this legislation would be insignificant.

IV. PROPOSED BUDGET REDUCTIONS FOR FISCAL YEAR 1976

[Outlays in millions]

Legislative Item	Budget estimate	Committee recommendation	Comment
Readjustment benefits: Repeal 2-yr extension of the delimiting period.	$600.0	Legislation should not be enacted	Legislation would repeal Public Law 93-337 which extended from 8 to 10 yr the period in which a veteran had to utilize his educational benefits under the GI bill.
Medical care: Reimbursement from private insurers	122.0	Committee questions legality of such legislation and its passage is doubtful during 1st sess.	Provide for remibursement to the VA by private insurers for cost of medical care and treatment provided to non-service-connected veterans.

V. ADMINISTRATIVE AND/OR OTHER ACTIONS

[Outlays in thousands]

Action	Budget estimate	Committee recommendation
Department of Veterans' Benefits: General operating expenses	$345,196,000	Increase of $19,700,000 for fiscal year 1976, $5,000,000 July–September 1976.

Total average employment for the Department in fiscal year 1975 was 19,421. The fiscal year 1976 budget calls for a reduction of 595 employees.

The Appropriations Committee will be asked to restore the proposed 595 reduction and an additional 1,066 to handle increased workloads and full implementation of Public Law 93-508.

The reduction is totally unrealistic in view of present workloads and new legislation yet to be implemented. Based on data received by the committee from selected surveys in the field and other information from the Agency, these have been significant increases in all major program areas for fiscal year 1975.

The fiscal year 1976 budget does not reflect present economic conditions, nor does it include the full implementaiton of Public Law 93-508.

Many feel present economic conditions have influenced some of the increases. Claims for benefits initiated during a depressed economic period can mushroom into additional work actions for an extended period of time. For example, a Vietnam veteran whose employment is terminated may file for education benefits that could continue for years of full-time training assistance, and require a variety of subsequent actions while in training. The following recap of key indicators highlights some increases for major program areas on a nationwide basis for the first 7 months of fiscal year 1975, compared to the same period of fiscal year 1974.

Compensation and Pension: The volume of initial disability, nonorginal, dependency, income and burial claims has substantially increased. It is apparent that many veterans and their survivors are filing for income maintenance-type benefits, such as disability pension and death pension, available to those with limited income and assets.

Compensation and pension claims	Fiscal year 1974 through January	Fiscal year 1975 through January	Percentage increase
Initial disability	129,571	136,162	5.1
Nonoriginal	229,021	246,483	7.6
Dependency	458,069	471,740	3.0
Income	256,595	276,769	7.9
Burial	198,137	212,176	7.1

Education and Rehabilitation. There are heavy increases in work actions pertaining to educational benefits. January 1975 data confirm 143,000 more trainees than December 1974. Full impact of the education loan program and new benefits authorized by Public Law 93-508, are yet to be assessed. Recently increased (Public Law 93-508) assistance rates must be considered a contributing factor to increased workloads.

Education and rehabilitation indicators	Fiscal year 1974 through January	Fiscal year 1975 through January	Percentage increase
Education actions	3,394,203	3,904,176	15.0
Counselings	48,406	49,801	2.9
Number of trainees	[1] 1,473,152	[2] 1,652,857	12.2

[1] Jan. 31, 1974.

[2] Jan. 31, 1975.

Veterans' Services. There have been dramatic increases for persons seeking information and assistance to file for VA benefits. This increase indicates high interest by veterans and dependents which should result in continuing high workloads for the benefit programs.

Type of information	Fiscal year 1974 through January	Fiscal year 1975 through January	Percentage increase
Telephone actions	8,672,235	13,182,918	52.0
Interviews	1,625,527	3,007,082	85.0
Correspondence	329,070	850,580	158.5

Loan Guaranty. There have been increased guaranteed/insured loan servicing actions primarily attributed to increasing loan defaults reported by lenders. An increase in appraisal requests is undoubtedly due to liberalization of GNMA Tandem Plan and increasing availability of mortgage funds at more favorable interest rates. The restoration of entitlement increase is attributed to the Veterans Housing Act of 1974 (Public Law 93-569) which removed the "compelling reason" prerequisite for restoring previously used entitlement.

Loan guaranty actions	Fiscal year 1974 through January	Fiscal year 1975 through January	Percentage increase
Appraisal requests	314,449	329,461	4.8
Restoration of entitlement	9,473	12,332	30.2
GI loan servicing actions	89,922	101,179	12.5
GI loans closed	[1] 151,873	[2] 153,867	1.3

[1] Fiscal year 1974 through December.

[2] Fiscal year 1975 through December.

Insurance. Policy service, medical reinstatement, and policy loan increases were probably influenced by economic conditions. Recently authorized accelerated payment of 1975 dividend will cause additional work actions for policies that lapse or are terminated prior to 1975 policy anniversary date.

Insurance actions	Fiscal year 1974 through January	Fiscal year 1975 through January	Percentage increase
Policy service actions, excluding beneficiary and option changes	1,003,490	1,059,880	5.6
Medical reinstatements	1,222	1,714	40.3
Policy loans granted	46,074	48,591	5.5
Death awards	36,981	39,451	6.7

Administrative. Incoming mail, outgoing mail, and initial applications increases reflect the overall heavy workloads for all major program areas.

Administrative actions	Fiscal year 1974 through January	Fiscal year 1975 through January	Percentage increase
Incoming mail	36,797,684	42,638,254	15.9
Outgoing mail	33,402,877	35,814,204	7.2
Initial applications	577,182	676,473	17.2

Pending Work Actions. In addition to completed work actions, data are maintained by the VA on the status of pending workloads. Analysis of this data show nationwide workloads significantly higher on February 18, 1975, than January 13, 1975.

Veterans Assistance Workloads. Veterans assistance activities conducted at all regional offices, 17 veterans assistance offices, itinerant points and college campuses involve direct dealing with veterans and other members of the public through face-to-face and telephone interviews. The volume of these interviews can reflect conditions in the VA itself and the outside community.

For the first half of fiscal year 1975 (July–December 1974) these interviews show a significant increase over the same period in fiscal year 1974. Telephone interviews increased about 41 percent from about 6.1 million to about 8.6 million. Face-to-face interviews increased by 78 percent from just under 1.4 million to more than 2.4 million.

Samplings indicate that about 46 percent of interviews last year had to do with education benefits, whereas the percentage this year is about 42 percent, a reduction of about 9 percent. Interviews last year dealing with compensation, pension and medical benefits were about 42 percent of the total and this year have increased about 6 percent to 44.7 percent. Interviews on non-VA matters such as employment and social security increased from 5 percent to 5.9 percent of the total.

Educational assistance inquiries for the first half of fiscal year 1975 totaled almost 600,000. No comparable figure is available for the previous year.

Initial interviews with Vietnam era veterans show a marked increase (over 161 percent) from about 76,000 in fiscal year 1974 to about 201,000 in fiscal year 1975.

Two areas of workload, educational assistance inquiries and increased initial Vietnam era veteran interivews, have special significance. These items generate back office, sequential workload more significant than increases in the inquiry and interview counts themselves. Initial interviews give rise to a high percentage of the new claims for benefits. Educational assistance inquiries cause establishment of controls to assure prompt resolution, obtaining of records, preparing new or corrected awards, et cetera. These particular figures are indicators of a subsequent heavy load of paperwork processing and claims resolution.

By congressional mandate (Public Law 93–508), the Administrator is required to assign to each educational institution where at least 500 persons are enrolled under chapters 31, 34, 35, and 36, such number of full-time veterans' representatives as will provide at least one such veterans' representative per each 500 such persons so enrolled at each such institution. The Agency is not in compliance with this provision of the act, based on the fiscal year 1976 budget.

To compound the problem, Public Law 93–508 also requires the same type of special Vet Rep services to all schools having courses not leading to a college degree as is provided colleges of higher learning. Giving a minimum of these special services to 7,442 other than college schools will require at least 411 positions to say nothing for increase in personnel for the workloads they create.

Unless these 1,661 positions are funded, there are serious questions as to whether the Veterans' Administration can fulfill its basic commitment to properly serve our veterans and their dependents.

Staff analysis of current workload factors, full implementation of Public Law 93–508, and the present state of the economy have lead us to conclude that these additional positions are necessary. Unless Congress grants the funding for these positions, prompt service to our veterans and their families may not be forthcoming.

The estimated cost of implement sections 203 and 207 of Public Law 93–508 will be approximately $5.9 million for fiscal year 1976. Approximately 400 positions will be required to administer these sections of the act. The remaining positions will be needed to process the continuing increase in present workloads presently being experienced Agency-wide. These additional positions will call for an expenditure of approximately $13.8 million. The required appropriation for the transitional period of July through September 1976 will be approximately $5 million.

Action	Budget estimate	Committee recommendation
Department of Medicine and Surgery: Medical care	$3,667,866,000	$3,675,066,000

The Appropriations Committee will be asked to increase medical care funding by $7.2 million for the following:

1. *Medical Outpatient Visits*—An increase of $6 million is needed mainly for staffing of medical outpatient facilities. The President's budget calls for an estimated 14.7 million outpatient visits in fiscal year 1976. Many feel the increase is totally justified in that outpatient visits for fiscal year 1975 (estimated to be 13.7 million visits) has already exceeded the estimate and will reach the projected fiscal year 1976 estimate of 14.7 million. The Veterans' Administration originally underestimated the growth pattern. Another factor was Public Law 93–82. No one could foresee the impact of the Act which has brought about a rapid increase in outpatient visits. The state of the economy is also a major factor that was not taken into consideration when the Veterans' Administration submitted its budget to the Office of Management and Budget.

The additional $6 million will provide staffing for an additional 200,000 outpatient visits In keeping with the President's announced plan to reduce Federal spending wherever possible, the increase proposed by the committee is very conservative.

2. *Maintenance of Education and Training*—The President's fiscal year 1976 budget calls for a reduction of $43,280,000 from that proposed by the Department of Medicine and Surgery. A recommendation will be made to the Appropriations Committee that $1.2 million be restored for instructors' salaries for the education and training program.

Action	Budget estimate	Committee recommendation
Department of Medicine and Surgery: Construction	$403,890,000	$423,344,000

Although the fiscal year 1976 construction budget is substantial, one replacement hospital that was deleted must be restored. $19,454,000 for the Bronx, New York Hospital, was included in the Veterans' Administration's budget submitted to the Office of Management and Budget. Unfortunately, funds for this project was not included in the President's budget submitted to the Congress.

Although funds for other major construction projects were not included in the budget approved by the Office of Management and Budget, the committee feels it is imperative that funds for the Bronx Hospital be restored in order to meet the combined program requirements at this station.

Action	Budget estimate	Committee recommendation
Department of Medicine and Surgery: Assistance for health manpower training institutions	$30,000,000	$45,000,000

The Veterans' Administration asked for $75,000,000 when it submitted its budget to the Office of Management and Budget. The Office of Management and Budget approved $30,000,000. The reduction was predicated on no funding of new application approvals in fiscal year 1976 for other than *new* State medical schools. This means that no funds will be available to fund subchapters 2, 3, and 4 of Public Law 92–541. The committee recommends that the Appropriations Committee will be asked to restore $15,000,000 for grants to existing affiliated medical schools and other health education institutions; otherwise, applications being submitted for approval in March 1975 cannot be funded until fiscal year 1977—a waiting period of 18 to 24 months.

The House Budget Resolution correctly understood that the President's submitted budget did assume enactment of Administration proposals to reduce eligibility period for veterans readjustment benefits and to receive reimbursement from private health insurers for VA health care. Assuming Congressional disapproval of these proposals the Budget Committee added to veterans outlays, the $700 million in "savings" that would result if such legislation were enacted.

The House Budget Committee's report number 94–145 to accompany House Concurrent Resolution 218 was as follows:

VETERANS BENEFITS AND SERVICES
FUNCTION 700

Estimates	Fiscal year 1976 (in millions of dollars)	
	Budget authority	Outlays
President's budget as submitted	16,163	15,592
President's budget as adjusted	16,763	16,192
Views and estimates of House committees	18,277	17,741
Budget Committee estimate	17,998	17,469

The Budget Committee estimates $17,998 million in budget authority and $17,469 million in outlays for this functional category. This amount is $1,835 million in budget authority and $1,877 million in outlays above the President's budget submission and $279 million in budget authority and $272 million in outlays below the views and estimates of House committees.

DESCRIPTION OF FUNCTION

This function includes income security for veterans (principally veterans pensions, compensation, and life insurance); education, training, and rehabilitation for veterans; hospital and medical care for veterans; and veterans housing assistance.

PRESIDENT'S BUDGET AS ADJUSTED

The President's budget proposes $16,163 million in budget authority and $15,592 million in outlays. On April 4, the President revised his budget authority and outlay estimates upward by $600 million for underestimates of the costs of veterans pensions and readjustment benefits. This increases the President's budget to $16,763 million in budget authority and $16,192 million in outlays. Because of lower unemployment assumptions, the Committee includes only $500 million of the $600 million in its total.

BUDGET COMMITTEE ESTIMATE

The Committee estimates increased budget authority and outlays above the President's budget as adjusted, as a result of these actions: likely congressional disapproval of certain legislative proposals designed to produce savings; a cost-of-living increase in benefit levels under veterans compensation and pensions; and additional funding for certain existing programs and new initiatives.

The President's budget submission assumes fiscal year 1976 outlay savings of $722 million from enactment of proposed legislation. Of this sum, the President expects $600 million in savings by reducing the period of eligibility for veterans educational benefits from 10 to 8 years, and $122 million in savings for health care by requiring reimbursement from private insurers for medical care provided through veterans facilities to veterans with non-service-connected health care needs. The Committee assumes congressional disapproval of these legislative proposals and includes the necessary budget authority and outlay increases in its estimates.

The Committee includes $451 million in budget authority, and an equal amount in resulting outlays, for an increase in veterans pensions, effective January 1976, and a corresponding increase in veterans compensation, effective July 1975. These benefits do not rise automatically under law as the cost of living increases. However, Congress in the past has raised benefits by specific legislative action as living costs rose.

The Committee estimates a lump sum increase over the President's budget as adjusted of $131 million in budget authority, and resulting outlays, for other new program initiatives. House committee views and estimates covering a variety of specific proposals for new initiatives totaled some $205 million in budget authority and outlays.

The Committee also includes a lump sum increase over the President's budget as adjusted of $31 million in budget authority and $14 million in outlays for improved support of existing programs. House committee views and estimates covering a variety of specific proposals for such increased funding totaled $61 million in budget authority and $37 million in outlays.

In addition, total outlays for fiscal year 1976 taken into account by the Committee for this function include $59 million for upgrading facilities operated by the Veterans Administration, as a result of the Emergency Employment Appropriations Bill of 1975.

Although the House Committee assumed disapproval of Administration legislative proposals, other items affecting increased outlays for veterans' benefits and services were not fully considered by them. It is my understanding that the conferees generally proceeded on the assmption (and the House Parliamentarian so ruled) that in resolving differences as to individual budgetary functions the conferees were limited by the parameters set by either body. Consequently, the conferees were unable to provide a veterans benefits and services target figure which fully reflected the needs of our veterans as more clearly perceived in the light of subsequent experience.

Of course the conferees agreed to accept the highest figure of the two bodies as shown in the following excerpt from the conference report, number 94–198:

Veterans Benefits and Services (700)

The House Resolution assumes budget authority of $18.0 billion and outlays of $17.5 billion.

The Senate amendment assumes budget authority of $17.6 billion and outlays of $16.9 billion.

The Conference agreed to the House assumptions of $18.0 billion in budget authority and $17.5 billion in outlays for this function. The managers on the part of the Senate agreed to these figures because of the probability that Congress will reject Administration proposals to reduce the eligibility period for veterans' readjustment benefits and to require reimbursement from private health insurers for VA health care. The Senate amendment did not assume increases in budget authority and outlays for either. The House assumed $0.7 billion in budget authority and outlays for these probable expenditures, to which the conferees agreed.

I have reviewed veterans benefits and services programs in some detail because it is clear that that functional category which is part of the first concurrent resolution will not be sufficient. Of course this target is not binding as a matter of law. Nevertheless if we are going to stay within the aggregate totals assumed in the first concurrent resolution adopted by Congress then it is quite clear to me that increased veterans expenditures and corresponding decreases in other programmatic areas will be required. And that quite simply is the issue that now confronts us.

Mr. SYMINGTON. Mr. President, tomorrow, Wednesday, June 4, we shall offer a "ceiling" amendment to the military procurement authorization bill, S. 920. This amendment would reduce the bill's authorization of $25 billion, as it now stands, to $23.8 billion, saving the taxpayers of America $1.2 billion, at no expense to the security of the Nation.

The proposed amendment would allow a 14-percent increase in procurement instead of the 20-percent increase over last year provided in the bill.

I will have more to say regarding this amendment tomorrow morning when it is reviewed by the Senate.

But at this time, I ask unanimous consent that a number of letters from various groups urging support for this amendment be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Council on National
Priorities and Resources,
June 2, 1975.

Statement on the Defense Authorization Act (S. 920)

The military budget is being increased quite dramatically this year. If Congress grants the Administration request, the FY 1976 military budget will be the first in U.S. history to exceed $100 billion. Overall, the increase is about 18 percent, well above any add-ons needed to meet costs imposed by inflation. The Pentagon has made one point very clear: the military budget is to be increased in real terms.

The Pentagon has tried to promote the illusion that personnel costs are the principal cause of increased military spending. Although personnel costs constitute a major part of the total budget, these costs are slated to rise only 4.2 percent and actually to decline by 6% as a share of the total military budget. In striking contrast are the requests for procurement and R.D.T. & E. requiring authorization by the Congress. The Administration seeks some $6 billion more for procurement, a whopping 50 percent increase. R.D.T. & E. is to go up 19 percent.

Other key indicators point out the growth in military spending. For example, the military share of the total of federal budget outlays relatively controllable from year to year would grow 2 percent. Similarly, the military share of total federal purchases of goods and services—the activity of government having the most significant impact on economic activity—has been increased 1.4 percent, reversing the downward trend of the past few years.

An important question on budgetary policy is to be confronted in the FY 1976 request. Should the military budget in terms of real dollars continue to be reduced slightly each year as has been the case since 1968 or should it be increased some percentage points each year for the foreseeable future? This question is not a simple matter of projecting lines on a graph. It involves both a determination of present and future real military needs and an overall assessment of national priorities. Congress has the responsibility for making both judgments. Our purpose is to assist their deliberations by offering our estimation of the budgetary consequences of military policy and consequent deployments of forces.

We believe that the Administration's request for military spending can be reduced substantially while maintaining military forces adequate to meet those national security needs which can be satisfied through the threat of application of American firepower. Nor would such cuts require changes in generally agreed principles of United States foreign policy and the appropriate role for America in the world. We disagree with the assertion of the Secretary of Defense that reductions in the military budget may prevent the United States from fulfilling its responsibilities, or that belief in the importance of a continued vigorous international role for the U.S. implies blanket acceptance of the Administration's budgetary request.

FOREIGN POLICY VERSUS MILITARY POSTURE

It is our impression that there is wide agreement on what our foreign policy interests and objectives should be. A primary American security objective is the deterrence of nuclear war. In addition, we have a vital national interest in the survival and independence of Western Europe. We are committed to the survival and security of Israel and to peaceful resolution of conflicts in the Middle East. The United States has a major interest in Northeast Asia centering on our relations with Japan. More generally, we must stand by our allies and friends and seek to build a structure of durable peace.

Moreover, there seems to be a reasonable amount of agreement, at least in words, as to what the United States does not wish its international role to be. We have painfully learned that it is neither in our interests nor feasible to intervene militarily in areas which are remote not only geographically but remote from vital U.S. interests. We reject the role of the world policeman. We alone should not seek to maintain a "worldwide military balance" through accumulation of application of U.S. firepower.

But if there is agreement on overall objectives, there is less agreement on the relevance of American military power to attaining these objectives. First it must be recognized that only the Soviet Union poses a credible military threat to vital interests of the United States. We do not face a militarily hostile world. We do a changing world in which most of the difficulties endured by the U.S. will be political or economic in nature.

With regard to the Soviet threat, clearly and unequivocally, sufficient and survivable strategic forces are necessary for nuclear deterrence; our commitment to Western Europe has serious military implications; our military potential adds weight to our commitments to other nations and to our diplomacy generally. However, events of recent years have shown that the possession of overwhelming military force is not sufficient—or in many cases even relevant—to the efforts of the United States and the world community to solve most of the national, regional, and international problems which face us.

The Administration seems to ignore these limits on the efficacy of military force in the modern world, and seeks substantial increases both in current outlays and future authorizations for defense. Administration spokesmen falsely maintain that only by emasculating American foreign policy and withdrawing to isolation could significant reductions be made. In fact, substantial cuts can be made without any such effects, for the budget includes forces which do not contribute, or contribute only very marginally, to the security interests outlined above. We should trim away our interventionist capability, so we can play a more appropriate internationalist role.

The U.S. should not attempt to maintain a cosmetic military superiority across the spectrum of strategic and conventional forces. The consequence is the acquisition or maintenance of unnecessary forces which keep forcing the military budget higher and higher. Similarly, we should seek to reduce our dependence on the powerful drug of technology. Technological gimmickry seems to multiply exponentially year by year. We must control our urge to do everything technologically feasible before the costs and the risks overwhelm us.

Our power is credible and will remain so if we adjust our forces to current realities of the world. It is pure and simple jingoism to contend that any realignment of our forces after the collapse in Indochina will be perceived as weakness. Sensible adjustment will show instead that we're not too old to learn.

The Congress should urge a more proper alignment of our military forces with the foreign policy and security objectives of America in the world as it is today, not as we perceived it ten or twenty years ago. Such an adjustment of the forces we maintain to the policies and interests they support can yield savings amounting to many billions of dollars which would then be available for pressing human needs and for reductions of the burden of taxation. With regard to the pending Defense Authorization Act (S. 920) we offer the following recommendations which are not intended to encompass every aspect of the bill but illustrate that substantial reductions are feasible:

EFFICIENCY

It cannot seriously be doubted that the military establishment can be made more efficient without diminishing combat power. Secretary of Defense Schlesinger in his long and detailed posture statement frankly conceded that in the past the Defense Budget has been categorized by substantial waste and inefficiency. Indeed on many occasions he, by implication, accepts the main thrust of many of the points made by critics of the Defense Department both about specific programs and about overall efficiency. But his budget proposal fails to reflect the efficiency economies which are possible.

The Senate Armed Services Committee has acknowledged that greater reductions in support personnel are possible. The Congress should insist that even greater efficiencies be achieved, and should not accept the "we own what we waste" fallacy whereby any savings from greater efficiency are devoted to other military programs.

The policy of "beating fat into swords" is most evident in the Pentagon proposal to increase the force structure by three new Army divisions and eventually three more Air Force wings by shifting excess support personnel to combat units.

But the conversion of support personnel to three divisions is far from cost free. An inncrease of 8,000 is sought in overall authorized army end-year strength, allegedly as an "accounting adjustment" to allow for seasonal variations, but with the effect of permitting a higher average strength. New equipment must be purchased for the new divisions. The Pentagon has estimated the total cost of equipment at $2.5 billion over five years, a figure we believe to be understated. In addition, the Army has been assured against DOD-initiated cuts in its slightly increased manpower levels in the future.

What is not demonstrated is why the Administration has concluded we need the increase. That the military's "teeth-to-tail" ratios are out of balance is entirely true. Implicit in the 3-division proposal is the fact that the present Army support structure is far larger than it needs to be: the Pentagon itself has thereby admitted.

That our 13 division Army has 3 divisions worth of manpower in support elements that can safely be eliminated. But the ability to reduce support troops is no argument whatever for increased combat forces. If we needed more divisions, we would need them even if the Army were fully efficient in its use of support; if we do not need them, there are plentitudes of other civilian, private, and even defense priorities to absorb savings on support. Secretary Schlesinger puts the question well: "[Some] have suggested that, if there are support spaces to be saved, we should return the money to the Treasury rather than provide the Army with the allegedly perverse and unnecessary incentive to become more efficient". He does not answer his own sharp question.

The Secretary's argument that 13 divisions is based on the desire to increase the ratio of U.S. to Soviet forces. That is, of course, self-evident. What he does not say is what critical weakness exists with the 13 divisions approved by Nixon and Laird in 1970 which requires that Ford and Schlesinger recommend 16 divisions now.

The lack of rationale suggests that instead of being based on any real conclusion of a need for increased forces, the 3 division plan is a compromise between pressures from the Pentagon managers in the office of the Secretary of Defense for more efficiency and Army interests in protecting its manpower levels. It seems likely that OSD decided that major support personnel economies were possible, but could not secure the top level backing needed for Army agreement to implement personnel economies unless the manpower saved was devoted to new combat units.

The position of the Army is understandable; the focus of criticism must be on the defense planners who have accepted an inadequate half-loaf in their efforts to make the military more efficient. It is up to Congress to seek a better justification for the increase and, if none is forthcoming, to insist that the savings from cuts support personnel, be, in Secretary Schlesinger's description, "returned to the Treasury". By denying the expansion to 16 Army divisions Congress could save the taxpayers about $500 million in FY 1976 alone.

If, on the other hand, more divisions could be justified, the expansion could be accomplished without increasing the active duty personnel in Army divisions simply by using the reserves. Hybrid divisions could be formed by combining reserve units with active units. This could offer the advantages of making greater use of reserves and reducing active duty forces through elimination of excess support personnel.

Civilian personnel should be reduced substantially. There remains nearly one civilian for every two people in uniform. Excluding the Postal Service, the Department of Defense and other defense activities employ roughly as many civilians as all other federal agencies combined. As noted by the Senate Armed Services Committee, "Since fiscal 1964, military strength has been reduced 22 percent; private sector Defense contractor employment has been reduced 36 percent, while Defense Department direct hire civilian strength has been reduced only 1 percent. This means that direct hire civilian employees now represent a substantially greater proportion of the DOD workforce than in the past . . . Civilian payroll in fiscal year 1976 will total $15.4 billion or 17 percent of the entire Defense budget. That compares to $7.3 billion or 14 percent in fiscal year 1974".

Some additional ways in which support positions both civilian and military can be reduced are:

Command and headquarters. As noted by the Pentagon, additional savings are possible by reducing personnel in headquarters and by consolidating or eliminating headquarters. Congress should encourage quicker realization of these economies by ordering much deeper cuts this year.

Training. The portion of active duty personnel sidelined in formal training courses has changed only slightly the past two years. More personnel can be available for combat or support duties by shortening periods of formal training or making greater use of on-the-job training. Similarly, more personnel savings can be achieved by improving the ratio of students to staff which remains unchanged from last year at 1.6 to 1. Compared to educational institutions in the civilian sector, staffing for the military is clearly excessive. For public high schools the student's staff ratio is 18.9 to 1, 15.0 to 1 in colleges and from 2.3 to 1 to 1 to 70.4 for public vocational schools. The Senate Armed Services Committee made only a token 2 percent reduction in civilian and military training personnel.

Officers. Although today's military requires more technical and professional personnel serving as officers than a decade ago, recent trends indicate that the officer ranks could be thinned. Even if the ratio of enlisted to officers were increased to the level at the peak of the Vietnam War (FY 1968), some 38,400 officers could be eliminated for savings of $770 million in pay and benefits alone.

Transients. The portion of military personnel travelling between assignments has not been reduced. Greater utilization of personnel resources can be achieved from increased productivity and reduced travel and moving costs.

Base support. Despite the 216 base closure and realignment actions during the past year, the portion of military and civilian personnel devoted to base operating support activities remains unchanged. The Senate Armed Services Committee cut this category by a mere 2 percent.

If these efficiencies are achieved and economies were effected in other activities such as logistics, personnel support, medical services, support for reserve units, intelligence (especially crytography) and nuclear weapons security (by reducing the tac nuc stockpile), the Senate Armed Services Committee recommendation could easily be slashed by another 100,000 military and 100,000 civilians for full year savings of $2.8 billion. Most of these savings could be realized in FY 1976 if accession are reduced.

Forces in Asia

The most obvious incongruity between our national interests and military posture exists with regard to deployments in Asia. The U.S. continues to maintain sizeable and costly land, air and sea forces for a major war contingency in Asia. U.S. deployments seem to be largely a residual presence from involvement in earlier conflicts. A notable case in point is the force based in Thailand—23,000 troops at a cost of $124 million in FY 1976. Most of this force is classified as incremental to the baseline force, because it was intended primarily for possible reintervention into Vietnam hostilities.

More than 200,000 military persons are stationed in Hawaii, U.S. Pacific possessions and Asian countries. Military units committed to an Asian conflict include at least 3 Army divisions, 2 Marine amphibious forces and a Marine brigade, 4 to 6 Air Force tactical fighter/attack air wings, one B–52 squadron in Guam, numerous support units and nearly one half of the Navy. These deployments consume nearly one fourth of the military budget and merit much more scrutiny than they have received.

The time has come for a thorough review of U.S. security interests in Asia and, accordingly, a restructuring of military forces. Reductions in forces since U.S. involvement in the Vietnam War have not been made in accordance with a conscious redefinition of the U.S. role. In fact, the overdue reassessment is being blocked by an Administration fear campaign based on flimsy, jingoistic rhetoric.

A reasonable approach would involve a careful evaluation of Asian contingencies. As the Secretary of Defense has properly noted, "The importance of Japan, and the special nature of our mutual defense relationship, make it important to maintain forces sufficient to give visible evidence of the seriousness of our commitment to the stablity of the region and to provide a credible ability to respond quickly and effectively to unforeseen events." However, the massive amounts of U.S. forces in Asia far exceed any realistic requirements to meet this primary commitment.

The Pentagon's assessment of the military threat in Northeast Asia is that although North Korea, the Peoples Republic of China and the Soviet Union possess sizeable military forces, "In the present political climate of East-West detente and Sino-Soviet hostility, we believe both the PRC and the USSR world see aggression as contrary to their interests. In addition, North Korea could not sustain combat operations without support from one of these nations". A creditable military commitment to the defense of Japan makes it unnecessary that Japan undertake major rearmament—a development which could lead to greater instability in the region. The U.S. guarantee effectively defers nuclear threats against Japan. In terms of general purpose forces, a much smaller deployment would be sufficient to serve these objectives. All ground forces should be withdrawn from Okinawa. Adequate defensive capability is provided by naval and air deployments.

The commitment to Korea stems from our role in the Korean War and our commitment to Japan; 42,000 U.S. troops are stationed in Korea. Even without the persence of U.S. ground forces, the South Koreans would retain a significant manpower advantage over the North Korean army. The air and naval forces we have in the area completely offset North Korea's edge in tactical aircraft. The presence of our ground forces near the demarcation line makes us a tethered goat, foreclosing the option of non-involvement of American personnel in the event of conflict. Further, the presence of some 900 tactical nuclear weapons in U.S. control contributes to even greater risks. The time has come to eliminate this last remaining automatic commitment of American forces outside of Europe.

Baseline forces in excess of defense requirements for Japan are rationalized for a general commitment to Asia: such missions as tactical air and naval support of allied operations, direct ground force actions, localized counter-insurgency and guerrilla warfare, and a full range of conventional forces against a PRC or Soviet attack—provided the U.S. is not fighting in Europe. Given what we should have learned from the Vietnam experience about the folly of fighting a major land war in Asia, and considering the actual political and military climate in Asia, most of these forces are unnecessary.

With regard to Taiwan, the improved relations with the Peoples Republic of China make possible the withdrawal of all U.S. military personnel. Ground forces are not necessary to satisfy general defensive requirements. The presence of U.S. naval and air capability is more than adequate to sustain our position in the area.

Likewise, the U.S. should withdraw all forces from the Philippines. There is no reasonable outside threat to the Philippines at this time. The recommended reductions in U.S. forces in Asia would enable us to close our bases there.

The remaining forces in Southeast Asia—those stationed in Thailand—serve no military purpose after the collapse of South Vietnam and Cambodia. Thailand is endeavoring to create amicable relations both with Peking and with Hanoi and has asked that all U. S. forces be withdrawn by March of next year.

Expansion of U. S. forces in South Asia, particularly in the Indian Ocean, should be abandoned. There is no Soviet threat to the U. S. in the Indian Ocean, and any Soviet forces there could be neutralized easily in the event of general hostilities.

In order to align U. S. forces more properly with the few realistic Asian military requirements, the following actions should be considered:

Deactivate two Army divisions, the 2nd Infantry in South Korea and the 25th Infantry in Hawaii;

Deactivate the III Marine Amphibious Force which includes the 3rd Marine Division, the double strength 1st Marine Aircraft Wing Team and supporting force troops elements;

Deactivate three Air Force tactical fighter/attack wings assigned to Asia and scale back procurement of new aircraft and corresponding ordnance proportionately;

Retire three carriers and their aircraft along with the equivalent number of escort and support ships comprising their task forces. Three carrier task forces allocated to the Pacific would remain active, allowing at least one to be on station at all times.

Retire about one-half of the surface combatant vessels and support ships not directly assigned to the remaining carrier task forces;

Cut procurement of new surface combatant and support ships and their missiles to reflect reductions of deployments;

Reduce procurement of naval aircraft and corresponding missiles by one fourth;

Eliminate shore support corresponding to the naval force reductions; and

Deactivate all of the 23,000 personnel based in Thailand.

It is reasonable to expect that these actions could yield savings of at least $6 billion in procurement and personnel costs.

STRATEGIC FORCES

In his latest posture statement, Secretary Schlesinger asserts that credible strategic nuclear deterrence, the cornerstone of our strategic policy, depends on maintaining a highly survivable force which is essentially equivalent to that of the Soviet Union. Few would quarrel with this basic philosophy, but the implementation of that policy as demonstrated by the strategic programs in the FY 1976 budget request can be seriously challenged.

Despite the overwhelming superiority of U.S. strategic forces, achieving "essential equivalence" has become the justification for dramatic initiatives to expand our nuclear arsenals. More new weapons are to be procured while we watch to see if the Russians will forego the attempt to overcome our 3 to 1 lead in warhead stockpiles. Secretary Schlesinger says that our forces should promote nuclear stability by reducing incentives for the first use of nuclear weapons, but simultaneously he seeks a more effective counterforce capability which the Russians have no choice but to assume poses such a threat. Consequently, our ICBM's become more tempting targets for a Russian preemptive strike. In support of this dichotomy, the budget calls for increased funding for more advanced weapons to replace existing systems. Yet while new programs are proposed, many old programs are not stopped.

In FY 1972, the last full fiscal year before the SALT I agreement, $2.511 billion was spent on offensive strategic weapons. In FY 1974, the first full year afterward, the funding rose to $3.316 billion. Now for FY 1976, following the Vladivostok accords, $4.272 billion is requested, and in FY 1977 spending is programmed to jump to $5.377 billion. These sums far exceed any increases that can be explained by inflation. Despite the Administration's claims of significant progress in strategic arms control, funding for offensive strategic weapons continues to grow at an alarming rate.

The expansion of strategic capability has not been justified on the basis of military need, only on the basis of a desire to maintain a lead over a *potential* Soviet capability several years from now. The result can only be the continuation of a dangerous and costly arms race.

The Vladivostok accords are claimed to establish the principle of equality in central strategic systems, but Secretary Schlesinger proposes we build up our strategic arsenal to the ceilings of 2,400 delivery vehicles and 1,320 missiles equipped with MIRV's. (We now have 2,210 delivery vehicles and 8,500 individually targetable nuclear weapons. The Soviets have only 2,800 such warheads.) Thus he confirms the worst fears of the skeptics of the Vladivostok agreement that ceilings would become floors and it would be used to justify procuring additional weapons otherwise not considered necessary.

The following alternatives and consequent savings in FY 1976 and the transition quarter are recommended:

ICBM's. In view of the fact that we have nearly 1,000 MIRV'd missiles we should halt further expansion until there is an obvious military need for more warheads. Fifty additional Minuteman III missiles are to be procured, thus breaching the ceiling of 550 established ten years ago. These are not to satisfy any military need but to keep the production lines open. Increased funding is sought for continued development of a new generation of ICBM (the MX) with larger throw weight which can be launched from existing silos, mobile platforms or from aircraft. Finally, improved counterforce capability is to be developed by means of improved guidance systems (including the terminally guided MIRV) and higher yield warheads. These programs are destabilizing by contributing to greater risk of nuclear conflagration. Savings of $1 billion should be possible.

Trident. The Trident missile submarine program, still the most expensive strategic weapons project, continues even though no specific threat to the existing Polaris-Poseidon system can be visualized. The Trident submarine is an unsatisfactory and costly replacement for Polaris-Poseidon since too many weapons will be concentrated in a single huge launching platform and will only be able to operate in the Pacific Ocean.

Instead, the development of the Trident I missile should be continued for deployment in the existing Poseidon and a smaller, less costly submarine should be developed as a replacement for Polaris-Poseidon when it eventually has to be replaced in the 1990's. Terminating the Trident submarine program would yield savings of $1,440.

B–1 bomber. The second largest item in the strategic program is the continuing development of the B–1 bomber, the cost of which is now estimated at nearly $90 million per aircraft. Although the Pentagon claims it will not decide whether to procure the B–1 until 1976, the program should be terminated now for a savings of $949 million. A comparative evaluation of a high-performance aircraft to penetrate Soviet air defenses and of a less sophisticated, stand-off plane with longer-range missiles should be undertaken now. The absence of any evidence of Soviet development of an air defense system with a good look-down, shoot-down capability that could threaten the B–52 gives added time to evaluate our future needs before committing additional billions of dollars to the B–1.

Submarine cruise missile. An aftermatch of the 1972 SALT I agreement which limited only ballistic missiles was the development of long range strategic cruise missiles for launching from submarines or aircraft. Since we will soon have more than 5,000 ballistic missile warheads on submarines, all of which have been guaranteed a free ride to targets in the Soviet Union by the ABM treaty, there is no need to procure shorter-range cruise missiles, which are more vulnerable to being shot down by the unconstrained Soviet air defense. Furthermore, the $18 billion Trident submarine program is justified on the basis that Polaris-Poseidon submarines are vulnerable even when 4,000 miles away from their targets in the USSR; yet the cruise missile will require submarines to operate closer than 1,500 miles from their targets. Consequently, the submarine cruise missile program should be terminated, saving $144 million. The air launch program should be continued and directed toward possible use with transport type aircraft as a possible replacement for the B-52 in lieu of the B-1.

Airborne command post. The AABNCP is a Boeing 747 modified to provide an airborne top level command post to direct strategic forces in the event of future nuclear war. The program has been plagued by soaring costs and is redundant in view of present means of command and control. Because the AABNCP has questionable utility under present circumstances, procurement should be terminated for savings of $186 million.

Strategic defense. Despite an ABM treaty and severe technological limitations on constructing an adequate defense against Soviet missiles, some $564 million has been requested for strategic defense and civil defense. These programs should be pared back to provide only for sustaining an advanced technology as a hedge against possible ABM treaty abrogation. Recommended savings should be $400 million.

ADVANTAGES OF A CEILING AMENDMENT

Scrutiny of the details of the defense program by Congress and its committees in the past has made important direct and indirect contributions to a more rational and more economical defense policy. But we are not unmindful of the practical legislative difficulties for Congress in seeking to control the military budget by eliminating or cutting particular programs, especially on the floor of either house.

Moreover, the relationship between the size of the military budget over a period of several years and the elimination of one or more programs is not very close. If one program is eliminated, other programs or other Pentagon uses of the funds "saved" will quickly step forward to fill the void within the military budget ceiling established each year within the Executive Branch. The obstacles to trying to influence the overall size of the military budget by identifying waste or cutting particular systems was made clear when Secretary of Defense Schlesinger told the Senate Armed Services Committee that there was significant waste in the military budget and that he was determined to eliminate it, but that any money saved would go for larger general purpose forces. Similarly, the decision to forego a complete ABM system has not led to reduced spending for strategic weapons.

Thus a weapon by weapon approach faces formidable difficulty for both the Congress and the Executive Branch. Curtailing a weapons system on the floor of Congress should be attempted when important policy questions are involved. We suggest that as an alternative, Congress, in light of its concern for fiscal responsibility in shaping national priorities and for insuring that the Executive departments are run efficiently, develop a long term plan for controlling the total size of the military budget.

Congress should establish a ceiling on the total military budget each year. This ceiling would be applied proportionately to the major military bills. A Congressional ceiling would be fully consistent with the budgetary procedures used within the Administration. Since Congress has the responsibility for allocating federal resources, an annual ceiling would facilitate the determination of budget priorities in general. The new Congressional budgetary process set forth by the Congressional Budget and Impoundment Control Act of 1974 incorporates the notion of ceilings for each major budget category.

The effort to gain Congressional control of the defense budget in FY 1976 should, first of all, accept the view that the world situation will not require, for the foreseeable future, any constant dollar increases in the military budget. In fact cuts in real spending are warranted to facilitate the realignment of military forces. Thus, in considering the FY 1976 budget, Congress should begin with the constant dollar equivalent for FY 1975 ($20.9 billion in the case of the procurement and R&D authorization) rather than to adjust the substantial increase reflected in the Administration's request.

Beyond limiting increases to inflation, Congress would be free to legislate a further reduction (or increase) in defense spending based on a significant change in military threats or in military strategy.

Presented by Paul C. Warnke, Former Assistant Secretary of Defense (International Security Affairs); Morton Halperin, Former Deputy Assistant Secretary of Defense (Policy Planning and Arms Control); Rear Adm. Gene LaRocque, U.S. Navy, Ret.; Earl Ravenal, Former Director, Asian Division (Systems Analysis), Department of Defense; Herbert Scoville, Jr., Former Deputy Director, Central Intelligence Agency; and Walter Slocombe, Former staff member, National Security Council.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 30, 1975.

Through the Vietnam War years, the U.S. Conference of Mayors has publicly supported resolutions calling for a reordering of national priorities. Now that the nation's involvement in Southeast Asia has concluded once and for all, we were hopeful that the Administration and the Congress would begin to decrease funds for defense and direct resources into those social and urban programs where funds are so desperately needed. Yet now, the Administration has requested an unprecedented $28.6 billion for weapons procurement and military research and development for FY 1976.

Given the pressing needs of our cities and the importance of reordering our nation's priorities, the U.S. Conference of Mayors urges you to support the ceiling amendment to be offered this week to the Military Authorization Bill (S. 920) by Senator Symington, Cranston and Kennedy.

As reported by the Senate Armed Services Committee, S. 920 authorizes an alarming $25.0 billion for weapons procurement and for military research and development, a figure which represents a 20 percent increase over the FY 1975 budget. Much of the cut recommended by the Committee can be attributed to the end of all military assistance to Southeast Asia and not to any deliberate action on the part of committee members.

At a time when valuable urban programs are being slashed, this nation cannot tolerate high and unjustifiable increases in the Pentagon's budget. The ceiling amendment would limit increases in procurement and research to 14 percent for FY 1976, a rate which generously allows the Defense Department to keep pace with inflation and to maintain its current programs at their existing levels. This kind of inflationary increase is more than the Administration is willing to concede to the elderly, the handicapped, and other recipients of Social Security or to valuable urban programs.

At the same time the President proposes a 37 percent increase in the military procurement and research budget, he proposes to cut manpower programs by more than 20 percent, federal aid to elementary and secondary education by 5 percent, social services funds by 6 percent and LEAA grants by 11 percent. Almost as bad, "701" planning funds would continue at critically low levels, community health programs would be slashed, and federal matching funds for other health programs substantially reduced so that a heavier burden for these programs is shifted to local governments.

In these days of unemployment as high as 25 percent in some central cities when the nation should be concentrating its resources in economic recovery—on public service and public works jobs and on emergency aid to states and cities—it is foolhardy to increase spending for weapons systems and military R&D.

As a first significant step toward reordering our nation's priorities, we urge you to support the Symington, Cranston, Kennedy amendment to the Military Authorization Bill.

Sincerely,

JOHN GUNTHER.

UNITED CHURCH BOARD FOR
HOMELAND MINISTRIES,
May 30, 1975.

DEAR SENATOR: This month the United States terminated once and for all its long and costly involvement in Vietnam. In the past few years, we have made great advances in international relations and taken the first steps towards detente. Yet now, the Administration has requested $28.3 billion to be used for weapons procurement and research and development for the next year.

As an organization of churches, we are concerned with the needs of people in our country today. People in all classes of life are suffering because vital social programs are being cut back, and human needs are not being met. The elderly, the poor, and the unemployed are being asked to bear the burden of an economic crisis, while the government continually expands its defense budget.

We regard the conscious preference by this Administration to increase military spending while neglecting the needs of people as being both fiscally and morally irresponsible. The nation can no longer tolerate the waste of its limited resources on military hardware and weapons when pressing needs for jobs, housing, food, education, and income go unmet day after day.

This week you will have an opportunity to vote against wasteful and unwarranted increases in the military budget. Senators Symington, Cranston and Kennedy will offer an amendment to the Military Authorization Bill (S. 290) to place a ceiling on expenditures for weapons procurement and military research and development. Adoption of this amendment will be a small step toward meeting the needs of our nation and promoting the prosperity, unity and hope of our people. We urge you to support it on the Senate floor.

Sincerely,

PAUL H. SHERRY,
Executive Associate for Planning and Strategy.

MAY, 30, 1975.

DEAR SENATOR: When the Defense Authorization Bill (S. 920) comes before the Senate this week, we urge you to support an amendment offered by Senators Symington, Cranston and Kennedy placing a $25.8 billion ceiling on defense procurement and research.

We believe that this ceiling is necessary in order to curb the continually escalating military budget. For FY 1976 the Administration proposes to increase budget authority for military procurement and research by an alarming 37 percent. Coming at a time when our expensive military commitments in Southeast Asia are at an end, when valuable social programs are being cut, and when the economy is in need of stimulation, this increase is unjustifiable.

The proposed "cap" or ceiling amendment will reduce the budget authority level proposed by the Armed Services Committee by $1.2 billion, allowing a 14 percent increase over FY 1975 levels to compensate for inflationary cost increases and to maintain programs at their current levels. For several reasons we believe that this amendment reflects sound economic judgement.

At this present time of high unemployment, increases in federal spending should be directed into those programs which stimulate the economy and produce jobs. Defense spending, especially in the areas of research and procurement, is a less effective way to create employment than a public service jobs program. Yet, while requesting $7.7 billion more for military procurement and research, the Administration sought only $2.4 billion for public jobs and a total of only $3.4 billion for all recovery programs.

We believe that the $7.7 billion increase in spending for military procurement and research could be used to finance those recovery programs the nation needs—health insurance for the unemployed, public service and public works employment programs, assistance to state and local governments, housing, improvement of railroad beds, and cost-of-living increases in Social Security.

Military spending cannot be targeted to the geographic areas of greatest need but takes place primarily at the locations of military contractors and defense installations. Increases in federal spending can aid economic recovery more effectively if pinpointed through public works, public service jobs and emergency assistance to states and cities.

In contrast with recovery programs, military spending is necessarily slow. Most of its stimulative effects will not be felt until a time when most forecasters believe the economy will be on the upswing. Based on past experience, only $8.9 billion of the $28.6 billion requested by the Administration for procurement and research will be spent in the first year.

There are many social programs where military funds could be reallocated to fulfill vital human needs. The bill proposed by the Armed Services Committee represents a 20 percent increase in Pentagon procurement and research at the same time that manpower training funds are being cut by 21 percent, social services funds cut by 6 percent, elementary and secondary education aid cut by 5 percent; and the President is proposing 5 percent caps on social security and federal pay increases.

We believe that all military spending not necessary to maintain an adequate defense posture should be used to create jobs and fulfill pressing human needs. Therefore, we hope that you will support the Symington, Cranston and Kennedy ceiling amendment to the Defense Authorization Bill when it is considered by the Senate.

JACK BEIDLER,
Legislative Director, United Automobile, Aerospace and Agricultural Implement Workers of America—UAW.
BRUCE DUNTON,
COPE—Legislative Director, Textile Workers of America, AFL–CIO.
ANTHONY MAZZOCCHI,
Citizenship-Legislative Director, Oil, Chemical & Atomic Workers International Union, AFL–CIO.
ROBERT R. NELSON,
Legislative Director, United Mine Workers of America.
JANE O'GRADY,
Legislative Representative, Amalgamated Clothing Workers of America, AFL–CIO.
JOHN J. SHEEHAN,
Legislative Director, United Steelworkers of America, AFL–CIO.
PATRICK TOBIN,
Washington Representative, International Longshoremen's and Warehousemen's Union.
WILLIAM B. WELSH,
Executive Director for Legislation and Political Education, American Federation of State, County, and Municipal Employees—AFL–CIO.

Mr. BARTLETT. Mr. President, I want to speak today about a specific aspect of U.S. foreign policy after Vietnam: the matter of our military deployments overseas. There have been many debates in this Chamber about the needs and the advisability of stationing American troops in foreign countries. I firmly expect that this debate will continue as the American people, now that Vietnam is over, decide what part they wish the United States to play in international affairs over the coming years.

It seems to me that, whatever part that may be, it will require that the United States remain very much involved in the world, and that will mean that we will have forces overseas. Like it or not, a nation with our interests spanning the globe is going to need forces in many places to make it clear that we intend to protect those interests.

Specifically, I think we are going to continue to need deployments of troops both in Western Europe, and the Western Pacific. It looks clear to me that the U.S. vital security interests are going to continue to be very much at stake in these parts of the world.

The strong historical, cultural, and economic ties we now have to Western Europe are unlikely to weaken. We have too much to lose if Western Europe were to drift away from us or become vulnerable to military pressures from the East. The continued freedom and independence of Western Europe is fundamental not only to our own physical security but to the preservation of our cultural values and political institutions. For 25 years, the strength and freedom of Western Europe have been central to our foreign policy, and that is not likely to change. We may alter some of the details of our deployments, as we have been doing ever since NATO was first started, but we are still going to need a substantial, tangible commitment of forces there to insure vitality of this important alliance.

Northeast Asia will remain highly important to us, too. This is an area which is of major interest to four major powers—the United States, the Soviet Union, the People's Republic of China, and Japan. Moreover, North Korea does not seem to have given up the idea that it just might manage to conquer the South, and if it were to estimate that the United States either could not or would not oppose such an attack, it just might decide to try. If we were to withdraw our forces from Northeast Asia, thereby inviting a dangerous miscalculation of our intent and resolve on the part of North Korea, it could lead to another war in Korea which, in the absence of a strong U.S. military presence, could seriously endanger the survival of South Korea. Were the Korean peninsula in danger of falling under Communist domination, and if the United States were no longer in a position to forestall such an event, it is hard to see how Japan, confronted by three well-armed Communist powers—the PRC, the Soviet Union, and North Korea—could long continue to maintain its present Western orientation. Japan is too valuable an ally to lose—especially by our own neglect. Japan's importance to us means that we need to maintain forces sufficient to give visible evidence of the seriousness of our commitment to the stability of Northeast Asia and to provide a credible ability to respond quickly and effectively to unforeseen events.

Additionally, we should begin to study the possibility of Japan increasing its sphere of military influence to enable her to assist us in the Western Pacific and in Asia. There is no reason why we should bear the entire burden of that geographic area.

Our relations with the Republic of the Philippines are also important and I am persuaded that we must come to a satisfactory agreement with the Philippines whereby we may continue to make use of our two important bases there: the Naval Base at Subic Bay and Clark Air Base. Especially in the aftermath of Vietnam, these facilities will be the more necessary to us in allowing us to protect our interests in the Indian Ocean, as well as our residual interests in Southeast Asia.

In short, the Pacific is very important to us. Our island States and territories reach fully two-thirds of the way across the Pacific Ocean. Our political, economic, and military stake in the security of Japan and the stability of Northeast Asia has become central to our position and security in the world. Our relationship with China has become an important balancing factor in our worldwide relationship with the Soviet Union, and that in turn hinges critically on the perception that Peking has of us as a stable and reliable power, able to undertake and sustain a stabilizing military role in the area. What that tells me is that we are going to need to maintain a strong, visible presence there.

Mr. President, U.S. military deployments will continue to be a vital part of our foreign policy. Wherever and whenever possible, our allies must be encouraged to pick up a larger share of the burden. But we must remember that these overseas deployments of U.S. forces are as much in our interest as in theirs.

Finally, it is imperative that we have the support of the American people in fulfilling our commitments around the globe. Certainly without that support our commitments are of little value. The leadership provided by the Congress in regard to our treaties and commitments will have a significant impact on the formation of public opinion.

But in the long run it must be left to the people to tell us the direction they want American foreign policy to follow in the years ahead.

SPAIN BELONGS IN NATO

Mr. HARRY F. BYRD, JR. Mr. President, President Ford is concluding a highly important visit to Europe, during which he took part in the North Atlantic Treaty Organization summit at Brussels and visited Generalissimo Franco of Spain at Madrid.

Certainly one of the subjects considered was the desire of Spain to be admitted to the NATO alliance.

It is my view that the time has come to invite Spain to become a member of NATO.

Spain has great strategic importance in the defense of Europe and the Mediterranean.

Spain has always played a role in the

formulation of European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In 1953 the United States negotiated its first base agreement with the Spanish Government, which has been twice extended, with modifications.

Today the Spanish bases have greater importance than ever before, both for the United States and for Spain.

Therefore I hope that negotiations will lead to a reasonable agreement on these bases, one which will be beneficial to both countries.

One reason for the importance of the Spanish bases is the penetration of the Middle East, the Mediterranean, and North Africa by the Soviet Union. The Russians are seeking to become the dominant power in the entire Mediterranean area.

Not only do the Soviets maintain a sizable fleet in the Mediterranean waters, but they have become the major force supporting the Arab nations in their continuing struggle against Israel. They also continue to seek influence in other nations of the Mediterranean region.

After a revolution deposed the former Government of Libya, the United States was forced to close down the operations at Wheelus Air Base located in that country. These operations were moved to Zaragoza, one of two modern U.S. air bases in Spain. A third air base is on a standby basis in Spain.

The United States naval base at Rota, on the Spanish Atlantic coast near Gibraltar, is extremely important to the operations of the U.S. 6th Fleet in the Mediterranean Sea.

Given the present political and strategic situation in the Mediterranean region, it is clear that Spain is of critical importance to the south flank of the NATO alliance.

The exclusion of Spain from NATO results primarily from the opposition of powerful Socialist parties in several European nations, notably Norway, Denmark, the Netherlands, and Belgium.

Much of the opposition to Spanish entry into NATO can be traced to the role of Spain in the early years of World War II.

It seems to me that it is time for such matters to be forgotten. We should bear in mind that two of this Nation's strongest allies are Japan and Germany, the nations who were chief opponents of the Allies in World War II.

The present instability in Portugal, with the threat of Communist domination, increases the importance of Spain to Western Europe.

The peacetime army of Spain consists of five divisions and 16 brigades. The mobilization potential of this army is considered to be 40 divisions.

Spain also has a navy of more than 80 ships and an air force of 200 modern aircraft. Both the navy and the air force could be more than doubled in time of war.

In overall military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spain stands about on a par with Britain and Italy.

Spanish membership in NATO certainly would represent a desirable strengthening of the alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO.

We should bear in mind that the Soviet Union is never reluctant to cooperate with other nations whose governments are ideologically opposed to communism. Moreover, Communists in the Western European countries continually seek to use democratic procedures to destroy democracy itself. Portugal is an excellent example.

Realism suggests that the members of NATO should not attempt to insist that all members of the alliance be models of democracy. NATO is primarily an alliance against the threat of communism.

Addition of Spain to NATO could help reduce the burden on the United States of maintaining a huge contingent of forces in Europe. Today the United States has 300,000 servicemen in the European area.

Addition of Spanish forces to NATO could help to ease the American burden and would make a solid contribution to the strength of the alliance.

Spain is a member of the West European family of nations. She belongs in the ranks of the alliance which is the principal instrument of West European security.

AMERICAN FOREIGN POLICY AFTER VIETNAM

Mr. MONDALE. Mr. President, let me express my appreciation to Senator CRANSTON, Senator KENNEDY, and others who have arranged this historic discussion. It is fitting that we begin the debate on the future course of America's post-Vietnam foreign policy in the context of the Senate's consideration of the military authorization bill. For it was our tragic experience in Vietnam which showed how empty is a foreign policy based on military power alone.

As we try to define America's future world role, we must take full account of the fact that the citizens of this country are profoundly skeptical. They know only too well that their patriotism has been exploited by political leaders who could no longer justify their actions with candor. I do not believe that the United States is about to become an isolationist country, but the American people no longer want to be the world's policemen nor go on one-man crusades. I believe that Americans are willing to continue to shoulder our fair share of the world's responsibilities, but only if these responsibilities are defined in terms that make sense, that are consistent with our basic values and that relate to our real concerns. This requires that we go back to basics—in the terms that we use to think about foreign policy, in the values we pursue, and in the way we view the real sources of America's prestige and power.

The first step in revising our thinking about foreign policy should be to jettison the amorphous term "national security," and to get back to talking concretely about our diplomatic, military, economic, and other interests.

The term "national security" has dominated our thinking in foreign affairs for three decades. In the late 1940's, when the National Security Council was established by law, we were concerned about a monolithic enemy—the Soviet Union, the People's Republic of China, and Communist parties throughout the world appeared to be acting in concert, using every means of diplomacy, military coercion, economic leverage, and propaganda, orchestrated on behalf of Soviet imperialistic expansion. With the lessons of Hitler fresh in our minds, we felt, and I believe quite rightly, that we had to meet this threat with a comprehensive national effort. Otherwise we believed that the United States and the American people would ultimately be placed in direct jeopardy.

But as the years passed, the Sino-Soviet alliance cracked apart. Communist parties outside the Soviet bloc began to define their interests to suit themselves and not the Soviet Union.

Our own problems became more complicated and the concept of "national security" was not much of a guide to solving them. For example, the idea of national security has militarized our foreign policy to the point of being virtually helpless when confronted by major international economic problems such as energy. All we could do to respond to OPEC's fourfold increase in the price of oil was to mutter empty threats about invading the Middle East.

But even worse, I believe the fog of national security helped to lead us into the tragic swamp of Vietnam, into the morass called Watergate.

In the early 1960's we saw Vietnam as a threat to our overall national security. We could not see that our interests in Southeast Asia were diplomatic, not military. The problem was to contain the threat of Soviet and Chinese Communist influence, and not, as some suggested at the time, to defend Hawaii.

While there was nothing wrong with encouraging a democratic, pro-U.S. government in Saigon, we failed to recognize that our bottom-line interest only required a reasonably independent South Vietnam, regardless of the complexion of its government. Skillful diplomacy, not military intervention, might have achieved—and in fact might still achieve—that basic diplomatic objective.

National security confused our objectives at home, as well as abroad. If we wanted to support higher education, we had to justify it in terms of national security. When we wanted to make sensible long-term investment in basic scientific research, we found we could only do it in the name of national security. When we faced the choice between a Great Society at home and defending our so-called national security in Southeast Asia, you know what took priority. The war on poverty was lost long before the war in Vietnam ground to its tragic finale.

In time, this bloated concept of national security ultimately came home to us with Watergate. Who can forget the passage in the White House tapes when Richard Nixon is groping for a way to try to justify to the American public the break-in of Daniel Ellsberg's psychiatrist's office?

John Dean suggests, "You might put it on a national security grounds basis." The President responds, "National security. We had to get information coming out and everything coming out. The whole thing was national security." John Dean adds, "I think we could get by on that."

And there was an even more chilling exchange in the Watergate hearings when Senator TALMADGE asked John Ehrlichman:

> Now if the President could authorize a covert break-in, and you do not know exactly how that power would be limited, you do not think it could include murder or other crimes beyond a covert break-in, do you?

Mr. Ehrlichman answers:

> I do not know where the line is, Senator.

Let us retire this term "national security" and get back to defining our interests more concretely, in terms of diplomatic interests, military interests, and economic interests; or political, humanitarian, ethnic, and cultural interests.

I see nothing wrong in being frank about the fact that in the Middle East our support for Israel is based on political and cultural affinity, that our desire for good relations with the Arab States is based on economic interests, and that our hope for peace between the two is based on concern that war could prompt a military confrontation between the United States and the Soviet Union.

Portugal offers another example of how dealing with specific interests rather than the concept of national security helps clarify what is at stake. While we would like to see a democratic Portugal, and should do what we can to encourage that, our primary interest is military. We must not be too pious in our criticism of the present government and forget that we were willing to tolerate a truly odious dictator for generations—precisely because the Salazar regime provided us with a military base in the Azores that enabled us to control the Atlantic and support the Middle East.

By putting our interest in Portugal's internal affairs into perspective, I think it should make it even more possible for us to be patient, to be more understanding of the very difficult internal problems of establishing a reasonably representative and progressive government in the aftermath of decades of tyranny. I believe we need not worry too much about how the political complexion in Portugal may change from day to day. Personally, I will be rooting for the moderate and democratic forces in Portugal, but as a government we should be clear that the essential American concern is for the continuation of our military relationship.

The second major issue we need to confront in defining our future foreign policy is how to support our basic values without winding up back in places like Vietnam. I do not believe the American people will support a foreign policy devoid of human values, yet how do we stop short of meddling in other people's affairs?

I believe strongly that we can and should support human rights, individual freedom and justice, governments who derive their power from the consent of the governed. I have always opposed communism because it has jeopardized these values. But somewhere along the line we lost sight of the fact that we were contesting tyranny, regardless of its political coloration.

We became absorbed in the narrower struggle against communism, and in the process supported and ultimately overcommitted ourselves to some of the most outrageously oppressive regimes in the world. And ironically, the consequence has often been to give a boost to the Communists by identifying the United States and our values with petty tyrants.

The lesson, I believe, is to support those who truly favor democracy, freedom, and social justice and treat with equal disdain tyrants, whatever their political label.

A second major lesson that we should have learned by now is that our commitment to freedom and justice cannot substitute for the lack of commitment on the part of others. We cannot care more about the integrity and independence of a country being threatened than its leaders. We must not offer to make sacrifices that are greater than the sacrifices to be borne by those we would help.

A third way to be true to our values, yet avoid the pitfalls of another Vietnam, is to turn our attention to the great unfinished business on the world's agenda: hunger, development, economic stability and progress, a new equitable regime for the oceans, a more effective control of conventional and nuclear arms. There is a very long list that has received too low priority for too great a time. By tackling these problems, I believe that we can fulfill our responsibilities, pursue our basic values, without inevitably being drawn into the agony of war. We may, in fact, even be able to make a contribution to reducing some of the causes of human conflict.

Finally, if we are to define a new direction for American foreign policy, we must have a more balanced appreciation of the real sources of American power and influence in the world. With military power second to none, we were unable to alter the course of history in Vietnam. With the ability to destroy the world we could not prevent the oil-producing countries from bringing truly agonizing hardships to millions upon millions of Americans in the form of inflation and the deepest depression since the 1930's. And all the military might in the world does not enable us to command the respect we once had in the international arena.

Military power is increasingly irrelevant to the host of economic, social, and political issues confronting this country. This is not to say that we do not have a fundamental military interest in a stable strategic relationship with the Soviet Union or with a secure Europe, Japan, and Israel. But the oil cartel, the threat of other commodity cartels, the problem of world hunger, worldwide recession and inflation—none of these issues, which immediately affect the security of every American, can be resolved by military force.

Moreover, I am convinced that the basic source of American power to deal with these issues lies in the ability of the American people and their Government to solve this Nation's problems. Our ability to manage a growing and vibrant economy, to be first in the world in technological innovation; to lead the world in efforts to bring equality to all of our citizens; to provide social justice, good housing, jobs, schools; to take care of our old; to insure equal opportunity to our young—these are the things that once were the hallmark of America. We were respected for these things. Nations sought our advice and our counsel, because they had confidence in our leadership, in our sense of priorities, and in our humanity.

Now, after decades in which considerations of national security have taken priority over all others in this country, we have squandered $150 billion worth of investment in the quagmire of Vietnam. We have spent over $1 trillion in arms. We have sent our best and brightest into the defense industries, into the military services, into the secret intelligence agencies. We have kept our military machine polished, but have let our cities decay, our transportation systems collapse, our national unity dissolve. We have pursued American ideals in the jungles of Southeast Asia and have ignored them in the jungles of our cities.

If there is anything that must underline a new foreign policy for the United States, it should be the recognition that the source of America's strength and influence in the world is our ability to meet our needs at home. If we cannot solve our problems here, we are not going to solve our problems, or anybody else's problems, abroad.

This is not a call to isolationism, nor unilateral disarmament. We must keep this country strong militarily, and we will no doubt devote the resources to do so. The Soviet Union and others should not be tempted by recent events into miscalculating our commitment to our friends and allies. We are not opting out of the world.

In fact, I think that perhaps we have finally turned the last page on isolationism in the United States. Isolationism is an unwillingness to deal with the world as it is. At one time America demonstrated this by having nothing to do with international affairs. And when we became involved in world affairs, we seemed to want to control everything, to transform other countries in our image, to leave nothing to chance. This too was an unwillingness to deal with the world as it is, and really is a kind of isolationsim.

Perhaps now we will begin to accept the diversity, the conflict, and even the disorder that are inherent in the world. We cannot completely control such things, and we have found, to our tragic dismay, that if we try, they only end up controlling us.

Mr. President, I have tried to outline my views on the basic principles underlying the development of a new American foreign policy in this post-Vietnam period.

First, our policy must be one that is not dominated by elitist abstractions like national security, but which is grounded in concrete interests which the American people can identify with and support.

Second, we must be more disciplined, but no less determined, in the pursuit of our ideals. The response to our overinvolvement in Vietnam is not a Philistine policy devoid of values. Rather, it is to re-dedicate ourselves more conscientiously to democracy, freedom, justice, and the international agenda of human needs.

Third, we must draw upon sources of national power and influence in addition to military power in the pursuit of our foreign policy. We must recognize that America is strong abroad only insofar as it is strong at home. World leadership and respect will be determined by how well we meet the needs of our own people—for only in that way can this Nation recapture its unique claim to being the last, best hope for mankind.

AMENDMENT OF THE GRAND CANYON NATIONAL PARK ENLARGEMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 141, H.R. 4109.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4109) to amend the Grand Canyon National Park Enlargement Act (66 Stat. 2089).

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. GOLDWATER. At my request the other evening, the distinguished majority leader withheld action on this bill because, frankly, I had not heard that it was even coming around the corner.

I have since checked and I find that it is simply the correction of a mistake. During the conference on the Grand Canyon bill, which I authored, agreements were reached by the conferees that certain language would be contained. Inadvertently this language was left out of the conference report. So I see no reason why the Senate should not accept it. It is merely in keeping with what the intent of the conferees was, and it is language that I can very easily agree with.

I thank the majority leader for his usual courtesy in extending me that privilege.

Mr. MANSFIELD. I thank the Senator.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time and passed.

DEVELOPMENTALLY DISABLED ASSISTANCE AND BILL OF RIGHTS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 155, S. 462.

The PRESIDING OFFICER. The bill will be stated by title. The legislative clerk read as follows:

A bill (S. 462) to amend the Development Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with amendments as follow:

On page 2, in line 6, strike out "found by the Secretary to be".

On page 5, beginning with line 23, insert:

(16) "University affiliated facility" means a public or nonprofit facility which is associated with, or is an integral part of a college or university and which aids in demonstrating the provisions of specialized services for the diagnosis and treatment of persons with developmental disabilities and education and training (including interdisciplinary training) of personnel needed to render specialized services to persons with developmental disabilities.

On page 7, in line 2, strike out "5" and insert "4".

On page 7, in line 16, strike out "6" and insert "5".

On page 8, beginning with line 1, insert:

RECOVERY

SEC. 6. If any facility with respect to which Federal assistance has been provided under this Act shall, at any time within twenty years after the completion of construction, renovation or modernization—

(1) be sold or transferred to any person, agency, or organization which is not qualified to file an application under this part, or

(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) or so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. The Secretary, in accordance with regulations prescribed by him, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

On page 9, beginning with line 1, insert:

MAINTENANCE OF EFFORT

SEC. 7. Applications for grants under this Act may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.

On page 10, in line 18, strike out "The" and insert "Except for projects of national significance and special projects, the".

On page 11, at the end of line 4, strike out "and not" and insert "or".

On page 11, beginning with line 6, strike out:

(2) Payments of grants under this title shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

(3) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision thereof or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions the Secretary may by regulation prescribe, be deemed to be expenditures by such State.

On page 11, beginning with line 15, insert:

(2) Payments made under this title shall be made from time to time in advance on the basis of estimates by the Secretary, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments.

(3) For the purpose of determining the Federal share with respect to any project, expenditures by political subdivisions of a State or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions the Secretary may by regulation prescribe, be deemed to be expenditures by such State or (in the case of a project assisted under part A of this title) by a university-affiliated facility.

(4) In determining the amount of any payment for administering and operating facilities and training programs under section 102, and for the construction, renovation, or modernization of any facility under section 101 of this title, there shall be disregarded (A) any portion of the costs of such construction, renovation, or modernization which are financed by Federal funds provided under any provision of law other than this part, (B) the amount of any non-Federal funds provided under any provision of law other than this part, and (C) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

(5) In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved under part B there shall be disregarded (A) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (B) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

On page 13, in line 3, strike out "CONSTRUCTION" and insert "MODERNIZATION".

On page 13, in line 5, strike out "CONSTRUCTION" and insert "MODERNIZATION".

On page 15, in line 15, strike out "(1)".

On page 16, beginning with line 3, strike out:

(2) For the purposes of this subsection only, the term "university affiliated facility" means a facility constructed under funds authorized by Public Law 81–164 to promote interdisciplinary training of personnel to serve developmentally disabled individuals, or a successor facility as designated by the Secretary to perform the functions of such facility.

On page 19, in line 1, strike out "councils" and insert "council".

On page 20, beginning with line 10, strike out:

RECOVERY

SEC. 104. If any facility with respect to which Federal assistance has been provided under this part shall, at any time within 20 years after the completion of construction, renovation or modernization—

(1) be sold or transferred to any person, agency, or organization which is not qualified to file an application under this part, or

(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. The Secretary, in accordance with regulations prescribed by him, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

MAINTENANCE OF EFFORT

Sec. 105. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.

On page 33, in line 22, after "organizations" insert "except that volunteer services shall supplement, but shall not be in lieu of services of paid employees".

On page 36, beginning with line 18, insert:

"(15) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate (when such construction is completed), any facility the construction of which is assisted by funds made available under this part;"

On page 36, in line 24, strike out "(15)" and insert "(16)".

On page 37, in line 20, strike out "(16)" and insert "(17)".

On page 37, in line 23, strike out "(17)" and insert "(18)".

On page 38, in line 3, strike out "(18)" and insert "(19)".

On page 38, in line 5, after "Act" strike out "within 30 months after the date of enactment of this Act".

On page 38, in line 7, strike out "(19)" and insert "(20)".

On page 38, in line 12, strike out "(20)" and insert "(21)".

On page 38, in line 15, strike out "(21)" and insert "(22)".

On page 38, in line 19, strike out "and".

On page 38, beginning with line 20, insert:

"(23) provide for fair and equitable arrangements (as determined by the Secretary in consultation with the Secretary of Labor) to protect the interests of employees affected by the plan required under this section, including, but not limited to, preservation of employee rights and benefits, training and retraining for career development and advancement, and maximum efforts to assure employment to employees who may be affected by any plan or program funded in whole or in part under this title; and"

On page 39, in line 5, strike out "(22)" and insert "(24)".

On page 41, beginning with line 16, strike out:

APPROVAL OF PROJECTS FOR CONSTRUCTION, OR MODERNIZATION

Sec. 116. (a) Any State or political subdivision thereof or a public or nonprofit private agency shall, with respect to any project for construction, renovation, or modernization authorized under this part, submit an application therefor to the Secretary, through the State agency designated pursuant to section 114(b)(1)(B) (herein in this part referred to as the "State agency"). An application for a project to be completed by two or more political subdivisions or public or nonprofit agencies, or by a combination thereof, may be submitted by one such agency on behalf of all of them. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

(3) satisfactory assurances that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the facility;

(4) satisfactory assurances that the non-Federal share of financial support will be available for the construction, renovation, or modernization of the project and for its maintenance and operation when completed;

(5) a certification by the State agency of the Federal share for the project;

(6) satisfactory assurances that the project, facility, or activity, in connection with which such determination is made, does, or when completed or put into operation, will serve the needs of the residents of the area;

(7) a certification by the State agency that the project will comply with any standards prescribed pursuant to the Architectural Barriers Act of 1968; and

(8) satisfactory assurances that such construction, renovation, or modernization will conform to the requirements of section 103 (b)(7) of this Act.

(b) The Secretary shall approve an application under this section if sufficient funds to pay the Federal share of the cost of such project are available from the allotment to the State, and if the Secretary finds that the application—

(1) sets forth, to his satisfaction, the information required in subsection (a),

(2) is in conformity with the State plan approved under this part, and

(3) has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

(c) No application shall be disapproved until the Secretary has afforded the State agency adequate notice and an opportunity for a hearing.

(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

WITHHOLDING OF PAYMENTS

Sec. 117. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State planning council and a State agency or agencies designated pursuant to section 114(b)(1) finds—

(1) that any such State agency or agencies are not complying with the provisions required by section 114(b) to be included in the State plan, or with regulations of the Secretary;

(2) that a state, State agency, or State planning council are not in compliance with the provisions of section 115;

(3) that any requirement set forth in an application submitted under section 114 and approved by the Secretary is not being or cannot be carried out with respect to the project for which such application was submitted;

(4) that there is a substantial failure to carry out plans and specifications related to construction, renovation, or modernization approved by the Secretary, under section 116; or

(5) that adequate funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith notify such State council and State agency or agencies that—

(A) no further payments will be made to the State for construction, renovation, or modernization from allotments under this part; or

(B) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), (4), or (5) of this subsection as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction, renovation, or modernization projects may be withheld, in whole or in part, until the Secretary is satisfied that the State has corrected any deficiencies under this subsection or, if such correction is impossible, until the State repays or arranges for the repayment of Federal moneys to which the State was not entitled because of such deficiencies.

(b) Whenever the State planning council finds that a State agency administering funds pursuant to the implementation design is failing to comply with such design, the State planning council shall notify the Governor and the Secretary, who may provide notice, conduct a hearing, and withhold payments pursuant to subsection (a) of this section.

PAYMENTS TO THE STATES FOR PLANNING ADMINISTRATION AND SERVICES

Sec. 118. From each State's allotment for a fiscal year under section 112, the State shall be paid the Federal share of its expenditures, other than expenditures for construction, renovation, or modernization, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

On page 46, beginning with line 8, insert:

WITHHOLDING OF PAYMENTS

Sec. 116. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State planning and advisory council and a State agency or agencies designated pursuant to section 114(b)(1), finds—

(1) that any such State agency or agencies are not complying with the provisions required by section 114(b) to be included in the State plan, or with regulations of the Secretary;

(2) that any requirement set forth in an application submitted under section 114 and approved by the Secretary is not being or cannot be carried out with respect to the project for which such application was submitted; or

(3) that adequate funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith notify such State council and State agency or agencies that no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), or (3) of this subsection as the Secretary may determine to be appropriate under the circumstances.

(b) Whenever the State planning and advisory council finds that a State agency administering funds pursuant to the implementation design is failing to comply with such design, the State planning and advisory council shall notify the Governor and the Secretary, who may provide notice, conduct a hearing, and withhold payments pursuant to subsection (a) of this section.

On page 47, in line 13, strike out "119" and insert "117".

On page 48, beginning with line 15, strike out:

NONDUPLICATION

SEC. 120. (a) In determining the amount of any payment for the construction, renovation, or modernization of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction, renovation, or modernization which are financed by Federal funds provided under any provision of law other than this part, (2) the amount of any non-Federal funds provided under any provision of law other than this part, and (3) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

(b) In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved under this part, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

EVALUATION OF DEVELOPMENTAL DISABILITIES SERVICES

SEC. 121. (a) The Secretary, in consultation with the National Council created pursuant to section 113 of this Act, shall develop and transmit to the appropriate committees of Congress, within 18 months after the date of enactment of this section, an evaluation system and plan for implementation of such system which shall provide a model for the development of State evaluation systems for all services delivered within the States to persons with developmental disabilities.

(b) The evaluation system required by subsection (a) shall be designed to—

(1) assess the adequacy of all education and training, habilitation, rehabilitation, early childhood, diagnostic and evaluation services, and all other services or assistance to persons with developmental disabilities under laws administered by the Secretary; and

(2) develop specific criteria designed to provide objective measurement of the developmental progress of persons with developmental disabilities, which may be utilized by public agencies, residential facilities, and community based facilities and agencies to evaluate the effectiveness of the services provided to such persons.

(c) In developing such evaluation system the Secretary shall insure that such system is consumer oriented and that the system will—

(1) evaluate the effects of services on the lives of consumers, utilizing information and data obtained from individualized written habilitation plans as required under section 211 of this Act (when applicable) or other comparable individualized data,

(2) evaluate the overall impact of State and local programs for the developmentally disabled,

(3) provide and evaluate the cost-benefit ratios of particular service alternatives, and

(4) provide that evaluation of program quality shall be performed by individuals not directly involved in the delivery of such services to the program being evaluated.

(d) The Secretary, in consultation with the National Council, may make grants to, and enter into contracts with, private nonprofit organizations or individuals to conduct feasibility studies to assist in developing the evaluation system required under subsection (a), except that such grant or contract shall not be entered into with groups or individuals who have any financial or other direct interest in the program being evaluated.

(c) There are authorized to be appropriated to carry out the purposes of this section $1,000,000 for the fiscal year ending June 30, 1975, and $1,000,000 for the fiscal year ending June 30, 1976.

On page 51, beginning with line 11, insert:

EVALUATION

SEC. 118. (a) The Secretary, in consultation with the National Council created pursuant to section 113 of this Act shall, by February 1, 1977, develop (A) a design for a comprehensive system for the evaluation of services provided to persons with developmental disabilities and (B) a timephased plan for the implementation by the States of such system which will specify a minimal evaluation system to be implemented by all States by October 1, 1977, and which will further specify phases of development leading to the establishment in each State of such comprehensive evaluation system within 36 months after date of enactment of this section. The comprehensive system shall provide a model or models for the development of State evaluation systems for all services delivered within each State in order to evaluate the effects of services on the lives of persons with developmental disabilities.

(b) The evaluation system required by subsection (a) shall be designed to—

(1) provide objective measures of the developmental progress of persons with developmental disabilities using data obtained from individualized habilitation plans as required under section 211 of this Act (where applicable) or other comparable individual data;

(2) provide objective measures of the value of living environments and associated services in promoting developmental progress of persons; and

(3) provide specific criteria which are effective and practical to use as compliance levels for operating residential and community facilities and agencies.

(c) Not later than February 1, 1977, the Secretary shall submit to the Congress a report on the evaluation system design developed pursuant to subsection (a). Such report shall include an estimate of the costs to the Federal Government and the States of developing and implementing such system.

(d) The Secretary, in consultation with the National Council, may make grants to, and enter into contracts with, public and private nonprofit organizations and individuals to conduct feasibility studies to assist in developing the evaluation system required under subsection (a), except that such grant or contract shall not be entered into with groups or individuals who have any financial or other direct interest in the program being evaluated.

(e) There are authorized to be appropriated to carry out the purposes of the section $1,000,000 for the fiscal year ending June 30, 1976, and $1,000,000 for the fiscal year ending June 30, 1977.

On page 53, in line 11, strike out "122" and insert "119".

On page 54, in line 18, strike out "123" and insert "120".

On page 88, in line 9, insert "through an established procedure consistent with due process".

On page 337, in line 21, strike out "regularly" and insert "regular", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Developmentally Disabled Assistance and Bill of Rights Act".

DEFINITIONS

SEC. 2. For purposes of title I of this Act—

(1) "Construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of any such buildings (including medical transportation facilities).

(2) "Cost of construction" means the amount necessary for the construction of a project, including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

(3) "Design for implementation" means a document prepared by the appropriate State agency or agencies outlining the implementation of the State plan as developed by the State planning council. The design for implementation shall include details on the methodology of implementation, priorities for spending, a detailed plan for the use of funds provided under this Act, specific objectives to be achieved, a listing of those programs and resources to be utilized, and a method for periodic evaluation of its effectiveness in meeting State plan objectives.

(4) "Developmental disability" means a disability which is—

(A) attributable to mental retardation, cerebral palsy, epilepsy, autism, or to a *severe* specific learning disability; or

(B) attributable to any other condition of an individual found to be closely related to mental retardation as it refers to general intellectual functioning or impairment in adaptive behavior or to require treatment similar to that required for mentally retarded individuals,

which disability (i) originates before such individual attains age 18, (ii) has continued or can be expected to continue indefinitely, and (iii) constitutes a substantial handicap to such individual's ability to function normally in society.

(5) "Institution of higher education" has the meaning given it in section 122(c) of the Education Amendments of 1972.

(6) "Nonprofit facility for persons with developmental disabilities", or "nonprofit private institution of higher learning" mean a facility for persons with developmental disabilities, and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(7) "Nonprofit private agency or organization" means an agency or organization which is a nonprofit corporation or association or which is owned and operated by one or more of such corporations or associations.

(8) "Poverty area" has the meaning given it in regulations of the Secretary.

(9) "Satellite center" means a facility of an agency or agencies associated with a university affiliated facility that functions as a community or regional extension of such university affiliated facility in the delivery of training services, and programs to the consumers or their representatives, the designated State delivery system agency, and other service or program delivery units.

(10) "Secretary" means the Secretary of Health, Education, and Welfare.

(11) "Services for persons with developmental disabilities" means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

(12) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which

disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, and such disorder may include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, or developmental aphasia, but such term does not include learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental disadvantage.

(13) "State" includes the several States, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

(14) "State planning council" means a council established in a State pursuant to section 115 of this Act.

(15) "Title" when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the annual rental does not exceed 4 percent of the value of the land) as the Secretary finds sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purposes of construction and operation of the project.

(16) "University affiliated facility" means a public or nonprofit facility which is associated with, or is an integral part of a college or university and which aids in demonstrating the provisions of specialized services for the diagnosis and treatment of persons with developmental disabilities and education and training (including interdisciplinary training) of personnel needed to render specialized services to persons with developmental disabilities.

AUDIT

Sec. 3. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

ADVANCE FUNDING

Sec. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

EMPLOYMENT OF HANDICAPPED INDIVIDUALS

Sec. 5. As a condition of providing financial assistance under this Act, the Secretary shall ensure that each recipient of such assistance shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under and on the same terms and conditions as set forth in, the applicable provisions of the Rehabilitation Act of 1973 (87 Stat. 355) relating to employment of handicapped individuals by State rehabilitation agencies and rehabilitation facilities and under Federal contracts and subcontracts.

RECOVERY

Sec. 6. If any facility with respect to which Federal assistance has been provided under this Act shall, at any time within twenty years after the completion of construction, renovation or modernization—

(1) be sold or transferred to any person, agency, or organization which is not qualified to file an application under this part, or

(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) or so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. The Secretary, in accordance with regulations prescribed by him, may, upon finding good cause therefore, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

MAINTENANCE OF EFFORT

Sec. 7. Applications for grants under this Act may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.

TITLE I—ASSISTANCE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

DECLARATION OF PURPOSE AND FEDERAL SHARE

Sec. 100. (a) The purpose of this title is to improve and coordinate the provision of services to persons with developmental disabilities through (A) grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs of persons with developmental disabilities; (B) the renovation and modernization of university-affiliated facilities which aid in demonstrating the provision of specialized services for persons with developmental disabilities, through support of demonstration and training programs at institutions of higher education; (C) the development of regional community programs for services to persons with developmental disabilities; (D) the support of activities which will contribute to improving the condition of persons with developmental disabilities, including but not limited to grants for demonstrating exemplary services to persons with developmental disabilities who are especially disadvantaged; (E) technical assistance in the establishment of services and facilities for peresons with developmental disabilities, including assistance in State and local planning or administration; (F) training of specialized personnel needed for the provision of services to persons with developmental disabilities; and (G) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities.

(b) The Federal share with respect to any project assisted under part A of this title may not exceed 70 percent of the necessary cost thereof as determined by the Secretary.

(c) Except for projects of national significance and special projects, the Federal share with respect to assistance under part B of this title may not exceed 70 percent of the necessary cost thereof as determined by the Secretary, except that with respect to a project of any facility or agency which provides, or will upon completion of a project assisted under such part B provide, services to a poverty area, the Federal share may not exceed 90 percent of the necessary cost thereof.

(d)(1) The non-Federal share of the cost of any project assisted under this title shall be provided in cash or in kind.

(2) Payments made under this title shall be made from time to time in advance on the basis of estimates by the Secretary, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments.

(3) For the purpose of determining the Federal share with respect to any project, expenditures by a political subdivision of a State or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions the Secretary may by regulation prescribe, be deemed to be expenditures by such State or (in the case of a project assisted under part A of this title) by a university-affiliated facility.

(4) In determining the amount of any payment for administering and operating facilities and training programs under section 102, and for the construction, renovation, or modernization of any facility under section 101 of this title, there shall be disregarded (A) any portion of the costs of such construction, renovation, or modernization which are financed by Federal funds provided under any provision of law other than this part, (B) the amount of any non-Federal funds provided under any provision of law other than this part, and (C) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

(5) In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved under part B there shall be disregarded (A) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (B) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

PART A—DEMONSTRATION AND TRAINING GRANTS FOR UNIVERSITY AFFILIATED FACILITIES AND RENOVATION AND MODERNIZATION OF FACILITIES

RENOVATION AND MODERNIZATION

Sec. 101. (a) For the purpose of making grants under subsection (b) there is authorized to be appropriated $6,500,000 for the fiscal year ending June 30, 1975, and for each of the next four succeeding fiscal years.

(b) Amounts appropriated pursuant to subsection (a) shall be used only for project grants for (1) renovation or modernization of a university affiliated facility which is carrying out a program under section 102(a) or (2) renovation and modernization of a facility to be operated as a satellite center (as defined in section 2(9)) of a university affiliated facility. Amounts appropriated pursuant to subsection (a) shall be used only with respect to facilities which after renovation and modernization meet standards adopted pursuant to the Architectural Barriers Act of 1968 (82 Stat. 718).

(c) The Secretary in making grants for the purposes of subsection (b)(2) of this section shall give a priority to those applicants utilizing existing facilities.

DEMONSTRATION, TRAINING, AND OPERATIONAL GRANTS

SEC. 102. (a)(1) The Secretary shall, in accordance with the provisions of this part, make grants to university-affiliated facilities to pay part of the cost of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, with emphasis upon the ability and commitment of such programs to provide services not otherwise available under other laws to persons with developmental disabilities in programs of community care as alternatives to such services being provided in institutional settings.

(2) Each recipient of a grant made under paragraph (1) (if funds are available in accordance with paragraph (3)) shall conduct a study and submit to the Secretary (not later than six months after the date of receipt of such grant) a full report which includes—

(A) an assessment of the need for the provision of alternative community care services for persons with developmental disabilities in each State not served by such recipient in the general geographical area in which such institution is located, and

(B) a feasibility study of ways in which such recipients, singly or together with other such recipients, could establish and operate satellite centers in areas described in subparagraph (A) to provide such services in coordination with demonstration facilities and interdisciplinary training programs assisted under paragraph (1).

(3) Assessments and studies required under the provisions of paragraph (2) shall be carried out in consultation with the State planning council for the State where the recipient is located and where the satellite center would be established, and may be carried out jointly with one or more recipients under paragraph (1). The Secretary, subject to the availability of funds, shall include in the grant made under paragraph (1) an additional amount (not in excess of $25,000) necessary to pay all of the cost of any such assessment and study.

(b) The Secretary may, in accordance with the provisions of this part, make grants to university affiliated facilities to pay part of the costs of establishing, administering, and operating satellite centers meeting the specifications developed in the assessments and studies carried out under paragraph (2) of subsection (a) of this section. Any recipient of assistance under this subsection may provide, by contract, for the operation of any satellite center assisted under this subsection by a qualified public or nonprofit private agency or organization. The non-Federal share for a grant under this subsection shall be provided by the State in which the satellite center will be located.

(c) For the purpose of making grants pursuant to this section, there is authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years, $25,000,000, of which, in the fiscal year ending June 30, 1975, amounts appropriated in excess of $4,250,000 and not in excess of $4,975,000 (or such lesser amount as the Secretary may determine to be necessary) shall be made available only for the purposes of carrying out assessments and studies under paragraph (2) of subsection (a) of this section. With respect to amounts appropriated for the fiscal year ending June 30, 1976, and for subsequent fiscal years, $4,250,000 shall be available only for grants under paragraph (1) of subsection (a) of this section, and of amounts appropriated in excess of $4,250,000 for each such year, 50 percent shall be available only for grants under subsection (b) of this section.

APPLICATIONS

SEC. 103. (a) The Secretary may approve an application for a grant under this part only if the application contains or is supported by reasonable assurances that—

(1) the proposal for such renovation or modernization is consistent with the appropriate State plan established pursuant to section 114, and that the applicant will provide the services and training required by such State plan or plans as appropriate;

(2) the facility is associated, to the extent prescribed in regulations by the Secretary, with an institution of higher learning, a medical center (including affiliated health or education facilities), or with part of such an institution of higher education;

(3) the plans and specifications for such renovation or modernization are in accord with regulations prescribed by the Secretary under section 119;

(4) title to the site for the project is or will be vested in the State in which it is located, or in one or more of the agencies or institutions making the application, or in a public or nonprofit agency or institution which is to operate the facility;

(5) the non-Federal share will be available for renovation or modernization of the project and adequate funds will be available for its maintenance and operation when completed;

(6) the facility will comply with regulations of the Secretary relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with standards adopted pursuant to the Architectural Barriers Act of 1968 and with regulations of the Secretary of Labor relating to occupational health and safety standards); and

(7) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and the Secretary of Labor shall have, with respect to the labor standard specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b)(1) In considering applications for such grants under this part, the Secretary shall require that such applications demonstrate that the grant application has been reviewed and commented on by the State planning council, and with respect to grants to university affiliated facilities, give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary for a junior college or other community-based educational or health facility to participate in the programs for which the application is made.

(2) In the event that a State planning council fails to complete its review and comment within thirty calendar days after the submission of such application to the council under this subsection, the applicant may submit directly to the Secretary a request to approve its application. If the Secretary finds that the failure by such council is arbitrary, capricious, or unwarranted, he may approve such application without further action by such council. In a case where the findings of the Secretary do not meet the criteria of the preceding sentence, he shall return such application to the State planning council for action.

(c) Applications for assistance under this part shall establish as priority goals—

(1) deinstitutionalization of persons with developmental disabilities including prevention of institutionalization, normalization outside of institutions, development of community-based programs including placement, and follow-up services;

(2) early screening, diagnosis, and evaluation of developmentally disabled infants and preschool children (including maternal care, developmental screening, home care, infant and preschool stimulation programs, and parent counseling and training);

(3) counseling, program coordination, follow-along services, protective services, and personal advocacy on behalf of developmentally disabled adults; and

(4) normalization of institutional life.

PART B—GRANTS FOR PLANNING, PROVISIONS OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

AUTHORIZATION OF APPROPRIATION

SEC. 111. For the purpose of making grants to carry out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1975, $850,000,000 for the fiscal year ending June 30, 1976, $95,000,000 for the fiscal year ending June 30, 1977, $100,000,000 for the fiscal year ending June 30, 1978, and $110,000,000 for the fiscal year ending June 30, 1979; and there is further authorized to be appropriated for such purpose for each such fiscal year such additional sums as the Congress may deem necessary.

STATE ALLOTMENTS

SEC. 112. (a)(1) From the sums appropriated pursuant to section 111 for each fiscal year, other than amounts reserved by the Secretary for projects under subsection (e) of this section, the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for service and facilities for persons with developmental disabilities, and (C) the financial need, of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall be not less than $200,000 (except that no State shall receive less than the amount such State received for the fiscal year ending June 30, 1974, under section 132(a)(1) of the Mental Retardation Facilities Construction Act (84 Stat. 1317)) and the allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands shall be not less than $50,000 plus, for each fiscal year ending after June 30, 1975, for which appropriations exceed $50,000,000, an amount which bears the same ratio to $200,000 (or in the case of the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands, $50,000) as the difference between the amount so appropriated for each fiscal year and $50,000,000 bears to $50,000,000.

(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 114(b), in the State plan of such State approved under this part.

(3) Sums allotted to a State for a fiscal year and designated by it for construction, renovation, or modernization which are unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year and for such year only, in addition to the sums allotted to such State for such fiscal year.

(b) Whenever a State plan is approved in accordance with section 114 which provides for participation of more than one State agency in administering or supervising the administration of designated portions of such plan, the State may apportion its allotment among such agencies in a manner which is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part, subject to the approval of the Secretary. Fund so apportioned to State agencies may be combined with other State or Federal funds authorized to be expended for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

(c) Whenever a State plan approved in accordance with section 114(c) provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States or agencies may be combined in accordance with the agreements between the agencies and States involved.

(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which it is allotted shall be available for reallotment by the Secretary on such date or dates as he may fix (but not earlier than thirty days after he has published notice of his intention to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

(e) Of the sums appropriated pursuant to section 111, such amount as the Secretary may determine, but not more than 10 percent thereof, shall be available to the Secretary who, after consultation with the National Council established pursuant to section 113, may (notwithstanding the provisions of subsection (c) of section 100) make grants to States and public or nonprofit private agencies to pay up to 90 percent of the cost of projects which in his judgment are of special national significance. Such projects shall include—

(1) integrated service model projects for services to the developmentally disabled population,

(2) public awareness and public education programs to assist in the elimination of attitudinal and environmental barriers confronted by individuals with developmental disabilities, and

(3) demonstration projects to coordinate and utilize all available community resources.

in meeting the needs of persons with developmental disabilities (especially the disadvantaged), or will demonstrate new or improved techniques for the provision of services for such persons, or are otherwise specifically significant for carrying out the purposes of this part.

(f) The Secretary shall administer grants under this part in accordance with policies used generally to administer grants throughout the Department of Health, Education, and Welfare.

NATIONAL COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

SEC. 113. (a) (1) Effective thirty days after the date of enactment of this Act, there is esablished in the Office of the Secretary a National Council on Services and Facilities for the Developmentally Disabled (herein referred to as the "National Council"), whose membership shall include the Deputy Commissioner of the Bureau of Education for the Handicapped, the Commissioner of the Rehabilitation Services Administration, the Administrator of the Social and Rehabilitation Service, the Director of the National Institute of Child Health and Human Development, the Director of the National Institute of Neurological Disease and Stroke, the Director of the National Institute of Mental Health, three other representatives of the Department of Health, Education, and Welfare selected by the Secretary, and sixteen members, who are not full-time employees of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

(2) The Secretary shall from time to time designate 1 of the 16 appointed members of the National Council to serve as Chairman thereof.

(3) The 16 appointed members of the National Council shall be selected from advocates in the fields of service to persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations which have demonstrated advocacy on behalf of consumers of such services. At least 5 such members shall be representatives of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least 5 other such members shall be consumers of such services or the parents or guardians of such consumers.

(b) Each appointed member of the National Council shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. A former member may only be reappointed to the National Council after a period of 1 year has elapsed from the end of his appointed term. The Secretary shall fill all vacancies resulting from the expiration of members' terms on the National Council within 10 calendar days of the occurrence of such vacancies.

(c) The National Council shall meet at least twice a year, and shall hold its initial meeting within 90 days after the date of enactment of this Act.

(d) It shall be the duty and function of the National Council to—

(1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the provisions of this title;

(2) study and evaluate programs authorized by this title to determine their effectiveness in carrying out the purposes for which they were established;

(3) monitor the development and execution of this title and report directly to the Secretary any delay in the rapid execution of this title;

(4) review grants made under section 112(e) and advise the Secretary with respect thereto;

(5) review grants and contracts entered into pursuant to section 121, including review of the final evaluation system and advise the Secretary with respect thereto; and

(6) submit to the Congress annually and evaluation of the efficiency of the administration of the provisions of this title.

(e) The National Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the National Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

(f) Members of the National Council, while attending meetings or conferences thereof or otherwise serving on the business of the National Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS–18 of the General Schedule for each day of such service (including traveltime), and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g) A member of the National Council created pursuant to section 133 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 whose term has not expired by July 1, 1974, shall continue to serve as a member of the National Council established in this section until the date such term would have expired had such Act remained in effect after July 1, 1974.

(h) There are authorized to be appropriated to carry out the purposes of this section $100,000 for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years.

(i) The National Council shall cease to exist as of June 30, 1979.

STATE PLANS

SEC. 114. (a) For each fiscal year in which a State makes application to participate in programs under this part it shall develop, submit, and obtain the approval of the Secretary of an annual State plan which is a specific goal oriented plan, which shall include provisions designed to—

(1) reduce and eventually eliminate inappropriate institutional placement of persons with developmental disabilities;

(2) improve the quality of care, habilitation, and rehabilitation of persons with developmental disabilities for whom institutional care is appropriate;

(3) provide early screening, diagnosis, and evaluation of developmentally disabled infants and preschool children (including maternal care, developmental screening, home care, infant and preschool stimulation programs, and parent counseling and training);

(4) provide counseling, program coordination, follow-along services, protective services, and personal advocacy on behalf of developmentally disabled adults;

(5) support the establishment of community programs as alternatives to institutionalization, designed to provide services for the care and habilitation of persons with developmental disabilities, which programs utilize, to the maximum extent feasible, the resources and personnel in related community programs to assure full coordination with such programs and to assure the provision of appropriate supplemental health, educational or social services for persons with developmental disabilities;

(6) protect the human rights of all persons with developmental disabilities, especially those without familial protection; and

(7) provide for interdisciplinary intervention and training programs for multihandicapped individuals.

Such annual State plan shall be initially submitted within one hundred and eighty days after the date of enactment of this Act.

(b) Before the Secretary may approve a State plan under subsection (c) of this section, the appropriate State planning council shall approve the design for implementation (including its plan for expenditure of funds) contained within such State plan. A State plan for the provision of services and facilities for persons with developmental disabilities shall—

(1) designate—

(A) the State agency or agencies (except as provided in clause (B)) which shall administer and supervise the administration of the State plan, and if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise); and

(B) a single State agency as the sole agency for administering or supervising the administration of grants for construction, renovation, or modernization under the State plan;

(2) describe the quality, extent, and scope of services being provided or to be provided to meet the goals specified in subsection (a) of this section;

(3) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, which shall in any case include education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 112 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities who are eligible for Federal assistance under such other State programs;

(4) provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 (87 Stat. 394) and other appropriate voluntary organizations except that volunteer services shall supplement, but shall not be in lieu of, services of paid employees;

(5) set forth policies and procedures for the expenditure of funds under the plan which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

(6) contain assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds may be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes of which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of carrying out the State plan;

(7) provide that services and facilities furnished under the plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations of the Secretary pursuant to this title and title II of this Act;

(8) provide such methods of administration, including methods relating to the establishment and maintenance of personnel standards and selection and advancement of personnel on a merit basis, as are found by the Secretary to be necessary for the proper and efficient operation of the plan (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods);

(9) provide assurances that the State planning council is assigned adequate personnel in order to insure that such council has the capacity to fulfill its responisbilities in the areas of planning, resource development, and program evaluation;

(10) provide that the State planning council shall periodically, but not less often than annually, review and evaluate the State plan and submit appropriate modifications to the Secretary for his approval;

(11) provide that the State agencies designated pursuant to paragraph (1) of this subsection will make such reports, in such form and containing such information, as the Secretary or the State planning council may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

(12) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in providing services and facilities for persons with developmental disabilities who are residents of such areas;

(13) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of persons with developmental disabilities in the State;

(14) specify the maximum amount of, and the percentage of the State's allotment under, section 112 for any year which is to be devoted to construction, renovation, or modernization of facilities, which percentage shall be not more than 10 percent of the State's allotment or such lesser percentage as the Secretary may from time to time prescribe;

(15) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate (when such construction is completed), any facility the construction of which is assisted by funds made available under this part;

(16) if Federal funds are allotted for construction, renovation, or modernization under this part, outline a program of construction, renovation, or modernization of facilities for the provision of services for persons with development disabilities which—

(A) is based on a statewide inventory of existing facilities and survey of need;

(B) sets forth the relative need, determined in accordance with the regulations prescribed by the Secretary for the several projects included in the construction, renovation, or modernization program; and

(C) assigns priority to the construction, renovation, or modernization of projects, to the extent that financial resources available therefor and for maintenance and operation permit such priority, in the order of relative need, taking into account the requirement that any such construction, renovation, or modernization complies with any standards prescribed pursuant to the Architectural Barriers Act of 1968;

(17) provide for an opportunity for hearing before the State agency to every applicant for a construction, renovation, or modernization project;

(18) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursements of, and accounting for, funds paid to the State under this part in accordance with regulations the Secretary shall prescribe:

(19) provide for the implementation of an evaluation system compatible with the system developed under section 121 of this Act;

(20) provide, to the maximum extent feasible, an opportunity for prior review and comment by the State planning council of all State plans in the State which relate to programs affecting persons with developmental disabilities;

(21) provide that personnel assigned to the State planning council shall be solely responsible to such council;

(22) provide that all relevant information concerning any programs which may affect persons with developmental disabilities shall be made available by projects and State agencies to the State planning council;

(23) provide for fair and equitable arrangements (as determined by the Secretary in consultation with the Secretary of Labor) to protect the interests of employees affected by the plan required under this section, including, but not limited to, preservation of employee rights and benefits, training and retraining for career development and advancement, and maximum efforts to assure employment to employees who may be affected by any plan or program funded in whole or in part under this title; and

(24) contain such additional information and assurances as the Secretary may determine to be necessary to carry out the provisions and purpose of this part.

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section. The Secretary shall not disapprove a State plan unless he has provided reasonable notice and opportunity for a hearing to the State.

STATE PLANNING COUNCILS

SEC. 115. (a) Each State which receives assistance under this title shall establish a State planning council which shall serve as advocate for persons with developmental disabilities, and whose members shall be appointed by the Governor of each such State.

(b) The State planning council shall—

(1) develop and prepare the State plan required by section 114;

(2) approve, monitor, and evaluate the implementation of such State plan and submit to the Governor and the State legislature an annual report on such implementation;

(3) establish priorities for the distribution of funds for programs for persons with developmental disabilities within the State;

(4) review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

(5) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request.

(c) Each State receiving assistance under this title shall provide for the assignment to the State Planning Council of personnel adequate to insure that such council has the capacity to fulfill its responsibilities in the areas of planning, resource development, and program evaluation, except that funds provided for such council personnel shall be at least at a level equal to 20 percent of the amount of the State's allotment under section 112, but not more than 30 percent of such amount.

(d) Each State Planning Council shall at all times include in its membership representatives of the principal State agencies, local agencies, and nongovernmental agencies, and groups concerned with services to persons with developmental disabilities, including a representative of an institution of higher education receiving a grant under this title and servicing a facility within that State and at least one-third of the membership of such council shall consist of consumers of such services, or their parents or guardians, who are not officers of any organization, or employees of any State agency, or other agency or facility, which receives funds or provides services pursuant to this Act.

(e) The State agency or agencies designated under section 114(b) (1) (A) shall submit to the State planning council for its approval the design for implementation, including a detailed plan for the disbursement of all funds under this part (except as otherwise provided by this part).

(f) The Secretary shall insure that each State planning council has access to all other State plans submitted to him under section 114, as well as any relevant statistical and fiscal information relating to persons with developmental disabilities.

WITHHOLDING OF PAYMENTS

SEC. 116. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State planning and advisory council and a State agency or agencies designated pursuant to section 114(b)(1), finds—

(1) that any such State agency or agencies are not complying with the provisions required by section 114(b) to be included in the State plan, or with regulations of the Secretary;

(2) that any requirement set forth in an application submitted under section 114 and approved by the Secretary is not being or cannot be carried out with respect to the project for which such application was submitted; or

(3) that adequate funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify such State council and State agency or agencies that no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), or (3) of this subsection as the Secretary may determine to be appropriate under the circumstances.

(b) Whenever the State planning and advisory council finds that a State agency administering funds pursuant to the implementation design is failing to comply with such design, the State planning and advisory council shall notify the Governor and the Secretary, who may provide notice, conduct a hearing, and withhold payments pursuant to subsection (a) of this section.

REGULATIONS

SEC. 117. (a) The Secretary, not later than 90 days after the date of enactment of this Act, shall prescribe general regulations in final form applicable to all the States to carry out the purposes of this title.

(b)(1) Regulations promulgated by the Secretary may be waived upon approval of an application submitted by a State for a project to be completed by two or more political subdivisions or public or nonprofit private agencies, or by a combination thereof, which is consistent with applicable law and regulations promulgated by the Secretary for such purposes to provide services to persons with developmental disabilities by combining funds received from other Federal, State, or local programs to the extent that such regulations would without such waiver impede the implementation of such project. Such waivers shall be reviewed annually by the Secretary and issued on a case-by-case basis and for a specified period of time, but in no case longer than thirty-six months. Renewal of such waivers may be granted only after a full evaluation of the impact of such waivers by the Secretary. The Secretary shall submit his justifications for any renewal of such waivers in a report to the appropriate committees of the Congress.

(2) The Secretary shall publish in the Federal Register the fact that an application for waiver under paragraph (1) has been submitted by a State, and he shall not approve or disapprove such application for a period of not less than 60 nor more than 90 days after the date of such publication.

EVALUATION

SEC. 118. (a) The Secretary, in consultation with the National Council created pursuant to section 113 of this Act shall, by February 1, 1977, develop (A) a design for a comprehensive system for the evaluation of services provided to persons with developmental disabilities and (B) a time-phased plan for the implementation by the States of such system which will specify a minimal evaluation system to be implemented by all States by October 1, 1977, and which will further specify phases of development leading to the establishment in each State of such comprehensive evaluation system within 36 months after date of enactment of this section. The comprehensive system shall provide a model or models for the development of State evaluation systems for all services delivered within each State in order to evaluate the effects of services on the lives of persons with developmental disabilities.

(b) The evaluation system required by subsection (a) shall be designed to—

(1) provide objective measures of the developmental progress of persons with developmental disabilities using data obtained from individualized habilitation plans as required under section 211 of this Act (where applicable) or other comparable individual data;

(2) provide objective measures of the value of living environments and associated services in promoting developmental progress of persons; and

(3) provide specific criteria which are effective and practical to use as compliance levels for operating residential and community facilities and agencies.

(c) Not later than February 1, 1977, the Secretary shall submit to the Congress a report on the evaluation system design developed pursuant to subsection (a). Such report shall include an estimate of the costs to the Federal Government and the States of developing and implementing such system.

(d) The Secretary, in consultation with the National Council, may make grants to, and enter into contracts with, public and private nonprofit organizations and individuals to conduct feasibility studies to assist in developing the evaluation system required under subsection (a), except that such grant or contract shall not be entered into with groups or individuals who have any financial or other direct interest in the program being evaluated.

(e) There are authorized to be appropriated to carry out the purposes of this section $1,000,000 for the fiscal year ending June 30, 1976, and $1,000,000 for the fiscal year ending June 30, 1977.

GRANTS FOR SPECIAL PROJECTS FOR SERVICES TO PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 119. (a) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, $20,000,000 for the fiscal year ending June 30, 1976, $22,500,000 for the fiscal year ending June 30, 1977, $25,000,000 for the fiscal year ending June 30, 1978, and $27,500,000 for the fiscal year ending June 3, 1979.

(b) The Secretary, after consultation with the National Council, shall make grants to States and public or nonprofit agencies and organizations to pay part or all of the cost of special projects and demonstrations (and research and evaluation in connection therewith) for establishing programs which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are disadvantaged or multihandicapped). Such projects and demonstrations shall include, but not be limited to, parent counseling and training, early screening and intervention, infant and preschool programs, seizure control system, legal advocacy, and community based counseling, care, housing, and other services or systems necessary to maintain a person with developmental disabilities in the community.

(c) The Secretary shall insure that any such special projects are approved or disapproved by the appropriate State planning council within 30 days after such council receives the application for review.

(d) Projects, or a component of any project funded under this section, shall not be eligible for funding under section 304 of the Rehabilitation Act of 1973 (87 Stat. 381).

REPEAL

SEC. 120. Effective 90 days after enactment, parts B and C of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 2661) are repealed.

TITLE II—BILL OF RIGHTS FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

STATEMENT OF PURPOSE

SEC. 200. The purpose of this title is to establish standards to assure the humane care, treatment, habilitation, and protection of mentally retarded and other persons with developmental disabilities who are served by residential and community facilities and agencies; to establish a method to assess compliance with such standards; and to minimize inappropriate admissions to such facilities and agencies, through the establishment of a method for assuring that the standards affecting the health, safety, personal dignity, and human and civil rights of persons with developmental disabilities are being complied with by such facilities or agencies; and through (1)(A) the use of procedural criteria set forth in part B of this title and performance based criteria developed by the Secretary pursuant to section 210 of this Act; (B) compliance with minimum standards set forth in section 215; and (C) such additional specific criteria that the Council and the Secretary may deem necessary; or (2) compliance with standards set forth in parts C and D of this title.

PART A—GENERAL PROVISIONS FOR RESIDENTIAL AND COMMUNITY FACILITIES AND AGENCIES SERVING MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) "adaptive behavior" means the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility which is normal in relation to his age and social and cultural environment;

(2) "agency" means a public or nonprofit organization that provides services to persons with mental retardation and other developmental disabilities, or to their families, but which need not limit its services to developmentally disabled persons, and may provide services to developmentally disabled persons as part of services provided to the general public;

(3) "body image" means the concept that each person has of his or her own body as an object in space, independent of and apart from all other objects, including one's attitudes, perceptions, and feelings toward his or her body and its parts;

(4) "client", "person", "disabled person", or "disabled" means a person or individual who is mentally retarded or otherwise developmentally disabled, and who needs some form of specialized or generic service related to his mental or physical impairment;

(5) "program coordinator" means an individual who is responsible for the implementation of the individual program plan, and who participates in the regular evaluation, revision, and redirection of the indivdual program plan;

(6) "community" means a general population having a common interest or interde-

pendency in the delivery of services to mentally retarded or other persons with developmental disability;

(7) "cross-disciplinary approach" means a method of delivering services in which one or two members of an interdisciplinary team serve as team facilitators to implement the program plan between regularly scheduled reevaluation sessions by the team, and in which other members of the team teach and share their specialized professional skills with, and release their intervention role to, such facilitators during such implementation, while maintaining their professional (or credentialed) accountability on behalf of the person and his family;

(8) "culturally normative" means that which is normal, typical, or usual for a given culture, including the attitudes, performances, or behavior ordinarily displayed by, or expected of, most individuals within a given culture;

(9) "family" means parents, brothers, sisters, foster parents, advocates, guardians, surrogates, and others who perform the roles and functions of natural family members in the lives of persons;

(10) "generic services" means services offered or available to the general public, as distinguished from specialized services that are intended only for mentally retarded or other developmentally disabled persons;

(11) "governing board", "board of trustees", "board of directors", or "board of governors" means the group of individuals that constitutes the governing body of an agency or facility;

(12) "governing body" means the policymaking authority, whether an individual or a group, that exercises general direction over the affairs of an agency or facility and that establishes policies concerning its operation and the welfare of the persons that it serves;

(13) "guardian" means an individual (other than a guardian ad litem) who has legal control and management of the person, or of the property or estate, or of both the person and the property, of a ward;

(14) "guardian of the person" means a guardian appointed to see that the ward has proper care and protective supervision in keeping with his needs;

(15) "guardian of the property" means a guardian appointed to see that the financial affairs of the ward are handled in his best interests;

(16) "legal guardian" means a guardian appointed by a court;

(17) "natural guardian" means a parent lawfully in control of the person of his or her minor child, and such natural guardianship terminates when the child attains his or her majority;

(18) "plenary guardian" means a guardian who has full guardianship of both the person and the property of the ward;

(19) "public guardian" means a public official empowered to accept court appointment as a legal guardian;

(20) "testimony guardian" means a guardian designated by the last will and testament of a natural guardian;

(21) "guardian ad litem" means an individual appointed to represent a ward in a particular legal proceeding, without control over either the ward's person or his estate;

(22) "indigenous leadership" means leadership that is derived from within the community or group in which it is exercised, as, for example, leadership that is derived from within the community or group in which it is exercised, as, for example, leadership that is derived from the parents or friends of the person;

(23) (A) "informed consent" means the consent of a person, or his guardian or legal representative, as appropriate, to a procedure, operation, research, demonstration, or experiment, so situated as to enable such person, or through his guardian or legal representative to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion, and the information to be given to such person or such guardian or legal representative shall include, in order to assure such informed consent, the following basic elements in all but exceptional cases;

(i) a fair explanation of the procedures to be followed, including an identification of any which are experimental;

(ii) a description of any attendant discomforts and risks reasonably to be expected;

(iii) a description of any benefit reasonably to be expected;

(iv) a disclosure of any appropriate alternative procedures that might be advantageous for the subject;

(v) an offer to answer any inquiries concerning the procedures; and

(vi) an instruction that such person is free to withdraw his consent and to discontinue participation in the project or activity at any time;

and, in addition, any agreement, written or oral, entered into by such person or his guardian or legal representative, shall include no exculpatory language through which such person is made to give, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Any organization which initiates, directs, or engages in programs of research, development, or demonstration which require informed consent shall keep a permanent record of each such consent and the information provided such person and shall develop appropriate documentation and reporting procedures as an essential administrative function;

(B) "exceptional cases", as used in this section, are cases where it is not feasible to obtain a person's consent or the consent of his representative, or where, as a matter of professional judgment exercised in the best interest of a particular person under care, it would be contrary to that person's welfare to obtain his consent as the communication of information to obtain consent would seriously affect the person's disease status and the physician has exercised a professional judgment that under the particular circumstances of this person's case, the person's best interests would suffer if consent were sought;

(24) "interdisciplinary approach" means an approach to diagnosis, evaluation, and individual program planning in which professional and other personnel participate as a team, and in which each participant, utilizing whatever skills, competencies, insights, and perspectives his or her particular training and experience provide, focuses on identifying the developmental needs of the person and devising ways to meet him, without constraints imposed by assigning particular domains of behavior or development to particular disciplines only, and participants share all information and recommendations, so that a unified and integrated habilitation program plan is devised by the team;

(25) "multidisciplinary approach" means an approach to diagnosis, evaluation, and individual program planning in which each representative of a particular discipline or program views the person only from the perspective assigned to his discipline or program; in which particular domains of individual development and behavior are often held to be the sole responsibility or perquisite of particular professions or programs; and in which each representative of a discipline separately reports his or her findings and the recommendations that he or she proposes to implement as a result, more or less independently of the findings and recommendations reported by other representatives;

(26) "mapping" means one's liability to move safely, effectively, and comfortably from one place to another within his or her immediate environment by using cues such as size, shape, odor, and landmarks;

(27) "mental retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period;

(28) "mobile nonambulatory" means an inability to walk independently, without assistance;

(29) "nonambulatory" means an inability to walk independently, without assistance;

(30) "normalization principle" means the principle of helping mentally retarded and other developmentally disabled individuals to obtain an existence as close to the normal as possible, particularly through the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible;

(31) "orientation" means the establishing of awareness of one's position in relation to the environment and significant objects within the environment;

(32) "program" means a structured set of activities to achieve specific objectives, relative to the developmental needs of the clients served by an agency;

(33) "residential facility" means a facility that provides 24-hour programing services, including residential or domiciliary services, directed to enhancing the health, welfare, and development of persons with mental retardation or other developmental disabilities;

(34) "service delivery system" means the total array of service components, specialized and generic, that is directed toward meeting the general and extraordinary needs of developmentally disabled persons;

(35) "advocate" means an individual, whether a professional employed by a private or public agency, or a volunteer, who acts on behalf of a resident to secure both the services that the resident requires and the exercise of his or her full human and legal rights;

(36) "ambulatory" means able to walk independently, without assistance;

(37) "chief executive officer" means the individual appointed by the governing body of a facility to act in its behalf in the overall management of the facility (job titles may include, but are not limited to, superintendent, director, and administrator);

(38) "developmental disability" means a disability—

(A) attributable to mental retardation, or cerebral palsy, or epilepsy, or autism, or specific learning disability; or

(B) attributable to any other condition of an individual found to be related to mental retardation as it refers to general intellectual functioning or impairment in adaptive behavior or to require treatment similar to that required for mentally retarded individuals,

which disability (i) originates before such individual attains age eighteen, (ii) which has continued or can be expected to continue indefinitely, and (iii) which constitutes a substantial handicap to such individual's ability to function normally in society;

(39) "direct-care staff" means individuals who conduct the resident-living program;

(40) "legal incompetence" means the legal determination that a resident is unable to exercise his or her full civil and legal rights, and that a guardian is required;

(41) "living unit" means a resident-living unit that includes sleeping, dining, and activity areas;

(42) "nonmobile" means unable to move from place to place;

(43) "public financial support programs" include, but are not limited to, services for crippled children; aid to the disabled; old-age, survivors, and disability insurance; and

other benefits available under the Social Security Act and those benefits of the Veterans' Administration;

(44) "resident" means an individual who receives service from a residential facility, whether or not such individual is actually in residence in the facility, and includes individuals who are being considered for residence in a facility, individuals who were formerly in residence in a facility, and individuals who are receiving services other than domiciliary from a facility;

(45) "resident-living" means residential or domiciliary services provided by a facility;

(46) "rhythm of life" means a normal pattern of behavior during the day (in respect to arising, getting dressed, participating in play and work activities, eating meals, retiring, and so forth), or the week (differentiation of daily activities and schedules);

(47) "surrogate" means an individual who functions in lieu of a resident's parents or family; and

(48) "time out" means a period outside the time of positive reinforcement in which, contingent upon the emission of undesired behavior, the resident is removed from the situation in which positive reinforcement is available.

NATIONAL ADVISORY COUNCIL ON STANDARDS FOR RESIDENTIAL AND COMMUNITY FACILITIES FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 202. (a) Effective 90 days after the date of enactment of this Act, there is established a National Advisory Council for Residential and Community Facilities (hereinafter in this title referred to as the "Council"), which shall consist of 15 members who are not regular full-time employees of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service. The Secretary shall designate one of the members of the Council to serve as Chairman thereof. The members of the Council shall be selected from appropriate public agencies providing services to individuals with developmental disabilities, and professional and voluntary associations representing developmentally disabled persons. At least one-third of the membership of the Council shall be consumers of services, including parents or guardians of persons receiving services from publicly operated and publicly assisted residential and community facilities and agencies for mentally retarded or developmentally disabled persons.

(b) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him for the implementation of the provisions of this title and of the standards established under parts C and D of this title, (2) study and evaluate such provisions and standards, including site visits and other appropriate methods with a view of determining their effectiveness in carrying out the purposes for which they were established, and (3) assist the Secretary in developing performance criteria to evaluate alternate standards pursuant to part B and section 121 of this Act in lieu of standards under parts C and D of this title.

(c) Based upon studies, evaluations, and other appropriate review mechanisms (including onsite visits), the Council shall submit to the Secretary all recommendations for changes, revisions, modifications or improvements in the standards established under parts C and D of this title which in its judgment would strengthen or upgrade such standards.

(d) Members of the Council while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS-18 of the General Schedule for each day of such service (including traveltime), and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(e) Appointments to fill vacancies on such Council shall be made not less than 30 days after a vacancy occurs.

(f) The Council shall employ such experts and consultants as it may require, in accordance with section 3109 of title 5, United States Code.

(g) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

ASSESSING COMPLIANCE WITH STANDARDS

SEC. 203. (a) In determining whether any federally assisted facility or agency within its jurisdiction is in compliance with the standards specified in this title, a State shall provide assurances to the Secretary within 1 year after the date of enactment of this title that each such facility or agency has established a plan for achieving compliance no later than 5 years after the date of enactment of this title, and—

(1) is actively pursuing a program to comply with standards set forth in parts C and D of this title, or

(2) meets the requirements set forth in part B of this title.

In order to further demonstrate compliance with the standards set forth in this title, a State shall submit to the Secretary a plan based upon the combined plans of all such facilities and agencies which sets forth detailed procedures for compliance under which such State agrees to meet such provisions for compliance reviews as the Secretary may require pursuant to subsection (d) of this section.

(b) Each State plan for achieving compliance required under section (a) shall—

(1) provide a detailed analysis of the steps each residential or community facility or agency will take to comply with standards under part B, or parts C and D;

(2) set forth a detailed schedule for compliance with such standards based on the analysis submitted pursuant to clause (1);

(3) demonstrate the need for continuing residential services and provide detailed assurances that residential facilities for individuals with developmental disabilities will complement and augment rather than duplicate or replace other community services and facilities for individuals with developmental disabilities which meet the requirements of this title;

(4) designate a single State agency to oversee compliance by facilities and agencies within its jurisdiction;

(5) provide that such State plan has been submitted to the State planning council established under section 115 of this Act for review and comment and has been found to be in conformance with the State plan required under section 114(b) of this Act;

(6) set forth a schedule of costs to achieve compliance with the standards established under part B or parts C and D of this title;

(7) demonstrate procedures adopted by the State to assure that primary emphasis will be given to placing each individual in the least restrictive program and living environment commensurate with that individual's capabilities and needs, and that any assistance available pursuant to State or Federal law under which services are provided to persons with developmental disabilities will be utilized to foster the carrying out of such procedures;

(8) set forth the detailed performance criteria to be used in assessing the quality of treatment, care, training, and habilitation services, provided that such criteria conform to criteria developed by the Secretary under section 210;

(9) provide an explanation of the system to be used for gathering, analyzing, and interpreting information and data for compliance review; and

(10) provide assurances that all subjective judgments concerning the quality of services rendered will be made by qualified individuals who are not employed by, or financially obligated to, the agency responsible for operating the programs for persons with developmental disabilities.

(c) The Secretary shall approve a plan which sets forth a reasonable time, subject to the provisions of section 206, for compliance with the standards established under this title, and shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

(d)(1) Each State shall enter into an agreement with the Secretary under which the services of the State agency designated pursuant to paragraph (4) of subsection (b) will be utilized on his behalf for the purpose of determining whether a residential or community facility or agency is in compliance with standards established under part B or parts C and D of this title. Such determination shall be made on the basis of onsite surveys conducted by the State agency. Any State agency which has such an agreement may furnish to such facilities and agencies such specialized consultation services as may be needed to meet one or more of the standards established under this title. Any such services furnished by the State agency shall be deemed to have been furnished pursuant to such agreement. Within 90 days following the completion of each survey, the Secretary shall make public in readily available form the findings of each such survey.

(2) In order to assure compliance with the standards under part B or parts C and D and the performance criteria developed and established pursuant to section 210, the Secretary shall conduct a statistically valid, independent compliance survey of facilities and agencies within each State to determine the accuracy of information and data submitted pursuant to subsection (b) and paragraph (1) of this subsection.

(3) The Secretary shall submit annually to the appropriate committees of the Congress an annual report summarizing—

(A) the number and types of facilities and agencies, by State, found to be in compliance with the standards specified in part B, or parts C and D of this title;

(B) the number and types of facilities and agencies, by State, found not to be in compliance with the standards specified in part B, or parts C and D of this title;

(C) the reasons for noncompliance and the steps being taken by each State to assure that such facilities and agencies comply in the future with such standards;

(D) the findings of validation surveys conducted or commissioned by the Secretary in accordance with paragraph (1);

(E) the number and types of facilities and agencies, by State, which have been found by the Secretary to be ineligible for Federal assistance because of failure to comply with standards under this title; and

(F) recommendations for alterations in the compliance review system (including changes in performance criteria developed and established pursuant to section 210) and the supporting evidence for such alterations or change.

GRANTS TO ASSIST COMPLIANCE

SEC. 204. (a) The Secretary is authorized to make grants to assist States in bringing publicly operated and federally assisted residential or community facilities and agencies into compliance with the appropriate standards established under this title.

(b) For the purpose of making grants under this section, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

(c) Any State applying for a grant under this section shall provide detailed information to the Secretary which shows how such grant will assist in meeting the standards established under this title.

(d) (1) The total of the grants with respect to any project under this part may not exceed 75 percent of the necessary cost thereof as determined by the Secretary.

(2) Payments of grants under this part shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

MAINTENANCE OF EFFORT

Sec. 205. (a) In any fiscal year the Secretary may make Federal assistance payments authorized under any Federal law, to any publicly operated or publicly assisted facility for the developmentally disabled only if such facility provides specific evidence that such payments have not resulted in, or will not result in, any decrease in the per capita State and local expenditures for services for individuals with developmental disabilities which would otherwise be available to such facility. Such evidence shall include a detailed fiscal report, containing such information and in such form as the Secretary may specify after consultation with the Director of the Office of Management and Budget, on the residential facility's expenditures, by category and source, during the base year and the fiscal year immediately preceding such base year.

(b) For purposes of this section, the term "base year" means the most recent fiscal year for which reliable fiscal data is available.

(c) The Secretary shall submit an annual report to the appropriate committees of the Congress summarizing (1) the number and types of residential facilities, by State, which have complied with the provisions of subsection (a) of this section and the data upon which such decisions were based, and (2) the number, types, and names of all residential facilities, by State, which have failed to comply with the provisions of subsection (a) of this section, the data upon which such decisions were based in each instance, and the steps which have been taken to withhold Federal assistance from such residential facilities.

WITHHOLDING OF GRANTS

Sec. 206. (a) After December 31, 1979, no residential facility or program of community care for individuals with developmental disabilities shall be eligible to receive payments either directly or indirectly under any Federal law, unless such residential facility meets the standards promulgated under parts C or D of this title or has demonstrated to the Secretary for a reasonable period of time that it has actively implemented the requirements of part B.

(b) The funds to which any individual would otherwise be entitled to have paid on his behalf to any ventor of residential services or program of community care, public or private, shall be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf were he entitled to same.

EVALUATION AND PERFORMANCE CRITERIA

Sec. 207. (a) The Secretary of Health, Education, and Welfare, in consultation with the Council established pursuant to section 202 of this title, shall develop and transmit to the appropriate committees of Congress within 18 months after the date of enactment an evaluation system and plan for implementation of such system designed to:

(1) assess the adequacy of all education and training, habilitation, rehabilitation, early childhood, diagnostic and evaluation services, or any other services or assistance under all laws administered by the Secretary; and

(2) develop specific criteria designed to provide objective measurement of the development progress of a developmentally disabled individual, which may be utilized by public agencies, residential facilities, and community based facilities and agencies to evaluate the effectiveness of the services provided to such individual.

(b) In developing such evaluation system the Secretary shall insure that such system is consumer oriented and is designed to—

(1) evaluate the effects of services on the lives of consumers, utilizing information and data obtained from individualized written habilitation plans as required under section 211,

(2) evaluate the overall impact of State and local programs for the developmentally disabled,

(3) provide and evaluate the cost-benefit ratios of particular service alternatives, and

(4) provide that evaluation of program quality shall be performed by individuals not directly involved in the delivery of such services to the program being evaluated.

(c) The Secretary, in consultation with the Council established pursuant to section 202, shall make grants and enter into contracts to conduct feasibility studies to assist in developing the evaluation system required under subsection (a) except that such grant or contract shall not be entered into with groups or individuals who are directly related to the program being evaluated.

(d) There are authorized to be appropriated to carry out the purposes of this section $1,000,000 each for the fiscal year ending June 30, 1975, and for the succeeding fiscal year.

Part B—Alternative Criteria for Compliance in Lieu of Standards for Residential and Community Facilities and Agencies

PERFORMANCE CRITERIA

Sec. 210. (a) The Secretary shall specify detailed performance criteria for measuring and evaluating the developmental progress of a person with developmental disabilities who is receiving direct service in a residential or community based facility or agency and minimum compliance levels for such criteria which shall be applicable to residential and community facilities and agencies. Such performance criteria shall be developed pursuant to section 203 and shall be considered, along with minimum compliance levels, as required standards under this part.

(b) Prior to approving any compliance plan submitted under section 203, the Secretary shall obtain adequate assurance of compliance with the performance criteria developed under such section.

INDIVIDUALIZED WRITTEN HABILITATION PLAN

Sec. 211. (a) The Secretary shall insure that an individualized written habilitation plan is developed and modified at frequent intervals on behalf of each developmentally disabled person who is in a residential facility or community facility and agency for which standards have been established under this Act or under any other federally assisted State or local program specified by the Secretary.

(b) Each individualized written habilitation plan shall be developed jointly by a representative or representatives of the facility or agency primarily responsible for delivering or coordinating the delivery of services to the developmentally disabled person in a residential facility or community facility and agency and the developmentally disabled person (or, in appropriate cases, his parents or guardian). In any case in which such developmentally disabled person is receiving services from two or more distinct service agencies, the agency primarily responsible for delivering or coordinating the delivery of such services will also be responsible for insuring that all services are made part of the individualized written habilitation plan.

(c) Each individualized written habilitation plan shall be reviewed at least annually by the agency primarily responsible for delivery or coordinating the delivery of services referred to in subsection (b) at which time the developmentally disabled person (or, in appropriate cases, his parents or guardian) will be afforded an opportunity to review such plan and jointly redevelop its terms. Such plan shall include but not be limited to (1) a statement of long-term habilitation goals for the developmentally disabled person and intermediate habilitation objectives related to the attainment of such goals, (2) a statement of specific habilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

(d) Each individualized written habilitation plan shall conform to the following basic criteria:

(1) the initial plan shall be developed upon the person's application for service;

(2) such plan shall reflect the use of assessment data in at least the following areas:

(A) sensor-motor development;

(B) communicative development;

(C) social development;

(D) affective development; and

(E) cognitive development;

(3) the objectives of such plan shall be developed with the participation of:

(A) the person;

(B) the person's family or guardian;

(C) all relevant agency staff members; and

(D) staff of other agencies involved in serving the person;

(4) the objectives of such plan shall be—

(A) stated separately;

(B) stated in sequence with specific time periods; and

(C) expressed in behavioral terms that provide measurable indices of progress;

(5) such plan shall describe the conditions, activities, or barriers that interfere with the achievement of the objectives;

(6) such plan shall specify modes of intervention for the achievement of the stated objectives;

(7) such plan shall identify agencies which will deliver the services required;

(8) such plan shall identify a designated focus of responsibility for utilizing and coordinating services provided by different practitioners or agencies;

(9) such plan shall include a specification of proposed day-to-day training activities designed to assist in attaining the stated objectives;

(10) such plan shall be written in functional terms that are understandable to the person, and, as appropriate, his or her parents or guardians;

(11) such plan shall be reviewed at least quarterly in order to—

(A) measure the person's progress;

(B) modify the objectives of the plan as necessary;

(C) determine the services that are needed; and

(D) provide guidance and remediation techniques to modify barriers to growth; and

(12) such plan shall include a written agreement that specifies the role and objectives of each party to the implementation of the individualized written habilitation plan.

(e) The Secretary shall also insure that, in developing and carrying out each individualized written habilitation plan, primary emphasis will be given to placing the person in the least restrictive program and living environment commensurate with his capabilities and needs.

(f) The Secretary shall specify detailed performance criteria for measuring and evaluating the developmental progress of developmentally disabled persons attained through the use of such individualized written habilitation plans.

PROGRAM COORDINATION

SEC. 212. (a) Each person served by an agency shall be assigned by such agency a program coordinator responsible for implementing the person's individual written habilitation plan. The program coordinator's service to a person shall be terminated only when responsibility for service to the person has been effectively assumed by another agency, at which time a new program coordinator shall be assigned by the agency assuming responsibility.

(b) Each agency shall insure that—

(1) the person or his family shall participate in the selection of the program coordinator and the program coordinator shall be identified to the person, to his family, and to appropriate staff members;

(2) the program coordinator shall attend to the total spectrum of the person's needs, including, but not limited to, housing, family relationships, social activities, education, finances, employment, health, recreation, and records. In respect to these areas the program coordinator shall determine whether the person's needs are being met and how such needs are being met;

(3) the program coordinator shall provide supportive services to the person and his family;

(4) to keep the individual written habilitation plan up to date, the program coordinator shall secure relevant data from other agencies providing service;

(5) the program coordinator shall provide documentation relevant to the review of the individual written habilitation plan as required by section 211; and

(6) the program coordinator, or another agency staff member, shall assist the person, his or her family, or his or her guardian, in the planning for and securing living arrangements that are adapted to the person's needs.

PROTECTIVE AND PERSONAL ADVOCACY

SEC. 213. (a) The Secretary shall insure that a system of protective and personal advocacy is established in each State to monitor programs and services and protect the human and legal rights of each developmentally disabled person served by residential facilities or programs of community care within the State.

(b) The Secretary shall insure that for each such system an agency or entity is designated which (1) is independent of any agency providing services directly or indirectly, (2) is capable of providing protective and personal advocacy services, and (3) shall be responsible for monitoring and auditing the individualized programs of persons to insure that they receive all of the benefits, services, and rights to which they are entitled under any law or program thereunder.

(c)(1) Such system shall include the establishment of an independent entity which has the authority to receive all complaints regarding the infringement of rights, or denial of benefits, or the failure to provide services necessary to assure the human and legal rights of all developmentally disabled persons within the State.

(2) Each entity established pursuant to paragraph (1) shall be empowered to render a decision with respect to any complaint, including an order to provide services or such other remedy which may be deemed appropriate, and such decision shall be final and binding. Prior to the issuance of any order or decision rendered pursuant to this paragraph, any party which may be affected by such order or decision may request a hearing, which shall be held within 60 days after binding. Prior to the issuance of any order or decision shall be rendered within 60 days after such hearing is concluded. Such order or decision shall be subject to appropriate judicial review.

RECORD REQUIREMENTS

SEC. 214. (a) The residential and community facilities and agencies shall keep such records as the Secretary or the State may deem appropriate to evaluate the effectiveness of performance and compliance with the provisions of this part.

(b) Each residential and community facility and agency shall identify the number of developmentally disabled persons rejected for services by such facility or agency, and the reasons for each such rejection, and report such information every 6 months to the Secretary and the State.

MINIMUM STANDARDS FOR USE WITH THE ALTERNATE PROCEDURE

SEC. 215. Each residential and community facility and agency desiring to use the alternative procedures of this part in lieu of compliance with parts C and D of this title shall insure—

(1) that close relatives shall be permitted to visit a person at any reasonable hour and without prior notice: *Provided*, That the privacy and rights of the other residents and person are not infringed thereby;

(2) the implementation of advocacy for all residents and persons;

(3) that no individual whose needs cannot be met by the residential facility or agency shall be admitted to it;

(4) that the number of persons admitted as residents or persons to the residential facility or agency shall not exceed—

(A) its rated capacity; and

(B) its provisions for adequate programing;

(5) that there is a regular, at least annual, joint review of the status of each resident or person by all relevant personnel, including personnel in the living unit with program recommendations for implementation, to include—

(A) consideration of the advisability of continued residence and alternative programs, and

(B) at the time of the resident's or person's attained majority, or if he becomes emancipated prior thereto:

(i) the resident's or person's need for remaining in the residential facility;

(ii) the need for guardianship of the resident or person; and

(iii) the protection of the resident's or person's civil and legal rights;

(6) that mistreatment of residents and persons shall be strictly prohibited, that any such mistreatment shall be reported immediately by the facility or agency to the State, that—

(A) all alleged incidents of mistreatment thoroughly investigated;

(B) the results of such investigation are reported to the chief executive officer, or his designated representative, within 24 hours of the incident; and

(C) appropriate sanctions are invoked when the allegations of mistreatment are substantiated through an established procedure consistent with due process;

(7) that living unit personnel shall train residents and persons in activities of daily living and in the development of self-help and social skills;

(8) that living unit personnel shall be responsible for the development and maintenance of a warm, family or home like environment that is conducive to the achievement by the resident or person;

(9) that the rhythm of life in the living unit shall resemble the cultural norm of the resident's or person's nonretarded or nondevelopmentally disabled age peers, unless a departure from this rhythm is justified on the basis of maximizing the resident's or person's human qualities;

(10) that residents and persons shall be assigned responsibilities in the living unit commensurate with their interests, abilities, and developmental plans, in order to enhance feelings of self-respect and to develop skills of independent living, and that multiple-handicapped and nonambulatory residents or persons shall—

(A) spend a major portion of their waking day out of bed;

(B) spend a portion of their waking day out of their bedroom areas; and

(C) have planned daily activity and exercise periods;

(11) that residents and persons shall be provided with systematic training to develop appropriate eating skills utilizing adaptive equipment where it serves the developmental process;

(12) that, in accordance with the normalization principle, all professional services to mentally retarded and other persons with developmental disabilities shall, to the extent feasible, be provided in the community, rather than in a residential facility, and where provided in a residential facility, such services must be at least comparable to those provided in the community;

(13) that educational services (defined as deliberate attempts to facilitate the intellectual sensorimotor and effective development of the individual) shall be available to all residents and persons regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps, and for residents or persons of legal school age the State shall insure that the State educational agency provides educational services equivalent to those provided to the nonhandicapped population; and

(14) that special attention shall be given those residents and persons, without active intervention, are at the risk of further loss of function, including—

(A) early diagnosis of disease;

(B) prompt treatment in the early stages of disease;

(C) limitation of disability by arresting the disease process;

(D) prevention of complications and sequelae; and

(E) rehabilitation services to raise the resident or person to his greatest possible level of function in spite of his or her handicap, by maximizing the use of his or her existing capabilities;

(15) that the civil rights of all residents are assured;

(16) that physical restraint shall be employed unless absolutely necessary. Restraint shall not be used as punishment or substitute for program, and a written policy available to the public shall govern any use of restraint. Orders for restraint shall not be in force for periods of longer than twelve hours. Residents placed in restraint shall be checked at least every thirty minutes by trained staff. Mechanical restraints shall be designed to insure the least discomfort. Opportunity for motion and exercise shall be provided for not less than fifteen minutes during each two hours when restraint is employed. Totally enclosed cribs and based enenclosures shall be considered restraints;

(17) that chemical restraint shall not be used excessively, or as punishment or substitute for program or in quantities that interfere with habilitation programs;

(18) that a nourishing, well-balanced diet shall be provided all residents;

(19) that medical and dental services shall be provided to all residents and shall include—

(a) preventive health services;

(b) evaluation, diagnosis, consultation, and treatment; and

(c) infections and contagious disease control;

(20) that adequate fire and safety standards as promulgated in regulations by the Secretary shall be met, and such standards shall include—

(a) adequate and alternate exits and exit doors;

(b) exit ramps with nonskid surfaces and slopes not to exceed one foot in twelve;

(c) handrails on stairways;

(d) unencumbered aisles and exits and uncluttered floors; and

(e) proper storage and other adequate safeguards for flammable materials;

(21) that paint used in facilities shall be lead free; and

(22) that there shall be adequate sanitation and waste disposal procedures to protect the health of the residents.

PART C—STANDARDS FOR RESIDENTIAL FACILITIES FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

Chapter 1.—ADMINISTRATIVE POLICIES AND PRACTICES

Subchapter I—Philosophy, Location, and Organization

SEC. 220. (a) The ultimate aim of the residential facility shall be to foster those behaviors that maximize the human qualities of the resident, increase the complexity of his or her behavior, and enhance his or her ability to cope with his or her environment.

(b) The residential facility shall accept and implement the principle of normalization, defined as the use of means that are as culturally normative as possible to elicit and maintain behavior that is culturally normative as possible, taking into account local and subcultural differences.

(c) The names of residential facilities, the labels applied to their users, and the way these users are interpreted to the public should be appropriate to their purposes and programs and services should not emphasize "mental retardation" or "deviancy".

(d) Residents should not be referred to as "patient" except in a hospital-medical context; as "kids" or "children" if they are adults; or as "inmates"; or as "clients".

SEC. 221. (a) The residential facility should be located within, and conveniently accessible to, the population served, so as to have access to necessary generic community services.

(b) The residential facility should not be isolated from society or community by factors such as:

(1) difficulty of access, due to distance or lack of public transportation;

(2) architectural features;

(3) sociocultural or psychological features; and

(4) rules, regulations, customs, and habits.

(c) Protection devices (such as fences and security windows), where necessary, should be inconspicuous, and should preserve as normal an environmental appearance as possible, so as to permit the pursuit of normal activities.

(d) The residential facility should be in scale with the community in which it is located.

(e) The residential facility and the surrounding community should be encouraged to share their services and resources on a reciprocal basis.

(f) The community in which the residential facility is located should be capable of meeting the needs of the residential facility's residents for generic and specialized services.

(g) The community in which the residential facility is located should be capable of absorbing, and encouraged to absorb, into its cultural life those residents capable of participation in that life.

(h) The residential facility shall have available a current descriptive directory of community resources.

SEC. 222. (a) Residents should be integrated to the greatest possible extent with the general population. To this end, generic and specialized community services, rather than residential facility services, should be used extensively or, if possible, completely. The residents should, including but not limited to—

(1) attend (special) classes or programs in regular schools;

(2) attend religious instruction and worship in the community;

(3) utilize medical, dental, and all other professional services located in the community;

(4) use community rather than residential facility recreation resources, such as bowling alleys, swimming pools, movies, and gymnasia;

(5) shop in community stores, rather than in industrial facility stores and canteens; and

(6) work in as integrated a fashion as possible and sheltered employment should be in regular industry, and among nonretarded workers; sheltered workshops should be in the community; and work that must be on the campus of the industrial facility should afford maximal contact with nonretarded persons.

There shall be evidence of professional and public education to facilitate the integration of residents, as above set forth.

(b) The residential facility should be divided into groupings of program and residence units, based upon a rational plan to meet the needs of the residents and fulfill the purposes of the residential facility.

SEC. 223. The residential facility shall to the maximum extent feasible move residents from—

(1) more to less structured living;

(2) larger to smaller residential facilities;

(3) larger living units to smaller living units;

(4) group to individual residence;

(5) dependent to independent living; and

(6) segregated to integrated living.

Subchapter II—General Policies and Practices

SEC. 224 (a) The residential facility shall have a written outline of the philosophy, objectives, and goals it is striving to achieve, that it available for distribution to staff, consumer representatives, and the interested public, and that shall include but need not be limited to:

(1) its role in the State comprehensive program for the mentally retarded and other individuals with developmental disabilities;

(2) its concept of the rights of its residents;

(3) its goals for its residents;

(4) its concept of its relationship to the parents of its residents, or to their surrogates;

(5) its concept of its relationship to the community, zone, or region from which its residents come;

(6) its concept of its responsibility (through research, training, and education) for improving methods, understanding, and support for the mental retardation and developmentally disabled field.

(b) The residential facility shall have a plan for evaluation and modification to maintain:

(1) the consistency of its philosophy, objectives, and goals with advancements in knowledge and professional practices; and

(2) the consistency of its practices with its philosophy, objectives, and goals.

(c) The residential facility shall have a manual on policies and procedures, describing the current methods, forms, processes, and sequence of events being followed to achieve its objectives and goals.

(d) The residential facility shall have a written statement of policies and procedures concerning the rights of residents that—

(1) assure the civil rights of all residents;

(2) are in accordance with general and special rights of the mentally retarded and other individuals with developmental disabilities as defined by the Secretary in accordance with section 201 of this title; and

(3) define the means of making legal counsel available to residents for the protection of their rights.

SEC. 225. (a) The residential facility shall have a written statement of policies and procedures that protect the financial interests of residents and that provided for—

(1) determining the financial benefits for which the resident is eligible;

(2) assuring that the resident receives the funds for incidentals and for special needs (such as specialized equipment) that are due him or her under public and private financial support programs; and

(3) when large sums accrue to the resident, providing for counseling of the resident concerning their use, and for appropriate protection of such funds.

(b) Procedures in the major operating units of the residential facility shall be described in manuals that are current, relevant, available, and followed.

(c) The residential facility shall have a summary of the laws and regulations relevant to mental retardation and other developmental disabilities and to the function of the residential facility.

(d) The residental facility shall have a plan for a continuing management audit to insure compliance with State laws and regulations and the effective implementation of its stated policies and procedures.

SEC. 226. (a) A public residential facility shall have documents that describe the statutory basis of its existence, and describe the administrative framework of the governmental department in which it operates.

(b) A private residential facility shall have documents that include its charter, its constitution and bylaws, and its State license.

SEC. 227. (a) The governing body of the residential facility shall exercise general direction and shall establish policies concerning the operation of the residential facility and the welfare of the individuals served.

(b) The governing body shall establish appropriate qualifications of education, experience, personal factors, and skills for the chief executive officer. The chief executive officer shall have had training and experience in the administration of human services. The chief executive officer shall have administrative ability, leadership ability, and an understanding of mental retardation and other developmental disabilities. Where the chief executive officer is required also to have had training in a professional service discipline, such training shall be in a discipline appropriate to the residential facility's program.

(c) The governing body shall employ a chief executive officer so qualified, and shall delegate to him or her authority and responsibility for the management of the affairs of the residential facility in accordance with established policies.

(d) The chief executive officer shall—

(1) designate an individual to act for him or her in his or her absence;

(2) make arrangements so that some one individual is responsible for the administrative direction of the residential facility at all times;

(3) when an assistant chief executive officer is employed, the qualifications required for this position shall be in compliance with those stated above for the chief executive officer; and

(4) there shall be on the premises of the residential facility at all times a person designated by the chief executive officer, or the person acting for him or her, to be responsible for the supervision of the residential facility.

SEC. 228. (a) The residential facility shall be administered and operated in accordance with sound management principles.

(b) The type of administrative organization of the residential facility shall be appropriate to the program needs of its residents.

(c) The residential facility shall have a table of organization that shows the governance and administrative pattern of the residential facility.

(d) The table of organization shall show the major operating programs of the residential facility, with staff divisions, the administrative personnel in charge of the programs and divisions, and their lines of authority, responsibility, and communication.

(e) The organization shall provide for the judicious delegation of administrative authority and responsibility among qualified members of the staff, in order to distribute the administrative load of the residential facility and to accelerate its operating efficiency.

(f) The organization shall be such that problems requiring ongoing decisionmaking regarding the welfare of the resident are handled primarily by personnel on the lowest level competent to resolve the problem.

(g) The organization shall provide for the utilization of staff with different levels of training by using those with more adequate training to supervise and train those with lesser training.

(h) The organization shall provide effective channels of communication in all directions.

(i) The residential facility shall have a plan for improving the quality of staff and services that shows how the staff functions by programmatic responsibilities in establishing and maintaining standards of quality for services to residents. The plan shall show the residential facility's organizational structure enables the following functions:

(1) determination of standards for quality of services to the residents;

(2) establishment of qualifications for personnel;

(3) recruitment of qualified personnel;

(4) initiation of preservice and inservice training and staff development programs;

(5) work with administrators, supervisors, and staff of the administrative units of the residential facility to secure and assign qualified personnel to such units;

(6) annual evaluation of staff performance;

(7) continuous evaluation of program effectiveness; and

(8) development and conduct of appropriate research activities.

SEC. 229. (a) The administration of the residential facility shall provide for effective staff and resident participation and communication. Staff meetings shall be regularly held. Standing committees appropriate to the residential facility, such as records, safety, human rights, utilization review, research review, and infection and sanitation, shall meet regularly. Committees shall include resident participation, whenever appropriate. Committees shall include the participation of direct-care staff, whenever appropriate.

(b) Minutes and reports of staff meetings, and of standing and ad hoc committee meetings shall include records of recommendations and their implementation, and shall be kept and filed. Summaries of the minutes and reports of staff and committee meetings shall be distributed to participants and to appropriate staff members. Various forms of communication (such as meetings, minutes of meetings, directives, and bulletins) shall be utilized to foster understanding among the staff, among the residents, between staff and residents, and between residential facility, community, and family.

SEC. 230. (a) The facility shall designate a percentage of its operating budget for self-renewal purposes, including but not limited to:

(1) development of operational data records;

(2) research on its own programs;

(3) evaluation by qualified persons who are not part of the residential facility;

(4) elicitation of feedback from consumers of the residential facility's services, or from their representatives; and

(5) staff education.

(b) The findings generated by the foregoing activities shall be actively and broadly disseminated to:

(1) all members of the residential facility's staff; and

(2) consumer representatives, when appropriate.

(c) The residential facility shall have a continuing system for collecting and recording accurate data that describe its population, in such form as to permit data retrieval and usage for description, programing of services, and research. Such data shall include, but need not be limited to:

(1) number of age-groups, sex, and race;

(2) number grouped by levels of retardation (profound, severe, moderate, mild, and borderline), according to the appropriate nationally recognized professional association on mental deficiency's manual on terminology and classification in mental retardation;

(3) number grouped by levels of adaptive behavior, according to the appropriate nationally recognized professional association on mental deficiency classification;

(4) number with physical disabilities;

(5) number ambulatory and nonambulatory (mobile and nonmobile);

(6) number with sensory defects;

(7) number with oral and other communication handicaps; and

(8) number with convulsive disorders, grouped by level of seizure control.

SEC. 231. The residential facility shall have a description of services for residents that is available to the public and that includes information including but not limited to:

(1) groups served;

(2) limitations concerning age, length of residence, or type or degree of handicap;

(3) the plan for grouping residents into program and living units;

(4) preadmission and admission services;

(5) diagnosis and evaluation services;

(6) means for individual programing of residents in accordance with need;

(7) means for implementation of programs for residents, through clearly designated responsibility;

(8) the therapeutic and developmental environment provided the residents; and

(9) release and follow-up services and procedures.

SEC. 232. (a) The residential facility shall provide for meaningful and extensive consumer-representative and public participation, by the following means:

(1) the policymaking or governing board (if any) shall include consumers or their representatives (for example, parents), interested citizens, and relevantly qualified professionals presumed to be free of conflicts of interest;

(2) when a residential facility does not have a governing board, its policymaking authority shall actively seek advice from an advisory body composed as described above;

(3) the residential facility shall actively elicit feedback from those consumers of its services (and their representatives) who are not members of the aforementioned governing or advisory bodies;

(4) there shall be an active program of ready, open, and honest communication with the public. In structuring visits to the residential facility by persons not directly concerned with a resident, however, steps shall be taken both to encourage visiting and to consider the sensibilities and privacy of the residents. Undignified displays or exhibitions of residents shall be avoided, and normal sensibility shall be exercised in speaking about a resident;

(5) personnel shall be permitted to communicate their views about a resident and his needs and program to his relatives. Personnel shall be trained to properly and competently assume this responsibility;

(6) the residential facility shall maintain active means of keeping residents' families or surrogates informed of activities related to the residents that may be of interest to them;

(7) communications to the residential facility from residents' relatives shall be promptly and appropriately handled and answered;

(8) close relatives shall be permitted to visit at any reasonable hour, and without prior notice. Steps shall be taken, however, so that the privacy and rights of the other residents are not infringed by this practice;

(9) parents and other visitors shall be encouraged to visit the living units, with due regard for privacy. There shall be residential facilities for visiting that provide privacy in the living unit (but not special rooms used solely for visiting);

(10) parents shall be permitted to visit all parts of the residential facility that provide services to residents;

(11) frequent and informal visits home shall be encouraged, and the regulations of the residential facility shall encourage rather than inhibit such visitations;

(12) there shall be an active citizens' volunteer program; and

(13) the residential facility shall acknowledge the need for, and encourage the implementation of, advocacy for all residents.

(b) A public education and information program should be established that utilizes all communication media, and all service, religious, and civic groups, and so forth, to develop attitudes of understanding and acceptance of the mentally retarded and other individuals with developmental disabilities in all aspects of community living.

Subchapter III—Admission and Release

SEC. 233. No individual whose needs cannot be met by the residential facility shall be admitted to it. The number admitted as residents to the residential facility shall not exceed—

(1) its rated capacity; and

(2) its provisions for adequate programing.

SEC. 234. (a) The laws, regulations, and procedures concerning admission, readmission, and release shall be summarized and available for distribution. Admission and release procedures shall—

(1) encourage voluntary admission, upon application of parent or guardian or self;

(2) give equal priority to persons of comparable need, whether application is voluntary or by a court;

(3) facilitate emergency, partial, and short-term residential care, where feasible; and

(4) utilize the maximum feasible amount of voluntariness in each individual case.

(b) The determination of legal incompetence shall be separate from the determination of the need for residential services, and admission to the residential facility shall not automatically imply legal incompetence.

SEC. 235. (a) The residential facility shall admit only residents who have had a comprehensive evaluation, covering physical, emotional, social, and cognitive factors, conducted by an appropriately constituted interdisciplinary team.

(b) Initially, service need shall be defined without regard to the actual availability of the desirable options. All available and applicable programs of care, treatment, and training shall be investigated and weighed, and the deliberations and findings recorded. Admission to the residential facility shall occur only when it is determined to be the optimal available plan. Where admission is not the optimal measure, but must nevertheless be recommended or implemented, its inappropriateness shall be clearly acknowledged and plans shall be initiated for the continued and active exploration of alternatives.

(c) The intended primary beneficiary of the admission shall be clearly specified as—

(1) the resident;

(2) his or her family;

(3) his or her community;

(4) society; and

(5) any combination of the above.

(d) All admissions to the residential facility shall be considered temporary, and, when appropriate, admissions shall be time limited. Parents or guardians shall be counseled, prior to admission, on the relative advantages and disadvantages and the temporary nature of residential services in the residential facility. Prior to admission, parents or guardians shall, and the prospective resident should, have visited the residential facility and the living unit in which the prospective resident is likely to be placed.

SEC. 236. (a) A medical evaluation by a licensed physician shall be made within one week of the resident's admission. Upon admission, residents should be placed in their program groups, and they should be isolated only upon medical orders issued for specific reasons.

(b) Within the period of 1 month after admission there shall be:

(1) a review and updating of the preadmission evaluation;

(2) a prognosis that can be used for programing and placement;

(3) a comprehensive evaluation and individual program plan, made by an interdisciplinary team;

(4) direct-care personnel shall participate in the aforementioned activities;

(5) the results of the evaluation shall be recorded in the resident's unit record;

(6) an interpretation of the evaluation, in action terms, shall be made to:

(A) the direct-care personnel responsible for carrying out the resident's program;

(B) the special services staff responsible for carrying out the resident's program; and

(C) the resident's parents or their surrogates.

(c) There shall be a regular, at least annual, joint review of the status of each resident by all relevant personnel, including personnel in the living unit, with program recommendations for implementation. This review shall include—

(1) consideration of the advisability of continued residence and alternative programs;

(2) at the time of the resident's attaining majority, or if he becomes emancipated prior thereto;

(A) the resident's need for remaining in the residential facility;

(B) the need for guardianship of the resident;

(C) the exercise of the resident's civil and legal rights;

(3) The results of these reviews shall be:

(A) recorded in the resident's unit record;

(B) made available to relevant personnel;

(C) interpreted to the resident's parents or surrogates;

(D) interpreted to the resident, when appropriate; and

(4) parents or their surrogates shall be involved in planning and decisionmaking.

SEC. 237. A physical inspection for signs of injury or disease should be made in accordance with procedures established by the residential facility:

(A) within 24 hours prior to a resident's leaving residential facility for vacation, placement, or other temporary or permanent release; and

(B) within 24 hours following a resident's return to the residential facility from such absence.

SEC. 238. (a) At the time of permanent release or transfer, there shall be recorded a summary of findings, progress, and plans.

(b) Planning for release shall include provision for appropriate services, including protective supervision and other followup services, in the resident's new environment. Procedures shall be established so that—

(1) parents or guardians who request the release of a resident are counseled concerning the advantages and disadvantages of such release; and

(2) the court or other appropriate authorities are notified when a resident's release might endanger either the individual or society.

(c) When a resident is transferred to another residential facility there shall be—

(1) written evidence that the reason for the transfer is the welfare of the resident; and

(2) a transfer process that shall insure that the receiving residential facility will meet the needs of the resident.

(d) Except in an emergency, transfer shall be made only with the prior knowledge, and ordinarily the consent, of the resident and his or her guardian.

SEC. 239. (a) In the event of any unusual occurrence, including serious illness or accidents, impending death, or death, the resident's next of kin, or the person who functions in that capacity (a guardian or citizen advocate) shall be notified promptly and in a compassionate manner. When appropriate, the wishes and needs of the resident, and of the next of kin, concerning religious matters shall be determined and, insofar as possible, fulfilled.

(b) When death occurs:

(1) with the permission of the next of kin or legal guardian, an autopsy shall be performed;

(2) such autopsy shall be performed by a qualified physician, so selected as to be free of any conflict of interest or loyalty;

(3) the family shall be told of the autopsy findings, if they so desire; and

(4) the residential facility shall render as much assistance as possible in making arrangements for dignified religious services and burial, unless contraindicated by the wishes of the family.

(e) The coroner or medical examiner shall be notified of deaths, in accordance with State law.

Subchapter IV—Personnel Policies

SEC. 240. (a) Adequate personnel services shall be provided by means appropriate to the size of the residential facility. If the size of the residential facility warrants a personnel director, he shall have had several years of progressively more responsible experience or training in personnel administration, and demonstrated competence in this area.

(b) The residential facility's current personnel policies and practices shall be described in writing:

(1) The hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to sex, race, color, creed, age, irrelevant disability, marital status, ethnic or national origin, or membership in an organization.

(2) Written job descriptions shall be available for all positions.

(3) Licensure, certification, or standards such as are required in community practice shall be required for all comparable positions in the residential facility.

(4) Ethical standards of professional conduct, as developed by appropriate professional societies, shall be recognized as applying in the residential facility.

(5) There shall be a planned program for career development and advancement for all categories of personnel.

(6) There shall be an authorized procedure, consistent with due process, for suspension or dismissal of an employee for cause.

(7) Methods of improving the welfare and security of employees shall include:

(A) a merit system or its equivalent;

(B) a salary schedule covering all positions;

(C) effective grievance procedures;

(D) provisions for vacations, holidays, and sick leave;

(E) provisions for health insurance and retirement;

(F) provisions for employee organizations;

(G) opportunities for continuing educational experiences, including educational leave; and

(H) provisions for recognizing outstanding contributions to the residential facility.

(c) A statement of the residential facility's personnel policies and practices shall be available to all its employees.

(d) All personnel shall be initially screened to determine if they are capable of fulfilling the specific job requirements. All personnel shall be medically determined to be free of communicable and infectious diseases at the time of employment and annually thereafter. All personnel should have a medical examination at the time of employment and annually thereafter.

(e) The performance of each employee shall be evaluated regularly and periodically, and at least annually. Each such evaluation shall be—

(1) reviewed with the employee; and

(2) recorded in the employee's personnel record.

(f) Written policy shall prohibit mistreatment, neglect, or abuse of residents. Alleged violations shall be reported immediately, and there shall be evidence that—

(1) all alleged violations are thoroughly investigated:

(2) the results of such investigation are reported to the chief executive officer, or his or her designated representative, within 24 hours of the report of the incident; and

(3) appropriate sanctions are invoked when the allegation is substantiated through an established procedure consistent with due process.

SEC. 241. (a) Staffing shall be sufficient so that the residential facility is not dependent upon the use of residents or volunteers for productive services. There shall be a written policy to protect residents from exploitation when they are engaged in productive work. A current, written policy shall encourage that residents be trained for productive, paid employment. Residents shall not be involved in the care (feeding, clothing, bathing), training, or supervision of other residents unless they—

(1) have been specifically trained in the necessary skills;

(2) have the humane judgment required by these activities;

(3) are adequately supervised; and

(4) are reimbursed.

(b) Residents who function at the level of staff in occupational or training activities shall—

(1) have the right to enjoy the same privileges as staff; and

(2) be paid at the legally required wage level when employed in other than training situations.

(c) Appropriate to the size and nature of the residential facility, there shall be a staff training program that includes:

(1) orientation for all new employees, to acquaint them with the philosophy, organization, program, practices, and goals of the residential facility;

(2) induction training for each new em-

ployee, so that his skills in working with the residents are increased;

(3) inservice training for employees who have not achieved the desired level of competence, and opportunities for continuous inservice training to update and improve the skills and competencies of all employees;

(4) supervisory and management training for all employees in, or candidates for, supervisory positions;

(5) provisions shall be made for all staff members to improve their competencies, through means, including but not limited to—

(A) attending staff meetings;

(B) undertaking seminars, conferences, workshops, and institutes;

(C) attending college and university courses;

(D) visiting other residential facilities;

(E) participation in professional organizations;

(F) conducting research;

(G) publishing studies;

(H) access to consultants;

(I) access to current literature, including books, monographs, and journals relevant to mental retardation and developmental disabilities;

(6) interdisciplinary training programs shall be stressed;

(7) the ongoing staff development program should include provisions for educating staff members as research consumers;

(8) where appropriate to the size and nature of the residential facility, there shall be in individual designated to be responsible for staff development and training, and such individual should have—

(A) at least a master's degree in one of the major disciplines relevant to mental retardation or other developmental disability;

(B) a thorough knowledge of the nature of mental retardation and other developmental disabilities, and the current goals, programs, and practices in this field;

(C) a knowledge of the educational process;

(D) an appropriate combination of academic training and relevant experience;

(E) demonstrated competence in organizing and directing staff training programs; and

(9) appropriate to the size and nature of the residential facility, there should be adequate, modern educational media equipment (including but not limited to: overhead, filmstrip, motion picture, and slide projectors; screens, models and charts; and video tape systems) for the conduct of an inservice training program.

(d) Working relations should be established between the residential facility and nearby colleges and universities for the following purposes:

(1) making credit courses, seminars, and workshops available to the residential facility's staff;

(2 using residential facility resources for training and research by colleges and universities; and

(3) exchanging of staff between the residential facility and the colleges and universities for teaching, research, and consultation.

Chapter 2.—RESIDENT LIVING

Subchapter I—Staff-Resident Relationships and Activities

SEC. 242. (a) The primary responsibility of the living unit staff shall be to devote their attention to the care and development of the residents as follows:

(1) each resident shall receive appreciable and appropriate attention each day from the staff in the living unit;

(2) living unit personnel shall train residents in activities of daily living and in the development of self-help and social skills;

(3) living unit personnel shall be responsible for the development and maintenance of a warm, family- or home-like environment that is conducive to the achievement of optimal development by the resident;

(4) appropriate provision shall be made to insure that the efforts of the staff are not diverted from these responsibilities by excessive housekeeping clerical duties, or other non-resident-care activities; and

(5) the objective in staffing each living unit should be to maintain reasonable stability in the assignment of staff, thereby permitting the development of a consistent interpersonal relationship between each resident and one or two staff members.

(b) Members of the living unit staff from all shifts shall participate with an interdisciplinary team in appropriate referral, planning, initiation, coordination, implementation, followthrough, monitoring, and evaluation activities relative to the care and development of the resident.

(c) There shall be specific evaluation and program plans for each resident that are—

(1) available to direct care staff in each living unit; and

(2) reviewed by a member or members of the interdisciplinary program team at least monthly, with documentation of such review entered in the resident's record.

(d) Activity schedules for each resident shall be available to direct care staff and shall be implemented daily as follows:

(1) such schedules shall not permit "dead time" of unscheduled activity of more than 1 hour continuous duration; and

(2) such schedules shall allow for individual or group free activities, with appropriate materials, as specified by the program team.

(e) The rhythm of life in the living unit shall resemble the cultural norm for the residents' nonretarded or nondevelopmentally disabled age peers, unless a departure from this rhythm is justified on the basis of maximizing the residents' human qualities. Residents shall be assigned responsibilities in the living unit commensurate with their interests, abilities, and developmental plans, in order to enhance feelings of self-respect and to develop skills of independent living. Multiple-handicapped and nonambulatory residents shall—

(1) spend a major portion of their waking day out of bed;

(2) spend a portion of their waking day out of their bedroom area;

(3) have planned daily activity and exercise periods; and

(4) be rendered mobile by various methods and devices.

(f) All residents shall have planned periods out of doors on a year-round basis. Residents should be instructed in how to use, and, except as contraindicated for individual residents by their program plan, shall be given opportunity for freedom of movement—

(1) within the residential facility's ground;

(2) without the residential facility's grounds.

Birthdays and special events should be individually observed. Provisions shall be made for heterosexual interaction appropriate to the residents' developmental levels.

(g) Residents' views and opinions on matters concerning them should be elicited and given consideration in defining the processes and structures that affect them.

(h) Residents should be instructed in the free and unsupervised use of communication processes. Except as denied individual residents by team action, for cause, this should typically include—

(1) having access to telephones for incoming and local outgoing calls;

(2) having free access to pay telephones, or the equivalent, for outgoing long distance calls;

(3) opening their own mail and packages, and generally doing so without direct surveillance; and

(4) not having their outgoing mail read by staff, unless requested by the resident.

(i) Residents shall be permitted personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, religious articles, toiletries. jewelry and letters.

(j) Regulations shall permit normalized and normalizing possession and use of money by residents for work payment and property administration as for example, in performing cash and check transactions, and in buying clothing and other items, as readily as other citizens. In accordance with their developmental level—

(1) allowances or opportunities to earn money shall be available to residents; and

(2) residents shall be trained in the value and use of money.

(k) There shall be provision for prompt recognition and appropriate management of behavioral problems in the living unit. There shall be a written statement of policies and procedures for the control and discipline of residents that is—

(1) directed to the goal of maximizing the growth and development of the residents;

(2) available in each living unit; and

(3) available to parents or guardians.

(l) Residents shall participate, as appropriate, in the formulation of such policies and procedures. Corporal punishment shall not be permitted. Residents shall not discipline other residents, except as part of an organized self-government program that is conducted in accordance with written policy.

(m) Seclusion, defined as the placement of a resident alone in a locked room, shall not be employed.

(n) Except as provided in subsection (p), physical restraint shall be employed only when absolutely necessary to protect the resident from injury to himself and to others, and restraint shall not be employed as punishment, for the convenience of staff, or as a substitute for program. The residential facility shall have a written policy that defines the uses of restraint, the staff members who may authorize its use, and a mechanism for monitoring and controlling its use. Orders for restraints shall not be in force for longer than 12 hours. A resident placed in restraint shall be checked at least every 30 minutes by staff trained in the use of restraints, and a record of such checks shall be kept. Mechanical restraints shall be designed and used so as not to cause physical injury to the resident, and so as to cause the least possible discomfort. Opportunity for motion and exercise shall be provided for a period of not less than 10 minutes during each 2 hours in which restraint is employed. Totally enclosed cribs and barred enclosures shall be considered restraints.

(o) Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered to be restraints, but shall be designed and applied—

(1) under the supervision of a qualified professional person; and

(2) so as to reflect concern for principles of good body alinement, concern for circulation, and allowance for change of position.

(p) Chemical restraint shall not be used excessively, as punishment, for the convenience of staff, as a substitute for program, or in quantities that interfere with a resident's habilitation program.

(q) Behavior modification programs involving the use of time-out devices or the use of noxious or aversive stimuli shall be:

(1) reviewed and approved by the residential facility's research review and human rights committees;

(2) conducted only with the consent of the affected resident's parents or surrogates;

(3) described in written plans that are kept on file in the residential facility;

(4) restraints employed as time-out devices shall be applied for only very brief

periods, only during conditioning sessions, and only in the presence of the trainer; and

(5) removal from a situation for time-out purposes shall not be for more than 1 hour, and this procedure shall be used only during the conditioning program, and only under the supervision of the trainer.

Subchapter II—Food Services

SEC. 243. (a) Food services shall recognize and provide for the physiological, emotional, religious, and cultural needs of each resident, through provision of a planned, nutritionally adequate diet. There shall be a written statement of goals, policies, and procedures that—

(1) governs all food service and nutrition activities;

(2) is prepared by, or with the assistance of, a nutritionist or dietitian;

(3) is reviewed periodically, as necessary, by the nutritionist or dietitian;

(4) is in compliance with State and local regulations;

(5) is consistent with the residential facility's goals and policies; and

(6) is distributed to residential facility personnel.

(b) When food services are not directed by a nutritionist or dietitian, regular, planned, and frequent consultation with a nutritionist or dietitian should be available. Records of consultations and recommendations shall be maintained by the residential facility and by the consultant. An evaluation procedure shall be established to determine the extent of implementation of the consultant's recommendations.

(c) A nourishing, well-balanced diet, consistent with local customs, shall be provided all residents. Modified diets shall be—

(1) prescribed by the resident's program team, with a record of the prescription kept on file;

(2) planned, prepared, and served by persons who have received adequate instruction; and

(3) periodically reviewed and adjusted as needed.

(d) Dietary practices in keeping with the religious requirements of resident's faith groups should be observed at the request of parents or guardians. Denial of a nutritionally adequate diet shall not be used as a punishment. At least three meals shall be served daily, at regular times, with—

(1) no more than a 14-hour span between a substantial evening meal and breakfast of the following day, and

(2) not less than 10 hours between breakfast and the evening meal of the same day.

(e) Resident's mealtimes shall be comparable to those normally obtaining in the community. Provision should be made for between meal and before bedtime snacks, in keeping with the total daily needs of each resident. Food shall be served—

(1) as soon as possible after preparation, in order to conserve nutritive value;

(2) in an attractive manner;

(3) in appropriate quantity;

(4) at appropriate temperature;

(5) in a form consistent with the developmental level of the resident; and

(6) with appropriate utensils.

When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value.

(f) All residents, including the mobile nonambulatory, shall eat or be fed in dining rooms, except where contraindicated for health reasons, or by decision of the team responsible for the resident's program. Table service shall be provided for all who can and will eat at a table, including residents in wheelchairs. Dining areas shall—

(1) be equipped with tables having smooth, impervious tops or clean table coverings may be used;

(2) be equipped with tables, chairs, eating utensils, and dishes designed to meet the developmental needs of each resident;

(3) promote a pleasant and home-like environment that is attractively furnished and decorated, and is of good acoustical quality; and

(4) be designed to stimulate maximum self-development, social interaction, comfort, and pleasure.

(g) Dining arrangements shall be based upon a rational plan to meet the needs of residents and the requirements of their programs. Dining and serving arrangements should provide for a variety of eating experiences (for example, cafeteria and family style), and, when appropriate, for the opportunity to make food selections with guidance. Unless justified on the basis of meeting the program needs of the particular residents being served, dining tables should seat small groups of residents (typically four to six at a table), preferably including both sexes.

(h) Dining rooms shall be adequately supervised and staffed for the direction of self-help eating procedures, and to assure that each resident receives an adequate amount and variety of food. Staff members should be encouraged to eat with those residents who have semi-independent or independent eating skills. For residents not able to get to dining areas, food service practices shall permit and encourage maximum self-help, and shall promote social interaction and enjoyable experiences.

SEC. 244. (a) Residents shall be provided with systematic training to develop appropriate eating skills, utilizing adaptive equipment where it serves the developmental process.

(b) Residents with special eating disabilities shall be provided with an interdisciplinary approach to the diagnosis and remediation of their problems, consistent with their developmental needs.

(c) Direct-care staff shall be trained in and shall utilize proper feeding techniques. Residents shall eat in an upright position. Residents shall eat in a manner consistent with their developmental needs (for example, infants should be fed in arms, as appropriate). Residents shall be fed at a leisurely rate, and the time allowed for eating shall be such as to permit adequate nutrition, to promote the development of self-feeding abilities, to encourage socialization, and to provide a pleasant mealtime experience.

(d) Effective procedures for cleaning all equipment and all areas shall be followed consistently. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work areas.

Subchapter III—Clothing

SEC. 245. (a) Each resident shall have an adequate allowance of neat, clean, fashionable, and seasonable clothing.

(b) Each resident shall have his or her own clothing, which is, when necessary, properly and inconspicuously marked with his or her name, and he or she shall use this clothing. Such clothing shall make it possible for residents to go out of doors in inclement weather, to go for trips or visits appropriately dressed, and to make a normal appearance in the community.

(c) Nonambulatory residents shall be dressed daily in their own clothing, including shoes, unless contraindicated in written medical orders.

(d) Washable clothing shall be designed for multihandicapped residents being trained in self-help skills, in accordance with individual needs.

(e) Clothing for incontinent residents shall be designed to foster comfortable sitting, crawling or walking, and toilet training.

(f) A current inventory should be kept of each resident's personal and clothing items.

(g) Residents shall be trained and encouraged to:

(1) select and purchase their own clothing as independently as possible, preferably utilizing community stores;

(2) select their daily clothing;

(3) dress themselves;

(4) change their clothes to suit the activities in which they engaged; and

(5) maintain (launder, clean, mend) their clothing as independently as possible.

SEC. 246. Storage space for clothing to which the resident has access shall be provided. Ample closet and drawer space shall be provided for each resident. Such space shall be accessible to all, including those in wheelchairs.

SEC. 247. The person responsible for the residential facility's resident-clothing program shall be trained or experienced in the selection, purchase, and maintenance of clothing, including the design of clothing for the handicapped.

Subchapter IV—Health, Hygiene, and Grooming

SEC. 248. (a) Residents shall be trained to exercise maximum independence in health, hygiene, and grooming practices, including bathing, brushing teeth, shampooing, combing and brushing hair, shaving, and caring for toenails and fingernails.

(b) Each resident shall be assisted in learning normal grooming practices with individual toilet articles that are appropriately available to that resident.

(c) Teeth shall be brushed daily, with an effective dentifrice. Individual brushes shall be properly marked, used, and stored. Dental care practices should encourage the use of newer dental equipment, such as electric toothbrushes and water picks, as prescribed.

(d) Residents shall be regularly scheduled for hair cutting and styling, in an individualized, normalized manner, by trained personnel.

(e) For residents who require such assistance, cutting of toenails and fingernails by trained personnel shall be scheduled at regular intervals.

(f) Each resident shall have a shower or tub bath at least daily, unless medically contraindicated. Resident's bathing shall be conducted at the most independent level possible. Resident's bathing shall be conducted with due regard for privacy. Individual washcloths and towels shall be used. A bacteriostatic soap shall be used, unless otherwise prescribed.

(g) Female residents shall be helped to attain maximum independence in caring for menstrual needs. Menstrual supplies shall be of the same quality and diversity available to all women.

(h) Every resident who does not eliminate appropriately and independently shall be engaged in a toilet training program. The residential facility's training program shall be applied systematically and regularly. Appropriate dietary adaptions shall be made to promote normal evacuation and urination. The program shall comprise a hierarchy of procedures leading from incontinence to independent toileting. Records shall be kept of the progress of each resident receiving toilet training. Appropriate equipment shall be provided for toilet training, including equipment appropriate for the multiple handicapped. Residents who are incontinent shall be immediately bathed or cleansed, upon voiding or soiling, unless specifically contraindicated by the training program in which they are enrolled, and all soiled items shall be changed. Persons shall wash their hands after handling an incontinent resident.

(i) Each living unit shall have a properly adapted drinking unit. Residents shall be taught to use such units. Those residents who cannot be so taught shall be given the proper daily amount of fluid at appropriate intervals adequate to prevent dehydration. There shall be a drinking unit accessible to, and usable by, residents in wheelchairs. Special cups and noncollapsible straws shall be available when needed by the multiple handicapped. If the drinking unit employs cups, only single-use, disposable types shall be used.

(j) Procedures shall be established for:

(1) monthly weighing of residents, with greater frequency for those with special needs;

(2) quarterly measurement of height, until the age of maximum growth;

(3) maintenance of weight and height records; and

(4) every effort shall be made to assure that residents maintain normal weights.

(k) Policies and procedures for the care of residents with infections and contagious diseases shall conform to State and local health department regulations.

(l) Orders prescribing bed rest or prohibiting residents from being taken out of doors shall be reviewed by a physician at least every 3 days.

(m) Provisions shall be made to furnish and maintain in good repair, and to encourage the use of, dentures, eyeglasses, hearing aids, braces, and so forth, prescribed by appropriate specialists.

Subchapter V—Grouping and Organization of Living Units

SEC. 249. (a) Living unit components or groupings shall be small enough to insure the development of meaningful interpersonal relationships among residents and between residents and staff. The resident-living unit (self-contained unit including sleeping, dining, and activity areas) should provide for not more than 16 residents. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served. To maximize development, residents should be grouped within the living unit into program groups of not more than eight. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served.

(b) Residential units or complexes should house both male and female residents to the extent that this conforms to the prevailing cultural norms. Residents of grossly different ages, developmental levels, and social needs shall not be housed in close physical or social proximity, unless such housing is planned to promote the growth and development of all those housed together. Residents who are mobile-non-ambulatory, deaf, blind, or multihandicapped shall be integrated with peers of comparable social and intellectual development, and shall not be segregated on the basis of their handicaps.

(c) The living unit shall not be a self-contained program unit, and living unit activities shall be coordinated with recreation, educational and habilitative activities which residents engage outside the living unit, unless contraindicated by the specific program needs of the particular residents being served. Each program group should be assigned a specific person, who has responsibility for providing an organized, developmental program of physical care, training, and recreation.

(d) Residents shall be allowed free use of all living areas within the living units, with due regard for privacy and personal possessions. Each resident shall have access to a quite, private area where he can withdraw from the group when not specifically engaged in structured activities.

(e) Outdoor active play or recreation areas shall be readily accessible to all living units.

Subchapter VI—Resident-Living Staff

SEC. 250. (a) There shall be sufficient, appropriately qualified, and adequately trained personnel to conduct the resident-living program, in accordance with the standards specified in this section. Resident-living personnel shall be administratively responsible to a person whose training and experience is appropriate to the program. The title applied to the individuals who directly interact with residents in the living units should be appropriate to the kind of residents with whom they work and the kind of interaction in which they engage. The personnel who staff the living units may be referred to by a variety of terms, such as attendants, child care workers, or cottage parents. The term "psychiatric aid" may be appropriate for a unit serving the emotionally disturbed, but not for a cottage of well-adjusted children. The title of "child care workers" may be appropriate for a nursery school group, but not for an adult unit. Nurses' aides are appropriate for units serving sick residents but not well ones.

(b) The attire of resident-living personnel should be appropriate to the program of the unit in which they work, and consistent with attire worn in the community.

(c) When resident-living units are organized as recommended in subchapter V, and designed as stipulated in subchapter VII, the staff-resident ratios for 24-hour, 7-day coverage of such units by resident-living personnel, or the equivalent coverage, should be as follows:

(1) for medical and surgical units, and for units including infants, children (to puberty), adolescents requiring considerable adult guidance and supervision, severely and profoundly retarded or developmentally disabled, moderately and severely physically handicapped, and residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic like behavior—

(A) first shift, 1 to 4;

(B) second shift, 1 to 4;

(C) third shift, 1 to 8; and

(D) overall ratio (allowing for a 5-day work week plus holiday, vacation, and sick time), 1 to 1;

(2) for units serving moderately retarded or developmentally disabled adolescents and adults requiring habit training—

(A) first shift, 1 to 8;

(B) second shift, 1 to 4;

(C) third shift, 1 to 8; and

(D) overall ratio, 1 to 1.25;

(3) for units serving residents in vocational training programs and adults who work in sheltered employment situations—

(A) first shift, 1 to 16;

(B) second shift, 1 to 8;

(C) third shift, 1 to 16; and

(D) overall ratio, 1 to 2.5.

(d) Regardless of the organization or design of resident-living units, the overall staff-resident ratios as stipulated above. Regardless of the organization or design of resident-living units, the overall staff-resident ratios for the categories defined above shall not be less than 1 to 2, 1 to 2.5, and 1 to 5, respectively.

Subchapter VII—Design and Furnishing of Living Units

SEC. 251. (a) The design, construction, and furnishing of resident-living units shall be—

(1) appropriate for the fostering of personal and social development;

(2) appropriate to the program;

(3) flexible enough to accommodate variations in program to meet changing needs of residents; and

(4) such as to minimize noise and permit communication at normal conversation levels.

(b) The interior design of living units shall simulate the functional arrangements of a home to encourage a personalized atmosphere for small groups of residents, unless it has been demonstrated that another arrangement is more effective in maximizing the human qualities of the specific residents being served. There shall be a minimum of 80 square feet of living, dining, or activity space for each resident. This space shall be arranged to permit residents to participate in different kinds of activities, both in groups and singly. Furniture and furnishings shall be safe, appropriate, comfortable, and homelike.

(c) Bedrooms shall:

(1) be on or above street grade level;

(2) be outside rooms;

(3) accommodate from one to four residents;

(4) provide at least 60 square feet per resident in multiple sleeping rooms, and not less than 80 square feet in single rooms;

(5) partitions defining each bedroom shall extend from floor to ceiling;

(6) doors to bedrooms—

(A) should not have vision panels;

(B) should not be lockable, except where residents may lock their own bedroom doors, as consistent with their programs;

(7) there shall be provision for residents to mount pictures on bedroom walls (for example, by means of pegboard or cork strips), and to have flowers, artwork, and other decorations;

(8) each resident shall be provided with—

(A) a separate bed or proper size and height for the convenience of the resident;

(B) a clean, comfortable mattress;

(C) bedding appropriate for weather and climate;

(9) each resident shall be provided with—

(A) appropriate individual furniture, such as a chest of drawers, a table or desk, and an individual closet with clothes racks and shelves accessible to the resident;

(B) a place of his or her own for personal play equipment and individually prescribed prosthetic equipment; and

(10) space shall be provided for equipment for daily out-of-bed activity for all residents not yet mobile, except those who have a short-term illness, or those very few for whom out-of-bed activity is a threat to life.

(d) Suitable storage shall be provided for personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, toiletries, jewelry, letters, and other articles and equipment, so that they are accessible to the residents for their use. Storage areas shall be available for off-season personal belongings, clothing, and luggage.

(e) Toilet areas, clothes closets, and other facilities shall be located and equipped so as to facilitate training toward maximum self-help by residents, including the severely and profoundly retarded or developmentally disabled and the multiple handicapped as follows:

(1) water closets, showers, bathtubs, and lavatories shall approximate normal patterns found in homes, unless specifically contraindicated by program needs;

(2) toilets, bathtubs, and showers shall provide for individual privacy (with partitions and doors), unless specifically contraindicated by program needs;

(3) water closets and bathing and toileting appliances shall be equipped for use by the physically handicapped;

(4) there shall be at least one water closet of appropriate size for each six residents,

(A) at least one water closet in each living unit shall be accessible to residents in wheelchairs;

(B) each water closet shall be equipped with a toilet seat;

(C) toilet tissue shall be readily accessible at each water closet;

(5) there shall be at least one lavatory for each six residents and one lavatory shall be

accessible to and usable by residents in wheelchairs;

(6) there shall be at least one tub or shower for each eight residents;

(7) there shall be individual racks or other drying space for washcloths and towels; and

(8) larger, tilted mirrors shall be available to residents in wheelchairs.

(f) Provisions for the safety, sanitation, and comfort of the residents shall comply with the following requirements:

(1) each habitable room shall have direct outside ventilation by means of windows, louvres, air-conditioning, or mechanical ventilation horizontally and vertically;

(2) each habitable room shall have at least one window, and the window space in each habitable room should be at least one-eighth (12½ percent) of the floor space;

(A) each resident unit of eight shall have at least one glazed area low enough so that a child in normal day activities has horizontal visual access to the out-of-doors;

(B) the type of glass or other glazing material used shall be appropriate to the safety needs of the residents of the unit;

(3) floors shall provide a resilient, comfortable, attractive, nonabrasive, and slip-resistant surface. Carpeting used in units serving residents who crawl or creep shall be nonabrasive;

(4) temperature and humidity shall be maintained within a normal comfort range by heating, air-conditioning, or other means. The heating apparatus employed shall not constitute a burn hazard to the residents;

(5) the temperature of the hot water at all taps to which residents have access shall be controlled, by the use of thermostatically controlled mixing valves or by other means, so that it does not exceed 110 degrees Fahrenheit. Mixing valves shall be equipped with safety alarms that provide both auditory and visual signals of valve failure;

(6) emergency lighting of stairs and exits, with automatic switches, shall be provided in units housing more than 15 residents;

(7) there shall be adequate clean linen and dirty linen storage areas for each living unit. Dirty linen and laundry shall be removed from the living unit daily; and

(8) laundry and trash chutes are discouraged, but, if installed, such chutes shall comply with regulations prescribed by the Secretary.

Chapter 3.—PROFESSIONAL AND SPECIAL PROGRAMS AND SERVICES

Subchapter I—Introduction

SEC. 252. (a) In addition to the resident-living services otherwise detailed in this title, residents shall be provided with the professional and special programs and services detailed in this section, in accordance with their needs for such programs and services.

(b) The professional and special programs and services detailed herein may be provided by programs maintained or personnel employed by the residential facility, or by formal arrangements between the residential facility and other agencies or persons, whereby the latter will provide such programs and services to the residential facility's residents as needed.

(c) In accordance with the normalized principle, all professional services to the mentally retarded and other individuals with developmental disabilities should be rendered in the community, whenever possible, rather than in a residential facility, and where rendered in a residential facility, such services must be at least comparable to those provided the nonretarded in the community.

(d) Programs and services provided by the residential facility or to the residential facility by agencies outside it, or by persons not employed by it, shall meet the standards for quality of service as stated in this section. The residential facility shall require that services provided its residents meet the standards for quality of services as stated in this section, and all contracts for the provision of such services shall stipulate that these standards will be met.

SEC. 253. (a) Individuals providing professional and special programs and services to residents may be identified with the following professions, disciplines, or areas of service:

(1) audiology;

(2) dentistry (including services rendered by licensed dentists, licensed dental hygienists, and dental assistants);

(3) education;

(4) food and nutrition (including services rendered by dietitians and nutritionists);

(5) library services;

(6) medicine (including services rendered by licensed physicians, whether doctors of medicine or doctors of osteopathy, licensed podiatrists, and licensed optometrists);

(7) music, art, dance, and other activity therapies;

(8) nursing;

(9) occupational therapy;

(10) pharmacy;

(11) physical therapy;

(12) psychology;

(13) recreation;

(14) religion (including services rendered by clergy and religious educators);

(15) social work;

(16) speech pathology;

(17) vocational rehabilitation counseling; and

(18) volunteer services.

(b) Interdisciplinary teams for evaluating the resident's needs, planning an individualized habilitation program to meet identified needs, and periodically reviewing the resident's response to his program and revising the program accordingly, shall be constituted of persons drawn from, or representing, such of the aforementioned professions, disciplines, or service areas as are relevant in each particular case.

(c) Since many identical or similar services or functions may competently be rendered by individuals of different professions, the standards in the following subsections shall be interpreted to mean that necessary services are to be provided in efficient and competent fashion, without regard to the professional identifications of the persons providing them, unless only members of a single profession are qualified or legally authorized to perform the stated service. Services listed under the duties of one profession may, therefore, be rendered by members of other professions who are equipped by training and experience to do so.

(d) Regardless of the means by which the residential facility makes professional services available to its residents, there shall be evidence that members of professional disciplines work together in cooperative, coordinated, interdisciplinary fashion to achieve the objective of the residential facility.

SEC. 254. Programs and services and the pattern of staff organization and function within the residential facility shall be focused upon serving the individual needs of residents and should provide for—

(1) comprehensive diagnosis and evaluation of each resident as a basis for planning programing and management;

(2) design and implementation of an individualized habilitation program to effectively meet the needs of each resident;

(3) regular review, evaluation, and revision, as necessary, of each individual's habilitation program;

(4) freedom of movement of individual residents from one level of achievement to another, within the facility and also out of the residential facility, through training, habilitation, and placement; and

(5) an array of those services that will enable each resident to develop to his maximum potential.

Subchapter II—Dental Services

SEC. 255. (a) Dental services shall be provided all residents in order to maximize their general health by—

(1) maintaining an optimal level of daily oral health, through preventive measures; and

(2) correcting existing oral diseases.

(b) Dental services shall be rendered—

(1) directly, through personal contact with all residents by dentists, dental hygienists, dental assistants, dental health educators, and oral hygiene aides, as appropriate to the size of the residential facility; and

(2) indirectly, through contact between dental staff and other personnel caring for the residents, in order to maintain their optimal oral health.

(c) Dental services available to the residential facility should include—

(1) dental evaluation and diagnosis;

(2) dental treatment;

(3) comprehensive preventive dentistry programs;

(4) education and training in the maintenance of oral health;

(5) participation, as appropriate, by dentists and dental hygienists in the continuing evaluation of individual residents by interdisciplinary teams, to initiate, monitor, and follow up individualized habilitation programs;

(6) consultation with, or relating to—

(A) residents;

(B) families of residents;

(C) other residential facility services and personnel;

(7) participation on appropriate residential facility committees; and

(8) planning and conducting dental research; cooperating in interdisciplinary research; and interpreting, disseminating and implementing applicable research findings.

(d) Comprehensive diagnostic services for all residents shall include—

(1) a complete extra- and intraoral examination, utilizing all diagnostic aids necessary to properly evaluate the resident's oral condition, within a period of 1 month following admission;

(2) provision for adequate consultation in dentistry and other fields, so as to properly evaluate the ability of the patient to accept the treatment plan that results from the diagnosis; and

(3) a recall system that will assure that each resident is reexamined at specified intervals in accordance with his needs, but at least annually.

(e) Comprehensive treatment services for all residents shall include—

(1) provision for dental treatment, including the dental specialties of pedodontics, orthodontics, periodontics, prosthodontics, endodontics, oral surgery, and oral medicine, as indicated; and

(2) provision for emergency treatment on a 24-hour, 7-days-a-week basis, by a qualified dentist.

(f) Comprehensive preventive dentistry programs should include—

(1) fluoridation of the residential facility's water supply;

(2) topical and systematic fluoride therapy, as prescribed by the dentist;

(3) periodical oral prophylaxis, by a dentist or dental hygienist, for each resident;

(4) provisions for daily oral care, as prescribed by a dentist or dental hygienist, including:

(A) toothbrushing and toothbrushing aids, such as disclosing wafers;

(B) tooth flossing;

(C) irrigation;

(D) proper maintenance of oral hygiene equipment;

(E) monitoring the program to assure its effectiveness; and

(5) provision, wherever possible, of diets in a form that stimulates chewing and improvement of oral health.

(g) Education and training in the maintenance of oral health shall include:

(1) continuing inservice training of living-unit personnel in providing proper daily oral health care for residents;

(2) providing dental health education to direct-care personnel;

(3) a dental hygiene program that includes:

(A) discovery, development, and utilization of specialized teaching techniques that are effective for individual residents;

(B) importing information regarding nutrition and diet control measures to residents and staff;

(C) instruction of classroom teachers or students in proper oral hygiene methods;

(D) motivation of teachers and students to promote and maintain good oral hygiene;

(E) instruction of residents in living units in proper oral hygiene methods; and

(4) instruction of parents or surrogates in the maintenance of proper oral hygiene, where appropriate (as in the case of residential facilities having day programs, or in the case of residents leaving the residential facility).

(h) A permanent dental record shall be maintained for each resident. A summary dental progress report shall be entered in the resident's unit record at stated intervals. A copy of the permanent dental record shall be provided a residential facility to which a resident is transferred.

(i) When the residential facility has its own dental staff, there should be a manual that states the philosophy of the dental service and describes all dental procedures and policies. There shall be a formal arrangement for providing qualified and adequate dental services to the residential facility including care for dental emergencies on a 24-hour, 7-days-a-week basis. A dentist, fully licensed to practice in the State in which the residential facility is located, shall be designated to be responsible for maintaining standards of professional and ethical practice in the rendering of dental services to the residential facility. Where appropriate, the residential facility should, in addition, have available to it, and should utilize the program-development consultation services of a qualified dentist who has experience in the field of dentistry for the retarded and other individuals with developmental disabilities.

(j) There shall be available sufficient, appropriately qualified dental personnel, and necessary supporting staff, to carry out the dental services program. All dentists providing services to the residential facility shall be fully licensed to practice in the State in which the residential facility is located. All dental hygienists providing services to the residential facility shall be licensend to practice in the State in which the residential facility is located. Dental assistants should be certified by an appropriate nationally recognized professional association or should be enrolled in a program leading to certification. Dental health educators shall have a thorough knowledge of—

(1) dental health; and

(2) teaching methods.

(k) Oral hygiene aides, who may supplement and promote the proper daily oral care of residents, through actual participation and development of new methods in the toothbrushing program, or in the dissemination of oral hygiene information, should be—

(1) thoroughly trained in current concepts and procedures of oral care; and

(2) trained to recognize abnormal oral conditions.

(l) Supporting staff should include, as appropriate to the program—

(1) receptionists;

(2) trained to recognize abnormal oral conditions, records;

(3) dental laboratory technicians certified by the appropriate nationally recognized professional association;

(4) escort aides; and

(5) janitorial or housekeeping personnel.

(m) All dentists providing service to the residential facility shall adhere to the code of ethics published by the appropriate nationally recognized professional association.

Sec. 256. (a) Appropriate to the size of the residential facility, a continuing education program shall be provided that is designed to maintain and improve the skills and knowledge of its professional dental personnel, through means including but not limited to:

(1) preceptor or other orientation programs;

(2) participation in seminars, workshops, conferences, institutes, or college or university courses, to the extent of at least 60 clock hours annually for each dental professional, in accordance with the standards of the nationally recognized professional dental association and its component societies;

(3) study leave;

(4) participation in the activities of professional organizations that have as their goals the furtherance of expertise in the treatment of the handicapped;

(5) access to adequate library resources, including current and relevant books and journals in dentistry, dental hygiene, dental assisting, mental retardation, and developmental disabilities;

(6) encouragement of dentists to qualify themselves for staff privileges in hospitals; and

(7) sharing of information concerning dentistry in its relationship with mental retardation and developmental disabilities as by publication.

(b) To enrich and stimulate the residential facility's dental program, and to facilitate its integration with community services, the residential facility with, and provide educational experiences for the dental-career students of, dental schools, universities, colleges, technical schools, and hospitals, whenever the best interests of the retals, whenever the best interests of the residential facility's residents are thereby

(c) There shall be adequate space, facilities, and equipment to meet the professional, education, and administrative needs of the dental service. General anesthesia facilities for dental care shall be available. The services of a certified dental laboratory shall be available. Appropriate dental consultation shall be employed in the planning, design, and equippage of new dental facilities, and in the modification of existing facilities. All dental facilities shall be free of architectural barriers for physically handicapped residents.

Subchapter III—Educational Services

Sec. 257. (a) Educational services, defined as deliberate attempts to facilitate the intellectual, sensorimotor, and effective development of the individual, shall be available to all residents, regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps. There shall be a written statement of educational objectives that are consistent with the residenial facility's philosophy and goals. The principle that learning begins at birth shall be recognized, and the expertise of early childhood educators shall be integrated into the interdisciplinary evaluation and programing for residents.

(b) Educational services available to the residential facility shall include but not be limited to—

(1) establishment and implementation of individual educational programs providing:

(A) continuous evaluation and assessment of the individual;

(B) programing for the individual;

(C) instruction of individuals and groups;

(D) evaluation and improvement of instructional programs and procedures;

(2) participation in program development services, including those relating to:

(A) resident habilitation;

(B) staff training;

(C) community activities;

(3) consultation with, or relating to:

(A) other programs for residents and staff;

(B) parents of residents;

(C) administration and operation of the residential facility;

(D) the community served by the residential facility; and

(4) research relating to educational programs, procedures, and techniques; and the interpretation, dissemination, and application of applicable research findings.

(c) Where appropriate, an educator shall be a member of the interdisciplinary teams or groups concerned with—

(1) the total programing of each resident; and

(2) the planning and development of the residential facility's programs for residents.

(d) Individual educational evaluations of residents shall:

(1) commence with the admission of the resident;

(2) be conducted at least annually;

(3) be based upon the use of empirically reliable and valid instruments, whenever such tools are available;

(4) provide the basis for prescribing an appropriate program of learning experiences for the resident;

(5) provide the basis for revising the individual prescription as needed;

(6) the reporting and dissemination of evaluation results shall be done in such a manner as to—

(A) render the content of the report meaningful and useful to its intended recipient and user; and

(B) promptly provide information useful to staff working directly with the resident.

(e) There shall be written educational objectives for each resident that are—

(1) based upon complete and relevant diagnostic and prognostic data;

(2) stated in specific behavioral terms that permit the progress of the individual to be assessed; and

(3) adequate for implementation, continuing assessment and revision, as necessary, of an individually prescribed program.

(f) There shall be evidence of educational activities designed to meet the educational objectives set for every resident. There shall be a functional educational record for each resident, maintained by, and available to, the educator.

(g) There shall be appropriate programs to implement the residential facility's educational objectives. Wherever local resources permit and the needs of the residents shall be provided an educational program of a quality not less than that provided by public school programs for comparable pupils, as regards:

(1) physical facilities;

(2) qualifications of personnel;

(3) length of the school day;

(4) length of school year;

(5) class size;

(6) provision of instructional materials and supplies; and

(7) availability of evaluative and other ancillary services.

(h) Educational programs shall be provided to severely and profoundly retarded or developmentally disabled residents, and all other residents for whom educational provisions may not be required by State laws, irrespective of age or ability.

(i) Appropriate educational programs shall be provided residents with hearing, vision, perceptual, or motor impairments, in cooperation with appropriate staff.

(j) Educational programs should include opportunities for physical education, health education, music education, and art education, in accordance with the needs of the residents being served.

(k) A full range of instructional materials and media shall be readily accessible to the educational staff of the residential facility.

(l) Educational progams shall provide coeducational experiences. Learning activities in the classroom shall be coordinated with activities of daily living in the living units and with other programs of the residential facility and the community. The residential facility shall seek reciprocal services to and from the community, within the bounds of legality and propriety. An educational program operated by a residential facility shall seek consultation from educational agencies not directly associated with the residential facility.

SEC. 258. (a) There shall be available sufficient, appropriately qualified educational personnel, and necessary supporting staff, to carry out the educational programs. Delivery of educational services shall be the responsibility of a person who is eligible for—

(1) certification as a special educator of the mentally retarded or other individuals with developmental disabilities; and

(2) the credential required for a comparable supervisory or administrative position in the community.

(b) Teachers shall be provided aides or assistants, as needed. The residential facility's educators shall adhere to a code of ethics prescribed by the Secretary. Appropriate to the nature and size of the residential facility, there shall be an ongoing program for staff development specifically designed for educators. Staff members shall be encouraged to participate actively in professional organization related to their responsibilities.

(c) To enrich and stimulate the residential facility's education program and to facilitate its integration with community services, opportunities for internships, student teaching, and practical experiences should be made available, in cooperation with university teacher-training programs, whenever the best interests of the residents are thereby served.

Subchapter IV—Food and Nutrition Services

SEC. 259. (a) Food and nutrition services shall be provided in order to—

(1) insure optimal nutritional status of each resident, thereby enhancing his or her physical, emotional, and social well-being; and

(2) provide a nutritionally adequate diet, in a form consistent with developmental level, to meet the dietary needs of each resident.

(b) There shall be a written statement of policies and procedures that—

(2) governs the functions and programs of the food and nutrition services;

(3) is formulated and periodically reviewed by professional nutrition personnel;

(4) is prepared in consultation with other professional staff;

(5) is consistent with the residential facility's goals and policies;

(6) is distributed and interpreted to all residential facility personnel; and

(7) complies with State and local regulations.

(c) Whenever appropriate, the following services should be provided—

(1) initial and periodic evaluation of the nutritional status of each resident, including—

(A) determination of dietary requirements and assessments of intake and adequacy through—

(i) dietary interview;

(ii) clinical evaluation;

(iii) biochemical assessment;

(B) assessment of food service practices;

(C) assessment of feeding practices, capabilities, and potential;

(2) maintenance of a continuing and periodically reviewed nutrition record for each resident;

(3) incorporation of recommendations drawn from the nutrition evaluation into the total management plans for the resident;

(4) periodic review of implementation of recommendations and of need of modification;

(5) participation in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

(6) provision of—

(A) counseling services to the individual resident;

(B) reciprocal consultation with residential facility staff and students;

(C) counseling service to residents' families or their surrogates;

(D) nutrition education, on a continuing basis, for residents, families or surrogates, staff, and students, and development of such programs in coordination with various education programs within the residential facility and the community;

(7) coordination of nutrition programs between the residential facility and the community, including—

(A) development of awareness of available programs in nutrition;

(B) development of needed nutrition programs;

(C) encouragement of participation of professionals and students in nutrition programs for the mentally retarded and developmentally disabled; and

(8) development, coordination, and direction of nutrition research, as well as cooperation in interdisciplinary research.

(d) Food services shall include—

(1) menu planning;

(2) initiating food orders or requisitions;

(3) establishing specifications for food purchases, and insuring that such specifications are met;

(4) storing and handling of food;

(5) food preparation;

(6) food serving;

(7) maintaining sanitary standards in compliance with State and local regulations; and

(8) orientation, training, and supervision of food service personnel.

(e) The food and nutrition needs of residents shall be met in accordance with the recommended dietary allowances of the food and nutrition board of the national research council, adjusted for age, sex, activity, and disability, through a nourishing, well-balanced diet. The total food intake of the resident should be evaluated, including food consumed outside of as well as within the residential facility.

(f) Menus shall be planned to meet the needs of the residents in accordance with subsection (e). Menus shall be written in advance. The daily menu shall be posted in food preparation areas. When changes in the menu are necessary, substitutions should be noted and should provide equal nutritive values. Menus shall provide sufficient variety of foods served in adequate amounts at each meal, and shall be: (1) Different for the same days of each week; (2) Adjusted for seasonal changes. Records of menus as served shall be filed and maintained for at least 30 days. At least a 1-week supply of staple foods and a 2-day supply of perishable foods shall be maintained on the premises. Records of food purchased for preparation shall be filed and maintained for at least 30 days. A file of tested recipes adjusted to appropriate yield should be maintained.

(g) Foods shall be prepared by methods that—

(1) conserve nutritive value;

(2) enhance flavor; and

(3) enhance appearance.

(h) Food shall be prepared, stored, and distributed in a manner that assures a high quality of sanitation. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing and panwashing shall be carried out in compliance with State and local health codes. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work area.

(i) When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value. Food storage procedures shall meet State and local regulations. Dry or staple food items shall be stored at least 12 inches above the floor, in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Perishable foods shall be stored at the proper temperature to preserve nutritive values. Food served to residents and not consumed shall be discarded.

(j) There shall be a sufficient number of competent personnel to fulfill the objectives of the food and nutrition services, including—

(1) nutritionists or dietitians;

(2) other food service personnel;

(3) clerical personnel;

(4) depending upon the size and scope of the residential facility, food and nutrition services shall be directed by one of the following—

(A) a dietitian who is eligible for membership in the appropriate professional dietetic association and preferably eligible for registration by such association, or a nutritionist who has a master's degree in foods, nutrition, or public health nutrition, who is eligible for membership in the appropriate professional dietetic association, and preferably eligible for registration by the association, and who, unless employed by a residential facility that also employs a dietitian, has had experience in institutional food management;

(B) a food service manager who has a bachelor's degree in foods, nutrition, or a related field, and who receives consultation from a dietary consultant;

(C) a responsible person who has had training and experience in meal management and service, and who receives consultation from a dietary consultant; and

(D) the person responsible for food and nutrition services should have had training or experience in providing services to the mentally retarded, and other individuals with developmental disabilities and should be sensitive to their needs;

(5) the dietary consultant shall—

(A) be eligible for membership in the appropriate professional dietetic association, and preferably eligible for registration by such association;

(B) serve on a regularly scheduled and frequent basis when no full-time dietitian is available; and

(6) every person engaged in the preparation and serving of food in the residential facility shall have a valid food handler's permit, as required by State or local reg-

ulations. No person who is afflicted with a disease in a communicable stage, or who is a carrier of a communicable disease, or who has an open wound, shall work in any food service operation. Every person engaged in the preparation and serving of food in the residential facility shall annually be medically determined to be free of any disease in a communicable stage. All dietitians and nutritionists shall adhere to the code of ethics of the appropriate professional dietetic association.

(k) Appropriate to the size of the residential facility, an ongoing inservice training program shall be conducted that is designed to improve and maintain the skills of its food and nutrition services staff, through means such as—

(1) seminars, workshops, conferences, and institutes;

(2) college and university courses;

(3) participation in professional organizations;

(4) participation in interdisciplinary groups;

(5) visitations to other residential facilities; and

(6) access to adequate library resources, including current and relevant books and journals in nutrition and mental retardation.

(l) Opportunities should be provided, in cooperation with university and other training programs, for students to obtain practical experience, under appropriate supervision, whenever the best interests of the residents are thereby served.

(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, administrative, operational, and research needs of the food and nutrition services. Dining areas and facilities for food storage, preparation, and distribution shall be—

(1) designed in cooperation with a dietitian and, when appropriate, with assistance from a qualified food service and equipment consultant;

(2) adequate for the storage and preservation of food;

(3) in compliance with State and local sanitation and other requirements;

(4) adequate for the preparation and serving of food; and

(5) adequate for sanitary storage for all dishes and equipment.

SUBCHAPTER V—LIBRARY SERVICES

SEC. 260. (a) Library services, which include the location, acquisition, organization, utilization, retrieval, and delivery of materials in a variety of media, shall be available to the residential facility, in order to support and strengthen its total habilitation program by providing complete and integrated multimedia information services to both staff and residents. Library services shall make available to the residential facility the resources of local, regional, State, and National library systems and networks. Library services shall be available to all residents, regardless of chronological age, degree of retardation, level of communication skills, or accompanying disabilities or handicaps.

(b) Library services to residents shall be rendered—

(1) directly, through personal contact between library staff and residents;

(2) indirectly, through contact between librarians and other persons working with the residents, designed to—

(A) maintain an atmosphere that recognizes the rights of the resident to access to information and to personal use of library materials appropriate to his level of development in communication skills or to his desire to conform to peer groups; and

(B) enhance interpersonal relationships between direct-care workers and residents, through the mutual enjoyment of written, recorded, or oral literature appropriate to the resident's level of development and preference.

(c) Library services available to residents should include—

(1) assistance in team evaluation and assessment of the individual's level of development in communication skills, such as listening, comprehension, reading, and ability to respond to stimuli in a wide range and variety of media;

(2) provision of informational, recreational, and educational materials appropriate to individual residents at all stages of development in communication skills, including media to stimulate sensory development, both in the library and in the living unit. Such materials should include, but need not be limited to—

(A) books, including picture, juvenile, adult, high interest-low vocabulary, large print, and talking books;

(B) magazines, including juvenile, adult pictorial, and magazines on talking books;

(C) newspapers;

(D) audiovisual media, including films, filmstrips, slides, video tapes, audio tapes, and records, and appropriate equipment;

(E) graphics;

(F) experience materials, such as manipulative materials, toys and games, realia, and animals;

(3) development of programs for individual or group enjoyment, for development of communication skills, for encouragement and satisfaction of natural human curiosity about anything, including sex and the facts of life, and for general enhancement of self-image. These programs should include, but need not be limited to—

(A) storytelling with listener participation through games or other activities;

(B) reading aloud, including "reading" pictures;

(C) film or filmstrip programs;

(D) listening to recorded media;

(E) media discussion groups;

(F) library clubs;

(G) touching, browsing, exploring, or naming sensory stimuli;

(H) creative writing, including group composition through dictation, tape recording, etc.;

(I) puppetry, including the making of puppets;

(J) creative dramatics;

(4) opportunities to visit, and make use of, community library services and facilities in the same manner, and on the same terms, as any resident of the community;

(5) referral services to the community library most convenient to place of residence or employment, when the resident leaves the residential facility; and

(6) active participation in, and encouragement of, library programs related to the educational and habilitative services of the residential facility, including the supplementation, support, and reinforcement of school programs.

(d) Librarians providing services to residents should act as advocates on their behalf if residential facility policies or community library policies interfere with the retarded or developmentally disabled person's freedom to read materials of his own choosing or if they deny or abrogate his right to information or access to library services of any kind, in accordance with the standards adopted by the appropriate professional library association.

(e) Library services to staff should include—

(1) selection, acquisition, organization, classification, cataloging, procurement through interlibrary loan, and dissemination of informational, educational, and instructional library materials and audiovisual equipment;

(2) provision of reference and bibliographic materials and services, literature searches, bibliography compilation, indexing and abstracting services, and other guides to the literature relevant to mental retardation and developmental disabilities;

(3) acquisition of materials for evaluation for purchase;

(4) provision of a current awareness program to alert staff to new materials and developments in their fields;

(5) orientation to library services and functions, including continuing instruction and assistance in the use of informational sources, and participation in general orientations to the residential facility;

(6) provision of written and oral translation services; and

(7) cooperation in inservice training programs by working with subject specialists and by recommending, providing, or producing materials in various media.

(f) Library services to the residential facility may include—

(1) provision of informational materials about the residential facility and mental retardation developmental disabilities in general, through an organized collection of resources;

(2) assistance with such public relation functions as preparing brochures, program statements, annual reports, writing news releases and feature stories, and offering editorial and research assistance to staff preparing professional books and papers; and

(3) assistance in preparing grant applications and report writing.

(g) When library services are provided in the residential facility—

(1) there shall be a written statement of objectives that make possible a well-conceived, comprehensive, long-range program of library development, consistent with the overall goals of the residential facility, adapted to the needs and aptitudes of the residents, and designed to be modified as the program of the residential facility changes;

(2) there shall be a separate budget, adequate to carry out the program in accordance with stated goals and objectives;

(3) library services shall be placed within the organizational structure of the residential facility in such a way as to be available to, and maximally utilized by, all relevant services and programs;

(4) there shall be written policies covering the library's day-to-day activities, and the coordination of these activities with those of other services of the residential facility and with related activities in the community;

(5) there shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the program in accordance with stated goals and objectives;

(6) a qualified librarian shall be responsible for all library services. Where the level of need for services does not require the full-time employment of a professional librarian, coverage may be through the use of consultant service or supervisory personnel, through the pooling of resources and the sharing of services by two or more residential facilities in a geographic area, or through service supplied through a regional library system;

(7) the librarian shall participate, when appropriate, in the interdisciplinary planning, development, and evaluation of residential facility programs;

(8) the librarian should coordinate the purchasing of all print and nonprint materials for the residential facility, and act as the residential facility's informed agent in initiating the purchase of print and nonprint materials, and the library should serve as a clearinghouse for such holdings;

(9) librarians should participate in—

(A) educating appropriate members of the community, concerning the library needs of residents;

(B) planning, with community librarians, the utilization of library resources to optimize resident adjustment;

(C) developing appropriate expectancies and attitudes within community libraries that residents will use;

(10) appropriate relationships with other libraries and community agencies shall be established to more effectively accomplish the library's service functions;

(11) appropriate to the size of the residential facility, there should be a staff development program designed to maintain and improve the skills of library services staff through means such as—

(A) staff meetings and inservice training;

(B) seminars, workshops, conferences, and institutes;

(C) college and university courses;

(D) professional organizations;

(E) participation in interdisciplinary groups;

(F) visits to other residential facilities;

(G) access to relevant professional literature;

(12) whenever appropriate, the library should provide training for beginning librarians, further the orientation and training of library assistants, technicians, or volunteers, and serve as a training center for library institutes or workshops;

(13) library services should be located so as to be convenient and accessible to all users;

(14) all library functions should be integrated within a centralized location, whenever this does not act as a barrier to accessibility for any group;

(15) space, physical facilities, and equipment shall be adequate to carry out the program, and shall comply with the standards for library services in health care institutions published by the appropriate professional library association of hospitals and institutions of the appropriate professional library association;

(16) the hours during which the library is open should meet the requirements of the majority of the library's users, and should be as generous as possible; and

(17) users of library services shall participate in the planning and evaluation of library programs, by means such as advisory committees.

(h) If library services are provided outside the residential facility, there shall be a formal agreement that stipulates lines of communication, areas of responsibility, and kinds of service.

(i) The individual responsible for maintaining standards of professional and ethical practice in the rendering of library services to the residential facility—

(1) shall have a master's degree in library science from a school accredited by the recognized national professional library association; and

(2) should have preparation in a field relevant to work with the mentally retarded and other individuals with developmental disabilities.

(j) Individuals rendering library services, including librarians, media specialists, library and media technicians, supportive staff, and volunteers, shall have qualifications appropriate to their responsibilities and duties.

Subchapter VI—Medical Services

Sec. 261. (a) Medical services shall be provided in order to—

(1) achieve and maintain an optimal level of general health for each resident;

(2) maximize normal function and prevent disability; and

(3) facilitate the optimal development of each resident.

(b) Medical services shall be rendered—

(1) directly, through personal contact between physicians and residents; and

(2) indirectly, through contact between physicians and other persons working with the residents, which is designed to maintain an environment that recognizes and meets the health, hygiene, sanitary, and nutritional needs of the residents.

(c) Medical services available to the residential facility should include—

(1) evaluation and diagnosis;

(2) treatment;

(3) program development services, including those relating to—

(A) resident habilitation;

(B) staff training;

(C) community participation;

(4) consultation with, or relating to—

(A) residents;

(B) families of residents;

(C) the administration and operation of the residential facility;

(5) medical and ancillary staff training; and

(6) preventive health services for residents and staff.

(d) The services of medical and surgical hospitals that are accredited by the recognized national appropriate joint commission on accreditation of hospitals shall be available to residents. Only pathology, clinical laboratory, and radiologic services that meet the hospital accreditation standards of such joint commission on accreditation of hospitals shall be utilized. Electroencephalographic services shall be available as necessary. There shall be evidence, such as may be provided by a record of the deliberations of a utilization review committee, that such hospital and laboratory services are utilized in accordance with proper professional standards.

(e) Physicians shall participate, when appropriate—

(1) in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs; and

(2) in the development for each resident of a detailed, written statement of—

(A) case management goals, encompassing the areas of physical and mental health, education, and functional and social competence; and

(B) a management plan detailing the various habilitation or rehabilitation modalities that are to be applied in order to achieve the specified goals, with clear designation of responsibility for implementation.

(f) The management plan shall ordinarily include, but not necessarily be limited to—

(1) the resident's day-to-day activity program;

(2) physical rehabilitation to prevent and correct deformity, to enhance mobility, and to facilitate training in self-help skills;

(3) provision for adaptive equipment necessary to the rehabilitation plan;

(4) an educational program;

(5) a vocation and occupational program;

(6) stated intervals for review of the management plan; and

(7) short- and long-term goals, including criteria for release.

(g) Statement of treatment goals and management plans shall be reviewed and updated—

(1) as needed, but at least annually; and

(2) to insure continuing appropriateness of the goals, consistency of management methods with the goals and the achievement of progress toward the goals.

(h) Special attention shall be given those residents who, without active intervention, are at risk of further loss of function, by means that include—

(1) early diagnosis of disease;

(2) prompt treatment in the early stages of disease;

(3) limitation of disability by arresting the disease process;

(4) prevention of complications and sequelae; and

(5) rehabilitation services to raise the affected individual to his or her greatest possible level of function, in spite of his or her handicap, by maximizing the use of his or her remaining capabilities.

(i) Preventive health services to residents shall include—

(1) means for the prompt detection and referral of health problems, through adequate medical surveillance, periodic inspection, and regular medical examination;

(2) annual physical examinations, that include—

(A) examination of vision and hearing;

(B) routine screening laboratory examinations, as determined by the physician, and special studies when the index of suspicion is high;

(3) maintenance of a graphic record of height and weight for each resident, in a form that permits ready reference to standardized norms;

(4) immunizations, using as a guide the recommendations of the United States Public Health Service Advisory Committee on Immunization Practices and of the appropriate committee on the control of infectious diseases of the appropriate medical specialty association;

(5) tuberculosis control, in accordance with the recommendations of the appropriate medical specialty association as appropriate to the residential facility's population; and

(6) reporting of communicable diseases and infections in accordance with law.

(j) Preventive health services to staff shall include—

(1) preemployment physical examinations; and

(2) surveys for the detection and prevention of communicable diseases.

(k) There shall be a formal arrangement for qualified medical care for the residential facility, including care for medical emergencies on a 24-hour, 7-days-a-week basis. A physician, fully licensed to practice medicine in the State in which the residential facility is located, shall be designated to be responsible for—

(1) maintaining standards of professional and ethical practice in the rendering of medical services in the residential facility; and

(2) maintaining the general health conditions and practices of the residential facility and/or system of health services.

Each resident shall have a personal (primary) physician, who maintains familiarity with his state of health and with conditions within the residential living unit that bear on his health. Qualified medical specialists of recognized professional ability shall be—

(1) available for a broad range of specialized care and consultation; and

(2) appropriately used.

(l) Appropriate to the size of the residential facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the medical skills of its physicians and their knowledge of development disabilities, through methods such as staff seminars, outside speakers, attendance at professional medical meetings, and informational exchanges with universities and teaching hospitals.

(m) There shall be adequate space, facilities, and equipment to fulfill the professional, education, and administrative needs of the medical service.

Subchapter VII—Nursing Services

Sec. 262. (a) Residents shall be provided with nursing services, in accordance with their needs, in order to—

(1) develop and maintain an environment that will meet their total health needs;

(2) foster optimal health;

(3) encourage maximum self-care and independence; and

(4) provide skilled nursing care as needed.

(b) There shall be a written statement of nursing philosophy and objectives that are consistent with the purpose of the residential facility and that give direction to the nursing program. Nursing personnel shall be responsible for the formulation, review, and revision of the philosophy and objectives. The philosophy and objectives shall be—

(1) distributed to all nursing personnel; and

(2) made available and interpreted to all other personnel.

(c) Nursing services should be provided through—

(1) direct nursing intervention;

(2) instruction and supervision of residential facility staff rendering nursing care;

(3) supporting, counseling, and teaching the resident, his or her family, and his or her direct-care staff, at the residential facility or in the home;

(4) consultation and followthrough in the interest of the resident; and

(5) participation on appropriate residential facility committees.

(d) Nursing services to residents shall include, when appropriate—

(1) professional nurse participation in—

(A) the preadmission evaluation study and plan;

(B) the evaluation study, program design, and placement of the resident at the time of admission to the residential facility;

(C) the periodic reevaluation of the type, extent, and quality of services and programing;

(D) the development of discharge plans;

(E) the referral to appropriate community resources;

(2) services directed toward the promotion of health, including—

(A) observation and assessment of the developmental function of the resident, within his or her environment;

(B) training in habits of personal hygiene;

(C) family life and sex education;

(D) safety education;

(E) control of communicable diseases and infections, through—

(i) identification and assessment;

(ii) reporting to medical authority;

(iii) implementation of appropriate protective and preventive measures;

(F) development of a written plan for nursing action, in relation to the total habilitation program;

(G) modification of the nursing plan, in terms of the resident's daily needs, at least annually for adults and more frequently for children, in accordance with developmental changes;

(3) participation in the prevention of disability for all residents, with special attention to those residents who exhibit the lowest level of functional development including—

(A) nursing assessment of the functional level of development;

(B) development, implementation, and coordination of a plan to maintain and encourage optimal level of function, with written provision for direct and indirect nursing intervention; and

(4) planned, intensive nursing care for every resident who is medically determined to be acutely ill.

(e) A professional nurse shall participate, as appropriate, in the planning and implementation of training of residential facility personnel. Direct-care personnel shall be trained in—

(1) detecting signs of illness or dysfunction that warrant medical or nursing intervention;

(2) basic skills required to meet the health needs and problems of the residents; and

(3) first aid in the presence of accident or illness.

(f) Qualified nurses shall be encouraged to become involved in—

(1) initiating, conducting, and evaluating nursing research;

(2) evaluating and applying relevant research findings for the benefit of residents;

(3) formulating the policies governing research in the residential facility; and

(4) serving as resource persons to schools of nursing, and to public health nursing and related agencies.

(g) There shall be available sufficient, appropriately qualified nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. A registered professional nurse shall be designated as being responsible for maintaining standards of professional, legal, and ethical practice in the delivery of nursing services according to the needs of the residents. The individual responsible for the delivery of nursing services—

(1) should have at least a master's degree in nursing; and

(2) shall have knowledge and experience in the field of developmental disabilities.

(h) Nursing service personnel at all levels of experience and competence shall be—

(1) assigned responsibilities in accordance with their qualifications;

(2) delegated authority commensurate with their responsibility; and

(3) provided appropriate professional nursing supervision.

(i) Organized nursing services and professional nurse practitioners should have recourse to qualified and appropriate consultation as needed. All professional nurses shall be familiar with, and adhere to, the code of ethics published by the appropriate nationally recognized professional nurses' association.

(j) Appropriate to the size of the residential facility, there shall be an educational program designed to enhance the clinical competencies and the knowledge of developmental disabilities of its professional nursing staff, through means, including but not limited to—

(1) staff meetings and inservice training;

(2) seminars, workshops, conferences, and institutes;

(3) college and university courses;

(4) participation in professional organizations;

(5) participation in interdisciplinary groups;

(6) visits to other residential facilities; and

(7) access to relevant professional literature.

(k) To enrich and stimulate the residential facility's nursing program, and to facilitate its integration with community services, educational experiences for students of all types of professional and vocational nursing schools shall be encouraged and defined by a contractual agreement, whenever the best interests of the residents are thereby served.

(l) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the nursing service. Professional nursing consultation shall be included in the design and modification of areas and residential facilities that will be used by the ill and the physically handicapped.

SUBCHAPTER VIII—PHARMACY SERVICES

SEC. 263. (a) In order to contribute to improved resident care and to promote optimal response to drug therapy by the residents, through the full utilization of the knowledge and skills of the pharmacist, pharmacy services shall be provided under the direction of a qualified pharmacist. There shall be a formal arrangement for qualified pharmacy services, including provision for emergency service, by means appropriate to the residential facility. Such means may include the services of a pharmacist in a local community or hospital pharmacy that meets the standards listed herein, as well as the operation of its own pharmacy by the residential facility. There shall be a current pharmacy manual that—

(1) includes policies and procedures, and defines the functions and responsibilities relating to pharmacy services; and

(2) is revised annually to keep abreast of current developments in services and management techniques.

(b) There shall be a formulary system, approved by the responsible physician and pharmacist, and by other appropriate residential facility staff. Copies of the residential facility's formulary and of the nationally recognized American hospital formulary service shall be located and available, as appropriate to the residential facility.

(c) Upon admission of the resident, a medication history of prescription and nonprescription drugs used shall be obtained, preferably by the pharmacist, and his information shall be entered in the resident's record for the information of the staff. The pharmacist shall—

(1) receive the original, or a direct copy, of the physician's drug treatment order;

(2) review the drug regimen, and any changes, for potential adverse reactions, allergies, interactions, contraindications, rationality, and laboratory test modifications, and advise the physician of any recommended changes, with reasons and with an alternate drug regimen;

(3) maintain for each resident an individual record of all medications (prescription and nonprescription) dispensed, including quantities and frequency or refills;

(4) participate, as appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

(5) participate in any of the following activities that are undertaken in the residential facility:

(A) drug research;

(B) drug utilization review;

(C) infection and communicable disease committee;

(D) safety committee;

(E) patient care incident review; and

(6) establish quality specifications for drug purchases, and insure that they are met.

(d) The pharmacist should—

(1) prepare a drug treatment plan, as prescribed by the attending physician, for inclusion in the resident's record and for use by the staff, that includes—

(A) the drug product, dosage form, route of administration, and time of administration, including, when appropriate, the time with respect to meals, other drugs, and activities;

(B) a schedule of laboratory tests necessary to detect adverse reactions;

(C) noting of any potential adverse reactions for the staff's information;

(2) regularly review the record of each resident on medication, and have contact with selected residents with potential problems, noting in the residents' records and reporting to physicians any observations of response to drug therapy, and of adverse reactions and over or underutilization of drugs;

(3) provide instructions and counseling on the correct use of his or her drugs, as prescribed by the attending physician, to each resident on home visit and discharge, or to his or her parents;

(4) provide education and counseling to residents in independent living units on the correct use of their drugs, as prescribed by the attending physician, and on the results expected from correct use and from over or underuse;

(5) participate in programs for sex education and drug abuse education;

(6) provide information on the resident's drug regimen to the receiving residential facility pharmacist, when the resident is transferred, and, with the approval of the resident or his or her guardian, to the resident's community pharmacist, his or her private physician, or the community mental retardation or developmental disability service when the resident is discharged from the residential facility, so as to insure continuity of care;

(7) participate in inservice education programs for professional and direct-care staff;

(8) orient and teach students in pharmacy and other professions, regarding pharmacy's services to the residents and regarding drugs and their uses; and

(9) participate in public educational and informational programs on mental retardation and developmental disabilities.

(e) Where appropriate to the residential facility, there shall be a pharmacy and therapeutics committee, that includes one or more pharmacists, to develop policy on drug usage in the residential facility, and to develop and maintain a current formulary. This committee shall meet not less than once every 3 months. Minutes of the committee meetings shall be kept on file.

(f) Written policies and procedures that govern the safe administration and handling of all drugs shall be developed by the responsible pharmacist, physician, nurse, and other professional staff, as appropriate to the residential facility. The compounding, packaging, labeling, and dispensing of drugs, including samples and investigational drugs, shall be done by the pharmacist, or under his direct supervision, with proper controls and records. Each drug shall be identified up to the point of administration. Procedures shall be established for obtaining drugs when the pharmacy is closed.

(g) The unit dose or individual prescription system of drug distribution should be used. Wherever possible, drugs that require dosage measurement shall be dispensed by the pharmacist in a form ready to be administered to the patient.

(h) There shall be a written policy regarding the administration of all drugs used by the residents, including those not specifically prescribed by the attending practitioner. There shall be a written policy regarding the routine of drug administration, including standardization of abbreviations indicating dose schedules. Medications shall not be used by any resident other than the one for whom they were issued. Only appropriately trained staff shall be allowed to administer drugs.

(i) There shall be a written policy governing the self-administration of drugs, whether prescribed or not.

(j) Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. All drugs shall be kept under lock and key except when authorized personnel are in attendance. The security requirements of Federal and State laws shall be satisfied in storerooms, pharmacies, and living units. Poisons, drugs used externally, and drugs taken internally shall be stored on separate shelves or in separate cabinets, at all locations. Medications that are stored in a refrigerator containing things other than drugs shall be kept in a separate compartment with proper security. A perpetual inventory shall be maintained of each narcotic drug in the pharmacy, and in each unit in which such drugs are kept, and inventory records shall show the quantities of receipts and issues and the person to whom issued or administered. If there is a drug storeroom separate from the pharmacy, there shall be a perpetual inventory of receipts and issues of all drugs by such storeroom.

(k) The pharmacist should review the drugs in each living unit monthly, and should remove outdated and deteriorated drugs and drugs not being used. Discontinued and outdated drugs, and containers with worn, illegible, or missing labels, shall be returned to the pharmacy for proper disposition.

(l) There shall be automatic stop orders on all drugs. There shall be a drug recall procedure that can be readily implemented. Medication errors and drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug. There shall be a procedure for reporting adverse drug reactions to the Federal Food and Drug Administration. The pharmacist shall be responsible for the storage and dispensing of investigational drugs. The pharmacist shall provide the residential staff with pharmacological and other necessary information on investigational drugs, including dosage form, dosage range, storage, adverse reactions, usage, and contraindications.

(m) There shall be an emergency kit—

(1) readily available to each living unit; and

(2) constituted so as to be appropriate to the needs of its residents.

(n) Pharmacy services shall be—

(1) directed by a professionally competent and legally qualified pharmacist who is a graduate of a school of pharmacy accredited by an accrediting agency approved by the Secretary, or its equivalent, and who serves on a full-time or part-time basis, as the activity of the service requires;

(2) staffed by a sufficient number of competent personnel, consistent with the residential facility's needs, and including—

(A) pharmacists necessary to provide comprehensive pharmacy services;

(B) technicians and clerical personnel to relieve the pharmacist of nonprofessional and clerical duties;

(3) pharmacists should have had training or experience in providing services to the mentally retarded and other individuals with developmental disabilities, and should be sensitive to their needs; and

(4) all pharmacists shall be familiar with, and adhere to, the code of ethics of the nationally recognized professional pharmaceutical association.

(o) Appropriate to the size of the residential facility, there should be a staff development program, designed to maintain and improve the skills of its pharmacy staff through means, including but not limited to:

(1) staff meetings and inservice training;

(2) seminars, workshops, conferences, and institutes;

(3) college and university courses;

(4) participation in professional organizations;

(5) participation in interdisciplinary groups;

(6) visits to other residential facilities; and

(7) access to relevant professional literature.

(p) The pharmacy serving the residential facility shall—

(1) have sufficient space for necessary compounding, dispensing, labeling, and packaging functions;

(2) have the equipment necessary for compounding, dispensing, issuing, storing, and administrative functions;

(3) be clean and orderly; and

(4) contain current pharmaceutical reference material to provide adequate information concerning drugs.

(q) Space for the storage of drugs in the storeroom, pharmacy, and living units shall be sufficient to prevent crowding of the drugs. There shall be adequate drug preparation areas, that are—

(1) properly secured;

(2) well lighted; and

(3) located so that personnel will not be interrupted when handling drugs.

(r) If the residential facility operates its own pharmacy, there should be—

(1) an office for the pharmacist; and

(2) a private area for instructing and counseling residents or parents on the correct use of drugs.

Subchapter IX—Physical and Occupational Therapy Services

SEC. 264. (a) Although this subchapter combines standards for physical and occupational therapy, each is a discrete service that complements the other in a manner similar to their relationship with all other health and medically related services. Both services, therefore, shall be provided, or made available to, residents on a continuing basis, as needed. Physical and occupational therapy services shall be provided in order to—

(1) prevent abnormal development and further disability;

(2) facilitate the optimal development at each resident; and

(3) enable the resident to be a contributing and participating member of the community in which he resides,

The residential facility shall have a written statement of its physical therapy and occupational therapy objectives for its residents, consistent with—

(1) the needs of the residents;

(2) currently accepted physical therapy and occupational therapy theories, principles, and goals;

(3) the philosophy and goals of the residential facility; and

(4) the services and resources provided.

Physical and occupational therapy services shall be provided—

(1) directly, through personal contact between therapists and residents;

(2) indirectly, through contact between therapists and other persons involved with the residents, to:

(A) create and maintain an atmosphere that recognizes the physical and psychosocial needs of residents and is conducive to the development and maintenance of optimal physical and psychological functioning;

(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the development and maintenance of motor performance and behaviors; and

(C) implement programs for the improvement of physical and psychosocial functioning in all environmental settings.

Physical and occupational therapists shall have a responsibility for organizing and implementing programs to achieve physical and occupational therapy goals throughout the resident's daily activities.

(b) Physical and occupational therapy services available to the residential facility should include—

(1) screening and evaluation of residents;

(2) therapy with individuals and groups;

(3) program development services; including those relating to—

(A) resident habilitation;

(B) inservice training of professional, direct-care, and other staff;

(C) community participation;

(4) consultation with, or relating to—

(A) residents;

(B) families of residents;

(C) medical, dental, psychological, educational, nursing, and other services;

(D) the administration and operation of the residential facility;

(E) the community served, by the residential facility;

(5) training of therapy staff;

(6) training of physical and occupational therapy graduate or undergraduate students,

interns, supportive staff, and volunteer workers;

(7) assessment of program effectiveness; and

(8) conduct of, or participation in, research, and dissemination and appropriate application of research findings.

(c) Therapists should screen residents, in order to—

(1) determine the characteristics of the residential facility's population;

(2) identify resident needs and establish program priorities; and

(3) determine the administrative, budgetary, and personnel requirements of the service.

(d) Evaluation of individual residents by physical and occupational therapists should include—

(1) observing and testing performance and motivation in sensorimotor, perceptual, behavioral, and self-care activities;

(2) assessment and analysis of findings, to determine level of function and to identify deviations from accepted norms;

(3) providing information for interdisciplinary staff use, in determining diagnosis, functional capacities, prognosis, and management goals; and

(4) physical and occupational therapists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs.

(e) Physical therapy and occupational therapy staff shall provide treatment-training programs that are designed to—

(1) preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination, and activities of daily living;

(2) prevent, insofar as possible, irreducible or progressive disabilities, through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptations, and sensory stimulation;

(3) the therapist shall function closely with the resident's primary physician and with other medical specialists;

(4) treatment-training progress shall be—

(A) recorded regularly;

(B) evaluated periodically; and

(C) used as the basis for continuation or change of the resident's program.

(f) Evaluation results; treatment objectives, plans, and procedures; and continuing observations of treatment progress shall be—

(1) recorded accurately, summarized meaningfully, and communicated effectively;

(2) effectively used in evaluating progress; and

(3) included in the resident's unit record.

(g) Consumers and their representatives, including residents, families, other disciplines, and community groups, shall be utilized in the planning and evaluation of physical therapy and occupational therapy services. There shall be available sufficient, appropriately qualified staff, and supporting personnel, to carry out the various physical and occupational therapy services, in accordance with stated goals and objectives. Physical and occupational therapists shall be—

(1) graduates of a curriculum accredited by the appropriate nationally recognized association;

(2) if a physical therapist, eligible to practice in the State in which the residential facility is located; and

(3) if an occupational therapist, eligible for registration by the appropriate nationally recognized association.

(h) A physical therapist and an occupational therapist shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of their respective therapy services in the residential facility. Each such therapist shall be qualified as required by the provisions of subsection (g) and, in addition, shall—

(1) have had 3 years of professional experience, 2 years of which should have been in working with the mentally retarded and other individuals with developmental disabilities;

(2) have demonstrated competence in administration and supervision, as appropriate to the residential facility's program; and

(3) preferably have a master's degree, in an area related to the program.

(i) Therapy assistant shall—

(1) be certified by the nationally recognized professional occupational therapy association or be graduates of a program accredited by the nationally recognized professional physical therapy association; and

(2) work under the supervision of a qualified therapist.

(j) Therapy aides shall—

(1) be provided specific inservice training; and

(2) work under the supervision of a qualified therapist assistant.

(k) Physical and occupational therapy personnel shall be—

(1) assigned responsibilities in accordance with their qualifications;

(2) delegated authority commensurate with their responsibilities; and

(3) provided appropriate professional direction and consultation.

(l) Physical and occupational therapy personnel shall be familiar with, and adhere to, the ethical codes and standards of practice promulgated by their respective nationally recognized professional organizations.

(m) Physical therapy and occupational therapy services operated by a residential facility shall seek consultation, at periodic intervals, from experts in physical therapy and occupational therapy who are not directly associated with the residential facility. Appropriate to the nature and size of the residential facility and to the physical and occupational therapy services, there shall be a staff development program that is designed to maintain and improve the skills of physical and occupational therapy personnel, through methods, including but not limited to:

(1) regular staff meetings;

(2) an organized inservice training program in physical and occupational therapy;

(3) visits to and from the staff of other residential facilities and programs;

(4) participation in interdisciplinary meetings;

(5) provision for financial assistance and time for attending professional conferences;

(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation work schedules;

(7) career ladders and other incentives to staff recruitment and development;

(8) workshops and seminars;

(9) consultations with specialists; and

(10) access to adequate library resources, which include current and relevant books and journals in physical and occupational therapy, mental retardation, development disabilities, and related professions and fields.

(n) Space, residential facilities, equipment, supplies, and resources shall be adequate for providing efficient and effective physical and occupational therapy services, including, but not necessarily limited to—

(1) residential facilities for conducting administrative aspects of the program;

(2) residential facilities for conducting screenings and evaluations;

(3) residential facilities for providing treatment and training for individuals and groups;

(4) such other space staff, and services as are essential to support and maintain effective programs; and

(5) appropriate physical and occupational therapy consultation shall be employed in the design, modification, and furnishing of all physical and occupational therapy areas and residential facilities required to meet the specific goals of physical and occupational therapy services.

Subchapter X—Psychological Services

SEC. 265. (a) Psychological services shall be provided, in order to facilitate, through the application of psychological principles, techniques, and skills, the optimal development of each resident. Psychological services shall be rendered—

(1) directly, through personal contact between psychologists and residents;

(2) indirectly, through contact between psychologists and other persons involved with the residents, designed to—

(A) maintain an atmosphere that recognizes the psychological needs of residents and that is conducive to the development and maintenance of constructive interpersonal relationships; and

(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the understanding and change of behavior.

(b) Psychological services available to the residential facility should include but not be limited to:

(1) evaluation and assessment of individuals and programs;

(2) therapy with individuals and groups;

(3) program development services, including those relating to—

(A) resident habilitation;

(B) staff training;

(C) community participation;

(D) resident, staff, and community motivation;

(4) consultation with, or relating to—

(A) residents;

(B) parents of residents;

(C) the administration and operation of the residential facility;

(D) the community served by the residential facility;

(5) psychology staff training; and

(6) conduct of research, consultation on research design, and dissemination of research findings.

(c) Psychologists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs—

(1) psychologists shall conduct evaluations necessary to—

(A) meet legal requirements;

(B) meet research needs; and

(C) provide data for biostatistical reporting;

(2) methods of data collection employed in evaluation and assessment shall include, as appropriate—

(A) standardized tests and techniques;

(B) observations in natural and experimental settings, using standardized or generally accepted techniques;

(C) interviews with—

(i) the resident (or prospective resident);

(ii) members of the resident's family and other informants; and

(D) review of all pertinent records, including the comparison of current and previous status;

(3) collation, analysis, and interpretation of data shall—

(A) be performed in accordance with standards generally acceptable in professional psychology;

(B) provide, as appropriate, both intra- and interindividual comparisons, by reference to normative data; and

(C) utilize appropriate equipment, which is made available for the purpose;

(4) the reporting and dissemination of evaluation results shall be done in such a manner as to—

(A) render the content of the report meaningful and useful to its intended recipient and user;

(B) enhance clinical understanding of the individual;

(C) promptly provide information useful to staff working directly with the resident;'

(D) facilitate use of data for research and professional education;

(E) facilitate use of data for statistical reporting; and

(F) maintain accepted standards of confidentiality;

(5) there shall be developed and maintained for each resident a continuing evaluation record that is frequently updated and that includes, but is not limited to, psychometric data.

(d) Psychologists shall participate, when appropriate, in the development of written, detailed, specific, and individualized habilitation program plans that—

(1) provide for periodic review, followup, and updating;

(2) are designed to maximize each resident's development and acquisition of—

(A) perceptual skills;

(B) sensorimotor skills;

(C) self-help skills;

(D) communication skills;

(E) social skills;

(F) self direction;

(G) emotional stability;

(H) effective use of time (including leisure time);

(I) basic knowledge;

(J) vocational-occupational skills; and

(K) socioeconomic values relevant to the community in which he lives.

(e) Psychologists should provide individual, or groups of, residents with therapy designed to develop, modify, and maintain behavior and attitudes that are rewarding and effective in meeting the demands of their intrapersonal and interpersonal situations. Psychologists should provide consultation and training services to program staff concerning:

(1) principles and methods of understanding and changing behavior, to the end of devising maximally effective programs for residents;

(2) principles and methods of individual and program evaluation, for the purposes of assessing resident response to programs and of measuring program effectiveness;

(3) psychologists should participate in the development of incentive systems designed to maximize motivation and to optimize, by means of provision for feedback, performance, and learning on the part of—

(A) residents enrolled in habilitation programs;

(B) staff engaged in resident habilitation programs; and

(C) personnel involved in resident habilitation resources in the community.

(f) Psychologists should provide assistance or consultation relative to—

(1) developing and conducting evaluations designed to select and maintain appropriate and effective staff;

(2) developing job analyses;

(3) pyschological problems of staff, including the making of appropriate referrals;

(4) data concerning staff, and reports of evaluations of staff, shall—

(A) be provided in appropriate form, and only to clearly appropriate supervisory staff;

(B) enable data to be used for classification and reporting purposes;

(C) enable data to be used for research purposes; and

(D) maintain acceptable standards of confidentiality.

(g) Psychologists should participate in—

(1) educating appropriate members of the community, concerning the domiciliary, vocational, and recreational needs of residents who return to the community;

(2) planning with community officials the adaptation of domiciliary, vocational, and recreational resources, to optimize resident adjustments; and

(3) developing appropriate experiences and attitudes within the community into which residents go.

(h) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various psychological service activities, in accordance with the needs of the following functions:

(1) psychological services to residents, including evaluation, consultation, therapy, and program development;

(2) administration and supervision of psychological services;

(3) staff training;

(4) research;

(5) the residential facility should have available to it the services of at least one doctoral-level psychologist who is—

(A) a diplomate of the nationally recognized board of professional psychology, or is licensed or certified by a State examining board, or is certified by a voluntary board established by a qualified State professional psychological association;

(B) knowledgeable and experienced in the area of mental retardation or developmental disabilities;

(6) a psychologist qualified as specified in subsection (h) (5) shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of psychological services in the residential facility;

(7) all psychologists providing service to the residential facility shall—

(A) possess the educational and experiential qualifications required for membership in the nationally recognized professional psychological association;

(B) have demonstrated knowledge in the area of mental retardation and developmental disabilities;

(8) all psychological technicians, assistants, and clerks employed by the residential facility shall work under the direct supervision of a psychologist who is qualified as specified in subsection (h)(5);

(9) all members of the psychological services staff shall have and be familiar with, the ethical standards of psychologists and the nationally recognized casebook on ethical standards of psychologists, published by the professional psychological association, and all shall adhere to the ethical standards stated therein;

(A) all new psychology service employees shall receive this material, and be familiarized with it, as a part of their orientation; and

(B) the application of the ethical standards to practice with the mentally retarded and developmentally disabled in residential facilities shall be emphasized.

(i) Appropriate to the size of the residential facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the skills of its psychology staff, through methods, including but not limited to—

(1) staff seminars;

(2) outside speakers;

(3) visits to and from the staff of other residential facilities;

(4) attendance at conferences;

(5) participation in interdisciplinary groups;

(6) informational exchanges with universities, teaching hospitals, community mental health and mental retardation centers, and other community resources; and

(7) adequate library resources, including current and relevant books and journals in psychology and mental retardation and developmental disabilities shall be available.

(j) The training of interns and graduate students in psychology shall be encouraged, and appropriate supervision shall be provided. There shall be appropriate space and equipment for psychological services, including—

(1) offices for professional and clerical staff;

(2) testing and observation rooms;

(3) interviewing, counseling, and training and treatment rooms;

(4) play therapy rooms;

(5) access to conference rooms; and

(6) access to research and data analysis facilities.

Subchapter XI—Recreation Services

SEC. 266. (a) Recreation services should provide each resident with a program of activities that—

(1) promotes physical and mental health;

(2) promotes optimal sensorimotor, cognitive, affective, and social development;

(3) encourages movement from dependent to independent and interdependent functioning; and

(4) provides for the enjoyable use of leisure time.

(b) The residential facility shall have a written statement of its recreation objectives for residents, consistent with—

(1) the needs of its residents;

(2) currently accepted recreation principles and goals;

(3) the philosophy and goals of the residential facility; and

(4) the services and resources the residential facility offers.

(c) Recreation services available to the residential facility should include—

(1) recreation activities for the residents;

(2) recreation counseling;

(3) individual and group instruction of residents in recreation skills, to achieve maximum proficiency and develop leadership potential;

(4) therapeutic recreation;

(5) education and consultation; and

(6) research and evaluation.

(d) Recreation activities available to the residents should include, as appropriate to the size and location of the residential facility, and as adapted to the needs of the residents being served—

(1) excursions, outings, and other trips to familiarize the residents with community facilities;

(2) spectator activities, such as movies, television, sports events, and theater;

(3) participation in music, drama, and dance, such as rhythmics, folk dancing, community sings, group music sessions in the living units, performance in music or dramatic productions, performance in choral or instrumental groups, and informal listening to records or tapes;

(4) outdoor and nature experiences, including activities such as camping, hiking, and gardening;

(5) team sports and lead-up activities;

(6) individual and dual sports, such as bowling, archery, badminton, horseshoes, miniature golf, bicycling, and shuffleboard;

(7) hobbies, such as collecting, photography, model building, woodworking (including use of power tools), cooking, and sewing;

(8) social activities, such as clubs, special interest and discussion groups, social dancing, cookouts, parties, and games;

(9) service clubs and organizations, such as leaders clubs, scouting, 4–H, Junior Red Cross, Junior Chamber of Commerce, Hi–Y, Tri-Hi-Y, resident councils, and senior citizens clubs;

(10) aquatics, including waterplay, swimming, and boating;

(11) arts and crafts, including a wide range of activities from simple to complex, from reproductive to creative, and consistent with activities found in the community;

(12) physical fitness activities designed to develop efficient cardiovascular and cardiorespiratory functions, strength, endurance, power, coordination, and agility, sufficient for both usual and extra demands;

(13) library services for reading, listening, and viewing, such as looking at books, listening to records and tapes, and viewing film strips and slides;

(14) celebration of special events, such as holidays and field days;

(15) winter activities, including snow sculpture snowplay, games, and sports;

(16) opportunities to use leisure time in activities of the resident's own choosing in an informal setting under minimal supervision, such as a "drop-in center";

(17) frequent coeducational experiences, to promote acceptable social behavior and enjoyment of social relationships; and

(18) activities for the nonambulatory, including the mobile and nonmobile.

(e) Maximum use should be made of all community recreation resources. Recreation counseling should be a continuous process that provides for—

(1) modification of resident's recreation behaviors;

(2) guidance to residents on how to find, reach, and utilize community recreation resources;

(3) family counseling in relation to recreation activities; and

(4) interpretation of resident's needs and abilities to community agencies.

(f) Therapeutic recreation, defined as purposive intervention, through recreation activities, to modify, ameliorate, or reinforce specific physical, emotional, or social behaviors, should include as appropriate—

(1) participation on an interdisciplinary team, to identify the habilitation needs and goals of the resident;

(2) determination of appropriate recreation intervention, to achieve the stated habilitation goals;

(3) a written plan for implementing the therapeutic recreation objectives, consistent with the recommendations of the evaluation team; and

(4) evaluation of the effectiveness of such interventions, and subsequent redefinition of the resident's habilitation needs and goals.

(g) Education and consultation services should include—

(1) provision of stimulation, leadership, and assistance with recreation activities, conducted by the direct-care staff;

(2) staff training and development;

(3) orientation and training of volunteers;

(4) training of interns and students in recreation;

(5) consultation to community agencies and organizations, to stimulate the development and improvement of recreation services for the retarded and other developmentally disabled individuals; and

(6) public education and information, to encourage acceptance of the retarded and other developmentally disabled individuals in recreation activities.

(h) Recreational service shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of the residential facility's resources and to maximize benefits to the residents. Activities in health, music, art, and physical education shall be coordinated with recreation activities relevant to these areas.

(i) Records concerning residents should include—

(1) periodic surveys of their recreation interests;

(2) periodic surveys of their attitudes and opinions regarding recreation services;

(3) the extent and level of each resident's participation in the activities program;

(4) progress reports, as appropriate;

(5) reports on relationships among peers, and between residents and staff; and

(6) evaluations conducted by personnel at all levels and, where appropriate, by staff from other services.

(j) Established procedures for evaluating and researching the effectiveness of recreation services, in relation to stated purposes, goals, and objectives, should include—

(1) utilization of adequate records concerning residents' interests, attitudes, opinions, participations, and achievements;

(2) time schedules for evaluation that are appropriate to the service or program being evaluated;

(3) provision for using evaluation results in program planning and development;

(4) provision for disseminating evaluation results in professional journals and in public education and information programs; and

(5) encouragement of recreation staff to initiate, conduct, and participate in research studies, under the supervision of qualified personnel.

(k) There shall be sufficient, appropriately qualified recreation staff, and necessary supporting staff, to carry out the various recreation services in accordance with stated goals and objectives.

(1) Scheduling of staff shall provide—

(A) coverage on evenings, weekends, and holidays; and

(B) additional coverage during periods of peak activity.

(2) Recreation personnel shall be—

(A) assigned responsibilities in accordance with their qualifications;

(B) delegated authority commensurate with their responsibility; and

(C) provided appropriate professional recreation supervision.

(3) Personnel conducting activities in recreation program areas should possess the following minimum educational and experiential qualifications:

(A) a bachelor's degree in recreation, or in a speciality area, such as art, music, or physical education; or

(B) an associate degree in recreation and one year of experience in recreation; or

(C) a high school diploma, or an equivalency certificate; and 2 years of experience in recreation, or 1 year of experience in recreation plus completion of comprehensive inservice training in recreation; or

(D) demonstrated proficiency and experience in conducting activities in one or more program areas.

(4) Personnel performing recreation counseling or therapeutic recreation functions should possess the following minimum education and experiential qualifications, and should be eligible for registration with the appropriate nationally recognized therapeutic recreation society at the appropriate therapeutic recreation specialist level:

(A) a master's degree in therapeutic recreation and 1 year of experience in a recreation program servicing disabled persons; or

(B) a master's degree in recreation and 2 years of experience in a recreation program serving disabled persons: or

(C) a bachelor's degree in recreation and 3 years of experience in a recreation program serving disabled persons; or

(D) a combination of education and experience in recreation serving disabled persons that totals 6 years.

(5) Education and consultation functions in recreation should be conducted by staff members, in accordance with their education, experience, and role in the recreation program.

(l) Appropriate to the size of the recreation program, there shall be a staff development program that provides opportunities for professional development, including—

(1) regular staff meetings;

(2) an organized inservice training program in recreation;

(3) access to professional journals, books, and other literature in the fields of recreation, therapeutic recreation, rehabilitation, special education, and other allied professions;

(4) provisions for financial assistance and time for attendance at professional conferences and meetings;

(5) procedures for encouraging continuing education, including educational leaves, direct financial assistance, and rearrangement of work schedules;

(6) provision for workshops and seminars relating to recreation, planned by the recreation and other professional and administrative staff; and

(7) provision for staff consultation with specialists, as needed, to improve recreation services to residents.

(m) Recreation areas and facilities shall be designed and constructed or modified so as to—

(1) permit all recreation services to be carried out to the fullest possible extent in pleasant and functional surroundings;

(2) be easily accessible to all residents, regardless of their disabilities;

(3) appropriate recreation consultation shall be employed in the design or modification of all recreation areas and facilities;

(4) toilet facilities, appropriately equipped in accordance with the needs of the residents, should be easily accessible from recreation areas; and

(5) appropriate and necessary maintenance services shall be provided for all recreation areas and facilities.

(n) Indoor recreation facilities should include, as appropriate to the residential facility—

(1) a multipurpose room;

(2) a quiet browsing room;

(3) access to a gymnasium;

(4) access to an auditorium;

(5) access to suitable library facilities;

(6) access to kitchen facilities;

(7) adequate and convenient space for storage of supplies and large and small equipment; and

(8) adequate office space for the recreation staff.

(o) Outdoor recreation facilities should include, as appropriate to the residential facility—

(1) access to a hard-top, all-weather-surface area;

(2) access to gardening and nature activity areas;

(3) access to adequately equipped recreation areas; and

(4) the residential facilitiy's residents should have, as appropriate and feasible, access to year-round swimming and aquatic facilities.

(p) Adequate transportation services for recreation programs shall be provided. Recreation equipment and supplies in sufficient quantity and variety shall be provided to carry out the stated objectives of the activities programs. Toys, games, and equipment shall be—

(1) selected on the basis of suitability, safety, durability, and multiplicity of use; and

(2) adapted as necessary to the special needs of the residents.

(q) If a music therapy program is provided, it should include—

(1) participation by the music therapist, when appropriate, on an interdisciplinary evaluation team to identify the resident's needs and ways of meeting them;

(2) determination of music therapy goals for the resident and development of a written plan for achieving them;

(3) periodic progress reports, reevaluations, and program changes as indicated;

(4) direction by a therapist eligible for registration with the appropriate nationally recognized association for music therapy; and

(5) appropriate space, facilities, and equipment, with special consideration of the acoustical characteristics of rooms used for performing and listening.

Subchapter XII—Religious Services

SEC. 267. (a) Religious services shall be made available to residents, in accordance with their needs, desires, capabilities, and in accordance with their basic right to freedom of religion, in order to—

(1) develop and enhance their dignity;

(2) provide for the most meaningful and relevant practice of their religion; and

(3) provide spiritual programs designed to aid their development and growth as persons.

(b) Implementation of religious services should utilize community resources, whenever and wherever this is possible and be in the best interests of the residents. The objectives of the residential facility's religious services for its residents shall be directed toward full integration into, and membership in, their faith, and should include—

(1) upholding the dignity and worth of the individual;

(2) buildings moral and ethical standards of behavior;

(2) building moral and ethical standards faith groups;

(4) establishing healthy self, world, and God concepts;

(5) establishing constructive value systems;

(6) giving direction toward greater personal maturity;

(7) strengthening interpersonal relationships; and

(8) contributing to growth in personal adequacy and happiness.

(c) Religious services shall be made available to all residents, regardless of their degree of retardation or developmental disability. Participation in religious programs shall be voluntary, in accordance with the wishes of the resident, if he or she expresses them, or with the wishes of his or her parent or guardian.

(d) Religious services to residents should include—

(1) worship opportunities, sacraments, and religious rites, according to the needs and abilities of the residents and consonant with the practices of their respective faiths;

(2) religious education programs geared to the needs and abilities of the residents;

(3) observation of dietary practices in keeping with the religious requirements of residents' faith groups;

(4) observation of religious holidays and holy days in keeping with the religious requirements of residents' faith groups;

(5) pastoral counseling, both individual and group, to residents and their families;

(6) pastoral visits to residents, with special emphasis on the care of the troubled, the sick, and the dying;

(7) pastoral consultation with persons concerned with the resident's welfare; and

(8) referral and communication between religious workers in the residential facility and in the community.

(e) Those who serve the religious needs of the residents, including clergy, religious educators, and volunteers, should whenever possible—

(1) assert and safeguard the full human and civil rights of the residents;

(2) participate, as appropriate, in team and other interdisciplinary planning regarding programs for individual residents, as well as in residential facility-wide or community programs;

(3) keep appropriate records of significant religious events in the lives of each resident;

(4) participate in training programs for residential facility personnel, including orientation of direct-care personnel in how they may help to further the religious programs for residents;

(5) participate in training programs for community clergy, theological students, and others;

(6) become involved with community clergy, and with religious and other groups, in their concerns for the spiritual care of the retarded and other developmentally disabled individuals;

(7) promote public understanding and acceptance of the retarded and other developmentally disabled individuals; and

(8) participate in their own faith group meetings, as required to maintain their standing.

(f) There shall be available sufficient, appropriately qualified personnel, which may include clergy or religious leaders, religious educators, volunteers, and clerical and supporting personnel, to carry out the various religious programs—

(1) religious services to residents shall be under the direction of a person who, in keeping with the size and nature of the residential facility, may be one of the following:

(A) a chaplain certified for work with the mentally retarded or other individuals with developmental disabilities by a recognized certifying agency;

(B) a clergyman or religious leader in good standing in his religious body;

(C) a religious educator; or

(D) a responsible person, who secures the services of qualified persons in carrying out the worship and education aspects of the program;

(2) chaplains serving residential facilities for the retarded, on a full- or part-time basis, should—

(A) be clergymen or religious leaders in good standing in their religious bodies; or

(B) be endorsed or assigned by their recognized religious bodies; or

(C) have B.A. and B.D. degrees, or their equivalents; and

(D) be certified for work with the mentally retarded or other individuals with developmental disabilities by a recognized certifying agency;

(3) professional religious educators serving residential facilities for the retarded or other individuals with developmental disabilities, on a full- or part-time basis, should—

(A) be endorsed or assigned by their recognized religious bodies; or

(B) have a bachelor's degree, or its equivalent; and

(C) be certified for work with the mentally retarded or other individuals with developmental disabilities by a recognized certifying agency;

(4) nonprofessional religious services personnel, including volunteers, should—

(A) be screened for ability to perform their assigned duties;

(B) be oriented to, and trained for, their assignments; and

(C) be provided ongoing supervision by a clergyman, religious leader, or religious educator of the respective faith.

(g) Appropriate to the size of the residential facility, there shall be an educational program designed to enhance the competencies of religious services personnel, through means such as:

(1) staff meetings and inservice training;

(2) seminars, workshops, conferences, and institutes;

(3) college and university courses;

(4) participation in professional organizations;

(5) participation in interdisciplinary groups;

(6) visits to other residential facilities;

(7) access to relevant professional literature; and

(8) religious services personnel should have access to qualified and appropriate consultation, as needed.

(h) Religious services personnel should be encouraged, when possible, to involve themselves in activities such as—

(1) offering clinical pastoral educational programs;

(2) providing educational experiences for students;

(3) developing innovative religious education materials;

(4) developing innovative worship services;

(5) conducting specific research and development projects; and

(6) exploring and expanding citizen advocacy programs.

(i) Residents shall have access to places appropriate for worship and religious education that are adequate to meet the needs of all. Religious services personnel shall be provided with office and other space, equipment, and supplies adequate to carry out an effective program.

Subchapter XIII—Social Services

SEC. 268. (a) Social services shall be available to all residents and their families, in order to foster and facilitate—

(1) maximum personal and social development of the resident;

(2) positive family functioning; and

(3) effective and satisfying social and community relationships.

(b) Social services shall be provided, directly and indirectly, to—

(1) the resident;

(2) his or her family;

(3) individuals or groups who represent different aspects of the social environment of the resident; and

(4) the community.

(c) Consumers and their representatives, including residents, families, other disciplines, and community groups shall participate in the planning and evaluation of social service programs. Social services, as part of an interdisciplinary spectrum of services, shall be provided through the use of social work methods directed toward—

(1) maximizing the social functioning of the resident;

(2) his or her family;

(3) modifying environmental influences leading to or aggravating, mental retardation or developmental disabilities;

(4) increasing public understanding and acceptance of mental retardation or developmental disabilities and its associated problems;

(5) creating a favorable climate to assist each retarded person to achieve as nearly normal living as is possible for the resident;

(6) asserting and safeguarding the human and civil rights of the retarded and other individuals with developmental disabilities and their families; and

(7) fostering the human dignity and personal worth of each resident.

(d) Social services available to the residential facility should include, as appropriate—

(1) preadmission evaluation and counseling, with referral to, and use of, other community resources, as appropriate;

(2) psychosocial assessment of the individual resident and his or her environment, as a basis for formulating an individual treatment plan;

(3) implementation of an individual social work treatment plan for the resident and his or her family;

(4) planning for community placement, discharge, and followup;

(5) participation in policy and program development within the residential facility in relation to—

(A) the resident's psychosocial needs and development;

(B) serving the families of the resident;

(C) use of community supportive and habilitative services;

(D) staff training and development;

(6) consultation with, or in relation to—

(A) programs offered by other disciplines;

(B) administration and operation of the residential facility;

(C) agencies and individuals in the community served by the residential facility;

(7) collaboration with other service delivery systems in planning and implementing programs for residents; and

(8) participation in social work and interdisciplinary program evaluation and research.

(e) During the evaluation process, which may or may not lead to admission, the resident and his or her family should be helped by social workers to—

(1) know the rights and services to which they are entitled, including the means of directing their appeals to the proper sources;

(2) obtain advocacy on their behalf if rights and services are denied them; and

(3) consider alternative services, based on the retarded or developmentally disabled person's status and salient family and community factors, and make a responsible choice as to whether and when residential placement is indicated.

(f) During the preadmission process, the resident and his or her family should be helped by social workers to—

(1) cope with problems of separation inherent in placement;

(2) initiate planning for the resident's return to his or her family or community;

(3) begin involving themselves as partners with the residential facility staff in developing a treatment and habilitation plan;

(4) become oriented to the practices and procedures of the residential facility; and

(5) share information about themselves that will provide the residential facility's staff with maximum understanding of their situation, so that effective services can be delivered.

(g) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of initiation, monitoring, and followup of individualized habilitation programs.

(h) During the retarded or developmentally disabled person's admission to, and residence in, the residential facility, or while he or she is receiving services from the residential facility, social workers shall provide liaison between him, the residential facility, the family, and the community, so as to:

(1) help the resident to—

(A) cope with problems accompanying separation from family and community;

(B) learn the roles and use the resources that will enable him or her to maximize his or her development;

(C) participate in programs, in accordance with his or her individual treatment plan, that will maximize his or her ability for independent living, in or out of the residential facility;

(2) help the staff to—

(A) individualize and understand the needs of the resident and his or her family in relation to each other;

(B) understand social factors in the resident's day-to-day behavior, including staff-resident relationships;

(C) prepare the resident for changes in his or her living situations;

(3) help the family to develop constructive and personally meaningful ways to support the resident's experience in the residential facility through—

(A) counseling concerned with problems associated with changes in family structure and functioning;

(B) utilization of the family's and the resident's own strengths and resources;

(C) referral to specific services, as appropriate; and

(4) the family to participate in planning for the resident's return to home or other community placement. (i) After the resident leaves the residential facility, social workers shall provide systematic followup, including—

(1) counseling with the resident;

(2) counseling with family, employers, and other persons significant to the resident's adjustment in the community; and

(3) referral to appropriate community agencies.

(j) Social services shall help to integrate residential and other community services, through—

(1) providing liaison between the residential facility and the community;

(2) providing consultation to community agencies to facilitate the identification of needed resources for the retarded and other individuals with developmental disabilities and his family;

(3) interpreting the residential facility and its program to relevant sectors of the community;

(4) collaborating with other disciplines to help the community develop appropriate resources; and

(5) involvement with social policy issues that affect the retarded and other individuals with developmental disabilities.

(k) Social services shall develop and maintain comprehensive, current records, useful for its own programs and those of other services. There shall be available sufficient, appropriately qualified staff and necessary supporting personnel to carry out the various social service activities.

(1) The residential facility should have available to it a social worker who—

(A) has a master's or doctoral degree from an accredited school of social work;

(B) has had 3 years of post-master's experience in the field of social welfare; and

(C) meets the educational and experiential qualifications for certification by the appropriate nationally recognized academy of certified social workers; and

(D) is knowledgeable and experienced in mental retardation.

(2) A social worker having the qualifications specified in subsection (k)(1) shall be designated as being responsible for maintaining standards of professional practice in the rendering of social services to the residential facility, and for staff development.

(3) Social workers providing service to the residential facility shall—

(A) have a master's degree from an accredited school of social works; or

(B) meet the educational qualifications required for full membership in the appropriate nationally recognized professional association of social workers and shall have had 3 years of experience in the field of social welfare.

(4) Social work assistants or aides employed by the residential facility shall work under the supervision of a social worker having the qualifications specified in subsection (k)(3).

(5) Social service personnel, at all levels of experience and competence, shall be—

(A) assigned responsibilities in accordance with their qualifications;

(B) delegated authority commensurate with their responsibilities; and

(C) provided appropriate professional social work supervision.

(6) A full-time supervisor should be responsible for the direct supervision of not more than six staff members, plus related activities.

(7) All social service personnel shall be familiar with, and adhere to, the code of ethics of appropriate nationally recognized professional associations.

(l) Appropriate to the size of the residential facility's social service program, an ongoing program of staff development shall be provided to improve the skills of the social work staff through such means as—

(1) inservice training;

(2) affiliation with schools of social work;

(3) staff consultation with specialists, as needed, to improve social services to residents;

(4) conference attendance, and other educational opportunities and forms of professional exchange; and

(5) career ladders and other incentives to staff recruitment and development.

(m) Space, facilities, equipment, supplies, and resources shall be adequate for providing effective social services, including—

(1) offices for social service and clerical staff;

(2) private interviewing rooms;

(3) rooms suitable for conferences and group activities;

(4) dictating and transcribing equipment;

(5) telephone service;

(6) travel provisions;

(7) provision for recordkeeping and information retrieval; and

(8) library services.

Subchapter XIV—Speech and Pathology and Audiology Services

SEC. 269. (a) Speech pathology and audiology services shall be available, in order to—

(1) maximize the communication skills of all residents; and

(2) provide for the evaluation, counseling, treatment, and rehabilitation of those residents with speech, hearing or language handicaps.

(b) The specific goals of speech pathology and audiology services shall be—

(1) appropriate to the needs of the residents served;

(2) consistent with the philosophy and goals of the residential facility;

(3) consistent with the services and resources offered by the residential facility; and

(4) known to, and coordinated with, other services provided by the residential facility.

(c) Speech pathology and audiology services shall be rendered through—

(1) direct contact between speech pathologists and audiologists and residents;

(2) participation with administrative personnel in designing and maintaining social and physical environments that maximize the communication development of the residents; and

(3) working with other personnel, such as teachers and direct-care staff, in implementing communication improvement programs in environmental settings.

(d) Speech pathology and audiology services available to the residential facility shall include, as appropriate—

(1) audiometric screening of—

(A) all new residents;

(B) children under the age of ten, at annual intervals;

(C) other residents at regular intervals;

(D) any resident referred;

(2) speech and language screening of—

(A) all new residents;

(B) children under the age of ten at annual intervals;

(C) all residents, as needed;

(3) comprehensive audiological assessment of residents, as indicated by screening results, to include tests of pure-tone air and bone conduction, speech audiometry, and other procedures, as necessary, and to include assessment of the use of visual cues;

(4) assessment of the use of amplification;

(5) provision of procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist;

(6) comprehensive speech and language evaluation of residents, as indicated by screening results, including appraisal of articulation, voice, rhythm, and language;

(7) participation in the continuing interdisciplinary evaluation of individual residents for purposes of initiation, monitoring, and followup of individualized habilitation programs;

(8) treatment services, interpreted as an extension of the evaluation process, that include—

(A) direct counseling with residents;

(B) speech and language development and stimulation through daily living activities;

(C) consultation with classroom teachers for speech improvement and speech education activities;

(D) direct contact with residents to carry on programs designed to meet individual needs in comprehension (for example, speech reading, auditory training, and hearing aid utilization) as well as expression (for example, improvement in articulation, voice, rhythm, and language);

(E) collaboration with appropriate educators and librarians to develop specialized programs for developing the communication skills of multiple handicapped residents, such as the deaf, retarded, and the cerebral palsied;

(9) consultation with administrative staff regarding the planning of environments that facilitate communication development among residents in—

(A) living areas;

(B) dining areas;

(C) educational areas;

(D) other areas, where relevant;

(10) participation in inservice training programs for direct-care and other staff;

(11) training of speech pathology and audiology staff;

(12) training of speech pathology and audiology graduate or undergraduate students, interns, supportive staff, and volunteer workers;

(13) consultation with, or relating to—

(A) residents (for example, self-referral);

(B) parents of residents;

(C) medical (otological, pediatric, and so forth), dental, psychological, educational, and other services;

(D) the administration and operation of the residential facility;

(E) the community served by the residential facility; and

(14) program evaluation and research.

(e) Comprehensive evaluations in speech pathology and audiology shall consider the total person and his environment. Such evaluations should—

(1) present a complete appraisal of the resident's communication skills;

(2) evidence concern for, and evaluation of, conditions extending beyond observed speech, language, and hearing defects;

(3) consider factors in the history and environment relevant to the origins and maintenance of the disability;

(4) consider the effect of the disability upon the individual and the adjustments he makes to the problem as he or she perceives it; and

(5) consider the reaction of the resident's family, associates, and peers to the speech or hearing problem.

(f) Evaluation and assessment results shall be reported accurately and systematically, and in such manner as to—

(1) define the problem to provide a basis for formulating treatment objectives and procedures;

(2) render the report meaningful and useful to its intended recipient and user;

(3) where appropriate, provide information useful to other staff working directly with the resident;

(4) conform to acceptable professional standards, provide for intraindividual and interindividual comparisons, and facilitate the use of data for research and professional education; and

(5) provide evaluative and summary reports for inclusion in the resident's unit record.

(g) Treatment objectives, plans, and procedures shall—

(1) be based upon adequate evaluation and assessment;

(2) be based upon a clear rationale;

(3) reflect consideration of the objectives of the resident's total habiltation program;

(4) be stated in terms that permit the progress of the individual to be assessed;

(5) provide for periodic evaluation of the resident's response to treatment and of treatment effectiveness;

(6) provide for revision of objectives and procedures as indicated; and

(7) provide for assistance or consultation when necessary.

(h) Continuing observations of treatment progress shall be—

(1) recorded accurately, summarized meaningfully, and communicate effectively; and

(2) effectively utilized in evaluating progress.

(1) There shall be established procedures for evaluating and researching the effectiveness of speech pathology and audiology services, including but not limited to:

(1) utilization of adequate records concerning residents' response and progress;

(2) time schedules for evaluation that are appropriate to the service being evaluated;

(3) provision for using evaluation results in program planning and development;

(4) encouragement of speech pathology and audiology staff to participate in research activities; and

(5) provision for dissemination of research results in professional journals.

(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives—

(1) A speech pathologist or audiologist, who is qualified as specified in paragraph (2) of this subsection, and who, in addition, has had at least 3 years of professional experience, shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of speech pathology and audiology services in the facility.

(2) Staff who assume independent responsibilities for clinical services shall possess the educational and experiential qualifications required for the appropriate certificate of clinical competence issued by the appropriate nationally recognized professional speech and hearing association in the area (speech pathology or audiology) in which they provide services.

(3) Staff not qualified for such association certification shall be provided adequate, direct, active, and continuing supervision by staff qualified for certification in the area in which supervision is rendered.

(A) Supervising staff shall be responsible for the services rendered by uncertified staff under their supervision.

(B) Adequate, direct, and continuing supervision shall be provided nonprofessionals volunteers, or other supportive personnel utilized in providing clinical services.

(4) Students in training and staff fulfilling experience requirements for such appropriate nationally recognized professional speech and hearing association certification shall receive direct supervision, in accordance with the requirements of the appropriate nationally recognized professional boards of examiners in speech pathology and audiology.

(5) All speech pathology and audiology staff shall be familiar with, and adhere to, the code of ethics published by the appropriate nationally recognized profession speech and hearing association.

(k) Appropriate to the nature and size of the residential facility and to the speech pathology and audiology service, there shall be a staff development program that is designed to maintain and improve the skills of speech pathology and audiology staff, through methods, including but not limited to—

(1) regular staff meetings;

(2) an organized inservice training program in speech pathology and audiology;

(3) visits to and from the staff of other residential facilities and programs;

(4) participation in interdisciplinary meetings;

(5) provision for financial assistance and time for attendance at professional conferences;

(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation of work schedules;

(7) workshops and seminars;

(8) consultations with specialists; and

(9) access to adequate library resources, which include current and relevant books and journals in speech pathology and audiology, mental retardation, and related professions and fields.

(1) Space, facilities, equipment, and supplies shall be adequate for providing efficient and effective speech pathology and audiology services, in accordance with stated objectives, including—

(1) adequate and convenient evaluation, treatment, counseling, and waiting rooms;

(2) specially constructed and sound-treated suites for audiological services, meeting appropriate standards;

(3) design and location such as to be easily accessible to all residents, regardless of disability;

(4) specialized equipment needed by the speech pathologist;

(5) specialized equipment needed by the audiologist, including an audiometer, with provisions for sound field audiometry, and equipment capable of performing at least the following procedures; hearing screening, pure-tone air and bone conduction with contralateral masking, speech audiometry, site-of-lesion battery, nonorganic hearing loss battery, and hearing aid evaluation;

(6) provisions for adequate maintenance of all areas, facilities, and equipment, including—

(A) electroacoustic calibration of audioometers at regular, at least quarterly, intervals;

(B) calibration logs on all audiometers; and

(7) appropriate speech pathology and audiology consultation shall be employed in the design, modification, and equipage of all speech pathology and audiology areas and facilities.

Subchapter XV—Vocational Rehabilitation Services

SEC. 270. (a) The residential facility shall provide all its residents with habilitation or rehabilitation services, which includes the establishment, maintenance, and implementation of those programs that will insure the optimal development or restoration of each resident, physically, psychologically, socially, and vocationally—

(1) The residential facility shall have a written, public statement of its rehabilitation objectives for its residents, consistent with—

(A) the needs of its residents;

(B) currently accepted rehabilitation principles and goals;

(C) the residential facility's philosophy and goals; and

(D) the services and resources the residential facility offers.

(2) While the habilitation and rehabilitation concept and process embrace all efforts to achieve the optimal development of each

resident, specific habilitation and rehabilitation services shall focus on the maximum achievement of—

(A) self-help skills;

(B) social competence, including communication skills;

(C) vocational competence; and

(D) independent living.

(b) The ultimate objective of vocational rehabilitation services shall be to assist every resident to move as far as he or she can along the continuum from vocational afunction to remunerative employment and entry into the mainstream of society as an independent citizen and worker. Vocational rehabilitation services shall be rendered—

(1) directly, through personnel contact between vocational rehabilitation personnel and residents; and

(2) indirectly, through contact between vocational rehabilitation personnel and other persons working with residents, designed to enhance and facilitate the development and maintenance of a rehabilitative environment.

(c) Vocational rehabilitation services available to the residents, in accordance with their needs, shall include—

(1) vocational evaluation;

(2) the formulation of written vocational objectives for each resident;

(3) the formulation of a written plan to achieve the stated objectives;

(4) implementation of the vocational plan through—

(A) individual counseling;

(B) prevocational programs;

(C) vocational training;

(D) vocational placement;

(E) referral to appropriate sources for other services; and

(F) followup.

(d) Vocational evaluation of each resident shall—

(1) be initiated within one month after admission to the residential facility;

(2) arise out of a written comprehensive interdisciplinary evaluation (medical, psychological, social, and educational) that generates data relevant to vocational objectives and goals, such as information concerning—

(A) aptitudes and abilities;

(B) self-help and independent living skills;

(C) interests;

(D) self and vocational perception;

(E) sensorimotor coordination;

(F) communication skills;

(G) current social adjustment;

(H) educational history; and

(I) vocational and avocational history;

(3) be adequate for the formulation of vocational goals and of a detailed plan for the achievement of such goals;

(4) be adequate for the assessment of current vocational status and for the prediction of possible future status; and

(5) provide for periodic, but at least semiannual reevaluation, consistent with the progress of the resident toward the stated goals.

(e) The written vocational plan for each resident shall—

(1) be consistent with the vocational evaluation;

(2) specify the program to be undertaken to achieve his or her vocational objectives;

(3) indicate the order in which the program is to be undertaken;

(4) provide for the implementation of the evaluation team's recommendations; and

(5) assign the responsibility to carry out the plan.

(f) The resident shall be fully involved in his or her vocational evaluation, and in the formulation of his or her program plan. Prevocational services shall contribute to the development of work readiness in the resident, and shall provide—

(1) vocationally relevant academic instruction;

(2) instruction in the self-help and social skills necessary for vocational success;

(3) instruction and practice in the social skills necessary for maximally independent functioning in the community, such as travel, handling of money, and use of community resources;

(4) an orientation to the world of work;

(5) development of work attitudes needed for vocational success;

(6) rotated exploration and try-out of job tasks;

(7) continuous evaluation of vocational potential; and

(8) any necessary supportive services, including physical and mental restoration.

(g) Vocational training programs shall meet all applicable legal requirements, and shall be provided through means such as:

(1) work training stations;

(2) work activity centers;

(3) transitional sheltered workshops;

(4) work-study programs;

(5) on-the-job training;

(6) trade training, in the classroom or on the job;

(7) vocational training programs shall—

(A) provide for an evaluation of training progress at least every 3 months;

(B) make maximum use of job training resources—

(i) within the residential facility;

(ii) within the community;

(8) residential facilities conducting vocational training programs shall have vocational training personnel assigned, in such numbers and for such times as are necessary and appropriate to the situation, to supervise the training in each training area; and

(9) written, detailed training guides and curricula shall be available for all vocational training areas.

(h) Job placement services shall assist the individual to enter into appropriate kinds of employment, such as:

(1) competitive, remunerative employment;

(2) trade training programs;

(3) transitional or extended sheltered workshops;

(4) sheltered employment;

(5) homebound employment;

(6) homemaker; and

(7) in conjunction with job placement services, the individual shall be provided assistance related to off-the-job needs, activities, and resources, such as—

(A) living arrangements;

(B) social and recreation activities;

(C) medical services;

(D) educational resources;

(E) religious activities;

(F) transportation;

(G) legal affairs;

(H) financial affairs; and

(I) counseling.

(i) Systematic follow-up services shall be provided that—

(1) continue to be available to the individual for at least 1 year following placement;

(2) involve contact with—

(A) the individual;

(B) the individual's family or family-substitute; and

(C) the individual's employer, if appropriate;

(3) generate data concerning vocational outcomes to evaluate and improve the effectiveness of vocational rehabilitation programs.

(j) There shall be a clearly designated person or team responsible for the implementation, evaluation, and revision of the residential facility's vocational rehabilitation program.

(1) There shall be available to each resident in a vocational rehabilitation program a counselor who is responsible for seeing that the resident's vocational rehabilitation program is effectively carried out.

(2) A vocational rehabilitation counselor shall—

(A) have a master's degree in rehabilitation counseling, or a master's degree in a related area plus training and skill in the vocational rehabilitation process; or

(B) have a bachelor's degree and work under the direct supervision of a person described in (A).

(3) Vocational rehabilitation personnel providing training to residents in vocational areas shall be—

(A) vocational instructors certified by the appropriate State agency; or

(B) tradesmen who have attained at least journeyman status.

(k) Appropriate to the nature and size of the residential facility, provisions shall be made for vocational rehabilitation staff developments, through such means as—

(1) inservice training;

(2) short-term workshops;

(3) seminars;

(4) attendance at conferences; and

(5) visits to other residential facilities.

(l) Every residential facility that has a vocational rehabilitation program shall seek to establish working relationships with public and private rehabilitation agencies in the community. Each residential facility should have working relationships with university training programs in rehabilitation, including provision for—

(1) research opportunities;

(2) practical experiences;

(3) internship; and

(4) consultation.

Subchapter XVI—Volunteer Services

Sec. 271. (a) Volunteer services shall be provided in order to enhance opportunities for the fullest realization of the potential of each resident by—

(1) increasing the amount, and improving the quality, of services and programs; and

(2) facilitating positive relationships between the residential facility and the community which it serves.

(b) The residential facility shall have a written statement of the goals and objectives of its volunteer services program that are—

(1) appropriate to the needs of the residents;

(2) consistent with the philosophy and goals of the residential facility;

(3) developed in collaboration with the facility's staff;

(4) specific and measurable; and

(5) continuously assessed and periodically revised.

(c) Volunteers shall provide services, which may be direct or indirect, that are based on resident needs, staff requests, and volunteer skills, and that enhance programs, develop social competence, and build self-esteem—

(1) volunteer services shall supplement, but shall not be used in lieu of, the services of paid employees;

(2) volunteer participation shall comply with State laws, such as those relating to labor and insurance;

(3) volunteer participation shall be open to persons of both sexes, and of all ages, races, creeds, and national origins; and

(4) volunteer services shall be available to all residents, regardless of age, ability, or handicaps.

(d) Direct services provided to residents by volunteers, as appropriate to the residential facility's program and in cooperation with its staff, may include, but are not limited to—

(1) physical, occupational, and music therapy assistance;

(2) psychological testing assistance;

(3) behavior modification and programed instruction assistance;

(4) teacher or classrooms assistance;

(5) religious instruction;

(6) recreation and leisure time activities;

(7) social skills development;

(8) library services;

(9) nursing services;

(10 transportation and escort assistance;

(11) visits, vacations, and trips;

(12) job and home findings; and

(13) citizen advocacy.

(e) Indirect services provided by volunteers, as appropriate to the residential facility's program and in cooperation with its staff, may include, but are not limited to—

(1) conducting tours;

(2) clerical and laboratory assistance;

(3) gift shop and canteen operation;

(4) public relations and community education; and

(5) contributions.

(f) Volunteer services staff should provide the following services—

(1) to the residential facility's staff—

(A) orientation in the need for, and philosophy of volunteer services;

(B) identification of how and where volunteers can be utilized; and

(C) assistance in developing training for volunteers;

(2) to the volunteers—

(A) orientation, training, and placement;

(B) opportunities to participate in planning and evaluating their experiences; and

(C) appropriate recognition of their services and contributions.

(g) Volunteer services staff functions shall include—

(1) development and implementation of a plan for recruitment, selection, deployment, orientation, training, supervision, evaluation, recognition, advancement, and separation of volunteers;

(2) development in collaboration with appropriate staff, of job descriptions for volunteers;

(3) maintenance of complete and accurate records, including, but not necessarily limited to—

(A) hours of volunteer service rendered;

(B) individuals and organizations providing services;

(C) materials and moneys received; and

(D) operational budget.

(h) The staff members responsible for residential facility programs utilizing volunteers shall be responsible for providing such volunteers with on-the-job training, supervision, and consultation.

(i) The cooperation and involvement of staff and community, which is essential to a successful volunteer services program, should be achieved by means such as—

(1) a standing staff committee on volunteer services, to foster communications and cooperation, to evaluate and coordinate existing programs, and to stimulate new programs;

(2) a volunteer services advisory committee, composed of representatives of appropriate community organizations;

(3) encouragement of, and involvement with parents groups;

(4) collaboration with appropriate agencies and community groups; and

(5) recruiting volunteers representative of the community served by the residential facility, in respect of age, sex, socioeconomic, religious, racial, and ethnic groups.

(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the volunteer services program, in accordance with stated goals and objectives.

(1) A residential facility staff member shall be designated to be responsible and accountable for volunteer services—

(A) where the size of the residential facility and scope of the program warrant, the person responsible for volunteer services shall devote full time to this area;

(B) volunteer services shall be organized within the administrative structure of the residential facility in such a way as to be available to, and maximally utilized by, all relevant services and programs; therefore, the staff member responsible for volunteer services should report to an individual with residential facility-wide administrative responsibility; and

(C) the staff member responsible for volunteer services should have the same relationship to volunteers as a personnel officer has to paid employees.

(2) The staff member responsible for volunteer services shall have—

(A) the necessary interpersonal, consultative, leadership, and organizational and administrative skills and abilities;

(B) demonstrated ability to identify, mobilize, and deploy volunteer resources to meet the needs of residents;

(C) knowledge of community organization;

(D) knowledge of current practices and concepts in mental retardation and other developmental disabilities; and

(E) training or experience in organizing and administering volunteer services, as appropriate to the nature and size of the residential facility, and preferably—

(i) a baccalaureate degree in a behavioral science; and

(ii) 3 years of experience in volunteer services or related area.

(k) Appropriate to the size of the residential facility, there should be a staff development program designed to maintain and improve the skills of volunteer services staff, through means such as—

(1) seminars, workshops, and conferences;

(2) college and university courses;

(3) participation in professional organizations

(4) participation in interdisciplinary groups;

(5) visits to other residential facilities; and

(6) access to relevant professional literature.

(l) There shall be adequate and accessible space, facilities, equipment, and supplies for providing efficient and effective volunteer services. If a canteen is operated by the residential facility, it shall—

(1) be operated for the benefit of the residents;

(2) be open to residents, staff, families, and visitors, without seegrgtaion by space or hours of use, so as to facilitate interaction;

(3) provide opportunities for residents to purchase items for their personal needs;

(4) provide opportunities for the training of residents; and

(5) be operated so that any profits derived are utilized for the benefit of residents.

Chapter 4.—RECORDS

Subchapter I—Maintenance of Residents' Records

SEC. 272. (a) A record shall be maintained for each resident that is adequate for—

(1) planning and continuous evaluating of the resident's habilitation program;

(2) providing a means of communication among all persons contributing to the resident's habilitation program;

(3) furnishing documentary evidence of the resident's progress and of his response to his habilitation program;

(4) serving as a basis for review, study, and evaluation of the overall programs provided by the residential facility for its residents;

(5) protecting the legal rights of the residents, residential facility, and staff; and

(6) providing data for use in research and education.

(b) All information pertinent to the above-stated purposes shall be incorporated in the resident's record, in sufficient detail to enable those persons involved in the resident's program to provide effective, continuing services. All entries in the resident's record shall be—

(1) legible;

(2) dated; and

(3) authenticated by the signature and identification of the individual making the entry.

(c) Symbols and abbreviations may be used in the record entries only if they are in a list approved by the residential facility's chief executive officer and a legend is provided to explain them. Diagnoses should be recorded in full and without the use of symbols or abbreviations.

Subchapter II—Content of Records

SEC. 273. (a) The following information should be obtained and entered in the resident's record at the time of admission to the residential facility:

(1) name, date of admission, date of birth, place of birth, citizenship status, marital status, and social security number;

(2) father's name and birthplace, mother's maiden name and birthplace, and parents' marital status;

(3) name and address of parents, legal guardian, or next of kin;

(4) sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph;

(5) reason for admission or referral problem;

(6) type and legal status of admission;

(7) legal competency status;

(8) language spoken or understood;

(9) sources of support, including social security, veterans' benefits, and insurance;

(10) provisions for clothing and other personal needs;

(11) information relevant to religious affiliation;

(12) reports of the preadmission evaluations; and

(13) reports of previous histories and evaluations.

(b) Within the period of one month after admission there shall be entered in the resident's record—

(1) a report of the review and updating of the preadmission evaluation;

(2) a statement of prognosis that can be used for programing and placement;

(3) a comprehensive evaluation and individual program plan, designed by an interdisciplinary team; and

(4) a diagnosis based on the appropriate nationally recognized professional association's manual on terminology and classification in mental retardation and other developmental disabilities and, where necessary, the diagnostic and statistical manual of mental disorders, most recent edition, published by the appropriate nationally recognized professional psychiatric association.

(c) Records during residence should include—

(1) reports of accidents, seizures, illnesses, and treatments thereof, and immunizations;

(2) record of all periods of restraint, with justification and authorization for each;

(3) report of regular, at least annual, review and evaluation of the program, developmental progress, and status of each resident;

(4) observations of the resident's response to his program, recorded with sufficient frequency to enable evaluation of its efficacy;

(5) record of significant behavior incidents;

(6) record of family visits and contacts;

(7) record of attendance and leaves;

(8) correspondence;

(9) periodic updating of the information recorded at the time of admission; and

(10) appropriate authorizations and consents.

(d) At the time of discharge from the residential facility, a discharge summary shall be prepared that should—

(1) include a brief recapitulation of findings, events, and progress during residence, diagnosis, prognosis, and recommendations and arrangements for future programing;

(2) be completed and entered in the resident's record within 7 days following discharge; and

(3) with the written consent of the resident or his guardian, be copied and sent to the individual or agency who will be responsible for future programing of the resident.

(e) In the event of death—

(1) a copy of the death certificate should be placed in the resident's record; and

(2) when a necropsy is performed, provisional anatomic diagnoses should be recorded within 72 hours, where feasible, and the complete protocol should be made part of the record within 3 months.

Subchapter III—Confidentiality of Records

Sec. 274. (a) All information contained in a resident's records, including information contained in an automated data bank, shall be considered privileged and confidential—

(1) the record is the property of the residential facility whose responsibility it is to secure the information against loss, defacement, tampering, or use by unauthorized persons;

(2) the record may be removed from the residential facility's jurisdiction and safekeeping only in accordance with a court order, subpena, or statute;

(3) there shall be written policies governing access to, duplication of, and dissemination of information from the record; and

(4) written consent of the resident or his guardian shall be required for the release of information to persons not otherwise authorized to receive it.

Subchapter IV—Central Record Service

Sec. 275. (a) The residential facility shall maintain an organized central record service for the collection and dissemination of information regarding residents. A centralized or decentralized system of recordkeeping may be used in accordance with the needs of the residential facility—

(1) there shall be a unit record that contains all information pertaining to an individual resident for all admissions to the residential facility;

(2) where particular professional services require the maintenance of separate records, a summary of the information contained therein shall be entered in the unit record at stated intervals;

(3) records shall be readily accessible to authorized personnel;

(4) where a centralized system is used, appropriate records shall also be available in the resident-living units; and

(5) a periodic review of the content of the records should be made by—

(A) record personnel, to assure that they are current and complete; and

(B) a committee of appropriate staff, including the record librarian, to assure that they meet the standards set forth in section 278;

(6) there shall be a master alphabetical index of all residents admitted to the residential facility; and

(7) records shall be retained for the period of time specified by the residential facility, but at least for the period of time consistent with the statute of limitations of the State in which the residential facility is located.

Subchapter V—Statistical Records

Sec. 276. (a) While the type and amount of statistical information will depend upon the residential facility's particular needs, such information should include at least the following:

(1) number of residents by age groups, sex, race, and place of residence;

(2) number of residents by level of retardation, according to the appropriate nationally recognized professional association on mental deficiency classification;

(3) number of residents by level of adaptive behavior, according to the appropriate nationally recognized professional association of mental deficiency classification;

(4) number of residents with physical disabilities;

(5) number of residents who are ambulatory and nonambulatory (mobile and nonmobile);

(6) number of residents with sensory defects;

(7) number of residents with convulsive disorders, grouped by level of seizure control;

(8) number of residents by etiological diagnoses, according to the appropriate nationally recognized professional association and, where necessary, the DSM-II classifications;

(9) movement of residents into, out of, and within the residential facility; and

(10) length of stay.

(b) Data shall be reported to appropriate Federal and other agencies as requested.

Subchapter VI—Records Personnel

Sec. 277. (a) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to facilitate the accurate processing, checking, indexing, filing, and prompt retrieval of records and record data.

(b) The record system should be supervised on a full- or part-time basis, according to the needs of the residential facility, by an individual who—

(1) is a registered record librarian; or

(2) is an accredited record technician;

(3) has demonstrated competence and experience in administering and supervising, the maintenance and use of records and reports.

(c) Record personnel should—

(1) be involved in educational programs relative in their activities, including orientation, on-the-job training, and regular inservice education programs; and

(2) participate in workshops, institutes, or correspondence education courses available outside the residential facility.

(d) There shall be adequate space, facilities, equipment, and supplies for providing efficient and effective record services.

Chapter 5.—RESEARCH

Subchapter I—Encouragement of Research

Sec. 278. (a) Recognizing that the understanding, prevention, and amelioration of mental retardation and other developmental disabilities ultimately depends upon knowledge gained through research, the administration and staff of the residential facility (and, in the case of public facilities, the appropriate governmental agency) shall encourage research activity.

(1) opportunities and resources should be made available to members of the staff who are equipped by interest and training to conduct applied or basic research. Research resources or necessary research assistance should be made available to all staff members who have identified researchable problems related to the programs for which they are responsible;

(2) research by qualified investigators who are not staff members of the residential facility shall be encouraged. There shall be a written policy concerning the conduct of research in the residential facility by investigators who are not staff members. Outside researchers shall fulfill the same obligations relative to staff information and feedback as do residential facility staff members. Consideration should be given to the assignment of a residential facility staff member to each research project conducted by outside investigators; and

(3) where feasible, there shall be ongoing, cooperative programs of research and research training with colleges, universities, and research agencies.

(b) The administration of the residential facility shall make provision for the design and conduct, or the supervision, of research that will objectively evaluate the effectiveness of program components and contribute to informed decisionmaking in the residential facility.

Subchapter II—Review of Research Proposals

Sec. 279. (a) An interdisciplinary research committee shall review all proposed studies to insure—

(1) adequacy of research design; and

(2) implementation of ethical standards in the design.

(b) Residential facility staff members shall be consulted regarding the planning of research and the utilization of research findings in their areas of competence and interest.

Subchapter III—Conduct of Research

Sec. 280. (a) The residential facility shall follow, and comply with the statement of assurance on research involving human subjects required by the United States Department of Health, Education, and Welfare for projects supported by that agency or any appropriate more stringent such statement, as appropriate.

(b) Investigators and others directly involved in the research shall—

(1) adhere to the ethical standards of their professions concerning the conduct of research; and

(2) have access to the record of informed consent.

Subchapter IV—Reporting Research Results

Sec. 281. (a) The principal investigator of each research project shall be responsible for communicating to the staff of the residential facility the purpose, nature, outcome, and possible practical or theoretical implications of the research. Copies of the report resulting from research projects shall be maintained in the residential facility.

(b) Where research findings are made public, care shall be taken to assure the anonymity of individual residents and parents.

(c) Clearly defined mechanisms shall exist for informing staff members of new research findings that have applicability to the programs and administration of the residential facility. There shall be evidence that currently applicable research results are being implemented in the residential facility's programs.

Chapter 6.—SAFETY AND SANITATION

Subchapter I—Safety

Sec. 282. (a) The requirements of the Secretary shall be met, with specific reference to the following—

(1) provision of adequate and alternate exits and exit doors;

(2) provision of exit ramps, with nonskid surface and slope not exceeding one foot in twelve; and

(3) provision of handrails on stairways.

(b) There shall be records that document strict compliance with the regulation of the State or local fire safety authority that has primary jurisdiction over the residential facility—

(1) aisles and exits shall be free from all encumbrances and floors shall be uncluttered;

(2) flammable materials shall be properly stored and safeguarded;

(3) attics and basements shall be kept orderly and free of rubbish; and

(4) there shall be records of periodic fire safety inspections and reports.

(c) There shall be a written staff organization plan and detailed, written procedures, which are clearly communicated to, and periodically reviewed with staff, for meeting all potential emergencies and disasters pertinent to the area, such as fire, severe weather, and missing persons.

(A) plans for the assignment of personnel to specific tasks and responsibilities;

(B) instructions relating to the use of alarm systems and signals;

(C) information concerning methods of fire containment;

(D) systems for notification of appropriate persons;

(E) information concerning the location of firefighting equipment; and

(F) specification of evacuation routes and procedures.

(2) The plans and procedures shall be posted at suitable locations through the residential facility.

(d) Evacuation drills shall be held at least quarterly, for each shift of residential facility personnel and under varied conditions, in order to—

(1) insure that all personnel on all shifts are trained to perform assigned tasks;

(2) insure that all personnel on all shifts are familiar with the use of the firefighting equipment in the residential facility;

(3) evaluate the effectiveness of disaster plans and procedures;

(4) evacuation drills shall include actual evacuation of residents to safe areas during at least one drill each year, on each shift. There shall be special provisions for the evacuation of the physically handicapped, such as fire chutes and mattress loops with poles; and

(5) there shall be a written filed report and evaluation of each evacuation drill.

(e) An active safety program shall be maintained by a multidisciplinary safety committee that investigates all accidents and makes recommendations for prevention. Records of the activities of the safety committee shall be kept. There shall be adequate safety shields on the moving parts of all dumbwaiters, elevators, and other machinery, as provided for in applicable standards and codes.

(f) All buildings and outdoor recreation facilities constructed after 1971 shall be accessible to, and usable by, the nonambulatory and shall meet standards of the Secretary for making building accessible to, and usable, by the physically handicapped—

(1) all existing buildings and outdoor recreation facilities shall be modified so as to conform to the above standards by December 31, 1976; and

(2) existing residential facilities shall provide—

(A) entrance ramps wide enough for wheelchairs, not exceeding a rise of one foot in twelve, with nonslip surfaces, and with rails on both sides;

(B) doorways and corridors wide enough for wheelchairs; and

(C) grab bars in toilet and bathing facilities.

(g) Paint used in the residential facility shall be lead free. Old paint or plaster containing lead shall have been removed, or covered in such manner that it is not accessible to residents.

(h) Appropriate provisions shall be made for emergency auxiliary heat by means of alternate sources of electric power, alternate fuels, or standby equipment.

Subchapter II—Sanitation

SEC. 283. (a) There shall be records that document strict compliance with the sanitation, health, and environmental safety codes of the State or local authorities having primary jurisdiction over the residential facility. Written reports of inspections by State or local health authorities, and records of action taken on their recommendations, shall be kept on file at the residential facility.

(b) The holding, transferring, and disposal of waste and garbage shall be done in a manner that will not create a nuisance, nor permit the transmission of disease, or create a breeding place for insects or rodents—

(1) waste that is not disposed of by mechanical means shall be—

(A) kept in leakproof, nonabsorbent containers with close-fitting covers; and

(B) disposed of daily;

(2) containers shall be thoroughly cleaned inside and out, each time they are emptied; and

(3) impervious plastic liners should be used.

(c) Handwashing facilities shall be available in, or immediately adjacent to—

(1) bathrooms;

(2) toilet rooms;

(3) sleeping areas; and

(4) kitchens.

(d) There shall be adequate insect screens on all windows and doors where needed and adequate janitorial equipment and storage space in each unit of the residential facility.

Chapter 7.—ADMINISTRATIVE SUPPORT SERVICES

Subchapter I—Functions, Personnel, and Facilities

SEC. 284. (a) Adequate, modern administrative support shall be provided to efficiently meet the needs of, and contribute to, program services for residents, and to facilitate support of a variety of resources, which may include, but need not be limited to, the following kinds of services: clerical, communication, dietary, financial, housekeeping, laundry, personnel, physical plant, records, safety and security, and supply and purchasing.

(b) Administrative support functions should be directed by a qualified administrator, trained and experienced to provide skilled and efficient coordination of these services, to adequately meet the residential facility's program objectives. In larger residential facilities, provision may be made for both executive direction, via a chief executive officer (superintendent, director), and administration of support services (via a business manager). In smaller residential facilities, a single person may provide both program direction and administration of support services—

(1) the administrator of support services should—

(A) have at least a baccalaureate degree; or

(B) have completed formal graduate education in health administration or its equivalent;

(2) all administrative support personnel shall have sufficient understanding and appreciation of the nature and behavior of the mentally retarded and developmentally disabled resident, to assure that each employee's work and his or her relations to the residents contribute positively to their welfare.

(c) There shall be adequate office space, facilities, equipment, and supplies for the efficient conduct of all administrative support functions.

Part D—Standards for Community Facilities and Agencies; Programs for Mentally Retarded and Other Persons With Developmental Disabilities

Subpart 1—Individual Support Systems

CASE FINDING

SEC. 285. (a) For the purposes of this part the term "case finding" means the processes of systematically reaching into the community for the purposes of identifying persons in need of services provided pursuant to this title; alerting persons and their families to the availability of such services; locating providers of such services; and assisting persons to enter the service delivery system.

(b) Facilities and agencies receiving Federal assistance under this Act shall—

(1) establish written policies for its case finding program;

(2) designate a staff member to monitor and to follow up the case finding process;

(3) maintain evidence of its case finding activities in the following areas:

(A) identifying persons in need of services, locating services to meet their needs, and assisting them in entering the service delivery system;

(B) alerting relevant agencies and individuals of the importance of early detection, especially with high risk populations, and of their role as case finders;

(C) coordinating its case finding activities with the case finding activities of relevant agencies and practitioners; and

(D) reaching out to meet the expressed or unexpressed needs of the inarticulate.

ENTRY INTO THE SERVICE DELIVERY SYSTEM

SEC. 286. (a) "Entry", for purposes of this part, means actions taken by a facility or agency to bring a person in need of services into the service delivery system, and to the actions taken by such facility or agency immediately preceding and following actual entry.

(b) Facilities and agencies receiving assistance under this Act shall—

(1) establish written policies regarding its entry procedures, and stipulate in such policies that persons are accepted for entry services without regard to ethnic origin, sex, or ability to pay and without regard to the ability of the facility or agency to provide direct services;

(2) obtain, provide, or coordinate any services needed to facilitate entry, including assurances that—

(A) the facility's or agency's hours of operation shall be arranged to enable easy accessibility for total family units;

(B) staff members responsible for the entry interview shall be readily accessible;

(C) transportation shall be arranged, or a home visit made if necessary, for the initial interview;

(D) available sources of funding shall be identified for the person and his or her family;

(3) service, at the point of referral, any followup required to facilitate the person's entry into the service delivery system, and such facility or agency—

(A) shall obtain from the person and his or her family, and from other appropriate sources, the information needed to determine appropriate referrals;

(B) may use the recorded information to make appropriate referrals to other agencies; and

(C) shall have policies and procedures that define the conditions of discharge and procedures for reentry if needed;

(4) insure that the entry procedure shall be evaluated annually, and that such evaluation shall include maintenance of a log of requests for information, entries, referrals, follow-up services, dispositions, and reasons for rejection, the data from which log shall be reviewed as a basis for planning, evaluating, and modifying the facility's or agency's role and as a part of the community coordinating process, that such data is shared with other agencies for use in planning, evaluating, and modifying the service delivery system in such a way that it does not reveal the identity of the individuals.

FOLLOW-ALONG SERVICES

SEC. 287. (a) "Follow-along" as used in this part means provision for a continuing relationship with the person and his or her family, which may extend over the life of the person, for the purpose of assuring that changing needs are recognized and appropriately met. The facility or agency which provided services to a person shall remain available as a contact for persons who are no longer receiving services but who seek support or guidance with respect to needs formerly accommodated by such facility or agency.

(b) Facilities and agencies receiving assistance under this Act shall—

(1) provide follow-along services to persons as needed;

(2) educate persons it serves to seek follow-along the services when such services are needed to enhance the independence of such persons; and

(3) provide to each person served specific point of contact within the facility or agency, in order to receive follow-along service.

(c) Each facility and agency, together with other appropriate facilities or agencies, shall identify each person's primary follow-along agency, in order to promote efficient service and reduce duplication of efforts. The person and his or her family shall be informed by the appropriate facility or agency of the procedures for terminating or reentering a follow-along service program. Such facility or agency shall insure that the follow-along service assists with the transition to a new service, as necessary; that the person's right to privacy is not violated; and that the person's status is recorded at least annually. A facility or agency providing follow-along service may have access to any appropriate information in the person's records.

INDIVIDUAL PROGRAM PLAN

SEC. 288. (a) The individual program plan is a written plan of intervention and action that is developed, and modified at frequent intervals, with the participation of all concerned. It shall specify objectives and goals, and identify a continuum of development, outlining projected progressive steps, and the developmental consequences of services.

(b) Facilities and agencies receiving assistance under this Act shall insure that—

(1) each person enrolled in a service has an individual program plan;

(2) the initial individual program plan is developed within five days after the person is enrolled in a service;

(3) the individual program plan includes, at a minimum, assessment data with respect to the person's sensorimotor development, communicative development, social development, and cogitive development;

(4) the objectives of the individual program plan are developed with the participation of the person, his or her family, all relevant agency staff members, and staff of other agencies involved in serving the client;

(5) each objective of the individual program plan are stated separately, sequenced within a time frame, and expressed in behavioral terms that provide measurable indices of progress;

(6) the individual program plan describes the conditions, activities, or barriers that interfere with the achievement of the objectives;

(7) the individual program plan specifies modes of intervention for the achievement of the stated objectives;

(8) the individual program plan identifies agencies capable of delivering the services required;

(9) the individual program plan identifies a designated focus of responsibility for utilizing and coordinating services provided by different practitioners or agencies;

(10) the individual program plan included day-to-day training activities designed to assist attaining the stated objectives;

(11) the individual program plan is written in terms that are understandable to the person and his or her family;

(12) the individual program plan is reviewed at least quarterly in order to measure the person's progress, modify the objectives as necessary, determine the services that are needed, and provide guidance and remediation techniques to modify barriers to growth; and

(13) the individual program plan includes a written agreement that specifies the roll and objectives of each party to the implementation of the individual program plan, and provides for at least semiannual review of the plan by all parties concerned.

PROGRAM COORDINATION

SEC. 289. (a) Program coordination is the process of establishing responsibility for implementation of the person's individual program plan. Such process includes providing support, procuring direct services, coordinating services, collecting and disseminating data and information, and monitoring the progress of the person.

(b) Facilities and agencies receiving assistance under this Act shall insure that—

(1) each person served by the agency is assigned a program coordinator responsible for implementing his or her individual program plan;

(2) the person and his or her family shall participate in the selection of the program coordinator, and that the program coordinator is identified to the person, to his or her family, and to appropriate staff members;

(3) the program coordinator attends to the total spectrum of the person's needs including, but not limited to housing, family relationships social activities, education, finances, employment, health, recreation, and records;

(4) the program coordinator determines whether or not the person's needs are being met, and how the person's needs are being met;

(5) the program coordinator arranges supportive services for the person and his or her family, locates and procures services outside the agency when needed, and coordinates the delivery of all services to the person;

(6) in order to keep the individual program plan up to date the program coordinator secures relevant data from other agencies providing service;

(7) the program coordinator provides documentation relevant to the review of the individual program plan required by section 284;

(8) the program coordinator monitors the operation of the services that are provided to the person; and

(9) the program coordinator facilitates the transfer of the person to another service or agency when such transfer is determined to be appropriate.

PROTECTIVE SERVICES

SEC. 290. (a) Each State which receives assistance under this Act shall establish a system of continuing legal and social protection which shall monitor programs and assist persons in securing their rights under law, and their entitlements. Each such State shall provide advice and guidance to persons and, if necessary, actively intervene in social and legal processes.

(b) Each State providing protective services shall insure that—

(1) the protective services function shall be independent of any facility or agency providing direct services;

(2) the programs of each facility and agency are monitored and audited to an extent which assures the receipt by each person served of all the benefits, services, and rights to which they are entitled;

(3) services are provided to persons in congregate living situations, as well as those living alone or in families;

(4) protective intervention is provided in cases of abuse or neglect of either children or adults;

(5) no right of a person protected pursuant to this section may be abridged without due process, which shall include—

(A) notice to the affected person, appropriate family members, and other interested persons advance of the proposed abridgement, and an explanation to the affected person and his or her family of the reason for such abridgement, his or her rights, with respect thereto, and the means for appeal from such abridgement;

(B) evaluation of the appropriateness of such abridgement by individuals professionally qualified to do so;

(C) the modification of the right shall be specific to the person's ability to exercise that right; and

(D) opportunity for judicial review.

(6) there is provision for periodic review of the need to abridge the right of any person, and for restoration of any right that is abridged, should the circumstances justify its restoration;

(7) each facility and agency shall participate in educating law enforcement agencies and the local bar association concerning the nature of mental retardation and other developmental disabilities, and the special needs of persons with such disabilities, and that each facility and agency shall make its resources available to law enforcement officials in the event that such persons are subjected to arrest, questioning, or detention;

(8) each facility and agency shall work with law enforcement officials and the courts in establishing a system for processing the developmentally disabled offender that provides recognition of diminished responsibility and a means for avoiding unnecessary or undue confinement; and

(9) each facility and agency shall instruct each person it serves concerning the law and how he or she may obtain assistance if arrested, and shall provide any such person who has communication problems, or who desire this service, with a means of identifying himself or herself to law enforcement officials.

PERSONAL ADVOCACY SERVICES

SEC. 291. (a) Personal advocacy services include the provision of competent individuals to assist mentally retarded and other developmentally disabled persons to cope with problems, including the exercise of their personal and legal rights.

(b) Each facility and agency providing personal advocacy services shall—

(1) identify persons needing personal advocates;

(2) select, recruit, and train volunteers, as advocates;

(3) assess the ability of each volunteer to perform competently as an advocate;

(4) provide practical assistance to personal advocates, and secure any legal and professional services that may be needed by the advocate for the person;

(5) mediate the assumption of a legal role, such as guardian or adoptive parent, by a personal advocate;

(6) evaluate the performance of each advocate and the adequacy and effectiveness of the personal advocacy services program at least quarterly;

(7) have written procedures for terminating advocacy service at the request of either the advocate or the person;

(8) solicit recommendations of advocates and persons with respect to the expansion or modification of personal advocacy services;

(9) publicize the program to consumers, interested citizens, and cooperating agencies; and

(10) prepare and publish material for use in orienting and training personal advocates.

(c) (1) Each personal advocate assigned pursuant to this section shall monitor individual program plans for persons assigned to him for advocacy services.

Each such advocate shall be known to the client program coordinator and to the protective services worker assigned to the person.

(2) In accordance with the needs of the person, the personal advocate's functions and supportive social activities shall include, but are not limited to—

(A) providing companionship in activities of daily living;

(B) providing assistance in solving problems of daily living;

(C) supplying missing or needed affective relationships, as parent or sibling substitute, or as friend;

(D) working to increase the person's competency and independence;

(E) helping to obtain needed services; and

(F) challenging agency practices that appear to discriminate against the person.

(3) Each facility and agency shall coordinate its activities with personal advocacy services personnel to insure that the persons its serves receive personal advocacy services if needed. If personal advocacy services are not otherwise available, the agency shall proceed to establish them.

GUARDIANSHIP SERVICES

SEC. 292. (a) Guardianship services are those services provided by a person in a public or private agency who is serving as a guardian when there is no suitable relative or friend available to assume this responsibility for the person receiving services.

(b) Each facility and agency assisted under this Act shall—

(1) assist the person, his or her family, and the court in determining the need for guardianship, including a determination of whether guardianship of either the person or the property or of both is needed, whether such guardianships should be combined or separate and, where State law provides for both plenary and limited guardianship, the appropriate level of guardianship;

(2) assist the person, his or her family, and the court in assuring that a qualified private individual or a qualified individual in a public or private agency is available as a guardian to such person, insuring that no individual or agency who is responsible for rendering a direct service to a person will also be appointed guardian of that person;

(3) if State law provides for corporate guardianship (guardianship by an organization rather than by an individual), assist in establishing procedures that will eliminate conflicts of interest;

(4) assist the guardian in understanding mental retardation and other developmental disabilities, and in fostering increased independence on the part of his or her ward;

(5) assist guardians to become more effective in securing the rights, benefits, and services for their wards' needs, and to which they are entitled; and

(6) the agency shall work with the client, his or her family, and the court to insure that all guardianship procedures provide for due process;

(c)(1) In those cases in which a guardian is compensated for his or her services, the facility or agency shall demonstrate its efforts to insure that such compensation is in accordance with actual duties performed, rather than based solely on the income or assets of the ward and that no person will be denied legal guardianship services due to inadequate resources.

(2) The agency shall assist the client, his or her family, and the court in assuring that timely and appropriate procedures are available for the orderly continuation or reestablishment of guardianship upon the attainment of the age of majority, or for the person who otherwise needs continuation or reestablishment of guardianship, and, where appropriate, the appointment of a suitable successor guardian.

(3) The agency shall further assist the person, his or her family, and his attorney in the appropriate utilization of property management devices such as wills and trusts, educate the community concerning the need for and the availability of guardianship services, and if guardianship services are not available, the facility or agency shall establish one.

Subpart 2—Agency Service Components

PURPOSE

SEC. 293. (a) The program coordinator shall assist in the carrying out of the individual program plan by selective use of the direct services available. Each facility and agency that supplies one or more services shall publish a clear statement of the extent and limitations of the service or services that it provides. Such facility or agency shall demonstrate a willingness to modify its services in relation to the needs of the person and his or her family, in relation to other services, and in response to community planning processes.

(b) Each agency shall be evaluated on the basis of the specific component services that it provides. Each of the service components described in this subpart shall be available within the service delivery system of each State.

INDIVIDUAL ASSESSMENT

SEC. 294. (a) Individual assessment means an empirical process to determine if, and to what degree, a person has developmental deficiencies, and what interventions and services are needed to increase the independent functioning of such person. The individual assessment shall identify the present developmental level of the person, the conditions that impede his development, and, where possible, the etiology of the disability.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide or procure assessment services, identify for persons it serves and their families those areas in which it is competent to offer assessment services, and have written procedures for referring the person to other agencies for assessment services that it does not provide;

(2) include in each individual assessment, in order to provide data for the individual program plan, comprehensive assessments of sensorimotor, communicative, social, affective, and cognitive development;

(3) provide, through an interdisciplinary team constituted of members drawn from, or representing, such professions, disciplines, or service areas as are relevant in each particular case, a comprehensive medical examination, dental evaluation, visual and auditory screening, speech and language screening, and psychological and social assessments, including specialized assessments, where needed;

(4) insure that all State licensure, certification, and registration laws regulating the professional disciplines authorized to perform specific diagnostic tests shall be observed;

(5) assign specific responsibility for synthesizing, interpreting, and utilizing the results of the assessment components provided by different practitioners or agencies;

(6) insure that the assessment process is adapted to the cultural background, language, and ethnic origin of the person and his or her family;

(7) insure that assessment data are recorded in terms that facilitate clear communication across disciplines and with persons;

(8) insure that each assessment identifies the symptomatology of problems or disabilities, and, where possible, their etiologies;

(9) insure that the assessment process identifies all available alternatives for the selection of needed services, establishes a focus of responsibility for those services, and that such process involves the person and his or her family and that they are advised of the assessment findings;

(c) A preliminary individual assessment shall be completed within thirty days after entry. Reassessment shall be provided at developmental intervals during childhood, adolescence, and adulthood; provided at times of crisis; and available when behavioral responses indicate the need. Assessments reports may be sent to other facilities or agencies that provide services to the person and his or her family if written permission to do so is provided by such person or his or her family.

ATTENTION TO HEALTH NEEDS

SEC. 295. (a) Health needs include the needs for health care that are common to all persons, and any special health needs that arise from problems associated with mental retardation and other developmental disabilities.

(b) Each facility and agency receiving assistance under this Act shall—

(1) have identifiable procedures for the early detection and remediation of the special health needs of the person;

(2) provide or procure health assessments for each person served, including dental evaluations, at regular intervals, but at least annually;

(3) provide for the detection, diagnosis, and treatment of sensorimotor deficits;

(4) provide or procure corrective or prosthetic devices in accordance with specialists' recommendations, along with periodic reevaluation of corrective or prosthetic devices by appropriate professional personnel, to ascertain their continued applicability and fitness, and to recommend changes as needed, and instruction to parents and to pertinent staff members in the proper use and care of such devices;

(5) provide or procure home health services to foster implementation of the home aspects of the special health remediation program;

(6) insure that the special health needs of persons served are met by the generic resources of the community;

(7) provide that health supervision for disabled children shall conform to the regulations of the Secretary;

(8) provide nutritional services to assist in planning adequate and proper diets, including special diets when needed;

(9) provide services to develop functional oral systems such as sucking, swallowing and chewing;

(10) have written policy regarding the administration of all medications used by persons served, including those not specifically prescribed by the attending practitioner, except that no medication shall be administered to a person without a written order by a physician; and written policy specifying the procedures to be followed in medical emergencies, and in rendering emergency medical care;

(11) insure that each person who requires medication shall receive appropriate medical supervision, which includes regular evaluation of his or her response to the medication, with appropriate monitoring and laboratory assessment;

(12) have policies and procedures for persons with infectious and contagious diseases which conform to State and local health department regulations, and copies of such policies and procedures shall be available to all staff, persons served, and their families;

(13) include in its inservice training program instruction in the proper handling of persons with convulsive disorders, and insure that such instruction is given to all personnel who work with such persons;

(14) make available to persons served and their families specialized family planning services and genetic counseling services.

(c) Any facility or agency which does not provide specialized health services shall refer each person and his or her family to the appropriate agencies and follow up on such referrals.

ATTENTION TO DEVELOPMENTAL NEEDS

SEC. 296. (a) Attention to developmental needs means the provision of specific opportunities for growth and development.

(b) Effective programs for mentally retarded and other developmentally disabled persons shall be based upon a developmental model which assumes that (1) change and development begin at conception and continue throughout the life span of every human being, (2) human development progresses in a sequential, orderly, and predictable manner, (3) specific opportunities for development must be provided if development is to occur, and (4) the rate and direction of development are influenced by many factors, some of which can be significantly modified by utilizing and controlling certain physical, psychological, and social aspects of the environment. The objective of services which attend to developmental needs shall be to enhance development and increase adaptive behavior by modifying the rate and direction of behavioral change.

(c) Attention to developmental needs shall be made available by each facility and agency receiving assistance under this Act to every person served, regardless of age, or type or degree of disability. Programs shall be designed to (1) enable such persons to develop an increasing degree of control over his or her environment, and (2) to gradually produce more complex behavior patterns that increase the person's capacity to cope with his or her environment. The person's individual program plan must specify the progressive developmental steps and goals that are to be attained.

(d) Basic goals for development shall include understanding, appreciating, and caring for the natural world; promoting esthetic experiences and creating emotional stability; learning to perform work for reimbursement; and learning a critical or intellectual method by which to evaluate experiences and environment.

(e) The objectives of education and training programs shall be to maximize the person's development. Arbitrary time and age limits shall not be imposed on any process of education.

(f) Each facility and agency receiving assistance under this Act shall—

(1) assist in initiating developmental programs that begin in infancy and continue throughout the lifespan;

(2) insure that its program is determined by individual developmental needs, and is not contingent on age or time restrictions;

(3) implement in each person's individual program plan the progressive developmental steps and goals that are to be attained;

(4) define the responsibilities of both the agency and the family as they affect individual attainment of developmental objectives, and the communication mechanism;

(5) provide or procure formal education and training services that begin with early childhood programs and continue through post-secondary schools and vocational training activities including opportunities for continuing education and retraining without arbitrary time and age limits, and which are directed toward integrating the person in the most appropriate learning environment that is available in the community;

(6) insure that the objectives of its education and training programs shall be related to the long-range goals of its clients, to include the achievement of academic knowledge and the development of competence in activities of daily living;

(7) insure that education and training programs meet the standards established by the appropriate State agency and that instructional techniques, physical settings, and materials are appropriate to the ages and developmental levels of each person served;

(8) identify programs and services available to the person and his or her family from other sources, to reinforce and enrich its education program;

(9) document the person's participation in the selection of alternatives relating to activities of daily living;

(10) prohibit the use of corporal punishment and verbal abuse (shouting, screaming, swearing, name calling, or any other activity that would be damaging to a person's self-respect) and seclusion (defined as the placement of a person alone in a locked room); and

(11) have a written policy that defines the use of behavior modification programs, the staff members who may authorize their use, and a mechanism for monitoring and controlling their use, in which

(A) noxious or aversive stimuli shall be employed only in very extreme situations and only when reviewed and approved by the agency's or facility's research and human rights committees, conducted with the consent of the client's family, and the use of such stimuli is described in written plans;

(B) medication shall not be used as punishment, for the convenience of staff, as a substitute for a program, or in quantities that interfere with a developmental program; and

(C) persons shall not discipline other persons, except as part of an organized self-government program that is conducted in accordance with written policy.

SENSORIMOTOR DEVELOPMENT

SEC. 297. (a) Motor development means the development of those behaviors that primarily involve muscular, neuromuscular, or physical skills, and varying degrees of physical dexterity. Sensory development includes the development of perceptual skills.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating to sensorimotor development, including, but not limited to, the development of balance and posture, perceptual-motor skills, locomotor skills, manipulative skills, and body image; and shall evaluate and record each person's development at least quarterly;

(2) have specific programs directed to the sensorimotor development of nonambulatory individuals;

(3) have individually prescribed sensorimotor development activities performed by each person regularly, where appropriate, which are designed to increase individual skills, strength, and endurance, modified in accordance with the person's progress toward his or her sensorimotor development objectives;

(4) provide direct services or obtain consulting services from professionally qualified persons to assist person and his or her family in sensorimotor training; and

(5) demonstrate functional integration of sensorimotor activities and therapeutic interventions in the educational, social, recreational, development, or vocational programs that it provides.

COMMUNICATIVE DEVELOPMENT

SEC. 298. (a) Communicative development means the development of communication skills, transmitting meaning to others, either verbally or nonverbally.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating to communicative development, and the progress of the person toward these objectives shall be recorded at least quarterly;

(2) provide appropriate training in the areas of sensory stimulation, awareness, appropriate gestures, receptive skills, speaking, writing, reading, listening, and expression;

(3) provide specialized services or procure to correct structural or habit deficits that interfere with persons' communicative development;

(4) provide for each person specific opportunities for the use of functional communication skills in activities of daily living; and

(5) provide instruction concerning the availability and utilization of all forms of communication media, such as radio, television, telephone, and such specialized equipment as may be required.

SOCIAL DEVELOPMENT

SEC. 299. (a) Social development means the formation and growth of self-help and interpersonal skills that enable a person to establish and maintain appropriate roles and maintain fulfilling relationships within his or her environment.

(b) Each facility and agency receiving assistance under this Act shall—

(1) insure that each individual program plan contains objectives relating to social development, and that the progress of the person relative to these objectives shall be recorded at least quarterly;

(2) provide for the development of culturally normative behavior by persons it serves, including a sequential life education program, opportunities for social development appropriate to the person's chronological age, and activities that promote the development of socially adaptive relationships with the opposite sex;

(3) provide activities for individual social interaction outside the training programs;

(4) provide programs to (A) assist the person with clothing selection and grooming appropriate to various social situations, such as work, school, church, and leisure time activities; and (B) as a part of the social development program, provide special training relating to safety in all activities of daily living:

(5) design a program for use by the person's family to encourage independent functioning through the acquisition of self-help and interpersonal skills;

(6) provide counsel for the person and his or her family concerning interpersonal conflicts, or conflicts arising from isolated or disorganized families, and if referral is made for counseling, it shall provide follow-up to insure resolution of the conflict.

AFFECTIVE DEVELOPMENT

SEC. 299A. (a) Affective development means the development of feelings and emotions, including behaviors that relate to, rise from, or influence, interests, attitudes, emotions, and values.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating to affective development, and the progress of the person toward these objectives shall be recorded at least quarterly;

(2) develop, with the client and his or her family, a plan for developing the expression of appropriate emotional behaviors;

(3) provide a warm, accepting environment that is conducive to the development of positive feelings, including opportunities for the expression of appropriate feelings;

(4) provide for the development and enhancement of the person's self-concept through activities that promote awareness of self and the experience of success and security;

(5) provide a variety of experiences to develop the client's interest in and appreciation of the esthetic components of his environment; and

(6) provide specific training objectives for persons displaying maladaptive behavior that lead to more adaptive behavior, and maintain records of significant maladaptive behavior, and of actions taken by parents and staff as a consequence of such behavior, and, when necessary, provide specialized

therapeutic techniques to develop constructive adaptive behaviors.

COGNITIVE DEVELOPMENT

Sec. 299B. (a) Cognitive development means the development of those processes by which seniority input is transformed, stored, recovered, and used, including processes and abilities involved in perceiving, recognizing, remembering, conceiving, judging, reasoning, thinking, and knowing.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating the cognitive development which are written in behavioral terms, and progress relative to these objectives shall be recorded at least quarterly;

(2) help parents to recognize and implement their roles in fostering the cognitive development of the child;

(3) provide initial activities in the development of cognitive skills at the most basic developmental level, including sensory stimulation;

(4) provide specialized services to remediate or compensate for specific barriers to learnings; and

(5) provide opportunities for alternatives leading to independent action, including evaluation of the consequences of the person's decisions.

SERVICES TO SUPPORT EMPLOYMENT AND WORK

Sec. 299C. Each person shall be prepared for opportunities to engage in productive work or other meaningful occupation that leads toward making an economic contribution to society and securing a decent standard of living.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include work objectives in each individual program plan directed to maximizing the independence of the person, which are established in cooperation with the person, based on a recorded evaluation of work potential, and which include the attainment of at least partial employability or self-support, or other meaningful occupation;

(2) provide opportunities for, and assist the client in the selection of, alternatives in vocational training and retraining;

(3) integrate its work and employment programs with the community by providing or obtaining occupational training, adjunctive therapy, bio-engineering consultations, or other services that are designed to maximize the person's level of work functioning; establishing locations in the community where on-the-job training takes place; facilitating the placement of persons in full-time employment at the Federal minimum wage or higher; providing or obtaining reimbursed work experiences for those persons whose evaluations document that they are unable to utilize or attain on-the-job training, full-time employment, or sheltered work in the community; and providing or obtaining follow along to insure that the employee has opportunity for job upgrading or reevaluation, in order to increase employment potential;

(4) provide the person with materials for productive work at his or her place of residence, when this is in his or her best interest;

(5) provide support to the person by helping him or her make constructive use of leisure; assisting in the development of peer relationships in leisure time activities; and maximizing opportunities for increasingly independent living by minimizing the effects of the disability;

(6) maintain at least yearly contact with the advocate, guardian, family, or other responsible person to evaluate the work expectations and performance of the person;

(7) maintain documentary evidence of each person's production level earning rate;

(8) insure that persons who are paid for productive work shall be provided benefits that include, but are not limited to effective grievance procedures; provisions for paid vacations, holidays, and sick leave; workmen's compensation; provisions for health insurance and retirement; opportunities for continuing educational activities; and provisions for recognizing outstanding contributions to the agency; and

(9) utilize definitive time study procedures and competitive bidding practices.

RECREATION AND LEISURE

Sec. 299D. (a) Recreation means the satisfying use of leisure time. Recreation and leisure activities may be elements of a person's daily life in which participation may be planned, requested, or self-initiated to meet a basic need and to provide personal enjoyment.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide or obtain recreation and leisure time activities that are designed to allow the person to choose whether or not to participate, and to choose the type of activity in which he or she wishes to participate; develop skills and interests leading to enjoyable and satisfying use of leisure time; provide opportunities to be successful; provide experiences that develop social interaction skills; provide activities that promote physical and emotional health; and provide individualized therapeutic activities for the alleviation of disabilities and the prevention of regression;

(2) plan and organize recreation programs and activities to include a specific set of objectives for each person, based upon his or her individual program plan; assessments of the person's abilities and performance level, to determine the type of recreation activities that are appropriate; grouping of persons according to their expressed wishes and probable abilities; careful selection of the method of presentation, in accordance with the abilities of the participants; availability of and access to desired activities; communication and coordination with other agencies to develop wider opportunities in programing; opportunities to participate with nondisabled people; and parent and family education concerning leisure time activities;

(3) provide recreation activities to persons who are served by other agencies, and to others who are not served by any direct program, through daytime activities for children; after-school activities; after-work and evening activities; weekend activities; and summer activities;

(4) if generic, community recreation programs are not available to the disabled, initiate action with appropriate agencies in order to make such programs available, including consultation and training services to generic agencies in developing and implementing programs for persons served;

(5) insure that recreation programs are available to severely and multiple disabled persons; and

(6) keep the population that it serves informed of all recreation opportunities.

FAMILY RELATED SERVICES

Sec. 299E. (a) Family related services are those that specifically serve both the person and his or her family, to include a range of services provided both within and without the home by a variety of agencies and disciplines. The term also includes services for a disabled adult who is married and has a family.

(b) All services provided to persons under this Act shall include considerations and involvement of his or her family, and the special emotional, social, and educational needs of the family must be recognized. Family members shall be assisted to increase their understanding of the impact of disability, to improve their understanding of the person and their relationship with him or her, and to mobilize their own strengths in coping with the disability in a constructive fashion. Instruction in ways of facilitating the development of the person, including training in specific management techniques, shall be provided.

HOME TRAINING SERVICES

Sec. 299F. (a) Home training services means specialized services that are provided to a person and his or her family in the home setting, as an extension of his or her total program.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide home training services through a home trainer, who shall:

(A) develop with the family a developmentally sequenced management and training program that is a component of the individual program plan, and that is carried out in the home;

(B) instruct the family in how to carry out the program;

(C) provide for family use of specialized instructional material;

(D) provide information on developmental disabilities and developmental patterns;

(E) develop with the family a method of assessing the assets, liabilities, and level of performance of the person;

(F) assist the person and the family in incorporating the therapy offered by various disciplines into the daily regime;

(G) coordinate the person's activities with services delivered by others;

(H) demonstrate special procedures;

(I) help adapt home equipment;

(J) help the family make or identify resources for obtaining specialized equipment;

(K) assist the family with special clothing adaptations; and

(L) provide continuing support and assistance;

(2) coordinate its efforts with other agencies and services that are involved with the person and his or her family and if home training services are not available the facility or agency shall initiate such services.

HOMEMAKER SERVICES

Sec. 299G. (a) Homemaker services means services in caring for the family in the home during periods of need or crisis, and teaching family members techniques of home management.

(b) Each facility or agency receiving assistance under this Act shall insure that—

(1) homemaker services shall be available, when needed, to families with a disabled person living at home, and to disabled adults living in their own homes;

(2) the homemaker shall teach appropriate techniques of home management, including good health care, meal planning, marketing, budgeting, and housekeeping;

(3) the homemaker's home management skills shall be sufficient to meet a variety of family emergencies, including relief in a crisis;

(4) evaluation of the family's needs shall be made prior to the placement of a homemaker, and shall continue after the homemaker is in the home;

(5) the homemaker shall be apprised of the family situation prior to entering the home;

(6) the homemaker shall be prepared to assist with the training program of the person, so that he or she may remain in the home; and

(7) if homemaker services are not available, the agency shall initiate such services.

RESPITE CARE

Sec. 299H. (a) Respite care means short-term, out-of-the-home care of a person that is provided for the temporary relief of his or her family.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide day and night respite care services;

(2) identify to persons and their families other agencies that provide respite care;

(3) have a written plan for the retirement, selection, training, and evaluation of persons who provide respite care;

(4) monitor respite care services to insure continuity with the normal living patterns of those being served; and

(5) if respite care services are not available initiate such services.

SITTER SERVICES

SEC. 299I. (a) Sitter services means in-the-home care of a person for the temporary relief of his or her family.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide sitter services, available on an hourly or weekly schedule;

(2) have a written plan for the recruitment, selection, training, and evaluation of persons who provide sitter services;

(3) insure that sitter services personnel shall have specialized training and experience in the management of disabled persons;

(4) if the agency does not provide sitter services, identify sources for obtaining qualified sitter services; and

(5) if sitter services are not available, initiate such services.

FAMILY EDUCATION SERVICES

SEC. 299J. (a) Family education services means the provision of opportunities for the family to increase its knowledge and understanding of mental retardation and other developmetal disabilities, and of other concerns relating to the family unit.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide family education opportunities on a regularly scheduled basis and as family needs arise, in which family members are involved in the development and evaluation of family education programs; and in which family education techniques shall be adapted to the cultural, educational, and economic characteristics of the families being served;

(2) insure that family members have an opportunity to observe the person in a service setting, establishing procedures by which these observations are discussed with the appropriate staff;

(3) insure that planned conferences between staff members and individual families are held on a regularly scheduled basis, as needs arise, and either in or out of the home, as appropriate;

(4) provide parent-to-parent counseling activities for newly identified parents and in times of crisis;

(5) conduct group meetings for siblings of persons who are disabled;

(6) maintain a resource library relating to mental retardation and other developmental disabilities, available for use by the family, which includes basic information on mental retardation and other development disabilities, information on developmental patterns, information on techniques of management and training, information relating to attitudes and feelings toward, and understanding of, the developmentally disabled, and instructional materials, including games and toys, and information on their use; and

(7) have a planned program for mobilizing and utilizing parent leadership skills.

ATTENTION TO NEEDS FOR MOBILITY

SEC. 299K. (a) Mobility means the ability of persons to move within, and thereby interact with, their environment. Attention to needs for mobility means helping nonambulatory persons to become mobile or partially mobile, as well as enabling them to use public and private transportation systems to meet their normal needs.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide services to increase the mobility of disabled persons as specified in their individual plans, including services and equipment necessary to improve ambulation and to promote mobility, and training in mapping and orientation within the person's immediate environment;

(2) promote maximum safety in the use of all mobility devices and procedures, including inspection at least quarterly of all equipment used in the mobility program to insure that it is in proper working condition;

(3) actively strive to eliminate architectural barriers, and to modify equipment and facilities to overcome barriers, insuring that multistory buildings are equipped with elevators for the use of mobile nonambulatory persons, and that restrooms, water fountains, and other facilities are accessible for use by mobile nonambulatory persons;

(4) shall make driver education available to those persons who are capable of learning to drive;

(5) promote or help establish generic community transportation services that are usable by disabled persons;

(6) assist persons in securing transportation that enables them to have access to needed programs and services, including transportation after hours and on weekends;

(7) insure that the transportation system is licensed by a State agency; that a current State inspection report is available; that all drivers are trained and licensed; that adequate insurance coverage, including collision, comprehensive, and liability, is in force; that overloads are not permitted; and that transportation provided is adapted to the special needs of the persons receiving such service; and

(8) compile data concerning persons denied or excluded from services because of their unique mobility needs.

Subpart 3—Community Organization

PURPOSE

SEC. 299L. The service delivery system shall be so organized that each person has services available at the time of need, and in close proximity to his or her home. One agency or facility in the service delivery system shall be responsible for implementing a systematic method of collecting data useful for planning and coordinating activities, and shall make available to other facilities and agencies current information on the resources available in the community for serving mentally retarded and other developmentally disabled persons.

RESOURCE INFORMATION AND DATA DOCUMENTATION SERVICES

SEC. 299M. (a) A resource information service shall be established by the agency identified in section 299L to compile and disseminate current and complete listings of all appropriate resources, referral procedures, and other pertinent information. A data documentation service shall be established by the same agency to collect and disseminate data that is useful for planning and coordinating activities.

(b) Within each community a single agency shall provide a centralized resource information and data documentation service.

(c) Each community whose facilities and agencies receive assistance under this Act shall—

(1) maintain a resource information service which shall be an easily identifiable point of contact for professionals and agencies seeking assistance, and which shall:

(A) maintain a current directory of local resources;

(B) have directories of regional and State agencies and facilities serving the local area;

(C) have standing procedures for obtaining, cataloging, and updating information concerning resources and services;

(D) have written policies describing minimum standards for services to which referrals are made;

(E) have regular followups on its referrals to determine if they were completed, and if they were appropriate to the request for assistance;

(F) analyze referral requests quarterly to determine changing needs and programs, and provide feedback for planning and coordinating purposes;

(G) actively disseminate information about activities, so as to facilitate the resources information and referral activities of other agencies and facilities;

(H) work with other agencies and facilities to improve resource information and referral services;

(I) make materials available for inservice training and community education; and

(J) provide consultation services to support community organization activities;

(2) maintain a data documentation service which shall coordinate its activities with those of other data collection agencies, so as to minimize duplication of effort and encourage the use of standardized reporting systems, and which shall:

(A) collect data at least yearly from all agencies and facilities in the service delivery system;

(B) provide consultation to local agencies in the design of agency reporting systems;

(C) disseminate data for community education and social action programs;

(D) regularly categorize the reasons that persons are rejected for service, and report this information to planning and coordinating bodies as a means of stimulating program modification and development;

(3) work with other agencies in the service delivery system to develop a continuum of services to meet all the needs of the disabled; and

(4) participate in a regular, at least annual, review of the service delivery system that includes, but is not limited to, an analysis of;

(A) the design of system and agency approaches to solving problems;

(B) joint efforts among agencies and facilities to resolve problems in providing services;

(C) the need for integration of ongoing programs within the system;

(D) the identification and resolution of conflicting policies and practices;

(E) the identification and resolution of unnecessary duplication or uneven distribution of services;

(F) the need for simplification and combination of administrative, operational, and funding procedures;

(G) the coordination of data collection and the use of data to study the characteristics and needs of the community; and

(H) the development of standards for personnel selection and performance, and for program evaluation.

COORDINATION

SEC. 299N. (a) Coordination means the process of bringing together all necessary resources in the appropriate sequence in order to accomplish a given objective. Coordination involves initiating, sustaining, and interrelating the various parts of the service delivery system.

(b) Each facility and agency receiving assistance under this Act shall—

(1) have a written statement that clearly defines its role and function within the service delivery system;

(2) have a directory of all other resources and services within the service delivery system;

(3) have cooperative agreements with other components of the service delivery system; and

(4) have established and written procedures for coordination with other components of the service delivery system, including procedures for coordinated planning of services with other agencies, referrals of persons to other agencies, and follow-up referrals.

AGENCY ADVOCACY

SEC. 299O. (a) Agency advocacy means a social action program in which an agency acts to support and safeguard the rights and interests of disabled persons.

(b) Each facility and agency receiving assistance under this Act shall—

(1) participate, where appropriate, with a coalition of other agencies in developing a coordinated plan for agency advocacy, and such a plan shall identify communitywide problems that confront disabled persons and their families, methods for resolving problems within the service delivery system, and strategies for resolving legal or legislative problems that compromise the rights and privileges of disabled persons;

(2) periodically, or as the need arises, make its findings and recommendations known to the public and to appropriate governmental bodies; and

(3) encourage and demonstrate the participation of persons served, their families, and their advocates.

COMMUNITY EDUCATION AND INVOLVEMENT

SEC. 299P. (a) Community education and involvement means an active program of ready, open, and honest communication with the public, aimed at creating community awareness of the needs of mentally retarded and other developmentally disabled persons, and at stimulating social action to meet those needs.

(b) Each facility and agency receiving assistance under this Act shall—

(1) conduct an ongoing community education program that is designed to create community awareness and acceptance of mentally retarded and other developmentally disabled persons, focusing specific attention on understanding the general and special needs of disabled persons, and on the right of disabled persons to participate in the mainstream of community life;

(2) establish a fixed point for collecting and disseminating information and have procedures for disseminating such information during a crisis;

(3) participate in making the community aware of the causes of mental retardation and other developmental disabilities;

(4) educate the general public concerning community programs that are available and needs that remain unmet;

(5) educate the community by employing a variety of techniques such as brochures on services currently provided, fact sheets describing program components, newsletters, audiovisual materials, a speaker's bureau, program presentations, meetings, and seminars, school and college class presentations, a total media publicity program, including press releases, staff interviews, and consumer interviews, and a library and bibliography of books and publications for staff, families, and the general public;

(6) identify, and conduct informational sessions for, special audiences, such as public officials;

(7) conduct educational sessions for public and private officials on the advantages of normalized living arrangements for disabled persons, to promote the adoption of zoning ordinances that promote normalization and licensing standards that promote normalization; and

(8) promote community involvement by methods that include, but are not limited to:

(A) using volunteers in the community education program;

(B) involving citizens in writing and contacting their legislators in support of needed legislation;

(C) sponsoring special events that appeal to broad community interests in support of program needs;

(D) conducting activities that express and recognize citizen support of program needs;

(E) recognizing community leaders for their participation in and support of new program developments;

(F) encouraging fraternal civic, and social organizations to support programs for mentally retarded and other developmentally disabled persons: and

(G) encouraging organizations to invite mentally retarded and other developmentally disabled persons to become members, and to participate in activities with their peers.

PREVENTION

SEC. 299Q. (a) Prevention means the process of arranging forces in the society so as to mitigate or eliminate those factors which contribute to mental retardation or other developmental disabilities.

(b) Each agency or facility receiving assistance under this Act shall—

(1) maintain current information concerning preventive services available in the community, including information necessary to make referrals;

(2) insure that preventive services are readily accessible to any family, regardless of the family's ability to pay for such services;

(3) make provisions for providing or procuring preventive services for all conditions known to entail risk of mental retardation or other developmental disability;

(4) have provisions for ongoing child health programs, including immunization, screening, regular assessment of physical and mental health, and periodic assessment of development;

(5) insure that highly specialized preventive services, such as genetic screening and counseling, are available, at least on a regional basis; and

(6) insure that services are offered to those who are not aware of their problems, or who are unaccustomed to asking for help;

(7) include current information concerning prevention in orientation and inservice training programs for staff;

(8) participate, where appropriate, with a coalition of other agencies in implementing communitywide preventive activities;

(9) provide opportunities for young people and parents to learn about child development and child rearing, designed to enable participants to understand children by appreciating the various stages of child development, and develop ability and confidence in child rearing;

(10) undertake preventive activities in environmental areas including: amelioration of conditions that adversely affect health, amelioration of social and racial discrimination, reduction of cultural conflicts, and working to make community resources accessible to those who need them;

(11) undertake biomedical preventive activities including: immunization programs that comply with standards established by the Secretary, voluntary detection or screening programs for infections, voluntary detection or screening programs for endocrine and metabolic disorders, comprehensive health care programs for all women of childbearing age, family planning services, comprehensive prenatal care programs (including nutrition education and services, detection of abnormalities of the placenta and of blood group incompatibilities, and precautions to reduce complications due to radiation, medication, and drug abuse), and comprehensive natal and neonatal care programs to reduce risks due to mechanical, infectious, endocrine, metabolic, neurologic, and nutritional factors, and to toxic drugs; and

(12) undertake special preventive services including genetic screening and counseling and accident prevention and safety programs.

MANPOWER DEVELOPMENT

SEC. 299R. (a) Manpower development means the cooperative process through which the agencies in a community strive to assure the availability of an adequate present and future supply of qualified personnel to work in programs providing services to mentally retarded and other developmentally disabled persons.

(b) Each facility and agency receiving assistance under this Act shall cooperate with other agencies to assure the availability of an adequate present and future supply of qualified personnel through activities such as:

(1) establishing working relationships between agencies and nearby colleges and universities to,

(A) make credit courses, seminars, and workshops available to agency staff, in accordance with their needs, and as related to their occupations,

(B) make agency resources available for training and research, while maintaining the primary goal of serving mentally retarded or other developmentally disabled persons.

(C) permit exchange of staff between agencies and colleges or universities for teaching, research, and consultation,

(D) allow students to visit and observe agency programs, and

(E) allow students to participate in field placements that are supervised by agency staff;

(2) establishing working relationships with other nearby manpower training centers to,

(A) provide follow-up and feedback regarding the effectiveness of training programs,

(B) identify new manpower training needs, and

(C) evaluate manpower training programs yearly; and

(3) participating in training programs conducted by university affiliated facilities, where available.

VOLUNTEER SERVICES

SEC. 299S. (a) Volunteer services means an organized and carefully supervised activity in which the varied skills of unpaid personnel are utilized to support and supplement the efforts of paid agency staff.

(b) Each agency or facility receiving assistance under this Act shall—

(1) use volunteers to support and supplement the activities of its paid staff;

(2) follow established written policies concerning recruitment, selection, training, assignment, supervision, evaluation, recognition, and separation of volunteers;

(3) insure that volunteer participation is open to all persons regardless of sex, race, creed, age, or national origin;

(4) insure that volunteer participation complies with all appropriate State and Federal laws, including those relating to labor and insurance;

(5) insure that volunteer services are available to all persons served, regardless of age, ability, or handicap;

(6) designate a staff member to be responsible for conducting the volunteer services program who shall have education or experience in the administration of volunteer services, devote sufficient time to the administration of the program, in accordance with its size, and have the same relationship to volunteers as a personnel officer has to paid employees;

(7) maintain accurate records, concerning volunteer services, including, but not limited to the types, hours, and results of volunteer services provided, individuals and organizations providing services; materials and

money received, and operational expenditures; and

(8) provide a volunteer services advisory committee, composed of representatives from the agency, the consumer population and the community, plans, reviews, and recommends improvements in the volunteer program.

Subpart 4—Program Evaluation

PROGRAM EVALUATION

SEC. 229T. (a) Program evaluation means a process in which program outcomes are measured against the previously stated goals and objectives of the agency.

(b) Each agency or facility receiving assistance under this Act shall—

(1) have a written statement of its goals and objectives, insuring that such objectives are related to the objectives of the service delivery system of which the agency is a part, and to the identified needs of the population served by such service delivery system, and that such objectives define the population to be served, the services to be provided, and the modalities to be utilized in providing these services;

(2) periodically, and at least annually, evaluate its performance against its stated goals and objectives, including in such evaluation assessment of the agency's objectives, the relation of the agency's objectives to the objectives specified in the individual program plans, agency program standards, program methodologies, staff performance, staffing requirements;

(3) provide for staff, persons served and family involved in the evaluation process;

(4) measure the effectiveness of its programs and services in terms of the progress of persons served toward the objectives specified in their individual program plans;

(5) have procedures for continuous monitoring of the person's progress toward the objectives stated in his individual program plan;

(6) provide in its evaluation process mechanisms for the consequent review and modification of objectives, policies, and practices;

(7) insure where cooperative efforts among agencies are designed to achieve a common goal, provide that services are evaluated cooperatively and in relation to one another;

(8) have evidence of its cooperative efforts with other agencies to develop a continuum of services to meet all of the needs of mentally retarded and other developmentally disabled persons; and

(9) insure that the number of persons served by agencies in the service delivery system is consistent with the needs for service, as determined by a survey of community needs;

(10) insure that appropriate alternatives and options exist within the system to meet the varied needs of mentally retarded and other developmentally disabled persons; and

(11) provide its funding sources with qualitative evidence of accomplishments and shortcomings in relation to its stated goals and objectives, documenting its efforts to facilitate maximum coordination among its funding sources with respect to licensing requirements, required reports, accountability requirements, and delays between approval and receipts of funds.

Subpart 5—Research and Research Utilization

RESEARCH AND UTILIZATION

SEC. 229V. (a) Research means a systematic and detailed attempt to discover or confirm facts relating to the problems associated with mental retardation and other developmental disabilities. Research utilization shall include the dissemination of research findings and the use of such findings to improve services to and for mentally retarded and other developmentally disabled persons.

(b) Each agency and facility receiving assistance under this Act shall—

(1) indicate in its statement of purposes whether or not the agency will engage in research activities;

(2) provide a written policy concerning the purpose and conduct of all research involving the development of research efforts in services;

(3) consult agency staff members regarding the agency's staff, persons served, or their areas of competence and interest, and make available to staff members who have identified researchable problems, and who are equipped by interest and training to conduct applied or basic research opportunities, resources, and other necessary research assistance and insure that an agency staff member is assigned to provide liaison with each research project conducted by outside investigators.

(4) establish an interdisciplinary research committee that includes both agency staff members and qualified persons who are not members of the agency's staff who shall be qualified by training and experience to conduct initial and continuing reviews of research projects; and such committee shall review all proposed studies to insure adequacy of research design, implementation of ethical standards in the design, and compliance with the regulations published by the Department of Health, Education, and Welfare, maintaining a continuing review of all research activity;

(5) establish a human rights committee to assure that the rights and welfare of research subjects are protected, and such committee shall include disabled persons or their representatives, and relevantly qualified professionals who are not involved in the research project under review; and the committee shall insure that informed consent is obtained by adequate and appropriate methods, that methods for obtaining informed consent are reviewed at least annually, and that disabled persons are not used as a captive source of research subjects for purposes unrelated to their specific welfare, unless they or their families have agreed to the research, and the research is in no way detrimental to their welfare;

(6) provide procedures for obtaining informed consent that include:

(A) a fair explanation of the procedures to be followed, including an identification of those that are experimental;

(B) a description of the attendant discomforts and risks;

(C) a description of the benefits to be expected;

(D) a disclosure of appropriate alternative procedures that would be advantageous for the subject;

(E) an offer to answer any inquires concerning the procedures; and

(F) an instruction that the subject is free to withdraw his or her consent and to discontinue participation in the project or activity at any time;

(7) insure that the written or oral agreement entered into by the subject includes no exculpatory language through which the subject is made to waive, or appear to waive, any of his or her legal rights, or to release the agency or its agents from liability for negligence;

(8) insure that the individual conducting research involving human subjects is affiliated with or sponsored by an agency that can and does share responsibility for the protection of the subjects involved;

(9) provide appropriate guidelines to deal with any emergency that may develop, even in the course of seemingly routine research activities;

(10) insure that investigators and others directly involved in research adhere to the ethical standards of their professions concerning the conduct of research and obtain informed consent from each subject, or have access to the record of informed consent;

(11) insure that the principal investigator of each completed research project is responsible for communicating to the staff of the agency the purpose, nature, outcome, and possible practical or theoretical implications of the research and that outside researchers have the same obligations relative to staff information and feedback as do agency staff members;

(12) insure that copies of reports resulting from research projects shall be maintained in the agency and that the agency assists in disseminating the results of its research to other units of the service delivery system, assuring that when research findings are made public, the anonymity of individual persons and parents is maintained;

(13) have a mechanism to review research finding external to the agency, and to implement those findings that will improve the quality of services being provided; and

(14) cooperate with programs of research and research training that are conducted by colleges, universities, and research agencies, or by other qualified investigators.

Subpart 6—Records

RECORDS

SEC. 299W. (a) The person's record is a compilation of data that provides the basis for planning and evaluating his or her individual program plan; that provides a means of communication among all staff members who are involved in implementing that plan; that furnishes evidence of the person's progress; that serves as a basis for review and evaluation of the agency's programs; that assists in protecting the legal rights of the person, the staff, and the agency; and that provides data for use in research and education.

(b) the establishment and maintenance of a functional records system shall be an essential activity of each community service program. Records shall document the services provided the person, and any action taken in his or her behalf, contacts with persons who were rejected for service, or who were referred to other agencies, shall be available to parents and persons served upon demand, and shall record only objective data and observable behaviors.

(c) Each facility and agency receiving assistance under this Act shall—

(1) insure that a record is maintained for each person that is adequate for:

(A) developing and continuously evaluating the individual program plan;

(B) providing a means of communication among all persons contributing to the individual program plan;

(C) recording progress in achieving the objectives specified in the individual program plan;

(D) serving as a basis for review, study, and evaluation of the programs provided by the agency for its patients;

(E) protesting the legal rights of the person, agency, and staff; and

(F) providing data for use in research and education;

(2) insure that all information pertinent to the above stated purposes is incorporated in the person's record in sufficient detail and clarity to enable those persons involved in implementing the individual program to provide effective, continuing services, and insure that all entries in the record are legible, dated, authenticated by the signature and identification of the person making the entry, to the extent possible, written in nontechnical terms, and include symbols and abbreviations only if they are in a list approved by the agency's chief executive officer, and if a legend understood by the staff is provided to explain them;

(3) assist the family in establishing and maintaining a record to document its role in implementing the individual program plan;

(4) insure that the person's record shall be available to the family and that person upon demand;

(5) insure that the following information shall be obtained and entered in the person's record at the time of entry to the program:

(A) name, date of initial conduct, date of birth, citizenship status, marital status, and social security number;

(B) sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph;

(C) name and address of parents, legal guardian, advocate, or next of kin;

(D) reason for entry, referral, or rejection;

(E) legal competency status;

(F) language spoken or understood;

(G) sources of support, including social security, veterans' benefits, and insurance;

(H) information relevant to religious affiliation;

(I) reports of previous histories, evaluations, or observations;

(J) age at onset of disability;

(K) name and address of family physician or health facility providing medical care; and

(L) medication history;

(6) insure that within the period of three months after initial contact, there shall be entered in the person's record:

(A) a report of the review and updating of the entry information;

(B) a statement of short-term goals that can be used for programing and placement;

(C) a comprehensive assessment and individual program plan, designed by an interdisciplinary team; and

(D) when possible, a diagnosis based on the American Association on Mental Deficiency (AAMD) Manual on Terminology and Classification in Mental Retardation; the Diagnostic and Statistical Manual of Mental Disorders, second edition (DSM-II), published by the American Psychiatric Association; or another accepted standard nomenclature;

(7) insure that record entries during the period of service shall include:

(A) reports of regular and specific reviews and evaluations of the individual program plan;

(B) observations of response to the individual program plan, recorded with sufficient frequency to enable evaluation of its efficiency;

(C) records of significant behavior incidents;

(D) records of agency contacts with the person's family or guardian;

(E) records of services provided, and attendance;

(F) periodic updating of the information recorded at the time of initial contact;

(G) appropriate authorizations and consents; and

(H) medication response profile;

(8) insure that a discharge summary shall be entered in the record within seven days after the time of termination of agency services, which shall include—

(A) a brief recapitulation of findings, events, and progress during the period of service;

(B) specific recommendations and arrangements for future programing and follow along services; and

(C) the agency's evaluation of the appropriateness of the reason for terminating agency services, when termination is contrary to the agency's recommendation;

(9) insure that all information contained in the person's record, including information contained in an automated data bank, shall be privileged and confidential, including assurances that—

(A) the agency shall be responsible for safekeeping of any record, and for securing it against loss or use by unauthorized persons;

(B) the record may be removed from the agency's jurisdiction and safekeeping only in accordance with court order, subpena, or statute;

(C) there shall be written policies governing access to, duplication of, and dissemination of information in the record;

(D) information in the record may be released only after the requesting individual or agency clearly documents the need to know; and

(E) written account of the person or his or her family shall be required for the release of information to persons not otherwise authorized to receive it;

(10) maintain an organized record system for the collection and dissemination of information regarding persons served, which is compatible with an existing community or State system; contains all information pertaining to the person; where particular professional services require the maintenance of separate records, includes a summary of the information entered in the person's unit record; are readily accessible to authorized personnel; are periodically reviewed to assure that they are current and complete, and that they meet agency, community, or State standards; include a master index of all persons seen by the agency; and are retained for a reasonable period of time as specified by the agency;

(11) insure that statistical information includes at least the following:

(A) number of persons served by age group, sex, race, and place of residence;

(B) number of persons served by level of retardation, according to regulations prescribed by the Secretary;

(C) number of persons served by level of adaptive behavior, according to regulations prescribed by the Secretary;

(D) number of persons with physical disabilities;

(E) number of persons served who are ambulatory, mobile nonambulatory, and nonmobile;

(F) number of persons with sensory defects;

(G) number of persons with communication handicaps;

(H) number of persons with convulsive disorders;

(I) number of persons with emotional and behavioral problems;

(J) number of persons served by etiological diagnosis, according to regulations prescribed by the Secretary;

(K) number of persons with multiple disabilities, inclusive of numbers listed separately in preceding categories;

(L) movement of persons into, out of, and, within the agency; and

(M) length of service; and

(12) insure that data is reported to appropriate community, State, and Federal agencies as required.

Subpart 7—Administration

PHILOSOPHY, POLICIES, AND PRACTICES

SEC. 299X. (a) Administration means that segment of an agency that determines its mission and purpose, and that is responsible for planning, organizing, directing, controlling, and coordinating the activities of the organization.

(b) Each agency or facility receiving assistance under this Act shall—

(1) have a written statement of philosophy that stipulates its mission, purpose, and role in the service delivery system:

(A) Copies of this statement shall be distributed to agency staff and shall be available to persons served, consumer representatives, and the interested public;

(2) insure that the ultimate aim of the agency is to foster those behaviors that maximize the human qualities of the disabled person, increase the complexity of behavior, and enhance ability to cope with the environment:

(A) the agency shall accept and implement the principle of normalization, defined as the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible, taking into account local and subcultural differences; and

(B) the agency's philosophy and goals shall require the use of the least restrictive alternatives that are consistent with the developmental needs and objectives of its clients;

(3) facilitate integration by seeking to make generic services accessible to the consumer population when appropriate to its needs;

(4) insure that the agency and its service delivery unit shall be located within, and shall be conveniently accessible to, the population served;

(5) regulate its services and resources to those of all other agencies in its community;

(6) have a written statement of policies and procedures concerning the rights of the consumer population that:

(A) assures the civil rights of all persons; and

(B) defines the means of making legal counsel available to persons, for the protection of their rights;

(7) have a written statement of policies and procedures that protect the financial interests of its consumer population and that provide for:

(A) determining the financial benefits for which consumer population are eligible; and

(B) assuring that consumer population receive the funds for incidentals and for special needs (such as specialized equipment) that are due them under public and private support programs;

(8) have evidence that the views and opinions of the person on matters concerning him or her are elicited and given consideration in defining the processes and structures that affect the person, unless the person is clearly unable to communicate in any way:

(A) The agency shall have written procedures for the appeal of agency decisions by a person or his or her family; and

(B) The agency shall have written procedures for notifying a person's family in the event of an emergency;

(9) have a waiting list policy and procedure that specifies the interim services to be provided persons who have not been admitted to programs. The agency shall provide assisted referral services to any person upon request.

(10) require that services provided its consumer population by other agencies meet the standards for quality of services as stated in this title, and all contracts for the provision of such services stipulate that these standards shall be met.

(11) insure that residential services provided by the agency comply with the standards of title II of this Act.

(12) have documentary evidence of its source of operating authority:

(A) A public agency shall have documents that describe the administrative framework of the governmental department in which it operates;

(B) A private agency shall have documents that include its charter, its constitution and bylaws, and, where required, its state license

(13) insure that the governing body of the agency shall exercise general direction and shall establish policies concerning the operation of the agency and the welfare of the clients served:

(A) if the governing body is a board:

(i) its members shall visit all program components of the agency during operating hours; and

(ii) the agency shall provide orientation and training for new members.

(14) insure that the governing body shall establish a job description for the position of chief executive officer, including appropriate qualifications of education, experience, personal factors and skills.

(15) insure that the governing body employs a chief executive officer so qualified, and delegates to him or her authority and responsibility for the management of the affairs of the agency in accordance with established written policy. Procedures shall provide for the designation of an individual to be in charge of the agency when the chief executive officer is not available.

(16) provide for meaningful and extensive consumer and public participation in the development of agency policies, through the following means:

(A) If the agency has a governing board, its members include consumers or their representatives, interested citizens, and relevantly qualified professionals presumed to be free of conflicts of interest;

(B) If the agency does not have a governing board, its governing body actively seeks advice from an advisory board composed as described above; and

(C) The agency shall provide for periodic peer review, or consumer advisory committee assessment, of agency practices and services, including services provided by other agencies that support those provided by the agency itself.

(17) be administered and operated in accordance with sound management principles. The type of administrative organization of the agency shall be appropriate to the program needs of its consumers. The agency shall have a current table of organization that shows the governance and administrative pattern of the agency. The organization shall provide effective channels of communication in all directions.

(18) have a policies and procedures manual that describes the current methods, forms, processes, and sequences of events that are utilized to achieve its objectives and goals. These policies and procedures shall be:

(A) consistent with the needs of the agency's consumers;

(B) consistent with the agency's philosophy and objectives;

(C) consistent with currently accepted theories, principles, and goals;

(D) consistent with the resources available; and

(E) applicable to all services provided.

(19) have copies of the laws, rules, and regulations that are relevant to its functions.

(20) have implemented a plan for a continuing management audit to insure that:

(A) effective implementation of its stated policies and procedures; and

(B) compliance of its policies and procedures with laws and regulations.

(21) have a written plan for improving the quality of staff and services that reflects the staff's programmatic responsibilities in establishing and maintaining standards for services to clients:

(A) Each program component of the agency shall be licensed by the appropriate State agency; and

(B) The services of consultants not directly associated with the agency shall be available to the staff of each program.

(22) provide for effective staff and consumer participation and communication in the following ways:

(A) Staff meetings shall be held regularly;

(B) Standard committees appropriate to the agency shall meet regularly;

(C) Committees shall include client participation whenever appropriate;

(D) Minutes and reports of staff meetings and of standing and ad hoc committee meetings, including records of recommendations and their implementation, shall be kept and filed;

(E) Summaries of the minutes and reports of staff and committee meetings shall be distributed to participants and to appropriate staff members; and

(F) Summaries of the minutes and reports of governing board meetings shall be distributed to staff and to consumer representatives.

(23) have a sufficient number of appropriately qualified and adequately trained personnel to conduct appropriate activities.

(24) provide space, equipment, and an environment that is appropriate and adequate for conducting its program in accordance with the standards specified in this title.

(25) insure that funds are budgeted and spent in accordance with the principles and procedures of program budgeting:

(A) The fixed and incremental costs for adequate programming for the person shall be recorded;

(B) The budget requests submitted by the agency shall reflect its program needs, as developed by its staff;

(C) The budget requests submitted by the agency shall be documented and interpreted;

(D) Budget performance reports shall be prepared at appropriate intervals and shall be submitted to those staff and governing board members who participate in budget and management responsibilities; and

(E) There are provisions for rebudgeting of funds in accordance with changing program needs;

(26) insure that individuals acting on the agency's budget requests (such as board members, State budget officials, and members of appropriations committees) shall have firsthand knowledge of its operation and needs, obtained by regular visitation and observation of its programs;

(27) insure that a full audit of the agency's fiscal activities is performed annually by a qualified accountant independent of the agency;

(28) insure that fiscal reports are prepared annually and communicated to the agency's public;

(29) insure that there are written purchasing policies regarding authority and approvals for supplies, services, and equipment;

(30) have insurance that includes, but not limited to, insurance against public and professional liability, fire, theft, and disaster;

(31) provide that charges for services shall have a written schedule of rates and charge policies that is available to all concerned;

(32) insure that fundraising activities comply with local and State laws and with applicable ethical practices;

(33) insure that adequate services for personnel administration shall be provided by means appropriate to the size and function of the agency;

(34) provide a statement of its personnel policies and practices which insures:

(A) the hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to sex, color, creed, age, irrelevant disability, marital status, ethnic or national origin, or membership in an organization;

(B) there shall be written job descriptions for all positions;

(C) personnel shall be licensed, certified, or registered as required by the State in which the agency is located;

(D) paraprofessional personnel shall be supervised by qualified and licensed, certified or registered supervisory personnel;

(E) each professional staff member shall be familiar with and shall adhere to the code of ethics and standards of practice promulgated by his or her professional organization;

(F) all personnel shall be medically determined to be free of communicable and infectious diseases at the time of employment and annually thereafter. All personnel shall undergo a medical examination at the time of employment and annually thereafter;

(G) all employees shall be appointed for a limited probationary period in order to determine if they are capable of fulfilling the specific requirements of their jobs;

(H) each employee shall be evaluated at least annually after the initial trial period. The evaluation shall be:

(i) reviewed with the employee; and

(ii) recorded in the employee's personnel record;

(I) there shall be an authorized procedure, consistent with due process, for suspension or dismissal of an employee for cause;

(J) methods of improving the welfare and security of employees shall include:

(i) a merit system or its equivalent;

(ii) a salary schedule covering all positions;

(iii) effective grievance procedures;

(iv) provisions for vacations, holidays, and sick leave;

(v) provisions for health insurance and retirement;

(vi) permitting employee organizations;

(vii) opportunities for continuing educational experiences, including educational leave; and

(viii) provisions for recognizing outstanding contributions to the agency;

(K) a statement of the agency's personnel policies and practices shall be provided to all its employees;

(35) develop with each consultant, professional, and paraprofessional staff member a performance description of his or her assigned duties. Each performance description shall include, but not be limited to:

(A) the staff member's accountability for accomplishing mutually determined objectives;

(B) the staff member's role in implementing individual program plans;

(C) the development of outcome measures to evaluate the staff member's performance;

(D) specified performance evaluation techniques; and

(E) a signed performance description agreement between the agency and the staff member;

(36) provide a written statement of the agency's policies and procedures for handling cases of neglect or abuse of its clients. Alleged violations shall be reported immediately.

(A) all alleged violations shall be thoroughly investigated, using specified investigation procedures;

(B) at least preliminary results of such investigations shall be reported to the chief executive officer, or his or her designated representative, within twenty-four hours of the report of the incident;

(C) the results of the investigation shall be recorded in the employee's personnel record; and

(D) sanctions shall be invoked when an allegation is sustained *through an established procedure consistent with due process;*

(37) staff shall be sufficient so that the agency is not dependent upon the use of the consumer population or volunteers for productive services. There shall be a written policy for protecting persons from exploitation when they are engaged in training and productive work. Persons who function at the level of staff in occupational or training activities shall have the same privileges as staff, and be paid at the same legally required wage level when employed in other than training situations;

(38) insure that a staff development program is provided that includes:

(A) orientation for all new employees to acquaint them with the philosophy, organization, program, practices, and goals of the agency;

(B) induction training for each new employee, so that his or her skills in working with the consumer population are increased;

(C) inservice training for employees who have not achieved the desired level of competence, and opportunities for continuous inservice training to update and improve the skills and competencies of all employees;

(D) supervisory and management training for all employees in, or candidates for, supervisory positions;

(E) training programs designed to facilitate an increase in personal effectiveness, as well as lateral and upward movement;

(F) emphasis on interdisciplinary training programs;

(G) studies to assess the training needs of the staff; and

(H) participation of appropriate staff in staff development programs; and

(39) insure that provision is made for all staff members to improve their competencies by:

(A) attending staff meetings;

(B) attending seminars, conferences, workshops, and institutes;

(C) attending college and university courses;

(D) visiting other agencies and facilities;

(E) participating in professional organizations;

(F) conducting research;

(G) publishing studies; and

(H) having access to a professional library.

(40) If the agency provides food services, provide a written statement of goods, policies, and procedures that:

(A) shall govern all food services and nutrition activities;

(B) shall be in compliance with State and local regulations;

(C) shall provide for a planned, nutritionally adequate diet;

(D) shall contain provisions for feeding persons who have special needs, and for the development of self-feeding skills, including attention to such matters as the texture of food and needs for special diets, feeding techniques, and equipment;

(E) shall be prepared by, or with the assistance of, a nutritionist or dietitian;

(F) shall be reviewed regularly by the nutritionist or dietitian; and;

(G) shall be distributed to agency personnel;

(41) Persons with special eating disabilities are provided with an interdisciplinary approach to the diagnosis and remediation of their problems, consistent with their developmental needs;

(42) Provide when food services are not directed by a nutritionist or dietitian, that regular consultation with a nutritionist or dietitian shall be documented; and

(43) Provide that copies of the daily menu shall be posted; and kept on file for at least thirty days;

(44) Insure that the requirements of the Secretary, with regard to fire safety, shall be met, with specific reference to the following:

(A) provision of adequate and alternate exits and exit doors;

(B) provision of exit markings at each exit;

(C) provision of exit ramps, with nonskid surface and slope not exceeding one foot in twelve; and

(D) provision of handrails on stairways;

(E) there shall be records that document compliance with the regulations of the State or local fire safety authority that has primary jurisdiction over the agency;

(F) aisles and exits shall be free from all encumbrances, and floors shall be uncluttered;

(G) Flammable materials shall be properly stored and safeguarded; and

(H) There shall be records of periodic fire safety inspections and reports;

(45) insure that records that document compliance with the sanitation, health, and environmental safety codes of the State or local authority having primary jurisdiction over the agency:

(A) Written reports of inspections by State or local health authorities shall be kept on file; and

(B) Handwashing facilities shall be available in, or immediately adjacent to, all restrooms, kitchens, and treatment rooms;

(46) have evidence that it is aware of the provisions of the Occupational Safety and Health Act of 1970;

(47) insure that insurance company written inspection reports and records are kept on file;

(48) have a written staff organization plan and written procedures, that are communicated to the staff and reviewed by the staff annually, for meeting all potential emergencies and disasters, such as fire, severe weather, and missing persons:

(A) the plan and procedures shall be posted at suitable locations throughout the agency;

(49) insure that evacuation drills are held at least quarterly for each shift of agency personnel, and under varied conditions and the results of each drill shall be recorded;

(50) insure that all buildings and outdoor recreation facilities constructed after December 31, 1974, are accessible to, and usable by, the nonambulatory, and shall meet all applicable specifications for making buildings accessible to, and usable by, the physically handicapped;

(A) All existing buildings and outdoor recreation facilities shall be modified so as to conform to the above requirements not later than December 31, 1979, and

(B) Existing facilities shall provide,

(i) Entrance ramps wide enough for wheelchairs, not exceeding a rise of one foot in twelve, with nonslip surfaces, and with rails on both sides,

(ii) Doorways and corridors wide enough for wheelchairs, and

(iii) Grab bars in toilet and bathing facilities; and

(51) use paint that is lead free and insure that old paint and plaster containing lead shall be removed or covered in such a manner that it is not accessible to any person.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. RANDOLPH. Mr. President, this bill is essentially the same as the legislation (S. 3378) which the Senate passed unanimously 8 months ago, on October 1, 1974. Unfortunately, due to heavy legislative schedules, we were unable to secure a conference with the House Interstate and Foreign Commerce Committee. The bill was reintroduced in January of this year.

Our Subcommittee on the Handicapped has been working on this legislation since January 1974, when we received from the General Accounting Office a study of the programs currently authorized by the Developmental Disabilities Act. The goal of the original 1970 act was to assist the State in developing a comprehensive State plan which would meet the needs of developmentally disabled persons by using the limited funds authorized in the bill to identify and fill in any gaps in the delivery of services. It was never intended to establish a separate delivery system. The General Accounting Office study which was conducted at my request, revealed inequities between States and within States in the delivery of services; administrative problems; and insufficient or inadequate evaluation of the programs both at the State and national levels. The General Accounting Office also found that the funds which have been allocated to the States have not always been used to fill the real needs of developmentally disabled persons.

The bill approved yesterday is an attempt to solve these deficiencies. It has been a joint effort, and I express appreciation to Senators JAVITS, KENNEDY, STAFFORD, CRANSTON, and WILLIAMS for their continuing vigorous commitment to not only this bill but all activities of the Subcommittee. I am grateful also to Senators PELL, MONDALE, HATHAWAY, TAFT, SCHWEIKER, and BEALL. Working cooperatively, we have developed a bill whose thrust, like the 1970 act, is to assist States in developing a comprehensive plan to bring together available resources in a coordinated way so developmentally disabled individuals are appropriately served. Our goal is more thorough and careful planning and more effective evaluation. To accomplish this, we have written legislation which establishes a new, more cooperative relationship between the State planning councils; the State agencies responsible for implementing the program; and the university-affiliated facilities, which are responsible for training the manpower to meet the needs of developmentally disabled persons.

The State planning councils have been strengthened under this legislation in order to perform greater—and different—responsibilities. Under the present act, the State planning councils have had a grant administration function. Now the State planning councils, which are appointed by either the Governor or the legislature when appropriate, can devote their time and energies to developing a State plan, monitoring and evaluating the implementation of this plan, establishing priorities for the distribution of funds within the State, and submitting a mandated report to the Secretary. The requirements of the State plan make very clear the importance of coordinating existing services and planning for new community services to prevent the occurrence of developmental disabilities insofar as possible, to provide early diagnosis, treatment and evaluation when the conditions are present, and finally to serve fully and adequately those persons who suffer from a developmental disability.

The State agency which is designated to administer the funds must do so in accordance with a design for implementation which has been approved by the State planning council. The design for implementation is a document prepared by the State agency which includes details on the priorities for spending, on the use of funds provided under this act, on the specific objectives to be achieved, on the methods of implementation, and on a method for periodic evaluation.

Neither the State planning council nor the implementing State agency alone can do the job. While the council has the prime responsibility for the development and updating of the comprehensive State plan, the State agency has the equally critical responsibility to select from alternative strategies those best methods of actually implementing the plan through its program development and evaluation procedures. Bringing needed services to persons with developmental disabilities can occur only if this partnership succeeds.

S. 462 also provides that proposals from university-affiliated facilities—UAF's—must be consistent with the appropriate State plan. It will insure that the the applicant will provide the services and training required by that plan. Our subcommittee believes that the State planning councils and university-affiliated facilities should work together, pooling and coordinating talents and resources for the benefit of persons with developmental disabilities. In addition, Senator STAFFORD of Vermont, the able ranking minority member of the subcommittee, has proposed the establishment of an outreach program by the university-affiliated facilities. This would be accomplished by the development of satellite centers; that is, clinical facilities linked to existing university-affiliated facilities.

The UAF's would be a source of continuing education and technical assistance. Hopefully, the satellite centers would be based on existing nonprofit clinical service programs whenever possible. This approach utilizes the advantage of a 10-year Federal investment in university affiliated facilities—UAF's—eliminates duplication of efforts, and brings the highest quality services to developmentally disabled individuals at the community level.

Under S. 462, the National Council on Services and Facilities for the Developmentally Disabled must assume a more active role in the administration of this program. This can be accomplished by their working on planning and evaluation with the Secretary. The expertise of the National Council will be invaluable to the Secretary during the decisionmaking process on grants of national significance and special projects.

Because the core of this legislation is planning and coordination of services, the committee has broadened the definition of developmental disability to include persons suffering from autism and severe specific learning disabilities. In the opinion of many in the professional community, the original definition—which was restricted to mental retardation, cerebral palsy, and epilepsy—omitted a large number of persons who were, in fact, developmentally disabled and who could greatly benefit from the planning and resulting services mandated by this legislation. It is our belief that the inclusion of these other populations—who must meet the existing requirements that: First, the disability must originate before age 18; second, must continue indefinitely; and third, must constitute a severe handicap—is a logical step in planning for a comprehensive service delivery system.

Title II of the bill establishes standards for residential and community facilities and agencies for the protection of the rights of those individuals needing services, and to develop alternative procedures and performance criteria that may be used by facilities to comply with the standards. Appropriately, it is called the "Bill of Rights for Mentally Retarded and Other Persons with Developmental Disabilities" and is based upon legislation which Senator JAVITS, the distinguished ranking minority member of the full committee, introduced. This title is a very important component in our efforts to provide high quality services to and promote maximum development of the population covered by this act.

There are several differences between S. 462 and the bill S. 3378 passed last year. These changes, however, are either technical or minor in their overall impact. The thrust of this measure is the same as in S. 3378. In summary, the new language:

First, clarifies the intent of the committee that only severe specific learning disabilities are included in the definition of developmental disabilities;

Second, deletes the provision calling for an Office of Developmental Disabilities. The administering agency has been transferred from its role as a subordinate division of the Rehabilitation Services Administration to one in which it reports directly to the Assistant Secretary for Human Development, and this arrangement is satisfactory to the committee;

Third, deletes the requirement for Federal approval of construction and renovation projects;

Fourth, adds protections for employees who either lose their jobs or are transferred because of the deinstitutionalization process. This in no way changes the committee's commitment to deinstitutionalization whenever appropriate for the individual;

Fifth, rewrites the section on evaluation by changing the time of submission of the Secretary's report to February 1, 1977, providing that the implementation of the evaluation system takes place in phases, providing that it be a model for systems at the State level, and clarifying its objectives; and

Sixth, makes technical changes and consolidates duplicative language.

Mr. President, the endeavors of the Subcommittee on the Handicapped, which I am privileged to chair, are being directed toward legislation and oversight of issues affecting all handicapped persons. The substantive direction of our efforts is toward the goal of equal rights for all handicapped Americans. Legislation such as the Developmentally Disabled Assistance and Bill of Rights Act is one of the cornerstones to the construction of programs that will meet these goals.

I commend the staff of the Subcommittee on the Handicapped, the staff of the members of the committee, and the staff of the legislative counsel's office. These staff members—Jack Andrews, Renee Bergman, Betty Boynton, Dr. Phil Caper, Jay Cutler, Claire Comisky, Pam Ebert, Patria Forsythe, Mike Francis, Anne Hocutt, Bob Humphreys, Danny Murray, Ellie Parker, Louise Ringwalt, and Lisa Walker—have performed hours of research and study. They have worked in cooperation with representatives of national organizations representing handicapped persons and the National Advisory Council on Development Disabilities. These intensive efforts are the basis for this vitally needed bill.

Mr. President, again I express my deep appreciation to the members of the subcommittee and the full committee for their cooperation in the development of this legislation.

We share in the gratification that this legislation has been approved by the Senate. Our work will be continued to insure that this measure will be finalized and enacted before the end of the fiscal year so that the programs which help developmentally disabled Americans may be improved and extended beyond June 30, 1975.

Mr. STAFFORD. Mr. President, I would like to share with my colleagues some of the items which I think are of immense importance to us as we look to providing the necessary services to the developmentally disabled community and all members of the handicapped community.

If my fellow Senators have had the time to read portions or all of the report prepared by Rand Corp. on Services for Handicapped Youths, they would find that while our hearts are right in what we want to do to help the handicapped individual, we had better start taxing our minds to try to begin the development of a coordinated system for delivery of the multitude of services needed for assisting the handicapped individual.

The problems uncovered by the Rand Report in the present service system are the inequities, the gaps in the services, the insufficient knowledge on the part of the administrators of the programs, the inadequacy of efficient controllers, and the insufficient resources to meet the needs.

We have always faced the fifth problem of insufficiency of resources to meet all the needs that we see have to be met in this country. However, I do not see any reason that we should have to have three of the other four problems since mainly these are administrative and managerial. In the case of inequities, this is a congressional problem that we must remedy.

I want to state at this point that I do not want my remarks to be taken as any support for the melding of the categorical programs that we now have into any broad generic program. I do feel that we must start looking for methods of bringing together for cooperation, coordination, and informational purposes those programs we have so that we may get the maximum feasible value of the limited dollars which we can now find to support these programs.

Our goal is to provide services and assistance to handicapped individuals and we should do it with programs which work together for one common goal; service to the individual.

Mr. President, in developing the new

approach of title I of the developmental disabilities bill, I had this concern in mind. We must begin somewhere to give someone the authority and the initiative to start looking across bureaucratic agencies and program lines in an attempt to plan for the many needed services for one segment of the handicapped population.

The State planning council for the developmental disabilities programs has the authority to prepare the State plan and to monitor and evaluate the implementation of the plan. The council has the ability to coordinate the aspects of the many service plans which provide assistance to the developmentally disabled. This is an important first step in trying to provide a better delivery system to the developmentally disabled population and later to extend this concept to the total handicapped population.

In S. 462 we have restructured the State planning councils as advocates for persons with developmental disabilities who shall develop the State plan to provide for better coordination of all the programs in involving the developmentally disabled individual. The council, which prepares and approves the State plan and establishes priorities for the distribution of funds within the State, will be responsible for the monitoring and evaluation of implementation of the plan as it serves the individual.

The procedure set forth in the State plan section is designed to bring the State agency and State planning council together in planning and delivering of services to the developmental disabilities community.

It is our expectation that the State planning councils and the State agencies will develop a close working relationship that will benefit the developmentally disabled individual.

This council I believe is a crucial first step that the Congress must provide in order to give better service to the developmentally disabled citizen.

An area of major significance in this bill is the provisions relating to university-affiliated facilities. As background for my colleagues, the basic concept of the UAF's is interdisciplinary training.

However, the concept of UAF has officially or in some instances, unofficially, come to mean involvement by the facility in several other activities besides training. The role UAF's have been mandated or encouraged to assume has expanded since the enactment of Public Law 88-164, the authority which provided the impetus to build many of these facilities.

Public Law 88-164, enacted in October 1963, intended UAF's to be clinical facilities which would serve three main functions:

First. Provide clinical training of physicians and other specialized personnel to serve the mentally retarded;

Second. Demonstrate new techniques—exemplary services—to diagnose, treat, educate, train, and care for the mentally retarded; and

Third. Provide inpatient and outpatient services for the mentally retarded.

Public Law 90-170 in 1967 expanded the UAF's role to include persons with other neurological conditions that are related to mental retardation and to include research incidental to the facility's program.

A third major piece of legislation affecting UAF's was Public Law 91-157—developmental disabilities—passed in October 1970. It officially introduced the term "interdisciplinary training" to emphasize that UAF training should be cross-disciplinary in nature. Further, it directed UAF's to focus their activities on the developmentally disabled which included not only the mentally retarded but also epileptics and cerebral palsied.

From the beginning UAF's have been funded from numerous sources which have slight relationships in goals and objectives to the developmental disabilities program.

After the initial building of facilities established under Public Law 88-164, UAF's were set loose to search out sources of funds to operate training programs. According to data supplied by the General Accounting Office, UAF's receive the backbone of their funds from the Maternal and Child Health Service provisions of section 511 of the Social Security Act. In 1973 the Maternal and Child Health contributed $14.6 million to support training programs for 20 of the 33 UAF's in existence.

The bill passed by the Senate yesterday reflects the view of the committee that the UAF's have much to offer the developmentally disabled community in terms of training, manpower resources and the provision of interdisciplinary services as a function of their training programs.

It is the intent of S. 462 to provide for better cooperation between the UAF's and the State planning councils to maximize the resources for the developmentally disabled community. Amendments I offered in subcommittee last year to S. 3378 were adopted to facilitate a better planning and resources utilization process for the developmentally disabled individual.

Mr. President, S. 462 contains the amendments adopted last year to provide a system of UAF satellite centers located in areas where the need exists for the UAF resource and places a representative of the UAF on every State council as a means to accomplish the desired coordination and cooperation for the developmentally disabled community. Simply stated, the goal is geting the necessary and needed services to the severely handicapped individual who is the focus of the program.

Finally, I would like to address myself to a most important aspect of the bill. I refer to title II, the Bill of Rights for Mentally Retarded and other persons with developmental disabilities.

This title seeks to establish residential and community facilities and agencies for the protection of the rights of those individuals needing services and to develop alternative procedural and performance criteria that may be used by facilities to comply with standards of the title.

Title II was added to the bill to assist in the protection of the rights guaranteed under our Constitution for those individuals that will require institutionalization or the need for the use of community facilities and programs.

The residential standards were originally introduced by Senator JAVITS, and they form a major contribution toward the protection of the rights of the developmentally disabled individual.

The title is designed to provide that the system be evaluated on the outcome of the individuals receiving the services that either the residential institution or community facility is providing.

The goal which the standards in the title seek to achieve is one of development for the developmentally disabled individual who is in need of the services. The alternative procedural standards of our amendment—part B of title II—seek to measure a residential or community program's performance in terms of development of the individual receiving the services.

The alternative procedure does not attempt to set the criteria by which to evaluate development, but only seeks to establish procedural criteria for the protection of the developmentally disabled individual who is participating in the services.

Mr. President, title II of this bill is absolutely essential if we are to keep our commitment to the handicapped individual that he or she, like every other American, is protected by the Constitution.

Mr. President, the bill that was passed yesterday is an attempt to meet the needs of the developmentally disabled individual and protect his rights.

Mr. WILLIAMS. Mr. President, I am pleased that S. 462, the Developmental Disabilities Assistance and Bill of Rights Act, passed the Senate yesterday. This Act, passed the Senate. This bill is virtually identical to S. 3378, passed by the Senate in the 93d Congress. This legislation extends and strengthens the Developmental Disabilities Services and Facilities Construction Act and establishes basic minimum standards for community and residential services for developmentally disabled persons.

Over the past few years, the horrifying conditions which exist in most of the public residential institutions for the mentally retarded and other developmentally disabled persons have provided shocking testimony to the inhuman way we care for such persons. The conditions at Willowbrook, at Partlow in Alabama, and at Rosewood in Maryland, and at many other institutions have shown beyond a shadow of a doubt that the treatment of these individuals is worse then all of us would like to admit.

Steps to scale down many of these large custodial institutions have resulted in not-so-large institutions, often with not much improved care and with little follow-up. This has been true at Willowbrook: in 1965 and again in 1972, broad criticism has been levied at this institution; all indications point toward little change, unless substantial legal and advocacy pressure is forthcoming. While much can be said about the lack of available funds to improve conditions at these institutions, at some point this country must draw the line. The abuses are too commonplace to point at a single institution, or a single abuse and say that it is an anomaly. Over the last 2 years the Committee on Labor and Public Welfare has taken testimony or received reports of: Inappropriate admissions because of lack of community services, inappropriate and inhuman experimentation with residents, sterilizations and other operations performed for convenience of treatment, starvation and malnutrition, abuse and physical punishment, inadequate food and living conditions, and death.

S. 462 provides a framework by which the constitutional rights of residents and other persons with developmental disabilities may be enforced. Title I assists States in their planning toward the provision of services to meet the needs of developmentally disabled individuals. Title II of the legislation sets forth basic minimum standards for both community agencies and facilities and residential facilities. In brief, title I:

Requires affirmative action to employ and advance in employment handicapped individuals—applies to all recipients of assistance under the act and parallels provisions in the Rehabilitation Act;

Creates a new special project grant authority in the developmental disabilities legislation;

Strengthens the State Planning and Advisory Councils by providing adequate staff, making them responsible for submission of a State plan and approving all plans for implementation of the State plan, including the plans for expenditure of funds, and giving them prior review and comment over other State plans for Federal assistance which affect persons with developmental disabilities;

Establishes priorities for the expenditure of funds under the act, which place primary emphasis on the establishment of community based programs to serve persons with developmental diasbilities and the deinstitutionalization of such persons;

Includes as a primary emphasis for funds for university affiliated facilities, the deinstitutionalization of persons with developmental disabilities, and provides funds for university affiliated facilities to conduct assessments of the need for facilities to train persons and provide services in States not served by university affiliated facilities, and funds to establish satellite centers; and

Mandates the development of a model evaluation system by the Secretary of HEW which will assess the adequacy of services to individuals with developmental disabilities.

Title II of the bill sets forth a means to assure that the rights of developmentally disabled individuals will be protected. It provides that all facilities for persons with developmental disabilities meet standards based on the standards of the Joint Commission on Accreditation of Hospitals for residential facilities or meet alternative procedures for residential and community facilities and agencies providing services to persons with developmental disabilities. Under this title:

A State must provide assurances to the Secretary within 1 year from enactment that each facility and agency within the State has adopted a plan for compliance with the requirements of the act, and the State must submit to the Secretary a plan which demonstrates how such compliance will be met;

A State must agree to do compliance reviews, and the Secretary is required to conduct validation surveys of such compliance reviews; and

Residential and community facilities and agencies are required to meet standards based on standards of the Joint Commission on Accreditation of Hospitals within 5 years.

Or, must meet alternative requirements which include:

Such performance criteria as developed by the Secretary;

The provision of individualized written habilitation plans;

A client program coordinator to be assigned to each developmentally disabled individual;

Certain minimum standards relating to family visitation, admission requirements to facilities, personnel, educational services, civil rights, and food, medical treatment and safety.

Title II also provides that a system of personal and protective advocacy must be established in each State to monitor programs and services and to protect the rights of each developmentally disabled individual.

Mr. President, the focus of this bill is the reinforcing of all of the aspects of service delivery to persons with developmental disabilities which are needed to provide a comprehensive service system. The committee has emphasized the need for ancillary services in the community under title I to bolster community facilities and community care. Such ancillary care includes: Parent training and counseling, early childhood diagnostic and evaluation services, home care, and stimulation and intervention services.

The bill further broadens the definition of developmental disabilities and other disabilities which are found to be closely related to mental retardation as that term refers to the general intellectual functioning or an impairment in adaptive behavior or which requires treatment similar to that required for persons who are mentally retarded. Such disabilities must: Originate before age 18, be expected to continue indefinitely and constitute a substantial handicap to the individual's ability to function normally in society. This definition stresses the chronic nature of the disability, its occurrence early in life, and its impairment of the development of an individual. It is further important to note that in terms of development, persons with developmental disabilities are those who are the most severely impaired in both intellectual functioning or general adaptive behavior. It is for this reason that autism and specific learning disabilities are included, but the bill intends that those individuals with specific learning disabilities who are covered by this definition are persons for whom this disability is a very severe impairment.

In conclusion, Mr. President, I wish to praise my colleagues on the committee who were most steadfast in their support and continuing examination of this legislation in the 93d Congress and wish to thank the Senator from West Virginia (Mr. RANDOLPH), the Senator from Vermont (Mr. STAFFORD), the Senator from California (Mr. CRANSTON) and the Senator from New York (Mr. JAVITS) for their work on this legislation and their staffs for their assistance.

Mr. KENNEDY. Mr. President, I would like to join my colleagues in commending Senators RANDOLPH, STAFFORD and JAVITS on the passage of the Developmentally Disabled Assistance and Bill of Rights Act.

I strongly support the purposes of S. 462, but I want to point out to my colleagues that many of the changes contained in this bill will require a concentrated, concerted effort to increase appropriations.

When Congress passed the Developmental Disabilities Act in 1970, its intent was for a considerable expansion of services through State formula grants. The bill authorized $60 million for formula grants in 1971, increasing to $130 million for such grants in 1973. The appropriation levels for these grants were $11.2 million for 1971, $21.7 million for 1972, and $21.7 million for 1973; so that less than 1/6 of the need was actually funded in 1973.

The funding level for formula grants is presently at $30.8 million—$32.5 million less 5 percent reduction by the President. This is not significantly more than was appropriated for the Mental Retardation Facilities and Construction Act. Note that from 1971 though 1974 the initial staffing program was merely being maintained as a rapidly declining ratio. Without these "continuation" funds, the total appropriations for those years were:

[In millions]

1971	$11.2
1972	25.9
1973	25.9
1974	35.1

Compounding the problem, since passing of the 1970 bill, in addition to construction, the money has been intended to provide services, administration, and planning. Additionally, the service population has expanded to include cerebral palsy, epilepsy, and neurological conditions closely related to mental retardation, and the definition is presently being further broadened to include autism and specific learning disabilities. Enlarged eligibility without expanded appropriations would result in an inadequate program for all recipients.

Last year in testimony on this legislation, Geraldo Rivera showed the committee portions of his documentary on Willowbrook, and if anyone needed convincing of the need for the establishment of institutional standards, that film provided it. This legislation provides for the establishment of such standards, and I want to commend Senator JAVITS for agreeing to incorporate his Bill of Rights for Mentally Retarded into S. 462. In order to emphasize the committee's intent that persons with learning disabilities other than mental retardation be limited to those most severely affected, and those who are most seriously in need of assistance, I offered an amendment in committee which added the word "severe" before "specific learning disabilities" to section 4 of the bill. The amendment was unanimously accepted by the committee and I believe reemphasizes its concern that the benefits and resources of a rather limited program not be spread so thin that the program loses its focus and impact for all involved.

By limiting assistance under this program to those individuals with learning disabilities most severely affected, it is hoped that the resources of this program can be concentrated upon those most in need.

Learning disabilities include all varieties of school problems in which differences in academic abilities from normal exists as measured by performance at two or more grade levels below the expected level for age or other performances. Estimates of frequency range from 5 to 20 percent of all school children. One category alone, dyslexia—reading disability—amounts to 3 to 15 percent of all children depending upon severity. Minimal brain disfunction may include 1 to 5 percent of all schoolchildren at early grade levels.

Learning disabilities begin early in life and are prominent during the period of school age, but frequently disappear or diminish as the child ages. For example, the mechanical problems of reading disability which are present in grades 2 and 3 are minimized by grades 9 and 10. Many reading disability cases go on to college and into industry and are highly successful economically. Minimal brain dysfunction almost always abates by 13 or 14 years of age and the associated hyperactivity and concentration problems disappear even without treatment.

Learning disabilities are presently covered under title VI, part G, "Special Programs for Children With Specific Learning Disabilities" (Public Law 91-230), and title VI, part B, "Education of the Handicapped" (Public Law 93-380). The very number of such children in the public school system—3 to 15 million—makes public education the only responsible agent that can cope. Frequently, no other complicating, handicapping conditions coexist that require other than educational services.

I want to emphasize my concern that children with all types of disabilities, including learning disabilities, be eligible for assistance under specific, targeted programs or in our educational programs. I am concerned, however, that the inclusion of large numbers of such children in this legislation will destroy its effectiveness for all groups by spreading its already inadequate resources too thin.

President Kennedy said:

> The manner in which our nation cares for its citizens, conserves its manpower resources, is more than an index to its concern for the less fortunate. It is the key to its future.

I believe that this legislation, if enacted and fully implemented, will go a long way toward brightening that future.

For that reason, I enthusiastically join with my colleagues in landing the passage of this legislation.

Mr. JAVITS. Mr. President, S. 462, the Developmentally Disabled Assistance and Bill of Rights Act, introduced by my distinguished colleague, Senator JENNINGS RANDOLPH of West Virginia, fully merits the broad bipartisan support which attended its favorable consideration by the Senate, and passed as the text of H.R. 4005.

I am particularly gratified that title II of this measure is based upon the bill of rights for the mentally retarded which I originally introduced in the 92d Congress.

The shocking conditions at Willowbrook in New York, and many other institutions for the mentally retarded throughout the Nation which inspired the bill of rights have not ended. However, the debate on the issues since the 92d Congress has revealed that a comprehensive planning approach will go further to improve the situation of all developmental disabled persons than legislation directed solely at mental institutions. S. 462 is such an approach. As an integral part of this package, title II will establish minimum standards for residential and community facilities and agencies for the protection of the rights of those individuals needing services, while at the same time, encouraging deinstitutionalization and normalization.

This measure was introduced as S. 3378 in April 1974, and passed by the Senate on October 1, 1974. The press of the legislative calendar thereafter rendered the House unable to meet in conference with us on this measure. I am hopeful that H.R. 4005, for which the text of S. 462 was substituted, can speedily be brought to conference with the House so that remaining differences between the House and Senate measures can be resolved before the continuing resolution under which the developmental disabilities program is funded, expires.

Title II is presently organized as follows:

Part A sets forth general provisions for residential and community facilities and agencies serving mentally retarded and other developmentally disabled individuals.

Section 201: A definition section containing the necessary definition of terms used in title II. The term "developmental disabilities" is again defined here, and is consistent with the definition in title I. Also there is a definition of "informed consent" which parallels that in the Human Experimentation Act.

Section 202: Establishes a national advisory council for residential and community facilities to review and recommend changes to the standards for facilities serving the mentally retarded and other individuals with developmental disabilities. Effective 90 days after enactment, the Secretary of HEW shall appoint the council which shall consist of 15 members. Such council shall be made up of members from appropriate public agencies providing services to individuals with developmental disabilities, professional and voluntary organizations representing people with deevlopmental disabiilties, and at least one-third of the council shall be consumers or the parents or guardians of individuals who are receiving services from publicly operated or publicly assisted residential and community facilities and agencies.

It is the duty and function of the council to advise the Secretary with respect to regulations promulgated under this title and on the standards set forth in parts C and D to study and evaluate the standards of parts C and D of this act and their effectiveness, conduct sight visits or studies and recommend changes in the standards, and to assist the Secretary in developing specific performance criteria for use in the alternative standards procedure of part B of this title.

The Secretary shall appoint members to the council within 30 days of the effective date of establishing the council and shall fill all subsequent vacancies within 30 days of their occurrence.

The council is authorized such sums as may be necessary for staffing and performance of duties in this section.

Section 203: Assessing compliance with standards. This section sets forth the mechanism by which a State must provide assurance to the Secretary that those facilities, both residential and community, must provide assurance for compliance with either the standards set forth in parts C and D of title II, and the establishment of a compliance plan, or that the residential or community facility or agency is meeting the requirements of part B of this title.

This section makes the Secretary responsible for insuring compliance with title II.

Any State desiring to receive assistance under this title shall submit a State plan setting forth the schedule for compliance of standards established in parts C and D of title II assuring reasonable State financial participation, demonstrating the need for continuing residential services, specifying how the State intends to evaluate and assess the compliance of residential and community facilities with the standards set forth in parts C and D of the title, provide for reviewing of this State plan by the State planning council, set forth a schedule of cost and demonstration procedures to assure that the primary emphasis on programs, relating to the mentally retarded and other developmentally disabled individuals will be to place these individuals in the least restrictive program and living environment commensurate with their capability.

Section 204: Authorizes such sums as may be necessary to help existing residential and community facilities and agencies to comply with the standards set forth in this title. The section also establishes a Federal share of 75 percent of the necessary cost determined by the Secretary.

Section 205: Maintenance of Effort. This section sets forth provisions for the maintenance of effort by States in relation to all Federal programs which have a bearing on those individuals in residential and community facilities and agencies to insure that the financial effort on the part of the State shall not be lessened with any increase in Federal aid. This language was developed in conjunction with the Office of Management and Budget and requires reports to the Congress of noncompliance with this section.

Section 206: Withholding of grants. This section provides that 5 years after the date of enactment of this title, no residential or community facility or agency for individuals with developmental disabilities shall be eligible to receive payments either directly or indirectly under any Federal law unless the facility meets the standards presented in parts C and D of this title or has demonstrated to the Secretary for a reasonable period of time that it has implemented requirements of part B of this title.

Section 207: Evaluation and performance criteria. The section directs the Secretary of HEW to create an evaluation system of the performance criteria that is consumer oriented. Such system shall be developed in consultation with the National council, and transmitted to the Congress within 18 months of enactment of this title. $1,000,000 is authorized for this purpose in both fiscal year 1975 and fiscal year 1976.

Part B: Alternative criteria for compliance in lieu of standards for residential and community facilities and agencies, provided in parts C and D of this title.

Section 210: The purpose of this section is to provide for an alternative means for residential and community facilities to comply with standards set forth in parts C and D of the title by the use of specified procedural criteria set for in this part, by compliance with certain minimum standards set forth in this part, and by additional compliance with specific performance criteria developed by the national council and the Secretary and deemed necessary for the protection of the rights of individuals receiving services in residential and community facilities and agencies.

Section 211: Individualized written habilitation plan. The Secretary shall insure that an individualized written habilitation program is developed for every individual who is in or served by a residential facilty, community facility, or agency for which standards have been established under this act.

Every plan shall be developed jointly by representatives of the facility or agency responsible for the developmentally disabled individual or his representative. Such plans shall be reviewed periodically but at least annually.

Such plans shall include the statement of long-term habilitation goals for the individual, intermediate habilitation objectives, statement or specific service to be provided, dates for initiation and anticipated duration, objective criteria, and evaluation procedures. The plan is intended to assure the greatest latitude of choice for the individual and shall be written in language that is as understandable to all concerned as possible.

Under subsection F the Secretary is required to specify detailed performance criteria to further evaluate the progress attained by individuals through the use of such habilitation plans.

Section 212: Program coordination. Every person served by an agency shall have a program coordinator who is responsible for implementing the person's individual written habilitation plan. It shall be the function of the coordinator to attend to the total spectrum of the person's needs and be the focal point of responsibility for the provision of service to that person. The person—where practicable—or his family shall participate in the selection of this coordinator.

Section 213: Protective and personal advocacy. Under this section the Secretary shall insure that provisions are made for the establishing of a system of protection and personal advisory service within each State to monitor programs and services to protect the human and legal rights of every developmentally disabled individual served by a residential or community facility or agency.

Such programs shall be independent of the agency providing direct service. The newly established agency shall set such an independent compliance mechanism which has authority to review all complaints regarding infringement of rights or denial of benefits. Decisions of the independent compliance board shall be subject to appropriate judicial review.

Section 214: Record requirements. This section requires facilities using procedure of part B to keep records that the Secretary may deem appropriate to evaluate the effectiveness and compliance with this part and that such facilities shall review those individuals refused for service and the reasons for their refusal at least semiannually and that the information shall be reported to the Secretary and the State.

Section 215: Minimum standards for use with alternative procedures. This section sets forth provisions which shall be required when a residential or community facility or agency selects to use part B in lieu of the standards set forth in C and D.

These minimum standards comprise basic necessities for the individual to develop without violation of his human or civil rights. These minimum standards set forth certain physical requirements for the facilities opting to use part B procedures and provides certain minimum protections of the human rights of the individual.

Part C. Provides detailed minimum standards for residential facilities as developed by the major accrediting councils and associations in the field of care for the developmentally disabled. These are minimum standards guided by the principle of normalization of persons with developmental disabilities, which insure that persons receiving services from residential facilities are protected from violation of their human and civil rights.

Part D: Provides detailed minimum standards for community facilities and agencies serving persons with developmental disabilities. These are minimum standards, developed by the same groups which developed part C standards, are consistent with part C and likewise are guided by the principle of normalization of persons with developmental disabilities while insuring that the human and civil rights of these persons are not violated when they receive services from community facilities and agencies.

Mr. President, hundreds of hours of painstaking labor have been spent by many persons in the development of title II. I would particularly like to commend Mike Francis of Senator STAFFORD's staff, Lisa Walker, Judy Heumann, and Nik Edes of Senator WILLIAMS' staff, Pat Forsythe, Ann Hocutt, and Bob Humphreys of Senator RANDOLPH's staff, Jon Steinberg and Louise Ringwalt of Senator CRANSTON's staff, and Clare Comiskey of Senator BEALL's staff for their ideas, effort, enthusiasm, skill, and persistence in readying this measure for passage by the Senate and for conference with the House.

This bill of rights represents a reaffirmation of the basic human and civil rights of all citizens. It offers the direction to provide a valid and realistic framework for improving the overall situation of this country's mentally retarded and other developmentally disabled individuals.

Progress toward recognition of the basic human and civil rights of the mentally retarded and other developmentally disabled persons has been slow. The Federal Government has largely abrogated its responsibility in this regard and recently the greatest initiatives have come from our courts. For example, a 1972 decision of a U.S. district court in the case of Wyatt against Stickney set forth constitutionally required minimum standards for the care and treatment of mentally retarded patients. Before the Supreme Court at this time, is O'Connor against Donaldson in which the U.S. court of appeals of the fifth circuit held that a mental patient in a public institution has a constitutional right to treatment.

Congress should reaffirm its belief in equal rights for all citizens—including the developmentally disabled. Congress should provide the leadership to change the tragic warehousing of human beings that has been the product of insensitive Federal support of facilities providing inhumane care and treatment of the mentally retarded. The bill of rights of S. 462 represents this new direction, and begins this reaffirmation.

Mr. CRANSTON. Mr. President, yesterday the Senate passed the provisions of S. 462, the proposed Developmentally Disabled Assistance and Bill of Rights Act, inserting its provisions in lieu of those passed by the House in H.R. 4005. I would like to take the opportunity today to comment on the provisions of S. 462 as reported from committee.

The proposed Developmentally Disabled Assistance and Bill of Rights Act—is the product of intensive study by the Committee on Labor and Public Welfare, and represents a major effort to clarify the purposes of the present Developmental Disabilities Act and to improve its implementation and administration, as well as to provide greater protection for the rights of individuals with developmental disabilities.

I would like to express my admiration for the initiative and insight into the problems of individuals with developmental disabilities displayed by the distinguished chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS, by the ranking minority member of that committee, Senator JAVITS, as well as by the chairman of the Subcommittee on the Handicapped, Senator RANDOLPH, and the ranking minority member of the subcommittee, Senator STAFFORD.

GAO REPORT

Mr. President, the bill which has been reported from committee provides for a clear exposition of the purposes for which support should be provided under the authorities of the act. Before undertaking an extension of this act, the subcommittee had asked the General Accounting Office to conduct an intensive review of programs supported by the act. The GAO study found there were wide variations between programs in the various States and, in addition, found programs in the same State supported under the two major authorities in current law—assistance to university-affiliated facilities and assistance to States for planning programs to aid persons with developmental disabilities—were frequently administered and operated without coordination and with different goals.

In addition, the GAO report found that there was wide latitude among the States as well as within the States as to the definition of a developmental disability, due to the lack of precision in current law in expressing congressional intent, and the Department of Health, Education, and Welfare's very limited interpretation of that intent.

DEFINITION OF DEVELOPMENTAL DISABILITIES

When legislation extending the act was first introduced, Mr. President, I expressed my intention to amend the act to make it clear that additional disabilities were to be included in the definition, and specifically, that autism was included.

I am delighted that the bill as reported from committee expands the definition of developmental disabilities to include autism. The most effective treatment programs for children suffering from autism to date have been very parallel to the type of programs established under the authorities of the Developmental Disabilities Act, so the inclusion of this disability will not add significantly to the costs of administering the act while, at the same time, making its benefits available to a group which has been excluded, unfairly I believe, from its programs.

Clarification of the definition of a developmental disability in addition should result in fewer variations and inconsistencies in programs administered under the authorities of the act.

UNIVERSITY-AFFILIATED FACILITIES

Mr. President, the university-affiliated facility—UAF—program partly supported under the authorities of the Developmental Disabilities Act, has been a valuable resource in training personnel to provide services for individuals with developmental disabilities, as well as in developing new diagnosis and treatment procedures.

However, these facilities exist in only 26 States at the present time plus the District of Columbia. To assure that the resources of these university-affiliated facilities are made available to those States not now having a facility, the bill provides that each existing university-affiliated facility may assess the needs of States within their geographic area with a view to assisting in the establishment of a satellite center where the needs assessment indicates one is needed. Such a satellite center would receive backup support from the university-affiliated facility and would, in turn, operate in close coordination with an appropriate institution or agency in its State in providing clinical services.

In providing this backup support and in conducting the initial assessment, the university-affiliated facility's efforts would be supported fully by Federal funds and matching funds provided by the State in which the satellite center would be established. I feel these university-affiliated facilities currently perform an outstanding function with very limited funding, and the additional costs involved in assisting in the establishment of satellite centers should not be out of funds needed to maintain existing UAF facilities. The reported bill fully protects the present level of UAF funding—$4.75 million—for existing programs.

COMMUNITY-BASED PROGRAMS

Mr. President, I believe one very clear basic goal has been enunciated in the legislation reported from committee. That is the need to move away from long-term institutionalization of individuals with developmental disabilities to the development of community-based programs utilizing all community resources related to treatment or habilitation of such individuals to provide comprehensive services in the home community.

However, in encouraging the movement to community-based programs, I recognize that the need for some long-term residential programs will remain. The bill specifically provides that where institutional programs are appropriate, adequate support should be planned for them so that necessary treatment and habilitation programs can be given residential patients to develop their full potential.

To reinforce the bill's commitment to these needs, the reported bill provides that for a State to qualify for support under its authorities, it must develop a State plan oriented to specific goals designed, one, to reduce inappropriate institutionalization and, two, to improve institutional care where such placement is appropriate.

The priority goals which a university affiliated facility must establish include these two specific goals as well.

The growing realization over the past decade that institutional placement of individuals with developmental disabilities is inappropriate to their full development to their maximum level of ability has been reflected in efforts in many States to develop alternative programs to State institutions. California has instituted such a program. However, in the transition to community-based programs, greater responsibility is placed on local governments to coordinate the several community programs which are called upon to serve individuals with developmental disabilities, such as medical services, social services, educational services, and specialized services for the specific needs of such individuals.

Mr. President, where the State's program has been primarily based on residential facilities, the State has attempted to bring all these services to the facility. As the programs are transferred into the community, these varied services need to be contacted and coordinated programs developed at the local community level so that each individual will have the benefit of all the programs to which he is entitled and which will help him achieve his full potential. California has begun to face the reality of this situation with the phase out of some of its State facilities.

This major change in the method of providing services for those individuals with developmental disabilities places a new responsibility on State plans for programs to provide services to individuals with developmental disabilities to assure full coordination of all related services at the community level as well as at the State level.

STATE PLANNING COUNCIL

Mr. President, to enable the State to carry out this new and expanded responsibility, S. 462 specifically details the makeup and duties of the State planning council and places prime responsibility for development, preparation, and implementation of the State plan in the State planning council established by the act.

So the council can function with the authority required to plan and implement a program which will cut across the jurisdictional responsibilities of several State agencies, as well as local agencies, S. 462 as reported requires that it include representatives of the principal State agencies, local agencies, and nongovernmental agencies and groups which are concerned with services to individuals with developmental disabilities.

The Governor, as chief executive officer, is resposible for appointments to the council to insure that the council will have the cabinet-level status required to develop a State plan which will coordinate programs of several State agencies where they relate to services for individuals with developmental disabilities. In addition, Mr. President, the membership of the council must include consumers of services or their parents or guardians, who shall make up at least one-third of the membership.

I would like to clarify, Mr. President, that appointment of the members of the State planning council by the Governor would not preclude the appointment of some of the members by a State legislature as is done in my State of California. I would like to quote from the Senate committee report language describing the legislative intent in adopting this provision:

> E. STATE PLANNING COUNCILS
>
> In addition to reorganizing and strengthening the National Council, the Committee has also changed and enlarged the functions of the State Councils. The bill as reported provides for the appointment of the State Planning Council by the Governor, as Chief Executive Officer of the State. Designation of the Governor as the appointing official is intended to ensure that the Council will have sufficient stature in the State administrative structure to provide the monitoring and evaluation of the programs instituted by the State plan and to ensure the coordination of programs affecting individuals with developmental disabilities administered by the various State agencies. The Committee does not intend to exclude the appointment of members of the council by the State legislature in those States where such a procedure is established. In such cases, this procedure would be permissible, as long as the intent of the reported bill to place the Council in an administrative position above that of State agencies providing services for individuals with developmental disabilities is preserved, and the membership of the Council adheres to the composition specified in section 115 (d) of the reported bill. This membership shall include representatives of the principal State agencies, local agencies and nongovernmental agencies and groups concerned with services to persons with developmental disabilities. One-third must consist of consumers or their parents or guardians. Each State is responsible for the assignment of adequate personnel to insure that the Council may carry out its duties.

COORDINATION WITH OTHER PROGRAMS

Mr. President, turning to another point, the requirements of the State plan make very clear the importance of coordinating all State and community resources in the development of programs to provide services to persons with developmental disabilities. In addition, the State plan is required to take into account the services provided such individuals by other federally assisted State programs, such as vocational rehabilitation, education for the handicapped, and maternal and child health programs among others.

VOLUNTEERS

Mr. President, Federal programs which I believe are particularly complementary to programs providing services for persons with developmental disabilities are those authorized by the Domestic Volunteer Service Act of 1973—Public Law 93–113—which I authored.

That act provides for support of the training of citizens of all ages in volunteer services to the community, including specifically services for individuals with developmental disabilities, especially those with severe handicaps. The involvement of RSVP volunteers and Foster Grandparents seems particularly valuable, after appropriate training has been provided them, as individual patient advocates assigned to an individual with one or more developmental disabilities. In such a role, the volunteer can provide necessary support to that individual in his effort to function independently in the community. Other voluntary groups such as service organizations should also be encouraged to devote some emphasis to programs which can increase the availability of services or otherwise aid individuals with developmental disabilities.

Mr. President, the benefits which can be derived both by the patient and the volunteer can be achieved in institutional settings or in community-based programs. In our fast-paced and impersonal urban society it is difficult for an individual who is developmentally disabled to venture beyond his home or a community program providing services for his needs. A volunteer can provide the necessary support to enable the individual to broaden his horizons—perhaps to travel to the seashore or go on a picnic—or perhaps to provide companionship to visit a neighborhood movie.

These volunteers can also be of invaluable assistance in assisting the professional staff in community facilities to organize programs and to insure that the human and legal rights of each person served are fully protected and his interests are advocated.

I was pleased to cosponsor an amendment in committee with the distinguished chairman of the committee (Mr. WILLIAMS) which clarified the original intent of the provision that volunteer services would supplement, but not be in lieu of, services of paid employees.

INDIVIDUALIZED SERVICE

Mr. President, although S. 462 as reported does place a good deal of emphasis on the need to organize and implement programs to provide services to individuals with developmental disabilities in the most effective and efficient manner, it does not lose sight of the fact that all the best-run programs in the world cannot take the place of providing services in an atmosphere of respect and dignity for each individual. A major portion of the committee's efforts were devoted to developing a framework which would assure that each individual receiving services, whether in a community-based, or long-term residential facility, is given the respect and attention due each person. Incentives are provided to such facilities to enable them to meet standards which will guarantee that services can be provided on a personalized basis so that each individual served can achieve his full potential.

CONCLUSION

With this multiple approach to providing quality and total services to individuals with developmental disabilities, both from an organizational as well as a humanistic viewpoint, S. 462 as reported offers an opportunity to the States to make their programs particularly supportive of citizens' needs and relevant to todays demands.

Mr. President, I urge S. 462 as reported is deserving of the full support of the Members of the Senate.

Mr. MONTOYA. Mr. President, I strongly endorse S. 462, the Developmental Disabilities Act of 1975, and compliment the Senate Subcommittee on the Handicapped which is chaired by my good friend from the State of West Virginia, Senator JENNINGS RANDOLPH. The subcommittee has held several hearings and has worked for many months in developing this important legislation.

An important aspect of this legislation is the administrative support authorized to university affiliated facilities concerned with interdisciplinary training of professionals who will work in the field of developmental disabilities. Some 40 UAF's presently receive administrative support under the Developmental Disabilities Act which this measure will extend and revise. The UAF concept was an important component of Public Law 88–164, the landmark legislation which embodied many of the recommendations of President John F. Kennedy's 1962 Panel on Mental Retardation. Since the enactment of Public Law 88–164, the university affiliated facilities program has provided substantial numbers of superbly trained professionals to the developmental disabilities field. The trainees each receive a unique interdisciplinary educational experience, and the service settings upon which the training is superimposed have provided exemplary services to thousands of disabled, retarded and multiply handicapped children and adults each year.

In my State of New Mexico, we have long been without adequate services for the developmentally disabled population. Last year, as a member of the Subcommittee on Labor-HEW Appropriations, I offered an amendment to the bill which resulted in an increase in maternal and child health funds for university affiliated facilities, and which contemplated the establishment of a UAF at the University of New Mexico to serve the southwestern part of the country. Over the past year, I have worked closely with Dr. Robert Kugel, vice-president for Health Sciences of UNM, and last week the university submitted a proposal to establish the Center for Child Development at UNM as a university affiliated facility. The proposal reveals a broad base of support for the new center among all population groups in the State, and indicates without question that the new center will contribute substantially to the developmentally disabled population. The UNM Center for Child Development will provide interdisciplinary training to a wide range of professionals, and will greatly improve the quality and the delivery of services to all disabled persons in the Southwest, including the Spanish speaking and Indian populations.

I strongly urge the Division of Developmental Disabilities to support the new center, along with the Bureau of Community Health Services.

Mr. SCHWEIKER. Mr. President, I want to express my strong support for S. 462, the Developmentally Disabled Assistance and Bill of Rights Act. I am pleased to be a cosponsor of this legislation, which has been reported out of the Committee on Labor and Public Welfare.

I am pleased that the legislation broadens the definition of developmental disabilities to include mental retardation, cerebral palsy, epilepsy, autism, severe specific learning disabilities, and other conditions. Therefore, the bill would provide assistance to many more of our Nation's developmentally disabled citizens than existing law.

Mr. President, over 6 million Americans suffer from mental retardation, over 2 million from epilepsy, 750,000 are afflicted with cerebral palsy, about 80,000 with autism, and nearly 500,000 American students suffer from specific learning disabilities toward the severe end of the continuum. A large percentage of these citizens are so severely disabled that they require a lifetime of services in order to be able to function adequately for personal or social needs. Developmentally disabled persons often suffer from two or more overlapping conditions. Obviously, these individuals require programs to provide for their specific and multiple conditions.

The committee has determined that there is a need for continued Federal concern for the treatment and dignity of developmentally disabled citizens in terms of legislation and adequate financial support. The bill therefore provides that existing programs and services for handicapped individuals be coordinated in their planning by providing a focal point for the planning money in order to coordinate the delivery of services to our Nation's handicapped individuals. S. 462 redesigns the existing program by setting up a cooperative relationship between the State planning councils and the State agencies responsible for the implementation of the State plans, in order that an integrated and efficient delivery of services to developmentally disabled individuals can be achieved.

The last 5 years have seen a dramatic increase in public awareness of the needs of institutionalized mentally retarded and developmentally disabled persons. This has been highlighted by scandals in many institutions, by court cases, and by the efforts of the communications media. Testimony before the committee demonstrated that standards in institutions for the developmentally disabled are urgently needed and that the Federal Government should play a major role in improving the care and services provided to developmentally disabled citizens.

Mr. President, also added to the legislation is a bill of rights for the developmentally disabled. This provision was originally introduced as a bill of rights for the mentally retarded, which I also cosponsored earlier. I am pleased that the committee has included this provision in the bill, because I feel the developmentally disabled in this Nation for too long have been treated as burdensome problems, rather than with the affection and care they deserve as human beings.

I strongly support four specific requirements in this bill of rights: Humane care, treatment, rehabilitation, and protection in residential facilities; strict quality and control standards for facilities; better standards to reduce inappropriate admissions; and programs to stimulate regional and community programs involving residential facilities. Too often developmentally disabled persons are "put away" in an institution and forgotten. It is now time to provide alternatives to locking persons up in institutions. Treating the developmentally disabled with more human dignity can bring additional benefits to themselves, their families, and to society.

In conclusion, Mr. President, I support this legislation not because it represents the end of our efforts in this area, but because it provides a basis for a new beginning in expanded services for our Nation's developmentally disabled citizens. I urge prompt Senate passage of this important measure.

Mr. BEALL. Mr. President, the Senate passed S. 462, the Developmentally Disabled Assistance and Bill of Rights Act, of which I am a cosponsor. Although prior obligations prevented me from being here at that time, I would like to add my strong support for this measure and for quick action by the House, so that we may see this legislation implemented in the near future.

The concept underlying the original Developmental Disabilities Act, passed in 1970, was that there was a great need for better planning for services to developmentally disabled individuals. Efforts were made under limited funding to provide for this planning, but inadequacies were evident, and it was determined that there is a need for continued Federal concern for the treatment and dignity of developmentally disabled citizens in terms of appropriate legislation and adequate levels of financial support. S. 462 acts as the vehicle for this Federal concern, and also sets up a cooperative relationship between those State agencies responsible for the implementation of the State plans and the State planning councils themselves, insuring better coordination of programs to the developmentally disabled. Continued emphasis is placed in the importance of the university affiliated facilities in both serving the developmentally disabled and in operating demonstration facilities and interdisciplinary training programs for professional personnel.

I have had the opportunity to see the contributions that can be made in this field by these university affiliated facilities right in my own State. The John F. Kennedy Institute at Johns Hopkins Hospital, is considered one of the finest facilities in the United States, and Maryland is indeed fortunate in having such a facility located in Baltimore and serving the entire State. My recent visit there further convinced me of the importance in continuing Federal support of such programs and facilities.

In addition, I would like to express my support of title II of this bill, which reflects the increasing concern of Congress and the public in general about persons who are institutionalized because they are developmentally disabled. Increased technological development, especially in regard to travel speeds, and the sociological stress that many of our citizens are experiencing, particularly in this time of economic strain and increased crime, evidence the sad fact that there will be an increased need for psychological care. Residential care outside the home is necessary in some instances, although I am glad to say that increased emphasis is being placed in similar community-based facilities rather than the larger State institutions. Title II assures those individuals who must be institutionalized of their civil and personal rights, and, at the same time, provides for the best possible care and services.

These programs under S. 462 can be of valuable use in our Nation's care of the developmentally disabled. I commend my colleagues on the Labor and Public Welfare Committee, particularly Senators RANDOLPH and JAVITS, for their efforts on this measure, and I am hopeful that this bill will soon be enacted into law.

Mr. TAFT. Mr. President, the Developmentally Disabled Assistance and Bill of Rights Act, S. 462, which passed the Senate, extends and broadens the mental retardation legislation of the past decade. Similar legislation, S. 3378, passed the Senate in the last Congress, but unfortunately never came out of conference. I am a cosponor of S. 462 and enthusiastically endorse its passage.

With appropriate encouragement and assistance, many developmentally disabled persons can become productive members of society. To accomplish this, we must have the cooperation of Federal, State, and local governments. To this end, this legislation is designed to assist the States in developing a comprehensive plan which will bring together all available resources so that developmentally disabled persons may be served in the most effective and efficient way. It provides for the renovation and modernization of university affiliated facilities and support of demonstration and training programs, development of regional community programs, support of activities demonstrating exemplary services to persons with developmental disabilities who are especially disadvantaged, technical assistance, training of specialized personnel, and developing or demonstrating new or improved techniques for delivery of services to developmentally disabled persons.

The university affiliated facilities program—UAF—enables individuals to learn and contribute to their fullest potential. We have two UAF centers in Ohio, the Cincinnati Center for Developmental Disorders and the Nisonger Center for Mental Retardation and Developmental Disabilities in Columbus.

The Cincinnati center, affiliated with the University of Cincinnati, Children's Hospital Medical Center, and the Institute for Developmental Research, is engaged in training professional personnel in those disciplines which provide services to persons with mental retardation and related disabilities, with emphasis on optimal technology in case finding, diagnosis, treatment, counseling, delivery services, education, and training—all of this from a coordinated university base.

The Nisonger Center on the Ohio State University campus strives to achieve a basic level of human dignity for those afflicted with mental retardation and related developmental disabilities. This center brings a multitude of behavioral, educational, home economical, medical, and social disciplines together in a forum dealing with the many-faceted problems of mental retardation.

Title II calls for a bill of rights for mentally retarded and other persons with developmental disabilities.

In Ohio, three constitutional amendments, the 8th, 13th, and 14th have been the primary tools of litigation used to secure basic rights and liberties for the mentally retarded and the developmentally disabled.

The eighth amendment prohibits cruel and unusual punishment and has application in the context of institutionalization and habilitation.

The 13th amendment covers a person being institutionalized against his will. When that is the situation, the individual is not to be forced to contribute his uncompensated labor for the benefits of the institution, unless the work is part of a therapeutic habilitation plan.

The 14th amendment provides protection under the law and prohibits the taking of life, liberty, or property without due process.

I recognize the need for standards to help insure the rights of the mentally retarded and developmentally disabled citizens and commend the goals of this legislation which I believe are necessary if America's mentally retarded are to receive the services and opportunities they so greatly need and deserve.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from the consideration of H.R. 4005, and that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill H.R. 4005, to amend the Development Disabilities Service and Facilities Construction Act to revise and extend the programs authorized by that act.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move to strike out all after the enacting clause and to substitute the text of S. 462, as reported and as amended.

The PRESIDING OFFICER. The

question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4005) was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 462 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the joint leaders are recognized tomorrow morning, under the standing order, the following Senators be recognized for not to exceed 15 minutes each: the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. TAFT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the recognition of the Senators aforementioned, there be a period for the transaction of morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LIMITATION AGREEMENT—H.R. 5899

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the message from the House on H.R. 5899 be called before the Senate, debate on any motion to agree to the House amendment with an amendment be limited to one-half hour, the time to be equally divided and controlled by the majority and minority leaders or their designees, and subject to the approval of the chairman and ranking member of the Appropriations Committee, Senators McCLELLAN and YOUNG.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—the majority leader refers to an amendment. I am familiar with the amendment. I think that he has in mind an amendment that the Senator from New York (Mr. JAVITS) will probably offer.

Mr. MANSFIELD. That is correct.

Mr. GRIFFIN. I wonder if we are precluding any other Senator from offering an amendment, and I would also like to find out if an amendment to the Javits amendment would be in order.

I make that inquiry of the Chair.

The PRESIDING OFFICER. The Chair would like to consult with the Parliamentarian, if the Senator will withhold his question for a moment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent——

Mr. MANSFIELD. Mr. President, may we have a ruling on the question?

Then I repeat my request.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, it would be my understanding under the request as put by the majority leader that if there were no amendment offered, in the event the Javits amendment, for example, would be defeated, there would be no time limit on such an amendment, and since that would protect other Senators, I would not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER subsequently said: In response to the earlier parliamentary inquiry from the Senator from Michigan, if the Senator from New York makes his motion to concur with an amendment, it is amendable in one more degree.

Mr. GRIFFIN. I thank the Chair.

DR. ARTURO BOMOLAN DELA ROSA

Mr. STENNIS. Mr. President, I introduce a bill and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate proceeded to consider the bill (S. 1842) for the relief of Dr. Arturo Bomolan Dela Rosa, which was read the first time by title and the second time at length.

Mr. STENNIS. Mr. President, this bill has been cleared with the leadership on each side of the aisle, it has been cleared with the committees of the Congress. It permits a doctor from the Philippine Islands to be lawfully here in the United States as a permanent resident, which would make him qualified to take the board of medical examinations with a view to locating to practice his profession in a county in Mississippi that now has only one doctor and they are in dire need of another.

Mr. President, this is a private bill to resolve an urgent matter involving the hospital services in my home county.

The Kemper County, Miss., Hospital will soon be without a single doctor unless we obtain passage of a private bill on an emergency basis. The senior of the two present doctors is leaving for military service. The remaining doctor intends to leave within 60 days if he does not obtain assistance in attending to the medical needs of Kemper County.

I have located a replacement doctor who is a native of the Philippine Islands. His name is Dr. Arturo Bomolan Dela Rosa. He cannot enter private practice until he takes the State medical examinations, which are to be given on June 10.

In order to be eligible to take the medical examinations he must be a permanent resident and have filed a declaration of intent to become a naturalized citizen. The present waiting list for Filipinos to become permanent residents is such that he faces a delay of 18 months.

I have discussed this case with the Commissioner of Immigration and Naturalization, and he informs me that the method of handling such a case is a private bill to make Dr. Dela Rosa a permanent resident, and thus make him eligible to take the medical examinations. He informs me that this is not an unusual situation, especially with respect to foreign-trained doctors, and that his office would have no objection to such a bill.

The extreme urgency in this case is that the medical examinations that Dr. Dela Rosa must take are to be given on June 10, and will not be given again for six months.

The bill I am introducing follows a very common format often used in cases of this kind. For the reasons above assigned this is an emergency.

Mr. President, I have a certificate here from the Educational Council for Foreign Medical Graduates that sets forth the case and supports the bill and this has been approved by the immigration authorities in every way.

Mr. GRIFFIN. Will the Senator yield to me?

Mr. STENNIS. Yes.

I had mentioned this bill to them.

Mr. GRIFFIN. I want to confirm this has been cleared and, as I understand it, the bill will only affect one doctor and that there is some urgency to the passage of the bill?

Mr. STENNIS. Yes.

Mr. GRIFFIN. Because of time limitation having to do with taking the examinations?

Mr. STENNIS. That is exactly right. The examinations begin a week from tomorrow, there will not be repetition of the examinations for 6 months more, and there is only one doctor in this county now and he says he will leave unless we get some relief or some additional help there.

Mr. President, I ask unanimous consent that this certificate be printed in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

CERTIFICATE BY THE EDUCATIONAL COUNCIL FOR FOREIGN MEDICAL GRADUATES

EDUCATIONAL COUNCIL FOR FOREIGN MEDICAL GRADUATES

Sponsored by: American Hospital Association, American Medical Association, Association of American Medical Colleges, Association for Hospital Medical Education, Federation of State Medical Boards of the United States.

Certifies that Arturo Bomolan Dela Rosa has satisfied all the requirements of the Council; has successfully passed its examination and has been awarded Certificate Number 098-778-4, July 24, 1974.

JOHN G. MCMANN,
President.
ROY L. CASTULINE,
Executive Director.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1842) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Arturo Bomolan Dela Rosa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. STENNIS. Mr. President, I thank the Chair and all concerned.

PRIVILEGE OF THE FLOOR—S. 920

Mr. STENNIS. Mr. President, in connection with S. 920, the military procurement authorization bill, quite a number of our professional staff members from the committee worked on different parts of this bill. There may be brief times when we need more than the normal number of assistants on the floor, including minority members of the staff. Also, additional members of the staff need to be present.

Therefore, I ask unanimous consent that the following members of the staff be permitted the privilege of the floor during the deliberations on the bill emphasizing that we will not need all on the floor at the same time:

T. Edward Braswell, Clark McFadden, Don Lynch, Hy Fine, Ed Kenney, George Foster, Robert Old, Nancy Bearg, Francis J. Sullivan, Charles Cromwell, John Goldsmith, Charles Conneely, Jack Ticer, and Christine Cowart.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Now, Mr. President, tomorrow the Senate will convene at 9 a.m. After the joint leaders have been recognized, the distinguished Senators from Missouri (Mr. EAGLETON), Ohio (Mr. TAFT), Michigan (Mr. GRIFFIN), and Rhode Island (Mr. PASTORE) will be recognized for not to exceed 15 minutes each.

After that there will be a period for the conduct of morning business not to exceed 15 minutes with a time limitation of 3 minutes attached thereto, after which time we will return to the limited time for consideration of the foreign policy debate with the time equally divided between the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill, and the distinguished Senator from California (Mr. CRANSTON), and the distinguished Senator from Massachusetts (Mr. KENNEDY), or whomever they may designate.

ADJOURNMENT TO 9 A.M.

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 a.m. tomorrow.

The motion was agreed to; and at 6:49 p.m. the Senate adjourned until tomorrow, Tuesday, June 3, 1975, at 9 a.m.

NOMINATIONS

Messages received May 23, 1975, under authority of the order of May 22, 1975:

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (Dental Corps)

Withers, James A., [redacted].

To be first lieutenant (Medical Corps)

Nash, Peter R., [redacted].

The following cadets, U.S. Air Force Academy for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation, under the provisions of sections 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be second lieutenant

Beesley, Mark G., [redacted].
O'Keefe, William S., [redacted].

The following persons for appointment as a Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Thomas, Maurice S., [redacted].

To be lieutenant colonel

Denison, William A., [redacted].
Fligor, Lloyd G., [redacted].

The following person for appointment as Reserve of the Air Force (Nurse Corps), in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation to perform Nurse Corps duties, under the provisions of section 8067, title 10, United States Code:

NURSE CORPS

To be lieutenant colonel

Farrell, Barbara L., [redacted].

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation as medical officer, under the provisions of section 8067, title 10, United States Code:

MEDICAL CORPS

To be colonel

Willard, Ralph L., [redacted].

To be lieutenant colonel

Blair, Robert T., [redacted].
Crane, Edward B., [redacted].
DeAugustine, Vincent P., [redacted].
Dickinson, Wylie P., [redacted].
Forbes, Peter R., [redacted].
Guerdan, Donald C., [redacted].
Horner, Frank S., Jr., [redacted].
Loprete, Frederick P., [redacted].
McGranahan, Thomas C., [redacted].
Menzies, William C., [redacted].
Rodriquez-Colon, Juan, [redacted].
Stephens, James E., [redacted].
Thorpe, Joseph E., [redacted].
Turner, William, [redacted].
Wentworth, Earle T., Jr., [redacted].

The following persons for appointment as Temporary officers in the United States Air Force, in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation as medical officer, under the provisions of section 8067, title 10, United States Code:

MEDICAL CORPS

To be lieutenant colonel

Alandydy, Manuel S., Jr., [redacted].
Arroyo-Scotoliff, Hector A., [redacted].
Blair, Robert T., [redacted].
Crane, Edward B., [redacted].
Davis, James C., [redacted].
DeAugustine, Vincent P., [redacted].
Dickinson, Wylie P., [redacted].
Dunn, Latimer E., [redacted].
Edmundson, Arlo R., [redacted].
Forbes, Peter R., [redacted].
Grossling, Sergio F., [redacted].
Guerdan, Donald K., [redacted].
Horner, Frank S., [redacted].
Joder, Donald K., [redacted].
Kilpatrick, Troy F., [redacted].
Loprete, Frederick P., [redacted].
McGranahan, Thomas C., [redacted].
Menzies, William C., [redacted].
Otte, Carl W., [redacted].
Stephens, James E., [redacted].
Thorpe, Joseph E., [redacted].
Turner, William, [redacted].
Wentworth, Earle T., Jr., [redacted].

The following-named officer for appointment as a Reserve of the Air Force, in the grade indicated, under the provisions of sections 593 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

To be lieutenant colonel

Carmack, Donald L., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Carpenter, George W., Jr., [redacted].
Corbridge, Richard Q., [redacted].

MEDICAL CORPS

Bowden, Wayne M., [redacted].
Martindale, Richard E., Jr., [redacted].
Singer, Karl L., [redacted].
Oyer, John T., [redacted].
Rayos, Blas O., Jr., [redacted].

NURSE CORPS

Holt, Maurita E., [redacted].

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel, regular Army and colonel, Army of the United States

Hill, Garrett L., [redacted].

To be major, regular Army and lieutenant colonel, Army of the United States

McKenzie, Charles B., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be first lieutenant

Gregg, Robert E., [redacted].
Swick, Richard L., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be colonel

Quinones-Acosta, Francisco, [redacted].

To be captain

Hawkins, Robert, [redacted].
Hiltbrand, Lance K., [redacted].
Hoagland, Gretchen M., [redacted].
Knight, Sylvia S., [redacted].
Kullman, Thomas M., [redacted].
Lord, Ellen V., [redacted].
Smith, Mary E., [redacted].
Smith, Ronald M., [redacted].
Thompson, Marie T., [redacted].

To be first lieutenant

Arceneaux, Edgar, J., [redacted].
Carle, Marcia L., [redacted].
Cruden, John C., [redacted].
Darden, Marianne L., [redacted].
Fynn, Patricia J., [redacted].
Gibb, Mary R., [redacted].
Hopkins, Elwyn V., Jr., [redacted].
Hussey, Robert T., [redacted].
Jackson, Jerome L., [redacted].
Ketels, Donald L., Jr., [redacted].
Krom, Frances A. K., [redacted].
Lance, Charles E., [redacted].
McDermott, Diane E., [redacted].
Menton, Leta K., [redacted].
Mull, Ellen A., [redacted].
Nelson, Sharon J., [redacted].
O'Leary, Denise R., [redacted].
O'Sullivan, Patricial D., [redacted].
Plummer, Margaret A., [redacted].
Quinn, Kristi M. K., [redacted].
Sandberg, Julie K., [redacted].
Sanker, Joseph H., [redacted].
Sekiguhi, June, [redacted].
Shively, Martha J., [redacted].
Sprosty, Elizabeth M., [redacted].
Stagliano, Richard F., [redacted].
Stowe, Harvey O., [redacted].
Strong, Diana C., [redacted].
Utz, Clarence D., [redacted].
Vanderhoof, Linda M., [redacted].
Ward, Gwendolyn K., [redacted].
Wigger, James R., Jr., [redacted].

To be second lieutenant

Acer, Mary Ann, [redacted].
Bressett, Barbara M., [redacted].
Farnell, Jill E., [redacted].
Gray, Ollie B., [redacted].
Hicks, Linda S., [redacted].
Hix, Gary D., [redacted].
Houser, Susan M., [redacted].
King, Michele M., [redacted].
Kochansky, Samuel W., [redacted].
Lawver, John A., [redacted].
Massey, Joane, [redacted].
Meier, Nancy J., [redacted].
Morrison, Brenda F., [redacted].
Penoyer, David H., [redacted].
Pfund, Sally J., [redacted].
Richardson, Joyce, [redacted].
Rucki, Carol A., [redacted].
Splichal, Clifford T., [redacted].
Spring, William B., Jr., [redacted].
Taylor, Daniel B., [redacted].
Thomas, Steven C., [redacted].
Wharton, Barbara R., [redacted].
Whitehurst, Cynthia J., [redacted].
Zimmerman, Katherine A., [redacted].

The following-named cadet, graduating class of 1975, United States Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283 and 3284:

Kobza, Marvin E., [redacted].

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3370 and 3383:

ARMY PROMOTION LIST

To be colonel

Alston, James R., Jr., [redacted].
Bullard, James L., [redacted].
Caprio, Daniel W., [redacted].
Cater, Charles J., Jr., [redacted].
Conklin, Leroy W., [redacted].
Fahn, Lester D., [redacted].
Glover, James E., [redacted].
Hall, Matthew H., [redacted].
Henderson, John P., Jr., [redacted].
Hewitt, James W., [redacted].
Koehler, Herbert C., [redacted].
Mahan, Charles E., [redacted].
Martin, Donald B., [redacted].
McNichols, William L., [redacted].
Miltner, Edward, [redacted].
Neal, Kenneth L., [redacted].
Nordigian, Peter J., [redacted].
Patterson, Donald J., [redacted].
Peery, William A., [redacted].
Ricottilli, John, Jr., [redacted].
Robb, James F., [redacted].
Rowe, James, [redacted].
Scrocco, George L., [redacted].
Simmons, Preston H., [redacted].
Steele, Harold E., [redacted].
Stein, Albert E., [redacted].
Stout, Charles H., [redacted].
Wadleigh, Gerald T., Jr., [redacted].
West, Donald E., [redacted].

ARMY NURSE CORPS

To be colonel

Bendgen, Mary M., [redacted].
Colon, Leticia M., [redacted].
Landells, Edith A., [redacted].
Laughlin, Mary P., [redacted].
Ledbetter, Doris H., [redacted].
Leftault, Loretto F., [redacted].
Lewis, Viola M., [redacted].
Walker, Edwin J., [redacted].

DENTAL CORPS

To be colonel

Blayne, Arthur, [redacted].
Purdy, Edmund C., [redacted].

MEDICAL CORPS

To be colonel

Lehman, David P., [redacted].
Wolcott, Lester E., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Mendenhall, John H., [redacted].
Sammons, Joseph A., [redacted].
Yokoyama, Katsuyuki, [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Minogue, Rita C., [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366, 3367, and 3383:

ARMY PROMOTION LIST

To be lieutenant colonel

Allen, John E., [redacted].
Armstrong, Charles D., [redacted].
Belus, Paul J., [redacted].
Betts, William L., [redacted].
Bluestone, Howard I., [redacted].
Bonthuis, Robert E., [redacted].
Bopp, Robert J., [redacted].
Bowers, John S., Jr., [redacted].
Bragg, Henry C., [redacted].
Brinn, Alan, [redacted].
Broderick, James A., Jr., [redacted].
Brunett, Louis E., [redacted].
Burger, Harry B., [redacted].
Bu[illegible], James L., [redacted].
Caia[illegible], Joseph, [redacted].
Carp, Milton J., [redacted].
Chirico, Anthony P., [redacted].
Clark, Ronald K., [redacted].
Crase, Robert R., [redacted].
Crowder, Paul J., Jr., [redacted].
Curry, James A., [redacted].
Darbyshire, David W., [redacted].
Darst, Henry J., Jr., [redacted].
Davis, Maxie L., [redacted].
Dean, John A., [redacted].
Delapp, John M., [redacted].
Donaldson, Robert J., [redacted].
Elbert, Leo J., Jr., [redacted].
Etzel, Ernest J., [redacted].
Ewing, Jack E., [redacted].
Feldman, Myron R., [redacted].
Frohmader, George T., [redacted].
Frost, Billy D., [redacted].
Geleerd, William L., [redacted].
Gerl, Kennard A., [redacted].
Getchell, Charles R., [redacted].
Glueck, Gerald A., [redacted].
Greco, Joseph F., [redacted].
Gross, Matthew, [redacted].
Gustafson, Allan C., [redacted].
Haas, Robert D., [redacted].
Haberle, John H., [redacted].
Hanson, Merle A., [redacted].
Harlan, Ralph E., [redacted].
Heath, Richard S., [redacted].
Helm, John B., Jr., [redacted].
Hess, William R., [redacted].
Hitchcock, Daniel F., [redacted].
Hughes, Maurice I., [redacted].
Isbel, Clarence H., Jr., [redacted].
Iverson, Clark M., [redacted].
Johnson, Donald L., [redacted].
Johnson, E. R., [redacted].
Johnson, Joseph H., Jr., [redacted].
Johnston, Alan A., [redacted].
Jones, John E., [redacted].
Juerjens, Robert R., [redacted].
Kane, Eugene R., [redacted].
Kenna, Roswell E., Jr., [redacted].
Kenney, George H., Jr., [redacted].
LaRoche, Joseph A., [redacted].
Last, Alvin, [redacted].
Lay, John L., [redacted].
Liariakos, George F., Jr., [redacted].
Libby, Fred W., [redacted].
Lingo, Robert A., [redacted].
Lopes, Joseph P., [redacted].
Lytle, Otis M., Jr., [redacted].
Mannberger, Marx M., [redacted].
Marden, Frank D., [redacted].
Mauro, John E., [redacted].
McIntosh, Donald H., [redacted].
McNett, John F., [redacted].
Mercer, George Jr., [redacted].
Mirolla, John Jr., [redacted].

Moyal, Maurice S., [redacted].
Mulvaney, Hugh B. Jr., [redacted].
Murphy, John B., [redacted].
Muscha, Robert F., [redacted].
Musselman, Alan M., [redacted].
Newman, Henry H., [redacted].
Norton, Melvin L., [redacted].
Oglesby, Virgil W., [redacted].
Olmstead, George H., [redacted].
Parris, Herman A. Jr., [redacted].
Patterson, James T., [redacted].
Pauler, Gerald L., [redacted].
Pavlin, Ivan C., [redacted].
Perry, Edward L., [redacted].
Piotrowski, W. S., [redacted].
Pollard, Guy S., [redacted].
Pond, Robert J., [redacted].
Priebe, Richard E., [redacted].
Raymond, Jack A., [redacted].
Reel, Robert F., [redacted].
Regan, John J., [redacted].
Rigg, Richard J., [redacted].
Ritter, Kenneth K., [redacted].
Roberts, Euriel H., [redacted].
Robinson, Fielding B., [redacted].
Rodriques, Samuel R., [redacted].
Ross, Keith A., [redacted].
Rufus, James G., [redacted].
Russell, Rolland F., [redacted].
Scales, David J., [redacted].
Schuster, Joseph L., [redacted].
Schweers, Henry E., [redacted].
Sica, Carl G., [redacted].
Simon, John E., [redacted].
Simonsen, Clifford E., [redacted].
Skaar, Marvin C., [redacted].
Smith, David, [redacted].
Smith, Morgan, [redacted].
Smith, Robert C., [redacted].
Smith, Robert V., [redacted].
Smythe, Kenneth D., [redacted].
Spradlin, Robert L., [redacted].
Stewart, Jerry A., [redacted].
Stoneman, Rixey K., [redacted].
Sullivan, Philip S., [redacted].
Sword, Carl D., [redacted].
Talley, Boyd G., [redacted].
Taylor, Clovis O., [redacted].
Thater, Ralph R., [redacted].
Thompson, Hugh N., [redacted].
Thompson, Orrin S. Jr., [redacted].
Tibbetts, Donald E. [redacted].
Tighman, Roy E., [redacted].
Vale, Oscar T., [redacted].
Valeriana, Nicholas P., [redacted].
Vance, Freddie L., [redacted].
Villacres, Jorge N., [redacted].
Voelkel, Ray F., [redacted].
Walton, Denzil R., [redacted].
Warlick, Thomas W., [redacted].
Webb, John W., [redacted].
Weber, Donald L., [redacted].
Wertman, Gerald A., [redacted].
Whitehead, James K., [redacted].
Worrell, Arthur R., [redacted].
Young, Kwai S., [redacted].
Younker, John O. Jr., [redacted].

CHAPLAIN

To be lieutenant colonel

McNitt, John M., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Carson, Callie, [redacted].
Rodriquez-Martinez, V., [redacted].
Tardif, Louis G., [redacted].
Wilson, William J., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Davis George B. Jr., [redacted].
McNabney, Warren K., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Allen, Richard P., [redacted].
Boddeker, Cary A., [redacted].
Boland, Ernest P., [redacted].
Clark, Lawrence E. Jr., [redacted].
Crabtree, Reece J., [redacted].
Dalton, John C., [redacted].
Dupre, Earl P., [redacted].
Ellis, Carl T. Jr., [redacted].
Goldben, Harry I., [redacted].
Gore, Paul H., [redacted].
Hayes, George F., [redacted].
Hendershott, Ralph A., [redacted].
House, Delma R., [redacted].
Johnson, Thomas A., [redacted].
Kenyon, Gerald P., [redacted].
Latenser, John E., [redacted].
Leary, Robert F., [redacted].
Linder, William W., [redacted].
Marhefsky, Louis A., [redacted].
Schalker, William L., [redacted].
Shadomy, Smith, [redacted].
Shapiro, Sidney N., [redacted].
Sharp, Howard J., [redacted].
Smith, Louis L., [redacted].
Spears, James H., [redacted].
Thomas, Richard D., [redacted].
Uyeda, Charles, [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Deering, Elwood J., [redacted].
Hull, Roger A., [redacted].

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Sections 591, 593, and 594:

ARMY PROMOTION LIST

To be lieutenant colonel

Barnes, Wilson C., [redacted].
Young, Earl J., [redacted].

DENTAL CORPS

To be lieutenant colonel

Dolin, Paul R., [redacted].
Rosinski, Donald J., [redacted].
Savoai, John R., [redacted].
Sgambellone, Frank J., [redacted].
Spring, Paul N., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Bloom, Irving, [redacted].
DeAugustine, Vincent P., [redacted].
Gares, Gustavo, [redacted].
Griffin, John B., [redacted].
Kissack, Alfred S., [redacted].
Kissack, Micheline, [redacted].
Lieberman, Murray, [redacted].
Marvis, Theodore E., [redacted].
Rosen, Murray J. D., [redacted].
Ross, Robert F., [redacted].
Sokol, Robert J., [redacted].
Strum, Donald H., [redacted].
Vennes, George J., [redacted].
Vincent, Peter D., [redacted].

The following-named officers for appointment in the Army of the United States, under the provisions of Title 10, U.S.C., Section 3494:

MEDICAL CORPS

To be lieutenant colonel

Jacobs, Wesley R., [redacted].
Nevarez, Leonard J., [redacted].
Prakash, Om, [redacted].
Shim, Poong S., [redacted].
Smith, Lane F., [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 385:

ARMY PROMOTION LIST

To be colonel

Bishop Chester, [redacted].
Dean, Richard D., [redacted].
Fryslie, Harold A., [redacted].
Gilbertson, Carlyn L., [redacted].
Greenagel, Fred W., [redacted].
Gunnar, George F. P., [redacted].
Kling, Arthur K., Jr., [redacted].
Lee, Edwin E., [redacted].
Painter, Charles R., [redacted].
Patterson, William G., [redacted].
Sedlacko, Cyril L., [redacted].
Sharpe, Thomas A., [redacted].
Stephens, Lewey, Jr., [redacted].
Sullivan, John T., [redacted].
Todd, Charles A., [redacted].
Wellman, Billy G., [redacted].
Wing, Charles J., [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Alexander, Thomas H., [redacted].
Ballard ,Lawrence L., [redacted].
Berthold, Julius L., [redacted].
Boyersmith, Joseph C., [redacted].
Boykin, Robert H., Jr., [redacted].
Burnett, Jack A., [redacted].
Christiansen, Arthur R., [redacted].
Craig, Joe W., Jr., [redacted].
Culbreath, Richard A., [redacted].
Duffy, Richard B., [redacted].
Easler, Oliver F., [redacted].
Floyd, Richard T., Jr., [redacted].
Gann, Tom H., [redacted].
Gautreau, Edward J., Jr., [redacted].
Gill, Dwight A., [redacted].
Guerin, Donald S., [redacted].
Guy, Addeliar D., [redacted].
Heuer, David A., [redacted].
Hickman, Ralph E., [redacted].
Huntington, Robert F., [redacted].
Hutton, Cornelius, [redacted].
Judgensmeyer, Robert F., [redacted].
Long, Demar C., [redacted].
Macaron, Joseph, Jr., [redacted].
Maness, James, [redacted].
McClure, William H., [redacted].
Miller, Levy C., [redacted].
Muniz-Ramos, Edwin, [redacted].
Palmieri, Henry J. R., [redacted].
Reiff, William H., [redacted].
Roof, Volie, L., Jr., [redacted].
Savino, Joseph D., [redacted].
Sheffield, David T., [redacted].
Spalding, John W., [redacted].
Spofford, Nathaniel A., [redacted].
Stone, Thomas G., [redacted].
Theesfeld, F. H., Jr., [redacted].
Toste, Stephen L., [redacted].
Willis, Clinton V., Jr., [redacted].
Wolf, Beverly J., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Atkins, Raymond M., [redacted].
Clark, Jack C., [redacted].
Warden, David R., Jr., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Herrington, Larry D., [redacted].
McCowan, Gordon, [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line of staff corps of the Navy, subject to the qualifications therefor as provided by law:

Dwight W. Colburn
Robert P. Machala
Mark T. Otten
Keith A. Walls

Quentin L. Van Meter (Naval Reserve officer), to be appointed a permanent lieutenant (jg.) and temporary lieutenant in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

John W. McReynolds (Naval Reserve officer), to be appointed a permanent lieutenant in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers), to be appointed permanent lieutenants and temporary lieutenant commanders in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law:

William A. Buckendorf
Conrad I. Dalton
Madison W. Gay
Robert A. Peinert, Jr.
Richard L. Wilson

John M. Hallenbeck (Naval Reserve officer), to be appointed a permanent lieutenant commander in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Glen D. McKnight, Jr. (Naval Reserve officer), to be appointed a permanent commander in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Francis T. Oliver (civilian college graduate), to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

Roger H. Cahoon and Eric J. Sunderman (Naval Reserve officers), to be appointed permanent lieutenants (jg.) and temporary lieutenants in the Dental Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers), to be appointed permanent lieutenants in the Dental Corps in the U.S. Navy, subject to the qualifications therefor as provided by law:

John A. Berude
James L. Currier
Terry L. Kippa
Jeffrey L. Lockwood
Kenneth E. Perino

Robert L. Curry and Daniel M. Rapps (Naval Reserve officers), to be appointed permanent lieutenants and temporary lieutenant commanders in the Dental Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Lieutenant commander Charles W. Bollinger, MC, USNR, to be promoted to the grade of commander in the Medical Corps in the reserve of the U.S. Navy, for temporary service, subject to the qualifications therefor as provided by law.

*CWO–2 William L. Mergen (USN(T)), to be appointed a lieutenant (j.g.), for limited duty, for temporary service, in the classification, electronics, and as a permanent chief warrant officer in the U.S. Navy, subject to the qualifications therefor as provided by law.

Edward M. McCollum, U.S. Air Force, to be a permanent ensign in the restricted line of the U.S. Navy, subject to the qualifications therefor as provided by law.

Franklin G. Ebaugh, Jr. (Naval Reserve Officer), to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

James R. Kraft, U.S. Navy officer, to be reappointed from the temporary disability retired list as permanent chief warrant officer, W–3 and temporary lieutenant commander, limited duty, in the line in the U.S. Navy subject to the qualifications therefor as provided by law.

The following-named naval enlisted scientific educational program candidates to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Graham T. Hall
Michael J. Tierney

James A. Usselman (ex-USN officer), to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

Jean E. Todd (civilian college graduate), to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

Carlos A. Araoz (civilian college graduate), to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

William R. Kendall and Gilbert W. Taylor (civilian college graduates), to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

Recess appointments issued for the following-named Naval Reserve Officers Training Corps candidates appointed as permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Paul A. Anderson, Jr.
Steven D. Bell
Charles C. Briant
John R. Bush
Michael D. Bussey
David W. Cady
Stephen M. Carr
Jeffrey D. Cavanagh
Scott R. Crager
Steve W. Eggleston
Rodney A. Elsea
Robert M. Frese
Terrence D. Harvey
Lawrence M. Hufty
Lesley J. Jackson, Jr.
Claudette G. Johnstone
Jeffrey W. Kemhus
Gary M. Kunz
Matthew J. Leininger
Lee A. Licata
Marcus A. McInnis
Patrick P. McKernan
Brian S. McNamara
Cheri J. Mangham
Harold A. Miller
Ernest A. Prescott, Jr.
Charles M. Rohda III
Ralph M. Scaperotta
Keith E. Short
Gerald K. Stair, Jr.
James R. Stelten
Martin D. Sullivan
Michael E. Suttinger
James M. Torpey
Matthew W. Tuohy
Richard K. Veley
David T. Ward
Michael G. Waterfield
Stephen M. Wellock

Recess appointments issued for the following-named naval enlisted scientific educational program candidates appointed as permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Kenneth D. Bradley
Wayne Peterson
Darrell W. Warren
William C. Wren

CWO–2 James L. Bales (USN(T)) issued a recess appointment as lieutenant (j.g.), for limited duty, for temporary service, in the classification, electronics, and a permanent chief warrant officer in the Navy, subject to the qualifications therefor as provided by law.

Recess appointments issued for the following-named chief warrant officers appointed as lieutenants (j.g.) in the Navy, limited duty, for temporary service, in the classification indicated and as permanent warrant officers and/or permanent and temporary warrant officers subject to the qualifications therefor as provided by law:

SUPPLY CORPS

James P. Bondurant
Robert A. Brown
Walter J. Pratt
Bobby D. Woodson

CIVIL ENGINEER CORPS

Timothy P. Curtin

DECK

John W. Ackerman
John T. Bauder
Robert P. Brittingham
William A. Burris
Stephen W. Cherry
James M. Evans
James H. Ferguson, Jr.
Normand L. Gregoire
Thomas G. Hill
Robert B. Hoffman
James M. Jackson
Joseph C. Kitts
Claude R. Layne
David E. Little
Thomas H. McKenzie
Curtis Moss
Merlin E. Mundy, Jr.
Ronald D. Powell
David G. Ray
Glenn L. Smith
John J. Smith
William J. Stewart
Jerry L. Todd
Charles E. Whitehead
Wallace W. Wilhelm

OPERATIONS

Hubert E. Colman
Arthur W. Greer
Robert O. Lowell

ORDNANCE

James P. Adams, Jr.
Laurence J. H. Atchison
Ronald L. Beasley
Roy L. Book
J. K. Casper
Bruce L. Chase
Michael W. Clayburn
David E. Furst
Frank T. Grutta
Richard B. Heller
Daniel L. Hoover
John M. Iannetta
Herbert C. Kelly
Paul R. Muse, Jr.
James O. Mustin
Frank P. Phipps
William E. Sitton
Robert M. Stolarz

EXPLOSIVE ORDNANCE DISPOSAL

John G. Honer

ADMINISTRATION

Richard D. Barber
Loren W. Biegler
Tyrone R. Blanchard
Ivon G. Boycourt, Jr.
Robert L. Drane
Charles H. Fortier
Ronald M. Greene
David A. Gschwend
Roy G. Hale
James P. Henry
Charles W. Hogue
Michael R. Hopkins
Larry W. Huckfeldt
Ernest W. Hurst
Thomas E. Kearney
Herman C. Moore, Jr.
Ronald E. Nash
Albert L. North
Emmett L. Plimmer
Richard R. Poch, Sr.
Ralph G. Reed
James H. Wilson
Joseph Woods

DATA PROCESSING

Charles W. Cooper
Thomas E. Jones
Marion L. Martin
John F. Steib, Jr.
Jimmie D. Weaver

BANDMASTER

John D. Fluck

ENGINEERING

Ervel E. Attebury, Jr.
John B. Baldwin
Raymond J. Boeckmann
Earl L. Brandon
William M. Brigman
Geoffrey J. Calabrese
Charles D. Carrigan
David L. Clements
Francis C. Conahan, Jr.
James L. Connell
Richard E. Crabtree
Levi Davis
John M. Dorso
Elroy B. Elger
Russell W. Enos, Jr.
Frank E. Florida
Frank S. Fortson III
Charles R. Gulbrandson
Claude R. Hanley
Lloyd D. Higgins
Raymond J. Hopkins, Jr.
Reynold N. Hulse
John A. Ireland, Jr.
Howard L. Jones
David L. Kaufman
Alfred D. Kemp, Jr.
Harold E. Kerns, Jr.
Frank C. Knapp
John T. Lapoint
Glenn K. Larson
Joseph W. Mahaffey
John D. Meeks
Erwin C. Morris, Jr.
Warren C. Mow
George E. Nims, Jr.
Gary A. Ovsak
Frank C. Peters
Donald A. Pierce
John H. Rasberry
James E. Roskoph
Roger W. Rutland
Gerald M. Schwartz
Gordon F. Scott, Jr.
Michael F. Scott
Dennis D. Sheridan
James L. Singleton
Ralph M. Sorensen, Jr.
Richard L. Stuntz
Craig R. Truebel
James E. Walthall

HULL

Jack R. Branson
Earl D. Briley
Russell R. Carpenter Jr.
William H. Davis
Delmas G. Fike
Larry E. Hafer
William P. Jones
Robert J. Kenyon
Walter Kohn
Daniel R. Kroeger
William A. Lynch
Richard G. McPherson
Charles C. Morris
Joseph P. Noha, Jr.
Peter G. Piccini
Charles E. Runyan
William A. Schmidt
John M. Shriver
Robert E. Wallace

ELECTRICIAN

James A. Lane
Terry S. Steele

ELECTRONICS

William J. Anderson
Paul J. Apodaca
Charles D. Arnold
Thomas E. Brayman
Ward M. Bromaghim
George F. Crawford
Harvey E. Denam
Luis M. Duran
Edward E. Flamboe
Terrance J. Ford
James R. Free, Jr.
Howard E. Galen, Jr.
William E. German
Walter Gibson
Eric S. Glidden
Richard Granlund
Kenneth R. Greve
James D. Hammontree
Clark R. Hanson
Frederick R. Heckel
Norman L. Hinen
Robert O. James
Michael R. Judd
Oakley A. Korbelik
Robert T. Lunt
John F. MacKenn
Thomas F. Maguire
Julian T. Matthews
Charles B. Poston
Charles L. Ruddy, Jr.
George G. Rule
Russell M. Safford
William R. Sage
Arnold R. Schulmeister, Jr.
Johnnie W. Shierling
Kenneth G. Shull
Robert H. Slack
Hugh L. Stephens
Bernard I. Sulman
Marshall E. Tanner, Jr.
Freddie Von Tate
Ralph M. Vlcek
John Wall
John W. Wells

CRYPTOLOGY

Kenneth W.
Cummings, Jr.

COMMUNICATIONS

Daniel L. Bodine
Wesley F. Borner
Terrence J. Comfort
Alfred J. Estep
Jackie E. Godwin
Herbert R. Hinton
John L. Howard
Johnnie C. Moore, Jr.
Michael T. Peyton
Edward J. Schultz
Gerald F. Terrebrood
Richard L. Weavil
John S. Woodbury
Ronald J. Zell

AVIATION OPERATIONS

Joseph J. Breslin III
John H. Starnes

AVIATION CONTROL

Bobby J. Bullard
Hubert W. Minnick
Robert M. Parsons
Jerry M. Snyder

PHOTOGRAPHY

William C. Fenton, Jr.
Donald R. Waller

AIR INTELLIGENCE

Melvin L. Gilbert

METEOROLOGY

Jerry C. McConnell

AVIATION ORDNANCE

Rex Brown
Raymond B. Fone
Thomas C. Malich
Donald M. Smith

AVIONICS

Fred C. Artley
Lawrence D. Brosh
Ralph C. Buzzell
Ronald J. McLeroy
Daniel R. Richards
Joseph T. Tindell
James J. Werbiskis

AVIATION ANTISUBMARINE WARFARE

David L. Barger

AVIATION MAINTENANCE

Richard E. Andersen
Eben E. Barnett II
William L. Beane
Bruce C. Carawon
Sidney B. Freegard
Randal R. Hall
Lester Johnson
Patrick H. Johnson
Patrick K. Justet
James R. King
Garrel R. McNeal
Joseph M. Odell
Gary D. Patton
Freddie W. Ritchie
William A. Saye
William M. Schieber
Richard K. Siar, Jr.

Executive nominations received by the Senate June 2, 1975:

FEDERAL ENERGY ADMINISTRATION

Eric R. Zausner, of Virginia, to be a Deputy Administrator of the Federal Energy Administration (new position).

DEPARTMENT OF STATE

James D. Theberge, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Wallace F. Bennett, of Utah, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1977, vice Bradford Mills, term expired.

DEPARTMENT OF STATE

The following-named person for reappointment in the Foreign Service as a Foreign Service Officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Louis Schwartz, Jr., of Florida.

For reappointment in the Foreign Service as a Foreign Service Officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America

Raymond J. Wach, of the District of Columbia.

For appointment as Foreign Service Information Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Richard George Brown, of Illinois.
Claude William La Salle II, of Louisiana.

For promotion from Foreign Service Officers of class 6 to class 5:

Barbara K. Bodine, of California.
William Harrison Courtney, of West Virginia.
Edward J. Marcott, of Massachusetts.
Harry E. Young, Jr., of Kansas.
Richard H. Zorn II, of Illinois.

For appointment as a Foreign Service Officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Michael Sager Royle, of California.

For appointment as Foreign Service Information Officers of class 5, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Harriet L. Elam, of Massachusetts.
G. Alfred Kennedy, of New Jersey.
Jane Prindeville Newman, of Maryland.
Marjorie Ann Ransom, of the District of Columbia.

For promotion from a Foreign Service Officer of class 7 to class 6:

Robyn M. Facinelli, of Illinois.

For promotion from a Foreign Service Information Officer of class 7 to class 6:

Theodore A. Boyd, of Ohio.

For reappointment in the Foreign Service as Foreign Service Officers of class 6, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Ann R. Berry, of Kentucky.
Therese Ann Kleinkauf, of New York.

For reappointment in the Foreign Service as a Foreign Service Information Officer of class 6, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Timothy M. Randall, of Illinois.

For appointment as Foreign Service Officers of class 6, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

José L. Fernández, of Puerto Rico.
Melvin Masaru Tano, of Hawaii.

For promotion from a Foreign Service officer of class 8 to class 7:

Frank V. Nash, of Connecticut.

For reappointment in the Foreign Service as a Foreign Service Officer of class 7, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Lorraine Wendell Polik, of Virginia.

For appointment as Foreign Service Officers of class 7, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Stephen E. Eisenbraun, of Florida.
John J. Feeney, of New York.
Kang Shih Huang, of the District of Columbia.
Albert C. Hyde, of New York.
Michael W. Marine, of Connecticut.
Robert J. Nemeth, of California.
Edward B. O'Donnell, Jr. of Tennessee.
Douglas E. Paradis, of New York.
Gerard R. Pascua, of Virginia.
Charles N. Patterson, Jr., of Texas.
William H. Prior, of New Mexico.
Christopher W. Runckel, of Washington.
Daniel H. Sanders, Jr., of Kentucky.
Richard G. Watkins, of Ohio.

For appointment as Foreign Service Officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America.

James B. Cunningham, of Pennsylvania.
Laura-Elizabeth Kennedy, of Virginia.
Daniel J. McDade, of California.
Karen R. Moore, of Texas.
John F. Noss, of Alaska.
Kathryn Dee Robinson, of Tennessee.
Terry R. Snell, of Washington.

Foreign Service Reserve Officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Donna J. Anderson, of the District of Columbia.
Anita D. Banks, of Maryland.
V. Harwood Blocker III, of Virginia.
Justin L. Bloom, of Maryland.
Marie L. Burba, of New York.
John A. Collins, Jr., of Maryland.
Jean T. Copp, of California.
Donald E. Fitzpatrick, of New York.
Norman H. Gardner, Jr., Connecticut.
Clair E. George, of Maryland.
Sally M. Gober, of Ohio.
Alfred Gonzales, of California.
Gerald D. Gregory, of Rhode Island.
Donald R. Griffin, of the District of Columbia.
Timothy S. Griggs, of Virginia.
Kenneth E. Haas, of Virginia.
A. B. Hemmings, of Virginia.
James E. Horn, of Minnesota.
Constance Huggins, of Ohio.
Natalia D. Horodecka, of the District of Columbia.
Dirk W. Hutchins, of Virginia.
Elizabeth J. Ingold, of the District of Columbia.
Frank J. Johnston, of Virginia.
Yukio Kawamoto, of Virginia.
Richard P. Lawless, Jr., of Virginia.
Charles H. Leven, of Virginia.
Donald J. Lynch, of Florida.
Richard Martin, of Ohio.
David P. Mathewson, of Virginia.
Robert P. McCarthy, of Virginia.
Gene M. McGill, of Virginia.
Russell J. Morgan, of Virginia.
Herman Wesley Odom, Jr., of Virginia.
Jeffrey D. Peacock, of Florida.
William R. Piekney, of Virginia.
David S. Rupp, of Virginia.
Fernando Sanchez, of California.
Robert C. Sardino, of Maryland.
Carl P. Scheid, of Maryland.
Richard E. Schroeder, of the District of Columbia.
Roger D. Severance, of Virginia.
Frederick Smith, Jr., of Virginia.
Richard I. Smith III, of Virginia.
Charles W. Sweetwood, of Idaho.
S. Edwin Ulmer, of Tennessee.
Jack Guy Wood, of the District of Columbia.

Foreign Service Reserve Officers to be Secretaries in the Diplomatic Service of the United States of America:

Frank R. Anderson, of Illinois.
Paul A. Cooper, of Florida.
Graham E. Fuller, of Connecticut.
Richard B. Jackmon, of Virginia.
James W. McWilliams, of Oregon.
Fermino J. Spencer, of Connecticut.
Wilbert R. Templeton, of California.

Foreign Service Staff Officers to be Consular Officers of the United States of America:

Nicholas G. Benigsen, of Virginia.
Richard A. Bienvenue, of New Hampshire.
Katharine T. Ellam, of Massachusetts.
Lester W. Klotzbach, of Ohio.
Oris O. Rives, of Texas.
R. Harden Smith, of Maryland.
James W. True, of California.
Gene H. Williams, of Virginia.
Doris E. Wilmeth, of Texas.

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3347:

To be major general

Brig. Gen. Willard Latham, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Otis C. Lynn, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles F. Means, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Volney F. Warner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert G. Yerks [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Morris J. Brady [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Kenneth E. Dohleman, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph E. Fix, III [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Malley, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John J. Koehler, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Donald R. Keith, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Oliver W. Dillard, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Milton E. Key [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William R. Richardson, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Joseph K. Bratton, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William R. Wray, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vernon B. Lewis, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William L. Mundie, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen Carroll N. LeTellier, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph P. Kingston, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William A. Patch, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Wallace H. Nutting, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Richard A. Bresnahan, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard A. Thompson, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert C. Kingston, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles C. Rogers, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John G. Hill, Jr. [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Bennett L. Lewis, [redacted], Army of the United States (lieutenant colonel, United States Army).

Brig. Gen. Homer S. Long, Jr., [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. Richard L. Harris, [redacted], Army of the United States (lieutenant colonel, United States Army).

Brig. Gen. William W. Palmer, [redacted], Army of the United States (lieutenant colonel, United States Army).

Brig. Gen. James L. Kelly [redacted], Army of the United States (lieutenant colonel, United States Army).

Brig. Gen. George E. Turnmeyer, [redacted] Army of the United States (colonel, United States Army).

Brig. Gen. James A. Johnson, [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. Jerry B. Lauer [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. Oren E. DeHaven, [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. Edward Greer [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. John F. Forrest [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. James B. Vaught, [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. Lee E. Surut, [redacted], Army of the United States (lieutenant colonel, United States Army).

Brig. Gen. Wesley E. Peel, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Judson F. Miller, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Gerd S. Grombacher, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul T. Smith [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James M. Rockwell, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Judson F. Miller, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William R. Wray, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Malley, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John G. Hill, Jr. [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard A. Bresnahan, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George E. Turnmeyer, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James A. Johnson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph E. Fix, III [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James B. Vaught, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Oliver W. Dillard, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Otis C. Lynn, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William L. Mundie, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Homer D. Smith, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. James A. Grimsley, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John G. Waggener, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Willard W. Scott, Jr. [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John W. McEnery, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Sidney B. Berry [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Donn A. Starry [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Eugene P. Forrester [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. William B. Caldwell III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William A. Patch, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Greer, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth E. Dohleman, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul T. Smith [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Oren E. DeHaven, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Latham, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph K. Bratton, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Michael D. Healy, [redacted], Army of the United States (colonel, U.S. Army).

EXTENSIONS OF REMARKS

STRANGERS IN A GENEROUS LAND

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. SCHEUER. Mr. Speaker, I wish to call attention to a most evocative and humane essay which was published recently on the editorial page of the Washington Post. It focuses the American reader's heart and mind on the Vietnamese refugees who have come to our country to start their lives anew as did so many of our own forebears.

The essay is the work of a distinguished journalist, Charles Fenyvesi, who himself emigrated to America from his native Hungary in 1956, the year of the anti-Soviet uprising. He is now editor of the National Jewish Monthly publication.

As the news media have demonstrated amply, there are Americans who, having established themselves here, would raise high the dikes and turn their backs on this newest tide of immigrants entering a nation built of immigrants. That response, even in a time of high unemployment and economic uncertainty, is fundamentally un-American and runs counter to our Judeo-Christian values.

While we now recognize the theory of "America as a social melting pot" to be historical wishful-thinking at best, perhaps we are indeed more fortunate that the separate ethnic and racial backgrounds and traditions which in their sum are America have remained distinct to the extent that they have. As with the Irish and the Jews, the Polish and the Italians and the Japanese who have preceded the Vietnamese to our shores, what truly matters is that they are ready to stake everything in a new future of self-improvement, which has been America's primary attractive commodity, as Mr. Fenyvesi observes.

Here is a well-educated, sophisticated Hungarian who found himself in the midst of a refugee tide nearly 20 years ago, who believes that "there is no strong reason why 150,000 Vietnamese refugees should not make it in America."

In his essay, this editor has also reminded us of a basic precept of humanity: What helps the refugee most in his struggle for self-improvement is the generosity of those who are established here—"the openness to the refugees that is basic to the American character and makes this country what it is."

I would like to share this essay with my colleagues who missed this timely reminder of the necessity to consult our consciences and our heritage as these newest strangers enter our society after 30 years of war in their homeland.

The essay, as printed in the Washington Post, follows:

Strangers in a Generous Land

(By Charles Fenyvesi)

The refugee is seldom a hero. He may be a victim of discrimination or persecution, he might have been slated for martyrdom by an oppressive regime. But the majority of people flee their homeland to rebuild their lives in what they hope will be a more congenial environment. Their ranks include the footloose and the discontented, the ambitious and the crook, the dreamer and the realist, life's losers and those marked for riches and fame.

What matters is that they are prepared to recycle themselves. They are ready to stake everything they have and are by investing in a new future—a future of self-improvement, which has been America's number one commodity and which has attracted the Pilgrims set on building a Puritan Zion and the Irish fleeing from famine, Russian Jews denied elementary freedoms by the czar and Hungarians who "voted with their feet against communism."

Recommendations that the United States encourage the repatriation of Vietnamese refugees represent the last volley of American self-righteousness on Indochina. It is of the stuff of the presumptions that led to that war and prevented administration after administration from extricating itself. For the American inclination has been to see The War in terms of the good guys and the bad; if those who have fled South Vietnam are not heroes then they must be villains; economic or political war profiteers. The Vietnamese who succeeded in climbing aboard U.S. ships are penalized for their government's loss of a war, for dividing American society in a way that no other foreign war did and ultimately, for not being able to appeal to our sense of political and moral rectitude. If there is racism involved in the lack of welcome, there is also guilt for the bombings and Mylai—and the various emotional reactions to such guilt. The Vietnamese refugees remind us that in Southeast Asia, America's missionary idealism failed, our sophisticated technology was defeated by a peasant society and our vaunted rationalism turned out to be inapplicable.

What is particularly difficult for people of good intentions to accept is that the Vietnam war presented no clearcut moral choice comparable to the one of joining or fighting Nazi or Communist dictatorship in Europe. Instead of being resisters, dissenters or freedom-fighters, in a scenario by James Michener, the Vietnamese refugees are the surging, faceless, inarticulate extras in a film that could have been directed by Sam Peckinpah or Francois Truffaut.

Perhaps it is because of the enormous cultural gap—how many Americans have heard of a book or read an article by a Vietnamese? Who can name one of their painters?—or because of the passions aroused in attempts to stop the war, but it is hard to visualize that there must have been Vietnamese who, like Pasternak's Dr. Zhivago in the Russian civil war, attempted to stay out of the conflict and be private persons. As for those who did take sides with the *ancien regime,* is it really necessary or feasible to clear them of charges—of killing Vietcong prisoners or trafficking in black market goods—before we can welcome them into American society?

Neither side in Vietnam has had a monopoly on good intentions or on atrocities. The system the winners are to impose may bring about a more just society and make for a bureaucracy less susceptible to corruption. But to fear a Socialist transformation of society is justified, for that process has never taken place, in Asia or in Europe, without great human suffering. Not to take part in making such history was the refugees' decision; it was their first American-style free choice—a vote cast for a way of life only dimly known.

There is no strong reason why 150,000 Vietnamese refugees should not make it in America. They will not be less virtuous and patriotic and a credit to what will emerge as a new minority in this land than previous migrations of refugees. They too will suffer from the corrosive effects of emigre politics, turn bitter and unreasonable, and find no important American group paying them attention. But the majority will opt for a pursuit of personal gains. The soldier will consider himself lucky if he can go back to farming. The lawyer will accept a job in the stock room. The corrupt bureaucrat will be too old to learn the tricks of his new country. There will be family arguments whether or not to open up a restaurant; daughters of respectable families will do less well than former bar-girls; children will be born who insist on speaking English. There will be complaints that the Vietnamese are clannish, unwilling to change and adapt—as well as fears among the Vietnamese that their community will disappear in the great compost pile of American humanity.

Like truck drivers and generals, refugees from various lands are much alike. Some learn to enjoy "All in the Family," wear torn sweatshirts Sundays and save furiously to send a son through medical school. Others remain refugees for the rest of their lives, nursing old wounds, living off memories of the life left behind and re-fighting the battles which made the flight necessary. A typical refugee dream is of going back to the old country and not being able to get out again—children born in the new land disappear and the relatives found in the old houses are stonyfaced, even hostile. There are refugees who never stop running for their lives: fires burn, the killing continues and the enemy cannot be vanquished.

In the morning, reality often seems bland, vacuous, insubstantial. The rustle of palm fronds, the scent of violets in the rain or the golden sheaves of wheat recall another time, another world.

Forgetfulness helps. So do friendly neighbors, the shimmer of dogwood, the Buick station wagon that takes the family to the Fingers Lakes or the Grand Canyon, the possibilities of getting ahead and recognition by colleagues and new friends. But what helps most is the generosity toward the stranger—the openness to his strangeness that is basic to the American character and makes this country what it is.

A TRIBUTE TO JOSEF CARDINAL MINDSZENTY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BRADEMAS. Mr. Speaker, millions of people all over the world were saddened by the death earlier this month of Josef Cardinal Mindszenty.

Cardinal Mindszenty's death brought a special sadness to the people of my own congressional district because he had visited it only last summer.

Cardinal Mindszenty came to symbolize not only for the people of his native Hungary but for people of other countries of the world a depth of religious faith and a tenacity of purpose that were remarkable.

Cardinal Mindszenty's host in Indiana was a longtime friend, himself a distinguished religious leader, Msgr. John S. Sabo, the pastor of Our Lady of Hungary Church in South Bend.

Monsignor Sabo, in comments shortly before flying to the cardinal's funeral in Vienna, regarded him as a "wonderful man" who had "outlived every one of those who had anything to do with his torture."

Mr. Speaker, I join in paying tribute to this remarkable figure who came to symbolize the tyranny of both nazism and communism, and I insert at this point in the RECORD several news accounts and editorials about Cardinal Mindszenty from the South Bend Tribune and "The Harmonizer," the official newspaper of the Roman Catholic Diocese of Fort Wayne-South Bend.

The articles follow:

Cardinal Mindszenty Dies

Joseph Cardinal Mindszenty, former primate of the Hungarian Catholic Church, who died today in Vienna, Austria at age 83, was eulogized today by his longtime South Bend friend, Msgr. John S. Sabo, as "a wonderful man."

A spokesman at the palace of Vienna's Archbishop-Cardinal Franz Koenic said Mindszenty died in a Vienna hospital at 8:15 a.m. EST. The spokesman said the cardinal underwent prostate surgery this morning and died four hours later from heart failure.

A one-time major figure of the East-West controversy, Cardinal Mindszenty, a bitter enemy of communism, was long a refugee in the United States mission in Budapest. Communists had tortured him and sentenced him to life imprisonment in 1949 for fighting the Red takeover of his country.

Msgr. Sabo, pastor of Our Lady of Hungary Catholic Church, noted today that "he (the cardinal) outlived every one of those who had anything to do with his torture."

Msgr. Sabo, recalling Cardinal Mindszenty's visits with him in South Bend in 1947 and last year, remembers serving as an interpreter for the cardinal at press interviews during Mindszenty's 1947 visit to Ottawa, Canada.

Mindszenty became an international figure during the 1956 Hungarian revolution when Hungarian freedom fighters released him from life imprisonment and Russian intervention in the revolution forced him to seek refuge in the U.S. Mission in Budapest where he remained for 15 years. He wrote in his memoirs that he would have remained there in perpetual asylum but that President Richard M. Nixon convinced him he was an unwelcome guest, a barrier to detente.

During his visit to South Bend last June, Cardinal Mindszenty visited area clergy and concelebrated the mass with them. He also visited the University of Notre Dame.

Pope Paul VI removed the cardinal as primate of Hungary and archbishop of Esztergom on Feb. 4, 1974. Cardinal Mindszenty emphatically denied that he stepped down voluntarily.

He was a symbol of lifelong resistance to Nazi and Communist tyranny.

Cardinal Mindszenty Mourned Here

The death of Josef Cardinal Mindszenty has special meaning here because of the large South Bend Hungarian community and the cardinal's visit here less than a year ago.

The former primate of Hungary suffered imprisonment by both Nazis and Communists. However, he became a symbol of the cold war after he was sentenced in 1949 on a trumped-up treason charge.

He remained in prison until the ill-fated Hungarian revolution in 1956, when he was released by freedom fighters. But he remained free only four days until Soviet forces put down the revolt and he began a 15-year stay as a refugee in the United States Mission in Budapest.

As times changed, Popes John XXIII and Paul VI sought his release, but the cardinal was reluctant to leave unless the Hungarian regime completely cleared him of the charges.

Nevertheless, he sadly agreed to depart his homeland for the last time Sept. 28, 1971, apparently as the result of an agreement between the Hungarian government and the Vatican under which his life sentence was suspended.

He traveled to Rome and eventually took up residence in Vienna, close to his own land where he was removed as primate by Pope Paul on Feb. 4, 1974.

Cardinal Mindszenty paid his second visit here last June, having come to South Bend in 1947, also. During his most recent stay he celebrated mass with area clergy, visited the University of Notre Dame and greeted hundreds eager to meet him.

His local host and friend, Rt. Rev. Msgr. John S. Sabo, pastor of Our Lady of Hungary Church, noted that Mindszenty had "outlived every one of those who had anything to do with his torture."

At the age of 83, Cardinal Mindszenty was not happy with the circumstances of his freedom or continued Communist rule in Hungary. His steadfast refusal to compromise his beliefs won him world-wide admiration.

In Memoriam

The recent death of Josef Cardinal Mindszenty recalls a sad page in the contemporary history of the Church. It reminds me of the strange phrase of Chesterton about the "halo of hatred around the Church of God." Why halo, the symbol of holiness? Because those who hate the Church confirm its holiness. They do not hate it because it is evil but because it condemns what is evil in the designs and desires of men.

The great Cardinal will always be, in our time, an unforgettable example of the courage required to stand firm in the faith in the face of tyranny, oppression, persecution, to suffer injustice in the cause of justice, to sacrifice his own freedom rather than surrender and submit to those bent on destroying the freedom of the Church. For that reason his memory is a blessing, his heroism a challenge, his life an inspiration, his death an appeal for our prayers not only for his happy repose with God but for some measure of his strength to bear faithful witness to Our Lord in a world that rejects Him.

So We Knew

Someone has defined greatness in a man as that quality which causes people to see in him something of the divine. To know him is to be lifted up. It is to come a bit closer to Heaven while in his presence—if only for a fleeting moment.

Cardinal Mindszenty was former primate of the Hungarian Catholic Church and known throughout the free world for his unwavering opposition to Marxism. He voluntarily endured exile and accepted asylum in the American Legation in Budapest for many years to dramatize the brutal takeover of his native Hungary by the Communists in the late '40s.

But it was not because of these facts that he is to be considered a great man. They would account for his being well known, and even unforgettable as a historical figure, but not necessarily great.

Cardinal Mindszenty qualifies as a great man because one saw in him something of the divine. Just what made men see in him something of the divine is difficult to confine to one example or incident.

When the Cardinal visited the diocese almost a year ago we were struck with the thought that here was an unusual man—and would have thought so even if we were not aware of his background.

Our first glimpse of him was pacing the floor saying his breviary just off the lobby of the Morris Inn at Notre Dame.

With newsmen standing by ready to pounce upon him with question, with cameras and electronic gear lying about in organized confusion, with important people chatting away while waiting to be introduced to him—there he was praying, unperturbed, as in a monastery garden. So we knew he was a man of prayer.

During the interview he was most anxious to be understood as a pastor looking after his flock. He parried direct political questions. He could not be drawn into a castigation of his enemies. And he would not be drawn into any criticism of the Pope. So we knew he was a churchman, not a diplomat or worldly figure of sorts.

And then his references during the interview, to the wisdom and goodness of God. So we knew he was a man of God.

Adding just these elements together one began to see something uplifting in the man—yes, something of the divine.

Cardinal Mindszenty was a great man!

May He Rest in Peace!

A RESOLUTION ADOPTED BY THE MASSACHUSETTS STATE COUNCIL KNIGHTS OF COLUMBUS

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. EARLY. Mr. Speaker, at the annual meeting of the Massachusetts State Council Knights of Columbus on May 17, 1975, at Boston, Mass., the council adopted a resolution urging all Members of the Massachusetts congressional delegation to support the "right to life" of all persons from the moment of conception.

I am including the text of that resolution for the attention of my colleagues from Massachusetts, and all of the Members of the House.

The resolution follows:

Resolution

Whereas: America's greatest natural resource, its youth, is being decimated at the rate of almost four abortions every minute of every day; and

Whereas: The only solution to this wanton destruction of human life is an amendment to the Constitution of the United States; therefore, be it

Resolved: That the Knights of Columbus of Massachusetts, meeting in convention at Boston the 17th and 18th days of May 1975, urge all the members of the Massachusetts Congressional Delegation to do all in their power to insure speedy enactment of an amendment to our Constitution which will guarantee the right to life from the moment of conception; and be it further

Resolved: That a copy of this resolution be forwarded to all members of the Massachusetts Congressional Delegation.

Adopted at the Annual Meeting, Massachusetts State Council Knights of Columbus on May 17, 1975, at Boston, Massachusetts.

NATIONAL PARK SERVICE PUBLIC HEARING ON DRAFT MASTER PLAN

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DOWNEY of New York. Mr. Speaker, on May 21, 1975, the National Park Service held a public hearing in Patchogue, N.Y., on the draft master plan prepared by the Park Service for the Fire Island National Seashore.

The plan proposes, in part, that 6 miles of the western portion of Fire Island be deleted from the national seashore. I have strenuously opposed this proposal and will continue to do so. As I said at that hearing, this is not a master plan for the protection of Fire Island, it is a declaration of open season on one of our most vital natural resources.

Mr. Speaker, I include my statement at that hearing in the RECORD:

National Park Service Public Hearing on Draft Master Plan

I appear before you tonight with grave concern about the future of the Fire Island National Seashore. We have, in Fire Island, a unique natural resource. The preservation and protection of the Seashore has been, and I firmly believe must continue to be, a top priority for all concerned and responsible citizens and public officials. We must not waver in our support of the mandate of the Act of Congress which created the National Seashore. We must do everything we can to conserve and preserve for future generations the relatively unspoiled and undeveloped beaches, dunes, and other beautiful natural features on Fire Island.

Two months ago, the National Park Service (NPS) published a draft of a new master plan for the Fire Island National Seashore. This plan is intended to revise and succeed the master plan approved in 1965, shortly after the Seashore was first established.

According to the Park Service, this new

plan was developed after careful consideration of all relevant economic, social and environmental considerations. Allegedly, it reflects the experience which the Park Service has gained since 1964 in administering the Seashore.

If this is the Park Service's position, I reject it. This is not a master plan for the protection of Fire Island, it is a declaration of open season on one of our most vital natural resources. It is not a responsible document and it is not carefully drawn. It is instead an indication that whatever the Park Service has been doing on Fire Island for the last eleven years, it has not learned very much about the needs of the national seashore.

All of us here tonight know that the plan proposes the deletion of six miles of the western portion of the Seashore. How this proposal was arrived at, I am not sure. However, it is apparent to me that this master plan is not based upon a very conscientious analysis of all the facts.

As an example, let me direct your attention for a moment to an environmental inventory of the National Seashore commissioned by the Park Service in 1973. This study, conducted by Jack McCormick Associates and submitted in February of this year is generally considered the most complete environmental study of the area ever conducted.

I should also note that the Park Service paid in excess of $80,000 for the preparation of the McCormick study. This, incidentally, is more than the combined cost of all of the other studies conducted in preparation of the Master Plan.

Gentlemen, this study reaches conclusions which run directly contrary to the draft master plan. The environmental experts at McCormick determined in their report that the boundaries should be extended, not contracted. Let me repeat, the environmental experts commissioned by the Park Service to prepare a study of the Fire Island National Seashore firmly believe that the boundaries of the seashore should not be contracted, as the Park Service proposes, but should be expanded in an effort to provide greater protection to this fragile natural resource.

Moreover, in the "General Introduction" of this study the consultants make it clear that they were verbally requested to include in the study recommendations and assessments on the possible alternative scenarios for future development of Fire Island. However, they were never furnished with either preliminary sections or copies of the draft master plan, or a written list of alternatives which the National Park Service considered feasible.

Thus, McCormick was commissioned to do a major environmental study—a study which should have been relied upon in assessing the environmental impact of the master plan—but, was not informed of the intention of the Park Service to "lop off" a portion of the western end of the Seashore. To say the least, this does not seem to be a very responsible way of preparing a master plan.

Furthermore, in the "General Introduction" of the Environmental Inventory, McCormick Associates, Inc., state that they were expected to "work closely with another contractor (to be selected) who would be charged with developing zoning standards for exempted communities on Fire Island. It is my understanding that section 3(a) of the Act establishing the National Seashore requires that the Secretary issue regulations specifying standards for "exempt communities" that are consistent with the purposes of the Act. It is also my understanding that the present standards largely incorporate local zoning regulations and that a need for new standards has existed for some time.

However, McCormick discloses in its report that no such contractor was ever selected and that no effort was made to develop new standards for exempt areas.

Why was another contractor not selected to develop these standards, given the need for these standards and the fact that McCormick was led to believe such a contractor would be found?

How can we account for these things? Why does the Park Service propose to take action diametrically opposed to the strong recommendations of the most recent and most thorough environmental study of Fire Island conducted by an independent contractor? Why has the Park Service neglected to comply with the requirements of the Act of Congress creating the National Seashore?

On April 30th, I wrote a letter to Assistant Secretary Nathaniel Reed regarding these very grave questions. This afternoon I received the attached reply signed by Mr. Douglas Wheeler, Deputy Assistant Secretary of the Interior. Let me say that I am very disturbed by this reply. In this letter the Park Service admits that it abandoned plans to develop zoning standards for exempted communities. The Park Service explains that it decided instead to seek from Congress the additional authority to halt improper development by obtaining injunctive relief in the courts. In essence the Park Service received a mandate from Congress in 1964 to establish zoning standards, failed to fully implement it, proceeded to abandon all plans for establishing these Congressionally required standards, and now says, as an excuse, that it has a better idea. This is patently irresponsible and may constitute a violation of law.

The Park Service also states that it commissioned the study to provide data for its "boundary readjustment proposal." However, I should point out that the Park Service made its proposal a full month before the McCormick study was finished. And in the draft master plan's bibliography of studies conducted in preparation of the plan, the McCormick study is never cited. Furthermore, as I pointed out before, McCormick states that he was never officially informed of the Park Service's boundary readjustment proposal.

In an effort to make the facts fit their argument the Park Service goes on to state that when McCormick was asked if the proposed boundary revision would affect the island's resources the consultants answered that the island "had the capacity to handle increased development providing that existing *zoning standards were maintained.*" (Emphasis supplied)

But, what the Park Service forgot to mention was that McCormick on page 396 of its study emphasized that without Federal presence in the communities these standards will probably not be maintained. Just what kind of double talk is the National Park Service involved in?

Finally, in the last paragraph of its letter, the Park Service says it "had attempted to weigh all the factors" in proposing and drafting this master plan. All the factors? How about the recommendations of the McCormick study? How about the abandoned study of zoning needs?

Maybe we could find a few answers if we delve a little deeper.

In Section VII of the Draft Environmental Impact Statement, an alternative to your proposed plan is presented which explores the possibility of extending the Western boundary of the Seashore in a manner similar to the one suggested by McCormick Associates. It is made patently clear in the Impact Statement that by extending the boundary to incorporate the Historic Coast Guard Lighthouse located on land adjacent to Robert Moses Park, we would prevent the increased use of vehicles (one of the master plan's stated goals), prevent the construction of a major paved road in the area, prevent the creation of an urban strip such as that along Long Beach, and incorporate a significant historic resource (the only one on the island) into the seashore where it should belong.

And what reason is given for not adopting this plan? Let me read from Page 296 of the Impact Statement:

"Given the existing park staff and level of funding, the management of the Fire Island Lighthouse unit would significantly impair the ability of the National Park Service to protect natural and cultural resources, maintain park facilities, and provide a variety of services to park visitors elsewhere in the seashore. In addition to providing visitor services, maintenance of facilities, and patrol of Federal lands in this area, park management would retain responsibility for issuing vehicle permits, investigating known or potential violations of Federal zoning standards, and addressing the concerns of community residents. Conflicts with local communities on matters pertaining to beach-erosion control, vehicle use, and enforcement of Federal standards would continue to divert management efforts from protecting and providing for a broad spectrum of visitor activities within the seashore district. However, the provision of adequate funding and personnel to meet these additional management responsibility could completely mitigate those adverse effects."

I think we are all aware of the fact that the National Seashore has expended nearly all of its financial resources on condemnations and acquisitions.

And I am sure we all know of the problems that have been encountered in controlling inconsistent land uses through the power of condemnation.

So, let's not kid ourselves, the issue here is not the deletion of the six mile tract, but rather the protection of a vital national resource. If this protection requires additional money or authority then let us authorize it!

What should happen if the Seashore continues to have financial problems?—do we continue to delete sections of the island from the Seashore until there is nothing left? Certainly not.

Then why even consider such an action? Perhaps controlling private development is an administrative pain in the neck and the NPS would rather not meet its statutory obligations?

I am sure you will agree that the Park Service has shown us that it would rather shirk its obligations to this valuable resource rather than seek those remedies which would make Fire Island the kind of recreation area it should be.

The Park Service has not fully considered the environmental factors as is claimed in the master plan.

The Park Service has not come to the Congress and openly requested the needed funds to create a truly outstanding National Park.

The Park Service has not lent any support to H.R. 3994, a bill introduced by Reps. Pike, Ambro, Solarz and myself that would increase the authorization for the Seashore and would grant the Secretary of the Interior the authority to seek injunctive relief against any nonconforming land use in exempted communities.

And the Park Service has made ill advised proposals based upon their own lack of initiative that will seriously jeopardize the future of Fire Island as a complete National resource.

The Park Service may not delete six miles of the Fire Island National Seashore without the approval of the Congress. Let me state that I will vigorously oppose any attempt to get such legislation through the Congress.

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C.

Hon. Thomas J. Downey,
House of Representatives,
Washington, D.C.

Dear Mr. Downey: Thank you for your letter of April 30 concerning Fire Island National Seashore.

The National Park Service shares your concern that the Fire Island resource be preserved. The proposals in the draft master plan are not intended to suggest that continued Federal presence on the island is not desirable. They, in fact, are intended to offer solutions to the problems that the National Park Service faces in managing the park. The needs of the communities as they relate to the broader needs of all of the people of the Nation for outdoor recreation is a particularly complex problem for which there is no simple answer. The issue is still open during the master plan review process and, ultimately, until additional legislation is enacted.

When the National Park Service issued the contract to McCormick and Associates for the environmental inventory, it was intended that an addendum to that contract would be issued for the development of model zoning guidelines. Work was not started on this study. As the general standards for zoning evolved to support the injunctive relief proposal during the master planning process, the intended indepth study on zoning standards was abandoned. The issue of zoning, as you are aware, is neither peculiar to Fire Island nor is it an easy question to answer. We believe additional legislative direction is needed to resolve the present conflict between Federal responsibility and the traditional local responsibility for zoning matters.

McCormick and Associates was requested to include in its study recommendations and assessments on the possible alternative scenarios for future development on Fire Island. Staff members of McCormick worked very closely with the Master Plan Team and were made fully aware of an alternative calling for boundary revision. In fact, one of the primary reasons that an environmental study was contracted was to provide data for a possible boundary adjustment proposal.

Before the decision was made to adjust the boundary, the contractor gave a negative reply when asked in a meeting if a boundary revision would adversely affect the physical resource in that portion of Fire Island proposed for deletion from the seashore boundary. The land resource in its estimation had the capacity to handle increased development providing that existing zoning standards were maintained. This factor and the planner's recommendation not to acquire the beach in front of the communities, plus the desirability of concentrating limited funds and manpower in the seashore district resulted in the decision to propose a boundary adjustment. The lighthouse tract would become a detached unit if the boundary were adjusted. The problems of managing a separate unit and the State of New York's capability to preserve this area were factors in the decision not to recommend Federal control of the lighthouse.

The McCormick study reaches conclusions about the need for Federal presence on Fire Island which do contradict the draft master plan. However, it is important to remember that the McCormick study was intended to provide background data for decisions. There are other important considerations in making these decisions beyond environmental concerns. For example, the contractor makes the recommendation that it would be desirable to consider expansion of the authorized boundary of Fire Island National Seashore to include the entire geomorphologic unit of the island. This is not a reasonable proposal due to economic and management limitations even though it does perhaps make sense from an environmental point of view. The Service has attempted to weigh all factors, including environmental, in coming to its recommendations.

Hopefully, we have responded to your concerns about the conduct of the master plan for Fire Island. Thank you for your continuing interest.

Sincerely yours,

DOUGLAS P. WHEELER,
Deputy Assistant Secretary of the Interior.

STATEMENT ON CYPRUS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. EILBERG. Mr. Speaker, the situation in Cyprus remains in its present inequitable and unjust form and nothing has happened to relieve the suffering of the Greek-Cypriots who were driven from their homes or to force the Turkish forces to retreat.

Immediately after the crisis began, the Congress ordered a cutoff of arms shipments to Turkey because of that country's aggressive actions. Although Turkey has refused to make any concessions, the Senate has approved legislation which would permit the arms flow to Turkey to resume.

At this time I enter into the RECORD a statement on the Cyprus situation by the officers of the Metropolitan Christian Council of Philadelphia and the chief executives of member denominations of the council.

The statement follows:

STATEMENT ON CYPRUS

(By the officers of the Metropolitan Christian Council of Philadelphia and the chief executives of member denominations of the council)

In September, 1974, we registered our disapproval of the intervention of foreign military forces in Cyprus and expressed our concern for the suffering and uprooting of thousands of people caused by the conflict. We called for settlement by negotiations of differences among the parties involved and diplomatic efforts by our government to restrain aggressive acts of foreign military forces on this island.

We note with deep regret that to this day the fate of the uprooted people in Cyprus has not been resolved. We urge the early and safe return of all refugees and displaced people to their homes, and we join the World Council of Churches' Executive Committee in asking that these same refugees and uprooted people not be used as "pawns in negotiations or become the object of political exploitation."

We regret, moreover, that the United Nations' request made more than five months ago for the speedy withdrawal of all foreign armed forces from the Republic of Cyprus has not so far been heeded. We view with concern the possible results of a bill (S. 846) passed by the Senate to open up channels for military assistance to the occupying power and fear that a measure of this kind might encourage further resistance to the U.N.'s request for withdrawal. We would therefore urge the members of the House of Representatives to resist all such legislative efforts.

We wish to reaffirm our previous statement and once more call upon our government to employ its legislative and diplomatic resources to restrain aggressive acts and support withdrawal of foreign military forces in Cyrus, and to coorperate with all efforts through the United Nations to bring about the peaceful settlement of differences.

Persons endorsing the statement include the following:

The Rev. John C. Shetler, Chairman, Metropolitan Christian Council of Philadelphia, Conference Minister, Pennsylvania Southeast Conference, United Church of Christ.

The Rev. Dr. William A. Janson, Jr., Vice-President, Metropolitan Christian Council of Philadelphia, President, Southeastern Pennsylvania Synod, Luthern Church of America.

The Rev. Carl M. Kleis, Secretary, Metropolitan Christian Council of Philadelphia, President, Philadelphia Classis, Reformed Church in America.

The Rev. Dr. Rufus Cornelsen, Executive Director, Metropolitan Christian Council of Philadelphia.

The Rt. Rev. James M. Ault, Bishop, Eastern Pennsylvania Conference, United Methodist Church.

Francis G. Brown, General Secretary, Philadelphia Yearly Meeting of the Religious Society of Friends.

The Rev. William J. Brown, Executive Presbyter, Donegal Presbytery, United Presbyterian Church in the USA.

The Rt. Rev. E. L. Hickman, Bishop, First Episcopal District, African Methodist Episcopal Ch.

The Rev. John A. Limberakis, Archpriest, Greek Orthodox Community of Philadelphia.

The Rt. Rev. Lyman C. Ogilby, Bishop, Diocese of Pennsylvania, Episcopal Church.

The Rev. Harrison J. Trapp, Moderator, Pennsylvania Baptist Association.

THE RETURN OF THE REMAINS OF MARINE CPL. CHARLES McMAHON, JR.

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. EARLY. Mr. Speaker, on May 14, 1975, the Massachusetts State Senate adopted a resolution calling upon the administration to secure the safe return of the remains of Marine Cpl. Charles McMahon, Jr., to the United States. Corporal McMahon, of Woburn, Mass., was killed in action at Tan Son Nhut Airport in Saigon, South Vietnam on April 28, 1975 and was one of the last Americans to lose his life in defense of the interests of the United States and the Republic of South Vietnam.

I am inserting the text of the resolution at this point in the RECORD, and would like to call the special attention of the President, the Secretary of State, and the Secretary of Defense to this matter.

The resolution follows:

RESOLUTION—THE COMMONWEALTH OF MASSACHUSETTS

Resolutions urging the President of the United States to endeavor to obtain the return of the remains of Marine Corporal Charles McMahon, Jr. from South Vietnam

Whereas, Marine Corporal Charles McMahon, Jr. of Woburn was killed in action while guarding the interests of the United States at Tan Son Nhut Airport in Saigon, South Vietnam, on April 28, 1975; and

Whereas, Marine Corporal Charles McMahon, Jr. was one of the last Americans to lose his life in defense of the interests of the United States in Southeast Asia and in the Republic of South Vietnam; and

Whereas, The United States Marine Corps confirmed on May 7, 1975 that his earthly remains were not able to be evacuated from the country because of severe problems and chaos in the final evacuation of American citizens from Saigon; now, therefore, be it

Resolved, That the Massachusetts Senate hereby requests that the President of the United States, the Secretary of State, the Secretary of Defense and the Commandant of the Marine Corps exert every conceivable effort, diplomatically and otherwise, to secure the safe return of the remains of Marine Corporal Charles McMahon, Jr. to the United States; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the Secretary of State, the Secretary of Defense, the Commandant of the Marine Corps, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

Senate, adopted, May 14, 1975.

MALPRACTICE INSURANCE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. RINALDO. Mr. Speaker, in a statement I recently issued, I discussed the problems connected with malpractice insurance and the very real need for reform in this area. Because my statement raises certain important factors connected with malpractice insurance, I am inserting it in the RECORD so that it may receive the attention of my colleagues:

MALPRACTICE INSURANCE

Sue somebody.

That describes the new national mood as Americans flock to lawyers' offices with a medical bill in one hand and a determination to cash in on somebody's misfortune in the other.

From auto accidents to malpractice suits, the avalanche of lawsuits and out-of-court settlements is costing Americans billions of dollars in court awards, higher insurance premiums, and doctor and hospital bills.

In the case of medical malpractice suits, it is weakening trust between doctors and patients and affecting the type of care and emergency service that the medical profession has willingly supplied for 200 years in this country.

Delicate surgery in which there is a high risk of death or permanent damage has made many doctors wary of proceeding because of the implicit threat that if anything goes wrong they may be heavily sued and driven out of the profession.

More and more we hear that doctors are practicing defensive medicine—ordering more consultations, X-rays and other expensive laboratory procedures because of an increase in unjustified malpractice claims. Simple, inexpensive medical examinations and diagnosis are becoming harder to find.

The rise in malpractice premiums has become so regular and so steep that it is one of the largest costs of practicing medicine. One insurance company in New Jersey recently imposed a 410 percent increase on malpractice insurance for hospitals in New Jersey.

Doctors are not taking the situation lying down. The two-week strike by some doctors in northern California symptomizes the spreading discontent in the medical profession. On one side, they feel the pressure from patients angered by rising medical costs, and on the other by runaway malpractice settlements that threaten them with financial calamity if they take necessary risks with a patient's life.

Suits against physicians have been increasing at the rate of 10 percent a year, higher than any other branch of business and the professions. These costs are being passed on to patients, health insurance companies and to the federal health care programs.

In some cases, patients, their lawyers and juries assume that physicians are gods and should produce medical miracles. If anything goes wrong, the doctor and the hospital are sued. The Journal of the Medical Society of New Jersey recently questioned the cause of medical malpractice suits. Their conclusion was that attorneys have been pressing more people to sue. Second was the growth of the "anything for a buck" philosophy, and third, the erosion of the traditional doctor-patient relationship.

There is no doubt that over-specialization has been partly responsible for the breakdown in trust between doctors and patients. The person undergoing surgery seldom knows the other consulting physicians called in on the operation and often even feels that they may be unnecessary.

The clash between the medical and legal profession over the increase in lawsuits and the cost of settlements is complicated. More physicians are engaged in group practice. Moreover, there are studies alleging that some surgeons are unnecessarily advising patients to undergo operations. Finally, many new medical procedures are being tried today that would have been impossible ten or fifteen years ago. It means that many high risk patients, who would have died without surgery in the 1950's are now being saved.

The facts surrounding the cost of malpractice insurance are by no means clear. For example, Dr. Norman Blackman, president of the Kings County Medical Society in New York, has claimed that only 18 cents of the doctor's insurance dollar goes to an injured patient. Eighty-two cents goes to lawyers, insurance companies, insurance brokers and for overhead. According to Dr. Blackman, the public is being legally fleeced. Naturally, the lawyers are protesting such claims.

Medical insurance coverage should, in my opinion, remain a private matter with regulation of the insurance industry left to the states. Federal takeover of malpractice insurance would guarantee no improvements; very likely, it would not multiply the confusion, the problems, the disputes and the costs to everyone.

The billions of dollars lost in the Medicare and Medicaid programs are a warning of what might happen if the federal government attempts to regulate medical malpractice. Instead of a rare strike by physicians in northern California, we might trigger nationwide protests by aggrieved doctors.

On the other side of the coin, patients who have received improper or careless treatment have a constitutional right to sue for damages. Incompetent physicians should not be shielded from responsibility by the code of silence in the operating room.

Suggestions that Congress enact a no-fault medical insurance system would be a mistake. It would stimulate a rash of small claims because of the ease of filing for compensation. In this event, insurance costs would go higher, and medical care would become more expensive and perhaps even more impersonal.

It seems to me that personal accountability is indispensible in the practice of medicine just as in the practice of law. Both professions should police themselves better to weed out those whose primary aim is to get rich and someone else's misery.

Congress should act on medical malpractice insurance only as a last resort, when the professions, the public and the insurance companies have exhausted their own patience, intelligence and good will. Even then, I have serious reservations that the federal government could provide American physicians and patients with a simple, workable and inexpensive plan for insurance coverage.

The best remedy is the cheapest: mutual trust and medical competence. It is something that money cannot buy and the government cannot provide.

FISH AND WILDLIFE'S EXPERTISE NEEDED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. UDALL. Mr. Speaker, I have joined with a number of colleagues in legislation designed to place all units of the National Wildlife Refuge System under the Agency of the Department of the Interior best equipped to provide the kind of administration needed. This would be the U.S. Fish and Wildlife Service, of course.

In Arizona, considerable ferment has arisen over decision of the Department to transfer Kofa Game Range from Fish and Wildlife to the Bureau of Land Management.

Pete Cowgill, outdoor editor for the Arizona Daily Star, Tucson, has sharply attacked this action and details the case in three excellent articles on April 27, 1975. I wanted to share Mr. Cowgill's findings with my colleagues:

CATTLE GRAZING IN KOFA RANGE HARMS WILDLIFE

The Kofa Game Range was established by an executive order of President Franklin D. Roosevelt Jan. 25, 1939.

". . . The following described lands are hereby withdrawn from settlement, location, sale or entry and reserved and set apart for the conservation and development of natural wildlife resources, and for the protection and improvement of public grazing lands and natural forage resources . . .

". . . the range or preserve, being duly established . . . shall be under the exclusive jurisdiction of the Secretary of the Interior so far as it relates to the public grazing lands and natural forage resources thereof: provided, however, that all the forage resources in excess of that required to maintain a balanced wildlife population within this range or preserve shall be available for domestic livestock. . ."

A Memorandum of Understanding was signed Oct. 15, 1940, by the Grazing Service (now called Bureau of Land Management) and the Fish and Wildlife Service covering the Kofa and Cabeza Prieta Game Ranges in Arizona Grazing District No. 3.

"It is mutually agreed that the livestock licensed and permitted will be held strictly to cattle and horses and that no domestic sheep or goats will be allowed.

"It is mutually agreed that wild horses and burros will be controlled.

"It is mutually agreed that the overall rate of stocking on the available cattle range shall not exceed three cattle yearlong per section and this rate will never be exceeded without the consent of the FWS after a joint examination of the area."

After 25 years of joint management an analysis of the Kofa and Cabeza Prieta Game Ranges was made by Hugh Harper, wildlife specialist for the BLM and George Wiseman, assistant regional supervisor for the Bureau of Sport Fisheries and Wildlife.

"Grazing lands of the Kofa and Cabeza Prieta Game Ranges are at best marginal so far as supporting a feasible livestock operation is concerned.

"Rainfall has an appreciable effect on the quantity of forage which is available, for livestock use. Spring rains on occasion result in growth of some annual plants which may be utilized by livestock for brief periods of time. Such plants include eriogonum, plantago and aristida. Ranchers attempt to turn cattle onto game range lands during periods when these annual forage plants are present. In practice, the timing of the entry and removal of cattle does not . . . correspond too closely to the period of availability of the temporary forage source.

"Even when annual plant growth occurs, cattle utilize other plants which are needed by wildlife. After the annuals dry, other important wildlife plants are used extensively by livestock. The result has been abusive use of perennial shrubs and other plants important to wildlife on portions of the game ranges used regularly by livestock. Lack of fencing in the rugged terrain has resulted in trespass grazing of areas not included in grazing allotments. It is apparent the delicately balanced vegetative complex on the desert areas involved cannot support livestock and also maintain its inherent potential to serve wildlife.

"Preferred wildlife brouse plants such as deernut, wolfberry and ratany are utilized extensively by cattle. Severe use of such plants was noted where livestock grazing occurs every year—as on the Crowder allotment.

"Present livestock use is occurring to the department of wildlife, representing an infraction of the directives of the establishing executive order.

"The following recommendations are made: the area should be administered solely by the Bureau of Sport Fisheries and Wildlife. To accomplish conformance with the directives of the establishing executive order, livestock grazing should be phased out within seven years."

The above comments were dated June 17, 1965.

On May 25, 1972, a memo was sent by Bob Hernbrode Jr., then wildlife manager of the area for the Arizona Game and Fish Department, to Mike Yeager, G&F regional supervisor.

"In 1939 the Kofa Game Range was established by executive order to maintain a balanced wildlife population. It was further provided that excess forage resources not needed by those wildlife populations should be available for domestic livestock. To date no determination has been made as to what are maximum wildlife populations: what should be their forage needs; and what should be in excess to be available for domestic livestock use. Instead active allotments have been maintained which largely monopolize all available forage in some of the less rugged areas.

"Active cattle allotments negatively influence wildlife populations where they occur on the desert.

"Destructive use of important brouse species is occurring throughout the cruising radius of livestock from the drought period watering sites. The reduced carrying capacity will again effect wildlife species, not in individual body condition, but in reduced herd size.

"With the development of water catchments desert mule deer numbers have increased substantially, thereby increasing their availability for sport hunting. Desert bighorn sheep have evolved from an unknown to the most coveted of big game animals in the last 20 years. Large amounts of money are spent directly and indirectly in pursuit of these species. Economically these two wildlife species and all other desert wildlife are highly valuable, perhaps more so than the livestock industry in these two desert areas."

Gerald E. Duncan, former acting refuge manager for the FWs, wrote a letter dated June 1, 1973, to William Brigham, secretary of the Arizona Desert Bighorn Sheep Society.

"We have documented in our annual reports that we believed cattle operations on the Kofa to be taking excessive toll of grasses, forbs and browse plants which are valuable to wildlife as food and cover."

On the Trail

(By Pete Cowgill)

Can the Bureau of Land Management change its spots?

The answer, unfortunately, is "No."

It is inconceivable that this federal bureaucracy which for 35 years has been an active conspirator in the vegetational rape of the Kofe Game Range will suddenly smite down the nasty ranchers whose cattle roam much of the region.

History tells us that the BLM is blissfully wedded to the consumptive users of our public domain land: ranchers with cattle, sheep, goats, horses and other domestic livestock; miners and prospectors; timber cutters; and any other commercial users of the 450 million acres of public domain land in the western United States.

The BLM record in the Kofa Game Range has been abysmal, as far as wildlife values on the Kofa are concerned.

In 1965 a two-man team from the Fish and Wildlife Service surveyed the Kofa and stated that where cattle were grazing, the range was overused to the detriment of wildlife. The study recommended that grazing be terminated in seven years.

Two months later—July 27, 1975—the late Fred Weiler, then Arizona director for the BLM, wrote a six page memo to the BLM Washington, D.C., office commenting on the FWS study.

"I fully agree with the report in its recommendation that domestic livestock be, over a period of years, excluded from both of the ranges (Kofa and Cabeza Prieta)" Weiler wrote. "The annual use is small so, with time to adjust, the ranchers should not be duly affected. This proposed exclusion will not be easy for there will be strong objections on the part of some of the ranchers."

On April 14–15 I took a tour of the northeast quarter of the Kofa Game Range with Monte Dotson, FWS range manager, and Bob Weaver, wildlife specialist for the Arizona Game and Fish Department.

What we observed was very discouraging as far as wildlife values were concerned.

We went by corral after corral, salt lick after salt lick, windmill after windmill, catchment after catchment and the results were the same. The vegetation around them had been denuded by livestock. Next to the washes the jojoba bushes were so severely browsed down that they were little more than remnants. Patches of big galleta grass were uniformly grazed 100 per cent.

Our visit was too early for many of the annual wild flowers to be in bloom. These are eagerly sought after by both cattle and wildlife. In particular, the brittlebush is a favorite of bighorn sheep but these colorful greyish bushes with their yellow flowers on tall stalks are readily browned by cattle up to five miles from their water sources; this includes nearly all of the flatter country in the range.

The Crowder Cattle Co. has a permit for 150 head of livestock on a yearlong basis.

Hoodoo Well is on a popular ram travel route. In the past the sheep have utilized this water source, according to Weaver. That is all but impossible now. The line shack has been improved and a wrangler lives there full time now. He has a large dog which further reduces the chance that any sheep or deer can get close to the water.

Wilbanks cabin is about eight airline miles to the west in the very upper end of Hoodoo Canyon; it is about three miles east of Squaw Peak. There is a corral, windmill and line shack. We saw 19 mule deer does on the way over to the cabin. Even in this remote area the vegetation along the wash was eaten down and the presence of anyone at the cabin would detract from the wildlife use of the water. Fortunately, the FWS has improved Squaw Tanks, one mile to the west. Here is a good source of water which cattle cannot get to.

One of the sorriest examples of the invasion of cattle improvements and the disregard for wildlife and wilderness values is at what Dotson called Crowder Dam No. 2 in Dry Well Wash. Two years ago the rancher wanted to build a corral here—far inside the proposed Kofa Wilderness Area boundary. The rancher, a BLM employe and Dotson went over the route and agreement was reached on an absolute minimum amount of road blading so a stock truck could reach the site. The BLM employe was supposed to go along when the rancher bulldozed in the road.

The verbal agreement was grossly violated as the bulldozer "dropped his blade at the start and ran with it down the whole way to the charco," said Dodson. A new corral was built.

According to Weaver it will not be long before the sides of the hills are denuded, as nearby washes have already been, by the invasion of the cattle.

It has been 10 years since Weiler agreed that grazing should be terminated on the Kofa. But things have gone the opposite way with new improvement built on sites which are recognized as valuable for wildlife.

It is quite obvious that BLM has not considered wildlife as the primary resources of the Kofa.

The record of the FWS is better. Many high tanks have been built and existing natural tanks have been expanded for the use of sheep and deer. A close watch is kept on the size and health of the sheep herds and hunt permit numbers are established. In the Kofas the number of ram permits has been 10 since 1963.

When the Kofa and Cabeza Prieta Game Ranges were established in 1939 two federal agencies were given administrative responsibilities.

The Grazing Service (now Bureau of Land Management) managed all resources except wildlife which was the province of the U.S. Fish and Wildlife Service.

On Feb. 5, 1975, Undersecretary of the Interior W. W. Lyon wrote to the directors of the BLM and FWS: "In line with recent proposals, hearings, and reports, the Secretary of the Interior has decided, and so directs, that the Cabeza Prieta should be administered exclusively by the FWS and that the Kofa will be administered exclusively by BLM.

"The secretary understands these areas which are being placed under administration of the BLM will continue to be managed as ranges and will be considered components of the National Wildlife Refuge System under directives as stated in the originating executive orders.

"The solicitor has ruled that there is no legal restraint which would limit BLM's administration of such areas. The record shows that the BLM can adequately and efficiently carry out this mandate."

The Federal Register of March 28, 1975, contained public land orders from Rogers C. B. Morton, Secretary of the Interior, carrying out the above transfers.

(In addition to the Kofa, Secretary Morton also transferred to BLM the Charles M. Russell National Wildlife Range in Montana and the Charles Sheldon Antelope Range in Nevada.)

Congressional reaction to the administrative transfers has been forthright and almost unanimously in opposition.

"As chairman of the Subcommittee of Fisheries and Wildlife Conservation and the Environment, I am greatly distressed over this announcement," wrote Robert Liggett, a member of the House of Representatives from California on March 5. "Your action appears to be precipitous and poorly conceived.

"I fail to see how the division of any cohesive organization such as the National Wildlife Refuge System would prove to be other than chaotic."

On March 14 Congressmen John Dingell and Henry Ruess wrote to Secretary of the Interior Morton, "We think your decision to abandon this practice after more than 40 years and place these areas under exclusive jurisdiction of the BLM is ill-advised, contrary to the public interest, and in violation of the Congressional intention and understandings of the 1966 Act (which established the National Wildlife Refuge System).

Senator Lee Metcalf of Montana introduced S.B. 1293 on March 21. "I have always held the view that the FWS should be the sole administrator of the areas in question and have so communicated my feelings to the Secretary.

"I am introducing today a bill which would first establish the western game ranges by Act of Congress rather than by their present executive decree, and second ward sole jurisdiction to the FWS. This action has the support of 22 national conservation organizations plus co-sponsorship on short notice by my senior colleague Mike Mansfield, and the junior senator from Oregon, Bob Packwood."

House Bill 5511 was introduced on March 26 by Reps. Dingell, Leggett and Ruess. Commenting on the transfer of the Kofa to the BLM, Dingell said, "This is like appointing the fox to guard the henhouse.

"In the fifties the Eisenhower Administration attempted to dispose of a number of wildlife refuges, declaring them to be surplus. This effort was blocked by the outcry of citizens across the country. Again in 1970 the Nixon Administration tried to sell some 10 percent of our national wildlife refuge lands. This too was stopped by the public outcry which ensued.

"Thwarted in recent attempts to dispose of wildlife refuges outright, the Ford Administration has come up with a new, but most insidious way, of dismantling the refuge system. The program involved transfer of the three wildlife refuges to the BLM while keeping them as parts of the National Wildlife Refuge System.

"If we let this proposed pattern of administrative nonresponsibility go unchallenged, no unit of the National Wildlife Refuge System or National Park System is safe from administrative transfer to another agency for 'management.' If this proposed transfer is left unchallenged the intent and will of Congress will thus be subverted and ignored."

Members of Congress are not the only persons who have publicly expressed concern at the transfer. On March 18 a telegram was sent to President Ford signed by representatives of 25 Arizona-based conservation groups. "To give the primary management responsibility for an area that has been dedicated since 1939 to the protection of wildlife to an agency that is more responsive to the interests of miners and ranchers is a grave mistake.

"The history of the BLM activities in the Kofa under joint management arrangement with the FWS has been most disappointing.

"We urge you to overrule Secretary Morton's decision and to give the FWS primary management responsibility for the Kofa Game Range."

The Wilderness Society wrote to President Ford on March 25, "Why does Secretary Morton consider the FWS the appropriate agency to continue to manage the Cabeza Prieta as a unit of the National Wildlife Refuge System but not the Kofa.

"This precedent, if allowed to stand, will be a dark blot on wildlife conservation history. We urge your prompt reversal of Secretary Morton's decision as being contrary to the national interest."

Tucsonans who have expressed opposition to the transfer include John McComb, southwest representative of the Sierra Club; Jim Levy, former member of several BLM advisory boards; Richard Small, former executive secretary of the Arizona Wildlife Federation, and president of the Arizona Habitat Association.

COSTS OF FINDING, DEVELOPING AND PRODUCING CRUDE OIL IN THE UNITED STATES

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. WIRTH. Mr. Speaker, in the near future the Members of the House will be asked to make a series of major decisions with respect to oil pricing policy. In the RECORD for Tuesday, May 14, 1975, appears a series of remarks which I made on the question of oil prices. Included in those remarks were eight basic questions which I feel lie at the heart of the oil pricing issue. Subsequently I have attempted to call to the attention of my colleagues further information which focuses on answers to the questions which I have posed. To that same end I am today submitting for the RECORD a copy of some recent remarks by Mr. Robert Nathan before the Senate Committee on the Interior. Mr. Nathan's remarks represent the results of a thorough study of 15 years of data on the costs of developing domestic oil. It is another piece of evidence to be weighed in advance of our upcoming decision; I submit the testimony of Mr. Nathan herewith:

THE COST OF FINDING, DEVELOPING, AND PRODUCING CRUDE OIL IN THE UNITED STATES

(Testimony of Robert R. Nathan on petroleum pricing before the Senate Committee on the Interior, April 28, 1975)

In order to shed light on the price problem for new domestic oil, we have undertaken an analysis of the true economic costs involved in all aspects of new production of crude oil in this country. The results are both significant and provocative. It is quite clear that for some time oil prices in the United States have been at levels well below actual costs and this has had a discouraging impact on finding and developing new sources of oil supplies. These findings may not be good news for us, but it is essential that the facts be developed and aired in order to arrive at policies which will be compatible with moving toward the fulfillment of our national objectives of reducing our dependence on insecure sources for energy and reducing the unfavorable balance of payments resulting from heavy imports of crude oil and petroleum products. Simultaneously, we must take into account the longer run needs of consumers and the problems of general inflation.

The following observations relate specifically to the cost and price problems of new oil development in the United States and should help to shed light on a complex and sensitive subject. It should be noted that these problems are quite distinct from two other issues that must be addressed by overall energy policy; the problem of conservation by constraining demand; and the problem of preventing or offsetting unintended enrichment of producers of old oil or impoverishment of consumers. Here we are dealing only with incentives and means to add to domestic supplies.

Unless oil can be sold by producers at prices sufficient to cover costs plus a return on the operator's capital investment sufficient to sustain exploration, then surely wildcat drilling in the United States will decline. It is the rate of return on capital investment that provides the driving force to sustain the level of exploratory activity. This, in turn, determines the level of our oil discoveries and production volume. It is in this context that we must take note of the huge cost increases that have been experienced in finding, developing, and producing crude petroleum.

The attached table, Exhibit I, provides data on the economic cost of finding, developing and producing crude oil in the United States for each year during the period 1959 through 1974. The oil (and related gas) reserves found each year represent the total quantity of usable reserves that are available for production attributable to all new wells drilled within that year. The total level of capital investment in drillings each year in the United States (excluding Prudhce Bay) is also shown. Revenues from the sale of each year's discovered reserves of oil and their attendant costs were projected year by year over the calculated life of the reserve. The price at which each year's discovered oil was assumed to be sold over the life of the reserve was then determined to be at that level which would yield a discounted cash flow rate of return to the producer of 15 percent after payment of all costs, including income taxes. This is referred to as the "economic price," in that it represents the price necessary to induce wildcat producers to take the risks and incur the costs attendant on finding and developing new sources of crude oil.

In the calculations, all costs incurred in the drilling of dry wells as well as new discoveries have been taken into account. All tax incentives, such as intangible drilling costs and percentage depletion, as they actually existed in each year have been added to cash flow in arriving at the price needed to yield the 15 percent rate of return. The 1974 calculated price does not, therefore, reflect the increased costs and reduced capital accumulation which will result from the changes in percentage depletion rates and the 65 percent taxable income ceiling enacted in 1975. It does not take into account the 10 percent minimum preference tax on percentage depletion or the higher than 50 percent income tax bracket of many individual entrepreneurs.

An enterprise engaged in oil exploration is distinctly unique from most other kinds of business. It utilizes depleting capital as income and then expends the larger part of this income in ventures, many of which result in a negative return. Four out of five exploratory wells drilled are dry. A 15 percent return on invested capital must be regarded as an extremely conservative basis for calculating the economic price in an industry that is so speculative and risk-laden.

The year by year economic price and the actual prices received for oil discovered over the 1959–74 period are shown graphically in Exhibit II. As is evident, only in 1959 did the price actually received equal or exceed the economic price for new crude oil. The consequences of this price situation should have been anticipated. During this 1959–74 period the number of barrels per exploratory well drilled dropped by almost 50 percent. The level of drilling activity fell by 56 percent. The number of independent oil producers declined from an estimated 20,000 to 10,000. The price chart largely explains these declines. Reasonable returns from exploratory drilling involved real costs that far exceeded the prices at which oil was being bought abroad.

Despite the recent price increases in crude oil, the economic cost of new oil remained above the price actually received through 1974. If new oil prices were rolled back or if ceilings on new oil were set at levels below the economic cost, taking into account the cost effects of the changes already made in percentage depletion, we could well again experience the situation that resulted in the precipitous decline in the discovery of oil reserves over the past 20 years. Oil is more difficult to find than in the earlier years of the industry, but scientific techniques are increasingly sophisticated and costly. If the decline in domestic discoveries is to be reversed for any extended period of time, the existence of appropriate economic incentives—absent for so many years—is a necessary prerequisite for more exploration.

To the degree that exploration for new oil in the United States is discouraged, additions to reserves and domestic production will be at lower levels. This will leave the nation with the unpleasant choice of importing more oil from the Mideast and African OPEC countries or greatly reducing consumption. Reducing consumption should be pursued but it will entail sharply increased prices, sharply increased taxes, or rationing—or some combination of these. Despite the higher costs to obtain new domestic oil, the implicit price compares favorably with the price of imported oil and yields a large bonus in the form of national security.

Approximately two-thirds of domestic crude oil is sold at the controlled price of $5.25 per barrel; the remaining one-third is not subject to price ceilings. Production of crude oil at uncontrolled prices comes to about 2.9 million barrels a day, accounting for some 17 percent of the total supply, including imports from abroad, needed to meet United States demand for petroleum products. The effect on consumer prices for all petroleum products that would result from lowering prices on the 17 percent share of the market accounted for by oil presently sold at market prices is clearly very limited.

The thrust of the foregoing analysis is clear. It costs a great deal more to find, develop, and produce oil today than ever in the past. If this nation is serious about reducing dependence on oil imported from insecure sources, it will have to pay sufficient prices to cover the true economic costs of exploration, discovery, development, and production.

EXHIBIT I

COST OF NEW OIL, TOTAL UNITED STATES, YEARS 1959 THROUGH 1974

[Dollar amounts in millions]

Year	Gross oil reserves (millions of barrels) (1)	Gross gas reserves (billions of cubic feet) (2)	Gross oil and gas sales (3)	Royalty expense (4)	Ad valorem and State taxes (5)	Operating expenses (6)	Adjusted gross income (7)	Total invested capital (8)	Intangible drilling cost (9)	Depletion allowance (10)	Depreciation (11)	Taxable income (12)	Investment tax credit (13)	Federal income taxes (14)	After tax net income (15)	Net cash flow (16)	Net cash flow discounted 15 percent (17)	Gross oil price (dollars per barrel) (18)	Gas price (dollars per thousand cubic feet) (19)
1959..	3,793	4,594	$11,740	$1,467	$680	$1,893	$7,700	$3,630	$2,341	$2,362	$857	$2,139	0	$1,070	$6,360	$3,000	0	2.86	0.194
1960..	2,785	3,373	10,179	1,272	594	1,505	6,807	3,150	2,042	2,087	706	1,927	0	986	5,821	2,671	0	3.40	.210
1961..	2,773	3,358	10,025	1,253	567	1,531	6,674	3,120	2,048	2,052	701	1,873	0	936	5,738	2,618	0	3.34	.227
1962..	2,511	3,041	10,174	1,272	570	1,550	6,783	3,202	2,078	2,100	704	1,900	$49	901	5,882	2,680	0	3.77	.233
1963..	2,133	2,583	9,721	1,215	538	1,565	6,403	3,095	2,074	2,004	718	1,607	50	753	5,650	2,555	0	4.27	.237
1964..	3,118	3,775	11,223	1,403	641	1,670	7,508	3,475	2,155	2,307	769	2,277	54	1,085	6,424	2,949	0	3.32	.231
1965..	2,234	2,705	9,098	1,137	522	1,498	5,940	2,917	1,981	1,852	693	1,414	48	659	5,282	2,365	0	3.79	.234
1966..	1,986	2,560	9,998	1,250	562	1,477	6,709	3,135	2,009	2,085	758	1,857	41	887	5,822	2,687	0	4.73	.236
1967..	1,874	1,908	9,808	1,226	569	1,426	6,587	3,132	2,088	2,042	753	1,704	43	809	5,778	2,646	0	4.99	.240
1968..	2,003	2,258	10,833	1,354	634	1,478	7,367	3,446	2,268	2,273	781	2,045	55	968	6,399	2,953	0	5.13	.246
1969..	1,522	1,901	11,146	1,393	640	1,493	7,620	3,406	2,112	2,358	757	2,393	37	1,159	6,461	3,055	0	7.01	.251
1970..	1,766	2,138	13,352	1,669	770	1,667	9,247	3,590	1,891	2,323	692	4,340	0	2,170	7,077	3,487	0	7.25	.257
1971..	1,267	1,488	10,818	1,352	605	1,546	7,315	3,032	1,751	1,864	606	3,093	42	1,504	5,811	2,779	0	8.22	.273
1972..	1,303	1,764	10,105	1,263	561	1,499	6,781	2,986	1,893	1,726	696	2,467	49	1,185	5,597	2,611	0	7.36	.293
1973..	1,049	1,450	9,458	1,182	448	1,451	6,377	2,846	1,855	1,628	669	2,225	47	1,066	5,311	2,465	0	8.63	.279
1974..	1,206	1,677	16,099	2,012	762	2,137	11,187	4,632	2,739	2,813	987	4,648	69	2,255	8,932	4,300	0	12.73	.449

Note: Figures are for total United States except Prudhoe Bay field in Alaska. All financial data expressed in constant dollars for year of initial projection. Columns may not add precisely because of computer rounding.

EXPLANATORY NOTES

Column:

(1) Oil reserves added by drilling plus expected upward revisions.

(2) Gas reserves associated with oil.

(3) Col. (1) times col. (18) plus col. (2) times col. (19).

(4) 12.5 percent of col. (3).

(5) Variable tax rate times (col. (3) minus col. (4)). Tax rate is approximately 6 percent.

(6) Direct operating costs including field labor and supplies, maintenance, general and administrative overhead.

(7) Col. (3) minus col. (4) minus col. (5) minus col. (6).

(8) Total capital investment attributable to oil reserves added in year including leasehold costs.

(9) Portion of total capital attributable to intangible drilling costs.

(10) Includes cost and percentage depletion based on law at time of 1st yr projected.

(11) Cumulative depreciation of tangible drilling costs and leasehold equipment.

(12) Col. (7) minus col. (9) minus col. (10) minus col. (11).

(13) Investment tax credit is variable for each year depending on law at start of year. Zero some years.

(14) Col. (12) times 50 percent minus col. (13).

(15) Col. (7) minus col. (14) or alternatively col. (12) minus col. (14) plus col. (10) plus col. (9) plus col. (11).

(16) Col. (15) minus col. (8).

(17) Col. (16) discounted at 15 percent per annum compounded annually. Must total zero.

(18) Gross oil price at wellhead required for 15 percent discounted rate of return after Federal income taxes.

(19) Gross gas price for the purpose of calculating coproduct credits

EXHIBIT III A

ECONOMIC PRICE OF NEW OIL AND PRICE RECEIVED FOR OIL

[In dollars per barrel]

Year	Economic price for new oil [1]	Price received for oil [2]	Difference
1959	2.86	3.25	−0.39
1960	3.40	3.25	.15
1961	3.34	3.20	.14
1962	3.77	3.10	.67
1963	4.27	3.10	1.17
1964	3.32	3.10	.22
1965	3.79	3.10	.69
1966	4.73	3.11	1.62
1967	4.99	3.11	1.88
1968	5.13	3.16	1.97
1969	7.01	3.32	3.69
1970	7.25	3.40	3.85
1971	8.22	3.60	4.62
1972	7.36	3.60	3.76
1973	8.63	[3] 4.20	4.43
1974	12.73	[3] 10.50	2.23

[1] Col. 18, exhibit I.

[2] Price received for oil during year (east Texas field).

[3] New oil.

EXHIBIT IV A

DOMESTIC PRODUCTION OF CRUDE OIL AND NATURAL GAS LIQUIDS AND IMPORTS OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS, UNITED STATES, 1959–74

[In thousands of barrels per day]

Year	U.S. production	Imports into United States	U.S. consumption
1959	7,969	1,780	9,749
1960	8,194	1,815	10,009
1961	8,242	1,917	10,159
1962	8,496	2,082	10,578
1963	8,838	2,123	10,961
1964	8,976	2,258	11,234
1965	9,242	2,468	11,710
1966	9,720	2,573	12,293
1967	10,339	2,537	12,876
1968	10,796	2,839	13,635
1969	11,215	3,166	14,381
1970	11,549	3,419	14,968
1971	11,523	3,926	15,449
1972	11,861	4,741	16,602
1973	11,296	6,256	17,552
1974	10,781	6,083	16,864

A SALUTE TO THE BRONZE SHIELDS OF NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. RODINO. Mr. Speaker, I would like to call my colleagues' attention to a very significant public service organization which has been in existence in my home town of Newark, N.J., since 1959.

The name of this organization is the "Bronze Shields" and its membership is comprised of the black police officers of the Newark Police Force.

On Sunday, May 25, 1975, I had the pleasure of attending the third annual Bronze Shields awards dinner at the Robert Treat Hotel in Newark. Those chosen to be honored for their outstanding service to the community were:

Mr. Hubert Williams, director of the Newark Police Department, who received the 1975 Law Enforcement Award;

Mr. George Branch, community service aide for the Newark Housing Authority, cited for his activities in the youth services area;

Mr. Daniel W. Blue, Jr., executive director of the Newark Human Rights Commission, who received the 1975 Unity Award;

Mr. George Barrie, president and chief executive of Faberge, Inc., who was given the 1975 Community Service Award;

And, radio station WNJR, which was given the 1975 Special Service Citation.

These men are to be commended for the dedication and hard work which has gained them this deserved recognition.

However, Mr. Speaker, I believe that more than just these few award winners should be recognized at this time. I salute the entire membership of the Bronze Shields for their outstanding service to the city of Newark as "protectors of freedom and guardians of justice."

The people of Newark are indeed fortunate to have individuals such as these serving on the Newark Police Force.

STATEMENT BY BELLA S. ABZUG ANNOUNCING HEARINGS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Ms. ABZUG. Mr. Speaker, on Tuesday, June 3, 1975, my Subcommittee on Government Information and Individual Rights will hold a hearing on the status of Federal agency implementation of the Privacy Act of 1974. This act, signed by the President on December 31, 1974, becomes effective on September 27, 1975. The Privacy Act is a landmark enactment in the continuing effort to protect individual privacy. It is the first step taken to regulate the conduct of Government recordkeeping on American citizens and provides the individual access to their files, contains remedies for inaccurate recordkeeping, prevents unauthorized disclosures, and most importantly, requires that every single data bank—without exception—must be publicly described by the Government agency maintaining such data bank.

It is estimated that at least 2,000 data banks are maintained by Federal agencies. Each of these data banks must be publicly disclosed by this coming September unless the agency decides to discontinue use of the data and destroys the files. Thus, the magnitude of the effort necessary to prepare for compliance with the provisions of the act is evident.

The purpose of Tuesday's hearing is to determine how well the various agencies, under the direction of the Office of Management and Budget, are prepared to meet the complicated provisions of the act.

The Government Information and Individual Rights Subcommittee will take testimony from the Office of Management and Budget, the Department of Justice, the Department of Defense, and the Department of Health, Education, and Welfare.

The hearing will be held in room 2203, Rayburn House Office Building, commencing at 9 a.m., Tuesday, June 3, 1975.

ZOIE SMITH: AN ACHIEVER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BRADEMAS. Mr. Speaker, one of the longtime civic and political leaders in my district is Mrs. Zoie Smith of South Bend. I insert in the RECORD the following article, which appeared in the Tri-County News on April 25, 1975, on Mrs. Smith's outstanding contributions to her community:

ZOIE SMITH: AN ACHIEVER

(By Mary Fischer)

When her mother named her Zoie, she must have sensed that this child would be unusual in more ways than in name only. Now, at age 77 Zoie's achievements prove her mother was right.

Zoie Aubert Smith was born in Terrebonne Parish, Louisiana on July 12, 1897. Her father was a Baptist minister. At age 8 she was teaching a Sunday School class and showing the leadership that was to shape her life. The feelings in the church were friendly; fellowship made the church one big happy family. Everyone cared. There were no social justice programs . . . no recreation agencies . . . the church membership looked after each other. It was a place of renewal and encouragement.

With such a beginning Zoie was bound to continue in a service career. After finishing school she taught for two years in Houma, Louisiana, beginning as a grade school teacher and eventually becoming principal. Later, in Lafouch Parish, Louisiana she taught history and home economics. She has been helping all ages in these fields for years. In 1923 she came to South Bend.

When the Ku Klux Klan announced that they were going to parade through South Bend in 1925, Zoie was part of the group that harassed the KKK right out of town. The University of Notre Dame students were a big part of the rout. They gathered vegetables and stones to shower the Klansmen and send them hightailing out of town.

"They weren't all bad men," says Zoie, "just misled." I had a friend in Louisiana whose father was a Klansman. I saw a parade one day. Later on I was visiting at her home when her father came home, put away his robes, and came out to visit with us, very pleasant. It may have helped that I wasn't a Catholic!"

When Zoie came to South Bend in 1923 she planned to continue teaching. But blacks were not allowed to teach. So she got a job with the WPA as a sewing project supervisor. Later, when blacks were finally asked to work there, she was hired at Kingsbury Ordnance Plant. She left Kingsbury to work at Bendix where she became the first black woman machine operator.

All this time she was active in the church. She helped the Pilgrim Baptist Church through many crises including signing the mortgage note to remodel the church. She is the first and the only woman to serve as trustee of the Pilgrim Baptist church.

In helping people Zoie could not stop with church work. The blacks at this time were strong Republicans. They might still be if Herbert Hoover hadn't messed things up. In some speeches he made he swore that the Republican party was for everyone. In the deep South he said that the Republican party was going to be "lily-white." When Zoie heard that she made a few speeches of her own. The blacks in St. Joseph county organized as the Colored Women's Democratic Club of St. Joseph County. After the election the men joined the club and after a few changes it was decided on the All American Democratic Club of St. Joseph County. Zoie was the first president and last week they unanimously voted to keep her there.

Zoie Aubert Smith is of average size and quietly elegant with a wry sense of humor, a lovely smile, and humble. But injustice . . . watch out. She has strength where it is needed.

Through her perseverance she saw the first black fireman and the first black policeman hired. That opened the door to other government jobs.

"There's so much to do in the world!" says Zoie. "How can any one be bored?" She starts her day, very early, with prayer. "I talk with God. I tell Him what I'd like to do and ask His help. If plans go awry, I don't worry. The Lord will handle things His way." And so she has done much that must have met with God's approval.

She has helped groups to organize and get things done. In the Fraternal Order of Oddfellow, she is director of Missions. This work covers the United States, Canada and the Islands. She founded and was the first director of the National Baptist Youth Camp and Senior Retreat in Constantine, Michigan. Several women's groups working in all areas of family living, got their start with her encouragement. She believes that the church is an important part of life and is charter member of the Council of Church Women of St. Joseph County. She was parliamentarian of the National Urban League. She is a charter member of the South Bend Urban League Guild.

When Zoie was showing the Sunday School class the way at age eight, she was only beginning a long job. She helped to reorganize the NACCP in 1924. When the REAL Services program came along she was ready to do the work of the Outreach Worker.

She has to travel to far places to keep informed and to inform others. Every five years the Baptist World Alliance visits different parts of the world. Zoie has been abroad four times, around the world once.

She's covered Canada, Hawaii, and the Bahamas. The next tour is planned for Sweden, Israel, Ghana, Ivory Coast, Nigeria. That's how Zoie keeps her "batteries charged." She'll come back a more vigorous and interesting president of the Northeast Senior Citizens Council.

Her mother was right. Zoie is an unusual and gifted woman.

HOMER HEACOCK: MONTEBELLO'S "MAN OF THE YEAR"

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DANIELSON. Mr. Speaker, on March 19, 1975, Homer R. Heacock, an outstanding citizen of southern California and of the 30th Congressional District, was honored for his community service at the 21st annual All-Service Clubs Banquet, sponsored by the Montebello Jaycees. I also wish to express my appreciation to Mr. Heacock for his service to the community and to call it to the attention of our colleagues. Mr. Heacock's contributions have been in the fields of business, civic affairs, and service organizations. His selection as "Man of the Year" was most appropriate.

As a director of the Montebello Chamber of Commerce for many years, Mr. Heacock worked for the development and betterment of the entire community. He has also served as the president of the Montebello Public Improvement Corp. since 1966, and is a past president of the Montebello Realty Board.

Mr. Heacock's service has not been limited to the world of business. He also served for years as a member of the Board of Education of the Montebello Unified School District. Through his sponsorship of the Little League "Heacock Realty" baseball team at Grant Rea Park, many of the district's young people have been given the opportunity to participate in organized sports.

Having long been a member of many service organizations in Montebello, Mr. Heacock has been the recipient of a number of awards. He received an honorary life membership from the Montebello Council of Parents and Teachers Associations in 1963, and was made the "Lion of the Year" by the Montebello Lions Club in 1973.

It is only fitting that now, after years of service to our community, Homer Heacock should be named "Man of the Year." His dedication can serve as an example for us all.

SALUTE TO RAY CHARLES

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BELL. Mr. Speaker, a very special event will take place in Los Angeles on Monday, June 9 at the Beverly Hilton Hotel. It will be a salute to Ray Charles sponsored by the National Association for Sickle Cell Disease.

This tribute will be hosted by actor McLean Stevenson, Singer Aretha Franklin is honorary cochairwoman of the event. Ray Charles will be honored for his long involvement in, and support of, sickle cell programs throughout the country with the first "Man of Distinction" award to be presented by NASCD.

Ray Charles was helping sickle cell groups throughout the country long before the general public was aware of this disease. He is a member of the National Advisory Board of NASCD and has been the honorary chairman of the Sickle Cell Disease Research Foundation, the local arm of NASCD, since 1962. For many years he has contributed time, money, and his legendary talent to the fight against this dread disease.

This will be the first major fundraising event of the 4-year-old National Association for Sickle Cell Disease, a coalition of sickle cell organizations in the United States whose aim is to conquer this crippling and life-threatening blood disease.

Outstanding members of the entertainment, social and business worlds, including Dyan Cannon, Brock Peters, Lou Rawls, Jack Cassidy, Cher Bono, Raymond St. Jacques, Lola Falana, Jan Murray, Mable John, and Whitman Mayor are expected to attend.

So it is with special pleasure, Mr. Speaker, that I call attention to the honor which will be paid to Ray Charles on June 9 and to the deserving charity which is sponsoring the event. It will be my great pleasure to join with Ray Charles' many admirers on this occasion. Our hope is to show something of our high regard for one of the world's great entertainers while, at the same time, contributing to the campaign against a killer disease which has not gotten the attention it deserves.

CONTINUED SUPPORT URGED FOR ISRAEL

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. NOWAK. Mr. Speaker, the recent flurry of events in Indochina justifiably is prompting an internal reassessment of our Nation's foreign policy goals and our international commitments. There will be much soul-searching in the months ahead as our foreign aid programs—both economic and military—undergo scrutiny and challenges unparalleled in recent years. Much of this review will be couched in terms of "who are our friends?" and "where do we benefit most from our foreign aid investments?" On both counts, Israel deserves a continued high rating from the United States. While our economic situation and domestic needs may force budgetary restraints on all foreign aid programs, I certainly feel that assistance to Israel should remain high on our list of priorities.

A disturbing trend of late, however, is the tendency to connect aid to Israel with our former assistance to South Vietnam. The Buffalo Jewish Review in an effort to put the issue in perspective, on May 9 editorialized as follows:

> ISRAEL IS NOT VIETNAM
>
> The fall of South Vietnam to the Viet Cong has brought reports from Israel of fears about its implications for United States commitments to the Jewish state.
>
> Actually, the connection between Vietnam and Israel was chiefly made by spokesmen for the Johnson, Nixon and Ford Administrations who wanted to persuade supporters of aid for Israel that they should also support aid for Vietnam. But some of the leading critics of American Vietnam policy have never accepted this connection. Indeed, the differences are so great that it is difficult to see how any linkage can exist.
>
> Israel is a democracy. Its people are united in support of their state, and have shown a willingness to defend themselves. These things were not true in South Vietnam. Indeed, Israel has never wanted American troops to aid her and Zionist philosophy would almost forbid this. Israel has asked only for the arms and supplies she needs to defend herself.
>
> While the American people were deeply divided about Vietnam, they have shown through their representatives in Congress a commitment to the survival of Israel.
>
> Perhaps most of all, while there were differences over whether American security depends on what happens in Southeast Asia, no one doubts that it is in America's interest to have a strong and viable Israel in the Mideast.
>
> This does not mean that all will be smooth sailing for Israel. The Ford Administration is still exhibiting a coolness toward Israel and though the United States is still expected to provide Israel with economic and military aid, it may not be all that Israel wants.
>
> But this has nothing to do with Vietnam and now that the war is over this Administration may be able to devote more of its time and energies to other areas, including the Middle East.

This time of reappraisal of our foreign policy goals is also the time to solidify our ties with friendly democratic nations. First and foremost, Israel is a democracy. It is engaged in a struggle for its national existence, not embroiled in a civil war. There are no tiger cages in Israel, no elections during which Government opponents face arrest. In this light, support of Israel promotes both our national interests and our Nation's ideals. In addition, in international forums, Israel has shown itself to be a reliable supporter of the United States on occasions when many of our European Allies were silent or withheld support.

These are times, too, of uncertainty in the Middle East, where the threat of war has never entirely receded in 27 years. However, as we continue to seek to promote a negotiated settlement in the Mideast, we have a moral responsibility to stand firm in our support for Israel's rights and we must keep pressing for a reciprocal willingness from the Arab nations to forge a real compromise, a real commitment to nonbelligerency.

Determined American demonstrations of our commitment to stand firmly behind Israel's just struggles are essential not only for maintaining the status quo and the balance of power, but for forging the path toward genuine peace in this troubled area of the world.

THE WAR POWERS ACT: HEARINGS SCHEDULED ON PERTINENT CONSIDERATIONS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. ZABLOCKI. Mr. Speaker, numerous editorial comments have appeared recently which raise interesting and pertinent questions regarding various aspects of the War Powers Act. All of these comments have been generated by the four reports from the President to the Congress in compliance with the act.

Of particular note in this connection is an editorial from the May 23 Milwaukee Journal, a copy of which I include at the end of these remarks. The Journal editorial raises the question of whether there was full and adequate compliance with the act's consultation provision contained in section 3. Beyond the Journal's comments, the issue has been the subject of considerable discussion and some controversy within the Congress as well.

There is, in short, an honest difference of opinion on what precisely the consultation provision calls for and what Congress intended when the act was adopted on November 7, 1973.

This and other issues were the subject of hearings held by the Subcommittee on International Security and Scientific Affairs on May 7. Under discussion during that hearing were the President's reports of April 4 on the evacuation off the coast of Danang, April 12 relative to the evacuation of Phnom Penh, and April 30 regarding the evacuation of Saigon.

Since that time, of course, we have received the President's report of May 15 regarding the *Mayaguez* incident. In an effort to clarify some of the issues raised by that report, especially on the nature and extent of the consultation effort, the subcommittee will resume its hearings on Wednesday, June 4, at 2 p.m. in room H–236 of the Capitol. Our witnesses at that time will be the Honorable JACOB JAVITS, Senator from the State of New York, the Honorable JOHN F. SEIBERLING, Representative from the State of Ohio, and the Honorable Monroe Leigh, legal adviser of the Department of State.

Without prejudging the situation, I would only note that as the chief House sponsor of the War Powers Act I can say clearly that consultation was contemplated in all cases in which U.S. Armed Forces are to be committed into areas of hostility abroad. This understanding is contrary to what appears to be the administration's view that such consultation was required or desirable only in instances in which a section 4(a)(1) report would be anticipated.

It is these and other possible misunderstandings which the subcommittee will attempt to clarify and resolve during its hearings on June 4.

In an effort to be of assistance to my colleagues in the Congress on this war powers issue I wish to call attention to the availability of a recent committee print published by the House International Relations Committee under the title "The War Powers Resolution: Relevant Documents, Correspondence, Reports."

The article follows:

CONGRESS AND FOREIGN POLICY

How far can Congress go in shaping American foreign policy?

For many years, lawmakers largely failed to assert themselves adequately in this vital arena. Indochina was a tragic example. All to easily, with far too little questioning, Congress let presidents draw the nation deeply into that bog.

Recently, Congress has sought to be more active. Notably, in 1973 it barred all US combat activity in Indochina after Aug. 15 of that year. Later in 1973, Congress passed the War Powers Act, broadly aiming to assure "collective judgment of both Congress and the president" when military force is used overseas. On the whole, these were healthy developments. Yet two recent events—the Mayaguez incident and the Vietnam evacuation—show the difficulty in achieving a workable partnership.

In the Mayaguez affair, President Ford was mindful of congressional pronouncements. He pondered the 1973 Indochina combat ban and concluded—quite reasonably—that it was not intended to bar the rescue of Americans captured in an act of piracy. As for the War Powers Act, Ford dutifully informed congressional leaders of what he had already decided to do about the Mayaguez and its crew. He also filed a prompt report with Congress after military action was completed. But did this really comply with the law, which says the president "in every possible instance shall consult with Congress before introducing US armed forces into hostilities"?

By all accounts, consultation was pretty thing—so thin that a regrettable precedent may have been set. But if Ford should have been more consultative, the slippery question is how much more. Certainly in situations where quick response, flexibility and surprise seem essential, extensive dialog in fine detail with 535 members of Congress is simply unrealistic.

The Vietnam evacuation further illustrates the problem. In the spirit of partnership, Ford asked Congress to provide both money and clear authority to evacuate endangered Vietnamese along with Americans. While South Vietnam crumbled, Congress wrangled. Dozens of amendments filled the air. Many a lawmaker played general, trying to link certain kinds of aid to certain military maneuvers under certain conditions. Finally, Ford was forced to rely on inherent presidential power and order evacuation without companion action by Congress.

From all this, a pointed lesson emerges. On urgent foreign policy issues, the presidency is still the government's decision making center—if only because it can move with a crisp singularity that a congressional multitude cannot hope to match.

This doesn't mean that Congress should lapse again into being a weak and silent partner on international questions. On the contrary, it should set broad policy outlines. It should prod, question, demand that presidents justify actions abroad. It should strive to clarify procedures for consultation under the War Powers Act. But it is impractical—and probably hazardous—to think that intricate details of emergency moves in faraway places can be sensibly hammered out on the noisy floor of Congress.

ARIZONA MOVES FORWARD ON SOLAR

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. UDALL. Mr. Speaker, pioneering efforts in utilizing the sun for heating and cooling, for food production and for water desalinization are being successfully pursued by the University of Arizona's Environmental Research Laboratory.

The scientific excellence guiding these efforts has won the U. of A. international recognition and invitations to establish activities in other countries.

Now the city of Tucson and Pima County have stepped in with further encouragement for ERL, calling on the laboratory to help design a solar heated fire station and houses for the Tucson market.

The encouraging successes of the laboratory are set out in a letter and memo by Carl N. Hodges, the lab's able director. I wanted to call these community accomplishments to my colleagues' attention:

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., May 12, 1975.

Hon. MORRIS K. UDALL,
House of Representatives,
Washington, D.C.

SIR: The Mayor and City Council of Tucson, and the Board of Supervisors of Pima County, have asked us to inform you that they have both just contributed funds to our University laboratory for the development of a series of buildings utilizing solar heating and cooling.

This may be the first instance in the U.S. in which municipal governments are vigorously pursuing solar energy applications on their own initiative. Arizona should be very proud.

By way of background, the Environmental Research Laboratory (ERL) specializes in direct and indirect applications of solar energy technology. These have included a solar heated laboratory/office building on campus (1959); large-scale solar distillation of seawater (Puerto Peñasco, Mexico, 1962); very large-scale production of vegetables in controlled-environment greenhouses (Mexico, Arizona, California, Arabia and Iran, 1964 to date); and the experimental production of marine shrimp in controlled environments (Puerto Peñasco, 1972 to date).

Currently, in a rapidly developing series of related projects, ERL has built, is building or has in design five new and separate solar heated experimental buildings in Tucson.

Three of these are located at ERL's laboratories at Tucson International Airport. These are working laboratory/office spaces utilizing three different types of solar collectors and heat distribution systems. One structure has just been completed with in-house University research funding and the other two are in final design or early construction with University support which, hopefully, will be supplemented by federal funding from the new Energy Research and Development Administration (ERDA).

The fourth unit will be a new suburban fire station for the City of Tucson, to be located not far from the Laboratory. The Mayor and City Council have just approved a grant of $28,760 to ERL to work with city and private architects in the design of the fire station, which is to be built as soon as possible. ERL's energy-engineers are also drawing upon the talents of the University's College of Architecture in this project.

The fifth unit is a full-scale Tucson home in an existing suburban subdivision. Pima County has granted ERL $5,000 (with a separate grant to the subdivision contractor) for the design and construction of a solar heating system integral to the home.

Paramount in the design of three of the five buildings above is an innovative solar-collector wall being developed by ERL. Vertical wall sections of double-glazed windows enclose air spaces which may contain venetian blinds or similar devices to provide privacy and additional heat retention. This creates a hot-air collector which appears to be merely a giant picture window. It is pleasing to the eye, requires no rooftop structures and, most importantly, permits complete see-through visability from the interior of the building. ERL. however, also works with other types of solar collectors; each of the various systems has advantages and disadvantages peculiar to individual applications.

ERL is now discussing with ERDA the ways in which these and other projects may be coordinated and accelerated with new federal support. Of particular significance is the desire of the Mayor and City Council of Tucson to have us investigate solar heating and cooling of larger municipal buildings as well as existing and future publicly owned or subsidized housing units for low-income families. In the latter regard, such developments in Tucson would be of nationwide importance; the retro-fitting of existing buildings to solar heating is one of the major challenges facing the new national determination to utilize solar energy to supplement fossil fuels.

We will take the liberty of keeping your office fully informed of the progress of these and related developments in applied technology at ERL.

Respectfully,

CARL N. HODGES,
Director.

BACKGROUND

The University of Arizona Environmental Research Laboratory was, until 1967, the Solar Energy Laboratory of the Institute of Atmospheric Physics. It was located in a solar-heated and night-radiation cooled office/laboratory building on the Tucson central campus. This 1,440 square foot structure was placed in full operation in 1959 and monitored and evaluated continuously for several years. The solar collector was a water circulating system built into the roof which was used during summer months to reject heat to the night sky. Heated or cooled water was stored in an insulated tank with a conventional heat pump used to raise or lower the water temperature additionally when necessary. The water was circulated through ceiling panels in the building for heating or cooling. The experimental laboratory was judged useful as a research tool and teaching aid, but the technique of energy conversion and use as well as the type of materials used (roof and ceiling of copper sheet with built-in water tubes) was not regarded as practical or economical even at that date.

Concurrently (1960), heat transfer studies at the Solar Energy Lab led to an experimental low temperature solar distillation plant on campus in 1962, funded by the Office of Saline Water. After successful testing, a larger scaled solar powered desalting plant was designed and built in 1963 under OSW sponsorship at the Laboratory's experimental station on the Mexican coastal desert at Puerto Penasco, Sonora, on the Gulf of California. This plant reached design capacity (3,000 gallons/day) and maximum efficiencies in 1965. It was converted the following year to operate on the waste heat rejected by the station's small engine-generator sets. In this mode, sponsored by the Rockefeller Foundation and others, the humidification cycle desalting plant was operated another eight years. This was well beyond the time necessary for data generation, but the plant had become the sole source of daily drinking water for the Mexican shrimping village.

By 1967, studies indicated that a most efficient and cost productive use of solar radiation and high cost desalted water in desert regions would be the development of controlled-environment greenhouses for vegetable production, and such were added to the power/water station at Puerto Penasco. The Laboratory staff was accordingly augmented by the addition of plant scientists and technicians.

The successes at Puerto Penasco led subsequently to a larger integrated power/water/greenhouse complex designed and built by the Laboratory for the Persian Gulf sheikhdom of Abu Dhabi and various applications of the greenhouse components only in the U.S. and the Middle East. The largest of the latter is located in Tucson and operated by Superior Farming Company of California.

Also by 1967, the Laboratory's missions had altered to the point that the University changed its name to the Environmental Research Laboratory. With NSF funding, a new and larger laboratory/office complex was built for ERL off-campus at Tucson International Airport. Here more space has been available for the increasing number of experimental buildings and greenhouses. In addition, the location has proved perhaps uniquely convenient for demonstration projects and site visitors: ERL's adjacency to the airport terminal places the Laboratory 42 seconds by automobile or six minutes via walking from the exist doors for disembarking passengers.

Unfortunately, the "old" solar heated Laboratory on campus was demolished in subsequent years for construction of the University's new Medical Center.

Beginning in 1973, when ERL as an activity was removed from the Institute and created a separate department of the University, the experimental station on the Gulf of California was converted from a desalting/greenhouse complex to a shrimp hatchery and series of controlled-environment raceways for production research with this high economic value species. Crustacea pathologists and nutritionists as well as marine biologists were added to the ERL staff. Solar radiation is employed in the enclosed raceways to stimulate the growth of selected algae for oxygen generation via photosynthesis to enhance the shrimp environment.

SOLAR ENERGY

ERL neither had nor solicited any funding for solar energy applications (other than greenhouse research) since the solar operation of the desalting plant in Mexico. During most of this eight-year period, however, at University expense, ERL maintained a modest but continuous overview of solar energy developments and literature. Beginning in 1973, a Ph.D. metallurgist/engineer on the ERL staff was assigned full time to this overview and to the task of devising practical applications, particularly in the category of home heating/cooling. A close contact was developed between ERL and local government and industry groups late in 1973 when, to increase public understanding of the "energy crunch" and its alternatives, ERL formed a University/community group called "Project POWER". This ad hoc organization stimulated (among other things) a rejuvenated interest in University and local government circles for the use of solar energy. Tucson, after all, used to call itself "The Sunshine Capital of the World."

In 1974, entirely with University funding, ERL began to build the first of the five new experimental solar heated buildings listed below. The interest generated by each led to the addition of the next.

Angled-collector experimental lab

This 600 square foot building at ERL utilizes an angled rooftop hot air collector of wire screens behind a single glazing of glass. Warm air is ducted through a porous ceiling and, via a heat exchanger, stores thermal energy in a 2,000 gallon underground storage tank for nighttime use. Summer cooling is achieved by a separate two-stage evaporative cooler. In either mode, rejected air from the building is drawn out at floor level and carried upward through hollow exterior walls for discharge at ceiling level, thus adding to the effective insulation of the interior. This experimental lab is used for office, conference and demonstration space.

Near this structure are test beds for other experimental solar collector panels. These include the window-collector as well as water circulating collectors behind different types of glazing.

Window-collector experimental lab

Also being built with funding developed by the University, this 1,200 square foot two-story structure is in final design by some of the faculty of the University College of Architecture in cooperation with ERL engineers. It will be located in the forecourt of ERL at the airport. This prototype structure will be the first to employ the window-collector in a large, two-story array. Interior spaces will be used for offices and demonstration areas as well as recording instrumentation, etc. Designed as a flexible research tool, the building can be modified in various ways. One unusual feature, for example, will be a rearrangeable loft floor which can make the second story of the Window Collector Lab either a south-wall mezzanine, a north-wall mezzanine or a full second floor. This has required some ingenuity in the design of air-handling and other mechanical systems but will greatly enhance data collection. A below-grade concrete rock storage area will be used for heat-storage and an associated two-stage evaporative cooler will provide summertime cooling.

Window-collector prototype home

With a $5,000 grant from the Pima County government, ERL is assisting a Tucson area quality builder and developer in modifying the design of one of his stock floor plans to include solar heating via modifications of the window-collector. The builder (John Miller Homes, Inc.) will construct the north-facing territorial-style home at his own expense and seek to develop cost-saving improvements in the window-collector, which will enclose a south-facing patio and increase the floor-space of the home to nearly 3,000 square feet. Other Tucson builders will receive similar ERL "extension service" support as necessary.

A suburban Tucson city fire station

A new fire station to be located in the general vicinity of ERL and Tucson International Airport is ready to be let out to architectural bid for design. The City government, extremely interested in the use of solar energy, has voted a $28,760 grant to ERL so that University engineers and architects may assist city architects and the selected commercial architect in incorporating the window-solar collector or other solar designs and attendant mechanical systems in the fire station design. Cost/time criteria will be developed by the project team to compare the anticipated cost-efficiencies of the design against the more easily projected building and operating costs of a conventional fire station of similar size. The City is prepared to proceed with construction of the solar-heated station as soon as possible (early 1976) provided that building and operating cost projections are not wildly out of phase with "ordinary" projections.

The City government of Tucson is also interested (as is ERL) in the potential of solar heating larger public buildings. The City administration is in preliminary planning for a large new central library and has asked ERL to explore the possibility of federal assistance in funding part of such a structure.

Of equal or greater interest to ERL is the City of Tucson's desire to have the Laboratory actively investigate the potential of designing future public housing for low income families with solar heating; and, of more immediacy, the feasibility of retrofitting for solar heating approximately 600 of the City's existing housing units.

Attached greenhouse experimental collector

In November, 1974, ERL submitted to the National Science Foundation a proposal for "Residential Environmental Control Utilizing a Combined Solar-Collector Greenhouse". In program shifting between federal agencies, this proposal now appears to be part of the ERDA-ARS project "Solar Heating and Cooling of Greenhouses and Rural Residences" being administered through the USDA-ARS Rural Housing Research Unit in Clemson, South Carolina. ARS-Clemson notified ERL (letter dated March 31, 1975) of proposal acceptance.

The gist of this proposal was to modify one of the existing attached greenhouse chambers at ERL's main laboratory building to isolate it and adjacent office spaces from the Laboratory's total energy environmental control system. The greenhouse chamber would be used as a solar collector for the office spaces as well as for food production. An evaluation would be made of the economic feasibility of developing such units for residential applications to save on fossil fuels, enhance the quality of life and make some contribution to food supply.

ERL's present scale of effort in these solar energy related activities, supported by the own funding, is approximately at the following annual level: 30 man-months engineering; 12 months attached-chamber horticulture; 3 months architecture; 24 months graduate research assistance; 24 months technical, shop and construction assistance; and 11 months of administrative and clerical support.

ROSARY HILL COLLEGE COMMENCEMENT: THOMAS A. MURPHY OF GENERAL MOTORS ON WHAT THE FUTURE HOLDS FOR THE CLASS OF 1975

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. KEMP. Mr. Speaker, it is most encouraging to those in Congress who are active in the struggle to restore America to its once-great economic status in the world community and to stop the erosion of economic freedom occasioned by the growth in Government intervention in the economic affairs of the people to learn of efforts being made by private citizens to attain those same objectives.

Freedom is not easily preserved, and one reason for this is that our Nation—and too many of our lawmakers—have failed to note the profound meaning of our founding documents: That rights are inalienable and that liberty is indivisible. All aspects of freedom and liberty are interrelated, integrated. There cannot long exist political freedom without economic freedom, and vice versa. To the degree that we continue to let our economic freedom slip away from us, the loss of political freedom will be the inevitable consequence. It is the anticipitalist mentality which is the principal cause for the erosion of our economic freedom—and our prosperity.

On Sunday, May 18, I had the honor of sharing the platform at the commencement exercises of Rosary Hill College in Buffalo with Mr. Thomas A. Murphy, chairman of the board of the General Motors Corp. Tom Murphy grew up in the Buffalo area and was returning to give the commencement address to the graduating class of Rosary Hill of which his niece was a member.

In his remarks he addressed himself to the substantial impact of the state of the economy on the lives of our people—especially those just now entering the job market. He talked in terms of how far too many of our people fail to appreciate how the rise and fall of the economy affect their lives, and how we can never meet our Nation's social, economic, and environmental objectives unless we have sufficient capital accumulation—an accumulation impossible without business profits and incentives for savings.

I think Tom Murphy's remarks are well worth the attention of my colleagues, and I include the text of his timely address in the Record at this point:

Remarks by Thomas A. Murphy

A great many people will be honored here today, most notably you, the members of the Class of 1975. And I will join in paying tribute to every one of them. But no one in this hall will be more honored than I am right now. It is one thing to be invited to speak at a commencement by an institution's board of trustees, the president, or the faculty, but it is on an entirely different order of distinction to be selected by the students themselves. I am grateful, and I think you would have to be my age and identified as closely with the business community as I am to appreciate how profound that feeling of gratitude is.

In his letter announcing my selection, Dr. Marshall suggested some of the probable reasons behind the choice.

First and foremost, he wrote, "students are becoming more serious about the vocational side of their lives. They are beginning to understand some economic realities and some of the threats that are posed to our traditional free enterprise system of government. "Secondly," he continued, "the automobile industry is one of the leading economic indicators in the country and closely related to the potential energy crisis. Students, as well as many others in the academic world, now understand a little more of the important role you play in their everyday lives."

Dr. Marshall then went on to suggest several other reasons behind the selection, including the traditional one—that I am a local boy who somehow confounded all the experts in career guidance by doing a little better than expected. I also managed to confound C. Northcote Parkinson, whose advice in selecting candidates for important positions was simply—reject anyone under 20 and over 50, plus anyone called Murphy.

In response, I want to underscore some of the threats to our free enterprise system of government and commend everyone here at Rosary Hill, and especially you students, on your levelheadedness and your economic sophistication. I wish more Americans were as wise and enlightened.

Just last Wednesday, I read the results of a government-funded study of public attitudes towards our economic system. Twenty-four percent of those interviewed—and, by projection, 24 percent of all Americans—do not know how to define the term "private enterprise." They don't know what it means. Even more disturbing, but probably not more surprising, a great majority express negative attitudes towards our free enterprise system, including 56 percent who say they would like to see more government regulation of private business.

The coup de grace came with this final statistic: despite our national unemployment rate, which is hovering around nine percent, and despite the troublesome lack of capital accumulation which we need to finance business expansion, to promote economic growth, and to underwrite our ambitious and costly programs in energy development and clean air and water, a staggering 37 percent of the American people can't think of any way in which their lives are affected by the rise and fall of business profits. All of these social, economic and environmental objectives depend upon capital accumulation, and capital accumulation is impossible without profits. But these people do not see how profit affects their lives.

You can understand why I am so ready to commend the levelheaded and economically sophisticated academic community here at Rosary Hill.

Many of you graduates will now be going on to graduate school, and others will be looking for your first permanent jobs. Some of you may have already found that first job—I sincerely hope so.

As Mrs. Maier noted, I wasn't any more fortunate than you in choosing a graduating year. I received my diploma back in the 1930's, and therefore I know what it is to look for a job in this kind of labor market. But don't despair.

We at General Motors think our country's economy is poised for the inevitable upturn. Unemployment may continue at depressingly high levels for a while, but it seems clear that the worst is behind us. Unsold inventories, which have been blocking production for many months, took a dramatic drop in the first quarter of this year. Consumer spending, and the confidence needed to sustain it, are both gaining in strength. So are our balance of payments. So is personal income. The national inflation rate is down, and if it drops by as much as four percent this year—a reasonable prospect—it would mean the equivalent of two extra weeks' pay for every wage earner and pensioner in America.

For most Americans, that will represent a greater degree of financial aid than the generous tax rebates now being mailed out by the federal government.

Other economic indexes are also showing improvement. By the fourth quarter of this year—and perhaps even sooner—we think the signs of national economic recovery will be unmistakeable.

So, 1975 is not such a bad year to graduate after all. You may have to take odd jobs here and there until the position you really want opens up, but from our view at General Motors the prospects look pretty good for you—at least in the not-too-distant future. And the long-term future is rich with promise—never doubt that.

I come here today in a variety of capacities. No man or woman, including the chairman of General Motors, is just one thing and one thing only. We are all a complex tangle of genes and experiences, beliefs, and personal biases. And we act and think accordingly.

For example—and not necessarily in this order—I stand before you now as a man who loves his God, as mysterious as that Being is; a man who loves his country, with all of its imperfections; a man who loves his wife, as full of wonder as he is that she could possibly return that love; a man who loves his children, despite the reflections of himself that he sees in them; a man who loves his fellow man, even those who don't understand and appreciate free enterprise and a man who loves his work, including that much maligned and completely indispensable thing we call the automobile.

I am all of these things, and this afternoon I would like to reflect all of these different capacities of mine in what I have to say to you. To recapitulate what Mrs. Maier said earlier, I am Thomas Aquinas Murphy, son of John and Alma O'Grady Murphy, born not a hundred miles from the campus of Rosary Hill. In fact, when I was walking the streets of Buffalo as a boy, there was no Rosary Hill. I'm a whole lot older now, and I hope a whole lot wiser. But on balance, all things considered, I don't think I have changed all that much.

Other things change, but human beings hardly change at all. Not really. From generation to generation, we pass things along—some good, some bad—and in this country, at least, we make things a little easier in a physical and material way for our children—as we should. Things change all around us—the kind of economy we have, the kind of music we listen to, even the kind of cosmic self-image we have—the way we view ourselves in relation to the government, to time and eternity, to the universe. But so much of what we are doesn't change, and if you doubt that you have to wonder why we find so much of current application to our lives today in the writings of men and women who lived a hundred and even a thousand or more years ago.

For that reason, I would like to share some thoughts with you young people—humbly and sincerely—hopeful that the gap between various small grants and by the University's generations is not enough to separate us as human beings.

The first thought I would like to share with you has to do with the learning process—not the formal education some of you have completed today, but the life-long school we all attend, the school that knows no graduation and that lasts for as long as the mind lasts.

As an employer, I am ultimately responsible for the development and advancement of thousands of young people like yourselves. I know the value of knowledge and experience, and for the good of General Motors I do all I can to make sure that our most promising young employes are moved from assignment to assignment and from staff to staff to give them the variety of new knowledge and experience that will equip them for greater and greater responsibility.

Don't stagnate. Don't stay in one job for too many years or you'll find your mind curling up along with your personal vision and self-esteem. Above all—Think. Forget the television and think for yourselves—that's why you were sent to college, that's what you were taught and should have learned, and that's why your parents made so many sacrifices.

And every once in a while, give the products of your thinking a little workout. Get up on your feet and tell people what you have on your mind. When I was your age I was scared to death of public speaking. I still am—but I try to do it nevertheless. This is the age of communication. Virtually everything we do in business, in local government, in church, in social groups involves working with and communicating with others. To be silent today is to be disenfranchised.

So, get up and speak—thoughtfully and honestly.

And don't be afraid of making mistakes—or of admitting them, either. In my experience, it is not the number of mistakes you make but your batting average that counts. If you are right at least half the time, you'll win wide respect. And remember that you learn as much from goofing-up as you do from a victory—perhaps even more.

Books will continue to be a part of your learning process, but the people you work with, and live with, and play with will be even more important. But you have to give them a chance. You have to recognize that they might have something to tell you. Communication involves listening as well as speaking, and learning as well as informing. There's an old saying that bears on this point, and it goes something like this: "It's remarkable to see what you can learn, after you think you know it all."

Among the people you should be careful to give a chance to, and learn from, are your parents. Now, I know what you're thinking, but it's not true. I'm not just being diplomatic. As proof, let me point out that both my mother and my wife are here in the audience—so I have to be sincere. My brother is also here, and so is his daughter, Mary Murphy, who is graduating with this Class.

I sincerely hope she, above all, is listening.

What I have to say on the subject of parents can be summed up in a quotation generally attributed to Mark Twain. We all know Mark Twain. There have been few more independent thinkers in America. But even so, the great iconoclast is reported to have said: "When I was a boy of 14, my father was so ignorant I could hardly stand to have the old man around. But when I got to be 21, I was astonished at how much he had learned in seven years."

So don't ignore your parents. What you can't learn from them in conversation, you can learn from studying the pattern of their lives. There is no greater source of knowledge than a human life.

And take pride in them, as they do in you, as you should in yourselves. Pride is not a vice, at least not in moderation. In fact, it is indispensable to the development of many virtues, including industry and initiative. Strive to do your best, and take pride in whatever you do. Pride in yourself is not the easiest thing to achieve, but, believe me, it is essential. It is frequently the only thing that will keep you going in adverse circumstances.

The rest of what I have to say on this great and solemn occasion has to do with you and the society we all live in. It's not perfect—far from it. We are reminded of its shortcomings every day of every year, in every news report we see and hear. But it's the best we have—and not only the best *we* have, but the best *any* people have ever had, anywhere and at any time in history.

But we are all agreed that it is not perfect. So, let's improve it. We have enough critics of our system in this country; we need more doers. Criticism in moderation, constructively offered, can be a positive force in society; when carried to excess, it can sap initiative. And I think that is partly what is happening in America today.

The American people have been through a lot in the past decade or so, not the least of which was a divisive war in Vietnam. More recently, they experienced the resignations of their President and Vice President, and the longest and deepest economic recession of the postwar period. It is not surprising that they have lost confidence in a wide range of institutions, public and private alike.

In time, they will find institutions and causes of sufficient integrity to restore their belief, but meanwhile they can be best described as looking for a better way.

Some government officials have stepped into this vacuum and have adopted a series of values and priorities which they assume match the people's mood. I, personally, think they have seriously misjudged that mood—in urging more and more government direction upon private industry, for example, and in restricting the range of free consumer choice in the marketplace.

The net effect is that the areas of our private lives and affairs over which the government is assuming jurisdiction are growing, while the private domain left to the people for independent decision is shrinking. It seems to me at times that the more strictly controlled—but less free and less advanced—societies of Europe and Asia are being held up as models for America. And I say to those who espouse such models, consider this: what we define as the poverty level in America is the average family income in Russia.

This trend of economic and political thought concerns me very much, and I would like to enlist your help and support in changing its direction. When the private and public sectors of our society work in cooperation with each other—as they have done so often and so successfully in the past—there is no problem that can stand before this nation's tremendous resources. But when they are at loggerheads with each other, we inevitably witness an inexcusable waste of those valuable resources—resources we need desperately for other purposes, such as economic growth.

But that is only part of the penalty. Other consequences concern me even more. For example, I ask myself, what is this thing we call America, anyway? Of all the nations of the world and of history, what does America have to offer posterity that others have not offered? It certainly is not air conditioning, or space exploration, or mile-long shopping centers, impressive as they may seem. Rather, it is our success in making freedom work in a highly complex, pluralistic society. That was, is, and always will be the great American contribution to history. It is our most profound achievement. And the coming Bicentennial should remind us of that. Remember—America is great only because America is free, and it's up to each of us to keep it so.

I think one of the problems is that some public figures today believe and preach that there has been a shift of power in this country. They point to big business, big labor, and big government with the clear implication that before such forces the people have become powerless. This is nonsense. The people still hold the reins of power in this country, and that is why their loss of confidence in many of our private institutions has led to a steady growth in government influence. It is not that they trust government more—quite the reverse. It is that they have little trust in anything, and they have been willing to stand by while government stepped into the vacuum and extended the range of its influence.

As I stand here on this stage, I hope and pray that you graduates are as concerned about this growing trend of government intrusion in our private lives and affairs as I am. We are approaching the Bicentennial, and as we do so, there are many questions we in America should be asking ourselves. Do we know where we are heading politically and economically? Are we in control of that direction? Are we satisfied that we are gaining more than we are losing when we encourage greater government control over our private activities?

Unfortunately, I think some Americans are. I think some Americans welcome the move towards a greater degree of statism in this country. And many more of us, unfortunately, are unaware of what is taking place. The loss of our hard-earned personal liberties is proceeding so gradually that we hardly notice each tragic disappearance.

It was James Madison who once said, "There are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." And, remember, this was a revolutionist talking.

More recently, one of our senators back home in Michigan, Senator Robert Griffin, put it this way: "In the long course of history, freedom has died in various ways. Freedom has died on the battlefield, freedom has died because of ignorance and greed. But I should like to suggest that the most ignominious death of all—is when freedom dies in its sleep."

We live in a great country, rich with opportunity and with a record of progress and a standard of living that are the envy of the rest of the world.

We have advanced this far because of our fundamental freedoms, and, as optimistic as I am, I would feel even more optimistic about the future if more of us—particularly you young people—were concerned about the preservation of those freedoms. Because on them rests not only our past but our future as well—your future. My strong hope and belief is that the coming Bicentennial will prompt a lot of us to do more serious thinking about our freedoms than we have in the recent past, and that the simple, uncomplicated and altogether extraordinary idea of freedom will once again begin to excite every American.

Thank you all very much—and, once again, my profoundest and most sincere congratulations to you members of the Class of 1975.

ERROR IN COSPONSORSHIP

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. ARMSTRONG. Mr. Speaker, through a clerical error, I was listed as a cosponsor of H.R. 7010, The Defense Economic Adjustment Act.

Without passing on the merits of the bill, and to avoid misunderstandings which might later arise, I wish to state that I did not cosponsor this legislation.

OUTSTANDING ACHIEVEMENT

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. FLOWERS. Mr. Speaker, I am proud to announce to my colleagues that an industrious and far-sighted community group in my district has been singled out by the Department of Agriculture for outstanding achievement. The group I speak of is the Sumter County Rural Development Committee, which was presented the Department's Distinguished Service Award last week here in Washington.

The committee received the award, according to the official citation, "for demonstrating that people from different areas of endeavor and with strong individual interests can make important contributions to improving rural life by working cooperatively on programs of mutual concern."

When the Sumter County Rural Development Committee was formed in 1961, the country was plagued with problems typical of hundreds of rural counties across the country. The population was dropping, income was low, economic opportunities were few, new industries were staying away and public services and facilities were poor.

But now, thanks largely to the committee's dynamic leadership, Sumter County is prospering. Industrial parks, hospitals, and recreational facilities have been built. The county's forest products industry was expanded. New kinds of farm crops are being produced. Employment has doubled and family income has nearly tripled. A countywide water system plan and solid waste disposal system have been developed. A transportation system has been set up for the county's elderly persons.

There is much more, but I think you have got a good idea of the tremendous progress that was made through the hard work, dedication and perseverance of the people of Sumter County. They now have pride in the present and hope for the future. Their success should serve as an inspiration to citizens in rural areas throughout America.

LUNCHEON SPEECH OF CONGRESSMAN JAMES W. SYMINGTON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. CONTE. Mr. Speaker, I was privileged to be present recently as the Helen Childs Boyden Science Center was dedicated at Deerfield Academy. We were treated to a very moving speech by my good friend and colleague, the gentleman from Missouri, Congressman JAMES W. SYMINGTON, himself a graduate of Deerfield Academy.

His tribute to the late Helen Boyden captured so well the spirit of this remarkable woman that I insert it, at this time, in the RECORD and commend it to my colleagues, along with brief dedicatory remarks that I was called upon to deliver.

The articles follow:

LUNCHEON SPEECH OF CONGRESSMAN JAMES W. SYMINGTON

I can see her—that quizzical look of mixed surprise, compassion, and feigned disappointment—a catch of breath, and then in those gentle, measured matter-of-fact tones, the devastating pronouncement, "The trouble you don't get into, you don't have to get out of." What a world of wisdom in that! What captains of industry and labor, what soldiers, kings and priests, what Congressmen, what Presidents might have found a better fate had they but heard and heeded the tender caution of Helen Childs Boyden—and what schoolboys! What is it about the great teachers that makes every one of their charges feel like a schoolboy in their presence ten, twenty, thirty years after graduation—no matter what empires have fallen to them in the interim? It is the shared awareness of the gap between the potential and the performance. Any man knows when he's doing his best, or less than his best, and if he ever sat in Mrs. Boyden's classroom he knows she knows it, too. That's power for you—the power to make a grown man uncomfortable about his shortcomings simply with the same wordless look she gave him when he was a boy. Perhaps because the boy is still hiding there, waiting, maybe even hoping, to be found out and set again on the right course.

Set again on the right course—what a happy prospect, and what an attainable one should enough good teachers be found to stretch the minds of our nation's young. I say "good" for the great would not be so if they were numerous. Frank Boyden knew a good teacher when he met Helen Childs, but he grew to know a great one, so decidedly so that it was he—and never her—who quoted with relish the inscription on her Smith College Honorary Degree—"To Helen Childs Boyden, who, with some small help from her husband, built a great school." Some of you may remember when ten years ago or so I described the Headmaster in his rumpled hat and fur-collared coat standing on the field after a game, after the song had been sung and the boys had left, standing there alone wiping his spectacles, "was it mist or memory, because here were the touchdowns, the home runs, the goal line stands, and the stifled pain of boys becoming men." And who helped him make men of those boys? Who helped him contain the conflicts in his own mind, the pressures, the sudden impulses of an embattled guardian of so many parental hopes, so many young teachers' expectations, and so many incorrigible boys!

"We've never lost a boy," he would say with pride. "We don't believe in petty punishments. No such thing as a bad boy . . . Will the boy who threw the snowball through the old dorm window please come see me in the morning?"

Yes, she held him on that course while bringing up their own daughter and two sons and sending generations of the luckiest boys in the world out into it. Out into a world which today fears science as much as she taught us to love it. Today, as Prof. Loren Eiseley, our distinguished guest speaker has written in his "Firmament of Time," ". . . the scientific worker has frequently denied personal responsibility for the way his discoveries are used . . . and points to the evils of the statesmen's use of power. The statesmen shrug and remind the scientist that they are incumbered with monstrous forces science has unleashed . . . few men on either side of the curtain believe themselves in any sense personally responsible . . ."

A sense of personal responsibility for one's acts is what this school above all has tried to instill. If it is true as has been said that science and technology are essentially neutral, and simply answer the questions we ask, we must learn to ask the right questions, or at least the very best questions we can think of. We do ask, we must, buoyed up here at least by the memory of a lady who distrusted airplanes no more than she did horses, who stood tall and gentle in the classroom with a shawl over her shoulders, whose great eyes twinkled beneath the simple pulled back grey hair. Remember how she would touch back a few stray wisps, and say to the perplexed algebra student, "Victor, when will you stop trying to remember and start trying to think?" We'll try to think, Mrs. Boyden—but we can't help remembering.

REMARKS OF CONGRESSMAN SILVIO O. CONTE

It is a great pleasure to be here today to participate in ceremonies marking the dedication of a new science center on the Deerfield campus to the memory of a great lady, Helen Childs Boyden.

As you undoubtedly know, Mrs. Boyden came to Deerfield seventy years ago, in 1905, as a science teacher. When she started, she was given this advice by the Headmaster:

"If you ever have any trouble with the boys, remember that I'll be on their side."

That Headmaster was Frank Boyden. Within two years, Frank and Helen were married. And this began the great Boyden era at Deerfield. Years after their marriage, Frank Boyden wrote this about his wife:

"She is much more important than I am. She has a wonderful sense of humor and deep affection for the boys. She has more influence on the boys than I have. She makes them want to do the work. Her judgment is excellent. It is interesting that a combination such as the two of us could get together. She could have been the head of any school." What a wonderful, loving tribute that was.

How well I remember the day seven years ago when many of the same people I see here today gathered to dedicate a new library in the name of the Headmaster, Frank Boyden.

But in order to preserve the memory of these two great educators it was hardly necessary to construct monuments. Their memories will live on in the hearts of the students they served at Deerfield and all who knew them.

Indeed, it was the Boydens who molded living monuments in the character and intellect of their young charges.

I have always considered it an unequalled pleasure to represent, in the United States Congress, a district with so many great schools. I feel closest, perhaps to Deerfield. Although I did not attend Deerfield, like my colleague and clear friend Jim Symington, I did the next best thing, I entrusted to

Helen and Frank Boyden the education of my son, John.

It is fitting that we dedicate this science center today to Mrs. Boyden. Here young men will be instructed in the same principles of science that she came to Deerfield to teach in 1905. But using this new facility their opportunities will be enlarged. Vistas for experimentation will be opened. In a center such as this a young scientist's mind can romp unhindered. Helen Childs Boyden always gave her boys her best—that is why it is so proper to provide this superb facility for all of the Deerfield boys in her name.

1975 MEMORIAL DAY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. ZABLOCKI. Mr. Speaker, Americans across the Nation paid homage and honor to our heroic dead last Monday, May 26, 1975, Memorial Day.

It was my honor, privilege, and pleasure to address those in attendance at the 1975 Memorial Day ceremony at the Veterans' Administration Center at Wood, Wis. I also am pleased to report that many citizens in my district, the Fourth Congressional District of Wisconsin, patriotically and actively participated in commemorating our heroic dead. It was most impressive to witness the large number of citizens who displayed the flag.

On Memorial Day in Milwaukee last week I heard one of the local radio commentators, Mr. Charlie Hanson of WISN, read his inspiring Memorial Day poem, which he composed especially for Memorial Day, 1975. I would like to include the poem as well as the address I delivered at the Veterans' Administration ceremonies at Wood, Wis., on Memorial Day, at this point in the RECORD.

The articles follow:

MEMORIAL DAY 1975—CHARLIE HANSON

I worry that each new generation
Will forget what the other ones gave
That there may be no veneration
For those people so young and so brave
Kids who marched off with our tears and our prayers
Always to save something or other
I worry now if anyone cares
Except a father and mother
I believe in my heart that my country is great
That there'd be no free world without it
But I don't want to see a love turned to hate
And I don't want others to doubt it
So—what can we do—to make sure that the past
Will continue to serve as it must?
And the honor and pride we thought always would last
Won't be buried and forgotten as dust
I dunno—of course we'll always parade
And stand at attention with pride
I just pray for our buddies so tenderly laid
In our earth, all our earth, where they died.

THE GLORY AND HONOR OF THEIR SACRIFICE FOR US

(Address by Hon. CLEMENT J. ZABLOCKI of Wisconsin)

It is a honor and privilege for me to participate in the 1975 Memorial Day ceremony at the Woods Veterans Administration Center.

Paraphrasing the quote of Benjamin Harrison, as reprinted in the inside of today's program, it is on this special day every year that we pause, reflect, honor, glorify and express sincere gratitude to the countless thousands who have made the ultimate sacrifice for us—so that we may continue to enjoy the blessings of freedom and liberty.

Memorial Day is a day of memory—a day of remembering that the men and women who died in the service of our great nation have immeasurably contributed to the freedoms and liberties which we enjoy. On our part we must continue to defend and preserve freedom for ourselves, our loved ones and for future generations. Thus, we will keep faith to their memory.

Memorial Day is also a day of thanksgiving—a day for expressing gratitude for the many fruits of life which we as American citizens enjoy only because throughout our history there have been young men and women willing to make the ultimate sacrifice in defense of our country and our way of life.

This Memorial Day we have a special reason to be thankful . . . because, for the first time in many years we are not engaged in a shooting war. Our military involvement in the Vietnam conflict has ended.

In reviewing our long and difficult and tragic involvement in South Vietnam we inevitably come to the difficult but fair and reasonable question: Have our heroic dead in South Vietnam died in vain?

Like other difficult and complex questions, this question cannot be answered with a simple answer. As of this moment, fresh from the end of our military involvement in South Vietnam, a definitive answer is tenuous and uncertain. Ultimately, and only after a period of time will history be able to record a final and definitive answer.

In the interim, however, and in reverent memory of all the brave victims of our wars, including and especially Vietnam, I respectfully submit that they did not die in vain.

The victims of Vietnam did not fight and die for a monument—

They fought for a principle—

They fought for the preservation of freedom for their contemporaries and for the generations ahead—

They fought in the service of our nation so that the hopes and ambitions of the Founding Fathers might be realized—

They fought so that the Constitution upon which our form of government is based might stand today strong and sturdy as an assurance of our liberty and freedom—

They fought inspired by genuine concern for their fellow-beings, a commitment that is the ultimate form of man's humanity to man—

They fought because they feared the rebirth of totalitarianism which we had defeated in World War II at a great human sacrifice—

They fought for the many thousands of innocent South Vietnamese subjected to outside intervention and aggression.

Their work is done—ours remains. They have been vindicated—we remain to vindicate ourselves.

Our servicemen and women have given us a new vision, a feeling of brotherhood, the joy of freedom and the right to entertain new hopes.

They have given themselves as hostages for peace for us. As long as life remains in us, it must be our determination that they shall not have died in vain.

The most recent sacrifice for our fellowman was demonstrated just two weeks ago by the courageous action of our marines, Air Force and Navy in successfully retrieving the seamen and the freighter, Mayaguez, which was illegally pirated by the new communist government of Cambodia.

It is with pride that we extend our appreciation and congratulations to our brave troops for their valor and courage. We are especially pleased that the ship's entire crew was rescued, including a fellow Wisconsinite, Mr. Salvatore Puntillo.

At the same time, we sincerely regret the loss of any servicemen and those injured in the operation, and join in sympathy to their loved ones. The American people are greatly indebted to and grateful for their sacrifice.

It is our sincere hope that this bold and successful action will prove to be a lasting deterrent against future similar acts of piracy and other violations of international law.

I believe that it is basic to our Judeo-Christian heritage that concern for fellowmen constitutes the highest degree of moral philosophy, and I submit that is the true definition of civilization. The sacrifice of our brave and valiant men, who fell in South Vietnam, Korea, World War II, World War I, remains vivid and untarnished even though, despite our good intentions, we were not always successful.

The price of death is always too high but if we remember why they fought it will at least give meaning to the sacrifice of our dead and maimed, and confirm and honor the conviction of many of them that they were risking their lives for the freedom of fellowmen.

It is worth recalling that even still today, more than 100 years after the Civil War, some people in the North and South still raise the same question, that is, have our heroic dead died in vain?

Our history books are full of stories of valiant soldiers of the north and valiant soldiers of the south, and even at times relatives fighting relatives, who immediately after the Civil War asked that same question. Our own Civil War clearly underscores the fact that it simply takes a long time to heal. In fact, the point is, while much has been accomplished, the world is still in the process of healing and therefore I believe we can properly and correctly state that while the sacrifice indeed was great, it was not in vain.

As we recall the great suffering and many deaths in the Indochina conflict we must not and will not turn our backs on the necessary act of humanitarianism on the part of the American people to assist the more than 100,000 South Vietnamese refugees in relocating in the world.

Some suggest that the refugees should be sent back to Indochina to face the consequences. I deeply regret such suggestions and am confident that our heroic dead who fought side by side with the Vietnamese and Koreans would not agree with this attitude on the part of a few of our citizens.

In my judgment, the free world has an obligation to help these unfortunate victims of the Indochina conflict. Understandably, they chose not to live under a communist form of government. In the memory of our heroic dead and as Judeo-Christian people regarding freedom, human dignity and self-determination, we should assist these unfortunate victims who voluntarily escaped from South Vietnam.

As a country of immigrants we have demonstrated in the past our capacity to assimilate similar refugees throughout our nation's history. Since World War II one million immigrants have been resettled in the United States. These include over 500,000 Cubans, 50,000 Hungarians, 300,000 Jews, and many other thousands of refugees fleeing political and religious persecution who have found a home in our beloved country and have contributed much to our economic and cultural well being. I am confident that our sense of decency and humanity will again prevail.

As we recall and memorialize the victims of war and aggression in man's history, let us not forget the thousands of disabled veterans, many still confined to hospitals. Let us be mindful of the dependents and the widows and orphans of those deceased veterans whose lives were shattered in our nation's behalf. We must continue to do our utmost to provide hospital care and medical services to our thousands of disabled veterans.

Let me also take this opportunity to pay tribute to the Veterans Administration personnel and to the doctors and nurses in our veterans' hospitals whose work is often overlooked but who are giving the best of their energies, their knowledge and their skill in order to help and comfort the sick and disabled war veterans.

In the future, these efforts must be continued and expanded. As we look to the Civil War-vintage domiciliary, which is up yonder, we see that this dilapidated building underscores the need to provide adequate nursing and domiciliary facilities for our aged veterans. On my part, I have written to the new Administrator of the Veterans Administration, Mr. Richard Roudebush, strongly endorsing the recommendation of the professional administrative staff of Wood, that the Annex building be remodeled as a nursing home care unit to include approximately 250 beds. A new domiciliary is long overdue. There is certainly a definite need for additional facilities for the treatment and domicile of nursing care patients, and you may be assured of my continued support of efforts to remodel the Annex building, and to convert it into a nursing care facility to better serve the veterans in our state and community.

In conclusion, let us rededicate ourselves not only today, but always to the same principles and ideals to which those we honor today committed themselves. Let us leave here today grateful for the blessings we enjoy and with the determination to share them with others less fortunate. Let us go from here and continue what those we today commemorate fostered. Let us follow their example of seeking peace through greater understanding.

And as we memorialize those who gave the ultimate sacrifice and rededicate our efforts to assist our living veterans, we must in the memory of those who died, keep faith with them by serving our country in war and peace with the ultimate hope that future wars will be averted. In this present age of atomic and nuclear threats, we must endeavor to employ the best minds as we have done for example in medical science and space technology to seek the formula for peace. We must employ our talents to prevent war so that men can live in peace and harmony as the good book and divine doctrine call for. The greatest tribute to our fallen heroes is our resolve that by our actions and deeds these honored dead shall not have died in vain.

ESCONDIDO ONE OF NINE

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BURGENER. Mr. Speaker, The Chamber of Commerce of Escondido, Calif. is soon to be honored by joining a small list of chambers of commerce who have achieved the recognition of official accreditation from the U.S. Chamber of Commerce.

The Escondido Chamber has a long and impressive record of service to its beautiful and progressive community. Since its incorporation in April of 1919 this organization has taken on hundreds of projects which have benefited the community as a whole or deserving segments of the community. All of San Diego County and, indeed, all of California has benefited from their efforts.

Accreditation is an exclusive honor which demonstrates the strength of this chamber's record of accomplishment. There are only 283 accredited chambers in the Nation and only 92 in California. To achieve accreditation requires not only a review by local indiivduals but an on-the-site review by the U.S. Chamber of Commerce.

Escondido is one of only nine chambers of commerce to be so recognized this year. It becomes the first chamber of commerce in San Diego County to achieve accreditation.

I draw the House's attention to this great accomplishment and I know that I can speak for the Members when I wish the Escondido Chamber of Commerce success and sincere congratulations.

BETTER SPEECH AND HEARING MONTH

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. RHODES. Mr. Speaker, I would like to call to the attention of my colleagues that the month of May, just past, was Better Speech and Hearing Month. This "cause" is one that we all should recognize as having no special "month" but as being something we can support the year around.

There are 20 million Americans, 1 out of 10 of our population, who suffer from impairments of hearing, speech, and language so severe that they have great difficulty with the functions in life that most of us take for granted.

A communications handicap in today's world is a most discouraging affliction. Fortunately, there is help available for many of these handicapped persons. I know that in my own area there are treatment facilities ranging from those serving people unable to pay a fee, to those at which the patient bears the entire cost.

The essential need is that more of those with impairments are made aware that they can be helped, that facilities are available, that modern science is making strides toward providing them with even more advanced aids and equipment.

Across the country there are dedicated men and women who are working to restore hope for those with communications handicaps. They go largely unsung, but are contributing much to our society. Speech pathologists and audiologists offer to the handicapped the road out, a chance for an improved life, a chance to take their place in a society where communications has become of paramount importance.

Although Better Speech and Hearing Month is past, we all can be aware that a continuing effort is being made to find, diagnose, and correct speech and hearing impediments and impairments. All of us should help this worthwhile endeavor whenever we have an opportunity to do so.

SECOND DISTRICT CONGRESSIONAL ASSOCIATION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DOWNEY of New York. Mr. Speaker, in the 5 months that I have been a Member of Congress, I have become increasingly aware of how important it is for a Congressman to offer a broad range of services and engage in a wide variety of activities with the aim of assuring that his or her constituents are fully informed and represented. Yet, unfortunately, many of the programs required to properly serve a congressional district are either inadequately funded by the Federal Government or completely ignored as to reimbursement. Our colleagues have employed many different means to raise the funds necessary to support their congressional office operations: Some, of independent means, can afford to spend thousands of dollars per year to pay for services; others have chosen to solicit contributions which are not publicly reportable because they are not "campaign expenditures." Some Members follow the letter of the law and do not discuss their methods of financing newsletters and other constituent service programs; others have chosen to go beyond the restricted disclosure requirements to reveal both the sources of their "operating" funds and the nature of the expenditures. I have chosen to adopt the latter policy, even though it goes far beyond the requirements of the law. I believe that my constituents have a right to know the source of every contribution I receive, even if it does not fall within the political sphere.

To implement this practice, I am establishing a "Second District Congressional Association." I asked the Internal Revenue Service for an opinion to guide me on the handling and reporting of any funds that the association raises. The exchange of letters, which partially describes the program we have initiated in the Second District, is reprinted below. I intend to follow the IRS opinion and in addition, to further report publicly the receipts and expenditures of the association.

The letters follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 7, 1975.

Mr. DONALD C. ALEXANDER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR COMMISSIONER ALEXANDER: I am in the process of formulating a "Second District Congressional Association" which would consist of constituents from my District who are interested in helping me defray the costs of direct mailings, questionnaires and newsletters, and various office expenses that are not covered by my Government allowance.

I would be interested, after enumerating the manner in which the funds will be handled and the proposed way in which they will be used, what would be the proper way for me to report these funds that I receive.

It is my intention that the funds will be maintained in a separate bank account that will be segregated from all other funds maintained by my office. The account will be handled by an individual outside my staff who will be charged with the responsibility of keeping the records and payment will only be made on the following office expenses which I incur.

Specifically, I would also be very interested in knowing whether the use of these funds meet the test of Sections 162(a) and 7701(a)(26) of the Code which I feel are "ordinary and necessary" for the operation of a Congressional office:

(1) Mobile office: Whenever possible, including every Saturday of the year, either myself or a member of my staff will tour a specific section of the District in a mobile office that the Association will purchase, and will record constituent inquiries which are to be followed up with case responses. This operation will require a driver and maintenance;

(2) Newsletters, questionnaires and direct mailings that consist of matters of general interest such as taxes, social security, energy problems, and other subjects pertaining to the affairs of the Federal Government;

(3) Transportation: This would include both myself and my staff members over and above the allotted trips back and forth from my District permitted by Government allowance;

(4) Entertainment and public information forums: Including meals and conducting special meetings where I, and occasional guests of the Association would discuss matters of general interest to my constituents and other subjects pertaining to the affairs of the Federal Government;

(5) Additional clerical assistance above the Government allowance of 18 staff members, should the need arise.

I might add that the direct mailings, questionnaires and newsletters will be sent to all my constituents, whether they have contributed to the "Second District Congressional Association" or not. Any excess in the fund at the end of any particular year would be carried over to the following year to be used for the same purposes. The annual costs I envision that the funds will be used for will be less than my annual salary.

Your expeditious review of the above mentioned items and manner in which the funds would be utilized will be very much appreciated by me personally.

With kindest regards,

Sincerely,

THOMAS A. DOWNEY,
Member of Congress.

APRIL 21, 1975.

Hon. THOMAS J. DOWNEY,
House of Representatives,
Washington, D.C

DEAR MR. DOWNEY: This is in reply to your letter of March 7, 1975 to Commissioner Alexander asking the proper method of reporting funds you will receive under the circumstances described below.

You state that you are organizing the Second District Congressional Association ("Association") which will consist of your constituents who desire to help defray the various expenses that you are not compensated for by your government allowance.

The expenses to be defrayed are: (1) The purchase, operation, and maintenance of a mobile office; (2) The cost of newsletters, questionnaires, and direct mailings; (3) Transportation for you and staff members to the extent not compensated for by your government travel allowance; (4) Entertainment and public information forum expenses; and (5) Additional clerical assistance not compensated for by your government allowance.

The funds received by you for the above purposes will be maintained in a bank account that will be segregated from other funds maintained by you.

Section 61 of the Internal Revenue Code of 1954 provides, in pertinent part, that gross income means all income from whatever source derived, unless otherwise excluded by law. The performance of the official duties of a Congressman in his trade or business as an elected official includes keeping his constituents informed with respect to the affairs of the Federal Government and his own official actions, and seeking opinions from them on pertinent issues. Thus, any amount received by a Congressman for the purpose of defraying part of the cost of reporting to constituents is a substantial benefit to him in that it offsets a portion of the cost to him of performing the duties of his office. Therefore, such amounts received by a Congressman for the purpose of defraying these costs must be included in his income under section 61 of the Code in the year received. See Rev. Rul. 73-356, 1973-2 C. B. 31 (copy enclosed).

As you are aware, under our system of Federal taxation, deductions are a matter of legislative grace. That is, Congress must make a specific provision for a deduction in the tax law and a taxpayer must show that he comes within the provision to be entitled to the deduction.

This concept of legislative grace is reflected in section 262 of the Code which provides that except as otherwise expressly provided, no deduction shall be allowed for personal, living, or family expenses. See, for example, *McDonald v. Commissioner,* 323 U.S. 57 (1944), 1944 C.B. 94.

However, section 162(a) of the Code provides that there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. Among the items representing ordinary and necessary business expenses are traveling expenses (including amounts spent for meals and lodging other than amounts which are lavish or extravagant) while away from home in the pursuit of a trade or business.

As defined in section 7701(a)(26) of the Code the term "trade or business" includes the performance of the functions of a public office. Thus, for the subject expenses to be deductible, they must be ordinary, necessary, and directly connected with or pertaining to the carrying on of the trade or business of being a Congressman.

Revenue Ruling 58-479, published in our Cumulative Bulletin 1958-2, at page 60, provides, in pertinent part, that in interpreting the requirement that an expense be ordinary and necessary in order to be deductible for Federal tax purposes, the word "ordinary" has consistently been given the connotation of normal, usual, or customary. An expense is ordinary where experience shows that payments for such items are the common and accepted practice in the field of business involved. An expense is necessary where it is appropriate and helpful in the development of the taxpayer's business.

Therefore, assuming that your mobile office will be devoted exclusively to your official duties as a Congressman, the expenses of operating and maintaining it will be deductible under section 162 of the Code.

However, with respect to the deductibility of the cost of the mobile office itself, section 1.263(a)-2 of the Income Tax Regulations provides, in pertinent part, that the cost of acquisition of machinery and equipment, and similar property having a useful life substantially beyond the taxable year is a capital expenditure and is not deductible.

Section 167 of the Code allows as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) of property used in the trade or business.

Accordingly, if the estimated useful life of the mobile office is substantially beyond one year, you will be entitled to claim an annual deduction for the depreciation of such equipment under section 167(b) of the Code.

Regarding your second inquiry, the amounts expended in issuing such publications are ordinary and necessary business expenses within the meaning of section 162(a) of the Code.

However, under section 62 of the Code relating to adjusted gross income, with exceptions not here relevant, expenses attributable to the performance of a trade or business as an employee are deductible in computing taxable income.

Accordingly, the expenses in issuing these publications will be deductible by you only if you itemize your deductions.

With respect to your third inquiry, if the transportation expenditures to be incurred by you and your staff members in traveling to your Congressional district in excess of amounts allotted by the Government are directly related to the performance of your functions as a public official, such expenditures would be deductible under section 162 of the Code.

As to your fourth inquiry, even though a particular expenditure may meet the tests imposed by section 162 of the Code, section 274 of the Code imposes further conditions upon the allowance of deductions for expenditures of a type generally considered to constitute entertainment expenses.

In general, "directly related" entertainment is that which occurs while the taxpayer is engaging in a substantial and bona fide business discussion with a business associate. While there are activities which generally will be considered circumstances where there was little chance or no possibility of engaging in business discussion, such as entertainment at night clubs, theaters, and sporting events, this presumption can be overcome if the taxpayer clearly establishes to the contrary.

"Associated" entertainment is an entertainment activity which directly precedes or follows a substantial and bona fide business discussion. If the entertainment event and the business discussion occur on the same day, then the entertainment will be considered to have directly preceded or followed the business discussion. If it does not occur on the same day, all the facts and circumstances of the situation must be considered to determine whether the entertainment directly preceded or followed the business discussion.

Further, section 274(d) of the Code provides that no deduction shall be allowed for any item of entertainment, unless the taxpayer substantiates by adequate records or by sufficient evidence corroborating his own statement the following elements with respect to each expenditure: (a) amount; (b) time; (c) place; (d) business purpose; and (e) business relationship of person entertained. In addition, if an entertainment expense deduction is claimed because a substantial and bona fide business discussion was held during, or directly preceding or following, the activity ("directly related" and "associated" entertainment respectively), the records must establish the date, place, and duration of the business discussion; nature of business discussed; and identification of persons entertained who participated in such a discussion.

Therefore, entertainment expenses are deductible only to the extent the requirements of sections 162 and 274 of the Code and the regulations thereunder, outlined generally above, are satisfied.

Regarding your fifth inquiry, Revenue Ruling 73-464, 1973-2 C.B. 35 (copy enclosed), sets forth circumstances necessitating a member of Congress hiring additional personnel, the salaries of whom were deductible under section 162 of the Code as itemized deductions.

The Revenue Ruling states, in part, that an individual was elected to Congress to represent a large constituency, and was re-elected to successive terms over a period of years. Upon arriving in Washington to begin his first term, he found thousands of letters waiting to be answered. This unusually heavy flow of mail continued for his first two years in office. Moreover, because of the size of his constituency, he had substantially more than the average number of visits from constituents and telephone calls in addition to his normal legislative activities.

The Revenue Ruling provides further that the member of Congress exhausted his annual Congressional allowance for hiring employees and purchasing equipment, but found that the staff could not simultaneously eliminate the backlog of work and stay current with the continuing heavy workload. Thereupon, he hired additional staff employees, compensating them with his own funds. The services of the additional employees, were connected with the official duties of the member of Congress and were not related to his personal or campaign activities. The salaries were reasonable in amount for the services actually rendered.

Therefore, if the circumstances with respect to the operation of your Congressional office are substantially similar to those described in Revenue Ruling 73-464, and additional personnel are hired, and their salaries are reasonable in amount for the services actually performed, such salaries would be deductible under section 162 of the Code as itemized deductions.

In conclusion we would like to mention for your information the recently enacted Public Law 93-625 that added new section 527 to the Code. Under pertinent provisions of this new law which applies to contributions made after December 31, 1974, a fund established and maintained by an individual who holds any Federal elective public office for use by such individual *exclusively* for the preparation and circulation of such individual's newsletter shall be treated as if such fund constituted a political organization. In general, Pub. L. No. 93-625 provides that contributions received for this purpose are not includible in gross income, nor are deductions allowable for expenses paid by the fund.

Sincerely yours,

(S) BILLY M. HARGETT,
Chief, Individual Income Tax Branch.

THIRTY-FIRST ANNIVERSARY BANQUET OF THE COLUMBIA LODGE, SONS OF ITALY

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. RYAN. Mr. Speaker, the 31st anniversary banquet of the Columbia Lodge, Sons of Italy will be held on June 7 at the Peninsula Social Club in San Mateo. At the banquet Mr. William B. Addiego will be their honored guest. I would like to congratulate Bill on his appointment as national chairman of the order's bylaws committee.

Bill Addiego has personally contributed to the Sons of Italy for many years in every capacity. Starting his life in the United States as an immigrant from Italy, Bill Addiego became a citizen at age 24 and continues to serve the country and his own community by his participation in the Elk's Club, the Italian American Social Club of Menlo Park, as director for the children's health home for retarded children and adults and as a member and former president of the Italian American Federation of San Mateo County as well as continuing his active participation in the Sons of Italy where he has served in every office of the lodge including two as venerable.

As a member of the San Mateo County grand jury, a board member of the Past Grand Jury Association of San Mateo County, chairman of the local draft board, commissioner for the Juvenile Justice and Delinquency Prevention Commission of San Mateo County, and a member of the probation and parole board, Bill has helped to improve the quality of life within our community.

Bill resides in Redwood City with his wife, Marie, and their two daughters, Diane and Jeannine. This man who is being honored tonight possesses those qualities of diligence, energy, steadfastness of purpose and keen loyalty to his adopted country that characterized others who have become a part of the American dream.

JOHN ADAMS ATHLETIC DIRECTOR RETIRES AFTER 40 YEARS OF SERVICE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. STOKES. Mr. Speaker, I would like to ask my colleagues to join me in congratulating Mr. Edwin Caldwell, former athletic director of John Adams High School in Cleveland, on the occasion of his retirement. Mr. Caldwell's years of service to the student body of John Adams cover the years 1936 through 1975. In that time he has served as football coach, athletic director, and as a teacher of social studies.

Mr. Caldwell graduated from Hudson High School and went on to take a bachelor of arts degree from Notre Dame, and a masters degree from Ohio State University. He arrived at John Adams in 1936 and coached the school's senate and city football championship teams in 1937 and 1939. World War II interrupted Mr. Caldwell's service at John Adams for 5 years while he saw action in both the Atlantic and Pacific with the U.S. Navy. He returned to teaching and coaching after the war, but was called on to serve his country once again during the Korean war.

In 1956 Mr. Caldwell was named as John Adams athletic director and held that post until his retirement this year. In 1960 he was named Ohio Athletic Director of the Year.

In almost 40 years at the school, Ed Caldwell has won the admiration and the affection of students, faculty, and parents alike. He will be sorely missed, for his contribution was great. I take this opportunity to commend him for dedicating his entire career to the education of our youth, and service to the nation. I call on my colleagues to join me in wishing Ed Caldwell a happy and healthy retirement.

A REPORT FROM THE MIDDLE EAST

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. McDONALD of Georgia. Mr. Speaker, in February I was privileged to travel to the Middle East as a member of a special subcommittee of the Armed Services Committee. Our 11-day fact-finding mission was very successful, giving us a particularly good grasp of the military position of the countries of Israel, Egypt, Iran, and Saudi Arabia.

Since then the best summary of the situation in the Middle East that I have seen is a report by Hilaire du Berrier which appeared in the April 9, 1975, issue of the Review of the News.

I commend it to the attention of my colleagues.

The report follows:

REPORT FROM THE MIDDLE EAST

Your correspondent has just traveled through the Middle East, talking and listening, piecing together for *The Review Of The News* a picture of the realities of a very serious situation. Here is that picture as we saw it.

The Mediterranean: At stake in the struggle of the giants is the sea-lane which with the Malacca Straits forms Europe's waterway to the East. Before World War II the Mediterranean was a European lake. Russia's entry into the area began in 1950, when Moscow turned to the sea as a means of dealing with a potential enemy which possessed the atomic bomb—a bomb Russia did not have. Using German technology and designs supplied by agents in the West, Russia began a crash naval program. She worked with a frenzy to build fleets to carry her military credibility into the world's waters, and the drive to acquire distant bases became all important.

By 1967 Russia no longer regarded herself as bound to stick to her adjacent waters, and the permanent invasion of the Mediterranean began. From the Mediterranean her Navy ranged into the Indian Ocean. In 1969, Russian surface vessels were cruising the Caribbean, the following year they were off the coast of Guinea. Constant passage of Red warships through the Dardanelles has established a precedent which the West has meekly accepted. Soviet nuclear submarines accompanied by surface escorts now depart regularly from their bases in the Barents Sea to relieve units in the Mediterranean.

In late 1974, Russia's first aircraft carrier, the *Kiev*, joined a helicopter-carrier, thirty-some surface vessels, and a dozen submarines in the Mediterranean. At the time the American fleet in the area was composed of 40 surface vessels, 150 planes, and some 20,000 men, plus a landing party of Marines. The aircraft carriers *Saratoga* and *Independence,* supported by the helicopter-carrier

Guam, a missile-launching cruiser, and submarines armed with Polaris missiles completed the American force. It looked good on paper, but despite the disparity in numbers the U.S. force was out-weighed, outgunned, and in some respects obsolete.

The nations on the Mediterranean, the Aegean, and the Persian Gulf now await the reopening of the Suez knowing that Russia will then link up her fleet in the Indian Ocean with her units in the Mediterranean and move in on our Sixth Fleet.

Without the presence of the American fleet in the Mediterranean, Russia would by now have taken the Middle East to control the 600 million tons of oil produced there each year. America's Sixth Fleet makes possible the continued flow of petroleum to Europe. Without that oil, industry and agriculture there would grind to a stop; without industry and agriculture, Europe would quickly be starved into submission.

Behind the closed doors of ministries in Western Europe it is feared that in a crisis situation America may find herself with a weak President in thrall to the highly dangerous Henry Kissinger. They have been promised that in the event of war America's Polaris-bearing submarines, under the direct command of the President, will hit directly at Soviet Russia. Since the betrayal of South Vietnam became obvious, however, few Europeans have any faith in that promise. When the new "Liberal" Congress moved to cut our military aid to Turkey, the nation standing between Russia's land forces and Europe, many began to read the handwriting on the wall.

Malta: Mastery of the Mediterranean has for centuries been contingent on possession of the three strategic islands of Malta, Gozo, and Comino, clustered together 58 miles south of Sicily and 180 miles from the coast of North Africa. Malta and her two neighboring islands form a closed society in which everyone knows everyone else's business. Dom Mintoff, the Labor Party leader, put his henchmen to work ferreting out the secrets of prominent citizens and Members of Parliament. His rise to power was achieved by blackmail. Installed as Prime Minister in 1971, Mintoff has hastened Malta's move to the Left. When we were there recently, only a British frigate and destroyer lay in the harbor at Valletta where once whole fleets were anchored. Red Chinese workmen were arriving daily. On December 19, 1974, Libya's sword-rattling Colonel Muammar Qaddafi had been in Malta to coordinate plans for a $200 million shipyard, to be financed by the Arabs and constructed on Britain's former Royal Naval Air Service base.

On January 7, 1975, Dom Mintoff was welcomed to Peking by a tumultuous crowd. A few days later it was announced that Communist China would send more technicians "to train Malta's new labor force." Red Chinese had already taken over the former British Army barracks and were appropriating the former Royal Artillery barracks. Before leaving for North Korea, Dom Mintoff spoke with Mao Tse-tung on "the warlike activities of the foreign imperialist base"—a base for which he was still receiving $75 million a year under a N.A.T.O. treaty.

Supporters of Malta's opposition leader Borg Olivier lament confidentially that if Olivier takes a stand Mintoff will declare a state of emergency and the opposition will legally cease to exist. The only force standing up to the Marxist Prime Minister is Mabel Strickland, owner of the *Times Of Malta*. Mintoff cannot deport her, however, because she is not British but the daughter of one of the old noble Maltese families. To close down her paper would cause a furor among the tradition-minded Maltese. Mabel Strickland has her finger in the dyke, but she will not be able to hold off Mintoff and his Maoists forever.

The Red Chinese are so sure they are in strategic Malta to stay that top men in their Embassy have learned the Maltese language, a difficult tongue and useless anywhere else in the world.

Lebanon: This a helpless passenger nation aboard the drifting boat that is the Middle East. While a militant Israel poses a threat from the South, Marxist-ruled Syria is a permanent menace in the north.

Here the Arab banks, money-changers, traders, and property-buyers for the emirs maintain their alliances with the West. Key men of the drug world rub elbows with tourists, Israeli spies, and revolutionaries from Japan, West Germany, Turkey, Ireland, and other allies of the Palestinians.

Should the Government attempt to crack down on the 350,000 Palestinian refugees using south Lebanon as a sanctuary and Beirut as their base, their Moslem supporters would tear Lebanon apart. In such a climate no Lebanese counts on the police for security. Each block and hamlet has its cache of hidden arms. For everyone from Members of Parliament to taxi drivers, a revolver is as much a part of daily life as a wristwatch. And, here in Lebanon, grenades, explosives, automatic rifles, and rockets are provided for terrorists whom the Arab population regard as freedom fighters. Powerless to control the terrorists, President Seleiman Franjieh has nonetheless warned: "Never in history did a dispersed people save themselves by destroying those who give them shelter." His plea fell on deaf ears.

To get an idea of the problem President Franjieh faces one has but to recall that in the Moslem hysteria which followed Nasser's death, police reported 26 killed and 160 wounded in Beirut alone by bullets, grenades, and exploding dynamite. Security forces privately admit that the figures were double those given.

Men who live with one eye on the money market and the other on Russia, Israel, and the Arabs, predict that the hardliners in Israel will never consent to give up the Arab holy places in Jerusalem, and sooner or later there will be another war. This time the Israelis will win decisively, and the Arabs will blame America. Leaders of the oil-producing states (not including Iran) will then place an embargo on oil exports to the U.S. and other Western powers which supported the Israeli cause. Regardless of whether America invades one of the oil-producing countries, the Soviet Union will reap political benefits from the resulting anti-Western wave. According to mystics in Beirut, after a long period of simmering hatred accompanied by growing opposition to the West's support of Israel, Islam will win the final round. The only catch is that Red domination of the Middle East may by then be complete and irreversible.

In the meantime, leaders of every faction plot to advance themselves. Libya's Muammar Quaddafi complains that only 40 percent of Arab terrorists operating out of Lebanon and Damascus are directing their attacks against Israel. The remainder are fighting each other or Arab regimes in the region, putting revolution in the Arab states before victory over Israel. Quaddafi wants the divided factions to unite into a single terrorist army dedicated to the destruction of Israel and any Arab leader who makes a move toward negotiation. The immediate result is trouble for Lebanon.

Half a million Lebanese live in the fertile southern region which constitutes a third of their country. Here also are the Palestinian refugee camps. Each time a Palestinian band financed by Quaddafi and encouraged by Syria makes a foray against Israel, a frontier village or the outskirts of Beirut are bombed in retaliation. Since June 1967 there have been thirteen major Israeli military operations against Lebanon. This has pushed the Lebanese into clamoring for defense measures and Prime Minister Rashid Sohl is under pressure to buy arms at any price, even if he has to turn to Russian arms.

Sohl and his supporters argue that arming Lebanon would lead to fighting, and fighting would bring worse dissensions and dangers than the Israeli bombings. He has maintained that Lebanon's best defense is her weakness: As long as she does not become a military state, the 1949 armistice agreement with Israel provides legal protection against Israeli occupation. Lebanon could not withstand an Israeli assault.

Prime Minister Sohl's policy of weakness and reliance on diplomatic dissuasion has been under fire since early this year. First came a visit in mid-January from Syria's President Hafez al-Assad. Assad is afraid that Israel will establish a military foothold in southern Lebanon and turn the flank of the Syrian position on the Golan Front. He wants to send regular Army forces into Lebanon. Already Syria-trained units of the Palestine Liberation Army are bolstering the Palestinian guerrillas. If Sohl opposes them he will lose his Moslem support; if he yields to internal Christian pressure for a United Nations police force along the border with Israel, this will also be regarded as a renunciation of Arab cooperation.

Unless a settlement comes soon, Lebanon will face an internal explosion or involvement in a war in which she does not stand a chance. Perhaps both. In this atmosphere anti-American feelings have been on the rise, and our refusal to extend diplomatic courtesies to President Seleiman Franjieh when he arrived in 1974 for a meeting of the U.N. General Assembly has not helped matters. The Lebanese President was detained, questioned, and further offended when police dogs were brought in to sniff his luggage as though he were a common hoodlum from some criminal drug ring. President Franjieh's ill treatment at Kennedy Airport was grist for the mill of Soviet agents stirring up anti-Americanism among the many Lebanese who have been driven by Israeli bombings to a rootless existence around Beirut.

Saudi Arabia: This is written the day after the tragic death of King Faisal Ibn Abd al-Aziz, whose name means "son of the servant of the loved one," the loved one being Allah. When men bowed to this great leader, he would bid them rise and reprove them by saying: "Bow to Allah, but to no man."

There is much more behind this senseless killing than the mental unbalance of the assassin, the nephew who walked the length of the reception hall to embrace his uncle and kill him. But for the moment, what is important to remember is that the assassination came on the heels of the breakdown of Henry Kissinger's peace negotiations, at a time when the only reproach the King's enemies could bring against him was that he had placed too much value on American friendship.

In the last months of Kissinger's "step-by-step" diplomacy all Islam knew that he only had one remaining argument in his bag of tricks that would have the slightest effect on King Faisal: If the oil shortage became too grave it could bring about the collapse of Europe and Communist parties would seize power in Italy, France, and Spain. The Mediterranean would become a Red lake and that was the last thing Faisal wanted. It was King Faisal who persuaded Egypt's President Sadat to throw out the Russians, and to the end Faisal continued to offer America a new "special relationship" in return for cooperation in opposing the growing influence of Moscow in the Middle East.

Palestinian Marxists had long talked of revolution in the conservative Arab states.

And the Russians, whom the King detested as atheists as well as Communists, had reason to wish his death. He had other enemies.

Israel's annexation of the old city of Jerusalem—third in holiness only to Mecca and Medina in Moslem eyes—had made the King's moderation toward America almost suicidal. Yet, Faisal continued to feel that patience was the answer, that in time Americans and Europeans would refuse to pay the price of supporting a state in which they have no economic interest. He was convinced Washington would come to agree with him that giving Israel more and more weapons would not lead her to make concessions.

Ironically, the King was one of the few Arab leaders to make no public comment on the notorious Kissinger talk of force as possible answer to oil "strangulation." A man close to King Faisal explained his silence by saying: "It is a desert custom to remain mute but dignified in the face of folly."

Kissinger and the bumptious newsmen he carried along to sing his praise had no such compunctions, even in Riyad, the capital of Saudi Arabia. Anthony Sampson, the British writer, tells how on the thirteenth day of his February 1975 tour of the Middle East, he arrived in Riyad just ahead of Kissinger and his press crowd. Sampson called them Henry's "captive claque." They talked freely to Sampson. "Henry has assured them," he says, "that the talk of invasion, though never serious, has had its desired effect; there's been no recent mention of embargo."

There is a very real possibility that Henry Kissinger's talk of invasion had the exact opposite effect. The wise and humble man whose moral leadership was so great is now gone, and in his place is Khaled Ben Abdel Aziz, Faisal's brother. Many believe that real power will be in the hands of Fahd Ben Abdel Aziz, a half-brother of the late King. How great the changes will be remains to be seen. But one thing friends of the West agree upon: We have seen the end of an epoch. There is an Arab saying that all changes are for the worse.

It is feared that, with the failure to obtain from Israel the concessions which would have made peace possible, Washington has had her day in the Middle East. The mortal enemy of Communism and Russia is gone, and the Comrades hope that now Egypt and the Arab world will turn to the power which has been waiting to edge America out of the Mediterranean and the Middle East.

North Yemen: Colonel Ibrahim Mohammed el-Hamidi is the man keeping North Yemen out of the Communist camp. It was Faisal of Saudia Arabia who planned, encouraged, and financed the coup d'état of June 13, 1974, which made North Yemen a partner with Saudi Arabia in guaranteeing the Asian bank of the Red Sea for the West. The question is whether Faisal's successor will stick by the colonel who was Faisal protégé.

In the Sixties, American labor officials used the anti-colonialism stirred up by America, Russia, and the U.N. to drive the British out of Aden. Irving Brown, American labor's delegate to the International Confederation of Free Trade Unions in Brussels, and Jay Lovestone, former secretary-general of the Communist Party, U.S.A., made the Aden Trade Union Congress their instrument in Britain's former base at the mouth of the Red Sea. Brown's labor leaders, using their unions as an army, evicted the British and the Communists took control.

Red power was on the rise in the whole Red Sea area in 1962 when 18-year-old Ibrahim el-Hamidi left his village to become a soldier under the new Imam Badr. A short time later Colonel Abdullah Salal, commander of the Imam's guard, launched the Marxist revolution which Nasser sent seventy thousand men to support. For five years royalist supporters of the Imam tied down Nasser's troops, until a truce was arranged and the Imam fled to exile in Saudi Arabia.

In the late Sixties the threat of Communist subversion on his Southern flank became more than Faisal could stand and a second *coup d'etat* unseated Salal. Steadily, under Faisal's watchful eye, the man he had picked to save North Yemen from the Red camp forged ahead, moving in twelve years from simple soldier to second in command of North Yemen's armed forces. On June 13, 1974, Faisal's protégé was installed in Sanaa, the capital, where for years Yemen's Imams have sat on a carved throne under a suspended scimitar as temporal and spiritual rulers.

What South Yemen with its cluster of Peking agents does in the days and weeks ahead will indicate the degree of Red China's interest in the death of King Faisal.

FOSTER GRANDPARENTS PROGRAM

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. ZEFERETTI. Mr. Speaker, one of the finest programs of recent years initiated by the Federal Government has been the foster grandparents program. It offers assistance to low-income men and women, age 60 and over and in good health, to provide love and attention to physically, emotionally and mentally handicapped children in institutions and private settings.

Foster grandparents work 4 hours a day during the 5-day week, devoting 2 hours daily to each of two children placed under their care. Tasks may vary, from feeding and dressing the children, playing games and reading stories, to helping with speech and physical therapy. The volunteers receive 40 hours of orientation training, are supervised by child-care teams in their assigned agencies, and attend in-service training sessions. And, for their work, foster grandparents receive a stipend of $32 weekly, a transportation allowance, hot meals while in service, accident insurance and annual physical examinations.

As of September 30, 1974, 12,543 foster grandparents were serving in 156 projects in the 50 States, Puerto Rico, the Virgin Islands and the District of Columbia. And, under the Domestic Volunteers Services Act of 1973, their existence has been guaranteed through fiscal year 1976.

However, the President has recently proposed a cut of nearly $3 million in this invaluable and unique program, a classic example of the shortsightedness of the present administration. I believe that it is vital that the House Appropriations Committee restore the foster grandparents program to its full funding and reject the proposed budget cut. Only then can we assure its maximum effectiveness and survival.

The foster grandparents program is one of the most worthy undertakings of the Federal Government; it allows elderly citizens to engage in the most useful work befitting themselves and children desperately in need of their assistance. If this country can afford to spend large fortunes in other areas of questionable worth, we can surely afford to continue this investment in our elderly and our children.

BLACK LAWYERS IN THE UNITED STATES: (1840–1900)

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. FORD of Tennessee. Mr. Speaker, I ask unanimous consent to have printed in the Record an address delivered by J. Clay Smith, Jr. before the Law Librarians' Society of Washington, D.C., on May 21, 1975.

Mr. Smith is a 1967 graduate of the Howard University School (J.D.) of Law in the District of Columbia. He received his LL.M. from George Washington National Law Center, Washington, D.C. in 1971, and has completed all the course requirements towards his doctorate in law (S.J.D.) at that institution.

Mr. Smith, a native of Omaha, Nebr., served 4 years in the U.S. Army Judge Advocates General's Corp and was associated with the Washington, D.C. law firm of Arent, Fox, Kintner, Plotkin and Kahn before receiving his present appointment—June, 1974—as Deputy Chief of the Cable Television Bureau at the Federal Communications Commission.

The address which I am privileged to present is about the black lawyers in the United States prior to 1900. As this Nation enters into its Bicentennial celebration and simultaneously celebrates the history of the land, it must pause to pay due deference to the American black lawyer, too, especially those who labored at bar prior to 1900.

I join Mr. Smith in calling on the academic community to expand its research so as to focus on the accomplishments of the pre-1900 black lawyer—for little is known about the contribution of these people to the causes of this Republic. I urge the citizens of Tennessee, black and white, to join in this research effort for most people in the Nation are probably unaware that Lutie A. Little was the first black woman—and perhaps the first black person—admitted to practice law in the State of Tennessee in 1897.

There being no objection, the address was ordered to be printed in the Record, as follows:

Black Lawyers in the United States (1840–1900)

(By J. Clay Smith, Jr.) *

Ladies and gentlemen. I am honored to be your guest of and to speak at the Annual Dinner meeting of the D.C. Chapter of Law Librarians' Society. Libraries have always had a special meaning for me. During my undergraduate days at Creighton University, I worked as a "page" in the Business and Industrial section of the Central Branch Library in Omaha, Nebraska. Because of that experience, I realize the importance of the library system as the preserver of the past and guardian of facts and thoughts which may protect and secure future generations. So, I say to each of you librarians, whether you are employed by the Federal or State government, a law firm, university or law college or in the private sector, thank you for your dedication and your vigilance in preserving the most valuable resource of our nation—thought.

This evening I will speak briefly on the subject of "Black Lawyers in the United States: 1840–1900."

* Before the Law Librarians' Society of Washington, D.C. at the Key Bridge Marriott, Rosslyn, Virginia, on May 21, 1975. Mr. Smith is the Deputy Chief, Cable Television Bureau, Federal Communications Commission, Washington, D.C.

Many law librarians, who have worked in law firms, various branches of the federal government and in private corporations have probably seen the number of black attorneys using those libraries increase in the last 5 to 10 years. Although black people make up well over 11 percent of the overall population of the United States, there are only about 4,500 black lawyers in the country comprising 1½ percent of the collective bar, and maybe fewer. Burns, Tyranny of American Law, 407 Annals 156, 165 (1973). One study indicates that black lawyers constitute less than 1 percent of all practicing attorneys in the United States. Shuman, A Black Lawyers Study, 16 How. L.J. 225, 229 (1971). There is no doubt that there is and has always been a shortage of black lawyers in the United States to serve the needs of various communities in our nation. Houston, The Need for Negro Lawyers, 4 J. of Negro Ed. 49 (193)5; Tollett, Black Lawyers, Their Education and the Black Community, 17 How. L.J. 326 (1972).

A few years ago, I became interested in the study of black lawyers at the bar, especially those attorneys who had argued the great civil rights cases of the '40's, the '50's and the '60's. I heard all kinds of stories from lawyers on how they had been physically abused while attempting to represent their clients. In fact, some of these lawyers had—in modern times—been run from their homes and out of cities and counties in their states while investigating or attempting to represent a black client. As a footnote, I might add that some of these stories included white attorneys, who with the black attorneys, were also run out of town.

While the lawyers of recent years certainly have struggled in the practice of their chosen profession, their predecessors at the bar—the pre-1900 black attorney—must also be given due deference because to some degree the pre-1900 black lawyer layed the foundation which future black lawyers would build upon. During my law school days at the Howard University School of Law and since being graduated from that institution, I have searched numerous sources trying to discover facts about black lawyers of yesterday, and to ascertain, to weigh the impact, if any, they had upon enhancing the quality of life minorities have had in the United States because of their legal efforts.

While my research is far from complete, it is my present judgment that the legal activities of the black lawyer, though few in number, has had a significant impact upon raising the quality of life for minorities in the United States and maintaining their faith in the republican form of government—even during the most repressive periods of American history. Secondly, it is also my preliminary finding that law as a business has become more attractive as a profession as black people have broken the barriers in higher education areas and upward employment levels in both the public and private sectors. Thirdly, the image and respect of the black lawyer *vis-a-vis* blacks has steadily increased as a result of their presence and performance both in and out of courtrooms.

However, in the early days, prior to broader acceptability of black professionals in our society, the life of the American black attorney was rather difficult. The first difficulty of a black person seeking to better himself was learning how to read and analyze opinions of law where the emphasis of the case was based on english jurisprudence—something many Anglo-American attorneys with the finest educations had difficulty understanding. Another difficulty related to the exclusion of blacks from basically all major institutions of lower and higher education. Obviously, the intellectual study required to be an attorney was often too great to be obtained by studying law solely by candlelight. Another difficulty was that many white attorneys were unwilling to permit blacks to read law in their offices without whose supervision or vouch the bar association or the courts refused to admit a person to practice law. Yet another difficulty was related to black people themselves. Some black people felt that a black man's place was to learn a trade rather than to seek a profession, such as law.

However, even before the Civil War there were a few black men who came to the bar. While to date very little is known about the scope of these lawyers practices—the fact that they existed is itself enough to spur inquisitive minds to do additional research in the geographical areas in which they practiced. For example, Robert Morris was admitted to the Boston, Massachusetts, Bar about 1843. It is reported that he succeeded against great odds, becoming by 1863 a man of position and influence there, contributing to the civic advance of black people. F. Styles, Negroes and the Law 14 (1937); also, see Leonard, The Development of the Black Bar, 407 Annals 134–139 (1973).

Little is known about Macon B. Allen, but one historian records him as being admitted to the bar of the State of Maine in 1854. R. Adams, Great Negroes Past and Present 102 (1963), while another publication lists him as the "first Negro formally admitted (emphasis added) to the bar in the United States [in Worcester, Massachusetts, in May 3, 1845]" Ploski and Brown, the Negro Almanac 8, 829 (1966). Additional research is required to resolve this question of whether Robert Morris or Macon B. Allen was the first black lawyer admitted to practice in the United States, and whether the State of Maine or Massachusetts may lay claim to this historical honor. Perhaps Robert Morris was the first black lawyer in the United States or perhaps Macon B. Allen was the first black to formally pass a bar examination to gain admittance to the bar. Leonard, *supra* at 135.

John S. Rock was the first black to be admitted to practice the profession of law before the Supreme Court of the United States. He was sworn in on February 1, 1865. It is reported that as the Oath of Admission was read by Chief Justice Salmon P. Chase that "the rave to bury the Dred Scott decision was in that sentence dug . . ." Styles, *supra* at 14.

During the Reconstruction era black lawyers played a vital role in the Congress. It is reported that twenty-two to twenty-five Negroes sat in the U.S. Congress during the Reconstruction era. Styles reports that at least seven of these congressmen were lawyers; namely:

NAME, ELECTED, SERVICE, AND STATE

H. P. Cheatham, 52d and 53rd Cong., 4 yrs., South Carolina.

Robert Elliott, 42d Cong., 2 yrs., South Carolina.

John M. Langston, 51st Cong., 2 yrs., Virginia.

John R. Lynch, 43d, 44th, 47th Cong., 6 yrs., Mississippi.

Jas. E. O'Hara, 48th-49th Cong., 6 yrs., North Carolina.

Jos. H. Rainey, 44th et seq. Cong., 10 yrs., South Carolina.

Geo. H. White, 55th Cong., 4 yrs., North Carolina.

See Styles, *supra* at 19.

Whether Style's list accurately reflects the lawyer population in Congress is unclear. For example, Congressman John Roy Lynch, who is listed as being an attorney by Styles is said to have worked in a photographer's studio by one recent historian. J. H. Franklin, The South's New Leaders reprinted in Black History 311 (Edited by M. Drimmer 1968). One would tend to think that Professor Franklin, who has studied black history for years is correct. Franklin states, that after the Civil War "most of the Negro leaders were ministers . . . Here and there one found a Negro who had been trained in the law." *Id.* at 312.

According to one source, among the most brilliant of the post war congressmen was Robert B. Elliott "who had one of the finest law libraries in the South." Adams, supra at 102. Mr. Elliott was a member of the South Carolina Legislature and served as Speaker of the House of that body. While serving as a U.S. Congressman, Elliott argued for the passage of a post war Civil Rights Bill. Styles, *supra* at 15.

Johnathan J. Wright was an Associate Justice of the State Supreme Court of South Carolina from 1870–1877. Judge Wright "studied at the University of Pennsylvania and had been a respected member of the Pennsylvania bar before moving to South Carolina after the [Civil] War." Franklin, *supra* at 311.

One of the towering giants of the Reconstruction era, who today is still considered one of the most important men in American history is John Mercer Langston. It is John Mercer Langston, who alone, as a single force against amazing odds was pleading and representing the cause of black people prior to the Civil War. He was admitted to the bar in Ohio, September 13, 1854. It is said that in those days, few white men introduced black people at National forums; however, it is reported that William Lloyd Garrison, then President of the American Anti-Slavery Society, introduced John Mercer Langston, who then addressed the Society at its 22nd anniversary meeting in the Metropolitan Theatre, New York, on the subject of the evils of slavery and its abolition. Langston was admitted to the bar of the Supreme Court of the United States on January 17, 1867, on motion of James A. Garfield, who later became President of the United States. The life of Langston was filled with success as a lawyer, educator and Consul-General to Haiti, and U. S. Congressman from the Commonwealth of Virginia. Styles, *supra* at 14–15. He took his seat in Congress in 1899 after having served as professor of law (1868) and Dean of Howard University Law Department when it was formed on January 6, 1869. See R. Logan, Howard University The First Hundred Years 1867–1967 49 (1968) (actually Langston became Dean in 1870).

According to Professor Kellis Parker, a distinguished professor of law at Columbia, the "first effort to attract blacks to the legal profession was launched by Howard University . . . Howard University had a virtual monopoly on the production of black lawyers." Parker reports that by "1900 it had trained 328 of the 728 black lawyers in the nation." Parker and Stebman, Legal Education For Blacks, 407 Annals 144, 145 (1973). If Professor Parker's figures are correct, this means that for 30 years after the establishment of the Howard Law Department it had graduated on the average of 19 lawyers per year, or almost half of the total black lawyer population in the United States. See Leonard, *supra* at 138.

With the exception of a few lawyers, the 1800's of American history reflects little, if any, physical presence of the black lawyers in court rooms and before juries representing black people. I have been unable to identify any black lawyers in the United States prior to 1843. Many of the black lawyers became law librarians or law clerks in white law firms, or businessmen and newspapermen. No doubt some black lawyers became low level clerks in local courts. Many of these attorneys probably used their law degrees to qualify for non-legal jobs. B. T. Washington, The Negro in Business 212, 219 (1907). However, the black lawyer did practice in some courts. Booker T. Washington reports in his book The Negro in Business that in Florida during the latter days of the 1800's or the very early days of the 20th Century that "The professions are represented among the colored population by three lawyers . . . The Negro lawyers seem to have the entire respect of the members of the bar and are accorded the same courtesies in the courts that are shown to white lawyers." (at 233). See also, Styles, *supra* at 16 (both books refer to attorney I. L. Purcell). This information on the respect and treatment of black lawyers in Florida is indeed a rare find because it is the only information that I have found on a positive note indicating that black lawyers prior to relatively recent times freely participating in the legal process in the South and parts of the North uninhibited by racism. Higginbotham, Racism and the Early American Legal Process, 407 Annals 1 (1973); Bell, Racism in American Courts: Cause for Black Disruption or Despair, 61 Calif. L. R. 165 (1973).

Black lawyers were also involved in politics not only because of the Reconstruction period during which blacks were permitted to and did become active therein, but because they knew and understood that law was both influenced by, and perhaps, determined by politics. While there are others that I could mention, one outstanding politician-lawyer comes to mind. His name was Judge M. W. Gibbs. Gibbs was born in Philadelphia in 1823. He spent most of his energies in business as a farmer and a clothing business. He was admitted to the bar in Little Rock, Arkansas, in 1873 and was elected a municipal judge—"the first Negro in the United States to hold such an office." Washington, *supra* at 219.[1] Booker T. Washington reports that after Judge Gibbs' election to the bench "he was prominent in the politics of that state and was delegate-at-large at every National Republican Convention . . ." From 1888 to 1897 he was Secretary of the Republican State Executive Committee. In 1877 Judge Gibbs was appointed Register of the United States Land Office at Little Rock and he was reappointed to this office by Presidents Garfield and Arthur. Washington, *supra* at 219–220.

Thus far I have not referred to any black women lawyers. There are few women lawyers between 1840–1900. I really do not think that historians really know the first black woman lawyer to be admitted to the bar in the United States. One historian reports that "Miss Charlotte E. Ray, daughter of Charles B. Ray, Negro Congregational Minister . . . was graduated in 1872, the first woman graduate of the [Howard] Law School." R. Logan, *supra* at 49. The same historian states: "Miss Ray is traditionally referred to as the first woman in the United States to graduate from a regular non-profit law school and also the first woman admitted to practice law before the Supreme Court of the District of Columbia. Both of these 'firsts' are difficult to establish. Records of the United States District Court of the District of Columbia do show that she was admitted to the bar of the District of Columbia on April 23, 1872." Logan, *supra* at 49–50. Hence, Miss Ray may be the first black woman lawyer in the history of the nation. In 1894 Ida Platt became the first black woman admitted to the Chicago bar. In 1897 it is reported that Lutie A. Little was the first black woman at the bar in Tennessee, and the only black woman licensed to practice law in the South. R. Logan, The Betrayal of the Negro 316–17 (1969). The legal activities of these women are presently unknown to me; however, there is a need for someone to look at the records in the District of Columbia, Illinois and Tennessee to discover what, if any, impact these women had on the development of law in their states or on the nation.

In closing, let me say that in this twenty or so minutes before you that I have tried to highlight the names of a few black lawyers, who in the most difficult period of history for blacks in America, were pioneers of legal thought and legal strategy that would later result in great constitutional decisions. Some of the facts that I have given you this evening are not generally known by the legal profession and the public-at-large. These great names and events have unfortunately been excluded from history and law books. Hence, little is known about the struggle of black lawyers past or present.

I am using this occasion to call upon the academic community to focus their attention on a neglected area of study. In my way of thinking, there is no better group to share this knowledge with than law librarians because within the storerooms of your law libraries there probably exist valuable materials which touch upon the history and legal acumen of black lawyers in this country.

In these few moments I have not attempted to identify all of the key lawyers during the 1800's. In order to adjust to the economy of time, I have omitted a few names that should have been mentioned. While preparing this paper, I recognized that I probably needed a year's notice to adequately cover the universe during the period covered by this talk. Hopefully, one day I, or some other (enthusiast) will finish the factual development of this study which must be finished. Thank you.

A NEW NATIONAL SCIENCE POLICY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. TEAGUE. Mr. Speaker, recently an article in the National Defense magazine discussed the National Science Policy and Organization Act of 1975 which was introduced to the House by my colleague, the Honorable CHARLES A. MOSHER, of Ohio, and myself on March 6, 1975.

I want to present the article now because hearings on the bill will begin June 10 in the Science and Technology Committee of the House and I feel that each and every Member of Congress and the general public should be aware of the various aspects of the bill. The article gives a brief, but good, description of that legislation.

The article follows:

A NEW NATIONAL SCIENCE POLICY

The National Science Policy and Organization Act of 1975 draws from two prior reports—"Toward a Science Policy for the United States," issued by the House Science, Research and Development Subcommittee in October 1970, and "Federal Policy Plans and Organization for Science and Technology," issued by the full Committee on Science and Technology in July 1974.

In summary, the bill seeks to accomplish four things. First, it endeavors to enunciate a well-rounded national science policy. I am not aware of any prior statutory effort of this specific character. Secondly, it would establish a Council of Advisers on Science and Technology in the Executive Office of the President—but with specially built-in discretionary powers as to use and organization vested in the President.

Thirdly, it would provide administrative unity and coordination of the essentially research and development agencies of Government, as well as Governmentwide oversight and budget review of R&D activities, through the innovation of a staff-function, Cabinet-level Secretary of Research and Technology Operations.

Fourthly, it would undertake to consolidate and make compatible the operations of the various Federal science information agencies by merging them into a single Government corporation with special ties to the private sector.

There are many reasons which form the backdrop of this bill. The following reasons, however, would seem to be cardinal to the issues of the day:

1. We recognize the prominent role which applied science has played in producing the great problems of modern civilization—the crowding and congestion, the excessive gobbling of natural resources, the dangerously shifting foundations undergirding the economy, the disruptive social and moral influences abroad in the land, and so on. Indeed, such recognition was directly responsible, and in large measure, for the concept of technology assessment and the formation of the legislative office which now bears that name. We know the need to understand as best we can all the probable impacts of technologies as they develop—good and bad.

2. We are further aware, particularly as we look about and see the critical problems facing us with regard to food, energy, national security, economic strength, and the like, that the solutions to our problems depend in some way upon the judicious use of better technology. Former Presidential science adviser, Dr. Edward E. David, has put it succinctly:

"Can we be sure that science and technology will find the answers? Can we be sure that solutions to our problems exist? No, but we can be sure that nothing but science and technology can find them if they do exist. To put it as bluntly as possible: science and technology must answer our problems. If they don't, nothing else will."

This may be overstated, but its germaneness to the needs of our era has been recognized, openly or tacitly, by every administration of the past 45 years.

3. We have, finally, arrived at the solid conclusion that a statutory base of some kind is essential to bring order and stability to the Government's use of science and technology. For science and technology are elements of our contemporary culture as pervasive and important as economics or education or labor or environment. Like them, science and technology are interwoven into all the major missions with which Government is involved. Like them, science and technology should be fabricated concretely and statutorily into the managerial and policy structure of our National Government.

We have no desire to force a science advisory mechanism on the Executive Office which the President may find distasteful or foreign to his mode of operation. That is wheel-spinning. But we are inclined to believe—having watched the handling of science and technology on an ad hoc basis by a long succession of administrations—that a firm science and technology policy is needed; a dependable though flexible science advisory system is needed; and a high-level, influential base for the definition and coordination of such governmental activities as are inherently devoted to or dominated by science and technology is also needed.

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[1] George L. Ruffin, who received his law degree from Harvard Law School in 1869 was appointed judge in the municipal court of Charlestown, Massachusetts—reportedly, "becoming the first Negro to hold a judicial position in the North." Leonard, *supra* at 137.

Our evidence strongly suggests that these are all integral parts of a single theme and should be treated together.

The bill asserts an obligation of Congress to set the policy of the Federal Government which the President will execute. Title I puts into explicit language a set of science and technology policies for congressional and public consideration. What is offered is a first try at a very large, difficult, and perhaps controversial task—a specific delineation of national goals in science and technology plus policies and procedures for achieving them.

The bill proposes to relate these goals to the still broader goals of our society. For if we do not ensure that science and technology serve our goals as a nation, we are ignoring the lessons of history. The principle proposed here is that of expenditure of public funds must be for definable and accepted public purposes, understood and agreed.

Title II of the bill would make available to the President a new instrument for translating into action the policies enunciated. This is a Council of Advisers on Science and Technology. The intention is to design a body whose collective wisdom will focus on ways to use the resources of science and technology to advance the programs of the President, to create a central point for policy within the Executive Office, to provide a scientific input for the deliberations of other councils within that office, to advise the President and the Congress of current progress and long-range plans and opportunities for the social uses of science and technology, and to evaluate the effectiveness of all Federal research and development programs.

The rationale here is not to insist upon a particular style of scientific support for the President but to suggest a method of mobilizing expertise which will be clearly advantageous and will commend itself to the Executive Office.

Under this bill, the President could use the Chairman of the Council as a personal science adviser if he so desired. In any case, the Chairman would speak for the best public use of science and not as an advocate for science.

Most important, this title carries a limited reorganization authority so that the President—or his successors—may revise the advisory mechanism, unless Congress dissents, to suit his particular needs and methods.

Title III of the proposed statute is a new variation of a concept first suggested about a century ago and periodically revived in one form or another ever since. It is the creation of a Department of Research and Technology Operations.

Unlike previous proposals for such a Department, the present scheme does not call for the transfer to it of most scientific and technological functions which support the missions of existing departments. While the new Department would stand ready to assist other departments in the conduct of their scientific activities on request, and to review the total allocation of Government funds to research and development activities, it would in no way usurp the scientific decisionmaking and operational functions of other departments.

In the case of particular agencies whose fundamental purposes are scientific or technological, a consolidation in the new Department is proposed.

The rationale is that the need for new and often massive scientific and technological programs has been repeatedly demonstrated over the past three-quarters of a century. We have seen various new agencies created to manage such programs, sometimes loosely attached to an existing department, and in recent years more often made a separate agency.

In the first category are the National Bureau of Standards, the Weather Bureau, and then the National Oceanic and Atmospheric Administration. In the second category are the Atomic Energy Commission, the National Science Foundation, the National Aeronautics and Space Administration, and, most recently, the Energy Research and Development Administration.

As times goes on, it is likely that more and more new technological enterprises will need to be added to this roster for the encouragement of technologies only dimly perceived today. The burden of the President is heavy enough without the creation of additional new agencies reporting separately to the White House. At the same time, management of large scientific enterprises within the administrative structure of existing departments can be difficult when their relationships are not obviously and closely functional. Gathering these two classes of research organizations within a single department should result in improved administration. It should also assure informed, qualified, and uniform supervision of the proliferating R&D enterprises within the executive branch—as well as provide a place in the executive branch for further additions of functions without creating new independent agencies until the need for such has been established.

The agencies comprising the department would retain their administrative structure; their missions would be unchanged; they would control their operations as they now do—subject to the "general supervision and direction" of the Secretary.

Finally, it is here, at Cabinet level, that the role of advocacy for science and technology settles in—where the voice for the scientific mission can be heard with consistency, clarity, relevancy, and influence. That voice does not exist today.

Admittedly, the concept of the department is not traditional. It is more of a staff than a line operation. It has not been tried before. However, we believe it is workable and is worthy of careful consideration.

Title IV of the proposed bill would establish one other institution to be added to the agencies gathered by Title III into the new Department. This is an institution to provide a service which has been repeatedly sought by Congress since at least 1950.

It is a plan for a Government corporation to ensure the fullest possible use of the scientific and technological information generated at public expense.

The rationale of Title IV is that this information should not gather dust in files but should be put to use as promptly and as efficiently as possible.

Moreover, the nature of the information process is such that it requires close cooperation between Government and private entities. Thus the corporation is directed to establish close liaison with all pertinent elements of the private sector.

Abundant evidence has shown that information management today is resulting in wasteful neglect of available knowledge and the funding of needless research to repeat findings already in the literature. This waste is no longer tolerable.

The rationale of Tide IV is that scientific information management is recognized by the Congress as a vital part of the whole scientific and technological process. It must be efficiently carried out. We are abundantly supplied with many technologies for managing, sorting, retrieving, and transmitting information. But we need a channel through which to combine the best of these technologies with the human skills of judgment, discrimination, information-structuring, and updating.

In summary: The proposed bill is intended to provide a focus for mature discussion of a national need. It has been framed with care. Advice on its content has been drawn from many well-informed sources. Nevertheless, it is not to be considered a finished product but rather a stepping stone toward a genuine science policy.

TIME FOR APPRAISEMENT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. SHUSTER. Mr. Speaker, although I do not frequently insert items in the extensions section of the CONGRESSIONAL RECORD, I was particularly impressed by a column written by Bill Curry which appeared in the Waynesboro Record Herald on May 30, 1975. I commend it to my colleagues as both thought-provoking and timely:

TIME FOR APPRAISEMENT!

(By Bill Curry)

As the celebration of this nation's 200th birthday approaches it appears to be an appropriate time to also look at the future along with recalling the past.

In the past several months I have studied many economic forecasts—as well as appraisals of trends in government. Based on what I have read I am more than a little pessimistic about the days ahead.

It is becoming increasingly popular these days to place all the blame for the radical changes in policies affecting the daily lives of Americans on Congress and the White House. But who elects these people? The answer is obvious and it naturally follows that the electorate has been irresponsible and pathetically apathetic.

In keeping with observing the Bicentennial it is a good time to take a look at the political creed of the American colonist. It was short but substantial.

He believed that God made all mankind originally equal: That He endowed them with the rights of life, property, and as much liberty as was consistent with the rights of others. That He had bestowed on His vast family of the human race, the earth for their support, and that all government was a political institution between men naturally equal, not for the aggrandizement of one, or a few, but for the general happiness of the whole community.

This was indeed a noble but simple set of principles. Somewhere along the path of history some changes in the thinking or an attitude of indifference has evolved in the minds of the majority of our citizens.

I am convinced that we now have a political system that keeps in office and rewards legislators who deliver short-term benefits to the most vocal of their constituents. At the same time, these politicians are unable, too stupid or too selfseeking to cope with long-term economic and political problems requiring sacrifice by themselves and the voters.

Basically we have become a nation of escapists. We are ignoring the many problems facing us.

In dicussing this subject there is the temptation to attempt placing in focus a long list of ills facing the Americans through their government but there is hardly enough space available to elaborate on all of them.

But there is one aspect of the United States government that is indeed a travesty on the democracy as envisioned by those who signed the Declaration of Independence. I am referring to the insidious growth of federal and state bureaucracies.

Altogether, bureaucracy is America—federal, state and local—accounts for almost 15 million civilian workers. In effect, one out of six American workers now is on the public payroll, while adding muscle through unionization and voting power.

It is the federal bureaucracy, however, that mainly sets the pace for the others in money and authority.

There are approximately three million of these men and women—almost rivaling in number the American colonists who angrily rose in rebellion against bureaucratic harassment by a British king's representatives two centuries ago.

Today these people reach deeply into the lives of 212 million Americans from cradle to grave.

An article in U.S. News and World Report last November carried a headline: "Washington's Bureaucrats: 'Real Rulers of America'." Here are a few sentences concerning the rising power of those holding federal positions:

"They grant, withhold or revoke broadcasting licenses, slap penalties on erring taxpayers and tell employers whom they must hire. They decide on loans to needy countries and welfare payments to needy Americans. They print the nation's money, and get back much of it—42 billions this year (1974)—for their own salaries, fringe benefits and allowances.

"They count noses, keep records on births, marriages, divorces genus Americanus, and pass judgment on such products as armaments, food and medicines.

"In the view of some scholars, bureaucrats are becoming the real rulers of America day by day—'the new mandarins' who match in power the elite bureaucracy that served the emperors of China and controlled that nation for centuries. . ."

One observer in Washington pointed out that the federal bureaucracy has offices in approximately 425,000 buildings in the U.S. and most countries of the world. "Nobody knows what all the civil servants are doing, or trying to do," he lamented.

All these various agencies function under laws that are found in 16 volumes of "The United States Code," filling 11,749 pages.

And the frustrating aspect of the whole problem is the fact, sadly enough, that several Presidents, members of the Congress and cabinet members have been helpless to cope with the menace to good democratic government!

Oddly enough, the creators of this Frankenstein's monster, the politicians elected to high office, now find themselves at the mercy of what has evolved from their selfishly playing the game of politics. They have permitted unionization of employes which will eventually result in their becoming practically impregnable.

Also, the nearly 15 million bureaucrats are becoming aware of the fact that if each one of them could influence two other votes, it would add up to almost 44 million votes, or more than half the number case in the last presidential election—a pressure weapon of potentially fearsome magnitude!

As I mentioned, the Bicentennial year would be a most propitious and appropriate time for a serious appraisement of where we are today economically and the state of our government. Even the most confined optimist must recognize that we cannot proceed along the same paths in the years ahead.

As a starter, a new constitutional convention should be assembled in 1976 to redefine the goals of U.S. society, reform the political system—with a one-term 10-year presidency, six years for House members and 10-year terms for senators.

In addition, the President should be authorized to appoint a nonpartisan board consisting of the best business and academic brains in the country for the purpose of establishing long-term policies.

At least these suggestions, if implemented, would represent a start toward slowing down this country which in many ways is headed for economic and political disaster.

HOBART ROWAN'S ANALYSIS ON ENERGY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BOLLING. Mr. Speaker, Hobart Rowan's analysis of the current situation with regard to energy programs leads a reader to only one conclusion. If the Congress does not produce good energy legislation then the Congress will share with the President the blame for the consequences of his bad energy program.

THE BILL FOR OIL IMPORT DUTIES, DECONTROL

(By Hobart Rowan)

President Ford is playing the confrontation role of the late Harry Truman to the hilt in his squabble with Congress over its "do-nothing" role on energy. And many Democrats have been playing cheap politics with energy, betting that any gasoline price rise next summer can be saddled onto Mr. Ford.

But if you put aside the political brinksmanship and look at what the President has done and proposed, the only conclusion is that it adds up to economic disaster.

President Ford has not only tacked on another $1 a barrel to crude oil import duties (making it $2 in all, thus boosting the average price of a barrel of imported crude oil to about $13.50) but will send a plan to Congress for the decontrol of "old" domestic oil, now $5.25 a barrel.

These steps, rationalized as a way of cutting demand and providing a stimulus for increased production, actually will have an enormous inflationary effect on the economy. They also raise serious questions about recovery from recession.

Administration assurances that price rises and decontrol will have a minimal impact on inflation are totally unrealistic. A "fact sheet" put out by the Federal Energy Administration, for example, claims that decontrol would result in no change at all in the coal and natural gas prices!

A new study by Lawrence Kumins of the Congressional Research Service of the Library of Congress shows that each $1 added as an import oil charge costs consumers and industry $6.1 billion on an annual basis. This includes the impact on that part of domestic oil production which is uncontrolled, and parallel rises in unregulated natural gas and in coal.

A similar calculation is made by former Budget Director Charles Schultze, now at the Brookings Institution.

Thus, the $2 worth of import duties so far promulgated by President Ford will cost about $12 billion. If you count the "ripple" effects as these basic higher fuel prices work their way through the economy, Kumins estimates the bill at $18 to $24 billion on an annual basis.

But there's more: If the President succeeds in getting $5.25 "old" oil decontrolled over a two-year period (and legislative possibilities are that he probably can accomplish that), old oil would of course rise $8.25 a barrel to the $13.50 price.

"Old" oil production has been running at about 5.5 million barrels a day. The increased cost would amount to $16.5 billion (and coal and unregulated gas would go up some more).

Adding in the ripple effects, Kumins puts the cost of decontrol at $24 billion a year, worth 2¼ to 3 points on the inflation index.

Meanwhile, each $1 of added import charges could push the index up 0.7 to 0.9 per cent, making the total inflationary impact a potential 3.75 to 4.75 per cent when all costs are fully effective at the end of a two-year decontrol program.

Rep. Toby Moffett (D-Conn.), who released Kumins' study, said that 89 per cent of the overall cost to consumers would go to oil, coal, and gas producers as extra profits.

It should be remembered that, when President Ford originally presented his decontrol scheme, plus new import duties of $1, $2 and (ultimately $3 a barrel, the enormous drain of purchasing power from consumers, corporations and government entities was to be offset by an elevator, Rube Goldberg tax rebate system.

But there are no offsets to the $1 that was imposed on Feb. 1, and none proposed for the $1 that will be imposed today, along with 60 cents a barrel on refined product imports.

Moreover, the windfall profits tax that the President proposed in January, when he first put forward decontrol of "old" oil, now has been modified to include a plow-back provision, which simply means that there will be no meaningful windfall profits tax on those who reinvest in energy production—which they would be doing anyway because of the incentive of high prices.

The ultimate absurdity, of course, is that, if the Organization of Petroleum Exporting Countries makes good on a rumored $2-a-barrel price increase of its own, that will boost the price to $15.50. Such a level is so outrageous that Mr. Ford might be forced to withdraw $1 or $2 of the imported duties.

But how, then, could he complain of an OPEC $13.50 price, which merely would be at the level he himself had set?

The essential elements of a real energy program still include some direct limitation on imports so as to weaken the cartel; government action to allocate reduced supplies; a legislated efficiency requirement for gas-guzzling cars; other conservation measures in heating and air-conditioning; and a shift to other forms of energy, especially coal, while new sources of oil are being developed.

This would require a dramatic change in American life-styles that are based on brutally wasteful energy practices. Ford's program will do nothing to bring about such a change. It will only raise hell with the economy.

THE RIGHT TO BEAR ARMS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. HANSEN. Mr. Speaker, a young constituent of mine sees the contradiction of certain efforts to deny an American citizen the right to bear arms. His voice against these efforts is with the majority of persons in my district and in my State. I share his sincere letter with my colleagues:

DEAR GENTLEMEN: I am just a common middle class American citizen who very much enjoys his citizenship in such a great and wonderful nation; a land of great freedom, joy, opportunity, advancement and higher education, to name just a few. A free nation upon the mountains. Yes, a nation in which we are free to worship Almighty God by the dictates of our own conscience. Is not this same God spoken of on our currency—"In God We Trust"? It certainly must be important for us as a people to be free, for we find on every dollar and coin spent in or out of these United States the words—"In God We Trust", or, "Liberty".

So let us pause for a moment and think of the abundance of life that we do have and how we obtained it. Just think for a moment that every time we toss a coin, or spend a dollar, we are constantly reminded of a freedom and trust that we all share. The freedom is Liberty, and the Trust is in God. That God that made us free, even from the beginning! Let us all trust in God so he will bless America for which we sing in that great and wonderful song, "My Country 'Tis of Thee"!

We know that in the great history of this country we find great and inspired men, such as Columbus who discovered this great land of America, the new world. And the Pilgrims who came after, looking for a place to worship their God in peace. And, of course, the great men who founded this land, our Founding Fathers, George Washington, Abraham Lincoln, and so on. Men who had great hopes and dreams for this land and its people, and thus, they drew up a document and called it the Constitution of the United States. A document stating our rights and freedoms as an American Citizen. Our rights to own and bear arms, our rights of free speech, and even the right to take a drive on Sunday afternoon and spend time with our families.

There have been many men in the course of our country's history who have exercised their right to own and bear arms, by leaving by their own choice, their homes, towns and hamlets to rally around the flag. Many have given their homes, lives and limbs in wars to defend and withhold the right to own and bear arms, whether it be a rifle or pistol, and many of the other rights which we now enjoy.

I am only sorry and sad to know that there are a few men who want to take this right away—the right to own and bear arms. I, as a free citizen of this great country, am opposed to any person or thing working against the rights of the people. It would be unfair to those who have died fighting to preserve the right to own and bear arms, for they would have died in vain.

I am particularly opposed to any move by Congress to take away my right and privilege as a free citizen to buy and own ammunition or bullets for hand guns. It is my right as a free citizen to protect my home, property and family from intrustion.

I am just thankful that we have good men such as yourself in Congress fighting to preserve our rights. May God bless you in your efforts, I pray.

Sincerely yours,

GERALD N. KARLSON.

ILLEGAL ALIENS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DOWNEY of New York. Mr. Speaker, the problem of illegal aliens is no longer confined to the southwestern States. It is a problem that has reached national proportions and affects the economy of nearly every State. It is no longer a problem confined to the ranks of agricultural jobs for many aliens now hold jobs as skilled craftsmen. It has been estimated that these illegal aliens hold 1 million jobs—jobs that should be held by some of the 9 million unemployed citizens. Because of the severity of this problem I have cosponsored legislation introduced by Chairman PETER RODINO that would make it illegal to knowingly hire an illegal alien.

I offer to the attention of my colleagues an article from the May issue of Nation's Business that concerns this problem:

HOW ILLEGAL ALIENS ROB JOBS FROM UNEMPLOYED AMERICANS

During 37 years of Marine Corps duty that included four in the top spot of commandant, Gen. Leonard F. Chapman, Jr. was not a man to throw up his hands in the face of a challenge.

But now, as head of the Immigration and Naturalization Service, he bluntly concedes that mastering the major difficulty facing his agency is "totally beyond our capabilities—just totally."

Gen. Chapman, who was named immigration commissioner in 1972 after retiring from the Corps, is referring to the huge—and growing—problem of illegal aliens.

"It has reached what I consider really alarming propostions," he told Nation's Business. "There are literally millions of them here."

How many millions?

"My best guess is seven to eight million, with at least one million holding jobs—many of them good-paying jobs—at the same time eight million Americans are out of work.

"It's a moving target, increasing very substantially every year. Ten or 15 years ago, there were a few hundred thousand, nearly all in agricultural jobs in the Southwest. If things don't change, there will be 13 million to 15 million, scattered all over the country, within the next three or four years."

Last year, 800,000 foreigners who entered the country illegally were caught and sent back, but Gen. Chapman thinks that's only a third to a half of the total number who came in.

How do they evade detection?

By swimming the Rio Grande to Texas in classic "wetback" fashion, or walking across the 800-mile Southwestern land border between El Paso, Texas, and the Pacific.

"MARRIAGE" MILLS

Or by using more sophisticated techniques. There are millions of aliens in the country who have:

Entered legally as tourists or students and simply stayed on after their visas expired.

Been smuggled in on boats or in hidden compartments of trucks by organized rings charging up to $700 each.

Used fraudulent passports, visas or other documents.

Employed the services of brokers of bogus marriages, who arrange for an alien to "marry" a U.S. citizen, enabling the foreigner to qualify for permanent residence in this country. Charges for such services run as high as $1,500. The U.S. partner to the "marriage" may enter into several such arrangements a month—without benefit of divorce.

Most of the illegal aliens are Mexicans, but the number coming from other countries has been growing steadily, and today every part of the world is represented. Significantly, half or more of those holding jobs in the U.S. are not Mexicans, Gen. Chapman says.

He adopts a somewhat sympathetic attitude toward the majority of these people who so frustrate him and the agency he leads.

Noting the lengths to which they go to get here, he says: "The attraction of a job in this country is so great that no risk and, apparently, no price are too high for them."

He adds: "Most of them are good, hardworking people who look to this country as the only place where they can earn a decent living. You can't blame them very much for that.

"Our investigators checked out a cleaning crew in a big Chicago office building recently and found 41 of the women working there were Polish citizens. I don't doubt they were probably the best cleaning woman anybody has ever seen. I really mean it."

Illegal aliens, he says, "send money back to their families, save, and in most cases, eventually go back home and live relatively well."

But many never go home and many more might stay—and bring in relatives—were it not for the fear of being caught, Gen. Chapman says.

If the nation doesn't effectively deal with the problem of illegal aliens, he warns, "if we just throw open our doors, it wouldn't be many years before we had India's population problems."

WHERE YOU FIT IN

For the businessman, the issue has many facets.

While it is a crime for any aliens to represent themselves as American citizens, and for most of them to accept employment in the U.S. (the exceptions, of course, are limited to aliens legally in the country—and only to some of them), an employer commits no crime by hiring one, nor is there any obligation on the employer's part to ascertain a job applicant's nationality.

Many employers unknowingly hire "illegals," as they are called. A small number, Gen. Chapman says, hire them knowingly.

The general notes that such hirings can have short-range economic benefits for an employer: "He pays lower wages than he would have to pay Americans; and sometimes the working and living conditions he provides are substandard."

But, Gen. Chapman adds, "we are all subsidizing" any savings an individual makes in labor costs by hiring an alien: "That worker sends his children to school, his family uses hospitals and other public facilities, and he might even go on welfare. And many are paying no taxes at all."

The California Social Welfare Board estimated after a 1973 study that illegal aliens in its state were receiving $100 million a year in welfare payments and services. Nationally, that figure is in the billions, the Immigration Service estimates.

In a pilot program that the Service conducted jointly last year with Internal Revenue, 1,700 illegal aliens suspected as tax dodgers were found to owe $250,000 in income taxes, and $168,000 was actually collected.

Another adverse economic impact: The effect on the U.S. balance of payments of dollars which Gen. Chapman says are conservatively estimated to total 1.5 billion a year—earned here and sent back to the aliens' home countries.

"So the taxpayers as a whole are footing the bill for whatever an employer saves by hiring illegal aliens," the general says.

Another reason that aliens are hired for certain jobs, he points out, is that "the employer can't get an American to do his farm work or punch his cattle or whatever he needs help for."

A farmer or other employer unable to recruit workers who are U.S. citizens can take advantage of a Labor Department program under which aliens are brought into the country to work for short periods. But paperwork is involved for the employer.

"The local labor office of the state employment service is required to give certification if the farmer can't get American laborers, but in point of fact the farmer often doesn't make the request," Gen. Chapman says. "Why should he? Why should he go through all the damn red tape when he probably has 200 fellows standing right outside his main gate ready to go to work, and there's no law that says he can't hire them?"

A BURDEN FOR BUSINESS?

The Immigration Service is backing legislation, introduced by Rep. Peter W. Rodino

Jr. (D.-N.J.), making it an offense to knowingly hire an illegal alien. A job-seeker would have to certify to the prospective employer that he is a U.S. citizen (or that he's in the highly limited category of legal aliens entitled to obtain employment in this country—in which case, he would have to produce documentation).

If he's American, the job-seeker's statement can be oral or written, as the employer wishes. The Justice Department at one point wanted the measure to include a provision requiring all U.S. applicants for work to produce papers identifying them as citizens—a move criticized as smacking of a police state. The new Attorney General, Edward H. Levi, scratched the idea.

After posing the question and receiving the answer, the employer would have no further responsibility under the law—the burden would shift to the employee, who could be punished for misrepresentation.

On the other hand, an employer found to have knowingly hired an illegal alien would be liable to a warning for a first offense, and to a fine, imposed by the Immigration Service in a noncriminal proceeding, of up to $500 per alien for a second offense. For a third offense, the employer would face a criminal misdemeanor charge with a maximum penalty per alien of a year in jail and a $1,000 fine.

Challenges to the Rodino bill have come from the American Farm Bureau, the nation's largest employer of farm labor, which favors keeping illegal aliens out but proposes other ways than the pending legislation, and from religious organizations urging "amnesty" for illegals already here.

At its annual meeting last February, the Farm Bureau adopted a policy statement that said in part:

"We continue to oppose legislation that would put the burden of proof on employers as to whether a person is an illegal alien. We feel . . . [it] would place an unwarranted burden for law enforcement on employers . . . and would prove to be unworkable and ineffective in solving the problem of illegal aliens entering this country.

"This is no longer a farm employment problem. Most illegal aliens in almost every area of this country are working in nonfarm occupations.

"Instead of shifting the burden of enforcement to employers, we favor legislation that would make it illegal for any public agency or public official to approve or provide public services to illegal aliens. Tightening up procedures involved in the issuance of Social Security cards and requiring that those who apply for welfare, food stamps and other such social services show proof of their legal status as citizens or legal aliens would be more effective in locating such aliens and in discouraging their entry than other plans that have been advanced."

A Farm Bureau spokesman explains that employers may not be able to cover themselves under the law as easily as it might seem. For one thing, he says, many previous laws have been passed with official assurance of a minimal impact on businessmen—but the impact has turned out to be much more burdensome and costly because of rules drafted by enforcing agencies.

The United States Catholic Conference is the largest of organizations urging amnesty—granting illegal aliens now in the country legal status with the right to work and eventually become citizens. Most of these foreigners came to this country, these organizations say, at a time of economic boom, filling lower-paying jobs that Americans shunned.

Gen. Chapman questions the general amnesty approach on the ground that providing it would lead to recurring demands to allow later waves of illegal aliens to stay on. But he thinks special consideration might be given aliens who have been in the country for a decade or more and have deep roots here. Basically, however, he wants to confront the problem as it now stands: "I have told Congress several times that, with the Rodino bill and a couple of thousand more agents, we could do a number of things—one of which is to open up a million jobs for unemployed Americans."

The commissioner gives these insights into his current manpower difficulties.

Electronic devices that detect the presence of humans and relay the information to a headquarters (equipment originally developed for Viet Nam battlefields) have been installed at many points along the Southwestern land border but the Border Patrol is spread so thinly that half the alarms go unanswered.

There are fewer than 1,000 immigration investigators—officers assigned to nab foreigners who have managed to get into the country illegally—compared with the estimated eight million illegal aliens. There are 200 investigators and an estimated one million illegals in the New York City area; 100 investigators and a half-million illegal aliens in Chicago.

But it's not just a question of manpower, Gen. Chapman emphasizes.

"How can you man 6,000 miles of land border, not to mention two seacoasts?" he asks. "You'd probably have to have officers standing shoulder to shoulder. And you could turn the entire Marine Corps into immigration investigators and it wouldn't provide enough personnel to sort through 215 million people to locate seven to eight million illegal aliens when, at the same time, two or three more were coming in for every one you found."

He adds: "What we need more than anything else is the Rodino bill to make it illegal to hire them knowingly."

In pressing for the legislation's passage, Gen. Chapman bears down heavily on the opening up of jobs for Americans.

It's a mistake, he says, to dismiss the alien problem by saying that the illegals are just filling menial jobs Americans would spurn in any event.

"At one time, it was generally true that nearly all the illegal aliens working in this country were Mexicans doing stoop labor," he concedes. "But that's not the case anymore. Only about a third of the million aliens holding jobs are in agriculture. The biggest concentration now is in industry and the service fields."

FROM PLUMBING TO INVESTING

He slides across his desk a long list of recently caught illegal aliens.

It includes a Greek earning $12 an hour as a plumber; two other Greeks receiving $9.71 an hour as painters (and arrested while working with a crew painting the Statue of Liberty); a wirephoto operator from Trinidad, $6 an hour; a Jamaican carpenter, $7; a jeweler from Colombia, $4.49; an airline office worker from Japan, $4; a real estate secretary from Germany, $5 an hour; and an art restorer from Israel, $9 an hour.

Also on the list: a restaurant owner, a bookkeeper, an auto mechanic, a computer technician, an investment adviser and the director of a university residence hall.

One recent investigation turned up four illegal aliens working as janitors in a private Washington, D.C., office building where a major tenant is—you guessed it—the Immigration and Naturalization Service.

THE DISAPPEARING ARTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BRADEMAS. Mr. Speaker, I insert in the Record an article by Art Detman, Jr., entitled, "Should Business and Government Finance the Arts? The Disappearing Arts."

The article appears in the May 1975 issue of Mainliner magazine, published by United Air Lines.

Mr. Detman is a contributing editor for Dun's Review.

The article follows:

Should Business and Government Finance the Arts? The Disappearing Arts

(By Art Detman, Jr.)

The next time you complain about the high price of a ticket to the symphony or opera, to the theater or the ballet, consider this: even when you buy the most expensive ticket in the house, you're not paying your own way. The arts, whether the performing arts or the fine arts, require big subsidies to exist, and right now the outlook for such subsidies is uncertain.

The immediate cause is the overall economic situation. Prices keep rising—12.2 percent last year alone—while business activity keeps falling. As a result, arts organizations throughout the country find themselves paying more for just about everything while facing reductions in their funding.

A Ford Foundation study predicts that deficits of arts organizations will increase threefold to sixfold over the next seven years. If the arts are to continue at their current level, that means subsidies must increase three to six times. One reason for the expected increase in deficits is that foundation support is likely to decline. Ironically, the Ford Foundation itself is sharply decreasing its future grants, primarily because the value of its investment portfolio plunged from $3.4 billion in 1973 to about $2 billion in 1974. Ford plans to reduce its total giving by 50 percent over the next four years, from $200 million to $100 million. Currently, Ford gives about $11 million to the arts, and it's not yet known how much this will be cut.

Altogether, the nation's 30 largest foundations saw the value of their endowments (mainly stocks and bonds) decrease by a fourth in 1974. Nonetheless, their income from these securities remained about the same, and so no immediate decrease in grants is expected. "But if business has another rotten year in 1975," warns George Baker of the Council on Foundations, "then the foundations' income will drop, too. And the programs that they have been supporting, including those for the arts, will suffer a cutback."

The double whammy of inflation and recession comes at a time when support of the arts in the U.S. is finally growing. The federal government's National Endowment for the Arts, which didn't exist ten years ago, has a $75 million budget. New York's Council on the Arts has $34 million, more than double last year's figure. Foundations are giving roughly $200 million a year. Business, by one reckoning, devoted $144 million to the arts in 1973, probably more in 1974. Meanwhile, symphonies, dance companies and other arts organizations are performing to record numbers of ticketbuyers.

For all that, these figures are far less impressive than they seem. The National Endowment's $75 million, for example, would not buy a single new intercontinental bomber. New York's newly swollen budget is less than what West Germany's government gives to the theater alone. That $144 million from business comprises both philanthropic dollars and advertising dollars; it shrinks to insignificance when compared with after-tax profits of $70 billion in 1973.

SUBSIDIES FOR SURVIVAL

The basic problem of financing the arts is much more than just inflation and recession. The plain fact is that Americans have never given much to support the arts. Why? Probably because America is such a young nation and has grown so fast—in population, in territory, in commerce, in technology. There has been little time left over for the arts. As a result, Americans generally are indifferent to the arts. "We revere our sports heroes because they seem to support the whole male chauvinistic idea of the all-American man," says Lloyd E. Rigler, a Los Angeles businessman and a major arts supporter. "But we view the arts as not very masculine."

This antipathy extends into the business community. People like Rigler often must first justify the arts before they can ask for money. "The arts are that imaginative force that really gives us the spirit to live," says Rigler. "We can't live by business alone. We have to have food for the soul."

In more tangible terms, Rigler and others argue that the arts nurture new ideas and help train people in the commercial arts, such as advertising and industrial design. Moreover, local arts organizations can make outlying communities attractive to executives who manage factories and branch offices and who otherwise might resist such assignments.

Even so, if business pays its own way, why can't the arts? It's an appealing proposition in a country dedicated to a free marketplace. But it just wouldn't work, any more than self-supporting police departments, schools or libraries would work. The cost would exclude all but the wealthy from enjoying the arts. For example, the Chicago Symphony Orchestra plays to 230,000 seats during the winter, with a top price of $16, and 74,000 during the summer, with a top of $7.50. If the Symphony could sell *every* ticket, winter and summer, at $16, it would gross only $4.9 million—vs. an annual budget of over $7 million.

Clearly, only subsidies will permit the arts to survive, even in the best of times—and now is not the best of times. Foundation support appears to be waning. Support from individuals (who give even more than foundations) is uncertain. Government support is likely frozen at its present level. That leaves only business as the major source for the necessary increased funding required in years ahead. "Business is doing a lot for the arts," says Goldwin A. McLellan, president of the Business Committee for the Arts. "The climate has changed tremendously in the last few years. But we don't think that business is doing nearly enough yet. It has to increase its support because there are arts organizations suffering financial woes all over the country."

MORE FOR THE ARTS

Although corporations can make tax-free charitable contributions up to 5 percent of their pre-tax income, most give around 2 percent, and very little of this goes to the arts. "In the minds of management," says one businessman, "it just doesn't look right to shareholders. They are afraid of being criticized." But if the arts are to flourish, management will have to convince shareholders that such contributions are not only proper but in their best interest.

At the same time, business must expand its technical aid to arts organizations. Across the country, management experts, accountants and lawyers—all on business payrolls—are helping arts organizations develop into efficient operations. "This is one of the greatest forms of business support," says McLellan of the BCA. "Even a local repertory theater is big business nowadays and requires professional management."

To encourage business support of the arts, each year BCA, in conjunction with *Esquire* magazine, cites up to 30 companies that have made outstanding contributions to the arts. Nominations have grown from a trickle eight years ago to a flood in the hundreds. "The judges have a heck of a time coming up with the winners," says McLellan. The latest group includes such national companies as Borg-Warner, Exxon, Ford Motor, Hallmark and IBM.

A dramatic example of how a businessman can revitalize an arts organization is what Louis Sudler did for the Chicago Symphony. Sudler, a real estate man (the John Hancock building, among others), became president of the struggling orchestra company in 1966. He overhauled its business procedures, brought in Sir Georg Solti as music director, extended the season to 52 weeks, increased contributions (especially by fellow businessmen) from $350,000 annually to $1.8 million and boosted ticket revenues from $600,000 to $2 million. The public's attitude changed from lukewarm to enthusiastic; when the Symphony returned from a triumphant European tour in 1971, it was given a parade through the Loop.

The overseas success of the orchestra underscores a bitter irony. Americans don't wholeheartedly support the arts, yet American arts are unexcelled in quality. The world's top five—perhaps six—symphony orchestras are in the U.S. The world center of dance is in New York City. American opera, ballet and theater companies can equal the best from any other land. Yet we clutch the pursestrings tightly, probably more out of ignorance than meanness. If America is to retain preeminence in the arts, and if more Americans are to enjoy the arts, this attitude will have to change. The next 18 months could prove crucial.

CLOSEUP PROGRAM

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. WIRTH. Mr. Speaker, I would like to call the attention of this House to the closeup program, which has just completed its fifth year of bringing students and teachers to Washington for a close look at the workings of their Government. It is a program that has been greeted with enthusiasm by students and teachers alike, and we should take a careful look at just what it does.

We are all aware of the feeling of alienation which many people experience today. They sense a distance between themselves and their Government, and consequently decline to participate in politics. Disenchantment with the "system" is nowhere so prevalent as among our young people.

The closeup program has sought to involve students in the governmental process. The students and their teachers spend an intensive week of seminars in Washington. They are given the opportunity to listen to, question, and talk with representatives of the Congress, the executive branch, the press, lobbyists, the diplomatic corps, and others involved in the Government, and they gain a sense of how the process works.

I am especially enthusiastic about Close-Up now, because this year, for the first time, students and teachers from the Denver-Boulder area of Colorado participated in the program. Mr. Stephen Janger, the director of Close-Up, and Ms. Beryl Hall, who organized the Colorado program, were very enthusiastic about expanding into Colorado, and I, and the residents of Colorado, owe them many thanks for their hard work and unflagging good spirits. I would also like to single out Jim Pierson and Bill White, Jefferson County, Colo., educators who spent an enormous amount of time and energy to help make this year's program a success.

Mr. Speaker, when I have spoken with groups of Close-Up participants I have been impressed by their enthusiasm, by their interest, and by how well-informed they are. During their week here these young people clearly acquire an increased understanding of the governmental process. We hope that they carry away with them a lasting interest in it as well. The most important aspect of this exciting program is, I believe, that the 285 Coloradans who participated this year will go back to Colorado and talk about the program and what they have learned. Each of them has a real obligation to remain well informed, to continue his or her interest in how our Government works, and to relay this new enthusiasm to others. I hope that they will urge others to participate in Close-Up as it continues to expand in Colorado next year. And I trust that each one of this year's participants will become actively involved in the political process. In order for our system to work properly, we must have an informed and active citizenry. Close-Up, I think, provides a good start.

THE FRANKFORD ARSENAL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. EILBERG. Mr. Speaker, the Department of the Army has decided to close down the Frankford Arsenal in Philadelphia. The reasons put forth are economy and the efficiency and modern operation of other facilities as compared to Frankford.

So far the Army has not been able to justify these claims and has been evasive in answering the questions put to it about the proposal to shut down Frankford.

A series of articles by Hoag Levins, a reporter for the Philadelphia Daily News, has raised serious questions about the reasons for the Army's decision to shut down the Frankford Arsenal, one of the finest installations of its type in the Nation.

At this time I enter into the RECORD the first of Mr. Levins' articles. On subsequent days I will be entering the remainder of the pieces he wrote about the arsenal. The material follows:

[From the Philadelphia Daily News, Jan. 13, 1975]

INSIDE FRANKFORD ARSENAL—WHAT WILL BE LOST IF ARMY CLOSES IT DOWN

(By Hoag Levins)

If you fear fires, enjoy movies, drive a car, work with metal or value your vision, the Frankford Arsenal may have changed your life.

If that surprises you, it just shows that you—like most Philadelphians—don't really know what has been going on inside the arsenal for the last decade.

The super-secret research center is no longer an arsenal, the Daily News discovered in a series of visits last week inside the walls.

The center, to be closed by the Defense Department by 1977, long ago quit manufacturing the bombs and bullets for which it became famous during World War II.

With the same secrecy which characterizes all its internal moves, the arsenal has developed a core of scientists, engineers and technicians who now work in one of the most unusual research and development centers in the world.

The arsenal at Tacony and Bridge Sts. today is thought of in the same terms which evolved during the 1940s when workers dispatched trainloads of munitions to fight a war.

A place of mystery and a self-contained city, the arsenal had its own generating plants, fire department, hospital, water and sewerage systems and police force. Even in emergencies—such as munitions explosions—it didn't let outsiders in.

Today the 110-acre complex's gunpowder storage houses—with three-foot-thick concrete walls—have been converted to workshops and warehouses.

The arsenal's famed bullet shops are abandoned, its thousands of machines and assembly lines covered with canvas, heavy grease or layers of dust. Its bomb foundries and artillery shell works are occasionally used only for experimental work.

"We should have changed the name of the place for the sake of accuracy and called it 'Frankford Research and Development Center'," explained Seymore Miller, the arsenal's technical director.

Miller's office is decorated with munitions memorabilia celebrating arsenal accomplishments during his 25 years there.

On the wall, bullets of every size and shape are displayed, some cut down the middle to show their powder charge. One long narrow box traces the development of a bullet, from the first formless metal blob to finished, highly polished bullet. On the desk a special rack holds 20-millimeter shells, their tips colorfully decorated in red, green, purple and yellow.

"What we do now is develop a new item of munitions, test it out and create the tools needed to produce it on a large scale. Then we send them all off to the government-owned, company-operated plants around the country that long ago took over the actual production."

Miller is not happy about the Arsenal's closing.

"They are not closing a storage arsenal. They're closing down a repository for engineering expertise. When you move this operation someplace else, very few of our people will actually move with it. You'll have plenty of equipment, but you won't have the people who have spent a dozen years gaining the experience you need to do this sort of work.

"The Army is dealing with building and equipment. You can build a building and buy equipment anywhere. The capability here is the man who knows what to do with that equipment. He is the capability of our mission. It'll take ten years or more to create more like him in some other location. This move doesn't make sense, no matter how you look at it."

Miller's frustration is echoed in office after office throughout the arsenal.

"The Army is going to hurt itself and Philadelphia by closing this installation," said Joseph McCaughey, top civilian executive of the arsenal. "I'm most fearful that it will lose our cadre of young, aggressive engineers and scientists.

"They are the future of the field. People are the mission. This thing is about people and experience, not equipment and old buildings," said McCaughey.

A visitor can sum up the story of "this thing" from the intersection of Reese st. and Worth rd.

That intersection—not far from McCaughey's office—serves as a symbolic crossroads in time for the arsenal and its 158 years in Philadelphia.

A stone's throw away is Building No. 11, which a small plaque indicates is more than 100 years old and still in use. Eight other nearby buildings date back to the arsenal's beginning.

Encircling a large grassy parade mall, the buildings occupy 9.5 acres of some of the most historic land in Philadelphia. Even the U.S. government cannot make changes on this area without the approval of the Philadelphia Historical Commission.

A stone thrown in the opposite direction will fall just short of Building No. 109—a more modern structure typical of many of the laboratories and workshops which sprawl across the Arsenal grounds.

In the basement of No. 109 is an ultra-modern communications center where, on Nov. 22, a rattling teletype announced the decision to close the arsenal and eliminate 3,500 jobs.

The arsenal's historic background, so * * * become a disadvantage. The Army decided its "outmoded" facilities could no longer keep up with modern research demands. There is a counter-argument.

Said Dr. David Rosenblatt, director of the arsenal's Pitman Dunn laboratories:

"It's difficult for some people to visualize, but the sort of work we do here now is aimed at the future. With the close of the facility, the results might well take until the 1980s to show up, when the Army begins to look for new systems and developments and sees that there is this five-to-ten-year lag when not much was done in the way of research. That's how long it would take to just get back to normal level of operation on current projects."

Throughout the complex's 240 buildings, more than 1,500 engineers and technicians work at research projects ranging from lubricating oils to laser beams.

The arsenal's engineers have been granted more than 1,000 patents, and their ideas have been involved in the Mercury, Gemini and Apollo space shots. Equipment developed at the arsenal went to the moon with Neil Armstrong and Buzz Aldrin in 1969.

During the last five years, the arsenal has been awash with rumors, false hopes, political promises. Throughout the buildings and labs, a visitor finds an air of unreality as workers doggedly push ahead on projects they will never finish.

"You've got to do something," explained one gristled technician. "For years we've been hearing all this crap. You get numb to it. I work like this because . . . well, I don't want to think about what it's going to be like when I don't have any work."

In the main headquarters building, Joseph M. McCaughey leaned back from his enormous desk, pressed his finger tips together and nodded solemnly.

"We're in a difficult period right now," admitted McCaughey, the arsenal's top civilian executive. "The arsenal is to be closed for sure. But they haven't cut our work load. We're going on just like before.

"We have no time schedule for closing. We don't know what missions will be transferred. The future of the people working here is totally up in the air.

"Obviously, that has an overall effect on the morale."

[From the Philadelphia Daily News, Jan. 13, 1975]

"THE STREET THAT BEAT HITLER"

(By Hoag Levins)

Out past the dangling gray ash of his cigarette, ghosts were dancing down Craig rd.

"You shoulda' seen 'em. There was so many people here it was like a sea of people in this street," said the man eagerly. His rough hand gestured broadly down the length of deserted Craig rd. which cuts its way through a cluster of red brick industrial buildings inside Frankford Arsenal.

"This here is the street that beat Hitler. There was bullets coming out of these buildings like you couldn't believe. It was like a beehive here," he said, flicking an ash into the gutter and shaking his head at the memories.

Behind him a four-story building bore the date 1865 in stone above the massive double-entrance doors. Like much of the arsenal, Craig rd. was planned and built around the time of the Civil War.

Craig rd. workers turned out the paper and powder wards needed by Union Army riflemen. Some 57 years later, operations along the street's "Bullet Row" had changed considerably and centered around the production of the new metal bullet cartridges used by the Allies throughout World War I. By the 1940s, Bullet Row housed one of the most massive munitions manufacturing operations in the world.

Every round of small caliber ammunition fired by American troops during World War II came along Craig rd. At the peak of the war, more than 22,000 people worked in three shifts round-the-clock. They made 8 million bullets a day.

"You could feel it when you came to work. It meant something to be part of the arsenal. We were working to save the world.

"That sounds silly as hell now, but that's the way it was then," said the Craig rd. watchman, walking back up the steps into Building No. 215.

Inside the building, one finds the arsenal-that-used-to-be. It lies quietly beneath a heavy layer of dust, surrounded by the malls of cold grease and old wood.

Row after row, lines of small wooden cubicles await a shift of workers which have not come for a decade. Hundreds of women sat here each day as an overhead chute dropped an avalanche of brass casings past each station for one final check.

Room after room, floor after floor, building after building, the idle machinery waits. Here and there, one finds an old apron on a rusty nail, old hair pins beneath a bench, or a few battered boxes of loose brass shells, an industrial ghost town.

Further down, like square-shouldered steel soldiers, giant 2,000-ton presses stand two and three stories high.

"It took three months just to get that one press in place," said one worker, jabbing his grease-blackened hand authoritatively at the monstrous machines. "Imagine them moving this stuff out of here to somewhere else. This is just one building—there are dozens like this one, all full," he said, disappearing around a corner.

"It depends on how you want to look at it," said William Lennox, walking through the chilly factories, his hands deep in the pockets of his coat. "The army is talking about idle buildings. We look at them as potential factories. In peace, no one wants to hear about arsenals or bullet shops. In war, suddenly they become popular as hell. One day we're going to need these factories and we're not going to have them."

Lennox, who is the Arsenal's information officer, has worked there 29 years. His father worked there before him, and his father's father before that.

In a nearby mailroom, Eleanor Duzenski, who came to the arsenal in 1941 as a patriotic 18-year-old girl with nine brothers in the service, said:

"It was important to work here in those days. I wanted to have a hand in the war effort along with my brothers. Here, we were fighting for the same thing ... end the war and bring the boys home."

PLANT COULD HELP SAVE WHALES

Scientists at Philadelphia's Frankford Arsenal may save the world's endangered sperm whales.

For centuries, the 60-foot-long whales have been mercilessly hunted for their oil, one of the finest quality lubricants yet discovered. The whales are on the endangered species list but are still hunted because of heavy demand for their oil.

Studies at the Arsenal's Pitman-Dunn laboratories may soon change that. Scientists found that an oil made from jojoba plant seeds has the same lubricating qualities as sperm whale oil. Jojoba plants only grow in the arid southwestern U.S. where Indian tribes are now considering jojoba as a cash crop because of the arsenal's findings.

Ironically, the same arsenal which 100 years ago supplied muskets and bowie knives to fight the plains Indians may now provide a living for some of their descendants.

LOYALTY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. TEAGUE. Mr. Speaker, last month the mayor of DeSoto, Tex., the Honorable Charles Harwell, addressed the Veterans of Foreign Wars Post 8913 on loyalty. I was very impressed by the mayor's words and would like to share them with the general public and my colleagues in Congress.

The speech follows:

LOYALTY

It is a pleasure and an honor to be the recipient of your gracious invitation and to speak on a subject that is near and dear to our hearts. "Loyalty" is a word we all know. It is a subject we need to reaffirm from time to time. I notice your motto is "It's not the price you pay to join, but the price you have paid to be eligible to be a member of VFW" that is important. This is the theme I bring to you. Whether we be at war or peace, when we have pride and self respect and loyalty, we cannot be conquered.

Can we see loyalty? We see loyalty in the actions of people. Sgt. Alvin York was Loyalty personified. Loyalty is the spirit and fibre of the Great and Noble American Nation! Loyalty is the strength and devotion that catapults us to national greatness. Loyalty is the tie that binds and the healer of wounds. Loyalty is the solidifying agent that binds a great nation of diversified peoples, ideals and aspirations into one gigantic force. We expect and demand loyalty in our business, our political, school and military life. We must have loyalty if we are successful. We do not always receive loyalty and we know the consequences. When we do receive Loyalty we know it is the backbone of all our hopes, dreams and aspirations. Our great friend "Loyalty" called our nation into being! This brave, courageous ally called us to National greatness. It will be the same gallant friend Loyalty that calls us again to greatness. For without "her" there shall be no tomorrow for the America we know. That great and grand idea called Loyalty becomes a mighty force beating upon the Anvil of Time and Circumstances culminating in the power of the American Nation, personified in her millions of brave sons and daughters, who time and time again bring utter and complete devastation to those enemies of America and all civilized humanity.

So it is, standing head and shoulders above all whom we need, expect, and receive Loyalty is the American Fighting man. There are no individuals or groups of individuals who ever have, ever can, or ever will, match or surpass the Loyalty that you, the American Soldier, renders to America. You, the American Soldier, the "Guardian of Freedom", here and around the world are the bulwark of all Human Liberty. It is you who are Loyalty Personified. He who takes the oath of all oaths and that pledge of all pledges, he who utters those words, "I am an American Fighting Man", he who prepares for the supreme sacrifice which is demanded by loyalty, it is he who is loyalty personified.

Who else could call us to such sacrifices, such heroic deeds but that grand lady called "Loyalty"? The American soldier still believes "Eternal Vigilance" is the price of liberty as in 1776 when the rag tag farmers came from behind every plow, tree and rock to beat the mightiest army in the world. The American soldier with his gracious compassion, his unfaltering courage, his astounding military genius, his tenacious ability to hold a position in the face of overwhelming opposition, his outstanding ability to attack, attack and counter attack, when others would withdraw, with his complete and unswerving dedication to the great and noble American nation, he is loyalty. And so it is you the Veterans of Foreign Wars of the United States of America who are indeed Loyalty Personified, those brave and gallant soldiers of America who have given so much and expected so little. You who have borne so much and suffered battle scars of a thousand firefights, you who have borne the broken hearts and suffered the intense agony of the crushing pains and fears of battle, it is you that we honor, you that we lift up, you that we salute today, you are "Loyalty Personified". You who have waded the muddy swamps of the Rhine, you who are the heroes of Pearl Harbor, Bataan, Corregidor, Kasserine, Cassino, the Solomons, Gulf of Leyte, Bastogne, Normandy and Okinawa, you who trudged the dusty tank trails, climbed blistering hills and stormed the sandy beaches in the face of withering firepower, you who marched with frozen feet and were blown apart by land mines, you who received depth charges and were blown out of the sky, you who battled the hellish flame throwers and the never ending snipers, you who raised the Stars and Stripes on Iwo Jima and liberated France and England, you who broke the impregnable Siegfried line, and defeated the unbeatable Luftwaffe and crushed the uncrushable Panzer divisions, you who hammered the Germans into submission May 1945 and prostrated the Empire of Japan, August 1945, so that freedom might live today. It is you who are Loyalty Personified.

I reiterate it is an immeasurable honor for me to be here and a humbling experience to speak to such a distinguished group of American patriots. It is loyalty that calls men to greatness. Loyalty calls men to participate in the most devastating war known to mankind. Even though to the participants it has become a cloudy memory and to many of the younger generation a myth, it would behoove us to remember it, tell it to our children and their children, for it was our finest hour.

World War II touches the lives of all those living today and will continue to do so for generations to come! It affected our laws and society and our way of life as a nation. It opened the nuclear age and made major contributions to American military tradition at its best! This war was called forth by Loyalty as none other has been since 1776. It was a war fought for a cause well understood. Our participation was well defined as the immediate result of a sudden, damaging blow to our military forces. But oh, how our forces rallied and healed their wounds! My, how the homefront leaped to the factories, how our fighting men in the air, on the sea and on the land carried the fight to the ruthless enemy of America and all civilzation. This was loyalty personified. It is not only an inspiring story, it is the gruesome saga of the great and noble American Fighting Man! It was truly global in scope, massive in manpower and destruction, rich in heroic deed, bloody with countless examples of man's inhumanity to man, sacred in that the American soldier performed as tempered steel and was referred to by the Japanese as "Their beloved Conqueror". It is the story of milions of men and women surging in battle across continents. This indeed is the story of Loyalty Personified.

I would like to bring to your remembrance a few great and crucial speeches in American History in which Americans were called upon through Loyalty to render the supreme sacrifice. The stirring lines from FDR's historic speech—"Yesterday, December 7, 1941, a date which will live in infamy, the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan. Always will we remember the character of the onslaught against us. No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory!"

Americans, so largely isolationists at heart, girded themselves for the greatest industrial and military effort in their history, indeed this was—Loyalty Personified. So obvious was the effect of Roosevelt's speeches on American and British morale that the German and Japanese tried again and again to distract attention from them by diversionary air raids. Even though the United States emerged as the most powerful undisputed leader of the free world, still again and again, we summoned our friend "Loyalty" to call America's sons to be offered on the Altar of War for again and again we must resist the arch enemy of freedom. As the American Fighting Men trudged the rugged hills of Korea and passed over the frozen dead still chasing an elusive enemy, it was during that campaign that nothing less than treason demanded that the commander of the US 8th Army, the Commander of UN Forces in Korea and the Supreme Commander of Allied Forces in Japan be relieved of his commands April 11, 1951. But then, that brave ally "Loyalty" demanded that the old soldier address a joint session of the US Congress, although this was unheard of in the annals of American History. He thought surely there must be enough patriots still in Congress to come to the aid of America's gallant sons who so desperately needed them. He began—

"Mr. Speaker, Distinguished Members of Congress, I stand on this rostrum with a sense of deep humility and great pride—humility in the wake of those great architects of our history who have stood here before me—pride in the reflection that this home of legislative debate represents human liberty in the purest form yet devised. Here are centered the hopes and aspirations and faith of the entire human race. I do not stand here an advocate for any partisan cause, for the issues are fundamental and reach quite beyond the realm of partisan considerations. They must be resolved on the highest plane of national interest if our course is to prove sound and our future protected. I trust, therefore, that you will do me the justice of receiving that which I have to say as solely expressing the considered viewpoint of a fellow American. I address you with neither rancor nor bitterness in the fading twilight of life, with but one purpose in mind, to serve my country. Once war is forced upon us, there is no other alternative than to apply every available means to bring it to a swift end. War's very objective is victory, not prolonged indecision. In war there is no substitute for victory. I have just left your fighting sons in Korea. They have met all the tests there, and I can report to you without reservation that they are splendid in every way. It was my constant effort to preserve them and to end this savage conflict honorably and with the least loss of time and a minimum of sacrifice and life. Its gowing bloodshed has caused me the deepest anguish and anxiety. Those gallant men will remain often in my thoughts and my prayers always."—And thus came to pass the saying "Old Soldiers Never Die, They just fade away."

And so we see "Loyalty" as she lifts the vision of America in the great wars. Then, we see loyalty again cutting through the jungles of Vietnam in a thousand firefights against a ruthless, faceless enemy with a never ending savagery which boggles the minds of civilized people. But even before America was born we see Loyalty aflame in the hearts and minds of a handful of patriots. In the most crucial speech in American history Patrick Henry addressed the House of Burgesses in 1775. He stunned the audience with a commanding appeal to that brave and noble ally "Loyalty". He said—

"Our chains are forged! Their clanking

may be heard on the plains of Boston! The war is inevitable—let it come—I repeat Sirs—let it come! Gentlemen may cry peace, peace, peace, but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that Gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it Almighty God! I know not what course others may take, but as for me Give Me Liberty or Give Me Death!" Loyalty was personified in Patrick Henry on that day as none other. He took his seat. No murmur of applause was heard. The effect was too deep! After a moment the cry "To Arms" seemed to quiver on every lip and gleam from every eye. Richard H. Lee rose and supported Mr. Henry but his melodious speech was lost amid the agitations of that ocean which the Master Spirit of the Storm had lifted high! That supernatural voice still sounded in their ears and shivered along their arteries! They heard in every pause the cry of liberty or death! Loyalty was aroused. They became impatient of speech. Their souls were on fire for action. The resolutions were adopted. Loyalty was abounding. Patrick Henry, Richard H. Lee, Richard C. Nicholas, Benjamin Harrison, Lemuel Reddick, George Washington, Adam Stevens, Thomas Jefferson, Isaac Zane, Edmund Pendleton were appointed to prepare the plan called for by the last resolution. Loyalty had united with bravery, courage and love of freedom to bring forth this great and noble nation that we love. Loyalty—this is our hope.

With Loyalty we will be able to hew out of the mountains of despair a stone of hope and with this hope, we will be able to transform the jangling discord of our nation into a solid force of greatness so that our children and their children may enjoy the freedom that we inherited. Listen with the spirit of your ears as the 35th President of the United States appealed to the hopes, the aspirations and to the loyalty of this great nation.—

"We dare not forget today that we are the heirs of that first revolution. Let the word go forth, from this time and place, to friend and foe alike, that the torch has passed to a new generation of Americans born in this Century, tempered by war, disciplined by a hard and bitter peace—proud of our ancient heritage—and unwilling to witness or permit the slow undoing of these human rights to which this Nation has always been committed, and to which we are committed today—at home and around the world—Even now the dark shadow of tyranny surrounds us. The next ten years will determine whether freedom survives or Communism conquers. Since this country was founded, each generation of Americans has been summoned to give testimony to its nation's Loyalty. The graves of young Americans who answered the call to service surround the globe. Now the trumpet summons us again, not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are, but a call to bear the burden of a long twilight struggle, year in and year out, rejoicing in hope, patient in tribulation, a struggle against the common enemies of man, tyranny, poverty, disease and war itself. Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort? In the long history of the world only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shirk from this responsibility. I welcome it. I do not believe that any of us would exchange places with any other people or any other generation, for the energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it and the glow from that fire can truly light the world. And so my fellow Americans, ask not what your country can do for you, ask what you can do for your country. With a good conscience as our only sure reward, with history the final judge of our deeds, let us go forth to lead the land that we love."

As the President appealed to that brave ally "loyalty" to defeat Communism, so let us remember only our great friend "Loyalty" will be able to rise up in total resistance to the insidious International Communist Conspiracy of which he spoke.

Americans are not as concerned today with Loyalty as we should be. Today a prairie fire of narcotics and pornography sweeps the country. Our communist enemies in the UN humiliate us. We have suffered 80,000 battle deaths since World War II without being told that we are in a war for survival against the international communist conspiracy. We raise up Marxist assassins who confide in the bullet and bomb as the final argument against fellow Americans. We coddle young criminals who have made school teaching a hazardous occupation. The "Communist Daily World", March 27, 1975 (page 2) news item: "Students to get credit for study of Marxism." For the first time in the history of the university of Minnesota, students get credit for courses in Marxism taught by Professor Erwin Marquit, who is state chairman of the Minnesota communist party and who was a candidate for governor of Minnesota in 1974 on the Communist party ticket. When we see a rattlesnake we can walk around him before he strikes. When we see a speeding automobile, we know not to get run over. We can avoid them. But our worst enemy is the hidden enemy, the Godless atheistic, communist philosophy which will destroy our youth, our will to survive—yes—and will destroy our loyalty to the great and noble American Nation. The sack that holds freedom is sewn with threads of the living and dead. It is only sewn by loyal Americans, no namby pamby fence straddlers ever sewed a thread but they do pull out threads. The land of the pilgrim's pride will not survive without Loyalty—Loyalty to America and the ideas and ideals that made us great.

Benjamin Franklin in 1787 was asked what kind of a government the Constitutional convention would give us. "A Republic if you can keep it."—Let's keep it. As we look to yesteryear we see how they kept it—by eternal vigilance. We see Loyalty summoned forth time and time again by our leaders. Today patriot leaders in the military have either been relieved of their commands or forced to retire. Today patriotic civilian leaders have been gunned down by Marxist assassins. So, let us vow to raise up loyal leaders from City Hall to the Court House to the State House to the White House and demand from every elected official that he or she promote loyalty to the American Nation, loyalty to our ancient heritage and remember, if America is saved again, it will be by you who saved her before. Let us stand with pride and salute Old Glory when the National Anthem is played, while chills run up and down our spine. Let us nurture Loyalty to America as the first and last hope for the freedom of mankind. I reiterate that it is a humbling experience to be the recipient of your kind and gracious invitation and to speak with such a distinguished group of American Patriots. "Thank you for saving America." Please join together in effective political action to save her again.

INSIDE THE MIDDLE EAST—III

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. MIKVA. Mr. Speaker, I would like to insert for my colleagues' attention the third and final installment in the series "Inside the Middle East" by the K-Thorpes of Evanston, Ill., chronicling their trip to the Middle East with the Second Editorial Conference on the Middle East.

The article follows:

TWO VIEWS OF LEBANON

(By Jane K-Thorpe and Lee K-Thorpe)

We were walking in the shoes of the peacemaker a few weeks ago, catching glimpses of Henry Kissinger and his beautiful red, white and blue 707 in Cairo, Damascus and Israel. And, like Kissinger, we were talking peace.

Our dusty, camera-laden group—32-strong, all journalists and communicators from the U.S.—was attending an editorial conference on the Middle East convening in five countries of that troubled area. Judged important because of our media pipeline to the American people through our respective papers and networks, we were meeting with heads of state and national leaders in Lebanon, Egypt, Syria, Jordan and Israel.

We asked our key question everywhere: Is peace realistically possible in the Middle East? We asked in palaces and in taxicabs, in ministries and in refugee camps, in Suez, in the souks (markets), wherever we could find people who understood our language and were willing to stop and talk to us.

It seemed a short and simple little seven-word question, but the responses it drew, especially in "high places," were lengthy, convoluted and full of abstractions and conditional phrases. On one point, however, all were agreed: Everyone wanted peace. Every statesman in the Middle East described his country as peaceloving. Still, the louder the cries for peace, the more perfectly in unison they sounded, the stronger grew the counterpoint in our ears—strains of distrust and fear, from Arabs and Israelis alike, that no promise, no agreement, written or otherwise, can be absolutely trusted. Nothing, they seemed to feel, can realistically guarantee a lasting peace.

No head of state said those things to us in these words. They talked, instead, of peace as possible, but only "barely possible." The attitude we observed most often was one of "guarded optimism," a favorite phrase that gave us little comfort. Only a bit of hope—better, of course, than no hope at all.

Now, with the world's attention on shuttle diplomacy and step-by-step unilateral disengagements, the focus is moving to the problems of the more moderate Arab states in negotiating for peace without offending the radical, hard-line Arab countries and the Palestine Liberation Organization (PLO). Positions differ, political fortunes are on the line, and the problems and potential roadblocks, as everyone must know by now, are many.

For Israel the risks are probably the greatest, and opinion within the country is understandably most divided. Asked to give up territories of important military and economic value in return for pledges it tends to distrust, pressed for the rights of Palestinians (no one is clear on what, in effect, this means), its back is to the wall.

Our trip began in Lebanon, host country to most of the refugee Palestinians. Over 400,000 men, women and children are living by choice in primitive camps in and around Beirut and elsewhere in Lebanon.

The Palestinian refugees are, according to Dr. Charles Malik, a Lebanese statesman now teaching at Beirut's American University, "politically more powerful than any other group in the Arab world. They are armed better by far than the small Lebanese army, and they hold considerable wealth.

"Frankly," said Malik when asked how it is that Lebanon has been unable to control PLO terrorist activity, "Lebanon is simply not able to cope. We cannot control the

Palestinians and we would not if we could." Malik, who served some years ago as President of the 13th Session of the UN General Assembly and was a member of the UN Security Council, went on to say that "it would, indeed, be against the character of the Lebanese people to interfere.

"The Lebanese," he said, "are not fighters. We want to live in peace with the Palestinians, and we think of our country as offering a refuge for the persecuted, unwanted, kicked-out people of Palestine."

These attitudes, commendable as they seem on the surface, are frightening. They will surely prove to be stumbling blocks to peace when it is time for Secretary Kissinger to begin negotiations for peace in Lebanon. How can a nation which considers one of its major problems to be "working out a stable mode of existence for the Palestinians in our midst," which admits its unwillingness to censure (certainly a doubtful position from any moral point of view) and its inability to control a wealthy, well-armed, stronger "country within its country"—how can such a nation act independently at the peace table?

The Palestinians, who have come late, perhaps, to an appreciation of good public relations and the favorable influencing of public opinion, are determined not to become absorbed in the Lebanese community, refusing both Lebanese and UN housing, among other benefits, for reasons of strengthening political pressure and dramatizing their condition. Many have also refused employment and denied themselves available community services; health care, schools and other services.

On our second day in Beirut we visited a PLO refugee camp situated on a craggy hill near the center of the city. We were taken there by a young married couple from the United States, expatriates and passionate champions of the refugees. The couple were members of "Americans for Justice in the Middle East," which, we learned, is an organization founded at the end of the 1967 Arab-Israeli War for the purpose of balancing what it believed (and still believes) a bias in the American press against the Palestinians. More than half the members of the Beirut-based organization are in the United States.

Our eager volunteer guides (who had come to meet us at our hotel the evening before, less than an hour after our arrival in Lebanon) led us now past the crude stone huts of the Palestinians, excitedly talking to us both at once and introducing us in rapid Arabic to their friends in the camp. We tried to understand what we were being shown, to absorb the feelings and tensions all around us while holding on to every sight and smell and sound.

It was a windy day, and on Beirut's beaches high ocean breakers had been rolling in over the jetties all morning. The air was cold, too, and storm clouds were gathering over the refugee camp. Yet the women, young and old, and children, shivering, barefoot in their rubber thong sandals (dime store variety), crowded the doorways to have a look at us.

Black pipes ran along the stone paths, leaking cold streams of water, and inside the huts we could see small cooking fires burning here and there and pallets for sleeping or maybe sitting, but little furniture. Were these the wealthy Palestinians? Their wealth, obviously, is earmarked for other things—like arms. Not simple comforts.

A stone statue, the life-size figure of a guerrilla fighter in militant posture, dominated a fork in the stone path. Right arm outstretched, the figure held aloft a rifle.

No picture taking, we were told as we made our way uphill to the camp's clinic, a rude stone building not unlike the simple low huts all around us, only somewhat larger and two stories high. Grandly named Haifa Hospital, it had been established in 1970 to provide emergency survery services; to treat "certain illnesses;" to serve the paralyzed and permanently disabled, and to provide an outpatient clinic for those within the camp—all free.

The hospital serves between 25 and 50 patients "at all times," and is staffed by three doctors in general practice and three medical specialists, all volunteers living within the camp or in other camps. In addition, other physicians, not Palestianians, sometimes volunteer a few hours a week, we were told. And this is not strange, remembering that the majority of the Lebanese people are deeply sympathetic to the Palestinians and their state of homelessness.

"Profound sympathy," said Dr. Malik, "is felt by the Lebanese for the Palestinian cause—independent of the means they (the PLO) use. The word 'terrorist' is your term. Here they are called freedom fighters."

We looked in the doorway of a 10-bed ward, instantly interrupting conversations among the room's three or four patients and their visitors.

Back outside we resumed our climb along the stone walks, tripping over the water pipes, meeting the openly hostile gazes of the men, now, come out to see the foreigners. There were no smiles for American visitors here; we were representatives of Israel's support and strength, its big power friend, the United States.

Black-margin posters on the walls of the huts and on trees and fences reminded us, as they must daily remind the refugees, of the dead; pictured were the faces of young men killed in the raids, names and ages, dates and places of death noted below. Our guides translated the obituary posters' Arabic lettering for us.

Near the top of the hill we came to the camp's school, a two-room building heated by an oil stove, its efficiency lowered by cold gusts of wind blowing through the paneless windows. Twenty children attend classes here; they range in age from three to 10 years and they are taught by volunteer teachers, women and young girls, who live in the camp.

Little children of all complexions and coloring, the boys dressed in the thin, printed cotton pajamas that are their customary daytime clothing in all of the Arab countries, solemnly repeated the words of their teacher as she held up a green block, then a red block, then a yellow. They sat around an oval table, aware of our attention but unembarrassed by us, learning the names of the colors in that most difficult of languages, Arabic. When they are older they will learn to write; not the Arabic they speak, but the classical Arabic of the printed and written word, almost another language. Meanwhile, kindergarten projects decorate the classroom walls, as in schoolrooms everwhere.

Crayoned pictures of guns and bloody scenes of fighting, and rifles and pistols cut out of construction paper are on display. The teaching violence seems to be a part of education here, absorbed easily, no doubt, in this bitter place.

Education for the children is optional and free to the refugees. Many choose not to send their children to the camp's school, nor to the free schools of Lebanon which would receive them. Some go to work outside the camp, but for most of the children camp life is all they have ever known.

This column begins the first of a question and answer series based on questions people have asked concerning our recent trips to the Middle East. Our trip began in Lebanon.

(1) How do the people of Lebanon see their country in relation to the rest of the Middle East?

Lebanon believes it is the intellectual center of the Middle East. The free enterprise economy and bank secrecy policy have helped make it a commercial and banking center, and Lebanon is also noted for its universities and cultural life. The Lebanese feel that their pluralistic and educated population of about half Moslems and half Christians helps to make Lebanon a country of moderate viewpoints, encouraged to develop in a climate of freedom of thought strongly influenced by the West as well as the East. By contrast, the Lebanese feel that the Syrians are "difficult" and "warlike," as most of the people in other Arab countries we spoke to told us. Lebanon feels particularly threatened by Syria militarily. The most serious problems facing Lebanon are the Palestinian refugees living in their country since their presence acts as a potential for war between themselves, the other Arab nations and Israel. Besides making Lebanon insecure militarily, the Palestinian refugees' presence has prevented Lebanon from dealing with its own problems, such as social and economic inequality and political corruption. Although they believe other Arab nations have difficult problems, the Lebanese feel they are able to deal with theirs more effectively.

(2) How strong a group are the Palestinian refugees within Lebanon?

According to Charles Malik, a Lebanese statesman and former president of the United Nations, the Palestinians are "politically more powerful than any Arab country." There are about 400,000 Palestinian refugees in Lebanon who maintain a strong and well-equipped army, whereas the Lebanese army is small and weak. Malik states, "The Palestinians in Lebanon are very wealthy," yet we noted that they use their resources to increase their military strength rather than deal with the urgent social needs of their fellow Palestinians. They are in effect a country within a country in Lebanon, and they govern themselves according to their own laws. Another Lebanese statesman pointed out that the Palestinian refugees are probably not as strong militarily or financially as is claimed but that their inflated political strength has given rise to strong fears in the Middle East and these fears are used by the Arab governments as a threat to the West.

(3) How do the Lebanese feel about the Palestinians living in their country?

The Lebanese think of their country as a refuge for persecuted peoples and they feel a great deal of sympathy for the Palestinians; yet they do not want them to live in Lebanon. The average Lebanese citizens we spoke to said that the Palestinians' presence in most of the south of Lebanon is not an "occupation" of their country. The Lebanese villages are not endangered by the Palestinians but only by the terrorists among them. A fragile agreement has been reached between the Lebanese and their "guests," as they call the refugees. But there is also a great deal of friction and insecurity caused by their presence.

(4) Do the Lebanese want the Palestinian refugees to leave Lebanon?

Some of the Lebanese would accept the Palestinians and help them become part of their society, especially those who have settled and found jobs. The majority of the Lebanese people we spoke with, including both statesmen and private citizens, feel that the refugees should return to Israel, or possibly a state in the West Bank. Most of these Lebanese share the PLO's vision of Israel as a secular, democratic state, as they claim theirs to be. The Lebanese feel that the Palestinian refugees' problem is an area concern and not only Lebanon's. They feel Israel should bear a larger burden than the other Arab countries and that Lebanon has done its part. As one of our tour guides put it, "We are not ready to battle." But it was also stated that Lebanon militarily is not able to expel the Palestinians from its land, and so the Palestinian "guests" remain.

(5) How important is the problem of the Palestinian refugees to peace in the Middle East?

The statesmen and leaders with whom we spoke in Lebanon were unanimous in stressing the importance of the problem of the refugees. Gassan Toueni, editor of An Nahar, a leading Middle East newspaper, and Charles Malik were particularly insistent that Israel and the U.S. should negotiate directly with Yassir Arafat, the PLO leader, whom the Lebanese regard as the spokesman for the Palestinians. They claim he is a moderate in relationship to potential leaders who are reckless and foolish. Some go as far as to say that once the problem of the refugees is solved, the wider problems of the Middle East will also disappear. Almost all of those we spoke with felt that speaking with the PLO is essential to peace. However, when we asked Malik why Israel should meet with the PLO as a political entity if Arafat will not recognize Israel, the lack of an answer revealed a double standard. The PLO's terrorist tactics are considered understandable in order to call attention to a situation, and Toueni compared the Palestinian struggle to that of the Jews fighting for Israeli independence from the British in the 1940's. Although the Lebanese feel that dealing with Arafat is necessary to peace, they give no assurances. Everywhere we went we asked, "If Israel met with the PLO, returned to the pre-1967 borders, gave up the requested territory and allowed Jerusalem to be internationalized, would Israel be recognized as a sovereign state and would non-belligerency resolutions be agreed upon?" The response was, "We could discuss it after Israel complied," and that recognition of Israel is not "obligatory."

(6) How would the Lebanese leaders feel toward Israel even if Israel complies?

There is deep and strong hostility toward Israel on the part of the Lebanese leaders. While they separate Jews and Zionists in theory, in practice they consider all Israelis "imperialistic Zionists," and the U.S. is also considered imperialistic for supporting Israel. A feeling has developed that without Israel, the Arab nations' other problems would also vanish. Lebanese Prime Minister Rashid el-Solh stated that Israel is a threat to peace which can only be ended by converting Israel into a secular state. Lebanese leaders also indicated that Israel represents a threat to Lebanon's position as the intellectual and commercial center of the Middle East, and they feel that an influx of Palestinian Arabs into Israel would help to preserve a balance between the two countries. In spite of their hostility, the Lebanese we spoke with also felt that they have more in common with the Israelis than any other Arabs because of their intellectual level and cultural background. The PLO speech writer, Dr. Nahil Shaath, educated in the U.S., feels that the Jews and Palestinians are particularly alike, both being persecuted, intelligent and industrious peoples. Some Lebanese leaders speaking to us privately told us they had Israeli friends, particularly among the university professors of both countries and as a result of writing and travelling. But they refused to speak of this publicly, not wanting to "rock the boat."

(7) How does the Lebanese "man on the street" feel toward Israel?

The average citizens feel the military threat of Israel but are less adamant than their leaders in their hatred of Israel. They are sympathetic to the Palestinian refugees' cause but many are also sympathetic to Israel's situation, although they are afraid to speak out for this viewpoint. Most of the people we spoke with want peace more than anything else, and stated that they would support any political agreement with Israel, the U.S., or other nations toward that end. The private citizens of Lebanon and other Arab countries are surprisingly uncommitted to the official positions of their leaders, partly because many do not read the newspapers. They use the name "Israel" instead of "Palestine," unlike their leaders. They are often vague and uncertain as to how to achieve peace, but they feel that their country needs peace. They view the Palestinian refugees as a people rather than a political entity, unlike their leaders, who view them as a force for achieving the Arab goal, but they also feel threatened by the PLO militarily.

(8) What solutions do the Lebanese offer for the Arab-Israeli conflict?

As one leader said, "There is no rabbit to pull out of a hat," and in fact no proposals we heard would allow Israel to remain a sovereign Jewish state. The PLO leader Shaath called for a secular state in Israel with both Arabs and Jews. When asked what would happen if the populations became unbalanced, he stated that the Jews could survive in a predominantly Muslim state as they do in the U.S. despite a non-Jewish majority and some discrimination against Jews. Once the "Zionists" are expelled, he feels, the "Palestinians can live with their Jewish cousins in harmony." Malik stated the PLO goal similarly: ". . . for present day Israel, plus the West Bank, plus Jerusalem, plus the Gaza Strip, to form one democratic secular state based on equal rights for all to which the Palestinians would be permitted to return." Malik did not consider the possibility of Israel as a Jewish state specifically. Among average citizens we spoke with some also mentioned the possibility of a separate Palestinian state in the West Bank or elsewhere, but the PLO and Lebanese leaders we spoke with did not mention this possibility. It could be that all there is in common between the Israelis' and Arabs' objectives at this point is that everyone deeply desires peace. But there would be a better chance for peace if more innovative solutions would be conscientiously considered.

AMENDMENT TO H.R. 6860

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. GIBBONS. Mr. Speaker, I intend to offer several amendments to H.R. 6860, the proposed Energy Conservation and Conversion Act, when it is considered by the House. The text of these amendments appeared in the Extensions of Remarks of the May 19 RECORD.

One of these amendments, which would repeal percentage depletion for those who receive royalty income from oil and gas properties, was misprinted. For the reference of my colleagues, I am inserting the text of the correct version of this amendment.

The text follows:

AMENDMENT TO H.R. 6860

By Mr. GIBBONS:

At the end of the bill add the following new section:

SEC. —. REPEAL OF PERCENTAGE DEPLETION ON OIL AND GAS ROYALTY INCOME.

(a) Subsection (d) of section 613A of the Internal Revenue Code of 1954 (relating to persons entitled to percentage depletion on 2,000 barrels of oil per day) is amended by adding at the end thereof the following new paragraph:

"(5) Royalty income excluded.—Subsection (c) shall not apply to income derived from a nonoperating mineral interest as defined in section 614. In applying such definition for purposes of this paragraph, the taxpayer's share of the costs of production of the oil or gas shall be treated as zero if his percentage share of such costs is substantially less than his percentage share of the production."

(b) The amendment made by subsection (a) shall apply to income received on and after the date of enactment of this Act.

WHY AMERICA IS BECOMING AN ARMED CAMP

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DINGELL. Mr. Speaker, pursuant to permission previously granted, I insert the enclosed article from TV Guide magazine:

NEWS WATCH: WHY AMERICA IS BECOMING AN ARMED CAMP

(By Patrick Buchanan)

The recent hour-long NBC documentary "A Shooting Gallery Called America?" is a simplistic, emotional, singledimensional *cri de coeur* against the handgun in America society. As one critic put it, it uses 'every cinematic trick in the book." As gun-control propaganda, it was powerful stuff. As a substantive explanation of a complex phenomenon, it was a failure.

We saw and heard more pistols fired in that one hour than in a lifetime of Clint Eastwood police films. We saw gripping scenes of parents whose adopted child was killed in a gun accident. We saw a police officer break down in tears over the loss of relatives and comrades to handguns. We saw graphic footage of police shootouts, and bank robberies in progress. We saw bodies in the morgue still oozing blood from bullet wounds. We saw one old codger talking in animated and cheerful anticipation of filling the belly of some future assailant full of lead.

We saw and heard two of the most callous thugs ever interviewed on national television testifying clincially to their utter indifference killing during the daily routine of their criminal careers. But the thugs were stronger arguments for rewiring the electric chair than for new controls on guns. Indeed, the satanic brutality they exhibited was itself a powerful advertisement for guns to protect honest citizens.

NBC's statistics were impressive: 40 million handguns out there in Middle America; two and a half million added to the armory yearly; a handgun death every hour.

But what NBC failed to explore with sympathy or understanding is why.

Those millions of handgun purchases each year represent millions of votes of no confidence by the American people in the criminal justice system of the United States. They are more an effect than a cause of crime. The massive inventory of private weapons is a mountain of testimony to government's utter failure to protect the life, home and property of the average citizen.

An there are more reasons than simply affection for firearms why Americans oppose gun controls. One of them is the source of the proposals. Invariably, they are advanced as the solution to the crime crisis by people who seem to oppose every other proposed solution. It is the armed criminal, not the armed citizen, whom this country fears. Yet, whenever it is proposed that automatic added sentences be applied to any criminal using a weapon during his felony, or an automatic death sentence be imposed upon any individual who kills during the course of a felony, the vanguard of the gun-control lobby suddenly askes to be excused. To millions of Americans, gun control is the respectable, but ineffectual, "law and order" position of the liberal elite.

Would gun controls reduce crime? Certainly, limited controls, like banning the so-called "Saturday Night Special," would do little but raise the price of quality firearms available by the millions. A price rise is not going to deter a criminal, to whom the price of his weapon is a cost of doing business. And a few extra dollars is not going to deter a citizen who thinks he is buying protection of himself and his family.

What about confiscation of handguns, with a criminal penalty attached to ownership? Would that reduce crime, or would it, like Prohibition, make lawbreakers out of millions who would prefer to keep their weapons illegally in today's climate than to give up the protection they believe they have? In this observer's judgment, there is a measure of truth in the bumper stickers that read "if guns are outlawed, only outlaws will have guns."

Certainly, confiscation of handguns would have little effect upon the 10,000 persons who use them to commit suicide each year. They could buy a rifle or a bottle of pills. What of the 1600 gun accidents? Many of these are hunting accidents, with rifles. And is it right for government to confiscate the weapons of tens of millions because a few hundred are so careless with them each year as to take their own lives?

What of the statistic that shows the likelihood at six-to-one that the individual shot with your handgun will be an acquaintance or family member? Well, most Americans are already instinctively aware of that statistic. Which is why they do not have guns in their homes. But what is happening in society is that the fear of the rapist, the armed robber and the juvenile terrorist is rapidly overcoming the apprehension of Americans about having a gun in their homes or offices. And one is hard put to blame them.

NBC is guilty of a common political sin. It has dealt with the symptoms of a national problem, rather than the cause. The cause of the "gun problem" is fear, that same fear of crime that has produced a boom market in the sale of watchdogs, burglar alarms, triple locks and long guns. Until this society begins to deal with the crime crisis in earnest, America will remain an armed camp, no matter the disarmament decrees handed down by Congress. It is said that in New York City, where the gun laws are the most stringent, there are something like a million weapons in private hands.

Since gun-control legislation is a burning issue in this Congress, and NBC has taken—even if it refused to declare—a point of view, the right of rebuttal would seem to have been created, under the Fairness Doctrine, by this documentary.

Here in this Nation's capital, which was, until not too long ago, known as the "crime capital of the world," one is hard put to say to some store owner, who may have been beaten and robbed half a dozen times, that he has no right to a weapon to give himself the protection the police and government are no longer able to provide.

One may walk away from this documentary, produced by Lucy Jarvis and narrated by Carl Stern, with the impression that all these gun purchases represent a sort of gun lunacy in America. But that is not the case.

The explosion in gun sales represents the very rational decisions of very rational but frightened Americans who have concluded, with justification, that their government cannot protect them, and, therefore, they had best provide for their own protection.

The sentiment is widespread. Indeed, one recalls that not too long ago, here in the capital of the West, the Chief Justice of the United States was awakened late one night by reporters banging at his door, and he greeted them in pajamas, with pistol in hand. They claim today the revolver was a toy. Perhaps—but pistol in hand is exactly the way Judge Roy Bean would have greeted a similar late-night caller in the more secure Wild West days years ago.

NUCLEAR ENERGY OVERSIGHT HEARINGS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1975

Mr. UDALL. Mr. Speaker, to the Committee on Interior and Insular Affairs the jurisdictional rules of the House of Representatives give the special oversight function of "reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with—nonmilitary nuclear energy and research and development including the disposal of nuclear waste"; and this function has been assigned by the committee to its Subcommittee on Energy and the Environment, which I chair.

Members of the subcommittee have unanimously decided to give this new responsibility the highest priority. We have begun our work with an intensive series of hearings covering 4 days during the last week in April. In these hearings we tried to cover the entire range of problems associated with the development of nuclear power reactors, to set forth in laymen's terms the long-range and short-term risks and benefits, and to pinpoint the areas of greatest concern.

Dr. Brian O'Leary of the subcommittee staff has prepared a summary of our first hearings. The summary follows:

SUMMARY OF NUCLEAR ENERGY HEARINGS, SUBCOMMITTEE ON ENERGY AND THE ENVIRONMENT

The hearings started with Nuclear Regulatory Commission Chairman *William Anders* who reviewed the mission and organization of the newly-established N.R.C., the nuclear power plant licensing process and the approach the N.R.C. is taking to regulatory questions. Under hard questioning by Subcommittee members, *Anders* did acknowledge that some issues are not yet resolved in all areas and expressed concern over the nuclear-waste disposal problem. Nevertheless, he felt that the major safety and safeguard problems were sufficiently answered and that plants should continue to be built.

Consumer advocate *Ralph Nader* reiterated his reasons for being opposed to an increased reliance on nuclear power: a pattern of AEC suppression of some of its safety reports (one report stated that a major reactor accident could result in as many as 45,000 deaths), flaws and neglects in the Rasmussen report on reactor safety, and the lack of a long-range plan to dispose of nuclear waste. *Nader* recommended energy conservation and increased use of solar energy and other alternatives. He suggested that Congress should stop issuing new construction licenses for nuclear power plants, decide whether plutonium should be rejected, stop funding the breeder reactor, and repeal the Price-Anderson Act. In the question period, Chairman Udall asked, "Feeling as strongly as you do . . . why don't you push for closing down existing nuclear plants?" *Nader* replied this would be his preference if he thought it politically possible. *Nader* said he would provide the Subcommittee documentation supporting his charges.

In the afternoon of April 28, Senator *Mike Gravel* testified that the anti-nuclear movement was the "most significant developing political force in the nation today", noting that 500,000 persons have signed a nuclear safeguards initiative which would put it on the ballot. It calls for a phase-out of nuclear plants if certain problems are not resolved and full nuclear liability insurance provided.

Roger LaGassie, ERDA's Assistant Administrator for Planning and Analysis, discussed that agency's forecast of electrical energy growth. Even in the low growth scenario (about 5.8% per year) the use of electricity would be three times as large in the year 2000 as today. The nominal estimate was 7% per year based on recent history.

Robert I. Smith, President of Public Service Electric and Gas Company and speaking on behalf of the Edison Electric Institute, projected a 6% per year electrical growth rate and argued that nuclear power would be considerably less expensive than fossil fuels because of low nuclear fuel costs. When questioned by Chairman Udall on government subsidies for the nuclear industry, in particular the Price-Anderson Act, *Smith* felt that utilities would be willing to take on the insurance responsibilities themselves if Price-Anderson were repealed.

The last witness of the first day was *Daniel Ford*, Executive Director of the Union of Concerned Scientists, who testified that safety requirements and lower-than-expected capacity factors for nuclear power plants have tipped the economic balance in favor of fossil fuel plants—even in the wake of increased oil and coal prices.

APRIL 29

The first witness on April 29 was Dr. *Norman Rasmussen*, director of the recent AEC-funded reactor safety study. He defended the accuracy of his report and argued for the report's conclusion that the frequency and consequences of major light water reactor accidents are "very small compared to the other risks which society accepts.".

The next witness, Dr. Henry Kendall of the Union of Concerned Scientists, took issue with this conclusion and called for "convincing evidence of full resolution" or reactor safety issues as a prerequisite for public acceptance. He noted that emergency core-cooling systems (ECCS) have never been tested experimentally under the expected conditions of operations. Adequate simulations of and confidence in the effectiveness of cooling accidents are minimal. Kendall cited the recent American Physical Society study and other studies which show a greater number of cancer cases resulting from a major accident than that calculated by Rasmussen. A debate between the witnesses ensued under questioning.

The final witness that morning was Dr. Herbert J. C. Kouts, Director of Safety for N.R.C. He said that a substantial safety research program for ECCS accidents does exist and the first experimental tests will begin later this year. Even so, he said that it would be difficult to calculate absolute accident probabilities.

That afternoon, Representative Fred Richmond (D-N.Y.) condemned the recent shipment of plutonium through New York City and the abundant risks in flying and driving such a toxic material through high population areas. He questioned the viability of nuclear power and recommended that there be an immediate five year moratorium on nuclear construction.

Dr. James L. Liverman, ERDA's Assistant Administrator for Environment and Safety, testified on the waste disposal problem. Under active consideration is permanent disposal of high level solid wastes in salt formations—

perhaps in eastern New Mexico—which would not have the same water contamination problems that the formerly proposed Lyons, Kansas site would have had. The Federal Government has assumed responsibility for this problem and will replace its WASH-1529 environmental statement with another draft available in 1976. If approved, a pilot retrievable storage facility will be constructed in a salt deposit in the hope that it will become an operating permanent site around 1990. Dr. Livermore also explained that the near-term above ground waste storage tanks at Hanford, Washington have been redesigned to prevent leaks.

Professor *David Rose* of MIT testified on new initiatives in nuclear waste disposal while acknowledging that the hazards of the wastes and their long time horizon present serious social problems which must be solved. Dr. *Rose* summarized the characteristics of materials involved and possible solutions. Of particular interest would be recycling plutonium and other long-lived high level radioactive materials through reactors, thus turning a 500,000-year problem into a 500-year problem.

Robert Thorne, ERDA's Acting Deputy Assistant Administrator for Nuclear Energy, testified on the liquid metal fast breeder reactor (LMFBR) development program. He defended ERDA's view that this option "offers the nation a well-advanced technology which when fully commercialized will be a safe, clean, reliable and economical electric power generation system" and that its advantages far outweigh its disadvantages. The total LMFBR R&D costs are estimated $10.6 billion with almost $500 million requested for fiscal year 1976. Thorne argued that limited supplies of uranium and large electrical growth projections make LMFBR development ERDA's top energy priority.

Dr. *Thomas Cochran,* staff scientist at the National Resources Defense Council, condemned the LMFBR program because it was premature, expensive, the wrong energy priority (versus solar energy and other options), and it would add to safety and safeguard problems of nuclear materials. He argued that the LMFBR would not be commercially competitive until about 2020—when other new alternatives would also be ready.

Dr. *Hans Bethe,* on the other hand, argued that the energy problem of the U.S. and all the Western World could not be solved without "full use" of the nuclear option. Present estimates of limited uranium resources and the increase in the number of light water reactors could use up most of our nuclear fuel by early in the 21st century. *Bethe* urged study of breeders which would extend the uranium supply one-hundredfold or more. He noted large discrepancies in cost estimates for breeders and discussed safety advantages and disadvantages of the LMFBR. He felt that the nuclear explosion potential of the breeder was minor and "easy to contain" in the reactor vessel. He suggested that a joint effort with Canada in developing an advanced CANDU reactor would present a lower cost alternative to the LMFBR.

That afternoon, Dr. *Wolfgang Panofsky* testified on peaceful nuclear explosion (PNE's). He noted that PNE's provide no economic advantages over conventional explosives in all commercial applications explored. Moreover, the safety problems could be very severe. The difficulty is, some countries are interested in PNE's for prestige value and for potential military use. The non-proliferation treaty does not obligate us to share PNE opportunities with other countries, but it would be difficult to design a comprehensive nuclear test ban that does not also prohibit PNE's outright because of their value in verifying military tests. Panofsky urged critical scrutiny of the export of PNE's.

Dr. *Anne Cahn* discussed the implications of the planned introduction of nuclear reactors into the Persian Gulf and Middle East. Her basic thesis was that "the United States could and should be doing more to structure the incentive systems so that non-nuclear weapon states choose *not* to pursue nuclear weapons options". Of particular concern is the introduction of nuclear enrichment and reprocessing facilities to other countries. She urged that Congress prohibit any agreement for cooperation between the United States and Iran that did not deal with reprocessing in a regional or international framework.

Mason Willrich of the University of Virginia Law School noted that the number of countries with operable nuclear power reactors will double to 30 by 1980. He urged co-location of enrichment, fuel fabrication and chemical reprocessing plants under multinational or U.S. management for reasons of economy and safeguards. Exports of American nuclear materials should be subject to safeguards no less stringent than those in the U.S.

Commissioner *Victor Gilinsky* of the Nuclear Regulatory Commission described stringent new standards safeguarding 19 facilities licensed for the possession of over four pounds of plutonium or eleven pounds of highly enriched uranium.

J. G. Speth of the National Resources Defense Council opposed a plutonium recycle economy on grounds of safeguards and safety. His arguments were based on past experience, resistance to these pressures by the nuclear industry and the general difficulty of achieving both standards at once. As plutonium recycle was economically marginal anyway, *Speth* concluded that the use of plutonium fuel was a technology that was "too risky and too demanding" to be pursued.

Dr. *Theodore Taylor* discussed ways in which plutonium and highly enriched uranium could be safeguarded against theft—highly-guarded barriers, co-location of fuel fabrication and reprocessing plants, special shipment techniques, and the spiking of these fissionable materials with intensive gamma ray-emitting materials which would make theft highly risky. Taylor argued that a rather massive safeguard system would cost less than one per cent of the cost of generating electricity but was concerned about whether such high standards would be politically possible. He disagreed with Speth that these safeguards would be tantamount to creating a garrison atmosphere.

A. E. Schubert, President of Allied General Nuclear Services which is building the Barnwell, S.C. nuclear reprocessing plant scheduled to begin operating next year, urged the rapid development of reprocessing technology, because: (1) spent fuel piling up in storage pools threaten to close down many existing nuclear power plants and need a place to go (Barnwell is the only place); (2) the Barnwell facility could provide the reprocessing industry the experience it needs to enter a plutonium economy; and (3) reprocessed plutonium and highly enriched uranium promise virtually unlimited fuel for electrical power generation. *Schubert* argued that government indecisions and changes in regulations have severely interfered with bringing the Barnwell plant on-line.

Dr. *Marvin Resnikoff* of the Sierra Club questioned the cost-effectiveness of reprocessing unless the price of uranium goes up considerably. Government subsidies tend to mask some of the costs of reprocessing. He also argued that experience has shown very high levels of radioactive release from the Nuclear Fuels Services reprocessing plant (now closed) and felt that the newer technology of the Barnwell facility would not make much difference.

Dr. *William Rowe* of EPA testified on plutonium toxicity at expected levels of release. Plutonium, he said, has induced cancers in laboratory animals but has not yet been identified in humans—even near the upper limit of the current range—although induction periods might be long.

THE "MAYAGUEZ" INCIDENT AND THE CONSTITUTION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DRINAN. Mr. Speaker, a number of serious constitutional questions have been raised by the President's use of military force in recapturing the *Mayaguez* and its crew several weeks ago. The distinguished constitutional scholar, Raoul Berger, Charles Warren senior fellow in American legal history at Harvard Law School, analyzes the most significant of those questions in an incisive article published in the New York Times of May 23, 1975.

Professor Berger challenges the President's assertion that he was exercising his constitutional authority as Commander in Chief in ordering military action against Cambodia. He points out that historical precedent reveals no inherent presidential power to undertake hostilities for the protection of Americans abroad. The President, Berger asserts, must be held strictly accountable to the provisions of the War Powers Act which require that he consult, not merely inform, the Congress before taking military action.

Professor Berger's brilliant analysis hints at the more fundamental question of whether the War Powers Act constitutes a further surrender of Congress' constitutional warmaking powers to the Executive, rather than a reaffirmation of those powers as originally claimed by its proponents. In light of the *Mayaguez* incident, Congress will have to take a long and hard look at the meaning and effectiveness of the War Powers Act in the months ahead.

[From the New York Times, May 23, 1975]

THE MAYAGUEZ INCIDENT AND THE CONSTITUTION

(By Raoul Berger)

CAMBRIDGE, MASS.—Once more Congress has abdicated its constitutional responsibility, carried away by a wave of "rally round the flag" fever. The Senate Foreign Relations Committee hastened to set its seal on the President's "exercise of his constitutional powers" in sinking Cambodian patrol boats in order to regain the captured merchant vessel Mayaguez.

What powers? President Ford invoked his "constitutional executive power and his authority as Commander in Chief." His counsel, Roderick Hills, explained that Mr. Ford "acted under his constitutional war powers to protect the lives and property of Americans."

We are not, of course, at war with Cambodia, so that resort to the "war powers" is far-fetched; and those powers were by design very limited.

As to "protection" of Americans abroad, President James Buchanan recognized in 1859 that the power to afford such protection resides in Congress. He advised Congress, "I deem it my duty to recommend the passage of a law authorizing the President to employ the naval forces for the purpose of protecting the lives and property of American citizens passing in transit across the Panama routes."

The Act of July 27, 1868, directs the President, when citizen is unjustly deprived of his liberty by a foreign country, "to use such means, not amounting to acts of war, to obtain the release, and promptly to report to Congress."

Suppose that the patrol boats that the United States sunk, instead of belonging to pygmy Cambodia, had been those of the Soviet Union. Is it for the President alone to make the fateful judgment that may plunge us into war? Such situations call for the "collective judgment" of President and Congress, as the War Powers Resolution of 1973 requires.

That requirement is not satisfied by merely "informing" selected members of Congress of the forthcoming hostilities, but by genuine "consultation" before a decision is made, as is stated in the conference committee report on the resolution.

By his invocation of the "constitutional executive power" and that of "Commander in Chief," Mr. Ford apparently signals that he does not consider his "constitutional" powers to be limited by the resolution, a view that seems to be shared by the Senate committee. Of course, if the President possesses the "constitutional powers" to which he lays claim, they cannot be limited by Congress, and the President is free to sink us into yet another Vietnam quagmire.

It is idle to look to the words "executive power" for war-making authority, for the powers comprehended therein were painstakingly enumerated by the Framers of the Constitution. In that enumeration the sole grant of "war power" is contained in the words "Commander in Chief," a limited grant.

Because opponents of the Constitution raised the specter of "detested" monarchical power, Alexander Hamilton downgraded the grant, explaining that the words "Commander in Chief" merely made the President "first General."

Louis Henkin, professor of constitutional law at Columbia University, has justly observed that generals "even when they are 'first' do not determine the political purposes for which troops are to be used; they command them in the execution of policy made by others"—by the Congress, as the Founders made abundantly clear.

The power to "declare war," meaning, as Justice Joseph Story stated, the "power to make and carry on war," was lodged in Congress exclusively. The purpose, James Wilson explained to the Pennsylvania ratification convention, was to guard against being "hurried" into war, so that no "single man [can] . . . involve us in such distress." It was designed, said James Madison, to hobble the "executive propensity to war." In addition to "commanding" troops in a war so "declared," the President is authorized to repel an invasion, and by the terms of the War Powers Resolution an attack upon the armed forces. Manifestly, the bombing of the Cambodian patrol boats falls in none of these categories.

Does the President have an "inherent right," as his counsel Mr. Hills postulates, to undertake hostilities for the "protection" of American citizens and property? President Buchanan did not think so. The constitutional records disclose that the Founders jealously insisted on a Federal Government of enumerated, strictly limited powers.

Defending the Constitution in the Virginia ratification convention, Gov. Edmund Randolph said that the powers of the Government "are enumerated," that it "has no power but what is expressly given it." In the same convention, it was stated that the "legality of any power" is to be tested by the question, "Is it enumerated in the Constitution." Such citations can be multiplied, and they are reinforced by the pervasive Colonial distrust of executive power. To conjure up an "inherent" executive power in the teeth of the Farmers' studied efforts to limit it is to charge them with leaving the barn door wide open.

When the claim to "inherent power" was made in support of President Harry S. Truman's seizure of the steel mills to prevent a strike during the Korean war, it was emphatically rejected by Justice Robert H. Jackson.

In what is considered his finest opinion, Mr. Jackson stated that the Framers "made no provision for exercise of extraordinary authority because of a crisis." Emergency powers, he said, "are consistent with free government only when their control is lodged elsewhere than in the executive who exercises them"—that is, in Congress. Claims of "inherent power" are a euphemism for stepping out of bounds, for exercise of a power that was not conferred. Such claims, particularly when they assert power exclusively lodged in Congress, endanger our democratic system.

The paramount harm that flows from this fresh Cambodian adventure is the disruption of the constitutional allocation of powers, the invasion of powers confided exclusively to Congress. Approval by individual members cannot make such invasion constitutional. The Supreme Court has declared: "One branch of government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on strict observance of this salutary rule."

Richard M. Nixon has taught us anew that power grows by what it feeds on, and that to condone unauthorized expansion is to undermine the foundations of our democratic society.

It is a reproach to Congress that, having just shaken us loose from a disastrous war, sustained in no small part by Congressional acquiescence—it is once more ready to approve a Presidential exercise of its own power. Thereby it gives its sanction to yet another dismal "precedent" that future Presidents will not be slow to invoke against Congress.

A LOOK AT GOV. EDMUND G. BROWN, JR., OF CALIFORNIA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. BROWN of California. Mr. Speaker, over the weekend the Washington Post carried an interesting and informative feature story on the new administration in Sacramento, Calif. While I have an advantage of knowing about many of the items that David Broder described in this article, I know my colleagues have not had as much an opportunity to observe these developments. Because I believe what is happening in California has national significance, and lessons for all levels of government, I would like to share this article, entitled "Governor Brown: An 'Honest Approach,'" with my colleagues.

I must admit that I have been pleased with the developments in California since we have changed administrations, but I do not believe my attitudes merely reflect my partisan interests. Governor Brown is truly trying new approaches to serve the people. At this time I insert the article from the May 31 issue of the Washington Post in the RECORD:

GOVERNOR BROWN: AN "HONEST APPROACH"

(By David S. Broder)

SACRAMENTO.—A strange, cryptic press release came out of Gov. Edmund G. Brown Jr.'s office on May 7, announcing that he had just vetoed a bill to delete the legal requirement that the formal name of a garbage and refuge disposal district must contain the words "garbage and refuse disposal district."

The veto message said: "The present law accurately states the case. I see no compelling reason to sanction yet another governmental euphemism. Accordingly, I am returning the bill unsigned."

Jerry Brown's five-month-old administration wants to be known as one which calls a garbage dump a garbage dump, and not a sanitary landfill. And that is one of several reasons why it may be called America's first post-Vietnam government.

The 37-year-old Brown and the intellectually precocious men and women with whom he has surrounded himself see themselves as members of a new generation.

A year ago, Brown told this reporter that the main difference between him and his Republican opponent, Houston I. Flournoy, was that "he is a politician of the '60s and I am a politician of the '70s. He started politics with Camelot, and I came to politics out of the Great Society, the Vietnam war and Watergate." Brown and his colleagues have reacted to the atrocities of the previous political generation, including those perpetrated against the language by government.

The Great Society gave America such inflated slogans as the "war on poverty" and "model cities." Vietnam was the place where warfare was called "pacification" and assassination was disguised as "termination with extreme prejudice." The scandal-stained Nixon government was, of course, a "law-and-order administration."

So Brown says "the central principle that guides me is an attempt to restore confidence in government, and that means taking the most honest approach possible. That sounds trite, but there's a lot of sloppy thinking in government, even where there isn't deliberate deception. The most certain way to restore confidence is to insist on a relentless honesty in every step. That is more important to me than any program."

Although Brown disdains euphemism, his own statement is a euphemistic elaboration of the "No More B— S—" slogan used by Norman Mailer and Jimmy Breslin in their semi-serious New York City campaign in 1969 and by Fred Harris in his abortive 1972 try for the Democratic presidential nomination.

The difference, of course, is that Mailer and Breslin and Harris never had to govern under that restriction, and Brown is stuck with running the biggest state in the union, a government whose budget dwarfs most of the nations of the world.

But he is not alone in his approach. In the post-Watergate election of 1974, any number of candidates ran on the platform of "relentless honesty," voluntarily making public their personal income tax returns, as Brown has done, and demonstrating their disdain for the perquisites of office.

In Massachusetts, newly elected Gov. Michael Dukakis ignores his official limousine and rides the trolley back and forth from home to office. In Maine, newly elected Gov. James B. Longley rejects $11,000 of his $31,000 salary, and stops his car in a snowstorm to help a motorist change a tire.

But none has outdone Brown, a former Jesuit seminarian, in wearing the hair shirt. Since taking office in January, he has cut back the salaries and the size of his personal staff, refused all gifts, sold the executive jet he inherited from Ronald Reagan, turned in his limousine for a 1974 Plymouth and turned down the executive mansion being built to Reagan's design, in favor of a starkly furnished little apartment across the street from the Capitol.

However sincere these gestures, they have an inevitable tinge of public-relations gimmickry. As one fellow-official here said of Brown, "He's a single guy with a $50,000 salary. He's not hurting."

The more interesting question is whether "relentless honesty" as a principle of government translates into anything different from what has gone before.

At this early stage of the Brown administration, the answer is: clearly yes, it is different in method and manner, and perhaps, but not certainly, in substance and policy as well.

The most striking and controversial characteristic of the new governor is his inquisitor-general style. A man with little of the personal charm or gift for small talk of his father, who was governor from 1949 through 1966, Jerry Brown looks at every piece of government business like Ralph Nader inspecting a used Corvair.

He is skeptical of anything brought him by his own staff. As Donald E. Burns, a Yale law school classmate recruited from Washington, D.C., to head the business and transportation agency says, "He hates to be told, 'Jerry, just sign this. It's routine.' To have him do that is a mark of favor, a grant."

Ancedotes flourish about his desire to put his personal stamp on every piece of business that passes through his office. A Democratic Party official who arrived with a routine statement for the governor to issue on behalf of a candidate in a special legislative election was astonished to be called in by Brown for an intensive grilling on the candidate's views and qualifications—at the end of which Brown turned to his typewriter and rewrote the endorsement in his own words.

The scrutiny has been even more intense when proposals have come from outside his own circle. Unlike Reagan, who liked to delegate the detail work and to keep a comfortable schedule of office hours, Brown is a workaholic who seems to get a second wind about 9 p.m.

Often, the result of that scrutiny is scathing criticism or even scrapping of programs it was assumed that Brown would support.

Dissatisfied with the evidence presented by scientists in 35 hours of hearings in his office on the effects of an automobile anti-pollution device, the governor ordered new field tests made. When they showed only marginal impact, far short of the original promise, he reversed his campaign posture and killed the program.

A similar fate may befall the $100-million annual federally financed law enforcement assistance program in California, which Brown is now threatening to end.

Gary Davis, the governor's 32-year-old executive assistant, says that program is in trouble because "it's a perfect example of the way the government keeps shifting its justifications in order to keep a program going, just the same as in Vietnam.

Davis picks up a copy of the original Great Society legislation and says: "Read the first five words: 'To reduce and prevent crime . . .' Now, that's what we said it was for. Now, $190 million later, we've got half-way houses and treatment centers and helicopters and computers and planning and evaluation. And more crime than we had when we began. Hell, last year we spent $5 million to evaluate local grant applications and we rejected one of 500. That's make-work. And what Jerry's saying is that if the government isn't going to do what it says it's going to do with the money, it ought to be honest with people and let them decide if they want to finance marginal projects of police departments."

Brown himself has administered the same shock treatment to education in the state, showing up, well-briefed, at both committee sessions and regular meetings of the governing boards of the state's vast college and university systems, on which he is an ex officio member, and raising detailed, time-consuming and often critical questions about budgets, programs and results.

He told University of California officials they were using a "squid process" to cloak their objectives in academic gobbledygook and startled college trustees by asking, "Why in the world are salaries more for administrators than teachers when the basic mission of the university is teaching?"

By posturing himself as the amateur confounding the experts, the skeptic striving to understand the jargon of bureaucrats, Brown has played to the sentiments of thousands of voters cynical about big government. Public opinion polls show his popularity has risen sharply since his unexpectedly narrow victory over Flournoy last November.

But he has disturbed and disillusioned many who backed him in the belief that he would be automatically supportive of programs ostensibly aimed at such traditional liberal goals as improved environment, social welfare and education. "They thought he would be his father's son," said one Democratic Party leader, "and that was their mistake."

California teachers, who were among Browns biggest financial boosters, are bitter at his personal intervention to kill a cost-of-living increase in school funds. A fellow state official, known for his own tough tactics, says "Jerry's screwed his friends worse than I ever screwed my enemies."

But Charles Manatt, the state Democratic chairman, says, "He's doing precisely what he said he was going to do during the campaign." And it is a fact that in that 1974 interview Brown said, "I've seen government all my life, and I'm not bemused by it. I take a somewhat jaundiced view of the ability of government to perform."

Members of Brown's circle have trouble themselves defining what is Democratic or liberal about his administration, though most insist its basic impulses are "humanitarian" and "progressive."

"What confuses people," says legislative aide Marc Poche, "is that just because it's been part of the New Deal, the Fair Deal, the New Frontier and the Great Society doesn't mean that Jerry Brown signs off on it."

That the Brown formula escapes categorization is obvious. In the space of 48 hours, one hears radically different characterizations of the new governor.

"I don't think he knows what he is," says a major California AFL-CIO official, who backed him last November. "We took him to be a liberal, but we were startled by his saying that money is no solution to the problems of our society, and that people better lower their expectations of what government can do. We don't know if this is just talk, or what."

But a top staffer in the United Auto Workers calls Brown "the first real radical to be elected in years, and a forerunner of what's to come. The guys in our union, who haven't been turned on by anything in politics for 12 years, are turned on by him."

An officer of the state's largest banking corporation says, "We've been pleasantly surprised by Brown. He talks like a liberal but he acts like Reagan. Mainly, he's very businesslike. He cuts through the rhetoric and gets to the heart of an issue."

But a liberal academic says scornfully, "He's done nothing, you understand, but his rhetoric is offensive. He feeds the public prejudices and adds nothing to the understanding of issues."

A Democratic Party official says, "There's no one in his office you can talk politics with, and if any of his dad's old political cronies are behind a project, it's sure to kill it with Jerry."

But a leader of the California GOP says, "He's been good. People are after me to attack him, but what am I supposed to attack him on? He's doing a real good job of getting to that silent majority vote, and if I attack him, I just make them mad."

Because Brown echoes some of Reagan's anti-spending rhetoric, he is, Gray Davis concedes, sometimes jokingly called "Son of Cut and Trim."

But Tom Goff, chief of the Los Angeles Times Sacramento bureau, wrote that "Brown's assault against state spending is an assault on the Establishment—not only in government but throughout society in general. It seeks change in priorities, in concepts, in methods and most of all in values. Reagan's forays against spending and taxes were purely in defense of the Establishment as he saw it. He sought no basic change beyond that which would reduce the number of dollars being spent . . ."

Brown has filled his administration with young anti-Establishment lawyers who would have been totally out of place in the Reagan era.

Probably no one in the Brown circle symbolizes the contrast more clearly than J. Anthony (Tony) Kline, a Yale law school classmate of Brown's who formerly headed one of the anti-poverty law firms with which Reagan feuded throughout his eight years in office. Now, as Brown's legal affairs secretary, Kline is spearheading the dispute with the federal government over offshore oil drilling and fighting with the state's legal establishment over Brown's refusal to fill some 65 judgeship vacancies until agreement is reached on higher productivity from the sitting judges.

Kline is a man who challenges conventional wisdom on everything from fluoridation of water to rehabilitation of prisoners (on both of which he has doubts) to the optimism about the future growth of America, which he is sure is ill-founded.

"The governor and I believe that things are going to get a lot worse than they are now," he says. "While it was a growth economy, the American dream was tenable—even for the bottom quarter of the population. But we are in hard times now, and we're going to have to learn to postpone instant gratification of our desires. Maybe, we'll have to learn that the American dream must be redefined.

In this, and in similar comments one hears from Brown and his associates, there is a challenge not just to the programs but to the values of older Democrats, who believed the mission of government was to provide more adequately for people's needs, however broadly they were defined.

Rose Bird, a classmate of Brown's at Berkeley and a former Stanford law professor and public defender, named as California's first woman cabinet member, suggests why the change may have taken place:

"The governor has jumped a full generation," she says. "Instead of being in their 45s and 50s, this is a government of people in their late 20s and 30s. We were trained in our universities to be skeptical, and we have lived through enough history in the last 10 years to be very skeptical of government itself."

"The rule around here," she says, "is to question every assumption." Kline and others in the inner circle of Brown's classmates say they and Brown acquired that habit during the Vietnam years.

"We didn't learn anything from Vietnam," Kline adds, "if we didn't learn that putting in more technology and money doesn't remedy a lack of motivation and commitment. California is a lot like Vietnam in that respect. Our problems will be solved only by people who are willing to sacrifice . . . Sometimes I think the most radical thing to do is do nothing."

But doing nothing is not a luxury that is allowed the governor of California. And even in Brown's own circle there are questions whether this experiment in generational change and value-challenging can succeed.

"He's after revolutionary change—through process—" says Donald Burns, "and he realizes it probably can't be done."

"It might be a good idea to try this approach first in a state the size of Montana," adds Marc Poche, shaking his head at the scale of problems in a state where a million people are now unemployed.

Assembly Speaker Leo McCarthy, a Brown ally, says guardedly that Brown's challenges to existing programs and organizations "are entirely appropriate as long as they lead to a definable policy in the reasonable future. I think the governor realizes he can't just ask questions."

Despite the Brown administration's intention to provide more responsive government, even a casual visitor encounters numerous stories of minor decisions being delayed by Brown's refusal to delegate authority. An old friend notes that the governor and his major appointees have a conspicuous lack of administrative experience, and he questions whether Brown can let others take over running policy areas after his own intensive involvement has ceased.

An even more fundamental question is whether the many organized groups that view government as a source of benefits will accept Brown's ascetic calls for sacrifice as a substitute for the help they thought they would receive. "You can't make the teachers mad one week, the public employees the next, labor the third, and the welfare people the fourth, and hope to survive," another elected state official says.

All these groups have powerful representation in the legislature, whose members are somewhat puzzled by Brown's disinclination for the normal give-and-take of legislative bargaining.

Noting this, some Sacramento observers predict Brown will end as another John Lindsay—a well-meaning idealist, surrounded by bright thinkers, but destroyed by political naivete.

So far, however, Brown's footwork has been fast. The farm labor legislation which Rose Bird drafted, she says, "a fair bill, not one distorted to anticipate the pressures of the legislative process," is about to become law—thanks to some hard and effective bargaining with the representatives of the growers, the Teamsters, Cesar Chavez' farm workers.

Brown has actually achieved more in the way of legislation than his own rhetoric would suggest. A bill ending the state's oil depletion allowance is law, and others creating a major and innovative housing subsidy program, providing collective bargaining for public employees and tightening business tax exemptions are moving forward.

Despite these successes, Brown refuses to play the part of a traditional programmatic liberal. "People ask me, 'What's your program?'" he says. "What the hell does that mean? The program is to confront the confusion and hypocrisy of government. That's what's important."

The remarks came during the course of an "interview" in an inexpensive Japanese restaurant here, which was actually more of an open-ended conversation with fellow-diners. During the two hours, Brown joined in free-style verbal wrestling with a labor organizers, a karate teacher and an artist among others, on subjects ranging from art subsidies, to the fallacies of Daniel Bell's pragmatic realism to ethics of legislative favor-swapping.

The atmosphere was that of a college bull session, and the only strain was that a reporter felt in recalling that this was, indeed, the governor of the biggest state to whom one verbal sparring partner said, without rebuke, "Frankly, that's a lot of crap. I can't believe you believe that."

Among other things Brown said was this: "Vietnam is the prime example of how government can get off the track with all that systems analysis stuff. We're process-oriented here, too, but the idea that a few experts can tell everybody what to do, I just question. Vietnam tells you that programs and planning and technology and money are not enough—any more than charisma and being hard-nosed are enough.

"Ultimately, people have to believe in some ideal," he said, "and they have to believe you're leveling with them. You can't win hearts and minds through planning and technology. In the final analysis, people will support only what they believe.

"Open government means more than Proposition 9 (the California initiative he endorsed last year, which has strict controls on conflict-of-interest, lobbying and corrupt practices). It means opening up the argument so the options are laid out. The whole fault in Vietnam was that our government didn't trust the people to make the right decisions.

"You ask me what I want. I want to be the governor of the 54 per cent of the people who didn't vote at all last year. The largest constituency of all is the constituency of no confidence, and that constituency is important to remember. I don't know if we can satisfy them. Probably not. But wouldn't it be something if we could?"

PRESS URGED TO DIG OUT FACTS ON RESPONSIBILITY FOR VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. CRANE. Mr. Speaker, many in our country are now saying that no blame should be assessed for the defeat which the United States and the free world suffered in Vietnam.

Senate Majority Leader MIKE MANSFIELD, for example, declared that, "This is not the time for either the executive or the legislative branch to begin pointing the finger. Let us recognize that there is enough blame to go around and that it affects all."

The fact is that those who told us that the people of South Vietnam really wanted to live under communism were wrong. Those who told us that the Soviet Union and Communist China wished to live in peace were wrong. Those who argued that the Vietcong and the North Vietnamese were "humane" and "progressive" while the South Vietnamese were brutal and tyrannical were wrong. It is fair to say, I think, that those who misled the Nation so seriously be held accountable. If we endure the loss of South Vietnam without learning any lessons from it, our loss will be that much greater.

John M. Fisher, the president of the American Security Council, has called for a "national assessment of the reasons for the tragic loss of Vietnam."

Fisher said:

> This is the first war America has lost in its 200-year history. If we want it to be the last, we must analyze the reasons for this defeat promptly and carefully. I urge the press to be just as diligent in digging out the facts on how we lost Vietnam as it was in digging out the facts in the Watergate case.

To those who say that we should not consider these questions and fall into the destructiveness of partisan charge and countercharge, Mr. Fisher replies that:

> Calling for no recriminations is the same as calling for a coverup. Only those who feel they might be vulnerable should want to hide the reasons for defeat.

I wish to share with my colleagues the news release issued by the American Security Council and containing John Fisher's call for an assessment of responsibility with regard to Vietnam, and insert it into the RECORD at this time.

PRESS URGED TO DIG OUT FACTS ON RESPONSIBILITY FOR VIETNAM

WASHINGTON, MAY 2.—John M. Fisher, president of the American Security Council, today called for a "national assessment of the reasons for the tragic loss of Vietnam."

"This is the first war America has lost in its 200-year history," Fisher said. "If we want it to be the last, we must analyze the reasons for this defeat promptly and carefully. I urge the press to be just as diligent in digging out the facts on how we lost Vietnam as it was in digging out the facts in the watergate case."

He said that "this is vitally important because we are now facing other tests in places like Thailand, South Korea, Portugal, Latin American and the Mideast. If we are defeated in these areas too, the psychological momentum of Communist victories may soon give us only two choices—World War III or surrender."

"Calling for no recriminations is the same as calling for a coverup," Fisher said. "Only those who feel they might be vulnerable should want to hide the reasons for defeat."

Fisher said he would ask the National Strategy Committee of the American Security Council to "review our crumbling and discredited foreign policy and to make recommendations as to what must now be done."

"If we would permit North Vietnam to breach the Paris peace accord, then why should Moscow not feel free to violate the SALT agreements," Fisher asked.

"The clear answer as to whether the Communists can be trusted to keep other detente agreements, such as SALT, can be found in Vietnam," he said.

"Our actions in Vietnam and elsewhere in the world have added up to a policy of phased surrender," he charged. "Our failure to take action against North Vietnam is especially significant to our allies around the world."

He pointed out that Thailand, the Philippines and Greece have already announced changes of policy with regard to U.S. bases in their countries.

"If our national leaders do not understand the implications of the tragedy in Vietnam, the policy-makers of nations in the Middle-East, Far East, Western Europe and Latin America will certainly have no difficulty understanding after the fall of Saigon," Fisher said.

"If it can be argued," said Fisher, "That we do not have the military strength to follow any other policy than that of acquiescence to defeat in Southeast Asia, then we must ask why—why do we not have the sufficient strength?"

"America fought in Vietnam against the recommendations of the Joint Chiefs of Staff," Fisher said. "They held that the U.S. should not engage in a land war in Asia unless we intended to go all out to win."

"The Joint Chiefs were overruled and a policy of gradual escalation was followed by a policy of gradual withdrawal. The predictable result was defeat.

"We owe a thorough and honest assessment of the reasons for this defeat to the 54,000 Americans who died in Vietnam, to the many thousands more who were wounded, and to every citizen we ask to serve in defense of our country," Fisher said.

The American Security Council is a private organization supported by more than 150,000 citizens interested in strengthening National Security.

SENIOR CITIZENS AND THE ECONOMY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. DOWNEY of New York. Mr. Speaker, on March 3, I held a day-long public hearing in my district on senior citizens and the economy. I heard testimony from more than two dozen witnesses, including heads of senior citizen organizations, agency directors, and some very outspoken individuals representing themselves. The hearing room was packed with interested older Americans anxious to be heard by their Congressman as well as by the various public officials who were also in attendance.

Mary Voyse, chairman of the Federal Legislative Committee LIZ, New York State Retired Teachers Association, wrote a letter which was read into the testimony at the hearing. Within the letter she stated that her organization favors specific legislation to aid senior citizens. Peg Haliday, chairman of the FISH Volunteers of Babylon was at the hearing. She spoke of specific problems encountered by senior citizens. I include this testimony in the RECORD.

TESTIMONY

The CHAIRMAN. I would like to read into the testimony a letter from Mary Voyse, Chairman of the Federal Legislative Committee L.I.Z., New York State Retired Teachers Association.

"My dear Mr. Downey,

"My name is Miss Mary Voyse. I am Chairman of the Federal Legislative Committee of the Long Island Zone of the New York State Retired Teachers Association. This association is part of the National Retired Teachers Association which, with the American Association for Retired Persons, has over 2,000,000 members. The NRTA–AARP has a joint committee on federal legislation. Mr. C. B. Murray represents New York State on this committee and Mr. Cyril Brickfield represents it in working on legislation for Congress. But now I am speaking for the Long Island Zone.

"We favor the following legislation now.

"1. A comprehensive health plan. Last year we favored the Comprehensive Medicare Reform Act of 1974, sponsored by Senator Ribicoff.

"2. Exemption of the first $5,000 of pension or annuity from federal income tax.

"3. Correction of the Social Security Supplemental Law of 1974 so that increases in income due to it do not cut off the elderly indigent from other help.

"4. Allow those over sixty-five to earn any amount and not have to return part of their Social Security to the government as they do now if they earn more than $2,400. Senator Goldwater favors this.

"5. A built-in cost-of-living adjustment on the income tax forms to increase the retirement allowance.

"6. Housing legislation to help retirees get good housing at fair prices, introduced last year by Representative Hugh Carey.

"7. Every effort to stop the cost of living spiral and to meet the energy crisis, but care must be taken not to overburden the aged.

"8. Legislation to see to it that the elderly get a fair share of Federal Revenue Sharing funds given to states and communities to be used for such services as transportation, legal aid, nutrition, recreation.

"9. Larger retirement income credit on income tax forms.

"10. Legislation with states to control abuses in nursing homes.

"11. Continuing the Older Americans Comprehensive Act and Nutrition for the Elderly Act.

"We hope to keep in touch with you as these matters are brought before Congress."

The CHAIRMAN. We have another speaker. She is Peg Haliday, the Chairman of the F.I.S.H. Volunteers of Babylon.

Ms. HALIDAY. I am here as a representative of F.I.S.H. of Babylon which is a nonprofit helping-hand organization and which, over the past five years, has had considerable contact with out senior citizens.

The overwhelming problem that they face is lack of adequate income to assure the most basic of living needs. It is totally unrealistic in the light of today's economy.

We would like to see more consideration given to low-cost senior citizen housing and also the establishment of some form of transportation—either a mini-bus service or the use of school buses—to aid these people in getting to shopping, nutrition and recreational centers. Towns erect recreational facilities for their senior citizens but neglect to provide an adequate plan for getting them there.

Getting back to the question of finances, the stories that come to our attention are heartbreaking and a disgrace. Repeatedly we are told of senior citizens who try to save on their electric bills by not using electric lights and instead use only the light from their T.V. sets in the evening. There are those who have a glass of milk at night and call it dinner and even those who have, on occasion, resorted to eating dog food.

THE CHAIRMAN. Thank you all for being so patient and waiting so long.

I have one other announcement to make. Mary Scalice, who was sick earlier this morning, is in Southside Hospital and is doing fine. I'm sure you will happy to hear this.

Let me thank you all again for your participation. Your remarks and your testimony are what will make this session. In fact, they will be an inclusion in the record and a committee report.

You've helped make the case for me with the facts that I have heard from you. You have a real message to tell me, and I will tell this to my representatives. Hopefully, we will be able to do some of the things that have been suggested here today.

PRESIDENT CHIANG KAI-SHEK'S NEW YEAR'S MESSAGE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. McDONALD of Georgia. Mr. Speaker, one of the last public messages of Chiang Kai-shek was his New Year's Day message to his people, as printed in Parliament Monthly for January 1975. In my view, it was particularly good for putting the China question in proper perspective. Therefore, I commend it to the attention of my colleagues. His message follows:

PRESIDENT CHIANG KAI-SHEK'S NEW YEAR'S DAY MESSAGE

My fellow countrymen:

We have never ceased to encounter difficulties and have faced innumerable obstacles and challenges at every step of the way in carrying out our Founding Father's instruction to "establish and safeguard the Republic with the Three Principles of the People." In celebrating the 64th year of the establishment of the Republic, all of us—military and civilians alike—must bring to bear our moral confidence and moral courage and forge from these a common will and united effort.

Since the Founding Father and our other forefathers put in motion the wheel of our National Revolution and established the Republic, we have never ceased trying to uphold and advance our cultural tradition. We have never spared any effort in expanding the people's rights through the implementation of democracy and constitutional government. Nor have we failed to strive to the utmost to improve the lives of our people and pursue national economic construction in which the primary consideration is the life and well-being of the people. In our lengthy struggle against traitors and aggressors, we have always exerted ourselves to ensure the survival of our nation and people. We have, in other words, been engaged in an all-out undertaking to carry out the Three Principles of the People at the same time the Chinese Communists have been exerting themselves to destroy the Three Principles. The Communists have time and again pretended to support the Three Principles in an attempt to destroy both the principles and the National Revolution.

Mao Tse-tung claims to be engaged in class struggle. Actually, countless political, economic and social gaps and injustices have grown out Mao's class oppression. The developments and extent of this are beyond the imagination of a capitalistic society.

No one knows how much of our national cultural legacy has been destroyed under the slogan of "destroying the old" during the course of the "great cultural revolution." Yet the Chinese Communists have shamelessly boasted of the Chinese cultural tradition, which they really hate, and shown it to the world as an instrument of their international united front operations.

Mao is now trying to hoodwink other countries with the pretense of holding the "national people's congress" and drafting a "constitution." He is, furthermore, so brazen as to write his own name into the "constitution" openly and to heap all manner of totalarian titles on his own head, thereby giving rise to a farce without parallel in human history. No one can say how many times the Chinese Communists have made believe they were "greeting the opening of the fourth national people's congress" or have shouted slogans of "holding the people's congress as soon as possible." In fact, they are still unable to stage this ugly farce.

We are aware that the struggle against Liu Shao-chi, Teng Hsia-ping and many others smashed the administrative and party machinery of the Peiping regime a long time ago. The reinstatement of Teng Hsia-ping, who was discredited and cannot call his soul his own, only proves that the wicked Mao is at his wit's end. The ruthless post-mortem criticism and struggle against Lin Piao and the remnants of his influence will shake down the "mountain stronghold" that the regime built with the help of the gun barrel. So it is that the Communist cadres have shouted: "Maoists have ruthlessly dragged us out for struggle. We must eventually pay them in their own coin, and if we charge no interest, that will be lucky for them." On the other hand, Chiang Ching and her company have shouted plaintively, "Those who oppose us will rebel, regardless of whether we curtail their power." In brief, the specter of contradictions and increasing inflexibility within party, administration and military, and the pent-up hatred and fury of the people cannot be changed. If there is any change, it will be for the worse. Whether the "People's congress' is held will make no difference. Failure to convene the "congress" will reflect the vast dimensions of Peiping's internal crisis. If the "congress" is reluctantly held, the forcible installation of Mao's wife, Chiang Ching, in a position of power, or the moving of Wang Hung-wen, Chang Chun-chiao and others to the fore in the hope they can seize power for Mao from various "mountain strongholds," can never terminate internal strife. To the contrary, this would signal the beginning of large-scale disruptions, disorders and massacres in which "alliance with this or that mountain stronghold would be sought in order to struggle against the others."

All of us know that "tyranny" and disorder" accompany each other and develop cyclically. The outcome of tyranny is great disorder. The worse the disorder, the crueler will be the tyranny. Disorder marks a rebellion against tyranny—a seizing of power from the tyrant. Tyranny is a means of holding onto power and preventing its seizure by others. The tyrant must resort to ever more tyrannical measures to suppress rebellion. Mao Tse-tung has engaged in power seizure throughout his life. If Mao loudly proclaims someone to be his "close comrade-in-arms," that is the moment at which Mao is most afraid of him and seeks his expeditious removal, fearful that his own power will be taken away. This is also a time of the most gruesome persecution and killing. Consequently, every cadre is caught up in the grip of fear and suspicion and does not know which is the right road to take. Nor does the cadre know to which chieftain he should give allegiance in order to escape the fate of being dragged out for struggle or being killed. The natural tendency is for him to turn on Mao and liquidate him with even greater savagery than the Russians showed in destalinization. As an ancient saying has it: "Tyranny against the people will result in the loss of one's life and the destruction of the state." This will be history's judgment on Mao.

Notwithstanding this, the people of the world are tending to keep their eyes glued on developments concerning convocation of the "national people's congress." They continue to deceive themselves by gazing into a mirage, although they know that in truth the disorder cannot be ended. In my recent Constitution Day message, I made it clear: "We people of the Republic of China possess a Constitution written in accordance with the wishes of the whole body of the people and we have a central government and local governments organized under this Constitution. So long as we can uphold this legitimacy it will not matter whether the 'people's congress' is convened. Such a 'congress' could only expedite collapse and intensify calamitous changes within the Peiping regime."

I must tell my fellow countrymen, military and civilians alike, that in sustaining the moral confidence and courage of National Revolution based on the Three Principles, we cannot depend on the muddle-headedness and disorder of the enemy. Nor can we base the peace and security of any part of the free world on the exploitation of international relations—the seeking of contradictions among enemies to play off one against another. Our confidence and courage are built upon the self-awakening and self-determination of our people—on the reconstruction of our conscience.

So long as we understand that the Three Principles must be carried out, that our national culture must not be destroyed, that our 700 million compatriots must be freed from the Communist hell and that we alone must control and defend our national destiny, we shall never be deceived by any mirage and shall never be swayed by momentary gain or loss. This is the responsibility of all our countrymen to their history and their conscience.

Our Founding Father's will to build the Republic, abolish the unequal treaties and establish constitutional government was successfully implemented by national unification following the Northern Expedition and by our victory in the War of Resistance Against Japan. Tragically, the Chinese Communists then undertook their rebellion and reign of tyrrany. The strong country we sought and were building up was turned into a land of evil and poverty; the people we intended to make free and happy fell into an abyss of misery and terrorism. The living space of the Chinese people has been transformed into a barren wilderness, and the spiritual and cultural realm has been turned into an empty desert. These developments require that we rededicate ourselves to the directive of our Founding Father to "make the weak country strong and the sad people happy," engender the great awakening, take up the great task of defending the Republic, overcome all obstacles and meet all challenges.

Fellow countrymen: If we look only at the road beneath our feet, we shall find that it is rough and tortuous; we shall feel as though we may stumble at any time. However, if we take every step with firm stride and look forward, we shall be happy to see that new roads are opening up at every turn and that the sky is bright. We have reached the starting point of a new era—the beginning of our successful suppression of Chinese Communist wickedness and the establishment of a new China through construction in our bastion of freedom and the reinforcement of our strength.

WELL-KNOWN NEWSPAPERWOMAN RETIRES

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. NOWAK. Mr. Speaker, recently Mrs. Anne McIlhenney Matthews Andrade announced her retirement from the Buffalo Courier-Express after nearly four decades in the newspaper business.

Widely known and greatly respected, her distinguished career has been marked by great versatility, evidenced in the following, abbreviated biographical data:

BIOGRAPHY

Anne McIlhenney Matthews Andrade—known professionally as Anne McIlhenney.

Currently listed in Who's Who in the East; Who's Who in American Women; Dictionary of International Biography; Foremost Women in Communications.

Newspaperwoman; former swimming champion; Major in Women's Army Corps in World War II, Bronze Star recipient; active in numerous civic, social and philanthropic activities.

Began Army career when Women's Army Corps was formed in 1942; first woman Chief Public Relations Officer in U.S. Army; participated in news coverage and public relations on staffs of General Eisenhower, General Mark Clark, General Patton; and during Korean War served with her husband, the late Burrows Matthews, Editor of the Courier-Express, on the staff of General Matthew Ridgeway in Tokyo and Paris, until Mr. Matthew's resignation to aid in General Eisenhower's election as President.

Recipient of more than 30 awards for journalism; special citation and Pulitzer nomination for successful efforts to revise the Penal Code to tighten loopholes for criminals; Erie County Bar Association "Liberty Bell: award; honorary Doctor of Letters degree from Rosary Hill College of Buffalo; VFW Community Service Award; American Legion Citation; Buffalo and Erie County police officers' service award.

Member of Overseas Press Club; Board of Directors of Buffalo and Erie County Public Library; former president and current director of Niagara Frontier Press Club; one of first women members of Sigma Delta Chi; first woman appointed to Board of Directors of Buffalo unit of Association of U.S. Army; member of University Council of Niagara University.

Born in Philadelphia; came to Buffalo in 1920; educated in Buffalo and Paris; now resides with husband, Michael R. Andrade, in Eden, New York.

Mr. Speaker, 600 of her friends turned out last week for a gala testimonial dinner, described in the Courier-Express on May 26:

600 SALUTE C-E EX-COLUMNIST ANNE MCILHENNEY MATTHEWS

Anne McIlhenney Matthews Andrade needed no introduction on Sunday night, for her confident voice announced her entry into a crowd of nearly 600 well-wishers at a testimonial dinner given by her many friends.

The crowd comprised a galaxy of the renowned drawn from Buffalo's business, religious, culinary, press and law enforcement communities, all gathered to pay tribute to one of the area's favorite columnists—and a mainstay of The Courier-Express, covering every kind of story imaginable for 52 years.

Her column appeared under the byline Anne McIlhenney Matthews. She married Michael R. Andrade, an Eden resident, in 1972.

The dinner was held at the Pellamwood House, 3300 Transit Rd., West Seneca.

TOP ASSIGNMENTS

"I always got the top assignments," said the columnist, praising The Courier-Express, "never those women's assignments."

Mrs. Andrade briefly spoke of her career before the evening's program began, recalling her fondest journalistic achievements as guests interrupted her to remind her of those they remembered best. Mrs. Andrade retired in January 1975.

"I had every job on the paper," she said. "I started in the sports department (she was an expert swimmer and a swimming coach for many years) and was the only woman on the paper. Later on I moved to cityside, covering stories other than sports.

"I remember that I got the states penal law changed in many ways"—most of which eliminated technicalities that were allowing criminal suspects to go free—"including getting it changed so you could protect your own home from intruders."

"YOU GOT US 911"

"You got us 911, too, Anne," one guest chimed in.

"That's right," she said, "I was the first person in the area to suggest that the police use the 911 system," referring to the use of one central police telephone number for emergency calls.

She also spent 13 years in Hollywood as a columnist for The Courier-Express and spent World War II as one of the first Women's Army Corps members to be assigned overseas. Once there, she was assigned to help the many correspondents covering the war for American news agencies—and that included helping them out of scrapes, too.

"The Courier-Express gave me the opportunity to do everything," she said, "every beat. I covered murder trials, crime news, politics, you name it."

The impact of her stories in The Courier-Express could be judged by the number of distinguished guests who paid $15-a-plate to honor Mrs. Andrade. Among those at the head table were such dignitaries as State Supreme Court Justice Frederick Marshall, Erie County Sheriff Michael Amico, the Rev.

Msgrs. James Healy and Joseph Shieder, and author Taylor Caldwell.

COCHAIRMEN OF EVENT

* * * were former Buffalo Police Commissioner Frank N. Felicetta and Brig. Gen. Edward Murphy.

The Courier-Express was represented by Howard W. Clother, assistant publisher; Douglas L. Turner, executive editor; Thomas Schaeffer, advertising director; and Robert Giabelucca, circulation director.

The Master of Ceremonies, Special Asst. State Atty. Gen. Thomas Cleary, turned over the speaking duties to Jack O'Brien, a syndicated columnist from New York City, who had the desk next to Mrs. Andrade's when they worked together at The Courier-Express.

"TOUGH AND SMART"

"Anne always had the reputation of being like a Mark VII tank," O'Brien said, "but there was always a little girl inside there. She was tough and smart. When she entered the WACs there was something commanding in her demeanor—and she was put in command of her unit. She was always involved in crazy marvelous escapades—She's a swashbuckler.

"Anne was a liberated woman from the day she was born."

Mr. Speaker, Anne McIlhenney Matthews Andrade will be greatly missed in the public arena she has served so capably, but she has only good wishes for the future as she enjoys her well-earned retirement.

BEN R. FERGUSON

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. FRASER. Mr. Speaker, I learned recently with great regret of the death of Ben R. Ferguson.

Ben worked in the difficult and troublesome field of development. He was one American who succeeded in crossing the cultural barrier to work directly with the rural poor in Asia, inspiring them to improve themselves through their own efforts. Hopefully, the lesson he tried to teach the rural people with whom he worked is being learned by our aid agency, AID—Americans can do much to help developing countries, but only if people and governments are willing to help themselves.

I would like to enter into the RECORD the following article that appeared in AID's newspaper, Front Lines, May 1. It captures the spirit of this remarkable man. He was a man of courage, but stubborn, a man of wit and wisdom, but uncomprising. Above all, he believed in people.

The article follows:

BEN'S FRIENDS RECALL THE MAN AND HIS WORK

(By Alexanderina Shuler)

Ben R. Ferguson—AID's "living legend"—died Thursday, April 10, at the Sloan Kettering Institute in New York following surgery for cancer of the esophagus. He was 66.

Ben, who disliked being addressed by formal titles as much as he disdained bureaucracy and its formalities, is famous among people working in international development, particularly in the agriculture field. Among his most notable contributions is the self-help "Program Development" concept introduced to the Pakistanis when he was stationed in East Pakistan from 1961 to 1966. The idea is a model for AID agricultural programs in a few developing countries.

Following a memorial service for Ben at the Western Presbyterian Church in Washington on April 15, three of Ben's friends and former colleagues reflected on their years of friendship with the agricultural advisor—former Assistant Administrator Donald M. McDonald, Edgar "Ted" Owens of the Asia Bureau and George Laudato of the Yemen Desk.

Described by friends as "incorrigible and stubborn to the point of pig-headed, except he always seemed to be right," Ben's philosophy included the strong belief that little if anything was impossible if one went about it properly.

When Ben arrived in Pakistan in 1961 he brought with him nearly 25 years of experience as an agricultural extension agent, having owned and operated a 2,220-acre ranch with 400 head of cattle and a breeding flock of 1,200 ewes. The ranch also produced 250 acres of potatoes annually.

Mr. McDonald remembers that when Ben applied to work for AID "he didn't qualify on paper. But someone noted—fortunately, for the Agency—that he had been an extension agent with a railroad out west which was the key to his being hired."

Ben's first task in Pakistan was to train 1,200 extension agents. But he soon found that while the agents were learning the material, they seldom applied the new methods in the field.

Ben decided that existing AID agricultural programs needed to be rebuilt "from the bottom up" to provide the vital link between knowledge and application.

"PROGRAM DEVELOPMENT"

"Program Development" was the result.

Ben felt the first step was for the villagers to identify their problems. Initial assembly meetings turned into gripe sessions with complaints focused on the lack of assistance provided by the local and national governments.

Ted explained what followed.

"Once they got their complaints out of their systems Ben would ask them: 'What are you going to do about it?' and urged them to decide what they wanted. The next step was to find out how to get it. That's when Ben finally would step in.

"Up until this point he would sit back and watch what he had instigated. Now was the time to advise and guide them toward the resources that were available. He would suggest, in a very off-handed manner, 'why don't you go see the agriculture advisor in the district capital about some fertilizer.'"

Sometimes Ben would find that his hint was not taken and he would boom out "why didn't you see the man I told you about" and make some gentle 'threats'.

"The next visit you can be certain the work was well in progress," Ted recalls. "It had a snowball effect. People suddenly realized their capabilities and were instilled with self-pride. It soon expanded into a community effort to help each other as well as their own individual cause."

"You don't tell people what to do," Ben said. "You don't begin by making people fit into your way of doing things. You begin by making the farmer think about what he wants and needs. It may take some doing, but he's got to decide for himself. Then, you help him get it with the idea that this is only the beginning. He can do a lot for himself. Once he gets the hang of it, he'll do more."

Ben's colleagues recall an average day for him was about 14 hours and often more. He worked right alongside local farmers in the fields.

Ben received AID's Superior Honor Award for his outstanding work in helping the farmers and villagers in the Mymensingh area.

The people loved him," Ted said. "In spite of his gruff exterior, he had a magical charm about him. I think it was because he had such a genuine, deep respect and love for people—a quality that simply can't go undetected."

FAST FRIENDS

When the two men first met in Dacca in 1961, Ben took one disappointed look at Ted and said "someone told me you were different. But to me you look just like another bureaucrat."

They became fast friends, working side by side with Ted handling the red tape and Ben carrying out what started out as mere words on paper into the fields, into better crops and new schools.

"You know how you read books on how to be a manager and administrator, and organizer?" George Laudato asks. "Well, Ben never needed a book. He was a natural organizer. He had a phenomenal psyche, he sparked automatically with people."

"He was tenacious," Mr. McDonald insists. All three men recall going out on field inspection trips with Ben.

"We were on the road in Vietnam many times," George recalls, "when it would start getting dark, meaning it was time to go home, Ben would persist—just one more village. Soon it was three or four and finally the inevitable happened one day. We got caught in the middle of a military operation which sent us scrambling under the jeep.

"I told you this would happen Ben," George admonished his friend.

"Yeah, but at least we're not a few villages behind," Ben retorted.

"I used to warn Ben too," Ted says. "When I suggested once that we were bound to get shot at he quipped, 'Maybe they'll miss!' Nothing fazed the man."

"I remember the time he was returning from My Tho where he had spent the day working with the local farmers", Mr. McDonald says. "There had been a Viet Cong ambush on the road. Ben was everywhere—comforting the dying, trying to save the wounded, protecting the frightened. He didn't really talk about it on his return until word began drifting in of what he'd done. When pressed, he said 'Yes, there was an ambush . . .' and that after awhile there were so many spent bullets lying around that, in anger, he started throwing them back and that seemed to put an end to the shooting." For his efforts, Ben received the Secretary of State's Award for Heroism. "How many other awards he earned for helping people but did not receive I don't know," Mr. McDonald says. "But I think there must have been many."

George notes that "Ben would sum up his contributions with 'I learn as much as I teach. Maybe more.'"

Ben Ferguson had an impact on more than the local people in developing countries.

"In Vietnam there were a lot of young people, both in the military and in humanitarian work, he converted as a result of just one briefing," George says. "His workday in Vietnam was 18 hours long but he never was too busy to take time out to answer questions, to explain, to go over things. He never turned anyone away. He was admired and respected by everyone."

Ben's observations about the rural Vietnamese was interesting, George adds.

"He once said that the best men in Vietnam are the women! They hold the receipts, they pay the bills, they handle the family finances. Ben often said 'let the old man talk but listen to mamma.'

"He was very emphastic about the important role he felt women played in economic and social progress and this was long before the Percy Amendment existed."

Ben went to the Philippines without his three friends but Ted says they kept in close contact and continued to work together in spite of the distance.

"Chapter II of my book, 'Development Reconsidered', is Ben", Ted says. "The whole self-help concept and how you go about instilling self-realization into people is there, based on his work."

In the Philippines Ben set out to do what he had succeeded in accomplishing in his two previous assignments. In a municipal procedural guideline called "Local Development Through Local Initiative by Local People" Ben said.

". . . barrio people are willing to do their share to help uplift themselves from the morass of poverty and squalor . . . and to develop and improve their community, . . . to work, . . to produce more by accepting modern techniques . . . and to pay more taxes if governmental leaders and technicians will show them how and *help them on their own ground* in the barrio."

"There were two ways of doing things when you dealt with Ben," according to Mr. McDonald. "The Ferguson way or the wrong way. Lord, was he stubborn! Compromise to that man meant agreeing with him."

Ben Ferguson's work, his philosophy and the kind of man he was is a matter of record. About 10 years ago AID decided to make a movie which would show the U.S. foreign aid program in action. Ben was filmed as he went about a typical day's work, from sunrise to long past sunset.

SIMPLE CUP OF TEA

The 20-minute movie—"A Simple Cup of Tea"—caught his spirit through and through, according to Mr. McDonald. "His infectious optimism, his good humor, his devotion to people, his compassion, gentleness and his stubborness, his stamina and wisdom and even his irreverence was all there in living color."

At the end of each day of filming, hours late in moving on, there always was a final delay—to drink a simple cup of tea with the local farmers.

"Ben Ferguson was an extraordinary human being," Mr. McDonald said at a memorial service last month. "But there always was just enough of a touch of human frailty to make him true. He helped cause hope to replace despair, self-confidence to conquer resignation and energy to overcome lethargy. And that's what Ben did all the years I knew him in parts of the world where that message still is most needed. He inspsired people—sometimes quietly, sometimes not so quietly, but invariably, he inspired them."

Born in Memphis, Tenn. in 1909, Ben graduated from high school in Ordway, Colo., and received a B.S. degree in animal husbandry from Colorado State University in 1931. He studied law at the University of Colorado and educational administration at the University of Denver.

He is survived by his wife, Etna, of 501 York Town Boulevard, Arlington, Va. 22207. Other survivors include a daughter, Mary Lou Hankins; a son, Dr. Benjamin Ferguson Jr., and six grandchildren. Mrs. Hankin's husband, Al, is a rural development advisor in the Ecuador Mission. Dr. Ferguson served as a physician on contract with the Vietnam Mission in the late 1960s.

Donations may be made to "Wade Hall, c/o Ben Ferguson Memorial Fund", New State, Room 4218. The funds will be forwarded to Passa Municipality in the Philippines.

FEDERAL ELECTION COMMISSION

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. STEED. Mr. Speaker, by arrangement with Chairman Thomas B. Curtis and the staff of the newly created Federal Elections Commission, I am attaching herewith a copy of the Commission's "Notice of Proposed Rulemaking" being placed in the Federal Register. Because of the widespread interest in the Commission and its rules, I believe this method of keeping a greater number advised will be useful. Additional materials will be made available as soon as possible. I suggest my colleagues may find it useful to retain these materials because of ongoing certainty of public inquiry that this program has, and will, elicit. The material follows:

[Federal Election Commission, 11 CFR, Chapter II, Implementation of Federal Election Campaign Act, Notice 1975-2]

NOTICE OF PROPOSED RULEMAKING

Federal Election Campaign Act Amendments of 1974 (P.L. 93-443, 2 U.S.C. Section 431 et seq.). The FEC is responsible for the administration of, for obtaining compliance with, and for formulating policy with respect to the Federal Election Campaign Act of 1971, as amended (the Act), and Sections 608, 610, 611, 613, 614, 615, 616, and 617 of Title 18, United States Code (the Act and these Sections are collectively referred to herein as the "Statutory Provisions",) Pursuant to these responsibilities, the FEC is preparing regulations to implement certain of the Statutory Provisions; the FEC proposes to make rules with respect to some or all of the aforementioned matters. Such regulations will be designed to insure that all persons and organizations subject to the Statutory Provisions are equally treated, and that the public interest requiring a clear development of constitutional safeguards is saved.

Any interested person or organization is invited to submit written comments to the FEC concerning any part of this Notice. The facts, opinions, and recommendations presented in writing, in response to this Notice will be considered in drafting regulations related to the Statutory Provisions.

Set forth below is a general description of the subjects and issues that the FEC believes require the most immediate attention:

I. PROCEDURES

A. Comments should be directed to whether or not the Commission has the authority to issue regulations generally for 18 U.S.C. §§ 608, 610, 611, 613, 614, 615, 616 and 617, similar to its authority with respect to Title 2, or whether the Commission can only issue regulations in respect to Title 18 so far as there is a question of:

(1) General policy;

(2) Where such regulations are necessary or appropriate in connection with the reporting requirements under Title 2; or

(3) Where there are parallel references in Titles 2 and 18.

B. Comments should be addressed to general rulemaking procedures of the FEC and consideration should be given to the manner in which comments should be solicited, hearings (if deemed appropriate, the timing, location and duration of said hearings), and the manner in which notices and regulations shall be made public.

C. Advisory opinion requests. Among other considerations, comments should be addressed to whether or not the FEC should have a procedure for issuing opinions to other than the categories of opinions to other than the categories of persons listed in 2 U.S.C. § 437f(a). See generally 2 U.S.C. § 437f. See generally 2 U.S.C. § 437f.

D. Complaints. Comment should be addressed to whether or not complaint hearings such as those contemplated by 2 U.S.C. § 437 g(a)(4) should, if ever, be closed to the public. Additional comments as to the entire complaint procedure may be submitted.

E. Comments are invited concerning the manner in which requests under the Freedom of Information Act should be processed.

F. The regulations and procedures necessary to carry out the provision of 2 U.S.C. § 439a requiring disclosure of excess contributions and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office.

II. DEFINITIONS

A. "News story, commentary of editorial" is used in the definition of "expenditure" under the Act at 2 U.S.C. §431(f) and in 18 U.S.C. § 591(f) but is not mentioned in the definition of "contribution" in 2 U.S.C. § 431(e) of the Act and 18 U.S.C. § 591(e). Comments may be addressed to the issue of whether a "news story, commentary or editorial" is to be included in the definition of a "contribution".

B. "Debt" is not defined in the Act or in Title 18. Comments may be addressed to the distinction between "debt" and "loan" and "anything of value". In this regard comments are solicited concerning "debts" incurred in the normal course of business and consideration should be given to both contingent fees and 18 U.S.C. § 610. In addition, comments may be addressed to the question of whether both the expenditure of the proceeds of a loan and the repayment of the loan itself are "expenditures for the purposes of 2 U.S.C. § 431(f) of the Act and 18 U.S.C. § 591(f); similar attention should be given to a "debt". [See 2 U.S.C. § 436(c).]

C. "Slate cards" are defined in 2 U.S.C. § 431 of the Act and 18 U.S.C. 591 to require the listing of three or more candidates and costs involving such cards are excluded from expenditures. Comments regarding further definitions of "slate cards" may be concerned with the treatment of slate cards that include partial slates and the printing requirements of such cards in regards to the size and type of print of the cards.

D. "Unreimbursed payment for travel expense" is used in 2 U.S.C. §§ 431(e)(5)(D) and 431(f)(4)(E) of the Act and 18 U.S.C. §§ 591(e)(5)(D) and 591(f)(4)(E), but is not defined. Comments may be addressed to the issue of whether or not the $500 limitation regarding unreimbursed travel expenses is applicable to travel to a campaign site, to travel expenses at or near the campaign site, and to living expenses at said campaign site.

E. Comments are invited with respect to interpretive rules governing the application of 18 U.S.C. § 608(e), the "independent expenditure" limitation, including the definition of the word "directly or indirectly, on behalf of a particular candidate" in 18 U.S.C. § 608(b)(6) so as to make it clear that only truly independent expenditures will be considered under 18 U.S.C. § 608(e), and the scope of activities covered.

F. "Ordinary and necessary expenses incurred . . . in connection with his duties as a holder of Federal Office" is used in 2 U.S.C. § 491(a) but is not defined. Comments may be submitted concerning the distinctions between "ordinary and necessary expenses" and political expenses, whether or not there should be time limits placed on the use of excess funds prior to and after an election, whether or not a distinction should be drawn between a declared and non-declared candidate for reelection and other matters concerning 2 U.S.C. § 439(a).

G. Comment is invited as to whether the term "new party" as defined in 26 U.S.C. § 9002(8) includes only organizations that formally considered themselves political parties and nominate candidates for a number of offices, or whether it includes any political organization which serves as the principal campaign committee for a presidential candidate which does not qualify as a "major party" or "minority party" under 26 U.S.C. § 9002(6), (7).

III. COMMITTEES

Persons and/or organizations commenting on this section should attempt to suggest ideas and recommendations that will allow local committees to file relatively simple, although comprehensive, reports that will not require extensive backup material or a professional staff to maintain said backup material or prepare the required reports. One purpose of the Act is to encourage widespread participation in the political process, and to such end the FEC will attempt to avoid any regulation tending to limit the economic feasibility of local committees.

1. Comments are invited concerning allocation of expenditures among candidates by multi-candidate committees and by hybrid committees contributing to both non-Federal and Federal candidates.

2. Comments are invited concerning filing requirements for multi-candidate committees and local and State committees, both Federal and non-Federal. Comments may involve whether such committees are required to file and/or register with the FEC and/or file with a principal campaign committee. Standards for such filings may involve the degree of control and/or fund interchange among various committees.

3. Comments are invited concerning the issue of whether local and State party committees are required to register with the FEC.

IV. ELECTIONS

1. *Unopposed Primary Nominations.* Comments are invited to discuss whether or not a candidate who is unopposed on the last day of filing for a party nomination and otherwise qualifies to be the nominee of a party should be entitled to the same expenditures under 18 U.S.C. § 608(c)(1) during the primary period as a candidate running opposed in the primary.

2. *Independent Nominees.* Comments are invited to discuss whether or not candidates not chosen by a primary election, who may [or may not] be required to secure nominating petitions before appearing on the general election ballot, should be entitled to the same expenditures under 18 U.S.C. § 608(c)(1) during the primary period as a candidate running opposed in the primary.

V. CAMPAIGN DEFICITS

1. Comments are invited to discuss whether or not contributions made after January 1, 1975, the effective date of the Act, should be allowed to reduce the campaign deficit in existence prior to January 1, 1975 and whether or not such contributions should be counted toward the limits of the next "election".

2. Comments are invited to discuss whether or not the 1974 Amendments to the Act should be applied to a run-off election held after January 1, 1975 but arising out of an election in 1974.

3. Comments are invited to discuss whether or not contributions received after an election to retire a deficit should be counted for the election just completed. Comments are invited to discuss how businesses should be allowed to deal with valid business debts which a political committee or candidate cannot pay due to lack of campaign funds or expenditure limits.

VI. NATIONAL CONVENTIONS

1. Comments are invited on the method which should be used to determine payout schedules and amounts.

2. Comments are invited to discuss the treatment of "in kind" contributions, such as reduced room rates, reduced car rental, payment of expenses to site selecting committees, and reduced charges for use of convention halls.

VII. PUBLICATIONS

Comments are solicited on the number, type and orientation of materials which the Commission should publish to serve as guides to compliance with the laws in the most convenient form and efficient manner.

Comments with respect to additional matters not specifically mentioned are also invited.

Comment period.—Comments should be mailed to Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 by July 1, 1975. For further information call (202) 382–5162.

EULOGY TO JOSEF CARDINAL MINDSZENTY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. HORTON. Mr. Speaker, on May 6 it was my sad duty to announce to my colleagues the death of Josef Cardinal Mindszenty, a man whose memory will live forever in the annals of freedom.

At a Requiem Mass celebrated in St. Matthew's Cathedral by Archbishop William W. Baum, many friends and colleagues gathered to mourn the loss of Cardinal Mindszenty. The Very Reverend Dr. Ladislaus Iranyi, Provincial of the Piarist Fathers, delivered a very moving eulogy which captured Cardinal Mindszenty's devotion to human freedom and dignity. The eulogy follows:

EULOGY TO JOSEF CARDINAL MINDSZENTY

"For Zion's sake I will not be silent, for Jerusalem's sake I will not be quite, Until her vindication shines forth like the dawn and her victory like a burning torch!" (Is., 62,1.)

Almost a year ago, Cardinal Mindszenty offered a concelebrated Mass here and received an unparalled tribute from the clergy and faithful of Washington.

Now we are meeting again around this altar to say farewell in our own fashion to him, who has outstripped us in the race for eternity. In these few words I want to recreate the image of this great Man, leader, shepherd and prophet of his people, cardinal of this Church and father of all.

He will be remembered as a great and solitary hero in the middle of the twentieth century; as a prophet in an age of false prophets.

He warned us continuously since 1919, that human freedom and dignity were threatened; the same freedom and dignity that are today in many places all but destroyed.

He warned us against the perils of industrialism and communism alike, and today our complex society is labouring with the problems of both. He warned us (since the 1930's), when nationalism and communism were a fashion, that these are not easily destroyed—today both are still shadows over man's hearts.

His life of eighty-three years was a real following of Christ, a veritable way of the cross. His life comes to our mind in the words of St. Paul: "with my many labors and imprisonments, with far worse beatings and frequent brushes with death. Times and times I was beaten—endangered by my own people—by false brothers—enduring labor, hardship, many sleepless nights, in hunger and thirst, in frequent fastings, in cold and nakedness." (II. Cor. 11, 23–28)

His sixtieth birthday found him in communist prison, his seventieth in the refuge of the American Embassy in Budapest, his eightieth in "complete and absolute exile" in Vienna.

The summary or better: the sense of his life could be summed up also with the words of St. Paul, words, which greeted him a year ago in the prayer breakfast honoring him here in Washington—and there is a lesson for all of us in it:

"If we are afflicted it is for your encouragement and salvation, and when we are consoled it is for your consolation, so that you may endure patiently.

We do not wish to leave you in the dark about the trouble we had—we were crushed beyond our strength.

We were left to feel like men condemned to death so that we might trust, not in ourselves, but in God.

We have put our hope in Him who will never cease to deliver us. But you must help us with your prayers, so that on our behalf God may be thanked for the gift granted us through the prayers of so many." (II. Cor. 1, 3–12.)

His life, the details of which you know so well, bears the earmark of the great commitment . . . so aptly expressed by Belloc:

"That great word which every man
Gave God (before his life began)."

"I stand for God, for the Church and for Hungary.

This responsibility has been imposed upon me by the fate of my nation which stands alone (so lonely), an orphan in the whole world. Compared with the sufferings of my people, my own fate is of no importance." (From his last pastoral letter.)

"It was a sacred word, he said,
Which comforted the pathless dead,
And made God smile when it was shown
Unforfeited before the throne."

He took a sacred oath that he will be true to himself, that he will carry out faithfully the mission God gave him, that he will—with his characteristic fervor—challenge the men of his age with the word of God. This commitment he kept unforfeited.

No human flattery, no love of ease, no weariness of conflict made him break the pledge he gave to his God, his Church, his Nation.

"I have fought the good fight, I have finished the race, I have redeemed my pledge"—Joseph Cardinal Mindszenty would not wish us to say more of him. There are very few of whom Paul's words could be said so truly.

Those heavenly graces which he received from God, he has now given back to God; his soul contemplates eternal horizons. Yet, while he rests with God, if any thoughts of his still turn toward earth, surely they will turn next to his beloved country towards this place and dwell like a benediction over this altar. May the prayers of our blessed Lady, St. Matthew and the Saints of Hungary win him, now and hereafter "light happiness and peace"! Amen!

MARXISM - LENINISM-MAOISM-ARTHUR KINOY THOUGHT, THE NIC, PART III

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. McDONALD of Georgia. Mr. Speaker, my Extensions of Remarks of May 13, 1975—14158-14159—and May 16, 1975—14906-14908—provided background, position papers, and a summary of current organizing activities of the National Interim Committee for a Mass Party of the People—NIC—a revolutionary Marxist-Leninist preparty organization which calls for the eventual "necessity of armed struggle" against our constitutional form of government and free enterprise economic system.

As was reported in detail at those times, the National Interim Committee, founded and led by Arthur Kinoy, is energetically involved in building a coalition of revolutionary socialist and Maoist Communist groups.

One of the most important groups being courted by the NIC are the Maoist revolutionary Congress of Afrikan People—CAP—whose leader, LeRoi Jones recently proclaimed:

> Mao speaks of three magic weapons: vanguard party, united front, armed struggle. In the U.S. today we have none of these. We must develop all three.

A second, and larger organization with a proven record of revolutionary violence working closely with the NIC and CAP is the Puerto Rican Socialist Party—PSP—Partido Socialista Puertorriqueña.

The Puerto Rican Socialist Party, a self-proclaimed revolutionary Marxist-Leninist vanguard party, has worked with leading members of the NIC for several years. The association of the two groups appears to have developed from the legal representation afforded the PSP by Arthur Kinoy, Mark Amsterdam, and other National Lawyers Guild activists associated with the Center for Constitutional Rights in New York City.

It is interesting to observe the complex interweavings of the NIC, which appears to be attempting to build an American Maoist party; the Soviet-dominated Communist Party, U.S.A.—CPUSA; and the Puerto Rican Socialist Party, which although characterized in internal CPUSA documents as "essentially Maoist," has restrained itself under the tutelage of Cuba and continues to enjoy the support of the Soviet-controlled world Communist movement.

The National Interim Committee and the PSP jointly operate the Puerto Rican Solidarity Committee—PRSC. The NIC, PSP, and CPUSA all sent delegates to Havana, Cuba, in March of this year to participate in the planning of an International Conference of Solidarity with the Independence of Puerto Rico to be held September 5-7, 1975, in Havana, under the auspices of the Soviet-controlled World Peace Council.

A meeting of the International Preparatory Committee for the Conference of Solidarity was held in Havana, March 30-31, 1975. A reported 79 delegates from 28 countries and 12 international organizations attended. The U.S. delegates included:

Alfredo Lopez, a principal organizer of the PSP in New York who formerly headed the Carlos Feliciano Defense Committee and now is executive secretary of the Puerto Rican Solidarity Committee—PRSC.

Frances M. Beal, a member of the PRSC national board who is a leading member of the New York-based Third World Women's Alliance—TWWA—and is editor of its newspaper, Triple Jeopardy; she was formerly active with the Student Nonviolent—now National—Coordinating Committee—SNCC.

Arthur Kinoy, of the National Lawyers Guild and National Interim Committee for a Mass Party of the People, in his capacity as a PRSC board member.

Helen Allison Winter, representing the American Committee of the World Peace Council; she is the international affairs secretary of the CPUSA.

Roque Ristorrucci, representing the American Committee of the World Peace Council; he is presently both education director of the New York State Communist Party and executive secretary of the CPUSA youth group, the Young Workers Liberation League—YWLL.

Anthony Monteiro, another member of the World Peace Council American Committee delegation, has an interesting career in violence and revolutionary activity. Monteiro was in 1967 one of four Revolutionary Action Movement—RAM—members indicted in Philadelphia for plotting to poison police, assassinate police officers, local and national officials, and blow up city hall. By 1970, after a trip to North Vietnam and Moscow, he openly proclaimed his membership in the CPUSA and has twice run for Congress on the CPUSA ticket; a member of the Central Committee of the Young Workers Liberation League, Monteiro also serves as executive secretary of the National Anti-Imperialist Movement in Solidarity with African Liberation—NAIMSAL, the CPUSA front for obtaining support from American Negroes for Marxist African guerrilla forces.

Dr. Noel Colon Martinez, president of the Puerto Rican section of the World Peace Council.

Delegates attended from the Soviet Union, Cuba, the Democratic Republic of Vietnam—North Vietnam—and other Communist countries.

The International Preparatory Committee delegates elected a secretariat for the solidarity conference which includes members of both the PSP and the Puerto Rican Solidarity Committee, and adopted a draft agenda. The three main points for discussion at the Havana meeting of the International Preparatory Committee were, in their words:

> The colonial cruelty of Puerto Rico and the strategic importance of the liberation of the Puerto Rican people and other people to the world struggle against North American imperialism; (2) The struggle of the Puerto Rican people for their sovereignty and independence; (3) International solidarity with the just struggle of the Puerto Rican people.

A keynote presentation was made at the meeting by Dr. Noel Colon Martinez of the World Peace Council Puerto Rican Committee. Puerto Rico Libre, the monthly bulletin of the Puerto Rican Solidarity Committee, reported:

> [Dr. Colon] offered a somber picture of his stricken nation, and enumerated the disastrous social and economic effects of colonial domination. * * * He emphasized that no peace is possible so long as the Yankee colonial war is maintained and that the Puerto Rican people will continue to exercise their right to the war of liberation in every form necessary to their survival and to the triumph of their centennial struggle.

We see again in this statement the Leninist precept that in the struggle against the free enterprise system and democracy, any means necessary will be used to win. Lenin, in his essay "Guerrilla Warfare," pointed out:

> Marxism differs from all primitive forms of socialism by not binding the movement to any one particular form of struggle. It recognizes the most varied forms of struggle. * * * To attempt to answer yes or no to the question whether any particular means of struggle should be used, without making a detailed examination of the concrete situation of the given moment at the given stage of its development, means completely to abandon the Marxist position.

Arthur Kinoy's contribution to the Havana meeting of the International Preparatory Committee was a speech which "dealt with the indivisible nature of the struggle of the Puerto Rican people and the United States masses against oppression and exploitation at home," for which sentiments he was given a standing ovation.

Comrade Monteiro, who apparently has a broad range of experience with active support for terrorism, also delivered a speech on behalf of the Puerto Rican Socialist Party's drive for an "independent" People's Republic of Puerto Rico. Monteiro's bombastic speech, reprinted in CPUSA's World Magazine supplement to the Daily World, makes most of the usual Communist points about Puerto Rico.

Stressed particularly is the linking of "détente" and "coexistence" with the Communist's requirement that the United States abandon its defense commitments abroad, demolish any defense bases not located on the U.S. mainland, and disarm. In other words, the Soviets and their allies would prefer the Americans to voluntarily disarm and surrender to Marxist-Leninist totalitarianism rather than to resist.

The Communist-bloc countries are quite aware of the strategic importance of the defense bases located in Puerto Rico, and Monteiro's speech contains the usual slanders about "militarization," "imperialism," et cetera.

Anticommunism—that is to say resistance to Marxist-Leninist totalitarianism—is, as usual, smeared by association with militarism, reaction, and assorted other terms with negative connotations in Monteiro's speech.

The following excerpts from Monteiro's speech are offered as a sample of the current Communist line in the World Peace Council.

> Comrades: The U.S. colonial domination of Puerto Rico attests to the barbaric character of the present ruling circles in our country. The facts—which I need not repeat—shatter the demagogy of U.S. imperialist propaganda to the effect that the imperialism rooted in the U.S. is somehow different, somehow democratic and peaceful. The Puerto Rican case is without question that of a classical colony. Here the world's peoples witness examples of perhaps the most savage oppression in our hemisphere. This shameful oppression originates in our country, is carried out by the imperialism based in the U.S. For this reason, comrades, we of the U.S. delegation wholeheartedly endorse this preparatory meeting and the proposed Congress for Solidarity with the Independence of Puerto Rico.
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> * * * * *
>
> But we welcome, and recognize as quite appropriate, the initiative of the World Peace Council. For, in our opinion, the global struggle for peace is the point of intersection of the most noble aspirations of all the people. The struggle for and attainment of detente and peaceful coexistence are strategic to the process of liquidating the remaining remnants of colonialism, of defeating fascism and militarism, of creating a positive international environment for the acceleration of the struggles for democracy and social progress. It is, however, also true that the realization of detente as an irreversible process leading to peaceful coexistence between states with differing social systems is possible only as colonial oppression is terminated. Hence, national freedom and global peace are parts of a single whole. Colonization, and the colonial domination of Puerto Rico in particular, is therefore a threat to world peace, as well as a violation of international law and contemporary norms guiding the relationships between peoples.
>
> The new correlation of world forces, which is made possible in the first place by the strength and growing unity of the world system of socialist states, headed by the mighty Soviet Union, creates extraordinarily favorable circumstances for the independence struggle within Puerto Rico and building international solidarity with the Puerto Rican people. U.S. imperialist domination of Puerto Rico is today incompatible with this new global correlation of forces. Moreover, the elevation of the Puerto Rican independence struggle further weakens U.S. colonization of Puerto Rico and is providing the decisive link that will break the chain of U.S. colonial oppression of Puerto Rico. The world embraces the just and noble struggle of the Puerto Rican people.
>
> Comrades, allow us to be quite frank. This meeting is decisively important to the people of the United States. The actions of the U.S. people are important. Because it is U.S. imperialism that imposes colonial domination on the Puerto Rican people, the fulfillment of our responsibility is fundamental.
>
> U.S. imperialism seeks to preserve colonialism in Puerto Rico as a strategic beachhead in the policy of neo-colonial containment of the Latin American liberation process. In fact, this neo-colonial aggression is an attempt to roll back the historic gains of the Latin American peoples, and in the first place, to liquidate socialism in Cuba, the first land of freedom on our hemisphere. This policy orients upon the militarization of Puerto Rico as a step in the militarization of the entire continent, as a base for counter-revolution, reaction and anti-Communism. U.S. imperialism plans to utilize Puerto Rico as a staging area for the liquidation of popular democratic governments of the continent, as in Santo Domingo. This policy is evidenced in its most criminal and brutal expression in the overthrow of the Popular Unity Government in Chile, and the murder of Dr. Salvador Allende.

Monteiro's long speech pointed with pride to the work of the National Conference for a Drastic Cutback in the Military Budget, held April 5–6, 1975, in Chicago, and organized by members of the CPUSA long active in the work of the World Peace Council which was reported on in my remarks of and concluded:

> To our comrades and to the people of Puerto Rico, of Chile, Cuba, and all of Latin America, to the fraternal peoples of Vietnam and Cambodia, of Korea, to the peoples of the Mid East, Africa and to the peoples of all continents, we, the U.S. peace movement, pledge our enhanced activity in our common cause of liberation, these actions, our dear comrades will be our common witness of the death of U.S. imperialism.

This alliance of the Puerto Rican Socialist Party, the Communist Party, U.S.A., and the National Interim Committee for a Mass Party of the People is especially interesting in light of the vehement denunciations of the NIC by CPUSA leaders. As has been noted previously, a substantial proportion of those now associated with NIC were formerly either members of the Communist Party or were on the fringes of the CPUSA. The defection of militant organizers with years of experience is a serious blow to the CPUSA.

But despite faction fighting and mutual charges of "deviationism" or "revisionism," all Marxist-Leninists can agree, given a properly motivating cause, that the true "class enemy" is the United States.

In light of these various alliances and factional quarrels, the history of the Puerto Rican Solidarity Committee is of interest.

The Puerto Rican Solidarity Committee—PRSC—had its founding conference March 1–2, 1975, on the campus of Rutgers University, Newark, N.J., a university where Arthur Kinoy has been a professor of law for a number of years. Alferdo Lopez, the PRSC executive secretary, characterized the committee as "an organization, in the United States, in support of the national liberation struggle in Puerto Rico."

The Puerto Rican Solidarity Committee developed from a reorganization of the Committee for Puerto Rican Decolonization—CPRD—which had been created in August 1973, by groups and individuals active in the Communist Party's front in the prison and civil rights movement, the National Alliance Against Racist and Political Repression—NAARPR—in which the PSP has played an important role.

The Committee for Puerto Rican Decolonization, in turn, had its antecedents in the Committee To Defend Carlos Feliciano, which was supported by both the CPUSA and the PSP. Carlos Feliciano, a member of the violent Puerto Rican Nationalist Party, had served a prison sentence in Puerto Rico for his part in the abortive 1950 revolution in that island. He was arrested in New York and was charged with several bombings attributed to MIRV, an independentista terrorist organization. After a series of trials in which he was represented by William Kunstler, Arthur Kinoy's law partner, Feliciano pleaded guilty to the lesser charge of possession of explosives and was sentenced in 1973 to a 4½-year prison term which he is now serving.

On May 29, 1974, to develop broad radical support for the PSP's Puerto Rican Solidarity Day rally in Madison Square Garden on October 27, 1974, the Committee for Puerto Rican Decolonization and the Puerto Rican Socialist Party created an expanded group, the Puerto Rican Solidarity Day Committee—PRSDC. Many of the PRSDC national board members were associated with Arthur Kinoy's NIC, and now continue to serve on the Puerto Rican Solidarity Committee.

Among the approximately one hundred delegates who attended the founding of the reconstituted Puerto Rican Solidarity Committee were representatives of the PSP, the leading political force in the organization; the Congress of Afrikan People; the Maoist revolutionary October League; the Third World Women's Alliance; NIC; the National Committee to Free Los Tres, a militant Chicano organization also associated with NAARPR; El Comité, a Puerto Rican organization from New York City's Upper West Side; and the weekly newspaper, Guardian, a Maoist publication.

Also present, according to the Guardian, were "a significant number of people who could reasonably be described as having political views closely associated with Prairie Fire—who—play an active role in the organization."

The Guardian correctly noted that Prairie Fire is the title of a political statement produced by the Weather Underground Organization, the clandestine apparat of new Left terrorists who profess their admiration for the forms of Marxism-Leninism practiced in Cuba, North Vietnam, and the Peoples Republic of China.

The Puerto Rican Solidarity Committee agreed to develop campaigns around "workers struggles in Puerto Rico, repression against Puerto Rican people and the independence movement in the United States and Puerto Rico, the genocidal population policies of U.S. imperialism and freedom for Puerto Rican 'political prisoners.'"

The PRSC elected a national board a list of whose members include:

> At-large members: Ella J. Baker;* Amiri Baraka * [LeRoi Jones], CAP leader working with NIC to form a common electoral strategy; Frances M. Beal, Third World Women's Alliance; Clyde Bellecourt * American Indian Movement (AIM); Ben Chavis, NAARPR and United Church of Christ Commission for Racial Justice; Walter Collins,* executive director, Southern Conference Educational Funds (SCEF); Dave Dellinger; * David Garcia, St. Mark's Church, N.Y.C.; Corky Gonzales, Crusade for Justice; Jim Haughton,* Fight Back; Phil Hutchings; Arthur Kinoy; * Yuri Kochiyama,* Asian Americans for Action (AAA); Beverely Leman; Bob Lewis,* NLG and United Electrical (UE); Antonio Rodriguez; Awusu Sadaukai [Howard Fuller], African Liberation Support Committee (ALSC); Irwin Silber, *Guardian;* Annie Stein; and Jose "Che" Velazquez, PSP.
>
> PRSC coordinators include: Ted Glick,* also an NIC traveler, Washington, D.C.; Tami Gold, N.J.; Cathy Graham, Hartford, CN;

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* Persons who are members or who have numerous interlocking associations with the NIC.

> Fannie Hicks, Chicago; Julie Nichamin, N.Y.C.; Venceremos Brigade and NACLA-East, and an old Weather Underground contact; Belen Molinari, Buffalo; Ivelise Padin, Los Angeles; Tony Rostain, New Haven, CN; Anne Sills, Boston; and Alfredo Lopez, executive secretary.
>
> The Puerto Rican Solidarity Committee national staff, which produces its monthly bulletin, *Puerto Rico Libre*, previously the publication of the CPRD, includes: Maggie Block, Rosa Borenstein, David Burd, Bill Henning, Sally Hamann, Lally Lopez, Liz Mestres and Vicki Wheeler.

The emphasis placed by the PRSC on "workers struggles" is derived, no doubt, from the close relationships between the lawyers who act as NIC organizers, the Puerto Rican Socialist Party, and the United Workers Movement—MOU—Movimiento Obrero Unido—in Puerto Rico whose coordinator and president, Pedro Grant, is also a member of the PSP Central Committee.

Puerto Rico Libre states:

> One can easily understand why the colonial government of Puerto Rico is threatened by the MOU. At a time when Puerto Rico is suffering a major economic crisis, the MOU is building a united trade union movement capable of and active in coordinating island-wide strike support. The MOU was formed on October 16, 1972, out of a labor committee organized by a group of labor union leaders which sought a vehicle for unity in the trade union movement.

The MOU now has some 40-member unions and about 100 locals. These include the Boilermakers Union, Island Union of Electrical Construction and Industrial Workers—UITICE, Union of Workers of the Cement Industry, Amalgamated Meatcutters Union, the Congress of Industrial Unions, the Union of Petrochemical Workers, Union of United Firefighters, Puerto Rican Workers Guild, Puerto Rican Industrial Maintenance and Service Union, Ready Mix Workers Union, Union of Housing Fund Employees, Union of Fomento Company Employees, Union of Professional Employees of the Electrical Authority—AFF, APATE, and the National Workers Union.

The National Workers Union—UNT, Union Nacional de Trabajadores, has been represented by attorneys from Arthur Kinoy's Center for Constitutional Rights—CCR—since 1973 in a National Labor Relations Board dispute. UNT President Arturo Grant and UNT Secretary-Treasurer Radames Acosta, both leading members of the PSP, are charged with violating an NLRB injunction against an illegal strike.

Radames Acosta, in an interview in Puerto Rico Libre, said of the UNT and MOU:

> We're working to reach our basic goal of uniting the Puerto Rican workers. We believe that the creation of a *Central Unica de Trabajadores* (Central labor organization made up of all the island's unions) is essential.

Puerto Rico Libre reported:

> To achieve this long-term goal, one of the union's officers, Osvaldo Romero, is also the Southern area coordinator of the MOU (Movimiento Obrero Unido) ***. It is hoped that the MOU will act as a catalyst for the eventual formation of this [Marxist-Leninist] workers' central.

As an indication of the revolutionary militancy of the Puerto Rican Socialist Party which the National Interim Committee for a Mass Party of the People is supporting so actively, the reports in the radical press of the MOU's Mayday rally in San Juan, Puerto Rico, is on point.

On May 1, the MOU led some 15,000 demonstrators in a rally on the steps of the capitol building in San Juan. These demonstrators were joined by a torchlight parade of 5,000 which marched from the harbor area in solidarity with striking dockworkers to the main MOU rally which was "dedicated to the victories of Vietnam and Cambodia, working women, the Puerto Rico Cement strikers, the Puerto Rican Telephone Co. * * * strikers, and all struggling workers here as well as throughout the world."

Speakers included Efrain Fernandez president of the Cement Industry Operators and Quarry Workers Union, who announced that the southern area MOU would stage "a massive act of solidarity with the telephone workers." He also said:

> Eighty percent of the workers do not have a fighting organization at this moment . . . and that is the fault of the capitalist system in this country.

Fernandez was arrested in Puerto Rico on April 9, 1975, on charges of violating the Federal Explosives and Firearms Act. His $11,000 bail was posted by the treasurer of the Independent Union of Petrochemical Workers, an MOU affiliate.

The principal speaker was MOU coordinator Pedro Grant, who is also secretary-treasurer of the Boilermakers Union which he helped organize 11 years ago. Grant said:

> Today is a day of extraordinary importance for the working class of the world. Today we also celebrate the triumph of the peoples' forces in Vietnam against three imperialisms citing the defeats of the Japanese, French and "now the U.S. imperialists." And he declared that "the Puerto Rican people also are with the Vietnamese."

Grant continued saying that the MOU cannot be stopped "because it is the instrument which will lead to the destruction" of the free enterprise system.

The NIC and PSP's Puerto Rican Solidarity Committee sponsored a U.S.-speaking tour by Pedro Grant from May 15 to 31. The tour included engagements in many areas where the PSP have followings including New York City; Newark, N.J.; Hartford and New Haven; Boston; Buffalo; Chicago; Washington, D.C., and Los Angeles.

Mr. Speaker, the intense revolutionary organizing by these three groups, the National Interim Committee for a Mass Party of the People, the Puerto Rican Socialist Party, and the Congress of Afrikan People, active across the country and each calling for armed struggle to overthrow our constitutional form of government and free enterprise economic system, is clearly a matter for intensive investigation by the House Judiciary Committee which now has jurisdiction over matters of internal security.

We need to know the extent of the threat posed by these organizations, whether new laws need to be drafted, and whether the appropriate existing laws are being properly enforced.

TRADE COMMISSION LISTENS TO PEOPLE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. GAYDOS. Mr. Speaker, a few weeks ago the U.S. International Trade Commission conducted 2 days of hearings in southwestern Pennsylvania to determine what impact relaxed trade concessions to foreign manufacturers would have on the local economy and the working force. Its visit to Pittsburgh was one of a series scheduled on this critical issue throughout the United States.

Unfortunately, because the House was in session I was unable to personally attend the proceedings in Pittsburgh, although I have an intense interest in the problem of foreign imports and our local domestic markets. Nevertheless, I want to commend the Trade Commission for venturing forth from the hallowed halls of Washington to listen to those most affected by sudden and drastic changes in our Nation's trade policies—the people!

In particular, I want to publicly recognize the efforts of Mr. Daniel Minchew and Mr. Will E. Leonard for bringing the Commission's hearings to Pittsburgh.

When the Commission first announced its schedule of hearing locations in January, neither Pittsburgh nor the State of Pennsylvania were included on the list. I was highly disturbed by the omission because the area not only is a massive industrial center but it also is home to approximately 30 major corporations.

I wrote the Commission chairman, requesting the itinerary be revised or expanded to include Pittsburgh. Regretably, the request was rejected. However, a few weeks later I was informed the Commission had reconsidered and would be coming to Pittsburgh the latter part of April. It is my understanding Mr. Minchew and Mr. Leonard were primarily responsible for the Commission's change of heart.

I sincerely appreciate the interest of these two men, whom I have never met, for I deeply feel southwest Pennsylvania, which is a blend of white and blue collar workers, is vulnerable to any upsurge in the importation of many foreign-made products.

By coming to Pittsburgh, Mr. Minchew and Mr. Leonard provided a great service to our people by listening to their opinions. They also provided a service to our President for by having the advantage of personal interviews with people directly involved in the question of international trade, they will be able to furnish a broader, more comprehensive set of facts on which high echelon officials may base their decisions.

I am confident the information Mr. Minchew and Mr. Leonard collected during the Pittsburgh visit will prove helpful to them in making their recommendations to the President.

SENATE—*Tuesday, June 3, 1975*

The Senate met at 9 a.m. and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

Maj. Gen. Gerhardt W. Hyatt, Chief of Chaplains, Department of the Army, Washington, D.C., offered the following prayer:

Our great and eternal Father, You have given us a land of plenty and varied resources. You have blessed us with citizens of faith and industry who have used the bounties of the Earth for Your glory and the well-being of millions on Earth. You have raised up for us brave and noble sons who have defended all that we hold dear. You have provided us with leaders and statesmen who have pledged allegiance to country and fidelity to Your commandments that righteousness may exalt our Nation.

We ask Your forgiveness where we have failed. We pray that the pattern of our lives may be such that we may be worthy of this heritage. Give us wisdom and understanding that today we may act so selflessly in the interest of the future that our children and our children's children may rise up and call us blessed.

This we ask in Your name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 3, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 2, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan wish to be recognized?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

THE AMERICAN MILITARY POSTURE IN ASIA

Mr. EAGLETON. Mr. President, when we consider the military posture of the United States, no part of the world poses as many imponderables as Asia. The American presence in that area has undergone careful scrutiny for over a decade, primarily because of the war in Indochina. Now that the last semblance of that involvement has been terminated, we must begin again to reassess America's Asia policies.

The American military posture in Asia was originally formulated to support a policy of "containing" Communist China. Since the Korean conflict, we have concentrated on projecting the American military presence at certain strategic points on the Asian mainland. And to assure that the bases created at these points remained viable, we pursued a military strategy intended to protect lines of transport and communication—to maintain the integrity of these "projections of force ashore," to use the parlance of the Navy.

In order to counter what we perceived to be a growing strategic threat in China, we placed B-52 bombers on land-based installations in Guam, Okinawa, Taiwan, and Thailand. And when the "flexible response" policy of the Kennedy administration was melded with the Dulles concept of "massive retaliation," Asian bases were given a conventional mission—to aid in the fight against "wars of national liberation."

The United States has a different view of China today. And China, for its part, has a new, more real threat to its interests in Asia—the Soviet Union.

While China actively supported the export of its brand of communism in Southeast Asia, it did so by encouraging, reluctantly, a sense of nationalism—nationalism which, ironically, now threatens to reduce Chinese influence over the area. National governments recently created in Indochina remain arenas for political competition with the Soviet Union. Indeed, if the Soviet Union is able to achieve a military presence in Indochina, the "Communist" victory will be a hollow one for China.

China's logistical support for the "liberation" movements of Southeast Asia did not constitute the type of expansionism against which our containment strategy was originally devised. In fact, the People's Republic has from the beginning shown little inclination to move forces across its borders. China came to North Korea's assistance in 1950 belatedly and with a "volunteer" force. And it moved regular forces into Tibet over a border dispute with India in the mid-1960's. But these are exceptions to a Chinese policy which has preoccupied itself mainly with internal development.

Certainly today, with the Soviet Union posing a very real threat in Manchuria and Sin-Jung Provinces, China can ill afford a policy of military adventurism. In the context of the Sino-Soviet dispute there is tangible value to China in a policy of détente with the United States. American military policies should recognize this new reality and should be devised to exploit it.

As is perhaps normal, a number of factors have delayed our response to this changing Asian scene. The traditions of military doctrine, the nature of available weapons systems and, perhaps most importantly, the political and psychological impact of the American presence all work against a rapid and efficient response to the changing situation. This "lag" phenomenon is very much in evidence in Asia today.

As we debate whether the United States should be an "Asian power" or a "Pacific power," we must consider carefully the impact of our decisions—and of their timing—on the nations of Asia. And we must consider that the way we go about modifying the American role could have long-range consequences important to the United States.

In this regard, there are four important considerations which, in my opinion, should guide American policymakers as they contemplate our military posture in Asia.

First, we should consider carefully the implications of the Sino-Soviet dispute. As I have discussed earlier, areas adjacent to China have become arenas of competition between China and the Soviet Union.

As long as the United States is perceived to represent a third force, capable, at a minimum, of offsetting Soviet naval power, China will have little interest in encouraging hostilities against Western-oriented or democratic societies in Asia. This was most recently reflected when China reportedly offered no support for a North Korean invasion of the South.

Second, we should consider the radical-independent Communist nations. The model for this breed is, of course, North Korea. North Vietnam and Cambodia may eventually fall into this characterization as well, since these new Communist nations have given no indication of becoming satellites of either China or the Soviet Union.

North Korea represents an aberration in the détente strategies of both China and the Soviet Union. Neither wants a renewal of the Korean conflict, but neither could afford to withhold support if Marshall Kim Il Sung launches an attack.

It would appear that the most important deterrent to a North Korean offensive—and the subsequent disruption of détente—is the American military presence in South Korea. While it is unlikely that North Korea would launch a major attack across the DMZ before important votes next fall on the continuation of the United Nations force, efforts will no doubt be made to test American resolve. Attacks may be made, for example, on offshore islands which would not directly involve American forces, but would afford North Korea an opportunity to measure the reaction of the American public.

Mr. President, I long opposed the American involvement in Indochina. Some would classify me as a "dove" because of the position I took on the Vietnam war. As I will later explain more fully, I do not believe that the United States need be an Asian power. But I do feel that we must remain a viable force in the Pacific. The most important question in my mind with respect to our withdrawal from the Asian mainland is one of timing.

Those who argued against our Vietnam involvement said that Indochina would become a buffer against Chinese expansion—that it would become a neutral zone if the United States left it alone. By and large that prediction, based on an objective look at the history of the area, has been fulfilled.

Mr. President, it is not now time for those who had a more realistic view of Asia during the Vietnam war to react emotionally and precipitate a chain of events which I consider equally as predictable. I refer, of course, to the presence of American forces in Korea. I believe that current conditions in Asia do not permit the luxury of removing those forces or of abrogating our mutual defense treaty with that nation.

Ironically, factors other than the safety of South Korea itself have convinced me of the necessity of maintaining our presence in that country, at least for the foreseeable future. I detest the repressive actions of the Park regime. Our alliance with that regime is, in my opinion, an unholy one, born in an era when "containment" was our central concern. Nonetheless, other factors today make the ending of that alliance potentially more dangerous than its continuation.

I refer to the impact a precipitous withdrawal would have on détente. We would, in effect, be creating the circumstance wherein the radical Communist government of Kim Il Sung could force China and Russia to forego détente to prove their dedication to the larger cause.

The destabilizing effect such an action could have—not only on the Korean peninsula, but between China and the Soviet Union in other areas—would be detrimental to U.S. interests.

Furthermore, Mr. President, such a withdrawal would disrupt current efforts to "evolve" American Asian policies into the "Pacific-power" mold. The cornerstone of such a policy is a politically and economically viable alternative to communism in Asia. To the extent that such an alternative exists, the need for a countervailing military presence is diminished.

Which brings me to the third ingredient important to American interests: an economically strong, democratic, and demilitarized Japan.

There is perhaps a tendency in some quarters to be too sanguine over the potential impact on Japan of an American withdrawal from Korea. While I do not foresee the immediate repeal of the article in the Japanese constitution which prohibits military expenditures for other than self-defense, I do feel that we could set in motion those now discredited forces within Japan which desire to rearm that nation.

In the long run, such a prospect could seriously complicate the Asian political situation.

Asia needs an economically and politically active Japan, and it is in Japan's long-range interest to help create an economically viable, free Asia. Not only would this bring new markets for Japanese goods, it would contribute to regional stability.

The fourth consideration for America's Asia policy should be self-evident: the elimination of American bases created solely for "containment" purposes or to support the Indochina involvement.

By and large, we no longer need to project American military strength onto the Asian mainland. A number of air bases created for this purpose are clearly obsolete and, perhaps more importantly, they have become political handicaps.

The first to go should obviously be those in Thailand where we have been asked to leave within a year. Bases such as Utapao in Thailand lost their importance when we left Indochina. They have in turn become liabilities in our relations with the new Thai Government. That government wants to avoid any potential conflict with its neighbors in Southeast Asia and must concern itself with minor insurgency movements. These movements now have no nationalist base—no anticolonialist motivation. And they will remain unsuccessful so long as we do not give their leaders an issue by remaining too long in Thailand.

We should also reappraise our presence in the Philippines. Certainly the naval facility at Subic Bay will continue to be important for the foreseeable future. But the large Clark Air Base may no longer be worth the apparent extortion price President Marcos will ask. If we reappraise the need for Clark in terms of the new Asian realities, we may find ourselves less susceptible to blackmail.

Lastly, we must reassess our presence on Taiwan and our mutual defense arrangements with that country.

If the Taiwan issue is permitted to foment to the detriment of our relations with the People's Republic of China, we will have bought military convenience today in one region of Asia at the expense of a reemerging threat throughout all of Asia. We cannot afford to ignore the requirements, implicit and explicit, of the Shanghai communique.

However, there is no obvious need for precipitous action with respect to our forces on Taiwan since no requirement for such action currently is being levied by the People's Republic. Hopefully a reduction of American forces will be accompanied by a defusing of tension between Taiwan and Peking, making our presence less important. A removal of Taiwanese forces from Quemoy and Matsu would contribute to this process, as would an easing of the demands of the People's Republic that Taiwan eventually give up its autonomy and its distinctive economic system.

In summary, it seems clear that the old rationale for an American presence on the mainland of Asia is anachronistic. It was premised on the need to project our military might onto mainland Asia for purposes of containment. Some of the bases created for this purpose have become obsolete because of the changing threat, and others remain important but for entirely different reasons.

Mr. President, I believe that America should be moving toward an Asian posture earlier recommended by military experts for the post-World War II era. Generals Marshall, Ridgeway, and MacArthur warned against our involvement in a land war in Asia. Now that we have tasted the lessons of such an experience, we should move back, not to isolationism, but to a posture which accommodates our strength—a posture which will protect our vital Pacific interests. At the same time, we should realize that such a goal cannot be safely reached until the powderkeg of Korea has been defused.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Missouri for the statement he has made this morning, which is part of a continuing dialog and debate being carried on in this Chamber.

I think the debate, by and large, has been highly constructive, has been carried on with dignity, and has contributed to the knowledge of the Senate, as a whole, and also I would hope to the American people and would be noted downtown as well.

I was interested in what the distinguished Senator had to say in delineating the position of the United States in the Far East, laying emphasis on the fact that we are not, primarily, an Asian power but are, specifically, a Pacific power. I think that is a point that we ought to keep in mind because in time we will have to withdraw entirely from the Asian mainland.

I agree with the distinguished Senator when he says that now is not the time to withdraw from Korea, because of the situation which has developed following the collapse in Indochina. When I refer to Indochina I refer to the three Indochinese states of Cambodia, Laos, and Vietnam.

So I commend the distinguished Senator on his contribution to this most important debate and express the hope that what he and others have undertaken to do this week they will continue to undertake in the future, so that this will not be a one-shot affair, tied to a particular piece of legislation, but will have a continuity, which will bring home to all of us the importance of the changes which have occurred in the world and, most important, to recognize the fact, at least in my opinion, that what has happened in Indochina has marked the end of an old era and now we are embarked on a new one.

Again I commend the distinguished Senator for making a significant contribution.

Mr. EAGLETON. Mr. President, I personally am deeply pleased with the comments of the distinguished majority leader. He has impressed his life's career with an intense and in-depth study of Asian policies, both political, military, and otherwise. To have him gain recognition in the Chamber and express those words with respect to my speech gratifies me deeply, and I express my thanks to him.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. TAFT is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, will the Senator from Ohio yield to me briefly?

Mr. TAFT. I am glad to yield to the distinguished acting minority floor leader.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the time allotted to me under the order be transferred to the Senator from Ohio (Mr. TAFT).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio (Mr. TAFT) is recognized not to exceed 30 minutes.

Mr. TAFT. Mr. President, I thank the distinguished acting minority floor leader for granting me the additional time.

MILITARY PREPAREDNESS AND STRATEGIC DETERRENCE

Mr. TAFT. Mr. President, at the outset, I pick up this morning where we left off last evening in pointing out that, in the consideration of this authorization bill for our Armed Forces for the year 1976, we are determining the overall size and capacity of our Armed Forces for some time into the future. We will, of course, review it from year to year, as the need arises and changes. But I point out again, as I did last evening, that this is a long-range, overall policy question. The size of our forces and the capabilities of our forces, it seem to me, must be related to the general world geopolitical picture, of course, and also must be related, I think, as I said last night, very definitely to the enemy capabilities.

The first tenet of military preparedness is to know what the enemy capabilities are and to be in a position to react to them.

We also, of course, have certain international missions that we may or may not wish to take up when the occasion arises, but the capabilities of our Armed Forces will determine the extent and ability of our response when international crises do arise.

The danger that I saw in the debate yesterday, concentrating on particular problems that we have in the world today, such as the Middle East, such as the Korean situation, such as the Cyprus-Turkish-Mediterranean situation, I think should not be allowed to dominate our thinking at a time when we are trying to assess the overall size and capability that the Armed Forces of the United States ought to have.

I think there has been, unfortunately thus far in the debate, too much of a tendency to look to these particular threats and decide whether or not they represent wise or unwise commitments insofar as the United States is concerned.

These are proper considerations for Congress. There is no doubt about it. I feel very strongly that American foreign policy, even in relationship to particular theaters, ought to be debated in the Senate as the problems arise, and that the Senate and the entire Congress, for that matter, I think should be consulted with from time to time.

I would welcome some new procedural way in which the Congress of the United States annually got into a major debate on U.S. foreign policy, perhaps culminating in resolutions with regard to particular areas and expressing our best views as to what American commitments in that direction should be. But that is not the purpose of the debate we are involved in or the votes that we will be involved in, at any rate, during this week, on the military procurement bill that is before the Senate.

We are directing our attention to our own overall military capabilities and preparedness. It is in that regard that I am going to address my remarks this morning, to the whole question of our military preparedness and the question of strategic deterrence, because I think our overall goal in the world is to create a climate in which we will have no outbreak of nuclear conflict with major powers or even a conventional conflict with major powers. This, to me, does rest on the whole question of strategic deterrence.

Mr. President, I would like to say a few words about that element of our national defense which is, by any measure, the most vital to our national existence. I speak of our strategic nuclear deterrence forces.

There is to me no question that the maintenance of strategic deterrence must be among the highest of our national priorities. There are, indeed, many important national goals—some military related, many not—toward which we work, and to the achievement of which we, in Congress, dedicate our national resources. I would, however, suggest that despite the importance of these goals, there is only one among them upon which, and upon which alone, the very survival of this Nation depends: that of maintaining strategic deterrence.

Because our strategic deterrence forces have always been adequate to their task, in the nuclear age we tend to forget about them. Indeed, it is not pleasant to think about them, because it is not pleasant to think about what would happen should they fail: nuclear war. And that is, let us not forget, the price of a failure of strategic deterrence—international nuclear war: the utter destruction of our cities, and those of our opponent; the slaughter of tens or hundreds of millions of people; and the agonizing deaths of millions more through the effects of radioactivity. It is not impossible that the cumulative effects of a nuclear war would leave the Earth without human life, or with that life twisted into bizarre forms that we would not recognize as human. It is probable that if humanity survived, those who remained would live in a state of barbarism; that all the painstaking achievements of the last 3,000 years would be reduced to ashes. This is the price of one single failure of strategic deterrence. However unpleasant it is to remember, we have a solemn responsibility never to forget it.

What, in general terms, must we do to insure that deterrence does not fail?

First, we must take our deterrence forces seriously. We must not assume blithely that, because they have succeeded in maintaining deterrence over the past 30 years, we can pick and chip away at them, that we can comfortably talk of "overkill" and let our deterrence forces fend for themselves. Such attitudes, such unconcern, contain the potential for utter and irretrievable catastrophe.

Second, we must realize that there is no cost effectiveness for deterrence. The cost of a failure of deterrence is incalculable; therefore, there is no cost too great to pay for maintaining deterrence. A decision that we cannot afford a weapon system necessary for the maintenance of strategic deterrence is, by definition, a decision either to surrender or to commit collective suicide.

Third, we must be extremely cautious about tampering with the heretofore successful structure of our deterrence force. It would be a rash man who would suggest experimenting in this area, who would abandon the structure which has proven successful, simply because it has worked. There are areas where we, as Senators have a responsibility to see that no resources are committed beyond the bare minimum needed to do the job. But this is not such an area. Strategic deterrence is not the place to cut to the bone, to make fine calculations of just how much is enough. Far better that we should have some surplus capability, even at a high dollar price, than that we should cut too finely and pay the infinite cost of a failure of deterrence. In this area, the wise man walks carefully and with reverence for that which has succeeded.

Where do we stand today, in relation to the ability of our strategic forces to maintain deterrence? Our forces have thus far proven adequate to their task—

indeed, we would not be here reviewing the situation had they not. Our current force of bombers, ICBM's, and SLBM's continues to create sufficient uncertainties in the minds of potential attackers to prevent them from being able to calculate favorably the results of an attack; thus, we continue to deter successfully.

We see some hopeful developments in the area of strategic forces, in terms of arms limitation agreements with the Soviet Union. The President and Secretary of State have concluded an agreement on limiting these weapons, at Vladivostok, and they deserve our thanks for their efforts, meager though some consider those efforts. I hope that further negotiations will confirm and expand the results of Vladivostok, and take the next step of moving toward reductions of strategic arms by both ourselves and the Soviets.

However, even a successful arms reduction agreement will not end the need for us to maintain the basic structure of our deterrence force. It is worth our time, I believe, to look briefly at that force structure, and at what is needed to maintain it.

The basic structure is the Triad—the combination of bombers, ICBM's and SLBM's. It is this Triad structure which creates the deterrence-producing uncertainties in the minds of our opponents. It is this Triad structure which is the very basis of our deterrence force. It is this Triad structure which has been successful; and, as I noted earlier, it is a bold man who would propose to experiment with success in this area.

What do we need to maintain our successful deterrence force structure, the Triad? There are, in this military procurement bill, several programs which are vital, if the Triad is to be maintained.

The first of these is the Trident submarine. There are several qualities which are important to a ballistics missile submarine, if it is to remain undetected by potential attackers and thus able to carry out its deterrence mission. The two most important of these qualities are the range of its missiles and the quietness of the submarine.

Missile range is of great importance because it is the range of the missile which determines how much of the ocean is usable by the submarine. If the missile range is short, the submarine must remain close to the potential enemy's coasts and thus vulnerable to his antisubmarine ships and aircraft. The longer the missile range, the more of the ocean the submarine can cruise in while remaining in range of its targets, and the greater the potential opponent's ASW problems. The missile which the Trident submarine will carry will have a range of over 4,000 miles—compared with the 2,900-mile range of our current SLBM. Subsequent missiles for the Trident will have an even greater range/payload capability. I note that the SSN-8 ballistic missile in the Soviet "Delta" class submarine, currently in service, has a range of 4,200 miles. These submarines can sit at their docks in Petropavlovsk and hit every city in my State of Ohio.

The Trident submarine will also be materially more quiet than our current Poseidon class. Quietness is a key factor in a submarine's ability to avoid detection; a principal means of finding a submarine is through underwater listening devices, which can pick up underwater noise hundreds of miles away.

If we are to maintain the Triad, we need the Trident submarine. We need the deterrence capability given by its increased ability to avoid hostile ASW forces.

Another system which we need if we are to maintain the Triad is the B-1 bomber. One of the three basic elements of the Triad is a manned bomber. Without an effective, modern, strategic bomber, you do not have a Triad—you have abandoned our successful deterrence force structure, and have decided to experiment with deterrence. The only alternative to abandoning the Triad is the B-1, because it is the only modern strategic bomber available to us. The B-52 is increasingly outdated in design, and the actual planes are wearing out. The FB-111 is only capable of one-way missions, and, more importantly, it is physically too small to carry the advanced electronics which will be necessary to penetrate the Soviet air defenses of the 1980's and 1990's. Forward based, they would be subject to a first strike. Proposed cruise missile carriers are not strategic bombers at all; they would be converted transport or civilian airliners, and would be incapable of penetrating any hostile air defenses. They would be extremely vulnerable because of their tactical inflexibility. They have only one tactic: Approach the borders of a hostile country and launch their missiles. Long-range interceptors or long-range air defense missiles would be an easy and effective answer to such a system. Again, it simply is not a bomber; it is just another launching platform for missiles.

Thus, the B-1 is necesssary if we are to maintain the Triad. There is no alternative to it, other than to abandon the Triad structure of our deterrence force. Is it expensive? Yes. But I return to the point: Can you play cost-effectiveness with deterrence, where the price of failure—of just one failure—is nuclear holocaust. The Triad structure is the only deterrence system which we know does work.

There is one further portion of the bill before us which relates to our Triad. In this case primarily to our ICBM force. This is the strategic initiatives package, the programs designed to improve the accuracy of our missiles. These programs would give us a certain counterforce capability, a certain capability of hitting Soviet targets selectively.

We all hope we will never have to use nuclear weapons. That hope is best served by the deterrence effect of having all know that if we ever did have to use them, they would be accurate and effective. We should take notice that the Soviet Union is currently increasing its counterforce capability. They are doing so not so much with increase accuracy, as with increased throwweight for bigger warheads, but the effect is approximately the same. One can make all sorts of abstract arguments about counterforce and deterrence theory, but the real question here is one of Soviet perceptions. The Soviets have a long history of respecting strength in their opponents, and of taking every advantage of opponents who show a lack of will and resolve.

What will be Moscow's perception of our strength and commitment if we refuse to match their development of a possible counterforce capability? I am sure that, had we been the first to develop such a capability, the Soviets would not have hesitated to respond.

We cannot afford to take a position which Moscow may perceive as weakness. History gives us no reason to think that the Soviets will respect such a position on our part, or that it will do anything but hinder our efforts to reach a just and equitable arrangement with them in arms control negotiations.

Let me note further that, in relation to a deterrence theory which some people advance, it ignores a very important point: Specifically, that deterrence must be credible to work. If we are restricted to population center targeting, we face an increasing possibility of the Soviets striking at all or selected missile and bomber bases, and then saying to us, "We have not hit any of your population centers: Do you want to be the one to start trading cities?" Some argue that such a counterforce strike by the Soviets is not credible, because they could not destroy all our delivery systems. But this ignores the fact that, if the remaining system were capable only of being population center targeted, we could not use them to retaliate without initiating a mutual destruction of population centers, the Soviets would then have destroyed enough of our strategic weapons to reduce us to a second-class power, with dire consequences to our interests throughout the free world.

The addition of a counterforce and other options would eliminate the possibility of this scenario. We would have the flexibility to respond to a Soviet counterforce strike by cutting down their strategic forces as they cut down ours, thus maintaining the overall balance of power. We would not be forced to choose between accepting the status of a second-class power, or initiating an exchange of cities.

Finally, I note that the arguments against a counterforce capability have been made only in relation to a scenario of a direct attack by the Soviets on the United States. But our defense problems extend beyond our own borders, and a counterforce capability may be necessary in situations other than a Soviet counterforce strike on the United States. For example, in the event of a Soviet attack on Europe, approximately 600 Soviet MRBM's and IRBM's, plus about 100 ICBM's are targeted on our NATO allies. Of these, about 220—easily enough to wipe out European civilization—are in protected silos. It would greatly increase the deterrent ability of NATO if we had the ability to knock out at least some of these 220 missiles in their silos.

Another factor which we should consider in this relation, is the likely effect on nuclear proliferation. Already the addition of India to the nuclear club is alarming.

I might say that, as reported in the morning news, the commitment apparently has been made by the Russians to provide nuclear technology, at least, to such a small nation as Libya, which certainly has not been friendly in its recent relationships with the United States, which makes the point, I think, even more clearly perhaps than the problems with regard to India. The failure of the United States to continue to improve its weapons would almost invite other powers to such proliferation from the point of view of defending themselves from increased Russian throw-weight and MIRV'ing of their weapons.

Finally, we should note that these items related solely to advanced research and development, and not to procurement. I think it would be a great mistake for us to stop the advanced research in these areas. These programs will leave us options that will be open if the need should arise. If we refuse to do the R. & D. work, we will have closed off the options, and we would face a long delay in starting up on them again, if we suddenly required them.

Thus, our negotiating position vis-a-vis the U.S.S.R. and our security, for both the continental United States and our overseas interests, require these programs to increase the accuracy of our missiles. I hope my colleagues will agree with Secretary Schlesinger, Secretary Kissinger, and the committee that they should be authorized.

Each of these programs strengthens one of the three arms of the triad. And we must not forget that each of those arms is needed, not only because without any one of them we will have abandoned the triad, but because, on its own, each has its vulnerabilities.

The bomber has always been somewhat vulnerable to hostile interceptors and to antiaircraft defenses, as well as to attacks on its bases. From the day in 1871 when the Parisians tried to evade the besieging Prussians in balloons, and the Prussians responded by building antiballoon guns, we have seen a struggle between bombers and defensive forces. I would point out that some bombers have always gotten through, and I have confidence in the ability of a modern bomber such as the B-1, flying fast and low, to penetrate any air defense. Nonetheless, the bomber has its vulnerabilities; and a deterrence force based solely on bombers would be a risky way to insure our national existence.

Similarly, land-based ICBM's are potentially vulnerable to first strikes by opposing ballistic missile forces. Large numbers of enemy ICBM's, equipped with multimegaton warheads and high-precision guidance systems, could pose a threat to any land-based ICBM system. I do not intend to say that we now face such a threat; we do not, and I am confident in the high survivability of our land-based missiles against the current threat. We must note, however, that the Soviets are increasing both the size of their missiles and the accuracy of their guidance systems. It is not inconceivable that we could, in the not-too-distant future, face a threat to our land-based missiles that would have to concern us.

What, lastly, of our vaunted sea-based missile force? It is sometimes argued that our submarine-based missiles are completely invulnerable, now and for the foreseeable future. This argument is in turn used to say that we do not need a Triad; that submarine-based missiles alone are adequate to provide deterrence.

I have looked into this matter in some depth, because, quite frankly, I was interested in the possibility that we had developed, in the SLBM, a completely invulnerable system. I found that if one looks at the Soviet antisubmarine warfare forces, those that are similar to ours, this seems to be the case; the Soviet sonars, ASW helicopters, and destroyers are not as capable as ours, and even ours are not all that effective against an evading nuclear submarine.

But I also realized that the Soviets often do not do things the way we do them. We tend to forget this. We indulge in the comforting vanity that the Soviets are simply trying to copy us. Unfortunately, the Soviets are very advanced technologically, and also conceptually. They have completely different approaches from ours to many of the same problems. What do we see if we step back a pace, and, instead of just looking at Soviet ASW capabilities that are copies of ours. We look at their whole fleet? Do we see them working on some threats to our submarines, including our missile submarines, that we may previously have overlooked?

Maybe we do. I have noticed some interesting patterns in their weapon systems construction. I am not certain exactly where the patterns lead, but I wonder if it could be in the direction of a new approach to ASW.

In May of 1967, the Soviets paraded the prototype of their current SSN-8 submarine launched ballistic missile. The 4,200-mile range missile now on their newest ballistic missile submarine, the "Delta" class. It had a diameter of 7 feet. Then, in 1968, 1 year later, they commissioned the first of their "Yankee" class submarines. We identified this submarine as a strategic ballistic missile submarine, because it looked like ours—again, we automatically think the Soviets copy us. The Soviets have built 34 of these "Yankee" class boats.

There is one interesting thing about these submarines. They cannot carry the SSN-8 ballistic missile—the missile which the Soviets use on their latest submarine, but which they had then. The missile tubes on their "Yankee" class are too small for the SSN-8, and the submarine apparently cannot be rebuilt for the larger missile. Why would the Soviets build a strategic ballistic missile submarine which could not carry the strategic missile they already had?

Now, it is true the "Yankee" class was fitted out with strategic ballistic missiles—the SSN-6. However, this missile is far inferior to the SSN-8. It has a range of only 1,500 miles, compared to the 4,200-mile range of the SSN-8. Why would the Soviets build a submarine that could only carry an inferior missile, when they already had one far superior?

Another interesting fact is that only 2 years after the first "Yankee" class was commissioned, the Soviets began building the "Delta" class nuclear strategic missile submarine. This submarine, of which 6 are now in service with 15 building, does carry the long-range SSN-8. Why would the Soviets build 34 expensive submarines for the inferior SSN-6 missile, when they knew they would soon be building a submarine that could carry the SSN-8?

There is a further fact in this series that raises some questions. The Soviets have developed a new and frighteningly capable short-range ballistic missile, the SSN-13. This missile, although it is ballistic, has a range of only about 300 miles. It thus cannot be a strategic missile. This missile has a maneuverable warhead. It can be fired from a submarine, while submerged.

Most interestingly, this missile fits in the missile tubes of a "Yankee" class submarine.

To what uses could this missile, the SSN-13, be put? Its short range prevents its effective strategic use against U.S. land targets. Could it thus be designed for use against ships? Its maneuverable warhead could be designed to enable it to attack ships. This would be a very frightening capability. There is currently no adequate defense for our surface ships against a ballistic missile. There is no way currently to shoot down a ballistic missile. What if the Soviets were to deploy this missile, in an antiship role, on their "Yankees"? They would suddenly have, for use against our surface fleet, 34 submarines with 16 missiles each, a total of 544 missiles of a type against which we currently have no defense. What would this sudden unexpected capability on the part of the Soviets mean in terms of the United States-Soviet naval balance? Personally, I believe it would mean a decisive step by the Soviet Union on the road to naval superiority.

There is, however, one further observation I must make. The Soviet navy today has two fundamental military missions, anticarrier and antisubmarine. The SSN-13 on the "Yankee" class submarine could give a tremendous boost to the Soviet anticarrier capability. However, the Soviets already have a very impressive anticarrier capability. Today, without counting the SSN-13, the Soviets theoretically can launch simultaneously about 1,400 antiship missiles, 100 missiles for each U.S. carrier.

On the other hand, as I have noted, when we look at conventional, U.S.-type Soviet antisubmarine warfare capabilities, they seem weak. Could then the SSN-13 on the "Yankee" be somehow an antisubmarine weapon?

We can only speculate on this question. There is, however, no doubt that a 300-mile range, submarine-launched guidable ballistic missile could be a potent threat to a hostile submarine. Such a missile could have, for a warhead, a nuclear depth charge. In a nuclear war situation, there would be little hesitation in using a nuclear depth charge, and the power of such a weapon could render pinpoint accuracy unnecessary.

Could the Soviets locate our ballistic missile submarines, so that they could attack with such a weapon? Again, we cannot give a definitive answer. But there is a continuing potential for new deveopment in the area of submarine detection.

I thus return to my basic question: Have we found, in the ballistic missile submarine, a strategic weapon which is invulnerable now and for the foreseeable future? The answer, I think, is that the submarine will remain a vital part of the Triad; but that all systems, individually, have potential vulnerabilities. That, I suggest, is why we continue to need a Triad. And that is the reason why I hope my colleagues will join me in supporting the programs we must have if we are to maintain the Triad: The Trident submarine, which as I noted, will be far less vulnerable to ASW than the present Poseidon; the B-1 bomber; and the strategic initiatives program.

Mr. President, I yield the floor.

Mr. PASTORE addressed the Chair.

Mr. TAFT. I will be glad to yield the floor.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Rhode Island (Mr. PASTORE) is recognized for not to exceed 15 minutes.

THE DANGER OF NUCLEAR PROLIFERATION

Mr. PASTORE. Mr. President, an article entitled, "Brazil Nuclear Deal Raises U.S. Concern" written by Lewis H. Diuguid appeared in the June 1, 1975, edition of the Washington Post. I ask unanimous consent that the article be placed in the RECORD in its entirety at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRAZIL NUCLEAR DEAL RAISES U.S. CONCERN

(By Lewis H. Diuguid)

Brazil has arranged to obtain from West Germany the technology that would give it the capability to produce nuclear weapons, and U.S. officials are concerned that the military-dominated government has decided to opt for the bomb.

Brazilian authorities insist, however, that the sole purpose of the contract with the Germans is to generate electricity.

Neighboring Argentina, with a long-standing nuclear research program, is also thought by some high-ranking officials to have decided to attempt nuclear-weapon manufacture.

Neither South American nation signed the 1970 nuclear nonproliferation treaty, and both appear on lists of countries expected soon to be capable of joining the United States, Soviet Union, Britain, France, China and, since last year, India in the nuclear club.

The development lending immediacy to the Brazilian case is an accord now being completed with the STEAG, AG consortium of Essen for provision of several large nuclear reactors, fuel-processing plants and, most important, a uranium-enrichment plant using a unique process.

Robert Gillette of Science magazine, commenting in the current issue, quotes estimates that the secretive contract will run to $8 billion over the next 10 to 15 years.

It is considered possible that Brazil will pay for the technology with the enriched uranium eventually produced. The vast country has deposits of natural uranium and fissionable thorium, plus the hydroelectric power in large quantity needed for the new enrichment process offered by STEAG, AG.

West Germany will need the enriched uranium for its own nuclear generators but it lacks cheap electricity needed for the STEAG, AG production process on which it is banking. The present gaseous diffusion and gas centrifuge processes, developed in this country and Western Europe, require less electricity. All demand huge investments of capital and technology.

A major question is what controls West Germany will require on the technology. As a signer of the nonproliferation treaty, Bonn is under some restraints. But the treaty's restrictions on supplies of enriched uranium need not apply if Brazil produces the weapons-grade fuel itself.

Without naming countries, U.S. Arms Control and Disarmament Director Fred C. Ikle said in April, "Unhappily, short-sighted commercial interests sometimes militate against application of effective controls . . . You would think that all nations willing to export nuclear materials or equipment would be anxious to prevent proliferation.

"Even the largest nations would suffer greviously if nuclear explosives became widely available."

The president of Brazil's nuclear energy commission, Hervasio de Carvalho, told Washington Post special correspondent Bruce Handler that the country must act now to assure supplies for its booming seaboard cities.

Carvalho explained that most of the rivers with undeveloped hydroelectric potential are too far away for cheap transmission to the cities.

Enriched uranium, however, could be produced at jungle generating sites and brought to the eight or so nuclear power plants—with a total capacity of nearly 10 million kilowatt hours—foreseen in the agreement.

Carvalho pointed out that the "basic principes" for bomb-making "are known in practically all countries," but that there are still "technical secrets."

A main U.S. control on those secrets has been refusal to sell the technology for production of enriched uranium.

Secretary of State Henry A. Kissinger offered assurances last week at the International Energy Agency meeting in Paris that the United States would increase supplies of enriched uranium to meet demand in countries agreeing to safeguards against proliferation of arms.

But West Europeans, and now the Brazilians, have been unwilling to rely solely on U.S. sources.

Neither Brazil nor Argentina signed the nonproliferation treaty because, they said, it offered unfair advantages to the nuclear powers. Both are also exempt from the lesser-known 1967 treaty establishing Latin America as a nuclear-free zone.

Argentina has not ratified the treaty and Brazil did so with a waiver requiring all territories within the zone to adhere before it takes effect for Brazil.

A member of Brazil's Chamber of Deputies, Lysaneas Maciel, told the Associated Press Friday in Brasilia that he had been told by an Argentine legislator that the Argentines are able to produce a nuclear explosion.

"That may cause a problem of imbalance in Latin America," said Maciel, who is chairman of the mines and energy committee of the Brazilian lower house.

Brazil, with a population of 100 million but a per capita income under $700, is a traditional competitor of Argentina, where the population of 24 million has a per capita income of about $1,000.

Argentina has long invested in nuclear research and has a nuclear power plant functioning, whereas Brazil's first station—provided by Westinghouse with U.S. enriched uranium—is still under construction.

The West German-supplied plant now operating and a second Argentine plant being supplied by Canada both use natural rather than enriched uranium.

As India proved with the use of plutonium in its Canadian-provided plant, nuclear explosions are possible without enriched uranium.

But as U.S. officials see it, the Indian and now the Brazilian cases show that the real proliferation is of technology, not just fuel. Once the national capacity is built up, the national leaders can use it for peaceful explosions or nuclear bombs.

And while such decisions are tightly held, U.S. officials show intense concern that Brazil and Argentina have both decided to produce the bomb.

Mr. PASTORE. I must say at this juncture, parenthetically, that the substance contained in that article is correct.

The article points out that West Germany is about to enter into an agreement with the Brazilian Government to provide several large nuclear reactors, a fuel reprocessing plant, and a uranium enrichment plant. In other words, the arrangement would provide essentially an entire fuel cycle for the Brazilians. This matter disturbs me greatly as it does, I am sure, many of my colleagues and interested citizens. The Brazilian Government has not signed or ratified the Nonproliferation Treaty. In fact, the representatives of the Brazilian Government have made statements which have been carried in the press to the effect that they do not preclude the possibility of developing peaceful nuclear explosions. The scientific director of Brazil's center of physical research is quoted in the New York Times of August 24, 1974, as saying:

> Brazil already has the necessary conditions for building its first atomic bomb.

I ask unanimous consent that that New York Times article be printed in the RECORD at this point.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 24, 1974]

BRAZILIAN A-BOMB REPORTED WITHIN COUNTRY'S CAPACITY

RIO DE JANEIRO, Aug. 23.—The scientific director of Brazil's Center of Physical Research, Alfredo Marques, said yesterday that "Brazil already has the necessary conditions for building its first atomic bomb."

But Mr. Marques, speaking at an astronomy seminar, said there were other problems to be solved in making the bomb, because "a project of this nature involves rather ample questions, including the diplomatic field."

Brazil presently depends on the United States for plutonium and enriched uranium. The supplies are covered by an agreement signed with the United States Government two years ago, providing radioactive materials for Brazilian nuclear power plants for 30 years.

Mr. PASTORE. Mr. President, it is my understanding that behind the scenes the U.S. Government has taken steps to try to dissuade the Federal Republic of Germany from undertaking such an arrangement, particularly on providing enrichment and reprocessing capabilities to Brazil. Notwithstanding protestations by U.S. officials, including a meeting last April in Bonn, the arrangement apparently is going to be executed. I have been advised that on April 30 of this year the West German Parliament approved in principle the sale and the related arrangements to provide power reactors, a pilot plant for reprocessing fuel, and an enrichment capability to Brazil.

Now, I understand that the United States has sold Brazil two research reactors and a power reactor. The research reactors began operating in 1958 and 1960, respectively, and they do not have any significant amounts of plutonium connected with them because of their small size and design. The power reactor will not come into operation until 1976. All of these arrangements are governed by an Agreement for Cooperation between the United States and Brazil signed on July 17, 1972—which superseded an agreement signed in 1955—and this agreement runs until the year 2002. All of the facilities that I have mentioned are under International Atomic Energy Agency safeguards.

The proposed sale by West Germany to Brazil adds, however, a completely new dimension to the nonproliferation problem. West Germany is going to provide essentially a complete fuel cycle which could assist Brazil in making a nuclear bomb, if it so desires. Brazilian officials have been quite frank to indicate that Brazil does not plan to sign the Nonproliferation Treaty.

This, of course, reminds us all too vividly of the situation when India became the sixth nuclear power. The Indians utilized plutonium produced in a reactor not subject to IAEA safeguards and are now constructing a power reactor not under IAEA safeguards utilizing technology and knowhow obtained from a Canadian power reactor. I think this is an extremely important fact because no matter what arrangements are made with the West Germans, even if they were completely effective, there is nothing to preclude the Brazilians from building separate and indigenous reprocessing and enriching facilities simply by copying what the West Germans have given them, and then deciding to build a nuclear explosive device, unless all such reproduced facilities are specifically subject to adequate IAEA safeguards.

Arrangements such as the proposed one between West Germany and Brazil would greatly aggravate the additional measures which must be taken to deal with nonproliferation of nuclear explosive devices. There are those, myself included, who strongly believe that the adequacy of international safeguards must be carefully and promptly reexamined and strengthened, and that this country should provide leadership to that end.

I am informed that the United States has urged its manufacturers of nuclear facilities not to enter into any arrangement such as the one proposed by West Germany, pending further study of the situation, and that the manufacturers have agreed. I applaud this decision because we cannot expect others to show restraint if we do not ourselves exercise restraint. The problem of nuclear explosive device proliferation does not concern any one country of the world or groups of countries—every nation's security and survival is directly involved. Secretary of State Kissinger in an address on September 23, 1974, before the 29th United Nations' General Assembly, said that the United States is prepared to join with other countries in the world community to work urgently toward a system of effective international safeguards against the diversion of plutonium to nuclear explosives. The Secretary said, among other things that—

> The United States will shortly offer specific proposals to strengthen safeguards to other principal supplier countries.

I hope that the Secretary is now acting decisively to present specific proposals, at the earliest date, to the principal countries which supply nuclear technology which could lead to the proliferation of nuclear explosive devices.

Despite all of this, and despite the protestations of our State Department, the West Germans have decided to go ahead because they apparently look upon this as "business as usual." Nothing could be further from responsible action, no matter who the supplier might be.

I strongly stress the need and importance for the United States to urge the Federal Republic of Germany not to proceed with the arrangement, until these matters, which are of the gravest international concern, receive the most deliberate and careful consideration at the highest levels of international diplomacy.

West Germany's apparent disregard of the plea of our Government on this important international policy issue is really difficult for me to understand and accept. The United States has gone out of its way to assure our NATO allies, and particularly the West Germans, that we would defend them and has backed up this commitment with positive actions. Yet despite this, and despite the obvious need for reason and sound judgment to prevail, the pleas of our Government have been to no avail.

And what concerns me to no end is the fact that this is a likely peril being instituted by an ally in our own back yard, so to speak, while, at the same time, the U.S. Government is heavily committed in West Germany's backyard to defend them against a likely peril.

I urge the Secretary of State and the President to use and exhaust every available diplomatic avenue to assure that the proposed arrangement—and any similar arrangement which may be proposed by any other nation—be held in abeyance until the principal supplier countries have had a reasonable opportunity to consider and agree on the practical steps which can and must urgently be taken toward a system of effective international safeguards against the proliferation of nuclear explosives.

I would like at this point to have printed in the RECORD an extract from the foreign reactors list showing the reactors presently in Brazil. I would also like to have printed a copy of the United States-Brazil Agreement for Cooperation and a copy of the text of the Treaty on Nonproliferation of Nuclear Weapons.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN REACTOR LIST

Foreign reactors operating, being built, or planned from a listing of foreign reactors which is updated and revised periodically by the Division of International Programs, Energy Research and Development Administration.

County and designation	Description (type, enrichment, moderator, coolant—when available)	Site	Power	Criticality
Brazil:				
Operating—Research:				
IEA-R1 (U.S. built)	Pool, 20 and 93 percent enriched uranium, H_2O moderated and cooled.	Atomic Energy Institute, University of Sao Paulo	5 MWt	1958
IPR-R1 (U.S. built)	Triga Mark I, 20 percent enriched uranium, H_2O ZrH moderated, H_2O cooled.	Radioactive Research Institute, University of Minas Gerais, Belo Horizonte.	100 KWt	1960
IEN-R1	Argonaut, 20 percent enriched uranium, H_2O and graphite moderated, H_2O cooled.	Nuclear Engineering Institute, Rio de Janeiro	10 KWt	1965
Being built—Power: ANGRA 1	PWR, 2.2–3.6 percent UO_2, H_2O moderated and cooled	Angra dos Reis, Rio de Janeiro	657 MWe	1976
Proposed—Power: ANGRA 2		Angra dos Reis		

[Atomic Energy Cooperation for Civil Uses]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND BRAZIL

(Signed at Washington July 17, 1972)

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of the Federative Republic of Brazil signed an "Agreement for Cooperation Between the Government of the United States of America and the Government of the United States of Brazil Concerning Civil Uses of Atomic Energy" on July 8, 1965; [1] and

Whereas the Government of the United States of America and the Government of the Federative Republic of Brazil desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy, including the design, construction, and operation of power-producing reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy; and

Whereas the Government of the United States of America and the Government of the Federative Republic of Brazil are desirous of entering into this Agreement to cooperate with each other to attain the above objectives; and

Whereas the Parties desire this Agreement to supersede the "Agreement for Cooperation Between the Government of the United States of America and the Government of the United States of Brazil Concerning Civil Uses of Atomic Energy" signed on July 8, 1965;

The Parties agree as follows:

Article I

For the purposes of this Agreement:

(1) "Parties" means the Government of the United States of America, including the Commission on behalf of the Government of the United States of America, and the Government of the Federative Republic of Brazil. "Party" means one of the above Parties.

(2) "Commission" means the United States Atomic Energy Commission.

(3) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(4) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(5) "Equipment and devices" and "equipment or devices" mean any instrument, apparatus, or facility, and include any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(6) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

(7) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(8) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

(9) "Safeguards" means a system of controls designed to assure that any materials, equipment and devices committed to the peaceful uses of atomic energy are not used to further any military purpose.

(10) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission or the Government of the Federative Republic of Brazil to be source material, or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission or the Government of the Federative Republic of Brazil may determine from time to time.

(11) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission or the Government of the Federative Republic of Brazil determines to be special nuclear material or (2) any material artificially enriched by any of the foregoing.

(12) "Superseded Agreement" means the "Agreement for Cooperation between the Government of the United States of America and the Government of the United States of Brazil Concerning Civil Uses of Atomic Energy" signed by the Parties on July 8, 1965.

Article II

A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate.

Article III

Subject to the provisions of Article II, the Parties may exchange unclassified information with respect to the application of atomic energy to peaceful uses and the considerations of health and safety connected therewith. The exchange of information provided for in this Article will be accomplished through various means, including reports, conferences, and visits to facilities, and may include information in the following fields:

(1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors and reactor experiments;

(2) The use of radioactive isotopes and source material, special nuclear material, and byproduct material in physical and biological research, medicine, agriculture, and industry and

(3) Health and safety considerations related to the foregoing.

Article IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties may be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

Article V

The application or use of any information (including design drawings and specifications), and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement or the superseded Agreement shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application.

Article VI

A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services with respect thereto.

B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV and VII and subject to the relevant provisions of Article VIII and to the provisions of Article IX.

C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the limitations in Article II and to the policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs A and B of this Article.

Article VII

A. During the period of this Agreement, and as set forth below, the Commission will supply to the Government of the Federative Republic of Brazil or, pursuant to Article VI, to authorized persons under its jurisdiction, under such terms and conditions as may be agreed, all of the requirements of the Federative Republic of Brazil for uranium enriched in the isotope U-235 for use as fuel in the power reactor program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in Article IX, may be amended from time to time by mutual consent of the Parties without modification of this Agreement.

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[1] TIAS 6126; 17 UST 1659.

(1) The Commission will supply such uranium enriched in the isotope U-235 by providing, to the same extent as for United States licensees, for the production or enrichment, or both, of uranium enriched in the isotope U-235 for the account of the Government of the Federative Republic of Brazil or such authorized persons. (Upon timely advice that any natural uranium required with respect to any particular delivery of enriched uranium under such service arrangements is not reasonably available to the Government of the Federative Republic of Brazil or any such authorized persons, the Commission will be prepared to furnish the required natural uranium on terms and conditions to be agreed.)

(2) Notwithstanding the provisions of paragraph A(1) of this Article, if the Government of the Federative Republic of Brazil or such authorized persons so request, the Commission, at its election, may sell the uranium enriched in the isotope U–235 under such terms and conditions as may be agreed.

B. As may be agreed, the Commission will transfer to the Government of the Federative Republic of Brazil or to authorized persons under its jurisdiction uranium enriched in the isotope U–235 for use as fuel in defined research applications, including research, materials testing, and experimental reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that, in the event of transfer of title to uranium enriched in the isotope U–235, the Commission shall have the option of limiting the arrangements to undertakings such as those described in paragraph A(1) of this Article.

C. As may be agreed, the Commission will transfer to the Government of the Federative Republic of Brazil, or to authorized persons under the jurisdiction of the Government of the Federative Republic of Brazil, plutonium for use as fuel in reactors and reactor experiments. The terms and conditions of each transfer will be agreed upon in advance.

D. It is understood that the Commission may transfer to a person or persons under the jurisdiction of the Government of the United States of America such of its responsibilities under this Agreement with respect to the supply of special nuclear material, including the provision of enrichment services, as the Commission deems desirable.

Article VIII

A. With respect to transfers by the Commission of uranium enriched in the isotope U–235 provided for in Article VI, paragraph B and Article VII, it is understood that:

(1) Contracts specifying quantities, enrichments, delivery schedules, and other terms and conditions of supply or services will be executed on a timely basis between the Commission and the Government of the Federative Republic of Brazil or persons authorized by it, and

(2) Prices for uranium enriched in the isotope U–235 sold or charges for enrichment services performed will be those in effect for users in the United States of America at the time of delivery. The advance notice required for delivery will be that in effect for users in the United States of America at the time of giving such notice. The Commission may agree to supply uranium enriched in the isotope U–235 or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price or charge as the Commission may consider reasonable to cover abnormal costs incurred by the Commission by reason of such shorter notice.

B. Should the total quantity of uranium enriched in the isotope U–235 which the Commission has agreed to provide pursuant to this Agreement and other Agreements for Cooperation reach the maximum quantity of uranium enriched in the isotope U–235 which the Commission has available for such purposes, and should contracts covering the adjusted net quantity specified in Article IX not have been executed, the Commission may request, upon appropriate notice, that the Government of the Federative Republic of Brazil or persons authorized by it execute contracts for all or any part of such uranium enriched in the isotope U–235 as is not then under contract. It is understood that, should contracts not be executed in accordance with a request by the Commission hereunder, the Commission shall be relieved of all obligations with respect to the uranium enriched in the isotope U–235 for which contracts have been so requested.

c. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the isotope U–235. A portion of the uranium enriched in the isotope U–235 supplied hereunder may be made available as material containing more than twenty percent (20%) in the isotope U–235 when the Commission finds there is a technical or economic justification for such a transfer.

D. It is understood, unless otherwise agreed, that, in order to assure the availability of the entire quantity of uranium enriched in the isotope U–235 allocated hereunder for a particular reactor project described in the Appendix, it will be necessary for the construction of the project to be initiated in accordance with the schedule set forth in the Appendix and for the Government of the Federative Republic of Brazil or persons authorized by it to execute a contract for that quantity in time to allow the Commission to provide the material for the first fuel loading. It is also understood that, if the Government of the Federative Republic of Brazil or persons authorized by it desire to contract for less than the entire quantity of uranium enriched in the isotope U–235 allocated for a particular project or terminate the supply contract after execution, the remaining quantity allocated for that project shall cease to be available and the maximum adjusted net quantity of U–235 provided for in Article IX shall be reduced accordingly, unless otherwise agreed.

E. Within the limitations contained in Article IX, the quantity of uranium enriched in the isotope U–235 transferred under Article VI, paragraph B or Article VII and under the jurisdiction of the Government of the Federative Republic of Brazil for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

F. When any special nuclear material received from the United States of America pursuant to this Agreement or the superseded Agreement requires reprocessing, or any irradiated fuel elements containing fuel material received from the United States of America pursuant to this Agreement or the superseded Agreement are to be removed from a reactor and are to be altered in form or content, such reprocessing or alteration may be performed in Brazilian facilities upon a joint determination of the Parties that the provisions of Article XI may be effectively applied, or in other facilities as may be mutually agreed.

G. Special nuclear material produced as a result of irradiation processes in any part of the fuel that may be leased by the Commission under this Agreement or the superseded Agreement shall be for the account of the lessee and, after reprocessing as provided in paragraph F of this Article, title to such produced material shall be in the lessee unless the Commission and the lessee otherwise agree.

H. No special nuclear material produced through the use of material transferred to the Government of the Federative Republic of Brazil or to authorized persons under its jurisdiction, pursuant to this Agreement or the superseded Agreement, will be transferred to the jurisdiction of any other nation or group of nations, except as the Commission may agree to such a transfer.

I. Some atomic energy materials which may be provided in accordance with this Agreement, or which have been provided to the Government of the Federative Republic of Brazil under the superseded Agreement, are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of the Federative Republic of Brazil shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear material or fuel elements which the Commission may, pursuant to this Agreement, lease to the Government of the Federative Republic of Brazil or to any authorized person under its jurisdiction, or may have leased pursuant to the superseded Agreement to the Government of the Federative Republic of Brazil, the Government of the Federative Republic of Brazil shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease and the possession and use of such special nuclear material or fuel elements after delivery by the Commission to the Government of the Federative Republic of Brazil or to any such authorized person under its jurisdiction.

Article IX

A. The adjusted net quantity of U–235 in enriched uranium transferred from the United States of America to the Federative Republic of Brazil under Articles IV, VI, and VII during the period of this Agreement for Cooperation, or under the superseded Agreement, shall not exceed in the aggregate 12,300 kilograms. The following method of computation shall be used in calculating transfers, within the ceiling quantity of 12,300 kilograms of U–235, made under the said Articles or the superseded Agreement:

From:

(1) The quantity of U-235 contained in enriched uranium transferred under the said Articles or the superseded Agreement, minus

(2) The quality of U-235 contained in an equal quantity of uranium of normal isotopic assay,

Subtract:

(3) The aggregate of the quantities of U-235 contained in recoverable uranium of United States origin either returned to the United States of America or transferred to any other nation or group of nations with the approval of the Government of the United States of America pursuant to this Agreement or the superseded Agreement, minus

(4) The quantity of U-235 contained in an equal quantity of uranium of normal isotopic assay.

B. The quantity of plutonium transferred from the United States of America to the

Federative Republic of Brazil under Articles IV, VI and VII during the period of this Agreement for Cooperation, or under the superceded Agreement, shall not exceed a net amount of twenty (20) kilograms. The net amount of plutonium shall be the gross quantity transferred to the Government of the Federative Republic of Brazil, or to authorized persons under the jurisdiction of the Government of the Federative Republic of Brazil, less the quantity which has been returned to the United States of America or transferred to any other nation or group of nations with the agreement of the Government of the United States of America pursuant to this Agreement.

Article X

A. The Government of the Federative Republic of Brazil guarantees that:

(1) Safeguards provided in Article XI shall be maintained.

(2) No material, including equipment and devices, transferred to the Government of the Federative Republic of Brazil or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or to the superseded Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(3) No material, including equipment and devices, transferred to the Government of the Federative Republic of Brazil or to authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement will be transferred to authorized persons or beyond the jurisdiction of the Government of the Federative Republic of Brazil except as the Commission may agree to such a transfer to the jurisdiction of another nation or group of nations, and then only if, in the opinion of the Commission, the transfer is within the scope of an Agreement for cooperation between the Government of the United States of America and the other nation or group of nations.

B. The Government of the United States of America guarantees that:

(1) No material, including equipment and devices, transferred to the Government of the United States of America or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, including equipment or devices, or an equivalent amount of material of the same type as such transferred or produced material substituted therefor, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(2) No material, including equipment and devices, transferred to the Government of the United States of America or to authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the United States of America except as the Government of the Federative Republic of Brazil may agree to such a transfer to the jurisdiction of another nation or group of nations, and then only if, in the opinion of the Government of the Federative Republic of Brazil, the transfer is within the scope of an Agreement for Cooperation between the Government of the Federative Republic of Brazil and the other nation or group of nations.

Article XI

A. The Government of the United States of America and the Government of the Federative Republic of Brazil emphasize their common interest in assuring that any material, equipment or devices made available to the Government of the Federative Republic of Brazil or any authorized person under its jurisdiction pursuant to this Agreement or the superseded Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards rights provided for in this Agreement are suspended by virtue of the application of safeguards of the International Atomic Energy Agency, as provided in Article XII, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(a) reactor, and

(b) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available under this Agreement, or have been made available under the superseded Agreement, to the Government of the Federative Republic of Brazil or to any authorized person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

(2) With respect to any source material or special nuclear material made available to the Government of the Federative Republic of Brazil or to any authorized person under its jurisdiction under this Agreement or the superseded Agreement by the Government of the United States of America or any person under its jurisdiction and any source material or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

(a) source material, special nuclear material, moderator material, or other material designated by the Commission,

(b) reactors, and

(c) any other equipment or devices designated by the Commission as an item to be made available on the condition that the provisions of this paragraph B (2) will apply,

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials, and

(ii) to require that any such material in the custody of the Government of the Federative Republic of Brazil or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article X;

(3) To approve facilities which are to be used for the storage of any of the special nuclear material referred to in paragraph B(2) of this Article which is not required for atomic energy programs in the Federative Republic of Brazil and which is not transferred beyond the jurisdiction of the Government of the Federative Republic of Brazil or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of the Federative Republic of Brazil, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of the Federative Republic of Brazil, shall have access in the Federative Republic of Brazil to all places and data necessary to account for the source material and special nuclear material which are subject to paragraph B(2) of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article X and the failure of the Government of the Federative Republic of Brazil to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B(2) of this Article;

(6) To consult with the Government of the Federative Republic of Brazil in the matter of health and safety.

C. The Government of the Federative Republic of Brazil undertakes to facilitate the application of safeguards provided for in this Article.

D. The Government of the United States of America shall direct persons designated by it under the provisions of paragraph B(4) of this Article not to reveal to persons other than those authorized within the Government of the United States of America to receive such information on grounds of their official obligations in connection with safeguards, any industrial secret or confidential information which comes to their knowledge as a consequence of their official obligations established in the above-mentioned paragraph.

Article XII

A. The Government of the United States of America and the Government of the Federative Republic of Brazil note that, by an agreement signed by them and the International Atomic Energy Agency on March 10, 1967,[2] the Agency has been applying safeguards to materials, equipment and facilities transferred to the jurisdiction of the Government of the Federative Republic of Brazil under the superseded Agreement. The parties, recognizing the desirability of continuing to make use of the facilities and services of the International Atomic Energy Agency, agree that the Agency safeguards shall continue to apply to materials, equipment and facilities transferred under the superseded Agreement or to be transferred under this Agreement.

B. It is contemplated that the continued application of Agency safeguards pursuant to this Article will be accomplished as provided in the above-mentioned trilateral agreement among the Parties and the Agency, as it may be amended from time to time or supplanted by a new trilateral agreement. It is understood that, without modification of this Agreement, the safeguards rights accorded to the Government of the United States of America by Article XI of this Agreement will be suspended during the time and to the extent that the Government of the United States of America agree that the need to exercise such rights is satisfied by a safeguard agreement as contemplated in this paragraph.

C. In the event the applicable safeguards agreement referred to in paragraph B of this Article should be terminated prior to the expiration of this Agreement and the Parties should fail to agree within three months upon a resumption of Agency safeguards, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate this Agreement, the Parties will carefully consider the economic effects of such termination. Neither Party will invoke its termination rights until the other Party has been given sufficient advance notice to permit arrangements by the Government of the Federative Republic of Brazil, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of production schedules. In the event of such termination by either Party, the Government of the Federative Republic of Brazil shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement or the superseded Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Federative Republic of Brazil or the persons under its jurisdiction for their interest in such material so returned at the Commission's schedule of prices then in effect in the United States of America.

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[2] TIAS 6583; 19 UST 6322.

Article XIII

The rights and obligations of the Parties provided for under this Agreement shall extend, to the extent applicable, to cooperative activities initiated under the superseded Agreement, including, but not limited to, information, material, equipment and devices transferred thereunder.

Article XIV

The "Agreement for Cooperation Between the Government of the United States of America and the Government of the United States of Brazil Concerning Civil Uses of Atomic Energy" signed on July 8, 1965, is superseded by this Agreement on the date this Agreement enters into force.

Article XV

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force of such Agreement[3] and shall remain in force for a period of thirty (30) years.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington, in duplicate in the English and Portuguese languages, both equally authentic, this seventeenth day of July, 1972.

For the Government of the United States of America:

U. Alexis Johnson,
James R. Schlesinger,

For the Government of the Federative Republic of Brazil:

João Augusto de Araujo Castro.

APPENDIX

Brazilian enriched uranium power reactor program

Reactor: Angra I, 626 MWe, PWR.
Start of construction: 1972.
Criticality date: 1976.
Total KGS. U–235 required: 11,800.

[Atomic Energy—Application of Safeguards by the IAEA to the United States-Brazil Cooperation Agreement]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, BRAZIL, AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement signed at Vienna March 10, 1967; Entered into force October 31, 1968.

AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF BRAZIL FOR THE APPLICATION OF SAFEGUARDS

Whereas the Government of the United States of America and the Government of the United States of Brazil have been cooperating on the civil uses of atomic energy under their Agreement for Cooperation of 8 July 1965,[1] which requires that equipment, devices and materials made available to Brazil by the United States be used solely for peaceful purposes and establishes a system of safeguards to that end;

Whereas the Agreement for Cooperation reflects the mutual recognition of the two soon as practicable;
Governments of the desirability of arranging for the Agency to administer safeguards as

Whereas the Agency is, pursuant to its Statute[2] and the action of its Board of Governors, now in a position to apply safeguards in accordance with the Agency's Safeguards Document and Inspectors Document;

Whereas the two Governments have reaffirmed their desire that equipment, devices and materials supplied by the United States under the Agreement for Cooperation or produced by their use or otherwise subject to safeguards under that Agreement shall not be used for any military purpose and have requested the Agency to apply safeguards to such materials, equipment and facilities as are covered by this Agreement; and

Whereas the Board of Governors of the Agency approved that request on 22 February 1966;

Now, therefore, the Agency and the two Governments agree as follows:

PART I

Definitions

Section 1. For the purposes of this Agreement:

(a) "Agency" means the International Atomic Energy Agency.

(b) "Board" means the Board of Governors of the Agency.

(c) "Agreement for Cooperation" means the agreement between Brazil and the United States for co-operation on the civil uses of atomic energy signed on 8 July 1965.

(d) "Inspectors Document" means the Annex to Agency document GC(V)/INF/39, which was placed in effect by the Board on 29 June 1961.

(e) "Inventory" means either of the lists of material, equipment and facilities described in Section 10.

(f) "Nuclear material" means any source or special fissionable material as defined in Article XX of the Agency's Statute.

(g) "Safeguards Document" means Agency document INFCIRC/66, which was approved by the Board on 28 September 1965.

(h) "United States" means the Government of the United States of America.

(i) "Brazil" means the Government of the United States of Brazil.

PART II

Undertakings by the Governments and the Agency

Section 2. Brazil undertakes that it will not use in such a way as to further any military purpose any material, equipment or facility while it is listed in the Inventory for Brazil.

Section 3. The United States undertakes that it will not use in such a way as to further any military purpose any special fissionable material, equipment or facility while it is listed in the Inventory for the United States.

Section 4. The Agency undertakes to apply safeguards in accordance with the provisions of this Agreement to materials, equipment and facilities while they are listed in the Inventories to ensure so far as it is able that they will not be used in such a way as to further any military purpose.

Section 5. Brazil and the United States undertake to facilitate the application of safeguards and to co-operate with the Agency and each other to that end.

Section 6. The United States agrees that its rights under Article VI of the Agreement for Cooperation to apply safeguards to equipment, devices and materials subject to that Agreement will be suspended with respect to materials, equipment and facilities while they are listed in the Inventory for Brazil. It is understood that no other rights and obligations of Brazil and the United States between themselves under Article VI and under other provisions of the Agreement for Cooperation, including those arising by reason of paragraph B of Article VII, will be affected by this Agreement.

Section 7. If the Agency is relieved, pursuant to Section 21(a), of its undertaking in Section 4, or if for any other reason the Board determines that the Agency is unable to ensure that any material, equipment or facility listed in an Inventory is not being used for any military purpose, the material, equipment or facility involved shall thereby automatically be removed from such Inventory until the Board determines that the Agency is again able to apply safeguards thereto. When, under this Section, an item is removed from the Inventory for either Government, the Agency may, at the request of the other Government, provide it with information available to the Agency about such material, equipment or facility in order to enable that Government to exercise effectively its rights thereto.

Section 8. Brazil and the United States shall promptly notify the Agency of any amendment to the Agreement for Cooperation and any notice of termination given with respect to that Agreement.

PART III

Inventories and notifications

Section 9.

(a) An initial list of all the materials, equipment and facilities which are within the jurisdiction of Brazil and subject to the Agreement for Cooperation shall be prepared by the two Governments and submitted jointly to the Agency as promptly as feasible after the entry into force of this Agreement. The Agency's acceptance thereof shall establish the Inventory for Brazil and the Agency will thereupon commence applying safeguards to such materials, equipment and facilities.

(b) Thereafter Brazil and the United States shall jointly notify the Agency of:

(i) Any transfer from the United States to Brazil under this Agreement for Cooperation of materials, equipment or facilities;

(ii) Any transfer from Brazil to the United States of any special fissionable material which has been included in the Inventory for Brazil pursuant to Section 12; and

(iii) Any other materials, equipment and facilities which as a consequence of the transfers referred to in (i) and (ii) above come within the scope of the Category described in Section 10 (b) or (e).

(c) The Agency shall, within 30 days of its receipt of a joint notification, advise both Governments either:

(i) That the items covered by the notification are listed in the appropriate Inventory as of the date of the Agency's advice; or

(ii) That the Agency is unable to apply safeguards to such items, in which case, however, it may indicate at what future time or under what conditions it would be able to apply safeguards thereto if the Governments so desire.

Section 10. The Agency shall establish and maintain the Inventory with respect to each Government which shall be divided into three Categories.

(a) Category I of the Inventory with respect to Brazil shall list:

(i) Equipment and facilities transferred to Brazil;

(ii) Material transferred to Brazil or material substituted therefor in accordance with paragraph 25 or 26(d) of the Safeguards Document;

(iii) Special fissionable materials produced in Brazil, as specified in Section 12, or any material substituted therefor in accordance with paragraph 25 or 26(d) of the Safeguards Document; and

(iv) Nuclear materials, other than those which are listed under (ii) or (iii) above, which are processed or used in any of the materials, equipment or facilities listed under (i), (ii) or (iii) above, or any material substituted therefor in accordance with paragraph 25 or 26(d) of the Safeguards Document.

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[3] Sept. 20, 1972.

[1] TIAS 6126; 17 UST 1659.

[2] TIAS 3873; 8 UST 1093.

(b) Category II of the Inventory with respect to Brazil shall list:

(i) Any facility while it incorporates any equipment listed in Category I of the Inventory for Brazil; and

(ii) Any equipment or facility while it is containing, using, fabricating or processing any material listed in Category I of the Inventory for Brazil.

(c) Category III of the Inventory with respect to Brazil shall list any nuclear material which would normally be listed in Category I of the Inventory for Brazil but which is not so listed because:

(i) It is exempt from safeguards in accordance with the provisions of paragraph 21, 22 or 23 of the Safeguards Document; or

(ii) Safeguards thereon are suspended in accordance with the provisions of paragraph 24 or 25 of the Safeguards Document.

(d) Category I of the Inventory with respect to the United States shall list:

(i) Special fissionable material of whose transfer from Brazil the Agency has been notified pursuant to Section 9(b)(ii) or material substituted therefor, in accordance with paragraph 25 or 26(d) of the Safeguards Document; or

(ii) Special fissionable material produced in the United States, as specified in Section 12, or any material substituted therefor in accordance with paragraph 25 or 26(d) of the Safeguards Document.

(e) Category II of the Inventory with respect to the United States shall list any equipment or facility while it is containing, using, fabricating or processing any material listed in Category I of the Inventory for the United States.

(f) Category III of the Inventory with respect to the United States shall list any material which would normally be listed in Category I of the Inventory for the United States but which is not so listed because:

(i) It is exempt from Safeguards in accordance with the provisions of paragraph 21, 22 or 23 of the Safeguards Document; or

(ii) Safeguards thereon are suspended in accordance with the provisions of paragraph 24 or 25 of the Safeguards Document.

The Agency shall send copies of both Inventories to both Governments every twelve months and also at any other times specified by either Government in a request communicated to the Agency at least two weeks in advance.

Section 11. The notification by the two Governments provided for in Section 9(b)(i) shall normally be sent to the Agency not more than two weeks after the material, equipment or facility arrives in Brazil, except that shipments of source material in quantities not exceeding one metric ton shall not be subject to the two-week notification requirement but shall be reported to the Agency at intervals not exceeding three months. All notifications under Section 9 shall include, to the extent relevant, the nuclear and chemical composition, the physical form, and the quantity of the material and/or the type and capacity of the equipment or facility involved, the date of shipment, the date of receipt, the identity of the consignor and consignee, and any other relevant information. The two Governments also undertake to give the Agency as much advance notice as possible of the transfer of large quantities of nuclear materials or major equipment or facilities.

Section 12. Eact Government shall notify the Agency, by means of its reports pursuant to the Safeguards Document, of any special fissionable material it has produced, during the period covered by the report, in or by the use of any of the materials, equipment or facilities described in Section 10(a), 10(b)(i) or 10(d). Upon receipt by the Agency of the notification, such produced material shall be listed in Category I of the Inventory, provided that any material so produced shall be deemed to be listed and therefore shall be subject to safeguards by the Agency from the time it is produced. The Agency may verify the calculations of the amounts of such materials; appropriate adjustment in the Inventory shall be made by agreement of the Parties; pending final agreement of the Parties, the Agency's calculations shall govern.

Section 13. The two Governments shall jointly notify the Agency of the transfer to the United States of any materials, equipment or facilities listed in the Inventory for Brazil. Upon receipt thereof by the United States:

(a) Materials described in Section 9(b)(ii) shall be transferred from the Inventory for Brazil to Category I of the Inventory for the United States;

(b) Other materials, and equipment or facilities shall be deleted from the Inventory.

Section 14. The two Governments shall jointly notify the Agency of any transfer of materials, equipment or facilities listed in Category I of the Inventory to a recipient which is not under the jurisdiction of either of the two Governments. Such materials, equipment or facilities may be transferred and shall thereupon be deleted from the Inventory, provided that:

(a) Arrangements have been made by the Agency to safeguard such materials, equipment or facilities; or

(b) The materials, equipment or facilities will be subject to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

Section 15. Whenever either Government intends to transfer material or equipment, listed in Category I of its Inventory, to a facility within its jurisdiction which the Agency has not previously accepted for listing in that Government's Inventory, the Government shall so notify the Agency and may make the transfer to that facility only after the Agency has accepted the facility for listing in that Government's Inventory.

Section 16. The notifications provided for in Section 13, 14 and 15 shall be sent to the Agency at least two weeks before the material, equipment or facility is to be transferred. The contents of these notifications shall conform, as far as appropriate, to the requirements of Section 11.

Section 17. The Agency shall exempt from safeguards nuclear material under the conditions specified in paragraph 21, 22 or 23 of the Safeguards Documents and shall suspend safeguards with respect to nuclear materials under the conditions specified in paragraph 24 or 25 of the Document.

Section 18. The Agency shall terminate safeguards under this Agreement with respect to those items deleted from an Inventory as provided in Section 13(b) and 14 above. Nuclear material other than that covered by the preceding sentence shall be deleted from the Inventory and Agency safeguards thereon shall be terminated as provided in paragraph 26 of the Safeguards Document.

PART IV

Safeguards procedures

Section 19. In applying safeguards, the Agency shall observe the principles set forth in paragraphs 9 through 14 of the Safeguards Document.

Section 20. The safeguards to be applied by the Agency to the items listed in the Inventories are those procedures specified in Part III of the Safeguards Document. The Agency shall make subsidiary arrangements with each Government concerning the implementation of safeguards procedures. The Agency shall have the right to request the information referred to in paragraph 41 of the Safeguards Document and to make the inspections referred to in paragraphs 51 and 52 of the Safeguards Document.

Section 21. If the Board determines that there has been any noncompliance with this Agreement, the Board shall call upon the Government concerned to remedy such noncompliance forthwith, and shall make such reports as it deems appropriate. If the Government fails to take fully corrective action within a reasonable time:

(a) The Agency shall be relieved of its undertaking to apply safeguards under Section 4 for such time as the Board determines that the Agency cannot effectively apply the safeguards provided for in this Agreement; and

(b) The Board may take any measures provided for in Article XII.C of the Statute.

The Agency shall promptly notify both Governments in the event of any determination by the Board pursuant to this Section.

PART V

Agency inspectors

Section 22. Agency inspectors performing functions pursuant to this Agreement shall be governed by paragraphs 1 through 7 and 9, 10, 12 and 14 of the Inspectors Document. However, paragraph 4 of the Inspectors Document shall not apply with regard to any facility or to nuclear material to which the Agency has access at all times. The actual procedures to implement paragraph 50 of the Safeguards Document in the United States and in Brazil shall be agreed between the Agency and the Government concerned before the facility or material is listed in the Inventory.

Section 23. Brazil shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the Agency to Agency inspectors performing functions under this Agreement and to any property of the Agency used by them.

Section 24. The provisions of the International Organizations Immunities Act of the United States shall apply to Agency inspectors performing functions in the United States of America under this Agreement and to any property of the Agency used by them.

PART VI

Finance

Section 25. Each Party shall bear any expense incurred in the implementation of its responsibilities under this Agreement. The Agency shall reimburse each Government for any special expenses, including those referred to in paragraph 6 of the Inspectors Document, incurred by the Government or persons under its jurisdiction at the written request of the Agency, if the Government notified the Agency before the expense was incurred that reimbursement would be required. These provisions shall not prejudice the allocation of expenses attributable to a failure by a Party to comply with this Agreement.

Section 26.

(a) Brazil shall ensure that any protection against third-party liability, including any insurance or other financial security in respect of a nuclear incident occurring in a nuclear installation under its jurisdiction shall apply to the Agency and its inspectors when carrying out their functions under this Agreement as that protection applies to nationals of Brazil.

(b) In carrying out its functions under this Agreement within the United States, the Agency and its personnel shall be covered to the same extent as United States nationals by any protection against third-party liability provided under the Price-Anderson Act, including insurance or other indemnity coverage that may be required by the Price-Anderson Act with respect to nuclear incidents within the United States.

Settlement of disputes

Section 27. Any dispute arising out of the interpretation or application of this Agreement which is not settled by negotiation or as may otherwise be agreed by the Parties concerned shall on the request of any Party be submitted to an arbitral tribunal composed as follows:

(a) If the dispute involves only two of the Parties to this Agreement, all three Parties agreeing that the third is not concerned, the two Parties involved shall each designate one arbitrator, and the two arbitrators so designated shall elect a third, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not designated an arbitrator, either Party to the dispute may request the President of the International Court of Justice to appoint an arbitrator. The same procedure shall apply if, within thirty days of the designation or appointment of the second arbitrator, the third arbitrator has not been elected; or

(b) If the dispute involves all three Parties to this Agreement, each Party shall designate one arbitrator, and the three arbitrators so designated shall by unanimous decision elect a fourth arbitrator, who shall be the Chairman, and a fifth arbitrator. If within thirty days of the request for arbitration any Party has not designated an arbitrator, any Party may request the President of the International Court of Justice to appoint the necessary number of arbitrators. The same procedure shall apply if, within thirty days of the designation or appointment of the third of the first three arbitrators, the Chairman or the fifth arbitrator has not been elected.

A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall be made by majority vote. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal, including all rulings concerning its constitution, procedure, jurisdiction and the division of the expenses of arbitration between the Parties, shall be binding on all Parties. The remuneration of the arbitrators shall be determined on the same basis as that of ad hoc judges of the International Court of Justice.

Section 28. Decisions of the Board concerning the implementation of this Agreement, except such as relate only to Part VI, shall, if they so provide, be given effect immediately by the Parties, pending the final settlement of any dispute.

PART VIII

Amendment, modifications, entry into force and duration

Section 29. The Parties shall, at the request of any one of them, consult about amending this Agreement. If the Board modifies the Safeguards Document, or the scope of the safeguards system, this Agreement shall be amended at the request of the Governments to take account of any or all such modifications. If the Board modifies the Inspectors Document, this Agreement shall be amended at the request of the Governments to take account of any or all such modifications.

Section 30.

(a) This Agreement shall be signed by the Director General of the Agency or his representative and by the authorized representative of each Government.

(b) This Agreement shall enter into force on the date on which the Agency shall have received from the two Governments written notification that they have complied with all statutory and constitutional requirements for its entry into force.[3]

Section 31. This Agreement shall remain in force during the term of the Agreement for Cooperation, as extended from time to time, unless terminated sooner by any Party upon six months' notice to the other Parties or as may otherwise be agreed. It may be prolonged for further periods as agreed by the Parties and may be terminated sooner by any Party on six months' notice to the other Parties or as may be otherwise agreed. However, this Agreement shall remain in force with regard to any nuclear material referred to in Section 10(a)(iii) or 10(d) until the Agency has notified both Governments that it has terminated safeguards on such material in accordance with Section 18.

DONE in Vienna, this 10th day of March 1967, in triplicate in the English language.

FOR THE INTERNATIONAL ATOMIC ENERGY AGENCY:

SIGVARD EKLUND

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

VERNE B. LEWIS,

FOR THE GOVERNMENT OF THE UNITED STATES OF BRAZIL:

HELIO F. S. BITTENCOURT.

[Atomic Energy—Application of Safeguards by the IAEA to the United States-Brazil Cooperation Agreement]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, BRAZIL, AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement amending the agreement of March 10, 1967. Signed at Vienna July 27, 1972; Entered into force September 20, 1972.

AGREEMENT TO AMEND THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF BRAZIL FOR THE APPLICATION OF SAFEGUARDS

Whereas the Government of the United States of America and the Government of the Federative Republic of Brazil have been cooperating on the civil uses of atomic energy under their Agreement for Co-operation signed on 8 July 1965,[1] which requires that equipment, devices and materials made available to Brazil by the United States be used solely for peaceful purposes;

Whereas the Agreement for Co-operation signed on 8 July 1965 has been superseded by an Agreement for Co-operation signed on 17 July 1972,[2] which requires that equipment, devices and materials made available to Brazil by the United States under either Agreement be used solely for peaceful purposes;

Whereas the International Atomic Energy Agency has been applying safeguards in accordance with the provisions of the Agreement between the International Atomic Energy Agency, the Government of the United States of America and the Government of the United States of Brazil for the Application of Safeguards of 10 March 1967[3] to equipment, materials and facilities required to be safeguarded under the Agreement for Co-operation of 8 July 1965 to ensure so far as it is able that they will not be used in such a way as to further any military purpose;

Whereas the Agency and the two Governments desire to amend the Agreement of 10 March 1967 to apply safeguards to materials, equipment and facilities required to be safeguarded by the Agreement for Co-operation of 17 July 1972;

Now, therefore, the Agency and the two Governments agree as follows:

Section 1. The Agreement for the Application of Safeguards of 10 March 1967 is amended as follows:

A. The first Whereas clause is amended to read as follows:

"Whereas the Government of the United States of America and the Government of the Federative Republic of Brazil have agreed to continue co-operating on the civil uses of atomic energy under their Agreement for Co-operation of 17 July 1972, which requires that equipment, devices and materials made available to Brazil by the United States be used solely for peaceful purposes and establishes a system of safeguards to that end"

B. The fifth Whereas clause is amended to read as follows:

"Whereas the Board of Governors of the Agency approved that request on 29 February 1972"

C. Section 1(c) is amended to read as follows:

"(c) 'Agreement for Co-operation' means the agreement between Brazil and the United States for co-operation on the civil uses of atomic energy signed on 17 July 1972, as it may be amended"

D. Section 1(g) is amended to read as follows:

"(g) 'Safeguards Document' means Agency document INFCIRC/66/Rev. 2, which contains provisions approved by the Board on 28 September 1965, 17 June 1966, and 13 June 1968"

E. Section 1(i) is amended to read as follows:

"(i) 'Brazil' means the Government of the Federative Republic of Brazil"

F. Section 6 is amended by deleting "Article VI of" in the first sentence, and by deleting the second sentence and inserting the following language in lieu thereof:

"It is understood that no other rights and obligations of Brazil and the United States between themselves under the Agreement for Co-operation will be affected by this Agreement"

G. Section 20 is amended by deleting "Part III of" in the first sentence.

Section 2. The present Agreement shall be signed by or for the Director General of the Agency and by the authorized representatives of Brazil and the United States and shall enter into force on the date upon which the Agreement for Co-operation of 17 July 1972 enters into force.[4] The two Governments shall notify the Agency of the date of the entry into force of the Agreement for Co-operation of 17 July 1972 within one week after that date.

Done in Vienna, this twenty-seventh day of July 1972, in triplicate in the English language.

For the International Atomic Energy Agency:

A. FINKELSTEIN.

For the Government of the United States of America:

DWIGHT J. PORTER.

For the Government of the Federative Republic of Brazil:

HELIO F. S. BITTENCOURT.

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

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[3] Oct. 31, 1968.

[1] TIAS 6126; 17 UST 1659.

[2] TIAS 7439; 23 UST.

[3] TIAS 6583; 19 UST 6322.

[4] Sept. 20, 1972.

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control.

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive device directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

I. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (*a*) source of special fissionable material, or (*b*) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source of special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affected the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may acceed to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

Mr. SYMINGTON. Mr. President, will the distinguished Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. SYMINGTON. I would congratulate him on being the one person to consistently bring before Congress and the people the steadily growing danger incident to nuclear proliferation and nuclear weaponry and the dangers connected therewith.

As a member of the Joint Atomic Energy Committee, and with the privilege of serving under him as chairman, I, too, was shocked—that is a fair word—at the arrangements the West Germans have made with Brazil.

Does the Senator know of any arrangement with Brazil which would result in plutonium being shipped back to West Germany?

Mr. PASTORE. No; I do not know about that particular arrangement, but they do not have to ship it back. They are giving them the full cycle. They are giving them reprocessing, the know-how and the technology. Of course, the argument is going to be made by the West German Government that they are going to put this under the safeguards of the international organization, which may be true. But on the other hand there is nothing that stops Brazil from building their own indigenous plants by using the technology that the West Germans give them. Then they will say, "We do not have to be under safeguards at all."

Here we are, we have nuclear bombs in Latin America. Then the next thing is Argentina, maybe Chile, maybe somebody else. What do we do? We are making an atomic fortress in Latin America, after the American taxpayers have spent billions and billions of dollars in West Germany and in Europe to protect them against a peril, and they are constituting one in our own backyard. Are we going to have Cuba all over again?

Mr. SYMINGTON. I believe it would be possible the Germans might want plutonium. As everyone knows, West Germany is between two great nuclear powers, the Soviet Union and France. The Soviets have signed the nonproliferation treaty. France has not signed or ratified it, but rather has consistently adopted unilateral policies in this nuclear field.

We spent many hours yesterday discussing the number of our military people in Europe, primarily in West Germany. What we are talking about this morning is the development of a situation which could wipe out most of those people with one or two airplanes or one or two missiles.

I again commend the Senator for bringing up this vital subject and would ask this question: Yesterday on the ticker, although a small development, could it not be a camel's nose under the tent when Libya makes arrangements with the Soviet Union to obtain small reactors comparable perhaps to what we gave Brazil to start them off in the art, but which could be increased into a complete nuclear armament cycle as West Germany apparently has now given Brazil?

Mr. PASTORE. Well, of course, everything is possible. From my investigation, I do not think that is very likely to happen for the simple reason that that is a 2 megawatt research reactor with the possibility of being accelerated to 10 megawatts. Beyond that it comes under the safeguards and inspection. There is no technology involved. I mean, there is a distinction in that case. As a matter of fact, the Soviets are doing in Libya what we have already done once in Brazil ourselves. There is a distinction to be made between granting the full cycle and only giving a research reactor which is under international control. First of all, the production of plutonium is very slight. It has to be reprocessed and they do not have the reprocessing facilities in those countries to begin with. It does not mean that they cannot build them, but, after all, when we talk about an undeveloped nation operating under such an arrangement that it is an entirely different thing.

The thing that disturbs me is not only has Brazil not signed the nonproliferation treaty, but the fact still remains that they are boasting of the fact that they have the capability and I understand the motivation to build an atomic bomb. We cannot stop them if they do that on their own, no more than they can stop us from doing anything we want to do on our own. But here we have an ally, West Germany, where we are so heavily committed.

The Senator from Montana (Mr. MANSFIELD), who has been introducing an amendment year in and year out to withdraw about 50 percent of our troops out of West Germany, and West Germany does not like the idea at all, only yesterday announced that he would not propose the amendment because of the lack of credibility or the likelihood of the lack of credibility among our NATO allies because of the debacle of South Vietnam.

Here we are. We have changed our mind about withdrawing our troops to assist them, to protect them. We are heavily committed there. And what are they doing? They are selling all of this technology to the Brazilian Government. How far is Brazil from Cuba? Is it in Latin America? Is it in the Western Hemisphere? What are we doing?

Mr. SYMINGTON. How far is Brazil from West Germany.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for 5 minutes.

Mr. MANSFIELD. Mr. President, if we could go into morning business now, I wish we could do so and the Senator from Missouri could be recognized.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. NUNN). Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

THE DANGER OF NUCLEAR PROLIFERATION

Mr. SYMINGTON. Mr. President, for many years, the Senator from Rhode Island has been the leader in warning of this great and growing danger realized probably the most important single problem in the world today.

I congratulate the able Chairman of the Joint Atomic Energy Committee for bringing up this latest startling development in the entire nuclear field.

Mr. GLENN. If the Senator will yield, I will stay within my 3-minute limit.

Mr. PASTORE. I yield.

Mr. GLENN. I do want to associate myself with the remarks of both able Senators and particularly congratulate the Senator from Rhode Island on his forthrightness in bringing this forward to the attention of the Senate and the American people. I think we have kept much of our nuclear policy based on an exclusivity basis that no longer exists. I think this is evidence of that.

Scientific information does not remain the property of one nation for very long. I think much of our policy has remained based on that. We are seeing West Germany now contribute to the spread of nuclear know-how and potentially nuclear weapons around the world.

Other nations, whether it be Sweden, France, India, or whatever nation, could contribute to this later on. We all want to seek the benefits that can come to the world from the proper use of nuclear energy. So far, the limitations on that use have only been expressed through the very tentative at best arrangements of the International Atomic Energy Agency, which is the best we have, but which remains on a voluntary basis for cooperation. The nonproliferation treaty, which, as the Senator from Missouri pointed out, France has not even signed or agreed with and yet sends nuclear equipment around the world, is the only other way we have dreamed up so far of trying to somehow control this nuclear spread and keep it under control.

New techniques are becoming available almost daily in this field. I believe it is almost mandatory, as the Senators have pointed out, that we come up with some new way, whether it is a new incentive for people to cooperate, which we have talked about privately in the past in various meetings, or whether it is strengthening the arrangements that we have now.

I think the Senator from Rhode Island has very properly put his finger on what is a tremendously increasing danger around the world that we get in this whole Brazilian thing with West Germany, and our lack of control over it, pointing out the hazards that we face today in this area. I feel this should have the very highest priority of the President and the State Department in trying to work out whatever control methods we can that will not only strengthen the IAEA or the NPT signatory nations, their effect on the other nations of the world, but see if we can come up with new methods of control which would be more meaningful than what we have now.

We no longer have this monopoly of nuclear knowledge. It is spreading through many nations of the world. We have to come up with new techniques to control this or it is out of control. We can figure on every tiny nation in the world having its own atomic weapon in the next 15 or 20 years unless we do something now to control it.

I once again congratulate the Senator from Rhode Island and the Senator from Missouri on the lead they have taken in this area. I hope we can see our executive branch of Government and the State Department taking the lead. Hopefully, we can work with them through the Joint Atomic Energy Committee and the Government Operations Committee, which has oversight over the Nuclear Regulatory Commission, and get some kind of control in this area.

Mr. SYMINGTON. Will the able Senator yield?

Mr. GLENN. Certainly.

Mr. SYMINGTON. I commend him for his position. It is a matter about which he knows a very great deal, based on his past superb experience. I would ask the Senator: If the West Germans, where we already have put tens of billions of dollars in military equipment for their defense and apparently intend to continue to put billions in ground troops, planes, nuclear weapons, despite requests and advice of this Government, makes a deal of this character with Brazil, what would prevent one of the six members of the nuclear club, three of whom have not signed said treaty, or ratified it—what would prevent France—in return for an amount of oil from some of these Mideast countries, which have become unprecedently rich in recent years, the OPEC group, from giving them all the information necessary, if not weapons themselves, in return for oil if their economy was faced with disaster because of the lack of that fuel?

Mr. GLENN. I would think that there would be nothing that would prevent that. I think, in fact, just about a year and a half ago we saw a breakdown of international cooperation when the embargo hit in the Mideast that saw various nations scurrying about making their own private arrangements, quite apart from the common good that we all agreed to that everybody was adhering to before. I would think that the danger that the Senator alludes to would be a very real one, particularly with any embargo situation that is invoked in the future. I would think that we would face probably exactly the situation the Senator outlines.

Mr. PASTORE. Mr. President, the point that needs to be made here, and I have tried to emphasize that point, is, naturally, you cannot get a sovereign government to agree to sign any agreement that it does not want to sign. Naturally, of course, this has to be all done by mutual consent. The trouble is sometimes when you get into this area of mutual consent you get into certain compromises which do not lead to the strength that you need to enforce this nonproliferation, as the Senator has already pointed out.

But the serious question that I raised here today is that here we are, and this is being done by West Germany. I am not talking about France. France has not signed the nuclear nonproliferation treaty. We are talking about West Germany, and West Germany, of course, has just given Brazil the full cycle.

The present government in Brazil may be very amenable in their friendship to the United States. I am not questioning that at all. But we are living in a changing world where governments are being toppled over day by day. How do we know that we will not have another Castro in some other country in South America or Latin America?

Once that happens and they have the facilities to make a bomb, then we have something else to worry about.

It would be foolish to argue in the Chamber of the Senate, "Let us cut out the military budget" when we have a brand new peril right under the belly of the United States. That necessarily means that if Latin America goes nuclear, it means that we have to begin to be concerned about that and have to begin to take measures. Then you will be cutting down the military budget. You will be exacerbating that budget. And that is where the peril lies.

I say West Germany should have consulted the United States. After all, we consult them. The majority leader says we will forget the withdrawal of troops this year in order to satisfy them. Now they come along, and they give all the facilities to Brazil, which is not too far away from the United States of America, the capability to make a bomb.

I say of all the countries in the world that should not have done it is West Germany.

Mr. GLENN. If the Senator will yield for one further comment, I believe the significant part of this, as the Senator has pointed out, is that this is one of the first times that the complete cycle has been sold. Before this time, we have had various parts of the cycle, but this is one of the first deals, I believe, where we have seen a complete cycle sold, which includes all the reprocessing, everything that would permit a nation, not only to use this for nuclear energy, for legitimate purposes, but the reprocessing cycle gives them, for the first time, the total capability for plutonium use in the weaponry. Prior to this it has been sort of a reprocessing. It was held off as bait, or it was held off to one side. Nations were not given this very freely, because it did give the capability, then, for atomic weaponry that we do not want to see.

But what we are seeing now is the entry in the world business community of nuclear energy, on the basis just like any other source of energy, but it has the side effect here of once plutonium is available then of having it potentially available for atomic weaponry or a terrorist stealing of atomic weaponry, and so on.

I think we have to encourage the President and the best minds in Congress and the State Department to get going just as fast as possible on trying to get some new type control procedures because the old procedures are obviously not adequate to this new era in which we are entering.

Mr. PASTORE. That is correct.

Mr. GLENN. I thank the Senator very much.

Mr. SYMINGTON. Mr. President, will the Senator yield at that point?

Mr. GLENN. Certainly.

Mr. SYMINGTON. We computerized in the Joint Committee and found arrangements France has made with a country in the Middle East, fortunately, a country truly a friend of ours. As a result, by reprocessing the plutonium from the waste in question, that country could make 200 Hiroshima-type bombs a year. One Hiroshima bomb, as we know from testimony, killed 100,000 people.

So this is a practical matter, one which, unfortunately, when we were discussing forces in Europe, was almost disregarded in the debate, especially from the standpoint of proliferation and the growing sensitivity in West Germany of the fact the two countries located next to it, the Soviet Union and France, have both become major nuclear powers.

It occurs that in their own interest they could be beginning to plan along nuclear lines themselves. The papers say one of the reasons we are given all these NATO reassurances is growing doubt that the real shield over NATO, the nuclear umbrella, is one they believe the American Government might not fulfill in a crunch.

So I think this is a very serious matter.

I again commend the Senator from Rhode Island for bringing this up, and also the Senator from Ohio for his remarks, and would hope we would worry less about numbers of divisions and conventional weapons and more about this steady proliferation of nuclear weapon proficiency all over the world.

Mr. PASTORE. Mr. President, I might conclude by saying this: If this agreement goes through at this time in this fashion, it will make a mockery out of the Monroe Doctrine.

Mr. RIBICOFF. Mr. President, the global spread of nuclear weapons capability is on the verge of running out of control.

This dangerous situation stems from the fact that the United States and other suppliers of nuclear facilities and materials have been unable to agree on safeguards for preventing the conversion of this peaceful technology into nuclear weapons by nations and terrorist groups.

The problem is as large and well-concealed as an iceberg, but a tip of the iceberg was seen on the front page of last Sunday's Washington Post in an article detailing how the West Germans beat out the United States for a multibillion contract to sell several large reactors to Brazil.

I commend my good friend Senator PASTORE, the distinguished chairman of the Joint Committee on Atomic Energy, for drawing attention to this article and helping to focus public attention on the danger involved in the West German-Brazilian transaction. I share Senator PASTORE's concern that the ability to make atomic bombs will proliferate among nations in our own hemisphere and around the world unless West Germany and our other nuclear "allies" refrain from making clearly dangerous nuclear exports. That is why the Government Operations Committee has been considering legislation to tighten the interagency safeguards controls over U.S. nuclear exports. Only by setting a proper safeguards example at home with our own exports can we hope to convince other nuclear supplier nations to impose similar controls over their exports.

The Brazilian reactor contract went to West Germany because the West Germans were willing to export a uranium enrichment plant and a plutonium reprocessing plant as "sweeteners" to sell the reactors. The United States, knowing that the sale of such accessory facilities gives the purchasing country the capability to produce its own nuclear explosives, offered only reactors and reactor fuel to Brazil.

Now, according to Washington Post reporter Lewis H. Diuguid.

> U.S. officials are concerned that the military-dominated government (of Brazil) has decided to opt for the bomb.

The Brazilians are viewed as being in a race with their traditional rival, Argentina, to be the first to produce a nuclear explosion in South America. Neither nation has signed the 1970 Treaty for the Non-Proliferation of Nuclear Weapons—(NPT); nor are they members of a nuclear free zone that was established in Latin America by another treaty in 1967. Both treaties require nations to refrain from developing their own nuclear explosives and to submit to international inspection of all their nuclear facilities.

In another article in the May 30 issue of Science Magazine, "Nuclear Proliferation: India, Germany May Accelerate the Process," Robert Gillette reports that U.S. officials view India as being prepared to detonate its second nuclear explosion. India is not a party to the NPT, and a follow-up to its historic nuclear explosion of last year can only encourage other non-NPT nations like Brazil and Argentina to seek admission to the still-exclusive nuclear club. I ask unanimous consent that this article be inserted in the RECORD at the close of my remarks.

Mr. President, the development of nuclear weapons capability on the subcontinent, and the likelihood of it developing in Latin America and the Middle East, stem from the fierce competition among nuclear advanced nations to sell reactors to the oil-rich and developing nations. Until recently, the multibillion-dollar nuclear trade was dominated by the United States. It involved only the sale of research and power reactors and the enriched uranium needed to fuel them.

Today, however, nations like France and West Germany are rapidly closing what used to be a long U.S. lead in nuclear technology. They have developed their own versions of American reactors from blueprints licensed by American companies—principally General Electric and Westinghouse. Now French and West German companies like Framatome and Siemans are exporting these reactors, and their governments are permitting the inclusion of enrichment and reprocessing plants as inducements to pull nuclear trade away from the United States. Until now, the United States has continued to trade only in reactors and reactor fuel.

Hard economic times and the high price of oil have combined to establish a desperate need to sell and a desperate need to buy nuclear power reactors. Nothing less than balanced international payments and energy self-sufficiency are at stake.

The resulting cutthroat nuclear competition is leading to the spread of plutonium reprocessing and uranium enrichment facilities. The capability to produce nuclear explosives is spreading "like a plague" in the words of the Inspector General of the International Atomic Energy Agency, who is responsible for detecting the diversion of peaceful nuclear materials to weapons development.

An inquiry by the Senate Government Operations Committee has found that in addition to West Germany providing an entire nuclear fuel cycle to Brazil, France is supplying plutonium reprocessing technology and machinery to Pakistan, Taiwan and South Korea, and is assisting Argentina to build a pilot plutonium plant. The United States has provided computers to assist South Africa to develop its own uranium-enrichment facility. This means that at least six more nations soon will have a nuclear-explosion capability.

In truth, the United States must assume a major share of the responsibility for the present nuclear proliferation problem. We pioneered the civilian nuclear power technology, made it available to other nations through our atoms for peace program and still clearly dominate the worldwide nuclear power industy. Closer attention should have been given safeguards over the years, particularly to safeguards conditions on the reexport of U.S. nuclear technology by nations like France and West Germany.

Although the United States is gradually losing its monopoly over nuclear technology, we are by no means helpless to deal with the proliferation tendencies of other nations. We are still the nearly exclusive supplier of enriched uranium fuel for the free world's reactors. The old Atomic Energy Commission projected that we would still by supplying 40 to 60 percent of this precious fuel by 1990. This is still a substantial amount, giving the United States considerable leverage over the way nations that depend on us for nuclear fuel should conduct their nuclear affairs.

Another indicator of U.S. civilian nuclear clout is found in the recent Atomic Industrial Forum report that U.S. type reactors make up no less than 70 percent of the reactors already chosen by the world's 38 other nuclear-power nations.

In France, for example, of the 42 reactors operating, under construction and on order, no less than 33 are based on designs licensed by Westinghouse. Most of these reactors were manufactured by Framatone, a French manufacturer, of which Westinghouse is an important shareholder.

All of Germany's 34 reactors in operation, under construction or on order are U.S. type reactors. In the case of Germany, most of the reactors are built by Siemens and KWU, which are German manufacturers, using technology licensed by General Electric. GE is not a stockholder in these companies.

Why, then, should the United States have permitted France and West Germany to engage in the reexport of U.S. nuclear technology under safeguards conditions that are less stringent than those we impose on our own exports? The commercial licenses for the export of U.S. nuclear technology—that is, of nuclear blueprints and designs—were approved by the AEC, and now by its successor agency, the Energy Research and Development Administration—ERDA. Why did we not insist that nations benefiting from our reactor technology agree not to offer enrichment and reprocessing plants as inducements to sell their versions of our reactors?

The world cannot ignore us yet with respect to controlling nuclear proliferation. Our nuclear industry still dwarfs all others. According to ERDA, total U.S. nuclear exports—including facilities, services, technology, and fuel—came to $2.4 billion through last year. All foreign exports combined for the same period totaled $1.2 billion, or half the U.S. figure.

The United States has agreements for nuclear cooperation with 29 nations: Argentina, Australia, Austria, Brazil, Canada, Republic of China, Colombia, Finland, Greece, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Korea, Norway, Philippines, Portugal, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom, Venezuela, and Republic of Vietnam. About half of these nations have power reactors built by the United States. The remainder have research reactors and nuclear fuel provided by the United States. About two-thirds of the world's research reactors are U.S. built.

I ask unanimous consent to have printed in the RECORD a table showing the world's nuclear suppliers and the nations to whom they are supplying nuclear power reactors. Clearly, the United States dominates the world markets.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUPPLIERS AND RECIPIENTS OF NUCLEAR POWERPLANTS

West Germany	Italy	United kingdom	France	Canada	United States	Belgium	Japan	Holland	Sweden	U.S.S.R.
Austria, Iran, Holland, Switzerland.		Italy, Japan.	Belgium, Iran, Spain.	Argentina, India, South Korea, Pakistan.	Belgium, Brazil, Taiwan, France, India, Italy, Japan, South Korea, Mexico, Holland, Phillipines, Spain, Sweden, Switzerland, Yugoslavia.	Switzerland.			Finland.	Bulgaria, Czech, Finland, East Germany, Hungary.

Source: Atomic Industrial Forum.

Mr. RIBICOFF. Thus, the United States today and for at least the next two decades will play a dominant role in supply reactors and reactor fuel to the world nuclear market. The question is, to what extent will the U.S. leverage this commanding position to win cooperation on combating nuclear weapons proliferation?

Much remains to be done, and there is precious little time to do it.

Nuclear weapons proliferation has occurred because of loopholes in the NPT itself, and because France has refused to associate itself with the treaty. The NPT prohibits the development of nuclear weapons or explosives of any kind—including so-called peaceful nuclear explosives, by non-nuclear-weapon states that are parties to the treaty. The treaty also requires use of a system of safeguards, governing the entire nuclear fuel cycle, which is administered by the IAEA. These safeguards are aimed at "preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices."

The critical flaw in the treaty is that it does not bar nuclear trade with non-NPT nations. Such nations do not have to put their entire fuel cycle under IAEA safeguards, nor are they prevented from detonating PNE's.

Thus, an exporter like West Germany can sell a reactor or a fuel facility to a non-NPT country like Brazil, and although these particular facilities may be placed under IAEA safeguards, the recipient country is free to build or import other facilities, and to generate nuclear materials, outside of IAEA safeguards.

India already has demonstrated that a less-developed nation with incomplete safeguards can produce a nuclear explosive. It also has demonstrated that there is no meaningful difference between a PNE and a nuclear weapon.

Safeguards has become the commercial battleground on which the fate of reactor sales—particularly those to non-NPT nations—hangs. The United States engages in questionable nuclear trade with non-NPT nations.

The shaving of safeguards can be done in subtle ways. Thus Canada and the United States agree to engage in nuclear trade with India even though India has not put its entire nuclear fuel cycle under IAEA safeguards. The reactors which Canada and the United States sold to India were under IAEA safeguards. But we did not require that India's reprocessing plant, with which it produced the plutonium for its peaceful nuclear explosive, be under IAEA safeguards. It was through this glaring loophole that India became the world's sixth nuclear-weapons nation.

This loophole—the failure to require that an entire nuclear fuel cycle be placed under IAEA safeguards as a condition of sale—is a common, but rarely discussed feature of nuclear trade with non-NPT nations.

South Africa, for example, has developed its own uranium enrichment facility while benefiting from U.S. nuclear technology and materials obtained from an imported research reactor nearby. The enrichment facility is not safeguarded even though the research reactor is.

France is not insisting on entire fuel-cycle safeguards in connection with its exports of reprocessing plants to Pakistan, Taiwan and Argentina. Nor is Brazil being asked for such assurances by West German exporters.

Generally, the only condition placed on nuclear exports is that IAEA safeguards apply to the specific facilities being exported. The safeguards need not be applied to facilities that may be exported or built indigenously later on. Nor would these nations be barred from developing and detonating nuclear explosives, if they wished to follow India into the nuclear weapons club.

The inherent danger of incomplete safeguards were stressed at the recent NPT Review Conference by Sigvard Eklund, Director General of the IAEA. In an obvious reference to India, he said:

> As events have shown, the applications of safeguards to only some of the nuclear installations of an importing country is not sufficient to deter by detection the acquisition of nuclear explosive capacity.

He then gave some advice to the exporting counties:

> Exporting countries could, if they were so determined, go considerably further than at present and require membership of NPT or other arrangements involving the application of safeguards to the complete fuel cycle of the importing country as a condition of supply. This would be the single most important measure which could be taken to control horizontal proliferation, even outside the NPT framework, and the Agency is ready to assist as required.

There is an immediate need to require entire-fuel-cycle safeguards as a condition of nuclear sales. There is also an urgent need to ban the export of reprocessing plants, in order to prevent nonweapons states from gaining the individual capability to produce material for nuclear explosives. A moratorium on reprocessing plant export and construction should be agreed, in order to allow time to regionalize reprocessing under multinational control and to upgrade IAEA safeguards over such plants.

The inherent danger in the failure to obtain such an agreement cannot be overemphasized. Dr. Fred Ikle, Director of the Arms Control and Disarmament Agency, recently laid out the threat posed by global proliferation of nuclear weapons:

> We are basically defenseless against threats of nuclear attack that could come from a great many different sources rather than from one or two principal adversaries. Our entire nuclear defense effort has been directed against one or two clearly identifiable potential adversaries. Our strategic doctrine and strategic weapons systems are designed to deter these potential adversaries from launching an attack. The only way we now know to ward off nuclear attack rests on two critical premises: the premise that we need be concerned with one, or at most a very

few, potential nuclear adversary powers and the premise that these potentially hostile nuclear armaments will always be controlled by men who care about the survival of their countries. In a world of widespread nuclear proliferation, certainly one, and perhaps both of these premises would be shattered.

Complicating the picture still further is the inherent inadequacy of IAEA safeguards, particularly those usually applied to non-NPT nations. The Inspector General of the IAEA, Rudolph Rometsch, has stated that safeguards on reprocessing plants are presently less effective for detecting diversion than those applied to reactors.

Generally, the IAEA's safeguards and inspection procedures amount to little more than accounting methods for verifying the efficiency of national or regional inspection systems. The IAEA, in other words, is heavily dependent on the good will and cooperation of the nations whose nuclear facilities it inspects and audits.

An IAEA bulletin distributed at the NPT Review Conference, notes that "unfortunately no analytical method has yet been developed for routine use for the determination of the uranium content of fuel assemblies"; also, that "the estimation of the plutonium content cannot be made very accurately for a discharged fuel core." Both these statements underscore the inadequacy of IAEA safeguards to detect diversion, particularly in the absence of full cooperation from a non-NPT nation.

Inspector General Rometsch, asked recently whether there was still time to develop a system for regionalizing plutonium reprocessing under effective safeguards, said:

> One has to run at least.

He also said:

> So long as people try to make a business out of reprocessing, it won't be brought under control. It could be very costly to verify (safeguard) the small reprocessing plants that France is seeding throughout the world.

The St. Gobain Corp., a major French glass manufacturer and engineering firm, has been the major exporter of reprocessing plants. It apparently has a technological lead in the manufacture of certain plutonium reprocessing components, to the extent that the United States has imported some of them for the reprocessing plant now under construction in Barnwell, S.C.

The IAEA is now preparing a study on the "safety, physical security and safeguards problems that would be caused by a proliferation of small, uneconomic reprocessing and related facilities."

The present less-than-aggressive approach by the United States and other nuclear suppliers to insuring adequate international safeguards on plutonium reprocessing conflicts with the recent hard-nosed position taken by the Nuclear Regulatory Commission with respect to the problem here at home. In a recent, encouraging move, the NRC announced that it will delay for 3 years any decision on whether to approve commercial reprocessing of plutonium to allow time for completion of various safeguards studies.

Serious questions also remain, as to the adequacy of even the most advanced regime of physical security to prevent terrorist theft and sabotage.

A recent unclassified study by the Sandia National Laboratory acknowledges the sabotage problem:

> It appears that a sufficiently determined and able group could perform acts of sabotage which could endanger the safety of the public surrounding the plant. Information on plant design, operation, and security procedures is available from many unclassified sources. With current security measures, a group of unauthorized personnel could gain access to vital systems of the plant with sufficient equipment and explosives to disable critical plant systems and possibly cause a radioactivity release.

There is clearly a difference of opinion among experts as to whether nuclear fuel facilities are sufficient hardened, guarded, and fitted with alarm systems to prevent the kind of penetration that the Sandia study indicates can take place with respect to reactors. Some experts believe that present physical security can be overcome by a "credible" terrorist attack—that is, one involving 10 to 15 well-trained individuals using automatic weapons and shaped charges.

The United States and the other suppliers should take a candid look at the adequacy of physical security standards. A set of standards that is inadequate to the task would be misleading and, therefore, dangerous.

Mr. President, the rapid spread of nuclear weapons capability to nonnuclear weapons states, and the vulnerability of nuclear facilities and materials to terrorist attack, represent a clearly dangerous situation. The United States and the other nuclear-exporting nations are not doing what they reasonably can be expected to do to correct the situation. Very little time remains to bring the situation under control.

As a minimum, we should reach an understanding with other nuclear suppliers that there be:

No nuclear exports to any nation not placing its entire nuclear-fuel cycle under IAEA safeguards that are as tight as those required of NPT nations;

No exports of plutonium-processing facilities or technology, pending completion of IAEA studies with respect to safeguarding and regionalizing reprocessing plants;

No exports to any nation that does not give assurances that it will refrain from developing nuclear explosives of any kind; and

Uniform physical-security conditions on particular nuclear exports, using IAEA guidelines to establish minimum standards.

Finally, Mr. President, the Senate Government Operations Committee has recently issued a 1,400-page compendium, "Peaceful Nuclear Exports and Weapons Proliferation." This volume has been a valuable resource to the committee, and I commend it to anyone interested in pursuing the nuclear safeguards and proliferation problems.

I ask unanimous consent that the statement of purpose from the compendium—as given by Senator Percy and myself—be printed in the Record, as well as an article entitled "Nuclear Proliferation: India, Germany May Accelerate the Process."

There being no objection, the material was ordered to be printed in the Record. as follows:

Statement of Purpose

A close relationship exists between the export of peaceful nuclear technology and the proliferation of nuclear weapons.

India's use of imported civilian nuclear materials and technology to carry out a "peaceful" nuclear explosion, is the most dramatic evidence that the problem has broken out of the realm of possibility into the world of hard reality.

Potentially more significant in terms of nuclear weapons proliferation is the fact that the United States has lost its virtual monopoly over supplying enriched uranium to the non-Communist world. South Africa, a major importer of United States nuclear technology and materials, recently announced that it has developed a new, inexpensive process for enriching uranium to levels of concentration needed to make reactor fuel or nuclear explosives.

It is fast becoming clear that as nations acquire civilian nuclear technology to attain energy self-sufficiency, they also acquire the materials, personnel and ability to build nuclear weapons.

Of no less concern is the fact that the rapid increase in nuclear technology and materials throughout the world coincides with the worldwide problem of brazen, sophisticated terrorism. Preventing the theft of weapons-grade materials by subnational groups has become as serious a problem as detecting the diversion of such materials by national governments.

Dr. Fred Ikle, Director of the Arms Control and Disarmament Agency, testified before this Committee that detonation of a terrorist's nuclear device in a major city would be "an event that would change the world." He also testified that it is now possible for terrorist groups to "put a skilled team together that could fashion an explosive, should they have obtained the requisite plutonium or enriched uranium."

The problem is complicated by the fact that as the worldwide civilian nuclear industry continues to grow, so will the amounts of weapons-grade materials that will be generated by its fuel cycle. According to present projections, about 2 million pounds of plutonium will be generated each year by the world's civilian reactors by the year 2000. A system of safeguards will have to be devised to prevent as little as 20 pounds of plutonium, the minimum amount needed to fabricate a weapon, from being converted from civilian to weapons purposes.

The present system of international nuclear safeguards is generally considered to be weak. The safeguards administered by the International Atomic Energy Agency for parties to the Nuclear Non-Proliferation Treaty are designed only to detect diversion by nations, not to prevent theft by terrorists. It is questionable whether these safeguards are sufficient to stop a nation intent on secretly stockpiling plutonium or weapons-grade uranium. Each nation provides its own physical security against nuclear theft and sabotage, and it is questionable whether these safeguards are generally sufficient to repel a significant terrorist attack.

The global spread of atomic weapons as an unforeseen outgrowth of our Atoms for Peace program should be a matter of great concern to the Congress, the Executive Branch, the scientific and diplomatic communities and the public at large.

It is in the interest of the United States and all nations to establish a strict, uniform system of nuclear safeguards for detecting diversion and preventing theft.

Unfortunately, safeguards has been a battleground for commercial advantage among nuclear exporting nations, including the United States. Short-term commercial interests have overshadowed long-term national-security interests. The inclination has been not to apply strict safeguards conditions on commercial nuclear transactions out of fear that a rival exporter will permit weaker safeguards in order to win a sale.

This compendium is designed to provide a selected but comprehensive review of the legal, technical and policy aspects of this critical problem for all who seek an understanding of it. We intend it to be a valuable resource to this Committee and to all those who wish to participate in our consideration of S. 1439—the Export Reorganization Act of 1975—to reform the present Federal interagency system of controlling peaceful nuclear exports, as well as the export of other strategically significant commodities. It will provide useful background information on safeguards and other issues on the agenda of the Review Conference of the Nuclear Non-Proliferation Treaty Conference in Geneva in May, 1975.

Little time remains to act. The rapid worldwide development of civilian nuclear technology may soon make the weapons-proliferation problem unmanageable. Obviously the United States cannot solve the problem alone. That will require the cooperation of all nuclear exporting nations. The United States can play a major leadership role, however. It is clearly in our national interest, and in the interest of the very survival of man, to do so. Hopefully, this volume will help point the way.

ABE RIBICOFF,
Chairman.
CHARLES H. PERCY,
Ranking Minority Member.
Senate Committee on Government Operations, April 29, 1975.

NUCLEAR PROLIFERATION: INDIA, GERMANY MAY ACCELERATE THE PROCESS

(By Robert Gillette)

As representatives of 69 nations meet in Geneva this month to review the status and ponder the future of the 1970 Non-Proliferation Treaty (NPT), awareness is growing that further restraint on the spread of nuclear weapons may depend as much on controlling technology as on guarding world commerce in the fissionable fuels—uranium and plutonium. Certainly this was a cardinal lesson of India's first nuclear explosion a year ago. India, after all, got its plutonium not by theft but openly from a Canadian-supplied reactor and is building more reactors based on Canadian technology.

While the Geneva meeting continues, two imminent events promise to lend a grim new aura of urgency to controls on nuclear technology. For one, knowledgeable U.S. officials believe that India is prepared to detonate its second nuclear explosion. At the same time, West Germany is on the verge of concluding an agreement with Brazil that would provide Latin America's largest nation not only with the technology it needs to become self-sufficient in nuclear energy but would also endow Brazil with the technological base from which, if it saw fit, to build nuclear weapons.

Like India, Brazil has refused to sign the NPT, under which it would be obliged to foreswear development of nuclear explosives and submit to international inspection of its nuclear facilities. Brazil's government has maintained the position that the NPT discriminates against nonnuclear powers. Various Brazilian government officials since the late 1960's also have asserted a right to build and detonate "peaceful" nuclear explosives.

Informed U.S. officials believe that both the Indian nuclear test and the signing of the West German-Brazilian technology agreement are being delayed now only for diplomatic reasons, possibly in deference to the NPT review conference, which ends on 30 May. West Germany and Brazil are participating in the conference, but India is not. India is believed to recognize that it has little to gain by an act that would inevitably be interpreted as a calculated insult to conference participants and a blow to the treaty itself. Also, India is just now reaching an understanding with Canada that could lead to a resumption of nuclear cooperation between the two countries. Even so, the second Indian explosion is regarded as imminent. "It could be days, it could be weeks," one U.S. official told *Science*. "It's just a matter of when they decide to push the button."

Similarly, or so it seems, "all systems are go" with the West German-Brazilian deal, worth by some estimates as much as $8 billion over the next 10 to 15 years.

Of the two developments, the pending agreement between West Germany and Brazil may have the greater significance for the proliferation problem. Details are sketchy, but the agreement apparently grew out of talks that began last November between the Brazilian government and a consortium of German firms. The *Folha de São Paulo,* a well-regarded São Paulo newspaper, reported on 27 March that the agreement "will involve all aspects of nuclear technology, from prospecting for radioactive minerals, uranium enrichment, and reactor production all the way to fuel reprocessing."

Government and industry sources in the United States say the deal appears to include the sale of as many as eight 1200-megawatt pressurized water reactors of German design to be built over the next 10 to 15 years (Brazil's first nuclear power plant, a 626-megawatt Westinghouse facility, is scheduled to start up in 1977). More important from the arms controller's point of view is the inclusion of a "complete package" of nuclear fuel facilities—a fuel fabrication plant, a chemical reprocessing plant for extracting plutonium from spent fuel, and a uranium enrichment plant for concentrating the fissionable isotope uranium-235.

The uranium enrichment plant contemplated in the agrement would be based on the "jet nozzle" process developed gradually since the mid-1950's, first at the government-supported Karlsruhe Nuclear Research Center and, since 1970, by the large energy combine of STEAG, AG in Essen (see box below). If the sale of a nozzle enrichment plant goes through, it will mark the first commercial development of this dark-horse competitor with gaseous diffusion and the gas centrifuge, the two enrichment processes currently working on a commercial scale.

The last two items in the German package worry arms control analysts more than anything else. Reprocessing and enrichment plants are the most logical targets for attempts to divert fissionable fuels, either by a government bent on joining the nuclear club or by terrorist factions. For this reason, the U.S. government has discouraged U.S. companies from exporting reprocessing technology and has only recently been willing to share enrichment technology, and then only under closely controlled circumstances.

The Bonn government, however, has adopted a more relaxed attitude, as is indicated by its insistence in the late 1960's that a clause be included in the NPT stating that the treaty shall be applied so as to:

"Avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes."

The result of differing attitudes toward the export of nuclear technology is that U.S. companies competing for the Brazilian reactor market found themselves unable to match the breadth and attractiveness of the German offer.

Given the energy resources it has, a full suite of nuclear technology makes eminent sense from the Brazilian point of view. Brazil already imports three-fourths of its oil, its known resources are small, and demand is growing as the number of automobiles multiplies. On the other hand, Brazil's reserves of uranium are considerable and its deposits of thorium (which can be bred in reactors to form a new fissionable fuel, uranium–233) are second only to India's. Hydroelectric potential is also vast—an estimated 152,000 megawatts—but much of this power would have to be transmitted hundreds of miles to industrial centers like Sao Paulo, with consequent losses.

One alternative is to place electricity-intensive industries such as aluminum plants close to hydroelectric projects, but uranium enrichment offers another option. Putting an enrichment plant near a hydroelectric installation eliminates transmission losses to the plant and allows the energy—once converted to enriched uranium—to be trucked to nuclear plants near industrial centers.

Some U.S. enrichment experts believe this is precisely what Brazil has in mind, and they point to two hydroelectric projects as possible sites for a Brazilian enrichment facility. The first is the nearly completed Urubupungá project on the Parana River, west of São Paulo. One of the world's 10 largest hydro installations, Urubupungá's capacity is scheduled to grow by 1980 to 4600 megawatts, or more than twice the output of Hoover Dam. Further down the Parana River, along the Brazil-Paraguay border, construction is scheduled to start in August on the $4.2 billion Itaipú hydroelectric project designed to generate 12,000 megawatts. Half of this will go to Paraguay, which, with virtually no place to use it, will export the power back to Brazil. The size of a nozzle enrichment plant the Brazilian government has in mind has not been divulged, although the "reference size" being discussed by STEAG for a commercial plant in the early 1980's would consume 2500 megawatts and perform 5000 tons of separative work a year (this is a measure of enrichment capacity; U.S. gaseous diffusion plants are currently rated at 17,000 tons and consume 6000 megawatts at peak capacity).

If the pending nuclear agreement goes through it will represent a major breakthrough for Brazil, which has been frustrated since the early 1950's in its attempts to obtain uranium enrichment technology. In 1954, for example, before the Federal Republic gained its sovereignty, the United States squelched a German attempt to sell gas centrifuges to Brazil for a reported price of $80 million. The centrifuges were among those designed and built by Wilhelm Groth, a physical chemist who was instrumental in organizing the abortive German attempt to build an atomic bomb during World War II. The Brazilian government then turned to France in an attempt to obtain gaseous diffusion technology, again unsuccessfully. Finally, in 1958, Brazil did acquire three of Groth's centrifuges but evidently accomplished little with them. The machines, primitive by today's standards, were last heard from in 1964 when Brazilian researchers reported in Geneva that they had separated isotopes of argon.

In spite of these frustrations, Brazil's nuclear policy continued to drift toward a dependence on reactors requiring enriched uranium fuel (in contrast to that of Argentina, which has opted for natural uranium reactors much in the fashion of India).

Having gradually locked itself into light-water reactor technology Brazil then had a choice of depending on the United States or one of the other major industrial powers to supply enriched uranium—a dependence increasingly unpalatable in the mood of economic nationalism that currently pervades Latin America. Or Brazil could enrich its own uranium, if only someone would provide the know-how.

The latter alternative has doubtless become more appealing as the United States' ability to meet its foreign enrichment commitments in the 1980's has grown less certain. Moreover, nuclear exports come increasingly with "safeguard" strings attached that make it difficult for nations like Brazil to keep their explosives option open.

SAFEGUARDS ARE REQUIRED

The Bonn government, as a party to the NPT, is obliged to sell such things as enrichment plants under safeguard controls, to ensure that the plant is used for "peaceful" purposes. But the NPT doesn't define the word "peaceful." And as the Indian test showed, (there is room for disagreement as to whether it includes explosives.

Bonn could, of course, always ask for specific assurances from Brazil that its enrichment and reprocessing plant would only be used for making reactor fuel. But what worries U.S. arms control analysts is that no such assurances would apply to a second, third, or *n*th plant built entirely by Brazilian scientists and engineers who had thoroughly learned the workings of the first one.

"It's a very difficult problem," one U.S. proliferation expert says. "If it [the technology] is in the literature, how do you distinguish between what's transferred by license and what's transferred by textbook?"

As it happens, West Germany is transferring a great deal by "textbook." Nozzle enrichment technology has not been classified, and published technical papers on the subject go into far more detail than any available on gaseous diffusion or centrifuge technology. The firm of STEAG, in addition, takes the position that "local industry should . . . be permitted to participate in the project so as to obtain direct access to the technology."

To Latin American nations increasingly sensitive to "technological dependence" on the industrial powers, this is a powerful enticement.

And yet, as analysts of the proliferation problem point out, the path to nuclear self-sufficiency is also the path to a nuclear weapons capability. A small number of explosives requires only a small siphoning of material and talent from the main objective of electric power generation. Moreover, as one nation acquires the crucial equipment for self-sufficiency: the incentive grows for its neighbors to follow suit. Both Brazil and Argentina, for example, have long dreamed of Latin American hegemony, and neither is believed willing to let the other realize its dream on the strength of nuclear superiority.

Some analysts, like Mason Willrich of the University of Virginia law school, have suggested that nuclear rivalries might be restrained by placing enrichment, reprocessing, and fuel fabrication plants under regional control. Britain, the Netherlands, and West Germany have taken a step in this direction with a tripartite agreement to build centrifuge enrichment plants.

Old rivalries are more durable in Latin America, however, and the outlook for such communal agreement there is poor. For the foreseeable future, nuclear machismo is likely to prevail.

"Nozzle" Enrichment for Sale

Dozens of different methods have been devised since the 1940's to enrich uranium. In each the objective is the same—to concentrate fissionable uranium-235 for use in reactor fuel or weapons. Two of these methods, gaseous diffusion and the gas centrifuge, have proved economical in commercial plants. But the West German "nozzle" or aerodynamic process now appears not only to be economically competitive but also technologically simpler than the other two.

Several variations of the nozzle process exists, but the one closest to commercial application works like this:

Uranium hexafluoride gas (mixed with hydrogen) is pumped through a long slit, forming a rapidly moving sheet of gas. The gas strikes a curved wall, bending the sheet through 180 degrees. Centrifugal forces then carry the heavier uranium-238 (which makes up 99.3 percent of the gas) to the outer surface of the sheet, where a knifelike barrier pares it off. The lighter fraction, now slightly enriched in uranium-235, is routed through hundreds of additional stages to reach the desired level of enrichment—about 3 percent uranium-235 for the fuel of light-water reactors or more than 90 percent for gas-cooled reactors or weapons.

Advantages of the nozzle process are that it does not require the hard-to-make porous barriers of a gaseous diffusion plant and that it avoids the highly stressed moving parts of an ultracentrifuge. One disadvantage of the nozzle process is that it consumes almost twice as much electric power as a gaseous diffusion plant and 20 times the power of an equivalent centrifuge plant. This disadvantage wanes, however, where electric power is cheap (even if inconveniently located), as in Brazil.

The man credited with inventing the nozzle process is Erwin-Willy Becker, a leader of the government-supported Karlsruhe Nuclear Research Center. A physical chemist, Becker published his first papers on the technology in the mid-1950's. He and his coworkers started up a 2-ton-per-year pilot plant in 1967 and in 1970 signed a "collaboration contract" with the large energy company of STEAG, AG in Essen, for further development work.

According to a paper presented by STEAG delegates to a London meeting of the British Nuclear Energy Society in March, a 5-year technology program began last year is aimed at testing prototype enrichment stages for a 2500-ton-per-year plant in 1977. Planning for a plant twice that size with 570 successive stages is under way.

STEAG representatives are saying little about their making plans beyond their declaration at the BNES meeting: "The offer is . . . made to the uranium producing countries to collaborate in partnership on utilizing the separation nozzle process for the enrichment of uranium."

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:45 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the Speaker has signed the enrolled bill (H.H. 4109) to amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089).

The enrolled bill was subsequently signed by the President pro tempore.

At 3:20 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1236) to extend and amend the Emergency Livestock Credit Act of 1974, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Leahy) laid before the Senate the following letters, which were referred as indicated:

Report of the American Symphony Orchestra League, Inc.

A letter from a Certified Public Accountant transmitting, pursuant to law, a copy of the audit report for the American Symphony Orchestra League, Inc., for the fiscal year March 31, 1975 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Leahy):

A resolution adopted by the City Council of Garfield, New Jersey, urging approval of the Local Public Works Capital Development and Investment Act of 1975; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

S. Con. Res. 45. An original resolution expressing the sense of the Congress that the Federal Home Loan Bank Board shall refrain from authorizing variable rate mortgages unless and until authorized by the Congress (Rept. No. 94–170).

By Mr. HASKELL, from the Committee on Interior and Insular Affairs with amendments:

S. 267. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado (Rept. No. 94–171).

S. 268. A bill to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests, in the State of Colorado (Rept. No. 94–172).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

Mr. WEICKER. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Record of May 12, 1975, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOLE:

S. 1843. A bill to amend and clarify certain regulatory authorities of the Federal government over work and activities in navigable waters. Referred to the Committee on Public Works.

By Mr. CANNON (for himself and Mr. LAXALT):

S. 1844. A bill to amend the Internal Revenue Code of 1954 to adjust the occupational taxes on employees of wagering operations. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 1845. A bill to amend section 306 of the Consolidated Farm and Rural Development Act to expand the definition of an eligible borrower to allow loans and/or grants to be made to borrowers irrespective of location of the borrower or facility provided the facility will primarily serve rural residents. Referred to the Committee on Agriculture and Forestry.

By Mr. BUCKLEY:

S. 1846. A bill to authorize the States to carry out certain functions of the Secretary of the Army and the Chief of Engineers on intrastate waters. Referred to the Committee on Public Works.

By Mr. HUMPHREY:

S. 1847. A bill to authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1843. A bill to amend and clarify certain regulatory authorities of the Federal Government over work and activities in navigable waters. Referred to the Committee on Public Works.

CLARIFY ARMY ENGINEERS' AUTHORITY OVER WATERWAYS

Mr. DOLE. Mr. President, I am introducing today a bill to provide clarity and restraint with regard to the authority of the Army Corps of Engineers to supervise waterway activities in the United States. In my opinion, it is time that the eminent Federal authority over our national waterways which is wielded by the Corps of Engineers is clearly defined and refined, to eliminate confusion as well as unnecessary Federal encroachment upon local and private rights.

The recent publication of proposed regulations expanding the scope of corps authority has caused considerable alarm in my State, which I think is well founded. Dozens of Kansans have written to me to express their concern that any of the four proposed options for expanded jurisdiction over inland waters would seriously encroach upon the most regular and simple farming activities. Resulting confusion about the regulations, if they are enacted, would cause frequent delay, at the very least, and could feasibly result in exorbitant fines for common farming activities of an entirely innocent nature. Furthermore, the unacceptable breadth of some current corps authorities calls for legislative correction at the earliest possible time, to avoid unnecessary and expensive supervisory functions by the Corps of Engineers.

The bill I am introducing today will resolve these flaws by doing four things:

First, restrict corps jurisdiction to navigable waters currently used, or subject to use for transporting interstate or foreign commerce;

Second, abolish corps jurisdiction over the discharge of fill material into such waterways—an operation which is essentially irrelevant to water quality control purposes;

Third, prohibit corps jurisdiction over navigable waterways identified as such purely on the basis of historical use alone; and

Fourth, permit the corps to waive requirements for oversight jurisdiction in certain instances where the State or locality is capable of performing regulatory functions.

When Congress enacted the Federal Water Pollution Control Act in 1972, it gave to the Army Corps of Engineers the authority to regulate the discharge of dredged or fill material into "navigable waters," and defined these as "waters of the United States, including the territorial seas." In an effort to give practical expression to this broad definition, the corps restricted its regulatory activities to "navigable waters . . . which are presently, or have been in the past, or may be in the future susceptible for use for purposes of interstate or foreign commerce." This procedure has operated reasonably well for 3 years, and, with the revisions I am proposing at this time, will continue to provide the most practical and effective application of the corps' authority in the future, I believe. It will provide a proper balance between environmental safeguards and private rights as the Corps of Engineers continues to carry out its designated responsibilities under the Water Pollution Control Act.

THREAT OF EXPANDED CONTROL

In response to a suit filed against the Army, the corps, and the Environmental Protection Agency, the U.S. District Court for the District of Columbia ruled in March of this year that the Corps of Engineers was without authority to apply its own interpretation to the broad language of the act. The court ordered the Army, instead, to issue regulations "recognizing the full regulatory mandate" of the act, which the court determined to entail "the maximum extent [of jurisdiction] permissible under the commerce clause of the Constitution." As a result, the Army Corps of Engineers set forth for public comment four alternative approaches to such expanded regulation, which could represent a potential threat to private land operations and to the concept of individual freedom in this country.

If these proposals were to be interpreted as extending Federal jurisdiction over dredge and fill operations in virtually every artificial or natural body of water in the country, Government intrusion of the most ominous nature could loom over a number of ordinary, everyday practices. According to the Office of the Chief of Engineers:

> Federal permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen his irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion.

While there is some uncertainty at the moment as to just how pervasive such control might become, the potential expansion of Government jurisdiction over private matters of this type simply boggles the mind.

NEED TO LIMIT CONTROL

Recently, in letters to the chairmen of the Senate and House Agriculture Committees, Secretary of Agriculture Earl Butz called the proposed regulations "a harassment to farmers and ranchers trying to grow this Nation's food supply," and he warned that "Millions of people, as they now operate . . . could be fined up to $25,000 a day and imprisoned for 1 year for violations" of the law. The Kansas Livestock Association calls the proposal "a further deterioration of the private property rights of individuals." At a time when the private farmers in this country are already reeling under economic pressures, the possible expansion of Federal control over simple agrarian activities would be a completely intolerable and unnecessary additional burden. I believe that this possibility of expanded authority can be prohibited through clarification of the language of the Federal Water Pollution Control Act.

Furthermore, I feel that certain regulatory authority presently held by the Corps of Engineers should be amended to reduce still other visible threats to land and water rights properly within the realm of private and local government control.

As section 404 of the Federal Water Pollution Control Act now reads, the corps has regulatory jurisdiction over the discharge of both "dredged" and "fill" material into navigable waters.

While I can understand the importance of maintaining direct control over the distribution of dredged materials into our waterways as a means of protecting the quality of water, it is more difficult to see any immediate relationship between certain nondredged "filling" operations on river tributaries and the maintenance of water quality standards. In many cases, a raising of the level of streambeds may be important to private or municipal owners for the purposes of construction, and would appear to have little or no effect upon the quality of the water. While I have serious reservations about Federal control of such fill operations in any instance, the action seems particularly inappropriate and irrelevant to the corps' jurisdiction for the purposes of the 1972 act.

In a related vein, the corps currently defines its responsibilities to include oversight of work and activities on navigable waterways presently, formerly, or potentially susceptible to use for interstate or foreign commerce. In my opinion, this interpretation is needlessly, and possibly harmfully broad.

Under the terms of this interpretation, the corps envisions for itself a responsibility to review and approve all work and activity on such waterways, even though the water may not now be, in practice, "navigable." Historically, a particular stream or swamp, for example, may have been used as a rudimentary means for transporting commercial goods interstate. By the corps' interpretation, such water would currently fall within its oversight jurisdiction even though it may not have been used for such purposes in many years. The course or depth of the waterway may now be such that commercial use would be totally impractical. Yet, under its current authority, the Corps of Engineers can retain or initiate regulatory control over operations connected with the waterbody.

DAMAGING TO KANSAS INTEREST

Recently, my own State of Kansas was informed that the Army Corps of Engineers intends to study the navigability of numerous streams and waterways in that region with the possible intention of declaring these additional waters "navigable." I have been advised by representatives of the Kansas State government that the addition of these waterways to the Federal purview at this late date could be damaging to both private and State rights, in more ways than one. Because land titles to the affected streambeds were in many instances issued to riparian owners by Federal land offices in the past, corps action along the lines stated above could now, I am advised, deprive local taxing jurisdictions of property tax revenue. Furthermore, current permits and agreements issued under State statutes for structures, diversions, and waste discharges along these waterways could conceivably be abrogated in some instances by Federal edict. Indeed, the entire structure of water rights administration within the State would be jeopardized by the newly established Federal jurisdiction.

In recognition of this factor, I am further proposing that the Secretary of the Army and the Chief of Engineers be authorized to waive jointly their requirements for approval of activities on these waterways, provided a determination is made that such activities would not have a "substantial adverse impact" on transportation, and provided the State or locality is seen capable of regulating such activity in the public interest. Such an authorization provides necessary and entirely appropriate flexibility in corps regulations to permit local government to retain its rights and responsibilities with regard to its own waterways.

Mr. President, I believe that this is the time to clarify the authority which has been given to the Army Corps of Engineers by the Congress, to avoid any errant behavior on the part of either the corps or private individuals. Failure to specify the limits of the corps' jurisdiction could result in costly and unnecessary action by that branch of the Army. Furthermore, I would like to see the corps exercise the authority to waive its jurisdiction whenever State or local regulations are capable of ensuring the standards of Federal water quality and navigability requirements. Prompt attention by the Senate Public Works Committee to these issues seems warranted and will hopefully be forthcoming.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 404 of the Federal Water Pollution Control Act (62 Stat. 1155), as amended (33 U.S.C. 125 *et seq.*), is further amended by adding a new subsection (d) as follows:

"(d) The term 'navigable waters' as used in this section shall mean all waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark (mean higher high water mark on the West Coast)."

SEC. 2. The Federal Water Pollution Control Act is further amended by deleting the word "or fill" in subsection (a) thereof and adding a new subsection (e) as follows:

"(e) For purposes of this section, the term 'dredged material' means any material excavated or dredged from coastal waters of the United States which are subject to the ebb and flow of the tide and up to the mean high water mark on the East and Gulf Coasts and the mean higher high water mark on the West Coast and/or from those inland waters of the United States up to their ordinary high water mark which are presently or may be in the future susceptible for use to transport interstate or foreign commerce."

SEC. 3. The prohibitions and provisions for review and approval concerning work and activities in waters of the United States contained in sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151) and section 1 of the Act of June 13, 1902 (32 Stat. 371) extend only to the coastal waters of the United States subject to the ebb and flow of the tide and up to the mean high water mark on the East and Gulf Coasts and the mean higher high water mark on the West Coast and/or to those inland waters of the United States up to their ordinary high water mark which are presently or may be in the future susceptible for use to transport interstate or foreign commerce.

SEC. 4. The Secretary of the Army and the Chief of Engineers are authorized to waive jointly any requirements they may have for review and approval of any work or activities in or on waters of the United States, including segments thereof or their associated river bank, shoreline or wetland areas under the provisions of section 404 of the Federal Water Pollution Control Act, section 10 of the Act of March 3, 1899, and section 1 of the Act of June 13, 1902 as amended and clarified by the provisions of this Act: *Provided,* That the Chief of Engineers has determined in writing that such work and activities, which have been or might be conducted, will not have a substantial adverse impact on the affected waters for their use to transport interstate or foreign commerce and can be appropriately regulated in the public interest, if necessary, by the affected State or its political sudivisions within whose boundaries the work and activities occur.

SEC. 5. The waiver authorized by section 4 of this Act shall be effective only when in writing and signed by the Secretary of the Army and the Chief of Engineers and shall pertain to such water areas and the exempted types of work and activity which may be conducted therein as are specified in the waiver. It shall not be unlawful under the provisions of the Acts specified in section 4 of this Act to commence or conduct such work and activities as are specified in the waiver during any period in which the waiver is in effect.

SEC. 6. No action to waive exercise of authority taken pursuant to section 4 of this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) if such action concerns types of work and activities which occur within water areas situated in any State which has enacted legislation to regulate such work and activities by the State or its political subdivisions.

SEC. 7. The Secretary of the Army and the Chief of Engineers, after notice and thirty days' opportunity for public comment, may reassert the exercise of any jurisdiction waived under the authority of this Act subject to such conditions and for such periods as they deem necessary. Such reassertion of the exercise of jurisdiction involved shall be effective only when in writing and signed by the Secretary of the Army and the Chief of Engineers. All work and activities in waters pertaining to this resumed exercise of jurisdiction shall at the date of resumption be subject to the provisions of the Acts specified in section 4 of this Act in accordance with the terms specified by the Secretary of the Army: *Provided,* That such work and activities, which have commenced prior to the reassertion of the exercise of jurisdiction and have been specifically authorized or permitted in accordance with a law of the State having jurisdiction at that level of government over such work and activities, shall not be subject to the provisions specified in section 4 of this Act unless the Chief of Engineers determines that requirements for transportation of interstate and foreign commerce so requires.

By Mr. CANNON (for himself and Mr. LAXALT):

S. 1844. A bill to amend the Internal Revenue Code of 1954 to adjust the occupational taxes on employees of wagering operations. Referred to the Committee on Finance.

Mr. CANNON. Mr. President, today I am introducing an amendment to the Internal Revenue Code of 1954, the intent of which is to reduce the amount of occupational wagering taxes required under section 4411 of the code from the present $500 to $50.

The State of Nevada has a highly regulated and licensed gaming industry which for many years has required bookmakers to pay Federal tax of 10 percent on wagers. This tax money has generated revenue for the Federal Treasury and has provided funds for the abatement of illegal gaming operations.

In 1968 the Supreme Court handed down two key decisions dealing with gaming in this country—*Marchetti* v. *the United States,* 390 U.S. 39 (1968) and *Grosso* v. *United States,* 390 U.S. 63 (1968). The effect of these two rulings was to disallow the prosecutorial function of the tax, leaving the legal gaming operation in the State of Nevada as the only taxpayers needing to comply with the laws governing the bookmaker tax.

During the last session of Congress, I introduced an amendment to eliminate the tax for those legal gaming operations, leaving intact the assessment of a tax for illegal operations. The Senate and House conferees, in lieu of my amendment, decided to reduce the tax to 2 percent and increase the occupational tax in section 4411 from $50 to $500. Traditionally, this tax was paid by the employers of the various gaming establishments. But the increase has proved to be such an onerous burden they are no longer able to absorb this excessive tax. This $500 tax now must be paid by each employee for the right to work in a gaming establishment.

Mr. President, this tax was never

meant to be a revenue raising measure but rather was meant to be an enforcement tool to combat illegal gaming. As such, the increase to $500 is an unnecessary and excessive amount which unfairly interferes with the employees' right to work.

In no way is the original intent of this legislation impaired. The Internal Revenue Service will receive the same amount of information with regard to each employee as it has in the past and the impact, although minimal on the Federal budget is substantial with regard to those employees liable under section 4411.

Mr. President, I ask that the bill be appropriately referred and am hopeful that the Senate will take rapid and favorable resolution with regard to this unfortunate situation.

By Mr. THURMOND:

S. 1845. A bill to amend section 306 of the Consolidated Farm and Rural Development Act to expand the definition of an eligible borrower to allow loans and/or grants to be made to borrowers irrespective of location of the borrower or facility provided the facility will primarily serve rural residents. Referred to the Committee on Agriculture and Forestry.

Mr. THURMOND. Mr. President, I am today introducing legislation to amend the Consolidated Farm and Rural Development Act to allow the Farmers Home Administration, FmHA, to make loans and/or grants for community facilities in nonrural areas, provided the facilities will serve primarily rural residents.

Under section 506 of this act, FmHA is authorized to make loans and/or grants to develop facilities for public use in rural areas and towns of not more than 10,000 population. However, in the case of housing loans, an amendment to the Housing and Community Development Act of 1974 expanded the definition of rural areas to include towns of not more than 20,000 persons. Thus, FmHA now has additional legislative authority to make housing loans in a town of between 10,000 and 20,000 persons, provided such town is not within a standard metropolitan statistical area, SMSA, and has been determined to have a serious lack of mortgage credit. However, due to lack of loan funds and administrative personnel, FmHA has not yet implemented this expanded authority.

In a practical sense, the legislation which I am introducing today would have the effect of expanding the population limitation of the Consolidated Farm and Rural Development Act in the case of community facility loans. However, in my opinion, my bill employs a more realistic measuring tool for determining a town's eligibility for community facility loans. Rather than relying entirely on population within an incorporated area, my bill would direct the Farmers Home Administration to consider the population character in the surrounding area wherein the users of the contemplated facility reside. If a facility would likely be used primarily by rural residents, then FmHA, under my bill, could make a building or improvement loan, even if the facility was situated within an incorporated area of over 10,000 persons.

Preliminary discussions with FmHA officials indicate that the approach embodied in my bill is desirable and workable. It is desirable because the intent of section 506 of the Consolidated Farm and Rural Development Act is to help provide community facilities and services to rural people who otherwise would not be able to afford them. I do not believe Congress intended for persons in predominantly rural areas to be penalized, simply because the ideal site for a community facility might happen to be in a town of more than 10,000 persons, which is ineligible as a borrower and/or facility location under present law.

This act was designed to extend to rural people the kinds of facilities and services routinely available to persons in metropolitan areas—such as water and sewer, fire protection services, hospitals, nursing homes, courthouses, schools, civic centers, and other essential community facilities and services. If the majority of potential users of the community facility—whatever it might be—live in rural areas—that is, outside towns with over 10,000 persons—then I think they should receive the benefits of the Consolidated Farm and Rural Development Act. However, there are numerous instances which have come to the attention of FmHA officials where the present law prevents the Agency from rendering financial assistance. My bill would amend the present law to correct these problems.

To further ilustrate the unreasonable limitations of the present law, I would like to point out that there are nine cities in South Carolina which have populations over the present 10,000 maximum but less than 20,000. As a matter of fact, all of the nine towns in this population category have less than 13,500 persons. Yet, all nine towns are presently ineligible for FmHA community facility financing, which several need very badly to make public improvements. Most of these nine towns are located in predominantly rural counties of low population density. The towns simply happen to be the economic and population centers of larger rural areas.

I think it is unreasonable and unfair to arbitrarily say that these towns, and hundreds of others like them across the Nation, are ineligible for FmHA financing of facilities that would primarily serve rural people. I urge that the present law be changed, along the lines that I am suggesting, so that it will be more sensible and help the people in rural areas who need this loan assistance.

By Mr. HUMPHREY:

S. 1847. A bill to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs. Referred to the Committee on Interior and Insular Affairs.

THE 101ST AIRBORNE DIVISION MEMORIAL

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs.

This bill is identical to legislation introduced in the House by Representative ROBIN L. BEARD.

I believe this memorial, for which private donations have now been received by the association, is a fitting tribute to those who have contributed to the proud heritage of the Screaming Eagles and given their lives in service to their country.

Mr. President, a letter to me from Mr. William J. Lewis, executive secretary of the 101st Airborne Division Association, located in Trimont, Minn., describes the history and purpose of legislation to authorize a memorial site. I ask unanimous consent that excerpts from this letter, and the text of the bill, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

101ST AIRBORNE
DIVISION ASSOCIATION,
Trimont, Minn., April 10, 1975.
Trimont, Minn.

DEAR SENATOR HUMPHREY:

The National Headquarters of the 101st Airborne Division Association is located in Trimont, Minnesota and I am the National Executive Secretary.

Since 1958 we have been trying to erect a monument honoring the hundreds of thousands of Screaming Eagles who have honorably served their country in World War II, Vietnam and maintaining the peace in-between wars.

The bill originally passed by both houses of Congress and signed by President Eisenhower had a five year limitation. We were not able to raise the $100,000 needed within that period of time and the Bill expired....

Senator we have again got the Bill before the House of Representatives . . . H.R. 3710. Can you help us?

The 101st Airborne Division has a unique and proud heritage and a Rendezvous with Destiny. It has always been tomorrow's division in todays Army, more capable, more tenacious and more combat ready than any other. H.R. 3710 will recognize this proud uniqueness and heritage.

The eyes of hundreds of thousands of Americans are on H.R. 3710. The roots of the Screaming Eagles extend to every state and territory of the United States. They ask not for the ticker tape parades of a victorious unit nor the plaudits of their grateful fellow country-men. Instead they ask for a piece of ground on which to erect a memorial to their fallen comrades.

The Screaming Eagle Division has always been sound. Its soldiers skilled, spirited and proud. The Division has accomplished effectively, efficiently and in special style, every mission assigned, no matter how difficult. Will you now help us memorialize our dead.

Senator, H.R. 3710 is not inflationary, it will use none of our energy resources, but it will be a visible symbol of our Nation's resolve to remember our proud heritage, and will serve as a reminder to the peoples of the world that we are a concerned compassionate people.

Senator Humphrey, all of the donations were of a small amount. We have collected $100,000.00 over the last ten years. We have received over 25,000 donations from World War II and Vietnam Veterans, alive and dead, Gold Star Mothers and other relatives of deceased Screaming Eagles, by European friends in Great Britain, and liberated friends in The Netherlands, Belgium and France.

Senator, we now need your help. Infantry Divisions are made up of the common ordinary people. We do not have many who came from influential families. Most Screaming Eagles are ordinary citizens; who work for a living, support their families, educate their children, support their communities and raise patriotic, God fearing offspring.

We need your help now. Can you help us get this legislation through so that we can start construction and have the monument erected by our Bi-Centennial Celebration in 1976.

Sincerely,

William J. Lewis,
Executive Secretary.

S. 1847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the One Hundred and First Airborne Division Association is authorized to erect a memorial on public grounds in the District of Columbia or its environs in honor and in commemoration of the men of the "Screaming Eagles" of the One Hundred and First Airborne Division, United States Army, who have served their country in World War II, Vietnam, and maintaining peace.

Sec. 2. (a) The Secretary of the Interior is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds in the District of Columbia, or its environs, upon which may be erected the memorial authorized in the first section of this Act: *Provided,* That if the site selected is on public grounds belonging to or under the jurisdiction of the government of the District of Columbia, the approval of the Commissioner of the District of Columbia shall also be obtained.

(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts and the National Capital Planning Commission, and the United States or the District of Columbia shall be put to no expense in the erection thereof.

Sec. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

Sec. 4. The maintenance and care of the memorial erected under the provisions of this Act shall be the responsibility of the Secretary of the Interior, or, if the memorial is erected upon public grounds belonging to or under the jurisdiction of the District of Columbia, the government of the District of Columbia.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 19

At the request of Mr. Dole, the Senator from New York (Mr. Buckley) was added as a cosponsor of S. 19, a bill to amend title XVI of the Social Security Act so as to provide for the referral, for appropriate services provided by other States' agencies, of blind or disabled children who are receiving supplemental security income benefits.

S. 228

At the request of Mr. Kennedy, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 228, a bill to establish the National Trust for the Preservation of Historic Ships.

S. 758

At the request of Mr. Hatfield, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 758, a bill to authorize the President to issue a proclamation designating August 22 to 28, 1975, as "National Deaf Awareness Week."

S. 865

At the request of Mr. Buckley, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 865, the Public Buildings Cooperative Use Act.

S. 872

At the request of Mr. Hatfield, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 872, a bill to amend title 39, United States Code, to provide that certain State conservation publications shall qualify for second-class mail rates.

S. 1406

At the request of Mr. Montoya, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 1406, a bill to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits.

S. 1426

At the request of Mr. Church, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 1426, a bill to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such act, to prohibit discrimination on the basis of age, and for other purposes.

S. 1504

At the request of Mr. Montoya, the Senator from Rhode Island (Mr. Pell), the Senator from Massachusetts (Mr. Brooke), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Tunney), and the Senator from Pennsylvania (Mr. Hugh Scott) were added as cosponsors of S. 1504, the drugs-under-medicare proposal.

S. 1652

At the request of Mr. Stone, the Senator from South Carolina (Mr. Thurmond), the Senator from Nevada (Mr. Laxalt), and the Senator from Kansas (Mr. Dole) were added as cosponsors of S. 1652, a bill to amend the Internal Revenue Code of 1954 to provide that no interest is payable on income tax deficiencies in the case of returns prepared by the Internal Revenue Service until the expiration of 30 days after notice to the taxpayer of such deficiency.

S. 1789

At the request of Mr. Cranston, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 1789, a bill to amend the Domestic Volunteer Service Act of 1973 and the Peace Corps Act to provide for an increase in the VISTA volunteer stipend and Peace Corps volunteer readjustment allowance, respectively.

S. 1795

At the request of Mr. Humphrey, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 1795, the Balanced Growth and Economic Planning Act of 1975.

SENATE RESOLUTION 131

At the request of Mr. Stone, the Senator from New York (Mr. Buckley) was added as a cosponsor of Senate Resolution 131, to oppose the lifting of sanctions aginst Cuba and to request the advice and consent of the Senate prior to any proposed change in our Cuba policy.

SENATE CONCURRENT RESOLUTION 45—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATING TO THE AUTHORIZING OF VARIABLE RATE MORTGAGES BY THE FEDERAL HOME LOAN BANK BOARD

(Placed on the calendar.)

Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs, reported the following original concurrent resolution:

S. Con. Res. 45

Whereas the variable rate mortgage concept may strengthen the financial viability of thrift institutions specializing in mortgage lending and increase the availability of mortgage credit;

Whereas the Congress is presently considering legislation to restructure the powers of financial institutions in order to enhance their competitive ability to provide financial services;

Whereas the variable rate mortgage concept requires safeguards to prevent undue risks from being imposed on consumers; and

Whereas the Congress believes that further review is needed to determine the appropriate safeguards needed to protect consumers in connection with the use of variable rate mortgage loans and the appropriate degree of interest rate risk which should be assumed by financial institutions making mortgage loans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Federal Home Loan Bank Board shall refrain from authorizing, by rule, regulation, or otherwise, a Federal savings and loan association to offer loans with variable interest rates and secured by one- to four-family homes or dwelling units unless Congress specificially, by law, authorizes such variable interest rates.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1975—S. 920

AMENDMENTS NOS. 504 AND 505

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted two amendments intended to be proposed by him to the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

AMENDMENT NO. 506

(Ordered to be printed and to lie on the table.)

Mr. SYMINGTON (for himself, Mr.

Kennedy, Mr. Cranston, Mr. Hathaway, Mr. Mathias, and Mr. Schweiker) submitted an amendment intended to be proposed by them jointly to the bill (S. 920), supra.

AMENDMENT NO. 507

(Ordered to be printed and to lie on the table.)

NAVY RESERVE REDUCED BY 25 PERCENT

Mr. DOLE. Mr. President, in recent years, whenever there is unusual budgetary pressure, the Navy's leadership, apparently with the blessing of the Department of Defense, has consistently whacked away at the authorization and appropriations of the Navy Reserve.

If allowed to prevail the strength of the Navy Reserve will have been reduced from 129,000 in fiscal 1973 to 92,000 in 1976—a reduction of more than 25 percent in 3 years. Past budgets have eroded support for the Naval Reserve to subminimal levels of capability.

MOBILIZATION REQUIREMENTS UNCERTAIN

In the last 5 years, the Department of Navy and the Department of Defense have "reorganized" and "studied" the Naval Reserve to the point of demoralization for those most closely involved with Reserve programs throughout the country. Each succeeding "study" brought a new round of structural changes and heightened confusion among dedicated Naval Reservists. Mobilization requirements of the Naval Reserve, once clear and concise, became murky and uncertain.

In response to a letter I wrote to Secretary Schlesinger in February 1975, the Secretary of the Navy assured me that the Department of Defense is committed to the "total force policy which has as one of its principals maximum utilization of the potential in the Reserve Forces."

I do not view scuttling 25 percent of the Naval Reserve Forces in 3 years as "maximum utilization of the potential of Reserve Forces." The actions of the Navy Department and the Department of Defense simply do not match their fine phrases of support.

SOVIETS CHALLENGE U.S. CONTROL OF SEAS

It should not be necessary to remind either the Department of Defense or my distinguished colleagues in the Senate that the Soviet Union is mounting a deadly serious challenge to this country for control of the seas. Their ships are now new; their manpower is disciplined, well trained, and backed up by adequate reserves.

The Soviet challenge comes at a point when our Regular Navy Forces are approaching record low levels for the post World War II period.

In consideration of the critical importance to our national security for control of the seas, I submit this amendment to stabilize Navy Reserve manpower at current authorized levels.

CONFORMS WITH HOUSE ACTION

This amendment would put the Senate in conformity with action already taken by the House to stabilize Naval Reserve manpower at its current 112,000 authorized level.

Mr. President, I request unanimous consent that this amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 507

On page 18, line 21, strike out "92,000" and insert in lieu thereof "112,000"; and on page 25, line 4, strike out "92,000;" and insert in lieu thereof "112,000:".

AMENDMENT NO. 511

(Ordered to be printed and to lie on the table.)

Mr. BELLMON. Mr. President, I send to the desk an amendment to S. 920 to restore full-funding for the B–1 bomber. This amendment would increase procurement of aircraft for the Air Force by $77 million in fiscal year 1976 and $31 million in the TQ'76. In addition, research and development for the Air Force would be increased $75 million in fiscal year 1976 and $39.3 million in the TQ'76. The sum of these amounts would be $222.3 million, which is the exact amount the Armed Services Committee deleted from the Defense Department's request for the B–1 program.

By delaying this program through reductions in fiscal year 1976 and TQ'76 funds, costs will go up an estimated $1 billion over the next decade and deliveries will stretch out an additional year. This would be a result of two major factors:

First. The "stop and go" approach to making airplanes is very expensive. By not permitting the orderly progression of development into production planning and by not being able to order long-lead materials, we must pay for manufacturing facilities that will not be manufacturing—they will be dormant, waiting for the authorization of new work. And workers—the engineers, the fabricators, the assembly people—will probably not be dormant. They will have taken other jobs or joined the rising ranks of the unemployed. The downtime associated with delaying the program will cost an estimated $300 million—a cost we need not incur if we fund the B–1 adequately now.

Second. The purpose of the amendment is to add $222.3 million for the B–1 bomber program. This sum of money will keep the production line for the B–1 operational so that if the Congress decided to go into full production on the B–1, the personnel and equipment will be in place. Without this additional sum of money, it will be necessary to close down the plant and lay off the workers. The addition of these funds will eliminate this kind of "stop and go" policy with a savings of about five times the amount added by this amendment.

It is for these basic cost-saving measures that I urge the adoption of this amendment for continued development and advance procurement of long lead time materials that will assure program continuity for the B–1 bomber. I ask unanimous consent that the text of my amendment be printed in full in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amdt. No. 511

On page 16, line 22, strike out "$3,960,700,000" and insert in lieu thereof "$4,037,700,000".

On page 17, line 25, strike out "$3,707,840,000" and insert in lieu thereof "$3,782,840,000".

On page 23, line 6, strike out "$831,300,000" and insert in lieu thereof "$862,300,000".

On page 24, line 9, strike out "$946,621,000" and insert in lieu thereof "$985,921,000".

AMENDMENT NO. 513

(Orderd to be printed and to lie on the table.)

Mr. BUCKLEY (for himself and Mr. McClure) submitted an amendment intended to be proposed by them jointly to the bill (S. 920), supra.

LAND RESOURCES PLANNING ASSISTANCE ACT—S. 984

AMENDMENT NO. 508

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. BAYH. Mr. President, I am today introducing a five-part amendment to S. 984, the Land Resources Planning Assistance Act, to guarantee that local government will have adequate opportunity to participate in the development and implementation of land resource programs. While I support Federal assistance to the States for the development of land resource programs, I believe it is absolutely imperative to insure that at every step of the process that local government is fully involved in the planning and decisionmaking processes. It is easy for us to sit here in Washington and acknowledge the real need for good land resource planning and to offer the financial support necessary to accomplish this objective in the States. But there can be no denying that any such program developed without the full and active participation of local officials, who are best qualified to know the needs of their communities, is doomed to failure.

Rather than undertake such a futile effort, I am offering this amendment to S. 984 to guarantee that local government is properly involved in the development and implementation of land resource programs at the State level, and fully consulted in the issuance of Federal guidelines for the program.

Mr. President, S. 984 is the latest in a series of bills providing Federal assistance to the States and localities for land use planning that has been before this body throughout the 1970's. The need for balanced planning and rational growth has clearly been established.

Since World War II, our Nation has been growing at breakneck speed, with too much of this growth taking place in a chaotic and haphazard fashion Congressional initiatives to fight air and water pollution reflect our recognition that we have paid a price for our phenomenal growth and that our natural resources can too easily be exhausted. The steps we have taken to reverse a century's desecration of our air and water must now be complemented by legislation focused on the use to which we put our land.

Random development has totally altered our national landscape, transferring pleasant and stable communities into polluted eyesores and placing escalating demands on energy facilities, housing markets, waste treatment facilities, and transportation services. Recreational and residential developments, as well as poorly planned highway construction, have destroyed rural communities and laid waste to hundreds of acres of farm and timber lands.

These trends, Mr. President, will be further aggravated if ignored. Projections of future economic development indicate that American growth over the next 25 years will equal that of our first 200. It is incumbent on us to act now before it is too late, and to guarantee the fruits of balanced growth and a quality environment to future generations of Americans. Continued economic development is to be welcomed, but if it is done in a thoughtful fashion it will be an asset of which we can all be proud.

Historically, the Nation's response to the problems accompanying population growth and economic development has been to turn to local government. In the past, State Governments have routinely delegated zoning authority to localities, leaving them to cope, as best they could, with conflicting interests on a case by case basis without the benefit of constructive guidelines or essential financial and technical assistance.

Currently over 10,000 local governments are engaged in implementing some type of land use control. Frequently, these political units make decisions which impact beyond their communities. However, because of formal political boundaries, parties with legitimate claims to representation in the decisionmaking process are frozen out. The need for coordinating land use decisions and broadening the political arena in which decisions are made is clear. Yet, at the same time that we address these realities, it is essential that we do not throw the baby out with the bath water.

The development of land use programs will involve us in a sensitive experiment in intergovernmental relations. As we move toward coordinating Federal, State, and local efforts to make optimal use of our land, we must do our best to encourage a creative partnership between Federal, State, and local governments, providing for effective grassroots participation and community control. We can protect local concerns adequately while turning to higher levels of government for coordination and review as appropriate.

Unfortunately, a close examination of S. 984 as presently drafted reveals that it is remiss in, first, not establishing a permanent structure in land resource programs for participation of local elected officials at both the Federal and State levels, and second, in not making resources automatically available to localities taking on substantial land use planning responsibilities.

Experience at the State level with land use planning is instructive in this regard. In response to growing demands on our land and the inappropriateness of continued balkanization of land planning efforts, a growing number of States have reversed the historical pattern and moved to reclaim some of the land control authority they had previously delegated to local governments. This is obviously most appropriate in those instances when the decisions at a single locality impact on its neighbors.

In the last 15 years, a significant number of States have developed legislation addressing at least some of the questions raised by land use planning advocates. A few have enacted comprehensive land use planning programs. Others have established State controls over critical areas or uses where there is more than local significance. Still others have involved themselves in land decisions about energy siting, waste disposal, open spaces, strip mining, and recreational or residential development.

In almost all cases, the States have chosen to rely on local units for implementing guidelines developed at the State level, with the States retaining ultimate review authority of locally developed land use decisions that have broader impact.

In most of these cases, State/local relationships have proven to be sensitive and sometimes are fraught with conflict. Further, in a time of shrinking resources and rising demands, funding has proven to be a persistent problem. Rarely have local or regional units felt that they have been granted resources commensurate with the responsibilities they have assumed.

Mr. President, I urge my colleagues not to ignore these experiences. It is important that we address these problems at the beginning of a federally funded program involving all three levels of government.

This is the thrust of the five-part amendment I am offering today. It is meant to insure that local governments can participate fully and effectively in the land use planning programs encouraged by S. 984 as the States move to set up programs over the next 5 years.

Local governments all around the country are experiencing severe fiscal crises as a result of the recission. Reduced revenues have necessarily led to cuts in local services, an end to the initiation of new programs and the laying off of personnel. It would be particularly unfortunate if, at the onset of this land resource planning program, we denied already over-burdened location governments the resources necessary for them to assume new land used responsibilities in an effective manner.

Recognizing the imperative need to protect the proper role of governments in land resource programs, my five-part amendment will correct the deficiencies in S. 984 in the following ways:

First. No grants will be made to any State for a land resource program unless that State creates and consults with an advisory council of officials of local government. Such consultation must be comprehensive and must take place at each step of the land resource program development and administration;

Second. The continuing eligibility of each State for land resource program grants from the Federal Government will be made contingent on the State including within its program technical assistance and training programs for local government personnel. This will help financially hard-pressed local governments develop the necessary expertise to successfully fulfill their crucial role in land resource planning and development;

Third. The President would be required to consult with representatives of State and local governments, as well as Federal officials, before issuing guidelines to the States and Federal officials for implementing the provisions of the legislation;

Fourth. In a similar vein, the Secretary of Interior would be required to consult with local officials before issuing his rules and regulations to implement the Presidential guidelines; and

Fifth. Each State would be required to pass through to local governments a portion of its Federal assistance. This will help ensure that local governments have the necessary funds for planning and review of land resource programs that affect them so directly.

These provisions do nothing to weaken the ability of the Federal and State Governments to set policy guidelines and review final decisions that involve more than one community. However, they do write directly into the statute a strong mandatory role for our lower levels of Government. The provisions are consistent with sections of the companion House bill. They should contribute toward developing a productive and ongoing relationship between the Federal, State, and local governments in land use planning.

In this way, Mr. President, this amendment will increase significantly the chances of S. 984 achieving its lofty objectives.

I ask unanimous consent that the full text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 12, line 11, immediately before "The Secretary", insert "(a)".

On page 12, line 25, immediately before "section" insert "subsection (b) of this section and of".

On page 12, after line 25, add the following:

"(b) No grant shall be made pursuant to subsection (a) to assist any State in developing and administering a State land resource program for non-Federal lands unless the Secretary has determined that the State has established and has in existence an advisory council composed of a representative number of chief elected officials of general purpose local governments in urban and nonurban areas selected by the Statewide association or associations representing such groups, and which has been charged with the responsibility, among other things, to comment on all State guidelines and rules and regulations relating to the establishment or administration of such program, to participate in the development of the Statewide land use planning process and State land use program, and make formal comments on annual reports which the agency may prepare and submit to the council (which report may detail all activities within the State conducted by the State and local governments)."

On page 15, line 14, strike out the word "and" after the semicolon.

On page 15, line 17, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 15, between lines 17 and 18, insert the following: "(10) technical assistance and training programs for appropriate State, regional and local agency or local government personnel concerned with the development and implementation of the State land use programs.".

On page 25, line 8, immediately after the period, add the following: "Before issuing such guidelines, the President shall consult with the Secretary, the heads of Federal agencies, and representatives of State and local governments.".

On page 25, line 10, immediately after "Secretary", insert a comma and the following: "after consultatation with representatives of State and local governments,".

On page 56, strike out lines 3 and 4 and insert in lieu thereof the following: "Act shall allocate a portion of its grant funds to a participating unit of government for planning and review purposes".

EXTENSION OF SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN—S. 850

AMENDMENTS NOS. 509 AND 510

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

AMENDMENTS TO S. 850—TO RESERVE EQUIPMENT FUNDS FOR NO-PROGRAM SCHOOLS AND TO UPDATE POVERTY GUIDELINES FOR NATIONAL SCHOOL LUNCH ACT

Mr. HUMPHREY. Mr. President, I am introducing today, on behalf of myself and Senator MONDALE, two amendments to S. 850, a bill earlier introduced by Senator McGOVERN, myself, and others, to amend and extend certain provisions of the National School Lunch and the Child Nutrition Acts.

NONPROGRAM-SCHOOLS AMENDMENT

Purpose of the amendment: To continue to reserve 50 percent of the nonfood assistance funds provided under the Child Nutrition Act of 1966 for no-program schools.

Nature of the amendment: The amendment takes three actions:

First. Continues for 3 more years a provision of the Child Nutrition Act of 1966 that reserves 50 percent of non-food-assistance funds for use in no-program schools. This provision has been in effect for fiscal years 1973, 1974, and 1975, and is due to expire on June 30 unless it is extended.

Second. Enables these reserved funds to be used for schools that lack the facilities to prepare or receive hot meals as well as for schools without food service. At present, a school that has nothing more than a refrigerator in which milk and the makings for sandwiches and other components of a cold lunch are kept is not eligible to receive reserved funds. Thus a school interested in instituting a food service program but needing equipment aid is rewarded if it takes no steps whatsoever to set up a lunch program until the equipment funds arrive, while a school that moves to set up a cold lunch program on an interim basis loses its eligibility for the reserved funds.

Third. Allows reserved funds that cannot be used by any State even after reapportionments to be taken out of the reserve and used for regular program schools.

Need for the amendment: The "Comprehensive Study of the Child Nutrition Programs" submitted to Congress in July 1974 by the U.S. Department of Agriculture reported that over 5 million children in 18,000 schools—or 10 percent of the Nation's school enrollment—still attend schools without a food service. The first priority for nonfood assistance funds must continue to be placed on bringing these children, at least 1 million of whom are needy, into the school lunch program.

If the "no program" school reserve is allowed to expire, the current emphasis on reaching the no-program schools will be lost. In the 3 years that the reserve has been in effect, 55 percent, 49.5 percent, and 50 percent of the nonfood assistance funds have been used in no-program schools. In the 3 preceding years, by contrast, only 16.8 percent, 32.1 percent, and 44.4 percent of the nonfood assistance funds went to no-program schools—see chart.

Moreover, the reason that 44.4 percent of the funds went to no-program schools in fiscal year 1972 is that USDA that year directed States to hold half of their equipment funding aside for use for no-program schools until February of that fiscal year.

A continuation of the reserve—which has proven itself effective over the last 3 years in channeling aid to no-program schools—is desirable. A continuation of the reserve will insure that tens of thousands of children who otherwise would be left out of any school food program will be able to receive school lunches.

This amendment also contains two modifications designed to improve the no-program school reserve. One modification enables those schools unable either to prepare or to receive hot meals to be eligible for reserved funds. This will enable some very old school buildings with nothing more than a refrigerator to establish a bona fide hot lunch program. The other modification requires that if some of the reserved funds are left unused after reapportionments—an unlikely possibility—the reserve could be broken and these funds used to assist regular program schools.

Mr. President, I ask unanimous consent that a table illustrating the effect that this reserve feature has had in bringing no-program schools into the school lunch program in recent years. Also I ask unanimous consent that the full text of my amendment to continue this reserve feature be printed in the RECORD following the table.

There being no objection, the table and amendment were ordered to be printed in the RECORD, as follows:

NONFOOD ASSISTANCE SPENDING BY FISCAL YEAR

	Fiscal year—					
	1970	1971	1972	1973	1974	1975 (estimated)
Funds used: Program schools	$13,905,601	$24,717,544	$9,258,010	$6,821,224	$13,720,551	$14,000,000
Funds used: No program schools	$2,799,569	$11,680,081	$7,387,771	$8,334,998	$13,470,576	$14,000,000
Percentage of funds: Program schools	83.2	67.9	55.6	45	50.5	50
Percentage of funds: No program schools	16.8	32.1	44.4	55	49.5	50

Note: Reserve in effect.

AMENDMENT No. 509

On page 5 immediately following line 24, insert the following:

NONFOOD ASSISTANCE FOR NO-PROGRAM SCHOOLS

SEC. 11A. Section 5(e) of the Child Nutrition Act of 1966 is amended to read as follows:

"(e) In each of the fiscal years ending June 30, 1976, September 30, 1977, and September 30, 1978, 50 per centum of the funds appropriated for the purposes of this section shall be reserved to the Secretary to assist schools without a food service and schools without the facilities to prepare or receive hot meals. For the fiscal year ending June 30, 1976, the Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service to the number of children in all States enrolled in schools without a food service. In each of the fiscal years ending September 30, 1977, and September 30, 1978, the Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service and in schools without the facilities to prepare or receive hot meals to the number of children in all States enrolled in schools without a food service and in schools without the facilities to prepare or receive hot meals. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall, for the fiscal year ending June 30, 1976, withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service in such State bears to the total number of children enrolled in all schools without a food service in such State. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall, for the fiscal years ending September 30, 1977, and September 30, 1978, withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service or without the facilities to prepare or receive hot meals in such State bears to the total number of children enrolled in all schools without a food service or without the facilities to prepare or receive hot meals in such State. The funds so reserved, apportioned, and withheld shall be used by State educational agencies, or the Secretary in the case of nonprofit private schools, only to assist schools without a food service and schools without the facilities to prepare or receive hot meals. If any State cannot so utilize all the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionments to the remaining States for use only in assisting schools without a food service and schools without the facilities to prepare or receive hot meals: *Provided, however,* That if after such further apportionments any funds reserved under this subsection remain unused, the Secretary shall immediately apportion such funds among the States in accordance with the provisions of subsection (b) of this section to assist schools with a food service and with the facilities to prepare or receive hot meals. Payment to any State of the funds provided to it under the provisions of this subsection shall be made upon the condition that at least one-fourth of the cost of the equipment financed shall be borne by funds from sources within the State, except that such condition shall not apply with respect to funds used under this subsection to assist schools which are especially needy, as determined by the State.

Mr. HUMPHREY. Mr. President, the second amendment we are introducing today would update the income poverty guidelines for school lunch programs.

INCOME GUIDELINE AMENDMENT

Purpose of the amendment: To bring the income poverty guidelines used in the school food programs more up to date, so that the guidelines no longer lag 1 to 2 years behind the Consumer Price Indexes on which they are based.

Explanation of the amendment: The income poverty guidelines currently in use are essentially 1 to 2 years out of date because of the method used in making annual revisions in the guideline. The guideline currently in effect is based on the 1973 poverty line. The guideline scheduled to take effect on July 1, 1975, and to remain in effect through June 1976, is derived from the 1974 poverty line.

The poverty line for each year is based on the average Consumer Price Index for the 12 months during that year. Thus, the 1974 poverty line is based on the average CPI for the 12 months of 1974—and ends up approximating the CPI's for last summer. Yet it is this poverty line that forms the basis for the school lunch income poverty guideline that takes effect in July 1975 and remains in effect through June 1976. Thus, the school lunch guidelines are about a year out of date when they take effect and 2 years out of date by the time they expire.

The remedy for this situation is relatively simple. The income poverty guideline should be adjusted twice a year rather than once, and should reflect changes in the CPI through the most recent month for which the CPI is available when the revision is made. That is what this amendment does.

Under this amendment, the income guidelines would always be 2 to 8 months out of date, rather than 1 to 2 years out of date.

This change will therefore allow the guideline to more accurately reflect the actual poverty line at the time the guideline is in effect.

PRECEDENTS FOR THIS AMENDMENT

First. The Community Services Act of 1974 made a very similar change in the method of revising the poverty guideline used for all CSA and Headstart programs. This act ended the old system of using the average CPI for the previous calendar year as a basis for these revisions, and required instead that the revisions reflect changes in the CPI through the most recent month for which the CPI is available at the time the revision is made.

Second. Public Law 93-86, signed into law in August 1972, required that food stamp allotments and income eligibility limits be revised twice a year and reflect changes in food prices—as shown in data collected by the Bureau of Labor Statistics as part of its work on the CPI—for the most recent month for which the data are available when the revision is made.

Nature of the amendment: The amendment:

First. Requires that the income guidelines be adjusted twice a year.

Second. Requires that each adjustment be based on the latest CPI available. The guideline in effect for July through December each year would reflect changes in the CPI through the preceeding April. The guideline in effect for January through June each year would reflect changes in the CPI through the preceding October.

Third. Requires that the revisions in the income quidelines be based on month-to-month changes in the CPI, rather than on changes in the average CPI for 12-month periods.

Effect of the amendment on the guidelines: The new poverty guidelines scheduled to take effect for the second half of 1975 and the first half of 1976 are set at $5,010 for a family of four. The HEW Department estimates that the 1975 poverty line will actually be close to $5,600 for a family of four—and that the 1976 poverty line will actually be close to $6,000. If the amendment offered here were now in effect, the income guideline for the second half of 1975 would be set at $5,320.

Relation to other amendments: This amendment is a substitute for amendment No. 360. Amendment No. 360, which has already been passed by the House, requires that schools offer reduced-price lunches to students from families with incomes below 200 percent of the income poverty guidelines. This amendment retains the reduced price lunch provisions of amendment No. 360 without any changes, and adds the new provision to change the method of revising the income guidelines.

Mr. President, I ask unaminous consent that the text of this amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 510

On page 3, line 2, insert the following:

SEC. 5. Section 9(b) of the National School Lunch Act is amended to read as follows:

"(1) No later than June 1 of each fiscal year, the Secretary shall issue revised income poverty guidelines for use during the subsequent six month period from July through December. Such revisions shall be made by multiplying the income poverty guideline currently in effect by the change in the Consumer Price Index for the six month period ending in April of such fiscal year. No later than December 1 of each fiscal year (except fiscal year 1976) the Secretary shall issue revised income poverty guidelines for use during the subsequent six month period from January through June. Such revisions shall be made by multiplying the income poverty guideline currently in effect by the change in the Consumer Price Index for the six month period ending in October of such fiscal year. No later than December 1, 1975, the Secretary shall issue revised income poverty guidelines for use from January 1976 through June 1976. Such revision shall be made by multiplying the income poverty guideline currently in effect by the change between the average 1974 Consumer Price Index and the Consumer Price Index for October 1975.

"(2) Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guidelines prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guidelines for each six month period, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such six month period in making determinations of those eligible for a free lunch. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family-size income levels in the income poverty guidelines prescribed by the Secretary and shall not be more than 25 per centum above such family-size income levels.

"(3) Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year, and on or about January 1 of each fiscal year, and shall make determinations with respect to the annual incomes of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced price lunch shall be made by the school nor shall there by any overt identification of any child by special tokens or tickets, announced or published lists of names, or by other means: Provided further, That, beginning with the fiscal year ending June 30, 1976, State educational agencies shall establish income guidelines for reduced-price lunches at 100 per centum above the applicable family size income levels in the income poverty guidelines as prescribed by the Secretary, and any child who is a member of a household whose income falls between the State's free lunch standards (as prescribed in this section) and 100 per centum above the income poverty guideline prescribed by the Secretary shall be provided a reduced price lunch, at a cost of no more than 20 cents per lunch.

"(4) For purposes of this section, "Consumer Price Index" means the Consumer Price Index published each month by the Bureau of Labor Statistics of the Department of Labor."

ELECTRONIC FUNDS TRANSFER MORATORIUM ACT OF 1975—S. 245

AMENDMENT NO. 512

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. PROXMIRE submitted an amendment in the nature of a substitute intended to be proposed by him to the bill S. 245, to impose a moratorium on the receipt of deposits or the making of loans by financial institutions at places of business, other than those of financial institutions through the means of electronic methods of funds transfers.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 466 THROUGH 474

At the request of Mr. CLARK, the Senator from Arkansas (Mr. BUMPERS), the Senator from California (Mr. TUNNEY), and the Senator from Kansas (Mr. Dole) were added as cosponsors of amendments Nos. 466, 467, 468, 469, 470, 471, 472, 473, and 474, amendments to help insure that rural areas are given equitable treatment in the administration of the Older Americans Act programs, and intended to be proposed to the bill (S. 1426), a bill to amend the Older Americans Act of 1965.

AMENDMENT NO. 486

At the request of Mr. Humphrey, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of amendment No. 486, intended to be proposed to S. 1517, to authorize reopening of the U.S. consulate in Gothenburg, Sweden.

NOTICE OF HEARING ON CERTAIN FARM STORAGE LOANS

Mr. HUDDLESTON. Mr. President, the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry will hold a hearing Monday, June 9, on S. 1331, to authorize Commodity Credit Corporation loans for on-the-farm wet storage. The hearing will be in room 324, Russell Office Building, beginning at 10 a.m. Oral presentations will be limited to 10 minutes with the privilege of filing longer statements for the record. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARING

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce a change in the dates of hearings for consideration of S. 1243, legislation providing for the relocation of certain District of Columbia correctional facilities. The hearings will begin June 10, 1975, in room 6202 of the Dirksen Senate Office Building, 10 a.m.

Any person who wishes to testify or submit a statement for inclusion in the record of the hearings should communicate as soon as possible with the Subcommittee on National Penitentiaries, room A–404, Senate Annex, telephone 224–5461.

ADDITIONAL STATEMENTS

SELECTIVE INDIGNATION

Mr. BUCKLEY. Mr. President, not so long ago it seemed that not a day could pass without a critic of American involvement in Vietnam pointing out the real and alleged faults of what was called the "Thieu Regime" or "the corrupt Thieu regime." Many of these impassioned criticisms of the South Vietnamese Government centered on the censoring of opposition newspapers. Others pointed out that American involvement in Cambodia had brought grief and sorrow to the Cambodian people. Some of the most eloquent criticisms of the South Vietnamese Government and of American involvement were made on the Senate floor.

I mention this because ever since the Communist victory in South Vietnam and Cambodia there has been a curious silence on the part of those who just a few weeks ago were so eloquent in their indignation over injustice in Southeast Asia. The New York Times has reported that the entire population of Phnom Penh—men, women, children, the old, the sick, the young—have been sent on a forced march—a death march—into the countryside, all in the name of some ideological objective. And Time Magazine, May 19, 1975, reports that in Saigon.

> All non-Communist newspapers in the capital were suppressed. The city's only sources of information were the government controlled radio, a new newspaper called *Saigon Liberation* and a few copies of two Hanoi newspapers.

Mr. President, what has happened to those whose denunciations of far less brutal suppression made the rafters shake when the government in power was non-Communist? Where is the weeping and gnashing of teeth over the suppression—not just the censorship, but the suppression—of every non-Communist newspaper in Saigon? Where are the fervent appeals to morality? Where are the oratorical flourishes? They have all been sent down the memory-hole that George Orwell told us of in his prophetic novel 1984. Suppression? Mass murders of innocent civilians? You would never think any such things are now occurring. The voices that were raised in this country only a short while ago are curiously silent about Communist atrocities and injustices.

I have but one question, Mr. President: Why?

BETTER UNDERSTANDING NEEDED BETWEEN RURAL AND URBAN AMERICA

Mr. HUMPHREY. Mr. President, I wish to call attention to an informative article, entitled "Better Understanding Needed Between Rural and Urban America," by Congressman Jerry Litton. This article appeared in the April issue of the National Agriculture Aviation Association.

This article points out the need for a better understanding between urban and rural people in this country, and it details the efforts of Congressman Jerry Litton to bring about such an improved understanding.

At a time when we have just seen an emergency farm bill vetoed, I think this effort is needed more than ever. The gist of the article is what many of us from rural America have long appreciated: that our farmers work extremely hard, face very high risks and receive minimal benefits for their efforts.

The article provides many detailed examples of how farmers have often not benefited from increasing returns while other sectors of the economy have managed to improve their position or at least stay abreast of inflation. The article points out also that farmers in the most recent 10-year period have averaged only 3.9 percent as a return on the current value of their equity in farm assets. Congressman Litton states American consumers should be happy that with these figures, American farmers do not sell their holdings, invest their money elsewhere, get twice as much return on their investment and just lie in the sun.

Our consumers should all be aware of these facts, and the Administration as well as the Congress should keep them in mind as we attempt to develop legislation to afford some measure of protection for our farm producers.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Better Understanding Needed Between Rural and Urban America

(By Congressman Jerry Litton)

Historically farmers and their representatives in Congress have been voting against legislation helpful to consumers and urban America. Historically consumers and urban America have applauded their representatives in Congress for voting against farmers because of the erroneous assumption that legislation which helps the farmers must raise the price of food to the consumer. Urban Congressmen have been applauded by their already overcrowded urban voters for voting against spending money in the rural areas when it is this very lack of legislative support that is contributing to the death of small towns throughout America, forcing people to the already overcrowded cities.

It is cheaper to feed, clothe, and educate people in small towns than large cities. The money needed to buy land in New York City for a school, in a small rural town would buy the land, build the school, and build part of a hospital. Urban America, already plagued by overcrowded conditions, unemployment, and heavy welfare rolls, needs to recognize that it will take less of their tax money to feed, clothe, and educate people in small towns where many people now live than in their overcrowded cities.

I visited with several Congressmen from poor, urban areas shortly after my arrival in Congress. I pointed out that the average American spends less than 16 percent of his disposable income after taxes for food and that in wealthy Congressional districts, the figure was lower. But in their poor districts, the figure was closer to 50 percent. I pointed out that in view of this, they should be voting for every legislative program offered which would help the farmer even if it meant subsidizing the farmer, since so much of the income of their constituents went for food. I might add that since conveying this information to some of my colleagues from these poor, urban areas, I have gotten their votes on some important farm legislation.

There is the other side of the coin, too. Farmers and their representatives in Congress have historically not only voted against urban areas (resulting in urban areas voting against farmers) but they have also historically voted against legislation helpful to the poor. Part of this is because of the usually independent nature of the farmers. Part is because many farmers feel people are poor because they are too lazy to work, without realizing that many people are poor in the cities because they cannot get work. Regardless of the reasons, it needs to be pointed out to farmers and their representatives in Washington that when poor people receive an extra dollar, about 50 percent of it will go to buy food produced by the farmer, and when a millionaire gets an extra dollar he is already eating all the food he wants.

This doesn't mean I am in favor of all government give-aways and welfare or that I expect urban America to urge their representatives to wage a battle to help farmers and rural America so as to help urban America. However, I do think it needs to be pointed out that those things which help the farmers usually help consumers and vice versa. Farmers who can afford fertilizer, who can afford good machinery, etc., are better able to produce more and better food for urban America. Likewise, consumers who are better off economically are in a better position to buy more food at higher prices from the farmer.

If wages in America had gone up no faster than food prices in the last 20 years, the average industrial worker would not be earning $3.89 an hour as he now earns, but $2.74. Or to put it another way, twenty years ago the typical household spent $956 a year for farm-produced foods at the supermarket. In 1973 this "market basket" of food for the household had increased to $1537. Had food prices increased as much as industrial wages, the market basket would have increased to $2314 for the typical household.

The average wage-earner in Tokyo, Japan, had to work 5 hours and 29 minutes in order to earn enough money to buy a pound of sirloin steak in September, 1973. The average wage-earner in London, England, had to work one hour and 14 minutes. Here in Washington, D.C., to buy the same pound of sirloin steak the average wage-earner had to work only 27 minutes.

For the past 10 years farmers got 37 to 41 cents out of each dollar the American consumer spent for farm-produced food at the store. In 1973 this increased to 46 cents. However, by the spring of 1974 this had fallen to about 40 cents.

When farm or food prices increase it makes the front page, but often similar decreases in food or farm prices do not make the news. Unlike wages, the cost of services, or the price of most other items in America, the prices that the farmer receives for his products do not always go up. About half the time, 11 years in the past 20, it goes up and the other half it goes down. What else in America can you think of that has decreased in price for 9 out of the last 20 years?

A good example is eggs. In 1952 eggs averaged 42 cents. In 1972 they had fallen in price to 32 cents. In August of 1973 because of reduced supply, increased demand (and the inelastic demand for food which results in substantial increases or decreases in retail food price if there is a slight shortage or surplus of food) the farm price of eggs went to 69 cents. For the year as a whole they averaged out to 54 cents. However, by May of 1974 they had fallen to 42 cents, or the same price they brought twenty-two years earlier. There was much press coverage when eggs hit 69 cents. Where was the press when they hit 42 cents? Giving press to food prices when they increase and not giving much press to their decrease is one of the reasons people have such an erroneous picture of food prices.

In the most recent 10-year period, farmers have averaged only 3.9 percent return on their current value of their equity in farm assets. American consumers should be happy that with these figures, American farmers don't sell their holding, invest their money elsewhere, get twice as much return on their investment and just lie in the sun.

One of the major reasons we had such low food prices in America in the 1950s and 1960s was because of the extremely low return the farmer received. In the 1950s the average after-tax income of farm people averaged only 54 percent as much as the average for non-farm people. In the 1960s the average after-tax income of farm people was 67 percent as much as the non-farm average. This is in spite of the heavy investment the farmer must have in his business. Between 1950 and 1960 food prices increased 18 percent and the cost of living increased 23 percent. During this same period farm prices actually declined 8 percent. Between 1960 and 1970 farm prices did increase by 17 percent, but food prices and the cost of living both increased 31 percent.

From 1953 to 1973 while wages in America were going up 142 percent, the prices farmers paid went up 79 percent. During this same period the wages farmers paid went up 143 percent, their farm machinery price levels increased 113 percent, and their total farm production costs increased 200 percent. I remember a high official on television last year, defending the boycotts and food price freezes, saying that farmers never had it so good and were "crying all the way to the bank." I remarked, "heck, if he knew anything about farming he would know why they were crying and why they were going to the bank." Because from 1953 to 1973 the amount of debt owed by farmers has increased nearly 500 percent. That is a pretty good reason to be going to the bank.

During the 25-year period from 1947 to 1972 food prices at the retail level increased 74.9 percent. But during this same period, per capita disposable income increased 223.2 percent in America.

The Consumer Price Index includes food eaten at home and in restaurants. Since 1955 food eaten at home has increased 64 percent while food eaten away from home has increased 105 percent. These two figures very well illustrate how labor and other items have played a far greater role in increased food costs to the consumer than increased prices to the farmer. Since far more food is consumed in the home than away, even by combining the two you find that food eaten at home and away has gone up 70 percent since 1955 while hourly wages since 1955 have gone up 142 percent. In the last five years both wages and the price of food at the retail level have gone up a little more than one-third.

This summer I visited with one farmer who had just sent 30 gilts to market. In a few days he was planning to start breeding those gilts. Why did he decide to sell the gilts rather than keep them for breeding? He said it was a combination of many things. Those things included the depressed hog market, lack of concern in Washington for the livestock producers, lack of rain, etc. Why should the consumer in New York City concern herself with the attitude of this one farmer who sent 30 gilts to market? Those 30 gilts, if kept for breeding, could have produced 120,000 pounds of pork in 12 months. If this farmer was depressed enough to decide not to keep gilts for breeding, you can be sure hundreds or thousands like him across the country made similar decisions.

This means thousands of tons of pork are not produced for the consumer. This reduction in pork supplies will substantially drive up the price of that pork (plus other meat) which is produced. That's why the consumer in New York City wants to keep the farmer happy and producing.

Trying to solve a problem of food shortages with a food price freeze is like trying to solve a teachers' shortage with a ceiling on teacher's salaries. Instead of easing the shortage, it creates additional shortages. You solve problems of shortages with programs which encourage production . . . not those which discourage production. Unfortunately, many politicians in both the Congress and the Administration took the easy way out and yielded to pressure from would-be consumer advocates by supporting those programs which appeared to help the consumer when in fact they did just the opposite. Those in Congress who pointed out the fallacy of the food price freeze were labeled as being unsympathetic to the consumer when in fact they were the ones being honest with the consumer. In February of 1973 food prices, responding to increased food demand, were on their way up. Farmers anticipating better pork, poultry, beef, and grain prices were increasing their breeding herds, buying better machinery, and preparing to produce record volumes of food. Then came the boycotts and threatened freezes or price rollbacks in April. While the boycotts and demands for freezers or rollbacks were well intended, they accomplished only one thing. Farmers who in February were increasing their breeding herds in anticipation of better prices started decreasing them in April.

The louder the cries from consumers and consumer leaders for boycotts and food price freezes, the more farmers reduced their consumer leaders for boycotts and food price breeding herd numbers. Farmers weren't reducing their herd numbers or drowning baby chickens to hurt the consumer. Like everyone else, they are in business to make a profit, and I might add their income is substantially below that of nonfarmers. Breeding herds were being reduced and chickens drowned only to lessen losses they anticipated they would take if the boycotts or freezes took place.

The freeze meant farmers not only couldn't look forward to increased prices for their products, but were caught in a squeeze between ceiling prices and increasing costs of production. Instead of being encouraged to increase their production, they were discouraged. Tens of thousands of farmers across the country took this occasion to cull their herds of all but their very best breeding animals. Many farmers decided it was time to quit completely.

The high-quality dairy cows going to market and the fact that such an unusually high percentage of the sows going to market were pregnant indicated that these were animals that farmers, before the boycotts and freezes, clearly had planned to keep to produce more milk and pork.

Pork and poultry prices were first to go up because of the sows that went to market and the eggs that weren't hatched. Pork and poultry shortages (caused by the freeze supposedly to help the consumer) caused prices for these food items to skyrocket when the freeze was lifted. Had the freeze not been lifted, severe shortages would have resulted. High pork and poultry prices caused by the freeze caused consumers to shift to beef which helped to create a similar situation in beef.

Put yourself in the shoes of the farmer for just a minute. Imagine you own a farm. Farm debt has increased 400 percent since 1960 so chances are you own it with the bank. Imagine you have room on your farm to keep between 10 and 100 sows this winter. First you hear that corn prices are going up and since that will raise your feeding costs, you lean toward keeping 10 sows. Then you hear hog numbers are down, meaning better pork prices, so you decide to keep 100 sows. Then you hear of consumer boycotts being planned for meat and consumer advocates crying for food price freezes or price rollbacks. This causes you to decide to keep 10 sows.

The 90 sows you didn't keep (because of boycott and food price freeze threats) could have produced 10 pigs each (twice a year). The 1800 pigs you didn't produce because of the 90 sows you didn't keep represent over a quarter of a million pounds (200 pounds per market hog) of pork this one farmer did not produce in one year. Multiply this by the thousands of hog farmers around the country who were frightened by the boycotts and food price freezes and you see why pork production went down. Consumers bidding against each other for a limited amount of pork simply bid up the price of pork.

Consumers in effect talked the farmers into raising less food (by their support of boycotts and cries for food prices freezes) and then, by bidding against each other for reduced food supplies, bid the price of food up. If consumers had had a better understanding of what encourages farmers to produce more or less food, there would have been no food crisis in America this year. By now food production would have started responding to higher food prices and food supplies would have been more in line with demand instead of being short.

The food price freeze hurt everyone. It hurt the consumer by raising her food costs. It hurt the producer by denying him profits from higher production and in many cases by forcing him to take losses. It hurt the economy by reducing the production of goods we needed to help offset our balance of trade deficit.

In 1971 and 1972 our great productive America bought more goods than it sold for the first time since 1893. In 1971 we had a balance of trade deficit of over 2 billion dollars, and in 1972 it was over 6 billion dollars. We can't continue to buy more than we sell for long, any more than we can continue to take more out of our bank account than we put in. How are we going to reverse our balance of trade so as to strengthen the value of the dollar, afford to buy higher priced energy, reverse our balance of payments, halt the inflationary spiral, and solve some of the major economic problems confronting America? Can we export labor? No, it is higher in America than most other countries. Can we export manufactured goods? No, we had a balance of trade deficit in manufactured goods in 1972 of nearly 10 billion dollars. What, then, do we produce in America cheaply enough to sell competitively on the world market? The answer is food. If the answer is food, then again the question must be asked . . . how can it be said it is too high?

Some have suggested that we embargo the export of farm commodities because they are so high in America. It would seem to me that if food prices in America are too high that we would have no need to build a wall around America to keep the food from leaving America. A wall would be needed if food in America were priced so cheaply that many other less fortunate countries than America from around the world wanted to buy our food and were willing to outbid Americans for the food.

Have the short-sighted politicians, vying for consumer votes, learned a lesson? I fear they have not. Some of the same people are now asking the government to shut off exports of grain and other farm products. Again, imagine you are a farmer. Grain prices have gone up sharply in the past few months. Because of this you are considering making long-range investments in machinery and land improvements. Now you hear talk that the government is considering stopping exports of American grains. What do you do? Chances are you won't make the big investments. Once again when American farmers should have been encouraged to produce more, they were discouraged. Once again the consumer will have been used.

A fair question is, why did food go up so much in price last year? This took place because of a combination of economic factors. We had substantial increases in social security and the food stamp program which increased demand for food in America. We had bad crop conditions in America, as well as in other countries, which decreased supply. Russia and China changed their food policy toward their people last year and their trade policy toward the United States last year which increased demand. Wages at the lower wage scale increased in America last year. A man making $1.40 per hour who is raised to $2.00 per hour spends quite a bit of the extra 60c on food while a man making $10 per hour who has an increase in wages is probably eating about as much as he wants to eat. This increased the demand for food. The standard of living around the world improved last year, which increased demand. We devalued the dollar twice in 14 months which made our food a better buy abroad, which increased demand. There was a change in the sex life of the anchovy off the coast of Peru which reduced the world protein supply, which increased demand for soybeans, which increased the price of all grains, which increased the price of many foods in America. These various factors which decreased food supply and increased food demand quite naturally caused the increase in food prices.

One of the big reasons consumers are suspicious of food price increases is because these prices go up so suddenly, unlike the gradual prices increase of most other products and services. This, too, can be easily explained. It is because the demand for food is inelastic. The elasticity of demand is based on the essential nature of the product (food is very essential) and the price as it relates to the role performed by the product. The more essential the product and the lower the price in relation to the importance of the role of the product, the more inelastic we find the demand. This means the demand for food is very inelastic.

In cases where products have an elastic consumer demand, decreases in supply of the product result in corresponding increases in price which are offset by a corresponding decrease in demand (because of the higher price), thus both averting shortages and resulting in gradual increases or decreases in price. However, in the case of food, increases in price are not offset by corresponding decreases in purchases because people must eat. With less food to go around and people trying to buy as much as always, this quickly bids the price up. And since increases in price are not offset by corresponding decreases in purchases, we have food shortages.

Because of the inelastic demand for food (unlike the demand for many products) a one percent decrease in supply results in a 3 to 4 percent increase in price. The desire to stabilize food supply so as to avert radical price changes to the consumer and to give foreign buyers confidence in our market, the U.S. government has often been more involved in farming than either consumer or producer would like.

Given a 7 percent return on his assets, the farmer received 74 cents and 81 cents an hour for his labor in 1971 and 1972. He could have gotten this by simply selling out and drawing interest.

It is true inflation has driven skyhigh prices consumers pay for most things they need. Since food is both a family necessity and one that is purchased regularly, consumers noticed it here more than elsewhere. Irritating to farmers, however, during the meat boycotts in April was the fact that beef prices to the farmer were no higher than 20 years ago . . . how many other things were that cheap? Farmers are proud of their production efficiency. Inflation is a situation whereby we have a shortage of goods and services in relation to dollars. It can be overcome by less government spending or more productivity. Farmers have increased their productivity per man-hour more than twice as much as the non-farmer in the past twenty years which means that if non-farmers had increased productivity as much as farmers, inflation would not be a problem in America today.

Recently at the World Population Conference, several heavily populated, food-poor nations refused to support American proposals designed to encourage efforts to bring the world population in check. Instead, they criticized wasteful consumption of food in countries such as America. Since then, there has been criticism blaming American consumers for consuming too much and American farmers for producing too little. My answer to those people in light of the response at the recent World Population Conference and to those who will attend the November World Food Conference in Rome is that if the people of many of these countries had done as good a job of keeping their population in check as the American farmers have in increasing their production there would be no world hunger. America can no more police and feed the world than we can tell them how to run the internal affairs of their countries, but we should suggest that while we will not turn our backs on hungry people, we expect them to do their part and we will take this into consideration as we continue to share our food with the world.

SHARING SKILLS AND KNOWLEDGE IN AN AGE OF INTERDEPENDENCE

Mr. CRANSTON. Mr. President, I wish to bring to the attention of my colleagues a speech given by a fellow Californian, Mr. Rudolph A. Peterson, former president of the Bank of America in San Francisco, Calif., and currently serving as the Administrator of the United Nations Development Program, to Caltech Associates on May 12, 1975. Mr. Peterson's remarks are timely as he discusses the need for transfer of science and technology to the least developed nations of the world. Also, he describes the activities of the United Nations in bringing programs of science and technology to these nations.

I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD. as follows:

Sharing Skills and Knowledge in an Age of Interdependence

I am very happy to have been asked by President Brown to share with you some of my perspectives, and concerns, about world development during our gathering here in connexion with the California Institute of Technology. Science and technology are at the very heart of the United Nations Development Programme, (UNDP), the largest multilateral effort in technical assistance in the world. Among our 7,600 projects in over a hundred countries and territories, about 25 per cent have a scientific or technological orientation. A great many more are designed to provide the planning skills, basic human resource development, and pre-investment surveys, without which science and technology cannot go to work to raise the quality of life among desperately poor peoples.

But one of the experiences of working in a global development programme is becoming aware of—indeed having to try to spot—the paradoxes. And we now have to face the paradox that the way in which scientific research and technology is presently concentrated may have been helping to widen the gap between the rich and the wretched of this earth.

How can this be? On the face of it, the idea is extraordinary. The transfer of science and technology, as rapidly as possible from the developed countries to the developing, is supposed to be one of the major keys to their increased productivity, employment, food production, and improved international trading capacity. Undoubtedly, this process of sharing will prove to be such a key. But a whole sequence of specialised global studies under United Nations and other auspices in the last five years has been pointing to some serious problems in the way we have gone about this so far.

First, what are the basic facts about where scientific and technological capability now reside? In 1971, a United Nations study determined that about 90 per cent of all the scientists who have ever lived were now alive on earth—but of these, 90 per cent still work in the world's developed countries. The United States account for 35 per cent; the Soviet Union about 13 per cent; the United Kingdom 6 per cent; India only 1 per cent.

Of about 50 billion dollars spent each year on scientific research and technological development, the developing countries in 1971 were still getting only 2 per cent. Yet, as we know, those countries not only contain about two-thirds of humanity; they also contain many of the vital natural resurces on which the whole of Earth depends. At once, we can begin to see a tremendous imbalance in the sharing of skills, in a world of whose interdependence we can no longer have any doubt.

Let us look next at the overall educational base, the foundations, upon which growth in scientific and technological capability in any country depends. The developing countries have been increasing their expenditure on education: by 1968 it had reached nearly 4 per cent of their GNP, compared to the rich countries' expenditure of just under 5 per cent of their GNP. But with the tremendous lead the rich countries already had, they obviously achieved a higher rate of growth than did the poorer countries.

We have, then, a picture of science and technology resources so heavily concentrated within the rich countries that they are almost automatically helping the rich move ahead faster than the poor. And despite a really herculean effort by the developing countries to expand their educational foundations, they cannot hope to keep pace with the rich countries.

Faced with this total picture, there are no easy remedies. And even some of the apparent ways of easing the strain have hidden drawbacks. For example, a major company based in a rich country can send into a developing country all the experts needed to exploit a natural resource. But a moment's reflection will expose the second-range effects of this. First, the government of the developing country cannot have its own, independent, assessment of how this exploitation of its resources is being carried out, if it lacks its own technological advisory staff. Secondly, it will also fall behind in the use of the very revenues it may earn from selling the minerals or commodities. For if the country's human resources in technology are not simultaneously growing, not benefiting from the process, how can it invest these earnings in technology-based growth? Once again, the skills and the knowledge really stay in the rich country: and the gap goes on widening.

The transfer of technology—as also of management skills—can no longer usefully, and equitably, touch only one select level or point in a developing country. It must carry with it a real filtering-down and radiating-out effect. Increasingly, as the developing countries see it, foreign investment packages of integrated skills seem to end up as a cost rather than a continuing benefit—unless those skills are useful in more than one industry; unless the investment yields a real and enduring contribution to local know-how. These concepts, of course, are not only technical, but are becoming increasingly political propositions. Last year at the General Assembly they were firmly incorporated in its declaration on a New International Economic Order.

Let me cite another example of these runaway imbalances, from a particularly complex technology—computerization. The growth of high-speed computerized shipping systems like containerization and air freight in the trade of Europe, North America, and Japan is going to put great pressure on the developing countries. If they are going to expand their exports into these high-efficiency international markets, they too, will have to computerize. Otherwise how will they compete on delivery schedules; minimise delays in the use of costly container systems; calculate costs and report rapidly enough to suppliers and consumers? Computerization is an expensive business as we all know. Yet the relentless progress of industrial and commercial technology in the rich part of the world will impose such increasingly costly requirements—in both money and skill-training—on the poorer countries if they are to try for fairer shares in world trade.

The paradoxes, and the needs, keep coming across my desk in New York, and coming at me on my UNDP field missions. Not long ago I was studying a really critical one in Latin America. Many of the major hospitals there have received complex, sometimes highly sophisticated, medical equipment, from all sorts of sources. But they don't have anything like enough trained engineers and other technicians to keep all this equipment in constant running order. And thousands of lives are at stake in this skills deficiency. UNDP is now studying how to set up a system for better training, better manuals, more mobile repair teams, to keep this vital hospital equipment functioning.

Now and then, from people weary of the spectres of massive poverty, one hears the phrase, "stop the world, I want to get off". There is another increasingly impatient voice coming from the poorer countries directed towards the rich. To paraphrase, it is saying, "slow down your part of the world or speed up the sharing of skills, because we insist on getting *on*". Seen from the southern part of Earth, the North increasingly looks like a voracious scientific juggernaut—grinding ahead, consuming ever more of total Earth resources, continuously re-investing its technological lead within its own area; and in turn imposing more and more vital skill requirements on the South if it is ever to hold the gap.

These are the realities, and the reasons why the United Nations system is increasingly the focal point, and the forum, of impatient awareness of our interdependence. And clearly, in face of these realities, the need for international technical assistance remains enormous. But because of the cost of technical assistance, and because of these hidden complexities, we are trying to maximize the benefits from present inputs. The sharing of skills must build indigenous technology in the developing countries; it must be appropriate to their needs at each stage of development; it must mesh with unfolding investment, trade, and other international patterns, all in which the right skills in the right place at the right time are often the make or break factors.

I would like to share with you now some of our recent innovations and improvements in the United Nations Development Programme, using these principles for global technical assistance.

1. First, all of us have increasingly realised the sensitivity of technology transfers—politically, economically, socially, and recently ecologically. Especially in the lowest-income countries, there remains a major job to be done in equipping their governments and supporting institutions in the overall fields of economic and social planning. This includes the capacity to assess options in technology, and weigh their relative merits, their social and ecological costs as well as their economic benefits, at each individual stage of national development.

Here, as you can imagine, United Nations assistance has an especially important role to play. More and more governments look to our 101 field offices, staffed by highly qualified management teams, to help them co-ordinate external development assistance and impartially assess the options. At the same time, UNDP-financed experts or fellowships are providing training for their planning and evaluation staff.

2. We also continuously search for opportunities for strategic assistance in applied scientific research of the kind that can have truly worldwide pay-off, as in the breakthroughs in breeding nutritious high-lysine maize at the International Maize and Wheat Improvement Center in Mexico. Last year, we moved further into these fields. We added two new global research projects. One is to identify the fastest-growing and most disease-resistant rice strains among the many now bred at the Rice Research Institute in the Philippines. We initiated a similar research drive in sorghum and millet, which are vital nutrition elements in Africa. In these projects, UNDP joins with bilateral donors and American private foundations to finance the research. But the research won't mean very much if the results don't get down to the real productive level—to the millions of farmers themselves in Asia, Africa, and Latin America.

So UNDP undertakes special follow-up programmes to disseminate each new agricultural technology down to country levels. Slowly, we start to see the whole system of international technical assistance pay off. Because in a great many of the countries, the agricultural scientists to whom these global research results are diffused have already been trained and their demonstration farms have been set up under UNDP-financed programmes with FAO. And in country after country, the next and the ultimate stage—the extension work out to the farmers themselves—is in turn helped by UNDP.

3. There is, then, this additional role of dovetailing, and synchronising, which is vital for efficient direction of global development work, just as it is within any one country, or corporation. Until recently, the very way in which international development assistance came about made it next to impossible. It wasn't just the sheer number of individual projects rising and ongoing all over the world at any one time. It was the fact that they rose from governments—for financing from all sorts of foreign aid agencies—on a first come, first served basis, project by project. The result, as you can imagine, was not exactly orderly! However, since 1972, the United Nations Development Programme has completely shifted to forward planning, with considerable headway in co-ordination with all aid sources. The key to this has been a new planning system. Over 100 governments are now operating medium-term country programming against what we call "indicative planning figures"—the amounts of assistance that they can plan on from UNDP over a forward five years.

4. This in turn has made even more necessary the use of our improved management and management-information tools to deploy and re-deploy our multinational teams of experts as effectively as possible. This is no easy job. The size of the team, and the competition for their skills, can be gauged from the fact that in 1974 we had to field 9,800 experts all over the developing world—in just about every discipline and specialized skill you could name. Incidentally, over a thousand were drawn from the United States; the majority were from the developed countries where, even with the present general recession, there is continuously increasing domestic demand for the very same skills.

We have experienced no little success, in certain types of projects with another new approach. This is to use an expert on a recurring short-term, visiting basis. The expert stays at his home-country academic or other institution, but makes quite frequent advisory trips to the project site across the world. He can thus up-date his technical advice from his home institution where he can draw on the ideas and experiences of his colleagues. More "twinning" schemes between universities, development study centres, and specialised institutions, may greatly help to speed up the sharing of skills.

5. Meanwhile, and getting back to the real core of the problem I mentioned earlier, there is the steady, slogging job of building up those indigenous banks of human skills in the developing countries. Over one million people have received training through UNDP-assisted fellowships and in-country training projects. Naturally, the multiplier-effect, as these graduates in turn train many more of their fellow-citizens, takes the total result to far higher figures.

Yet these needs are staggering, and continuously increasing. We find ourselves asked by goverments to help develop skills at every level of the human-resource pyramid—from introduction of science teaching in schools, with a new curriculum that has to be locally relevant, to training teachers for technical institutes . . . and providing the laboratory equipment for them. For example, Egypt needs eight thousand more mechanical engineers and electrical technicans, and automotive and other mechanics every year. And the present training institutes can only turn out 1,800 a year. So we have started a new project there to help them speed up this training.

In this foundation-laying work, we need the help of every kind of educational technology that can accelerate learning processes—among millions of people who have no uniform schooling background, and who've had no chance of benefiting from the neatly structured sequences of learning that richer countries now provide.

6. Let me turn next to another huge demand on us—for technical assistance to help countries choose their specific investment options as carefully as possible. We have recently had a striking example of this in Nepal. Over the last 25 years, much had been done to develop road infrastructure in Nepal. Then the question came to us, how to connect three particularly inaccessible, very mountainous regions of this Himalayan country with the new main road grid? The usual earlier, and rather automatic, answer would have been "invest in mountain roads too". But our specialists advised the government that at this stage, the economic potential of these mountainous areas did not justify road construction. Instead, we are now financing engineering studies for all-purpose commercial cargo cableways into these areas—and we are hoping that these studies will prove of value in other similar mountainous countries.

The capital and human resources saved by this kind of options analysis, will in turn be available for other priority needs in Nepal.

Like everywhere else, the high oil prices have also led UNDP to re-investigate with governments energy resources which had hitherto seemed less economical. For example, in Bangladesh, the government has asked for a comprehensive energy survey to reconsider coal, natural gas, and hydropower, in the best mix for the country's total development needs. Incidentally, as here in California, geothermal energy is proving important in this whole new drive: in Kenya our studies of geothermal energy in the Rift Valley have now led to useful tapping of steam which may well prove more economical than hydropower; in El Salvador our geothermal survey has resulted in plans for at least three 30-megawatt power stations.

7. Then, there is the need to help countries overcome the technological obstacles they face in trying to increase export earnings from their staple crops. About 40 per cent of the world's sesame seed and sesame oil exports come from the Sudan; and there is rising demand. You may wonder what for; what is so important about sesame seed? Well, it's a key and very nutritious element in cattle feed; we also use it in salad and cooking oil, in pharmaceuticals and in soap. But increasing the Sudan's exports to meet all these demands called for mechanical harvesting—and the traditional sesame seeds were just too fragile to be mechanically harvested. Now, we have a project with the government that is applying University of California's work in breeding non-shattering varieties of sesame. The project first had to improve the adaptability and yield of these California varieties, and their resistance to insects and disease. This stage has been promising enough so that we can now hope to see extensive acreage under mechanical harvesting in the Sudan in the next two years, with investment organizations already interested in financing it.

8. This points up how follow-up investment is also vital in the meshing of all gears in technical aid. No time can be lost securing such investment from our surveys. We therefore operate a special system to help stimulate and attract investment follow-up, worldwide. Since 1959, we have seen over 17 billion dollars of such follow-up investment resulting from UNDP-assisted projects. And you will be interested to know that almost 60 per cent of last year's follow-up investment came from public and private sectors of the developing countries themselves.

This also tells us something very important—that these development prospects were chosen as priorities by the countries themselves, and were not mere foreigners' enthusiasms.

9. The "appropriateness" of technology transfer involves a great many dilemmas of selection. It is not difficult to appreciate how agonizing the process of choice can be for governments in low-income countries, with scarce capital and limited skills. One mistaken choice which a rich country would take in stride, can here be disastrous for a generation. And for exactly the same reasons that so wisely brought the addition of the Humanities and the Social Sciences into Caltech, so the questions about options in developing countries nowadays range—they must range—into sociological implications.

Let me pose the kind of questioning this may involve. Suppose that in a given area, the economic potential suggests going for a new pattern of farming and crops; but this pattern means that the existing small, individually owned plots will have to be reorganized and consolidated. The land consolidation specialist will in turn probably advise that new co-operatives among the farmers will be needed. But the social scientist—if brought in at this stage—will have to ask a whole further range of absolutely vital questions.

Is there a tradition of co-operation in the area? If not, are there good indications, from the human behaviour patterns, that people would really make co-operatives work? What will it take—in time, in explanation and in motivation—even to persuade farmers to accept the consolidation of the little plots of land their families may have held for generations? And will they come out of that process in a frame of mind not only to take new risks and learn new techniques—but on top of this to join in co-operatives and make them work?

If the answers in these social science areas are simply not promising, should the whole scheme be attempted? Or should a development process less fraught with behavioural risk be substituted? Questions like these have not always been asked, about project proposals that then turned out to be curiously slow to move; that involved heavy investment costs; and that brought inadequate or late returns. And we have laid some pretty big eggs to learn this lesson. In the United Nations development system, we are now trying to help governments ask these questions—at the right and early enough stage.

10. And this brings me to mention one further factor, the importance of which is almost beyond measurement. It is nothing less than the role of the human spirit in the selection and application of technology that is truly appropriate. The other day, public television carried a remarkable little story from the Caribbean, of a farmers' co-operative which was in need of bringing water down off a mountain to open up and irrigate some new farming land. The technical advisor who had helped them set up the co-operative estimated the cost in piping and other installations at 6,000 dollars. They didn't have 6,000 dollars, and decided together that they shouldn't borrow it at this time. The technical advisor went on vacation for a month. When he returned, he found a fully functioning pipe system already bringing that water down the mountainside—pipes made of bamboo, ingeniously joined, carefully positioned, and sub-dividing off into the new farmland. The whole system had been designed, planned, and carried out by the villagers with their own hands—because they were really determined to move ahead.

These are the hidden stories that inspire us—and that re-explain the infinite sensitivity of this great global venture of sharing skills. All over the world, there are these bursts of sheer local initiative and spirit, of technical wisdom adequate for the moment and infinitely rewarding. They should renew our faith, and the readiness of the more fortunate to enter into genuine interdependence with the rest of humanity.

You will not mind my recalling that we have dined well tonight; while something like half of all the world's peoples have gone to bed, or are starting another day's work to survive, in a state of under-nourishment. And I am frankly concerned that our own country's contributions to helping these peoples have progressively declined to one of the lowest, on a per capita basis.

We cannot really rest happy in a some-win, some-lose sort of world. It is not in our nature and it is not in any case feasible. I believe you will agree with me that this has already been, and is, the questing and innovative spirit of the great Institute with which we associate ourselves this evening. The Caltech students who work upon Mount Palomar can very surely see our little planet as one single system, reflected back from the universe they are helping to map. We have entered the age of interdependence. Let us strive with all the skills we possess, and the maximum resources we can share, to pass this little planet onto our children in better balance than we find it today.

DÉTENTE?

Mr. THURMOND. Mr. President, recently a distinguished American and a personal friend of mine, Karl R. Bendetsen, received the award for distinguished service presented by the New York Chapter of the Association of the U.S. Army. Mr. Bendetsen, in response to receiving this coveted award, made a comprehensive address on the subject of détente. As a former Acting Deputy Secretary of Defense and Assistant Secretary and Under Secretary of the Army, Mr. Bendetsen is ably qualified to speak on such a complicated and far-reaching subject as détente.

Mr. President, in order that my colleagues may have the benefit of Mr. Bendetsen's clear and incisive views on this subject, I ask unanimous consent that Mr. Bendetsen's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

DÉTENTE?

In composing my responsive remarks, I yearned to find contemporary words of gracious optimism and high confidence. Regrettably in the national environment in which we find ourselves, my quest has been fruitless.

In preparation, I have reviewed anew the streams of history whose confluence has formed the mighty river of time now swiftly carrying us and the nation we revere into an uncertain future whose coming events may now be casting their shadows before us. Can we discern them?

Specifically, my subject is Détente. To set the background, may we together glance briefly at the somewhat remote past.

While it is unnecessary to detail the tangle of episodes along the corridor of time, the train of events which led to the onset of World War II began their inexorable march long before. It would be difficult to fix their initial point in time. One could speak appropriately of the years between 1900 and 1914 when the statesmen of old Europe knew full well what was afoot but chose, even as some statesmen of today, to ignore the facts and do nothing. But it would not do violence to history to cite the guns of August in 1914 and the entry of the United States on April 6, 1917 into World War I.

But no sooner said, one is forced to recall the fateful decision of the German Imperial General Staff in 1918 to relieve the pressure on the eastern front. It was they who launched the so-called Russian Revolution. No popular uprising at all—it was created and financed by the Germans with a million gold rubles and a secret train carrying a load of exiled and violent Russian revolutionaries, Lenin included, to St. Petersburg. The Germans to their later great regret had carefully gathered them together for the purpose. But for this, there would not have been a U.S.S.R. today.

There was the total disability of Woodrow Wilson not long after the peace conference in Paris. He exhausted himself on the League of Nations issue in a confrontation with the Senate of the United States. It struck him down for nearly the last 18 months of his second term. Had he retained all his faculties, some of the tragic mistakes of that period might have been avoided, but they were not. They accelerated and compounded. As they did, World War II became inevitable. As the fateful years of the 1920's and 1930's slipped into history, the momentum toward the abyss gained steadily. The formidable prospects we now face were even then being shaped.

What of World War II itself? Did we learn from the past? Were the ostrich-like nonjudgments of yesteryear avoided by our chosen leaders? And what may we say to ourselves about the present? More pertinently, what do both the past and the present portend for the future?

I first touch upon Yalta. In February, 1945, when Roosevelt, Churchill and Stalin met there, they created the temporal cauldron of the postwar world. After the third plenary session, a communique was issued to the world announcing progress to date. It said there had been "complete agreement for joint military operations in the final phase of the war against Nazi Germany and that discussions of problems involving a secure peace have also begun." All the liberated nations of old Europe were to have representative governments freely elected.

The communique sounded reassuring but a number of Americans among those present at Yalta who had dealt closely with the Russians were gravely concerned by what was actually taking place. One among these, our former Ambassador to Russia, William C. Bullitt, feared that President Roosevelt was being taken by Stalin.

In his memoirs, Bullitt said Roosevelt once told him in private that he would convert Stalin from Soviet imperialism to democratic collaboration by giving him everything he needed to fight the Nazis. Stalin needed peace so badly, the President had said to Bullitt, that he, Stalin, would willingly pay for it by collaborating with the West. Bullitt predicted that Stalin would never keep his agreements. The President replied, and I quote "Bill, I do not dispute your facts. They are accurate. I do not even dispute the logic of your reasoning. I just have a hunch that Stalin is not that kind of a man. Harry Hopkins says he is not and that he does not want anything but security for his country, and I think that if I give him everything I possibly can and ask nothing from him in return, noblesse oblige, he won't try to annex anything and he will work with me for a world of peace and democracy." When Bullitt persisted, the President replied, "Bill, this is my responsibility and not yours; I'm going to play my hunch."

The next month, in March of 1945, when the outlines of that which had been both settled and defaulted at Yalta began to be known, a rather remarkable statement was made and I quote: "If the German people surrender, the Soviets will occupy * * * the Baltic states, the whole east and southeast of Europe in addition to the larger part of Germany. In front of this enormous territory, including the Soviet Union itself, an iron curtain will go down * * *". Now who do you suppose was the author of this statement—Churchill? Certainly not. It was Joseph Goebbels, Hitler's propaganda minister, and it appeared in an article he then wrote entitled "The Year 2000" warning the West of the duplicity of the Soviets. But who could believe Goebbels, an enemy, particularly when he so freely mixed fact and fiction?

The world soon learned following VE day in Europe that the Soviets could not be trusted; and would not honor their agreements. This was the consequence of our second adventure with detente. The first was much earlier and will be briefly mentioned later. Save for Finland, an iron curtain did indeed descend across the states bordering the Baltic seas and their hapless peoples were enslaved as they remain today. Within months, the same fate befell all eastern Europe.

Stalin and Churchill had privately agreed in a bilateral conference in Moscow in March of 1945 that the British would have the main say over Greece in the postwar era. It was not long before the Soviet-backed guerrilla forces were attempting to subvert Greece, and it was only because of the intervention of the United States with military advisors and armaments under General Van Fleet that Greece was then saved from the fate which befell the other nations.

I turn to another chapter and a different theme. On June 25, 1950, the armed forces of the People's Democratic Republic of North Korea, armed, trained and directed by the then allied Communist powers of the U.S.S.R. and mainland China, launched an unprovoked, well planned aggression against South Korea. The United States decided to act with determination that the aggression be repulsed and procured the adoption by the Security Council of the United Nations, after the Soviet representatives stormed out of the meeting, of a resolution denominating the forces employed as the United Nations forces, although the United States carried the main burden of arms, men and casualties.

The aggression was repulsed to the point of its initiation following the brilliant maneuvers of General MacArthur culminating with the classic landing at Inchon. At great cost, the aggressors had been forced reeling back across the line of departure they had first violated. Then a fateful decision was made—the aggressors would be pursued.

It was a decision of enormous significance—its validity destroyed by a stark, immutable fact in the face of which it could not have been justified on any grounds.

As a personal note, having been then on the scene, I opposed the decision to pursue the aggressors in every way I could. I still regard it as having been a cataclysmic mistake.

What pervasive omission made this decision unsound? It was that the government of the United States was not prepared to succeed. We had not made a determination before embarking upon a new adventure, having repulsed the aggressor, that we would bring to bear under all circumstances the full force of our military capabilities. Certainly our intelligence knew of the massed Chinese forces north of the Yalu River.

Having gained face in Asia, our gain was eroded by the chilling consequences of that unfortunate decision. We failed. Each of you knows and vividly remembers the adverse impact on our national life of that failure and its aftermath. Would it not be reasonable to suppose that in the light of the profound difficulties we encountered in extricating ourselves from a blunder of such calamitous magnitude that we would have learned an indelible lesson? Never launch a major undertaking of milestone significance without a well deliberated commitment to succeed!

But this is not the end of the story. It had a tragic sequel of catastrophic proportions. We were not to learn from the bitter lessons of Korea. More importantly perhaps, we may find to our ultimate tragedy that we have not learned from Roosevelt's fateful delusion at Yalta. What did the long planned resolute duplicity of the Soviets in Korea and in their descending an iron curtain across eastern Europe and the Baltic states, first described by Goebbels and later claimed as his own classic description by Churchill at Fulton, Missouri, teach us, if anything? Let us inquire further. I shift to still another chapter.

On August 26, 1960, John F. Kennedy during his campaign for the presidency said at Detroit and I quote: "I think the American people are willing to undergo whatever is necessary for the world's best defense." At Harrisburg, Pennsylvania on September 15 of that year, he said "Freedom and communism are locked in a deadly embrace. The goals of communism and its methods do not change one iota when Khrushchev talks of peace and a peaceful coexistence." He added a few days later on the 20th of September in Washington, "This is no ordinary enemy and this is no ordinary struggle." On the following day, he elaborated, "Mr. Khrushchev is not impressed by words, nor is Mr. Castro, nor are the satellite leaders. They're not impressed by speeches, they're not impressed by debates, they are impressed by power, they are impressed by strength. The communists are determined to destroy us."

In the October, 1960 issue of The Keystone Catholic Veteran, he said, "Let us make certain that as long as the unbridled power of communism exists, we will have in fact, as well as word, a military establishment not only second to none but first." And later at Miami, he said "Communism is struggling to subvert and to destroy the process of democratic development, to extend its rule over nations of this hemisphere. The leaders of Cuba have made the people of Cuba victims of foreign imperialism."

Early in 1962, Robert Kennedy who was then Attorney General in his brother's administration, said in Hong Kong, "The solution lies in winning the war in South Vietnam. This is what the President intends to do." And a few days later in Saigon, he declared "We are going to win it and we are going to stay here until we do."

A little more than four years after he said "We are going to win it and we are going to stay here until we do," the then Senator Robert Kennedy, seeking the Democratic nomination for President, reversed himself completely. He said at Kansas State University on March 18, 1968, "If the South Vietnamese government feels that Khe Shanh is so important, then let them put South Vietnamese troops there and elsewhere and let's take all the Americans out of South Vietnam now."

What had happened to the people of the United States? Our people were for intervention in the beginning just as they were for Truman's intervention in Korea. What may we say were the basic causes of the violent and traumatic experiences through which we went in the sixties? Had some vast geological fault destroyed the foundations on which rational behavior and thought must rest? Countless others besides Robert Kennedy were disparaging the costly effort and burden in South Vietnam. Many were doing so with outrageous, intolerable violence—orchestrated violence.

It is true that ugly, well planned, highly organized subversive efforts were being launched in the streets and on the campuses and against our very institutions. I do not believe these were the causes of what happened to our nation. They were in my view the opportunistic consequences. I believe that these dark and sinister forces of subversion, violence and terrorism had been presented with an opportunity. That opportunity was provided because the government of the United States once again was not prepared to succeed. The inevitable result was that vast numbers of the youth of the United States and countless numbers of their parents were shocked, horrified and aghast that these young men would be asked to expose themselves to the supreme sacrifice in a cause which they knew was not being pursued with all of the military capabilities at our command. This was known as the "no win" policy.

The lesson of Korea went unheeded. A distorted picture grossly unfair to the vast majority of our young people had been depicted and vast numbers of our adults were dismayed and discouraged and confused that our government would launch a major undertaking which put the lives of the flower of our youth at risk without being determined to succeed.

I wish to make crystal clear to all that I did not then and do not now defend the decision to intervene in Vietnam. To the contrary, I opposed it from the very beginning. The point is, however, that we did intervene under self-imposed restrictions on our military operations which made it absolutely impossible to prevail. It is the consequences of this folly with which we are living.

And now? South Vietnam has virtually fallen. Not only will the terrible sacrifices over the past years have been lost, so will American credibility have been lost. After a so-called peace with honor, in the face of South Vietnamese determination to defend their own freedoms with their own men, it became increasingly clear that we were in the process of abandoning them while the U.S.S.R. continued fully to support the enemy in its gross violations of its agreements. In truth, our abandonment began at Paris, very sadly too late. It would have been better if Paris had been years earlier.

How helpful to North Vietnam to know that the United States would not enforce the peace! Our Congress saw to that. It passed legislation prohibiting all U.S. military operations in Southeast Asia. Let us not soon forget the Cooper-Church amendment nor that early in our intervention we announced that the United States had forbidden itself and South Vietnam to invade the North. This mindless contribution to the North freed from four to eight divisions held in reserve for defense of North Vietnam to be used for military operations in the South against our own forces and those of our ally.

What more effective relatively low-cost way for the Soviets to discredit the United States? We will have demonstrated to the watching world that the United States "does not have the willpower to resist" as Ho Chi Minh put it, "and the inevitable revolution will succeed because the people of the United States do not have the determination to persevere in the struggle in Southeast Asia." A certain leading U.S. Senator recently said, and I quote "I am sick and tired of the killing caused by U.S. supplied munitions." Soviet weapons and ammunition, I gather, fire doves of detente.

The Thais are inviting us to leave. There will be others. Perhaps the Philippines will be next. Now that our declared determination to help the peoples of their neighboring nations defend themselves has evaporated and has become meaningless in Asia, they know they will need to accommodate another power. The news accounts announce that the collapse of the armies of South Vietnam is because of President Thieu and his corrupt leadership. Apparently the flagrant violations by the enemy of the Paris agreement in the face of our own silence has nothing to do with it. Of course, they have collapsed. The incredibly self-defeating manner in which our civilian leaders decreed that we limit the effectiveness of our massive interventions made this inevitable. The men in the armies of old nations have ways of knowing what is happening to them. In such matters, the little people of ancient lands always sense the smell of defeat. A new and perhaps tragic era has well begun. It is we who initiated it—some years ago. Send not to know for whom the bell tolls in Vietnam. It tolls for thee and me.

What about Castro and Cuba? The press, television and radio media eagerly assisted by certain members of Congress and others in our government are conducting a campaign to legitimize Fidel and in the Organization of American States to lift the embargo against Cuba and bring about the resumption of diplomatic relations between Cuba and the United States. The Washington Star News on September 1, 1974 said, "One of the reasons for the imposition of sanctions in 1964 was Cuba's support of subversion in Cuba's support of subversion in Latin America. Since the death of Ernesto Che Guevara in Bolivia in 1967, such activity has virtually ceased."

On October 22, 1973, Dan Rather presented a CBS documentary entitled "Castro, Cuba and the U.S.A." To prepare this documentary he acquired from Frank Mankiewicz and Kirby Jones a tape made of an interview these passages and responses by Castro: "Do with Fidel Castro. On that tape there were we sympathize with the revolutionaries? Yes, we do. Have we aided the revolutionaries as much as we have been able to? Yes, we have. It is of course essential that they be fighting. If they are not, then we do not. When they do fight, we back them, we train them, we help finance them and supply them." During the hour-long documentary, Dan Rather chose to omit all of this portion of the tape. He made no mention of it whatever. Instead he stated that Fidel now thought mostly about "conciliation and trade."

Surely, all of us know of the KGB and perhaps of its subsidiary, the GRU. KGB means in English the Committee for State Security. In Russian, it stands for the first letters of three words "Komitet Gosudarstvennov Bezopasnosti." It fulfills a fundamental and extraordinary role. It has no counterpart anywhere in the western world. Parallel and subordinate agencies of the KGB and its subsidiary, the GRU, exist within all of the Soviet satellites, including Cuba.

The KGB is the sole means by which Soviet thought, speech, behavior are regulated, the arts, science, religion, education, the press, the police and the military are controlled. It is used to suppress ethnic minorities, to prevent the flight of Soviet citizens, to keep watch on all individuals, with unlimited powers of arrest. It is there to compel the whole population to subserve the interests and the whims and the orders of the Soviet rulers. Every visa application for entry into the Soviet Union is screened, rejected or approved by a department of the KGB. There is a dossier on every visitor who is admitted and each such visitor is programmed, followed, watched, escorted and propagandized in a special way by agents of the KGB or the GRU.

Every Soviet embassy throughout the world is heavily staffed by KGB and GRU officers. If the KGB and its subsidiary were to disappear, the staffs of Soviet embassies all over the world would shrink dramatically, including the embassy in Washington, D.C. In some cases there would be no Soviet representatives left at all.

If the KGB were to cease to exist, the Soviet Union would lose its capacity to rule at home, to commit espionage abroad, to subvert public officials abroad, to conduct disinformation and character assassinations in various countries of the world, as well as to plot and carry out both sabotage and assassinations, to foment demonstrations and riots, to nurture terrorism and guerrilla warfare, clandestinely to pollute public discourse with disinformation and calumny. It would be unable to seek surreptitiously what it has been totally unable to attain overtly. There is no evidence that the activities of the KGB around the world have diminished in detente, only increased. Te evidence is substantial that its efforts have been intensified. Two years ago, the chairman of the KGB was accorded full membership in the politburo, the first such case since Beria in the days of Stalin.

Since our withdrawal from Vietnam we have been reducing the size of our armed forces. The Soviet Union has steadily increased and strengthened theirs. In 1973, the Soviets spent $96 billion on their armed forces and we spent $82 billion on ours; 56% of what we spent were personnel costs but for the Soviets it was only 27%. So the Soviets spent $70 billion for new weapons and increased strength in 1973 and we spent less that $30 billion, most of it to replace our huge losses incurred in Vietnam. The Wall Street Journal stated that in constant dollars, our investment in strategic programs in 1961 was $29 billion, but in 1974 it was only $6.8 billion and concluded "It is impossible to look at their deployment without concluding that our effort has fallen as theirs has soared."

How else do we stand in strategic and defense posture? The Congress of the United States has alienated Turkey, for 1200 years the enemy of Russia. Soviet men-of-war now traverse the Dardanelles and the Bosphorus without advance permission—only a signal while passing through that they are.

Our relations with Greece are precarious, and the KGB has fomented an anti-U.S. sentiment. Our bases there are in jeopardy and may be lost. Italy hangs in the balance with communist power gaining daily. Portugal has fallen and with it the Cape Verde Islands off the west coast of Africa which control the sealanes of the South Atlantic. Portugal is to become a Soviet puppet. Will the Azores go? They are key to the North Atlantic. If Portugal stays in NATO, it will relieve the KGB and the GRU of some of its espionage responsibilities in Europe because the secrets of NATO will be freely delivered through the Portuguese government. What of the Seychelle Islands in the Indian Ocean off the Horn of Africa, south of the Red Sea? They are coming under the domination of a KGB-developed and financed front which will take over the government shortly.

The tip of South Africa is a highly strategic piece of real estate. Somehow the United States cannot seem to understand its own national interests. Because we object to the fact that the government of South Africa has racist problems, we deny ourselves the protection that the Cape route around Africa would afford us, even though we have race problems too. We could have the Simonstown Naval Base if we chose. The fact that it is important ought to be underscored by the fact that the Soviets are issuing through the KGB around the world a calumny and a chorus of hate because the British who are giving it up have asked the South African government to give us access.

Spain is perched on the edge of the abyss. When Franco dies, the KGB-developed underground will take over and there are thousands upon thousands of violent Spanish revolutionaries in the mountains on the northern border of Spain who are harbored in France near the town of Peperrone.

On April 2, James Reston wrote "-Portugal, Italy, Cyprus and Turkey are not going to determine the fate of the Atlantic alliance, or relations between Washington and Moscow." He omitted Greece—he must have forgotten. But if all this happens, the Mediterranean Sea will be a Soviet lake. With the Seychelle Islands commanding the Indian Ocean and the exit from the Red Sea and the Gulfs of Aden and Oman, she will have encircled the Middle East and western Europe will be forced to her knees for oil on Soviet terms. The mission of the Soviet Navy is to deny the sea routes to her adversaries—ours is to keep them open. How can we without the Mediterranean and the Indian Ocean! Need it be said what all this would cause to happen to the United States?

It is reported that our government is in the culminating stages of negotiations with Panama to cede sovereignty over the Zone to Panama and jointly operate the Panama Canal. The Government of Panama is an illegal government. Above all else, it is a communist government. The members in power are puppets of the U.S.S.R., the citizens of Panama are gagged, the press is censored. There have been assassinations, terror in the night. It is argued somehow that if the United States does not make a change in Panama and agree to such a treaty, perhaps there would be a guerrilla warfare in the Zone. Certainly there are guerrillas for this purpose being trained by the Soviet government in Cuba and North Vietnam. They are also at Soviet expense being trained in North Korea for violence elsewhere in the western hemisphere—close to us. Is this some form of disguised detente?

Sadat announced on April 1 that it is Egypt's right to deny access to the Suez of any shipping access inimical to Egypt's interest. Would not Panama do the same to us at her own or at Soviet instigation?

Speaking of the Suez Canal, the heaviest burden of the extensive cost of reopening it has been and is being borne by the United States to our own detriment. A principal beneficiary will be the U.S.S.R. because it will link up the Soviet naval forces. The Black Sea and Pacific fleets will be joined. This is heavily adverse to U.S. security.

What else has detente given us? Well, there is the Apollo-Soyuz project. Soyuz is a Model T Ford and the Apollo is the apex of new technology. The Soviets have never developed inertial guidance. This joint project agreed to during the euphoria of detente hands the Soviets on a golden platter as a gift, technologies they have never developed. Their space program is a military program; ours is not. But inertial guidance, structural techniques, propulsion systems, advanced aerodynamics theory which they are learning from the United States with no plus for us will make their ICBM's and their submarine launch ballistic missiles substantially more accurate than they are or could be. The U.S. has incurred another deficit. We will lose much and gain nothing. And the lives of our astronauts are in danger. With the Soviets' tremendous advantage in ballistic missile throw weight over our ICBM's, the application of advanced technologies could well make ours a noncompetitive strategic system.

Finally, what do the Soviets say about detente? For publication and consumption in the West, the Soviet survey for the year 1974 published in Moscow stated "1974 was the year of detente, the year of mutual understanding, the year during which the Brezhnev doctrine of relaxation and international understanding made considerable progress. As 1975 approaches, everyone can breathe more easily and the danger of serious conflict has receded."

I now quote from the official Soviet survey of 1974, published within the U.S.S.R. for consumption there and for consumption in the Soviet satellites. Here are some highlights: "The world is shifting to the left and this shift will continue * * *. 1974 has undoubtedly proved to be a bad year for NATO. There has been no success in stopping the progression of left-wing forces. The coming to power of left-wing governments in at least two western European countries remains a real possibility * * *. This is why events in Portugal and Greece are indeed of great significance. The alliance of communists, socialists and other leftists with the armed forces movement in Portugal is a sign indicating profound change on our continent. This has not happened before." The survey goes on, "There is the strengthening of the union of left-wing forces in France, Italy and Spain and the strengthening of the left wing of the British Labor Party." With regard to the Middle East, the survey states "There is no need to emphasize that the forces of reaction gained nothing from the latest Arab-Israeli War * * *. In one way or another, imperialist reaction's chances have not improved." As to the western hemisphere which the survey called "the western continent," the survey goes on to say, "The southern part of the continent continues to seethe and it is there that considerable left-wing-forces are already operating * * *. It is impossible to halt the revolutionary process in Latin America. Opportunities exist for a broad counteroffensive of the Democratic Socialist forces. This will have consequences not only for North America, Australia and Oceania but for the rest of the world."

In conclusion, the survey asks and answers an ominous question—"Is the world shifting toward the left spontaneously by itself? Of course not. It is being moved forward by quite definite class and political forces. The shift we see is primarily the result of a conscious policy of the community of socialist countries, of the consistent struggle of the Communist Party of the Soviet Union, of its Leninist Central Committee of the Communist Workers' parties. This is why progress is not fortuitous and temporary." And the word "Detente"? It is not even mentioned.

The world knows that despite his devout belief in his own infallibility, President Roosevelt's hunch was disastrously wrong. Are the rulers of the Soviet Empire in the Kremlin fooling us again? I would have to answer that question this time in the negative. I do not believe they are. To the contrary, we are fooling ourselves. Has active Marxist-Leninist imperialism abated? Is it not clear that the expansionistic, ambitionistic, insidious effort to subvert the major parts of the world continues intensively as before? Does anyone seriously consider that prior to detente the Soviets were in fact plotting a surprise nuclear attack upon the United States? I would have to say that anyone who believes this takes his cues directly from Grimm's fairy tales.

Of course, they are eager for detente. It is a weapon, a one-way street used before. In 1919–1920, Herbert Hoover brought famine relief to Lenin and thousands of U.S. engineers and executives helped Lenin to bring some semblance of order out of the chaos he created. In return, we have had ceaseless infiltration and subversion—intensified ever since diplomatic relations were established by President Roosevelt.

If Salt II stands, the U.S.S.R. has a clear path toward an overwhelming advantage if she chooses to exploit it. There are many well-meaning, well-intentioned, good and not-so-good people in the United States and in the Congress who believe in detente, who have concluded that we are receiving a distinct advantage. There are also some people with thoroughly bad purpose—perhaps some few of those are also in the Congress of the United States who wish for detente so as to erode our determination to defend the national interest.

The worldwide KGB has been described by an authority on communism, Mr. Robert Conquest, as "the storm troops of a system whose long-term aim is to extirpate our own." There are those who exploit detente on Capitol Hill for the purpose of further reducing our defense appropriations. There are those on Capitol Hill who wish to go all the way in exposing our national security protective agencies such as the FBI and the CIA. If the CIA has exceeded its charter, then it should be reprimanded. But the FBI and the CIA are our only defensive shield against the ceaseless offensive of the KGB. As long as the Soviets gather offensive military might and increase it beyond our own, while we relax in the euphoria of detente, it becomes virtually certain that they will never use their nuclear power nor would they intend to; will not need to; would not accept the retaliation. They can gain all they seek without it.

Our press and media, the faculties of our universities and members of Congress daily condone the atrocities of the left and condemn only the abuses of the right. They are consumed with invective against Chile and Brazil but have no breath of criticism for Cuba, Peru, Panama or the U.S.S.R. Is this not a shocking double standard? Ask yourselves why this is the practice.

Almost five years ago, a report was made to The President and to the Secretary of Defense by the Blue Ribbon Defense Panel. In a supplemental statement of September 30, 1970, it was emphasized: "The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. * * * The situation which our country faces is without precedent. * * * It is not too much to say that in the 70's neither the vital interests of the United States * * * nor * * * the freedom of its citizens will be secure."

The lines traced by these "converging trends" have crossed for all classes of armaments and forces whether conventional or strategic. If the United States does not reverse the declining trend of our strategic and tactical capabilities so as to overcome the growing adverse disparity of military power in favor of the U.S.S.R., the cruel impact of Soviet coercion will become a reality for the people of our nation.

The vast array of Soviet land, sea and air forces, including those of the satellite Warsaw Pact nations, have achieved a momentum which will, in a relatively few years, give the U.S.S.R. massive superiority over those of the United States and its allies. Salt I and now Salt II can well provide the Soviets with superior strategic nuclear power.

We are now in a trend which make certain that we no longer face a superpower with alleged parity (whatever that means). It does mean, however, that we will face a superior military power.

What will this portend for our nation? I would like to quote from the Strategic Review of Spring, 1975:

"First, the U.S. nuclear deterrent will disappear simply by the passage of time * * * and end our ability to negotiate or to guarantee U.S. (and allied) security.

"Second * * * U.S. failure to exploit * * * its period of nuclear monopoly and superiority is not a model which the Soviet Union can be expected to follow when it has * * * the advantage.

"Third * * * allied ties would * * * ultimately perhaps be broken by the necessity for accommodation with the Soviets.

"Fourth, crisis creation and crisis management as a standard Soviet procedure are greatly enhanced * * *.

"Sixth, whatever the costs of maintenance of our national security and our priceless freedom, the cost in dollars * * * of being subject to outside control * * * and the increasing bill for blackmail and tribute could well make the cost of an adequate military posture * * * (once lost) seem * * * small * * *.

"Nothing less than * * * whether the American experience is to have a future hangs on the decision of The President and the Congress to take prompt and bold action to provide beyond * * * doubt for the safety of the Nation * * * This is the first responsibility of government * * *."

It is now five years since the Blue Ribbon Defense Panel bespoke its warning and our nation remains complacent. Can there be leadership of a people who seem to wish neither to be led nor any longer to sacrifice anything for their own defense and survival—let alone to prevent the disaster of hyper-inflation which the actions of Congress thus far make all but certain?

Vatican intelligence which has always been of the highest quality is reliably reported to have concluded that the Post-WW II era has ended and the Pre-WW III era has begun.

In detente, are we replaying the lofty but hapless hunch of President Roosevelt that led to the enslavement of the Baltic states and eastern Europe, and could now lead to our own? The hour is late but it is a certainty that there is still time. The task is arduous but if we will, we can remain free even unto our tricentennial. This is no time for recriminations—instead it is a time to ask—Are we now at long last prepared to succeed?

OIL FROM THE JOJOBA BUSH

Mr. FANNIN. Mr. President, last month the Washington Post carried a story regarding the discovery that oil from the jojoba bush which grows wild in Arizona has the same qualities as sperm whale oil. I had this article reprinted in the Record.

Today I would like to call the attention of my colleagues to an editorial which appeared May 21, 1975, in the Arizona Republic concerning the jojoba bush and the discovery made by Dr. Robert A. Greene at the University of Arizona.

Mr. President, a number of years ago Indians from southern Arizona came to me with plans to plant jojoba bushes on their reservations, and then market the seeds which were produced. The problem was that we could not find the market, or convince potential markets of the value of the jojoba oil.

With the energy crisis and the outcry over the continued slaughter of sperm whales, it may be that the time has come when the jojoba plants will be put to use to help resolve some of our problems. The tribal leaders who conferred with me were ahead of their time—a fact they nor I could have fully appreciated at that early date.

Mr. President, to pay tribute to Dr. Greene, and to the Indians who were so confident that they had a product of use to modern society, I ask that the Republic editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

He Wanted To Know

Curiosity killed the cat, but the curiosity of a group of Arizona scientists may save the sperm whale from extinction.

It also may solve a nagging technical problem for General Motors and provide reservation Indians with a new source of revenue.

This is the story:

Half a century ago, scientists at the Boyce Thompson Arboretum at Superior became curious about a shrub that grows wild in the desert, called the jojoba.

The shrub is thick and leathery, with gray-green leaves and seeds the size of a peanut. The scientists noticed that oil squeezed from the seeds could be used to lubricate an office fan.

They interested Dr. Robert A. Greene, a chemist at the University of Arizona College of Agriculture, in this. With the help of a student, Elbert O. Foster, Dr. Greene ran the jojoba oil through a series of tests.

To his amazement, he discovered that it's not like any other plantseed oil known to man; in fact, it has virtually the same chemistry as sperm whale oil.

Having satisfied his curiosity, Dr. Greene put the whole thing from his mind.

Meanwhile, Russian and Japanese whalers kept plowing the seas, slaughtering every whale they could find. There's money in whales. The oil makes a fine additive for lubricants. It also can be converted into a variety of products, including margarine, lipsticks, pancake makeup and shoe polish.

For years, 13 of 15 nations represented on the International Whaling Commission, including the United States, have attempted to stop the slaughter, because the whale is a unique form of life, a mammal that lives in the sea; studying it could reveal much about the mysteries of evolution.

The other two members, Soviet Russia and Japan, have balked.

In 1971, to help save the sperm whale, the United States put a ban on the importation of whale oil.

This created a problem for General Motors, which used whale oil in making its automatic transmission fluids. Only last month, GM complained that removal of whale oil from the fluids has created serious corrosion problems.

Last week, the National Research Council of the National Academy of Sciences remembered Dr. Greene's research.

The council released a report, urging the widespread cultivation of the jojoba and the extraction of its oil as a substitute for sperm whale oil.

"Technically, jojoba is a marketable commodity," the report said. It could become the nation's newest crop plant—"an important national materials resource."

And it would end the extermination of the whale.

The council listed 26 Indian reservations where the jojoba could be cultivated.

Said Dr. Philip Handler, president of the National Academy of Sciences: "The jojoba is an excellent example of the value of basic research.

"The scientist who wanted to find out the chemistry of the seed had no idea what this piece of information would lead to. No one did—at least, not until now."

Take a bow, Dr. Greene.

OUR NATION'S HANDICAPPED

Mr. HUMPHREY. Mr. President, I wish to take this opportunity to share with my colleagues a very insightful article concerning the neglect we have allowed to take place with regard to our Nation's handicapped. The essay is authored by Margaret McGlynn of my home State of Minnesota. I am proud to point out that her essay "Full Employment Opportunity: Does It Exist for the Handicapped?" won first place in a contest sponsored by the Governor's Committee on Employment of the Handicapped in Minnesota. Miss McGlynn is a senior at Grace High School in Fridley, Minn.

"Visibility is the key to awareness" is the theme of Miss McGlynn's essay. She points to a host of barriers in our society which hinder the efforts of handicapped people to pursue a life of independence and well-being. "Trapped at home by transportation barriers, ignored by the press, physically barred from entering buildings and public facilities—creates an 'invisible minority' of handicapped citizens" which fosters ignorance. She points out that disabled persons have become unduly stigmatized and stereotyped, expected to play the "role" of a handicapped person. However, she reminds us that the true meaning of a man's life is to be found by observing what he does with it.

Mr. President, I commend Miss McGlynn's essay to my colleagues and ask unanimous consent to have it printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Full Employment: Does It Exist for the Handicapped?

Benjamin Franklin: "Early to bed and early to rise, makes a man healthy, wealthy and wise."

If you follow Ben Franklin's advice, you could become healthier than you are. You might even become wealthier. I believe, however, that man is not going to get any wiser if he remains asleep to the fact that handicapped persons are not treated as equal members of our society.

It is unfortunate for a society so advanced in technology and education to be so ignorant to the needs of a significant portion of our population. I find this a terrible loss of manpower.

There are concerned persons, however. The current Affirmative Action Program [1] has made a definite impression on employers. On recent interviews of local businessmen,[2] I have found that the majority of these companies do actively implement this program or a similar company policy. However, a personnel manager of a smaller business [3] did express the opinion that in a proportionately smaller organization, unless under direct observation from a federal, state, or local agency is not going to concern itself with the employment of the handicapped due to the pressure put on it by other minority groups. This leads me to conclude that handicapped persons are often not considered a minority.

Marty Leet, director of personnel at Sister Kenny Institute, stated, "visibility is the key to awareness." This is a very realistic situation, since the path to acceptance is through contact with each other. The inaccessibility of transportation and the unresponsiveness of the media has created a large gap between the able-bodied and those disabled persons of our society. The President's Committee on the Employment of the Handicapped [4] has found that transportation is the most serious problem encountered by the disabled. Without mobility, they become dependent on family and friends or confined to their homes. Those disabled persons [5] interviewed see an urgent need for completion of accessible public transportation, noting that wide use of bus lifts will not be realized until the 1980's.

Only a minimal number of activities involving the handicapped are covered by the media. Without exposure there will not be acceptance or understanding. If used effectively, the media could be a good tool for the disabled to create better communication among all people.

Trapped at home, ignored by the press, physically barred from entering buildings and public facilities, only tolerated on the job, and unaccepted socially, creates an "invisible minority" of handicapped citizens.

Fear and ignorance have surfaced due to this lack of exposure in our society. The only way handicapped persons will be accepted is if they can intermingle with the able-bodied and "prove" to them that they are just as

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Footnotes at end of article.

"human" as they are, with emotions, beliefs, love, and most importantly, dignity.

Disabled persons have become unduly stigmatized and stereotyped, expected to play the "role" of a handicapped person. A quote I ran across offers a solution to this problem: "The true meaning of a term is to be found by observing what a man does with it, not by what he says about it."[6]

FOOTNOTES

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[1] Affirmative Action to Employ Handicapped People, Section 503, Rehabilitation Act of 1973

[2] Beverly Franklin-Dayton Corp.; Michael Chapman-Farmers & Mechanics Bank, Senior Personnel Adm., EEO Director; Jane Cooper-Administrator, Affirmative Action Career Planning; Al Weyrauch-NSP, Employment and Placement Manager

[3] Asked not to be identified.

[4] Paul Hippolitus-Member of the President's Committee on the Employment of the Handicapped, Washington, D.C.

[5] John Schatzlein, Counselor at the University of Minnesota, paraplegic. Steve Wrbonich, paraplegic.

[6] Bridgeman

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Jane Cooper—NSP, Administrator—Affirmative Action Career Planning.

Al Weyrauch—Employment and Placement Manager, NSP.

Michael Chapman—Personnel Director, EEO Director, Farmers and Mechanics Bank.

Michael McGlynn—former Director of Public Relations, St. Paul Goodwill Ind.

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A LOOK AT MEDICAID AND MEDICARE

Mr. HARRY F. BYRD, JR. Mr. President, during the period of economic disruption, our Federal budget should come under some closer scrutiny. Of particular interest are the massive social programs which consume billions of dollars every year.

Two of these programs—medicaid and medicare—have been investigated by two reporters for the Scripps-Howard newspapers. Dan Thomasson and Carl West have dug into these programs and have pointed to the abuse and fraud rampant in them.

Thomasson and West estimate that fraud and abuse will cost up to $3 billion next year out of a combined program cost of $30 billion. That is $3 billion of health care not going to the medically needy, and it is $3 billion of taxpayers' money into pockets it should not be in.

So that the Senate may read the work of this team of reporters, I ask unanimous consent that their articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD. as follows:

COSTS TAXPAYERS $1½ BILLION A YEAR

(By Dan Thomasson and Carl West)

MIAMI—Some providers of medical care here are involved in what may be multimillion-dollar schemes to cheat the Federal Government's Medicare program by grossly inflating bills for laboratory testing, a Scripps-Howard Newspaper investigation reveals.

Cheating here is suspected of being part of an overall Medicare fraud and abuse pattern which federal investigators estimate is costing taxpayers $1.5 billion annually.

Federal auditors and Medicare investigators say one of the schemes, involving laboratory service charges, also is occurring elsewhere in the Federal Government's $15 billion-a-year program which pays most or all of the medical bills for those 65 or older. Similar chiseling has turned up in Georgia, Kansas City and Washington, D.C.

A two-weeks Scripps-Howard investigation, involving interviews with physicians and laboratory technicians and examination of Medicare records, disclosed a varety of schemes. One of the more common works this way.

A Medicare recipient visits a physician who orders a series of tests which are farmed out to an independent laboratory. The physician may collect specimens or have the lab do it.

In either case, the laboratory bills the physician who has the option of billing Medicare directly or charging the patient who then seeks reimbursement from Medicare.

However, some dishonest physicians grossly inflate what the lab billed them for the service—two, three times, even more. Thus, if the lab charged the physician $6 for a certain type of blood test, he might charge Medicare as much as $20.

If this is not fraud it certainly rubs counter to a Florida Medical Assn. resolution which states a physician "is not engaged in a commercial enterprise, however, and any markup, commission or profit on services rendered by a laboratory is exploitation of the patient."

Investigators have found several variations of the scheme, one of them clearly in violation of federal Medicare regulations.

It works this way:

Physicians, because they use manual equipment in making laboratory tests themselves, are permitted to charge more than when the analysis is done by a lab using automated machines.

But many physicians are sending the samples to independent labs for testing and then billing Medicare as though they had performed the work in their own offices.

A third variation of the laboratory chiseling scheme finds some physicians not passing on to Medicare the discounts they have obtained from independent laboratories.

Many labs offer physicians a 5% discount off the regularly quoted price for $500 worth of work, 10% on $1000 to $2000 worth, and 15% above $2000. But federal investigators contend it has become a common practice here and elsewhere for the physician to bill Medicare for the full lab fee without reporting the discount he has received.

Even when doctors legitimately perform their own lab work, their bills to Medicare appear disproportionately high when compared to charges by independent labs for the same work.

A Scripps-Howard examination of fee schedules, for instance, reveals that while independent labs perform a certain blood test for $2.50, physicians generally charge $10.

A Medicare claim furnished to Scripps-Howard reporters shows one physician charged Medicare $5, $10 and $20 for tests for which independent licensed labs charge $2.50, $3.75 and $15 respectively.

Some physicians also are suspected of gross abuse by prescribing unnecessary tests. And investigators believe that in some cases there may be collusion between doctors and laboratories.

Laboratories, for instance, have approached a number of physicians here with a complex scheme that investigators say is costing Medicare millions of dollars annually.

When a physician is suspected by Medicare authorities of overutilizing the program (performing needless work and billing Medicare), the lab owner offers to "take the heat off" the physician by conducting his tests and billing Medicare directly. Thus, the physician's name never comes into the picture.

The lab operator then inflates the bill and passes on some of his profit to the doctor by paying rent on a "closet" in the physician's office where specimens are stored to await pickup by the lab. The doctor's cut of the lab's overbilling is the rent on the closet. In some instances, that's as high as $200 a week.

THE HEALTH CARE SCANDAL: MEDICARE SUPPORTS GHETTO CLINICS

Second of a series

(By Dan Thomasson and Carl West)

MIAMI BEACH.—Federally financed Medicare is picking up a whopping tab on a booming business involving storefront clinics which peddle medical services to the burgeoning elderly population here.

A first-hand look by Scripps-Howard Newspapers at medical services for the aged here discloses examples of assembly line treatment of hundreds of patients per day in storefront clinics.

A score or more of the clinics cater mainly to a geriatrics ghetto, a 150-square block area at Miami Beach's southern tip where an estimated 15,000 retired persons live on meager pensions.

The main drag, Washington-av, is modestly clean, has metered parking, friendly cops and an array of shops and markets offering jewelry, fish, pastries, appliances, novelties, drugs, fresh fruit, shoe repair, hardware, barbering and hair dressing.

But the storefront clinics, exploiting Medicare's $15-billion-a-year program, that are sprinkled along a 20-block section of Washington-av, probably make it unique in the United States.

The clinics, squeezed in among the other shops, beckon to the elderly who promenade, some with the aid of canes and walkers, past the palm and coconut trees.

One clinic sandwiched between a barber shop and bargain clothing store has its window crammed with arch supports, hernia trusses, elastic hosiery, abdominal belts, crutches and artificial limbs.

Another offers a blood pressure kit for $24, "instructions included"; a health food store also houses a podiatrist; yet another has a sign wired by a rusty coathanger to an awning: "Blood Pressure Taken, $1."

Some clinics are spotlessly clean, staffed by immaculately dressed nurses; others are dingy and may have a letter or two missing from their names. They all seem to have one common trait:

A large glass window in the waiting room which permits passersby to peer in on patients as they fill out Medicare forms, sip coffee, watch TV or read magazines. Waiting rooms are cramped and chairs are unstylish straight backs.

Even more bizarre is the practice of one osteopath with offices in nearby Miami of shuttling patients back and forth in a bus.

"He brings them over here," said Dr. James Byrne, former chairman of Florida's peer Medical Utilization Review Committee, Medicare's watchdog, "works them over and takes them back."

"You say to the old people, 'What does he do for you?' and they say, 'Well, he takes good care of me.' It is a mess."

Contrary to prevailing Florida custom, physicians here are willing to take "assignment" of Medicare claims. In other words, the physicians bill Medicare directly for the 80 per cent the program will pay as opposed to billing the patient and letting him settle with Medicare.

When a physician takes assignment, he agrees to accept whatever Medicare will allow on the claim.

Normally, with this practice, the physician collects the other 20 per cent from the patient. But here, some physicians who depend on volume business for their income don't bill the patient who probably could not afford it anyway.

This is a good deal for the physicians because it takes the patient completely out of the reimbursement picture. If the patient never sees what the physician is billing Medicare for, there are no complaints about high costs.

Or if the physician bills Medicare for a service that was never performed or was unnecessary, the patient will never know it. And Medicare administrators are kept in the dark because most complaints of wrongdoing come from patients.

To make up for the "loss," physicians are suspected of prescribing unnecessary and expensive treatments and tests, then billing Medicare.

"They are making out like burglars," said Dr. M. Eugene Flipse, University of Miami Health Center director. "If patients can find a physician who will assure them 'I'll never bill you a penny' they will take him. These poor people want medical care and they don't really care what the physician bills the Government."

Dr. Byrne said of South Miami Beach elderly: "You've got a bunch of people over there who are a little bit senile and the Government said they could have medical care free. So they like to see that doctor every day and if you don't let them see that doctor every day, they call on their congressman. Giving it to them free—boy, when you do, they park on your doorstep."

Overutilization is naturally suspected because Medicare claims in Dade (Miami) and nearby Monroe counties skyrocketed to a point where Blue Shield, the insurance carrier for Medicare's nonhospital medical services, will give its business to another carrier starting July 1. Blue Shield simply could not handle the volume.

THE HEALTH CARE SCANDAL—I

(By Dan Thomasson and Carl West)

WASHINGTON, March 17.—During a three-month period ending last June 20, 26 States reported to the U.S. Health, Education and Welfare Department (HEW) 954 cases of suspected fraud in the Federal-State medicaid program for the poor.

Only 47 of those cases were ever turned over to public prosecutors.

For the succeeding quarter, ending Sept. 30, 21 States reported 824 cases of suspected fraud. Of those only 18 were referred for prosecution.

In the final quarter, ending Dec. 30, 25 States reported 1,052 cases of suspected fraud. Only 15 of those cases were referred for prosecution.

These data, gathered from reports on file with HEW's division of program monitoring, go a long way toward explaining the estimate by Federal investigators that cheating in the medicaid program is costing taxpayers $1.5 billion a year.

Even this doesn't define the scope of the problem, however.

Although required by Federal regulation to do so, a few States don't even bother to file reports on suspected fraud. And some that do only provide incomplete and inaccurate information.

Congressional experts think many cases go undetected because States have inadequate or inefficient means of spotting and auditing seemingly extravagant medicaid claims submitted by health care providers. And they find it incredible that 21 States reported no suspected fraud cases for the quarter ending June 30, 1974.

Also puzzling to congressional experts and HEW officials is the fact that in many instances medical care providers suspected of fraud are being permitted to pay back the Government without further action being taken against them.

Federal law provides that anyone convicted of filing a false medicaid claim can be imprisoned for one year and fined $10,000.

"The very fact that a medical provider is anxious to pay back the money should be a clear indication that he hadn't made just an honest mistake," said one congressional investigator.

For years HEW has had virtually no system to monitor medicaid. But with stories of wholesale cheating flooding in from every part of the Nation, HEW set up a division of program monitoring it hopes will be able to measure accurately the scope of chiseling and help stop it.

The first official reports sent to the division beginning last year weren't encouraging. They were sloppy and showed an alarming indifference to the problem.

Here are some glaring examples:

Twenty-four Michigan medical care providers were suspected of bilking a total of $125,582 from medicaid either by knowingly overcharging or billing for services not provided. Not a single provider was prosecuted or suspended from the program after all the money was repaid.

Five Mississippi physicians handed back $10,883 after being challenged about their bills. They were not prosecuted although evidence showed they deliberately overcharged and billed for services not provided.

In South Carolina one physician repaid the Government $57,000 after it was determined he had sent duplicate bills to five medicaid recipients and another reimbursed the program $49,368 after allegedly submitting false billings on 22 patients.

In Alabama, two pharmacists were discovered billing—how much, officials couldn't determine—for services not provided. But officials contended to HEW that there was insufficient evidence of fraud.

Massachusetts authorities notified HEW that a pharmacist was suspected of bilking the program of $50,000 by writing excessive prescriptions. But the State authorities said the case was "difficult to prove" and the pharmacist was not prosecuted.

A Texas physician overcharged $10,702 and escaped prosecution by reimbursing the program, and another gave back $5,504.

The "horror stories" seem endless. And concern is mounting about what they forebode for a future national health insurance program that could handle $60 billion annually.

Few congressional experts believe the feeble efforts now being exerted by HEW are sufficient. They warn that unless the Federal Government steps in with much sterner measures, medicaid fraud alone could reach $3 billion within the next few years.

THE HEALTH CARE SCANDAL—II

(By Dan Thomasson and Carl West)

NEW YORK, April 4.—As many as 150 New York City medical practitioners are involved in what is suspected to be the largest single cheating scandal in the 10-year history of the national medicaid program for the poor, Scripps-Howard Newspapers has learned.

Sources close to a federal grand jury investigation of the scandal say considerably more than $2 million worth of bills totalling $5 million submitted by the practitioners to medicaid may be fraudulent.

They said the practitioners, from surgeons to chiropractors, work out of nine "clinics" in Manhattan's ghettos. The clinics, the sources said, are owned and operated by a "core group" of six or seven physicians who "lease" space in them to the practitioners for a percentage of each practitioner's total billings to medicaid.

The sources said the cut taken by the core group runs as high as 60 per cent, and, thus, has been an encouragement for the practitioners to falsify their medicaid charges to increase their own share.

The core group, the sources said, also actively encourages falsification of billings to increase its share.

In instance after instance, the sources said, investigators have discovered the practitioners billing for services they never performed.

"It has been common practice for one of these practitioners to perform say $300 worth of services and then bill medicaid for say $700, including charges for tests and procedures that never occurred," said one investigative source.

The sources said another incentive for the cheating has been the presence of "factors" in the scheme. Factors are nonmedical, independent agents who collect medicaid bills for practitioners, taking a percentage of the charges. Practitioners like factors because they frequently speed up the collection process and relieve the doctor of paper work.

According to the sources, each of the suspected practitioners made his own deal with one of two factoring agencies, permitting the agencies to collect about 12 per cent of the amount of the practitioner's billing. Investigators have discovered, however, that the factors also were kicking back to the core group 2 per cent of the 12 per cent they took from the practitioners.

The practitioners, the sources said, were unaware of those kickbacks.

Although Congress two years ago adopted laws to prevent factoring, the suspected practitioners got around it by giving the factors power of attorney. The sources said when the check came in from medicaid, sent to the factor's address but made out to the practitioner, the factor had the authority to sign the practitioner's name and cash it.

"When you built in the core group percentage and the factoring percentage, the practitioners were only too willing to phony up their bills," one source said.

The investigators in the case also have uncovered a kickback scheme involving medical providers such as pharmacies. The sources said the practitioners padded their prescription bills in return for a kickback from the pharmacist.

The investigators believe the scheme worked so well for several years because many of the practitioners—including medical doctors, dentists, podiatrists, optometrists and others—are of foreign birth.

"Many of these guys had nowhere else to go to practice," an investigative source said. "They are in the 'refugee' category and can't get a hospital affiliation. They have to practice outside or on the fringe of the established medical system in this country."

The sources said that investigators, working out of the office of the U.S. Attorney for the Southern District of New York, have identified considerably more than $2 million of false billings. They said as more and more bills are checked they expect the figure to climb.

"I don't know how much it will reach before we're through," one source said.

The suspicion of massive wrongdoing by the clinics was developed a little more than a year ago by the New York City Investigations Commission. But the scope of the case brought federal authorities into it last fall.

Under the medicaid law, the federal government pays half of the cost of operating the program, with state and local governments picking up the balance.

Until recently, state and local officials have been responsible almost solely for discovering and prosecuting cheaters. Federal authorities did little more than monitor their progress.

But federal officials, increasingly alarmed by the growing amount of swindling in the $15 billion-a-year program, have begun expanding their own investigating forces and stepping into more and more cases. Fraud and abuse in medicaid nationally is estimated conservatively at $1.5 billion annually and accelerating.

Now participating in the investigation of the New York case in addition to the Justice Department are personnel from the state medicaid program, the Federal Bureau of Health Insurance, and the Internal Revenue Service.

The Health Care Scandal—III

(By Dan Thomasson and Carl West)

New York, April 7.—Call her Maria Gonzalez. She is a welfare mother in New York City's Spanish Harlem.

She has six children under 10 years of age.

Recently, her five-year-old daughter had a bad cold and Mrs. Gonzalez, who has no regular doctor, was forced to seek help from a storefront "clinic" a few blocks from her neighborhood. The clinic houses a group of independent medical practitioners.

Because there was no one at home to watch over the other children, Mrs. Gonzalez took them along. Before her visit was completed hours later not only the sick child but Mrs. Gonzalez and all of her other children had been examined and "treated" unnecessarily by all the practitioners in the clinic. These included a general practice physician, a podiatrist, a chiropractor, an optometrist and a dentist.

Mrs. Gonzalez is fictitious. Her ordeal is not.

It is called "ping ponging" and it is an increasingly common experience for this city's 1.5 million welfare poor who are forced to rely for their health care on some 600 "medicaid mills" which dot New York's decaying inner city.

"There are dozens of 'Mrs. Gonzalezes' in these places every day," said a Federal medicaid official.

The medicaid mills (those who operate them prefer to call them "shared medical facilities") are a major reason Dr. Keith Weikel, commissioner of medical services for the Department of Health, Education, and Welfare (HEW) labels New York City's medicaid program a "disaster."

"New York typifies every kind of horror story we ever hear about in medicaid," Weikel confided recently. "It is the worst spot in the nation."

New York City currently is trying to process one million medicaid invoices a month at an annual cost of more than $1.3 billion. But federal, state and city officials refuse even to estimate how much of this is being lost to fraud and abuse.

Dr. John Gentry of the New York City department of social service concedes that as much as $140 million a year could be "saved" through tighter controls and drastic changes, most of it by eliminating overuse of nursing homes.

Dr. Gentry, however, does not minimize the impact on the program's accelerating costs of unscrupulous profiteers and medical practitioners and providers who operate independently or inside the medicaid mills.

The medicaid mills have proliferated as more and more private physicians have refused to do business with the city's poor, leaving them to be attended by young physicians waiting for residencies at major city hospitals and those of foreign origin with questionable credentials who have no hospital affiliation. The medicaid mills offer practitioners with foreign diplomas an opportunity to make a living where the regular medical system does not.

At their best, Dr. Gentry and other officials believe, the medicaid mills can offer a vital service. But at their worst, they offer a sad experience for the welfare patient and the nation's taxpayers.

The medicaid mills frequently are owned by nonmedical "entrepreneurs" who were quick to see the growing vacuum in needed ghetto medical services and stepped in to make a quick dollar off the poorly monitored Federal-State medicaid program. Often the owners of the mills are lawyers, real estate men, and healthy retired persons. In some cases, a few healthy physicians have banded together to operate a string of mills.

The financial arrangement between the owner-operator of the medicaid mills and the practitioners who "lease" space in them is an encouragement to "ping ponging" and other abuses.

For his cubicle the practitioner must pay the entrepreneur a percentage of his total charges to medicaid. This cut generally runs 40 per cent but can be as high as 60 per cent with the practitioner doing everything he can to boost his patient load to make ends meet.

"About the only relationship the practitioners in one shared facility have with one another is a financial one," said a federal official, "they bounce or 'ping pong' every patient so they all can get in on the action and increase their medicaid billings."

"We've had cases where a medicaid patient went to a clinic for a sore elbow and before he was released had been put through skull and teeth x-rays, had his back adjusted, and his feet treated and Lord knows what else before he ever got his elbow treated," said Dr. Gentry.

Dr. Gentry is concerned that not only are such practices dishonest and costly but also that they are hazardous to the patients who are being exposed unnecessarily to potentially harmful x-rays and other procedures.

Currently under investigation, for instance, is a methadone clinic for drug addicts which is operated by a practitioner who also has a share in a medicaid mill.

The investigators have discovered that about every three months the methadone patients are sent to the medicaid mill where they are being put through a full skull series examination, chest and abdominal x-rays and electrocardiograms.

This extensive examination was given before the patient received his methadone allotment for that day and if he refused to participate the methadone for that day was withheld.

The medicaid mills often take on some of the aspects of a "floating crap game," changing ownership and personnel frequently.

"We've found clinics whose ownerships have changed three times in six months and none of the practitioners using them when they opened was still there," said Dr. Gentry.

With the backing of state officials, Dr. Gentry has moved to tighten controls over the mills and to formulate tough new regulations to cut down on abuses.

But the problem has been complicated by lack of trained personnel to audit and otherwise monitor the huge mass of medicaid billings. Dr. Gentry has about 400 employes—including secretaries and clerks—to process the mountain of invoices.

The state provides about 25 per cent of the program's financial support with the city picking up the other 25 per cent of the nonfederal half. But the state offers little help in this area, largely because administration is left to the local areas. The Federal government also is lax in supervising the program.

Federal authorities, however, recently have become alarmed at the growing national medicaid scandal. In New York City they stepped in to investigate a medicaid-mills scheme which probers now estimate involves 150 practitioners who are suspected of cheating medicaid of more than $2 million through fraudulent billings.

The Health Care Scandal—IV

(By Dan Thomasson and Carl West)

Washington, April 10.—Health, Education and Welfare Department (HEW) officials said today they hope to save taxpayers $600 million a year by having states adopt a new procedure to weed out ineligibles from the medicaid program for the poor.

Adding to the woes of the scandal-ridden program is the fact that an estimated 20 per cent of those receiving its benefits actually are ineligible.

HEW has designed a Medicaid Eligibility Quality Control system in an effort to correct the problem and has asked the States to adopt the uniform system by July 1.

But compliance is up to the States, which pay approximately half of the costs of the $13.5 billion annual program. HEW authorities conceded no sanctions will be imposed against States which don't put the system into effect.

Fred Schutzman, the HEW official charged with making the system work, said he feels confident most States will adopt it in light of increasingly rampant cheating which is bilking medicaid of more than $1.5 billion annually.

To be eligible for medicaid, an applicant must have income or financial resources below the "poverty level" of any particular State. These levels vary from State to State.

A recent HEW survey, however, discovered that:

States are not verifying information supplied by an applicant to support his claims of eligibility for medicaid.

Many States automatically renew medicaid cards without checking to see if the recipient's financial position has improved.

Some medical providers are billing medicaid for treatment of patients who never have applied for the program.

Many recipients lied about their incomes.

"We found in one State that out of 60 recipients, seven were receiving Social Security benefits that the State was unaware of," Schutzman said. "All these people were ineligible for medicaid."

Under the new monitoring system, States will review a scientifically determined sampling of paid medicaid claims to determine the rate of error. They will then impose controls.

Schutzman said there is no question the States are doing a "poor job" of determining who is eligible for medicaid.

The $600 million estimate of loss through ineligibles, he said, could be and probably is considerably higher. "We just don't know because we don't have enough samples."

The Health Care Scandal—V

(By Dan Thomasson and Carl West)

Washington, April 22.—Nowhere is there more suspected medicaid and medicare cheating than in the nation's nursing homes whose revenues soared from $500 million annually in 1960 to $7.5 billion last year, chiefly because of the two taxpayer-financed health care programs.

Documented nursing home abuses uncovered by federal investigators range from simple chiseling like cutting back on services to increase profits to complex schemes where millions of government dollars are being misused.

Dr. John Gentry of the New York City Department of Social Services estimates that elimination of even some of the nursing home abuses could save medicaid $126 million a year in his city alone.

Most of the cheating comes in medicaid, which provides government-supported, long-term nursing home care for the nation's elderly poor and accounts for about 50 per cent of the nursing home revenues. Medicare for all citizens 65 and older adds another 7 per cent to the revenues by providing short-term convalescent care for its recipients.

This means that about $1.60 of every $3 spent in nursing homes is taxpayer-provided.

The nursing home industry has become so lucrative that chains of homes have cropped up throughout the nation. Some of them employ a variety of tactics to squeeze profits out of medicaid.

A recent survey identified 160 publicly held corporations as controlling 18 per cent of the nursing home beds nationwide and accounting for one-third of the industry's revenues. The survey showed these nursing home corportaions grew 122 per cent in assets, 149 per cent in gross revenues, and 116 per cent in average income per home between 1969 and 1972.

While many nursing homes are scrupulously honest, a large number of profiteers have been able to thrive largely because of lax or nonexistent supervision by the federal and state governments which split the medicaid bill 50–50.

The Department of Health, Education, and Welfare (HEW), which administers the federal share of medicaid, virtually has abandoned to the states the task of overseeing the program. And most states have been unable or unwilling to muster the expertise and manpower needed to watchdog medicaid.

A 1973 federal law requiring the states to conduct and make public the results of periodic nursing home audits has been all but ignored by HEW officials charged with enforcing it. These officials contend the law is discretionary, but the congressional experts who drafted it say otherwise.

Against this background, the continuing Scripps-Howard Newspapers investigation of an estimated $3 billion-a-year fraud and abuse in medicare and medicaid has identified the most frequently used nursing home schemes to bilk the American taxpayer.

Many states reimburse nursing homes for their medicaid patients on a flat per-day rate which includes a margin of profit, for instance the rate might be $14 per day per patient with $12 representing the actual cost of maintaining the patient and the other $2 representing profit.

Because the states will not reimburse above this ceiling, some operators slash costs to increase the profit margin. This frequently means reduced services for the patients.

Operators have been discovered spending as little as 37 cents per patient per day for food, recycling untouched portions of meals, hiring incompetent personnel at low rates, cutting heat in winter and air conditioning in summer. Some ration toilet paper and skimp on soap.

Wthout proper oversight, they are able still to collect as though their costs were $12 per day when they might actually be as little as $5.

This lack of supervision also permits unscrupulous operators to bill medicaid for care of patients for several days or even weeks after they have been discharged or died.

"It's easy," said one medicaid official in Miami. "No one is watching."

Among the more simple schemes is the common kickback. Federal and state authorities interviewed believe hundreds of nursing homes regularly have kickback arrangements with suppliers, particularly pharmacies which often make cash payments to the nursing homes sending them business.

In a number of cases, nursing homes have a proprietary relationship with a linen company or a pharmacy and rake off from both ends. These relationships frequently are hidden from medicaid.

"In this kind of arrangement, the nursing home is making a killing," said the Miami official.

Nursing home operators have been caught falsifying records that show expenses for patient care that were, in fact, diverted to the operator's private use.

In New York, investigators discovered expenses were falsified to cover up the purchase of a Rolls Royce; hiring of a chauffeur; buying yacht fuel. A South Carolina woman was convicted in state court for using medicaid funds to build a $60,000 home, claiming the money was used for a variety of home services.

A New York nursing home owner built into his "legitimate" expenses the cost of renting a garage to house his Cadillac. He argued that the vehicle was used only to inspect his nursing homes. This same operator traveled to Israel at medicaid's expense on grounds he was surveying nursing homes to improve his own.

Another scheme is to build into the nursing homes' cost expenses actually incurred by other businesses owned by the nursing home operator. Owners have been caught charging off to medicaid real estate taxes, fuel oil, insurance and supplies for other businesses in which they were involved. Because some states compute their medicaid payments to a nursing home, by including not only the cost of operation but also the operator's equity in the facility, owners have been discovered altering books to boost that equity.

One New York owner withdrew $790,149 in cash equity from one nursing home to build another. But he continued to carry the money as equity in the first home.

Investigators say nursing homes also use a "change of ownership" scheme to drive up their reimbursements from medicaid.

Here's how:

Medicaid permits operators to figure into their per day costs of maintaining a medicaid patient the costs of mortgage interest, depreciation, and rent. When a nursing home changes hands, these costs may be increased at medicaid's expense.

Put another way, nursing homes often are sold back and forth to drive up operating costs in order to be qualified for higher reimbursement rates from medicaid.

A typical example of this practice is a Staten Island nursing home that changed ownerships 17 times between 1959 and 1971. The last recorded sale has $6 million for property assessed at less than $2 million. New York State medicaid authorities challenged the $6 million sale price and it has reduced to $4.5 million. But the rate per patient per day soared from $15.09 to $39.18. That $39.18 is the rate which the nursing home was reimbursed by medicaid.

WASHINGTON, March 27.—The Health, Education and Welfare Department (HEW) is planning to tighten procedures by which States report suspected medicaid fraud cases in an effort to crack down on chiselers who are milking $1.5 billion a year from the Federal-State program for the poor.

If the plan is approved, HEW officials feel they will be in good position to know just how widespread fraud is in the $15 billion-a-year program and what is being done about it on a case-by-case basis.

Last fall, because HEW had no idea how much chiseling was taking place, States were required to begin making quarterly reports of suspected fraud cases and the disposition of each case.

But, as a Scripps-Howard newspapers' report last week revealed, some States were not bothering to file reports and others were simply declaring no cases of suspected fraud had been found.

Furthermore, the reports that did cite suspected fraud showed an apparent reluctance by States to prosecute.

For example, Scripps-Howard newspapers reported that for the three months ending Dec. 31, 1974, 25 States reported 1,052 cases of suspected fraud. Of those, only 15 were referred to prosecutors.

The proposed new reporting method would consolidate information to show not only the number and dispositions of suspected fraud cases but whether suspected cheaters are being allowed to participate in medicaid or whether they have been temporarily permanently suspended.

This consolidation will enable HEW to identify "hot spots" and reveal which States have been soft on chiselers. HEW is planning to add 108 filed auditors to its staff next fiscal year—sooner if Congress approves—to assist States that show a large number of cheaters.

MAN IN NURSING HOME HAS ONLY $4 A MONTH

(By Dan Thomasson and Carl West)

MANASSAS, VA.—There are few if any luxuries in the life of Harold Johnson, 88, one of 215 Medicaid patients in a Virginia nursing home.

About the only one he can afford these days is a bite of Red Apple chewing tobacco. Even this is infrequent, however, because a box of 12 plugs costs $6.80 and Johnson must make them last. He has a personal income of only $4 a month.

Johnson (not his real name) is entitled by Federal law to a minimum of $25 a month for his personal needs. But his county (Prince William) welfare department arbitrarily decided he could get by on $4.

The county confiscates the other $21 and applies it to the cost of his nursing home care along with the rest of the $188 he receives from Social Security—a practice that appears to violate both the letter and the spirit of the law.

FUNDS RAIDED

A continuing investigation by Scripps-Howard Newspapers of a national health care scandal has discovered that greedy nursing home operators, unsympathetic relatives and even some local governments are raiding the personal funds of Medicaid patients with impunity.

Johnson's right or guarantee to the $25 a month out of his Social Security check is provided for by a section of the Medicaid law. Because states share Medicaid payments on a 50–50 basis with the Federal Government, they are allowed to let patients keep more than the $25 a month, but not less. Some states let patients keep $28.50.

Thus, if a patient is receiving $110 a month from Social Security, only $85 of that legally can be applied by the state or local government to the cost of his monthly nursing home bill. The remaining $25, according to the law, must go into his personal account.

Even if Johnson had no income at all, he would receive $25 a month. This is because Congress in 1972 enacted the Supplemental Security Income (SSI) law. SSI provided a minimum monthly income for the poor who are aged, blind or disabled. It also provided that every Medicaid patient in a nursing home will receive $25 a month.

Rep. Wilbur D. Mills (D-Ark.), then House Ways and Means Committee chairman, became appalled at the fact that tens of thousands of elderly poor, already stripped of most of their personal belongings and dignity, had no guarantee of money of their own for the few small things that can make life bearable.

Mills pushed through the $25-a-month minimum payments to Medicaid nursing home patients. As of last December, there were 170,000 such patients being paid $50 million annually.

"It was one of the new Federal guidelines and a lot of people got caught without it," said David Jennings, operator of a Spartanburg, S.C., nursing home. Jennings didn't install an accounting system for SSI funds until March of this year.

"JUST DIDN'T KNOW"

"I just didn't know it was necessary," said Mrs. Floy McDonald who has 22 Medicaid patient in her Pickins, S.C. home. "I just put the money in envelopes for each patient," she said.

William Chauvlous, a South Carolina state Medicaid official, said he planned to begin a series of audits of nursing home handling of patients' personal funds.

In North Carolina, state officials also concede they suspect some nursing homes are dipping into their patients' SSI funds. Earnest Phillips, charged with monitoring North Carolina nursing homes says, however, he doubts that chiseling is as widespread as it is in other states. He said North Carolina, which operates one of the nation's better nursing home systems, became aware of the potential problem early and has taken steps to stop it.

Despite his claims, a random check of state Medicaid records disclosed some nursing homes had failed to establish an accounting system for SSI payments.

CALLED "VICIOUS"

Mrs. Dalphne Krause, a nationally known crusader for nursing home reform from Minnesota, told Scripps-Howard she believes the stealing of the $25 a month in SSI funds is nationwide and one of the most "vicious" practices she had uncovered in years of ferreting out abuses of the elderly.

The most vulnerable are the functionally incompetent, she noted. "It is very easy to confuse this type patient," she said. "It is very easy to take advantage of them especially if there are no relatives to ask questions. It is a nice, easy rakeoff if there are a number of patients in this category in a home."

Investigators have found dozens of cases where nursing home patients complain that they are being told by home operators that "you just don't remember having spent the money."

"The patients realize they're old and they begin to question their own ability to remember even when they are obviously competent," said a GAO investigator. "They're easy pickings."

In New York, a nursing home operator was discovered appropriating the entire SSI payments of Medicaid patients in advanced states of senility, falsely claiming it was owed for laundry, or other services.

Despite the Federal law, Prince William County officials have informed the operator of the nursing home where Johnson resides that Johnson has two sons who should take care of his small personal needs. The county officials have decided that in the case of Johnson and 30 others in the same home who also get less than the $25 they are entitled to that their relatives have a moral obligation to make up the difference.

The county officials have been unmoved by the nursing home operators' arguments that the relatives refuse to help and that Johnson's needs, for instance, must be met by sporadic handouts from his former employer and a few dollars raised by the home's employees.

The county's welfare department officials have ducked Scripps-Howard's inquiries and have informed the General Accounting Office (GAO) they are too busy to talk to its investigators. GAO, meanwhile, has turned up similar practices in two other Virginia counties and now suspects that this mishandling of SSI funds by local governments is statewide.

In those instances where a Medicaid patient has Social Security or private pension checks coming in monthly, the nursing home operator is supposed to deduct the $25 from the patient's endorsed check and apply the rest to the patient's bill, which may be as high as $500 a month. Medicaid makes up the difference. Those persons who have no such income receive monthly an SSI check for $25 for their personal needs. They generally cash it at the home.

ACCOUNTING LAX

The nursing home operator can either administer the money himself or, under patient instructions, turn it over to a relative. If the operator administers it himself, Federal regulations require an accountability system of receipts and disbursements.

Scripps-Howard found examples of irregular or even non-existent accounting of SSI funds by nursing homes in Illinois, South Carolina, North Carolina, and Virginia. And GAO investigators are looking into reported improper handling of funds by the homes in Florida, Michigan, Missouri, California and New York.

About $1.60 of Every $3 Spent in Nursing Homes Is Taxpayer-Provided—Some Nursing Homes Are Medicare-Medicaid Cheats

(By Dan Thomasson and Carl West)

Washington.—Nowhere is there more suspected medicaid and medicare cheating than in the nation's nursing homes whose revenues soared from $500 million annually in 1960 to $7.5 billion last year, chiefly because of the two taxpayer-financed health care programs.

Documented nursing home abuses uncovered by federal investigators range from simple chiseling like cutting back on services to increase profits to complex schemes where millions of government dollars are being misused.

Dr. John Gentry of the New York City Department of Social Services estimates that elimination of even some of the nursing home abuses could save medicaid $126 million a year in his city alone.

Most of the cheating comes in medicaid, which provides government-supported, long-term nursing home care for the nation's elderly poor and accounts for about 50 per cent of the nursing home revenues. Medicare for all citizens 65 and older adds another 7 per cent to the revenues by providing short-term convalescent care for its recipients.

This means that about $1.60 of every $3 spent in nursing homes is taxpayer-provided.

The nursing home industry has become so lucrative that chains of homes have cropped up throughout the nation. Some of them employ a variety of tactics to squeeze profits out of medicaid.

A recent survey identified 106 publicly held corporations as controlling 18 per cent of the nursing home beds nationwide and accounting for one-third of the industry's revenues. The survey showed these nursing home corporations grew 122 percent in assets, 149 per cent in gross revenues, and 116 per cent in average income per house between 1969 and 1972.

While many nursing homes are scrupulously honest, a large number of profiteers have been able to thrive largely because of lax or non-existent supervision by the federal and state governments which split the medicaid bill 50–50.

The Department of Health, Education, and Welfare (HEW), which administers the federal share of medicaid, virtually has abandoned to the states the task of overseeing the program. And most states have been unable or unwilling to muster the expertise and manpower needed to watchdog medicaid.

A 1973 Federal law requiring the states to conduct and make public the results of periodic nursing home audits has been all but ignored by HEW officials charged with enforcing it. These officials contend the law is discretionary, but the congressional experts who drafted it say otherwise.

Against this background, the continuing Scripps-Howard Newspapers investigation of an estimated $3 billion-a-year fraud and abuse in medicare and medicaid has identified the most frequently used nursing home schemes to bilk the American taxpayer.

Many states reimburse nursing homes for their medicaid patients on a flat per day rate which includes a margin of profit. For instance, the rate might be $14 per day per patient with $12 representing the actual cost of maintaining the patient and the other $2 representing profit.

Because the states will not reimburse above this ceiling, some operators slash costs to increase the profit margin. This frequently means reduced services for the patients.

Operators have been discovered spending as little as 37 cents per patient per day for food, recycling untouched portions of meals, hiring incompetent personnel at low rates, cutting heat in winter and air conditioning in summer. Some ration toilet paper and skimp on soap.

Without proper oversight, they are able still to collect as though their costs were $12 per day when they might actually be as little as $5.

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Put another way, nursing homes often are sold back and forth to drive up operating costs in order to be qualified for higher reimbursement rates from medicaid.

A typical example of this practice is a Staten Island nursing home that changed ownerships 17 times between 1959 and 1971. The last recorded sale was $6 million for property assessed at less than $2 million. New York state medicaid authorities challenged the $6 million sale price and it was reduced to $4.5 million. But the rate per patient per day soared from $15.09 to $39.18. That $39.18 is the rate which the nursing home was reimbursed by medicaid.

New York City Has $18 Million Medicaid Goof

(By Dan Thomasson and Carl West)

New York.—New York City officials admitted erroneously billing the federal government $18 million for unauthorized medicaid payments.

Officials said $18 million from federal funds was paid to provide medical services for about 3,500 persons who were not eligible for Medicaid.

A "computer error" was blamed for the mistake. Officials said the money would be repaid to the federal government which shares Medicaid's costs 50–50 with states.

The Medicaid program is for the poor who are blind, disabled, or 65 or older or participating in the Aid to Families with Dependent Children program (AFDC). Medicare is for those 65 or older regardless of need.

Health, Education and Welfare (HEW) officials believe the New York case is the largest single bureaucratic bungle in medicaid's 10-year history. "Someone really goofed," sighed a top HEW official.

Henry Rosner, New York City's deputy administrator for fiscal affairs, told Scripps-Howard Newspapers about the mixup:

Two or three years ago, Rosner said, the city installed new computers to handle medical service billings. One category of recipients was carried as "home relief."

Those in this category are the medically needy between ages 21 and 65 but not blind or disabled or taking part in AFDC and therefore ineligible for medicaid. The cost of their care is picked up by the city and state. There is no federal money involved.

As persons in the "home relief" category became eligible for Medicaid—by reaching 65, or becoming blind or disabled—Rosner said the computer was supposed to add their names to the medicaid rolls and the federal government would begin paying half of the medical bills.

But, Rosner explained, the computer erred and put the entire "Home relief" category on the medicaid rolls.

"I don't think anyone is to blame," Rosner said. "Why blame anybody?" There was a mistake in instructions to the computer. It is just one of those things that happen to computers.

General Accounting Office (GAO) auditors spotted the mistake last September, according to William Toby, assistant Region II Commissioner for HEW's Social and Rehabilitation Service here. Toby said a state and GAO audit followed "immediately."

"We were very careful to rely on GAO's findings," Toby said. "And we are comfortable with the conclusion that it was a computer error and we decided to take no further action for federal moneys that we incorrectly claimed."

City and HEW officials said an agreement has been reached whereby the $18 million would be repaid by deducting that amount from future medicaid claims to the federal government. "We're not going to write a check," Rosner said.

Rosner was bitterly critical of the federal government for not providing medical assistance to indigent persons between ages ages 21 and 65 who are not blind or disabled or who are not participating in the families with independent children program.

DOING IT OPEC'S WAY

Mr. HUMPHREY. Mr. President, President Ford's decision to raise the tariff on crude imported oil, to impose a tariff on refined oil imports, and to deregulate so-called "old" domestic oil will deliver a knockout blow to hopes for an economic recovery this year.

It will almost double consumer oil bills by the fall of 1976, and impose $300 in higher fuel costs on each of our 70 million households.

It will drain $20 billion from consumer budgets in higher coal and petroleum prices in the midst of our worst post-war recession; this figure includes $2.5 billion in higher coal prices; $14.4 billion in higher oil prices due to decontrol of old oil; $1.9 billion in higher oil prices due to the tariff increase; and $1.3 billion in higher prices for new oil linked in the market to the rise in imported oil prices.

It will almost exactly offset and nullify the impact on consumers of the tax cut designed to stimulate economic recovery.

It will raise consumer prices by between 2 to 3 percent this year and next year as the cost of almost every item consumers use from fertilizer to food to gasoline to chemicals is pushed up. If petroleum importers and wholesalers pass the higher oil prices along to consumers largely in gasoline prices, gas prices will rise 18 cents per gallon by the fall of 1976, a figure confirmed by Mr. Zarb, Administrator of the FEA.

The tariffs and proposed deregulation are partially designed to finance exploration by oil companies in order to reverse the decline of domestic production. Yet, there is no clamor from the oil companies themselves for additional revenue with which to finance exploration. In addition, the price increases in oil to date may well have stabilized domestic oil production if preliminary indications for Texas oil production noted by the Texas Railroad Commission hold true on a nationwide basis. As revealed by the Wall Street Journal on May 21, the commission "is beginning to stabilize and possibly show a slight increase."

If crude production in Texas has in fact been stabilized, and similar results appear elsewhere at the high, existing price levels, there is no point in raising oil prices still further to stimulate exploration which is, in fact already occurring. The price of "new" domestic oil has risen 400 percent since late 1973. We should delay any further price hikes until the longer run results on oil production of this original price increase are clear; and 18 months is simply an insufficient time period for such an evaluation to be accurately made.

The President also partially justified his actions because of what he terms congressional inaction on energy legislation. Yet, Congress must now for the second time in only 4 months set aside its deliberations on energy to deal with the President's narrow and oversimplified solution to the very complex issue of achieving meaningful energy conservation without exacerbating our recession. It is indeed ironic that the President criticizes Congress for inaction on energy legislation at the same time that he once again diverts it from deliberation on that same energy legislation.

The President knows full well that the Congress has spent many long and hard hours examining his as well as other energy proposals and programs. It has rejected his earlier energy program designed to push energy prices up some $50 billion; it did so because his program was inadequate, inequitable, and ineffective.

Congress chose to deal first with the urgent need to restore economic health to the country, before turning its full attention to energy legislation. The necessary action to restore that good economic health was taken speedily and focused on tax cuts totaling $22.7 billion—the stimulative impact of which the President would have completely nullified with his ill considered actions.

The Congress has passed energy legislation, including a bill designed to boost coal production, by clarifying the environmental ground rules under which strip mining can be conducted. This was legislation badly needed by a coal industry beset with uncertainty and a bewildering array of State strip-mining laws. This uncertainty and the associated low production has only been reinforced by the President's veto of the strip-mining bill.

The President finally justified his actions by suggesting they displayed our independence from OPEC. In fact, his actions seem designed more to ratify than to remedy OPEC's collusive oil pricing decisions.

There is speculation that OPEC will force up international crude oil prices by another $2 per barrel this fall. This would raise consumer oil and coal prices some $17 billion in addition to the $20 billion increase just urged upon consumers by President Ford. Would the President have us believe that a third $1 barrel oil tariff increase—raising imported crude oil to $16 per barrel—is then the appropriate response to that $2 jump in OPEC prices?

Mr. President, I ask unanimous consent that a Wall Street Journal article from May 21, 1971, entitled "Texas Oil Production May Be Stabilizing After Years of Decline, State Agency Says," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Texas Oil Production May Be Stabilizing After Years of Decline, State Agency Says

Austin, Tex.—Texas oil production rates may be stabilizing after several years of decline.

That's the preliminary conclusion of the Texas Railroad Commission, which at a hearing yesterday once again ordered most of the state's major oil fields to continue producing at maximum levels next month.

Ben Ramsey, chairman of the commission, the state's oil and gas regulatory agency, said "a preliminary examination of crude oil production figures indicates that Texas production is beginning to stabilize and possibly show a slight increase."

If that proves to be a continuing trend, it could have nationwide significance. U.S. oil production has been declining since 1970. In Texas, for instance, where about 40% of all domestic oil is produced, daily production declined about 30,000 barrels in the past year, largely because oil from new wells was unable to offset declines in production from older fields.

The commission's order sets allowed June production at 3,956,423 barrels of oil daily. The latest figures for actual production are sharply less, about 3,278,132 barrels daily in February. However, the commission said this amount is an increase of about 3,000 barrels daily from actual January production levels.

Purchasers of Texas crude oil told the agency that their stocks on May 1, totaling about 286.1 million barrels, including finished products, were below desired levels by 7.5 million barrels. Crude stocks totaled 138.5 million barrels, below desired levels by 1.1 million; finished gasoline, 84.1 million, below by seven million; kerosene, 9.8 million, below by 250,000; distillate, 44.1 million, above by 399,000; and residual; 9.5 million, above by 550,000.

ROPER HOSPITAL

Mr. THURMOND. Mr. President, Roper Hospital in Charleston is one of South Carolina's finest medical facilities. Unique in its system of governance and its financial condition, Roper is also noted for its courteous staff who are deeply concerned for the well-being of the patients they serve.

Roper is a private, nonprofit community hospital held in trust by the medical society of South Carolina. The medical society established a board of commissioners composed of businessmen and physicians to administer the hospital. This carefully chosen system has worked exceedingly well as evidenced by the fact that last year Roper showed surplus of approximately $500,000, which will be used to finance expansion and to fund charity work. Roper's bed rates are the lowest among private hospitals in the community while the minimum wage it pays its staff is the highest. This is an outstanding example of what efficient management, coupled with the efforts of dedicated, enthusiastic employees, can do. I might add all this has been done without one cent of Federal, State, county, or municipal money.

Mr. President, I ask unanimous consent that an article entitled "Roper Hospital" which appeared in the May, 1975, issue of Private Practice be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Roper Hospital

(By John R. Coyne, Jr.)

Senior Editor

Charleston, South Carolina, in March is Shangri-la for the grey, winter-sick Northerner. The azaleas and camellias are in bloom, the air is clean and clear, and the sun, falling on pale Yankee skins, feels late-April warm.

Charleston is a beautiful place, rich in history, a city whose present is built upon a solid foundation laid in its past. The people of Charleston know who they are, where they have been, and where they are going. They are relaxed, confident, and unfailingly courteous, and suddenly you find yourself wondering why everyone everywhere can't be just as courteous. It's no more difficult, after all, than being rude. And it makes life a good deal easier.

Charleston is the home of unique people, mansions, gardens, churches, markets, and monuments. It is also the home of one of the nation's unique medical institutions, Roper Hospital.

Roper is unique for its system of governance, its financial condition, and its attitude toward Federal money.

Founded with a bequest from Thomas Roper, the hospital opened its doors in 1852. Today, just as one-hundred and twenty-three years ago, Roper is a private, non-profit, community hospital held in trust by the Medical Society of South Carolina, an organization made up of Charleston physicians.*

To administer Roper, the Medical Society established a Board of Commissioners, composed of businessmen and physicians. The hospital's administrator reports directly to the board, and the board is responsible to the Medical Society. As a result, all respects of administration, planning, and policy-making are ultimately under the control of doctors, the people who know most about medical needs.

This careful governance has paid off in helping Roper to pay for itself. Last year, with operating expenses of about $8.8 million, Roper, as it does every year, showed a surplus of approximately $500,000, which is used to finance expansion and fund charity work. And it came up with this surplus, in a period of raging inflation and soaring energy costs, without penalizing its patients, scrimping on staff salaries, or cutting corners in its ongoing program of expansion and improvement. The average cost per patient per day is still only $83.65. Roper's rates for its 420 beds are the lowest among private hospitals in the community, while the minimum wage it pays its staff—$2.50, as opposed to the national hospital minimum of $2.00—is the highest. Its building programs, involving about $15 million over the past ten years—financed by hospital surpluses, endowments, and individual and business contributions—have expanded and modernized the hospital's facilities. The current program—just completed—has added 98 beds, increased operating suites, enlarged the intensive care unit, added a coronary care unit and an intensive-care nursery, as well as a new nursery. A cobalt unit is also under construction.

All this—a surplus, low rates, clean, bright facilities, a handsome building that would be an asset to any community, a happy and dedicated staff, contented, well-tended patients, a dynamic building program—all this, and not one cent of Federal, state, county, or municipal money.

Just as important as careful governance to Roper's continued good health is its refusal to accept Federal money and to participate in Medicaid and Medicare. Its reasons for vetoing Medicare are especially instructive.

In 1973, a committee of the Medical Society was asked to reconsider the refusal to accept the Federal Medicare contract. The committee's report, authorized by Dr. Frank Gruber—a man with no political or ideological axe to grind—is succinct, thoughtful, and objective—a model argument against Medicare.

Based on careful interviews and conferences with hospital administrators, physicians, insurance representatives, and public health officials, the report points out that Medicare pays only what its auditors determine should be the cost of Medicare patients. "The result is that Medicare pays less than the usual charge since they will not carry any part of the more expensively maintained obstetric or pediatric patients as do the other private patients.

"Ideally," the report continues, "Medicare pays in such a way that a hospital neither gains nor loses on [Medicare patients]. In practice, the hospitals in this state lose on Medicare to the extent that the intermediary disallows services as excessive or needless. This disagreement between hospital and intermediary as to eligibility is broad enough to be one of the major objections to the Medicare program."

Medicare functionaries can rule on eligibility, the report points out, up to a year after the patient has been treated, and if the judgment goes against the hospital, it "is then required to refund many thousands of dollars at one time, which is naturally a hardship."

And for a hospital like Roper, as the report implies, it's not only a financial hardship. Roper is known throughout South Carolina for the decency, the civility, and the genuine concern with which it treats its patients. But if you are under-reimbursed by Medicare, then you have to try to collect the difference from the patient. And it's hard to maintain a reputation for gentleness and civility when you're forced to dun a patient who had left the hospital a year ago, secure in the knowledge that his bill had been paid. The inevitable result: bad debts and worse feelings.

Medicare would also mean the loss of a large part of Roper's surplus, nearly half of which is the result of bed charges being set above cost. But because "Medicare pays only costs, this surplus would be reduced proportionately to the extent that Medicare patients replace full-paying patients."

Another loss would result from the decreased use of supplementary services, since these are performed during the early stages of admission, and Medicare patients tend to stay an average of four days longer than paying patients.

And then there is the matter of the horrendous amount of paperwork that accompanies Medicare. The report estimates that the additional clerical help needed to push the paper would cost $60,000 a year. Here the report pinpoints a significant contradiction.

"Medicare will pay a portion of this expense, but the rest they wish to be passed on to the other patients. Herein lies a contradiction which underscores the unfairness of the program. Medicare refuses to carry expenses peculiar to obstetrical and pediatric patients, but they demand that expenses peculiar to Medicare be shared by the other patients."

An interesting contradiction indeed, perhaps illustrative of the philosophy that underlies so many of our Federal programs—from each according to his abilities, to each according to his needs.

The report's financial arguments are telling ones, and many Medicare hospital administrators no doubt now wish that they could have foreseen them back in the sixties when we began laying the medical cornerstone for our brave new world.

Even more striking to the layman who has been fortunate enough to visit Roper is the human argument.

"Since we operate at full occupancy, we will be refusing admittance to our regular full-pay patients when Medicare patients are admitted." (And here I should add that although other Charleston hospitals admit Medicare recipients, there has not been, according to Roper administrator Mr. C. A. Robb, "any material decline in our over-65 patients." They continue to come to Roper because of the quality of its care, despite the fact that they could choose to go to a Medicare hospital.)

"The same number of patients will be disappointed, in other words. In fact, a greater number of patients will be dissatisfied as the confusion and misunderstandings between hospital patient and intermediary with the Medicare program often result in animosity on the part of the patient toward the hospital."

And that would be a tragedy for Roper Hospital and the people it serves.

I feel this keenly, for I recently returned from a visit to New York's municipal hospitals. New York is as ugly as Charleston is beautiful, and the contrast between those hospitals and Roper is just as striking.

In New York, patients not only feel animosity toward the hospitals; the hospitals feel animosity toward the patients.

New York's hospitals have been mismanaged by political appointees and brought to the brink of bankruptcy by union demands and muddled Federal programs. They struggle along, drowning in a sea of red ink, surviving only because of huge transfusions of taxpayers' money. The buildings are dingy, the equipment obsolete, the staff at worst surly and at best officious. Appalling conditions brought on by political and governmental involvement in medicine. And in the end, it is the patient who suffers.

The difference between these conditions and the conditions at Roper is the difference between February and May in New England.

Roper is clean and bright, its equipment modern, its finances well-managed. Above all, the people who work there are friendly, courteous, and deeply concerned for the well-being of the patients they serve.

The staff at Roper is a happy one. There are 112 employees with more than 10 years of service and 29 employees with more than 20 years. And one employee, Miss Irene Dixon, has been at Roper since 1927—48 years.

Miss Dixon, a charming and articulate lady for whom Roper's auditorium is named, has no doubt about the qualities that make Roper unique.

"It's the courtesy of the hospital," she says, "the outstanding nursing, and the love displayed by the employees for the patients."

We hear a great deal about the "quality" of medical care these days. It's a vague term, encompassing many services, treatments, and techniques. Yet to the lay person who is hospitalized, "quality" care means above all personalized, involved, concerned individual attention. And this is precisely what patients receive at Roper.

You don't have to worry about a unionized nurse at Roper refusing to assist with surgery because it would interfere with her lunch hour, as you would in New York. You don't have to worry about an orderly refusing to move a patient beyond a certain point because it would violate his union contract. And you would never, in this life, have to worry about doctors at Roper going on strike. As Miss Dixon points out, everyone at Roper is there only to serve the patients.

There is a quality at Roper that once was characteristic of American life, a quality that is now fast disappearing. It springs from a belief in the innate worth of the individual and manifests itself in a sense of community far superior to any system based on the assumption that the individual is significant only insofar as he is part of an identifiable, collective group.

It is this belief in the absolute worth of the individual that built this nation. It is the belief in the absolute worth of the individual patient, and the consequent belief that the patient deserves the very finest care, that has made Roper Hospital the envy of its neighbors and a model worthy of national emulation.

An administrator from another South Carolina hospital has said that were he to fall ill, he'd leave his own hospital and enter Roper.

I know how he feels. When my luck finally runs out and I'm hit with a major illness, I'll ask my wife to load me on the first plane to Charleston.

Mr. THURMOND. Mr. President, between 1965 and 1968 several of my distinguished colleagues denounced on the floor of the Senate the restrictions placed on the human and civil rights of the Hungarians in Romania, who constitute about 2.5 million people, mostly in the Province of Transylvania.

A persistent pattern of denationalization continues, which was recognized by our State Department in a memorandum to Representative PATTEN and other House and Senate Members on September 19, 1967.

Since that date, I am informed that the educational opportunities for Hungarians in Romania are rapidly worsening. In grade schools, it is reported that it is still possible to attend Hungarian sections, but all entrance examinations in the high schools, vocational schools, and specialized secondary schools are given in Romanian. Except for the general high schools, there are hardly any vocational and specialized schools with Hungarian sections at all. On the higher education and university levels, except for two teachers' colleges and an academy of the performing arts, no Hungarian courses are even offered.

Furthermore, I understand that if a citizen of Hungarian ethnic background succeeds in attaining his doctor's degree or his engineering diploma, he is sent to purely Romanian areas to work. The use of the Hungarian language in public is frowned upon in the cities despite the large number of Hungarians living in them.

There is evidence that harassment of the churches of the Hungarian minority—Reformed Protestant and Catholic—continues, and lately even their sources of outside assistance from brother churches abroad have been cut off by ministerial regulations adopted in 1974.

Church records and art objects have now been confiscated to a large extent by the State, which cannot provide for their categorization due to a lack of qualified archivists familiar with Hungarian, Latin, and classical Greek. Thus, there is danger that the historical records about Hungarians in Transylvania, which, during the past millennium had belonged directly or indirectly to the Hungarian kingdom, will be essentially lost to researchers.

The President has submitted to the Senate a proclamation awarding Rumania the status of a most-favored nation on import duties. The proclamation, now sponsored by a Senate resolution is at the present time before the Finance Committee. I feel this would be the ideal time for the administration to raise the issue of the apparent continued mistreatment of the Hungarian minority, and the denial of their civil rights guaranteed under articles 2, 17, 22, and 102 of the Constitution of the Socialist Republic of Romania, in order to achieve some alleviation of the present reported conditions.

INTER-AMERICAN FOUNDATION: THE RIGHT ROLE FOR THE UNITED STATES IN BILATERAL FOREIGN ASSISTANCE

Mr. KENNEDY. Mr. President, the Inter-American Foundation was created in 1969 as an attempt to break the pattern of U.S. foreign assistance over recent decades. As an independent Government Corporation barred from creating a permanent overseas presence, it was to focus on direct economic and social development among the poorest groups in Latin America.

Too often these marginal sectors of society are not only frozen out of the host country development plans, but are also by-passed by government-to-government AID programs.

Responding to the initiatives of the groups themselves, the Foundation was designed to assist these individuals in participating in the design, the implementation and the benefits of decisions that affect their families and their communities. It was community development in its purest sense, a concept frequently espoused by U.S. foreign aid advocates but rarely implemented.

In the past several years, the Foundation has been attempting to implement that concept. From reports I have received it has been doing a commendable job.

Recently, a member of my subcommittee staff, Mark L. Schneider, visited one of the Foundation-supported projects in Mexico. His report follows:

> The project is located in Ciudad Netzahualcoyotl, a densely populated urban community flush against the Federal District in the State of Mexico.
>
> It is difficult to imagine the magnitude of the problem and the overpowering impact of poverty in that community. The city had a population of some 60,000 in 1962. It now has more than 1 million. Unemployment is estimated at 45 percent. For every two live births, it is estimated that one dies before the fourth year. Infant mortality is reported to be the highest in the state of Mexico. Nevertheless, the monthly population increase is estimated at 15,000, when natural population growth is boosted by migration. Once again, estimates are that in 1970 the community lacked 38,000 primary school openings. And although primary school enrollment was 130,000, educational opportunities clearly were limited by the existence of only 5,000 secondary school slots.
>
> The city is a maze of individual houses on dirt streets with interdicting main roads the only ones paved. There are only 3 stop lights in the entire city.
>
> The level of communication is so poor that the government-run utilities drop leaflets from small planes to publicize their programs to the residents. Pamphlets were sprinkled over the city announcing the benefits of water service and residents immediately explained that this signified a forthcoming campaign to collect utility bills.
>
> Some of the community organizers described the level of poverty with the following anecdote. Since the price of milk has risen in past months, a new buying pattern has risen in past months, a new buying pattern has developed. Rather than buy from the store during normal hours, families line up as early as 3 a.m. outside the small stores to buy directly from the distributor at the lower price. The really enterprising residents bring several members of the family and then sell their spaces in the line to some of the late arrivals.

A more grotesque reminder of the depth of poverty that individuals in many countries still suffer is the number of men, women and children who stand with burlap bags in the garbage dump to pick over the most recent loads.

The Inter-American Foundation is supporting a community organization operating in Ciudad Netzahualcoyotl called SEPAC. The grants for assistance total approximately $100,000 with the program cost for the co-operatives, out reach and research approximately $160,000. Other programs operated by SEPAC include health clinics, community centers, literacy training, community newspaper and recreation and cultural activities.

The Carpenters Cooperation, which has specialized in children's furniture and equipment recently won a design prize and also has become a major supplier for Montessori schools.

SEPAC was organized by a group of young professionals to promote the organization of low income people in the area through education, social services and cooperatives. Its staff of 9 professionals includes educators, co-op experts, sociologists, an anthropologist, an administrator and a psychologist, according to the Foundation.

But what is impressive when one visits the SEPAC headquarters is the sense of involvement, the sense of activity and the sense of commitment to change in the activities of the organization.

Clearly, it can only succeed as part of a combined municipal, state and federal effort to expend resources to raise the standard of living in the community. Yet, its very existence helps to impel those institutions to make those commitments.

NONPROLIFERATION TREATY CONFERENCE

Mr. HUMPHREY. Mr. President, I have received a communication from "non-governmental observers" at the NPT Review Conference in Geneva. It speaks for itself and merits our urgent attention.

Mr. President, I ask unanimous consent that Dr. Alan Geyer's letter to me of May 10, 1975, and his council's statement entitled, "An Unofficial U.S. Policy on Nuclear Proliferation" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. NGO Council for the NPT,
Geneva, Switzerland, May 10, 1975.

Dear Senator Humphrey: I am writing from the Non-Proliferation Treaty Review Conference here at the Palais in Geneva where I am serving as head of the unofficial U.S. delegation of NGO's which we have called the "U.S. NGO Council for the NPT."

While the conference secretary-general has called this "the largest and most important disarmament conference" since World War II, it is painfully clear that the joint U.S.-Soviet line here is to downgrade the conference and to stonewall any pressures to reverse their own mutual escalation of the nuclear arms race. The conference will be a tragic failure if this line is not changed.

There is no chance for an effective international regime against nuclear weapons spread if the non-nuclear states do not get more convincing evidence that the U.S. and U.S.S.R. are prepared to fulfill Article VI's "good faith" pledge to stop the nuclear arms race "at an early date." We appreciate your calling attention to this problem in your Senate remarks of April 10 commending Senator Kennedy's address to the Arms Control Association the previous day.

The low visability of the NPT Conference derives from the fact that the President and Secy of State did nothing to prepare the public for it, from the anonymity of the low-level bureaucratic delegation, from the complete absence of Senators thus far, and from the inattention of the press.

We are holding a press conference Monday, May 12, to release the enclosed "Unofficial US Policy on Nuclear Proliferation" which focuses on three "good faith measures" under Article VI. There must be some action on (1) a comprehensive test ban or moratorium; (2) reducing nuclear arsenals; and (3) a pledge not to attack non-nuclear states. Perhaps you will want to call attention to this statement in some way. We have also activated a "Non-Proliferation Action Committee" back in the States with Sanford Gottlieb serving as a Washington coordinator; he or someone else may soon be in touch with you.

Can you and some colleagues try to persuade the President and the Secretary of State to upgrade the performance and commitments of the US here? Can't the US move on at least *one* of these good faith measures? Could an emergency hearing be held?

There is still time. The Conference runs until May 30 and I will be here until the end of it.

Thank you for your attention. All of us here feel very deeply about the urgency of early action to redeem the conference and the treaty itself.

Yours sincerely,

Alan Geyer,
Dag Hammarskjold Professor of Peace Studies, Colgate University.

An Unofficial U.S. Policy on Nuclear Proliferation

(A statement by U.S. non-governmental observers at the NPT Review Conference, Geneva, May 12, 1975)

We citizens of the United States of America are determined to persuade our own government to adopt more responsive and realistic policies concerning the proliferation of nuclear weapons.

Here at the Non-Proliferation Treaty Review Conference in Geneva—"the largest and most important disarmament conference since World War Two," according to Secretary-General Ilkka Pastinen—we acknowledge the special obligations of the United States to avert nuclear war and devastation.

We welcome President Ford's message to the Conference which pledged to "re-dedicate the United States to the support of the Non-Proliferation Treaty and to the high purpose of a stable peace which animates it."

That re-dedication, however, requires much more than exhortation to other governments to heed the perils of proliferation. It also requires more than a recitation of "arms control" agreements which have actually authorized extremely dangerous vertical proliferation on the part of the "superpowers."

The provisions of the NPT which severely discriminate against non-nuclear weapons states can only be justified by the resolute fulfillment of Article VI which requires "negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament."

The plain truth, however, is that the bilateral U.S.-Soviet SALT talks have not, to any meaningful degree, contributed to the fulfillment of Article VI. The nuclear arms race continues. No date has been set for its termination. There is no significant progress towards nuclear disarmament. Since signing the Treaty in 1968, both the U.S. and the USSR have multiplied their deployments of nuclear warheads and have proceeded to develop a stunning array of costly new weapons systems.

We believe that the most vital manifestation of re-dedication to the Non-Proliferation Treaty on the part of the United States (and the Soviet Union) would be the announcement, at this Review Conference, of a firm commitment to three specific measures of "good faith," as set forth below.

THREE MEASURES OF GOOD FAITH IN SUPPORT OF THE NON-PROLIFERATION TREATY

We invite all governments, non-governmental organizations, and world citizens to support these three measures as the most urgent actions which may now be taken to make the Non-Proliferation Treaty a more balanced and secure instrument of peace. (These measures generally correspond to the first three proposals contained in the declaration by more than thirty international non-governmental organizations, titled "Recommendations to Governments Concerning the Treaty on the Non-Proliferation of Nuclear Weapons.")

1. Comprehensive Test Ban. The NPT's own Preamble recalled "the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 . . . to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time." Yet there have been more nuclear weapon tests since 1963 than there were before the Partial Test Ban. Most knowledgeable observers believe the superpowers could accept such a ban without any real threat to their security. The United Nations General Assembly has repeatedly and unequivocably asked them to do so. It is time to bring two decades of struggle over the test ban issue to a swift conclusion. Failure to do so will gravely weaken the political and moral constraints against nuclear testing by other countries, especially those on the threshold of nuclear weapons capabilities.

The U.S. should seek an agreement with the USSR to announce, at this Review Conference, a joint commitment to sign a comprehensive test ban treaty in the immediate future. If such an agreement is not forthcoming at this Conference, the U.S. should announce its own moratorium on nuclear weapons testing for a definite and substantial period.

2. Reduction of Nuclear Arsenals. The inequities involved in permitting the superpowers to multiply warheads, increase the destructive power of their missiles, and develop new generations of offensive weapons—while prohibiting non-nuclear-weapon states from developing any nuclear weapons—will not be tolerated much longer by some of the latter states. This is more than a moral double standard: vertical proliferation is almost sure to follow. The SALT and Vladivostok agreements have not only failed to halt this vertical proliferation: they have legitimized it for a period of many years.

The U.S. (preferably in a joint pledge with the USSR) should propose at this Review Conference a schedule for a significant reduction of strategic nuclear weapons at an early and specified date.

3. Pledge to Non-Nuclear-Weapon States. The nuclear weapon states have a solemn obligation to ensure the freedom from nuclear war of those states which have agreed to forego the acquisition of nuclear weapons. The inadequate "assurances" contained in U.N. Security Council Resolution 255 (June 1968) must be reinforced by an unequivocal pledge not to use, or threaten to use, nuclear weapons against non-nuclear-weapons parties to the NPT. The United States has already undertaken such a commitment regionally under the Treaty of Tlatelolco establishing a nuclear free zone in Latin America. More positively, parties to the NPT should devote further study to the whole problem of maintaining international peace and security through the United Nations.

The U.S. (preferably in a joint statement with the USSR) should pledge, at this Review Conference, never to use, or threaten to use, nuclear weapons against non-nuclear-weapon states which are parties to the NPT.

We do not claim that these three "good faith measures" will suffice to establish a secure international regime against nuclear weapons spread. We do believe, however, that they will help to lay a more solid and equitable foundation for the adoption of such other measures as nuclear free zones, the restriction of technical nuclear aid to countries accepting IAEA safeguards, strict standards of physical security to prevent theft, and a moratorium on "peaceful nuclear explosions" pending more comprehensive study.

These three measures are advanced, not in a spirit of condemnation, but in the hope that this Review Conference may achieve truly constructive results. In the nuclear age, all nations must win together, or they shall all lose together.

Signatures for "An Unofficial U.S. Policy on Nuclear Proliferation" (Affiliations for identification purposes only):

Alan Geyer, Dag Hammarskjöld Professor of Peace Studies, Colgate University; Consortium on Peace Research, Education, and Development.

Homer A. Jack, Secretary-General, World Conference on Religion and Peace; Chairman, NGO Committee on Disarmament (at Headquarters).

René Wadlow, Director of Studies, Institute of Development Studies (Geneva); World Association of World Federalists.

Daniel Cheever, Professor, Graduate School of Public and International Affairs, University of Pittsburgh; International Studies Association.

Milton G. Johnson, International Association for Religious Freedom.

NORTH CAROLINA GENERAL ASSEMBLY COMMENDS ARMED FORCES, CALLS FOR STRONG NATIONAL DEFENSE

Mr. HELMS. Mr. President, I have received a copy of a document that has made me extremely proud of my home State and the North Carolina General Assembly. It is a joint resolution, approved unanimously on May 13, 1975, which commends the Armed Forces of the United States and urges Congress to preserve the defenses of this Nation.

Nowadays, there are those who seem to be falling over themselves to reduce the United States to a second-rate military power. It restores one's confidence in the good sense of the American people when they make their feelings known in this way. They know that a nation must be prepared to defend herself against aggression at any time. They also know that half measures will not do—a wise nation is stronger than her enemies. They know, too, that the leaders of a nation have a moral obligation to see that that nation is not lulled by paper treaties which guarantee no security unless backed up with military strength.

Mr. President, I ask unanimous consent that the aforementioned resolution, and a letter from the Honorable W. G. Smith which accompanied it, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RALEIGH, N.C.,
May 23, 1975.

Hon. JESSE A. HELMS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HELMS: I believe the enclosed Resolution fairly reflects the overwhelming opinion of the people of North Carolina. I drew the Resolution with the very vivid recollection of the sacrifices made by some of my own companions in World War II, and a very sincere appreciation of the sacrifices made by the men and women of the United States Armed Forces over the past 200 years. Every member of the North Carolina Senate enthusiastically supported it where it was passed unanimously and it received the same treatment in the North Carolina House.

I think it is especially appropriate now when it seems that each time it is necessary to reduce the budget the Defense Department is the first to feel the sword.

With best wishes, I am,

Cordially yours,

W. G. SMITH.

STATE OF NORTH CAROLINA, DEPARTMENT OF STATE

I, Thad Eure, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached three (3) pages to be a true copy of Resolution 58, 1975 Sessions Laws entitled "A joint resolution commending the Armed Forces and urging Congress to preserve the defenses of this Nation," ratified on the 13th day of May, 1975, by the General Assembly of North Carolina, the original of which is now on file and a matter of record in this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office in Raleigh, this the 23rd day of May, 1975.

THAD EURE,
Secretary of State.

SENATE JOINT RESOLUTION 596

A joint resolution commending the Armed Forces and urging Congress to preserve the defenses of this Nation

Whereas, this State and nation is now in its 200th year of freedom; and

Whereas, that freedom was secured and has since been maintained by the sacrifices of the men and women of the armed forces of this nation, both professional and civilian; and

Whereas, the potential cost of maintenance of freedom is and always will be the lives and fortunes of every citizen of this nation; and

Whereas, it is absolutely essential to the survival of these freedoms which Americans traditionally hold most dear, including but not limited to freedom of religion, freedom of speech, freedom of the press, freedom from any restraints on our liberties without due process of law, and the freedom to criticize government and dissent from the majority, and that survival depends upon the safety of this nation from governments and ideologies which would destroy us in the pursuit of their own destinies; and

Whereas, there has been a discernable trend in the Congress of the United States and in certain segments of the public to detract from the armed forces of this nation, not only the financial support which those forces must have to adequately protect this nation and insure its survival, but also from the respect and admiration which this nation has traditionally had for its armed forces; and

Whereas, such detraction is inimical to the best interests of this nation and should be deplored by every American citizen;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina recognizes that while we continue our efforts to secure economic and social justice for all our people we must realize that such justice cannot be obtained unless we remain free, and that freedom can only be guaranteed for the foreseeable future by an armed force second to none.

Sec. 2. That the appreciation of the people of North Carolina is hereby expressed to the men and women of the armed forces, living and dead, who have devoted their lives and fortunes to the maintenance of those freedoms which all of us now enjoy.

Sec. 3. That the Congress of the United States is hereby urged to take care that the defenses of this nation remain adequate for the preservation of this nation and its ideals.

Sec. 4. That this resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of May 1975.

THE OUTLOOK

Mr. HARRY F. BYRD, JR. Mr. President, the burgeoning growth of big government is a threat to the economic and political health of the United States.

One of the best statements of the dangers inherent in the rapid growth of Government spending and centralization of Government power came in an address delivered to a meeting of the Gas Appliance Manufacturers' Association by G. Warren Nutter, professor of economics and director of the Thomas Jefferson Center for Political Economy at the University of Virginia.

Professor Nutter cites an alarming trend when he says:

> Since the early Sixties, a new trend has established itself: regardless of what happens to the defense effort, domestic spending by government steadily rises faster than the national income.

This is a trend which cannot continue indefinitely. Professor Nutter explains the economic, social, and political consequences we face if we try to keep moving in that dangerous direction.

I ask unanimous consent that the text of Professor Nutter's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE OUTLOOK

(By G. Warren Nutter)

I have been asked to reveal the future to you, to speak on the economic outlook. Since what is to come issues from what has been, I will begin with a review of the recent past. For this purpose, nothing is more descriptive than my favorite letter, written by a workman in the Bahamas. It runs as follows:

Respected Sir:

When I got to the building, I found that the hurricane had knocked some bricks off the top. So I rigged up a beam with a pulley at the top of the building and hoisted up a couple of barrels full of bricks. When I had fixed the building, there was a lot of bricks left over.

I hoisted the barrel back up again and secured the line at the bottom, and then went up and filled the barrel with extra bricks. Then I went to the bottom and cast off the line.

Unfortunately the barrel of bricks was heavier than I was and before I knew what was happening the barrel started down, jerking me off the ground. I decided to hang on and halfway up I met the barrel coming down and received a severe blow on the shoulder.

I then continued to the top, banging my head against the beam and getting my finger jammed in the pulley. When the barrel hit the ground it bursted its bottom, allowing all the bricks to spill out.

I was heavier than the empty barrel and so started down again at high speed. Halfway down, I met the barrel coming up and received severe injuries to my shins. When I hit the ground, I landed on the bricks getting several painful cuts from the sharp edges.

At this point I must have lost my presence of mind, because I let go of the line. The barrel then came down giving me another heavy blow on the head and putting me in the hospital.

So much for the recent past. What about the future? Well, the way things are going, I'd say we can expect more of the same for a while and then something much worse.

But that is hardly what you have assembled to hear. You want to know, as I would if I were in your shoes, when and how fast the economy is going to turn up, and what the timetable of events will be as far as production, employment, and inflation are concerned. I could easily give you such a forecast, and it would be worth about as much as any one of the hundreds already available to choose among—which is to say, not much. The problem is not to find a forecast but to find a correct one.

Identifying the true prophet has been a problem since the days of Cassandra, and it is made worse in the case of economic soothsayers by the fact that anybody who really could divine the future course of events would almost certainly be busy amassing a fortune beyond imagination rather than issuing forecasts that others might profit from. In other words, if I really knew what is going to happen and when, I would not be wasting my time telling you, despite my most generous disposition.

If you get the impression that I have little faith in economic sooth-saying, you have been listening. In my opinion, economic forecasts have not improved noticeably in my lifetime, at least not in any way that eases the problems of the businessman or government official. But I don't want to be misunderstood as condemning efforts to look ahead, or as saying that no forecasts of any kind are useful. What is important about a forecast is its degree of certainty, and the only way to make one more certain is to make it less and less specific. And so it is possible to find broad generalizations about trends that can be believed with some confidence. One such generalization is that the current recession will bottom out within the next few months. Another is that inflation will begin accelerating again toward double-digit rates within the next year.

But you have surely heard, and will continue to hear, more of this sort of thing than you can make use of. So I want to talk about something else, about the deeper forces at work shaping the future of our society and economy.

We hear much today about failures of our economy, but there is nothing wrong with our economy. On the contrary, it is easily the strongest, healthiest, wealthiest, most responsive economy on this planet. It is amazingly so given the political handicaps which are being piled upon it and which are gradually dragging it down. The economic pains now being experienced are symptoms of an affliction much more grave: a political, moral, and social sickness that threatens to undermine our system of government and demoralize our society. It is an affliction not our alone, but one unfortunately spread throughout the Western civilization.

These are, I recognize, stern words not to be uttered lightly. But these are ominous times requiring stern speech, whether it helps or not. It would take many hours to describe what I mean by the disintegration of Western society that I see as underway, and more hours to diagnose its causes. In my few minutes, I must be satisfied with focusing attention on one important part of the degenerative process.

I will talk about big government, how it grew and what it has wrought.

Let me start the story four and a half decades ago, when a momentous turning point occurred in our political and social history. We stood at the pinnacle of prosperity then, at the conclusion of the halcyon twenties. In fact seeming golden age of free enterprise, who would have predicted the cataclysm of the thirties and the social revolution that erupted in that brief span of time?

Those who did not live through the Great Depression may find it hard to imagine that the events of a decade could work such profound and lasting change in social attitudes developed over centuries. Those of us who experienced those years don't have the same difficulty. Perhaps because it was not yet my good fortune to live in Charlottesville, the view from where I stood was not so idyllic as it seems to have been from Walton's Mountain. What I recall most vividly is the sense of shock and despair that colored social thought. The hardship of the moment was bad enough, but even worse was fear of what the uncertain future would bring.

Confidence was hardly inspired by looking elsewhere. Bad times were spread throughout the world, and societies most akin to ours were coping badly. There was Britain, for example, stuck in the rut of unemployment through the twenties as well as the thirties. Other nations of Europe had scarcely escaped inflation and even hyperinflation before being plunged into depression. The strains had proven too strong in Italy, and democracy had crumbled. A decade later, a more gruesome course was to be followed by Germany. Meanwhile, the Soviet Union was building the very model of the totalitarian state, that most modern of political inventions. A variety of isms sprang into being, and it began to look as if one or another might be the wave of the future.

In a word, things were a mess, and we sought a way out by creating a welfare state at record speed. The size of government, measured by its power to command the nation's resources, doubled virtually overnight in the reckoning of history. That is, the fraction of national income accounted for by government spending at all levels—federal, state, and local—rose from 12 per cent in 1929 to 24 per cent in 1939, when the real national product had roughly recovered to its 1929 level. If spending is divided into two parts, defense and all other (which I shall call "domestic"), the fraction of national income attributable to each doubled, although defense spending still amounted to less than 2 per cent of national income in 1939. We did not sense any grave threat to national security.

During the next decade, the size of government moved up and down with the demands of war, demobilization, and subsequent threats to national security. At its peak in 1944, government spending had risen to 56 per cent of national income; at its low point in 1947, it had fallen to 21 per cent. While defense spending was rising relative to national income, domestic spending was falling, and vice versa. In 1944, for example, domestic spending accounted for only 8 per cent of national income as compared with 11 per cent in 1929. Between 1929 and 1949, the fraction of national income attributable to total government spending rose by 3 percentage points, but the net rise encompassed a decline of 1.4 percentage points for domestic spending. In other words, the growth of government was more than accounted for by expansion of the defense effort.

Over the fifties, the ups and downs of defense once again set the trend. Until 1958, domestic spending by government represented a smaller share of national income than in 1949.

To recapitulate, government doubled in relative size over the first decade after 1929 and grew by another third over the next two decades. But all the latter growth and then some came from the expanded defense effort. Domestic spending by government actually constituted a slightly smaller percentage of national income in 1959 than in 1939. The initial shock of the social revolution had been rather quickly absorbed, and a new state of equilibrium then seemed to prevail.

But not for long. Since the early sixties, a new trend has established itself: regardless of what happens to the defense effort, domestic spending by government steadily rises faster than national income. And the pace has accelerated: from 1962 through 1968, the percentage of national income represented by domestic spending of government rose from 24 to 27, or by 14 per cent; from 1968 through 1974, it rose from 27 to 34, or by 24 per cent. Despite the Vietnam War, despite introduction of the all-volunteer armed forces, and despite mounting problems of national security, the fraction of national income spent for defense has never again reached its level of 1959, when it was 11.5 per cent. Today, the fraction is below 7 per cent, or lower than in any year since 1950.

So, how big is government today? Well, government spending amounts to more than 40 per cent of national income. If the prevailing trend continues, it will pass 50 per cent by the early 1980's. Transfer payments alone—the personal income taken from one set of pockets and put in another—amount today to 10 per cent of national income, or almost as much as total government spending amounted to in 1929. If those transfer payments were paid only to our 10 million poor families and individuals, each would receive some $14,000 a year. More than four-fifths of government spending is for domestic purposes and less than a fifth for defense. Over the last four and a half decades, the fraction of national income attributable to domestic spending has more than tripled. A third of that expansion has come in the last fifteen years.

These figures symbolize, or course, the growth of the welfare state, a growth that has been even more pronounced in other democracies like Great Britain, France, West Germany, Italy, the Scandanavian countries, and so on and on. While the governments of all democracies have grown bigger and bigger, they have come to rest on a more and more precarious base of power.

I therefore submit the following proposition: the bigger a democratic government becomes, the weaker it tends to be. As proof, I offer the current state of affairs in democracies through the world.

Look at the parliamentary governments. In case after case, the lending party is managing to stay in power by the skin of its teeth. If it has a majority of seats, it is a slim one, often based on a minority of the popular vote. Governments frequently must be built through formal or informal coalitions that permit factions or splinter parties to wield power far in excess of their popular vote. Governments rise and fall in close elections in which a small swing vote makes the difference. Thus the British Labor Party is said to have scored a big victory in the most recent election because it acquired a paperthin majority in the new parliament. In the old one, it held only the laregst minority of seats. But it won its majority of seats by capturing less than 40 per cent of the popular vote. In Germany, the tiny Free Democratic Party holds the balance of power in an uneasy coalition, whose major partner—the Social Democratic Party—gets fewer votes than the opposition. In Italy, it seems proper to say that there is no government at all, only a succession of caretakers. And so on and on.

The presidential democracies have their close elections, too. Witness France last year and our own country in 1960 and 1968. We had our landslides in the presidential elections of 1964 and 1972, and in the congressional election last year. But they have not exactly conveyed lasting power to the winners, and hence are symptoms of the same basic instability. In both 1964 and 1972, the overriding issue was ideological, as one candidate in each case called for radical change in the role of the welfare state. The electorate convincing rejected the bid for drastic curtailment in the one case and drastic expansion in the other. And the cloud of Watergate hung over the recent congressional election. Our landslides have been against, not for, something.

If weak government is so widespread among democracies, one naturally suspects that there is a common reason. I would argue that one important cause has been the who-whom dilemma raised by big government. Who is to benefit at the expense of whom? Who is to receive what from whom? The answer is fairly simple when the welfare state is small enough. If, say, a quarter or less of national income is flowing through the hands of government, it may seem plausible to a large majority that needed taxes can be collected from the remaining minority. Politicians can credibly campaign on the platform of "soaking the rich." But not when the tax take rises to thirty, forty, or fifty per cent of national income. Voters promised growing benefits from the welfare state must begin wondering whether they will receive more than will be taken from them. A politician who puts together a successful coalition of the electorate by promising everybody pie in the sky and accordingly gets elected by a handsome majority is bound to lose support when the bill comes due. Even with the most skillful use of hidden taxes, he will find it increasingly difficult to persuade the public that mutual exploitation is beneficial to all. The margin of voters who have more taken from them than they receive must grow with the welfare state. Eventually, the margin must rise to half the electorate. The natural result will be for elections to become close and for minorities to coalesce into powerful third forces.

There are, after all, only two conditions under which a welfare state can achieve a natural equilibrium: either the majority must be benefiting at the expense of a minority, or vice versa—a minority must be benefiting at the expense of the majority. When the welfare state grows past a certain size, it simply becomes impossible for government to take away from any minority what is required to provide net benefits to more than half the public. The equilibrium, in which the majority benefits at the expense of a minority, therefore gets ruled out by the facts of life when government becomes too big. And the other alternative—in which a minority exploits the majority—is ruled out by the nature of democracy. That leaves only an unstable borderline situation in which half the electorate tries to gain at the expense of the other half, a circumstance that so weakens and demoralizes government as to imperil democracy. No elected authorities can govern firmly and effectively if they must constantly look over their shoulders to see whether they still have a majority of voters behind them. Margins of victory at the polls become so small and fleeting that politicians, struggling to survive reelection, curry favor from all manner of factions and special interest thought to be of marginal help in scoring an election. The demogogue has his day.

It is this weakening of democratic government taken together with the underlying who-whom dilemma that largely explains, I believe, why inflation has erupted virtually everywhere in the democratic world. Governments are driven to spend without visibly taxing. Inflation becomes the easiest way out, and it acquires a momentum of its own. Once started, it cannot be stopped without endangering the holy of holies: full employment. The insecurities of unemployment are in part replaced and in part supplemented by those of inflation. Mixing inflation and unemployment means in effect that neither can be controlled without straining democratic institutions.

Far be it from me to be a prophet of doom, but I do believe that, unless a way is quickly found out of this vicious circle, we may face a social crisis more serious than the thirties. A democratic public will endure many hardships, but it cannot live with the prospect of perpetual insecurity. If the sense of insecurity is not removed by democratic means, the public will seek another political solution. A few years might well mark another momentous turning point in social history.

The American republic is to me the greatest wonder of all time, a system of representative government and personal freedom that has flourished for two hundred years despite the disastrous failure of every democracy in recorded history up to the founding of our republic. Our founders knew that history and had no good words to say for democracy in its classic form. They constantly stressed that they were creating a republic based on representative government, not a democracy. They constructed a system of government based on separated powers, checks and balances, and a citizenry hopefully steeped in republican virtues. Their object was to thwart the majoritarian tyranny that they associated with democracy. Their sentiments were in accord with those expressed by the following words in an earlier time:

"And thus the frame of the democracy was dissolved; and gave place to the rule of violence and force. For when once the people are accustomed to be fed without any cost or labour, and to derive all the means of their subsistence from the wealth of other citizens; if at this time some bold and enterprising leader should arise, whose poverty has shut him out from all the honours of the state, then commences the government of the multitude; who run together in tumultuous assemblies, and are hurried into every kind of violence; assassinations, banishments, and divisions of lands; till, being reduced at last to a state of savage anarchy, they once more find a master and a monarch, and submit themselves to arbitrary sway."*

So wrote Polybius, Greek historian of the second century B.C. Do his words describe what lies before us?

I once had the experience of being in an honest-to-goodness train wreck. It happened on a January morning in 1953, when the Federal Limited plowed through the Station Master's office into the anteroom of the Washington Union Station and crashed through the floor on top of the newstand. I remember watching a report of the wreck on the television news that evening, sitting at home in the comfort of a drink. A commentator was questioning eyewitnesses, coming eventually to a red cap. "Were you worried at all," he asked the red cap, "about what would have happened if the Federal Limited hadn't crashed through the floor out here? Did it occur to you that the train might otherwise have broken through the columns holding up the ceiling, torn through the crowd in the waiting room, and run out into the street?"

The red cap scratched his head a moment and said: "Well, I don't know. But now that you mention it, it sure enough was headed in that direction."

Well, I don't know whether there will be a wreck. I hope and trust not. But the inflation express is sure enough headed in that direction. That is the outlook, political and economic. Only if we have the good sense to face up to that fact can we hope to avoid the wreck.

TAX BREAKS SAVE AFFLUENT $7.3 BILLION

Mr. HATFIELD. Mr. President, last week Senator Mondale announced the results of a study of the income distribution of tax expenditures, prepared by his staff, with data furnished by the Department of the Treasury. The conclusions of the study are very forceful reminders of the need for tax reform.

The analysis of tax expenditures released in connection with the fiscal year 1976 budget is very revealing and Senator Mondale has provided a helpful service in showing how these tax breaks affect various income categories. Some people defend certain tax deductions on their own merits, forgetting the inequities which result from the unevenness of benefits. As Senator Mondale has shown, only a very small percentage of taxpayers receive the full benefit of the tax expenditures.

In February I introduced S. 802, which is one solution to this problem. It would eliminate virtually all of the provisions of the law which produce $58 million in tax expenditures. The response to this reform and simplification proposal has been very gratifying. People are ready for a hard look at our tax laws.

I ask unanimous consent that a report in the Washington Post of May 27, 1975, regarding the Mondale study be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tax Breaks Save Affluent $7.3 Billion

(By Peter Milius)

Preferential provisions in U.S. tax laws saved the 160,000 richest taxpayers in America an average of $45,662 each last fiscal year—a total of $7.3 billion—according to a study made public yesterday by Sen. Walter F. Mondale (D-Minn.).

The 160,000 were those persons with gross incomes of $100,000 and over for the fiscal year ended last June 30.

The study, done for Mondale by the Treasury Department, compared what they paid with what they would have paid had there been no special, tax-reducing provisions in the law.

Part of the taxes they were spared were attributable to sections of the revenue code that benefit average citizens as well—the right to deduct state and local tax and mortgage interest payments, for example, or charitable contributions from taxable income.

But Mondale noted that, the way the tax laws work, the rich benefit disproportionately from even these provisions: a $100 deduction is worth $70 to someone in the highest tax bracket (70 per cent), only $14 to someone in the lowest (14 per cent).

In addition, he said, there are still other provisions that benefit the rich almost exclusively.

Half the taxes that people in the $100,000-and-over category were spared in fiscal 1974 came from two so-called exclusions in the revenue code, one for capital gains, the other for interest income on state and local government bonds.

Capital gains are profits on the sale of stock or other forms of property owned for

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*Polybius, *General History*, trans: James Hampton, Oxford, 1923, II, pp. 128 f.

more than six months. If you make such a profit, the law says you only have to pay taxes on half of it; the tax rate on capital gains is thus half the rate on ordinary income.

The Treasury Department would have collected $6.2 billion more in individual income taxes last fiscal year had it not been for this provision. About $3.1 billion of that would have come from people in the $100,000-and-over bracket.

Interest earned on state and municipal bonds is not taxed. Had it been, Treasury would have collected $1.1 billion more last year, $546 million of it from the $100,000-and-over category.

Mondale, a member of both the Senate Finance and Senate Budget committees, proposed no specific changes in the tax laws yesterday. The House Ways and Means Committee is scheduled to take up the subject of tax reform this summer.

But the senator asked whether it "makes sense" to go on with "a system which provides the highest benefits to those with the highest incomes."

According to the Treasury study, total individual income tax collections last fiscal year would have been $58.2 billion higher and there been no preferential provisions of any kind in the revenue code.

Almost a fourth of this money would have come from people with incomes of $50,000 and over—1.2 per cent of all taxpayers. Only about a sixth of it would have come from those with incomes of $10,000 or less—46.9 per cent of all taxpayers.

The preferential provisions did more for the rich than the poor.

The deduction allowed for state and local tax payments, other than property and gasoline taxes, was the government's greatest single loss of revenue. It cost the Treasury $7 billion last fiscal year. The gasoline tax deduction cost it $865 million, the property tax deduction $4.1 billion, the deduction for mortgage interest payments, $4.9 billion. Charitable deductions came to $3.8 billion, Social Security payments (because they are exempt from the federal income tax), $3.2 billion.

THE FUTURE OF AMERICAN FOREIGN POLICY

Mr. STEVENSON. Mr. President, the distinguished senior Senator from Maine (Mr. Muskie) brought our debate on foreign policy to the people of Illinois in a significant speech to the Chicago Council on Foreign Relations, yesterday.

Senator Muskie thoughtfully analyzes the era of cold war policies and the realities of détente and concludes:

> Historians may later refer to the present era as the balkanization of world politics. And in such a world, peace and progress will require patience, flexible diplomacy, and truly brilliant statecraft.

Instead of seeing a weakened America, Senator Muskie reminds us that America's changing role in the world comes largely from changed circumstances that we helped create—an emergence of strong nation-states among our allies and in the third world. This development has been a basic objective of U.S. foreign policy since World War II—a world not dominated by the United States or any other power; a world in which democracy is secured through collective action.

We strove to make the world more interdependent, and we succeeded. In such a world, bilateral maneuverings and unilateral saber rattling can undermine this historic objective. We must instead, as Senator Muskie urges, continue to build the institutions of collective leadership for a leaderless world. As he rightly sums up:

> We cannot achieve our objective in the world through military might alone and we cannot do so even through our enormous economic power. Instead, we must pursue our objectives through a combination of diplomatic skill and international political leadership—a leadership position which is enhanced not primarily by the credibility of our military commitments but by the credibility of the political values for which we stand.

Mr. President, I commend to the attention of all my colleagues this most important address, and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Future American Foreign Policy

(By Senator Edmund S. Muskie)

There is a widely shared view, both here and abroad, that American foreign policy today is at an historical crossroads. Will the United States continue to be an active leader in world affairs? Do the Congress and the people have the will to sustain fundamental American commitments abroad? Is there a fading of America?

There is no doubt that the United States has been going through a difficult period in world affairs. We have had some major foreign policy failures. There has been disagreement on some basic issues between the Executive and Legislative branches. There has been a national political scandal of unprecedented proportions. We are going through our most serious economic difficulties since the 1930's.

All this has given rise to a good deal of apocalyptic rhetoric about America in decline and a loss of national nerve. I think it is time for everyone to calm down and begin instead a rational, dispassionate national debate about the world we live in and our purposes in it.

Such a debate would, I think, serve two constructive purposes: First, it would reveal a deeper sense of unity on fundamental foreign policy issues than many people recognize. Hedley Donovan of *Time* has observed that the "bedrock purpose of our foreign policy is, in the end, to preserve the independence, freedom and prosperity of the U.S." He adds that "we also expect our foreign policy to enable us to feel good about being Americans, to feel good and be good."

Secretary Kissinger recently put it another way: "The fundamental goal of our foreign policy [is] to preserve peace and achieve progress—economically, humanly, and politically—in the world."

I do not believe many Americans would disagree with either formulation. Americans differ on the means to achieve these objectives but not on the objectives themselves. This underlying unity—as well as the differences—were documented in the opinion survey commissioned by The Chicago Council on Foreign Relations last December, which was a most useful contribution to public understanding of the mood of the American people.

A serious national debate about the world we live in and our purposes in it would serve, I believe, a second constructive purpose: It would show that we live in a very different world today from the one our foreign policy since World War II has prepared us to deal with. I would like to speak about some of those changes today and to suggest what they might mean for the future of American foreign policy.

I

The international system which emerged in 1945 and lasted into the 1960's was characterized principally by a bipolar balance of power between two great coalitions of nations—locked in a hostile adversary relationship aptly described as "cold war." The stability of this system was based largely on the existence of two superpowers whose preeminence within their respective spheres was not seriously challenged by their own allies. It was also based increasingly, as time went on, on the nuclear balance of terror, which required that each side exercise caution and restraint in dealing with the other, lest events get out of control and lead to a nuclear conflagration. It was not a comfortable system—indeed, it was quite dangerous—but it did achieve a tenuous stability through mutual paralysis in the fundamental areas of conflict. In the words of one writer, the two superpowers resembled two scorpions in a bottle, holding each other at bay, and neither able to abandon the encounter.

As we all know, this cold war world gave way to a different kind of international system. Some of the members of the opposing coalitions began to chafe under superpower leadership. China split openly with the Soviet Union and shifted into an adversary relationship. France under de Gaulle became a vocal opponent of American hegemony in Europe. Economic and cultural relations between the two blocs deepened, and the siege mentality of both sides began to lessen. Although the military balance remained essentially bipolar in nature, in other respects the bipolar world of the cold war era was transformed into a multipolar world of several significant power centers.

In retrospect, this transformation of the international system seemed inevitable. But for the Soviets and ourselves, the transformation was not easy at the time. Much as we enjoyed observing growing difficulties with China and some of her Eastern European satellites, we were not at all amused by President de Gaulle's antagonism toward our own leadership of the Western alliance. But in the end we had no choice but to accommodate ourselves to the new political realities which were beyond our power to control.

This natural evolution away from the cold war system has also been hastened by the concerted effort of the United States and the Soviet Union to move from confrontation to negotiation over the basic issues which have separated us. The purpose of detente has always been limited. It is not an effort to develop a relationship of great warmth and mutual friendship. It is simply an effort to moderate the most dangerous areas of conflict, and to cooperate as closely as possible in the pursuit of one common and overriding objective: the avoidance of nuclear war.

I believe that detente has been a wise and prudent reaction to the confrontation policies of the cold war. It recognizes that although the two scorpions haven't killed each other thus far, they have been pressing their luck. In the words of Stanley Hoffman of Harvard, Secretary Kissinger has "very cleverly and rightly tried to turn our [Soviet] policy from an adversary relationship to one that is half adversary and half cooperative."

Perhaps the notion of a relationship which is half adversary and half cooperative is too subtle for the critics of detente to comprehend. The more sophisticated critics of detente, on the other hand, do understand the necessity of limited cooperation with the Soviet Union. They voice their criticism only to remind us that we are dealing with a regime which is very different from our own and whose purposes in the world are not friendly to us. They urge the Administration to be tough-minded and not to be beguiled by Russian charm. They want our leaders to keep a close watch on American interests.

I certainly agree with that point of view, and I have no objection to such public reminders. I would only hope that President Ford and Secretary Kissinger do not need them.

So the policy of detente has been a limited exercise—and limited not only in the bilateral Soviet-American relationship. If Kissinger has had any illusion about detente, it is his overly optimistic appraisal of the benefits of his policy for long-term world order—in President Nixon's words, for "a generation of peace." But as Stanley Hoffman has remarked, "Kissinger has approached [detente] with the notion that if he controlled this key relationhip, everything else would fall into place. The problem is that the two superpowers control less and less of world politics. What we are seeing now is the revenge of every other party pursuing its own self-interest. All over the world there is a reassertion of the smaller powers."

The world in which we find ourselves today has gone beyond the multipolar stage. It is in the process of becoming completely decentralized. Historians may later refer to the present era as the balkanization of world politics. And in such a world, peace and progress will require patience, flexible diplomacy, and true statecraft. What can the United States do in such a world? What is our role?

II

The most important thing to see as we look at today's world is simply this: We are no longer in charge. After World War II we emerged as the world's predominant power. Our predominance was undermined by postwar Communist successes and by the development of a nuclear capability in the Soviet Union. It was further whittled away as our own allies began to pursue more independent policies. And more recently, our image of ourselves as a superpower has been dealt a body-blow by the apparent ability of smaller states—indlividually or collectively, as in the United Nations—to trample on our interests with impunity. The United States is certainly not a pitiful, helpless giant. But many Americans, including some of our leaders who should know better, seem to think that that is what we have become. Our first priority must be to overcome this mood of defeatism, and to look at our situation positively and realistically.

It is not easy for anyone—individual or nation—to suffer a relative loss of stature and influence in the community. The United States is no exception. But it is helpful to remember that the erosion of our influence in the world results largely from the development of stronger and more viable nation-states among our allies and in the third world. And just such a development has been a basic objective of U.S. foreign policy since World War II.

Harlan Cleveland has recently pointed out that our present condition results from our achievements, and he has reminded us that we decided long ago we didn't want to be in charge of the world—and we didn't want anyone else to be either. We offered our atomic monopoly to the U.N. in the Baruch Plan. We helped Western Europe recover its health and confidence. We established the principle of development assistance for the underdeveloped countries. We educated thousands of young people all over the world. We pushed for independence for many colonies, thereby creating a new majority in the United Nations. Our objectives were right, and our achievements are impressive. So let us not now sulk about the results. They were foreseeable.

The emergence of this new world, however, does create real problems for American foreign policy. Although we are no longer in charge, we are still the most powerful. We have global interests of our own and we have a major stake—perhaps the major responsibility—in preserving the peace. We must continue to pursue objectives which we have pursued in the past, but with much reduced leverage. The rules of the game have changed.

The traditional tools of diplomacy have become useless in many situations. The preservation of a military balance of power, for example, is still a necessary condition of our security—but it is far from sufficient. If the Soviets were to gain a clear-cut military advantage over us, we would have cause to worry. But even if the opposite were true, we would still have serious problems. For the threats to American influence in the world today are no longer concentrated in the Communist world, nor are they military in nature. The new threats are those over which we have little control, which are affected by domestic trends in various countries, and which originate with personalities and regimes which come to power and are hostile to us.

We really have no effective or direct way to deal with this problem. Direct intervention is almost always counterproductive, and covert activities by the CIA designed to influence and control the domestic politics of foreign countries have probably cost us far more than we have gained, while undermining our nation's credibility in the world far more than we know. It will simply not do to defend such activities on the theory that the Soviet KGB is doing the same thing, only worse. We are not the Soviet Union. Instead of adopting Soviet methods, we should help other countries identify the threats to their sovereign independence and, if necessary, provide appropriate assistance so that they can deal with such threats themselves.

In short, the United States can no longer expect to "manage" world politics through the traditional techniques of force, foreign aid, covert conspiracies, or grand alliances. Instead, we will require more skillful, flexible diplomacy. We will have to rely more on our brains than our military or economic brawn. And we must simply learn to live with events which are uncontrollable, whatever our diplomatic skill.

III

Some students of international relations have suggested that there is a convergence of domestic policy and foreign policy in the contemporary era. Traditionally, foreign policy and domestic policy were considered quite distinct. A nation's foreign policy was supposed to be based on objective national interests determined, above all, by potential military threats from other countries. Foreign policy was supposed to be forged by rational men who would coolly calculate the nation's interests and choose suitable methods of pursuing those interests. The guiding principle was "reason of state."

This image of the foreign policy process is obviously unsuited to the contemporary world. The real process is messier. Foreign policy today is more likely to be a complex mixture of current public opinion and political styles, along with realistic calculations of the national interest. A nation's external acts may often be based as much on internal requirements as on external interests. In the advanced countries, foreign policy is also deeply affected by the complex interaction of large bureaucracies.

This being true, our foreign policy leaders today must be men and women of considerable experience and vision. They must be skillful negotiators; they must be sophisticated about the use and limitations of military force; they must understand the international economic system; and they must be masters of bureaucratic politics.

But in addition to these qualities, I would argue that our diplomats should also be "political" people—that they be able to recognize and deal with the interaction between domestic and foreign policy, and that they help us to forge a foreign policy for ourselves, in style and substance, which takes account of the domestic political realities of the various countries with which we must deal.

Such a "political" awareness within our foreign policy establishment should begin at home. Secretary Kissinger has acknowledged that domestic support is the litmus test of any successful foreign policy. And yet there is an odd resentment of the American public and of the Congress, as though public opinion were just another troublesome factor in a confused and chaotic world to be managed and controlled as part of the diplomatic process.

"Modern democracies," Kissinger said recently, "are besieged by social, economic and political challenges that cut across national boundaries and lie at the margin of governments' ability to control. . . . Instant communications force the pace of events and of expectations. . . . A premium is placed on simplification—an invitation to demagogues."

"All of this," he continues, "has compounded the complex problem of Executive-Legislative relations. . . . Executive authority is challenged by legislators who themselves find it difficult to affect policy except piecemeal or negatively. Issues become so technical that Legislative oversight becomes increasingly difficult—just as the issues become increasingly vital. The very essence of problem-solving on domestic issues—accommodation of special interests—robs foreign policy of consistency and focus when applied to our dealings with other nations."

Secretary Kissinger has preferred a personal diplomatic style involving secrecy, surprise, and unpredictability as a means of keeping our adversaries off guard. To pursue such a policy, he has sought maximum independence from the Congress and maximum freedom from legislative constraints. And yet, in my view, this very style has done more to weaken us in the world than any Congressional action. It has deprived our foreign policy of the consistent continuous, moral and universal elements which have been the basis of American influence in the world for many years.

Moreover, as I have already argued, there are greater similarities between domestic and foreign policy than Secretary Kissinger would admit. He dismisses domestic policy as being essentially the accommodation of special interests. But what is foreign policy, if not the accommodation of special interests in the international sphere? Our diplomatic leaders would do well to pay more attention to domestic politics. They might learn some useful techniques—and, in the process, they should come closer to achieving long-term consistency and focus in our foreign policy than Secretary Kissinger's grand conceptual frameworks have been able to give it.

IV

I began my remarks today by asking whether there has been a fading of America in the world. I have argued that our capacity to manage and control world politics has lessened as the result of a natural and even desirable historical evolution since World War II. But the image of a "fading" America is, in my view, so much scare talk. We have been through some difficult times. But as James Reston of the *New York Times* said in a recent column, it is a mistake to see the future in terms of the gloomy present.

Take, for example, the case of the Soviet Union. The Soviet Union failed to achieve its political goals in Europe after World War II, despite the fact that Europe lay prostrate at her feet. The Soviets forged a dramatic alliance with China, only to see it fall to ruins. It achieved inroads in Cuba, only to be humiliated by President Kennedy in the missile crisis. It supplied the Arab states with military hardware, only to see their military advisers kicked out of Egypt. But where is all the talk about the "fading" of the Soviet Union?

I do not mean to downplay the real problems we face in the world. But let us maintain a proper perspective. The end of American influence is not at hand. So let us debate intelligently how best that influence should be used.

Now that the Indochina war is behind us, I believe there is a firm basis for national unity on the principal challenges before us. I would summarize those challenges, in Harlan Cleveland's words, as the need to build the institutions of collective leadership in a leaderless world, and to "turn our American ingenuity loose on the humanistic management of interdependence."

Secretary Kissinger recently enumerated the major tasks of our foreign policy, and in keeping with the bipartisan spirit, I would like to emphasize my own strong support. Among those tasks is the need to maintain and strengthen the great democratic alliances, which provide an "anchor of shared values and purposes" as we struggle to deal with the contemporary world. We must also look ahead to a fundamentally reformed international economic system, which recognizes the legitimate needs of the developing world. I believe President Ford and Secretary Kissinger made significant progress in both areas during their stay in Europe last week. We must build upon that progress.

The challenges before the world are immense:

We must maintain an equilibrium in the military balance with the Soviet Union in order to ensure the continued security of ourselves and our alles. But at the same time we must seek to reduce the burden of arms on both sides and lessen the continuing dangers of nuclear war.

We must encourage other countries to forego a nuclear option for themselves, and to exercise restraint in the development of conventional military capabilities.

We must re-write the rules of international trade and investment, and help the poorer countries of the world cope with the problems of overpopulation, lagging economic growth, and famine.

We must, in Kissinger's words, "stand up for what we believe in international forums, including the United Nations, and resist the politics of resentment, of confrontation, and stale ideology."

We must achieve cooperation with other nations in establishing rules to govern the oceans, space, and the global environment, so that we may preserve and enhance for future generations the common heritage of mankind.

We cannot achieve our objectives in the world through military might alone and we cannot do so even through our enormous economic power. Instead we must pursue our objectives through a combination of diplomatic skill and international political leadership—a leadership position which is enhanced not primarily by the credibility of our military commitments but by the credibility of the political values for which we stand. That in turn depends on what we do as a people, and on the standards of international conduct which we establish for ourselves in the world.

Your own distinguished Senator, Adlai Stevenson, said it well in a Senate speech not long ago. "Some nation must lead these and other great causes," he said. "If they are not led by the United States, they may not be led at all. . . . We have now a chance to begin where we left off, recognizing that morality and self-interest can coincide, that our best interests are served by our best principles, and that the peace and security of the world demand . . . the cooperative efforts of free nations joined as equals and led, once again, by America."

SOUTHERN AFRICA: DÉTENTE OR PROLOGUE TO STRUGGLE?

Mr. KENNEDY. Mr. President, I call attention to an article by George Houser of the American Committee on Africa, published in the January 20, 1975, issue of Christianity and Crisis.

Mr. Houser's broad experience in African affairs makes him an exceptional observer of the current changing events in southern Africa. This article, titled—"Southern Africa: Détente or Prologue to Struggle?" articulately explains how important the outcome of the changing events in that region can be for all peoples of the world.

For this reason, I ask unanimous consent to have printed in the RECORD the article prepared by Mr. Houser.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTHERN AFRICA: DÉTENTE OR PROLOGUE TO STRUGGLE?

(By George Houser)

Africa, and particularly southern Africa, featured prominently in the news to an unusual degree during the last eight months of 1974. The April military coup in Portugal paved the way for the Portuguese recognition of Guinea-Bissau's independence. In September a transitional government was instituted in Mozambique under the leadership of FRELIMO, the liberation movement that waged guerrilla warfare against Portuguese domination for ten years. Talks began between the Portuguese and three liberation movements to set up a provincial government in Angola. None of this could have been prophesied as 1974 began.

The attempt, led by African countries, to expel the Republic of South Africa from the United Nations (which was defeated only by the veto in the Security Council of the US, Britain and France) was certainly one of the events that made memorable the 29th session of the United Nations General Assembly. Contrasting with this effort at international censure were the public statements by President Kenneth Kaunda of Zambia and Prime Minister Johannes Vorster of South Africa, which seemed to signal the opening stages of a détent between the white supremacist state and black African countries. Speaking in Capetown in late October, Vorster said that South Africa was an African (rather than European) country and pledged his Government to work for peace, progress and development in the African context. Kaunda responded during the celebration of the tenth anniversary of Zambia's independence: "This is the voice of reason for which Africa and the world have waited for many years."

I have been traveling to Africa for varying periods of time over the past 20 years, most recently last fall. During this visit I was deeply impressed by a mood of rising expectation that prevailed everywhere. This was reflected by officials in such key countries as Zambia and Tanzania, as well as by leaders of all the southern Africa liberation movements. The effect of the changes in former Portuguese Africa has been contagious.

The formation of a FRELIMO-dominated government in Mozambique has particularly inspired the optimistic feeling that change will continue elsewhere. Leaders of the Zimbabwe liberation movements in Rhodesia have begun to see the end of their long struggle against the white minority Government. (Zimbabwe is the name used by African nationalists to refer to what others call Rhodesia.) Though they do not assume that their freedom will simply be handed to them, they feel that Ian Smith cannot hold out indefinitely against their expanding guerrilla activity, the economic pressure that an independent Mozambique could exert by limiting the use of the rail line to Beira on the Indian Ocean, and the growing international diplomatic and economic pressures. The same mood was reflected regarding the independence of Namibia (Southwest Africa).

Meanwhile, the reality of a soon-to-be independent Mozambique and Angola was causing South Africa to display a new and unexpected international image. Statements about "self-determination" in Namibia were reiterated. Prime Minister Vorster and Foreign Minister Muller wished the FRELIMO Government well, hinted at the withdrawal of South African troops from Rhodesia, and suggested that within six months there would be unexpected changes in South Africa's pattern of race relations. Things definitely were moving in southern Africa, and the seeming stalemate of more than a decade was apparently being broken.

This overwhelming mood of expectancy on the continent can only be compared with the early 1960's. Between 1956 and 1960, 21 African countries became independent. In February 1960 Prime Minister Harold Macmillan of Great Britain made his famous "winds of change" speech in Capetown. Many assumed that the change from colonial rule and white-minority domination could not be stopped—not even in South Africa. But it was!

The Portuguese gave no indication of leaving their territories, and the whites of South Africa, Rhodesia and Namibia were obviously resolved to hang on indefinitely. Guerrilla warfare began in earnest in Guinea-Bissau, Angola and Mozambique, and more sporadically in Rhodesia and Namibia. In South Africa the Government simply strengthened the police state apparatus to make effective African opposition virtually impossible.

But the coup in Portugal ended the long period of violent struggle in its colonies. And, no doubt, the change will continue in Rhodesia and Namibia. An independent Zimbabwe and Namibia cannot be too distant. The question is (and the ultimate problem of southern Africa always has been): What will South Africa do? The reality of the new situation has forced South Africa to take a new look at its position. Unless it wishes to fight beyond its own borders in Rhodesia and Namibia, South Africa will be bordered shortly on all landward sides by independent black African states.

THE MYTH OF CHANGE

Vorster has said that South Africa is at the crossroads. Kaunda has stated explicitly: "The time has come for the South African Government to make a choice. . . . The choice is either the road to peace, progress and development or to the escalation of conflict in southern Africa."

One would like to believe that the change triggered in 1974 by Portugal's new policy would extend to South Africa itself. This would seem logical. And yet, I am convinced it is not happening, and it will not happen without a bitter struggle that will be, in part, violent. Those who view South Africa as a radically changing country prepared to adjust readily to the new realities are making serious error. Such an assumption can lead individuals, organizations and governments to adopt policies that will hold back the fundamental changes that must take place.

Gradual and peaceful change can take place only within a country that is essentially stable. Those who assume that South Africa is now changing believe in its long-range stability. The more than 300 American corporations that have invested a billion dollars or so (and their British counterparts who are investing much more) have confidence in South Africa's stability. And U.S. Government policy based on "communication" and "dialogue" assumes its stability.

The argument for stability has several bases: (1) South Africa's wealth—it uses or produces 40 percent of the automobiles of Africa, 50 percent of the electrical power, half of the telephones of the continent, 80 percent of the coal, and 64 percent of the whole Western world's gold; (2) firm political control by the National Party, which has 122 seats out of 171 in Parliament; (3) military strength—military expenditures have been increased to over a billion dollars for the current year. On the surface at least, everything would appear to be safely set for the foreseeable future.

It is well-recognized that the Republic has significant problems based primarily on its racial divisions. Virtually all sections of the American community involved with South Africa are critical of the apartheid (separate development) policy. At least this is their public posture, whatever their private views might be.

However, those who have the greatest economic involvement assume that change will come about, that it will be gradual and orderly, and that greater investment will quicken the pressure for change. They argue that the need for black labor and its influx into urban communities will lead to the erosion of apartheid. They argue that as more skilled positions in industry are opened to black workers the industrial color bar will gradually fade away.

These arguments are frequently bolstered by pointing to recent changes: the beginning of multiracial sports events, the abolition of certain aspects of petty apartheid in some of the major cities (separate park benches, waiting lines, etc.), the abolition of the Masters and Servants Act (thereby permitting servants to leave their employers), the election of seven Progressive Party members to Parliament in the recent elections (there has been only one for many years), the announcement of a noninterference policy toward the FRELIMO Government of Mozambique, the offer of economic aid to black African states, and hints that South Africa will not try to sustain the Ian Smith regime and will opt for new forms of self-determination in Namibia.

It is important to note that those working within the system tend to argue that apartheid can be humanized, that the system itself is not essentially bad, and that changes will make it acceptable. Business interests abroad optimistically argue that the changes taking place presage the erosion of the system itself and that a genuine multiracial society can evolve through the pressures of industrial growth.

But is real change taking place? I would argue that the changes are superficial and cosmetic. They do not take into account the dynamics of injustice inherent in apartheid or the tenacity with which a privileged minority will hang on to its special status. Furthermore, the stability of South Africa is more apparent than real. This statement is based on the historical, political and moral judgment that a minority cannot indefinitely preserve a system based on exploitation and repression of a majority.

The whites, although in control of the country through a police state mechanism, are only 17 percent of the total population. There are about four million whites as over against 16 million Africans, almost one million Asians and approximately two million Coloureds (mixed blood).

The differential in living standards between whites and blacks continues to grow. Blacks' wages have risen in the last few years, but in absolute terms the economic gap is growing. The average white income in urban areas is about $600 a month, and that of the blacks is just over $100. Over half of the blacks live below the $120 estimated as the Poverty Datum line for a family of five.

Apartheid is not being eroded by the growth of the economy and the opening up of new jobs for Africans in the urban communities and in industry. African trade unions are still not permitted in the collective bargaining process. A growing number of strikes have taken place in the last few years, and the Government has taken a somewhat tolerant attitude towards them. However, the alternative might have been industrial chaos.

According to the South African Institute of Race Relations, over two million Africans have been removed forcibly from their locations in the urban areas to African reserves (also called Bantustans or "homelands") since 1962 under various apartheid laws. Since 1968 the wife and family of an African worker (who may be allowed to remain in an urban area to work) can no longer stay and live with the wage earner; they are forced to live separately in the reserves. The Government has extended the migratory labor system and established labor recruiting centers in the reserves to sign up workers for one-year contracts. By 1971 over 50 percent of Africans working in the urban areas were on one-year contracts.

A CHANGE OF TACTICS

The "homelands," moreover, are not economically viable. Most of the men are at work elsewhere, and the women and children are forced to eke out a meager existence from the nation's poorest, least productive lands. About 47 percent of the African population lives there, but only 15 percent of the income of the people in the Transkei and nine percent of the income of the people in Kwazulu (the two largest Bantustans) are earned within these "homelands" themselves.

There are no signs of significant changes in the inequity of this society. Nevertheless, developments such as the forthcoming independence of Mozambique and Angola have indeed shaken the sense of stability of the white South African regime. Vorster has reacted with a change of tactics. Instead of reiterating statements of the past—such as that South Africa could take care of the rest of Africa before breakfast, or that a friend knows what to do when a neighbor's house is on fire—he announced a policy of noninterference in Mozambique. But in explaining his new tactical approach to his own constituents, Vorster said: "I have made no promises of change in domestic policy."

The fear among the white minority is, nevertheless, real and apparent. Rapid increases in defense expenditures are a case in point. Also indicative is the rapidity with which the Government introduced a bill in Parliament with drastic penalties to punish anyone who in any way encouraged or incited another to refuse to give service to the state. This was a response to an action of the South African Council of Churches supporting the right of conscientious objection to military service. The Prime Minister was led to comment:

"I am aware that there are some of these clerics . . . who among themselves are bandying about the idea they should do the sort of thing in South Africa that Martin Luther King did in America. I want to say to them: Cut it out immediately, because the cloth you are wearing will not protect you if you try to do this in South Africa."

The contradiction between domestic and international action was revealed tellingly in Mozambique policy. Internationally, Vorster announced a "correct" policy toward Mozambique. Inside the country, however, things are different. When three organizations—the South African Student Organization, the Black People's Convention and the Black Allied Workers Union—announced they were holding a public rally in support of FRELIMO, the Government acted promptly. It banned the rally, arrested the leaders (who are now on trial) and raided the offices of the sponsoring groups.

The fundamental policy of apartheid has not changed; it is simply stated more politely, primarily for consumption abroad. Republic spokesmen speak of separate development and the "homelands" policy as being nondiscriminatory. They will justify their system by contending that South Africa is made up of many nations. The difference they say is based not on race but on nationhood. Thus each national (or ethnic) community (there are nine) should have freedom of expression within its own homeland.

However, within the white man's community—which hapens to be the most desirable 87 percent of the country—control legislation exists, backed up by police enforcement, to keep the African majority in the status of "visitors." Thus the pass laws, which restrict Africans' freedom of movement, are as strong as ever. Black trade unions are not yet permitted to operate. And there is no right of African political organization or of blacks being elected to office.

Chief Buthelezi, head of the Zulu "homeland" commented: "I do not feel less of a 'kaffir' [read "nigger"] in 1973 than I did in 1948." And Prime Minister Vorster recently told a student conference: "I have spoken recently to many who have integrationist tendencies. They are people who have already thrown in the towel . . . , do not advocate a course which would lead to a sharing of power over your own people and over other people."

In late November the Committee For Human Rights, a newly established South African group, called for international expressions of solidarity with their plan to hold Human Rights Day rallies on December 8. They seemed to me to understand the real situation in their country. They said:

"The world appears to be easily misled on the whole question of change in South Africa. White election results, the speeches of 'homeland leaders,' black entertainers in white concert halls, 'multinational' sports teams, and even a 'multinational' delegation to the United Nations, all seem to be interpreted as cracks in the edifice of white supremacy.

"But these peripheral concessions are nothing other than the elimination of certain tangible racialistic irritants, the effect of which will be to consolidate the power basis for the perpetuation of white supremacy.

"Those, both internationally and domestically, who believe that significant change is occurring . . . are those whose interests in South Africa are such that they must uphold such changes as a rationalization for their exploitative practices in South Africa."

I am firmly convinced that—with the changes taking place in Africa north of the South African border—the foundation is laid for a bitter struggle ahead. The white minority of South Africa is powerful. They have given no expression of intention to make the fundamental changes required if a true multiracial society is to be constructed. Yet they have no more chance of maintaining their position of special privilege than have Ian Smith and his fellow whites in Rhodesia. Indeed, their relative size and strength make it likely that the struggle will be ultimately all the more intense. South Africa is simply stronger and can, therefore, drag out the process of struggle.

I do not look upon this view as pessimistic. It takes seriously the way change occurs in history. When has a highly privileged minority ever given up its superior status willingly, without genuine struggle? And when has a repressed majority ever accepted its inferior status indefinitely?

GROWTH OF OPPOSITION

I confidently expect African opposition to grow rapidly. This will be one of the infectious results of the changes in southern Africa. Ever since 1960 the old liberation movements of the African National Congress and the Pan Africanist Congress have been banned. Their leaders have been killed, imprisoned or exiled. New attempts to organize movements have suffered almost the same fate. Although the South African Student Organization and the Black People's Convention have not been banned, their leaders have been. Yet in the present atmosphere of expectancy an exiled leader of the African National Congress said to me: "This is the period of greatest hope for us since Sharpeville [the 1960 massacre]."

The first new sign of African action has been in the industrial sector. This can be expected to grow. Thousands of workers have begun to strike for higher wages. They have been winning some concessions. Their demands have not yet been political, but soon they will be: full trade union rights, abolition of the migratory labor system and the pass system, and establishment of the right of political organization and electoral participation.

Where will the white minority draw a line and say, "this far and no further"? Such a line will be drawn, not once but many times. But small concessions will not end the protest action or the demands of the struggle. Concessions will lead to greater demands because the majority will accept nothing less than full participation in the life of the country.

It is significant that only one of the Bantustan spokesmen, Chief Kaiser Matanzima of the Transkei, has accepted the idea of independence for his area. The eight others have turned down the idea on the ground that, if independent, they would be excluded from sharing in the total riches of South Africa.

The movement toward black consciousness is growing. Growing numbers in the Coloured and Indian communities are beginning to see their future in terms of identification not with the whites but with the Africans. In the late 1960's even the indirect representation of the Coloureds in Parliament was removed, and the Government established a separate Coloured People's Representative Council. In recent elections the Labor Party won a majority on this Council. But because this party was dedicated to ending the Council's paternalism and to working more closely with African groups, the Government suspended the Council.

The struggle for a new society in South Africa need not be characterized only by violence. Yet given the nature of Government repression it would be unrealistic to think violence can be avoided. The nation's basic instability will be apparent for all the world to see as the struggle intensifies. Furthermore, any real detente with black African states will be impossible—regardless of what happens in Namibia and Rhodesia—as African political demands increase and as conflict grows.

Governmental, business or organizational policies that assume stability and the possibility of an orderly erosion of apartheid are politically unrealistic and morally bankrupt. Any temptation by Washington to enter into a military understanding with South Africa to preserve the Cape shipping route or to protect American interests in the Indian Ocean would be disastrous. Continued American business investment may, for a short time, lead to continued high profits. But this cannot last.

Most important of all, this investment strengthens the status quo. The role of IBM in supplying computers to South Africa's Department of Defense hardly undercuts apartheid. The role of ITT in supplying a complex communication system does not erode apartheid. The role of Mobil and Caltec in refining almost 50 percent of the Republic's oil hardly qualifies as a stroke for undermining the white minority regime. Foreign business interests are, of necessity, integrated into the apartheid structure. Those who are making profits under the present system can hardly work effectively against it. They also are fearful of what change will do to their operations.

It follows from this analysis and orientation that there is urgent need for a shift in US governmental and nongovernmental policy. Foreign business interests should move towards withdrawal from South Africa as long as present conditions prevail. Cultural exchanges with white South Africa must be discouraged because they help to bolster the false image of significant change. Trade in products such as locomotives, trucks, telecommunication materials and planes that can be converted into military use should end forthwith. Official visits by Government leaders to talk with their American counterparts should be forbidden. International pressure of all sorts, governmental and nongovernmental, must be increased.

An end to the present governmental and business dialogue would open up new ways of encouraging and supporting black trade union organization and action, of supporting legal defense funds for white and black opponents of the regime, and of dealing creatively with the political refugees and exiled political leaders of South Africa. Let us have instead a new American policy of "communication"—not with the unstable apartheid regime of the white minority, but with those forces, both white and black, that are utterly opposed to racial separation and are the only hope for a free, independent and multiracial South Africa.

THE UNINTENDED CONSEQUENCES OF DEVELOPMENT

Mr. HUMPHREY. Mr. President, as chairman of the Subcommittee on Foreign Agricultural Policy and of the Subcommittee on Foreign Assistance, I am a strong supporter of development assistance to the third world. It is one effective means of helping the third world reap the benefits of our modern world. Unfortunately, as Dr. Irene Tinker, Director of the Office of International Science for the American Association for the Advancement of Science, eloquently points out in a paper presented to the 141st annual meeting of the association, development efforts can also represent one step backwards for a substantial portion of the third world—its women.

There is a lesson to be learned from this: In devising our development programs, we must be wary lest they encourage a better life for 60 percent of these societies at the expense of the other 40 percent.

Mr. President, I ask unanimous consent that Dr. Tinker's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE TRANSFER OF OCCUPATIONAL STEREOTYPES

(By Irene Tinker)

(Paper read at the 141st Annual Meeting of the American Association for the Advancement of Science in New York City, at panel on "Western Standards and Stereotypes as Impediments to Development," January 30, 1975.)

The intertwining of western cultural values and development schemes has too frequently deflected the intended improvement in the quality of life, especially for women. Development specialists are increasingly aware that theories of development based on capital intensive projects may have increased the overall GNP, but at the expense of the lower forty percent of the population. Even that estimate is based upon selective statistics which ignore whole sectors of the economy: the informal or tertiary sector, the exchange labor, and the large amount of agricultural labor and food processing done within the family context. A closer look at real economic activity would show that a majority of women are playing more restrictive economic roles today than in the predeveloped economy: women are losing out as development widens the gap between women's and men's earning power. The reason is that the western model of development exports a middle class image of what is appropriate for women's work, one that limits or undermines traditional occupations. Thus development adversely affects the status of women in most developing countries.

For clarity, it is useful to distinguish between relatively equal subsistence societies and those countries where social stratification has been inherited from older civilizations. In both areas women on the lower end of the economic scale have to work but both the number of non-working middle-class women and the status of that position varies with the degree of social stratification. Western stereotypes reenforce this middle-class view of women's roles while neglecting the vital economic role performed by traditional-oriented women in agriculture, trade, and manufacturing.

In subsistence economies where there is no land pressure, slash and burn is the typical agricultural style. While the men clear the land, women generally do the farming. Ester Boserup, in her landmark book *Women's Role in Economic Development,* shows that as land pressure increases draft animals are brought in to increase productivity; at that point men become more involved in the farming. As land pressure increases, intensive agricultural practices replace the more extensive plow system. This is as true in traditional wet-rice systems as in the recent green revolution. Thus, while in Africa women work more hours in the fields than men, men do most of the work in Latin America and in West Asia; in Southeast Asia a balance is reached. Statistics gathered by the Economic Commission of Africa show women as agricultural laborers in Africa to vary by country and region, but generally to constitute between 60% and 70% of the agricultural labor force. Female hours worked as a percent of male hours hovers at 150% and goes to an amazing 450% in parts of Uganda.

These facts have important implications both for food production and population control. Women who do not aid in food production contribute less to the economic level of the family while frequently raising large families in order to achieve status within the kin group. Studies show that poor families choose large families as a method of accumulating money to improve their options. Only at a more-than-subsistence level does the investment in fewer children begin to make sense. Women working contribute to the achievement of that level, hastening the reduction in family size.

Further, the economic use of women affects marriage practices. In slash and burn societies where women are a valuable commodity, men must pay a bride price to the bride's father to buy her services. In West Asia where purdah is enforced, meaning women are required to remain in the house or wear veils outside, women never work in the fields. They become an expense, not an asset; therefore a dowry is sent from the bride's family along with her into the marriage to aid in her support. Where women are pulled back into the fields by the green revolution, as in the Indian Punjab, a rise in the age of marriage and a fall in dowry have been observed as women's economic usefulness is increased.

The fact that women play a crucial role in agricultural production has been widely ignored by developers, and by the colonial powers before them. Land farmed by the women was taken out of communal ownership and deeded to men. Plantation groups were introduced and men hired to work them while women's expertise was ignored. Agricultural experimentation tended to focus on cash crops. Thus women, in Africa especially, were left nearly untouched and unaided in their subsistence farming. As interest in food production heightened, developers have expanded agricultural extension services. Yet it is typical of these schemes that all the workers are male which, in these sex-segregated societies, means they only talk to men. Western stereotypes held by the developers has meant that no one asks the question: who farms? This blindness has reached such proportions that in Liberia last year Taiwanese rice farmers were brought in to help local farmers increase their yield per acre. To guarantee attendance, days wages were offered to the farmers attending the lessons. So of course the men came: there were the women, out working in the fields.

Women engaged in agriculture typically sell their own produce in the market. In Asia, Africa, and Latin America women dominate the small markets. They sell fresh fruits and vegetables; they also sell prepared food and often home-brewed beer. In areas where women are in purdah they may still engage in selling, often sending a child or a male relative out with the cooked food. Cloth, woven at home or decorated at home, as well as pottery and other homecrafts are generally sold by the women in the local markets. But as soon as development introduces wider markets and foreign goods, then women are left behind. Men are given preference in education: while illiteracy may be no bar in the local markets, it is a handicap in the more modern market systems. Men also have access to modern jobs such as driving a truck or working in a factory. They are able to accumulate capital and, by economies of scale, outdistance women traders.

Even in the area of food processing women lose out to men as development proceeds. Small technological devices for grinding grain or for making tortillas have been widely introduced, but it is men that have taken over these tasks and made the income from technological improvement. Again, men have better access to education and so understand both the technology and the marketing system. Further, credit is seldom available to women for technological improvements or for agriculture. The West assumes men are heads of household and only heads, in many places, can join coops or apply for loans. An important exception are the women's coops in East Nigeria where women process palm oil. But generally, as soon as an occupation moves from drudgery to income-producing, men take over.

As long as women's work was part of the family support scheme, their role was ingrained in tradition. They worked hard, but their economic contribution to the family was recognized and rewarded. As development progresses, women's ability to compete in food growing and processing or in trade is diminished. Her income, over which she generally had control, dwindles, and she becomes more and more dependent upon men.

Such dependency is almost complete among middle and upper class women in the stratified societies of the developing world. For centuries such women have been confined to their homes under various intensities of purdah. Houses in old urban centers reflected this life: they were walled on the outside with enclosed courtyards and flat roofs. Only here could women move unveiled. Even behind walls women worked at food processing and weaving, precisely the occupations in which they are now being superseded by development. Yet, such is the force of social stratification that lower classes wish to emulate the class above them. Thus, isolation of women is an ideal to be achieved as part of upward mobility. The same ideal has long been present in American society: middle class women were not supposed to work. Combined together in such countries as India, Pakistan, Turkey, Morocco, this pressure of conformity to a middle class ideal, old and new, has meant that women are ignored by economic development both by the indigenous and the foreign planner. Middle class women remain dependent, and lower class women become more dependent.

Upper class women in both countries are less restricted by social norms than is the middle class. For example, in the United States, when only 2% of the age group went to college during the decade 1910–20, there was a higher percentage of women in professional and technical positions than there has been since. Similarly, even where women were kept in isolation, upper class women were often well educated. Freed from household duties by servants, an occasional woman leader had emerged from this unpromising background to amaze the world. The two women prime ministers of India and Sri Lanka are examples of the phenomenon. Yet in both those countries, the rise in educational opportunities for the middle class has already reduced opportunities for the educated woman. When there is a surplus of college graduates and a scarcity of jobs, women are last hired, first fired.

As economic opportunities in the rural areas are restricted, women migrate to the cities. In Latin America where women had little role in agriculture, the female migration is greater than that of males. Given the middle class stereotypes, reenforced in the older urban centers by the concepts of social stratification, there is little modern employment available in cities to the migrants. Too many take up the oldest profession. Others become domestic servants. But others fit into the uncounter interstices of the economy. They buy a pack of cigarettes and sell them one at a time. They cook food and hawk it on the street. Men, too, engage in this informal sector. Statistics show, however, that male migrants usually progress from this sector into the statistically enumerated "modern sector" while women tend to remain uncounted, but working at these marginal jobs. Similarly, the exchange of services, which recent studies have shown permeates the American society from lower through middle class, goes uncounted. Women are more likely than men to do the exchanging, often doing child care or nursing. But men paint houses, fix cars, and exchange other such services. None of this economic activity enters into that mythical standard, the GNP.

The very fact that women's roles in the informal and exchange sectors go uncounted contributes to their invisibility to planners. Thus, the middle class male planner assumes the woman is at home with the kids, and plans accordingly: for men.

In sum, then, development tends to ignore or bypass women's traditional economic roles and, by concentrating only on the role of motherhood, both undercuts women's status, and encourages larger families. These effects run counter to the stated goals of planners in most countries: to increase economic activity of adults and to regulate, if not stop, population growth. Thus, the transfer of U.S. middle class stereotypes about proper occupations for women impairs the long-range goals of development.

INTER-AMERICAN DEVELOPMENT BANK

Mr. KENNEDY. Mr. President, the Inter-American Development Bank is now 15 years old and still growing. Across the panorama of hemispheric institutions, it remains the only multilateral entity whose sole function is to finance economic and social development.

In a recent statement accompanying the release of the 1974 annual report by IDB President Antonio Ortiz Mena, the accomplishments of the past year were summarized.

I believe it is worth noting that, in the past year, a dozen countries from outside the hemisphere have pledged to seek membership in the Bank and to contribute over a 3-year period $745 million. In addition, Venezuela has announced its intention to establish a trust fund of $500 million to be administered by the Bank.

Both developments reflect a growing maturity of this institution as an effective promotor of development. They also reflect a broadening of the financial support for the institution with a lessening of its reliance on the United States. All of these developments are positive steps in the Bank's growth.

However, the United States still has a major continuing responsibility to provide support for the Bank. The transfer of large-scale development support from bilateral to multilateral channels is a principle which I have advocated for several years. And the recent report of the Bank's president supports that concept in its indication of continuing progress by that institution.

I ask unanimous consent that the news release of the Inter-American Development Bank and a portion of its 15-year report be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Inter-American Bank Provides Record Support for Latin America's Development in 1974

The Inter-American Development Bank provided more than $1 billion in loans and technical cooperation in 1974 for the development of its member countries in Latin America, according to the Bank's Annual Report released today.

It was the largest yearly volume of loans and technical cooperation authorized by the 24-nation Bank in its 15 years of operations, despite the crisis and uncertainty on the world economic scene during the past year.

IDB lending in 1974 amounted to $1,111 million which is 26 percent higher than 1973's record total of $884 million. Technical cooperation amounted to $22 million, compared with $6.4 million in 1973.

The Bank's activities were outlined in the

Bank's 1974 Annual Report presented by Antonio Ortiz Mena, President of the Bank, to the Sixteenth Annual Meeting of the Bank's Board of Governors which opened today in Santo Domingo, the Dominican Republic. The Report contains a review of the Bank's operations during 1974 and a brief summary of Latin America's economic development scene.

In 1974 the Bank continued in its role as a strong catalyst of the socio-economic development of Latin America and the Caribbean. The accomplishments which the Bank's lending through December 31, 1974 has brought about or is expected to bring about include the expansion of electric generating capacity by 13.1 million kilovolts and the installation of an additional 95 miles of transmission and distribution lines; the incorporation into production of some 10.9 million acres of farmland and the granting of more than 1 million credits to farmers, the construction or improvement of 76 large industrial plants and 6,261 small and medium-sized plants; of 28,278 miles of roads and 5,228 water and sewage systems; the construction of 350,479 housing units for low-income families, the improvement of 690 learning centers, the execution of 1,020 preinvestment studies for new projects, and the financing of exports with an invoice value of $160 million among its member countries.

Another highlight in 1974 was the Bank's substantial progress in its efforts to attract additional resources in the future to maintain and expand its support for Latin America's development. Twelve countries from outside the hemisphere pledged to seek membership in the Bank as contributing members and Venezuela agreed to provide a trust fund to be administered by the Bank for development projects in Latin America.

The intention of the 12 nonregional countries—Austria, Belgium, Denmark, Germany, Israel, Italy, Japan, the Netherlands, Spain, Switzerland, the United Kingdom and Yugoslavia—was contained in the Declaration of Madrid, signed December 17, 1974, in Madrid. Once their entry into the Bank becomes effective, these countries would contribute a total of $745 million to the Bank over a three-year period.

The decision of the Government of Venezuela to contribute $500 million of its petroleum revenues for Latin American development through a fund now being administered by the Bank was conveyed to the Bank at its Fifteen Annual Meeting in April 1974 and was put into effect February 27, 1975.

The Report also disclosed that the Bank had record disbursements in 1974—$673 million, compared with $582 million in 1973; record net earnings from its own resources—the ordinary capital and the Fund for Special Operations—$94 million compared with $71 million in 1973, and record repayments on loans—$182 million in 1974 compared with $168 million in 1973.

Accentuating a trend of recent years, the Bank in 1974 placed increasingly heavy stress in its lending and technical cooperation activities on support for the region's less developed countries and those of limited markets. Those countries received a total of $426 million of the year's loans, compared with $316 million in 1973. The 1974 figure represented nearly 38 per cent of the Bank's total lending and marked the continuation of a policy initiated in 1971 when the percentage was about 28 per cent.

In this regard, five of the least developed member countries obtained the highest yearly volume of loans that they had ever received from the Bank. They were Barbados with $9 million, Costa Rica with $54 million, Honduras with $36 million, Paraguay with $49 million and Uruguay with $57 million. Two other countries—Bolivia with $46 million and Ecuador with $55 million—matched previous record years.

The year's lending brought the Bank's cumulative 15-year total to $7,416 million in 822 individual operations. The contributions of the Latin American countries themselves to the execution of those projects amounted to more than twice that amount—some $18 billion—so that the Bank is helping to finance projects whose total cost amounts to some $25.5 billion.

In 1974 the Bank again relied on sources outside the United States to raise funds in the capital markets to augment its lending resources. During 1974 a substantial part of the Bank's borrowings took place in Latin America. The Bank sold its ninth short-term bond issue to Central Banks in the region and two member countries—Venezuela and Trinidad and Tobago which have benefited from increased petroleum revenues—channeled some of those earnings to the Bank through the purchase of the first long-term bonds sold by the Bank in Latin America.

In all the Bank raised $104.7 million in borrowings in 1974, including $23.3 million in Venezuela, $10 million in Trinidad and Tobago, $40.2 million in short-term bonds placed in 16 Latin American member countries and Israel, $24.6 million in Japan, $6 million in Sweden and $600,000 in Finland.

The year's borrowings brought the Bank's outstanding borrowings as of December 31, 1974, to $1,346.7 million, composed of $811 million owed to nonmember countries, $421.4 million owed in the United States and $114.3 million owed in Latin America.

The Bank's lending in 1974 was broadly balanced among the directly productive, the economic infrastructure and the social infrastructure sectors.

In 1974 the economic infrastructure sector accounted for $579 or 52 per cent of the Bank's lending, the directly productive sector for $333 million or 30 per cent, and the social sector for $129 million or 12 per cent, with other sectors accounting for $70 million or 6 per cent.

A distribution of the Bank's loans in 1974, as well as on a cumulative basis, is shown on the following table:

DISTRIBUTION OF LOANS

[Dollar amounts in millions]

Sector	1974	Percent	1961–74	Percent
Directly productive:				
Agriculture	$228	21	$1,672	23
Industry and mining	105	9	1,080	15
Economic infrastructure:				
Electric power	384	34	1,570	21
Transportation and communications	195	18	1,311	17
Social infrastructure:				
Sanitation	110	10	752	10
Urban development			415	6
Education	19	2	306	4
Other:				
Preinvestment	29	3	133	2
Export financing	12	1	108	1
Tourism	29	2	69	1
Total	1,111	100	7,416	100

During 1974 the Bank completed its share in the execution of 65 projects for which the Bank had authorized loans totaling a net of $517 million. This brought the cumulative number of loans totally disbursed to 495.

The Bank's lending action has supported and coincided with a period of steady economic growth in the hemisphere over the past decade. In its economic appraisal, the Bank's Report noted that preliminary estimates indicate that for the region as a whole the 1974 growth rate of the gross domestic product once more exceeded 7 percent, as it did in 1973 when such growth reached 7.4 percent.

While there was some slowdown of economic activity in the less developed countries, for the region as a whole this was made up by the exceptional improvement in the economic performance of the net oil exporting countries. Meanwhile the negative impact of international events on the larger countries of the region was not fully felt in 1974.

The Report said: "During the year a variety of cross currents were at work. The prices of basic commodities—dramatized by the case of oil—which had reached high levels in 1973 and continued in the early part of 1974, began to decline as the industrialized world entered the current severe recession, creating a reduction in the volume of imports by the second half of the year. Thus the full impact of declining demand in the Northern Hemisphere will be working against Latin American export earnings throughout 1975.

"For many countries in the region, therefore, the capacity to pay for high priced industrial imports, oil and raw materials, which had been enhanced by favorable prices for their own commodity exports in the past year, will be especially strained in the present year. Not even the net oil exporting countries can look ahead to increases in total earnings from hydrocarbon exports, since prices have ceased to climb and the volume of shipments is holding level or declining."

The Report noted that the generalized inflation in the industrialized world had its own counterpart in the region as food and raw material prices, as well as investment costs, rose steeply. While only four countries had rates of inflation of more than 15 percent in 1972, the number rose to 9 in 1973 and to 14 in 1974.

"Thus the gains that had been made in the 1960s toward greater price stability have been reversed since 1971," the Report said. "However, a slowdown in inflation was becoming evident in the last months of 1974."

The Report said that during 1973 there was a continuing expansion of manufacturing activity, accompanied by relatively good performance in agriculture and a strong recovery of the mining sector, which had declined in 1971–72.

For these reasons, the Report said, it may be anticipated that Latin American export earnings will show no significant increase in 1975 and, in fact, may record a drop in value.

The Report pointed out that, the maintenance of the flow of imports of capital goods, industrial and agricultural imports, as well as oil and derivatives will depend on the availability of external financing. At the same time, this has been made more difficult and costly to obtain by the unprecedented demand of the industrialized countries for financing the additional cost of their oil imports, it added.

Similarly, it noted, that the rapid increase in the region's international monetary reserves, which more than tripled between 1970 and 1974, has been checked and, for many countries of the region, the trend had begun to reverse during the second half of 1974.

In connection with the agricultural sector, the Report said that "a very special effort will have to be made to ensure that adequate internal and external resources are assigned to the sector if Latin America is to continue to improve the welfare of its still large rural population and provide food for the rapidly expanding urban centers, as well as contribute to the rising supplies needed by these regions of the world which have very limited agricultural potential."

It added: "Because of the complexities inherent in accelerating rural development, Latin America, despite its resource endowment, will require considerable external cooperation to attain the targets that have been set by the governments of the region and by the international community.

"The success of the region in the development of industry, which is demonstrated by the rapid expansion and diversification of manufactured exports in recent years, suggests that a vigorous and sustained commitment to rural and agricultural development can be equally successful."

Statement on the 1974 Accomplishments of the Inter-American Development Bank

FOREWORD

December 30, 1974 marked the 15th anniversary of the Agreement Establishing the Inter-American Development Bank—the multilateral accord that gave the Bank its mandate to promote economic growth and social improvement in Latin America.

Commemorating this event, this publication offers an insight into the Bank's activities over the past 15 years, including its project financing role in the major sectors of Latin American development and its lending operations in the countries of the area.

Ratification of the Agreement in 1959 by 20 Western Hemisphere nations fulfilled a long-standing goal of the Latin American countries. Proposals for a hemispheric financial agency ranging from a private commercial institution to a multinational central bank had been discussed periodically at inter-American forums since the turn of the century. The Bank finally came into existence as a regional development institution specializing in the needs of Latin America and in which the countries of the area have a major responsibility in setting financing priorities and authorizing loans.

Since the Bank opened in 1960 extraordinary changes have taken place in the world at large and in the Western Hemisphere that have repeatedly posed new challenges to the institution. The world community today is much more interdependent, economic issues have assumed a sharply increased importance, and the demands of millions of poverty-stricken peoples around the globe are far more pervasive. The evolving world conditions have required the Bank to expand its international reach as well as to broaden the scope and function of its lending and technical cooperation activities.

One contrast between the Bank of 15 years ago and today is its enlarged membership. The original 20 members included 19 Latin American countries and the United States. In the 1960s three-newly independent Caribbean nations—Trinidad and Tobago, Barbados and Jamaica—became members. Canada was admitted in 1972, further strengthening the Bank's multilateral character. In 1973 two other Caribbean countries—Guyana and the Bahamas—applied for admission, a process which is now in its final stage of formalization. And in December 1974, ten industrialized European nations, Israel and Japan agreed in principle to join the Bank, a step that once fully implemented will greatly reinforce its multilateral base and capitalization.

A second contrast is the Bank's increased capacity to channel external financial and technical resources to Latin America. Initially endowed by the Agreement with funds totaling $1 billion, it presently operates with a capital structure exceeding $11.5 billion. This stronger resource position has been further enhanced by new forms and practices of international financial cooperation which the Bank has adopted. Two of the most important are the administration of special funds on behalf of various member and nonmember countries for investment in development projects and for technical cooperation, and arrangements negotiated with capital-exporting countries for financing projects suggested by the Bank, on a joint or independent basis.

A third aspect is the much larger scale of yearly lending that the Bank has been recording in the 1970s relative to the early 1960s, and the wider variety of development activities eligible for financing. In 1974 alone the Bank lent over $1.1 billion, an amount exceeding its original capitalization, bringing its cumulative lending to $7.4 billion. These resources are helping to finance projects requiring a total investment of $25.5 billion. The difference between total IDB lending and this figure represents the funds that the countries have mobilized largely from their own savings to carry out the projects.

In regard to the kinds of development projects being financed, the IDB has gone into some sectors that before its creation had been relatively neglected or were even considered beyond the province of international lending agencies, particularly in the fields of education, rural development, housing and urban renewal, water supply, health and tourism infrastructure. At the same time, the Bank has sought to foster Latin America's economic integration process by financing development projects and studies that benefit two or more countries of the region, especially in such sectors as energy, transportation and telecommunications. It also operates a program for financing exports of capital goods among the Latin American countries to stimulate economic integration through higher levels of production and intraregional trade of these goods.

The Bank's experience has taught us that our approach to development must be dynamic. Latin America is living a fast-paced process of economic and social change in which each country formulates its own answers to its development problems, based upon its traditions, aspirations and resources. We have also learned that external financial cooperation like the Bank provides is essentially catalytic and, as such, can be effective only in the measure that a country is committed to development. This involves not only the mobilization of available human, natural and financial resources, but also the fashioning of fiscal, monetary investment and related policies fostering efficient resource allocation and stimulating capital formation within a coherent institutional framework.

While the Bank can look with some satisfaction on what it has accomplished in the past 15 years, the fact is that the vast amount of investment resources required to accelerate Latin America's economic and social development in the years immediately ahead leaves no room for complacency. The Bank is now more than ever resolved to play an even greater role to help meet this challenge, confident that it will continue to count on the support and trust that the member countries have bestowed upon it in the past 15 years.

Antonio Ortiz Mena,
President.

Portions of the 15-Year Report of the Inter-American Development Bank

ROLE OF THE IDB

Latin America occupies about one-fifth the total area of the inhabited continents and its 300 million people account for almost 8 per cent of the world's population. Geographically, its natural diversity surpasses that of all the major world regions, and economically and socially the 25 independent nations in the area make up a cross-section of virtually every stage of human history.

Indeed, every country in Latin America has its own individual characteristics, and its pattern of development usually offers sharp contrasts with those of its neighbors. But different though they may be one from the other, they all have this in common: they are engaged in a broad development effort to improve their societies economically and socially and thereby enrich the quality of life of their peoples. As a result of this effort, Latin America in the past 10 years recorded the highest economic growth rates among the world's developing regions.

The keystone of this development drive is self-help and mutual aid. Yet the vast network of relations between the Latin American countries and the rest of the world—economic, financial, political, cultural—necessarily influences the character and speed of their progress. External trade and investment flows, in particular, are extremely important through their effect on the countries' rates of capital formation. Thus, while self-help is the basis of Latin America's commitment to economic and social advance, it is still insufficient by itself to insure self-sustained growth, and external cooperation remains an essential factor for attaining the individual countries' development goals.

For the past 15 years the Inter-American Development Bank, as an international financing institution exclusively devoted to contributing to economic and social improvement in Latin America, has been playing a strong supporting role in merging self-help and external cooperation into specific development initiatives.

The first regional institution of its kind, the Bank was founded in December 1959 by 19 Latin American countries and the United States "to contribute to the acceleration of the process of economic development of the member countries, individually and collectively." To this end IDB was given the functions of promoting public and private investment in Latin America through the use of its own capital, borrowings and other available resources; by providing technical assistance for preparing, financing and implementing development plans and projects; and by cooperating with the members in orienting their policies toward a better use of their resources and fostering greater economic complementarity and the orderly growth of their foreign trade.

The Bank's primary role as a catalyst of economic growth in Latin America through the coordination of domestic and external efforts was vested from the beginning with a unique social development dimension. In the debates and negotiations that preceded its creation, it had been widely recognized that the social integration of the millions of low-income peoples in Latin America was an essential condition for faster economic progress in the region. This concern had led to the establishment within the Bank's capital structure, but entirely separate from its ordinary resources, of a concessional loan "window"—the Fund for Special Operations—to enable the institution to deal "with special circumstances arising in specific countries or with respect to specific projects." Creation of this fund—a pioneering step in the field of international development financing—reflected the view of the founding members that Latin America's external financing needs called for a flexible IDB approach: that certain projects and activities that may be slow-yielding in the economic sense or have a low rate of return in the financial sense are nonetheless indispensable for economic and social progress; and that the Bank should give preferential treatment to its lesser developed member countries, and to disadvantaged groups in others.

This special capability to engage in concessional lending was reinforced in 1961 when the Bank was designated by the United States the administrator of the Social Progress Trust Fund. Its resources were meant "to support the efforts of the Latin American countries with a view to achieving greater social progress and more balanced economic growth." Since then, a number of other member and nonmember countries have placed special funds under Bank administration which provide for concessional lending, further enhancing its capacity to finance development projects with a high social content.

Thus, of the cumulative IDB lending through 1974 of $7.4 billion in 822 loans, about $4 billion have been funded from the Bank's concessional resources, for projects primarily benefiting low-income areas or groups of people. The bulk of these loans has been devoted to projects in small-scale agriculture and fishing, rural electrification, rural and urban water supply, sanitation and health facilities, housing and urban renewal, and advanced, technical and vocational education. Of course, the ordinary capital lending, primarily lent for projects involving medium- and large-scale agriculture, industry and infrastructure facilities, also benefits low-income groups through the effect of these projects on national output, employment and income redistribution.

IDB MEMBERSHIP

The *Agreement Establishing the Bank* originally limited membership to countries belonging to the Organization of American States (OAS), which in 1959 included 21 countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela.

All these nations ratified the *Agreement* except Cuba, which did not join even though it had participated in the charter negotiations.

During the 1960s the Bank expanded from 20 to 23 members with the admission of three newly-independent Caribbean countries that had previously joined the OAS: Trinidad and Tobago became a Bank member in 1967, and Barbados and Jamaica in 1969. Two additional Caribbean countries—Guyana and the Bahamas—applied for IDB membership in 1973 and the process of amending the *Agreement Establishing the Bank* to make their admission possible is almost completed.

In its effort to expand the flow of investment funds to Latin America the Bank from the beginning sought the cooperation of nonmember, capital-exporting countries. It succeeded in negotiating numerous arrangements in the 1960s with the industrialized countries of Europe, Canada and Japan, giving the Bank access to their capital markets, granting it official loans, placing special funds under IDB administration and establishing various other joint mechanisms for financial and technical cooperation. The increasingly closer IDB ties with these countries culminated in the 1970s in two major Bank policy changes affecting membership:

Canada became the 24th Bank member in 1972, through an amendment to the Bank's charter which permitted this country's entry even though it was not a member of the OAS.

Twelve nonregional industrialized countries agreed on December 17, 1974 to take the necessary measures to apply for Bank membership as soon as possible. These countries are Austria, Belgium, Denmark, Germany, Israel, Italy, Japan, Netherlands, Spain, Switzerland, United Kingdom and Yugoslavia.

These nations will be known as "the nonregional members." In order for these countries to be formally admitted, the Bank's present member governments must approve the enabling amendments to the *Agreement*, and the prospective members must adopt the necessary legal and financial measures to comply with entry requirements, including acceptance and ratification of the charter.

Bank President Antonio Ortiz Mena has described the significance of the entry of these countries in these words:

"The diversification of the Bank's sources of funds . . . represents the beginning of a solution to problems affecting the multilateral nature of our institution. In effect, the increase in the number of contributors reduces the possibility that member countries may be excluded from loan benefits because of difficulties that might arise with certain of the nations contributing resources. Furthermore, the diversification of sources will help to diminish the possibility of sharp fluctuations in the flow of funds received by the Bank. Progress along this line is a practical means of strengthening the multilateral approach adopted by the Bank."

STRUCTURE OF THE IDB

There are several channels through which the member countries participate directly in the affairs of the Bank, both at the policy level and in the management of its day-to-day operations.

The top institutional authority is the Board of Governors. Each member country designates one Governor and one Alternate member of the Board. The Governors normally are the Ministers of Finance of the countries, while the Alternates usually are the heads of their Central Banks. This circumstances makes the Board of Governors a hemispheric forum intimately familiar with economic policies of the member countries and with their external development financing needs.

At its regular Annual Meeting, the Board of Governors and its several Committees examine the Bank's performance and decided on future policies in the light of current and anticipated conditions in the region. Special meetings are held by the Board or its Committees as needs warrant. Such major policies as the preferential treatment the Bank accords to its less-developed member countries and the decision to invite extra-regional countries to join the Bank, are among recent Board of Governors resolutions.

Decisions of the Board of Governors are adopted by a simple majority of the total voting power of the member countries, except on matters specifically cited in the *Agreement* that require a two-thirds majority. The voting position of each Governor is proportional to the ordinary capital contribution of the member country he represents. At the end of 1974, the Latin American countries together held 54.86 per cent of the voting power, Canada 4.92 per cent and the United States 40.22 per cent.

Operations at Bank headquarters in Washington, D.C. are entrusted to the Board of Executive Directors, the President and the Executive Vice President.

The President of the Bank is elected by the Board of Governors for a five-year term. He conducts the Bank's ordinary business under the direction of the Board of Executive Directors, of which he is the presiding officer. He also is the Bank's legal representative and the chief of its staff. The Executive Vice President is elected by the Board of Executive Directors on the recommendation of the President. He exercises such authority under the President as the Board of Directors determines and performs the functions of the President during the latter's absence.

The Board of Executive Directors is chosen by the member countries every three years through an election held by the Board of Governors. It currently has nine members: seven elected by the Latin American countries, one elected by Canada and one designated by the United States.

The Board of Directors meets regularly at the Bank's headquarters. Among its most important responsibilities are to authorize loan and technical cooperation proposals submitted by the President of the Bank, to interpret Bank policy, to pass on the institution's annual operating budget, and to carry out specific assignments delegated to it by the Board of Governors.

As in the case of the Board of Governors, decisions of the Board of Executive Directors are adopted by simple majority, except on matters in which the *Agreement Establishing the Bank* provides for a two-thirds majority. The voting position of each Executive Director is fixed by the voting power of the country or group of countries he represents. The Executive Directors are in close communication with the governments they represent and therefore the Board's deliberations reflect the countries' current views and positions on economic issues as they pertain to the Bank's operations.

The Bank at present is organized into seven major departments: Operations, Finance, Project Analysis, Economic and Social Development, Legal, Administrative and Secretariat. In addition, the Offices of the Program Advisory and the Controller report to the President and Executive Vice President.

The staff at the Bank's headquarters at the end of 1974 included 581 professionals in a broad range of specializations and 512 administrative employees, from all the member countries.

The institution also has field offices in each member country in Latin America, which are under the jurisdiction of the Operations Department. These offices render supporting services in the identification of new development projects, in the day-to-day administration of authorized loans as instructed from headquarters, and in the inspection and supervision of projects underway.

The Bank also has an office in Europe that serves as liaison with nonmember countries.

At various times over the past 15 years, many key positions in the Bank have been held by Latin Americans who have previously served in top capacities in the governments of their countries, while in other cases Latin American IDB officials have been named to top posts in their countries. This turnover of Latin American personnel in the top ranks of the Bank has been another important factor in the institution's responsiveness to changing conditions and development financing requirements in the area.

IDB RESOURCES

The Bank has access to various types of resources which, all told, have grown from $1 billion in 1959 to approximately $11.5 billion as of early 1975.

The *Agreeemnt Establishing the Bank* initially endowed the institution with two separate sets of resources totaling $1 billion: the ordinary capital, then fixed at $850 million, and a Fund for Special Operations of $150 million. Since then, the member countries have authorized several increases in both sets of resources and at the end of 1974 they totaled $10.4 billion.

In addition, on various occasions in the past 15 years the Bank has been named administrator of trust funds for Latin American development under special agreements with both member and nonmember countries. These trust funds total $1,155 million. The two largest are the $525 million Social Progress Trust Fund placed under Bank administration by the United States in 1961, and a $500 million Venezuelan Trust Fund established on February 27, 1975.

The ordinary capital

The ordinary capital has been increased three times—in 1964, 1968 and 1971—and today it stands at almost $6.0 billion. Not all this amount is readily available to make ordinary loans: a part is in the form of paid-in capital and another part in callable capital. The paid-in portion, currently $972.4 million, consists of actual payments by the membership, one half of each country's subscription in dollars and the other in local currency. The callable subscriptions, now totaling $4,981.9 million, can be requested by the Bank from the member countries only if it were to require funds to meet obligations arising from borrowings or loan guarantees. Thus these subscriptions constitute in effect a pledge of the member governments that the Bank's bonds and other capital-raising instruments will be honored under all circumstances. The IDB has exercised this borrowing power many times in the United States, in

Latin America and in various industrialized nonmember countries. As of March 31, 1975, it had borrowed a total of $2 billion.

Since the Bank must rely heavily on international money markets to raise funds for ordinary capital lending, the loans from these resources are made on "conventional" terms, that is, at interest rates and under amortization schedules closely related to the cost and terms of the Bank's borrowings.

The fund for special operations

This Fund, the Bank's second original source of funds, comprises resources contributed by the membership but which it manages entirely separate from the ordinary capital stock. A fundamental distinction between the two is that although both are used to finance development projects, Fund for Special Operations loans carry comparatively "softer" conditions than ordinary loans—lower interest and longer amortization and grace periods. The member countries have raised their contributions to the Fund on four occasions—in 1964, 1965, 1967 and 1971—and today its resources amount to almost $4.4 billion.

In 1965, when the Board of Governors agreed to a $900 million replenishment of the Fund, it expanded the scope of its lending activities to include social development projects in such fields as assistance to low-income farmers, housing for people of modest means, community water supply and sewage facilities, and education and advanced training. Previously the Bank had been financing such projects primarily from the Social Progress Trust Fund placed under its administration by the United States in 1961. The Trust Fund's resources of $525 million had been almost fully committed by the end of 1964.

Another major lending policy decision affecting the Fund for Special Operations was made in 1972, when the Governors directed the Bank to adopt an explicit policy of preferential treatment to the less-developed countries and those with limited markets. As a result, the Bank introduced specific lending guidelines under which Fund for Special Operations loans for projects in the least-developed members bear interest rates of no more than 2 per cent, amortization periods that can extend up to 40 years and grace periods up to 10 years.

Other funds

Besides these two sets of resources of its own, the IDB up to the end of 1974 was administering—in addition to the above-noted Social Progress Trust Fund—special trust funds totaling $130 million that have been established by Argentina, Canada, Germany, Norway, Sweden, Switzerland, the United Kingdom, the Vatican and the Inter-Governmental Committee for European Migration. The Bank makes loans from these funds under terms and conditions mutually agreed to with the donor countries.

On February 27, 1975, formalizing a commitment made at the 1974 Meeting of the Board of Governors, the Government of Venezuela placed under Bank administration a $500 million trust fund from its oil revenues. The Bank will use this fund preferably to finance large-scale projects to develop the region's natural resources—particularly nonrenewable resources. These objectives may be implemented through loans for fixed investments and working capital, and via the subscription of share capital and the purchase of debt instruments of national and multinational Latin American enterprises, either directly or through national agencies in the countries of the region. The fund may also be used to finance Latin American exports of manufactures of all types marketed inside and outside the region, and will thus supplement an IDB program established in 1963 under which the Bank provides lines of credit to finance intra-Latin American exports of capital goods. In the use of the Venezuelan Trust Fund the Bank will give priority to projects in the relatively less-developed members, those with limited markets, and those of intermediate development.

Prospective nonregional members

The 12 prospective nonregional countries that on December 17, 1974 expressed their intention to seek membership in the Bank (page 6) would initially contribute $745 million over a three-year period to two separate funds: to a new Inter-Regional Capital Stock similar in structure but entirely separate from the Bank's ordinary capital, and to the IDB's Fund for Special Operations. Of the $745 million, $372,712,000 would be in the form of subscriptions to the Inter-Regional Capital Stock, including $61,475,000 in paid-in capital and $311,237,000 in callable capital. The remaining $372,712,000 would be cash contributions to the Bank's Fund for Special Operations.

Entry into the Bank of these nonregional countries will become effective once the pertinent ratifications are obtained from the present as well as the prospective members.

LENDING OPERATIONS

From its various sources of funds, between February 1961, when it approved its first loan, and December 1974, the Bank made 822 loans totaling $7,416 million for economic and social development projects in all its Latin American and Caribbean member countries. About $4,341 million of the total amount committed had been disbursed up to the end of 1974.

The cumulative lending includes:

267 ordinary capital loans totaling $3,326 million.

410 Fund for Special Operations loans totaling $3,497 million.

145 loans amounting to $593 million from funds under administration.

The yearly lending curve shows three stages of growth that coincide with increases in Bank resources, know-how and enlarged responsibilities. The first stage, from 1961 to 1968, was one of gradual expansion as the Bank proceeded to develop its capabilities and to consolidate itself institutionally. The second stage, 1969–71, saw a rise in lending from an annual average of $441 million in 1966–68 to a level above $600 million, boosted by the large infusion of new resources that the members agreed to provide beginning in 1967.

The current stage, dating from 1972, reflects the decision of the countries to further expand the Bank's lending operations, bolstered by a $3.5 billion increase in its resources in 1971. This marked rise in recent yearly lending volumes, that went from $800 million in 1972 to a level above $1 billion in 1974, also reflects in part the impact of inflationary pressures that have raised the cost of the machinery, equipment and services necessary to carry out projects.

The trend of Bank disbursements shows the smoother rate of expansion to be expected from the fact that loan commitments are paid out in step with a given project's funding needs as the work progresses. Depending on its nature, the execution of a development project may take from one to several years.

IDB CUMULATIVE LENDING (1961–74), BY COUNTRY

Country	Loans	Total cost of projects
Argentina	$770,100,000	$2,619,000,000
Barbados	12,900,000	18,000,000
Bolivia	242,200,000	433,000,000
Brazil	1,715,300,000	10,585,700,000
Chile	406,100,000	1,319,700,000
Colombia	620,300,000	1,448,300,000
Costa Rica	143,200,000	284,200,000
Dominican Republic	171,100,000	299,300,000
Ecuador	284,000,000	685,500,000
El Salvador	137,300,000	268,800,000
Guatemala	133,400,000	246,600,000
Haiti	$45,600,000	$61,900,000
Honduras	122,500,000	207,500,000
Jamaica	50,800,000	105,200,000
Mexico	1,041,200,000	3,036,800,000
Nicaragua	126,900,000	231,200,000
Panama	113,100,000	289,100,000
Paraguay	191,400,000	306,800,000
Peru	335,000,000	712,700,000
Trinidad and Tobago	35,600,000	76,500,000
Uruguay	132,000,000	279,200,000
Venezuela	326,600,000	952,400,000
Regional	259,600,000	811,100,000
Total	7,416,200,000	25,482,500,000

SECTORAL LENDING

The $7.4 billion the Bank lent between 1961 and 1974 are contributing to the financing of projects valued at approximately $25.5 billion. In other words, for every dollar supplied by the Bank the borrowing countries have provided more than $2 of their own for financing the projects involved.

These projects can be grouped into 10 sectors of activity which correspond to the major general investment categories that most Latin American countries use in their economic and social planning. This classification obscures the close sectoral interrelations that exist in reality. Obviously a hydroelectric project—economic infrastructure—yields important benefits both to the rural sector through farm electrification and irrigation programs, and to the cities for industry and general urban power needs. The sectoral classification, however, is a useful tool for identifying major trends of Bank lending relative to national and regional priorities and for programming future operations over the medium term.

In general, the Bank has sought a balanced lending pattern among the directly productive sectors (agriculture, industry), economic infrastructure facilities (energy, transportation and communications) and socially-oriented projects (education, rural and urban water and sewage systems, health facilities, and housing and integral urban development projects).

In regard to the lending pattern by country, the distribution reflects the priority given to the development of regions, countries and zones within countries that, for a variety of reasons, have not kept pace with the rate of growth of the area in general. Since 1972, in particular, Bank policy has explicitly called for preferential treatment to its relatively less-developed countries. In 1974, for example, 53.2 per cent of IDB concessional lending went for projects in its nine least developed members, compared with 16.6 per cent in 1970.

Region-wide, the Bank has fostered the physical and economic integration of the Latin American continent by financing projects and studies of roads, communications systems and electric power facilities serving more than one country, and other projects which favor a greater intraregional flow of goods and services. Loans for projects with such joint national-multinational impact totalled $1 billion through the end of 1974, or 14 per cent of the Bank's cumulative lending (see page 80).

The ten sectors of lending and the most important types of projects financed within them are shown below.

ACTIVITIES FINANCED BY THE BANK

Agriculture, forestry and fishing

Specific crops.

Irrigation and drainage systems.

Multipurpose agricultural credit programs.

Land settlement and agrarian reform projects.

Storage and marketing projects.

Herd and pasture development.

Livestock disease control programs.

Fisheries and fishing vessels.

Forest development and conservation.
Research and extension services.

Industry and mining

Major industrial plants.
Industrial credit programs for small- and medium-size industries.
Ore extraction and related facilities.
Primary processing.

Transportation and communications

Highways and related facilities.
Rural roads.
City streets.
Road maintenance programs.
Gas and oil pipelines.
Airports and ports.
Local and international communications networks and related facilities.

Electric power

Generating facilities.
Transmission facilities.
Urban electrification.
Rural electrification.

Sanitation

Urban water supply and sewage systems.
Rural water supply systems.
Health facilities, including hospitals.

Housing and urban development

Urban housing projects.
City markets.
Rural housing projects.

Education

Advanced, technical and vocational education facilities and programs.
Student-aid programs.

Tourism

Integral tourism projects.
Infrastructure facilities.
Hotels and motels.

Preinvestment and technical cooperation

Feasibility and prefeasibility studies.
Technical services for project identification, preparation and execution.
Research activities.
Training activities.

Export financing

Lines of credit for financing exports of capital goods among the Latin American countries.

NEW COAL MINES TO BE OPENED BY MONTEREY COAL CO., IN WAYNE AND LINCOLN COUNTIES, W. VA.

Mr. RANDOLPH. Mr. President, one of the highest priorities our country faces in efforts to approach energy self-sufficiency is the development of our richest indigenous source of energy—coal.

The coal industry is moving forward to meet this challenge by raising capital, opening new mines, and providing needed energy supplies. In most cases, this expansion is being carried out in a manner which is entirely consistent with the best standards of corporate responsibility and modern management techniques. Environmental concern, manpower planning and development, and interrelated safety and production technology are a critical part of this endeavor within the coal industry.

An example is the experience of a relatively new firm, Monterey Coal Co., a subsidiary of the Carter Oil Co. This company was organized in 1969 to carry out underground mining operations on coal reserves controlled by Carter in Illinois. At the time, Monterey assembled a team of employees experienced and knowledgeable in the coal business.

Monterey has moved ahead in a sound, systematic basis in developing coal reserves through underground mining. Rather than acquire existing mines, the purpose was to develop new mines; to bring on new coal supplies.

Recently I met with Robert H. Quenon, the president of Monterey Coal Co. to discuss announced plans for the early development of low-sulfur coal reserves in Wayne and Lincoln Counties, W. Va.

Mr. Quenon told me that Monterey's West Virginia division has opened an office in Huntington. George L. May, an individual with extensive managerial experience in the coal industry, is manager.

Preliminary engineering and design are underway on the first mine which will be located in the Camp Creek area of Wayne County about 20 miles southeast of Huntington. Current plans call for the preparation plant contract to be let later in the year. The mine is to begin production in 1977 and achieve full capacity by 1979.

The Norfolk & Western Railroad will handle the tonnage when the mine begins operation. A baseline survey has been established for monitoring water quality in the area of the mine to assure that mining operations do not result in deterioration of the natural environment. A preliminary socioeconomic study has been completed to provide information on employee sources and community requirements. Construction of the second mine, in Lincoln County, W. Va., will follow completion of the first mine.

When these two mines are fully operational, they will provide employment for approximately 1,600 people and will have an annual payroll of over $27 million. The mines will have a capacity of 4.4 million tons per year, representing an additional three-fourths of 1 percent over present national coal production. Production should proceed for 30 years.

Mr. President, these will be modern, sophisticated mining operations. The Monterey Coal Co. has demonstrated its responsible attitudes in environmental and safety matters at its No. 1 mine near Carlinville, Ill. This mine, which began operation in the fall of 1970, reached full production in 1972. Coal from this 3 million-tons-per-year mine is sold for steam power generation in the mid-West.

The design of the mine incorporates the most recent technological innovations in the areas of dust suppression, ventilation, machine protection, roof supports and other features, to assure a safe working environment.

Today, approximately 500 workers are employed at this mine. These employees have gone through an initial training program devoted primarily to safety. Approximately 70 percent of the workers have gone through additional programs in the classroom and on the job.

Last year, in June, Monterey announced plans for a second underground mine near Albers, Ill. Today, the construction of Monterey No. 2 is well underway. It is a completely modern underground mine. Beginning operations in 1976, the mine will reach full capacity in 1979. It will employ about 650 people and produce about 3.6 million tons of coal a year for steampower generation.

Mr. President, the experience of Monterey has been good, but not necessarily unique in today's coal industry. This industry is moving ahead to develop resources that will make a positive contribution to the Nation's energy balance. The proper development of these resources will take great amounts of time and money. At least 3 years leadtime is needed to bring new mines into production. In most cases, 2 additional years are needed to bring the mine into full production. Today's mines are designed and engineered with full realization that safety and environment are basic factors which, along with the latest coal recovery techniques, must be a part of the planning and the operation of the mines. Since 1973, the financial requirements for modern mining continue to increase. The investment cost of coal mines has risen 50 percent.

Today, as in the past, the miner is the mainstay of underground mining. Today's miner, however, is not the impoverished, fatalistic character often found in fiction. He is one of the most highly skilled and sought after workers in U.S. industry. A miner with a few years of experience often earns over $50 a day, and with normal work time, averages over $13,000 a year. Employment opportunities in coal mining are now long term with career-type choices available to miners joining new large mines. The industry's improved safety record is reflecting the continued concern of workers and management with safety and safe working conditions.

The coal industry must have a goal that the Nation's coal resources be developed to assure that our country's energy balance is restored and maintained. These resources can be developed in such a manner that protects the health and safety of miners and environmental quality. Private industry has the experience, the expertise, and the commitment for this development. Many segments of private industry also have demonstrated that they are willing to make the large investments necesary in today's mining operations provided there is a reasonable return on investments.

A comprehensive national energy policy, I say to my colleagues, must fully recognize the leadtime and investment required for resource development, and provide a climate that is conducive to private industry's continued development of these resources.

THE HEAVY HAND OF FEDERAL INTERVENTION

Mr. LAXALT. Mr. President, my Senate colleagues and the Members of the House of Representatives often take the floor in their respective bodies to inform the Congress of developments and problems in their States or districts which relate to the Federal Government. The subjects discussed are diverse, but, lately, one theme threads through many of the remarks. Heavy-handed Federal intervention is interrupting the flow of the free enterprise system and causing much of the disruption our economy is experiencing. Businessmen, their employees, and concerned private citizens in general across this country are letting their representatives know that they are fed-up with "big-brother's" codes, regulations, strictures and overall daily annoyances.

At times, Mr. President, these annoyances are serious enough to force businesses to close their doors putting thousands out of work. Time and time again I have listened to this type of story related here in the Senate. I am also in daily contact with my constituents who write and sometimes call to tell me their livelihood is being threatened in one way or another by the Federal Government.

For example, near Ely, Nev., the EPA zeroed in on Kennecott Copper by rejecting this firm's expensive and complex air quality program. This was done despite the fact that the program is designed to meet strict Nevada State air quality standards and Federal ambient air quality standards and would constitute an enormous capital investment when installed. The situation remains in state of flux to this day and many of the mill's employees are very concerned that their jobs may be in jeopardy. Once again, arrogant Federal action has disregarded State expertise and local wishes.

It is incredible that with economic dislocations plaguing our economy, the Federal bureaucrats here in Washington are managing to exacerbate the problem. At one end of this town we have a President working hard to promote market stability and keep Americans working while at the other end we find Federal employees undermining these effects. If this situation were not so terribly tragic it would be funny.

Our country's free enterprise system has provided the foundation for the greatest and mist prosperous civilization in history. In the past, an individual was permitted to use his ingenuity and the sweat of hard work to build a business. The American economy became a dream machine for a nation of immigrants. It is something to be proud of. Today, however, a young person starting in business is faced with obstacles—barriers to success—erected by the Federal Government. The Internal Revenue Service tells the entrepeneur how much he can make; the Occupational Safety and Health Administration tells him under what conditions his employees should produce; and the Environmental Protection Agency follows this up with directives on how to use the natural resource available. If the fledgling business man or woman can survive all this they certainly deserve every success.

Mr. President, I am convinced that the staggering of our once robust economy is due in large part to the meddling Federal Government. We must take steps to remedy these counterproductive activities before the American dream becomes a nightmare.

DISPERSING POPULATION: WHAT AMERICA CAN LEARN FROM EUROPE

Mr. HUMPHREY. Mr. President, as the United States begins to consider national growth policy options and issues related to such options, our Nation has a lot to learn from other advanced countries of the world which have been struggling with these questions for a long time—some of them for as long as 40 years—and with a great deal of commitment and success. Indeed, the United States is the only advanced nation in the world that has not developed any explicit national growth and development policies to date which incorporate population distribution or dispersal. Apparently, no advanced nation but the United States today thinks this subject is so unimportant that it can be entrusted to the market, and whatever the outcome, as being acceptable. These other nations, if not the United States, have lived by President Nixon's words of 1970:

> We can make the 1970's an historic period when by conscious choice we transform our land into what we want it to become.

I, therefore, commend to my colleagues' attention, a book just published, by the Brookings Institution, entitled, "Dispersing Population: What America Can Learn From Europe," which analyzes in detail the experience of five European countries—Britain, France, Italy, the Netherlands, and Sweden—and sets out what their national growth policies are, how they have arrived at them, what means they use to carry them into effect, and what they have accomplished in reversing the trends toward overconcentration of population that they, along with other countries of the world, had been experiencing. The author of the book is James L. Sundquist, formerly a legislative assistant here in the Senate and, during parts of the Kennedy and Johnson administrations, the Deputy Under Secretary of Agriculture. He spent a year in Europe gathering material for the book.

Let me quote the last four lines:

> America can learn from Europe these things: A population dispersal policy and the programs to execute it can be conceived simply enough. They are likely to be popular. They are not unduly costly. And they work.

Mr. President, I ask unanimous consent to have printed in the Record an earlier article by Mr. Sundquist published in the Nation, entitled, "Europe Stops the Urban Swarm", which summarizes some of the material in his book.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Nation magazine, July 20, 1974]

Europe Stops the Urban Swarm

(By James L. Sundquist)

Everybody knows that, along with the rest of the world, the United States has been caught up in a headlong rush toward urbanization, but the statistics are nevertheless startling when brought together and projected into the future. Many communities in rural and small-town America, especially in older areas of the country, reached their population peaks about the turn of the century, and since then have been declining or in a state of stagnation. In the 1950s half the counties in America lost population; in the 1960s the same thing happened—again half the counties lost population, though not necessarily the same ones. To put it another way, almost the entire gain in population during the 1960s—23.5 million out of 24 million—took place in metropolitan areas with populations greater than 100,000.

Between now and the year 2000, according to current estimates, we will have added 84 million people to the country—a horde almost equal to the combined population of Great Britain and France. And if distribution trends also continue into the future, they will all be added in the metropolitan areas. By then, these metropolitan areas will be merging and flowing out into vast urban regions.

There will be twenty-eight such regions of more than a million population each, comprising at that time 85 per cent of the country's population. Almost half of that metropolitan population—117 million people—will be in one vast rectangular or T-shaped urban region, with its corners at Waterville, Me. in the Northeast; Norfolk, Va. in the South; and Chicago and Indianapolis in the West. Or you may conceive of this as two megalopolises which have grown together—one extending down the Eastern seaboard and the other along the base of the Great Lakes from upstate New York to the western shores of Lake Michigan, and extending south to the Pittsburgh and Cincinnati metropolitan areas.

Another urban region—one more great sea of brick and concrete and 34 million people—will cover most of California from Sacramento to the Mexico border. Thirteen million Americans will live in one Florida city that extends from Jacksonville to Miami and across the peninsula to Tampa. These three gigantic conglomerates will account for 60 per cent of the population. Another 25 per cent will live in the twenty-five other urban regions of a million or more. In short, 85 per cent of the population will be crowded into 16 per cent of the nation's land area. That will be the flourishing one-sixth of the country; the other five-sixths, embracing 15 per cent of the population, will be stagnant or in decline.

No one can prove that this is good or bad—or if bad, how bad. Economists have a concept of economies or diseconomies of urban scale, and the sociologists and political scientists have similar notions. All of their data agree that at one end of the graph our rural communities are too small to be sound bases for economic development. They cannot provide the external economies necessary for modern industry. Public services are too expensive—when they can be provided at all—and the communities cannot offer the cultural amenities to be found in larger places.

At the other end of the graph, in our very largest cities any economies of scale are outweighed by the diseconomies—the costs of congestion, time lost in commuting, and the high cost of public services per capita. Just to give one example, when a city gets to be a certain size, it must have a subway; the Washington subway, under construction now, is reputed to be the most expensive single public works project in the history of the world. Crime, mental illness, suicide, family breakdown—all kinds of social pathology as well as some physical illnesses—increase with the size of cities, although these figures must be handled with some care. And it seems evident that public services are easier to organize in small metropolitan areas than in large ones and that smaller places are in general more easily governed.

But if we have some solid data about the diseconomies at the upper and lower extremes, we don't know much about what happens in between. We can't say at what point cities become too big, at what point too small; we certainly don't know what is the ideal population distribution.

Yet if the social sciences offer no solid data, there is another source that has particular merit in a democracy: data exist on the kind of settlement pattern in which people would like to live. All public opinion polls taken on the subject in this country and abroad—especially in France, which has apparently done the most polling on it—show that the public has a marked preference for smaller communities. The most recent authoritative poll in this county was taken for the Commission on Population Growth and the American Future. It found that only 55 per cent of the respondents were satisfied with the size of the communities in which they lived. Of the other 45 per cent, most would prefer to live in a smaller place. And in the very large cities, only 39 per cent expressed satisfaction.

On the proposition that the federal government should discourage further growth of large cities, the nationwide vote was 52 to 33 in favor. An interesting aspect was that the residents of the large cities voted in about the same proportion—51 for and 36 against—as did the population as a whole.

Responding to public opinion, the politicians seem to be arriving at a mild and weak consensus that the over-concentration of population is getting to be a problem serious enough to merit their attention. President Nixon in 1970 made a strong statement to the effect that policies should be adopted that would "not only stem the flow of migration to urban centers but reverse it." This repeated a similarly strong statement in the Republican platform of 1968. I don't want to overstate the President's commitment to this proposition because he has not mentioned it again since 1970, nor set in motion any action to develop a program that might carry it out. And the 1972 platform of the Republican Party did not repeat the sentiments of 1968.

Meanwhile, however, Congress had taken essentially the same position. In an act of 1970, it committed itself "to a sound balance between urban and rural America," and it repeated that sentiment later in another law. In the 1970 law, Congress sought to stimulate the President by requiring that he submit in February of every even-numbered year a report which would present data useful for the formation of a national growth policy.

The 1972 Democratic platform made a similar declaration, and other political groups, such as the National Governors' Conference, the Advisory Commission on Intergovernmental Relations, and the National League of Cities, have all adopted resolutions calling for a national growth policy that would encourage some degree of population decentralization.

But none of the advocates of a national growth policy has produced anything resembling a program. Nobody has defined a population distribution pattern or proposed the measures that would influence the location of people according to that pattern. So in considering this particular policy problem, it is logical to begin by looking at what has been learned in countries that have been struggling with the problem longer and with a greater degree of determination than we have. They are the industrial countries of Western Europe; in particular, Great Britain, France, Italy, the Netherlands and Sweden.

All those countries have growth policies. They all aim to disperse the national population by stemming migration and thus retarding the congestion of the biggest cities. Some of their plans are quite specific. Some have quantitative population targets for regions, or even communes. In each country, the dispersal policies enjoy complete political support. Implementing measures are becoming increasingly forceful and are clearly effective in slowing down, or stopping altogether, the movement from smaller places to larger centers. This is, of course, the usual squabbling over what the policies should be—that is, where the growth should be directed—but there is no significant political group or party in any of these countries that advocates abandoning a national growth policy and going back to laissez faire.

The basic program measure is one of incentives, usually in the form of capital grants to investors, covering a portion of the cost of investment in areas where growth is to be encouraged. This is normally limited to industrial investment. The standard proportion is around 20 per cent, but most of the countries now have a kind of zoning whereby areas most in need of encouragement may get a subsidy of up to 25 per cent, or even 35 to 50 per cent in the case of Italy.

In Britain, the goal has been to stem what it called the "drift to the South"—the movement of people from older, declining industrial areas of Scotland, Wales and northern England to the south, particularly Southeast England, the region centering on London. In France, the object has been to reduce the dominance of Paris in every aspect of national life by building effective competitive centers in hinterland, with special emphasis on the underdeveloped rural areas of southern and western France. In Italy, the aim has been to develop the economy of the South—or Mezzogiorno—so that the people of that region, who have been emigrating for decades, will not inundate the cities of northern Italy or be forced to seek their livelihoods in other countries. In the Netherlands, the object has been to stabilize the population in the eastern part of the country, so that no unnecessary migrants will be added to the population in the west, which is already threatening what all Dutch governments and Dutch planners (and I assume the Dutch public) hold dear—the so-called "green heart," which is in the center of the "Rimcity," a ring-shaped conurbation made up of Amsterdam, the Hague, Rotterdam and Utrecht, and smaller cities in between. And in Sweden, the object is—as in Britain—to stop the drift to the south that has been gradually depopulating most of the land area of the country—the northern regions which begin a little north of Stockholm and extend beyond the Arctic Circle.

Accompanying the incentives to get industry to move to the designated areas has been a program of public investment in industrial infrastructure, to give the development regions extra funds for roads, ports, utilities, etc., much as is the case with our Appalachian and Economic Development Administration programs. There are also miscellaneous incentives, such as tax concessions to industry and—in the case of Britain at present—a regional employment premium, which is simply a wage subsidy in the amount of between $3 and $4 a week for male adult employees and a somewhat smaller amount for women and juvenile employees.

As a counterpart to incentives, the European countries impose controls upon investment in the cost congested area. London has been under tight controls since the war, and these have now been extended to the entire Southeast region and to the West Midlands, centering on Birmingham, as well. To build an industrial plant—or in recent years an office building in the London region—an enterpreneur must prove that the enterprise he proposes to develop can't be developed anywhere else, and particularly not in one of the depressed areas.

France has required a similar special permit for construction in the Paris region since 1955. It also imposes a small penalty tax to discourage such new construction. Italy has just adopted controls on industrial construction in its large Northern cities; only the other day it was reported that for the first time the government actually turned down Alfa Romeo's application to build an 11,000-job factory at Milan and told the famous auto firm to undertake its development elsewhere.

The Swedes do not have direct controls, but they do have a system of mandatory consultation on the part of any investor proposing to establish a plant in any of the three large metropolitan areas of the country; during the consultation, the government attempts to persuade the investor to put his plant somewhere else. This has not been working very effectively, and the government is now considering the imposition of stronger controls.

The Netherlands Government proposed a measure that would not only introduce controls but impose one of the harshest taxes anywhere: a 40 per cent tax on buildings in the Rimcity and a 5 per cent tax on machinery and equipment. The Parliament is in the process of reducing the rates—putting a greater reliance on direct controls instead—but the measure is considered sure to pass.

In addition, governments are taking various direct measures. Britain, the Netherlands and Sweden have extensive programs for decentralizing government offices. Sweden is in the process of moving one-fourth of its national government out of Stockholm to thirteen growth centers scattered around the country. The state-owned and state-controlled industries that are of particular importance in some European countries—especially in Italy, where they account for 25 per cent of new industrial investment—have been obliged to put virtually all of their new projects in the development areas.

France has a very deliberate, and apparently effective, program of negotiating with occupiers of Paris office space—particularly banks, insurance companies and other "tertiary" institutions—to decentralize. The French can do this in part because of a control program that not only covers construction but also requires permits for the occupancy of office space. So if a bank, for instance, wants to obtain space for 5,000 employees, either by renting or by building, the government is in a position to bargain with it—to say in effect, "Look, if you will put 4,500 of your employees in Lyons or Bordeaux, you can put 500 in Paris." An impressive number of jobs have been decentralized through this process.

As for the total effect, it seems clear that the European governments have interfered successfully with the normal working of the economy—jobs have been moved from congested areas to decongested areas, particularly new jobs. Migration has been slowed down. Population has been stabilized in areas of out-migration. The proudest boasts in these countries now are that, probably for the first time in modern history, there is a net out-migration from the London region (not from just the city proper but from the whole region, which includes most of London's commutation area), from the Paris region and from the provinces of North Holland and South Holland (which contain the cities of Amsterdam, The Hague and Rotterdam). And in the case of the Stockholm region, there was not only a net out-migration last year but an absolute decline in population. The Swedes say that this has happened only twice before in the modern era: once in 1868 as the result of a potato famine, once in 1918 as the consequence of an influenza epidemic.

Some of this turnaround in the migration pattern might have happened anyway as the cities became more and more expensive places in which to do business, but the fact that the shift in migration patterns followed immediately and abruptly upon the adoption of tough national policies suggests that the policy shift was the major factor.

The best economic analyses of results of the population dispersal policies have been made in Britain. Three independent studies made by economists there indicate that government programs have resulted in something like 30,000 to 70,000 additional jobs a year in development areas above what would otherwise have taken place. A. J. Brown, author of one of these studies, concluded that in the absence of policy the migration flow from north to south would have been twice as high, that unemployment in development areas would have been 1 to 1.5 percentage points higher, adding one-half of a percentage point to the national unemployment rate, and that the loss of output would have been more than $500 million a year.

Now, preventing those consequences is not without costs. Britain is spending in the neighborhood of $700 million a year in direct incentives alone—although it may be observed that other countries, which use more selective methods in handing out subsidies, have been able to accomplish about as much with a considerably smaller expenditure. There is some loss, presumably, of competitiveness and efficiency for industries that are forced to accept locations they do not choose; the subsidies are supposedly fixed at amounts to offset such losses, but that is a hotly disputed point. The automotive industry in Britain has recently testified before a committee of the House of Commons as to the added costs that are imposed by its being forced to locate plants in Scotland, rather than in the Midlands. The Chrysler Corporation has been forced to assemble its cars on what is called "the longest assembly line in Europe," stretching from the Midlands to Scotland and back again. This, of course, is also disputed; the government planners contend that, had Chrysler planned its expansion properly, the company would not be in the position of transporting components back and forth between plants located in distant places.

Originally, the concept appeared to be that, if industrial production were dispersed, service industries would assume a dispersed pattern as well. Now the planners have found, somewhat to their surprise, that service industries seem to lead a life of their own, that no matter how industry is dispersed, the banking, insurance, engineering, brokerage and related tertiary functions prefer to concentrate in national capitals.

At present there is great rivalry among European countries for the location of the corporate headquarters of multinational enterprises. And each country would like to house the financial center of the European Economic Community (EEC); competition for that honor is particularly keen since the British with their City of London have joined the EEC. The countries believe they must offer their principal cities as the locations for the corporate headquarters and the financial services, which presumably will insist on locating in London or Paris or Amsterdam, rather than in Glasgow or Toulouse or Groningen. So they are trying to invite developments of that kind, while at the same time imposing control measures on office-building construction. And, in the case of France, on office-building occupancy.

When talking to their domestic industries, they make the argument that if enough activities are not pushed out of the capital cities to make room for the multinational corporations, they won't be able to attract the latter at all. But they are finding that international competition puts a damper on the move toward tighter controls on growth in the congested areas. The argument used by opponents of the pending building tax in Holland is that, if the Dutch impose such a heavy penalty, it will simply mean that the corporations that want to locate their headquarters or their factories in Rotterdam or Amsterdam will move over the line to Antwerp or Brussels—and, as the opponents put it, "Belgium will get the taxes, while we get the smoke."

Similarly, many French planners would like to impose even tougher controls on Paris, but once again they fear that the beneficiaries of such a policy would not be the regional centers of France, but rather Brussels, Antwerp and Düsseldorf. So both the French and Dutch face the necessity of raising this whole issue to the level of the EEC and trying there to get uniform controls that all countries will impose simultaneously on their congested centers. Unfortunately, the EEC is not quite ready to add this problem to all the other vexations it is dealing with.

So, how applicable is the European experience to the United States? It is clear that difficulties would arise if anyone here proposed to adopt the entire range of European programs. Whereas the tradition in Europe is one of planning and the acceptance of government controls, the tradition in this country is primarily one of *laissez faire*. If in European countries all the parties are for these incentive and control programs, with only the right-wing minority of a conservative party possibly opposed (and even that much opposition would be found only in Britain, since the Enoch Powell wing of the Conservative Party is the one significant political group in Europe that opposes a national growth policy), here it would likely be the other way around. Only a minority, liberal wing of one of our major parties would probably favor a move in this direction.

And our federal system imposes barriers. It is hard to foresee any general acceptance of a system of controls on land use that operated out of Washington, and yet if the states were to endeavor to control growth within their boundaries, they would immediately run into the same problems that are now appearing in Europe on the international scale. If Michigan, for instance, decided to impose controls on the expansion of the automotive industry in the Detroit area, the automobile companies could simply move over the line into Ohio and still for practical purposes be in the Detroit metropolitan area. Michigan would lose the taxes—and whatever politicians in Michigan proposed the control would be out of office.

Nevertheless, one feature of the European approach could be adopted here—the incentive system. We would probably have to use an indirect tax subsidy, but that that would be feasible is indicated by the fact that such a measure has passed the Senate twice, both times being lost in conference. That measure would have applied a higher rate of investment credit to plants located in depressed areas, as defined under current law, than is granted to plants elsewhere.

At any rate, the President is required to focus attention on this subject at least every two years, when he must present to Congress his report on national growth policy. And so, in some February of some even-numbered year, we can expect that there may be recommendations by some President on a first move toward establishing a national growth policy. When that time comes, we shall be able to proceed with the assurance, gained from more experienced countries, that measures to stem the over-concentration of population in one or a few great urban regions can be devised, that they do work and that politically they prove not only acceptable but also popular.

ROBERT BALL ON SOCIAL SECURITY

Mr. CHURCH. Mr. President, the social security system is now confronted with a short-term and long-term actuarial deficit.

The short-range problem is caused primarily by the recession which is straining the program at both ends.

First, our 8.9-percent unemployment level has reduced revenue for social security. Second, benefit outlays are much higher than initially projected because of the rampant inflation during the past year.

The long-range deficit is caused primarily by a sharp reduction in the projected birth rates. In addition, the Social Security Board of Trustees now assumes a higher rate of inflation into the next century than previously projected.

Quite clearly, the financial condition of social security is a matter of vital concern for all Americans. In one form or another, social security touches the lives of almost every family in our Nation.

Consequently, prompt action is needed by the Congress and administration to come to grips with these financing issues.

At the same time, though, it should be emphasized that these problems are clearly solvable if approached in an intelligent and dispassionate fashion.

Mr. Robert Ball—a former Social Security Commissioner and now a scholar in residence at the National Academy of Sciences—recently discussed the financial condition of the Social Security Trust Fund in an interview with Washington Star staff writer Ned Scharff.

As always, Bob Ball spoke with great insight, understanding, and a fundamental grasp of the issues.

His comments make it abundantly clear social security beneficiaries should have no fears that their checks will stop coming.

Moreover, he discusses other issues which merit the attention of the Senate.

Mr. President, I ask unanimous consent that the interview between Bob view was ordered to be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

[From the Washington Star, Apr. 29, 1975]

Ball on Tax for Social Security Aid

Robert M. Ball has been involved with the Social Security Administration since he went to work in 1939 as a petty official in the Newark district office. He served as commissioner of the system from 1962 to 1973, and is now scholar-in-residence at the Institute of Medicine of the National Academy of Sciences. Ball was interviewed by Washington Star Staff Writer Ned Scharff.

Question. Many observers of the Social Security system are saying that it's in trouble financially. Do you think Social Security can continue to function as it does now?

Ball. Well, the system does need more financing. I think the best way to look at this is in two parts. There is a short-range financing problem which grows out of the present economic situation. And then in the next century there is the possibility of a problem in Social Security financing which grows out of an expected change in the age composition of the population. I have no doubt that the promises of Social Security will be met by the U.S. government, but, as I say, some additional financing will undoubtedly be needed.

Q. Where do you think that should come from?

A. Well, it would not be good economics to raise Social Security contributions, taxes or premiums, at this time, but obviously you can't let the deficits go on. It is very important that the income to the program be raised so that it is in excess of the benefit payments that have to be made just as soon as an economic turnaround. I would not do it until the economy is on the upbeat. But when that happens, I would propose that the maximum amount on which people pay and the maximum which is credited to their benefits be raised to $24,000 a year.

Q. *That is you would advocate an increase in the tax base rather than in the tax rate itself?*

A. The tax rate which falls on everybody under Social Security is now 5.85% and that is a fairly sizable rate if that applies to workers of all levels. If you increase the base it applies only to 15% of workers under the system who have the highest earnings. In other words, 85% of workers today have all their earnings counted toward those security benefits and they pay on those earnings. The 15% at the upper end do not.

Q. *Would you agree that it makes it a regressive tax that falls hardest on low income earners?*

A. I don't think really it's correct to look at Social Security finance primarily as a tax. It's the purchase of retirement insurance, disability insurance and of life insurance. People are paying for a protection and what they pay is marked for the purpose of Social Security. Now if you look at it as a complete system, then it is not regressive because the benefit amounts that people get are weighted in favor of the lower wages. If you look at both of what you pay in and what you take out the lower paid wage earner has a break as compared to the high-paid wage earner.

Q. *But generally, a man or a woman retiring now on nothing other than Social Security benefits would find it pretty difficult to lead a decent life?*

A. No, I don't think so. I think the way to judge a retirement system like Social Security or Federal Civil Service or private pension is the relationship of the payment made to the recent earnings that the individual has been getting. And for people retiring today under Social Security, the worker who has been earning the federal minimum wage, he and his wife together if he retires at 65, would be getting benefits at about 80 percent of what he had been earning in the years just before retiring. The worker earning the amount that the average male worker would get, he and his wife together would be getting about two-thirds of what they had been earning just before retiring.

Q. *When the system was introduced in 1935, it was designed not only to provide a minimal income for the elderly but at the same time to get elderly people out of the job market to help clear the way for younger people. Is that fair or wise?*

A. I feel very strongly that there should be increased opportunities for older people to work. I think that it ought to be up to the individual whether 65 is the right age for him to stop paid employment and start something else, volunteer work and other activities or whether he wants to continue in a regular or part-time job. However, I do not believe that a retirement system should be paying people who aren't retired any more than a disability insurance system should be paying people who aren't disabled. And I think it would be a great mistake to turn the Social Security system into what the insurance people call an "annuity program," which just gives you the benefit because you reached age 65, say. Up till now the philosophy has been that it's retirement insurance designed to partly make up for the income you lose when you retire. So you need some sort of a test of when a person is retired and the present provision in Social Security seems to me reasonably satisfactory.

Q. *But as far as retirement itself goes, do you think the government is proper in making this a basic humanitarian goal?*

A. I think at age 65 what I'd like to see is the opportunity for people to choose. I'm against forced retirement. I think the trend toward compulsory retirement in industry is undesirable, particularly if we take note of the problem of a high ratio of older people to 20 to 64-year-olds in the next century. The more older people who have the opportunity to work, the less economic burden therefore they would be. At the same time, I think if individuals are willing to accept a somewhat lower level of living as they do under well-designed retirement systems, then I think that's acceptable. I think what we want to do is enlarge choices.

Q. *The present Social Security Advisory Council suggests that part of the burden in the next few years be paid for out of the general treasury. How do you feel about that?*

A. I'm very much against the specific proposal made by the advisory council. What they suggested was that the Medicare program(the health insurance program providing hospitalization for older people and disabled people, be supported 100 percent out of general revenue, not be a contributory system at all. The reason I'm opposed to that is that I believe that if Medicare was supported entirely out of general revenues there would be a good possibility that in the future that an income test might be introduced. People might say, in effect, well if this is all being paid for from general revenues why should the protection be given to people who could take care of it on their own. You'd soon find I think that instead of an insurance program, like Medicare now is, you'd have turned it into a relief program. Now on the larger question of general revenues for the Social Security program as a whole I am not opposed to that if it's kept to a subordinate part of the financing for the long run. I see no need to introduce general revenues at this point. I'd be for raising the maximum earnings base to $24,000 which I think helps on the benefits side as well as on the financing, and that would carry the program for many many years into the future. If in the next century we find that the commitments of the present program still need additional financing at that time, I would be personnally in favor of the gradual introduction of some general revenue financing, both on the cash program and on the health insurance. Not putting it all one way or the other.

Q. *One of the most difficult questions about the future of the system is that as we become an aging society with fewer workers proportionate to the number of retirees in our society, the current level of benefits may well be impossible to keep up some years from now without severely damaging the economy. How do you feel about this?*

A. I don't agree with that at all. It seems to me that we are now into the question of the long range financing of Social Security and I think the problem you're raising really applies to an estimated or projected situation that begins about 2010. Assuming an accumulation of low fertility rates, by about 2010 the people of working age, those between 20 and 65, in absolute numbers will come to a halt and the numbers of people above 65 greatly increases for a period there between 2010 and 2030. Now that just taken in itself would create an additional economic burden on the people of working age, and this is to aside from Social Security. This would be true if you were to support an entire elderly population entirely out of private pension plans or if you were going to do it out of relief or assistance or if you were going to do it all from the wages of their children. That kind of a shift in the larger number of retired people vs. people of working age would apply to any matter. But the point I want to emphasize is that exactly the same in birth rate that has brought what we have just described also results in a lot fewer children and so that the people of working age, the 20–64 group, we have no more dependents to support in an economic sense than they do today. As a matter of fact, they have less. There are fewer combined dependents, that is those under 20 plus the group over 65 as a ratio to those of 20–64 than is true right now today.

Q. *So it would certainly be easier for them to prepare for retirement?*

A. Yes. Maybe the long-range problem could be described as: how do we translate the reduced burden of caring for and raising children on the willingness of people of working age to pay higher rates for retirement benefits.

FARMWORKER RIGHTS

Mr. KENNEDY. Mr. President, the California Legislature has approved a bill, perhaps the first of its kind in the Nation, to provide to farmworkers the right to have secret ballot elections in choosing their own union.

In a real sense, the rights that industrial union workers won in this Nation during the 1930's have finally made their way out of the cities to the agricultural fields in California.

California Gov. Jerry Brown deserves a great deal of credit for placing his personal prestige behind this effort to find a peaceful solution to the constant threat of violence in California agriculture.

His negotiations with growers, United Farm Workers, Teamsters, the AFL–CIO, and other interested groups were finally successful in producing this unique piece of legislation. It, unlike other measures introduced in the past, is particularly sensitive to the differences between farm labor and other industries, differences which require a detailed set of protections to insure that elections would actually permit the workers to decide whether they wanted a union and which union they wanted.

This moment also marks another accomplishment for Cesar Chavez, president of the United Farm Workers of America, AFL–CIO, who began this movement many years ago and, despite enormous obstacles and powerful opponents, continues to speak out against the injustice that still faces the Nation's migrant workers.

His movement can be credited to a large extent with having spurred better wages, working conditions, and public recognition for the Nation's farmworkers. This new law may be the start of a new era in farm labor, an era where laws protect the rights of the farm workers to organize, to choose a union of their own choice, and to obtain a better share of the bounty that they harvest.

I ask unanimous consent that two articles in the Los Angeles Times and one article from the New York Times detailing these events be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Los Angeles Times, May 30, 1975]

ASSEMBLY SENDS FARM BILL TO BROWN FOR SIGNING

(By Jerry Gillam)

Sacramento.—Gov. Brown scored a major victory Thursday when the Assembly granted final legislative approval to his farm labor bill designed to end 10 years of turmoil in the state's $10 billion annual agricultural industry.

By a lopsided 64–10 bipartisan vote, the lower house sent the landmark legislation to the governor's desk for signing into law. The Senate already had approved it 31 to 7.

Brown is expected to sign the bill early next week with representatives of all affected groups present to witness the historic act.

The basic thrust of the measure is to let farm workers choose their collective bargaining agents, if any, by secret ballot elections and to regulate farm labor relations, starting with the September harvests.

The effective date of the new law will be Aug. 29, regardless of when the governor signs it, or 91 days after Thursday's adjournment of the special session called to consider the matter.

It was the second major legislative victory for the new governor this month.

The first came when the lawmakers sent him another requested bill eliminating the oil depletion tax allowance for big oil companies. This will pump another $43 million into the state Treasury.

But the farm labor bill triumph was extra sweet for Brown, who succeeded during round-the-clock negotiations in convincing growers, the Teamsters Union, Cesar Chavez' United Farm Workers of America and AFL–CIO Labor Federation to support it.

The governor hailed final passage of the bill as a "real milestone" that will benefit both farmers and workers by restoring stability in agriculture.

Asked if he saw it as a major achievement of his first six months in office, Brown said, "I see it as an achievement of everyone who worked on it. I really see myself as a catalyst. I think the credit goes equally to everyone concerned."

Assembly Majority Floor Leader Howard Berman (D-Sherman Oaks), who handled the bill on the lower house floor, said the governor exhibited "brilliant leadership" and the speedy passage was a "beautiful example of the legislative process at its very best."

"The public interest and the interest of the farm workers are both best served by giving the farm workers secret ballot union elections," Berman told his colleagues.

Assembly Minority Floor Leader Bob Beverly (R-Redondo Beach), who voted for the bill, said, "I hope and pray this will bring peace to the fields—but I am not as optimistic as the governor."

An opponent, Assemblyman John V. Briggs (R-Fullerton), charged Brown drafted the bill "and told the Legislature to take it or leave it," signalling a return to old-style "power politics" in California.

The lower house debate on the farm labor bill actually was anticlimactic to the negotiations that preceded it.

In his inaugural message to the 1975–76 Legislature last Jan. 6, Brown called for such a bill.

Lawmakers applauded that statement, but many were skeptical that the governor could look forward to such an occurrence.

Neither former Gov. Ronald Reagan nor ex-Gov. Edmund G. (Pat) Brown, the current governor's father, had been able to achieve the same goal to reduce the violence in the fields.

The new governor did it in less than six months, helped by the fact that his fellow Democrats hold large vote majorities in both the Senate and Assembly.

[From the Los Angeles Times, May 30, 1975]

Dawn of a New Era for Farm Workers

(By Harry Bernstein)

Strange looking machines now pick most of the tomatoes we eat, shake most of our walnuts from trees, dig most sugar beets from the earth.

Sensitive electronic light beams even "feel" fruit, such as strawberries, to make sure it's ready for plucking by mechanical arms.

Within another five years, most crops will be mechanized by the industrial revolution sweeping the nation's farmlands, a revolution which can be measured statistically:

In the last decade, farm production jumped nearly 25% despite a 35% decline in the number of people working on farms.

A decade ago, one worker produced enough food for 24 people. Today one worker can supply 49 people.

The mechanical revolution has been spurred by thousands of scientists and engineers working in tax-supported university research centers, and by giant corporations which already have taken over about 40% of all farm production.

But another almost equally dramatic revolution also is sweeping agriculture. It is bringing radical changes in grower attitudes toward workers. It is making a significant start toward improving poverty-level wages and sometimes brutal conditions of hired farm workers, the laborers who still are required as supplements to the machines.

The social revolution in agriculture has been fermenting for many years, but didn't become a major force for change until 10 years ago when a Mexican-American, Cesar Chavez, and a relatively few farm workers decided to form a union.

Chavez and what was to become the United Farm Workers of America ran into opposition not only from growers but from leaders of the 2 million-member Teamsters Union which allied itself with growers to oppose the UFWA.

But the revolution could not be stopped, and the resulting gains made for farm workers are far greater than most Americans realize.

One of the most impressive results of the revolution was the passage Thursday of a farm labor law for California, a law which could become a pattern for other states and even the nation.

What the farm workers actually won is a law giving them the same rights most other nonfarm American workers have had since 1935: the right to vote by secret ballot, in government-supervised elections, on which union, if any, they want to represent them.

The law was supported by a coalition of once-feuding forces united, at least temporarily, by Gov. Brown in a political coup which can only boost his political status in California and across the country.

It came at a time when Chavez's UFWA appeared to be at its weakest stage since the union was formed, with even Chavez conceding he has only 15,000 members during the peak harvest season, and less than 20 union contracts.

M. E. (Andy) Anderson, head of the Western Conference of Teamsters, estimates that when the new law becomes effective Aug. 29, the Teamsters will have at least 467 farm labor contracts covering the 65,000 members they already have, and perhaps by then, many more.

With fewer than 80,000 farm workers belonging to unions out of a potential membership of about 250,000, the stage is thus set for a new kind of battle in California agriculture, one which will see workers voting under government supervision on the issue of union representation. Hopefully, the battle will be fought with electioneering words, not the fists and sticks and sometimes guns that have marked agricultural disputes in recent years.

It may not all be peaceful. There is still occasional violence despite the National Labor Relations Act which Congress passed 40 years ago to regulate and minimize conflict in nonfarm labor relations.

And now the claims being made by all sides about the true feeling of farm workers will be tested at the ballot box.

Growers who have signed contracts with the Teamsters Union have insisted their workers really wanted the Teamsters, not Chavez or the UFWA, and the Teamsters, of course, agreed.

Chavez insisted all along that workers were forced by growers and Teamster officials into the Teamsters Union to thwart the militant UFWA, which is oriented around Mexican-Americans, who make up the bulk of California's farm labor work force.

The truth is, no one really knows which union the majority of workers want, if any.

It is possible that, while Chavez and the UFWA must be credited with sparking the workers' revolution in agriculture, the Teamsters could walk away with the victor's laurels.

Few observers believe farm workers will vote for no union, at least not on those farms where contracts now are in effect.

Chavez will be gambling the bulk of the vast support he and his union have developed in the last 10 years among most church leaders, liberals and millions of other people around the world.

That support stemmed from the conviction of most of those supporters that farm workers themselves want Chavez and the UFWA.

If honest elections do not substantiate that conviction, the UFWA could be wiped out.

In contrast, if the Teamsters do not win most of the elections, that union is so large it could stay in the battle for years. It does not rely on public support.

Growers, UFWA officials and Teamsters leaders Thursday all promised to try and make the new law work.

Secretary of Agriculture and Services Rose Bird, who did most of the legal work on the law, said it will take the cooperation of all those involved to end the chaos of farm labor disputes even with the new law.

While promising to try and make the law work, however, Teamsters officers and many growers maintain it is a measure designed primarily to help the UFWA.

For instance, it allows secondary boycotts, so the UFWA can try and get employes of a market, for instance, to refuse to handle products of a grower being struck by the UFWA.

Such tactics are not allowed under the federal labor law, but since that law doesn't apply to farms, secondary boycotts will be legal in California.

Some growers now regret their decision to work with the Teamsters Union as a means of getting rid of Chavez, UFWA.

One grower fumed in a recent off-the-record conversation that, "We were a bunch of god-damned fools. We might never have had any union if we hadn't cooperated with the Teamsters to keep Chavez out."

For many generations, California ranchers, like farmers in every part of the country, fought unionization of field workers.

Some of the physical battles started in the 1900s, and the redoubtable growers easily won all of them.

Legislative encounters with the unions also resulted in grower victories over the years, and California's farmers were part of the powerful farm bloc which successfully fought inclusion of farm workers in the Wagner Act which helped bring millions of factory workers into labor unions.

The growers grim determination to prevent unionization of field workers was as strong or stronger, and certainly longer lasting, than factory workers encountered from the auto and steel industries during the organizing campaigns of the 1930s.

The hard-line, antiunion stance did not change significantly until Chavez launched the strike and worldwide boycott against 27 Delano area grape growers on Sept. 8, 1965.

Chavez, a militant Catholic who prides himself on his $5 a week salary, plus limited expenses, flaunted the symbols of his religious faith, fasting, praying, lighting candles for Mass out in the fields at night.

The boycott of grapes was a devastating success, and five hate-filled years after it began, grape growers surrendered and negotiated contracts with the UFWA.

But when those contracts expired three

years ago, the growers suddenly announced they had signed contracts with the Teamsters Union, apparently assuming that the Teamsters would be easier to get along with than Chevez' union.

The UFWA immediately launched new strikes and boycotts against the grape growers, against lettuce growers and against Gallo Winery, which also signed up with the Teamsters after dropping the UFWA contracts.

No worker votes were taken, but few industrial employers ever sounded as enthusiastic about labor contracts as some of the growers did when they signed with the Teamsters.

The growers warned that even if the Teamsters decided to get out of the fight, the growers would go all the way to the U.S. Supreme Court to maintain the validity of those contracts.

Now, the new law will recognize contracts as valid only if the majority of workers on a farm have voted for the union involved, although the law will not automatically invalidate existing agreements. It will take a union representation election to do that, but, for the first time, the system is available to knock out any contracts signed without worker approval.

It is easier to measure the result of the mechanical revolution in agriculture than the social one, but some figures are available.

For instance, when Chavez began, the average California farm worker earned $1.42 an hour, or 47% of the average industrial worker's wage.

Today, the California average for farm workers is $2.64 an hour, or 58% of the factory worker's wage.

Even more important than the substantial gain in wages, however, are the changes in attitudes.

For generations, farm workers were known only as "hands" to many of their employers. Housing ranged from poor to disgraceful. Today, workers are treated with much more respect, housing has improved, and the views of the workers are being carefully considered as growers anxiously await the result of those upcoming elections.

At least some of these changes are due to the promise, or the threat, of a militant Chavez and his UFWA.

Chavez did have trouble with the administration of his union, so much so that growers who signed contracts with him said it became intolerable.

Now that the ballot box system is available to demonstrate the choice of the workers, each side is getting ready for a new kind of contest.

Anderson, the Teamsters Union leader, feels his forces are in good shape for the battle.

"We've got good contracts and our success in the future will be based on our ability to get those contracts and improve them. The workers can see for themselves what the Teamsters Union can do."

The Teamsters first tried a separate union of farm workers, but now have reformed their organizational structure and have farm worker members in nine different Teamster locals throughout the state. The Teamsters also have an agricultural division, which employs 35 organizers who move from local to local to help with the farm worker campaigns.

"We are going to service farm worker members like we do our members who are truck drivers, warehousemen and all of the other categories, and everyone knows, I think, that our contracts are among the best in the entire country." Anderson said in an interview Thursday.

"We'll organize based on our achievements, not with street demonstrations, red flag wavings, or using the Catholic Church," he said.

The Teamster official has been advocating the use of secret ballot elections for several years, but until a few weeks ago, no agreement could be reached on the specifics of a farm labor law.

The Teamsters will resume bargaining soon on new contracts to replace pacts which expire July 15 for most lettuce workers in California.

And Anderson said, "We're going to treat those growers like any other employers, with the goal of making the farm workers first-class Teamster members, with all of the wages and benefits our other members enjoy."

Chavez, in a separate interview, said his forces, too, are ready, but specific plans have not been completed yet on which farms will be targeted first for elections.

Under the law, a union must first get 50% of the workers on a farm to sign cards saying they want a union and that move can come only when the grower has employed at least half of the total expected at the peak season of the year.

Chavez said, "We'll have elections first where the workers want them, but the interest is fantastic already.

"I went down to Coachella Valley the other day without any advance planning and just stood outside our hall there for a few minutes when more than 80 people came by asking how to get elections and what the new law means.

"We're getting 200 to 300 inquiries a day in our offices around the state from farm workers who want a union, and in addition, we have ranch committees working not just on those farms where we have contracts, but even on those places where the Teamsters have contracts."

Chavez said the UFWA will keep the pressure on growers through the boycott until elections are won or lost.

The UFWA has 26 area offices, in addition to the ranch committees, and through these facilities Chavez said the UFWA will keep close check on evidence of further, illegal collusion between Teamsters and growers.

While growers generally said they have strong reservations about the law, and especially about the secondary boycott provision, they seemed relieved to know that, for the first time, the battle over unionization of farm workers will be guided by laws.

[From the New York Times, May 30, 1975]

CALIFORNIA FARM WORKERS LAW PASSED

(By Wallace Turner)

SAN FRANCISCO, May 29.—The California Legislature completed passage today of the Agricultural Labor Relations Act and sent it to the man who proposed it, Gov. Edmund G. Brown, Jr., who will sign it next week.

Final passage came in the Assembly by a vote of 63 to 10. The Senate had earlier approved the bill 31 to 7.

The law is expected to bring deep changes in this state's immense agricultural operations and could set a national pattern. It is designed to end the strife that resulted from competing negotiation drives of the United Farm Workers Union led by Cesar Chavez and the International Brotherhood of Teamsters.

The legislation came before a special legislative session, meeting during the regular session, as a device to make the act effective in September. The harvest of many crops will then be in full swing so that union representation elections can be held. Otherwise, the bill would be effective Jan. 1 with much disruption of contracts during the interim.

The new law is modeled on the National Labor Relations Act. It is designed, according to one of its authors, to change the flow of power on which farm labor organization in this state has been based. The national law has never covered farm workers, which is one of the reasons for the competition that has characterized field labor unions here. In addition, the growers have been able to play unions off against each other, and this will end also.

"Traditionally, farm labor has been organized from the top down," said Rose Elizabeth Bird, Secretary of Agriculture and Services, to whom Governor Brown in January gave the job of producing a farm labor bill. "Cesar Chavez used boycotts to force growers to sign up. The teamsters negotiated directly with the growers, who forced workers to join the union.

"We wanted to change that," she said. "We wanted to give the farm workers themselves the power."

The bill sets up a five-member board that will be appointed by Governor Brown. The board will oversee secret ballot elections to select unions. The workers on a farm will decide between competing unions, or for no union, the latter a provision written in at the growers' insistence.

"We wanted the secret ballot elections to encourage democratization among farm workers," said Secretary Bird. "Also, by use of this key institution in American life, the secret ballot, we overcome the question of legitimacy which has plagued farm union organizations here."

The growers have asserted that the United Farm Workers coerced field workers into union membership. That union has argued that grower sold out field workers by forcing them to join the teamsters.

The new act permits strikes at any time. But the secret ballot certification elections can be held only during harvest, to insure voting opportunity or the maximum number of workers. Elections must be called quickly after filing of qualified petitions seeking them. No negotiation can begin with a grower until certification has been won by the union.

The major interests touched by the bill all got some benefit from it. The growers were persuaded by Governor Brown that they must accept this act to avoid being caught in disputes between competing unions. The teamsters were persuaded that a bill would be passed with Governor Brown's backing, so when they received some protection through amendments, they supported the bill. For the United Farm Workers the legislation provides a chance for re-establishment of contracts through persuading field workers to join the union.

NO SECONDARY BOYCOTTS

Agreement was reached that the law will forbid secondary boycotts of the sort that tried to prevent goods from reaching the market place, but consumer educational boycotts against buying from a grower who is under attack will be permitted.

The bill that was passed was the result of a series of discussions, the most crucial of which were usually led by Governor Brown, a 37-year-old who once worked in the fields while he was a Jesuit seminary student and who marched with the United Farm Workers in the nineteen sixties when they sought contracts with grape growers.

The expectation is that the new law will put an end to one kind of conflict between the U.F.W. and the Teamsters. In the past, the U.F.W. has charged the Teamsters and growers with conspiring to force the Chavez union out of the fields.

In 1970 the Teamsters began to pick off contracts with growers who had been brought into the U.F.W. rift by the grape boycotts of the nineteen sixties. In 1972 the California State Supreme Court held that there was collusion with the growers in some of these contracts. The secret ballot elections presumbaly will stop this kind of dispute.

There is a question whether the U.F.W. will attempt to keep alive its present boycotts, such as those against the Gallo winerie of Modesto and the Franzia wineries of Stockton. The U.F.W. also has boycotts going against iceberg lettuce at Salinas and against table grapes. These will probably continue until September to keep up pressure against the employers.

KENNETH B. KEATING

Mr. FANNIN. Mr. President, few men have had the talent and the energy to serve their Nation so well for so long in so many capacities as Kenneth B. Keating.

During his distinguished career he was an attorney, a much-decorated soldier, a Member of the House of Representatives, a U.S. Senator, a judge, and an ambassador. In each of these endeavors he served the people of the State of New York and the people of the United States with enthusiasm and distinction. He was a man who welcomed responsibilities and never rejected challenges.

Although over draft age, he gave up his very successful law practice to serve in the Army in World War II where he earned numerous decorations. During his six terms in the House of Representatives and his 6 years in the Senate, Kenneth Keating was outspoken on issues but at the same time a man known for his fine sense of humor. His final assignments on behalf of our country, as ambassador to India and then to Israel, were difficult tasks which he performed with great skill.

Mr. President, although I missed the opportunity to serve at the same time as Kenneth Keating in the Senate, I am well aware of his patriotism, of his great contributions to the Nation, and of the high regard in which he was held by his colleagues in the Congress.

We are saddened that this outstanding man has died, but we also give thanks that we were fortunate enough to benefit from his service which enriched our Nation immeasurably.

THE SAGA OF AMERICAN BEEF

Mr. CLARK. Mr. President, earlier this year, Senator CURTIS and I introduced S. 1532, the Packer Bonding Amendments of 1975, because we are convinced that this country's livestock producers deserve some protection from financial disaster in the event of packer bankruptcies. The need for that protection is not theoretical.

On January 7, American Beef Packers, Inc., one of the largest meatpacking firms in the country filed a petition for bankruptcy. For livestock producers, the impact was sudden and devastating. And, as a result, several hundred producers in Iowa, Nebraska, and other States are holding more than $20 million in unpaid checks written by American Beef.

It is not possible to legislate a resolution to the collapse of American Beef—the matter is in the courts—but it is possible to help prevent future bankruptcies from crippling livestock producers. S. 1532 attempts to do that by giving the Secretary of Agriculture the authority to require that packers be bonded and that they pay producers by certified check or, in some cases, in cash. In addition, it would enable people to seek damages through the Packers and Stockyards Administration—as well as the courts—from packers that have broken the law.

The sad and strange case of American Beef presents a compelling case for the legislation. In today's Washington Post, reporter Dan Morgan describes the company's financial collapse and its impact.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 3, 1975]

AMERICAN BEEF, INC.: FALL OF AN EMPIRE

(By Dan Morgan)

OMAHA.—Local people say this city already has experienced two disasters in 1975.

One was the May 6 tornado that demolished scores of homes and businesses and caused millions of dollars in damage.

The other was the financial collapse of American Beef Packers, Inc., whose meteoric growth had been the talk of the $30-billion-a-year meat-packing industry until its lawyers went into court Jan. 7 with a limited bankruptcy petition.

Most of the wreckage left by the tornado was speedily cleared away, but lawyers and investigators still are sifting through the legal and economic debris left after the corporation's collapse.

Several hundred farmers in half a dozen states still are waiting to be paid some $22 million for cattle they delivered to American Beef just before it filed for bankruptcy. Many are holding checks written on empty company bank accounts.

For some smaller operators, the blow has meant personal sacrifices, dashed plans and deep uncertainty. American taxpayers also may be among the losers. Lawyers have indicated in U.S. District Court in Omaha that deferred company income taxes of $2,745,000 may go largely uncollected.

Although the firm's Oakland, Iowa, plant reopened Feb. 24 with the aid of a $7 million loan from the General Electric Credit Corp., officials here believe the closing of American Beef plants after Jan. 7 probably depressed cattle prices paid to farmers, at least temporarily.

Cattlemen found that a major bidder for their livestock had disappeared overnight.

American Beef's Jan. 7 blockbuster has led to numerous federal and state investigations as well as call for reform of the laws governing the packing industry.

The plight of the company has focused national attention on an industry at the very center of the American farm economy—an industry that operates on quick decisions, enormous volume, thin profit margins and financial fine tuning.

In Omaha, however, local attention has tended to focus on the saga of Frank R. West, 55, company president, chairman and founder, as he maneuvers to keep control of the company he built. West was not in Omaha and could not be interviewed there last week. But by most accounts the man at the center of the storm is a prototypical Western entrepreneur, nurtured in the Nebraska climate of no-holds-barred free enterprise, an individual with a forceful and ambitious personality to match his towering, six-foot three-inch frame.

To friends and admirers, West is a victim of the downturn in the U.S. economy and of the boom-induced expansion psychology that permeated the meat-packing industry until recently. Even now, they say, he may find a way to stay at the helm.

To enemies and critics, he is a man who showed questionable business judgment—investing in a new, ultramodern plant in Dumas, Tex. whose costs soared from $10 million to $23 million in three years, sometimes buying livestock on speculation and imposing a one-man rule.

Long before his present difficulties, West had had brushes with federal regulations. Last year, the Department of Agriculture charged American Beef and West's Farmland Enterprises with numerous violations of the Packers and Stockyards Act, including charges of issuing false invoices and manipulating hog prices in Omaha.

West's companies never admitted any of the allegations, but the complaint was settled last June by a consent order in which West agreed to give up a substantial interest in Farmland Enterprises, a major hog-buying firm on the Omaha market.

But those difficulties, are minor, compared to his present ones.

The Securities and Exchange Commission has asked the court to appoint a receiver to manage American Beef, thus removing West from control.

After the bad checks circulated, West and three other officials of the firm were named in warrants from South Dakota charging grand larceny, fraud and issuing checks with insufficient funds to cattlemen.

A federal grand jury in Omaha is hearing testimony in the case and investigations are being conducted by the state attorneys-general of Iowa and Nebraska, the Securities and Exchange Commission, the Internal Revenue Service, the Postal Service and the Department of Agriculture.

Among questions being examined, according to sources, is whether company officials knew bank accounts would not be replenished when they wrote the bad checks.

Another issue is whether American Beef or other meat packers violated the 1973 price freeze on meat.

In March, a plant manager for American Beef was indicted by the federal grand jury in Omaha on charges of perjury in connection with a bribery investigation.

The grand jury was investigating whether any person had paid money to federal meat inspectors or graders for the purpose of "corruptly influencing" them.

West pyramided his holdings from humble business beginnings, selling and buying hogs in the Omaha stockyards. In the early 1960s, he founded a hog-slaughtering company in Harlan, Iowa, and later incorporated it into American Beef. He began acquiring or building packing houses in Colorado, Nebraska, Iowa, and Texas, riding the crest of a revolutionary decentralization of the industry into remote parts of the corn belt and the Southwest.

By 1974, American Beef's sales totaled $891 million, making it the 218th largest company in the nation. It was one of the country's major buyers of choice steers and it bought the largest number of hogs on the Omaha market.

Through all this growth, West never shed his rough hard-driving ways or relaxed his one-man control over the company, associates say.

"Frank West was a guy who was showing up at the office with muddy boots after selling hogs in the yards all morning, even when this company was taking off," said a former associate. "He was also a guy who had to make decisions. You'd go into his office just to talk, and come out with a decision, even though it wasn't time for one."

What went wrong with American Beef is therefore partly traceable to the forceful personality of Frank West, some of both his associates and enemies say.

Yet more is emerging from the testimony and documents filed with the court here—and from other sources—than a portrait of West and his company. Also emerging is an unusual picture of the American meat packing industry.

Many packing companies, including American Beef, operate on profits of under 1 per cent of total sales. They work in an atmosphere of frenzied competition, with powerful economic pressures exerted on them to cut corners and to extend their financial leverage.

The Agriculture Department's Packers and Stockyards Administration has regulations that require packers to pay their suppliers of cattle within 48 hours. But there is no such law requiring retail chains, meat purveyors and wholesalers who buy from packers to pay promptly.

Because of this payment lag, the packing industry requires vast amounts of credit. At the time it filed for bankruptcy, American Beef was selling some $3 million worth of meat daily. Because of a payment lag of up to 15 days, its accounts receivable totaled some $45 million.

The debt was financed by General Electric Credit Corp. through a revolving fund. American Beef's customers would mail payments to an East Coast "lock box" accessible to General Electric. Several times a day, General Electric representatives would empty the lock box, tally the payments and wire American Beef more credit on the basis of the new payments.

In Omaha, money managers of American Beef tried to slow down clearance of payments to the farmers by establishing checking accounts in remote parts of the country. Checks written on these accounts took longer to clear.

A number of the worthless checks now held by Midwest farmers were written on the Greenville, N.C., branch of the Wachovia National Bank in Winston-Salem, and on a Spokane, Wash., branch of the Seattle National Bank.

During Feb. 12 testimony in Omaha's Federal Bankruptcy Court, Thomas J. Clark, vice president of finance for American Beef until his recent resignation, said this "cash management" scheme had been outlined in a brochure from the Wachovia bank and that Seattle also was "selling us this system."

"It would add maybe one or two days . . . on the time these checks were presented for payment," Clark said.

In the wake of the bankruptcy petition, many questions remain unanswered, according to various officials in Omaha.

Federal officials say they have no evidence to back charges raised by some farmers that American Beef escalated its purchases of cattle right before the collapse.

But the SEC's petition to appoint a receiver, joined by the attorneys-general of Nebraska and Iowa, raises other serious charges.

The petition alleges that American Beef transferred money to "affiliated companies" before and after filing for protection under bankruptcy law, transacted business with companies in which West had a significant interest "to the detriment of the debtor," and diverted payments from the General Electric Credit Corp.'s revolving fund. The latter charge was raised by General Electric as grounds for pulling out of its financing scheme, the step that brought on the company's collapse.

As a result of the American Beef tangle, cattlemen and state and federal legislators have proposed many reforms, including requirements that packers be insured against financial defaults by bonding companies, that retailers be required to pay their bills faster and that packers be required to pay farmers with government-certified accounts at in-state banks.

The limited bankruptcy petition filed by West's lawyers seeks to keep American Beef operating while a plan to repay creditors is worked out. On April 16, the company proposed paying creditors owned less than $5,000 half their money and bigger creditors up to 80 per cent over five year. The plan was rejected by the creditors' representatives.

Sources close to negotiations taking place between American Beef, General Electric Credit Corp. and the creditors say they are optimistic that an acceptable plan will be reached in a few days.

"It's not a question of a plan that will satisfy everyone," said B. H. (Bill) Jones, executive vice president of the National Livestock Feeders Association. "It's a question of what is plausible."

A major element in any solution will be the sale of the American Beef plant in Dumas, Tex., built to serve the huge new investor-financed cattle feed lots in the Southwest. Swift Packing Co. has offered $18 million for it.

In the seven weeks following the collapse, General Electric Credit Corp. collected $43 million of American Beef's accounts receivable, thus covering most of its own operating loans, while farmers got nothing. At the same time, there was testimony at the Feb. 12 hearing that West had "halved" his salary to $75,000 a year.

Dozens of suits from farmers assert that General Electric had no right to claim the money accruing from the sale of carcasses and cuts following the bankruptcy action.

Although many creditors say they will not accept any solution that allows West a voice in management of the company, some believe he will hang on.

Several months ago, he placed a full-page advertisement in the Omaha World-Herald declaring:

"We at American Beef deeply want to get back into production and get everyone repaid. We plan to do this, we will do this. If only we have the time.

"The rumor has me absconding everywhere from Brazil to Bora Bora. I've been right here on the job, and have no intention of going anywhere else."

West repeatedly has insisted he never intended to defraud farmers. In retrospect, some old associates take the blame for not being more forceful in fighting West on decisions they know were damaging to the firm.

"We were too complacent," said former feedlot manager Walter Hackney.

Loren D. Schultz, who farms several hundred acres of rented land in Wisner, Neb., was so stunned by the news of the collapse of American Beef Packers, Inc., that he just "stood still for a while," he recalls. Then he "called them a few dirty names."

Schultz is one of several hundred Midwestern farmers who are holding uncashable checks from American Beef for cattle delivered just before the company petitioned for bankruptcy.

The company owes Schultz $23,000 for two truckloads shipped to a nearby American Beef plant four days before the collapse Jan. 7. For a small farmer such as Schultz the setback has been devastating.

He owes $17,000 in bank notes, which he had expected to pay off with proceeds of the cattle sale. He has postponed indefinitely his plans to buy his own farm, scaled down his farming operations drastically and lowered his living standard.

Schultz says he got through the winter by "just living damn cheap. We had figured the kids (three daughters) were growing up and now we'd spend a little more for a couch and living room furniture. Heck, now we're just sitting still. We can't do a thing."

For Schultz, the bad checks from American Beef added insult to injury. He had figured to lose about $175 a head on the cattle anyway, because of January's sagging market and high feed prices.

The checks Schultz got from the company, written on a bank in Winston-Salem, N.C., were returned because the company's account was insufficient to cover them.

Since then, Schultz has felt the financial squeeze steadily tightening. "At first, I could afford to sit back and hope they'd pay off. But now, this time of year, you need the money to buy fertilizer and things."

His banker has extended his loans. "He hasn't pushed me—we're going to surely get something out of this, he says." But Schultz has had to cut back his farming because banks are reluctant to make new loans for cattle buying, and as months pass he is less sure of the future.

He is bitter at the ways of big companies—bitter at the General Electric Corp. because its operating loans to American Beef were paid off before the farmers' accounts were. And he is angry at the packers.

"They have it all their way to start with, you might say. Hell, we've taken the loss. The sick cattle have died on us, and we have all the expenses until we ship them. And then the packer comes out and tells us, 'We don't want no hidden expenses'."

Mr. CLARK. Mr. President, the packer bonding legislation now has 11 cosponsors, and Senator CURTIS and I hope to hold hearings on the bill in Omaha and Washington, D.C., in the near future. As the saga of American Beef makes all too clear, it is needed.

UNION EXEMPTION FROM ANTITRUST LAWS

Mr. FANNIN. Mr. President, most of our basic labor-management laws contain a provision exempting unions from the antitrust laws. Over the years the U.S. Supreme Court has held that unions are exempt only when they join with one or more employer in an illegal agreement. Until Monday of this week the construction industry had been held exempt.

On June 2, 1975, the High Court held that general building contractors in Dallas, Tex., could sue a plumber's union under Federal antitrust laws. The union had picketed the employers to force them to agree to a contract provision that the employers would contract only to union subcontractors.

As a cosponsor of Senator THURMOND's bill, S. 926, which would bring the unions under the antitrust laws, I welcome this small step that the Court has taken to equalize the power of unions and employers. I ask unanimous consent to have printed in the RECORD a newsstory from this morning's edition of the Wall Street Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 3, 1975]

HIGH COURT DEALS BLOW TO LABOR IN ANTITRUST ISSUE

(By Wayne E. Green)

WASHINGTON.—The Supreme Court dealt labor a major setback by expanding the circumstances in which unions can be sued under federal antitrust laws.

In a five-to-four decision involving a building-trades union, the high court said unions are subject to antitrust attack if they coerce general contractors into agreements that "indiscriminately" keep nonunion companies from competing for subcontracting business.

The decision upheld the right of Connell Construction Co., a general building contractor in Dallas, to sue a Plumbers and Steamfitters local under federal antitrust law. Connell filed the suit after the union pressured Connell, through picketing, to agree to let subcontracts for mechanical work only to companies that had collective bargaining agreements with the union. The high court rejected the union's claims of antitrust immunity.

In a separate labor case, the Supreme Court limited the authority of federal judges to review Labor Department decisions against challenging union elections. It held eight-to-one that Congress didn't intend to bar all judicial review of such decisions, but the high court said the scope of review is a narrow one.

Writing for the majority, Justice William Brennan said the Labor Department must provide the reviewing court and the complaining union member with a written statement of why it decided against filing a suit. The reviewing court should then confine its examination to the statement, deciding whether the department's decision is "arbitrary and capricious," the Supreme Court said.

The suit was brought by Walter Bachowski, an unsuccessful candidate for a district director's position in a 1973 United Steelworkers election. Mr. Bachowski sought to set aside the election on grounds that certain disclosure provisions of federal labor law had been violated.

In the Connell Construction case, the high court acknowledged a broad antitrust immunity for organized labor. Some of it is included in federal antitrust statutes, which declare that labor unions aren't combinations or conspiracies and which exempt specific union activities—secondary picketing, for example—that are dealt with under federal labor statutes.

Moreover, the high court itself has created some antitrust immunity, under a National Labor policy that sometimes requires a tolerance of union activities that restrict business competition. Thus, it has held that union organizational efforts that reduce competition are sometimes proper if they are designed to eliminate substandard wages and working conditions. The high court has sometimes applied antitrust laws to unions but mainly in situations where the union has conspired with a non-labor party to eliminate competition.

The Connell Construction case didn't involve allegations of a conspiracy to eliminate competition. The local steamfitters union was trying to organize nonunion subcontractors in the Dallas area and, in support of that objective, sought to coerce general contractors, including Connell, to agree to deal only with union subcontractors.

Writing for the five-member majority, Justice Lewis Powell said the resulting agreements "indiscriminately excluded nonunion subcontractors from a portion of the market, even if their competitive advantages were not derived from substandard wages and working conditions, but rather from more efficient operating methods." Mr. Powell said that competition based on efficiency is a goal of antitrust laws and isn't a goal of federal labor policy.

Joining Mr. Powell in the majority were Chief Justice Warren Burger and Justices Byron White, Harry Blackmun and William Rehnquist. Justice Potter Stewart wrote a dissenting opinion joined by Justices Brennan, William O. Douglas and Thurgood Marshall.

Mr. Stewart said Congress didn't intend to restore antitrust sanctions to the kind of "secondary boycott activity" involved in this case.

NEW MEXICO'S STATE BAR ASSOCIATION PROPOSES SCHOOL LEGAL EDUCATION PROGRAM

Mr. MONTOYA. Mr. President, New Mexico, like other States, has had a continuing problem in controlling crime. Our crime statistics nationwide are increasing almost exponentially.

The most tragic aspect of our crime reports in recent years is the rapid growth in the number of juvenile crimes. Young people in the United States have not found that justice is always present in our juvenile court system, and they have not always been able to understand our law. They have, in some cases, lost respect for our Government, our laws, and the law enforcement officers who work to protect us. Nearly 40 percent of all crimes in the Nation are committed by young people under the age of 18—and that figure is rising every day.

In New Mexico we have passed legislation to establish a Children's Code of Justice. We have tried to correct the problems in the juvenile court system, tried to provide bilingual courts, and the State bar association has worked to establish a better understanding of the law among our young people.

Last fall I addressed the Citizens Conference on New Mexico Courts, with special emphasis on the need for more and better education programs on the law for our children. At that time I discussed the possibility of using our local school systems to establish a program of legal education for our children. I mentioned the work of a young New Mexico lawyer, Roy Schowers, in developing such a program.

I am delighted to be able to report that Mr. Schowers has now been appointed to head a State bar association project which will provide this kind of special educational program in the schools of our State.

I ask unanimous consent that an article published in the Albuquerque Journal on Sunday, May 25, be printed in the Record. This article discusses the New Mexico State Bar Association project in some detail, and explains what I feel will be a valuable model program in legal education for the young people in New Mexico.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Albuquerque Journal, May 25, 1975]

Bar Association Proposes School Law Project

(By Sandy McCraw)

A school project which would teach children in all grades about the law and how it affects them has been proposed by a committee of the State Bar Assn.

Headed by attorney Raymond Schovers, the project goal is to "provide students with a better understanding of the fundamental values, principle and processes upon which our legal system is based."

The project could be viewed as a bicentennial program, Schowers said, the bar association plans to begin the process next year.

"The teaching of specifics of the law will be a secondary aspect of the program," Schowers said, with information being supplied for students to gain a "basic understanding of the legal process and the need for authority in our society."

The primary thesis of the program, Schowers continued, will be that "the informed student will respect law and thereby minimize anti-social behavior reducing delinquency and crime resulting in more effective citizens."

"It's not designed to teach children their rights so they can go stomping through the schools asserting them," he continued.

As an example of what the program is aimed toward, Schowers stated that from the first grade emphasis will be on "basic legal problem solving."

"We might discuss for the first graders a case in which someone takes a jump rope. We'd talk about why this is wrong and how citizens have to share. The program is designed to make children appreciate and respect someone else's property," Schowers said.

"We will discuss how in an ordered society, laws must apply. Well talk about how not everyone can hopscotch at the same time when there are only two sets of squares," he continued.

The training will advance with the level of the student but be based on the principles that were laid out by lower-grade programs, Schowers said.

"We can assume that since a number of juveniles are getting into trouble . . . that they have a misunderstanding of responsibility," he said.

"There could be an upsurge in interest in the political process and a lowering in juvenile delinquency statistics," he theorized.

The bar association committee—with representatives from the State departments of education—is currently studying curricula for the program and writing a grant request from the Law Enforcement Assistance Administration.

Other states have already initiated similar programs, Schowers said, and the committee will probably adopt existing materials and write supplementary texts which deal with New Mexico law.

One California program includes units on justice, privacy, responsibility, diversity, property, freedom and authority, Schowers said.

The committee has authorized Schowers to assess costs for the program based on the project, which is entitled "Law In a Free Society."

The courses would be taught in regular social studies of civics classes, Schowers said.

"In the civics class, we always go to the rights you will have when you attain adulthood. Juveniles are citizens also. They're more interested if these rights are applied to them in the present as well as in the future," he said.

But "the most important aspect" of the program would be teacher training, with graduate level courses being offered through a university program, Schowers said.

"Basically, I think we all assume the system is predicated on sound grounds, but few people even understand the Bill of Rights," Schowers said.

CORPORATE PROFITS

Mr. FANNIN. Mr. President, public opinion polls have indicated that many people have a frightening lack of knowledge about the profits made by American businesses and the importance of profits to our economy.

A Gallup poll last month found that the majority of college students believe that large corporations make enormous profits. The median average of the estimates was 45 percent, according to Dr. Gallup.

The antibusiness attitude evident in this poll has serious implications for the future of our country.

Corporate profits fell a record 22.3 percent in the first quarter of this year. It may only be a coincidence, but a Wall Street Journal story the same week this statistic was released noted that job offers for college graduates were off 18 percent this spring. It takes profits to provide the capital and the investment incentives necessary to provide jobs. Estimates are that it takes between $25,000 and $30,000 to create one job in our economy—it can take over $100,000 per job in some industries.

If our Government continues to pile controls and taxes on private enterprise, we will stifle our industries and unemployment will grow. If we allow businesses and industries to function with relative freedom, Americans will have the jobs and the products and services they deserve.

Somehow, somewhere, our educational system or our families, or the business community itself, is failing to educate our young people regarding our economic system.

Without profit, our economic system will falter and the United States will sink into the mire along with other nations which have turned to socialism. There are plenty of examples around the world.

Mr. President, the Arizona Republic on May 27, 1975, printed an editorial regarding profits and the misinformation in the public mind. I ask unanimous consent to have this outstanding editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, May 27, 1975]

Without Profit: Zilch

Corporate profits are suspect in the United States, particularly those of the American multi national corporations that have expanded around the world.

In a way this reverses an earlier American belief. It was President Calvin Coolidge who once said, "The business of the United States is business."

Yet there is an abysmal ignorance about both profits and business in this country, particularly in the nation's colleges and universities.

George Bernard Shaw said, "Those who can, do. Those who can't, teach." And all too often those who teach seek to make fall guys of those who do.

Consider, for instance, an April 1975 Opinion Research Poll which asked a cross section of American citizens: "On the average what per cent of profit on each dollar of sales do you think auto companies make, after taxes?"

The answer, averaged from the entire sample, was that auto companies keep 39 cents out of each sales dollar as profit. The actual figure, as compiled by the First National City Bank, is 1.9 cents. That was for the year 1974. This year at least two of the big auto companies are reporting losses, not profits.

The same survey showed that the average estimate of oil company profits was 61 cents out of each dollar. The correct figure is 7.2 cents. The poll reveals the average manufacturer is believed to make 33 cents profit out of each dollar in sales. The correct figure is 5.2 cents.

Too many Americans think that only a handful of rich people are hurt when profits decline. In point of fact, everybody is hurt. There would be no layoffs in the Detroit auto factories today if the companies were making their ordinary profits.

Thomas A. Murphy, chairman of General Motors Corp., said:

"It is not only business that lives on profits, it is our employees, our schools, our hospitals, our welfare system, our police and fire departments, our national defense system, our playgrounds, our national parks, our libraries, our museums, our entire national life."

Murphy's statement is demonstrably true. And yet, a columnist in the Wall Street Journal recently raised the question: "Why, in view of the general prosperity which the free exercise of our profit system has brought to our society, is it held in such low esteem—indeed in contempt—by intellectuals, academics, students, the media, politicians, even our very own children?"

That question takes us back to the classroom where all too little effort is made to demonstrate the success of the profit system, or the free enterprise system if you will.

Let us make one thing clear. There is more than the quest of profit in the American business world. The big companies (as well as the small) have provided high wages, reasonable hours, protection for women and children, opportunities for minorities, quality controls, and environmental improvement.

But without profit, there would be none of these things. It will be a great day for the United States when American educators begin to realize that everything else depends on someone's making a profit.

BANK OF NORTH DAKOTA

Mr. BURDICK. Mr. President, while the economies of many States are approaching conditions prevalent in the depression years, the economy of North Dakota is strong. Supported by a firm agricultural will, complemented by a vibrant and energetic small business sector, and buoyed by our pioneer spirit, we in North Dakota have managed for the most part to withstand the boom and bust cycles which recently have dealt such devastating blows to many of our neighboring States.

The above-mentioned factors are truly assets of our State. Unfortunately, we are unable to lend our strength of soul, richness of soil, clean air, or jobs and opportunities to our neighbors. However, one idea which bears sharing is that of the Bank of North Dakota, the only State-owned bank in the Nation.

I have noted growing interest in North Dakota's 56-year old "experiment" in legislatures of Colorado, Washington, and New York are considering setting up banks on the North Dakota model. As Mr. H. L. Thorndal, president of the Bank of North Dakota, testifying at a recent New York State Assembly hearing, explained,

> (The bank) did not propose to compete with existing banks but to cooperate with them and assist in developing and coordinating the financial services of the State to meet the needs of the people.

I would recommend to my colleagues an article which recently appeared in the Sunday New York Times, April 13, 1975, section 3, page 4, which deals in a very thorough way with the bank. The article entitled, "The Only Bank of Its Kind," was written by Mr. Philip Matthews of the Fargo Forum. Mr. Matthews, as usual, has presented the essentials of the story in the concise yet fluid form to which his many readers have become accustomed.

Mr. President, I ask unanimous consent that Mr. Matthews' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Only Bank of Its Kind

(By Philip Matthews)

BISMARCK, N.D.—Liberal politicians in New York and elsewhere seeking to set up an institution modeled on the Bank of North Dakota might be surprised at some of its characteristics.

It's a $382-million giant, the biggest in a 1,350-mile swath across the northern United States. It is four times as big as any other bank in the state, has one customer that provides nearly all its deposits and doesn't pay any taxes on its hugh profits—$9.2-million last year on capital of only $6-million.

What's more, its loans are all riskless since they are guaranteed against loss by the Government and the bank has only 83 on its payroll.

Although the Bank of North Dakota seems at least superficially unworthy of emulation, in a free-enterprise system, it has a long history of popularity in a part of the country that is largely conservative.

Founded in 1919 with $2-million of state money, the bank was designed to provide local financing at a time when out-of-state bankers were charging up to 12½ percent interest for short-term rural credit.

The bank—still the only state-owned one in the nation—rescued thousands of farmers from financial ruin in the nineteen-twenties and $16-million in the process. It foreclosed on about 9,600 of the 16,000 mortgages it held but even so there was no doubt about the primary concern for the health of the farming economy.

The bank now has about $32-million in loans to farmers or farm-related industries, $35-million in housing loans and $27-million in student loans. These are presumably high on the list of priorities of those who are proposing the formation of state-owned banks in Washington and Colorado as well as in New York.

In New York supporters present the idea as a profit-seeking venture as well as a governmental "yardstick" to measure overall the performance of commercial banks.

According to H. L. Thorndal, President of the Bank of North Dakota, "The legislative intent was for our bank to function as a service organization and we feel we are giving that service. It just so happens that we are making a lot of money at the same time."

But Mr. Thorndal minimized in an interview the notion of acting as a standard of banking, citing the vast differences between North Dakota and New York and maintaining that no conclusions should be drawn from experiments in other fields such as the generation of electric power by the Tennessee Valley Authority.

"We're not in competition—we're partners in progress for North Dakota with other financial institutions," he declared.

PANAMA

Mr. KENNEDY. Mr. President, in 1965, after consulting with former Presidents Eisenhower and Truman, President Lyndon Johnson entered into a public commitment for the renegotiation of the Hay-Buneau-Varilla Treaty of 1903—the Panama Canal Treaty.

Negotiations on a new treaty have followed a meandering course for nearly a decade. However, the administration in the past 2 years has put additional energies into achieving a treaty mutually acceptable to our interests and to the legitimate concerns of the people of Panama.

Just prior to the Tlatelolco conference in Mexico in February 1974, Secretary of State Kissinger signed a statement of principles outlining the general terms that would govern the future treaty. I ask unanimous consent that this statement be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Since then, Ambassador Ellsworth Bunker has led a U.S. negotiating team in attempting to work out the details of a draft treaty which ultimately will be brought to the Senate.

Unfortunately, even prior to the arrival of the draft treaty, a group of Senators apparently opposed to a change in the current situation has made their views known through the presentation of a resolution.

I hope that their concerns may yet be allayed by the content of the draft treaty since I believe it is essential that a new treaty sensitive to our interests and to the interests of Panama be ratified.

In a recent news article, Theodore M. Sorenson has commented on the dangers inherent in maintaining a negative attitude on the question of a new treaty. He stated:

> If our imperial past and Pentagon pressures cause the Senate to reject such a treaty, then we will not only alienate all of Latin America but also risk the future of the canal and hemispheric peace.

I ask unanimous consent that the full article be printed at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. The consequences of a failure to resolve this lingering conflict with Panama clearly extend far beyond the matter of our relations with that nation alone.

Thus the OAS General Assembly in its recent meeting here in Washington resolved:

> To express the hope that a prompt and successful conclusion will be reached in the negotiations that the governments of the United States and the Republic of Panama have been conducting for eleven years for the purpose of concluding a new, just, and fair treaty concerning the Canal, which will definitely eliminate the causes of conflict between the two countries and be efficacious in strengthening international cooperation and peace in the Americas.

I ask unanimous consent that the full text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

[General Assembly, Fifth Regular Session, May 8, 1975, Washington, D.C.]

NEGOTIATIONS BETWEEN THE GOVERNMENTS OF PANAMA AND THE UNITED STATES OF AMERICA ON THE QUESTION OF THE PANAMA CANAL

(Resolution adopted at the first plenary session, held on May 15, 1975)

The General Assembly,

Having heard the report on the negotiations concerning the Panama Canal question made by the representatives of the United States and Panama and

Considering:

That the Meetings of Foreign Ministers held in Bogotá, Tlatelolco, and Washington proclaimed the Panama Canal question to be of common interest for Latin America;

That on March 24, 1975, the Head of the Panamanian Government and the Presidents of Colombia, Costa Rica, and Venezuela signed in Panama City a declaration concerning the Panama Canal question; and

That the Declaration has as antecedents the Joint Declaration signed by the United States and Panama in the Council of the Organization of American States on April 3, 1964, and an eight-point agreement signed by the two countries on February 7, 1974, known as the Tack-Kissinger Statement,

Resolves:

1. To note with satisfaction that on February 7, 1974, the Foreign Minister of the Republic of Panama and the Secretary of the United States signed an eight-point Statement setting forth basic principles that will serve as a guide for the negotiators of the two countries, in which its is stipulated, *inter alia*, that the Panamanian territory of which the Panama Canal forms a part will soon be returned to the jurisdiction of the Republic of Panama, and that the Republic will assume total responsibility for the interoceanic canal on the termination of the new treaty.
2. To note with satisfaction the report presented by the Delegations of the United States and of Panama, which records the progress made.
3. To express the hope that a prompt and successful conclusion will be reached in the negotiations that the governments of the United States and the Republic of Panama have been conducting for eleven years for the purpose of concluding a new, just, and fair treaty concerning the Canal, which will definitively eliminate the causes of conflict between the two countries and be efficacious in strengthening international cooperation and peace in the Americas.

Mr. KENNEDY. Mr. President, perhaps the person most sensitive to the intensity of feeling on this matter is Ambassador Bunker. He has not only been the chief negotiator but also has been deeply aware of the feelings of other Latin American nations.

For that reason, I also urge my colleagues to study carefully his recent speech in Seattle, Wash., and I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

PANAMA AND THE UNITED STATES: TOWARD A NEW RELATIONSHIP

(Address by Ellsworth Bunker)

I am happy to be with you this afternoon and to have this opportunity to speak on the efforts now underway to create a new relationship between Panama and the United States.

I know that the arrangements for the future operation of the Panama Canal are of great interest to a major maritime city such as Seattle.

But there are broader reasons why negotiations over the future of the Canal should concern Americans. For the successful conclusion of a new agreement on the Canal:

Would demonstrate the possibility, in the conduct of our foreign relations, of resolving problems when they are susceptible to accommodation and compromise, rather than waiting until they raise the danger of confrontation and possible use of military force;

Would provide concrete evidence of our country's willingness to move toward a more mature partnership with Latin America, where we have often in the past been accused of paternalism or neglect; and,

It would serve as an example of practical cooperation between a large and a small country, a developed and a less developed country. Such cooperation is indispensable if we are to achieve what the Secretary of State recently described as the aim of U.S. foreign policy: "to help shape a new structure of international relations which promotes cooperation rather than force; negotiation rather than confrontation, and the positive aspirations of peoples rather than the accumulation of arms by nations."

In the past, when serving as a U.S. negotiator, I have made it a habit to keep my mouth shut publicly while negotiations were in progress. The fact that I have decided to discuss today some of the key issues in the current Canal negotiations reflects another basic element of this Administration's conduct of foreign policy—the awareness that no foreign policy decision, and particularly no significant change in foreign policy, can take place without the advice and consent of Congress and the informed support of the American people, on the basis of candid and reasonable public discussion.

The story begins 72 years ago.

In 1903 the newly-independent Republic of Panama granted to the United States—in the Hay-Bunau-Varilla Treaty—a strip of its territory 10 miles wide and 50 miles long for the construction, maintenance, operation and protection of a Canal between the Atlantic and Pacific.

Panama also granted to the United States—in perpetuity—all of rights, power and authority to act within that strip of territory as "if it were the sovereign."

That the Treaty favored the United States was acknowledged promptly.

John Hay—then Secretary of State—told the Senate when it was considering the Treaty for ratification:

"We shall have a Treaty very satisfactory, vastly advantageous to the United States, and we must confess, not so advantageous to Panama."

The Senate ratified the Treaty promptly.

Hay added, in writing to Senator John C. Spooner:

"You and I know very well how many points are in the Treaty to which many patriotic Panamanians would object."

The exploits of Goethals, Gorgas and Walter Reed led to a magnificent engineering achievement which has served us well and of which we are justly proud.

For 60 years world shipping has been served efficiently and at low tolls.

Today the Canal, despite its age, is still of value to the United States.

Economically, we continue to benefit from the shortened shipping lines and lower transportation costs it permits.

Recent studies have estimated—for example—that some 9% of the total value of our exports and imports transited the Canal in 1972.

However, we must be careful in assessing the Canal's long-term value.

It appears now that trading patterns are evolving and that alternatives to the Canal have begun to emerge.

As Canal users take advantage of these alternatives, it appears likely that the Canal's value will generally decline relative to our economy.

Militarily, the Canal has also been important to the United States.

Although our largest warships cannot use the the Canal now, it clearly enables us to shorten our supply lines to some areas.

Its large contributions during the World War, Korean War and Vietnam War have been amply documented.

But, again, we should bear in mind the Canal's growing vulnerability to hostile attack, which points to the fact that we should not rely too heavily on it.

The point that I wish to make is that the Canal's value—while of continuing importance—is probably not as great relatively speaking as in earlier years.

Moreover, our world today is a far different one than that of 1903.

No nation, including ours, would accept today a Treaty which permits exercise of rights as if sovereign on a foreign land in perpetuity.

Panama has grown increasingly conscious of the fact that the Treaty is heavily weighted in our favor.

Consequently, the level of its consent to our presence there has—over the years—persistently declined.

And by Panama, I mean the Panamanian people of all strata—not simply their governments.

Among the aspect of the 1903 Treaty which have caused this decline in consent, Panama cites the following:

The United States occupies a strip across the heartland of its territory—cutting the nation in two and curbing the natural growth of its urban areas;

The United States rules as sovereign over this strip of Panama's territory—the Canal Zone;

It maintains a police force, courts, and jails to enforce the laws of the United States—not only upon Americans, but upon Panamanians as well;

It operates, on Panama's territory, a full-fledged government—a government which has no reference to the Government of Panama, its host;

It operates virtually all commercial enterprises within the Canal Zone—and denies to Panama the jurisdictional rights which would permit private Panamanian enterprise to compete;

It controls virtually all the deep-water port facilities which serve Panama;

It holds idle large areas of land and water within the Canal Zone;

The United States pays Panama but $2 million annually for the immensely valuable rights it enjoys on Panamanian territory; and

Finally—and perhaps most importantly—the United States can do all these things, the Treaty says, forever.

To these conditions Panama objects, saying that they deprive their country of dignity, of the ability to develop naturally, and indeed, of full independence.

The United States attempted to respond to some of the Panamanian objections in the past.

Treaty revisions were made in 1936 and 1955.

But the most objectionable feature from Panama's viewpoint—United States exercise of rights as if sovereign in the Canal Zone in perpetuity—has remained unchanged.

Panamanian frustrations over this state of affairs, and over the apparent disinclination of the United States to alter it has intensified over the years.

These frustrations culminated in demonstrations and riots in January 1964 when 21 Panamanians and 3 Americans were killed.

Diplomatic relations were broken.

Following a major reassessment of our policy toward Panama, President Johnson after consultations with President Truman and President Eisenhower committed us—publicly and with bipartisan support—to negotiate a wholly new treaty to replace the old one.

President Nixon and President Ford subsequently renewed that commitment.

Our purpose was, and continues to be this—to lay the foundations for a new—a more modern—relationship between the two countries.

Without such a changed relationship I believe it safe to say that Panama's already low level of consent to our presence will become lower still.

It will approach zero.

While it is true—of course—that we could attempt to maintain our present position with regard to the Panama Canal, we would have to do so in an increasingly hostile atmosphere.

In these circumstances we would likely find ourselves engaged in hostilities with an otherwise friendly country—a conflict that, in my view, the American people would not long accept.

At the same time, we should bear in mind that the Canal is vulnerable to sabotage and terrorist acts.

We would find it difficult, if not impossible, to keep the Canal running against all our Panamanian opposition.

The problem—in my opinion—simply will not go away.

Attitudes—not only in Panama but in the Hemisphere at large—have changed.

The Latin American nations have made our handling of the Panama negotiation a test of our intentions in the Hemisphere.

When the Latin American Foreign Ministers met in Bogota, Colombia, in November 1973 they voted to put the Panama question on the agenda of the "New Dialogue" proposed by Secretary Kissinger.

In March of this year the Presidents of Colombia, Costa Rica and Venezuela publicly expressed their support for Panama's cause.

More recently, the General Assembly of the Organization of American States, meeting in Washington in the last two weeks, approved unanimously a resolution reaffirming their interest in the negotiation.

We no longer can be—nor would we want to be—the only country in the world exercising extra-territoriality on the soil of another country.

The evidence—it seems to me—strongly favors some form of partnership with Panama.

Partnership with Panama would help the United States preserve what it needs most respecting the Canal.

Partnership would provide an environment conducive to effective operation and defense of the Canal by the United States.

It would provide Panama with a meaningful stake in the operation and defense of the Canal.

It would help stimulate the cooperation and friendship both of the Panamanian people and of whatever government exists in Panama at any given time.

In short, Partnership would mean that the United States would not have to divert any of its energies in Panama from the functions required for the efficient operation of the Canal.

Putting it simply, I believe our interest in keeping the Canal open and operating for our own strategic and economic purposes is best served by a partnership agreement for a reasonably additional period of time.

The plain fact of the matter is that geography—history—and the economic and political imperatives of our time compel the United States and Panama to a joint venture in the Panama Canal.

We must learn to comport ourselves as partners, and friends, preserving what is essential to each, protecting and making more efficient an important international line of communication, and, I suggest, creating an example for the world of a small nation and a large one working peacefully and profitably together.

Such a new relationship involves giving up something of what we now possess.

We want to keep the power but discard what is nonessential to our purpose in Panama.

Three examples should serve to explain my meaning:

First, we will retain control over Canal operations for the duration of the Treaty, *but* Panama will participate progressively in these operations in preparation for its future role;

Second, we will keep the lands and facilities we need to control and defend the Canal, *but* return what we can do without; and

Third, we will have defense rights, *but* perform our defense tasks with Panamanian participation.

Simply stated, we will work together, *but*—for the Treaty's life—we will operate the Canal.

We will secure the lands we need by releasing what we do not need.

By having Panamanian participation in operation and defense we will have a more secure Canal.

In sum, we see a new Treaty as the most practical means for protecting our interest.

Whereas continuance of the status quo will lead surely to prolonged problems—possible loss of what we are trying to preserve—partnership promises a greater assurance of success in achieving our essential interest—a Canal that is open, efficient and neutral.

Turning to the negotiations, they have proceeded step by step during the past 21 months through three stages.

Stage 1 ended 15 months ago when Secretary of State Kissinger journeyed to Panama to initial with the Panamanian Foreign Minister a set of eight "Principles" to serve as guidelines in working out the details of a new Treaty.

Perhaps General Torrijos, the Chief of Government in Panama, best characterized these principles when he said they constitute "a philosophy of understanding."

Their essence is that:

Panama will grant the United States the rights, facilities and lands necessary to continue operating and defending the Canal; and

The United States will return to Panama jurisdiction over its territory and arrange for the participation by Panama in the Canal's operation and defense.

We have also agreed in the "Principles" that the Treaty will provide, for any expansion of Canal capacity in Panama that may eventually be needed, that Panama will get a more equitable share of the benefits resulting from the use of its geographical location, and—last, but surely not least—that the New Treaty shall not be in perpetuity but rather for a fixed period.

Stage 2 involved the identification of the major issues under each of the eight principles.

This in turn provided the basis for substantive discussions.

Stage 3 began last June and continues.

For almost one year now we have been discussing—with the helpful cooperation and support of the Department of Defense—the substantive issues associated with the Statement of Principles to which we agreed in February 1974.

We have made significant advances in important subjects, including agreements relating to jurisdiction, Canal operation and Canal defense.

Besides these three issues several other major elements of a Treaty package still require resolution.

They concern:

Increased economic benefits to Panama;

Some capability to expand the Canal should we wish to do so;

The size and location of the land/water areas we will need for control of Canal operation and defense; and

Finally, and perhaps most importantly—the extent of duration of the Treaty period.

I shall comment now on only three of these questions—economic benefits, land use and duration—and then only in a general way.

On Economic Benefits—Panama for many years has complained that it receives a direct annuity of only $2.3 million.

It has complained that the low tolls charged to Canal users mean in effect that Panama has been subsidizing world shipping.

Moreover, Panama believes that it can obtain additional benefits from greater Panamanian exploitation of its geographic position and the presence of the Canal by developing a wide range of commercial and service activities in the Canal area and by deriving tax revenues from these activities—something Panama could do once it exercised jurisdiction over the area.

For example, Panama says it could develop certain unused land areas, improve the Atlantic and Pacific ports by installing larger more efficient cranes for handling cargo and developing greater port faciliites, and expand the Colon Free Zone.

Already Panama has plans which call for construction of an oil pipeline which would reduce the cost of transporting petroleum across the Isthmus.

The United States agreed in the eight principles that Panama would receive greater economic benefits from the operation of the Canal.

As for the issue of Land Use—that is, the land and water areas that the United States will need to continue to operate and defend the Canal—it is not easily susceptible to rapid resolution.

Panama wishes to recover sizeable land and water areas, especially those adjacent to its urban centers, that are now under United States jurisdiction and would be the most logical areas for urban expansion.

For our part we want use—through the life of the Treaty—of those lands and waters that are necessary for the operation and defense of the Canal.

The problem will be to ensure that we get sufficient areas to efficiently perform these functions while at the same time reducing the physical presence which is so objectionable to Panama.

Closely linked to the question of land use is the issue of Treaty Duration.

Panama has publicly said that "there is no colonial situation which last for 100 years or a Panamanian who could endure it."

For the United States, it is difficult to predict with any accuracy the duration of the Canal's utility to us.

And yet, we believe that the Canal will have an importance for an extended period of time.

The agreements we reach on these issues will determine the final outcome of the negotiation.

For better or worse, they could shape our relationship with Panama—and, indeed, with all Latin America—over the next decades.

Although we have no fixed timetable, we are proceeding—as I have said—with all deliberate speed.

There is opposition in both countries.

In Panama some stand ready to challenge any "surrender" by their government of Panamanian aspirations to immediate control of the Canal.

Here at home, I recognize that there are some who hold the view that we should not relinquish any rights acquired under the 1903 Treaty.

I understand this point of view.

But for the reasons I have mentioned I believe it is time for a new relationship.

I hope that it will be understood:

That a new relationship means good foreign policy; and good defense policy;

That a new relationship based on partnership is consistent with good business management; and

That a new relationship signals a new era of cooperation between the United States and the rest of the Hemisphere.

We need to overcome several misconceptions.

I will mention four.

First, we need to overcome the belief that sovereignty is essential to our needs.

In reality we have never claimed sovereignty over the Canal Zone.

Under the 1903 Treaty we have extensive rights.

The new Treaty would grant us continued rights to operate and defend the Canal, but we would relinquish some rights which we don't need to accomplish these missions.

Our essential requirement is not abstract sovereignty but the specific rights—accepted by Panama—that give the control we need.

Second, we need to overcome the idea that perpetuity is essential to defense and operation of the Canal.

On the contrary United States insistence on perpetual control is likely to create the kind of hostile environment which will jeopardize our ability to operate and defend the Canal for an extended period of time.

What is required is a relationship based on mutual respect and dignity.

Third, we must overcome the belief that the Canal Zone is part of the United States or a United States territory.

In the 1903 Treaty Panama granted us "rights, powers and authority within the Zone . . . which the United States would possess . . . if it were the sovereign of the territory."

We were not granted "sovereignty" as such.

The United States for many years has considered the Canal Zone as Panamanian territory, albeit under the United States jurisdiction.

Fourth—and last—we must overcome the notion that a new Treaty will somehow lead inevitably to the Canal's closure and loss.

This concern appears based upon an erroneous view of the Panamanians as well as a lack of knowledge about our negotiating objectives.

There are still people who believe that Panamanians lack the technical aptitude and the inclination to manage the operation of the Canal.

These people ignore the fact that Panamanians already comprise over three-fourths of the employees of the Canal enterprise.

While it is true that many of these employees have not held supervisory positions, no one who has been to Panama and seen its thriving economy can persuasively argue that Panamanians—given the proper training—would not be able to keep the Canal operating effectively and efficiently.

Whereas Panama's participation in the Canal's operation and defense would increase its stake in the Canal and provide it with a greater incentive to help us keep the Canal open and operating efficiently, adherence to the status quo would more likely lead to the Canal's closure and loss.

I firmly believe that our most critical problem at home is not fundamental antipathy to a new relationship with Panama.

It is ignorance of why the new relationship is needed to protect our interests.

We need a straightforward and productive dialogue.

Considerable public education is needed if a new Treaty is not to be regarded as bad politics domestically.

Debate on an issue of such national import is not only inevitable but desirable.

After education, dialogue and debate I believe that we will emerge with a reasonable and mutually satisfactory Treaty which will be examined and which will stand, on its merits.

Mr. KENNEDY. Mr. President, I urge my colleagues to study carefully the entire matter of the proposed treaty when it comes before us. I hope that there will be a close inspection, not only of the consequences of acting to ratify the treaty but also the consequences of not acting.

EXHIBIT 1

A GENERAL COMMENT ON U.S. SECURITY INTERESTS IN LATIN AMERICA

Latin America does not present a military threat, conventional or otherwise, to the United States. Nor can it be said that a third party has posed such a threat to the United States through Latin America since the Cuban missile crisis of 1962.

The absence of immediate threats to U.S. security arising directly from Latin America or using Latin America as a base cannot, however, be taken to imply the absence of U.S. security interests in Latin America.

In the first place, recent experience suggests that security in an interdependent world cannot be defined in narrowly military terms. Venezuela, for example, supplies several times as much petroleum to the United States as does the Middle East. The shifting balance of world economic power and vulnerabilities make any simple correlation between "security threat" and "military power" at least potentially if not actually fallacious.

In the second place, no country can afford to disregard its immediate neighbors. Though changing patterns of global communication and weapons delivery systems have both tended to shrink the planet, geographic proximity remains a critical psychological and, therefore, political-military fact. The most isolationist of nations must maintain a residual concern for the security of its neighbors.

In the third place even a casual review of the Latin American scene reveals a substantial rise in the activities of non-hemispheric powers. While these have, until recently, been principally Europe and Japan, that is powers generally considered friendly to the United States they also include the Soviet Union. All non-hemispheric sources currently account for more than three quarters of deliveries of new military equipment to Latin America.

Finally, the strength and capabilities of Latin American states themselves must be taken into account. While none could now pose a credible military threat to the United States, the prospect of a united and hostile Latin America determined to use the full arsenal of international pressure tactics to obtain a better deal from the United States is one that cannot be entirely discounted.

None of these considerations implies a clear and present threat to US security. Indeed, their indeterminate and multifaceted nature suggests that even if they did, the threat would not be one that could be met with traditional military means. Taken as a whole, however, these factors do suggest that US military programs and activities in Latin America can serve some important purposes. These are essentially two:

(1) To serve as one of various foreign policy tools designed to demonstrate US responsiveness to Latin American conditions and interests;

(2) To maintain the kind of professional contact and understandings necessary to serve as a basis for emergency cooperation or even joint operations should the necessity arise in the future.

These objectives do not require large or concessional military programs. They do, however, require some programs whose content should be simultaneously professionally sound and politically defensible. Institutional linkages between the United States and Latin American military forces based on professional liaison through training and on arms transfer through sales might meet these general criteria on an interim basis.

To determine more accurately the role and content of security programs in an overall US strategy would require not only a further reassessment of traditional security concerns (bases, sea lanes, limiting the presence of forces from third countries, military doctrines), but a clarification of those new concerns ("collective economic security", definition of aggression) now being debated in the OAS Special Committee on the restructuring of the Inter-American System with regard to the reform of the Rio Treaty.

EXHIBIT 2

ABOUT THAT PIECE OF THE GOOD OLD U.S. OF A. IN PANAMA

(By Theodore C. Sorensen)

No gulf separating the Congress and the Organization of American States general assembly, now winding up in Washington, is greater than the ten-mile-wide Panama Canal Zone. That strip through the heart of a poor but proud nation, is, under a 1903 treaty, still subject forever to the United States' sovereign control.

Last year, Secretary of State Kissinger and the Panamanian Foreign Minister, Juan A. Tack, adopted a statement of principles for a wholly new treaty with a fixed termination date respecting the territorial sovereignty of Panama.

But Strom Thurmond, Republican of South Carolina, backed by more than the necessary number of Senators, says he will block any such treaty. In that event, the Panamanian Chief of Government, Gen. Omar Torrijos Herrera, told me last month without rancor or bluster, it may be impossible to avoid guerrilla warfare.

Our side would have a vastly superior military force—as we used to say in Vietnam. But the other side would once again have the banner of nationalism, generations of resentment, a strong and determined leader, and the sympathy of most of the world.

If war closed the Canal the Panamanians would have more to lose than we would—as we used to say about the Arabs' embargoing oil. But the Panamanians' need for the absurdly low rentals and other income now received from the Canal, already reduced by the development of minerals and other sources of revenues, is more than offset by their need for a greater sense of national dignity.

Today, by crossing a street in the midst of their own country, Panamanians become strangers in a strange land, subject to foreign laws, foreign policemen and foreign courts in a language they cannot read or speak.

Today, on enormous military installations wholly unrelated to Canal defense, the training of Latin-American counterinsurgency forces—bitterly criticized by many of Panama's friends in the hemisphere—takes place in their very midst without their consent.

The 1903 treaty grants us the sovereign rights associated with colonial rule "in perpetuity." The treaty, accepted sight unseen under duress and in haste by the infant Panamanian Government, reflected Theodore Roosevelt's concern that our country might otherwise never achieve a two-ocean Navy or direct commercial transportation links between our two coasts.

"You and I know very well," Secretary of State John Hay wrote Senator John C. Spooner at the time, "how many points are in the treaty to which many patriotic Panamanians would object." They still object, and their patience is nearing its end.

The threat seems as foolish and distant today as it did in Vietnam a generation ago. But it could be equally disastrous to this country's global position. Any conflict that blocked the Canal would be viewed abroad as a product of our intransigence.

We can and must keep the Canal open, and obtain its long-needed enlargement and modernization, by adopting a new treaty in accordance with the Kissinger-Tack principles. The Panamanians have not irresponsibly demanded a treaty requiring our immediate abandonment of the Canal, its operation, its defense, or the large number of United States families who have lived there for generations. But neither will Panama's feelings be assuaged this time by increased financial payments alone. Justice and independence do not bear a price tag.

A new treaty should respect Panama's desire to judge her own people, govern her own territory and participate in administering the exploitation of her principal natural asset—her location. If our imperial past and Pentagon pressures cause the Senate to reject such a treaty, then we will not only alienate all of Latin America but also risk the future of the canal and hemispheric peace.

NEW HAMPSHIRE'S RAILS: THOUGHTS ON THE FUTURE

Mr. McINTYRE. Mr. President, at one time New England enjoyed a lively textile and manufacturing industry. Raw materials and finished products were moved rapidly and economically over rail lines equipped to handle these demands. Today, New England maintains industry of a lighter nature with New Hampshire's prime economic source being tourism.

This industry demands the rapid and economic movement of people. Railroads have the potential for offering this mobility. Edgar Mead, executive director of New Hampshire's Transportation Authority has recently published an article in New Hampshire Profiles. Mr. Mead has offered some constructive thoughts and farsighted plans for New Hampshire's rail transportation future.

I ask unanimous consent that the full text of Mr. Mead's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW HAMPSHIRE RAILROADS: ARE THE GOLDEN YEARS AHEAD?

(By Edgar T. Mead)

(NOTE.—Edgar T. Mead has maintained a life long interest in railroading. He has been active with the Steamtown Foundation in Vermont, has written four books about New England railroads and is now Executive Director of the New Hampshire Transportation Authority, where a good portion of his time is concerned with the problems of railroading in this state. He lives in Hanover where he serves as a Selectmen and member of the Planning Board and Housing Authority.)

Like country folk everywhere, New Hampshire railroads have a knack for adaptability. In 1842, the first trains rolled into Concord from Boston. In those early days railroads became expert in handling farm-to-market cargos of cattle, wood, field crops and passengers despite the limitations of wood burning engines, rickety wooden cars and uncertain track. Gradually tracks were extended beyond Concord to the Lakes Region and the White Mountains and toward Canada via White River Junction. There were early railroads along the seacoast too, and at one time there were three routes between Massachusetts and Portland, Maine, crossing the State of New Hampshire.

After the Civil War, manufacturing boomed and became the mainstay of rail activity. Raw materials and fuel streamed in and virtually all finished products moved out by rail. Little branch lines were pushed into every conceivable corner of the state to serve small mills turning out shoes, knitted goods, and wood products. Many branch lines lasted no more than a few decades but all served their purpose.

After 1920, railroads tended to specialize increasingly in heavy, bulk commodities such as coal, paper, grain, cement and other goods that normally move in massive volume. As the profits from bulk shipments grew, lost along the way were some of the traditional cargos such as milk, perishables, less-than-carload freight, mail, express and regretfully, passengers. While railroads are not quite the "common carriers" they once were, at least they proved able to react and adapt themselves to the more profitable areas of commerce. Today's heavy-duty railroad lines chiefly follow rivers such as the Connecticut and Merrimack, and the one remaining seacoast line from Maine to Massachusetts via Dover, Durham, and Exeter accommodates tens of thousands of tons of freight every single day. There is a 52 mile section of the Canadian National (the Grand Trunk) that trundles northwest through the White Mountains from Portland to Montreal, and by offering superior service seems to have syphoned off western traffic otherwise routed via Penn Central.

Over each of these heavy-duty lines there are two or three fast freights every day. The 400 odd miles of branch lines, almost half the total rail mileage in New Hampshire, meanwhile are served once, twice or three times a week by local freight trains.

The premier freight train in New Hampshire is probably the "Unit Train" carrying coal from West Virginia to Bow, near Concord. These same locomotives run through from start to finish, pausing only for crew changes and inspections. This train is quite profitable for Boston & Maine, and one ponders if the Bow electric station were expanded, thus requiring an additional "Unit Train," the resulting profit could go far toward postponing the inevitable day of subsidizing Boston & Maine operations.

While the "Unit Train" is a kind of conveyer belt for coal, the daily paper mill trains convey enormous bulks of news, magazine and general purpose paper and paper products. The largest mills at Berlin and Groveton together account for a long train that roars down through the mountains late at night, bound for various markets along the Eastern Seaboard.

Near Whitefield, the Boston & Maine paper mill train crosses the Maine Central line between Portland and St. Johnsbury. One of the few working "highball" signals left in New England controls the crossing. It is still an effective system. No train moves unless the large metal globe (with a lantern attached by night) is high on the mast. The Maine Central operates a heavy train up and back every night along this route, which also passes through famous Crawford Notch, and on some nights six or seven locomotives are required for working upgrade over Willey Brook trestle.

Between 1872 and 1928, Crawford Notch was a favorite route for excursion passenger trains, providing some of the most spectacular scenery in the East. The average motorist in the valley far below gets one perspective, but not as dramatic as from the rail tracks carved out of the sheer cliff walls.

New Hampshire still possesses several interesting shortlines. The Wolfeboro Railroad (Profiles, January 1975) and the Conway Scenic Railroad operate steam passenger trains during the vacation seasons. The Claremont and Concord Railroad between Claremont Junction and Newport maintains two fine wooden covered bridges to cross the Sugar River. The Berlin Mills Railroad, as its name implies, concentrates on shifting cars around the huge paper mill near Berlin.

New Hampshire is one of the few states in the country which has been enabled by the legislature to purchase branch line trackage, specifically lines subject to abandonment. The bill was passed with full knowledge that along New Hampshire branch lines are some of the best remaining industrial sites in the state. Furthermore, abandonment of a branch line usually creates undesirable short term economic disruption. It is felt that independent short line operators can perhaps achieve greater success than big mainline carriers with their high cost problems. Short line operators tend to stay close to their customers and offer maximum service. Several lines seem well-suited to this type of treatment, such as the Keene Branch, the Hillsboro Branch, short lines east and south of Manchester, the Conway Branch and the Lincoln Branch. The state is prepared to step in and save nearly 400 miles of line as the occasions present themselves.

Intelligent disposition of branch lines might create a more viable Boston & Maine. Freed of the maintenance headache of branch lines, the larger road would nevertheless continue to receive feeder traffic, and perhaps more business would materialize as the native operators scratched for carloads. It has worked in other states.

What the eastern mainline railroads need, of course, is more volume. With the help of the Interstate Highways, much profitable freight was taken away; trucks are admirable in terms of making fast and dependable schedules. More coal for power plants has been mentioned as one important solution to the rail problem. Factories now using oil for fuel could restore all or part of their coal burning capacity. Other commodities seem well-suited to rail haul, such as waste materials. The enormous production of trash and garbage now hauled away wastefully to expensive landfills could be recycled into other materials like Methanol or used for boiler fuel. A "Trash Train" could pick up accumulations very easily and shuttle to and from the recycling plants. If New Hampshire reacts to the need for greater crop production, vast tonnages of fertilizer will be needed. Rail trains can then carry fertilizer in "unit train" lots from chemical plants to principal New England rail yards. In addition, the haulage of freight containers would be a new experience for New England. These containers are in reality large metal boxes for freight that can be carried on trucks, flatcars or ocean steamships. Containers are widely used in Europe and in Canada. If a new container terminal could be built in New Hampshire, this would be valuable for railroads, as well as other forms of transportation.

The success of railroading in New Hampshire depends on events gradually unfolding. On the negative side, the 1974–1975 recession is producing an adverse effect on northeastern railroad revenues. Deficits of bankrupt carriers will tend to widen. Railroads ordinarily holding their own such as Maine Central are threatened. At worst, this situation might precipitate additional roads being forced into Conrail, the government creature for absorbing Penn Central and other marginal eastern carriers. Erie Lackawanna had hoped to stay outside of Conrail but admitted defeat and cast in its lot for Conrail in January, 1975. This spells additional trouble for Boston and Maine and other New England systems, since east and west bound traffic may now be pulled into Conrail instead of providing a long and profitable haul for the private non-Conrail systems.

The private enterprise strategy has been for Boston & Maine to join or merge with other New England and Northeastern roads in an effort to forge a strong "alternative" route system. This involves Bangor & Aroostook in Maine, Maine Central, Boston & Maine, Delaware & Hudson, and Erie-Lackawanna. Additionally, a few extra tracks of Penn Central could be added with the aim of constructing two competitive and viable systems. One proposed addition in a Penn Central line from Worcester, Mass., to New London via Norwich, Conn. Certainly industry would prefer to deal with two or more competing rail carriers at each traffic center, rather than with one sprawling mastodon of a system with headquarters somewhere in a distant state and miles of red tape to contend with.

From New England's viewpoint, the ongoing settlement of the Penn Central bankruptcy seems to be growing worse rather than better. The settlement appears to be favoring Union Pacific, a successful western carrier blessed with fast, unobstructed mainlines, heavy volume tonnage, and few shortline and switching problems. As if this were not enough, the division of freight rates between eastern and western carloads still assumes that eastern carriers have all the "gravy" and the western carriers are fighting Indians. At almost no time during the current proceedings has anything memorable been said about redressing this unfair freight rate situation. If freight rate divisions were realigned to assist the beleaguered eastern carriers, this one stroke would accomplish much to restore the faith that eastern carriers could approach profitability. Since Union Pacific exchanges close to 30% of its traffic with eastern railroads, a bitter fight would ensue. And UP is not accustomed to defeat.

Meanwhile, various governmental agencies in Washington hold hearings. Conferences are held. Consultants are being paid. If nothing else has resulted, it is that the seventeen states in the area affected by the Penn Central bankruptcy are learning to talk and work together on transportation subjects for probably the first time in history. A great deal of purely factual information has been researched and compiled and while undoubtedly much will be wasted, the rest may prove a solid base for future action. If not, the exercise will have proven to be a rather expensive education process for Washington agencies charged with the administration of transportation.

The author has suggested, not totally in jest, that the Federal government should quickly back away from all the current hearings and conferences. A gigantic contest would be announced. The purpose of the contest, which would be open to all public and private consultants and other parties, would be to redesign the transportation system east of the Mississippi and north of the Potomac. The first prize would be $5 million, and there would be handsome second, third, and honorable mention prizes. Actually, the prize money would be absurdly cheap if there were even one successful design.

Without a change, of course, it looks as though the Boston & Maine (and Penn Central for that matter) is headed toward the position of becoming a weak branchline feeder to the luckier southern and western systems.

On the favorable side, the energy problem has introduced a note of caution in further airport and highway expansion, and greater attention is slowly being shifted toward better utilization of the rail network. For a fraction of current Federal funds spent on other modes of transportation, the entire northeast rail system could be rebuilt and converted into a highspeed network. It has been estimated that since 1949, government at various levels has dumped $360 billion into airways, waterways, and highways. The implication is that this unfairness should be redressed. In fact, the Ford Administration has recognized this in a February 1975 announcement that public transportation funds, including rail, will be vastly increased commencing in 1977.

More obvious in the mind of the general public is the passenger train, now represented chiefly in the form of Amtrak, the quasi-public corporation funded by Congress and instructed to provide efficient intercity service, develop the potential of modern rail service, and operate on a "for profit basis." For New Englanders, the only direct knowledge of Amtrak is provided by the successful "Montrealer" between Washington and Montreal (via Brattleboro and White River Junction), and also by Metroliners between Boston and Washington via New York. There is talk that Amtrak might extend service into New Hampshire and Maine, but it is doubtful whether the states would want to finance the so-called 403d formula, which requires states to kick in two-thirds of operating losses. One reason is that Amtrak track rental, facility rental, repair contracts and labor arrangements have been something less than spartan. A case may be made of course that in order for Amtrak to entice railroads into permitting use of tracks, rental payments had to be relatively generous. It is hoped, however, that an alternative may be discovered. There is the "Auto Train" approach, for example. In this case, a corporation owns a fleet of passenger cars and operates them over commercial railroad tracks. Service runs between Washington and Florida, as well as Chicago and Florida. Other routes are under consideration.

Another approach for New Hampshire would be to encourage a viable Amtrak "experimental route." A good candidate, in the writer's view, would be to extend existing Amtrak service in Massachusetts toward Portland, Maine (via Boston & Maine and Maine Central tracks) then westerly via Lewiston, Me. over Grand Trunk Ry., through Gorham, Berlin, and Groveton, N.H., across northern Vermont and into Quebec to Montreal. This route would then provide a new link to Montreal from the larger cities in New England and reestablish important lines of passenger communication that were truncated when railroads found it desirable to cut down on service.

Various groups and individuals have raised the question as to why in 1975 there is still no passenger service in New Hampshire. Nor is all the pressure from the mountain and lake resort districts. People from New York, Connecticut and Massachusetts seem to be increasingly insistent that some alternative means be provided to reach northern New England. Groups such as the Municipal Association, Association of Railroad Passengers, and Wolfeboro Branch Railroad Club advocate passenger service. Carroll County has an active transportation committee. The Governor's Economic Recovery Committee has gone on record to advocate automated high speed trains. Like everything else in politics, popular support must precede action.

Another hope on the horizon for passengers in the central corridor is that present train service between Boston and Lowell conducted by the MBTA might be extended to Manchester, Concord and Laconia. The parking lots at Lowell and Reading, Mass. are crowded with New Hampshire cars, and from the viewpoint of MBTA, it would be better to free up the parking lots and extend train service to the places where commuters live. This might come about through matching funds from the cities desiring service.

At a later date, high speed trains are envisioned between Boston and Montreal, and between New York and Portland. These new trains might resemble the British "HST," not an expensive or radical train, but one which can slide along at 125 mph over well-maintained conventional track. Boston people could then expect to reach Montreal in less than three hours, about the same time for Portland to New York. Funds would have to be sought for the new cars, and, of course, for upgrading the present track.

The New Hampshire Transportation Authority, created by the 1973 Legislature, is mandated to study and take action on public transportation. Already, the Authority has begun to create a statewide data base for transportation planning, and to take the initiative in new ideas for public transit. For example, the Authority proposed House Bill

70 which allows taxi men to carry slightly more people, thus permitting local taxis to create "dial-a-bus" systems to benefit office workers, shoppers, people meeting medical appointments, etc. The "dial-a-bus" can offer group rates which are cheaper and more economical than the present system. Another idea is "Transportation Hubs," which sets up a list for criteria as a planning guideline. The concept envisions utilizing existing public and private resources to create comfortable and workable transportation centers where cars, taxis, buses and trains can interchange. The Authority has devised a "Charter Train" for New Hampshire, which allows people who travel in groups to charter a train to ski resorts, sports events, conventions, and numerous other destinations. The "Charter Train" could be operated by a private enterprise tour agency which would market the train service year-round. These are steps toward achieving train service by private enterprise methods.

That railroads have been able to survive to 1975 without help seems more than a small miracle. The problems have been many. Over-regulation, unequal aid to competitors, and inequitable rate divisions would be enough to derail most industries, permanently. Yet the railroads seem to possess pretty strong survival instincts. One aspect is their ability to adapt to new types and concept of traffic through the decades. Another aspect is the new realization that in terms of environmental, energy and "quality of life" values, the trains have been badly neglected. Recognition of the importance of railroads appears to be growing rapidly on the public level, slowly on the official level. With new and broader support likely over the next several years, it is entirely possible that railroads may be entering a new form of a "Golden Age."

NUCLEAR ENERGY

Mr. WEICKER. Mr. President, in recent months we have witnessed an intensification of debate over the subject of nuclear energy. In particular, we have viewed a growing attack by various public-interest groups upon the expanded utilization of nuclear fission power. Legislation—the Nuclear Power Reappraisal Act of 1975—has been introduced within both Houses of Congress to provide for a 5-year moratorium on the construction of new nuclear powerplants.

Mr. President, I am concerned that recent criticism of the use of nuclear energy does not reflect an objective analysis of this country's energy position. I do not believe that this criticism has fully taken into account the history of nuclear power development and utilization in this country and the consequences for the future of abandonment of growth in the nuclear energy industry. I am not and cannot be convinced, simply from the plain facts of the matter, that nuclear fission power is unsafe or unnecessary.

I can fully appreciate the safety concerns of interested parties over the widescale use of nuclear energy. Indeed, in the past, critics of nuclear power have played an important role in facilitating constructive change and improvement in the nuclear power industry.

However, here is a need for informed and balanced discussion on the subject of nuclear energy. Recent criticism has clearly distorted the facts and gone beyond the point of being constructive.

I would like to offer some brief factual analysis that might shed a little light upon the subject of nuclear energy.

Does the utilization of nuclear energy present a serious threat to the welfare of American citizens? Commercial nuclear reactors have existed in the United States since 1957. Today, there are some 55 nuclear powerplants licensed to operate in the United States, generating a capacity of approximately 40,000 megawatts, or about 9 percent of the Nation's electric generating capacity. In these past 19 years of operation of commercial nuclear reactors no member of the general public has ever been seriously injured by an accidental release of radioactivity or by the failure of a nuclear reactor. Nuclear liability insurance claim payments for all major nuclear activity by private enterprise since 1957 have totaled only $540,000. The great majority of this money was paid in connection with separate incidents involving claims from two workers in the nuclear power industry. The fact is that the safety record of the nuclear power industry, as evidenced over a 19-year period, is outstanding.

The question then is what is the probability of a major accident connected with the use of nuclear energy assuming expansion of present facilities? Dr. Norman Rasmussen, of MIT, whose recent studies represent the most formidable inquiry into the matter of nuclear energy and the public safety has attempted to answer this question. The Rasmussen report itemizes the natural and man-caused disasters of the past as a basic frame of reference for risk assessment. Let us look at some examples:

Probability of Major Man-Caused and Natural Events

Type of event; probability of 100 or more fatalities; and probability of 1,000 or more fatalities:

Man-caused:
Airplane crash: 1 in 2 years; 1 in 2,000 years.
Fire: 1 in 7 years; 1 in 200 years.
Explosion: 1 in 16 years; 1 in 120 years.
Toxic gas: 1 in 100 years; 1 in 1,000 years.
Natural:
Tornado: 1 in 5 years; Very small.
Hurricane: 1 in 5 years; 1 in 25 years.
Earthquake: 1 in 20 years; 1 in 50 years.
Meteoritic impact: 1 in 100,000 years; 1 in 1 million years.

By way of comparison, according to the Rasmussen study, the operation of 100 commercial nuclear reactors, nearly twice as many as there are currently in operation, would have a probability of one in 10,000 years of causing a 100 fatality accident. A 1,000 fatality consequence would be even less probably—about one chance in a million years for 100 reactors. Otherwise, about the same chance as a major accident from a meteorite crash.

What then about the numerous scare stories relative to the radiation leaks from the nuclear energy industry? Let us view this in a comparative framework. Today, with the reduced 55-mile-per-hour speed limit, about 45,000 Americans are killed annually in automobile accidents. More than 8,000 Americans burn to death. Some 3,000 persons choke to death on food, 2,000 die in plane accidents, 160 are killed by lightning. However, no member of the general public has ever been killed or seriously injured by an accidental release of radioactivity from a nuclear reactor within the United States.

When we examine the issue of nuclear energy, we must pay close attention to the matter of public safety. However, we cannot afford to close the door upon nuclear energy simply because there is risk. All means of producing, generating, or utilizing energy involve some public risks and environmental problems. On the basis of past experience, risk in the coal mining industry has been much higher than in the nuclear power industry. The real question is: How much risk is there? For what purpose is the risk being undertaken? How can we minimize that risk? The Rasmussen report has made clear commentary upon nuclear energy and risk—especially upon the probability of a major accident. In examining Professor Rasmussen's study of risk probabilities, it is important to realize that the results could be wrong by a factor of 10 or more and still make little appreciable difference in the comparison of risks. It is also important to realize that past experience in the nuclear power industry has demonstrated that we have handled nuclear energy in a safe and responsible fashion and that there is no reason to believe we cannot do so for the future.

The question that comes to mind next is: Do we really need an expanded utilization of nuclear fusion power?

A substantial increase in the utilization of nuclear energy is an integral aspect of Project Independence's goal to increase domestic energy supplies.

The use of atomic fuels for generating electric power will play a very important role in extending our energy resources for the future, in freeing our limited fossil fuel supplies for other productive uses, and in reducing reliance upon increasingly expensive imports of foreign oil.

Presently, nuclear energy accounts for about 1 percent of total U.S. energy demand. By 1985, nuclear energy could provide up to 15 percent of demand, by the end of the century as much as 30 to 40 percent overall demand.

The consequences of abandoning nuclear development would be most serious. The experience of the past 2 years has clearly demonstrated the repercussions caused within the economy, and accordingly within the private lives of us all, because of energy shortages. FEA has estimated that the 1973 embargo, which included only 14 percent of U.S. petroleum consumption, put half a million people out of work. The aftermath of that embargo, in terms of the quadrupling of OPEC oil prices, has had a devastating impact upon our economy and has been the major contributing factor to the worsening recession in this country.

To totally abandon development of nuclear power—or to substantially impede that development through a 5-year moratorium—will place this country in an intolerable position for the decade ahead. The alternative to a nuclear moratorium is a steadily increasing reliance upon foreign oil with the attendant consequences—an increased balance-of-payments deficit, continued inflation, more unemployment, generally an invitation for economic disaster.

The simple facts are that even with strict conservation, even with full development of alternate energy sources, even with expanded exploration and development of the fossil fuels, this country will be hard pressed to meet its basic energy demands in the years ahead without increasing its reliance upon foreign oil supplies. In 2 years, if nothing is done, the United States will be importing in excess of 40 percent of our petroleum needs. We will be agreeing to a 1,000 percent increase over 1970 in the annual cost of imported oil. We will be transferring $32 billion from the American economy overseas. We will be inviting the possibility of a $45 billion drop in the gross national product if oil supplies were cut off for a 6-month period.

To avoid the consequences of dependence upon expensive and insecure supplies of foreign oil, this country will have to adopt policies of short-term mandatory energy conservation and of long-term energy development. Any serious effort at full energy development necessarily means expanded utilization of nuclear fission power. Aside from the expanded use of our indigenous fossil fuel supplies, in particular of coal, further development of nuclear power will yield the most substantial results in the terms of increased domestic energy supplies by 1985. An abandonment of nuclear power development will clearly undermine any national effort to achieve energy independence in the 1980's.

Nuclear energy is clearly necessary for the future, and it puzzles me that responsible public officials can overlook the importance of expanded nuclear power development to America's quest for energy self-sufficiency. The argument against nuclear energy makes even less sense when one carefully examines the safety record the industry has produced over a 19-year period—in addition to considering recent studies conducted to assess the extent of risk involved in the expanded utilization of nuclear energy.

Mr. President, in closing, I would like to say that obviously we have not answered all the questions concerning the utilization of nuclear energy. I fully agree that we must proceed with the greatest care in the development of nuclear energy. However, what problems presently confront the nuclear power industry are manageable. I can see no reason at this point to shut the door on the industry. I believe that this country can continue to develop nuclear power in a safe and responsible fashion. I see the alternative as a seriously deteriorating energy posture for this Nation in the years ahead.

At this point, Mr. President, I ask unanimous consent that a copy of an energy policy statement released by some of this country's most prominent scientists, including a number of Nobel prize winners in physics and chemistry, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Scientists' Statement on Energy Policy*

We, as scientists and citizens of the United States, believe that the Republic is in the most serious situation since World War II. Today's energy crisis is not a matter of just a few years but of decades. It is the new and predominant fact of life in industrialized societies.

The high price of oil which we must now import in order to keep Americans at their jobs threatens our economic structure—indeed, that of the Western World. Energy is the lifeblood of all modern societies and they are currently held hostage by a price structure that they are powerless to influence.

In the next three to five years conservation is essentially the only energy option. We can and we must use energy and existing energy sources more intelligently. But there must also be long range realistic plans and we deplore the fact that they are developing so slowly. We also deplore the fact that the public is given unrealistic assurances that there are easy solutions. There are many interesting proposals for alternative energy sources which deserve vigorous research effort, but none of them is likely to contribute significantly to our energy supply in this century.

Conservation, while urgently necessary and highly desirable, also has its price. One man's conservation may be another man's loss of job. Conservation, the first time around, can trim off fat, but the second time will cut deeply.

When we search for domestic energy sources to substitute for imported oil, we must look at the whole picture. If we look at each possible energy source separately, we can easily find fault with each of them, and rule out each one. Clearly, this would mean the end of our civilization as we know it.

Our domestic oil reserves are running down and the deficit can only partially be replaced by the new sources in Alaska; we must, in addition, permit off-shore exploration. Natural gas is in a similar critical condition; in the last seven years new discoveries have run far below our level of gas consumption. Only with strong measures could we hope to reverse this trend.

We shall have to make much greater use of solid fuels. Here coal and uranium are the most important options. This represents a profound change in the character of the American fuel economy. The Nation has truly great reserves of these solid fuels in the earth. Our economically recoverable coal reserves are estimated to be 250 billion tons and exceed the energy of the world's total oil reserves. Our known uranium ores potentially equal the energy of 6,000 billion tons of coal; lower grade ore promises even more abundance.

The U.S. choice is not coal or uranium; we need both. Coal is irreplaceable as the basis of new synthetic fuels to replace oil and natural gas.

However, we see the primary use of solid fuels, especially of uranium, as a source of electricity. Uranium power, the culmination of basic discoveries in physics, is an engineered reality generating electricity today. Nuclear power has its critics, but we believe they lack perspective as to the feasibility of non-nuclear power sources and the gravity of the fuel crisis.

All energy release involves risks and nuclear power is certainly no exception. The safety of civilian nuclear power has been under public surveillance without parallel in the history of technology. As in any new technology there is a learning period. Contrary to the scare publicity given to some mistakes that have occurred, no appreciable amount of radioactive material has escaped from any commercial U.S. power reactor. We have confidence that technical ingenuity and care in operation can continue to improve the safety in all phases of the nuclear power program, including the difficult areas of transportation and nuclear waste disposal. The separation of the Atomic Energy Commission into the Energy Research and Development Administration and the Nuclear Regulatory Commission provides added reassurance for realistic management of potential risks and benefits. On any scale the benefits of a clean, inexpensive and inexhaustible domestic fuel far outweigh the possible risks.

We can see no reasonable alternative to an increased use of nuclear power to satisfy our energy needs.

Many of us have worked for a long time on energy problems and therefore we feel the responsibility to speak out. The energy famine that threatens will require many sacrifices on the part of the American people, but these will be reduced if we marshall the huge scientific and technical resources of our country to improve the use of known energy sources.

Professional affiliation is listed for identification purposes only (* noble prize in physics; ** Noble prize in chemistry; and ***Nobel prize in physiology and medicine):

*Luis W. Alvarez: Lawrence Radiation Laboratory, University of California.

Peter L. Auer: Director, Laboratory of Plasma Studies, Cornell University.

Robert F. Bacher: Department of Physics, California Institute of Technology.

William Baker: President, Bell Laboratories.

*John Bardeen: Department of Physics and Department of Electrical Engineering, University of Illinois.

*Hans A. Bethe: Organizing Chairman, Laboratory of Nuclear Studies, Cornell University.

*F. Bloch: Department of Physics, Stanford University.

Norris E. Bradbury: Former Director, Los Alamos Scientific Laboratory.

Harold Brown: President, California Institute of Technology.

Richard Chamberlain: Chairman, Department of Radiology, University of Pennsylvania.

Cyril S. Comar: Professor of Physical Biology, Cornell University.

Arthur Kantrowitz: AVCO-Everett Research Laboratory, Everett, Massachusetts.

Ralph E. Lapp: Energy Consultant, Alexandria, Virginia.

***Joshua Lederberg: Department of Genetics, Stanford University.

**Willard F. Libby: Department of Chemistry, University of California at L.A.

Franklin Long: Professor of Chemistry, Center for Science, Technology and Society, Cornell University.

**Edwin M. McMillan: Lawrence Radiation Laboratory, University of California.

Kenneth S. Pitzur: Professor of Chemistry, University of California at Berkeley.

*Edward M. Purcell: Department of Physics, Harvard University.

*I. I. Rabi: Professor of Physics, Emeritus, Columbia University.

Norman Rasmussen: Department of Nuclear Energy, Massachusetts Institute of Technology.

Roger Revelle: Director, Harvard Center for Population Studies.

**Glenn T. Seaborg: Department of Chemistry, University of California.

Frederick Seitz: President, Rockefeller University.

Julius Stratton: President, emeritus, Massachusetts Institute of Technology.

Edward Teller: Lawrence Radiation Laboratory, University of California.

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* Issued at a press conference on January 16, 1975, at the National Press Club in Washington, D.C.

James Van Allen: Department of Physics, University of California.

Warren Weaver: Mathematician, New Milford, Connecticut.

Alvin M. Weinberg: Former Director, Oak Ridge National Laboratory.

Edward Wenk, Jr.: Director, Program on Social Management of Technology, University of Washington.

*Eugene P. Wigner: Professor of Theoretical Physics, Princeton University.

Richard Wilson: Department of Physics, Harvard University.

William A. McElroy: Former Director, National Science Foundation.

FEA ESTIMATES FORD ENERGY PROGRAM TO INCREASE UNEMPLOYMENT BY AS MUCH AS 200,000

Mr. JACKSON. Mr. President, 2 weeks ago today President Ford vetoed—for the second time—surface mining legislation which was overwhelmingly passed by the House and Senate. Without substantiating his statement in any way, the President in his veto message contended that as many as 36,000 people would lose their jobs if the bill were enacted. I have not received—despite repeated requests—the analysis and working papers upon which this estimate is based. I believe it is grossly exaggerated. Moreover, the sincerity of the President's concern for protecting jobs, cited by him as a prime factor motivating the veto, is open to serious question.

Only last week the President vetoed an emergency employment bill that would have created more than a million jobs. This irresponsible action did not come as a complete surprise from an administration whose only prescription for inflation has been long unemployment lines and deepening recession. It does not, however, indicate any great concern for the plight of the unemployed. I was more surprised, Mr. President, by Federal Energy Administration estimates, which I received on May 29, assessing the impact on employment of President Ford's energy program.

The FEA, responding to questions submitted on May 12, 1975, in the course of oversight activities conducted by the Senate Interior Committee, revealed that the President's energy program would put 100,000 to 200,000 more Americans out of work. I am appalled that the President, at a time when unemployment is higher than at any time since the Great Depression, would consciously pursue a program depriving working Americans of their jobs, and then heap abuse on Congress for rejecting it.

In characteristic bureaucratic understatement, the Federal Energy Administration noted that the Ford energy program "is projected to increase unemployment by up to one-tenth to two-tenths of a percentage point above what it would be in each period in the absence of the program." Translated into more human terms, Mr. President, one-tenth of 1 percent of a labor force of over 90 million amounts to more than 90,000 lost jobs; two-tenths of 1 percent would mean nearly 200,000 lost jobs.

President Ford's disastrous "job-reducing" energy program—coupled with the veto of the emergency employment bill—demonstrates a callous disregard not only for the welfare of the unemployed, but for low- and middle-income Americans whose well-being depends on continued employment and a rapid upturn in the economy. This administration's response to national problems is truly perplexing: for high energy prices, even higher prices are proposed; for high rates of unemployment, even higher rates are pursued.

It is hypocritical for the President to veto congressional surface mining legislation on the basis of grossly exaggerated unemployment estimates, when his own energy program, according to conservative administration estimates, would result in an unemployment impact four, five, or six times as great. This President is less concerned with protecting jobs than he is with protecting oil and coal company profits.

In February the Interior Committee heard testimony that President Ford's energy program would result in 25,000 to 50,000 lost jobs in the airline industry alone. I, therefore, believe the FEA estimates, alarming as they are, seriously understate the magnitude of the adverse impact on employment.

The President has been all too successful in using the veto to frustrate the implementation of responsible energy and economic policies. Congress must meet this challenge, however difficult, by overriding the President on crucial matters of both energy and economic policy: the oil import tariff, strip-mining, and emergency employment bills.

Mr. President, it is time for Congress to deliver Mr. Ford a message: High energy prices and high rates of unemployment are not the answer; they are the problem.

I ask unanimous consent to have printed in the RECORD a fact sheet, prepared by the Interior Committee, detailing the cost of the President's energy program, as well as the Federal Energy Administration's assessment of that program's economic impact.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY PRICES AND THE FORD ADMINISTRATION ENERGY PROPOSALS

The plan the Ford Administration calls its "energy program" has two principal goals:

to substantially raise the energy prices paid by consumers; and

to substantially increase the profits of energy companies.

The energy tariff and price decontrol program which the President plans to implement through executive order will raise domestic energy costs for petroleum, natural gas, coal and electricity by at least $33 billion on an annual basis. This is virtually identical to the increased costs paid for primary energy in the U.S. in 1974 as a result of the price increases of OPEC and domestic energy producers.

OIL

The President's proposed $3 tariff on imported oil increases the price of the one-third of domestic production which is not under price controls.

Added cost of imports (including effect of rebates for imported refined products) $5.4 billion.

Added costs: "new oil," $3.3 billion.

The subtotal, $8.7 billion.

The President proposes to decontrol the prices of "old" oil—two thirds of domestic production. With the $3 tariff in effect, the price of this oil would rise by over $9 per barrel.

Added costs: decontrol of old oil, $19.0 billion.

The total cost: oil, $27.7 billion.

COAL AND NATURAL GAS

The prices of natural gas sold on the intrastate market and of coal rise in response to oil price increases. Each dollar per barrel increase in oil prices is equivalent on a Btu basis to an increase of 18¢ per thousand cubic feet for natural gas and $4.30 per ton for coal.

Added costs: coal and natural gas, $5.8 billion.

The total cost: all fuels, $33.5 billion.

COST TO THE AVERAGE AMERICAN

The $33.5 billion in increased costs to the economy will be paid by consumers in the form of higher prices for fuels and electricity, in higher taxes to support government's increased energy costs and in higher prices for all other goods and services whose costs depend in various ways on energy prices.

Spread over 210 million people, $33.5 billion amounts to $160 for each man, woman and child.

Cost to an average four-person family: $600 per year.

EFFECT ON PETROLEUM PRICES

The price paid by US refiners for crude oil—including new, old and imported oil—would increase by over $6 per barrel.

Average price increase for all petroleum products: 15¢ per gallon.

Costs tilted towards gasoline: 28¢ per gallon.

PROFITS AND TAXES

Of the $33.5 billion annual cost, $5.4 billion represents Treasury revenues and the remainder, $28.1 billion represents increased profits for domestic oil, natural gas and petroleum producers, since no workable windfall profits tax have been proposed.

COST OF INCREASED DOMESTIC PRODUCTION

The Ford Administration's discussion of the impact of the decontrol of crude oil prices on domestic production shows projected production with decontrol dropping below current levels. However, the drop projected is smaller than the decline projected without decontrol. The net increase is 135,000 barrels per day—or 50 million barrels per year—when the decontrol has been completed. Consumers will pay oil companies an extra 22.3 billion annually for this oil.

Cost of added domestic production: $445 per barrel.

FURTHER OPEC PRICE INCREASES

FEA Administrator, Frank Zarb, has indicated that he expects the OPEC cartel to raise world oil prices by $2 per barrel this fall. If this happens and domestic energy prices are decontrolled, the price of all domestic oil—and natural gas and coal as well—will rise in response to the OPEC price decision.

Added costs: $2 OPEC price increase, $15.3 billion.

PRICE INCREASES DURING THE 1973–74 EMBARGO

During 1974 the price of all imported oil rose from an annual rate of $7 billion to approximately $24 billion. Domestic energy production increased in price by over $16 billion. Thus the increase in the cost of primary energy to the US economy in 1974—which was triggered by OPEC's embargo and price escalation—amounted to $33 billion. These increases were a principal factor in the 12% inflation of 1974. High energy costs have also been important in deepening and prolonging the current recession. The energy price increases of 1973–74 brought upon us by OPEC were almost identical in magnitude to those the Ford Administration proposes for 1975 and 1976.

Question: The higher prices for oil, coal, and intrastate natural gas that would result from current and proposed oil import fees and the decontrol of old crude will result in the diversion of extraordinary amounts of capital from other sectors of the economy to energy. Has FEA identified the source of that capital; the impact on employment; on the price of manufactured goods; on the relative cost of U.S. exports in world markets? Please describe that impact.

Answer: The sources of capital for energy investments were reviewed in Project Independence Report analyses. The study showed that even in the most accelerated supply case, the total capital pool expected to be available for energy is adequate, and maintains about the same share of fixed business investment as it did historically. However, the electric utility sector may have problems attracting its share. The impact on employment as a result of the President's entire energy program is projected to increase unemployment by up to one-tenth to two-tenths of a percentage point above what it would be in each period in the absence of the program.

Current Estimates from the Office of Economic Impact: Impact on the prices of manufactured goods.

Durables: Increase in first year two-tenths of a percentage point; increases in second and third years up to .7%, fourth year, drops back.

Non-durables: (excluding food and fuel): .9 of percentage point in first year.

Food: one-tenth of a percentage point in first year.

For non-durables and food, first year shows the most significant increases.

Any estimates of the relative cost of U.S. exports in world markets depend upon the actions taken by individual governments. All major exporting nations face the same increases in energy costs and will be in a similar position to ours unless they are able to find a better way to conserve energy in the production process.

PETROLEUM PRICES

Mr. FANNIN. Mr. President, many of the problems plaguing our country today would be solved if the Congress would only let the business enterprise system function more freely. The free marketplace remains the most efficient, fairest and most inexpensive means of allocating goods and services.

We have an energy crisis today because of Government policies—which have been dictated by the Congress over the past decade or more. The more Congress has tried to control energy prices and allocations, the more troubles we have.

Mr. President, the Phoenix Gazette on May 26, 1975, carried an excellent editorial pointing out that the era of cheap oil has come to an end, and attempts by the Congress to legislate otherwise will only result in disaster. I ask unanimous consent that this editorial be printed in the RECORD so that my colleagues may share in this clear analysis of the problem.
as follows:

There being no objection, the editorial was ordered to be printed in the RECORD,

END OF CHEAP OIL ERA

Whatever Congress may do about energy conservation—if indeed it is able to agree on anything at all—the U.S. won't be safe until the marketplace controls petroleum prices, as painful as that may be to the American consumer.

Because Congress has done nothing, President Ford reportedly is ready to remove artificial price controls on domestic oil and to add an additional dollar-a-barrel tariff on imported petroleum. Such action would increase the price of gasoline and other oil products dramatically, but higher prices are the best instrument to do what must be done about oil.

First of all, by lifting the controls that hold the price of domestic oil at $5.25 a barrel—just half of the cost of imported oil—the President would encourage more domestic exploration and production that eventually would make the United States less dependent on imports. Higher prices also would stimulate the development of alternate fuels, including solar power.

The higher prices prompted by removing the domestic controls and increasing tariffs also would reduce demand that now forces the United States to spend something like $25 billion a year for foreign oil, an amount that will go up when oil-producing nations hike prices this fall. As long as that kind of money is draining out of the country, there is little hope of stabilizing the American economy.

The Democratic Congress is searching for the impossible, a formula that would reduce demand, but leave the American people with plenty of low-cost petroleum products and encourage domestic production without allowing the oil companies the earnings they must receive to provide capital for exploration, new refineries and all the rest of it.

So far Congress has acted only to repeal the oil depletion allowance once offered as an incentive for exploration. That, of course, was a counterproductive move.

The ugly fact confronting the President, Congress and the American people is that the era of cheap petroleum is over. That means higher energy costs for Americans, barring some unanticipated breakthrough, and those higher costs in turn mean a change of lifestyle. Too bad, perhaps, but inevitable nevertheless.

The President is aware of the reality and most Americans probably are ready to accept it, however reluctantly. Only the Democratic Congress refuses to see the situation for what it really is.

THE HOSPITAL AND THE BUREAUCRATS

Mr. BARTLETT. Mr. President, there is a problem that is facing our Nation's hospitals today, especially small rural hospitals, called utilization review requirements promulgated by the Department of Health, Education, and Welfare. These requisites as they relate to the small hospital are exceptionally critical, mainly because they are unrealistic.

I have met with rural physicians from Oklahoma who have expressed great concern about utilization review and the effect that it has on the small hospital. I have met also with officials of HEW regarding this problem, and they have indicated an understanding of the situation and willingness to correct inequities that may exist. It is with sincere hope and conviction that this problem can be resolved in a manner that will benefit all people.

I ask unanimous consent to have printed in the RECORD, Mr. President, an excellent article on this subject from Nation's Business, May 1975 issue, written by James J. Kilpatrick.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HOSPITAL AND THE BUREAUCRATS

(By James J. Kilpatrick)

Several months ago, a small-town physician in Oklahoma, Dr. Claude H. Williams of Okeene, cried out in despair against what he termed a "death sentence" on his community hospital. Late in March, Health and Welfare Secretary Caspar Weinberger granted a three-month reprieve. But unless the terms of the reprieve are more helpful than they now appear to be, Okeene's little 34-bed hospital is doomed. Bureaucracy will have killed it.

Dr. Williams' plight is duplicated many times over. Of the nation's 7,100 hospitals, nearly 1,800 have fewer than 50 beds; of these, almost 400 have fewer than 25 beds. These are the small rural hospitals, having staffs of only as many as six doctors. Typically, the institutions are the proud results of community effort. Daniel Webster's famous tribute to Dartmouth finds an echo here: They are small, these hospitals, but there are those who love them.

The story provides a textbook example, on a scale that anyone can understand, of bureaucracy gone berserk. The story therefore has its good aspects, for bureaucracy has its good aspects; bureaucracy is not intrinsically evil. The problem, one surmises, is that bureaucrats of the best intentions often dwell in an ethereal world of their own, light-years removed from the realities they seek to regulate. It seems unlikely, somehow, that Secretary Weinberger or his aides know much about the hospitals at Okeene, Watonga, Cherokee or Alva, all in northwestern Oklahoma. These institutions are real, and the Secretary's regulations have them in trouble.

Under various programs of Medicare and Medicaid, tax funds are provided to pay for the hospitalization of patients under Social Security or public assistance. In many institutions, such patients constitute more than half of the patient load. Payments for their care are indispensable to the hospital's survival. The two programs are costly: In the coming fiscal year, the President's budget asks $7.4 billion for Medicaid, more than $10 billion for Medicare.

It doubtless is true, as various critics have charged, that some doctors and some hospitals, seeing such vast sums available, have abused the programs. That is, they have admitted patients who never should have been admitted; or they have kept some patients hospitalized after they should have been discharged. It was in a commendable effort to prevent these abuses that the government, last November, laid down its utilization review regulations. They were to have become effective on Feb. 1. Under the reprieve, the effective date now is July 1.

This is how the system works. The Okeene Municipal Hospital must prepare a written set of "norms" for all categories of prospective admissions. Such "norms" are defined as "numerical or statistical measures of usually observed performance." You are a person on Social Security, living somewhere in the boondocks of Blaine or Kingfisher County, and you come down sick. You make it into the Okeene hospital, where a doctor orders your admission.

Within 24 hours, a full written justification for the admission must be prepared and reviewed by a utilization review committee. This "staff committee" is to be composed of "two or more physicians with participation of other professional personnel," or by a "group outside the hospital which is similarly composed." The reviews may not be conducted "by any person who is financially interested in any hospital or by any person who was professionally involved in the care of the patient whose case is being reviewed."

At the time Dr. Williams cried out for

relief, the Okeene Municipal Hospital had a staff of two doctors. The hospital at Watonga had three, the 20-bed hospital at Waynoka had one. Ten institutions in the general area had a total of only 26 doctors. It is a fair assumption that most of the doctors have at least some financial interest in some hospital; they would thus be disqualified from serving on a review committee, even if their 60-hour workweeks could be stretched to include committee service. In practice, every doctor attached to a small hospital becomes professionally involved in the care of every patient. This is rural practice.

How is your admission to be reviewed and justified according to the predetermined "norms"? Dr. Williams says flatly, "No way." The hospitals do not have the clerical staff, let alone the time, to fill out elaborate reports on every Medicare or Medicaid admission, detailing "the diagnosis or symptoms indicating the need for the admission, the physician's plan of treatment, and other supporting material (e.g., recent test fidings, recent case history, schedule of tests planned, etc.) the group or committee may deem appropriate." No way.

But if the admission is not thus reviewed and justified, no payments will be made for the patient's care.

Between now and July 1, "alternative means" are to be explored. According to a spokesperson at HEW, it might be possible for a nurse or a records librarian to make an initial determination that a particular admission met the written "norms." If in doubt about the admitting doctor's judgment, the nurse or librarian could telephone some other doctor somewhere else. The other doctor, somewhere else, would then drop whatever he was doing in order to approve or disapprove the judgment of his distant colleague. It sounds, somehow, a little improbable.

Utilization review is only one of the burdens placed upon the small institutions. Back in July of 1974, an inspector for the Social Security Administration descended upon the Okeene Municipal Hospital. Subsequently he prepared a seven-page, single-spaced statement of "deficiencies and plan for correction." The document is a masterpiece of bureaucratic harassment: "Storage of garbage is not stored properly." In reports of staff meetings, "the names of discussants was [*sic*] not given." As to records, "there is no registered record administrator which makes periodic visits to the hospital to evaluate the records." The author of this infuriating document could not spell "examination"; he could not spell "privileges," "Caesarean," "judgment" or "specialization." His most serious citation, having to do with the supposed lack of an emergency water supply, later was acknowledged to have been "an error."

This is bureaucracy in action, out in the boondocks. The reality, as distinguished from the theory, is that rural physicians are swamped by the everyday demands of patient care. Overwhelmingly, these are doctors of honor and integrity. They are working formidable hours, with limited clerical and nursing staffs, and they are providing a kind of community hospital service that is indispensable to their people. They can cope with most of the medical and surgical situations one would expect—they can cope with epidemics, with the farmer who manages to get a leg caught in a baling machine, and with other emergencies—but they cannot tend to their patients and tend to the big-city demands of bureaucracy also.

Because these observations seem to have focused on a single area in Oklahoma, probably it should be emphasized, for the record, that Dr. Williams is no isolated dissident. In Louisiana, Dr. H. Ashton Thomas, executive vice-president for the Louisiana State Medical Society, has objected as severely. The utilization review requirements, he says, are the work of "technocrats," unfamiliar with actual hospital care. The small hospitals of Louisiana, in his view, could comply only by "paper-faked deals." Dr. F. Michael Smith Jr., of Thibodoux, is still more emphatic. Compliance, as he sees it, means "sham, subterfuge and perjury."

How did these critical problems develop? They developed somewhat in the fashion of the Mad Hatter's watch. If you remember your Alice in Wonderland, the watch needed repair and the Mad Hatter asked the March Hare to minister to the timepiece. It still ran two days wrong. "I told you," says the Hatter, "that butter wouldn't suit the works." The March Hare says defensively that "it was the best butter," and the Hatter grumbles that some crumbs must have gotten in as well: "You shouldn't have put it in with the bread knife."

That is what has happened here. With the most proper and virtuous intentions, the Medicare and Medicaid people set out to repair a minor malfunction in the government's hospitalization machinery. They proceeded to impose a bewildering array of regulations geared to the largest big-city hospitals. It would be unkind to suggest that the bureaucrats knew that enforcement would demand still more bureaucrats, and that the labors of these bureaucrats would produce work for still more bureaucrats, and so add infinitum. In charity, let it be said that the bureaucracy was motivated solely by an earnest desire to provide high-quality hospital care, and to protect the taxpayers from unscrupulous rip-off.

All right. Where do we go from here? A Congress firmly controlled by liberal Democrats soon will turn to the business of national health insurance. Before long, the taxpayers will be asked to finance not $7 billion for Medicaid and $10 billion for Medicare, but $50 or $60 billion for everyone. The federal government then will be pervasively involved in claims, payments, reviews, justifications, appeals and the preservation of medical records from the cradle to the grave.

We ought to think about where we are going. No matter how national health insurance may be financed and administered, new armies of inspectors, coordinators, auditors and supervisors will be required. In the name of accountability, new volumes of rules and regulations will have to be composed. National "norms" of admission and treatment inevitably will appear. Government's standards will replace individual judgment. Doctors and hospitals that deviate from certifiable procedures eventually will weary of bureaucratic combat. The tendency will be to "go by the book," to take the easy way.

At some point—and that point is nearer than most Americans think—the people must wake up to what is happening to the private practice of medicine in our country. The doctors know what is going on, but they are an inarticulate bunch, for the most part, ill-equipped—and lacking the time—to communicate with people who may be concerned when they're sick but remain indifferent when they're well. Meanwhile, small-town Americans need to look to their small hospitals. The institutions are suffocating under a bureaucratic blanket, and may not survive.

PRIVATE DOCTORS CUT MEDICAL COSTS

Mr. FANNIN. Mr. President, during the past 5 years we have had much debate and discussion in the Congress regarding the spiraling cost of medical care. We have been especially alarmed by the fact that hospitalization can be a financial disaster for many people.

While the Congress has been debating and discussing, some doctors in Phoenix, Ariz., have been doing something about the problem.

A little more than 5 years ago Drs. Wallace Reed and John Ford opened a facility in Phoenix known as Surgicenter to handle minor surgical procedures without hospitalization.

This program has been immensely successful and provides a model which might be copied across the Nation.

Mr. President, an article by Julian DeVries, medical editor of the Arizona Republic, appears in the May issue of the magazine Private Practice. This is an excellent summary of what has been accomplished at Surgicenter, and I ask unanimous consent that this be printed in the RECORD for the benefit of my colleagues who are concerned about improving health care in America.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE DOCTORS CUT MEDICAL COSTS

(By Julian DeVries)

After five years and 23,000 minor operations, two Phoenix, Arizona, anesthesiologists have proved that private doctors can help their patients save money.

But that's not all that Wallace Reed, MD, and John Ford, MD, had in mind when they started their Surgicenter in February 1970.

In addition to cutting the cost of care, and thus lightening the burden on the patient's purse, Drs. Ford and Reed also sought to make the ambulatory patient a matter of greater concern, streamline the delivery of medical services, and work for a broadening of the patient's insurance coverage.

They have succeeded in all four aims.

Surgicenter is an "in-and-out" surgical facility for minor procedures which do not require hospitalization. That advantage alone saves each patient an average of $130 in expenses. As the two doctors put it, "Patients who require only minor surgery shouldn't be made to pay extra for other patients' major surgery."

In the five years of its existence, Surgicenter has grown from four to six operating rooms; 12 to 24 admitting and recovery beds, and four to 50 employees.

Average recovery bed occupancy time at Surgicenter is about three hours, after which the patient goes home and is returned to the care of his own doctor.

Since Ford and Reed began what in 1969 was a bold venture in medical care, the idea has spread across the nation. Some of the facilities, like Surgicenter, are free-standing. Others are associated with a hospital or group of hospitals. But all have the same objectives: save money for the patient without sacrificing the quality of his care, and make more hospital beds available for critical cases.

Getting insurance company approval for Surgicenter's services wasn't easy. It took four years to convince all but the carriers in New York, Michigan, and Maryland that Surgicenter provided a genuine, cost-saving service. The refusal of insurance companies in the three states to recognize Surgicenter is no black mark against its record, however; laws in those states prevent insurers from recognizing similar facilities in their own states. Arizona Blue Cross, of course, recognizes Surgicenter.

With an eye out for further Federal encroachment on the practice of medicine, particularly if National Health Insurance is enacted, Ford and Reed regard facilities such as Surgicenter as absolute necessities.

The Phoenix medical community seems to agree with them. If National Health Insurance comes along, hospitals will be inundated with patients. Without facilities such as Surgicenter, the hospitals could be bogged down chaotically.

All but a very few Phonix surgeons avail themselves of Surgicenter's facilities. They regard it as an extension of their own offices.

In addition to saving money at Surgicenter, there's a touch of glamor for patients, too. Some of the equipment, such as operating tables, overhead surgical lights, and other operating room necessities, were purchased from the old Ben Casey television show when the series went off the air a few years ago.

Producers of the show installed the equipment in their TV studio to lend an air of authenticity to the production, but the furnishings were never actually used.

At the end of its fifth year of operation, Surgicenter's books still do not show substantial profits. Most of the facility's earnings, after expenses, are plowed back into the organization for improvements to better Surigicenter's service to its patients.

"We don't reject the idea of earning a profit," Ford and Reed said, "but providing our patients with the very best in care and facilities as well as personalized service comes first."

Aside from being a going business venture, Surgicenter is proud of an even more important achievement—the enviable record of no fatalities during more than five years and over 23,000 surgical cures. Nation-wide statistics show an average of one death per 5,000 administrations of anesthesia.

Starting with an average of about five patients per day, Surgicenter now serves about 60 men, women, and children daily. Half of them are outright surgical cases. The rest involve diagnostic and therapeutic nerve blocks.

Rigidly adhered-to ground rules for the protection of the patient are observed at Surgicenter. A medical audit team functions as a volunteer, private review committee (Federal PSRO hustlers, please note), and the team sets the standards by which the facility accepts patients as well as surgeons.

One such is that an anesthesiologist must be on duty until all patients have been discharged. So long as even only one patient remains, an anesthesiologist must remain also.

When Surgicenter was born five years ago in Phoenix, it was not greeted with much enthusiasm by many members of the medical profession who (although they've now changed their minds) felt as the American Hospital Association does now, that "free-standing ambulatory surgical or single-procedure facilities are acceptable only if there is a need in the community clearly demonstrated on an economic basis or on the basis of a clearly defined need to restructure the existing systems. . . . The overall impact of providing these services in a community-wide system of health care must be considered, rather than a unit cost per service in individual facilities."

To which Ford and Reed reply: "Surgicenter is a response from the private sector to the many urgent appeals from the government, labor, industry, and the medical profession to streamline the delivery of medical care and reduce its cost."

The Surgicenter statement is in keeping with the view of the American College of Surgeons, which notes that "avoidance of overnight stay (in a hospital) under expensive per diem rates saves the patient money, avoids admission delays where hospital beds are in short supply, and shortens the time of a surgical event between admission and discharge to three or four hours. . . . Economical operation of a free-standing surgical unit demands acceptance and utilization by the local practitioners, approval by third-party payers, and efficiency in design, staffing, and procedure."

Surgicenter has passed muster with the Phoenix medical and surgical community, and Arizona Blue Cross notes that it has been a "real money-saver" without sacrificing high standards.

Although Surgicenter in Phoenix was the first of its kind, it no longer is the only one. Of the many to spring up across the country, the Minor Surgery Center in Wichita, Kansas, seems to follow most successfully the humanistic doctor-patient relationship established by Surgicenter.

Established in February 1974 by M. Robert Knapp, M.D., Wichita's Minor Surgery Center, in addition to adhering to the same high quality of medical and surgical services which characterizes Surgicenter, also places great emphasis on personalized medical care for its patients.

That, incidentally, goes for the nurses as well as the doctors.

"I think the nurses are getting as much out of this facility as the patients are," MSC Nursing Supervisor Dee Bigley said. "The part of nursing that I went into the profession to find is finally being fulfilled because I'm able to feel the completion of being with patients, before, during, and after their surgery." Surgical nurses agree.

"Patients are people, not procedures," Nurse Bigley said, "and that's the way we treat them."

"So do we," echoed Sharon Wann, RN., Surgicenter OR supervisor.

Surgicenter's Ford and Reed see the future of their undertaking, as well as that of similar facilities, as almost unlimited.

"When the patient can save money and still be assured of receiving the best, the very best, in care and services," they maintain," we believe optimism concerning the future is more than justified."

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, again I rise on behalf of the Genocide Convention. Recently, the Executive has referred to the Congress inaction with respect to several matters, energy being foremost in all of our minds. There are many items of great importance before the Congress today, and while not all of them are acted upon with the swiftness of lightning, there are few matters upon which the Senate has been as slow to act as the Genocide Convention. For 26 years, the United States has been a signatory to this document, and for 26 years, the Senate has stood by and watched every President call for its ratification, and 84 other nations accede formally to this Convention.

We are almost alone among the Charter Nations of the U.N. in not having ratified this treaty. Only South Africa stands with this Nation in scorning to go on record as opposed to mass murder of peoples. Ours is not a record of which we can be proud. I am totally in favor of full discussion and debate of all public issues, including energy bills and tax measures, but the time has come to act upon the Genocide Convention. As the only Nation to be founded as an experiment in human rights, we should be consistent with our principles and formally proclaim our abhorrence of the crime of genocide in all of its forms.

I urge that the Senate ratify the Convention without delay.

THE INTERNAL REVENUE SERVICE AND "AFFIRMATIVE ACTION"

Mr. BUCKLEY. Mr. President, I recently wrote to the Internal Revenue Service—IRS—Commissioner Donald C. Alexander questioning the IRS' proposed rules dealing with racial bias which would apply to private educational institutions. These proposed rules would, if they became a reality, place the IRS in the position of becoming an "affirmative action" watchdog agency. It would seem obvious that the IRS has enough to do without taking on this new and unnecessary burden.

Mr. President, at this time, I request unanimous consent that correspondence between my office and the office of IRS Commissioner Alexander, along with a copy of an article entitled "Simon Calms Deans on Bias Rules," appearing in the Washington Post, Sunday, May 25, 1975, be printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 27, 1975.

Hon. DONALD C. ALEXANDER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR MR. ALEXANDER: The *Federal Register* (Vol. 40, No. 33—Tuesday, February 18, 1975) contains a proposed revenue procedure of the Internal Revenue Service (IRS) for "Private Schools." Section 1 of this revenue procedure, stating its purpose, reads, in part, as follows:

"This Revenue Procedure sets forth guidelines and record-keeping requirements for determining whether private schools that are applying for recognition of exemption under sections 501(a) and 501(c)(3) of the Internal Revenue Code of 1945, or are presently exempt from tax, have racially nondiscriminatory policies as to students."

Section 2 of the proposed procedure states:

". . . A school must show affirmatively both that it has adopted a racially nondiscriminatory policy as to students that is made known to the general public and that it has operated continuously in accordance with such racially nondiscriminatory policy. The existence of a racially discriminatory policy with respect to faculty and administrative staff is evidence of a racially discriminatory policy as to students. . . ."

I find the explanation for the the expressed purpose of this proposed procedure to be highly questionable. Why should private schools be forced, under penalty of loss of tax exemption status, to keep records of "racial composition" of the "student body", "applicants for admission" and "facility (sic) and administrative staff?" (I assume "facility" was means to be "faculty?") The only explanation given in the procedure is that "service experience with private school operations" has shown a "need" for such procedures. This explanation—if that is what it is—is not a sufficient basis for what would amount to a wholly new set of rules and procedures of the Internal Revenue Service concerning private schools. I would very much appreciate receiving from you specific documentation of this "service experience" and an explanation of how this "experience" leads the Internal Revenue Service to believe that every private, tax-exempt school in the nation must begin to keep voluminous records for the benefit of IRS.

In *U.S. News & World Report* (November 19, 1973) you responded to questions concerning practices of the IRS. In part, you stated:

"... The tax laws are an imperfect instrument for solving all the ills of society. People should pay their taxes. But people should also comply with other laws, and people shouldn't violate the Criminal Code.

"It is not up to the Internal Revenue Service to enforce the Criminal Code. There are other agencies—the Federal Bureau of Investigation, the Postal Service, for example—that are given resources to enforce provisions of the Criminal Code. . . ."

I agree with your statement that "It is not up to the Internal Revenue Service to enforce the Criminal Code." It is also not up to IRS to enforce the anti-discrimination laws or to require private schools to add yet another layer of "affirmative-action" procedures to the already staggering load borne by these institutions.

Rev. Rul. 71-447, 1971-2, C.B. 30 states, in part:

"Although the operation of private schools on a discriminatory basis is not prohibited by Federal statutory laws, the policy of the United States is to discourage discrimination in such schools. The Federal policy against racial discrimination is well-settled in many areas. . . ."

". . . racial discrimination in education is contrary to Federal public policy. Therefore, a school not having a racially nondiscriminatory policy as to students is not 'charitable' within the common law concepts reflected in sections 170 and 501 (c) (3) of the Code and in other relevant Federal statutes and accordingly does not qualify as an organization exempt from Federal income tax."

Surely there must be a better way to determine if a private school indeed qualifies for such an exemption other than the massive record keeping outlined in Section 6 of the proposed procedures. That a charitable institution can be denied tax exemption on the grounds, given in Section 6, that a failure to maintain or "produce" such records will "warrant the presumption" of race discrimination is contrary to the most elementary rules of fairness and due process.

I want to take this opportunity to state my concern over these proposed procedures and to state to you my conviction that they should be immediately rejected.

Sincerely,

James L. Buckley.

Internal Revenue Service,
Washington, D.C., May 10, 1975.

Hon. James L. Buckley,
U.S. Senate,
Washington, D.C.

Dear Senator Buckley: This is in reply to your letter of March 27, 1975, commenting on the proposed revenue procedure set forth in the February 18, 1975, issue of the Federal Register and asking for documentation and rationale upon which the Service guidelines and record-keeping requirements are based.

The guidelines and record-keeping requirements are mandated by *Green* v. *Connally*, 330 F. Supp. 1150 (D.D.C. 1971), aff'd. sub nom. *Coit* v. *Green*, 404 U.S. 997 (1971). The court enjoined the Service from approving or continuing in effect any Mississippi school's application for exempt status unless the school has established that it has a policy of racial nondiscrimination. Under that decision, a school must submit to the Service information as to the racial composition of its students, faculty, staff, candidates for admission, and recipients of scholarship and loan awards. The school must provide information relating to whether any of its incorporators, founders, board members, or substantial donors have a connection with an organization devoted to the maintenance of segregated school education. The school must also submit evidence that it has adequately publicized its racially nondiscriminatory policy.

The rationale behind the *Green* case and the proposed revenue procedure is that the general law of charity requires the purposes of charitable trusts not to be contrary to public policy. Inasmuch as a racially discriminatory school is violative of Federal public policy, it is not "charitable" within the meaning of the general law of charity and thus does not qualify for exempt status under section 501(c) (3).

We naturally are very concerned as to the potential impact of these guidelines and record-keeping requirements upon the operation of educational institutions. We intend to study the comments solicited of the general public very carefully with the view of developing final rules that impose the least possible burden upon schools consistent with the mandate of the *Green* case, the Code, and regulations.

We appreciate the opportunity to consider your views and want to assure you they will be fully taken into account upon preparation of final procedures governing this matter.

We are sorry for any inconvenience caused by the delay in our reply.

With kind regards,

Sincerely,

Donald C. Alexander,
Commissioner.

Simon Calms Dean on Bias Rules

(By Eric Wentworth)

Complaints that proposed Internal Revenue Service rules against racial bias would burden private universities with needless paperwork have drawn a sympathetic response from Treasury Secretary William E. Simon.

Simon, answering an irate letter from President Richard W. Lyman of Stanford University, assured Lyman the proposed rules for tax-exempt schools "will be modified to eliminate for institutionals such as yours the duplicative burdens your letter describes."

Lyman's letter, warning that the IRS rules would create a "paper nightmare" reflected growing resentment of federal regulatory activities among presidents of some of the nation's best-known universities.

Presidents John G. Kemeny of Dartmouth, William J. McGill of Columbia and Kingman Brewster Jr. of Yale have spoken out against what they view as excessive government intrusion in campus affairs. Problems they cite range from conflicting requirements to costly administrative burdens to fundamental threats to their institutions' independence.

Lyman told Simon he was writing him directly about the IRS rules because "what is at issue are matters of governmentwide policy and practice that transcend the intent, however laudable it is on the part of IRS, to eliminate racial discrimination in the private schools."

The IRS proposals, Stanford's president wrote, ignored the existing "web of regulation" against racial bias spun by the Health, Education, and Welfare Department, the Labor Department, the Equal Employment Opportunity Commission and—in California—the State Fair Employment Practices Commission.

"There is ample data available from those agencies," Lyman wrote, "as to our policies, plans, and practices to meet any reasonable need of the IRS."

Lyman particularly criticized the proposed IRS requirement that institutions keep for three years all applications for admission, student financial aid or employment and record the reason for each rejection.

Last year, he reported, Stanford admitted 2,000 freshmen out of 9,373 applicants, and 3,844 graduate and professional school students out of 17,689 applicants. More than 5,000 nonfaculty positions also were filled.

Lyman attacked the IRS for failing to specify who would have access to the records and for what purposes.

Simon, replying last month to Lyman, wrote he believed IRS could do its job "without imposing duplicative and expensive administrative burdens on private universities."

Dartmouth's Kemeny and other critics have complained that the IRS record-keeping proposal seemed to clash with last year's Family Educational Rights and Privacy Act, sponsored by Sen. James L. Buckley (Cons. R-N.Y.), which among other things restricts outsiders' access to a student's records without the student's consent.

The IRS proposals were published in February, shortly after the U.S. Civil Rights Commission blasted the tax agency for lax enforcement of its anti-bias authority.

The major aim of IRS was to bar racial discrimination in tax-exempt private elementary and secondary schools—and to bar tax exemptions for schools set up as exclusive havens for whites fleeing desegregated public schools.

But private nonprofit colleges and universities saw that the proposed rules would apply to them, too. IRS exemptions are vital to such institutions, freeing them from federal income taxes and providing the incentive for private gifts from donors who can claim tax deductions.

IRS is currently reviewing more than 100 comments on the proposed rules from interested parties. Aside from record-keeping, the rules also would require educational institutions to publicize their racial nondiscriminatory policies and be prepared to prove absence of bias in use of campus facilities and in all programs, including scholarship aid.

CHILE

Mr. KENNEDY. Mr. President, a series of reports and events have occurred recently to point up to the continuing violation of human rights in Chile.

The International Labor Organization has sent to Chile a three-member, fact-finding Commission, headed by a former President of Peru. The group, according to news accounts, found that labor leaders had been killed or executed for no other reason than that they were "trade unionists or that they exercised trade union activities."

The Commission also called a matter of "utmost gravity, the disappearance, in some cases without trace, of persons arrested by the authorities and who cannot be identified."

Their conclusions also reportedly sharply criticized the ill treatment of prisoners.

This report follows action by the General Assembly of the Organization of American States 2 weeks ago, directing a continuing investigation of human rights violations in Chile.

All of these reports indicate that the situation has not changed to any great extent from what it was last year. Therefore I urge a continuation in this year's foreign aid bill of a prohibition on all military equipment and assistance to Chile.

The Assembly's standing Committee on

Political and Judicial Matters approved a resolution directing the commission—

> Availing itself of all appropriate means, to secure and consider additional information and submit a report on the human rights situation in Chile. . . .

Also, it is noteworthy that Assistant Secretary of State William Rogers, acting as head of the U.S. delegation, made a statement to the Foreign Ministers supporting the efforts of the Inter-American Commission on Human Rights to investigate human rights violations in Chile. This represents a commendable departure from previous occasions when the United States has been all too silent on matters such as these.

The OAS discussion also represents a significant and hopefully permanent strengthening of the Inter-American Commission on Human Rights in its activities throughout the hemisphere.

In its past investigation into human rights violations in Chile, the Commission found that the current regime in Chile has engaged in "repeated violations of the rights set forth in articles I, II, IV, VIII, XVII, XXV, and XXVI of the American Declaration of the Rights and Duties of man."

The Commission found that the right to life was violated by the junta's actions, that torture, inhuman pressure, and treatment including the application of electric shock, threats to relatives, sexual attacks, blindfolding prisoners for weeks, have occurred. They found the violation of due process of law, the nonexistence of freedom of expression, thought or information, suspension of the right to meet, denial of the freedom of association, absence of equal treatment before the law, and the abolition of all political rights.

In that regard, I would urge my colleagues to consider the recent article by Joanne Omang of the Washington Post, in which she reports on the continuation of torture and repression in Chile. Her report confirms the private correspondence that I have received from individuals and groups in Chile protesting the continued violation of human rights in that country. I ask unanimous consent that Ms. Omang's article be printed in the RECORD at the conclusion of my remarks.

Similarly, only yesterday I received two urgent pleas for action from Amnesty International on behalf of two Chileans reportedly being held incommunicado and reportedly tortured. I ask unanimous consent that the Amnesty International message be printed in the RECORD at the conclusion of my remarks.

These two reports, and the others I have received, fly in the face of new decrees by the junta, allegedly restoring the requirement for notification of arrests within 48 hours and the filing of charges within 5 days. However, it should be noted that decrees have been issued in the past. For example, a year ago, a study mission of the Senate Refugee Subcommittee reported that it was informed by the former Minister of Interior of a decree issued by the junta in January of that year, directing that within 48 hours of any arrest, the facts were to be presented to the Minister of Interior .

Shortly after visiting the Minister of the Interior and learning this, the study mission was given the opportunity to visit an interrogation center of the DINA, the national intelligence gathering organization. There they observed an individual sitting facing the wall, who the DINA officials informed them had been arrested 8 days earlier. When they asked whether the information of the arrest had been given to the Minister of Interior, they were told that it had not. The explanation was that the prisoner wanted to continue confessing to DINA and thus they had kept him at this center and not reported it to the Minister of Interior.

What is sought is not merely the issuance of decrees indicating a reinstitution of traditional Chilean due process guarantees. but the implementation of those decrees.

I ask unanimous consent that articles on the subject of Chile be printed in the RECORD along with a copy of the statement by Assistant Secretary William Rogers at the OAS meeting and a copy of the OAS resolution on that subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 30, 1975]

CHILE IS ACCUSED BY LABOR GROUP

GENEVA, May 29.—A three-member fact-finding commission appointed by the International Labor Organization accused Chile's military Government today of having tortured labor leaders to death or executed them because of their trade union activities.

The commission which spent four weeks in Chile at the end of last year and conferred with Government officials there, made the charge in a 122-page report. It quoted the Chilean Government as having denied that it had put any labor leaders to death because of their trade union activities.

However, the commission said, it is an "established fact" that many trade union officials, or former officials, died after the military revolt that overthrew President Salvador Allende Gossens in September 1973. But the commission did not say how many.

The trade unionist died, the commission asserted, "either by execution, with or without trial, or in application of the law concerning fugitives, or as a result of torture inflicted upon them or in other circumstances."

EX-PRESIDENT A MEMBER

The Commission was headed by José Luis Bustamente y Rivero, a former President of Peru and a former head of the International Court of Justice. He is an expert on civil law.

The other members were Harold S. Kirkaldy, a British lawyer who is professor emeritus of industrial relations at Cambridge University, and Jacques Ducoux, a French lawyer who is now a member of the French Council of State. The council is the judicial body that rules on the constitutionality of French legislation and government acts.

The commission was appointed last June by the executive council of the I.L.O., a specialized agency of the United Nations, to investigate, with the agreement of the Chilean Government, complaints filed by the International Confederation of Free Trade Unions, the World Federation of Trade and many other such labor groups.

The commission sat in Geneva to hear witnesses before going to Chile late in November to make an on-the-spot investigation and discuss issues with the Chilean authorities. It completed the drafting of its report here this month.

DEAD ARE LISTED

The commission said it had submitted to the Chilean Government a "nonexhaustive list" of 110 labor leaders alleged to have been killed or executed up to the end of 1973.

The Government, the commission reported, confirmed the death of 33 of them. Ten were executed, nine died in clashes with the armed forces and 14 died while attempting to escape, according to the Government.

According to the commission, the Chilean Government failed to prove that the labor leaders had died for reasons other than that they were "trade unionists or that they exercised trade union activities."

The commission said the evidence made clear that one of the Government's aims was to "eliminate or prevent any large-scale opposition to its policy" by trade of unions or their leaders.

The lack of legal safeguards, the commission said, "is still making it possible for trade union officials to be victimized by unjust decisions and has allowed many of them to be subjected to unwarranted treatment."

The commission reported that among the former trade union officials it interviewed while in Chile were five who had been held since September or October of 1973 without charges being formally laid against them.

NO CHANCE TO APPEAL

They were being "detained at the pleasure of the executive power and had no opportunity to file an appeal or seek legal advice," the commission said.

Another matter of "utmost gravity," the commission said, "concerns the disappearance, in some cases without trace, of persons arrested by the authorities and who cannot be identified."

Even more serious, it continued, is the question of ill treatment of prisoners.

The commission said it had received "detailed particulars directly from a number of trade union officials who have been subjected to physical coercion, in some cases causing severe injury from the after effects of which they are still suffering."

"Information in the same vein," it said, "has also been supplied from various sources considered by the commission to be trustworthy, including eyewitnesses who gave evidence in Geneva and others in Chile."

The commission said that with the present Chilean regime in power for nearly two years the time had come for it to take steps to "insure respect for civil liberties which are essential to the exercise of trade union rights and without which the very concepts of such rights is meaningless."

STATEMENT

(By Assistant Secretary William D. Rogers)

I wish to take this opportunity, Mr. Chairman, to make a few comments on the agenda item, concerning the Inter-American Human Rights Commission Report on Chile.

In Article 3 of the Charter of the OAS, the member states affirm, and I quote, "The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex." The U.S. heartily endorses and reaffirms, for its part, these words from our Charter. We deplore human rights violations wherever they occur.

In 1959, the member states established the Inter-American Human Rights Commission. The Council of the OAS prepared and approved its statute in 1960. The Second Special Inter-American Conference in 1965 increased its functions and powers.

The Commission, in carrying out its duties, has issued a number of significant reports over the years, including the report on the human rights situation in Chile.

The Chilean Government is to be commended for having permitted the Commission to come to Chile. It has taken issue with certain aspects of the Commission's report. The report and the observations of the Government of Chile have merited the careful attention of us all.

The primary issue here, now, is not whether there may have been some defects or inadequacies in the IAHRC Report. It is now somewhat dated. The more important issue is the future—the deep concern which we all have for the promotion of respect for human rights and the elimination of human rights violations wherever they occur, and our ability to build and strengthen an international system to consider matters so vital to the common human values of this hemisphere. In this connection the suggestions and recommendations of the Commission for the future deserve the attention of all, including the Government of Chile.

The U.S. position on such questions is clear. On June 27, 1974, Deputy Secretary of State Ingersoll wrote Chairman Morgan of the House Committee on Foreign Affairs with reference to our obligation under the United Nations Charter to promote respect for and observance of human rights and fundamental freedoms for all. Mr. Ingersoll said "no matter where in the world violations of human rights occur, they trouble and concern us and we make our best efforts to ascertain the facts and promote respect for human rights and fundamental freedoms."

We do not regard human rights as an exclusively domestic concern. The state who are members of our Organization adopted: and have subscribed to an international series of standards. These standards are set down in the Universal Declaration of Human Rights and in the American Declaration of the Rights and Duties of Man. We are fortunate that the OAS has given the responsibility of inquiry, reporting and recommendation, when violations of these standards are alleged, to its autonomous, independent and expert Inter-American Human Rights Commission.

The Commission, except in certain respects has noted, received extensive cooperation from the Government of Chile. It has filed the report that is now before us. The Government of Chile has made observations about that Report. I will not take the time of the Assembly to review the findings of the Commission, and the comments of the Government of Chile. But I think it appropriate that we note our appreciation of the efforts of those who have now been able to place this matter before us so fully, and to commend what I sense to be a spirit, on all sides, of seeking an outcome fully consistent with our shared commitments and aspirations concerning human rights and fundamental freedoms.

We hope to continue to unite our efforts with those of the other members of this Organization, including especially the Government of Chile, in placing the great weight of this Assembly behind constructive steps towards the promotion of human rights, here and elsewhere in the hemisphere. We are especially encouraged in this hope by the reaffirmation by the Government of Chile of its constructive attitude toward impartial international visits, observation and study. Its decision to welcome and cooperate with a United Nations study group acting under a U.N. Human Rights Commission Resolution recently approved the U.N. Economic and Social Council was not lightly taken. It deserves the attention and respect of all member states in this regard.

We believe that this Assembly should take note of the forthcoming visit of the U.N. Working Group, applaud the Chilean Government's decision to cooperate with it and state that we will keep the issue before us pending receipt of the forthcoming U.N. Working Group reports.

My delegation further believes that the IA Haman Rights Commission should remain seized of the issue. A process of inter-action between the Government of Chile and the Human Rights Commission is desirable, including opportunity for the Commission to keep its information up-to-date by all means appropriate.

In conclusion, I would stress that this agenda item represents a test of the system and of the capacity of the members of the Organization of American States rationally, objectively and effectively to weigh human rights issues collectively. In a sense, all of us are on trial here—all of us, in our capacity to articulate a continuing standard and to develop fair and effective procedures for the application of that standard to individual cases.

It would be idle to pretend that this is an easy or simple task. Temptations exist in such circumstances, either to maintain silence, or, in speaking out, to exceed somewhat the rhetorical needs of the matter before us.

But this, it seems to me, is a high challenge. No issue is more fundamental to the business of the Hemisphere, than the humane tradition which is common to us all—the sustenance of human freedom an individual dignity. It was this which drove us all to independence, and it is this which, above all else, tests the adequacy of our efforts to govern and lead our peoples.

As we have said, in the American Declaration of the Rights and Duties of Man, "All men are born free and equal, in dignity and in rights, and being endowed by nature with reason and conscience, they should conduct themselves as brothers one to another."

Report of the Inter-American Committee on Human Rights on "The Status of Human Rights in Chile"

(Resolution adopted at the sixth plenary session, held on May 19, 1975)

Whereas: It has received the report of the Inter-American Commission on Human Rights on "The Status of Human Rights in Chile," based upon materials presented to the Commission by various sources, including the Government of Chile, and on its in situ investigation of the facts during its visit to Chile from July 22 to August 2, 1974;

This report, together with the observations of the Government of Chile, was sent to the United Nations and was considered at the Thirty-first Session of the United Nations Commission on Human Rights;

As a result of this consideration, in which seven member states of the OAS took part, the United Nations Commission on Human Rights unanimously decided to send a working group to Chile to study the present status of human rights in that country; and

Consequently, both the Inter-American Commission on Human Rights and the next session of the General Assembly will have the additional benefit of a report based on further investigations to assist them in their work in the coming year,

The General Assembly resolves:

1. To take note, with appreciation, of the report of the Inter-American Commission on Human Rights on "The Status of Human Rights in Chile," "as well as the observations of the Government of Chile on that report.

2. To take note, with approval, of the acceptance by the Government of Chile of the visit of the working group of the United Nations Commission on Human Rights.

3. To respectfully call upon all the governments, including the Government of Chile, to continue to give the most careful attention to the suggestions and recommendations of the Inter-American Commission concerning human rights.

4. To request the Inter-American Commission to secure, by all appropriate means, additional information, to consider that information, and to submit a report on the status of human rights in Chile to the next session of the General Assembly, ensuring that the Government of Chile has reasonable time to submit its own observations.

[From the New York Times, May 25, 1975]

Torture Still a Way of Life to Chile's Junta

(By Jonathan Kandell)

Santiago, Chile.—A few weeks ago, a Chilean newspaper published a letter by a reader who congratulated the President of the Supreme Court for his strong support of the military junta and his vehement denials that torture was practiced by the authorities.

The letter, a clever forgery, was signed, "Luis Manuel Contreras," who listed as his address a former discotheque on the outskirts of Santiago.

The projunta newspaper, La Segunda, had been taken in by a bit of black humor. Mr. Contreras is the army colonel who heads the feared Dirección de Inteligencia Nacional, the most powerful of the secret police organizations. The former discotheque is Villa Grimaldi, now used by the organization as an interrogation and torture center.

Most Chileans have never heard of Colonel Contreras. Many believe that the reports of torture are greatly exaggerated and part of a Marxist campaign that has infiltrated the highest international organizations, the mass media, universities and government circles in Western countries.

But for thousands of other Chileans, the secret police is a reality. According to the junta's own estimates, 41,000 people—or one out of every 250 Chileans—have been detained at least temporarily for political reasons since the 1973 coup that toppled the Marxist Government of the late President Salvador Allende Gossens.

Church sources, who have concerned themselves with political prisoners, believe that the figure is much higher, perhaps one out of every hundred Chileans.

Both the Government and its critics agree that about 5,000 people remain in prison camps for political reasons.

In a typical case last month, Juan Sepulveda Arancibia, owner of an auto repair shop in the southern factory district of Santiago, was arrested with his two sons by police detectives who were looking for a third son, Alejandro, who allegedly was a member of an extreme left wing organization.

The Sepulvedas were released after nine days. But in a sworn statement to a Santiago court, the father asserted that he had been repeatedly beaten and submitted to electric torture.

TO PREVENT ABUSES

On April 30, President Augusto Pinochet Ugarte unveiled a new series of legal norms to prevent "abuses of power that the Government has not approved."

These measures call for the punishment of torturers and require that new detainees be released within five days or be turned over to a court of justice. The secret police must also inform a prisoner's nearest relative within 48 hours of his arrest.

The new security laws are viewed skeptically by critics because, as recently as April, political detentions in the Santiago area alone were running at about 40 a week, and the Court of Appeals was still receiving sworn statements of torture from the victims' relatives.

Junta opponents also point to the broad mandate that the junta gave to Mr. Contreras' secret police by the decree officially creating the organization in early 1974.

The decree gives the organization unlimited access to "the resources that are necessary for this financing" and allows it duty free imports of "complete equipment, accessories and other elements," presumably for interrogation and investigation.

The issue of human rights has greviously damaged the junta's image abroad. Earlier this month, the Government was forced to withdraw Dr. Urrutia Marzano, the President of the Supreme Court, as its candidate for Ambassador in Paris after the French Government refused to accept him. He is well known for his spirited defense of the junta and his strong denials that torture and other violations of human rights exist in Chile.

At its recent meeting in Washington, the Organization of American States deferred action on a report by its Committee on Human Rights, which has been investigating reports of torture in Chile, until a United Nations commission completes a similar investigation. The United States has not pressed the Chile human rights issue openly, if at all, through economic or political sanctions.

For most Chileans, however, the issue of human rights places a distant second to concerns over the faltering economy. The junta inherited from the Allende years an economy devastated by inflation, production declines, and a huge balance-of-payments deficit.

This month, the junta began to implement what it calls "shock treatment" to stem an inflationary spiral that reached 376 percent in 1974. The measures include a 15 to 25 per cent cut in Government spending, a clampdown on the overprinting of new money, and increases in property and income taxes.

[From the Washington Post, May 18, 1975]

CHILE TORTURE SAID TO PERSIST

(By Joanne Omang)

SANTIAGO, May 17.—Ramon Herrera Sepulveda is his real name. "Use it," he said. "Ask them why they killed my son."

In Chile, four sets of relatives, including the Herreras, last week claimed their dead at the city morgue, each one saying the man had been tortured and killed by one of the five branches of the government security system.

Twenty months after overthrowing the leftist government of Salvador Allende, the ruling military junta is preoccupied by a quest for security in the face of an alleged international Communist plot that it denounces almost daily.

At the same time, buffeted by foreign press criticism over reports of torture and other violations of human rights, the junta has offered a new law, statistics on its political prisoners and public access to condemned torturers in a continuing try for international respectability.

The new law restores to the formal stage of siege the traditional Chilean requirement for notification of relatives within 48 hours after arrest and the filing of charges within five days.

But it would not have helped Herrera's son Guillermo, 28, a teacher and father of two. His father said Guillermo was brought home eight hours after his arrest on May 3. He said Guillermo was clutching his stomach, and died vomiting blood on his bed 36 hours later. The mattress bears bloodstains.

Ramon Herrera, 71, spent 26 years in the army as a weapons expert and the last 14 years working for the army as a civilian in the same job.

"When the junta took over," said his wife, pulling her black shawl closer, "I ran out and put up the flag, I was so happy." The two of them voted for the centrist Christian Democratic Party—now in recess, like all Chilean parties—for 16 years, and they hated Allende.

Now, Herrera said, his entire family, all military men, is horrified by what he said happened to his son, and even more by the aftermath.

"My son took his last breath in my arms," Herrera said. "And then they told me he committed suicide."

The National Intelligence Department, DINA, had brought Guillermo Herrera home to await a phone contact with an alleged higherup in the outlawed leftist MIR party. His parents insist their son was not a member.

Herrera complained that day to his superior officer, who investigated and told him suicide was the official cause of death. The cover of the autopsy report, on file at the city morgue, says "suicide—death by a knife wound in the neck and subsequent loss of blood."

The report's detailed description of the internal organs, done by a respected veteran autopsy physician who has held his job for 20 years, is locked in the files of the 7th Judicial District Court, where Herrera has filed a denunciation of the DINA and demanded an investigation.

A government source who privately checked the case confirmed that Herrera was arrested by the DINA as a suspected MIR courier, questioned and taken home on May 3 to await the phone call. The source said, however, that the young man slit his own throat in the bathroom, "apparently in an effort to get taken to the hospital, out of the house, and made an error that was fatal."

The new law, promulgated two weeks ago "to avoid abuses" of the formal state of siege, according to President Augusto Pinochet, extends jurisdiction of military tribunals, widens the number of punishable offenses and increases penalties.

Supporters said it imposes control and makes litigation possible on the previous blank-check state of siege procedures of detention without charge. Opponents say it makes things worse by formally authorizing arrest by intelligence services without court or presidential orders.

In an announcement timed to coincide with the Organization of American States meeting in Washington, which took up the question of human rights in Chile yesterday, Interior Minister Cesar Benavides said the government is holding 3,811 persons under the state of siege laws.

Another 2,744 have been freed on condition they leave the country, he said and added that the government would like to get rid of most of the rest. "But it's paradoxical that many of the same governments that criticize Chile refuse to accept these people," he said.

Other sources say the number of those held in prisons around the country is much higher, that 1,450 persons were arrested between May and December 1974 in Santiago alone, and that nearly 800 of them do not appear on any government list but have simply disappeared. Government officials have said those who disappear often have left the country or have resurfaced under false names.

The number of people held in Chile, the minister said, "is notoriously less than that in other democratic countries, subject to the state of siege, where no interest is shown in investigating the human rights situation." The remark reflects the government position that it is a victim of leftist propaganda.

In an interview this week, President Augusto Pinochet said some officers charged with torturing prisoners were in jail, and nodded in agreement when an aide said "the president will always order that they be thoroughly investigated and punished."

PRISONER'S ESCAPE PUTS CHURCH GROUP ON THE SPOT IN CHILE

(By Joanne Omang)

SANTIAGO.—A prisoner of Chile's secret police set off a tense standoff between the ruling military junta and the Catholic Church last week when he escaped from a police car and sought sanctuary in an office of the church-backed Committee for Cooperation and Peace in Chile.

The incident came as many Chileans appear to be looking to the church for leadership as an institution that can remain relatively independent from the authoritarian government.

The church has been the country's only vocal critic of harsh economic and security measures imposed after the military overthrew the leftist government of Salvador Allende in September 1973. The recent incident seems certain to heighten church-state tensions.

After the prisoner entered the peace committee offices on Santa Monica Street in central Santiago on May 15, officers of the National Intelligence Department, known as DINA, immediately surrounded the building. Independent accounts from several sources said the incident ended only after urgent telephone contacts by high church diplomatic and government officials, including President Augusto Pinochet.

The peace committee, founded by Lutheran, Catholic and Jewish leaders a month after the coup, has been the major source of support for political prisoners and refugees here.

The prisoner, whose identity could not be learned, apparently arrived on the committee grounds in the late afternoon and demanded protection. The building was surrounded for several hours until the security officials who had pursued him were withdrawn around midnight.

The prisoner was taken to a physician, and the various accounts said he is to be given safe passage out of the country as a sort of compromise solution to the question of whether he is legally in the custody of the church or DINA.

The committee, which is closely watched by the junta, has provided legal assistance and material aid to 38,000 persons or relatives of persons who are detained, charged with political crimes or seeking to leave the country.

Its programs of distribution of food to shantytown children and its legal assistance for persons filing court charges on human-rights abuses have irritated the government, which is worried about its image abroad.

"The situation is very delicate now," said a nun who teaches in a Santigo school. "People are angry on both sides."

Spokesmen for the peace committee and for Raul Cardinal Silva Henriquez refused to comment on reports of the incident.

Church officials have been careful to maintain correct and polite, if not close, relations with the government, preferring to make broad affirmations of human rights and of the church's role as "the conscience of Chile" while expressing more concrete concern privately, in personal communications to government officials.

Cardinal Silva Henriquez has made several strong public statements in the past condemning the abuse of sweeping detention and transfer procedures that are legal under Chile's state of siege. He has also denounced alleged torture in specific cases, but there have been no such statements recently.

As evidence of the cardinal's support in Chile, where 90 per cent of the population is nominally Catholic, the main cathedral was jammed and ringed by armed police May 1 following rumors that the cardinal would issue a strong denunciation of the government during his traditional Labor Day homily.

He received a 10 minute ovation before speaking, and the atmosphere was tense. The homily was a generalized call to solidarity and respect for the workers and the poor.

"The poor are our judges," he said. There were no incidents.

Similarly, a pamphlet published this week, entitled "The Church Today," is a broadly stated overview that promises another document later this year, which is to state church positions more concretely.

Affirming "promotion of human rights" among other goals, the pamphlet notes "a sense of powerlessness in the face of the gravity of the problems that affect all Chileans." In it, the church defines itself in part as "a church that is trying to be more free and independent of the political and economic powers."

Amnesty International Campaign for the Abolition of Torture

CHILE: FRANCISCO MUNSTER LEON (OR LEAL)

Important: We have just received more detailed and alarming news about this arrest: Mr. MUNSTER *LEAL* (this is probably the correct name) is 26 years old, married, with a 3-year-old daughter.

He was arrested in Concepcion, by the Military Intelligence Service (SIRE) about 15 days ago, and then handed over to the Navy in Talcahuano, where he is reportedly being brutally tortured in a place called "La Ciudadela", near the Naval Base.

Action recommended: telegrams should express concern for his treatment and condition rather than request information about his legal situation as we had suggested before. Request authorities to intervene to protect his safety and life. Try to involve students unions/bodies as instructed.

Addresses: Do not send telegrams to DINA (Direccion de Inteligencia Nacional) as we now know that the arresting authority is SIRE, not DINA. Instead, address telegrams to the military commander of the Concepcion area (where he was arrested) and to the Navy Commander of Talcahuano Base, where he is actually being held:

Base Naval Talcahuano, Contraalmirante Cmte.en Jefe, Antonio Costa Bobadilla, Talcahuano, Chile.

General Nilo Floody, Jefe de Zona en Estado de Sitio, Concepcion, Chile.

CHILE: HUGO DANIEL RIOS VIDELA

In our UA 75/10 of 6 March 1975 we informed that Hugo Daniel RIOS VIDELA, a 21-year-old member of MIR (Movement of the Revolutionary Left), had been arrested on 14 February after having lived several months in hiding and was being held incommunicado in an unknown place. We then asked you to express concern about his situation and request information about his condition.

Several sources in Chile have now reported that this prisoner is dead, although information is conflicting in the reported way in which he died: some say under torture, others through ill health and still another version states that he was executed.

It is important that the responsibility of the authorities for the lives of the prisoners be stressed by international opinion in every possible occasion. Furthermore, the fact that versions are conflicting leaves a hope that Mr. Rios Videla might still be alive, although held as a "secret prisoner" and in very bad health condition.

Action recommended: Telegrams expressing grave concern about his state of health and asking for a reply as to his whereabouts.

Addresses:

General Augusto Pinochet Ugarte, Jefe Supremo del Estado, Edificio Diego Portales.

General Manuel Contreras Sepúlveda, Dirección de Inteligencia Nacional Ministerio del Interior, Edificio Diego Portales.

Coronel Jorge Espinosa, Sendet, Edificio del Congreso, Compañia 111, all in Santiago, Chile.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is now closed.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 7, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time? Will the Senator from California specify whose time?

Mr. CRANSTON. Mr. President, I ask unanimous consent that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that Nancy Carlile, of my staff, be accorded privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GARY W. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARY W. HART. Mr. President, will the Senator from California yield me 10 minutes?

Mr. CRANSTON. I most certainly do.

Mr. GARY W. HART. Mr. President, we are here today continuing our discussions of foreign policy which lie behind our military strategy and our appropriations to support these foreign agreements.

Many of us raise the question of how many problems we create for ourselves around the world by either initiating hostilities, such as our activities in nations such as Chile, or by actually not conducting the kind of intelligent foreign relations with other nations that would stabilize relationships and not destabilize them. When we do cause these problems for ourselves, many times administrative branches claim that because of chaotic world conditions, we require strength abroad.

A great Ambassador, George Kennan, said some 20 or 25 years ago that we should conduct our foreign policy more as gardeners than as mechanics. Many of us believe that because we have conducted ourselves abroad as mechanics, we are then confronted with the kind of chaotic world conditions I have mentioned, which require greater and greater military power.

Strategic questions, it seems, are too often and too simplistically phrased in terms of strength versus weakness; but I think this confrontation could be avoided if we exerted more craft and subtlety and discretion and diplomacy in our dealings with other nations.

It seems to me that the real question our Government faces is this: When does "defense" become in fact destabilization? In other words, it what parts of the world are we guilty of creating an imbalance which we must then hasten to redress, at the cost of billions of dollars?

We are also told that we must absorb the cost of maintaining a defense production base. Too often, the costs to the taxpayers are guaranteed profits to defense contractors, which cause both lack of incentive on their part and poor management. We are also justifying the perpetuation of the defense production base by arms sales abroad, which get into the multiples of billions of dollars a year, further destabilizing world conditions, and require us to defend ourselves against those unstable conditions.

We have procurement policies in our Military Establishment which are archaic and lacking in diplomacy and are duplicative and wasteful to the American taxpayer.

What many of us are seeking to do here this week is to call to the attention of the American people the fact that the tremendous costs of our Defense Establishment are occasionally the fault of poor diplomacy on our part and of maintaining a productive capability which is not necessary to assure the defense of our Nation and often produces the kind of waste and duplication that the American taxpayers can ill afford.

If the administration, as I suggested here yesterday, would bring agreements before the Senate in a timely fashion, so that we could debate and discuss them among ourselves, without being confronted with fait accompli, then I am sure the American people would be willing to vote the bill for many of the commitments we have abroad.

As I also indicated yesterday, our commitments to some 41 nations do not contain even one requirement as to the placement of armed services personnel or weaponry anywhere in the world. It is, in fact, the interpretation of those agreements that has caused us to spend $100 billion or more in fiscal 1976 to back up what we call our commitments around the world.

It is in the interest of discussing these kinds of commitments and their interpretation in terms of dollars and weaponry that many of us are speaking on the floor of the Senate this week.

I thank the Senator from California for yielding.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. GARY W. HART. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened to the presentation yesterday of the chairman of the Committee on Armed Services with respect to the proposed legislation. During the course of that presentation, he indicated that we have a number of commitments overseas. I think he even indicated that, in retrospect, he might not have supported some of those commitments. Nonetheless, I think he recognized that we have them, today, and that this was not the time we should be reassessing them.

I wonder whether the Senator from Colorado will agree with me that there never seems to be a time when it is appropriate for us to reassess them? I wonder whether part of the purpose of the discussion that took place yesterday, and is taking place today, is that we should begin to raise a number of questions about the nature of our commitments, particularly to make the American people aware of what these commitments are and where we are obligated and where we are not, so that they will gain an understanding. I think even many of us who serve in Congress, perhaps, would have a keener understanding, at least about what the interpretation of the administration is, or what the military forces think our interests are.

I wonder whether the Senator from Colorado would agree with me that there is no better time for us to consider the nature of these commitments than during the discussion and the debate on the defense budget and in this particular area of the procurement budget.

Mr. GARY W. HART. If the Senator from Massachusetts will yield, I think we are at a turning point in the history of this Nation. We have extracted ourselves from the bloody involvement in Southeast Asia. Many other events have conspired to bring this Nation, at its 200th year of history, to a point where we are going to have to decide what kind of people we are going to be.

Although the Senator from Colorado is certainly not as experienced in foreign relations and foreign matters as is the distinguished Senator from Massachusetts, it seems to me it would be well to discuss, in the future when we enter into agreements with foreign nations that would commit many of our troops and many billions of our dollars, whether those agreements might not be reconsidered and reevaluated periodically during the life of the agreement, whether every 10 months, every 5 years, or whatever.

I think that could be done without causing misapprehension among our allies and our colleagues—just to say that periodically throughout the life of the agreement it will be reassessed by all parties, just to see, when world conditions change, how that might alter everyone's agreement to that arrangement.

Mr. KENNEDY. Would the Senator agree that, with the winding up of the Vietnam war, we heard the President state that our allies and friends in different parts of the world might wonder about the nature of the willingness of Americans to bear commitments in other parts of the world?

I myself must say I did not approve of the repetitive nature of that comment, because I could not believe that our allies in Western Europe, in Japan, or in the State of Israel would doubt the nature of our commitment. However, if the President kept repeating it they might begin to wonder. But I do think it is of great importance, that our allies ought to be aware of the fact that we do have commitments to them, and be able to make adjustments in terms of their own particular relationships with that understanding; and I think the American people ought to understand where these commitments are illusory and where we have valid commitments as well. Our allies and adversaries ought to understand that, so that we do not get into questions of miscalculation.

Certainly I think one of the results of the whole Vietnam experience is that at least some people thought it was a commitment, and that South Vietnam was vital to our security or some other interests. But that was something the American people never really understood. As a matter of fact, they understood that Vietnam was not in our interest, before political leaders understood that lesson. It is that type of situation, I would think, that we would want to avoid. I believe there is no clearer or better time to focus on the nature of U.S. commitments abroad than at a time when we are talking about the military budget—when we have some 1,760 facilities and 310 bases scattered around the world. It is only appropriate that we ask what those facilities and those bases really mean in terms of our vital security interests and our interests in terms of our economy and our responsibilities to the free world.

Mr. GARY W. HART. Would the Senator agree that what we are really discussing here today is the degree of commitment? We can be involved in a mutual security agreement with one or more nations.

The PRESIDING OFFICER (Mr. NUNN). The time of the Senator from Colorado has expired.

Mr. KENNEDY. I yield the Senator such additional time as he may require.

Mr. GARY W. HART. I thank the Senator from Massachusetts.

The real question which the Congress of the United States is faced with, I think, in appropriating the funds for these involvements, is how far the commitment extends, how many personnel of the Armed Services, how many tanks, how many guns, and so forth, are involved.

We are constantly confronted with the bill which the Pentagon presents each year for carrying out these commitments, and yet I think, at least in my brief experience in this body, we have not taken the time to examine why that amount of commitment of personnel and weaponry is actually necessary to guarantee other nations that we are in agreement with in defending ourselves that we need that kind of involvement, that kind of troop level, or that kind of weaponry.

I think it is occurring to more and more Members of this body that we need to get more deeply involved in the degree and nature of those commitments, and not just say we have a commitment, and therefore we have to pay every dollar the Pentagon says is necessary to carry out that commitment.

Mr. KENNEDY. I think the point is well raised, and I appreciate the comments of the Senator from Colorado.

We have seen a rather dramatic change in the situation in Southeast Asia, for example, over the period of the last several weeks. That was unpredicted, at least at the time of the formulation of this particular budget; and yet, even with that dramatic change of our interest in Southeast Asia, the termination of the conflict, and the termination of any military support, we do not see that change reflected to any extent in the presentation that we have heard here during the course of this debate.

What troubles me, and I am sure troubles others, is that we have seen dramatic changes in relations between various countries around the world, yet nonetheless it does not appear that the nature of our response in terms of defense has really reflected those changes. This is what we hoped would be developed during the course of the justification of this particular authorization and later authorization legislation.

I thank the distinguished Senator.

Mr. GARY W. HART. Would the Senator from Massachusetts agree that there have been occasions in the past, in his experience, where it has been our own bumbling foreign policy and our own inability to realize what the interests of other nations are that has caused the unstable conditions in the world to exist, or the so-called chaotic world conditions, which have necessitated bigger and bigger defense budgets, and that in fact if we had been more sophisticated and subtle in our dealings, particularly with emerging nations, we could have avoided the kind of instability that has led Pentagon leaders to say we needed bigger and bigger weapons to operate in an unstable world? Could we not have avoided a great deal of expense and expenditure if we had been a little more sophisticated and subtle in our dealings with foreign nations?

Mr. KENNEDY. I think the Senator is correct.

I want to say finally that I think an area of the world which I have just had a chance to visit—the Persian Gulf—is precisely one where we do need reclarification in terms of policy and statement.

We are, at the present time, selling military arms to a value of $10 billion a year, at an annual rate, to the Persian Gulf countries—the most lethal kinds of weapons that we have. We have Americans over there training personnel in those countries on a contract basis.

There is the sale of arms, there are American technical and trained personnel involved in this situation, there are prospects of an escalating arms race in an extremely important and vital strategic part of the world for the United States and for the West. Yet I do not see statements of our real interests, other than the general kinds of statements that are made by the Secretary of Defense or by the Secretary of State, that say, "First, if we do not sell them arms, someone else will; second, if we do sell the arms, we will increase our influence, regardless of what happens in that part of the world; third, if we do sell them arms, we will relieve some of the unemployment that exists here in this country." Those arguments are used to justify the sale of arms to a part of the world which has had age-old conflicts, has had tremendous instability in the course of history, and where only in a matter of hours or days there can be dramatically different changes in the form and structure of these various governments. Yet we hear the explanation of our policy put in what I consider to be negative terms rather than in terms of the real interests we have in that part of the world, and how far we are prepared to go and what our intentions are.

Such statements or comments would have a salutary impact in that part of the world if they were made and clarified. The countries would understand the nature of our interest as well as the nature of the limitations which we are prepared to live by, and these countries would be able to make appropriate adjustments. Our adversaries would also understand quite clearly what they might expect from the United States.

But in reading and reviewing statements of policy by responsible officials, it is extremely difficult for me to understand what the nature of our commitment is in the Gulf States.

Although arms sales do not entail actual procurement, and we are talking about a defensive posture, and we are talking about stability and security for that part of the world, yet the nature of our commitment and the nature of our interest is extremely unclear. What is really more important, it is unclear to the countries in that part of the world.

Mr. GARY W. HART. Does the Senator doubt if, to some degree, as a result of our provision of weaponry to many of the nations in the Persian Gulf area or that part of the Middle East, hostilities between or among them sprang up that our own defense officials would be back before Congress asking for more dollars to protect us and defend us against a very unstable situation in the Middle East?

Mr. KENNEDY. I think the Senator is quite correct. I think that is a very important point. What we have seen in the past when we provided military equipment both to India and Pakistan, our ability to influence the course of events in that part of the world was extremely limited.

We have seen our ability to influence become insignificant in the case of Turkey, to try to bring about any kind of alteration or change in that situation.

What we have seen now, with the escalation of the arms race, is some increased presence of the Soviet Union in the Indian Ocean—whatever their motivations are. As a result, we are finding now requests for millions of dollars at the base at Diego Garcia. It is only a few millions of dollars at the present time. But we may very well be seeing—if we follow the justifications and the explanations we heard yesterday on the floor of the Senate about increases in numbers of personnel or weaponry by our adversaries—the possibility of an escalation of the arms race in the Indian Ocean, and a whole new phase of a continued arms escalation.

Yet we do not hear the voices of the administration asking our allies in France or Great Britain, or challenging the Soviet Union at Geneva: "Well, can't we get some kind of arms limitation in the Persian Gulf area or the Indian Ocean?"

We do not hear that exploration. Perhaps it would be rebutted, turned down, or cast aside. Perhaps, we would have to make a decision that, because of our interests, we have to take certain steps.

But we have not heard of an effort or an explanation why we should not try to add this part of the world to those other forums where at least we are in communication with our adversaries, such as MBFR or in Geneva on SALT, to try to bring some kind of a limitation to Persian Gulf arms sales and Indian Ocean naval deployments.

What we do see are, I think, the strong possibilities, probabilities, and eventualities that we will see a serious arms race. We will be asked here, either next year or the year after, to provide additional billions of dollars because, as the Senator from Colorado pointed out, of instability in that part of the world.

Mr. GARY W. HART. Has the Senator from Massachusetts noticed over recent years an increase in the tendency of the administrative branch to rely on so-called Executive Agreements with various nations, in effect, to bypass the constitutional requirements of ratification by the Senate of the United States and, therefore, to involve this Government and commit this Government to some sort of an arrangement down the road which will require us to spend or involve our own troops or weaponry to defend that nation or nations involved in that agreement; and that, perhaps, we are really bypassing by the practice over the past few years what is a constitutional institution?

Mr. KENNEDY. I could not agree with the Senator more. As a matter of fact, our distinguished colleague, Senator Abourezk, had been holding hearings in the Subcommittee on the Separation of Powers of the Judiciary Committee on this very subject.

I think that has been a great service. The Senator from Colorado, as well as myself, is very familiar with the recent history of various executive agreements or letters and communications that have been made by various Presidents on which other countries have relied and taken military steps resulting in an increased response by the United States, either in military aid or assistance or other kinds of military activity.

Quite clearly, this is contrary to what I consider to be both the letter and the spirit of the Constitution, and is an additional issue of which we ought to be aware. The American people ought to have a very clear understanding, about what agreements have been made by Presidents with various countries, what the nature of these commitments is, and to what degree we feel we are obligated under them.

I am sure we would hear, "Well, those are classified and those are secret," and we are not supposed to know about them. The time we find out about them is when it is almost too late, when we are asked to authorize and appropriate billions of dollars more or, perhaps, even send American servicemen.

Quite clearly we ought to be aware of those commitments. I think they ought to be laid out before us to consider, so that again we have an understanding of the nature of these agreements. I agree completely with the Senator.

Mr. GARY W. HART. Would the Senator from Massachusetts agree that there seems to be a continuing trend of lack of candor and forthrightness not only in the use of executive agreements rather than actual formal treaties which require ratification, but also there seems to be a tendency on the part of our Defense Department to enter into contracts or to operate as a third party in contracts before some government, perhaps the Iranian Government, and a domestic weapons producer and supplier?

We have now seen that trend in the Middle East where the Defense Department brokers a contract for services or for equipment between a foreign government and one of our own domestic defense industries which are almost totally captive of our own weapons demands.

The Senator from Colorado during the hearings asked all kinds of Defense officials, from the Secretary on down. Individual weapons systems we are asked to agree to are not being justified financially because of their salability to other nations; that is, to drive the per unit cost down, we sell more and more abroad.

The Senator mentioned Diego Garcia. The Senator from Colorado has been concerned in recent weeks and months about the proposal to create a commonwealth in the trust territories to turn the Mariana Islands——

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. McIntyre). There will be order in the Senate.

Mr. GARY W. HART. Those islands are 6,000 miles from the shores of this country. They are scattered over thousands of square miles in the ocean.

Though some suggest that the Defense Department might want those islands for a large new base out there, that might be in our national interest, it might be in the best interests of this country's defense and our future foreign policy, but they ought to be discussed, if that is in fact the plan. They ought to be discussed on that basis and not brought in around the side door or back door as some proposal of the Interior Department.

If there is, in fact, a long-range plan

to make a miltary establishment that far away, I think the Congress of the United States ought to know about that when it is agreeing to these step-by-step approaches that we are asked to ratify here on this floor.

Mr. KENNEDY. The Senator has mentioned two very good examples.

As the Senator from Colorado understands, when the contract came up, that was not something that was brought up by the Defense Department to the Armed Services Committee. It leaked out as a result of a newspaper story and then there was, after probing by the various congressional groups and committees, an unraveling of this situation.

The Senator from Colorado talked about various contracting arrangements that have been developed by the Defense Department which are sending thousands of Americans—in this case to Saudi Arabia—and to other countries in that area for the training of various personnel.

So we have the weapons in that area, we have the personnel, and we have the awesome shadow of our involvement in Southeast Asia.

I think the Senator, in his expression of concern about the kind of development for the Pacific islands, the Marianas and the rest, raises an issue which ought to be developed and focused on. We should have a very clear understanding about the long-range implications of these programs, and it would certainly deserve our attention.

I thank the Senator.

Mr. GARY W. HART. I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, in just a moment I will yield 30 minutes to the Senator from Georgia, but I will use part of his first minute.

The Senator from Georgia is chairman of the subcommittee of the Senate Armed Services Committee on matters relating to personnel, which includes not only military personnel but civilian personnel. Strength levels for each are set by the bill, the number allowed.

He has done an excellent job in this field and related fields and and I know his subcommittee members also contribute. His recommendations were largely, if not altogether, adopted by the full committee.

I know his remarks will be of value to the membership here, whether they are here to hear the remarks or not, they will learn about them and it will be of value to the country.

I am glad to yield 30 minutes to the Senator from Georgia.

Mr. NUNN. I thank the chairman.

Mr. President, I want to add my support of the committee recommendations to the Senate for this year's military authorization bill. This bill covers a broad spectrum of key defense issues, which the distinguished chairman of the committee has already outlined. I want to speak in particular to the four titles of this bill which are concerned with the authorization of active duty, civilian and reserve strengths and military student training loads. Although funds for personnel are not authorized by this bill, the cost of these 3,940,000 active duty military, civilian and reserve personnel that are authorized in this bill represents some 53 percent of the total defense budget.

I might add that last year the figure was higher than this. It was something like 56 percent, and one of the real problems we have today is the continuing escalation in the percentage of personnel costs as related to the entire defense budget.

Somebody once said if you want to find out what the Defense Department is doing, look at what its people are doing. The Subcommittee on Manpower and Personnel attempted to do just that this year. This is my first year as chairman of that subcommittee and we looked into that subject in detail. In some 15 hearings and numerous briefings and staff reports, the subcommittee looked into a host of manpower issues ranging from why we have personnel deployed to various areas overseas to the number of school teachers teaching the dependents of military personnel. After this extensive review, the full committee unanimously, on a vote of 12 to 0, accepted the recommendations of the Subcommittee on Manpower and Personnel.

Turning to those recommendations, the committee recommendations include a 1 percent—or 18,300—reduction of military personnel, all of which are to be taken from support areas and none from combat units. The committee also recommended a 2 percent—or 23,000—reduction of civilian personnel. In addition, the committee recommends the Defense request for Selected Reserve personnel and military student training loads.

I might add, the Defense Department itself requested substantially less in the overall Selective Reserve personnel.

This committee reduction of military and civilian manpower was based on a consideration of each of the functions and areas that require personnel. The functions reduced included command headquarters, base operating support, formal training staffs, and overhead and support in Thailand. The committee gave consideration to the progress each of the various services had made in reducing their request for manpower for these functions.

The military strength level of 2,081,700 recommended by the committee, is the lowest active duty military strength the United States has had since 1950, prior to the Korean war. It represents less than 1 percent of the total population of the United States. That is also the lowest percentage of the population that has been under arms since before the Korean war. On the other hand, the Soviet Union's military manpower has grown from just over 3 million in 1964 to about 4 million today. That is almost twice the number of military personnel under arms as the United States has. It is also almost twice the burden, as measured by the percentage of the Soviet population in the armed forces. The civilian personnel strength recommended by the committee is about 3 percent below the level of 1964. The Selective Reserve strength proposed by the Department of Defense and adopted by the committee is the lowest since 1962.

The various manpower strengths—active duty, civilian and reserve—of the Department of Defense do not exist in a vacuum. This is explicitly recognized in the law that requires congressional authorization for personnel strengths. In the manpower report required by law, these strength must be related to the force structure and to the various kinds of support required to maintain the force levels. The force structure in turn must be related to the potential external dangers this country faces and to Defense policies. Following upon this logic, the committee examined the force levels, support, and overseas force levels which were proposed in the DOD budget.

The committee recommendations are based upon the conclusion that we should not make major reductions in personnel strengths at this time in light of the relative United States-Soviet military balance, the commitments the United States has around the world and the need to reevaluate our posture after the withdrawal from Southeast Asia. On the other hand, the committee found some relatively soft spots in the Defense request and accordingly recommended reductions that totaled some 41,300 military and civilian personnel and would save some $540 million annually when fully implemented. Thus, the committee tried to strike a balance between retaining needed combat strength while trimming out any excess.

In regard to force levels, the Army has proposed 16 divisions for fiscal year 1976 compared with the fiscal year 1975 level of 14.

The 13 divisions that were alluded to in debate yesterday represented the 1974 level. The Army has already moved up one division without increasing manpower. However, the 16 divisions were to be formed from the current manpower strength with no expansion in strength.

As a matter of fact, we are getting new divisions, new combat power, and at the same time, we are trimming about 5,700 military people out of the Army. That point has not been very clearly understood so far in this debate.

The Air Force is proposing to go from 22 wings to 26 wings in future years, again with no increase in manpower. The Navy discussed plans to expand to 600 ships in the next 10 years with an increase of some 60,000 personnel over that time period.

Although this has not been approved, it is their present projection.

Since the Air Force and Navy force structure increases do not take place in fiscal year 1976, the committee reserved judgment on the personnel strengths associated with those plans. We have not approved either the Air Force or Navy projections. In regard to the Army's expansion to 16 divisions, the committee did not object to this expansion provided that it could be done with the committee recommended manpower levels for fiscal year 1976 and provided that there would be no need for more active duty or reserve manpower, nor substantially increased manpower costs, and in particular no necessity to return to the draft. I want to personally emphasize that the movement to 16 divisions is contingent on these factors.

In light of the growing Soviet strength and in light of the uncertainties caused by the American withdrawal from Southeast Asia, this is not the time to present the American people, the Soviet Union, and the rest of the world with a major cutback in U.S. military strength. We should not make a major cutback at least until such time as we have reviewed our foreign policy and have come to a consensus on where we should be going. Cutting strength further before we know where we are going could leave the United States in an exposed and vulnerable position.

At the moment, and until a different consensus is reached for the future, we need to find ways and incentives to insure that the money and manpower of the Defense Department are used in the most efficient way. The committee recommendations included an attempt to do just that by rewarding progress in converting fat into muscle and cutting out additional fat where it could be found.

I might add there is no line item coming over from the executive department that says fat. You have to dig and you have to find it. That is exactly what we have tried to do.

This approach seems to be working, at least to some extent in that the Defense proposed budget showed a reduction of 48,000 auxiliary and support military personnel. In addition, the Defense request showed a reduction of 9,400 civilians. Part of this reduction was used to increase conventional force combat manpower. The balance, about 38,400 was used as a net savings in the Defense budget request.

In the debate yesterday this did not seem to be clearly understood.

When you add the Defense proposed cut of 38,400 to the committee recommended cut of 41,300, you get a total net reduction of military and civilian personnel strength from this year of 79,700.

I would like to get the chairman's attention on the point because it is particularly important.

I see the Senator from Iowa in the Chamber. He has played a great role in the subcommittee.

If you add the 38,400 that the Defense Department is taking out of the budget from fiscal year 1975 to the recommended committee cut of 41,300, you get a total reduction of military and civilian strength from fiscal year 1975 to fiscal year 1976 of 79,700.

This is the really important point: At the same time that that reduction is being made, it is an increase in conventional combat strength of 27,000 from last year. We are going up in combat strength and we are going down in total dollars. We are going down in total manpower cost, at least on a constant basis, not considering the pay raises. To me, that seems to be headed in exactly the right direction.

I know the chairman, for a great number of years, has been pushing to get the military services to convert fat to muscle. I know the Senator from South Carolina, the ranking Republican on the committee, has also joined in that effort. I would say that we are seeing the biggest payoff of that effort that did not start with me on the Manpower Subcommittee, but started several years ago. In my opinion, that payoff is very dramatic.

Mr. STENNIS. Will the Senator yield at that point?

Mr. NUNN. I yield.

Mr. GARY W. HART assumed the chair at this point.

Mr. STENNIS. The Senator has the figures, and that is proof of the pudding. I think it is an extraordinary fact, the development of something that had to be pushed and pressed. That was done by the committee, and the Senator from Georgia was one of those who were speaking for the committee. In fact, he was taking the lead and carried a great part of that load. That is what I call getting down to a bone and muscle army.

While we are talking about the things we are proud of in the services, I have some concern, and have had, about the Army, that we not make it too small, that we cling to the idea of quality in the way of recruits, and that we cling to the idea here of combat strength. That is exactly what these figures are proving. It is taking down the total number but increasing the number in combat units. In that way, it is really saving money because, as the Senator has already pointed out, that is where a lot of the big money is now. It is not in weaponry, but it is in troops in uniform.

I am not just here to commend the Senator, as he does not need it, but I am proud of this achievement. I believe that almost to a man the Senate will adopt the committee's work and the work of the Senator from Georgia.

Mr. NUNN. I thank the chairman. As the chairman knows, the committee was unanimous in approving this. I believe this was the only unanimous vote we had on things that went to rollcall vote. It reflects the work in the Armed Services Committee before I arrived in the U.S. Senate. The chairman, before I ever arrived, was pushing the Army and pushing the other military services in this direction. What we have done is tried to reemphasize that and continue this push.

So the chairman and the committee, I believe, are to be commended. I believe the results of efforts that started 5 or 6 years ago are really beginning to pay off.

About 500,000 of the total requested military strength for fiscal year 1976 would be stationed outside the United States, according to the budget plan. This is somewhat less than at the present time. A majority of these, over 300,000, are located in Europe in support of our NATO commitment. Over 140,000 of the remaining 200,000 are in various parts of the Western Pacific area. Compared with fiscal year 1964, before we were involved in the Vietnam war, overseas strength is down 250,000. So we have been reducing our presence overseas.

In other words, we have one-third fewer people overseas now than we did before Vietnam. There are 25 percent fewer people in Europe and 35 percent fewer in the Western Pacific than in 1964.

I hope our debate—and I welcome a debate on all of this—will focus on the facts. So many times I get the impression we are debating this year's authorization bill on the facts that existed 3 and 4 years ago. I got that impression very definitely in the last couple of days. I hope we will look at what has happened and look at what has taken place in 3 or 4 years.

The question is how much further we want to go in this direction in reduction before we know what our final destination is.

I make three brief points regarding our troop levels in Europe. I am pleased that the majority leader indicated yesterday that he would not renew his amendment for unilateral withdrawal in Europe. Certainly that is a statesmanlike position for him to take, because I know he believes very deeply in that position, and I do agree with him that it is not the appropriate time to do it this year.

First, on the NATO commitment, I think we can all agree that the Soviet Union is our chief potential adversary and I think, second, we can agree if we ever have to take on the Russians we do need a conventional option.

The third point is: If we agree that the Russians are our principal adversary and if we agree that we need a conventional option so we would not have to immediately go to nuclear weapons, then the question is where should we be able to maintain that conventional deterrence?

In my opinion, if we ever have to take on the Soviet Union, which I hope we will not, it would be better to do it in Europe with our millions of allies at our side, than in our own territory by ourselves.

Second, another point is the MFBR talks do offer a real hope for a mutual reduction of forces and tensions in Europe. These talks, which have just resumed, offer some hopeful signs and, in my opinion, are the way to accomplish reductions of U.S. forces in Europe.

All of us would like to bring some of the troops home. We would also like for the Soviet Union to bring some of theirs back to the Soviet Union so the likelihood of war in Europe would be reduced.

The way to go about it is a mutual reduction, not a unilateral reduction.

A unilateral reduction, in my opinion, without any doubt, would destroy any hope for an MBFR-negotiated balanced and mutual reduction.

Third, the Defense Department has been making substantial progress in converting fat to muscle in Europe. We have talked about overall conversions of fat to muscle, but probably the most dramatic fact is what is taking place in Europe.

This comes from an amendment, which the committee passed last year, which required the reduction of 18,000 support troops in Europe and allowed the conversions to combat to take place, permissively, depending on the Secretary of Defense.

Significant progress has already been made. It was 40 percent more than was required by law. The law required 6,000 in 1975 fiscal year and 12,000 in 1976 fiscal year.

That is a very significant, I think, increase in our combat capability without any real increase in overall manpower.

Steps have also been taken to update our tactical nuclear posture in Europe as a result of last year's committee amendment, and I understand an unclassified version of that report has now been put out. The committee received a classified version several weeks ago.

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. NUNN. I am glad to yield to my colleague from New Mexico.

Mr. DOMENICI. I ask the distinguished Senator from Georgia, after complimenting him on his splendid work and report and splendid statement regarding personnel, to comment on the proposition he is making that we must maintain the levels that he is describing until we have a change or an evaluation of our foreign policy.

First, I will discuss with him how he thinks that evaluation of our foreign policy is going to occur and then a little bit more specifically, since he is talking about balanced force reduction of conventional weaponry, I ask the Senator how he thinks efforts in that regard are being impacted by the sale by the United States and Russia, and other countries, of military weapons of a conventional type to other lesser countries in the world in a rather willy-nilly first-come, who-has-the-money, we-will-sell-it-to basis.

It appears to me that that is rampant and has a significant impact on whether or not we are going to succeed in the negotiations with the Soviet Union, and others, for a conventional reduction of armaments, U.S. vis-a-vis Russia.

Mr. NUNN. I thank the Senator for those questions and before I begin to answer them I will certainly say that they go beyond my scope and capability in giving a definitive, complete and final answer because those are very difficult questions.

My own opinion, and I strictly speak for the Senator from Georgia, is if we are going to do anything about foreign military sales that are taking place on a proliferation basis throughout the world, the first thing is not so much to come to an agreement with the Soviet Union. The first thing is to try to reach some meaningful agreement with our NATO allies, because we are competing with France, for instance, and to a lesser degree with some other NATO allies all over the world.

I made a speech to the NATO Air Chiefs about 3 weeks ago, and some of the points I made there relate to this. I think the first step is trying to go to standardization and interoperability within NATO itself. NATO is losing more in terms of effectiveness by reason of overlaps and duplication within the alliance than perhaps any other source of waste. So, the first step I think is to come to some agreement on standardization and interoperability that will mean that we are working together instead of competing within the alliance.

Once we reach that, a more difficult step is to agree that there are certain nations in the world that we should not sell weapons to that would be injurious to the alliance. I do not know which nations those may be.

But certainly it does not make sense for people, who are having a common defense in Europe, for the United States, that has 300,000 troops there, and an awful lot of our overall defense posture aimed toward Europe, to be in some kind of mad scramble competition with our European allies to sell weapons to people all over the world that may end up being very injurious to NATO itself.

The other point I made to the NATO air chiefs, that I think is very important, is that Europe is going to have to broaden its horizon in looking at the problems around the world.

It is fine for the European alliance to say that NATO involves just the geography of Europe, but I do not think that is going to sell for the next 15 years, because Europe is affected by what happens in the Middle East, Europe is affected by what happens in Korea, and Europe is affected by what happens in Japan.

I believe the American public, over a period of years, is going to demand that if we continue our commitment in Europe, which I happen to think is in our own best interest, that Europe is going to have to broaden its outlook.

I do not mean by that that we are going to have to use NATO to defend every country in the world. But I think that when we have a problem in other areas of the world, it is not realistic for the European alliance to say, "That is your problem."

I would venture to say that if the United States of America announced tomorrow that we were going to have nothing else to do with Korea, Japan, the Middle East, or any other part of the world, except the United States and Europe, we would have heart attacks by our allies all throughout Europe—those same people who say that they do not have any reason to be involved in those areas. That is a very fallacious policy over the long haul.

The Senator's first question, as I recall, was how do we go about coming to conclusions on foreign policies. I think the thing that we are doing right now in the Chamber of the Senate is a beginning in that direction.

The Senator from California has taken the initiative here, and others, to have a foreign policy debate coincide with the military debate. I think that is healthy, and I think that is good.

I do think that we must observe at this point, that we have been much more successful in pointing out the problems that exist in the world than the changes we think ought to be made.

We spent yesterday afternoon talking about the problems that existed and still exist in Korea. I heard an awful lot of problems identified, but I did not hear anybody who said what we should do about it, and that is what is tough.

Will Rogers once said that the way to end World War I, I believe, was to drain the Atlantic Ocean and there would not be any German submarines. Somebody asked him how he was going to do it. He said:

> Well, that is a detail. I am not a detail man.

It is pretty hard when you get down to the details about what we are going to do in Korea, about what we are going to do without creating a vacuum in reappraising our foreign policy.

So I wish I could give the Senator a definitive answer. I can only say that I believe this debate is helpful. Not only will it point out areas in which we are frustrated, but also that there are no easy, simple, concise solutions to these problems.

Mr. DOMENICI. I thank the Senator.

Mr. CLARK. Mr. President, will the Senator from Georgia yield?

Mr. NUNN. I yield.

Mr. CLARK. I understood the Senator from New Mexico to ask how we might control the Soviet arms sales, something related to the level of Soviet sales. It is my recollection that in the debate yesterday, it was pointed out that the major arms sales come from the United States; that our arms sales overseas are about twice as large as those of the Soviet Union, something like nine times as large as the sales of France, and some 15 times as large as arms sales by Great Britain.

Are those figures basically accurate, as the Senator understands them?

Mr. NUNN. I heard those figures yesterday, but I cannot say whether they are accurate. They were used yesterday.

Mr. DOMENICI. I was concerned not only about the present degree of Soviet sale of armaments, but also the fact that we use as one of our justifications for selling military equipment to anyone who wants to buy it that if we do not, someone else will.

Mr. CLARK. That is right.

Mr. DOMENICI. So I directed my question to the Senator from Georgia, who was talking about negotiations that are taking place following the strategic negotiations to balance the world's conventional arms. I asked whether it seems inconsistent that while we are concerned about negotiating about that, we are talking about sales, and he appropriately said that many of them are to our NATO allies, and we could add the Soviet Union to that and some of their Eastern bloc countries, who are busily engaged in proliferation of conventional weaponry among all kinds of nations in the world; and we are talking at a very high level about reducing these conventional weapons, through negotiations among Russia, the United States, and a few other countries.

I think we must work them together. That is why I believe the debate at this point has focused on a couple of good points. One of them is that we have to take a good look at the sale internationally by ourselves, our allies, our potential adversary, of conventional weaponry to anyone, almost anywhere, just because they have the money to buy it. It seems terribly relevant to this budget. It seems terribly relevant to trying to work out a treaty to reduce them.

The Senator was explaining his views on NATO's particular problem. I think it was a splendid answer, and we should start there. But I hope we go beyond it as a result of this discussion and find a way to involve ourselves and the executive in a more meaningful approach to this subject.

Mr. CLARK. I agree with the Senator from New Mexico completely.

Mr. NUNN. I also agree with that statement completely.

Mr. DOMENICI. Let me ask the Senator from Georgia about the evolution of a changing foreign policy as it is affected by our military commitments.

It appears to me that Vietnam taught us one thing: that the successful implementation of any military commitment by the United States——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Mr. President, will the Senator yield me 10 additional minutes?

Mr. STENNIS. Mr. President, I am glad to yield 10 additional minutes to the Senator from Georgia, but under the circumstances, 10 minutes are all I can yield, under the present arrangement.

Mr. CRANSTON. Mr. President, will the Senator yield, for the purpose of a unanimous-consent request?

Mr. NUNN. I yield.

Mr. CRANSTON. Mr. President, in order to permit this debate to continue in the way we all have conceived of it, I believe it is necessary to have a new unanimous-consent agreement as to time.

Therefore, I ask unanimous consent that we disregard the 10-hour agreement of yesterday, because that is going to run out shortly, and that we simply divide the time evenly for the remainder of this debate, while we are on this bill today, between the distinguished chairman of the committee, Senator STENNIS, on the one hand, and Senator KENNEDY and myself, on the other hand.

Mr. STENNIS. Mr. President, reserving the right to object—and for the time being, I do object—I think it would be better for us to have a little conference about it, and then we could ask jointly for a unanimous-consent agreement.

Mr. CRANSTON. Very well.

Mr. STENNIS. The Senator from Georgia is presenting a subcommittee report, and I have promised to yield time to the Senator from Arizona.

How much time does the Senator desire?

Mr. GOLDWATER. Thirty minutes.

Mr. STENNIS. I object, for the time being.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, does the Senator from Georgia need the remaining 10 minutes to complete his report?

Mr. NUNN. I need approximately 7 minutes.

Mr. DOMENICI. Let me ask one question, then.

In the development of this new foreign policy, I started to say that we learned one thing from Vietnam, it appears to me: that no matter how strong our military, how ready they are to fight, how ready they are to live up to commitments, unless the people of the United States support the commitment, support the involvement, it is doomed to failure. It appears to me that, other than for a short-lived type operation, any kind of sustained military involvement by America overseas requires the full support of the American people.

So I ask the Senator if he agrees with me that over the ensuing months, as we try to develop the new foreign policy, it is inherent upon the executive and legislative branches to inform the American people, as they have never been informed before, as to the extent and the nature of our commitments and the basic whys for our commitments, if we are to expect them to support the commitments and the evolving or changing foreign policy.

Mr. NUNN. I agree completely with the Senator. I think that was one of the fundamental and underlying problems in the whole Vietnam involvement. There never was a frank and candid revelation to the American people about why we were there, what our policy was, and at least the planned hope for that policy. I believe we have to do that. That is beginning to take place on a more meaningful basis, and I hope it continues at a greater pace.

Mr. DOMENICI. Does the Senator also agree that we just not reiterate that we will live up to our commitments? That is not the kind of information we are talking about. Rather, we should begin a dialog with the American people as to what the commitments are and why, and the executive and legislative branches should cooperate in that effort, with the dissemination of basic information about our commitments, the needed changes, and what they really mean.

Mr. NUNN. That is exactly right.

For example, we have been in NATO for a long time, and I am not sure that the American people fully understand why. I am convinced that it is to our own national security interests. I believe it is the best place we can have a conventional deterrent, if we want one. That point needs to be made over and over, and we need a fundamental decision on that—not in a formal sense but in a sense that it is understood.

We also need to understand the relationship between the prevention of nuclear war and the necessity for conventional forces. We spent 2 hours talking about that yesterday, but that is one of the most basic, fundamental premises of our defense posture and our foreign posture today—that is, if we want to avoid nuclear war, the likelihood of it, we have to have a conventional deterrent. That needs to be talked about a long time, because it is beginning to take place; yet, I am not sure that it is understood fully in the halls of Congress or in the towns and boroughs throughout the United States.

Mr. DOMENICI. I thank the Senator.

Mr. NUNN. In completing my subcommittee report, so far as this bill is concerned, there is one other particular amendment in this bill for which Senator CULVER is due credit. I joined him on that amendment. It is an area in which I have worked and in which I continue to work. That is the area of standardization. It is a very important amendment in this bill, and we will say more about it later.

In regard to Asia and the Pacific, the committee reductions included cuts of support personnel in Thailand based on the withdrawal of U.S. combat forces from Thailand. Beyond that, the committee has called for an overall Pacific basing posture study by the Department of Defense before we go much further in cutting our troop levels in the Pacific. We need to take a hard look at what our real interests are, particularly as they relate to Japan, Korea, Taiwan, the Philippines, and Thailand. Considering the vast distances and diverse areas where U.S. forces are based, there are no longer massive U.S. troop concentrations in the Pacific.

Before we cut back further we should determine what our long run interests are and the best defense posture to meet those interests.

The subcommittee did not recommend any change in the requested strengths for the Reserve components, though the requested strength for the Army Reserve and Naval Reserve were below the fiscal year 1975 request.

In keeping with the subcommittee's emphasis on what the people in the military are doing, missions of the Reserve components were studied. Under the total force concept, active duty and reserve personnel are supposed to share responsibilities and missions. However, in too many cases, no real mobilization mission related to contingency plans is identified for some reserve units. It is important that specific missions be identified and transferred to the Reserves. To this end, the committee report requests that the Secretary of Defense submit to the committee a study on missions in each service that could be transferred to a Selected Reserve component and various methods of integrating active units with Reserve units.

I might add on that point—and this also has not been completely understood—the Army, in moving to the new divisions, is utilizing one-third of those divisions as existing National Guard and Reserve forces. Of the three brigades in each division, one is a national guard or reserve unit which already exists. I think that is a very strong step in the right direction.

The committee also requested the Secretary of Defense to report to the committee on the capability of active and reserve units, as currently configured in combat and support, to reinforce units in Europe. The U.S. capability to achieve, with our allies, a conventional balance in Europe should be considered as a whole, and part of the whole is personnel and equipment that would be deployed to Europe in the case of war. Hopefully the study will result in a good assessment of total force capability to reinforce NATO and recommendations on improving the capability.

In conclusion, I want to say that the committee has made a start in reexamining our defense posture, overseas troop levels, and overall strength. These are not easy questions, but the committee has taken action in various areas where action appeared necessary. Until that is done, the committee recommendations on manpower provide for an adequate defense posture for the current year insofar as that has been identified.

Before closing, Mr. President, I wish to commend Frank Sullivan, an outstanding member of the staff, who has provided the expertise, the detailed examination, and the dedicated effort to enable our subcommittee to properly function. I commend him as well as the other staff members who have worked with him.

Mr. CRANSTON. Mr. President, I yield 20 minutes to the Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. Mr. President, I thank the Senator from California for yielding, and I also commend him for initiating this debate.

I ask unanimous consent that Mr. John Miles of my staff be granted the privilege of the floor during the consideration of this measure and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I regret that I did not have occasion to hear all of the report submitted by our distinguished colleague the Senator from Georgia (Mr. NUNN), but I wish to commend him for that report. What I did hear of it I thought was highly commendable, in particular the emphasis on collective security, and more particularly NATO.

Back in the 1940's, after World War II, when the United States was the one unchallenged, preeminent power on Earth, exercising, among other things, a monopoly over nuclear power, it had the wisdom to recognize that power in this highly interdependent, rapidly changing world would be collective. We did not undertake to become policemen of the world, or undertake by ourselves to finance an East-West balance of power. We led what became an American-inspired new world order which preserved the peace of the world for many years.

If the concern in this debate is where we go from here, and what should be the outlines of the policy of the United States, then perhaps we should go back to when we were right, and most conspicuously so, after World War II.

If nothing else, this debate has demonstrated, first of all, that the United States has no foreign policy now. It has its impulses; it has the dreams and the odysseys of its Secretary of State; it has its cliches, slogans; but it has no foreign policy. And, as the Senator from Arizona indicated yesterday, without a foreign policy it is difficult, at best, to make sensible decisions about military priorities. They have to be geared to a perceived purpose in the world, to a foreign policy. Without a foreign policy, it becomes impossible for the military and for Congress to establish a realistic sense of military priorities. I think that has become rather evident in the course of this debate, too. The debate is in a vacuum—a series of comments and complaints, all of them disjointed. We have no foreign policy to debate, and without a perceived foreign policy, it becomes difficult for us to intelligently debate military priorities.

I wish to ask the Senator from Georgia a question or two about NATO, and the possibilities for recreating an alliance and acting collectively upon questions which go beyond mutual defense arrangements. I agree with him that we should be undertaking within the NATO framework efforts to come to terms with our natural allies on exports of conventional arms to other nations. But within that framework it seems to me that there could be agreement upon other and similar subjects. It may soon be that the greatest threat to the peace and stability of the world is the nuclear threat, the proliferation of nuclear technology, which started some 20 years ago, innocently enough, as the atoms for peace program, but which has now become, with the energy crisis and the incentives that all nations have to seek dependable and inexpensive alternatives to undependable and expensive oil, a source of nuclear weapons. What is ostensibly a proliferation of nuclear technology for peaceful purposes becomes the proliferation of nuclear technology for nonpeaceful purposes. It will not be long before every nation which wants it will have access to fissionable materials, plutonium in particular, with which to create nuclear weapons, and then many of them will acquire delivery systems.

We rely on the Nuclear Nonproliferation Treaty; but the Nuclear Nonproliferation Treaty, under review now, is inadequate. We rely on the International Atomic Energy Agency to impose safeguards throughout the world; but the International Atomic Energy Agency is controlled, in the last analysis, by the nuclear recipient countries, the developing countries, the majority in this world.

I ask the Senator from Georgia, does not NATO offer us a framework within which most of the nuclear exporters could begin to come to terms on the establishment of safeguard technologies? We do not even have the technologies available now, nor the institutions with which to enforce such safeguards and the sanctions which ultimately may have to be put in place if the safeguards are disregarded and the diversion of nuclear materials for nonpeaceful purposes is detected.

Mr. NUNN. I would say, in answer to the Senator from Illinois, that I agree with him completely, and NATO should serve that purpose. I think if NATO for the next 20 years is defined in the narrowest sense, that is to say if it is defined only as being in existence to protect the geography of its members, and is not expanded and working toward economic, political, and security interests throughout the world, then NATO will not have the kind of foundation which will be in jeopardy. So I would agree with the Senator that without any doubt nuclear proliferation should be of great concern to the NATO allies.

We have Great Britain, France, and the United States in terms of weaponry and, in terms of capability in the nuclear field, West Germany.

I just listened to a dialog this morning between the Senator from Rhode Island (Mr. PASTORE), and the Senator from Missouri (Mr. SYMINGTON), about their great concern with the West German agreement with Brazil. This is something about which I do not know the details, but it certainly should be of concern to us, and I think nuclear proliferation itself should be addressed in a very serious way in NATO.

Mr. STEVENSON. If Brazil goes so will Argentina. That is the process that is being replicated throughout the world.

The NATO allies do not, of course, within themselves include all of the nuclear powers, all of the nuclear exporting nations. The principal nation which exports nuclear technology, outside of the NATO alliance, although others may come along, including India, is the Soviet Union. But all great powers have a great deal to lose as a result of the proliferation of nuclear technology and of the ensuing political instability and threats which are possible throughout the world.

Would it not be possible that within this framework of agreement among NATO members on safeguards and sanctions, on institutions for enforcement, that there might also be a possibility for some agreement between them and the Soviet Union on the need to control and check the spreading nuclear menace, because on that issue I think there is a rather perceptible mutual interest between NATO and its adversary, the Soviet Union?

Mr. NUNN. I would agree with the Senator completely. I believe there is a strong commonality of interest. Even though the Soviet Union and NATO differ on many things, we should have a commonality of interest on avoiding the spread of nuclear weapons throughout the world. So I would agree with every word the Senator said on that subject.

Mr. STEVENSON. On that subject there is a commonality, a mutuality, of interest, I believe, as the Senator agrees, between NATO and the Soviet Union.

Let me raise within this NATO framework another subject with the Senator upon which there is not a mutuality of interest but also, I think, a possibility for joint action by the NATO allies.

The Senator knows well that the NATO Treaty was intended to be more than a purely military alliance. As a matter of fact, Senator Vandenberg on the floor of this Chamber—and your distinguished chairman, our distinguished colleague, may have been present during the course of his remarks during ratification of NATO, the treaty—said:

> Unless the treaty becomes far more than a purely military alliance, it will be at the mercy of the first plausible Soviet peace offensive.

In an effort to open the way toward cohesion among the allies in nonmilitary fields, article 2 was included in the treaty:

> The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

That last line is what brings me to this point. The allies, partly as a result of the energy crisis and the need to promote exports with which to generate the revenues with which, in turn, to pay the oil bill, are competing strenuously among themselves to subsidize their exports, and one of the principal beneficiaries of their efforts to subsidize exports is the Soviet Union.

The Soviet Union does not permit the United States and its NATO allies, except infrequently, access to its consumer markets. The access that is permitted is access to its market for technological and industrial equipment, all of the ingredients of both industrial and agricultural development.

With the pressure to promote exports and subsidize employment in our export sectors, the United States competes with the United Kingdom, with France, with Japan—outside NATO—for business in the Soviet Union and to extend large lines of subsidized credit to the Soviet Union.

The United States has extended in subsidized credits to the Soviet Union over $1 billion; the United Kingdom, France, and other countries are following with more subsidized lines of credit, more loans for the Soviet Union.

The result is the subsidized development of the Soviet Union, for example, a truck factory with obvious military potentials, and even in those cases where the military potentials are not so obvious, the pressures on the capital resources of the Soviet Union are relieved to the extent of the credits and Soviet resources are made available for the development of other projects which do have a military potential.

So the United States and its allies end up subsidizing the development of the military and the industrial capabilities of the Soviet Union, on the one hand and, on the other hand, compete among themselves to reduce their military burdens, to shift the burdens from one to the other, and to get the business for the development of the Soviet Union. We are, in a sense, arming ourselves against the threat we are helping to create in the Soviet Union.

Now it seems to me that this nonmilitary subject ought to be a matter for some agreement and, at least, discussion among the NATO allies.

Feeling that way—and I want to ask the Senator how he feels—I wrote a letter to the President on May 23 on the eve of his departure for the NATO summit conference and, among other things, it said:

> Through COCOM attempts are made to coordinate export policy with respect to goods and technology of military significance to the Soviet Union. At present no mechanism exists to coordinate credits for the Soviet Union. Indeed, the industrial democracies, the U.S. government temporarily excepted, are competing among themselves to extend more subsidized credits to the Soviet Union for exports which typically are for the development of Soviet technology and industrial capacity. Only rarely is the West afforded access to the Soviet consumer market for finished goods.
>
> Such credits take on the character of foreign aid and assist the Soviet Union to develop its military capabilities. They have directly assisted the development of such facilities as a truck factory with obvious military potentials. They also release Soviet capital resources for purely military objectives.
>
> It is incongruous for the United States and its allies to subsidize, directly and indirectly, the development of Soviet military capabilities and deprive themselves of capital resources with which to develop their own military and industrial capabilities.
>
> As it is now, the industrial democracies are competing among themselves, on the one hand to diminish their burdens of mutual defense, while on the other hand to aid in the development of Soviet military and industrial capabilities. As you know, the United States has already extended about $1 billion in subsidized credits to the Soviet Union. Our allies are doing likewise. Some coordination among the allies might diminish the pursuit of inconsistent ends, perhaps upon some understanding that credits will be made available through a consultative process as progress with the Soviet Union is achieved on such large issues as mutual and balanced force reductions, SALT and peace in the Middle East. It could lead to a relaxation of tensions between East and West.

Mr. President, I ask unanimous consent that his letter be printed in the RECORD at the conclusion of this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. I might say, I think the Senator has made excellent points here. One of the most disturbing things about the overall détente policy, and certainly all of us want to ease tensions, certainly all of us want to reduce the military burden if we possibly can, but one of the disturbing things is that does not appear to be the result, particularly in the case of the Soviet Union. Their military spending exceeds that of the United States.

This is a worrisome thing. I do not think we have to match for every tank or for every rifle or missile or man, for that matter. But it is awfully important in the world balance of power that we maintain at least a deterrent to any kind of nuclear strike. I think we have to have no less than parity. I would prefer more, but that is a matter of debate.

But we have to be very careful in the foreign policy field if we are going to allow our credit to relieve the Soviet Union of their burdens in certain areas where they can shift more of their resources to the military area.

Then we are really hurting ourselves in the long run, and I say that in the broadest sense, that includes all of our allies.

So I think the Senator has made a very excellent point here and I certainly believe this matter of credits should be carefully considered in the context of what the Soviet Union is doing with our resources and whether they are forcing us to continue to increase our military budgets to try to struggle to keep up with them.

So I think the Senator has made excellent points.

Mr. STEVENSON. I thank the Senator.

To put it slightly differently, it is unrealistic to think that with credits, or any other such form of assistance to the Soviet Union, or any other great power, that we can influence their policies.

Every government is going to do what it perceives is in its best interests. Its policies will not be altered by cash. The most such credits can do is help to normalize trade and help create a climate within which agreements become easier upon political subjects, but to think, as I think has been the prevailing attitude, that somehow by extending billions of dollars of credit to the Soviet Union we can influence its policy is just utterly unrealistic.

The best way to relax tensions is to act from a position of strength, a position of collective strength, and not just upon military subjects, but also upon nuclear proliferation and upon such questions as the extension of credits for the industrial, agricultural, and the military development of the Soviet Union.

I thank the Senator from Georgia.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., May 23, 1975.

HON. GERALD R. FORD,
The President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Secretary of State's recent statement in St. Louis about the importance of U.S. alliances with other industrial democracies was most welcome.

I urge you at the NATO Summit meeting in Brussels to take up the impact of credits from the industrial democracies for the Soviet Union on its military capabilities. This subject begs for cooperation between the NATO nations and some appreciation of the military, as well as the commercial, consequences of continued large-scale credit for the Soviet Union. It has a GNP second only to our own, is now the world's foremost oil producer and enjoys a substantial and growing payments surplus.

Through COCOM attempts are made to coordinate export policy with respect to goods and technology of military significance to the Soviet Union. At present no mechanism exists to coordinate credits for the Soviet Union. Indeed, the industrial democracies, the U.S. government temporarily excepted, are competing among themselves to extend more subsidized credits to the Soviet Union for exports which typically are for the development of Soviet technology and industrial capacity. Only rarely is the West afforded access to the Soviet consumer market for finished goods.

Such credits take on the character of foreign aid and assist the Soviet Union to develop its military capabilities. They have directly assisted the development of such facilities as a truck factory with obvious military potentials. They also release Soviet capital resources for purely military objectives.

It is incongruous for the United States and its allies to subsidize, directly and indirectly, the development of Soviet military capabilities and deprive themselves of capital resources with which to develop their own military and industrial capabilities.

As it is now, the industrial democracies are competing among themselves, on the one hand to diminish their burdens of mutual defense, while on the other hand to aid in the development of Soviet military and industrial capabilities. As you know, the United States has already extended about $1 billion in subsidized credits to the Soviet Union. Our allies are doing likewise. Some coordination among the allies might diminish the pursuit of inconsistent ends, perhaps upon some understanding that credits will be made available through a consultative process as progress with the Soviet Union is achieved on such large issues as mutual and balanced force reductions, SALT and peace in the Middle East. It could lead to a relaxation of tensions between East and West.

The disarray among the industrial democracies is disturbing and too reminiscent of times past. I, therefore, urge you to take up the subject of credits for the Soviet Union at the meeting in Brussels. I believe that your trip is most timely, symbolically important, and am hopeful you can achieve progress on the substantive questions.

With the highest regards,

Sincerely,

ADLAI STEVENSON.

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. STENNIS. Mr. President, I yield 30 minutes to the Senator from Arizona.

And, Mr. President, should time run out during the Senator's remarks, I ask unanimous consent now that he, nevertheless, be allowed the full 30 minutes.

Mr. KENNEDY. Mr. President, would the Senator be kind enough—reserving the right to object, and I will not object—to propound a consent request to divide the time equally for the rest of the afternoon?

Mr. STENNIS. We propose to do that, but not just at this moment, for reasons I will explain.

Mr. President, I yield 30 minutes to the Senator from Arizona.

Mr. THURMOND. Mr. President, on that point, the question just made, yesterday that side took up practically the whole day and they have used all that time. Now, why should we be deprived of time over here until we have used up our time, then we can talk about dividing time.

Mr. KENNEDY. I will be glad to.

Further, I thought the distinguished Senator from Georgia, in his exchange with both the Senator from South Dakota and myself, was speaking very eloquently and commendably and forcefully for the position of the committee. I, quite frankly, thought that during that exchange the arguments were being presented on behalf of the committee, and should have been charged to its time. At this point, we would be better organized by yielding time, rather than constantly dividing the time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I have the floor, have I not?

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yielded 30 minutes to the Senator from Arizona, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. I will be glad to yield to my friend, but I do not want it coming out of my time.

Mr. KENNEDY. No; I just wanted to make that point, and the chairman of the committee has been very generous.

Mr. STENNIS. Mr. President, a point of order. I cannot accommodate everyone. I yielded 30 minutes to the Senator.

Mr. KENNEDY. I indicated I reserved the right to object.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. The Senator from Massachusetts has not objected, or withdrawn his objection.

Mr. KENNEDY. I do not believe the consent request was——

Mr. STENNIS. I withdraw the request, Mr. President, and have yielded 30 minutes already to the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. GOLDWATER. I thank my chairman.

WHAT PRIORITIES: EUROPE, ASIA OR BOTH?

Mr. President, I do not want to address myself at this time to the bill or to weapons, strategy, and so forth. My subject is, "What Priorities: Europe, Asia, or Both,"

Mr. President, as events in Southeast Asia continue on their tragic way, the American people are being assailed by statements to the effect that, "Now that the Vietnam war is behind us we can wash our hands of all those complications in Asia and get on with really important foreign policy issues." Well, I am not sure the Vietnam war is behind us. I think the consequences of that particular failure will haunt us—and perhaps wound us—for many years to come. But, this is not my subject today. Instead, I want to explore this now continuously repeated assertion that our most important foreign policy tasks lie elsewhere, lie other than in Asia. One will note, of course, that, as is common in today's practice, our pundits do not define precisely what these "other issues" are but they seem to infer that the really important area for us is Europe—not Asia. I would like to examine this proposition more precisely. I would like to argue against this proposition because I think it to be wrong.

There is no doubt but that American thinking has a European tilt. In one sense this is understandable but in another, it is not. Most of us arose from European origins not too many generations ago. We have, therefore, cultural, ethnic and in many senses, political connections with Europe. But may I suggest to you that important as these links may be in promoting a commonality of interests with Europe, it does not necessarily follow that these are the ingredients that should prompt the United States to make Europe the focal point of a foreign policy. In fact by themselves, these alleged links mean very little in terms of foreign policy. Europe must also affect critical U.S. interests. We can view these economically, in terms of international politics and in strategic terms. Before we do, however, we should note some other factors about Europe which perhaps suggest that we have as many uncommon interests as we do common. Some of the former are significant relative to the goals we have sought for our country.

Mr. President, our ancestors left Europe for very special reasons. Alongside its sometimes expression of liberty and justice, Europe has a long and near continuous history of repression—especially repression of ordinary, humble folk. These have fallen under the rubric of the religious oppression of three centuries ago, the racial oppression of the last century, or in Stalin's Gulag Archipelago in our own time—just to quote some examples. These highly organized mass repressions have occurred with monotonous regularity.

Mr. President, we must remember, too, that doctrinarily Europe is also the home of fascism and communism. It was there where those creeds were not only formulated but put into practice. Communism still bedevils the entire world and causes most of our problems. Thus, our European antecedents are not entirely without their flaws. We must remember these flaws when we are being reminded of our European heritage and recognize that our cultural and political linkage is not something that demands total homage on our part. But, neither can a foreign policy be based on these contrary issues anymore than it can be on those more favorable fabrics which are normally held before our gaze. Other factors intrude. These are, as I have already mentioned, economic, political and strategic.

As a framework for examining these, let me ask a brutal question. How significant would it be to the United States if the various European states became Communist states? I might add that I regard the possibility of Europe becoming Communist as more likely to arise not so much by outright aggression by the U.S.S.R., as by the impending failure of the European experiment with semisocialist government, controlled economics and its inability to handle the subsequent social unrest and political confusion likely to ensue should these operations fail. But, let me stick to my question—What if Europe did become Communist? How would it affect us economically, politically and strategically?

Economically, the impact would be extremely severe but not crippling. Since World War II the United States has made substantial investments in Europe. Indeed, in my opinion we have over-invested in Europe. These would be lost to us. But they are likely to be lost in any case but perhaps less dramatically. Strikes, political ideologies, political confusion, increasing European nationalism and a general instability in many countries may force the curtailing of many American enterprises in the longer term. Personally I hope this does not happen but the signs are there. And, what would all this mean here at home? Higher prices, a lesser variety of goods—and on the plus side, possibly more jobs for Americans—and overall, a general but not critical diminution in our standard of living. We would however face one critical economic impact beyond trade and that would be relative to oil. The security of Europe's southern flank is critical to the security of the Middle East. Thus, Europe's position in this regard bears upon the security of the Middle East's oil fields. I will discuss this more fully when I talk of the strategic implications of a Communist Europe.

But before that, let me turn to the political impact should Europe become Communist. If Communist practice holds good, there would be a primacy of politics over economics. We could then expect that both Africa and the South American Continent would be subjected to strong political pressures. These would be first a "wave of the future" syndrome that, as Communists could not successfully be opposed, the time had come up to join them. At home no doubt our growing left wing would redouble its efforts to socialize America and I would expect our well-meaning appeasement faction to join forces with them. Overall I would expect the political effort worldwide to be intense. After all, in terms of the Communist dialectic this would be the culminating phase of a historical epoch presaging the triumph of world communism. This political effort would have but one primary motive—the isolation of the United States. I believe they would succeed with this and the United States would be isolated and as a result find itself in a very difficult political position.

But, the Communist hegemony of the U.S.S.R. in Europe would also have enormous political problems. It is one thing to subvert a nation's political processes. It is another thing to be faced with the day-to-day control of an alien nation's political system and the attendant social forms. This problem becomes accentuated when more than one state is involved and these states are all different. The states of Eastern Europe, notably Hungary in 1956 and Czechoslovakia in 1966, have revealed these difficulties.

And, Europe does represent a polygot collection of States which, even under the best of circumstances, as is under the Common Market, have shown remarkable indifference to each other's interests and a selfish independence. Further, the ancient European disparateness on politics and culture not only still remains but is continually exploited by nationalist leaders. I believe it will become increasingly easy to subvert most European political systems but managing these will cause the manager immense problems. I do not envy anyone's task, if that task is to homogenize Europe politically and govern Europe as a unified whole. If the Soviet Union is ever in a position to try, they will have their hands full. I do not say this because I believe European States to be vigorously independent but rather that their inchoate selfishness would inhibit collective action even under the gun. I would not for example like to be the Russian commander of a grand European army. But neither should we underestimate the political impact upon us of a nominally Communist Europe. Isolation from others is an enormous burden to bear even for the robust of spirit: for the less robust, it leads to despair. Thus, economically and politically a Communist Europe would not be a pleasant prospect for the United States.

Such changes in Europe's alinement however would have its most important effect in the strategic sense. In some degree the changes are already underway. For example, with its economic wealth and its 260 million people, Western Europe should be well capable of defending itself against the Soviet Union. But, Western Europe still looks upon the United States as its defender. The failure here is failure of will rather than of an inadequacy of material strength. It is time we recognize this. Western Europe is without great leaders. Indeed, of those now in power in Great Britain, France and Germany, all are in office either by narrow majorities or through coalitions. Westen Europe is disunited, despite opportunities for unification under the Common Market. The nations of Western Europe are unwilling to sacrifice social welfare schemes for the disciplined realities essential to their own long term defense. The nations of Western Europe seem to be floundering as they seek a unity of purpose. Strategically, we cannot look upon Europe as an ally commensurate with its size and wealth. Soon we shall have to face new factors.

It seems to me that Europe is in the process of being outflanked by the U.S.S.R., especially in regards its southern flank, the critical Mediterranean Sea. In part we have contributed to this by such acts as cutting off military aid to Turkey—whose geographical significance should be obvious to all—and by our policy of endeavoring to play both the Arab and the Israeli sides of the street without at the same time enunciating a clear and simple Middle Eastern policy.

A further complication could also rise when Marshall Tito passes from the scene. The Russians, because of the absence of any countervailing force, will be tempted to intervene in Yugoslavia, and here will be a secure Russian access to the Mediterranean Ocean.

The Mediterranean is also related to yet another vital issue; namely, Middle Eastern oil. Some 90 percent of Europe's oil is drawn from Middle Eastern wells. If ever a region had a clear-cut strategic aim, surely that of Europe would be to maintain access to this critical resource through preservation of Middle Eastern stability. Yet the Europeans have reacted as though, provided they were nice to this or that supplier, all would be well. Unfortunately, in this sad world, life does not operate that way.

The Arabs want to sell their oil and indeed they must in their own future interests. But, as in any trading operation, they prefer customers who are materially secure and emotionally robust, customers who have a future. So, too, would the majority of the Arab states rather not have the Soviet Union as the owner of Europe, a Europe ready at the Soviet's will to exert whatever pressures they wished upon the Middle Eastern world.

Then, as I see it, Western Europe has failed to take those measures necessary to sovereign states such as being responsible for their own defense to the degree possible, or, in taking those measures such as with the Middle Eastern oil, of maintaining the viability of a vital interest. Thus, I see a grave possibility waiting in the wings. It is possible to perceive of Western Europe as a hostage to be held against us by the Soviet Union because, relatively speaking, Europe is growing militarily and politically weaker and, therefore, more militarily dependent upon the United States and because we at the same time have bound ourselves to Europe by such a tight alliance as the NATO pact.

We of the United States may have a liability on our hands more than we have an asset.

Of all the concepts regarding Europe that I have enunciated here, that of Europe held as hostage against the United States is the most likely and the most dangerous. Perhaps we have forgotten but the NATO pact states as its most operative element that "An attack on one, is an attack on all." Ponder on this situation. The alliance is not unified; it has not marshalled sufficient forces to mount its own defense by land and promises to do less in the future. There are strong forces within the alliance antipathetic to the United States: because of NATO's weakness any war in Europe would inevitably mean the use of nuclear weapons: more and more we are assuming the role of the alliance's nuclear mercenaries. Yet, we are bound to this disparate and, may I say it, militarily ineffective group by a boiler-plated agreement. Europe is impotent both in terms of will and capability relative to Soviet might. This is what I mean by Europe being held hostage with the United States responsible for the rescue—or the trade-off.

This situation which is upon us now can and must be rectified if the NATO Alliance is to endure. Without rectification, the United States would be as well served in changing its automatic guarantees to NATO. This would give us the flexibility of choosing what action we might take relative to Soviet adventures in Europe or elsewhere. With this new course we would lose little while making a substantive gain in our freedom of political and strategic maneuver.

I realize this is a grim analysis and one I trust will never come to fruition but in international politics, reality comes first. Yet, there is no question but Europe is important to us, economically, politically, and strategically. But, it must be a strong, viable, independent Europe. European history indicates that all of her states have great resiliency. This is what must come forth again. American leadership and example could be a key factor if we are to maintain the European alliance as an asset.

Again, we must summon both our own will and thereafter, that of European allies toward vigorous defense of independence and liberties. If this is not achieved, Western Europe and the entire NATO Alliance can become an awesome liability, a mortgage on our future freedom to decide and upon our capacity to calculate our own best defense.

Thus, we do have tasks in Europe and Europe is important to us. But, we should also be aware that our relationship with Europe is not nearly as cozy and natural as popular myth would have it. In the immediate future we may perhaps have to seek a new flexibility. It may become more in our interests to deal with each European country on its merit rather than pretending Europe is a united whole. This would give us flexibility. One example of the use of such flexibility might be that of deploying forces say to aid our friends, and our own interests, in the Persian Gulf, The time may be at hand when this is a more important venture for us than protecting a Europe reluctant to protect itself.

Let me return, however, to my original question. While we resuscitate our relationship with Europe, do we turn our backs on Asia? I think not. For each reason I have given you—economic, political, and strategic—that prompts us to continue our relationship in Europe. I can give equally valid reasons for like relations with Asia, and more.

In terms of the U.S. trade abroad,

Western Europe still outranks Asia by a ratio of nearly 2 to 1. But this is changing. Our trade with Asia has more than tripled these past 10 years while our trade with Europe has grown at much slower rate. Japan, for example, is now the world's biggest buyer of U.S. agricultural products. I believe that all our trade opportunities in Asia lie ahead and if the region is stable for the next 10 years and if our diplomacy in Asia is competent, Asia will soon outrank Europe as a trading region for the United States.

Politically Asia is more important to us than Europe. Europe's political originality seems to be of the past—both the good and the bad. I do not sense any ground swell of new ideas in Europe, although there may be repetition of what has happened before. In Asia, however, things may be different. When Mao Tse-tung turned Karl Marx's theories upside down and made the peasant rather than the proletariat the raw material of revolution he initiated a momentous event. Some two-thirds, or more, of the world's peoples are peasant. Has Mao given to this enormous mass a rationale for their future? If he has, we have a startling phenomenon on our hands. It transcends anything that has happened in Europe in planetary significance both politically and especially strategically. Recent events in Asia would seem to bear out this contention at least in part and this leads me immediately to the strategic significance of this Maoist concept.

Let me deal first with peasants, not only in Asia, but of peasants generally. These past 30 years we have seen peasants at war in Asia. These folk have shown discipline, military skill, dedication, endurance and hardihood. We Americans perhaps know this as well as anyone. But, only a tiny fraction of Asian peasants have been involved. The characteristics I have noted apply to peasantry in general and especially to China's peasants. We see therefore a potential for an enormous mass to be mobilized for war of a particular kind, what Mao has called protracted limited war, similar to what we faced in Vietnam but of a grander scale. But another critical factor must be added to this new pattern, namely nuclear weapons. I believe this bringing together of nuclear weapons and the enormous peasant mass in the strategy of protracted limited war is as potentially significant militarily as was the famous levee en masse of the French Revolution which when combined with Napoleon's genius created a conquering force which made the world tremble.

We must now note yet another important factor. The discipline and endurance of China's peasants—and for that matter those of Japan and Vietnam also—is intrinsically rooted in their family system. It is not something brought about by communism. On the contrary, communism, as turned around by Mao Tse Tung, exploits these ancient values. This discipline and endurance, therefore, is not something which is of fleeting significance but is a characteristic that will be around for a long time.

The strategic significance of the peasant mass, allied to nuclear weapons, allied to their innate discipline, has been recognized by the U.S.S.R. The U.S.S.R. shares with China the longest land frontier in the world. As compared to Western Europe where we face a situation of actual, or near, apathy to the imperial designs of the Soviet Union, in Asia we find at this time a dynamic opposition which is new in its concepts and has immense potential power in its capabilities. It makes the U.S.S.R. tremble. If the United States turns its back upon this situation, two potentially dangerous situations arise. First we lose a counterbalancing force to the U.S.S.R. Before this century draws to an end we may need this force. The U.S.S.R. is soon to be the mightiest military power on earth but it can never conquer China, if China remains united and opposed to Russian conquest. The Chinese are also as disturbed, as I am, at the seeming weakness of NATO and the distinct possibility that NATO might be held hostage against the United States or that the United States might withdraw.

Either course would allow the U.S.S.R. to transfer vast military power to Asia, to further menace China. Already China has begun to make overtures to Europe to stand firm. Especially, China needs the United States in a global role. For our part, it is in our interests that Communist China retain its posture of unity and of independence from the Soviet Union. Further, Communist China has done something that Europe has failed to do; namely, obtained the military respect if not fear on the part of the U.S.S.R. It is in our national interest in the foreseeable future that China remain a counterbalancing force. I am in no way suggesting that we get into bed with China. I am in no way suggesting that we forget our life-long friends on Taiwan. There is no need to. They do not want us—I am speaking of the Red Chinese—as allies or even as friends. They are our self-avowed enemies. But, they are also the enemy of our other and biggest self-avowed enemy. Let us, therefore, endeavor to conduct a vigorous forward diplomacy with Communist China in which we represent our national interests clearly and unconditionally. They will take note and react appropriately if we show clarity of mind and purpose.

The second danger that could arise, if we turn our backs on Asia, is that after Mao's demise an almost opposite situation could arise. Along with Russian help, a pro-Soviet faction could take power in China. This would presage a time of great turmoil and danger. But should an alliance between China and the U.S.S.R. arise, this would represent the first—I repeat, the first—unbeatable alliance yet seen on this planet. Europe does not represent such an adjunct to the U.S.S.R., even under the best of circumstances.

And then we must turn to Japan, already the world's third industrial power, and like China, the home of a highly disciplined and enduring people. Should the Japanese feel that the United States has withdrawn from Asia, what would her position be? Japan could hardly sit by and do nothing. Japan could seek new alliances, with the U.S.S.R. or China, and either would again represent a formidable realinement in the global power structure. Japan could readily manufacture nuclear weapons and indeed would be almost forced into this situation. This would almost certainly usher in the second nuclear age, an age when most nations with the capability would scramble to produce their own nuclear arsenals.

Here, then, are some of the international aspects of Asia, a region we are now being told has little importance to us. It seems to me that Asia, in a strategic sense is no less important to us than is Europe. Indeed, I would like to go further and suggest that Asia is probably more important to us over the next 20 years than Europe is ever likely to be. We must rid ourselves of that strange syndrome that somehow we "owe" Europe more than we do other parts of the world, especially Asia.

As a policy for the United States in regard to its relations with Europe or Asia, let me recommend the following and at the same time summarize my discourse:

First. Post-Vietnam international politics will not improve and almost certainly will get worse. We can neither deny nor dodge certain distinct but terrible forces at work—namely, the increasing power of the U.S.S.R. and China and their continuing messianic stance; the conflict between the U.S.S.R. and China; the decline of Europe; the dependence of Europe and the United States on Middle Eastern oil, and the reluctance of the United States to see the world as it is and, as a consequence, assume its correct national posture.

Second. Unless Europe is to be held hostage against the United States, Europe must take a vigorous and urgent step to adopt a more unified posture and shoulder greater defense burdens.

Third. In the meantime, the United States must establish a more flexible defense posture which instead of binding us to plans which may fail in the event allows us greater freedom of choice not only vis-a-vis Europe but also other regions.

Fourth. China will increasingly represent a new dynamic in military strategy, and at all costs China must not really itself with the U.S.S.R.

Fifth. Japan could follow in China's wake, not necessarily as an ally but as a new military force in the world.

Sixth. China needs the United States to counterbalance the U.S.S.R., and we should recognize this situation and work vigorously to obtain our best advantage from it, without for one minute forsaking our allies on Taiwan.

Seventh. As a nation, we need to turn more to Asia not less, learn more of its ways and its potentials so as to serve best our national interests.

In conclusion, Mr. President, let me make one last observation. I hope I am wrong in my gloomy assessment of this world we live in and of the remainder of this terrible century in which we find ourselves. I have been talking of terrible things: of war, of subjugation, of the prostitution of ancient values and the dimming of future hopes—all brought about in pursuit of the theoretical nonsense first dreamed up more than a century ago by an unworldly and impractical German named Karl Marx. It is not pretty but, unfortunately, it is real. We Americans have a tendency to put aside realities of this kind, and here lies our danger. It is critical that our country awake to the realities. I ask for no more. Each American strives to build a better world for his family and their families. We can do this for ourselves, and perhaps help others, if we but recognize the realities about us. A new cold war, or a hot war, is less likely to arise if we maintain this vigilance. More importantly, if the American people are told the truth and offered effective leadership relative to that truth at home and abroad, they, you the people, will respond with the vigor and enterprise they have always given to the cause of their freedom.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GOLDWATER. I think I have a few minutes remaining.

The PRESIDING OFFICER. The Senator's 30 minutes expired. Who yields time?

Mr. CRANSTON. I yield 5 minutes to the Senator.

Mr. CLARK. I would like to ask a couple of questions about the two or three points that the Senator from Arizona has made.

First, I certainly agree with his description of the unwillingness of many countries in Western Europe to help finance their own self-defense. As these countries actually take over their own self-defense. I wonder if the Senator feels there will be a point where the United States can withdraw all its ground troops from Europe.

Mr. GOLDWATER. I certainly think that would be possible. In fact, that is the thinking of our military leaders. It has been the thinking of President after President.

I do not think that we are permanently married to the NATO concept of American troops being there. I do think I could count the entire structure, which includes, most important, the 6th Fleet. This is not a proper time to withdraw either strategically, from a strategic sense, or policywise from a policy sense, because the world would misinterpret what we might do. We have discussed this on the floor of the Senate year after year. I do not know what the target date might be; but certainly if we can get the European nations to assume more and more of their own responsibility, the time when we bring our troops home will be here.

Mr. CLARK. I am happy to hear the Senator from Arizona say that. I agree with him. This is not the year for it; but, I hope that we soon will be prepared to set a date certain.

Does the Senator have the same view on U.S. troops in Korea and Japan? In the future, should we not have a policy of troop withdrawal from that area of the world as well?

Mr. GOLDWATER. I think the answer to that would depend almost entirely on what we do relative to a foreign policy in Asia.

If we assume, as many people are seeming to advise we assume, that Asia has no more importance for us, if that is going to be our stance, I think we are asking for trouble by staying in Korea. But if we continue to recognize the periphery of the Pacific, as we really have for a few years over 100, as the focal point of American foreign policy, then I think that not only must our troops remain in Korea, but also, we have to strengthen wherever we are around that periphery to prevent whatever—I do not like to use the word "Communist"—but whatever antifreedom forces might prevail, particularly in Thailand and in the Straits of Malacca and Indonesia and on down in that general country.

It all depends on what this country comes up with as a form of foreign policy.

Mr. CLARK. But the Senator will agree that at some future point—perhaps not this year or next year—but on down the line—keeping a permanent occupation force in a foreign country is not a very desirable policy.

Mr. GOLDWATER. Well, I do not know if I would agree to that. I cannot agree to it right now. What I might think about it a year or two or five years from now would be another thing. We all change our minds.

But the United States has been, since World War II, the world's No. 1 military power. I do not look at us any longer as that, but we are very close to it. I think our giving up Okinawa was a dreadful mistake, for example, with our nuclear arsenal there.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator 5 more minutes.

Mr. GOLDWATER. I am all finished.

Mr. STENNIS. Very well.

Mr. President, I propose to propound a unanimous-consent agreement now, which has been cleared with the Senator from Massachusetts, the Senator from California, and the Senator from South Carolina, who has been called to the telephone. I have not had a chance to clear it with the Senator from Montana, but it pertains only to the remainder of the day.

This proposal is in two parts. The first part is that the Senator from South Carolina be allotted at this time 35 minutes; and second, that thereafter, the rest of the time for today be divided between the proponents of debate on the matters pending; and the other part would be controlled by the proponents of the bill, though they are not adversaries; and that the time be controlled, then, by the Senator from Massachusetts and the Senator from California for their side and by the chairman of the committee, the Senator from Mississippi, for the bill; and that we shift from side to side, so to speak, about every 60 minutes or as near thereto as possible, which will provide a more even distribution and a better understanding of the debate. That arrangement would last for today only.

Mr. GOLDWATER. Mr. President, reserving the right to object, and I shall not object——

Mr. STENNIS. I yield.

Mr. GOLDWATER. I merely want to ask the majority leader a question. Would this preclude the bringing up of any legislation this afternoon that would require a vote?

Mr. MANSFIELD. It all depends. No votes on this bill; they will not occur until tomorrow.

Mr. GOLDWATER. I understand that.

Mr. MANSFIELD. But we do have a supplemental appropriation conference report which we would take up if we concluded this business in time this afternoon, which I doubt very much, because we have a number of speakers on both sides. So I would say the chances are pretty much negative that there would be any votes today.

Mr. GOLDWATER. I thank the Senator very much. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Montana.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator.

Mr. STENNIS. Now, to the Senator from South Carolina let me say this: On this matter of controlling the time, the Senator from Mississippi is not a candidate for controlling time. I would rather follow the debate and get interested in it. I think that would better serve the cause. So if any Senator is willing to control the time in behalf of the committee, I am glad to yield to him.

As I understand, the unanimous consent request was agreed to.

The PRESIDING OFFICER. The Sentor is correct.

Mr. STENNIS. If the Senator from South Carolina is ready, I suggest that he proceed with his 35 minutes now.

Mr. YOUNG. Mr. President, first, will the Senator from Mississippi yield for an inquiry?

Mr. STENNIS. I yield.

Mr. YOUNG. The supplemental conference report is a privileged matter, and there is urgency about it; many of these funds have run out.

Mr. MANSFIELD. That is true, may I say to the Senator from North Dakota, but we are operating under a time arrangement which I think supersedes that. What I said before the Senator came in was that we are proceeding under a time arrangement for this afternoon, because, thanks to the cooperation and the Senators on both sides and of the committee, we have a time limitation of 1½ hours.

Mr. YOUNG. But if there was a yea-and-nay vote on that, would the vote occur tonight?

Mr. MANSFIELD. It was my intention that if there was to be a vote on the conference report, it be postponed until tomorrow, because the membership were under the understanding that there would be no votes on Monday or Tuesday.

Mr. YOUNG. I thank the Senator.

Mr. STENNIS. Mr. President, it is my understanding that the 35 minutes to the Senator from South Carolina now will not apply to 50–50 division of the time thereafter.

The PRESIDING OFFICER. The Senator is correct. The Senator from South Carolina is recognized for 35 minutes.

Mr. THURMOND. Mr. President, I yield 5 minutes of that 35 minutes to the distinguished Senator from Illinois (Mr. Percy).

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. STENNIS. Mr. President, may we have quiet so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PERCY. Mr. President, this year, we consider the authorization and appropriation bills for the Department of Defense for the first time in what may be called the post-Vietnam era. It is a proper time to reassess our defense policy and requirements.

First, I wish to express appreciation to and commend the distinguished Senator from California (Mr. Cranston), the distinguished Senator from Massachusetts (Mr. Kennedy), and the distinguished managers of the bill, the rankink minority member, the Senator from South Carolina (Mr. Thurmond), and the chairman of the Armed Services Committee (Mr. Stennis), and other Senators such as the distinguished Senator from Arizona (Mr. Goldwater), who have contributed their thoughts and their judgments at a very, very important time in our history as we seek to reassess our defense policy and the requirements of our country.

At this time there may be an inclination to act quickly and perhaps even rashly. Some will feel impelled to conclude that—with Vietnam behind us and no imminent prospect of another war—we can slash the defense budget. Others may believe that—with Vietnam behind us and some military stocks in shortage as a result of the massive resupply of Israel during and following the Yom Kippur war, an action that we virtually overwhelmingly agreed with and fully supported, and I fully supported it—that we should increase defense spending to build up our arsenal, and increase it substantially.

In this debate, both opinions have been and will continue to be expressed. I would fault no one for taking either view, since it is a question of judgment and priorities, as this debate has clearly well demonstrated.

It is my own view that we cannot act precipitately. The post-Vietnam era has just begun. A substantial foreign policy reassessment is underway in the administration, in Congress, and among the American people whom we seek to serve. Because armament decisions should support foreign policy, and because foreign policy should never be dictated by armament decisions, we must make our defense judgments on the basis of conclusions reached concerning our foreign policy goals.

Therefore, I oppose any sweeping changes in defense policy until the foreign policy reassessment is completed.

I certainly commend the distinguished majority leader (Mr. Mansfield) for not pressing forward with the Mansfield amendment for unilateral troop withdrawals in Europe at this time, because he has very accurately taken this reassessment of our foreign policy into account, a policy reassessment that is going on intensively now in the executive branch, and hopefully with the cooperation of both Houses of Congress.

During the debate on the 1976 defense authorization and appropriation, we shall have to make some decisions, as the Senate Armed Services Committee has already done. But prudence requires that these decisions not close off our options or prejudge the needs of a foreign policy still under review.

An example is the B–1 bomber program. Since the need for a follow-on manned strategic bomber has not been fully established and flight test data is inadequate to support a production decision, I believe the committee has acted wisely in denying all the advance procurement funding requested. At the same time, I believe it prudent to continue the flight test program to help determine whether the B–1 is a technically sound aircraft which even merits production consideration.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PERCY. May I have 3 additional minutes?

Mr. THURMOND. Mr. President, I yield the Senator 3 additional minutes.

Mr. PERCY. I thank the distinguished Senator.

It is my belief that the eventual decision to produce and deploy B–1 bombers and other strategic weapons systems should be made only after there has been a fresh evaluation of the basic defense concept of the nuclear triad which includes long-range bombers, land-based intercontinental ballistic missiles and submarine-launched ballistic missiles. We must finally address ourselves to determining the validity of the triad concept within the context of national security needs and foreign policy developments. Again, I do not think that a reassessment of triad can be taken lightly or concluded promptly. I believe it would be wise to study the triad concept, and all alternatives to it, for a year, so that our ultimate judgment would be sound and based on thorough analysis.

I recommend that joint hearings be held within a year on the triad concept and alternative concepts, by the Armed Services Committee and the Foreign Relations Committee. The Departments of Defense and State, the Arms Control and Disarmament Agency, and the Central Intelligence Agency should be asked now to begin preparation of serious studies of the triad concept and the alternatives, both to stimulate their own thinking and to have such studies available for committee consideration prior to the hearings.

In addition, outside experts and interest groups should be invited to make their own studies and recommendations for the consideration of Congress.

Only if we approach defense requirements and defense policy in a rational, thoughtful way can we have a reasonable expectation of making decisions which are right for our country.

ISRAEL'S PULLBACK IN THE SUEZ CANAL AREA

Mr. President, on a very much related matter, I would like to take this occasion to commend the initiative of Prime Minister Rabin of Israel in making a unilateral pullback of half his troops in the Suez Canal area, which gives renewed hope that there can be new steps toward peace in the Middle East.

Hopefully we are seeing the start of a new process toward reducing tensions and enhancing the environment for successful negotiations.

I think it would now be desirable for President Anwar Sadat of Egypt to respond to the Israeli initiative by allowing Israeli ships as well as cargoes to transit the Suez Canal.

It is a time for hope, and Israel deserves credit for this important and symbolic initiative.

I thank my distinguished colleague from South Carolina for yielding time.

Mr. THURMOND. Mr. President, I want to offer some comments on the matter of national defense and national priorities. I will present 10 facts which, I believe, are clear and simple and are very relative to the matters that concern us today.

First, Mr. President, all spending is up. Defense spending and domestic spending is up. Spending by the Congress and by the executive branch is up. Federal spending and spending by State and local governments is up. Public spending and private spending is up. All spending is rising to record highs. Inflation alone assures that. The fact that we must spend more for defense than we used to, in and of itself, is not surprising. So must we spend more on everything else.

Second, defense spending is rising less—much less—than other spending. Let us consider figures. Total Federal spending is estimated at $367 billion for fiscal year 1976, under the budget resolution. That is an increase of $53 billion from fiscal year 1975. Let us consider where that increase is:

Defense spending rises by $5 billion, or 6 percent.

Nondefense spending rises by $48 billion, or 21 percent.

Mr. President, nondefense spending is rising nine times as much—$48 billion versus $5 billion—as defense spending and three times as fast—21 percent versus 6 percent. These simple facts leave no room for the allegation that defense spending is rising while other spending is being cut back.

It simply is not true that the defense budget is the only part of the Federal budget that is growing. Just the opposite is the case. Nondefense spending is growing nine times as much, and three times as fast, as defense spending.

Third, this is not just a matter of a 1-year comparison. It applies for as many years as you would like to use:

For the past 5 years—1971 to 1976:

Defense spending is up $10 billion, or 13 percent.

Nondefense spending is up $172 billion, or 165 percent.

For the past 10 years, 1966–76:

Defense spending is up $35 billion, or 62 percent.

Nondefense spending is up $198 billion, or 251 percent.

For the past 20 years, 1956–76:

Defense spending is up $51 billion, or 128 percent.

Nondefense spending is up $246 billion, or 800 percent.

Mr. President, there is simply no reason—there is no factual basis—for the allegation that other Federal spending is being cut back while defense spending is rising. The facts are just the opposite.

Fourth, we must consider total U.S. public spending—Federal, State, and local. National defense is carried out only at the Federal level, while domestic programs are carried out at all levels. The Federal Government pays for a large share of State and local spending, through grants-in-aid. Of course, the same taxpayers pay for all public spending. Net U.S. public spending is estimated at $576 billion for fiscal year 1976. That is a rise of $78 billion from fiscal year 1975. Defense accounts for $5 billion of this rise. Nondefense spending accounts for the other $73 billion.

Fifth, let us consider the share of total Federal spending; that is, the amount of our Federal taxes that go for each program. The budget resolution estimates Federal spending at $367 billion for fiscal year 1976. That includes $90.7 billion for defense, or 24.7 percent of the total. That is the smallest defense share of the Federal budget since fiscal year 1940, which ended 18 months before Pearl Harbor. Let me offer some key comparisons. The defense shares of total Federal spending were: 44.3 percent in fiscal year 1941—which ended 6 months before Pearl Harbor; 88 percent at the 1945 peak of World War II; 30 percent in the days of Secretary Louis Johnson—1949–50, before the Korea buildup; 51 percent in the peacetime decade from the mid-1950's to the mid-1960's; and 24.7 percent for fiscal year 1976.

The defense share of the Federal budget is thus at a 36-year low.

I repeat, the defense share of the Federal budget is thus at a 36-year low. It follows that the nondefense share is at a 36-year high.

Sixth, the defense share of total U.S. public spending—the defense share of the total tax dollar—is also the lowest since before Pearl Harbor. Net total U.S. public spending is estimated at $576 billion for fiscal year 1976 and defense spending is estimated at $90.7 billion, or 15.7 percent of that. That is the lowest share since fiscal year 1940. Over the years, here are the defense shares of total U.S. public spending. Mr. President, I am going into this detail to present to this body the facts, the unquestioned facts, the facts that cannot be disputed, about defense compared with nondefense and defense compared with other items in the budget.

Here are the defense shares of total U.S. public spending: 27.5 percent in fiscal year 1941—which ended 6 months before Pearl Harbor; 81 percent at the 1945 peak of World War II; 20 percent in the days of Secretary Louis Johnson—1949–50, before the Korea buildup; 33 percent in the peacetime decade from the mid-1950's to the mid-1960's; and 15.7 percent for fiscal year 1976.

Seventh, defense spending in fiscal year 1976 will amount to 5.7 percent of the gross national product—the lowest share since fiscal year 1950. Here are defense shares of GNP for selected years: 42 percent in 1944–45, the peak of World War II; 14 percent in 1953, the Korea war peak; 10 percent in the period 1955–58, peacetime years; 9 percent in 1962–64, again, peacetime years; and 5.7 percent in fiscal year 1976.

So the defense burden, the share of our total income that goes to defense, is at a 26-year low.

Eighth, defense employment will account for 4.8 percent of the labor force in fiscal year 1976, the lowest share since fiscal year 1940. The total labor force in fiscal year 1976 is estimated at 95 million. That is the total number of employed people, plus those unemployed and seeking work. Defense employment in fiscal year 1976 will amount to 4.6 million—military, civil service, and defense-related employment in industry. Defense employment thus amounts to 4.8 percent of the labor force; the lowest share since 1940—that is, the lowest share since before Pearl Harbor.

Mr. President, in terms of absolute numbers, as distinct from percentage shares, defense employment, estimated at 4.6 million for fiscal year 1976, is the lowest since fiscal year 1950—prior to the Korean buildup.

Ninth, a large part of public spending goes for the public payroll. Total public employment is estimated at 17.2 million for fiscal year 1976: Military and civil service; Federal, State, and local governments. The same taxpayers pay for all this employment. The Federal Government, considering grants-in-aid, pays nearly half of this payroll. Direct defense employment—military and civil service—is set at 3,044,000 for 1976, under the Senate bill. That is 17.7 percent of the total, the lowest share since 1940. This defense share was 36 percent in 1941; 33 percent in 1949—before Korea; 32 percent in 1960; 31 percent in 1968; and is estimated at 17.7 percent in 1976.

Mr. President, the fact is important because it is sometimes alleged or implied that nondefense spending is not real money. Some seem to think that all we spend, aside from defense, is for such things as social security, debt interest, and maybe a few seed samples. That is not true. We maintain a large number of public employees, for one thing; five times as many as there are in defense.

The 10th and final fact, Mr. President, is that all spending is up, and all spending has been impacted by inflation. Every housewife knows that she can spend more dollars, and buy less, than she did before. It is necessary to allow for inflation to determine where you stand in terms of real buying power: Food on the table or defense for the country. When we allow for inflation—using figures published by the Office of Management and Budget and the Department of Commerce—we find that:

Defense spending in real terms is at the lowest level since fiscal year 1950. Fiscal year 1976 defense spending is down 4 percent from fiscal year 1975, 41 percent from fiscal year 1968, and 21 percent from peacetime fiscal year 1964.

Nondefense Federal spending in real terms is at the highest level since 1940—as far back as the records go. There is an increase of 11 percent from fiscal year 1975 to fiscal year 1976; of 49 percent from fiscal year 1968 to fiscal year 1976; and of 93 percent from fiscal year 1964 to fiscal year 1976.

State and local government spending is also the highest, in real terms, since 1929—as far back as the records go.

In conclusion, Mr. President, if we do not take account of inflation, we will find that all spending is up. But defense spending is up far less than spending for domestic programs. If we consider inflation, and measure trends in real purchasing power, we find that defense spending is sharply down and domestic spending is sharply up. If we consider employment—the total labor force or public employment—we find that defense is down and other sectors are up. We find that the defense share, the defense burden, is the lowest since 1950 at the latest, and the lowest since 1940 by most measures. That is true of Federal spending, all public spending, GNP, the labor force, and public employment. It simply is not true that we have been starving other sectors to provide for defense. It simply is not true that defense spending has been rising while other spending is falling. And it is not true that we can solve our domestic problems by further slashes in the defense budget.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BUMPERS). The Senator has 7 minutes remaining.

Mr. CLARK. Will the Senater yield for a question or two?

Mr. THURMOND. I will be pleased to yield to the distinguished Senator.

Mr. CLARK. I was particularly interested in the series of statistics that the Senator presented.

As I understand it, the increase in the total defense request for this year was 18 percent above last year's authorization. Does that meet the Senator's understanding?

Mr. THURMOND. That is not correct.

Defense spending rises by $5 billion, or 6 percent, while nondefense spending rises about $48 billion, or 21 percent.

Mr. CLARK. It is the Senator's position then that this year's military spending request is only 6 percent above last year's?

Mr. THURMOND. That is correct, the total defense spending rises $5 billion, or 6 percent, as I said.

Mr. CLARK. Would that be authorization, or outlays or appropriation?

Mr. THURMOND. Well, total Federal spending is estimated at $367 billion for the fiscal year 1976 under the budget resolution.

Now, that is an increase of $53 billion over fiscal year 1975.

Mr. CLARK. Well, $53 billion of $362 billion, would certainly be more than 6 percent.

Mr. THURMOND. And in all that amount, the defense spending rises by $5 billion, 6 percent; nondefense rises by $48 billion, or 21 percent.

In other words, the increase is $53 billion. The defense increase is $5 billion and nondefense increases at $48 billion.

Mr. CLARK. I am reading from the hearings of the Committee on Armed Services authorizations, part 1, page 330. It talks about spending authority increases, fiscal year 1975 to 1976. National defense, 17.94, which would round off at an 18-percent increase in defense spending in fiscal 1976 compared to fiscal 1975. If one follows that chart further, we find that in other areas—in the environment, for example—we are increasing our expenditures by only 6 percent, in health by only 9 percent, and in education we are actually going to spend 6 percent less. So it would seem to me, if the hearing record is accurate, that we are increasing spending a good deal more this year in the area of national defense than we are in environment or health or education. I would appreciate the Senator's comments on that.

Mr. THURMOND. Not in terms of buying power.

Mr. CLARK. In terms of buying power? Why would education, health and environment not suffer the same inflationary problems as defense?

Mr. THURMOND. In the figures that I have presented here, I might say they have been verified by the Comptroller in the Defense Department. He has gone back, or I had him to go back, for years and years, comparing it back to 1940 on up to the present time.

Mr. CLARK. I was not questioning the accuracy of the Senator's long-term statistical analysis, but, rather, the specific request in the bill before us. The source of information from the committee hearings is analysis of the fiscal 1976 budget prepared by the staff of the Joint Economic Committee.

My other question is more specifically on this particular bill. According to the information that I have before me, the President asked for a 35-percent increase in defense procurement authorization this year over last year in this bill. The exact figures are: Fiscal 1975, $20,893,000,000; the President's request this year is $28,226,000,000. That is a 35-percent increase in this procurement bill. Does that meet with the statistics that the Senator has before him?

Mr. THURMOND. Some of what we authorized has to go against the 1975 program. Shipbuilding overruns, for instance.

Mr. CLARK. But there nevertheless is a 35-percent increase in the President's budget request over last year, excluding Vietnam.

Mr. THURMOND. Not when you consider those factors, when you consider just 1974 and 1975 compared with 1975 and 1976. The defense spending it up only $5 billion or 5 percent for the total defense budget.

Mr. CLARK. I was speaking only of the authorization bill that is before us now.

As I understand the committee's recommendation, it is that we authorize $25 billion in fiscal 1976 for this procurement bill. Last year we spent $20,893,000,000. Even with the cuts that took place in committee, it means that we have an actual 20-percent increase.

Mr. THURMOND. $1.3 billion of this authorization is for prior commitments, commitments of prior years.

I am speaking here about the actual 1975–76 budget.

Mr. CLARK. What is the inflationary factor in defense figures that the committee uses? How much does inflation explain this increase compared to the actual increase?

Mr. THURMOND. 7.5 percent in the authorization bill.

Mr. CLARK. So that would explain the 7.5-percent increase as inflation. But what about the fact that we have an $8 billion increase in real dollars? It seems to me we are going far beyond the problem of dealing with inflation.

Mr. THURMOND. When you have your inflation factor in there, it is not real buying power.

Mr. CLARK. As I understand the Symington ceiling amendment which I strongly support, we would still have a 14-percent increase—or almost twice the rate of inflation. It seems to me that it would not at all be out of order to limit defense spending on procurement to a 14-percent increase. Does the Senator agree with that?

Mr. THURMOND. I brought out that defense spending in fiscal year 1976 will amount to 5.7 percent of the gross national product. For instance, in 1944–45, it was 42 percent. From 1962 to 1964 it was 9 percent. So it is only 5.7 percent in 1976.

Mr. CLARK. In view of the decline in the gross national product these last several quarters, would the Senator argue, therefore, that we ought to have a decline in the defense spending to match that?

Mr. THURMOND. No, I would not. I would not have a decline in defense spending. The very survival of this country depends upon the strength of our Defense Establishment. The very possibility of maintaining détente depends upon the strength of our Military Establishment. Our foreign affairs depends upon the strength of our Military Establishment. Foreign affairs are no stronger than defense to back it up. We are dealing in the world today with dictators. The people in the Kremlin are dictators. All they know is power. If we do not have the power, then we will be attacked. If we do have it, we will not be.

Mr. CLARK. I was just questioning the Senator's use of a great number of statistics over the last 30 years relating defense spending to the gross national product. It seems to me that if we are going to relate those two and say it is a declining part, that we are relating, in effect, our defense spending to our economic strength. As our economic strength increases, perhaps our defense spending can increase—if that is a relevant kind of argument, and I am not sure that it is. But under that theory, as our gross national product declines, as our economy recedes, then defense spending also should decline.

Mr. THURMOND. We had a reduction in the gross national product last year and we will have one this year. But even then, the percent of the defense budget compared with the gross national product is down. It is down to 5.7 percent. As I stated, from 1962 to 1964 it was 9 percent. Now it is down. So it is even a better reduction, you might say, because the percentage is not nearly so high.

Mr. CLARK. I do not quite understand how we can increase the defense budget by 18 percent, as the gross national product declines, and then have a smaller percentage of the gross national product spent for defense.

Mr. THURMOND. We are not increasing the defense budget by 18 percent. We are increasing it by 6 percent if you consider the factors I have just related to the Senator.

Mr. CLARK. I thank the Senator.

The PRESIDING OFFICER (Mr. HATHAWAY). Who yields time?

Mr. STENNIS. Mr. President, I am glad to yield 10 minutes to the Senator from Iowa, a member of our committee.

Mr. CULVER. I thank the distinguished chairman for yielding.

Mr. President, I ask unanimous consent that the privilege of the floor be extended to Charles Stevenson, of my staff, during the course of the consideration of the authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CULVER. Mr. President, I also ask unanimous consent that at the conclusion of my report on tank programs on behalf of the committee, there be printed in the RECORD the text of the interim report on tank programs, presented to the Committee on Armed Services by the distinguished Senator from Oklahoma (Mr. BARTLETT) and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CULVER. Mr. President, I appreciate this opportunity to report to the Senate on the recommendations of the Armed Services Committee regarding tank programs.

At the request of the distinguished chairman of that committee, Mr. STENNIS, Senator BARTLETT and I conducted an extensive study of all tank programs and made recommendations which are reflected in this bill.

Our approach was to get the best available information from tank users, tank planners, and tank testers, both on current plans and problems and on future needs.

The committee's immediate objective is to provide adequate numbers of tanks to strengthen our conventional deterrent force in Europe. Although all active Army units now have their full complement of prime asset tanks, our Reserve Forces inventories and prepositioned stocks have been seriously depleted by foreign military sales. In addition, delays have been encountered in increasing rates of production.

Our long-term objective is to encourage development of new weapons and force structures which provide the most cost-effective blend of advanced technology and refined tactics.

Mr. President, the heavy tank losses

in the Middle East war have cast doubt on the utility of heavy tanks on the modern battlefield. We need to move cautiously so that we will achieve the best balance of tanks and antitank weapons.

Furthermore, since the most likely theater for potential ground combat is in Europe, we must be sure that our tanks and other weapons have the highest possible degree of standardization and operability with our allies. This requires close cooperation in tactics and doctrine as well as in weaponry.

Mr. President, this bill furthers those objectives.

To help reduce our current shortages in the authorized numbers of tanks, this bill provides 910 new tanks for the Army and 154 for the Marine Corps. We on the committee are skeptical, however, that all of these tanks can be built within the funded delivery period, and consequently the bill stipulates that these funds can be used only for new tank production and thus cannot be reprogramed to less urgent activities.

While approving the requested numbers of tanks, the committee did delete funds for expensive product improvements involving laser range finders and computers, since these improvements have not been demonstrated as cost effective.

If further rapid improvements in our tank posture are deemed necessary, the committee has urged consideration of upgrading of M–48 tanks which, when given a larger gun and a diesel engine, become as effective against Soviet tanks as M–60 tanks.

In short, Mr. President, this bill will provide the tanks which are needed to strengthen our ground combat forces so that they can deter and, if necessary, defeat, an enemy attack.

Looking to the future, the committee has taken a cautious approach. The availability of relatively inexpensive, highly accurate antitank weapons on the battlefield of the future may render the tank as we know it today obsolete.

We cannot make that judgment now, but we must be willing to face up to the issue. Several studies are now under way on different aspects of the future role of the tank and the best tank/antitank force mix. The committee has requested a report from the Secretary of Defense on these matters in order to assist our continuing evaluation of tank programs.

The Army is currently developing a new main battle tank, the XM–1, which is expected to have significant improvements over the current M–60 tanks. In a commendable effort to achieve greater standardization of weapons in NATO, the U.S. Government is participating in a tripartite gun competition with Germany and the United Kingdom and has agreed to let the German Leopard II tank compete in the XM–1 program.

Both of these steps, however, raise uncertainties and possible schedule changes in the present XM–1 plan.

To reduce these uncertainties, and particularly to provide a full and fair evaluation of the German Leopard II tank, the committee has approved a reduction in the funding proposed for the transitional quarter. This is intended to continue the competition between American contractors until the Leopard II has been tested and evaluated—provided, of course, that the Germans fulfill their commitments under the bilateral memorandum of understanding.

Although the Army would have preferred no change in the XM–1 program, it has commented on the committee's recommendation as follows:

> The alternative program is not preferred by the Army; however, it would certainly not be expected to have a devastating effect on the XM–1 project assuming no complications arise in the international aspects of the program. The advantage it offers is one of increased evidence of U.S. emphasis on NATO standardization.

Given the appalling lack of standardization and interoperability in NATO today, as well as the European doubts about American willingness to make standardization a two-way street, successful cooperation on tanks would be no small achievement.

Mr. President, I hope that the Senate will strongly support these recommended tank programs, both to improve our current posture and to provide for the best possible judgments and programs to meet our future needs.

Finally, Mr. President, let me conclude by expressing my appreciation to the outstanding staff committee work provided the Senator from Oklahoma (Mr. BARTLETT) and myself in this study by Mr. George Foster of the Committee on Armed Services.

I yield back the remainder of my time.

EXHIBIT 1

INTERIM REPORT OF SENATOR JOHN CULVER AND SENATOR DEWEY BARTLETT ON TANK PROGRAMS

Mr. Chairman and members of the Committee: The Chairman in March 1975 requested that Senator Bartlett and myself undertake to prepare for the full Committee a thorough study of the entire situation relating to the tank program of the U.S. Army and Marine Corps.

We were requested to make an interim report to the Committee for use during mark-up of the Authorization Bill presently before us.

I am pleased at this time to present to the Committee this interim report with recommandations that we have been able to arrive at from our study to date.

Since we were asked to undertake this study we have visited and had discussions with the tank user, the tank planner, and the tank testers. We have visited Fort Riley, Kansas, and discussed the tank issues with the tankers themselves that are in units assigned as the primary reforger division scheduled to be the first to respond in a NATO conflict. We visited the Aberdeen Proving Grounds where we had the opportunity to review both U.S. and Soviet tanks and weaponry and see the testing of the new armor planned for the Army's XM–1 tank. We have visited extensively with General DePugh, the Army's Chief tactician, and discussed thoroughly the Army's problems and direction in the tank/anti-tank role. We have discussed to a large degree in hearings before the R&D Subcommittee, the new XM–1 program both with the Program Manager and the Army's Secretary for Research and Development. We have discussed the Marine Corps requirements for a new mobile weapon system and their views of the tank program. A visit has also been made to both competing U.S. contractors to review the XM–1 tank program at the test site.

I have myself visited the NATO area and discussed the tank issue with both the German and U.S. force commanders in the field. I had the opportunity to fly over in a helicopter the actual section of responsibility to the U.S. in the NATO area.

I believe that we have a good start on our examination of this tank issue.

With this lengthy introduction, I would suggest that our future effort in the tank area would be to respond to these questions:

1. Will the tank as we know it now be obsolete on the modern battlefield?

2. What is the proper role of a tank in the modern battlefield considering the evolution of anti-tank weaponry in the recent years?

More directly into the budget authorization request before us now for FY 1976 and FY 197T we have certain recommendations to present to the Committee at this time.

In the Research and Development budget request our recommendations are primarily related to the new Army's XM–1 program where the budget request for FY 1976 and FY 197T is for $90.8 million to complete the competitive prototype development testing and select a contractor for full scale engineering development.

Our recommendation is to defer $29.7 million out of the FY 197T budget request to allow continuation of the full competitive evaluation up through March 1977 when the Army will also, by agreement with the German government, consider the Leopard II tank in an effort to mutually promote standardization in this important area of NATO.

It is our coincident recommendation that language be incorporated in the Committee report to the effect that, barring further agreements by the Army, if the Germans do not deliver the tank test articles as requested for testing on the scheduled date of September 1, 1976, the Committee would consider it proper and essential for the Army to request authorization to go ahead with their U.S. tank program at the start of the new fiscal year 1977.

Under the current XM–1 program the Army would make a source selection of the U.S. competitor in July 1976 and award a full scale engineering development contract some eight months before the Defense Department's decision is made on the German Leopard II competitor.

The Secretary of Defense, the Assistant Secretary of Defense for Research and Development, and the Army have all strongly supported the efforts toward standardization of weaponry in NATO. This Committee is also a strong supporter of efforts toward standardization of weaponry.

If we are to support this issue, and I fully believe that we should make every effort toward this end, then we should support this recommendation and defer the selection of a tank until the full consideration can be given to the German competitor..

Other advantages to this recommendation are the continuation of competition to avoid a sole source situation and to reduce technical risk. History has shown that competition usually results in lower costs.

The Army advises that this recommendation will increase the overall development cost by about $38.5 million and the procurement cost by about $100 million. The current overall program cost estimate is now at about $6.2 million.

The Army is now involved in an attempt at standardization of the gun with the United Kingdom and Germany scheduled for a decision in September of this year. The Army advises that if other than the U.S. gun is selected the program will slip about a year and add about $200 million to the cost from this gun standardization effort alone.

The Army has expressed concern with our recommendation that the Germans may not deliver their prototype as now scheduled on September 1, 1976. The Germans have agreed to this schedule as late as November of last year and have shown no indication to date that they will not deliver the prototype tank on schedule. The report language recommended will provide a strong stimulus to the Germans to deliver this prototype on time, and at the same time eliminate the Army's concern. If Germany is not ready for the competition as scheduled, this recommendation and language will cause only a 2 month delay in the program.

This recommendation is feasible and practical from the standpoint of providing the Committee additional time to complete the tank study requested by the Chairman and showing the Germans that we are sincere in our efforts toward standardization of weaponry in NATO.

Mr. Chairman, we are also recommending that language be included in the Committee report that Marine Corps be encouraged to take a more active participation in the Army's XM–1 development and to accelerate to the extent practical their conceptual effort toward a mobile assault system.

In the procurement area, we are recommending authorization of $746.1 million for the Army's tank program and $86.4 million for the Marine Corps tank program in FY 1976 and FY 197T out of a requested amount of $910.8 million. This recommendation is with the stipulation to be included in the bill that of the funding authorized for the Army tank program an amount of $512.4 million can be used only for the procurement of new M60 tanks.

This recommended funding will provide authorization for new production of 910 M60 tanks for the Army and 154 new M60 tanks for the Marine Corps; the modification of 636 older M48 tanks with new engines and 106 mm guns; the product improvement of M60 tanks excepting the laser range finder and solid state computer; and facilities funding to expand the production capacity.

I would add, Mr. Chairman, that the Army also presently has authorization and contracts for 1558 new tanks and about 600 modifications of older M48 tanks.

The recommendation for the language in the bill is because the Army's attempts to establish a second source of the critical hull and turret castings has been delayed from December 1974. The go ahead on this second source capability is now expected to be in August of this year. Because of this delay, we are skeptical whether the Army will get these tanks manufactured within the period considered in the budget authorization request. But we recommend full funding for M60A1s provided that those funds be used only for new tank production as requested.

The recommendation to defer the laser range finder and solid state computer on the M60 tank is related to the less than anticipated improvement in effectiveness from test analysis to date for the laser range finder and computer. The Army is concerned that the effectiveness of these improvements is not as good as anticipated for the cost investment. These improvement items are recommended for deferral until more development and testing can be performed.

We would recommend report language that could support a reprogramming request by the Army for reinstating these items if subsequent testing proved the effectiveness of the laser range finder and computer.

We are further requesting that the Committee report include the following recommendations:

(a) That the Secretary of Defense be requested to advise the Committee of the Defense Department plans to maintain a standby tank production facility as well as standby foundry capability for the crucial hull and turret castings.

(b) That the Army consider the use of a tank similator in an effort to increase the proficiency of tank gunners in their first round hit capability.

(c) That the Army consider acceleration of their M48 tank modification program as a means of improving their present tank inventory problem and also consider the feasibility of modifying up to 1000 additional M48 tanks at a cost effectiveness means of improving the tank posture.

(d) Recommend that the Army be requested to submit a report on how they plan to improve the training program for tank gunners to increase proficiency.

(e) Recommend that the Army consider that in any future competitive selection the Army's new tank program which includes the German Leopard II tank, representation from the Secretary of Defense office be included on the source selection advisory board to protect the Army's interest in full and fair competition as it may be viewed from outside the Army.

(f) That the Secretary of Defense be requested to submit a report to the Committee which would include a conceptual analysis of the future role of the tank and the effort that the technological improvements in anti-tank and precision guided weapons will have on that role. The report should also include an analysis of the qualitative and quantitative improvements that present tank and anti-tank weaponry now in development will provide in meeting the NATO threat. The report should further include a status position on the discussions on changes in force structure and weapon mix in NATO and the degree of agreement on common doctrines, tactics, and concepts in the use of tank anti-tank weapons in NATO.

Finally, Mr. Chairman, we are recommending that the Committee consider legislation designed to reduce the drain on U.S. prime tank assets and require that the funding from the sale of tanks be sufficient to fully pay the replacement cost including inflation when the replacement tank it manufactured.

Mr. BARTLETT. Mr. President, I was a member of the two-member subcommittee appointed by the chairman to study the matter of tanks. The chairman was the distinguished Senator from Iowa (Mr. CULVER). I compliment him on his aggressiveness, energy, activity, and thoroughness. He and I submitted a joint report to the Armed Services Committee which was digested and placed in the report that each Senator has at his desk.

In addition to those comments, with which I already agreed with the distinguished chairman of the subcommittee, I would like to present a few other remarks.

Mr. President, our armored fighting units need the best equipment possible to maintain their combat effectiveness. Upgrading of the M–48 and M–60 tanks with better firepower and diesel packs is a step in the right direction. Upgrading of old tanks is not the answer to the needs of our men in the field. They need new equipment, M–60A1's, to sustain a first-rate fighting capability.

At present the Army is about 50 percent short of the number of prime tanks that are authorized.

I am in full agreement with the Army plan to continue with the fiscal year 1976 and transitional programs that convert 636 M–48 tanks at a cost of $127.7 million. The total program including fiscal year 1975 provides 1,209 tanks for distribution to Reserve units and will have a major impact toward satisfying their readiness levels and training requirements. The Reserve components are currently using tanks produced during the mid-1950's which are suitable only for training and do not meet the potential threat they oppose.

The fact that the Army is short on prime tank assets should concern each of us, and we should support the Army's plan for upgrading its current inventories.

The Soviet Union, the U.S. major cause for concern, recognizes the importance of the tank and has continually expanded its tank production with larger numbers of tanks as well as with new and sophisticated models.

The Soviets recognize that in a nuclear environment, as in the case of a global confrontation, there will be no stable delineated "front line" of combat. Recognizing the type of battlefield upon which combatants will fight, a distinctive feature emerges for future battles, and that will be the use of tanks and armored carriers as primary weapons.

The events of the Yom Kippur war of 1973 did not downplay or degrade the role of the tank. The lessons learned were that the tank is still the most effective combat weapon in the Army inventory today. New tactics will be and should be developed; better armor will be, and has been, designed; and more effective guns will be integrated into the tank. The single biggest tank killer in the Arab-Israeli war was another tank.

The drawdown on our inventories for foreign military sales has brought the current supply to an alarming level.

In summary, I urge my colleagues to support the Army's efforts to rebuild its inventory with prime tank assets capable of successfully meeting the threat imposed by potential adversaries. I feel very uncomfortable knowing that our forces have only about 50 percent of the first-line tanks they are authorized and am desirous of correcting this situation by providing tanks in sufficient quantities to at least satisfy their minimum requirements. This is essential to insure our land forces remain a viable part of our national defense.

Mr. President, I want to take 2 minutes to speak on the XM–1 tank program and the delay proposed for its inclusion in the Army inventory.

The XM–1 is the finest tank that has been designed and produced to this point. The XM–1 prototypes that have been developed bear witness to the capability that this weapon system will have once it is integrated into our active fighting force.

Of particular concern to me is the proposed delay in the selection of the prime contractor for continued development of the XM–1. It is claimed that this delay is in the interest of "standardization" of NATO weapons. I have said before, and I reiterate, standardization is a desirable goal so long as it is cost effective and consistent with our own goals of national security.

In this case, however, standardization is being proffered as a veil to the issue of source selection of the two U.S. competitors. It is far better to select the "winning" U.S. candidate under the current schedule and incorporate desirable features from the other U.S. candidates for the competition with the German Leopard II tank. It does not make good economic sense to allow both competitors to work on a "slow-down" development schedule for months awaiting the German Leopard model in hopes that a competition between the United States and German prototypes will be staged in a timely manner.

I do not believe that the two U.S. competitors, GM and Chrysler, or the Army are in favor of a delay of source selection; and I hope that our conferees will work toward achieving source selection as presently proposed by the Army.

Mr. CULVER. Will the Senator yield?

Mr. BARTLETT. I yield.

Mr. CULVER. Mr. President, I would like to take this opportunity to express my appreciation to the Senator from Oklahoma for his most conscientious and capable participation in this study of the tanks.

Mr. BARTLETT. I thank the distinguished Senator from Iowa. I enjoyed my membership on the committee with him very much and felt that I learned a lot. I am looking forward to continued participation with the Senator in the future.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield 20 minutes to the Senator from Iowa.

Mr. CLARK. Mr. President, the Congress is weighing this $25 billion defense authorization bill at a time of great uncertainty and great opportunity in the future of this country's foreign policy.

The collapse in Vietnam and the seizure of the *Mayaguez* still are fresh in mind. President Ford is just returning from Europe, where he discussed the role of NATO, developments in Greece and Turkey, Portugal, Spain, and the Middle East. Already, in a few short days, he has given firm indication of his personal perception of what U.S. foreign policy should be. But the bitter experiences of the last 10 years have taught everyone that an enlightened and successful foreign policy should not be dictated by a president. The President administers foreign policy, but its direction must be set with the advice and consent of the Congress and the people.

Clearly, there is a desperate need to develop a broad consensus on the proper place of this country in the world in the years to come. The Congress must play a leading role in the development of that consensus and its expression in foreign policy. And this debate is but a first step in that process because it is crucially important that our military procurement decisions support—and do not conflict with—our vital national interests abroad and the interests of other countries. That is what this debate, after all, is all about.

The U.S. departure from Indochina has not removed a single treaty obligation which commits this country to support allies and friends throughout the world. The United States is still bound by collective defense arrangements with 41 countries. Even in Southeast Asia, the SEATO treaty in some circumstances constitutes a latent obligation to the defense of Thailand and the Philippines.

There, and elsewhere, friends and allies—not to mention adversaries—speculate on the reliability of U.S. pledges of collective defense. Ironically, much of the speculation about our resolve stems from the President's constant references to it. At this juncture, there is no easy answer. One thing is certain though: a return to gunboat diplomacy will not remove uncertainties or resolve difficulties in foreign policy. In the long run, belligerency will not substitute for steady and moderate diplomatic reserve. However dramatic and daring, the *Mayaguez* incident does not represent good foreign policy. Military strength must complement and support a sound foreign policy, not try to supplant it.

There is a temptation now to lash out at those countries that supported the other side in Vietnam, to imply that somehow they betrayed the spirit of détente more than did the United States. Carried far enough, such anger could lead to disenchantment with the détente being developed with the Soviet Union and China. That would be catastrophic.

Détente, difficult as it may be, is really the best—and only—option open to the United States. We must pursue it enthusiastically, realistically—realizing that while it can lead to the lessening of international tensions and to the improvement of international cooperation and understanding, there still will be tensions, rivalries and very deep disagreement.

What is the alternative to détente?

If détente does fail, it could lead to the fall of the present Soviet leadership which has based its reputation on a policy of détente. Failure could precipitate political upheaval in China as well. If each major power regressed to a hard-line, cold-war approach to foreign policy, can anyone doubt that the result would be far greater instability, if not renewed conflict or even nuclear war? Surely, we should not be so embarrassed by the outcome in Indochina that we need to search for opportunities to prove our virility, our military prowess, or our will to use it. One cannot help but wonder if that was the case with the response to the Mayaguez incident. Yes, we firmly believe in a North Atlantic Treaty Organization, but let us not get so carried away with our resolve that we once again return to the rhetoric of the cold war.

There is no alternative to détente. And the administration's military spending request for the next fiscal year must stand examination in the light of that reality.

This country must avoid military spending which goes beyond our national security needs, contradicts our best foreign policy interests, and which might provoke a further arms spiral. We need not overreach and overspend—in order to overkill—to prove a resolve which prudent diplomatic policies should make clear.

In this context, some of the proposed strategic programs in this budget are particularly unsettling.

So far, at least, the strategic arms limitation talks have succeeded only in limiting the quantities of some weapons programs, leaving some areas untouched—such as long-range cruise missiles, which if uncontrolled, could become another strategic menace. Nor have we yet achieved any limit on the race to develop more accurate and more deadly versions of those weapons, a program that assumes a need not to deter nuclear war but to fight one.

With such a poor record, the administration notes with alarm possible Soviet strategic developments, while at the same time proposes new strategic programs of our own. Research and development continues on cruise missiles, air-mobile and land-mobile ballistic missiles and various counterforce programs. The Trident submarine program moves ahead rapidly and this authorization for fiscal year 1976 will move us one step closer to the deployment of the new and expensive B-1 bomber. The Soviet Union, well behind this country in the development of multiple independently targetable reentry vehicles—MIRVs—is pushing vigorously to catch up, and it is developing bomber, submarine and land-based missile programs.

Unfortunately, this defense authorization bill, if approved by the Senate as sent to the floor, may do tremendous damage to the chances of achieving a second SALT agreement between the United States and Soviet Union. The report of the Committee on Armed Services—in outlining its approval of the Department of Defense's strategic initiatives, including the new counterforce programs—argues that

> These new R & D programs create the most compelling incentive for Soviet restraint in the technological exploitations of its numerically superior strategic forces and for a genuine effort to conclude a stabilizing SALT II agreement.

This argument is nothing more than that hoary old scarcecrow, the "bargaining chip," dredged up to a support further strategic programs. To support this theory, the committee report suggests that favorable congressional action on the antiballistic missile program brought the Soviet Union to agree to the 1972 ABM treaty. Actually, the reverse was true. Congressional misgivings and opposition lead to a steady curbing of the ABM program. That restriction, coupled with a realistic assessment on both sides about the limited value of ABMs, led to the agreement.

There just are no examples that support the "bargaining chip" theory. And authorization for the new programs in this budget almost certainly will mean that they will become "nonnegotiable" between the United States and the Soviet Union. The counterforce programs may pose an apparent first-strike threat to the Soviet Union, leading to a response on their side and increasing, rather than diminishing, strategic arms instability. These programs will compound the difficulty of the search for the broad, comprehensive arms limitation so desperately needed.

The Secretary of Defense has said that neither the United States nor the Soviet Union is in the position to develop a successful first-strike ability. In other words, there is no doubt that, like the U.S.S.R., we now are able to deter nuclear war and that we will retain that ability for the foreseeable future.

As a result, it is imperative to explore every avenue of arms limitation before rushing ahead with programs which cannot be stopped. If the negotiations fail, then—and only then—need we approve the necessary strategic initiatives. But I will not support unnecessary strategic programs that may cause negotiations to fail.

Over half of the U.S. defense dollar pays for conventional forces, and that figure will go higher if the Department of Defense plans are approved. The Army, for instance, is going from 13⅓ divisions to 16 divisions, at a substantial and still indefinite cost. Right now, there are about 510,000 service men and women outside the United States. Most of these are in Europe. Of the 300,000 in Western Europe and related areas, over two-thirds are in Germany and another 26,000 are with the 6th Fleet.

At least for the moment, these forces in Europe are justified, in my judgment. A strong and secure NATO is certainly a legitimate goal and in our national interest.

Our European allies now are embarked on modernization programs, and the money they will be spending for new aircraft and other weapons will help ease the balance-of-payments problem considerably. A unilateral U.S. withdrawal would only create unfilled gaps in the NATO defense.

The key to a less burdensome European defense is the mutual and balanced force reduction—MBFR—talks. Congress should insist that the executive branch pursue this negotiation diligently to achieve mutually acceptable reductions as soon as possible. Whether or not MBFR succeeds, it should be clear that the United States must some day remove all of its ground troops from Europe. We cannot maintain armies in other nations indefinitely and be perceived as a friendly nation. No country in history has ever kept an army of occupation in a foreign land for a long period of time and avoided the enmity of the "occupied" territory.

At the same time we negotiate troop reductions, we should face the present problems of NATO. It is essential that the allies consolidate, particularly in armaments, to prevent duplication and waste. Further, we must thoroughly examine our nuclear force in Europe. It has been said, only partially in jest, that the United States has 7,000 nuclear warheads in Europe and no conceivable targets. A substantial reduction of nuclear warheads—one-half of two-thirds of current levels—certainly is justified. Done in cooperation with NATO allies, this would allow concentration on conventional defense, and such a reduction could be an important ingredient in a negotiated force reduction by both sides. In return for a reduction of allied forward-based systems and nuclear warheads, the Warsaw Pact countries might agree to reduce some of their nuclear and conventional forces most troublesome to us and our allies.

In Asia, as the Armed Service Committee report says, the United States must develop a clear policy and a related defense posture that meet its long-term interests. The committee has asked the Secretary of Defense to provide a report on those interests, and I will ask the chairman of the Foreign Relations Committee to request the report as well so that the two committees, together, can reassess our policy in this area.

The Armed Services Committee has recommended a reduction of 3,500 U.S. support personnel in Thailand. Thailand may insist that our other forces—more than 20,000 personnel altogether—leave as well. In any event, the United States should plan a complete withdrawal of forces in that part of the world. With the collapse of South Vietnam and Cambodia, these forces cannot be justified.

In South Korea, present force levels should be maintained—for the time being—while a thorough review is made of our future involvement in that country. Frankly, there is little justification for the presence of the 2d Marine Division and the tremendous army and corps headquarters which have remained there so long after the Korean war. A sharply curtailed headquarters staff with no more than a brigade on the ground would be adequate proof of U.S. support. In not too many years, however, U.S. ground presence in Korea should be withdrawn.

None of these reductions should be made precipitately. But it would be a serious mistake to merely stand pat throughout the world. We must analyze our foreign policy and defense requirements carefully—in the reality of a world after the fall of South Vietnam and Cambodia—and then move to shape military policy to reflect clear policy interests.

Americans will differ in their reactions to the final U.S. withdrawal from Vietnam, but I suspect that most share a profound sense of relief. A long and tragic chapter of American history finally has ended. But the end of American involvement in Vietnam will not necessarily be the end of Vietnam's involvement in American politics and Government. Historians will one day comment upon the enormous impact of the war on our political life. It may be that the Vietnamese had a far greater influence on us than we had on them.

Before attempting to put Vietnam out of mind, we should pause long enough to consider what that experience suggests for the future. And this debate is an opportunity for that kind of consideration. If we seize the opportunity, the end of Vietnam could be the beginning of a new era in U.S. foreign policy. The choice is simple: Will we continue the policies of confrontation which have dominated the last two decades, or will we cultivate new attitudes and relationships that reflect an awareness of the world as it really is—small, perilous and interdependent?

The American people are farther advanced than their leaders in their desire to put aside power politics. A humanitarian concern for other people and a willingness to acknowledge the different aspirations of other peoples found expression in a recent poll by the Des Moines Register.

To the surprise of some, that poll and others like it indicate strong support among the public for foreign economic and humanitarian assistance and corresponding disapproval of costly military aid programs.

The significance of the polls lies in what they reveal of the public's positive concern about other people's problems. If the leaders of the executive branch would only listen to what the American people seem to be saying, we could have a foreign policy which would find broad support and bring credit abroad, without costing us an arm and a leg.

As a beginning, we should deemphasize military aid programs as primary tools of foreign policy. In the last two decades, administration after administration came to rely far too much on providing money and arms to support foreign governments. That often set in motion a self-defeating, self-fulfilling prophecy.

First, U.S. material support, far from encouraging independence, fostered dependence, and when this support was reduced—as in Vietnam—the governments began to come apart. Second, in order to get aid funds, threats were overdramatized and, in time, these threats became real.

The American people have sensed the futility of these practices and they have soured, not on having anything to do with the rest of the world, but on the manner in which successive administrations have conceived our role in that world.

As a nation, we cannot—and should not—try to solve all of the problems of the world. There are limits to our power and our purses, and we have learned, painfully, that the ability to help others is limited by the capacity of others to help themselves. Among the most serious mistakes made in Vietnam was the failure to recognize that even an unlimited commitment of men and money could not compensate for the lack of political will and unity among the South Vietnamese and the failure to understand the Vietnamese themselves.

At the outset of what became the American war in Vietnam, most people believed that this country was doing something good and noble. Unfortunately, we did not understand our enemies, our friends or ourselves. The result was the disaster which we have lived with this past decade. It would be tragic if the experience were to lead us to withdraw from the world. This is the danger to which the executive continually points, but in my judgment, this fear is unfounded—unless, of course, by its constant reiteration, the administration makes it a reality.

The greater danger—one which may already have overtaken us—is a reluctance to stand for what is right, even when it means admitting a mistake. There was a time, within recent memory, when this was our greatest asset in the eyes of the rest of the world. The trouble was, though, that we thought money and power made everything "right" possible. But we were neither as clever nor as powerful as we would have liked to believe.

Not long ago, prophets of doom, among them some of our own national leaders, were predicting the end of American influence in the world. Their litany of catastrophies included Vietnam, Portugal, Turkey, Greece, and the Middle East. In each situation, the air of crisis now seems to have abated even as Saigon has collapsed. In retrospect, these cries that the sky was falling seem to have been part of the futile effort to obtain additional funds for South Vietnam. By linking Vietnam's survival to America's interests everywhere else on the globe, the administration sought one last time to play on the very fears that originally led us into Indochina. Clearly, the American people no longer believe that interest exists, if it ever did.

We now have an opportunity for a clean break with the past. We should carry forward the lessons of Vietnam—but not the bitterness. There were enough mistakes to go around. The important thing is that we set a positive new role for the United States in world affairs. It is my hope that in the future our strength will derive from the identification of the United States as an open, united, and compassionate nation with the ability and disposition to lend its political support, its knowledge and—within reason—its wealth to the pursuit of political and economic justice throughout the world.

To the extent that we can reestablish this identification, our own interests will be more secure. Our strength will then rest on enduring bonds of shared interest and interdependence—not of the military sort, but of the strongest, most human kind.

As we do this, we must realize that American leadership in agricultural, technological, and industrial development is of much more lasting value than our military might. Military strength is necessary to deter others from violence, but it is through other, more positive steps that we will maintain and enhance U.S. world leadership.

Military strength—both conventional and nuclear—is critically important, but not an end in itself. Military programs should be adequate, but not excessive, to allow the application of this country's considerable energies and resources to meeting the worldwide energy, food and resource problems.

One final point: In the headlong race for more military power to face the "threat of communism," we should pause long enough to question whether there may ultimately be a greater threat to world peace, and thereby, to our tranquility, from the developing nations of the world—from that two-thirds of the world that is destitute and increasingly angered. Their peoples are dying of malnutrition and inadequate health care. They are illiterate and multiplying in population at a frightening rate.

Those of us in the industrialized world have the resources and ability to help them feed themselves and check their population growth. With our help, they could develop as we have. That, however, is hardly possible, when both this country and our adversaries spend $250 billion a year on weapons to threaten one another. We will spend more for one Trident submarine than we spent in this famine year for food assistance to 500 million malnourished and starving people.

As the peoples of Asia, Africa, and Latin America become more aware of their poverty, they also become more conscious of their power. Eleven of the 14 most basic raw materials—materials on which our continued prosperity depends—come from these developing nations. And as these nations organize and express themselves in the General Assembly of the United Nations, we become more isolated from them, while our leaders give lip service to independence and budget for war.

In my judgement, if we fail to achieve a stable and peaceful world, it will be because of our unwillingness to deal with these human problems rather than a shortage of death-dealing weapons.

I yield the remainder of my time.

Mr. CRANSTON. Mr. President, I want to pay tribute to the Senator for a very, very fine statement that shows the many links between foreign policy, military policy and stated priorities in a very superb way.

Mr. BARTLETT addressed the Chair.

Mr. CRANSTON. May I say to the Senator from Oklahoma with whom I just spoke that the Senator from New Hampshire had requested the floor next, so could we do that and then go to the Senator.

I hope and I urge again that we have some exchange as well as just set speeches.

I yield such time as needed to the Senator from New Hampshire.

Mr. McINTYRE. I thank my good friend from California.

Mr. President, I, too, want to compliment the Senator from Iowa. It is my understanding before I arrived at the Chamber the Senator was discussing détente, and I will be speaking about détente. I want to say, too, that one of the things that those of us who worked diligently, as, I think, all of us do on the Armed Services Committee, that while we appreciate and we want friendship all across the globe, one of our very important duties as the protectors of the security of this great Nation is that we must always keep our eye on the capabilities, the capabilities of our potential enemies. No matter how nice the smile or how firm the handshake, we must never forget what their capabilities are.

Mr. President, the crucial importance of the deliberations we conduct this week cannot be overstated.

For the first time in my experience, at least, the issue of military procurement will be considered in the fuller context of our country's role as a world power—in a different world than any of us has ever known.

Surely the time has come for our deliberations to be conducted in this much broader-dimensioned format.

The President, himself, has called for a full-scale reassessment of foreign policy, and the subject of military procurement—with all its ramifications and potential long range effects—is a most appropriate launching pad for that kind of conscientious, in-depth review.

I must say that those of us on the Armed Services Committee well recognize the jurisdiction of the Foreign Relations Committee, so that is why I would consider anything I say here today as being a modest contribution. But I want to take this opportunity to congratulate the distinguished Senator from California (Mr. CRANSTON) and his colleague, the Senator from Massachusetts (Mr. KENNEDY), for arranging to have this full-scaled discussion take place. I am also delighted that agreement on this format was bipartisan, and for that I credit, among others, the distinguished Senator from Arizona (Mr. GOLDWATER) and the distinguished Senator from Virginia (Mr. BYRD).

Mr. President, no problem is more troubling or immediate than that of America's role in the world today.

It is but a few weeks since the American Embassy closed its doors in Saigon and brought American involvement in the Vietnam conflict to an end. Yet we are still reminded everyday of the bitter fruits of our errors there.

And now, months of hearings and internal deliberations, are about to surface in this week's debate on America's military defense posture.

It is in this context that I take up the matter of "Security and Détente."

Détente, of course, is a name that has arisen in the last 5 or 6 years to describe a process of negotiations between the United States and the Soviet Union. And although the Presidents Truman, Eisenhower, Kennedy, and Johnson each tried in his own way to develop such process, there is no question that the process has blossomed during the Nixon-Ford administration and the diplomacy of Henry Kissinger.

Détente, like most words in the public arena, is a term that has lacked precision and has been embarrassed as a result.

Détente is more than our being treated to the art of Olga Korbut and the Russians drinking Pepsi-Cola, however refreshing both may be.

Surely détente is more substantive than the personal diplomacy, pious rhetoric and show business public relations which from time to time have threatened to obscure whatever real security gains we have derived from détente.

Surely détente does not mean that we must take leave of our good senses and surrender the tradition of the Yankee trader as we did in the wheat deal and, as I fear, we may in the continued export—and I think this is very important—of certain critical advanced American technologies. Surely détente does not mean that we must trade substantial concrete concessions for a mess of abstractions.

Nor is détente so fragile that we should inhibit ourselves from expressing our own best values as we did when our Government failed to state plainly and flatly our indignation about the Soviet's treatment of Solzhenitsyn and his courageous associates.

No, the critical test and meaning of détente is whether this process of negotiations has produced solid results which enhance our own national security. It is this question that I want to address.

Let us first realize that many of the most pressing threats to our security are outside the frame of a United States-Soviet détente. Terrorism, nuclear proliferation, hunger, the life of the world's oceans, worldwide inflation and historical regional hostilities—all of these and other dire threats to our national security and world stability are either at the edge or outside the reach of a détente between the two superpowers.

Of course, détente, when it works, can give the world a model for the resolution of intense differences on these matters. It also can help avoid escalation of tensions between nonsuper powers into confrontations between the nuclear powers. Ideally, the combined resources and leadership that the two superpowers could bring to bear on these common problems of the world community represent an enormous potential for détente. But this promise is for the most part as yet unrealized. So let us remember that many of our most critical security problems are beyond the capacity of even the two superpowers to resolve through détente even at its best.

There is a second major way in which our security problems lie outside the reach of détente.

The ability of the United States to defend its real security interests and avoid involvements that would hurt us will depend primarily on our own ability to define our own security interests with more precision. Until we do so, neither détente nor any other external process will be of much help.

Let us remember that détente is not an alliance nor a friendship. It certainly is not a mutual admiration society. I assume the Soviet and United States Governments will continue to have a protracted rivalry throughout the world.

Détente may well moderate direct confrontation between the two superpowers, but the problems facing the United States because of its entanglements throughout the world are larger than United States-Soviet rivalry. And the Soviets may, on some occasions, seem to help us cool a conflict if it threatens to involve them directly.

But I am skeptical that they will renounce attempts to exploit tensions and to gain unilateral advantage or renounce claims of special influence in the world even though they affirmed these principles with us in Moscow in 1972.

Even if the Soviets would stop fishing in troubled waters, the United States will continue to face, particularly after Vietnam, a maze of challenges around the globe. We certainly cannot expect the Soviets to bail us out of embarrassing entanglements because of détente, to say the very least. The answer to this problem is in ourselves.

The prime internal task before us is to learn from Vietnam to discriminate in the kinds of commitment that this Nation chooses to make and guarantees. Otherwise we either will continue to be drawn into conflicts against our interest or fail to recognize challenges which must be opposed as a unified nation.

The American people and our adversaries and allies as well are, after Vietnam, a bit like Mark Twain's cat—who once sat on a hot stove. Twain said that his cat never sat on a hot stove again—but neither did he sit on a cold one.

We must learn as a nation what Twain's cat never learned. We must learn to discriminate. Surely there is room for responsible foreign policy that falls somewhere between the polarized conception of a Policeman of the World, on the one hand, and Fortress America on the other.

Surely, it is possible to construct foreign policy that tells us where our national security interests do not lie, as well as where they do.

Dominant as we were after the Second World War, we were not required to draw such distinctions. It seems then there were no limits to what we could and should do. But now it is time for Americans whose vision of our role in the world was fixed in the 1940's to ask some hard questions. Is there a place on the globe that this Nation should not contest? Are there situations in this world in which the United States has minimal or nonsecurity interests?

Surely, thoughtful, responsible "hawks" understand that there are times, places, and circumstances in which it would be against our security interests to engage militarily.

Let them detail such instances. Let them wrestle with the related problem of getting the most from our defense dollar.

And other Americans whose vision of our role in the world has been formed by Vietnam—and who have rightly learned that there are instances in which our interests are not at stake—must now address the question of what our valid security interests are in the world. What are the critical locales and circumstances in which American power should properly be exercised.

Thoughtful and responsible doves know that no nation—even ours—can be an island unto itself. They know that there are times, places and circumstances in which it could be against our security interest not to exercise power. Let them define what circumstances would justify the commitment of American power and the risking of American lives. Let them wrestle with the related problem of defining what weapon systems, what military technology we must have to protect these security interests.

I am calling for a searching, self-analysis by all Americans of what our post-Vietnam security interests really are. I am asking that each of us shake off conditioned political reflexes, reexamine our premises, and even reverse our habitual domestic political roles.

Out of this process I hope that we can devise, together, and without recrimination about the past, a new consensus of what our foreign policy ought to be.

A central test of this new foreign policy will be whether it will enable us to discriminate—to differentiate between our broadly agreed upon security interests and those other temptations which are not in our interest.

While the shape of this new consensus is yet to be defined, let me offer some observations to that end.

I am sure that we are unanimous in our judgment that our supreme security interest is the protection of our own Nation. We also know that this national security must be defined in more than physical, military terms. We know that our economic stability, our sense of rightness, our internal unity and our collective will are as important to our security as troops and arms.

By defining our prime national security interest in this broader, more realistic way, we will be able to distinguish between real threats which we must oppose as a unified nation and instances such as Vietnam where we were drained and divided without being attacked.

I also believe that a new, discriminating foreign policy would realistically revitalize the principles of collective security. There are limits to American power and we need our allies' partnership. We are interdependent economically on other nations. Despite our wealth and power, our own national security is, therefore, linked to some other nations in greater or lesser degree.

But the web of alliances in which we are currently enmeshed is a far cry from the true partnerships we enjoyed in the Second World War. Many of our allies simply do not pull their own weight. Some are unwilling to defend themselves. True collective security must be collective.

Our reappreciation of this axiom will make us more skeptical about helping those nations demonstrably unwilling to help themselves yet be a rallying point for aid for real partners.

I also believe that a new foreign policy must address the contradictions between what we have been doing in practice and what we know are our best traditional values. We all know that there have been contradictions between our historic role of defender of liberty and our actual support of governments as authoritarian as those we defend them against. We have used hellish, modern technology, black arts of war which are at odds without best sense of what is humane. Our classical idea of foreign aggression formed in the 1930's and 1940's does not square with contemporary realities of civil war and propped-up unpopular governments whose power over their own people is secured by our military aid.

These contradictions pose real dilemmas that will not be easily resolved. Some nations which are no model of American democracy have a strategic importance to the security of our allies that we cannot ignore. If we pressure such nations to democratize their governments they will resent it and we will be charged with intervening in their affairs. And yet our continued military and economic support of such governments already constitutes such intervention. So what is the proper mix of idealism and realism?

These contradictions will not be easily resolved. There are far-flung and powerful American military and national security bureaucracies that have arisen in the last 25 years that will resist change. The conditioned reflexes and painful memories on both sides of the polarized Vietnam debate will make it difficult for us all to examine these dilemmas afresh.

But unless we can together learn to differentiate in our foreign policy between that which is in our critical interest and that which is not, between acts which square with our best sense of ourselves, and those which do not, I fear the

American loss of life, treasure and confidence in ourselves over the last decade might well have been in vain.

For years American leaders who defended our role in Vietnam preached the gospel here at home that our withdrawal from that country would threaten our credibility elsewhere in the world. And now from abroad we hear the echoes of our own leaders' pleadings from foreign leaders.

And unless we know as a people when and where the American Nation should and should not exercise its power with unity and will, how can our allies know?

Unless we can agree on what our true security interests are, how will our adversaries know? They will test and probe and further divide us and we might even lose that which we cannot afford to lose as a result.

But if we agree, on the basis of such a discriminating new policy, that we should withdraw or limit our involvement in cases where American presence would be as invalid, tangential and inconsistent with our real security interest as Vietnam was, then self-esteem, our security, and our global stature will be the better for it. And if we agree as a Nation to oppose a threat to our real security, we can, without doubt, prevail as we have in the past.

This critical task of devising a new discriminating foreign policy is too domestic for détente, just as some worldwide challenges to our security are too international in scope for détente.

On the other hand, détente has enhanced our national security in another way—a fundamental way—by curbing the strategic arms race.

The complex of agreements that were negotiated at SALT I, and since, make up the most significant achievement of détente. While these treaties are neither perfect nor complete they are a historic and substantial step toward a durable nuclear peace—the preservation of which is in our supreme national security interest.

These agreements are the products of a continuing process of hard-nosed negotiations. They do not depend on the good faith of the Soviets. We independently monitor and verify Soviet compliance through our remarkable satellite intelligence gathering systems.

The security of these agreements are solidly rooted in mutual self-interest. Both sides have explicitly recognized and have agreed to act upon the overriding reality of our time which is that both nuclear superpowers are inescapably locked into a state of mutual deterrence and common vulnerability. Both sides know that no amount of money, no stroke of technological genius could give either side the capability to destroy the other without in turn being destroyed itself. Through SALT both sides recognize that it is against the national interest of both countries to continue the strategic arms race. Adding further to these devastating arsenals would only endanger the national security of both by adding to the risks of accidental attacks or raising the fears of nuclear first strike or diplomatic blackmail.

Our success in persuading the Soviets to agree to curb the arms race was based on two preconditions of our own making. One was our military strength. But it was military strength of a particular kind. Our strategic arsenal was designed for unquestionable survivability against any Soviet threat. Our extraordinary military R. & D. programs produced superior technologies which were at the heart of this survivability—our MIRV's; the hardness of our missiles and their silos; the quietness of our submarines; and the penetration of our bombers. These technologies, together with the redundancy of our Triad and the size of each of its component forces, insure, as Secretary Schlesinger has often stated, that the Soviets cannot achieve a preemptive first strike and helped persuade them to accept and act on this hard military reality at SALT.

There was another important precondition for SALT which was less noticed than our military strength. This was a broad consensus that our Nation achieved in the early 1970's regarding the shape of our strategic policy and technology. Since the central premise of SALT is mutual deterrence, we first had to agree among ourselves that this Nation's prime strategic goal was to deter nuclear war rather than to prepare for limited nuclear war fighting. And we did agree.

Along with several of my colleagues, I intend to discuss how this consensus on strategic policy was formed and reinforced in the early years of this decade, and how it is currently under attack from Defense Secretary Schlesinger's nuclear war fighting doctrines and technologies.

For now, let me point out that the success we achieved in enhancing our security in strategic arms depended upon precise combinations of military strength and national unity. These policies were discriminating. They told us not only what we should do. They told us what we should not do. And they worked.

If we are going to properly define our role as a nation in the post-Vietnam world—if we are going to make an accurate assessment of how much military strength is enough military strength to give us national security in this new world role—then we must discipline ourselves to make discriminating judgments—to differentiate between our real security interests and those that are deceptive or delusory; to revitalize the principles of collective security; to address the contradictions between what we have been doing in practice and what we know are our best traditional values—and we must forego the temptation to abort the principle of mutual deterrence and put a hair trigger on nuclear war.

I thank the Senator from California.

Mr. CRANSTON. I yield next to the Senator from Oklahoma.

Will that be on the time of the other side?

Mr. BARTLETT. Yes.

Mr. President, I yield myself as much time as I need. The distinguished chairman, the Senator from Mississippi, left the floor and advised me I could yield the time on his behalf.

Mr. President, the distinguished Senator from Massachusetts (Mr. BROOKE) said yesterday that he thought the debate on foreign affairs should include some remarks concerning the role played by Congress.

(At this point Mr. BAKER assumed the chair.)

Mr. BARTLETT. Mr. President, it is my interest in the remarks that I will make to discuss that question, not that I have the answer, but to raise some questions about the role of Congress in foreign affairs.

I think it is important for Congress to consider whether or not it does have limitations in the handling of foreign affairs in a proper manner. The answer to this question may be crucial to our future as a world power.

The disastrous chain of world events in recent weeks, highlighted by the fall of South Vietnam and Cambodia, have intensified doubts about America's foreign policy being clearly articulated. While in the past, criticisms of our Nation's policies have been frequent and vocal, they were generally of a different type than the legitimate questions heard today. In the past, questions centered around the wisdom of our policies. Today we are asked in some cases whether we have a policy at all. Formerly, others wondered why a specific policy was adopted. Now the issue is "who makes foreign policy, the President, the Congress, or both or neither one?" In earlier times, our manner of meeting a commitment too frequently was often challenged. In recent times, we have been challenged as to whether we have any such commitment.

The temptation in times like these is to designate a single factor, such as congressional ineptness for the outcome in Vietnam and Cambodia. For many years in the future, political scientists will be dissecting and diagnosing U.S. involvement in Southeast Asia and the ultimate debacle which occurred there. Years of analysis may be required to give the proper weight to all factors, but it is not too simplistic to say that congressional action utimately contributed nothing in this area to preserve freedom or enhance our national power, influence, or prestige.

Regardless of analytical variations, one conclusion on which there is unanimity is that we lost. Actually, what we lost is a matter of disagreement. Did we lose a war or just not win? Can anyone say that we did not lose national prestige? Though some may argue that prestige was lost by our entry into the Vietnam conflict, it can scarcely be argued that our prestige is not lower today as a result of the ultimate downfall of those we defended. Whether our national honor has been lost might be subject to debate. But can anyone maintain that we have not lost creditability? Congressional vacillation, however well intended, has contributed to losses of prestige and credibility. Has there been a real, or only an apparent, loss in our commitment to freedom? Who in Congress can make a case that our commitment is stronger than the commitment of Russia and China to aggression? While we debated, the Russians and Chinese were pouring in support to their allies, and the world knows it.

Regardless of our views as to what went wrong, few Americans enjoyed the sight of our Ambassador scurrying aboard a helicopter as Saigon prepared for surrender. We are not used to an ally's defeat for any reason, much less because in part of our failure to supply needed support. Congress literally fiddled while Vietnam burned. Let us hope that we have not become accustomed to that recent role. So that there may be no misunderstanding, my position is not that we should return to the role of world policeman nor is it my view that all world problems can be really categorized in packages of black or white. The point is that for at least a decade, American foreign policy in Southeast Asia has left much to be desired and that growing congressional involvement has been part of the problem rather than part of the solution.

In the days and years ahead, we, as a nation and as a government, must attempt to salvage something of value from that war.

Certainly, various ingredients went into the downfall of Cambodia and South Vietnam. Many of these were out of our control and must be left for the consciences of other countries, their peoples, and leaders.

No amount of finger pointing or breast-beating will rescue Vietnam or Cambodia from Communist domination. However, the role which Congress played there must be evaluated. For the future, there is one central issue to which these remarks are addressed: What is the proper role for Congress in foreign affairs?

Since the inception of the Republic, the question of Congress role in foreign policy has been debated. The debates included a pronouncement by the U.S. Supreme Court that congressional participation—

> In the exercise of the power over foreign policy is significantly limited. In this vast realm with its important, complicated and delicate problems, the President alone has the power to speak or listen as a representative of the nation—in the field of negotiation the Senate cannot intrude and Congress itself is powerless to invade it.

That was United States against Curtis Wright Corp.

President John Kennedy said:

> It is the President alone who must make the major decisions of our foreign policy.

However, to the contrary, our former colleague and a constitutional scholar, Senator Sam Ervin, said that—

> When the legislative branch ceases and desists from responsibly and effectively exercising its constitutional powers with respect to foreign affairs, the Republic will come to an end.

History reflects the occurrence of periodic shifts in the balance of power in foreign policy between Congress and the Chief Executive.

But, for most of our nearly 200 years, Congress has taken a back seat to the President. Most leaders of Congress have bragged in times of international crisis that political partisanship ends at the water's edge.

This unanimity of support for the ballooning of the Vietnam war was evident in the 88 to 2 vote in favor of the Gulf of Tonkin Resolution. However, eventually widespread disatisfaction by the people in an unpopular war prompted many Members of Congress to object to the war, President Johnson apparently to decide against reelection, and President Nixon to gradually withdraw all American combat troops from South Vietnam.

From this devastating experience, most Americans wanted Congress to be a safety valve to the Presidency to prevent a repeat of sending Americans abroad in an unpopular war. So I believe most Americans agree enthusiastically in the constitutional requirement that only Congress can declare war or engage Americans in lengthy foreign military combat.

Thus, the War Powers Act of 1973 with the Church-Case amendment forbids the involvement of American troops in Southeast Asia. Overreaction and unconstitutionality may be determined from President Ford's use of troops in the evacuation of Americans and foreign nationals from Cambodia and South Vietnam; and from efforts to free the predominantly American crew and their American freight, the *Mayaguez*.

So, born of an unpopular war, prodded by the illegal misuse of Presidential power in the Watergate scandals, and supported by a one-sided Democratic majority, Congress has succeeded in strongly asserting itself in foreign affairs during the last years.

Unfortunately, the results have at best been mixed, and some, perhaps more accurately, have been dismal.

In President Ford's April 10 speech, he enumerated a number of instances in which he believed Congress had gone too far, acting beyond its purview in attempting to define the tactics as well as the underlying strategy of U.S. foreign policy. An illustration given by the President was the Jackson-Vanik amendment in which the Congress, acting over the objections of our Secretary of State involving ourselves in the internal affairs of another nation, sought to enlarge Jewish emigration from the Soviet Union. Instead the Soviets restricted the flow of emigrants and abrogated an agreement which could have possibly brought considerable economic benefit to this country. Nothing was gained and much was lost.

Nor has the congressional action in cutting off aid to Turkey brought us any closer to an equitable settlement of the Cyprus problem; instead it has weakened the eastern flank of NATO and soured, perhaps irreparably, our relations with two traditional and staunch allies standing between the Soviet Union and the Middle East—Turkey and Greece.

Most disconcerting to me as the inept handling by Congress of our affairs in Southeast Asia.

After the Paris accords of January 28, 1973, President Nixon's policy was a continuation of Vietnamization with sufficient military aid to South Vietnam to carry on an effective offensive-defensive war against North Vietnam. But the Congress reduced requested appropriations by $600 million and $700 million, respectively, in each of the fiscal years, reflecting a 50-percent average cut.

On January 28 of this year, President Ford sent an urgent message to Congress requesting an emergency supplemental military appropriation for South Vietnam and Cambodia. On April 16, Cambodia surrendered to the Khmer Rouge, and on April 29 the South Vietnamese surrendered to North Vietnam and the Vietcong—and by that time, neither House of Congress had voted on the President's request for assistance.

The propriety of the request or the amount is now irrelevant, but it is relevant that Congress stood by and let our two allies fall without a floor vote on that urgent Presidential request.

On the one hand, Congress had succeeded in asserting itself in regard to our foreign policy in Southeast Asia, but on the other, because Congress totally failed to enunciate a policy in regard to Vietnam and Cambodia, no one knew what our policy was. Our contributions, which were most significant, resulted from only negative actions and inactions. Establishing a foreign policy by default is not, in my opinion, the best way.

Congress has a valid role in foreign affairs. But the danger is that the collective thinking of Congress will make it impossible for Congress to realize its own serious limitations. Certainly control of the purse strings is a proper congressional role. Congress should be able to assist in the articulation of broad policy, but realistically it must either accept the policies of the President or adopt its own—it cannot play a major role in foreign affairs by endless dialog and handwringing.

The failure of Congress to declare a clear policy in Southeast Asia and to respond quickly to Presidential requests for emergency military aid raises the question of whether two committees of 534 Members can engage responsibly on a wide front in foreign affairs.

Proponents of Congress might point out that the Democratic caucuses of both the House and Senate spoke clearly on March 12 and 13, respectively, when each voted overwhelmingly against military aid to both Cambodia and South Vietnam. This raises the question whether a majority caucus rather than the entire membership of either body should decide such a vital question.

Should a caucus, subcommittee, or a full committee decide such a serious emergency question, or should it in any case go to the floor for full consideration by the entire membership?

Certainly, I believe Congress failure to act was critical in the psychological impact of the losses of Cambodia and South Vietnam on our other allies around the world. I believe it is crucial that our foes as well as our allies see us stay to the bitter end rather than cutting the umbilical at the most perilous moment. Already, we are seeing the inevitable reaction to our vacillation and lack of will.

The formerly discredited domino theory is taking on more respect as Laos teeters on the brink of Communist control, while our allies in Thailand, the Philippines, and Taiwan have all begun a reassessment of their commitments with the United States. The problem with the now famous American freighter, the *Mayaguez*, is a fallout of the domino logic.

I do not know the precise role which Congress should play in foreign affairs, but we must begin a period of self-examination. Secretary Kissinger has called for a major reassessment of American foreign policy objectives and methods. I believe this is essential.

Obviously, one of the questions which must be explored is whether Congress, made up of two committees, one with 100 Members and another with 435, can effectively dance every dance in foreign affairs. By its very nature, foreign policy must have a definite firmness, yet a reasonable flexibility capable of quick formulation and clear articulation. Is Congress inherently limited in this role? I favor extending as much as possible the effective participation of Congress in foreign affairs.

Somehow, we must restore—through a partnership between the Executive and Congress—an unfailing confidence by which foreign governments, friend and foe alike, as well as our own citizens, will know that when the President speaks, he speaks authoritatively for the entire country.

I wince each time I hear President Ford or Secretary Kissinger attempt to assure our allies of our constancy in fulfilling our foreign commitments. At this stage of our history, it appears to be a questionable pledge. It is not a lack of confidence in the commitment or will of President Ford, but doubts about the disposition of Congress. There is reason for Congress to have doubts about itself.

Perhaps such unanimity is impossible with the congressional and executive branches under control of opposing political parties. I do not think that is the case. Perhaps we should limit and carefully define the areas of congressional responsibility, and develop cooperative approaches with the administration in order to forge clear-cut foreign policies while, as in the past, we forget our partisan differences in most matters at the water's edge.

President Lincoln's call to his Congress was most appropriate to our problems of the last few years:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, we must think anew and act anew. We must disenthrall ourselves and we shall save our country.

We must, like Lincoln, "rise" to this occasion, and, hopefully, "we shall save our country."

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I was going to yield to Senator GOLDWATER.

The PRESIDING OFFICER. I think the Senator is aware that we are rotating the sides.

Mr. THURMOND. One hour at a time.

The PRESIDING OFFICER. Since the agreement was reached to alternate an hour on a side, neither side has used its full hour.

Mr. CRANSTON. It is perfectly acceptable for us, on this side, for Senator GOLDWATER to go ahead, if he wishes to do so.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I yield to the Senator from Arizona such time as he requires.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as one of the cosigners of the letter that suggested this overall debate and discussion on national defense and national priorities, I am especially pleased to be able to speak on our strategic force requirements. This particular subject merits our very closest attention and concern since our national survival may be determined by the decisions we make on the defense bill.

Today we refer to our strategic forces collectively as the Triad, meaning our land-based missiles, our sea-based missiles, and our manned bomber force. When discussing our strategic force requirements, I start with the premise that the Triad must be retained, that there must be no degradation in its collective capability, and that each Triad system must be capable of carrying out its mission independent of the other two.

Over the years I believe we have adhered to this, especially in insuring that each system remains capable of performing its mission without reliance on the other two. For example, in FBM submarines we have advanced from Polaris to Poseidon with Trident now under construction.

The missiles of those submarines have advanced from the A–1 to A–3 and to C–4 for Trident. In land-based missiles we have progressed from Atlas and Titan to Minuteman I, II, and III with design funds for M–X, the follow-on to Minuteman, now requested. In bombers we have gone from the B–47 and B–58 to the B–52, with the B–1 now in engineering development. And all of these systems have been subjected to modification to insure there has been no degradation in the effectiveness of each.

Mr. President, I see this as a logical and orderly way to insure the independent, as well as the collective, capability of each system in the Triad. It is an evolutionary approach that, if not interrupted, will continue to serve us well and guarantee, to the maximum extent possible, our national security and survival.

However, I am concerned about the verbal attacks we have had on these systems of late. None have escaped attack, either when modification or new systems were proposed.

The basis of the attack is always the same; that the new modification or the new system is not needed and what we have at present is more than adequate.

Simply stated, the fallacy I see in the citics' logic is that they fail to realize these are static systems trying to compete and exist under very dynamic conditions. Therefore, they must change, either through modification or, if that is not adequate, by a totally new system, in order to guarantee the individual and collective capability of the Triad. There can be no such thing as a static weapon within our strategic forces. There cannot be a perfect offensive weapon that will serve our purposes ad infinitum. Therefore, we should not expect such results from our present systems.

At the moment, the system in the Triad under attack is the B–1. Two years ago it was the Trident system when Navy was seeking funds for the first of 10 boats. Sometime before that, it was over whether we should proceed with the Minuteman III program.

Mr. President, do not mistake my description of the "attack" on these systems as being critical of legitimate debate and discussion of these systems. That is absolutely necessary, and I defend that as a basic part of the congressional process.

No, Mr. President, I am complaining about those who, from my point of view, fail to grasp the significance of the Triad and do not recognize the dynamic conditions that surround these systems.

Maybe part of the problem is the extreme amount of time it takes us today to get a system from the drawing board to the inventory. Because of this, it often does appear that we are starting way too early to develop a new or follow-on system. It may appear at the time that a new system is not required.

The B–1 might be a case in point, because some of the criticism is that the B–52 has plenty of lifetime left. Therefore, there is no requirement to begin a replacement or follow-on program this soon. Mr. President, it is correct that the B–1 program began in 1970 and the requirement was generated long before that. Even so, we will not get the first B–1 into the inventory until around 1980. Even then, it will take a year or two before there are enough to make an impact. So over 10 years of planning, development, testing, and production will have transpired before we can have a replacement for the B–52. We have not started too early if we are to maintain the strength of the Triad.

Still, it can be argued the B–1 is coming into the inventory several years too soon. However, on that point I must ask, "Who knows for sure how much 'life' will be left in the B–52 force in the 1980's?"

For example, Mr. President, we have run into metal fatigue in the B–52 aircraft at a much earlier stage than we did in an aircraft with a rigid wing. As all of us know, the B–52 has a droop-wing. It droops some 13 feet, and when it comes to the vertical, the aircraft becomes airborne. Because the B–52 must use a low-level attack mode to enhance its chances of survival, it has been subjected, during training exercises, to a lot of high-G or high gravity forces that the aircraft was not originally planned to be subjected to. So we are uncertain now as to how long the metal, which is so tortuously twisted and stressed in this bird, will last until we have to make major replacements at great cost.

Mr. President, I am concerned that there are some who would entrust part of the security of this country to a force whose capability, at that time, will be an unknown quality. Dr. John McLucas, Secretary of the Air Force, in response to a question during our Research and Development Subcommittee hearing on the B–1, stated that he had high confidence in the ability of the B–52 to penetrate to its assigned targets through the 1970's but, sometime in the 1980's it becomes questionable.

There is a related point which is, there are some who equate the B–52 life expectancy with penetration expectancy. That is, it is thought that the B–52 will be able to penetrate to a Soviet Union target with the same effectiveness throughout its entire life span. Secretary McLucas pointed out that it does not automatically follow that, because you have been able to extend the life of the B–52 design to over 30 years it will, therefore, remain an effective penetrator. He indicated that it also depends on how the Soviet defenses change with time, along with our ability to modify the B–52 in accordance with those defenses. For example, there are some aspects of the B–52 that are not going to change significantly, such as its speed and its large radar cross section, because they cannot be changed.

Where then is the mission capability of the B–52, if the Soviet Union develops defenses that capitalize on the B–52 speed and particularly on radar cross section weaknesses? Would that be the time to begin to develop a new follow-on bomber that will require 10 years to bring into the inventory? I do not think it is.

Mr. President, referring back to my earlier remarks that there must be no degradation in the collective ability of the Triad and that each system in the Triad must be capable of carrying out its mission independently of the other two, I believe it is clear that the B–52 is not going to measure up. It is becoming less and less capable, just as we all do when we reach a certain age.

Those who say they believe in the manned bomber leg of the Triad, but state a B–52 replacement is not required, in my opinion, are not concerned about retaining the strength of the Triad.

Those who say they believe the manned bomber leg of the Triad will no longer be required after the B–52 would, in my opinion, be willing to entrust our national security and survival to systems that have never been fully tested as integrated systems.

For example, we have never fired an ICBM or an SLBM at a target at operational distances with a nuclear warhead and nuclear detonation. We do not know for sure what the effect of a number of missiles going to the same target will be. There may be a fratricide phenomenon, but we are not sure. Admittedly, these tests have not been possible because of the test ban treaty but it gives me cause for concern that we would be dependent upon systems that had never been fully tested. I believe they will work as advertised, but I am not 100 percent sure, and I would not make any sizable bet on it. I think, for example, one of the big mistakes we have made is being lured into the test ban treaty by the Soviets following a time when the Soviets had discovered everything they had to know about the nuclear X-ray phenomenon that occurs during flights of these missiles, and particularly upon their reentry into the atmosphere or into any nuclear situation. We have been able, by this program testing, to come to the point that we think we have learned, but until one has to fly to a target we are not sure.

However, there are other reasons that argue against eliminating the manned bomber that are equally important. Eliminating one leg of the Triad reduces the enemy's defense problem by one-third for sure. Statistically it is probably more in the case of the bomber because ICBM and SLBM defensive measures are the same. It also reduces his offense problems because he no longer needs to target our strategic airfields. Consequently, even with a ceiling agreement on missiles his force becomes more effective since there are a reduced number of targets to cover. The enemy's ability to launch a successful preemptive strike is enhanced, since the timing and coordination required for such a strike is less complex with the targeting of airfields not required.

Further, the manned bomber is a mobile system. The Soviet Union knows that as long as we have the manned bomber it can never totally destroy our retaliatory force. Consequently, the manned bomber has to be considered as a very stabilizing force, which significantly lessens the chance of a nuclear war.

Mr. President, there is a requirement for the manned bomber and specifically there is a requirement for the B–1, as the follow-on to the B–52. Further, I believe the logic is adequate to support these requirements.

Mr. President, let me preface my few remarks on the B–1 with this observation: That once you have pressed the button launching a land-based missile or once we have instructed a submarine by radio to release a submarine-launched missile, that is it. Those missiles are going to fly toward the target. Hopefully, if we have to do it, they will be effective.

But if you have a manned bomber with the eyes, brains, and ears of young men in it, if it has been determined after launch that a mistake has been made, that mission can be very quickly terminated and the aircraft returned.

I want to put specific emphasis on that because if we argue this elimination of a manned bomber to the extreme then the proponents of this elimination would have to assume the full responsibility for any nuclear war that might result.

I personally do not believe that we are ever going to become engaged in a nuclear war, particularly if we have the threat of a manned bomber of the type that the B–1 represents.

Now, let me turn specifically to the B–1, since there has been about as much criticism over the B–1 itself as there has been over the manned bomber requirement.

Last Thursday I was at Edwards Air Force Base and I flew chase in an F–4 to watch part of the ninth test flight of the B–1. The total test flight was over 6 hours and I observed it for about 2 hours.

I would have done it longer but they were flying at very low altitudes and jet aircraft can eat up a lot of fuel when you are down around 6,000 feet.

I will have to say it was a beautiful sight to watch the aircraft. Maybe a lifetime pilot like myself believes all aircraft are beautiful so you have to discount that, but particularly so when I recall the predictions of many people who said the B–1 would never fly.

The B–1 flight test program has been proceeding extremely well since the first flight took place on December 23, 1974, almost to the point of being routine. Even the first supersonic flight and aerial refueling went off without a hitch. The B–1 is meeting its flight test objectives, as required and scheduled, and that has to be viewed as a significant achievement.

I think I am the only Member of the Senate who has been to Edwards Air Force Base to observe a test flight. As a matter of interest, only 10 other Senators have visited the B–1 since the program started. Yet, for all the criticism that has been raised about the program, it would seem there would be more who would want firsthand evidence—especially the critics.

I am impressed with the results of the flight test program, to date, and I believe there are others who would be also. So, with that in mind Mr. President, I ask unanimous consent that a summary of the flight test program to date, be printed at this point in my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FLIGHT TEST PROGRAM—ACCOMPLISHMENTS TO DATE

First Flight, 23 December 1974, Duration 1+18.

Max altitude 10,000 ft; Max airspeed 190 knots.

Takeoff from Palmdale, Calif.; landing Edwards AFB.

Landing Gear, Flaps, Slats, Wings were not moved.

Mission objectives were evaluation of flying qualities, engine operations, and airspeed calibrations.

Second Flight, 23 January 1975, Duration 3+21 (Cum: 4+39).

Max altitude, 16,000 ft; max airspeed, .70 mach.

Landing Gear, Flaps, Slats retracted.

Wings swept from 15° thru 25°.

Flying qualities investigated at several altitudes and configurations.

Third Flight, 11 February 1975, Duration +58 (Cum: 5+37).

Max altitude, 10,000 ft; max airspeed, 330 knots.

Overheat warning light following climb.

Minor problem in cooling system.

Fuel jettison system checked.

Fourth Flight, 19 February 1975, Duration 4+34 (Cum: 10+11).

Max altitude, 23,000 ft; max airspeed, .75 mach.

Flying qualities at various altitudes.

Engine/APU airstarts.

Three go-arounds.

Wing sweep 15°-25°-20° (position).

Fifth Flight, 18 March 1975, Duration 2+57 (Cum: 13+08).

Max altitude, 20,000 ft; max airspeed, .75 mach.

Full wing sweep (67.5°).

Airspeed calibration.

Functional check of Structural Mode Control System (SMCS).

Initial aerial refueling (3 dry hook-ups).

Sixth Flight, 10 April 1975, Duration 6+23 (Cum: 19+31), Supersonic Cum: +01.

Max altitude, 29,000 ft; max airspeed, 1.05 mach.

Flutter tests.

Aerial refueling (53,000# transferred).

Seventh Flight—21 April 1975—Duration 5+45 (Cum: 25+16) Supersonic Cum: +43.

Max altitude—29,500 ft; max airspeed—1.06 Mach.

Flutter Tests.

Aerial refueling (120,000# transferred from two tankers).

Airspeed calibration.

Initial windmill airstarts on engines 1 and 2.

SMSC Flight Check.

Eighth Flight—30 April 1975—Duration 6+13 (Cum: 31+29) Supersonic Cum: 1+31.

Max altitude—29,500 ft; max airspeed—1.25 Mach.

Flutter Tests & Flying Qualities.

Aerial refueling (138,900# from two tankers).

Landing Gear Extension at various speeds (to max).

Initial max power climb.

Ninth Flight—29 May 1975—Duration 6+18 (Cum: 37+47) Supersonic Cum: 1+31 (no change).

Max altitude—20,000 ft; max airspeed—0.95 Mach.

Subsonic Flutter Tests.

Flying Qualities at various altitudes (3,000-20,000ft).

Aerial refueling (118,000# from two SAC tankers).

Tenth Flight—tentatively 12 June 1975.

Mr. GOLDWATER. Now permit me a few observations on the flight test program to date. Thus far, of the 37 hours, 47 minutes total that have been flown, 1 hour, 31 minutes have been at supersonic speed, with the longest sustained flight at supersonic speed being about 24 minutes. The last four flights have included aerial refuelings.

But even in minor turbulence I do not think I have ever watched an aircraft of any size come up to a tanker and be serviced with the tremendous amount of fuel that it was serviced with at that altitude, which was around 22,000 feet. Although there has been no requirement to go above 29,500, feet, high altitude flights will come later. Of course, this is very early in the flight test program and the flight envelope is being explored very carefully. Even so, it is very impressive that there have been no significant difficulties.

I believe I can say the only difficulty they experienced was the loss of a seal in the bomb bay section where there is no pressurization, and the loss of this seal had no effect at all on the flight of the craft; in fact, it was not even noticed that it was gone.

This is a good indication that aircraft performance will meet or exceed what the engineers predicted. Said another way, actual performance through flight tests is beginning to confirm predicted performance.

Nevertheless, we still hear from those who are critical of the B-1 and claim it does not meet the original specifications and, consequently, performance will be degraded. It is correct that the weight of the aircraft is above that originally predicted and that makes the takeoff distance longer. But the impact of that is negligible, because operational requirements are not affected. The same is true of the minor reduction in the maximum supersonic speed.

I might point out, Mr. President, that since the first aircraft had been constructed, the escape capsule has been eliminated from further aircraft, and this will be a substantial reduction in weight.

Last year during our hearings I discussed this with Gen. John C. Meyer, then Commander-in-Chief, Strategic Air Command. I asked him if he was satisfied that the B-1 would meet or exceed Air Force performance distance, penetration speed, payload, et cetera. His answer was yes, even though he said some specifications may not be met. There is a difference between specifications and performance requirements and they should not be confused.

There are those in the Senate who are critical of the B-1 program but, I do not fault them for that. However, I do get somewhat concerned when these critics do not take advantage of the opportunity to try and resolve their criticisms. For example, none of the critics—not including those on the Armed Services Committee—attended this year's B-1 hearing. None of the critics took advantage of that opporunity to question the Secretary of the Air Force or the Chief of Staff of the Air Force about the program. None of the critics took advantage of that opportunity to question the program manager, who had all the detailed cost and predicted performance data. In fact, none of the critics even bothered to submit questions for the record.

Now last year, as I mentioned, when we had General Meyer, we had a man who is an expert on strategic force requirements and the need for the B-1 as a follow-on to the B-52. However, none of the critics—again, members of the committee excepted—came to question General Meyer. They missed an excellent opportunity because he was extremely knowledgeable on the subject. He gave some very informative responses and I cited some of them when I spoke last year on the B-1. However, I doubt if anyone paid any attention or if anyone critical of the program, even later, took the time to read what a man, whose life work and profession was air warfare, had to say about the B-1 and the role of the manned bomber.

That, to me, is one of the tragedies of this continuing debate over the B-1. Why do we refuse to listen to the advice of the experts whose total motivation is directed toward insuring the security and survival of this country?

Mr. President, lest the B1 opponents accuse me of stacking the deck with only those expected to favor the B-1, let me mention this. Last year the Armed Services Committee directed the GAO to participate in, what came to be known as, the joint strategic bomber study. This was the study which was to examine a number of alternatives to the B-1. The study concludes that a B-1 force is the most cost effective of a number of alternatives. Believe it or not, the GAO commented that:

> If no one concludes that a bomber force should be capable of a high level of destruction of a target set, as assumed in the OSD study, and that it will be confronted with a high threat, then analyses performed by OSD show that the B-1 is the most cost effective bomber.

Mr. LEAHY. Mr. President, will the Senator yield for a question at that point?

Mr. GOLDWATER. I would be happy to.

Mr. LEAHY. The Senator refers to the General Accounting Office report. But is it not a fact that the GAO report stated that the highly complex issue of whether there is a need for a follow-on manned strategic bomber has not yet been resolved?

Mr. GOLDWATER. That is true, however, I was reporting the comments of the GAO on this particular aircraft, the question of whether——

Mr. LEAHY. Mr. President, may we have order; I cannot hear the Senator from Arizona.

The PRESIDING OFFICER (Mr. HATFIELD). Will the Senator use his microphone?

Mr. GOLDWATER. I have got it going; it never has worked.

Mr. LEAHY. I cannot hear the Senator.

Mr. GOLDWATER. To answer the question, I think what the Senator is proposing, really, requires two answers. One answer would be a continued use of the B-52 and the other would be whether or not the B-1 is the type of manned bomber we need, and we happen to have designed the B-1 after years of discussion starting in 1970.

So that is what we have today. If we take into consideration what the study states is needed in that type bomber.

Mr. LEAHY. Well, without going into the general issue as to whether we really do need such a strategic bomber, do we not presently have nearly three times as many intercontinental bombers as the Soviets do?

Mr. GOLDWATER. If the Senator wants to base an answer to that on whether the Soviets have three times the long-range bombers, such as the B-52, my answer would be yes. But if one would want to include all the Soviet bombers that can strike the United States, my answer would have to be no.

They have considerably more because when we scrapped our B-47's, they did not scrap their Badger, their intermediate range bomber.

They may not get back to Russia, they may be forced to land in the United States or Cuba, but they have that many aircraft capable of bombing the United States.

So I do not say that we have more ability to bomb the Russians by aircraft than they have of us. I would say it is about even.

Mr. LEAHY. Saying that compared to them——

Mr. GOLDWATER. What was that?

Mr. LEAHY. Is the Senator suggesting that the number of Soviet bombers capable of striking the United States can include those which cannot make the return trip, but must land in Cuba? How do we compare if we use the same philosophy on our side?

Mr. GOLDWATER. We do not take that philosophy because we have no bombers in the inventory today we could call an intermediate range bomber. The B–47 was the last one. We had the B–58, but never used it. They are all in mothballs in Arizona. The B–52 is our bomber force.

I do not have the figures at my fingertips. I think it is in the neighborhood of 300, 360-odd that we have.

Mr. LEAHY. But if we do compare the actual numbers of intercontinental airplanes, we do have superiority on just that basis alone?

Mr. GOLDWATER. If we consider just their Bison and their other heavy long-range aircraft, I would have to admit that the United States has a larger force of both long-range aircraft than the Soviets have, but if the Senator states the question to include all bombers, I would have to say no. They probably have a few more than we have capable of hitting the United States.

Mr. KENNEDY. Will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. KENNEDY. Mr. President, today, in part 2 of our debate on foreign policy and the Defense budget, we are concerned with America's strategic forces. Fortunately, we are able to talk about this subject this year from a position of confidence and expectation—confidence in the viability of the U.S. strategic deterrent, and expectation of future agreements on the control of nuclear weapons.

During the last quarter century, we have evolved nuclear forces, and nuclear doctrines, that have provided the underpinning for our security, and have helped bring into being the hopeful process called détente.

The theory underlying these forces and doctrines is relatively simple; we should insure that nothing the Soviet Union—or a group of adversaries—could do would deny us the capacity to inflict massive and unacceptable damage in return. This is assured destruction—made even more secure by the agreement with the Soviet Union in 1972 to place severe limits on anti-ballistic missile systems.

At the same time, we have conceded to the Soviet Union a similar posture—as a matter of our security and national interests, as well. Thus we have a situation of mutual assured destruction—mutual deterrence—that gives both sides a high degree of confidence that they can prevent mankind's final war in a nuclear holocaust.

To maintain our nuclear deterrent—and mutual assured destruction—is the first charge on our military capacities and foreign policy. This we have done for many years. We have the forces, in a triad of land-based missiles, bombers, and missiles based in submarines at sea. We have the command and control systems; and we have elaborated the doctrines of deterrence—effectively communicated to friends and foes alike—that help guarantee this aspect of our security.

Now we face some important choices in our strategic policy. Some are simply economic: whether we need to build systems that are so advanced, or that proliferate in such numbers, that we gain nothing in terms of security but lose in terms of the alternative uses of precious national resources. Thus, I believe there is little point in building a new bomber, the B–1, while our existing B–52 force has so many years effective life, and while we have not explored much cheaper bomber systems for the distant future. And I also believe that there are much cheaper but effective alternatives to the Trident submarine—including the Trident I missile in existing Poseidon boats—as our seabased deterrent for the latter part of the next decade.

Furthermore, some strategic weapons affect basic foreign policy concerns outside of the nuclear balance, itself. For example, it is clear to many observers that trying to halt the proliferation of nuclear weapons to other nations—a "horizontal" proliferation—must entail serious efforts by the superpowers to limit their own arms race in both qualitative and quantitative terms—so-called vertical proliferation. This need—and the failure of the superpowers yet to be fully responsive to it—was amply demonstrated at the recent Geneva Review Conference on the Nonproliferation Treaty, which I had the honor to address 2 weeks ago.

In addition, further elaboration of strategic nuclear systems can also complicate direct arms control efforts involving the superpowers. Both our new programs and those of the Soviet Union do have a reinforcing effect on both sides. These "bargaining chips" are not traded away, we have found, but tend to set new and higher levels for the arms race, even where neither side really wants or needs the added weaponry. So restraint on both sides—a mutually reinforcing restraint—is part of creating possibilities for successful arms control efforts, in the interests of U.S. national security.

Finally, there are some strategic choices that will actually affect the stability of nuclear deterrence, itself. Thus we have learned that we must not threaten the Soviet Union's capacity to respond to a U.S. nuclear attack, and that we must insist that they exercise the same forbearance. Yet today new questions are indeed being raised in this area. The Soviet Union, for example, is going forward with new programs that could, in time, pose a significant threat to our land-based missiles. Of course, this is not a threat to the other two parts of the triad—airborne bombers or missiles at sea. It is not threat to deterrence.

But there is still cause for concern, especially in trying to assess the political implications of Soviet weapons programs.

Our response, however, should be to seek limits on these Soviet programs at the conference table, not to take a reflexive action in building weapons that could similarly threaten Soviet land-based missiles. Nothing in strategic theory can justify such a course. Yet that is what several Defense Department "hard targeting" programs would do: They would call into question, by however little, Soviet confidence in its land-based missile force.

To be sure, these programs also do not mean a serious threat to Soviet deterrent capabilities. But, again, there will be questions raised about American political intentions, and it will become more difficult to negotiate effective arms control agreements with the Soviet Union. Furthermore, there will be voices raised in the Soviet Union—just as voices will be raised here—urging a move back toward a "launch on warning" concept, which we both were able to abandon when secure, second strike forces were introduced more than a decade ago. This would truly be a step backward, a step toward greater anxiety and greater risk of nuclear war, by accident more than by design.

We are told by the Defense Department that we need these new hard-targeting programs in order to add flexibility to our forces, or to be able to fight a nuclear war in the unlikely event one should start. Yet we already have flexibility—and have had it for many years. There is no question of our having to launch the final holocaust the moment a nuclear war started. There can be limits; there can be restraints.

Should this so-called flexibility be increased in order to make it easier to fight a nuclear war without total war? Should we build the hard-targeting weapons? The answer must be "No:" For if by increasing our capacity to destroy Soviet missiles we only increase Soviet anxieties, we may find that our new capabilities only make a nuclear war more likely. It may seem like a paradox that, in preparing to fight a war, we may make it more likely, but that has long been a central fact of the nuclear age. And I for one do not believe that we can take the fateful step of increasing the risks of a nuclear war.

We must oppose hard-targeting programs.

There is one further argument advanced for continuing to expand our nuclear programs. This is the aspect of national will, and perception by others of our capabilities. Yet this is not a problem of building new weapons—which we already have in such abundance that it is difficult to find targets for all the weapons we now have. It is rather in the attitude we present of ourselves. If we say that a slight lead for the Soviet Union in one or another category of nuclear power means that our will to defend ourselves or our allies is weak, then perhaps some will believe that to be so. No additional arms will compensate for this lack in ourselves. But if instead we continue to stress the irreducible elements of mutual assured destruction—if we assert our firm determination to defend our vital interests and those of our critical allies—then our massive nuclear arsenal will speak for itself: It needs no bolstering.

The fact of the matter is also that in many of the most critical areas of nuclear power we remain ahead of the Soviet Union, and are likely to remain so for the foreseeable future. And in general we are in a "zone of perceived parity," where we have—in quantitative and qualitative terms—a "substantial overall equality." With this posture, we have a sound basis for seeking to limit the arms race; and sound arguments against many of the increases in strategic weapons capability that are being suggested in this year's budget.

Therefore, Mr. President, I ask only that we use commonsense as we assess U.S. strategic programs: To be as strong as we must be; but not to jeopardize either our security or the chances of ending the tyranny of nuclear weapons by building too many weapons, or by introducing refinements that could actually work against U.S. security and national interests.

Mr. President, in reference to the B-1—to carry the Senator's point forward—if one includes the forward-based aircraft in Germany, for example, or those that are on the various aircraft carriers that would be able to reach the heart of the Soviet Union, then the balance shifts quite dramatically back in favor of the United States and the——

Mr. GOLDWATER. No.

Mr. KENNEDY. The Senator said we do not go by that philosophy.

Well, Jimmy Doolittle went by that philosophy in World War II, and I think it is entirely appropriate that these statistics be included in any kind of analysis of relative strategic balance.

Mr. GOLDWATER. If the Senator wants to include that kind of argument in this discussion, he gets to tactical aircraft, not bombers, but aircraft capable of dropping some kind of a bomb.

We have a limited number of F-111's in the European theater. No aircraft carrier in time of war would ever get close enough to the Russian targets to be launched. So we would have to forget about them.

At their best, they are the tactical type, with a limited amount of bomb tonnage that could be dropped.

The F-111 is not in the same category as the B-52. It is an interdiction bomber that is very useful on an unrefueled range and return of 1,200 to 1,500 miles with extremely light bomb loads.

But when we get into that argument, we cannot forget the overwhelming superiority of the Soviet air force in tactical-type fighters that are in all countries that border NATO and in the Soviet Union itself.

So we are really arguing out of our area, in my opinion. The question of the distinguished Senator from Vermont was about bombers, not about tactical aircraft.

Mr. KENNEDY. Would the Senator, because he is an extremely knowledgeable person in this body, compare the B-1 with the latest B-52 carrying the SRAM missile as an offensive weapon?

Mr. GOLDWATER. Well, I mentioned that earlier in my remarks, but I will be glad to go over them again.

The essential difference is one, speed; and I think the most important difference, as we are talking about ability to penetrate Soviet targets, is the radar reflection.

Now, to the uninitiated, the radar reflection is a size of target that one sees on the radar scope and the B-52 presents a very, very large image on a scope at great distances, where the B-1, with its smaller dimensions, with its smaller profile, and with its built-in antiradar, or ACM equipment, electronic countermeasure equipment, gives a much smaller blip on the radar. We cannot change that on the B-52.

The B-1 will carry a large bomber load faster. The B-52 has a little longer range than the B-1. But the combined speed, lower radar profile, and the heavier bomb load, plus many other advantages we have not gone into because we have not extended the testing far enough, and the B-1 is not only superior, but as I will point out shortly if we decided to go with the B-52 in an extended version, then we run into some real sizable money and I had not touched on money yet.

Mr. LEAHY. If the Senator will yield again for a question, quite frankly, I have not made up my mind on how I will vote on the overall question of the B-1 bomber, but there are several issues that have been raised by the Senator from Arizona, and I agree with the Senator from Massachusetts that the Senator from Arizona is very knowledgeable on this subject.

When we speak of the smaller radar reflection of the B-1 bomber, and we have discussed this within committee, aren't we also assuming that radar technology stays as it is today? We are talking about a bomber system, really, that will be operational almost into the next century.

Is it not safe to assume if we do go to such a bomber system that the Soviets will upgrade the present state of their radar technology?

Mr. GOLDWATER. We would expect the Soviets to be constantly improving their technological abilities, and I would assume that they would have the ability to improve radar. But I would also say that this does not make a great deal of difference. The range of radar, using the frequency range that it does, requires what we call line of sight. We are beginning to experiment with curve of the earth radar. Whether we will be that far along in 10 years or 20 years, I cannot say. We are experimenting. We have to assume that the Russians are doing likewise. If they can do this, and we think we can do it very well shortly, then they can detect a low flying anything over the horizon where they cannot do it today.

The size of the return on the radar will not be improved. The sharpness of it, the ability to pick it up at an earlier time if we have the over-the-horizon ability and they have it, yes; I would have to say that. But if we retain the B-52 it would just magnify their ability to detect.

Mr. LEAHY. This is assuming a low-flying approach?

Mr. GOLDWATER. The planned mode of attack of any of our bombers is high-low-high or high-low-low, mostly going in low, and I say not over 500 feet, for bombing, and remaining at low altitude for escape.

Mr. LEAHY. But if we do this with the B-1 bomber, it cannot fly supersonically at low altitude; is that right?

Mr. GOLDWATER. It is not possible to fly any airplane at low altitude for supersonic speeds. You would have to go to Mach 1. But assuming 0.9 or .95, which is possible in the B-1 bomber, this is a very high range of closure for any radar to pick up at the ranges today, and even at the extent of the ranges, the over-the-horizon, by taking advantage of the range features we feel they could avoid any improvements in radar.

Mr. LEAHY. I am concerned about the fact that we are going to tremendous expense to build a supersonic bomber which must be flown at subsonic speed, necessitated by the low altitude required to penetrate a potential adversary's air defenses. I assume it would have to go to a higher altitude at the time it releases its nuclear weapons, thus becoming more vulnerable. It is going to take some 7 or 8 hours for a B-1 to get to its target, which is certainly going to allow the Soviets a chance to employ several different methods of detection compared to 30 minutes or so for land-based missiles to reach their targets, and even less, 15 to 20 minutes, for submarine-launched missiles. With this in mind, I wonder if we are in a position where we can justify the expenditure for an airplane that was going to cost $20 to $24 million, at the start, and which is now up around $80 to $84 million. If past performance is any record, we find that weapons systems never decrease in cost. It could get to the point where we will be spending billions of dollars for a weapons system which, in the estimation of this Senator, does not substantially improve the situation we have with the B-52G's and H's. The concern that I express is the fact that even though we are in the missile age, it will take the B-1 an enormous amount of time to get to a target undetected. Furthermore, this supersonic bomber will have to fly at subsonic speeds at low altitude and then go to a high altitude at the time it releases its bomb.

Mr. GOLDWATER. Let me clarify what I mean by high-low-high. We would not fly the whole route at low altitude. We would not fly the initial phase of that probably up to within—well, I cannot make a standard guess because it would depend on the target, terrain, the approach and all of that. We would probably fly at altitudes of above 30,000 feet, at subsonic speeds, to the general target area and then descend within 1,000, 1,500, or 2,000 miles to make a low approach to the target where we would have a better chance of being undetected, even though I will admit that their early warning radar probably would have picked us up.

I want to touch on one other thing that has not been touched on so far. We are not certain right now what type of weapon we are going to hang in this bird. It is not going to be in the inventory to fly until about 1980. I looked in the bomb bays last week when I was out there and I asked the question, because I had heard it rumored that they were not going to configure it for conventional bombs. They said nothing could be further from the truth, that they had not configured it for anything except the SRAM missile, which we now have. If that is the only missile we have at that time, it will be used.

There is one other point which the Senator brought up, and that is the cost. I was going to get into that next in my discussion. If the Senator would like to wait——

Mr. LEAHY. I have just two other points, if I could. The SRAM missile, of course, is available to be used on the B–52's. I think it would be safe to say that most SRAM-type missiles are a kind of a stand-off sort of missile. It might be available for the B–1, but it could also be carried by the B–52. That is somewhat of a generalization, but I would assume that might be so.

The thing that bothers me when we talk about the bomb load is the idea that the B–1 would be used as a conventional bomber to be used in conventional warfare. Are we going to spend $85 million to possibly $100 million per plane for bombers susceptible of being shot down by $50,000 missiles?

Mr. GOLDWATER. When we built the B–52 we did not think of the B–52 as the conventional bomber. But it did not take us long to convert the B–52 into a conventional bomber to be used in Southeast Asia. In this field we have so many developments going in conventional weapons that the Air Force is not ready at this time to say, other than the SRAM will be the weapon. The type and configuration of conventional weapons will be determined later. There is time.

Mr. LEAHY. Will the Senator yield?

Mr. GOLDWATER. One minute.

Certainly, we would never develop a weapon that can only be used for nuclear bombs. In the inventory now, we have very few B–52's that are not configured for conventional bombs. In my opinion, when we are talking about conventional bombs today they may be obsolete at that time.

Mr. LEAHY. Is this in a conventional war?

Mr. GOLDWATER. Wait a minute. The Senator is talking about using a B–52. This is the argument he is getting into. As I tried to explain earlier, we do not know how long these airplanes will be good, how long they will fly. We found metal fatigue in the B–47, a smaller aircraft but of similar design, starting at 4,000 hours. We find metal fatigue in the B–52 starting at 10,000 hours. While the G's have not reached that high, it is not going to take many more years for them to get there.

As long as the Senator has brought in the matter of cost. I have asked the Air Force to prepare some data on what it would cost today to acquire our B–52 force in 1975 dollars, to improve them, to put modern engines on them, and modern avionics. It would be about $24 billion for 744 B–52's and that compares to $15 billion for the B–1 in 1975 dollars.

So, that gets us talking in equivalent dollars. What we are talking about is a more effective airplane.

Mr. LEAHY. The cost has gone up.

Mr. GOLDWATER. And we are talking about also smaller numbers.

Mr. LEAHY. Again, the question of using the B–1 in conventional warfare worries me. When we used the B–52 in Vietnam, and the North Vietnamese finally got a sophisticated antiaircraft system around Hanoi, we started losing our B–52's.

I think it was a shock to the American people, and I think a shock to the military, quite frankly, at that time. The loss of American lives was shocking enough. Added to that we were also losing millions of dollars a copy on a fairly limited fleet.

Mr. GOLDWATER. To put the record straight, our losses in the B–52 blanket bombing or meadow bombing, whatever one wants to call it, of North and South Vietnam, were lower than in any other conflict we have ever engaged in. We had remarkably low losses.

Mr. GLENN. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I am happy to.

Mr. GLENN. I think this point is at the heart of whether we need a B–1 bomber, the exact colloquy that has been going on here.

As I see it, we will be running out of a weapon to conduct conventional bombing. Hopefully we shall never be engaged in an all-out nuclear war, but any bomber purchased must have both conventional and nuclear delivery capabilities. To buy the B–1 strictly on the basis that it can deliver a nuclear weapon to me is to proceed to the most fantastic overkill capability any nation possessed in history by a quantum magnitude almost beyond all belief.

We can, already, literally sink Russia if we wanted to with ICBM's, and they could do the same to us.

Whether we do or do not have parity, an item of discussion yesterday, we are already so far above anything we need with respect to ICBM's and likewise the Russians, that to talk about needing another weapon to deliver nuclear weapons is, to me, wishful thinking of the highest order.

If they clobber us with a nuclear weapon in South Dakota and that mushroom-shaped cloud drifts east, we are not liable to sit and wait for them to fire the second ICBM at New York or Washington; and vice versa, I might say, on the other side.

One of the big advantages, perhaps even the biggest advantage of the B–1 is that it can be engineered to carry conventional weapons with so much more safety for crews, and can successfully penetrate the air defenses. More importantly, the B–1 bomber with conventional capabilities can conduct a somewhat normal nonnuclear war, if there is such a thing. However, if we are not providing that capability in the B–1, then I begin to question its use.

The conversations we have had today, not in the Chamber, but privately, with the Pentagon have indicated that this capability is not in the B–1 now but is planned as the older conventional capability phases out.

I hope that is the case, because I understand that the B–1 is not now being constructed with the necessary hard points and with the structural engineering so that bombs weighing 1,000 pounds or more—conventional bombs—can be carried. This conventional capability certainly should be planned because if that is not being planned, much of the advantage of the B–1, to my way of thinking, is lost.

I think we need a capability of going into a target, short of nuclear war, in the future. I therefore hope that a conventional warfare capability is being planned for the B–1 bomber.

Mr. LEAHY. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. Let me answer the question put by the distinguished Senator from Ohio, whose combat experience I highly respect and whose judgment in these matters I think will be a great asset to the Senate.

As I said at the outset, when you look in the bomb bays today, there is nothing. When you go into the drawing rooms, when you discuss what is their planning, are there plans for conventional bomb racks? Again, we get into the question of what are we going to hang in this bird. Is it going to be a stand-off missile? There is a lot of growing emphasis on the value of a stand-off missile. Will the SRAM still be the only thing we have at that time?

We are talking about this aircraft that will not come in the inventory until 1980, about 5 or 6 years from now.

The Senator well knows, with his experience in jet fighter craft, that they are hanging things on airplanes until the darn things fall apart. But I can tell him that I have seen on the drawing board and I have heard discussed as I have been with this B–1 program since its conception, that its probable use will be conventional.

When you ask specifics, will it be a bomb of 500, 750, or 1,000 pounds, I do not think the Air Force can answer it. I do know that they would rather have a conventional B–1 configured only for nuclear bombs because we learned our lesson when we had to have a conventional bomber in South Vietnam, and we had to very suddenly convert our B–52 from the atomic capability to the conventional bomb capability.

I can assure my friend and my colleague from Ohio that they will be and we will continue to stress the need for them, but we are still in the test-flying period. We have not even tested the avionics yet.

We have very few hard points on the bird, but they will be coming within the next several years.

Mr. GLENN. I appreciate the comments of the Senator from Arizona. As he well knows, during the construction of aircraft of this type, it is imperative that the engineering right from the ground up be such that the load carried through structures are such that these attached points for heavy weapons or for bombs can be placed later. Unless that is provided for right from the start that cannot be incorporated later without fixtures that will be very expensive and may lead to designing another airplane.

So I am glad to hear the comments of the Senator from Arizona, and I thank him.

Mr. GOLDWATER. I assure the Senator that not only hard points for interior but exterior loads are already in the aircraft. The test that I watched the other day was what we call the flutter test to test just these points. It is a very modern method of testing. We used to have to go up and tear the airplane apart. Now they can induce flutter by a piece of metal coming out of the tip of each aerodynamic surface and telemeter it back to Edwards Air Force Base where it is inscribed with a long pencil, as the Senator well knows, as his flights in space were all telemetered. From that we know where the weaknesses are. We know where engineering has to be done.

We have a long way to go, and I hope some day that the Senator from Ohio, with his great experience, will go out—and I am sure they will give him an F–4 or F–15 or any bird he wants to tie on him—and go up and see what happens.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. BROCK. I think the point that is being made by the Senator from Ohio and the Senator from Arizona is to go beyond the debate that the Senator from Vermont mentioned about whether or not we need a manned bomber. That is a separate matter. If we are discussing any manned bomber, then we have to look at the specific program in relation to any other potential alternative.

The fact of the matter is whether you are talking conventional or nuclear, or strategic, the B–1 bomber has a lower profile, has a higher survivability, much reduced risk, a greater payload and a greater opportunity for pilot as well as plane survival than the B–52, all at a considerably reduced cost over what it would take to get the B–52 up to a similar capability, and even then the B–52 will not have the survivability that the B–1 has.

I think that is a fair summary of the case that we are talking about, true cost-effectiveness, true survivability, true deliverability, and true pilot safety in this particular regard.

Mr. LEAHY. Mr. President, will the Senator yield on that?

Mr. BROCK. I yield.

Mr. LEAHY. I appreciate the fact that we are talking about the particular plane and not the overall manned-bomber system.

As I stated before, I still have yet to make up my mind on the question of the B–1. I had hoped that we could have followed through on what we suggested in the Subcommittee on Research and Development on this; that is, to continue the research this year and go to the overall debate next year.

But apparently some of this is going to come into this debate. If in fact the B–1 may be configured for conventional warfare, if indeed it is going to be used as a conventional bomber, is it really that improved over the FB–111 to justify its enormous cost? And if it is to be used only as a strategic bomber, does it really justify again the enormous cost, considering the fact that our main nuclear load is going to be delivered by SLBM's and ICBM's, and various other missile systems?

I really question the advantage to us of preparing the B–1 as a conventional bomber. If that is our primary purpose, what is its advantage over the FB–111, which is far less expensive?

Mr. GARY W. HART. Mr. President, will the Senator yield for a question?

Mr. BROCK. Let me answer the point raised by the Senator from Vermont.

The Senator is beginning again to mix apples and oranges.

Mr. LEAHY. I cannot hear the Senator.

Mr. President, may we have order, or a microphone, whichever is going to work better?

The PRESIDING OFFICER. The Chair thinks there is order in the Senate, if the microphones are working.

Mr. BROCK. I think the Senator is walking into sort of a trap by mixing the apples and the oranges, the tactical weapon versus the strategic weapon.

If we are going to have a strategic weapon which is either the B–1 or the B–52, the B–52 is not an adequate weapon with today's technology. It could not survive, even with some modernization, the intensive defensive systems within the technology. If we want to talk conventional, the B–1 has both the conventional capability of the B–52 and the FB–111.

So in either sense, if one wants to compare the investment required for the strategic and tactical capability, the investment is far greater to continue existing programs with the FB–111 and the modernization of the B–52 than it would be to go to a new system. The new system is more cost-effective. You get more survivability, more deliverable capacity, and ultimately, although you hope you never use either system, if you have to, you have better results.

Mr. GARY W. HART. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. GARY W. HART. With respect to the so-called triad theory, it is my understanding that much of our attack-destructive capability used to be with the manned bomber, and thus, for cost-effective reasons, we began to shift that to land-based so-called ICBM missiles. Then, a few years later, the Navy began to get into the act and wanted the sea-launched ballistic missiles, and we had ICBM's and SLBM's and then we decided that we needed the manned bomber back, with a nuclear capability.

My question to the Senator from Arizona, particularly in the context of the remarks of the able Senator from Ohio about our tremendous mutual destructive capability, is with respect to the theory of the triad itself and how something that almost came along by accident, or evolved, has now gotten to be almost gospel in doctrine. To what degree is maintenance of the triad theory itself written into stone, and how much can that be questioned in discussions of the sort that we are having these days?

Mr. GOLDWATER. The triad concept did not come into being by accident, by any means. We have had the nuclear submarines for a good many years. In fact, we are wearing out the first family of nuclear submarines. We are now building the Trident, which will be the carry-on in the 1980's. The land-based ballistic missiles are old with us. We have always had, since World War II, the concept of strategic bombing by manned bombers.

The three together, forming a three-legged structure, or a triad, give us selectivity, give us maneuverability, and give us a selectivity of choice that the enemy need know nothing about.

The advantage I recited earlier of the manned bomber is that once the President has determined to punch that red button, missiles, whether they be land based or submarine based, are off and gone, and there is no calling them back. If it is a manned bomber that is on the alert and it is called into the target, it can be called back at any time.

This is a structure of the Triad, and it is the validity of the Triad, and I do not think the Triad can even begin to exist without the manned bomber.

While the B–52 has served its purposes, it cannot be in the inventory very much longer. We are now flying an aircraft that is about 22 years old, and this is particularly old for any airplane, particularly one subjected to the type stresses required for operations in South Vietnam.

I do not go along with the idea that the B–52 will be a viable aircraft until 1984, which some people say. I say 1980. We are probably going to see the last of them flying, and we will probably go through a period in which we will not have an adequate manned-bomber force. This is one of the reasons why I am so strong on the B–1 or any other aircraft that we would have that would be new. The B–1 happens to be it, and it has been on the drawing boards starting back in the late 1960's and came into fruition on the boards about 1970, and it is now being test flown.

Mr. GARY W. HART. I have done a search of where the so-called triad concept originated, and it seems to have been used first in the late 1960's, perhaps 1969 or 1970, by then Secretary of Defense Laird. Fairly recently, I believe Secretary Schlesinger has said that it was more or less an accidental strategic concept, and I think Gen. Maxwell Taylor fairly recently has talked about the United States unnecessary strategic redundancy.

So I think that in the context of the debate over foreign policy and the relationship of military policy, it is legitimate to ask the very fundamental question of the degree to which we are basing all our discussion and decisions here on a concept that just sort of happened along over a period of years and now has taken on all the sanctity of the Ten Commandments.

Mr. GOLDWATER. It goes back a long time before Laird. If my memory serves me correctly, there was an Italian named Douhet who wrote on airpower way back before World War II. While he did not use the word "triad," he could conceive of a very difficult to conquer combination of seapower, airpower, and landpower, with airpower playing the biggest role. He did not spell out missiles at that time, because we did not know about that.

But this concept of a multiple force is not new. It may be that Secretary Laird used the term "triad" first, although I doubt that. I think it has been in effect much longer than that, because we go back with the Poseidon 20 years; so it has been a long, long time.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. BROCK. I think it is important to point out that this Nation went through one of the great debates—the Senator mentioned one point in history—about 40 years ago, over the Billy Mitchell case, as to whether or not air power had any function in modern war power. The Nation—or at least some leaders—made a very unfortunate decision at that particular time, I believe.

It is quite possible that we can talk about redundancy, as the Senator from Colorado does, in the wrong context with the B–1. There is a redundancy in terms of its ability to deliver megatonnage on a strategic target; but it is not redundant in terms of survivability, in terms of its mission and its control, the ability to direct it to alternative targets, the ability to recall it, the ability of it to survive a different kind of attack. These are very specific differences that lend it a credence that it would not have if it were an identical counterpart of the Minuteman III missile.

The whole purpose of the Triad is to give us a balanced mix in our strategic capability. We are not talking land, sea, and air any more. We are talking strategic capacity; and within the strategic area we have the concept of Triad simply because it is the only logical extension of our ability to survive in a peaceful world, and that is the purpose of Triad. That is the purpose of Triad.

Mr. GOLDWATER. I thank the Senator for his contribution.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I might just add that there may come a time—I am not ruling this out, though it is not here yet—when it can be effectively proved that strategic warfare is no longer a valid means of warfare. But the fact remains that it is of utmost importance to us, it is of utmost importance to the Soviets, and it is of utmost importance to the Red Chinese. All of us are building supersonic bombers.

Mr. HUMPHREY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GOLDWATER. I am very happy to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a member of my staff working on this bill, Darrell Horne, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, to continue my remarks: For the critics who still want one of the alternatives—and again I point out the Joint Strategic Bomber Study judges the B–1 as the most cost effective option—I asked the Air Force to prepare some data on what it would cost today to acquire our B–52 force. In 1975 dollars it would cost an estimated $24 billion for 744 B–52's, the number we bought over the years. In 1975 dollars, the B–1 program is estimated at $15 billion, though of course with considerably fewer bombers.

For the $15 billion we could buy about 480 B–52's. Although you get more bombers, the supplement to the Joint Strategic Bomber Study found that 480 B–52's would be less effective than 244 B–1's. And, with the B–52, no matter how you do it, you still end up with an old airplane.

I make a short comment here. The cost of this airplane today is about $84 million. It started out to be about $29 million. If you compare this weapons system with any other—and I will stretch that and say with anything else the Government is doing—and do it in then year dollars, the increased cost of the B–1 has been only about 12 percent, where, when we look at the Metro subway system, the increase is over 400 percent, or at the Kennedy Center, over 200 percent. I think the B–1 has actually been kept in pretty good line, although the figures are frightening.

Yet the criticism and the haranguing of the critics persists. As I have said before, no amount of objective factual data supportive of the B–1 will convince those who wish to kill the B–1 program, for reasons known only to themselves.

Mr. President, what we need to do is vote this program up or down. We need to get on with it or get off of it. Anything in between just costs the taxpayer more than he needs to pay.

Let me take a minute to discuss some of the costs of the B–1 program. As the result of previous year congressional reductions to annual funding requests, Air Force estimates the total program cost has increased by $458 million. This is because schedules were readjusted and the inflation factor works for a longer time. Some of the previous year reductions were reasonable and required. There were several times when the program seemed to falter and a more conservative approach than the Air Force requested was warranted. So I do not, by any means, place the blame for the entire $458 million increase on the Congress.

This year our committee denied the funds requested for long lead procurement items and also all funds within the R. & D. request that in any way could be related to production. The committee felt that to authorize these particular funds would be to make a semiproduction decision prior to the actual planned production decision, to be made by the Secretary of Defense in November 1976. I do not view it that way but a majority of the committee felt otherwise. I might add we will face the same problem next year.

However, I want to point out that the impact of the committee action will be to add almost $1 billion, I repeat $1 billion, to the total program cost if the B–1 goes to production—and I have no doubt that the B–1 will go to production. The committee action will also further delay the planned inventory date.

Mr. President, in our bill last year, I think my colleagues will remember we used language to the effect that on the completion of successful test flights, the production model will be purchased. We did not live up to our word on that. We are delaying; and if we delay too long, we can add a billion dollars to the cost of this program by virtue of slowed down production, and so forth.

Whereas the previous program cost increases brought on by congressional reductions could be attributed to program difficulties, that will not be the case, if this year's committee recommendation is sustained through appropriations.

Frankly, from this point on, I believe the question is, Do we want the B–1 or not?

I think it is just as simple as that. I think we would be making a terrible mistake in this body if we try to reduce it further. If we do not want it, let us have the courage to stand up on our two feet and say, "We do not need that bomber, let us scrub it." I think that would be a big mistake, but I do not think we can fool around with anything as big as this.

It is merely a matter of making up one's mind. The first aircraft is flying and the second and third development aircraft are well on their way to completion. The fourth aircraft requested this year will be used to finalize the configuration of the production aircraft. There are no significant development or manufacturing hurdles to overcome, more than enough studies have been made on the requirement, an endless amount of data has been made available and there has been ample debate by the Congress. What else could we possibly need?

Mr. President, as I said at the beginning, I believe the Triad must be retained, that there must be no degradation in its collective capability and that each Triad system must be capable of carrying out its mission independent of the other two. Our strategic force programs are designed to insure that each of these conditions continue to be met, and I urge my colleagues to support these programs with that in mind. Anything less will, in my opinion, place our security at greater risk.

Before I relinquish the floor, I may have said something during the course of answering a question or two that might be misconstrued, involving a matter of bombing altitudes. I did not mean altitudes of 30,000 feet, 40,000 feet, or even 20,000 feet. The bombing would be done at low level altitudes. Just what that might be I do not know; I have not sat through the profiling of any of those missions.

Mr. President, I relinquish the floor and yield to the Senator from California.

Mr. CRANSTON. Mr. President, I yield such time as he may wish to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I recall a statement by the Senator from California about 2 weeks ago, in which he told me that this debate would be primarily, during the first 2 days, to examine our present, past, and possibly future foreign policy, examine the attitudes that had led us into the foreign policy, and what the future course ought to be, based on some of our past experiences.

I have found all the arguments here regarding the weapons procurement bill very illuminating. My remarks are a little more general, and deal with certain problems to which I should like to address myself.

Like most Americans, I felt an enormous sense of relief when the President announced that an American ship and its crew had been rescued from their Cambodian captors. But I was and am troubled because the whole episode may indicate that we did not learn or at least have not profited from the lessons of Vietnam. Rather our actions suggest that we still may be snared by the same, tired dictates that have governed our foreign policy for the last 30 years.

As the cheering over the *Mayaguez's* recovery is dying down, we are slowly learning just how costly that operation was. According to the latest figures, 38 Americans are dead; 3 missing; 54 wounded. The number of casualties alone should give us pause. The human and material loss would be a sad but acceptable price if we knew for sure the action by the President was taken soberly and reluctantly, as an absolutely necessary measure to protect American lives and to uphold international law.

Unfortunately, the President and other members of his administration have not made it sufficiently clear that this was the case.

Were our actions in the *Mayaguez* incident those of a calm and self-confident great power, or those of a Nation anxious to salve its wounded pride? We seem to have been looking over our shoulder at all those little countries, especially Korea, that supposedly would start pulling our tail if we reacted in any different manner. Strangely and inexplicably one of our first acts was to drop our most destructive conventional weapon, a 15,000-pound bomb, on the small island which we believed housed the men we were seeking to save.

There are questions: Why were the casualties so slow in being announced? Why was it necessary to bomb the Cambodian mainland after the *Mayaguez* and its crew had been safely recovered?

More importantly, was the President's action in accord with the letter and spirit of the War Powers Act? If so, does it mean the President, without congressional consent, can under other circumstances, not covered in the act, bomb other mainlands of say China or the Soviet Union?

When—when is this country going to learn the simple lesson that restraint is not incompatible with great strength? John Kennedy proved this in the 1960's when he allowed the Soviet Union ample time to withdraw their missiles from Cuba, because he knew we did not want nor did the Soviet Union want the confrontation that would certainly result from precipitant action on the part of the President.

Later in the 1960's we succumbed to the illusion that we could fight a futile foreign war and pour endless sums into domestic programs at the same time without tearing our society apart, and we were wrong. Now we are paying the price, in the form of our worst recession since the 1930's—and that is only the material, not the spiritual, price.

We will never recover our real strength by displaying the same attitude, that got us into the Vietnam quagmire in the first place. Military power is vital to our interests, but it is only a companion of our greater strength, which is confidence in ourselves as a concerned and sensitive nation. So military power should not be an end in itself. It should be the tool for a broader foreign policy, a policy which I hope in the future will be more visionary and realistic than it has been in the past. And the decisions which we are about to make regarding the size and number of weapons our Armed Forces shall have, should reflect this philosophy.

For many years after World War II, our foreign policy was guided by fervent anticommunism. For all of its shortcomings, anticommunism had one great virtue: When a decision had to be made, we knew where we stood. We have made common cause with tyrants, and always justified our communion on the ground that the tyranny we opposed was worse than the tyranny we supported.

This foundation of our foreign policy began to erode during the Vietnam war, as we slowly came to the realization that our blind and unquestioning allegiance to the dogma of anticommunism might not be the godhead we had held it up to be and indeed might in some cases be contrary to our best interests. President Nixon and Secretary Kissinger recognized this when they opened the way for détente with China and the Soviet Union. I believe our single minded devotion to this concept has been discarded.

At the same time we cannot succeed with a morally neutral foreign policy, and I do not believe such a policy is acceptable to most Americans. We are too accustomed to the idea that America stands for something. Our policy ought to be firmly rooted in a few basic principles. It should reflect a firm and deep commitment to democracy, not just professions of allegiance to nebulous and undefined "values." There is nothing wrong with being anti-Communist. In fact, there is every reason to be opposed to communism. The fatal flaw in our former policy has been the rigidity with which it was carried out. It left this country no flexibility.

In terms of foreign policy choices facing us, what does all this mean? It means that every foreign development—whether within another country or between two or more other countries—must be evaluated on its own terms. We should ask ourselves: First, does it suggest the beginning of an effort at widespread conquest and possibly world domination, or is the development only one aspect of a local or regional redistribution of power and territory? Second, is the uprising a conspiracy by a small diabolical group to gain tyrannical control over a traditionally democratic freedom-loving people, or, is it a fairly broad-based movement to replace one form of despotism with another which the people, for their own reasons, find more acceptable?

Stated simply, we must be prepared to deal with, and even maintain diplomatic relations with, governments and incipient popular movements which espouse ideologies and values alien to our own. One criterion for our acceptance must be the regime's potential or actual viability with its own people, not just its ideological slogans. Another criterion is to determine objectively whether that government is a threat to us, or if it is only unpleasant. We cannot continue to oppose groups in other lands simply because they seek social or political reform within their own countries, or because we would not want their social or political values here. We certainly cannot continue to support regimes and political parties which are patently repressive and narrowly based just because they oppose or are opposed by groups considered to be leftists.

The world economic structure, and the closely related global political structures, which have served us since World War II are in disarray. U.S. foreign policy must now be prepared to deal with the challenges inherent in this new situation, and exercise its leadership creatively. To do otherwise would be to invite continued worldwide economic stagnation, a declining standard of living at home, and disorders and chaos abroad.

Our relations with the People's Republic of China and the Soviet Union should be approached not with fear but with great care. We must not lose sight of the differences of value and interest which separate our countries, nor should we overlook the ability of these countries to adversely affect us. By the same token, we should not overlook the changes which have taken place in our mutual perceptions and relations. While we must guard against their less than totally benign ambitions, we must take care not to undertake military expenditures to check or balance nonexistent challenges or threats. More importantly, we must be careful lest our fervor for defending our interests creates challenges where none now exist.

The realities of today's world require that a great nation's foreign policy has the ability to turn, in the last instance and in total failure, to military power. So we have the duty to make certain our foreign policy is not undercut by stripping it of this strength. But, this duty must be balanced against a cogent responsibility not to waste our Nation's dwindling resources, the taxpayer's dollars, nor build a military establishment equipped beyond all reasonable requirements necessary to fortifying a positive, forwardlooking foreign policy.

The issues we will discuss here are staggering in their significance.

Should we continue to develop and test the accuracy and yield of our Minuteman III and SCBM missiles, to enable us to retaliate against the Soviet Union's fixed missiles in the event of an attack against ours? Or are we simply using the counterforce rationale as a disingenuous means of justifying the development of a first strike capability?

Is a manned bomber fleet which forms one arm of our strategic Triad a viable and essential weapon system, or is it a dated concept which is vulnerable to a sophisticated air defense? And more specifically, if we are to retain the manned bomber as strategically viable, are the improvements in the B-1 sufficient to warrant its exorbitant cost or can we make do with the newer classifications of the B-52?

Are nuclear submarines and submarine launched ballistic missiles to be our first line of defense in the 1980's and 1990's and if so, can we afford the Trident program which will cost upwards of $20 billion and give us 240 new launchers with ranges of 4,500 nautical miles? Or, should we save substantially by reoutfitting our Poseidon fleet with Trident missiles?

And finally, hovering over all our discussions will be the spirit of the Salt II talks and the issue of whether we have a duty and obligation to reach the proposed limits of 2,400 delivery systems and 1,320 MIRV launchers as soon as practicable, which is the administration's view, or rather should we resist the temptation to let numbers be the sole criterion for nuclear superiority.

From all reports we are substantially stronger than the Soviet Union strategically and tactically. The number of our warheads and our technological advancement put us far in the lead even by the most pessimistic standards. The danger lies in falling prey to the temptation to expand our significant lead the obvious effect of which will be a continuation of the endless arms race—and the concomitant proliferation of arms to more and more nations.

I simply hope that this body will have the wisdom and discretion to walk that narrow line and maintain that delicate balance between sustaining our lead and succumbing to excess.

Mr. President, I thank the Senator from California for yielding me this time.

Mr. HUMPHREY. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. HUMPHREY. I rise primarily for the purpose of commending the Senator from Arkansas for his splendid address. I was privileged to be here to listen to his remarks in full. They represent a very cogent and persuasive argument for new directions in our national security policy.

I think that to narrowly focus our attention in the search for new directions on what is traditionally termed foreign policy would be regrettable. In our search for new directions we must think more broadly than this. We need to think of a coordinated national security policy—one which includes our diplomatic initiatives abroad, which includes foreign trade and our policies that relate to foreign trade, which includes farsighted policies concerning the international monetary process, which includes developmental assistance of an economic nature, and of course which includes the traditional military policy that we in the past years called national security.

National security is a combination of many facets of the Nation's strength and of the Nation's purpose.

This morning in the Committee on Foreign Relations we listened to six outstanding witnesses, two of them members of former administrations, Mr. George Ball and Mr. McGeorge Bundy. The other four addressed us in a panel. They were Mr. James Grant, Dr. Joseph Nye of Harvard University, Mr. C. Fred Bergsten from Brookings, one of the foremost analysts in terms of what is happening on the economic front internationally, and Dr. Ed Fried from Brookings Institution.

I think the point needs to be made, as was made by the Senator from Arkansas about midway in his address here today, that the emphasis in American policy from here on out must be somewhat tilted toward the international economic aspects of our relationships in the world.

Of course, it must be buttressed by a strong defense. That strong defense is present now, and the efforts made by the Congress in this bill and other measures will maintain that defense. But if there is any one weakness today in America's national security, it is the fact that we have not developed a mechanism, either at the executive level or at the legislative level, to coordinate the various aspects of our policy into an overall national security policy.

Let me give you one example to illustrate this point: There is very little coordination between Defense and State and Commerce and Treasury and AID in all matters that relate to access to supply.

Look at how we have acted about our relations with the OPEC countries. One day, the Secretary of Defense says that if they do not shape up we may have to attack them; another time a different administration official suggests that we might organize the consumers to deal as a bloc with the producers. Later, officials shift and say that we have got to be cooperative with the producers and see if they will not be willing to listen to reason and sit down with the consumers.

We are all over the lot and the reason is that there is no sense of direction relating to the new realities that exist in the world of today as compared to what existed in the world of yesterday.

There was a time, and I think the Senator from Arkansas made this point, when we had a singleness of purpose; namely, to meet the Communist menace, and that singleness of purpose had merit and was also successful.

I think we ought to make note of the fact that our policy has been eminently successful. It is still to be understood that the ideological systems of the Soviet Union and the People's Republic of China, and 12 other Communist countries, are contrary, in many ways, to our system and to our purposes. Of course, we must be on guard as we deal with these systems. But on guard to be cautious, prudent, and careful.

I think the point also needs to be made that maybe our greatest danger today may not be military.

As one of the witnesses said to us this morning, it is entirely possible that problems of overpopulation in the world may present a greater threat to world security than some weapons system.

The problem of ecological imbalance which can be caused by overrapid industrialization, the unwillingness to have any kind of international mechanism than can protect the evironment, may cause us real problems of national security.

The proliferation of nuclear technology, even for the purposes of energy, which may make possible the production of plutonium, and the improper care of the nuclear waste, could possibly be more disastrous to the modern world than some of the problems we face in terms of traditional conflicts between some of the smaller nation states.

My point is that in the debate on foreign policy, we must expand that phrase to the broad concepts of national security, and get away from thinking about national security in strictly military terms.

I shall never forget what General Eisenhower told us in 1949 in the Coolidge Auditorium of the Library of Congress when I was a freshman Senator. It was my first opportunity to see the distinguished general and great American, and as he stood before those of us who gathered at the Coolidge Auditorium, he said to us that the military is but the cutting edge of the political, social and economic fabric of this Nation and that true security was to be found in the strength of the blade rather than just in the fine cutting edge.

What he was talking about was the basic structure of the American economy and its relevance to our national security.

Today, that economy is in some trouble. Hopefully and prayerfully, it is on the way out of that difficulty, but it is a long ordeal.

More significantly, our economy as it relates to the world economy, I think, is very much out of balance. We still do not understand how to deal with the international cartels that beset us. We still do not understand how to deal with the shortages of supply that this Nation faces in many of its industrial processes. We still are unable to really come to grips with what kind of international monetary system we need to guide a world through vast economic development. We still have no control over the race between food and population. This is a very serious matter.

The back page of the New York Times today in its first section carries the story that the prospects of world famine are still here and that they will grow rather than diminish.

A host of things that go far beyond weapons systems or any series of weapons systems affect our national security.

My point in rising here today to join

in this discussion is that while this particular bill affords us the opportunity to discuss tanks and B–1 bombers and AWACS, or whether or not there should be a new type of missile like a MARV, the most important thing is, what is our perception of the world in which we live today, what kind of world are we going to create?

We have got to understand that the world of the sixties, during which I served here in the Senate for a period, and the world of the fifties, when I first served in the Senate—no longer exist. The world has changed vastly, there are 150 sovereign nations today in this world. The United States of America has not become weaker because of these changes but some other parts of the world have grown stronger—not stronger than we, but stronger than they were.

We have to understand that there are powerful economic forces at work in the world that could be more destructive to us than almost anything. For example, the Arab oil embargo did more damage to many parts of the world than any war could have done. The economic damage of that embargo and the quadrupling of the price of oil almost within a period of 2 to 3 months did more damage than almost any kind of military attack. Had the Soviet Union planned it, they could not have been more effective. But I do not say nor would you that they had planned it.

Might I say that a renewal of that kind of embargo could have a devastating effect. Furthermore, the renewal or strengthening of cartels in certain metals or perishable products can have a devastating effect upon us.

So as we look to our national security, I believe it to be important that we focus on the new dimensions of world policy that in the past received very little consideration. Most every debate in this Senate over the last 10 years has been over Indochina, whether we were right or whether we were wrong in being there. Finally we came to the conclusion that we were wrong.

All during this entire period, much of the intellectual talent of this country was in a sense focused upon one little segment of the world and one area of our involvement at the expense of many other things that were transpiring.

Today, we find ourselves facing complex problems. We find the value of the U.S. dollar as a foreign currency diminishing. We find our great Nation being very concerned over problems of its trade relations with many other countries of the world. We find our industrial system wondering whether or not there will be access to supply as well as access to markets.

These debates that Senator CRANSTON, Senator KENNEDY, and others have organized are valuable because they force us to look at the other dimensions of national security. We are not going to find any immediate answers, but we have to break out of this mold of yesterday and get out here and argue out as intelligent people where we ought to be going tomorrow.

We do not have all the information we need. We do not realize yet how much the world has changed. This morning Senator CASE of New Jersey, asked the witnesses penetrating questions about what changes are taking place in this world.

We talk about the new realities. What are the new realities? One of the new realities is the world has had a fantastic growth rate in both productivity and population. That means that we can expect a fantastic growth in the consumption of raw materials.

Another change is the rise of sovereign nation states. At the time we are talking internationalism, nationalism has become a much more powerful force than either communism or internationalism.

There are other great changes that are taking place: the new awareness of the environment in which we live and the importance of it to our future; the possibilities of some major imbalance in the stratosphere or in what we call the ozone layer surrounding our earth and the impact of such an imbalance on our national security are just two.

As the Senate debates this bill with the intelligent perceptions of men like the Senator from Arkansas and others who have debated here, I believe we are going to find that we have opened up a whole new period of American policy. We do not yet know what that policy will be, because the American people are yet confused as to what our foreign policy is. There is a good reason for the confusion—the world to which that foreign policy was once directed has changed, and has changed very dramatically. The question is: has our policy changed?

When I look at my responsibilities as chairman of a Subcommittee on Foreign Assistance, what do I see? I see that we have the same old foreign assistance program year after year after year, as if nothing had ever changed. We know we cannot go on with that. We know that it is not good enough for America just to be generous in its food assistance. We know that no matter how humanitarian we are, we cannot feed all the hungry people of the world. The question is: What is going to be done about it? How are we, not we as Americans alone but how is the world, going to meet the problems of food? Are we going to be able to tie in foreign assistance with population and with the growth in population, or the control of population? These are questions we are going to have to ask ourselves, and there are many more.

I thank the Senator for yielding some of his time to me. I appreciate it very much. I had no prepared remarks, but I was impressed with what the Senator had to say. I hope more Senators will get up and be willing to express themselves without worrying about whether or not their address is the most cogent address they have ever delivered in their life. This country needs some thinking out loud. We need to be brave enough to discuss our inadequacies and our strengths out loud.

We are a very powerful Nation. We are a very fortunate people. I think it ought to be said in this debate as it has been said in the past, that if there is going to be a better world in which more people can enjoy the benefits of technology, science, and the good life, we are going to help make it that way.

America is still a leader. The fact that we do not have a monopoly on nuclear weapons does not deny us the role of leadership. The fact that we are not able to call every signal does not mean that we are still not a leader. It means, however, that we have to be much more intelligent in our leadership. Now we cannot give command; we must be able to merit respect.

I believe that just as government by the consent of the governed requires a feeling of respect for those who are doing the governing and a feeling on the part of those who govern of respect for those who are governed, world leadership in a world of sovereign nations requires that we be able to command that same kind of respect in the international scene.

Anybody can give an order, but it takes a brave and an intelligent people to convince others that the course which it designed is the proper course to follow.

I believe that the time of cooperation—cooperation not on the basis of weakness but cooperation on the basis of many inherent strengths—has come.

It is only the strong that can afford to be considerate, and it is only the strong that can afford to be compassionate. It is only the strong nation that can afford to listen to the other man's point of view.

It is the weak and the bully that give the orders that tell people where to go and what to do.

I hope that we will make it our business to once again merit the confidence and the respect of nations and peoples, not only by setting a good example with our conduct, but with equal significance by setting a good example in our deliberations, in how we discuss these issues, and the spirit in which we seek to find answers.

I thank the Senator.

Mr. BUMPERS. I thank the Senator from Minnesota for his kind remarks. I would simply say that the last part of his remarks about the conduct of great nations is the point I was trying to make in my remarks about restraint. I think on the manifestation of strength and courage, as I pointed out with regard to President Kennedy, he showed remarkable restraint with regard to the Cuban situation, that if we gave the Soviet Union the opportunity that it was apparent that they did not want confrontation, that we did not either. It is that kind of restraint that I think we should understand is the mark of a great nation.

We have talked for 2 days about foreign policy as it relates to our military establishment, because we are about to take up the debate of the weapons procurement bill tomorrow. By the same token, I do not believe anybody in this Chamber would want to say where he thinks is the greatest danger to this country, whether it is from a military attack or from economic collapse from within. We have not faced up to the problems which the Senator has discussed here.

Sometimes I think it would be well for this Senate to engage in this same type of debate, designed and scheduled by the distinguished Senator from Minnesota, who has made these points so very clear.

All of us remember when Mr. Khrushchev said, "We will bury you." While all of the cynics in the country wrote terrible articles about how we have to increase our military establishment to make sure that Mr. Khrushchev's predictions did not come true, he was trying to explain that he did not mean a military burial but an economic burial. I expect if he were alive today and saw the Arab oil embargo and subsequent events, he would be taking some consolation from his prediction.

Mr. HUMPHREY. Will the Senator yield one more time?

Mr. BUMPERS. I yield.

Mr. HUMPHREY. Mr. President, if the Senator will yield just once more one of the advantages of public life is the opportunity to observe and witness what happens in other lands as well in your own. I think that we are beginning to find out that, as President Kennedy once said, there is not an American solution to every problem. I think it is equally important for us to remember that, as we try to seek some answers to the problems we face, we have to have a very broad knowledge of the world in which we live.

I had long been convinced that the biggest mistakes that we have made in international policy or foreign policy are mistakes essentially of judgment and surely not of purpose. We have, for example, knowledge of Western Europe which is almost part of our national culture. Most every young American, who attends school, gets some history of Europe as well as the United States. But we had and have very little information, even to this day, even in this august body, of the Soviet Union. We have very little information about the Peoples Republic of China. Yet the Peoples Republic of China and the Soviet Union together represent over one-third of the world's population. They represent a vast landmass on the Earth's surface, and they represent a tremendous storehouse of natural resources. They also represent thousands of years of the history of mankind.

Here we are talking about national security, and most of us have very little information about either of these great two landmasses and great populations.

I did not say anything about India, which has 600 million people.

I venture to say, without trying to be explicit, in either person or committee, that very little information is known by Members of Congress as well as the public about that great area of the world called the subcontinent in Asia and even less is known about that vast area known as China.

I think that most of us, who are people in public life, know that the most important information about a political opponent or about a particular area is not what you read in the daily paper but what you know of the religion, the family life, the values, the culture, the music, the literature, the basic background of the opponent or of the people who reside in that area. We learn to make political judgments on the basis of information in depth—not on the kind of current events that one day can make one look good or one day make one look bad. The same should be true in our national security policy—we must make judgments on the basis of in-depth information.

We have attitudes about the people in Germany, their industriousness, also at times their militarism.

We had had attitudes about people in France, about the British and the Scandinavians. This is because we have known about their cultures and their backgrounds for years.

How little we know about Russia in comparison! We know something about Communist Russia, but how little we know about Russia, the Russia of 1,000, 500, 300 or 100 years ago. And yet, Communist Russia's policies and actions have a substantial impact on our national security!

When old Joe Stalin was trying to defeat the Nazis at Stalingrad, I think it should never be forgotten that the radios in Russia and the Soviet Union and the speeches did not call upon the Russian people to rise up in defense of Lenin and Marx. When the chips were down Stalin himself got on the radio and said, "Die for mother Russia." In other words, mother Russia meant something to the people, and Stalin called on great national strengths within those people.

I think about how little we have known about Vietnam—it was like a finger sticking out in Southeast Asia. We knew nothing of the Vietnamese culture, nothing of the poetry, nothing of the music, nothing of the art, nothing of the ethnic origin, literally nothing.

Yet, we committed ourselves as a country and a government to a vast endeavor.

When we talk national security, I think we should remember what Clemenceau said. He said that war is too important to be left to generals. What did he mean by that? He meant that generals understand the arts and the tactics of warfare but they know all too little about the motivations of people, what it is that makes people what they are, what it is that makes people want to fight or stop fighting.

I believe that when we talk here about weapons systems, about military budgets, and about foreign policy, we had better remember that America is a world power but with a half-world knowledge. We are going to have to become a much more informed people because, as has been said so many times, a person's judgment is no better than his information. The information that we have frequently is very faulty.

Even now, when we try to find out information about other parts of the world that relate to NATO defense budgets, it is very difficult for us to get accurate information. But we must try to get better information, to be a much more informed people.

Our process here is one of relearning. I was here when we debated the Marshall plan and the NATO alliance. We had lots of information about the world about which we were talking then, the world of 55 nation states. Members of the Congress could tick them off one by one, at least the ones that counted. But just 5 days ago, 17 nations in Africa put together a common market, headed up by Nigeria and Kenya, and I venture to say very little attention has been paid in this Government to the significance of that common market. But that common market can control vast supplies of natural resources that this industrial system of ours depends on.

We have spent very little time on that part of the world. We have almost ignored them. That is one of the reasons today why they ignore us.

We have spent very little time until recently on any other part of the world except Southeast Asia. Now the relearning process, the catchup is necessary. This bill affords us that chance.

(Mr. GLENN addressed the Chair.)

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield such time as the Senator from Ohio may need.

Mr. GLENN. I thank the Senator from California.

I should like first to associate myself with the remarks of both the Senator from Arkansas (Mr. BUMPERS) and the Senator from Minnesota (Mr. HUMPHREY).

I accept the challenge to speak informally on some of these items because I do feel that in the last day, despite what was billed as a foreign policy discussion here, we have somewhat stressed other areas directed more specifically at the defense budget.

I think we have looked mainly at the short-range aspects of our defense budget. The discussions in this Chamber have centered mainly around what happens to our American forces if we find an attack imminent in Korea, or what happens in the event of a conflagration in the Mideast, or what happens if the Panama Canal comes under seige in some form. These are the short-range considerations of the defense policy, and I think we must expand beyond them.

I certainly congratulate the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mr. CRANSTON), who have put together these days of discussion on foreign policy as it relates to our national defense and the consideration of the procurement bill.

I think this debate is a very wise thing to do as we recede from the devastation, the tragedy of Vietnam and of Cambodia. We are seeing even now the very first efforts of our President, indeed of the executive branch of Government, to examine what our foreign policy will be in the future. At this very hour right now, the President is flying back from Europe and our foreign policy reorientation is in order.

During the foreign policy reassessment, of reorientation, whatever we want to call it, the question of what defense budget we settle on, in this unsettled time period, is presented to us even before we know what our foreign policy is going to be in the future.

I think that, at best, this defense budget therefore will be an interim defense budget, while we sort out around the world what our defense posture is going to be, what our foreign policy is going to be.

A long-range foreign policy must precede any meaningful long-range defense considerations, in my opinion. However, we have had little discussion of our long-range foreign policy here during the last 2 days. I was very glad when the Senator from Arkansas opened this matter for discussion. Thus, informally, today, I would like to mention a few things that I think need to be considered in any long-range consideration of our foreign policy.

First, I believe we need to consider the very basic principles that should guide this Nation in its foreign policy. I do not suggest this merely in the abstract of a schoolboy-type consideration of American principles. If there is one fundamental place we went wrong in Southeast Asia it was that we violated one of our long-term principles that this Nation has held since its founding days almost 200 years ago—namely, that we are not a colonial power. We have never striven for colonial empires around the world. Yet, at the end of World War II, when faced with a decision as to whether we were going to support other nations in their attempts to regain their prewar colonial empires, we backed the French in returning to Vietnam.

In doing that I think we violated one of the basic principles of our Government that later would have prevented what happened in Vietnam in recent years.

So I maintain that our first consideration in foreign policy must be to remember those principles that are going to guide us in everything else we do. The real politik is something that we have to consider, but it must be considered also in the realm of real principle if it is to be meaningful.

A second item to be considered has already been touched on in some detail by the Senator from Minnesota. No matter what foreign policy we eventually settle on it is going to be guided, both for ourselves and for many nations around the world, whether we like it or not, by two items—food and fuel.

These two problems are going to dictate much of our foreign policy over the next couple of decades. What we do with regard to those two items is going to determine much of our foreign policy. Those two areas need to be considered, and we could talk about both for days. However, the Senator from Minnesota has talked about those points, and the Committee on Interior and Insular Affairs, of which I am a member, is constantly talking about our energy needs, energy research and development around the world, what happens to the OPEC cartel, and so forth. Further, our relationships around the world, and any meaningful foreign policy, are going to succeed or fail on those two things in the next couple of decades.

A third consideration is that while we have maintained, basically, a post-World War II posture around the world with our dissemination of troops and our influence as it flows around the world, the world has changed. In the immediate post-World War II days we had but two power centers—the United States and Russia. After World War II, we very properly provided both a military presence and a stabilizing presence around the world. Those policies let the rest of the world recover. The Marshall Plan and other foreign aid was probably the greatest missionary effort the world has ever seen. We have been so eminently successful with those efforts that we find other powers brought to the fore by our efforts—Western Europe and Japan, to mention two. Another emerging power center in the world, geopolitically, is China, with one-quarter of the human race. Along with those five power centers which have changed the complexity of things since the post-World War II days, we have seen in the last year and a half a flow of economic wealth into the OPEC nations of the Mideast which we would not have dreamed possible a few years back. Thus, we find ourselves geopolitically with six power centers around the world to consider now in the conduct of any meaningful foreign policy. What do these geopolitical developments mean, then, with regard to food and fuel, the second item I mentioned?

We now have six power centers involved around the world—each with food and fuel interests and all the interrelatedness of those complex dealings back and forth between one nation and another. Moreover, I must mention the relationships imposed on top of all that with the Northern Hemisphere "have" nations as contrasted to the Southern Hemisphere "have not" nations. So, as the Senator ably pointed out, if ever there was a time for a reconsideration of our foreign policy, it seems to me that now is that time.

A fourth consideration in any foreign policy was touched upon this morning by Senator PASTORE, when he talked about the nuclear relationships between Brazil and West Germany, the spreading around the world of nuclear plants, of nuclear reprocessing plants. Indeed, I must emphasize the flow of plutonium, which if not under adequate control gives pause when we think of terrorists or when we think of what this does to the atomic weaponry capability around the world. We have not yet begun to deal with these problems on a meaningful basis.

We have only the International Atomic Energy Agency, which remains a voluntary organization; the non-proliferation treaty, which some of the major suppliers have not signed—and France is a good example of that. Nuclear information is now general around the world. You cannot keep scientific advances a secret very long. We no longer have a monopoly on atomic power and weaponry and nuclear power that we once had. We must begin to address these issues.

A fifth item to be considered is nuclear parity. That was discussed at great length yesterday and again this morning. Do we have nuclear parity with the Russians? To my way of thinking, one of the predominant items in foreign policy is that we both have such overkill capability that we, literally, each could throw away half our capability and we would still have an overkill capabiity far beyond any need we possibly could conceive at the present time. Just to put numbers to the idea of nuclear parity, even by the conservative estimates which have been in the public print, we have 1,054 ICBM's. The Russians are supposed to have 1,610, at very conservative estimates. Taking our multiple warhead capabilities of even a minimum of 5 per booster, this comes out to almost 5,500 deliverable nuclear warheads on Russia—just with a conservative estimate of the number of ICBM's we already possess. If we take the 219 targets considered to be prime targets in the U.S.S.R. and divide, it develops that we have 24 deliverable nuclear warheads on each Russian target worth the effort. That is such a fantastic overkill capacity that it must be a major item in any consideration of foreign policy.

A sixth item for consideration is that our conventional forces, which have been discussed at some length yesterday and today, will probably be the only real capability we will rely on in any future war, because any nuclear exchange, with this fantastic overkill capability, will almost be out of question.

A seventh consideration of a foreign policy is what type nations we will support. This was touched upon yesterday by the very distinguished Senator from California, who coordinated this particular foreign policy discussion. Should we be supporting a Korea with a near dictatorship? Should we be supporting other nations that do not have democratic principles, that do not adhere to the democratic principles to which we in this country adhere? Conversely, when we look at our relationships with Russia, we would not say that we favor their style or type of government or their policies of suppression, as outlined by Mr. Solzhenitsyn in the "Gulag Archipelago" or of the other tragedies we all see unfolding in that country. Yet, we have a friendly relationship and are trying to become more friendly—not less friendly? Coherent policies must be established as to the type of governments we will support, if we are to have other than pure rhetoric and a foreign policy to which we will refer only in odd moments.

For example, we talk about Korea and about withdrawing from Korea. Yet, we know that Korea is a focal point for a four-nation interest. We know China and Russia are interested in that area, together with Japan and the United States. One of the reasons why we have stayed in Korea is that this deployment has let Japan feel our presence in that part of the world, whereas they might be more inclined to rearm themselves if we pulled out of Korea. Such considerations as these go beyond any consideration of mere numbers of troops or whether we should be the trigger mechanism for any attack on Seoul.

An eighth consideration is our arms sales around the world. What should they be? I do not like it when I see "Made in U.S.A." stamped on weapons used by both sides in some of the conflicts around the world. These sales must be geared to our foreign policy, if either our foreign policy or arms sales themselves are to be meaningful.

The Senator from Minnesota, once again, as another consideration, touched on another item I had planned to mention in the area of trade, foreign aid, and economies around the world. These are matters we must consider in any real foreign policy.

The 10th item to be considered is how far we are going to let executive agreements by the executive branch dictate our foreign policy—quite apart from any considerations of the Congress, which is expected to come along later and pick up the bill—after these executive agreements have been completed. Lest we think this is minor, we must remember that we have just completed withdrawal from Vietnam, from a war that was conducted for 8 years virtually by executive agreement—not by treaty commitment through SEATO. It was not a military commitment that got us into that; it was a discussion agreement in SEATO, but we still virtually conducted an 8-year war by executive agreement.

I have submitted an executive agreement bill, S. 1251, because I think the ball is in the Senate's court with respect to our role of advice and consent. The Case Act of the last Congress required that executive agreements be submitted to the Senate to be reviewed. So we have them being submitted here, and the ball is in our court. We are doing nothing with them.

The executive agreement bill that I have submitted on which we have had 2 days of hearings in the Judiciary Subcommittee on Separation of Powers, would provide that we would have to do something. In short, we reply to the executive branch. We exercise our advice and consent role, as is provided in the Constitution with regard to treaties. Because we now find executive agreements being used as treaties, I urge that when we have executive agreements submitted to us, we should either reply affirmatively or negatively, or, if they are of such a minor nature that we can let them lie on the table for 60 days, they would in fact become a commitment that the executive branch could rely upon.

I think that is a key word, letting other nations know what our intent is, so they do not have the uncertainties that are rampant right now as to what are our intentions around the world. Other nations would then know they could rely on us.

With these comments to add to those of the Senator from Arkansas and the Senator from Minnesota, I have outlined what items should be considered in any long-range foreign policy. Such a foreign policy must be the basis for whatever defense establishment we are going to maintain in this Nation. This specific budget can at best be a holding action while such dialog starts. And while it is our "needs," underlined many times, that we must be considering—not the frills of a military establishment that have gotten us into overexpenditures, with too many backup systems of one type or another—we will not know what those needs are unless we have a long-range foreign policy that tells us what our worldwide relationships are going to be. Until that time, any defense budget will be just a holding action.

This process cannot however be a one-sided dialog. There is no such thing as a dialog with only one group talking. I think the President, in his leadership role in this foreign policy area, will be working with Congress because he must work with Congress if he is to expect us to back him up and provide the substance. The President cannot play this foreign policy game alone, because the foreign policy substance comes from here; it comes from these Chambers, from the people, and in the action taken at both ends of this Capitol.

As we come out of Vietnam and Cambodia, our time for a change in foreign policy is now. There will be a dialog back and forth with the executive branch. I hope most sincerely, as sincerely as I have ever hoped in my life, that the President is sincere in wanting to share these responsibilities and relationships with Congress. I think it is now up to us to take him up on that and start a dialog back and forth that can define a foreign policy, so that we will not be back here a year from today talking about a defense budget about which we know as little as we know about the defense budget today.

We are at a time, I think, of very great change in our foreign policy. We are at a watershed, a critical period, when we are going to see a foreign policy emerge. We shall be in a position of world leadership, because we cannot abrogate that position. It is just a question of whether it will be good leadership or poor leadership, and that is what we must hammer out here. As we recover from Vietnam and Cambodia, we must not retreat into isolationism, but instead should hammer out a foreign policy on which, one of these days, we can base a good, solid defense policy and base it on a much more knowledgeable foundation that we have this year.

I thank the Senator from California for his courtesy and consideration.

Mr. CLARK. Mr. President, will the Senator from Ohio yield for a comment and some discussion of the points he has raised?

Mr. GLENN. Surely.

Mr. CLARK. Unfortunately I left the Chamber and did not hear all of the discussion, but I really wonder if the United States, coming out of Southeast Asia, is going to take the opportunity to go in any new directions in foreign policy. It seems to me, for reasons that are somewhat unclear, that the administration, and I think it is fair to say, the majority in Congress, have somehow become so embarrassed or falsely humiliated by the experience of Southeast Asia, that they may in fact react the other way: the President reassuring everyone over and over again that we are really a world power, the *Mayaguez*, the President's trip with his emphasis on our will to use force around the world, the Secretary of State's discussion in St. Louis of an "abrasive" foreign policy. I wonder if all these things do not, in fact, tell us that we are going to continue the cold war rather than move in any new directions that we may go to bigger and bigger defense budgets and to a period of return, really, to the cold war.

Does that seem to be a possibility to the Senator from Ohio? Is that not what the House of Representatives vote on the defense budget meant in part 2 weeks ago?

Mr. GLENN. There are so many items that the distinguished Senator from Iowa has touched upon that we could spend an hour's colloquy on each item. I hope we are not trying to flex our muscles around the world. Rather, I want our Defense Department to be exactly that, a Defense Department, and I think it is up to us to keep it that way.

I think so far as the Mayaguez situation is concerned, there are probably still some questions to be answered as to the reason for timing of both the bombings, and the release of the crew. I have not seen a full explanation of that, and I would really like to see such an explanation.

I hope the talk about an abrasive foreign policy will not go on into more saber rattling in Europe. I think our allies around the world probably do need some assurance that they can rely on us at this point. However, I would hate for this dialog to get into such flaming rhetoric that it would inflame other nations around the world, and perhaps encourage some of our potential adversaries, to take a very hard line position toward us. I would not want to see détente end, although I must say, in all candor, that détente means considerably less to me than it seems to many people in the news media and to many Senators here. I have yet to hear anyone name any one thing that the Russians have given up in the name of détente, except talking a little softer than they used to talk. Meanwhile we have given favored deals and trade arrangements and things like this, and we are talking about cutting back substantially on our military forces while the Russians do not seem to be doing the same thing. Moreover they have remained rather intransigent with regard to some of the SALT talks and Mutual Balanced Force Reduction talks. So to me détente still is a word. I want to see something backed up with cold, hard action. I also do not want to see us limit our power beyond what the Russians are doing in the name of détente.

I come back, therefore, to what our real defense needs are. What are those needs? I do not think we can make that assessment on the rationale and analysis that the Pentagon presents to the Congress. I think we should be going back and weighing weapons system against the countersystem that our potential adversaries have against us.

I do not like it, nor is it rational public policy, when we just come in and hear that an adversary has so many thousand tanks so, therefore, we must have so many thousand tanks; they have so many bombers so, therefore, we should have so many bombers. Bombers do not go out fighting bombers. There are all sorts of countersystems against each one of these, and we have a complicated, but inadequate, accounting system in Congress.

I would like to see the Pentagon present a budget to Congress based on countersystems such as countersystems, tanks against anti-tank weapons and infantry manpower, ideally, we should match weapons systems, and then it starts fitting all these into the jigsaw puzzle which then can determine what are our real defense needs.

So I come back again to the need for a very broad gaged foreign policy. We must hammer out such a policy over the next year or two if we are going to have a real defense-needs type of budget.

Mr. CLARK. Mr. President, I wanted to raise this one question.

For years many people talked about how our foreign policy was going to change after we came out of Southeast Asia. In the last several weeks, the point has been made over and over again that we ought to have learned something from that experience, and that this country would then begin perhaps to reevaluate and reassess our position and see, indeed, whether we wanted to continue this 25-year-long policy of cold war.

But, it seems to me, the experience since the fall of Saigon has pointed in exactly the opposite direction. If anything, we have gone more in the direction of trying to solve problems by force and threat of force, and there seems to be more support now, in fact, for higher defense budgets than there was a year ago or 2 years or 3 years ago, as evidenced by the vote in the House.

We cannot predict what is going to happen on the Senate floor. But this is a time of reassessment, and we ought to ask whether we want to go back into that cold war again or whether indeed we might take this opportunity to take a new direction.

Mr. GLENN. Well, I think the Senator from Iowa makes a very good point that the time is now for a real reassessment. The only point I would make, summarizing what I said during my talk, is that I think any real defense posture must be based on a long-range foreign policy that is a well-thought-out foreign policy, not just something we put together on the spur of the moment. I think that such a foreign policy should consider first, the No. 1 thing I mentioned, the principles that our Nation has been founded on.

The second item was food and fuel—needs that I think are going to dictate much of foreign policy for the next generation. The fact is simply that there is no longer a World War II or post-World War II alinement of nations now; rather there are six different power centers around the world that have to be considered in any foreign policy decision we make. Nor do I think our foreign policy has really reflected another important consideration; namely, the nuclear spread around the world. We no longer have a monopoly on nuclear power nor do other nations. The nuclear parity we talked about also must be considered; conventional forces for any future war must be considered; what type nation we wish to support vis-a-vis the Korean discussion of yesterday here on the floor is yet another factor. Arms sales around the world are another consideration. Trade, foreign aid, and economics that the Senator from Minnesota touched on are critical; the executive agreements that we have seen take us into and keep us in an 8-year war in Southeast Asia—these are just some of the important factors that must be evaluated in future foreign policy. These are not intended to be a complete list, but they are a list of things that must be considered in any future foreign policy. I hope we have hammered out these priorities a year from today when we are back here talking about a defense budget again.

Unless we have reassessed our whole position in that regard and with that kind of depth the Senator alludes to, over the next few months, then we have not done our duty, and the President has not done his duty. We are at a change point in foreign policy, and it is up to all of us to work together, the executive and legislative branches of Government, to hammer a foreign policy we can really support in the future. I do not think we have done that in the immediate past. I do think we have to do it in the next year or two.

I am finished now. I thank the Chair. I return the floor to the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I allot to Senator BAKER such time as the Senator may need.

Mr. BROCK. Before the Senator makes his statement, will he yield me just a couple of minutes?

Mr. BAKER. Mr. President, I would be happy to yield 2 minutes to my colleague from Tennessee.

Mr. BROCK. Mr. President, I am sort of fascinated by this debate or nondebate, as the case may be. Occasionally it has been both. But I keep hearing people raising concerns, and we have all got concern, that, say, we need a new direction. But the question is: What? What new direction?

I think I have learned something from Vietnam. I surely hope so. I think we all may have, but I am afraid we may all have learned this lesson, maybe it just reaffirms our own biases and prejudices. The questions is: What is the lesson?

The question is on foreign policy. I do not think we have a foreign policy in this country. I do not think the Senate has a proposal. I do not think it has the capacity to arrive at one with 13 different people, or committees, dealing with foreign policy.

I am getting a little bit confused by people who say that we need a new direction. Nobody seems to want to be specific about what a new direction is.

I do not know that any of us have an ultimate answer, but if we are going to have a debate, we ought to have specifics to debate so we can say that this is good, this is bad, and this is why.

I have felt enormous frustration during the course of this day and yesterday listening to this debate with the nonspecificity of some of the comments that have been made. It seems to me that this is maybe just an excuse for a foreign policy debate that does not turn out to be a debate anyway.

If we are going to have debate, we ought to debate the structure of Congress itself and its incapacity or lack of will to come to grips with the fundamental purpose of the mission of this country of ours, where we are going and why.

I have not seen a lot of that. It seems to me, maybe that is where we ought to be pointing our best efforts. First, structural, and then second, in terms of our individual legislative contribution and discussions.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, on the matters commented on by my distinguished colleague from Tennessee, I would like to add my own thoughts and comments before I have a more exact discussion of the issue at hand, and that is our foreign policy as it relates to our defense posture.

I have been in the Senate now a little over 8 years, it will be 9 years in January. That does not qualify me for great longevity, certainly not for gaining insight, but it seems to me in that relatively brief span of time that I have seen the Senate change gradually and inexorably, that it is losing some of its character as a great deliberative body and a forum for meaningful debate.

It seems to me in the course of that time that I have seen us slipping away quietly to our offices to do the necessary work, to attend to what we refer to as constituency matters, our mail, our visitors, our telephone calls.

Goodness knows, those are all essential and a traditional part of the ombudsman role we occupy as a Member of the Senate, but it does not do much to embellish the image of the Senate as the world's greatest deliberative body.

At the risk of sounding vain, that is a shame, because I think there is great talent in this body. There are great men and great women who have been here and who are here now who have something to contribute to the give and take and the cross-pollination of honest thought and genuine disagreement, honest disagreement.

I would wish for a return to something of the forum character of the Senate of the United States. I would like to see us restructure and reorganize ourselves so that when we do have matters of significant importance to the Republic we are here to understand the point of view of our colleagues and to contribute our own experience and insight to a general debate. So when the CONGRESSIONAL RECORD is read on tomorrow and next year and a century from now, our citizens and the scholars of the present and the future will not see instead the burnished work product of capable staff, but instead will see something of a contribution of our talent as Senators, as Representatives of the States of the Union, a unique body that was constituted for a particular purpose and given special authority to advise and consent with the President in matters of foreign policy, the ratification of treaties, the selection and confirmation of major officers of this Federal democracy.

Mr. President, I do not think this is the world's greatest deliberative body any more and it pains me to say that. But I think we ought to do something to try to reinstate that situation.

Maybe we ought to say, "Look, we will meet 2 hours a day, from 2 o'clock to 4 o'clock, and during that time there are going to be no committee meetings. We urge, in fact we insist on our colleagues being present. We will experiment with changes in the rules of procedure. Maybe we will be a little less grandiloquent, a little less deferential and respectful toward each other. Maybe there will be fewer esteemed colleagues and maybe there will be more of the raw give and take that was once the frontier spirit of this body.

Maybe we ought to think of other ways and techniques to bring out the best in the Senate so that there is a greater spontaneity and a greater understanding of current flow than has been in the tide of events in this Nation as they ought to be reflected in the Senate.

I think we should put our own house in order, Mr. President. I do not stand here as an expert on the organization of the Congress, let alone the future traditions of the Senate, but rather, as one appealing to my colleagues to find a way to convert our substantial jury deliberations into meaningful debate.

With that off my chest, Mr. President, I would like to talk about the matters at hand. This is an important time in the history of the Republic. As our colleagues have just commented, we are engaged in transition from a policy that led us into Southeast Asia, to the unhappy situation where we have watched now the death struggles of our former allies, American-supported governments in Indochina, as we now view Presidential efforts to reinvigorate the NATO alliance and truly assess American foreign policy in the Middle East.

I think at this particular time it is appropriate that we do engage in a wide-range debate or discussion of our defense and foreign policy, and I believe the two are inexorably interwoven.

In this vein, Mr. President, I wish to extend my genuine thanks and appreciation to our colleague, the chairman of the Armed Services Committee (Mr. STENNIS), and the distinguished Senator from California (Mr. CRANSTON), and others, in the leadership and outside of the leadership, for their foresight and concern in organizing and contributing to this discussion, now in its second day.

Mr. CRANSTON. Will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator.

Mr. CRANSTON. I would just like to say that I agree with a great deal that the Senator has said, also with what the Senator from Tennessee just said about the input of the Congress as it presently conducts its affairs to prepare to play a meaningful role in foreign policy decisionmaking and in the defense decisionmaking that is to be related to whatever our foreign policy is.

This debate has been one venture into the effort to bring about a more thoughtful and organized approach to all this. I do not think we can expect any miracles to come out of this effort, but I think that it heightens our own concerns and recognitions of our inadequacies structurally and time-wise, and otherwise, and may lead ultimately, or perhaps sooner, to a more careful and thoughtful and effective approach where we share the responsibilities that we really constitutionally must share with the executive branch on foreign policy and defense decisionmaking.

I just want to thank both Senators for their contributions in terms of laying the groundwork for that sort of activity in the days and months ahead.

Mr. BROCK. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BROCK. I would like to thank both the Senator from Tennessee, my senior colleague, and the Senator from California for his leadership in this debate. I was in no way denigrating his efforts. I think this is a magnificent first step.

But I think it does point out the inadequacies of the framework. We have to use a bill which deals with defense procurement to debate foreign policy, as if they were two separate things. They are not. I do not know how one separates foreign policy from defense. I do not know how one separates food policy from defense or national security.

The fact is that we have all of these myriad interests of committees and we never have a fulcrum through which we force these complex issues into some general content or context that relates to our total national security. I wish that I had the eloquence of my senior colleague from the State of Tennessee. He states the case far better than I. But I do appreciate his statement and the statement of the Senator from California. All I was trying to do was to vent my enormous frustration with the fact that we find ourselves in a situation where we cannot even come to grips with it in this setting because we are always talking about something new, something grand, something fundamental, but very rarely anything particularly significant or specific. Why? Because it is out of context. That is the structure of the Senate itself.

I share the Senator's concern with this body. Maybe I came with too idealistic a view, but it seems to me that it is terribly important that somewhere in this lord world of ours men can get together without staff and talk to each other about their fundamental philosophies and viewpoints and crossfertilize our ideas and our ideals so that we all gain in the process.

Mr. PROXMIRE. Will the Senator yield very briefly on this point?

Mr. BAKER. I am happy to yield.

Mr. PROXMIRE. I have been in the Senate for 18 years and this is the first time we have had this type of debate. I think it is something that has been badly missing. The Senator points out that we are on the defense procurement bill. In my view, there is no justification for spending a nickel, let alone the $22 billion or $24 billion in this bill, whatever it is, except as it relates to our foreign policy objectives. It should be rationalized and explained on that basis, and it has not been done before.

I think what the Senator from California and others have done in organizing this debate is a remarkably useful contribution. The junior Senator from Tennessee puts his finger on something that bothers all of us, this frustration. I cannot think of any way to bring these 13 diverse committees which have responsibilities in the foreign relations area together except here in the Chamber; this is where it should be.

As the Senator from Missouri recognizes, we used to have the chairman of the Armed Services Committee, the predecessor of Senator STENNIS, come in and make a fine speech on the armed services bill, and sometimes the bill would later pass by voice vote, with no consideration of the foreign policy elements, and in fact, very little of the details of the bill.

So this is a remarkable advance. In all the years, the 17 years, I have been here, and the far more than that that many other Senators have been here, to the best of my knowledge there has never been anything approaching this. So this is a welcome step in the right direction.

While we were frustrated by the time limitations and the fact we do go off in a number of directions, I think we should recognize we are making progress. I would expect we will make further progress as we debate the specific amendments, having established this kind of background, and relate our arguments on those amendments, the counterforce amendment, the ceiling amendment, and so forth, to the foreign policy discussion that we have had.

Mr. SYMINGTON. Will the Senator yield briefly to me?

Mr. BAKER. I am happy to yield.

Mr. SYMINGTON. The distinguished Senator from Wisconsin has really made the short talk that I was going to make. It has been my good fortune or misfortune, whichever way one wants to look at it, to be the only Senator for the last 16 years on both the Foreign Relations and the Armed Services Committees. I know my good friend from Mississippi, whom I could not respect more, my chairman of the Armed Services Committee, would agree when I say that for years I have tried to get these two committees closer and closer together on many issues. I am very grateful for what has been said by the junior Senator from Tennessee. I have worked with the senior Senator in these matters. We get together in another field which is very close to both Foreign Relations and Armed Services in the Joint Atomic Energy Committee.

I, too, would like to join in congratulating the Senator from California and the Senator from Massachusetts for engineering and developing this discussion. This is the first serious discussion of what it is the Pentagon wants and why that I have ever heard for the 23 years I have been in the Senate. The desires have been presented, and some reductions have been made. But this is the first debate, and I think it is an excellent decision. I congratulate those responsible for it.

I am going to talk on a more specific subject tomorrow, Mr. President. I ask unanimous consent that at this point there be printed in the Record an article on the front page of the Wall Street Journal entitled "Armchair War, U.S. Military Strategy As Well As Weaponry Begins To Draw Fire. Rarely Challenged in Past, Basic Pentagon Planning Is Studied by Lawmakers."

I think that fits in with what has been said by the two able gentlemen from the great State of Tennessee.

These being no objection, the article was ordered to be printed in the Record, as follows:

Armchair War: U.S. Military Strategy as Well as Weaponry Begins To Draw Fire—Rarely Challenged in Past, Basic Pentagon Planning Is Studied by Lawmakers

(By Richard J. Levine)

Washington.—World-wide military equilibrium. Flexible strategic response. One and a half wars. Long-war hedges.

This is the Dr. Strangelove jargon of U.S. military strategy, long the private preserve of a small group of officials at the Pentagon, State Department and National Security Council. Though it's complicated, its military and economic importance is incalculable.

For military strategy outlines how and where the U.S. might get entangled in a new war. It provides basic rationales for huge military budgets that provide Army divisions, Navy ships and Air Force missiles. To approve the Pentagon's current $104.7 billion budget request, Defense Secretary James Schlesinger tells Congress, is to accept "the strategic concepts on which it is based."

Yet American military strategy has been little understood and rarely challenged in the past on Capitol Hill—or anywhere else. Pentagon critics in and out of government have focused their attacks on large weapons systems such as the B1 bomber or the nuclear aircraft carrier rather than on the strategies for employing them.

SHARPER DEBATES AHEAD

Now, however, lawmakers and private defense analysts are starting to scrutinize strategy as well as weaponry. This approach, if pursued seriously, could make it harder for the Defense Department to win congressional approval of future budgets. Pentagon planners might have to defend American military strategy and then demonstrate clearly how the weapons and manpower they want would support that strategy.

"If Congress has differing assumptions from those of the Defense Department about global strategy and the U.S. role in the world, substantial cuts can be made in the defense budget without injuring national security," asserts Democratic Sen. Alan Cranston of California. Rep. John Brademas, a liberal Democrat from Indiana, says, "We need far more reasoned justifications than we have been getting—in terms of military posture, our foreign policy and our national economy—for a particular defense mix at a particular level of spending."

Yesterday the Senate began grappling with such issues. It opened full-scale debate on military strategy in preparation for voting on the annual weapons-procurement bill. The early arguments centered on the rationale behind plans to expand the number of Army divisions; Democratic Sen. Edward Kennedy of Massachusetts questioned the need for expansion.

Another sign of Congress' growing interest in strategic questions is the appearance this year of an "Alternative Defense Posture Statement," prepared by six liberal Democrats on the House Armed Services Committee. The 34-page analysis seeks "to provide another perspective" on the "policy assumptions which lie behind the defense-budget requests." Among its conclusions: U.S. forces in Asia should be reduced, and the number of aircraft carriers could be cut to nine from the current 15.

GIST OF CURRENT STRATEGY

In laymen's language, current strategy provides that the U.S. maintain a rough military balance with the Soviet Union in strategic nuclear weapons, in ground forces in Central Europe and in sea power ("worldwide military equilibrium"). More specifically, U.S. nuclear forces should be designed not only to deter a Soviet missile attack on the U.S. but also to wage limited nuclear war should deterrence fail ("flexible strategic response"). And U.S. conventional forces should be capable of simultaneously fighting a major war in Europe or Asia and coping with a "minor contingency" elsewhere ("one and a half wars").

Pentagon critics charge that this strategy, especially in the conventional-warfare area, is increasingly outdated and self-contradictory.

"For Pentagon guys to come up to Congress and imply that our strategy is based on enormously complicated analysis is utter bull," contends Rep. Les Aspin, the Wisconsin Democrat who is one of the Pentagon's sharpest critics. "It's based on rules of thumb that may or may not be true."

SOME OF THE QUESTIONS

Some of the questions being raised by skeptics about U.S. strategy:

Will Pentagon plans to improve the accuracy and power of U.S. nuclear warheads, increasing their capability for limited atomic war, heighten the danger of nuclear exchange?

Is it necessary to modernize all three mainstays of our strategic arsenal—land-based intercontinental ballistic missiles, long-range bombers and submarine-launched missiles—in the most expensive manner?

Does it really make sense for the U.S. to plan for a protracted conventional war in Europe? And if a short war is more likely, as most defense experts believe, why is the Navy spending billions of dollars to improve its capacity to escort convoys to Europe and the Army planning to expand to 16 divisions from 13?

Should the U.S. be prepared to fight a half war anywhere? Or is this simply a byproduct of the interventionist zeal that got us into Vietnam?

Congress, fearful of signaling that the U.S. is turning isolationist after Vietnam, is unlikely to force any substantive changes in strategy this year. But congressional debate in the weeks and months ahead could lay the groundwork for a significant challenge to military doctrine later in the decade, when the pain of Indochina has faded. In the long term, several influences could produce a broad review of U.S. strategy.

Most obvious is the growth of the defense budget. The Pentagon projects that by 1980 it will be asking Congress for $148 billion, compared with its current $104.7 billion request; the prospect alarms congressional liberals. Another factor is that Congress is developing new tools—the budget committees and the Budget Office—for more critical long-range analysis.

As congressional and private analysts begin to examine military strategy, they are looking at both nuclear and conventional-war doctrine. Here are the main issues, as viewed by administration planners and their critics:

Strategic nuclear forces: For the decade prior to 1974, the fundamental concept governing the design of U.S. strategic forces was that they should be able—even after absorbing a surprise attack—to inflict "unacceptable damage on the attacker." Thus the Soviet Union would presumably be deterred from striking first.

The architect of this strategy, known as assured destruction, was former Defense Secretary Robert McNamara. He defined "unacceptable damage" precisely—20% to 25% of Russia's population and 50% of its industrial capacity. The strategy emphasized destruction of heavily populated areas.

For this mission, the U.S. has assembled a mighty "triad" of weapons, which today number 1,054 ICBMs, 41 nuclear submarines (each armed with 16 missiles) and 498 long-range bombers. Together, these systems can deliver 8,500 nuclear warheads—or about 39 warheads for each of the Soviet Union's 219 major urban areas.

In January 1974, the U.S. started moving toward a new strategy of flexible strategic response. It envisions increasing the ability of U.S. missiles to destroy Soviet military installations (such as hardened underground missile silos) by improving the accuracy and power of American warheads. Mr. Schlesinger contends that this capability is needed to give the President "a reasonable range of options" in case deterrence failed, so he wouldn't then feel forced to launch a full-scale nuclear attack on Soviet cities.

WHAT CRITICS SAY

But many who have studied the new doctrine fear it will heighten, rather than lower, the danger of nuclear war.

The Arms Control Association, a respected Washington organization whose leaders include many former national security officials, argues that improved U.S. capability to destroy Soviet missiles is likely to "generate uncertainties in Soviet eyes about our intentions, create instabilities in the strategic balance and foster suspicions between the two nations."

Other critics agree. "Our threat to Soviet ICBMs might motivate them to strike first in a period of international tension," says Sen. Thomas McIntyre, the New Hampshire Democrat who has emerged as the leading congressional opponent of the Schlesinger strategy.

It is also argued that the new approach could make nuclear war more likely by convincing Pentagon planners that it is possible to conduct surgically accurate nuclear strikes causing relatively few casualties. Democratic Rep. Morris Udall of Arizona warns that development of more-accurate, more-powerful warheads "would blur the heretofore-distinct line between a thinkable conventional war and the unthinkable disaster of nuclear conflict."

EXTENT OF PLANS AT ISSUE

Questions are also being raised about the need to modernize all three legs of the American deterrent, and especially about the wisdom of investing more than $20 billion in a fleet of 244 B1 bombers to replace the aging B52s. Defense officials believe that maintenance of three separate systems complicate Soviet defense problems and insures against the failure of any one system. But Pentagon critics aren't sure the U.S. needs quite as much insurance as it's planning—the B1, the Trident submarine to replace and supplement the Polaris-Poseidon subs, and perhaps a large new ICBM to replace the Minuteman missile.

"There's nothing wrong with maintaining the triad" of nuclear systems, a Senate expert on strategic warfare says. "My problem is with upgrading it, especially the B1 and the new ICBM." The Center for Defense Information, a Washington think tank often skeptical of Pentagon proposals. argues that the U.S. "doesn't require the wide variety of overlapping, redundant forces whose destructive power far outstrips any reasonable need."

Conventional Forces: Despite the debate on strategic nuclear weapons, general-purpose forces consume far more of the Pentagon budget and are far more likely to be used. (In the year beginning July 1, conventional forces will cost an estimated $35.9 billion, compared with $7.7 bililon for strategic forces.)

During the 1960s, it was declared U.S. policy to maintain conventional forces capable of simultaneously fighting a war in Europe and a war in Asia, as well as a lesser conflict elsewhere. The Nixon administration junked this 2½-war strategy in 1970 for the current 1½-war concept.

Yet the 1½-war strategy leaves unresolved some issues that affect the design of U.S. forces. The most critical of these is the length of war the U.S. should be prepared to fight in Central Europe to fulfill its commitment to the North Atlantic Treaty Organization. While Mr. Schlesinger has been emphasizing preparations for a short war, the American military machine is still geared mainly for a protracted war on the Continent. Thus, in addition to 4⅔ divisions now stationed in West Germany, the Army has seven divisions in the U.S. that could be sent to Europe. And three more are being formed.

The fact is that the Pentagon remains uncertain about the kind of war for which it should prepare—and so, in time-honored tradition, it's preparing for all contingencies. This uncertainty is reflected in contradictory statements in a key Pentagon planning document: The Manpower Requirements Report for Fiscal Year 1976.

At one point, the report states the short-war view: "A conflict in Europe is likely to be more violent and of much shorter duration than past wars. The phenomenal increases in firepower will produce such intense conflict that it may well be decided in the first few days." But elsewhere the report makes a different assumption: "In the event of a major conflict with the Warsaw Pact, we plan on deploying (to Europe) most of our active divisions."

BASIC VIEW QUESTIONED

Many analysts disparage Mr. Schesinger's insistence on maintaining strong hedges against a protracted European conflict. While they believe the U.S. should maintain significant forces in Europe to counterbalance Soviet power, they argue that any hostilities would either end quickly or escalate to nuclear war.

"Schlesinger is planning to fight World War II over again in Europe," Rep. Aspin asserts. ". . . . the Army needs that long-war scernario to justify its force structure."

Jeffrey Record, a defense analyst with the prestigious Brookings Institution, contends that "as a legacy of World War II, we've ended hedging against a long war in Europe, to the extent that it undermines our preparation for a short war." He adds, "Whereas Soviet and Warsaw Pact forces are geared for a short, sharp, decisive conflict, U.S. and Western European forces reflect preparation for a longer war of less intensity."

Like other experts, he notes that Soviet divisions have a high ratio of combat to support troops, hordes of quick-striking tanks and lots of bridging equipment for crossing rivers. In contrast, NATO forces depend on major reinforcement and lengthy mobilization and have a high ratio of support to combat troops. If the Pentagon abandoned preparations for another World War II in Europe, some analysts conclude, it could reduce support forces there and eliminate some combat units based in the U.S.

NAVY'S ROLE

The Navy's role in conventional-war strategy is also controversial, troubling even top officers like Vice Adm. Stansfield Turner, former president of the Naval War College. "One of the most important challenges facing naval officers today is to define, then articulate, why we need a Navy and what it should be able to accomplish," the admiral wrote in the professional journal "Proceedings."

Provoking the sharpest debate is the Navy's mission of controlling the world's sea-lanes; in a European war, Pentagon strategists envision resupply by sea. But many analysts argue that the U.S. Navy couldn't possibly protect surface shipping against Soviet nuclear submarines.

A civilian expert declares: "The need for naval capability to resupply Europe offends logic in two respects: It assumes a protracted war, and it assumes convoy work is possible."

While the Navy insists that it could escort convoys successfully, some Navy men have doubts. Adm. Ralph Cousins, who recently retired as commander of the Atlantic fleet, told Congress last year: "I have serious reservations about our being able to give adequate protection to large convoys—convoys loaded with troops and equipment—sailing from North America for Europe along fairly predictable routes and converging on predictable ports." If the Pentagon ever conceded that sea control is impossible in the age of the nuclear sub, billions of dollars in shipbuilding costs could be saved.

The half-war concept in current strategy is also coming under attack. Paul Warnke, a Washington lawyer who served as assistant defense secretary, says it smacks of "intervention in a local or regional conflict" like Vietnam. "I say forget it," he adds. "It isn't an acceptable use of American military power."

And though Congress has been reluctant to order reductions in American forces stationed in the Far East following the fall of Vietnam, eventually the Pentagon is likely to find itself under heavy pressure to withdraw more troops from Thailand, Japan and South Korea.

Mr. SYMINGTON. I thank the Senator for his courtesy in yielding.

Mr. STENNIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BAKER. Mr. President, I will proceed with my statement in just a moment, but I cannot resist saying one or two other things on this same subject.

I say in ultimate good grace and without any trace of criticism to my colleagues that we have fallen into exactly what I was commenting on. I made one remark to the effect that I paid my respects to Senator STENNIS and Senator CRANSTON for arranging this debate and we spent 30 minutes complimenting each other. I think this is great and I enjoyed it. But I am not sure that that contributes to our image as a great deliberative body.

I would also note, if my head count is right, that there are 10 Senators in the Chamber. Maybe the RECORD should recite every 15 minutes how many of us there are so that our remarks could be taken in perspective.

My father was in the Congress once. He came many years ago, and he used to say in jest, although I think about it from time to time, that the downfall of the Republic may be measured from the time they air-conditioned the Capitol, because then the Congress started staying all year.

I see in the newspapers and on television any number of comments lately that the Congress is taking this recess or that recess, and that we are going to adjourn sometime in November for Christmas.

The Legislative Reorganization Act provides the Congress is supposed to adjourn sine die and quit in July, unless it passes a resolution that says there is a great national emergency.

I have a strong hunch, Mr. President, that we would be a lot better off if we met for an hour or 2 every day, if we came in here 100 strong or 90 strong or however strong we happened to be that day and we really debated without worrying so much about the deferential respect we show for our colleagues, that we got down to cases, for 3 or 6 months and went home and found out what was going on.

So much for that. I have a terrible tendency to warm to my own subject matter. I apologize to my colleagues.

Mr. BROCK. I wonder if the Senator would feel it might be helpful if there were television coverage of this debate.

Mr. BAKER. I think the greatest thing that could happen would be if we had television coverage of every session of the Senate and I would enthusiastically support it.

Mr. BROCK. The Senator and I are in complete agreement.

Mr. BAKER. As we usually are.

Mr. President, I would like to continue, if I may, with my thanks to the distinguished managers of this bill for giving me the time this afternoon to make these remarks.

I was about to say, Mr. President, that it is my privilege to have just returned from a trip to the Middle East for the Foreign Relations Committee where I had the opportunity to see first hand the effect and impact of America's foreign policy on that I believe most troubled part of the world. I had a chance to visit in Israel, Jordan, Lebanon, Egypt, and Saudi Arabia, and to return to the United States after about 2 weeks.

I found to my surprise somewhat, and with some gratification, that our foreign policy reverses in Southeast Asia have not had as much impact as I thought they might have had in that part of the world, and that after Cambodia, Vietnam and Laos the United States continues to wield, I believe, unrivaled influence among our world neighbors and possesses paramount responsibilities for the maintenance of peace and stability.

Thus, I am pleased that my colleagues have stepped beyond a posture of attempting to assess and fix the blame for our foreign policy failures. I find that there exists sufficient blame to go around, and I agree that it is appropriate and timely for the Senate and the Nation to take stock of the foreign policy of the United States and to begin to formulate our next step. I believe that our next step is down a very unpopular road but a route that I deem essential and necessary.

I believe that our next step is going to be one that is going to take some salesmanship and some responsibility, and I believe some statesmanship on the part of the Senators and some statesmanship on the part of the Members of the House of Representatives of the Congress of the United States.

Mr. President, even at this time when we are suffering the prospect of our greatest budgetary deficit since World War II, even now when inflation remains a serious and significant problem in the American economy, even today when the price we pay for petroleum imports has quadrupled in the last few months, even in light of the unpleasantness of our experience in Southeast Asia, and even in the recognition that recent and significant progress has been made through détente toward reducing the possibility of nuclear war and toward mutual reductions in the respective Soviet and American military postures, I have come to the conclusion that it is necessary to not only maintain the level of spending authorized by this bill but in the future to consider increasing our national defense expenditure commitment.

Last month, we witnessed the largest fleet to maneuver in the North Atlantic since World War II. That fleet, as I am sure my colleagues know, was not an American fleet nor the British Navy, but was a Russian blue water navy maneuvering in force, for the first time. It is interesting to me in the context of this bill now before us, and its provisions for weapons systems, that roughly 80 percent of the Russian fleet is less than 10 years old, while I am informed that 80 percent of the American Navy is more than 20 years of age.

Similarly, the Soviet Air Force is younger by far, and by and large newer—especially in the bomber component—than anything America has to offer except the oncoming B-1 bomber. In terms of ballistic missiles, it is recognized that we are clearly superior in our missile-delivery systems and our nuclear weaponry technology. But again, our missile systems are more than 10 years old; and with the exception of our MIRVing capability, there has been no significant new development in this field by the United States in recent years.

I do not intend to be a prophet of gloom and doom, and I recognize and am gratified that noteworthy progress has been made via our diplomatic efforts with the Soviet Union and the People's Republic of China toward achieving a stable and permanent peace. On the other hand, I simply mean to be realistic. Given our profound responsibility as Members of the Senate to join with the President in providing for the national defense, I believe that we cannot place total reliance on the prospects of détente and rapprochement, although I feel that these diplomatic efforts are deserving of as much fervor as we can muster. But as sincere as I believe the Soviets to be, in the SALT talks, the European Security Conference, and the discussions on mutual and balanced force reductions in central Europe, we must take cognizance of the fact that the Soviet Union continues to markedly upgrade both their strategic and conventional weapons systems.

To digress only for just a moment, in that respect, Mr. President, I call attention to one other development that was most urgently brought to my attention while visiting in the Middle East, particularly in Egypt.

It has been publicly proclaimed in the press in this country and abroad that an arms pact between Libya and the Soviet Union threatens to make Libya one of the major military powers in that part of the world.

In conversations with President Sadat, of Egypt, it was clear to me that he had great concern for this, concern for the fact that the most modern type of weaponry was being offered to the Libyan Government and that almost certainly, almost without a doubt, that equipment, that sophisticated and exotic equipment, those tanks, more modern than any that were given to Egypt by the Soviet Union, that exotic equipment must be operated, at least temporarily, by people other than the Libyan Armed Forces, because the numbers involved upwards of 1,000 tanks or 2,000 tanks are clearly beyond the manpower capability of the Libyan Armed Forces and probably beyond the technical capability of the Libyan armed forces.

As President Sadat also pointed out, with the Russians coming into Libya, they have 2,000 kilometers along the Mediterranean coast, and with the published reports of an intensive effort by the Soviet Union to build a military facility in Tripoli, it is almost sure that before long, if they continue with that policy, Libya and her Soviet friends will have a military presence, an aircraft capability that will be a distinct rival to our very significant carrier capability in the Mediterranean.

Once again, as President Sadat said, "Libya has pointed toward me," meaning Egypt, and then he shook his finger at me and said, "It is pointed toward you, too." And it is.

Mr. President, détente is worthy of our support. Détente will be recorded as a great accomplishment of President Nixon's administration. Détente is a humanistic effort to end the scourge of war in our lifetime, but détente is not an end all.

Détente is an invitation to disaster if we do not in fact recognize it for what it is, and it is only an opportunity to reduce and lessen tensions and not to eliminate the requirement for a strong, vital and credible national defense force in the United States and a foreign policy that gives credence to our strength and courage to our lives.

Mr. President, in light of these developments on Tripoli, I very much fear that the United States cannot depend for very much longer on its current level of defense spending, nor on the shield of NATO, nor on our forward position defenses in the Asian crescent to defend its interest or to fulfill the profound moral requirement of this country to provide protection for its friends and allies. Consequently, I think the time may come in the near future for us to undertake a national sacrifice by increasing our national defense commitment. I recognize that this is a hard message, Mr. President, and it may be difficult to sell, but, Mr. President, it is essential to the welfare of this country.

I believe that this Nation still has her future before her. I believe that our greatness is still to be realized.

I believe our role as a leader of the free world, as a protector of democracy, as a friend of the downtrodden and aid to the aspirations to all mankind, has only just begun. I believe it is utterly impossible in this era of instantaneous electronic communications and near-instantaneous transportation to isolate ourselves behind any ocean or any philosophical barrier.

I believe we have a heavy burden, but I believe we are uniquely equipped to undertake it, to shoulder it and to discharge our responsibilities.

But to do so, Mr. President, we must undertake at one and the same time the seemingly conflicting paradox of trying diligently, consistently and inexorably to reduce the tensions leading to strategic nuclear war, through SALT, through the elaboration of détente and trade, through friendship and rapprochment. We must do these things while at the same time we jealously guard our military sinews and strentgh so that this country is never thought to be weak, let alone being weak, and God deliver us from the time whenever this or any future President finds his only line of defense is nuclear deterrence.

Mr. President, that is what we are talking about with this bill, and I respect the judgment of those who say that the fat has been trimmed out of this bill, or most of it, at least, and that it ought to be passed as our colleagues in the House of Representatives passed it substantially intact.

There will be tests of our resolve and our strength tomorrow, and it will be watched by the world, just as when I was in Egypt they watched with great interest as 76 of our colleagues signed a letter expressing their foreign policy intentment with respect to the Middle East.

I checked the headlines when I came back to the United States, and they were minute and miniscule compared to the headlines that letter received in the Middle East, in Israel, in Egypt, and Saudi Arabia.

The Senators may be assured, Mr. President, that those headlines abroad will once again be bigger for our actions here this week on foreign policy and national defense than they are likely to be in the United States.

This is a time of trial, but I have great confidence that we will meet it well.

Mr. GARY W. HART. Mr. President, will the Senator yield for a question?

Mr. BAKER. I am happy to yield.

Mr. GARY W. HART. What many of us have been discussing over the last couple of days is an attempt to relate the items in this authorization bill, to specific commitments around the world.

What we have difficulty doing is understanding the transition from either a formal treaty commitment or an informal executive agreement commitment, or perhaps even a third-party negotiation between a foreign government and a domestic defense contractor, into actual dollar amounts for manpower levels, for specific weapons systems, for triads, and so forth.

My question to the able Senator from Tennessee is whether he feels, based on his experience, that there is the bridge presently existing within the institution of the Senate between the commitments, either real or imagined, that we may have and specific items in this document that we are asked to approve here this week.

Mr. BAKER. In response to the query by the Senator from Colorado, for whom I have respect, I say that I do not think we can do that. I do not think it is possible to relate a treaty commitment, a foreign policy requirement, directly to a weapons system. The composite total of the several arsenals of the U.S. military might have to be taken into account as a part of our foreign policy potential. I wish it were not so, but it is so.

The burden of my remarks would be that it is essential that we have the appropriate mix, the appropriate depth and strength, the appropriate modernness and relevance of weapons systems, so that whatever treaty commitments we undertake in the future, whatever international situations may develop in the immediate future or in the distant future can be accommodated within that range of strengths.

I do not believe the B-1 bomber can be related to our situation in Egypt, any more than the Trident submarine can be related to the situation in the Indian Ocean or in Saudi Arabia. I think the totality of them have to do with the total image of the United States and its credibility in the formulation of its foreign policy.

Mr. GARY W. HART. Will the Senator from Tennessee agree that if the institution of the Senate were permitted to have explained to it, at earlier times than the time for ratification, what proposed commitments, treaties, executive agreements, and so forth, implied for a military posture, we, as individuals and as a body, might be better equipped to understand why we need more bombers, Trident submarines, and so forth, instead of taking the passive position we have taken in the past, waiting for the agreement to appear here, ratify it, and then have it followed up with a bill?

My question is whether we, as individuals, in doing our jobs, became involved in these agreements earlier, we would understand what we are asked to pass upon here this week.

Mr. BAKER. Mr. President, I think the Senator is entirely correct. Not only do we sit here as a deliberative body, with give and take, as we should, but also, we are poorly served to find a few days in advance a committee report, which is usually the only basis upon which we can make our judgments.

I do not quite know how I would go about changing that, but I think it cries out for change and arrangements in the Senate and allocations of our time for it to be taken into consideration.

I would extend that one step further. I believe that the constitutional requirement that the Senate, as a body, participate in the formulation of foreign policy with the President is so generally spoken of by the Constitution and so little aided by precedent that it does not mean much. It might serve us well for the Senate as a whole, for the Committee on Foreign Relations, or for anybody else to have some hearings and publicly to ventilate the ideas that may develop as to how the Senate goes about advising and consenting with the President, how we go about gaining relevant information and data at an appropriate time, how we go about versing ourselves on the requirements of foreign policy and military strength well in advance of the crucial time when we vote.

I think we have only barely touched on the inadequacies of the Senate in that respect, but we should give careful attention to it; and I would support a proposal to examine fully how we might improve that.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BROCK. Mr. President, I share the concern of the Senator from Colorado about executive agreements. I think they tend to skew out of kilter our policy, particularly our understanding of the policy within the framework of the Senate, and I hope we can correct that.

I believe it would be very easy to use our treaties and/or executive agreements, or the lack thereof, as a "cop-out" to pare down or attack the defense budget, which should not relate so much to treaties as it should to national security in its broad context. I do not want to see that happen. I want to debate the security question in its full context on one side, I want to debate the constitutional question of executive agreements on another side, and then I want to fold it into the fundamental context of our national security. But we must not allow this or any other debate to be used as a device to assault our national security from the framework of a treaty versus an executive agreement which does not really relate, in either instance, to the continued peace of the world.

Mr. BAKER. Mr. President, I have great admiration and respect and, indeed, enormous affection for the constitutional form, but I think that sometimes we shoulld give some attention to the virtues of the parliamentary system. I do not believe it suits the American personality, but there are aspects of it that we used to have but do not have any more. Perhaps that would solve some of the problems raised by the Senator from Colorado.

It has not been so very long ago, in terms of the history of this Nation, when the President had his office in the Capitol—or at least an office—when the Supreme Court was housed in the Capitol, and when the Government was really centered in this location. The continental drift is nowhere more pronounced than it is down Pennsylvania Avenue.

It might be that a few things we borrow from our European cousins, from the parliamentary system, as simple as a presidential presence in the Capitol, with a part of his major staff and the President here from time to time to talk, as Lincoln used to talk, on the adjourning and waning days of Congress, might be helpful in seeing that there is a full interchange of ideas from time to time.

I reiterate: I do not think the parliamentary system suits the American political personality; but I believe that the isolation, not only at the White House but also of the administrative bureaucracy—the major figures in it—has become so great that we tend to assume adversary roles beyond those envisioned by the framers of the Constitution in establishing jurisdiction and checks and balances.

Mr. GARY W. HART. Mr. President, if the Senator will yield, I should like to comment on the observations of the Senator from Tennessee (Mr. BROCK).

I think there are two issues here, and we cannot avoid the constitutional issue. The Senate is doing its job, and part of that job is to authorize and appropriate $100 billion for commitments around the world. Some of those commitments have not passed the constitutional test of ratification by this body. I do not know how we can avoid that.

We are asked to give these commitments. We represent the people of this country, and it is their hard-earned tax dollars. It is very much at issue whether this body should ratify an agreement and whether there is a trend to get away from treaties and executive agreements that bypass the approval of this House.

Mr. BROCK. I do not argue that. I say that we should not use that as an excuse to assault the budget. We should debate a procurement budget in terms of the national interests of the American people.

Mr. BAKER. Mr. President, I do not mean to intrude in the colloquy between the Senator from Tennessee and the Senator from Colorado, but I have only a few more words before I will yield the floor.

I believe it is essential that we proceed with the show of resolve and determination. I believe that the translation of that resolve and determination is the adoption of this bill in essentially its present form. I believe that it will be viewed by the rest of the world as a significant act by the United States at a sensitive and significant time.

In my opinion, the worst is still ahead. Those who wish for reduction in arms expenditures in the future have a long way to go and a long time to wait.

I predict—I am afraid unpleasantly to the ears of those who hear me—that in the future there will be a requirement for still more defense dollars. But I believe that we had better just face up to the fact that détente is not the total answer. Détente is the expression of our hope and a measure of our political progress; but it does not diminish the continuing requirement that we devote whatever share of our national resources and treasury is reasonably required to see that America maintains her position of leadership, as we must.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Mr. President, I yield myself 10 minutes, and I yield for a question.

Mr. KENNEDY. Just to carry forward the matter that the Senator from Colorado has been talking about, a matter we discussed earlier in the day. I wonder whether there are any executive agreements which involve the commitment of either manpower or equipment, or other agreements or understandings which have not been published and which we have not since made available to the American people generally. I would hope this is something the chairman of the committee feels he can talk about, because I do think it is a matter of importance. I think over the period of the last year or year-and-a-half we have seen agreements which have been made on the basis of executive assurances.

I just wonder now whether this is something that the chairman of the committee could discuss. I must say I would have liked to mention this item to the chairman of the committee before addressing this question to him; but it has come up in the context of the Senator from Colorado's statement. It is a matter about which the Senator from South Dakota (Mr. ABOUREZK) has chaired hearings of the Senate Judiciary Subcommittee on Separation of Powers. So there has been considerable interest in this issue. I wonder what the chairman of the committee could tell us about the nature of executive agreements, whether he is consistently informed when these agreements are made, and whether there are agreements now about which we in Congress are unaware.

Mr. STENNIS. The Senator refers to executive agreements involving military forces?

Mr. KENNEDY. The Senator is correct; yes.

Mr. STENNIS. No, Mr. President, I have no special knowledge of any special closed or secret executive agreements regarding the placing of troops anywhere, or any special arrangements with foreign countries. There are not any that I know of.

Going back just a few years, we had a tremendous debate here on NATO, when there would be 50, 60, 70, or 80 Senators present on the floor day after day. That was the first great American venture into the field of alliances. I believe one or two preceded NATO, but NATO was the biggest one. It was followed by several others. Then, of course, we have had the war in Korea and the war in South Vietnam. We have had seven, I believe it is, treaty alliances; and we had a proposed constitutional amendment here once called the Bricker amendment—Senator Bricker was from the State of Ohio, and a so-called conservative—which would have eliminated a great many of the executive agreements to which Senators have referred. I remember it failed to pass; it required a two-thirds vote as a constitutional amendment, and it was thought it would have been readily accepted by the House of Representatives, but if failed to pass here by one vote. A great deal of the opposition, incidentally, was led by so-called liberals, so far as the division then was concerned.

But as to the Senator's specific question: I have no special knowledge of any kind of a secret or side executive agreement. We have had the debates on the Senate floor many times over, though, about the placing of troops. I thought that this was very good, these last 2 days of talking and debate. But a few years ago we had the Selective Service Act renewal, and the Senator from Massachusetts was very active on that, and helpful. That bill and the authorization bill for military procurement crossed on the floor here, and it took over 7 weeks of solid debate, with no filibusters, to get those two bills into law.

I remember the military procurement bill that year required 25 or 28 rollcalls, and there were 50-odd amendments. One of them was to take part of the troops out of Europe, to limit the NATO commitment. I think we also had amendments to limit the troops in the Pacific area. Maybe that involved an overall number. In those debates, there was a proposed limitation, or cutoff date, for ending the war in Vietnam. So really it is nothing new for us to have a lot of debate here on policy questions, on the matters that pertain to this bill, or on agreements of various kinds.

I have a few remarks I want to make, but that covers the Senator's question as well as I can answer it.

Mr. KENNEDY. I thank the Senator. If I may be somewhat more precise, I was inquiring whether he knows of any secret agreements or understandings which would in any way require the presence of American troops in any part of the world, on the basis of any kind of understanding of the President with a foreign leader.

Mr. STENNIS. No, I am sure I have no such knowledge, or any information along that line.

Mr. KENNEDY. Well, the Senator would know, obviously, would he not? Would he not be informed?

Mr. STENNIS. I would expect to know; yes. I would expect to know through various sources. I do not know to what extent the Executive, whomever he may have been, always told us everything along those lines but I would expect to know something.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. STENNIS. I want to yield to the Senator from Massachusetts as long as he has further questions.

Mr. KENNEDY. I yield.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. STENNIS. Yes; I yield for a question.

Mr. PROXMIRE. Is it not true that there was an executive agreement or commitment to defend or to act in a military way in Laos, which executive agreement cost us billions of dollars over a period of years, and which executive agreement was not communicated to Members of Congress, and to the best of my knowledge was not communicated to the distinguished chairman of the Armed Services Committee? Is that correct or not?

Mr. STENNIS. Well, I became chairman of the Armed Services Committee in January 1969. I was already a member of the CIA Subcommittee, but they told me nothing about any real troop commitments in Laos. We spent money there, paying for a lot of other activities and all; that was a case where there was a lot of use of forces hired by our Government, but I was not told anything about it as a member of the Armed Services Committee or when I became chairman.

Mr. PROXMIRE. Is the distinguished Senator satisfied that the situation has been changed, so that at the present time he would be aware of any agreements similar to the agreement made as to Laos?

Mr. STENNIS. Yes, I am satisfied of that. I have no knowledge to indicate anything to the contrary, as far as I know.

Mr. PROXMIRE. Of course, the difficulty is that at that time the Members of Congress assumed there was not such a commitment or such a requirement.

Mr. STENNIS. Yes. Well——

Mr. PROXMIRE. It involved a colossal amount of investment of materials, men, and equipment that we did not even know about.

Mr. STENNIS. Well, there was one difference there. When I did discover it, I considered it as a part of the war that was already going on in South Vietnam. The whole operation there in Indochina was more or less blended together, and I wanted to get out, but I did not want to be run out. I opposed all these deadline amendments for that reason.

I trust I am not going back too far, but I spoke on the Senate floor against going into Vietnam. The Senator from Wisconsin perhaps was not here then, in 1954, when we sent the first uniformed people in there.

So I was wanting to get out all the time but there are ways and ways of getting out. I really considered the activity at that stage, what had gone on in Laos, as part of the war that our men were carrying on in Vietnam. Later the Cambodian matter arose, and I supported the idea of destroying all this ammunition and supplies in Cambodia, and I have never regretted it. We were already in the war, and our men were being killed every day, sent forth to battle.

There were not any troops whom we had in Laos. There was money, and there might have been a few trainers sent in there, but we were not sending our American troops in there in this fighting. It was money and equipment and maybe a little know-how or techniques.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STENNIS. I yield myself 10 minutes more. I am glad the Senator brought up his question.

I can assure the Senate that I have no secret knowledge along that line.

Mr. President, I have enjoyed this presentation here. But it is a great mistake, an error or just forgetfulness on the part of some to say that we have not had some real genuine debates here, on this bill, over a period of years. I handled the bill for the late Senator Russell when things were running so smoothly that 30 minutes to an hour, which has been mentioned, was correct. It did not take long to pass it.

But things changed, and it has been a rough go ever since. I am not complaining of that either. [Laughter.] I happen to be the author of the amendment that requires these procurement authorizations. Some years ago there was nothing which required authorization by the Armed Services Committee except buildings, runways, and construction of that kind.

Senator Russell and I worked together. I put the amendment in his name. It was to a military construction authorization bill that the amendment was added which started this off. So I certainly am not dodging.

I want the discussion here. I have appointed subcommittees to go into these matters in depth, and that opened the debate up a lot more. I do not want anyone to think now, as this part of the debate closes, that we will have easy going, because we still have some hard rows to hoe, and a lot of hard work to do. We have a very important bill pending.

I came in this morning just as the Senator from Massachuestts was concluding, and I got the idea that maybe he was inferring that something I said yesterday was a suggestion that there was nothing that could be done about the situation in Korea, I believe, was what we were talking about.

But I opened my remarks yesterday by saying that real issues of foreign relations, foreign policy belong to the Foreign Relations Committee. I have always kept my record clear that I did not want to invade the jurisdiction of another committee and, with the exception of aid to South Vietnam—and that was under a special agreement—the Foreign Relations Committee has had jurisdiction over these military aid matters and, of course, primary jurisdiction of all foreign policy as it pertains to the Senate.

That is a very important committee, and one that I respect very highly. I was trained to respect it, as a young student of government, as a committee passing on all the nominations, making recommendations on treaties.

Yesterday, after we had talked about Korea a good while, I asked the Senator from California—and he is a very frank and honest man—if he had any proposal that would affect this pending bill with reference to Korea, and he said "no."

I asked him if he proposed to withdraw any troops that we had there now, and he said "no." His were full, frank, and honest answers. I refer to that now to point out that we have had the debate, which is all right, but we still have this bill pending, and we have an agreement under which things will move along rather rapidly.

I want to warn the Members of the Senate again that this is a very, very important bill in a highly critical time. You can file such amendments as you think you should. But I think we have already done a lot of amending on this and we have a good bill.

I want to just say one word about Senate debates now. I think to have Senate debates that are meaningful—and I am not referring to any individual—we have got to have attendance here on the Senate floor. You do not have much chance to advance an idea over here any more. When these debates took place on the NATO alliance we had 50, 60 to 70 men here on the floor beginning soon after 12 o'clock, who stayed from 4, 5 to 6 hours.

I know times have changed a great deal since then, but there was really a fine exchange of ideas and the presentation of resolutions with reports, printed testimony, to back it up, and some highly important votes were taken.

We are just going to have to work out some way—I am not trying to blame anyone. Senators are called on to do so many things, personal service or attention to constituents, a great many more committees, much more legislation, many more fields have to be covered.

After all, there are 100 men who have to pass on here the same amount of legislation generally that 435 Members of our splendid other body have to pass upon. They are good and they have some real experts over there, and if you do not believe it, go to conference with them. [Laughter.]

But to get down to the nub of the thing, for a real exchange of views we have got to make up our minds, I think, to stay around more and stay in session more and attend the floor here when debates are in order and are undertaken.

We have splendid floor leadership. I do not want anybody to infer that I am critical of them. They do such a fine job in keeping things arranged and getting consent agreements. If it were not for that, we never would get through.

I look forward to the time when we can review all these matters. But on foreign policy matters I want the Foreign Relations Committee to take the lead. I want to have the benefit of their expertise, the benefit of their staff work and their fine knowledge and their valuable recommendations. We will come back to some of those things. There may be some amendments here that will raise those issues.

Well, I am glad to yield the floor or to respond to any questions.

I believe the Senator from Massachusetts maybe—I have already yielded to him—does the Senator from Rhode Island have any questions?

Mr. PELL. No. I would like some time on my own when this exchange is through.

Mr. KENNEDY. The Senator from Maine has a question, and I will just make a comment.

Mr. STENNIS. Yes, I yield for a question.

Mr. HATHAWAY. The Chairman has had a long and grueling day.

Mr. STENNIS. That is all right. I am glad to yield to the Senator.

Mr. HATHAWAY. One question that has been bothering me for many years, and I have asked this question repeatedly both here and in the House of Representatives, is what the intelligence basis is for the alleged threat to our national security. I know it is presupposed that Soviet Russia presents some threat, as do China and probably some other nations in the world. But although I have asked Pentagon officials repeatedly for what intelligence sources they had to indicate the nature of these threats, I have not yet been able to receive that kind of information.

I wonder if the chairman of the committee could give me some idea as to what intelligence we have that indicates to us one nation is or more than one nation are, a threat to our national security.

Mr. STENNIS. For the purposes of answering the question, I yield myself 5 minutes, Mr. President.

The Senator says that the Department of Defense, other departments, was unable to give him any information.

Mr. HATHAWAY. Not any information, but it certainly was not adequate information.

I recall when I was on the subcommittee of the Appropriations Committee in the House, and on Foreign Operations, I asked the same questions and did not receive what I considered to be satisfactory responses.

Mr. STENNIS. We have a very fine intelligence gathering apparatus that I would be glad to discuss with the Senator. The reason I do not want to talk about it here is because of disclosing things.

I am talking about our intelligence gathering, through electronic devices, and so forth. I think it is superior to anything else.

But the others have it, too, although they do not need it as we do. They can go to newsstands and magazine racks and get most of what they want to know. It is just superb and amazing photography that we all are familiar with generally. We have the benefit of those things.

We also have other sources, of course, that come through human channels.

We do not know what is in a man's head and there is no camera that can tell us what a man is thinking about.

I think that with Russia as our main threat—if we may use that term—I think we have got to call it a deterrent balance, in a way, that protects us.

I think if there is any advantage given, they will take it, and by blackmail or force, but I have never made a career of just being anti-Russia. I just think those are some facts of life.

I want us to have a military force that will not leave anything to chance as to our ability to protect ourselves and those we are allied with, as long as they have shown evidence that they really go the limit to protect themselves. Why, I think we have to help them as we promised we would.

But I believe that is about as far as I can go in open discussion here.

I do not think there is any doubt, we must be prepared.

Mr. HATHAWAY. I would think it appropriate for that information to be revealed to the Members, even if it has to be in a secret session, so that we would have better evidence of an armed buildup in Soviet Russia to indicate to us when they are a threat to us.

Mr. STENNIS. It is a matter of judgment, what their purposes and intentions are.

I have noticed this, every President that served since I have been around—and I started with Mr. Truman—every President, Democrat or Republican, liberal or conservative, so-called, after they experienced it they all felt about the same way, toward not leaving anything to chance, about being prepared.

That, within itself, is an impressive fact to me, the different type men that have been there. Mr. Truman, Mr. Eisenhower, Mr. Kennedy, Mr. Johnson, Mr. Nixon, and Mr. Ford, there is certainly a diversity, and this is the conclusion all of them reached.

So I do not have any doubt myself.

Mr. HATHAWAY. Certainly, the times in which President Truman was President are different than the times today. Maybe he had a basis at that time for believing we could have the tremendous buildup that we did at that time, but those facts might not exist today.

Mr. STENNIS. That is true.

Mr. HATHAWAY. I am simply asking for the facts.

Mr. STENNIS. I am giving the facts, and my reasoning, but I do not want to just open up the whole thing here as to how we find out some things. I think I will talk to you in the cloakroom, if I may, about it.

Mr. HATHAWAY. Or in a secret session so that everybody will know about it.

Mr. BROCK. Will the Senator yield?

Mr. STENNIS. I think I have told the Senator about all I know and a great deal is opinion. After you get some facts, you have to have an opinion. The Senator's and mine might be together on some things, might not be together on some things.

Mr. BROCK. Will the Senator yield?

Mr. STENNIS. Mr. President, I yield myself 2 minutes further.

Mr. HATHAWAY. I just wanted to know if the chairman would make available to us the facts on which he bases his opinion that Soviet Russia, or any other nation, constitutes a real threat.

Mr. STENNIS. Under the circumstances here, now, I think I have gone about as far as I can go, with all deference to the Senator.

Let me yield the floor for a couple of minutes.

Mr. BROCK. I wonder, on this same point, it is a fact the Soviet Union has, without any single exception in any single year since World War II, increased its military force.

Mr. STENNIS. That concerns me, too.

Mr. BROCK. Is it not a fact they have increased their strategic capability?

Mr. STENNIS. Even today, we will have some of that come out in debate, perhaps not in detail.

Their navy is building at alarming proportions. I do not know why. Maybe because we had built up.

Mr. HATHAWAY. That is just the point I am trying to make: if they are just responding to our buildup.

Mr. STENNIS. Maybe so. I do not know.

Mr. BROCK. Is it not a fact we reduced our expenditures in the 1960's for strategic weapons under Secretary McNamara, we made a conscious decision to withhold development of major new systems and the Russians continued to build during that time and subsequently, is that not a fact?

Mr. STENNIS. It is very true. It is true, they have.

Mr. HATHAWAY. The Russian buildup the Senator from Tennessee is referring to: it could be on the basis of a supposed threat to Soviet Russia from China.

Mr. BROCK. Well, is it not a fact, Mr. Chairman——

Mr. HATHAWAY. It just seems to me it is not very wise for us to be spending billions of dollars just on suppositions.

The Senator from Tennessee demands much factual evidence if we are spending money for aid to education; or for any social program.

Mr. STENNIS. Mr. President, I yield 5 more minutes for answering questions.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I feel that I have covered it about as well as I can here.

I have gathered some unclassified data that I am going to refer to later on their weapons systems, and it is not encouraging, but as to their intents and their purposes, no one can be certain of that. It is an open question.

China is a problem for them, and I think it is for us, too, or could be. There is no use to take a chance with those powers, in the nuclear field, particularly.

We are arguing here about the size of the Army. I think, for the size of our Nation and the wide interests we have, we have a very small Army, and I hope the quality stays high because it is small. The Navy has been neglected during the war in South Vietnam—the building program has, I mean, no doubt about that, as we are trying to pick that up now.

Mr. President, I yield the floor.

Mr. BROCK. I am just surprised at the Senator's question, and I think it is factually stated, the chairman can correct me if I am wrong, that the Soviet Union has considerably more men in the field in uniform than we do, considerably more tanks, they are developing rapidly a considerable naval threat, they have considerably more strategic throwaway, more and bigger missiles, and probably better in some sense of the word.

If the Senator's logic were correct, that they have built up because they are afraid of us, what are they afraid of now?

Why do they continue to outspend us, not only on research and development, but on hardware?

I wonder what fact it takes to require the Senator to look at it from that point of view. I wonder what facts it takes the Senator to buy an insurance policy.

Mr. STENNIS. The gentlemen can have the floor as far as I am concerned.

I assume everyone knows about their military strength. They do not have long-range bombers like we have, but they have plenty of great power, a tremendous buildup in their navy, their submarines and antisubmarine forces are considerable.

Very well. I have yielded.

Mr. KENNEDY. I would like to make one comment, if the Senator will yield.

Mr. STENNIS. I am going to yield the floor. The Senator from Rhode Island has not had the floor today.

Mr. KENNEDY. I just wanted to state, as we are winding up this day, that I support what the Senator from Mississippi has said to be the past record. Over the period of time that I have been in the U.S. Senate, and I am sure before, the chairman has been quite willing to be involved in debate or discussion on any matter. As one who has followed and observed him, and on occasion differed with him on particular items, I believe the RECORD should be very clear, on the part those of us who supported this exercise the last 2 days, that it was in no way a reflection on his willingness to enter into debate or discussion. This history is quite well known.

As we end this phase of the overview on the Senate debate, and as we move into the various amendments, I want to express very substantial appreciation to him and to the members of the committee for permitting the discussion of the last 2 days.

As the Senator realizes, we had some meetings prior to the break. He felt a strong responsibility to the committee to expedite the action of the legislation, but he saw at least our point of view in trying to develop this dialog. He cooperated with us completely and was prepared to respond to questions.

At this phase of our discussion, I want that to be extremely clear.

As the Senator knows, we have tried, over the period of the last couple of days, to at least identify what the nature of our foreign policy commitments should be in the world in the aftermath of Vietnam. I and others thought it to be important that our friends and allies know the nature of our commitment, particularly in Western Europe, in Israel, and Japan, and elsewhere.

Mr. STENNIS. May I thank the Senator, and may I yield the floor? He will have time to speak on his own.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Also in this debate we seek to understand the distinction between commitments which directly relate to our security and require the availability or military power, and those areas which do not. We really have not been able to achieve, in this sense, a very precise and clear consensus. But I do think that it has been helpful, certainly, for those Members of the Senate who have been prepared to enter into this discussion and dialog. I think it has been informative for many of us. I know there were some Members earlier who made comments about the nature of this exchange. I found that some of them just drifted into the Chamber, made their comments, even read from formal statements, then drifted away, even though they had made some observations about the character and nature of the debate.

Nonetheless, I am hopeful that, in the nature of our responsibilities to the American people, this will be an important beginning for further discussion and debate on the nature of our commitments, on the defense structure needed to preserve those commitments, and on strategic arms policy.

We have had some discussion of differing views of strategic policy today. We had hoped we would be able to spend 4 or 5 hours on this particular issue. I believe it is an issue which does deserve a great deal of attention and discussion.

I have heard the numbers game played time and time again. I think it is important for us to try to make a decision whether we want to continue to play the numbers game ad infinitum, with all its implications for accelerated nuclear weapons development. An expansion of our own strategic weaponry tends to drive other countries, perhaps those countries that have nuclear capacity and perhaps even those who have a nuclear potential, to escalate their own development. We have been questioning whether our security is served by that kind of march into the future. We believe it is time to recognize, and hopefully we will, that we have a strategic force that guarantees second-strike assured destruction against any aggressor. We have a sufficient deterrent; in fact, we have massive overkill available.

Obviously, we have questions on modernization, but they pale before the overwhelming level of forces we now have. We have more crucial questions of how we are going to encourage further arms control. We have the dangers of nuclear proliferation. But we have to ask ourselves whether the development of hard targeting weapons systems, building more weapons systems and talking about relative numbers, really moves us further toward or away from some degree of sanity on this issue.

We are in a zone of perceived parity and we will continue to have substantial overall equality for the foreseeable future, and I believe that we should. But we do have to ask ourselves, if these are some of the parameters for this problem, what sense it makes to continue to build B-1 bombers or the Trident weapon system that are suggested within this budget, where the cost will reach close to $20 billion for the B-1 and close to $1,500,000,000 for each of the Trident weapon systems. All these matters are interrelated.

Finally, I know we will hear from the distinguished Senator from Rhode Island on a final aspect of this debate, which I think was addressed with great eloquence by the Senator from Minnesota (Mr. Humphrey) earlier. As we add dollar for dollar on this procurement measure, we must recognize what it is costing in terms of foregone health services for the people in my State and in other States; what it means in cuts in the various programs on alcoholism and drug control; what it means in less resources for community neighborhood health centers and child maternal health centers; what it means in the whole range of health programs; what it means for senior citizens and what it means for the quality of life of millions of Americans.

Perhaps we have not been able to develop this particular issue with all the precision that we might have hoped for in the course of the last 2 days. But I do believe it is a crucial element in this debate.

I think it is important to recognize at the outset that every Senator here today believes in a strong defense adequate to our needs.

Yet, we also believe that our national security is made up of more than men in uniform and the missiles and tanks and bombers in our weaponry. The eagle does have an olive branch in one of his talons.

We believe that part of our national security rests on an allocation of resources that assures a vigorous economy. Part rests on our ability to provide for the health of our families, the education of our children, and the condition of our cities and rural areas. And part rests on our capacity to awaken and preserve the confidence of our people in the just workings of their Government.

As we have seen in Vietnam, in Greece, and in Portugal, the size or emphasis on military forces does not in the long run assure the security of a country. It requires as well the support of the people.

And so when we glance over the level of strategic strength that we possess that assures a deterrent against any nuclear aggressor, when we view the level of preparation of our conventional forces—General Brown, when Chief of Staff of the Air Force saying that the U.S. Air Force "overall is a stronger, more proficient and professional force."

Senator Stennis, saying of our naval forces:

> Based on current forces and the progress we are presently making, the U.S. Navy is without doubt superior to the Russian navy. On a Navy-to-navy basis, the Soviet navy does not match the capability of the U.S. Navy.

And General Brown this year as Chairman of the Joint Chiefs, saying that since 1972, we have increased our Army combat readiness from 4 to 13 divisions, then we know we have a military structure second to none.

When we see this and then see a world in which the level of threat to our security from foreign sources has at least declined over the past decade, we find it strange that the President requested an 18-percent overall increase in defense spending this year.

We find it strange that the procurement and research and development request was for more than a 35-percent increase. We find it strange that the level of increase for our general purpose forces was 27 percent. And we find it strange that the committee approved a procurement request of 20 percent more than last year.

We find this difficult to understand during a year when fiscal constraints are such the President proposed a 5-percent cap on social security cost-of-living increases, to food stamp programs, child nutrition programs, and the supplemental security income program. We find it strange that the budget would entirely eliminate the school breakfast program.

And in the area of health, we find some of the deepest, and in my view, most unwise proposed reductions.

Mr. President, the great tragedy of this military procurement authorization is that every dollar comes out of the hide of other programs—such as health programs. We are all working today within tight economic constraints. The President's fiscal year 1976 budget lives within tight ceilings on the deficit—and the congressional budget resolution also confronts us with tight ceilings on appropriations and the Federal deficit. If we are to live within these ceilings, we cannot authorize these levels of appropriations for military procurement without severely limiting other programs.

The President's fiscal year 1976 budget, indeed, proposes disastrous cuts in health in order to fund military procurement and other Department of Defense funding. The President's fiscal year 1976 budget, in fact—

Cuts research at 9 of the 11 National Institutes of Health below their fiscal year 1974 levels;

Cuts support of medical, dental, nursing and other health professions below their fiscal year 1974 levels;

Cuts services at neighborhood health centers, migrant health centers, and mental health centers an estimated 30 percent—well below their fiscal year 1974 levels;

Cut Federal support of medicaid;

And in the face of venereal disease incidence that has more than doubled in the last year—and approached nearly 1 million reported cases last year—the administration proposes drastic cuts in funds for venereal disease control and other preventive programs.

Mr. President, these cuts in health go beyond holding the line or tightening our belts—they are destructive. They cut deep enough to destroy health research, health education, and health service institutions that have taken years to build. It would take years to rebuild the research, education and service capacity these cuts would destroy.

The clock would be turned back on the conquest of disease and on good health care—and every American would pay the price for years to come. But these are the cuts the administration would make in order to spend $28.6 billion on military procurement.

And even more tragically, many of these cuts will immediately hurt the very people who have already been hurt most by unemployment and inflation. Federal health service programs aim mostly at the poor, the elderly, and those living on fixed incomes. These are the people served by medicaid—by migrant health centers—by neighborhood health centers—and by mental health centers. And because of unemployment and underemployment, there are record numbers of poor and low-income Americans today. But the administration proposes not to meet this increased need, but to cut services to these people by 30 percent.

At the President's Presummit Conference on Health, when idealism was running high, and principles were being stated with respect to the fight against inflation and unemployment, the overwhelming consensus was that it would be doubly tragic to fight our economic problems by cutting services to the very people who have already been most hurt by unemployment and inflation. Yet, when it came time to draft the budget, the administration proposed to do exactly that.

I am pleased, Mr. President, that the committee has reduced the authorization for military procurement from $28.6 to $25 billion. But this is not enough.

With approximately $400 million of the $1.2 billion, Senator Symington and I and others are proposing to cut from the authorization, we could restore the 30 percent cuts in health services programs, and even modestly expand these programs to respond to the growing number of Americans who need their care. The Senate on April 10, streamlined these programs in the Nurse Training and Health Revenue Sharing and Health Services Act. They now badly need to be funded at a level that enables them to do a decent job.

Moreover, the savings from military procurement would help us to go a step further, and finance health insurance for the Americans who have been hurt most of all by our economic woes; namely, the unemployed. The Senate has on its calendar a bill reported by the Committee on Labor and Public Welfare to extend the health insurance of the unemployed to cover the period during which they are eligible for unemployment compensation. A similar bill has been reported out of the Ways and Means Committee and out of the House Commerce Committee. As the President's budget currently stands, we cannot even dream of extending this insurance coverage to the unemployed. We can only pass this bill if we cut funds from some other area, or if we raise the projected fiscal year 1976 budget deficit. I propose that we obtain a share of these dollars from military procurement funding.

Mr. President, not only the poor and elderly are hurt by the President's health budget, all Americans are hurt. Since last April, when wage and price controls were removed from the health care industry, health care costs have risen over 15 percent. During the first 3 months of this year, health care costs skyrocketed at a rate of 1½ times that of the rest of the economy. As prices of food, housing, and other essentials consume larger and larger portions of the average family's budget, health care is becoming even harder to afford.

Indeed, the Federal and State budgets for health face the same crisis. State after State is considering cutbacks in medicaid services. My own State of Massachusetts is running millions of dollars in the red, because more people than ever are eligible for medicaid—and inflation has driven health care costs sky high. And of the $2.7 billion increase for health care proposed in the President's fiscal year 1976 budget—$2.6 billion is to pay for increased costs under medicare and medicaid. In fact, the increase would be even more, except that the administration proposed to cut approximately $600 million in Federal expenditures on medicaid by asking the States to increase their share of the costs from 50 to 60 percent. The proposal is lunacy given the shape of States' budgets and these funds will have to be restored to the Federal budget.

The point is—that, if we do not do something soon to reform our health care system and control costs, no one will be able to afford good health care—not the Federal Government, not the States—and not the average American family either.

The Senate has already taken steps to deal with these problems. We have passed a new health planning law which establishes more effective State and local health care planning agencies throughout the Nation. We have passed a Health Maintenance Organization Act designed to foster growth of more efficient and economical ways of organizing health care.

We are also in the very midst of legislating basic reforms in health manpower to require health professional schools and students to offer services in underserved areas as a condition of continued Federal support. Before this year is out, I am hopeful that the Senate will again pass, and the President sign new legislation aimed at making sure we have enough physicians of the right specialties in all parts of the country to offer health care to all our people.

Unfortunately, Mr. President, the President's budget for health allows only minimal programs in all of these areas. In fact, over $400 million more would be required in fiscal year 1976 to adequately implement planning, health manpower, and health maintenance. Every year that we wait to begin these reforms, the problems grow more acute. Inflation does not slow down in the health care field, the physicians keep leaving the rural areas, and unnecessary costly hospital construction continues across the country running up the future health care bill in our Nation. I would use some of the funds cut from military procurement to finance these urgent programs to control health care costs and assure that health is available in every community in our Nation.

Finally, Mr. President, we need to face the reality of national health insurance. There are a variety of proposals pending before this body, and I, of course, endorse the Health Security Act. Whichever of these programs passes, however, we will face a "gearing up period" during the next 3 or 4 years which will be costly. If the administration and the Congress seriously mean to enact a program of national health insurance during the next several years, we cannot commit ourselves to levels of spending for military procurement that involve obligations over the next 4 years of an amount that squeezes the health care budget dry. I would propose to use some of the future year savings for military procurement to finance this "gearing up" period.

Mr. President, the increases I have proposed for health add up to more than the $1.2 billion cut we have proposed to cut from the military procurement authorization. We will have to look elsewhere for further savings—or we will have to make some compromises. But I believe this cut in military procurement is essential for health programs.

Given the commitment this Congress has made to examine tradeoffs between programs in an effort to live within our self-imposed ceilings on expenditures and the deficit, we must face the fact that we cannot meet our responsibilities to Americans in the area of health care and continue pouring dollars into unnecessary military procurement. If we fail to cut military procurement tomorrow, we will be cutting health care programs as surely as if we were amending the Labor/HEW appropriations bill to chop out the services that could be funded with these dollars.

I urge my colleagues to support tomorrow the ceiling amendment on military procurement proposed by Senator Symington.

It will reduce the bill before us by 4.8 percent. Yet it will leave the Department of Revenue with a 14-percent increase over last year.

The bill now permits a 20-percent increase, which in this year of fiscal constraints, reduced commitments in Southeast Asia and no significant increased threat elsewhere, I believe is excessive.

Mr. President, I ask unanimous consent to insert in the Record, a series of letters of support of this amendment from labor unions; the National Farmers Union and the U.S. Conference of Mayors who clearly recognize the issue of priorities involved in this bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 30, 1975.

Dear Senator: When the Defense Authorization Bill (S. 920) comes before the Senate this week, we urge you to support an amendment offered by Senators Symington, Cranston and Kennedy placing a $25.8 billion ceiling on defense procurement and research.

We believe that this ceiling is necessary in order to curb the continually escalating military budget. For FY 1976 the Administration proposes to increase budget authority for military procurement and research by an alarming 37 percent. Coming at a time when our expensive military commitments in Southeast Asia are at an end, when valuable social programs are being cut, and when the economy is in need of stimulation, this increase is unjustifiable.

The proposed "cap" or ceiling amendment will reduce the budget authority level proposed by the Armed Services Committee by $1.2 billion, allowing a 14 percent increase over FY 1975 levels to compensate for inflationary cost increases and to maintain programs at their current levels. For several reasons we believe that this amendment reflects sound economic judgment.

At this present time of high unemployment, increases in federal spending should be directed into those programs which stimulate the economy and produce jobs. Defense spending, especially in the areas of research and procurement, is a less effective way to create employment than a public service jobs program. Yet, while requesting $7.7 billion more for military procurement and research, the Administration sought only $2.4 billion for public jobs and a total of only $3.4 billion for all recovery programs.

We believe that the $7.7 billion increase in spending for military procurement and research could be used to finance those recovery programs the nation needs, health insurance for the unemployed, public service and public works employment programs, assistance to state and local governments, housing, improvement of railroad beds, and cost-of-living increases in Social Security.

Military spending cannot be targeted to the geographic areas of greatest need but takes place primarily at the locations of military contractors and defense installations. Increases in federal spending can aid economic recovery more effectively if pinpointed through public works, public service jobs and emergency assistance to states and cities.

In contrast with recovery programs, military spending is necessarily slow. Most of its stimulative effects will not be felt until a time when most forecasters believe the economy will be on the upswing. Based on past experience, only $8.9 billion of the $28.6 billion requested by the Administration for procurement and research will be spent in the first year.

There are many social programs where military funds could be reallocated to fulfill vital human needs. The bill proposed by the Armed Services Committee represents a 20 percent increase in Pentagon procurement and research at the same time that manpower training funds are being cut by 21 percent, social services funds cut by 6 percent, elementary and secondary education aid cut by 5 percent; and the President is proposing 5 percent caps on social security and federal pay increases.

We believe that all military spending not necessary to maintain an adequate defense posture should be used to create jobs and fulfill pressing human needs. Therefore, we hope that you will support the Symington, Cranston and Kennedy ceiling amendment to the Defense Authorization Bill when it is considered by the Senate.

Jack Beidler,
Legislative Director, United Automobile, Aerospace and Agricultural Implement Workers of America—UAW.

Bruce Dunton,
COPE — Legislative Director, Textile Workers of America, AFL–CIO.

Anthony Mazzocchi,
Citizenship — Legislative Director Oil, Chemical & Atomic Workers International Union, AFL–CIO.

Robert R. Nelson,
Legislative Director, United Mine Workers of America.

Jane O'Grady,
Legislative Representative, Amalgamated Clothing Workers of America, AFL–CIO.

John J. Sheehan,
Legislative Director, United Steelworkers of America, AFL–CIO.

Patrick Tobin,
Washington Representative, International Longshoremen's and Warehousemen's Union.

William B. Welsh,
Executive Director for Legislation and Political Education, American Federation of State, County, and Municipal Employees—AFL–CIO.

URGENT LEGISLATIVE MESSAGE ON MILITARY AUTHORIZATION BILL

May 29, 1975.

To Members of the United States Senate.
From Tony T. Dechant, President.

Dear Senator: We understand that the military authorization bill for weapons procurement and research and development will come to the floor of the Senate for debate beginning June 2, and for a vote soon thereafter.

The delegates to the 73rd Annual Convention of the Farmers Union, at Portland, Oregon, March 16–19, 1975, adopted the following statement of policy on this issue:

"We favor renewed and redoubled efforts to negotiate an end to the senseless arms race, and to reduce the levels of troops and military bases maintained in the territory of third countries both by the United States and the Soviet Union."

Accordingly, we urge that the spending for procurement and research authorized in the defense budget presented by the President, and in the pending bill as recommended by the Senate Armed Services Committee, be reduced. We are disappointed that the President has recommended an increase of nearly 35 percent in this item over last year, and that the House Armed Services Committee reduced this to an amount 20 percent greater than last year.

The provision in the pending bill should be reduced further when it reaches the floor. We strongly urge that you support and vote for the amendment by Senators Symington, Cranston and Kennedy to impose a ceiling on expenditures for this purpose no higher than the same purchasing power in constant dollars as that approved by Congress last year.

Sincerely,

Tony T. Dechant,
President, Farmers Union.

May 30, 1975.

Dear Senator: During the week of June 2nd the Senate will be considering the Defense Authorization Bill for weapons procurement and research and development. The Administration request for Budget Authority in FY 1976 is 37 percent greater than FY 1975. The Senate Armed Services Committee has recommended a budget of $25.0 billion, which is still a 20 percent increase.

We believe this is an unnecessary and unjustified increase, and we urge your support of a ceiling amendment being offered by Senators Symington, Cranston and Kennedy. The amendment reduces the Committee's proposal by $1.2 billion for FY 1976; it allows for a 14 percent increase for inflation to maintain programs at their present level.

This year it is more important than ever to pare back the extraordinary increase sought for defense spending. At a time when badly needed domestic programs are being cut back, we cannot afford to add an extra $4.1 billion for weapons and research, as recommended by the Senate Armed Services Committee.

Environmental programs have been drastically slashed in the budget proposed by the Administration. Budget Authority for pollution control was $4.1 billion in FY 1975, but this year the Administration has requested only *$.6 billion*, practically eliminating the program. Conservation and land management has been reduced from $1 billion to $.8 billion, a 20 percent reduction. The reductions total $3.5 billion, and to cut that amount from environmental programs while adding $4.1 billion for the military is an indefensible scheme of national priorities. A greater threat to the security and well-being of our nation is posed by neglecting our environment and abusing our natural resources.

We hope you will vote for reasonable control of defense spending by supporting the Symington, Cranston and Kennedy ceiling amendment.

Len Arrow,
Highway Action Coalition.

Joe Browder,
Environmental Policy Center.

Peter Harnik,
Environmental Action.

Bill Painter,
American Rivers Conservation.

Rafe Pomerance,
Friends of the Earth.

U.S. Conference of Mayors,
Washington, D.C., May 30, 1975.

Through the Vietnam War years, the U.S. Conference of Mayors has publicly supported resolutions calling for a reordering of national priorities. Now that the nation's involvement in Southeast Asia has concluded once and for all, we were hopeful that the Administration and the Congress would begin to decrease funds for defense and direct resources into those social and urban programs where funds are so desperately needed. Yet now, the Administration has requested an unprecedented $28.6 billion for weapons procurement and military research and development for FY 1976.

Given the pressing needs of our cities and the importance of reordering our nation's priorities, the U.S. Conference of Mayors urges you to support the ceiling amendment to be offered this week to the Military Authorization Bill (S. 920) by Senators Symington, Cranston and Kennedy.

As reported by the Senate Armed Services Committee, S. 920 authorizes an alarming $25.0 billion for weapons procurement and for military research and development, a figure which represents a 20 percent increase over the FY 1975 budget. Much of the cut recommended by the Committee can be attributed to the end of all military assistance to Southeast Asia and not to any deliberate action on the part of committee members.

At a time when valuable urban programs are being slashed, this nation cannot tolerate high and unjustifiable increases in the Pentagon's budget. The ceiling amendment would limit increases in procurement and research to 14 percent for FY 1976, a rate which generously allows the Defense Department to keep pace with inflation and to maintain its current programs at their existing levels. This kind of inflationary increase is more than the Administration is willing to concede to the elderly, the handicapped, and other recipients of Social Security or to valuable urban programs.

At the same time the President proposes a 37 percent increase in the military procurement and research budget, he proposes to cut manpower programs by more than 20 percent, federal aid to elementary and secondary education by 5 percent, social services funds by 6 percent and LEAA grants by 11 percent. Almost as bad, "701" planning funds would continue at critically low levels, community health programs would be slashed, and federal matching funds for other health programs substantially reduced so that a heavier burden for these programs is shifted to local governments.

In these days of unemployment as high as 25 percent in some central cities when the nation should be concentrating its resources in economic recovery—on public service and public works jobs and on emergency aid to states and cities—it is foolhardy to increase spending for weapons systems and military R&D.

As a first significant step toward reodering our nation's priorities, we urge you to support the Symington, Cranston, Kennedy amendment to the Military Authorization Bill.

Sincerely,

John Gunther.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a study by the Public Interest Research Group in Michigan which demonstrates that defense expenditures mean fewer, not more, jobs when compared to expenditures in many other areas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE EMPTY PORK BARREL: UNEMPLOYMENT AND THE PENTAGON BUDGET

Contrary to popular and long-held beliefs, a high level of military spending creates unemployment. An analysis of the years 1968 through 1972 indicates that the net annual job loss nationwide, when the military budget averaged about $80 billion, was about 840,000 jobs.

The result comes from a statistical analysis of the negative impact of military spending upon major sectors of the US economy: durable goods, nondurable goods, residential and non-residential construction, state and local government expenditures, services, exports, imports, federal civil purchases, and producers durable equipment.[1] It was found that when spending on the military went up, expenditures on these civilian categories went down by certain definite percentages. The present analysis translates the expenditures foregone between 1968 and 1972 because of the $80 billion military budgets into jobs foregone during these years.

The extent of the job losses was unexpected. Twenty-six states, containing 60% of the US population, lose more jobs than they gain. Every major industrial state in the nation with the only exceptions of Texas and California lost jobs—most very heavily. New York alone suffered a net loss of 426,000 jobs. Michigan, Illinois, and Ohio together lost 492,000 jobs. Most of New England, all of the Middle Atlantic States, and all of the North Central states lost heavily. This was in spite of the fact that some of these states had substantial military contracts and large bases. The negative impact of Pentagon spending upon their industrial base far outweighed the jobs they gained through military contracts and bases.

The regional impact of military spending shows its other side when you look at a map. The South and West gain heavily. Less industrialized, on the whole, these states which have both military industry and large bases gain many more jobs than they lose. Texas, Georgia, and California together show a net gain of 285,000 jobs.

Military spending creates unemployment in another, more indirect way. It creates fewer jobs per billion dollars spent than any other government spending except the space program. The job-creating differential between spending $1 billion on the Pentagon and $1 billion on public service employment, for example, is about 57,000 jobs.[2]

Nationwide, high military budgets have a deleterious effect upon the economy and upon employment. This analysis, using conservative assumptions, reveals where and how the jobs are lost.

THE JOB COSTS OF HIGH MILITARY SPENDING

A major reallocation of jobs comes from the decision at the federal level to spend money upon the military. The following table indicates how many jobs are created by different ways of spending one billion dollars.

TABLE 1.—Jobs Generated by One Billion Dollars of Expenditure [3]

	Jobs
Job Corps	151,000
Teachers	100,000
Nurses	77,000
Public Housing	76,000
Sewer Construction	76,000
School Construction	50,000
Defense (Non-DOD civilian)	[4] 55,000

State and local government expenditure, nationwide, generates about 100,000 jobs for every billion dollars spent.[5]

If the analysis is done by sector of the economy, Table 2 shows, for each billion dollars spent on the military, the amounts *not* spent in other sectors.

TABLE 2.—Expenditures Foregone by Sector of the Economy for Each Billion Dollars Spent on the Military [6]

$187,000,000 on services
163,000,000 on durable goods
128,000,000 on state and local government consumption
114,000,000 on residential structures
110,000,000 on producers durable equipment
97,000,000 on exports
71,000,000 on non-durable goods
68,000,000 on non-residential structures
48,000,000 on federal civil purchases
25,000,000 on imports

The present study analyzes the negative job impact upon the 50 states of only six of the above ten categories: durables, nondurables, residential construction, non-residential construction, services, and state and local government. This procedure both makes the figures more conservative and avoids the possibility of double counting.[7] The gross number of jobs foregone in each of these sectors was first calculated for each state, and then the number of jobs created by military prime contract awards and military personnel. The difference between total civilian jobs foregone and military jobs created equals the net loss or net gain for the state.

The results for each state are shown in Table 3.

The results are even more dramatic when viewed regionally, as in Tables 4 and 5. The Middle Atlantic and the East North Central states together lose over one and one-quarter million jobs. The Great Plains states lose. The South Atlantic and West Central states, on the other hand, gain over one-quarter million jobs.

Although some states and regions gain, the result nationwide is negative. Over 60% of the people of the United States live in states which suffer net job losses.

The figures on net jobs foregone by state take on a more human meaning when compared to their average employment during the years studied. For five of the largest industrial states—New York, Illinois, Michigan, Ohio, and Pennsylvania—the jobs foregone because of high Pentagon budgets *averaged 85%* of their total unemployment between 1968 and 1972. This means that military spending had an enormous impact upon their unemployment situation, their welfare expenditures, and the state services never provided because of a lowered tax base and higher welfare costs. The relationship of jobs foregone to unemployment in each of the states which suffer a net loss of jobs is shown in Table 6.

Table 7 shows the jobs foregone and created nationwide in each sector analyzed.

TABLE 3.—States in Order of Negative Employment Impact of Military Spending. Annual Average, 1968–1972:

	Number of jobs foregone or gained
1. New York	−426,000
2. Illinois	−174,000
3. Michigan	−172,000
4. Ohio	−146,000
5. Pennsylvania	−127,000
6. Wisconsin	−72,000
7. Indiana	−57,000
8. New Jersey	−53,000
9. Minnesota	−47,000
10. Tennessee	−40,000
11. Iowa	−37,000
12. Massachusetts	−35,000
13. Oregon	−33,000
14. Florida	−23,000
15. West Virginia	−22,000
16. Nevada	−15,000
17. Arkansas	−12,000
18. Connecticut	−9,000
19. Louisiana	−9,000
20. Vermont	−4,400
21. Nebraska	−4,200
22. Idaho	−4,000
23. Maine	−3,800
24. Delaware	−1,000
25. Wyoming	−1,000
26. South Dakota	−100
27. Missouri	+1,500
28. Montana	+2,000
29. Rhode Island	+4,800
30. New Hampshire	+5,500
31. Arizona	+7,700
32. Maryland	+8,000
33. Alabama	+9,000
34. New Mexico	+10,000
35. North Dakota	+10,000
36. Kentucky	+14,000
37. Kansas	+16,000
38. Mississippi	+17,000
39. Utah	+19,000
40. Washington	+25,000
41. Colorado	+25,000
42. Alaska	+29,000
43. Oklahoma	+32,000
44. North Carolina	+33,000
45. South Carolina	+36,000
46. Hawaii	+38,000
47. Georgia	+55,000
48. Virginia	+56,000
49. California	+97,000
50. Texas	+133,000
U.S. total	−844,000

TABLE 4.—Net Jobs Lost by Geographical Region. Annual Average, 1968–1972:

	Net job loss or gain
NEW ENGLAND	
Maine	−3,800
New Hampshire	+5,500
Vermont	−4,400
Massachusetts	−35,000
Rhode Island	+4,800
Connecticut	−9,000
Net New England	−41,900
MIDDLE ATLANTIC	
New York	−426,000
New Jersey	−53,000
Pennsylvania	−127,000
Net Middle Atlantic	−606,000
EAST NORTH CENTRAL	
Ohio	−146,000
Indiana	−57,000
Illinois	−174,000
Michigan	−172,000
Wisconsin	−72,000
Net E.N. Central	−621,000
WEST NORTH CENTRAL	
Minnesota	−47,000
Iowa	−37,000
Missouri	+1,500
North Dakota	+10,000
South Dakota	−100
Nebraska	−4,200
Kansas	+16,000
Net W.N. Central	−60,800

Footnotes at end of article.

EAST SOUTH CENTRAL	
Kentucky	+14, 000
Tennessee	−40, 400
Alabama	+8, 600
Mississippi	+17, 000
Net E.S. Central	−800

TABLE 5.—Net Jobs Gained by Geographical Region. Annual Average, 1968–1972:

	Net job loss or gain
SOUTH ATLANTIC	
Delaware	− 1,000
Maryland	+8, 000
Virginia	+56, 000
West Virginia	−22, 000
North Carolina	+33, 000
South Carolina	+36, 000
Georgia	+55, 000
Florida	−23, 000
Net South Atlantic	+142, 000
WEST SOUTH CENTRAL	
Arkansas	−9, 000
Louisiana	−12, 000
Oklahoma	+32, 000
Texas	+133, 000
Net W.S. Central	+144, 000
MOUNTAIN	
Montana	+2, 000
Idaho	−4, 000
Wyoming	− 1,000
Colorado	+25, 000
New Mexico	+10, 000
Arizona	+7, 700
Utah	+19, 000
Nevada	− 15, 000
Net Mountain	+43, 700
PACIFIC	
Washington	+25, 000
Oregon	−33, 000
California	+97, 000
Alaska	+29, 000
Hawaii	+38,000
Net Pacific	+158, 000

State	Number of jobs foregone	Average number of unemployed persons	Jobs foregone as percent of unemployment
New York	426, 000	382, 000	112
Illinois	174, 000	191, 000	91
Michigan	172, 000	230, 000	75
Ohio	146, 000	171, 000	85
Pennsylvania	127, 000	207, 000	61
Wisconsin	72, 000	83, 000	87
Indiana	57, 000	92, 000	62
New Jersey	53, 000	175, 000	30
Minnesota	47, 000	71, 000	66
Tennessee	40, 000	68, 000	59
Iowa	37, 000	41, 000	90
Massachusetts	35, 000	143, 000	25
Oregon	33, 000	50, 000	66
Florida	23, 000	90, 000	26
West Virginia	22, 000	41, 000	54
Nevada	15, 000	14, 000	107
Arkansas	12, 000	35, 000	34
Connecticut	9, 000	83, 000	11
Louisiana	9, 000	79, 000	11
Vermont	4, 400	9, 000	49
Nebraska	4, 200	19, 000	22
Idaho	4, 000	15, 000	27
Maine	3, 800	24, 000	16
Delaware	1, 000	10, 000	10
Wyoming	1, 000	6, 000	17
South Dakota	100	9, 000	1

TABLE 7.—JOBS FOREGONE BY SECTOR OF THE ECONOMY-ANNUAL AVERAGE, 1968–72

Sector	Gross jobs foregone	Military jobs created	Net
Durable goods	−796, 000	+806, 000	+10, 000
Nondurable goods	−353, 000	+52, 000	−301, 000
Residential construction	−428, 000	+58, 000	−370,000
Nonresidential construction	−253, 000	+11, 000	−242, 000
Services	−1, 528, 000		−1, 528, 000
State and local government	−1, 012, 000		−1, 012, 000
Jobs foregone in industry, services, and State and local government			−3, 443, 000
Uniformed and nonuniformed military personnel employed in the United States		+2, 599, 000	+2, 599, 000
Net jobs foregone nationwide			−844, 000

ANALYSIS OF FINDINGS

The Net Loss States

Of the 60% of the US citizens who live in states which suffer a net loss of jobs, the overwhelming majority of them live in highly industrialized states which do not contain large military bases.

During the period studied, most of the New England states were net loss states (see Table 4). Only Rhode Island and New Hampshires owed slight gains. The region as a whole lost about 42,000 jobs annually. This was true even when Connecticut was getting heavy military contracts because of the Vietnam war and Massachusetts was getting substantial contracts for research and development.

In the Middle Atlantic region every state lost, with New York losing more jobs than any other state in the country—an astounding 426,000. New Jersey and Pennsylvania lost heavily even though they received substantial military contracts and both states host some military bases. The losses they sustained in civilian industrial production, coupled with the very large number of jobs which they had to forego in services and state and local government, resulted in 53,000 jobs foregone in New Jersey and 127,000 in Pennsylvania.

The industrial belt of the United States suffers the worst: 621,000 jobs were foregone in the East North Central states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. This region, the industrial heartland of the nation, showed a net loss of over 360,000 jobs just in the industrial sectors (durable and non-durable goods) of its economy. With relatively few military bases to compensate and a very substantial number of jobs foregone in services and state and local government, this region was the hardest hit in the nation.

The Great Plains states showed a more varied picture. Although the region as a whole showed a net loss of 60,000 jobs, some states gained. The net loss states included Minnesota, Iowa, South Dakota, and Nebraska. The net gain states were North Dakota, Missouri (which had considerable military production), and Kansas (which had some military bases).

The last of the net loss regions was the East South Central comprising Kentucky, Tennessee, Alabama, and Mississippi. The region had many military bases, and Tennessee was the only net loss state—with over 40,000 jobs foregone. All the other states showed slight net gains, but Tennessee's large loss resulted in a regional total net loss of about 800 jobs.

The Net Gain States

The states which showed net gains in jobs from military bases and industry form a geographic band which begins in Maryland and extends south to Georgia (Florida is excluded), west to California (excluding Louisiana), and north to Washington (omitting Oregon).

The South Atlantic region, which includes Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, gained 142,000 jobs. Delaware, West Virginia, Florida lost jobs; the other states gained heavily, Virginia, North and South Carolina and Georgia had almost 427,000 military personnel stationed within their borders. Over 105,000 military personnel were living in Florida, but their presence was not sufficient to overcome the large job losses in residential construction and services.

Texas led the West South Central section with a net gain of 133,000 jobs. Texas was receiving an average of $2.5 billion worth of military contracts during these years, generating about 88,000 jobs a year. There were also 247,000 uniformed and civilian military personnel stationed there each year. Therefore, Texas' net gain was large, the largest in the nation. Oklahoma also gained about 32,000 jobs. Arkansas, lost almost 12,000 jobs during each year of the period studied.

Washington, with both troops and contracts, and Alaska and Hawaii, with large military bases, were all net gain states. Only Oregon of the Pacific Coast states lost jobs—33,000 of them.

National Employment Effects of Military Spending

A *net increase* in employment could follow a Defense Department budget cut. As Dr. John Henderson, professor of economics at Michigan State University, says, "In addition to the reallocative effects of military spending, there is also the fact that for every dollar spent in that direction there are fewer jobs created than if the money were spent by consumers and the private sector including state and local government. Where military expenditures go for military hardware, the labor input is a small component compared to the product of civilian goods and services."

Whether the cut meant that money went from military contracts to civilian industry or military personnel were cut and state and local governments had a rise in employment, a trade-off would mean a net increase of jobs for the economy (see Table 8).

TABLE 8.—JOBS CREATED PER BILLION DOLLARS OF EXPENDITURE

	If spend to create jobs in industry	If spent to create jobs in government
Jobs created by:		
$1,000,000,000 spend in civilian sector	[8] 65, 000	* [9] 100, 000
$1,000,000,000 spent in military sector	[10] 55, 000	[11] 79, 000
Jobs foregone by spending on the military	10, 000	21, 000

*State and local government.

If money were taken out of military contracting and either through a tax cut or reallocation to other federal programs, put toward civilian needs, the nation's economy would benefit. Depending on exactly how the money were spent, at least 10,000 more jobs per billion dollars transferred could be created.

If there were cuts in armed forces personnel, both civilian and military, and the number of firemen, teachers, state parks personnel, and other government employees were raised, the economy would gain 21,000 jobs per billion dollars transferred to state and local government.

Either way, more jobs will be created in the United States.

The belief that spending by the Department of Defense has been good for the economy has been a myth. It is not supported by the facts.

Every billion dollars spent on the Pentagon costs the economy jobs, costs people who are employed higher taxes, and produces a lower quality of life for all.

With a transfer of tax money back to the pockets of people, whether spent for personal or for state and local needs, nearly every major industrial state would benefit. The increase in employment would be considerable in all industrial areas which are not heavily devoted to manufacturing military hardware.

There would be, of course, temporary dislocations in areas near large bases or concentrations of military contracting, which would have to be offset by careful conversion planning for civilian production. But as many more industrial, service, and state and local government jobs would be opening up in the economy as a whole, even the workers laid off at a military plant should not be out of work for long.

CONCLUSIONS AND RECOMMENDATIONS

The conclusion is clear. Sustained high military expenditure costs the people of the United States dearly. It costs them money. It costs them jobs.

The deep problems of the American economy cannot be ameliorated until the waste and fat is cut from the military budget, and the money either left in the hands of the citizens through tax cuts or spent upon economically productive activities by the government—federal, state, or local.

Cuts in taxes would leave more money in the people's hands to spend as they wish. Cuts in the lower-income tax brackets would mean more money immediately going into the necessities of life: food, clothing, and shelter. Cuts in the higher brackets have a greater effect on luxury expenditures. In either case, some money goes into saving and some into consumer goods expenditure which both stimulate investment and generate jobs. Non-military expenditures by the federal government could also have a salutary effect on jobs and income. All non-military federal expenditure (except on the space program) produces more jobs for each billion dollars spent than does the Pentagon.

To effect the changes in national spending policies needed to regenerate the American economy, a change in national priorities is needed. Taxpayers should be as intolerant of waste in the military as they are at the level of their local school district. A school for 200 students staffed by 40 administrators and 90 teachers would never be tolerated by taxpayers. The same balance and sanity must accrue to the bloated military.

According to a poll taken by *Time* magazine, the American people overwhelmingly want the Pentagon budget to be cut. People know that their cities, their air, their land, their sick, and their children need far more money and attention. And that is what they want to spend their taxes on.

PIRGIM's recommendations are straightforward and succinct:

1. A cut of $20 billion in the military budget, thus allowing 212,000 people nationwide to have jobs again.

2. A Congressional investigation into the nationwide unemployment effects of high military spending. Particular attention should be given to the states which would be positively affected by major cuts.

3. The passage of legislation for the conversion of military industry to civilian industry with concomitant provisions to lessen the problems of retraining and relocation of workers.

FOOTNOTES

[1] Bruce Russett, What Price Vigilance? Yale University Press, New Haven and London, 1970, p. 140.

[2] Department of Defense and Bureau of Labor Statistics, Department of Labor.

[3] CONGRESSIONAL RECORD, May 23, 1972, H4917. (Rep. Aspin cites as his sources: space, NASA; teachers, Office of Education; school construction, Bureau of Labor Statistics; nurses, Bureau of Health Manpower, HEW; public housing, Bureau of Labor Statistics; sewer construction, Bureau of Labor Statistics; Job Corps, Department of Labor; Defense, Office of the Comptroller, Department of Defense.

[4] The Department of Defense figure was modified pursuant to an interview with an economist in the Office of the Comptroller of the Department of Defense.

[5] Bureau of Labor Statistics, Department of Labor.

[6] Russett, What Price Vigilance? P. 140.

[7] The methodology was made still more conservative by not using the multiplier effect. This would further exacerbate the difference between the civilian jobs foregone and the military jobs generated as the multiplier for civilian expenditures is higher than that for military expenditures.

[8] Bureau of Labor Statistics, Department of Labor.

[9] Bureau of Labor Statistics.

[10] Office of the Comptroller, Department of Defense.

[11] Office of the Comptroller, Department of Defense.

APPENDIX A: JOBS FOREGONE BY SECTOR OF THE ECONOMY BY STATE

JOB LOSSES AND GAINS IN COMPONENTS OF THE GNP: ANNUAL AVERAGE, 1968–72

Component of GNP	Number of civilian jobs foregone	Number of military jobs created	Net job gain or loss
ALABAMA			
Durable goods	−9, 650	+7, 850	−1, 800
Nondurable goods	−8, 000	+1, 900	−6, 100
Residential construction	−7, 000	+550	−6, 450
Nonresidential construction	−3, 500	+50	−3, 450
Services	−15, 250		−15, 250
State and local government	−12, 900		−12, 900
Military personnel		+54, 950	+54, 950
Total			+9, 000
ALASKA			
Durable goods	0	0	0
Nondurable goods	−250	+350	+100
Residential construction	−1, 050	+1, 450	+400
Nonresidential construction	−1, 300	0	−1, 300
Services	−2, 250		−2, 250
State and local government	−3, 250		−3, 250
Military personnel		+35, 300	+35, 300
Total			+29, 000
ARIZONA			
Durable goods	−4, 500	+7, 950	+3, 450
Nondurable goods	−1, 000	+200	−800
Residential construction	−7, 100	+1, 000	−6, 100
Nonresidential construction	−3, 050	+0	−3, 050
Services	−13, 900		−13, 900
State and local government	−9, 400		−9, 400
Military personnel		+37, 500	+37, 500
Total			+7, 700
ARKANSAS			
Durable goods	−4, 400	+1, 700	−2, 700
Nondurable goods	−3, 950	−450	−3, 500
Residential construction	−4, 100	+150	−3, 950
Nonresidential construction	−1, 800	+100	−1, 700
Services	−7, 700		−7, 700
State and local government	−6, 400		−6, 400
Military personnel		+13, 950	+13, 950
Total			−12, 000
CALIFORNIA			
Durable goods	−71, 200	+158, 300	+87, 100
Nondurable goods	−21, 850	−8, 750	−13, 100
Residential construction	−51, 150	+8, 950	−42, 200
Nonresidential construction	−23, 500	+500	−23, 000
Services	−206, 600		−206, 600
State and local government	−125, 300		−125, 300
Military personnel		+420, 100	+420, 100
Total			+97, 000
COLORADO			
Durable goods	−4, 300	+4, 700	+400
Nondurable goods	−2, 025	+300	−1, 725
Residential construction	−7, 100	+1, 250	−5, 850
Nonresidential construction	−3, 025	+50	−2, 975
Services	−17, 700		−17, 700
State and local government	−11, 800		−11, 800
Military personnel		+64, 650	+64, 650
Total			+25, 000
CONNECTICUT			
Durable goods	−26, 250	+56, 950	+30, 700
Nondurable goods	−3, 350	+200	−3, 150
Residential construction	−5, 950	+400	−5, 550
Nonresidential construction	−4, 100	+50	−4, 050
Services	−20, 050		−20, 050
State and local government	−15, 750		−15, 750
Military personnel		+8, 850	+8, 850
Total			−9, 000
DELAWARE			
Durable goods	−700	+200	−500
Nondurable goods	−900	+400	−500
Residential construction	−1, 350	+100	−1, 250
Nonresidential construction	−750		−750
Services	−3, 500		−3, 500
State and local government	−3, 200		−3, 200
Military personnel		+8, 700	+8, 700
Total			−1, 000
FLORIDA			
Durable goods	−10, 200	+26, 700	+16, 500
Nondurable goods	−6, 900	+1, 000	−5, 900
Residential construction	−35, 700	+2, 800	−32, 900
Nonresidential construction	−9, 000	+50	−8, 950
Services	−67, 250		−67, 250
State and local government	−29, 900		−29, 900
Military personnel		+105, 400	+105, 400
Total			−23, 000
GEORGIA			
Durable goods	−9, 800	+18, 100	+8, 300
Nondurable goods	−14, 150	+1, 650	−12, 500
Residential construction	−12, 800	+850	−11, 950
Nonresidential construction	−5, 450	+50	−5, 400
Services	−28, 100		−28, 100
State and local government	−19, 050		−19, 050
Military personnel		+123, 700	+123, 700
Total			+55, 000
HAWAII			
Durable goods	−150	+300	+150
Nondurable goods	−1, 000	+500	−500
Residential construction	−4, 100	+1, 850	−2, 250
Nonresidential construction	−1, 650	0	−1, 650
Services	−8, 800		−8, 800
State and local government	−5, 550		−5, 550
Military personnel		+56, 600	+56, 600
Total			+38, 000
IDAHO			
Durable goods	−150	+50	−100
Nondurable goods	−1, 400	+100	−1, 300
Residential construction	−750	+200	−550
Nonresidential construction	−850	0	−850
Services	−3, 850		−3, 850
State and local government	−3, 250		−3, 250
Military personnel		+5, 900	+5, 900
Total			−4, 000

APPENDIX A: JOBS FOREGONE BY SECTOR OF THE ECONOMY BY STATE—Continued

JOB LOSSES AND GAINS IN COMPONENTS OF THE GNP: ANNUAL AVERAGE, 1968–72—Continued

Component of GNP	Number of civilian jobs foregone	Number of military jobs created	Net job gain or loss
ILLINOIS			
Durable goods	−68, 450	+14, 350	−54, 100
Nondurable goods	−19, 650	+1, 650	−18, 000
Residential construction	−21, 400	+2, 200	−19, 200
Nonresidential construction	−13, 700	+3, 350	−10, 350
Services	−97, 850		−97, 850
State and local government	−53, 200		−53, 200
Military personnel		+78, 700	+78, 700
Total			−174, 000
INDIANA			
Durable goods	−41, 950	+25, 100	−16, 850
Nondurable goods	−7, 650	+650	−7, 000
Residential construction	−9, 450	+850	−8, 600
Nonresidential construction	−6, 250	+450	−5, 800
Services	−21, 050		−21, 050
State and local government	−22, 550		−22, 550
Military personnel		+24, 850	+24, 850
Total			−57, 000
IOWA			
Durable goods	−9, 050	+5, 050	−4, 000
Nondurable goods	−4, 050	+450	−3, 600
Residential construction	−3, 700	+200	−3, 500
Nonresidential construction	−2, 850	+450	−2, 400
Services	−11, 200		−11, 250
State and local government	−14, 400		−14, 400
Military personnel		+2, 100	+2, 100
Total			−37, 000
KANSAS			
Durable goods	−5, 950	+7, 000	+1, 050
Nondurable goods	−2, 250	+300	−1, 950
Residential construction	−3, 350	+700	−2, 650
Nonresidential construction	−2, 275	+25	−2, 250
Services	−8, 600		−8, 600
State and local government	−10, 600		−10, 600
Military personnel		+41, 000	+41, 000
Total			+16, 000
KENTUCKY			
Durable goods	−9, 700	+250	−9, 450
Nondurable goods	−4, 550	+550	−4, 000
Residential construction	−7, 500	+600	−6, 900
Nonresidential construction	−5, 000	+0	−5, 000
Services	−13, 150		−13, 150
State and local government	−12, 300		−12, 300
Military personnel		+64, 800	+64, 800
Total			+14, 000
LOUISIANA			
Durable goods	−4, 150	4, 550	+400
Nondurable goods	−4, 400	1, 200	−3, 200
Residential construction	−9, 100	500	−8, 600
Nonresidential construction	−5, 000	0	−5, 000
Services	−19, 700		−19, 700
State and local government	−16, 300		−16, 300
Military personnel		+43, 400	+43, 400
Total			−9, 000
MARYLAND			
Durable goods	−11, 950	+16, 600	+4, 650
Nondurable goods	−5, 750	+650	−5, 100
Residential construction	−8, 400	+2, 300	−6, 100
Nonresidential construction	−5, 200	+50	−5, 150
Services	−30, 850		−30, 850
State and local government	−20, 750		−20, 750
Military personnel		+71, 300	+71, 300
Total			+8, 000
MAINE			
Durable goods	−900	+2, 100	+1, 200
Nondurable goods	−2, 900	+250	−2, 650
Residential construction	−1, 500	+100	−1, 400
Nonresidential construction	−1, 000	0	−1, 000
Services	−4, 300		−4, 300
State and local government	−4, 350		−4, 350
Military personnel		−8, 700	+8, 700
Total			−3, 800
MASSACHUSETTS			
Durable goods	−26, 800	+47, 350	+20, 550
Nondurable goods	−12, 050	+1, 700	−10, 350
Residential construction	−10, 150	+900	−9, 250
Nonresidential construction	−7, 200	+50	−7, 150
Services	−44, 450		−44, 450
State and local government	−28, 600		−28, 600
Military personnel		+44, 250	+44, 250
Total			−35, 000
MICHIGAN			
Durable goods	−67, 000	+10, 500	−56, 500
Nondurable goods	−9, 900	+700	−9, 200
Residential construction	−15, 950	+450	−15, 500
Nonresidential construction	−10, 450	+1, 250	−9, 200
Services	−60, 250		−60, 250
State and local government	−49, 100		−49, 100
Military personnel		+27, 750	+27, 750
Total			−172, 000
MINNESOTA			
Durable goods	−11, 250	+15, 650	+4, 400
Nondurable goods	−5, 300	+250	−5, 050
Residential construction	−6, 850	+150	−6, 700
Nonresidential construction	−4, 450	+100	−4, 350
Services	−21, 100		−21, 100
State and local government	−21, 050		−21, 050
Military personnel		+6, 850	+6, 850
Total			−47, 000
MISSISSIPPI			
Durable goods	−5, 500	+17, 500	+12, 000
Nondurable goods	−4, 600	+1, 300	−3, 300
Residential construction	−4, 500	+700	−3, 800
Nonresidential construction	−2, 250	+150	−2, 100
Services	−7, 300		−7, 300
State and local government	−8, 500		−8, 500
Military personnel		+30, 000	+30, 000
Total			+17, 000
MISSOURI			
Durable goods	−17, 550	+30, 050	+12, 500
Nondurable goods	−7, 850	+500	−7, 350
Residential construction	−7, 300	+1, 200	−6, 100
Nonresidential construction	−5, 100	+50	−5, 050
Services	−30, 150		−30, 150
State and local government	−19, 450		−19, 450
Military personnel		+57, 100	+57, 100
Total			+1, 500
MONTANA			
Durable goods	−100	+200	+100
Nondurable goods	−650	+50	−600
Residential construction	−700	+3, 300	+2, 600
Nonresidential construction	−1, 050	0	−1, 050
Services	−3, 200		−3, 200
State and local government	−3, 550		−3, 550
Military personnel		+7, 700	+7, 700
Total			+2, 000
NEBRASKA			
Durable goods	−2, 900	+1, 500	−1, 400
Nondurable goods	−1, 650	+250	−1, 400
Residential construction	−2, 500	+300	−2, 200
Nonresidential construction	−1, 600	0	−1, 600
Services	−7, 200		−7, 200
State and local government	−6, 950		−6, 950
Military personnel		+16, 550	+16, 550
Total			+4, 200
NEVADA			
Durable goods	−150	+50	−100
Nondurable goods	−100	+0	−100
Residential construction	−3, 000	+350	−2, 650
Nonresidential construction	−1, 100	+0	−1, 100
Services	−20, 450		−20, 450
State and local government	−3, 300		−3, 300
Military personnel		+12, 700	+12, 700
Total			−15, 000
NEW HAMPSHIRE			
Durable goods	−3, 100	+5, 900	+2, 800
Nondurable goods	−1, 650	+400	−1, 250
Residential construction	−1, 350	+100	−1, 250
Nonresidential construction	−850	0	−850
Services	−4, 550		−4, 550
State and local government	−3, 100		−3, 100
Military personnel		+13, 700	+13, 700
Total			+5, 500
NEW JERSEY			
Durable goods	−32, 150	+23, 250	−8, 900
Nondurable goods	−17, 200	+2, 000	−15, 200
Residential construction	−11, 700	+1, 000	−10, 700
Nonresidential construction	−10, 100	0	−10, 100
Services	−54, 400		−54, 400
State and local government	−35, 700		−35, 700
Military personnel		+82, 000	+82, 000
Total			−53, 000
NEW MEXICO			
Durable goods	−350	+1, 550	+1, 200
Nondurable goods	−300	+150	−150
Residential construction	−2, 150	+800	−1, 350
Nonresidential construction	−1, 300	0	−1, 300
Services	−10, 000		−10, 000
State and local government	−5, 500		−5, 500
Military personnel		+27, 100	+27, 100
Total			+10, 000
NEW YORK			
Durable goods	−65, 150	+69, 450	+4, 300
Nondurable goods	−37, 400	+3, 200	−34, 200
Residential construction	−24, 050	+1, 700	−22, 350
Nonresidential construction	−23, 550	+200	−23, 350
Services	−272, 600		−272, 600
State and local government	−132, 100		−132, 100
Military personnel		+54, 300	+54, 300
Total			−426, 000
NORTH CAROLINA			
Durable goods	−14, 250	+11, 350	−2, 900
Nondurable goods	−21, 700	+3, 300	−18, 400
Residential construction	−12, 550	+1, 450	−11, 100
Nonresidential construction	−5, 750	+350	−5, 400
Services	−23, 300		−23, 300
State and local government	−18, 800		−18, 000
Military personnel		+112, 900	+112, 900
Total			+33, 000
NORTH DAKOTA			
Durable goods	−150	+800	+650
Nondurable goods	−200	+200	0
Residential construction	−850	+3, 000	+2, 150
Nonresidential construction	−1, 000	0	−1, 000
Services	−2, 300		−2, 300
State and local government	−3, 300		−3, 000
Military personnel		+13, 800	+13, 800
Total			+10, 000
OHIO			
Durable goods	−78, 400	+29, 900	−48, 500
Nondurable goods	−17, 250	+550	−16, 700
Residential construction	−21, 000	+2, 000	−19, 000
Nonresidential construction	−12, 600	+1, 350	−11, 250
Services	−64, 650		−64, 650
State and local government	−43, 850		−43, 850
Military personnel		+57, 950	+57, 950
Total			−146, 000
OKLAHOMA			
Durable goods	−5, 600	+2, 100	−3, 500
Nondurable goods	−1, 800	+800	−1, 000
Residential construction	−5, 850	+1, 050	−4, 800
Nonresidential construction	−2, 750	+450	−2, 300
Services	−13, 450		−13, 450
State and local government	−10, 900		−10, 900
Military personnel		+67, 950	+67, 950
Total			+32, 000
OREGON			
Durable goods	−3, 400	+1, 000	−2, 400
Nondurable goods	−5, 400	+400	−5, 000
Residential construction	−4, 100	0	−4, 100
Nonresidential construction	−2, 700	+100	−2, 600
Services	−13, 400		−13, 400
State and local government	−11, 900		−11, 900
Military personnel		−6, 400	+6, 400
Total			+33, 000

APPENDIX A: JOBS FOREGONE BY SECTOR OF THE ECONOMY BY STATE—Continued

JOB LOSSES AND GAINS IN COMPONENTS OF THE GNP: ANNUAL AVERAGE, 1968–72—Continued

Component of GNP	Number of civilian jobs foregone	Number of military jobs created	Net job gain or loss
PENNSYLVANIA			
Durable goods	−67,850	+35,400	−32,450
Nondurable goods	−26,100	+2,300	−23,800
Residential construction	−13,300	−1,000	−12,300
Nonresidential construction	−14,800	+450	−14,350
Services	−73,000		−73,000
State and local government	−51,700		−51,700
Military personnel		+80,600	+80,600
Total			−127,000
RHODE ISLAND			
Durable goods	−3,600	+2,400	−1,200
Nondurable goods	−1,850	+750	−1,100
Residential construction	−1,300	+600	−700
Nonresidential construction	−700	0	−700
Services	−5,300		−5,300
State and local government	−4,400		−4,400
Military personnel		+18,200	+18,200
Total			+4,800
TENNESSEE			
Durable goods	−12,750	+9,600	−3,150
Nondurable goods	−11,600	+1,700	−9,900
Residential construction	−9,450	+1,600	−7,850
Nonresidential construction	−5,000	+100	−4,900
Services	−22,850		−22,850
State and Local government	−14,750		−14,750
Military personnel		+23,400	+23,400
Total			−40,000
TEXAS			
Durable goods	−27,400	+78,200	+50,800
Nondurable goods	−13,000	+5,900	−7,100
Residential construction	−27,500	+4,000	−23,500
Nonresidential construction	−15,150	+200	−14,950
Services	−76,250		−76,250
State and local government	−43,200		−43,200
Military personnel		+247,200	+247,200
Total			+133,000
SOUTH CAROLINA			
Durable goods	−4,800	+1,300	−3,500
Nondurable goods	−11,950	+1,900	−10,050
Residential construction	−6,500	+1,500	−5,000
Nonresidential construction	−2,900	0	−2,900
Services	−10,850		−10,850
State and local government	−9,600		−9,600
Military personnel		+77,900	+77,900
Total			+36,000
SOUTH DAKOTA			
Durable goods	−300	+850	+550
Nondurable goods	−500	+50	−450
Residential construction	−700	+50	−600
Nonresidential construction	−750	+0	−750
Services	−2,200		−2,200
State and local government	−3,500		−3,500
Military personnel		+6,900	+6,900
Total			−100
UTAH			
Durable goods	−1,500	+3,650	+2,150
Nondurable goods	−900	+200	−700
Residential construction	−2,075	+450	−1,625
Nonresidential construction	−1,250	0	−1,250
Services	−6,175		−6,175
State and local government	−5,250		−5,250
Military personnel		+31,850	+31,850
Total			+19,000
VERMONT			
Durable goods	−1,100	+3,000	+1,900
Nondurable goods	−500	0	−500
Residential construction	−750	0	−750
Nonresidential construction	−600	0	−600
Services	−2,700		−2,700
State and local government	−2,350		−2,350
Military personnel		+600	+600
Total			−4,400
VIRGINIA			
Durable goods	−10,050	+21,750	+11,700
Nondurable goods	−9,400	+1,300	−8,100
Residential construction	−13,100	+3,300	−9,800
Nonresidential construction	−5,700	+100	−5,600
Services	−25,200		−25,300
State and local government	−19,200		−19,200
Military personnel		+112,300	+112,300
Total			+56,000
WASHINGTON			
Durable goods	−9,800	+12,000	+2,200
Nondurable goods	−5,300	+700	−4,600
Residential construction	−7,800	+1,000	−6,800
Nonresidential construction	−5,100	+100	−5,000
Services	−20,700		−20,700
State and local government	−19,100		−19,100
Military personnel		+79,000	+79,000
Total			+25,000
WEST VIRGINIA			
Durable goods	−5,300	+1,550	−3,750
Nondurable goods	−2,200	+300	−1,900
Residential construction	−1,700	+150	−1,550
Nonresidential construction	−2,800	0	−2,800
Services	−6,800		−6,800
State and local government	−7,100		−7,100
Military personnel		+1,900	+1,900
Total			−22,000
WISCONSIN			
Durable goods	−24,500	+10,150	−14,350
Nondurable goods	−8,200	+475	−7,725
Residential construction	−7,400	+275	−7,125
Nonresidential construction	−4,700	+250	−4,450
Services	−18,900		−18,900
State and local government	−24,300		−24,300
Military personnel		+4,850	+4,850
Total			−72,000
WYOMING			
Durable goods	−50	+275	+225
Nondurable goods	−100	+125	+25
Residential construction	+300	+50	−250
Nonresidential construction	−600	+0	−600
Services	−2,325		−2,325
State and local government	−2,375		−2,375
Military personnel		+4,300	+4,300
Total			−1,000

APPENDIX B: METHODOLOGY

The methodology was developed by Dr. John Henderson, former Director of Graduate Studies, Department of Economics, Michigan State University; Dr. Seymour Melman of Columbia University; Alan Fischer, Research Economist, United Auto Workers; Dr. Bruce Russett of Yale University; and, for construction, Dr. Robert Ball, Supervisory Economist, Bureau of Labor Statistics. A number of other distinguished economists have given advice on both the use of statistics and on the methodology used.

The method involves first calculating the gross number of jobs foregone in each of six sectors of each state's economy: Durable Goods, Non-Durable Goods, Residential Construction, Non-Residential Construction, Services, State and Local Government. Next the number of jobs created in four of these sectors (Durable Goods, Non-Durable Goods, Residential Construction, and Non-Residential Construction) by military prime contracts is calculated and the result is subtracted from the gross number of jobs foregone in those sectors. This yields the net number of jobs foregone in each of the categories. Finally, the net jobs foregone in the six sectors are added for each state, and the number of uniformed and non-uniformed military personnel is subtracted. The result is the total number of jobs foregone for the state.

DURABLE GOODS

A. Gross number of jobs foregone annually.

Step. 1. Multiply the Defense Department outlays for that year[1] by Russett's negative coefficient for Durable Good of −.163.[2] This will yield an estimate of the net national value of resources that were not used that year in Durable Goods production. Hence, this is our estimate of purchases of Durable Goods by the final user (value added) which are foregone.

Step 2. Divide the state's total amount of value added for Durable Goods for that year by the U.S. total value added for Durable Goods for the same year[3] to determine the state's percentage of the U.S. total value added.

Step 3. Multiply the result of Step 2 (state's percentage of U.S. value added) by the result of Step 1 (amount of value added foregone in U.S. Durables) to get the dollar amount of value added foregone for Durable Goods for that state that year.

Step 4. Divide the state's payroll in Durables[4] by state's the total value added for Durables to yield the percentage of value added comprised by the payroll.

Step 5. Multiply the result of Step 4 (payroll percentage) by the result of Step 3 (dollar amount of value added foregone) to get the amount of wages foregone for that year.

Step 6. Determine the yearly average wage in the state for Durables by dividing total payroll by total number of employees.[5]

Step 7. Divide the result of Step 6 (average wage) into the result of Step 5 (wages foregone) to get the gross number of jobs foregone in Durable Goods for the year.

Step 8. Complete Steps 1 through 7 for each of the years 1967, 1969, and 1971, and divide the total by 3 to get the average gross number of jobs foregone yearly in Durable Goods.

B. Number of military jobs created.

Step 9. Calculate the total amount of military prime contracts for Durable Goods coming into the state in each of Fiscal Years 1968, 1970, and 1972[6] and divide by 3 for the yearly average. The Durable Goods prime contracts are in:

1. Air Frames, Related Assemblies and Spares
2. Aircraft Engines and Related Spares
3. Other Aircraft Equipment and Supplies
4. Missile Systems
5. Ships

6 Combat Vehicles

7 Non-Combat Vehicles

8. Weapons
9. Ammunition
10. Electronics and Communication Equipment
11. Separately Procured Containers and Holding Equipment
12. Military Building Supplies
13. Transportation Equipment—Railway
14. Production Equipment
15. Medical and Dental Supplies and Equipment
16. Photographic Equipment and Supplies

Step 10. In order to determine the amount of wages and the number of jobs created by military contracts, first determine value added in the state by prime contracts. The prime contracts can be broken down into categories of the Census of Manufacturers (prime contracts are equivalent to value of shipments[7] which is a standard category of the annual Census of Manufacturers). Prime contracts for Durable Goods fall into the following categories:

Footnotes at end of article.

1. Stone, Clay, and Glass
2. Primary Metal Industries
3. Fabricated Metal Products
4. Machinery Except Electrical
5. Electrical Equipment and Supplies
6. Transportation Equipment
7. Instruments and Related Products

Calculate total value added in the state for these seven Census of Manufacturers categories for the years 1967, 1969, and 1971 and the total value of shipments for each of these years.[8] Division yields the average percentage of value of shipments comprised by value added.

Step 11. Multiply the percentage derived in Step 10 by total average prime contracts in the state (Step 9), yielding the dollar amount of value added by prime contracts in Durable Goods in the state.

Step 12. Average the payroll percentages of value added for 1967, 1969, and 1971 found in Step 4.

Step 13. Multiply the dollar amount of value added found in Step 11 by the average payroll percentage found in Step 12 to get the dollar amount of prime contracts comprised by the payroll.

Step 14. Divide the results of Step 13 (payroll) by the average wage for Durable Goods during these years (Step 6), giving the number of Durable Goods jobs created by military prime contracts.

C. Net jobs foregone.

Step 15. Subtract the number of jobs created by military prime contracts (Step 14) from the gross number of jobs foregone (Step 8), giving the *net* yearly average number of jobs foregone from the state's economy in the Durable Goods sector for the period under study.

NON-DURABLE GOODS

A. Gross number of jobs foregone.

Step 1. Compute the dollar amount not spent that year on Non-Durable Goods value added in the same way as Step 1 for Durable Goods, but using the negative coefficient—.071 for Non-Durables.[9]

Steps 2–8: The same as for Durable Goods.

B. Number of military jobs created.

Step 9. Calculate the total amount of military prime contracts of Non-Durable Goods in Fiscal Years 1968, 1970, and 1972 [10] and divide by 3. The Non-Durable Goods prime contracts are in:

1. Subsistence
2. Petroleum
3. Other Fuels and Lubricants
4. Textiles, Clothing, and Equipage

Step 10. Calculate value added by prime contracts as percentage of value of shipments in the same way as Step 10 of Durable Goods, using the following Census of Manufacturers categories for Non-Durable Goods: [11]

1. Food and Kindred Products
2. Petroleum and Coal Products
3. Apparel and Other Textile Products
4. Rubber and Plastic Products

Steps 11–14: The same as for Durable Goods.

C. Net jobs foregone.

Step 15. The same as for Durable Goods.

RESIDENTIAL CONSTRUCTION

A. Gross number of jobs foregone.

Step 1. Multiply the average DOD outlays for 1968–1972, which is $79.6 billion, by the negative coefficient of −.114 [12] to get the average U.S. dollar amount foregone annually.

Step 2. Determine the sum of U.S. contracts let in 1968 through 1972 [13] and divide by 5 to get the average dollar amount of contracts.

Step 3. In a similar manner, determine the state's average yearly contracts.[13]

Step 4. Divide the state's average amount of construction contracts (Step 3) by the U.S. average contracts let (Step 2) to get the state's percentage of contracts let.

Step 5. Multiply the state's percentage of U.S. contracts let (Step 4) times U.S. amount foregone (Step 1) to get the dollar amount of state contracts foregone.

Step 6. In order to get the wages component, multiply the result of Step 5 by .47. (Procedure suggested by Dr. Robert Ball, Supervisory Economist, Office of Productivity and Technology, Bureau of Labor Statistics.)

Step 7. Divide the result of Step 6 by average estimated wages of $10,000 to get the gross number of jobs foregone.

B. Number of military jobs created.

Step 8. Total the Military Construction prime contract awards for Fiscal Years 1968, 1970, and 1972 [14] and divide by 3 to get the average.

Step 9. Follow the same procedures described in Steps 6 and 7 above: multiply the results of Step 8 by .47 and divide by $10,000 to get the number of military jobs created.

C. Net jobs foregone.

Step 10. Subtract the jobs created by military contracts found in Step 9 from the gross jobs foregone found in Step 7, yielding the net jobs foregone in Residential Construction.

NON-RESIDENTIAL CONSTRUCTION

A. Gross number of jobs foregone.

Step 1. Same as Step 1 for Residential Construction, using negative coefficient of −.068.[15]

Step 2. To determine U.S. total contracts in non-residential construction, add the categories U.S. Non-Residential Construction contract awards to U.S. Public Works and Utilities contract awards.[16] Compute the average yearly total for the years 1968–1972.

Step 3. Apply the same procedure and source as Step 2 to the state's public works and utilities contract awards and non-residential construction awards to arrive at the state's yearly average non-residential contracts.

Steps 4–7: The same as for Residential Construction.

B. Number of jobs created by military spending.

Step 8. Average the military prime contracts awards for Fiscal Years 1968, 1970, and 1972 [17] for:

1. Construction Equipment
2. Materials Handling Equipment

Step 9. Same procedure as Step 9 of Residential Construction.

C. Net jobs foregone.

Step 10. Same as Step 10 for Residential Construction.

SERVICES

Step 1. Divide the state's total receipts for General Selected Services for the year by the U.S. total for the year [18] to get the state's percentage of the U.S. total.

Step 2. Multiply the total DOD outlays for the year by Russett's negative coefficient of −.187 [19] to get the total amount foregone for that year.

Step 3. Multiply the results of Step 1 (state's percentage) by the results of Step 2 (U.S. receipts foregone) to get the amount foregone for the state for a year. (We did this for the years 1967 and 1972, the only years for which data are available.)

Step 4. Divide the receipts foregone (Step 3) by $10,000,[20] giving the number of jobs foregone.

Step 5. Results for the two years were averaged, giving the average job loss.

STATE AND LOCAL GOVERNMENT

Step 1. From total U.S. expenditures for state and local government,[21] subtract capital outlay (which is included in construction figures above) and public welfare (which is essentially mere transfer of funds), for each of the years 1968 through 1972. Then divide the sum of outlays for those years by 5 to get the average yearly expenditure.

Step 2. Follow the same procedure as Step 1 above for the state.[22]

Step 3. Divide the state's expenditures by the U.S. expenditures to get the state's percentage of U.S. total expenditures.

Step 4. Multiply the average DOD outlays for 1968–1972, $79.6 billion, by Russett's coefficient, −.128,[23] to get the U.S. amount foregone on state and local government expenditures.

Step 5. Multiply the results of Step 3 (state's percentage) by the results of Step 4 (U.S. expenditures foregone) to get the average amount foregone for that state.

Step 6. Divide the results of Step 5 by $10,000 per man-year to get the average number of jobs foregone.[24]

MILITARY PERSONNEL

Average the total number of civilian and military personnel stationed in the state for the years 1968 through 1972.[25]

TOTAL NUMBER OF JOBS FOREGONE IN THE STATE

Add the net number of jobs foregone in the first four categories (Durable Goods, Non-Durable Goods, Residential Construction, and Non-Residential Construction) to total jobs foregone in Services and State and Local Government. Then subtract the number of military personnel. The result is the average total number of jobs foregone in the state annually during the period under study, 1968–1972.

FOOTNOTES FOR APPENDIX B

[1] U.S. Statistical Abstract, 1974, p. 306.

[2] Russett, Bruce, *What Price Vigilance?* Yale University Press, 1970, p. 140. Russett's negative coefficient is based upon the relationship between two ratios: the category to the GNP, and the military budget to the GNP, over the years 1939–1968. In the years studied in this report, 1968–1972, the percentage of the GNP comprised by the military was between 7.2% and 9.7%. This is well within the average range studied by Russett.

[3] Both state and U.S. figures are in the 1967 *Census of Manufacturers,* and 1969 and 1971 *Annual Survey of Manufacturers,* U.S. Department of Commerce.

[4] *Annual Survey of Manufacturers,* 1967, 1969, 1971.

[5] *Annual Survey of Manufacturers,* 1967, 1969, 1971.

[6] *Department of Defense Military Prime Contract Awards by State, Claimant Program and Purpose,* FY 1968, 1970, 1972.

[7] Information from the Department of Commerce, Bureau of Census, Industry Division.

[8] *Annual Survey of Manufacturers,* 1967, 1969, 1971.

[9] Russett, p. 140.

[10] *DOD Military Prime Contract Awards,* FY 1968, 1970, 1972.

[11] *Annual Survey of Manufacurers,* 1967, 1969, 1971.

[12] Russett, p. 140.

[13] *U.S. Statistical Abstract,* 1969, p. 694; 1970, p. 677; 1971, p. 666; 1972, p. 679; 1973, p. 680; 1974, p. 306.

[14] *DOD Military Prime Contract Awards.*

[15] Russett, p. 140.

[16] *U.S. Statistical Abstract,* 1969–1974.

[17] *DOD Military Prime Contract Awards.*

[18] U.S. Department of Commerce, Bureau of Census, *Census of Business,* 1967 and 1972, for both the state and U.S. statistics.

[19] Russett, p. 140.

[20] Dr. John Henderson: "Due to problems in the way in which income and receipts are calculated in industries other than manufacturing, it is assumed that for every increase in receipts of $10,000, there will be one job created in this section. This $10,000 in-

cludes not only wages but overhead costs." Interview with Dr. John Henderson, Department of Economics, Michigan State University, May 15, 1974.

[21] U.S. Department of Commerce, *Government Finance Series #5*, Table 18. Procedures suggested by Dr. Leonard D. Bronder, Chief Economist, Office of Economic Expansion, Michigan Department of Commerce.

[22] *Government Finance Series #5.*

[23] Russett, p. 140.

[24] Bureau of Labor Statistics, U.S. Department of Labor.

[25] Office of the Comptroller, U.S. Department of Defense.

APPENDIX C: MICHIGAN—A CASE STUDY

Michigan is known throughout the world as one of the great centers of heavy industry. The automobiles made in Michigan have made the name "Detroit" synonymous with the industry itself. The automobile industry is by far the largest employer in the state with almost 400,000 employees,[1] 11 percent of all the people employed in the state.[2]

Metal working machinery and general industrial machinery are also significant parts of Michigan's durable goods industry, as are metal stamping equipment and household appliances.

From 1968 to 1972, Michigan's durable goods sector employed an average of 790,000 people with a payroll of $7,444,700,000.[3]

Nondurable goods, mostly light industry, employed over 208,000 people statewide.[4] The people employed in this category processed food, made textiles and clothing, were engaged in printing and publishing, and manufactured rubber, plastic, chemicals, and wood products. The total average payroll in nondurable goods was about $1,662,800,000.[5]

Services have been growing in the Michigan economy. The tourist industry, comprising hotels, motels, tourist courts and camps, employed over 17,000 people in 1972. Business services employed 52,500 people. Garages, personal services, and amusements comprised the rest, giving a total of over 163,000 employees bringing in almost three billion dollars worth of receipts in 1972.[6]

Carpenters, plumbers, electricians, roofers, and painters are some of the 136,000 citizens of Michigan engaged in the construction industry.[7]

To summarize, in 1972, the most recent year included in this study, these activities employed the following numbers of people in Michigan:

TABLE 1.—MICHIGAN EMPLOYEES, 1972

	Michigan employees
Durable goods	790, 000
Nondurable goods	208, 000
Services	163, 000
Residential and nonresidential structures	136, 000
State and local government	[8] 437, 000

Applying Russett's findings to Michigan's economy, it is evident that the citizens of Michigan are vulnerable to rises in the Pentagon budget. The economy of the state is heavily dependent for job creation upon the three sectors which are the most adversely affected by Pentagon budget rises: durable goods, which nationally loses $163 million worth of expenditure when the Defense budget goes up a billion dollars; services, which loses $187 million if there is a one billion rise; and state and local governments, which forego $128 million with each one billion dollar rise in Pentagon spending.

During the years analyzed, 1968–1972, the military budget was about $80 billion. The following chart applies Dr. Russett's figures to determine the effect of this level of military spending upon major sectors of Michigan's economy and on the jobs of the people of Michigan.

TABLE 2.—JOBS FOREGONE IN MICHIGAN BY SECTOR OF THE ECONOMY

Sector*	Gross jobs foregone	Military jobs created	Net
Durable goods [9]	−67, 000	+10, 500	−56, 500
Nondurable goods [10]	−9, 900	+700	−9, 200
Residential construction [11]	−16, 000	+500	−15, 500
Nonresidential construction [12]	−10, 400	+1, 300	−9, 100
Services [13]	−60, 000		−60, 000
State and local government [14]	−49, 000		−49, 000
Total			−199, 300
Military personnel (uniformed and nonuniformed) [15]		+27, 700	+27, 700
Average net number of jobs foregone annually in Michigan			−171, 600

Non-residential structures: public works and utilities and non-residential structures.

Durable goods: furniture and fixtures; stone, clay and glass; primary metal products; fabricated metal products; machinery except electrical; electrical equipment and supplies; transportation equipment; instruments and related produts.

Non-durable goods: food and kindred products; textile mill products; apparel and other textile products; lumber and wood products; paper and allied products; printing and publishing; chemicals and allied products; rubber and plastic products.

General selected services: hotels, motels, tourist courts and camps; personal services; miscellaneous business service; auto repair, services, and garages; miscellaneous repair services; motion pictures; recreation except motion pictures.

FOOTNOTES FOR APPENDIX C

[1] Economic Report of the Governor, 1974, p. 32.

[2] Economic Report of the Governor, 1974, p. 32.

[3] Annual Survey of Manufacturers, 1968, 1970, 1972.

[4] Annual Survey of Manufacturers, 1968, 1970, 1972.

[5] Annual Survey of Manufacturers, 1968, 1970, 1972.

[6] Census of Business, 1967, 1972.

[7] Economic Report of the Governor, 1974, p. 120, table B–19.

[8] *Public Employment*, U.S. Department of Commerce Social and Economic Statistics, 1968–1972.

[9] Census of Manufacturers, 1967, 1969, 1971, U.S. Department of Commerce, Bureau of the Census; Russet, p. 140. *Department of Defense Military Prime Contract Awards by State, Claimant Program and Purpose*, FY 1968, 1970, 1972.

[9] Census of Manufacturers, 1967, 1969, p. 22, 1971, p. 22; East North Central Division, U.S. Department of Commerce, Bureau of Census; *Michigan Statistical Abstract*, 8th edition, pp. 257–8; Russett, p. 140. *DOD Military Prime Contract Awards.*

[11] *Economic Report of the Governor*, 1974, p. 45, Russett, p. 140; *DOD Prime Contracts.*

[12] *Economic Report of the Governor*, 1974, p. 45; Russett, p. 140; *DOD Prime Contracts.*

[13] *Michigan Statistical Abstract*, 8th edition, p. 459; U.S. Department of Commerce, Bureau of the Census, *Census of Business*, 1972.

[14] *Public Employment*—U.S. Department of Commerce, tables 5 and 8; Social and Economic Statistics, Bureau of the Census.

[15] Department of Defense.

APPENDIX D: CREDITS AND THANKS

This work would never have been possible without Dr. Bruce Russett's analysis in *What Price Vigilance?*

Dr. John Henderson of the Department of Economics, Michigan State University, provided both his expertise in questions of statistical methodology and his wisdom in looking at the economic problems of our land and their interrelationships.

Dr. Seymour Melman of Columbia University gave constant help, advice, and inspiration.

Alan Fischer of the Research Department of the United Auto Workers was unstinting with his expertise and his analytical talents.

Dr. William Baugh of the Political Science Department of Michigan State University was generous with his advice and help.

Dr. Leonard Bronder, Chief Economist of the Bureau of Economic Expansion, Michigan Department of Commerce, suggested detailed methodology in calculating the expenditures of state and local governments.

Dr. Robert Ball, Supervisory Economist, Office of Productivity and Technology, Bureau of Labor Statistics, Department of Labor, suggested the methodology used in the calculation of the construction industry.

The computerization of the methodology would never have been possible without the generous efforts of Harriet Dhanak of the Department of Political Science, Michigan State University.

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William Kincade, staff of the Joint Committee on Defense Production, provided invaluable editorial advice and assistance.

The documents librarians at Michigan State University and the State of Michigan library were unfailing with their much needed help.

Mr. KENNEDY. As we move on to specific weapon systems, I want to thank the chairman of the committee, the members of the committee, and those Senators who have been willing to participate in the Chamber in this debate, including those Senators whose views on these issues we differ with in many instances. Anyone who takes the time to review the record will perhaps profit from these discussions.

I want to express again my very warm sense of appreciation to those Members who have participated in the last 2 days. This has been a useful and commendable experiment. It has pointed up many of the frustrations which many of us feel with the Senate as an institution, in handling various items, whether defense procurement legislation or questions of health, where three different committees have health jurisdiction. This is true about energy and all the other problems we are facing.

We are dealing with a committee structure that was set up some 30 years ago to deal with problems that we are facing 30 years later. The problems in many instances are different today. They require and demand even more effective and efficient institutions within the Senate to deal with them.

Having said this, I should point out that there is absolutely no reflection on the job that has been done by the Committee on Armed Services in the development of this proposal, but the weakness of Senate committee structure is, I think, a fact which it would be unrealistic not to recognize.

Finally, let me thank my colleague, the Senator from California (Mr. CRANSTON), whom I think all of us recognize is a real workhorse in the Senate, on this issue, and who I think has performed an extraordinary service. He is tireless in his efforts on so many matters of public interest and concern. He has really been the one who spearheaded this whole effort. If there is any Member of the Senate who deserves credit it is my colleague, the Senator from California.

Mr. CRANSTON. Mr. President, I will say one word and then yield to the Senator from Rhode Island (Mr. PELL). He has been waiting all day. I will take less than a minute.

I do join in all the expressions of thanks to the others that were expressed by the Senator from Massachusetts (Mr. KENNEDY).

A great many Members of the Senate have been in the Chamber to listen. A great many have participated. I think it has been a very productive debate, and I am very grateful to the distinguished Senator who chairs the Committee on Armed Services (Mr. STENNIS) for his cooperation.

I thank the Senator from Arizona (Mr. GOLDWATER), and others with differing views, who joined with the Senator from Massachusetts (Mr. KENNEDY) and myself in organizing this.

Without the help of the Senator from Massachusetts, along with the help of the staff from his office and my office, and from the offices of many others, we would not have accomplished what we have accomplished, which is not all that we hoped, but it is something, and I think it sets the stage for a more effective participation by the Senate in very important decisionmaking in foreign policy and in defense.

I say to the Senator from Massachusetts that I thank him very much.

Mr. BROCK. Mr. President, will the Senator yield for these comments?

Mr CRANSTON. Yes, I yield

Mr BROCK. Mr. President, I appreciate the efforts of the Senators and I echo what the Senator from Massachusetts said about the Senator from Mississippi.

If we had 100 Senators who would stay here in the Chamber, as the Senator from Mississippi does, we would have a debate every day, and we would learn something in the process.

There is no one who is more unflagging and unstinting in his giving to the Senate in the process of debate than the Senator from Mississippi (Mr. STENNIS).

I have to say, in all candor, that not all the Senators see the full value of debate that the Senator from Mississippi does. I wish that they did.

I think it is rather symptomatic of our problem that the Senator from Massachusetts can refer to this as an experiment. It is a 200-year-old experiment that we sort of let lie in recent years, not so much on this kind of legislation, but in general terms.

We simply do not have enough participation in the Chamber of enough Senators to acquire what is so valuable in the process of debate, and that is a cross-fertilization of ideas, the give and take of honest exchange and honest differences of opinion. I am delighted that we have started. But may the Lord forgive us if we do not continue.

I appreciate the leadership of the Senator.

Mr. PELL. Mr. President, I realize that the number of the Senators in the Chamber at this hour has dwindled, however, I commend my distinguished colleagues for undertaking this debate on foreign policy assumptions, and am pleased to have the opportunity to participate in this critical discussion. I hope it will continue so that more colleagues may have an opportunity to share their views.

The idea of this debate is an excellent one. It is the first time I have seen it happen, in my presence here in these years, when we seek to examine the fundamental conceptions or precepts upon which we are building our policy.

I think the question of the Senator from Maine was a very fundamental one: What is the threat from the Soviet Union? What is the threat from China, These are subjective judgments that we have to make with the best wisdom and the best experience that we can. We do not know for sure.

I remember when we had a conversation, the distinguished former Senator from Tennessee (Mr. Gore) and myself, with Mr. Kosygin in the Soviet Union. He was very concerned as he talked about the need for roads, automobiles, and consumer goods. He was very much concerned about the influence of his generals and his admirals on the course of policy in his country.

It occurred to me, and it occurred to him in our conversation, that hawks and doves are not confined to the United States alone.

I think as we are here and examine these assumptions we are like the man who is determining what kind of suit he is going to purchase. Maybe, if he is worried that it will be cold, he ought to get a large suit, thoroughly lined and of the heaviest weight. On the other hand, if he is going to be living in Florida or he does not think it is going to be cold, he wants to get one that is suited for his needs and the weather threats that he will face.

When we come to get our armaments, I think we want to get an armament system that is more or less suited to the threats that we will likely face, and that is what we are attempting to do now.

In order to determine the weapon systems, we first have to understand what these threats are and where we are going.

I can remember a very few years ago it was considered absolutely necessary that we could fight two major wars and one minor war with our military services. That has gone by the board now, and it is now one major war and one minor war.

I think we still have not looked at what the concepts are. Here I would like to go back for a little bit and have us look at the progress of our country over the years.

People are always dividing time and events into centuries, half-centuries, quarter-centuries, but it is really I think to be divided into third-centuries, because we have had six third-centuries in our country's life. During the first five we grew in a fairly steady and regular manner, but it is the last third-century, the last sixth of our life when we have expanded from being a nation that was inward-looking and not at all concerned with the world outside, into very sharply becoming the largest, most aggressive, and strong nation in the world. Now we have seen others coming up to rival us in this period of time.

We found ourselves stubbing our toe on a stubborn little portion of Southeast Asia called South Vietnam. By doing that, we perhaps have reason and cause to pause and to think for a moment, because we must learn where we are going from where we have been. We cannot be like the Bourbons of whom it was said they experienced history but never learned from it. We must learn from our experiences, learn what our limitations are, what our vital national interests are, and as I see it today we are basically moving away from the old simplistic thought of isolationism against internationalism, to one whether we should contract or whether we should expand.

As I see it, there are four levels of interrelationship between nations: military, diplomatic, economic, and cultural.

In my view we should contract in the military and diplomatic levels and expand in the economic and the cultural or propaganda levels.

The military level that I am talking about is the 1,400-plus minor military bases around the world and the 300-plus major bases. I am talking about the idea of developing a large naval base in Diego Garcia in the middle of the Indian Ocean, presently a peaceful ocean, or building one in Tinian, at a cost of $300 million or $400 million.

When we talk about $400 million, that is not an abstract sum; that is $2 from the pocket of every man, woman and child in the United States.

What I am suggesting is that we should contract on our weapons systems, contract on our military commitments, and contract on the responsibilities of installations that are scattered around the world, retaining and remaining true to NATO, to the European interests from which we spring, and also remaining true to Israel, which really is a country created by the United States, virtually alone, in 1948.

On the diplomatic side, we ought to think of pulling back from some of the multilateral treaties, CENTO and SEATO and the like, and some of the bilateral treaties we have properly, of course, not walking out on them, however, carefully reassessing each commitment to see if they are really in the best interests of our country.

I also wince when I see our Secretary of State perambulating around the world, carrying the prestige of the United States on his shoulders, engaged in negotiations for a few square yards in the Sinai passes, a few miles in Cyprus, and if he succeeds, good; if he does not succeed, it is a black eye for the whole United States.

My view is that we should be less active in those fields. If we must negotiate, we ought to have a corps of American ambassadors, special ambassadors, American ambassadors-at-large, to do this, and the Secretary of State should spend more of his time right here using his excellent mind and brain in running the Department of State, which the Lord knows needs a strong helm and a present helm there.

On the economic side, we should expand. We should expand in supporting our business activities abroad, making sure that the companies do not bring disgrace to the United States. As a general rule, I think we do less to help our businessmen abroad than do other nations.

I recall that when I was in the Foreign Service, the vice consuls and the consuls of other nations would help their business people much more than we used to help our own.

We should do more in the multinational economic sphere through the various United Nations economic agencies and expand these efforts, and we should expand culturally. That costs the least of all. The whole budget for the USIA costs less than a third of an aircraft carrier.

We should quadruple the Fulbright exchange programs, the exchange of students and peoples between nations. We should enlarge the USIA.

If we did these things, if we expanded economically and culturally, we would save a great deal of money. There are those who believe in a strong diplomatic establishment, and there are those who believe equally strongly in emphasis on the human sector—health, education, and the problems of old age. These we have not been willing to retreat on, either, and we have insisted on passing these programs, although not as large as I would like to have seen pass.

What do we do to pay for these programs? Instead of doing the honest thing, which is to pay taxes, we pay for it by inflation, which is the cruelest tax there is, and we have been cutting taxes. If we are going to spend as we do diplomatically and economically at home, then we should raise, not cut taxes, rather than leaving inflation to bear the cost of these programs, making these burdens rest on future generations.

Mr. President, our debate on national priorities must necessarily include a consideration of education in the whole scheme of planning and directing the future of this Government in meeting the social and economic needs of our society and in providing qualified persons for the conduct of national affairs—domestic and international, civil and military. Our decisions on the direction, focus, and goals of the Nation will come to naught if we have not prepared our people to be competent to achieve them. Indeed, we cannot make wise decisions without the advice, direction, and support of a well-educated citizenry.

Although the States and their localities, as well as private groups, have borne the responsibility for supporting the education systems which serve the Nation, there is a definite responsibility in the Federal Government for assisting and guiding those systems in assuring that all Americans are able to fulfill their obligations as citizens and to exercise their rights under our laws. This Federal concern has resulted in the enactment of laws assisting in the creation and support of educational agencies, organizations, and systems for the education of Americans from early childhood through their senior years.

In the decade since 1965, the Federal Government has increased its direct support for students and educational agencies and institutions, through Federal education laws, from about $500 million to almost $7 billion. In recent years we have committed ourselves to a basic right of students to seek a postsecondary education with assistance in accordance with financial need, to assist our schools in overcoming educational handicaps which inhibit the success of children in regular school programs, to assist in supplying the educational resources necessary for education, and to encourage the search for, and development of, new and improved educational methods, practices, and techniques designed to solve age-old problems in education.

Most recently, in 1974, Congress has laid out the groundwork for correcting our course of action and seeking new direction by enacting laws which call for White House Conferences on Education and on Libraries and Information Services. Moreover, the Congress, recognizing that the Nation's economic, political, and social security require a well-educated citizenry, reaffirmed, as a matter of high priority, the Nation's goal of equal educational opportunity and declared it to be the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers.

In addition, the Congress authorized assistance to the States to encourage them to approach equal educational opportunity by equalizing expenditures for elementary and secondary schoolchildren by means of aid by the States to local school districts.

Looking to the future there are realities which must be recognized by the Congress in improving the quality of education available to our people and in guaranteeing equality of educational opportunity.

Local school districts no longer have the financial resources to continue their efforts in education. Their resources are directly dependent upon the national economy, and, as a result of our present recession, we will see school closings and educational offerings curtailed in this coming school year. Although the States have been encouraged to, and do, assist local schools, their method of financing State governments necessarily limits the degree to which schools can depend on State help. This is a national problem which calls for a national attempt at solution. It is my belief that the Federal Government must assume a considerable portion—perhaps 25 to 55 percent of the financial burden for operating elementary and secondary schools.

Postsecondary education has become a necessity for American young people. It can no longer be treated as a privilege conferred on the fortunate few—it must be recognized as a right for all who can benefit from it. We have begun to assume our responsibility through the basic educational opportunity grant program; however, present levels of assistance are minuscule when compared with the need for assistance. The cost of attending postsecondary institutions is rising even faster than the rate of inflation. Those rising costs will continue. Therefore, I am of the opinion that basic grant assistance must be increased to the level necessary to enable all persons to pursue a postsecondary education without regard for their individual financial limitations.

In addition, the Federal Government must stand ever alert to discern and cope with barriers which stand in the path of those who seek education to their full potential. We must be ready to assist financially in solving those problems and to enact legislation to overcome conditions which prevent equal educational opportunity for all.

In closing, Mr. President, I think that the whole question of priorities and of where our Nation should be putting its treasure can be best expressed by a comparison between the authorizations which the Subcommittee on Education has recommended to the Senate and which the Senate has adopted, and the budget requests and, ultimately, the appropriations made. The shortfall between those figures is mute comment on the failure to meet what we consider to be the bare minimum national needs in education. Until these figures are raised and until we meet those bare national minimums, our country will not be making available to its citizens the best possible education.

I ask unanimous consent that a chart showing certain statistics be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, EDUCATION DIVISION—AUTHORIZATIONS AND APPROPRIATIONS, FISCAL YEAR 1975

[In millions of dollars]

Activity	Authorization	Budget estimate	Appropriation	Authorization	Appropriation
I. Assistant Secretary for Education:					
1. Salaries and expenses (sec. 402, GEPA) [1]	(2)	3.671	2.307	(2)	
2. Fund for the improvement of postsecondary education (sec. 404, GEPA)	75.0	15.0	10.0	[3] 75.0	
3. National Center for Education Statistics (sec. 406, GEPA):					
(a) Grants and contracts	20.0	(4)	(4)	25.0	
(b) Salaries and expenses	5.0	(4)	(4)	10.0	
II. National Institute of Education (sec. 405, GEPA)	(2 5)	130.0	70.0	(2 3)	
III. Office of Education:					
1. Salaries and expenses (sec. 403, GEPA)	(2)	127.284	114.4	(2)	
2. Elementary and secondary education:					
(a) Educationally deprived children (title I, ESEA [6])	4,000.0	1,885.0	1,876.0	4,500.0	[7] 1,900.0
(b) Supplementary services (title III, ESEA)	623.15	146.393	120.0	(8)	
(c) Strengthening State departments of education (title V, ESEA)	150.0	39.425	39.425	(8)	
(d) Consolidated programs (title IV, ESEA)				445.0	[7] 300.22
(e) Bilingual education (title VII, ESEA)	142.25	70.0	85.0	147.75	
(f) Right-to-read (Cooperative Research Act)	(2)	12.0	12.0	(9)	
(g) Educational broadcasting projects:					
(1) Facilities (Communications Act of 1934)	30.0	7.0	12.0	30.0	
(2) Programing (Cooperative Research Act)	(2)	7.0	7.0	(9)	
(h) Civil Rights Advisory Service (title IV, Civil Rights Act)	(2)	21.7	26.7	(2)	
(i) Follow Through (Economic Opportunity Act)	(2)	34.0	53.0	(2)	
(j) Equipment and minor remodeling (title III, NDEA)	140.5	0	21.75	(8)	
3. School assistance in federally affected areas:					
(a) Maintenance and operation (Public Law 874)	[10] 1,184.50	320.3	636.016	1,060.0	
(b) Construction (Public Law 815)	[10] 70.0	20.0	20.0	(2 11)	
4. Emergency school aid (title VII, Public Law 92–318)	1,000.0	(12)	(13)	(14)	
5. Occupational, vocational, and adult education:					
(a) Grants to States (VEA, pts. A, B, E, F, G, H, J)	853.16	498.637	510.637	(15)	
(b) Research and development (VEA, pts. C, D, I)	141.00	38.0	35.0	(15)	
(c) Education professions development (EPDA)	450.0	45.639	56.737	(15)	
(d) Career education (cooperative research)	(2)	10.0	10.0	(15)	
(e) Occupational education (title X–B, HEA)	650.0	0	0	(15)	
(f) Adult education (AEA)	150.0	63.319	67.5	175.0	[16] 67.5
(g) Nutrition education (sec. 808, ESEA)	26.0	0	.8	(17)	
(h) Ethnic heritage studies (title IX, ESEA)	15.0	0	1.8	15.0	
6. Higher education:					
(a) Student assistance:					
(1) Basic grants (title IV–A–1, HEA)	1,300.0	1,300.0	660.0	(15)	
(2) Supplemental (title IV–A–2, HEA)	(2)		240.3	(15)	
(3) Work-study (title IV–C, HEA)	470.0	250.0	300.2	(15)	
(4) Cooperative education (title IV–D, HEA)	10.75	10.75	10.75	(15)	
(5) Direct loans (title IV–E, HEA)	400.0	6.44	329.44	(15)	
(6) State scholarship incentives (title IV–A–3, HEA)	(2)		20.0	(15)	
(7) Guaranteed student loans (title IV–B, HEA)	(2)	430.0	430.0	(15)	
(b) Special programs for disadvantaged (title IV–A–4, HEA)	100.0	70.331	70.331	(15)	
(c) Institutional assistance:					
(1) Strengthening developing institutions (title III, HEA)	120.0	120.0	110.0	(15)	
(2) Construction (title VII, HEA)	459.25	24.953	2.701	(15)	
(3) Language training and area studies (title VI, NDEA)	75.0	70.0	14.0	(15)	
7. Library resources:					
(a) Public libraries:					
(1) Services (titles I and III, LSCA [18])	146.975	25.0	51.749	155.35	
(2) Construction (title II, LSCA)	92.5	0	0	97.0	
(3) Older Americans (title IV, LSCA)	(2)	0	0	(2)	
(b) School library resources (title II, ESEA)	226.6	90.25	95.25	(15)	
(c) College libraries	100.0	0	12.975	(15)	
(d) Undergraduate equipment	70.0	0	7.5	(15)	
8. National readng improvement program (title VII, Public Law 93–380)	53.0	0	0	109.5	
9. Special Projects Act				200.0	
(4) University community services (title I, HEA)	50.0	0	14.25	(15)	
(5) Land grant colleges	16.00	9.5	9.5	16.00	
(6) State 1202 commissions	(2)	0	3.0	(15)	
(7) Veterans cost of instruction (sec. 420, HEA)	(2)	0	23.75	(15)	
(8) Institutional assistance	1,000.0	0	0	(15)	
(9) Networks for knowledge (title VIII, HEA)	15.0	0	0	(15)	
(10) Clinical practice of the law (title XI, HEA)	7.5	0	0	(15)	
(11) Graduate programs (title IX, HEA)	50.0	0	0	(15)	
(d) Personnel development (title IX, HEA)	(2)	7.056	10.750	(15)	
(a) Metric education				[19] (10.0)	
(b) Gifted and talented children				(12.25)	
(c) Community schools				(17.0)	
(d) Career education				(15.0)	
(e) Consumers' education				(15.0)	
(f) Women's educational equity				(30.03)	
(g) School arts				(0.75)	
10. Indian education:					
(a) Grants and contracts (Indian Education Act)	354.777	40.0	40.0	435.7	
(b) Salaries and expenses	(2)	2.0	2.0	(2)	
IV. National Commission on Libraries and Information Sciences Act (Public Law 91–345)	.75	.502	.409	.75	
V. Student Loan Marketing Association (sec. 439, HEA) [20]					
VI. White House Conference on Education (sec. 804, Education Amendments of 1974, Public Law 93–380)	(2)			(2)	
VII. White House Conference on Library and Information Services (Public Law 93–568)	(2)			(2)	
Grand total (for fiscal year 1975)	14,843.062	5,892.15	6,246.927		

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[1] General Education Provisions Act.

[2] Indefinite.

[3] Authorization expires June 30, 1975 but is continued for 1 year by contingent extension authority under sec. 414 of the General Education Provisions Act.

[4] Estimates and appropriations for the National Center for Education Statistics were included among Office of Education activities in fiscal year 1975.

[5] The National Institute of Education had a lump-sum authorization covering a period of three fiscal years with no definite amount for fiscal year 1975.

[6] The Elementary and Secondary Education Act of 1965.

[7] The fiscal year 1976 appropriation was appropriated in the Supplemental Appropriations Act for fiscal year 1975 for forward funding of the program.

[8] 1 of the consolidated education programs.

[9] To be continued under the Special Projects Act (see Special Projects Act

[10] Plus indefinite minor amounts.

[11] Estimated authorization cannot be made until applications have been filed.

[12] No official budget estimate was made.

[13] Appropriations are being made under a continuing resolution; amount is indefinite.

[14] Indefinite, phaseout appropriation authority.

[15] Authorization expires June 30, 1975, extended for 1 year under the contingent extension authority, sec. 414, GEPA.

[16] Appropriation made in Supplemental Appropriations Act for 1975 to be forward funded.

[17] Consolidated program.

[18] The Library Services and Construction Act.

[19] Amounts in parentheses are included in the $200,000,000 for Special Projects Act.

[20] Self-supporting, except for obligation arising from guarantees.

Mr. BROCK. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. BROCK. I am interested in the remark of the Senator regarding the Secretary of State and his activities in the Middle East, in Turkey, in Cyprus, and so forth. I am not sure I understood the Senator correctly. Was he suggesting that we not act as a mediator or that the Secretary of State not be involved?

Mr. PELL. A bit of both. I was suggesting that we, as a nation, would be better off if we were less involved as the sort of negotiator extraordinaire around the world and left more of it to the United Nations, left more of it to the nations themselves, and that we need the Secretary of State more here at home.

Mr. BROCK. I wonder whether the Senator would really suggest that we leave the State of Israel to the tender mercies of the United Nations, in view of their actions of the past few months.

Mr. PELL. As I said earlier, we have a vital interest in the NATO countries, the European countries, and in Israel, which we created. I think these are two very strong, overriding interests.

Mr. BROCK. But are not Turkey and Cyprus part of NATO?

Mr. PELL. They most certainly are.

Mr. BROCK. Then, where do we draw the line?

Mr. PELL. In the case of Turkey and Greece, I think they will find a solution, and it looks as though they will find one on their own.

Mr. BROCK. I am very hopeful of that, just as I honestly believe that ultimately in the Middle East, it will be Israel and her neighbors who will resolve the crisis, not outside intervenors.

I was struck by the Senator's implication, at least. I am not sure that this is what he meant, but the inference I drew from his remarks was that the United States does not have a national security interest in either Turkey and Greece and their conflict or in the Middle East, in the conflict between Israel and her Arab neighbors. I think that both involve the national security of the United States to an enormous degree.

Mr. PELL. I think we have a responsibility and an obligation toward Israel that is absolute.

So far as Greece and Turkey are concerned, it is a question of relative value.

The Senator may recall that I fought for some years to try to change the regime in Greece. It was as a result of the dying gasps of that regime that the Cyprus problem arose. I believe that if we had been less involved, the whole thing would not have occurred.

What I am saying is that we could well retract from there; and if we lose some of our bases in Turkey, I do not think it is the end of the world.

Mr. BROCK. No, if we lost Turkey from NATO, it would have an enormously detrimental effect upon NATO as an alliance.

Mr. PELL. I think that if Turkey were parted from NATO, at any real threat from the Soviet Union, we would find that Turkey, as it has through the years, would fight an enemy coming from any direction.

Mr. BROCK. I do not recall Turkey doing that in World War I.

Mr. PELL. In World War I, she was on the German side.

Mr. BROCK. That is correct.

Mr. PELL. And she saw the threats to her coming from the other direction.

Mr. BROCK. I raise the question because it seems to me the United States has an enormous vested interest, No. 1, in NATO—and the Senator accepted that in his opening remarks—and Greece and Turkey are essential to NATO in its total context, and, No. 2, in the Middle East.

I believe that it is absolutely essential that we be as helpful as we possibly can be in assuaging the tensions in that particular area. I have rather specific disagreements with Dr. Kissinger. I have a rather specific disagreement with his reassessment, as it were, of our Middle East policy. But I cannot disagree with his enormously important efforts—by and large, effective efforts—in pursuit of peace over there.

I do not believe any other country in the world is big enough and tough enough and decent enough to do what we have done in that area in recent years. It would be a tragedy if we withdrew from that responsibility and turned it over to this hypocrisy in New York City that we call the United Nations, which is engaged in classic self-flagellation because we have not been a force for good and leadership there. I believe that is largely our fault. But it has become something less than a body for peace in the world, and I would not turn over the Middle East or Cyprus to their jurisdiction or judgment.

Mr. PELL. I would turn over to them the Cyprus problem. So far as Israel is concerned, I agree with the Senator, because the cards are so stacked against Israel in the United Nations that she could not get a fair shake there. But so far as Turkey and Greece are concerned, they get a perfectly fair shake.

The PRESIDING OFFICER. The Chair will entertain a motion, under the previous order.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, before moving to adjourn, I should like to say that I am glad the Senator from Rhode Island had the patience to wait so long for the floor, because he has made a fitting statement in ending this stage of our proceedings here.

We have talked a great deal during this debate about the importance of considering alternatives to simply relying upon force and military solutions to our problems. His point that we should not always think that diplomacy is the only alternative is a very good one.

While the diplomacy of Secretary Kissinger, as the Senator from Tennessee has pointed out, has been very important in many places—successful in some and not successful in others, and we want those efforts to continue—the points he stressed with respect to cultural, economic, and energy matters are very important points that I trust we will heed.

Mr. President, if there be no further business to come before the Senate—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I was not here for the entire debate, but in the closing hours of it, I want to once again thank the distinguished Senator from California for having initiated it. I think some very positive suggestions have come forth in the last 2 days, some tremendous food for thought, both for the executive and for the legislative leaders of our country, and hopefully for the American people, because it seems to me, as I said this morning, that any foreign policy that makes commitments, which commitments in turn expect military implementation, is in the long run dependent on whether the American people want to see those implementation plans completed or not. I think we have learned that much.

Perhaps, as we come to the conclusion of the debate, a few statements and comments about Latin America are appropriate. I do not think anyone has talked much about them in the last 2 days, our neighbors to the west and the continent of South America. I do not think we should conclude with them, and by concluding remarks on them indicate that they are not deserving of significant consideration by Americans, because I think for too long we have neglected probably the most significant neighbors we have. I have very brief prepared remarks about the continent of South America which I shall ask to have inserted in the RECORD, but I would just comment that since the end of the Second World War, it is obvious that the United States of America has focused its attention, its military commitments, and its general concern for good relationships with other countries on far-off and distant lands, and it is obvious that for the last 2 days we have talked about countries and peoples that are tremendously far removed from the continental United States, while right next door to us, including Mexico and then all of South America, sits this huge continent, with many millions of people, and, as I indicate in my statement, a resource-laden continent with tremendous cultural ties to the United States, particularly to the West and Southwestern United States.

It seems to me that because that particular part of the world has not made a lot of noise, we have more or less taken it for granted, you know, sort of like the old adage that the squeaking wheel gets all the attention. That seems to be the premise upon which we have based a policy that has almost ignored the necessity for better economic relationships with South America and far more significant ties between their people and ours.

It seems that our country waits until we have crises before we really very seriously put our heads to thinking about a problem. South America sits there as one of our major trading partners, immediately abutting upon our hemisphere, one of the continents that is most laden with natural resources, and a continent filled with people who would probably be far more friendly to America, far more receptive to being our friends, far more receptive to implementing freedom and economic opportunity for their people over the long run, than many countries we have chosen to establish commitments with, economic and military commitments, and far more willing to accept true and bona fide American friendship than many others.

So perhaps it is fitting that we close with a few remarks on Latin America. Maybe that will stimulate those who think that putting out the brush fires around the world and the hot spots justify our ignoring it. Perhaps it will remind them that we can all wake up someday to find that this huge continent has decided unequivocally they do not want us or need us, and what a shame that would be.

So, Mr. President, once again I compliment those who prompted the discussions on foreign affairs as a precursor to the basic bill that has so much to do with military and with foreign affairs.

I ask unanimous consent that my remarks on Latin America be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LATIN AMERICA DESERVES MORE ATTENTION

In our deliberations on S. 920, the floor discussions have centered on various background issues and question concerning foreign policy and our national defense. We have discussed and debated our foreign commitments and national security interests in many parks of the world, and I compliment my colleagues on their knowledge and preparation.

I believe, however, that in the process of these discussions we must not overlook an area of the world which is so important to the United States and which is constantly increasing in international importance. Specifically, I am referring to Latin America.

Latin America is the fourth largest continent in the world, has 12% of the world's land area and ranks fifth in world population. The Latin Americans are truly a people worthy of our respect and attention, and, when necessary, our assistance and support. They are a people with a rich and diversified culture, who are creating new opportunities for themselves and who are rapidly expanding their international influence.

In a world in which nations are recognizing the primacy of economic interdependence, Latin America is now, more than ever before, of utmost importance to the national security and economic stability of the United States. Latin America is our third most important trading partner, behind Canada and the European Community, and it is approximately equal in importance to Japan. It is a principal source of imported petroleum, tropical products, and valuable minerals. Our imports from Latin America last year totalled approximately $17 billion. This is a two-way street, since trade with the U.S. accounts for 35 to 40 percent of all Latin American international trade. This mutual dependence gives the U.S. and Latin America a common interest in liberalizing our trade agreements and improving our overall relations.

We are currently witnessing an imbalance in our foreign policy, an imbalance which has concentrated on the big powers and neglected some very pressing problems in our own hemisphere. As important as these relations are, we must face the fact that our Latin American friends have been neglected by that imbalance.

We cannot continue to ignore our closest neighbors. We must realize that our own national security is closely tied with the political and economic development of this hemisphere. And we must realize that it is in our own best interest to construct a framework for our foreign policy with Latin America which will offer real solutions and break down the political and economic barriers which exist today. I intend to devote myself to that effort and I implore my colleagues to do likewise.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. DOMENICI. I am delighted to yield.

Mr. CRANSTON. I thank the Senator for his generous remarks about my efforts and those of others who have organized this debate, and also for his encouragement and his participation. It is true, I think, that we have had less said about Latin America than was appropriate, because we did not have it properly organized. I am sure that every part of the world where we do have foreign policy and defense considerations was adequately covered, so the Senator's presentation helped complete the picture, and I think it is a really important part of the debate.

Mr. DOMENICI. I thank the Senator. I also compliment him for one other thing: It seems to me that during the course of the debate perhaps too many people expected precise answers. On the other hand, many have said that there were no precise answers to the questions raised about some of the troubled spots in the world. I want to say that the Senator from California, in my opinion, suggested a very constructive course of conduct in one very troubled spot, Korea. I listened attentively to his presentation, and I think he very genuinely suggested that he did not know the answers, but that there was another course of conduct. He very emphatically said that we should not remove our troops now, but he was suggesting that that particular confrontation spot be looked at from another international or maybe collective point of view in seeking a solution or answer. I compliment him for that, and I think he brought up another increasingly important one, which is that the sale of conventional armaments by most of the free world nations to other nations of the world, not the Soviet Union, which is not participating, but basically focusing in on the fact that we are indeed engaged in a tremendous proliferation of armaments by sale, and that has to do with our NATO allies and to some extent the Soviet Union, I predict will be a focal point of concern later in this country, within the foreseeable future.

I will join with the Senator from California in whatever concrete approaches we can take in coming up with some solutions to that problem, because it appears to me that it is certainly counterproductive. It is not a procurement bill, like we are going to pass in the next few days and then not really know how much we are going to be fighting ourselves, in a sense, by virtue of the proliferation in a willy-nilly manner of armaments among whoever wants to buy them, and we just trade shipments.

It seems to me that if no more than those two things had come out of this discussion, we should be grateful to the Senator from California and the others who have participated.

So I say it has been extremely useful. Perhaps in the future we could find better ways in this very complicated area to focus in on the differing responsibilities that seem to be ours, and find a better way to merge the role of our military committees with those of our foreign affairs committees. I think that goes to the heart of the problem. One goes with the other.

Yet we have been treating them separately and, if nothing else comes from it, obviously those who work on military and defense authorizations and appropriations must come from today's concern that we have to tie that into the role of our foreign affairs committees here and on the other side of the Capitol.

If some way can be figured out to do that in conjunction with the executive in open dialog, it seems to me we will have taken some giant strikes.

We thank the Senator for originating that.

Mr. CRANSTON. I want to again thank the Senator very, very much.

Let me say in regard to his latter point, I believe some ideas are germinating out of this debate that may lead to some proposals, possibly one in the form of an amendment by the Senator from Iowa, Senator CULVER, relating to certain ways we might coordinate foreign policy and defense policy more closely.

I appreciate very much the Senator's remarks about the specific proposals I made about Korea which, I think, are, along with Israel and the general nuclear arms race and proliferation, the most dangerous single situation confronting us.

On the matter of arms sales and gifts all over the world, that certainly is an area of grave danger and grave waste of resources also, and one where, with Senator PROXMIRE, who has exhibited a great interest and leadership on this front, I trust we can work together.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FOREIGN POLICY—AND THE NATION'S DEFENSE NEEDS

Mr. HARRY F. BYRD, JR. Mr. President, as the Senate considers the military procurement authorization bill, I welcome the opportunity to discuss with my colleagues today U.S. foreign policy and defense needs.

The tone for the debate was set when Secretary of Defense Schlesinger, submitted the fiscal year 1976 Annual Defense Department Report to Congress.

In this report the Secretary of Defense stated that decisions concerning the Nation's defense, and our role in the international political system, should not be made by default.

On the contrary, as Secretary Schlesinger argued, any decisions concerning our defense establishment should be made explicitly, rather than in a "casual and impulsive fashion."

The Secretary's report to Congress was both responsible and reasonable.

Mr. Schlesinger has laid the facts before Congress.

He has outlined the various security problems he sees confronting the Nation; he has shown a keen sense of awareness of the domestic interests which also must be considered as Congress prepares the defense budget, and he has set forth the Department of Defense proposals in a calm, reasoned, and passionless tone.

I applaud Secretary Schlesinger for this approach.

He is mindful of Congress' responsibilities, and in turn we in Congress, I believe, will reciprocate with the same consideration.

Since the Department of Defense submitted its budget requests, the Senate Armed Services Committee, under the leadership of its distinguished chairman, Senator STENNIS, has examined in great detail DOD's requests for the fiscal year 1976 military procurement authorization bill, and has sent, in my opinion, a well-balanced bill to the floor of the Senate for consideration.

We will be considering this legislation on an item by item basis shortly.

However, let me point out that the Senate Armed Services Committee, because of the economic and domestic problems facing us, recognizes the need for a lean defense budget.

But the committee is also very much aware that the security of our Nation, the welfare of our citizens, and the defense of our interests abroad, require a defense budget adequate to meet those needs.

While I will not discuss the line items of the military procurement authorization bill at this time, I would like to remind my colleagues that the $25 billion the Senate Armed Services Committee has authorized in this legislation is $4.8 billion—including $1.3 billion for Vietnam that was not authorized—less than requested for fiscal year 1976 by the Department of Defense.

This 16-percent reduction is also greater than the 6-percent reduction recommended for the overall national defense category by the Senate Budget Committee report.

But the defense budget is not put together in a vacuum, and arbitrarily set at a given level; it can consequently not be haphazardly cut with a scatter gun approach.

The military procurement authorization bill covers the hardware for our Armed Forces. It includes funds for the procurement of weapons and it includes funds for research and development.

In addition, the legislation includes the authorization levels for the active duty, reserve forces, and civilian strength for the armed services.

To put it another way, it puts a ceiling on Defense Department personnel.

Decisions as to what troop levels the United States should have, what kinds of armed forces, what kinds of weapons, and weapons systems, and how many of these we should have, are inextricably linked with the questions of what is needed for American security—what is needed to defend our Nation's interests?

Before we can answer these questions we must, of course, examine the goals and purpose of our Nation in the international system.

We must take a cold, hard look at the power realities we see in the world today.

Today, three decades after the end of World War War II, the strong and prosperous economics of Western Europe and Japan are a tribute to the generosity and foresight of our post-World War II policies.

Yet despite the restoration in the power vacuums that existed in the aftermath of World War II, the United States and the Soviet Union still retain the political, military, and economic role implied in this name, the "superpowers."

Modern technology, and the impact of nuclear weapons, have placed the United States and the Soviet Union in this preeminent role, but it is a role that brings with it responsibilities—not just rewards.

Because of our country's preeminent military and political position among the nations of the world over the last 30 years, the United States assumed many obligations and had others thrust upon it.

The values and goals which were threatened in this process, and the precedents which were established in defending our role in the international system produced expectations about our behavior, which in turn established the credibility of our posture.

Without this credibility—a credibility we see threatened today—we would not only lose the confidence of our allies, but perhaps even more far-reaching, we would lose the credibility needed to deter any would-be aggressor.

History has taught us only too well that our international commitments have value only insofar as they are preceived to be credible by both our allies and our adversaries.

In the United States, popular dissatisfaction with what seemed to be an endless conflict in Vietnam led to an erosion of the domestic consensus over the conduct of our foreign policy.

The illusion of détente further dimmed popular awareness of existing military and political threats to the United States, and also contributed to an erosion in the Western alliance system.

Free nations around the world, confused by the ambiguities of détente, seem weakened in their sense of unity and common purpose.

A major danger of détente is that it tends to lull the United States into a false sense of security. Indeed, it tends to mislead the free world.

Although we would all prefer a world order based on justice rather than on might, such an order, unfortunately, has not yet come.

A brief glance at the committee report accompanying S. 920 reveals the following information about growing Soviet military efforts:

First. From 10 years ago, the Soviet Union has increased its military manpower by about 750,000 to almost 4 million. The United States on the other hand has reduced its military manpower by 585,000 to about 2.1 million men.

Second. The U.S.S.R. within the last 10 years has maintained about the same number of major combatant ships and submarines. The United States compared to 10 years ago has reduced this category of ships by about one-third.

Third. The Soviet Union has maintained a level number of tactical aircraft over the last year period while the United States reduced their number by seventeen percent.

Fourth. While the United States maintains a technological superiority with regard to research and development in certain areas, the Soviet Union is closing the gap.

It is not sophisticated today to talk of a Communist threat. Yet, in my judgment, Russia remains committed to the destruction of the free world, although not necessarily by force.

It is, therefore, essential that the United States never lose sight of the fact that while moods and methods, words and gestures may change in Moscow, the underlying goal of the Communist dictatorship remains constant. That goal is the worldwide domination of the Communist system.

If we forget this central fact, we imperil ourselves. Soviet theorists constantly reiterate that no matter what course may be dictated by the opportunities of the moment—and Moscow has changed course often—the ultimate goal remains the same.

Chairman Brezhnev made this clear in June 1972, when he said:

> Détente in no way implies the possibility of relaxing the ideological struggle. On the contrary, we must be prepared for this struggle to be intensified and become an even sharper form of the confrontation between the two systems.

The United States cannot afford to accept a "détente" which paves the way for global domination by the Soviet Union.

In 1975, when our allies are questioning America's commitment to them, it is particularly important that we carefully evaluate the entire defense policy of the United States.

Today the free world is beset by troubles, with weakness and disorder apparent both between nations and within nations.

In Asia, the United States is being called a nation without morals. Thailand, South Korea, the Philippines, Taiwan, and Japan are unsure of our Nation's resolve.

In Europe, the United States and its NATO allies are confronted by one of the most awesome military machines ever created, the Warsaw Pact.

At the same time, the cohesiveness of the NATO alliance is threatened because of the tragic situation in Cyprus, and the left-wing takeover in Portugal.

In the Middle East, the United States remains committed to helping Israel build a secure and peaceful relationship with her neighbors, but the political and military situation remains tenuous at best.

In Latin America, Secretary of State Kissinger has committed the Nation to a treaty terminating U.S. sovereignty over the Panama Canal, despite congressional opposition which is likely to prevail.

Overtures are being made to Cuba in which our Government appears ready to make unilateral concessions to Castro, thereby rejecting the Monroe Doctrine and accepting Soviet penetration of the Western Hemisphere.

As we look around the world, we see that power without resolve is no power at all.

But if we restore confidence in our institutions and pride in our Nation, we need be second to none.

We must also look closely at all our commitments around the world—and be selective in the commitments which we choose to renew.

We must then let our potential adversaries know that we will always be ready to negotiate on the basis of equality, that we want peaceful solutions to the problems of the world, but that we have principles, and interests that cannot be compromised.

I believe the military procurement authorization bill we consider here today provides the United States with adequate procurement, research and development, and manpower levels for the United States to meet its defense and foreign policy needs.

I, for one, am convinced that in this dangerous nuclear age, readiness in defense is essential to the preservation of freedom.

In more concrete terms, this means that the United States cannot forsake its strategic research and development program.

It means that we must have a strategic force sufficient to deter nuclear war and a conventional force including naval power second to none, and a land force adequate to discourage expansionism on the part of the Communist powers.

We need both—nuclear and conventional—because without the latter a future President will lack a conventional option. We must have an alternative to nuclear war.

For if, in this nuclear age, thermo-nuclear force is to remain the last and not the only resort, traditional diplomatic and military procedures are more important than ever before, and conventional forces must be ready to indicate the seriousness of a nation's intentions.

But conventional war itself can only be kept within limits if a nuclear war appears less attractive.

Let us also be aware that in this present age, an age of systemic conflict, a conflict of interest between the major powers exists, the desire for global peace notwithstanding.

The United States must, therefore, be capable of establishing political goals in which the question of national survival is not always the immediate issue.

This requires responsible and enlightened leadership, and it requires a public enlightened to the realities of a nuclear war.

Peace can only be preserved if we have the capacity to deal with crisis before they lead to general war.

We cannot, therefore, allow wistfulness to cloud our judgment of prevailing power realities.

We must never lose sight of the fact that dollars spent for American defense are an investment in the world peace and stability, and that world peace and stability, in turn, are highly important to our own freedom and prosperity.

U.S. FUNDAMENTAL STRATEGY IS DESIGNED TO DETER WAR FROM STARTING

Mr. ALLEN. Mr. President, any analysis of U.S. military force presence in Europe and Korea must be based on, and directly linked to clearly defined U.S. interests.

The nature of U.S. interests in the NATO alliance is based on long and deep historical and cultural ties with European countries. We all know that the United States and Western Europe are economically interdependent, with U.S. cumulative investments approaching $40 billion in Western Europe, and with mutual trade in 1974 exceeding $40 billion. Western Europe has a combined population that exceeds either the United States or the U.S.S.R., and a total GNP nearly equal to the United States. No rational U.S. policy could justify weakening our links with this powerful and dynamic region.

In analyzing our military strategy, we often hear gross misconceptions as to exactly what the U.S. role might be. The question is not simply, "can 13 Army divisions defeat the Soviet Union in Central Europe?" but "what U.S. forces are needed to prevent the outbreak of war?" Our fundamental strategy after all is designed to deter war from starting. It relies heavily on existing U.S. forces and partnership with our NATO allies. The fact is that if war starts, our strategy will have failed, and we will have to pick up the terrible burden of international war.

How does a nation or an alliance of nations deter war? This is the central question. The answer to it forms a reasonable basis for our deployed force levels.

Deterrence in NATO requires, at the very least, both visible credible military power within the alliance for use against all forms of aggression, and a manifest resolve to use that military power. The U.S. strategy to implement deterrence is, "flexible response," a term too often misunderstood. Opponents of this strategy ask, "Why be flexible when you can simply respond to aggression with strategic nuclear weapons?" This simplistic approach will do little to deter the more subtle and sophisticated threats confronting NATO. Flexible response is designed to counter any act of aggression with an appropriate level of combat power. A central feature is that excessive dependence on any one form of power, such as nuclear weapons, weakens our overall deterrent posture.

The Soviets have not been idle. Their military budget has increased in real terms during each of the past 6 years, today accounting for 12 percent of their GNP. By comparison, the United States devotes only 5.9 percent of its GNP to national defense. While our preoccupation with Vietnam has precluded extensive force modernization, the Soviet Union has made dramatic quantitative and qualitative improvements in their conventional forces. In recent years they have created 20 new divisions, increased Army manpower by some 400,000 soldiers, and deployed an astonishing array of sophisticated new weapons: a new tank, a superb mounted infantry combat vehicle, new antiaircraft and antitank systems, self-propelled artillery, and advanced helicopters. Their chemical warfare capabilities are already the world's best. The U.S.S.R. outnumbers the United States in tanks by about 5 to 1, and in the last 2 years has added 2,000 more opposite NATO—enough to equip 37 U.S. tank battalions. The 1973 Middle East war revealed the United States had lost most of its earlier qualitative weapons advantage and that the Soviets could rapidly project great military power beyond their normal borders.

In analyzing our continued presence in Korea, there are certain factors common to the situation existing in Europe, while others are unique to Northeast Asia. Sometimes we forget that U.S. trade with Northeast Asia is 88 percent of that with Europe. In Asia, the key issue is our relationship with Japan. It is critical that Japan remain friendly and secure, and that a regional equilibrium exist between the United States, U.S.S.R., Japan, and China. Our forces in the area stabilize the only point in the world where vital interests of all four major powers converge. In addition, our deployments protect vital U.S. markets, access to raw materials, and defend key air and sea routes.

Our strategy in Northeast Asia is to help build and provide for continued stability in an area troubled by almost constant turbulence and strife since the turn of the century. In the past, civil war, revolution, and the strains of internal development have disrupted regional stability and have threatened our economic ties to that area, particularly with

Japan. Since the early 1950's, however, our presence in Northeast Asia has constructively dampened local adventurism, promoted a beneficial equilibrium throughout the region, and discouraged the local development of nuclear weapons.

What then is the nature of the threat that justifies our continued presence today? The potential for turbulence has not subsided to a level sufficient to guarantee the security of our allies or the protection of our interests. While we are encouraged by diplomatic breakthroughs with China, we are still unsure as to the ultimate intentions of that vast country. No one can be sure whether North Korea is any less irrational than they were in the summer of 1950. This element of uncertainty, in itself, feeds regional insecurity and poses a threat that must be countered by the presence of U.S. forces.

We have all heard it said that this is an era of negotiations. I see this also as an era of opportunity for eventual force reductions and expanded economic opportunity. But let me emphasize that we are just entering the era and are far from realizing the major fruits of our effort. Salt II, MBFR, United States-China relations and the European Security Conference are all in the embryonic state. A significant U.S. force change at this critical time would shake the confidence of the free world and threaten the very existence of these negotiations.

Let me conclude by saying that by every realistic measure we have, U.S. forward deployments are extremely cost-effective in defending the United States, maintaining the peace in vital areas, reducing East-West tensions, supporting deterrent strategy, and providing credible evidence of America's determination to protect its vital interests. It would be foolhardy to make hasty unilateral changes in these deployments until and unless preliminary negotiations have established they can be accomplished in a safe and prudent manner.

Mr. GOLDWATER. Mr. President, the Department of Defense and the Air Force plan to enhance Air Force tactical fighter/attack combat capability by bringing the current 26 organizationally structured wings up to full combat strength. This 26 tactical fighter wing structure and the associated command and control mechanism provides an immediately ready force to respond to crisis anywhere in the world. Nominally each of these fighter wings would be equipped with 72 UE aircraft. However, the current force is underequipped and the Air Force plans to gradually increase the unit strength within the 26 wings to bring them to full combat capability by 1981.

I am told there is no direct correlation between the planned increases in Army combat divisions and the Air Force tactical air forces. As we all know, Army divisions and tactical fighter/attack wings comprise the prime combat elements of our land-based combat general purposes forces or non-nuclear deterrence and defense. As Secretary Schlesinger pointed out in his report to the Congress, determining the requirements for nonnuclear deterrence is even more complex than for strategic nuclear forces.

However, the defense objectives that are defined in national security policy are then translated into defense policy and planning guidance by the Secretary of Defense with advice from the Joint Chiefs of Staff. In that guidance, the defense of Europe is given first priority, after defense of the United States. The guidance requires that our forces be able to mount a strong initial and sustained conventional defense in Europe—the most demanding as well as single most important planning contingency. Moreover, our forces must be prepared to cope with a simultaneous minor contingency elsewhere. This is sometimes referred to as the "one-and-one-half strategy." It is the best judgment of the JCS that the minimum number of tactical wings required for these contingencies is 26. Let me stress here that there is no way the 26 wing minimum requirement can be "proved." It is a military judgment that I am willing to accept.

However, as I implied, even this 26 active fighter wing level is below the desired level recommended by the Joint Chiefs of Staff to meet the national strategy at a prudent level of risk. However, considering current fiscal realities, the 26 wing level represents the best balance between combat capability and resource availability that the Air Force, the JCS, and the Department of Defense can achieve.

The Air Force fighter force is designed and structured to achieve specified objectives in the face of the current and projected threat. However, we must remember that potential adversaries are improving both the quality and quantity of their forces. They are currently numerically superior to the combined NATO tactical air forces.

Additionally, their force posture is becoming more offensively oriented. They are developing and deploying improved aircraft and munitions more closely attuned to that posture. The Soviets now routinely deploy their latest and most sophisticated weaponry as evidenced by the 1973 Mid East conflict. Aircraft such as the variable geometry wing Flogger, the long-range Fencer and Fitter attack fighters, the Mach 3 Foxbat and the newer models of the Fishbed—MIG 21J, K and L—are characteristic of the qualitative improvements in their forces. Many of these Soviet forces are forward deployed in Warsaw Pact countries. Thus the United States is required to maintain a sizable portion of its forces deployed and immediately available to the needs of the theater commander.

Warsaw Pact ground forces, which already possess perhaps the most modern and formidable armor capability in the world, are also increasing in numbers and improving in capabilities, thus presenting an even greater challenge to our ground attack capability.

In essence, tactical air power complements ground forces. In the mix of ground forces and tactical air elements comprising general purpose forces for combined arms combat, we emphasize tactical air more heavily than do our potential adversaries.

With the increasing emphasis on conventional forces I am glad the Department of Defense has finally decided to reverse the reductions of the past few years in the Air Force combat strengths and permit some growth in order to signify our intent to maintain a credible capability to meet our many commitments.

In the active component, the Air Force plans to gradually achieve a fully equipped 26 wing posture by the early 1980's and while remaining within a 590,000 AF manpower level. This "more fire power for the same manpower" is not unlike Army's plan to expand to 16 divisions.

The increased numbers of A–10, F–15 and F–16 fighter aircraft from fiscal years 1976 to 1981 will require approximately 22,000 additional personnel. Reductions in active force F–4 aircraft, transfer of A–7's to the reserve forces, phase out of F–105 aircraft and minor adjustments in F–111's between fiscal years 1976 and 1981 will result in the freeing up of about 17,000 military spaces that can be applied against the 22,000 requirement.

Also, the F–15 and F–16 require less maintenance manhours per flying hour and less manpower will be required here. Thus, the Air Force can then add combat aircraft and fully equip the 26 wing force with a net increase of only about 5,000 people. However, some adjustment will obviously be required as this program progresses if the 7,600 manpower reduction recommended by the committee is sustained.

The planned mix of USAF tactical fighters in the 26-wing force will emphasize aircraft specifically designed to perform best in a certain role or mission. This also results in significant cost savings compared to costs required to procure, operate, and maintain a force composed entirely of multipurpose aircraft. For example, the F–15 and F–16 need not be equipped to perform all-weather or night ground attack to the degree of the F–111, and the A–10 need not have the attack radar of the F–15, F–16, F–4, or F–111. The savings in initial investment and life cycle costs can then be devoted to increasing the total number of aircraft and enhancing force modernization, flexibility and combat capability.

The addition of the A–10 will offer a significant improvement in antiarmor capability. Because of rising manpower costs and the difficulty of going beyond programed DOD manpower levels, the A–10's contribution to tactical airpower becomes a potentially efficient way of providing additional firepower.

The mix of forward deployed F–15's and F–16's will insure the retention of the U.S. qualitative advantage and partially offset the Soviet/Warsaw Pact quantitative advantage requiring air superiority capabilities. These two advanced fighters with their inherent capability to perform in the air-to-ground attack role, if required, will provide a highly effective air superiority capability as well as a significant degree of flexibility to the theater commanders.

In summary, the Air Force plans to fully equip 26 active and 10 reserve wings in the early 1980's, while remaining within the projected manpower and fiscal levels. Specifically, the Air Force intends to increase the quality, quantity, and readiness of active fighter forces complemented by improved reserve component forces, remain within the 590,000 active Air Force manpower level and meet the fiscal guidance levels projected for the Air Force by OSD.

Still, the combat capability of these general purpose forces will remain short of what the JCS says is required but, nonetheless, they will significantly enhance our capabilities in the tactical arena.

It is a program that should be supported.

Mr. RIBICOFF. Mr. President, we are debating this week the defense of our Nation. We are trying to determine what our vital security objectives ought to be, and whether our present defense policies and programs should be changed.

I have no doubt that we must have an adequate defense system, in a world in which there are threats to our way of life. We are faced with some grim realities. Foremost among these is the need to maintain a balance of force between the United States and the U.S.S.R. which creates a balance of restraint between our Nation and that military power. I do not say that our military forces must be equal in numbers, nor that they must be spread out over the globe to meet every potential adversary. I emphasize in my own thinking that an adequate balance of force is ultimately a question of deterrence: How much does it take to discourage the other party from utilizing military force, particularly in a direct confrontation with the United States?

We do also have some vital interests in the geopolitical balance of forces too, and it is simply naive to consider the security of Western Europe or Northeast Asia—Japan—as unrelated to our own. The security issue in these cases is clear. We could not have an adequate balance of deterrence or an expectation of stability in international affairs in a world where the most economically and technologically powerful nations were all threatened by another power and therefore arrayed against us.

Many of my colleagues in the Senate would share these thoughts. Yet I am increasingly concerned that this simplified way of describing our security interests is growing inadequate in our rapidly changing world. First of all, the United States and the U.S.S.R. are not the only players, and the chances of the two nations going to war are not great. But the location of actual and potential military power throughout the world is changing.

It is not the United States or the U.S.S.R., or even the West Europeans or the Japanese who are responsible for the change. We now see the new wealth of oil-producing nations being used to build gigantic military forces, and new aspirations in nations like Iran to play a regional role in the balancing of power. We see the emergence of China bringing great changes in the power balance over the next couple of decades—but nobody seems to have a good idea what those changes will be. We see the capacity to develop nuclear weapons spreading relentlessly like a disease, and we find our own Nation aiding the process through its eagerness to spread the capacity to generate nuclear power without adequate thought to the political implications.

But even these concerns do not really comprehend the forces now at work in shaping the stability of the world and the security of America. They are important problems. They require our attention, and the efforts of our officials, to keep such forces of change from creating confrontation and conflict. But behind even these forces are more basic changes. While we have been preoccupied with the location of ships, planes, missiles, and soldiers, the globe has become more and more economically interdependent. The interweaving of our own economy and our own economic well-being with developments in other parts of the world has brought side effects which make us more vulnerable to what someone else does. National interests are being shaped by economic forces. Nations which once had little power are suddenly emerging as major determinants of the flow of energy and raw materials. The power to withhold has become more threatening than the potential application of military force, because the use of military force is deterred by the expectation of military reaction, while the withholding of supplies faces no such deterrent. The nature of what constitutes power is thus changing.

I have been deeply worried about the changing nature of international security for several years. In a report to the Senate Finance Committee in early 1971 I said that—

> Any significant change in economic policy today in one industrial nation inevitably has serious effects on industries as well as governments of other nations. Investment flows, balance of payments and trade balances are shaping national interests. As these trends continue, trade policies become more politically explosive. These questions have a direct bearing on fundamental foreign policy issues . . . during the last quarter of the Twentieth Century geoeconomics will replace geopolitics as the prime concern of international relations.

By 1972, while writing my book, "America Can Make It!," I found myself even more concerned with orientation of our foreign policy leaders to the politics to the past:

> Regrettably, American policy in Eastern Europe, Russia elsewhere overseas is still dominated by a World-War-II era thinking. Most of our leaders today learned that foreign policy at a time when giants like Roosevelt, Churchill, Stalin, deGaulle and Hitler strode, across the stage of history, seeking to respond to their people's needs in an often intensely personal manner. Those days are gone. That style is behind us. The world has not seen the last of great men, I hope. But the issues have changed. The romance has been taken out of militarism. The political giants have been replaced by teams of managers, salesmen and technicians. A nation's historic destiny does not concern most people as much any more. "Geopolitics"—military pacts, treaties and balance of power diplomacy—is being replaced by "ecopolitics"—developing international trade and investment policies to achieve economic prosperity and a higher standard of living.

The fact of how vulnerable we have become hit us unexpectedly and dramatically by the oil embargo, which was triggered by the Arab-Israeli War of October 1973. But other nations had become used to the ideas of dependence and vulnerability years earlier. The role of colonial relationships in providing stable sources of raw materials was well known in Europe for decades. The crises of the Middle East were perceived as economic crises—whether in connection with Suez or the oilfields themselves. And Japan, the industrialized nation most dependent of all on foreign sources and foreign markets, has built a great and powerful nation around the recognition and even exploitation of dependence on others.

It was only in the late 1960's that our dollar diplomacy appeared to be running out of relevance, and the dollar itself seemed to be heading for disaster. It was only in these years that our domestic monetary policy became visibly influenced by the outflow and inflow of capital and money, so that interest rates and policies in other nations had to be taken into account in setting domestic policies. And then we were forced to take unilateral actions in the summer of 1971 on the international front, in conjunction with drastic domestic economic measures. We shocked the world with the import surcharge and the unlinking of gold and the dollar—but what most shocked other nations was not the substance of our actions but the fact we acted unilaterally. Many nations learned a lesson from that, and felt freer to take unilateral actions of their own when it suited them.

By 1971 we had discovered that domestic and international policy were interconnected. Surprisingly, we did very little about this new recognition, and developed a series of domestic economic policy problems in 1972 and 1973 because of inadequate thought to the international pressures. Our panic resort to export controls, because we were losing domestic supplies to higher bidders abroad, resulted from weakness in planning for the obvious. We should have known that domestic price restraints aimed at curbing inflation would have to be determined in relation to world demand, not just U.S. demand.

What has happened is that our economy has been so big and so rich that we never really had to give much thought to international pressures until recently. But now we are facing an interlocking of our economy with those of our trading partners. As Henry Steele Commager said recently:

> We must now recognize that all major problems are global; that none can be solved by any one nation, or even by a small group of nations.

These problems are going to intensify. The poorer nations of the world are led by the politics of envy and a sense of unfairness. They will seek confrontation. Today's conflict of rhetoric can become tomorrow's conflict of economic power, and perhaps even war. And among the rich nations there will also be more trouble. In all our industrialized societies there is vigorous and growing demand for more governmental intervention—on behalf of consumers, environmentalists, and those favoring a further tilt of the scales of social justice. With increased government activity in each nation, there tends to be more and more opportunity for conflict between the actions of the various governments. So we now need to find better ways to coordinate our policies with other nations, internationally. For this we need effective international institutions; but the developing nations are increasingly tying up these international institutions with their own demands, making cooperation more and more difficult to manage.

We are in a crisis, but we have little more than a few words in speeches to offer to deal with it. Secretary Kissinger has recognized the problem in his May 13 Kansas City speech:

> The paramount necessity of our time is the preservation of peace. But history has shown that international political stability requires international economic stability. Order cannot survive if economic arrangements are constantly buffeted by crisis or if they fail to meet the aspirations of nations and peoples for progress.

But the solutions offered represent only the barest beginnings based upon only the most cursory examination in our Government of the problems of our time. The bureaucracy is caught up in ideological debate about the role of free markets and free trade, without much thought to the basic threats which now exist—threats which may well erode our whole economic way of life—and without thought to the fact that other governments are already the main players in many fields of economic activity.

In foreign policy circles it is fashionable to refer to the "seamless web" or the "linkage" of all issues and all places, so that how we behave in Western Europe affects Russian thinking in Southeast Asia, and so on. I have personally been intrigued by the use of the linkage idea when it suited certain policymakers found such arguments a disadvantage. The United States pushed for an interweaving of politics, economics, and security in the speeches of John Connally, when he was Treasury Secretary, and in the abortive Atlantic Charter of Kissinger's initiative, but precious little has been done to integrate our planning and foreign policy management in this direction.

Instead we have policies based upon secret diplomacy, with each issue handled by separate advisers. It is almost as if foreign policy were being run like a group of secret agents, each unaware of the work of the others, or sometimes even unaware of each other's identity, to keep any one from endangering another through his knowledge.

Secret diplomacy is counterproductive in economic affairs. Too many people are directly involved in the results of decisions, with personal expertise and a direct interest in the outcome. Secret diplomacy can be used to mislead and fool those affected by economic policy decisions. But those misled will sooner or later turn around to undercut the policies that hurt them.

Foreign economic policy, to be effective, has to be built around consensus decisionmaking and consensus diplomacy. There has to be openness. There has to be involvement. Where interests differ they have to be compared and weighed, and compromises worked out. This is as true internationally as it is at home in the United States.

We are now in a period of experimentation with new relationships among the great powers. Most prominent among the examples is the policy of détent in East-West relations. What is détente? Many answers could be given, but included in any answer would be the opening of economic relationships, and the creation of mutual incentives to keep peace. Beyond this our policy does not go, when it comes to economics. And because it was not thought through, we have often been surprised, and damaged. The Russian grain deal of 1972 and the near-disruptive Russian actions of late 1974 in the grain market are but one example. The development of energy resources in in the Soviet Union by U.S. interests was actively promoted by the administration without fully working out the implications for U.S. economic independence and security.

We are busy trying to get other western nations to set up a world food reserve scheme, without any clear idea where Russia fits in. Suppose Russia sits outside any new system, and in times of shortage simply demands grain from the West. Can such a "free rider" be tolerated? Why would any other nation pay the costs of supporting reserves if a free rider could get all the benefits of stocks in time of need? They would not. And so the Russians, with their secret market demands sprung upon us only when it suits them, must be fitted in. But this requires more orderly behavior on the side of the Soviets. Where is the diplomacy of détente on this vital issue? My impression is that these issues are not being addressed.

Today the Russians are discovering the market, as they raise oil and other resource prices for sale to the Eastern European countries. The COMCON nations are meeting inflation as a consequence of their adjustment to the world market price pressures. So the politics of Russian-East European relations will soon be tested on entirely different grounds than in the past.

So when I hear explanations of détente, I am skeptical—not about its desirability, but about whether we know what we are trying to accomplish and how.

In this area, economics and strategic behavior interact. Who is thinking about the interaction, and guiding the Congress and the experts in the overall method of managing détente. I don't know.

In the absence of a framework, Congress has had to respond to the particular problems as they have come up. The humanitarian concerns in Congress about emigration from Russia were not surprising. But the working out of an understanding with the Executive, and in turn with the Russians, was frustrated by an atmosphere of suspicion and secrecy. Where was the seamless web, the interlinkage theory, when the Congress wanted to gain a commitment toward openness in the movement of people as well as goods? The atmosphere became steadily worse, and the positions of the Congress, the Executive, and the Russians further and further apart. And all parties acted surprised when everything seemed to break down in the closing days of deliberation on the Trade Act of 1974. This unfortunate history provides a lesson for all of us, that working together is far better than working at cross-purposes in secret.

But even more basic is the problem I have already raised about ecopolitics. The United States and the U.S.S.R. are not the only players. Power has been redistributed globally. Strategic weapons are not the crucial factor in the stability of international relations—especially since nobody really expects them to be used.

In strategic defense, the United States and the U.S.S.R. are central. In ecopolitics, the whole world is relevant. The smaller nations economically, militarily, or geographically can wield great power in management of key resources, or in multilateral politicking to frustrate our objectives on other issues. The interaction of small nations and big, of oil producers and oil consumers, of financially strong and financially weak—this global interaction makes every nation an active player.

In a Washington Post article datelined Brussels May 28, Murray Marder put it this way:

> In the Nixon administration, diplomatic "linkage" of different problems in East-West relations was championed by Kissinger as the cement of East-West detente. The concept, which the Soviet Union initially looked upon warily, then joined, was designed to produce a web of interests that would discourage super power confrontations.
>
> Linkage, however, stretched across the East-West dividing line in ways that no one anticipated, as the Cold War turned into detente. Almost every nation is a player in the new global game, and linkage can checkmate, as well as advance, moves on the diplomatic chessboard.

The issues involve interlinkage of economic, political, and security questions. They involve the behavior of other nations, and the behavior of the two great military powers, the United States and the Soviets, toward these other nations. This interaction will focus increasingly on the economic front. How much coordination do we do with the Russians on the economic front, in relation to the rest of the world? I would ventuer to guess the answer is none.

When we look at the defense issues, we in the Congress are faced with literal armies of bureaucrats as well as armies of soldiers. The number of people working on security questions in the Defense Department, the armed services, the intelligence community, the State Department, the defense industry, the universities, is staggering. Experts are thrust at the Congress in hordes, where a position is being lobbied—although they vanish from the scene, protected by security classifications, when the tide is running against the defense establishment and facts would be an embarrassment.

When we look at international economic policy, the smallness of our system is shocking by comparison. It is true that there are experts with special interests throughout the Government. It is true they are poorly coordinated. But the number of generalists in or even out of government who can pull the issues together, and relate them to our overall security, is frighteningly small.

In this context, I believe the foreign policy leaders have no choice. They must themselves shift to the economic issues, and leave the weapons systems intricacies and the international power balance negotiations to subordinates. They must delegate the traditional questions of high politics, and take to the center the economic issues which are already grabbing center stage action from the wings.

Secretary Kissinger said in his May 13 Kansas City speech that—

> Obvious crises are the easiest to meet; the deepest challenges to men are those that emerge imperceptibly, that derive from fundamental changes which, if not addressed, portend upheavals in the future. These contemporary challenges to the world economic structure must be overcome, or we face not only an end to the growth of the last 30 years but the shattering of the hopes of all mankind for a better future. Our economic strength is unmistakable. But what is tested now is our vision and our will—and that of the other nations of the world.

This is true. But our Government is not responding to it. The Congress is not being asked to work together with the Executive in the shaping of a new international system. And this surprises me at a time when the President is publicly calling for bipartianship in foreign policy. You cannot have bipartisanship if all that is offered is a rubberstamp.

And you cannot have effective economic policies without congressional support, because Congress must implement. You cannot have Congress in a constructive mood in this area if you practice secret diplomacy, because domestic economic interests will be working against the secret diplomat, by appealing to the Congress.

And you cannot look at stability in the world as a delicate balance of terror, and nothing more. The defense system has to be looked at in connection with the whole of our international policy and practices. The incentives for others to make trouble has to be looked at in connection with the incentives the world economic system provides for them to avoid trouble. I would even venture to say that a small bit of the money and manpower applied to defense could be transferred to the foreign economic policy area with far more than proportionate gains to our overall security.

We have recognized the new realities in some of our foreign policy speeches. Now we have to bring this new recognition to the management of foreign policy generally. A defense debate cannot any longer concentrate exclusively on which weapons systems are best. A defense debate without a foreign policy debate is devoid of meaning; a foreign policy debate without a foreign economic policy at its heart is irrelevant.

Thus when you ask where do we go on defense, I feel we must answer with another question: How do we change the context in which nations build up and threaten military force. That is what we are not asking ourselves, and I think the answers will provide important keys to the puzzle of how much defense is enough.

Let me add that the world may have its wars in other forms—in raw materials and food, in financial squeezes, in investment control—but if the consequences get painful enough, what greater incentive is there to resort to military force?

Let us not have trade wars, or economic anarchy, because that can only threaten the very foundations of our system at home and abroad.

Three centuries ago John Dryden wrote that "war is the trade of kings." Let us not now find that "trade becomes the war of kings in times of peace." The kings of tomorrow will not necessarily be the kings of yesterday, and the battleground could be our economics and our social systems.

That, to me, is what we must face up to when we debate how much is enough in defending our national security.

Mr. STEVENSON. Mr. President, in a government which knew the price of everything and the value of nothing, the notion was not surprising that everything, even national security, could be bought. It was a notion compatible with the realpolitik of the 1970's, but a notion altogether out of line with our principles—and the realities of the world in which we live.

Comparisons are deceptive, but the Soviet Union began to catch up by spending less for the military than did the United States. With 500,000 American troops, the most sophisticated arms, and an expenditure of over $160 billion, the United States and its heavily armed clients in Indochina could not win against an outmanned, outgunned adversary. Foreign oil producers brought the industrialized West to its knees—not with arms. Expenditures for weapons systems and national security are not equatable—and such recent experiences are proof.

Mr. President, the weakness of the United States is not caused by insufficient arms but by insufficient wisdom. Our judgments are out of balance and out of touch with reality. They lack a feeling for history and principle. They have been angry, impulsive, and irrational—unguided by any sound policy. The United States has no policy. Its military spending is indiscriminate. It buys fat as well as muscle—insecurity as well as security.

Money for weapons systems is the most nonproductive and, therefore, inflationary form of Government spending. It deprives the Government of resources with which to acquire energy alternatives, leaving us dependent on undependable foreign sources of oil, many of which we have ourselves armed. It deprives us of resources for agricultural productivity and industrial efficiency, sources of world power as well as human well-being. It deprives us of efficient transportation systems, housing, education, and other sources of overall national security. Expenditures for unnecessary weapons systems deprive the United States of resources for the acquisition of weapons systems which are relevant and necessary for our defense.

Weapons expenditures usually, and almost always in the case of strategic weapons systems, leave us in the same or in an inferior relative position, always closer to the flash point and always poorer.

As the world is caught up in the arms race, it becomes more unstable. The world's expenditure of about $250 billion a year for armaments far exceeds its expenditure for health or education. The threat to U.S. security spreads with the spread of arms to all parts of the world.

In an unstable world, nations seek conventional arms for the maintenance of internal security and increasingly they seek nuclear weapons to deter or provoke aggression, or simply to acquire the trappings of power and the illusions of national security.

Caught up in the notion that more money buys more defense, the United States proposes to spend $1.6 billion each for fully equipped Trident submarines. This underseas deterrent will be based at one vulnerable location in the United States. Missiles of the 10 Tridents will be aimed essentially at one nation. And the United States will discover again that for another large investment in national security it has bought more insecurity.

Our failure to agree with the other nuclear exporting nations on inexpensive measures to halt the proliferation of nuclear technology means that the nuclear threat will come from many quarters. The United States could be developing and acquiring a broadly dispersed, survivable underseas deterrent—many small submarines capable of responding to assault—or threat—from many directions. For a minuscule sum, this most real threat to the peace and stability of the world could be eliminated, or at least reduced, through the development of nuclear safeguards technology and the institutions with which to enforce them. Instead, we arm against a Soviet threat for which there is already an adequate deterrent. And we fail to deal with the worldwide nuclear menace which we and the other nuclear nations are creating.

Mr. President, less money, more wisely spent, can acquire a more adequate defense. What is needed now is not more money for unnecessary weapons systems, but more wisdom. My argument is not with an adequate defense, but with the notion that indiscriminate expenditures for weapons systems automatically buy security.

The first installments on the weapons systems commit the Nation to larger installments later. The war in Indochina ends, but military spending in real dollars goes up. Inflation induced partly by defense spending inflates defense spending. The estimated cost of the Trident submarine is 25 percent higher this year than it was last year. This madness acquires a momentum all its own, and we surge like lemmings toward the sea.

Mr. President, we ought finally to recognize the debilitating consequences of arms expenditures and determine what is necessary and worth the heavy price. And even without the formulation of a policy for the United States we should perceive some defense measures which cost no money and others which save money. There are some weapons systems for which I think the United States should spend more money—a small, less expensive alternative to the Trident, for example. I could support efforts to accelerate the development and procurement of a Norwhal submarine and other less expensive ships and advanced weapons systems with which maintain a credible worldwide underseas deterrent and control the sea lanes against Soviet submarines. But the United States cannot afford to use carrier task forces to keep the sea lanes under control, because carriers require more protection themselves than they provide. I think we should spend more money on nuclear safeguards, more money on multipurposs surface control vessels, less money on such extravagances as the Trident submarine, nuclear aircraft carriers and the B–1 bomber.

The *Mayaguez* incident may be cited as a case for still more extravagant expenditures on nuclear carriers and nuclear escorts. It is a case for the opposite. Supercarriers and great nuclear frigates could not have reached the area of the Mayaguez in a timely fashion, but even if they had, their ability to achieve our stated ends would have been limited. They could have done no more than the 200 marines and their helicopters accomplished. Expenditures for smaller more versatile ships, such as Patrol Frigates and small surface effect escorts, if they can be developed successfully, could go farther toward control of the sea lanes.

The B–1 is another example. For less money, the United States could upgrade its arsenal of B–52's. Alternatively, it could turn Boeing 747 aircraft into launching platforms for air-to-surface cruise missiles and for less money perform the mission of the B–1 more effectively. And so it goes. Those who support all the funding in this bill could deprive the United States of resources with which to acquire more relevant weapons systems.

The elimination of certain expenditures could also improve our defense posture as well as save us money. Under the rubric of détente, the United States has been subsidizing Soviet internal development. It extended more than $1 billion in credits to the Soviet Union. The credits extended through the Eximbank take on the character of foreign aid. They have assisted the Soviet Union to develop its industrial capacity, and indirectly its military capabilities. They have, for example, directly assisted the development of a large truck factory which has obvious military potential. They release Soviet capital resources for purely military objectives. The United States and its allies have subsidized, directly and indirectly, the development of Soviet capabilities, simultaneously enlarging the Soviet threat while depriving themselves of capital resources with which to develop their own military and industrial capabilities.

On the eve of his departure for the NATO summit meeting I suggested to the President that the United States and its NATO allies consider ways to discontinue this beggar-thy-neighbor practice of subsidizing Soviet development on the one hand, while expensively guarding against it on the other. Some coordination among the allies could diminish the pursuit of inconsistent ends with some understanding that credits would be made available through consultative arrangements as progress with the Soviet Union was achieved on such large issues as mutual and balanced force reductions, SALT, and peace in the Middle East. Such a process could lead to a relaxation of tensions between East and West.

Mr. President, I ask unanimous consent that my letter of May 23, 1975, to the President be inserted in the RECORD, at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. In the end the question we must answer is simply, "What is necessary to the present and future defense requirements of the United States?" What is fat and what is muscle? What should be done to diminish the threat, as well as to defend against it? Unhappily, there is no way the Congress can competently or confidently answer now. The Government offers no vision of the future, no U.S. role in the world, no foreign policy. Without some objective in the world, some policy, all agencies of Government, including the Congress, are cut loose to fend for themselves. The Pentagon is left to plan expensively for every conceivable contingency.

The branches of the military produce worst case scenarios; they sometimes base planning on 19th century doctrines and then plan expensively to meet contingencies that are unreal with weapons systems that are irrelevant. They are unguided by policy established by the civilian authorities.

The Safeguard ABM system is but one example of an enormous expenditure for an irrelevant weapons system.

Instead of defining the limits of military power, Indochina is used to justify a repetition of past mistakes and still more military excesses. The domino theory is cited, as if to suggest that the United States must be prepared to fight for more dominoes. The domino theory has validity, to be sure. But it has validity only because the United States created the dominoes. To resist one form of repression, the United States created others. Its clients in Indochina could not win the support of their people, nor defend themselves from the people. The lesson is not to prepare for the support of more dominoes. The lesson is that the United States should not go on creating indefensible dominoes.

The United States subsidized détente with the super-Communist power in Moscow while it subsidized war against communism in Indochina. Such implausibilities undermine U.S. authority and influence in the world. They deprive the world of confidence in U.S. wisdom, not U.S. resolve. The world outside of East and Southeast Asia was dismayed by the obsession of the United States with a hopeless cause in an area remote from its interests. It was no coincidence that U.S. influence at the United Nations perceptibly declined in the last 6 years as its involvement in Indochina deepened and it reeled ineffectively and impulsively from one crisis to the next in the world.

Now the United States has a chance to regain authority in the world, not by engaging in an orgy of military spending, but by regaining its reputation for wisdom. One lesson crying out to be learned from Indochina is that to fight despotism by sponsoring despots is a betrayal of our own best principles—a policy that will not be supported by the American people, a policy doomed by history to failure everywhere that it is attempted. In that respect Vietnam is but a symbol of a larger failure—a failure in Portugal, a failure in the Eastern Mediterranean, a failure in south Asia, in Chile.

Instead of a policy, the United States has acted from habit and impulse. The President and the Secretaries of Defense and State threaten war against the sheiks one day and arm them the next. The United States preached the ideals of the American Revolution and propped up the Greek junta, tilted to Yahya Khan and alined itself in the eyes of sub-Sahara Africa with the Salazar regime in Portugal; now the United States attempts to rearm the Turks. And all the way along the line, it loses authority because it loses respect. Its actions are incomprehensible and inconsistent. Slogans were substituted for policy—"the era of peace," "from confrontation to negotiation."

The "Nixon doctrine" was vaguely understood because it was vague. Personalized diplomacy in Peking and Moscow excluded allies, dismaying friendly nations in Europe and Asia. Power became so centralized in our "Bismarckian" approach to great power diplomacy that the Government had no time for the pursuit of U.S. interests in the third world. It never anticipated the energy crisis. The year of Europe never even began. Now the great alliance is in disarray. The collective basis of power in the West has been undermined by U.S. neglect.

The President, quite rightly but belatedly, is seeking to undo some of the damage in Europe. But still the United States has no policy. And without a policy its Government is left adrift, caught up by habit, and still tempted by the old notion that everything has its price. So it lurches ahead. Everything is changed; yet nothing is changed. The wheel takes another turn, and the world inches toward the brink. The United States continues its movement away from new ideas and structural changes. To pay for the military and energy development, the President imposes a moratorium on all new ideas that cost money—not one more penny, he says, for the repair of the economic system or for economic justice in the United States. And so the confidence of the American public in the justice and the wisdom of the Government erodes, and the Nation is insecure. Nothing sustains this Government—which is founded on rule by the consent of the governed—except public trust. Now that foundation is eroded by the results of incompetence: Inflation, recession, declining authority in the world—all of which can be traced in one degree or another to extravagant military spending, including the expenditures for the conflict in Indochina.

It is difficult for the Congress to say precisely what weapons systems should or should not be bought. It should not be difficult to say that our self-destruction must be stopped. What the United States needs now is not more expensive, irrelevant weapons systems but a sane and sensible policy. Now in the wake of Indochina, it should reassess its interests in all parts of the world and begin to formulate a policy. Then the Congress could make sensible decisions on military priorities.

This debate is useful because it demonstrates that the Congress is, as we all know, unfit to formulate foreign policy or effectively oversee its implementation in all parts of a diverse, fast moving world. The formulation of foreign policy is by law and the order of things uniquely within the authority and competence of the executive branch. The Congress can only exercise a negative power, a power to withhold authorizations and appropriations for the implementation of policies it disapproves. It has done so in the case of loans to the Soviet Union, armed intervention in Indochina and in the matter of aid to Turkey. It can act, as it has, to halt the misconduct of policy, as well as to support policies of which it approves. It can do no more, and the fractured, public nature of this debate indicates as much.

This debate has also recognized that foreign and military policy are in the word of Senator GOLDWATER "intertwined." The purpose of the military is to support the policy of the United States. But it is also evident that the United States has no policy. And so we have little to debate; there is not a policy to "intertwine" with military priorities. We cannot debate the rights and wrongs of a policy which does not exist, nor, sensibly, the relevance of the military forces sought for the support of policy which does not exist. Consequently, this debate is conducted in a vacuum created by the absence of policy or perceived purpose in the world. The debate tends to be a succession of disjointed comments and complaints cut loose from any purpose or design. As such the debate is useful as a means of demonstrating that the United States has no policy. And it contributes ideas, particularly complaints about where the United States has gone wrong—but little that is definitive upon the more difficult subject of how to go right—and what military systems are relevant and which are not.

About all the Congress can do is hold the line, arrest the Nation's decline and give the executive branch time with which to formulate a policy that can attract bipartisan support and be geared to a relevant set of military priorities.

Without a foreign policy the Congress cannot establish sound military priorities, and on the other hand, it dare not bankrupt the Nation by funding everything the military seeks or expose the Nation to unacceptable risks by escalating the qualitative strategic arms race.

While such a reassessment is in progress, the defenses of the United States now in being will be adequate for every contingency that is at all likely. When all factors are included, including the reliability and accuracy of our strategic systems, our strategic superiority over the Soviet Union enjoys a ratio of something like three to one in terms of deliverable weapons, and that gap will widen. Even with the waste of funds on expensive ships and the many other known failures of the shipbuilding and naval weapons development programs in recent years, the Navy has not lost its superiority on the seas. And NATO naval capabilities far exceed those of the Warsaw Pact nations.

The Congress can afford to hold the line on military spending. It cannot afford to let national decline caused by excessive military spending continue. So we propose a ceiling on spending for weapons systems within which the Executive can determine military priorities pending a review of U.S. interests in all parts of the world and a formulation of a realistic foreign policy. That is what we propose, as well as efforts to eliminate some of the more egregious examples of military profligacy.

As for a right foreign policy, the United States would do well to remember what it did when it was right—and most conspicuously after World War II. Even then, when the United States was the one preeminent power in the world, it recognized that power was collective. It inspired and led a new world order founded upon the collective strength of industrialized democracies.

Now the underpinnings of collective prosperity and security are undermined by the neglect and bilateral maneuverings of the United States in unfamiliar places. We recognized then, as we should today, that the United States simply cannot afford to serve as policeman of the world or alone to maintain an East-West balance of power. And so we ought, I suggest, to make our first order of business the recreation of an alliance of Europe, North America, Japan, and other industrialized democracies. Such an alliance could once again become the collective basis for mutual security and prosperity, and also for joint action upon such large questions as nuclear proliferation and access to commodities at reasonable prices.

It could be the first step toward creation of international institutions to govern trade and investment in an interdependent but fractured world. Such a high endeavor will be led by the United States or not at all. Such an endeavor, including collective commitments for mutual security and the security of nations outside the alliance, would affect the military requirements of the United States. At this point, we cannot say whether that vision of collective security will emerge, or some other. All we know is that without a vision of our future and our role in the world, it is impossible to make sensible decisions—and the one most unsensible decision would be to repeat the mistakes of excessive military spending which have already brought us to a perilously weak point in our history.

From the failure of recent ways, some of them so dangerous, so expensive and so destructive that they must be changed, the U.S. can discover new ways and emerge again as the preeminent power in the world—not as Mr. Nixon feared and made possible, a pitiful, helpless giant. That is the choice and the hope, and the opportunity which should be underscored as we put Vietnam behind us and face up to a murky but promising future.

EXHIBIT 1

MAY 23, 1975.

Hon. GERALD R. FORD,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: The Secretary of State's recent statement in St. Louis about the importance of U.S. alliances with other industrial democracies was most welcome.

I urge you at the NATO Summit meeting in Brussels to take up the impact of credits from the industrial democracies for the Soviet Union on its military capabilities. This subject begs for cooperation between the NATO nations and some appreciation of the military, as well as the commercial, consequences of continued large-scale credit for the Soviet Union. It has a GNP second only to our own, is now the world's foremost oil producer and enjoys a substantial and growing payments surplus.

Through COCOM attempts are made to coordinate export policy with respect to goods and technology of military significance to the Soviet Union. At present no mechanism exists to coordinate credits for the Soviet Union. Indeed, the industrial democracies, the U.S. government temporarily excepted, are competing among themselves to extend more subsidized credits to the Soviet Union for exports which typically are for the development of Soviet technology and industrial capability. Only rarely is the West afforded access to the Soviet consumer market for finished goods.

Such credits take on the character of foreign aid and assist the Soviet Union to develop its military capabilities. They have directly assisted the development of such facilities as a truck factory with obvious military potentials. They also release Soviet capital resources for purely military objectives.

It is incongrous for the United States and its allies to subsidize, directly and indirectly, the development of Soviet military capabilities and deprive themselves of capital resources with which to develop their own military and industrial capabilities.

As it is now, the industrial democracies are competing among themselves, on the one hand to diminish their burdens of mutual defense, while on the other hand to aid in the development of Soviet military and industrial capabilities. As you know, the United States has already extended about $1 billion in subsidized credits to the Soviet Union. Our allies are doing likewise. Some coordination among the allies might diminish the pursuit of inconsistent ends, perhaps upon some understanding that credits will be made available through a consultative process as progress with the Soviet Union is achieved on such large issues as mutual and balanced force reductions, SALT and peace in the Middle East. It could lead to a relaxation of tensions between East and West.

The disarray among the industrial democracies is disturbing and too reminiscent of times past. I, therefore, urge you to take up the subject of credits for the Soviet Union at the meeting in Brussels. I believe that your trip is most timely, symbolically important, and am hopeful you can achieve progress on the substantive questions.

With the highest regards,

Sincerely,

——— ———.

PARALLELS BETWEEN VIETNAM AND THE GLOBAL CONFLICT

Mr. HELMS. Mr. President, I am pleased to have the opportunity of participating in this debate on foreign policy and defense, two subjects which are closely and always interconnected. Certainly the Senate, which must give its advice and consent to treaties concluded by the President, has a special responsibility to participate in the formulation of foreign policy at least to the extent of making its opinions known. Though we do not wish to usurp the prerogatives of the executive branch in the conduct of foreign policy, under our constitutional system the Congress does have a definite role to play in the definition of what our foreign policy should be. And this seems to be a circumstance which the executive branch, under whatever party, sometimes has a tendency to forget.

Today I should like to dwell very briefly on what seem to me to be some highly disturbing parallels between the course of events in South Vietnam which led to that country's sudden collapse and defeat, and the global strategy of the Soviet Union with which we are now directly confronted. To me, some of these parallels are exceedingly disturbing, and although I do not want to speak as an alarmist, there are times when we have to look at a rather unpleasant reality with open eyes, if we are to be true to our duty to the people whom we represent.

As I see it, the final stages of the conflict in South Vietnam had three major components. These were:

An attempt to take over as much of the hinterland of South Vietnam as possible without causing a strong reaction from the South Vietnamese.

A treaty—the Paris Peace Agreements of 1973—which the Communists quickly violated but which served the purpose of keeping the South Vietnamese from building up their forces, if only because the United States observed the treaty scrupulously.

A sudden attack when the Communists had built up overwhelming superiority in military hardware, which led to the rapid defeat of the South Vietnamese, since they could hardly have been resupplied in time in any case.

Now, Mr. President, I fear that I observe some disturbing parallels between this strategy and that of the Soviet Union against us in the global conflict. Let me give a little more detail on what I mean.

Taking over the hinterland: For us as a global power, the hinterland is the entire free world, which has shrunk quite noticeably in the last few years, especially during the year of détente. Not only have we clearly lost South Vietnam, Cambodia, and now Laos, but Thailand is obviously on the way and the pressure is clearly on in Asia. The Soviet Union is gaining predominant influence in the area of the Mediterranean, and we sit back while Portugal slips away from the free world and into the Soviet orbit. There are a number of other countries where Communist influence is growing and our defense perimeter is shrinking. In the Pacific our defense perimeter is being thrown back on Japan, which is militarily weak, South Korea, and the Republic of China. And let us note that if that perimeter goes, we are forced back to Hawaii and Alaska. In Europe also our defense perimeter is thinning, and the potential loss of Portugal will have vast implications for our ability to defend our interests in the Middle East, both in Israel and in the oilfields of Iran and the Arab States necessary to the economies of the free world. So our hinterland is being gradually taken from us—but very gradually, so that we do not react strongly at any one point.

The treaty: Our equivalent of the Paris peace accords in this analogy, I submit, is the SALT agreement and the negotiations for SALT II. Like the Paris peace accords, the SALT negotiations have lulled us into a false sense of security. The distinguished junior Senator from New York (Mr. BUCKLEY) in a widely unnoticed speech recently pointed out the evidence that the Soviets have been consciously cheating on the SALT I agreements, while we, of course, have been more than careful to live up to the provisions of that treaty from our side. Indeed I sometimes think we have an irrational faith in treaties, especially treaties with the Communist powers. History should long since have taught us that the Communist powers regard treaties as simply another form of warfare, and yet we go right on negotiating them and sticking to them as closely as we can.

Treaties like nonaggression pacts are not worth the paper they are written on—if an aggressor who is party to such a pact thinks he can get away with military attack, the paper he has signed will not stop him. The lesson from that is that we should not be especially anxious to enter into treaties affecting our vital interests with the Communists, for pieces of paper will not preserve the peace in any case. If for some reason we do conclude a treaty with the Communists, we should be ready to tear it up just as soon as it becomes clear that they have violated it in a significant way. Instead of that, we were still trying to observe the Paris Peace Accords at the very end, when South Vietnam was falling to barefaced military aggression. That, I suggest, was one of the most inexplicable episodes in the history of American foreign policy. It sprang from what one writer has called the "disease of treaty reliance," an illness which we had better cure in ourselves very fast. We should be quick to pay attention to evidence that the Soviets are violating the SALT agreements, instead of looking the other way and being determined to ignore such violations. Our very national existence is at stake.

Building overwhelming military superiority: In the final months of the Vietnam war, we had quite good intelligence on the tremendous buildup of Communist arms in South Vietnam. But our sophisticated intellectuals concocted ingenious explanations of what this might mean, while our responsible officials looked the other way. The meaning of it was quite clear, of course. The North Vietnamese were not pouring military supplies into South Vietnam for the fun of it—they meant to accumulate overwhelming military superiority and then use it, quickly and ruthlessly. And they did. Now in the case of the Soviet Union and the United States, we have plenty of intelligence on the enormous size of the Soviet armies, the indisputable superiority of their strategic forces, the tremendous buildup of their navy, in short the immense resources they are pouring into their military machine while our resources remain static or even decline. I think there can be no doubt in anyone's mind that the Soviet Union has clear superiority over the United States in most military areas.

More important, Soviet military superiority is increasing while we seem unwilling to invest the resources necessary to restore our military position Our sophisticated intellectuals can find all sorts of explanations for this and try to explain it away, but I am afraid that one stark fact stares us in the face. The Soviet Union is not investing all this money in military hardware just because the Soviet leaders enjoy it, but because they intend to use it. If the Soviets achieve clear military superiority, they will strike quickly. And we, like the South Vietnamese, will have no time left to recover and little space into which to retreat. If we are unprepared at the beginning of the conflict, we shall be beaten.

That is why, Mr. President, it is so crucial that the Congress do what is necessary to recover our military superiority over the Soviet Union. It will not be easy or pleasant, but it is a matter of our very national survival. If you see that your enemy is heavily armed, much more so than you, and you depend on his "good will" alone to preserve the peace, then you are liable to be very sorry indeed.

Mr. President, some people are gullible and will believe anything. But there are others who are skeptics when they should not be. It is not good to be gullible, but it is just as bad to refuse to see what is going on before our very eyes. We have a solemn responsibility to the American people. We must learn from history. The tragedy of Vietnam may yet be turned to good if we learn from the pattern of aggression unfolded there. In these remarks I have suggested that we consider very, very seriously the possibility that the same strategy which worked so well for the Communists in Vietnam is being used—with appropriate modifications—against us on a global scale. For we know what the outcome was in Vietnam.

We cannot allow the same thing to happen to us.

THE NEED FOR A NEW FOREIGN POLICY

Mr. HATFIELD. Mr. President, our debate on this bill has been devoted primarily to questions of our military might versus that of the Soviet Union or of China; of the kinds of weapons we need to meet the perceived threat these and other nations pose to us; of the number of men and women we need in uniform to perform all the various missions we assign the military, and how we define those missions; of strategic war philosophies; of the costs versus the benefits of these programs, in particular with respect to the military gains, the inflationary impact, and the effect upon unemployment.

All these are important questions, especially since they are about a $100 billion budget which is charged to the American taxpayers. I commend my colleagues for arranging this stimulating and informative debate. They are too few and far between.

But the entire discussion arises out of a shopworn cold war diplomacy that needs to be discarded for one that promotes interdependence rather than rivalry. The issues are contained in an argument that is principally a private one between the rich nations of the West and those of the East. It is not private, of course, in that its resolution could very well destroy the whole world, but it is carried on in virtually total disregard of those nations that have not reached the level of "development" necessary for the construction and purchase of modern military hardware.

Those are mainly the nations of the South. I believe that global survival depends on how we relate to those developing nations, not how long we are able to arm ourselves for total war against other nuclear powers.

It is true, of course, that matters of nuclear war debated here deal precisely with global survival, and that in the continued development and proliferation of nuclear weaponry we are offering a macabre solution to world problems: Annihilation. But we do not have to surrender to that argument, and affirm the horrible absurdity that the only way to save the world is to arm to destroy it. Why do we persist in this fanatical desire to always be No. 1 in the ability to kill people in war, to the neglect of efforts to end world hunger, control world population, clean up our oceans, and find new energy sources?

So long as we argue that the fate of all the world hangs on the rich nations squandering billions on weapons to defend themselves against one another, we will remain ignorant of the plain and simple fact that the fate of the world depends upon our recognition of the interdependence of us all, and upon all of us sharing global resources.

If it is valid to ask who will defend the so-called free world from military aggression, is it not also valid to ask who will defend the developing nations from the ravages of famine and overpopulation and poverty? And when it becomes apparent, as it has now, that we cannot both fuel the engines of war to indulge our fascination with technology and meet the human needs of the human race as well, how will we apportion our resources?

The world spends $240 billion annually on the military, not including veterans' benefits and interest on war debts. An estimated $40 to $50 billion of this amount is spent for nuclear armaments which, if used, would destroy the world. Military projects consume 40 percent of the world's research and development money from both public and private sources. The $240 billion we spend each year preparing to kill each other exceeds the value of the combined GNP of Africa and south Asia. If the world keeps spending on the military at the present rate, we will have spent more than $4 trillion in the sixties and seventies for the military.

What will we have done in the meantime to meet the needs of the world's people, including our own?

Last year, in the midst of a global food crisis that cast at least 460 million people into severe malnutrition, all the United States could scrape up for Public Law 480 aid was $1.47 billion, and that only after a struggle with the administration. Just two Trident submarines would cost more than we were willing to provide in a time of world crisis. The same sort of priority on allocation of resources exists throughout the developed world. In 1972, over 30 countries were recorded as donors of economic aid. The total value of their economic assistance was less than 6 percent of their military budgets.

We are more generous with our weapons than with humanitarian aid. Since 1973 we have supplied the Persian Gulf nations, for example, with more than $10 billion in military hardware, including some of our most advanced weaponry. Our arms aid to developing nations in the years 1970–73 was 150 percent greater than the sum of arms aid to those countries in the prior 20 years. Sales to developing nations in 1970–72 were 60 percent greater than sales to developed nations. In short, we are helping create in the LDC's the maniacal devotion to weaponry that robs the poor of the resources necessary to end their plight.

United Nations Secretary-General Kurt Waldheim said last fall that:

> Now we face a series of global problems from which no nation, however rich and powerful, can remain immune, and which no nation can hope to confront and resolve successfully on its own.

These are not problems of the arms race, but of the human race. They are problems of food, population, resource depletion, and ecological destruction. So long as we divide the world into warring camps armed to the teeth, we lose sight of the essential interdependence that binds us all together, and we steal from ourselves the resources necessary to solve our shared problems.

Since the end of World War II, our foreign policy has been based on the premise of war against other rich nations, regardless of the wishes or the needs of the world's poor. In the face of global problems that dwarf our political rivalries, this kind of foreign policy is a luxury we cannot afford. We are already irrevocably dependent upon one another. All we need to do is recognize that fact and build a foreign policy based on our interdependence with all the nations of the world.

Mr. CULVER. Mr. President, at the outset, we must recognize that there is no monopoly of wisdom or patriotism in a large building with five sides, or in Foggy Bottom, 1600 Pennsylvania Avenue, or Capitol Hill.

We all want what is best for our country. We question the other man's facts and logic but not his motives, his intentions.

Post-Vietnam is the right time to have a searching and serious debate on our overall defense policy and commitments—not a time to dampen discussion or to recoil into obdurate defense of all U.S. positions elsewhere. It would be a further tragic irony if the Vietnam experience were to leave another legacy—a moratorium on fresh and open debate on our strategic policies and national priorities.

Vietnam has been a historic and sobering defeat. But it need not and ought not cause a mood of national hysteria or put us in a condition of permanent shock. There is justification neither for a "who lost Vietnam?" orgy nor for universalizing the roles of Vietnam and Cambodia to Europe, Israel, or Japan. The dismantlement of our policy in Southeast Asia is not a "hand of fate" for our policy in other areas. Quite the opposite: It opens up options and redirects energies so that U.S. policy in other areas can be strengthened and given a new realism.

Rather than an era of dominoes and barren recrimination we have a setting which makes this debate timely. The Vietnam defeat was spread over a long period of time; the responsibility for our involvement there—and for our ultimate disengagement—was widely shared among administrations, parties, and national leaders. It was a defeat with many fathers, American and Vietnamese.

In reading the defense authorization debates in the House and much of the current public discussion, I detect a tendency to assume that the failure of policy in Southeast Asia should mute this year's debate on our fundamental strategic policies for fear of casting a shadow over our alliances and misleading or tempting Russia and China. This makes no sense whatever.

The rest of the world is not standing still nor are they failing to assess their foreign policy objectives. In some areas of the world such as the southern tier of NATO and in the Persian Gulf there is an unprecedented velocity of change. The surge of arms deals almost daily carries the possibility of new foreign policy commitments and missions, intended or unintended. So Congress cannot declare a holiday and supinely accept whatever recommendations the Pentagon and Mr. Kissinger put forward.

I believe that the cuts already made by the Armed Services Committee and others I recommend in my additional views can in fact help better aline our defense posture to our foreign policy objectives. Not only do they save moderate amounts which can be applied to our critical domestic needs; they make our defense budget a better servant of our international policies. Nothing causes more ambiguity in foreign policy than a defense structure that is artificially high, redundant, or unnecessarily provocative.

The items in this budget which are principally under debate, it should be clearly understood, are related mainly to our deterrent capacity, not to our commitments. The counterforce amendment, the B–1 amendment, the Trident amendment, and most others are to be measured primarily by what they may contribute to overkill capacity—not by how they diminish our commitments to NATO or other essential features of the international system. Nonessential programs do not improve our standing abroad or the confidence of allies. The significant fact is not the dollar level of our defense spending, but what we do with those dollars and how credible our deterrent is in terms of the quality of life and leadership in our own society and the will of our people. The adoption of the amendments being proposed by Mr. McIntyre, Mr. Eagleton, Mr. Symington, and others would cause no impairment to our fundamental national interests; they would in fact be an expression of careful and responsible congressional control and improve the close assessment which must be made during the next year of the roles and missions of all our forces.

In addition to the specific weapons systems on which we shall vote, this debate is important too for the guidelines it may furnish for actions we take in future years. The committee report seeks to slow down the drain on our military inventories from foreign sales; hopefully, this will be a prelude to a sustained congressional inquiry and public debate of how uncontrolled arms vending can distort both our alliances and a sensible relationship with nations of the third world. The call for greater standardization within NATO can be not only an attack on massive waste but also a means of giving that alliance a new coherence and dynamic.

If this post-Vietnam reassessment of our foreign and defense policies is to mean anything, it must be set in the context of our overall national goals and purpose as a people.

If, in the hot pursuit of the overkill, we lose or destroy the values we were supposed to have been fighting for in the beginning, what have we won?

Also, if this reassessment is to have any true meaning, it must be set in a longer time perspective than the here and now.

Every year we begin this debate over military spending in a spirit of reason and balance and with some decent respect for the need for longer range thinking. But as the debate heats up, the immediacy overcomes us.

And like a Panzer Corps, the ad hoc brigade runs over any sense of context we may have begun with—Washington is the ad hoc Capital of the world and never can this be seen more clearly than in the fury of the defense debate.

Remember only a few short years ago when our chances of national survival were so vividly depicted as depending upon the development of the ABM?

Apart from the massive defense expenditures which year by year impoverish our domestic economy, the landscape is littered with the bleached bones of weapon systems and contingency plans that once were pictured as absolutely essential for our survival.

This year, as in former years, the dialog starts out in an atmosphere of reason and logic and then degenerates into a rigid, simplistic standoff.

You are either for national defense or against it. If you are for national defense, you vote to spend what the Pentagon asks. Love me, love my Trident, my B–1.

After all of the agonizing experience in Southeast Asia, once the defense debate gets under way, we slip back into the same black and white oversimplifications—for defense or against it, hawk versus dove.

I look over this Senate and I see men who believe that we are spending more for military purposes than is necessary or good for our national well-being and security, but I do not see a single pacifist.

As I see it, there are 100 individuals in this Senate who are united on one overriding objective. They want a United States of America that is strong in military capability, in economic health, and in moral purpose.

Like many others, I want a strong, flexible defense capability for our country, but believe it is essential not to confuse quantity with quality.

Through the pages of history we have learned that size and quantity do not always prevail in military conflicts. From David and Goliath, through the Spanish armada, and the American Revolution we will, so proudly celebrate next year, and more recently, Vietnam, quantity of weaponry and size of forces in the field do not necessarily insure superiority.

In theory, I think we can all agree on this point. And it should be acknowledged that the Defense Department under its present Secretary has made admirable progress in moving toward qualitative improvements in our Military Establishment.

Yet, in a larger sense, particularly in strategic planning, we regress into the same quantitative morass. Superiority, sufficiency, parity—whatever the terms we use in any particular season—the overkill is never enough. We are prisoners of our own propaganda.

There is a new order of realities emerging in the world—not entirely of our choosing but by no means beyond our ability to cope with effectively. Those who mournfully predict the eclipse of U.S. power and leadership in the world are still thinking in terms of colonialism, monolithic Marxism, and gunboat diplomacy. This is no time to panic, to sell the United States short.

In this new world order, the United States will continue its role of leadership, albeit in different form and content. The world order we see emerging is one of developing nations, of global shortages and cartels, of new and aberrant international economic stresses.

To make our place in this new world order, it is essential to look the current realities in the face, to gear our foreign and defense policies to those realities and limitations, and not to live in a past that has had, along with its progress and achievements, its share of mistaken idealism and broken dreams.

It is apparent that complex international economic issues will figure heavily in the world politics of the future. Can anyone doubt that the United States can hold its own in this area if we use our unquestioned business expertise and allocate our resources prudently?

The new world order of which I speak also presents a new set of dangers and challenges to our national interest and security. To fulfill our leadership potentials and to protect our security in a rapidly changing world, we must have a profound and realistic assessment of our national goals and purpose. To implement these goals on the world scene, we need a coordination of foreign and defense policies that is presently grievously lacking. For starters, the State Department and the Pentagon and the corresponding committees of the Congress should integrate their efforts in a way that has not yet been seen.

One example of a possible way of tightening the relationship between foreign policy and force posture and encouraging reassessment, would be to require the joint preparation, presentation, and defense, by the Secretaries of State and Defense, of an annual foreign policy and force policy statement. This would supersede the Secretary of Defense's annual force posture statement and would be presented jointly to the Armed Services and Foreign Relations Committees.

Another possibility would be to require an annual net assessment of the strategic balance to be prepared and presented by the President to the Armed Services and Foreign Relations Committees.

Contingency defense planning, long and short range, we must have. But we cannot support a Defense Establishment that is geared to meet every conceivable contingency or combination of contingencies, however remote, that can be dreamed up in the fertile imaginations of military planners.

I am not proposing that we let down our guard. I am saying let us provide for the dangers that realistically threaten. Let us go with the alliances that are proven and that make sense. Let's no longer extend ourselves with military intervention in areas. Where there is no justification in terms of national interest. This is not neo-isolationism; it is new and sensible internationalism. It is commonsense—as old as the stars.

In all the testimony I have heard as a member of the Armed Services Committee, I have heard no evidence that we do not possess an adequate—more than adequate—deterrent strength to meet all realistic future threats. In strategic forces we can deliver three times as many nuclear warheads as the Soviet Union. Our missiles are more accurate, our submarines more capable of surviving, our bombers more numerous and efficient. Our technological edge remains considerable. There is no strategic gap to be filled and no need certainly for exotic weapons systems in search of a mission. Therefore, we can prudently cut back or postpone some of the strategic expenditures recommended by the administration. If we seek to gear—as we must—our military spending to our explicit requirements in foreign policy, then it is proper to adopt the counterforce and other amendments. And at a time when there is a greater diffusion of power world-wide and the great power confrontation is changing, we are under a special obligation not to add unnecessarily to our strategic power.

In approaching our responsibilities, we should, with equal fervor, reject blind defense budget-slashing on the one hand and the rubberstamping of all Pentagon requests on the other. There is here a genuine middle ground which takes into account our explicit objectives in foreign policy, the sustenance of our domestic society, and the overall national purpose. To reach that ground is to serve the national interest as well as the just expectations of other nations who seek our leadership and cooperation.

We can no longer, in my judgment, let our defense and foreign policy be circumscribed to the extent that it has been by the stand-off between the superpowers.

For years we have lived under the big nuclear cloud. Now there is a growing number of smaller clouds that are perhaps even more threatening to the peace and security of the world.

The nightmare of nuclear proliferation deserves far more serious attention than we have given it in our preoccupation with the superpower standoff and the enthrallment of the overkill.

The saddest, most myopic viewpoint of all in the defense debate is the contention that we strengthen our national security by spending unlimited amounts for military buildup while cutting to the quick domestic funding to sustain the quality of life here at home.

A nation in severe economic distress is in no position to fight a war however formidable its armaments may be. A people whose morale has been eroded by long neglect of such problems as unemployment, poverty, health care and racial injustice may eventually lack the physical strength and will to fight the war for which we are otherwise so well equipped.

If Vietnam taught us nothing else, it should have taught us this:

The front line of our national defense is here at home.

Each time, we begin the defense debate as responsible, thinking individuals going our rational ways toward the common objective of sustaining our national defense. Soon we are in lock-step. No matter what the weapon system or force outlay may be, we must go for the whole loaf—with taxpayers' money. In other budgeting, we recognize that $2 million plus $2 million is $4 million—and that it is a lot of money. But $2 billion plus $2 billion for military spending is something else. The decimal points no longer matter.

A number of proposals for reductions in the defense budget will be offered this week—not cleaver-cuts, but sensible, well thought out economies. Perhaps the most recent winds of public opinion blowing across the land suggest that we should shut our eyes and buy the whole loaf again. But judging from what I know of the thinking of the people in my own State, I am convinced that they expect us to cut the excesses out of the defense authorizations and will hold us accountable for doing so.

It has long seemed to me that the only way we can get any rationality into our defense spending and public understanding of the priorities involved is by going to a new emphasis on longer range projections and planning.

In the anxiety of an immediate set of circumstances, perhaps the public can be persuaded that the whole loaf is necessary. Once again, perhaps they will accept the bad news that domestic needs must be shunted aside.

But if, at some point, people begin to look at the picture in the longer range, I am convinced there will be a profound change of public opinion—and that this change is already well underway.

If the defense budget is $100 billion this year, what about next year, 5, 10, 20 years hence?

Where will it all lead to?

Other questions leap out at us as we look down the long range.

With our rapidly escalating foreign military sales establishing us as the premier merchant of death in human history, where will this lead us in another decade? We arm to the teeth both sides in areas of potential conflict. It is good for our balance of payments, we are told, but are we building stability in the world or security for ourselves? Or sowing the seeds of the inevitable whirlwind?

We ardently and conscientiously argue over what we will fund in tanks and missiles and planes and submarines and combat divisions—I no less than any other in this Chamber.

But how do these bits and pieces fit into the mural of our national purpose?

When all is said and done, what kind of a future are we helping to shape for the people we were elected to serve?

ORDER FOR THE RECOGNITION OF SENATOR MORGAN ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders, or their designees, have been recognized on tomorrow, the distinguished Senator from North Carolina (Mr. MORGAN) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF S. 920 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after Mr. MORGAN's statement is completed tomorrow there be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m. with statements limited therein to 3 minutes each; at the conclusion of which the Senate resume consideration of the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROLLCALL VOTE ON CEILING AMENDMENT AT 12:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the adoption of the ceiling amendment occur tomorrow at 12:30 p.m. rather than at the hour of 12 o'clock noon as was earlier agreed to. I have cleared this with Mr. CRANSTON and Mr. STENNIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 5899 TOMORROW WITH TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the ceiling amendment tomorrow the Senate proceed to the consideration of the House message on H.R. 5899, and that the one-half hour of time that has been agreed to earlier on the proposed Javits motion to concur in the House amendment with an amendment begin running, and any amendment to that motion or debatable motion or appeal in relation thereto be limited to 10 minutes, to be equally divided between the majority leader and minority leader or their designees.

Mr. JAVITS. Mr. President, I did not hear the first part of that. A half-hour equally divided——

Mr. ROBERT C. BYRD. My request was to the effect that upon the disposition of the ceiling amendment tomorrow, the Senate proceed to the consideration of the House message, and there is a half-hour time limitation on the Senator's motion, and that would begin running at that time.

Mr. JAVITS. I thank my colleague.

Mr. ROBERT C. BYRD. The second part was that there be a time limitation to any amendment.

Mr. JAVITS. The amendment will be by Senator BAYH.

Mr. ROBERT C. BYRD. Very well.

Mr. CRANSTON. May I ask the Senator, the counterforce amendment would then follow that starting around 1:30?

Mr. ROBERT C. BYRD. There was provision for a possible second ceiling amendment.

Mr. CRANSTON. Yes, there probably will not be, although I am not certain. I think there is only one ceiling amendment, so if we go from the one-ceiling amendment at 12:30 to the other the Senator just brought up, we would go back to this bill. What was next, presumably counterforce?

Mr. ROBERT C. BYRD. Yes, it would be about 1:15 or 1:30.

Mr. CRANSTON. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will convene tomorrow at 10 a.m. After the two leaders or their designees have been recognized under the standing order, Mr. MORGAN will be recognized for not to exceed 10 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m., with statements therein limited to 3 minutes.

At the hour of 10:30 a.m., the Senate will resume consideration of the military authorization bill, and the 2 hours on the ceiling amendment will begin running. A vote will occur on the ceiling amendment at the hour of 12:30 p.m. Upon the disposition of the ceiling amendment, the Senate will take up the House message on H.R. 5899, and the question will be on the House amendment to Senate amendment No. 107. There is a 30-minute time limitation on a proposed motion by Mr. JAVITS to concur in the House amendment with an amendment.

Upon the disposition of the Javits motion, the Senate will return to the consideration of the military procurement authorization bill. If a second ceiling amendment is not offered at that time, the Senate will take up the counterforce amendment. Several rollcall votes will occur daily tomorrow and through Friday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CRANSTON. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 6:49 p.m. the Senate adjourned until tomorrow, Wednesday, June 4, 1975, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 3, 1975*

The House met at 12 o'clock noon.

Dr. Acen L. Phillips, pastor, Mount Gilead Baptist Church, Denver, Colo., offered the following prayer:

Our Father, which art in Heaven, hallowed be Thy name. Let Thy kingdom come; let Thy kingdom spread in the hearts of men; let Thy will be done.

We thank Thee, O God, for America, land of free spirits, where men's hearts can be directed and altered by the indwelling of God's Holy Spirit; for a nation which has the heart to reach across the horizon of turbulent seas and manifest love for a desolate and homeless nation as Vietnam and without awesome reservation adopt refugees from that war-torn nation into the melting pot dreams of the American society.

But, Father, forgive us because we have yet to learn how to reach across the street and become neighbors to those who are hungry, homeless, jobless, and disenfranchised children of the "American dream."

Lord, give these legislators a courage of conviction and a sense of direction which will lead all men from the gutter of despair and the shadows of hopelessness to a criteria of commitment which will alter the cybernetics of America and allow all of her children, black, white, yellow, brown, Jew and Gentile, rich and poor, to shed the shackles of depressed mentality and charter a course of reinvested hope, moving from protest to production. Then all of America's children can rise up with dignity and declare with boldness from the turbulent shores of Maine, tension-torn bowels of Boston, the frustrated unemployment roles of Detroit, the mile-high amnesia of Colorado, "God bless America.

"God Bless America, land that I love. Stand beside her and guide her." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4109. An act to amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089).

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 37. An act to authorize appropriations to carry out the Standard Reference Data Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 322. The Hells Canyon National Recreation Area Act, and

S. 1842. An act for the relief of Dr. Arturo Bomolan Dela Rosa.

The message also announced that the Vice President, pursuant to Public Law 79–565, appointed Mr. GLENN, on the part of the Senate, to the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization.

DR. ACEN L. PHILLIPS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, the Congress is doubly blessed today. We had that very moving prayer from the Reverend Dr. Acen Phillips of the Mount Gilead Baptist Church in my district, Denver, Colo., and I can tell the Members and the reverend doctor I think it was one of the best prayers I have heard during my tenure in the House. I was really very impressed and proud.

I also have an insert for the RECORD from another Reverend Philips in Denver who also wanted to send a prayerful message to the Congress. I think we in the Congress should feel very fortunate that we have two people who want to be with us rather than against us.

I am very, very proud of the Reverend Dr. Acen Phillips who comes from Denver. He has been very concerned about all aspects of the lives of the people of Denver, whether it be education, whether it be job opportunities, whether it be their being able to eat, or whether it be their having a roof under which to sleep.

I think there are very few of us, who have done as much as he has done and have had as deep a concern for the quality of everyone's life, not just the spiritual life. I think it is incredibly historic that he would give the prayer on the day that we are voting on amendments to the Voting Rights Act extension, because I think this is one of the things that he and Dr. Martin Luther King, and many others, have felt so strongly about and worked so hard to see passed. I hope he can stay and hear some of this historic debate which will place Spanish speaking under the Voting Rights Act if passed. I cannot say enough about Reverend Phillips or thank him enough for being here and giving a very moving prayer on this very historic day in the House when we take up the Voting Rights Act extension.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 249]

Alexander
Ambro
Andrews, N.C.
Baucus
Beard, Tenn.
Bonker
Bowen
Burke, Calif.
Chisholm
Cochran
Conyers
Dellums
Dodd
Drinan
du Pont
Eilberg
Eshleman
Fish
Ginn
Hammerschmidt
Harsha
Hébert
Holtzman
Hyde
Jarman
Jenrette
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kelly
Lott
Mathis
Mezvinsky
Mink
Mollohan
Pattison, N.Y.
Railsback
Roberts
Ruppe
Russo
Santini
Satterfield
Scheuer
Seiberling
Shuster
Skubitz
Smith, Iowa
Steelman
Steiger, Ariz.
Teague
Udall
Wilson, Tex.

The SPEAKER. On this rollcall 380 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce that we are making a change in the schedule for this week.

After disposition of the voting rights amendments bill, we will consider H.R. 4035, the Emergency Petroleum Allocation Act extension. H.R. 4035 will be considered under an open rule, with 1 hour of debate. The Members may recall that this bill was on the schedule 2 weeks ago, and at that time we had taken it off the calendar. We are placing it on the schedule for consideration possibly tomorrow.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to, under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions to be determined by nonrecord votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

EQUAL CREDIT OPPORTUNITY ACT AMENDMENTS OF 1975

Mr. REUSS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6516) to amend the Equal Credit Opportunity Act to include discrimination on the basis of race, color, religion, national origin, and age, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Equal Credit Opportunity Act Amendments of 1975".

(b) Title VII of the Consumer Credit Protection Act is amended by adding at the end thereof the following new section:

"§ 709. Short title

"This title may be cited as the Equal Credit Opportunity Act'."

SEC. 2. (a) Section 701(a) of the Equal Credit Opportunity Act as redesignated by subsection (b) of the first section of this Act, is amended by inserting "age provided the applicant has the capacity to contract, race, color, religion, national origin," immediately before "sex".

(b) Section 701(b) of the Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act, is amended by inserting "or age" immediately after "marital status".

(c) Section 701 of the Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act, is amended by adding at the end thereof the following new subsections:

"(c) The declination of credit on terms offered pursuant to—

"(1) any loan assistance program expressly authorized by law for an economically disadvantaged class of persons;

"(2) any loan assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(3) any special purpose loan program offered by a profitmaking organization to meet special social needs which meets standards prescribed in regulations by the Board;

shall not constitute a violation of this section.

"(d) Inquiry and consideration by a creditor of the age of an applicant when used by such creditor in the extension of credit in favor of an applicant because such applicant is in a particular age category shall not constitute discrimination under this section."

SEC. 3. Section 703 of the Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act, is amended by inserting "(a)" immediately prior to "The", and by adding at the end thereof the following new subsections:

"(c) The Board shall establish an advisory committee to advise and consult with it in the exercise of its functions under this Act. In appointing the members of the committee, the Board shall seek to achieve a fair representation of the interests of creditors and consumers. The committee shall meet from time to time at the call of the Board. Members of the committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Board, but not exceeding $100 per day, including traveltime. Such members may be allowed travel expenses, including transportation and subsistence, while away from their homes or regular place of business.".

SEC. 4. Section 705(e) of the Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act, is amended to read as follows:

"(e) No person aggrieved by a violation of this title shall recover under this title on any transaction for which recovery is had under the laws of any State relating to the prohibition of discrimination on the basis of race, color, religion, national origin, sex, marital status, or, provided the applicant has the capacity to contract, age."

SEC. 5. Section 706 of the Equal Credit Opportunity Act as redesignated by subsection (b) of the first section of this Act, is amended to read as follows:

"§ 706. Civil liability

"(a) Any creditor who violates section 701 or any regulation prescribed under section 703 shall be liable to the aggrieved applicant in an amount equal to the sum of any actual damages sustained by such applicant acting either in an individual capacity or as a member of a class.

"(b) Except with respect to any Government or governmental subdivision or agency, any creditor who willfully violates section 701 or any regulation prescribed under section 703 shall be liable to the aggrieved applicant for punitive damages in an amount not greater than $10,000, in addition to any actual damages provided in subsection (a), except in the case of a class action the total recovery shall not exceed the lesser of $100,000 or 1 per centum of the net worth of the creditor. In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional.

"(c) Upon application by an aggrieved applicant, the appropriate United States district court may grant such equitable and declaratory relief as is necessary to enforce section 701 or any regulation prescribed under section 703.

"(d) In the case of any successful action under subsection (a), (b), or (c), the costs of the action, together with a reasonable attorney's fee as determined by the court, shall be added to any damages awarded by the court under such subsection.

"(e) No provision of this title imposing liability shall apply to any act done or omitted in good faith in conformity with any official regulation or interpretation thereof by the Board, notwithstanding that after such act or omission has occurred, such regulation or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

"(f) Any action under this section may be brought in the appropriate United States district court without regard to the amount in controversy. No such action shall be brought later than one year from the date of the occurrence of the violation, except—

"(1) whenever any agency having responsibility for administrative enforcement under section 704 commences its enforcement proceeding within one year from the date of the occurrence of the violation and obtains compliance with this title by a creditor who was in violation of such title, or

"(2) whenever the Attorney General commences a civil action within one year from the date of the occurrence of the violation in an appropriate United States district court under this section against a creditor who is found by the court to be in violation of this title,

then any applicant who has been a victim of the discrimination with respect to the administrative action under paragraph (1) or the judgment of the court under paragraph (2) may, within one year after the date of compliance with the administrative action or within one year after the date of the judgment of the court, as the case may be, bring an action under this section against such creditor.

"(g) The agencies having responsibility for administrative enforcement under section 704, if unable to obtain compliance with section 701, are authorized to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted.

"(h) When a matter is referred to the Attorney General pursuant to subsection (g), or whenever he has reason to believe that one or more creditors are engaged in a pattern or practice in violation of this title, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"(i) No person aggrieved by a violation of this title and by a violation of section 805 of the Civil Rights Act of 1968 shall recover under this title and section 812 of the Civil Rights Act of 1968, if each such violation is based on the same transaction.".

SEC. 6. The Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act, is amended by redesignating section 707 as section 708 and by inserting immediately after section 706 the following new section:

"§ 707. Annual reports to Congress

"Not later than February 1 of each year after 1976, the Board and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Board shall include its assessment of the extent to which compliance with the requirements of this title is being achieved, and a summary of the enforcement actions taken by each of the agencies assigned administrative enforcement responsibilities under section 704.".

SEC. 7. Section 708 of the Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act and by section 6 of this Act, is amended by inserting ", except that the amendments made by the Equal Credit Opportunity Act Amendments of 1975 shall take effect six months after the date of its enactment" immediately before the period at the end thereof.

SEC. 8. The table of sections of the Equal Credit Opportunity Act, as redesignated by subsection (b) of the first section of this Act, is amended by striking out

"707. Effective date."

and inserting in lieu there of the following new items:

"707. Annual reports to Congress.
"708. Effective date.
"709. Short title."

SEC. 9. Section 501 of title V of Public Law 93-495 is repealed.

The SPEAKER. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. REUSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I first want to express my support for H.R. 6516, a bill to amend the Equal Credit Opportunity Act, which was reported by a unanimous vote of 36 to 0 by the Banking, Currency and Housing Committee.

I also wish to express, as chairman of the full committee, my deep appreciation to the chairman of the Consumer Affairs Subcommittee, the gentlemen from Illinois (Mr. ANNUNZIO), and the other members of the subcommittee for the outstanding job they have performed in bringing this bill to the floor for consideration today. The Consumer Affairs Subcommittee worked long and hard to write a good bill, a bill that will end discrimination in credit on the basis of race, color, religion, national origin, and age.

This bill is a good example of the importance of subcommittees in the legislative process. It was the subcommittee that spent the many hours listening to testimony and dealing with the numerous amendments necessary to perfect this bill.

Once again, I wish to commend the Consumer Affairs Subcommittee and express my full support for this bill.

Mr. Speaker I now yield to the chairman of the subcommittee the gentleman from Illinois (Mr. ANNUNZIO) such time as he may consume.

Mr. ANNUNZIO. Mr. Speaker, I thank the distinguished gentleman from Wisconsin (Mr. REUSS), the chairman of the full committee, for the cooperation that he has extended the Subcommittee on Consumer Affairs.

I would also at this time like to express my appreciation to all of the members of the subcommittee, both on the majority and minority sides. All of the subcommittee's members have worked long and hard to bring to the floor of the House legislation that will go a long way, especially for the aged of this country, in helping all credit worthy individuals to get credit in the United States of America.

I want to especially thank the gentleman from Ohio (Mr. WYLIE), the ranking member on the minority side, for his cooperation in working closely with me to perfect legislation which eliminates discrimination on the basis of age, race, color, religion, or national origin.

There are several amendments to this legislation. All of the amendments, except one, are explained in the committee report on the legislation. One of the amendments, however, is not in the report. Quite simply, that amendment would strike section 3(b) of the bill, which deals with the so-called population numbers test. This section was placed in the bill so as to eliminate the need for businessmen to keep records in connection with credit extensions in order to defend themselves against lawsuits. However, some Members felt that the inclusion of this section might confuse various court decisions in civil rights matters.

Mr. Speaker, I do not agree wholeheartedly with that assumption. However, since those Members held such strong convictions about this section, I was happy to comply with the request of the gentleman from Maryland (Mr. MITCHELL) a member of the full committee, that the section be deleted.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am very happy to yield to my distinguished friend, the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Speaker, I want to publicly thank the distinguished Member in the well the chairman of the subcommittee for his fine understanding of the nature of the problem that was presented in terms of the original language in the bill.

I think the gentleman has been most gracious and understanding in this matter, and I am just delighted that that has been resolved.

Mr. Speaker, I want to take this opportunity to ask that we have full, overwhelming support for the passage of this legislation.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from Maryland (Mr. MITCHELL) for his support.

I want to reiterate to the Members of the House that my only interest in this legislation is to ban discrimination. I do not want to take any chance of damaging any civil rights lawsuits.

There are some people in the House who say the bill does not go far enough. There are people in the House who say that this bill is not strong enough. But let me point out that we had a credit reporting bill before this House, and the same criticism was made to the effect that it was not strong enough as far as the Federal Reserve Board was concerned. On the other hand, the Congress spoke, and the Federal Reserve Board knows where the Congress stands as far as credit reporting is concerned.

We have already passed anti-discrimination legislation that includes sex and martial status, and we are trying to add the other categories. The most important thing about this legislation is that we are going to extend credit to the senior citizens of our Nation, the aged of our Nation, who appeared before our committee demanding that they be given free and equal opportunity to credit.

So again I want to say that this bill helps the senior citizens of America. I know there is not a Member in this Chamber who does not want to help the senior citizens of America.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am delighted to yield to a member of the full committee, the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I want to compliment the gentleman from Illinois (Mr. ANNUNZIO), on the hard work the gentleman has done in bringing out this legislation.

As the gentleman from Illinois will recall, we adopted an amendment dealing with the use of the age factor, and said in that amendment:

> Inquiry and consideration by a creditor of the age of an applicant when used by such creditor in the extension of credit in favor of an applicant because such applicant is in a particular age category shall not constitute discrimination under this section.

That is very broad language. I would like to ask the gentleman from Illinois, if the gentleman will be kind enough to respond to a question. The report itself seems to limit that broad language to some extent so I ask if the following would still continue to be the way businesses could handle age. A number of businesses use a point scoring method, and in that point scoring method they use age as a way to evaluate the credit worthiness. Montgomery Ward, for example, is listed on page 4 of the report as using that point system.

The language quoted above as adopted, and the explanatory language in the committee report does not restrict the continued use of this point system, does it?

Mr. ANNUNZIO. The gentleman from Georgia is absolutely correct; it does no restrict it.

Mr. STEPHENS. I thank the gentleman from Illinois.

Mr. ANNUNZIO. I appreciate the support of the gentleman from Georgia.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am delighted to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for yielding. I would like to commend the distinguished gentleman in the well, the gentleman from Illinois (Mr. ANNUNZIO) for his excellent statement in support of this important legislation. I associate myself fully with the substance of his thoughtful remarks. Had there been any question in my mind about the merits of H.R. 6516, the gentleman's remarks would have persuaded me to support it.

The bill now under consideration by the House would prohibit a lender from denying credit to any prospective borrower on the basis of age, race, color, religion, or national origin. This would be added to the already existing prohibitions against discrimination in credit granting on the basis of sex or marital status.

Mr. Speaker, no one can deny the essential role played by credit in a variety of transactions in our daily lives. Each American is entitled to access to credit based on credit-worthiness. A creditor should ask about a person's income, or assets, or past credit record, not about how old the person is, or where he was born, or where he goes to church.

One of the most important aspects of H.R. 6516, in my judgment, is the protection against credit discrimination on the basis of age. As chairman of the Government Services Subcommittee of the new House Select Committee on Aging, I am becoming increasingly aware of the problems experienced by older Americans in getting relatively simple tasks done in everyday life.

This is painfully true in the area of credit availability. One major older Americans group, the American Association of Retired People, asked its members if they had been denied credit because of their age, and received almost a thousand responses. One lady member wrote that she had been denied credit by a department store because she was not employed, although her income was quite adequate. "It is a great way," she commented, "to make one feel like a nonperson." And, I might add Mr. Speaker, it is an outrageous way to treat our senior citizens.

Sometimes older persons find it necessary to establish credit after a lifetime of cash transactions. In order to cash a personal check in many stores, one must display a major credit card. Some elderly persons are rightfully afraid to carry substantial amounts of cash. Denial of credit to such persons is not an inconvenience; it is a major hardship.

We should pass H.R. 6515, Mr. Speaker, and move toward ending arbitrary credit rejections. As I have often remarked, the greatness of a society can be accurately measured by the degree to which it cares for its aged. Passage of the pending bill will add to our Nation's greatness. I urge its overwhelming approval.

Mr. ANNUNZIO. I thank my good friend, the gentleman from Hawaii.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am happy to yield to my colleague, the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I wish to join in commending my distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO). But I must say that there is one situation here that intrigues me for, if I understand correctly, the bill was reported out of the Committee on Banking, Currency and Housing by a 36 to 0 vote. I must say that in my 17 years in the House of Representatives I cannot recall any bill coming out of the Committee on Banking, Currency and Housing without any controversy. I want to commend the gentleman from Illinois for his exceptional diplomatic skill as well as his legislative ability in producing this measure, and again I compliment the gentleman.

Mr. ANNUNZIO. Mr. Speaker, I thank my good friend, the gentleman from Illinois (Mr. DERWINSKI), but I want the gentleman to know that the gentlewoman from New Jersey (Mrs. FENWICK), the gentlewoman from Maryland (Mrs. SPELLMAN), and the gentlewoman from Missouri (Mrs. SULLIVAN), as well as all the other members of the committee, worked together as a team, and I want to attribute the 36 to 0 victory to their efforts.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am delighted and happy to yield to the gentlewoman from New Jersey (Mrs. FENWICK), and to add that I deeply appreciate the contributions the gentlewoman made during the hearings. The gentlewoman attended all of the meetings, and participated in them, and I appreciate her strong support for the legislation.

Mrs. FENWICK. Mr. Speaker, I think that the 36 to 0 vote came about through the ability and the diplomacy of our chairman.

Speaking for myself, and I believe also for the distinguished gentlewoman from Maryland (Mrs. SPELLMAN), whose amendment includes my own as it appears on page 3, I would like to say that that amendment clearly allows questions as to age, when the purpose of this is to extend credit when it might otherwise not be possible—in other words, affirmative action, including questions as to age, is lawful when the purpose is to extend credit which otherwise might not be possible. I think it is a very fine addition, and I am happy about it.

Mr. ANNUNZIO. I thank the gentlewoman.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am glad to yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

I would like to engage the gentleman in colloquy, if I may, to make sure that we have a complete understanding of the staff language which appears in the bill as a culmination of the so-called Spellman and Fenwick amendments.

To refresh the gentleman's recollection, he will recall that the so-called Spellman amendment provided, and I quote:

> It shall be lawful for a creditor to inquire or consider age in a determination of the applicant's credit worthiness if such inquiry or consideration is not utilized by a creditor for the purpose of denying or revoking credit.

The gentleman will recall that the language was adopted as an amendment in the committee. Then the so-called Fenwick amendment was proposed, and it also was adopted. It provided, and I quote:

> Affirmative discrimination by a creditor in extension of credit in favor of an older individual because such individual is in a particular age category is not a violation of this section.

As I say, the gentleman will recall that that amendment was adopted. At that point in time it was felt that these two proposals were somewhat duplicative and that the staff should work out combined language to include the substance of these amendments which had been adopted by the committee.

Those two were put together and ended up in the bill as this language, and I quote:

> Inquiry and consideration by a creditor of the age of an applicant when used by such creditor in the extension of credit in favor of an applicant because such applicant is in a paritcular age category shall not constitute discrimination under this section.

That is the language that presently appears in the bill as a result of the amalgamation of the so-called Spellman and Fenwick amendments. Have I not correctly stated the situation?

Mr. ANNUNZIO. The gentleman from Michigan has correctly stated the situation. The gentleman from Michigan will recall that I had instructed legal counsel to amalgamate both amendments so that the meaning of the language would take care of the so-called Fenwick and Spellman amendments, and I have been assured by legal counsel that it does take care of the problem of the gentlewoman from Maryland (Mrs. SPELLMAN), and the problem of the gentlewoman from New Jersey (Mrs. FENWICK).

Mr. BROWN of Michigan. I thank the gentleman.

If the gentleman will yield further, let me just continue for a minute, if I may. The gentleman, I am sure, in having the staff put this language together, did not intend in any way to cause a diminution in the meaning of either the Spellman or the Fenwick amendments; is that not correct?

Mr. ANNUNZIO. That is correct.

Mr. BROWN of Michigan. If the gentleman will yield further, the only point I wish in this colloquy is that under the Spellman amendment, the language of Spellman was inserted in the bill to establish clearly that a creditor could inquire about age so long as he did not use that for the purpose of refusing or revoking credit, whereas the language as it appears in the bill at the present time seems to say that he can inquire about age, that the creditor may inquire about age, only if that creditor intends to affirmatively discriminate, and that, I think, was not the intent of the Spellman language originally.

Mr. ANNUNZIO. I want to say to the gentleman from Michigan that he is absolutely correct. It is our intention that a person who applies for credit, regardless of age, be given full consideration. We do not intend to discriminate.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I will be happy to yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

The original Spellman amendment was offered to make it lawful for a lender to make an inquiry as to age in the granting of credit, the reverse of denying credit because of age. We found that in certain areas of the country the question of age was asked on credit applications to deny credit to people over 65. In other words, if a person reaches the age of 65, he could not otherwise qualify for credit, even though that person had gone through life paying all his bills. Credit was denied because of age. The Spellman amendment was to make it quite clear that a creditor could make an inquiry concerning age for the purpose of granting credit but not to deny credit.

The Fenwick amendment was then added to the Spellman amendment to favor older Americans by giving them preferential treatment in the granting of credit; so that what the merger of the two amendments in effect accomplished was to allow a lender to ask a person's age in the application for credit and to extend credit in favor of a person in an age group who might not otherwise meet credit worthiness standards.

Mr. ANNUNZIO. I appreciate the contribution of the gentleman from Ohio (Mr. WYLIE).

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Michigan?

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding.

I am not sure but trust that the most recent colloquy has not further muddied the waters. The Spellman amendment expressly stated that it shall be lawful for a creditor to inquire about age so long as the inquiry about age is not made for the purpose of denying or revoking credit. That is what we intended. In other words there does not have to be an intent on the part of the creditor to affirmatively discriminate in order to inquire. Am I not correct?

Mr. ANNUNZIO. I think the gentleman is correct. But also I want to say to the gentleman the one thing to bear in mind is that whenever credit is extended the credit must be based on the ability of the individual to repay that loan and we do not want to lose sight of that fact. I am inclined to agree with the gentleman.

Mr. BROWN of Michigan. I thank the gentleman.

Mrs. SPELLMAN. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am happy to yield to the gentlewoman from Maryland.

Mr Speaker, I also want to acknowledge the great work the gentlewoman from Maryland has done in the subcommittee on this legislation. Her assistance has been invaluable. She is a most able legislator and I feel fortunate in having her as a member of my committee.

Mrs. SPELLMAN. Mr. Speaker, I thank the chairman and I want to point out that it has been a real pleasure to work with him. It has been a superb experience. The chairman did indeed bring us all together.

The gentleman on the minority side, Mr. WYLIE, is absolutely correct. The idea of the amendment which I offered was to enable the lender to take affirmative action where senior citizens are concerned. We all know that an income which is too low to be considered creditworthy for a family with the needs which growing children engender may be sufficient to qualify senior citizens for credit. Their house mortgage is probably already paid up; they are probably not going to be buying a great deal of furniture; their heavy expense period is probably behind them. Their age would thus be a factor in making them credit worthy and it would be an affirmative action in that case to allow credit for older people.

This would also help very young people whose days of earning power are still ahead of them.

So the purpose of the amendment was to enable people to benefit from the fact that they were either senior citizens or very young—to enable the creditor to solicit information which could identify them for special credit assistance.

I am happy we are having this colloquy today because I would like it made perfectly clear that I have been assured that the rewording of my original language was not meant in any way to lessen the effect as intended in my original amendment. I think the discussion has done a great deal to clarify that and I thank the Members for it.

Mr. ANNUNZIO. Mr. Speaker, the legislation before this body today, H.R. 6516, will amend the Equal Credit Opportunity Act to prohibit discrimination in the extension of credit on the basis of race, color, religion, national origin, and age. This legislation is especially important because today roughly 10 percent of our population is composed of people 65 years of age or older. By the year 2000 nearly 25 percent of our population will be made up of old people. These figures reveal that unless this legislation is passed, the dimension and impact of age discrimination is going to multiply. In 25 years, without this legislation, nearly one-fourth of our population will be having credit denied them solely on the basis of their age. This bill makes certain such credit discrimination will not continue.

The bill is brought to the floor following unanimous votes in both the Consumer Affairs Subcommittee and the full committee. The subcommittee heard from every segment of the industry, as well as from consumer groups and governmental agencies. The consensus support this legislation has won so far, is no accident. It reflects that this legislation responds to the genuine need to end unfair discrimination in the extension of credit, and does so in a manner which will still allow creditors to extend credit based on sound business practices.

The Equal Credit Opportunity Act was passed during the 93d Congress. It prohibits discrimination in the granting of credit based on sex or marital status. Although the Consumer Affairs Subcommittee of the House had reported a bill to the full committee precluding discrimination on sex, marital status and the other categories addressed in H.R. 6516, there was not enough time during the closing days of the Congress to push through the House version of the bill. It was necessary to accept the limited antidiscrimination bill proposed by the Senate. Yet, it is not enough to prohibit credit discrimination on the basis of sex or marital status. To truly end credit discrimination those persons in the categories enumerated in H.R. 6516 must also be free from discrimination when applying for credit.

H.R. 6516 prohibits any lender or credit extender from discriminating against a borrower based on race, color, religion, national origin, and age. In the age classification, a credit applicant must have the capacity to contract. This language is to make it clear that a minor cannot sue because he was denied credit solely on the basis of his age, if he is not legally responsible for his debts.

The essential concept of nondiscrimination in the extension of credit is that each individual has a right when he applies for credit, to be evaluated as an individual: to be evaluated on his individual creditworthiness, rather than based on some generalization or stereotype about people who are similar to him in race, color, national origin, religion, age, sex or marital status. Bias is not creditworthiness. Impression is not creditworthiness. An individual's ability and willingness to repay an extension of credit is creditworthiness.

There is a manifest need for such legislation. Refusal of credit based on racial, age, or other of the categories included in H.R. 6516, are an all too common occurrence in our credit oriented society. Such refusal ignores creditworthiness. Instead of genuine creditworthiness, creditors who engage in discrimination prefer to rely on unfair and reprehensible criteria such as racial, age, or sex bias.

Credit discrimination cannot be dismissed lightly. Credit has a profound effect on the life of virtually every person in this country. Few of us pay cash. We pay for meals, transportation, homes, cars, hospital care, and numerous other everyday necessities through extensions of credit. Even when we seek to pay for something in a cash-related way such as through a personal check, most creditors require one or more major credit cards as poor of our reliability for the debt.

Consequently, the ubiquitous presence of credit in our lives means that unfair denial of credit can have tragic and cruel consequences. The statement of the Honorable Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights before the Consumer Affairs Subcommittee in testimony on this legislation makes clear the impact of credit on our lives:

> It would be difficult to exaggerate the role of credit in our society. Credit is involved in an almost endless variety of transactions reaching from the medical delivery of the newborn to the rituals associated with the burial of our dead. The availability of credit often determines an individual's effective range of social choice and influences such basic life matters as selection of occupation and housing. Indeed, the availability of credit has a profound impact on an individual's ability to exercise the substantive civil rights guaranteed by the Constitution.

For those who may doubt that there is credit discrimination, particularly as far as the elderly are concerned, I call attention to a column appearing in the June issue of the News Bulletin of the American Association of Retired Persons. The column, Executive Director's Report, points out a number of areas of discrimination among the elderly in the granting of credit and calls for an end to these practices through legislation. In part the column states:

> Our associations believe that credit should be granted or denied on the basis of income, past credit experience and other relevant factors, not because of age. Creditors have no right to assume that all persons over a certain age have insufficient resources to be good credit risks.

Because this column so clearly spells out the need for H.R. 6516, I am including the entire column as part of my remarks:

LET'S END AGE BIAS IN DETERMINING WHO QUALIFIES FOR CREDIT

(By Bernard E. Nash, Executive Director, NRTA–AARP)

> "Thank you for your Master Charge application . . . The reason for our declination is based on your advanced age."
>
> "The reason we are unable to issue you a BankAmericard is that one of our basic requirements is that an applicant be under the age of 65 years."
>
> Throughout the country, thousands of our members and other older citizens are being denied credit by banks, finance companies, credit card companies, department stores and other lenders solely because of their age.
>
> In response to our recent request in the News Bulletin, hundreds of members have sent us detailed and convincing accounts of age discrimination in the granting of credit. For instance:
>
> A Delaware member with a net worth of more than $100,000 wrote that he was refused a loan for $1,000 by three finance companies and was told by three others that a co-signer would be required.
>
> A New Jersey woman was refused a "checking reserve" credit account at her local bank despite the fact that she had more than $2,200 in her checking account and more than $3,200 in her savings account at the time.
>
> A New York man with annual earned income of more than $16,000 and interest income of $4,000 was refused a credit card which his younger, lower-salaried colleagues were granted.
>
> A North Carolina member with retirement income of more than $10,000 per year and $23,000 in savings was refused credit for the purchase of a $650 television set.
>
> These and other examples of credit discrimination have been turned over to a Congressional committee now drafting legislation to prohibit credit discrimination based on race, color, religion, national origin or age (a bill to outlaw such discrimination based on sex and marital status was enacted into law last year).
>
> It is clear that age discrimination in credit works a great hardship on older citizens. Many need credit cards in order to use personal checks at major department stores. Others are simply afraid to carry cash. And it is a humiliating experience for an older person to discover that he is no longer considered reliable simply because of his age—despite a lifetime of good credit.
>
> Our Associations believe that credit should be granted or denied on the basis of income, past credit experience and other relevant factors, not because of age. Creditors have no right to assume that all persons over a certain age have insufficient resources to be good credit risks.
>
> We shall continue to expose—and report to the Congress, the Federal Trade Commission and other agencies—instances of credit discrimination until this unfair practice is eliminated.

Some people have alleged that current legislation such as title VIII of the Civil Rights Act of 1968, makes H.R. 6516 unnecessary. Yet, the various Civil Rights Acts do not even consider the question of age. The testimony of the Honorable Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights, in testimony before the Consumer Affairs Subcommittee commented on this point:

> The Bill H.R. 3386 (H.R. 6516) presently before this subcommittee promises to finally halt discrimination on the basis of race, color, religion, national origin and age in the granting of credit. Unlike the broad prohibitions contained in the Civil Rights Act of 1866, H.R. 3386 (H.R. 6516) pertains directly to the problem of credit discrimination. Unlike Title VIII of the Civil Rights Act of 1968, H.R. 3386 (H.R. 6516) forbids discrimination based on race, color, religion, national origin and age in *all areas of credit* not just mortgage finance.

While not diminishing the importance of the discrimination categories of race, color, religion and national origin, I do feel that special attention should be given to the category of age. Various assertions have been made about the reasons creditors need to be able to consider age in an evaluation of creditworthiness.

Some people claim the elderly have unstable incomes. Yet, those on social security or pensions have a steady, secure income that is more reliable than employment. While it is true that the elderly have less income than those younger who have jobs, the elderly do not often have major expenses such as homes, major appliances, cars, or child-connected expenses.

It has been claimed that because credit life insurance companies do not make credit life insurance available to individuals over a certain age, creditors should not have to extend credit to such elderly people. Yet, credit life insurance is only required in a small percentage of loan transactions. Also it is only sometimes mandatory.

As the author of this legislation and chairman of the subcommittee handling this legislation, I would like to make clear what the result under H.R. 6516 will be of denying an extension of credit because credit life insurance is unavailable. Frequently, old people apply for credit and are rejected solely because no credit life insurance is available to an individual of their age. There is no way the old person can win: The creditor conditions approval of extension of credit on the applicant acquiring credit life insurance, knowing full well that the applicant cannot acquire such credit life insurance because it is not available to him since he is above a certain age limit.

Denial of a credit application to an elderly individual because credit life insurance is unavailable shall definitely constitute violative discrimination under this legislation.

The Consumer Affairs Subcommittee has been unable to uncover any valid reasons for age discrimination in the extension of credit. However, there is empirical data that demonstrates that the elderly are outstanding credit risks. The following chart showing credit performance by various age groups for Montgomery Ward customers illustrate this point dramatically:

CUSTOMER AGE RELATED TO ACCOUNT PERFORMANCE

Customer age	Balance dollars 2 to 8 mo delinquent as percent of all balances	Balance dollars 6 to 8 mo delinquent as percent of all balances	Balance dollars charged off annually as percent of all balances
18 to 24	7.95	0.93	3.98
25 to 29	6.52	.73	3.76
30 to 34	5.24	.56	2.69
35 to 44	3.80	.36	1.76
45 to 54	2.40	.21	1.12
55 to 64	1.71	.15	.87
65 and up	1.63	.15	1.11

If anyone doubts that people are discriminated against on the basis of age, read the excerpts from letters which the Consumer Affairs Subcommittee has received. The first letter comes from a gentleman in New Jersey who writes:

> The enclosed form letter is self-explanatory. However, I will give you other pertinent details. I opened the account early in 1961. I do not remember anything concerning age limitations being suggested at that time. At the time of the termination I was still employed. I own my own home 100% and at no time during the duration of the account was I ever late in making payments.

Now the letter to which the gentleman referred was received from a bank also in New Jersey. In part the letter reads:

> We are sorry to inform you that under the policy governing our write-a-loan plan, we are unable to continue the availability of your account which is being terminated as of April 1st.
>
> Experience has shown that revolving loan privileges must be limited within certain age and consequently we have established our policy limiting this availability to individuals between the ages of 21 and 65.

This is the part of the letter that is absolutely appalling. First they tell the gentleman that they are removing his access to credit because he has reached the age of 65. In the very next paragraph the assistant vice president of the bank tells the customer:

> Although it is necessary to take this step, we wish to congratulate you upon your excellent paying record and extend the offer to accommodate your future financial needs through one of our other loan plans.

A letter from a bank to a customer states in part:

> We have obtained a credit report from the credit bureau and find your credit standing to be excellent. It is, however, the general practice of our bank to limit cardholder accounts to persons between the ages of 21 and 65.

The gentleman in this case quite clearly had worked extremely hard to maintain an outstanding credit record throughout his life but he was denied credit because of a fact over which he had no control. He was getting old.

The letter from a Pennsylvania bank to a senior citizen applicant for a bank charge card reads:

> The reason for our declination is based on your advanced age. Of course, our refusal to grant you a revolving line of credit should by no means be taken as an indication of your creditworthiness. It is quite simply a requirement of our program that the borrower be under 65 years of age, this being the rule unless there is an established banking relationship with our bank.

A Federal Trade Commission investigation verifies the reality of age discrimination. Mr. Sheldon Feldman, Assistant Director for Special Statutes, Bureau of Consumer Protection of the Federal Trade Commission testified before the Consumer Affairs Subcommittee with respect to H.R. 6516 that—

> While the Commission has had even less experience with discrimination involving age than with racial or ethnic discrimination, there are indications that the problem is substantial. For instance, in the course of a recent investigation unrelated to discrimination, the staff obtained the credit evaluation manuals of several major consumer finance companies. One such company's corporate manual states flatly that, "no unsecured loans are to be made to any person over 65 years of age." The manuals of nearly all the other companies investigated (all are major national creditors) contain restrictive limitations on loans to the elderly and general cautionary language warning that the aged are poor credit risks. The impact of these discriminatory policies is perhaps reflected in the fact that only 1.4% of all personal loans made in 1973 went to persons over 64 years old even though persons over 64 made up 10.2% of the population.

This legislation is not aimed at making lawyers rich through spurious litigation. It is aimed at compliance with the law, at stopping credit discrimination on the basis of race, color, religion, national origin, and age.

This legislation is offered to make it clear to consumers that they have a right to have each and every application for credit evaluated by a creditor based on the merits of their personal creditworthiness and not on discrimination, and to make it clear to creditors what does and does not constitute credit discrimination.

In addition to its prohibition against credit discrimination, H.R. 6516 includes several other significant provisions that will improve compliance with the Equal Credit Opportunity Act, and provide protection to creditors for specified legitimate conduct. The legislation includes provisions:

> (1) provided specified conditions are met, authority for the Attorney General to bring a civil action in any appropriate United States District Court for such relief as may be appropriate. This should improve compliance with the Act.
>
> (2) under certain circumstances, there is an extension of the one year time limit for bringing an action.
>
> (3) for establishment of an advisory Committee to assist the Federal Reserve Board in writing regulations for the Act.
>
> (4) for exemptions from the Act for special loan programs designed to help economically disadvantaged individuals or individuals who might otherwise not be creditworthy under normal business standards. Thus, a lender could set up special programs to grant credit for young married couples or for retired persons on a limited income.
>
> (5) that a lender or credit extender must willfully violate section 701 or any regulations proscribed under section 703 in order to be liable for punitive damages. This safeguard is to make it clear that a technical violation or a clerk's error will not subject a business to punitive damages.
>
> (6) for annual reports to Congress by the Board and the Attorney General with a summary of the enforcement actions taken by each of the agencies assigned administrative enforcement responsibilities under Section 704 of the bill.
>
> (7) and for the effective date of the Act to be delayed for six months following the date of enactment. This delay is to give the Federal Reserve Board time to write regulations.

The Equal Credit Amendments of 1975 must be passed if Congress is to insure every individual the right he should have to live in the society free of the unfair handicap of credit discrimination. I urge your support in the speedy adoption of this important legislation.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, I want to compliment the chairman of the subcommittee, the gentleman from Illinois (Mr. ANNUNZIO) for his cooperative spirit in working to bring to the House floor today what I think is meaningful and workable legislation. To my way of thinking this could be the most important piece of consumer legislation to come before the 94th Congress. It is historic legislation, and I am pleased and proud to be a part of this moment.

Credit is extremely important in our society today, as we all know. That is an understatement to state the obvious. Credit sales last year totaled $235 billion as compared to cash sales which totaled approximately $341 billion.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. Yes, I am happy to yield to my friend the chairman.

Mr. ANNUNZIO. I do not have any time left. I would appreciate if the gentleman has the time that the gentlewoman from New York (Ms. ABZUG) be recognized for 2 minutes. I told her yesterday that she could have 2 minutes.

Mr. WYLIE. I am not sure if I will have any time left.

Mr. ANNUNZIO. I had a half a minute left that I reserved.

Mr. WYLIE. I will try to accommodate the gentleman from Illinois and the gentlewoman from New York.

Needless to say, discrimination against anybody is a bad thing. It ought to be outlawed, but to outlaw discrimination in the granting of credit is sometimes difficult. Credit ought to be equally available to every worthy borrower in our system and ought to be based on credit worthiness alone, of course.

At the same time, we ought to permit the lender to exercise some judgment as to whether a borrower is, indeed, credit worthy. We cannot pass a law which would, simply stated, say that a lender must mandatorily grant everybody credit who seeks credit.

It would seem to be easy to say that a person should not be discriminated against because of age. That is one of the categories we are here adding to the Equal Credit Opportunity Act which was passed by the 93d Congress. Age is easily determined.

We have also prohibited discrimination or will prohibit discrimination in this bill on the basis of race, color, religion and national origin.

It is my judgment that all those areas of discrimination were prohibited in the Civil Rights Act of 1964, but it does no harm to have these categories included in this bill granting equal credit opportunity, and it might help. This question of age discrimination came up when it was determined during hearings that there are, in fact, credit granting agencies which ask the question as to whether a person is age 65 or over and which do, in fact, discriminate against persons 65 years of age or older so they can not receive credit, which I think is bad.

It is easy to say that a person should not be discriminated against because of age. But, it would make no sense to mandate a mortgage company to extend a 30-year mortgage to a person who is 85 years of age or older.

On the other hand, it is known factually and statistically that an 18-year-old girl is a better driving risk than an 18-year-old boy. So we ought to permit an insurance company to make this inquiry and to allow the 18-year-old girl the benefit of a lower automobile insurance premium.

So what we did to take care of these situations is to say that age could not be used as a negative factor to deny credit.

To refer back to the Spellman-Fenwick amendment then, it would not be a discriminatory practice if a lender decided to use age to provide credit or so-called affirmative discrimination; in other words, an inquiry could be made as to a person's age to grant credit, but could not be used as an inquiry to deny credit.

Although this bill does not specifically prohibit the practice of redlining, and that came up early in the hearings on this bill and I was asked about redlining and what we did in that regard just before the bill came up today. This bill would indirectly prohibit such practice in that each individual applicant for credit must be considered on his own merits as to his credit worthiness.

The Honorable Arthur S. Flemming,

Chairman of the U.S. Commission on Civil Rights, made note of this practice of redlining when he appeared at the hearings with supporting testimony that the practice is widespread. He said he supported this bill, because he felt this approach would, indeed, provide a neutral standard of credit worthiness, which would not include class discrimination and would, in fact, prohibit the practice of so-called redlining.

In the case of discrimination because of race or color, the question arose about the laws which provide specific benefits for loans to minority enterprises. I raised this question about minority enterprises last year when we considered the equal credit opportunity bill because the city of Columbus has been an outstanding and shining example of a community which has made credit money available to minority enterprises under arrangements which encourages the loaning of money to minority businessmen and we want to be sure that such lending practices would not be discouraged or would, in fact, be prohibited by this bill. So, we have said, in effect, the loan of money to minority enterprises by businessmen in a community is not unlawful per se and can, in effect, be made the basis of affirmative discrimination.

This bill has a provision which states that a person may not be denied credit because of his race, but economically or socially disadvantaged people may be given preferential treatment in the granting of credit without the lender being in violation of the law. This arose during the hearings about a supposed lender in St. Petersburg, Fla., who has a portfolio indicating that 40 percent of his loans were made to persons aged 65 years of age or older. Statistics in the community indicate that in the creditor's trade area, 60 percent of the people are 65 years of age or older. Would this be a statistic which could be factual evidence of the lender's discrimination?

The gentleman from Illinois (Mr. ANNUNZIO) drafted an amendment, which I supported, which was to make it clear that the fact that the creditor's loans to any of the classifications enumerated in this bill were not equal to the population percentage of such classifications in the creditor's trade area was not, per se, a violation of this act. The gentleman from Illinois has now withdrawn that amendment because it would make unlawful the collection of data provided for in other laws with reference to discrimination in the case of housing and unemployment.

I might add that in the report which was prepared by the Republican Conference, it was stated that the administration is opposed to this bill, but that is not accurate. I have checked with the administration. It was thought that the Federal Home Loan Bank Board was opposed to this bill because it would prohibit the collecting of data which has been otherwise provided for in the housing act to determine if there is discrimination in fact in housing.

The most controversial section of this bill is the one dealing with class action. The bill would provide that a person who is actually damaged may recover his actual damage as an individual or member of a class. If it can be proved that the lender was willful in his violation of the law, punitive damages can be assessed in the amount of 1 percent of the net worth or $100,000, whichever is the lesser.

It is my judgment that the Subcommittee on Consumer Affairs and the Banking, Currency and Housing Committee have done an excellent job. Therefore, I urge support of this bill today.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Speaker, I ask a question to correct and clarify an uncertainty in my own mind.

May a prospective lender inquire the age of a prospective borrower and deny credit on the basis of the answer, if the answer discloses that the borrower is under the age required to enter into a contract?

Mr. WYLIE. Yes; there is language in the bill which indicates that the person must have the capacity to contract or is of an age to contract. In other words, if a person is under 18 years of age which is the age of consent to contract in most States that could be the basis for denying a contract for credit yes.

Mr. WIGGINS. There is no problem, then, about inquiring with respect to the bottom end of the age scale?

Mr. WYLIE. There is no problem. Any person must, in the first instance, have the legal capacity to enter into a contract to borrow money otherwise the question of credit worthiness does not arise.

Mr. WIGGINS. He must ask the question in order to ascertain that fact?

Mr. WYLIE. That is correct.

Mr. WIGGINS. The creditor would not be obliged to refrain from asking such a question?

Mr. WYLIE. The answer is "No."

Mr. WIGGINS. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague yielding to me. I would like to discuss with him briefly on page 2 of the bill where it outlines three areas for which the decline of credit will not be a violation.

I would like to review those three instances in which a declination of credit is not a violation under this law, and that is:

> (1) any loan assistance program expressly authorized by law for an economically disadvantaged class of persons;
>
> (2) any loan assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or
>
> (3) any special purpose loan program offered by a profitmaking organization to meet special social needs which meets standards prescribed in regulations by the Board;

My question relates to this: The thrust of these provisions is that it shall be illegal for private parties to discriminate in the granting of credit, but that it appears to be perfectly all right for the Federal Government to do so. And the bill seems to provide that it shall be illegal to discriminate against somebody, but entirely proper to discriminate for somebody.

How did the subcommittee handle that problem, as the gentleman sees it, in this bill?

Mr. WYLIE. The gentleman from California is absolutely correct. The gentleman has stated succintly the specific purpose of those three provisions.

As I indicated in my opening statement, there are areas in which we do not want to prohibit discrimination in the granting of credit to a particular ethnic group or to a particular group of people who are economically or socially disadvantaged, and I mentioned the case of the city of Columbus——

Mr. ROUSSELOT. Yes, the gentleman did.

Mr. WYLIE [continuing]. Where a private corporation not for profit was organized, and the lending institutions in the city of Columbus were encouraged to loan money to that private group, which happens to be a black-oriented group.

We do not want the lending institutions in the city of Columbus to be discouraged from continuing with that program. So the language to which you refer simply says that an affirmative discrimination of that kind is not unlawful and is not a violation of this act. Negative discrimination, or the denial of credit, could be. Affirmative discrimination in those three areas would not be prohibited. The gentleman is correct.

Mr. ROUSSELOT. Mr. Speaker, I wonder if we are potentially creating some problems of contradiction with this provision. I do understand, and I am sympathetic with what the committee has attempted to do here, but I wonder if it does not present some kind of potential contradiction as to a policy of Congress.

Mr. WYLIE. I do not sense that there is any policy of contradiction envisioned here. I think it is in line with the Civil Rights Act of 1964, with the Equal Opportunity Acts, with the Equal Employment Acts, et cetera. I believe we could not pass a bill providing for equal credit opportunity if we did not make it unmistakably clear that there are certain cases in which affirmative discrimination in the granting of credit is not only desirable but necessary.

Mr. ROUSSELOT. I appreciate the gentleman's comments.

Mr. WYLIE. I thank the gentleman for his contribution.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, in view of the circumstances under which this legislation is coming before the House today—under suspension of the rules requiring a two-thirds vote for passage and prohibiting any amendments from the floor—I want to make clear to colleagues who know of my long identification with this legislation that I intend to vote for H.R. 6516.

However, I am sorry it is being brought before the House under suspension of the rules because I would have offered a number of amendments to strengthen the measure had it come before us in the normal manner. In my separate statement of views in House Report 94–210, the committee report to accompany H.R. 6516, I tried to spell out in detail the shortcomings of the bill as agreed to in committee, as well as its very good points.

SIMILAR TO LAST YEAR'S H.R. 14856

Essentially, it is the kind of legislation I wrote and tried to get through the full committee last year while I was chairman of the Subcommittee on Consumer Affairs. But before the House Committee on Banking and Currency completed action on last year's bill, H.R. 14856, House conferees from another banking subcommittee went to conference with the Senate on the bank deposit insurance bill, H.R. 11221, and agreed to a series of nongermane Senate amendments to that bill which were in the jurisdiction of the Consumer Affairs Subcommittee.

Among those nongermane amendments was an abbreviated version of H.R. 14856 applying only to discrimination by reason of sex or marital status, and excluding the other categories covered in H.R. 14856, race, color, religion, national origin, and age.

The conference report on H.R. 11221 came before the House last year under a rule waiving points of order on nongermane Senate amendments, and the House therefore had no chance to vote on any of the specific provisions of what is now the Equal Credit Opportunity Act. I fought that procedure as hard as I could last year, but lost.

I was therefore hoping that when we took up this new bill to strengthen the Equal Credit Opportunity Act passed last year, and to expand its coverage, we would do so under an open rule with full opportunity to offer amendments. Since the chairman of the subcommittee, Mr. ANNUNZIO, apparently feels the House would be more likely to accept floor amendments to weaken the bill rather than those to strengthen it, I will not attempt to block its passage under suspension. I am convinced that Chairman ANNUNZIO also wants a good, strong Equal Credit Opportunity Act. He has worked very hard on this legislation.

It is now going to be up to the Senate to improve H.R. 6516 in order to correct some of the remaining deficiencies of the law the Senate wrote last year, particularly as regards the effectiveness of the class action penalty. Consumer groups which should have a very strong interest in this issue have so far evidenced less concern than I hoped they would show on this point. The weak class action provision of existing law is continued in H.R. 6516. Several other provisions of H.R. 6516 also differ markedly from the stronger bill I introduced on the opening day of this Congress, H.R. 1065, and its identical successor, H.R. 3386, introduced by Mr. ANNUNZIO and seven others of us on the subcommittee and by Chairman REUSS of the full committee. I hope the changes which weaken the legislation will be sharply scrutinized by the Senate committee when it holds hearings for the first time on equal credit legislation. Let us hope the Senate can then pass an even stronger bill than H.R. 6516 as now written.

GOOD AND NOT-SO-GOOD PROVISIONS OF BILL

In the meantime, I feel H.R. 6516 represents tremendous progress over the present act. As the original author of such broad-based legislation covering discrimination by reason of race, color, religion, national origin, and age, as well as sex and marital status, I hope H.R. 6516 will receive the necessary two-thirds majority today to send it to the Senate for further consideration which could result in further strengthening the 1974 law on credit discrimination which takes effect next October 28.

Some of the good and not-so-good provisions of H.R. 6516 as it now stands are as follows:

Legislation to amend the Equal Credit Opportunity Act of October 28, 1974, is needed in order to accomplish these two important purposes:

First. To strengthen materially the weak law now on the books, which takes effect October 28, 1975, to prohibit discrimination in credit transactions by reason of sex or marital status; and

Second. In addition to strengthening the existing law applying to discrimination based on sex or marital status, it is essential also to effectively prohibit discrimination in credit by reason of race, color, religion, national origin, or age.

Most of the provisions of H.R. 6516 as reported from the Committee on Banking, Currency and Housing are directed to these two desirable objectives. Furthermore, the committee amendments reported to the House are generally technical or substantive improvements. But H.R. 6516—introduced as a clean bill following action by the Subcommittee on Consumer Affairs on H.R. 3386—contains several serious changes from the original bill which not only water down the proposed new prohibitions dealing with race, color, religion, national origin, and age, but actually reduce the effectiveness of the weak existing law dealing with discrimination by reason of sex or marital status.

Thus, the women's groups which worked so hard to get Congress to enact a law to outlaw credit practices based on archaic concepts of women's role in the economy would find H.R. 6516—if not further strengthened before enactment—a trade-off. Several good new enforcement weapons would be added to the law, but at the expense of greater difficulty in getting into court than is now the case when violations occur.

ADDITION OF THE WORD "WILLFULLY"

A glance at the Ramseyer section of the report showing changes in existing law will reveal that H.R. 6516 revises significantly, and mostly for the better, the existing law's section 706 dealing with civil liability. One of the major changes ascribes important enforcement powers to the Attorney General, in pursuing credit discrimination violations called to his attention by various Federal enforcement agencies or, in acting on his own initiative, "whenever he has reason to believe that one or more creditors are engaged in a pattern or practice in violation" of the Equal Credit Opportunity Act. Another new provision provides aggrieved applicants for a credit period of up to 1 year after an enforcement agency establishes a violation by a creditor to enter a suit for damages. Otherwise, the 1-year statute of limitations in the present act could well expire before an applicant who had been turned down for credit became aware from a Federal agency action that he or she may have been discriminated against illegally by that creditor and had a legitimate cause of action for redress.

However, against these consumer protection improvements in the law, section 706 as revised by H.R. 6516, would provide that no consumer could successfully seek punitive damages unless the creditor "willfully" violates the law. This word is not in the present law. Removal of the word "willfully" from H.R. 6516 would not open the way to frivolous law suits based on technical violations because other provisions of the legislation require that in successful class actions the court in determining the amount of the award must take into consideration, among other things, "the extent to which the creditor's failure of compliance was intentional." This is, in any event, a test which the courts would apply in any case involving punitive damages. Requiring that willfulness be proved as a condition of collecting punitive damages would mean that the kind of proof generally required in criminal cases would have to be produced in civil actions under this law. Unlike the Trurth in Lending Act, the Equal Credit Opportunity Act contains no provision for criminal penalties for willful violations.

SHOULD PROVIDE THE RIGHT TO KNOW THE REASON FOR DENIAL OF CREDIT

One of the most frustrating experiences of the creditworthy applicant in being turned down for credit is to try to find out why. Under the Fair Credit Reporting Act, such an applicant must be told whether the rejection was based wholly or in part on information provided by a credit bureau, but not the reason for rejection. Many consumers who are refused credit ostensibly because of a credit report then go to the credit bureau but find nothing in their record which can be considered adverse. The creditor does not indicate what material in the credit report has prompted the turndown.

In developing its regulation for implementing the Equal Credit Opportunity Act of 1974 applying to discrimination by reason of sex or marital status, the Federal Reserve Board proposes that all credit applications carry a notation that in case of rejection the applicant is entitled to ask for the reason and to receive it in writing, and that the rejected applicant must be given the creditor's reason for rejection upon so requesting it. An amendment I offered in committee to write this protection specifically into the law was rejected on a tie vote, 18 to 18. It would provide statutory support for the Federal Reserve regulatory proposal. It would also provide consumers with information they need to know in order to determine whether a rejection for credit is legitimately based on lack of creditworthiness and potential difficulty in obtaining payment of the credit. Such a provision would eliminate many misunderstandings which would cause needless litigation.

Adoption of this amendment would strengthen the existing law, and would prevent a successful challenge to the Fed's right to require such disclosure to all consumers covered under the Equal Credit Opportunity Act. Under the act as now written, the Federal Reserve has full authority to make provision in its regulations for adjustments and exceptions for "any class of transactions" necessary in its judgment to effectuate the purposes of the law. If enacted, therefore, this amendment would not—as some critics charged in committee it would do—have to require every "mom and pop" grocery store or neighborhood gas station operator to provide written explanations for refusing to put a casual customer's Sunday purchase "on the tab."

RELATION TO STATE LAWS (COMMITTEE AMENDMENT)

The committee amendment language now in section 4 of the amended bill dealing with State laws was originally a part of another section of H.R. 3386 and apparently was inadvertently dropped in drafting the clean bill. It eliminates section 705(e) of the existing law which now requires an aggrieved applicant seeking redress for discrimination to elect to use either machinery of the Federal law or of any State law applying to the same transaction. Many of the State laws prohibiting credit discrimination provide only for mediation by the State human rights commission or similar agency, with no provision for recovery of damages. A consumer who is referred to a State agency for help in investigating a rejection for credit based perhaps on illegal discrimination should not thereby be precluded from recovering damages he or she would be entitled to for violation of this Federal law. At the same time, the amendment makes clear that damages cannot be obtained under the Federal law if recovery has been had under a State antidiscrimination law affecting the same transaction.

For instance, according to information obtained by the subcommittee in 1974 on State antidiscrimination laws, summarized in part 2 of the 1974 hearings on credit discrimination, the Connecticut Human Rights Commission can investigate complaints and order payment of actual damages only; in Maryland the Commissioner of Small Loans can issue cease and desist orders and seek criminal penalties, but there is no provision for private suits; similarly in Minnesota, there is no provision for private suits but the State Commission Against Discrimination can seek criminal penalties for contempt of a commission order; New Jersey's law provides for complaints to the attorney general but no provision for damages; Rhode Island's law provides primarily for conciliation by the Commission on Human Rights; Illinois' law sets up no enforcement machinery; and administrative remedies only are available in West Virginia, Vermont, Alaska, Kansas, and South Dakota. A $1,000 fine can be imposed in Wisconsin.

Actual damages can be obtained under court action in Washington plus court costs, in California plus $250, in Utah, and in Texas or $50, whichever is greater. In Colorado, consumers can sue for actual damages, and if successful can receive at least $100 and up to $1,000, plus costs. Massachusetts provides for actual and special damages up to $1,000. Oregon permits both compensatory and punitive damages.

AVOIDING CONFUSION IN ENFORCEMENT POLICY (COMMITTEE AMENDMENT)

A provision of H.R. 6516 struck out by a committee amendment would have amended section 706 of the existing law to provide a "good faith" defense against liability under the act for any creditor who can show that he acted in conformance with any "interpretation" of the act provided by any of the many Federal agencies which now have enforcement responsibilities under the Equal Credit Opportunity Act—the FTC, the CAB, the SEC, the Small Business Administration, the Farm Credit Administration, the FDIC, the Home Loan Bank Board, the Comptroller of the Currency, the Interstate Commerce Commission, the Federal Credit Union Administration, or the Secretary of Agriculture—in addition to the Federal Reserve, which alone has the power to issue regulations under the act.

Both the Federal Reserve and the FTC have advised the committee that allowing a proliferation of agencies authorized to issue legally binding interpretations of the act would cause vast confusion as to compliance requirements and undermine if not destroy the goal of uniformity of enforcement policy. The Federal Reserve, furthermore, has assured the committee that it and the 12 regional Federal Reserve banks stand ready at any time to advise any businessman who requests guidance on what he can or cannot do under the act.

The Fed also provides such guidance to business firms under the Truth in Lending Act, for which it also has sole powers for issuing regulations and official interpretations. Under both laws the creditor can depend absolutely as a "good faith" defense against charges of violation any action based on conformance to the policy set down by the Federal Reserve Board. The Government should speak with one voice on this crucial matter of compliance policy, not through 12 separate agencies issuing differing interpretations.

The committee amendment to H.R. 6516 striking the words "or any other agency having rulewriting or enforcement responsibilities under the act" in the revised section 706(e) should therefore be approved in order to prevent chaotic dispersal of binding rulemaking authority among the 12 different agencies of Government enforcing the Equal Credit Opportunity Act.

NEED FOR CLASS ACTIONS AS AN EFFECTIVE DETERRENT

Perhaps the most serious of all of the changes made in H.R. 3386 by the Subcommittee and now contained in H.R. 6516 is one which continues the ceiling in the present law of $100,000 or 1 percent of net worth, whichever is less, as the maximum amount of recovery of punitive damages in a class action suit, regardless of the number of persons involved or the seriousness of the violation or violations. H.R. 3386, before amendment in the subcommittee, would have set these maximum limits at $50,000 or 1 percent of net worth, whichever is greater.

To a very large national creditor, a $100,000 judgment in a class action suit is inconsequential as a deterrent to serious violations; similarly, to a small local creditor, thinly capitalized, a judgment aggregating only 1 percent of net worth is also negligible as a deterrent. Private law suits, particularly the threat of class actions, are regarded by the enforcement agencies as an invaluable adjunct to administrative enforcement efforts, but only if the penalties are significant enough to justify the tremendous complexities of utilizing the class action device under the severe restrictions of Federal Rule 23 as recently upheld by the Supreme Court. If the word "willfully" stays in the bill, the limitations on class action penalties in the legislation as now written preclude any effective use of class actions in promoting creditor compliance with the Equal Credit Opportunity Act.

Unless the words "lesser of $100,000 or 1 percent of net worth" are replaced by the language originally in H.R. 3386, "greater of $50,000 or 1 percent of net worth," it would be preferable in my opinion to have no reference in the Equal Credit Opportunity Act to class actions.

EXTRA CREDITOR PROTECTIONS ADDED IN SECTION 3(b)

I tried and failed in committee to strike from section 3(b) the second sentence holding a creditor not in violation of the act if the creditor excludes race, color, religion, national origin, age, sex, or marital status "from its determination of the creditworthiness of any ap-applicant or from any other aspect of a credit transaction." I find these words unclear and a potential loophole of vast dimensions. Congressman MITCHELL of Maryland tried and failed in committee to delete all of section 3(b) including the first sentence which in effect holds that no prima facie case of violation can be established by evidence of apparent discrimination based on statistical data. I support Congressman MITCHELL's contention that such evidence, while certainly not conclusive, should at least be permitted to be taken into consideration, particularly when the figures are so flagrantly lopsided as to indicate pretty strongly that the creditor may be discriminating illegally.

It is my understanding that section 3(b) is not included in the bill as offered for consideration under suspension of the rules. The deletion of that section improves the legislation significantly.

HISTORY OF THE LEGISLATION

While I have been critical of some of the provisions of the bill and of existing law which I think are weak or are loopholes in fighting unfair credit discrimination, I am nevertheless deeply proud of the progress that has been made in this field in the very short period of 3 years since the National Commission on Consumer Finance held hearings at my instigation on the extent of discrimination against women, particularly married women, in the use of credit. The Commission, which was created by title 4 of the Consumer Credit Protection Act of 1968, conducted a study between 1970 and the end of 1972 into all aspects of consumer credit in the United States and made many excellent—along with some hotly disputed—recommendations for improvement of the consumer credit field. But the aspect of the Commission's work which instantly won the greatest public interest and support was in dramatizing the extent of credit discrimination against women. Congressman GONZALEZ of Texas and former Congressman Lawrence G. Williams of Pennsylvania served with me as House members of the nine-member Commission during the 92d Congress.

Three years ago this month when we held our Commission hearings on this issue, there was not a single law, I believe, on the books of any State, and not a single bill in either House of Congress, to prohibit credit discrimination based on sex or marital status. Immediately thereafter—even before the Commission completed its final report in December 1972—the States began passing laws to prohibit discrimination in credit because of sex, or because of sex or marital status, and dozens of bills along the same line were introduced in Congress. The Senate passed such a bill without hearings in the 93d Congress as part of an omnibus bill containing numerous controversial provisions to revise the Truth in Lending Act. In the House, the Subcommittee on Consumer Affairs drafted and proceeded to take up a separate bill dealing with discrimination by reason of race, color, religion, national origin, age, sex, and marital status, with the agreement among its 13 cosponsors that we would all oppose any attempt to make the House antidiscrimination bill a vehicle for going to conference on the Senate's omnibus truth in lending bill.

But after the Subcommittee on Consumer Affairs had completed action on its broad based antidiscrimination bill last year and before the full committee acted on it, the House conferees from another subcommittee went to conference with the Senate on the bank deposit insurance bill to which the Senate had attached all of the provisions of their consumer credit bill. The House conferees agreed to these Senate riders, including the weak Senate antidiscrimination bill, and the conference report then came before the House under a rule waiving points of order against the nongermane Senate amendments. Thus there was no way to obtain separate votes in the House on the individual provisions of the nongermane Senate amendments. Under the equivalent of a closed rule on the conference report on the bank deposit insurance bill the House was faced with the choice of defeating or recommitting the entire conference report, including provisions desperately sought by the homebuilding industry as a means to try to revive that depression-ridden segment of the economy.

That is how a weak Equal Credit Opportunity Act was enacted, to take effect October 28, 1975, and how some seriously weakening amendments to the class action provisions of the Truth in Lending Act were also enacted, to take effect immediately on passage and apply retroactively to pending cases, without the House having had the opportunity to vote on any of these specific provisions or to amend them.

This year, therefore, I introduced on the opening day of the 94th Congress a new credit discrimination bill, H.R. 1065, which was later reintroduced in identical form as H.R. 3386 on February 20 by the new chairman of the Subcommittee on Consumer Affairs, Mr. ANNUNZIO, and was cosponsored by seven others of us on the subcommittee and by Chairman REUSS of the parent committee. This legislation was intended to close the loopholes in the 1974 statute on equal credit and to expand its coverage to include all of the categories now cited in H.R. 6516, along with sex and marital status. H.R. 6516 incorporates most of the provisions originally introduced in the last Congress as H.R. 14856, and of H.R. 1065 and H.R. 3386 as introduced in this Congress. I am proud of the work which has gone into this legislation as far as it goes.

But since the new bill as it now stands is not as strong as it needs to be to meet its objectives, I hope the 94th Congress will make the Equal Credit Opportunity Act into the kind of law it should be to eliminate unfair and irrational discrimination against millions of creditworthy Americans—men and women; single, married, or divorced; black or white; under 26 or over 65; English or Spanish-speaking—as long as they are creditworthy.

As I said earlier in my remarks, the chairman of the subcommittee, Mr. ANNUNZIO, has worked hard to get a good bill through. I appreciate the courageous position he has taken on some of the more controversial issues considered in the subcommittee and in the full committee. I hope we can all be proud of the final version of this legislation in fighting credit discrimination.

Mr. ANNUNZIO. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I wish to ask one question.

When I consulted with the gentlewoman from Missouri about placing this legislation on the schedule for consideration under suspension of the rules and we discussed the reasons for that, I was under the impression the gentlewoman agreed with me. Am I wrong about that?

Mrs. SULLIVAN. Mr. Speaker, I agreed with the gentleman when he told me he wanted the bill on the suspension calendar. I said to the gentleman that he was the chairman of the subcommittee, and it was his decision to make.

Mr. ANNUNZIO. And the gentlewoman said she would have no objection?

Mrs. SULLIVAN. I said I would yield to the gentleman's request, and I did. I did not object.

Mr. WYLIE. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman from Ohio has 1 minute remaining.

Mr. WYLIE. Mr. Speaker, I yield myself the balance of my time.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I would be glad to yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I wish to compliment the gentlewoman from Missouri (Mrs. SULLIVAN) for her pioneering work in the whole consumer credit field, and I wish to compliment the gentleman from Illinois (Mr. ANNUNZIO) for his work in this regard.

I regret that this bill has been placed on the Suspension Calendar. It is good legislation as far as it goes, but it should be amended in several respects. Regrettably, it is not only the class action feature which we are being deprived of here, but the existence of consumer credit legislation requiring a showing of willfulness in order to collect damages is an anomaly. Everyone knows effective consumer credit legislation requires an ability to be able to collect damages.

The weakness in H.R. 6516 that is closely related to use of the effects test is the requirement in section 5 that a violation must be willful in order for a court to award a civil penalty. The Equal Credit Opportunity Act of 1974 provides for the award of civil penalties for all violations, whether willful or negligent. Under proposed section 5 plaintiffs who could not establish that violations were willful would be limited to actual damages.

Where credit criteria, though arbitrary and discriminatory, are on their face legitimate, it would become nearly impossible to demonstrate an intent to discriminate. This would mean that plaintiffs who rely on the effects test would be limited to the recovery of actual damages.

In the area of consumer credit legislation actual damages do not provide a sufficient incentive for endorsement by private actions. The actual money damages that result from violations of statutes such as truth-in-lending, fair credit reporting, or the Equal Credit Opportunity Act may be very small or highly speculative. With the likelihood of only minor recoveries, consumers will have little incentive to bring lawsuits to enforce their rights.

Congress successfully addressed this problem in the original Truth in Lending Act of 1968 which provided a minimum civil penalty of $100 for all violations of the act. The Equal Credit Opportunity Act of 1974 was a partial retreat in that it failed to provide for a minimum civil penalty. Section 5 of H.R. 6516, in disallowing any civil penalties, except in the rare case of proven willful discrimination, would be a full retreat from effective private enforcement. Undermining enforcement by private actions will result in widespread non-compliance and create demands for already over-regulating agencies to undertake extensive programs of administrative enforcement.

Other amendments considered in subcommittee and committee—particularly those raising the ceiling on punitive damages and requiring creditors to disclose to an applicant the reasons his or her application was rejected—should also have been considered on floor.

I regret that a law which I and some

of my colleagues fought for has been unnecessarily weakened in this legislation. I trust that the other body will remedy these weaknesses, and that the leaders of this committee will seek to do likewise through the process of hearings and enactment in the other body, and through conference.

Mr. WYLIE. Mr. Speaker, if the gentlewoman will suspend, I would like to answer her erroneous statement. There is only about 30 seconds left in order for me to do that.

We used the word, "willful," in the bill as a part of the test for punitive damages. There are two sections with respect to damages for individual or class actions. One section has to do with actual damages, and if a person can prove in court that a lender has been negligent, that person or any person in that class is entitled to actual damages.

In the case of punitive damages section 5(b) requires proof of willful negligence. But, the point is there are two separate tests required for separate causes of action. A lender should not have punitive damages assessed in a lawsuit where only simple negligence could be shown. Punitive damages would be added to actual damages only where the act of negligence was willful.

Mr. Speaker, that was the reason for adding the word, "willful," to the punitive damage section.

Mr. ANNUNZIO. Mr. Speaker, in closing, let me point out to the House that this is a simple bill, landmark legislation. A vote for the bill is a vote to help 25 million senior citizens. A vote against the bill is to deny our old people access to credit.

Mr. GRASSLEY. Mr. Speaker, in a free enterprise system the happiness of the individual and the smooth operation of the free market mechanism require that individual action not be restricted, either by the person's own ignorance or by the actions of others who want to prevent the individual from acting freely.

The Government of our Nation sponsors a variety of programs and laws which are designed to assist the individual to act in accord with his own choices. These include laws aimed at preventing individuals and businesses from unfairly restricting the rights of others, programs such as social security and medicare, for which an individual contributes during his working life to preserve his economic independence later on, and such programs as public housing and welfare whose aim is to provide a modicum of support for those who have not achieved complete independence in the economic realm of the free market system.

There are important distinctions to be drawn between the list of the programs discussed above and the others. In public housing or welfare, the recipient receives support from the Government without being required to repay the Government for services or funds received. Thus, in my estimation, the value of such programs for the recipient is diminished by the very fact that he has little to give in return. If I may allude to a recent editorial by Mr. William Raspberry in the Washington Post, June 2, there is a tinge of illegitimacy to public giveaways. He states further:

> It isn't just the intrinsic worth of the goods or services that determines whether they will be of value or not; it is also whether the recipients consider that they are deserved.

Yet in the cases of medicare and social security, the benefits are clearly deserved in virtue of the contributory nature of these programs, so the recipients need feel no lack of pride.

If all people, however, are to be in a position to contribute to their own well-being, they must be able to overcome the adverse affects of discrimination, in any form. This is why legislation such as H.R. 6516 is so important, and why I have agreed to be one of the measure's cosponsors. The legislation would prohibit discrimination on the basis of race, color, religion, national origin, and age. The effective result will be to open up choices for Americans from all walks of life who have been unable to participate freely in the marketplace in years past. The cost of this legislation, in terms of dollars and governmental interference in the activities of business, is minimal. Willful discrimination is legislated against so that businesses would be subject to punitive damages if it is practiced. But at the same time, businesses will be put on notice that the Federal Government cannot and will not tolerate discrimination on the basis of personal whims and personal prejudices. The result, then, should be a new breath of freedom for many who have had trouble getting credit in the past, and another step forward toward assuring the individual of his right to act independently and to achieve a sense of deservedness.

Of particular concern to me is the prohibition of discrimination on age. People who have worked for a lifetime and have otherwise been creditworthy should not be arbitrarily denied credit because they have reached a certain age. This bill is a conscientious effort to overcome such a practice.

Mr. PICKLE. Mr. Speaker, I rise in support of the Equal Credit Opportunity Act Amendments of 1975.

I have long been interested in providing equal credit opportunity to all our citizens. In the previous Congress I introduced a bill to prohibit discrimination on account of sex or marital status in the granting of credit. I am pleased that the 93d Congress acted to make this a reality. For too long we have allowed discrimination on credit to effectively limit the opportunities for making a living. This is the worst kind of discrimination, and has no place in America.

The bill we are considering today would also prohibit discrimination, based on race, color, religion, national origin, or age. Discrimination on any one of these grounds should not be allowed. Credit should be granted on the basis of the ability to pay back the loan, not the superficial basis of prejudice or appearance.

There is one additional point I would like to make, Mr. Speaker. The bill I introduced called for a penalty, in the case of a class action, of "not more than the greater of $50,000 or 2 per centum of the net worth of the creditor." This is considerably stronger, and, I feel more effective, than the class action penalty provision we are considering today. My distinguished colleague from Missouri (Mrs. SULLIVAN) has expressed her concern that the provisions in the amendments would preclude effective use of class actions in promoting creditor compliance with the Equal Credit Opportunity Act. She has urged that the original language of the bill taken up by the committee be used the lesser of $100,000 or 1 percent of net worth. This provision is similar to the one in the bill I introduced, except that a 1-percent instead of the 2-percent net worth figure is used. I believe this change would make this measure even more effective, and I lend my support to it.

I urge my colleagues to give this measure a vote of approval. America, the land of the free, deserves another freedom, the freedom to obtain credit so as to have the ability to make a living.

Mr. DRINAN. Mr. Speaker, the Equal Credit Opportunity Act Amendments of 1975 fill important gaps that were left in the statute when we first enacted the law prohibiting discrimination in credit transactions. In the bill we pass today, additional forms of discrimination are forbidden. H.R. 6516 adds race, color, religion, national origin, and age to the list of prescribed credit practices. That should go a long way in helping to solve the serious problems which members of those groups confront when seeking credit.

Despite the praiseworthy provisions and goals of this bill, two of its sections gave me a great deal of pause when H.R. 6516 was first placed on the calendar prior to the recess. First, language in section 3 of the act appeared to diminish some of the thrust of the decision of the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971). In that and other cases, the courts have held that statistical evidence showing discrimination constitutes a prima facie case which casts the burden on the defendant to come forward with facts to rebut the presumption of discrimination. To undercut that evidentiary rule, which has been part of civil rights law for many years, would be to do a great disservice to the attempts to eliminate all vestiges of discrimination in American life.

I am pleased to note, however, that, after the bill was withdrawn from the calendar 2 weeks ago, and amendment was agreed to which would remove the offending section from the bill. It required the deletion of language from section 3 and the sponsors have now indicted that that has not been accomplished.

The second matter which concerned me involved the addition of the word "willfully" to the section which allows recovery of punitive damages for violations of the act. The problem here is that the courts have applied differing standards of proof in assessing punitive damages. Without precise definition of terms, the addition of that word might well eliminate a very important remedy from the law. In an area as critical as credit, we ought not to remove, directly or by implication, any relief which might be available to the hapless victim. Nor should we allow any weakening amendments which might dilute the laudatory objectives of the statute.

Because of the procedural posture in which this bill comes to the floor and because it is important that the bill be enacted into law, I am prepared to vote in favor of it, despite the presence of the word "willfully" in the statute. As I understand the matter, it is our intention that the word not be construed to prevent recovery, in appropriate cases, of punitive damages. Persons who extend credit must be deterred from engaging in conduct proscribed by this law. The punitive damage provision is one way of doing that.

There, of course, is no desire to "punish" credit department employees who make technical errors in recording transactions. But for serious violations, punitive damages should be available and should be awarded under a standard consistent with the goals of the act.

Mrs. HOLT. Mr. Speaker, the Equal Credit Opportunity Act Amendments of 1975 are an important and necessary step toward the fair, successful, and efficient operation of any and all legitimate credit agencies. H.R. 6516 increases the potency of all existing laws regarding credit discrimination, and does so in a manner that benefits large and small business alike. While the bill does not open any loopholes by which the credit industry may take unfair advantage, it does eliminate some of the unnecessary restrictions that hamper the growth and progress of all legitimate credit agencies.

H.R. 6516 not only is a boon to the business community, it is good for the individual consumer as well. It protects the young child who has no experience in handling credit matters from discrimination at the hands of a large credit organization. Also, it extends this same protection to the elderly.

By exempting from violations certain actions by credit agencies, H.R. 6516 provides the breathing room necessary for extending credit in a manner that benefits both parties involved in the transaction. One of the cornerstones of American business is a workable system of credit, and the Equal Credit Opportunity Act Amendments of 1975 will help to insure that this country's business system remains the strongest in the world.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill (H.R. 6516), the Equal Credit Opportunity Act Amendments of 1975.

The SPEAKER. The question is on the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. REUSS) that the House suspend the rules and pass the bill (H.R. 6516), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title VII of the Consumer Credit Protection Act to include discrimination on the basis of race, color, religion, national origin, and age, and for other purposes.".

A motion to reconsider was laid on the table.

AMENDMENT TO THE FOREST PEST CONTROL ACT OF 1947

Mr. LITTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 441), as amended, to amend the Forest Pest Control Act of June 25, 1947.

The Clerk read the Senate bill as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594-1 through 594-5), is amended by changing the period at the end thereof to a comma and adding the following: "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended.".

The SPEAKER. Is a second demanded?

Mr. SYMMS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. LITTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 441, as amended, provides that funds appropriated in accordance with the provisions of the Forest Pest Control Act of June 25, 1947, for fiscal year 1975 and thereafter shall remain available until expended. Under existing law, Federal pest control funds cannot be carried over into the next fiscal year. The effect of S. 441 would be to remove this limitation by making funds appropriated under the act available until expended.

The House amendment to the Senate bill simply makes it clear that the provisions of this act will apply beginning with funds appropriated in the present fiscal year, which ends June 30, 1975.

The bill as amended received unanimous support of both the Forests Subcommittee and the full Committee on Agriculture. It has the support of the administration. All testimony received by the Subcommittee on Forests was favorable. I know of no opposition to its passage.

S. 441, as amended, will provide the Forest Service of the Department of Agriculture with the funding continuity that is so essential to control efforts directed at forest pests.

The lack of funding continuity between fiscal years interrupts control projects at the end of the fiscal year when funds cease to be available. Control projects which should be started or continued early in the next fiscal year are delayed until new funds are appropriated. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass. These interruptions and delays are also administratively inefficient.

As the House is aware, four times in the past 12 years, the Forest Service has had to come to Congress seeking supplemental appropriations to handle major outbreaks of forest pests. There is $5 million in the second supplemental for this purpose directed toward control of forest pest outbreaks in several sections of the country. If this bill is not enacted, this money would have to be spent prior to June 30, 1975, or revert back to the Treasury. Should this occur, the Forest Service control projects would, necessarily, be reduced in overall effectiveness.

A further point to consider is that control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies conducting the forest pest control program on non-Federal lands are dependent upon matching Federal funds for 50 percent of the cost. State legislatures are reluctant to appropriate matching funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of 1 fiscal year and the passage of an appropriation for the next fiscal year. Testimony before the Subcommittee on Forests of the Committee on Agriculture revealed that the situation is complicated by the fact that some States budget on a biennial basis.

Finally, Forest Service data for 1970 shows 4.5 billion cubic feet of growing stock and 2.6 billion cubic feet of sawtimber were lost to destructive agents, but do not identify specifically the losses caused by insects and diseases. However, in 1966, insects and diseases caused direct losses of 2.4 billion cubic feet of growing timber valued at $112.5 million and 1.6 billion cubic feet of sawtimber valued at $500 million. In addition, losses to other forest resources such as watersheds, recreation, and so forth, reduced the opportunity for their utilization by the American public. Secondary losses which include the amount of available lumber for housing or industrial development and the subsequent reduction in available jobs at critical time periods can also be attributed to the outbreak.

Effective suppression prevents the destruction or damage to all forest resources both immediately and ultimately threatened. A direct monetary return for the investment may result where suppression strategy includes removal of timber for processing into lumber.

The Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) provides that fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

Before concluding, Mr. Speaker, I would like to comment on the fact that while the committee report takes note of the serious problem facing the Northeast with the spruce budworm, it is not the intent of the committee that the Forest Service reduce its research efforts aimed at the other major forest pests such as the tussock moth, southern pine beetle, gypsy moth, or mountain pine beetle, or any of the other lesser pests. The committee recognizes the budget restraints on the Forest Service in this area and asks only that the Forest Service recognize the significance of the threat posed by the spruce budworm and that the Forest Service continue to do the necessary research to gain control over all forest pests, including the spruce budworm.

Mr. SYMMS. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I rise in strong support of S. 441, and would like to commend my colleagues on the Forests Subcommittee of the Committee on Agriculture for their efforts on behalf of this legislation. This bill is an amended version of H.R. 1670 which I introduced on January 20, and it removes the existing limitation from the Forest Pest Control Act of 1947 which precludes the carryover of funds appropriated for forest pest control activities from one fiscal year to another. This change in the law is primarily designed to promote the efficiency of Federal and State pest control activities by providing the Forest Service with greater flexibility to conduct forest pest control programs when they will be most effective.

I would also like to commend the subcommittee for its recognition of the severity of the spruce budworm infestation now plaguing the forests of Maine. In this regard, I was pleased to note that the report accompanying S. 441 urges the Forest Service to allocate a significant portion of its research and development funds to devising a means of combating this destructive pest. It is clear that the best hope for protecting and preserving Maine's invaluable forest environment from the recurring attacks of the budworm lies in an extensive research program, and I trust that the Forest Service will heed the wishes of the subcommittee and assign this task the highest priority.

Specifically, S. 441 seeks to remedy a recurring problem which has impeded forest pest control efforts over the years, namely the lack of funding continuity in carrying out these activities. Typical forest insect and disease outbreaks become active in the spring and increase in intensity during the summer and fall. If control efforts are to be effective, it is essential that they be geared to coincide with a particular period in the pest's life cycle. This period, which can be as short as 2 or 3 weeks, varies greatly among individual insects or diseases, geographic locations, and weather conditions, thus necessitating the need for flexibility in seeking to combat the outbreak. Moreover, many forest pest control projects span 2 fiscal years, because pests are at their peak between May and August. Interruptions in control projects resulting from a lack of funding continuity between fiscal years lessen the effectiveness of the projects and only leads to further depredation of the forests by allowing the pest to become reestablished and to spread. Frequently, the end result is the permanent loss of precious woodlands that could have possibly been saved had control efforts not been interrupted.

The problem is aggravated when a cold or wet spring delays the emergence of the insects, and control projects must be postponed until early in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be carried over, and funds may not yet be available for the current year. In the interim, the forest pests continue to do their damage, and the most effective time for control may pass before new funds become available.

Occasionally several major forest pest outbreaks reach emergency levels at the same time, dictating the need for a supplemental appropriation for the U.S. Forest Service. Whenever this situation arises, particularly if it occurs late in the fiscal year, it is extremely difficult to use the funds effectively without carryover authority. Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies conducting the forest pest control program on non-Federal lands are dependent upon matching Federal funds for 50 percent of the cost. State legislatures are reluctant to appropriate matching funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated by the fact that some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974—Public Law 93-344—does provide that fiscal years shall begin on October 1, effective in October 1976. While this change will place the critical May through August period in the same fiscal year, it will not totally solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

For certain, enactment of S. 441 will not mitigate the requirement for an ongoing, extensive research program in the area of pest control and forest management. Nor does it diminish the acute need to adequately fund vital pest control, prevention and monitoring projects, as well as the various other activities and programs of the U.S. Forest Service. What it does represent, however, is a positive step forward in providing forestry officials with greater flexibility and latitude in protecting our forest resources from the ravages of natural forces, which tragically nullify almost one-fifth of our annual timber growth. Given the economic, environmental, recreational, and related values that are associated with this resource, the importance of this undertaking cannot be overstated.

In a very real sense, every American has a large stake in our efforts here today, for the preservation and protection of our invaluable forest environment is a major national imperative. Forest pest control and management programs that sustain this goal represent a sound investment with multiple returns—an investment that directly or indirectly affects the lives of all Americans. Nature blessed this Nation with bountiful renewable resource in timber, and each of us has an overriding obligation to support whatever measures are necessary to protect this priceless national asset. S. 441 seeks to enhance this objective at no additional cost to the Government, and I am hopeful that it will have the support of every Member of this body.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I would like to compliment the gentleman in the well for his support and authorship of this legislation and compliment the chairman of the subcommittee, the gentleman from Missouri (Mr. LITTON), for his remarks, also, and for his support of the legislation.

I know the gentleman in the well represents a timber-producing district, as I do, from a different end of the country. But what would the gentleman's opinion as far as how good a job we are doing with our national forests compared with what we could be doing with regard to using trees for energy converters the natural way to produce wood products, and so forth?

Mr. COHEN. I think it leaves a lot to be desired. As a matter of fact, in the State of Maine we are now undertaking to establish an experimental program to take the wastes from our forests, which are substantial, and convert them into methanol which could be used as a fuel with great potential as far as an alternative source of energy. So in a time when we are having a great deal of talk about finding alternative sources of energy, this is just one example of using a forest product to its fullest extent. A renewable resource is not being fully utilized, and it would only seem to me to dictate further concentration and research in this field.

Mr. SYMMS. If the gentleman will yield further, I guess what one might say is that the bottom line on this legislation means it is not going to cost more money but it is going to get the gestation period of rests in line with the fiscal appropriations of Congress, and, hopefully, would facilitate better management on the part of the U.S. Forest Service.

Mr. COHEN. That is exactly right. The essence of this bill is simply continuity and flexibility to gain the maximum impact of our forest pest control efforts.

Mr. SYMMS. We estimate in the Pacific Northwest we could probably cut a lot more timber and maintain a sustained yield if we could get coordination between appropriations from Congress and the agency and get the thing going. It is rather frustrating to watch all that overmature timber falling to rot, we probably lost more timber to pests and to overmaturity than we do to chain saws.

Mr. COHEN. I think this measure makes fiscal sense; and it makes environmental sense; and it makes energy sense, if we turn our efforts to the possibility of fully utilizing our renewable resources.

The SPEAKER. The time of the gentleman has expired.

Mr. LITTON. Mr. Speaker, I have no further requests for time.

Mr. SYMMS. Mr. Speaker, I rise in support of S. 441 to provide that funds appropriated to the Forest Service for pest control activities remain available until spent.

The measure had unanimous support in committee and we heard no witnesses with objection to its provisions. It insures the kind of continuity in responsible management of our forest resources which I believe to be the intent of this Congress.

Our private and national forests are a continuing host to a variety of insect pests. Without proper pest and disease control, this Nation loses valuable timber, wildlife habitat, watershed quality, and other basic natural resources of commercial and environmental value. It has been the intent of the Congress that we adequately control forest predators. This bill, in my view, is a technical amendment to that original authority. It protects against periodic suspension of valuable ongoing programs and specific control efforts in the field during that lag between the close of the fiscal year and congressional action to finish up the business of appropriations. Right now, these pest control funds can be irretrievably lost under provision of the existing statute.

We, therefore, hope to curb the annual migration to the Congress for supplemental appropriations for the purpose of controlling these outbreaks. It is a coincidence of nature that the gestation period of these insects rarely parallels this Government's fiscal year. This termination of funds coincides regularly with our most critical control season.

I think it is important to make clear to my colleagues that the Forests Subcommittee took its hearings on S. 441 as an opportunity to address a broad range of pest control-related problems. Those issues, including particular insect species and the problem of access to infested areas, are addressed in our committee report. It is not the intent of the House Agriculture Committee that this report be taken by Forest Service officials as a specific directive for priorities in pest management. We have tried to identify key issues; to locate particularly grave problems. It is expected, if I may speak here for my committee colleagues, that these problems will be given appropriate attention, but it is the responsibility of the Forest Service to determine their own program objectives under existing law and regulations. Those issues raised in hearing will in some cases be addressed in depth at a later date by our subcommittee.

The statistics on timber loss, epidemic frequency, and so forth, have been provided to you this afternoon. I urge your full support of this effort toward efficient management of our national forests.

Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Speaker, I would like to urge my colleagues to support this legislation. It very obviously has been needed for some time.

We have four national forests in my district, and this kind of legislation has been badly needed. It would involve no additional expense on the part of the Government, but it would involve the desperately needed reform in the administration of the program, and I urge my colleagues to support the bill.

Mr. SIKES. Mr. Speaker, I fully support S. 441, a bill to amend the Forest Pest Control Act of 1947.

Insects and diseases destroy tremendous quantities of timber each year. According to a recent Forest Service report, "Outlook for Timber in the United States," annual mortality losses from natural causes were estimated at 4.5 billion cubic feet in 1970. Thus, mortality nullified about one-fifth of the total annual growth. Our Nation cannot continue to accept losses of such magnitude in this basic natural resource. We need to make our control efforts as efficient as possible.

The measure under consideration by the House today provides that funds appropriated for fiscal year 1975 and thereafter for pest control programs conducted by the Forest Service of the Department of Agriculture shall remain available until expended, thus increasing the efficiency of that agency in dealing with periodic insect infestations that threaten the renewable resources of our national forest system.

Typical forest insect and disease outbreaks become active in the spring and intensify during summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle, which varies greatly among types of insects or diseases and according to geographic locations and weather conditions. In many instances, because of this variation, forest pest control projects must span 2 fiscal years, and any interruption because of a lack of funding continuity reduces the effectiveness of the control project by allowing the pest to become reestablished and to spread.

The Forest Service is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership, and this agency is providing outstanding service in this regard. Pest control is carried out directly or in cooperation with other Federal departments, State public agencies, organizations, or individuals.

The Forest Service has had to come to Congress only four times in the past 12 years requesting a supplemental appropriation to handle this problem and these four instances were cases of severe pest outbreaks. The situation in fiscal year 1974 is indicative of the type of problem confronting the Forest Service. Failure to enact this legislation would force the Forest Service to expend these funds prior to June 30, 1975, thus reducing and threatening the overall effectiveness of the control projects. I strongly recommend enactment of S. 441 to make funds appropriated for control of forest pests available until they are expended.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. LITTON) that the House suspend the rules and pass the Senate bill S. 441, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LITTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

POSTAL REORGANIZATION ACT AMENDMENTS OF 1975

Mr. HANLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5774) to amend section 1006 of title 39, United States Code, relating to the eligibility of the U.S. postal Service employees for transfer to other positions in the executive branch, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1006 of title 39, United States Code, is amended to read as follows:

"§ 1006. Right of transfer

"Each officer or employee in the postal career service of the Postal Service shall be eligible for—

"(1) promotion or transfer to any other position in the Postal Service for which he is qualified; or

"(2) transfer to any other position in the executive branch of the Government of the United States for which he is qualified, upon completion of at least one year of continuous employment in the postal career service immediately before the transfer and subject to such regulations governing the transfer as the United States Civil Service Commission shall prescribe.

The authority provided by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.".

SEC. 2. (a) Section 409(d) of title 39, United States Code, is amended by striking out "with the prior consent of the Attorney General", and by adding at the end thereof the following new sentence: "The Postal Service may not employ attorneys by contract if an attorney or attorneys may be economically employed on a full-time basis to conduct such litigation.".

SEC. 3. Title 39, United States Code, is amended as follows:

(1) in section 404(6) strike out "special nonpostal or" and insert "special, nonpostal, or" in place thereof;

(2) at the end of chapter 4 add the following new section:

"§ 413. Return receipts received in the courts

"A return receipt provided by the Postal Service to a sender of mail showing to whom and when an article was delivered, or to whom, when, and the address where an article was delivered, shall be received in the courts as prima facie evidence of the delivery.";

(3) in the analysis of chapter 4 add the following item at the end thereof:

"413. Return receipts received in the courts.";

(4) in section 2401(c) strike out "are" and insert "is" in place thereof;

(5) in section 3202(a)(1)(C) strike out "the Pan American Union" and insert "the General Secretariat of the Organization of American States" in place thereof;

(6) in section 3204(a)(2) strike out "mailings" and insert "mailing" in place thereof;

(7) in section 3625(d) strike out "section 3268" and insert "section 3628" in place thereof;

(8) in the last sentence of section 3626 strike out "under this subsection" and insert "under this section" in place thereof;

(9) in section 3641(a) insert "its recommended decision" immediately following the words "does not transmit";

(10) in section 3682(b) strike out "maximum size on mail" and insert "maximum size of mail" in place thereof;

(11) in the first sentence of section 5212 strike out the comma after the words "without advertising" and insert a comma immediately after the words "for bids".

SEC. 4. Section 3604 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) The accounts and operations of the Commission shall be audited by the Comptroller General of the United States. The Comptroller General shall transmit reports with respect to such audits to the Congress at such times, and containing such information and materials, as the Comptroller General determines to be necessary or appropriate.".

SEC. 5. (a)(1) Section 3210(b)(1) of title 39, United States Code, is amended by striking out "and" immediately before "the Legislative Counsels", and by inserting immediately after "and the Senate," the following: "and the Law Revision Counsel of the House of Representatives,".

(2) Section 3210(b)(2) of such title is amended by striking out "or" immediately before "the Legislative Counsel" and by inserting immediately after "or the Senate," the following: "or the Law Revision Counsel of the House of Representatives,".

(b) Section 3216(a)(1)(A) of title 39, United States Code, is amended by striking out "and" immediately before "the Legislative Counsels" and by inserting immediately after "and the Senate" the following: ", and the Law Revision Counsel of the House of Representatives".

SEC. 6. Section 1209 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The provisions of chapter 8 of title 29, relating to the Fair Labor Standards Act of 1938, as amended from time to time, shall apply to employees of the Postal Service, except that section 207 of such title shall not apply in the case of rural letter carriers covered by a collective bargaining agreement authorized by this chapter.".

The SPEAKER. Is a second demanded?

Mr. DERWINSKI. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HANLEY. Mr. Speaker, I rise in support of H.R. 5774. The bill contains several noncontroversial and technical provisions included in section 15 of H.R. 2445 and in H. R. 43, which are currently pending before the Postal Service Subcommittee. It also contains two housekeeping provisions relating to the General Accounting Office and the law revision counsel of the House of Representatives.

I want to emphasize that this bill does not contain the authorization or Postal Rate Commission provisions of H.R. 2445. The Post Office and Civil Service Committee will soon be considering this major legislation, and I hope that it will reach the floor of the House in the near future. This bill is primarily technical in nature and is designed to dispose of several relatively noncontroversial and necessary amendments to the postal reorganization Act. H.R. 5774 was approved unanimously by both the Postal Service Subcommittee and the Post Office and Civil Service Committee.

I would like to briefly discuss the major provisions of H.R. 5774.

The provision regarding the right of postal employees to transfer to other Federal agencies is designed to correct an oversight in the Postal Reorganization Act. It would require that a postal employee be on the postal service roles for 1 year before he has a right to transfer noncompetitively to another Federal agency. This conforms with current practice outside the Postal Service in and among other agencies where employees serve for a year in a probationary status before being given full civil service status.

When we adopted the Postal Reorganization Act, we gave employees a right to transfer within the Postal Service without a time limit—unless negotiated or promulgated by postal management. The provision, however, did not distinguish between transfer or promotion within the Postal Service and among other agencies. The result has been to unnecessarily discriminate against other Federal employees. I must emphasize that the bill's provision in no way affects the right of promotion or transfer within the Postal Service.

The bill also grants the Postal Service the right to litigate its own cases without prior consent of the Attorney General. The Postal Service maintains that it is handicapped by having to rely solely on the Justice Department in specialized areas such as postal rates, collective bargaining, and private express statutes which are unique to the Postal Service. In the past, the Postal Service has asked, but been denied, permission by the Attorney General to represent itself in some areas.

The Postal Service anticipates that most litigation will still be handled by the Justice Department. No testimony was received against this provision in the hearings on H.R. 2445. However, both the Justice Department and the Civil Service Commission have written to the committee opposing the provision. Justice Department opposition is somewhat baffling since it has gone on record favoring similar provisions for the Tennessee Valley Authority and the Federal Deposit Insurance Corporation and it was agreed to allow some agencies to handle their cases in some areas. For example, the Labor Department participates directly in litigation involving OSHA cases. With its status as an independent establishment receiving most of its funds from postal rates, the Postal Service should have the same authority.

The Civil Service Commission expresses concern that the Postal Service and the Commission may disagree on some issues in litigation, and that, therefore, the Government could not present a unified position in court. In the rare instances this might happen, the Postal Service should make every attempt to resolve such differences before the cases go to court.

The provision granting authority to the GAO to audit Postal Rate Commission accounts and operations is really in the nature of a technical amendment to correct an apparent oversight in the Postal Reorganization Act. The Postal Reorganization Act exempted both the Postal Service and the Postal Rate Commission from the provisions of the Budget and Accounting Act which contains authority for the GAO to audit accounts and operations of all Federal agencies. The Postal Reorganization Act gave the GAO specific authority to audit Postal Service accounts and operations, but failed to mention specifically the Postal Rate Commission. While the Commission has not objected to the current GAO study of its operations, it is felt that we should clear up this inconsistency.

The provision allowing the Law Revision Counsel the power to use the frank is a housekeeping item. The Office of the Law Revision Counsel was recently removed from the Judiciary Committee and placed directly under the Speaker in a position analogous to the Office of the Legislative Counsel. The Office of the Legislative Counsel has its own frank and this provision would merely give the Law Revision Counsel the same status.

An amendment was added in committee which would exempt rural letter carriers from the overtime provisions of the Fair Labor Standards Act.

Last year, we applied the Fair Labor Standards Act to Federal and Postal employees. However, it was subsequently recognized that the pay structure for rural letter carriers is incompatible with the Fair Labor Standards Act and that any attempt to make it conform would be detrimental to many rural carriers.

The rural carrier pay system, which is subject to collective bargaining, is based on mileage or an evaluation of routes which includes compensation for all evaluation of routes which includes compensation for all evaluated hours in excess of 40 hours. It is virtually impossible to tailor a rural route to exactly 40 hours a week. To meet the requirements of the Fair Labor Standards Act would require hundreds of thousands of address changes throughout rural America. It would also probably lead to reduced pay for many rural carriers. Both the National Association of Rural Letter Carriers and the Postal Service endorse this amendment.

Finally, the bill contains several technical amendments to title 39 to correct various grammatical, typographical and punctuation errors. I strongly urge passage of H.R. 5774.

Mr. DERWINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of this bill. As the distinguished gentleman from New York so ably explained, H.R. 5774 is a noncontroversial bill which proposes clarifying and technical amendments to title 39 of the United States Code relating to the U.S. Postal Service.

At a time when budget-busting has become the order of the day, it is indeed a pleasure and a welcome change of pace to have the opportunity to vote for a bill that will not have an inflationary effect on the Nation's economy. H.R. 5774, believe it or not, will not require the authorization or appropriation of any additional funds.

Although this bill makes no major changes in the 1970 Postal Reorganization Act, I know some Members are concerned about the way that Act has been implemented. In fact, shortly after the House Post Office and Civil Service Committee reported H.R. 5774 on a unanimous voice vote, some Members made inquiries about the possibility of offering amendments dealing with the private express statutes. This bill, of course, is not the proper vehicle for such amendments. But I do want to assure all Members that the Post Office and Civil Service Committee is hard at work on a comprehensive postal reform measure which will be reported to the House later in the season. That bill will afford Members the opportunity to work their will on the Postal Reform Act.

H.R. 5774 was ordered reported, with amendment, by the House Post Office and Civil Service Committee, on May 15, by a unanimous voice vote. The amendment permits rural letter carriers to continue to have their pay rates computed under collective bargaining agreements rather than the fair labor standards law. That amendment was endorsed by the Postal Service and the rural carriers.

Other changes in H.R. 5774 would require employees to be on the rolls for 1 year before they could transfer noncompetitively to another Federal agency and would permit the Postal Service the right to litigate its own cases without the prior consent of the Attorney General.

Mr. Speaker, I strongly support passage of H.R. 5774 and urge my colleagues to give it an overwhelming vote of approval.

Mr. HANLEY. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Speaker, I rise in support of H.R. 5774, a bill which I sponsored providing miscellaneous technical amendments to title 39, United States Code.

As Mr. DERWINSKI and I pointed out in our letter to each Member, this bill makes no major changes in the Postal Reorganization Act, but is designed primarily to correct technical errors and to make some relatively minor adjustments. Our Postal Service Subcommittee currently is considering legislation which is proposing major revisions in this area and we expect to have the proposal before the House in the near future.

There is no significant opposition to the provisions of this bill. The bill was approved unanimously by the Post Office and Civil Service Committee.

The major provision of H.R. 5774 would allow the Postal Service to conduct litigation in its own behalf. I endorse this provision wholeheartedly. It is designed to give the Postal Service somewhat more flexibility in court cases involving questions unique to the Postal Service including postal rates, collective bargaining, and the private express statutes.

The provision requiring postal employees to be on the rolls 1 year before being granted noncompetitive civil service status to transfer to other agencies corrects an apparent oversight in the original Reorganization Act. It places postal employees on a par with other Federal employees in this respect. I must emphasize that it in no way affects the right of transfer or promotion within the Postal Service.

The provisions regarding the frank for the Law Revision Counsel and authority for the General Accounting Office to audit Postal Rate Commission accounts and operations are actually internal housekeeping matters which were recommended by the office of the Law Revision Counsel and the General Accounting Office, respectively.

The amendment adopted in committee exempting rural letter carriers from the overtime provisions of the Fair Labor Standards Act is similar to H.R. 3942 sponsored by Representative WILLIAM D. FORD. The matter is of great urgency since the Postal Service is now bargaining with rural letter carriers, whose contract expires in July. Failure to enact this amendment would require severe alterations in the pay structure of rural letter carriers. Both the Postal Service and the National Association of Rural Letter Carriers support this amendment.

The bill also contains several technical amendments which correct grammatical, punctuation, typographical, and printing errors in title 39.

I strongly urge adoption of H.R. 5774.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. HANLEY) that the House suspend the rules and pass the bill H.R. 5774, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 5774) just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 1236, EMERGENCY LIVESTOCK CREDIT

Mr. BERGLAND. Mr. Speaker, I call up the conference report on the Senate bill (S. 1236) to extend and amend the Emergency Livestock Credit Act of 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 22, 1975.)

Mr. BERGLAND (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The chair recognizes the gentleman from Minnesota.

Mr. BERGLAND. Mr. Speaker, the conference report which amends the Emergency Livestock Credit Act of 1974 provides an extension of the availability of livestock loans through December 31, 1976, from its current expiration date of June 25, 1975—plus a 6-month extension at the discretion of the Secretary. It also contains a number of other provisions which streamline and improve the program and eliminate some of the problems which developed in administration of the act. The conference report represents a reasonable compromise of the House and Senate differences and deserves the support of the Members of the House.

At this time, I would like to summarize for the Members the principal provisions of the conference report.

First. Relates to eligibility of dairy producers. The House amendment provides that the term "livestock" as used in the act shall include "dairy cattle raised and maintained for the primary purpose of marketing dairy products." The Senate bill contains no comparable provision. The conference substitute adopts the House provision. The amendment is clarifying in nature in that the Secretary now has authority under existing law to guarantee loans with respect to producers of milk, eggs and other livestock products such as wool and mohair.

Second. Relates to eligibility criteria of producers. The Senate bill directs extension of financial assistance to bona fide farmers and ranchers "who have substantial operations" in breeding, raising, fattening, or marketing livestock. The House amendment contains no comparable provision. The conference substitute adopts the Senate provision. The conferees intend that a bona fide farmer or rancher shall be deemed as having substantial operations in the breeding, raising, fattening, or marketing of livestock if he devotes not less than 25 percent of his time to his livestock operation; not less than 25 percent of his farm income is derived from his livestock operation; or not less than 25 percent of his capital investment is attributable to his livestock operation. Only persons actually engaged in livestock production would be eligible for assistance under the act. Under this provision, diversified farmers—those who produce crops, in addition to a modest livestock operation—are eligible for loan guarantees. Under current law, many of these farmers have not been able to obtain assistance under the act.

Third. Relates to secondary financing through the Federal Financing Bank. Both the Senate bill and the House amendment permit secondary financing of the guaranteed portion of livestock loans through the Federal Financing Bank. The House amendment provides specifically that the Bank may hold only the guaranteed portion of loans guaranteed under the act. The conference report adopts the House provision. This provision will make more capital available to local agricultural lenders.

Fourth. Relates to the term of loans and renewals. The Senate bill permits loans for the period reasonably required by the needs of the borrower, taking ininto consideration the security he has available, but not exceeding an original term of 7 years. Loans could be renewed for not more than 3 years. The House amendment permits loans over such period of time as determined by the Secretary, but not to exceed 7 years. The conference substitute adopts the Senate provision. If the Secretary of Agriculture determines that a borrower is in a position to repay a loan in less time, he may prescribe a shorter term.

Fifth. Relates to the maximum loan level. The Senate bill authorizes the guarantee of a line of credit up to $500,000. The House amendment reduces the maximum line of credit to $250,000. Under the conference substitute, the line of credit could not exceed $350,000—the maximum amount permitted for loans guaranteed by the Small Business Administration.

Sixth. Relates to the limitation of total outstanding loan guarantees. The House amendment reduces the amount of loan guarantees under existing law which may be outstanding at any one time from $2 billion to $1 billion. The Senate bill contains no comparable provision. Under the conference substitute, the amount of loan guarantees which may be outstanding at one time is reduced to $1.5 billion.

Seventh. Relates to utilization of the agricultural credit insurance fund. The Senate bill authorizes the use of the agricultural credit insurance fund to pay administrative expenses. The House amendment also authorizes the use of the fund to pay administrative expenses and further authorizes the Secretary of Agriculture to use this fund, on such terms and conditions as he may deem appropriate, to purchase the guaranteed portion of any loans "made pursuant to amendments to this act." The conference substitute adopts the House provision with an amendment to make clear that the fund may be used to buy the guaranteed portion of loans previously made under the act as well as loans made after enactment of S. 1236.

Eighth. Relates to time limit on processing loans. The Senate bill provides that, insofar as practicable, the Secretary shall complete action on each loan application within 30 days after receipt. The House amendment contains no comparable provision. The conference substitute adopts the Senate provision in order to require that the administrative process be speeded up so that a producer can obtain an answer quickly and make plans accordingly.

Ninth. Relates to security and collateral for guaranteed loans. The House amendment provides that guaranteed loans must be secured by collateral adequate to protect the Government's interest but permits the Secretary to accept collateral which has depreciated in value owing to temporary economic conditions. The Senate bill contains no comparable provision. The conference substitute adopts the House provision.

Tenth. Relates to annual reports. The House amendment requires annual reports from the Secretary on the effectiveness of the act and the activity thereunder, including any recommendations the Secretary may have as to actions which can be taken to decrease the farm-retail price spread and increase the consumption of beef. The Senate bill contains no comparable provision. The conference substitute adopts the House provision.

Eleventh. Relates to loan guarantees under the Consolidated Farm and Rural Development Act. The Senate bill amends the Consolidated Farm and Rural Development Act to provided that contracts of guarantee under that act shall not require the Secretary to guarantee more than 90 percent of the principal and interest on such loans. Under existing law, the Secretary may guarantee no more than 90 percent of the loss sustained on any loan. This provision will make the same guarantee provision available under the livestock credit program available as well to Farmers Home Administration real estate and operating loan programs. The House amendment contains no comparable provision. The conference substitute adopts the Senate provision.

Twelfth. Relates to consolidation of farm operating loans. The House amendment amends the Consolidated Farm and Rural Development Act to permit the Secretary to consolidate and amortize subsequent repayment of farm operating loans over a period of not to exceed 10 years from the date of consolidation. The Senate bill contains no comparable provision. The conference substitute deletes the House provision. This provision was opposed by the administration.

In summary, the conference report provides an improved credit program to one of the first sectors of our economy to feel the real weight of a depression. Livestock prices have improved somewhat in recent weeks. However, full recovery will be a long slow process. This act is of important assistance in maintaining our food production chain with little, if any, cost to the taxpayers. All loans are to be guaranteed and thus no direct costs to the Treasury are anticipated at this time. The act continues to require that each borrower demonstrate an ability to repay his loans and thus it is not expected that any losses should be incurred by the Government.

The Senate has already approved the conference report. I urge my colleagues likewise to vote in support of the conference report on S. 1236.

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I rise in support of the conference report on S. 1236. This legislation is designed to improve upon the existing emergency livestock loan program and make it more effective.

The need for these changes in the Emergency Livestock Credit Act of 1974 results from the fact that operating experience with the act has demonstrated certain deficiencies and practical problems. After the act was signed into law, there were lengthy administrative delays before the program was implemented, and only recently has USDA begun to bring help to our livestock producers.

Mr. Speaker, I am pleased to report to the Members of this body that the differences between the Senate- and House-passed versions were resolved with relative ease in conference, and in my opinion a good compromise has been reached.

The bill as approved by the committee of conference provides for:

First. FHA guarantees of 90 percent of the principal and interest;

Second. A maximum original loan term of 7 years with up to a 3-year extension;

Third. Total principal balance outstanding at any one time for any borrower not to exceed $350,000;

Fourth. A limit of $1,500,000,000 on the total line of credit guaranteed by the U.S. Government under the program; and

Fifth. An extension of the emergency livestock credit program to December 31, 1976.

Additionally, the Secretary of Agriculture is required to make a comprehensive report to the Agriculture Committees of the House and the other body within 1 year of the date of enactment of this bill.

Mr. Speaker, I feel the changes in the law that I have just outlined will make the program more effective while still protecting the Government from assuming the risk of bad loans. I feel certain that I reflect the view of the committee in saying that none of us wants to see the Government put in a situation where it would be required to cover bad loans, but many of our good livestock producers have been left in a terrible financial bind by forces beyond their control during the course of the past 2 years. I am confident that these amendments to the emergency livestock credit program will allow many of these producers to work their way out of this period of economic adversity.

Therefore, Mr. Speaker, I urge my colleagues to vote for passage of the conference report on this bill. I am confident that it will have the approval of the President, and it is supported by the livestock industry and by the agricultural community.

S. 1236 is needed to help in the financing of the production of livestock throughout the Nation, and it deserves to be enacted into law.

Mr. PRESSLER. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from South Dakota.

Mr. PRESSLER. Mr. Speaker, I would like to identify myself with the remarks of the distinguished gentleman from Virginia (Mr. Wampler) and also with the remarks of the gentleman from Minnesota (Mr. Bergland).

I would like to point out that one of the complaints that my office has received most often concerns the difficulty of our farmers in getting loans. This involves many farmers in eastern South Dakota. They do not seek handouts or additional aid as much as they seek loans and assistance to carry them through this time of difficulty.

Mr. Speaker, our country grants loans to foreign governments and to overseas operations on 20- and 30-year bases and at interest rates lower than we grant to some of our own businessmen and farmers and those in other categories.

Mr. Speaker, I believe that this legislation would help to preserve our agriculture industry and would help the people who wish to borrow money in order to carry them through this very difficult period.

Mr. Speaker, I am very much in support of this legislation, and I urge the conference report be agreed to. I thank the gentleman for yielding.

Mr. WAMPLER. Mr. Speaker, I have no further requests for time.

Mr. BERGLAND. Mr. Speaker, I have no further requests for time.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

VOTING RIGHTS ACT EXTENSION

Miss JORDAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentlewoman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6219, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday, all time for general debate on the bill had expired.

Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Sec. 101. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

Sec. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Wiggins: In H.R. 6219 strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as "The Voting Rights Extension Act of 1975".

Sec. 2. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten years" each time is appears and inserting in lieu thereof "eleven-year-and-180-day period".

Sec. 3. Effective February 6, 1977:

(a) Section 4 of the Voting Rights Act is amended to read as follows:

"Sec. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color or national origin, the requirements of section 5 shall apply to any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no voting qualification, or prerequisite to voting or standard, practice, or procedure with respect to voting is in effect during or preceding the filing of the action where such qualification, prerequiste, standard, practice, or procedure does have or is likely to have the purpose or the effect of denying or abridging the right to vote on account of race or color or national origin: *Provided*, That for purposes of this section no State or political subdivision shall be determined to have engaged in the use of such qualifications, prerequisites, standards, practices, or procedures for the purpose or with the effect of denying or abridging the right to vote on account of race or color or natioal origin if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

"An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The Court shall retain jurisdiction of any action pursuant to this subsection until determinations are made by the Director of the Census pursuant to subsection (b) following the next general federal election after the filing of the action and shall reopen the action upon motion of the Attorney General alleging that such qualifications, prerequisites, standards, practices, or procedures have been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or national origin.

"If the Attorney General determines that he has no reason to believe that any such qualifications, prerequisites, standards, practices, or procedures are in effect or are likely to be effective with the purpose or with the effect of denying or abriding the right to vote on account of race or color or national origin, he shall consent to the entry of such judgment.

"(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state for which the Director of the Census determines that discrete groups of racial or language minority citizens of voting age comprise more than 5 per centum of the voting age population of such State or political subdivision and that less than 50 per centum of such separate group of racial or language minority citizens of voting age voted in the most recent general federal election. The provisions of subsection (a) shall continue in effect until the Director of the Census makes determinations pursuant to this subsection following the next general federal election after which time such provisions shall only apply based upon determinations pertaining to the most recent general federal election at that time. The Director of the Census is directed to make determinations pursuant to this subsection to the greatest degree possible within 60 days after a general federal election is held.

"A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

"(c) As used in this Act, the phrase 'general federal election' shall mean any general election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(d) As used in this section, the phrase 'racial or language minority citizens' means citizens of the United States who are Negroes or persons of Spanish heritage as those terms are defined by the Buerau of the Census."

(b) Section 5 of the Voting Rights Act is amended to read as follows:

"Sec. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color or national origin, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of such a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court."

SEC. 4. Section 3 of the Voting Rights Act is amended by—

(1) striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth amendment or fifteenth amendment";

(2) striking out "race or color" each time it appears and inserting in lieu thereof "race or color or national origin";

(3) striking out "test or device" each time it appears and inserting in lieu thereof "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting";

(4) striking out "tests or devices" each time it appears an inserting in lieu thereof "such voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting";

(5) striking out "except that neither" and inserting in lieu thereof "or upon good cause shown to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(6) adding at the end thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of such a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.";

(7) striking out "deem appropriate" and inserting in lieu thereof "deem appropriate, but in no event after determinations are made by the Director of the Census pursuant to Section 4(b) following the next general federal election from the date of the order,";

(8) striking out "deems necessary." and inserting in lieu thereof "deems necessary, but in no event after determinations are made by the Director of the Census pursuant to Section 4(b) following the next general federal election from the date of the order.";

(9) striking out "different from that in force or effect at the time the proceeding was commenced", effective February 6, 1977; and

(10) striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following "Attorney General or an aggrieved person".

SEC. 5. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

SEC. 6. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

SEC. 7. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision for every general Federal election after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall elicit statistically significant estimates of the citizenship, the race or color, and national origin, of persons of voting age and the extent to which such persons are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information except with regard to information required by subsection (a), with regard to which every such person shall be informed that such information is required solely to enforce nondiscrimination in voting.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."

SEC. 8. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

SEC. 9. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor"; and

(2) by inserting immediately after the words "failure to object" a comma; and

(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.".

SEC. 10. Section 203 of the Voting Rights Act of 1965 is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.

SEC. 11. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

"ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

"SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 302. As used in this title, the term 'State' includes the District of Columbia."

SEC. 12. Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment"; and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

SEC. 13. Section 6 of the Voting Rights Act of 1965 is amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

SEC. 14. Section 2, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by inserting immediately after "on account of race or color" each time it appears "or national origin".

Mr. WIGGINS (during the reading). Mr. Chairman, I ask unanimous consent that my amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WIGGINS. Mr. Chairman, the

amendment which we shall now consider is my amendment in the nature of a substitute to the committee bill. It has been printed in the RECORD. It has been circulated to all of the Members, has been the subject of considerable discussion, both in general debate and elsewhere, and the full reading of the bill, under those circumstances, is unnecessary.

Mr. Chairman, the principal issue which is to be resolved this afternoon is whether or not this Congress shall vote to perpetuate a bill which is inherently unfair or whether it will seize this opportunity to enact a strong voting rights bill which has elements of fairness in it.

It is my belief that the substitute offered to the Members now is such a constructive alternative proposal.

Mr. Chairman, I want the Members to know that they have a choice this afternoon. The choice is this: If they support the committee bill, they will be voting to force six Southern States of this Union to obtain Federal preclearance of any change in their voting laws, practices, or procedures for the next 10 years, because in 1964 they had a literacy test and less than 50 percent total voter turnout, even though in every election since 1964 they may have achieved a voter performance comparable to or better than that of northern jurisdictions.

If the Members support the committee bill, they will be voting to force many other jurisdictions to obtain Federal preclearance of their voting laws and procedures for the next 10 years because in 1972 they may have had a 5 percent language minority amongst their population, an English-only ballot in that election, and less than a 50-percent turnout. If the Members vote to support the committee bill, they will be voting to force the printing of ballots in multiple languages and dialects on the unproved assumption that language minorities are more literate in a language other than English. If the Members vote to support the committee bill, they will be voting to exclude from coverage for the next 10 years large areas of the United States where blacks and browns are concentrated, even though in 1964 and in every election since the black and brown turnout in those jurisdictions has been suspiciously low.

If the Members believe that such a procedure as I have described is fair and rational, then by all means I urge them to vote for the committee bill and against my substitute.

On the other hand, if you believe that the South is deserving of rejoining the Union and not being compelled to ride in the rear of the bus, as it were, you will support my substitute. If the Members believe that voter participation by black and brown minorities is more rationally related to possible discrimination against them than looking to total voter performance by all voters, then by all means you should support my substitute.

If you believe that voter performance in 1976 and each succeeding general election is a more rational basis for presuming voter discrimination for the next 10 years than continued reliance upon long-abandoned voter practices in existence in 1964, you will support my substitute.

Finally, if you believe that the requirement of including Indians, Alaskan Natives, and Asian Americans under this bill makes no sense at all, and indeed, imposes an impossible administrative burden upon many jurisdictions, then you will support my substitute.

Members of the House, I appeal to your sense of fairness to all States of the Union and all citizens, black, white, brown, or any other ethnic language or racial minority. I appeal to your sense of fairness and to your good commonsense.

My substitute is not regional legislation. It requires Federal preclearance if any jurisdiction includes 5 percent or more of blacks or browns within its total population; and if 50 percent or less of those specific minorities failed to vote in each general election commencing in 1976. If the minorities turn out, and that is the purpose of this bill, the jurisdiction is not covered. If they do not, coverage applies subject, of course, to the right of that jurisdiction to bail out if low voter turnout is caused by nondiscriminatory factors.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WIGGINS was allowed to proceed for 2 additional minutes.)

Mr. WIGGINS. Coverage under my substitute will attach or not, based upon voter performance of the minorities involved automatically every 2 years, after an analyses of the voter results in that general election.

I would ask the Members: Is that not what the Voter Rights Act seeks to achieve, better participation by minority citizens subject to a recent history of discrimination? Of course it is.

My amendment achieves the objectives of all of us much more rationally than does the committee bill. I earnestly urge its support. It is a strong, worthy, commonsense voting rights proposal.

Mr. Chairman, I submit a section-by-section analysis:

Section-by-Section Analysis

Section 2: Section 2 extends the special coverage provisions of the Act (§§ 4, 5, 6 and 8) until February 5, 1977 by amending the ten year period currently in § 4 to read "eleven-year-180-day period". This compares with a ten year extension of the special provisions until August 6, 1985 as accomplished by Sec. 101 of H.R. 6219.

The reason that Section 2 of the substitute has a short extension is that a complete revision of the § 4 trigger is made in Section 3(a) of the bill based upon data from the 1976 presidential election. Until such data becomes available, an extension of the current coverage seems appropriate.

Section 3: This section is the heart of the bill. In two separate divisions, Sections 4 and 5 of the Voting Rights Act are revamped to produce bold, new, and rational legislation.

(A) Division A amends § 4 of the Act effective February 6, 1977. After that time the following basic changes will occur:

(1) A new trigger will become operative covering States and political subdivisions based upon minority voting turnout in the most recent general federal election. Whenever a jurisdiction has separately at least 5 percent black or Spanish citizens and less than 50 percent of such persons voted in the most recent general federal election, then the special coverage provisions of the Act will apply.

(2) However, coverage will only be dependent upon the most recent general federal election so that if a jurisdiction is able to raise its minority voter turnout above 50 percent, then coverage will cease until such time as the minority voter turnout falls below 50 percent.

(3) To prevent the trigger from being unconstitutionally overbroad a jurisdiction may file an action in the United States District Court for the District of Columbia to "bail out" if it can prove that no law or practice has *or is likely to have* the effect of denying or abridging the voting rights of any citizen on account of race, color or national origin. To prevent a jurisdiction from repealing its laws, obtaining a declaratory judgment, and then reenacting the discriminatory laws, a precaution is provided: The court retains jurisdiction after a successful bailout until after the next general federal election during which time the Attorney General can reopen the action to re-cover the jurisdiction.

This mechanism is fair yet practical. The trigger encourages states to turn out the minority vote and to improve election laws and practices, if early bailout is desired. While it is true that a jurisdiction is automatically bailed out once it meets the 50 percent test in a subsequent election, special coverage will be imposed if at any future time the minority vote falls below 50 percent. Also, as will be developed, holstering the remedies available in §§ 3 and 5 of the Act will provide an effective alternative for coping with any discriminatory voting laws passed while a jurisdiction is not covered by the trigger.

Under the present Act the trigger in § 4 (b) encompasses all jurisdictions in which less than 50 percent of all persons of voting age voted in the 1964 and 1968 presidential elections and in which a "test or device" was empolyed. Section 4 (a) of the current Act provides a bailout which is more apparent than real with respect to many of the covered jurisdictions. To effectively bail out of the special coverage provisions of the Act, a jurisdiction must show that for the past 10 years (20 years as extended by H.R. 6219) it has not used a test or device with the purpose or effect of denying or abridging the right to vote on account of race or color (or in contravention of the guarantees set forth in § 4 (f) (2) as added by H.R. 6219). However, recent Supreme Court cases have made this bailout almost *per se* impossible for states which had inferior schools for minorities and used a literacy test in the early 1960's by concluding that the effect of such literacy tests when coupled with the educational disparity automatically results in discriminatory application of such tests.

This trigger mechanism is anachronistic and possibly unconstitutional in that it is not rationally related to the actual denial of minority voting rights; by focusing on literacy tests in existence prior to 1965 without taking account of present discrimination the current Act has given the covered jurisdictions no incentive to improve their voting laws.

The trigger suggested in § 3 of this substitute remedies the deficiencies of the trigger in the present Act by encouraging states to improve their voting laws so that they may bail out via a declaratory judgment and to encourage a high minority voter turnout in subsequent elections. In this manner current problems are addressed and affirmative solutions are encouraged.

(B) This division amends § 5 of the Voting Rights Act effective February 6, 1977, to produce the following changes:

(1) The power of the Attorney General

under § 5 to preclear state voting laws is expanded to require preclearance of all existing voting laws of the jurisdiction regardless of the time they were placed on the books. Under the current Act as extended by H.R. 6219, the Attorney General is restricted to reviewing only those voting laws that are different from laws on the books when the jurisdiction was covered. This deficiency in the current Act has encouraged states not to change their voting laws and has created a problem of entrenched discrimination whereby discriminatory laws that were on the books prior to the date of coverage of a jurisdiction are invulnerable to attack by the Attorney General under the Voting Rights Act. Section 3 (b) of the substitute remedies this problem, as noted above, by allowing the Attorney General to review all laws; thus if a discriminatory reapportionment plan were implemented while a jurisdiction was not covered, the Attorney General could invalidate that reapportionment plan at a later date if the jurisdiction becomes subject to the special coverage provisions of the Act.

(2) When a voting practice is submitted for preclearance to the Attorney General, the Attorney General is mandated to examine both the present and probable future effect that such law will have. Under the current Act the Attorney General is authorized to examine only the present purpose and effect of the law. Section 3 (b) of the substitute thus has the advantage of eliminating laws which are likely to have a discriminatory impact although the immediate impact of such laws has not yet been felt.

(3) Section 3 (b) of the substitute mandates the Attorney General to examine voting laws to see if they deny or abridge the right to vote on the basis of race or color or national origin. The current Act as extended by H.R. 6219 will only permit examination for discrimination on the basis of race or color or in contravention of the guarantees set forth in § 4 (f) (2) of H.R. 6219. The coverage afforded by § 3 (b) of the substitute is more progressive and equitable in so far as it prohibits discrimination against any ethnic or national origin group. Unfortunately, H.R. 6219 does not protect the voting rights of ethnic groups who are not American Indian, Alaskan Native, Asian American or persons of Spanish heritage. While the trigger of the Act must be geared to cover racial minorities which have been discriminated against, the relief afforded by the Act can be and should be extended wherever discrmination in fact surfaces. The substitute accomplishes this laudable objective.

Section 4: This section amends § 3 of the Voting Rights Act in ten separate ways, all of which are effective immediately except for paragraph (9) which is effective February 6, 1977. The thrust of these amendments is to immediately expand the relief available under § 3 of the Voting Rights Act by incorporating provisions made in §§ 203, 205 and 401 of H.R. 6219. These provisions extend the coverage of § 3 to allow an aggrieved person to receive the special coverage remedies of the Voting Rights Act as relief in a suit commenced pursuant to the fourteenth or fifteenth amendments to redress the denial or abridgement of voting rights on the basis of race or color or in contravention of the guarantees set forth in § 4 (f) (2). Under the current Act only the Attorney General may invoke the relief of § 3 to redress a denial or abridgment of the right to vote on account of race or color in violation of the fifteenth amendment. Section 4 of the substitute improves upon these provisions in H.R. 6219 by allowing an aggrieved person to invoke these special remedies if the right to vote is denied or abridged on account of race or color or national origin in violation of the fourteenth or fifteenth amendments. Furthermore, the court is authorized to suspend and retain jurisdiction of all voting qualifications, prerequistes to voting, standards, practices, or procedures with respect to voting to the extent they have denied or abridged the right to vote on account of race or color or national origin.

This policy is in contradistinction to H.R. 6219 which denies this relief to certain discreet ethnic minorities that are not of a specific national origin group. To reiterate, while the trigger must be narrowly drawn to accommodate evidence of discrimination, once a voting practice is under review, if discrimination is detected in any form it should be obliterated.

Effective February 6, 1977, the coverage of § 3 is expanded consistent with the expansion of the § 4 trigger, effectuated by § 3(a) of the substitute, to allow the court to strike down and/or retain jurisdiction of any voting law regardless of when it was enacted. As previously noted, the present Act as extended by H.R. 6219 fails to deal with this problem of entrenched discrimination.

Finally, to remain consistent with the period of retention of jurisdiction in a bailout suit under § 4(a) of the new trigger as effectuated by § 3(a) of this substitute, the court is permitted to retain jurisdiction in § 3 of the Act only until determinations are made after the next general federal election.

Section 5: Section 5 is an exact replication of § 102 of H.R. 6219. This section permanently bans all tests and devices as defined in § 201 of the Voting Rights Act.

Section 6: Section 6 is an exact replication of § 402 of H.R. 6219 and provides that a reasonable attorney's fees may be awarded to the prevailing party in a suit under this Act.

Section 7: Section 7 amends title II of the Voting Rights Act to mandate the Director of the Census to conduct surveys to elicit the citizenship, race or color, and national origin of each person of voting age in the nation and the extent to which such persons were registered to vote and in fact voted in the election surveyed. While it is mandatory for a person to supply such information, a precaution is provided to protect the person's right of privacy with respect to other matters: Every person is fully advised of his right to fail or refuse to furnish information concerning his political party affiliation, or how he voted or the reasons therefore, and specific exemption from the penalty provisions normally imposed by statute is provided. However, the normal criminal penalties that are pertinent to other official surveys in order to insure accurate statistics are incorporated with respect to the relevant information elicited in this survey.

Section 403 of H.R. 6219 has a similar survey procedure. However the survey procedure in § 403 applies only in covered jurisdictions, fails to elicit citizenship, and does not make responses mandatory. In light of the reliance of the new trigger in H.R. 6219 and the substitute upon ascertaining the *citizenship* of certain language minorities, it is imperative that any survey gather data to ascertain this factor.

Moreover, since the new trigger set forth in § 3(a) of this substitute is applicable to more than one election, it is necessary to survey all states rather than only the covered jurisdictions. Lastly, it has been convincingly demonstrated in other official surveys that unless responses are made mandatory subject to the sanction of mild penalty, the data received may be statistically insignificant. The case law is clear that in order to establish information necessary to guarantee voting rights that any imposition such a survey may have on the right of privacy must give way to an overriding governmental interest.

Section 8: Section 8 is a replication of § 404 of H.R. 6219 and merely extends the anti-fraud provisions of § 11(c) of the Voting Rights Act to apply to the election of delegates from Guam and the Virgin Islands.

Section 9: Section 9 is a replication of § 405 of H.R. 6219 and codifies a regulation enabling the Attorney General to give affirmative approval to a voting change submitted to him under § 5.

Section 10: Section 10 is a replication of § 406 of H.R. 6219 and corrects an erroneous statutory reference incorporated into the Act in 1970.

Section 11: Section 11 is a replication of § 407 of H.R. 6219 and represents an amendment to recognize the existence of the twenty-sixth amendment to the Constitution as it relates to the 18 year old vote.

Section 12: Section 12 is a replication of § 408 of H.R. 6219 and recognizes case law and the twenty-fourth amendment as it relates to the poll tax.

Section 13: Section 13 incorporates an expansion of § 6 of the Act to embrace the fourteenth amendment. A similar section is set forth in § 205 of H.R. 6219.

Section 14: Section 14 tracks the language of § 206 of H.R. 6219 in extending the protection of the Act to cover ethnic minorities. Consistent with the other provisions of this substitute, such protection is extended to cover all national origin groups rather than the four groups singled out in H.R. 6219.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I certainly rise in support of the substitute offered by the gentleman from California (Mr. WIGGINS).

Mr. Chairman, while the Voting Rights Act might have had a place in the recent past, it has long since outlived its usefulness in its present form since the wrongs that brought it about have long since been corrected. If we pass this bill, we will be doing so on the basis of past history and a bygone era and not present circumstances. Extension of the Voting Rights Act without making it apply equally to all parts of the Nation will be a travesty of justice and an insult to our constitutional form of government.

It is our duty today to consider carefully several of the amendments which will be offered to H.R. 6219 to make this more equitable legislation and also make it apply throughout the Nation as all bills should. I refer specifically to amendments by Mr. BUTLER and Mr. WIGGINS, which I shall mention in more detail later on.

I feel that the Voting Rights Act in its present form is discriminatory, because it applies to only one section of the Nation while completely ignoring highly objectionable, if not illegal, voting and registration practices that take place in other parts of America, especially some of our large metropolitan areas.

The bill under consideration makes no allowances for the actions that have been taken in the South to correct alleged wrongdoings in voting practices. We will still be singled out for special treatment and made to atone for our alleged sins for another 10 years. I ask my colleagues, is this justice? Is this due process? Is this equal treatment under the law? I think not and I do not believe there is a member in this body who could successfully argue yes to any of the three questions.

Mr. Chairman, I very much dislike sectionalism and have always tried to steer away from it except in those few cases where the interests of the people I represent greatly outweighed the so-called national interests. As it happens, in most cases the interests of the people of Mississippi are the same as the national interests, because we feel very much a part of this Nation and are proud of the contributions we have made to making America great. I regret very much, therefore, that the Congress is now considering legislation that is sectional in nature and what is even worse is that it is punitive in nature also.

Regardless of how distasteful I find this bill and how unnecessary I believe it to be, I am realistic enough to know that an extension of the Voting Rights Act in some form is going to pass the Congress. For that reason I urge my colleagues to consider carefully several amendments which will be offered to make H.R. 6219 more meaningful and more equitable as a piece of national legislation.

As I mentioned earlier, I feel very strongly that we should accept the amendments by Mr. BUTLER of Virginia and Mr. WIGGINS of California. These two amendments will help to restore a sense of balance to the Voting Rights Act and make the administration of the current law more equitable. More importantly, in the case of the Wiggins substitute, the Voting Rights Act will be applied equally throughout the United States.

The most compelling reason to vote for these amendments is that they will allow jurisdictions in the South to come out from under the Voting Rights Act based on their excellent voting practices of the present and provided they continue these practices in the future. Under these amendments, the South will no longer be unnecessarily punished for alleged misdeeds of a bygone era.

Mr. Chairman, I urge my colleagues to vote for these and other amendments that will make the Voting Rights Act national in scope and equitable in administration.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the Wiggins substitute.

Mr. Chairman, under the substitute proposed by the gentleman from California (Mr. WIGGINS) every 2 years after a general election there would have to be a census, and the Bureau of Census would have to review the election results in 3,044 counties of the United States and determine which of these counties had 5 percent black or Spanish heritage population; then census must determine if 50 percent of that 5 percent minority voted; then advise the Attorney General who would in turn tell the jurisdictions, whichever ones also failed the 50-percent test, that they are covered by the Voting Rights Act; this long process would cost approximately $200 million each 2 years according to a May 30, 1975, letter from the Bureau of the Census.

This would go on forever, because the Wiggins substitute itself would go on forever. So we are estimating that it would cost—and these figures are estimates from the Bureau of the Census—$200 million a year every 2 years.

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield just for one question about the cost figures?

The cost estimates, based upon the standard which I have explained in the legislative history, are on the order of $16 million and, in my opinion, the Bureau of the Census has grossly overestimated the costs.

Mr. EDWARDS of California. The gentleman from California (Mr. WIGGINS) believes that the Bureau of the Census has grossly overestimated the costs. The other facts as to the work that would have to be done, I am sure remain. If 51 percent of this minority in any particular jurisdiction voted, there still could be rampant discrimination in the covered jurisdiction because even if 51 percent voted, and they would not be covered by the bill, of course, they would not be covered by the gentleman from California's Mr. WIGGINS', substitute, and it would not protect minorities against gerrymandering to prevent blacks and Spanish-speaking people from holding office. There would be no protection against annexations which serve to dilute minority voting power, no Federal protection against voting intimidation or voting bias.

The only way for a minority person in a district where the minorities voted 50.1 percent to protect their voting rights would be either to go to court, which is an arduous burden, or simply urge the other minorities in the covered jurisdiction not to vote 2 years hence and get the proportion down to below 50 percent. For a brief period of 9 years, this jurisdiction would be covered.

The gentleman from California (Mr. WIGGINS), for whom I have the greatest respect, and with whom I have worked for many years, asked me to study carefully his proposal. I have. The staff lawyers have studied it carefully, and the various civil rights organizations have studied it carefully.

Mr. Chairman, I cannot begin to tell the Members in 5 minutes all that I find, and the staff lawyers find, that is wrong with the substitute. It is not a voting rights bill; it is not a civil rights bill; and if enacted, it would wreck whatever we would have left of the voting rights bill.

The gentleman from California (Mr. WIGGINS) did not present his substitute to the subcommittee when we had an extensive 13 days of hearings. He did not present it to the full committee when we considered the bill for several days in the writeup. The first that any of us saw of it was when he presented it one day in the Committee on Rules. So the substitute has not been subjected to the usual House disciplines of expert witnesses and hearings.

Contrary to what the gentleman from California (Mr. WIGGINS) says, the committee bill is most carefully drawn, and it covers in the United States the problem areas only where there actually is discrimination. That is what the trigger is designed to do. It burdens only those portions of the country where discrimination has been shown with Federal intrusion—and it is Federal intrusion—while the gentleman from California's, Mr. WIGGINS', substitute burdens 50 States and 3,049 counties where no discrimination has been shown to be existed.

Mr. Chairman, I urgently suggest that an "aye" vote on the substitute is an antivoting-rights vote, is an anticivil-rights vote, and would return us to the sad days of 100 years ago when the majority whites said in effect to the black minorities of the United States, "We really do not care about you any more."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. EDWARDS of California was allowed to proceed for 1 additional minute.)

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the distinguished chairman of the subcommittee for yielding to me.

I want to associate myself with his remarks. It is the most curious thing in the world to me that we should attempt to change a law that has worked, and worked effectively, as is demonstrated by the presence of black Members of this Congress, black members of State legislative bodies, and black members of county legislative bodies. It is just remarkably curious to me why someone would want to undo an act that has proven its effectiveness.

I would hope that the Wiggins amendment is roundly defeated.

Mr. Chairman, in Baltimore, as we observed the birthday of Dr. Martin Luther King, Jr., the film, "From Selma to Montgomery," was shown. Emotions flooded me. There was a feeling of pride as I saw men, women and children withstand the fury of unleashed police brutality as they demonstrated to achieve the right to vote. There was a feeling of relief and joy when I saw the signing of the Voting Rights Act of 1965. There was a feeling of exultation as I saw men and women walking triumphantly in a building where they were indeed registered to vote.

Black men and women now hold public office at all levels of government, because this Nation found within itself the moral strength to make the Voting Rights Act the law of the land. Gains made by blacks since that time have been unprecedented, especially in the political sphere.

However, my colleagues, we know well that such gains do not mean that all resistance against further political advances for black citizens has ended. The one sure protection that blacks and other minorities will have is the extension of the Voting Rights Act for an additional 10 years.

Of course, there are those who will contend that for the most part voting rights discrimination has been eliminated in this country and that, therefore, the extension of the act is unnecessary. To this position, I can argue that although religious discrimination has just about been eliminated in this country, would it be sensible to amend the first amendment to the Constitution by deleting the words, "respecting an establishment of religion and prohibiting the free exercise thereof?"

Let us in this House zealously guard against any weakening of the Constitution and let us with equal zeal guard against amendments to weaken or cripple the 1965 Voting Rights Act. The Butler amendment would indeed weaken the act. The dangers of the Butler amendment are clearly delineated in correspondence the Members received from Congressman EDWARDS, the distinguished chairman of the Subcommittee on Civil Rights and Constitutional Rights. I am certain that our colleague from Virginia (Mr. BUTLER) would agree that the desired goal would be for all eligible citizens to be registered and to vote 100 percent of the registration. However, I am puzzled when he proposed that a 60-percent registration rate among minorities is sufficient for bailout. The Butler amendment should be seen for what it really is, a weakening device, and should, therefore, be overwhelmingly rejected by this body.

The Wiggins substitute is an even more dangerous weakening device. Again, I would like to call to the attention of my colleagues the excellent critical analysis of the Wiggins amendment done by the chairman of the subcommittee. The Wiggins substitute, labeled as "progressive" should be allowed to progress to the burial ground for unneeded, unwanted legislation. It is indeed curious that the gentleman from California did not have his proposal before either the subcommittee or the full committee for consideration. This body will reject the Wiggins amendment, because that is the right course of action to follow.

My colleagues, in these times when minorities are once again unsure whether the white majority is with us or against, let us not add to those uncertainties and concerns. Let us pass H.R. 6219 without crippling amendments and pass it in such numbers so as to assure the Nation that our moral fiber has not been eroded.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Voting Rights Act is designed to do three things; first, to allow and facilitate the registration of all voters.

Second, to permit all citizens to vote equally and impartially and without discrimination.

Third, to permit minority candidates to run with a reasonable hope of access to public office.

The substitute that we talk about here is not a substitute, because it covers at most only one section of those three major purposes. The Wiggins substitute is a truncated version, which is not really a Voting Rights Act at all. It surfaced 3 weeks ago in the Committee on Rules, never having been heard of before. It does two things. If 5 percent of the voting population is black or brown and 50 percent fail to vote then a trigger comes in. But what about all the other things that the minorities need in this country?

The Voting Rights Act was called by the press this morning perhaps the most successful Civil Rights Act in the whole history of this Nation.

This substitute would cut out all of the basic protections that have been afforded by this act ever since 1965. We are familiar with gerrymandered districts, with two-Member districts, with registrars that do not register minority voters. There would be no protection against these perils under this substitute.

Furthermore, Mr. Chairman, I think that the Wiggins substitute is of dubious constitutionality. In South Carolina against Katzenbach, the Court said very carefully that the Voting Rights Act has been an unusual exercise of congressional power.

The U.S. Supreme Court went on to note that ordinarily some evidence of abuse must be present before the Congress can constitutionally impose Federal power upon the voting process of a jurisdiction.

The Wiggins substitute speaks of no abuses. It speaks of a blanket coverage, whether there is abuse or not. If 50 percent of the minority do not vote and if they constitute 5 percent of the total voting population, then theoretically the Attorney General does something. This would lead into endless investigations, concluding with the momentous evidence that it was raining the day of the election or that the candidates were not very good or that the issues were never brought out.

What the Wiggins substitute proposes is not a Voting Rights Act. It states merely that we ought to have firm law enforcement at all times with respect to any potential abuse.

I think, therefore, that the Voting Rights Act should be preserved as it is.

The Department of Justice is opposed to the Wiggins substitute. The U.S. Civil Rights Commission has come out against the Wiggins substitute. The Leadership Conference on Civil Rights is opposed to the Wiggins substitute.

The Wiggins substitute is not a substitute at all. It is a complete evisceration of the Voting Rights Act.

I say in all candor and with due respect to the distinguished author of this substitute that he has not given us a substitute. It is a sham. It is not a substitute. It is a sellout.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

I am sure he does not intend to imply that the substitute has the effect of eliminating all of the guarantees we carefully built into the 1965 act. Surely all Members should understand that all the provisions of that act are incorporated, with respect to registrars and Federal examiners. My amendment retains much of the bill adopted in the committee with respect to expedited proceedings to be followed by the Attorney General. It incorporates the beneficial portions of the committee bill, but, in my opinion, it finally, at long last, puts some rationality into the trigger.

Mr. BADILLO. Mr. Chairman, I rise in opposition to the amendment, because it suffers from the disadvantage that it provides a remedy where no remedy is needed and it takes away a remedy which is necessary in the covered jurisdictions.

The irony of the position of the supporters of the gentleman from California (Mr. WIGGINS) is that those who now want to cover every area where there are more than 5 percent black people or more than 5 percent Spanish-speaking people throughout the country, without inquiry at all, are the very same people who, when this amendment is defeated, will turn around and object to the inclusion of Spanish-speaking people on the grounds that the fact of discrimination has not been fully documented.

They are the ones who, in the committee and yesterday, were objecting to the fact that we did not document that every single county in Texas or every single county included in the other jurisdictions was a county where there had been discrimination practiced. Now, they want to apply, without inquiry, without testimony, to every part of the country; to Nevada, to Wyoming, to Oregon, to Washington, to areas which at no time were considered in the testimony that was submitted before the committee.

We have a tradition in this act that the jurisdictions to be covered are those where there has been a documentation in the record of the need for congressional action. That was the basis of the Voting Rights Act of 1965, and that is why the triggering mechanism was limited particularly to the Southern States involved. In 1975, we seek to show that the spirit of the 1960's continues clear into the 1970's, and now we want to include on the basis of testimony those jurisdictions in the Southwest and in the Northeast where there has been evidence of discrimination.

If there is evidence of further discrimination in every part of the country where there is more than 5 percent of black people or Spanish-speaking people, then that can be brought forward and a subsequent amendment to the Voting Rights Act of 1975 can be made, but no such evidenced was produced.

Therefore, that is why I say that the amendment offered by the gentleman from California (Mr. WIGGINS) seeks to provide a remedy where none is being established as necessary. At the same time, it takes away a remedy that already exists because, by limiting the act to the right to vote, the gentleman from California fails to appreciate the changes that have taken place since the 1965 act was written. At that time, when we said the right to vote, we were talking about registration, we were talking about voting only, but since then and through experience, we have come to recognize that the right to vote is only a meaningful right if the authority of the State, if the authority of the majority, is not used to dilute the right to vote by techniques of redistricting that would bring about a dilution of the right to vote even if more than 50 percent of the people vote, by techniques of annexation which would make it impossible for a black or Spanish-speaking councilman to be elected if an area was brought in and put into his district so that he could not win even if 50 percent of the blacks or Mexicans were to vote.

The Wiggins amendment, by enabling that jurisdiction to pull out from the benefits of the act the moment that the minority groups vote to the extent of more than 50 percent, would then enable that State or that locality to pass legislation which would annex other areas, or would redistrict the boundaries of the local districts in such a way that even if 60 percent of the minorities involved were to come out and vote, they could not possibly elect anyone from their particular groups.

To that extent, it takes away a remedy which already exists in that in 1975, and hopefully thereafter, the right to vote is more—not only the right to register and to vote on election day, but the right to have a chance to elect someone who comes from the particular group to show that all of the groups can contribute to better government in our democracy.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to make a few comments at this point with regard to statements which have been made on the floor in opposition to the amendment offered by my colleague from California (Mr. WIGGINS). I was here in 1965 when we passed the Voting Rights Act, and the testimony and evidence we had of discrimination, of intimidation, of coercion and threats were such as to demand the kind of legislation that is embodied in the 1965 act as extended, an act that I think should be extended again. But I have gone through this record and outside of the testimony and evidence with respect to the State of Texas, I do not find anything that bears any resemblance or any comparison to the kind of testimony and evidence that we had at the time we enacted this original act.

I would like one of the proponents of this legislation who endeavors to include Spanish heritage and native Alaskans and Indians and Asian Americans as contained in the committee bill to point to me in the record the substantial basis for providing this kind of comprehensive legislation. It just is not there. There is a virtual dearth of testimony and evidence in that connection.

I think that it is all well and good to get up on this floor and say how beneficial the 1965 Voting Rights Act has been and I will agree with that and I support that position, but to use that as a basis for expanding the act to include all kinds of language minorities and to do all of the other things that this legislation undertakes to do is to misrepresent what the true facts are.

The true facts are that in 1974 we had less than 40 percent of the entire voting age population who voted in the election. We are not going to use that as a formula, as a trigger. Yet there is no basis for this comprehensive legislation except the triggering device, the formula. There is virtually no evidence of discrimination which should be the basis for the action we are taking here.

For instance, the State of Colorado would have one of the voting areas which would be under this act and subject it automatically to the triggering device that would enable the Federal Government to put in observers and watchers and registrars, and so on in that area.

What evidence is there in the RECORD to justify the imposition or the superimposition of the Federal Government over this area in Colorado? It just is not there.

With respect to not only that area but other areas referred to throughout the country—California, New Mexico, and Arizona—I would say that, outside of the State of Texas, we do not find any evidence which compares to the kind of evidence we had at the time of the 165 act.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I will be glad to yield to the gentleman from Colorado, since I mentioned the gentleman's State.

Mr. EVANS of Colorado. I thank the gentleman for yielding. I do have some grave reservations and concerns about the bill as drawn, in that it does include counties in Colorado.

May I inquire of the gentleman whether he supports the amendment offered by the gentleman from California (Mr. WIGGINS)?

Mr. McCLORY. I did not rise either in support or in opposition. I will have my own amendments to this legislation, to strike titles II and III of the bill, and I will be supporting those. I certainly do not want to do any damage to the gentleman's amendment at this stage, but I think there have been misrepresentations as to what his amendment would do. I just wanted to take the time, in order to clarify that, and to reject the statements that have been made about how important it was for us to expand this legislation far beyond the concept that we had in the 1965 act.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I will be glad to yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I would like to point out for the gentleman that the facts found by the committee indicated this: The illiteracy rate among persons of Spanish heritage is 18.9 percent; among Chinese it is 16.2 percent; and among American Indians it is 15.5 percent; whereas the nationwide illiterarcy rate is only 4.5 percent.

Furthermore, in the 1972 Presidential election——

Mr. McCLORY. I do not want to yield any more at this point, because I am asking for proof of discrimination. I am not asking that the gentleman suggest how many people voted or what percentage of the people have gone through the fifth grade, or anything like that.

Is there discrimination with respect to voting in any of these States with respect to any of the language categories which compares to the kind of discrimination we had against black Americans when we considered the 1965 act? There is none.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I must say that I find it curious and incredible this country tolerates any roadblocks put in front of its people exercising their franchise. After 200 years in this country we should be doing everything we can to remove any barriers to voting, because we have always had an incredibly low voter turnout among all voters. I would like to see postcard registration or a law saying people can vote on the basis of their social security card. But, that is not what we are discussing. We are discussing how to determine when discriminatory barriers have been erected.

Mr. Chairman, as chairwoman of the House Census Subcommittee I am acutely aware of just how much leadtime is necessary to prepare for, and then conduct a nationwide survey of the scope called for in this amendment.

After checking with the Bureau of the Census, it seems apparent to me that in voting for this amendment, we would, in all probability, be voting to suspend the provisions of the Voting Rights Act from February 1977, until early 1979.

The Bureau of the Census has informed me that unless a $200 million appropriation were forthcoming immediately to begin work on the proposed voting survey, then it could not be done until the 1978 election at the earliest. And as I understand this amendment, there would be no coverage under the act after February 5, 1977, until a survey identified covered jurisdictions.

Moreover, it is clearly unwise to jeopardize the provisions of this act by tieing its coverage to some future appropriation which might not be forthcoming.

But regardless of the questions surrounding the timing of the proposed survey, there is a major flaw in this amendment. It alludes to a "5-percent minority population" coverage criterion, as if this figure can be precisely determined. It cannot.

In fact, as the Bureau of the Census will concede, there are severe difficulties with undercounts in areas with high concentrations of minorities.

The official average undercount nationally for blacks in the 1970 census was 7.7 percent. The undercount for Spanish surnamed cannot be officially determined, but in my opinion, probably exceeded that for blacks. In stating that undercounts averaged almost 8 percent nationally, one virtually concedes that in individual jurisdictions, minority undercounts could easily be as high as 20 to 25 percent.

Therefore, it seems to me to be inappropriate at the very least, to predicate protection of one of the basic civil rights of Americans on the basis of admittedly less than accurate statistical measurements.

The minorities of this country have suffered enough by census undercounts—let us not add yet another category to the injustices and inequities which have resulted from this problem.

Mr. EVANS of Colorado. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I am glad that the gentlewoman has brought these facts to the attention of the Committee. I am concerned about the delay and the cost of the census that would be required by the adoption of the Wiggins amendment.

There is one other aspect of this that also concerns me. Under a provision of the Wiggins amendment, the census would not only result in a voting abstract to find out how many people voted but it seems to me they are going to be called upon to find out the race of every person who voted.

Mr. Chairman, we have some precincts where we might find just one race or one nationality living there and voting, and I suppose taking a census of that precinct would not be difficult at all. However, the majority of the precincts in this Nation are multiracial; they include white, black, brown, oriental, and so forth.

Under the provisions of the Wiggins amendment, the census is going to have to establish the racial identity of everybody who voted. Otherwise the triggering mechanism in the gentleman's amendment would be completely inoperative. If that were to take a long time and if it were to cost a lot of money, I have serious reservations that any such census would be funded, and if it were funded, I have serious reservations that it would be implemented in time to have a timely effect on succeeding elections.

Mr. Chairman, I thank the gentlewoman for yielding.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for his remarks. I think the gentleman is correct.

I know that the census survey called for in the 1964 Civil Rights Act has never been funded and that has never been.

I also think it is a great tragedy that the gentleman's amendment has never had hearings held on it, and that the Census Bureau has not been able to come forward and explain the problems they would have with this kind of survey acting as a triggering mechanism.

In addition, the State governments should have been able to testify about the implications of this substitute on them.

Mr. Chairman, it sounds as if the gentleman's substitute is very precision-oriented and it sounds as if it would work very well on its face but I do not think the statistics are there to allow this to happen.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to give my colleague from California (Mr. WIGGINS) an opportunity to respond.

I, too, am on the Census Subcommittee of the Committee on Post Office and Civil Service, serving with my distinguished chairman, the gentlewoman from Colorado. It is true that we have ongoing census surveys going on all the time in the field of economics, unemployment, and in the field of health. These civil servants from the Census Bureau are in the field almost all the time, and they tell us that those surveys that they take, on which we base a great deal of the administrative procedures and followup requirements we provide in various laws are in many cases effective up to 3 or 4 percent of the total population.

Mr. Chairman, I will yield to the gentlewoman in just a minute.

I want to give my colleague, the gentleman from California (Mr. WIGGINS) a chance to respond to some of the gentlewoman's claims that it would cost $200 million to conduct the kind of surveys that Mr. WIGGINS' amendment contemplates. That just simply is not true, nor is it a fair statement to make. The material presented in our committee's hearings do not justify that claim.

I now yield to my colleague, the gentleman from California (Mr. WIGGINS), for a brief response.

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

I welcome this opportunity to correct any misapprehension on the part of the gentlewoman from Colorado (Mrs. SCHROEDER) or anyone else concerning the cost or the precision necessary in making the determinations which are required of the Bureau of the Census under my substitute.

The legislative history which was made yesterday, pursuant to my substitute language, makes it absolutely clear that the Bureau of the Census may make the determinations required of it under this substitute by relying upon its existing census data, the most recent census data in its computer records or any data that it may have accumulated for another purpose.

The cost of establishing the 5-percent figure is the cost of pushing a button; that is all.

It will be necessary to take a survey to determine voter participation. The media in this country, the national networks, can tell us within 30 seconds after the polls close how the blacks voted. There is not a Member in this Chamber who cannot tell us, with a high degree of precision, how the minorities voted in his district, without the expenditure of any money.

The legislative history makes it clear that the Bureau of the Census need not achieve 95-percent precision, which is their normal standard, but may employ standards or techniques of the type employed by commercial polling organizations. The cost of such a survey is one-tenth or less of the cost projected by the Bureau of the Census.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for his comments.

I would also like to say in further discussion of the amendment of my colleague, the gentleman from California (Mr. WIGGINS), that our subcommittee is now contemplating legislation for some kind of ongoing census every 5 years. That piece of legislation has not completed its history, but we have had hearings on the concept. The claim that we would have to go to some kind of full census or almost full census to complete the approach contemplated in the amendment of my colleague, the gentleman from California, I do not think is a fair charge.

I will yield to both of my colleagues, the gentlewoman from Colorado, and the gentleman from California, in just a moment.

Mr. Chairman, I would like to reemphasize that there is ongoing census work that takes place every single day in our country relating to unemployment statistics, relating to health surveys, and those type surveys include various racial counts.

My colleague from Colorado had indicated that there is some problem in being able to relate those areas where substantial minority groups reside. That simply is not true. Therefore, I wanted to reassure my colleague that on the basis of the information that we get regularly from the Census Bureau and that the Department of Labor receives every month or which HEW receives every month from the Census Bureau, that the survey proposed by the Wiggins amendment be carried on in connection with other work already being conducted and that we not go into a special census to accomplish the kind of information he envisions.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, I now yield to my colleague, the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, I appreciate the gentleman yielding. Let me say the cost of the survey required by the Wiggins amendment was given me by the Bureau of the Census. The Bureau of the Census gave the chairman of the subcommittee, the same estimate of $200 million to do this survey. You say there may be some dispute about that figure but the Census Bureau has been consistent in their estimates. Unfortunately, there were no hearings on whether the estimate is correct or not. There is also the problem of using the old 1970 census figures. Further if the survey is not funded there is the problem that in 1977 that there might be a gap in coverage until we have the survey that retriggers its coverage under the act.

Mr. ROUSSELOT. Let me say to my colleague, the gentlewoman from Colorado, that we have had extensive hearings on the cost of various kinds and degrees of surveys that have been taken by the Bureau of the Census.

Mrs. SCHROEDER. That is correct.

Mr. ROUSSELOT. We know and have received cost estimates on much of that, and many of those various kinds of limited surveys that my colleague, the gentleman from California (Mr. WIGGINS) contemplates could be taken without the cost being $200 million.

Mr. Chairman, I think it would be wrong to leave the impression with this body that it would be necessary to spend $200 million to achieve the kind of result in a survey that my colleague, the gentleman from California (Mr. WIGGINS) contemplates, in his amendment in the nature of a substitute. As I say, there are varying degrees of census activities that can be undertaken. A survey may not be probable down to 1 percent, but it could be within 3 or 4 percent of actuality, as we have been told by the Bureau of the Census time and time again when they have testified on the points that the gentlewoman from Colorado is making.

Now, Mr. Chairman, I would be glad to yield to the gentleman from California (Mr. EDWARDS) if the gentleman has any additional points to make or raise.

Mr. EDWARDS of California. Mr.

Chairman, I do not have any additional points to make. My original point is still well made, and I will put in the letter from the Bureau of the Census concerning the costs of the survey that is dated May 30, 1975, in the Record when we go back into the House.

Mr. ROUSSELOT. That will be fine.

Let me say to the gentleman from California that the point has been made by the Bureau of the Census itself before our subcommittee that there are varying kinds of surveys that can be taken in conjunction with regular surveys that are now being done, and, although the end product may not be absolutely perfect, it is more than adequate to meet the criteria my colleague, the gentleman from California (Mr. Wiggins), would contemplate.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. Edwards of California, and by unanimous consent, Mr. Rousselot was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of California. Mr. Chairman, if the gentleman will yield further, I would like to make it clear to the gentleman from California (Mr. Rousselot) that the Wiggins amendment in the nature of a substitute mandates a particular type of survey. These are the surveys that the Bureau of the Census says will cost $200 million per year.

Mr. ROUSSELOT. It would be in conjunction with other surveys. That is the point I am trying to make; it would be in conjunction with other surveys that the Bureau of the Census is now completing on an ongoing basis such as a monthly accounting relating to unemployment, production, or many of the other types of surveys. My colleague, the gentleman from California (Mr. Wiggins), I believe does not contemplate the kind of costly survey that the gentleman from California (Mr. Edwards) and the gentlewoman from Colorado (Mrs. Schroeder) have in mind.

Mr. EDWARDS of California. The bill mandates it.

Mr. ROUSSELOT. I think there is an honest disagreement on what that cost will be. On the basis of the hearings in which I participated with the Bureau of the Census I do not believe that that cost would be of the kind that the gentleman from California envisions.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KETCHUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment in the nature of a substitute offered by the gentleman from California (Mr. Wiggins).

I believe that the Wiggins amendment is a wise and reasonable substitute to the committee bill. It concentrates on the percentage of voting minorities rather than the percentage of total citizen voting age population. As my colleague from California has pointed out, if every single person of Spanish heritage voted in a particular area in 1972, the area could still be covered under the committee bill if the overall turnout was less than 50 percent. This does not make sense. If our purpose is to insure the voting rights of our minority citizens, let us direct our attention to their voter participation.

Another positive feature about the Wiggins substitute is that it focuses upon current voter performance. Under this bill, a jurisdiction is covered if 5 percent or more of its voting age population is black or Spanish heritage, and 50 percent or less of such minorities voted in the most recent general Federal election. The coverage is updated every 2 years so that a jurisdiction with a poor minority turnout one year is not indefinitely saddled with the "special remedies" of the act. A jurisdiction thus has a great incentive to improve minority participation in the voting process. I see no reason why an area should continue to be penalized for events that occurred in the past, once the area has taken positive steps to remedy its discriminatory practices.

The Wiggins bill confers special protection on blacks and persons of Spanish heritage only and does not mandate bilingual ballots. During the hearings on H.R. 6219, very little evidence was submitted concerning discrimination against the other minority groups covered in the committee bill, namely American Indians, Asian Americans, and Alaskan Natives. In addition, there is no one single language for each of these groups. Asian Americans include citizens of Japanese, Chinese, Filippino, and other descent while the language of American Indians and Alaskan Natives comprise many dialects and in some cases, does not even have a written form. How, then, can a jurisdiction provide a bilingual ballot?

For these reasons, I urge rejection of the committee bill and passage of the Wiggins substitute.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I am most happy to yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, we can discuss this question of the census at great length, and I think it is helpful in the sense that it will give some guidance to the Bureau of the Census when they undertake to implement this amendment in the nature of a substitute, or, indeed, the committee bill.

I am sure my colleagues, of course, understand that all of the problems raised with regard to the Wiggins substitute are also present, perhaps to a lesser degree, but present, nevertheless, in the committee bill.

But, Mr. Chairman, let us get this fact clear if we forget everything else. The Bureau of the Census is mandated to do what this Congress tells it to do. It does not determine procedures which it finds satisfactory if the Congress finds those procedures to be unsatisfactory.

In my substitute the standard of certainty required for the purpose of making the determinations required under the substitute is not the 95-percent precision customarily employed by the Bureau of the Census. It is not certain which tolerates one standard deviation. It is the standard of certainty which lawyers in this House are accustomed to dealing with; namely, that the fact to be established is determined by a preponderance of the evidence, that is to say, it is more probable than not.

Why do we seek the determination required under the act? The purpose of this act is not to ascertain how many blacks are in a jurisdiction or how many voted with great precision. Those facts merely trigger a rebuttable presumption. It is not necessary to determine these 5-percent or 50-percent figures with a high level of precision since it only results in a rebuttable presumption.

I assure the Members, Mr. Chairman, that they may have reasons known best to themselves why they would not wish to support my substitute, but do not vote on the false premise that it is extraordinarily expensive. It is not. The job can be done for one-tenth or less than is suggested by the Bureau of the Census. If they claim they cannot perform as required by Congress, then it is high time we get a Director of Bureau of the Census who can.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I would just like to point out that in the committee bill a census is required every 2 years. It seems to me as though the census surveys in the committee bill would be a more complex requirement than the Wiggins substitute since under the Wiggins substitute we would only have Spanish-heritage people to be concerned about, whereas under the committee bill we have American Indians, Alaskan Natives, and Asian Americans, as well as Spanish-heritage people. Accordingly, it would seem to me to be more complicated, more expensive, and more comprehensive under the committee bill than under the Wiggins substitute. At any rate, there will be substantial expense to the conducting of these surveys.

Mr. KETCHUM. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred and one Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the request of the gentleman from California (Mr. WIGGINS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 269, not voting 30, as follows:

[Roll No. 250]

AYES—134

Abdnor
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Boggs
Breaux
Brinkley
Brooks
Broomfield
Brown, Mich.
Broyhill
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Casey
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Conable
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Derrick
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Eshleman
Flowers
Flynt
Forsythe
Fountain
Frey
Ginn
Gonzalez
Goodling
Gradison
Hagedorn
Haley
Hansen
Harsha
Hastings
Hefner
Henderson
Holland
Hutchinson
Hyde
Ichord
Jarman
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Landrum
Lent
Levitas
Lloyd, Calif.
Long, La.
Lott
Lujan
McCollister
McDonald
McEwen
Mahon
Mann
Martin
Michel
Milford
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Nichols
Pettis
Poage
Preyer
Quie
Quillen
Rhodes
Robinson
Rose
Rousselot
Runnels
Satterfield
Schneebeli
Schulze
Shuster
Sikes
Smith, Nebr.
Snyder
Spence
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Treen
Vander Jagt
Waggonner
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wright
Wydler
Young, Alaska
Young, Fla.
Young, Tex.

NOES—269

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brown, Calif.
Brown, Ohio
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Delaney
Dellums
Dent
Diggs
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Grassley
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hightower
Hillis
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Johnson, Calif.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Krueger
LaFalce
Latta
Leggett
Lehman
Litton
Lloyd, Tenn.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Price
Pritchard
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Skubitz
Slack
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Stokes
Stratton
Studds
Sullivan
Symington
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Winn
Wirth
Wolff
Wylie
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—30

Alexander
Baucus
Beard, Tenn.
Bevill
Bowen
Chappell
Cochran
Conlan
Dingell
Dodd
du Pont
Eilberg
Goldwater
Hammerschmidt
Hébert
Hinshaw
Holtzman
Jones, N.C.
Jones, Tenn.
Mathis
Mezvinsky
Mitchell, N.Y.
Mollohan
Passman
Railsback
Roberts
Roe
Smith, Iowa
Wampler
Wilson, Tex.

So the amendment in the nature of a substitute was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Eilberg against.

Mr. Beville for, with Mr. Baucus against.

Mr. Passman for, with Ms. Holtzman against.

Mr. Roberts for, with Mr. Dingell against.

Mr. Charles Wilson of Texas for, with Mr. Dodd against.

Mr. Mathis for, with Mr. Mollohan against.

Mr. Bowen for, with Mr. Mezvinsky against.

Mr. Chappell for, with Mr. Roe against.

Mr. Conlan for, with Mr. Mitchell of New York against.

Mr. Cochran for, with Mr. Railsback against.

Mr. Wampler for, with Mr. du Pont against.

The result of the vote was announced as above recorded.

Mr. YOUNG of Alaska. I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Alaska is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman from Illinois (Mr. McCLORY) and myself will introduce an amendment which will delete the term "Alaska Natives" from the bill H.R. 6219.

I first learned of the Judiciary Committee's intention to include Alaska in this act by reading the newspapers. That may have been my fault or it may not have been my fault, but I have learned since that the inclusion of Alaska Natives was done without research and without much deliberation. The addition of the Alaska Natives was done at the suggestion of the Justice Department which never researched how Alaska would or could comply with the act. I have a letter which I will read and place in the RECORD on this subject.

Let us get back to what this really does. By including Alaska Natives in titles II and III, the act places an impossible burden upon the State of Alaska. The most difficult problem would be providing bilingual ballots. We have in the State of Alaska more than 20 different dialects which, for the most part are spoken, but not written.

It has only been recently that the University of Alaska has attempted to reduce these dialects to written form. Let me restate that. The University of Alaska, and not the native people. As a result, it would be humanly impossible for the State of Alaska to comply with the act.

On the positive side, Alaska statutes (AS 15.15240) dictate that voter assistance must be provided where a language barrier exists. Many voters do ask for and receive assistance as provided in this section of the Alaska statutes. Although there are many Eskimo and Indian dialects, English is the only language spoken and understood by all minority groups.

In 1966 and again in 1971. Alaska has come under the Voting Rights Act and both times the State successfully won their case in the U.S. District Court in Washington, D.C. Alaska's Natives understand the intent of the law, but they also know the realities of the electoral process. I have received telegrams from the Alaska Federation of Natives and several native corporations in support of my amendment. I realize that we could extradite ourselves once again in another suit, but why should the taxpayers of Alaska and of the United States spend money when it is not necessary?

As the president of the Alaska Federation of Natives points out in his telegram, the number of natives able to read their own language is minimal. English is the universal language. Thus, if we were able to print ballots in the 20 different dialects, the Natives themselves would not be able to read them.

The State of Alaska is one of the most progressive in the Union, where voting rights are concerned. We have registration by mail, no literacy tests or devices, many educational pamphlets and other voting aids are made available.

There is a common saying in Alaska, "If you are warm, you can vote."

If the Voting Rights Act passes with Alaska Natives included, it will once again demonstrate to the people in my State that: First, Congress has not done its homework; and second, Congress is needlessly overstepping its boundaries on a matter that can best be handled at the State level.

Mr. Chairman, if I may, I would like to read from a letter written by one Hon. J. Stanley Pottinger.

> This is not to say that any evidence has been presented to us of a need for expansion of the coverage of the Act to Alaskan natives; we have received no specific evidence regarding them. However, we think it would be more appropriate to leave to the courts the determination as to which racial minorities who are non-English speaking need the special protections of the Act. The State of Alaska has been able to bail out from the special provisions of the Act on two prior occasions, and if there is no discrimination against Alaskan natives presumably could bail out if Congress were to include it within the coverage of the 1975 Voting Rights Amendment.

Mr. Chairman, I say the intent of the act is good, but the inclusion of the Alaskan Natives is not. The inclusion of the Alaskan Natives in this act will cause confusion. The Natives themselves do not support inclusion in the act. The elected officials of the State do not support inclusion in the act. It places a burden on the State of Alaska that is not called for.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I will yield to the gentleman from Massachusetts.

Mr. DRINAN. We had evidence in the subcommittee, and also in the Senate, of the position of Senator GRAVEL, and he thought that, while there may be some burdens imposed by this legislation, he said in all three known dialects, Navajo, Sioux and Cherokee, some of the Alaskan Natives could in fact vote in that particular language, but he felt, more fundamentally, that it might be, with regard to the 40 dialects, that not a single language minority in Alaska would in fact trigger the act.

Would the gentleman want to comment on these comments?

Mr. YOUNG of Alaska. The danger we see, if it is triggered, the ballots must be printed in all 20 dialects. It is a possibility. The only people who have those dialects are bilinguists and some people at the University of Alaska. If it is triggered, it will cause a burden upon the Alaska natives who themselves do not want to be included in the act.

So far as the Senator from Alaska, I respectfully submit his wires were crossed, and he is also going to offer an amendment on the Senate side that will possibly try to clarify the position he has taken.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

(By unanimous consent, Mr. YOUNG of Alaska was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Alaska. Again, I can only state that this is a typical example of Congress acting supposedly for the good of the people, when the people—and I am talking about the minorities—do not want it themselves.

I ask the Members, respectfully, to listen to the people we are supposed to represent.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. Yes, I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I think the point should be made that under this legislation, Alaskan Natives would constitute one single minority-language group, and the bill would require that ballots should be printed in that language, whereas there is not one language for the single minority group, but there is a multiplicity of languages and dialects, none of which or most of which are not in written form. Therefore, it makes the act absolutely absurd and ridiculous, in its present form, when attempted to be applied to Alaska.

Mr. YOUNG of Alaska. I cannot agree with the gentleman from Illinois more.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. Yes, I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, I know the gentleman from Massachusetts (Mr. DRINAN) would not mislead us, but the Senator from Alaska did not testify before the House Committee on the Judiciary when I was present, and I think the gentleman from Massachusetts will agree with that.

AMENDMENT OFFERED BY MR. BUTLER

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 2, immediately after line 6, insert the following:

SEC. 103. Section 5 of the Voting Rights Act of 1965 is Amended by adding at the end thereof the following:

"Notwithstanding any other provision of this section, a State or political subdivision with respect to which the prohibitions set forth in section 4(a) of this title are in effect may institute an action in the United States District Court for the District of Columbia for a declaratory judgment against the United States that such State or political subdivision is exempted from complying with the requirements of this section with respect to all existing and prospective voting qualifications, prerequisites to voting, and standards, practices, or procedures with respect to voting. Such declaratory judgment shall be entered by the court upon proof by the State or political subdivision of the following circumstances:

"(1) The Director of the Census has determined that no less than sixty per centum of the eligible minority citizens of voting age residing therein on the date of the most recent general election for President or Members of Congress were registered to vote and no less than sixty per centum of such citizens voted in said election;

"(2) (A) At all times during the two years preceding the filing of the action for a declaratory judgment, there were no objections interposed by the Attorney General (which were not overridden by the granting of a declaratory judgment) or the denial of a declaratory judgment by the United States District Court for the District of Columbia, pursuant to this section, against such State or political subdivision or against any governmental jurisdiction within the territory of such State or political subdivision; and

"(B) At all times during the five years preceding the filing of such action for declaratory judgment there has been

"(a) no final judgment of a federal or State court ruling that violation of the fourteenth or fifteenth amendments with respect to the voting rights of minorities or of any legislation implementing such amendments wtih respect to the voting rights of minorities has occurred anywhere in the territory of such State or political subdivision;

"(b) no change in any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting in such State or political subdivision put into force or effect without timely filing of a declaratory judgment action in the United States District Court for the District of Columbia or timely submission to the Attorney General pursuant to this section;

"(c) repealed and there has not been used any test or device as defined by subsection (c) of section 4 and section 4(f) (3) of this title and there has been repealed or the objection withdrawn with respect to all changes in voting qualifications, or prerequisites to voting, or standards, practices, or procedures with respect to voting to which the Attorney General interposed an objection pursuant to this section (which was not overriden by the granting of a declaratory judgment) or with respect to which the United States District Court for the District of Columbia denied an action for declaratory judgment pursuant to this section in such State or such political subdivision;

"(d) no federal voting examiner sent to or maintained within such political subdivision or sent to or maintained within any political subdivision of such State pursuant to section 6 of this title; and

"(e) no incident of voting discrimination that has denied minority voting rights in violation of the fourteenth or fifteenth amendments or any legislation implementing such amendments; or if there are any such incidents:

"(1) the incidents have been few in number and have been promptly and effectively corrected by State or local action;

"(2) the continuing effect of such incidents has been eliminated; and

"(3) there is no reasonable probability of their recurrence in the future."

(3) The laws of the State and its political subdivsions or of a political subdivision with respect to which a determination has been made pursuant to section 4(b) of this title as a separate unit provide and have been implemented to effectuate:

"(a) An opportunity for every eligible citizen of voting age residing therein to register to vote including the opportunity to register during evening hours on a reasonable number of days each month and on a reasonable number of Saturdays and Sundays of each month;

"(b) reasonable public notice of the opportunity to register;

"(c) a place of registration and a place for voting at a location with access to and not an unreasonable distance from the place of residence of every eligible citizen of voting age residing within such State or political subdivsions;

"(d) reasonable provision for minority representation among election officials at polling places where minorities are registered to vote;

"(e) apportionment plans which assure equal voter representation;

"(f) apportionment plans which avoid submergence of cognizable racial or minority groups;

"(g) removal of all unreasonable financial or other barriers to candidacy; and

"(h) adequate opportunity for minority representation in all local governing bodies where eligible minority citizens of voting age exceed twenty five per centum of the eligible citizens of voting age residing within such political subdivisions.

"If the Attorney General determines that he has no reason to believe that such State or political subdivision has not complied with each of the above requirements, then he shall consent to the entry of such judgment, and the Attorney General shall, upon request, advise in advance of litigation whether in his opinion the above circumstances exist. The court shall retain jurisdiction of any action pursuant to this paragraph for ten years after judgment and shall reopen the action upon motion of the Attorney General alleging that a voting qualification, prerequisite, standard, procedure or practice has been used with the purpose or effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in section 4(f)(2).

"The Director of the Census shall make determinations appropriate to this section upon request of such State or political subdivision and such determination shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

"For purposes of this section, the term minority shall mean a person who is a member of a minority race or color or a member of a language minority group as defined in section 14(c)(3)."

Mr. BUTLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BUTLER. Mr. Chairman, if H.R. 6219 is passed in its present form, and if 100 percent of the blacks or minorities in Virginia, South Carolina, North Carolina, Georgia, Mississippi, Alabama, and Louisiana vote in every election between now and August 1985, each of those States will still remain under the Voting Rights Act and will continue to be required to submit every change in its voting procedure to the Attorney General of the United States, who was elected by nobody, for his approval.

There is no way, under the provisions of H.R. 6219, that any of these covered jurisdictions can escape the burdensome provisions of the act because of a recent opinion of the Supreme Court of the United States saying, in effect, that the modest literacy test employed in Virginia in 1964 is conclusively presumed to have been used to discriminate against minorities.

This is in conflict with the original intent of the Congress to permit the covered jurisdiction to overcome a rebuttable presumption of discrimination.

Mr. Chairman, I will try not to trespass too long upon the time of the House, but I do think it is important, and I do think it is important to understand the situation in which we now find ourselves under the Voting Rights Act of 1965, as extended.

The purpose of that act was to make available certain voting rights; and to protect voting rights, it brought certain jurisdictions under the coverage of the act.

Under the Voting Rights Act of 1965, those jurisdictions which had a literacy test and less than a 50-percent turnout, were brought under the coverage of the act. As a result of a recent Supreme Court decision in Virginia against the United States, it is now held that those States are conclusively presumed to have used their literacy test to discriminate and, as a result of that, they cannot prove, in fact, that the literacy test was not used for that purpose, and therefore there is a conclusive presumption which in effect says that none of those States can come out from under the coverage of the act for another 10 years, if the act is extended.

The purpose of my amendment is to remedy this situation by permitting the covered jurisdictions to work their way out from under the burdens of the Voting Rights Act.

Mr. Chairman, because of the noise in the Chamber, will the gentleman from California object if I move over to the other microphone?

Mr. EDWARDS of California. Mr. Chairman, if the gentleman will yield, we will be delighted to have the gentleman move over there permanently.

Mr. BUTLER. I thank the gentleman.

This is really the sort of an amendment, Mr. Chairman, that we would expect to arise from this side of the House, because it really represents an effort that everybody would want to take, and it is an amendment that ought to be listened to because it goes to some place that we ought to be going to and where we do not seem to be going.

As I say, Mr. Chairman, the purpose of my amendment is to remedy the situation by permitting the covered jurisdictions to work their way out from under the burdens of the Voting Rights Act by adopting an affirmative course of action to discharge their obligation under the 15th amendment. I have called the amendment the "impossible 'bailout' amendment", because it was not possible to meet those requirements, and it is not possible to meet those requirements without a radical change in the voting procedures in the covered jurisdictions.

This amendment has been drafted, has been tested, and it has been redrafted many times since it was first introduced before the subcommittee and, indeed, the final changes were made only this morning, changes which were made to accommodate the objections of the members of the subcommittee and the full committee, and others, the most recent changes were made in response to the objection of the counsel for the Civil Rights Commission, and the Assistant U.S. Attorney General who is charged with the responsibility of oversight in this area. In my view the amendment, I submit, meets all of those substantial and technically drafting objections which have been called to our attention.

The amendment would be valuable not only in providing bailout for the covered jurisdictions, but also in overcoming two objections which have been raised.

I would like to first address myself to the question of the constitutionality of the Voting Rights Act as it now exists. I have already mentioned the States which are covered jurisdictions, and are now unable to get out from under the burdensome duties, and these jurisdictions that are now covered, with the adoption of an additional 10 years' coverage, will be covered for a period of 20 years based on a triggering device which occurred in 1964.

This is an example of the overactive doctrine which is perfectly clear in case law.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BUTLER was allowed to proceed for 3 additional minutes.)

Mr. BUTLER. Under this doctrine it is perfectly clear that where the remedy exceeds the ailment, or exceeds the injury which it is endeavored to be legislated against, then the legislation becomes unconstitutional, otherwise we find ourselves in a situation where the State of Virginia, a covered jurisdiction, cannot come out from under the act for 20 years because of an infraction which took place in 1964.

In addition to that, the other factor which was called to the attention of the subcommittee was the lack of incentive of the covered jurisdiction to change their legislation at that time.

There is no incentive to change the legislation because we are frozen into existing law by the Voting Rights Act, and any changes must be taken from Washington to the Attorney General of the United States for his approval before they can be effected.

The purpose of this amendment is to provide that these covered jurisdictions can come out from under the act by providing an incentive for an affirmative course of action.

There are three requirements which must be met in order to come out from under the act under this amendment. The first is that we must have a 60-percent turnout—a 60-percent turnout of minority voters; that is greater than we have ever had anywhere else before—in the Presidential and Federal elections beginning in 1976. That is a 60-percent turnout.

After that there are two other circumstances. We must have 5 years of purity under the Voting Rights Act. That means that there are 5 years in which there have been no substantial objections under the Voting Rights Act to the Attorney General of the United States or in the district court, and these are spelled out in detail in the amendment, and they have been carefully considered.

Finally, there must be an affirmative legislative program in effect and in fact to provide against the problems which turned up in our hearings about discrimination which still continues. We have a number of items here which were called to the attention of our committee by the Voting Rights Commission, and the legislation before us, and the purpose of our amendment, would require that a State would come out after meeting these first two requirements and meet the third for a legislative program along the lines which meet each one of these objections. They were enumerated carefully before us, and they are set forth with a great deal of care in this amendment.

The way we get out from under it is we meet these three requirements and then have a declaratory judgment proceeding along the lines already provided for a "bailout," which have been taken away from us by a recent decision of the Supreme Court of the United States.

The value of this amendment is that it removes the States, the covered jurisdictions, from their locked-in position where they cannot do anything or make any changes without the burdensome conditions of the act. It gives them an incentive and inspiration to affirmatively change their laws to work to the advantage of the minority to urge them to vote to eliminate the impediments to their voting and to their registration, and affirmatively inspire them to vote.

This makes the 15th amendment to the Constitution of the United States a meaningful thing, and it makes the Voting Rights Act an effective thing. It overcomes the real shortcomings of the act.

Mr. CONYERS. Mr. Chairman, would my colleague yield?

Mr. BUTLER. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank my colleague for yielding.

I would like to raise the question of whether or not the gentleman is aware that two States have been granted "bailout" since the Court decision. The Gaston County case that the gentleman cited prevents anyone from bailing out.

Mr. BUTLER. Yes, sir; I am aware of that. The two Alaska cases were consent decrees, but I believe the other one was a New York case; was it not?

Mr. CONYERS. Yes, New York.

Mr. BUTLER. I appreciate very much the gentleman's bringing this up because I think it puts the finger on the real problem here. The Gaston case said when we have a separate but unequal school system and a literacy test, then we are conclusively presumed to use that literacy test to discriminate, and we cannot, therefore, go to court and prove that the literacy test was not used to discriminate, and that the statute permits.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. BUTLER was allowed to proceed for 1 additional minute.)

Mr. BUTLER. The effect of this is to say that one cannot come into court as the statute says one can and prove that the literacy test was not used to discriminate because it is conclusively presumed that the literacy test was used to discriminate, and one cannot get out from under the act, and it is manifestly unfair.

Mr. CONYERS. Would the gentleman yield further?

Mr. BUTLER. It would be my pleasure.

Mr. CONYERS. I thank the gentleman for yielding.

The point I was simply making was that the Gaston decision has not prevented State "bailouts" subsequently.

Mr. BUTLER. The point the gentleman makes is wrong. The State of Virginia has just been denied the right to get out from under the statute because of the Gaston doctrine and that is the situation in all of the covered States that had separate but unequal school systems prior to 1964. I appreciate the gentlemen's interest but I am disappointed in his scholarship.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Virginia (Mr. BUTLER).

Mr. Chairman, the gentleman from Virginia (Mr. BUTLER) offered this amendment in the subcommitee and it was rejected, and again in the full committee and it was rejected, albeit by a very close vote.

The amendment offered by the gentleman from Virginia (Mr. BUTLER) is not supported by any civil rights group. It is not supported by the Civil Rights Commission.

I think I should point out that the administration bill on the extension of the Voting Rights Act (H.R. 2148) has no such change in the bailout procedure. As a matter of fact, there was no change at all. So I urge rejection by the Committee of the Whole of the Butler amendment. It would destroy a bailout procedure which has worked very well, and as the gentleman from Virginia (Mr. BUTLER) himself points out, it would overrule two very good Supreme Court decisions, one the 1975 Supreme Court decision.

The gentleman from Virginia (Mr. BUTLER) claims the bailout really does not exist, but as he pointed out in the dialog with the gentleman from Michigan (Mr. CONYERS), there are two recent decisions in Alaska and New York where the bailout was used succesfully.

I am suggesting that the bailout is workable and this House should not change the formula simply because Virginia and one county in North Carolina have not been successful.

The gentleman from Virginia (Mr. BUTLER) claims that there is no incentive to make a progressive change in the election laws because the *Gaston* decision prevents bailout. I find that hard to understand. In no case has the Attorney General denied approval of changes in voting laws by Virginia or any other State when the changes in voting laws were nondiscriminatory. I am sure the gentleman from Virginia (Mr. BUTLER) is not claiming that escape by bailout from voting rights coverage is the only way we can improve voting procedures.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, on yesterday the gentleman from California and I and the chairman of the committee engaged in debate. The chairman told us about the problem that still exists in that voting places are still in some awkward places. People who desire to vote are not getting an opportunity because of the inconvenient hours of the registrar in some cases. All of these things continue to persist. These are the complaints. After 10 years of the Voting Rights Act, if we have not cured those, maybe there is a deficiency in the Voting Rights Act. One deficiency is there is no incentive for a jurisdiction which is frozen into its place in the law to make any change.

Mr. EDWARDS of California. I thank the gentleman, but there are literally thousands of changes in voting laws and improvements by covered jurisdictions that have been assented to by the Attorney General.

Mr. YOUNG of Georgia. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Georgia.

Mr. YOUNG of Georgia. Mr. Chairman, I would like to point out to the gentleman from Virginia that in the State of Georgia every school principal was deputized as a registrar and every public high school in the State was allowed to register its 18-year-olds. In my particular county the county registrars went even further and deputized every bank in the district as a place of voter registration and every public school in the district. Under those situations it was relatively easy to register and vote, but still, even in that district we need the Voting Rights Act as it is now, because the key to the voting rights now is preclearance.

Under the preclearance statute, all that has to be done to make a change is that a letter has to be written to the Attorney General. There were 4,476 such letters which went to the Attorney General, and he questioned only 163 cases. Certainly that is not punitive.

The effect of the Voting Rights Act as far as I can see certainly warrants any continuation that we as a Congress might be able to grant.

Mr. EDWARDS of California. I thank the gentleman from Georgia.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. EDWARDS of California. Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BUTLER. Mr. Chairman, reserving the right to object, will the gentleman give me an opportunity to reply?

Mr. EDWARDS of California. The gentleman knows I will.

Mr. BUTLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, following what the gentleman from Georgia pointed out, Mr. J. Stanley Pottinger, the Assistant Attorney General, Civil Rights Division, testified before our subcommittee and described the procedure for getting approval under the preclearance, and, to use his own words, they simply "drop a description of the proposed change into the mail."

In the great State of Virginia we have information to the effect that in Richmond only one person part time is used to comply with section 5.

Lastly, and then I will yield to the gentleman from Virginia (Mr. BUTLER), the bailout that the gentleman from Virginia (Mr. BUTLER) suggests is described in approximately 150 lines of the CONGRESSIONAL RECORD, nearly 1,000 words.

It is described in a letter to me of May 16, 1975, from the Civil Rights Commission as "creating new and difficult problems of standard procedures and management."

I suggest that it is full of vague standards, "reasonable probability" and "adequate opportunity." I am afraid it would invite years of litigation and a paralysis of the very best Civil Rights Act we have had in this country.

Mr. Chairman, I now yield to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, I thank the gentleman.

I am a little bit embarrassed that the gentleman has given me so much material, but I will work my way back, if I may, by referring to the letter from the Civil Rights Commission. I want to thank the gentleman for making available to me a copy of the letter from the Civil Rights Commission which discusses in such detail my amendment.

I do want to explain that it did stay on the gentleman's desk 10 days before I got it and I only got it yesterday, but I want to say I appreciate the gentleman's generosity in letting me see that letter about my amendment. I have gone back and reviewed my amendment with it in mind and I think the gentleman will find we have taken the objectives into consideration.

I appreciate also the reference of the gentleman from California (Mr. EDWARDS) in reference to the Assistant Attorney General about how easy it is to send a submission to Washington and how easy it is to get a reply.

It is also indicated, he testified, it takes 54 days to get acceptance of a routine submission and 67 days when there is some kind of objection.

He mentioned in the hearings these procedures—maybe I ought to tear off the pages again—1, 2, 3, 4, 5, 6, 7, 8, 9, 10 pages of our record, and this is fine print. The gentleman cannot read it from there, but it is here. And I will tell the gentleman there are 10 pages of regulations and procedures on the Voting Rights Act. That beats the heck out of putting a dime on a letter and mailing it.

It is a difficult procedure, and as the gentleman mentioned, just one man in the office, just one Assistant Attorney General for Virginia is concerned with this.

In each of the 134 separate jurisdictions in Virginia we have to have someone familiar with the Voting Rights Act in order to make a submission and we have to have periodic seminars in Virginia so they will be acted on and be correct.

We have had 2,200 changes in our voting laws that have been submitted by Virginia. It is a nuisance. It is a burden that we ought to be allowed to get out from under.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it may seem strange that one who is supporting the extension of the Voting Rights Act would rise in support of the amendment of the gentleman from Virginia (Mr. BUTLER).

Nevertheless, I think this amendment is in complete suport of the full voting rights for all Americans. This really gets to the crux of what the Voting Rights Act is all about. This Act is not intended to superimpose upon the States interminably the authority of the Federal Government, but it is designed to correct voting procedures which have deprived persons of the equal opportunity to vote in various jurisdictions—and to provide extraordinary remedies.

Now, the original act was recommended to be effective for 10 years. We are getting to the end of that 10-year period, yet there is no opportunity today under the extension of the act, unless this amendment is adopted, for any of the seven Southern States of the Old Confederacy to be relieved from the burdens of this legislation, unless the amendment is adopted.

It seems to me that what the gentleman from Virginia (Mr. BUTLER) has offered will promote voting rights. It may seem strange, as well, that he would offer the amendment because I cannot conceive of a person or State wanting to be subjected to the kind of humiliation or the kind of admissions that are imposed in order to accomplish this kind, of what he calls, an impossible bailout. But if he does want to, it seems to me that we should give him and the other jurisdictions that opportunity.

In the requirements under the present law, there is no opportunity to bailout, no opoprtunity to be relieved of it because it applies to the facts as they existed in 1964, and we cannot change those facts, but, if they can demonstrate that during the intervening period, for a period of 5 years, they did not discriminate, that they have got 60 percent or more of the population that is voting and that there is no disparity between blacks and whites who are voting in the jurisdiction, why in the world should we not give them an opportunity to be relieved?

There is this other safeguard also: There is the safeguard that for a period of 10 years—for a period of 10 years—the court would retain jurisdiction so that if there was some kind of a subterfuge employed, we could go back and apply the 1965 act against them again.

It seems to me that he has provided the kinds of protections that any of us would want in order to assure fair and equitable nondiscriminatory voting rights within their jurisdiction, without violating any civil rights whatever. I agree that the Voting Rights Act of 1965 is perhaps the landmark piece of civil rights legislation. So it is, but I believe also that the bailout amendment, this so-called impossible bailout, would restore civil rights and dignity and autonomy to the States that are mandated under the present legislation to be subjected to registrars and observers and the preclearance provisions, and other requirements. I think that opportunity should be provided. I think it should be encouraged, and this is the way it seems to me that we can encourage it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to try out some better scholarship with my colleague from Illinois. Was he aware that he said that there was no bailout possible now under the existing voter rights legislation? Did I hear him correctly?

Mr. McCLORY. The gentleman heard me correctly if he understood me to say that the facts we assumed at the time we enacted the 1965 act are the facts that determine whether or not the jurisdictions are subject to title II of the existing Voting Rights Act, yes.

Mr. CONYERS. The gentleman knows that our laws are subject to Supreme Court modification?

Mr. McCLORY. Let me add this: If we made inaccurate findings, then of course there would be an opportunity, but unless we made inaccurate findings, they would be subjected to the Federal controls imposed automatically. Those controls will continue to be imposed for another 10 years if this act is extended for another 10 years, unless we give the opportunity for bailout as suggested in the amendment offered by the gentleman from Virginia.

Mr. CONYERS. The gentleman knows that Alaska and New York have bailed out since the Gaston decision?

Mr. McCLORY. Yes. They never should have been subjected to it, and this new bill tries to subject Alaska again. They will bail out again, I venture to say.

Mr. CONYERS. But that is what we would want. If they are eligible to be released from the effect of the law, they should.

Mr. McCLORY. No, we do not want to take any arbitrary action against Alaska or any other State. What we want to do is to be fair and equitable with all the States, and we want to encourage them to apply fair and nondiscriminatory voting and registration practices. It seems to me that this amendment would contribute to that goal.

Mr. DRINAN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia (Mr. BUTLER) the so-called bailout amendment, and in support of the committee bill. In particular, I oppose that part of the Butler amendment, as well as other amendments, which propose to weaken or eliminate the provisions of section 5 of the Voting Rights Act.

Section 5 of the act requires review of all voting changes prior to implementation by the covered jurisdictions. This review may be conducted by either the U.S. District Court for the District of Columbia or by the Attorney General of the United States. The provisions of H.R. 6219 amend the act so that the special remedies, including section 5 preclearance, will be operative for an additional 10 years.

Mr. Chairman, now is not the time to remove preclearance protections from the act. As the Supreme Court stated, in upholding the constitutionality of section 5:

> Congress knew that some of the States covered by Section 4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees.

The adoption of such measures, including the switching to at-large elections or annexations of predominantly white areas, might take place in the future unless section 5 is maintained. Mr. Chairman, I urge the defeat of this amendment.

Mr. DRINAN. Mr. Chairman, it has been stated here that there is a conclusive presumption that a particular jurisdiction cannot bail out. All of the facts are contrary to that. The fact is, only two jurisdictions have failed to bail out, and unfortunately one of them involves Virginia and the other North Carolina.

I am quite certain that if the distinguished gentleman from Virginia (Mr. BUTLER) had been the attorney for Virginia in that particular case, the result might well have been the opposite. In that particular case, the decision went contrary to Virginia because Virginia did not move forward and carry the burden of proving—and this is the essential question—it did not prove that Virginia's provision of a segregated education did not affect the voting rights of its people.

I quote from the decision here in the district court of the District of Columbia.

I think, therefore, that the entire background of these two States which have not carried the burden of exculpating themselves or removing themselves from the act should be examined.

In Virginia, for example, in 1970, 19.1 percent of the population was black; 39.1 percent of that black population was totally unschooled. The Court rightly went back to the legislative history of the Voting Rights Act as extended in 1970 from the 1965 act and pointed out that one of the key questions involved in the legislative history is the interrelationship between inferior segregated schools and the ability of blacks or minorities to register and to vote.

And the Court concluded that Virginia had not indicated sufficient evidence to demonstrate that the segregated and inferior schools in Virginia over a long period of time had not, in fact, depressed the number of minority people that actually voted.

And I quote from the decision of the U.S. District Court for the District of Columbia:

> The final link in the Gaston County argument is the causal connection between the maintenance of inferior schools for blacks and their lesser ability to pass Virginia's literacy requirement.

The fact is, that when this case was brought, Virginia had corrected the deficiencies of that bad year in the mid-1960's when the Prince Edward schools were closed for a year.

The fact is that lawyers did not carry forward the burden of proof with all of the evidence that was in fact available to them, with the result that in the decision of the court Virginia was not removed from the act. The U.S. Supreme Court affirmed with three dissents and without full arguments.

I say to the Members of the House that I do not think we can conclude anything from this case and from the Gaston County case out of North Carolina. We cannot conclude anything except that in these two particular cases the States involved did not carry the burden of demonstrating, and I quote from the U.S. Supreme Court, "that the dual educational system had no appreciable discriminatory effect on the ability of persons of voting age to meet a literacy requirement."

In both cases—North Carolina and Virginia—they were seeking to reinstate a requirement for literacy for all voters, and in both cases the Court, really with great reluctance, stated that, "We cannot remove Virginia or North Carolina from the particular section of the Voting Rights Act."

I do not think that these two cases support the sweeping generalizations that are in the Butler amendment.

Let me mention just one of those. In his amendment, the gentleman from Virginia (Mr. BUTLER) states this: That at all times during the past 5 years preceding the filing of the action, there has been no "final" judgment of a Federal or State court ruling.

That would mean that in the 5 years if there had been any type of temporary injunctions, restraining orders, administrative difficulties, negotiations, all of that would not be taken into account. You have to have a final judgment of a Federal or a State court before anything happens under his act.

This would really bring us into a land of fantasy where the real world of subtle discrimination against voters would not really be taken into consideration by the court.

I therefore say that I oppose the amendment offered by the gentleman from Virginia (Mr. BUTLER), and I do so with great reluctance because he has been a very devoted member of this subcommittee and he obviously feels that his own State has been treated unjustly. But I do not think—to repeat and conclude—that that justifies a vote for the Butler amendment.

Mr. FRENZEL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I start out with a very heavy prejudice in favor of this bill, and I intend to support the bill whether this worthwhile amendment is passed or not.

However, Mr. Chairman, I think that the gentleman from Virginia (Mr. BUTLER) has very correctly pointed out that we are looking at a punitive piece of legislation. It is legislation that does not allow a State which may in fact want to improve its statutes and its voting rights to rejoin the rest of the Union and to escape the preclearance requirements eventually even if in fact it does provide for its citizens all of the voting rights which we all expect every person in this country deserves. Why could we not have put some incentives into the bill?

Mr. Chairman, I am a little disappointed in the committee. Yesterday the gentleman from Alaska (Mr. YOUNG) pointed out they had not bothered to figure out what was going on in Alaska; the gentleman from Texas (Mr. GONZALEZ) pointed out some other deficiencies; and the gentleman from Colorado (Mr. JOHNSON) asked why we could not have court cases throughout the rest of the country, and he was informed by the committee that we could not do it because the Attorney General likes to centralize his activities in Washington; never mind what anybody in Colorado or Arizona or California wants.

I think what we have done is we have brought up a bill that is very popular, one that all of us are going to vote for, but we have not included provisions that will fit some of our modern conditions. We ought to be passing a law which says to those States that have not done the job, "You are going to be hooked," and to those who have done the job, "You are going to get unhooked."

This bill does not provide that. As I said, I am going to vote for this bill anyway, but we muffed a chance to improve it.

Mr. Chairman, I think the gentleman from Virginia makes a very good point. I feel very strongly about human rights and voting rights of any kind, but I think we are looking backward when we use a 10-year-old criteria to do the job of protecting rights. We should be progressive enough to include a provision to encourage States to improve their voting laws. We should give the States the incentive to improve their voting procedures so that they can escape from the burden of preclearance.

Mr. Chairman, I am disappointed in the committee. I support the amendment offered by the gentleman from Virginia, and I hope it is adopted.

Mr. Chairman, I began my study of H.R. 6219 with a heavy prejudice in favor of it. I am a cosponsor of legislation to extend the Voting Rights Act. Despite the debacle here yesterday, I still shall support H.R. 6219.

Very few Members will vote against the Voting Rights Act extension, and I surely shall not.

But, after hearing the floor debate yesterday, I cannot escape the conclusion that the committee has done its job poorly.

Time and again yesterday, Members raised searching questions and legitimate criticisms of the committee's work. Seldom was the committee's work defended persuasively. I was left with the impression that the committee yawned its way through a batch of friendly testimony, concluded "everybody" was for an extension, and therefore, passed an extension with a few additional frills.

Unfortunately for the committee, the floor discussion indicated that some of what was extended was anachronistic; that some of the new material was founded on no data; and that much of the old and the new was not very carefully scrutinized by the committee.

The committee has simply extended a 10-year-old law for another 10 years. There are few changes, of course, but, basically, we are being asked for a simple extension, not an improvement, and surely not a national Voting Rights Act. In another 10 years, I suppose we will be asked to extend a 20-year-old law another 10 years.

Much in the Voting Rights Act deserves extension. But, described in its worst, the extension seems to give no incentives to covered States to improve procedures, and it seems to give no opportunities to cover States now uncovered. In other words, if a State is hooked, it cannot get unhooked. If a State is unhooked, it cannot get hooked. No State law or combination of laws is good enough to earn release from preclearance. No law is bad enough to earn coverage under preclearance.

As a nonlawyer, I have some trouble getting a clear picture of this act. I cannot see why it is not a good idea to write a new bill which gives both a positive incentive to covered States to work their way out of preclearance and negative incentive to other States to avoid mistakes which would lead to inclusion under preclearance procedures.

The act seems to me to be a backward looking concept. I think we need a positive, forward-looking bill. As I understand it, the extension means that a State like Virginia, which now has a modern, in some respects a model, voter registration law, cannot escape the preclearance procedures for the next 10 years. States, such as Massachusetts, which has a raging education segregation problem in its principal city, cannot possibly be covered by the preclearance procedures.

It is true, of course, that the extension of the existing Voting Rights Act and the adoption of a truly national voting rights law can be considered as separate questions. The committee, and the Attorney General, are apparently telling us so. I would not object to separate consideration, but I doubt that the committee will take up voting rights again after this bill has passed. We need the expiration of the VRA to force consideration of the whole question. We will only have this one chance.

I am advised that Minnesota is not covered by title II, and that only two counties, Cass and Beltrami, are covered by title III. My State can be included under preclearance procedures, but only if the Attorney General finds discriminatory practices, sues the State and the court determines that preclearance is a good remedy. That is a combination of circumstances that has not occurred during the 10-year lifetime of the act. Obviously the VRA contains no incentives for my State.

I am also concerned about estimates of voting age population, on which several sections of the act depend. Take the State of Maryland, for instance. Using population estimates of its State board of health, which assume that 55.2 percent of its population is eligible to register, Maryland Board of Election Laws reported that about 2.8 million of its people were eligible for registration in 1974. To Maryland, its 1.7 million registrations represented more than 76 percent of eligibles.

To the Census Bureau, however, those same 1.7 million Marylanders represent 62.5 percent of voting age population. The difference arises from Maryland's assumption of 55.2 percent and the census assumption of 65 percent for voting age population as a percentage of total population.

This difference amounts to about 400,000 voters. It is 10 percent of total population, but equals more than 40 percent of those voting in Maryland in 1974.

The Census Bureau says 34 percent of Maryland's voting age population voted in 1974, but Maryland says nearly 42 percent of its citizens eligible to register actually voted. These are substantial differences, and they illustrate the folly of relying on the absolute accuracy of any Census Bureau estimates. The Bureau does a good job, but, in my judgment, its estimates, like all estiates of voting age population or of population eligible to vote, are purely estimates and should be used as estimates, not as hard and fast benchmarks.

One of the excellent features of the bill, for which I commend the committee, is the addition of the 14th amendment. Now, in addition to the 15th amendment, citizens are given the additional safeguard of the "equal protection amendment."

I shall, as I said previously, vote for the extension, but I cannot help "cursing the chance that was wasted." Yesterday, Member after Member—the gentleman from Alaska (Mr. YOUNG), the gentleman from Colorado (Mr. JOHNSON), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Virginia (Mr. BUTLER), the gentleman from Illinois (Mr. MCCLORY), the gentleman from California (Mr. WIGGINS), raised questions and identified problems. The committee members commented, but nobody answered their thoughtful inquiries very well. The committee has taken the easy way out and has given a 10-year-old answer to a current and most important problem. That is not bad for a majority leadership whose economic ideas are 40 years out of date, but its less than the country deserves.

Mr. BADILLO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I wish to compliment my colleague, the gentleman from Virginia, for his skill in getting all of the members of the committee to focus on a problem that does not exist, because he acts as if all of the Southern States are eagerly trying to bail themselves out. He does not mention that in January of 1975, this year, the Commission on Civil Rights issued a report which all of us have received, and that report indicates that in every jurisdiction that is covered by this act, including the State of Virginia, there have been barriers to registration, barriers to voting, barriers to candidates, obstacles set up in redistricting, and obstacles set up in annexation.

In the very State of Virginia there have been 10 cases since 1970 where the Attorney General has objected to what the State of Virginia or its local jurisdictions were trying to do, because they deprived the black people of that State of the right to vote and of the right to properly elect candidates.

So that if we examine just the objections that the Attorney General made, we find that there were 50 in 1971, 32 in 1972, 27 in 1973, and 30 in 1974. And that is only because the jurisdictions knew that if they tried anything else, the Attorney General would object.

If that provision were not there, it would be different. If the Gaston case had never been decided, the State of Virginia would not have a prayer of getting away from this act, because we know of the attempts that they made in the city of Richmond alone to bring about annexation.

So let us not have anybody be fooled into thinking that all of these States have been complying with the act and they just cannot escape, even though they say they have all been pure

Mr. BUTLER. Mr. Chairman, will the gentleman yield on that point?

Mr. BADILLO. Yes, certainly.

Mr. BUTLER. Mr. Chairman, I think the gentleman has put his finger on the problem. The gentleman from New York has been kind enough to enlighten us on part of the hearings in this very case.

But what he did not make clear was that we were foreclosed, conclusively presumed to have discriminated and foreclosed from proving that this literacy test had not been used to discriminate which is the bailout under the statute.

Mr. BADILLO. But that is irrelevant because I have just quoted from the report 5 cases in 1971 where there were objections by the Attorney General, and 10 cases since that time. In other words, the State of Virginia has not been absolutely pure, and it is not that they are being foreclosed. If the Gaston case had never been decided, I am willing to go along with the gentleman to the Supreme Court—forget about the Gaston case—and on the basis of these cases, Virginia could not get out.

Let me make this point because of the limitations of time. The gentleman asks what incentive there is for the States to come out from under the act. That sounds good when it is put that way, but suppose I were to say to the gentleman, what incentive is there to believe in democracy? What incentive is there to give people the right to vote? What incentive is there to obey our Constitution? What incentive? That is what this country is all about.

What is wrong with saying to these States, "Let us comply with the 15th amendment?" If all of them comply with the 15th amendment, we will not need this bailout provision. We could all come back on the day that they comply, and everyone in this Congress would vote to repeal the Voting Rights Act once and forever. That is the incentive, the incentive of obeying the mandate of the Constitution, the incentive of believing that the promise of democracy should be available to all.

Mr. BUTLER. Mr. Chairman, if the gentleman will yield further, may I say to the gentleman that I share that opinion.

Mr. BADILLO. Then that is all we need.

Mr. BUTLER. However, it would be nice if we could get out from under this act by proving ourselves out and improving the voting opportunities.

Mr. BADILLO. Then prove it within the act.

Mr. BUTLER. We can prove it if we are allowed to.

Mr. BADILLO. Just a moment.

Mr. BUTLER. Now the gentleman is trying to act like the Supreme Court. The Supreme Court will not let us prove. Let me tell the gentleman something.

Mr. BADILLO. The Supreme Court did not mandate that in 1971 the gentleman's State should try to redistrict in the city of Richmond to prevent blacks from being registered. The Supreme Court has not mandated that every technique be used in the State of Virginia to keep blacks from being registered.

There is nothing that the Supreme Court has said that prevents any State or any part of this country from giving people the right to vote. Action is only taken and objections are only filed when people are deprived of the right to vote. The Attorney General has never objected to any jurisdiction giving people an unlimited right to register and to vote.

The CHAIRMAN pro tempore (Mr. STUDDS). The Chair wishes to announce that the House is in session and would like to remind the persons in the gallery that no demonstrations of any kind are in order.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, of course, to oppose the Butler amendment.

It is my understanding, from an earlier colloquy on the floor with the gentleman from Virginia, that one of the reasons for the Butler bailout was that the States wanted to be cleared from the "onerous," "nuisance" requirements of the Federal Government in protecting voting rights.

Those requirements may appear to be "a nuisance," and they may appear to be "onerous," but I think that if anyone has ever lived through the kind of situation that some of us in this House have lived through, he will see why the requirements are so necessary.

I recall that earlier the gentleman from Virginia said that there was some talk about "measuring the size of the door of the voting booth" and other kinds of "onerous" requirements.

Let me go back to 1970, when Maryland elected its first black Congressman. That black Congressman was elected from the Seventh Congressional District. We have no problem with voter registration in the State of Maryland or in the city of Baltimore, but we did have a great problem with that particular election. I seek to show the chain of events I will speak about could be used by recalcitrant political subdivisions on solely a racial basis.

In the Seventh Congressional District where for the first time a black man sought to enter Congress, the most curious chain of events developed; and I would state that had it not been for the protection of the Federal Government, perhaps I would not be standing in this Chamber today.

Voting machines from the Seventh Congressional District simply disappeared, then when an assessment was made of where they had disappeared from, it was found they had disappeared from the areas of the heaviest concentration of black voters.

In the city of Baltimore during the 1970 campaign two voting machines were found 3 weeks after the election ended.

All of these incidents were concentrated in the black portion of the Seventh Congressional District.

Let me go on a bit further in terms of "onerous" requirements of the law.

In one polling place in the black portion of the Seventh Congressional District, the voting booth was located in the basement of an old house, the machine was almost in a closet therefore, if anyone attempted to open the door and go in and vote, the space inside was so small that one could not pull the lever to register his or her vote, few of the black citizens were able to vote that day in that particular polling place.

Onerous requirements?

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. Not at this point. I will yield later.

A later survey revealed that something like 23 percent of the polling places were late in opening in that election in 1970, and of the 23 percent of the polling places that were late in opening, the vast majority of them were concentrated in the black portion of the Seventh Congressional District.

I have no reason for questioning the gentleman's motives, nor his integrity but having lived through that experience I am sure one can understand what might happen if we did not have those requirements I am sure of what would happen if some political subdivision really wanted to pursue racial segregation or to further discrimination in voting and decided to embark on such a course. One can see what would happen, despite the fact that we have the law, despite the fact that there might be the right to vote, unless those requirements were there for the protection and safeguarding of the minority voters.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from California.

Mr. WIGGINS Mr. Chairman, the gentleman from Maryland has made a powerful case that the Seventh Congressional District of Maryland in Baltimore ought to be covered under the act, because the gentleman has described to the House the discriminatory practices which occurred in 1970. But that district, as the gentleman knows, was not covered under the Voting Rights Act. So this simply demonstrates quite persuasively to us all the uneven manner in which this act is applied.

Mr. MITCHELL of Maryland. No, that interpretation is entirely wrong. Maryland is not covered under the act, and it is quite possible that this was done solely on the basis of political rather than racial reasons.

The point I wanted to make to the gentleman, if I may continue, is that a political subdivision of a jurisdiction which did not want, or sought to prevent voter participation on the basis of race, obviously would find these kinds of techniques very effective.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I would like to point out that the Butler amendment, as I read it—and I have read it again just a moment ago—that under that amendment there must be a 5-year period when there has been no incident of voting irregularities in the district, or any change of election rolls, and 5 years is the basis on which the bailout is permitted, so that this is to encourage the legality of voting and the kind of nondiscrimination needed if they want to bail out.

Mr. MITCHELL of Maryland. That is precisely the point I was trying to make. There is no law in Maryland that says black people cannot vote. We are not covered under the Voting Rights Act. However it is possible for a State to go through the charade of apparently effectively clearing the barriers to voter registration on the part of minorities and then to implement the kind of things that occurred by my district in the 1970 election. Without the Civil Rights Acts persons denied the right to vote by such tactics would have no real protection, no recourse.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. SARBANES, and by unanimous consent, Mr. MITCHELL of Maryland was allowed to proceed for 2 additional minutes.)

Mr. SARBANES. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, I thank the gentleman for yielding.

I would like to point out to the gentleman from California (Mr. WIGGINS), with respect to the point he made concerning coverage under the Voting Rights Act, the important thing to realize is that the conditions in the 1970 election about which the gentleman from the Seventh Congressional District spoke were corrected by the State itself and steps taken to insure that they would not be repeated in the next election.

They were conditions which stemmed from the actions of certain people involved in a political matter with perhaps a discriminatory effect, but the State itself took corrective action to insure that this would not happen again. It was that same State which had so properly and fairly conducted the nature of its voter registration and participation in the political process prior to that time that it was not appropriate for Maryland to be under the Voting Rights Act. It is an entirely different situation when you talk about a State like Maryland which has had proper voting procedures than what is involved here. Recall the references made by the gentleman from New York (Mr. BADILLO) about continued efforts which have required the Attorney General to interpose objections to changes which some of the covered States have sought to effect with respect to their electoral laws and the participation by their people in the electoral process.

We had a situation in Maryland in which there was a departure from proper standards in a State which had met those standards in the past and which moved resolutely and quickly to insure that there would be no repetition of such an event, and that makes the situation talked about there properly distinguishable with respect to the coverage under the act.

Mr. MITCHELL of Maryland. I am sorry; my time is up.

I simply want to say to my colleagues that I think I stand here as living testimony as to why there should be the Voting Rights Act in fact and an overwhelming defeat of the Butler amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think we have heard some interesting ideas expressed here that I am still trying to figure out. Maryland had a situation that has been discussed in the foregoing colloquy that obviously could not have been corrected by the State of Maryland had it been one of the covered States under the Voting Rights Act, without preclearance with the Attorney General.

All right, we all know that is the case. Maryland could not have been so ably represented here to proudly say, "We corrected the situation ourselves."

I think the gentleman from Virginia (Mr. BUTLER) has pointed out repeatedly that the problem associated with the current condition of the Voting Rights Act is that the States that are covered, based on 1964 facts, do not have the incentive, do not have the same real ability, to improve their situation that is afforded to the State of Maryland. Why should our law be static rather than dynamic?

I think the amendment of the gentleman from Virginia suggests to us all that the basic purpose of the Voting Rights Act was to accord fairness to everyone, and that really the same fairness ought to be accorded to the States that are covered States.

We all know that there have been occasions in the State of Illinois—I will not mention which county; all right, I will mention it: Cook—where the incidents of irregularity relating to voting have been brought to the attention of the whole Nation. Why should there be a different measure of fairness accorded to that State and its aberrations from the rights of persons in voting as compared to the seven original covered States?

I think, in fact, in the foregoing expression to the committee there have been so many unanswered questions that I would like to yield to my colleague, the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. I thank the gentleman for yielding.

I will not trespass on his time, but I do want to make clear that I am having some difficulty getting an opportunity to reply to some of these things.

The gentleman from Massachusetts, I think, put his finger on what we are trying to do with this amendment. He referred to some drafting problems. He called attention to the drafting problems in which he mentioned something about no final judgment required in order to come out from under this thing under section 3 of the amendment. We have offered that amendment to provide in section 3(e) that there must be no incident of voting discrimination within the last 5 years. We talk about what happened, and we have tried to accommodate every one of the objections that has come to our attention in this fashion from various members of the committee and in the subcommittee, and from the gentleman from Maryland who mentioned the fact of the voting booth.

That is the problem. These things continue in the covered jurisdictions. But why should we in Virginia have that? But this is not a good illustration, because we have pretty good, moderate voting laws in Virginia. The record will show from 1965 to the present we have done pretty well, but we got caught on some other things. But the fact is there is no incentive to change these things. If we have the low hanging doors and the crowded voting booths, there is no incentive to change those. It takes more than a 10-cent stamp to change the location of the voting booth or polling place.

But if we pass my amendment in order to get out from under the act we have got to have a good affirmative program to change these things. I think it makes the 15th amendment a meaningful thing in the covered jurisdiction. I hope the Members will support my amendment. I did not fail so miserably in the committee. It failed by a vote of 17 to 17. It is a good amendment. It will make the 15th amendment meaningful.

Miss JORDAN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, one would forget the thrust of the original legislation in 1965. One would think that legislation was passed because we wanted to institute a system of punishment and reward for persons obeying the law.

The law is in the Constitution of the United States in the 14th and 15th amendments. Under the Butler amendment we will say to these covered jurisdictions and States and localities who now for 10 years have not fully complied with the bill: "Be good little boys and girls under the Constitution of the United States. See to it that the minority citizens in your jurisdiction vote and we will in the Federal Government look away from what you are doing and let you continue your activities and remove our oversight from those activities."

Mr. Chairman, I do not think we are in the business of rewarding people who obey the law. That is not what we are trying to do. The pernicious effect of the Butler bailout provision is that it shifts the burden of proof from the litigant, the private party to the Attorney General. The burden of proof ought to be and it should remain on that person who is the party aggrieving. The burden of proof ought to be on the offending jurisdiction. The burden of proof ought to be and ought to remain on those persons who are guilty of violating the Constitution and guilty of performing the acts of discrimination which have the net effect of preventing and prohibiting equal access to the polls by the people.

The gentleman from Virginia (Mr. BUTLER) says in his amendment that the courts will retain jurisdiction of the proceedings for a 10-year period. But who is it after the passage of that time, once the jurisdiction gets out, who is it who will be the watchdog, the oversight, the lantern, the light to see to it that acts of discrimination do not again occur?

Then where will that burden of proof lie? It will be on the Attorney General of the United States and the Justice Department, and that negates the entire thrust of the original act.

If we are serious about what we are trying to do in enforcing the law and seeing that our citizens have access to the polls unimpeded and unfettered, if we want to guarantee that, I would suggest to the Members that no period of time is too long for a jurisdiction to do the things which are right, which are legal, which are lawful. That is why the amendment must be voted down.

Mr. MANN. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

Mr. Chairman, I think the language of the gentlewoman from Texas with reference to burden of proof calls for comment. In American jurisprudence, or be it in equity, we conceive of the burden of proof as being a finite thing, an attainable thing. Yet we have the words of Mr. Pottinger, head of the Civil Rights section of the Department of Justice, and in essence the words of the Supreme Court saying:

> No, you are condemned. Be as good or better than your sister States, but you are condemned.

It is that inequity that is difficult to bear.

The word "incentive" has been used here. I agree with those who say there should be no incentive necessary to comply or obey the law or the Constitution.

But, Mr. Chairman, we are dealing with human nature, and we are dealing with the human impulse to resist being dragged kicking and screaming into compliance with something even when we know it is right. Yet when we have achieved that right, it is not recognized. We are still dragged kicking and screaming through the process. So it is because of those basic human problems that that county council or that State legislature or that city council is not going to engage in the affirmative act of amending the statute or changing the nature of the voting place or otherwise improving the availability of the right of the vote, since any efforts on their part to do so will be greeted with suspicion and with a suggestion that it is being done for a contrary purpose.

So let us realize that equity in this country consists of treating people alike, in allowing people to enjoy to some extent the fruits of their endeavors, to recognize their efforts toward fairness.

It is impossible to stand here today and say that prejudice does not exist in

Boston, that prejudice does not exist in Detroit, and that prejudice does not exist in South Chicago. So it is impossible to stand here today and say that this law should not apply equally to all the voters of this country, and, therefore, to hand to those to whom it does apply this sop, this shallow vessel of the Butler amendment, is much too little; but to a degree it says to everyone, "You do have a chance to show your purity, impossible as it may be."

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, when the gentleman refers to the cities of Boston, Detroit, and Chicago, is the gentleman somehow suggesting they are in violation of the Voter Rights Act of 1965?

Mr. MANN. As the gentleman from Detroit, I am sure, will recognize, the consequences of prejudice are broad and difficult to ascertain. Now, as they have manifested themselves in the gentleman's place, they have manifested themselves in other parts of the country where there was evidence, at least, that produced this bill with that formula which locked in forever those States.

Mr. CONYERS. Might I respond to my colleague, who serves with great distinction on the committee, that there has been no evidence that any of those cities or even the States in which those cities are located have produced any violations of the Voter Rights Act. Of course, there is discrimination and there is segregation and there is racism, unfortunately, in every city of every State in the United States; but that is not what we are dealing with today. We are dealing with the question of whether or not the Voting Rights Act should be extended and coverage included.

I cannot see how the city of Detroit bears any relevance to voter rights extension matters.

Mr. MANN. Well, in view of the fact that the failure of the covered States to achieve 50-percent voting participation in the Presidential election of 1964 caused them to be included in the act, it would appear that most of the States flunked this requirement in 1972, when only 38 percent of the Nation's eligible voters actually voted. But I think the real answer to the gentlemen's question is that the subcommittee handling this legislation did not conduct any substantial investigation with reference to voting practices in other parts of the country.

Mr. Chairman, the arguments for passage of H.R. 6219 are many and they are persuasive. But the one glaring shortcoming is so inequitable as to threaten not only House passage of this bill, but its very constitutionality.

I refer, of course, to the impossibility for covered jurisdictions to bail out from the sanctions set forth in section 5.

Although it has been repeated ad nauseum in the Judiciary Committee and in this Chamber, I think it is essential to once more draw your attention to the incredible testimony of Assistant Attorney General for Civil Rights J. Stanley Pottinger when asked whether Virginia—or, by implication, any Southern State—could come out from under the Voting Rights Act. He said, "I do not believe so." A simple statement. But, it could be the death knell for the noble purposes of the original Voting Rights Act of 1965, and it surely heralds a backslide to the most divisive, shameful period in our country's history, the post-Civil War era.

Now, all of you might not be as familiar as a South Carolinian with the major Supreme Court case challenging that 1965 act, South Carolina against Katzenbach, but one of the Court's bases in upholding the act was the very existence of a bailout clause. The Justice recognized the extraordinary invasion of States' rights embodied in this legislation, but felt the overriding importance of individual voting rights was sufficient to justfy such action.

But only barely.

And, one justification expressed was the very bailout provision that Mr. Pottinger and Virginia against the United States now tells us is inoperable!

We have heard a lot today about incentives—and lack thereof. Consider that the very sanctions designed to insure the one-man one-vote concept can, in the extreme, serve as an actual barrier to that goal. A State or locality is hardly likely to take more action than necessary on election laws when it is forced to go begging to Washington for approval of those actions. Thus, the admitted lack of a means to get out from under the Voting Rights Act precludes any real possibility of positive action to correct discriminatory State and local election laws which may predate the 1965 act. If the situation were not so unjust to my district and my region, it could only be described as farcical.

Frankly, Mr. Chairman, I find it difficult to understand how this House could accept the blatant inequity inherent in legislating national laws that apply only to certain jurisdictions—and I must admit, that inequity is so obvious that it is difficult to attribute objectivity to those who would perpetuate it. While I am gratified that the committee saw fit to extend the provisions of the Voting Rights Act to Spanish-speaking people and other language minorities, I am unable to comprehend the reluctance to extend the bill nationwide or, at least, to admit the possibility that covered jurisdictions can correct past mistakes.

As I read the "dear colleague" letters circulated on this bill, I was struck by the violent opposition expressed by several Members whose States include large Spanish-speaking populations and thus would be covered through the provisions of H.R. 6219. Is the prevailing attitude in fact that the high purposes of the Voting Rights Act are fine somewhere else, but not in our own backyards? That attitude hardly reflects the statesmanship to which we all aspire; it reflects instead a narrow regionalism that has no place in our National Legislature.

It would disturb me greatly to witness such unjust regionalism prevail here today, but I do not expect that to occur. I fully expect the House to accept a reasonable bailout amendment in the name of fair play, in the name of practical reality, in the name of justice. And I expect to support the voting rights extension for the same reasons.

If, however, I am wrong—if it is the will of this great House of Representatives to lock the Southern States into this punitive legislation in the finest Reconstructive-era style, I will support final passage. I will not vote my region in the face of an issue of national importance, I will vote my Nation. Because, realistically, I still perceive vestiges of voting injustices that exist in the South—as they exist throughout this country. If my colleagues from other areas are not willing to do as much, if they persist in isolating the South whenever the issue of civil rights arises, then they will be perpetuating inequities even as they claim to mitigate them.

Mr. DRINAN. Mr. Chairman, I move to strike the last word, and I ask unanimous consent to proceed for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection?

Mr. DRINAN. Mr. Chairman, I would like to ask the gentleman from Virginia (Mr. BUTLER) to tell the committee precisely what happens after the Attorney General of the United States indicates that there is no reason to hold a particular State under the coverage of the act. The court shall, under the Butler amendment, retain jurisdiction for 10 years. The Attorney General shall reopen the act: But what happens when he reopens it? Is the preclearance procedure revived? Is the bailout abrogated? What precisely happens in such an instance?

Mr. BUTLER. Mr. Chairman, if the gentleman would yield, I would say to the gentleman that what would happen is what has happened in other cases in which there has been a rehearing. It is simply put back in the jurisdiction of the court and in the jurisdiction of the act.

Mr. DRINAN. Would the gentleman agree that this is not spelled out in the law? It is really quite ambiguous.

This point came up previously in the full committee. The language of the Butler amendment does not state that the penalties of the law will in fact be revived. It states that only the Attorney General can reopen the act. Would the gentleman just explain what precisely happens?

Mr. BUTLER. If the gentleman would yield further, this matter was under consideration in the committee concerning New York State against the United States. That citation is 65 Federal Rules decisions, page 10, January 18, 1974. I apologize to the gentleman. He did raise the point before we looked into it, and we came to that conclusion. My intention was to send the gentleman a copy of this case. We did cite it in our opinion.

Mr. DRINAN. But in the basic amendment which the gentleman is asking the committee to accept, there is a basic deficiency and vagueness and ambiguity which, in my judgment, is very serious.

Mr. BUTLER. If the gentleman will yield just a little further, this same ambiguity, this same vagueness, exists in the Voting Rights Act itself, and it was resolved by this case. So, I would assume that in this case we would handle it in the same way.

Mr. FLOWERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is very difficult to put into words what I want to convey to the Members here today. I think my friend from South Carolina did it perhaps more adequately than I can.

Also, my friend from Virginia has spoken to the point I want to speak to. I doubt if a Member who does not come from covered jurisdictions can quite speak with the same tongue as we can. I want to support this voting rights bill. But I cannot go so far as my friend from Illinois who said a while ago that this is perhaps, and probably must be, the most important civil rights legislation ever enacted by this Congress, because I cannot believe that we can feel that when it primarily affects 7 States out of 50.

Surely, there are some civil rights matters in the 43 other States that should require our attention that would be on the same meritorious level as the voting rights of citizens of 7 Southern States and a few other odds and ends covered jurisdictions. I cannot for the life of me understand the opposition to the amendment offered by my friend from Virginia.

I stand here in support of an amendment, and I really do not know why I am supporting it, I say to the gentleman from Virginia (Mr. BUTLER), because if there ever was an apropos word it is the word of the gentleman "impossible" as it pertains to this amendment.

It would be virtually impossible for my State or the State of the gentleman from South Carolina (Mr. MANN) or the State of the gentleman from Virginia (Mr. BUTLER), or any of the covered States, to come out from under the jurisdiction of this act under the terms of this amendment.

This is important to those covered States, and I want to try to convey to the Members why I think it is important. It would be at least some incentive for affirmative action. It would at least be some recognition by this Congress, this National Legislature, that this is indeed national legislation and not simply sectional legislation. The original 1965 act provided coverage for 5 years—a period in which great progress was made. Such progress was met with an additional 5-year extension in 1970. And, now, in 1975, after a period of further great progress, how can we justify a lengthy 10-year extension? Surely it is not the intent of this National Legislature to institutionalize forever this sectional legislation.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I will be happy to yield to the gentleman.

Mr. McCLORY. I thank the gentleman for yielding. I want to express my support for the Butler amendment. I want to call attention to the fact that the Voting Rights Act does apply throughout the Nation. In case of discrimination, one can appeal to the Attorney General for relief. And, of course, we have a nationwide ban on literacy tests, and things of that nature.

Mr. FLOWERS. These are important, and I certainly did not intend for my remarks to fail to take these matters into account.

What we are doing in this Congress, based upon a tenuous record, at best, that the subcommittee has built here, we are attempting to be the judge and jury, to pass another sentence greater than the preceding sentence upon these seven covered jurisdictions. I do not think that is what we ought to do. I think—and I am afraid that this is true—that in the instance of some of our colleagues in this House—and I ask each Member to look inwardly because I do not attempt to pass judgment on another Member, but I suspect the potential is there—some Members could be voting for this bill because otherwise they might have to vote for a bill that would cover their own jurisdiction. I hope that that is not the case. But I would hope that all of us could support the Butler amendment and give some glimmer of hope based upon affirmative action to come out from under coverage. We are not asking that the bill be voted down or expire by its own terms, but let us at least give some hope of bailing out from coverage and the onerous burdens imposed by the act such as coming hat in hand to the Attorney General's office or the District Court of the District of Columbia to obtain approval of the slightest change in the election law of any covered jurisdiction.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I will be happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding. I would like to associate myself with the gentleman's remarks. I recognize how difficult it is to speak on this floor today against the measure and speaking for the Butler amendment.

Mr. FLOWERS. I would have to disagree. I do not think that speaking for the Butler amendment is speaking against the measure.

Mr. MAZZOLI. No, it is not. I am for the Butler amendment, and I do not think it is against the measure. But I say that is how it would be interpreted, and that is a very difficult and awkward position to be in. I think we are giving that glimmer of hope, giving some reason for the State to try to cure its problems that have occurred in the past. I think the gentleman made his case, the gentleman who preceded him in the well made his case, and I would say that anybody in this House could support the Butler amendment and still be for voting rights.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to point out, first of all, that while the gentleman from Alabama (Mr. FLOWERS) has expressed himself in support of the bill as such, it appears, however, that he seems to be seeking to provide the States that are now covered with a reward for saying they will live up to in the future what we believed the law required them to live up to during these past 10 years.

This was a law that provided to people who were entitled to vote but who had been discriminated against over a long period of time their right to vote. This was a situation where the experience and data were complete. We have now seen that there have been many more people registered, many more people turning out to vote, and many more elected officials who are black from those various covered States.

And yet we see the gap continues to exist. It has been presented to us by the Commission on Civil Rights, and they document instances where there has been subtle discrimination. This is a kind of discrimination that is not as obvious as it was in 1965, but it is there.

What does this demonstrate? It demonstrates that the bailout provisions were not discriminatory. It demonstrates that the kinds of triggering devices and the tests that were being employed in the past were discriminatory. There have been States and subdivisions which were exempted as a result of having sought preclearance, and we find that that bailout provision worked.

Why do we now go into something that is new and untested? Are we seeking to provide a reward for the individuals who are now saying they will live up to what was expected of them originally? What was expected of them was to provide citizens a right to vote without discrimination.

Mr. Chairman, I think we would be going into uncharted waters with this amendment. I think we would be committing a misjudgment. For the past 10 years we have sought to provide the people of America, regardless of race, color, creed, or national origin, the right to vote equally with other citizens, as they are entitled to do under the 14th and 15th amendments.

I cannot see why the gentleman from Virginia, who knows full well what the history of this act has been, would now want to say, "Let us chart a new course. Let us get away from the old ways." The old ways have been tested.

I direct my remarks to those who are believers in giving to individuals the right to vote, to those who extended this act in 1970 because it worked so well. And yet the gap still exists in those covered jurisdictions.

These are not just mere, small gaps; they are gaps that in my judgment should be closed. We can only close those gaps by continuing and extending the act. In that way I am sure we will really be providing the individual with the opportunity to vote without fear of discrimination. I am sure that fear would certainly exist if we were to attempt to try the Butler bailout provision.

For that reason, Mr. Chairman, I urge that this Butler bailout amendment be voted down.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, the chairman of the Committee on the Judiciary has made a very forceful argument, but as I view the record, the basis for the Butler bailout amendment is found in the testimony of Mr. Pottinger, in which he testified that if these certain requirements were met, then it would be appropriate for the States to be relieved of the Federal law. I am looking at page 77 of the report, and that testimony seems to support the Butler amendment.

Mr. RODINO. Mr. Chairman, the gentleman from Illinois, who has been a very attentive member of the committee, knows full well that the testimony that was presented was so overwhelming that, while there may be that reference to data by Mr. Pottinger, nonetheless the testimony was such that I think it will support the need to reject the Butler bail-out amendment because it is untested. With this amendment we would be going into an uncharted course, and I am sure this House would not want to make that mistake.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment.

Mr. Chairman, far beyond the substance of this bill, there is this fact: it is a promise and a hope.

I worked for 14 years in civil rights in my State as vice chairman of the New Jersey Committee for the U.S. Commission on Civil Rights, in a State which is not covered. I can imagine how some of those in covered States must feel. I am not unsympathetic, but this is something for the whole Nation, far beyond those States. This is a symbol, a hope, and a promise after so many years of injustice. This is a promise that injustice is going to end; I cannot sit here in this House and not speak.

This act goes far beyond those States that are covered. It is for all the people in this Nation. We cannot chip away at the Voting Rights Act with these amendments. We should move forward with every expectation of higher hopes and greater promise.

That is all I would like to say, Mr. Chairman.

Mr. YOUNG of Georgia. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, when my colleague, the gentleman from Alabama (Mr. FLOWERS), spoke and said, "You cannot know what it feels like to be under this act unless you come from one of the covered States," I felt that I had to stand before this House and tell the Members how it feels to be covered by this act. It surely feels wonderful.

I want to talk for a minute about these onerous provisions that my colleague the gentleman from Virginia, is concerned about. There are 533 southern counties covered by this act, 6 States, and 39 counties in North Carolina. Yet, in only 61 of these counties has there ever been any Federal examiner sent.

Some 1.5 million black citizens have been registered under this act, but there still remain to be registered another 2.5 million persons.

I think that when we look at what is happening in the South, we can see how much progress we have made. In fact, one of the reasons I really feel that we are able to move ahead of the district from which my colleague, the gentleman from Massachusetts, comes and perhaps the district from which my colleague from Detroit comes in racial relations is, in fact, the presence of a new spirit and a new participation in the democratic process.

There was a time when, in order to be elected from our part of the country, you had to present yourself at your worst. The man who was the chairman of my campaign, one of the best mayors that Atlanta ever had, had to run as a segregationist when he wanted to run statewide. It was a degrading experience.

Mr. Chairman, that is no longer true. Because of this act, we have been able to see people of all colors come into public office and express their best selves.

I would think that the so-called onerous provisions that the gentleman from Virginia is concerned about are no more onerous than the fact that I have to drive at 55 miles an hour. I do not like to drive at 55 miles an hour, but the situation in our Nation demands it. Therefore, the way to get out from under the law is to realize that it is in the best interest of the total country to comply with it.

I think that when we look at the facts that people were denied the right to vote and the right to run for public office for more than 100 years, and that at least a dozen friends of mine were shot down, killed, in order that this act might be passed. The gentleman from Virginia would give us the impression that this was all back pre-1965 and since 1965 things are getting better, but in every one of the covered States which submitted plans for reapportionment as a result of the 1970 census, everyone, without fail, was rejected by the Justice Department or the courts due to the fact that they were discriminatory. Therefore, I would contend that we need to continue this act as it is, and as it is proposed by the committee, and I urge that the Butler bailout amendment be defeated and that the bill be passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BUTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUTLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 279, not voting 20, as follows:

[Roll No. 251]

AYES—134

Archer
Armstrong
Ashbrook
Bafalis
Bauman
Bevill
Breaux
Brinkley
Brooks
Broomfield
Broyhill
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Casey
Cederberg
Chappell
Clancy
Clausen,
  Don H.
Clawson, Del
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Davis
Derrick
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Eshleman
Flowers
Flynt
Forsythe
Fountain
Frenzel
Frey
Gibbons
Ginn
Goldwater
Goodling
Gradison
Grassley
Hagedorn
Haley
Hansen
Harsha
Hastings
Hébert
Hefner
Henderson
Hightower
Hinshaw
Holland
Holt
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Pa.
Jones, Ala.
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Landrum
Lent
Long, La.
Lott
Lujan
McClory
McCollister
McDonald
McEwen
Mann
Martin
Mazzoli
Michel
Milford
Miller, Ohio
Montgomery
Moore
Moorhead,
  Calif.
Myers, Ind.
Myers, Pa.
Nichols
Passman
Patman, Tex.
Pettis
Pickle
Poage
Quie
Quillen
Rhodes
Robinson
Rousselot
Runnels
Satterfield
Schulze
Shuster
Sikes
Skubitz
Smith, Nebr.
Snyder
Spence
Steiger, Ariz.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thornton
Treen
Udall
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wright
Wydler
Young, Alaska
Young, Fla.

NOES—279

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson,
  Calif.
Anderson, Ill.
Andrews, N.C.
Andrews,
  N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brown, Mich.
Brown, Ohio
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Dent
Derwinski
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Gonzalez
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Latta
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
McCloskey
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson,
  Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Pressler

Preyer
Price
Pritchard
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Slack
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Thompson
Thone
Traxler
Tsongas
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—20

Alexander
Beard, Tenn.
Boggs
Bowen
Brown, Calif.
Cochran
du Pont
Eilberg
Hammerschmidt
Hays, Ohio
Jones, N.C.
Jones, Tenn.
Mathis
Mollohan
Railsback
Roberts
Rostenkowski
Smith, Iowa
Stuckey
Wilson, Tex.

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Roberts for, with Mr. Eilberg against.

Mr. Bowen for, with Mr. Jones of Tennessee against.

Mrs. Boggs for, with Mr. Hays of Ohio against.

Mr. Mathis for, with Mr. Rostenkowski against.

Mr. Stuckey for, with Mr. Mollohan against.

The result of the vote was announced as above recorded.

PERSONAL ANNOUNCEMENT

Mr. UDALL. Mr. Chairman, in the recorded vote on the amendment by Mr. BUTLER to title I of H.R. 6219, rollcall No. 251, I was improperly recorded as voting for the amendment. My vote should have been recorded against this amendment and I want the permanent RECORD to reflect my longstanding position against an amendment which would, in my opinion, have seriously weakened the purpose and scope of the committee bill. I ask unanimous consent that this statement appear in the RECORD, immediately following the vote on the Butler amendment today.

PERSONAL EXPLANATION

Mr. COHEN. Mr. Chairman, in the Judiciary Committee's report on the Voting Rights Act extension (Rept. No. 94–196), I am listed as ascribing to division B of the supplemental views concerning section 11 of the Voting Rights Act—See page 110 of the report. This is incorrect as I intended to ascribe to the stated views expressed in division A only, and not those stated in division B.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. KINDNESS: Page 1, line 6, strike out "twenty" and insert in lieu thereof "five", and strike out the period at the end of line 6 and insert in lieu thereof the following: ", and by adding at the end of the first paragraph of such section 4(a) the following: "Prior to August 6, 1980, no such State nor subdivision may petition the United States District Court for the District of Columbia for such declaratory judgment."."

Mr. KINDNESS. Mr. Chairman, this amendment affects section 101 of the bill that is before us today; but it really has to do with section 4(a) of the Voting Rights Act.

Section 4(a) reads in part as follows under the existing law:

> To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the first two sentences of subsection (d) or in any political subdivision with respect to which other determinations have been made.

That means the original covered States or other States or subdivisions of States that have come in since 1965. The section continues as follows:

> Unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action.

The committee bill makes that read "twenty years" instead of "ten years." The amendment I propose changes the committee bill so that instead of reading "twenty," it would read "five." In the fever of the times in 1965 when the Voting Rights Act was first enacted, those references in that section 4(a) were to 5 years. When the Voting Rights Act was extended in 1970, the period of time was changed from 5 years to 10 years. Now, the committee bill would change it to 20 years. This amendment will restore the 5-year period, the concept that was originally contained in the Voting Rights Act. Twenty years is a long time. Let us look at what that 20-year period is used to measure.

First, it is used to measure the period of time during which the court must find that no test or device has been used to deny or to abridge the right to vote on account of race or color in a State or a subdivision which used a prohibited test or device, such as a literacy test, on November 1, 1964, and, the voter registration percentage on November 1, 1964, or the voter turnout in November of 1964 was less than 50 percent, or any State or subdivision which had the same kind of history in November 1968, before that State came out from under the special extraordinary provisions of the act.

Second, the 20 years that is in the committee bill would be used as a measure of another matter wherein the court cannot enter a declaratory judgment until 20 years after the final judgment which holds that a test or device was used to deny or abridge the right to vote on account of race or color. It seems to me that the authors of the original Voting Rights Act were right. Five years is long enough. The committee bill even provides in almost identical language for a 10-year period rather than a 20-year period in the case of language minorities. This amendment that I propose would make the period of time in all cases 5 years, uniformly with no difference between cases that are based upon the concept of voter discrimination with respect to race or color, on the one hand, or cases involving language minorities, on the other hand.

The committee bill distinguishes between those two, 20 years in the former case, 10 years in the latter case.

But, it does one more thing. This amendment provides that no State or subdivision may go into court to obtain a declaratory judgment to get out from under the special provisions of the Voting Rights Act until August 6, 1980.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. EVANS of Colorado and by unanimous consent Mr. KINDNESS was allowed to proceed for 3 additional minutes.)

Mr. KINDNESS. That is a 5-year period from now during which no State could get out from under the extraordinary provisions of the act. I urge the Members to support the 5-year provision in place of the unreasonable 20-year provision so that again this may be a dynamic law and that we may see progress toward real improvement in the conditions of voting in the covered States.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I will be happy to yield to the gentleman.

Mr. EVANS of Colorado. Mr. Chairman, does the gentleman's amendment continue the existing act on all jurisdictions that it covers now for an additional 5 years, or would it be possible under the gentleman's amendment for jurisdictions covered by the act, having been made under the act for more than 5 years, by virtue of the gentleman's amendment to get out from under it?

Mr. KINDNESS. No; there would still be a hiatus until August 6, 1980, for all presently covered jurisdictions.

Mr. EVANS of Colorado. I thank the gentleman.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Ohio.

Objections to this amendment lie in the fact that its adoption would probably jeopardize the constitutionality of the extension. While it lowers the period of proof to be sustained in a bailout action, the amendment also absolutely precludes the filing of any such action prior to 1980.

In upholding the constitutionality of this act, the Supreme Court in South Carolina against Katzenbach, pointed to the fact that the act acknowledges the possibility of the overbroadness of its trigger by providing for the bailout process for nondiscriminating jurisdictions which are caught under the act's application. Now, if we were to legislatively preclude the filing of such a bailout action for a definite number of years, as Mr. KINDNESS proposes, this would certainly be running counter to any safeguards against overbroadness, safeguards which Chief Justice Warren pointed to with apparent approval in the

South Carolina decision. The Kindness amendment would, in clear terms, make the bailout provision a nullity.

While it is true that the state of the law under Gaston County does already preclude successful bailout actions for jurisdictions that have offered unequal and inferior educations to their minority citizens, such an interpretation denying or precluding release under those circumstances has been judicially determined to be mandated under the statute. What this amendment proposes is something which is radically different. Its absolute prohibition of a bailout action for a set number of years, irrespective of a jurisdiction's past record in terms of education or achievements in minority voting rights, would be treading on constitutionally dangerous ground.

Furthermore, it simply cannot be suggested that this amendment would have virtually no effect since all covered jurisdictions are already frozen-in under the Gaston County doctrine. While it is true that inferior school systems for minority children might be found in areas throughout the country, we simply cannot irrebutably presume that all of the covered towns in Massachusetts, Connecticut, New Hampshire, and Maine would be unsuccessful in a bailout, as were Gaston County, N.C. and the State of Virginia. To adopt this amendment would mean that the former jurisdictions would be precluded from even making the attempt. As drafted, the Kindness amendment would also preclude bailout actions by jurisdictions newly covered under H.R. 6219 before 1980. Clearly, those newly covered areas which have not discriminated should not be unjustifiably frozen under the act for 5 years, as the Kindness amendment proposes.

In short, the Kindness amendment does more than simply shorten the burden of proof period in bailout actions. It effectively "extends" the act for 5 years by not merely shortening the period of proof, but by also absolutely prohibiting the filing of bailout actions before 1980. In light of court decisions interpreting the Voting Rights Act, this method of extension, destroying totally all safeguards against overbroadness, is most likely unconstitutional and should, therefore, be rejected.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, do I understand the gentleman from California, the chairman of the subcommittee, to be saying that the fact that no bailout action could be taken until August 6, 1980, is considered objectionable other than on the basis cited?

I point this out because I think we have seen the will of the House expressed on the last amendment. The Members do not want the covered States to be out from under the extraordinary provisions of the act at all.

This amendment attempts to meet this objection somewhere in the middle, at least halfway.

Mr. Chairman, the arguments heard against the Butler amendment and against this amendment now seem to be rather inconsistent, and I am having trouble reconciling them.

Mr. EDWARDS of California. Mr. Chairman, under H.R. 6219, if adopted as it has been written—and so far it has not been amended—we have a number of jurisdictions that might be covered who would be entitled to bailout, and it would be most unfair under the gentlemen's amendment if none of these jurisdictions could bail out; they would have to wait until 1980.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield further?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, do I understand, then, that there should be one rule that applies to jurisdictions that have been covered since 1968, and another, that is a different rule, for those jurisdictions that were originally covered in 1964?

That is why I ask the question. It it unfair that those jurisdictions covered more recently would not have a chance to bail out before 1980, when we have heard that it is all right for the original covered States to have no way to bail out.

The CHAIRMAN. The time of the gentleman from California (Mr. EDWARDS) has expired.

(By unanimous consent, Mr. EDWARDS of California was allowed to proceed for 20 additional seconds.)

Mr. EDWARDS of California. Mr. Chairman, the rule is the same. A number of jurisdictions have bailed out since 1965, and so the rule is no different than it is in this case.

Mr. LOTT. Mr. Chairman, I move to strike the last word, and I rise in support of the Kindness amendment.

Mr. Chairman, I think the Kindness amendment provides a reasonable period for this so-called purity. It provides that no escape can take place under the act prior to August 6, 1980. The period of purity is reduced from 20 years to 5 years.

As I understand H.R. 6219, section 4 (a) extends the purity period for an additional 10 years, until 1985. During this additional 10-year period a State may petition the Federal District Court in the District of Columbia for a declaratory judgment against the United States, determining that no test or device has been used discriminatorily for 20 years prior to the filing of the case. That means if a State tries to bail out under this act in 1976, it would have to prove there had not been any voting rights discrimination back to 1956.

Mr. Chairman, that is bad enough. But the thing that really bothers me is this: As I understand H.R. 6219, no declaratory judgment shall issue with respect to any plaintiff for a period of 20 years after the entry of a final judgment of any court of the United States determining that there has been voter discrimination.

Mr. Chairman, here is the question I have, and I would like to address this question to the gentleman from Ohio (Mr. KINDNESS), if I may:

Am I correct in my understanding of this bill as it presently exists that should a Federal court rule in 1985, for instance, that tests or devices were used discriminatorily anywhere in a State to abridge voting rights, even if for the next 19 years or even 20 years it was perfectly in compliance with this act, that State will be held under this act until the year 2005? Is that correct?

Mr. KINDNESS. Mr. Chairman, the gentleman is correct. And it would be subject to the extraordinary provision of the law regarding preclearance or any changes of its laws or regulations relating to election procedures.

Mr. LOTT. So no matter what they do in the next 20 years, after that ruling in 1985, no matter how pure they might be and how hard they might try to comply with the act in every way, they could not bail out from under this act until the year 2005; is that correct?

Mr. KINDNESS. Mr. Chairman, if the gentleman will yield, I will state that the gentleman is correct.

Further than that, under one interpretation of the language in the committee bill it could be contended that, based on 1964 conditions, the 20-year period beyond that would apply before a declaratory judgment could be sought.

If we take it together, extending the act for another 10 years, we could be tacking on forever to the period of time that would be involved. One interpretation is so extreme that we could tack two 20-year periods together. I am inclined to believe that only the interpretation the gentleman suggests is correct, that the 1985 extension by a State could give rise to coverage until the year 2005.

Mr. LOTT. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I think that 20 years is an unnecessary extension of the act and, in fact, a punishment of States that try to act in good faith. The Kindness amendment, which provides for 5 years, is more than sufficient.

For the life of me, I cannot understand why this body will not make this act apply to the entire Nation. This is an extremely punitive piece of legislation aimed primarily at a few Southern States. Should not the same provisions apply to New York as Mississippi? The Wiggins substitute and the Butler substitute have already failed, making it virtually impossible for my congressional district to get out from under this act. I implore my colleagues, as fellow Americans, not to hold what may be innocent States in bondage until the year 2000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The question was taken; and on a division (demanded by Mr. KINDNESS) there were—ayes 36, nays 55.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 2, immediately after line 6, insert the following:

"SEC. 103. Effective one day after the date of the enactment of this Act, section 5 of the Voting Rights Act of 1965 is repealed."

Mr. HYDE. Mr. Chairman, I want to make it unmistakably clear at the outset that I do support the Voting Rights Act of 1965 and I support its extension. I support, for the most part, the methods by which the laudable goals of this worthwhile legislation are sought to be implemented.

I also will assert that, in my judgment, the right to vote is much more important than any other civil right, including even the right of free speech. It does not do anyone much good to be permitted to speak if he cannot implement his views by voting.

As a matter of fact, living as a member of the minority political party in the county of Cook, State of Illinois, I have a very sensitive grasp of how important equal access to the ballot box is.

Unfortunately, it seems to me that this legislation does not go far enough because having one's vote counted is just as important as having it cast; and this bill does not address itself to that problem at all.

The thrust of my amendment is to say simply that the 15th amendment cannot repeal the 10th amendment.

Section 5, as we all know, requires a sovereign State to come, hat in hand, to Washington, D.C., and appear before an appointed official of the Federal Government and get a preclearance for any changes in its laws, whether it be a constitutional amendment, whether it be an annexation, a zoning law, or any law that remotely will affect the right to vote. It is inconceivable to me that under our Federal system, a sovereign State of the United States of America has to come to an appointed official, whether it is the Attorney General or whether it is the Secretary of the Department of Transportation, and get approval before a sovereign State can have its laws implemented.

I am well aware of the case of *South Carolina* v. *Katzenbach*. I read it several times. In my opinion, if I may be so presumptuous, the majority opinion is woefully inadequate in discussing or even addressing the violence done to the 10th amendment by its interpretation of the 15th amendment.

It would be very difficult for me to improve upon the language of Mr. Justice Black in his dissenting opinion. Let me just quote in part from that opinion:

> Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg federal authorities to approve them. Moreover, it seems to me that section 5 which gives federal officials power to veto state laws they do not like is in direct conflict with the clear command of our Constitution that "The United States shall guarantee to every State in this Union a Republican Form of Government." I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat federal authorities in far-away places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces.

Section 5 of this act reduces a sovereign State to the equivalent of an administrative district of the Federal Government, and, no matter how reasonable or how well intentioned the means to the end are, it seems to me this is a violation of, and is repugnant to the concept of our Federal Government.

So I say simply that section 5 demeans, it degrades, and it even disembowels State sovereignty.

I do not believe that States have rights. I believe that people have rights, but I believe also that States have powers. States exist under our Constitution, and if we want to change the Constitution then let us do it by amendment and not by passing a law.

I would also remind my colleagus that the States created the Federal Government—not the other way around. And in this Bicentennial year I think it might be well to dwell upon that.

Let me also state that the judicial power to strike down an unconstitutional law is a long, long way from the power to prevent a State from passing the law or amending its constitution in the first place.

Those Members who are so sensitive to the civil rights cause and to the obscenity cases have brought up the matter of prior censorship, and that is what section 5 of this act is to a sovereign State of the United States; it is prior censorship of its law, and this is something that is unauthorized by our Constitution. No matter how much we want to breathe life into the 15th amendment, we do not have to embalm the 10th amendment in doing so.

I respectfully urge support for my amendment.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, section 5 of the Voting Rights Act has now become the most important provision of the legislation. Today, enforcement of section 5 is the highest priority of the voting section of the Department of Justice's Civil Rights Division. In recent years, the number of Justice Department section 5 objections has greatly increased. The Department has entered objections to changes submitted from a number of jurisdictions, including Arizona, Georgia, Louisiana, Alabama, Virginia, North Carolina, and New York. I include a table:

NUMBER OF SEC. 5 OBJECTIONS INTERPOSED BY THE DEPARTMENT OF JUSTICE, BY STATE AND YEAR, FROM 1965 TO 1975 [1]

State	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	Total
Alabama	0	0	0	0	10	1	2	6	1	2	0	22
Arizona [2]						0	0	0	1	0	1	2
California [2]						0	0	0	0	0	0	0
Georgia	0	0	0	4	0	0	5	11	8	9	0	37
Idaho [2]						0	0	0	0	0	0	0
Louisiana	0	0	0	0	2	0	19	8	6	2	0	37
Mississippi	0	0	0	0	3	1	13	2	8	1	1	29
New York [2]						0	0	0	0	1	0	1
North Carolina [2]	0	0	0	0	0	0	6	0	0	0	0	6
South Carolina	0	0	0	0	0	0	0	4	3	12	0	19
Virginia	0	0	0	0	0	1	5	1	0	3	0	10
Wyoming [2]—						0	0	0	0	0	0	0
Total	0	0	0	4	15	3	50	32	27	30	2	163

[1] Through Feb. 28, 1975.
[2] Selected county(ies) covered rather than entire State.

Source: U.S. Department of Justice (hearings, 185).

The recent objections entered by the Attorney General of the United States to section 5 submissions clearly bespeak the continuing need for this preclearance mechanism. As registration and voting of minority citizens increases, other measures are resorted to which dilute increasing minority voting strength. Such other measures include switching to at-large elections, annexations of predominantly white areas, or the adoption of discriminatory redistricting plans—Hearing, 1187–1232. In fact, the Justice Department has recently entered objections, at the State and local level, to at-large requirements, polling place changes, majority vote requirements, staggered terms, increased candidate filing fees, redistrictings, switches from elective to appointive offices, multimember districts, and annexations—hearings, 183–185. In each of these objection situations the submitting jurisdiction failed to meet its burden of satisfying the Attorney General of the nondiscriminatory purpose or effect of the proposed change.

In its report, the Judiciary Committee concluded—

> That it is largely Section 5 which has contributed to the gains thus far achieved in minority political participation, and it is likewise Section 5 which serves to insure that that progress not be destroyed through new procedures and techniques.

Section 5 of the Voting Rights Act must not be repealed and, I, therefore, urge that the Hyde amendment be rejected.

Mr. ARMSTRONG. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I would like to inquire, for the purpose of clarification, if I may have the attention of the chairman of the subcommittee, am I correct that the preclearance procedure in this bill applies to statutory enactments of State legislatures to reapportion and redistrict for the purposes of their State legislatures, and for their congressional district. Is that correct?

Mr. EDWARDS of California. For covered jurisdictions, yes, and that is a very important part of section 5.

Mr. ARMSTRONG. To be specific, by "covered jurisdictions" we mean those jurisdictions which are newly covered, not just those which have been covered prior to this time.

Mr. EDWARDS of California. Those that would be covered under title II of the amended act, yes.

Mr. ARMSTRONG. Let me refer to my own State of Colorado which will come under the provisions of this act, if it is enacted, for the first time. El Paso County, Colo., a county which comprises approximately 10 percent of the population of the State of Colorado, will be covered by this act. Running through that county are a number of legislative district boundaries which, as I understand it, could not be changed by the State legislature as they lie within El Paso County, without the preclearance of the Attorney General.

Mr. EDWARDS of California. My understanding is that your understanding is correct.

Mr. ARMSTRONG. Similarly, the boundaries which separate two of the State's five congressional districts run through El Paso County, so we could not redistrict without the approval in advance of the court or of the Attorney General?

Mr. EDWARDS of California. If the facts are that El Paso County has been caught unfairly by the trigger, then El Paso County can apply to be relieved from the provisions of the act.

Mr. ARMSTRONG. I thank the chairman for that explanation. I would like at another time when I will offer an amendment, perhaps, to respond to the specific issue of whether or not El Paso County may have been unfairly caught, along with some other counties.

But now I want to make this point, that at least in my own mind this is the most important issue in the bill. Are we going to make the States beggars, as my colleague, the gentleman from Illinois (Mr. HYDE) has asked? It seems to me that we are going much too far by the action of this bill.

As a member of a State legislature. I participated in redistricting and reapportionment on three occasions. I learned it is a very complex area of the law. It is difficult not only for legal but for practical reasons, and we are placed in the position of having to obtain all kinds of compromises made necessary by both Federal and State constitutional requirements. To impose the additional burden on the State legislature and the citizens of my State of having to go to an unelected Federal official, it seems to me, is not only wrong in theory but imposes very great practical impediment to reapportionment and redistricting.

I have spoken about my State and about a particular county in my State, but it seems to me the principle applies equally in other States covered by the act. For this reason I urge support of the amendment offered by my friend, the genlteman from Illinois (Mr. HYDE).

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ARMSTRONG. I will be pleased to yield to my colleague from Colorado.

Mr. EVANS of Colorado. I thank the gentleman for yielding.

With the permission of the gentleman, I would like to direct a question to the chairman of the committee because I do not think his response was as clear as I would like to have had it on the question of redistricting congressional districts. The gentleman from Colorado and I share El Paso County. I have 32⅓ counties in my district, and I am not sure how many counties are in the gentleman's district adjacent to mine; but the gentleman from Colorado posed the question to the chairman since one county that is split into two congressional districts will be covered under title II, El Paso County, the question to the gentleman was under those circumstances before those congressional districts could be reapportioned, would such a plan have to be presented to and approved by the Attorney General?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. ARMSTRONG. I yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding.

It would seem to me that that portion of the plan drawn by the State legislature affecting El Paso County would have to be approved.

Mr. EVANS of Colorado. I thank the gentleman for yielding.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ARMSTRONG. I yield to my friend, the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding.

We all know, as practical, working politicians, that redistricting is a very interrelated process. It is almost impossible to change one district without affecting all districts. In those States such as Colorado, where only a few counties may be caught, the practical effect of requiring preclearance of one county's redistricting plan is the submission of the entire State's redistricting plan to the Attorney General for his approval. The same is true with respect to other laws affecting voting which have statewide application. Since such statewide laws will apply to a covered county, preclearance will be required. In effect, therefore, the entire State is covered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

RECORDED VOTE

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 300, not voting 28, as follows:

[Roll No. 252]

AYES—105

Archer
Armstrong
Ashbrook
Bafalis
Bauman
Bevill
Breaux
Brinkley
Brooks
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Flowers
Flynt
Fountain
Frey
Ginn
Goldwater
Gonzalez
Hagedorn
Haley
Hansen
Harsha
Hefner
Henderson
Hightower
Hinshaw
Holland
Holt
Hutchinson
Hyde
Ichord
Jarman
Jones, Ala.
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Landrum
Lott
McCollister
McDonald
McEwen
Mann
Martin
Michel
Milford
Montgomery
Moore
Moorhead, Calif.
Nichols
O'Brien
Passman
Poage
Quillen
Rhodes
Robinson
Rousselot
Satterfield
Scheuer
Shuster
Sikes
Smith, Nebr.
Snyder
Spence
Steiger, Ariz.
Stephens
Symms
Taylor, Mo.
Treen
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wright
Young, Alaska
Young, Tex.

NOES—300

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Broomfield
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hastings
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Karth
Kasten
Kastenmeier
Keys
Koch
Krebs
Krueger
LaFalce
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Maguire
Mahon
Matsunaga
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mitchell, Md.

Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Skubitz
Slack
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—28

Alexander
Beard, Tenn.
Bowen
Brown, Calif.
Cochran
du Pont
Eilberg
Findley
Giaimo
Hammerschmidt
Hays, Ohio
Hébert
Jones, N.C.
Jones, Tenn.
Madigan
Mathis
Melcher
Mink
Mollohan
Railsback
Roberts
Rostenkowski
Ruppe
Smith, Iowa
Stuckey
Talcott
Teague
Wilson, Tex.

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Eilberg against.

Mr. Roberts for, with Mr. Jones of Tennessee against.

Mr. Stuckey for, with Mr. Rostenkowski against.

Mr. Mathis for, with Mr. Hays of Ohio against.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there additional amendments to title I?

AMENDMENT OFFERED BY MR. TREEN

Mr. TREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREEN: Page 2, line 2, after "inserting", strike out "No", and insert "Prior to August 6, 1985, no".

Mr. TREEN. Mr. Chairman and members of the committee, I do not know how many of the Members were surprised, as I was—and I know that a number of us were because of my discussions on the floor—to find that, whereas this is basically a bill to extend the Voting Rights Act for 10 years, it contains a provision to ban, all voter qualification tests and devices forever, not just for 10 years. This ban in the bill is permanent.

"Test or device" is defined in the act to include several things, among which are the following: A test to "demonstrate the ability to read, write, understand or interpret any matter"; second, to "demonstrate any educational achievement or knowledge of any particular subject."

In other words, "test or device" goes far beyond a literacy test; to ban would prohibit any type of qualification that a person understand or have knowledge of anything whatsoever. And this bill would prohibit that for all States forever.

In 1965, when this legislation was originally enacted, we targeted several States and counties and suspended these tests or devices in those States. Certainly argument could be made that that was relevant, because none of us could deny that these things were used for racial discrimination.

In 1970, when we amended this act, we then applied the ban to all States. I was not here then, but I still wonder how it was that it could be argued that the ban had to be applied to every State, because certainly there were some States in this Union that had never used a literacy test for any type of discrimination.

Mr. Chairman, all this amendment does is to take this provision which bans tests and parallel it in time with the other provisions which will expire in 10 years. This means that we can look at this again in 10 years and decide, as we look at the other provisions of the act which will expire, and we can determine whether or not we should continue a ban on all literacy and other types of tests. It gives us that opportunity.

Without this amendment we would foreclose ourselves from that opportunity.

I know that in many States there is not any type of questionnaire or any type of requirement that a person understand the least fundamental thing in order to vote. I can appreciate that some States do not want that requirement. Other States may wish to have it. Unless this amendment is adopted, none of the States may have any type of test, and indeed I do not know how we could keep persons in our insane asylums from demanding their right to vote, because, of course, they could say that the act provides that they do not have to be required to understand or have knowledge of anything whatsoever.

Mr. Chairman, in my judgment the permanent ban provision is of very dubious constitutionality, and I would vote against this bill, if my amendment does not succeed, for that reason alone. I believe it our duty to uphold the Constitution at all times.

The States still have the right—and the courts have said this repeatedly—to set voter qualifications except as limited by several amendments to the Constitution: The 15th amendment, which bans discrimination based upon race; the 19th amendment, which bans discrimination on the basis of sex; the 24th amendment, which prohibits any poll tax; and the 26th amendment, which prohibits age discrimination against persons 18 years of age or older.

These amendments themselves recognize that there reposes in the States the basic right to set voter qualifications. I can guarantee that if this is not amended, there will be an attack on the constitutionality of the act. The Voting Rights Act is supposed to be bottomed on the 15th amendment, and this ban, as I said a moment ago, could perhaps be deemed to be appropriate in the target States. Maybe one could argue it is appropriate in all other States for 5 years, and perhaps by some stretch of the imagination one could say that under the 15th amendment a ban for another 10 years is appropriate. But how could we possibly say that under the 15th amendment a permanent ban, a ban forever, is constitutional?

Mr. DRINAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Congress clearly has the authority under Katzenbach against Morgan to ban literacy tests. In another case, Oregon against Mitchell, the Supreme Court upheld the existing nationwide ban in previous versions of this particular law.

The commonly stated purpose of literacy tests is to maintain an intelligent electorate, and Congress can clearly find that this purpose is not met through the use of literacy tests. As a matter of fact, there is a total absence of any evidence that the quality of government or of elected officials is higher in States with literacy tests than it is in others. Congress concludes now, as it did before, that a ban on literacy tests is a wise thing in order to give the rights under the 14th and 15th amendments to all Americans.

Mr. Chairman, literacy tests cannot achieve their stated purposes, because they do not assure the qualification of intelligent voters. I think that with electronic media widely available now, it is quite possible and indeed probable that many people with very little formal education to be extraordinarily well-informed and to be intelligent members of the electorate even though they are technically illiterate.

Mr. Justice Black in the Mitchell case noted the long history of the discriminatory effect of literacy tests on minorities.

For this and many other reasons, Mr. Chairman, I urge the defeat of the amendment.

Mr. TREEN. Mr. Chairman, will the gentleman yield for a question?

Mr. DRINAN. Yes, I will be glad to yield to the gentleman from Louisiana.

Mr. TREEN. The gentleman talks about literacy tests. I have tried to point out, in explaining my amendment, that the test or device that is banned forever is much broader than a literacy test. As I am sure the gentleman will agree, the act provides that a test or device includes the requirement that a person demonstrate the ability to read, write, understand, or interpret any matter or demonstrate any educational achievement or knowledge.

The gentleman has reference to the fact that the electronic media will inform persons and they do not have to be literate. That may be true, but this particular ban goes further than that. It would not permit a State to make any requirement for even the most fundamental knowledge of how the Government works, as to what the Senate or the House of Representatives does, any basic type of requirement of that nature. It is much broader than a ban on a literacy test. It is a ban on knowledge or information of any kind whatsoever.

Mr. DRINAN. If the gentleman will yield, the existing language of the Voting Rights Act contains a very carefully chiseled definition of what the word "test" or "device" means. It means that we seek to ban any "test or device" which requires the ability to read, to write, or understand as a prerequisite to voting.

We are including in this particular bill all of those various tests and devices that have been used to defeat the rights of the American people under the 14th and 15th amendments.

Mr. TREEN. If the gentleman will yield, on page 71 of this report, there is reference to the literacy test, but the act itself is much broader than that. The test or device in the section that I seek to amend is defined in the act to include the clauses that I just read.

So that the gentleman is not talking about just the poor who may be illiterate here, and I agree with the gentleman fully for the idea of a literacy test, per se, is, I do not think, very practicable, but it goes much further than that, and talks about knowledge and understanding, and whatsoever, and no State would be able to require that forever.

Mr. DRINAN. What I quoted was from the preexisting Civil Rights and Voting Rights Act and, as a result, we are not changing, in any substantial or significant way, the previously accepted definition of the "tests or devices."

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Louisiana (Mr. TREEN).

Mr. Chairman, I think we should recognize that the Civil Rights Act did not in fact grant any constitutional rights, or expand any existing constitutional rights which are and were and will continue to be available to all Americans. All it did do was to provide remedies, extraordinary remedies, and the extraordinary imposition of the Federal jurisdiction in some States and some political subdivisions in order to enforce the rights guaranteed under the Constitution.

The legislation was intended as a temporary measure, originally recommended by the Civil Rights Commission to extend for 10 years. The House decided it should only apply for 5 years. Then we extended it for an additional 5 years. Now we have before us the question of what further period shall we extend this temporary legislation for? The committee bill would extend the Voting Rights Act for a period of 10 years insofar as most of its sections are concerned. These extraordinary remedies are extended for a period of 10 years under the committee bill.

This criterion of tests and devices, consisting of literacy tests, which was devised back in the 1965 act, as the basis for permitting this extraordinary remedy contemplated that it would continue only on a temporary basis. The gentleman from Louisiana suggested that the constitutionality of this legislation was sustained by the Supreme Court on the basis of it being a part of the temporary law of our country, and not part of the permanent law.

To say that we are never going to have a literate society, to say we are never going to require people to read and write in order to vote in any election, seems to me to be quite inconsistent with the principles of a literate society. It is all well and good to say that we have television and radio now, and you do not have to know how to read and write, but I think that is an admission that we should not want to make. We should make as our goal to extend our literate society. If we need more education, including adult education, then we should provide that by legislation, provide such a program, but to admit that we will never provide the opportunities for illiterates to become literate in our States is an admission this Congress should not make, and a permanent ban on literacy tests certainly should not be made a part of our permanent law.

So I urgently urge the support of the amendment offered by the gentleman from Louisiana (Mr. TREEN).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. TREEN).

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. TREEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 318, not voting 26, as follows:

[Roll No. 253]

AYES—89

Ambro
Archer
Armstrong
Ashbrook
Bauman
Bevill
Biaggi
Breaux
Brinkley
Broomfield
Broyhill
Burke, Fla.
Burleson, Tex.
Butler
Byron
Chappell
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Delaney
Devine
Dickinson
Downing
Duncan, Oreg.
Edwards, Ala.
English
Flynt
Ginn
Goodling
Hagedorn
Haley
Hansen
Hébert
Hefner
Henderson
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Jones, Okla.
Ketchum
Kindness
Landrum
Lent
Lott
Lujan
McClory
McDonald
McEwen
Mann
Martin
Mathis
Michel
Montgomery
Moore
Nichols
Passman
Poage
Quillen
Rhodes
Robinson
Rousselot
Satterfield
Shuster
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Symms
Taylor, Mo.
Taylor, N.C.
Treen
Waggonner
Wampler
Whitehurst
Whitten
Wydler
Young, Alaska
Young, Fla.
Zeferetti

NOES—318

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brooks
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Casey
Cederberg
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Dellums
Dent
Derrick
Derwinski
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Goldwater
Gonzalez
Gradison
Grassley
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Maguire
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Symington
Talcott
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Wiggins
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—26

Alexander
Beard, Tenn.
Bowen
Brown, Calif.
du Pont
Eilberg
Findley
Hammerschmidt
Hays, Ohio
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kemp
McDade
Madigan
Mink

Mollohan
Railsback
Roberts
Rostenkowski
Seiberling
Stuckey
Sullivan
Teague
Wilson, Tex.

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Roberts for, with Mrs. Sullivan against.
Mr. Stuckey for, with Mr. Eilberg against.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II

Sec. 201. Section 4(a) of the Voting Rights Act of 1965 is amended by—

(1) inserting immediately after "determinations have been made under" the following: "the first two sentences of";

(2) adding at the end of the first paragraph thereof the following new sentence: "No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgements of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.";

(3) striking out "the action" in the third paragraph thereof, and by inserting in lieu thereof "an action under the first sentence of this subsection"; and

(4) inserting immediately after the third paragraph thereof the following new paragraph:

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of this subsection for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), he shall consent to the entry of such judgment.".

Sec. 202. Section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: "On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972.".

Sec. 203. Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection:

"(f)(1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local government, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electorial process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

"(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

"(3) In addition to the meaning given the term under section 4(c), the term 'test or device' shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term 'test or device', as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

"(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language.".

Sec. 204. Section 5 of the Voting Rights Act of 1965 is amended by inserting after "November 1, 1968," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972,".

Sec. 205. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

Sec. 206. Sections 2, 3, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by adding immediately after "on account of race or color" each time it appears the following: ", or in contravention of the guarantees set forth in section 4(f)(2)".

Sec. 207. Section 14(c) is amended by adding at the end the following new paragraph:

"(3) The term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.".

Sec. 208. If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, or the application of such provision to other persons or circumstances shall not be affected by such determination.

Mr. McCLORY (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: Page 2, beginning with line 7, strike out all down through line 15 on page 7, and insert in lieu thereof the following:

Sec. 103. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

Sec. 104. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately after "on account of race or color" each time it appears the following: "or national origin".

And redesignate titles III and IV as II and III, respectively; redesignate sections 301 through 304 as 201 through 204, respectively, and redesignate sections 401 through 408 as 301 through 308, respectively.

Mr. McCLORY. Mr. Chairman, this amendment, it seems to me, really gets at the crux of what we are considering here in connection with the proposed extension of the Voting Rights Act. I want to state quite firmly and flatly that I am a sponsor of the extension of the Voting Rights Act. I am sponsoring the administration's extension of the Voting Rights Act for a period of 5 years, including a ban on literacy tests for a period of 5 years; in other words, to give 5 years additional effect to the existing Voting Rights Act which, as many have said, has contributed substantially to assuring voting rights to American citizens.

What this amendment does is to strike title II from the bill. Title II would establish a new test or device. The new test or device would do precisely this, and I ask the Members to listen to this: The new test or device would be that if a State or a political subdivision in the election of 1972 used a ballot which was printed only in English, and it had 5 percent or more of a so-called language minority group—Spanish heritage, Asian American, American Indian, or Native Alaskan—and less than 50 percent of the persons voted in the election in that area, then they would automatically come under the Voting Rights Act of 1965. There would be an automatic trigger, just as there was an automatic trigger in 1965 when we originally enacted this legislation.

In other words, we are expanding the Voting Rights Act by employing the same type of device, the same means, the same extraordinary remedy, but we are doing it without the justification we had for the original act. I want to emphasize that.

It is true that in the record, in the evidence, if we look at these volumes of evidence that were taken, that there is some evidence in the form of some statements of some persons that in the State of Texas there were discriminatory practices there with regard to some Mexican Americans, but that is not general. That is not general, and it does not compare in any way to the discriminatory practices which were in effect and which we considered in 1965 when we enacted this original Voting Rights Act.

I suggest that with reference, for instance, to the subject of Asian Americans, there is only one single line in one letter which is addressed to the chairman of the committee. There is no evidence of any discrimination with respect to Asian Americans. There is no evidence of discrimination with respect to Alaskan Natives. There is no evidence of discrimination with respect to American Indians.

It is true that American Indians do not vote in large measure, but there is no practice of depriving them of the right to vote. If this title II remains in the bill, then every State that had this English-only election in which they have had not only the ballots but all the voting information only in the English language, then they would be subject to this triggering device and be compelled to come to the Attorney General and have approval of all of its legislation affecting elections, balloting, voting, and all the rest.

As a result, whether or not this is what we want to undertake with regard to voting rights for Americans, it seems to me that this is a far departure. It is not based upon any evidence; it is not based upon the realities; it is not based upon the principle which was applied at the time we enacted the Voting Rights Act of 1965 and which we are undertaking now to extend.

I earnestly urge the Members to support the amendment to strike title II. If we do that, and then follow further by striking title III, it seems to me then that we can go on to extend the Voting Rights Act for the purpose for which it was intended. Let me say that 14 States, in whole or in part, are covered by title II and 27 States under title III.

Not only would the ballots and voting information have to be in these additional languages, but let me point this out also: Not all the American Indian languages are in written form, and there are multiple American Indian languages. There are multiple Aleut and Eskimo languages not in written form. So, first of all, we would have to reduce these to written form. This legislation really gets to be absurd and ridiculous if we consider what title II attempts to do.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to ask the distinguished gentleman from Illinois, if I may, how he reacts to this: that the Department of Justice, in a memorandum of April 8, 1975, stated that there is evidence that American Indians do suffer from extensive infringement of their voting rights. The Justice Department stated that they had found it necessary to engage in litigation in order to protect the voting rights of American Indians. The Department of Justice stated that it has been involved in 33 cases involving discrimination against American Indians since 1970.

That is the basic purpose of title II; namely, to give the machinery to the Department of Justice and to the Federal courts to reach this discrimination that obviously goes on against the American Indians.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, let me answer by saying that title I already is effective to apply to these parties. The title applies to American Indians and all Americans, all citizens entitled to vote, who are discriminated against because of their race, and we should provide that kind of protection. The Constitution provides that.

But to blanket in all of these States under a formula because there is a certain population of American Indians in a State is completely inconsistent with the original purpose of the Voting Rights Act, which, of course, took care of a practice which had gone on for a century. But we do not have that situation with regard to Indians or Asian Americans.

To print the ballot in Chinese, for instance, in San Francisco, does not make any sense at all. My daughter-in-law, who is Chinese, lives out there in the San Francisco area. She does not want to have the ballots printed in Chinese. But yet she would be counted as an Asian-American.

Mr. DRINAN. But the facts do state overwhelmingly in all of the evidence to which the gentleman has made reference that Asian-Americans and American Indians and Alaskans vote very, very disproportionately compared to their total number, and they vote very substantially less than the Anglos, or the whites, and the presumption is in the Voting Rights Act of 1965 and 1970 that when that type of evidence is there, there is overt discrimination of all kinds and that, therefore, the law is designed to reach the hidden individual sources that are preventing these people from going out to vote.

Mr. McCLORY. If the gentleman will yield, I do not think we should base our judgments on presumption. I think we should base our judgments on fact. The facts do not seem to be there. There are some cases where the Spanish-heritage people vote consistently in large blocs, and vote and elect; and they happen to do that in my district. But I certainly do not think, for instance, in the State of Florida, where the Cubans have arrived recently as refugees and now are citizens, that we should now enact a Voting Rights Act which would require the printing of ballots in the Spanish language in order to take care of these refugees who have now become citizens. It just does not make sense.

Mr. DRINAN. Ten years ago the dramatic demonstration at Selma brought to this Congress and to this country very significant facts indicating that blacks had not been allowed to vote. But if Selma and all of those incidents had not occurred, the statistics would have demonstrated that blacks had been discriminated against. I suggest to the gentleman that the statistics with regard to Asian Americans, native Americans, and Native Alaskans, demonstrate precisely the same thing, and we, therefore, draw the presumption that the protection of the law is needed. And that is what title II and title III is all about.

Mr. McCLORY. If the gentleman will yield, it is true about the situation in Selma; we did have statistics; but we had additional facts of actual intimidation there. I supported the Voting Rights Act then, and I supported the voting rights extension, and I support it now. But we do not have those facts before the House today.

Mr. DRINAN. Those facts are set forth in the 1,300 pages of testimony of the hearings which are available.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCLORY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 305, not voting 24, as follows:

[Roll No. 254]

AYES—104

Archer
Armstrong
Ashbrook
Bafalis
Bauman
Bevill
Brinkley
Brown, Ohio
Broyhill
Burleson, Tex.
Butler
Byron
Casey
Cederberg
Chappell
Clancy
Clawson, Del
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Dent
Devine
Duncan, Tenn.
Edwards, Ala.
English
Erlenborn
Eshleman
Fish
Flynt
Forsythe
Fountain
Frey
Gibbons
Ginn
Haley
Hansen
Harsha
Hastings
Hefner
Henderson
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Jones, Okla.
Kasten
Kelly
Kemp
Ketchum
Kindness
Landrum
Latta
Leggett
Lehman
Lott
McClory
McDonald
McEwen
Martin
Mathis
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Nichols
Passman
Pettis
Poage
Quillen
Randall
Risenhoover
Robinson
Ruppe
Santini
Satterfield
Shuster
Sikes
Snyder
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Treen
Van Deerlin
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Wydler
Young, Alaska
Young, Fla.

NOES—305

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker

Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Mich.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Frenzel
Fuqua
Gaydos
Giaimo
Gilman
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Roush
Rousselot
Roybal
Runnels
Russo
Ryan
St Germain
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steelman
Stokes
Stratton
Studds
Symington
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—24

Alexander
Beard, Tenn.
Bowen
Brown, Calif.
Downing
du Pont
Findley
Fulton
Hammerschmidt
Hays, Ohio
Hébert
Jones, N.C.
Jones, Tenn.
Melcher
Mollohan
Railsback
Roberts
Roncalio
Rostenkowski
Stuckey
Sullivan
Teague
Ullman
Wilson, Tex.

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mrs. Sullivan against.

Mr. Roberts for, with Mr. Hays of Ohio against.

Mr. Stuckey for, with Mr. Rostenkowski against.

The result of the vote was announced as above recorded.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. LONG of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Louisiana.

(By unanimous consent, Mr. Long of Louisiana was allowed to speak out of order.)

ANNOUNCEMENT OF GRANTING OF RULE ON H.R. 6860

Mr. LONG of Louisiana. I thank the gentleman for yielding.

Mr. Chairman, I have an announcement that might be of interest to the members of the committee.

The Committee on Rules has granted a rule to H.R. 6860, which permits germane amendments to the bill only if they have been printed in the Congressional Record before or on June 4. This means that all germane amendments must be printed in either tomorrow's Record or a previous edition of the Record to be eligible to be offered to the bill.

For the Members' information, H.R. 6860 is described as the Committee on Ways and Means energy bill.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

When the gentleman from Louisiana says it must be in the June 4 Record, does that mean that the amendment has got to be on the table up there before the Record closes tonight?

Mr. LONG of Louisiana. Before the Record closes tomorrow night.

Mr. GIBBONS. Before the Record closes tomorrow night?

Mr. LONG of Louisiana. Today, I believe, is June 3.

Mr. GIBBONS. So what the gentleman means is the Record that closes tomorrow night?

Mr. LONG of Louisiana. The Record that closes at the close of business tomorrow needs to have all the amendments if they are going to be considered.

Mr. GIBBONS. I thank the gentleman.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: Strike out "Alaskan Natives" where it appears on page 7, line 9, and on page 9, line 22, and strike out the comma following it on page 9, line 22.

Mr. McCLORY. Mr. Chairman, I ask unanimous consent that this amendment may be considered at this time. It would strike the words "Alaskan Natives" from title II and from title III.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Chairman, I offered this amendment in the committee, and I am offering it again now to strike the term "Alaskan Natives" from the language minority groups that are referred to and included in this legislation. I am not fully familiar with this, but the information I have is that the Alaskan Natives, for the most part, do not have any written language, and the only common language they have is English. This requires that the State of Alaska be blanketed into this bill, which they are, and subjects them automatically to the legislation. Since they did not have their election ballots in the Eskimo and Aleut languages in 1972, it seems to be quite inconsistent with what this Congress should be doing.

I am hopeful that we can eliminate this description. The common language of the Alaskan Native is English. They do have 50 or so dialects which are for the most part not in written form. At the University of Alaska some people are working on reducing these to written form.

From my information both the political leaders and governmental leaders and others in Alaska support striking this expression "Alaskan Natives."

Mr. Chairman, I yield at this time to my colleague, the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman from Illinois and I would like to use my own time later if the gentleman will grant me some time.

Mr. Chairman, we have heard some statements here that there has been discrimination against the Alaskan Natives and I say to you that is not true. Regardless of what the Commission may have written, I have a letter from the man who instigated including this in the bill, J. Stanley Pottinger who writes:

> The reason for using a phrase which would embrace within its meaning Alaskan Natives is that we think that legislation of this nature should not single out individual racial groups when there are several racial groups which may be similarly situated. This is not to say that any evidence has been presented to us of a need for expansion of the coverage of the Act to Alaskan Natives; we have received no specific evidence regarding them. However we think it would be more appropriate to leave to the courts the determination as to which racial minorities who are non-English speaking need the special protections of the Act. The State of Alaska has been able to bail out from the special provisions of the Act on two prior occasions, and if there is no discrimination against Alaskan Natives presumably could bail out if Congress were to include it within the coverage of the 1975 Voting Rights Amendment.

I have heard testimony that our Senator supports inclusion of this in the act, and I have received word from our Senator, Senator Gravel who writes:

> Accordingly, the enclosed Amendment would exempt Alaska from the bilingual ballots requirement, recognizing that Alaska has a voter assistance statute in its laws.

I have received telegrams from leading Alaskan Natives who said they did not want to be included under this act because it would cause confusion.

The languages are not written. The only people who know the languages are the professors at the university and some natives. The universal language is English. There is no difficulty about voting in Alaska. If you are warm, you can vote in Alaska. It has been proven that participation in Alaska as far as voting is 50 percent of the Natives who vote in Alaska. I ought to know because I had an Alaskan Native running against me.

Listen to what the people are saying, not what the committee is saying, because the people are speaking and I am speaking for the people. I urge the adoption of this amendment as introduced by my colleague, the gentleman from Illinois.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Illinois and the gentleman from Alaska have made a very flimsy case. The gentleman from Alaska (Mr. YOUNG) is opposed to this provision of the bill. There is no doubt about that, but he is 100 percent wrong if he thinks the Senator from Alaska, Senator GRAVEL is against the bill. I have a letter from him today that I have circulated that says explicitly and emphatically that he favors the bill and the extension of the Voting Rights Act.

I will explain in due time.

The gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. MCCLORY), but generally speaking the gentleman from Alaska (Mr. YOUNG) confuse title II and title III. The coverage of Alaska is much broader than title III on merely bilingual elections. It is covered by title II also.

I might point out that the letters in the report that are put in the report as evidence of nonsupport in Alaska are nothing of the sort.

They are in opposition to title III of the bill in that Alaska should not be required to have bilingual elections and the bill does not require Alaska to have bilingual elections. The native languages are virtually all nonwritten in Alaska. All this bill requires, as has been pointed out over and over again, is bilingual assistance to Alaskan Natives. I might add, it would be a relatively simple process because the languages of Alaska are similar and they require only one interpreter.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield, under the Alaska State legislature we offer that assistance now; but if the gentleman can explain why there is no triggering mechanism in the State of Alaska where it would be required to train the Alaskans when the language is not written—can the gentleman state whether that is one of the requirements or not?

Mr. EDWARDS of California. There is no way to have a written bilingual ballot for a language that is oral.

Mr. YOUNG of Alaska. It is oral, and let me say, if it is a congressional act and becomes law, in a sense it will be written and it actually has been written bilingually.

Is the gentleman telling me it would have to be written and bilingual?

Mr. EDWARDS of California. I suggest that the gentleman read page 41 of the report:

> For those languages which have no written form, registration and voting assistance in the language of the applicable minority group will serve to comply with the section.

This is the situation in Alaska.

Mr. MCCLORY. Mr. Chairman, will the gentleman yield for one more question?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. MCCLORY. I want to point out that section 4 of title II says that the election material, including ballots, shall be provided in the language of the minority group as well as the English language.

The gentleman made reference to the ballot. The ballot has to be in the language of the minority group and the language is the language of the Alaskan native.

Mr. EDWARDS of California. The report makes it clear that in Alaska the languages of the minorities are oral and not written. So how are we going to write something that is an oral language in the ballot?

Mr. MCCLORY. That is overdoing it. We are mandating an impossible act. We are mandating a written language when there is no written language.

Mr. EDWARDS of California. I suggest the gentleman read the report. The trigger does require the inclusion of Alaska in title II and title III and it is a prima facie case by virtue of it being triggered by voting discrimination in Alaska.

We have the enthusiastic support of the senior Senator from Alaska. We have the support of the Alaska Federation of Natives, at least the president, Roger Lang, who wrote one of the letters in the report. I know what the letter says, but that only refers to title III again.

We are getting into the same box we were in with the fact of the oral language.

We have also heard from the president of the Association of Interior Eskimos, John L. Heffle, a telegram from him that I will put into the RECORD when we go back into the House.

If the State of Alaska feels it is unfairly covered it can bail out by seeking a declaratory judgment.

Again, the report is wrong. On page 93 it says that representatives of Alaska twice traveled to Washington to bail out. Alaska was covered twice before. It did not go to Washington. It was done by mail. It is a very simple process, as I am sure the Attorney General of Alaska can inform the gentleman.

Mr. MCCLORY. Mr. Chairman, if the gentleman will yield further, I would like to suggest that under this new legislation there will be no opportunity to bail out, because there will be no way of showing that they did conduct their election in 1972 in any of the Alaskan languages and there will be no way to show that it occurred only in a few instances, because it occurred all over the country, because they did not have any Alaskan ballot anywhere in the country. That is one of the requisites for bailing out.

Mr. EDWARDS of California. Mr. Chairman, I am going to read the telegram from John L. Heffle, Sr., president of the Association of Interior Eskimos, which was received today. The telegram is as follows:

> FAIRBANKS, ALASKA,
> *May 30, 1975.*
>
> Congressman DON EDWARDS,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN EDWARDS: This is in full support of H.R. 6219 and the bilingual voting assistance this would extremely beneficial to our Alaskan Natives as our people have in the past experienced difficulty understanding municipal corporation, State, and Federal voting procedures.
>
> Respectfully,
> JOHN L. HEFFLE, Sr.,
> *President,*
> *Association of Interior Eskimos.*

Mr. YOUNG of Alaska. Mr. Chairman, may I ask, what is that name?

Mr. EDWARDS of California. John L. Heffle, president, Association of Interior Eskimos.

Mr. YOUNG of Alaska. May I also counteract that with a letter from the gentleman who represents the other areas in the State of Alaska with a total of 60,000 people? One can get a telegram from anybody, but these people are duly elected officials of the State of Alaska under the native representation.

Mr. DRINAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we ought to know that we are speaking about thousands of people when we speak of the Alaskan Natives. They comprise over 20 percent of the entire population of Alaska. This State of Alaska has consistently had under 50 percent voting in the last three Presidential elections.

The Department of Justice wants the Native Alaskans included. The U.S. Commission on Civil Rights in a letter dated April 29, 1975, wants the special coverage extended to Alaskan Natives.

I want to say to the gentleman from Illinois and also to the gentleman from Alaska that I would be prepared at a later time to suggest an amendment that would ease their understandable anxiety. The amendment at the appropriate place in the bill would read:

> Provided, that where the language of an applicable minority group is oral or unwritten, the state or political subdivision shall only be required to furnish oral instructions, assistance or other information relating to registration and voting.

Mr. MCCLORY. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. MCCLORY. Mr. Chairman, I think that in the existing Alaskan law, there is already authority for voter assistance. Also, I might point out that they had a constitutional amendment recently in Alaska to provide that citizens did not have to understand the English language in order to be entitled to vote, and the people overwhelmingly supported that constitutional amendment.

It seems to me that to include Alaskan Natives under these circumstances is really quite unfair to a large body of American citizens who apparently do not want to have this superimposed Federal authority on them.

Mr. DRINAN. May I respond to the gentleman? Consistent with everything else in the act, we simply extend the coverage of the 14th and 15th amendments to these people.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, the Senator I was speaking of previously was not the senior Senator; he was the junior Senator. I want to make that clear for the record.

First and foremost, if the Justice Department wants it—I am not exactly sure why they want it, because Mr. Pottinger states that there has been no evidence at any time that would back up the requirements and the necessity to be included in this act. What he says is this, that the State has been bailed out twice and they can bail out again, and undoubtedly will do it and will probably win the case. The gentleman says it costs 10 cents; I say it will cost $100,000.

To me, it is not right. The Native people of Alaska, with whom I am intimately familiar, do not favor it. As I stated yesterday, we are doing something to the people when they do not want it, but this is wrong.

I voted to support this act, but not this provision.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, the gentleman from Massachusetts will agree, will he not, that at no time during our 13 days of hearings in the subcommittee was the subject of Alaskan Natives and the inclusion of them under the act considered in the hearings. Will the gentleman agree to that?

Mr. DRINAN. We had evidence in the U.S. Commission report and other testimony; not oral evidence, but we have had, it seems to me, sufficient evidence to state that there has been a serious problem with Alaskan Natives not voting according to their proportion in the population.

Mr. BUTLER. Could the gentleman point that out? I have searched the record and I find no page where this is mentioned in the hearings. Maybe this is that kind of unwritten language that we are talking about with the Alaskan Native languages, but it is not in this record.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, we cannot here, by legislation, extend the 14th and 15th amendments. That is already extended to all Americans, and we cannot make any change in the Constitution here in this legislation.

We cannot make any change in the Constitution here to this legislation. The 14th and 15th amendments blanket in all American citizens, and what we are doing here, it seems to me, is imposing the Federal will in an area that does not want it imposed upon them, and it imposes the impossible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Alaska. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 264, not voting 24, as follows:

[Roll No. 255]

AYES—145

Abdnor
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Bevill
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Dent
Derwinski
Dickinson
Downing
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
English
Erlenborn
Eshleman
Evins, Tenn.
Fenwick
Fish
Flynt
Forsythe
Frenzel
Frey
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Hagedorn
Haley
Hansen
Harsha
Hastings
Hébert
Heckler, Mass.
Hillis
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Johnson, Colo.
Johnson, Pa.
Kasten
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Landrum
Latta
Leggett
Lent
Lott
Lujan
McClory
McCollister
McDade
McDonald
McEwen
Martin
Mathis
Meeds
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Murtha
Myers, Ind.
Nichols
O'Brien
Pettis
Pike
Poage
Pritchard
Quie
Quillen
Randall
Rhodes
Rinaldo
Risenhoover
Robinson
Rogers
Rousselot
Ruppe
Schneebeli
Schulze
Sebelius
Seiberling
Shuster
Sikes
Simon
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Treen
Vander Jagt
Walsh
Wampler
Whitehurst
Wiggins
Wilson, Bob
Winn
Wydler
Young, Alaska
Young, Fla.

NOES—264

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Devine
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Esch
Evans, Colo.
Evans, Ind.
Fascell
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fuqua
Gaydos
Giaimo
Gibbons
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McCloskey
McCormack
McFall
McHugh
McKay
Macdonald
Madden
Maguire
Mahon
Mann
Matsunaga
Mazzoli
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pressler
Preyer
Price
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rodino
Roe
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Sharp
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Stanton, James V.
Stark
Steed
Steelman
Stokes
Stratton
Studds
Symington
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Waggonner
Waxman
Weaver
Whalen
White
Whitten
Wilson, C. H.
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—24

Alexander
Beard, Tenn.
Bowen
Coughlin
du Pont
Findley
Fulton
Hammerschmidt
Hays, Ohio
Jones, N.C.
Jones, Tenn.
McKinney
Madigan
Mills
Mollohan
Railsback
Roberts
Rostenkowski
Staggers
Stuckey
Sullivan
Teague
Ullman
Wilson, Tex.

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Stuckey for, with Mrs. Sullivan against.

Mr. Roberts for, with Mr. Hays of Ohio against.

The result of the vote was announced as above recorded.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of H.R. 6219 to amend the Voting Rights Act of 1965. The Subcommittee on Civil and Constitutional Rights has held extensive hearings on this bill and has more than adequately documented the need for extending and expanding the provisions of the act. I commend Mr. EDWARDS of California and the members of the subcommittee for the work they have done on this legislation.

No one can deny that tremendous

strides have been made in the registration of black voters in the States covered by the landmark 1965 legislation. In 1965 only 7.7 percent of the black voting age population was registered to vote in one State covered under the provisions of the act, while in 1972 that same State had registered 63.2 percent of its black eligible voters. The Voting Rights Act has led to an increase in the number of black elected officials in the South from 72 in 1965 to 963 in 1974.

The act has been successful. It has extended the franchise to many blacks in areas of this country where the 15th amendment was nothing more than a piece of paper only 15 years ago. However, the struggle to insure that all minority citizens do, in fact, have the right to vote is a long way from over. The disparity between black and white voter registration remains high in some States. In one, the disparity is 23.6 percent; in some rural counties the gap is as great as 37 percentage points. The number of black representatives in State legislatures still is considerably below the percentage of blacks in the population in those States.

The subcommittee has documented the need for the new protections for minority language citizens as well as for blacks. Titles II and III are not only welcome, they are long overdue. The right to vote is meaningless—for practical purposes—if the potential voter is unable to comprehend voting notices and materials. Titles II and III of the committee bill will make voting a reality for many of our citizens who were previously prevented from voting in fact, if not in law.

I urge all my colleagues to support H.R. 6219 and to reject amendments that will be offered to weaken or dilute the provisions of the act. It has proven effective for black voters. It can and will be effective for language minority voters as well.

Mr. KASTENMEIER. Mr. Chairman, I am happy to strongly endorse H.R. 6219, which will extend for an additional 10 years the special provisions of the Voting Rights Act of 1965, make permanent the current temporary ban on literacy tests and other such devices, and expand the coverage of the act to certain jurisdictions where language minorities reside.

Those of us who were serving in this body in 1965 recall vividly President Johnson's appearance before a joint session of the Congress in March of that year calling for enactment of a strong voting rights bill. His appearance followed by 1 week the tragedy in Selma, Ala., where the Nation witnessed how brutally and totally local and State officials tried to put down efforts to gain for our black citizens the right to vote. The 89th Congress responded decisively to Mr. Johnson's call, and 5 months later, on August 6, 1975, President Johnson signed into law the Voting Rights Act of 1965.

In 1970, this act was extended for an additional 5 years and the provisions of the law expanded to cover new jurisdictions. The amendments in 1970 recognized that discriminatory practices in voting procedures existed not only in our Southern States, but in areas in New England, New York City, California and Arizona, as well.

In the 10 years since the Voting Rights Act has been in operation, significant gains have been made in bringing large numbers of blacks into our electoral system. Between 1964 and 1972 more than 1 million new black voters were registered in the seven covered Southern States. Additionally, the number of black elected officials in those areas has increased dramatically.

Prior to 1965 there were less than 100 elected black officials in these States. As of April 1974 there were nearly 1,000.

In the past 10 years, the Voting Rights Act of 1965 has been lauded by many as the most effective civil rights legislation ever passed by the Congress. However, despite impressive gains in the registration of blacks in covered States, the progress must still be considered limited and uneven at best. There are still States, and pockets within States, where significant discrepancies exist between the percentage of eligible blacks registered to vote and the percentage of eligible whites so registered. Although we no longer have literacy tests, poll taxes, and other blatant efforts to exclude whole classes of people from voting, there still exist more subtle, but still effective, means by which minorities are excluded, or dissuaded from registering to vote.

Evidence still can be found in substantial numbers of areas of outright exclusion and intimidation at the polls; of restrictive times and places for registration; of a lack of assistance to illiterate voters; of discriminatory purging of registration rolls; of a lack of bilingual materials at the polls for non-English-speaking persons; of failure to find voters' names on precinct lists; and of many other devices which effectively exclude or greatly dissuade minority citizens from registering to vote.

It is often said that you cannot legislate changes in attitudes. Such changes more often than not come slowly and only after experience shows that such change is not detrimental to the person or the system.

In 1965 we made the Voting Rights Act effective for only 5 years, not because we thought that was all the time required to accomplish its purpose, but because a compromise was necessary to break a filibuster in the other body. In 1970 we extended the Act for an additional 5 years, and experience has shown that we were too optimistic at that time.

There will be several amendments offered to this bill. Most of these amendments will only serve to weaken the provisions of the measure as reported by the Judiciary Committee. Mr. Chairman, we should not be here today considering how we can weaken the existing act. Rather, our attention should be focused on how this Congress can strengthen its provisions. The Judiciary Committee bill has been carefully drafted to complete the process that has only been started in the last 10 years. These provisions are vital if that goal is to be reached.

A 10-year extension of the act is needed, not only because it will likely take that much longer to finally bring to an end nearly 100 years of voting discrimination, but because such protections will be vitally needed during the redistricting and reapportionment that will take place following the 1980 census.

A permanent ban on literacy tests and other such devices is needed, not only because 14 States still have on their books laws providing for such tests and can reinstate such devices at will upon the expiration of the Federal law, but because we must remove once and for all the assumption that the illiterate are less capable of casting an informed ballot than those who can read and write.

Finally, and most important, the provisions of the Voting Rights Act must be extended to non-English speaking minorities whose voting rights are currently and effectively undermined and many of whom are excluded from participation in elections. An individual is no less informed and knowledgeable simply because English is not his or her main language. Vast amounts of evidence were presented to the Subcommittee on Civil Rights indicating that a lack of bilingual assistance for registration and voting purposes has severely limited participation in the electoral process by language minorities. In those areas where they represent significant portions of the population, devices have been used to dissipate their strength and their vote. This provision of the bill, extending the Voting Rights Act to language minorities, is perhaps the most important part of the measure before us today.

Mr. Chairman, we should be here today striving for no less a goal than providing the opportunity for maximum participation in our electoral process. No one on this floor can deny that there still exist in some areas of this country attempts to prevent such participation by certain groups of people. The Judiciary Committee bill addresses the weaknesses still existing in the system and I firmly believe that we can do no less than adopt this measure.

Finally, I want to particularly commend the chairman of the Subcommittee on Civil Rights, Don Edwards, for his strong commitment and dedication to the cause of justice and equality in this country. That his subcommittee produced this bill is a testament to that commitment. His work in the area of voting rights and civil rights, along with those members of his subcommittee, will, in the end, I believe, make this country more worthy of celebrating the values and principles which we will pay tribute to next year, on our 200th anniversary. Like Don Edwards, I wish that we did not have to legislate equality and justice. I wish it was truly in the hearts and minds of all of our fellow citizens to grant every individual the feeling of true brotherhood. Short of that, however, we must continue to rely on people like Don Edwards to lead the way in creating a "more perfect union," and I believe that this bill brings us one step closer to that goal.

Mr. MOFFETT. Mr. Chairman. I rise in support of H.R. 6219, the Voting Rights Act Amendments of 1975. Ten years ago this body passed landmark legislation designed to insure the voting rights of black Americans, who have historically been subject to highly discriminatory literacy tests and related exclusionary devices. The results of that legislation have been most encouraging, and blacks have made genuine progress towards full representation in this country. Nonetheless, much remains to be done, and so the provisions in this bill which would extend coverage under the act for 10 years and make permanent the ban on literacy tests are absolutely necessary.

The second and third titles of this bill represent a broadening of the act which is long overdue. These sections would extend coverage under the act to several foreign language speaking minorities. Such groups as Hispanic and Asian Americans, not to mention our own native Indians and Alaskans, have long suffered from severe disenfranchisement due to language-based voting and registration barriers. Extension of voting rights coverage to these minorities will enable them to begin achieving the same gains that blacks have begun to realize since the 1965 law.

I believe the Committee on the Judiciary has developed in titles II and III a just and reasonable formula for the provision of voting rights protection to these groups, and I oppose any amendments which would weaken that protection. If we are to continue our progress in the area of minority voter participation, we must pass this bill without the numerous crippling amendments which have been proposed. I urge solid support for H.R. 6219.

Mr. WAXMAN. Mr. Chairman, 94 years after the Declaration of Independence proclaimed that all men are created equal and that government derives its rights to govern from the consent of the people, the 15th amendment to the Constitution was ratified. That amendment provided that the right of citizens to vote shall not be abridged or denied on the account of race or color. With the adoption of the 15th amendment, the Constitution came closer to realizing the ideals of the Declaration of Independence by giving them the force of law.

Although noble in principle, the 15th amendment never became a working reality. For more than a century after the Civil War, many State governments found ways around the intent of the 15th amendment by providing for literacy tests and other devices designed to keep the voting booths another white only area.

Ninety-five years after the approval of the 15th amendment, Congress found it necessary to enact legislation to insure the right to vote was not granted or denied merely on the basis of race. The landmark Voter Rights Act of 1965 broke through many of the barriers barring blacks and other minorities from the polling places. Since 1965 the Nation has seen a substantial advancement in the voting power of minorities indicating they are finally beginning to assume their rightful role of helping to shape, by the force of their participation, the direction this country will take.

This precious right to vote is the key to a representative form of government. If our Nation's citizens cannot choose their representatives or express themselves on an issue, the idea of government by, of, and for the people is rendered a cruel illusion. Not only must citizens be able to practically exercise this right to vote, however, they must also be able to do so intelligently. The 1975 Voter Rights Act extension helps insure that citizens can as a practical matter vote and that they will have the strongest opportunity to vote as informed citizens.

The 1975 act forever bans the prime tool of State discrimination—the literacy test. The act recognizes that education for minorities and for Anglos has been marked by unequal opportunity and that literacy tests given by many of our States after they have failed in their duty to adequately educate all their citizens has saved to perpetuate a racially discriminatory system. The literacy test clearly acts as an overt barrier to voting for minorities. In this day and age when broadcast media are so pervasive and literacy tests are so susceptible to discriminatory abuses, it is obvious these tests do not constitute an accurate measure of an informed electorate.

The Voting Rights Act extension also recognizes that those groups that are not able to read English are in effect discriminated against by the availability of English-only election materials. The act helps language minorities cast an effective ballot by providing for election material to be distributed in the minority's language if a jurisdiction has a significant minority population and an acutely low voter turnout.

It is my firm commitment to the principle that the right to vote should not be denied or abridged on the basis of race, color or literacy in English that moves to wholeheartedly endorse the Voting Rights Act extension.

Mr. FORD of Tennessee. Mr. Chairman, I rise to urge my colleagues to support the final passage of the voting rights extension, H.R. 6219. The Voting Rights Act of 1965 has been hailed by many to be the most effective civil rights law ever passed. It has contributed substantially to the marked increase in all forms of minority political participation in the last 10 years. At the time this act became law, minority group were severely disenfranchised at the polls. In my State of Tennessee, the Civil Rights Commission has found that only 69 percent of blacks were registered, compared with 73 percent of whites. Since the act has been in effect, however, more than 1 million new black voters were registered in the South. This represented a percentage increase from about 29 percent to over 56 percent of eligible blacks registered in the South.

The existence of the Voting Rights Act of 1965 has provided great support to minority citizens as they exercise their constitutional right to vote. The U.S. Civil Rights Commission has revealed that discrimination persists in the political process and that the promise of the 15th amendment to our Constitution and the potential of the Voting Rights Act of 1965 have not been fully realized. We have seen large increases in the numbers of minorities registered and elected to public office since the passage of the act. However, the continued need for its special provisions has been amply demonstrated. We must pass H.R. 6219 in order to prevent the destruction of the political gains minorities have attained thus far.

Mr. EDWARDS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON CEMETERIES AND BURIAL BENEFITS OF THE COMMITTEE ON VETERANS' AFFAIRS TO MEET ON JUNE 10, 16, AND 23, 1975, DURING GENERAL DEBATE AND UNDER 5-MINUTE RULE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Cemeteries and Burial Benefits of the Committee on Veterans' Affairs be allowed to meet on the afternoon of June 10, 16, and 23, 1975, during general debate and under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE 75TH ANNIVERSARY OF THE ILGWU

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the International Ladies' Garment Workers' Union is celebrating the 75th anniversary of its founding. Since June 3, 1900, the ILGWU has provided leadership to those concerned about changing conditions in the sweatshops of the Nation and to those who wanted to pursue a vision of human dignity for workers through decent conditions, wages, hours, the right to collective bargaining, and industrial responsibility.

I want to take this opportunity to join the many friends and admirers of the activities of the ILGWU by wishing the union and all its members congratulations and best wishes on the celebration of its 75th anniversary. I would also like to call the attention of my colleagues in the House of Representatives to a special message issued on this occasion by the leadership of the ILGWU headed by Louis Stulberg, president and Sol C. Chalkin, secretary treasurer and president elect, which appeared in the special issue of "Justice," the ILGWU publication. That special message has significance for all Americans and for that reason I am placing the full text of the message in the RECORD at this point:

HEADING FOR A HUNDRED

Anniversaries, by definition, celebrate the past. On such occasions we look back with pride, remembering the sacrifices we made, the battles lost and won, the dreams made real and the hopes fulfilled. By memory and picture, we grip the past as it slips deeper into time.

History magnifies pioneers. We remember the men and women who fought the elemental campaigns of an earlier era as giants. We seek from the record of their achievements the inspiration and encouragement to face the more complex and more difficult challenges of our time.

As garment workers, as unionists and as Americans we may search the pages of history for precedents as guides for today; but we must also search our souls for a reassessment of the values that have brought us to our present difficulties.

Our industry stands at the crossroads of pay and profit. Three-quarters of a century of progress toward decent standards for both is now threatened by a rising tide of imports from low-wage countries. The inherited illusion of free trade covers a reality of heartless exploitation overseas and callous profit-making here at home. The result is a tragic contribution to growing unemployment.

As unionists we are part of a movement whose organized strength has never been greater. Yet, all that we are able to win at the negotiating table is jeopardized at the supermarket cash register. The burden of record profit-making gets shifted back and back until it rests on the shoulders of wage earner and housewife.

As Americans, we must still discover resources of spirit and community by which to rescue ourselves from political cynicism. Men holding national trust have betrayed that trust and have compelled Americans to question what weakness of political faith or procedure has brought us to this low level of national morale.

As we inventory the past we must gird for the future. As in the early decades of this century, so too now, in its last quarter, there will be battles to fight and dreams to be fulfilled. We shall overcome if in these next 25 years we focus on the quality of life in our nation rather than ever higher profit records. If we improve life, profits will follow. But if, in these coming years, we continue to corrupt the free market with monopolies, continue to ignore the social costs of poor housing, inadequate health care, insufficient schooling, cynically play politics for power, we shall face crises far more devastating than those that have plagued us in these last years.

On this great occasion, when we celebrate the 75th anniversary of our union, we say to you, our members: Take courage! Hold fast to your faith in the American dream! Remember that your devotion to your union is loyalty to the same faith on which—two centuries ago—our great nation was founded.

International Ladies' Garment Workers' Union.

Louis Stulberg, President.

Sol C. Chaikin, General Secretary, Treasurer.

Wilbur Daniels, Executive Vice President.

SPEECH BY HON. JAMES G. O'HARA BEFORE NATIONAL UNIVERSITY EXTENSION ASSOCIATION IN SAN JUAN

(Mr. BENITEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BENITEZ. Mr. Speaker, recently the National University Extension Association—NUEA—held its annual convention in San Juan, Puerto Rico. One of the distinguished speakers at the convention was my good friend and colleague JAMES G. O'HARA, chairman of the Subcommittee on Postsecondary Education of the House Education and Labor Committee. Mr. O'HARA spoke about a decisive factor in present and future university transformation: The nontraditional student. He is a new and growing force not fully appreciated or understood outside or inside university walls; and yet this is a force which reflects one of the most positive educational developments of recent years.

As of today, 37.1 percent of the total college population of the United States is part-time; 10.4 percent of all student enrollment in the United States is over 35 years of age. Congressman O'HARA discusses the educational implications of these and other facts in a thought-provoking presentation which I wish to share with all our colleagues.

Mr. O'HARA's speech follows:

REMARKS OF HON. JAMES G. O'HARA

For much of the past two years, my Subcommittee, its staff and I, as its Chairman, have been concentrating on the problems of student financial assistance as though they were the only problems involved in the Higher Education Act.

And I suppose that our concentration has been justified in that these programs involve almost all of the funds appropriated under the Higher Education Act.

And, in a deeper way, student assistance—financial and otherwise is what the Federal involvement in higher education is all about, anyway.

Unless we were trying to assist students first, last and always, if we were really just in business to keep colleges and universities going for their own sake, it probably would not be worth the time invested in it, and it certainly would not be worth the money the taxpayers have invested in it.

So I don't apologize for my concentration on student financial aid.

But I wouldn't want that concentration to give rise to the view—which it may in fact be encouraging in some quarters—that the Higher Education Act consists only of Title IV, and that all of our educational problems are going to have to be solved in the context of Title IV.

When, on February 20th, I introduced a bill to amend and extend Title IV—the student financial aid title—I also introduced another bill, which was attained very little notice.

That other bill, H.R. 3470, simply extends each and every part of the Higher Education Act through Fiscal Year 1980.

And I have said, and I intend to stick to this promise, that when the Subcommittee gets a student aid bill to the floor, we will turn to H.R. 3470, and start further hearings on the problems under Titles I through III and V through XII.

My student aid bill is fairly detailed, and is the result of last year's extensive hearing.

H.R. 3470 was drafted in a few minutes, and represents no commitment to any of the provisions presently in the Higher Education Act.

We will have to start our hearings, we will have to look very carefully at everything that is now authorized under that Act, and we will have to ask some pretty searching questions about what it is the Federal Government ought to be trying to do under the Higher Education Act.

And I would like today to share with you some glimmerings of my own personal ideas as to what we want to do in the rest of this decade, and in the years beyond that, under the heading of the Higher Education Act.

My ideas are tentative, they are based on limited data—and they are subject to change as I learn more about what I am talking about.

But let me try them out on you, and I hope you will be inspired in the months ahead to try out your own ideas on me in return.

First, as I suggested when I began, I don't think the purpose of the Higher Education Act is simply to preserve postsecondary education as it now exists, with the structure it now has, serving the clientele it now seeks to serve.

Postsecondary education, like every other institution we have, is going to have to change and change in some pretty fundamental ways if it is to continue to serve this Republic in the next century as well as it has served it in the past two.

But what I just said is the clue to where I am coming from in this whole area.

"Postsecondary education serving the Republic."

That is the only justification there can be for the enormous investment we taxpayers make in postsecondary education.

Either the education system serves the whole people, or it ought to be organized, financed and operated like a private profit-making industry with some degree of public supervision, but no public support at all.

I think the postsecondary system does serve the Republic.

I think that our colleges and universities are an unsuspectedly large part of the reason this country has developed as it has.

I think those institutions have enriched the nation and the whole people every time they have educated an individual.

I think, in short, that every penny we have invested in postsecondary education has been returned to us many times, and that postsecondary education continues to be a wise and prudent place not to spend, but to invest our national wealth whatever may be the competing demands on that wealth.

So as I see it there is no problem in justifying a continuation and even an expansion of the Higher Education Act.

And I reject out of hand the Administration's position that direct student financial aid is the only useful area of such activity.

We will have a student financial aid program when the Congress completes action on the bill now before my Subcommittee—a better student financial aid program than we have now, and a far better one than this Administration wants to see on the statute books.

But when we have that, we must turn to other ways and means of improving our educational system.

And the frame of reference I want to share with you—the point of view from which I think I will want to begin that second phase is the need to better equip our system to cope with the new student—the non-traditional student.

Let me cite some figures which are probably more familiar to you than they are to me, but which have deeply impressed me and which I think we must consider when we ask ourselves where we are going from here.

Nobody, of course, knows better than your own Bob Pitchell, how rapidly the part-time student is becoming the typical student.

The full-time student, once the standard figure in student population statistics, and still enshrined as the norm by which we count the size of that student body—the full-time student is becoming a minority in the whole postsecondary scene, and is already a minority in community college, and may ultimately dwindle to a statistical anomaly everywhere.

In 1970, 29% of the total college population was part-time. In 1974, that had grown to 37.1% of the total.

The rate of change is even more striking.

Between 1972 and 1974, the full-time population grew by only 5.8%.

The part-time population grew by 39.2%.

But it is not only in the growth of part-time students that the traditional picture of the American student is changing—and changing faster, perhaps, than most of us realize.

Is the American college student still an 18–21 year old post-adolescent?

I find that over 50% of them are not!

According to Census Bureau figures, 48.8% of the college-going population is between the ages of 18 and 21.

3.1% are 16 or 17, and 48.2% are over 21—with a very impressive 10.4% of the student enrollment over 35 years of age.

And this is a growing phenomenon.

In 1973–74, the college-going population over the age of 21 increased by 81.1% over the previous year.

Let's set aside those figures about the student population itself for a moment, and look at some other disquieting facts.

Many of you are familiar with the most recent College Scholarship Service survey of educational prices.

You have all heard the startling figure of a 12 percent increase at the public institutions, an 8 percent increase at the private institutions and a 6 percent increase for the commuting student since 1970–71.

And while we are talking about double-digit inflation, we are talking about quadruple digit prices!

At the four year public institutions, the average price for a resident student has gone from $1,783 in 1970, 5 years ago, to $2,679 this year!

At the two year public institutions, the average cost has risen for resident students from $2,000 to $2,400 in just two years!

The increases in costs in the private institutions, while slightly less precipitous, have been, of course even greater in dollar figures—escalating from $3,000 in 1970 to $4,400 in 1975.

The figures are different for commuting students, but not that different.

The facts are that the costs of a postsecondary education have risen rapidly, steeply, and far in excess of the consumer's ability to cope with those prices!

I am suggesting that the need to make do with less in the way of capital investment and outlay, combined with the existing changes in the shape of the student body may be two mutually reinforcing factors which will bring about fundamental structural change in our postsecondary education system far more rapidly than we would have imagined a few short years ago.

And we have got to begin to get ready for those changes before they overwhelm us.

And here, of course, is where I begin to think about the importance of two areas of possible expansion and innovation under the new Higher Education Act.

The first of these is in the field of educational technology.

If we are going to have less money to invest in school buildings, classrooms, new libraries, lecture halls, and dormitories—and we are—then we have got to turn to the arts of which you are the practitioner to help develop teaching techniques which can dispense with these steel and stone externals.

The university-without-walls becomes not just an innovation but a necessity in a period when we cannot affort to build walls.

And once we make that adjustment, we may well find that our obsession with walls has always been a waste of resources.

If the skills and the techniques of educational technology can bring the riches of enormous depository libraries to a two-room public library in a remote township hall, if the University of Nebraska can bring the abilities of its best teachers in a one-to-one encounter with isolated farm families via educational satellite telecasting, we may well rethink the nature of the optimum teacher-to-student ratio.

Title VI of the Higher Education Act, one of the few programs under which we have tried to encourage the use of educational technology at the postsecondary level, has been consistently opposed by the administration, and is now facing the serious prospect of losing its annual battle for funding in the Congress.

And I hope that the Congress, when it considers the Higher Education Amendments of 1975 or 1976, whenever we complete that undertaking, will have a clearer vision of the value of educational technology than does an Administration which, in the long tradition it represents, knows the cost of everything and the value of nothing.

But educational technology is not the whole answer, nor is it even the central answer.

It is all too true that educational technology can be utilized to teach whatever the educational system is geared to offer.

It is the substance of our education that we have got to think the hardest about.

And that substance must be designed, not to accommodate the most facile distribution of what the colleges happen to have in their intellectual stock, but to accommodate the felt needs of the student population—a population we have already noted is changing fundamentally and rapidly.

And here, I think, is the occasion for a marriage of the interests of the educational technologists and the extension educators—if I may use that term.

Title I and Title VI have an enormous amount to offer each other—and together they have much to offer the new student.

There is an amazing historical anomaly here.

Our land-grant colleges and universities are, to a great extent, the basic American contribution to higher education.

And the extension idea has been intimately identified with the land-grant colleges for a great part of the life of both.

Yet, at the same time that we recognize the worth of the land-grant college idea and the other institutions that have arisen from it—the rest of the state university system, the community college—even, according to Allan Nevins, the public secondary school systems—we make in our public policy very little effort to utilize the extension idea.

The budgeteers tell us that Title I—Extension and Continuing education—is something of a waste of money.

We fight against making student financial assistance available to part-time students, at any level.

And, by both public and institutional choice, we tend to expect the clientele of continuing and extension education to pay the full cost of the services made available to them.

I am even told, by people who are in position to know, that in some institutions, the continuing education program is expected to produce a profit, so that the full-time student is subsidized by the part-time student.

Academic departments are organized to provide standard courses to full-time students.

And we invest a major share of our resources, much of our talent and all of our priorities on providing to a declining fraction of the student population the same kind of cookie-cutter curriculum that has year after year turned out thousands of identically equipped bachelors of arts—while in the world outside, the demand for that particular cookie is eroding visibly.

I suggest that is not enough.

I suggest that we must look to extension and continuing education and to educational technology to help us cope, with the changing nature of the student, the changing nature of his needs, the changing nature of his very reason for looking for an education.

The student is changing in his identity.

More and more, the student population is becoming a wider cross-section of the total population.

Less easy to identify by age, by sex, by race, by economic or social background.

Women are not only going on to postsecondary education in larger numbers than they used to, but they are returning to school after their children are grown, and, to their credit, they are beginning to wonder why they should wait until the kids are grown before they avail themselves of opportunities for further education.

Members of racial and ethnic groups who in the past simply assumed that postsecondary education was for someone else are finding that it offers them something that they can use to find better jobs, or to provide them with richer lives.

People in mid-career are turning to the college to give them new careers, or to prepare them for their retirement years.

And people in retirement are finding more and more that exercising the mind is one of the most satisfying ways in which they can spend those years.

At the same time the nature of the student population is changing, the demands of that population are changing.

The new student, like the new consumer of every other kind of goods and services, is going to demand that educational services be packaged and distributed to serve the needs of the consumer, not the needs of the packager or the purveyor, and I think our public policy should equip that consumer to see that his needs are paramount.

His needs involve the ability to get an education on his own terms, at his own time, in bits and pieces tailored to his schedule.

It seems to me that in this country, if we have a citizen who wants to learn how to do something, who wants to learn more about his society, about his history, about his civilization, we say: "Well, yes, we could teach you if you are willing to pay, and if you are willing to conform your schedule to ours. Yes, we can teach, but are you really sure you want us to?"

It seems to me that we ought to be saying to them: "If you want to learn something, wonderful. How can we help? What can we do to make it possible for you to do so? How can we assist you, encourage you? How can we serve you?"

And this is the area where you in this audience, you in these professions represented here, hold the key.

Will we really try to turn every living room into a classroom—if we do, you are going to have to figure out how to do it.

Are we going to try to turn every neighborhood library into the scene of a seminar?

Are we going to let each and every one of our citizens, as a matter of right, have free and untrammeled access to the intellectual wealth of which we are the temporary custodians?

You are going to have to tell us how to do that—how to do it without letting this access be frustrated for the senior citizen or the mid-career accountant or the youthful homemaker or the isolated farmer—frustrated by cost, frustrated by the distance to a classroom—frustrated by the tradition of the cookie-cutter classroom.

Let's not end on an unrealistic note, however.

Title VI of the Higher Education Act, one of the few programs under which we have tried to encourage the use of educational technology at the postsecondary level, has been consistently opposed by the Administration, and is now facing the serious prospect of losing its annual battle for funding in the Congress.

If the nontraditional student is to be adequately served—if the postsecondary education of the future is to be focused on the student, rather than on the institutions which are there now, and which are serving him reasonably well now, then you and your associates are going to have to fight hard now to see that non-traditional education and its techniques and concepts continue to remain alive and provide the seed bed for the education system of the years just ahead.

You are going to have to fight now to maintain the public's options for the years ahead—the years when the prospect of full access for every American to as much education as he wants and can benefit from can be a reality—with or without the kind of institutional base we *now* think it requires.

I shall close by reminding you that your job, like the job of everyone else in the educational system, is to make a reality of the promise so eloquently described by Thomas Wolfe:

"So then, to every man his chance—to every man, regardless of his birth, his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, Seeker, is the promise of America."

VALLEY FORGE: CRADLE OF REVOLUTION

(Mr. SCHULZE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHULZE. Mr. Speaker, as we all know, next year we will celebrate the Bicentennial of the American Revolution. Valley Forge is referred to as "the cradle of the Revolution." What more fitting action on the eve of this anniversary than to establish the Valley Forge National Historical Park. Early this year, I introduced legislation to this effect. Several articles on Valley Forge have appeared in the Washington Post and I would like to share them with my colleagues by including them in the Record at this time:

[From the Washington Post, June 3, 1975]

Preserving Valley Forge

Land disputes are all too common in the 1970s, but occasionally the value and significance of a tract is so great that much more than regional interests are involved. Valley Forge State Park in eastern Pennsylvania is such a case. Articles by Colman McCarthy on this page today and yesterday document that the preservation of this hallowed and historic 18th century treasure is threatened by economic, political and bureaucratic forces that have become all too familiar in the 20th century. It is true that the costs of progress must be paid. But the price is surely steep when what is demeaned is a site where the future of the nation was determined some 200 years ago by a small band of rugged patriots.

In the next few months, two critical choices must be made. The first involves the Veterans Administration's interest in Valley Forge as a cemetery site. No doubt exists that space is needed to solve what the VA calls "the gravesite availability problem." In 1973, when the VA took over 82 cemeteries from the Army, more than half were already closed to new burials; six of the VA's own 21 cemeteries were also filled. In coming to Pennsylvania—which will serve four additional states—the VA says it is now considering three other sites besides Valley Forge: Gouldsboro State Park near the Poconos, Ft. Necessity near Pittsburgh, and Allenwood, north of Harrisburg. The VA might have a case for taking over the 500 acres of Valley Forge that its eye is now on if that site was the only one. But it isn't.

At the moment, the VA is digging into Valley Forge for soil tests. Although it has the approval of the courts and a state agency to make the tests, the VA has already gone too far. The Valley Forge shrine is too sacred and too historically valued even to be mildly tampered with, let alone converted into a function for which it was never intended. Because suitable sites are available elsewhere in Pennsylvania, the VA should immediately select one of them and create the cemetery it needs.

The second dispute involves the possibility of transfering Valley Forge from state to federal control. The move to bring in the Interior Department's National Park Service is supported by legislation introduced recently in both the House and Senate, as well as bills in Pennsylvania. Although federal control does not guarantee an automatic end to the problems that have plagued Valley Forge in past years, the pressures of the approaching bicentennial can be eased by the additional funds and ideas that would be made available.

In addition, the presence of the Interior Department would make it easier for the park to acquire bordering land that is needed to prevent urban encroachments. The local commission now operating the park is performing well, despite the neglect it suffers from officials in Harrisburg; but an alliance with the Interior Department can give the local board a chance to be even more diligent in its efforts to preserve this shrine.

[From the Washington Post, June 2, 1975]

Valley Forge (I): The Second Crucible

(By Colman McCarthy)

Naked and starving as they are, we cannot enough admire the incomparable patience and fidelity of the soldiers.—George Washington at Valley Forge, 1778.

Valley Forge, Pa.—During the six months of misery that George Washington camped his dispirited and ragtag Continental Army here in the winter of 1777–78, the enemy was less the British forces in nearby Philadelphia than the forces of despair, disease and desertion among his own men. If the nation's birthplace was in Independence Hall in 1776, the first test to the infant democracy came here. The colonial forces had just suffered defeats in the local countryside of Brandywine and Germantown; they straggled to Valley Forge to try to wait out the winter. The British had taken Philadelphia and, either because their generals believed Washington's army would fold during the winter or because the pleasures and parties of Philadelphia were more a delight than warmaking, they did not choose to fight at Valley Forge.

Some 11,000 colonial soldiers encamped at the site in huts and shanties—if that—and about 3,000 died from illness, hunger and cold. Historians such as John Reed describe that winter at Valley Forge—from which the surviving soldiers, aided by the drilling of Gen. von Steuben and by the French Alliance went on to victories at Monmouth and Yorktown—as the crucible of victory.

Now, two centuries later, and with the nation braced to celebrate the bicentennial, Valley Forge is enduring a new crucible. The threats today are not the assaults of hard times and hard weather, but of the quintessentially contemporary encroachments of commercial interests, land developers, speculators and the federal government. The second crucible of Valley Forge involves a war of ideas and values; the adversaries are local, state and federal politicians, judges, bureaucrats, park commissioners, historians, developers and citizens. At stake is both the integrity of the 2,255 acres of rolling meadow and woodland in the state park and a unique history that gives the nation a link to a spirit of courage that it needs to be reminded of today. The fate of Valley Forge has not only aroused the citizens of eastern Pennsylvania. The issue is quickly becoming a national one as well, engaging members of Congress and federal bureaucracies.

For years, those who cherished the beauty and historical specialness of Valley Forge were happy that, whatever other indignities were being inflicted upon surrounding areas by urban growth, at least no one had successfully made a land-grab for the sacred acreage itself. It was true that the army of progress had been emplacing its fortresses almost completely around the park: a housing development, a high rise apartment building, an ITT-Sheraton hotel, a shopping plaza ("the newest landmark in this exciting environment," its owners say), boutiques, an office building, gas stations and 15 acres of parking lot. However much this may be leading to a situation of total encirclement, the park itself has remained inviolate.

Now, those days of guarded virginity may be ending. Last Thursday, a Commonwealth court judge in Harrisburg ruled that the U.S. Veterans Administration may dig test holes in the park to determine the land's suitability for gravesites. The VA had cast its eye on some 500 acres of the park for a national military cemetery.

When a test crew came to dig in the park in mid-May, it was stopped by the Valley Forge Park Commission chairman Annamaria Malloy. Backed by her 13-member commisson that had voted aganst the cemetery plan, she secured a temporary injunction against the testing. "The VA says all they want to do is dig and test to see if it's feasible," says Mrs. Malloy. "I don't want to know. I know already that we have a beautiful burial ground. We have revolutionary soldiers out there. I know it's a perfect burial ground. And I'm not about to let them come in with any 500 acres, because I know that with 4½ million veterans in this district—60 per cent of whom are 62 or over—that in 50 years this will be Valley Forge national cemetery, not state park."

Mrs. Malloy made that comment before the judge ruled against her. It is still not certain that the VA will choose Valley Forge, although with the court now on its side, the way appears clear. It has run tests at three other sites in Pennsylvania, after considering 12 locations. "Valley Forge is highly favored," said a VA official in Washington. In a report by an ad hoc committee of the State Veterans Commission, Valley Forge was given an overall rating of "excellent," while other locations were appraised with "good" and "fair."

The same report, issued in March, said that "no apparent objectionable factors would impair community acceptance" of the VA's taking over part of the park.

Such a scouting report may have been premature. Although the national Veterans of Foreign Wars, a strong and vocal group, would like to see headstones adorning the landscape, many in the community prefer to leave the land as it is. The local congressman, Rep. Richard T. Schulze, a freshman Republican, favors a national cemetery for both Pennsylvania and his district—but not in the park itself. A state legislator, John Stauffer, is also opposed, arguing that "to use Valley Forge park for a national cemetery would be very much like commissioning Andrew Wyeth to do a painting and to give him a Rembrandt for a canvas." A local citizens group, the Valley Forge Committee, has made the point that the park already is a cemetery; although only one grave is marked, it is believed that the bones of hundreds of Washington's men who died that famous winter were buried at one site or another in the meadows. Asked about the possibility of coming upon the bones of patriots, a VA official said: "We would hope we wouldn't do that, but I suppose when you start digging anything might happen."

Before taps are played over Valley Forge, either for newly interred vets or for the slain inviolability of the parkland, another complexity must be resolved. Efforts are now being made to transfer the park from the control of Pennsylvania to the federal Interior Department; legislation has been offered both in Washington and Harrisburg.

Although it is unlikely that the VA and Interior will go to war over Valley Forge, a skirmish of legalisms is possible. According to a federal statute, the VA must consult with the advisory council on historic preservation before going ahead; the park is a National Register site. Such a consultation may raise the fact that the park was intended to be preserved as a historical site, with its purpose being served already: a sanctuary to remind the nation that its origins were in courage and willpower.

What is needed is a modern von Steuben, the clearheaded Prussian who came into the disheveled camp and organized the troops. He listened to no excuses, nor did he begin his sentences with "but on the other hand." An army is an army he believed. Today he would likely be shouting into the wind of Valley Forge, "a park is a park."

[From the Washington Post, June 3, 1975]

Harsh Times Return to Valley Forge (II)

(By Colman McCarthy)

Valley Forge, Pa.—"Starve, dissolve or disperse . . . what then is to become of the army this winter?"

The question, dark and despairing, was asked by Gen. George Washington in the freezing months of 1777–1778 when his colonial forces camped here after suffering routs by the British. Two hundred years later, with many in America wanting to observe the Bicentennial in more meaningful ways than watching TV "specials" or walking through freedom trains, places such as Valley Forge provide historical richness that cannot be packaged or marketed. George Washington's question received an answer that is commonly known—the army persevered and went on to victory. But today another question hangs over the site: What is to become of what's left of Valley Forge?

The 2,255 acres of the state park—strikingly scenic grasslands and sloped forests that hold the original quarters of Washington, von Steuben and the nameless foot soldiers—are currently the object of a debate that involves local, state and federal politicians, as well as government agencies, citizens, historians and real estate developers.

Pennsylvania has always been plagued by the bitterness of land disputes—going back to the 1660s when William Penn had to outwit Lord Baltimore for certain tracts, and most recently in both the Charnita case and the Tocks Island dam project. But the struggles to control the Valley Forge parkland and bordering acres is not a local issue alone. It is national. The history of Valley Forge is everyone's, from the million visitors who appear annually (10 times that number are expected next year) to those who want to be reminded that this was not a battleground of bullets and warplay but a scene of spirit and courage.

The most pressing question involves ownership of the park. Pennsylvania set aside the land in 1893, with notions to expand it gradually. Not only did expansion never come, but two major roadways now go through the park, as well as the Pennsylvania turnpike next to it. Until recently, administration of the park had been left mostly to foresters, not historians, and shortsightedness and blundering were common. In January, Rep. Richard T. Schulze, the local congressman, proposed legislation that would transfer the park to the U.S. Interior Department.

In May, Sen. Hugh Scott introduced a similar bill—S. 1776—in the Senate. The advantage of the transfer, Scott said, is that "the park would have access to the expertise of numerous federal historic agencies and would be eligible for federal support and financing for restoration, historic programs and promotion." The state legislature has its own transfer bills, supported by Gov. Milton Schapp.

The political drums appear ready to roll in unison for the plan of federalizing the park. But at the local level other sounds are heard. The Valley Forge park commission has voted against the transfer. Charles H. Wolfinger, a board member, believes that "the state can do the job. We will lose local interest if the federal government comes in. I take a certain pride in what we've done. It's a popular cry—let Uncle Sam do it. But I think we have the talent. I'm not so optimistic that we'll get a lot more money. As a native of Pennsylvania, I think we can do the job."

In theory, Mr. Wolfinger may be right. But in practice something more than state pride may be needed. Past commissions (members are politically appointed) often acted as though all dangers left the area when the British marched north in 1778. A few years ago, a handsome tract of about 25 acres bordering the park was available for $10,000. The developer himself, in a gesture that also may be toasted by historians, offered to sell the property to the state to be preserved, but officials turned it down. Today, at least 20 houses have gone up, creating what the current commission chairman, Annamaria Malloy calls "peripheral intrusion." Mrs. Malloy says of past commissions:

"They viewed Valley Forge in its bucolic splendor without realizing what was happening to the regional development. The old commissions had a tendency to stand on the borders and look in. They didn't stand inside and look out . . . It never occurred to them that in the social order of things, aside from the historical significance of the park, they should look at this place and realize that this was an oasis in a fast-growing megalopolis."

One example of fast growth is the $25-million hotel-office-shopping-plaza-parking-lot complex facing the park's entrance. An ITT-Sheraton hotel of 15 stories dominates the view from that area of the park. Although the commission lacks zoning authority, its recommendations are influential. Mrs. Malloy, only three years in office, said she would never have approved the plaza if it had been her decision: "It aggravates my soul that these people (developers) come in with these glorious plans. Why? To capitalize on Valley Forge park . . . You go up in that hotel in one of the bedrooms and it's magnificent. You can charge a pretty penny over there for those rooms. But the state is maintaining the view, and the view has a great deal to do with the hotel."

For those outside, Sheraton would like to make the view even more spectacular—by perching a giant rotating "S" atop its building. The builder came to a recent commission meeting seeking a blessing for the big "S." Not getting it, he announced angrily he would see about putting up not merely a single letter but a whole sign measuring 1,000 square feet.

Seeing the Sheraton battle as already lost, with or without the crowning glory of the "S," many now struggle to save the last free vista—Chesterbrook, 865 acres of virgin land adjacent to the park. On this site, a real estate firm is planning to create a new town, with homes and offices for 10,000. The plans have been tied up in the courts for three years by a citizens group. One of the worries is water runoff from the proposed development into Valley Creek, which further down runs past Washington's headquarters; even without the development, a recent flood lifted the water so high that the cellar of the headquarters was inundated.

As if corporate threats from without are not enough, many see the greatest mockery inside the park—the Keene Manufacturing Company. In operation before the park's creation and never bought out, its chimneys belch fumes and its asbestos waste is piled in a hollow a few hundred yards between the park's memorial arch and the Washington chapel; a local newspaper recently ran pictures of the festering refuse—mingled with garbage and rubbish of unknown origin—and asked: "Is the park becoming Valley Forge Dump?"

While awaiting an answer, park officials must also worry about money. The commission asked for $1.3 million for next year, but the governor's office came back with only $628,000. "This is not enough to entertain America in 1976," said Mrs. Malloy. Rather than a slice of the money pie, the park appears to be getting only crumbs from the crust. In comparison, Independence Hall in nearby Philadelphia—a three block federal property, not 2,255 acres—receives more than double the Valley Forge budget and has three times the staff.

Court suits, money fights, rubbish dumps, urban encroachments, political wrangling, the threat of a VA cemetery—this is an odd way to treat a site originally settled by William Penn's pacifists and 100 years later made sacred by the heroism of Washington's tattered troops. Is it a question of too few people caring about the fate of the park? Is this, in fact, a valid commentary on American values on the eve of our Bicentennial? Or is it that too few know what is happening? If it is the latter, then a measure of hope exists. For it is hard to believe that the American public, once aware that Valley Forge is again a scene of trials and strains, would not rally to preserve the integrity of a relatively small memorial to a great moment in this Nation's history.

CONGRESS SHOULD OVERRIDE THE JOBS BILL VETO

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am deeply troubled that with the national rate of unemployment at 8.9 percent in April and expected to top 9 percent in May, President Ford, on May 29, 1975, vetoed H.R. 4481, the Emergency Employment Appropriations Act of 1975.

The House Democratic leadership conceived this measure months ago as a means of combating rising unemployment and providing a much needed stimulus to the economy. H.R. 4481 is designed to do much more than create temporary public service and summer youth jobs. The bill would also accelerate ongoing public works projects such as increased rural water and sewer grants; improvement and modernization of existing veterans' hospitals; reforestation and timber stand improvement; expansion and upgrading of facilities in national parks; increased assistance to small businesses; accelerated construction for public service facilities; and major repairs and renovations of existing Federal buildings.

The bill provides as well for speed-up purchase by the Government of large numbers of trucks and automobiles.

Mr. Speaker, it is estimated that between direct employment and the ripple effect of the accelerated projects, as many as 900,000 new jobs could be created by the bill President Ford vetoed. This legislation is, therefore, of great significance to the over 9 million people now on the unemployment rolls and to the additional 1 million who are not counted as unemployed because they have stopped looking for work.

The President, in his veto message, complained that the cost of this program will be $5.3 billion, or $3.3 billion above his budget request. He also expressed his belief that—

> Economic recovery is expected to be well underway by the end of 1975, and the accelerative influences of this bill would come much too late to give impetus to this recovery.

Mr. Speaker, I believe it is important to make two points in response to these claims.

First, it is true that this is an expensive measure. It is not nearly as expensive, however, as the cost of continued unemployment. For each 1-percent rise in unemployment means a cost to the Federal Government of $16 billion—$2 billion in increased unemployment benefits and $14 billion in lost tax revenues. Nor do these figures reflect either the additional revenue losses sustained by State and local governments or the hardships and loss of spirit suffered by the unemployed and their families.

Second, the President speaks of economic recovery by the end of the year.

Now, of course, we all hope for economic recovery as soon as possible. The President's own economists, however, predict not a recovery by the end of the year, but a gradual leveling off or slight fall in the current unemployment rates.

Mr. Speaker, the mere leveling off of unemployment is not recovery, and the continuation of an unemployment rate in excess of 7 percent for several years to come is not acceptable. To acquiesce in the continuation of such an extraordinary rate of unemployment would, indeed, be unconscionable.

H.R. 4481 is a good bill. It is a bill designed to stimulate the economy, provide much needed jobs, and generate new resources for the American people.

I strongly urge Members of the House on both sides of the aisle to cast their votes tomorrow in favor of overriding the President's ill-considered veto.

EXXON: WE'D LIKE YOU TO KNOW WHAT THEY CONSIDER "ENERGY CONSERVATION"

The SPEAKER pro tempore (Mr. Gonzalez). Under a previous order of the House, the gentleman from West Virginia (Mr. Hechler) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, there is widespread national agreement that the United States must make a more concerted effort to conserve energy and to curtail our reliance on imported oil. Even the President's disastrously inflationary energy program is supposed to be aimed at reducing energy consumption.

However, over the weekend I received a letter from Marvin Z. Gray, executive director of the West Virginia Gasoline Dealers Association, enclosing the latest directives from Exxon to its independent dealers—a notification that independent Exxon retailers will be forced to increase their hours of operation. This policy is outrageous in light of our need to conserve gasoline and energy. In its directive of May 23, 1975, Exxon justifies its new policy by stating that:

> Exxon strongly supports the need for energy conservation and urges you to encourage gasoline conservation among your customers. Our decision to rescind hours waivers is consistent with our energy conservation position as a return to convenient operating hours will not increase total gasoline demand.

In short, "We are in favor of energy conservation so long as it does not mean buying less Exxon gasoline." This policy shows that the Ford administration arguments for the need to decontrol old oil are simply not valid—Exxon clearly is not worried about not having enough gasoline to sell at current prices.

OIL GIANTS AND THE INDEPENDENT RETAILER

This directive from Exxon also points up a second outrage—the degree of control exercised by the oil giants over the independent retailer. I am proud to be a cosponsor of H.R. 612 originally introduced by Representative Jerry Litton; the companion bill in the Senate, S. 323 is sponsored by Senator Frank Moss. These bills are aimed at extending protection to independent retailers. However, this legislation is designed primarily to avoid the takeover of independently run stations by the majors. It is clear from this situation that legislation is needed to protect independent retailers from unfair leasing restrictions. At the time of the oil embargo, Exxon waived paragraph 6(a) of the standard retail service station lease agreement which gave power to individual service stations to set operating hours. In a March 15, 1974, directive, Exxon stated:

> As an independent businessman, you establish your own hours of operation. Please consider the "good-will" that can be generated through longer hours and full customer service.

In a September 27, 1974, directive, Exxon went one step further but still affirmed the principle of letting the dealer decide:

> We think that our experience and counseling will contribute to your success as a service station dealer. It is your right, however, as an independent businessman to determine your own operating practices. We want you to specifically know that our sales representatives are prohibited from using the threat of lease or sales contract cancellation or nonrenewal to induce you to take action on these aspects of your business.

EXXON REVERSES ITS POSITION

Clearly, this voluntary approach has not been successful so Exxon this month has decided to use the waived lease requirements to force action. This is a truly outrageous situation. In effect, the giant is making the little man desert his own commitment to energy conservation at a time when all of us should be moving toward stricter energy conservation.

The Moss bill, S. 323, has been reported out of the Senate Commerce Committee. No action has as yet been taken on the Litton bill, H.R. 612, which has been referred to the House Commerce Committee's Energy and Power Subcommittee. I hope that the subcommittee will amend this legislation to include protections against unfair and antienergy conservation leasing requirements.

The covering letter and text of the three Exxon directives follow:

West Virginia Gasoline
Dealers' Association,
Huntington, W. Va., May 31, 1975.

Hon. Ken Hechler,
Huntington, W. Va.

Dear Mr. Hechler: Enclosed are three letters from Exxon Company U.S.A. As you can plainly see . . . regardless of what Exxon calls it, it is another pressure tactic by the giant.

It is my belief that Exxon's main reason for the letter of May 23, 1975, is to get the dealers that are not opening on Sundays at present, to do so as a result of scare tactics.

This is another good reason why the Independent Gasoline Dealer needs legislation that will protect him from the Conglomerates.

Sincerely,

Marvin Z. Gray,
Executive Director.

Enclosures: Three.

Exxon Co., U.S.A.,
Charleston, W. Va., March 15, 1974.

IMPORTANT NOTICE

Dear Exxon Retailer: This is to confirm that the Federal Energy Office has just approved an increase in the availability of motor gasoline to West Virginia by 27.2% for the month of March, 1974. (There are no "carry-over into April" privileges for this product.) Exxon Company, U.S.A., has already notified the terminals serving West Virginia to multiply your current allocated March volume by 1.272 and to expedite the movement of this additional product immediately.

Obviously, this additional product was provided to enable the petroleum industry to better serve the public. I am personally requesting that each of you immediately expand your retail practices to the convenience of your customers. As an independent businessman, you establish your own hours of operation. Please consider the "good-will" that can be generated through longer hours and full customer service.

Thank you for considering this most important matter. I want you to know that I sincerely appreciate your efforts.

Very truly yours,

J. L. Stanislaus,
Retail District Manager.

P.S. Remember, an increase in gasoline sales will increase your TBA sales potential.

Exxon Co., U.S.A.,
Baltimore, Md., September 27, 1974.

Dear Exxon Dealer: Recent press coverage concerning major oil companies makes it desirable that we restate the basic philosophy of Exxon Company, U.S.A. in its relationship with its service station dealers.

The basic relationship between our Company and you is that of supplier and customer. In the long run, Exxon's interest as a wholesaler of petroleum and related products and your interest as a successful retailer will run generally parallel. Our sales representative can provide you with good business counseling on the various aspects of the service station business. We think that our experience and counseling will contribute to your success as a service station dealer. It is your right, however, as an independent businessman to determine your own operating practices. We want you to specifically know that our sales representatives are prohibited from using the threat of lease or sales contract cancellation or nonrenewal to induce you to take action on these aspects of your business.

We at Exxon firmly believe and are dedicated to the principle that the tires, batteries and accessories which we market should be sold on their quality, price and public acceptance. We want you to know that you are free to buy those items from the supplier of your choice. We will solicit your business because we believe that we can offer a line of quality products having good customer acceptance at a competitive price. We hope that you, in the exercise of your independent business judgment, will elect to buy from us.

We at Exxon also endorse the use of effective sales promotion programs by our dealers for all products that they sell. When appropriate, your salesman will communicate to you the availability and the predictable economic results to be gained by the use of such a program. Once this information has been properly communicated to you, it is your right as an independent businessman to decide whether or not to participate in any such program.

Very truly yours,

I. E. KILLIAN.

EXXON CO. U.S.A.,
Baltimore, Md., May 23, 1975.

DEAR EXXON DEALER: This letter is being written to advise you of our plan to review the appropriateness of the hours of operation contained in service station leases. Operating hours will be considered in light of today's marketing environment in preparation for rescinding the hours of operation waivers now in effect.

Many Exxon dealers already have recognized a need to provide more convenient service to the public and have reinstituted the hours of operation that were in effect prior to the period of restricted supply. Unfortunately, our marketing surveys indicate that a number of dealers have not taken this step to improve customer service by returning to convenient hours of operation.

Exxon USA has decided to rescind the waiver of Paragraph 6(a) (Hours of Operation clause) in our Retail Service Station Lease agreement with you. We are now in the process of conducting a complete review of the hours contained in your lease for appropriateness. You will be advised shortly of the results of our review and the effective date of the reinstatement of the "hours" clause.

As you know, Exxon strongly supports the need for energy conservation and urges you to encourage gasoline conservation among your customers. Our decision to rescind hours waivers is consistent with our energy conservation position as a return to convenient operating hours will not increase total gasoline demand.

Very truly yours,

I. E. KILLIAN.

FATHER CUTHBERT ALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 5 minutes.

Mr. BROYHILL. Mr. Speaker, on April 18, 1975, a surprise dinner and ceremony was held for Father Cuthbert Allen, distinguished teacher and administrator at Belmont Abbey College in Belmont, N.C. Two hundred of Father Cuthbert's close friends and acquaintances participated in this "Night to Remember" in Richmond, Va., and paid tribute to this truly great American.

Father Cuthbert Allen has influenced the growth and development of Belmont Abbey for the past 40 years and, under his leadership, this outstanding educational institution developed a 4-year degree program. During these past four decades, Father Cuthbert has served in virtually every capacity, beginning as teacher and progressing to administrative head of the college as rector and vice president in 1936. He has also served as dean, rector, president, vice chancellor, and director of development, public relations, and alumni affairs of Belmont Abbey and executive vice president of the college.

He has been very active in community affairs and has participated in the National Conference of Christians and Jews and as a past president of the North Carolina Conference of Colleges and Universities. Father Cuthbert has served as a director of the Belmont Chamber of Commerce and the American Red Cross. He is listed in many "Who's Who" and in 1970 was elected to the National Register of Prominent Americans.

Father Cuthbert has been an inspiration to all those with whom he has come in contact and I wanted to share with my fellow colleagues some of the tributes made to him at the April 18 dinner:

Rev. John P. Bradley, president of Belmont Abbey College:

> Father Cuthbert is not an ordinary person: he is one of those very few people we are fortunate to meet and know in a lifetime, who march to a different drummer and stand out from the generality of men in making an indelible mark on everyone and everything around them . . . It is the great good fortune of Belmont Abbey that he chose to be a Benedictine and to dedicate his entire adult life to Belmont Abbey and to Belmont Abbey College.

Rt. Rev. Edmund F. McCaffrey, OSB, Abbot-Ordinary, Belmont Abbey Nullius:

> Father Cuthbert Allen has rightly earned the title of Mr. Belmont Abbey. His years of dedication to God, his country and his monastery has been communicated to all men at all times. Father Cuthbert was ecumenical before ecumenism became popular . . . Father Cuthbert has been Belmont Abbey's prime mover and builder. As a clergyman and leader, he propounded and espoused progressive social and humanitarian ideals for the betterment of the human person, regardless of race, creed or color.

President Gerald R. Ford:

> Yours has been a long and distinguished career with the college and your continuing contributions to its growth and development have earned the respect of all who know you. The ability and dedication with which you fulfill your spiritual, educational and civic responsibilities are an inspiration for all.

Dr. James L. Quinn III, director of nuclear medicine at Northwestern Memorial Hospital in Chicago, Ill., a former student of Father Cuthbert's:

> More than once during those first few months, the thought crossed my mind that he was my parole officer. Nothing could have been further from the truth. For the first time in my life I was in a truly academic environment constantly being alternately, and sometimes simultaneously, stimulated and challenged . . . The motto of the Abbey is, "Ut in Omnibus Glorificetur Deus," That in all things God may be glorified. As a past student, I'd like to add, "Ut in Omnibus Cuthberto Gratias Agamus," That in all things let Cuthbert be thanked.

Dr. Claude U. Broach, director of the Ecumenical Institute in Charlotte, N.C.:

> What we find so delightful in Father Cuthbert is the fact that his goodness is not the sticky-sweet, cloying kind of goodness which makes one feel ill at ease. It is the genuine and wholesome goodness of a man who loves life, loves people, and loves God with a hearty and unselfish abandon. And always about him there is a sassy and refreshing tartness of wit and humor which makes him believable. He is not only a good man; he is a good company!

Dr. Billy Graham:

> I have known Father Cuthbert for many years . . . his love for Christ and also his fellowman is obvious to everyone. No doubt his life and ministry have influenced almost as many non-catholics as those of his own faith.

Mr. Harry Golden, author, and editor of the Carolina Israelite:

> Father Cuthbert Allen has somehow succeeded during his life to establish a balance between the miracles of science and the miracles of kindness. He has given us a little of St. Francis of Assisi's simple wisdom. Our country at the present time has great need of such spirits as Father Cuthbert Allen to prevent its destruction in spite of its scientific and political glories.

Mr. Speaker, it is a real privilege to share with you and all Members the tremendous respect and admiration that I and hundreds of others have for this very wise man. Father Cuthbert is a unique individual whose multifaceted talents and immeasurable contributions have affected the hearts and minds of so many people.

CAPITAL IS NECESSARY FOR GROWTH; TAXATION IS KILLING CAPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, liberals in Washington have tried to tell us for years that deficits create jobs and promote growth. Some of us have argued the direct opposite—we believe deficits which bring higher taxation and inflation do the opposite and result in the destruction of capital. Job expansion is thereby curtailed. Excessive, runaway government has contributed to inflation. High taxes have contributed to inflation by killing investment capital. Runaway regulations have destroyed jobs by adding a nonproductive inflationary cost to every product. We must reverse this trend or we will see an end to the most productive free enterprise system in the history of the world.

The London Economist has stated:

> The standard of living of a nation depends . . . on the productive capital it possesses . . . much more . . . than on all other things put together.

I believe this is an accurate statement. Emerging nations of the world adopt socialistic systems without ever going through the hard process of acquiring capital in the manner that Western nations did. They want short cuts. They want an easy process but there is none. We are now going socialistic and this is tragic but even more tragic is the specter of countries who follow that course before they ever evolve from a capitalistic heritage. They simply never will acquire capital. We acquired it and are now frittering it away through excessive Government and socialistic programs coupled with high taxation of incentive and profit.

IMPORTANCE OF PRIVATE ENTERPRISE SYSTEM

For a nation to be successful, it must have a system of private enterprise in which the capital required by industry is supplied by the people and the industry is owned by the people who supply the capital.

The opposing system—socialism—in which the Government supplies the capital and owns the industry, has never succeeded.

IMPORTANCE OF CAPITAL

Over 90 percent of all work in this country is done by machinery.

Without this machinery there would be no railroads, automobiles, electric power and appliances, telephones, or the many other things which we have come to regard as necessary. Almost everybody would have to till the soil to raise enough food to prevent starvation. Hours of labor would be limited only by human endurance. Life would be one constant and continuous struggle for existence.

This machinery, so important to the people as a whole, has been made possible by the savings of a small fraction of the American people, who were encouraged to save by our system of private enterprise that has provided an incentive for people to work, save, and invest in productive enterprises.

It is this machinery, provided by the savings of a small part of the people, that has made the high wages and high scale of living possible for the people of this country.

In order for our private enterprise system to operate successfully it must have a steady, continuous supply of new private capital—billions of dollars each year. This capital is required to start new industries and to maintain, expand, and improve existing ones on which so many jobs depend.

According to C. Lowell Harriss, professor of economics at Columbia University and economic consultant to the Tax Foundation, among the capital needs during the 1970's is new investment of between $19 billion and $32 billion annually to provide production facilities that mean jobs for about 1,300,000 new workers each year.

An outstanding example of the effect of a shortage of capital in our country is the period from 1932 to the beginning of the defense program in 1940, during which, largely because of excessive and unsound taxation, the needed capital was not forthcoming. As a result there was large scale unemployment averaging as much as 10 million during much of the time.

The capital gains tax operates as a serious deterrent to the investment of capital in the equities of business enterprises, and its effect is to reduce steadily the fund of venture capital available for that purpose. It lessens the incentive to invest capital in existing and in new enterprises, with the resulting ill effects on employment and wages.

In a statement filed with the House Ways and Means Committee on March 20, 1942, by the Tax Committee of the Executive Council of the American Federation of Labor, it is said:

> One tax which has an important effect in slowing up investment in new venture enterprises is the present capital gains tax. If this is not repealed by the new 1942 Revenue Act, it should be sharply modified to tax capital gains at lower rates, and to liberalize the provision for the deduction of capital losses. Failure to take such action in earlier laws has led to a sharp reduction in capital available for new venture enterprises, because of the heavy taxes involved if the business venture is successful, and because of the denial of reasonable credits against other profits if the new venture is not successful.

This statement is just as sound and pertinent today as it was then.

A pamphlet recently issued by the Tax Foundation entitled, "The Challenge of Tax Reform 4. Capital, Taxes, and Jobs", contains the following statement:

> On equity grounds it may seem unfair to ignore a realized gain in deciding how much tax one person shall pay compared with others who have only wages, interest, and other forms of ordinary income. Yet is it not unwise for a society which needs capital to reduce the amount in private ownership when a person sells certain assets? *To call the tax an income tax does not alter the economic reality—many, probably most, of the dollars are taken from capital assets.* (Emphasis supplied.)

As a matter of fact, the gain resulting from the sale of a capital asset is, in the eyes of the law, capital, and except for the purpose of taxation it is commonly so treated under our laws.

If capital is essential to the providing of jobs, what possible excuse is there for the Government's seizing that capital by taxation to use for nonproductive purposes? And yet, that is exactly what our Government has been doing, as a result of which the roll of the unemployed continues in the millions—8 million in March 1975.

One of the world's serious problems today is the shortage of investment capital as shown by the Tax Council Preliminary Report, July, 1968, which noted:

> Last September in an appearance before the House Ways and Means Committee, the Chairman of the Federal Reserve System, William McChesney Martin, Jr., said: "The entire world today has a shortage of investment capital and all the countries of the world are trying to supplement the supply of investment capital by printing money. This is the easy way to do it, and I simply say that all of us have to face up to this matter of paying our way out of the saving and investment process."
>
> In a recent speech before the United States Chamber of Commerce, George Champion, Chairman of the Chase Manhattan Bank, commented, "Public opinion as a whole is remarkably uninformed about the operation and the formation of capital", continuing. "For example, it is not widely understood that there is a world-wide shortage of capital today and it is likely to worsen over the next decade." He added that the shortage is clearly evident in the industrial countries, not just in the underdeveloped nations.
>
> Also recently, in a speech before the Texas Bankers Association, Roger M. Blough, Chairman of United States Steel Corporation, said, "But the shortage I wish to consider with you today is one which seems to me to be, perhaps, the most farreaching and persistent economic problem facing the world today. It is a problem whose gravity has been increasingly recognized during recent years and whose existence seems to be clearly indicated by the high levels of interest rates in many parts of the world. It is a problem which, if even a partial solution could be effected, would in turn alleviate some of the other world-wide shortages. I am referring to the historical, but now increasing, world-wide shortage of capital."

In spite of the great benefits our American system has brought us, it is in danger of being radically changed or destroyed by taxation.

THREAT OF SOCIALISM

The effect of the tax on capital gains, the confiscatory taxes on inheritances and gifts, and the heavy graduated income tax is to lessen or destroy the incentive to work, save and invest in productive enterprise and to reduce the supply of private capital so essential to the maintenance of our private enterprise system.

As a result, it becomes necessary for the Government to supply the capital in ever-increasing proportions, until the Government eventually becomes the owner of the business enterprises of the country. This is socialism.

In a statement to the Temporary Economic Committee prior to World War II, Adolph Berle, Jr., Assistant Secretary of State, said:

> The government will have to enter into direct financing of activities now supposed to be private, and a continuance of that direct financing must mean inevitably that the government will ultimately control and own those activities. . . . Over a period of years the government will gradually come to own most of the productive plants of the United States.

In 1957 a nine-part study was made by the Legislative Reference Service of the Library of Congress on the "Adverse Effects of Expanding Government." This study was made at the request of Representative Ralph W. Gwinn and 16 other Republican and Democratic legislators and is dated June 27, 1957.

In the chapter dealing with the adverse effects of high taxes, the study says:

> The forces of high taxation in the United States have been abetting the "creeping socialism" in the other parts of the country.* * *
>
> Further data have been presented to show that if the United States continues its rates of absorption of national product by taxes we will reach 100 percent socialization in the next century.* * *
>
> *The greatest danger of high taxation lies in the fact that we are proceeding in the direction which Karl Marx in 1848 predicted would be the road to destruction of capitalism, namely, destruction of the middle class with the aid of a highly progressive tax.* (Emphasis supplied.)

History demonstrates that socialism has never succeeded.

In the words of the Honorable Samuel

B. Pettengill, for some years a distinguished Member of the House of Representatives from Indiana:

> We have had 400 experiments with socialism in America, such as the Plymouth Rock Colony, New Harmony and Brook Farm. They all failed. They failed because in time the industrious got tired of supporting the drones. So they quit. On a nationwide scale, the result can only be the same.

The effect of socialism on England has been tragic.

On the other hand, that our private enterprise system has worked is demonstrated by the fact that our Nation, with 6 percent of the world's population, produces about 50 percent of the world's goods.

In addition, we have the widest distribution of wealth among the people and the highest scale of living ever known in any country at any time in all history.

It would seem obvious that our tax system should be designed to encourage the increase of private capital on which the success of the private enterprise system depends.

If private capital is so important to the welfare and success of our country, why does our Government deliberately appropriate a substantial part of it by taxation?

If, however, the Government insists on taking the position that capital gains are to be taxed as income, an attempt should be made to determine what are the true capital gains.

In the great majority of cases the capital gain that is taxed must be due in large part to inflation. The longer the asset is held, the greater is the increase in dollar value, but not in real value.

During the period from fiscal 1931 to 1973, inclusive, a period of 43 years, the Federal budget was balanced in only 9 years. Unbalanced budgets are the principal cause of inflation. As a result, there was a very large shrinkage in the value of the dollar during this period.

On June 20, 1955, Dr. Willford I. King, economist for the Committee for Constitutional Government, and a professor at New York University, issued a statement in which he said:

> In our nation the latest instance of robbery on a grandiose scale took place between 1939 and 1951. In that period, because of failure to balance the national budget and resulting inflation, the general price level rose some 112%. This advance reduced by more than half the value of all property rights payable in terms of money. Amounts lost by some of the victims of this robbery are very roughly approximated by the following figures, measured in dollars of 1955 value:

	Billions
Owners of bank deposits	$135
Beneficiaries of life insurance policies	152
Holders of U.S. savings bonds	40
Total	327

> To secure a complete total, there should be added to this sum the losses incurred by holders of miscellaneous notes, mortgages, and bonds; but accurate figures for these items are not available. However, sample data above presented indicate the magnitude of the latest robbery brought about by failure to keep our money on a sound basis.

Suppose at the beginning of this period a man had bought a piece of real estate or some corporate stock and had sold it at the end of the period for twice the dollar cost to him. Should the dollar gain to him be taxed as a capital gain? There has been no real gain in value to him. To tax the appreciation in dollar value of the property is merely to confiscate from the owner a part of the capital cost of the property to him—capital that could be used to provide jobs.

Quoting from a statement by the American Institute of Economic Research, "Economic Education Bulletin" for October 1971:

> The dollar has lost nearly two-thirds of its 1939 buying power. In other words, prices generally have nearly tripled. Whenever any currency has lost as much of its buying power as the dollar now has, that currency has become virtually worthless in only a few more decades. There are no exceptions to this trend in the historical record.

To illustrate the importance of capital, let me state a simple case.

Not too many years ago, the principal means of transportation in China was on the backs of the coolies. It was estimated that a coolie could transport a certain weight of merchandise 1 mile in a day. For this service he received a few pennies.

An American railroad could transport the same amount of merchandise the same distance in a few minutes and for a smaller cost than the wages paid the coolie. For this service the railroad worker was paid wages many times those paid the coolie who performed the same service without the aid of any equipment.

This raises the following questions:

First. Why was it possible to pay the American railroad worker so much more than the Chinese coolie?

The reason was that the American railroad worker was aided by a railroad system which was so much more efficient than the coolie that it was possible to pay the railroad worker the higher wages.

Second. Where did the railroad come from?

It came from an investment of $25,000 per railroad employee.

Third. Where did the $25,000 per employee come from? It did not drop out of the sky or fly up from the ground. Some individuals—a very small percentage of the total—saved some money and invested it in a railroad corporation.

Take the railroad from the American railroad worker and leave him with his bare hands, and his high wages would immediately disappear, and the Chinese coolie would doubtless prove to be more efficient.

This is the process that has been going on for years in this country and is still going on.

If this process is to continue and the needed capital is to be available for industrial expansion, it must not be confiscated by the Government through taxation and the incentive of those who save and supply the capital destroyed; and yet, that is exactly what the so-called liberals would have the Government do.

Robert Dresser, a patriotic American businessman from Providence, R.I., who has spent a great amount of his energy in the cause of promoting an understanding of our free enterprise system, gave the following testimony to the Senate Judiciary Committee on April 27, 1954, in support of the Reed-Dirksen tax limitation amendment:

> It should be realized that rich men, such, for example, as the late Henry Ford, play a very important part in our economy. They and their families can personally consume and enjoy but a trivial part of their wealth. The balance is in effect held by them as trustees for the public. It is this wealth that has supplied in the past much of the venture or risk capital required by new and hazardous enterprises, such as the railroads, the automobile industry, the aircraft industry, and many others, as well as for the expansion of existing enterprises. By this means jobs and good wages have been provided for millions of workers. The automobile industry furnishes an excellent illustration. Based upon 1952 reports, the number of jobs created directly and indirectly by the automobile industry, which is only about fifty years old, is over 9 million. This is one out of every seven persons now employed in all classes of employment in the United States.
>
> Such enterprises, however, are risky. Many of them fail and the investor loses his investment. Hence, he must have funds that he can afford to risk. Most people do not have such funds, and such holders of capital as banks and trust estates are not permitted to make such hazardous investments. High death as well as high income taxes destroy the incentive and the ability to incur such risks.
>
> Does anyone doubt that the wealth of Mr. Henry Ford was of far greater benefit to the people of this country in his hands than it would have been in the hands of the Federal Government? He used it to develop a great industry which has given employment at good wages, directly and indirectly, to hundreds of thousands of people. In the hands of the Federal Government the money would soon have been dissipated in paying the costs of an unduly expanded bureaucracy.

René A. Wormser, of New York, one of the country's leading tax authorities, has offered the following suggestion which appeared in an article by him published in the February 1971, issue of "Trusts and Estates":

> If we are to have a fair capital gains tax, it should be applied only to the true gain, and not to the inflationary gain.

APPLYING A DEGRESSIVE SCALE

> True, there is no scientific way to excise the inflationary growth factor in order to determine what the true gain may be. But to use this uncertainty as a reason for not correcting an obvious injustice is not tolerable. Rough justice can be devised.
>
> One method would be to apply to long term capital gains a degressive scale. This would operate to apply a progressively lower rate of tax the longer an asset had been held and the longer, in consequence, inflation had been responsible for increases in its dollar value.
>
> The following is merely illustrative of the kind of scale which could be employed (I do not present it as a definitive proposal):

Applicable top alternate tax rate

[In percent]

If a capital asset is held for:	
1 year	25
3 years	22
5 years	20
10 years	15
15 years	10
20 years	5
(For more than 20 years)	0

If we are to tax capital gains at all, I submit that the foregoing table provides a more reasonable and much fairer solution of the problem than the present practice.

In France and West Germany, capital gains are entirely exempt from income taxation. In Italy, they are only subject to a 9- to 15-percent levy by local authorities. Japan only taxes capital gains if trades in a given year exceed 50 transactions or 200,000 shares.

Mr. Speaker, after decades of wrecking the free enterprise system, the liberal now says the system does not work and we need more of their poison to correct our current economic ills. Over the past decades, Government policies have devastated our enterprise system. Laws have favored unions, laws have given trade concessions to foreign nations who dump in America, laws have set up vast regulatory empires which virtually eat away our private sector, laws have imposed environmental restrictions with impossible goals. A flood of equal employment opportunities regulations, OSHA requirements have filled the statute books. This on top of excessive taxation, double taxation of profits and capital. Capital development is virtually being destroyed.

The economy falters, due in large part to these liberal actions and the liberal then says: "See there, free enterprise does not work. The Government must create jobs so we must have a $100 billion deficit to pump prime." Government has been doing the job. It has been doing in our successful free enterprise system.

I thank Robert B. Dresser of Providence, R.I., for this information and acknowledge his hard work over many years in compiling facts for his countrymen to see. I hope they learn.

SEPARATE LEGISLATION NEEDED TO PERMIT CONSOLIDATION OF FARMERS HOME ADMINISTRATION OPERATING LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. Jeffords) is recognized for 10 minutes.

Mr. JEFFORDS. Mr. Speaker, I am greatly disturbed that the conference committee on S. 1236 saw fit to remove section 2 of that bill. Section 2 would have allowed the consolidation of Farmers Home Administration operating loans. In this time of financial crisis for the Nation's small farmers, such a provision would have allowed many farmers to pull through their current difficulties and remain in business.

All the section would have done is give the FmHA flexibility in handling loans, similar to that which is available to every bank in the country. I introduced the amendment which became section 2. It was approved by the Agriculture Committee and without dissent by the full House.

The significance of this legislation is underscored by the fact that it is listed for priority action by the National Grange. I have also been contacted by many Vermont farmers, urgently requesting that this flexibility be given the FmHA.

The amendment was developed after considerable consultation with FmHA officials in Washington and Vermont. Language was drafted with the cooperation of the Administration, the House Appropriations Committee staff, the Agriculture Committee staff, and my own staff. At one point there was disagreement between the Agriculture Committee and FmHA on a technical point, but this was later resolved, and never mentioned again by the FmHA. The final language had the backing of Administration spokesman William Edwin, Assistant Secretary of Agriculture for Rural Development.

I quote from the record of the House Agriculture Committee:

> Mr. Jeffords. Now assuming that we can have peace between the House Appropriations Committee and the Department on that particular issue, can you tell me now what the feelings would be on Section 2 with this new language included?
>
> Mr. Fowler. I would go to Mr. Erwin to take that.
>
> Mr. Erwin. If we can reconcile the technical matters involved, at this point I see no problem with it.

These technical matters were later resolved to the satisfaction of the Department.

Later, I was amazed to find that the Administration, in a letter directed to Chairman Foley and delivered to the conference committee on the day of its deliberations, raised new objections. It is difficult to find in the four reasons set forth in the letter any problems at all in section 2.

The first reason stated indicates that the amendment may create a change in each loan contract with a possible loss in lien priority. Any such problem could be resolved merely by changing the drafting of the FmHA contracts. Similar procedures are followed by every bank in the country.

Further, the consolidation would take place only with the consent of both the borrower and the Secretary, so it is difficult to see what the problem is.

The second reason given is that the borrower might be required to provide further security, since the section would allow note extensions beyond the present 12-year maximum. Since this is at the option of the borrower and with the consent of the Secretary, I cannot see why this would present any problems. The Secretary would not have to approve any situation wherein the security would not meet the requirements that he establishes.

As stated under the third reason in the letter:

> The consolidation should be at the Secretary's request rather than the borrower's. Many borrower families of FmHA have serious financial problems and need the advice of professionals to handle their financial problems.

This argument is false for two reasons.

First, the consolidation will take place only with the approval of the Secretary. He need not approve any situation wherein the financial situation does not indicate the desirability of consolidation.

Second, many of the older loans have lower interest rates than those charged for new loans. Giving the Secretary the sole discretion would allow him to force borrowers to pay higher interest rates on their older loans, whether or not the borrower wanted to consolidate.

The language of section 2 which would require the consent of both the borrower and the Secretary for consolidation is far more equitable.

Finally, the letter indicated that the consolidation could result in the borrower paying higher interest rates. Since the option would be with the borrower, he could make that choice depending on how it affected his cash flow situation. If his cash flow would be improved by a consolidation, he might very well be willing to pay the higher interest rate.

This is the same decision which is faced by any borrower who considers consolidating his loans. Often, he will accept the higher interest rate in order to get a lower monthly payment, by stretching out his old loans for a longer period.

This matter is of such obvious importance that I intend to introduce legislation to be acted upon separately.

IN HONOR OF THE BROWNSVILLE AREA HIGH SCHOOL "GOLDEN FALCON" MARCHING BAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, it is my great pleasure to salute the Brownsville Area High School "Golden Falcon" Band of Brownsville, Pa. in my congressional district, which won second place honors in the 1975 Blossom Festival Parade held in Niagara Falls, Canada on May 10.

What is particularly impressive about the Golden Falcons is that they were able to mobilize the entire Brownsville community to support their trip to Niagara Falls. The Brownsville Area Band Boosters organized the fund raising effort, and the students earned money from tag days, skating parties, and sales of hoagies, pizza, candy, and magazines. Approximately $9,000 was raised to finance this excursion.

Making the trip by bus were 183 student band members, six school officials, and 21 band boosters. Especially inspiring to me, however, was the send-off from the high school, which was attended by the entire student body, faculty, school directors and administrators, and community leaders. In addition, two buses and a number of private vehicles followed the band buses to Niagara Falls to lend their support. As you might expect, the community turned out in similar fashion to welcome the band home after its triumphant success.

Mr. Speaker, the success of the band is a tribute to the dedication and competence of its members. More importantly, however, the community spirit demonstrated by the people of Brownsville is a sign that the idealism and concern for family and community of the American people have not diminished. The Golden Falcons and the citizens of Brownsville deserve our commendation, and I know that all the Members of the House of Representatives join me in this salute.

CAPTIVE NATIONS WEEK 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, on July 13–19, Americans and friends in foreign countries will again be observing Captive Nations Week. This will be the 17th observance of the week, reminding our fellow citizens of the current addition of more once-free nations to the long list of captive nations under Communist domination. For the occasion and the timely reading of our Members, I wish to submit into the RECORD a piece prepared by Dr. Lev E. Dobriansky, of Georgetown University, on "The Climate of Peaceful Coexistence":

THE CLIMATE OF PEACEFUL COEXISTENCE [1]

Actually, any process or movement in whatever sphere, logically presupposes certain conceptual assumptions, an existential framework for the execution of the process, alternative selected means for the process itself, and worthy objectives in addition to "peace." As concerns the U.S.S.R., it is in this area that detente as presently pursued is subject to serious question and total reexamination. Taking the full course of Russian political history, both in its Soviet Russian and U.S.S.R. phases, a future account may well identify this period as a crucial zig-zag in Moscow's ascendancy to the status of a prime global power. For, up till now, all of detente's contributions have been relatively minor, with scarcely any benefits of substance to us, and the basic issues are the same of a generation ago. Certainly, our ruling misconceptions of the U.S.S.R. and its nature and drives have not changed in this period, and numerous myths thrive in detente.

In the recent period we've heard a great deal about the need for a conceptual breakthrough in nuclear arms control. A more fundamental conceptual breakthrough is needed in our understanding of the Soviet Union. The myth that the U.S.S.R. is a nation-state, similar to ours, still persists. Although many others clinging to this myth can be cited, suffice it to mention that our Secretary of State subscribes to this myth, which would indicate an unfamiliarity with the origin and growth of this empire-state, not to mention its present multinational composition and pressures.[8] This vital point has been concisely documented.[9]

When we're considering human rights in the U.S.S.R., the subject is not entirely parallel to that of civil rights and personal liberties which we enjoy in our country. This is shown in the three levels of dissidence in the U.S.S.R., namely civil rights and personal liberty across the Russian/non-Russian complex, the rights of Jews, Russians, Ukrainians and other different nationals to emigrate, and also the national rights of Lithuanians, Byelorussians, Ukrainians, Georgians and others to their own cultures, language, religion and other national expressions, including their independence. Over half of the population in the U.S.S.R. is non-Russian, and most of this part is divided into compact, distinctive nations. Ukraine, with close to 50 million, is the largest non-Russian nation not only in the U.S.S.R. but also Eastern Europe. Thus, to speak of a "Soviet nation," "Soviet people," "national minorities" or "ethnic groups" is to distort the multinational pattern of the U.S.S.R., as well as the real developments and aspirations of its numerous nations.

If the process of détente is pursued without a keen awareness of this multinational complexion of the U.S.S.R., we may find ourselves, by virtue of our economic contributions, guaranteeing the permanent captivity of the many nations in the U.S.S.R., in the end to our own disadvantage. The foundation of Moscow's power and world-wide ambitions rests in these resourceful captive nations within the U.S.S.R. Its domination over the captive nations in Central Europe is insured by this foundation being intact and solidified. The fundamental issue facing us is to what extent and degree will our economic aid and political indifference abet this solidification without exacting an increasing price aimed at an irreversible transformation of human and national rights, conditions and circumstances in this empire-state.

For nations that had been subverted, militarily conquered, and forcibly incorporated into the U.S.S.R. from 1918 on, the current injection of the "non-interference in internal affairs" myth serves as a crude mockery to human and national rights. The abuse of this myth is an old Russian technique which Stalin, Vishinsky, Khrushchev and Brezhnev have frequently employed not only for the empire-state of U.S.S.R. but also, as the Brezhnev doctrine confirms, for its imperial extensions in Central Europe. If Moscow's domain were extended to the Atlantic, the same cry of mythical non-interference would be raised.

The detente process has generated a number of other myths that must be dissipated if the process is to work for our benefit, too. One is the fantastic notion that the external policy of a state can somehow be divorced from its internal, imperial policies. In a statement to the Foreign Affairs Committee in 1951, Dean Acheson stressed the institutional nexus that has existed between Russia's politico-economic institutions and its imperialist expansionism over 500 years.[10] That classic statement holds today, for Moscow's external policy has always been fed by the oppressive internal policy of the empire. In addition, the euphoric notion that Moscow interprets detente as a sort of live-and-let-live policy has also been furthered by the current process, and is thoroughly discredited by Moscow's meaning of "peaceful coexistence." Moreover, as further fantasies generated by current detente, the notions that communist ideology as a tool of penetration has waned in power and that the Kremlin totalitarians are humanized, de-Stalinized types seeking genuine peace are blatantly contradicted by evidences of intensified ideological activity both within the empire and without and the hyper-KGB activity in the USSR with swelling numbers of arrests and prison camps. In connection with Ukraine alone, over 560 known Ukrainian intellectuals have been incarcerated since 1970.[11]

THE ECONOMIC POWER DILEMMA

Plainly, it is in the area of trade, long-term joint projects, and gradually enhanced economic involvements leading to a generalized economic interdependence that leverage is sought by the present detente process to curb Moscow's aggression by proxy in the Free World and to induce liberalizing tendencies with irreversible movement within the Soviet Union. It is even hoped that this purely tangible, materialist process will by sheer complex involvement on the economic front lead to a redirection and reallocation of resources from Moscow's steady military build-up and development. Increasing business contacts would presumably provide the pragmatic, cultural rub-off abetting internal liberalization, and long-term contractual commitments and projects-in-process would form our basis for threats of cut-off in the event Moscow fails to behave itself in Free World areas. In short, despite the strategicity of the trade deals (Kama River Truck complex, computer production, jumbo plane production—all to be the largest in the world, etc.), the suction of economic interdependence would, so to speak, lock in the Soviet Union in a "structure of peace" for a decade or more.

Any analyst conversant with the USSR economy can only view this theory—indeed, myth—of economic interdependence with the gravest doubt. First of all, if lessons of history are to be heeded, our trade with and investments in totalitarian powers with even more open societies in the past, such as Imperial Japan, Fascist Italy and Nazi Germany, failed to produce permanent amity. Second, the planned nature of the USSR economy, the widespread KGB controls, the extensive CP surveillance, and the tightening-up processes already in vogue will undoubtedly produce systematic containment of our "business infiltrators" while the benefits of our advanced technology and know-how, not to mention bargain interim financing of all this, will accrue to the Kremlin's maintenance of its top priorities, with emphasis on the military and its lagging needs to overcome deficiencies in other sectors of the economy. On these and other relevant aspects, including Moscow's economic strategy, background material is readily available in compact, perspectival form.[12] When Dr. Kissinger states that instead of following autarchic policies, "in actuality the Soviet Union and its allies have come closer to acknowledging the reality of an interdependent world economy," he neither understands the traditional trade sieve of these totalitarian-controlled economies nor their temporary hunger for stepped-up productivity via the most advanced technology.[13]

Briefly, the dilemma of our position is in the timing of all this. Should we follow the simple mechanistic course of the present detente process and, hopefully, let "evolution" bring about the unstated or dubious low-keyed objectives of our foreign policy? [14] Or, in the nature of a poltrade policy that would minimize our risks and avoid the expenditure of billions of dollars in beefing up an essentially technocratic, militaristic, and truly imperialistic economy, should we exact increasing prices for this economic aid with human and national rights concessions consonant with our own principles and civilized values? With nothing substantially changed in the imperio-totalitarian framework of the USSR, prudence and historical common sense would dictate necessarily the latter course. Even in this early phase it is becoming patently evident that a manageable policy is urgently needed to monitor our technological flow to the USSR in the interest of our own security.[15]

In view of the USSR's great hunger for capital and time, the emigration concession has been a pithy, initial price to ask for. Since it was accepted by us at the dubious figure of 60,000 per annum and across-the-board of nationals in the U.S.S.R.—contrary to Kissinger's position—this measure of "liberalization" in the U.S.S.R. should, despite Moscow's renunciation of it, be maintained by Congress. However, this is no reason for not pressing for far more proportionate poltrade concessions.[16] They should include for the period ahead such objectives as: (a) the reunion of families and the elimination of extortionate Soviet duty taxes on relief packages; (b) in the spirit of religious freedom, the resurrection of the major Ukrainian Orthodox and Catholic Churches, which were genocided by Stalin; (c) as advanced by many prominent American scholars, consideration for the beginning of direct diplomatic relations with the national republics, Byelorussia and Ukraine for example (the '74 Summit agreement for the opening of a consulate in Kiev was a blunderous error); and (d) the surcease of psychiatric and labor camp incarceration of dissidents.

Indeed, in the wake of the Indo-China

Footnotes at end of article.

tragedy the time is now for a Select Committee on Captive Nations in Congress, with concentration on those in the U.S.S.R. Congress can and should take the lead in this massive education of our people about all the captive nations, especially those in the U.S.S.R. The greatest weakness and vulnerability of Moscow lies in the existence of these captive non-Russian nations within the U.S.S.R. itself. Moscow knows this, but our leaders scarcely appreciate it. A growing and determined interest in them, at first strictly along politico-educational lines, would in itself signal to the Kremlin that we mean business in developing a genuine detente. If it fails to respond, we, too, can proceed to engage in the Russian type of "peaceful coexistence," without fear of a nuclear war and in the knowledge that the captive nations are our firmest allies, even in the U.S.S.R. itself.

A genuine detente is one that permits competition for our traditional ideas and values on the terrain of an adversary who is firmly committed to ideologic, systemic warfare and global supremacy. To aid him by trade and deals of compromise in "solving" Free World problems virtually forecloses this competition without a poltrade policy aimed at the captive nations, particularly those in the U.S.S.R. and a broader policy designed to intensify the predominant forces of nationalism within the U.S.S.R. Let us not forget that our past errors of concept and misdirected action in the region of the U.S.S.R. saved Lenin's tyrannical regime and contributed to the demise of the independent non-Russian republics in the 20's, provided for the industrial foundations of the U.S.S.R. in the 30's, rescued this empire-state from destruction and enabled it to extend its empire in Central Europe, Asia, and Cuba in the 40's and 50's, and under cover of "detente" tolerated its basic implementation of Hanoi's aggression in the 60's and 70's. The perpetuation and repetition of such errors, as evidenced in the present detent process and its euphoric effects, could lead to our own destruction. We, too, could become a captive nation. This is fundamentally the real ground for despair in the West and confidence in the East.

FOOTNOTES

[8] E.g. Associated Press, March 1974.

[9] See Chapter 4 'Nations, Peoples and Countries in the USSR" and Chapter 5 "The ABC's on Russia and the USSR in *USA and The Soviet Myth*, Old Greenwich, Conn., 1971.

[10] *The Mutual Security Program*. Committee on Foreign Affairs, 1951, pp. 11–12.

[11] See, e.g., *Ukrainian Intellectuals in Shackles*. Ukrainian Congress Committee of America, New York, 1972, pp. 17.

[12] See Chapter 9, "The Russian Trade Trap" in *USA and The Soviet Myth*, 1971.

[13] *Secretary Kissinger's Statement on U.S.-Soviet Relations*. Special Report No. 6, Department of State, September 1974, p. 4.

[14] See President Richard Nixon, *Captive Nations Week, 1974. A Proclamation*. July 12, 1974.

[15] Linda Hudak. "Soviet Trade: Profit v. Policy," *The Washington Post*, December 8, 1974.

[16] See Lev E. Dobriansky. "The Empire-State of USSR—Chief Object of Poltrade," testimony, *The Trade Reform Act*, Senate Finance Committee, April 4, 1974.

SUMMER YOUTH RECREATION PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, tomorrow the House is scheduled to vote to override President Ford's veto of H.R. 4481, the Emergency Employment Appropriations Act of 1975. Providing a total of $5.3 million in new budget authority, the bill would create almost one million full and part-time jobs, as well as summer jobs for youths. I find it unconscionable that the President allowed nearly 2 weeks to pass before vetoing the bill. Had the veto immediately followed the bill's passage, Congress would have been able to either override the veto or refashion the bill before the Memorial Day recess. However, with this delay the planning efforts of local communities have been severely undermined—they enter the summer vacation period simply not knowing where they stand.

I would like to single out the success of one program included in the legislation as an example of the constructive impact this kind of emergency jobs program has had in the past. The Summer Youth Recreation program—formerly called the Recreation Support program—is designed to provide recreational/educational opportunities during the summer months to economically disadvantaged children too young to obtain employment. The program enables these children to participate not only in traditional playground events, organized sports and games, and arts and crafts activities, but also in such cultural and educational activities as cultural field trips, instruction in creative arts, and attendance at special events.

In Minneapolis, the program has been an integral component in the city's total summer recreation program. On one hand, it has furnished a constructive alternative to the idleness and inactivity which so often fosters delinquent behavior. On the other hand, it has enhanced the city's efforts to promote cooperative planning among its numerous private and public youth programs. More specifically, last summer, $44,000 in Federal funds allowed almost 29,000 children to participate in a wide array of activities. Ranging from tennis to swimming lessons to juggling and puppet shows, from innertube floats and horseback riding to visits to the public library and the Guthrie Theatre, these activities have presented many children with opportunities usually not available to them.

The program's success in Minneapolis has been mirrored in cities throughout the country. It stands as an example of the kind of benefits the emergency jobs bill can provide. I strongly urge my colleagues to vote to override the veto of this urgently needed legislation. There follow letters or support from four youth service agencies in Minneapolis and a program description drafted by the Minneapolis public schools' department of community education:

POLICE AND COMMUNITY
ACTIVITY PROJECT,
Minneapolis, Minn., May 9, 1975.
Congressman DONALD M. FRASER,
Washington, D.C.

DEAR CONGRESSMAN FRASER: The Police and Community Activities Project has been involved with the RSP (Recreation Support Program) for the last two years. The program has been a great asset to our Center, but most of all, an asset to kids who derive the most benefit from the RSP. There is no way our programs would be able to fill the gaps that the Recreation Support Program filled the last two years.

Our agency strongly supports the continuation of the Recreation Support Program. This program has met many of the recreational needs for inner-city recreational programs. It is a vital program that should be continued if at all possible.

Sincerely,
JAMES R. DIAZ,
Recreation Coordinator.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., May 5, 1975.
Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: Again we come to you, as we have for so many years in the past, and seek your support for the 1975 Summer Youth Recreation Program. This was previously known as the Recreation Support Program. Enclosed please find a tabloid, which shows the effort of the Minneapolis Public Schools working in community with all community groups to maximize to our boys and girls in the inner city a program which will help not only to enrich their lives, but to make summer days seem short and full of enjoyment. The Summer Youth Recreation Program (page 11 of the tabloid) is a part of this great effort. If these funds do not become available to us for our children, a great part of this program will be cut out. Transportation, free admission to the Twins and cultural activities, art supplies, and so much more, will be phased out of the planned program.

I know your great support for this program, and for that we are thankful. Please encourage your colleagues in the Congress to move with haste on this very vital legislation so our planning will not be in vain.

Sincerely yours,
PAUL BORANIAN,
Director.

MINNEAPOLIS MODEL CITY PROGRAM,
Minneapolis, Minn., April 30, 1975.
Re: RSP Program appropriations
Rep. DONALD M. FRASER,
Washington, D.C.

DEAR CONGRESSMAN FRASER: The relatively small amount of Recreation Support Program monies spent in the city of Minneapolis each summer and the outstanding success of the program leads me to believe that some element of evaluation is missing each year. Here is a program in which scores of agencies are represented, thousands of youth participating, and very little administrative overhead is involved yet each year it seems the appropriation gets stalled in the House. Your personal interest and efforts to enact passage are very much appreciated but I am a bit curious about why this program seems to run into some problems each year. Perhaps, our experiences here are not indicative of the RSP nationwide.

In Minneapolis through the cooperative efforts of public and private agencies, the opportunities for quality recreation for inner-city youth are realized through RSP funding. The coordination and cooperation of programming is excellent and the money stretches by at least doubling or tripling itself through in-kind matches in services and program. It is a showcase project.

Thank you again for your efforts, and I personally look forward to working with this excellent program once more.

Sincerely,
BILL LAWSON,
Recreation Director.

OFFICE OF CITY COORDINATOR,
Minneapolis, Minn., May 12, 1975.
Hon. Congressman DONALD M. FRASER,
Washington, D.C.

DEAR CONGRESSMAN FRASER: The City of Minneapolis has participated in Recreation

Support Program (RSP) for the past four years. We have found this program to be beneficial for participants in our city. Recreation Support Program has assisted in the coordination of our youth serving agencies as well as being an asset to the agencies summer programs. The funds received through this program have enabled many inner city youth to have broader experiences in the areas of cultural arts, camping, tennis, crafts, and be exposed to other special events held at various points of the city. We urge you to support this program and seek funding for the summer of 1975.

Sincerely,

RICHARD KELLEY,
Youth Coordinator.

RECREATION SUPPORT PROGRAM,
Minneapolis, Minn.

GENERAL NARRATIVE

The Recreational Support Program for the summer 1974 was a joint venture among the City Youth Coordinator/staff, the Community Education Department of the Minneapolis Public Schools, the Minneapolis Park Board and the youth serving agencies in the city.

Approximately 28,868 Minneapolis youngsters, ages 8 to 14, received recreational services provided directly through the Recreational Support Program (R.S.P.). The Community Educational Services Department of the Minneapolis Public Schools provided coordination at no cost to the project. This program was aimed at poverty area boys and girls, and attempted to provide some expanded or "extra" recreational services for each of these youngsters during the summer. The funds allocated to Minneapolis R.S.P. were used for transportation, tickets to events, art instruction, art supplies, sports programs, tennis instruction, a camp orientation program and for extra youth crew leaders.

The R.S.P. is intended as a supplement to ongoing summer recreation programs of public and private recreation agencies which serve these youngsters. A secondary aim of the R.S.P., besides planning recreation programs for 8 to 14 year olds and providing on-the-job training for 14 to 18 year old N.Y.C. workers, is to stimulate big-city planning and cooperation among the major youth serving agencies. Representatives from the city's various agencies develop these summer plans on a year round basis.

The funding this year, from the Department of Labor, was cut to $44,220 (from $65,000 last year). The decrease resulted because the total federal funding was divided among 410 cities instead of 100 as last year. The amount for this region was also shared among several counties; the total funding came through our local consortium which administers manpower programs.

The approximate $20,000 cut in funds forced the Minneapolis R.S.P. city-wide planning committee to reallocate funds, and cut various aspects of the program. For example, the entire van (small group trips) program was cut this year; this plan formerly provided transportation for small groups of children to local events and program sites (1,070 trips in 1973 moved 6,795 kids). Administration costs were cut by 25%, N.Y.C. crew leaders by 10%, supplies and performances by 10%, as well as most other programs, in the R.S.P. These cuts, combined with the late starting date (July 1) which made agency planning very difficult, drastically reduced the number of children served this year compared with 1973 when we received $63,000 on time.

In 1973, 44,224 children received direct services and 28,868 children in 1974.

In 1973, 50,000 children received assisted program and 41,000 in 1974.

Coordination for field trips was provided at no cost by the Transportation Department of Minneapolis Public Schools. All buses were contracted by city-bid process for lowest cost. As a result of the free tickets and transportation provided through the R.S.P., poverty area children were able to visit metropolitan sites unique to this area, but usually unavailable to them.

The Minneapolis Park Board coordinated leadership for cultural events as well as for the ticket program. Weekly announcements of exact dates and locations appeared in the Sunday Tribune under Park Board Calendar of events. Cultural events included performances by the Powderhorn Puppet Theatre, the Story Talers, Dan Priest (juggler), and so forth.

The R.S.P. also supplemented sports activities by providing participating youth working agencies with extra equipment such as balls, bats, gloves, tennis rackets, ping-pong sets, etc., all not included in regular programs currently operating.

Free tennis lessons were offered in a program co-sponsored by the N.W. Tennis Assoc., the Minneapolis Public Schools, the Pepsi-Cola Co., and the R.S.P. These lessons were for 8 to 18 year olds and provided Monday through Friday morning at the following sites: Powderhorn, Stuart, Seward, Martin Luther, Peavy, Brackett, Bottineau, Fairview, Folwell, Windom, and Logan. Children needed only to come to these sites to sign up with the instructor.

Art supplies were added, by the R.S.P., to ongoing arts and crafts programs to feature materials usually not available in inner-city recreation programs. Such supplies included materials for pottery, leather work, and sculpturing.

A camp orientation and preparation program was available at Stuart Wells camp in cooperation with administration by Suburban Recreation Association, in order that innercity youngsters may become acquainted with camping procedures, and experiences before they participate in actual camping program.

Extra facilities, such as the Phillips Jr. High School pool and also 10 inner-city parks were kept open for an additional two weeks with R.S.P. funds, through August 9. These major public owned facilities would normally close the first of August from the lack of funds but could be open during this extra period.

PROGRAM SUMMARY SHEET

R.S.P. programs ran from July 1 to August 23. Program participation summaries are listed below:

I. NYC Involvement

There were 350 NYC boys and girls working directly in the R.S.P. They had assignments at parks, community schools, settlement houses and other youth serving agencies, as well as in special programs such as the tennis lessons, crafts and sports activities.

II. Children ages 8 to 14 receiving direct R.S.P. services:

A. Chartered bus trips . . . 175 trips moved 9,192 children to major recreation sites and events in the metro area (some times further on special occasions).

B. Free ticket program, organized through the transportation unit visited 109 ticketed events and serviced 4,156 children.

C. Cultural events, planned by the Mpls. Park Board, provided 77 performances with 17 different programs for 5,085 children.

D. Tennis at city parks served 600 with instruction at 11 different sites.

E. Camp Orientation Program served 155 prospective campers with basics needed for their first camping experience.

F. Phillips swimming pool was extended two weeks serving 4,600.

G. Sixteen inner-city parks were extended for one extra week through August 19.

H. Shrine All Star Football Game 380 children.

Total, 28,868 *. Children/Direct R.S.P. Service.

III. Major participating agencies received $16,303.32 in art and athletic supplies. They reported over 20,000 art/craft services and over 21,000 athletic services provided as a result of these additional supplies.

Total, 41,000. Children/Assisted Programs.

IV. Agencies report that approximately 7,000 individual memberships, children ages 8 to 14 from poverty areas, participated regularly R.S.P. events; that 9,000 were reached by one or more activity during the summer.

ISRAEL MAKES AN EXTRAORDINARY GESTURE OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, yesterday morning, Prime Minister Yitzhak Rabin of Israel, in an extraordinary gesture of peace to Egypt, announced that Israel would thin out her forces along the disengagement line in the Sinai, and withdraw most of her heavy artillery to a point some 20 miles from the Suez Canal, coincident with Egypt's reopening of the canal on June 5, 8 years to the day after it was closed by the Six Days' War.

Israel's action at this time brings a warm reassurance to all. It reaffirms the continuity of American efforts for peace in the Middle East, and seeks to evoke a reciprocal response from Egypt.

The opportunity is at hand for President Sadat to return the gesture, to brighten this glimmer of hope and responsibility. A declaration by Egypt that the Suez Canal will be open to Israeli-bound cargo, if not Israeli ships themselves, would be the strongest indication that Israel's message has been received, understood, and welcomed. The time is ripe for the courage of a statesman true to his words to give them the force of deed.

This unilateral move by Israel indicates in the clearest terms Israel's desire to reestablish the momentum toward peace. Israel's action has matched her word that she is prepared to go to extensive lengths in order to achieve peace.

For weeks, many have clamored for some sign, some statement, some indication on Israel's part that she remains an open and flexible participant in the search for peace.

Yesterday's events demonstrate in the most graphic terms Israel's dual commitments toward peace and the furtherance of American initiatives among the nations in the area for a resolution of the Middle East dispute.

Israel's gesture stands in stark contrast to the messages sent by others during moments of delicate negotiation. Just prior to Secretary Kissinger's last diplomatic effort in March, Palestinian terrorists embarked on a murderous mission at the Savoy Hotel in Tel Aviv. The Palestine Liberation Organization's announced intention was to sabotage Secretary Kissinger's diplomacy, making plain for all the world—as if it needed another reminder—the PLO's true intentions regarding peace.

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* The decrease in participants in the 1974 R.S.P. from 1973 reflects the decrease of $20,000 in funds between the years (15,356 fewer children/direct R.S.P. program services).

Israel has taken a courageous step and sent Egypt a signal. Egypt now has a unique opportunity to strengthen the flexibility of Israel's hand in the peace negotiations by opening the Suez Canal to her ships and cargoes.

CONGRESSMAN McFALL CALLS FOR CONGRESSIONAL ACTION ON ENERGY AND PROPOSES A PREEMPTIVE STATE GASOLINE TAX AMENDMENT TO THE ENERGY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized 15 minutes.

Mr. McFALL. Mr. Speaker, the House has scheduled action on the energy bill for next week with several days allotted for debate. A matter of such far-reaching importance to our long-term economic well-being and national security deserves to be considered in an atmosphere of calm and purposeful deliberation.

On an issue of this magnitude, we must legislate correctly rather than quickly. It would be folly to legislate just to meet some arbitrary deadline. The difference of a week or a month in enactment is inconsequential compared with the magnitude of the disaster that could befall our economy and our national security if we legislate hastily and poorly. We must take our time and think things through. The public interests demands no less than our full concentration and our best efforts on this critical piece of legislation.

The Ways and Means Committee has worked hard to provide us with a comprehensive, thoughtful and well-drafted piece of legislation for floor consideration—a measure capable of becoming the cornerstone of a new national energy policy.

I support this bill's general approach to our energy needs. However, I do feel that a state preemptive gasoline tax is an absolutely essential part of the package to assure that State transportation programs are not brought to an abrupt halt.

My amendment would permit a State, by enacting its own gasoline tax, to preempt 1 cent of the 3-cent Federal increase to be levied in 1976 and 20 percent of any additional increase in Federal gasoline taxes to be imposed by this bill. States would be required to use these preempted gasoline tax revenues for highway or mass transit purposes consistent with State law.

The need for congressional action on energy is underscored by the additional $1 tariff on oil imports imposed by the President effective June 1. The tariff has now been increased $2 a barrel by Executive action since February. President Ford announced the increase May 27 and said that he will also soon submit to Congress his plan to decontrol the price of domestic old oil.

The combined effect of these moves will be to increase the price of fuel sharply, not only for gasoline but for home heating and cooling and for all other energy uses, including job uses in industry and farming. The head of the Federal Energy Administration freely admitted over the weekend that the administration's intention is to drive up the price of gasoline to 70 cents a gallon.

Obviously, the administration's policy of raising the base price on a barrel of oil is also going to produce indiscriminate, across-the-board increases for all kinds of fuel uses.

The result, as Hobart Rowen pointed out in a cogent article in the Washington Post, Sunday, June 1, will be to "raise hell with the economy."

Mr. Rowen says that the tariff increase and the decontrol of old oil "will have an enormous inflationary effect on the economy. They also raise serious questions about recovery from recession."

The extra dollar in tariff now makes the average price of imported oil about $13.50 a barrel. Mr. Rowen calculates that the decontrol of domestic old oil will permit the present controlled price of $5.25 a barrel to shoot up to $13.50 and set the pattern for parallel increases in unregulated natural gas, coal, and other energy sources. He cites a Congressional Research Service study which shows that the $2 in tariff increases since last February will cost about $18 to $24 billion a year, including the ripple effects on other sectors of the economy. The same study says that the decontrol of old oil would add a similar $24 billion burden to the economy. Together, the increase in energy prices would boost the inflation index by 3.75 to 4.75 percent when all costs are fully effective in 2 years, Mr. Rowen said.

The article also pointed out that President Ford's original proposal for a windfall profits tax has been modified to include a plowback feature which, as Mr. Rowen says:

> Means that there will be no meaningful windfall profits tax on those who reinvest in energy production—which they would be doing anyway because of the incentive of high prices.

Of course, none of this takes into account the $2-a-barrel price increase that the OPEC countries are talking about. That would raise the average price of imported oil to $15.50 a barrel and touch off similar increases for decontrolled domestic oil, unregulated natural gas, coal, and other forms of energy.

This energy cost explosion can only produce another sharp round of inflation as the higher energy prices make themselves felt in all other sectors of the economy. This course leads to disaster, and it is up to the Congress now to substitute a positive and constructive program while there is still time to act.

The plan now is for H.R. 6860, the Energy Conservation and Conversion Act reported by the Ways and Means Committee, to be scheduled for action next week. I will support this bill with an amendment that I intend to offer providing for a State preemptive gasoline tax.

This amendment deals with a matter of critical concern to the States: the maintenance of adequate State funding for highway and mass transit projects.

The highway program in my own State of California is having severe difficulties. Just last month, the State stopped all of its State-only highway projects, even the smaller ones. The State's highway money is now being used only for Federal matching funds projects, and even that is beginning to run low. According to some estimates, the State will no longer be able to meet even its matching funds needs by 1980. If nothing is done, the highway program in California would come virtually to a standstill.

The State Department of Transportation informs me that it is now in the process of reevaluating and eliminating projects which previously had been scheduled for future-year construction. In short, the highway program in California is in serious trouble, as I am sure it is in many other States, and H.R. 6860, in its present form, would do nothing to alleviate it. In fact, the gasoline tax feature, with no provision for State sharing, would only add to the problem by making it nearly impossible for the States to pass new gasoline taxes of their own.

I am sponsoring this amendment in response to a request for assistance from the National Governors' Conference. The Governors are deeply concerned about the effects of the proposed Federal gasoline tax on State finances. A group of Governors headed by Calvin Rampton of Utah, Chairman of the National Governors' Conference, came to see me on May 16, and we talked over possible remedies. As a result, I had printed in the RECORD several possible amendments, each representing a different approach to the problem. After giving the matter careful consideration, including consultation with my colleagues here in the House, many talks with the California Department of Transportation and further discussion with the Governors' Conference office in Washington, I have settled on this preemptive State gasoline tax amendment as the one which would permit us to enact this legislation and at the same time provide the best and fairest opportunity for the States to share in the gasoline tax revenues and to shore up their end of the matching-fund programs.

Among the ideas considered earlier and discarded was a straight pass-through of a portion of the new gasoline tax revenues from the Federal Government to the States. No action by the State would have been required; the shares would have been remanded automatically by the Secretary of the Treasury to each State. This is quite similar to the revenue sharing approach. I myself would oppose this method of passing along part of the new gasoline tax revenues with no initiative from the States, and I do not think that this approach could muster much support at all in the House.

The Governors' Conference informs me that many of the States favor no gasoline tax increase at all. I would expect that there will be a motion to strike on the House floor. If it carries, of course, that resolves the issue. If it fails, I think this would leave the State preemptive tax as the best course by which

States could claim a part of the new gasoline revenues.

The Governors themselves are going to be meeting again in New Orleans next Sunday, June 8. They are expected at that time to evaluate the various gasoline tax proposals and hopefully agree among themselves on a united course of action. We would then have a clear idea of support among the Governors for my State preemptive tax amendment or for another approach.

The State preemptive tax is amendment No. 4 on the list that I had printed in the RECORD on May 19. I am asking that this amendment be reprinted in the RECORD today to correct an error in printing and to provide a technical clarification.

I want to make it absolutely clear that revenues from the State preemptive gasoline and special fuels taxes may be used at the discretion of the State for any highway or mass transit purpose consistent with State law. Revenues from the State preemptive taxes would be collected and retained by each State; the money would never pass through the Federal Treasury; it would not be subject to any other Federal law governing general funds use or highway trust fund use. This amendment seeks neither to enlarge nor diminish the range of options that States now enjoy through the Federal transportation aid programs, including highway trust funds and mass transit assistance. The purpose of my amendment is simply to permit the States to share in the new gasoline tax revenues from H.R. 6860; the range of uses to which the State may put these funds is not to be affected by my amendment.

The States could use this money for any purpose authorized by State law for the use of gasoline tax funds.

This means that in those 10 States which limit all gasoline tax revenues to highway purposes, that rule would prevail with regard to these new revenues from H.R. 6860. States which permit the use of gasoline tax money for mass transit construction or operating assistance would retain that option under my amendment. The choice of use would remain with the State, with the requirement that the funds be used for planning, construction, or maintenance of highways or mass transit systems. The mass transit "maintenance" option would include operating assistance in States whose laws provides that gasoline tax revenues may be used for that purpose. This is in keeping with the sound rule of thumb that user tax revenues should be reserved for user purposes.

Essentially, my amendment would permit States to claim a part of the gasoline tax increases proposed by H.R. 6860. By enacting a preemptive State gasoline tax, a State could retain a maximum of 1 cent of the 3-cent gasoline tax increase which would be imposed on January 1, 1976, and up to 20 percent of the additional graduated formula tax which may be imposed beginning on April 15, 1977. The graduated formula tax in H.R. 6860 is a maximum of 20 cents, so a State could claim as much as 4 cents if the full amount of the tax is levied.

Under the bill, the graduated tax would be levied if the Federal Energy Administrator determines that the domestic consumption of gasoline in 1976 or in any succeeding year exceeds the domestic consumption for 1973. If the increase is less than 1 percent, the additional graduated tax would be 5 cents; if it were between 1 and 2 percent, the graduated tax would be 10 cents; if it were between 2 and 3 percent, the graduated tax would be 15 cents; if it were more than 3 percent, the graduated tax would be 20 cents. According to a graph from the Ways and Means Committee, gasoline consumption in 1973 was about 6.67 million barrels a day, and we are expected to come very close to that in 1975.

The remaining 2 cents of the 1976 gasoline tax increase would go into the Federal Energy Conservation and Conversion Trust Fund established by this legislation to develop more efficient uses of energy. The 80-percent Federal share of the graduated formula tax would be available for refunds to individuals and businesses, in the form of income tax credits, as proposed by H.R. 6860. Should any funds remain after the refunds, they would also go into the Energy Trust Fund.

I am also offering a companion amendment that would provide for the same kind of State preemptive tax on special fuels.

Governors across the country are concerned that any significant increase in the Federal tax on gasoline would effectively prevent enactment of any State gasoline tax increases. State highway programs and mass transit projects are already suffering from the effects of inflation and the financial squeeze that is cutting into State and local government services across the board.

Many States are already having difficulty raising their matching shares for Federal aid-highway and mass transit projects. Congress has already passed and sent to the President a bill (H.R. 3786) which would permit States to borrow their matching shares from existing apportionments for Federal aid-highway projects. Relief such as this can only be temporary. In California, the effect of the bill will be minimal, because California has been good about putting its apportionment to use and, therefore, has very little to borrow from. In addition, the money must be paid back with non-Federal funds by January 1, 1977, and in California there is little hope that the highway fund situation will be any better then than now.

This should show us how unfair and self-defeating it would be to undercut State chances to raise further gasoline tax revenues on their own.

Further, it should be apparent that the President's proposal to push the gasoline tax to astronomical heights is neither a fair nor an effective way to cut down on consumption of gasoline. People in my district, especially in the mountainous areas where mass transit is virtually impossible, and people in many other areas of the country are forced to rely on their automobiles to get to their work, to do their grocery shopping and to take care of other essentials. The penalty of a high gasoline tax would fall most heavily on these users who have no choice but to pay it. They would be forced to bear an unfair part of the burden of reducing gasoline and fuel consumption.

The adverse effect of a Federal gasoline tax on State transportation finances is eventually going to come back and haunt the Congress. If an additional gasoline tax is to be levied, its revenues should be shared by the States. That is what my amendment would do. I ask my colleagues in the House to support this approach to the resolution of a very difficult Federal-State problem and to make it part of the comprehensive energy program envisioned by this legislation.

I am including in the RECORD the full texts of the State preemptive gasoline tax amendment and the special fuels preemptive tax amendment:

AMENDMENTS TO H.R. 6860, AS REPORTED,

OFFERED BY MR. MCFALL

Page 31, line 5, strike out "States.'" and insert in lieu thereof "States.".

Page 31, insert immediately after line 5, the following:

"(c) REDUCTION OF RATE IN CASE OF QUALIFIED STATE GASOLINE TAX.—

"(1) IN GENERAL.—The rate of the tax, which, but for this subsection, would have been imposed by this section on the sale of gasoline in a State which, at the time of such sale, has a qualified State tax with respect to gasoline shall be reduced by the qualified State tax increase on such gasoline.

"(2) LIMITATION.—The rate of tax imposed by this section may not be reduced under this subsection—

"(A) if the rate of such tax is 3 cents per gallon, by more than 1 cent per gallon; or

"(B) if such rate is more than 3 cents per gallon, by more than the sum of—

"(i) 1 cent per gallon, plus

"(ii) 20 percent of the amount by which such rate exceeds 3 cents per gallon.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED STATE TAX.—A tax imposed by any State on the sale of gasoline subject to tax under this section shall be treated as a qualified State tax if the Secretary determines that—

"(i) such tax is not substantially different from the tax under this section,

"(ii) a qualified State tax increase exists with respect to the tax imposed by such State, and

"(iii) the net receipts of the State from such qualified State tax increase will be available only for purposes of planning, constructing, or maintaining highways or mass transit systems.

In making such determination, net receipts from any qualified State tax increase shall not be treated as available for the purposes referred to in clause (iii) if the Secretary finds that funds of the State available for such purposes will be diverted for other purposes because of such tax increase.

"(B) QUALIFIED STATE TAX INCREASE.—The term 'qualified State tax increase' means, with respect to any State, the amount by which—

"(i) the rate (per gallon) of tax imposed by such State on the sale of gasoline subject to tax under this section, exceeds

"(ii) the rate of tax (if any) which was imposed on May 19, 1975, by such State on such a sale.

"(4) APPLICATION OF SUBSECTION.—For purposes of this title, the rate of tax in effect under this section shall be such rate as in effect for the State in which the gasoline was purchased by the user."

Amendments to H.R. 6860, as Reported Offered by Mr. McFall

Page 32, insert immediately after line 25, the following:

"(d) Reduction of Rate in Case of Qualified State Special Fuels Tax.—

"(1) In general.—The rate of the tax, which, but for this subsection, would have been imposed by this section on the sale or use of any fuel in a State which, at the time of such sale or use, has a qualified State tax with respect to such fuel shall be reduced by the qualified State tax increase on such fuel.

"(2) Limitation.—The rate of tax imposed by this section may not be reduced under this subsection—

"(A) if the rate of such tax is 3 cents per gallon, by more than 1 cent per gallon; or

"(B) if the rate of such tax is more than 3 cents per gallon, by more than the sum of—

"(i) 1 cent per gallon, plus

"(ii) 20 percent of the amount by which such rate exceeds 3 cents per gallon.

"(3) Definitions.—For purposes of this subsection—

"(A) Qualified State tax.—A tax imposed by any State on the sale or use of a fuel subject to tax under this section shall be treated as a qualified State tax if the Secretary determines that—

"(i) such tax is not substantially different from the tax under this section.

"(ii) a qualified State tax increase exists with respect to the tax imposed by such State, and

"(iii) the net receipts of the State from such qualified State tax increase will be available only for purposes of planning, constructing, or maintaining highways or mass transit systems.

In making such determination, the net receipts from any qualified State tax increase shall not be treated as available for the purposes referred to in clause (iii) if the Secretary finds that funds of the State available for such purposes will be diverted for other purposes because of such tax increase.

"(B) Qualified State tax increase.—The term 'qualified State tax increase' means, with respect to any State, the amount by which—

"(i) the rate (per gallon) of tax imposed by such State on the sale or use of the fuels subject to tax under this section, exceeds

"(ii) the rate of tax (if any) which was imposed on May 19, 1975, by such State on such a sale or use.

"(4) Application of subsection.—For purposes of this title, the rate of tax in effect under this section shall be such rate as in effect for the State in which the fuel was purchased (or used) by the user."

Page 33, line 1, strike out "(d)" and insert in lieu thereof "(e)".

Page 33, line 9, strike out "(e)" and insert in lieu thereof "(f)".

AMENDING THE NEW HOUSING CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Harris) is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, today I am introducing legislation to amend the 5-percent investment tax credit on the purchase of new homes, contained in the Tax Reduction Act of 1975.

On April 9, 1975, the IRS issued guidelines for interpreting the tax credit which confirmed what many had suspected since the passage of the tax cut bill—that there are inequities in the law. The intent of the new housing credit was, of course, to clear the inventory of unsold new homes and to put construction workers back on the job. Unfortunately, a number of new housing units which would otherwise qualify for the tax credit do not qualify by virtue of their previous offering at a lower price.

This stipulation in the bill was written to prevent a seller's jacking-up the price of housing in anticipation of the investment tax credit. However, due to the depressed nature of the economy and the lack of affordable mortgage money, many new homes have gone unsold for as long as 2 years or more. Naturally, the price of building or buying a new home has risen during that time. This is particularly true in my district in northern Virginia where there are so many condominium and planned communities.

Under the present law, if a homebuilder offered a particular model for sale at $32,500 18 months ago, and costs have risen $2,000 during the interim period, he must take the $2,000 loss in selling the house today, or else the buyer cannot qualify for the credit.

My bill removes the "lowest price ever" provision in the bill, and makes the tax credit available on homes which have not been raised in price this year.

The tax credit approach may not be the best approach to reversing the housing market—I prefer action to lower interest rates—but it has worked in cases where it applies. My bill would extend coverage and make more homes available to average families.

I urge the support and invite cosponsoring by my colleagues.

The bill is as follows:

H.R. 7532

A bill to amend section 44 of the Internal Revenue Code of 1954 (relating to credit for purchase of new principal residence) to provide that the lowest offering price requirement be limited to offers after December 31, 1974, and to expedite the prescribing of final regulations on such section 44

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 44(e)(4) of the Internal Revenue Code of 1954 (relating to certification required for credit for purchase of new principal residence) is amended by striking out "lowest price at which the residence was ever offered for sale" and inserting in lieu thereof "lowest price at which the residence was offered for sale after December 31, 1974."

(b) Section 208(b) of the Tax Reduction Act of 1975 is amended by striking out "was ever offered for sale" each place it appears and inserting in lieu thereof "was offered for sale after December 31, 1974".

Sec. 2. The amendments made by the first section of this Act shall apply to principal residences (within the meaning of section 1034 of the Internal Revenue Code of 1954) sold or exchanged after December 31, 1974, in taxable years ending after such date.

Sec. 3. The Secretary of the Treasury or his delegate—

(1) not later than the 15th day after the date of the enactment of this Act, shall publish proposed regulations relating to section 44 of the Internal Revenue Code of 1954,

(2) during the 30-day period beginning on the 16th day after such date of enactment, shall afford an opportunity for public hearings and comments on such proposed regulations, and

(3) not later than the 75th day after such date of enactment, shall prescribe and publish regulations relating to such section 44.

GIVE ME YOUR HAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

Mr. AuCOIN. Mr. Speaker, recently I had the pleasure of reading an essay delivered by a young man in my congressional district—an essay for which he won second place in the Optimist Club's district oratorial contest. The piece—by Robert Faber—is entitled "Give Me Your Hand" and it is about America's teenage youth.

Too often these days when an article is written about America's teenagers it paints them as a mischievous group of troubled adolescents. Young Faber—an eighth grader at Brown Junior High School in Hillsboro—chose to look at the good in America's teenagers. And I must say that he does an excellent job. He shows us the spirit that is America's teenager, the exuberance, and the hope which they represent for our country.

I would like to enter here the full text of Robert Faber's essay, and I commend it to my colleagues as an inspiring message about the values and potential of this "new generation" of Americans.

Give me your hand. I would like to introduce myself to you. I am an American teenager. My interests are many, but above all, I have a spirit within me that glows like an open fire. This spirit is helping to build our nation today.

Give me your hand, and let me walk with you through the many forests and cities in our land, for I really want you to know me.

On the West Coast in a junior high school, 950 students joined hands in the spirit of helping others and raised nearly a thousand dollars. This money was sent to the children of Honduras who were flood victims of a great disaster. With that same spirit, these children will buy seeds and raise food to help feed the people of Honduras.

Near the Atlantic Coast, a Boy Scout troop made its project of cleaning a river and its banks. Their physical energies accomplished what many just talk about. And all over these United States teenagers are volunteering their time as aides in hospitals, working with the handicapped, and the mentally retarded. Bike-a-thons and walk-a-thons are a popular way we teenagers help others. Thousands of dollars are raised each year through America's Youth.

"Give me your hand" many teenagers are saying to the elderly. In many communities, teenagers are the "guardian angels" of the very old and the sick. They check in each day with their adopted senior citizens to make certain that this newly adopted loved one is having a good day.

Today, when so many people are talking about dropouts, I just want you to know that there are many of us who are really tuned in to life—who have developed their own ham radio stations, are joining swim teams, entering different forms of competition, and are disciplining themselves on the golf course. There is a spirit in the American teenager and it's on the move!

The spirit of the American teenager can best be illustrated by picturing with me a giant orchestra—just imagine—50 musicians, ready for the opening night, and the audience is silent in anticipation.

It has taken hours and hours of preparation to learn the music and to work as a team. Teenagers, through endless efforts, become teams working together for athletic achievements, music awards, scholastic skills and part-time jobs.

As the orchestra warms up and begins to play in harmony, it reminds me of teens who work through organized methods to accomplish a goal in harmony with society.

The orchestra brings to the audience the pleasure of listening to beautiful music—sounds which are pleasing to the ear.

The sounds of the teenager can be heard through their voices on local radio stations, the bugler playing "Taps" at a camp, the sound of the chain saw with teenagers helping in the forests.

The impact of the American teenager working in harmony is tremendous! It is giving! It is giving of yourself to others! It's growing! It's growing in harmony! It's like Wilfred Peterson once said in his essay on the art of giving:

The art of giving encompasses many areas. It is an outgoing, overflowing way of life. We give of ourselves when we give gifts of the heart: Love, kindness, joy, understanding, sympathy, tolerance, forgiveness . . . We should give of ourselves with the radiant warmth of sunshine and the glow of the open fire. The finest gift a man can give to his age and time is the gift of a constructive and creative life.

INTRODUCTION OF LEGISLATION IN THE HOUSE OF REPRESENTATIVES TO IMPROVE SUMMER FEEDING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, I am today introducing legislation to provide an improvement and continuation of the summer feeding program provided under section 13 of the National School Lunch Act. The bill I am introducing is similar to amendment No. 361 to S. 850, introduced by the chairman of the Senate Select Committee on Nutrition, the Honorable GEORGE McGOVERN, and described on pages 10977–10978 of the CONGRESSIONAL RECORD of April 21, 1975.

The section 13 program was scheduled to expire on June 30, 1975. It was decided that the many improvements we wanted to make in the summer feeding program could not be enacted in time for the Department of Agriculture to conduct an orderly program this year. Therefore, in S. 1310, the Congress provided for a relatively straightforward 90-day extension of the program.

The other portions of the old section 13 special food service program, which provided lunches for low-income preschool children during the regular school year, are continued in H.R. 4222, a bill to extend a number of provisions of the School Lunch Act and which is now pending before the Senate Agriculture Committee.

It is now imperative that the Congress consider legislation to overhaul and improve the summer feeding program, so that the Department may adequately plan for next year. A well-run program is vital, not only on behalf of the taxpayer's interest, but on behalf of the low-income children who often depend on this program as their only source of sound and nutritious food during the summer months.

The summer feeding program has aided millions of low-income children during the past 7 years. But as the original sponsor of this legislation, I am the first to admit that the program could be improved. Indeed, a program set up for 3 months of the year and run by volunteers and community groups in low-income neighborhoods is, by definition, a challenge.

I must say, Mr. Speaker, that I believe that some of the top management at the Department of Agriculture have purposefully obstructed and delayed the summer feeding program—impounding through red tape—literally taking food from babes. With a better will at the Department, the program could have been improved administratively. The new legislation which we consider must spell out the details of administration to prevent further obstruction by certain Department officials.

In an effort to insure a better summer feeding program, in June of 1973, I requested the General Accounting Office to conduct a study of the summer feeding program. After field visits to six major cities and after a careful study of the program, the GAO issued its report on February 14, 1975. The report, entitled, "An Appraisal of the Special Summer Food Service Program for Children" (RED–75–336), is one of the most constructive GAO reports I have ever received.

Basically:

> GAO's observations of 1973 program operations in six cities showed that the program generally accomplished its objectives of providing nutritious meals to many eligible children.

But all too many children are going unserved. As the GAO noted, an average of 8.8 million needy children per day received free or reduced price meals at schools during the 1972–73 school year. The summer program, however, only served 1.5 million meals during its peak July week.

There are a number of reasons for this failure to reach needy children—and the bill I am introducing in the House of Representatives today is designed to meet these problems. First, in the past, each State received an allocation based on the number of children in families with incomes under $3,000. This set "poverty" figures allocated disproportionate amounts of limited section 13 funds to certain States. The result was that some States had more money than they could use—while big States like Ohio were often $1 million short of necessary funds. By the time the Department reallocated funds, it was often too late to plan a sound, expanded program. Second, there were no funds for "outreach" or making known the availability of the program to community groups in low-income areas. Third, the program was limited to areas where 50 percent or more of the families were low-income or there was a concentration of 50 percent-plus of working mothers. This 50-percent requirement eliminated many geographical areas where there were small pockets of poverty or rich and poor families were intermixed. Members of Congress can imagine the inequities created by this requirement by considering the situation here in the District of Columbia and in the Southwest and on Capitol Hill.

The proposed amendments—

First, eliminate the allocation formula and provide that "any eligible service institution shall receive the summer food program upon its request."

Second, provide "that States shall undertake effective outreach to inform institutions in low-income areas of the availability of the summer food program and to reach the maximum number of low-income children who are served free or reduced price school lunches during the school year."

Third, by lowering the 50-percent low-income requirement to areas "in which at least 33⅓ percent of the children are eligible for free or reduced price school meals." I do not believe that this change will result in any abuse of the program. The program does not provide gourmet meals that might bring middle and upper income children to the food centers—they are simple nutritious meals that are not subject to abuse.

One of the major problems in the program has been the lack of administrative control and supervision by both the States and the local program sponsors. Under the proposed amendments, an amount equal to 2 percent of the amount distributed to each State shall be provided to aid in State administration and supervision. In addition, a specific amount for administrative expenses is provided for each lunch, breakfast, and meal supplement served by local program sponsors. Perhaps equally important, "start-up" funds would be provided to insure that sponsors can adequately plan and train for the summer. This provision is in accord with the following GAO recommendations:

> The Service suggested that the administering agencies establish time-phase schedules for various planning actions, including the training of administrative and operational personnel. These suggested planning actions, however, were not implemented in some States and adequate planning often had not been carried out.
>
> Although some sponsors must operate on tight budgets and without adequate working capital, especially during the planning stage, the Secretary does not have authority to make advance payments of summer program funds as he has under the National School Lunch Program. Such authority, with proper safeguards, could help sponsors improve their planning and other administrative activities.

The proposed amendments also attempt to deal with other problems that have hindered the program. For example, meal reimbursement rates have lagged behind rates available under the regular school lunch program. This has created special hardships during the recent period of skyrocketing food prices. The new bill would set adequate reimbursement rates and tie them automatically to changes in the cost of living.

In the past the Department has delayed its reimbursements to the States and local sponsors—thus discouraging sponsors from supporting the program and in many cases bankrupting the sponsors. The amendments provide for partial advance payments to the States and payment of valid claims within 60 days. This "bookkeeping" requirement should encourage many groups to reenter the program.

The bill spells out one of my hopes

when I first introduced this legislation in 1967—that residential summer camps which provide a "camp" or "fresh air fund" experience to poverty children are eligible to receive food assistance.

In addition, the program is extended beyond the summer months to "children on school vacation at any time under a continuous school calendar." During the last Christmas vacation. Dr. Paul Briggs, superintendent of the Cleveland Public Schools devised a program of special reading courses while providing free lunches to needy children during the holiday period. This very successful program was partially financed through a special grant from the Department of Agriculture. The amendments I am introducing would make such programs possible on a regular basis.

In another important area, the Department would be required to issue proposed regulations by January 1 and final regulations by March 1. By spelling out the dates for the establishment of program guidelines, we hope to end the Department's practice of last-minute changes in regulations—a policy which resulted in endless confusion and discouraged many applicants from participating in the program.

The new bill also provides that the program shall be limited to serve institutions "which conduct a regularly scheduled program for children." The Department should be advised that I do not expect this provision to be interpreted so harshly as to exclude eligible children. We want to provide a summer program for children—but mostly, we want to feed children. If a child receives a meal at a playground site and then goes home because of a rainstorm, the institution should not be disqualified for failing to "provide" a program. The Department will be expected to interpret this provision with consideration to the extraordinary difficulties of running these types of summer programs.

Mr. Speaker, I hope that these proposals will be adopted in the near future. I believe that they will help make a good program better.

There is no better investment in our country's future than insuring the healthy development of our Nation's children.

THE NEED FOR A RURAL-URBAN COALITION BASED ON THE NATIONAL INTEREST

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the recent correspondence between my good friend and colleague, CHARLES ROSE, of North Carolina, and myself represents the beginning of a dialog on the need and potential for a rural-urban coalition, without regard to partisanship of any kind, including political party affiliation. We are national Congressmen and have a responsibility to each other's constituents. This awareness of our broad responsibilities is essential in putting together a coalition based on the national interest. Those Members who are interested in working with us in forming this coalition, do let us know. The correspondence is appended for the information and consideration of our colleagues:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1975.

Hon. CHARLES ROSE,
Cannon House Office Building,
Washington, D.C.

DEAR CHARLIE: I was on the Floor when you made your understandably condemnatory comments directed at those, like myself, who voted to sustain the President's veto of the farm bill. May I elaborate on why I voted the way I did and suggest how we who represent different regional interests might forge a more productive working relationship for the future.

Like all Urban Members, my principal concern in voting on the bill last week was the impact it would have on food prices. Certainly the proposed substantial increase in wheat prices gave any urban Member pause to think about the impact on the price of bread. Not withstanding this concern and responsibility, however, I would be willing to vote for such a measure if convinced that it were essential to the welfare of the farmer and if there were a spirit in this House in which all Members gave consideration to national interests and not just parochial interests. In short, I would vote for this type of bill if I were confident that the same consideration were given by Members representing farm districts when bills came up affecting my constituents. However, I have not found that kind of spirit prevailing in the House. Indeed, on many occasions I have been distressed to hear anti-New York bias expressed in the cloakrooms and on the Floor when legislation particularly important to New York was under consideration. One good illustration is the mass transit bill which you alluded to indirectly in your remarks. In this instance we from New York had to accept a distribution formula that gave New York 14.9% of the mass transit operating subsidy funds even though we have 40% of the nation's transit ridership. Even with this formula we had great difficulty in getting the bill enacted because so many didn't want to give aid through a program in which they had only a small share.

I believe that agreements should be worked out among Members in support of legislation helping different sectors of the economy when put together aid our total national economy. This must be done, well in advance of their consideration on the Floor of the House. We cannot rely on the rhetoric so often employed today of, "You can rely on me the next time." It must be done carefully by Members representing all interests with the *national* interest as the principal consideration. I think your last sentence in your speech of May 14th is an excellent place to begin and I repeat it, "I would urge their colleagues to widen their vision to encompass the problems of others as future votes are taken." I'm ready to do that and to meet with you and others to discuss our commonality of interests and try to forge such a coalition.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 27, 1975.

Hon. EDWARD I. KOCH,
Longworth House Office Building,
Washington, D.C.

DEAR ED: I welcome your suggestion that we try to forge a coalition of urban and rural Members on the basis of a "commonality of interest." Your letter of May 20 was written in a spirit of co-operation, and I hope that we can proceed on that basis.

Historically, Southern and Midwestern farmers have had a profound distrust of Eastern economic interests. Over the years, these views have been perpetuated by discriminatory freight rates promulgated by New York railroad magnates and dozens of recessions linked to Wall Street brokers. Even though the agricultural markets may be in Chicago or Kansas City or Omaha or Memphis, the farmer has felt that New York bankers were pulling the financial strings. In recent years, politicians such as Spiro Agnew have played on these divisions and added to the dialogue another villain—"the Eastern establishment media." Since most of our colleagues reflect the views of their constituents, I will admit that some anti-New York bias pervades the cloakrooms.

But it has been my experience that on many issues the rural Members have been much more ready to support an urban piece of legislation than the other way around.

Both of us have referred to the vote last year on operating funds for mass transit systems. This measure was approved by just four votes, including the support of people like myself, Jamie Whitten, Gillis Long, Bernie Sisk, Bob Bergland, Dawson Mathis, Jake Pickle, John Melcher, Teno Roncalio, Bo Ginn, Bill Alexander, Bill Natcher and Bob Jones—a broad cross-section of Members with large rural constituencies. Some of my instincts told me that we were subsidizing inefficient transit operations and that by providing Federal funds we were permitting some cities the luxury of avoiding tough decisions on fare structures, hours of operation and other management practices that have led to the present financial mess. But I supported the subsidy, primarily because many friends in the New York delegation were urging me to do so.

With our new chairman of the Agriculture Committee, there is already hope for a new food policy for the nation and the world, with a redirection of emphasis away from agribusiness and toward the small farmer and the consumer. On the recent farm bill votes, unique endorsements from labor and consumer organizations, as well as church groups and economists concerned with world hunger, pointed in this direction. Most of the freshmen Democrats and some urban Members who had never voted for a farm bill gave us their support. We just needed a few more of you.

Many hurdles face our coalition hopes, principally because the interests of our districts tend to override most other considerations, whatever the issue. But I think that men and women of good will can come to an accommodation.

One thing we can remember—each Member of the House represents approximately 500,000 consumers. That is one of the few things we all have in common. Our problem is to define our issues in terms of those consumers with, as you say, "the national interest as the principal consideration."

Why don't we set aside some time next week to get started?

With best wishes.

Sincerely,

CHARLIE ROSE.

THE TREASURY DEPARTMENT IS GUARDING AGAINST ANTI-SEMITIC DISCRIMINATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to commend Treasury Secretary William Simon for the scrupulous manner in which he is adhering to the administration policy of nondiscrimination in economic matters. The Secretary has taken action to ensure that the United States, in its dealings with Saudia Arabia and other Middle East countries, not accede to any requests to discriminate against Jewish persons, companies, or the State of Israel. I am appending my correspondence with Treasury Secretary William Simon for the information of my colleagues:

House of Representatives,
Washington, D.C., April 16, 1975.
Hon. William E. Simon,
Secretary, Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: I am distressed that your office would either enter into or permit others under your jurisdiction to engage in programs with Arab countries and in particular Saudia Arabia, which would allow the discriminatory practices engaged in in those countries for the purpose of excluding American Jews from participation in joint Arab-American programs to be implemented by the United States and American firms.

My question is whether there now in fact are any existing or contracted for programs which put the United States and American firms in the position of consenting and participating in Arab discrimination against any American based on race, religion, creed, national orgin, color or sex. If there are such programs in effect were they entered into with your permission and whether or not they were, were they consonant with the letter and spirit of American law?

My concern in this matter arises from the implications of the joint statement on Saudia Arabian-United States cooperation signed June 8 by you on behalf of the United States. President Ford has denounced the kind of discriminatory practices to which my letter refers and therefore I must raise the question whether your actions as Secretary are contradictory to the policies laid down by our President.

This is a matter of great concern to everyone in this country who has fought the battle against discrimination whether it be on the basis of race, religion, creed, national origin, color or sex and therefore I would hope you would give me the benefit of your opinion on this matter as expeditiously as possible.

Sincerely,

Edward I. Koch.

The Secretary of the Treasury,
Washington, May 24, 1975.
Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: I am replying to your letter of April 16 concerning the activities of the Treasury Department in conjunction with the U.S.-Saudi Arabian Joint Commission on Economic Cooperation.

I want to assure you that there are no Joint Commission programs which put the United States and American firms in the position of consenting and participating in discrimination of any kind.

The bureaus of the Department and my staff have also informed me, and I personally know of no instance in which Saudi Arabia, either officially or unofficially, has requested the Treasury Department to restrict or curtail any of its activities in the Joint Commission framework or elsewhere involving Jewish personnel, companies, lending instititions, etc. or the State of Israel. Furthermore, we do not expect to receive such requests in the future nor will we accede to any.

Apart from the above matter, you may be aware that there has been a report that some Arab nationals may have offered to make deposits in U.S. banks on conditions pertaining to the religion of the management or ownership of the banks. Earlier this year the Comptroller of the Currency circulated a notice to the presidents of all national banks in the United States that such discrimination is unacceptible and that his office intends to assure, through regular functions of the Comptroller's bank examiners, adherence of national banks to a nondiscriminatory policy. I enclose for your information a copy of the Comptroller's circular.

Thank you for expressing your concern. Please rest assured that the Department has not and will not discriminate against any American based on race, religion, creed, national origin, color or sex in any of our Joint Commission programs.

Sincerely yours,

William E. Simon.

The Administration of
National Banks,
Washington, D.C., February 24, 1975.
To: Presidents of all national banks.
Subject: Discriminatory practices.

This Office has recently learned that some national banks may have been offered large deposits and loans by agents of foreign investors, one of the conditions for which is that no member of the Jewish faith sit on the bank's board of directors or control any significant amount of the bank's outstanding stock. While we are not presently aware of any such deposits or loans, so conditioned, having been accepted by any of the banks under the jurisdiction of this Office, we are concerned that all national banks scrupulously avoid any practices or policies that are based upon considerations of the race, or religious belief of any customer, stockholder, officer or director of the bank.

One of the major responsibilities of this Office is to insure that each national bank meets the needs of the community it was chartered to serve. While observing those credit and risk factors inherent to the banking business, all the activities of all national banks, indeed of all banks regardless of the origin of their charters, must be performed with this overriding principle of service to the public in mind. Discrimination based on religious affiliation or racial heritage is incompatible with the public service function of a banking institution in this country.

My means of its regular examination function, this Office will assure the adherence of national banks to a nondiscriminatory policy in the circumstances mentioned, as background might similarly be placed in issue. This Office is confident that it has the full understanding and cooperation in this effort of the banks in the national system.

Very truly yours,

James E. Smith.

FORD DELIVERS THE MAIL

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the President has falsely castigated Congress for doing nothing about energy, knowing full well that the Ways and Means Committee has reported out a comprehensive bill scheduled for House action next week and that the Energy and Power Subcommittee on which I serve has also reported out a companion bill dealing with allocations, industrial, auto, and appliance energy standards, and a strategic petroleum reserve, scheduled for full committee action this week. His attacks are partisan and false.

Meanwhile, the President has taken energy action that is a formula for national bankruptcy, loading $33 billion additional energy costs on an already faltering economy, with inflationary and depressionary implications that have been estimated as high as $53 billion, or $600 per person, per year. Most of this staggering burden to our consumers and businesses will be endured to the enrichment of the oil oligopolies which include the President's political allies and personal friends.

Outrage at this mockery of the public and the public interest can perhaps better be addressed by humor than polemic.

Russell Baker has accomplished this very deftly in his column "Ford Delivers the Mail" in last Saturday's New York Times which I share with my colleagues and the public for the Record:

Ford Delivers the Mail

(By Russell Baker)

A knock at the door. It was the President, He was beaming. "Guess what I have for you," he urged.

"Snapshots of the sinking of the Cambodian Navy," I said.

"A check," said the President, showing an envelope. "This is your tax rebate."

I kissed his hand and made a grab for the check, but he withdrew it with his quick football moves.

"I want you to think of this check as a tool that will get the economy running again," he said. "By spending it, you will create new demand for goods that will fire the great engines of American production, creating jobs for millions of workers whose soaring income will swell the coffers of the nation with rising wealth."

"How much money is the check for?" I asked.

"Exactly $91.63," he said.

I wept with pride at the thought that the President was entrusting me with $91.63 to restore America to economic health. "There, there," he said. "I know it's a big responsibility, but I want you to know America has faith in you."

"I won't let America down, Mr. President. You can count on me."

Obviously moved, the President took the check from its envelope and showed it to me. Then he grinned. "Now," he said, "for another little surprise. Listen to this."

And he strode to the telephone, dialed somebody extremely vital to the life of the nation and ordered an increase in the price of oil.

"Gosh, Mr. President, doesn't that mean I'll have to pay more for gasoline?"

"Exactly," he smiled. "And not only gasoline. You will have to pay more money to stay warm in the winter."

"And," I noted, "since the air conditioner works on electricity created by burning oil, more money to stay cool in the summer."

The President smiled appreciatively at my quick grasp of economics. "Yes," he said, "there will be another fine surge in your electricity bill."

"And don't forget," I pointed out, "the price of everything that moves to market by truck will go up to cover the rising cost of transportation."

"Everything," the President agreed. "Food, clothing, record albums and chewing gum."

"Hey, that's not all," I reminded him. "Since all those higher oil costs will also have to be paid by the city and the state too, it means they will both have to raise my taxes to avoid going broke."

"I really like a quick learner," said the President, clapping my back.

My pleasure was abruptly ruined, however, by a sudden enlightenment. I understood why the President had still not handed me the check.

"Mr. President," I said, "you're not going to give me that check for $91.63, are you?"

He grinned with delight. "You are one of the brightest tax-rebate recipients I've visited all night," he said. "If you tell me how you figured it out, I'll let you have your check."

I told him it was easy. "You bring me $91.63 so I can fire the great engines of American production by buying more goods. Then you raise the price of everything so the $91.63 will all be syphoned off for old goods before I can get around to buying any new goods. This way you get credit for giving me $91.63 without giving it to me and I get the blame for not firing the great engines of American production because I spend all the money on oil."

The President was so pleased he took out his taxpayer roster and stuck a gold star beside my name.

"For being so clever," he said, "I'll let you cash the check yourself. If you'd like to spend the cash on higher oil prices for yourself."

I declined with gratitude, endorsed the check to him and asked him to do me the honor of throwing it away himself. He agreed to do so. He was a nice, agreeable guy, especially if you didn't care much about firing the great engines of American production.

WESTCHESTER COUNTY SALUTES INTERNATIONAL WOMEN'S YEAR

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I would like to bring to my colleagues' attention a conference that is the first of its kind in the country. June 4 marks a major event in behalf of the women of Westchester called "Westchester County salutes International Women's Year." It will feature 32 workshops, and 70 exhibits, open throughout the day and evening at the County Center in White Plains, N.Y. There are over 80 cooperating sponsors of this event which has been arranged by the county government with the cooperation of the Women's Bureau of the Department of Labor, and Mary Tobin, the director of the Women's U.S. Bureau, region 2.

The theme of the conference is "All Women Doing All Things," and the exhibits will show the progress of women in nontraditional roles, as well as special educational, scientific and consumer programs.

In addition to workshops and exhibits, there will be awards given to Westchester Women for outstanding achievement, benefiting the residents of the county. Symbolic of the high talent in our county are the following awardees:

Jane Kelley, Scarsdale.
Dorothy Allensworth, Mamaroneck.
Polly Siwek, Rye.
The Honorable Lillian Buell, Bronxville.
Dr. Katherine Friedmann, Hartsdale.
Sioux Taylor, Mount Vernon.
Anna Mae Roberts, Peekskill.

Mary Louise Reid is the chairperson of the screening committee, and the conference coordinators are Susan Glickman, Lori Goldstock, and Peg Blum. Two thousand women are expected at the conference, representing all segments of the community. Cooperating sponsors in the conference include:

SPONSORS

AFL–CIO Central Labor Body Westchester-Putnam.
Alpha Kappa Alpha Sorority, Inc.
American Jewish Committee.
American Jewish Congress.
Associated Colleges of the Mid-Hudson Area.
Bedford Hills Woman's Club.
Bronxville Women's Club.
B'nai Brith.
Business and Professional Women's Clubs.
Business and Professional Women of Upper Westchester.
The Center for Family & Child Development.
Central Westchester Chapter of NOW.
Civic League of New Rochelle.
College of New Rochelle.
College of White Plains.
Consciousness Raising Clearinghouse.
Council for the Arts in Westchester.
Council of Junior Leagues of Westchester.
Day Care Council of Westchester, Inc.
Feminist Speaker's Bureau.
Gravida.
Home Extension Service.
League of Women Voters of Westchester.
Marymount College.
Manhattanville College.
Mercy College.
Mental Health Association of Westchester.
Mt. Holyoke Club of Westchester, Inc.
Mt. Kisco Area Branch American Association of University Women.
National Association of Social Workers.
National Council of Negro Women, Inc.
New Democratic Coalition of Westchester-Putnam.
NOW Southern Westchester.
Ossining Woman's Club.
Professional Women's Caucus.
Psychiatric Society of Westchester, Inc.
Rye Town Women's Democratic Club.
Sarah Lawrence College.
Spiritual Assembly of the Baha'is of Yonkers.
Taconic Girl Scout Council, Inc.
Up-To-Date Club.
Volunteer Service Bureau of Westchester, Inc.
Westchester Chapter of Links, Inc.
Westchester County Association, Inc.
Westchester Coalition, Inc.
Westchester Community College.
Westchester Community Mental Health Board.
Westchester District PTA.
Westchester Council of Women, Inc.
Westchester County Federation of Women's Clubs, Inc.
Westchester County Federation of Women's Clubs, Intermediate Section.
Westchester County Health Department.
Westchester County Task Force on Women.
Westchester Library System.
Westchester Women for Peace.
Westchester Women's Political Caucus.
Westchester County Women's Republican Club.
Westchester Vicariate Ladies of Charity.
Women's American ORT.
Women's Club of Crestwood, Inc.
Women's Club of Eastchester.
Women's Club of Larchmont, Inc.
Women's Club of Pleasantville.
Women's Club of Scarsdale.
Women's International League for Peace & Freedom.
Women's Search for Identity, Freedom & Trust.
YM–YWHA of Mid Westchester.
YWCA.
Zeta Phi Beta Sorority.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HYDE (at the request of Mr. RHODES), until 2:30 p.m., today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, for 15 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. JOHNSON of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. BROYHILL, for 5 minutes, today.
Mr. ASHBROOK, for 30 minutes, today.
Mr. JEFFORDS, for 10 minutes, today.

(The following Members (at the request of Mr. HIGHTOWER) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. MORGAN, for 5 minutes, today.
Mr. FLOOD, for 10 minutes, today.
Mr. FRASER, for 5 minutes, today.
Mr. WAXMAN, for 5 minutes, today.
Mr. MCFALL, for 15 minutes, today.
Mr. HARRIS, for 5 minutes, today.
Mr. AUCOIN, for 5 minutes, today.
Mr. FORD of Tennessee, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JOHNSON of Colorado) and to include extraneous matter:)

Mr. SARASIN in two instances.
Mr. ARCHER.
Mr. ASHBROOK in three instances.
Mr. CRANE in two instances.
Mr. SYMMS in three instances.
Mr. FORSYTHE.
Mr. LENT in two instances.
Mr. YOUNG of Alaska.
Mr. KEMP.
Mr. CARTER in two instances.
Mr. TAYLOR of Missouri.
Mr. GOLDWATER.
Mr. JEFFORDS.
Mr. COLLINS of Texas in three instances.
Mr. WIGGINS.

(The following Members (at the request of Mr. HIGHTOWER) and to include extraneous material:)

Mr. HUGHES.
Mr. MORGAN in three instances.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mrs. COLLINS of Illinois in two instances.
Mr. PATTEN in two instances.
Mr. SIMON.
Mr. BEARD of Rhode Island.
Mr. EDGAR.
Mr. DOWNEY of New York in two instances.
Mr. MCDONALD of Georgia in three instances.
Mr. DIGGS in two instances.
Mr. SOLARZ in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. BURKE of Massachusetts.
Mr. RIEGLE in two instances.
Mr. HAMILTON in 10 instances.
Mr. MONTGOMERY.
Mr. BRADEMAS in three instances.
Mr. GAYDOS.
Mr. WAXMAN in two instances.
Mr. AUCOIN in three instances.
Mr. BOLAND in two instances.
Mr. MOFFETT.

Mr. Russo in five instances.
Mr. Rangel in two instances.
Mr. Rose.
Mr. Fraser.
Mr. Roe in two instances.
Mr. Harrington.
Mr. English.
Mr. Levitas.
Mr. Mineta in two instances.
Mr. Moorhead of Pennsylvania.
Mr. Conyers.
Mr. Florio.
Mrs. Mink.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 322. An act entitled "The Hells Canyon National Recreation Area Act," to the Committee on Interior and Insular Affairs.

S. 1842. An act for the relief of Dr. Arturo Bomolan Dela Rosa; to the Committee on the Judiciary.

S. 200. An act to establish an independent consumer agency to protect and serve the interest of consumers, and for other purposes; to the Committee on Government Operations.

ENROLLED BILL SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4109. An act to amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089).

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1236. An act to extend and amend the Emergency Livestock Credit Act of 1974, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 4109. An act to amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089).

ADJOURNMENT

Mr. HIGHTOWER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 4, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1157. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Aviation Career Incentive Act of 1974 (88 Stat. 177) to make certain technical amendments for purposes of clarification, and for other purposes; to the Committee on Armed Services.

1158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Act No. 1–15, "To extend the moratorium on the conversion of rental unit properties into horizontal property regimes," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

1159. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to make certain minor and clarifying amendments to the Elementary and Secondary Education Act of 1965, the General Education Provisions Act, and the Education of the Handicapped Act; to the Committee on Education and Labor.

1160. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize certain officers and employees of the Department of State and of the Foreign Service to carry firearms for the purpose of protecting designated individuals; to the Committee on International Relations.

1161. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes; jointly to the Committees on International Relations, and Post Office and Civil Service.

1162. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 14, United States Code, and certain other laws, to modernize the retirement structure relating to members of the uniformed services; jointly, to the Committees on Armed Services, Merchant Marine and Fisheries, and Interstate and Foreign Commerce.

Received From the Comptroller General

1163. A letter from the Comptroller General of the United States, transmitting a report that the failure of the Office of Management and Budget to apportion funds appropriated for the housing for the elderly or handicapped program until it was too late for those funds to be obligated before the expiration of the authority for the program, constitutes a de facto rescission of budget authority which has not been reported to the Congress by the President, pursuant to section 1015(a) of the Impoundment Control Act of 1974 (H. Doc. No. 94–177); to the Committee on Appropriations and ordered to be printed.

1164. A letter from the Comptroller General of the United States, transmitting a report discussing the need for guidance by the Law Enforcement Assistance Administration if halfway houses are to be a viable alternative to prison; jointly, to the Committees on Government Operations, and the Judiciary.

1165. A letter from the Comptroller General of the United States, transmitting a report that the U.S. fishing industry can be strengthened by developing underutilized fish resources; jointly, to the Committees on Government Operations, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNGATE: Committee on the Judiciary. Supplemental report on H.R. 6799. A bill to approve certain of the proposed amendment to the Federal Rules of Criminal Procedure, to amend certain of them, and to make certain additional amendments to those rules (Rept. No. 94–247, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 83. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe; with amendment (Rept. No. 94–250). Referred to the Committee of the Whole House on the state of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5559. A bill to amend section 883(a) of the Internal Revenue Code to provide for exclusion of income from the temporary rental of railroad rolling stock of foreign corporations; with amendment (Rept. No. 94–251). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE: Committee on Post Office and Civil Service. H.R. 4573. A bill to amend chapter 83 of title 5, United States Code, to establish time limitations in applying for civil service retirement benefits, and for other purposes; with amendment (Rept. No. 94–252). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE: Committee on Post Office and Civil Service. H.R. 7053. A bill to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual. (Rept. No. 94–253). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 504. Resolution providing for the consideration of H.R. 5884. A bill to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended, and for other purposes (Rept. No. 94–254). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 505. Resolution providing for the consideration of H.R. 6860. A bill to provide a comprehensive national energy conservation and conversion program (Rept. No. 94–255). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 506. Resolution providing for consideration of S. 818. An act to authorize U.S. payments to the United Nations for expenses of the United Nations peacekeeping forces in the Middle East, and for other purposes (Rept. No. 94–256). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER (for himself, Mr. Moore, and Mr. Crane):

H.R. 7524. A bill to require that estimates of the average cost for each taxpaying family be included in all bills and resolutions of a public character introduced and reported in the Senate and the House of Representatives; to the Committee on Rules.

By Mr. ARCHER (for himself and Mr. Michel):

H.R. 7525. A bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption; to the Committee on Ways and Means.

By Mr. BEARD of Rhode Island:

H.R. 7526. A bill to prohibit the denial or abridgement of the right of former criminal offenders to vote in elections for Federal offices; to the Committee on House Administration.

By Mr. BERGLAND:

H.R. 7527. A bill to amend the Commodity Credit Corporation Charter Act; to the Committee on Agriculture.

By Mr. CASEY, (for himself, Mr. Breaux, and Mr. Murphy of New York):

H.R. 7528. A bill to provide for the regulation of the content of shot used for hunting; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNEY of New York (for himself, Mr. Harris, Mr. Mollohan, Mr. Thompson, Mr. Won Pat, Mr. Kastenmeier, Mr. Rosenthal, Mr. Eilberg, Mr. Florio, Mr. Hechler of West Virginia, Mr. Corman, Mr. Whitehurst, Mr. Leggett, Mr. Harrington, Mr. Fithian, Mr. Beard of Rhode Island, Mr. Bedell, Mr. Ryan, Ms. Collins of Illinois, Ms. Holtzman, Mr. Moakley, Mr. Richmond, and Mr. Stark):

H.R. 7529. A bill to regulate commerce and to protect petroleum product dealers from unfair practices, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNEY of New York (for himself, Mr. Harris, Ms. Burke of California, Mr. Solarz, Mr. Badillo, Mr. Hicks, Mr. Hawkins, Ms. Abzug, Mr. Waxman, and Mr. O'Hara):

H.R. 7530. A bill to regulate commerce and to protect petroleum product dealers from unfair practices, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRIS:

H.R. 7531. A bill relating to the retirement annuities of certain Federal law enforcement and firefighter personnel who retired before July 12, 1974; to the Committee on Post Office and Civil Service.

H.R. 7532. A bill to amend section 44 of the Internal Revenue Code of 1954 (relating to credit for purchase of new principal residence) to provide that the lowest offering price requirement be limited to offers after December 31, 1974, and to expedite the prescribing of final regulations on such section 44; to the Committee on Ways and Means.

By Mr. HAWKINS (for himself, Mr. Boland, Mr. John L. Burton, Mr. Eilberg, Mr. Hechler of West Virginia, Mr. Howard, Mr. Johnson of California, Mr. Koch, Mr. McHugh, Mr. Meeds, Mr. Miller of California, Mr. Mitchell of Maryland, Mr. Moss, Mr. Rees, Mr. Richmond, Mr. Roybal, Mr. Scheuer, Mr. Simon, Mr. Traxler, Mr. Van Deerlin, Mr. Vander Veen, and Mr. Weaver):

H.R. 7533. A bill to establish a national policy and nationwide machinery for guaranteeing to all adult Americans able and willing to work the availability of equal opportunities for useful and rewarding employment; to the Committee on Education and Labor.

By Mr. HEINZ (for himself, Mr. Badillo, Mr. Beard of Rhode Island, Mr. Bingham, Mr. Carter, Mr. Cornell, Mr. Coughlin, Mr. Edgar, Mr. Eilberg, Mr. Fascell, Mr. Gaydos, Mr. Harrington, Mr. Hubbard, Mr. McKinney, Mr. Morgan, Mr. Nix, Mr. Pepper, Mr. Riegle, Mr. Rinaldo, Mr. Studds, Mr. Waxman, Mr. Zeferetti, Mr. Ottinger, and Mr. Murtha):

H.R. 7534. A bill to amend title XX of the Social Security Act to provide that no State shall be required to apply a means test, or limit benefits on the basis of federally prescribed income levels, in determining the individuals for whom education, transportation, recreation, socialization, or associated services may be provided thereunder, if such services are provided in a manner consistent with certain specified State programs; to the Committee on Ways and Means.

By Mr. HENDERSON (by request):

H.R. 7535. A bill to repeal the requirements for an annual report to the Congress relating to the higher classification of Federal civilian positions; to the Committee on Post Office and Civil Service.

By Mr. McFALL (for himself and Mrs. Fenwick):

H.R. 7536. A bill to amend the Small Business Investment Act of 1958 to create a pollution control financing program for small businesses; to the Committee on Small Business.

By Mr. MATSUNAGA:

H.R. 7537. A bill to incorporate United Service Organizations, Incorporated; to the Committee on the Judiciary.

By Mr. ROSE (for himself, Mr. Mathis, Mr. Hicks, Mr. du Pont, Mr. Downey of New York, Mr. Fuqua, Mr. Harkin, Mr. Roncalio, Mr. Perkins, Mr. Hefner, Mr. Bevill, Mr. McHugh, Mr. Fithian, and Mr. Steiger of Wisconsin):

H.R. 7538. A bill to amend section 503(b) of the Rural Development Act of 1972; to the Committee on Agriculture.

By Mr. SOLARZ:

H.R. 7539. A bill to give the Secretary of State responsibility for monitoring the overseas business activities of American companies in order to detect any violations of Federal law and to make it unlawful for an American company to bribe any foreign official; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself and Mr. Jeffords):

H.R. 7540. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin (for himself and Mr. Litton):

H.R. 7541. A bill to provide for the duty-free entry of binder twine and baler twine made of manmade fibers; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 7542. A bill to amend part D of title IV of the Social Security Act to provide that the incentive payments presently authorized for the enforcement and collection of support rights assigned to a State shall be payable where that State enforces such rights through its own officers and agencies as well as where a political subdivision, or another State, enforces such rights on its behalf; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself and Mr. Archer):

H.R. 7543. A bill to amend the Internal Revenue Code of 1954 to provide a more realistic system of capital recovery for productive plant and equipment and to encourage the growth and modernization of American industrial capacity through increased capital investment and expanded employment opportunities; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 7544. A bill to exclude from certain job preference programs veterans who deserted from the Armed Forces during the Vietnam era and who are awarded other than dishonorable discharges under the Presidential clemency program; jointly to the Committees on Education and Labor and Veterans' Affairs.

By Mr. ULLMAN:

H.R. 7545. A bill to increase the temporary debt limitation; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 7546. A bill to increase the temporary debt limitation and to repeal the tax exemption for a DISC; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Preyer, Mr. Symington, Mr. Carney, Mr. Scheuer, Mr. Waxman, Mr. Hefner Mr. Florio, Mr. Hastings, and Mr. Heinz):

H.R. 7547. A bill to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD:

H.R. 7548. A bill to regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce and Small Business.

By Mr. BYRON:

H.R. 7549. A bill to amend the Federal Meat Inspection Act with respect to custom slaughtering; to the Committee on Agriculture.

H.R. 7550. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act, to provide that meat or poultry as the case may be, which is inspected in a facility subject to State inspection shall be eligible for distribution in commerce in the same manner as meat or poultry which is inspected in a facility subject to Federal inspection; to the Committee on Agriculture.

H.R. 7551. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from income taxation for certain income of condominium housing associations, homeowner associations, and cooperative housing corporations; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Ms. Abzug, Mr. Bingham, Mr. Blanchard, Mr. Brown of California, Mrs. Burke of of California, Mr. Burke of Massachusetts, Mr. Carney, Ms. Chisholm, Mrs. Collins of Illinois, Mr. Conyers, Mr. Danielson, Mr. Dellums, Mr. Drinan, Mr. Eilberg, Mr. Fish, Mr. Florio, Mr. Fraser, Mr. Gaydos, Mr. Giaimo, Mr. Green, Mr. Hays of Ohio, Mr. Macdonald of Massachusetts, Mr. Madden, and Mr. Mikva):

H.R. 7552. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

Mr. DRINAN (for himself, Mr. Dodd, Mr. Symington, Ms. Abzug, Mr. Badillo, Mr. Beard of Rhode Island, Mr. Bedell, Mrs. Burke of California, Mrs. Chisholm, Mr. Cornell, Mr. Edwards of California, Mr. Harrington, Mr. Hicks, Mr. Koch, Mr. Mazzoli, Mr. Metcalfe, Mr. Neal, Mr. Richmond, Mr. Rosenthal, Mr. Stark, Mr. Studds, and Mr. Wirth):

H.R. 7553. A bill to provide for a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technological Assessment; to the Joint Committee on Atomic Energy.

By Mr. ENGLISH:

H.R. 7554. A bill to amend title II of the Social Security Act to increase to $5,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted an individual each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 7555. A bill to amend the Clean Air Act so as to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental ozone layer, to prevent any increased skin cancer risk, and otherwise to protect the public health and environment; jointly to the Committees on

Interstate and Foreign Commerce, and Science and Technology.

Mr. LEGGETT:

H.R. 7556. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. MAZZOLI:

H.R. 7557. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

H.R. 7558. A bill to amend Public Law 93–233 to extend for an additional 12 months (until July 1, 1976) the eligibility of supplemental security income recipients for food stamps; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Rhodes, Mr. Anderson of Illinois, Mr. Esch, Mr. Quie, Mr. Wydler, Mr. Vander Jagt, Mr. Brown of Michigan, Mr. Don H. Clausen, Mr. Forsythe, Mr. Horton, Mr. Broomfield, Mr. Buchanan, Mr. Sarasin, Mr. Shriver, Mr. J. William Stanton, Mr. Regula, Mr. Jeffords, Mr. Bell, Mr. Mosher, Mr. Brown of Ohio, Mr. Grassley, Mr. Steiger of Wisconsin, Mr. Frenzel, and Mr. Madigan):

H.R. 7559. A bill making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

By Mr. MILLER of Ohio:

H.R. 7560. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. MINISH:

H.R. 7561. A bill to provide for the striking of medals commemorating the contributions by individuals of various ethnic backgrounds who contributed to the founding of the United States of America; to the Committee on Banking, Currency and Housing.

By Mr. PATTEN:

H.R. 7562. A bill to amend the Public Health Service Act to revise and extend the program under the National Heart and Lung Institute, to revise and extend the program of national research service awards, to control disclosure of research information, and to establish a national program with respect to genetic diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. SOLARZ:

H.R. 7563. A bill to give the Secretary of State responsibility for monitoring the overseas business activities of American companies in order to detect any violations of Federal law; to the Committee on International Relations.

By Mr. STAGGERS (for himself, Mr. Rogers, Mr. Moss, Mr. Devine, Mr. Broyhill, Mr. Carter, and Mr. Hastings):

H.R. 7564. A bill creating the "President's Cancer Research Prize"; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 7565. A bill to amend the Federal Water Pollution Control Act relating to permits for the discharge of dredged and fill material, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. VANIK:

H.R. 7566. A bill to amend the National School Lunch Act to revise the summer food program; to the Committee on Education and Labor.

By Mr. ZABLOCKI (for himself, Mr. Biester, Mr. Bingham, Mr. Broomfield, Mr. Buchanan, Mrs. Collins of Illinois, Mr. Derwinski, Mr. Fascell, Mr. Findley, Mr. Fraser, Mr. Gilman, Mr. Guyer, Mr. Hamilton, Mrs. Meyner, Mr. Morgan, Mr. Nix, Mr. Riegle, Mr. Whalen, Mr. Winn, and Mr. Yatron):

H.R. 7567. A bill to amend the Arms Control and Disarmament Act, and for other purposes; to the Committee on International Relations.

By Mr. BELL (for himself, Mr. Forsythe, Mr. McCloskey, Mr. Studds, Mr. Emery, and Mr. Ottinger):

H.J. Res. 478. Joint resolution to save the great whales from extinction by amending the Fishermen's Protective Act of 1967 to impose an embargo on the products of all foreign enterprises engaged in commercial whaling; jointly to the Committees on Merchant Marine and Fisheries and Ways and Means.

H.J. Res. 479. Joint resolution authorizing the President to proclaim the 28th day of September 1975 as Teacher's Day; to the Committee on Post Office and Civil Service.

By Mr. NOWAK:

H.J. Res. 480. Joint resolution proposing an amendment to the Constitution to permit certain types of assistance to religious educational institutions and the students who attend them; to the Committee on the Judiciary.

By Mrs. BOGGS (for herself, Mr. Butler, Mr. O'Neill and Mr. Rhodes):

H. Con. Res. 292. Concurrent resolution to provide for the appointment of a Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America; to the Committee on Rules.

By Mr. BYRON:

H. Con. Res. 293. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on International Relations.

By Mr. WIRTH (for himself and Mr. Harkin):

H. Con. Res. 294. Concurrent resolution calling for a fair and equitable allocation of restricted use outdoor recreational resources; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA (for himself and Mr. Hughes):

H. Res. 503. Resolution providing for senior citizen interns; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

167. Mr. ULLMAN presented a memorial of the Legislature of the State of Oregon, relative to transit systems outside urban areas; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 7568. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. CARTER:

H.R. 7569. A bill for the relief of Shin Min Hao; to the Committee on the Judiciary.

H.R. 7570. A bill for the relief of Rolando Raganas; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 7571. A bill for the relief of Tammy Benoit; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 7572. A bill for the relief of Dr. John Alexis L. S. Tam and Yeut Shum Tam; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 7573. A bill for the relief of Mrs. Ethline McRae Thomas; to the Committee on the Judiciary.

By Mr. ROBINSON:

H.R. 7574. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record of certain lands in the State of Virginia; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

144. The SPEAKER presented a petition of the New York State Black and Puerto Rican Legislative Caucus, Albany, N.Y., relative to extension of the Voting Rights Act of 1965; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 6860

BY Mr. DERRICK:

Page 105, line 5, strike out "and".

Page 105, line 9, strike out "section 513." and insert in lieu thereof "section 513), and".

Page 105, immediately after line 9, insert the following:

"(G) in the preparation process and drying, bleaching, dyeing and printing and finishing processes for textiles, including carpets, and apparel products."

H.R. 6860

By Mr. ENGLISH:

Page 37, strike out line 21 and all that follows down through line 7, page 38, and insert the following:

"(a) General Rule.—In the case of a taxpayer who is a qualified individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the personal use allowances to which the individual is entitled for each month in such year.

"(b) Personal Use Allowances.—

"(1) In general.—In the case of a qualified individual to whom paragraph (2) does not apply for any month in the taxable year, the personal use allowance for such month shall be an amount equal to—

"(A) so much of the rate of tax in effect for such month under section 4086 (relating to gasoline conservation tax) as exceeds 3 cents a gallon, multiplied by

"(B) 40.

"(2) Qualified individuals who reside in areas not served by mass transit.—

"(A) In general.—In the case of a qualified individual who, at all times during any month in the taxable year, has a residence which is not within a city with a population of at least 50,000 and is at least 30 miles from the closest available transportation furnished by a local mass transportation system, the personal use allowance for such month shall be the sum of—

"(i) the product of the number of gallons which were purchased by the taxpayer and which were used by the taxpayer during such month, multiplied by the rate of tax in effect under section 4086 for such month, plus

"(ii) the amount of the tax imposed by section 4051 on the sale to such taxpayer of fuel used by the taxpayer during such month.

"(B) Local mass transportation system.—For purposes of subparagraph (A), the term 'local mass transportation system' means any entity which provides scheduled common carrier passenger land transportation along regular routes if substantially all of such transportation is provided within a single urban area or is for commutation into, or out of, such urban area."

Page 38, line 8, strike out "(b)" and insert in lieu thereof "(c)".

Page 38, line 13, strike out "(c)" and insert in lieu thereof "(d)".

Page 38, line 15, strike out "(d)" and insert in lieu thereof "(e)".

Page 43, insert after line 22 the following:

"(d) Individuals Who Reside in Areas Not Served by Mass Transit.—An individual shall not be entitled to any trade or business allowance or work-related travel allowance for any month for which the personal use allowance under section 44A is computed under subsection (b)(2) of such section."

Page 43, line 23, strike out "(d)" and insert in lieu thereof "(e)".

Page 44, line 19, insert after "section 44B" the following "(or in the case of a taxpayer to whom section 44A(b)(2) applies, the amount of any credit allowable under section 44A)".

H.R. 6860

By Mr. FRENZEL:

On page 58, strike out line 3 and all that follows down through line 20 on page 71 and insert:

Part I—Automobile Fuel Efficiency Taxes

Sec. 311. Tax on Each Automobile With Low Fuel Efficiency.

(a) General Rule.—Part I of subchapter A of chapter 32 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"Sec. 4064. Tax on Each Automobile With Low Fuel Efficiency.

"There is hereby imposed on each automobile produced in the United States, or imported into the United States, during the model year 1978, 1979, or 1980, a tax determined in accordance with the following table:

"If the fuel mileage rating (in miles per gallon) of the automobile is—	Amount of tax per model year		
	1978	1979	1980
20 or more			0
19 or more but less than 20		0	$100
18 or more but less than 19	0	$100	200
17 or more but less than 18	$100	200	300
16 or more but less than 17	200	300	425
15 or more but less than 16	300	425	550
14 or more but less thna 15	425	550	700
13 or more but less than 14	575	700	850
Less than 13	750	850	1,000

The tax imposed by this section shall be paid by the manufacturer or importer, as the case may be."

(b) Disclosure of Tax and Fuel Mileage Rating on Which Tax Is Based.—

(1) General rule.—In the case of any automobile with respect to which tax was imposed by section 4064 of the Internal Revenue Code of 1954, such manufacturer, producer, or importer shall affix a label to such automobile which shall include a clear, distinct, and legible endorsement stating—

(A) that Federal excise tax was imposed with respect to such automobile based upon the fuel mileage rate of such automobile.

(B) the amount of tax which was imposed,

(C) the fuel mileage rate on which such tax was based, and

(D) the table of taxes imposed by Section 4064 applicable to all automobiles produced in that model year.

(2) Penalties.—

(A) Failure to affix label, or false endorsement of label.—Any person required by paragraph (1) to endorse any label who willfully fails to endorse and affix such label as required by paragraph (1) or who makes a false endorsement of such label, shall be fined not more than $1,000.

(B) Removal, modification, or mutilation of label.—Any person who removes, modifies, or mutilates any label affixed under paragraph (1) to an automobile before title or possession to such automobile is, for purposes of consumption, transferred to any person shall be fined not more than $1,000.

(C) Each violation to be considered a separate offense.—Each failure or endorsement referred to in subparagraph (A), and each removal, modification, or mutilation referred to in subparagraph (B), shall constitute a separate offense.

Sec. 312. Tax Where Manufacturer's Fleet Does Not Meet Standards

(a) General Rule.—Part I of subchapter A of chapter 32 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"Sec. 4065. Tax Where Fleet Does Not Meet Standard

"(a) Imposition of Tax.—If the fuel mileage rating of any manufacturer or importer for the model year 1977, 1978, 1979, or 1980 is below the fuel mileage standard for that model year provided by subsection (b), a tax is hereby imposed on each automobile produced by such manufacturer (or imported by such importer) during such model year which has a fuel mileage rating below the fuel mileage standard provided by subsection (b) for that model year. The tax imposed by this section shall be paid by the manufacturer or the importer, as the case may be.

"(b) Fuel Mileage Standard.—For purposes of this section—

"For the model year	The fuel mileage standard (in miles per gallon) is—
1977	16.5
1978	18
1979	19
1980	20

"(c) Amount of Tax.—In the case of any automobile subject to tax under this section, the amount of such tax shall be $20 for each full 1/10 of a mile per gallon which the fuel mileage rating of the manufacturer or importer for the model year of production or importation is below the fuel mileage standard for that year."

Sec. 313. Provisions Common to Sections 4064 and 4065.

(a) In General.—Part I of subchapter A of chapter 32 is amended by adding at the end the following new section:

"Sec. 4066. Provisions Common to Sections 4064 and 4065.

"(a) Determination of Automobile Fuel Mileage Rating.—

"(1) Determination of rating.—

"(A) In general.—The fuel mileage rating of every automobile which may be subject to tax under section 4064 or 4065 shall be the fuel mileage rating, for the class of automobiles in which such automobile falls, determined by the Secretary or his delegate. The determination of such rating for any class of automobiles shall be based on a composite mileage resulting from the testing of such class of automobiles, conducted in accordance with procedures established under paragraph (4). Such determination shall be published in the Federal Register.

"(B) Review of Determination.—Within 30 days after the fuel mileage rating of any class of automobiles has been published under subparagraph (A), the manufacturer or importer of such class of automobiles may file a petition in the United States Court of Appeals for the District of Columbia for judicial review of such determination. Upon the filing of such petition, the court shall have jurisdiction to review such determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(2) Interagency cooperation.—In order to avoid unnecessary expense and duplication, the Secretary or his delegate shall make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this section and the functions of any department, agency, or establishment of the United States, as he may find practicable and consistent with law. The Secretary or his delegate may have access to and utilize, on a reimbursable or other basis, information, facilities, or services of any department, agency, or establishment of the United States; and each such department, agency, or establishment shall cooperate with the Secretary or his delegate and, to the extent permitted by law, provide such information, facilities, or services as he may request.

"(3) Fuel mileage rating.—The term 'fuel mileage rating' means, with respect to any class of automobiles, the number of miles which an automobile in such class can be expected to travel for each gallon of fuel which it consumes.

"(4) Procedure for determining fuel mileage ratings.—The Secretary or his delegate shall, by regulations, establish procedures for conducting tests to determine the fuel mileage ratings of automobiles which may be subject to tax under section 4064 or 4065. Under such regulations the Secretary or his delegate shall establish separate classes of automobiles which may be based upon—

"(A) the manufacturer (or division of the manufacturer) of the automobiles;

"(B) the engine family of the automobiles (which takes into account the type of engine, fuel induction system, and emission control system);

"(C) the type of transmission of such automobiles;

"(D) whether or not the automobiles have air conditioners;

"(E) whether or not the automobiles are station wagons; and

"(F) the inertia weight of the automobiles. For purposes of subparagraph (F), the inertia weight shall be taken into account in categories of 250-pound increments for automobiles which have inertia weights under 3,000 pounds, and in categories of 500-pound increments for automobiles which have inertia weights of 3,000 pounds or more.

"(b) Determination of Fuel Mileage Rating for Each Manufacturer or Importer.—

"(1) Manufacturer.—The fuel mileage rating of any manufacturer for purposes of section 4065 for any model year shall be based on all automobiles produced by such manufacturer in the United States or Canada during such model year.

"(2) Importer.—The fuel mileage rating of any importer for purposes of section 4065 for any model year shall be based on all new automobiles imported into the United States during such model year which were produced (outside the United States and Canada) by the manufacturer who produced the automobiles imported by such importer. If there is more than one such manufacturer, the importer shall have a separate fuel mileage rating with respect to the automobiles of each manufacturer.

"(3) Special rules.—For purposes of this subsection—

"(A) Persons who manufacture and import.—A person who is both a manufacturer and an importer shall be treated—

"(i) as a manufacturer with respect to automobiles described in paragraph (1), and

"(ii) as an importer with respect to automobiles described in paragraph (2).

A person who manufactures automobiles in the United States shall be treated as the importer of all automobiles produced by such manufacturer which are imported into the United States.

"(B) Certain imports from Canada.—A person who is not a manufacturer with respect to automobiles described in paragraph (1) but who imports automobiles from Canada shall be treated as an importer with respect to such automobiles.

"(C) Production in United States or Canada.—An automobile is produced in the United States or Canada if at least 75 percent of the cost to the manufacturer of such automobile is attributable to value added in the United States or Canada. Any automobile not described in the preceding sentence the production of which is completed in the United States shall be treated as having been imported (at the time of such completion) into the United States.

"(D) Treatment of certain exports and imports and sales for further manufacture.—An automobile otherwise taken into account under paragraph (1) shall not be taken into account under such paragraph (1)—

"(i) if it is sold to any person before the close of the model year in which it is produced for use in further manufacture,

"(ii) if it is exported from the United States before the close of the model year in which it is produced, or

"(iii) in the case of an automobile the production of which is completed outside the United States unless it is imported into the United States before the close of the model year in which it is produced.

"(E) Persons under common control.—All persons who control, are controlled by, or are under common control with any person shall be treated as one person.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Automobile.—The term 'automobile' means—

"(A) any passenger automobile (within the meaning of such term as used in section 4061(b)(2)), or

"(B) any automobile, truck or bus which has a gross vehicle weight of 6,000 pounds or less (as determined under regulations prescribed by the Secretary or his delegate), which uses gasoline or diesel fuel as a fuel for propulsion.

"(2) Model year.—The term 'model year' means, with reference to any calendar year, the manufacturer's annual production period (as determined by the Secretary or his delegate) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term 'model year' means the calendar year.

"(3) Manufacturer.—The term 'manufacturer' includes a producer.

"(4) Mathematical calculations.—In determining any fuel mileage rating under subsection (a) or (b), the total number of automobiles to be taken into account for that determination is to be divided by a sum of terms, each term of which is a fraction created by dividing—

"(A) the number of automobiles within each group to be taken into account by

"(B) the fuel mileage rating for the automobiles within such group rounded to the nearest 1/10 of a mile per gallon.

"(5) Changes in emissions standards.—If there is any change (whether by law or by administrative action) from the Federal emissions standards which apply to automobiles produced on May 1, 1975, the Secretary or his delegate shall determine by rule (in accordance with section 553 of title 5, United States Code) and publish in the Federal Register—

"(A) the extent (of any) to which such change reduces fuel mileage, and

"(B) the modifications in the fuel mileage standard set forth in section 4065(b) and in the mileage brackets of the table set forth in section 4064, which are necessary to reflect the reduction in fuel mileage resulting from such change.

Any modifications published under this paragraph shall have the force and effect of law and shall apply to all automobiles produced or imported to which the changed emissions standards apply as if such modifications were contained in section 4064 or 4065; as the case may be.

"(d) Exemptions.—Under regulations prescribed by the Secretary or his delegate, for purposes of sections 4064, 4065, and this section the term 'automobile' does not include—

"(1) an ambulance, hearse, or combination ambulance-hearse,

"(2) any bus which is to be used predominantly by the purchaser in mass transportation services in urban areas, or

"(3) any bus sold to any person for use exclusively in transporting students and employees of schools operated by State or local governments or by nonprofit educational organizations (within the meaning of section 4221(d)(5)).

For purposes of paragraph (3), incidental use of a bus in providing transportation for State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a) shall be disregarded.

"(e) Application of Certain Sections.—Sections 4221 and 4293 shall not apply to the taxes imposed by sections 4064 and 4065.

(b) Technical and Clerical Amendments.—

(1) The table of sections for part I of subchapter A of chapter 32 is amended by adding at the end thereof the following:

"Sec. 4064. Tax on each automobile with low fuel efficiency
Sec. 4065. Tax where fleet does not meet standard
Sec. 4066. Provisions common to section 4064 and 4065."

(2) Section 6161(b)(1) (relating to extensions of time for paying tax) is amended by inserting after "or 43," the following: "or by section 4064 or 4065.". The second sentence of such section 6161(b) is amended by inserting after "chapter 43," the following: "or by section 4064 or 4065 of chapter 32,"

(3) Section 6201(d) (cross reference) is amended by striking out "and chapter 43 taxes" and inserting in lieu thereof the following: "chapter 43, and sections 4064 and 4065 taxes".

(4) Section 6211 (defining deficiency) is amended—

(A) by striking out so much of subsection (a) as precedes paragraph (1) and inserting in lieu thereof the following:

"(a) In General.—For purposes of this title in the case of income, estate, and gift taxes imposed by subtitles A and B and excise taxes imposed by sections 4064 and 4065 or by chapters 42 and 43, the term 'deficiency' means the amount by which the tax imposed by subtitle A or B, by section 4064 or 4065, or by chapter 42 or 43, exceeds the excess of—"; and

(B) by inserting after "or B" in subsection (b)(2) the following: ", section 4064 or 4065,".

(5) Section 6212 (relating to notice of deficiency) is amended—

(A) by inserting after "or B" in subsection (a) the following: ", section 4064 or 4065,";

(B) by inserting after "chapter 12" each place it appears in subsection (b)(1) the following: ", sections 4064 and 4065,";

(C) by striking out "TAXES IMPOSED BY CHAPTER 42" in the heading of subsection (b)(1) and inserting in lieu thereof "CERTAIN EXCISE TAXES";

(D) by striking out "or of chapter 42 tax" in subsection (c)(1) and inserting in lieu thereof "of chapter 42 tax"; and

(E) by inserting after "to which such petition relates" the following: ", or of section 4064 or 4065 tax with respect to the calendar year to which such petition relates".

(6) Section 6213 (relating to restrictions applicable to deficiencies and petition to Tax Court) is amended by inserting after "or B" in subsection (a) the following: ", section 4064 or 4065.".

(7) Section 6214(d) (relating to final decisions of Tax Court) is amended by inserting after "this chapter," the following: "sections 4064 and 4065,".

(8) Section 6344(a)(1) (relating to cross references) is amended by inserting before "chapter 42" the following: "section 4064 or 4065 or".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended—

(A) by striking out "or 43" each place it appears therein and inserting in lieu thereof ", 43", and

(B) by inserting after "to which such petition relates" the following: ", or of section 4064 or 4065 tax with respect to the calendar year to which such petition relates".

(10) Section 6601(d) (relating to interest on underpayment, nonpayment, or extensions of time for payment of tax) is amended by striking out in the heading thereof "Chapter 42 or 43" and inserting in lieu thereof "Certain Excise".

(11) Section 7422(e) (relating to civil actions for refund) is amended by inserting before "chapter 42" the following: "section 4064 or 4065 or".

Sec. 314. Recommendations for Model Years After 1980.

(a) Report.—Before March 15, 1978, the Administrator of the Federal Energy Administration shall submit to the Congress a report.

(1) as to whether the taxes imposed by sections 4064 and 4065 of the Internal Revenue Code of 1954 shall be continued upon the model year 1960, and

(2) if such taxes are continued—

(A) any modifications the Administrator believes shou!d be made in such taxes, and

(B) what the fuel mileage standard, and the tax rate brackets and amounts, should be for model years after 1980.

H.R. 6860

By Mr. JOHNSON of Pennsylvania:

Page 5, strike out line 4 and all that follows thereafter down through line 8 and insert in lieu thereof the following:

"This subsection shall apply only with respect to articles entered or withdrawn from warehouse for consumption on or after the day after the date of the enactment of this Act."

Page 9, line 1, strike out "Licensing and".

Page 9, strike out line 9 and all that follows thereafter down through line 19 on page 14.

Page 20, lines 16 and 17, strike out "LICENSING AND".

Page 20, line 21, strike out "Licensing and".

Page 20, line 24, strike out "Licensing".

Page 21, line 1, strike out "and".

Amend section 142 (page 21, lines 5 through 13, inclusive) to read as follows:

"Sec. 142. Functions of the Deputy Administrator.

"The Deputy Administrator shall administer the provisions of part V (relating to the Federal purchase and sale of imports of petroleum and petroleum products)."

Page 21, line 19, strike out "Licensing and".

Page 24, strike out lines 6, 7, and 8.

Page 5, strike out line 4 and all that follows thereafter down through line 8 and insert in lieu thereof the following:

"This subsection shall apply only with respect to articles entered or withdrawn from warehouse for consumption on or after the day after the date of the enactment of this Act."

Page 8, beginning on line 25, strike out "and the Deputy Administrator for Petroleum Import Licensing".

Page 9, strike out line 9 and all the follows thereafter down through line 19 on page 14.

Page 20, strike out line 16 and all that follows thereafter down through line 23 on page 21.

H.R. 6860

By Mr. McFALL:

Page 31, line 5, strike out "States.'" and insert in lieu thereof "States.".

Page 31, insert immediately after line 5, the following:

"(c) REDUCTION OF RATE IN CASE OF QUALIFIED STATE GASOLINE TAX.—

"(1) IN GENERAL.—The rate of the tax, which, but for this subsection, would have been imposed by this section on the sale of gasoline in a State which, at the time of such sale, has a qualified State tax with respect to gasoline shall be reduced by the qualified State tax increase on such gasoline.

"(2) LIMITATION.—The rate of tax imposed by this section may not be reduced under this subsection—

"(A) if the rate of such tax is 3 cents per gallon, by more than 1 cent per gallon; or

"(B) if such rate is more than 3 cents per gallon, by more than the sum of—

"(i) 1 cent per gallon, plus

"(ii) 20 percent of the amount by which such rate exceeds 3 cents per gallon.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED STATE TAX.—A tax imposed by any State on the sale of gasoline subject to tax under this section shall be treated as a qualified State tax if the Secretary determines that—

"(i) such tax is not substantially different from the tax under this section,

"(ii) a qualified State tax increase exists with respect to the tax imposed by such State, and

"(iii) the net receipts of the State from such qualified State tax increase will be available only for purposes of planning, constructing, or maintaining highways or mass transit systems.

In making such determination, net receipts from any qualified State tax increase shall not be treated as available for the purposes referred to in clause (iii) if the Secretary finds that funds of the State available for such purposes will be diverted for other purposes because of such tax increase.

"(B) QUALIFIED STATE TAX INCREASE.—The term 'qualified State tax increase' means, with respect to any State, the amount by which—

"(i) the rate (per gallon) of tax imposed by such State on the sale of gasoline subject to tax under this section, exceeds

"(ii) the rate of tax (if any) which was imposed on May 19, 1975, by such State on such a sale.

"(4) APPLICATION OF SUBSECTION.—For purposes of this title, the rate of tax in effect under this section shall be such rate as in effect for the State in which the gasoline was purchased by the user."

Page 32, insert immediately after line 25, the following:

"(d) REDUCTION OF RATE IN CASE OF QUALIFIED STATE SPECIAL FUELS TAX.—

"(1) IN GENERAL.—The rate of the tax, which, but for this subsection, would have been imposed by this section on the sale or use of any fuel in a State which, at the time of such sale or use, has a qualified State tax with respect to such fuel shall be reduced by the qualified State tax increase on such fuel.

"(2) LIMITATION.—The rate of tax imposed by this section may not be reduced under this subsection—

"(A) if the rate of such tax is 3 cents per gallon, by more than 1 cent per gallon; or

"(B) if the rate of such tax is more than 3 cents per gallon, by more than the sum of—

"(i) 1 cent per gallon, plus

"(ii) 20 percent of the amount by which such rate exceeds 3 cents per gallon.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED STATE TAX.—A tax imposed by any State on the sale or use of a fuel subject to tax under this section shall be treated as a qualified State tax if the Secretary determines that—

"(i) such tax is not substantially different from the tax under this section,

"(ii) a qualified State tax increase exists with respect to the tax imposed by such State, and

"(iii) the net receipts of the State from such qualified State tax increase will be available only for purposes of planning, constructing, or maintaining highways or mass transit systems.

In making such determination, the net receipts from any qualified State tax increase shall not be treated as available for the purposes referred to in clause (iii) if the Secretary finds that funds of the State available for such purposes will be diverted for other purposes because of such tax increase.

"(B) QUALIFIED STATE TAX INCREASE.—The term 'qualified State tax increase' means, with respect to any State, the amount by which—

"(i) the rate (per gallon) of tax imposed by such State on the sale or use of the fuels subject to tax under this section, exceeds

"(ii) the rate of tax (if any) which was imposed on May 19, 1975, by such State on such a sale or use.

"(4) APPLICATION OF SUBSECTION.—For purposes of this title, the rate of tax in effect under this section shall be such rate as in effect for the State in which the fuel was purchased (or used) by the user."

Page 33, line 1, strike out "(d)" and insert in lieu thereof "(e)".

Page 33, line 9, strike out "(e)" and insert in lieu thereof "(f)".

H.R. 6860

By Mr. WAGGONNER:

Page 105, line 5, strike out "and".

Page 105, line 9, strike out the period and insert in lieu thereof, ", and".

Page 105, insert immediately below line 9 the following new subparagraph:

"(G) in the process of melting, fining, feeding, conditioning, polishing, glazing, coating, annealing, or other industrial finishing of glass manufactured products."

EXTENSIONS OF REMARKS

THE ADMINISTRATION'S PROGRAM FOR ENERGY INDEPENDENCE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1975

Mr. HARRINGTON. Mr. Speaker, over the past few months I have voiced serious reservations concerning the administration's program for energy independence.

It is my belief that the administration's blueprint, in its present form, will impose unnecessary and burdensome controls over State administrative proceedings, actually reducing the regulatory protection available to the consumer. Clearly, the administration's proposal does not represent the most efficient method of achieving energy independence for this country.

The case against the Energy Independence Act offered by the President was well stated by Mr. Ralph W. Wickberg, president of the National Association of Regulatory Utility Commissioners, in testimony before the Subcommittee on Intergovernmental Operations of the Senate Subcommittee on Government Operations.

It seems to me that Mr. Wickberg's testimony is deserving of the attention of all my colleagues and therefore, I would like to insert it in the RECORD at this time.

The text follows:

NARUC TESTIFIES ON ADMINISTRATION'S ENERGY INDEPENDENCE LEGISLATION

NARUC President Ralph H. Wickberg on April 17, 1975, presented the following statement to the Subcommittee on Intergovernmental Relations and the Subcommittee on Reports, Accounting and Management of the Senate Committee on Government Operations on Title VII (Utilities Act of 1975) S. 594, a bill proposing the Energy Independence Act of 1975:

My name is Ralph H. Wickberg, and I am President of the National Association of Regulatory Utility Commissioners, commonly known as the "NARUC." I am also a member of the Idaho Public Utilities Commission.

The NARUC is a quasi-governmental nonprofit organization founded in 1889. Within its membership are the governmental agencies of the fifty States and of the District of Columbia, Puerto Rico, and the Virgin Islands engaged in the regulation of utilities and carriers. Our chief objective is to serve the public interest by seeking to improve the quality and effectiveness of public regulation.

The members of the NARUC appreciate your invitation to make their views known on Title VII of the proposed Energy Independence Act of 1975 (S. 594, H.R. 2633 and H.R. 2650).

The NARUC Executive Committee at its meeting on February 27, 1975 adopted a resolution opposing Title VII. The overall effect of Title VII would be to raise electric utility rates by approximately 20% in addition to any normal inflationary increases—which last year were approximately 18% according to the Consumer Price Index. The proposals in Title VII would also reduce very significantly the State commissions' ability to protect the consumer.

Dr. Smith, our Director of Economics, has prepared a table appended hereto which presents the major policy alternatives and their effects on utility revenues.

The proposed Act would reduce the commissions' flexibility in the setting of rates in a number of important matters: length of hearing, fuel adjustment clauses, peak load pricing, construction work in progress, environmental costs, and normalization of depreciation. State regulatory utility commissions exist to perform a careful analysis of utility rate and service problems in orderly, democratic hearings that protect the public, consumer, producer, and investor interests. The commissions are able to take local conditions and special circumstances into account in arriving at rate and service decisions.

I would like to outline exactly how the Administration's proposals will reduce the regulatory protection available to the consumer.

1. THE REDUCTION OF REGULATORY LAG

The Administration wishes to obtain legislation which would in effect set a maximum time limit of five months for deciding a rate case. At the end of five months the proposed rates would go into effect regardless of whether the rate case had been decided. Although the commission would have the power to reduce or deny subsequently a rate increase in its final order, we believe that in fact this procedure would make such a step very difficult. Many rate cases presently require more than five months for the adequate presentation of public, consumer, producer, and investor viewpoints. An arbitrary acceleration of the rate making process will weaken the protection available to the consumer.

In April 1972, the Edison Electric Institute began a regular survey of electric utility rate case decision data in order to provide its member companies with detailed, conveniently assembled information on rate cases. Although all of the data collected is in the public domain, the compilation of the data entails a substantial effort and expense. Since the EEI data could be used to measure the degree of regulatory lag and its effects on the companies, NARUC has requested copies of the data and all future compilations for analysis and public disclosure. Until the data is provided for public analysis, the Administration's and industry's complaints about the alleged problems of regulatory lag will remain unsubstantiated.

2. FUEL ADJUSTMENT CLAUSES

Under the proposed legislation no regulatory authority could prohibit a utility from using a fuel adjustment clause permitting, without further proceedings, monthly changes in the utility's rates equal to the changes in the cost to the utility of fossil and nonfossil fuel.

With the exception of hydroelectric powered utilities, fuel costs are such an important part of utility rates that most States already have the clauses. However, the proposed legislation would end the flexibility of the State commissions to limit coverage to—for example—95% of the total fuel cost increase in order to provide the companies with an incentive for efficiency in the purchase of fuel.

Fuel adjustment clauses are controversial. There is a question at this time over whether a number of fuel companies have illegally manipulated fuel charges in order to take advantage of the clauses. There is also some concern over whether the utilities have enough incentive under the clauses to control fuel costs. Federal legislation requiring the use of such clauses would be wrong.

3. CONSTRUCTION WORK IN PROGRESS

The Administration's proposal to require that construction work in progress (CWIP) be put into the rate base is inappropriate. A number of States follow this procedure, while others do not. Each State commission should be free to determine the appropriate system of accounts to be used in handling construction work in progress.

4. OFF PEAK PRICING

A national peak load pricing policy is not needed: the State commissions are quite competent to handle the matter. In fact, the State commissions have taken the lead in exploring peak load pricing.

The Madison Gas and Electric Case before the Wisconsin Commission was the definitive case on peak load pricing. In these extensive hearings leading industry, academic, consumer, and environmental spokesmen presented testimony on peak load pricing. As a result, Madison Gas and Electric was ordered to implement peak load pricing for big industrial and commercial customers and to study residential peak load pricing.

The Vermont Commission has been a leader in implementing peak load pricing. Financed by grants from the NSF and the FEA, the Commission has permitted the utilities to implement peak load pricing and time-of-day metering for residential water heating and storage heating uses. It is expected that this will result in a substantial improvement of utility load factors.

In a resolution dated December 5, 1974, the Executive Committee of the NARUC requested the Edison Electric Institute and the Electric Power Research Institute to undertake an analysis of peak load pricing. Work is underway on this study, and it is expected that the study will become a definitive source of information.

5. POLLUTION CONTROL EQUIPMENT

The Administration wishes to require that the cost of pollution control equipment be included in the rate base. In general, this is already done, and the legislation is neither appropriate nor needed. Furthermore, the proposed Federal legislation could weaken the power of the State commissions to protect the consumer against unreasonable charges due to inflated or unwise construction costs.

6. NORMALIZATION

The Administration wishes to require that normalized accounting be used in the handling of depreciation. I believe that each State can best determine the appropriate type of accounting system to use. This is not a Federal matter.

THE STATE ROLE IN MEETING THE ENERGY AND ELECTRIC UTILITY CRISIS

The State utility commissions are fully aware of the need to maintain a viable utility industry. When a State's utility industry does not receive an adequate return on capital it is unable in the long run to raise funds for the expansion and replacement of existing plant and equipment. This hurts all of a State's citizens.

State regulatory utility commissions have demonstrated by their past actions and present endeavors that they are capable of handling the regulation of the electric utilites. Federal legislation of the type proposed by Title VII is not needed.

Our electric utility problem in this country is not the result of State action; the problem is the result of Federal inaction. The Administration's monetary, fiscal, and general business policies have given us rampant inflation, high interest rates, and a major recession. All businesses—including the utilities—have experienced to some degree the problems of low stock prices, increased financial problems, and lack of access to the capital markets. As inflation moderates, business improves, and the Federal Reserve credit crunch comes to an end the utilities will again find that they have an improved financial position and better access to the capital markets. However, there is only a limited amount to the capital available for investment in this country, and it is unlikely that the utilities will be able to borrow as much as they would like.

THE FEDERAL ROLE

For reasons of national security, the Federal government would like to see the expanded use of the Nation's nuclear and coal resources—which must be accomplished through the generation of electricity. This will require a massive flow of capital into the electric utility industry. If the industry is to have a major role in Project Independence—and this may be quite appropriate—then it is necessary for the Federal government to undertake programs providing funding to the industry. The individual rate payer is totally unwilling and probably does not have the financial capacity to pay for a national shift in energy policy to the increased use of electricity. The consumer is not going to provide equity capital directly to the utilities through higher rates. For the amount of funding that the Administration and industry are talking about, the only source is Federal assistance.

In the past the government has provided increased funding to agriculture, space, and defense when they have had high importance in national policy matters. The energy industries, and particularly the electric utilities, now require a national program of assistance. Such a program could consist of the provision of guaranteed loans, direct assistance, and government power operation. I would like to mention some of the alternatives.

1. Chairman William Rosenberg of the Michigan PSC has suggested that the Federal government should provide a program of Federal insurance and guarantees of utility debt for the purpose of assuring a smooth flow of capital to the hard-pressed electric industry. This proposal would operate to reduce the cost of capital by lowering the interest rate of Federally guaranteed utility bonds and by allowing a company to use more debt and less equity in its capital structure. Chairman Rosenberg has indicated that the proposal allows for cheaper debt and more of it. He projects a minimum of a 25% savings on new capital costs.

2. Another possibility for government assistance to the industry would be through the formation of a Utility Finance Corporation to provide funds directly to the companies. This could be accomplished through the provision of self-liquidating loans, the Federal purchase of utility bonds, and possibly even Federal equity participation on a temporary basis. A Utility Finance Corporation could provide the funds which the industry needs on a self-liquidating basis while preserving the advantages of private enterprise.

3. The temporary establishment of government-owned nuclear and coal generating plants is an approach which has also been advocated. The government would build the plants needed to generate electricity and then sell the electricity to privately-owned utilities for transmission and distribution. The advantage of this approach is that it would provide Federal capital at the major bottleneck: the generation of electricity by nuclear and coal sources.

The enabling legislation could include a valuation formula for selling the plants to the using utilities when they are in a position to finance the purchase price.

4. Concurrently with these possibilities, the Federal government should also undertake an examination of its plant siting and environmental requirements. At a time of change in national energy policy it is important that the environmental-cost-availability tradeoffs be reevaluated.

In conclusion, I urge that Title VII not be passed. Its passage would seriously weaken the regulatory protection available to the consumer.

There is a limit to what the consumer can pay, and he cannot afford to provide to the industry equity capital extracted in the form of higher rates in order to finance a national conversion to electricity. It would appear that the time for some limited and hopefully self-liquidating Federal participation in the provision of capital to the industry is here.

Once again, Messrs. Chairmen and Members of the Subcommittees, I want to thank you for this opportunity to make the views of the NARUC on this vital subject known to you.

RUSSIA DEFIES U.N. ON CHROME

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 3, 1975

Mr. HARRY F. BYRD, JR. Mr. President, the House of Representatives is considering legislation to repeal the Byrd amendment of 1971.

The Byrd amendment provides that there can be no ban on the importation of a strategic material from a free world country if the same commodity is being imported from a Communist country.

The principal effect of the Byrd amendment is to permit the importing of chrome from Rhodesia.

Proponents of repeal argue that the United States is acting illegally so long as the amendment stands, but in truth our Federal courts have specifically ruled that in enacting the Byrd amendment, Congress was wholly within its constitutional powers.

Metallurgical chrome is essential to produce stainless steel, which in turn is vital to U.S. defense and industry. Rhodesia has two-thirds of the world's reserves of ore, and cutting ourselves off from this source would greatly increase our dependence on another major supplier—the Soviet Union.

When the United States was observing the U.N. embargo, Russia more than doubled the price of its chrome, and only last year the Soviets halted chrome exports for 5 months in an effort to drive up the price. Surely the Soviet Union is not a reliable source of a commodity vital to our own security.

The hypocrisy of the U.N. in its actions against Rhodesia, and the hypocrisy of those nations who criticize the United States for importing strategic materials from Rhodesia should not go unnoticed.

A recent article from the London Sunday Telegraph reveals how Russia itself imports chrome from Rhodesia. The Russians use the superior Rhodesian chrome to blend in with their own.

Thus if the United States repeals the Byrd amendment, we will buy an inferior blend of Russian-Rhodesian chrome from the Soviet Union at greater expense.

I believe the absurdity of this situation speaks for itself.

Mr. President, I ask unanimous consent to have the article from the London Sunday Telegraph printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA DEFIES U.N. ON CHROME

Russia is believed to be importing large quantities of chrome ore from Rhodesia in defiance of the United Nations mandatory resolutions on economic sanctions. Chrome is a highly strategic metal used for hardening steel.

Diplomatic and commercial sources claim that the extensive trade is carried on under cover of forged manifests. The ore is shipped through third country ports in the Persian Gulf, as well as Japan, Turkey, Yugoslavia and Morocco.

In return Russia is sending Rhodesia ball bearings and other industrial manufactures. The Johannesburg weekly, *Financial Times*, has confirmed the arrival of Russian ball bearings in Rhodesia.

Copies of this report have been distributed to members of the United Nations Rhodesian Sanctions Committee, at Britain's request. The Russians denied the allegations.

EXPORT BOOST

Russia is herself the second largest producer of chrome, after Rhodesia. But it is an inferior ore, with less titanium, and it is believed that the Russians are blending Rhodesian ore with their own, both for home use and to enhance exports.

Late last year the Japanese Foreign Ministry said, in effect, that Japan was importing huge amounts of the ore from Rhodesia. Until then Japan had insisted that all its African ore came from South Africa, not a large producer.

Then it was wryly admitted that Japan's chrome imports from Africa were 200,000 tons in excess of the exports shown by South African documents. Clearly it came from Rhodesia.

The Japanese, who now are co-operating with the Russians in the development of Siberian oil and timber resources, obviously could be persuaded to transship the forbidden ore to Russia.

THE FRANKFORD ARSENAL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. EILBERG. Mr. Speaker, the Department of the Army has decided to close down the Frankford Arsenal in Philadelphia. The reasons put forth are economy and the efficiency and modern operation of other facilities as compared to Frankford.

So far the Army has not been able to justify these claims and has been evasive in answering the questions put to it about the proposal to shut down Frankford.

A series of articles by Hoag Levins, a reporter for the Philadelphia Daily News, has raised serious questions about the real reasons for the Army's decision to shut down the Frankford Arsenal, one of the finest installations of its type in the Nation.

At this time I enter into the RECORD another installment of Mr. Levins' articles:

IS THE FRANKFORD ARSENAL "OUTMODED"? THE ROCK ISLAND LINE IS FINE, BUT . . .

(By Hoag Levins)

ROCK ISLAND, Ill.—The Army, in closing the "outmoded" Frankford Arsenal in Philadelphia, intends to transfer many functions here—to an arsenal built during the Civil War.

During a tour of this 113-year-old Illinois arsenal, the Daily News found the same sort of buildings and equipment available now at the 158-year-old Frankford Arsenal.

On Nov. 22, 1974 after years of rumor and speculation, the Army announced it was closing down Frankford by July 1977.

The main reason cited was the Philadelphia arsenal's age which, in part, dates back to the Spanish-American War. Officially, the Army said, it found Frankford buildings "outmoded" for the sophisticated business of modern munitions development.

Now, the Army plans to move at least two major functions of the Frankford Arsenal into buildings here at Rock Island. Frankford's fire control and small-arms munitions programs will be housed here in buildings constructed during the early 1860s when this island arsenal was the site of a prison for Confederate soldiers.

Nearly 2,000 of those soldiers are still here, their tombstones marching row after row in the snow at one end of this 960-acre island in the middle of the Mississippi River.

That Confederate cemetery, a well known local landmark, underscores this arsenal's history reaching back nearly as far as that of the Frankford Arsenal.

Aside from the Civil War structures that now hold the bulk of the workshops and labs, a number of other workshops were built during both World Wars.

One huge building erected in 1917 holds the sprawling computerized machine shop which turns out the massive cannons for which Rock Island Arsenal is famous. That shop has the largest inventory of computer-programmed machines in the Defense Department.

Rock Island Arsenal officials won't comment officially on whether or not their facility can accommodate work now done at the Frankford Arsenal. However, privately they admit it could. Said one:

"We have plenty of space here. It's a matter of time and money. If you don't have what you need, you buy it."

Pat Klein, chief information officer at Rock Island, points with pride to the massive Civil War buildings that line the streets of the arsenal. "What we've done here is to constantly update the inside of the buildings."

His tour led through structures with two-foot-thick stone walls and story-high buildings which line the streets of windows—much like the 1860s Frankford Arsenal.

"The feeling here is, when you have solid buildings like these," explained Klein, "you have as sturdy a building as you're even going to find. You wouldn't be able to buy buildings like this today . . . no matter how much money you had to spend."

NO GOLF A HANDICAP TO KEEPING OUR ARSENAL?

ROCK ISLAND, ILL.—Strange as it sounds, a major factor in the Army's decision to close the Frankford Arsenal in Philadelphia may have been golf.

According to military, political and industrial sources embroiled in the controversy, the Frankford Arsenal has been doomed because it doesn't have a golf course as do most other major Army installations. Said one Washington source:

"It sounds crazy, that the Army brass would balance its total arsenal capability picture against golf courses and nice mansions to live in, but if you knew some of the reasons behind Army decisions, you'd be astounded. The golf course that Frankford doesn't have was the last nail in its coffin."

Another government source says:

"These generals and other higher officers like the frills. They like large homes. Frankford can do the job, but it doesn't have any of the frills. It's a drab place and a commanding officer can't take a visiting dignitary out to the golf course. That is what they like to do."

A few years ago, when the Army transferred the Metrology and Calibration Center from Philadelphia, it sent the mission to Red Stone Arsenal in Huntsville, Ala. That Alabama arsenal has its own golf course.

Currently, all seven major military facilities likely to take over functions from Frankford have golf courses. Some even have their own hunting and fishing preserves.

The other six are Edgewood Arsenal/Aberdeen Proving Grounds complex and Indian Head Naval Facility in Maryland; Picatinny Arsenal, and Fort Monmouth in New Jersey; Fort Lee and Fort Belvoir in Virginia, and Rock Island in Illinois.

Rock Island has one of the nicest courses of all. The Rock Island golf club is privately operated, with a par 71, 7,000-yard, 18-hole course covering acres of lush wooded grounds a few steps from Colonel's Row, a series of castle-like mansions facing onto the Mississippi River where the arsenal's top officers live.

The golf club charges two rates. Military members pay $60 a year. Civilians pay a $1,505 entrance fee and $500 additionally a year. Civilin membership is limited to 75.

"The Army brass like the nice things in life for themselves," said a civilian official. "Get them together behind closed doors and they're like a bunch of kids in a candy store—except they own the candy store."

Said an Army officer at Rock Island:

"You have to look at it from the viewpoint of a career Army officer. The base is his entire life. He doesn't care what's outside. Frankford has a reputation as a dump to live in. It's in the middle of that grimy, dirty industrial district. Now if you were an officer and had a chance to pick between Frankford and the riverfront along the Mississippi, which would it be?

A high civilian official said:

"Understand that generals in the Army live in their own little world. Especially that's true for the older, stiffer officers. They put a large value on things like prestigious houses and communities small enough to make their wives' tea parties major social news events. They just love to walk an important visitor out the front door and over to the golf course. It's a big thing in their life."

ROCK ISLAND HOUSING: VERY SCARCE

ROCK ISLAND, ILL.—One of the first—and largest—problems Philadelphia Arsenal workers will find in Rock Island is housing.

There isn't any.

Rock Island has traditionally been plagued by housing shortages, greatly increased by the current building slump and tight money.

The Army consolidated its new Armament Command here two years ago, and brought in hundreds of new workers. They took most of what housing was left.

"It was outrageous," remembered one Rock Island Arsenal worker. "Everybody knew you were an arsenal transfer. The price of every house went up $10,000. The condition of the houses was simply beyond belief."

Dick Weeks, president of the Quad-Cities Development Group, composed of realtors, industrialists and civic leaders interested in promoting the region, said:

"Unfortunately, you can't win in our housing market right now. People coming here are looking at inflated prices for homes in a market that is very, very tight."

John Miller, president of the Rock Island Bank, said the going rate for home mortgages is 9½ percent.

Arsenal officials say those who transfer will not be given financial assistance to offset losses in selling their old house or in the higher costs and interest rates on a new one.

As an example of the prices in Rock Island, Police Chief Charles Myers bought a four-bedroom home in 1968 for $36,000. His taxes on it are about $800 a year.

"It's just a regular house and now its value is up to about $50,000 and climbing," Myers said.

Lynn Ash, executive editor of the local newspaper in Rock Island, called the housing situation "so bad now that what most people do when they come here is to go about 60 miles out into the farm lands."

ARSENAL—THE "PHONY" TRANSFERS

(By Hoag Levins)

The 1,500 Frankford Arsenal jobs the Army has promised to "save" with transfers exist mostly only on paper.

On Nov. 22, the Department of the Army officially announced the arsenal would be closed by 1977 with 2,000 jobs eliminated and 1,500 transferred—including at least 350 to Rock Island, Ill.

Since then, that 1,500 figure frequently has been used to soften the Army's projected unemployment picture. The installation now employs about 3,500 workers.

Actually, the Army intends to offer 1,500 transfers to scientists, engineers and technicians who it knows will probably not accept them.

While Pentagon officials continue to insist that as many as 50 percent of those people offered jobs will take them, few of those offered transfers are expected to accept them.

During the last three weeks, the Daily News has contacted Army and arsenal officials for estimates of how many Philadelphia workers can expect to have arsenal jobs after Frankford closes. Each source produced a different set of figures—in keeping with the atmosphere of confusion, ambiguity and secrecy which has shrouded the arsenal controversy since it began.

Edwin Greiner, deputy secretary of the army for installations and logistics, said his department expects "more would take transfers than would not." He indicated a majority of the 1,500 persons offered transfers would pull up stakes and move.

Gen. Bennett Lewis, head of the Army Material Command, said that "as many as 50 percent" could be expected to accept transfers to other parts of the country.

In a confidential Nov. 22 memo, the Army said it expects the "estimated number of personnel electing to transfer with the function will be 541"—about 36 percent.

In another confidential study, the Army estimated "25 percent of the personnel with transfer rights will exercise that right."

During a visit to Rock Island Arsenal last week, the Daily News found officials there "would be surprised if we even get a dozen" people from Philadelphia.

At the Frankford Arsenal, some officials, who did not want to be identified, estimated "about 3 percent"—or 45 persons—of those offered transfers can be expected to take them.

In dozens of interviews, the Daily News was unable to find anyone in the top level of scientists, engineers and technicians who plans to accept a transfer.

These findings tend to confirm what arsenal veterans refer to as the "5 percent factor." Simply translated, that means 5 percent or less actually will take transfers, despite Pentagon predictions.

"We know taht from experience," explained Joseph M. McCaughey, top civilian executive at Frankford. "In the end, the Army is going to be in serious trouble. We are going to lose our youngest, brightest and most talented engineers. They are the ones who are aggressive and young enough to start over again in something else.

"No matter what the Army says, we know from past experience that these people are not going to go."

Looking back a few years at other facilities which have closed, it appears that the informally recognized "5 percent factor" is solidly based.

When Frankford Arsenal's National Inventory Control Point mission was moved to Rock Island in 1964, its 214 employes were offered transfers. Three went.

In 1967 when the Frankford Arsenal Metrology and Calibration mission was transferred to Huntsville, Ala., 187 of the 300 employees were offered transfers. Only 28 accepted and after the first year, only three remained.

In April 1968, the Army shut down the massive Springfield Armory in Massachusetts, which employed 2,400 people. Of the 1,900 offered transfers to Rock Island, only 32 accepted. Six remain in Rock Island.

"What happened," explained a Rock Island official, "is that we got a lot of people who had a year or so to go until retirement. They moved out here and lived in trailers or apartments until their time was up and they went back home with full retirement pay."

"As a general rule," said Frankford's Dr. David Rosenblatt, director of the Pitman-Dunn Laboratories, "the scientists and engineers who are willing to relocate are those who must serve a few more years before retirement."

Rosenblatt, who heads the arsenal's sprawling research and development complex, fears a large loss of talent.

"Relocation is a filter which allows the untalented and slower individuals to move and remain with the Defense Department, while their more efficient colleagues easily find scientific and engineering jobs in their home areas," he said.

Perhaps ironically, Undersecretary of the Army Herman Staudt recently voiced the same concern at a meeting of Illinois businessmen. Staudt was at Rock Island Arsenal last week to meet with a task force of community leaders who wanted to learn more about the Army's still-secret plans for a new research and development center which would require massive transfers—including ones from Philadelphia.

"Expertise," Staudt assured his audience, "is the most important factor to us. We can replace bricks and mortar, but not teamwork. It is a very great concern to us to be sure that the things we think we gain when making these changes will not be overwhelmed by what we lose."

Staudt, who refused to answer any questions from the press, declined to specify just what gains he was talking about, or what changes were to be made where.

MOSCOW'S ONE-WAY ROAD

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 3, 1975

Mr. HARRY F. BYRD, JR. Mr. President, serious questions now are being raised about the real meaning of détente between the United States and the Soviet Union.

I believe this is healthy. While I endorse the idea of keeping open lines of communication between the great powers, I feel that in recent agreements made in the name of détente, the United States has consistently come out second best.

Three examples are the notorious grain deal, the temporary strategic arms limitation agreement and the settlement of the Russian debt to the United States at a tiny fraction of the amount owed.

Howard Flieger, writing on the Editor's Page of U.S. News and World Report on May 19, put the case very well. Questioning the meaning of détente, he said:

> In theory, it bespeaks a sincere effort by the leaders of two cultural and political systems that are poles apart to understand one another and cultivate an area of mutual self-interest to avoid disastrous conflicts.
>
> In practice, it is a one-way street and Moscow has the right of way.

I ask unanimous consent that the text of Mr. Flieger's article, "Moscow's One-Way Road," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Moscow' One-Way Road

(By Howard Flieger)

The numbing shock of defeat in Vietnam is beginning to give way to the anticipated repercussions in Washington.

Now everybody is all out for a searching reexamination of this country's role as a power in the outside world.

Well and good. A reappraisal is needed. It should be all-inclusive—geographically, economically and politically global.

That means both the Administration and its critics should take a cold, careful look at détente—the spirit of co-operation with the Soviet Union that stands today as a keystone of U.S. foreign policy.

The trouble is that nobody knows exactly what détente means.

In theory, it bespeaks a sincere effort by the leaders of two cultural and political systems that are poles apart to understand one another and cultivate an area of mutual self-interest to avoid disastrous conflicts.

In practice, it is a one-way street and Moscow has the right-of-way. If the idea is give-and-take, the give so far has been on the part of the United States.

Certainly no one wants to return to the frozen days of "cold war" when all relations between East and West were immobilized by distrust on both sides. That was a dangerous period. But so is détente, if it is not clearly understood by all concerned.

It is easier to evaluate the term if one is aware of what it really means to the men in the Kremlin. They regard it as synonymous with an earlier popular expression, "peaceful coexistence." And what was that?

A. I. Sobolov, a Soviet historian, defined the words in a long article that first appeared in a scholarly Soviet periodical. He was writing for an audience of Communist intellectuals and, among other things, he said:

"Peaceful coexistence is a new stage in the development of the world antagonism between socialism and capitalism and in the development of world revolutionary progress . . . a specific but essentially basic form of the class struggle in the world arena between ascendant socialism and a capitalism which is going through a period of acute crisis. . . .

"It is essential to stress once more that the policy of peaceful coexistence is a specific and . . . important integral part of the world revolutionary process."

In plainer words, the Soviet goal is the same as it has always been—a Communist world. Everything in war or peace is directed toward that end result.

Look at the way the Kremlin has used the canopy of détente to shelter Communist advances at the expense of the U.S.

Soviet weapons, diplomats and Moscow-supported Communist parties have been stacking the deck against American interests in Southeast Asia, the Middle East and the littoral countries of the Mediterranean.

In numbers, U.S. military strength is the lowest in a decade. Soviet armed forces, growing all through the period, now outnumber our own by three-to-two.

Arms supplied by the Kremlin powered the assault on South Vietnam in blatant disregard of the Paris cease-fire. Portuguese Communists, though a minority, are having a major impact in that country.

And don't forget that détente made it possible for Moscow to buy up U.S. wheat at bargain prices—a thing that contributed directly to a burst of inflation which undermined our ability to compete in the world.

Action should be demanded of Moscow—a signal that it is willing to leave Portugal alone, or stop inflaming the Middle East, or be less selfish in world trade—if it is going to advance via détente to a summit meeting with President Ford.

If détente is to serve as a bona fide fraternal order for world peace, the Communists ought to, at least, pay their dues.

NO LEADERSHIP IN CONGRESS

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SARASIN. Mr. Speaker, many of us have repeatedly questioned the wisdom and propriety of continued congressional recesses at a time when the country is faced with many critical problems and few solutions. We have pointed out that such a policy is bound to further erode public confidence in their Government at a time when we should be doing all possible to restore that confidence.

Our protests have obviously not been taken very seriously by the majority of Members and our efforts to at least defer the recesses until some of our more important legislation is dealt with failed.

The results have been as predicted and I am submitting the lead editorial from the May 26 edition of the Waterbury Republican, a major daily paper in my Connecticut district, as clear evidence of the impression we are creating. I urge my colleagues to read and consider this statement, which has been echoed by many of my constituents, as we embark once more on our legislative tasks.

The article follows:

No Leadership in Congress

The inability of Congress to deal with major issues confronting the United States today is demonstrated by the lack of leadership on the part of House Speaker Carl Albert and Senate Majority Leader Mike Mansfield. Once again, the American people have witnessed their representatives running for the doors to recess while legislation dealing with energy, the economy, highway funds, the disputed New Hampshire senatorial election, and other issues lay neglected.

One can only look with nostalgic forlorn at the days when giants like Lyndon Johnson held sway in the Senate and Sam Rayburn ruled the House with an iron hand. There were charges of bossism. There were charges of one-man rule. But there was also accomplishment, the passage of legislation, and the ability of Congress to act as a true co-equal branch of government. Today the President acts while the Congress reacts.

Would Rayburn or Johnson have allowed Congress to take a 10-day recess when such major work remained before them? We think not. To the contrary, they would run Congress with a club, not like a club, and from their stern direction and leadership would have come action.

The causes of congressional decline are many. Watergate weakened the presidency but Congress was unable to fill the power void. The people hear congressmen call for inquiries more frequently, and committees rush to investigate any subject that comes up. Investigations do not pass legislation. They expend money, energy and time, but produce little.

The increasing role presidential politics plays in Congress is disturbing. Candidates begin campaigning earlier, eyeing the election rather than the work to be done. The advice given by former Sen. George Aiken before he retired, that presidential candidates should resign from Congress, is not without merit.

The erosion of the ability of Albert and Mansfield to lead was accelerated by the election of a Congress dominated by more freshman representatives than ever before in modern history. Many of these members matured during the turbulent '60s, when established procedures were questioned, values were attacked, revolt became a byword, and change often for the sake of change was advocated.

This fervent liberalism has now arisen in Congress. Committee chairmen have been challenged and deposed. Freshmen congressmen, determined that things be done their way, have formed a potent voting bloc. But to date, that power has been concerned with destroying rather than creating, with delaying rather than progressing, with negating rather than approving.

Congress has the right to say "no" if it has an accepted alternative upon which to vote "yes." But when the "no" is followed by nothing, the nation drifts leaderless.

The halls of Congress are quiet while the nation, lacking an energy policy, continues at the mercy of foreign oil suppliers. Congressmen have gone home while Connecticut, New York, and Vermont are unable to utilize their share of $2 billion in highway funds because a bill to free money for those states from a court-imposed ban remains pending.

The representatives and senators left Washington while the people of New Hampshire only have one senator, a gross miscarriage of equal representation. If the delay continues, they may be able to vote for their senator again in November because the vacancy would still exist.

The congressmen have gone home, taking with them their zeal for spending which has put Social Security in crisis, added to the federal deficit, and created first an inflation, and then a recession, which has made hundreds of thousands jobless.

LEGISLATION ADOPTED BY COUNCIL OF THE DISTRICT OF COLUMBIA AND TRANSMITTED TO THE SPEAKER IN MAY 1975

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. DIGGS. Mr. Speaker, an additional act has been adopted by the Council of the District of Columbia and transmitted to the Speaker for layover for 30 legislative days before becoming effective under the Home Rule Act—Public Law 93-198. It is Council Act 1-14.

Two other Council acts of an emergency nature took effect immediately on being signed by the Mayor, are in effect for only 90 days and do not need to be transmitted to the Speaker. They are Act 1-12 and Act 1-13.

Of the earlier acts of the Council, two have now become law with the expiration of the 30 legislative day layover period. Acts 1-2 and 1-3, transmitted to the Speaker on March 14, 1975, became law on May 14. Act 1-1, an emergency act and hence only in effect for 90 days, was passed on January 22, 1975, and remained in effect through April 21.

Information in the committee files on these acts and other matters before the Council is available to any Member on request.

Following are summaries of the three new acts and a listing of relevant dates and titles of the acts.

Act 1-12 is a 90-day emergency act to extend the existing D.C. rent control regulation that was expiring on April 28, 1975. A new permanent rent control act was given a first reading by the Council on May 20 and is designed to take effect before Act 1–12 expires.

Act 1–13 is a 90 day emergency act urging a 60-day cooling off period for the Board of Education in its proceedings to terminate the Superintendent of Schools.

Act 1–14 permits ice cream vending stands and trucks to use dry ice instead of the mechanical equipment required by a Council regulation of December 13, 1974.

ACTS ENACTED—TITLE AND DATE SIGNED BY MAYOR

Act 1–12: Sponsor, Winter, To extend on an emergency basis the rent control program (April 24, 1975) (Bill No. 1–59).

Act 1–13: Sponsor, Moore. To strongly urge a 60-day cooling-off period between the District of Columbia Board of Education and the Superintendent of Schools (May 6, 1975).

Act 1–14: Sponsor, Wilson. Ice Cream Vendors Act (Note: This supersedes Act 1–4 (May 6, 1975)) (Bill No. 1–35). Transmittal date May 16.

THE RUSSIANS ARE COMING—WITH CARS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. ASHBROOK. Mr. Speaker, the Soviet Union is continuing its push to sell Russian-manufactured products in the United States. The latest effort is in the field of automobiles.

The Soviet-made Lada, a small car based on the Italian Fiat, is now undergoing tests in the United States. If certification is granted, several hundred of these cars should be sold here next year. And this is just the beginning. According to Soviet officials, Lada sales in America could eventually reach 10,000 cars annually.

Soviet officials also indicated that they will take a 30 percent loss on each car sold in the United States to promote sales interest in the Lada. This would seem to violate U.S. laws on the sale of imported goods.

About the last thing the United States needs right now is a Soviet-manufactured car. Auto sales of American-made cars are already far below normal. Thousands of auto workers have been thrown out of work.

The situation certainly would not be improved by the introduction of a Soviet-made automobile being sold at less than cost. We cannot afford to have U.S. markets flooded with cheap, state-produced products.

Following is the text of the article from the May 31 edition of the Washington Star:

Russia May Sell Car Here

Detroit.—The Soviet Union wants to enter the U.S. car market next year with an imported version of its Lada—a small car based on the Italian Fiat, the Detroit News said yesterday.

The paper said four Soviet-made Ladas are now undergoing 50,000-mile tests in the United States and indicated "several hundred" could be sold in this country next year if they are certified.

The Lada needs modification of its emission unit to comply with strict U.S. antipollution standards. The News said the car needs 120 modifications before it is acceptable under U.S. law.

A stick-shift, four-speed Lada is now on sale in Europe. It has a top speed of 90 miles an hour and seats five persons. No gasoline mileage figures are available.

"We anticipate a loss in the first few years of sales," a Soviet trade official told the News.

The paper said Soviet trade officials indicated they will take a 30 percent loss on each car sold in the United States to promote sales interest in the Lada. Officials said they would honor U.S. laws that prohibit underselling by importers, however.

"We plan to earn some currency from the United States to purchase machinery and other equipment, with or without a profit," said one Soviet official.

Though sales in the hundreds would not even cause a ripple in the high-volume U.S. car market, Soviet officials said eventually Lada sales may be "like 10,000 to your 10 million" cars produced here annually.

Collin Gonze, assistant director of the United Auto Workers International Division in Washington, said he had not heard of the reported Russian sales move. He said that if the Russians sell the car in the United States at below cost, the UAW would call for an investigation because he said it is illegal to sell any imported goods in the U.S. market for less than original cost.

A Soviet trade official said, "We are prepared to meet the demand, but we don't plan to flood the market.

"The introduction of another small car would be good because American monopolies insist on big, not-well-constructed cars, and the Lada will push them to produce small cars, better cars."

The Lada now is sold in 50 countries and annual production is expected to reach 660,000 units this year, the trade official said.

EX-FELON VOTING RIGHTS BILL INTRODUCED

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. BEARD of Rhode Island. Mr. Speaker, I will introduce legislation today that would restore voting rights to ex-felons in Federal elections. This bill, if enacted, would authorize States to make provisions for all ex-offenders to participate in the direct vote of Federal officials during general, runoff or primary elections.

Under the bill, the enfranchisement would be granted only if the offender has completed his period of imprisonment and only after the person has paid all fines and satisfied all other penalties imposed upon him. According to this bill, a man or woman on parole would be eligible to vote.

Congressman Beard has strongly suggested that this legislation is needed to insure the most fundamental of all rights in a democratic society. The Congressman further stressed that "once a person has paid his debt to society, there is no justification for shutting him out from full citizenship."

DOUBLE STANDARDS IN CONGRESS?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. RANGEL. Mr. Speaker, justice is one of those perennial concepts which is difficult to define and almost impossible to apply equally to situations bearing a relatively high degree of similarity. Just as Socrates addressed this paradox in his dialogs, today we continue to ponder the concept and are still unable to give this term a definitive structure so that the ironic phrase, "unequal justice" will become obsolete. Watergate has caused us all to come to grips with this term and to restore "justice" to our American system of government. However, the double standard continues to prevail whether it is on the basis of sex, race, ideology, age, income, or status. Congress is guilty of this asininity in addition to the executive and judicial branches of Government, and let us not forget our very own constituents who are responsible for our being here.

At this point, I would like to share with you, the context of "one man's opinion," in which Edward P. Morgan of the ABC News in Washington further expounds on this phenomenon:

One Man's Opinion

This is Edward P. Morgan ABC News Washington with the Shape of One Man's Opinion. A look at unequal justice on Capitol Hill after this word.

Congress takes care of its own, sort of.

Almost buried under the avalanche of news of the crumbling of Cambodia and now, inexorably in its wake, South Vietnam, was the sentencing last week of Congressman George V. Hansen, a Republican from Idaho, to two months in federal prison plus a year's probation for admitted violations of the 1971 campaign financing disclosure law.

Even more imperceptible was any move to oust him from the House for his crime. He intends, an aide said, to retain his seat. It would take a two-thirds vote of his peers to expel him.

So far, one source says, the House Ethics Committee, which deals with such matters, has heard not a whisper of opposition. That figures, but it reveals too the almost magical pliability of moral codes in Congress and the wide variance in invoking them.

Eight years ago, the House unseated Adam Clayton Powell. The flamboyant Harlem Democrat had been guilty of outrageous and possibly felonious behavior but he had been convicted of no crime except, figuratively speaking, one: flaunting his unsupportable antics before Congress. This was unpardonable—except to his black constituents, who promptly reelected him.

But then after the House barred Powell's reentry, the Supreme Court reversed that action, ruling, in effect, that it could heave him out for cause but it could not prevent his return as the winner in a legally-conducted election. So Powell was reseated in 1969 (the court process having consumed the intervening time) but fined $25,000 and deprived of his seniority. His legislative career was already in eclipse, however, and in 1970 he was overcome by a native of Harlem, Attorney Charles Rangel, who since has distinguished himself on the House Judiciary Committee.

Some black Americans protested that Powell was guilty of no more excesses than some fellow members but he was being singled out as a Negro. The charge would have borne more weight if Adam Clayton Powell had pursued his peccadillos quietly but that would be like asking a bluejay to change not only his feathers but his raucus constitution. Such a charge probably would not be made today; so much for a decade of progress against racial prejudice in government.

But what about reforms and morality? "If people who make the laws can't obey them, who can we expect to?" said Chief Federal District Judge George L. Hart Jr. in sentencing Congressman Hansen. A good question. But where are a constituent's responsibilities? In 1956, Representative Thomas Lane, a Boston Democrat, served four months in prison for income tax evasion and was reelected while still in his cell.

Congressman Hansen says he made a mistake, which is not a felony, but he is very sorry. Others may have made similar mistakes which didn't come to light and that could well be why there is no move to oust him.

I'll have a footnote in 30 seconds.

It should be obvious by now that we don't get good government simply by reform legislation. Officials must abide by the reforms and, most important, their constituents—the public—must hold them to it. This is Edward P. Morgan ABC News Washington with the shape of one man's opinion.

1975 LEGISLATIVE QUESTIONNAIRE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. PATTEN. Mr. Speaker, each year I mail a legislative questionnaire to my constituents. I find it beneficial to my constituents and to myself and hope that this year's questionnaire produces the same good response as the ones of the past.

This year's questionnaire contains six items—three on domestic affairs and three on foreign issues.

I hereby insert the text of the questionnaire:

QUESTIONNAIRE

Congressman Edward J. Patten would appreciate your views on:

1. Which domestic problems do you consider the most serious? (Please check only 3 of these 6)

Crime.
Inflation.
Unemployment.
Energy shortage.
Pollution.
Mass transportation.

2. Because of energy problems, which proposed solution would you prefer to reduce gasoline consumption? (Please select only one)

An increase in the U.S. tax on imported oil.
Higher gasoline taxes.
Gasoline rationing.

3. Which would you consider the best way of keeping the Social Security Trust Fund financially sound? (Please select only one)

Use general revenues to finance the program.
Increase the Social Security payroll tax.
Increase the amount of earnings taxed.

4. Should the U.S. restrict foreign investments in America? Yes; No; Undecided.

5. Do you believe that the U.S. should reduce the number of American troops it has in other countries? Yes; No; Undecided.

6. As part of a Middle East settlement, do you feel that the Ford Administration should give political support to the future security of Israel's borders? Yes; No; Undecided.

U.S. SUPPORT FOR THE PALESTINE LIBERATION ORGANIZATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. McDONALD of Georgia. Mr. Speaker, virtually without exception, the revolutionary groups in the United States wholeheartedly support the terrorist Palestine Liberation Organization—PLO—against the State of Israel. Three countries friendly to the United States—Israel, Iran and South Africa—have been singled out for attacks in the radical press as "agents of U.S. imperialism" and those governments have been singled out for an international slander campaign.

In the propaganda campaign, only repression, racism, and torture can be found in those countries, while "peace and progress" will reign when the various guerrilla "liberation forces" take over.

On Sunday, May 18, the Palestine Information Committee in New York City (212/850–5296) organized a "rally to support the demands of the Palestine people" in "solidarity with the Palestine Liberation Organization."

The Palestine Information Committee demonstration focused on three issues:

Express solidarity with the national rights of the Palestinian people;

Support the political prisoners in Israeli prisons; and

Support political prisoners in Jordan who wish to continue the struggle against Zionism.

The cosponsors and supporters of this rally and of a PLO Solidarity Night on May 15 at the Columbia School of International Affairs auditorium included a broad range of Maoist, Trotskyist and Communist Party, U.S.A. dominated organizations. They included.

Africa Information Service, a propaganda support group for African Marxist guerrilla groups.

Committee for a Progressive Movement.

Congress of Afrikan People, a Maoist group nationally active headed by LeRoi Jones who states that armed struggle must be developed in the United States.

Eritreans for Liberation, an organization which most often cooperates with Maoist U.S. groups.

Guardian, a Maoist weekly tabloid.

Liberation News Service, the New Left news service for the radical and "alternative culture" press.

Liberation Support Movement, headquartered in Canada with U.S. chapters in New York and Berkeley which have sent money, uniforms and medical supplies to Marxist guerrillas in Angola and other African countries.

Iranian Students Association, a violence-prone organization which works closely with the Maoist Revolutionary Union.

National Anti-Imperialist Movement in Solidarity with African Liberation, a CPUSA front to organize American Negro support for pro-Soviet guerrillas in South Africa.

October League, the leading Maoist Communist rival to the Revolutionary Union.

Prairie Fire Distribution Committee, the overt support group for the Weather Underground Organization.

Puerto Rican Socialist Party, a self-characterized Marxist-Leninist vanguard party, "essentially Maoist" according to the CPUSA but under the lose supervision of the Cuban Communist Party.

Revolutionary Student Brigade, the youth group of the Maoist Communist Revolutionary Union.

Socialist Workers Party, a Trotskyist Communist organization.

United Black Workers, a militant group from Newark, N.J. cooperating with the Congress of Afrikan People and the National Interim Committee for a Mass Party of the People.

Vietnam Veterans Against the War/Winter Soldier Organization, a group dominated by the Revolutionary Union.

War Tax Resistance, New York office, an organization developed from the militant pacifist War Resisters League.

West Side Marxist Center, operated by the CPUSA.

Young Socialist Alliance, the youth group of the Socialist Workers Party.

Youth Against War and Fascism, the violence-prone youth arm of the Trotskyist Communist Workers World Party.

Some 500 demonstrators marched to the Jordanian and Israeli consulates under banners which read, "Support the PLO," "Free the Political Prisoners in Israeli and Jordani Jails," and "United States Out of the Middle East."

Speakers at the rally included Jim Zeghbui, a professor at the University of Pennsylvania; Sokhom Hing, leader of the Khmer Residents in America; Ricardo Alarcon, Cuban ambassador to the United Nations; and Saadat Hassan, PLO permanent observer at the U.N. The PLO was recently granted permanent observer status by the U.N. and has offices in New York at 101 Park Avenue, room 311, New York, N.Y. 10010.

The Palestine Liberation Organization is headed by Yasir Arafat, leader of the Al Fatah guerrillas which is now the dominant force in the PLO. Since the 1973 Arab-Israeli conflict, the PLO has attempted to project the image of "moderate" terrorism by restricting the Al Fatah's Black September terrorist unit and by encouraging the other guerrilla groups in the PLO who would not accept its Moscow-derived discipline to withdraw from the organization.

However, Arafat and the other PLO leaders, while agreeing to limit, for the present time, the use of terrorism to Israeli territory, have never ceased their attacks on unarmed civilians there.

It is the "moderate" terrorists of the PLO who daily commit acts of sabotage and plant explosives in markets, restaurants and movie houses in Israel.

And yet there is a curious and disturbing phenomenon in the United States and in Israel, that of Jews who actively assist Arab terrorists. For example, in Israel, members of the Trotskyist Revolutionary Communist League served as operatives and couriers for Arab terrorists.

In this country, one group, the Committee to Support Middle East Liberation—CSMEL—a front of the Workers World Party, led by WWP functionary Rita Freed, has hailed the activities of Al Fatah's Black September terrorist unit. CSMEL hailed the slaughter of Israeli athletes at Munich during the 1972 Olympics as an attack on "U.S. imperialism," saying:

> It is the imperialists who are the real terrorists, the real menace to humanity, who terrorize workers and oppressed people daily. And until their terror is wiped out, the killing and human misery they cause will never cease.

In other words, the United States, by its very existence, makes the attacks by terrorists "necessary," according to these Trotskyist revolutionaries.

With the Communist victories in Vietnam and Cambodia, the U.S. "peace" movement is looking for new international issues. A certain segment of that movement is now concentrating on support for the Palestine Liberation Organization, devoting their efforts to "re-educating" Americans away from supporting the pro-Western government in Israel.

One such group is Breira—"alternative" in Hebrew—which operates from 299 Riverside Drive, suite 3-D, New York, N.Y. 10025 (212/662-4448), self-described as "a project of concern in Diaspora-Israel relations. Breira aims at encouraging Americans, particularly Jewish Americans, and Israelis to accommodate the demands of the Soviet-supported PLO.

Breira aims at politically "re-educating" the Americans who provide Israel with financial, moral and political support." Breira states it intends to "promote an understanding of long term positive efforts to build peace with the Arab States and the Palestinian people and to deal with the fundamental religious, social, economic and political problems within Israel on which the security and vitality of the state will ultimately rest."

The orientation of that "understanding" is indicated by Breira's reprinting and distributing literature praising the "restraining" influence of Russia on the PLO and the Soviet effort to counteract the "instability, the lack of unity and the radical (including Chinese) influences within the PLO."

The actuality of Breira's alinement with the PLO, the "restraining" policies of the Soviet Union, and individuals and groups within Israel who also support accommodation with the PLO, is partially camouflaged in the amorphous liberal wording of Breira's goals:

> To open the marketplace of public discussion to the full range of American Jewish opinion by legitimizing the possibility of dissent within the American Jewish community.
>
> To create within the American Jewish community an educational process that is based on a positive commitment to the future of Israel and not solely upon response to immediate crisis.
>
> To stimulate a commitment to diaspora Jewish life on the basis of a positive identification with the intrinsic needs and interests of the American Jewish community and the society of which it is a part and not solely in response to demands for financial, moral and political support for the state of Israel.

Breira publishes a bimonthly newsletter, circulates reprints, has held public discussions and forums in the New York City area, and occasionally has arranged national speaking tours.

Breira's working and advisory committees include many persons formerly active in the Jewish Peace Fellowship, Jews for Urban Justice, and in the Jewish Campaign for a People's Peace Treaty which attempted to obtain the signatures of individual American citizens in support of the Communist Vietcong.

The working committee includes Bob Loeb, Rose Brann, David DeNola, Peter Greffen, David Glanz, Lynn Gottlieb, Gershon Hundert, Lee Passkind, John Ruskay, Rabbi David Saperstein and Gerald Serotta.

Among the 150 members of the advisory committee are Rabbi Albert S. Axelrad, Rabbi Balfour Brickner, Rabbi A. Bruce Goldman, Rabbi Gerald Goldman, Marvin M. Karpatkin, William Novak, Rabbi Joachim Prinz, Henry Schwarzschild and, Arthur Waskow.

As many of my colleagues will recall, members of the Black September unit of the Palestine Liberation Organization placed three car bombs in New York City in 1973. The car bombs were discovered and disarmed by Federal agents before they detonated. Also there have been cases of shootings in the Washington, D.C. area in which Arab terrorist slogans were found at the scene.

The PLO maintains a permanent representation at the U.N. in New York, and its members have traveled throughout the United States to speak at radical conferences and rallies.

With this in mind, the activities of the PLO support groups hold the potential of a threat to the internal security of the United States.

WHY WE LOST THE WAR

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SYMMS. Mr. Speaker, I have always maintained that if we were going to fight in Vietnam in the first place we should have fought to win and thereby save lives on both sides. Mr. Kenneth Crawford, a former columnist for Newsweek, and generally a perceptive commentator on foreign affairs expresses this widely held view in very cogent language in the May 14 Washington Post. I would like to share his thoughts with our colleagues.

The article follows:

WHY WE LOST THE WAR

Could we have won the war in Vietnam? Of course we could. Sen. Barry Goldwater and a few others are saying so but nobody is paying much attention to them and there is no good reason why anybody should. We had the power, as Gen. LeMay told us, to bomb North Vietnam back into the stone age.

Why didn't we do it? The answer usually given is that by doing it we would have risked Chinese intervention of the kind that forced us to settle for a divided Korea in our previous Asian war. But it was at least questionable whether China, preoccupied with its own cultural revolution and mindful of its historic antipathy to the Vietnamese, would have gone to the rescue of its Southern neighbor. The risk was nevertheless there.

A more compelling reason for our failure to win the war in the only way it could have been won was our unwillingness to accept responsibility for the degree of devastation and bloodshed this would have inflicted. Some call this squeamishness. Others call it a decent respect for the opinion of mankind. Squeamishness or respect for civilized standards—it amounts to the same thing differently stated and differently weighted.

Defeat in Vietnam has hurt us, worse probably than we are disposed to acknowledge. It has raised questions around the world about our dependability as defenders of our allies and even more of weak nations not our allies. It has cost us something in self-confidence. It has cast doubt on our competence to hold our own in a contest for advantage, if not survival, with authoritarian systems.

Even the limited war we fought sandpapered the sensibilities of many, perhaps in the end a majority of Americans. Just recently a respected columnist has referred to the "carpet bombing" of Hanoi. Had that been a carpet bombing there would now be no Hanoi to celebrate victory in its well-ordered streets. It was selective bombing of military targets that wasn't quite accurate enough to avoid some civilian structures, including a hospital, which became exhibit-A in the tours conducted for visiting Americans determined to be appalled by their country's barbarism.

Hanoi could have been razed as Dresden was in World War II. The Red River dikes could have been cracked to release flood waters. At one point the rumor that they had been attacked set off an outraged cry of protest in this country. Unquestionably American power, had it been fully employed after the Tet offensive or at some other opportune juncture, could have won the war against North Vietnam and left its indigenous Vietcong cadres in the South unsupplied.

The question is whether we would have been better off winning that way than we are losing as we did. Probably not. Why, then, did our leaders take us into a war destined to harm us whether we won or lost? Because they thought we could win using only limited military means. Thus the Green Berets in Kennedy's scheme of things to beat the invaders at their own guerrilla game. And thus Johnson's determination to escalate enough to meet the challenge posed by the Russian and Chinese arming of North Vietnam. They both miscalculated. So hindsight makes wise men of their surviving critics.

American statesmen who warned this country over the years against enmeshment in land wars on this Asian continent doubtless recognized that a Western army fighting an Oriental army would be handicapped by Western conscience. Attitudes toward the value of life are too different. Even in the war against Hitler certain standards of military conduct were maintained. Prisoners of war, for example, were reasonably well treated over all.

In North Vietnam prisoners were sadistically abused. Civilian populations in the South were systematically terrorized, not by impersonal bombing and shelling, which were bad enough on both sides, but by night marauders on the ground kidnapping and murdering thousands whose only offense was that they sympathized with the Communists' enemies. The Phoenix operation, an attempt to fight fire with fire, never burned with enough conscienceless vigor to accomplish its purpose.

We cringed at pictures of Vietcong and North Vietnamese prisoners being kicked around by their South Vietnamese captors and at exposes of tiger cages for Saigon's political prisoners. If our people on the scene tried to moderate the conduct of our Asian allies the attempt was not well enough publicized and in any case seems to have been largely unsuccessful. Rough stuff on the battlefield occurs in every war. Continued abuse after the battle is over is unforgivable. At least, our side opened its prisoner-of-war camps to Red Cross inspection; the other side never did and we never learned until their release how savage its treatment of our men had been.

We keep hearing that the Paris accords, which were to end the war with honor on both sides, were violated by North and South alike. This is to equate cannon balls with bird shot. It became apparent that the North Vietnamese and the Vietcong never had the slightest intention of abiding by the treaty's terms. The South's violations were minor by comparison, maybe because the South lacked the resources to violate them as much as it would have liked. Whatever the reason, the equal division of blame is a distortion of the evidence.

How we Americans will weather the defeat in Vietnam is not yet clear. The immediate signs are depressing. Resistance to the succor of refugees is indecent in a nation of immigrants and refugees. The number is so small that assimilation should be fairly painless even in a time of economic recession. Perhaps it is only a first spiteful reaction of a people unaccustomed to defeat. Hopefully it will change as we get used to the loss.

More troublesome for this country's future is the burgeoning of extreme pacifism. A wave of antiwar sentiment follows every war but it seems more than usually virulent this time for understandable reasons. If there is a sure way for the United States to lose its influence in this world it is to convince friend and foe that American public opinion will never again stand for use of military force in any circumstance.

Another phenomenon of this immediate post-war period is complaisant acceptance of communism as an unobjectionable alternative to democracy. We are invited to be ashamed of our anti-communism during the cold war. It was, we are told, irrational demonology. Anyway Stalin is dead and detente is in force. What if all Asia follows the Vietnamese example? What if Western Europe is Finlandized? We will find out when and if these things happen that there was something not to regret in our cold-war attitude—and perhaps even something to regret in our failure to use our full power against North Vietnam.

PAROLE REORGANIZATION ACT OF 1975, H.R. 5727

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. RUSSO. Mr. Speaker, I would like to voice my disagreement with the action taken by the House on May 21, 1975 concerning the Parole Reorganization Act of 1975, H.R. 5727.

I feel certain provisions of the bill, those which guarantee the rights of the prisoners, are necessary to the efficient functioning of the criminal justice system. The old system deprived prospective parolees counselling which would have helped them prepare their cases for presentation. Affording convicts prompt notification of their parol is only fair. Unnecessary delays cause bitterness when an unfavorable decision finally arrives. But in giving criminals all the privileges which Congress has provided in this legislation, goes too far.

In spite of the favorable provisions of this legislation, I thoroughly disagree with the spirit of section 4204. My objections are twofold. First, the burden of proof shifts to the Parole Board to demonstrate why a prisoner should not be paroled. Second, any person serving a life sentence or a term of more than 30 years become eligible for parole after only serving 10 years.

Switching the burden of proof to the Parole Board places the moving force on the wrong party. The Government has already met its burden of proof at the trial. Now it should be encumbent upon the prisoner, not the Parole Board, to meet the burden of proof at this stage of the proceedings. The criminal should have to demonstrate to the Parole Board that he or she has been fully rehabilitated and is again ready to enter society. The inmate has his or her prison record, plus his/her appearance before the Parole Board as evidence of his/her effort at rehabilitation. If these factors are not sufficient to convince the Board, then he/she should not be released. In placing the presumption of parole in favor of all inmates, we will release people into society who should still be in prison. This represents a very dangerous course for Congress to follow.

When a man or woman has committed a felony so serious that it warrants a life sentence or one in excess of 30 years, he or she should serve longer than 10 years of that term. Amelioration of long jail sentences will encourage criminals to commit those offenses which place the general populace in the greatest danger. Knowledge that the jail term would be considerably modified, would become a significant factor in the equation of whether or not a criminal would commit a crime. What the Congress needs to do is deter criminals, not encourage and coddle them.

In an era of ever-increasing crime, those criminals who have been apprehended and convicted should serve their full jail sentences. Statistics show a high rate of recidivism by recently released convicts. Evidently these criminals were released too soon by a lenient Parole Board. The parolee should not be allowed to prey upon American Society when that society is underprotected by understaffed police forces.

THE LATE CHARLES STUART MOTT WAS BORN 100 YEARS AGO

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. RIEGLE. Mr. Speaker, the late Charles Stuart Mott was born 100 years ago, June 2. Before he passed away in February 1973, Mr. Mott made several outstanding contributions to the city of Flint, Mich., the State of Michigan, and the United States.

Serving on the board of directors for General Motors for 60 years, Mr. Mott was a main force in building the auto industry into the No. 1 industry in the world. But even greater than his work in private industry were his substantial accomplishments in improving the well-being of his fellow man.

He served two terms as the Mayor of Flint and was always concerned with the public policy decisions of the city, State, and Nation. In 1927 he established the Mott Foundation for philanthropic purposes—to serve public purposes with privately funded initiatives.

Over the years the foundation's activities have centered on the issue of education, especially the concept of community education. Community education was based on the principle of opening the doors of facilities after regular hours to the whole community. The program reaches out to include everyone from preschoolers to senior citizens, and results in continuing education for every person and a strong sense of involvement in, and respect for, the local educational system. Wherever community education has been given a chance, people have developed a strong sense of pride in themselves, each other, and their communities.

Since its beginning in 1935, the community education concept was spread throughout the county by the Mott Foundation and by the personal efforts of Mr. C. S. Mott. The most recent victory by the foundation was in 1974 when the Congress authorized legislation to insure the development of a nationwide community schools program—and it was signed into law.

Throughout his life Mr. Mott gave enormous personal leadership to the work of the foundation and his community. The spirit of his work lives on today—and we in Flint are grateful for a legacy we are privileged to continue.

RUTGERS ACCEPTS STATUE OF HIPPOCRATES: DONATED BY PETER T. SIDERIS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. PATTEN. Mr. Speaker, recently a ceremony was held at the College of Medicine and Dentistry of New Jersey, Rutgers Medical School, that was made possible by a truly distinguished man—one of my most respected constituents, Peter T. Sideris, of Colonia, N.J.

On May 14, 1975, a statue of the "Father of Medicine," Hippocrates, was unveiled at the Rutgers Medical School—a statue that now stands at the main entrance of the school, in the words of its donator, "an indication for students to learn by, something to uplift them when they come and go, when they pass by it every day." Mr. Sideris was the generous donator of that beautiful marble statue.

Mr. Speaker, as thousands of persons in Middlesex County, N.J., know, Peter Sideris is a very successful businessman. But he is also an active citizen and patriotic American who has achieved remarkable success because of the opportunities that exist in America—and because of his unique talents. "I wanted to donate something of value to the State of New Jersey," Mr. Sideris said when the ceremony was held. "Here I had found the opportunity."

The success story of Peter T. Sideris is inspirational—proof that if a man has ability, leadership, and faith, he can achieve great success in America. I am so proud of this devoted friend of freedom and his most recent donation—the statue of Hippocrates—that I hereby insert in the CONGRESSIONAL RECORD the News Tribune story that covered the ceremony at the Rutgers Medical School:

[From the Woodbridge (N.J.) Tribune, May 15, 1975]

DONATED BY COLONIA RESIDENT: RUTGERS ACCEPTS STATUE

A white marble statue of Hippocrates that was donated by Peter T. Sideris of Woodbridge was unveiled at ceremonies yesterday at the Piscataway Campus of the College of Medicine and Dentistry of New Jersey, Rutgers Medical School.

Sideris, of Colonia, is the proprietor of The Landmark Inn, formerly Howard Johnson's Restaurant, Route 1, Woodbridge.

Officiating at the ceremony was Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America.

Dr. Peter Charanis, professor of history at Rutgers University, presented a talk titled "Reflections of Hippocrates."

The statue of the "Father of Medicine" stands at the main entrance. It was carved from a solid piece of white marble taken from the mountain of Pendelli in Greece. The Parthenon and temples of the Acropolis are made from the same stone.

The statue took two years to complete. It was sculptured in Athens, Greece, by Kosta Yeorgakos who began work in 1972. It stands nine feet high and is mounted on a base of solid granite seven feet high.

Its base was designed by William Chirgotis, architect and supreme president of the Order of AHEPA. Sideris is a past Board of Trustee member of the order.

The statue weighs 5,500 pounds and its cost to Sideris for purchase, delivery and installation was an estimated $50,000.

"I wanted to donate something of value to the State of New Jersey," Sideris said. "Here I had found the opportunity."

He said he had visualized the statue as "an indication for students to learn by, something to uplift them when they come and go, when they pass by it every day."

At the base of the statue is a plaque with the Hipprocratic oath engraved in its entirety. The wording has variations as presently adopted by the American Medical Association.

The oath itself has been taken for more than 2,000 years by physicians entering the practice of medicince.

Sideris came to the U.S. at the age of 16. Leaving his village of Faraclo in Laconia, Greece he worked as a bus boy on the passenger ship King Alexander.

He assumed family responsibilities when his father died in action in World War I. He helped support his mother and seven brothers and sisters. His first job was at a 14th Street Horn and Hardart Automat in New York City where he earned 25 cents an hour and went home to a two-room apartment he shared with six other Greek youths.

Sideris worked his way up to the job of a waiter and at the age of 23 opened his own restaurant, The Blue Plate Coffee Shop, located on 14th Street and Avenue A.

He opened a second restaurant, Delightful Restraunt, located at 106th Street and 1st Avenue. And in 1933 he moved to Queens Plaza and opened another restaurant.

In 1937, Sideris left for Greece to visit his family. With a war seeming about to break out in Europe, he traveled to Canada on a temporary visa and came to New York by train.

During the train ride, he had a momentous meeting with a man who introduced himself as a representative of a new and as yet unknown company called Howard Johnson's. Sideris would open the first Howard Johnson's restaurant in this area, beginning it at the Routes 1 and 9 location in Woodbridge.

He opened the restaurant in 1939. His franchise investment had been $8,000. It was billed as "The first Howard Johnson's Restaurant in New Jersey."

Sideris recently participated in a "Mission of Mercy" to Cyprus as a member of the American Hellenic Educational Progressive Association (AHEPA) while the island was in open conflict.

He has received numerous awards including those presented by Queen Frederica, the Mayor of Athens and King Paul. The Ecumenical Patriarch in Constantinople bestowed the Title of Archon upon Sideris for "outstanding services to the church and the Greek community."

AMERICAN FOREIGN POLICY IN THE MIDDLE EAST

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. DOWNEY of New York. Mr. Speaker, we meet at what must certainly be the low ebb of American foreign policy. Never, in recent years, has this Nation's foreign policy been in such apparent disarray. Rarely have the American people been offered so little sound leadership and so few well-defined goals.

We have traditionally viewed ourselves as the ally of freedom-loving peoples all over the world. Yet we have continually supported repressive and corrupt regimes which refuse to honor those fundamental human rights which are the fabric of any free society. We have professed to be a friend of the poor, under-developed societies of the world. Yet, we have totally alienated the new emerging nations and lead them to look to our adversaries for support and guidance.

We have regarded the Mediterranean as an area crucial to our Nation's defense. Yet we have succeeded in putting the "hat trick" in that area by alienating Turkey, Greece, and Cyprus. We have no foreign policy in South America, unless we consider the reported involvement of our CIA in Chile to be some evidence of a "policy" there. We have no friends in Africa to speak of, barring an occasional kind word from South Africa or Rhodesia.

We have proposed to establish a framework of peace in the world, yet we have armed both sides of the India-Pakistan conflict, and in the final analysis gained the support and respect of neither.

And most importantly of all, we have completely mismanaged detente with the Soviet Union. We have given to the Russians American grain at bargain prices together with American technology that the Russians so desperately want without obtaining any substantial concessions from the Soviet Union in return.

And while I am on the subject, let me say that I will continue to oppose any effort to accord "most favored nation" status to the Soviet Union so long as its citizens are subject to constant and pernicious harassment, are not free to raise their children in the religion of their ancestors, and are not permitted to flee such oppression and return to the homeland of their forefathers.

However, the area of our foreign policy about which I am most concerned is our policy in the Middle East.

We are all familiar with Secretary of State Kissinger's ill-fated Middle East campaign to forge a new Israeli-Egyptian interim peace agreement. We are also familiar with his statements and with statements of President Ford to the effect that Israel should have been more flexible in recent negotiations with Egypt, and that Israel is to blame for the breakdown in those negotiations.

I do not know why Mr. Kissinger believed that the Israelis should have agreed to withdraw from positions of great military significance without obtaining reciprocal—if necessarily asymmetrical—political concessions from Egypt. I believe that the Secretary by his remarks did a disservice to the cause of peace and I deplore his attempt to blame the Israelis for his own failure to win minimal peace commitments from President Sadat.

Mr. Kissinger's error stems, in part, from his failure to demand that the parties in the Middle East comply with two key Security Council resolutions on the subject: Resolution 242 of November 27, 1967 and Resolution 338 of October 22, 1973.

Resolution 338 is one of the Security Council's rare "decisions" which is legally binding on the member-states of the United Nations. This resolution, which led to a ceasefire in the Yom Kippur war, commands the parties concerned to negotiate a just and durable peace in accordance with the principles and provisions of resolution 242, and further commands every other member of the United Nations to help the parties fulfill these difficult instructions.

The twin resolutions require the parties to negotiate peace agreements that prescribe security arrangements, provide guarantees for maritime rights, deal justly with refugees and establish secure and recognized boundaries between the parties.

Most importantly, under these two Security Council resolutions, Israel is not required to withdraw 1 inch from the territories which it occupies until its Arab neighbors have made peace. Unless and until the Arabs have committed themselves to peace in the Middle East, the Israelis have no obligation to withdraw from the occupied territories.

This is the famous "package deal" of Resolution 242. It should and must be the basis for any negotiations of an interim Middle East peace agreement. Mr. Kissinger of all people should realize this, since it was he who insisted upon such language during the crisis of October 1973.

Thus, I firmly believe that under the Security Council resolutions, the Ford administration had no basis whatsoever for criticizing Israel for being "intransigent" or "unimaginative" in the round of negotiations earlier this year. Dozens of offers have been made to Egypt, some based entirely on terms Egypt has professed to support, and all meet with the same fate: Egypt simply said "No."

Israel is under no obligation to withdraw except in the framework of a peace agreement which guarantees real peace and the administration has no right to ask her to do otherwise.

It is Mr. Kissinger's blatant disregard of a mandatory resolution of the United Nations Security Council that brought an end to shuttle diplomacy and not the bargaining posture of the Israelis.

Rather than attempt to find peace within the framework of these two resolutions, Mr. Kissinger has tried to do precisely what John Foster Dulles did in 1957: Mr. Kissinger has tried to push the Israelis out of the Sinai without peace. It is my firm belief that this policy was a complete disaster in 1957 and would be a catastrophe today.

Now, I would like to comment for a moment on some other remarks made by the Secretary of State about Israel with which I disagree.

First, it was obvious that Mr. Kissinger believed, at the end of March of this year, that shuttle diplomacy was dead. I believe, however, that the facts show otherwise.

This Sunday, President Ford will meet with President Anwar el-Sadat of Egypt in Salzburg, Austria. On June 11, Mr. Ford will meet with Premier Yitzhak Rabin of Israel in Washington. Last week Soviet Foreign Minister Gromyko met with Secretary of State Kissinger in Vienna and the two are scheduled to meet again in July.

And during the most recent Kissinger-Gromyko talks, the Soviet Foreign Minister, according to reports, agreed that direct contacts should be pursued and that a new Geneva meeting should not be hurried. A direct approach to peace is obviously still possible.

We must continue, undaunted by Mr. Kissinger's recent failures, to pursue peace in the Middle East through direct negotiations with the parties involved. It would be disastrous to do otherwise.

Second, Mr. Kissinger has made clear his belief that the Soviet Union would have much greater influence in the area in the wake of the breakdown of the talks. But this has not occurred. In fact, its relations with Egypt may have even worsened since March. Moscow has declined to send additional arms to Egypt or to reschedule Egypt's debts, and Mr. Sadat has been very critical of the Soviets as a result. This is clearly not a time to attempt to fix blame for the failure of negotiations but it is a time to pursue even more diligently our negotiating efforts.

Third, Mr. Kissinger concluded in March that Israel would soon become isolated internationally by its bargaining posture. Here again, he was wrong. A new trade agreement signed by the Israelis with the European Economic Community is an important example of Israel's ability to hold its own diplomatically. Apparently, the world does not view Israel's attempt to provide for her own security as harshly as does our frustrated Secretary of State.

And last, let me comment on Mr. Kissinger's prediction that, because of the failure of shuttle diplomacy, war in the Middle East was likely within a year. All the world must pray that Mr. Kissinger here, too, is wrong.

But, by any standards it is wrong for Secretary Kissinger to imply that Israel's bargaining posture has brought us closer to war in the Middle East. If anything, it is the administration's proposal to reevaluate our support of Israel that poses one of the great threats to peace in that area.

Peace in the Middle East will, in the final analysis, depend upon our continued and unwavering efforts to maintain a strong Israel while we negotiate a peace agreement.

Israel's ability to defend itself is our best insurance against war in the Middle East. Given the heavy flow of Soviet weaponry to the Arab States, it is absolutely imperative that we not permit the military balance to shift against Israel.

Last week, 76 Senators signed a letter, stating in part, as follows:

> We believe that preserving the peace requires that Israel obtain a level of military and economic support adequate to deter a renewal of war by Israel's neighbors. Withholding military equipment from Israel would be dangerous, discouraging accommodation by Israel's neighbors and encouraging a resort to force.

Let me tonight add my name to the purpose of this letter and pledge to do all I can to support the "spirit of these 76."

We must seek peace in the Middle East, but we must never waver in our support of the State of Israel. This is the central meaning of this crisis in the Middle East and must always be the foundation of this Nation's policy.

TO HONOR OUR NATION'S TEACHERS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. MINETA. Mr. Speaker, it is indeed an honor and privilege for me to today introduce for the consideration of my distinguished colleagues a measure which would authorize the President to proclaim the 28th day of September 1975 as "National Teacher's Day."

The 20th century has seen challenges of unprecedented magnitude borne by our schools—challenges of keeping pace with the so-called "future shock" which sees the institutions and mores of our society changing rapidly and educational demands outstripping the availability of fiscal resources. In these troubled times, the fact that those challenges are being met is due in large part to the effort put forth by our concerned teachers in public and private schools. Upon their shoulders rests the heavy burden of providing responsible guidance and quality education which enables the desires, ambitions, and goals of young minds to be met and our future to be realized.

Since 1970, Teacher's Day has been observed annually by the cities of Santa Clara County in conjunction with the San Jose Jaycees; and in 1972 and 1973, September 28 was marked by statewide observance of the contributions of that dedicated segment of our society charged with the awesome responsibility of educating the youth of our country. The aims and objectives of Santa Clara County's Teacher's Day, which lend themselves to replication at the national level, include: First, increasing public awareness of the important responsibility our teachers have in formulating the ideals and goals among our young; Second, understanding that many of the strengths and weaknesses of our country's future leaders are greatly dependent upon the mental, spiritual, and leadership qualities of our teachers; third, recognizing publicly our appreciation of the many fine educational achievements of our teachers and the many years of exacting training necessary for teachers to prepare for their profession; and fourth, encouraging a greater understanding between our young people and those responsible for helping to realize their ideals and goals, thus helping to bridge the generation gap.

In my view, it is both fitting and proper that we designate the 28th of September, the birthday of the great teacher Confucious, as "National Teacher's Day," thereby granting special recognition and appreciation to those men and women among us whose chosen work has had and continues to have such profound influence on our own lives and the lives of our children.

OLDER AMERICANS MONTH

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1975

Mr. GUDE. Mr. Speaker, progress in 20th century America has brought with it great medical advancements including substantial progress in increasing longevity. But, much of our technological progress is at the same time molding a society obsessed with youth and newness and tends to lower the status of older people. At the same time, family centrality is diminishing and its nuclear unit is no longer equipped to meet the needs of its elderly relatives. This places responsibility in the hands of public support programs most frequently via long term care facilities. As Byron Gold, special assistant to the U.S. Commissioner on Aging, states:

> Many older persons abhor the prospect of being ultimately institutionalized and resent the absence of alternative arrangements to that form of care. For those elderly who are finally placed in an institution for want of such alternatives, placement may result in damage to their sense of psychological well-being; for some it may threaten their very existence.

Hence, although the percentage of people living past the age of 65 has tripled since the turn of the century, the elderly today have fared poorly by our technological strides—still facing loss of health, income, spouse and friends.

Those of us who want to better the situation of the elderly, are battling the negative value placed on old age and the highly complex problems of income maintenance and health care. This underscores the need to establish rational planning imperatives for the elderly and to see to the coordination of Federal, State and local services. This is why the Congress in 1965 enacted into law the Older Americans Act which serves the elderly through three grant programs: First, grants for community planning and services; second, grants for research and demonstration programs; and third, grants for personnel training in the field of aging. Title III of the 1973 amendments to this act creates substate bodies—Area Agencies on Aging—to insure the coordination of such services. This title specifically calls upon these agencies to: First, "secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services;" and, second, "remove individual and social barriers to economic and personal independence for older persons."

Recently, the Congress passed 1975 amendments to this act which will extend the program of grants to States for community service for 4 additional years. In addition, these amendments will: First, extend the nutrition program for the elderly for 2 additional years; second, extend the Old American Community Service Employment Act for 4 additional years; third, extend employment programs, that is, RSVP, roster grandparent, the senior companion program, et cetera, for an additional 3 years; fourth, create a new and very important program to provide greater emphasis on homemaker and other home services—a vehicle to deemphasize the institution as the primary purveyor of long term care; and fifth, specifically prohibit discrimination in Federal programs or activities on the basis of age.

The creation of a House Select Committee on Aging of which I am a member recognizes the need to coordinate legislative efforts for services to the elderly and the division of subcommittee responsibility clearly defines a priority of needs:

First, retirement income and employment;

Second, health and long-term care;

Third, housing and consumer interests; and

Fourth, Federal, State, and community services.

As a member of the Subcommittee on Retirement Income and Employment which addresses the critical aspect of income maintenance, I hope to see a further extension of the subcommitee's review of the Social Security system as well as the initiation of similar hearings on private pension plans. Social security originally intended as a supplemental income for retired persons has since taken on the role of primary supporter—a role for which it is not prepared and for which it cannot adequately provide the income needs of older Americans. Most recently, the financial solvency of the system has become a grave matter of concern and both my subcommittee and the Subcommittee on Social Security of the Ways and Means Committee have initiated studies of the matter.

Last Congress, a pension bill was enacted into law. The purpose of this bill was to more adequately assure reliable income plans after retirement via addressing large loopholes in portability, minimum vesting standards, termination insurance, adequate funding of plans, payment of benefits, fiduciary standards, et cetera. There is still much work to be done before we can say that the majority of citizens relying on these plans are adequately protected after retirement.

Our "over 65" population is said to be increasing not only in number, but also in its educational and political prowess. Unfortunately, our institutions are not adapting quickly enough to meet the needs of this changing population. That is why the most important function of the select committee will be to give our elderly population a forum to express their wishes—something our society seems to have forgotten.

SALUTE TO THE ILGWU ON ITS 75TH ANNIVERSARY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SOLARZ. Mr. Speaker, today marks the 75th anniversary of the founding of the International Ladies Garment Workers Union. This is a memorable day, marking the triumph of the union movement in its fight for the rights of workers everywhere.

Since its inception in 1900, the ILGWU has become a symbol of the aspirations and compassion of the American people. The ILGWU has served as the port of entry for millions of immigrants as they entered the mainstream of American life. A succession of generations have learned democratic principles and participated in community and political activities in an effort to improve the socioeconomic structure of America.

The ILGWU was born in the brutal environment of slums and sweatshops, and raised human dignity in terms of wages, work hours, collective bargaining, pension plans, industrial responsibility, security in retirement, health benefits, clinics, and housing. All these arose from a union which has remembered its history and its responsibilities.

Today the ILGWU is the major stabilizing factor in an industry that was once brutally competitive. Through collective bargaining, reason has supplanted force in determining employee salaries and benefits. The modern factory has eliminated the sweatshop and arbitration has replaced strikes and lockouts.

Today, more than 400,000 strong, the ILGWU continues to widen its frontiers by organizing workers, upgrading standards, increasing productivity, and formalizing labor-management relations.

For 75 years, the ILGWU has represented the best of the American worker and the union movement. The scope of unionism has expanded to include not only the conditions facing the worker, but the well-being of our entire society. An industry that once shamed the principles of our Nation has been transformed into a symbol of what may be accomplished by the imagination of workers in a free society.

The good works and the inspiring history of the ILGWU testifies to the merits of unionism and I rise to salute men like Benjamin Schlesinger, David Dubinsky, Louis Stulberg, and Sol Chaikin, who have led this union for so many years and through whose efforts real gains were seen by the American worker and so much good accomplished for the society as a whole. They have well represented so many men and women in the ILGWU who represent the best of the American worker.

In my own district in Brooklyn, N.Y., the ILGWU is well-represented. One of the more active groups is the ILGWU retirees, located at the Wabasse Houses in Coney Island. This group of dedicated men and women find time to participate in civic activities and helping to find solutions to the critical problems facing the community. They are truly dedicated to the union ideal of community action to better the lives of their friends and neighbors through organization and hard work.

I have little doubt that with its noble purpose and its fine record of accomplishment, the ILGWU will continue to grow, prosper, and succeed in the years ahead.

LEE HAMILTON'S WASHINGTON REPORT OF MAY 28, 1975, ENTITLED "UNEMPLOYMENT COMPENSATION"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my Washington report entitled "Unemployment Compensation":

Unemployment Compensation

As the nation experiences the longest and deepest recession since the Great Depression, the system for aiding the unemployed worker is facing the stiffest challenge in its 40 year history, and it is clearly showing signs of strain.

The importance of the unemployment

compensation system lies not only in the help it provides for the jobless, but also because it acts as one of the automatic stabilizers in the economy. Soon after people lose their jobs, they begin to receive payments. When they go back to work the payments stop, and the unemployment taxes accumulate in reserve funds and exert stabilizing pressure against too much spending. When unemployment increases, these reserve funds are paid out to sustain consumption and moderate an economic downturn.

It is during times of economic stress that the strengths of the system are best appreciated and the strains most painful. The symptoms of the strain are the inadequacy of the deflated unemployment benefits, the financial drain on state unemployment funds, the duration of the benefits, and the administrative problems which have resulted in backlogs and delay in getting the benefits to the jobless. In March a record of 6 million workers were collecting unemployment benefits in the country, and over 170,000 persons were receiving unemployment benefits in Indiana. At some time during this year about 20 million people will receive unemployment benefits. Since unemployment looms as a serious long-term problem likely to trouble the nation deeply in the years ahead, now is an appropriate time to examine the problems of the system and to rethink the nation's approach to maintaining the income of unemployed workers.

The most urgent problem is what to do for those jobless workers who have exhausted their rights to benefits or are about to exhaust them. Insured workers are currently eligible for 65 weeks of unemployment benefits. An estimated 250,000 jobless are expected to exhaust their emergency benefits between April and June, and the Labor Department estimates that the number could go well over a million in the latter half of 1975. But as the benefits are extended, and it is necessary to use funds from the general federal treasury instead of trust funds paid by contributions, the whole compensation system changes to a welfare program and may operate as a disincentive to finding jobs.

Providing adequate benefits for the unemployed to keep benefits in line with inflation is another key concern. The average unemployment check of $65 a week is well below the poverty level for a non-farm family of four. Indiana's average weekly unemployment check is $63. The states have sole responsibility for setting unemployment benefits levels, and benefits vary greatly from from state to state. Although it was originally anticipated that benefit levels should provide about 80% of jobless workers with at least half their lost wages, fewer than half the states measure up to that standard. Resistance to tax rate and wage base increases has also served to keep benefits from rising to keep pace with cost-of-living increases and from extending coverage to excluded groups.

12 million workers, 15% of the labor force, are ineligible for unemployment compensation. Although Congress has extended coverage to various categories of workers simply by placing the federal tax on their employers, farm workers, domestics, employees of small firms and non-profit organizations, and most state and local government employees are still excluded from the system. New entrants and re-entrants to the labor market are also usually excluded. In addition, many qualified claimants are unaware of the benefits available to them.

Welfare is the only alternative for people out of work whose unemployment benefits are exhausted, or who are not covered by unemployment compensation, as well as for those workers discouraged by the tight job market who have dropped out of the labor force altogether.

While the unemployment compensation system will not go bankrupt during the current recession since it may borrow from the federal treasury, the number of claimants and the emergency benefit programs have placed the most serious burden on the financial structure of the system since its beginning. The unemployment compensation system is, in effect, an insurance system with premiums paid by employers and administered by the states. The states are required to place their unemployment tax revenues into separate accounts in a central trust fund managed by the U.S. Treasury. By the end of June as many as 30 states may have exhausted their unemployment reserves and may be forced to borrow from the federal fund. Indiana's trust fund, which is in better shape than the funds of many states, is down from $380 million in December, 1974 to $275 million in April, 1975, but claims are now decreasing, and the losses should be reccouped late this year in 1976.

Gives these urgent short-range and longer-term problems, the Congress needs to take a broad look at unemployment compensation. It has been ten years since the Congress has undertaken a thorough examination of the unemployment compensation system, and the basic structure of unemployment insurance is essentially unchanged since the program began forty years ago. There is a growing awareness as a result of the present of the present problems that the basic unemployment laws need to be strengthened and that this is a good time to make improvements for the future.

INDEPENDENT ORDER OF ODD FELLOWS ANNUAL MEMORIAL ADDRESS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. AuCOIN. Mr. Speaker, it is my privilege today to enter into the CONGRESSIONAL RECORD the text of the annual memorial address of the sovereign grand master of the Independent Order of Odd Fellows. Mr. Frank L. Shrives, of Portland, Oreg., addressed the order's delegates following a pilgrimage to the Tomb of the Unknown Soldier in Arlington National Cemetery on May 4.

I feel that Mr. Shrives' remarks are particularly meaningful given our country's recent extrication from the war in Southeast Asia. Whatever controversy still exists regarding our involvement in that war, we must not, for any reason, dishonor the causes of loyalty and patriotism for which our men and women gave their lives.

Again, I am pleased to bring this address to the attention of my colleagues.

The text is as follows:

Address of Frank L. Shrives

Brother Chairman, Members and Friends of The Independent Order of Odd Fellows: Today, as in days gone by and hopefully in all the days to come, we assemble here out of respect and gratitude to those who have answered the final roll call of service to our great nation and to all mankind. The history of our beloved country is steeped high in the valor of men who believed as Patrick Henry did when he spoke those unforgetable words, "Give Me Liberty or Give Me Death."

Today this nation stands on the threshold of starting its Bi-Centennial place in history: a history that has been made possible by the men who lie silent, here in this hallowed ground. This nation has *withstood* the conflicts of strife and discord, the untold hell of war and suffering to mankind, and the agony of having those who would tear this nation apart be the first to stand in line and demand that their needs and their wants be immediately satisfied. I wonder how these men that lie here today feel about having sacrificed their lives so that these individuals might live in this country, free from dictatorship and with their rights guaranteed by our Constitution. It is time for all Americans to stand up and be counted and to swear allegiance to freedom for all mankind. It is time that each of us remember the words of the American's Creed:

I believe in the United States of America as a government of the people, by the people, for the people;

Whose just powers are derived from the consent of the governed;

A democracy in a republic, a sovereign nation of many sovereign States;

A perfect union one and inseparable;

Established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes;

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

This nation has always met every challenge by forces of tyranny that would enslave mankind. It was George Bernard Shaw who said, "The worst sin against your fellow creature is not to hate them but to be indifferent to them. That is the essence of inhumanity."

We as members of this fraternity of Odd Fellowship can be proud of our part in helping this great nation take its rightful place in history. I would like to relate to you a story that has recently unfolded. Three men who believed in their duty to God, to their families, to their country, and to themselves entered the service of these United States of America to help assure freedom to all mankind. These three men enlisted in the United States Navy and served aboard the battleship U.S.S. Nevada during the time that this great ship was helping turn the tide of agony and destruction from this land of free men and women. This story would not be so unusual except that not one of these men knew each other until twenty five years after the end of World War II.

If it had not been for their association in Odd Fellowship they would have probably never met for these three men all became Grand Master of their respective States of Arizona, Nevada, and California. Today one of these men will be placing a wreath at the Tomb of the Unknown Soldier in honor of his comrades who made the supreme sacrifice. Yes, the Independent Order of Odd-Fellows can be proud of their heritage and service to this great nation.

MY COUNTRY

God grant that not only the love of liberty
But a thorough knowledge of the *rights of* man
May prevade all nations of the earth, so that
A philosopher may set his foot anywhere
On its surface, and say, "This is my country"

Yes, we assemble here today out of respect for those that lie silent and at peace. Each of us as individuals must dedicate our being to assure that they have not sacrificed their efforts in vain.

DEDICATION

I was born an American; I live an American; I shall die an American; and I intend to perform the duties incumbent upon me in that character to the end of my career. I mean to do this with absolute disregard of personal consequences. What are the personal consequences? What is the individual man, with all the good or evil that may be-tide him, in comparison with the good or evil which may befall a great country, and in the midst of great transactions which concern that country's fate? Let the consequence be what they will, I am careless. No man can suffer too much, and no man can fall too soon, if he suffer, or if he fall, in the defense of the liberties and constitution of his country.

NO JOB PREFERENCES FOR DESERTERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. YOUNG of Florida. Mr. Speaker, I have today introduced legislation to exclude from certain Federal job preference programs those veterans who deserted from the Armed Forces during the Vietnam era, and who are awarded other than dishonorable discharges under the Presidential clemency program. This bill is intended to close a loophole in existing Federal law which requires job preferences to be given to "veterans."

Public Law 93–203, the Comprehensive Employment and Training Act—CETA—of 1973 provides that special consideration shall be given to veterans in filling emergency public service jobs. Technically, as written in Public Law 93–203, this includes Vietnam-era deserters as well as those who fulfilled their obligations. Pursuant to this law, the Department of Labor sent out field memorandum 16–75 on January 22 of this year, instructing its assistant regional directors of manpower to encourage cooperation with the Selective Service System in arranging for alternate public service employment for Vietnam-era draft evaders and military deserters.

My specific concern relates to that portion of the memorandum which states that former AWOL military personnel who are given undesirable discharges under the clemency program "are considered for CETA purposes as veterans. If residency requirements are met, these veterans should be given consideration along with other veterans for public service employment. . . ."

Mr. Speaker, what this memorandum is saying is that so-called prime sponsors of public service jobs—our cities and counties—must give preference to military deserters over other unemployed Americans, and at the same level of consideration as those veterans who served honorably in Southeast Asia. This is a gross misconception of the intent of Congress, and one which my bill is intended to rectify. I do not believe that the American people wish to see deserters receiving job preferences at the same level as veterans who fulfilled their military obligations in wartime, or even to see these deserters receiving preference over needy Americans with families to support. Such deserters refused to obey the law of the land and carry out their obligation to this Nation, and the Nation therefore does not owe them anything in return, much less a special tax-supported job.

I urge my colleagues who share my concern over giving preference for federally funded jobs to deserters to support my bill to halt this practice; the text of the legislation follows:

A bill to exclude from certain job preference programs veterans who deserted from the armed forces during the Vietnam era and who are awarded other than dishonorable discharges under the Presidential clemency program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(c) (5) (A) of the Comprehensive Employment and Training Act of 1973 is amended by striking out "(and who have received other than dishonorable discharges)" and inserting in lieu thereof the following: "(and who have received other than dishonorable discharges, but excluding any person who received an other than dishonorable discharge pursuant to the operation of the clemency and reconciliation program implemented pursuant to Executive Order 11804, dated September 16, 1974)".

SEC. 2. Section 2011(2) of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "The term 'veteran of the Vietnam era' does not include any person who was discharged or released from active duty with an other than dishonorable discharge obtained pursuant to the operation of the clemency and reconciliation program implemented pursuant to Executive Order 11804, dated September 16, 1974."

FINANCIAL STATUS OF CONGRESSMAN ROBERT W. EDGAR

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. EDGAR. Mr. Speaker, as a firm believer in complete financial disclosure by public officials and candidates, I am submitting for the RECORD a listing of Mrs. Edgar's and my assets and liabilities, as well as our 1974 income and income taxes paid thereon:

FINANCIAL STATEMENT OF CONGRESSMAN AND MRS. ROBERT W. EDGAR

Assets—As of December 31, 1974

Savings account	$789.52
Cash on hand in checking account	697.41
1969 and 1971 Volkswagens	2,300.00
House in Broomall, Pa	37,000,00
Household goods and miscellaneous personal property	7,500.00
Total Assets	48,286.93

Liabilities—As of December 31, 1974

Mortgage on house in Bromall, Pa	19,727.19
Personal Loans	3,753.09
Total Liabilities	23,480.28
Net Worth	24,806.65

1974 Taxes

Federal	1,042.80
Pennsylvania (State)	249.54
Pennsylvania (Local)	601.51
Total Taxes	1,893.85

1974 Income

Drexel Protestant Advisory Board (Mr. Edgar)	7,290.00
United Methodist Church, Lansdowne, Pa. (Mr. Edgar)	4,268.00
Bryn Mawr Hospital (Mrs. Edgar)	1,555.53
Total Income (combined)	13,113.53

WEST GERMANY'S SECRET WEAPON

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD a most interesting article by C. L. Sulzberger in the New York Times of May 28, 1975 entitled, "West Germany's Secret Weapon."

Mr. Sulzberger describes the policies by which, under the leadership of Chancellor Helmut Schmidt, the Federal Republic of Germany has effectively fought unemployment and inflation.

I suggest that the present administration may take some lessons from the West German example.

WEST GERMANY'S SECRET WEAPON

BONN.—The first German "miracle" was the startling recovery from World War II, which left this country partitioned, ruined, helpless and filled with refugees. Armed with an excellent American-inspired Constitution, led by tough, wise, old Konrad Adenauer, its factories re-equipped with modern machinery, and helped by a daring currency reform, the hard-working German people, united in misery, began their race to prosperity.

The second West German "miracle" is on stage right now. This is the demonstration of how a still-divided land, lacking most raw materials, has managed to surmount the crises of inflation, recession and energy shortages better than any other industrialized country. Why, I asked Chancellor Helmut Schmidt? How was it managed?

Mr. Schmidt is a middle-sized, strong, well-made Hamburg Social Democrat who has been in office only a year. He speaks English well and has an excellent competence in government affairs, having served as minister both of defense and finance.

He acknowledges that the series of Governments here since the Federal Republic began in 1949 has been pretty effective. But for him there is a single basic key to the remarkable current success which is observed enviously by other lands.

"One thing stands out vis-à-vis the rest of Europe," he says. "That is the role of the German trade union movement. There is only one labor federation here as compared with two or three rival associations in some countries. And in this single federation there are only about sixteen large unions as compared with up to a hundred, often competing, elsewhere.

"And our unions have a much greater and more useful influence than in most nations. They have gained experience over the years and they have behaved well. Also, governments have been granting an ever greater role to the unions. This is beneficial to workers, to enterprises, and to the national economy as a whole."

At this point it is proper to interpolate that Mr. Schmidt makes no claim to exclusive wisdom for his Social Democrats in this respect. Until 1969 the Federal Republic was dominated by conservative and centralist

Catholics. Yet since then the improvement of labor's position has accelerated.

"In Italy, Belgium and Britain—to name but a few—the number of strike days lost to production is far higher than in Germany," the Chancellor adds. "Strikes are rare here. Our unions prefer to negotiate and compromise. And, as a consequence, they have gained higher real wages than in any other European country.

"Restrained functioning of our unions has paid off in wages for workers and in calm for our society. This is very different from the behavior of many unions in Europe or in the U.S.A. I consider this the most important factor in enabling us to surmount the crises you mention."

At the same time Mr. Schmidt stresses: German laborers and whitecollar workers have a feeling of being respected. They have gained legislative advantages on social security during the past 25 years—more than in other lands. They have also gained rights in the realm of social justice that don't exist elsewhere.

"In the coal, iron and steel industries, unions elect their workers councils by secret ballot. They occupy 50 per cent of the seats on boards of directors in an enterprise. And we are about to enlarge this system by spreading it to other major industries."

With these claims in mind—claims upheld by facts—I asked if the Chancellor had any suggestions on what other industrialized lands should do to curb inflation. He replied: "They should have acted earlier than 1975. The greatest evil is no longer inflation but unemployment. Imagine, in the United States you are approaching unemployment of 10 percent of your entire labor force. This would be considered unbearable in Germany.

"In the recession that accompanies inflation it is today most important to fight unemployment. Not that we are abandoning pressure against inflation (down to 5.9 per cent from 7.6 per cent early last year); we have simply shifted priorities. We would like to see many of our friends do this."

The trouble is that these commonsensical formulas require strong, intelligent government, wise labor-capital relations, awareness of a national community of interest, each of which the Federal Republic has.

Above everything, a sense of direction is needed, an idea of which fork in the road to take and where it leads. It is perplexing to recall that while all the above applies in partitioned Germany, which lost the war, none or little of it applies in Britain, which won it.

SUPPORT FOR H.R. 5247

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. FLORIO. Mr. Speaker, on May 20, 1975, the House of Representatives had the opportunity of expressing their support for H.R. 5247, the Local Public Works Capital Development and Investment Act of 1975. The House decisively passed this measure by a vote of 312 yeas to 86 nays.

Unfortunately, I was not able to be present to vote on this measure because I was representing the United States at the World Health Organization Conference in Geneva. However, I have steadfastly supported this legislation and have in fact testified before the House Public Works Committee urging swift and successful passage of this extremely important and much needed bill. As my colleague Mr. Roe stated:

> It is an investment in the future of the cities, towns, and rural areas of America.

I fully concur with his eloquent explanation and wish to assure all of my colleagues that my support for this measure will not wane and that had I been present to vote the final tally would have been 313 yeas and not 312.

EPA REGULATIONS ENDANGER GROWTH IN HOUSTON AREA

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. ARCHER. Mr. Speaker, the Environmental Protection Agency has proposed regulations for the Houston area which I believe are absolutely wrong. I recently testified at hearings concerning these proposals and would like to share them with my colleagues in the Congress:

Remarks of Bill Archer

My name is Bill Archer, and I represent the residents of the 7th Congressional District of Texas in the United States House of Representatives.

At the outset of my testimony, I would like to say emphatically that I fully support the broad purpose of the Clean Air Act of 1970 in its attempt to maintain a healthy living and working environment in this Nation. My objection to the proposed regulations before us today is based on two considerations—the need to maintain sufficient air quality and the need to avoid chaotic economic disruption in our community.

There has not been sufficient evidence presented that proves there will be a significant benefit to the public as a result of these controls, and yet there is a preponderance of evidence that the controls would have a disastrous effect on our economy.

Without adequate data supporting the proposals, what we are really talking about is a vast social and economic experiment—an experiment that uses the 3 million inhabitants of this 13 county area as human guinea pigs.

We are dealing with people and their daily lives—people, who must have access to transportation that will enable them to go to and from work and provide some reasonable level of social existence for themselves and their families.

During the oil embargo last year, the 5 to 10 percent reduction in the amount of gasoline available worked great hardships on many people in this country. Those hardships would be totally insignificant in comparison to what we are looking at here—a reduction of some 75 percent in the number of vehicle miles traveled in Harris County. That means that on the average, each and every driver in Harris County would be able to drive only one mile for every four miles that he or she used to drive.

This is a preposterous proposal. We simply do not have a viable mass transit system available that would serve as an alternative to automobile travel, at the present time . . . and the Environmental Protection Agency knows full well the amount of time and money it takes to develop effective mass transit. All E.P.A. officials have to do is look outside their own offices in Washington, D.C. at the construction now underway on the city's multi-billion dollar subway system . . . a subway system that is projected to handle only 6 percent of Washington's auto traffic once it is completed, if it is ever completed.

At the present time in Harris County, public transportation is capable of carrying less than 10 percent of the work force. Without the automobile where are the rest of the people supposed to turn in order to meet their transportation needs. Other major questions must be raised about the proposed regulations as they affect industrial development in this area.

The proposals to prohibit the construction or modification of industrial plants amounts to a "no-growth" approach to air pollution controls. It is not realistic to order a city to cease *all* growth. If such edicts are implemented and enforced we will be drawn into the greatest depression of all history.

The Congress of the United States never intended for the Clean Air Act to be used as a license to control the nation's economic and social life, and yet that is exactly what we see being proposed here. The economic impact of these controls seems to have been totally ignored. They call for costly vapor recovery systems to be installed where fuel is transferred from one container to another. With no concern over the cost involved or the effect on safety factors.

These and other considerations have not been taken into account as fully as they must be prior to the implementation of these or any other regulations. We cannot isolate our physical environment from our social and economic environments in any plan that is proposed. We are living in the real world, not some laboratory where everything can be controlled.

I fully endorse efforts to put air pollution control for Harris County and its neighboring counties on a sound basis, with the proper implementation by the state and local governments involved. The E.P.A. has overruled our local jurisdictions and the experience and knowledge they have in dealing with the total environment of this area. I strongly oppose these controls as being unjustified by the facts that have been presented.

PERSONAL STATEMENT

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. WIGGINS. Mr. Speaker, at the time these remarks are being prepared, the hour is 6 p.m. The House has been debating amendments to the Voting Rights Act for over 4 hours. It appears that the debate may continue well into the night.

Many months ago, I made a commitment which, if it is to be honored, will require that I depart the Chamber not later than 7 p.m. I am inclined to keep my commitment even at the expense of missing several votes.

My substitute, which was defeated, reflects my position on voting rights. The committee bill is not an appropriate means of achieving voting rights, under present circumstances, and should be defeated.

If the vote should occur on passage in my absence, I would, if present, have voted "No."

LAURENCE J. CURTIN CITIZEN OF THE YEAR AWARD

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues the honor bestowed upon Miss Dorothy Kelly of Quincy, Mass. Miss Kelly has been selected by the Quincy Citizen Association as the recipient of the "Laurence J. Curtin Citizen of the Year Award." This prestigious award is given annually to that resident of Quincy, Mass., who best demonstrates the virtues of good citizenship and dedication to his or her community.

Although she was born in Chicago, Dorothy Kelly is no advocate of big-city living and from the tender age of 12 years has been interested in preserving the environment and amenities of her adopted city of Quincy, Mass.

In appreciation of the beauties of Quincy's shoreline and the good life the city affords to the small homeowner and family, Miss Kelly's first effort was to circulate a petition for the acquisition by the city of Quincy of a piece of land on Quincy Shore Drive for tennis courts, on the site of a fire-ravaged roller skating rink. Although this attempt was not fruitful, in 1957 Miss Kelly joined her Wollaston Park neighbors in a strong fight to preserve Quincy Shore Drive from becoming a honky-tonk recreation area. The Quincy City Council agreed with the Wollaston Park Association, Inc., and instituted residential zoning along the boulevard. That was Dorothy's first skirmish as secretary of the Wollaston Park Association. She continued to be active as secretary in preserving the Black's Creek Marsh from filling and high-rise apartment construction, in preserving Merrymount Park for Quincy residents when it was almost given to a fraternal organization on a 100-year lease, and in the preservation of historical Moswetusset Hummock and the acquisition of Squaw Rock.

In 1967; when revaluation threatened the small homeowners of Quincy with a 100 percent real estate assessment that would have greatly increased real estate taxes, Miss Kelly led the fight to bring the plight of the small homeowners to the attention of city officials and prevent implementation of revaluation. This effort also led to the formation of the Quincy Citizen Association of which Dorothy has been secretary since it was chartered in the fall of that year.

Dorothy Kelly is a product of the Quincy schools. She also attended and graduated from Burdett College and supplemented her business education with several courses at Harvard and is a graduate of the Dale Carnegie course.

Miss Kelly was secretary to the vice president of Ross Engineering for several years and is presently in the Development Division of the Museum of Science, Boston.

An avid sailing buff, Dorothy and her sister Alice (Mrs. Leonard Delaney) are well known in sailboat racing circles as "the Kelly Sisters" for their racing in the Hustler-class at the Squantum Yacht Club, and now are continuing their boating in their "Light Easterly" Halcyon sloop.

Dorothy is the daughter of Catherine and the late James J. Kelly and resides at 108 Davis Street, Quincy, the home she moved to from the big city.

CONGRESSMAN ENGLISH INTRODUCES LEGISLATION TO RAISE SOCIAL SECURITY EARNINGS LIMITATION

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. ENGLISH. Mr. Speaker, all Americans today are suffering from the effects of continuing inflation combined with crippling recession. But for most Americans, some means do exist to counteract the effects of this economic pinch. But such remedies are not available to senior citizens.

Our elderly are, without a doubt, the group hardest hit by inflation. And those who live on the small fixed income provided by social security have the worst time of any Americans as they struggle to make ends meet.

I believe that we need to raise the ceiling on the outside earnings allowable to social security recipients. It is just not right to prohibit an older American from working to supplement his or her meager social security check during these days of spiraling inflation.

Mr. Speaker, I am introducing today legislation to raise the amount of outside earnings allowed to a person who receives social security. I include the text of this bill in the RECORD at the conclusion of my remarks:

H.R. 7554

A bill to amend title II of the Social Security Act to increase to $5,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted an individual each year without any deductions from benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (f)(3) of section 203 of the Social Security Act is amended by striking out "$200 or the exempt amount" and inserting in lieu thereof "$416.66⅔ or (if higher) the exempt amount".

(b) Subsections (f)(1), (f)(4)(B), and (h)(1)(A) of such section 203 are each amended by striking out "$200 or the exempt amount" and inserting in lieu thereof "$416.66⅔ or (if higher) the exempt amount".

SEC. 2. The amendments made by the first section of this Act shall be effective (notwithstanding any action taken prior to the date of the enactment of this Act under section 203(f)(8) of the Social Security Act, but subject to any action taken after such date under that section) with respect to taxable years ending after the date of the enactment of this Act.

MEMORIAL DAY SPEECH GIVEN BY DR. JAMES S. SPEESE

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. TAYLOR of Missouri. Mr. Speaker, there were undoubtedly thousands of speeches, editorials and commentaries disseminated this past Memorial Day, but there were surely none more timely and appropriate than one originated by Dr. James S. Speese, pastor of the Woodland Heights Presbyterian Church in Springfield, Mo.

Dr. Speese, a retired Air Force chaplain and formerly head of the department of history and political science at the College of Emporia, has received nine Freedoms Foundation Awards for his writings and sermons since 1970, including principal awards in 1973 and again in 1975.

I commend Dr. Speese for the unique, provocative way in which he calls our attention to the sacrifices made by all our war dead for the cause of "freedom." Dr. Speese adeptly pays special tribute to those who served their country in Southeast Asia, yet he also fully recognizes the sacrifices of other patriots during the past two centuries.

I would like to share the following comments of Dr. Speese with my colleagues:

IN MEMORIAM: HAS IT BEEN WORTH THE PRICE?

Peace has come to Southeast Asia! The names of the Mayaguez incident casualties have now been added to the long list of other Americans whose candle of life was snuffed out in what developed into America's most unpopular and controversial military involvement. We hold in reverent memory and honor those who responded with loyalty and courage to serve their nation in difficult times.

Their's was a task doubly difficult because there would be no victory jubilations as on the first Armistice Day, or on "V-E" Day and "V-J" Day. There would be no heroes' accolades as for the battle-martyrs of the Nation's earlier wars. They would hear only the echoing voices of disdain and reprobation, in the ignominy of failure and retreat.

But they served—and died—in the compassionate belief that they were serving the cause of "freedom." For this we honor their memory today. For their courage and their sacrifice they deserve a place with the others of the past two hundred years, who had helped establish and preserve a free democratic American nation.

Several summers ago, in the American Military Cemetery in Luxemburg, I gazed reflectively at the countless rows of prim white crosses, interspersed with an occasional Star of David, as they stretched silently over the rolling green hills. The marble slab towering over me, inscribed with the names of American servicemen, gave mute testimony to the fierceness of the Battle of the Bulge.

We remember these, today, and their untold comrades-in-arms—in North Africa, in Italy, throughout Europe, in the Pacific—whose eternal sacrifice helped purchase freedom for a world where the lights were fast going out from the conquests of the Axis Powers.

A few years earlier, at the Jefferson Barracks National Cemetery in St. Louis, a dozen flag-draped caskets before me spoke of a Bomber crew's final mission in Korea. As the volleys of the Honor Guard shattered the crisp Spring air, the smoke-wisps faded into the light of the morning sun. The melancholy notes of the bugle sang forth "taps." and—borne by a gentle breeze—the "echo" whispered back from a nearby hill. Men had served—and died—that "freedom" might live.

We honor these, and their contemporaries, whose life's blood blocked the engulfment of the free nation of Korea by the massive forces of Totalitarian terror.

At Valley Forge and at Gettysburg, at Mobile and at San Antonio, at Verdun and at Chateau Thierry, long rows of silent white marble markers remind us of other times and other conflicts, where earlier patriots had served with equal valor to gain our freedom, to preserve our unity, to repel the invader, to conquer the foe, to proclaim "freedom" as a way of life.

Has it been worth the price?

What do we have to show for two hundred years of martyrdom in the name of American "freedom?"

We have a Nation, which, in spite of the economic uncertainties of our times, is still great in industry, rich in commerce, and the most affluent of the great nations of the world.

We have a Nation, which, in spite of the increasing infiltration and spread of Communist doctrine and power throughout much of Europe, Asia, Africa and Latin America, still maintains the strength of its democratic heritage, and offers fullness of opportunity, equality and freedom to all the inhabitants of the land.

We have a Nation, which, in spite of worldwide disregard for treaties and national constitutions, finds its strength in an American Constitution and Bill of Rights which expresses itself in a triune government of executive, judicial and legislative,—of, by and for all the people within its bounds.

We have a Nation, which, in spite of being taunted and pilloried, of being vilified and slapped in the face, is still big enough in spirit to pour out its compassionate heart in aiding the homeless and hungry, the sick and wounded, of disaster areas throughout the world.

We have a Nation, which in spite of its vastness and size, is made up of individuals, with each one free to vote, to worship, to speak, to write, to work as he pleases, with no State-imposed censorship and control of mind and action.

We have ONE Nation, under God, indivisible, of "United" States, rather than a fragmentation into two or three, or even half a dozen separate nations within our present borders.

For these, and much more, we are grateful today. For only through the sacrifice of patriot lives in two centuries of evolving conflict, have these things become a part of our "American Heritage" today.

On Memorial Day, we give tribute to our valiant dead. For they have given us "America!"

(Biographical footnote: Dr. Speese is a Retired Air Force Chaplain, formerly Head of the Dept. of Hist. & Pol. Sc. at the College of Emporia, presently a Presbyterian Pastor. He has received nine Freedoms Foundation Awards for his writings and sermons since 1970, including Principal Awards in 1973 and again in 1975.)

MSGR. EUGENE J. CRAWFORD

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. LENT. Mr. Speaker, I want to take this opportunity to pay tribute to a valued church and community leader from my district, the Right Reverend Monsignor Eugene J. Crawford. On June 6, Monsignor Crawford will celebrate the golden anniversary of his ordination into the Roman Catholic priesthood. On May 31, I was privileged to attend a dinner in his honor, given by his parishioners of Our Holy Redeemer Roman Catholic Church in Freeport, and to read a message of congratulations from President Ford. A commemorative mass was celebrated on June 1.

Since his ordination in 1925, Monsignor Crawford has served as curate in St. Joseph's Parish in Long Island City, St. Raymond's in East Rockaway, and St. Edmund's in Brooklyn; for 28 years as director of the Order of Dominican Sister in Amityville; as visitor general for religious communities for the Long Island Diocese; and from 1959 until his retirement in March of this year, as Pastor of Our Holy Redeemer in Freeport. In addition, he has served as chaplain of the Freeport Police Benevolent Association.

I want to join with Monsignor Crawford's parishioners and the village of Freeport in congratulating him on this joyous occasion. His record of service to his fellow man has been matched by few and will always be appreciated.

THE FUTURE OF THE NATION—A DIALOG ON CHOICES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SIMON. Mr. Speaker, in a nation whose mood has aptly been described as "uncertain," three events may cause some reevaluation of where we are and where we must go: Watergate, Vietnam, and the Nation's 200th anniversary.

If such rethinking is to take place, how might Congress lead in this process?

Even to this new Member of Congress it is apparent that congressional leadership on a matter like this will not come easily for two reasons:

First, by its nature Congress deals with immediate problems and emergency situations. The opportunity for the long range, reflective perspective is one that the structure of Congress is not designed to encourage. Both our personal hectic schedules and the political facts of life too often force us to deal with problems which will emerge or disappear today, next week, or, at the most, prior to the next election. The long-range look is rare.

Second, in the House particularly, we specialize by committee assignment, and the opportunity to contribute significantly to meaningful dialog beyond that specific committee assignment is limited. I am concerned about the problem of arms proliferation and control. But how can I contribute anything more than a few words and one vote after committee decisions? Unless I am on either the Armed Services or Appropriations Committee, the opportunity to contribute anything of significance to the shaping of policy is extremely limited. I am concerned about the food and population problems, but, unless I am on the International Relations, Agriculture, or Appropriations Committee, my chance to influence the course of the Nation in these areas is restricted. I know that some of my colleagues share concern about these limitations.

Members of the Senate and the House somehow ought to be involved in a more complete audit of this Nation's goals. Such an audit should not be tied to an immediate series of bills, for the danger is that we shall continue to put pieces of the puzzle together, but the total picture will be badly distorted, though there is some logic to each piece.

Is there a possible answer? Is there a way we can seize this moment in history, recognizing it for the opportunity it is, and move into the third century of this Nation with greater purpose and sense of direction?

There will be no bolt of lightning which suddenly delivers the message, no hand of God which will write a message on the wall. But we can do what our forefathers did: Discuss the issues. The Federalist Papers were a timely, reflective discussion of where this Nation should go.

How can we develop some modest modification of The Federalist Papers? The tool is here: The Extensions of Remarks in the Congressional Record.

Here, the 435 Members of the House and 100 Members of the Senate may air their views, with no editor to censor, no publisher whose views must be kept in mind as they write. How might the Record be used?

I suggest the following:

On a schedule outline below, beginning Monday, June 9, I shall introduce one of seven areas in brief, giving views and asking some of the fundamental questions. The series will be titled, "The Future of the Nation—A Dialogue on Choices." About 10 days later I hope that some of the more reflective Members of both the Senate and House will give their views on the designated topic. A response might be only a paragraph or two. It could be appreciably longer. There may be members of the executive branch, journalists or other interested citizens who wish to add their observations. Within the practical limitations of space and cost which the Record faces, I will consider inserting them in the Record, in some cases perhaps performing an editorial function for brevity.

The result could be significant for the Nation. Even if only a few participate it will have been worthwhile, for it will cause those of us who do contribute to probe a little more deeply, to think ahead, we shall be better public servants for it.

The topics chosen are fundamental not only for this Nation, but for all civilization. Others could have been added. I hope those who contribute will not provide academic treatises which are profound only in their obscurity. Fundamental messages need frank language, plainly spoken.

The areas I have chosen and the tentative calendar: "Government Structure," introduction, June 9; contribution, June 18. Civil Liberties, July 14 and July 23. "Armament, Disarmament and World

Order," September 8, and September 17, "Economics," September 22 and October 1. "Urbanization and Movement," October 20 and October 29. "Food," November 3 and November 12. "Population," November 17 and December 3.

This can be the start of a significant Bicentennial discussion. The dialog of democracy must be more than the usual partisan oratory. We ought to produce some discussion which will help establish once again a sense of direction and momentum in this Nation.

Perhaps our product will be such that 10 or 50 years from now men and women can read our discussions and profit. We owe it to future generations—we owe it to ourselves—to try.

REPORT OF A STUDY ON LEGALIZED ABORTION AND THE PUBLIC HEALTH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. FRASER. Mr. Speaker, the Institute of Medicine was created in 1970 by the National Academy of Sciences to examine policy matters affecting the health of the general public. It provides a source of information and analysis, independent of government, on problems of medicine and health.

The abortion issue has been a center of controversy for a long time. In May 1975 the Institute published a report of a lengthy study on legalized abortion and the public health. I am inserting the summary and conclusions of this report into the RECORD in the belief that they will be useful to my colleagues:

INSTITUTE OF MEDICINE: LEGALIZED ABORTION AND THE PUBLIC HEALTH—SUMMARY AND CONCLUSIONS

(Report of a study by a committee of the Institute of Medicine, May 1975, National Academy of Sciences, Washington, D.C.)

The legal status of abortion in the United States became a heightened national issue with the January 1973 rulings by the Supreme Court that severely limited states' rights to control the procedure. The Court's decisions in the historic cases of Roe v. Wade and Doe v. Bolton precluded any state interference with the doctor-patient decision on abortion during the first trimester (three months) of pregnancy. During the second trimester, a state could intervene only to the extent of insisting on safe medical practices "reasonably related to maternal health." And for approximately the final trimester of a pregnancy—what the Court called "the state subsequent to viability" of a fetus—a state could forbid abortion unless medical judgment found it necessary "for the preservation of the life or health of the mother."

The rulings crystallized opposition to abortion, led to the introduction of national and state legislation to curtail or prohibit it, and generated political pressures for a national debate on the issue.

Against this background of concerns about abortion, the Institute of Medicine in 1974 called together a committee to review the existing evidence on the relationship between legalized abortion and the health of the public. The study group was asked to examine the medical risks to women who obtained legal abortions, and to document changes in the risks as legal abortion became more available. Although there have been other publications on particular relationships between abortion and health, the Institute's study is an attempt to enlist scholars, researchers, health practitioners, and concerned lay persons in a more comprehensive analysis of the available medical information on the subject.

Ethical issues of abortion are not discussed in this analysis, nor are questions concerning the fetus in abortion. The study group recognizes that this approach implies an ethical position with which some may disagree. The emphasis of the study is on the health effects of abortion, not on the alternatives to abortion.

Abortion legislation and practices are important factors in the relationship between abortion and health status. In order to examine legislation and court decisions that have affected the availability of legal abortion in the U.S., the study group classified the laws and practices into three categories: restrictive conditions, under which abortion is prohibited or permitted only to save the pregnant woman's life; moderately restrictive conditions, under which abortion is permitted with approval by several physicians, in a wider range of circumstances to preserve the woman's physical or mental health, prevent the birth of a child with severe genetic or congenital defects, or terminate a pregnancy caused by rape or incest; and nonrestrictive conditions, under which abortion essentially is available according to the terms of the Supreme Court ruling.

Before 1967, all abortion laws in the United States could be classified as restrictive. Easing of restrictions began in 1967 with Colorado, and soon thereafter 12 other states also adopted moderately restrictive legislation to expand the conditions under which therapeutic abortion could be obtained. In 1970, four states (Alaska, Hawaii, New York, and Washington) removed nearly all legal controls on abortion. Non-restrictive conditions have theoretically existed throughout all fifty states since January 22, 1973, the date of the Supreme Court decision.

There is evidence that substantial numbers of illegal abortions were obtained in the U.S. when restrictive laws were in force. Although some of the illegal abortions were performed covertly by physicians in medical settings, many were conducted in unsanitary surroundings by unskilled operators or were self-induced. In this report, "illegal abortion" generally refers to those performed by a non-physician or the woman herself. The medical risks associated with the last two types of illegal abortions are patently greater than with the first.

A recent analysis of data from the first year of New York's non-restrictive abortion legislation indicates that approximately 70 percent of the abortions obtained legally in New York City would otherwise have been obtained illegally. Replacement of legal for illegal abortions also is reflected in the substantial decline in the number of reported complications and deaths due to other-than-legal abortions since non-restrictive practices began to be implemented in the United States. The number of all known abortion-related deaths declined from 128 in 1970 to 47 in 1973; those deaths specifically attributed to other-than-legal abortions (i.e., both illegal and spontaneous) dropped from 111 to 25 during the same period, with much of that decline attributed to a reduced incidence of illegal abortions. Increased use of effective contraception may also have played a role in the decline of abortion-related deaths.

Methods most frequently used in the United States to induce abortion during the first trimester of pregnancy are suction (vacuum aspiration) or dilatation and curettage (D&C). Abortions in the second trimester are usually performed by replacing part of the amniotic fluid that surrounds the fetus with a concentrated salt solution (saline abortion), which usually induces labor 24 to 48 hours later. Other second trimester methods are hysterotomy, a surgical entry into the uterus; hysterectomy, which is the removal of the uterus; and, recently, the injection into the uterine cavity of a prostaglandin, a substance that causes muscular contractions that expel the fetus.

Statistics on legal abortion are collected for the U.S. government by the Center for Disease Control. CDC's most recent nationwide data are for 1973, the year of the Supreme Court decision. Some of those figures are:

The 615,800 legal abortions reported in 1973 were an increase of approximately 29,000 over the number reported in 1972. These probably are underestimates of the actual number of abortions performed because some states have not yet developed adequate abortion reporting systems.

The abortion ratio (number of abortions per 1,000 live births) increased from 180 in 1972 to 195 in 1973.

More than four out of five abortions were performed in the first trimester, most often by suction or D&C.

Approximately 25 percent of the reported 1973 abortions were obtained outside the woman's home state.

In 1972, before the Supreme Court decision, 44 percent of the reported abortions had been obtained outside the home state of the patient, primarily in New York and the District of Columbia.

Approximately one-third of the women obtaining abortions were less than 20 years old, another third were between 20 and 25, and the remaining third over 25 years of age.

In all states where data were available, about 25 percent of the women obtaining abortions were married.

White women obtained 68 percent of all reported abortions, but non-white women had abortion ratios about one-third greater than white women. In 1972, non-white women had abortion rates (abortions per 1,000 women of reproductive age) about twice those of whites in three states from which data were available to analyze.

A national survey of hospitals, clinics, and physicians conducted in 1974 by The Alan Guttmacher Institute furnished data on the number of abortions performed in the U.S. during 1973, itemized by state and type of provider. A total of 745,400 abortions were reported in the survey, a figure higher than the 615,800 abortions reported in 1973 to CDC. Guttmacher Institute obtains its data from providers of health services, while CDC gets most of its data from state health departments.

Risks of medical complications associated with legal abortions are difficult to evaluate because of problems of definition and subjective physician judgment. Available information from 66 centers is provided by the Joint Program for the Study of Abortion, undertaken by The Population Council in 1970–71.

The JPSA study surveyed almost 73,000 legal abortions. It used a restricted definition of major complications, which included unintended major surgery, one or more blood transfusions, three or more days of fever, and several other categories involving prolonged illness or permanent impairment. Although this study also collected data on minor complications, such as one day of fever post-operatively, the data on major complications are probably more significant. The major complication rates published by the JPSA study and summarized below relate to women who had abortions in local facilities and from whom follow-up information was obtained.

Complications in women not obtaining

concurrent sterilization and with no pre-existing medical problems (e.g., diabetes, heart disease, or gynecological problems) occurred 0.6 times per 100 abortions in the first trimester and 2.1 per 100 in the second trimester.

Complications in women not obtaining concurrent sterilization, but having pre-existing problems, occurred 2.0 times per 100 in the first trimester and 6.7 in the second.

Complications in women obtaining concurrent sterilization and not having pre-existing problems occurred 7.2 times per 100 in the first trimester and 8.0 in the second.

Women with both concurrent sterilization and pre-existing problems experienced complications approximately 17 times per 100 abortions regardless of trimester.

The relatively high complication rates associated with sterilization in the JPSA study would probably be lower today because new sterilization techniques require minimal surgery and carry lower rates of complications.

The frequency of medical complications due to illegal abortions cannot be calculated precisely, but the trend in these complications can be estimated from the number of hospital admissions due to septic and incomplete abortion—two adverse consequences of the illegal procedure. The number of such admissions in New York City's municipal hospitals declined from 6,524 in 1969 to 3,253 in 1973; most restrictions on legal abortion in New York City were lifted in July of 1970. In Los Angeles, the number of reported hospital admissions for septic abortions declined from 559 in 1969 to 119 in 1971. Other factors, such as an increased use of effective contraception and a decreasing rate of unwanted pregnancies may have contributed to these declines, but it is probable that the introduction of less restrictive abortion legislation was a major factor.

There has not been enough experience with legal abortion in the U.S. for conclusions to be drawn about longterm complications, particularly for women obtaining repeated legal abortions. Some studies from abroad suggest that long-term complications may include prematurity, miscarriage, or ectopic pregnancies in future pregnancies, or infertility. But research findings from countries having long experience with legal abortion are inconsistent among studies and the relevance of these data to the U.S. is not known; methods of abortion, medical services, and socioeconomic characteristics vary from one country to another.

Risks of maternal death associated with legal abortion are low—1.7 deaths per 100,000 first trimester procedures in 1972 and 1973—and less than the risks associated with illegal abortion, full-term pregnancy, and most surgical procedures. The 1973 mortality rate for a full-term pregnancy was 14 deaths per 100,000 live vaginal deliveries; the 1969 rate for cesarean section was 111 deaths per 100,000 deliveries. For second trimester abortions, the combined 1972–73 mortality ratio was 12.2 deaths per 100,000 abortions. (For comparison, the surgical removal of the tonsils and adenoids had a mortality risk of five deaths per 100,000 operations in 1969.)

When the mortality risk of legal abortion is examined by length of gestation it becomes apparent that the mortality risks increase not only from the first to the second trimester, but also by each week of gestation. For example, during 1972–73, the mortality ratio for legal abortions performed at eight weeks or less was 0.5, and for those performed between nine and 10 weeks was 1.7 deaths per 100,000 legal abortions. At 11 to 12 weeks the mortality ratio increased to 4.2 deaths, and by 16 to 20 weeks, the ratio was more than 17 deaths per 100,000 abortions. Hysterotomy and hysterectomy, methods performed infrequently in both trimesters, had a combined mortality ratio of 61.3 deaths per 100,000 procedures.

Some data on the mortality associated with illegal abortions are available from the National Center for Health Statistics (NCHS) and from CDC. In 1961, there was 320 abortion-related deaths reported in the U.S., most of them presumed by the medical profession to be from illegal abortion. By 1973, total reported deaths had declined to 47, of which 16 were specifically attributed to illegal abortions. There has been a steady decline in the mortality rates (number of deaths per 100,000 women aged 15–44) associated with other-than-legal abortion for both white and non-white women, but in 1973 the mortality rate for non-white women (0.29) was almost ten times greater than that reported for white women (0.03).

Psychological effects of legal abortion are difficult to evaluate for reasons that include lack of information on pre-abortion psychological status, ambiguous terminology, and the absence of standardized measurements. The cumulative evidence in recent years indicates that although it may be a stressful experience, abortion is not associated with any detectable increase in the incidence of mental illness. The depression or guilt feelings reported by some women following abortion are generally described as mild and temporary. This experience, however, does not necessarily apply to women with a previous history of psychiatric illness; for them, abortion may be followed by continued or aggravated mental illness. The JPSA survey led to an estimate of the incidence of post-abortion psychosis ranging from 0.2 to 0.4 per 1,000 legal abortions. This is lower than the post-partum psychosis rate of 1 to 2 per 1,000 deliveries in the United States.

Psychological effects are related to whether a woman obtains a first or second-trimester abortion. Two studies in particular suggest that women who delay abortion into the later period may have more feelings of ambivalence, denial of the pregnancy, or objection on religious grounds than those obtaining abortions in the first trimester. It is also apparent, however, that some second-trimester abortions result from procedural delays, difficulties in obtaining a pregnancy test, locating appropriate counseling, or arranging and financing the procedure.

Diagnosis of severe defects of a fetus well before birth has greatly advanced in the past decade. Developments in the techniques of amniocentesis and cell culture have enabled a number of genetic defects and other congenital disorders to be detected in the second trimester of pregnancy. Prenatal diagnosis and the opportunity to terminate an affected pregnancy by a legal abortion may help many women who would have refrained from becoming pregnant or might have given birth to an abnormal child, to bear children unaffected by the disease they fear. Abortion, with or without prenatal diagnosis, also can be used in instances where there is reasonable risk that the fetus may be affected by birth defects from nongenetic causes, such as those caused by exposure of the woman to rubella virus infection or x-rays, or by her ingestion of drugs known to damage the fetus.

Almost 60 inherited metabolic disorders such as Tay-Sachs disease, potentially can be diagnosed before birth. More than 20 of these diseases already have been diagnosed with reasonable accuracy by means of amniocentesis and other procedures. The techniques also can be used to identify a fetus with abnormal chromosomes, as in Down's syndrome (mongolism), and to discriminate between male and female fetuses, which in such diseases as hemophilia would allow determination of whether the fetus is at risk of being affected or simply at risk of being a hereditary carrier of the disorder.

In North America, amniocentesis was performed in more than 6,000 second-trimester pregnancies between 1967 and 1974. The diagnostic accuracy was close to 100 percent and complication rates were about two percent. Less than 10 percent of the diagnoses disclosed an affected fetus, meaning that the great majority of parents at risk averted an unnecessary abortion and were able to carry an unaffected child to term.

There are many limitations to the use of prenatal diagnosis, especially for mass screening purposes. Amniocentesis is a fairly expensive procedure, and relatively few medical personnel are qualified to administer it and carry out the necessary diagnostic tests. Only a small number of genetic disorders can now be identified by means of amniocentesis and many couples still have no way to determine whether or not they are to be the parents of a child with severe defects. Nevertheless, the availability of a legal abortion expands the options available to a woman who faces a known risk of having an affected child.

Abortion as a substitute for contraception is one possibility raised by the adoption of nonrestrictive abortion laws. Limited data do not allow definitive conclusions, but they suggest that the introduction of nonrestrictive abortion laws in the U.S. has not led to any documented decline in demand for contraceptive services. Among women who sought abortion and who had previously not used contraception or had used it poorly, there is some evidence that they may have begun to practice contraception because contraceptives were made available to them at the time of their abortion.

The health aspects of this issue bear on the higher mortality and morbidity associated with abortion as compared with contraceptive use, and on the possibility that if women rely on abortion rather than contraception they may have repeated abortions, for which the risk of long-term complications is not known.

The incidence of repeated legal abortions is little known because legal abortion has only been widely available in the U.S. for a few years. Data from New York City indicate that during the first two years of nonrestrictive laws, 2.45 percent of the abortions obtained by residents were repeat procedures. If those two years are divided into six-month periods, repeat legal abortions as a percent of the total rose from 0.01 percent in the first period to 6.02 percent in the last. Part of this increase is attributable to a statistical fact: the longer non-restrictive laws are in effect, the greater the number of women eligible to have repeat legal abortions. Perhaps, too, the reporting system has improved. In any case, some low incidence of repeated abortions is to be expected because none of the current contraceptive methods is completely failure-proof, nor are they likely to be used with maximum care on all occasions.

A recent study has suggested that one additional factor contributing to the incidence of repeated abortions is that abortion facilities may not routinely provide contraceptive services at the time of the procedure. This is of concern because of recent evidence that ovulation usually occurs within five weeks and perhaps as early as 10 days after an abortion.

The conclusions of the study group:

Many women will seek to terminate an unwanted pregnancy by abortion whether it is legal or not. Although the mortality and morbidity associated with illegal abortion cannot be fully measured, they are clearly greater than the risks associated with legal abortion. Evidence suggests that legislation and practices that permit women to obtain abortions in proper medical surroundings will lead to fewer deaths and a lower rate of medical complications than restrictive legislation and practices.

The substantial differences between the mortality and morbidity associated with legal abortion in the first and second trimesters suggest that laws, medical practices, and educational programs should enable and encourage women who have chosen abortion to obtain it in the first three months of pregnancy.

More research is needed on the consequences of abortion on health status. Of highest priority are investigations of long-term medical complications, particularly after multiple abortions; the effects of abortion and denied abortion on the mental health and social welfare of individuals and families; the factors of motivation, behavior, and access associated with contraceptive use and the choice of abortion.

COLD WAR UNDER THE OCEANS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. CRANE. Mr. Speaker, one of the dangers of the détente policy upon which we have embarked is that it has led the American people to believe that the cold war is over and that the Soviet Union has ceased to be an enemy and has altered its own aggressive designs in the world.

Such a détente policy has led to a lowering of our guard, for Americans see little reason to be strong if our former adversaries have now become our friends.

Discussing this situation, George Meany, the leader of the AFL–CIO, and one of our more astute observers of international affairs, noted that—

> America will be strong only if its people believe there is a need to be strong. We will defend ourselves and our allies only so long as we believe we have something worth defending—and only so long as we believe that there are real threats, real enemies of what is worth defending. The President cannot—any more than his predecessor—resolve the contradiction of proclaiming détente on the one hand and of demanding of the American people a continuing level of vigilance and sacrifice for the cause of freedom.

Unfortunately, as Mr. Meany has said:

> Every basic communist tactic of seizing power is now on display throughout the world—naked aggression in Indochina; political blackmail in the Middle East—combined with threats of force; an outrageous putsch in Portugal; a heating up of the cold war in Korea and a diplomatic propaganda war in international institutions.

If Americans believe that the cold war is over it is either because they are unaware of the reality of what is happening in the world or because they have decided to surrender. It is not my belief that Americans would ever surrender to a totalitarian and aggressive force. It does seem, however, that they are misinformed about what the Soviet Union is really doing.

Consider the role of the Soviet Union in the North Atlantic. Recently, four cannisters, each 11 feet long and weighing over a ton, have been washed up on the coasts of Iceland during the past 2 months. They are, as the London Telegraph points out:

> Russian, part of the cold war which, despite détente, is being fought for control of the oceans. . . . Each one of them carriers 32 hydrophones—underwater microphones—whose function is to pick up and record the noise of passing submarines.

The Soviet fleet is growing. The Telegraph points out that—

> The Russian fleet of over 400 submarines, the largest class of which could destroy London with a missile from beneath the Indian Ocean. Every other city in the world faces the same danger . . .

I wish to share with my colleagues the important discussion of "Cold War Under the Oceans" which appeared in the London Telegraph of April 28, 1975, and insert it into the Record at this time:

Cold War Under the Oceans

Looking like something out of "Doctor Who," four canisters, each eleven feet long and weighing over a ton, has been washed up on the coasts of Iceland during the last two months.

But these scientific devices are not from space. They are Russian, part of the cold war which despite detente is being fought for control of the oceans.

Britain, with the experience of almost being starved to death by U-boats in two World Wars, has always been conscious of the dangers posed by submarines. But now, it is not merely a question of getting food and supplies through to a beleaguered nation, it is about the dangers of annihilation posed by the Russian Fleet of oven 400 submarines, the largest class of which could destroy London with a missile from beneath the Indian Ocean.

IMPORTANT LINK

Every other city in the world faces the same danger—and Moscow is included. So as the submarines of the West and the Communist states get larger, faster and carry even more devastating nuclear weapons, so the scientific struggle is carried on by both sides to negate the enemy's capabilities while ensuring their own.

The canisters washed up on Iceland are an important link in this struggle. Each one of them carries 32 hydrophones—underwater microphones—whose function is to pick up and record the noise of passing submarines.

Each submarine has a personal noise as distinctive as a fingerprint which can be recorded, linked to that submarine, then filed in a library of "noise signatures" so that when it is heard again, possibly thousands of miles away, it can be looked up and identified just as aircraft and ships can be identified by consutling recognition books. In this way both sides can keep track of the disposition of the other sides' vessels.

Sound is still, despite all the advances in radar, the most effective way of finding a submarine under the water: it carries astonishing distances and a trained operator can identify its origin with great accuracy.

The problem is that there is so much noise going on beneath the surface of the ocean it needs a high skilled sonar operator to sort them out and such men are the stars of Anti-Submarine Warfare. They can tell the difference between a whale and a mass or floating plankton, a shoal of herring—or a nuclear submarine. With modern equipment these sounds can be linked to a television screen and shown as an identifiable pattern but the skilled sonar operator can name them merely by listening to the pinging of his machine.

Of course, as in all branches of warfare, there are countermeasures. A submarine's noise pattern can be changed by inducting a change in the flow of water over its propellor blades.

This game of hide and seek goes on all over the world. Russian submarines lie off Holy Point in Scotland, Rota in Spain and the various North American bases, while Western submarines lurk off the Kola Inlet in Northern Russia and Vladivostok in the Far East. Everything is done to make the game as difficult as possible.

In the Mediterranean where the Russians keep a fleet of some six submarines of the "Foxtrot" class, the West always keeps watch when the fleet is replaced by a fresh flotilla which has sailed down from North Russia through the Straits of Gibraltar. The changeover nicknamed "the Foxtrot shuffle" is normally carried out on the surface in a safe anchorage.

But last year the Western watchers were surprised to see the relieving flotilla submerge after passing through the Straits then apparently come to the surface, turn round and go home. It was not until aerial photographs were studied that it was realised that the Russians had pulled a fast one by carrying out a submerged shuffle.

TRICK WITH GARBAGE

There are many tricks in the search war. It was possible, for example, for a submarine to be found by the garbage it ejected to float in a tell-tale slick on the surface. Now all garbage is compressed into a heavy block in a special machine and then shot out of a torpedo tube to sink to the sea bed.

But what happens when the game gets serious? Weapons of great ferocity are being developed. The United States Navy is pinning its hopes and millions of its dollars on the Harpoon which it is claimed gives even the smallest ship "the firepower of a World War II battleship." It is a missile which can be fired from a submerged submarine and guided to hit a target 25 miles away.

The United States is also developing an anti-submarine weapon called the Captor which is moored to the seabed and is only activated when it is "interrogated" by an enemy submarine's sonar. When that happens a torpedo is fired which homes on the enemy's sonar, follows it to its source and destroys the submarine.

One of the most extraordinary weapons in the submarine cold war is being built a thousand miles inland in the arid land of the south west United States. Called Sanguine, it emits extremely low-frequency signals which are the only way in which radio signals can be transmitted to submarines running at depths of two to three hundred feet.

But this is no ordinary radio set. It requires an underground antenna network in the form of a grid with sides between 35 and 50 miles long. The cables will be buried six feet underground and will cross each other at three-mile intervals.

And in order to work it must be set on an underlying stratum of deep rock such as granite. Its function: for the President of the United States to give the doomsday order for the nuclear missiles to be fired.

The trouble with Sanguine is that when a pilot test was carried out in North Carolina it was found that it caused farmer's telephones to ring with nobody on the other end, it electrified barbed wire fences, and it changed railway signals from Stop to Go. There was such an outcry from the environmentalists, who argued among other things that it would cause sterility, that the Navy was forced to change its site to government-owned land in the south-west.

Espionage is another aspect of the Anti-Submarine Warfare game. It is to test the West's defences that the Russians send out fleets of so-called trawlers and oceanographic research vessels equipped with arrays of electronic devices.

It is to probe into Russian underwater secrets that the C.I.A. is spending millions of dollars to raise a sunken Russian submarine in the Pacific. And it is because the Russians think we are using the North Sea oil rigs as listening posts that they are taking such a great interest in them.

All this activity can only be properly appreciated when it is realised that America's latest class of nuclear missile submarine, the Trident, will carry 24 ballistic missiles, each with a range of 4,200 nautical miles and that each missile will contain 14 nuclear warheads each capable of being independently aimed.

CAPTAIN INGERSOLL IS "MR. MARINE CORPS" TO COMMUNITY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. GOLDWATER. Mr. Speaker, I was aware of many of the ways Capt. A. E. Ingersoll, Jr. had involved himself and his command in community activities in Ventura County, Calif. An officer in the Marine Corps, Captain Ingersoll is the inspector-instructor of H Company, 2d Battalion, 23d Marines, 4th Division at the Marine Corps Reserve Training Center, Naval Construction Battalion Center at Port Hueneme, Calif.

However, the depth and commitment of his involvement was brought to the fore by Ray D. Prueter, secretary of the Ventura County Council Navy League. Mr. Prueter's outline of the activities of Captain Ingersoll represents the amazing blend of military/community involvement that many people in similar situations aspire to achieve, but do not.

Captain Ingersoll accepted command of the unit at CBC on August 23 of last year, and immediately provided support for Navy Relief and the Space Fair at Point Mugu, Calif. He assisted local PTA's in the elementary schools in the Port Hueneme-Oxnard area; he provided a color guard for the Veterans Day football games, for Navy Day, for local parades in Ventura, Oxnard, Camarillo, and Port Hueneme. He has given generously of his time by speaking at many local clubs and organizations on the history, customs, and proper display of our flag. He is a member of the Port Hueneme Bicentennial Committee, and he assisted in arranging the Bicentennial flag raising ceremony. He has also coordinated the Port Hueneme Bicentennial Youth Parade.

His unit is the host field for local schools, and provides instruction on the flag and shows films. He has conducted "Toys for Tots" drives, and collected in excess of 75,000 toys for needy area families.

He conducts youth physical fitness meets for local high schools, and he has spent many hours training and working with the officers of the sea cadet and sea cadettes of the Ventura County Council of the Navy League. These 104 young people are known as one of the most active cadet and cadette groups in the United States, and Captain Ingersoll is responsible for its growth.

It is no wonder to me that Captain Ingersoll is known to the community as "Mr. Marine Corps" and I join with the community in appreciating and recognizing all he has done in so short a time, and look forward to having him with us for a long time to come.

VETERAN NEWSMAN FERNSWORTH PRAISES CONGRESSIONAL RECORD AS "INVALUABLE HISTORICAL SOURCE"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. EVINS of Tennessee. Mr. Speaker, I am sure that all of us from time to time have heard criticism of the Congressional Record, and it is therefore interesting to note that Mr. Larry Fernsworth, a distinguished and veteran newsman, has taken pen in hand to defend the Record. Mr. Fernsworth writes:

> This correspondence considers the Record to be the country's most all around and informative publication. Its No. 1 usefulness is, of course, its invaluable characteristic as an historical source.

Mr. Fernsworth, in an article which appeared in the Tennessee press, discusses in detail the reasons for the importance of the Record, and because of the interest of my colleagues and the American people in this matter, I place the column by Mr. Fernsworth which appeared in the Johnson City, Tenn., Press-Chronicle and other newspapers in the Record herewith.

The column follows:

[From the Johnson City (Tenn.) Press-Chronicle, May 19, 1975]

Congressional Record: Dull, Useless Appendage of Congress, Or Useful?

(By Lawrence Fernsworth)

Washington.—Every once in awhile one reads in some newspaper an article in which the writer looks down his nose at the Congressional Record.

It seems to be a conventional display of not very original copycat humor to speak of the Congressional Record as a dull, useless, unreadable and wasteful appendage of the Congress, plus whatever other deprecatory and presumably funny remarks the writer can think of.

Perhaps it is so much easier for a certain category of newsmen to brush off the homework required for the reading of the Record by indulging in such verbal antics than to settle down to the reading of it.

This correspondent considers the record to be the country's most all around and informative publication. One would have to subscribe to a dozen or more publications to get the diversity of reading that the Congressional Record provides.

Its No. 1 usefulness is, of course, its invaluable characteristic as an historical source.

Its No. 2 value is its importance, not only to the courts, but to a host of governmental agencies in determining, from the material of the debates, the intention of Congress in the passage of some particular statute. The courts, and especially the U.S. Supreme Court refer to it regularly.

Its No. 3 value covers a broad range of interest and usefulness.

It tells the reader a great deal about the kind of men who make the Congress. Their diverse views was reflective of points of view in different parts of the country. Their mentalities—lively or dull; their vanities and foibles; whether they are victims of sectional or ideological prejudices; afflicted with a too-frequent syndrome of fixed ideas or whether they are open to reason; their concepts of legislative responsibilities. Are they more amendable to the pressures of lobbyists than to the demands of responsible legislation? Are they indulging in gamesmanship, trying to con both their colleagues and the public?

Do they go on the theory that what is good for their political prospects is good for the country or is the good of the country their first priority regardless of personal consequences? Are they showoffs for the benefit of the galleries and their constituents, especially the visiting ones, or do they proddingly concentrate on the business in hand? Do they have a sense of humor and how it is tempered?

The Congressional Record can tell one so much about the new American lifestyle as well as what survives of the old. This is reflected not only in what is said on the floor but in the newspaper and magazine articles and the speeches from elsewhere that are regularly inserted. In these respects it reflects the full sweep of American culture.

The format of the Congressional Record with its fine print, its lack of flamboyant headlines and the white space around them, does not invite the reading thereof by persons who are just looking for "something to read." It will not be found in the reading racks of one's favorite dentist or lawyer. It is a special publication for quite special people—and quite special newsmen.

LIBERAL MEDIA'S DOUBLE STANDARD

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. ASHBROOK. Mr. Speaker, does the liberal media have a double standard? On May 6 of this year I discussed how the liberal press distorted Communist bloodbaths.

Let us look at an area in which the liberal media has always had a major interest. The issue is that of freedom of the press.

The New York Times and the Washington Post always have given major coverage including front page stories to any perceived transgressions against a free press by U.S. allies, particularly those who are strong anti-Communists.

Before the free government of South Vietnam fell before the Communist aggression, that government closed five newspapers in Saigon. The New York Times and Washington Post gave the story repeated coverage.

The New York Times carried stories on the occurrence on five different days. The Washington Post carried three different stories. The tone and wording of each of the articles left no confusion in the minds of the readers that the anti-Communist government was being condemned for its actions. The headlines included the following: "5 Saigon Papers Are Closed Down"—appeared on front page of New York Times, "Saigon Arrests Put at 17 In A Crackdown on Press," "Thieu Decides To Act Like Thieu Again," "Saigon Holds 15 Newsmen, Shuts Papers," and so forth.

I believe that freedom of the press is important and that it is a right that should be defended. Therefore, I thought it would be interesting to see how the Communists in South Vietnam allow this right to be carried out in practice. More importantly how diligently will the free press in this country point out the transgression of a Communist regime against a free press?

As has been Communist practice in any country that they have taken over there is now only the completely controlled press. In Saigon where Thieu shut down five newspapers, there is now only one newspaper—Giaiphong (Liberation).

Where are the headlines in the New York Times and the Washington Post decrying the loss of a free press in South Vietnam? There are none. To find out that there is only one newspaper in Saigon allowed by the Communists you would have to be a diligent newspaper reader. The liberal media seems to bury this news.

On Wednesday, May 21, 1975, the Washington Post made a mention of the only one completely controlled newspaper in Saigon the latter part of a story on page A30—not exactly the front page. The discussion of the situation was the following sentence:

> The only newspaper, Giaiphong (Liberation), carries news three or four days old which largely consists of statements by the management committee or orders for everyday life.

As a final comparison, it is interesting to note that after Thieu shut down five newspapers there were still seven daily Vietnamese-language newspapers, an English language paper, plus numerous news weeklies. In Saigon today there is one newspaper but the liberal media seems to have lost its righteous zeal in defending freedom of the press in South Vietnam. This does not surprise me as I am well aware of the bias of the news media's big seven—Time, Newsweek, New York Times, Washington Post, NBC, ABC, CBS.

REV. MARTIN H. PHILIPS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mrs. SCHROEDER. Mr. Speaker, the Rev. Martin H. Philips, the president and founder of the Evangelist Association of Denver, Colo., wanted to give the prayer for the House of Representatives today. We had a mixup in the office because there is a Reverend Dr. Acen Phillips and a Rev. Martin H. Philips. Reverend Philips wrote this prayer for the House. I found it very moving and wish to insert it in the RECORD. We are doubly blessed in the House today to have two nice prayers from two fine Denver ministers.

The prayer follows:

PRAYER

> O Lord our God we come to thee at this time, for help and guidance for the people who have given their life and time to representing the people who have elected them to serve them and so O Lord we ask your blessing on this Nation as we come to our 199th birthday. Because we have trusted in Thee from the beginning to this time, and will go on doing so to the end with a faith no storm can vanquish by your help and power for we ask it all in the name of the Prince of Peace our Lord and Saviour Jesus Christ. Amen.

DR. RUTH HAAS—OUTSTANDING EDUCATOR

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SARASIN. Mr. Speaker, education is the insurance policy of the future, the direct source of progress and prosperity for our Nation. It has been an overriding priority during the past decades as the Federal Government has become increasingly involved in providing States and localities with as much assistance as possible in improving the delivery and quality of education.

None of the vast progress which has been made over the years, however, would have been possible were it not for the dedication of those in the mainstream of education, those who have devoted their lives toward improving the education process, meeting the needs of our Nation's youth, and thereby insuring all our futures.

There are many who have been instrumental in the development and expansion of today's education, but there are some whose contributions are so outstanding that they cannot go unrecognized. One such individual is Dr. Ruth Haas, an educator who will be honored with a testimonial dinner on June 6 in Danbury, Conn.

Dr. Haas has participated in all aspects of education, as a teacher, an instructor, a dean, and most recently, as president of Western Connecticut State College. However, since Dr. Haas is a most extraordinary woman, so is the "most recently" an unusual period of time. Dr. Haas came to Western Connecticut State College 44 years ago and has served as president of that institution for the past 25 years, using her talents, vivacity, and intelligence to expand the college to its present state. Indeed, through her serivce, the college has grown from the old 2-building Danbury Normal school of 175 students to the present 9-building college campus of over 5,000 students.

Even though Dr. Haas is retiring at the end of this month, the fruits of her labors will continue to be developed. For the past decade she has been actively lobbying the Connecticut General Assembly for a new campus to accommodate the continuing influx into the college. Not satisfied with the progress in this area, Dr. Haas received official approval from former Governor Meskill 2 years ago for an extension of the mandatory retirement age of 70. This action was not in vain because the State legislature voted the funding. Only today's economic difficulties have prevented construction from progressing, but Dr. Haas' spirit and dedication will carry the project through to completion even in her absence.

Her devotion to improving and expanding Western Connecticut State College, a full-time task in and of itself, did not daunt the indefatigable Dr. Haas. She carried her work beyond the confines of the campus into many professional organizations on local, State and Federal levels. She has served as president of several education organizations, including the American Association of University Women, the Eastern States Association of Professional Schools for Teachers, the New England Teacher Preparation Association, and the Connecticut Council on Higher Education.

Dr. Haas has been involved in many other groups which dedicate themselves to quality education, such as the National Education Association, the Connecticut Education Association, the Governor's Advisory Council to the Connecticut Commission on Higher Education, the State Commission of Cooperation with Federal Authorities in Matters Pertaining to Higher Education, the New England Board of Higher Education, and the Accreditation Committee of the Council on Higher Education.

While most individuals would have been satisfied with these contributions, not so Dr. Haas. She extended her efforts to the community, serving on the scholarship committee of the Barden Corp.; as a member of the board of trustees and board of managers of the Danbury Hospital; on the board of trustees of the Danbury library; the scholarship committees for Republic Foil and the Electrical Workers Union; on the Board of Trustees of the Scott-Fanton Museum.

Through her expertise, devotion, and knowledge, Dr. Haas has played an integral role in the advancement of education in Connecticut and throughout the nation. Her 50 years of service have left us all with a wonderful, living legacy, one that all who care for the future of our children could do well to emulate. Mere words cannot truly express our gratitude for her efforts and achievements; they can only be a small part of our tribute to her. The rest, though unsaid, is sincerely felt.

CITIZENS' BUS PROGRAM

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. HUGHES. Mr. Speaker, today I would like to tell my colleagues of a man in Cape May County who was in the forefront of providing transportation to senior citizens, Mr. John Bierman.

John Bierman was one of the prime movers behind the origination of the award-winning senior citizens' bus program. Several years ago, he organized the program. He and his father ran it for 2½ years. Older Americans were provided with a means of getting from their homes to doctors, to stores, to friends. This service was and is provided free of charge, making activity possible for senior citizens who were previously in dire straits due to an inadequate public transportation system in Cape May County.

As you know, Mr. Speaker, I am on the Transportation Subcommittee of the Special Committee on Aging. People such as John Bierman have started pilot programs that are extremely useful as national models of what can be done in providing better transportation for all of our senior citizens. I am going to urge the committee to look at the work done by him and others to see what has been successful in the past, and what we can work for in the future.

MAINTENANCE OF FREEDOMS

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. ROSE. Mr. Speaker, the General Assembly of the State of North Carolina has approved a joint resolution commending the men and women of the Armed Forces who have devoted their lives and fortunes to the maintenance of those freedoms which all of us now enjoy.

The Assembly also urges the Congress to take care that the defenses of the Nation remain adequate for the preservation of this Nation and its ideals. In that I am sure we can all agree.

This resolution had the enthusiastic and unanimous support of the North Carolina Senate and the North Carolina House of Representatives. I commend this resolution to the attention of my colleagues and ask that the text be printed in the Record:

Senate Joint Resolution 596

A joint resolution commending the Armed Forces and urging Congress to preserve the defenses of this Nation

Whereas, this State and nation is now in its 200th year of freedom; and

Whereas, that freedom was secured and has since been maintained by the sacrifices of the men and women of the armed forces of this nation, both professional and civilian; and

Whereas, the potential cost of maintenance of freedom is and always will be the lives and fortunes of every citizen of this nation; and

Whereas, it is absolutely essential to the survival of these freedoms which Americans traditionally hold most dear, including but not limited to freedom of religion, freedom of speech, freedom of the press, freedom from any restraints on our liberties without due process of law, and the freedom to criticize government and dissent from the majority, and that survival depends upon the safety of this nation from governments and ideologies which would destroy us in the pursuit of their own destinies; and

Whereas, there has been a discernible trend in the Congress of the United States and in certain segments of the public to detract from the armed forces of this nation, not only the financial support which those forces must have to adequately protect this nation and insure its survival, but also from the respect and admiration which this nation has traditionally had for its armed forces; and

Whereas, such detraction is inimical to the best interests of this nation and should be deplored by every American citizen;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina recognizes that while we continue our efforts to secure economic and social justice for all our people we must realize that such justice cannot be obtained unless we remain free, and that freedom can only be guaranteed for the foreseeable future by an armed force second to none.

Sec. 2. That the appreciation of the people of North Carolina is hereby expressed to the men and women of the armed forces, living and dead, who have devoted their lives and fortunes to the maintenance of those freedoms which all of us now enjoy.

Sec. 3. That the Congress of the United States is hereby urged to take care that the defenses of this nation remain adequate for the preservation of this nation and its ideals.

Sec. 4. That this resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1975.

James C. Green, Sr.,
President of the Senate.
James B. Hunt, Jr.,
Speaker of the
House of Representatives.

SENATOR JACKSON LOOKS AT U.S. FOREIGN POLICY REGARDING AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. RANGEL. Mr. Speaker, the United States is now at a crossroads in its relations with the nations of Africa. Will we continue to ignore the continent of Africa, or will we forge a new relationship based on increased understanding?

This is the question and the challenge which now face us, and which need much greater attention and debate than they are now receiving from the present administration.

On May 28, in a speech at the Pan African Business Center's Northeast Regional Workshop on Trade and Investment in Africa and the Caribbean, Senator Henry M. Jackson addressed the issues squarely. Senator Jackson's remarks showed an awareness of the sad record of America's general African policy and its unconstructive ambiguity on the key points of racism and minority rule in southern Africa. Senator Jackson evidenced sensitivity to the most difficult present issues in African-American relations, and optimism as to the possibility of improving these relations in the future.

I am therefore inserting Senator Jackson's remarks in the Record today in the hope that they will receive the wide attention they, and the subject matter they concern, so greatly deserve.

The article follows:

Africa and American Foreign Policy

Two hundred years ago, the people of the United States declared their independence from foreign rule, and set about to build a new nation in which they would control their own destiny. As we in the United States celebrate the Bicentennial of our own independence, the struggle for independence is still being carried on in Africa. The last major colonial empire, that of Portugal, is now being dissolved—no thanks to the United States, I regret to say. But in Rhodesia and in South Africa, white minorities still deny black majorities their rights. And all over that continent, young countries struggle with the economic and social problems that greet every nation which chooses the uncertainties of independence over the restrictive patterns of colonialism.

AMERICAN POLICY IN AFRICA—TIME FOR A CHANGE

Many leaders in the African struggle for independence have noted how much they were inspired by the experience of the United States in winning its independence and then in the difficult process of nation-building. The world's oldest democracy and its youngest ones should have made common cause in the fight against tyranny, and poverty, and disease.

Sadly, this has too seldom been the case. Too often, American policy towards Africa has been not to lend a hand in assistance, or to extend the hand of friendship; instead, all too often it has been to show the back of the hand in pushing aside African affairs. No area of the world has been assigned a lower priority by the United States Government in recent years than has Africa.

The results have not been surprising. Year after year, opportunities for greater friendship and cooperation have been lost—and both the peoples of Africa and the people of the United States have lost as a result.

This conference is especially important because it demonstrates that there is still time to make a new beginning—time to restore Africa to its rightful place in American foreign policy considerations, time to expand economic cooperation between the nations of Africa and the United States, and time to restore the friendship between America and Africa that marked the early days of decolonization.

AMERICA AND AFRICA: COMMON INTERESTS

For the major concerns of the nations of Africa should be our concerns here in the United States. We must, together, seek to foster economic and social development—to continue the struggle against hunger and disease and illiteracy. We must, together, seek to avoid great power rivalry or conflict on the African continent. We must, together, seek to expand trade between our continents on an equitable and, insofar as is possible, reciprocal basis. And we must, together, seek peaceful paths to social justice and political liberty in all of Africa.

In all of these steps, the advantages to the United States are at least as great as those which accrue to the nations of Africa. The new American approaches to Africa which all of us seek are not gestures of philanthrophy; they are grounded in American principles and American self-interest.

The strategic importance of Africa, resulting from its location on vital air and sea routes, is clear. The mineral wealth of the continent is staggering, with 96 percent of the world's known reserves of chromite and roughly half its cobalt, gold and platinum. In January and February of this year, Nigeria was America's second largest supplier of crude oil, and provided one-fourth of all crude oil imports. Six billion dollars of United States investments are located in Africa—two-thirds in black African countries—and development needs suggest a potential several times that high. African requirements for capital goods and technology offer American industry a challenge and a great opportunity.

And there is a very great common interest between the United States and the States of Africa on the question of world oil prices. The impact of enormous oil price rises on the United States has been severe, but for many nations of Africa it has been catastrophic. For the price and availability of oil determine the price and availability of fertilizer, and there is a very direct relationship in many nations between the supply of fertilizer, and the supply of food. For the United States, high oil prices have contributed to a major recession, in parts of Africa, high oil prices have contributed to hunger and indeed starvation. So there is an important area of common interest here which the nations of Africa and the United States should pursue.

Finally, more than 12 percent of the population of the United States is of African origin. As the political power of American Blacks grows—and sitting here with Percy Sutton and Charley Rangel, I'd be the first to report that it is growing fast—American Blacks will demand a new policy toward Africa which reflects their concern and interest in its future.

And this is as it should be: American foreign policy should not be the creation of one individual or the product of one particular point of view.

It must reflect the concerns and aspirations of all Americans, and must reflect America's deep commitment to the principles of political and social justice on which our nation was founded.

A NEW AMERICAN POLICY

We have the opportunity—and the obligation—to demonstrate this commitment in Africa today.

In Rhodesia, the United States must pledge its full support of United Nations sanctions. I have always opposed the Byrd Amendment and have sought to have U.N. sanctions respected by this country—and I will continue to do so. America must commit itself to support the international efforts now underway for a peaceful transition from minority rule to participation by all in the election of a truly representative government.

In South Africa, the United States cannot be neutral in a struggle for racial justice and political liberty. We must give full support to the efforts now underway to bring about real changes in South African racial policies. These efforts have shown a sensible and moderate attitude towards the South African problem, but Africans will not—and America must not—accept words instead of deeds.

The message on this point is clear: Black Africa demands steady and significant progress toward the elimination of apartheid, and nothing less is acceptable.

We in America must support this stand. I have been especially critical of one disastrous recent move by the United States Government. In April, it was revealed that this country has shipped weapons-grade uranium to the Union of South Africa. As soon as I learned of this, I wrote to Robert Seamans, head of the Energy Research and Development Administration, to demand an explanation. As I told him in April, "I am deeply disturbed that a U.S. atoms-for-peace program could end up aiding the acquisition of nuclear weapons by South Africa." This was a foolhardy move by the United States, and one which can only threaten peace on the African continent.

This is a prime example of what the United States should not be doing in Africa. It was the wrong move, at the wrong time, in the wrong place. And meanwhile, many opportunities for a positive American role in South Africa are being lost. We are in a special position to help encourage the peaceful evolution away from apartheid.

For instance, many American investors in South Africa have allowed their personnel policies to become part and parcel of the apartheid system. This cooperation with racism must end, and a policy of "equal pay for equal work" for Blacks and Whites alike must replace it. Several American companies, acting on their own initiative, are pursuing nondiscriminatory personnel policies in South Africa, and they have set an example. American business practices should help break down the barriers of apartheid—not prop them up.

And America must take a principled stand in support of international law on the question of Namibia. Withdrawal of South Africa must be our goal, so that the people of Namibia may determine for themselves the future of their land.

In Angola, in Mozambique , and in Guinea-Bissau, Portuguese rule is coming to an end. We in America should welcome these new nations to the international community. In fact, in less than one month—on June 25th—Mozambique will join the ranks of independent states, under the unified and progressive leadership of Frelimo.

To all of the new states, American policy must be to deplore intervention by any great power, directly or indirectly, in their internal political developments. At the same time, we must stand ready to offer generous assistance.

The most difficult period in any struggle for freedom—and ours in the United States was no exception—is usually the first years after independence is achieved. The political structure, the economy, foreign policy, staffing of government offices—all must be developed to new levels to meet the challenges of independence.

American interference in any of this must be avoided, but American technical help should be made available whenever requested. Trained technical personnel will be in short supply when the Portuguese leave and U.S. assistance in setting up emergency training programs is an example of American help that might be very valuable to the recipients and might establish the base for friendly relations in the future.

CONCLUSION

We cannot, tonight, touch on all aspects of U.S. policy towards Africa. I have tried to address some of those which are now most pressing, and which offer the United States the most immediate opportunities.

President Johnson, who did so very much to advance the cause of racial justice in America, once spoke with visiting leaders from the Somali Republic of an old Muslim saying. It goes "There are four things which can never be retrieved—the spoken word, the sped arrow, times past, and the neglected opportunity."

Let us resolve—we in the United States, Black and White, in government and out, and those of you from abroad—let us resolve to make a new beginning in American relations with Africa. Let us not neglect the opportunities before us. Let us seize them, and let us assure that friendship and cooperation will mark African-American relations in the years ahead.

IMPORTANCE OF PATRIOTISM IN AMERICAN HISTORY

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. MONTGOMERY. Mr. Speaker, I am pleased to be able to relate to my colleagues a most inspirational and informative tape color slide presentation entitled "America, O' America the Beautiful." This presentation was prepared at great personal expense and sacrifice of Chaplain Maj. Robert E. Wall of Clinton, Miss., a member of the Mississippi National Guard. The presentation has already been seen by Adjutants General Association of the United States and by the Florida National Guard Association. The program emphasizes how patriotism has played a vital part in the formation of our country from a small band of colonies to the great Nation it is. I commend Major Wall for his efforts and would like to share a resolution passed by the National Guard Officers Association of Florida paying tribute to Major Wall. I trust my colleagues will one day have an opportunity to see the presentation. The resolution is as follows:

RESOLUTION

Whereas, the United States of America is preparing to celebrate its bicentennial anniversary; and

Whereas, this great nation was founded on the principle of serving God and Country; and

Whereas, recent domestic and world events have led to a decline in the outward expression of patriotism and love of country on the part of many Americans; and

Whereas, Chaplain (Major) Robert E. Wall, Mississippi National Guard, sensing this decline in patriotism, was inspired to prepare at great personal expense and sacrifice, an outstanding tape color-slide presentation titled "America O' America the Beautiful", emphasizing how patriotism has played a vital part in the formation of our country from a small band of colonies to the greatest nation that the world has ever known; and

Whereas, the National Guard Officers Association of Florida during its 73d Annual Conference was privileged to view this highly motivating and inspiring presentation; and

Whereas, the membership felt that the entire nation would benefit by such a presentation;

Now, therefore, be it resolved, that the National Guard Officers Association of Florida in conference at St. Petersburg, Florida this 11th day of April 1975, unanimously recommends that this outstanding presentation be viewed by a joint session of the Congress of the United States.

I. W. ABEL, USWA, TELLS OF STEEL AND IMPORTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. GAYDOS. Mr. Speaker, I. W. Abel, president of the United Steelworkers of America, recently outlined the grave concerns of the steel industry before the U.S. International Trade Commission, which is seeking to determine what impact new trade concessions to foreign manufacturers will have on local economies and the working force.

I found Mr. Abel's remarks extremely interesting and I am inserting them into the RECORD for the attention of my colleagues:

I. W. ABEL, USWA, TELLS OF STEEL AND IMPORTS

PITTSBURGH, April 29.—Following is the text of testimony by I. W. Abel, President of the United Steelworkers of America, given at the Federal Building here today before the U.S. International Trade Commission:

My name is I. W. Abel and it is my privilege to serve as president of the United Steelworkers of America.

I want to first express my appreciation for this opportunity to appear before the U.S. International Trade Commission and to testify on behalf of some 500,000 of our members in the Basic Steel Industry.

I know that this inquiry is directed to the economic impact of future tariff reductions authorized under the Trade Act of 1974. However, in this statement, we intend to emphasize the economic position of our domestic industry in the perspective of what is happening in the world steel industry.

First, I would note that the major portion of world steel production is owned by—controlled by—or operates closely with government authorities. This means the policies of most foreign steel industries are aligned with their national interests. I might insert here that I believe ours should be aligned with our national interests.

In 1974, approximately 44% of world steel production came from government-owned steel plants. If support and subsidy practices are included, the percentage of government involvement in world steel operations is much higher than 44%. Also, many governments in the free world directly support their steel industries. And various incentives to export steel are also used.

For years, the Japanese steel industry has benefited from export subsidies. The British steel industry is almost totally government-owned. I call to your attention the fact that the British Steel Corporation has just announced that it will launch a massive export drive to offset cuts in domestic production and employment. The Italian steel industry is partially government-owned. The French steel industry receives government subsidies, and the French government has played a major role in financing the giant Fos steel plant in Southern France on the Mediterranean as a cost of well over $1 billion. It will provide 4 million tons of raw steel capacity, plus continuous casting and hot rolling facilities.

I would also note that a month ago the Chairman of the French Steel Federation asked the European Coal and Steel Community to improve steel import quotas because of what he said was the worst crisis in the French steel industry since World War II.

These are just a few examples of what has been happening. But they are sufficient to demonstrate why we are concerned with the effects of government ownership and government support practices on the export plans and activities of foreign steel industries. We are concerned because each ton of foreign steel landed in the United States represents lost job opportunities in the Basic Steel Industry in this country, unless our own steel industry is utilizing fully its own production facilities.

In 1971, for example, an all-time record of 18.3 million tons of steel were imported, representing the export of at least 108,000 job opportunities in the steel industry. In 1975, the American Basic Steel Industry could ship at least 15 million tons more than it will. This tonnage, however, will go to imports, costing the country some 90,000 job opportunities. Thus, we have a very vital stake in steel trade policy because it directly affects the well-being of American Steelworkers, their families, their communities and our Nation.

Therefore, it is our firm conviction that one of the first priorities of this Commission, and other agenices of the Government, is to determine where steel stands in the negotiations authorized under the Trade Act of 1974.

I need not elaborate on the fact that the United Steelworkers of America strongly opposed the passage of that legislation. We did so because the legislation did not take into consideration the effect that accelerated imports had on the jobs of American workers. It might be argued that there would be a net gain or maintenance of our over-all level of employment but such a trade policy is insensitive to actual job losses and dislocations that do occur and will occur for individual workers. The offer of special trade adjustment assistance to affected workers in no solution. It is no solution just as unemployment compensation is not the solution for unemployment. The Trade Act of 1974 does nothing to assure the worker of economic security.

Our complaints about the Act did have some effect, however. The Congress established guidelines for conducting trade negotiations in certain industries that might be particularly sensitive to imports and whose economic health is important to the economy of the United States. In such industries, for example, special arrangements were contemplated to require an individual or sector approach whereby all factors affecting trade—including tariffs and non-tariff barriers—could be dealt with because of specific problems in the particular industries. The Congressional hearings and reports are filled with references to sectoral negotiations for certain industries. In fact, the Senate Finance Committee report on the Trade Act specifies that steel is intended to be among those industries that lend themselves to an approach of this kind—that is—a sector negotiating technique.

If we are to adopt the sector technique for steel, as we did in the Kennedy Round, our Government should decide what our objectives are for steel in these trade negotiations. It is important that we know in what direction we are headed. I do not think that we have yet reached that point in determining our Government's policy on the steel sector.

I believe that two principal objectives should be sought in these negotiations:

One: Achieve the maximum degree of international agreement on fair terms of trade in steel; and

Two: Achieve a well-designed, multi-lateral safeguard system for steel. This system would—in the event of industry disruption from imports—permit prompt, adequate limitations on imports for a temporary period until the disruption has stopped.

With these two objectives in mind, I think you will better understand our over-all position on steel trade policy, and our specific position on tariffs as they relate to steel.

With respect to tariffs, we hope you concur that tariffs alone are not the principal determining factor in the flows of steel trade. They play a role but they are inter-related with a wide variety of other political and economic factors. It is the combination of these factors that affect the American Basic Steel Industry and our members employed in the Industry. This is not to excuse our failure to come to grips with the scope of this hearing—that is—the economic impact of tariff adjustments permitted under the Trade Act of 1974. It is to explain the perspective in which we view the issue of tariff reduction or elimination.

The United Steelworkers of America opposes tariff reductions as authorized in the Trade Act. Why should we lend a helping hand to foreign steel producers to repeat, or possibly even expand upon the injury that American steelworkers suffered throughout the decade of the 60's?

Last year the United States had a three billion dollar deficit in its steel trade alone. That's what imported steel cost the Nation last year. Why this excessive trade imbalance. The make-up of the world steel industry is a major factor. The United States is an international Santa Claus when it comes to steel. The United States is one of the freest, most open markets for steel anywhere in the world. Our rates of effective tariffs are the lowest when compared to other major steel producing countries. U.S. tariff rates are assessed on the lower-based Freight-on-Board value of imports, not on the Cost-Insurance-Freight value as followed by most other nations. Steel imported into the U.S. does not bear a value-added tax such as that imposed by the European Economic Community.

And probably overshadowing all of the factors I have just cited, the American Steel Industry is made up of private companies competing with steel industries of other nations that are owned or controlled by their governments. We recognize that ownership or control of their industries is the prerogative of such nations. That is their business. In contrast, we have a private enterprise economy. And what concerns American Steelworkers and what should concern American officials in the trade negotiations is the effect that foreign government's trade policies have on the American market and American workers.

I don't see how we can even consider liberalizing our trade policy when past experience demonstrates that when demand declines, European and Japanese steelmakers—with government assistance and counsel—will sell at any price to keep plants operating at maximum capacity and their workers fully employed. In effect, they export their unemployment to the United States, and we bear the burden of that unemployment.

The Trade Act and the to-be-negotiated trade agreement do not take into consideration the fact that the economies of various countries, which are participants in the General Agreement on Tariffs and Trade, are in a state of recession. However, when the 93rd Congress debated the Trade Act, the economies of the various countries were sound. As a matter of fact, a number of industries such as steel were projecting a supply shortage and the need for investment to increase capacity. But since then the turnaround has been pronounced and serious.

However, it must be emphasized, each country reacts in a different way to recessionary pressures in accordance with its economic practices. If such reactions were confined entirely to its own domestic market, then perhaps the reactions would not be a problem. But the effects of such reactions are not confined to the individual countries. The responses also include the countries' export policies, and they may dramatically conflict with the economic pattern of the countries receiving the exports. However, it is unrealistic to think that there will be drastic international, governmental intervention to bring about uniform economic reactions to economic downturns. Therefore, it is up to the contemplated international trade agreement to provide for such reactions. If it does not, it will be an inadequate agreement.

Just recently, European steelmakers cut their prices for exports in order to maintain production. These prices are now 40 to 55% below prices of last June. I want to cite some specific examples of such reductions as reported in the American Metal Market:

47 percent for reinforcing bars.
46 percent for merchant bars.
56 percent for wire rods.
40 percent for cold-rolled sheet.

We must be able to react domestically to the increased imports that will probably result from such price reductions. We cannot be bound by trade agreements that do not anticipate the actions that result from such economic responses of other countries.

We of the United Steelworkers of America cannot see how we can be receptive to future liberalization of trade when we know that officials of the European Coal and Steel Community and Japan meet at least twice a year to discuss the steel situation and presumably resolve their steel trade problems?

We cannot be receptive to further liberalization of trade because we know that each time we face a surge of imports now we have a formidable job merely trying to convince our own officials that a problem exists, let alone geting them to do something about it. On the other hand, when this occurs in other countries, they engage in private bilateral discussions aimed at alleviating the problem quietly and effectively.

Our only recourse in such situations is our own Government. But so far there is little evidence that our Government is ready to recognize the special problems inherent in steel imports caused by policies of other governments. For the sake of our own steel industry and American Steelworkers—and our economy—our Government must face up to and solve these problems in the forthcoming negotiations. I wish I could say that this will be done by our Government. But as of this time, I do not know. I can only hope that it be done, and urge that it be done.

I cannot stress too emphatically that we must develop a steel trade policy that gives priority to the maintenance of a strong, competitive domestic steel industry. We will not accomplish our national goals relating to energy, transportation, employment and containment of inflation, unless we do have a competitive and strong steel industry that will also help ensure the economic security of Steelworkers.

Frankly, I would like to see us regain some of the ground that we have lost in world steel trade by strengthening our position as a steelmaking and exporting nation. We are fortunate to have the necessary materials, energy, technology, labor and a competitive dollar to make the expansion of our steel industry and increased steel exports a realistic objective.

What we seek in steel on a world-wide basis is fair trade. The steel trade and traiff policy developed by our government in the coming months will determine whether there will be fair trade. It will determine whether we will have the strong, expanding industry our country needs. To the members of this Commission, I say today it will be a priority goal of our Union to make such a trade and tariff policy a reality.

I would now like to say a few words about what is known as a multilateral safeguard system. Our Union is well aware of the escalation of imports during the 60's and the impact this escalation had on jobs. Because of this we helped bring about the Voluntary Restraint Agreement that established steel import quotas for the Common Market countries and Japan. That voluntary agreement was somewhat successful but it is no longer in effect. We now urge that a similar restraint agreement be negotiated as a condition for any trade concessions. This agreement would provide for a bi-lateral arrangement on a country-by-country basis and be enforceable by governmental action. And it would be similar to the provisions and objectives of the earlier Voluntary Restraint Agreement.

The justification for such arrangements was given clearly in a series of papers by the House Ways and Means Committee entitled, "Background and Status of the Multi-Lateral Trade Negotiations." For example, the Committee stated, and I quote:

"Tariff barriers will be lowered as a result of the new trade negotiations, to a point where rapid changes in the world economic situation can put a domestic industry under even more intense and unforseeable pressure from imports than in the past. Countries undertaking substantial trade liberalization in the current negotiations will want assurance that an effective multi-lateral safeguard system is available both to control the pace of adjustment to import competition when this is necessary and to restrain unnecessary restrictive actions by their trading partners."

It is our understanding that Congress favored such flexibility through Section 107 in the Trade Act and that it intended this section to be an operative section. Our Union also takes the position that it is an operative section and that it should be implemened. Without it we cannot be assured about the job security of our members employed in the Basic Steel Industry.

Perhaps you are aware of the fact that we, as a Union, have done much internally in our negotiations with the basic steel companies to bring a great deal of stability to the industry. We and the companies pioneered in the development of joint labor-management productivity committees and in the establishment of a breakthrough in collective bargaining with a new bargaining procedure known as the Experimental Negotiating Agreement—ENA for short. The ENA was used in our 1974 negotiations and aimed at ending the "boom-bust" cycles that plagued past negotiations—the stockpiling in anticipation of possible strikes, the working off of stockpiles after the peaceful settlements, plant shutdowns and prolonged layoffs of many of our members. In brief, the ENA prohibited an industry-wide strike or lockout, provided for the arbitration of unresolved issues, and allowed negotiations on virtually all economic and fringe benefit areas. We reached a settlement in the 1974 negotiations—the best in the history of our Union—without having to submit anything to arbitration. And ENA eliminated the "boom-bust" cycle because steel customers were assured of deliveries, and it prevented any repetition of the kind of layoffs that we experienced in previous negotiations.

These are major departures in the field of labor-management relations and they have produced great benefits to both our members and the industry. We have engaged in this degree of joint action to solve mutual problems, to increase the viability and productivity of the Basic Steel Industry and to ensure the economic security of our members. We do not intend to sit idly by and allow these mutual benefits to be eroded by unfair trade relationships. The Basic Steel Industry, as a result of these joint efforts, is regaining a status of some viability, and our members are enjoying good incomes and meaningful fringe benefits. We cannot allow the present status of the Industry or the benefits and security of our members to be threatened by an ill-conceived trade agreement.

In conclusion, therefore, I urge you on behalf of the United Steelworkers of America to give due weight to a Union and an industry which have been working jointly to produce steel and higher standards of living for our members. Trade negotiations along the lines that I have suggested, and which were contemplated by the Congress for the steel industry, can be beneficial to the industry, to Steelworkers and to our Nation through the stabilization of one of the Nation's basic industries. To do otherwise would bring tragic results.

I sense a feeling among the American people and the American worker that it is time we started to mind our own store a little bit before the store becomes empty. No people have been more generous in the past than the American people. I believe it is now time that our Nation adopted a trade policy that helps safeguard and benefit the economy and the jobs of American workers. For far too long, primary attention has been given to the diplomatic effects of our trade policy and too little has been given to our own national economic and social goals.

Again, I want to thank you for this opportunity to appear before you and to present the position of our Union on the upcoming trade negotiations.

NATIONAL CAN CO. PROPOSES NEW BAN ON HIRING OF ILLEGAL ALIENS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. BIAGGI. Mr. Speaker, it gives me great pleasure to advise my colleagues of the intentions of the National Can Co. of Chicago, Ill., to fight the serious problem of illegal alien employment. At their recent shareholders meeting, they voted to establish a new policy to ban the hiring of illegal aliens.

At the present time it is estimated that there are more than 1 million illegal aliens employed in this Nation. This is distressing when one considers that this Nation's unemployment rate is at record levels. I have introduced legislation in the Congress which would make it an immediate Federal crime for employers to knowingly hire illegal aliens. I applaud the National Can Co. for taking this important and courageous initiative which if adopted by other companies could reduce drastically the numbers of illegal aliens employed. Employment is the prime motivating factor which brings these millions of illegal aliens into this country, and if we are to cut off the flow of illegal aliens in this country we must close off the roads which lead them to jobs.

At this point in the Record, I would like to include a National Can Co. press release which outlines their new proposal to ban the hiring of illegal aliens:

National Can Enacts Measures To Insure Against Hiring Illegal Aliens—Heads Drive To Recruit Other Business To Do the Same

Chicago, Ill., April 11.—With unemployment at an all-time high since the depression, National Can Corporation announced today that it is enacting measures to insure against the hiring of illegal aliens.

According to the United States Immigration Service, it is the first major U.S. corporation to publicly adopt such a policy.

Frank W. Considine, president and chief executive officer of National Can, in making the announcement at the corporation's annual meeting in Chicago, said that in addition to its own policy, National Can would spearhead a drive in cooperation with the U.S. Immigration Service to get other companies to adopt similar measures. Considine personally will head up the drive.

General Leonard F. Chapman, commissioner of the U.S. Immigration Service, said that a concerted effort by all of business not to employ illegal aliens would help to open up more than one million jobs for unemployed U.S. workers within a matter of months; it could make available over a period of three to four years an additional two million or more jobs.

"The time when our nation could absorb the world's unemployment is long past," Considine said in making his announcement. "I don't see how we can any longer justify taking lightly the hiring of people who enter the country illegally, violating our laws, when so many of our own people are begging for jobs."

Considine stated that government statistics show that illegal aliens don't just occupy the low paying, unwanted jobs.

"Quite to the contrary," he said. "Illegal aliens hold jobs throughout our entire employment stream.

"It is estimated that more than one million illegal aliens are in New York; more than half a million in Chicago," Considine continued. "You can be sure that the people employed in these areas aren't harvesting crops."

According to the Immigration Service, more than two and one-half million illegal aliens come into the United States each year. They arrive from nearly every country in the world.

As unemployment in Europe continues to grow, the number of illegal aliens migrating to this country is expected to rise.

According to General Chapman, the surest way of shutting them out is to turn off the magnet that attracts them here . . . jobs.

"This is what we are trying to encourage major corporations to do," General Chapman said. "This is why National Can's public policy and leadership role in this vital issue is so important to our solution to the illegal alien problem."

National Can is listing on all of its employment forms, both temporary and permanent, salaried and hourly, the question: "Do you have the legal right to be in this country?"

It is posting signs in each of its plants, informing workers of the company's policy on the employment of illegal aliens. It is informing each of its employees that it is cooperating fully with the U.S. Immigration Service and that plants will be open for regular immigration inspection.

"This puts the illegal alien on notice that National Can is one company to avoid," General Chapman said.

"If more corporations would adopt this policy it would eventually transmit to the illegal alien that there are no jobs for them here. It would discourage them from coming to America on an illegal basis."

The General said that illegal aliens who were employed at company plants posting this information would most likely leave.

"They know that sooner or later with our regular inspections that they would be detected," he said.

Considine stated that this is of course National Can's goal . . . to open up more jobs for legal residents.

"If we can do something to help ease the unemployment problem in the U.S.," Considine said, "then we feel that we will have truly accomplished something.

"Our goal is to put the U.S. worker back to work, as quickly as possible. We feel that this program with the U.S. Immigration Service is an important step in the right direction."

National Can Corporation has 62 plants across the U.S. It employs over 14,000 people. In addition to its U.S. plants, the company has 12 plants overseas. Its annual sales were $710 million.

THE GREAT DEPRESSION

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SYMMS. Mr. Speaker, the distinguished Austrian Economist Hans Sennholz has done much writing on the true causes of the "Great Depression" of the 1930's. In the April issue of the Freeman—a publication of the Foundation for Economic Education—Dr. Sennholz has an article that describes some of the root causes of the depression. I think that it is of paramount importance that every Member of Congress and all Americans take heed of these lessons, lest we make the same mistake twice. The first part of the article reads as follows—the second part will be read into tomorrow's RECORD:

THE GREAT DEPRESSION

(By Hans F. Sennholz)

Although the Great Depression engulfed the world economy some 40 years ago, it lives on as a nightmare for individuals old enough to remember and as a frightening specter in the textbooks of our youth. Some 13 million Americans were unemployed, "not wanted" in the production process. One worker out of every four was walking the streets in want and despair. Thousands of banks, hundreds of thousands of businesses, and millions of farmers fell into bankruptcy or ceased operations entirely. Nearly everyone suffered painful losses of wealth and income.

Many Americans are convinced that the Great Depression reflected the breakdown of an old economic order built on unhampered markets, unbridled competition, speculation, property rights, and the profit motive. According to them, the Great Depression proved the inevitability of a new order built on government intervention, political and bureaucratic control, human rights, and government welfare. Such persons, under the influence of Keynes, blame businessmen for precipitating depressions by their selfish refusal to spend enough money to maintain or improve the people's purchasing power. This is why they advocate vast governmental expenditures and deficit spending—resulting in an age of money inflation and credit expansion.

Classical economists learned a different lesson. In their view, the Great Depression consisted of four consecutive depressions rolled into one. The causes of each phase differed, but the consequences were all the same; business stagnation and unemployment.

THE BUSINESS CYCLE

The first phase was a period of boom and bust, like the business cycles that had plagued the American economy in 1819-20, 1839-43, 1857-60, 1873-78, 1893-97, and 1920-21. In each case, government had generated a boom through easy money and credit, which was soon followed by the inevitable bust.

The spectacular crash of 1929 followed five years of reckless credit expansion by the Federal Reserve System under the Coolidge Administration. In 1924, after a sharp decline in business, the Reserve banks suddenly created some $500 million in new credit, which led to a bank credit expansion of over $4 billion in less than one year. While the immediate effects of this new powerful expansion of the nation's money and credit were seemingly beneficial, initiating a new economic boom and effacing the 1924 decline, the ultimate outcome was most disastrous. It was the beginning of a monetary policy that led to the stock market crash in 1929 and the following depression. In fact, the expansion of Federal Reserve credit in 1924 constituted what Benjamin Anderson in his great treatise on recent economic history (*Economics and the Public Welfare*, D. Van Nostrand, 1949) called "the beginning of the New Deal."

The Federal Reserve credit expansion in 1924 also was designed to assist the Bank of England in its professed desire to maintain prewar exchange rates. The strong U.S. dollar and the weak British pound were to be readjusted to prewar conditions through a policy of inflation in the U.S. and deflation in Great Britain.

The Federal Reserve System launched a further burst of inflation in 1927, the result being that total currency outside banks plus demand and time deposits in the United States increased from $44.51 billion at the end of June, 1924, to $55.17 billion in 1929. The volume of farm and urban mortgages expanded from $16.8 billion in 1921 to $27.1 billion in 1929. Similar increases occurred in industrial, financial, and state and local government indebtedness. This expansion of money and credit was accompanied by rapidly rising real estate and stock prices. Prices for industrial securities, according to Standard & Poor's common stock index, rose from 59.4 in June of 1922 to 195.2 in September of 1929. Railroad stock climbed from 189.2 to 446.0, while public utilities rose from 82.0 to 375.1.

A SERIES OF FALSE SIGNALS

The vast money and credit expansion by the Coolidge Administration made 1929 inevitable. Inflation and credit expansion always precipitate business maladjustments and malinvestments that must later be liquidated. The expansion artificially reduces and thus falsifies interest rates, and thereby misguides businessmen in their investment decisions. In the belief that declining rates indicate growing supplies of capital savings, they embark upon new production projects. The creation of money gives rise to an economic boom. It causes prices to rise, especially prices of capital goods used for business expansion. But these prices constitute business costs. They soar until business is no longer profitable, at which time the decline begins. In order to prolong the boom, the monetary authorities may continue to inject new money until finally frightened by the prospects of a run-away inflation. The boom that was built on the quicksand of inflation then comes to a sudden end.

The ensuing recession is a period of repair and readjustment. Prices and costs adjust anew to consumer choices and preferences. And above all, interest rates readjust to reflect once more the actual supply of and demand for genuine savings. Poor business investments are abandoned or written down. Business costs, especially labor costs, are reduced through greater labor productivity and managerial efficiency, until business can once more be profitably conducted, capital investments earn interest, and the market economy function smoothly again.

After an abortive attempt at stabilization in the first half of 1928, the Federal Reserve System finally abandoned its easy money policy at the beginning of 1929. It sold government securities and thereby halted the bank credit expansion. It raised its discount rate to 6 per cent in August, 1929. Time-money rates rose to 8 per cent, commercial paper rates to 6 per cent, and call rates to the panic figures of 15 per cent and 20 per cent. The American economy was beginning to readjust. In June, 1929, business activity began to recede. Commodity prices began their retreat in July.

The security market reached its high on September 19 and then, under the pressure of early selling, slowly began to decline. For five more weeks the public nevertheless bought heavily on the way down. More than 100 million shares were traded at the New York Stock Exchange in September. Finally it dawned upon more and more stockholders that the trend had changed. Beginning with October 24, 1929, thousands stampeded to sell their holdings immediately and at any price. Avalanches of selling by the public swamped the ticker tape. Prices broke spectacularly.

LIQUIDATION AND ADJUSTMENT

The stock market break signaled the beginning of a readjustment long overdue. It should have been an orderly liquidation and adjustment followed by a normal revival. After all, the financial structure of business was very strong. Fixed costs were low as business had refunded a good many bond issues and had reduced debts to banks with the proceeds of the sale of stock. In the following months, most business earnings made a reasonable showing. Unemployment in 1930 averaged under 4 million, or 7.8 per cent of labor force.

In modern terminology, the American economy of 1930 had fallen into a mild recession. In the absence of any new causes for depression, the following year should have brought recovery as in previous depressions. In 1921–22 the American economy recovered fully in less than a year. What, then, precipitated the abysmal collapse after 1929? What prevented the price and cost adjustments and thus led to the second phase of the Great Depression?

DISINTEGRATION OF THE WORLD ECONOMY

The Hoover Administration opposed any readjustment. Under the influence of "the new economics" of government planning, the President urged businessmen *not* to cut prices and reduce wages, but rather to increase capital outlay, wages, and other spending in order to maintain purchasing power. He embarked upon deficit spending and called upon municipalities to increase their borrowing for more public works. Through the Farm Board which Hoover had organized in the autumn of 1929, the Federal government tried strenuously to uphold the prices of wheat, cotton, and other farm products. The GOP tradition was further invoked to curtail foreign imports.

The Hawley-Smoot Tariff Act of June, 1930, raised American tariffs to unprecedented levels, which practically closed our borders to foreign goods. According to most economic historians, this was the crowning folly of the whole period from 1920 to 1933 and the beginning of the real depression. "Once we raised our tariffs," wrote Benjamin Anderson, "an irresistible movement all over the world to raise tariffs and to erect other trade barriers, including quotas, began. Protectionism ran wild over the world. Markets were cut off. Trade lines were narrowed. Unemployment in the export industries all over the world grew with great rapidity. Farm prices in the United States dropped sharply through the whole of 1930, but the most rapid rate of decline came following the passage of the tariff bill." When President Hoover announced he would sign the bill into law, industrial stocks broke 20 points in one day. The stock market correctly anticipated the depression.

The protectionists have never learned that curtailment of imports inevitably hampers exports. Even if foreign countries do not immediately retaliate for trade restrictions injuring them, their foreign purchases are circumscribed by their ability to sell abroad. This is why the Hawley-Smoot Tariff Act which closed our borders to foreign products also closed foreign markets to our products. American exports fell from $5.5 billion in 1929 to $1.7 billion in 1932. American agriculture customarily had exported over 20 percent of its wheat, 55 percent of its cotton, 40 percent of its tobacco and lard, and many other products. When international trade and commerce were disrupted, American farming collapsed. In fact, the rapidly growing trade restrictions, including tariffs, quotas, foreign exchange controls, and other devices were generating a world-wide depression.

Agricultural commodity prices, which had been well above the 1926 base before the crisis, dropped to a low of 47 in the summer of 1932. Such prices as $2.50 a hundredweight for hogs, $3.28 for beef cattle, and 32¢ a bushel for wheat, plunged hundreds of thousands of farmers into bankruptcy. Farm mortgages were forcelosed until various states passed moratoria laws, thus shifting the bankruptcy to countless creditors.

RURAL BANKS IN TROUBLE

The main creditors of American farmers were, of course, the rural banks. When agriculture collapsed, the banks closed their doors. Some 2,000 banks, with deposit liabilities of over $1.5 billion, suspended between August, 1931, and February, 1932. Those banks that remained open were forced to curtail their operations sharply. They liquidated customers' loans on securities, contracted real estate loans, pressed for the payment of old loans, and refused to make new ones. Finally, they dumped their most marketable bond holdings on an already depressed market. The panic that had engulfed American agriculture also gripped the banking system and its millions of customers.

The American banking crisis was aggravated by a series of events involving Europe. When the world economy began to disintegrate and economic nationalism ran rampant, European debtor countries were cast in precarious payment situations. Austria and Germany ceased to make foreign payments and froze large English and American credits; when England finally suspended gold payments in September, 1931, the crisis spread to the U.S. The fall in foreign bond values set off a collapse of the general bond market, which hit American banks at their weakest point—their investment portfolios.

DEPRESSION COMPOUNDED

1931 was a tragic year. The whole nation, in fact, the whole world, fell into the cataclysm of despair and depression. American unemployment jumped to more than 8 million and continued to rise. The Hoover Administration, summarily rejecting the thought that it had caused the disaster, labored diligently to place the blame on American businessmen and speculators. President Hoover called together the nation's industrial leaders and pledged them to adopt his program to maintain wage rates and expand construction. He sent a telegram to all the governors, urging cooperative expansion of all public works programs. He expanded Federal public works and granted subsidies to ship construction. And for the benefit of the suffering farmers, a host of Federal agencies embarked upon price stabilization policies that generated ever larger crops and surpluses which in turn depressed product prices even further. Economic conditions went from bad to worse and unemployment in 1932 averaged 12.4 million.

In this dark hour of human want and suffering, the Federal government struck a final blow. The Revenue Act of 1932 doubled the income tax, the sharpest increase in the Federal tax burden in American history. Exemptions were lowered, "earned income credit" was eliminated. Normal tax rates were raised from a range of 1½ to 5 per cent to a range of 4 to 8 per cent, surtax rates from 20 per cent to a maximum of 55 per cent. Corporation tax rates were boosted from 12 per cent to 13¾ to 14½ per cent. Estate taxes were raised. Gift taxes were imposed with rates from ¾ to 33½ per cent. A 1¢ gasoline tax was imposed, a 3 per cent automobile tax, a telegraph and telephone tax, a 2¢ check tax, and many other excise taxes. And finally, postal rates were increased substantially.

When state and local governments faced shrinking revenues, they, too, joined the Federal government in imposing new levies. The rate schedules of existing taxes on income and business were increased and new taxes imposed on business income, property, sales, tobacco, liquor, and other products.

Murray Rothbard, in his authoritative work on *America's Great Depression* (Van Nostrand, 1963), estimates that the fiscal burden of Federal, state, and local governments nearly doubled during the period, rising from 16 per cent of net private product to 29 per cent. This blow, alone, would bring any economy to its knees, and shatters the silly contention that the Great Depression was a consequence of economic freedom.

BUSINESS AND "THE NEW CLASS"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. CRANE. Mr. Speaker, more and more Americans, although they live in a free enterprise system in which private enterprise has created the most affluent and free society in the history of man, have a complete misunderstanding about the nature of business and industry.

It is unfortunate, but true, that anti-business feelings proliferate among large segments of our population. Irving Kristol points out that—

> On every college campus one can hear it said casually by faculty members that the drug companies are busy suppressing cures for cancer or arthritis or whatever; or that multinational corporations "really" make or unmake American foreign policy; or that "big business" actually welcomes a depression because it creates "a reserve army of the unemployed" from which it can recruit more docile workers.

The attitude of suspicion of capitalism and of business is, in the long run, an elitist attitude which distrusts the concept of democracy. Capitalism is, after all, democracy applied to the marketplace. Each citizen votes with his dollars for the goods and services he wishes. Unfortunately, the wishes of the majority seem to conflict with the wishes of those who view themselves as the leaders and opinion molders of the Nation.

Mr. Kristol notes that—

> This attitude may accurately be called "elitist". . . . It is basically suspicious of, and hostile to, the market precisely because the market is so vulgarly democratic—one dollar, one vote. A civilization shaped by market transactions is a civilization responsive to the common appetites, preferences and aspirations of common people. The "new class" . . . has little respect for such a commonplace civilization. It wishes to see its "ideals" more effectual than the market is likely to permit them to be. And so it tries always to supersede economics by politics. . . .

If business is to defend itself, and if free enterprise is to be preserved, it is essential that we understand the real nature of the attack against it. Irving Kristol's important essay, "Business and 'The New Class,'" which appeared in the May 19, 1975 Wall Street Journal, places that attack in a proper perspective.

I wish to share Mr. Kristol's important article with my colleagues, and insert it into the RECORD at this time:

BUSINESS AND THE NEW CLASS

Everyone wants to be loved, and it always comes as a shock to discover that there are people who dislike you for what you really are rather than for what they mistakenly think you are. Indeed, most of us desperately resist such a conclusion. We keep insisting to ourselves and others, that those people out there who are saying nasty things about us are merely ill-informed, or misguided, or have been seduced by mischievous propaganda on the part of a handful of irredeemably perverse spirits. And we remain confident, in our heart of hearts, that if they only understood us better, they would certainly dislike us less.

In this respect businessmen are as human—and are as capable of self-deception—as anyone else. On any single day, all over the country, there are gatherings of corporate executives in which bewilderment and vexation is expressed at the climate of hostility toward business to be found in Washington, or in the media, or in academia—or even, incredibily, among their own children. And, quickly enough, the idea is born that something ought to be done to create a better understanding (and, of course, appreciation) of "the free enterprise system." A television series on economics and business for the high schools? Space advertising in the print media? Face-to-face encounters between businessman and college students? Long and serious luncheons with the editors of major newspapers and newsmagazines? In the end, many of these ideas come to fruition, at substantial costs in money and time—but with depressingly small effect.

Now, I do not wish to seem to be underestimating the degree of ignorance about business and economics which does in fact exist in the United States today. It is indeed amazing that, in a society in which business plays so crucial a role, so many people come to understand so little about it—and, at the same time, to know so much about it which isn't so. We have, for instance managed to produce a generation of young people which, for all the education lavished on it, knows less about the world of work—even the world of their fathers' work—than any previous generation in American history. They fantasize easily, disregard common observation, appear to be radically deficient in that faculty we call common sense.

A PREFERENCE FOR FANTASY

Nor, it must be said, are their teachers in a much better condition. The average college professor of history, sociology, literature political science, sometimes even economics, is just as inclined to prefer fantasy over reality. On every college campus one can hear it said casually by faculty members that the drug companies are busy suppressing cures for cancer or arthritis or whatever; or that multinational corporations "really" make or unmake American foreign policy; or that "big business" actually welcomes a depression because it creates a "reserve army of the unemployed" from which it can recruit more docile workers.

So there is certainly room for all kinds of educational endeavors on the part of the business community, and I do not wish to be interpreted as in any way discouraging them. The fact that they seem so relatively ineffectual is not necessarily an argument against them. Education is at best a slow and tedious process, and that kind of education which tries to counteract a massive, original miseducation is even slower and more tedious. Too many businessmen confuse education with advertising, and almost unconsciously impose the short time-horizon of the latter on the former. The unit of time appropriate to the process of education is not a year but a generation.

Having said this, however, I should like to pursue the truly interesting question of *why* so many intelligent people manage to entertain so many absurd ideas about economics in general and business in particular. In truth, one can properly put that question in a much stronger form: Why do so many intelligent people seem *determined* to hold those ideas and to resist any correction of them? Such determination there must be, because mere error and ignorance are not of themselves so obdurate. When they are, it is usually because they also are an integral part of an ideology which serves some deeper passion or interest.

And the more attentively one studies the problem, the clearer it becomes that what is commonly called a "bias" or an "animus" against business is really a by-product of a larger purposiveness. There are people "out there" who find it convenient to believe the worst about business because they have certain adverse intentions toward the business community to begin with. They dislike business for what it is, not for what they mistakenly think it is. These people constitute what one may simply call, for lack of a better name, "the new class."

This "new class" is not easily defined but may be vaguely described. It consists of a goodly proportion of those college-educated people whose skills and vocations proliferate in a "post-industrial society" (to use Daniel Bell's convenient term). We are talking about scientists, teachers and educational administrators, journalists and others in the communications industries, psychologists, social workers, those lawyers and doctors who make their careers in the expanding public sector, city planners, the staffs of the larger foundations, the upper levels of the government bureaucracy, etc., etc. It is, by now, a quite numerous class; it is an indispensable class for our kind of society; it is a disproportionately powerful class; it is also an ambitious and frustrated class.

Kevin Phillips calls this class "the mediacracy," in his new book of that title. Though the book has many shrewd observations, the term he chooses seems to me to be unfortunate. It helps prolong what might be called the "Agnew illusion"—i.e., that much of our troubles derive from the fact that a small and self-selected group, whose opinions are unrepresentative of the American people, have usurped control of our media and use their strategic positions to launch an assault on our traditions and institutions. Such a populist perspective is misleading and ultimately self-defeating. Members of the new class do not "control" the media, they *are* the media—just as they *are* our educational system, our public health and welfare systems, and much else. Even if the president of CBS or the publisher of Time were to decide tomorrow that George Wallace would be the ideal President, it would have practically no effect on what is broadcast or published. These executives have as much control over "their" bureaucracies as the Secretary of HEW has over his, or as the average college president has over his faculty.

What does this "new class" want and why should it be so hostile to the business community? Well, one should understand that the members of this class are "idealistic," in the 1960s sense of that term—i.e., they are not much interested in money, but are keenly interested in power. Power for what? Well, the power to shape our civilization—a power which, in a capitalist system, is supposed to reside in the free market. The "new class" wants to see much of this power redistributed to government, where *they* will then have a major say in how it is exercised.

From the very beginnings of capitalism, there has always existed a small group of men and women who disapproved of the pervasive influence of the free market on the civilization in which we live. One used to call this group "the intellectuals," and they are the ancestors of our own "new class," very few of whom are intellectuals but all of whom inherit the attitudes toward capitalism that have flourished among intellectuals for more than a century-and-a-half. This attitude may accurately be called "elitist"—though people who are convinced they incarnate "the public interest," as distinct from all the private interests of a free society, are not likely to think of themselves in such a way. It is basically suspicious of, and hostile to, the market precisely because the market is so vulgarly democratic—one dollar, one vote. A civilization shaped by market transactions is a civilization responsive to the common appetites, preferences, and aspirations of common people. The "new class"—intelligent, educated, energetic—has little respect for such a commonplace civilization. It wishes to see its "ideals" more effectual than the market is likely to permit them to be. And so it tries always to supersede economics by politics—an activity in which it is most competent, since it has the talents and the implicit authority to shape public opinion on all larger issues.

ITS OWN GRAVEDIGGER?

So there is a sense in which capitalism may yet turn out to be its own gravedigger, since it is capitalism that creates this "new class"—through economic growth, affluence, mass higher education, the proliferation of new technologies of communication, and in a hundred other ways. Moreover, it must be said that the "idealism" of this "new class," though in all respects self-serving, is not for that reason insincere. It really is true that a civilization shaped predominantly by a free market—by the preferences and appetites of ordinary men and women—has a "quality of life" that is likely to be regarded as less than wholly admirable by the better-educated classes. To be sure, these classes could try to improve things by elevating and refining the preferences of all those ordinary people: That, supposedly, is the liberal and democratic way. But it is so much easier to mobilize the active layers of public opinion behind such issues as environmentalism, ecology, consumer protection, and economic planning, to give the governmental bureaucracy the power to regulate and coerce, and eventually to "politicize" the economic decision-making process. And this is, of course, exactly what has been happening.

There can be little doubt that if these new imperialistic impulses on the part of "the public sector" (i.e., the political sector) are unrestrained, we shall move toward some version of state capitalism in which the citizen's individual liberty would be rendered ever more insecure. But it is important not to have any illusions about how much can be done to cope with this situation. The "new class" is here, it is firmly established in its own societal sectors, and it is not going to go away. It is idle, therefore, to talk about returning to a "free enterprise" system in which government will play the modest role it used to. The idea of such a counter-reformation is utopian. Ronald Reagan was a two-term governor of California, and whatever his accomplishments, the restoration of "free enterprise" was not one of them. Were he to become a two-term President, he (and we) would find that, after the ideological smoke had cleared, not all that much had changed.

NOT HOPELESS, BUT . . .

Not that the situation is hopeless—it's just that one has to recognize the limited range of the possible. It is possible, I think, at least to preserve a substantial and vigorous private sector—not only a business sector, but also a non-governmental not-for-profit sector—in the United States. This can happen, not because of the self-evident virtues of business, but because of the profound appeal of individual liberty to all Americans, and because of the equally profound distrust of big government by all Americans. In this appeal and this distrust even members of the "new class" share, to one degree or another. It is our good fortune that they are not doctrinaire socialists, as in Britain, even if they sometimes look and sound like it. They have long wanted their "place in the sun," they are in the process of seizing and consolidating it—and now they have to be assimilated into the system (even as the system will have to change to assimilate them). It will be a slow and painful business, but need not end in calamity.

A good part of this process of assimilation will be the education of this "new class" in the actualities of business and economics—*not* their conversion to "free enterprise"—so that they can exercise their power responsibly. It will be an immense educational task, in which the business community certainly can play an important role. But before it can play this role, business has first to understand the new sociological and political reality within which it is now operating. That, too, is an educational task of no small proportions.

FORD ENERGY PLAN TO COST CONSUMERS MORE THAN $36 BILLION A YEAR

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. MOFFETT. Mr. Speaker, I was most disappointed that President Ford failed to mention in his May 27 televised energy speech just how much his planned tariff and decontrol of domestic oil prices will cost the American consumer.

Consequently, I requested a Library of Congress study on what our constituents will be paying under the White House plan. I regret to report that the total annual cost amounts to a staggering $36.4 billion. Of that total, an estimated $32 billion will be returned to energy producers in the form of windfall profits.

The Library of Congress computes the cost of decontrol alone at $15.7 billion annually, once all price ceilings are removed in about two years. Other costs to the American consumer include: $12.1 billion as a result of the $1 tariff to be imposed June 1, plus the $1 tariff on imported oil already imposed by the President in February; $4.8 billion for coal, which will rise competitively with oil prices, according to the study; and $3.8 billion annually for intrastate natural gas.

The effect on our economy will be most detrimental: Not even including the cost of old oil decontrol, we can expect to see an inflationary impact of at least 1.2 percent, and as high as 1.6 percent.

At this point, I include in the RECORD a reprint of the Library of Congress study:

THE ECONOMIC IMPACT OF AN ADDITIONAL $1 CRUDE OIL IMPORT SURCHARGE AND OLD OIL DECONTROL

This paper is a follow up on the January CRS study which made estimates for the costs associated with the President's State of the Union energy proposals. Now that the import duty surcharge is effective and, unless overruled by Congress, old oil is about to be decontrolled, these costs are reassessed here at congressional request under assumptions delineated in the President's May 27 address. Expressing impatience with the pace of congressional action on comprehensive energy legislation, the Administration has chosen to act using existing Executive powers which permit decontrol of so-called old oil prices and the imposition of additional import duties.

The range-of-magnitude estimates developed in this paper are based upon the assumption that demand for crude will remain at current levels, which are very low relative to post-1960 demand trends. One reason for this low demand is the recession and the accompanying slack in industrial activity. Much of this activity is fueled with oil, and as the recession ends, business output will increase and more oil would normally be consumed. In this light, a key assumption made herein is that there will be no decrease in oil usage; the tendency for increased use stemming from higher industrial production as the recession winds down is assumed to be offset by the price effect reducing oil demand. In effect, economic recovery demand is offset by the effect of higher crude prices on crude demand.

1.0 Import Duty Costs: A two-step import tariff increase has been levied. The first step of $1 per bbl of crude was levied February 1. A second $1/bbl will be imposed on crude June 1, with a lesser 60¢ per bbl assessed imported refined products.

1.1. Cost of the Crude Import Levies Per Se: The total of $2.00 per bbl which is actually in effect or will become effective June 1st, will impact crude (only, not refined products) imports now arriving at a 4 million bbl/day (mb/d) rate. Costs here will be: 4 mb/d×365×$2.00=$2.9 billion at an annual rate.

1.2. Imported Product Duty Increases: Imports of refined oil products were exempted from the February 1 initial $1.00 surcharge, while at the same time these products were also excluded from the entitlements program. The New England Congressional Caucus staff estimates the cost of entitlement loss at 60¢ per bbl, the same amount as the June 1 refined product levy. So total imported product costs can be anticipated to be escalated by $1.20 per bbl. These products are imported at a current rate of 2.5 mb/d. Hence, costs are estimated at; 2.5 mb/d×$1.20×365=$1.1 billion annually.

1.3. Uncontrolled Domestic Oil: Currenlty there is about 2.9 mb/d of released, new and stripper well oil production. This oil sold for $11.00/bbl before the February 1st $1.00 tariff increase, and quickly increased to $12.00 thereafter. It can be expected to move upward by the extra $1.00 after June 1st and indeed there were scattered reports of $13.00 prices a week before the President's actual announcement in anticipation thereof.

The following cost calculation can be made: 2.9 mb/d×($13.00–$11.00)×365=$2.1 billion annually.

1.4. Proportionate Coal Price Increases: In an uncontrolled energy market, economic forces generate a market clearing price for each fuel in such a manner that, on a Btu for Btu basis, fuel prices converge toward equivalence. Oil is the energy price leader, providing 45 percent of "national Btu consumption," as it were. And domestic uncontrolled oil prices are set by the world oil price, the price of imported crude. Oil fuels prices exercise the price leadership function for coal (and unregulated natural gas prices). Therefore we can expect proportionate coal price increases, which will be about $8/ton for this $2 fuel oil price increment. About 30 percent of coal is assumed to be under long term price limiting contract which will frustrate these market clearing forces. With 1975 domestic coal consumption estimated at 600 million tons, this cost element is computed as 600 million tons×$8/ton×70%=$3.4 billion.

1.5. Unregulated Natural Gas Price Hikes: Also under the price leadership of oil, unregulated natural gas prices may be expected to increase too. These intra-state sales, accounting for half of production (or 11 tril. cubic feet), are free of price controls. With the exception again being price limiting contracts, assumed to prohibit 30 percent of the anticipated price increase for some time, gas price increases resulting from the two $1.00 crude oil levies will be 11 bil. Mcf×$.34/Mcf×70%=$2.6 billion per year. The 34¢ figure is the Btu parity price increment associated with a $2.00 oil fuel increment.

1.6. Cost Summary For The Two $1.00 Tariff Increases: In total, we can expect to see these cost elements impact our economy this year:

Crude Import Duty, $2.9 Billion.

Product Duty and Entitlement Loss, $1.1 Billion.

Uncontrolled Domestic Crude Increase, $2.1 Billion.

Coal Price Increase Induced By Higher Oil Prices, $3.4 Billion.

Natural Gas Price Hikes Induced By the Tariff Surcharge, $2.6 Billion.

Total, $12.1 Billion.

This figure represents an annual rate of costs to fuel users which will be paid per full year as long as the tariff surcharge is in force.

This $12.1 billion's meaning should be clear. It is the result of the February 1st $1.00 tariff surcharge and the $1.00 increase to become effective June 1. In other words, it is twice the February 1 tariff cost of about $6.1 Billion effective at this writing.

Coal and natural gas prices can be expected to equilibrate with newly higher oil with some lag. Cost elements for coal and gas estimated above will become effective more slowly than the petroleum related costs, but it may be assumed that their full effect will be felt by year end.

This $12.1 Billion translates into a significant amount of inflation. The primary $12.1 billion effect on a $1,500 Billion economy amounts to 8/10ths of one percentage point inflation. When amplified by a ripple effect of 1½ to 2, $18.2 to $24.2 billion translates into an inflationary effect of between 1.2 and 1.6 percentage points.

2.0. Old Oil Decontrol: Old oil is presently under price controls which hold it to an average of $5.25/bbl. Currently, 5.544 mb/d of production are involved. If price controls are lifted, this oil's price will increase to the market clearing rate, the price set by imported oil's landed cost. Because imported oil's landed cost is affected by tariffs, the surcharge directly affects the price of uncontrolled domestic oil, as described above in Section 1.3.

2.1. Cost of Old Oil Decontrol: In Section 1.3, the rise of uncontrolled domestic oil to the OPEC cartel import price plus tariff surcharge was depicted. Without price controls, which hold old oil below the market clearing OPEC plus tariff rate, old oil will quickly escalate to this level—$13.00/bbl. The cost of this rise from $5.25 will be:

5.544 mb/d×365×($13.00–$5.25)=$15.7 billion per year. This is the complete annual cost rate which will be phased in at 4 percent (or $623 million) per month, becoming fully effective in 25 months.

2.1.1. Oil Fuels Price Increase: With crude oil derived fuel consumption (usually thought of as 17 mb/d, overlooking the fact that 1.7 mb/d are natural gas liquids, a separate item anticipated to remain price controlled) remaining at its current 15 mb/d level, we can anticipate that this $15.7 billion will average out at $2.89 per bbl of oil fuels, or roughly 7 cents per gallon. This increment will be reached at the end of the 25 month controls phase out. Figure 1 depicts how this cost will unfold over the phase out period.

2.2. Coal Under Decontrol: The $2.89/bbl increase in oil fuels will impact coal in a manner similar, but in addition to, the tariff surcharge dscussed above. Here $2.89 translates, on a Btu parity basis, into about $11.50 per ton for coal. With 600 million tons projected consumption and the 70 percent contract price effect assumption, extra annual costs will be $11.50 × 600 millions × 70% or $4.8 billion yearly after the two-year oil controls phase out.

2.3 Natural Gas Under Old Oil Decontrol: Paralleling coal, intrastate natural gas will increase by the Btu equivalent of $2.89/bbl or about 50¢/Mcf. Using the assumptions of Sec. 1.5, we have:

70% × 11 Billion Mcf × $.50/Mcf = $3.8 billion.

2.4. Cost Consolidation: These three cost elements will amount to $24.3 billion, an annual rate of extra costs to fuel users that will be phased in at 4 percent, or nearly a billion dollars, monthly. This amount is in addition to the $12.1 tariff surcharge related costs which are fully effective by year end. Furthermore, the Administration's actions here can be estimated to have a total cost impact of $36.4 billion at annual rates after phase in. Of this, $32 Billion will accrue to oil, coal and gas producers as windfall profits. The remainder will accrue to the Treasury. About 70 percent of the $32 Billion will accrue to 20 companies, marking substantial income redistribution from consumers of fuel to these few firms.

Figure 1 charts the growth path of these price increases as they are phased in at 4 percent monthly. The total bill here increases monthly at the rate of about $1 Billion for oil, coal and gas. The phase in will start from the $12.1 Billion annual tariff related cost base, increasing $628 million monthly for old oil decontrol per se, and another $344 million monthly from secondary effects on coal and intrastate natural gas.

FORMER CONGRESSMAN THADDEUS J. DULSKI OF BUFFALO HONORED BY THE DISABLED AMERICAN VETERANS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. KEMP. Mr. Speaker, our former colleague, Thaddeus J. Dulski of Buffalo, was honored on May 24, by the Paul J. Schifferli Chapter of the Disabled American Veterans at their annual installation ceremonies in Cheektowaga, N.Y.

Thad Dulski served in the Congress for 16 years, and I had the pleasure of serving with him in representing the people of western New York for the last 4 of those years.

From 1967 through 1974 Thad served as the chairman of the Committee on Post Office and Civil Service, and during his entire tenure served simultaneously as a member of the Committee on Veterans' Affairs where he distinguished himself in service in behalf of America's veterans.

That service was formally recognized by the local chapter of the DAV through the presentation to Thad of its highest honor, the National Commander's Plaque, an award which recognizes outstanding dedication and service to veterans nationwide. National Service Officer Samuel D. Sabino, representing Mr. Charles Huber, the DAV's national legislative affairs director in Washington, made the presentation.

Thad's remarks upon acceptance of this prestigious award are of particular relevance to us today, as we review our individual responsibilities to helping preserve America's heritage in light of our forthcoming Bicentennial observances.

These remarks are worthy of our attention:

SPEECH BY FORMER CONGRESSMAN T. J. DULSKI, MAY 24, 1975, TO DAV CHAPTER NO. 150, CHEEKTOWAGA, NEW YORK

Commander Burkhardt, National Service Office Sabino, distinguished guests, officers and members of DAV Chapter 150, and friends.

Thank you very much.

It is always good to be with a group of veterans, not only because of the fellowship that is born of a shared experience, but also because of the fact that I know I am among Americans in the very best sense of the word.

I appreciate your inviting me here this evening, and it is an even greater honor to receive this award. I am proud to join the list of recipients who have received the National Commander's Plaque in the past. I understand that this is a coveted award and you can be sure it will be so treasured by me.

I want to take a moment to congratulate your Chapter upon its fifth anniversary observance, and also to offer my congratulations to your new officers. You have my warmest good wishes for continued success.

I also want to salute the veterans who fought in many campaigns in the World Wars, Korea, Vietnam, and who today bear the scars of those battles.

Over a period of many years, as a Member of the Veterans' Affairs Committee of the House of Representatives, I had the unusual opportunity to work with and observe the leaders of the various veterans organizations, both at the national and local levels. The competence and dedication of these outstanding people is a tremendous resource for the veterans they serve.

The Disabled American Veterans can be proud indeed of its record and accomplishments. Your representatives here in the Buffalo area have done an outstanding job in helping the disabled veteran, and they have established a reputation for going the last mile in their efforts to be of assistance.

The DAV also has an excellent national staff—experienced and able, cohesive and concerned. It has faced the issues squarely—fortified with facts—and stood firm in the face of pressure—never turning its back on a problem merely because it was a tough one to lick.

I have always had a great deal of respect and admiration for veterans organizations.

Next year our Nation will have completed 200 years of the greatest achievement in representative government man has ever known. We are a small nation when we think in terms of population, yet our country in two centuries—with less than ten percent of the world's peoples—possesses over half of the world's good things. And we have shared our plenty with all mankind.

An inventory of the accomplishments of our first 200 years as a nation will stagger the imagination and will overshadow any other nation or culture that may seek comparison. The accomplishments have been so magnificent, they have encouraged an alarming indifference toward the very qualities of citizenship that have made possible this great progress.

Occurrences over the past few years give us reason for grave concern. The increasing refusal to accept established authority, the growing lack of respect for the rule of our land by law, and the callous disregard for our democratic institutions and their place in an orderly society, pose a real threat to our survival as a representative government.

You and I know that nothing is long maintained when respect for it is gone. Disrespect for law, reckless disregard for the rights of others, and flagrant contempt for the orderly legal processes, can undermine and eventually destroy our society.

You may say that these conditions have existed before in the short span of our nation's history. The roaring twenties brought gangland wars in our large cities. During the frontier days, terror would grip the hearts of law-abiding people when the word came through—"The Daltons are riding again."

These were symptoms of contempt for discipline and the rule of law. We did not then recklessly throw away our cherished rights in order to correct the conditions. Those conditions were suppressed only to the extent that the orderly process of a civilized rule of law were applied to suppress them.

In the past we have prospered as we have maintained a system of government of laws and not of man. Our continuing progress as a nation in the years ahead will be determined by the degree of respect we hold for government by rule of law.

I know that our veterans organizations are made up of men and women who are sensitive to their obligations to the law of our land and its orderly administration.

In the very beginning of the preamble to our Constitution, we associate ourselves together to maintain—and to instill in others—a solemn respect for law and our institutions of government. It becomes our responsibility.

I speak not only as a former public servant, but also as a concerned citizen—who is concerned for America's future and the future of our children and grandchildren—when I say that we, all of us here and veterans everywhere, must accept this responsibility and the sooner the better.

We must let our voices be heard where heretofore a small vocal minority has succeeded in chipping away at the very foundation of our freedoms. We have been silent too long.

Remember—the freedom protected by the sentry who guards the gate today will surely be lost if the sentry, whose job it is to guard the gate tomorrow, is lulled to sleep at his post.

A great nation is not only strong, but wise; not only principled, but purposeful.

We must have faith in America. It is still the greatest country in the world despite its ills.

God Bless America, and each and every one of you.

Mr. Speaker, I congratulate our former colleague upon being singularly honored by the members of the local DAV chapter, and I commend those members for having made such a timely and appropriate selection.

ZARB NAMES FORMER ZION AIDE KEY ENERGY ADVISER

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. MYERS of Indiana. Mr. Speaker, it is with pleasure that I note the assignment of a Hoosier to a key position of responsibility with the Federal Energy Administration. This particular Indianan is well-known to Capitol Hill where he served as legislative assistant to Roger Zion during that gentleman's 8 years in the House. Belden Bell cooperated closely with my office and other Indiana congressional offices during those years in helping his State and its people. Belden served as chairman of the Bull Elephants until his new FEA responsibilities forced him to resign that able leadership position.

Mr. Speaker, I am pleased to know that Belden continues to serve Indiana and the Nation in his new capacity as legislative specialist dealing with our serious energy problems. FEA's announcement of Belden's appointment should be noted.

ZARB NAMES FORMER ZION AIDE KEY ENERGY ADVISER

Belden Bell, of Evansville, Ind., has joined the Federal Energy Administration in Washington, D.C., as a Legislative Specialist.

As a staff member with FEA's Office of Congressional Affairs, Bell maintains close liaison with the key Congressional committees that are considering the President's energy legislation. He also provides high-level advice on legislative matters to FEA Administrator Frank G. Zarb.

Bell formerly was Legislative and Policy Assistant to Congressman Roger Zion (R.-Ind.). In that position he was responsible for overall policy and legislative planning and issue development.

Bell served as Deputy Attorney General of Indiana from 1960 through 1962, when he returned to Evansville to practice law. He also served at one time as Tri-State Editor of the Evansville Courier.

Active in many Congressional staff organizations, Bell has served for three Congresses as President of the Bull Elephants, the top GOP Congressional staff organization. He also has been a member of the Masonic Lodge, Scottish Rite, Shrine, Jaycees, and Elks. He was named a Kentucky Colonel by the Governor of that State in 1964.

Bell attended Dartmouth College and received the Bachelor of Arts degree from Indiana University in Bloomington. He received the Doctor of Jurisprudence degree from Emory University, Atlanta, Ga., and is a member of the Indiana Bar.

Married to the former Rae Ellen Graham of Indianapolis, Bell served as Young Republican Chairman for the Eighth District of Indiana and was the first person elected to that post. He has been a delegate to the Indiana State GOP convention seven times, while Mrs. Bell served in that capacity one time.

Bell was President of the Young Republican Clubs at Indiana and Emory Universities and was his party's nominee for the State legislature in 1962. Mrs. Bell is a board member of the Washington Junior League and is active in historical preservation efforts.

The Bells and their three daughters live in Alexandria, Va., a suburb of Washington, D.C.

DOES CONGRESS REALLY CARE ABOUT A HEALTH PLAN?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. CLAY. Mr. Speaker, as sentries of the public welfare, those who comprise any humane and enlightened government, have, as their fundamental responsibility, the job to see to it that the society over which they govern is provided certain essential social programs that insure a decent life. Clearly, the universal provision of health care services qualifies as such a fundamental program. And yet, the United States, alone among industrialized nations, is conspicuous for its long-time neglect in responding to this great problem.

Mr. Speaker, my distinguished colleague, Representative Charles Rangel, has published in the Boston Globe a column on this subject in which he worries that Congress may not be even interested in the issue of health care delivery. I deeply hope his words will jar the Congress from its lethargy and with that in mind, I am inserting his article in the Record:

Does Congress Really Care About a Health Plan?

(By Charles B. Rangel)

With hearings finally starting on national health insurance, the question is whether Congress really cares about health care.

National health insurance is an idea whose time should have come years ago. Health care costs are escalating, yet an estimated 42 million citizens have no protection at all under private health insurance. For tens of millions more, their coverage is inadequate and will not cover the level of expenses of serious illness. When it comes to dental care, 88.6 percent of all Americans have no insurance.

Health care must be recognized as an inherent right and an obligation of government. This means that all persons should be entitled to comprehensive benefits, regardless of sex, age, income or employment. Included should be preventive and pre-natal care. For those unable to travel, there should be comprehensive home health services.

There is a geographic imbalance in the distribution of health professionals and facilities across the country. Residents of the inner city and rural areas frequently do not have access to the variety and quality of health services available elsewhere. A national health insurance program can help remedy this imbalance by providing incentives for the relocation of facilities and personnel in under-serviced places. Such a program can encourage the expansion of medical paraprofessional training to provide additional, qualified health workers to assist in hospitals, clinics and outreach facilities.

Equally important is the need to permit individuals to choose doctors or hospitals of their choice, as well as fostering community input into issues of health planning and care.

One of the urgent problems facing America is the inadequacy of preventive care. National health insurance will enable every citizen to receive professional assistance in early detection and avoidance of illnesses. It makes sense since it will lessen overall expenses for health care in the long run.

Despite strongly organized opposition from some special interest groups, public support for national health security is spreading. The Roper Survey reveals a significant shift in opinion away from private health insurance and toward national health insurance.

Funding for this type of comprehensive program can come from employer contributions on a progressive scale, based on each worker's earnings. A second source would be fees paid by those in higher tax brackets. The balance would come from general tax revenues.

Thirty years ago, in 1945, President Harry S. Truman called on Congress to enact a national health security plan. He stated, "Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection."

Truman's words still accurately reflect the picture of a nation in the midst of a health crisis. Perhaps Congress will finally open its eyes.

REPRESSION IN THE PHILIPPINES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. HARRINGTON. Mr. Speaker, this week Mr. Fraser's Subcommittee of International Relations is holding hearings to investigate political repression in the Philippines. I urge my colleagues to follow these hearings closely because they concern two very important issues The first is political repression itself; the second is the manner in which the Marcos government has responded to inquiries about its policies both to Members of Congress and to State Department officials.

There is ample evidence that President Marcos has imprisoned thousands of persons on political grounds. Three of his most prominent political prisoners have engaged in hunger strikes to bring publicity to their cases. Eugenio Lopez, Jr., once publisher of the Manila Chronicle, and Sergio Osmena III, son of the 1969 opposition candidate for President, held an 11-day hunger strike in November of last year. They ended the strike when Marcos stated that he would move them to a military hospital and then release them so that they could prepare their defenses. No date has been set for the trial yet, and neither has been released from the hospital where they are kept under guard.

Philippine Senator Benigio S. Aquino, Jr. was a declared candidate for President when he was arrested—the night before the martial law proclamation was issued in 1972. Two months ago he began a hunger strike protesting repeated forced appearances before a military tribunal supposedly investigating his case. After 40 days, and near death, he halted the strike under coercion.

President Marcos has virtually outlawed all political activity in the Philippines and the news media are subject to government censorship. It seems to me that the combination of political repression and violation of basic human rights is enough to elicit our consideration of ending all military aid to the Philippines under section 502B of the 1974 Foreign Assistance Act, which provides for the termination of military assistance to any nation that commits gross violations of human rights.

I am also extremely concerned with the manner in which the Philippine Government has responded to official inquiries by Members of Congress and State Department officials. The Marcos regime has not hesitated to mislead officials of our Government. First they denied that any prisoners were being held. Then they implied that the prisoners, whose existence was earlier denied, would soon be released. Now they are silent on the matter.

It does not make sense to me that a nation as powerful internationally as we are can justify the use of full force against a small nation that captures one of our merchant ships while continuing military aid to a small nation that is both politically repressive and less than open in its diplomatic relations with us. If we are unwilling to make clear to President Marcos that we seriously disapprove of his policies, then I wonder how seriously other nations will take our own pledge of support to democratic governments and the universal protection of human rights.

I have contacted Robert J. McCloskey, the Assistant Secretary of State for Congressional Relations, and he assures me that the Philippine Government is fully aware of the concern being voiced in the Congress and by the American people over the continued detention of individuals without charge or trial. But that assurance itself makes clear that President Marcos does not take our concern seriously, for if he did, he would have changed his policies.

SOL "CHICK" CHAIKIN BECOMES PRESIDENT AS INTERNATIONAL LADIES GARMENT WORKERS UNION CELEBRATES 75TH ANNIVERSARY OF FOUNDING

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. BOLAND. Mr. Speaker, today we mark an important historical milestone in the history of organized labor. Seventy-five years ago, on June 3, 1975, the International Ladies Garment Workers Union was founded on the Lower East Side of New York City. Today the ILGWU, with locals across the country, continues to be a fine example of progressive unionism under its new president, Sol C. Chaikin.

It has been 75 years of accomplishment for the International Ladies Garment Workers Union and they deserve the congratulations of us all. They should be congratulated for improving working conditions for their members from the sweatshops of the early 1900's to modern-day ideals of health, comfort, and safety. They should be congratulated for steadily raising the position and status of ILGWU members over the past 75 years. Financially, the union has helped its members progress from the depressed wage levels at the turn of the century to a living wage under decent working conditions.

Today, as in the past, a statement or action by the ILGWU often serves as an example for organized labor everywhere. I commend them for their long-standing leadership role on the labor scene.

I would also like to take this opportunity to bring the attention of the House to the new president of the International Ladies Garment Workers Union, Mr. Sol "Chick" Chaikin. Mr. Chaikin has been a personal friend of mine for years and I can only say that the union has chosen a truly fine leader for the important years ahead.

In the 1950's Mr. Chaikin began progressive leadership, since continued by Jack Albano, in his post as head of the ILGWU's western Massachusetts district office in Springfield, Mass. With his diverse legal background and fine sense of fairness, I am confident the union will continue to advance and prosper under Mr. Chaikin. I extend my heartiest personal congratulations to the International Ladies Garment Workers Union and my good friend, Chick Chaikin.

Mr. Speaker, I include an article from the Boston Globe of May 31, 1975 on the new ILGWU president, Mr. Chaikin, and from the New York Times of June 3, 1975 on the history of the Union's 75 years:

[From the Boston Globe, May 31, 1975]

A "MOD" LOOK FOR THE TRADES

(By Wilfrid C. Rodgers)

The apparel unions of the nation are putting on a new "mod" look and it may well portend some major changes in national trade unionism.

The latest is the naming of Sol "Chick" Chaikin as president of the International Ladies Garment Workers Union.

Perhaps without realizing it, Chaikin may have set the tone for the apparel unions for the next decade when he said upon his election by the ILGWU General Executive Board:

"I am of a new generation, born in this country and born in this century—not necessarily better, but different, as the challenges we confront today are different."

Chaikin, 56, who was paraphrasing the late President Kennedy, is a dynamic, tough, aggressive, innovative type of leader who is well known throughout New England.

Before World War II, Chaikin worked in Boston for the ILGWU as an organizer and after the war he represented the Springfield district for the union. While in Springfield, he became a close friend of former Gov. Foster Furcolo and was active in the Americans for Democratic Action organization.

He now joins Murray H. Finley of the Amalgamated Clothing Workers Union as the new breed union leader taking control of two of the largest unions in the country.

The ILGWU traditionally has organized workers in the ladies garment trade while the Amalgamated has represented workers in men's and boy's clothing industries.

Both of these men are lawyers and both have been outspoken adversaries of importation of foreign made clothing into the United States. Both are considered "liberals" in their political thinking.

The Amalgamated already is talking merger with the once-mammoth Textile Workers Union—a merger expected to become a reality within two years if negotiations continue unabated.

As always happens in recessions, all the apparel unions have been hard hit by unemployment.

Only this past week the Amalgamated passed up for four months a wage increase due June 2, as well as a cost-of-living boost. This 27½-cent increase plus 4 cents in cost-of-living will be diverted instead into the Health and Welfare programs of the union to "secure the stability of the union's welfare funds."

The fund hit a low level, the union claims, because of unemployment, the rise in hospital costs, and the rise in imports from low-wage foreign nations. (Unemployment in the men's and boys' clothing industry is more than 25 percent.)

One big apparel union would give the trade union movement its biggest clout against southern manufacturers and certainly restore to the apparel unions the political clout it had during the days of Franklin D. Roosevelt.

I.L.G.W.U. HAILS DIAMOND ANNIVERSARY

(By Damon Stetson)

"As a union we've had a significance far beyond our numbers or our economic muscle," Sol C. Chakin, the newly elected president of the International Ladies Garment Workers Union, said the other day as the union prepared to celebrate its 75th anniversary today.

"Our leaders—Benjamin Schlesinger, Morris Sigman, David Dubinsky, Louis Stulberg—have been men of integrity, determined trade unionists and men of social vision. Not only has the union won benefits and dignity for its members but it has had a tremendous impact on the trade union movement . . . It has been a voice for social progress."

MEMBER 30 YEARS

A group of retired members, schmoozing about the union at its Joint Coat and Suit Board headquarters on West 38th Street, spoke in more down-to-earth terms:

"I used to work in a shop that didn't even have a window—a real sweatshop," said Mabel Frazier, a Harlem resident who retired 12 years ago after years as a belt stitcher. "That was before I joined the union. After I joined, things began to improve. I got work in better shops with better conditions and my pay went up. The union's health center has meant so much to me, too, because I had a heart attack. But now I'm better and I'm getting a pension."

Amelia Cortez, who lives on Manhattan's West Side, came to New York from Puerto Rico in 1927 and has been a member of Local 40 for about 30 years, retiring in 1973.

"When I started as an operator," she said, "I made $30 a week. But when I retired I was make $155 a feek. For me the union meant better pay and better conditions—also hospitalization, benefits. And I used to go to Unity House [the union's resort in the Poconos] every year."

Abe Kaver, a gray-haired, 71-year-old immigrant from Warsaw who started as a $15-a-week errand boy and retired as a $200-a-week Bonnaz (embroidery) machine operator, chimed in: "We were the pioneers for the present generation of workers. They get the benefits we fought for."

The "ILG", as the union is known, now has 430,000 members, a level that has been relatively constant over the last two decades. New York City membership is 140,000—down from over 200,000 in the years before the industry began to disperse to other areas.

About 80 per cent of the members are women, but the earlier predominance of Jewish and Italian workers has been diluted and the union now has large numbers of blacks, Spanish-speaking people, Greeks, Chinese, Yugoslavs and others.

FOUNDED IN 1900

The union was founded on June 3, 1900, when 11 cloakmakers met in a small hall on the Lower East Side. The early years, involving frequent strikes and bitter confrontations with employers, left a trail of defeats with garment workers scattered in thousands of homework hovels.

A popular artist of the period, Charles Dana Gibson, sketched a heroine who wore a shirtwaist that had great appeal to the women of that time. As a result, according to union historians, the volume of shirtwaist sales expanded rapidly, leading to the establishment of large shops where the shirtwaists could be cut and sewn.

In these larger shops, the young women workers became a militant labor force, dissatisfied with poor working conditions and depressed earnings. Late in 1909 they struck the Triangle Shirtwaist Company and then, under the I.L.G.W. banner met in the Great Hall of Cooper Union and voted a general strike in the shirtwaist industry.

By the time the strike ended in February, 1910, union historians say, the women strikers had won a victory, had also won public opinion as an ally and had for the first time brought women and immigrants into the mainstream of organized labor in the United States.

MEN REVOLTED, TOO

The following summer of 1910, the men in the cloak shops, numbering perhaps 60,000, revolted against sweatshop conditions and went on strike. It was a bitter strike that lasted from July 7 until Sept. 2. But in the midst of the walkout such community leaders as Louis D. Brandeis and Louis Marchall intervened and achieved a settlement with what came to be known as the Protocol of Peace, outlawing both strikes and lockouts.

In the years that followed, union officials say, the I.L.G.W.U., in pursuit of a mobile industry, has "relived these phases of its history—organizing, striking, negotiating and enforcing a contract embodying principles of the 1910 Protocol."

Despite the two historic strikes, the sweatshop operations continued. But the death of 146 workers in a fire at the Triangle Shirtwaist Company on March 25, 1911, shocked the city and the nation into a frightened awareness that the sweatshop not only demeaned the human spirit but could also destroy the worker.

Out of the tragedy grew a movement for legislative safeguards and reform of working conditions, providing what the union has described as "an important root of the New

Deal and an imperishable memorial to the Triangle victims."

Early achievements of the union also included the establishment in 1914 of the country's first union health center, which has now grown into a chain of 10 in various states; the organization of educational, cultural and athletic activities for the membership, the opening of Unity House as the first union vacation resort for members in 1915, and the formation of a research department in 1919.

In the Dubinsky years from 1932 to 1966, there were many firsts: The negotiation of a 35-hour, five-day work week; establishment of an employer-financed vacation fund; production of "Pins and Needles" on Broadway with a cast of garment workers from the shops; establishment of a union engineering department to assist employers, and negotiation of an employer-financed retirement fund for workers.

"FUTURE OF AMERICA"

During Mr. Dubinsky's leadership, an International Labor Relations Department was created to support free trade unions abroad. A Political Department was organized to promote membership interest and participation in the nation's political life. A drug prescription plan was set up, making it possible for members to obtain drugs at relatively low cost. Since his retirement Mr. Dubinsky has directed an elaborate program to assist retired I.L.G.W.U. members and to provide them with cultural opportunities.

Mr. Dubinsky, who was born in Brest-Litovsk, then part of Russian Poland, spoke some time ago about his stewardship of the union.

"When we banished the sweatshops, when we reduced the hours of work, when we increased wages, when we provided health centers, when we established Unity House, when we participated in community life, when we eliminated worry, torture, hunger and starvation, we performed a service for the future of America."

Mr. Stulberg, in reviewing his nine years as president, cited such accomplishments as an increase of 65 per cent in negotiated wage and cost-of-living adjustments; improvements in health care; development of a mail order prescription program; a doubling of the death benefit; increases in the retirement benefit to the present level of $100 a month, and negotiation of a third week's vacation pay in labor agreements.

Now, as a new president, Mr. Chaikin, prepares to take over, there are new and difficult problems. The wages of I.L.G.W.U. members, which once exceeded those of auto workers and steelworkers, are now lower, although Mr. Chaikin says they average $4.25 an hour. But the garment industry, with its many small units and a growing number of larger operations, is subject to severe competitive strains, he said.

"There is much non-union production also," Mr. Chaikin said. "And in the last five years there has been an ever increasing influx of imports from countries with unconscionably low wages.

"I see the next five years as being almost crucial to the industry and the union. We have to seek help from Congress and the President to regulate the flow of imports with which we can't compete. We also have to bring the message of unionism to non-union areas. Then we can negotiate better agreements and also give employers respite from extraordinary (foreign and non-union) competition."

In observance of the anniversary, the union will hold a banquet tonight at the Americana Hotel. About 1,600 people, including Governor Carey and Mayor Beame, are expected to attend. George Meany, president of the American Federation of Labor-Congress of Industrial Organization, will be the main speaker.

SPEECH BY HON. LEE H. HAMILTON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. HAMILTON. Mr. Speaker, I include the speech I delivered recently to the Ninth District of Indiana Small Businessmen's Conference held in Seymour, Ind.:

SPEECH BY HON. LEE H. HAMILTON

America owes much to small businessmen. The debt is too often forgotten, however, in our preoccupation with giant corporations, big unions, conglomerates, multi-national corporations, and agribusiness.

In our fascination with bigness, we often forget the small businessman, who is the economic and commercial backbone of our communities.

Anyone who has walked around a courthouse square in rural America or down most any street in an urban business district is soon made aware of the role the small businessman plays in his community.

SBA Administrator Thomas Kleppe recently commented on the significance of the small businessman in America when he said: "Our traditional values of individual initiative, social mobility, and political freedom are significantly dependent upon the strength of the free enterprise system, a system which is itself dependent upon the maintenance of competition provided by the existence of a large and healthy community of small enterprises".

The contributions of small businessmen to our country are legion. Such technological marvels as:

The rocket engine,
The Polaroid camera,
The helicopter,
The jet engine,
The Xerox process,
Insulin,
The vacuum tube,

And countless other production devices and processes have been developed by small firms and independent inventors.

Those of us from southeastern Indiana depend on the small businessman to meet most of our daily needs. He contributes to the wide diversity of the economy in our communities. He is independent, civic-minded, self-reliant and resourceful. These are the qualities that go to the heart of what the nation is all about.

We know that the small businessman has contributed significantly to the quality of life in America. His demise would have an unfortunate and worrisome impact.

That is why I am concerned that so much of what the government does places a special hardship on the small businessman. He is less apt to be able to absorb higher taxes, inflation, increased wage rates, more paperwork and tighter regulations. Environmental and consumer legislation often cause him severe problems. All of these governmental actions fall with great force upon the small businessman and I am convinced he needs relief and special attention.

If we are serious about creating jobs and improving the economy, we must help the independent businessman survive, grow and prosper.

In economic terms, the small businessman's impact is enormous:

There are an estimated 8.8 million small businesses in the U.S., or about 97% of the nation's total business units.

In the past 25 years, ¾ of the 18½ million jobs created in the U.S. have been in distribution, retailing and service trades where smaller businesses predominate.

At the present time, small businesses provide 52% of the jobs in the private labor force, and produce more than ⅓ of the GNP.

In 1972, they were responsible for 29% of total government procurement.

SURVIVAL THREATENED

Despite these contributions, small businesses are losing ground rapidly and disastrously to larger firms in terms of marketing share, assets and profits. In 270 of 413 manufacturing industries—the business sector where figures are most complete—the 8 largest companies account for more than 40% of the value of shipments from their industry.

In 1960, small and medium-sized corporations in manufacturing had 50% of this sector's assets and were responsible for 41% of the profits. By 1970, these firms had only 33% of the assets, and by 1972, this had declined to 30% of the assets and 28% of the profits.

Small businesses retain less of their earnings than any other sector. After-tax profits in late 1973 were 2.4¢ on the dollar for companies of $1 million assets or less, 3.4¢ for companies of up to $5 million in assets—but nearly 8¢ for the billion-dollar corporations.

Profits of small businesses turned down earlier in 1974 than those of big business. Interest rates offered to small business have ranged from 12 to 18% for needed capital to pay essential bills. These rates are simply too high for many small businesses already suffering from higher prices and lower sales.

Small businesses are losing out to the "bigs" in terms of tax liability. Recent studies have shown that the biggest U.S. corporations pay taxes at just over half the rate paid by small and medium-sized businesses—28% versus 51%. This seems a complete reversal of the American philosophy that the underdog is entitled to at least an even break.

Small businesses will need substantial amounts of capital, estimated at some 7–10 billion dollars, over the next 5–10 years, in order to meet existing pollution control and other regulations. However, such funds are often not available from private sources or only at prohibitive interest rates.

Although big businesses are confronted with these same standards, they have better access to private capital and can also utilize the highly advantageous industrial revenue bonds. Issuance of such bonds is not feasible for small business because the amount of money involved is not large enough to attract investors. We must find some way to provide a source of needed financing for small businessmen.

The small businessman carries the heaviest portion of the enormous federal paperwork burden. A firm employing fewer than 50 people may be required to fill out as many as 75–80 different types of forms in the course of a year. For a business with a small staff, completion of these forms is a tremendously time-consuming and costly operation. Unlike large corporations, they cannot draw on in-house accountants or tax lawyers to handle this work. Small businessmen do it themselves.

The burdens of state and local as well as federal taxation, and the attendant paperwork burden, grow heavier each year. The inflation of 1974—with its 21% increase in wholesale prices and the recession of 1974–75 have injured small businesses first and worst. Business failure are up 30% this year over last—and 98% of businesses which fail are small businesses.

I am quite concerned by these developments. The small businessman's situation remains tenuous, and the Federal Government should do all that it can to create a climate to improve his chances for successful operation and growth.

I hope that this conference will prove helpful to you in learning more about federal programs designed to assist small businessmen.

CONGRESSIONAL ACTIONS

In the Small Business Act of 1958, the Federal Government committed itself to a policy of promoting the well-being of the small business community:

"It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns, in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services of the Government be placed with small-business enterprises, to insure that a fair proportion of the total sales of Government property be made to such enterprises, and to maintain and strengthen the overall economy of the nation".

Through the years, the interests of small business have been addressed by Small Business Committees in both the House and Senate.

Until last year, the House Small Business Committee had only investigative functions. Its 19 members could study small business problems and make recommendations for action by other committees, but could not produce legislation on their own.

Last year's reorganization of the House committee structure recognized congressional concern that greater attention be given to small business. The Small Business Committee was granted legislative authority and was expanded from 19 to 37 members. It also gained jurisdiction over small business financial aid, small business assistance and small business participation in federal procurement and government contracts.

Increased congressional concern for assisting small businesses is evident in the number of bills recently passed and currently pending.

First. This year the House has passed a piece of landmark legislation, the Small Business Emergency Relief Act. The purpose of this legislation was to provide for the granting of increased prices by government agencies to small business contractors caught in a price squeeze. The bill:

Authorizes the head of an executive agency to terminate or modify the terms of any fixed-price contract between the agency and a small business concern if the business experienced significant unanticipated cost increases not caused by negligence.

Specifies numerous data on small business' costs, profits and losses which must be submitted by the mall business in order to justify the request for relief.

Provides that relief may be granted only for contracts which were entered during the period from August 15, 1971 (when price controls were imposed) through October 31, 1974 (when prices began to stabilize).

Provides that a delay in the performance by a small business contractor of a contract between a small business and a Federal agency under a fixed-price contract which was caused by a shortage of energy may be deemed an excusable delay and the contractor not held in default if the contract was not performed in a timely manner.

The bill is now under consideration by the Senate.

Second. The Small Business Committee will soon report out a bill to provide SBA loans to small businesses adversely affected by public utility disasters which interrupt public utility services (primarily to help businesses hurt by the recent telephone breakdowns in New York, though it may also have other applications).

Third. The recently enacted Tax Reduction Act of 1975 contained several provisions affecting smaller businesses.

Under previous law, corporations paid a rate of 22% on profits up to $25,000 a year and 48% above that level. The new law lowers the rate schedule for all of the 1975 income of small corporations. Earnings up to $25,000 will be taxed at 20%. Profits between $25,000 and $50,000 will be taxed at 22%. Earnings above $50,000 will still be taxed at 48%.

The law also provides tax incentives for business outlays on expansion and modernization. The direct tax credit for investment in business equipment and machinery is increased to 10% for expenditures in 1975 and 1976. Under the old law, that tax credit was 4% for utility firms and 7% for others.

The relief provision in the Tax Reduction Act are only temporary, with minor exceptions. It is urgent that the Congress reexamine the business tax structure as it affects small businesses.

(4) The Senate Small Business Committee has begun an indepth study of the tax structure as it affects the entry and growth of small businesses. Public hearings will begin in mid-June.

(5) Other legislation which has been introduced in the House and which is expected to receive further action at some point includes bills to:

Give loans to small businesses adversely affected by energy shortages.

Transfer from SBA to HUD the responsibility for providing disaster assistance to homeowners and other non-small business entities. SBA should not be in the market of helping homeowners; this is the responsibility of HUD.

To expand the definition of "small business" for purposes of the Small Business Act to include small agribusiness.

To institute a moratorium on payment of principal and interest on certain loans made by SBA for 2 years or until the U.S. is no longer in recession.

To direct the SBA not to impose "maturity fees" on certain business loans (loans with maturity of five years or more).

The House Small Business Committee has begun hearings on the problems facing small businesses in obtaining financing for equipment needed to comply with pollution control standards.

Last year the OSHA Act of 1970 was amended to provide that the Administrator of the SBA may render onsite consultation and advice to certain small business employers in providing safe and healthful working conditions for their employees.

In an emergency jobs bill recently sent to the President for his signature (H.R. 4481) $385 million is appropriated for small business direct loans. However, there is a chance the President may veto this bill. If he signs it, the bill will go a long way toward restoring SBA direct loans to the level which is necessary for adequate assistance to small business. The President has requested only $100 million in direct loans for FY 1976.

CONCLUSION

The 94th Congress promises to be a busy and productive one as far as small business is concerned. But we in the Congress can pass responsive legislation only if we hear from the small businessmen themselves what kinds of bills they would like to see enacted.

I hope that this conference will be helpful to all concerned:

To me so that I can become attuned with your needs:

And to you, so that you can learn more about Federal assistance to small businesses.

FBI INVESTIGATION IN TOWN OF HEMPSTEAD

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. LENT. Mr. Speaker, within the past few years, investigations into allegations of political corruption have become so commonplace that they almost seem mundane. I hope, however, that in our haste to make our political system corruption-free, we do not discourage innocent people from taking an active interest in politics and political parties. A case involving the town of Hempstead in Nassau County, N.Y., a large portion of which I represent, should serve to indicate what might happen.

During the course of an investigation into political kickbacks, the functioning of the largest town government in America has been disrupted and many law-abiding town of Hempstead employees have been faced with the frightening reality of intense questioning both at their jobs and in their homes. To someone whose only offense is contributing to the party of his choice, such an experience could well discourage further participation in the political system.

In response to the above-mentioned investigation, the presiding supervisor of the town of Hempstead, Francis T. Purcell, wrote to Attorney General Levi to express his grave concern over the methods being used by Federal agents in the investigation. I include in the RECORD at this point a copy of Presiding Supervisor Purcell's letter to the Attorney General as well as radio commentary on this subject by Jerry Scott of station WGBB:

PRESIDING SUPERVISOR,
TOWN OF HEMPSTEAD, N.Y.,
April 20, 1975.

Hon. EDWARD H. LEVI,
Department of Justice,
Washington, D.C.

DEAR ATTORNEY GENERAL LEVI: As the Chief Executive officer of America's largest town, I commend the agents of the Federal Bureau of Investigation who are currently engaged in what for them must be, and is for us, a most distasteful investigation.

Each of the agents involved in interviewing hundreds of town employees and officials has, as far as I have been able to determine, been extremely courteous and highly professional during the hundreds of man-hours they have spent here at Town Hall, and in the homes of our employees.

Their task has been an extremely delicate one, since most of the people they have interviewed have never before come face to face with a federal investigator. It is perhaps understandable that many of your agents are not prepared for some of the reactions they have received from honest, law-abiding citizens, since most of the agents' time must be spent with felons and members of organized crime.

I'm sure the agents cannot be held responsible for the near miscarriage suffered by one young secretary they interviewed, nor for the heart attack suffered by one of our commissioners.

In an effort to ferret out alleged incidents of coercion in the solicitation of political contributions, the U.S. Attorney for the Eastern District of New York has taken many valuable man-hours of agents' time, disrupted the normal function of municipal government and struck fear into the hearts of many honest people, whose only "offense" was that they contributed to the political party of their choice.

This method of investigation could have a serious effect on the entire political system of all parties in our free society, in a period of time when even the Federal Government is encouraging political contributions by a check-off system on the tax returns; also a political deduction taken on the tax form may cause many people to fear that a contribution could subject them to similar investigation.

This investigation was triggered by a so-called "citizens watchdog" group, which has since been abandoned for lack of citizen participation and whose allegations were not sustained by the courts.

I respectfully request your assurance that this case will be brought to a prompt conclusion. If there are to be indictments, let them be handed up swiftly so that the accused can have speedy trials and any guilty parties brought to justice.

It is regrettable, but to many people in this society the term "indictment" is tantamount to guilt, especially now with the general mistrust of all political figures in the wake of the Watergate spectacle.

I stand ready to aid the Justice Department in any legitimate investigation of wrong-doing in this Town. In my 28 years of public service, I have always endeavored to lead an exemplary life and expect the 3,000 public employees under me to do likewise; but in any barrel there may be a bad apple or two. I am as interested as anyone in removing them, but this should be done without bruising the rest of the apples.

Sincerely yours,

Francis T. Purcell,
Presiding Supervisor.

Jerry Scott's Commentary on WGBB, April 22, 1975

Hempstead Presiding Supervisor Francis T. Purcell has again gone to bat for his people, but it may be too little too late. Purcell is incensed at the methods used by federal agents probing allegations of political corruption in his bailiwick. He says his people, town employees, are being harassed and intimidated to the point where he is concerned with their physical well being and Purcell says he has evidence that at least two town employees have been made seriously ill by the effect of their involvement with federal agents.

Federal agents try to find out if there is any truth in those ancient charges that town workers are required to shell out part of their pay checks to the Republican Party in order to get, keep, and grow in their town jobs. Putting aside the charges for the moment, for it isn't up to us to determine their accuracy, let us concentrate on what Supervisor Purcell is saying and determine then if it isn't applicable to all of us or at least those of us who might at some future date be under the federal gun so to speak.

I firmly believe that the allegations made should be investigated. Properly investigated. But within reasonable and logical limits.

If indeed the federal probers are doing their jobs badly, or without common regard for those whom they are investigating, then they should be restrained.

What Mr. Purcell is asking does not seem unreasonable. He has not asked that the investigation be called off or whitewashed, and he has promised to deal sternly with anyone found to be involved in underhanded illegal Party fund raising.

Since he has never to my knowledge broken his word, I see no reason for anyone to think he will begin now. But too often, we the people, have found out that federal investigatory agencies have stepped outside the bounds of propriety and the law, and we are, I think, entitled to some protection from those who would use the law to our disadvantage or to the detriment of our collective well being.

GOSSETT EXPLAINS OIL SHORTAGE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. COLLINS of Texas. Mr. Speaker, down in the Southwest, folks talk about oil. The answer is to produce more. Judge Ed Gossett has spoken out in plain language on this matter. Judge Gossett served in Congress from 1939 to 1951. He then became general attorney for the Southwestern Bell Telephone Co. He is now a judge in Texas. He handled Tidelands legislation in Congress, and is an authority on oil matters.

Judge Ed Gossett recently made a speech regarding the Northeastern politicians' limited vision on energy. You will find the remarks stimulating:

Speech by Judge Gossett

A major contributor to our economic problems has been and is the fuel crisis. The major contributor to the fuel crisis has been and is the northeastern politicians.

Statement number one needs no supporting data. Let's proceed to show how and why statement number two is correct.

First the how, then the why.

As the great Al Smith used to say "let's look at the record".

Let's take the record of the Congressmen from the metropolitan areas of New York City and Boston over the last 30 years on issues affecting the production of energy as typical of northeastern Liberals.

First, as early as 1937, Secretary of the Interior, the Honorable Harold Ickes, asserted federal ownership of the tidelands. This froze for all intents and purposes leasing and exploration for petroleum in the offshore waters of the nation. In 1947, he succeeded in getting the U.S. Supreme Court to uphold his position. This resulted in approximately a ten year fight in the Congress to establish State ownership of the so-called tidelands. On this issue the New Yorkers voted 15 to 7 and the Bostonians 3 to 3 for the federal take over. This opposition greatly reduced our production of oil and gas.

Secondly, in 1954, the Federal Power Commission was given plenary authority, which they did not want, over fixing the price of gas at the well head. Congress sought to take this burden off of gas producers by the so-called Harris-Fulbright Bill. This bill would have resulted in far more exploration for and production of natural gas. The New Yorkers voted 21 to 0 against said bill. The Bostonians voted 5 to 1 against said bill.

In his news letter of November 30, 1973, Congressman Bob Poage pointed out that the Federal Power Commission has long been fixing the price of Texas gas at a much lower figure than the cost of gas which we are importing in pressure drums from Africa.

Thirdly, if the Alaska pipe line were in operation today we would be receiving at least two million barrels of oil per day from this source. The Alaska pipe line would have been completed years ago BUT FOR the opposition of the same northeastern liberals. On this issue the New Yorkers voted 17 to 0 against the Alaska pipe line while the Bostonians voted 4 to 0 against the Alaska pipe line.*

Fourthly, the so-called depletion allowance has been the greatest stimulus to the exploration for oil and gas in this country. (Incidentally there has been more money spent looking for oil and gas than the oil and gas found was worth. Furthermore ¾ of such exploration has been done by independent operators, not major oil companies). When depletion was cut from 27½ percent to 22 percent in 1969, the New Yorkers voted 15 to 0 for such cut while the Bostonians voted 3 to 0 for such cut.

Fifthly, the Arabs blame us for all of their conflicts with the sovereign state of Israel, and are using oil as a weapon of pressure and retaliation.

Sixthly, not only did the northeastern politicians cause a 15 year delay in the exploration for and production of oil and gas in the coastal waters of the south and west, they stopped it completely in their area. Furthermore, they have stymied the building of numerous refineries in their area (1973 report of fuel experts Treasury Department).

Summarizing the how of the fuel crisis: but-for the tidelands controversy; but-for depressive regulations of gas; but-for the delay in building the Alaska pipe line; but-for the fight against the depletion allowance; but-for the stymied building of refineries and the stymied exploration off the eastern seacoast; but-for political demagoguery in the U.S. Congress on energy matters; but-for all of the but-fors, we would never have had a fuel crisis.

Now why have the northeastern liberals pursued this course—politics, politics, and more politics. Disraeli once said, "A Statesman thinks of the next generation, a Politician thinks of the next election".

We do not suggest that all the politicians live in the northeast. Ignorance, hatred, prejudice and demagoguery have no party affiliations or regional locations. Unfortunately for this country, the petroleum industry and the petroleum producing states have been irresistible whipping boys for the northeastern politicians. Texas and Louisiana produce two-thirds of the nation's oil and gas. Add Oklahoma, Arkansas and New Mexico and the percentage is much greater.

For at least thirty years the northeastern politicians have made political capital out of demagogic attacks upon two, for them, natural whipping boys, (a) the southwestern region of the country, primarily Texas and Louisiana where most of the oil and gas is produced and (b), the petroleum industry.

Let's briefly compare the northeast with the southwest. On August 19, 1974, there appeared in U.S. News and World Report (based on U.S. Department of Commerce report) a list of fifty richest metropolitan areas in America. None of these fifty richest areas is located in any of the southwestern states while fourteen of these areas is located in the northeastern states. Furthermore the per capita income in the northeastern states is much greater than the per capita income in the southwestern states. If one compares Massachusetts and New York for example with Texas and Louisiana, he finds that New York and Massachusetts has far more votes and more money than does Texas and Louisiana.

The attack upon the big oil companies of America by liberal self seeking politicians is incomprehensible. We suggest that the executives of these big companies are better businessmen and better diplomats than are the vast majority of those persons in positions of power in government. They have doubtless won more friends and influenced more people throughout the world than has the State Department and the C.I.A. put together.

Again, let's look a little further at the record, in World War I the government took over the operation of the railroads. The transportation under government operation was chaotic and cost the country some two billion dollars. In World War II our railroads moved ten times the material and supplies as in World War I, they moved it with great efficiency, and made billions of dollars out of it. If and when the government should take over the petroleum business of this country, supplies would dwindle and costs would skyrocket.

In summary, the fuel crisis did not occur overnight. There were numerous and ominous signs of danger. Thirty years of assault by northeastern politicians upon the people of the southwest in general and the petroleum industry in particular made the fuel crisis inevitable. Verily, verily, the chickens have come home to roost.

THE HEALTH OF A NATION

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. YOUNG of Georgia. Mr. Speaker, in many respects the health of a nation is its most common bond. It seems to me that if there is one area where there is clear Government responsibility, it is in the area of improving or insuring the best health care for its citizens. Somewhere in the constitutional guarantee of life, liberty, and the pursuit of happiness there is, no doubt, an explicit concern for the health of our Nation.

The debate over national health insurance continues and most agree that it is inevitable. The financing and implementation are the only variables.

Mr. Vernon E. Jordan, Jr., the executive director of the National Urban League, addresses himself to this issue in a recent article in Message magazine.

"The time is ripe for national action on health care," Mr. Jordan writes, "and the final shape of the health plan that is adopted will determine the state of our health, our children's health, and the health of the Nation."

The article follows:

THE HEALTH OF A NATION

(By Vernon E. Jordan, Jr.)

It is especially fitting that the National Institutes of Health observe Afro-American History Week because of the great contributions Black people have made to the development of modern medicine. From the many anonymous folk practitioners in the dungeons of slavery to the accomplishments of great men like Dr. Daniel Hale Williams, Dr. Charles Drew, and my late good friend Dr. Arthur Logan, black doctors have pioneered in public health breakthroughs and in new medical discoveries.

It is good to recall that when the eminent Dr. Benjamin Rush, one of the Founding Fathers of this nation, met with Dr. James Derham, a Black man born a slave who educated himself to become an outstanding doctor, Rush remarked, "I expected to have suggested some new medicines to him, but he suggested many more to me."

The President is fond of saying that America is No. 1 in the world today. But that description does not apply to the health of its people. In infant mortality, America is No. 17, behind such places as Hong Kong and Fiji. In life expectancy for females, we are No. 13; for males, No. 30!

By nearly all standards, the health of Americans lags behind that of other industrialized peoples. And within our country the health of the poor is so bad that it constitutes a major national health crisis.

About five times as many poor families are likely to have members suffering from chronic diseases, heart conditions, and other handicapping illnesses as are more affluent families.

Black people, especially, suffer from worse health conditions than other Americans. In fact, the surgeon general ought to issue a formal warning that being black can be dangerous for your health. And it is getting worse.

The average life expectancy for Black men has actually declined from 61.1 years in 1960 to 60.5 in 1969. White males had a higher life expectancy thirty years ago than Black men have now—the average Black man cannot even expect to live long enough to collect his Social Security pension.

Black infant mortality is double the white rate, and Black people suffer higher rates of serious diseases such as hypertension, tuberculosis, and many other death-dealing illnesses. Black people are less likely to see a doctor, and still less likely to see him in his office; and one out of four has never been to a dentist.

I have not described the health situation of a poor people living in a far-off underdeveloped country; I am talking about the state of health of people living in the world's richest country, a nation with pretensions of being a decent, humane society that stands No. 1 in the world today.

To its credit, the government appears to realize that this sad state of affairs is in need of reform. But I would suggest that the government's health proposal, while a substantial improvement over its previous efforts in this field, falls far, far short of the necessary sweeping reforms.

In his State of the Union speech, the President defined the guiding principle of his administration's health programs. "Government has a great role to play," he said, "but we must always make sure that our doctors will be working for their patients and not for the Federal Government."

I submit to you that this is a gross distortion of the issue. I know of no plan that proposes that doctors become federal employees.

But we owe the government a debt of gratitude for making the issue of health a major national priority in the coming year. The issue is now joined, and a great national debate on health care is underway. The time is ripe for national action on health care, and the final shape of the health plan that is adopted will determine the state of our health, our children's health, and the health of the nation.

The national debate should be shaped by the urgent needs of the people, and we should not allow its borders to be defined by false issues.

If the United States is to see the establishment of a national health program that will finally make America among the world's leaders in health, a plan must be devised that has a clear goal and that comprises elements that deal with solving the real problems faced by its people.

The overriding goal, the basic principle of a national health program must be to ensure that every person, regardless of race or income or geographic location, has high-quality, comprehensive, dignified medical, dental, and mental health care.

The delivery of services is not solely dependent upon the number of doctors. The doctor shortage can be alleviated by creating new career structures for paraprofessionals. If the U.S. army can take green youngsters and make medics out of them in a matter of weeks, civilian health agencies can do the same. Medical paraprofessionals can perform some of the routine tasks now reserved for highly trained professionals, play a key role in community health centers, and be the backbone of community health outreach programs.

Finally, a national health program must provide for education and training. This, of course, touches on the provision of services and especially on the responsibility of a national health program to produce more health professionals. The keystone of a national medical education program could be free professional training open to any applicant in return for a five-year service commitment upon professional certification. This would open the health professions, from doctors to social workers and nurses, to anyone capable of fulfilling the course of training, regardless of that individual's personal financial status. And it would create a large pool of health professionals committed to public health service and available for professional service in the areas now most in need of trained personnel.

A national health program should also encourage, without income penalties, continuing training and formal education of health professionals. This is of special importance in providing incentives for physicians to obtain specialty board certifications and to maintain a constant upgrading of the quality of health care through national licensing of health workers in all categories.

I believe this because the people of our land need such a system, whether they are affluent suburbanites facing crippling hospital costs or ghetto children who need medicine for rat bites.

From the crevices of our society come the cries of the poor, the neglected, the disadvantaged, who call out in pain and suffering, "Is there no balm in Gilead? Is there no physician here?"

The answer cannot be that the balm is priced too high for their purses or that the physician is not available. Our nation's answer must be: Yes, there is a hearing to be done, a mission to accomplish, a cause to serve.

SUBCOMMITTEE ON CRIME TO TAKE TESTIMONY ON FEDERAL FIREARMS LEGISLATION IN HEARINGS IN DETROIT, MICH., AND CLEVELAND, OHIO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. CONYERS. Mr. Speaker, I am pleased to announce that the Subcommittee on Crime of the Committee on the Judiciary will travel to the cities of Detroit, Mich., and Cleveland, Ohio, to continue its series of regionalized hearings, which began in Chicago, Ill., on April 14–15, on more than 50 bills pending before the subcommittee which would amend the Gun Control Act of 1968.

In these cities and others, the subcommittee will seek to satisfy several objectives: To determine public sentiment for more stringent State and Federal controls on firearms; to ascertain the relationship between the proliferation of handguns and increasing crime, as viewed from a local perspective by civic, administrative, and law enforcement personnel; to learn how effectively Congress mandate to assist State and local law enforcement in their efforts to combat increasing violence has been carried out; and to measure the effect of growing homicide rates on the quality of American life, among others.

The Subcommittee on Crime has invited many distinguished persons to appear in Detroit on Monday and Tuesday, June 9–10, to present their views on this issue, including the Honorable Coleman Young, mayor of the city of Detroit; the Honorable William Cahalan, Wayne County prosecutor; the Honorable Phillip G. Tannian, commissioner of police for the city of Detroit; representatives of the Michigan Criminal Justice Commission, the medical profession, crime statistics experts, and several civic and citizens' groups, as well as the local bench and bar.

In addition, Mr. Fred Murrell, Regional Director, Central Region, Bureau of Alcohol, Tobacco, and Firearms, U.S. Department of the Treasury, will assist the subcommittee in completing its assessment of the problem of interstate gun trafficking in handguns. The hearings will be held in the auditorium on the 13th floor of the city-county building, 2 Woodward Street, Detroit, beginning at 9:30 a.m. each day.

The subcommittee will travel to Cleveland, Ohio, for a day of hearings on Monday, June 16, which will begin at 9:30 a.m. in the auditorium on the 31st floor of the Federal Building, Ninth and Lakeside. Among others scheduled to testify are the Honorable Louis Stokes, Member of Congress, 21st District, Ohio; the Honorable Ralph J. Perk, mayor of the city of Cleveland, the Honorable Harry J. Lehman, chairman of the Judiciary Committee, Ohio House of Representatives; the Honorable George L. Forbes, president of the Cleveland City Council; the Honorable Samuel R. Gerber, M.D., Cuyahoga County coroner; and representatives of various community organizations and a wide variety of professional and personal interests.

Those wishing to testify or to submit a statement for the record should address their requests to the Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C. 20515.

TESTIMONY ON THE FIRE ISLAND MASTER PLAN BY REPRESENTATIVE STEPHEN J. SOLARZ

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SOLARZ. Mr. Speaker, last week I testified before the National Park Service at a public meeting concerning the draft master plan for the Fire Island National Seashore.

This plan proposes in part to "amputate" 6 miles of the seashore, so that private development may begin. I vigorously oppose this proposal and urge my colleagues to do so as well.

Mr. Speaker, I include my statement at that hearing in the Record:

Statement of Representative Stephen J. Solarz

Mr. Chairman, I appreciate being afforded the opportunity to testify this evening in regard to the draft Master Plan and draft Environmental Statement for the Fire Island National Seashore.

As a resident of Fire Island and as a Member of Congress, I was shocked and dismayed when I read the draft Master Plan for the Fire Island National Seashore. If put into effect, I clearly see it as a direct violation of the intent of the Congress in enacting the Fire Island National Seashore Act in 1964. This act clearly states its intention "to conserve and preserve, for the use of future generations, certain unspoiled beaches, dunes, and other natural features . . . which possess high values to the Nation, as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population." The boundary was to extend 26 miles from the east boundary of Robert Moses State Park to the Mariches Inlet.

Both the letter and spirit of the Act clearly were designed to prohibit all private development, except in previously established communities. Any development was to be carefully regulated through zoning standards, judged by the Secretary of the Interior as consistent with the Act. The Secretary was given the power to condemn all properties where local authorities had granted variances or exceptions that violated the Seashore standards.

Since its inception over 11 years ago, the Fire Island National Seashore has been plagued by intergovernmental disputes arising from the split jurisdictional nature of the Seashore itself. Four different towns have zoning authority over the Seashore, only one has come up with ordinances that meet the provisions of the legislation and accepted by the Secretary of the Interior—yet literally hundreds of variances have been granted—many over the strong objections of the superintendent of the Seashore and the property owners themselves.

In no case has the National Park Service used its authority to condemn such ill-founded and in fact, illegal development. Crowded cottages with inadequate cesspools and a potential lack of drinking water have become typical on the Island. Commercial establishments such as bars and restaurants, have also begun to spring up on this fragile marshland. According to statistics developed by the Fire Island Association, in the 10 years between 1964 and 1974, private development increased by 31 percent, and about half of that development violated park zoning standards. The Park Service through the Secretary of the Interior has refused to condemn any properties and has pleaded insufficient funds and authority to prevent such zoning outrages. The only actions ever taken to regulate private and commercial development were written objections by the Superintendent to scores of building permits—all were ignored.

To remove all such excuses by the Park Service, I have introduced legislation in the Congress along with Congressmen Pike, Downey, and Ambro which if passed into law, will provide an additional $10 million for Fire Island and the power to seek injunctive relief in the Federal Courts. This amending legislation will correct the inadequacies of the existing law and empower the courts to force the authorities to follow the mandate set down by the Congress. In the words of a New York Times editorial on this matter, the legislation would "Prod the authorities to halt their procrastination and get on with the urgent business of saving this fragile and charming outpost of nature before the encroachments of haphazard development irrevocably despoil it." I might also add that Fire Island is the only national park established in the 1960s which has not had its authorization level substantially increased. The proposed amending legislation to increase the appropriation from $16 million to $26 million will bring Fire Island in line with other National Parks.

The Fire Island Association has aptly called the draft Master Plan, "an attempt to repeal administratively an act of Congress." I believe this assessment is quite apropos.

The draft Master Plan and the Environmental Impact Statement address themselves to numerous proposals—some meritorious, others abominable. I should like to respond to a few of the proposals that blatantly violate the Fire Island Seashore Act.

Mr. Chairman, I submit that the proposal to exclude from the Seashore boundaries all land west of Point O'Woods is political in its entirety. This excluded area would be comprised of 6 miles or 23% of the barrier beach now in the Park and 14 of the 20 communities now established and if removed, would take the "heart" out of the Seashore. There are only two reasons that the National Park Service can have for this incredible proposal. The first is that this is a troublesome area; the area of substantial development that brought on the legal difficulties initially. Clearly this is an "amputation" of a land mass that has caused considerable trouble to the Park Service. By "getting rid" of this area, they manage to also rid themselves of a problem—unfortunately it administratively and functionally destroys Fire Island and the intent of a National Seashore.

The second reason is that there has been a conscious or unconscious decision by the Department of the Interior to succumb to pressures from private real estate interests who stand much to gain by this amputation. There is no doubt that if left unprotected, the western portion of Fire Island will shortly resemble many other despoiled beaches in urban areas. Even under present zoning, authorities indicate there will be an estimated 44% increase in private development. The result will be conversion of properties from low-density single-family homes to multi-family dwellings. The end result being a 200% increase in population. This increased population will have a significant and substantial impact on the ground water table—cause salt water incursion—contaminate the water table and Great South Bay from overtaxed cesspool effluent. These effects are already visible in the Cherry Grove community. Such results seem obvious to any student of the environment but have been dismissed by the Park Service in its Environmental Impact Statement. While the real estate interests may gain from this amputation proposal, Fire Islanders, and indeed all Americans will suffer the loss of a great natural resource.

On a related matter, the Master Plan calls for relaxed zoning controls which would eliminate Federal land use control. In this time of severe recession, to leave the rezoning process to the local municipalities is foolhardy. The towns have neither the desire, the political will nor the resources available to properly develop Fire Island.

In recent weeks I have discussed these matters with environmentalists, Fire Islanders, representatives from the National Park Service and other Congressmen. I come away from these discussions puzzled. There should be no problem with Fire Island. There is unanimous agreement that it is a great natural resource and must be preserved. It contains excellent beaches with imposing sand dunes and fascinating vegetation. The sunken forest is clearly one of the most important of our resources—and it remains wholly natural.

Unfortunately, since the passage of the Fire Island legislation, the intent of the Congress has been subverted resulting in numerous complaints and legal battles over improper development and insufficient regulation of vehicular traffic on this fragile island.

The statute provided the Secretary of the Interior the power to condemn such improper development, but because of the lack of funds and the ensuing court battles, the Interior Department never used this power. On the other hand, the Interior Department never came to Congress to request additional funds. Clearly Fire Island is the stepchild of the National Park Service, and this draft Master Plan is an attempt to circumvent the will of Congress by means of administrative and bureaucratic dictums.

Mr. Chairman, I strongly object to the draft Master Plan and the inadequate Environmental Impact Statement. These drafts will serve only the special interests; destroy a valuable natural resource of beaches, wetlands and marshes; pollute the water; increase air pollution; cause sanitary problems for future residents and force an urban dreamland to become a nightmare.

Fire Island is terribly vulnerable to the impact of man on the environment. There can be little question, therefore, that we must take prompt and substantive action in preserving and protecting it.

I expect that the Congress will take up the challenge presented by the Court of Appeals decision and will move ahead to increase the authorization for acquisition on Fire Island and to further provide the Secretary of the Interior with the authority to enjoin development which is inconsistent with the purposes of the Act.

The Department of Interior should likewise accept the challenge of giving "parks to the people" and accept the fact that they are not entitled to administratively thwart the will of the Congress.

I am reminded of the words of Ralph Waldo Emerson:

"I wiped away the weeds and foam, I fetched my sea-born treasures home; But the poor, unsightly, noisome things had left their beauty on the shore, With the sun and the sand and the wild uproar."—Goodbye, Emerson 1847

Mr. Chairman, I respectfully urge the Department of the Interior and its National Park Service to reconsider this draft Master Plan and reshape it into a workable and environmentally acceptable package. We must not let development destroy one of our greatest natural treasures.

TREATY OF THE METRE ANNIVERSARY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. GUDE. Mr. Speaker, I believe my colleagues would be interested in the following remarks by Dr. Richard W. Roberts, Director, National Bureau of Standards. These remarks deal with the 100th anniversary of the Treaty of the Metre signing in Paris and a short review of the metric system today.

I have supported the concept of the metric system in the previous Congress and I intend to support it in this Congress. I believe worthy of note is the fact that all but five nations have officially adopted the International System of Units. The United States is among those five, the only major nation in the world not officially committed to metric conversion.

I would like to encourage all Members of Congress to visit the National Bureau of Standards in Gaithersburg, Md., and to study the metric display which is set up there.

The remarks follow:

THE INTERNATIONAL SYSTEM OF UNITS

(By Dr. Richard W. Roberts)

If you were music teachers, I'd suggest we sing at least one chorus of "Happy Birthday." Why? Because exactly one hundred years ago today the representatives of 20 nations, including our own, signed the Treaty of the Metre in Paris. The cooperation resulting from that Treaty has produced many notable results, among them being the development of the International System of Units.

When you look at that name—the International System of Units—a little more closely, its real importance becomes quite apparent. First, it truly is an international system, as the theories and experiments of all scientists provide the foundations upon which the system is built. In addition, all nations are eligible to participate in the Treaty of the Metre, and all but five nations are committed to using the International System as their official measurement system.

Next, it is a system of measurement, structured so that there are simple and logical relationships throughout. For example, the multiples and submultiples of all units are based on powers of 10, and all carry the same prefix. A thousandth of a metre is a millimetre, a thousandth of an ampere is a milliampere, and so on. And the unit of volume is defined as one cubic metre.

Finally, the System is built upon a series of base units, currently seven in number (for mass, length, time, temperature, electric current, luminous intensity, amount of substance), from which all other units can be derived. There is some confusion over this term "base unit." They are not more basic or fundamental than other units. Rather, they are those units that are considered to have independent dimensional properties and they form a base from which all other units can be expressed mathematically.

Like Rome, the International System was not built in a day. It has a long history of evolution, a process which will continue as new needs arise, as new knowledge is generated.

It was back in 1670 that Gabriel Mouton of France proposed a decimal system of weights and measures. His idea lay dormant, but not forgotten, until the time of the French Revolution over 100 years later. In 1791, the French General Assembly adopted the principle of a system of weights and measures founded entirely on the metre, which was defined as one ten-millionth of the length of the quadrant of the earth's meridian. Area and volume were to be based on the square metre and cubic metre, and mass on the mass of a standard volume of water.

The French proceeded to determine both the arc of the meridian between Dunkerque and Barcelona, and the weight of a known volume of water. On the basis of these measurements, a platinum metre bar and a platinum kilogram were constructed and deposited in the Archives of the Republic in 1799. These standards became the starting point for the development of the SI.

But the creation of a new measurement system did not mean instant acceptance. Confusion and contention existed in France until a law was passed forbidding the use of any but metric weights and measures after January 1, 1840. This action seemed to pave the way for other countries, and by 1880, 17 nations, including Spain, Germany, Italy, Austria, Norway and Greece, had gone metric.

As use of the metric system increased, so did the need for international coordination. The first step in this direction was informal. In 1867, during the world exposition of Paris, a group of scientists formed a Committee of Weights and Measures and of Money to create more uniformity in the world. This initiative stimulated the French government to invite many countries to appoint delegates to an International Commission for the Metre. Twenty-four countries responded and the meetings started in August 1870. The great majority of those present felt that the metre and kilogram, which were in the Paris Archives, should be the reference for new prototypes.

In 1872 the Commission met again and confirmed its previous decision to construct new prototypes of the metre and the kilogram. A large number of copies, all made from one single melt of platinum containing 10% iridium, were to be made for participating nations. Progress went so well that the French government convened the Diplomatic Conference on the Metre in 1875, to which 20 countries sent government representatives and scientists with authorization to sign agreements. The resulting Metre Convention, or Treaty of the Metre, was officially signed one hundred years ago. The Convention was ratified by the U.S. Senate, and signed by President Hayes in 1878.

Under the Treaty, an International Bureau of Weights and Measures was created to verify the new prototype standards and to make periodic comparisons of national standards with the prototypes. The Bureau is located near Paris, is supported financially by contributions from all nations adhering to the Treaty, and is staffed by scientists from many nations. Surprisingly, only two Americans have ever worked at the International Bureau. The first was the famous Albert A. Michelson, and the second is Thomas Witt of NBS, who went over a few years ago to establish a Josephson-junction voltage laboratory.

The operation of the International Bureau is under the supervision of an International Committee for Weights and Measures, a body of 18 delegates, each from a different nation. Dr. Ernest Ambler, Deputy Director of NBS, represents the United States on the Committee. The Committee in turn reports to the General Conference on Weights and Measures, which is composed of delegates from each of the 43 member nations and which meets periodically to vote on matters of substance.

Over the years the General Conference, acting on the recommendations of the International Committee, has expanded and unified the metric system. Some of these actions are:

1948—addition of the ampere as the unit of electric current, and the candela as the unit of luminous intensity.

1954—adoption of the kelvin as the unit of thermodynamic temperature.

1960—replacement of the metre bar with a wavelength definition based on krypton 86.

1960—adoption of the name "International System of Units" with the abbreviation SI.

1967—adoption of an atomic definition of time.

1971—addition of the mole—the unit of amount of substance—to SI.

This evolutionary process has produced a coherent measurement system that is based on the best thought, and the best experimental data, available anywhere in the world. But, as I said before, such a system cannot be adopted for eternity; as science develops, so must SI.

Today, all but five nations have officially adopted the International System of Units. Those five nations are Brunei, Burma, Liberia, Yemen, and the United States. And while we are not officially committed, there is no question that this nation is going metric. Many of our largest manufacturing companies—giants such as IBM, Rockwell-International, and General Motors—are changing over. As the large firms convert to metric usage, so must thousands of their smaller suppliers. And as more and more metric products appear in the marketplace, every consumer must become familiar with metric measurements. Many Federal agencies are using metric units, and others are ready to go metric. Bills to guide the metrication process have been introduced in 13 states and enacted in Massachusetts and Minnesota.

A few weeks ago I testified before Congress in favor of a bill that would commit the nation to a coordinated, voluntary change to SI units. One of the points I stressed was the need for education of all Americans in the use of SI. During the three year metric study conducted by NBS, a survey was taken of public knowledge and attitudes about metric. At that time, the general public knew very little about the metric system. Only 40% of the people surveyed could name a single metric unit, and only 20% were familiar with the relationship between customary and metric units.

The survey did show that the more people knew about metric, the more they approved its adoption. For example, 74% of those who knew a great deal about metric favored it, versus 14% approval by those with little knowledge. This relationship points up the role of public education in a successful conversion program.

A coordinated educational campaign is vital if we are to prepare all of our citizens for the metric America that lies ahead. This fact is recognized in PL 93–380, enacted last year, that states "It is the policy of the United States to prepare students to use the metric system." I know you in the educational community are moving strongly in this area, and I applaud your efforts. Metric education activity is underway in at least 40 states, and I know it's working. Both of my children have been taught metric at their school here in Maryland, and both of them "think metric" with no trouble at all. The generation of Americans now in school should have no trouble at all as the nation goes metric.

But a much broader educational perspective is needed. All Americans, not just school children, will be affected by metrication. Builders, machinists, salesmen, indeed all consumers, must become familiar with the basics of metric usage. That need poses a real challenge for those of you in the educational community. Techniques must be developed for reaching, and teaching, all Americans, not just those in school.

As you probably know, we have a metric information office here at NBS. This small group responds to about 1000 requests for metric information each week, an indication of the broad public interest in metrication. NBS has prepared a variety of informational material, ranging from a small plastic ruler to a general publication ("What about Metric") to a detailed description of the International System (SP 330). These materials may be of interest to you in your educational activities, and people of our metric office stand ready to help you in any way they can.

The speed with which this nation converts to metric usage, and the smoothness with which the process goes, is largely a function of public understanding and knowledge. And that, of course, presents a special challenge to education. I'm encouraged by your response. I think this meeting will stimulate new and creative approaches to teaching metric, and I'm confident that litre and metre will enter our vocabulary, and our thinking, with very little trouble.

COMMUNIST PRACTICES IN CHILE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. McDONALD of Georgia. Mr. Speaker, in view of the continuing propaganda attack upon Chile by the deposed Communists and their supporters, it may be worthwhile to note that the Special Consultative Committee on Security, an organ of the Organization of American States, prepared an exhaustive report on the Chilean situation last year. It is entitled "The Marxist-Leninist Process in Chile" (OAS/Ser.L/X/11.36), and I believe its introduction is in itself an instructive summary of Communist operations in Chile, as in other Latin American countries.

The report follows:

INTRODUCTION

The apparently contradictory attitudes and abrupt changes that international communism adopts in the face of normal events in the nations of the free world, as well as the various circumstances in which these nations developed, can create confusion in the minds of democratic citizens who love their country.

These changes are but variable tactics of great effectiveness which, corresponding to the same strategy, serve communism in finding a better way to conquer national government, control the fields of national power, and subjugate the minds of the people.

In 1971, the Special Consultative Committee on Security published a document entitled "The Paths of International Communism in the Americas" (Doc. OEA/Ser. L/X/II. 28) in which it outlines the two principal strategies used for the conquest of world power.

By means of an overall view of the history of communism and of the various procedures used, we shall see its great adaptability to different actions—which at times constitute a true strategy within general policy—in various parts of the world. These actions are summarized as follows:

1918–1920: The impending World Revolution.

1921–1928: Isolation for purposes of:

a. Consolidation of total power in the Soviet Union (expulsion of Trotsky and predominance of Stalin), and

b. Relative accommodation to the outside world for economic reasons.

1928–1934: Increasing militancy towards the western world (imperialists), and particularly towards non-communist leftist political parties, such as the Social Democrats.

1935–1939: Organization of Popular Fronts. (Beginning with France in Europe and Chile in America.)

1939–1940: Readjustment and neutrality. (The Russo-German Pact.)

1941–1945: Entry into the "anti-Fascist" war. (Following the German invasion.)

1946–1954: Anti-imperialist campaign (cold war period).

1955: Readjustment (Austrian Peace Treaty).

1956: Policy of "peaceful coexistence."

"Peaceful coexistence" is undoubtedly the most effective of the strategies used by communism up to the present.

The following information published in the December 6, 1963 edition of the newspaper *Pravda* shows that "peaceful coexistence" was always an important communist strategy, and not a mere tactical action. According to *Pravda:*

"Marxist-Leninists do not regard the policy of peaceful coexistence as a maneuver for a limited period of time, but as a strategic line for the entire period of transition from capitalism to socialism on a world scale."

"To accept battle when it is obviously to the advantage of the enemy and not to us is a crime; and those political leaders of the revolutionary class who are unable to strike, maneuver or compromise in order to avoid an obviously disadvantageous battle, are useless." (V. I. Lenin)

In general, the tactics of "peaceful coexistence" have been the following:

a. General peace at all costs . . . until sufficient strength is reached. This takes into account that:

Gaining time is essential for conquering the will of the people;

The phrase "Better Red than Dead" is important in the psychological camapign.

b. World disarmament. Economic and military weakness should be compensated by tactics of deceit.

c. Compromising and gaining access to the free world through trade with the western countries. The principal advantages to communism are:

Obtaining articles from industrialized countries which the Soviet bloc produces in limited quantities.

Penetrating into vital areas of the free world from which it can control the supply or strategic materials.

Dominating developing countries in order to place them under its control.

d. Infiltrating the vital activities of each nation. The most profitable areas for infiltration are:

The powers of the State: legislative, judicial and executive (including the Armed Forces and the Police);

Communications media such as radio, television, motion pictures, the theater, newspapers and magazines, the arts in general, etc.;

Elementary, intermediate, higher and technical education (public and private);

Religious organizations.

e. Promoting atheism or communism as a religion.

f. Destroying the concept of the family.

g. Instigating disrespect for law and order.

h. Disparaging national heroes and creating new ones.

i. Disparaging the Armed Forces and the Police.

j. Infiltrating and destroying any anti-communist movement.

The subversive (violent) path spoken of in the previously mentioned publication of the Special Consultative Committee on Security is another tactic of international communism.

Rural and urban guerrilla warfare has been used extensively in some countries of the Americas.

In the military concept, guerrilla warfare is a bloody game of ambush, surprise, deceit and blackmail; whereas in the political sense, it is a revolutionary method which can create a psychosis in the masses causing them to make desperate decisions, such as fleeing the country, selling their property on unfavorable terms, the migration of farm workers to cities, etc.

In this study, the Special Consultative Committee on Security will show how the tactics of "peaceful coexistence" were applied to a greater or lesser degree in the Republic of Chile.

However, we must qualify this by saying that we only partially analyze the different "aspects" contained in the Table of Contents since, as will be seen, for example the "Social Aspects" or the "Political Aspects", etc., actually cover a broader range within these fields. But for reason of time, we have limited ourselves to those which are outstanding in our judgment for their effect on Chilean life.

A new "ingredient" or "successful procedure" for Marxism-Leninism appeared in the political process of this important American Republic, i.e. it was the first time that a Marxist candidate obtained a greater number of votes in popular elections than other candidates of democratic political persuasion. In that result we see how a people, religious, trusting, freedom-loving, respectful of institutions, and of a demonstrated democratic nature, let itself be caught unawares by the snares of extremism, let itself be divided and placed its government under the control of a leader who responded to dogmas and instructions from abroad, contrary to its beliefs, tradition and aspirations.

In this study we can see what aspects the Marxist-Leninists considered most important, such as the educational system, which was subject to vigorous ideological penetration. Political agents without teaching experience were appointed to carry out duties requiring specialists in education, and purely Marxist working methods were used, culminating in the introduction of the system called the Unified National School (ENU), which covered all levels of education.

We can also judge the irregular procedure used by officials at that time to try to impose the above-mentioned system. That procedure consisted primarily in the self-seeking application of foreign methods such as the "Psychosocial Method", by means of which it was hoped to reach the primary goal of raising political consciousness of Marxism-Leninism.

Drugs also aroused the interest of officials of the Unidad Popular (UP) [Popular Unity] régime not because Chile represented a good market for them, but because their export produced good returns.

Although the authorities did jail some violators, nevertheless the clandestine production and exportation of drugs was permitted.

Although it is true that there were no direct and open attacks against the free expression of thought, indirect efforts were made, by means of financial pressure, against newspapers, magazines, radio and television stations which opposed the régime, causing some to close.

Moreover, the coercion and take-over of such enterprises was carried out by means of political agitation on the part of the workers, as in the case of the newspaper *El Carin*, which in the end was brought under State control and converted into a means of spreading Marxist-Leninist doctrine. The same procedure was used against the privately-owned publishing house, ZIG-ZAG.[1]

With regard to immigration, it can be seen that foreigners adhering to the ideas held by the government entered the country surreptitiously to make up the large number of guerrillas pursued in other countries who entered Chile in this way to evade justice. This can also be appreciated by noting how, in what numbers, and in what countries they later were given asylum.

As for trade and labor unionism, reference is made to the fraud perpetrated against the labor sector inasmuch as the pact between the Unidad Popular (UP) régime and the Central Unica de Trabajadores (CUT) [Federation of Labor Unions] was not carried out.

Insofar as economics is concerned, in the first place we note how the government, in trying to finance a hard-fought program with the resources at hand, paid for public expenditures by issuing paper money, bringing the country to a level of inflation never before seen in the world, thereby producing a black market in currency and basic commodities which constituted a true scourge for the nation. In the second place, we note how the system of state capitalism promoted by Mr. Allende became a system of all-powerful government whose goal was to control the majority of businesses and especially the national economy.

Regarding politics, we shall consider how, with little more than one third of the vote (36.2%), Mr. Allende rose to the Presidency of the nation.

It will be seen that Mr. Allende's violations of the Constitution and the law were of such magnitude that a bill was presented in the National Congress to impeach him, in addition to numerous statements from institutions of the highest level such as the Supreme Court of Justice and the Office of the Comptroller General of the Republic.

Undoubtedly, a government with a cabinet made up of officials who, although of the same ideology, were strongly sectarian politically generated much friction, division and suspicion; even more so when trying to put into effect a new system such as the "Path to Socialism" which, despite the expertness attributed to Mr. Allende in the handling of high-level persons, had the country practically paralyzed for lack of proper leadership.

With regard to the foreign affairs aspect, diplomatic envoys from communist countries enjoyed great privileges during the Presidency of Mr. Allende, and the Ministry of Foreign Affairs was shackled because of the new policy of making parallel political appointments within the country and abroad which restricted the activities of career officials who were not in agreement with the Unidad Popular (UP) administration.

The presence of paramilitary groups in the countryside and in the cities is also brought out in the chapter entitled "Political Aspects." At least two parties of the ruling coalition had troops of their own, and the armed guard for the protection of the President was also considered a paramilitary group. All of them caused enormous personal and material damage to the nation.

Because of their importance, the guerrillas and their indoctrination deserve a separate section in the above-mentioned chapter. The guerrillas were the primary instigators of the violence supported by various sectors of the Unidad Popular, which relied on it in some cases as the only means for definitively taking over total political power.

In considering the military aspect, we relate the cunning brought into play by the Unidad Popular administration to compromise politically the Armed Forces and the Carabineros which, given their high moral sense and their acumen, succeeded in not falling victim to the stratagem to penetrate, divide, and discredit them before the people.

During the Unidad Popular government, what had been extraordinary throughout the history of the Republic of Chile became routine, such as Cabinet Ministers being forced to leave office by order of Congress, upon proof that they had violated the Constitution. Seven Ministers were removed from office from January 22, 1972 to July 19, 1973, in which cases President Allende mocked the law by removing them from office and immediately thereafter naming them to other positions of equal rank.

Disrespect for law and order reached such an extreme that the Supreme Court of Justice, in a resolution of May 26, 1973, informed the President of the Republic that there existed "not only a crisis in the legal system but a peremptory or imminent collapse of the country's legal structure."

LEADING NOT FOLLOWING

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. FORSYTHE. Mr. Speaker, the full legislative calendar of the House as it returns from the Memorial Day recess amply testifies to the massive amount of work remaining to be done in the next few months. Possibly most notable of the issues to be dealt with is the pressing need for meaningful legislation in the area of energy conservation and development. Such a difficult problem often seems to throw the weaknesses inherent in the democratic process into sharp focus. Does the desire for reelection often outweigh the need for meaningful though unpopular legislation? So the dismal record of this Congress in attempting to deal with this vital matter would seem to indicate. While the next energy crisis inexorably approaches, Congress seems to be unwilling to risk the wrath of its constituency by imposing the measures needed to achieve some control over the country's energy destiny.

Perhaps, however, the Congress is underestimating the people it represents. Polls, indeed, indicate that the public appears willing to make the sacrifices necessary to solve the problem. And perhaps Congress is also underestimating the ability of the people to distinguish between the meaningful attempts to deal with an unpleasant subject and the meaningless rhetoric of "politics". As the next stage for the energy debate is prepared, I would like to provide my colleagues with the following editorial from the Los Angeles Times as a definition of the word "politics." The days ahead should provide the best indication of whether this difficult energy problem will highlight the strengths as well as the dangers inherent in our democratic process, of whether or not the 94th Congress considers "politics" to be "showing vision and not hesitancy, leading not following."

[From The Los Angeles Times, May 15, 1975]

MUCH WHEEZING, LITTLE ENERGY

The energy tax bill package produced by the House Ways and Means Committee is so weak that no bill at all would be better.

It can be changed and made tougher when it gets to the House floor. If it isn't, it should be defeated. If Congress passes it unchanged, the President should veto it. Its adoption would lead the country to think that something serious had been done, when it hadn't. Better to start all over again.

What it came down to was that the committee chose not to face its responsibilities, but to evade them. Chairman Al Ullman (D-Ore.), trying to explain what happened, said that if there were another Arab oil embargo "we'd get an energy bill out overnight." Brave words, but they miss the point.

The point is simply that Congress has had more than 18 months since the original embargo to do something about making the United States less vulnerable to supply shortages by adopting a wideranging fuel conservation program so that imports could be reduced.

The committee, which is where the action is, hasn't contributed much to that purpose. After months of huffing and puffing, it has finally wheezed out an approach that would do little more than assure a continuation of what has aptly been called gluttony as usual in energy consumption.

The problem was an inability to make the hard dollars-and-cents decisions to achieve energy savings through the price mechanism. One of the more feasible ways to conserve energy is to make it cost enough so that waste and marginal uses will be ended or drastically reduced. President Ford wants to do that by imposing relatively modest new taxes on both imported and domestic petroleum, and by lifting price controls from domestic crude oil. The principle of that approach is sound.

The committee thought that imposing progressively higher taxes directly on gasoline, if future consumption exceeds 1973 levels, would be a more powerful conservation tool. The mechanics of its plan raise doubts, however. Gasoline taxes could go up as much as 23 cents a gallon, but once taxes passed an additional 7 cents a gallon the government would begin end-of-the-year cash payments to everyone in the country 16 or older. Each cent-a-gallon increase, though, equals about $1 billion a year. It is most unlikely that the government would go through with tax increases of this size; the political temptation would be to invoke the escape clauses in the bill that permit the government to avoid imposing the scheduled tax increases. What then of conservation?

Among the committee's more notable failures was its retreat on auto fuel efficiency standards. What it could have done was set a 19-mile-per-gallon minimum fuel standard for 1978 cars—which is technically achievable—with an excise tax imposed on those falling below the mark. Instead, it set an

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[1] See Annex 1 (Page 49 of the book *El Frente de la Libertad de Expresión*).

18-m.p.g. fleet standard—i.e., an average for all cars produced by a manufacturer—with year-end penalties to be paid by a manufacturer in a lump sum. Such penalties almost surely would be passed on in the form of higher prices for the following year's models, no doubt including higher prices even for those cars that give good fuel economy.

Is this really the best that the committee or Congress can do? Some would say it is, given the political realities. But politics is much more than shying away from doing what may be politically unpopular at the moment. Politics at its best means acting in the true long-term interests of the nation, doing what must be done, showing vision and not hesitancy, leading and not following.

TOO MUCH GOVERNMENT BY DECREE

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. LEVITAS. Mr. Speaker, more and more Americans have become aware that the excesses and aberrations in the Federal administrative rulemaking process are the main cause of the private citizen's and the business person's growing cynicism about the responsiveness of his Government. The view that our own Government is the enemy, rather than the friend or servant of the people is, in large measure, traceable to the actions of a faceless, depersonalized bureaucracy.

Time and time again, the principles embodied in good legislation are lost by the time the unelected bureaucratic rulemakers publish their regulations. The rules, which are really laws, are now being ground out at the rate of almost 6,000 per year as compared to about 600 acts of Congress in the same period.

It is absolutely essential that Congress regain control over this administrative lawmaking process, especially when the violation of these rules—many of which are unreasonable and far beyond, or contrary to, the original purpose of Congress—can result in a citizen's being fined or going to jail just as surely as if he had violated an act of Congress itself.

Congress has the opportunity, during this Congress, to begin to remedy the problem. To this end, I introduced H.R. 3658, which would establish the Administrative Rulemaking Control Act, and over 50 Members have already joined with me in cosponsoring this legislation. The bill has also been introduced in the other body by Senator JAMES ABOUREZK of South Dakota. It is inconceivable to me that this Congress will permit this problem to be unanswered.

This is an issue that addresses itself to the rights of individual citizens. It concerns the basic relationship between an individual and his Government. It is highly appropriate for this Bicentennial Congress to reassert these founding principles of constitutional liberty.

Growing and widespread concern about this situation was recently reemphasized in an excellent article that appeared in the May 1975 issue of Reader's Digest written by John Barron and entitled, "Too Much Government by Decree." While Mr. Barron's frightening article still only describes the tip of an iceberg that imperils our ship of state, it should bring the point home to us how deep the public's concern is running, and how much they are looking to Congress to provide an answer. For this reason, I insert at this point in the RECORD, and commend to each of you, the following article so that it may spur us into action:

TOO MUCH GOVERNMENT BY DECREE

(By John Barron)

The decree from the Environmental Protection Agency (EPA) fell upon Bostonians like an edict from some ancient king. Beginning March 1, 1975, no one might park on a downtown street between 7 and 10 a.m. Forty percent of all spaces in Boston's parking garages must be kept empty during the same hours. Employers must eliminate one fourth of all employee parking spaces. By making it difficult, if not impossible, for Boston workers to drive to their jobs, the Washington bureaucrats who handed down these sweeping orders hoped to reduce air pollution.

Boston community leaders were appalled. "We cannot eliminate the car until there is a viable alternative," declared Mayor Kevin White. Businessmen predicted serious economic loss and unemployment, as well as personal hardship and traffic chaos. Nevertheless, the EPA all last year stubbornly proclaimed its determination to compel Bostonians to do what it wanted, regardless of the consequences. Repeatedly it warned employers that they were liable to a year's imprisonment and a $25,000 fine if they disobeyed. Threatened with Congressional intervention, the EPA finally, last February, modified its Draconian decrees and granted the city more time to gird for their effects. Grateful for the reprieve, Boston Chamber of Commerce executive William F. Chouinard nonetheless said, "I hate to think what might have happened if we had not fought like hell."

MASS MEDDLING

Even though postponed, the orders arrogantly visited upon Boston are symptomatic of an insidious change which is occurring in governmental processes. Traditionally, Americans have been governed according to laws enacted by elected representatives answerable to voters. Today, Americans increasingly find their lives regulated by decrees emanating from bureaucrats who are, in effect, accountable to no one.

The stream of bureaucratic dictates pouring out of Washington has turned into a flood. In 1973, the *Federal Register* needed 35,591 pages to publish all the new decrees and decisions; last year it required 45,422 pages. Random examination of the *Register* suggests how far the bureaucracy has thrust itself into the ordinary business of ordinary people. Navel-Orange Regulation 311, for instance, prescribes how many oranges may be shipped from California and Arizona counties during a specific one-week period. Contractors in Allegheny County, Pa., are informed that their bricklayers must be paid $9.25 an hour, whereas bricklayers in Adams and York counties, in another part of the state, can receive $7.65. Arbitrary *Register* regulations may nullify a union contract, require a corporation to spend millions on new equipment, or deny a town the right to approve a new shopping center.

Consumer advocate Ralph Nader points out that senseless or incompetent rulings by federal regulatory agencies drive up prices by suppressing competition, stifling innovation and perpetuating inefficiency. A Senate subcommittee estimates that private business spends $18 billion annually on paperwork demanded by federal bureaucrats, while the General Accounting Office calculated that 1973 paperwork cost the government itself $15 billion. But the gravest consequence of all this bureaucratic meddling carries no price tag. It is eloquently summed up by Sen. Sam Ervin (D., N.C.), Congress' leading constitutional authority, who retired this year after presiding over the Senate Watergate investigation. "Government by bureaucratic decree threatens freedom itself," Ervin declares. "The pursuit of no goal justifies the destruction, or even the erosion, of freedom."

Few Americans would dispute that abolishing racial discrimination, promoting industrial and consumer safety, and cleaning up the environment are worthy goals. The trouble is that Congress has created vast new bureaucracies with sweeping powers to pursue such goals as they see fit. All too often, the results are tragic.

BUSINESS BUSTER

Marlin Toy Products, Inc., in Horicon, Wis., used to provide jobs for 85 of the town's 1400 residents. Its most profitable products were two popular toys designed for babies. One was a transparent plastic sphere containing artificial birds and tiny, bright-colored plastic pellets. The other was a similar sphere containing pellets and artificial butterflies. When the spheres rolled, the birds or butterflies fluttered, the pellets rattled and a child enjoyed motion, color and sound.

In November 1972, the Food and Drug Administration (FDA), then responsible for product safety, suddenly informed Marlin that the toys were unsafe, reasoning that, if a sphere broke, a child might be tempted to eat the pellets.

Since Marlin first marketed the toys in 1962, millions of Americans had purchased them. Not one had complained to the company of any harmful results. The toys had already passed three rigorous safety tests—Marlin's, an insurance company's and a department store's. Nevertheless, Marlin agreed promptly to recall all the spheres and remove the pellets. Within a month, the FDA said it was satisfied and promised to remove the toys from the next published list of banned products.

Marlin proceeded to manufacture hundreds of thousands of the toys, hoping to recover, through the 1973 holiday sales, the losses from the 1972 recalls. But in September 1973 the newly formed Consumer Product Safety Commission (CPSC) issued a "Special Holiday List" of dangerous toys whose sale was prohibited—including the toys Marlin had redesigned months before to FDA satisfaction.

Not until early December did frantic company and Wisconsin officials succeed in getting CPSC to acknowledge that it had made an "editorial error." It was too late. Stores all over the country had cancelled toy orders, and Marlin had lost at least $1.2 million. Today the company is on the verge of collapse.

"ARBITRARY . . . CAPRICIOUS"

Congress in 1970 created the Occupational Safety and Health Administration (OSHA), endowing it with authority to dictate work rules to virtually every segment of American business, from the corporate giants of Detroit to mom-and-pop shops at rural crossroads. OSHA inspectors can walk into any business unannounced, search the premises without a warrant and levy fines without a hearing or trial. Industry and labor alike recognize that there are industrial hazards which require intelligent remedies, but too often OSHA simply makes a nitpicking nuisance of itself. Consider:

In Newport Beach, Calif., an OSHA inspector visited Blackie's Boatyard, where owner Arsene "Blackie" Gadarian and six workers repair small craft. Pointing to a man without a life jacket who was working in a boat tied to the pier, the inspector asked, "What would happen if he fell in the water?"

"He would stand up," Gadarian replied. "The water's only three feet deep all along the pier." Still, the inspector thought there should be a ladder at the pier's end. Gadarian said he would nail up a ladder.

Three weeks later, OSHA formally notified Gadarian that he had violated its ladder regulation—Section 1501.84(c)(4)—and was liable to a fine of as much as $1000. When Gadarian asked to see the rule, OSHA sent him a 248-page document a month later. Nowhere could Gadarian discover any reference to ladders. Asked for clarification, OSHA sent a 48-page supplement saying only that a ladder must be installed in the vicinity of a dock where boats are repaired.

Because Gadarian already had four ladders near his pier, he decided to appeal the fine. OSHA set the fine at only $15, but Gadarian refused to pay.

A battery of government lawyers assembled to argue the OSHA case before a specially appointed federal hearing examiner and a flock of other federal officials. Gadarian, helped by his wife, acted as his own lawyer. The proceedings lasted four hours before Gadarian's innocence was certified. Gadarian's wife would not let him buy a transcript of the proceedings. It cost $500.

OSHA can be just as foolishly autocratic in dealing with big matters as with little. At a cost of $100,000 annually, the Continental Can Corp. effectively safeguards its employes from noise by providing comfortable ear protectors and insisting that they be worn. OSHA itself admits that the protectors reduce the noise level well below federal standards. Nevertheless, OSHA demanded two years ago that Continental Can "engineer" noise abatement by building sound shields around thousands of machines at a cost of $33.5 million—contending that some workers might be too "ignorant or obstinate" to wear the ear protectors. Continental contested the OSHA decree.

After reviewing 1000 pages of testimony, Judge Robert N. Burchmore last October issued what added up to a searing indictment of both the judgment and the competence of OSHA. A government "expert" had claimed that sound shields could be designed and installed in two months. The court ruled that after seven more years of research it *might* be feasible to install them. OSHA had had to admit that it had found not a single employe who was not wearing the ear protectors. Judge Burchmore dismissed the OSHA ruling, calling it "arbitrary to the point of capriciousness."

PASSION AND THE POLICE

The Equal Employment Opportunities Commission (EEOC) was created to ensure that employers should not discriminate against minorities in hiring and promotions. But the EEOC now ranges far beyond this stated mission; its flagrant excesses have provoked outspoken criticism from even long-time champions of minority causes.

Late last year, for example, the EEOC issued an astonishing set of decrees against the police department of Houston, Texas. By EEOC's own admission, this department has had, in recent years, a commendable record of employing minority personnel, who presently compose about 40 percent of the force. But the Houston police require that applicants have a high-school diploma, and they refuse to hire convicted criminals, people dishonorably discharged from the armed services, and those with a history of defaulting on debts.

The EEOC asserted that the ratio of individuals convicted of crimes, dishonorably discharged from the military, or marked as bad credit risks, is higher among blacks and other minorities than among whites.

Therefore, ruled the agency, the Houston police department is guilty of racial discrimination and must cease investigating the backgrounds of prospective officers. It threatened legal action unless the Houston police opened their ranks to convicts, those with dishonorable discharges from the armed services, those who had not completed high school.

"If we do not even have the right to ask a man if he has been convicted, we could turn over the department to a bunch of criminals, the very element we're supposed to fight!" exploded Chief Carrol Lynn. "Hire a convicted kidnaper, burglar, rapist, murderer as a policeman? My God!" Houston's leading black newspaper, *Forward Times*, published a full-page editorial ridiculing EEOC and defending the police. To all protests, the EEOC has so far responded with bureaucratic contempt for common sense.

Meanwhile, EEOC's real business often goes unattended. It has a backlog of 100,000 cases, and now takes an average of 28 months to process a complaint. In their passion to pursue their mandate, EEOC investigators frequently fail to get facts straight. As a result, the EEOC general counsel has to return to the field as "unsuitable for litigation" between 80 and 90 percent of the cases submitted to his office. Yet this is the bureaucracy that has the power to impose racial and sexual quotas at all levels of business, and to drag any employer into a costly lawsuit at will.

THE SINGLE MOST POWERFUL

But the Congressional creation that threatens to grow into the most fearsome bureaucratic monster of all is the Environmental Protection Agency. Under a pervasive umbrella of power conferred by the National Environmental Policy Act, the Clean Air Amendments, the Water Pollution Control Act and the Noise Control Act, EPA has claimed for itself authority unprecedented in American peacetime history. Indeed, Prof. Irving Kristol of New York University recently wrote: "If the EPA's conception of its mission is permitted to stand, it will be the single most powerful branch of government, having far greater direct control over our individual lives than Congress or the Executive or state and local government." Professor Kristol does not exaggerate. Consider:

EPA asserts the right to veto construction of virtually anything that might generate a substantial volume of traffic. Thus, unless Congress intercedes, as of January 1, 1976, local communities may not permit development of a major shopping center, hotel, stadium or factory without approval from Washington.

In Gary, Ind., the U.S. Steel Corp. tried to meet EPA requirements by building two new installations of non-polluting furnaces. But initially their output was limited by factors beyond the company's control: a power failure that damaged its furnaces, the coal strike and a construction strike. So U.S. Steel last fall asked EPA permission to keep its one remaining openhearth installation in operation six months more. It was told that the installation could be kept open for three months with a $2300 fine for each day of operation. Instead, the company closed the installation, and hundreds of workers are losing their jobs as a result.

An infestation of deadly tussock moths in 1972 defoliated 174,000 acres of magnificent Washington and Oregon forests. To prevent further ravages, state officials and conservationists pleaded with EPA to allow a carefully controlled spraying of DDT. EPA stubbornly refused even a temporary removal of its ban against DDT. Unchecked, the multiplying moths by the summer of 1973 had afflicted 700,000 acres of timber. Faced with Congressional uproar and a lawsuit, EPA in February 1974 relented and authorized use of DDT. Helicopters sprayed the forest, and the infestation ended. But the devastation inflicted by doctrinaire bureaucrats endures.

ULTIMATE REMEDY

Nearly two centuries ago, the people of Boston started one of history's most important revolutions in the name of freedom. In the years since, millions of Americans have risked their lives to preserve that freedom. It is inconceivable that we will now sit back passively and allow it to be lost to bureaucratic usurpation.

The remedy lies in Congress, which created the problem in the first place. Congress should reappraise each federal agency, with a view to outright abolition of those that have obviously outlived their usefulness. It should withdraw from the others the vast grants of arbitrary power that it has bestowed. And Congress should define the powers left to bureaucracies in language so clear and explicit that no officials can expand their power beyond Congressional intent. Finally, broad national policies required to protect consumers, workers, minorities and the environment should be implemented through specific legislation rather than bureaucratic fiat.

If the people don't like the results, then—in the next election—they can remove the members of Congress responsible. That is why the American system has always provided that power must be exercised by elected representatives instead of by bureaucrats who have earned the vote of no one. If freedom is to survive, power must *remain* in the hands of elected representatives.

MOORHEAD URGES SUPPORT FOR H.R. 4485 CONFERENCE REPORT, THE EMERGENCY MIDDLE-INCOME HOUSING ACT OF 1975

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as one of the conferees on H.R. 4485, I wish to share some thoughts with my colleagues on the Emergency Middle-Income Housing Act of 1975, in anticipation of Thursday's debate on the conference report.

This legislation represents a thoughtful, creative, and desperately needed program to stimulate our economy, prime the homebuilding industry, and help the many middle-income American families who wish to own a house but find it beyond their means.

A fair question posed by this conference report is just what is the emergency that prompts a proposed $1 billion injection of economic stimulus into the weakened housing industry?

We all know the sorry statistics.

The national unemployment rate is 8.9 percent. This means more than 8 million Americans want but cannot find work. If you add to this the 1.1 million "discouraged" workers who have just given up looking for jobs and the 3.9 million part-time workers who would like full-time jobs, you have an effective unemployment rate of at least 11.9 percent.

Unemployment in the construction trades is approximately 20 percent nationally, with some local jobless rates reaching 30 or 35 percent, as is the case in my city of Pittsburgh.

Interest rates on mortgages, despite overflowing savings and loan coffers, remain around the 9 percent level. In the face of the highest inflow of savings in history, the FHA loan rate has just gone up from 8 to 8½ percent.

Approximately 400,000 units of single family housing, built in the past 12 months or so, continues unsold, which means that builders and developers cannot recover capital necessary to invest in further housing and create jobs, until the present inventory is significantly depleted.

Despite a 2-percent climb in housing starts from March to April, April's rate was down 37 percent from what it was 1 year ago.

Similarly, housing permits were up in April, yet they were still 31 percent lower than the same period in 1974.

Traditionally, the homebuilding industry and the auto industry have been in the vanguard that leads the economy out of its slumps.

It is obvious that Detroit faces challenges that will change the character of that industry for years to come and render it incapable now of helping the national economy. So it seems the housing industry must shoulder the major burden of leading the Nation out of its doldrums and back on the path to growth.

And make no mistake, there will be no major economic recovery in this Nation until the housing industry gets well.

When new homes are being built, not only are construction tradesmen working, but there is a demand for wood, glass, carpeting, plumbing supplies, and other materials—all of which means jobs in those respective industries.

Homebuilding is a linchpin industry, which if properly "fanned and fed," can revive the national economy in a very decided manner.

It has been estimated the new houses contemplated by this legislation should generate 500,000 man-years of employment in construction, manufacturing, and related industries.

With a near 40-percent unemployment among residential construction workers—in an overall construction industry that has 20 percent unemployment—these new jobs will mean a cutback in Government outlays for unemployment compensation, food stamps, and other aid to the unemployed.

Homeowners pay taxes. Federal and local tax revenue generated by these new starts will be in the range of $2 to $3 billion.

That is why the conference report we will be voting on Thursday is so vital.

Title I is the heart of H.R. 4485, and as such has generated the most controversy.

Title I is designed to stimulate the construction of up to 400,000 new homes for middle-income families by offering eligible recipients either a short-term 6-percent subsidy, a 7-percent loan for the life of the mortgage, or a $1,000 grant to be used as a downpayment on a home purchase.

The assistance is available to anyone earning up to 120 percent of the area median income, as determined by HUD. Eligible recipients can get either a subsidy or the $1,000 downpayment grant, not both, and cannot "double-dip" by taking advantage also of the $2,000 tax credit for new home purchases which the Congress approved earlier this year.

In addition, if a home purchased with the 6-percent subsidy or the downpayment aid is sold at a profit within 7 years of purchase, and the seller does not buy an additional house for at least a year and a half, part of the original subsidy would have to be repaid to the Treasury.

It is the hope of your conferees that this program will assist in the economic recovery of the Nation. Consequently, we have limited to June 30, 1976, or approximately 1 year, the period of this home buying assistance. This is not a program designed forever. It is a sharply defined, short-term emergency, antirecession program which has as its goals jobs and related economic activity.

In writing this legislation, we have created for the first time a housing assistance program for America's middle-income majority, the economic segment of the Nation which bears the brunt of the taxes and receives less attention than its more wealthy and less healthy partners, at either income extreme.

Title II contains a loan program for those homeowners who face foreclosure and loss of their home because they cannot keep up their mortgage payments.

The conference report authorizes loans of up to $250 per month for 2 years to eligible homeowners.

The loans called for in this program are repayable at rates and terms set by the Secretray except that the interest rate on the loan cannot exceed 8 percent.

In February, 1.02 percent of all homeowners were 60 days or more delinquent in their mortgage payments. This represents the highest delinquency rate since 1967. It is obvious that the recession has much to do with this sorry statistic.

While some progress was shown in the April delinquency rate, it dropped to 0.92 percent of all homeowners, there appears to be ample reason for the Congress to create a program to keep thousands of owners from losing their homes and seeing their equity and the investment of years go down the drain because of our current economic difficulties.

As in the case of the emergency middle-income mortgage assistance, the foreclosure loan program is of short duration. July 1, 1976 is the cutoff date after which enrollment in the program ends.

Title III of the conference report has created some concern, not for its budget impact—because that is minimal, but more because it contains several miscellaneous amendments to existing law—none of which were in the bills which originally passed the House.

I believe that each of these provisions is merited because of prevalent economic conditions, failure of the Department of Housing and Urban Development to properly administer laws which this body approved in past sessions, the presence of problems not covered by existing housing laws, and ongoing court actions which demand congressional action.

There are eight miscellaneous provisions. Four are controversial.

The first has to do with extension of the section 312 rehabilitation loan program.

Some have argued that this categorical program keeps alive a function which was purposely folded into last year's community development block grant program. And if we authorize new—albeit very limited—funding for section 312 rehab loans, we should resurrect all of the former community development categorical programs and fund them separate also.

This position fails to consider that section 312 loans preserve housing.

In a time when new houses are not being built and those that are are so expensive that middle-income families cannot afford them, we must take deliberate action to preserve those safe, older homes that we already have.

While many recipient governments are using the community development block grants for rehab loan programs, such as my city of Pittsburgh, not all are. And even in those that plan rehab programs, additional funds always can be used to preserve and improve the older housing stock. This extension and new funding will allow more people to maintain quality homes that otherwise become hovels and useless to the community.

Your conferees also voted to transfer $150 million in funds previously approved exclusively for the section 8 leased housing programs to a set aside category for use by local public housing authorities.

It is contemplated that half, of $75 million of this money, would be available for conventional public housing and turnkey programs.

As the original sponsor of this amendment in the House, I believe—a belief unfortuntely born out by the facts—that the new section 8 program will not be able to serve the housing needs of the poor and elderly for many months to come.

In testimony before our subcommittee, Secretary Hills said that less than 40,000 section 8 units will be approved this year and most of them will be existing housing. Congress approved funding for 350,000 units of section 8 last year. That money is not to be used and will not be used for many months to come because of delays in the issuance of the programs regulations and insufficient incentive to developers to build under the program.

Yet the conventional public housing program, which today serves most of the urban and rural poor living in federally subsidized housing, has been virtually shut down by the administration. Requests for more than 200,000 units in public housing are resting down at HUD, not being acted upon. This measure would shift section 8 money to the conventional program and allow some building for the poor and elderly to go on. This provision, I might add, also contemplates about 35,000 man-years of work for the construction industry. A table of pending applications for conventional public housing follows my remarks.

Your conferees also extended the authority for HUD to insure section 235 mortgages to July 1, 1977.

This action was necessary because funds for the 235 program were impounded under the Nixon administration. Since that time, a case seeking release of the funds was brought on behalf of the Congress by the Comptroller and currently is pending. An extension of the 235 authority is needed should the funds be ordered released.

The last controversial item involves extension of the deadline of the flood disaster assistance program sanctions.

Quite honestly there were many of us who argued against any extension or weakening of this program, which anticipates severe Federal sanctions when flood-prone communities—identified by HUD—refuse to take necessary zoning and land-use action to prevent major floods.

The withholding of all Federal assistance by the Department has caused many people with existing homes in HUD-identified flood-prone areas to lose any hope of selling their houses with Federal mortgage insurance.

We compromised with the Senate and accepted a 6-month extension of the sanction deadline with regard to existing properties only. In other words no new construction in flood-prone areas can get any service under HUD programs, but an owner of an older house wishing to sell his property still can get HUD aid.

Both Senate and House Housing Subcommittees have agreed to hold hearings on the impact of the flood program sanctions during this interim 6-month period.

The four remaining provisions in the miscellaneous section, which I believe involve no dispute, are: An extension of the remaining funds available under the Emergency Home Purchase Act of 1974 to multifamily housing; extension by 7 months of the period during which people who purchased defective FHA-insured houses can file claims for compensation. This is necessary because HUD lagged 7 months in issuing the programs first regulations; a requirement that HUD keep its promise to provide Indian housing from money not previously set aside for that purpose; and amendment which allows people earning higher incomes, but living in State-financed 236 rental assistance projects, to have their rents raised commensurate with their ability to pay.

I know there will be arguments against these matters and we will hear on Thursday the threat of a Presidential veto, but I believe that an objective analysis of this conference report will reveal that we have crafted a program that can take a major stride toward building houses and making them affordable by middle-income families, provide hundreds of thousands of real jobs in the housing construction and related industries, cut Federal unemployment outlays, generate tax revenue for both local and Federal treasuries, and prove that the Congress can devise successful antirecession programs that are not pork barrel. I urge approval of the conference report when it comes before us on Thursday.

I include the following:

NUMBER OF ACTIVE PUBLIC HOUSING UNITS IN PENDING APPLICATIONS, AS OF FEBRUARY, 1973

(At time of Executive order freezing low-rent housing activity)

State	*Number of housing units*
Alabama	9, 324
Alaska	1, 592
Arizona	1, 181
Arkansas	4, 293
California	8, 960
Colorado	2, 900
Connecticut	1, 335
Delaware	250
District of Columbia	--
Florida	7, 236
Georgia	7, 235
Guam	--
Hawaii	470
Idaho	965
Illinois	3, 399
Indiana	2, 075
Iowa	1, 065
Kansas	3, 765
Kentucky	3, 595
Louisiana	5, 535
Maine	955
Maryland	1, 190
Massachusetts	7, 285
Michigan	8, 667
Minnesota	8, 377
Mississippi	5, 603
Missouri	2, 273
Montana	440
Nebraska	250
Nevada	1, 379
New Hampshire	608
New Jersey	4, 499
New Mexico	2, 131
New York	21, 453
North Carolina	1, 778
North Dakota	2, 934
Ohio	1, 330
Oklahoma	9, 002
Oregon	485
Pennsylvania	6, 795
Rhode Island	1, 880
South Carolina	13, 623
South Dakota	831
Tennessee	2, 603
Texas	10, 139
Utah	350
Vermont	285
Virginia	9, 273
Washington	3, 200
West Virginia	760
Wisconsin	6, 221
Wyoming	--
Puerto Rico	1, 060
Virgin Islands	--
United States total	202, 834

Source: Statistical Operations Branch, Department of HUD, January 22, 1974.

FRONTIER NURSING SERVICE CELEBRATES 50TH ANNIVERSARY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. CARTER. Mr. Speaker, this past Wednesday the Frontier Nursing Service celebrated its 50th anniversary of serving the people of Leslie County, Ky. As a physician who has practiced in a rural area for many years myself, I can testify to the tremendous service that the Frontier Nursing Service has rendered in meeting the medical needs of the people of that isolated area. This nonprofit service is staffed by volunteers, and I would like to offer for the edification of the Members of this body an article which appeared in the Cleveland Plain Dealer about the very dedicated director of those volunteers, Miss Kate Ireland:

[From the Cleveland Plain Dealer, May 25, 1975]

CLEVELANDER'S FRONTIER SERVICE LIGHTENS THE LOAD IN HEART OF APPALACHIA

(By Mary Strassmeyer)

On Wednesday, the Frontier Nursing Service, Inc., will mark its 50th anniversary with a ceremony in the Old Capitol Building in Frankfort, the capital of Kentucky, and former Clevelander Kate Ireland will be among the proud participants.

Kate Ireland is the unpaid director of volunteers for the Frontier Nursing Service, which has its headquarters in Wendover, Leslie County, Ky., in the Cumberland Mountains. Just a few miles away, in Hyden, is the new Mary Breckinridge Hospital, which was opened in February to replace the sorely inadequate Hyden Hospital and Health Center.

It is the only hospital in Leslie County and within the FNS territory, which takes in parts of neighboring counties in a 750-square-mile area of the Kentucky mountains. In this area, the heart of Appalachia, according to Miss Ireland, live 18,000 people, many of whom rely on some form of welfare to survive.

The new hospital was named in honor of the woman who founded the FNS 50 years ago, Mrs. Mary Breckinridge. After the deaths of her own two children, Polly, six hours after birth, and Breckie, at the age of four, Mrs. Breckinridge decided to devote the rest of her life to the medical and nursing care of children in a remote area.

She chose Kentucky's Cumberland Mountains for her demonstration because of their inaccessibility. She hoped that if it could be successful in Kentucky, the service could be duplicated in other areas such as the Ozarks. But the Depression came along and Mrs. Breckinridge was hard pressed to keep her original service going.

The non-profit FNS began in a small house in Hyden with a staff of three. Then Mrs. Breckinridge built a house in Wendover and that became the headquarters for the FNS.

From the early days, when horseback and mule team were the only modes of travel from the hospital to the outpost nursing centers, to the modern days of the jeep, Mrs. Breckinridge served as active director of the FNS until her death at age 84 in May, 1965.

Kate Ireland became attracted to the service through her family. "Mrs. Breckinridge traveled around the East and the Midwest, trying to interest people in the FNS," Miss Ireland said. "She came to Cleveland and a committee to aid the service was established here."

Mrs. John Sherwin was probably the first committee chairman here in 1928. She said she cannot remember one before her because "it was a long time ago."

The late Mrs. R. Livingston Ireland followed Mrs. Sherwin as committee chairman. That was how Kate Ireland and her sister, Mrs. Gilbert W. Humphrey, became interested in the service.

Mrs. Humphrey served as a FNS courier in 1938 and Kate Ireland has been with the service a part of every year since 1951 with the exception of the years between 1955 and 1958.

The courier service is made up entirely of volunteers—interested young women 18 years of age and older who have completed high school. The initiates stay for six to eight weeks and are called juniors. If they wish to return, they may stay as long as they desire. They are then called seniors.

The idea for the couriers came from Mrs.

Breckinridge's post-World War I experience in France with a motor corps service which was staffed with female chauffeurs.

Kate Ireland became a permanent resident of Wendover in 1967 when she built her home, Willow Bend, there.

Before she went to live there permanently, she herself served as chairman of the Cleveland FNS committee. Today it is Mrs. Paul Vignos Jr.

As director of volunteers, Kate Ireland has full charge of the courier service. Its work is varied. The courier may do the shopping—at one of four supermarkets in Hayden, run errands to the hospital or an outpost center; accompany a district nurse on her daily calls; care for horses and livestock and escort visitors.

Besides Miss Ireland and Mrs. Humphrey, other Greater Clevelanders have served as FNS couriers over the years. They include Mrs. Robert C. Webster, Heidi Mehring and Kathy Vignos as well as some women who have moved out of the Greater Cleveland area.

Because of mounting costs for the Mary Breckinridge Hospital, the FNS has had to ask for money in the past few years. Donations are still needed as the FNS marks 50 years of service to others.

Couriers, too, will be welcomed in Wendover, Miss Ireland said.

Inquiries about courier service and donations may be sent to the Frontier Nursing Service, Inc., Wendover, Leslie County, Ky. 41775.

IRRESPONSIBLE JOURNALISM: A DEFENSE OF CHARLES O. PORTER'S DISTORTIONS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. McDONALD of Georgia. Mr. Speaker, in his efforts to avoid the issues raised by his holding an executive position in an important Communist Party, U.S.A. front, the National Committee Against Repressive Legislation—formerly the National Committee to Abolish HUAC/HISC, Mr. Charles O. Porter appears to have descended to disgraceful distortions and personal threats.

I offer the following syndicated column by Tom Tiede which appeared last week:

ABUSE OF FREE SPEECH

(By Tom Tiede)

WASHINGTON.—The United States Congress, being the flower of democracy, exercises freedoms of a scale going far beyond any other institution in the land, particularly concerning the freedom of speech. Though every other American from president to proletarian is limited as to what he can legally say, and about whom he can legally say it, federal legislators in session have naught but their own consciences to guide them.

And so it should be. Lawmakers muzzled would be lawmakers cowed, therefore the good of the nation suggests they be assured immunity from arrest or suit regarding opinions made during their deliberations.

Occasionally, however, the obvious necessity of this immunity is questioned by its potential for misuse. Recently, by example, one member of Congress has called a former member a Communist sympathizer—and the ugly matter raises the wonder of whether immunity should have its bounds.

The situation is this: Rightest Rep. Larry McDonald of Georgia, who has spent the better part of his first term publicizing groups and individuals he believes to be Communist oriented, has on two occasions inserted into the Congressional Record items condemning the activities of former member Charles O. Porter.

Porter, a two-term Democrat from Oregon, now practicing law there, was said by McDonald to have "known involvement with the Communist party" for the last decade.

The known involvement, according to the charge, was Porter's membership in various liberal organizations (one promoting public ownership of power companies, another opposed the old House UnAmerican Activities Committee, etc.). McDonald believes the groups to be Communist-inspired or operated, and has, via Congress, cautioned Porter "to carefully re-examine his record and be absolutely sure this is the road he wishes to take."

The affair, up to now, has been little noted. Few people in the country read the Congressional Record for one thing, and few others pay much attention anymore to accusations of Communist culpability. Not a word of the charge against Porter has appeared in his hometown paper, and he says he has received no contrary response of any kind. "If I run for public office again," says Porter, "somebody may dig this up, but otherwise I don't think anybody cares. It's something of another age."

Yet if the Communist charge has raised little dust, the propriety of it, and the implications of it, remain significant. And not just for Charles Porter, but every private citizen. "What if McDonald had charged me with something more serious;" asks Porter. "What if he said that I had cheated my clients, or that I had taken money not mine?

"That accusation, even though patently false, could destroy my reputation and my business. But he would still have complete immunity from prosecution and I would still not be able to fight back in the courts."

And so the wonder is this: Is there no limit to a lawmaker's immunity? Porter says there isn't, not at least so far as private citizens are concerned. "If a seated member of Congress libels another seated member, that's against the rules. But it's okay to do it to anybody else."

Any citizen, then, is a potential target for character assassination or social ruin. Except for language considerations, members can write into the Congressional Record whatever they wish, against whomever the disfavor, and the accused is powerless to seek legal recourse.

But should the situation be changed? Porter, for one, says no. "The right of a member to speak his mind without the threat of legal harassment is paramount; if we tamper with that we weaken the entire legislative structure."

A better way to protect citizens against such abuse, he thinks, is the voting way. "Personally, I'd like to seek out Rep. McDonald and kick him in the groin. But I suppose I'd be just as happy if the people of his district realize what he is and what a danger he is, and vote him out of office the next time around."

While the CONGRESSIONAL RECORD is unable to match the readership of a column distributed to some 800 newspapers, the partisan nature of this column requires a reply.

As my colleagues who have been following this tedious series of exchanges are aware, but apparently Mr. Tiede is not, the issue of the matter remains that the letterhead of the National Committee Against Repressive Legislation lists Mr. Porter as chairperson of the Northwest Committee Against Repressive Legislation under the subtitle, "Western Regional Office."

NCARL was thoroughly investigated by a committee of the House which discovered that 7 of NCARL's original 15 national leaders were identified members of the Communist Party, and that the organization was—and is—run by identified CPUSA member Frank Wilkinson. Together with other evidence, NCARL was found to have been created by the Communist Party "to lead and direct the Communist Party's operational abolition' campaign" to end all congressional investigation of subversive activities.

Contrary to Mr. Tiede's implications, if there is any "fault" in this controversy, it lies with Mr. Porter for making this public record of activity rather than with me for citing it.

It is a great disappointment to read in Mr. Tiede's column distortions and untrue allegations more suitable for the pages of the Daily World. Specifically that I have called Charles Porter a "Communist sympathizer" and that I, or any other Member of Congress, would make any citizen "a potential target for character assassination or social ruin," with "the accused" being "powerless to seek legal recourse."

Mr. Tiede would know, if he had read the CONGRESSIONAL RECORD or had asked for copies of the items from my office, that I placed all of Mr. Porter's letters to me in the RECORD, the official published procedings of Congress, together with my responses.

If Charles Porter objects to the public record of his 10-year association with a major Communist front, he has himself to blame for having made it. Yet if he has had a change of heart, I ask him to resign his office with NCARL and repudiate its goals and those of its masters.

Concerning matters of contemporary history, if the public record is distressing to any of those involved, we should remember that it is the fault of those who made the record, not of those who merely report it.

JAPAN'S NUCLEAR POWER PROBLEMS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. AuCOIN. Mr. Speaker, I am honored to call Mr. Ivan Bloch of Bend, Oreg., a friend and an adviser on matters relating to energy. Mr. Bloch has dedicated his life to electric power generation and has been an industrial consultant in that field for many years. He has served as consultant for U.S. Secretaries of the Interior as far back as Harold Ickes and served as chief of the Industrial and Resources Development Division of the Bonneville Power Administration from 1938 to 1947.

Mr. Bloch recently sent me an article, first published in the Far Eastern Economic Review, that reports some of the problems Japan has been having with nuclear power generation of electricity. In view of our own projected shortages in electric power, I want to call this article to the attention of my colleagues and the general public.

These difficulties, which have their parallels in our own nuclear industry, emphasize the need for a major effort in energy conservation and in research and development for alternative energy sources. This should be in the form of a crash program, similar in priority to the Manhattan project, and funded at a level substantially higher than the increases provided in Project Independence. Further, our research and development program needs to correct the heavy skew it has in the direction of nuclear fission power generation.

The article follows:

Turning Off Nuclear Power

(By Henri Hymans)

Tokyo.—Japan's ambitious plans to diversify its energy sources away from imported oil to atomic power have hit serious snags. One after another, atomic power stations are grinding to a halt. Of Japan's eight nuclear reactors, which have a total power generation capacity of nearly 4 million kilowatts, only two are functioning properly, while the operation of six reactors has had to be halted for prolonged tests and repairs. And projected power stations are likely to be delayed or even abandoned.

Less than two years ago, the Ministry of International Trade and Industry (MITI) was propagating nuclear energy as a clean and economical source of energy that would decrease Japan's overwhelming reliance on oil imports. "The development [of nuclear energy] will probably be our greatest gift to our grandchildren," said a MITI White Paper on energy published in late 1973. The ministry then hammered out an ambitious plan that envisaged a nuclear generation capacity of 60 million kilowatts—a quarter of Japan's total power capacity—by 1985.

At that time, a number of Japanese nuclear scientists warned that Japan was moving much too fast in the field of nuclear energy. They cautioned that the problem of safe disposal of radioactive waste had not been solved, while medical experts warned that reliance on atomic power would release vast amounts of radioactivity into the environment and cause a sharp increase in cancer deaths.

Raw-material experts of some of the major electric power companies voiced fears about future shortages of enriched uranium, and MITI's low cost estimates. But all these warnings fell on deaf ears when oil prices soared at the end of 1973. Many Government officials saw atomic power as a panacea and began to talk about stepping up its development.

Not only did MITI planners ignore the fact that many other countries had similar plans and that the cost of enriched uranium and atomic power plants was bound to rise sharply (almost all enriched uranium supplies are imported, and 50% of atomic power station equipment comes from the US), they also failed to reveal that most nuclear reactors had shown defects and had to be closed down for considerable periods.

The break-even point for atomic power generation is an operation rate of about 80% of capacity, but the average operation rate of Japanese nuclear reactors has been a mere 50% in the past eight months, making nuclear energy uneconomical. Cracks and flaws in steam generator tubes, deformed fuel rod cases and accidents have halted the operation of pressurised light-water reactors (PWRs) as well as boiling water reactors (BWRs). The BWRs were regarded as much safer, but even this has been a miscalculation and not a single BWR is now operating.

Although no fatal accidents have been reported so far, radioactive leakages are causing alarm in Fukui (north of Kyoto) and Fukushima (north of Tokyo) prefectures, the main centre for nuclear power stations. The ill-fated voyage of the atomic-powered ship "Mutsu," which was leaking radiation hardly helped the image of atomic power in a country that still remembers Hiroshima and Nagasaki.

Angry environmentalists are threatening to block the start of four huge new reactors, with a combined capacity of 2.7 million kilowatts, which are scheduled to go into commercial operation during the next four months. In January, 403 residents of Fukushima prefecture filed a suit against the Government to prevent Tokyo Electric Power from building a boiling water reactor with a capacity of 1.1 million kilowatts near their villages.

Campaigns against atomic power are being waged in many parts of the country, and other suits to prevent or postpone the construction of reactors are under preparation. Besides the four reactors that are presently undergoing test runs, 11 more nuclear power plants with a combined capacity of nearly 10 million kilowatts are now under construction and will be completed by 1978.

But unless the industry drastically improves the safety of existing nuclear plants and finds ways to solve the radioactive water disposal problem, there seems little chance that MITI's target of 60 million kilowatts by 1985 will be realised.

MITI chief Toshi Komoto admitted recently that popular opposition to nuclear power stations is making it increasingly difficult to find sites for new reactors, and that the 1985 target may have to be scaled down to 30–40 million kilowatts. Even this reduced target is regarded as too dangerous by outspoken critics of the Miki Government's nuclear energy plan.

One nuclear physicist who is more preoccupied with safety than economic growth stated that the Government's nuclear power scheme may help Japan's gross national product to grow faster again, but that it could create pollution problems which would make the Minamata mercury pollution tragedy look like a minor accident.

Another prominent nuclear physicist says that Government officials only "pay lip-service to taking stringent safety measures before starting commercial operation of nuclear power plants." He believes that official assurances of the safety of nuclear plants in case of earthquakes are by no means convincing.

Asked why the Government is promoting nuclear energy so strongly when the risks are so great, the scientist answers that the Administration and private enterprise have already invested some US$7,000 million in the atomic power field, and that more than 54,000 scientists and technicians are presently engaged in nuclear research and development. Only a few academics and scientists who have no connection with the Government's Atomic Energy Agency dare speak out. Most are too closely linked with MITI and industry, and fear being ostracised by the nuclear community if they object to projects which have been approved by their employers.

Medical experts, however, are more outspoken. Takeshi Hirayama, chief epidemiologist of the National Cancer Centre warns that "the popularisation of nuclear reactors will lead to such an increase in radioactivity in the environment that it will cause approximately 10,000 more cancer deaths a year by the late 1970's." Other scientists fear that the hot coolant discharged from some 80 nuclear power plants by 1985—rising to about 120 plants by 1990—could cause environmental disruption on an unprecedented scale in a country as small as Japan. While fishermen would be doomed, they warn, while other ecological damage is incalculable.

Judging by the present furor over nuclear power plants, MITI will be hard put to come anywhere near its proclaimed targets. And even in Government and industry circles, there are increasing numbers of energy experts who advocate increased exploitation of Japan's traditional energy resources—coal and hydroelectric power—as a safer alternative. Such a switch would turn Japan away from the US suppliers of atomic plant and fuel towards suppliers of coal and oil from China—and perhaps the Soviet Union.

JURISDICTION OVER THE OIL RESERVES AT ELK HILLS SHOULD REMAIN WITH THE DEPARTMENT OF THE NAVY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. DOWNEY of New York. Mr. Speaker, between 1912 and 1924, 24 million acres of oil-rich lands were set aside as a savings account of oil for the Navy. Production from just one of these reserves could reach 160,000 barrels per day within 6 months, according to the House Interior Committee, and would increase to 300,000 barrels a day within 1 year, reducing this Nation's dependence on oil imports by those amounts. As a result, there are now two bills before the Congress which would provide for the development of these lands as a means of addressing our present energy crisis.

The reserves at issue consist of four tracks of oil-rich land and three tracks of oil shale which was set aside by a series of Executive orders for the exclusive use of the U.S. Navy in the event of a future emergency. The petroleum reserves consist of:

Elk Hills, Reserve No. 1—46,000 acres which contain known reserves of more than 1 billion barrels of oil and estimated new reserves of about 500 million barrels. Twenty percent of the land in Elk Hills is owned by Standard Oil of California, but the Navy has complete control over production and exploration.

Buena Vista, Reserve No. 2—30,000 acres adjacent to Elk Hills, now largely depleted, containing only 15.6 million barrels of oil.

Teapot Dome, Reserve No. 3—95,000 acres north of Casper, Wyo., is also largely depleted, containing only about 51 million barrels of oil.

North Slope, Reserve No. 4—23.7 million acres near Barrow, Alaska, contains 100 million barrels of oil improved reserves and between 10 billion and 33 billion barrels in estimated new reserves.

In addition, the Navy has three oil shale reserves in Colorado and Utah.

The House Interior Committee on March 18, 1975, reported H.R. 49, a bill which would transfer jurisdiction over the oil reserves from the Navy Department to the Department of Interior and would authorize production at the maximum efficient rate until the oil ran out. Under that bill, the production could be contracted out to a private company through competitive bidding.

Mr. Speaker, I oppose this arrangement because I do not want to see valuable oil reserves disappearing into the hands of the major oil interests, leaving the Department of Defense with nothing in reserve. I believe that such a proposal would threaten our national security. I also oppose the plan because I believe that it would provide an undeserved bonanza to major oil companies.

Mr. Speaker, I believe that the critical military fuel shortages during the recent oil embargo make it clear that we must retain these oil reserves within the jurisdiction of the Navy.

Clearly superior to the Interior Committee bill is an alternative—H.R. 5919—which was reported by the Committee on Armed Services and which I support. The armed services bill would retain the reserves under the control of the Department of the Navy, authorize production of 200,000 barrels a day for 3 years, and require that the oil be used by, or exchanged for, petroleum products to be used exclusively by the U.S. Armed Forces.

I urge my colleagues in the House to support this bill rather than the administrations proposal. We must not allow accelerated exploration and depletion of this vital military reserve. If our current energy shortage precludes us from leaving these reserves untouched, let us begin to explore them with the requisite caution, making sure that we keep sufficient energy resources in our national security bank. Let us evaluate our need for this oil after a long range national energy program has taken shape. The relative importance of production from the naval reserves can be better assessed after 3 years of experience.

Both bills, I am happy to say, would exempt North Slope in Alaska from development until there has been further geological exploration and a subsequent decision by Congress. The environmental impact of exploration in that fragile environment precludes us from acting hastily. We must carefully determine our needs for petroleum production in that area before risking severe environmental damage to that region.

ON THE 29TH ANNIVERSARY OF THE REPUBLIC OF ITALY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. BIAGGI. Mr. Speaker, on June 2, this Nation and the world celebrated the 29th anniversary of the founding of the Republic of Italy. As an Italo-American, it gives me great pleasure to join with the millions of Italians here and around the world in noting this important event in the annals of world history.

The history of the Italian Nation has been a rich one. Many of the foundations of our own modern day democracy were established during the days of the Roman empire, an era when Italians were the preeminent powers in the world. Her later years were highlighted with strife and war but a bold new era in her history was established on June 2, 1946, when the modern day democratic Republic of Italy was established.

Now 29 years later, Italians are again seeking a prominent role in world affairs. It is symbolic that corresponding to the celebration of the founding of the Italian Republic our own President has just completed a trip to Europe which included an important day long visit to Rome. During his meeting with leading Italian government figures, the President indicated that the strong ties between the United States and Italy would continue, and a further pledge was made by this Nation to insure the continued security of Italy and the whole of western Europe. Italy is now on the threshold of assuming an important role in NATO, and her future as a free nation appears bright. Internally, Italy appears on the verge of combating a decade of severe inflation and other economic woes.

On this day it is also fitting to honor the many contributions of the large Italo-American community here in the United States. The Italian influence is felt in virtually every facet of our society. Of particular significance is the role which the Italo-American community plays in the world of politics and the arts. The Italian-American congressional delegation now totals 27, our highest number ever. In the House our delegation is led by Chairman PETER RODINO of the House Judiciary Committee, who etched his own mark in history through this crucial role of the impeachment proceedings of last summer.

In the arts, Italian-Americans can point with pride to the contributions of our members in the film profession. For the second year in a row, Italian-Americans walked off with the highest awards given by the Academy of Motion Picture Artists. Francis Ford Coppola, director of the classic Godfather I and II now rates as the preeminent director in America today.

I hope that as we celebrate this important event, we will look with great anticipation toward 1976, a year when both the 30th anniversary of the Italian Republic as well as our own Nation's 200th birthday will be celebrated. My fervent hope is that this Nation will honor the many contributions which the Italian-American community has made to our Nation's history. We as a people are proud of America, and her history. We are also proud of Italy and her continued strength and vitality as a free nation.

Mr. Speaker, I am honored as an Italian-American to honor this important day. I would like to pay special tribute to the distinguished Ambassador from the Republic of Italy. His Excellency Egidio, Ortona, and wish him continued success and good health in the coming year.

GUN CONTROL

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1975

Mr. SYMMS. Mr. Speaker, I have received literally thousands of letters from Idaho and all across the country on the subject of Federal gun control. Those writing represent a broad cross-section of American life, including mothers, businessmen, soldiers, grandmothers, farmers, and city dwellers. They share a love of liberty and a commitment to preserving their constitutionally guaranteed right to firearms ownership. The following letter from my Idaho constituent, now serving in the U.S. Army overseas, is among the most articulate and convincing. Considering the tremendous impact any new legislation in this area would have on the people of our country, and the interest Americans have shown in the gun control issue, I ask that my colleagues take a few moments to read Captain Welch's letter and consider its arguments:

MAY 21, 1975.

Hon. STEVEN D. SYMMS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SYMMS: As an Idaho citizen and gun owner/collector, I have become increasingly concerned with the appearance of more proposed gun control legislation in the Congress. In my opinion, legislation directed toward the control of firearms is sheer folly. Our own history, in reflection on the prohibition era, cites specific analogies of what could be expected. Laws must be enforced to be effective—to enforce some of the proposed legislation would be impossible, at best. I hesitate to follow the NRA line, but I sincerely believe that legislation directed against the weapon instead of the user would only impose a greater hardship or, in extreme banning legislation, danger on the part of the honest citizen who makes a habit of obeying laws, not breaking them.

As an Army Officer with Vietnam experience, I know first hand and have seen hand guns and rifles, albeit crudely made, but still highly functional, produced by a technically inferior society, yet still possessing the inherent capability to produce very effective results!! Again, as an Army officer, I have other reasons for my view. With our country's ever narrowing vistas world-wide and what appears to me to be a returning trend toward isolationism, I fear what we may be doing to ourselves. The founders of this great nation provided for an armed militia as opposed to the idea of a large standing Army, and it was, and is, a good idea. Our Army is shrinking daily. Universal conscription and training is an idea of the past. Without civilian experience and familiarity with weapons, we would not have a base of bare techniques on which to build, when and if the need should occur.

True, we will still have a regular force, albeit small; even the most asinine must assume this. But these soldiers, by virtue of their very valuable training, must be the technicians and specialists involved in operating our increasingly complicated and technically sophisticated equipment. The great old days of shoot, move, and communicate have changed somewhat, but it is still the foot sore, hardnosed rifleman who will win or lose our next war, and it's facetious to believe that there won't be another.

I also have a very personal reason for my opinion. I would hate to lose those crisp fall Idaho mornings in pursuit of ducks, deer or pheasants. But most of all, I would hate to try to kill a rattlesnake encountered while fishing or hunting by beating him to death with the tip of a fly rod. Additionally, as a target shooter and plinker, my contribution to the economy of the nation and that of my thousands of compatriots, should not be ignored.

In closing, speaking of the handgun alone, it would be a sorry admission, on our part, by some of the proposed legislation, that we, the greatest nation on earth, cannot control our criminal element. How can we violate the freedom of millions of honest gun owners in what would be a sorry effort to control the violations of the criminal minority. As a collector and world traveler, the GCA of 1968 ("The Omnibus Crime Bill") has already hurt me numerous times. I can not even bring back to my home a weapon that does not meet someone's circumspect opinion of what is "generally recognized as particularly suitable for or readily adaptable to sporting purposes". How many persons bent on crime fill out the Treasury Form C, may I ask? I sincerely wonder what we were thinking!

Thank you for your consideration. I sincerely hope that the Congress will be able to find other means to control our criminal element rather than to pass additional gun control legislation. The hopes of millions of Americans are riding on that ability.

DENNIS E. WELCH,
Captain, U.S. Army.

HOUSE OF REPRESENTATIVES—*Wednesday, June 4, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Do not be overcome by evil, but overcome evil with good.—Romans 12: 21.

Eternal Spirit, Lord of all nations and Father of all people, we pause at the altar of prayer seeking Your blessing upon us as we enter the duties of a new day. We would not simply bow our heads in a gesture of prayer and then go our own busy ways without You; rather, we truly seek Your presence and the guidance of Your spirit as we face the decisions we have to make, the work we have to do, and the responsibilities we have to carry.

Breathe Your spirit upon us as we pray and send us forth across all barriers of color, creed, and culture bearing witness to the truth of human kindness and the sacredness of every human life. Thus may we be worthy of the trust the Nation has committed to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

ELECTION AS MEMBERS OF COMMITTEE ON SMALL BUSINESS

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 507), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 507

***Resolved,* That Thomas J. Downey of New York and Floyd J. Fithian of Indiana be, and they are hereby, elected members of the Committee on Small Business.**

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize first a Member on a privileged matter, and after that we will take up as unfinished business the veto message.

PRIVILEGES OF THE HOUSE

Mr. SLACK. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. SLACK. Mr. Speaker, I have received two subpenas which require my appearance before the U.S. District Court for the Southern District of West Virginia. The first subpena requires that I testify on June 9, 1975, in Charleston, W. Va., in the case of Ben-Tom Supply Co., Inc., against V. N. Green Co., Inc., and the second requires that I testify on June 9, 1975, in Charleston, W. Va., in the case of Great American Insurance Co., Inc., against V. N. Green Co., Inc.

Under the precedents of the House I am unable to comply with these subpenas without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

I send to the desk the subpenas.

The SPEAKER. The Clerk will read the subpenas.

The Clerk read as follows:

[U.S. District Court for the Southern District of West Virginia—Civil Action File No. 69-40 CH]

BEN-TOM SUPPLY CO., INC., A CORPORATION, PLAINTIFF *v.* V. N. GREEN & CO., INC., A CORPORATION, ET AL., DEFENDANTS *v.* W. HOLMES SHAVER, THIRD PARTY DEFENDANT

To: John M. Slack, Jr.

You are hereby commanded to appear in the United States District Court for the Southern District of West Virginia, at 500 Quarrier Street in the city of Charleston on the 9th day of June, 1975, at 10:00 o'clock A.M. to testify on behalf of defendant in the above entitled action.

May 1, 1975.

EDWARD W. EARDLEY,
Attorney for Defendant.

P.O. BOX 1588, CHARLESTON, W. VA. 25326.

JAMES A. MCWHORTER,
Clerk.
By WILDA STONESTREET,
Deputy Clerk.

[U.S. District Court for the Southern District of West Virginia—Civil Action File No. 70-86]

GREAT AMERICAN INSURANCE CO., A CORPORATION *v.* V. N. GREEN & CO., INC., A CORPORATION, CENTRAL ASPHALT PAVING CO., A CORPORATION, W. HOLMES SHAVER, JOHN M. SLACK, JR., VICTOR N. GREEN AND JOHN W. GREEN, JR.

To: John M. Slack, Jr., House of Representatives, United States Capitol Building, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Southern District of West Virginia, at 500 Quarrier Street in the city of Charleston, West Virginia, on the 9th day of June, 1975, at 10:00 o'clock A.M. to testify on behalf of W. Holmes Shaver in the above entitled action.

April 28, 1975.

STANLEY E. PREISER,
Attorney for Defendant W. Holmes Shaver.

P.O. BOX 2506, CHARLESTON, W. VA.

JAMES A. MCWHORTER,
Clerk.
By MICHAEL D. RELIHON,
Deputy Clerk.

AUTHORIZING HON. JOHN M. SLACK, JR., TO APPEAR IN RESPONSE TO SUBPENAS OF U.S. DISTRICT COURT FOR SOUTHERN DISTRICT OF WEST VIRGINIA

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 508) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 508

Whereas, Representative John M. Slack, Jr., a Member of this House, has received two subpenas to appear before the United States District Court for the Southern District of West Virginia, one of which requires him to testify on June 9, 1975, in the case of Ben-Tom Supply Company, Inc. versus V. N. Green Company, Inc. (Civil Action No. 69-40) and the other which requires him to testify on June 9, 1975, in the case of Great American Insurance Company, Inc. versus V. N. Green Company, Inc. (Civil Action No. 70-86); and

Whereas, by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore, be it

Resolved, That Representative John M. Slack, Jr., is authorized to appear in response to the subpenas of the United States District Court for the Southern District of West Virginia at such time when the House is not sitting in session; and be it further

Resolved, That as a respectful answer to the subpenas a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL SCIENTIFIC PLANNING AND ANALYSIS TO SIT DURING 5-MINUTE RULE TODAY

Mr. THORNTON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Domestic and International Scientific Planning and Analysis of the Committee on Science and Technology be permitted to sit today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

NEED OF FAA DECISION ON CONCORDE

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I have been informed that the Federal Aviation Administration has decided to put off until September its final decision on whether to allow flights into John F.

Kennedy Airport in Queens and Dulles International Airport in nearby Virginia by French and British supersonic transport planes.

If this is true, and I have no doubt that it is, it seems to me that the use of this tactic simply means that the Ford administration has made a firm commitment to England and France, builders of the Concorde, to let their supersonic aircraft thunder across U.S. skies.

It is obvious to me that the decision to put off public announcement of the FAA decision is related to the fact that not until September will the Agency's budget bill be concluded in the Congress. This is a shady and questionable delaying tactic and I would hope that President Ford would disavow himself from any activity that would deprive the Congress and the people of their right to know.

I am very disappointed that the Administration apparently means to ignore the pleas of thousands of citizens in New York and Washington and will go ahead notwithstanding the evidence cited against the applications. Certainly, if there were not pending the matter of the Agency's budget, or if the request were to be denied, there would be no reason to delay any longer the final decision. The evidence against the Concorde is overwhelming both by the public and scientific data.

I am also informed of what I consider to be undue influence by the State Department upon FAA to approve the applications, so that the State Department will find it easier to deal with France and Britain. I would urge that the State Department confine itself to its own areas, which it obviously has difficulty with without additional interference into the functions of other U.S. departments and agencies. And I would urge FAA to answer quickly just why the decision has been made to delay announcement of its final decision on the Concorde.

PRESIDENT'S RETURN FROM EUROPE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, now that President Ford has returned to this country, I would like to commend him on a highly successful trip to Europe. All of us, I believe, are heartened by the prospect of continued movement toward a just and lasting peace in the Middle East and the apparent success of the meetings between Presidents Ford and Sadat.

The President's consultations in Brussels and his meetings with key European leaders have served to dispel any doubt that might have existed about the degree of our continuing commitment to the North Atlantic Alliance, a cornerstone of our security policy for almost three decades.

I am also pleased to see that, in the spirit of partnership and consultation that has come to characterize the conduct of our diplomacy, Secretary Kissinger will appear before the Committee on International Relations next week to give us a detailed briefing on the results of the President's trip.

I would like to take this opportunity to say: Welcome home, Mr. President, and congratulations on a job well done.

EMERGENCY EMPLOYMENT APPROPRIATION ACT, 1975—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 4481), an act making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The question is: Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 256]

Alexander
Andrews, N.C.
Archer
AuCoin
Badillo
Burke, Calif.
Burton, Phillip
Chisholm
Conlan
Conyers
Crane
Diggs
Dingell
Drinan
du Pont
Eckhardt
English
Esch
Fish
Fraser
Gilman
Hawkins
Hébert
Heckler, Mass.
Holt
Horton
Jones, Okla.
Jones, Tenn.
Karth
Mathis
McCormack
Metcalfe
Mollohan
Montgomery
Passman
Peyser
Quillen
Railsback
Rees
Rostenkowski
Rousselot
Santini
Scheuer
Shriver
Sikes
Stuckey
Teague
Udall
Wiggins
Wilson, Tex.

The SPEAKER. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY EMPLOYMENT APPROPRIATION ACT, 1975—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there is nothing much more demoralizing than for the head of a household to be out of a job. It does something very damaging to people who need work and who want to work to be out of a job.

There are 9 million Americans now, according to statistics, out of jobs. They need to be put back to work in order to increase the productivity and the resources of the United States of America and of course to provide for their own needs. The jobs bill that we passed 2 months ago would put 900,000 men and women back to work.

What precise, overall effect this would have on the economy and to what exact degree it would improve the situation of the American people is hard to estimate, but it could not do anything other than produce good results.

Yes, the unemployment rate is about 9 percent. This is a very high rate, and of course, in many areas is much higher than that. Fortunately unemployment is not high in my congressional district, but we in the House of Representatives must think in terms of the Nation and the needs of Americans everywhere.

The President has asked that we provide hundreds of millions of dollars for public service jobs. I would consider them the most nonproductive of all jobs. They are included, as far as the President's budget estimate is concerned, in the bill which we are going to vote on today, but it was felt by the Congress—and I think I include many Republicans with the Democrats—that if we are going to put people to work and spend taxpayers' money, it ought to be productive work that would increase the resources and economic strength of the country.

Therefore, the 55 members of the Committee on Appropriations combed the Government, so to speak; we combed the budget, so to speak, and we selected projects that were ready to move, where we felt that we could immediately put people to productive effort; and so we passed the jobs bill in early March. It went to the other body, but it has now been vetoed by the President.

When we voted on the bill in the House on March 12, 313 Members voted for it and 113 voted against it.

There was a different feeling among the people of the Nation 2 months ago when we voted on this bill. The situation however, has worsened. Unemployment has worsened, and the President, in his budget, says that next year the unemployment rate will still be about 8 percent—7.9 percent, to be specific—which is an unacceptable level.

I am sure some of the other speakers today will point out just how much it costs the Government—$16 billion, to be exact—for a 1-percent increase in the rate of joblessness. Consequently, I would think that there are men and women in the House who may have voted against the jobs bill when it was before the House in early March but who would want to vote to override today because of the greater urgency of the situation, because there has not been an improvement in the job situation outlook since it is estimated by the Executive that the unemployment rate will be approximately 8 percent next year.

The President says this bill will take effect long after it is needed as a tonic to the economy. By his projections of unemployment, we are going to need some tonic for the economy for quite some time. Yet, these jobs, generally speaking, are ready to impact now, giving people work, productive work.

Therefore, Mr. Speaker, I would urge my colleagues to override the President's veto. How can we do otherwise and not vote to give people productive jobs at a time when there is so much unemployment and when unemployment costs us so much anyway?

Again, Mr. Speaker, I urge that the veto be overridden by my colleagues. I would point out that if the Members will read the President's veto message, that ought to be sufficient to convince the Members generally that the veto ought to be overridden. There is nothing in the veto message that would give adequate reason to vote to sustain the President, in my judgment.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I rise in support of what my chairman has said.

These public service jobs cost a minimum of $10,000 each. This bill includes, for example, money for small business loans. The Administrator of the Small Business Administration testified before our subcommittee that for each $7,000, they can either provide a new job or save a job, and 92 percent of that money is repaid. Therefore, we get more jobs for the money in this bill by far than we can secure under the administration approach.

Mr. MAHON. Mr. Speaker, let me read a partial list of the areas covered in this bill:

Summer jobs for youths, jobs for older Americans, work-study grants for college students, jobs for youth in the Youth Conservation Corps, an increase in rural water and sewer grants, the improvement and modernization of existing veterans hospitals, reforestation and timber stand improvement, expansion and upgrading of facilities in national parks, increased assistance to small businesses, accelerated construction for public service facilities, and major repairs and renovations of existing Federal buildings.

Mr. Speaker, I urge that the veto be overridden.

The SPEAKER pro tempore (Mr. BOLLING). The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan, the distinguished ranking minority member on the committee, Mr. CEDERBERG.

Mr. CEDERBERG. Mr. Speaker, I listened with interest to the chairman of the Committee on Appropriations when the gentleman said there is nothing more demoralizing than having the head of some household out of work. I certainly agree with that, but I also think there is nothing more demoralizing than empty promises. That is what we have here today, empty promises. We are promising something in the way of emergency jobs when there are few emergency jobs in this bill.

As I see it, this is just some of the same old kind of medicine that has been served up over the years to try to solve a problem that cannot be solved by government.

As I said, this is not an emergency jobs bill. That does not mean to say that there are no jobs in the bill, but from all indications, very, very few of these jobs will be generated within the next several months, and probably very little of the money will be spent until the end of fiscal year 1976, and it probably will impact mostly in fiscal year 1977.

As the New York Times stated in its editorial, they referred to it as a "pork-barrel bill," and I think that is exactly what it is.

I come from a State that has the third highest unemployment in the United States. As I look at the bill, and as I did before when the legislation was adopted earlier, I find nothing in this bill that will have any significant impact on the unemployment situation in my own State of Michigan.

How did this bill start out? This bill started out because there was a desire—and I respect the desire—to bring something forward that would have an immediate impact. But, as I say, this bill does not do that. Members of the Committee on Appropriations on the majority side evidently got together and said we are going to have a $3 billion bill—I think that was the first figure that was used—a $3 billion so-called emergency jobs bill.

Well, that crept up to about $5 billion, which is about where it is now.

There were little or no hearings held on any of these items.

So, when they say there is going to be a major economic jobs impact on an emergency basis, I find that to be difficult to believe. The major impact of this bill will be an adverse economic impact, because the major impact will be focused in the period for fiscal year 1976 and fiscal 1977.

Mr. Speaker, I serve on the Committee on the Budget, and if the Members will read the report of the Committee on the Budget they will find, the concern that the deficit for fiscal year 1977 and beyond will be rather significant, and if we have that kind of a budget deficit in those years, as reported to the staff by economists of all persuasions of our country, this is going to have an adverse impact, and will lead us down the road again to double-digit inflation, and double-digit interest rates, which was one of the reasons we are in the kind of situation we are at the present time.

We are going to have, for example, in fiscal year 1976, a deficit of something in the area of probably $80 billion, and you put that on top of a deficit of roughly $40 billion, which is going to be the deficit by the end of this June, and then add on the off-budget items that will have to be financed on top of that, and you will have to go into the money market for $140 billion plus, and compete with people in the private sector who are trying to get money for the purpose of home purchases or other items, businesses that needs capital expansion, and as a result of this we are going to see an upward pressure on interest rates and a downward pressure on the home building business at the time when we want to turn the whole matter around.

I think it would be the height of fiscal folly for us not to sustain the President's veto at this time. It just seems to me that we have enough history of this kind of action over the years to show that it has never really had a major impact. What we need is jobs in the private sector that are meaningful, productive jobs that will put people on the payroll, and we are not going to get that through this kind of legislation.

There are items in this bill that are approved by the President—and I am sure the gentleman from Illinois (Mr. MICHEL) will comment on that a little later on to indicate that some portions of this bill would be approved—and certainly if the veto is sustained, those items will be favorably acted on by the Congress in a very, very short time.

I think it is a very serious thing to mislead the American public into believing that there are some emergency jobs in this bill. There are certain projects that have been spread around, but as far as a major economic impact and the creation of jobs on an emergency basis, I find nothing in here at all.

This bill is a very important test of budget control. On May 14, this House voted a Federal deficit of $68.8 billion for fiscal 1976. The Office of Management and Budget currently estimates the fiscal 1976 deficit at $88 billion, based on completed and potential congressional actions.

How do we reconcile this discrepancy?

How do we provide for economic recovery, sustained by private investment and employment?

Vote "no." Vote to sustain the President's veto of this bill, which is a cruel hoax on your unemployed constituents, and a travesty on the legislative process.

I include the following:

REVISED BUDGET ESTIMATES AND ESTIMATE OF POTENTIAL CONGRESSIONAL ACTIONS

[In billions]

	1975	1976
OMB revised estimates		
Outlays	323.6	358.9
Receipts	281.0	299.0
Deficit	−42.6	−59.9
Possible impact of congressional actions on outlays	+.4	+28.3
Potential deficit	−43.0	−88.2

Source: OMB, May 30, 1975.

SCORECARD ON CONGRESSIONAL ACTION—SUMMARY

[In billions of dollars]

	Outlay effect			
	1975	1976	Tran. qtr.	1977
Completed action:				
Appropriations	−.2	−.3	−.1	−.2
Rescissions and deferrals	.5	1.1	.3	.8
Inaction on substantive reduction proposals:				
Social security and related caps		2.2	.6	2.5
Other	1.1	.1		
Other measures	1.6	.7	.2	.6
Total, completed action	3.0	3.8	1.0	3.7
Potential action:[1]				
Inaction on substantive reduction proposals (attachment A)		8.1	2.5	7.4
Potential spending actions (attachment B)	.4	20.2	6.2	20.3
Total, potential action	.4	28.3	8.7	27.7

[1] Excludes potential decreases that are not definitive.

Source: Office of Management and Budget.

ATTACHMENT A—THREATENED ADDITIONS BECAUSE OF INACTION ON ADMINISTRATION REDUCTION PROPOSALS

[In billions of dollars]

	1975	1976	Tran. qtr.	1977
Remaining 5 percent cap on cost-of-living increases		2.9	1.2	1.9
Production and sale of oil from Naval petroleum reserves		.4	.1	.3
OASDI—Eliminate certain retroactive benefits and retirement monthly measure		.4	.2	.7
Medicare—Modify cost sharing and place limits on provider costs		1.2	.4	1.8
Public assistance proposals		1.6	.4	1.2
Vducation—Impact aid		.3	------	.3
ESA stockpile sales		.4	.2	.4
OA—Repeal 2-yr extension of tGveterans' training benefits and providereimbursementbyprivate insurers for medical care		.7	(1)	.5
her		.2	(1)	.2
Total		8.1	2.5	7.4

[1] Less than $50,000,000.

Source: Office of Management and Budget.

ATTACHMENT B—POTENTIAL CONGRESSIONAL SPENDING ACTIONS

[In billions of dollars]

	Outlay effect in—			
	1975	1976	Tran. qtr.	1977
Antirecession grants to State and local governments (JEC)		5.0	1.0	3.0
Increased public works projects for State and local governments (H.R. 5247)		.5	.2	1.8
Increased school feeding and related programs (H.R. 4220)		1.0	.9	1.1
New housing subsidies (Senate version of H.R. 4485, (H.R. 5398)		1.1	.2	.7
Increased payment to the Postal Service H.R. 2445)		1.8	.4	1.9
Health insurance subsidies for the unemployed (S. 625)		1.0	.2	.4
Education appropriation		.3	.2	1.2
Broadened unemployment compensation benefits (H.R. 6629)		1.2	.5	.5
Funding for National Strategic Petroleum Reserve proposal		.3	.5	2.5
Emergency employment appropriation (House-passed bill)	0.7	1.5	.2	.4
Increased highway projects (House Public Works Committee) (excludes effect of released funds)		1.2	.2	1.0
Increased veterans benefits (H.R. 3563, H.R. 3810, H.R. 4179, et al.)		1.3	.5	1.2
Other changes in a wide variety of spending programs	−.3	4.0	1.2	4.6
Total	.4	20.2	6.2	20.3

Source: Office of Management and Budget.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, first of all I want to commend the distinguished gentleman from Texas for bringing this bill to the floor. As the leader of the great Committee on Appropriations, and as one of the most knowledgeable and experienced legislators in this Chamber, everyone who has served with him knows that no one more carefully prepares his work and no one more carefully considers the fiscal situation of our country every time he reports an appropriation bill to the House. I commend him because I think this is one of the most important bills we will have this year.

I am really surprised that the President of the United States vetoed this bill. I remember sitting right behind him when he was making his state of the Union message, and I remember him saying this—and here is the message he delivered to this Congress:

> Let us mobilize the most powerful and creative industrial nation that ever existed on this earth to put all our people to work. The emphasis of our economic efforts must now shift from inflation to jobs.

Had the President made that shift before the last election, we would not have 290 Democrats here in the House of Representatives at the present time. Further on in his message, the President said:

> When I became President only five months ago, I promised the last Congress a policy of communication, conciliation, compromise, and cooperation. I renew that pledge to the new Members of this Congress.
>
> To sum up, America needs a new direction which I have sought to chart here today, a change of course which will first put the unemployed back to work.

Is it not giving employment to put 840,000 youths on the payroll for 9 weeks this summer? Is that not creating jobs? Is that waiting until 1976 to create jobs? Has anybody from the administration told us that we will not still have a job problem next year? Has anybody predicted that the jobless rate will go down more than 1 percent, even with the most optimistic figures?

I concur wholeheartedly with what the distinguished chairman of the committee said. There is nothing tragic, there is nothing as devastating, as a family whose head of the household is out of work, or who has a job but does not know how long he or she is going to have it. We have this situation in nearly every part of the country. We have it worse than we have ever had it since the 1930's, and we have got a lot of other things that are even worse than they were in the 1930's.

The people of this country are going to demand jobs. Every program in this legislation is a productive program. We have a public service jobs program. That will help cities and it will help various agencies of the Government. But we also must have public works projects and, whether we get to all of them by the end of this year or the end of next year, they are going to be programs that are needed to help stabilize and revitalize the economy and put people back on the payroll at the same time.

Mr. Speaker, with all the urgency that I have in my body I plead with the House of Representatives today to give us an affirmative vote to show that we are the legislative body of this Nation and to send a resounding overriding message back to the President of the United States.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York such time as he may consume.

Mr. OTTINGER. Mr. Speaker, I rise in support of overriding the President's veto of the Emergency Employment Appropriations Act.

Unlike "deficit," "recession," "depression," or "inflation," unemployment is a problem of immediate, individual impact. It is a human problem, and there are now over 8 million unemployed people in this country—and perhaps as many more who have given up looking for a job, and therefore are not counted in official unemployment statistics—who have to deal with it.

In New York State, there were 762,900 people officially unemployed at the end of April. Westchester County, which encompasses the district I represent, was suffering an unemployment rate of 8.9 percent. Translated, that means 31,500 people officially without employment, most without an adequate income. We have an opportunity today to take positive action to help alleviate this crisis confronting the Nation.

The Emergency Employment Appropriations Act commits the Federal Government to a program of reducing unemployment and assisting in the economic recovery of the Nation. It would create 900,000 job opportunities, and provide 840,000 young people with constructive employment for the summer months ahead.

Rather than allowing this problem to linger on, it is time to put the power of the Federal Government to work. The 8 million people who are unemployed will not be able to purchase food and shelter with Presidential projections of economic recovery, consistently wrong in the past. To the unemployed, these promises are luxuries which they cannot afford.

The administration's economic recovery program is a sham. The tax relief supposed to stimulate us out of the recession will be more than offset by energy price increases and the resulting increases in the price of everything else produced by the President's tariffs on oil imports and decontrol proposals.

The administration projects an unemployment rate of over 7 percent into the 1980's, and proposes to sit by and do nothing about it, meanwhile railing about a "do-nothing" Congress.

Well, this Congress can turn the tables on the President today. It can show who has the will to do something about our Nation's most important domestic problem—jobs. It can override this veto, and put 900,000 of our citizens to work directly, and hundreds of thousands back on the payrolls indirectly as those 900,000 are able to enter the marketplace again and purchase job creating goods and services.

Let us show a President who wants to roll the clock back to the 1930's, worse than a do-nothing President, that we in Congress intend to act on jobs and put this country back to work again.

The President says that this legislation is too costly and will increase the deficit—nonsense. His own budget submission indicates clearly that his projected $60-billion deficit is primarily due to permitting continued recession and unemployment; it clearly states that the budget would be balanced at a 4.2 percent unemployment rate.

Let us at least confirm the partial action taken by the Congress in this measure to provide public service jobs to just 11.3 percent of the officially unemployed until the public works and other job creating measures we have passed—many also subject to the Presidential veto or veto threats—have a chance to reduce unemployment in the private sector.

Let us show a do-nothing President that we are a do-something Congress and override this veto.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, there is nothing worse than a well-intentioned piece of legislation that will at best be mischievous and harmful to our sorely troubled economic situation and domestic economy. Further, there is no worse misappropriation of the trust of the people and their electoral mandate than to vote out legislation that will build false hopes and encourage aspirations that cannot be met over the long run. H.R. 4481, in part because events have overtaken it, does these things.

The basic cause of all our current economic woes is rapacious Federal deficit spending. Deficit Federal spending is a hidden tax that steals from all the population. It undermines the value of our currency, it eats away the equity in investments, and retirement and annuity funds. It cheats a man out of a portion of the fair and legitimate value of his labor, and, it destroys the free market system that is the basic element in the prosperity America has enjoyed to date.

H.R. 4481 is $3.3 billion over what President Ford requested from the Congress for such a program when the economy showed no signs of coming around. The $5.3 billion authorized in this bill will necessitate further heavy deficit spending at a time when the Nation cannot afford it and when the Congress is saying it wants to be fiscally responsible. Further, this bill, even if the level of spending were acceptable, has been rendered obsolete by the beginning recovery of the economy. To pass such a heavy deficit proposal and to do it now would wreck the recovery currently underway. The bill contains too much stimulus. It is too much too late.

Finally, the employment this bill would make possible does not meet the real need of our labor force. Our hard hit citizens and economy do not need make-work jobs that fit the marginal job market of the occasionally employed. It will not help in a substantial enough way the employment picture of the full-time adult worker. And, it will not direct a majority of the jobs to those areas of highest unemployment.

This legislation is excessively expensive. It adds to the Federal deficits at a time when the Congress should be setting the example of basic fiscal responsibility. It misses the needs of the full-time adult worker and it is not directed at those areas of greatest need. I will vote to sustain the President's veto and I urge my colleagues to be fiscally responsible and do likewise.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in opposition to the motion to override the President's veto of this costly $5.3 billion emergency employment appropriation bill. I strongly feel the President's veto of this bill should be sustained because this is ill-timed, ill-advised, and ill-devised legislation of the lowest order. In fact, I think it can be said that this bill is of such a low order that we are virtually scraping the bottom of the "pork barrel" in attempt to come up with politically palatable dregs to serve up to the electorate next year. I do not think our distinguished minority whip was far off the mark during the consideration of the conference report on this bill on May 14 when he characterized this as the Congressional Incumbents Reemployment Act of 1976.

Mr. Speaker, a moment ago the Speaker addressed this House from the well, which is something the Speaker rarely does. Recognizing as I do the very special position that the Speaker does hold in this body, I do not easily disagree with the remarks that he made, but I must respectfully take exception to the statement that he made a moment ago that he was surprised that the American people would be surprised that the President of the United States had vetoed this so-called emergency appropriation for jobs bill.

Small wonder that some are surprised today that a President would have the political courage to do the really unexpected and to tell this Congress that, at a time when we are facing the prospect of a deficit that could go as high as $100 billion, this is no time in the name even of so sacred a cause as employment and jobs to pass an ill-designed and ill-conceived bill of the type that is before us this afternoon.

Sharing as I do, along with many Members indeed if not all the Members of this House, great respect and affection for the gentleman from Texas, the chairman of the great Appropriations Committee, I was surprised rather to hear him stand in the well of this House and urge Members to override the President's veto. In past Congresses I remember the gentleman as a stalwart fiscal conservative. Yet today he has apparently reverted to a position that would call for the passage of a bill over the President's veto that would by more than $3 billion exceed the President's budget.

Where are those cuts going to come in this year's budget? We had on the floor of this House last week a defense procurement bill, and amendment after amendment was offered to cut that more than $26 billion bill, and not one of those amendments was adopted. I happen to be one who actually voted for one of those amendments to reduce Federal spending, but I remind the Members that not one single cut was made in that particular sector of the budget.

Members are under a very false and illusory position if they think by some occult magic we are going to find areas of the budget we are going to be able to cut during the coming weeks and months of this session so we can compensate for the kind of deficit that is implicit in this bill.

I would refer to the editorial that was mentioned by the distinguished gentleman from Michigan, the ranking minority member of the Appropriations Committee, the editorial of Wednesday, June 4, in the New York Times, from which I quote:

> The emergency jobs bill that Congress drafted and that President Ford vetoed was concocted in haste. It suffers from a basic incoherence because it combines urgently needed, immediately effective public service jobs for the unemployed and summer jobs for youth with a miscellany of subsidies and pork-barrel projects that will have no impact until well into next year.

Well, it can have an immediate impact, however, in another very important sector of the economy. It can serve to reignite inflation, which we have finally brought down from a double-digit level to something within manageable proportions. It can reignite that inflation and tax away the earnings of working people of the country through the cruelest tax of all—inflation.

The editorial I referred to earlier in my remarks then recites a litany of examples of questionable programs included in this bill including $70 million for the VA and $100 million for the Postal Service for construction projects, $385 million in additional loans for the SBA, and $325 million in "pork barrel" water projects under the Corps of Engineers and the Bureau of Reclamation.

The editorial concludes, and I quote:

> If the President's veto is sustained—as it should be—it will be the duty of Congress to move quickly to adopt a substitute bill that would provide the essential funds for public service jobs, summer jobs for youth and part-time jobs for college students under the work study program. Summer is about to begin and there is no time for further haggling or delay.

Mr. Speaker, this bill is some $3.3 billion over the President's request in this area. About half of the funds would be spent in fiscal 1976 and the rest in fiscal 1977, despite the fact that all indicators point to an economic recovery later this year. We are already saddled with a huge deficit for fiscal 1976 which is already crowding our self-imposed limit of $69 billion. If all the measures contained in the Democratic economic package are approved by this Congress, that deficit could easily climb over the $100 billion mark. I think this Congress is to be commended on passing the first major budget test of this session by sustaining the President's veto of the farm bill. Today we are confronted with our second major test of whether we truly mean business in attempting to hold down government spending in these critical times. If we fail this test we will only be courting a new round of double-digit inflation and an even deeper recession down the road. In so doing, we will not be aiding economic recovery but only jeopardizing that recovery.

In conclusion, Mr. Speaker, I urge my colleagues to vote no on this motion to override so that we can proceed immediately with formulating a sound and responsible employment bill which is so critically needed.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. MADDEN), the chairman of the Committee on Rules.

Mr. MADDEN. Mr. Speaker, I do not know of any situation since I have been in Congress for 33 years that reminds me more of the days back in 1933 and 1934 when Franklin Roosevelt and a Democratic Congress came in here when there were multimillions idle in this country—if it had not been for legislation passed by Democratic Congress in those Depression years with Social Security, protection of bank deposits, retirements, home labor bills, home ownership loans, and so forth we would be in the same economic hole today that we were in after those deplorable days after the President's Harding, Coolidge, and Hoover years. If it had not been for legislation similar to the above, we would be in the same Depression today we were then. In those days the newspapers reported leaders of the chambers of commerce, industry, business, management, coming to Washington and they said to Franklin Roosevelt "Your program is our program. Whatever your program is, let us save this country and our form of government." In those days Communist agitators were active in idle industrial areas signing up memberships. When the gentleman from Michigan a few moments ago said, "There is nothing the Congress can do about this unemployment," when he made those remarks, that reflected my mind back to the thought that if President Roosevelt had followed those ideas, we would not have the kind of government we have today.

I might say further, this vetoed work bill passed the House by 293 to 109, far more than it takes to override this veto. If this veto is not overridden, there are millions in this Nation today and tomorrow when they read the newspapers who will be more astounded with the acts of Congress than President Ford the other night acted when he tore the three pages from the calendar.

I was home last week over the Memorial Day recess for 9 days. I visited the Budd Company which manufactures auto body parts. There were over 3,500 working in the plant 2 years ago and they have about 1,200 employed now.

I went to the building trades. There are over 40 percent idle in the building trades industry over the industrial Calumet region of Indiana. I visited the steel mills, and many other businesses and industrial plants to find unemployment rampant.

Any Member of this Congress that votes to sustain this veto, if he comes from any area in this country or locality, such as my area or that of Pittsburgh, Los Angeles, New York, Chicago or any other urban district will have a great problem to explain to the voters in 1976.

JOBS AND YOUTH

This bill will provide almost 1 million full- and part-time jobs plus many summer jobs for youths at a time in our Nation's history when we have more than 9 million workers unemployed, the greatest amount of workers idle since 1938. Unemployment is currently 8.9 percent, the highest figure since the depression, and we have no assurance that it will not rise above 9 percent in the near future unless we pass this bill today.

There is nothing more tragic for a recent high school or college graduate to seek employment and be told that there are no jobs available. This bill creates 840,000 jobs for youths. There is nothing more tragic for a family than to have the head of the household or any able and willing person in the family who wants to work be denied the opportunity because there are no jobs available. This bill creates almost 1 million full- and part-time jobs to help end and reduce unemployment.

This veto shows the President's insensitivity to the unemployment problems of able and willing jobseeking Americans. A vote to override this callous veto is a vote to help solve our tremendous unemployment problem and to put our country back on the right track toward economic recovery.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, H.R. 4481 would contribute to choking off the very economic growth that it is intended to help stimulate. Further, it is unlikely that spending under this bill could occur soon enough to accelerate the economic recovery that is generally expected to be well underway by the end of this year. The heaviest impact that this bill would have on employment is not likely to occur until well into 1976 and an appreciable amount of spending would continue in calendar year 1977. Once projects under this bill are begun, they will be very difficult to stop. This additional spending comes at the wrong time and would run the risk of fueling inflationary pressures that are now subsiding.

To help overcome the recession and high unemployment, the administration and the Congress agreed on a major tax cut. Extensions of unemployment compensation benefits have also been proposed, together with increases, which are included in this bill for public service jobs and summer employment. Further stimulus is not needed now.

Second, this bill is the wrong approach because it provides additional funds for ineffective and costly programs. The $2 billion request that has been made for public service jobs and summer youth employment meets the current problem by providing necessary, immediate, temporary employment. By contrast, and in the guise of aid to the unemployed, this bill contains a conglomeration of increases that are unneeded and expensive, and will be effective in producing immediate employment.

In addition to the $1.6 billion for public service employment, the $413 million—increased by the Congress to $458 million—for summer youth employment, the $30 million for community service employment for older Americans, the $119.8 million for college work study, the $70 million for WIN, and the $5 million for the U.S. Railway Association, the enrolled bill contains appropriations of—

The sum of $642 million for the Farmers Home Administration. Although studies by the Department of Agriculture indicate a demand for program assistance in excess of current funding levels, the loan and grant programs increased by the enrolled bill often require long leadtimes to get underway and will therefore not provide immediate employment assistance.

The sum of $506 million for the General Services Administration. Included in this amount is $440 million for the Federal buildings fund. This appropriation would violate the basic premise of the Federal buildings funds: To operate on a businesslike basis and finance real property expenses out of proceeds of rental receipts.

Language included will exempt GSA from the requirement of repayment with interest of appropriations to this fund. Further, it is doubtful that GSA could effectively use the additional amounts. The remaining $66 million for the general supply fund would purchase 18,000 vehicles, which would be used to replace approximately one-fourth of the entire motor pool fleet. The appropriation would be uneconomical and wasteful, because vehicle purchases are normally financed through agency user charges and at a slightly lower rate.

The amount of $479 million for the Department of Commerce. Of this amount, $375 million would be used in the job opportunities program of the Economic Development Administration. It is not yet known whether the $125 million provided for this program in the Urgent Supplemental Appropriations Act of December 1974 can be effectively used, let alone another $375 million. Experience to date, however, has shown that the program is extremely difficult and time consuming to administer. The remaining $104 million would be used to accelerate the programs of the Economic Development Administration and the regional action planning commissions. Previous efforts to utilize long-range development programs as antirecession tools have not been successful. Funds have not been utilized in a timely enough manner to significantly shorten the period of recession, assistance often has not greatly benefited those areas most in need, and costs of generating temporary employment through such mechanisms have been high.

The sum of $385 million for Small Business Administration loan programs. The recent tax reduction legislation, which included reductions in both corporate and personal income taxes and increased investment tax credits, provides the financial stimulus to allow businesses to recover from the recent drop in the economy. Further, there is the question of whether the Federal Government should—and can effectively—assume a large role in making individual credit allocation decisions for small business financing.

The sum of $333 million for Public Works projects of the Corps of Engineers and Bureau of Reclamation. These funds are to be used to accelerate completion of projects now underway. In addition to providing additional funds, approving the bill would give added weight to an undesirable statement of congressional intent contained in the conference report. The report states that recreation development at projects authorized prior to 1965 should be 100 percent federally funded. This is inconsistent both with the idea of cost sharing on water resource projects in general and with the law covering cost sharing on projects authorized after 1965.

An amount of $143 million for the Forest Service. These funds are primarily for low-priority items and may result in completion of some projects—that is, forest roads and trails construction—in advance of need.

The sum of $115 million for the Soil Conservation Service of the Department of Agriculture. Of the amount appropriated, $106 million is to assist in the reduction of backlogs in the watershed and flood prevention program.

The sum of $100 million for payment to the U.S. Postal Service. Under the Postal Reorganization Act of 1970, Federal subsidies are provided to the Postal Service for three specific purposes: To cover public service costs, reimburse the Postal Service for revenue foregone when carrying particular classes of mail at reduced rates, and for covering liabilities of the former Post Office Department. To provide funds as recommended in the bill would not conform to the above statutory authorizations. Provision of these funds would once more inject the legislative branch into Postal decision-making and affect Postal management's long-range planning efforts. It would once more subject the Postal Service to the vagaries if the appropriation process and establish a precedent for providing additional forms of subsidy to assist the Postal Service in areas not envisioned by the Reorganization Act. More importantly, provision of this $100 million would shift a substantial amount of postal costs from the users of the Postal Service onto the general taxpayer.

In sum, the bill contains a conglomeration of increases, some of which are unneeded, more costly than necessary, will not produce immediate employment, or will set new program levels which will be difficult to reduce late.

Mr. Speaker, I just took off the wire a story from the AP, as follows:

JOBLESS CLAIMS

WASHINGTON.—New claims for unemployment insurance benefits in the week ending May 24 fell below 400,000 for the first time since early October, the Labor Department reported today.

The Department said initial claims totaled 392,500 a drop of 18,700 from the previous week and the smallest number in any seven-day period since the week ending Oct. 12 when 358,000 claims were filed.

So, it seems to me that this is the wrong time for other than the most immediate of our needs. We should sustain this veto and then come back with a measure to provide only the most essential programs.

I would propose, as a number of my colleagues have joined with me in cosponsoring, a measure that would provide the following:

EMERGENCY APPROPRIATION BILL—MICHEL SUBSTITUTE

FUNDING SUMMARY

	Michel bill	Administration
Summer youth employment	$458,050,000	$412,700,000
Community service employment (older Americans)	30,000,000	--------------
Public Service jobs	1,625,000,000	1,625,000,000
College work-study	$119,800,000	--------------
WIN	70,000,000	--------------
U.S. Railway Association (administrative expenses)	5,000,000	$5,000,000
Total	2,307,850,000	2,042,700,000

This is a total package of $265 million more than what the administration proposed, but we could quickly enact this substitute and have it signed into law without very much additional fanfare.

Mr. Speaker, I know what importance the Democratic majority attaches to the bill, as evidenced by the kind of telegrams Members are receiving from labor leaders; not the rank and file of our regular constituencies, who do not know anything about what is provided in this bill—but rather the big, organized labor leaders. They are the ones who are doing the whipping into line for the majority side.

I suppose I should concede that if the majority cannot win this one, it cannot win any of them, because the AFL–CIO election chips of last fall are now due on this one.

I recognize this, but I say there are some good, independent-minded Members on the majority side who have been voting independently and do not owe their allegiance to organized labor. I would appeal to you Members for I know you are seriously concerned about the fiscal condition of this country. If we override the President's veto, we will be piling on another $3 billion over the President's budget. A few weeks ago Members of this House were talking about budget ceilings and how we could exercise some restraint in keeping expenditures in line with revenues. Now is one of those times to honor that commitment and it seems to me that those Members on the majority side who feel as we do about fiscal responsibility would see fit to tear themselves away from the shackles of organized labor and join the majority on our Republican side in voting to sustain the President's veto.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, it seems to me that what we have heard from the gentlemen on the Republican side of the aisle, all of whom I have the greatest respect and admiration for, is that they say that they are afraid, they are afraid that they might reignite inflation. I tell the Members that our economic situation today is precarious, and I would like to get our economy moving again and then let us worry about reigniting inflation. If we needed any reminder about our economy, it comes in today's paper, which reports that the Nation's largest 1,000 manufacturers cut back by more than $1 billion during the first 3 months of this year on the money they earmarked for new plant and equipment. That comes on top of a $4 billion reduction the previous quarter. This is a 35-percent reduction in plant and equipment funds in the last 6 months. The Conference Board, the New York business research firm that made the announcement, said it was the sharpest two-quarter decline since the 1957–58 recession, which Mr. Eisenhower provided for us. Major cutbacks came in the critical petroleum and automobile industries. The Conference Board said the drop was a delayed raction to lower profits, high inflation, tight monetary policy, and the present sad state of final demand.

There are plenty of other discouraging economic signs. In Detroit, the private supplemental unemployment benefits to laid-off auto workers are expiring; major cities are facing financial crisis; new housing starts around the Nation are negligible; and here in Congress we are extending unemployment benefits to 65 weeks, most of which is now being paid with general fund money. Unemployment is 8.9 percent and still going up. And I would remind the Members that it was 5.4 percent when President Ford took office.

Let us not be afraid to reignite anything but the economy itself. Let us go forward with some kind of confidence. Let us put people back to work.

There we talk about the budget; this bill was calculated by the House in the budget. It is figured in our budget; not by the President, but it is in the budget. We ought to go forward with confidence and put people back to work.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I have in my hand a bulletin from the International Association of Machinists, informing me that a company is moving out of the Buffalo area with the loss of hundreds of jobs because that company cannot afford to construct a new facility because of both the rates of taxation and the costs of borrowing money. Those are jobs that have been destroyed by these huge deficits run at the Federal level. A major steel company, as another example, is not being expanded today in that same area of New York because interest rates are too high for the company to borrow the funds for the expansion. The reason that those interest rates are too high is the huge Government borrowing requirements to finance the massive deficits. This terrible addiction we have to inflation has made it almost prohibitive for companies to expand their existing plants and invest in new plants and new machinery. Inflation created this recession and is strangling the capital market. If we want to create jobs, if we want to restore a healthy economy, we will vote to sustain the President's veto and then move as quickly as possible to create incentives in our tax system for the type of savings and investment of new capital which increases productivity, creates jobs, raises real wages, and reduces poverty faster and more effectively than these New Deal type programs which do nothing but cause higher unemployment.

When I came to Congress in 1971, the deficit was $7 billion a year, and unemployment was 4 percent. In fiscal year 1975, we are running a deficit of around $50 billion, and in 1976 we will be facing an additional deficit of $70 to $80 billion. Yet we are staring at unemployment rates of 9 percent. The conclusion: deficits do not create jobs. If they did, we would not have 9 percent unemployment.

Deficits do not create jobs. They destroy jobs. In order to create jobs and bring true prosperity we should put an end to this ruinous rate of inflation, help stimulate the investment of capital that will put people back to work in tax-producing businesses rather than in the tax-consuming—and growing, public sector that is devastating Great Britain, New York City, and my own area of western New York. Sustaining the veto is an important part of helping restore fiscal commonsense to this country.

The Federal Government is now borrowing two-thirds of all available credit in the United States in order to finance the deficits this year and next of close to $150 to $160 billion.

As a result, long-term interest rates are so high as to preclude a sound recovery of the housing and construction industry and the automobile industry.

Government's so-called full employment policies are causing high unemployment. Witness what has happened in New York City where 4 out of every 5 jobs created in the last few years have come in the public sector and the huge burden of taxation has placed such a tax burden that it has accelerated the flight of businesses and jobs from the city and our State.

Mr. Speaker, when is this Congress, when are we as Representatives, going to be leaders and not followers—leaders willing to put aside seductive arguments such as "government deficits create jobs"?

Mr. Speaker, I urge the sustaining of the President's veto and ask that my colleagues join in cosponsoring the Jobs Creation Act, H.R. 7240 and H.R. 7241, which I first introduced in the last Congress and reintroduced recently with almost 50 cosponsors on both sides of the aisle—Members of Congress from all geographical areas of our Nation—liberals, moderates, and conservatives who unite in the belief that we must accelerate the formation of and investment of capital in the private sector if we are to reduce poverty, make jobs, build houses, and increase the real standard of living of the American people.

It is estimated that if we could create enough incentive in our tax system to stimulate the investment of $1.5 trillion we could cut the poverty population by about 12 million people, create almost 20 million new jobs, build 30 million new housing units, and increase the standard of living of each and every American.

The greatest shortage in America today is the capital investment shortage. The Jobs Creation Act is addressed to this problem.

We need to stimulate the private and productive sector of our economy by cutting taxes on all businesses, increasing the asset depreciation range, stopping the double taxation of dividends, and ameliorating the harsh treatment by which America treats capital gains. We need also to stimulate employee purchases of stock in their place of employment. Do not forget, the majority of jobs in America today rest on the strength of the businesses, large and small, that criss-cross this land. A tax reform of this magnitude would save jobs and create new opportunities for jobs, but if we do not find the new sources of private capital we will have continued high unemployment to the detriment of all.

The vast energy needs of our country, the transportation needs, and environmental needs, will require billions and billions of dollars.

If this Congress cannot come up with new incentives for production of wealth and only continues to interfere with the creation of wealth as the vetoed bill does, we will hasten the day in the all-too-near future when American and our great free enterprise system end up in the same pitiful condition as that which now plagues once Great Britain.

The United States has one of the lowest rates of capital investment of any nation in the free world and it is directly caused by these out-of-control Federal deficits. These deficits and the strangling controls and regulation on American productivity are the chief cause of our economic decline.

Let us help turn the state of the economy around by helping turn around the state of economic thinking in this country.

We must never forget that private capital at work means people at work, and when there is not enough private capital at work—because Government took most of it to finance deficit spending—then it means people are out of work. For every $10 billion of deficit we lose 500,000 housing starts.

All jobs derive ultimately from American business. There is the vast work force which is employed directly by business. Then there are the Government workers—whose salaries are paid from taxes collected from businesses and the countless individuals who work for those businesses. Even labor leaders are paid indirectly from businesses because the dues collected to pay their salaries come from deductions made from union members paid by businesses.

All jobs are dependent on American business, and to the degree that we hamstring those businesses—with excessive taxes and regulations all the way through inadequate capital—we hamstring the continuation and creation of jobs.

At a time when one out of every five jobs in our labor force is in the public sector, let us remember that jobs created within the private sector of the economy—among businesses—are productive jobs; they add to the national productivity which is the mainstay of our prosperity. To the degree that funds needed to sustain the salaries for public sector jobs are taken from the productive, private sector, then these Government-funded jobs are counterproductive. The more you spend to finance public, Government jobs, the more you make matters worse. One need only look at New York City to see what may lie in store for the Federal Government unless we get off the public sector merry-go-round of the past 40 years.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the vote we soon shall cast will be the clearest test to date in this Congress of just how serious we are about reversing the recession and putting Americans back to work.

In response to the gentleman from New York (Mr. KEMP) who just spoke, it may not be true that deficits create jobs, but it certainly is true that unemployment creates deficits.

Because of the present level of unemployment, we are suffering an adverse budgetary impact of some $60 billion in lost revenues and in necessary unemployment compensation payments this year.

Today every Member in this Chamber will decide just how much unemployment he or she chooses to tolerate. As for me, a jobless rate of 9 percent is simply too much. It is at least twice the level we should ask the Nation to accept. Those who feel as I do will vote to override the veto.

In these few minutes available to me, I want to invite the Members to analyze the President's veto message. It appears in the June 2d edition of the CONGRESSIONAL RECORD, on page H4706. It seems to reveal a strange mixture of insensitivity and wishful thinking.

The President objects to this bill, he says, because "Its chief impact would be felt long after our current unemployment problems are expected to subside."

Yet he proposes no program which will make those problems subside.

A little farther on he refers to this bill as "too much stimulus, too late."

How, I am curious to know, can we do it any sooner?

Too late? This bill was designed to go into effect immediately. If the President is concerned about its being too late, he could have signed it the day he got it, on May 16.

Too much stimulus? Is it too much to provide jobs for 900,000 Americans at a time when we have more than 8 million unemployed?

Too late? Two days after the message, Dr. Burns and Mr. Greenspan were publicly predicting that unemployment would continue to rise above 9 percent in this coming quarter.

Too late? Clearly the unemployment problems have not yet begun to subside. By the admission of the administration's own economists, they are growing steadily worse.

If we fail to take this action to stimulate employment, I wonder just what elusive magic it is they are looking to for this expected economic recovery which they have been predicting with such confident regularity and such consistent futility for the past 10 months.

Mr. Speaker, in the last paragraph of the veto message, the President makes a still more baffling statement. He says:

> The need remains, however, for a bill that would provide the funds * * * for immediate and temporary employment through the public sector and summer youth jobs.

I wonder what he thinks this bill that he vetoed contains. It contains the very thing he calls for. It provides for immediate and temporary employment. It provides for public sector and summer youth jobs.

The President then points out that "student summer vacations are close at hand." On May 28, did he need to tell us that? And he then urges the Congress to "pass such a bill as quickly as possible."

Now, if he considers this bill "too late," how does he expect us to begin the entire legslative process anew and pass another bill that would be early enough?

And what reason might we have to expect he wouldn't veto that one as well? Are laws acceptable only when the President initiates them and not when they originate in the lawmaking branch?

Mr. Speaker, the President says in his veto message that "economic recovery is expected to be well underway by the end of 1975."

Expected by whom? Well, by Simon and Greenspan and Burns, the very people who were warning us direly last October, at the very onset of this most precipitate economic decline in a generation, that we were overheating the economy. They told us then that the recession had "bottomed out." They were even recommending an immediate tax increase, last October, so as to soak up excess buying power and thus avoid the dread specter of "overspeculation."

Well, since they made that prediction, we have suffered two more quarters of declining economic output and unemployment has risen by 2 million more people out of work.

Dare we now take comfort in yet another chorus of their sweet siren song that the recession indeed has "bottomed out" and all will be well if we simply do nothing?

Mr. Speaker, I think it should be apparent to the Members that the recession has not "bottomed out," and it is not going to bottom out until we do the things that will make it bottom out.

This repeated refrain of roseate rhetoric is reminiscent of the promises of Herbert Hoover who kept assuring us that "Prosperity is just around the corner." He promised us two cars in every garage and two chickens in every pot. Before he was finished it seemed doubtful that any of us would have a pot to put a chicken in.

Mr. Speaker, if any one lesson of history should be clear, it is that words alone will not end a recession. It takes resolute action.

Merely wishing it were so and repeatedly saying it will be so will not make it so.

Prosperity does not flow from doing nothing. The recession will not "bottom out" until we make it bottom out.

Economic revival will occur only when we have the will to do those things necessary to make it occur.

Certainly the clearest and most immediate of those things we can do is to override this veto today and help put 900,000 people to work.

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I urge that the House support the first real fiscal veto of this session. This multibillion-dollar budget buster in a 40-year-old, ineffective, nonsolution to a vexing unemployment problem.

Most of those Members who will support the veto, like myself, do support the public service jobs, and the summer job program, which are included. It is the rest of the grab-bag, the pork barrel, that is unjustified.

The bill's attractiveness lies mainly in the title. Other than CETA or summer jobs, there is far more boondoggle than employment in this bill. Just because some public relations person has used two buzz words—"emergency" and "jobs"—does not mean that the false promise of Federal overspending can deliver us from our unemployment problem. Is there any lesson writ larger than the inability of our central Government to solve the peoples' problems by burying them under a pile of misdirected Federal dollars?

All the euphemism and flowery language that may be summoned in support of this bill cannot hide the fact that, with the exceptions already noted, it is still a soggy grabbag of rotten grapes—a potpourri of leftover spending programs that we have previously found unworthy.

Our constituents expect us to exercise some leadership. We ought to reject the obsolescent, anachronistic calf path of reckless and useless spending. We have to exercise discretion and good sense. There is no way we can justify this $5 billion expense to our constitutents. The public is ahead of us on the issue of wasteful spending, but we can catch up by supporting this veto today.

We have already voted for unemployment benefits of $20 billion this year. We have given $25 billion in tax rebates. We voted $5 billion for this boondoggle, and $5 billion more for public works. We have passed $2 billion worth of a bad housing bill. Nearly every committee of this House is trying to outdo the others in wild spending programs to show how much it is against recession. Most of this spending would not be worthwhile even if we had the money. Let us stand up today for good sense and reason.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Speaker, make no mistake about it, I come from a district in this country with the highest unemployment rate at the present time, and Michigan desperately needs this bill. America desperately needs this bill. This is $5.3 billion that can stimulate this economy starting tomorrow, and it can give people jobs. And these jobs will not increase the deficit over a period of time but will, in fact reduce the deficit over a period of time.

Mr. Speaker, at the present time I do not think my Republican friends understand this. We have one-third of American industry shut down today, one-third of it. We have over 10 million people out of work in this country. This is a heartless, irresponsible, head-in-the-sand veto. If it is upheld we are saying to people that they cannot go to work and instead have to stand in welfare lines. In that event, we are destroying what this country is all about.

Mr. Speaker, this is a chance to give this country an opportunity to get started again.

In 18 months from now we will be on top of a Presidential election. We know this administration at that time will be prepared to spend what it has to to stimulate the economy in order to get itself reelected.

But we need to spend the money today because we need the jobs today, and that is why we have to override this veto now.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I rise in support of the overriding of this veto.

Mr. Speaker, I hope that the vote I cast today will assist in providing the necessary two-thirds majority to override the President's veto of the Emergency Employment Appropriations Act of 1975.

I say this in full recognition that on May 12 I disagreed with the report submitted by the House and Senate conferees.

Two significant developments have occurred since then.

Unemployment is showing no sign of tapering off as predicted by the administration. More than 8 million Americans are now out of work with our unemployment rate now set at 8.9 percent.

In New Jersey, unemployment has climbed to 11.6 percent of the available work force and exceeds 20 percent in sections of my district and as high as 80 percent in some construction trades.

Yet the President in his veto message declares that economic recovery is expected to be well underway by the end of this year. By this his economic advisors mean an unemployment rate of 7.9 percent and that, Mr. Speaker, is no recovery by any definition.

I said there were two reasons which convince me that a vote to override is in order. The second is the manner in which we plan to spend the $1.6 billion for public service jobs.

Let me say that this was my principal concern with this appropriations measure since I strongly support its other elements which include jobs for older Americans, summer jobs for youth, small business loans and funds to accelerate flood control, reclamation, and rivers and harbors projects.

There have been serious abuses in past public service jobs programs both in deciding who is to be hired and what work is to be performed. There is a danger here that while our intent may be to reach those most desperately in need of employment, the funds will be used instead to create a political spoils system and to transfer employees off State and local government payrolls and onto the public jobs payroll.

Abuses have already occurred in my congressional district, in New Jersey and, I am certain, throughout the country following the recent flow of Federal dollars to local communities.

I am relieved to learn from my New Jersey colleague, DOMINICK V. DANIELS, that his Education and Labor Subcommittee on Manpower, Compensation, and Health and Safety is planning hearings beginning tomorrow into alleged abuses in the Comprehensive Employment Training Act to be following by oversight hearings related to additional expenditures for public service jobs.

This is no trifling matter, especially if we are successful today in overriding this veto and appropriating $1.6 billion for short-term public service jobs.

This said, Mr. Speaker, I urge any other Members who shared such concerns as I expressed at the time we considered the conference report last month, to override the President's veto and send this measure on to the Senate for quick action.

Mr. MAHON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, one would have thought, after the election results of last November, that of all of the issues that might divide us along partisan lines, the least likely issue to be joined by our Republican colleagues on the other side would be the issue of the economy and putting the American people back to work.

Mr. Speaker, there was a Member of this body who, on September 29, 1969, had a very interesting thing to say. This then colleague stated:

> The accent should be on the solid American ethic of working for a living. A man never stands so tall as when he stands on his own feet—a hand-up instead of a hand-out.

Mr. Speaker, what are the facts?

The facts are, as every one of us knows, that for every 1 percent of increase in the rate of unemployment the American Treasury pays a price of some $16 billion. We lose some $14 billion of income on wages not earned, and, therefore, taxes not paid, and we spend another $2 billion on unemployment insurance, public assistance, and other income maintenance programs.

I would hope that when the totals on this bill are tallied that no one will be able to say that the Republican Party is a party of the cruel, the heartless, and the indifferent in terms of the plight of jobless America. I would rather that the characterization of this vote be accurately one that stated that Members from both sides of the aisle were determined to see that the American people, the unemployed of our country, will be put back to work.

As for me, Mr. Speaker, I intend to vote to override this veto. It is ill-advised, it makes no sense for the economy of this country. I can forewarn one and all of those who vote to sustain this veto out of some misbegotten partisan view, that they will hear from this side of the aisle through the next several months and, come November of 1976, if the unemployed of America are not put back to work by then, there are going to be a considerable number of Members on the Republican side of the aisle who will join the ranks of the unemployed.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Those Members in this Chamber who want to support real job creation have an alternative to this ill-conceived, hastily-drawn bill which is before us now. That alternative is the public works jobs bill, which passed in this Chamber overwhelmingly just a few weeks ago, and upon which the Senate is taking quick action. The public works jobs bill should be back before us soon for final passage. That is a bill which has several virtues over this so-called emergency jobs bill before us today.

The public works jobs bill creates real jobs, private-sector construction jobs, where the American people will be able to see the results after the work is done. Jobs to build hospitals, highways, fire and police stations, and other real assets. Second, it is aimed specifically at the high unemployment areas rather than the buckshot approach of this bill. Third, it has a 90-day quick-start clause in it which assures only those projects which can get people back to work quickly.

So, Mr. Speaker, I say: Let us support the President's veto today, and let us support the public works jobs bill, which indeed has been called the Speaker's bill, when it comes back to us, which is a vastly superior bill to this hogepodge before us today.

The SPEAKER. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. BEARD).

Mr. BEARD of Rhode Island. Mr. Speaker and Members of the House, for 15 years of my life I worked with my hands as a painter from Rhode Island. Today there are a lot of my colleagues all over this country who are out of work. In Rhode Island we have presently 16.4 percent unemployment in the State. Providence, R.I., is rated as one of the highest cities of unemployed in our country, and Newport's unemployment rate is also high in total unemployed workers.

This legislation will help to reduce some of the unemployment in Rhode Island, and some of the unemployment in our country, and we need the legislation now. There are no other alternative programs to go to. This bill is now before us. The President has not come up with a package of legislation that will help put our people back to work.

I invited the President of the United States to come to Rhode Island and to go down and stand in the unemployment lines and rub elbows with the masses to find out what it is all about. We cannot solve our unemployment problems from Spain.

I repeat, this bill is before us now. I think that all of the Members of the House who have people unemployed in their districts, or even if they do not have unemployed people in their districts, should take a look at Rhode Island, take a look at the fact that they pulled the rug out from under, not so long ago, our naval base. So, let us pass this legislation. It is good for the country, and the Members can take that from someone who has worked all his life.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, we ought to recognize what this bill does or does not do. As one who has been the chief author of the public employment program, I share the view held by the majority party and the administration that we must continue those public employment programs through the next year, along with summer youth programs. But this bill—and I come from a district that has high unemployment in Michigan—does not help unemployment in Michigan to the tune of $5 billion. Over half of this bill, $2½ billion of it, is nothing more than pork barrel legislation to areas of the country that do not need help. We should not be putting Federal dollars where unemployment is down at the 2- or 3-percent level. It will not help Michigan in the way Michigan needs help. It is a sham—a hastily conceived package, which, if passed, will not do the real job of getting the unemployed back to work.

Anyone who comes from Michigan who supports this type of legislation is trading off pork barrel legislation for putting dollars where they should go to our unemployed in Michigan and other areas of high unemployment. They will not be fooling anyone but themselves. The unemployed certainly will not be fooled.

Mr. Speaker, last evening a group of Members, including myself and the gentleman from Illinois (Mr. MICHEL) introduced legislation to continue vital job programs. Our bill does not include the more than $2 billion in wasteful, pork barrel programs such as those of the Army Corps of Engineers and to the General Services Administration building fund. It does include $1.625 billion to continue the emergency public service job program; $458 million for this summer's youth program; $117 million in work-study dollars for needy college students; $30 million community service jobs for older Americans, and $70 million for work incentive. The total of $2.307 billion is a full $2.5 billion less than the new budget authority contained in the conference agreement. It is but a little over $250 million over the President's original budget request and I believe can and will be supported by the administration.

The unemployed cannot be allowed to be sacrificed in a political battle between the President and the Congress. The bill before us today is a political creation, a blatant attempt to embarrass the administration and deceive the American people. The majority party has played politics with the unemployed and this appropriation shows it.

Our bill is the jobs bill the American people should and have a right to expect from this body. Let us reject the bill before us and expend dollars for what they are really needed: Jobs for the unemployed.

Mr. MAHON. Mr. Speaker, I yield such

time as he may consume to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker, as you are aware, House Democrats and Republicans alike have voiced disappointment with President Ford's veto of the $5.3 billion job appropriations bill and I believe a bipartisan effort to override this veto will be in the best interest of all the people.

Despite administration insistence to the contrary, the Nation's economic outlook is not bright. In January, Mr. Ford projected unemployment would reach 8.1 percent by the end of 1975. The current rate of unemployment is now 8.9 percent. The administration now predicts a peak of between 9 to 9.1 percent by the end of 1975. Other economists indicate the figure may jump to 9.3 percent. Most alarming of all are AFL–CIO estimates placing nationwide unemployment by December of 1975 at 11.2 percent.

This month, 4.2 million young people will be entering the labor force in search of jobs; 1.5 million of these are high school and college graduates looking for permanent work. The Job Appropriations Act would create an estimated 840,000 summer jobs for these people. Without this help, the Labor Department estimates that up to 23 percent of those between the ages of 16 and 19 will remain jobless—an increase of 9 percent over 1974. Unemployment for those between the ages of 20 to 24 is expected to reach 16 percent this summer, unless we in Congress act to reverse the President's decision. This would be an increase of 8 percent over 1974. Meanwhile, tensions in the Nation's largest cities are hightening and the potential for trouble increases daily.

However sincere as he may be, Mr. Ford's assertion that an additional 1.875 million jobs now is "not an effective response" to the unemployment problem just does not hold water. If jobs are not an effective solution to unemployment, what is?

Failure to override this veto would be a tragedy for America. Thousands of senior citizens, bouyed by the expectation of $30 million in additional jobs, will remain on Federal welfare rolls. Economically depressed rural communities will not receive the $325 million in public works funds to provide new jobs and build badly needed public facilities. The Small Business Administration will be unable to lend the additional $385 million provided in the bill. Thousands of college students will not receive the designated $119 million in work study grants provided by the bill.

Mr. Speaker, the 94th Congress was, I believe, sent to Washington with a mandate from the people to end unemployment and put America back on its feet. This is a bipartisan cause, and deserves solid, bipartisan support. I hope the Congress will join with me in voting to override President Ford's veto of the job appropriations act of 1975. Let us put America back to work.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. I thank the gentleman for yielding.

Mr. Speaker, my good friend, the gentleman from Illinois (Mr. MICHEL), when he spoke on the floor not too long ago called attention to the "jackals of labor"—as he referred to them—demanding the chips that were due on this override of the emergency jobs bill veto.

I am sorry the distinguished gentleman and my friend felt called upon to put the words in that fashion, for I do not believe that is the case. I believe that the Members on this side of the aisle came to this Congress with a good understanding on the part of themselves and American labor to begin with on this issue.

But I would respond to the gentleman in this fashion: When the conference report passed, 49 distinguished Republicans joined with a majority of the Members of this House in passing this bill, and while the gentleman from Illinois and my friend, Mr. MICHEL, would watch and see what happens on this side of the aisle as our chips are called for, I may say to the distinguished gentleman, we shall watch the 49 Members on his side of the aisle to see how chips are paid to the President's whip.

The SPEAKER. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I rise in support of the proposition on the floor at this moment, but I would like to move the Congress beyond the consideration of jobs bills which spread a token and inadequate number of jobs around the country as though they were breadcrumbs for the poor. I am one of that growing number of Members who believe that the time has come in our economic development when we must begin to create jobs for all the unemployed members of our society. I believe that the only acceptable level of unemployment is zero percent.

If this Nation and this Congress so elected, we could put everybody back to work and establish a full employment economy, without the mythical tradeoff which is supposed to result in rising inflation. We do not lack the resources or the manpower—there is only, sadly, an apparent lack of will.

That worthy notion first given legislative form in 1945, that all persons have the right to meaningful and remunerative employment, has once again been revived in the Congress under the able stewardship of the gentleman from California (Mr. HAWKINS) in the form of H.R. 50, the Equal Opportunity and Full Employment Act. Full employment is what the country really needs as clearly as a man struggling against the tide needs a liferaft for survival. The lack of jobs and its consequences in crime, social upheaval, and societal disintegration threaten to erode and slowly destroy this society from within.

This emergency jobs bill is not adequate to do the whole job, but it would get us started in the right direction. We need to demonstrate our resolve to take care of business at home first much more than we ever needed to prove our military superiority over the upstart Cambodians.

I urge my colleagues support of this vote to override and yield back the balance of my time.

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, two of my colleagues from Illinois have said that this bill is not needed because the recession has already bottomed out, and that this is not going to do enough soon enough. The unemployment rate of teenagers of minority groups in the city of Chicago is over 40 percent. Tell them that the recession has bottomed out. The unemployment rate of the entire city of Chicago for all young people coming out onto the job market for the first time is over 30 percent. Tell them we can do better if we wait and not implement this bill. Tell them that jobs are inflationary.

I am going to vote to override the President's veto.

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I come from a district that is not unlike most other congressional districts. The guys I talk to on the streets do not understand what we are talking about when we say: "Wait another year or 18 months." They do not understand what we are talking about when we say "the private sector will pick it up 2 years from now." They do not understand all this gobbledygook about "living with unemployment." What they understand is they want to preserve their manhood, they want to support their families, they want to work; and they do not want to be on a dole.

I am asking that we override this veto because it is the decent thing to do, it is the just thing to do, and it is the honest thing to do.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT) such time as he may consume.

Mr. ROUSSELOT. Mr. Speaker, I rise in support of the President's veto of H.R. 4481, the Emergency Employment Appropriation Act.

In his veto message, the President gave as one of the primary reasons for rejecting this legislation that—

> Such an increase in the Federal budget deficit would lead to an increase in Federal borrowing from private financial markets. These heavy Federal demands for capital could deprive business firms of funds needed for modernization and expansion of capacity.
>
> Thus, H.R. 4481 would contribute to choking off the very economic growth it is intended to stimulate.

This reason is in my opinion the crux of the issue. The Members of this body must realize that the permanent long-term jobs are in the private sector, and these jobs cannot be stimulated by allowing increased deficit spending that further crowds out private industry from obtaining capital for job producing activity. The spending of $5.3 billion on temporary make-work jobs as obligated under H.R. 4481 can only further hinder efforts to achieve long-term employment gains in the private sector.

Rather than H.R. 4481, the Congress should be seeking long-term solutions to our unemployment problems, and looking for ways to stimulate the flow of capital into the private sector. The legislation, H.R. 7241, which I have cosponsored with my colleage from New York, Congressman JACK KEMP, is such a bill. H.R. 7241 is truly a jobs creation act which would accelerate the formation of the investment capital required to expand both job opportunities and productivity in the private sector of the economy.

I strongly urge my colleagues to join with me in voting to sustain the President's veto of H.R. 4481, and to move in the direction of enacting long-term solutions. This action coupled with a strong congressional commitment to bring the budget into balance would provide the relief from the inflation/recession that is needed and demanded by the American people.

Mr. MAHON. Mr. Speaker, I yield to the distinguished gentleman from Indiana (Mr. MYERS) such time as he may consume.

Mr. MYERS of Indiana. Mr. Speaker, I am voting to sustain the President's veto, but not for the same reason that the President vetoed the emergency jobs bill. With unemployment at the level it is today, we do need a reasonable program to provide work for those people who will work. Providing $1.6 billion for public service jobs just is not much better in my judgment than paying unemployment benefits. I feel it is better to provide jobs than to pay out unemployment benefits, but they should be productive jobs.

Employment in many areas is down for a variety of reasons many of which this Congress has refused to consider remedial action. Autos are not selling because of unwanted devices and equipment which have been required by congressional action. Has Congress corrected this? No. Many industries have to lay off people, reduce employment or close because of OSHA, EPA, IRS, or other Federal regulatory provisions. Has Congress acted to restore these jobs? No. Many industries and businesses need to build additional facilities to modernize to be competitive or to expand to hire more people. Nonavailable capital or high interest rates have prevented this investment. Has Congress acted to correct this? No.

We are being told we must act today in haste because we do not have time to bring up a better bill. Why is it that we must act now to put people to work when the leadership of this Congress can wait 2 months, until June 24, to consider in committee a bill to put railroad workers to work? Has Congress acted for railroad workers? No.

We need a work program, but to add a financial burden to the people working is not what the country needs today. This bill would add at least $60 to every working person's taxes next year.

Today, this bill is the wrong remedy. It goes too far in a direction away from the problem of getting people back to work.

Mr. J. WILLIAM STANTON. Mr. Speaker, after careful study and analysis of the President's veto message of H.R. 4481, the Emergency Employment Appropriations Act, I have decided that I will vote to sustain the President's veto. I will do so for four reasons:

First. The President has pointed out that the heaviest impact of this bill on employment is not likely to occur until well into 1976 and an appreciable amount of spending would continue in calendar year 1977. It is very unlikely that most of the spending under this bill could occur soon enough to accelerate the economic recovery that is generally expected to be well underway by the end of this year.

Second. When I voted originally for the Emergency Employment Appropriations Act, it was on the basis that providing public service jobs and summer youth employment should be our No. 1 objective. I still think so. For that reason I have today cosponsored legislation that would provide over $2 billion for this purpose. This is more than the President wants to spend and represents the exact figures contained in H.R. 4481 for these purposes. At the end of this statement I have reproduced my entire emergency appropriation bill. In addition to summer youth employment and public service jobs my bill also provides funds for community service employment, college work-study programs and other noninflationary programs contained in H.R. 4481.

Third. H.R. 4481 far exceeds the debt ceiling that Congress just recently adopted. To establish a debt ceiling one month and to exceed it the next month is not the kind of responsible fiscal policy that the country has a right to expect.

Fourth. Mr. Speaker, in sustaining the President's veto, it is my sincerest hope that Congress will immediately come back next week with a bill that will be a compromise between the President's and the Congress goals. The administration and the Congress agreed on a major tax cut. Extension of unemployment compensation benefits have also been proposed, together with increases for public service jobs and summer employment by both the Congress and the administration. These objectives should become law. However, any additional spending at this time runs the risk of fueling the inflationary pressures that are now subsiding. It is my feeling that the citizens of my district have come to realize that the heavy deficit spending of the Federal Government is the No. 1 cause of inflation and has been a major contributor to the recession that we all hope is now abating.

I include the following:

EMERGENCY APPROPRIATION BILL—SUBSTITUTE

FUNDING SUMMARY

	Michel bill	Administration
Summer youth employment	$458,050,000	$412,700,000
Community service employment (older Americans)	30,000,000	-------------
Public Service jobs	1,625,000,000	1,625,000,000
College work-study	119,800,000	-------------
WIN	70,000,000	-------------
U.S. Railway Association (administrative expenses)	5,000,000	5,000,000
Total	2,307,850,000	2,072,700,000

Note: Station bill exceeds administration request by $265,150,000.

Mr. ASHBROOK. Mr. Speaker, I will vote to sustain the President's veto of H.R. 4481, the Emergency Employment Appropriations Act.

This is not an easy decision. I share the deep concern of my colleagues over the high rate of unemployment that is afflicting our Nation. We must get our jobless citizens back to work.

H.R. 4481, however, is not the answer to the problem. We will not beat unemployment and revitalize our economy by spending billions of taxpayers' dollars on public service jobs and accelerated public works projects. This has been tried before and it has failed.

At best this legislation would provide 900,000 jobs, which would lower unemployment by about 1 percentage point. These would be temporary jobs, most likely ending when the flow of Federal dollars ends. Is the Congress then to step in and fund another costly emergency jobs program? Where would this cycle stop?

Whatever short-term advantages may be derived are far outweighed by the disadvantages. First, H.R. 4481 would add approximately $5 billion to our already staggering Federal deficit. This would move us one step closer to economic chaos.

Second, H.R. 4481 would fuel the fires of inflation. This would throw even more people out of work as well as further burden those who are already in a tight financial squeeze.

Third, H.R. 4481 would further limit the amount of capital available to private industry. The Federal Government would have to borrow another $5 billion from a capital market that is dominated by Federal borrowing.

The only real answer to the unemployment problem is a revitalized free enterprise system. It is the private sector that provides the economic strength of our Nation. We need to get people working in private business and industry. These are permanent jobs, unlike the temporary nature of public service jobs.

Our free enterprise system will not recover, however, until we start cutting Government spending and balancing the budget. It is reckless Federal spending that has caused our current economic mess.

Irresponsible Federal spending has led to climbing interest rates, soaring inflation, and the crowding of private borrowers out of the market. Unable to secure needed capital, job-producing business expansion has stopped. New enterprises have never gotten off the ground. Mortgage money has dried up and with it the housing industry has slumped.

We will not reverse this trend until we reduce Government spending. This is the only way to revitalize our free enterprise system and rebuild our economy.

Mr. KASTENMEIER. Mr. Speaker, the President's veto of the Emergency Employment Appropriations Act may cause many of us great concern, but it certainly should come as no particular surprise. For, we all witnessed in the President's fiscal year 1976 budget the willingness of this administration to accept high levels of unemployment. That budget reflected an acceptance of 7 to

8 percent unemployment for the next 3 years. In my view, and I hope in the view of this body, this is totally unacceptable.

We all know that unemployment stands at 8.9 percent today and is soon expected to reach 9 percent.. This means that well over 8 million people in this country are jobless. And, for every person who is actually laid off, there are two or three who fear they will be. Estimates are that 20 to 25 million workers will be unemployed at one time or another in 1975.

It is easy, however, to deal with statistics and numbers. The real problem—the human problem—is more difficult to discuss, for we cannot begin to describe the costs of unemployment in personal terms.

Unemployment not only takes away one's source of livelihood, it also severely threatens an individual's sense of dignity and social usefulness. Families and friends are seriously affected. Those who talk about unemployment in terms of statistics ignore the cruel and tragic impact it has on human beings.

The President says that this bill is too expensive. He objects to the fact that it is $3.3 billion above his budget request. Yet he ignores the fact that it is clearly more costly not to reduce our unemployment level. For each 1-percent rise in unemployment we realize a $16 billion loss to the Federal Treasury—$2 billion in increased unemployment benefits and $14 billion in lost tax revenues. It, therefore, follows that we should realize a $16 billion gain for each 1-percent drop in unemployment. The President's cost argument simply does not hold.

Mr. Ford also claims that economic recovery will be well underway by the end of 1975. Yet, his own economists predict only a gradual leveling off or slight fall in the current unemployment rates by the end of this year. Try to tell the man who has been looking for a job for months, has probably exhausted his unemployment benefits, and has been forced to resort to food stamps or public assistance, that things may get better by the end of this year. What does Mr. Ford propose these 8 million plus individuals do in the interim?

Mr. Speaker, next year this Nation will celebrate its Bicentennial. Yet, how can we comment on the glories of a nation, founded on the ideal of every individual enjoying life, liberty, and the pursuit of happiness, when over 20 million of our fellow citizens will stand in unemployment lines?

We cannot sit back and hope that somehow the natural course of events will solve our unemployment problems. It is imperative that we take positive and decisive action to reduce unemployment. This bill will greatly assist in accomplishing such a reduction. I strongly urge my colleagues to vote to override this veto.

Mr. ANDERSON of California. Mr. Speaker, unemployment is one of the most pressing problems facing our Nation today. In April, the national unemployment rate stood at 8.9 percent, and the rate for May is expected to exceed 9 percent.

In my own State of California, the situation is even more critical. The State unemployment rate has been consistently higher than the national average—10 percent in April. This means that there are 949,800 persons out of work—11.5 percent of the Nation's total unemployed. Obviously, we in California have a great interest in any attempt to increase employment.

During the past week, while Congress was in recess, I had a chance to visit with my constituents and listen to their views. And I can report that the people, at least in the district I represent, do not want an increase in relief.

They do not want a tax rebate, or some other type of one-shot handout they know will have to be repayed somehow.

What the people in my district want, and what they need, are jobs.

When Congress passed H.R. 4481, it seemed that the Federal Government was recognizing the needs of the people, and addressing itself to meet those needs.

And now we find ourselves, 1 week after being accused as a "do-nothing" Congress, having to vote for the third time on a bill that should have been in effect long ago.

Here is a bill that will provide up to 1 million jobs, vetoed because apparently the administration feels that it is too expensive. Vetoed by the same administration that submitted a Defense procurement request with a 35-percent increase over last year.

We have a bill that has been vetoed because it is said to be "inflationary." Vetoed by the same administration which is pushing an energy program that will cost our economy over $30 billion.

Mr. Speaker, H.R. 4481 is a bill that will have a direct benefit to over 900,000 Americans, for it will provide them with employment.

I urge my colleagues to join me in overriding this veto.

Mr. ROBINSON. Mr. Speaker, it has been a matter of particular regret to me that the insistence of the Congress on sending the President an appropriations bill obviously grossly excessive in the present Federal fiscal circumstances has operated to delay funding of the college work-study grants.

This delay has hampered the efforts of financial assistance officers of educational institutions to assist deserving students. It has thrown into uncertainty the students' educational plans.

Congress has committed itself to budgetary reform. I submit that the handling of this bill by the majority in control of this Congress has not honored that commitment.

Underestimating the President's determination to resist excessive spending does not excuse delaying the provision of realistic levels of funding to worthy programs having broad congressional and public support, such as the college work-study grants.

Mr. ROYBAL. Mr. Speaker, I rise in support of the motion to override the President's veto of the Emergency Appropriations Act of 1973.

In view of the economic crisis facing this Nation, it is imperative for the Federal Government to create jobs for the thousands of unemployed members of our labor force. In vetoing the Emergency Appropriations Act, the President stated in no uncertain terms that the needs of our people are secondary to the needs of businesses in this Nation. In addition to this outright and deplorable favoritism of big business, the President's justification for his veto reveals a misguided economic approach to the unemployment problem. He says, for example, that we are on the way to economic recovery, and that the influences of the Emergency Appropriations Act will come too late to aid this recovery. I hardly think that an unemployment rate of 8.9 percent reflects anything close to economic recovery, and many would agree with me that the rate of unemployment is not going to stop at 8.9 percent. Further, I would like to know how the President came to the conclusion that we are on the way to recovery, when he vetoed the one plan designed to cure our economic ills, and he has offered none of his own

I for one believe that we can begin to recover only if we put people back to work. The Emergency Appropriations Act is one answer to the problem. The bill provides for an appropriation of $5.3 billion to fund the creation of public service jobs and the acceleration of Federal construction, building, and purchase programs. The public service component of the bill covers many sectors of the population who sorely need attention. Included are summer jobs for youth, public service jobs, and jobs specifically geared to older Americans. Other work-related efforts to be funded under this appropriation are work-study programs for college students, a work incentive program for welfare recipients, and jobs under the Youth Conservation Corps.

The bill also includes a job stimulus component, providing for programs which are expected to produce a multiplier effect to foster job creation. This will be accomplished through construction contracts for Federal facilities, purchase of needed transportation vehicles for Government use, and further development of recreation and public land resources.

I emphasize the fact that none of these jobs will be of a make-work nature. Those who become employed under the plan will be helping to make much-needed domestic improvements in health care, flood control, sewage disposal, public lands, and recreation.

Through nonaction, the President has indicated that he does not intend to respond to the needs of this Nation. We in Congress must take over and reaffirm the Government's first obligation to the people. I therefore urge my colleagues to act with me in not only challenging, but voting to override the President's veto.

Mr. LAGOMARSINO. Mr. Speaker, I urge a "no" vote on this override. In vetoing this bill, the President was doing what too often is not done in this Chamber—rejecting the pork barrel response to a crisis. I read in the Washington Star yesterday that Federal agencies were literally asked for a "shopping list" of programs and projects in preparing this bill. Well, a shopping list is not what we need. We need jobs—right now. Not 2 years from now. Half the funds in this bill will have no immediate effect on our unemployment problems. What they will do is set off a new round of inflation in 1976, just when we hopefully will be getting our feet back on the ground.

The borrowing needed to finance this bill will serve only to dry up credit for job creating private enterprise and knock the props out from under the housing market. Interest rates will soar. I think some of these agencies are using the present recession, working it for all it is worth to get pet projects through this House.

What we should do, Mr. Speaker, is send this bill back for another runthrough, and pare out all the fat and unrelated programs. Let us extend the public service program, let us get those funds moving for summer jobs and for other immediate needs. And let us quit kidding the public about what we are doing.

Mr. AMBRO. Mr. Speaker, I am saddened by the failure of my colleagues in the House of Representatives to override the insensitive—and, I believe, irresponsible—veto cast by President Ford against H.R. 4481, the Emergency Employment Appropriations Act. This legislation would have quickly created over 900,000 jobs at a time when the official unemployment rate of our citizens hovers near 9 percent and the actual rate has skyrocketed to a figure significantly higher than that.

Frankly, I am somewhat perplexed by this action on the part of some of my colleagues particularly in light of the fact that this House approved the conference report on this bill by an overwhelming vote of 293 to 109. Surely, there have been now new economic developments of any consequence to alter this highly affirmative response. Nonetheless, we came up 4 votes short of overriding the veto. An analysis of the voting patterns evidenced indicate the following factors coming into play:

Basically, all of the Democrats elected to Congress for the first time last November, voted to override the veto. Only 3 of this group of 75 voted to sustain it. Perhaps we, who are Members of this body by virtue of a new mood that swept the Nation last fall, are more acutely attuned to the needs and desires of our constituencies and more sensitive to their plight as the economy founders and unemployment continues to rise.

It was quite evident, even for a freshman on the other side of the aisle, that the White House was putting tremendous pressure on the Republican Members of the House in an effort to pursuade, cajole, and strongly suggest that they go along with the veto. It is my understanding that the White House was on the telephone with Republicans through the entire debate and record vote in order to prevent defections. As a result, only 19 Republicans voted to override while 55 had voted in favor of the bill initially and 49 had supported the conference report.

Finally, it is especially disquieting to see a resurgence of the old southern Democrat-conservative Republican coalition that has stymied so many pieces of progressive legislation in the past. There was a very significant defection by the members of the Democratic Party from the South partly evidenced by votes to sustain the veto cast by 10 committee and subcommittee chairmen.

Aside from the immediate harm done to the citizens of this Nation by the veto of a bill that would have provided jobs for the unemployed, for students working their way through college, for senior citizens, the deed done today by a minority—one-third plus four—of the Members of this House bodes ill for the future of compassionate and necessary legislation to emerge from this Congress. I am afraid that we will be witnesses to a policy of "Government by Presidential veto." While our President is fond of comparing himself to President Truman in his battles with the 80th Congress, it must not be forgotten that Mr. Truman used his veto to protect and aid our citizens from a backward and business-oriented Congress, while Mr. Ford is using his to thwart the actions of a Congress that is consumer oriented and committed to alleviating the hardships being borne disproportionately by the poor, the elderly, and the growing numbers of unemployed. What makes Mr. Ford's success in sustaining this veto even more preposterous is that his opposition to this and similar legislation is based on an economic policy that is corporation oriented, insensitive to the situation of the average citizen, and an echo of half-baked theories and bromides that we have not heard—thankfully—since the days of Herbert Hoover. Certainly Mr. Ford's oft-repeated assurances that "economic recovery is expected to be well underway by the end of 1975" sounds suspiciously like "prosperity is just around the corner." Mr. Ford and his House economists seem completely oblivious to the fact that every 1 percent increase in the unemployment rate above the so-called full employment rate of 4.5 percent costs the Federal Government $16 billion—$2 billion in direct benefit payments, and $14 billion in lost tax revenues. Our present 8.9 percent unemployment rate, therefore, is currently contributing $64 billion to the Federal deficit. Putting people back to work, as this bill would have done for over 900,000 individuals might require an initial outlay from the Government but it would result in a decrease in actual costs incurred for those who remain unemployed. Unfortunately, our President would rather see us bear the social and economic costs of keeping people on the unemployment dole than take action to put them back to work. It is equally unfortunate that he was able to persuade over one-third of the Members of this House to agree.

Mr. CONTE. Mr. Speaker, my fellow colleagues and I are faced with a most important question today. Are we to enact a bill filled with provisions which fails to respond to the specific needs of the unemployed across our Nation—or are we to recognize the tremendous effect the $3.3 billion above the budget this bill will have on our economy? The more and more we appropriate above and beyond our budget, the less amount of funds we will have available for private sector borrowing. This will only result in an extension of the serious recession we are involved with.

No one can dispute the urgent and immediate need for summer jobs and the continuation/extension of CETA public service jobs. However, these provisions in the bill are overshadowed by provisions which do not fall into the bill's specified "emergency" category. Those provisions belong under separate legislation.

The funding criteria in the bill does not guarantee that programs will reach every critically affected area. What we need is a broad based, federally controlled jobs program reaching every affected area, to put the jobless to work on lasting useful projects such as reforestation, environmental cleanup and upgrading thousands of miles of unsafe railroad tracks and beds.

We must demonstrate fiscal responsibility and sustain this veto. Further, we must act immediately to pass appropriations for CETA and summer jobs. In addition, we must pass the second supplemental with the amendment providing funds to create jobs on crews to rehabilitate our rail rights-of-way.

I urge my colleagues to sustain this veto.

Thank you, Mr. Speaker.

Mr. FUQUA. Mr. Speaker, it is with great reluctance that I must vote to sustain a veto of an emergency jobs bill as I feel that the attainment of a full employment economy is one of the great priorities of this Congress. Likewise, the need for prudent public works projects is manifest and must be dealt with in a comprehensive way. As my colleagues know, I have consistently voted for jobs' bills and programs to mitigate the devastating impact of unemployment on millions of our citizens.

Unfortunately, however, this measure has been dressed up with an unwholesome complement of amendments and add-ons which has taken the price tag of the bill to fiscally unsound levels. Accordingly, I feel compelled to support the President in holding the line on untoward Federal expenditures and strongly urge the members of the House Committee on Education and Labor to bring a bill back to the full House which will contain the needed employment stimulus without the surplus baggage which made the present bill unacceptable.

The Members know that economic policy is not developed in a vacuum but requires delicate ministrations of proven economic solutions geared to economic, not political, realities. In my opinion, my vote to sustain this veto is as difficult from a political standpoint as it is essential from a fiscal standpoint. Officials in the State of Florida who have been directed to administer the Federal programs made available under this and other legislation have explained to me the serious employment ills facing my great State. They have agreed with me, however, that simply throwing tax dollars at the problem is not going to solve it. The legislation would authorize the purchase of some 21,000 vehicles and other programs designed to serve a multitude of purposes.

It appears to me that we should be applying adequate amounts of Federal funds directly to the problem—the good men and women who are out of work and who are unable to support their families. In this regard, I am most hopeful that the extension of title VI, public service employment and the authorization for summer youth employment programs are included in the final measure and that the provisions extending unemployment benefits and other job-related benefits are made available. It appears to me that there is adequate fat in the present bill which can be trimmed without the overall thrust of the measure being adversely effected.

As a primary sponsor of the Budget and Impoundment Control Act of 1974, I feel a personal sense of commitment to remain within the expenditure ceiling recommended by that body as being fiscally sound. A major attraction of the Budget Control Act was the flexibility it provided and the ability of Congress to meet pressing and extraordinary national needs while staying within prudent spending limits. There is very little question but that the people we are trying to help with this jobs bill will be the very ones who are most disadvantaged by a new round of inflation and continued recession. Economic pressures are in large part psychological in nature and massive Federal deficits and the resulting downturn in economic indicators will continue to bring about a recession panic and serve as a disincentive to the increased investment and capital expenditure which would be encouraged in a more attractive economic climate.

Again, without the excess baggage which this measure unfortunately carries, I strongly support the kind of legislation we are considering. Legislation designed to alleviate some of the adverse effects of an inordinarily high level of unemployment. I just cannot, in good conscience, vote to override the President when I sincerely believe the measure will contribute rather than attenuate the impact of our current economic ills on those who are currently unemployed. I hope that an improved measure can be returned here to the full House as early as possible as the end of this fiscal year will soon be upon us.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 4481, and urge my colleagues to join me in voting to override the President's veto of this vitally important legislation.

In taking this cruel and callous action, President Ford claimed that the national economy is showing signs of recovery. He said that the impact of the bill would not be felt until "long after our current unemployment problems are expected to subside." The President made this glib assertion in the face of incontrovertible testimony by the administration's own economic experts that unemployment will surpass 9 percent this year, and that joblessness will continue at an average of 7.9 percent through 1976. These predictions, disclosed in the administration's own mid-year budget and economic review, are likely to err on the side of optimism as such estimates have so frequently done in the past. Even at these projected levels the enormity of the unemployment problem that we are asked to endure is all too evident. Yet this administration blithely heralds its "recovery indicators." My question is recovery for whom?

The tragic answer is that all the signals of economic turnaround that the administration is crowing about are based on its plan to allow an intolerably high jobless rate for an indefinite period. It has been clear long before this veto that the President is committed to the politically expedient approach of using unemployment to control inflation and that the unemployed are the expendables in the administration's economic plan. This veto only proves the administration's clear intent to create a permanent class of the unemployed.

The administration has made a calculated decision to let the fate of the jobless hang in the balance while hoping against hope that its economic policies will magically begin to work. Yet, the unemployed are scheduled to be the last ones to feel the effects of the so-called recovery, that is, if it ever comes at all.

Meanwhile the gravity of the unemployment crisis worsens daily. Mark Roberts, chief economist for the AFL-CIO, asserted this week that 25 to 35 million Americans will experience some period of unemployment this year. President Ford's veto was announced on the very day that the Department of Labor reported 22 more cities being added to the "substantial unemployment" category. That roster now includes 127 of the Nation's 150 labor areas. The long hot summer approaches while millions of American teenagers prepare to graduate from high school into despair. At this time 40.2 percent of black teenagers are unemployed. By the time school lets out the need will multiply for the 1 million summer jobs for youths this bill would provide. Can we permit that a whole generation of young blacks may come to adulthood as economic shutouts?

While I deplore the inhumanity of the President's action, I also deplore its utter lack of logic. To allow continuing high levels of unemployment will not only mean increased human suffering for some Americans, it will also inevitably destroy the entire economy. A study recently released by the Conference Board, an independent economic research institute showed that the high level of joblessness forecast by the Ford administration through 1979, could result in a loss equivalent to about $350 billion in lost production, equivalent to 40 percent of 1974's real gross national product.

As for Ford's argument about the inflation peril of the budget deficit, we know that unemployment is the greatest contributor to the deficit with a cost of $16 billion in unemployment benefits and foregone tax revenues for every 1 percent of unemployment.

Mr. Speaker, the importance of our vote to override the Ford veto cannot be overly stressed. It is an urgent national imperative. There has never been a greater challenge to the 94th Congress to defend the rights of all Americans for a decent way of life. I implore my colleagues to join me in voting to override the Ford veto.

Mr. MAHON. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES), 5 minutes.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred and seventy-nine Members are present, not a quorum.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 257]

Alexander
Biaggi
Burke, Calif.
du Pont
Early
Foley
Jones, Tenn.
McDonald
Mathis
Mollohan
Passman
Poage
Railsback
Rostenkowski
Santini
Scheuer
Stuckey
Teague
Wampler
Wiggins
Wilson, C. H.
Wilson, Tex.

The SPEAKER. On this rollcall 411 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY EMPLOYMENT APPROPRIATION ACT, 1975—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, no one wants unemployment. A general consensus does exist for direct assistance to those who are presently unemployed due to present economic conditions.

Unemployment in my Fifth District of Indiana is considerably above the national average. I want to support legislation which can assist my district and the Nation, however, I seriously question the ability of the Emergency Employment Act to adequately aid in the resolution of our economic difficulties.

As we are all well aware, the President sent the Congress a proposal requesting $1.625 billion for public service job assistance and $412.7 million to create summer youth employment. We added $3.3 billion to this request and enlarged the scope of the bill before sending it back to the President. My present objections to the vetoed bill are provisions calling for the funding of various projects to be carried out by the Army Corps of Engineers and the Bureau of Reclamation. These projects will not aid in solving the unemployment problem mainly because these are long-range projects which are still in the planning stage. As stated by the President in his veto message to the Congress, almost half of the additional spending recommended by the bill would occur in fiscal year 1976 and through calendar year 1977. This certainly will not assist in solving current problems where immediate solutions are called for.

The President's belief that enactment of the bill will in the long run exacerbate budgetary and economic pressures must be given every consideration. The chief impact of the bill as presently devised will be felt after our present problems have subsided.

I recommend that we sustain the President's veto of this questionable measure and rapidly act to pass a substitute measure which directs itself to the problems at hand. The Esch-Michel substitute, of which I am a cosponsor, would accomplish this end. This bill advocates the appropriation of $2.3 billion for the unemployed and summer youth job needs. Unemployment among the young is appallingly high and it stands to reason that action is needed today to resolve our immediate unemployment problems. This bill is $250 million higher than the President's original proposal and eliminates the pork barrel projects added to H.R. 4481 which will not solve unemployment problems.

It is my sincere hope that we can direct our attention to the rapid solution of this matter.

Mr. RHODES. Mr. Speaker, I welcome this debate today. I think it points out some rather fundamental differences in the philosophies of the two parties. Both parties are for jobs. Both parties are against unemployment. I do not think that there can be any doubt about that.

But on our side—the Republican side—we feel that jobs can be had and that unemployment can be controlled and ended best by stimulation of the private sector.

On the Democratic side, there is oratory and there are mostly people who feel that the only way to stop unemployment is by spending through the public sector.

Mr. Speaker, I submit that this is not a new difference. This has been one of the differences between the parties through the years.

I will submit also that spending in the public sector did not stop the Roosevelt depression and it has not stopped the 93d and 94th Congress recession. It is absolutely necessary, if we are really to give people jobs, that the spending be directed through the private sector.

I am not talking about the leaf-raking kind of jobs that one gets when he works through certain Government programs like the ones we saw back in the 1930's. I am talking about real jobs, jobs that people get when they go to work in factories, when they go to work in private enterprise or in some way such as that. I am talking about jobs that one gets after he receives training, whether it be through Federal programs or through other types of programs.

Mr. Speaker, I hate to say this, but I would have to seriously charge that my friends on the Democratic side have not really had a new idea since 1933. They are trying to apply the same type of remedies which failed back in the 1930's, and they will not succeed now.

I want the Members to join with me in thinking of some figures. We have heard many figures bandied about here, and one of them is that we see $16 million lost for every 1 million unemployed. That may or may not be an accurate figure. I do not know for sure. I suggest, if it is, that the best way to end unemployment is not by these Federal programs. There is just no way to do it through these Federal programs.

In the paper this morning there was an article concerning the fact that the appropriations made by business and by private enterprise for capital expansion are way down this year. There is something like a 20-percent cut in those investments.

Mr. Speaker, this genuinely bothers me. It bothers me because it means that private enterprise is not being encouraged, as it must be, to pick up the slack that we see in the economy. And there is slack in the economy.

It also worries me a bit that my good friends on the other side seem to feel that we must not worry about inflation at all and that it is only necessary that we look at what we call the "recession"—and I call it "the 94th Congress recession."

That, to me, is taking a worm's eye view of the economy. This is in effect saying that the Congress does not have the intelligence to look at the whole economy, to look at the economy as it will be 5 or 10 years from now, or even 2 years from now. It is only suggesting that we look at the economy as it is now. That is just what a worm would do. A worm looks at what is exactly ahead of him; he cannot see over that nearest mound of dirt, and he does not know whether there is something there or whether there is nothing there.

Mr. Speaker, I asked the distinguished chairman of the Council of Economic Advisers not too long ago if there was a time at which the Federal deficit was actually deflationary so that it would actually contract the economy. He said, "Yes." He said, "That occurs when the deficit is so large that it inhibits the money market in its ability to provide the capital necessary for the expansion of private enterprise."

I said, "Have we reached that point?"

He said, "We have reached it, and we will surpass it by February of 1976."

Mr. Speaker, this bill, which is $2.7 billion over the budget, adds a straight $2.7 billion more to the deficit. It adds $2.7 billion more in borrowing, and that is the type of borrowing which further takes away from the ability of the money market to allow the economy of the United States to expand, as it must.

Mr. Speaker, I believe that this bill works the wrong way. It is a bill which should have been vetoed. It was vetoed, and I urge that the veto be sustained.

Mr. DANIELSON. Mr. Speaker, I wish to point out that when the distinguished minority leader, Mr. RHODES, referred to the Roosevelt depression, he was probably speaking of the Hoover depression which began in 1929.

Mr. MAHON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the need for this bill is more urgent today than when it passed the House 2 months ago. That is the point I wish to stress in my comments.

What did we do 2 months ago? We passed this bill by a vote of 313 to 113.

Why did we pass it? We passed it because it provides 900,000 jobs for men and women who need work, and we passed it because it provides productive employment, employment that will enhance the resources of the United States.

Mr. Speaker, I urge that the veto be overridden, and I yield the remainder of the time to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I want to congratulate the gentleman from Texas (Mr. MAHON). I am sure that nobody has ever accused him of being fiscally irresponsible. He is one of the great men of this Congress, and we all know it.

I listened with interest as the minority leader referred to the 93d and 94th congressional recession. That is a term I never heard before. I thought this recession, the worst since the 1930's, happened because of a corrupt Nixon administration in which the American people lost confidence. I also thought it happened because of the misguided economic policy of the Ford administration which, in truth, has betrayed the American people.

Mr. Speaker, this is the worst depression since the 1930's. Look at the record. When Mr. Ford took over as President of the United States, we had an unemployment rate of 5.4 percent in this country. Those are the statistics that were given to me today by the Bureau of Statistics of the Department of Labor. I asked what was the unemployment record as of today. The record is 8.9 percent, and we all know that these records are about 6 weeks behind; actually, we have over 10 percent unemployed in America, with 9 million people out of work.

On their records, on the records of the Gerald Ford administration, unemployment has gone up 3.5 percent.

What does that mean? For every 1 percent of unemployment in this country it costs the Federal Government $16 billion; $14 billion in lost anticipated taxes and $2 billion that we pay out for unemployment compensation. Multiply it by 3.5 percent, and in the 8 months that Mr. Ford has been the President of the United States it has cost this Government $56 billion.

Mr. Speaker, this veto message is the weakest that I have ever seen. One of the statements that the President makes is that a further stimulus would hurt more than it would help the economy, in the long run. Yet, nearly a year after Ford began his administration, 9.5 million people are now unemployed. In the 10 months that he has been President, we have gone up 3.5 percent in our unemployment rate.

The Nixon and Ford administrations have been engaging in wrong fiscal maneuvering. We have to change that policy.

Mr. Speaker, what does this bill do? This bill gives us 900,000 jobs—900,000 jobs. The committee has recommended such items as the acceleration of ongoing public works projects, including road, water and sewer grants; improvement and modernization of veterans hospitals; increased maintenance of national cemeteries; reforestation; and other programs along the line. There are 900,000 jobs directly created. We believe and hope, and our economists say, that it will generate another 900,000 jobs in the private sector. Therefore, actually we are talking about 1.8 million jobs.

Mr. Speaker, I just noted that the Republicans are coming out with a motion picture entitled, "Republicans Are People, too." I am happy to know that. I would like to know what this motion picture is about. I am delighted to know that. I am delighted to know that the

Republicans have some concern for the little fellow, that they have some concern for middle America, and that they have some concern for the more than 9 million people who are unemployed.

What is the problem that is facing the Nation at the present time? Yes, the problem is jobs. Of course, we are producing at a rate of $230 billion below capacity right at this moment. Imagine, $230 billion below capacity.

There would be no deficit, there would be no unemployment if the Nation were being run in a proper manner. Just at the economy as to what has happened in the last 3 months: unemployment has risen from 5.4 to 8.4 percent.

The economic policies set by this administration have failed.

We have given a tax bill to stimulate the economy. We are presently drafting energy legislation. This measure before us is one that we think will help turn the economy around for the good of America. We need to override the veto of President Ford today because, if we do not, we will continue to travel down the wrong road that the Nixon-Ford administration's economic policies have directed us.

Mr. Speaker, we will not be facing a more important issue this session than this veto. It has become a partisan issue. The battlelines are clearly drawn—no other issue divides the ideals and priorities of the Democratic and Republican Parties than the issues of this urgently needed job creating appropriations bill. We have not asked for this confrontation. But we cannot shirk our responsibilities. We have an obligation, a duty to those Americans—our constituents—who last fall voted to send us to Washington to protect their vital interests. The American people have asked us to determine the priorities of the Nation. Let us give them the answers they are demanding and vote to override this veto.

The SPEAKER. All time has expired.

Mr. MAHON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device; and there were—yeas 277, nays 145, not voting 12, as follows:

[Roll No. 258]

YEAS—277

Abzug
Adams
Addabbo
Albert
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Casey
Chappell
Chisholm
Clay
Cohen
Collins, Ill.
Conyers
Corman
Cornell
Cotter
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Green
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Hicks
Hightower
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krebs
LaFalce
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Maguire
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Pressler
Preyer
Price
Pritchard
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Steed
Stokes
Stratton
Studds
Sullivan
Symington
Taylor, N.C.
Thompson
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Whitten
Wilson, C. H.
Wirth
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—145

Abdnor
Anderson, Ill.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bell
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fenwick
Findley
Fish
Forsythe
Fountain
Frenzel
Frey
Goldwater
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Hammerschmidt
Hansen
Hastings
Henderson
Hillis
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Kasten
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Landrum
Latta
Lent
Lott
McClory
McCloskey
McCollister
McDonald
McEwen
Madigan
Mann
Martin
Michel
Miller, Ohio
Mitchel, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Pettis
Pickle
Poage
Quie
Quillen
Regula
Rhodes
Robinson
Rousselot
Runnels
Ruppe
Satterfield
Schneebeli
Schulze
Sebelius
Shriver
Shuster
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Thone
Treen
Vander Jagt
Waggonner
Wampler
Whitehurst
Wilson, Bob
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—12

Alexander
du Pont
Fascell
Jones, Tenn.
Mathis
Mollohan
Railsback
Rostenkowski
Stuckey
Teague
Wiggins
Wilson, Tex.

So, two-thirds not having voted in favor thereof, the veto of the President was sustained, and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee and Mr. Railsback for, with Mr. Teague against.

Mr. Mollohan and Mr. Rostenkowski for, with Mr. Wiggins against.

Until further notice:

Mr. Stuckey with Mr. Alexander.

Mr. Charles Wilson of Texas with Mr. Mathis.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the vote to override the President's veto just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 4700, AUTHORIZING APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. FUQUA submitted the following conference report and statement on the bill (H.R. 4700) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes:

Conference Report (H. Rept. No. 94–259)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4700) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,206,000,000;

(2) Space flight operations, $203,100,000;

(3) Advanced missions, $2,000,000;

(4) Physics and astronomy, $162,800,000;

(5) Lunar and planetary exploration, $259,900,000;

(6) Launch vehicle procurement, $166,900,000;

(7) Space applications, $181,530,000;

(8) Aeronautical research and technology, $175,350,000;

(9) Space and nuclear research and technology, $74,900,000;

(10) Energy technology applications, $5,900,000;

(11) Tracking and data acquisition, $240,800,000;

(12) Technology utilization, $8,000,000;

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Modification of 11- by 11-foot transonic wind tunnel, Ames Research Center, $2,695,000.

(2) Addition for composite model and metal finishing shops, Langley Research Center, $1,940,000;

locations as follows:

(3) Space shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, $13,110,000;

(B) Construction of Orbiter processing facility, John F. Kennedy Space Center, $8,160,000;

(C) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, $5,240,000;

(D) Modifications for hypergolic checkout and refurbishment facilities, John F. Kennedy Space Center, $6,940,000;

(E) Modifications for launch equipment test facilities, John F. Kennedy Space Center, $1,960,000;

(F) Construction of Orbiter approach and landing test facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, $1,680,000;

(G) Construction of Shuttle/Carrier aircraft mating facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, $3,890,000;

(H) Modifications for crew training facilities, Lyndon B. Johnson Space Center, $830,000;

(I) Modification of the vibration and acoustic test facility, Lyndon B. Johnson Space Center, $2,410,000;

(J) Modifications for solid rocket booster component manufacturing and assembly facilities (location to be designated), $3,000,000;

(4) Modification of 40-by-80 foot subsonic wind tunnel, Ames Research Center, $12,500,000;

(5) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $16,000,000;

(6) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $5,000,000;

(7) Facility planning and design not otherwise provided for, $13,775,000.

(c) For "Research and program management," $776,000,00, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations of extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided,* That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (6), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate on the circumstances of such action, may be varied upward 25 per centum,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (7) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisitions, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Aeronautical and Space Sciences,

(2) no amounts appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriation Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Aeronautical and Space Sciences and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect as long as provision therefor is included in Acts authorizing appropriations to the National Aeronautics and Space Administration for subsequent fiscal years.

SEC. 7. In addition to the amounts authorized to be appropriated under section 1 of this Act, there is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to be available no earlier than July 1, 1976:

(a) For "Research and development," for the programs specified in the following paragraphs, $700,600,000, of which no more shall be available for any such program than the amount stipulated (for that program) in the applicable paragraph:

(1) Space Shuttle, $321,000,000;

(2) Space flight operations, $55,100,000;

(3) Advanced missions, $500,000;

(4) Physics and astronomy, $46,600,000;

(5) Lunar and planetary exploration, $73,300,000;

(6) Launch vehicle procurement, $40,400,000;

(7) Space applications, $54,700,000;

(8) Aeronautical research and technology, $46,800,000;

(9) Space and nuclear research and technology, $22,300,000;

(10) Energy technology applications, $1,500,000;

(11) Tracking and data acquisition, $66,400,000;

(12) Technology utilization, $2,000,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $7,000,000;

(2) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,250,000;

(3) Facility planning and design not otherwise provided for, $2,500,000.

(c) For "Research and program management," $213,800,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law. All of the limitations and other provisions of this Act which are applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 of this Act shall apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

SEC. 8. The National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new title:

"TITLE IV—UPPER ATMOSPHERIC RESEARCH

"PURPOSE AND POLICY

"SEC. 401. (a) The purpose of this title is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere.

"(b) The Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

"DEFINITIONS

"SEC. 402. For the purpose of this title the term 'upper atmosphere' means that portion of the Earth's sensible atmosphere above the troposphere.

"PROGRAM AUTHORIZED

"SEC. 403. (a) In order to carry out the purposes of this title the Administration, in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

"(b) In carrying out the provisions of this title the Administration shall—

"(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

"(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this title; and

"(3) make all results of the program authorized by this title available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

"INTERNATIONAL COOPERATION

"SEC. 404. In carrying out the provisions of this title, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations."

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1976".

And the Senate agree to the same.

Olin E. Teague,
Don Fuqua,
Thomas N. Downing,
James W. Symington,
Walter Flowers,
Dale Milford,
Robert A. Roe,
Charles A. Mosher,
Larry Winn, Jr.,
John W. Wydler,
Managers on the Part of the House.

Frank E. Moss,
John C. Stennis,
Howard W. Cannon,
Barry Goldwater,
Pete V. Domenici,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4700) to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1976 and for the transition period, July 1, 1976 through September 30, 1976, for research and development, construction of facilities, and research and program management and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The NASA request for fiscal year 1976 totaled $3,539,000,000. The House authorized $3,585,873,000 and the Senate amendment authorized $3,544,710,000. The committee of conference agrees to a total authorization for fiscal year 1976 of $3,562,310,000 as follows:

CONGRESSIONAL ADJUSTMENTS TO NASA, FISCAL 1976 BUDGET REQUEST

Fiscal year 1976	Budget request	House	Senate	Committee of conference
Research and development:				
Space Shuttle	$1, 206, 000, 000	$1, 206, 000, 000	$1, 206, 000, 000	$1, 206, 000, 000
Space flight operations	207, 100, 000	203, 100, 000	203, 100, 000	203, 100, 000
Advanced missions	1, 500, 000	3, 000, 000	0	2, 000, 000
Physics and astronomy	155, 800, 000	156, 800, 000	162, 800, 000	162, 800, 000
Lunar and planetary exploration	259, 900, 000	258, 900, 000	259, 900, 000	259, 900, 000
Launch vehicle procurement	166, 900, 000	166, 900, 000	166, 900, 000	166, 900, 000
Space applications	175, 030, 000	181, 530, 000	183, 930, 000	181, 530, 000
Aeronautical research and technology	175, 350, 000	175, 350, 000	175, 350, 000	175, 350, 000
Space and nuclear research and technology	74, 900, 000	76, 900, 000	74, 900, 000	74, 900, 000
Energy technology applications	5, 900, 000	5, 900, 000	5, 900, 000	5, 900, 000
Tracking and data acquisition	243, 000, 000	240, 800, 000	240, 800, 000	240, 800, 000
Technology utilization	7, 000, 000	9, 000, 000	7, 000, 000	8, 000, 000
Total	2, 678, 380, 000	2, 684, 180, 000	2, 686, 580, 000	2, 687, 180, 000
Construction of facilities	84, 620, 000	125, 693, 000	82, 130, 000	99, 130, 000
Research and program management	776, 000, 000	776, 000, 000	776, 000, 000	776, 000, 000
Grand total	3, 539, 000, 000	3, 585, 873, 000	3, 544, 710, 000	3, 562, 310, 000

The NASA request for the transition period totaled $958,900,000. The House authorized $922,450,000 and the Senate amendment authorized $929,900,000. The committee of conference agrees to a total authorization of $925,150,000 as follows:

CONGRESSIONAL ADJUSTMENTS TO NASA REQUEST FOR TRANSITION PERIOD—JULY 1, 1976 THROUGH SEPT. 30, 1976

	Budget request	House	Senate	Committee of conference
Research and development	730, 600, 000	700, 600, 000	704, 600, 000	700, 600, 000
Construction of facilities	14, 500, 000	8, 050, 000	11, 500, 000	10, 750, 000
Research and program management	213, 800, 000	213, 800, 000	213, 800, 000	213, 800, 000
Total	958, 900, 000	922, 450, 000	929, 900, 000	925, 150, 000

The points in disagreement and the conference resolution of them are as follows:

FISCAL YEAR 1976

1. The House authorized $3 million for the Advanced missions program, adding $1.5 million to the NASA request.

The Senate did not include this line item in its bill.

The conference substitute authorizes $2 million for the Advanced missions program.

The conferees agreed that overall advanced mission planning is a vital function within NASA. However, such planning should be an integrated function encompassing all aspects of the Agency's space responsibilities, particularly in view of the advent of the space transportation system. Since presentation of this line item projects an artificial distinction between activities which is no longer appropriate the Conferees agree that, beginning with the fiscal year 1977 budget, NASA should discontinue the use of the Advanced Missions line item.

2. NASA requested $155,800,000 for the Physics and astronomy program. The House authorized $156,800,000, adding $1 million to this program for additional investigations of chlorine compounds in the atmosphere.

The Senate authorized $162,800,000 for this program, $7 million above the request and $6 million above the amount authorized by the House to support an enhanced and aggressive upper atmospheric research program. The Senate addition is complementary to the legislation included in Section 8 of its amendment authorizing and directing NASA to develop and carry out a comprehensive program of research, technology and monitoring of the phenomena of the upper atmosphere.

The conference substitute adopts the Senate amount for the Physics and astronomy program.

3. The House authorized $258,900,000 for the Lunar and planetary program, a reduction of $1,000,000 in the NASA request.

The Senate authorized $259,900,000, identical with the NASA request.

The committee of conference adopts the Senate position.

4. The House approved $181,530,000 for the Space applications program, an increase of $6,500,000 in the NASA request.

The Senate authorized $183,930,000.

The committee of conference adopts the House position authorizing $181,530,000, emphasizing that the additional $6,500,000 authorized is to augment and strengthen research and development programs in the areas of severe storm research, earth resources development and Space Shuttle payload studies.

The conferees also note the need for timely actions to assure continuity of remote sensing of earth resources data from space.

5. The House authorized $76,900,000 for Space and nuclear research and technology.

The Senate authorized $74,900,000, the original NASA request.

The committee of conference adopts the Senate position authorizing $74,900,000.

6. The House authorized $9,000,000 for the Technology utilization program, an increase of $2,000,000 in the NASA request, $1,000,000 of which was to provide additional support for NASA applications teams and $1,000,000 of which was to accelerate documentation and dissemination activities including expansion of services to industry.

The Senate authorized $7,000,000, agreeing with the NASA request.

The conference substitute authorizes $8,000,000.

The conferees agree that in the expansion of the network of industrial applications centers through the establishment of applications divisional offices NASA should assure that service will be provided to the numerous industrial areas of the nation that are now relatively remote from any NASA Center or technology utilizations dissemination center and that no new facility should be located in an area which can reasonably be serviced by an established NASA Center.

7. The House authorized $6,303,000 for modifications for hypergolic checkout and refurbishment facilities for the Space Shuttle program at the John F. Kennedy Space Center, a reduction of $637,000 in the NASA request for this facilities project.

The Senate authorized the full amount of the NASA request, $6,940,000.

The conference substitute adopts the Senate position.

8. The NASA requested $1,680,000 for the construction of orbiter approach and landing test facilities at the Flight Research Center and Air Force Plant No. 42, Palmdale, Calif. The House authorized $1,380,000, a reduction of $300,000 in the NASA request.

The Senate authorized $1,680,000.

The Conference substitute adopts the Senate position.

9. The House authorized $12,500,000 to initiate the first phase of a three-phase program to upgrade the capability of the 40′ x 80′ aeronautical research wind tunnel at the Ames Research Center. This project was not included in the NASA budget request.

The Senate did not include this facility project in its amendment.

The conference substitute adopts the House position authorizing $12,500,000 for this facility project.

10. The House authorized $27,500,000 to initiate the first phase of a two-phase program to construct a new transonic research tunnel for advanced aeronautical research at the Langley Research Center. NASA did not include this facility project in its budget request.

The Senate did not include this item in its amendment to the bill.

The conference substitute adopts the Senate position.

11. NASA requested $9,275,000 for Facility Planning and Design activities for fiscal year 1976. The House authorized $13,775,000, increasing the request by $4,500,000 to provide for design and engineering services for expanding the 40′ x 80′ wind tunnel at the Ames Research Center and for a new transonic research tunnel at the Langley Research Center, both of which are advanced aeronautical research facility projects.

The Senate authorized $9,275,000, identical with the NASA request.

The conference substitute authorizes $13,775,000, recognizing that design work on a third leg for the 40′ x 80′ tunnel is required and that the NASA and Air Force requirements for transonic research facilities require redefinition in order to provide advanced transonic aeronautical research capability.

The conferees agree that reprogramming authority is available for NASA to make the most appropriate use of funds available to assure adequate national aeronautical research facilities.

TRANSITION PERIOD

12. NASA requested a lump sum amount of $730,600,000 for research and development for the transition period, July 1, 1976 through September 30, 1976. The House authorized $700,600,000 for research and development, establishing ceiling amounts for the twelve programs constituting the research and development appropriation. Inasmuch as the total of the program ceilings equated to the original NASA request, the House authorized NASA to fund the several programs within those ceilings up to the total of $700,600,000 except that the entire amount stipulated for the Aeronautical research and technology program was to be available only for that program.

The Senate authorized $704,600,000 for research and development for the transition period and established identical ceiling amounts as the House for all programs except advanced missions which was not included as a specified program. The Senate did not provide any restriction on the amount to be used for the Aeronautical research and technology program. Further, it was the intent of the Senate that $4,000,000 of the total amount authorized for Research and development be applied to the upper atmospheric research activity which would be an addition to those amounts already included in the budget request for such activity during the transition period.

The conference substitute authorizes $700,600,000 for Research and development for the transition period, stipulating ceiling amounts for the twelve research and development programs included therein, and allows NASA the flexibility to apply the authorized funds to the various programs provided that the stipulated ceiling for any program is not exceeded.

13. NASA requested a lump sum of $14,500,000 for the Construction of facilities for the transition period. The House authorized a total of $8,050,000 stipulating that $4,000,000 was for the rehabilitation and modifications of facilities, at various locations, not in excess of $500,000 per project, $1,250,000 was for the minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, and that $2,800,000 was for facility planning and design activities.

The Senate authorized $11,500,000 for the Construction of facilities for the transition period stipulating that $7,000,000 was for the rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $2,000,000 was for minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, and that $2,500,000 was for facility planning and design work.

The conference substitute authorizes three line items for the Construction of facilities for the transition period with amounts as follows: (1) rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $7,000,000; (2) minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,250,000; and (3) facility planning and design not otherwise provided for, $2,500,000.

LEGISLATIVE PROVISIONS

14. The House inserted in Section 6 the following language: "The contract shall include a provision under which the Government may acquire title, upon termination of the contract, to facilities, equipment, and spacecraft which have been acquired in the performance of the contract, under terms and conditions agreed upon in the contract."

The Senate deleted this language from the Bill.

The committee of conference adopts the Senate position on the basis that wording in the request for proposal associated with the project will facilitate the intent of the House language.

15. The Senate amendment added a Section 8 to the bill, amending the National Aeronautics and Space Act of 1958, as amended, through the addition of "Title IV—Upper Atmospheric Research", authorizing and directing the NASA to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the earth's upper atmosphere.

The House bill did not contain such a provision.

The conference substitute adopts the Senate amendment except that Section 405 of Title IV requiring a special report on activities carried out pursuant to Title IV is deleted.

The conferees agree that a complete and comprehensive report on the activities being carried out under the upper atmospheric research program provided for under this new Title IV should be included in the Aeronautics and Space Report of the President submitted annually to the Congress.

Olin E. Teague,
Don Fuqua,
Thomas N. Downing,
James W. Symington,
Walter Flowers,
Dale Milford,
Robert A. Roe,
Charles A. Mosher,
Larry Winn, Jr.,
John W. Wydler,
Managers on the Part of the House.

Frank E. Moss,
John C. Stennis,
Howard W. Cannon,
Barry Goldwater,
Pete V. Domenici,
Managers on the Part of the Senate.

INTRODUCING LEGISLATION TO ESTABLISH AN AGENCY FOR CONSUMER PROTECTION

(Mr. **BROOKS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BROOKS**. Mr. Speaker, I have introduced today a bill to establish an Agency for Consumer Protection within the executive branch. Representative Ben Rosenthal, chairman of the Subcommittee on Commerce, Consumer and Monetary Affairs of the Committee on Government Operations, and Representative Frank Horton, the ranking minority member of the Government Operations Committee, have joined me in sponsoring this legislation.

The Committee on Government Operations has had a long and continuing record of trying to assure that the interests of consumers are protected by the Federal Government. In each of the last three Congresses, consumer protection legislation was reported by our committee but, for one reason or another, was not enacted.

The bill I have now introduced is similar to one passed by the House in the 93d Congress by a vote of 293 to 94. It would create an independent agency to represent the interests of consumers before Federal agencies and the courts. The agency would also receive and transmit complaints to the appropriate department for investigation, support research, and provide information to consumers.

After years of effort by House and Senate Members, the time for better consumer protection has arrived. The Senate recently broke a filibuster effort and passed a consumer protection bill 61 to 28.

With Congressmen Rosenthal and Horton, both leading consumer protection advocates, joining in introducing the legislation, I expect the bill to receive broad bipartisan support in the Government Operations Committee and on the House floor.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. **MATSUNAGA**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

RE-REFERRAL OF H.R. 1386 TO COMMITTEE ON WAYS AND MEANS

Mr. **FLOWERS**. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 1386) for the relief of Smith College, Northampton, Mass., and that it be rereferred to the Committee on Ways and Means.

The **SPEAKER**. Is there objection to the request of the gentleman from Alabama?

There was no objection.

VOTING RIGHTS ACT EXTENSION

Mr. **EDWARDS** of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

The **SPEAKER**. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6219, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN**. Before the Committee rose on yesterday, it had agreed that title II, ending on page 7, line 15, would be considered as read and open to amendment at any point.

Are there further amendments to title II?

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. **GONZALEZ**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: On page 4, delete subparagraph (1) on lines 10 through 12, and substitute the following:

"(1) the Attorney General determines currently maintains any test or device, and with respect to which".

On page 5, line 19, delete the word "provided" and insert in lieu thereof the words "currently provides".

Mr. **GONZALEZ**. Mr. Chairman, the purpose of this amendment is very simple. It is to limit the definition of "test or device" as applied in title II to those States or political subdivisions which currently maintain voting procedures only in the English language and where 5 percent or more persons of voting age belong to "a minority language group" as defined in this bill.

As the bill now stands, title II would extend coverage of the act to any State with any significant language minority population or any subdivision with such minority, except minorities as limited and defined in the act—native Americans, Indian Americans, Alaskan Natives, or of Spanish heritage. Not "Spanish speaking," not "Spanish surname," but Spanish heritage. Some people think that if somebody plays the castanets, that would tend to make him "Spanish heritage."

There may be merit in the idea that bilingual elections should be conducted in areas where there are substantial numbers of people who cannot communicate effectively in English. I do not think anyone here really seriously denies that. But I have seen—and I emphasize—I have seen nothing that any State or subdivision ever had any intention of restricting or diluting voters rights by failing to provide bilingual election materials. And I think the records of the proceedings, the testimony of Pottinger, the testimony of Fleming, in and out of the congressional committees, merely shows that they have not as yet amassed any conclusive evidence to that effect.

Yet this bill presumes that there was such an intention. Yet there is no proof of that fact that has been adduced by this or any other committee.

I believe that where a State has provided for bilingual election procedures, as my State and other States have—and I might add that the record up to now might show erroneously and unfairly for my home State—that the State of Texas moved to implement bilingual voting even before the hearings on the congressional level tended that way.

It just simply is not true to say that the State of Texas has literally had to be dragged in by the Committee on the Judiciary of the House of Representatives.

I think the Congress will recognize and accept that as a good-faith effort of redressing whatever evil existed because of English-only election materials.

I think that we ought to recognize here that there is a good degree of question about the amount of English illiteracy among language minority groups. We have very little evidence to show that the majority, or even a substantial minority, of persons of Spanish surname cannot read and write ordinary English. If that were so, we would have more Spanish language newspapers in this country. As it stands, there is no such language newspaper in my hometown, which has the most numerous content of people of Spanish heritage.

Mr. Chairman, let me say that my own father was able to live and make a living for our family without having to speak English because he was the editor of a Spanish language daily which died out in the 1950's because of lack of demand or readers, just like German newspapers that used to be printed in the neighbor city of New Braunfels died because of new generations of German Americans, Mexican Americans, Spanish Americans and Indian Americans are not reading in those languages and are not seeking and are not demanding daily newspapers or even weekly newspapers.

But let us assume that there is a need to provide bilingual election materials where a State has already moved to do that.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. GONZALEZ. Mr. Chairman, I see no reason to bring such a State under the terms of this act where the State has already moved to implement the very things that we say we desire, unless we are seeking not equality of opportunity or choice but we want to get even or we want to sort of get punitive about this.

Finally, let me say that I am not alone in my doubts about the need for this coverage. Neither the Assistant Attorney General for Civil Rights nor the Chairman of the Commission on Civil Rights said that there was any demonstrated need for this type of extension. The committee itself seems to have doubts about its legislation, because it directs in title V that special census surveys be made to gather data relevant to the purposes upon which we are being asked to vote today.

Even the committee says it does not have the data, but it hopes that if it has a census, maybe it will be able to make a case. But in the meantime we would have the law foisted on the people and on the States.

Mr. BADILLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Texas (Mr. GONZALEZ) says that the purpose of his amendment is merely to change the definition of "test or device." What it does is really to exclude the State of Texas from the Voting Rights Act, because what was done in title II was to provide that any State which had only an English-speaking election and which had more than 5 percent Spanish-speaking people or a language minority and less than 50 percent turnout in the 1972 election should be included within the full coverage of the act.

Title III has to do with illiteracy. Title II has nothing whatsoever to do with illiteracy. Title II would include Texas within the full coverage of the act, just as other Southern States, because the evidence is clear that Texas has practiced this same kind of discrimination as the other States have. The gentleman from Texas argues that perhaps the witnesses who testified before our committee were not telling the truth.

The gentleman says that perhaps there should have been a trial. I want to remind the gentleman that there were trials, and I will read to the gentleman from opinions of the Supreme Court which, after a trial, have made certain findings.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. Yes, certainly.

Mr. GONZALEZ. Mr. Chairman, will the gentleman please give me documentation of that?

Mr. BADILLO. Immediately.

Mr. GONZALEZ. And will the gentleman give me specifics of cases in the State of Texas where they have been denied the right to vote, because of their ethnic origin?

Mr. BADILLO. Yes, sir, I will.

First, in *White* v. *Regester*, 412 U.S. 755, in 1972 the Supreme Court of the United States held that the multimember districts were unconstitutional. The court said as follows: The procedures in Texas "have operated to effectively deny Mexican-Americans access to the political processes—even longer than the blacks were formally denied access by the white primary."

That is a finding of the Supreme Court.

Then we have *Garza* v. *Smith*, 320 F. Supp., 131, 1971. The Federal court held that the Texas statute preventing non-English-speaking people from having assistance in voting was unconstitutional.

In United States against Texas, the Federal court handed down an opinion that the poll tax was unconstitutional and the purpose of the poll tax was to disenfranchise the minority group of the State of Texas.

Mr. Chairman, I am now going to 1974. And we have the case of Robinson against Commissioners' Court. The Federal court held that the Anderson County apportionment of court commissioner's district was a gerrymander intended to dilute votes of county minority residents.

In the case of Weaver against Commissioners' Court, again in 1974, the Federal court held that the Nacogodoches County, Tex., apportionment of that district was a gerrymander intended to dilute votes of minority residents.

In Smith against Craddock, the decision of the Texas Supreme Court was that the 1970 apportionment of the Texas Legislature was unconstitutional.

Mr. Chairman, I could spend the whole day reading decisions that have been made after a trial, I will say to the gentleman from Texas (Mr. GONZALEZ)—and these were decisions relating to the State of Texas which have indicated clearly that the State of Texas has consistently discriminated against blacks and against Mexican-Americans.

The only reason Texas was not included in the 1965 act is because they were much more subtle than some of the other States. They never had a formal literacy test and, therefore, they were able to escape the formula.

The problem is this: We have all of these cases, but we are in the same situation in Texas that we were in the other States prior to 1965. The 1957, 1960, and 1964 Civil Rights Acts were ineffectual, because they only gave the individuals the right to go to court on a case-by-case basis. Therefore, you could go to court and win the case, but that does not settle the basic, fundamental problem of class discrimination. If we are going to attack the basic problem of class discrimination, we cannot continue to rely on the case-by-case approach. We have to include the State of Texas fully within the coverage of the act so that the burden of proof shifts to the State of Texas when it tries to carry out the kind of gerrymandering procedure that it has been carrying out as late as last year and this year.

The question of literacy has nothing to do with the question of gerrymandering. It has nothing to do with the problems of reapportionment. It has nothing to do with the efforts by the State of Texas, which, as has been proved in the courts, have been dedicated to discriminate against the minority citizens.

Mr. BROOKS. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

In 1965, Congress enacted legislation to eliminate massive voter discrimination then being practiced against members of a particular race. The remedy employed was tough and the procedure unusual. But, the Supreme Court upheld the constitutionality of our act on the grounds that the facts supported the deed.

Today, we are asked to extend the coverage of the act to States that, in 1972, had not passed bilingual laws.

The basis of this proposal is that failure of States to enact such legislation before 1972 was an act so blatantly discriminatory under the 14th and 15th amendments that Congress has the obligation to apply the extraordinary remedies of the Voting Rights Act to such States. Yet, the hearing record before us fails to support those assumptions. As Congressman GONZALEZ stated, both the Justice Department's and Civil Rights Commission's witnesses maintained that the present evidence does not support a conclusion that lack of bilingual elections laws are a major source of voter discrimination.

Title II is also being justified on the assumption that large numbers of "language minority" individuals are being denied the right to vote, because they cannot read, write, or understand English. Yet, not only is there no currently reliable evidence to support this allegation, the language of title II itself speaks in terms of national origin and not ability to communicate in English.

Finally, the nature of the alleged discrimination can be cured immediately by States' enacting bilingual election laws. The States of California and Texas enacted such legislation out of a sense of fairness and not as a result of allegations of discrimination made before the Judiciary Committee. Yet, H.R. 6219 locks a State into the Voting Rights Act for an indefinite duration even though a State enacts an effective bilingual law.

If a State meets the test, they should be exempted.

I urge all Members on the grounds of fairness and good legislative practice to adopt the Gonzalez amendment.

Mr. Chairman, I had supported the Voting Rights Act originally in 1965 and the extension. I have served on the Committee on the Judiciary for almost 20 years. I have enjoyed it, and I respect the work and the effort of the subcommittee of the gentleman from California (Mr. EDWARDS), in trying to extend the Voting Rights Act in the hope that we can spread the opportunity to vote.

But the candid facts are that everybody in Texas who wants to vote can vote, and they do vote. We beg and borrow trucks, automobiles, Volkswagens, anything we can get to take people to the polls, and to encourage people of all races to vote.

Every Democrat in my State wants everybody to vote. I would be for a tax or a doctor's certificate for not voting rather than any other prohibition.

I would tell the Members that if any State meets the test of bilingual election laws, as we have done, as California has done, then they should be exempted even though they had not done that in 1972, an arbitrary date selected by the subcommittee.

I would urge all Members on the grounds of fairness and good legislative practices to adopt the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by my colleague, the gentleman from Texas (Mr. GONZALEZ) should certainly deserve the serious consideration of everyone. All the gentleman speaks about is the language deficiency, which the State of Texas, as the Members have heard, has already taken care of. But, more than that, no one has ever accused the State of Texas or any of its jurisdictions of discriminating against anyone, because of language deficiency.

I had the privilege of serving as chairman of the elections committee in the State senate in Texas. I saw to it at that time, many years ago, that every man and woman who went into a polling booth, that if they did not understand the ballot, they were entitled to an interpreter. I know of no other State, as far back as the date when Texas enacted that law, that had that kind of a provision in their laws. So that the language barrier in Texas has never been deterrent to anyone's voting ability or voting right.

As I understand from reading the hearings, the committee took extensive testimony, but did they ever hear the other side of it?

For instance, in the report, they say:

> In 1972, in Pearsall, Texas, for example, the City Council, while refusing to annex compact contiguous areas of high Mexican American concentration, chose to bring a 100 percent Anglo development within the city.

They got that information from a former lawyer who was paid by the Mexican-American Defense Fund. But, did they bother to talk to anyone in position of responsibility that had anything to do with that action? If they had, I am sure they would have found other reasons, as my colleague, Mr. GONZALEZ, found about the situation in San Antonio but the committee has made this accusation, by taking the testimony of one man and they did not bother to go to the officials in Pearsall or in San Antonio to find out why this was done. It certainly was not done on a language deficiency basis and that is at what this amendment is directed.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, I think both in fairness to the gentleman from Texas and in fairness to me, since we both have had extensive experience on the local and State legislative levels in Texas, that we should verify the record and correct it from the misleading and, in fact, I will repeat the charge already stated before the Members yesterday, the mendacious assertions that have just been made by the gentleman from New York (Mr. BADILLO). Now, that gentleman is from New York and, let me say we welcome and appreciate his interest in defending and protecting Texas, but let me reassure the Members that we do not need his help, we have been able to do this ourselves in the State of Texas, and did so long before the State of New York even was able to think of electing a bilingual Spanish-speaking person; we have had them elected in droves in the State of Texas, we did it statewide in the State senate and legislature.

But, on top of that, the gentleman from New York has distorted the net content and impact of my amendment.

My amendment has nothing to do with deleting title II, it merely says that we shall not have nunc pro tunc, or ex post facto laws. It says that we have had now, currently, a measure that will correct the malpractice, not to dig into past events or sins of some State for what it might have done in the past, but which it is no longer doing. That is the issue. That is what my amendment is addressing itself to, and it has nothing to do with the distorted sense of history.

The gentleman was not here in 1965, and it is a malicious slander to say that the State of Texas escaped coverage under the Civil Rights Act merely through some slight handiwork or footwork. It was not covered, I will say to the gentleman. It was not covered, just like Maryland was not, and just like New York was not, for the same exact reason.

Mr. KAZEN. Mr. Chairman, I would further point this out to this committee. I do not take a back seat to anyone where civil rights are concerned. I got up 28 years ago as the first legislator in the South and stood up against segregation. I have a long legislative record in favor or civil rights, and I do not have to bring my credentials onto this floor. It is with pride that I say I yield to no one in this field.

But I tell my colleagues that I represent counties right now whose populations are approximately 70 percent Mexican American whose elected officials in county government, in city government, in school districts, are practically all Mexican Americans.

The language deficiency on the ballot has not in any way hindered those jurisdictions.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. We have always been interested in registering everyone. We took the lead in abolishing the poll tax in Texas, my colleague, the gentleman from San Antonio (Mr. GONZALEZ) and I, while we were Members of the Senate. I abhorred the poll tax. I think that paying for the privilege of voting was wrong and I was glad to be a part of the movement that abolished the poll tax in Texas.

Then we passed a very liberal registration law and everyone who wishes can be registered. We even register by post card. There is no impediment to registration. Our problem is getting people interested enough to vote. If the Members could tell us by this bill how we can get more people to register and get out and vote, we would be grateful to them, but certainly the procedures stated here will not have that effect.

Tell me again, how does one "bail out" in those jurisdictions where the majority of the people are all of "Spanish heritage" as is defined in this bill, where the majority of elected officials from counties, cities, down to school boards, are all Mexican Americans? How do they "bail out" from under this bill? We have already accomplished in those counties what my colleagues presumably are trying to accomplish by this bill.

If their bill pertained to specific areas in the State of Texas as they do to California and to other States, I would probably not have this argument to make, and I would agree with them. But why—why should every single jurisdiction that falls within all of these guidelines—those things that my colleagues say they want to accomplish by this bill—why should they have to live permanently under the provisions of a bill that forces upon them what they already have?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is not my intention to involve myself in a personality clash, but I really fail to understand why all of a sudden we are getting arguments to the effect that Texas is so fair to its voters, particularly the Mexican American and the black Americans of the State of Texas. I think history clearly proves that that is not the case. If we go back to history itself, we will find that the State of Texas is perhaps the most discriminatory State insofar as the minority group is concerned, in the Nation.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I will, as soon as I complete my statement. I have offered an opinion based on fact, and based on decisions of the courts.

If this amendment were adopted it would of course enable Texas to escape the special remedies of the Voting Rights Act. Texas then would be exempt from the requirements of section 5, preclearance by the Attorney General, which is a vital and essential remedy under the act.

The purpose of section 5 is to prevent covered jurisdictions from instituting voting practices and procedures which are discriminatory in purpose and effect.

Further, it would exempt Texas from the provisions allowing the Attorney General to send Federal examiners and observers into the State of Texas when necessary to safeguard the voting rights of minority citizens.

In May, 1975, a letter from the Department of Justice pointed to a substantial line of cases involving voting discrimination which support the constitutionality of section 5 as applies in such newly covered jurisdictions as Texas.

Beginning in 1926 the courts have struck down a number of statutes in the State of Texas designed to maintain the white primary system and declared the State's poll tax unconstitutional in 1966. That is a long time ago, but subsequently the State enacted what the court in Graves against Barnes (1972) described as the most restrictive voter registration procedure in the Nation.

I did not say this. It is the court that is saying this.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. Not at this point.

The CHAIRMAN. The gentleman declines to yield.

Mr. ROYBAL. Mr. Chairman, the court noted the adverse impact of Texas voting practices on Mexican-Americans and went on to say this:

> This cultural and language impediment, conjoined with the poll tax and the most restrictive voter registration procedures in the Nation have operated to effectively deny Mexican Americans access to the political processes in Texas . . .

I am not saying that. The court said that.

In 1972, a three-judge Federal court ruled that the use of multimember districts for the election of State legislators in two counties were unconstitutional and diluted the voting strength of Mexican-Americans and blacks in those counties.

I am not saying that. The court said that.

In 1973, the Supreme Court upheld a lower court finding which noted that the Mexican-American population in Texas had—

> historically suffered from, and continues to suffer from, the results and effects of invidious discrimination and treatment in the fields of education, employment, economics, health, and politics . . .

In 1974, a three-judge district court reemphasized its findings that Texas has

> a history pockmarked by a pattern of racial discrimination that has stunted the electoral and economic participation of the black and brown communities in the life of the State.

The court ruled that in several districts, including most of El Paso County—

> the present multi-member scheme operates to deny black and brown voters access to the political process.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Kazen, and by unanimous consent, Mr. Roybal was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, if the gentleman heard my statement, I was talking about particular jurisdictions in Texas and I pointed out those jurisdictions in which I think the application of this law is unfair. Why could the committee not have carved out, as they did in California and other States, these jurisdictions in which there is no such history as the gentleman read?

Mr. ROYBAL. That is probably a question the committee would have to answer. We are faced now with the problems that exist at the moment.

Mr. KAZEN. But the gentleman is making a blanket indictment of the entire State of Texas, and this is my point of contention.

Mr. ROYBAL. Well, my point of contention is that the courts have come out with a certain definite finding that includes the whole State of Texas. I do not doubt that there are counties in the State of Texas as the gentleman has stated that probably do not come under every particular provision of the legislation before us, including, perhaps, a county that the gentleman represents; but the courts, nevertheless, do involve the entire State in this matter.

Mr. KAZEN. Based upon that, we are passing legislation that affects the innocent along with the guilty.

Mr. ROYBAL. In that particular case, pehaps an amendment that would apply to those particular counties would be in order, but the amendment before us would take the entire State of Texas out of this act.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. Gonzalez and by unanimous consent, Mr. Roybal was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, the gentleman from California has taken the floor and put into the Record what purports to be a very sorry history of judicial decisions concerning exclusively and, oddly, only for the State of Texas. He has very comfortably—and surely he does not come from Texas—so he has very comfortably and conveniently overlooked his native State of California.

I will ask the gentleman exactly how many members of the California Legislature were of Mexican descent in the decade between 1960 and 1970?

Mr. ROYBAL. Mr. Chairman, I do not think that there were any.

Mr. GONZALEZ. That is correct; there were in Texas and more than just a handful.

Mr. ROYBAL. But may I clarify—I still have the floor.

Mr. GONZALEZ. The gentleman is saying that in Texas—will the gentleman yield further?

Mr. ROYBAL. I do not continue to yield if I am not able to answer some of the gentleman's questions. The gentleman asked whether or not between 1960 and 1970 there was anyone of Mexican descent in the California State Legislature. If the gentleman includes 1960, I would have to say no; but in 1962 there were two elected to the State legislature. At the present time there are five and one Senator; so there has been some progress made in California.

This is not to say that California has not been discriminatory in its voting practices. Yes, it has; but the amendment before us does not include California. It only includes Texas.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield further, because that is the point I want to make.

Mr. ROYBAL. Yes, I yield.

Mr. GONZALEZ. My amendment says nothing about Texas. He says if any segment like California is not now in any way derelict, although it might have been in 1960, like California, or 1972, as the bill sets forth, then this act would apply only to current practices.

The gentleman is saying my amendment would take Texas out.

Mr. ROYBAL. It will.

Mr. GONZALEZ. It will take it out only if Texas is not practicing any of the malpractices in voting that it practiced in 1972.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. White and by unanimous consent, Mr. Roybal was allowed to proceed for an additional 3 minutes.)

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. Yes. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, the gentleman in the well mentioned one county, which happens to be my home county. I would like to clarify for the record some elements of the decision that he recited. I think he is talking about the Barnes case. One element of the decision used as an indicia of discrimination, the percentage of votes in a barrio along the river.

I want to say that a great number of people in that section are not even citizens of the United States, which would account for the small percentage of votes cast in that area.

The second part on which the court based its decision was that the county clerk, who happened to be of Mexican American origin, excluded the opportunity for persons of Mexican American origin to take voter registration books out of the clerk's office.

The fact was at that particular point of time he denied anyone of any race taking voter registration books out of his office because there were allegations of corruption in the use of those books.

He required everybody to come in and register, and that is the only time he ever did that.

My county is the first county in the State of Texas to have desegregated after the Supreme Court decision. I personally am not aware of any discrimination or avoidance of any opportunity to vote in my area. Our State senator is Mexican American. We have representatives who are Mexican American. Two of the four commissioners of the commissioners court are Mexican American. The last term, I think there were three—of the four aldermen who are Mexican American. I vote Mexican Americans. They have been my friends. I have gone to school with them.

I really believe the court was a little bit heavy-handed in its decision. El Paso County is devoid of any discrimination. The fact is that in the election area there has been no prejudice shown, no discrimination shown.

Mr. ROYBAL. I am not here to try to second guess what the courts did. The only thing I did was to read their decisions. I do not know that they were in error, but in this particular instance the Supreme Court upheld the decision of the lower court, so it did get a thorough review.

Mr. WHITE. May I point out one more thing? In many of the Mexican American areas, when they are talking about population, the average age is very low. In fact, the average age in my home county happens to be 18 years of age. At the time they are speaking about, 18-year-olds were not even allowed to vote, so that in those particular areas, especially Mexican American areas, the average age was far below the voting age.

Therefore, I feel that the facts on which the Supreme Court made its decision were either distorted or were wanting in full elaboration. I feel the decision did not reflect the true facts.

Miss JORDAN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Texas.

Mr. Chairman, I would think it rather strange if the majority of the Members of the Texas delegation came into this House and asked to be covered under the Voting Rights Act of 1965. That would be a strange circumstance for most. But, it must be kept in mind that we are talking about more than language. The language minority provision is simply a part of a triggering device; it is not the sole ill, the single wrong which the Voting Rights Act addresses.

The Voting Rights Act addresses a multiplicity of wrongs, and the triggering device, 5-percent language minority, makes it possible for the act to become operative to help cure and resolve that plethora of problems which have been discussed in numerous exchanges.

Another point: Yes, Texas passed a bilingual elections law. It is because of that act by the Texas legislature this year, scarcely a month ago, that Texas is to be relieved and freed from the operative provisions of section 5. What has not been said about the law as passed in the State of Texas, in addition to only addressing a small corner of the problem, language, is that the particular law does not even address the entire population we are seeking to help by this legislation.

When we find a covered jurisdiction in the bill, we are talking about a State. The law, as it was passed by the Texas legislature, talks about a precinct, and under the provisions of the law as the Texas legislature passed it, if 5 percent of a language minority does not live in a given precinct, it is not covered under the provisions of the Texas law.

Because of that, there are approximately 102 counties which could escape coverage under the Voting Rights Act if Texas were to become exempt and we only rely on the bilingual elections law. I can say 102 counties—and we are talking about more than 30,000 Mexican American people in Texas—which would not be covered because of the limiting provisions of the State law itself.

Let us say this: The Voting Rights Act employs extraordinary remedies to try to resolve an extraordinary problem. The remedy does not exceed the wrong. I feel that if we were to reject this amendment offered by the gentleman from Texas, that the people of Texas would become as comfortable with the oversight provisions of this law as have the other jurisdictions of the county who have lived with the law for the past 10 years.

Mr. EVANS of Colorado. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. Yes, I will yield to the gentleman.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentlewoman for yielding. I appreciate the clarity with which the gentlewoman speaks to this issue. I am concerned about Title III. For the first time, many counties in my district in Colorado will be included, being triggered by virtue of the fact that there are 5-percent minority groups and that less than 50 percent voted in the last election under circumstances where we had no bilingual voting material.

Mr. Chairman, I am concerned about many of my counties being included under this act. What procedures are available to these counties to bring them out from under the provisions of the act?

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Miss JORDAN was allowed to proceed for 2 additional minutes.)

Miss JORDAN. Mr. Chairman, in response to the question of the gentleman from Colorado, we talked about this at some length yesterday as a part of the discussion of what was known as the Butler impossible "bailout" amendment.

In my judgment, it would not be impossible for the jurisdictions of Colorado which are covered to "bail out" from under the current provisions of the act.

If one can show compliance with the law; if that jurisdiction, that county which is covered, can show that it has complied with the law—"compliance" being no impediment to voting processes or voting procedures being exercised by the county—if one can show that, one can go into the district court here, if the bill remains as it is, and seek a declaratory judgment, asking to be relieved of further coverage of the act.

Mr. EVANS of Colorado. Mr. Chairman, will the gentlewoman yield further?

Miss JORDAN. Yes, I yield to the gentleman.

Mr. EVANS of Colorado, Would this be on a county-by-county basis, or would this be done by the State?

Miss JORDAN. No. In the gentleman's instance, since the whole State is not covered, it would have to be by the specific jurisdiction covered. It would be a county. It would not be statewide.

Mr. KAZEN. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentlewoman for yielding.

Carrying that one step further, as far as Webb County in Texas is concerned, how would it ever "bail out"?

Miss JORDAN. They would have to "bail out," I would say in response to the gentleman from Texas, as any community in a State where the whole State is covered would have to respond. That is, they would go to the attorney general in Texas and seek relief via the declaratory-judgment route.

Mr. KAZEN. The attorney general of the State of Texas?

Miss JORDAN. It would have to be the attorney general of the State of Texas, in response to some specific county within Texas who says, "We are now all right, and we would like to get out." It would have to be State action.

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. ROUSSELOT, and by unanimous consent, Miss JORDAN was allowed to proceed for 1 additional minute.)

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield?

Miss JORDAN. Yes, I will yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentlewoman for yielding. Is the English language considered under this law as one of those impediments?

Miss JORDAN. The English language is not considered an impediment, I would say to the gentleman from California.

Mr. ROUSSELOT. That is not my understanding of the provisions.

Miss JORDAN. I think the gentleman understands this bill very well, from what it says.

Mr. ROUSSELOT. But the English language could in fact be an impediment, could it not, lack of understanding of the English language?

Miss JORDAN. All right. If a ballot or election materials which are printed are not familiar or recognizable to the minorities in a given jurisdiction, then to print an English-only ballot would be an impediment to that person's right to vote.

Mr. ROUSSELOT. So now we are confronted with a bill that puts up the English language as an impediment. Incredible.

I thank the gentlewoman for answering my question.

Miss JORDAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The question was taken; and on a division (demanded by Mr. GONZALEZ) there were—ayes 23, noes 30.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. ARMSTRONG

Mr. ARMSTRONG. Mr. Chairman, I offer amendments to title II and title III, and I ask unanimous consent that this amendment, which in effect is two amendments, be considered en bloc, just in consideration of the time of the committee, because the amendment accomplishes the same purpose at 2 points in the act.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ARMSTRONG: On page 7, line 9 and on page 9, line 23, after the word "heritage" insert the following:

"but not including persons whose dominant language is English".

Mr. ARMSTRONG. Mr. Chairman, in title II and in title III of the bill triggers on "language minorities." On page 4 of the bill is a finding by the Congress that "Voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English."

Mr. Chairman, I think it is the intention of the act not to include in the definition of language minorities those persons who in fact are fluent in English and who speak and read and write English.

So all my amendment does is amend the definition section of this bill on page 7 and again on page 9 to assure that such English-speaking persons are not inadvertently included.

Mr. Chairman, if my amendment is adopted, as I trust it will be, that definition will then read as follows: "* * * 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage but not including persons whose dominant language is English."

I believe that explains the amendment. May I also explain that the phrase "dominant language is English," is not one of my choosing. In fact, the phrase seems a bit awkward to me. But I have expressed the amendment in these terms since that is the explanation which appears on page 4 of the bill, and I thought it was more important that the amendment follow the earlier construction than to draw more eloquent or descriptive language.

With that explanation, Mr. Chairman, I hope that my amendment will be adopted.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. ARMSTRONG. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, it is my understanding that the Census Bureau has no statistics and no category which would fall into the classification of the "dominant language."

How, therefore, would the gentleman suggest that statistics by which the law could become operational would be obtained?

Mr. ARMSTRONG. Mr. Chairman, the Census Bureau is certainly equal to providing such data. I have conformed my amendment to the language which already appears in the bill at line 21, page 4, as follows:

> Such minority citizens are from environments in which the dominant language is other than English.

Mr. EDWARDS of California. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. 101 Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from Colorado (Mr. ARMSTRONG).

Mr. ARMSTRONG. Mr. Chairman, for the benefit of those who have come into the Chamber during the quorum call, let me simply explain that my amendment clarifies the definition of the term "language minorities." On page 4 of the bill the language is as follows:

> The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English.

My amendment simply adds the words "but not including persons whose dominant language is English" to the end of the section as it appears on page 7, line 9 of the bill, so that persons who are in fact oriented to the English language will not be inadvertently included in the triggering language.

With the adoption of my amendment, this section will now read:

> The term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage, but not including persons whose dominant language is English.

Mr. Chairman, I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ARMSTRONG).

The question was taken; and on a division (demanded by Mr. EDWARDS of California), there were—ayes 18, noes 27.

Mr. ARMSTRONG. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 259]

Alexander
Andrews, N.C.
Archer
Beard, R.I.
Beard, Tenn.
Bell
Boland
Burton, John
Carr
Cederberg
Conlan
Conyers
Crane
Diggs
Dingell
Duncan, Oreg.
du Pont
Early
Esch
Fish
Foley
Fulton
Fuqua
Goodling
Harsha
Hébert
Heckler, Mass.
Helstoski
Hinshaw
Jarman
Jenrette
Jones, Tenn.
Kemp
Landrum
Leggett
Madigan
Mathis
Mollohan
Murphy, N.Y.
Myers, Pa.
Neal
Passman
Quillen
Railsback
Rangel
Rees
Rhodes
Risenhoover
Rose
Rosenthal
Rostenkowski
Runnels
Ruppe
Ryan
Scheuer
Sikes
Stanton, James V.
Steed
Steiger, Ariz.
Stokes
Stuckey
Teague
Ullman
Van Deerlin
Wiggins
Wilson, C. H.
Wilson, Tex.
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6219, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 365 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand for a recorded vote made by the gentleman from Colorado (Mr. ARMSTRONG) on his amendment.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 292, not voting 19, as follows:

[Roll No. 260]

AYES—122

Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Casey
Cederberg
Chappell
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Crane
Daniel, R. W.
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Flynt
Forsythe
Frey
Ginn
Goldwater
Goodling
Hagedorn
Haley
Hansen
Harsha
Hastings
Hébert
Hillis
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Kasten
Kelly
Kemp
Ketchum
Kindness
Krebs
Lagomarsino
Latta
Lent
Lott
Lujan
McClory
McCollister
McDonald
McEwen
McKay
Martin
Michel
Milford
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Nichols
Pettis
Poage
Pritchard
Quie
Quillen
Randall
Rhodes
Risenhoover
Roberts
Robinson
Rousselot
Runnels
Schneebeli
Schulze
Sebelius
Shuster
Sikes
Skubitz
Smith, Nebr.
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Symms
Taylor, Mo.
Taylor, N.C.
Treen
Vander Jagt
Wampler
White
Whitehurst
Wilson, Bob
Wright
Wydler
Young, Alaska
Young, Fla.

NOES—292

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brodhead
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick

Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Gradison
Grassley
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krueger
LaFalce
Landrum
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McFall
McHugh
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Waxman
Weaver
Whalen
Whitten
Wilson, C. H.
Winn
Wirth
Wolff
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—19

Alexander
Brooks
Conlan
du Pont
Gonzalez
Hammerschmidt
Jones, Tenn.
Mathis
Mollohan
Myers, Pa.
Railsback
Richmond
Rostenkowski
Ruppe
Stuckey
Teague
Ullman
Wiggins
Wilson, Tex.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BUTLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was my earlier intention to introduce amendments to title II which would have stricken the words dealing with Indians and Asian Americans, because it was my view that the law did not support their inclusion, but I have also learned to count, if I have learned nothing else in the last few days, and so my intention is not to introduce these amendments.

However, if there had been a possibility that they would have succeeded in the House I would have introduced them but, in the interest of speeding things along, I will not do so.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 4, line 13, strike out "persons" and insert "citizens" in lieu thereof, and on page 11, line 13, strike out "persons" and insert "citizens" in lieu thereof.

Mr. McCLORY. Mr. Chairman, I ask unanimous consent that the amendment be considered at this time. The first part of it applies to title II, but it is the same amendment that appears to title III.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Chairman, what I am trying to do in this amendment is to eliminate some inconsistency and to provide some consistency in this legislation, notwithstanding my serious objections to various parts of it.

What this amendment would do would be to change the word "persons" where it appears in title II and also in title IV and substitute the word "citizens." The reason for that is this, that the triggering device in title II is based, in part, upon 50 percent or more of the persons voting in the election. The only persons who can vote in an election are "citizens."

When we consider the language minority group in question, we talk about "citizens" of the language minority group. In other words, the bill requires on one hand 5 percent or more of the "citizens" of the language minority group, but on the other hand it requires less than 50 percent of the "persons" of voting age voting in an election, and unless we make this change——

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I will be glad to yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman for yielding.

I would like to call to the attention of the gentleman title III language on page 8, line 13, where the criterion there for determining coverage under title III of the committee bill is 5 percent of citizens of voting age.

Mr. McCLORY. Exactly.

Mrs. MINK. I suggest that perhaps the same criterion might well be used in title II. As I understand, under the gentleman's amendment, his intention is simply not to count nonvoting persons in a State or in a political subdivision for the purpose of calculating whether the 50-percent limit has been reached, and the amendment would be for no other purpose; is that a correct statement?

Mr. McCLORY. That is correct. The gentlewoman is exactly right.

Mrs. MINK. If I might comment, the gentleman's amendment would have a very direct impact on my district, particularly the city and County of Honolulu, which is the entire island of Oahu. I believe that this island is probably unique in comparison to all of the counties and political subdivisions of any Member of this body, because, being triggered under title II, as we have been since 1965 because the voting rate has been below 50 percent, this new bill under title II will very likely have the consequence of requiring that our county elections and the ballots and all the bilingual assistance appertaining thereto cover not only the two groups that I think perhaps need such assistance, that is, the Filipinos and the new Koreans that have arrived, but would also have to cover the Chinese and the Japanese whose illiteracy rate is far below the national average and who would most likely not be covered under title III.

So it seems to me in our district we may very well have to have a ballot in five languages, if we count the aliens. So I support the thrust of the gentleman's amendment that in determining the voting age population that we seek to count those who are eligible to vote but who for some reason are not registered to vote and do not vote—to count the noncitizen aliens in a district would completely nullify the accuracy of the percentage calculation. If we did not count the aliens residing on the island of Oahu, Oahu would be well above the 50-percent limit and Oahu would not be triggered in under title II; Oahu would of course be covered under title III as will all the other counties in the State of Hawaii, because we do have an excess of 5 percent of citizens who are Asian-Americans.

That is perfectly legitimate and I would support the necessity for having a bilingual ballot for those persons who because of their lack of understanding of English require such assistance. But to trigger the act under title 2 and put them under all the other onerous procedures I think is unjustified if the criteria for determining the voting age is not consistent with the principle of having them vote who are eligible to vote. That is why I support the amendment offered by the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unnaimous consent, Mr. McCLORY was allowed to proceed for 2 additional minutes.)

Mr. McCLORY. I thank the gentlewoman. She had a very good point.

For those who feel that ultimately they want to support title II of this legislation, I think it is a very valid point that the discrepancy should be corrected.

I should also like to point out under the legislation as written we would have to count not only those who are lawfully in the area, but also illegal aliens, and they are a very serious problem in our country. It is estimated there are 6 million such people. If we are going to count illegal aliens in making the required determination, we could trigger in areas under this legislation, because of those people who are within an area contrary to the law. So I would be hopeful this amendment will be agreed to.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I thank the gentleman from Illinois for yielding. The testimony of Commissioner Chapman of the INS, indicated there are about 2.5 million illegal aliens who enter the United States each year. In the city of

New York, for example, it is estimated there are 1 million illegal aliens. That would have a tremendous impact on the trigger in some political subdivisions if those voting or registered are compared to both citizens and noncitizens of voting age.

We are going to have that same difficulty it seems to me with the Vietnamese, and even though they are going to be spread all over the United States pretty evenly now, if they are like other aliens who have come to this country they will tend to concentrate in certain places, which could throw off the percentages in those counties.

There are better than 4 million lawful permanent aliens who do not have the right to vote added to illegal aliens could make the total between 15 and 20 million, so we are talking about a large number of people all over the Nation whom we need to exclude from the count in the triggering areas, so I urge support for the amendment.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

I think we ought to point out, Mr. Chairman, that the use of a nationwide triggering device is to reach areas of the country where there are evidences of discrimination in voting. The purpose of the triggering device is to make the bill work in a fair and rational way.

The gentleman from Illinois (Mr. McCLORY) proposes to have these determinations based on the voting age citizen population. This should be defeated. The trigger in the original 1965 Voting Rights Act was held rational and reasonable, by the Supreme Court in South Carolina against Katzenbach. If we tried to change this now, we would be using a different standard for coverage of new jurisdictions in titles II and III than was used for those already covered.

I have a letter from the Census Bureau dated June 3, 1975, saying it is impossible to go back and make 1964 determinations based on whether or not people were citizens.

Further, the Justice Department in a communication dated May 29, 1975, indicated that they would oppose any attempt to require that the 1964 and 1968 determinations be redone and reapplied retroactively.

So I suggest it would be inappropriate to make the triggering mechanism different, to have the new act coverage different from those in the old act.

Both titles II and III of this bill already feature a citizenship factor in the 5 percent population standard for coverage of language minorities.

Mr. Chairman, I strongly urge the defeat of this amendment.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I want to agree with the gentleman as far as the original act is concerned; but it seems to me when focusing on the problem of discrimination against blacks we were not considering persons who might not be citizens, because there are very, very few black aliens; but when we are talking about language minority groups, we are necessarily talking about a vast number of illegal aliens.

Mr. EDWARDS of California. Mr. Chairman, I hope the gentleman does not think that the Census Bureau can count illegal aliens. I do not think they would answer a questionnaire let alone answer the door.

Mr. McCLORY. I understand the Census Bureau does have the information currently with regard to illegal aliens.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, we are not talking about illegal aliens It is registered aliens that the Census Bureau already counts, because every single alien resident is registered every day; so what problem would that create for the Census Bureau? They already have that information and they know exactly where these people are.

Mr. EDWARDS of California. Mr. Chairman, that is still not the problem. The chief problem is the trigger is designed in a way that it hits those particular parts of the country in which we have evidence of discrimination.

Mr. KAZEN. It is done this way when the triggering device is not working.

Mr. EDWARDS of California. It is an indication where the violation of voting rights very probably took place. It is not evidence.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I would like to make reference to the fact that the gentleman said that in 1965 the process worked and there is no reason for it to change now. That would be sound if we had not been in the position to obtain some additional information. In the last few years more attention has been focused on the illegal alien problem. We have from 6 million to 10 million such people; but even more important, and I will produce evidence this afternoon on that, we have illegal aliens registered and there are reports from the Immigration Service where we have illegal aliens registered, and, indeed, voting. Election boards throughout the country have made this available and these illegal aliens do this to further enhance their legitimacy as citizens. It is an important factor and something that should be taken into consideration.

Title 11 of the Voting Rights Act of 1975 has a specific provisions which states that anyone providing false information about their being able to vote shall be fined not less than $10,000 and/or imprisoned for up to 5 years. Specific citation is United States Code 1973 Title 42 1(c)(d).

The argument might be raised that while the Federal enforcement is important in the overall matter of voter registration, they are only involved in cases of false voting in Federal elections. Granted this is true, and the States must also assume responsibilities in this area. The fact is that most States in the union also specifically prohibit attempting to register and vote when not qualified, but they too have become lax in their enforcement of these statutes.

I have stated earlier that there are increasing incidences of false voter registration. While documented cases and even ballpark figures of the extent of this problem are hard to come by. I have obtained a copy of a 1973 report compiled by Immigration Service office in New cases of illegal aliens obtaining voter Registration Fraud—West Indian Aliens." This report showed some 20 cases of illegal alients obtaining voter cards fraudulently and then using them to verify claims of legal U.S. citizenship.

Allow me to cite one specific case. Subject: Clarence Meyers, native and citizen of Jamaica entered the United States at John F. Kennedy Airport on February 20, 1970. When located and processed at the New York City District Office of INS on May 8, 1973, an election card issued at Bronx County, N.Y., was found in his possession. Mr. Meyers stated that he had never been in the Bronx since his arrival in the United States 3 years previous. He further advised that he had purchased the New York City voter registration card for the sum of $100 in a social club in Kings County, N.Y.

This is but one of a series of cases. Related closely to false voter registration by individuals are organized rings of illegal alien smugglers who obtain these cards and provide them to the illegal aliens they bring it to facilitate their entry into the United States. I am also conducting an inquiry into a conspiracy in New York to falsely get illegal aliens to vote to influence the outcome of close elections.

It is ironic that as we consider legislation which seeks to break down the barriers against voting by American citizens we find illegal aliens with few if any barriers before them for voter registration and actual voting. We must obtain a specific plan from the Justice Department which will demonstrate to the American people that we are committed to eliminating this national scandal. In an era when sentiments in many States including New York are for new forms of voter registration by mail, we must work to enforce existing State and Federal laws against false registration before the practice and abuses become uncontrolled.

Mr. Chairman, I believe the amendment is sound and should be voted for.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. EDWARDS of California was allowed to proceed for an additional 3 minutes.)

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 6219; however, there are certain questions which I would like to have answered relative to title II, as well as title III.

I would like for the purpose of establishing legislative history to engage in colloquy with the gentleman from California, the distinguished chairman of the subcommittee, Mr. EDWARDS.

To begin with, in both titles II and III of H.R. 6219 coverage depends on their servicing the voting age population who are members of single language minority groups. Although the bill defines minority, the term "single language minority" is not defined.

What is the meaning of "single language minority"? Does it mean, for instance, that the minority must have a common single language?

Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

Mr. McCLORY. Mr. Chairman, reserving the right to object to the unanimous consent request, I think that it is appropriate that the committee hear the debate on this subject. If we are making legislative history with respect to some matter that is not actually orally debated on the floor of the House, it seems to me that it is not going to be worth much to the Supreme Court or any other body that is going to interpret what we are doing here today.

I do not want any secret, unwritten history with regard to the extension of the Voting Rights Act. I want to know what we are doing.

The CHAIRMAN. The gentleman from Illinois reserves the right to object to the unanimous consent request of the gentleman from Hawaii to revise and extend his remarks, and makes the point that there should be debate on that subject rather than extension to achieve a legislative history.

Mr. MATSUNAGA. Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, a language minority group is defined in the bill as Asian Americans, Alaskan natives, American Indians, or persons of Spanish heritage. The modifier "single" is used to prevent, for example, Asian American and American Indian populations in a jurisdiction to be added together to meet the 3-percent coverage standard.

Mr. MATSUNAGA. So the "single language minority" referred to in the bill need not speak a single, common language?

Mr. EDWARDS of California. That is correct.

Mr. MATSUNAGA. And, as the gentleman knows, there are a great number of national origins represented in Hawaii that could be classified as Asian Americans. Will each of them be covered under H.R. 6219?

Mr. EDWARDS of California. No. Based on usage by the Bureau of Census, Asian Americans means those persons who identified themselves as Japanese, Chinese, Filipino and Korean. H.R. 6219, which addresses language difficulties of minority citizens, does not include persons who identify themselves as Hawaiians within the Asian American category, because it is our understanding that the Hawaiian language is hardly spoken.

Mr. MATSUNAGA. Mr. Chairman, I might say to the gentleman that while the Hawaiian language is hardly spoken, it is still being spoken and there has been a revival of the language in recent years.

To continue with the colloquy, I note that, if a jurisdiction is covered under title II, the bill mandates that bilingual election materials be provided "in the language of the applicable language minority group." I cannot speak for the other groups, but in the case of Asian Americans, there is certainly no single language common to all Asian Americans. Does this mean that bilingual materials must be provided in each of the languages of the subgroups which constitute the language minority group?

Mr. EDWARDS of California. As the gentleman has suggested, the mandate for printed bilingual materials will impact differently on each language minority group. Since each of the subgroups within Spanish heritage have Spanish as their native language, a jurisdiction covered for any of these groups would have to provide materials in English and Spanish. Most of the Alaskan Native and American Indian languages have no written form, and, therefore, we have indicated that jurisdictions covered by respect of their populations of these language minority groups have an affirmative obligation to provide bilingual oral assistance at all stages of the electoral process.

Mr. MATSUNAGA. In an area like Honolulu, where each of the four groups within the census usage of the term Asian American is present, what will be required of a jurisdiction to comply with the bilingual materials mandate?

Mr. EDWARDS of California. In making determinations under title II, the populations of any subgroups within a language minority group are aggregated. If this aggregate represents 5 percent or more of the jurisdiction's voting age citizen population, the jurisdiction is covered. It is then required to provide bilingual materials for each of the subgroups. In certain cases, this could, of course, require materials in each subgroup language within the Asian American category.

Mr. MATSUNAGA. If a jurisdiction like Honolulu were covered and required to print materials in languages appropriate to all four subgroups of Asian American, could that jurisdiction be relieved of that requirement for one or two subgroups, or must it "bail out" for all subgroups at one and the same time?

Mr. EDWARDS of California. If the gentleman will yield, it is the intent of H.R. 6219 that a jurisdiction may be exempted from title II's bilingual elections mandate for any subgroup language minority population. If, for example, Honolulu is covered under title II because of its Asian American population of Japanese, Chinese, and Filipino, the country could seek to bail out each one of these subgroups.

Mr. McCLORY. Mr. Chairman, will the gentleman yield to me on that point?

Mr. MATSUNAGA. I will yield to the gentleman as soon as the gentleman has finished.

The CHAIRMAN. The Chair will state that the committee is now operating under the prior reservation of objection of the gentleman from Illinois. The time of the gentleman from Hawaii has expired.

Mr. McCLORY. Mr. Chairman, further reserving the right to object, I would like to ask the gentleman where in the legislation is there provision for this bailout with regard to the subgroups of a single-language minority group such as Asian Americans? Will the gentleman point that out in the bill?

Mr. EDWARDS of California. The same bailout provisions would apply to the subgroup as would apply to any group.

Mr. MATSUNAGA. If the gentleman will yield, the fact that the term "single-language minority" is used, although not defined, would seem to permit such a bailout.

Mr. McCLORY. Single "language minority groups" includes "Asian Americans." So either the Asian Americans are blanketed in or they are blanketed out. You cannot blanket in the Asian Americans and refuse to provide ballots in the four or five languages of the citizens composing the language minority group. The legislation does not provide that.

I would suggest that such an amendment ought to be offered if that is the intent of the Congress, and not try to build into the legislation during a colloquy here something that is not in the bill.

Mr. MATSUNAGA. If the gentleman will yield further, the reason for the colloquy, which I requested of the chairman of the subcommittee, is based on the very question that the gentleman raises. And it is my understanding now, after having discussed this matter with the chairman of the subcommittee, that by the use of the term "single-language minority," we develop a subgroup within the term "Asian Americans."

Mr. McCLORY. Let me point out that I am not going to agree that we are making legislative history through a colloquy which is inconsistent with the language of the legislation. The bill provides a definition of a "single-language minority group," and it also provides the method by which there can be a bailout, if in fact the ballots and the voting material in 1972 were provided in the language of the minority group. But if it is not provided, it is almost impossible to bail out for 10 years, as I see it.

Also, there is nothing in the bill that says if you give printed ballots to persons who do not have a written language, such as Hawaiians who may not know their written language but nevertheless speak it, there is nothing in the legislation that says that is going to meet the requirement of the act. I do not think we should interpret the legislation inconsistent with the way it is written.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I will be glad to yield to the gentleman from Virginia.

Mr. BUTLER. I thank the gentleman for yielding.

I would like to suggest that the legislative history we are making at the moment is somewhat news to me, who sat on the subcommittee during deliberations, and I strongly suspect that we are not making legislative history. Nothing in the hearings or nothing in our deliberations would indicate the extensive trouble we have here today.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, the purpose of establishing legislative history is in one instance a clarification of language which is not clear in the bill itself, and because the term, "single-language minority," is used and not defined and as "language minority" is defined in the bill, I have risen to clarify the issue along the thoughts that the gentleman from California and I have discussed.

The CHAIRMAN. The Chair desires to state that this is an unusual procedure to continue with colloquy under the reservation of objection during the 5-minute rule. The gentleman who last had the floor in his own right was the chairman of the subcommittee, the gentleman from California (Mr. EDWARDS).

If the chairman of the subcommittee desires to continue this discussion, the Chair would recommend that the gentleman ask unanimous consent to proceed for some additional time.

Mr. EDWARDS of California. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for an additional 30 seconds so that we may finish this discussion.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. McCLORY. Mr. Chairman, reserving the right to object, I would only say this: I am anxious to have the colloquy continue because whatever exchange the parties are having between themselves I think should be heard by the whole House.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. It would seem to the Chair that it would be advisable for the chairman of the subcommittee, the gentleman from California (Mr. EDWARDS), to seek more time than 30 seconds.

Mr. EDWARDS of California. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, if I may, I will proceed with the colloquy.

If these types of showings can be made so that the use of English-only elections would not discriminatorily impact on citizens of Japanese and Chinese ancestry in Honolulu, then the city and county of Honolulu would not be required to provide bilingual materials for these two subgroupings; am I correct in my understanding?

Mr. EDWARDS of California. The gentleman is correct. Of course, a jurisdiction may choose to bail out for any or all of the subgroups which constitute the language minority group that triggered coverage.

Mr. MATSUNAGA. Mr. Chairman, I thank the distinguished gentleman for his clarifying responses.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Hawaii, and I point out to the gentleman from Illinois (Mr. McCLORY) that the provision for bail-out is on page 2 of the bill, beginning at about line 19, and under my interpretation and that of the staff, that would certainly include subgroups.

The CHAIRMAN. The time of the gentleman from California (Mr. EDWARDS) has expired.

The unanimous consent request of the gentleman from Hawaii (Mr. MATSUNAGA) is still pending. His unanimous consent request was to revise and extend his remarks.

Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. KINDNESS. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, it seems that there will be two sides to this two-way colloquy, or another side to the colloquy we have just heard, and for the purpose of clarifying a bit this matter of single-language minorities, I think it would be important to engage the chairman of the subcommittee, if I might, in colloquy and obtain his responses to a couple of questions.

The first question is that: A single-language minority, as set forth in the bill, would be the Asian American grouping? That would be a single-language minority?

Mr. EDWARDS of California. That is correct. Mr. Chairman, if the gentleman will yield further, that would be the Asian American group consisting of a number of people from different countries.

Mr. KINDNESS. And within that grouping would there be a possibility of having a single-language minority that is smaller or more distinctly set forth, for example, Japanese Americans?

Mr. EDWARDS of California. There could be within the group of 5 percent Asian American, 2 percent Japanese, 1 percent Korean, and 3 percent Chinese, yes.

Mr. KINDNESS. And if that were to be the case, then would it be possible for any one of those language minority groupings within the Asian American grouping to be the subject of an inquiry—a bail-out let us call it—as distinguished from the rest of the Asian American grouping?

Mr. EDWARDS of California. That is correct, yes.

Mr. KINDNESS. Then would it be correct to say that "single-language minority" means two things:

It means, on the one hand, the groupings that are specifically included in the definition in the bill, and on the other hand, it also means a subgrouping; it means two things; is that the intent of the chairman of the subcommittee?

Mr. EDWARDS of California. Would the gentleman repeat the question?

Mr. KINDNESS. Yes. I would like to rephrase it so that I understand it better myself.

There seems to arise from the colloquy here so far the answer from the chairman of the subcommittee that "single language minority" can mean two things. On the one hand, it can mean one of the groupings in the definition, for example: Asian Americans. On the other hand, it can also mean a smaller grouping within that grouping such as: Japanese Americans; there can be a subgroup?

Mr. EDWARDS of California. Yes.

Mr. KINDNESS. Does the chairman of the subcommitte, the gentleman from California, indicate that both of those definitions of single language minority may be applicable for the triggering device?

Mr. EDWARDS of California. Yes.

Mr. KINDNESS. Is it also possible that we distinguish, that we include the smaller grouping such as Japanese-American for the purpose of a bail-out action?

Mr. EDWARDS of California. It is possible for a subgroup to have a bail-out device available.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. Yes, I will yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, there is no right, under this legislation, for any group to bail out. The only authority here is for the State or political subdivision to bailout, and they can only bailout if they are in compliance with title II, which would require them to have had in the election of November, 1972, ballots and voting materials provided in the language of the applicable minority language group.

The bill, on page 7, defines "language minorities" and "language minority group" and does not include Japanese Americans or Chinese Americans or Korean Americans or Philippine Americans as such. It applies only to Asian-Americans, and it includes all of these people in one group.

It seems to me that it is clear from the legislation itself as to what would be required where you have a language minority group over 5 percent under title II. Then, and in that case, we are going to have to provide the ballots and voting materials in the languages that makeup the language minority group. That might be four or five languages.

There is nothing in this bill that talks about subgroups. They cannot bailout—only States and political subdivisions can bailout—and then—only when it is established that the requirements of title II have been met—as impossible as that may be.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, yesterday my colleague, the gentleman from California, and myself had quite a colloquy about the problem of increased cost for the Census Bureau. I am surprised that he is now resisting this amendment, which is much more definitive and helpful to the Census Bureau, because they do, in fact, count the citizens of this country. They do make that kind of count.

All my colleague, the gentleman from Illinois (Mr. McCLORY), is trying to do is say that the language under this section, where we mandate the Census Bureau to provide an accountability of citizens of voting age. I am especially surprised at my colleagues objection and opposition since the gentleman knows the kind of problem that we have with illegal aliens in this country, especially in California.

Mr. Chairman, the gentleman from Illinois has given us a very appropriate and currently needed amendment to make sure that we do not improperly mandate the Census Bureau, under this language to count persons, who should not be considered in the triggering mechanism.

I believe that my colleague, the gentleman from Illinois, has tried to be very considerate of the very arguments that my colleague, the gentleman from California, raised yesterday relating to the Wiggins amendment, and that was his concern over the substantial cost for the kind of count with which we are here concerned.

I have read the letter of the Director of the Census Bureau sent to my colleague. The director is mandated under the language of this particular section and my colleague from Illinois is trying to amend the bill in a proper fashion. He says that the kind of surveys that are mandated in this legislation could run anywhere from $50 million to $200 million.

I say to my colleagues that if we do not accept the amendment offered by my colleague, the gentleman from Illinois (Mr. McClory) we will in fact be mandating an almost impossible task for the Bureau of the Census, because they will be required to count persons rather than citizens of voting age.

I think that my colleague, the gentleman from Illinois, has been very proper in trying to correct what appears to be a defect in this particular section.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I will be happy to yield to my colleague, the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the problem that we get into is whether or not the Bureau of the Census can do what the gentleman would like them to do.

Mr. ROUSSELOT. Under the amendment it is our judgment that the Director will have a more specific mandate.

How are they going to count persons? To me it is much more appropriate to count citizens on the basis of the estimates they already have under the 1970 census, and/or regular surveys that they do on a month-to-month basis, and in many of the populated areas of our country they are already doing economic surveys.

I believe that the amendment offered by my colleague, the gentleman from Illinois (Mr. McClory) to change the wording of a "counting of persons" to a "count of citizens" of voting age is a more appropriate and prudent approach to this problem.

Mr. CONYERS. Mr. Chairman, I am not trying to get into the substantive differences, but I would like to point out to my colleague in the well, the gentleman from California, that the question is the same as the one we were presented with yesterday. The gentleman was asking the Bureau of the Census to do something that the chairman of the subcommittee has a letter in his possession in which they say it is impossible to do.

Mr. ROUSSELOT. No.

Mr. CONYERS. Is that not correct?

Mr. ROUSSELOT. No. I am on the Census and Statistics Subcommittee of the Committee on Post Office and Civil Service. I do not beware that is the the case.

Mr. CONYERS. In that letter they say it is impossible.

Mr. ROUSSELOT. We have been told by the Bureau of the Census people when they have testified that they already engage in many kinds of surveys, and, especially in the regular census, to make a determination of those that are citizens or non-citizens, so they already have estimates in this regard.

But in many of the ongoing surveys there is a requirement that they make a determination before they do the in-depth interviews, as to whether a person is a citizen or not a citizen. So this would not be an unusual requirement.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I would be glad to yield to my colleague, the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I want to make this point.

The gentleman knows that we are talking about voting and voting rights, and voting rights pertain only to those qualifications which relate to voting, and citizenship is a prerequisite of voting and so to count persons who are not citizens would be quite inconsistent, in my opinion, to our attempt here.

Mr. ROUSSELOT. The gentleman from Illinois is correct. The gentleman made that point, and made that point in a strong way. What I am saying is that the argument made that the Bureau of the Census is incapable of determining the difference between a citizen and a non-citizen is not a valid argument the Bureau is already required to do that in many of the regular surveys that they do, and what I was trying to point out is that since my colleague, the gentleman from California (Mr. Edwards) made a big issue regarding the substantial cost of the potential mandates to the Bureau of the Census, I would think the gentleman would readily accept this amendment because it would narrow down the mandate to the Bureau of the Census. The Bureau should not require that they count "persons."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BADILLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

What we have sought to do here in putting in title II and title III is to keep the same basic mechanism that existed in the current act, under the provisions of the 1965 act, which would include persons of voting age. The Bureau of the Census is not required, with respect to that provision, in the case of title II and title III, to do anything other than that which it does now. Therefore, there is no additional cost involved with respect to the denominator of the formula, that is, the 50 percent of persons of voting age who voted in 1972.

The part where the Census Bureau is required to conduct a special census, if this bill were to be approved as it stands, would be on the question of determining the 5 percent of a special language minority group, and with respect to that 5 percent, we do provide in the bill that they shall be citizens of voting age, so that the only special census that is required here is that 5 percent. The Census Bureau, if the bill is passed, will be conducting that figure. The denominator figure, the 50 percent, is based on the 1970 census as updated to the 1972 elections. There is no special census required there because that already took place. That was in 1972. We are now in 1975, so no special census is required.

What we need to know is what will happen when the bill becomes effective. That only requires 5 percent of a single language minority. That is the only census that actually will be taken in the field. That is the only census that can be taken in the field.

When it comes to taking action which is required by the Bureau of the Census, we are talking about citizens, and for that reason we have worded the amendment in the manner in which we have, and for that reason I think that we should leave the trigger mechanism, that is, the denominator, based on the same formula that we have historically used from 1965 to 1970, on which, as the chairman indicated, there have been Supreme Court decisions which have established what that denominator means.

If we are going to make a change, obviously, we should talk about citizens when the Census Bureau goes out to count in 1975 and 1976 to determine if a 5 percent single language minority is included. Whether it is in Honolulu or New York City or Texas, they will be counting citizens and, therefore, for that reason I submit that the amendment should be defeated.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

The gentleman has made a very good point as far as the 5 percent is concerned. With regard to existing law where "persons" is used, I would not want to change that. Although perhaps we should have used "citizens" when we enacted the 1965 Act. In considering voting rights we only consider those who are entitled to vote, which means citizens. I think the mere fact that we do count the 5 percent of "citizens" in minority groups for purposes of the trigger also establishes the validity of using the expression "citizens" when we talk about the percentage of persons of voting age who vote.

Mr. BADILLO. We have no disagreement. I only point out that people talk about the Census Bureau having to go out to count. They are not going to go out and count who was there in 1972; they are going to count now the only people in terms of who is there now. The only thing we count is the numerator. Let me say illegal aliens are not counted. I have been trying to find out who the illegal aliens are from the Bureau of the Census, and I cannot get the information. It is not possible one million people in New York City would be illegal aliens because that is one-eighth of the population. If we find out from the Census Bureau who they are, and if we can get those lists, I think the Members who have the lists would be contributing a great service to the country.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Forget illegal aliens; talk about resident aliens who register every single year. The Census Bureau knows where they are, and they know where they live.

Mr. BADILLO. I understand, and I point out to the gentleman if this bill is to be approved, when the Census Bureau goes out to count, let us say, in his district to find out if the 5 percent applies, they will count the 5-percent citizens—and that is all.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. BIAGGI, Mr. BADILLO was allowed to proceed for 1 additional minute.)

Mr. KAZEN. If the gentleman will just let me continue on this one point, they will know what the census was in every year the gentleman is talking about because this registration law has been on the books for many years and the Census Bureau has this information.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I would like to suggest to the gentleman in the well that he knows of my interest in the illegal alien question. We are having hearings and we will provide the gentleman with all the evidence. We have information from the officials who testified to that.

Mr. BADILLO. I think we would be grateful if the gentleman would provide it to every Member in the Congress.

Mr. BIAGGI. I would be delighted to provide the entire Congress with that information and the sad commentary on the investigatory abilities made in this connection.

Mr. QUIE. Mr. Chairman, I move to strike the last word.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I want to point out my amendment covers not only title II but also title IV. It would cover the censuses which are going to be made every 2 years from 1974 on, so that we would be requiring the Census Bureau to count persons of voting age—and not citizens from 1974 to 1984, unless this amendment is adopted.

Mr. QUIE. Mr. Chairman, as the gentleman from Illinois indicated, the amendment goes to two parts of the bill. In the title II it seems to me the questions would be: First, should we change the law from the way it was written in 1965, and second, does the Census Bureau have the information or will it cost them additional money to provide that information?

As the gentleman from California has indicated, the Census Bureau has that information. In each decennial census they go out and ask whether or not each person was born abroad. If the answer to that question is yes, then they ask whether one is alien, naturalized or born of naturalized parents. They compute it and the information is available by county.

In 1965 when we passed this legislation, the illegal alien was not a hot question in the country. We did not realize the numbers involved. I have heard the estimate that it is as high as 15 million persons. The estimate by the INS is that about 2.5 million illegal aliens a year come into this country. So it is necessary to change the law of 1965 in this regard also because of new information.

As I said earlier, aliens tend after they come here to congregate together. They like the association with the other individuals who speak the same language and are of the same culture. It is natural for human beings to do that. As has been noted in the recent past, from the Southeastern part of the Nation a number of people from one county in Mississippi tended to go to the same place in the North when they moved north. They liked the association with their friends and relatives. The immigrants who came here from Latvia and Estonia and Lithuania and Hungary each tended to congregate in specific areas, and that throws off the figures in those parts of the Nation for the trigger mechanism since we should only be concerned about those eligible to vote rather than noneligible individuals by Federal standards.

As Commissioner Chapman estimated in one hearing, there are about 1 million illegal aliens in New York City.

Whether we use information on citizens of voting age or on all persons of voting age could result in a dramatic difference in some areas. Since we are writing legislation today we ought to try to make it as exact as possible, and since the information is available from the Census Bureau we ought to use that. There is a reason as you can see for changing from what we had in 1965.

As the gentleman from Illinois indicated under title IV of the bill, on page 11 we are talking about a new responsibility for the Census Bureau. It says the Director of the Census is directed by the Congress forthwith to conduct a survey and compile information on registration and voting statistics in every State or political subdivision coming under this law.

The last sentence of section (a) says that:

> Such surveys shall only include a count of persons of voting age by race or color, and national origin.

That limitation on it, it seems to me, gives them the wrong information. It ought to be, as the amendment offered by the gentleman from Illinois specifies, that the surveys shall only include a count of the citizens of voting age by race, color, and national origin.

There is no way we can ever through this law permit the noncitizen to vote. Therefore, it seems to me these amendments are wise. They do not hurt the legislation at all and ought to be adopted. In this way the Attorney General and the Director of the Census will be required to count only citizens in determining registration and voting percentages.

It would be a most unjust imposition on the States to bring the force of the Voting Rights Act to bear on them when the reason a minority group is disenfranchised is that its members are illegal aliens, resident aliens or unnaturalized persons. It would be a tremendous dilution of the Federal Government's resources should it have to direct its energies in many jurisdictions which merely have a large body of noncitizens.

I urge my colleagues to approve this amendment.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

Mr. Chairman, it is very difficult to speak in opposition to the distinguished chairman of the subcommittee of the Committee on the Judiciary, but I feel very strongly that it is the responsibility of the House in its work on legislation to report legislation which is internally consistent.

It seems to me that if we are addressing ourselves to legislation that is designed to encourage people to vote and if we are going to impose Federal requirements on those districts that do not meet certain criteria, that the criteria used should be based on those eligible to vote. This is the basis for my support of the amendment of the gentleman from Illinois (Mr. McCLORY).

I would like to suggest that the amendment offered by the gentleman from Illinois does not depart that radically from the bill reported to this House, because as I pointed out earlier in my colloquy, that on page 5, the bill provides that in defining the triggering device that "more than 5 percent of the citizens of voting age residing in such State or political subdivision are members of a single language minority."

So in determining the criteria of whether the provision is to apply to a single language minority, the bill says you must use the criteria of "citizens" of that group. In this instance the bill does not count all persons of that group. So it seems to me that the bill already has made this very change which we seek to make here. Despite what the chairman of the committee says and what the gentleman from New York says, to wit, that the criteria of title II is sacrosanct and that because the law has been in effect since 1965 we should not change the criteria that has been in effect and which the courts have interpreted over a period of 10 years, may I remind these two gentlemen that this bill amends this very "sacrosanct" title II by changing the definition of "test or device" which new definition is made applicable only for the new bill. The committee in reporting this bill changed the criteria of the Voting Rights Act of 1965 by redefining "test or device," for the purpose of "bailing-out" through a Court review.

The city and county of Honolulu have always been triggered under title II of the Voting Rights Act since its inception; but we always found it was a rather innocuous requirement, because we obviously do not discriminate and the bailout process was automatic. We did not have to go to court, then, and we should not have to now.

Under the new criteria set forth on page 5 of this bill, I believe it would be virtually impossible for the city and county of Honolulu to go to court and bail out. It would be very difficult. The effect of it would mean that we would have to have a bilingual ballot for Asian Americans, but as has been pointed out, there is no such thing as an "Asian American" language. There are Asian American groups in the country and there are four distinct Asian American groups in my constituency that would meet the 5-percent criteria: the Japanese, Chinese, Koreans, and Filipinos. So we would have to have a ballot in five languages because of the triggering mechanism under title II. We are perfectly willing to live under the provisions of title III on the basis that if there are large groups of citizens who are not able to read English, then I believe they are entitled to bilingual ballots. Under title III the whole State of Hawaii would likely be covered and we would most likely have to have a bilingual ballot for the Filipino and the Korean people who are U.S. citizens. Those who are not versed in English should have every possible assistance from the State and Federal Government to make it possible for them to vote.

But why should we be put under the onerous provisions of title II? We are the only area, I dare say, that will have to have a five language ballot because of the triggering mechanism simply because aliens in our community are counted in determining the voting age population.

I am not talking about illegal aliens. I am talking about legal alien residents of the State of Hawaii numbering 37,000 of voting age, just in the city of Honolulu.

We compound that problem. If there are those who think I am being parochial, we compound that problem, because we had over 73,000 military dependents over the age of 18 and military servicemen in the city and county of Honolulu in 1972 who did not participate in our local elections, yet they were counted in determining our voting age population.

I am not asking this House to exclude these individuals from the count; we feel that we have to deal with that added difficulty. We must take a rational approach to this legislation and seek the imposition of Federal intervention in our election process in those areas that are meaningful. For people who are eligible to vote but for some reason are not able to vote because they cannot read the ballot, then for heaven's sake, help them. I believe title III does this, and I hope the amendment will be agreed to.

Mr. TALCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask a question of the gentleman from California, the chairman of the subcommittee (Mr. EDWARDS) to further clarify the definition of language minority groups and the possible subgroups. I would like to ask him several specific questions about the ballot requirements.

I happen to represent a district where I am advised there are probably more than 5-percent Asian Americans. Among them are Chinese, Japanese, Filipino, and probably some others. Actually, the Filipinos speak two or three different dialects. Some of them cannot speak to each other, and the same situation applies to the Chinese. They have at least two dialects in our district.

My question specifically is, would it be required to have two Chinese ballots, one for each dialect, so that they can really read what is on the ballot?

Mr. EDWARDS of California. Mr. Chairman, if the gentleman will yield, I will say that it is our information that the gentleman would require one Chinese written ballot, unless the bailout was instituted by the county to eliminate that requirement.

Mr. TALCOTT. How would we determine which dialect of Chinese is going to be on the ballot?

Mr. EDWARDS of California, It is our understanding that it is the one that is generally used.

Mr. TALCOTT. What about the Philippine dialects? Would the answer be the same? There is only going to be one Philippine dialect on the written ballot?

Mr. EDWARDS of California. It is our understanding that it is the one generally used in the Philippine language.

Mr. TALCOTT. So that there would be no more than one Chinese ballot, no more than one Filipino ballot, no more than one Japanese ballot under the Asian American definition?

Mr. EDWARDS of California. That is correct, and even those subgroups would not be necessary if there was a successful bailout.

Mr. TALCOTT. It is my understanding that there can be no bailout by a language minority group, that they are not the people, or they are not the entity, that bails out, so to speak. The escape clause is exercised by the municipal subdivision involved. Is that not correct?

Mr. EDWARDS of California. Yes, the county, in the gentleman's case, would file the action.

Mr. TALCOTT. They are, in fact, prohibited from filing an action because the requirements are based on the 1972 election, which has already occurred, and there were no multiple ballots used in that election, so there is no way for them to escape, or bail out. Am I not correct?

Mr. EDWARDS of California. No, the bailout relates to the previous 10 years procedure in title II, and in title III to literacy.

Mr. TALCOTT. I do not quite understand that, but in either case the county would not have grounds for using the escape clause.

Mr. EDWARDS of California. I want to emphasize the bailout machinery would be available for both title II and title III.

Mr. TALCOTT. Upon what would the bailout procedure be based—to show that they had used multiple ballots in 1972? If so, that is not available to any California county.

Mr. EDWARDS of California. On the bailout, it would not be necessary to show that bilingual materials were used in 1972. The gentleman would have to prove that the use of English on the election did not discriminate against language minorities.

Mr. TALCOTT. Would not that mean that if there is any language minority that spoke or wrote in its own language, we could not escape or bailout? If that is the case, it would be impossible because there certainly are some Chinese, Japanese, Filipinos and Spanish who could not use the English language, so that bailout procedure would not be available.

Mr. EDWARDS of California. The bailout would be successful if it can be shown that these language minorities have a high literacy rate in English or a high degree of voting participation.

Mr. TALCOTT. But that would be almost impossible, would it not, in any jurisdiction in the United States? I think the literacy rate of the Japanese, Chinese, Filipino, and Spanish in our area is as high as any, but I do not think we can meet that criteria.

Mr. EDWARDS of Califoria. Some will meet the criteria and some will not, but we have a well designed bailout device, and I trust that the people in Monterey County will use it.

Mr. McCLORY. If the gentleman will yield to me on that point, I would just like to say that the testing device which is injected in this bill for failure to have a ballot in the language of the minority group is virtually the same testing device we had in the 1965 act, having a literacy test with respect to voting in States which were covered. So the gentleman is perfectly right that you cannot possibly bail out from this legislation if you had any substantial inconsistency that they did not understand the English language.

Mr. TALCOTT. I thank the gentleman for this clarification. It would be easy to interpret this legislation differently.

I am disturbed by this bill, particularly some of the new provisions—which I consider unnecessary, expensive, burdensome, punitive, and discriminatory.

I voting for the Voting Right Act of 1965 and for the extension of the Voting Rights Act in 1970—and I did so enthusiastically. I did so in spite of my home county of Monterey in California being covered.

I did so because I believed then and I believe now that voting is the highest privilege of citizenship and that every adult citizen must have the opportunity to exercise that privilege freely and without any discrimination because of any condition over which he has no control. I also believe every citizen should have the prerogative of not voting if he so chooses.

There are and should be other limitations on voting. Voting is a function of citizenship; it should be voluntary and secret.

But there are and should be some responsibilities connected with voting. English is the official language of the United States. There should be only one official language. A nation and community function better and more efficiently with one language than with two or more. The problems which are chronic and pervasive and divisive in the Netherlands, Canada, and the Philippines and other bilingual places should be sufficient warning to us.

Bilingual voting will be just the beginning of bilingual problems in other aspects of official, governmental, social and business life.

Bilingual or multilingual fluency would be useful to anyone, I suppose, but our official language is English and every citizen ought to be required to learn it and use it officially. Most everyone who comes to this country expects to converse in English.

Most immigrants to this country have learned to communicate in English. Most immigrants are proud of their new country and their new language. It is perfectly proper to preserve their national customs, culture and language but it should be expected that when aliens immigrate to this country that they adopt the customs and culture of this country including language.

Under the provisions of this bill, if a State; city, county or political district has more than 5 percent of a language or racial minority and less than 50 percent voted in the 1972 election, it is covered by the act.

A governmental subdivision can get out from under only by extended, onerous, and expensive litigation. It is impossible to escape from the provisions of this act.

As I said, my county of Monterey was covered by the 1970 act although, to my knowledge, and I believe I would know or be told, there has been no voting rights discrimination in Monterey County.

On the contrary, the racial and language minorities take pride in voting and participation in all forms of community activities. They are proud Americans and one reason they can take so much pride and one reason they have been so successful in our county is that they have assumed the responsibilities of citizenship, including the learning of the English language.

I am convinced that the language and racial minorities in our congressional district would oppose this proposal for themselves and for their children. They came to America to be Americans; they want to be good Americans in every sense of the word. They can be proud of their ancestry and native customs but they expect and want to adopt the customs and language of America.

Monterey County was covered by the 1970 act because less than 50 percent of the voting age population voted in the 1968 election. The census computation of the "voting age population"—taken during the peak harvest and tourist season—included thousands of persons stationed at eight military installations—most of whom voted elsewhere—thousands of inmates in two State prisons—none of whom voted anywhere—thousands of migrant farm workers and hundreds of persons employed seasonally in the tourist industry, who leave and reside elsewhere in November.

This was a typical inequity in the law, but required a special census of our county to make certain whether or not we were covered. The census was an additional cost to the federal taxpayers and an embarrassment to our county because no allegation of voter discrimination had ever been made against our county.

Under title II of this act, our whole congressional district will be covered under the Spanish surname provision—and no extra census will get us out from under the extra costs, inconveniences and jeopardy of the Act. All counties in our district, Santa Cruz, Monterey, San Benito and San Luis Obispo, have more than 5 percent Spanish surnames or Mexican language minorities and less than 50 percent of the voting age population voted in 1971. So we will be required to obtain the consent of the Attorney General before we can change any voting law and we will be required to print all ballots, sample ballots and election information and materials in Spanish. We are being put to all of this extra expense and inconvenience when there has been no allegation of discrimination in voting. Even our Spanish surnamed citizens will resent the extra costs, inconveniences, trouble and condescension.

Most Spanish surnamed citizens would prefer that the extra costs and trouble required by this act be spent on English teaching so that their people could more quickly and easily fit into the mainstream of America.

The more that is done to accommodate a foreign language speaking person, the less incentive he will have to become fluent in English and the longer it will take him to fit in to our English-speaking society beneficially and comfortably.

We do no one a favor by printing ballots or election materials in another language. On the contrary we may be making it easier for illegal aliens to vote without detection and this situation would further degrade our vaunted election process.

Generally the same persons who are promoting these special additional racial and language provisions in this act are the ones who are also promoting voter registration by postcard which they expect to lead to actual voting by mail—instead of in private voting booths—which will permit third persons to monitor a voter's ballot.

When this finally occurs there will no longer be a secret ballot, which is the lynch pin of a representative democracy.

This bill is another nose of a herd of camels under our tent we once called a "representative democracy" where everyone had the privilege of voting but also had the responsibility of citizenship which included knowing enough of the official language to vote if he chose to do so. Of course we want to guarantee every citizen the privilege of voting without discrimination. The 14th and 15th amendments provide this guarantee. We do not have to penalize innocent counties or States; we do not have to be condescending; we do not have to degrade our language or customs; we do not have to impose additional costs and inconvenience to innocent areas to guarantee the protections of the constitution to all our citizens.

Furthermore, all counties in our congressional district will be covered under section 4, which provides that districts which have more than 5 percent Asian minorities and less than 50 percent voted in 1972 must print ballots and all election materials in the language of those minorities. I am informed that at least one county in our congressional district has 5 percent Asian minorities—Japanese, Chinese, Philippino, and others including Indonesian and Vietnamese. I have been advised today that under the law, therefore, the ballots and election materials must be printed in Japanese, Chinese—probably two dialects—Philippine dialects—maybe two or more.

Does the law provide for election judges in all the various languages? If you have 3 or 4 different language ballots, how many election judges will be required at every polling place? Is this not an absurd requirement to impose on a political subdivision where there has been no allegation of discrimination?

As much as I would like to vote for a voting rights bill again, as much as I realize how easily a vote against such an admirable and popular idea as "voting rights" can be, and will be, misinterpreted by certain partisans, I must oppose this bill in its present form.

To avoid discrimination against some, you are discriminating unnecessarily against many others.

Instead of enhancing and extending the privilege of voting, you are degrading the privilege; you are being condescending to those racial and language minorities who have done their duty and assumed their responsibilities of citizenship; you are degrading the franchise; you are imposing costs and inconvenience upon innocent citizens and municipalities; you are dividing our peoples rather than unifying them.

I recognize that this bill will pass because of its alluring title and emotional appeal. I suppose no one would care, and it would make little difference, if I voted "aye." In fact, it would be politically more popular and easier to explain an "aye" vote—but my conscience and my concern for our franchise, the most valuable privilege of citizenship, requires me to vote "nay."

If you think I worry too much about the degradation of the privileges and responsibilities of voting, I would like to advise you that an alien living in my hometown of Salinas has brought suit to mandate the registrar of voters to permit him to register in a school board election. California Rural Legal Assistance—CRLA—a federally funded law firm, is the lawyer for the plaintiffs who I must presume are indigents as well as aliens.

The thesis of the suit is that the Constitution says in effect "No citizen shall be denied the right to vote—and so forth." The Constitution contains no specific prohibition against aliens voting and therefore why should not aliens be permitted to vote? This alien has an obvious interest in the schools—he has 12 children whom he wants educated. He has lived in the United States for 20 years and may own property and therefore may pay school taxes. But he does not want to become a citizen for a number of reasons—he does not want to learn English or study to pass the citizenship tests and, furthermore, aliens can cross and recross borders more easily than citizens. He wants all the privileges of citizenship, including voting, but he does not want to assume the most basic of all responsibilities of U.S. citizenship, namely: learn the official language of the country he calls home and which he expects to provide for the common defense, protection and general welfare of himself and his family.

This so-called voting rights bill very closely approaches the objectives of this lawsuit. I believe I should call attention to the direction we are heading because of these various efforts.

I could and would vote for a simple extension of the Voting Rights Act, because I believe it did some good. It was a necessary civil rights bill. The additional provisions of this bill, however, will negate the good.

I shall fight to prevent any discrimination affecting the basic privilege of voting by citizens; but the same concern and principles force me to vote against this bill.

Mr. DUNCAN of Oregon. Mr. Chairman, I move to strike the necessary words.

Mr. Chairman, I take this time simply because of the increasing confusion which seems to be developing on this bill and particularly this aspect of it that we are now discussing. I have sat back there as both a lawyer and a legislator, and I have become from time to time amazed, sometimes amused, frequently astonished, and, after the colloquy between the chairman of the subcommittee and my friend from Hawaii, I was even appalled.

I have been a lawyer and I have had recourse to legislative history in order to try to make a legal point. I have found that the courts are willing to look at the legislative history where the language is ambiguous, but they will not rely on it where the language is clear or is susceptible to only one reasonable meaning. Neither will they use legislative history in order to subvert or controvert a logical legislative act into either a meaningless or a ridiculous act.

Mr. Chairman, as I read this language that had to do with language minority, and particularly these words "single language minority," it never occurred to me that there was any ambiguity. I looked at "single language minority," and I thought there was an adjective "single" that modified the adjective "language" that modified the noun "minority," and that the only possible, reasonable, rational construction one could put on this language was that when there was a 5-percent minority that spoke a single language, we would, under those circumstances, say that in order to give people their civil rights the ballot would have to be printed in that language.

But where you try, through this colloquy, to convert a multilanguage minority into a single-language minority, I see no other option, for the local election district if they have a 5-percent Asian minority, some of whom speak Mandarin Chinese, who cannot possibly understand those who speak Cantonese, or any of the other 20 or 30 dialects in Chinese, or some who may speak Khmer or some who may speak Cham, or some who may speak Moro or Tagalog. I cannot believe this Congress would intend it, and yet the language of the colloquy as I heard it, will require each election district to print ballots in each of those languages.

On page 8, line 19, the word "each" is used as a modifier of "language" which modifies "minority" and that, to me, confirms what I believe is a rational interpretation of a single-language minority; and I simply do not want some court searching through this legislative record for a basis on which to make a decision on this bill to have to rely solely on that colloquy between the chairman of the subcommittee and the gentleman from Hawaii and the subsequent confusion which has ensued.

I think the only rational interpretation of this language is that if you have a 5-percent Asian minority group who speak a single language—5 percent speak one language—then in order to fulfill the civil rights of those people you must have the ballot printed in that language. I cannot believe that if there are only two of that Asian minority who spoke a single language that this Congress wants to impose on that legislative district the burden of printing multiple ballots in multiple language.

If we do, then I do not see how any court can say it is constitutional if we do not do the same thing for the Germans, for the Poles, for the Czechoslovakians, for the Irish, or for anybody else.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Chairman, is it not true that "language minorities" is really the term being defined and that "single" is just the adjective?

Mr. DUNCAN of Oregon. "Single" is the adjective, but I think in order to have it make sense, the adjective, "single," has to modify the adjective, "language." The difficulty we get into there—and it adds to the confusion, I agree—is that they have defined in the bill the term, "language minorities."

Mr. ROUSSELOT. But "language minorities" is the defined term on page 7 of the bill?

Mr. DUNCAN of Oregon. The gentleman is correct.

Mr. ROUSSELOT. And that is why the gentleman from Hawaii evidently was trying to clarify it, because he was concerned about the sub-language categories and was not sure what the adjective single meant.

Mr. DUNCAN of Oregon. Mr. Chairman, I really thought that the draftsman had exercised a considerable amount of skill by not defining "single-language minorities" as a separate term. I believed that was intentional and deliberate, and that was one of the reasons I became so confused by the colloquy.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, does the gentleman feel that the discussion raised by the gentleman from Hawaii really did not help clarify the matter?

Mr. DUNCAN of Oregon. Mr. Chairman, the gentleman is one of my good friends; we came into the Congress together. I would not single him out, nor would I single the chairman of the committee out.

I think the continuing colloquy has added to the confusion, and I did not want any court looking at this to conclude that all of the Members of the House agreed with the interpretation placed upon it in that colloquy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McClory).

The question was taken; and on a division (demanded by Mr. Edwards of California) there were—ayes 64, noes 24.

RECORDED VOTE

Mr. EDWARDS of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 311, noes 103, not voting 19, as follows:

[Roll No. 261]

AYES—311

Abdnor
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bell
Bevill
Biaggi
Blanchard
Blouin
Boggs
Boland
Bonker
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Cornell
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Downing
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Emery
English
Erlenborn
Esch
Eshleman

Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Flood
Flynt
Foley
Ford, Mich.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harsha
Hastings
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Mahon
Martin
Matsunaga
Melcher
Michel
Mikva
Milford
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oberstar
Obey
O'Brien
O'Hara
Ottinger
Passman
Patterson, Calif.
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Randall
Rees
Regula
Rhodes
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Roncalio
Rose
Roush
Rousselot
Runnels
Ruppe
St Germain
Santini
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Traxler
Treen
Tsongas
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wilson, Bob
Wilson, C. H.
Winn
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOES—103

Abzug
Andrews, N.C.
Badillo
Bedell
Bennett
Bergland
Biester
Bingham
Bolling
Brademas
Breckinridge
Brodhead
Brown, Calif.
Buchanan
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Conyers
Corman
Cotter
Coughlin
Davis
Dellums
Diggs
Dodd
Downey
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Findley
Fithian
Florio
Flowers
Ford, Tenn.
Fraser
Green
Harrington
Harris
Hawkins
Hayes, Ind.
Holland
Holtzman
Hungate
Jacobs
Jenrette
Jones, Ala.
Jordan
Karth
Kastenmeier
Keys
Koch
Levitas
Long, La.
Madden
Madigan
Maguire
Mann
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Miller, Calif.
Mitchell, Md.
Moffett
Moss
Nolan
O'Neill
Patten, N.J.
Pattison, N.Y.
Pike
Price
Rangel
Reuss
Richmond
Rodino
Rooney
Rosenthal
Roybal
Russo
Ryan
Sarbanes
Scheuer
Schroeder
Simon
Slack
Stark
Stokes
Stratton
Thompson
Udall
Vander Veen
Waxman
Weaver
Whalen
Wirth
Young, Ga.

NOT VOTING—19

Alexander
Clausen, Don H.
Conlan
Drinan
du Pont
Hébert
Jones, Tenn.
McCormack
Mathis
Mollohan
Myers, Pa.
Patman, Tex.
Railsback
Rostenkowski
Stuckey
Teague
Ullman
Wiggins
Wilson, Tex.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe we have an agreement to vote on the final passage of the bill at 6:30 and with a time limitation on certain amendments that remain, so I ask unanimous consent at this time that the bill be considered as read in full and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. JOHNSON of Colorado. Mr. Chairman, I object.

Mr. EDWARDS of California. Mr. Chairman, I so move.

The CHAIRMAN. The motion is not in order. Only title II could be closed at this time by a motion.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 6, line 10, and on page 9, line 9, strike out "language" and insert in lieu thereof the following: "language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting."

Mr. McCLORY. Mr. Chairman, I ask unanimous consent that the amendment be considered notwithstanding that it applies also to title III of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, I would ask the gentleman from Illinois, is this not the matter we discussed on the floor and had a colloquy about which relates to the registration?

Mr. McCLORY. This is the amendment we discussed.

Mr. EDWARDS of California. Mr. Chairman, we have no objection to the amendment on this side.

Mr. McCLORY. Mr. Chairman, this amendment merely sets forth specifically in the bill that if the language of the minority group is not a written language, it will satisfy the act to provide an oral explanation or assistance to the language minority group member and we will not require the reduction of the unwritten language into written form.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, if I may say to the gentleman, the minority on the subcommittee have reviewed this language and we have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 7, beginning in line 8, strike out "who" and all that follows down through the end of line 9, and insert in lieu thereof the following: "whose principal spoken language is other than English."

Mr. BIAGGI. Mr. Chairman, I offer another amendment to title III with similar language and I ask unanimous consent that the amendments be considered en bloc.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 9, beginning in line 21, strike out "who" and all that follows down through the end of line 23, and insert in lieu thereof the following: "whose principal spoken language is other than English."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BIAGGI. Mr. Chairman, I have been listening to the debate for the last 2 days. The last colloquy convinced me more than ever that a great deal is left to be desired on this bill. I support the bill fundamentally, but we all know it is not a perfect creature.

I am really disappointed with the intransigent position of opposition taken by the committee, in spite of all the persuasive arguments.

Mr. Chairman, my amendment, I hope will deal with the issue of a nondiscriminatory basis, on a basis that affects every American in these United States, every group—and I emphasize that, because as we look at the history of this whole proposition relative to minority languages, we find we have a restrictive approach which leaves people outside of this definition to struggle for themselves.

Mr. Chairman, my amendment would simply correct what I consider to be an arbitrary, unfounded limitation on the definition of language minority groups. The committee bill defines language minority groups as being certain specific categories of people which I find remarkable and wanting.

I spoke to the gentlewoman from Hawaii, who stated that she was offended by the term "Asian American" and even more, there is no such thing as an Asian American .There may be Asian American groups, but no Asian Americans, and yet we have that in this language. I would suggest a little more investigation, a little more inquiry in this area, a little sensitivity in this area and we would obviate the offense.

My amendment, on the other hand, defines language minority groups as those groups whose principal spoken language is other than English.

The intent of this legislation is clear. We want to assure Americans—all Americans, full and equal access to participation in the electoral process. This is one of the most basic rights of our democracy. However, if discrimination exists, it is wrong, whether those discriminated against are of Spanish heritage, are American Indians, or are Greek, Italian, Albanian-speaking Americans or anyone else.

Yet the committee limits applications of the provisions of this bill to certain categories of people. We even had an illustration where Eskimos wanted to be excluded from the effect of this bill. Yet when the gentleman from Alaska (Mr. Young), representing that State, articulated this sentiment the committee ignored his pleas.

I think the committee is insensitive to persist in this attitude. A clear case of discrimination is said to exist with respect to Spanish-speaking Americans. It has been said that no such case has been made for the other groups included in this definition.

Let me speak about that. Who has not made this case? The agencies involved? There simply has not been an aggressive attitude on the part of the agencies inquiring into this issue. I am a member of the Education and Labor Committee. When I spoke to representatives of the U.S. Attorney General's office, and HEW, relative to bilingual programs in the United States, I said, "Give me the number of people you have other than Spanish and Mexicans involved in this program, give me the Albanians you have in bilingual." Not one.

"Give me the Greek program." Not one.

"Give me the Italian program." Not one.

It is quite evident that they suffer from tunnel vision in the application of that program and that tunnel vision has to be enlarged if all Americans are to be treated freely and equally.

The chairman of the committee, the gentleman from New Jersey (Mr. Rodino) tells me that no such case has been made. Let us look at this question; What has been done in this matter? We are told in the report that no evidence was received. Has there been an aggressive approach by this committee on this bill in their quest for the true picture? Has there been a determination to go out into the field and find out? I suggest that they did not do that.

In my district we have the largest concentration of Greeks in the Nation. And we are told there is no evidence—we have three Greek papers; we have many Greek radio programs, Some of these people are having trouble and could use the assistance.

We have Albanians. Some people do not know that Albanians are in this country. I have the largest concentration of Albanians in the Nation in my district. I am sure many of them do not speak English. What has the committee done in reference to them? Could not they be found? I suggest the committee has not tried.

This legislation should not be so narrowly defined as to eliminate other groups in the future. What happens if, during the next 10 years, another group of Americans not covered under the proposed provisions of this bill would be discriminated against? Must they wait 10 years for relief?

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent Mr. Biaggi was allowed to proceed for 3 additional minutes.)

Mr. BIAGGI. I listened to the subcommittee chairman and the gentleman from New York (Mr. Badillo), when they said that we should not place the burden on a case by case basis, and I agree. Most of the people who are offended do not know how to obtain relief. They are intimidated by government, they are frightened by government, they are coerced by government and they are not going to do anything. That is why it is essential that government do its job responsibly. That is why all Americans should be included in this bill.

Certainly, the solution is to define language minority in the broad sense, as my amendment seeks to do. This would not mean, however, that elections would be conducted in a multiple of languages. Only when cases of discrimination are found to exist as set forth in the legislation, based on measures of voter participation and concentration of the language minority in a geographic area—would the relief provisions of the bill go into effect.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(On request of Mr. de la Garza and by unanimous consent Mr. Biaggi was allowed to proceed for 2 additional minutes.)

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Texas.

Mr. de la GARZA. Mr. Chairman, I rise to join with my colleague in support of his amendment. I have prepared an amendment that would have said "mother tongue" instead of "English" because I felt badly, as much as I support this legislation, as the gentleman from New York does; as much as there might be need, which I do not deny, I felt badly in asking for something for my group that will not be shared with all other Americans who cannot benefit from the goodness and from the efforts and help of this type of legislation.

I did not offer the amendment for no other reason except so as not to be detrimental to the legislation which I support, and will support, but I do support the gentleman from New York because, if we speak of one American, we speak of all Americans. If they have trouble voting, let us give them the assistance, regardless of what their language is or their unique derivation. I support the gentleman's amendment.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman very much for his comments.

He has capsuled the entire concept in his brief comments. All Americans should be treated alike. Every group should be given the same opportunity and availability to the law.

Over the last several years, I have been disturbed about the application of the word "minority"—particularly language minority—to mean only certain groups. If a group is a minority and it is being discriminated against, that group should expect relief under the laws of the land.

My amendment would assure all language minority groups that the Voting Rights Act will provide them with equal access to the polls in the event of discrimination against them. To do less would violate the entire intent and purpose of the Constitution, the Civil Rights Act, and this very bill itself.

Mr. BADILLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, originally when the hearings on this extension of the Voting Rights Act came up, the gentleman from California (Mr. Roybal) and myself, together with the gentlewoman from Texas (Miss Jordan), introduced legislation which said, as has been suggested, that the people who would be affected were the people whose mother tongue was other than English.

Then, we went to hearings, and as the report indicates on page 23, we discovered that when it comes to ethnic origins, the percentages of people registered were: German, 79 percent; Italian, 77 percent; Irish, 76.7 percent; French, 72.7 percent; but for the Spanish speaking people, it was 44 percent.

We have had votes here yesterday, especially, where we were criticized because we did not have sufficient evidence when it came to the Spanish-speaking people. We have had the same votes today. What we have sought to do was to include those people where we had specific evidence. The evidence that was involved particularly concerned those of Spanish heritage, not only the evidence of the witnesses that came before us, not only the evidence of the court cases, but the evidence that was reported by the Bureau of the Census, as well. It was for that reason that we sought to limit the application of the act to provide a remedy where a remedy is needed in these particular cases.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I will yield to the gentleman.

Mr. BIAGGI. I agree that 44 percent brings the Spanish within the purview of this bill, and I support this bill. But the gentleman very conspicuously omitted referring to Greeks. It is not on the list on page 23 nor are the Albanians there.

In 1965, when we passed this bill, there were some violations of the law, and we dealt with them. Later on, there were new violations.

Now we pass this bill this time, and the argument is made, "Well, we have no evidence."

I suggest that perhaps in the next 10 years violations could develop. With my amendment we would have a bill which can be enacted, and can trigger sanctions to correct discrimination against the newly affected groups. To place the burden on small groups to initiate action or to come back to this Congress to get new legislation is not a very realistic approach, in view of this alternative.

Mr. BADILLO. I would like to answer that. We do not have any disagreement, as far as the Greeks and the Albanians. The gentleman knows we have been looking to get bilingual and other items. The difference is that we have been talking about voting rights, talking about citizens, and, therefore, when it comes to those areas, the particular people involved are not citizens. If they are citizens, they have already passed, in effect, a literacy test, when they got their citizenship papers.

Therefore, they do not come within the problem that we spell out here, which is the question of educational deprivation. It is for that reason that, historically, those groups that came here from Europe as non-citizens did not come into this problem, because in the process of getting to be citizens they had to take a literacy test, they had to learn the language, and, therefore, once they became citizens they did not confront the problems that these groups such as Mexicans and Puerto Ricans had.

That does not mean that there were not cases where there exists a problem of literacy. But talking as a group, it has been indicated that no significant percent of other groups were found other than the groups that have been listed as language minorities in the bill.

Mr. SARBANES. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I will be glad to yield to the gentleman.

Mr. SARBANES. I thank the gentleman for yielding.

The difficulty with the amendment, in my view, is that it operates on the premise that one is not equal if one speaks a principal language other than English even if such person suffers or encounters no discrimination with respect to participation in the American political process. There is no evidence to sustain that with respect to the ethnic American, speaking now of those who came from Europe, and they are not encountering that problem. This is an effort to deal with a situation which results from a discrimination which has been shown to exist. I do not believe, in the long haul, we ought to have voting machines set up in all different kinds of languages unless that is necessary because we relate it to a discriminatory situation in participating in the electoral process.

Mr. Chairman, this bill seeks to deal with that kind of situation. The amendment broadens it to an entirely different premise and I am very frank to say to the Members of the Committee that I think that premise is not appropriate. We ought not to adopt it.

Mr. Chairman, we ought to reject this amendment and stick with the fundamental approach contained in the committee bill.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will be brief. I would just like to say "Amen" to what the gentleman from New York (Mr. BADILLO) said.

We made some calculations on what would happen if the amendment offered by the gentleman from New York (Mr. BIAGGI), which is also supported by the gentleman from New York (Mr. SOLARZ), carried. It would result in a coverage of over 40 States and 1,200 counties where there is no record of discrimination whatsoever. The amendment suffers from such a degree of overbroadness that it would destroy the bill.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to point out that in the record of factual evidence of discrimination against persons of minority language groups there is virtually no evidence of any actual discrimination against Alaskan Natives, there is no evidence of any actual discrimination against Asian Americans, and there is no evidence of actual discrimination against American Indians. With respect to those of Spanish heritage, it is limited to a single area to one particular State, and yet this legislation would affect all 50 States.

So, Mr. Chairman, there is no basis for the expansion of this legislation such as we had in 1965 when we first enacted the Voting Rights Act.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes, I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. DENT. Mr. Chairman, does the gentleman mean to include my 5 minutes?

Mr. EDWARDS of California. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENT. Mr. Chairman, the argument was made by one of the Members here that these are special cases because these people come here not as immigrants, but they come here as Americans. Do they come here as immigrants, or do they come as citizens, as Americans?

Is it not true that they come as immigrants and then, through the process of becoming citizens, just as my father and the fathers of many other Members here, they become Americans?

Then how do we cover those people under the same premise? Do Spanish-speaking Cubans or Mexicans have a special privileged class?

Mr. Chairman, I know, and we all know, that Canada and Quebec have never been peaceful since the English took over, simply because they have a dual language situation that has never been wiped out.

I warned this House what would happen when we first went through the dual language amendments for the Spanish Americans. I have many Spanish-American friends, and they have never had an opportunity to run for office or become elected to office; they were born outside this country. I think they have an exceptional privilege just being citizens. They never will become a one-language thinking people if we give them dual language schools.

I propose in the next general education aid bill to forbid the use of Federal funds for more than one language elementary school and that language would be English. I will make that proposal if I can. Then, after a student has continued on to high school, that student can then study another language if he wants. When I went to school, most of the fellows I know studied Latin because it was the easiest one to forget.

Mr. Chairman, I want to tell the Members that I stood up here and predicted we would have this very problem. This was anticipated by this Member on the floor, and I told the Members it would come, and it is going to be worse than this.

In the new election law that we are trying to put on the books on postcard voting, it means that every person who gets a card to register can request an application and ballot if they desire in any language that he wants. How many precincts are going to have to have a dozen or so languages?

I have a district that has more than 5 percent of maybe 30 different languages, because I come from coal mining areas and industrial cities. We did not have any trouble.

My mother and father would not allow me to try to speak back in their native tongue. They said that they wanted to learn what they could of English from me, not have me learn from them. The little Italian that I know I learned in South America, in Haiti, in the Marine Corps.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I want to commend the gentleman in the well for his remarks. I agree wholeheartedly with all he has said.

Mr. DENT. Mr. Chairman, I am not ashamed to be the son of immigrants. I am proud of the fact that I am and that this country has made it possible for me to serve in this body of the U.S. Congress with only an eighth-grade education. However, I have one language, and I say that every American in grammar school should study English.

I have gone out to California, and I know Spanish Americans or Mexican Americans who have been there for two generations and still do not speak English. Why? Because they did not apply themselves.

The schools are here. Whether you are born of Spanish American parents or Italian American parents, you start school in the first grade or in kindergarten with all other kids who start even-steven. They do not know grammar. They do not know arithmetic. They do not know anything, but they learn it all together, each and every one. When we include Asian Americans, however, we walk away from the very truth that we are trying to advance here, that we have a special class of Spanish-speaking Americans which deserves special consideration. Why, then, include the Asian Americans? Why do they fit into the picture? They are coming here the same as my people came here as immigrants and most of the Members' people, at one time or another came here in the same fashion.

I warned this House, and the Members would not believe me. Believe me now. This is a second step. There will be a third and there will be a fourth.

A person thinks in the language that the person talks.

There will be Spanish-talking, Spanish-thinking and collectively Spanish-voting pockets in more than one State.

If we had this type of thinking when the masses of immigrants came to this Nation, our Nation would be a hodgepodge of ethnic speaking and thinking and voting foreigners to this day.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from New York (Mr. BIAGGI).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BIAGGI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 253, not voting 24, as follows:

[Roll No. 262]

AYES—156

Adams
Addabbo
Ambro
Annunzio
Archer
Ashbrook
Aspin
Barrett
Bauman
Bevill
Biaggi
Blanchard
Boggs
Bowen
Brinkley
Brooks
Broomfield
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byron
Carney
Casey
Cederberg
Chappell
Clancy
Clawson, Del
Cochran
Cohen
Collins, Tex.
Cotter
Crane
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Davis
de la Garza
Delaney
Dent
Derwinski
Devine
Dickinson
Downey
Downing
Duncan, Tenn.
Edwards, Ala.
Emery
English
Erlenborn
Esch
Flood
Flowers
Flynt
Ford, Mich.
Fountain
Frey
Gaydos
Gilman
Ginn
Goldwater
Gonzalez
Grassley
Haley
Hanley
Hays, Ohio
Hefner
Helstoski
Henderson
Hightower
Hinshaw
Holt
Ichord
Jeffords
Jones, Okla.
Kazen
Kemp
Ketchum
Landrum
Lent
Levitas
Long, La.
Lott
McCollister
McDonald
McHugh
Madden
Maguire
Mahon
Martin
Milford
Minish
Moffett
Montgomery
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Neal
Nedzi
Nichols
Nix
Oberstar
O'Hara
Ottinger
Patman, Tex.
Patterson, Calif.
Peyser
Pike
Poage
Pressler
Quillen
Rinaldo
Risenhoover
Roberts
Robinson
Roncalio
Rosenthal
Rousselot
Runnels
Russo
Santini
Satterfield
Schulze
Shipley
Sisk
Snyder
Solarz
Spence
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Symington
Symms
Taylor, N.C.
Treen
Vigorito
Waggonner
Wampler
White
Whitehurst
Whitten
Winn
Wolff
Wright
Wydler
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOES—253

Abdnor
Abzug
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Armstrong
Ashley
AuCoin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Biester
Bingham
Blouin
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brodhead
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carr
Carter
Chisholm
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Coughlin
D'Amours
Danielson
Dellums
Derrick
Diggs
Dingell
Dodd
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Fraser
Frenzel
Fulton
Fuqua
Giaimo
Gibbons
Gradison
Green
Gude
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Jacobs
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kasten
Kastenmeier
Kelly
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lehman
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madigan
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moore
Moorhead, Pa.
Morgan
Mosher
Moss
Myers, Ind.
Natcher
Nolan
Nowak
Obey
O'Brien
O'Neill
Passman
Patten, N.J.
Pattison, N.Y.
Pepper
Perkins
Pettis
Pickle
Preyer
Price
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rodino
Roe
Rooney
Rose
Roush
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Sebelius
Seiberling
Sharp
Shriver
Shuster
Sikes
Simon
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Spellman
Stanton, J. William
Stark
Steelman
Steiger, Wis.
Stokes
Studds
Sullivan
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Walsh
Waxman
Weaver
Whalen
Wilson, Bob
Wilson, C. H.
Wirth
Wylie
Yates
Young, Ga.

NOT VOTING—24

Alexander
Clausen, Don H.
Conlan
Drinan
du Pont
Evins, Tenn.
Goodling
Hébert
Jarman
Jones, Tenn.
Leggett
Mann
Mathis
Mollohan
Myers, Pa.
Railsback
Rogers
Rostenkowski
Stuckey
Teague
Ullman
Vander Jagt
Wiggins
Wilson, Tex.

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Drinan against.

Mr. Teague for, with Mr. Jones of Tennessee against.

Mr. Mollohan for, with Mr. Evins of Tennessee against.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

SEC. 301. The Voting Rights Act of 1965 is amended by inserting the following new section immediately after section 202:

"BILINGUAL ELECTION REQUIREMENTS

"SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

"(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instruction, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided,* That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

"(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

"(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for the District of Columbia for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

"(e) **For purposes of this section, the term** 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage."

Sec. 302. Sections 203, 204, and 205 of the Voting Rights Act of 1965, are redesignated as 204, 205, and 206, respectively.

Sec. 303. Section 203 of the Voting Rights Act of 1965, as redesignated section 204 by section 302 of this Act, is amended by inserting immediately after "in violation of section 202," the following: "or 203,".

Sec. 304. Section 204 of the Voting Rights Act of 1965, as redesignated section 205 by section 302 of this Act, is amended by striking out "or 202" and inserting in lieu thereof ", 202, or 203".

TITLE IV

Sec. 401. Section 3 of the Voting Rights Act of 1965 is amended by striking out "Attorney **General" the first three times it appears and** inserting in lieu thereof the following "Attorney General or an aggrieved person".

Sec. 402. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other **than the United States, a reasonable** attorney's fee as part of the costs.".

Sec. 403. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

"Sec. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibition of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of persons of voting age by race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."

Sec. 404. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

Sec. 405. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(2) by placing after the words "failure to object" a comma; and

(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.".

Sec. 406. Section 203 of the Voting Rights Act of 1965, as redesignated 204 by section 302 of this Act, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.

Mr. EDWARDS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. KINDNESS. Mr. Chairman, reserving the right to object, may I direct a parliamentary inquiry?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KINDNESS. Mr. Chairman, if this unanimous consent request is agreed to, would that affect action on title II of the bill; would amendments to title II be still in order?

The CHAIRMAN. Title II is still open.

Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

The CHAIRMAN. The Chair now recognizes the gentleman from Ohio (Mr. Kindness).

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: Page 2, beginning with line 7, strike out all down through line 10 on page 10, and insert in lieu thereof the following:

Sec. 103. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

Sec. 104. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately after "on account of race or color" each time it appears the following: "or national origin".

And redesignate title IV as title II, and sections 401 through 408 as 201 through 208, respectively.

Mr. KINDNESS. Mr. Chairman, this amendment, in effect, would strike out title II. I think it has been shown in the debate concerning the bill today that there is quite a bit of concern over the content and effect of title II.

I think this gives us a clear opportunity to say yes or no as to whether this bill, the Voting Rights Act, should be extended in the manner that is set forth in title II, confusing as it is.

Mr. Chairman, I would urge support for the amendment to amend by eliminating title II and reverting simply to the protection of the 14th and 15th amendments.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this was, in effect, voted on yesterday and overwhelmingly defeated. It would strike the most important part of the bill. I trust that we will reject the amendment today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Kindness).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JOHNSON OF COLORADO

Mr. JOHNSON of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Johnson of Colorado: Page 9, line 14, after "Court" strike out "for the District of Columbia".

The CHAIRMAN. The Chair recognizes the gentleman from Colorado.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, if we understand correctly the amendment offered by the gentleman from Colorado, it is that in title III only, the bailout can go to a local district court and not to the District of Columbia, and this side would have no objection.

Mr. JOHNSON of Colorado. That is correct, go to a Federal district court in another area in title III.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, I associate myself with the remarks of the gentleman from Colorado. We have no objections to the amendment on this side of the aisle.

Mr. JOHNSON of Colorado. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. Johnson).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: Page 14, immediately after line 19, insert the following:

Sec. 409. Section 11 of the Voting Rights Act of 1965 is amended by adding at the end the following new subsection:

"(e)(1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(3) As used in this subsection, the term 'votes more than once' does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 202 of this Act, to the extent two ballots are not cast for an election to the same candidacy or office."

Mr. KINDNESS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Does the gentleman from Ohio want to insist on his 5 minutes?

Mr. KINDNESS. Mr. Chairman, I insist on my 5 minutes at this time.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, this amendment has been discussed on this side. It is a reasonable amendment, and I believe we have no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KINDNESS: Page 14, immediately after line 19, insert the following:

SEC. 409. (a) Section 4(a) of the Voting Rights Act is amended by striking out "the United States District Court for the District of Columbia" and inserting in lieu thereof the following: "a United States district court".

(b) Section 5 of the Voting Rights Act is amended by striking out "the United States District Court for the District of Columbia" and inserting in lieu thereof the following: "an appropriate United States district court".

(c) Section 13 of the Voting Rights Act of 1965 is amended by striking out "District Court for the District of Columbia" each time it appears and inserting in lieu thereof the following: "appropriate United States district court".

(d) Section 14 of the Voting Rights Act of 1965 is amended—

(1) in subsection (b), by striking out "the District Court for the District of Columbia" and inserting in lieu thereof "a United States district court";

(2) in subsection (d), by striking out "the District Court for the District of Columbia" the first time it appears and inserting in lieu thereof "a United States district court";

(3) in subsection (d), by striking out "District of Columbia" the second time it appears and inserting in lieu thereof "district of a district court"; and

(4) in subsection (d), by striking out "District Court for the District of Columbia" the second time it appears and inserting in lieu thereof "district court".

Mr. KINDNESS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KINDNESS. Mr. Chairman, this amendment would simply provide that those who have to litigate concerning action under the Voting Rights Act could do so in the Federal district court that is convenient to them, that is, in the State where the action arises.

Mr. Chairman, we have a Federal district court system throughout the country. I believe the time is past when we have to feel that, with an act as broad as the scope of the Voting Rights Act would be in its present form, everyone has to come to the District of Columbia to litigate. There is no particular expertise built up on the part of the judges of the U.S. District Court for the District of Columbia. There have been 4 cases where a judge was actually assigned, 3 cases that went to decision, 10 cases altogether, in the U.S. District Court for the District of Columbia. Out of those, there has been one judge who has been assigned four of those cases.

I take that back. There have been two judges one of whom is still sitting. Most of them have been assigned to one, two, or three. I cannot accept the argument that there is any expertise built up here. There will be many, many jurisdictions that will come under the provisions of the Voting Rights Act in its present form, and we cannot impose all of those on the U.S. District Court for the District of Columbia. It is not ready for it, and the litigants cannot travel all the way to the District of Columbia to settle questions such as those referred to in title III.

Without objection, the amendment was made so that the U.S. district court that was the most convenient could be used in the case of title III problems. I believe that should be true in all of these cases; and I would urge the adoption of the amendment so that we can put our confidence in the district courts of this country; that is, the Federal court system.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, under the present provisions of the Voting Rights Act, and under its provisions as extended and expanded by H.R. 6219, exclusive jurisdiction as extended and expanded by H.R. 6219, exclusive jurisdiction for bailout relief and review of section 5 submissions rests with the U.S. District Court for the District of Columbia. Mr. KINDNESS' amendment would eliminate that exclusive jurisdiction and allow local courts to hear and decide such cases. Exclusive jurisdiction ought to be retained in the District of Columbia court. Accordingly, Mr. KINDNESS' amendment must be rejected:

First. The District of Columbia court, since the inception of the act, has served the important function of providing a forum, for those who have had their voting rights transgressed, free of local pressures and customs. In 1965, when the act was first drafted and the exclusive jurisdiction in the District of Columbia court was created, the committee report alluded to the numerous instances wherein local courts had long delayed proceedings filed under prior voting legislation. Moreover, when a finding was made, it was almost inevitably a finding of no discrimination. For example, this is reported to have happened in Dallas County, Ala. where Justice Department photographs of voter registration records showed that the registrars whom the local Federal court had earlier given a clean bill of health were engaging in blatant discrimination. The local pressures and influences which bore upon local judges in 1965 still bear upon such individuals, and we cannot ignore such circumstances by now pretending that they do not exist—as Mr. KINDNESS' amendment would have us do.

Second. In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Supreme Court sustained the provisions of the act which limited litigation to the District Court for the District of Columbia. The court found that the Congress could so limit the litigation, pursuant to its constitutional power under article III, section 1, to "ordain and establish" inferior Federal tribunals. The Court also noted that, at that time, similar limitations existed in terms of contractual claims against the United States for more than $10,000 having to be brought in the Court of Claims.

Other examples of exclusive jurisdiction can be found in the Commerce Court created by the Mann-Elkins Act of 1910—which was given exclusive jurisdiction of all cases to enforce orders of the Interstate Commerce Commission or to enjoin, annul, or set aside orders of the Commission; the Emergency Court of Appeals established by the Emergency Price Control Act of January 30, 1942; and the special court created by the Economic Stabilization Act Amendments of 1971. Thus, exclusive jurisdiction courts are nothing new in our jurisprudential system, and their creation by the Congress has been upheld by the Court.

Third. To retain exclusive jurisdiction of Voting Rights Act proceedings in the D.C. court will promote uniformity in the decisionmaking processes under the act.

Fourth. And, although the minority views expressed in the committee report suggest that it is minimal, an expertise has developed among the judges in the District of Columbia court and that expertise is certainly a compelling reason not to modify the statute to eliminate the D.C. court's exclusive jurisdiction. Mr. KINDNESS' own views, as expressed in the committee report, indicate that in the 10 bailout suits filed under the Voting Rights Act, two judges have sat four times, one judge has sat three times, and five judges have sat twice on the required three-judge panels.

While certain Members apparently

find that this is not compelling evidence of a developing expertise in the District of Columbia court, I would respectfully beg to differ. Eight of 14 judges who have heard these bailout cases have had exposure to the intricacies of the law on two or more occasions. Personally, I find such experience, when dealing with such complicated factual and legal issues, quite compelling, and I, therefore, urge that Mr. KINDNESS' amendment be rejected.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, does the gentleman know how many of these judges are still on the district court? Does the gentleman know how many of these so-called experts are still on the District Court in the District of Columbia?

Mr. EDWARDS of California. No, I do not.

Mr. BUTLER. Is Judge Holtzman there? Is Judge Weimer there? Is Judge Jones there?

I suggest to the gentleman that the expertise that was developed there has moved on.

Mr. SARBANES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, it is evident that new expertise will be developed. The fact that a particular court has changed its composition does not undercut the validity of placing the jurisdiction in that court.

All of the judges obviously cannot stay there forever. I assume that some day they die. Even judges die.

Mr. BUTLER. Mr. Chairman, will the gentleman yield further?

Mr. EDWARDS of California. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, the gentleman will recall that in 10 years under the Voting Rights Act we only had 10 bailout cases in the District. It was suggested that they developed expertise, but would it not be far more appropriate to let the judges in the districts where the presumed infractions developed hear these cases, perhaps under a three-judge court?

Mr. EDWARDS of California. No, I disagree. I think the present procedure has worked very well, and I think it would be a great mistake to change it.

Mr. YOUNG of Georgia. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Georgia.

Mr. YOUNG of Georgia. Mr. Chairman, I think all we have to do is to look at the morning Post and see what a three-judge court in Mississippi did when they had these cases. I think it is very clear that we have to maintain the act as it is written.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The question was taken; and on a division (demanded by Mr. KINDNESS) there were—ayes 29, noes 68.

So the amendment was rejected.

The CHAIRMAN. With the permission of the committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I support this legislation. It is a sacred guarantee under our Constitution, that every citizen have a right to life, liberty, and the pursuit of happiness.

This can mean many things to many people, but certainly to all of us it must mean the right to choose our elected officials. To deny any person this privilege is against the laws of God and the laws of men, for it is through this method that all of the God given rights and the certain privileges guaranteed in our form of Government can be protected by an individual. It is detestful that anyone would voluntarily try to impair any citizen's participation in the elective process.

I wish we could do more to encourage participation in our elections. I wish we could have positive action, rather than punitive legislation, but perhaps the events of the past are such that this type of legislation is necessary. I do not know. I wish that this legislation could apply to all Americans regardless of their birth, for I speak of all Americans when I speak of life, liberty, and the pursuit of happiness.

I feel it should apply to all States with equal force, for it is just as detestful that one person be kept from voting in New York, as it would be in Maine, or Texas, or California. In this respect I would question the wisdom of the advocates of this legislation. For that is what this country is all about, that one person, any person, anywhere, anytime have the right, the sacred privilege of deciding who their elective representatives should be.

I must respectfully caution that there is potential for mischief under this legislation, for abuse. I would hope that this does not come to pass, and that we keep constant oversight to see that it is used properly and for the legitimate reasons it was enacted. I would hope, Mr. Chairman, that we also be very careful, that in protecting one group's rights, we do not abridge another's. This can easily happen, and it has; I can attest to that. Again, Mr. Chairman, I support this legislation for the reasons stated and with the hope that it will be used truly and faithfully for the benefit of all, and with detriment to none.

(By unanimous consent, Messrs. DE LA GARZA and DANIELSON yielded their time to Mr. KREBS.)

(By unanimous consent, Mr. MITCHELL of Maryland yielded his time to Mr. BADILLO.)

(By unanimous consent, Messrs. STEED, CASEY, RISENHOOVER, ENGLISH, and BURLESON of Texas yielded their time to Mr. JONES of Oklahoma.)

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

The Clerk read as follows:

Amendment offered by Mr. JONES of Oklahoma: Page 7, beginning with line 16, strike out all down through line 10 on page 10, and redesignate title IV as title III, and sections 401 through 408 as 301 through 308, respectively.

Mr. JONES of Oklahoma. Mr. Chairman, the thrust of this amendment is to strike title III.

I want to say at the outset that I support the voting rights legislation. My history of support goes back to the original bill when I was a member of President Johnson's White House staff that helped pass the original Voting Rights Act. However, I think the purpose of the old Voting Rights Act was to make sure that there was no discrimination in voting with respect to any American citizen.

In reaching that goal, I think we must keep an eye focused on what is commonsense. Both titles II and III require, for example, among Oklahoma Indian tribes, that there will have to be a bilingual ballot printed for some Indian tribal language which has no written language, but only verbal language. At least, title II pertains to discrimination in voting.

I think in title III that same test does not hold true because there is no such causal connection between voter discrimination and language minority existing in title III. I think to say that there is, really stretches credulity.

Title III establishes these two tests: First of all, that if more than 5 percent of citizens of voting age and members of a single language minority have an illiteracy rate that has gone up and is higher than the national illiteracy rate, then the provisions of this act come into effect. "Illiteracy" is defined as failure to complete the fifth primary grade. The determination of this is not based on any discrimination at the voting polls, but is determined by the Director of the Census and shall become effective in any jurisdiction that comes under this provision, and it will come under the act once the Director of the Census publishes this in the Federal Register. Moreover, the bill says it shall not be subject to review in any court.

I submit, Mr. Chairman, that title III has no relation to the percentages of people who vote in any particular jurisdiction. It has no relation to any evidence of discrimination in voting. If a person is illiterate under the definition of this act, that is, has not finished the fifth primary grade, then what makes anyone believe that if he cannot read or write English, he will be able to be considered literate under the definition of this act in any other language? What shred of evidence is there to think that a Polish American who has not finished the fifth grade will receive better treatment under this act, this title of this act? How does an Indian who has not finished the fifth grade get a better chance to vote by being a member of a tribe that has no written tribal language?

Mr. Chairman, I suggest that what we are trying to deal with in title III can best be dealt with through the educational process. It does not pertain to voter discrimination. It is an educational problem. I would hope that we would put some commonsense back into this, delete this title from the bill, and then pass a very worthwhile bill which has worked very well during the past 10 years.

Mr. BADILLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment seeks to delete title III. Title III applies to all groups, not just to the Indians or those who may have an oral language only. This amendment must be opposed because the fact is that the Federal court decisions have held that the right to vote is more than an empty platitude. We are talking here about American citizens, and we say that where there is more than 5 percent of these particular groups that they shall be given the right to vote. In order to make it more than an empty platitude we require that the ballot be in the other language other than English. Where there are people who do not have a written language, obviously we cannot have a written ballot, but they would be given oral assistance. So that whether the people involved are those who speak the language only or are those who have a written language, assistance would be provided to these citizens so that they may cast an intelligent vote.

For that reason the amendment should be defeated.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, and I will do the best I can to explain my position in the very limited amount of time accorded to me.

In the Third Congressional District of Colorado, which I represent, if title III remains in the bill, although in my district we have no problem in regard to voting because of language, or lack of language skill in the English language, several counties there could be precluded, not just in my district, but others as well.

If people have a problem arising out of language they should vote against this amendment. But that is not the problem in the Third District in Colorado, nor in the State of Colorado.

For this reason I am going to vote in favor of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. JONES).

The amendment was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the commitee amendment.

The Clerk read as follows:

Committee amendment: Page 13, immediately after line 10, add the following:

SEC. 407. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD
VOTING AGE

"ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

"SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 302. As used in this title, the term 'State' includes the District of Columbia."

SEC. 408. Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment"; and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

Mr. EDWARDS of California (during the reading). Mr. Chairman, since this is a technical amendment, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BUTLER

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 14, immediately after line 19, insert the following:

SEC. 10. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately before "guarantees" each time it appears the following "voting".

Mr. BUTLER (during the reading). Mr. Chairman, since this is a technical amendment I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BUTLER. Mr. Chairman, it is my understanding that since this is a technical amendment that it has been agreed to by the other side.

Mr. EDWARDS of California. Mr. Chairman, if the gentleman will yield, the gentleman is correct; this is a technical amendment, and it has been approved by our side.

Mr. BUTLER. I thank the gentleman.

Mr. Chairman, at this time I would like to digress to dispel some doubts created by statements made by my colleagues from California, Mr. EDWARDS, and from Massachusetts, Mr. DRINAN. Each of these gentlemen, in revising and extending his remarks of June 2, 1975, inserted some matter into the RECORD with which I take issue. It is unfortunate that serious policy questions such as these were not discussed openly in debate on the floor, but rather were placed in the RECORD without the benefit of a full and open debate.

The first matter concerns section 402 of H.R. 6219 concerning attorney's fees. This section is plain on its face in permitting a court to award attorney's fees to the "prevailing" party. This term is plain on its face and should not even be susceptible to a contorted construction through resort to legislative history.

Nonetheless, my colleagues have stated that a prevailing party is to include an intervenor and that different standards are to apply to prevailing plaintiffs and prevailing defendants. In the entire record, through 13 days of hearings and in markup, these important matters were never discussed except when my colleagues assured me during markup that a prevailing defendant would be entitled to attorney's fees in the discretion of the court.

Mr. Chairman, it is disingenuous for these gentlemen to now contend that attorney's fees should be more liberally awarded to prevailing plaintiffs than to prevailing defendants. The statute is plain on its face and cannot be read to warrant a different standard in awarding fees. It is simply not clear that a plaintiff, or an organization that permissively intervenes under rule 24 of the Federal rules of civil procedure, is any less able to pay fees than a small political subdivision that may be the object of the suit.

Equally untenable is the proposition that minority rights are more important than States rights. Congress has struck a balance in this legislation that seriously infringes upon rights of the sovereign States as guaranteed under the Constitution. The majority has done so to balance 14th and 15th amendment interests of individuals against rights reserved to the States and the people. But once the balance is struck, if either side seeks to tip that balance in litigation and is unsuccessful in so doing, then the court can award attorney's fees to the winner regardless of whether he be a plaintiff or defendant, individual, or State.

I am completely aware of the court cases relied upon by my colleagues. They have taken opinions of liberal judges which have distorted congressional intent in the past, and now they seek to "bootstrap" this rhetoric into legislative history. All that the majority of this Congress can do to prevent this subversion is to pass a statute that is plain on its face and susceptible to but one construction, and that is precisely what we have done.

Mr. Chairman, the second issue on which I must focus is the topic of intervention. The statute is silent on this point because no intervention to any party is contemplated. Nothing could be more plain; It would be absurd to have to write into every statute that is passed that no intervention is permissible, because rule 24 currently permits intervention only when a statute confers such a right, or when common questions of law or fact affect a litigant. This statute is plain on its face; no intervention is given either conditionally or as of right. Judges who have decided otherwise have misread the statute and are guilty of "judge made legislation."

We simply cannot permit our colleagues to seize upon this violation of the separation of powers and imply that this Congress agrees with such opinions. Thus, we have given no right of intervention in the statute with full knowledge that this will result in a restriction of the power of intervention under rule 24 of the Federal rules of civil procedure, and we have written in an attorney's fee provision that could not be plainer in its intention.

One last point remains to be made in this area. The gentleman from Massachusetts (Mr. DRINAN) inserted a statement in the record that intervenors could receive attorney's fees if it is a prevailing party. Nothing could be further from the intention of this body. No rights of the intervenor are at issue; the intervenor is not even a party and voluntarily enters the action. It is simply unintended that the losing party should have to be subjected to massive costs due to a large number of intervenors. In fact, as I have stated, the only intervenor that is envisioned is one who has commenced litigation with similar questions of law or fact. Let me add, in closing, that any intervenor admitted to the case cannot appeal the action. No right of appeal is given to anyone but the party losing the action.

Mr. McCLORY. Mr. Chairman, I support the remarks of my friend Mr. BUTLER concerning the intent of this body on the issues of intervention and the awarding of an attorney's fee under the Voting Rights Act, as extended by H.R. 6219. I certainly believe that this body did not intend to create any right of intervention and indeed, the statute is silent on this point.

Also, the standard for awarding an attorney's fee to the attorney of the prevailing party should be uniform since important rights on each side of the lawsuit are at issue. I support this legislation insofar as it tries to compensate the winning party in a suit for having to defend its rights, but I am disappointed that some Members have tried to write into the record a perversion of this legislation that was never in the statute and never discussed in the extensive record on this act.

Mr. FLOWERS. Mr. Chairman, I concur in the remarks of my colleague from Virginia, Mr. BUTLER, concerning the issues of attorney's fees and intervenors. It certainly was not the intention of myself and several colleagues on this side of the aisle that intervention be afforded either permissively or as of right under this statute.

In fact, the issue was first mentioned in the CONGRESSIONAL RECORD on Monday, June 2, 1975, as part of a nonverbal insertion into the RECORD. Also, it is unthinkable that a court would ever look to legislative history on the issue of attorney's fees; the statute could not be more clear that an equal standard of awarding fees to the plaintiff or defendant, whoever prevails, is contemplated.

I might note that the use of the singular "attorney's fee" plainly means that only the attorney for the prevailing party is to be compensated; it was never intended that even if some court permitted intervention that the losing party should have to compensate the intervenor's attorney. Such a construction would cripple many small political subdivisions who are forced to defend these actions, so many of which make new and unforeseeable law.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I am opposed to H.R. 6219, which would amend and extend the Voting Rights Act of 1965.

This legislation constitutes an unwarranted intrusion by the Federal Government into the rights and powers of the individual States. It sanctions further Federal encroachment into areas that traditionally and constitutionally have been the prerogative of State governments.

I would like to remind my colleagues that the 1965 act was viewed as a temporary piece of legislation. We recognized that registration and voting procedures were basically State responsibilities. Federal intervention in these States rights matters was supposedly justified because of its limited duration.

No such pretenses are made in the proposed legislation. The act would be extended for another decade. Literacy tests and similar tests would be permanently banned. In addition, coverage would be expanded to include new jurisdictions under the rubric of "language minorities."

The new trigger mechanism provides that the act shall apply in jurisdictions where less than 50 percent of the population registered or voted in the 1972 Presidential election and at least 5 percent of the citizens are members of a single language minority group. The group is defined as persons who are American Indians, Asian Americans, Alaskan Natives, and of Spanish heritage.

This means that States and political subdivisions would be legally required to provide ballots and other election materials in the language of a language minority group. The State of Alaska, for example, could be forced to provide ballots and voting information in 20 or more different native dialects, many of which are spoken rather than written.

How ridiculous. Compliance in some cases would be virtually impossible. Even where possible the cost to the States and localities would be prohibitively high.

The cost, however, is more than just a monetary one. The cost is also to our federal system of government. Under the pretext of assuring non-English-speaking minorities their voting rights the Federal Government would—without proven justification—be interfering with State election procedures.

Election procedures could be judged unsound simply because of voter apathy rather than because of any restrictions on the voting process. This cannot be justified. It is wrong to presume discrimination wherever there might be voted disinterest. It is wrong to treat such disinterest with Federal intervention.

The consequences are far reaching. The basic right of local governments to nation wherever there might be voter govern themselves as provided in our Constitution would be further undermined. Local jurisdictions would lose the right to make numerous decisions because of possible consequences to minorities within their jurisdiction. Local actions such as annexation, deannexation, the establishment and location of voting booths and the printing of voter information all could become Federal questions, subject to Washington, D.C., approval or Federal court review.

I urge my colleagues to vote against extending this act for another 10 years. I urge my colleagues to vote against extending this act to sanction further Federal invasion of State and local prerogatives. I urge my colleagues to defeat this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BUTLER).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. KREBS

Mr. KREBS. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. KREBS: On page 6, line 10, and on page 9, line 9, after "language", strike out the period and insert: "*Provided*, That the reasonable cost incurred in connection with the implementation of this subsection shall be reimbursed to said State or political subdivision by the Federal Government".

Mr. KREBS. Mr. Chairman, since these are actually two amendments, I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KREBS. Mr. Chairman, obviously my time is rather brief. As somebody who has served in local government for approximately 5 years, I am painfully aware of the problems that are faced in local government, at least in my State of California and, I suspect, if I may be so presumptuous, throughout this country.

From time to time those of us who have served in local government and others who have served in this House for a number of years have repeatedly heard the complaints of local government, officials of local government, about the imposition of Federal requirements without the funding to go with them, so I think we have an opportunity here to start a new approach that I think is long overdue and an approach that in my opinion is as fair as we should be in this House. I think that we can then go back to our districts and tell the local officials, the county officials, and the State officials, that we have now for the first time approached the task of legislating on imposing Federal requirements with the point of view of also furnishing the funds to go with them. I think this is a politically attractive—if one may use that term—proposition. I think it is something long overdue. Certainly local governments throughout this country can no longer have the luxry of having Federal requirements imposed on them and then being asked to pick up the tab.

I urge all of the Members to please adopt this amendment. I think every county and city official will be deeply grateful to all of the Members, and the Members will be doing what, in my opinion, is the right thing.

Mr. EDWARDS of California. Mr. Chairman, regretfully, I strongly oppose the amendment offered by my friend, the gentleman from California. We have estimates of what this would cost. It is estimated in Westchester County, N.Y., it would cost a minimum of some $3,000. In Dade County, Fla., where there are bilingual materials and assistance, the cost only increases it by 7 percent. Revenue funds would be much more appropriate. It is not appropriate to use Federal funds in local elections anyway.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. KREBS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KREBS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

The question was taken; and on a division (demanded by Mr. KREBS) there were—ayes 35, noes 53.

So the amendments were rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in support of this legislation. I regret that for the third time the effort has been turned back to make it a truly national law. We still have a double standard of Federal law on this subject. But I would vote for this bill if it covered only my own beloved State of Alabama because it protects the rights of citizens of my State. He who truly loves the law and he who truly loves the Constitution must cherish, protect, and defend the rights of the people, which comprise the heart of the Constitution itself.

I would vote for it also because of what it has done for Alabama and our country, because it has helped to emancipate and liberate all of us, black and white. We have distinguished black public officials in Alabama and in many other States, whose election has been made possible, at least in part, by the existence of the Voting Rights Act of 1965.

The increased participation of black Americans in the political process through the protections afforded in this act, notwithstanding the fears and dire predictions concerning its effect on States like mine which were voiced in 1965, has hurt our State approximately as much as black participation has hurt Bear Bryant's football team or the University of Alabama's basketball team.

In 1970 the great and beautiful city of Birmingham, which it is my privilege to represent, was named an All-America City by Look magazine and the National League of Municipalities for its efforts toward becoming a place of hope and of opportunity for all its people. I am deeply proud of the leadership my city is now giving in this very important area.

Our country must continue to move toward the day in which every child born into this society can rise to his or her full stature, fulfill whatever gift God has placed within that person, and become the most and the best it is in that individual to be.

In this effort, I believe the South will lead the way.

The problems addressed by this legislation are national, not regional. Discrimination on an ethnic basis is, and has been, a problem North, South, East, and West. I would, therefore, be better were this a truly national law, that all Americans could be protected thereby. Nevertheless, I urge the passage of the bill in the confidence that it will help us in the continuing perfection of liberty and justice in the greatest, freest and best society the world has ever known, and which remains, in the words of Abraham Lincoln, the world's "last, best hope for human freedom."

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. FLOWERS):

Mr. FLOWERS. Mr. Chairman, I rise in support of this legislation largely on the same basis as my colleague, the gentleman from Alabama.

I deeply regret that this Committee and this House apparently does not desire to extend the privileges of coverage of this legislation to all of our people. We in Alabama believe in the right to vote for our citizens and I intend to give voice to that by my vote here today.

The CHAIRMAN. Is there another Member who is on the list who seeks recognition? Otherwise, the Chair will recognize somebody with a privileged amendment which will use up all the time.

No other Member seeks recognition, so the Chairman recognizes the gentleman from Illinois (Mr. McCLORY), a member of the committee, who has an amendment at the desk which was printed in the RECORD.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: On page 11, strike out line 3 and all that follows down through the end of line 24 and insert in lieu thereof the following:

"SEC. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall elicit the race, color, and national origin of each citizen of voting age and the extent to which such citizens are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information except with regard to information required by subsection (a), with regard to which every such citizen shall be informed that such information is required solely to enforce nondiscrimination in voting."

Mr. McCLORY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and I will explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, H.R. 6319 is one of the most important measures to come before the House in this Congress, and I urge its approval today.

It is hard, I know, for many Members to visualize the situation that obtained in 1965, when this legislation was first enacted. Intimidation and harassment of minority voters was widespread. Voting procedures were changed regularly to prevent minority votes from casting the decisive influence in elections.

I remember listening to President Lyndon Johnson calling on a joint session of Congress early in 1965 to assure equity in voter participation by minority citizens. Congress responded expeditiously, and the Voting Rights Act was enacted into law 5 months later.

As a result of this landmark law, minority citizens have been slowly attaining a more direct role in the electoral process. We can see direct evidence of that in the presence in this Chamber of some of our newly elected colleagues. But while the pressures and ill-intentioned practices have been reduced, they have not been eliminated. During the last 2 years the Justice Department has been called on to scrutinize, and has disapproved, certain changes proposed by states within the purview of the act. This is clear and convincing evidence that the need for the protection now provided has not passed.

In addition to continuing these protections, H.R. 6319 would make permanent the present ban on literacy tests as a voting prerequiste and, as has been discussed, extend the act's protection to language minority groups.

This is sound legislation, Mr. Chairman, and I commend the gentleman from California (Mr. EDWARDS), the gentleman from New Jersey (Mr. RODINO), and the other members of the Judiciary Committee, for their excellent effort in bringing this bill to the floor.

As a matter of assuring fairness in our electoral system, Mr. Chairman, we should pass H.R. 6319. I urge its overwhelming approval.

Mr. McCLORY. Mr. Chairman, in due

course I will be offering a motion to recommit with instructions which will provide for the deletion of titles II, III, and IV of this legislation and for a simple 7-year extension of the Voting Rights Act in its present form. This will take care of the additional 2-year period beyond the decennial censuses, so a person who will be fearful about what may happen as far as congressional redistricting is concerned will be covered during that period.

With respect to the amendment at the desk, this would make mandatory the response during the censuses to the questions on race or color or national origin. In one part of the paragraph on page 11 the Congress mandates the Census Bureau to get this information. They have to get this information with regard to race and color and national origin every 2 years. In every 2-year period they have to get this information and report it. It is a mandate of the Congress.

Then the bill goes on to say that notwithstanding that requirement the information does not have to be supplied by the person questioned. We had this sort of situation before when we had the Federal Jury Selection Act, and initially we made this information voluntary as far as information about race and color, but we demonstrated there that if the information is not given and is not required to be given we cannot make any fair analysis as to the percentage of persons that fit into those categories, so we amended the law to make it mandatory.

I have a letter from the Bureau of the Census which says that to the best of their recollection they have never advised a person before asking a specific question that since the survey was voluntary they need not answer the next question. They said such a procedure would produce a lack of responses.

I had a computerized automatic study made in connection with the Jury Selection Act which showed that if 5 percent or more of persons elected not to respond to the questions, the statistics would be virtually useless.

Consistent with all good civil rights legislation and testimony we had on the Jury Selection Act which was provided by the General Counsel of the Civil Rights Commission at that time, we should require this information be given in order that the statistical information of the Bureau of the Census will be valid so that Congress may determine whether there continues to be voting discrimination in covered jurisdictions.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. Mr. Chairman, the amendment of the gentleman from Illinois (Mr. McClory) has changed the bill. The bill does not now compel the disclosure of race, color, or national origin. The amendment of the gentleman from Illinois (Mr. McClory) would compel this disclosure under pain of fine or imprisonment. We think it is unnecessary. It is not good policy.

We have a copy of a letter, dated May 23, 1975, from Mr. B. Gregory Russell, Acting Chief of the current Population Survey Branch, indicating that the refusal-to-respond rate on the Current Population Surveys averages no more than 1½ to 2 percent. So there is no need for such stringent provisions.

There really is no evidence that this amendment is necessary. I do not think it is the very best policy to create new criminal law where none is necessary.

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Connecticut.

Mr. DODD. Mr. Chairman, I would also add that indication was given to us, as the author of this amendment in the subcommittee, that compulsion might, in fact, increase the amount of refusals. The current population survey, which does not mandate, as the gentleman pointed out, does not mandate compulsion, has indicated it was a good response and there is a feeling on the part of people responsible for the current survey that by requiring compulsion we would get a higher incidence of refusal.

Well, I would urge the Members to reject this amendment as unnecessary, there being no need for this kind of amendment or this kind of legislation.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from Connecticut.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, in the testimony given in 1969 by John H. Powell, Jr., the then general counsel of the Civil Rights Commission, there seems to be support for this amendment requiring mandatory statistics. He said it was necessary to get this information in a mandatory manner in order for the Federal Jury Selection Act to be effective.

May I say with respect to the requirement that a citizen reveal his national origin, if we did not mandate information to be given, it would be terribly difficult to determine whether the nonresponse would bias statistical estimates with respect to these various races, the Asian Americans, American Indians and Alaskans and so on.

Mr. EDWARDS of California. I thank the gentleman, but this amendment for a criminal provision has no place in this bill.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to extending the Voting Rights Act of 1965. I feel I must warn my colleagues that if they vote for this extension they will only succeed in sending seven Southern States, including my home State of Alabama, to the back of the bus for another 10 years.

A vote to extend this questionable act to only seven Southern States is a travesty and an insult to our constitutional form of government. The Civil War has been over for 110 years. Is it not about time that vicious reconstruction of the South also stops?

Yesterday this body rejected amendments to this act which would make the act apply to all States; reduce the length of the extension to 5 years; or give the Southern States a chance to "bailout," that is, to prove they are being fair and no longer need the all-powerful Federal Government to ride herd over their voting procedures. Is it not a fact that Federal laws are supposed to govern all the people in all the States, not some of the people in some of the States? Furthermore, is there no prejudice or discrimination that needs to be corrected in Boston, or Detroit, or Chicago?

Yet, there are those who argue that extending this punitive Voting Act in the South for another 10 years would help eliminate discrimination in voting. Maybe so, but does the possible end justify the repressive means? I think not. To me, this Voting Act is far more discriminatory than any State voting laws. It seems justice, due process, and equal treatment under the law do not apply to the South. Indeed, it appears this Voting Act is only a cover designed to force the South to continue to atone for its alleged past sins.

I realize that I am probably wasting my time speaking to this body today, for with the current composition of the Congress a camel has a better chance of going through the eye of a needle than the South has of getting out from under the oppressive Voting Rights Act. Yet, I feel I would be remiss if I did not make my feelings known in this matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McClory).

The amendment was rejected.

The CHAIRMAN. All the time has expired, except on privileged amendments.

The Chair recognizes the gentleman from New York (Mr. Solarz).

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz: Page 9, line 23, immediately after "heritage" insert the following: ", or who are members of a group which the Director of the Census determines has a mother tongue other than English".

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Connecticut.

Mr. DODD. Mr. Chairman, I rise in support of H.R. 6219 to extend the Voting Rights Act. I believe this bill which reflects 13 separate hearing sessions of the Subcommittee on Civil and Constitutional Rights, of which I am a member, is an important step toward insuring equal access to the ballot for all Americans.

There are a number of important provisions of H.R. 6219 which extend and expand the coverage of the Voting Rights Act. Not only does H.R. 6219 provide a 10 year extension of the act but it also expands coverage to certain areas not included in the original Voting Rights Act.

Provisions of H.R. 6219 insure protection of voting rights to previously uncovered language minority citizens. Title II protection will now cover such groups as American Indians, Alaskan Natives, Asian Americans, or Spanish heritage groups making it unlawful for the use of English-only election materials in jurisdictions where more than 5 percent of voting age population is comprised of a single language minority group.

In addition, H.R. 6219 would make permanent what is now a temporary nationwide ban on the use of literacy tests and other devices, which have been used in the past to deny voting rights to some minorities.

Evidence of the act's effectiveness is the increase in minority participation in the political process. In those Southern States where the act originally was applied to remove voting barriers, the number of blacks registering to vote has risen markedly since the date it was enacted. The percentage difference between white voter registration and black registration in these areas has dropped from 44.1 percent to the current estimate of 11.2 percent.

Yet the full effects of a hundred years of voting discrimination has not been eradicated. There are still over 2.5 million unregistered blacks in the 11 Southern States.

While blacks have increased their representation at the local level, there are still no blacks holding statewide offices in the States currently covered by the act.

Testimony given at subcommittee hearings for H.R. 6219 has convinced me beyond a doubt that to allow the act and its strict enforcement procedures to expire now would cause a reversal of many of the gains in minority voter participation made in the past 10 years.

By extending and expanding the act, we also address the problem of the language-minority citizen and his or her special problems in registering and voting. In the course of hearings, the subcommittee found that conducting elections only in English was as much a barrier to voting by language minorities as are literacy tests, which are prohibited by the present act.

For this reason, title II of H.R. 6219 prohibits the conduct of English-only elections in jurisdictions where 5 percent or more of the population is a member of a single-language minority and less than 50 percent of the eligible voters actually voted in the Presidential election of 1972. Essentially, title II of H.R. 6219 expands the definition of "test or device" to include English-only elections, and prohibits their use in jurisdictions where it would infringe upon a citizen's ability to exercise his or her vote.

The following protections would apply in those jurisdictions covered as a result of title II: First, suspension of literacy tests and the prohibition of the conduct of English-only elections; second, section 5 preclearance of all new voting changes; third, Attorney General authority to certify service of Federal examiners; and fourth, Attorney General authority to certify service of Federal observers.

An area of the act that has recently grown in use is section 5. Under this section, the U.S. district court or the Attorney General is required to review all changes which covered jurisdictions proposed to make in their voting procedures.

Over the years, the number of changes in voting procedures which have been submitted for the Attorney General's review have increased from 1 in 1965 to 1,118 in 1971 and to 988 in 1974. The fact that the Justice Department has recently entered objections to voting changes from some seven States is evidence of the need to continue this preclearance mechanism.

These objections involved such things as at-large requirements, polling place changes, majority vote requirements, and increased candidate filing fees.

Each of these States failed to prove that their proposed changes in voting procedures would not have a discriminatory effect.

In my consideration of H.R. 6219, I have been firmly convinced that section 5 requirements have been largely responsible for the gains that have been achieved in minority voter participation. And, in my opinion, it is absolutely essential to insure that progress will not be destroyed through changes in voting procedures or techniques, in areas where there has been discrimination in the past.

In addition, the extension of the act to specifically include language-minority citizens will address many of the special problems these groups encounter with conducting English-only elections.

For example, one major hardship encountered by this group is the low literacy level among language-minority citizens. This low literacy rate aggravates the problem of dealing with registering and voting procedures that are only in English. According to 1970 census statistics, only 5.5 percent of the total population 25 years or older had less than 5 years of school, while figures for the same year indicate that 14.6 percent of the blacks and 18.9 percent of persons of Spanish heritage had less than 5 years of school.

For example, 80 percent to 90 percent of Spanish-heritage individuals in areas near the Rio Grande in Texas speak and write only in Spanish. Throughout the United States, it has been estimated that almost 50 percent of all persons of Spanish heritage have only a limited knowledge of written and oral English. Therefore, elections held only in English effectively rob these people of their most basic constitutional right.

Another important requirement of the act is section 403 which would require the Bureau of the Census to conduct minority registering and voting surveys. Title VIII of the Civil Rights Act of 1964 required that the Director of the Census collect, by race and national origin, voting and registration statistics in jurisdictions designated by the U.S. Commission on Civil Rights. The Commission made requests for title VIII surveys but the administration never requested and Congress never appropriated funds for their implementation.

Therefore, I offered an amendment that was adopted by the subcommittee and approved by the full committee which would direct the Census Bureau, after every congressional, to collect registration and voting statistics by race, color, and national origin in specific areas. These surveys are to be automatically conducted in every jurisdiction covered under the Voting Rights Act of 1965, as amended. The U.S. Commission on Civil Rights may designate the collection of data in other areas for any election.

Our recent deliberations on the extension of the Voting Rights Act illustrated vividly the lack of substantive data on voting by race and national origin. This data is very important for any future judgments in the area of voting rights.

Mr. Chairman, I believe that H.R. 6219 contains safeguards that are absolutely necessary in order to prevent discrimination in registering and voting against racial- and language-minority citizens.

I give my complete support to this legislation because I am convinced that without it, a large number of Americans will be denied their right to vote. Our Government works on the principle of active participation by all its citizens. By insuring this right to participate in choosing one's elected representatives, we also insure a better America.

Mr. SOLARZ. Mr. Chairman, members of the committee, most of the amendments which have been offered in the course of the last 2 days were clearly designed to weaken the bill. I want to call to the attention of the Members the fact that the amendment I am offering now is designed to strengthen the bill. It does not remove any of the groups that are protected by the bill; it does not in any way diminish the degree of protection for those groups which are covered under the bill are given by this act.

What it does attempt to do is broaden title III of this legislation in order to extend the protections and provisions to a number of groups that are not now included in it. Under the existing language of title III, American Indians, Asian Americans, Alaskan Natives, and those of Spanish heritage who constitute more than 5 percent of the population and which have an illiteracy rate higher than the national illiteracy rate are entitled to have the ballots and other official elective materials printed not only in English, but in their native language as well.

My amendment would add to the four groups already mentioned in the bill any other language minority which meets precisely the same criteria which the four groups already mentioned in title III have to meet as well. That is to say, it would add only those other language minorities which, first, constitute more than 5 percent of the population of a State or political subdivision thereof; and second, have an illiteracy rate higher than the national illiteracy rate.

Now, it is entirely possible that with such protections, no other language minority might qualify throughout the country to have their ballots printed in their language as well as in English. If, in fact, that turned out to be the case, then nothing would have been lost by adding this language, although I might say that if the language is added, we would have established in the law a principle of equity which says to every group that they are theoretically eligible for the protections of this legislation.

On the other hand, if it should turn out that somewhere throughout the length and breadth of this land there are other language minorities that, like the four already mentioned in the bill, constitute more than 5 percent of the population and which have an illiteracy rate higher than the national illiteracy rate, then it seems to me as a matter of equity that such a group would be entitled to the same protection as the four language minorities already mentioned in title III.

The distinguished chairman of the subcommittee will probably tell us that the reason only four language minorities were mentioned in the bill, and none others, is that there was testimony during the course of the hearings indicating that only these four groups were discriminated against, and therefore they are the only ones who should be entitled to this bilingual protection. But, I would submit that in the words of title III, the operative indication of discrimination is the illiteracy rate of the group in question.

I would point out to the Members that if one of the four language minorities mentioned in title III, Alaskan Natives, for example, or Asian Americans, constitutes more than 5 percent of the population but has an illiteracy rate lower than the national illiteracy rate, then they do not qualify to have their ballots printed bilingually. Only if the illiteracy rate is higher do they qualify, and it seems to me they should be able to get bilingual ballots if they have an illiteracy rate higher than the national rate.

The other minorities ought to be able to get ballots as well. If they are French Americans in Louisiana, German Americans in Wisconsin, Italian Americans in Rhode Island, or Yiddish-speaking Americans in Brooklyn, as there are in my district, that meet the very same criteria as the four language minorities specifically mentioned in the bill, then it seems to me as a matter of fundamental fairness that we ought to print bilingual ballots for them as well.

A number of Members who voted against the Biaggi amendment, which was somewhat similar to mine, may want to know wherein my amendment differs from my distinguished colleague from New York. There is a fundamental difference between our two amendments. The Biaggi amendment dealt not only with title III, but with title II.

My amendment deals only with title III. In practical terms, the difference between title II and title III is that under title II of the bill, if the Biaggi amendment had passed, any language minority constituting more than 5 percent of the population in any jurisdiction covered by the Voting Rights Act would have to have bilingual ballots printed for them.

Mr. BADILLO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

As the gentleman from New York (Mr. SOLARZ) has stated, this is almost identical to the amendment offered by the gentleman from New York (Mr. BIAGGI), except instead of covering title II and title III, it covers title III only. It therefore suffers from the same defects with respect to coverage of title III.

Mr. Chairman, as was indicated previously, we have positive evidence that the other language groups mentioned by the gentleman from New York have a very high registration percentage. Once again, we found that the registration percentage of Germans was 79 percent; French, 72 percent; Russians, 85 percent; Italian, 77 percent; and Polish, 79 percent.

Mr. Chairman, I am astonished to hear that the district that is represented by the gentleman from New York (Mr. SOLARZ) has a Yiddish population that does not have a high degree of achievement; and if that is the case, I am also equally astonished that the gentleman did not come before the Judiciary Committee. But I cannot believe in the district in Brooklyn the gentleman is talking about that they have that high degree of illiteracy in the Yiddish population.

I think the amendment is clearly overbroad. I say that we should limit the bill to the groups for which testimony was presented before the committee, and for that reason I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ).

The question was taken; and on a division (demanded by Mr. SOLARZ) there were—ayes 36, noes 73.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KINDNESS: Page 10, strike out lines 12 through 15 and redesignate succeeding sections of title IV accordingly.

Mr. KINDNESS. Mr. Chairman, the effect of this amendment is to eliminate section 401 of the bill, which, for the first time, adds the words "an aggrieved person," modifying those who could bring an action.

It has been the case that the Attorney General could bring an action under the Voting Rights Act, section 3. There are three different subsections dealing with the Attorney General's powers under the Voting Rights Act. That section of the bill, section 401, would now say, if the committee's language is accepted, that not only could the Attorney General go into court and ask for the extraordinary remedies that are provided by the Voting Rights Act, but also "any aggrieved person" could do so.

Mr. Chairman, we have already seen here this afternoon how broad the scope of the Voting Rights Act will be in the language of the bill as it is presently before us. We have already seen how many uncertainties there are in the way of dealing with the litigation. We have already seen that people will have to come to Washington to do it. The term, "any aggrieved person," being added to the burden of litigation, I think, is an undue burden to be added to the Federal court system.

But beyond that, the remedies that are so extraordinary as imposed by the Voting Rights Act are an aberration from our usual constitutional procedures. The powers of the States have been reduced or impinged upon in order to remedy a situation that existed, a situation that ought not to have existed. The power of the Attorney General to bring those actions in court is a power that ought to be reserved only to the Federal Government, it seems to me, if there is to be some lessening of the constitutional role of the States. It ought to be at least under the control of an officer of the Federal Government.

The effect of section 401 of the bill is to open up what we might call a category of class actions. I believe that if logic and reason are to be considered here today, we should consider that this law, the Voting Rights Act, is very different from the Civil Rights Act and others that provide similar opportunities for any aggrieved person to bring an action.

Mr. Chairman, we are talking about extraordinary remedies and we are talking about lessening the powers of the States. I would just urge that the Members support this amendment.

I will ask for a recorded vote if things look too bad, I suppose.

Mr. Chairman, the process that we have been through this afternoon, I think, clearly points out that the kind of litigation that is involved here ought to be under the control of a governmental authority at the Federal level.

It ought not to be so extended as to make this an opportunity for massive litigation, and that can occur in each Member's district, in every district in the country.

Every Federal district court will not be deciding these issues. It will be the U.S. District Court for the District of Columbia, and its docket could very well be terribly overloaded.

I urge that the Members support this amendment.

Mr. Chairman, the one thing I would like to leave the Members with on that point is this: We are talking about control governmentally. If there is anything wrong with the way that section 3 has been used by Attorneys General in the past, that is something that can be controlled at the Federal level and this Congress can have an effect on it to some degree. This Congress cannot in my view responsibly extend that function under section 3 beyond the Attorney General to "any aggrieved person."

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this issue was seriously debated in the subcommittee and in the committee, and it was turned down. We did not accept the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

This is a very important provision of the bill. It in effect makes it possible for aggrieved persons and individuals who suffer a severe discrimination in voting to go into a Federal court and to have the judge at his discretion provide relief, the same kind of relief that the district court judge could afford the U.S. Attorney General.

Mr. Chairman, I urge a "No" vote on the amendment.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, would it

be fair to say that a person living in an uncovered State—let us say Oklahoma—who feels aggrieved and that he has been discriminated against under the Voting Rights Act can now go into the Federal court and ask the Federal court to issue an order which would require that State to come under the preclearance provisions which are now affecting only the covered States?

Is it fair to say that what this does is to give an individual the right to bring his State under all the sanctions that are now only available if the Attorney General files an action under section 3 or the State is otherwise covered under this legislation?

Mr. EDWARDS of California. It is fair to say that this bill, unless the Kindness amendment is adopted, would so permit an aggrieved person to go into Federal court, and at the judge's discretion have the benefit of the remedies of section 3 of the act.

Mr. BUTLER. If the gentleman will yield further, would it not also be fair to say that once the court takes jurisdiction under the objection of an aggrieved person, under the legislation there is nothing which terminates the jurisdiction of the Federal court thereafter except the discretion of that Federal court itself? Is that a fair statement?

Mr. EDWARDS of California. Yes, and I think it is entirely appropriate.

Mr. BUTLER. Then it would be fair to say that if the judge of the Federal court felt that it would be appropriate, that the Federal court could retain jurisdiction and could bring a State under the act and the Federal court could retain this jurisdiction indefinitely thereafter; if one did not feel that this was appropriate then would it be appropriate to vote for the Kindness amendment?

Mr. EDWARDS of California. Yes, and I firmly believe that it would be entirely appropriate, and I believe that is what the Federal court would do, retain jurisdiction until the matter was decided.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The question was taken, and on a division (demanded by Mr. KINDNESS) there were—ayes 41, nays 117.

So the amendment was rejected.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, over the past several weeks, some of my colleagues have raised again the question of the fundamental fairness of requiring jurisdictions covered by the Voting Rights Act to carry the burden of demonstrating to the satisfaction of either the Attorney General or the District Court of the District of Columbia that the implementation of any different "qualification, prerequisite, standard, practice, or procedure" affecting the right to vote "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color or national origin"—what has been called the bitter medicine of voting rights laws.

The first observation that must be made is that, in enacting this legislation 10 years ago, Congress saw the need to defeat the "ingenuity and imagination of those determined to circumvent 15th amendment guarantees." In the first constitutional test of this legislation, South Carolina against Katzenbach, the Supreme Court upheld the wisdom of this burden-shifting approach:

> Congress has found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the 15th amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil of its victims.

In every major decision interpreting the approach taken by section 5 since including the Perkins, Allen, and Georgia decisions, the Court has squarely affirmed it. There can be no quarrel as to the legal soundness of the burden-shifting mechanism, in my judgment; Anglo-American law has traditionally embodied such a doctrine in tort law to protect the opportunity of an aggrieved party to vindicate rights when wronged, when that party—because of his comparative lack of sophistication and resources—is at the mercy of the wrongdoer. Surely we can protect the voting rights of minority citizens with the same vigor that we defend ourselves from stray surgical sponges.

Similarly, the necessity for extending the suspension and preclearance provisions of the act to covered jurisdictions for an additional 10 years has been questioned. Opponents of this extension have characterized these procedures as unfair, in that they unduly stigmatize those jurisdictions which have made a good-faith effort to eliminate discrimination in voting over the life of the act. The record compiled by the Subcommittee on Civil and Constitutional Rights, the U.S. Commission on Civil Rights and the Department of Justice vividly demonstrates the need for continued vigilance in protecting the voting rights of all citizens. For example, although the number of changes submitted to the Attorney General for review under section 5 now exceeds 4,000, 3,898 of those changes were submitted by 12 covered jurisdictions only in the last 4 years. Of the 163 objections interposed by the Attorney General to the implementation of those changes, 141 were made during the past 4 years.

These recent objections—focusing primarily upon at-large requirements, polling place changes, majority voting requirements, staggered terms, increased candidate filing fees, redistrictings, switches from elective to appointive offices, multimember districts and annexations—clearly bespeak the continuing need for the section 5 preclearance mechanism, especially at a time when the Court-fashioned doctrine of "one person, one vote" has, ironically, created new opportunities to disenfranchise minority voters. The limited and fragile success already won under section 5 should not be squandered by removing coverage at a time when it is most necessary.

By the same token, testimony taken by the subcommittee over 13 days of hearings suggests that physical as well as legal barriers are still thrown in the way of some citizens seeking to exercise their franchise. Incidents of threats, intimidation and harassment at the polls are a painful reality that in and of themselves support the continued authority of the Attorney General to certify for appointment Federal poll watchers and registrars.

Much of the dissatisfaction expressed over H.R. 6219 as reported centers upon the alleged unfair treatment afforded covered jurisdictions by not liberalizing procedures whereby they may escape coverage under the automatic triggering mechanism by demonstrating that no discriminatory practices or procedures are in effect at the time of application. I speak of the "bailout" provisions built into the original Voting Rights Act to assure against overbroadness. Proponents of language which would relax present requirements contend that, under the result reached by the Supreme Court in the Gaston County case, those requirements have been rendered impotent. This position ignores the fact that jurisdictions in Alaska and New York have successfully sued for relief, invoking the supposedly inadequate current "bailout" provisions, since the Gaston County decision. In any event, the alternatives proposed to established law suffer from a number of defects; for example, the standard under which criteria for escape are to be tested is one of "reasonableness"—a yardstick that has not had the benefit of examination or application in this area of the law and which is unsupported by available evidence. As the Civil Rights Commission has already indicated, these proposed "bailout" substitutes may "create new and difficult problems of standards, procedures, and management."

Another change in H.R. 6219 has been advanced which has been labeled as progressive because it makes the Voting Rights Act permanent in the law, rather than merely extending its life an additional 10 years. While this idea is generally commendable, its particulars fall short, unfortunately, of what Congress ought to do to make this legislation meaningful in perpetuity. The history of the Voting Rights Act itself clearly demonstrates that a mere 2-year coverage period is inadequate in practice to erase demonstrated voting inequities. Moreover, by ignoring less evident techniques used to effect discrimination, such as switches from district to at-large elections and discriminatory annexations, this amendment would rob distinct racial and language minorities of the equipment they need to combat subtle attempts to dilute their voting strengths. Indeed, the thrust of this proposal would be to offer such identifiable groups the Hobson's choice of accepting such dilutions or staying away from the polls in order to trigger the coverage formula. Such a result is antithetical to the extent with which Congress enacted and extended the Voting Rights Act.

Despite demonstrated and irrefutable evidence of the need to do so, opponents of H.R. 6219 have complained that expanding the boundaries of the act's coverage to include Spanish and Native Americans and other bilingual minorities to enable them to exercise their right to vote unhindered by arbitrary prerequisites constitutes a burden covered jurisdictions should not be made to bear. I submit that the dual guarantees of the 14th and 15th amendments are not qualified by expense or inconvenience. The fact that the lack of equal educational opportunities for some citizens throws a roadblock in their way when given the chance to exercise those guarantees is one too evident to ignore; indeed, the demonstration of the absence of such opportunities led the Supreme Court to strike down literacy barriers in the Gaston County case. This legislation, by recommending a permanent ban on literacy tests—which now exist in 12 States, including Connecticut, Delaware, and New York—gives Congress a unique opportunity to further the designs of those two amendments to the Constitution. As Mr. Justice Douglas pointed out in the case of Oregon against Mitchell, Congress:

> . . . can rely on the fact that most States do not have literacy tests, that the tests have been used at times as a discriminatory weapon against some minorities, not only Negroes but Americans of Mexican ancestry, and American Indians; that radio and television have made it possible for a person to be well-informed even though he may not be able to read and write.

There are broader and much more serious implications which may result from ignoring present realities of discrimination in voting and its short-term effects upon ethnic and language minorities for the sake of convenience, ones which go to the very essence of democratic government. Simply put, electoral democracy in this country is shrinking. Voter turnout has declined dramatically since 1960 when 64 percent of the total population voted in the presidential election. In 1972, only 55.6 percent of eligible voters went to the polls. 58 million Americans of voting age stayed home that year, a staggering 42.6 percent of the voting-age population. In addition, 44 million Americans of voting age failed to register to vote in 1972, 32.4 percent of the eligible voting age population. Events in our Nation's recent past should serve as a warning of the dangers of millions of our citizens being excluded or alienated from decisionmaking processes.

Imagine how different this country would be—how different our priorities, policies and spending would be—if, as is the case in western European countries, 75 to 90 percent of eligible voters went to the polls. Given our shrinking electorate and the fact that racial and language minorities are significantly under-represented in our political processes, those who do vote—and who are disproportionately better educated and more economically secure—are able to exert an influence on the agenda of American policies in the direction of narrower class and cultural interests that is out of proportion to their true popular strength. Regardless of the factors that kept almost 60 million Americans away from the polling places in 1972, any legislation that serves to broaden the participative base in our electoral democracy promises to have a salutary effect on the direction of public policy.

As this Nation prepares to celebrate its 200th year of existence, it is not enough to note that some latent progress has been made toward securing the full blessings contemplated by the 15th amendment. It is not enough that the voter registration gap between blacks and whites in seven Southern States has been narrowed from 44 to 11 percent; it is not enough to say that there are now 591 more black elected officials in the South than there were 10 years ago. It is time to recognize and give legislative credence to the fact that America is truly a diverse society—culturally and linguistically, as well as economically. Not every American speaks only English. Not every citizen is middle class and white. Is it not time to translate this diversity, as Canada has successfully done in the past several years, into meaningful political expression and representation? I believe that the answer to that question is within our grasp today. We must make every effort to answer it correctly.

Mr. STOKES. Mr. Chairman, I rise in support of H.R. 6219 which amends and extends the Voting Rights Act of 1965. This legislation, like none before it, has effectively begun the process of guaranteeing the most fundamental of those essential rights descriptive of any truly democratic society.

It is designed to allow and facilitate the registration of all voters; to permit all citizens to vote equally and impartially and without discrimination; and to permit minority candidates to run with a reasonable hope of access to public office.

Since 1965, about 1.5 million blacks in the South as a whole have become registered voters—about 1.1 million in the covered States. The percentage of eligible blacks registered in the seven covered States rose from about 29 percent in 1964 to 56 percent in 1972, and the gap between black and white registration decreased from 44.1 percentage points to 11.2 percentage points.

However, it is estimated that as many as 2.5 million eligible blacks in the South are still not registered, and that black registration is about 15 points below the percentage of white registration.

Black voter turnout in the South has increased in terms of percentages and numbers of registered voters since 1965. It is apparent that black voter turnout in the South is lower, percentagewise, than white turnout.

According to a U.S. census survey of the voting age population, 47.8 percent of blacks in the South reported that they voted in the 1972 election, compared to 57 percent of whites.

The data clearly describes real progress but it remains principally important to remember that we are still in the early stages of reversing the results of centuries of discrimination. If the temporary provisions are not extended, the likelihood is that we would find ourselves set back to the starting point.

It is significant to note that 105 years after the ratification of the 15th amendment and 10 years after passage of the Voting Rights Act, 2½ million blacks in the South remain unregistered today. Though comprising large segments of the population in each of the covered seven States: Mississippi, 37 percent; South Carolina, 31 percent; North Carolina, 22 percent; Virginia, 18 percent: et cetera. No blacks hold statewide office in any of them. The black representation in the State legislatures does not approach the black proportion of the voting age populations in the respective States.

In 1965, there were 72 black elected officials in the 11 Deep South States. Today, there are 1,587—including 1,114 in the seven States specially covered by the Voting Rights Act.

However, blacks hold less than 2 percent of the 79,000 public offices in the South.

In the 101 black-majority counties blacks hold a majority of seats in the county governments of only six counties.

There are 362 majority-black towns and cities in the South which have not yet elected even one black public official.

In the 7 covered States, 27 percent of the population is black, but only 1 of 57 Congressmen from the States is black: of 1,174 State legislators in those States only 68 are black. No blacks in the States hold statewide office.

The number of black elected officials in the South has risen as follows:

1965	72
1966	159
1968	248
1969	388
1970	565
1971	711
1972	873
1973	1,144
1974	1,307
1975	1,587

Whites throughout the South are still very much in control of the electoral machinery, and the results are ever present.

Verified reports abound detailing accounts of lost ballot boxes, inconvenient registration hours, and inaccessible locations for voting and registration. The results: Blacks remain underrepresented even in the 84 southern counties where blacks comprise voting age majorities.

For these reasons among others, the real implications of a congressional failure to extend the special provisions are frightening, more especially in view of one approaching development. Based on the 1980 census, by 1985, all States and many local jurisdictions will have redrawn lines for representative subdivisions altering constituencies from town council districts to congressional districts. Mr. Chairman, I think none of us here has any illusions about the outcome of this redistricting process should the section 5 preclearance requirements be removed. The small gains that blacks have made to date could be all but wiped out by those remaining unreconstructed whites in power who still resist the command of the 15th amendment.

A similar result will obtain, Mr. Chairman, if the national ban against the literacy test is not continued. By March 1975, 12.9 percent of blacks over 25 years of age had received less than 5 years of formal education. For Mexican Americans the figure was 27.2 and 19.5 percent overall for Spanish-origin populations. As discouraging as these measurements may be, illiteracy is hardly a disability peculiar to blacks and Spanish-speaking Americans. In absolute numbers, more whites living in America are functionally illiterate than are minority group members.

Mr. Chairman, it is safe to assume that if the literacy test ban is not extended, millions of voting age Americans—blacks and Spanish-speaking citizens disproportionately—would again be excluded from participating in our democratic system, the same system that in the first instance failed in its responsibility to provide all Americans alike with the most fundamental of learning skills, the capacity to read and write.

Ten years ago, when the original Voting Rights Act was first passed, it was designed to meet the needs of minorities who were being denied the right to vote. Since then, the situation has improved greatly in those areas which the act was designed to affect. Yet, the need for the bill is still evident, for new areas have been discovered which need the special protection and benefits which the bill, as originally drafted, does not address.

Mr. Chairman, if we are to increase the voter participation of minority Americans, strong congressional action is needed. We must insure full free access to the polls for all. H.R. 6219 recognizes the special needs of many American citizens in exercising their right to vote, and I urge that H.R. 6219 be adopted—without weakening amendments.

Mr. EDWARDS of California. Mr. Chairman, some questions have been brought to my attention concerning two counties in Oklahoma which are covered under title II of H.R. 6219 because of their population of Choctaw Indians. It has been indicated that the American Indians in these two counties, mainly Choctaws, use English as their dominant language and continually have had high rates of voter participation.

If these factors are indeed the case, there would seem to be no problem for these two counties to prove that no "tests or devices" including English-only elections have been used in a discriminatory fashion in the past 10 years. If the Choctaw Indians in these counties do, indeed, speak English and have had generally high voter participation, then it would surely seem that these two counties would be able to easily qualify for exemption from the act.

It has been indicated, in fact, that the members of the Choctaw Tribe no longer currently use the Choctaw language. Since both titles II and III of H.R. 6219 mandate bilingual elections, some concern has been expressed on how covered jurisdictions which include American Indian populations where native languages are not currently used, will comply with the act. We have made clear in the committee report that impossibility of performance in the case of oral-only languages would mean that the bill imposes no mandate for bilingual printed materials. Instead it is intended that the bill create, in such instances, an affirmative obligation to provide bilingual oral assistance in all stages of the electoral process. Further, if an American Indian language is historic in nature and is not used by the population of the relevant tribes, then it is obvious that not even oral assistance in such nonspoken language cases will be required. Moreover, it is obvious that the Attorney General would not enforce a bilingual mandate in such situations.

Mr. ROYBAL. Mr. Chairman, the evidence in support of H.R. 6219 documents the denial of the franchise to language minority groups throughout the United States.

In my own State of California, the more than 3 million Mexican Americans continue to experience serious impediments to registration and voting participation. The discriminatory practices include at-large school board elections, redistricting, registration, and voting irregularities, changes in polling places and lack of bilingual registrars and election officials. The total effect of these practices has been a negligible level of representation for Mexican Americans.

Overall, Mexican Americans comprise approximately 16 percent of California's total population and 12 percent of its voting age population, but yet hold only 0.7 percent of the elected offices in the State. Further, Mexican Americans have only one Federal representative—elected in 1963—out of a total of 43; two State senators out of 40; and four State assemblymen out of 80.

Of particular concern is the rural experience. In an August 1971 report, the California State Advisory Committee to the U.S. Commission on Civil Rights found a serious lack of Mexican American deputy registrars in the rural areas. Citing several voting obstacles, including intimidation, the Civil Rights Advisory Committee concluded that "rural communities generally appear to offer inadequate opportunities for Mexican Americans to participate in governmental functions." Similarly, a 1971 study by the Civil Rights Commission showed that in rural counties such as San Joaquin, Madera, Colusa, Kern, Monterrey, Santa Barbara and Tulare, Mexican Americans had a combined total of 1.2 percent of the governmental officials, although their population in these counties ranged from 16.7 to 44.9 percent.

More recent incidents reinforce the 1971 findings of voting abuse in the rural areas. Staff members of the California Rural Legal Assistance point to a number of voting problems, including at-large school board elections and registration difficulties. In the rural communities we find that at-large school elections effectively deny Chicanos representation on the board, even though they constitute a substantial part of the population. The point is that if school boards were elected by district instead of at-large, Chicanos would likely gain two or three seats.

For example, Chicanos make up 16.8 percent of the Kern County population, 26.2 percent of Tulare, and 24.7 percent of Kings; yet they represent a less than 2 percent of the board membership for these counties. In the rural community of Shafter—Kern County—it is reported that Mexican Americans have no board representation, although they comprise 40 percent of the population. In the community of Delano, the result is the same: No Chicano representation even though they comprise approximately 40 percent of the population and over 50 percent of the school enrollment. In Arvin, Mexican Americans had no board representation until 1972, even though they constituted more than 50 percent of the school enrollment. In 1972 they were successful, finally, in gaining a seat on the five-member board.

Similarly, Mexican Americans have been denied board representation in many of the communities located in Imperial, Santa Barbara, and San Luis Obispo Counties. In Guadalupe—Santa Barbara County—for instance, Chicanos comprise 75 percent of the population, but are denied representation on the board. In Westmoreland—Imperial County—they comprise 40 percent of the population, but have no board representation. The same pattern exists in Lucia Mar—San Luis Obispo County—which had already been investigated in 1973 by the California State Advisory Committee to the U.S. Commission on Civil Rights for discriminatory practices in the education of Mexican American students.

Besides at-large election obstacles, Mexican Americans must face the reluctance of county officials to employ bilingual registrars and election officials. There have been reports that county officials have told Chicanos they were not needed as registrars since the county already had a sufficient number—almost totally Anglo and English speaking. Only in the town of Delano have Mexican Americans been somewhat successful in increasing the number of bilingual registrars. But even there there has been virtually no change in the selection of voting officials.

The result has been the maintenance of an Anglo-only registration and election system within these communities.

In Westmoreland, Mexican Americans comprise 40 percent of the population. In a recent board election in that community, Spanish-speaking voters were unable to obtain assistance from election officials to operate the voting machines, because no one spoke Spanish. When a bilingual observer raised the issue with these same officials, she was told simply that "it was not necessary."

In Heber, Chicanos comprise 80 percent of the population, and yet receive virtually no bilingual assistance. At one polling place, a staff member of the California Rural Legal Assistance was told by an election official who had Spanish-speaking skills that she was instructed by the county clerk not to speak Spanish because it was against the law to do so.

In Niland, an election official insisted that "the Spanish people who do not speak English should not have a right to vote at an election." She added, "If the Spanish people do not speak English, they should be kicked back into Mexico and not be allowed to come back."

In one case, in the town of Arvin, a Spanish-speaking woman was refused an opportunity to register on grounds that she could not speak English.

In another community, San Ysidro, a Spanish-speaking voter asked for assistance in operating the voting machine. Since none of the Anglo election officials spoke Spanish, she obtained help from another Mexican American voter. The woman who assisted her asked the officials why they had failed to provide bilingual officials. The response was that "this is America, and if the woman wanted to vote, she should know how to speak English."

The intentional failure to provide bilingual assistance has serious repercussions in voter turnout among Mexican Americans and other Spanish-speaking citizens. It creates a negative and hostile setting—one of embarrassment and discouragement for Spanish-speaking voters. But why should they suffer embarrassment and harassment because they speak only Spanish or very little English? Why should these voters be turned away because Anglo officials are unable to speak Spanish, have difficulty in finding Spanish surnames, and resent helping voters in another language? Why is it that in El Centro, where Mexican Americans make up 40 percent of the population, a Spanish-speaking woman voting for the first time in her life must experience chagrin because no one could explain to her in Spanish how to operate the voting machine?

At one polling place in Calexico, Anglo officials denied several Spanish-speaking persons an opportunity to vote, supposedly because their names did not appear on the list. One turned-away voter related that on his way home, a friend stopped him and asked if he had voted. When the man explained what had happened, his friend, who was bilingual, accompanied him back to the polling facility and insisted that the individual's name was listed. The election officials finally relented and allowed the person to vote.

The California Rural Legal Assistance reports that many Spanish-speaking voters will not risk going to the polls unless accompanied by friends. The reason is that they believe there is less likelihood of being embarrassed or harassed.

Other complaints focus on the lack of adequate voting facilities and changes in polling places without proper notice. In Shafter, Chicanos complained that they had received voting packets from the county instructing them to vote at a nonexistent location. They were never informed of the correct address.

Other Chicanos had received voting packets that informed them to vote at a certain school where they had usually voted in the past. However, when they attempted to vote at the school, they were unable to locate the polling facility and saw no signs indicating a change to another location on the school grounds. Even after an intensive search, they were unsuccessful in finding the location.

In Delano, Mexican Americans encountered a number of serious voting obstacles during a recent school board election. The first problem involved a voting facility in the west side of town where half of the population, mostly Mexican American, resided. At this location, Chicano voters experienced long lines involving usually an hour wait. Although the facility contained eight voting booths, only one was being used at a time apparently because of the inability of the Anglo election officials to quickly process the Spanish surnames and communicate in Spanish. A staff member of the California Rural Legal Assistance witnessed instances in which several voters decided not to wait and left.

Another incident involved threats made by Anglo election officials to deny a Mexican American woman an opportunity to vote, unless she removed her Farm Workers Union button. She refused and insisted on her right to vote, and was finally permitted to do so.

Aggravating these problems has been the absence of bilingual assistance, despite passage of a 1973 law mandating bilingual registration efforts. The law requires county clerks and registrars to take steps to recruit bilingual registration officials in precincts where 3 percent or more of the voting age residents lack sufficient skill in English to vote without assistance. In addition, an earlier law, effective in 1971, required the posting of a facsimile copy of the ballot in Spanish at the polling place.

Both provisions have not been carried out effectively. A special Library of Congress report on "Bilingual Voting Assistance in the Southwest"—dated February 21, 1975—points out that a Secretary of State official admitted the office had little power to "administer" the State's election process. This means that the administration and enforcement of the election laws, including bilingual assistance, are left to each county's discretion.

A 1974 study by the California Secretary of State found that, on the basis of a poll of all 58 counties—

> The vast majority of County Clerks and/or Registrars of Voters in this state have not responded to the mandate of section 1611 [bilingual registration assistance] and have made little progress in assisting voters who have difficulty in voting in English.

"Most disturbing of all," the report stressed, "was the lack of response to the questionnaire from counties with statistically large numbers of Spanish-speaking and other non-English-speaking ethnic groups." It cited 15 counties with over 10 percent Spanish language populations failing to respond including Imperial, 46 percent; San Benito, 45 percent; Tulare, 26 percent; Fresno, 25 percent; Merced, 23 percent; Monterey, 21 percent; Ventura, 20 percent; San Joaquin, 18 percent; Santa Clara, 18 percent; Kern, 17 percent; Riverside, 17 percent; Santa Barbara, 17 percent; Yolo, 17 percent; Almeda, 16 percent; and San Luis Obispo, 11 percent.

Other counties with 10 percent or more Spanish language responded but failed to find precinct areas needing bilingual assistance although some like Kings, 25 percent, and San Bernardino, 16 percent, have substantial Spanish-speaking populations.

Some of the worst practices affecting Chicano populations have been statewide gerrymandering schemes. These practices have provoked protests from the Mexican-American communities as abridging their right to vote and receive fair representation. In its 1971 plan the State legislature failed to form Mexican-American districts in areas where community patterns lent themselves naturally to that formation. In the Los Angeles area, for instance, there are a number of contiguous Chicano communities, including unincorporated east Los Angeles, where gerrymandering has diluted their vote and level of representation. The combined Chicano population for these adjacent communities has been estimated at 870,000.

The 1971 plan attempted to divide this Mexican American enclave into:

Eight assembly seats with no district having more than 25 percent Chicano registration;

Four Senate seats with three under 18 percent Chicano registration and one with 26 percent; and

Six congressional seats with only one showing as high as a 21-percent Chicano registration.

The 1971 plan mirrored, to a great extent, earlier reapportionment schemes in undermining political representation for Mexican Americans. The 1965 plan splintered the Chicano communities in the Los Angeles area into 10 State assembly seats and five State Senate districts—not one having more than 30 percent Chicano registration. The 1967 plan divided the communities into six congressional seats with only one as high as 23 percent Chicano registration and the other five less than 20 percent.

In their analysis of California's gerrymandering practices, both the California Rural Legal Assistance and the Mexican American Legal and Educational Defense Fund concluded that—

> The architects of the reapportionment were careful to keep the Chicano population in any district small enough so that no incumbent need fear a challenge from a Chicano.

In 1973, the State supreme court stepped into the reapportionment issue after the legislature and the Governor failed to reach agreement. As a result, the court ordered the implementation of its own plan. On first glance the court plan appears to provide additional opportunities for Mexican Americans to increase their level of representation. However, this change of events will not occur unless the prevailing pattern of voting and registration abuse which I have discussed today is eradicated.

Another problem area that must be covered is the lack of representation on school boards elected at-large. This is true not only of rural areas, as I have already mentioned, but of urban communities as well. For example, in Los Angeles County, Mexican Americans continue to be underrepresented on these educational boards.

According to 1975 school data being compiled by the Mexican American Legal and Educational Defense Fund, there are some 2 dozen school districts in Los Angeles County which have failed to provide adequate Chicano representation. A half a dozen districts have between 25 and 35 percent Mexican American enrollment but no Chicano representation on their boards. Four others have over 50 percent Mexican American enrollment but only one Chicano representative on what are usually five-member boards. There are a dozen or so districts which have between 10 and 20 percent Mexican American enrollment but, again, lack Chicano representation.

While I have focused on the California experience, there is little doubt that extensive evidence also exists for the State of Texas. Testimony before the Judiciary Committee documents voting abuses such as widespread gerrymandering, systematic use of at-large election districts, inaccessible polling places and use of numbered paper ballots requiring voter signature. Other abuses involve annexation of only Anglo areas but not contiguous Chicano neighborhoods, redistricting, and shifts from single-member to at-large elections.

The impact of these practices can be measured by their effect on political representation. In Texas, Mexican Americans comprise over 18 percent of the total population and over 16 percent of the voting age, but only hold 2.5 percent of the elected offices.

Similarly, in Colorado, Mexican Americans constitute 13 percent of the total population and over 10 percent of the voting age, but less than 2 percent of the elected officials. Despite the fact that nine counties in Arizona are presently covered under the act, Mexican Americans still represent only 4.4 percent of the elected officials, even though they comprise 18 percent of the total population and 15 percent of the voting age.

New York and Florida also show disparities in Latino representation. In New York, for instance Puerto Ricans hold less than one-tenth of 1 percent of the elected offices although they make up over 5 percent of the voting age.

Mrs. BURKE of California. Mr. Chairman, I rise in support of H.R. 6219 to extend the Voting Rights Act of 1965 for an additional 10 years, and to extend coverage to Spanish-speaking and other language minorities. The Voting Rights Act has been extremely effective in bringing blacks into the political process, and needs now to be extended and expanded to include language minorities.

The Voter Registration Act does work. In 1964, just prior to passage of the act, only 94 blacks were in State legislatures. Today 270 blacks are members of State legislatures. In March 1965, 73.4 percent of the eligible white population of seven Southern States were registered to vote. Only 29.3 percent of the black population was registered. The "gap" was 44.1 percent. Current estimates have sharply reduced that gap to 11.2 percent; 56.6 percent of the black population is now registered in these States.

The number of black elected officials is another clear indication of the success of the Voting Rights Act. The number of black elected officials in all levels of government stood at 1,469 in 1970. Today that number is 3,200. The Voting Rights Act has clearly had a positive effect on the participation level of black citizens in their government, but much remains to be done. As heartening as the doubling in number of black officials is, the fact remains that less than 1 percent of the elected offices in this country are filled by blacks. There is a definite need to extend the act for 10 years.

The January 1975 Census Report indicates that 38 percent of the total population remains disenfranchised because of nonregistration. The percentages of blacks registered remains much lower than that of whites. The registration percentages for Americans of Spanish origin are 29 percentage points below that of the white population. Clearly the Voting Rights Act must be extended and expanded to include language minorities.

The census report provides several reasons for minority nonregistration. Inconvenient hours of and locations for registration eliminated an estimated 1.4 million citizens. Two million indicated lack of knowledge about how or where to register. Transportation problems and physical disabilities kept an additional 2.1 million off of the rolls. Recent moves or an inability to meet residency requirements resulted in 6.7 million disenfranchised Americans; 12,200,000 potential voters were unable to exercise their rights as citizens at the ballot box.

Registration has clearly made a great difference for minorities. All major increases in the number of minority office holders seem to follow voter registration drives which have increased minority presence on voting lists. There remains, however, much to do. In testimony before the House Committee on Appropriations in March 1975, Department of Justice officials noted that 407 requests for FBI investigations were pending in cases where voting laws were changed by the States without first being submitted to Washington as the law requires. 317 letters are pending, having been addressed to State attorneys general regarding State enactments found to be unsubmitted as mandated by the law. These examples are not from the 1950's or 1960's. They are pending cases from the period 1971–74. Much progress has been made. More progress is clearly necessary.

California is not covered by the Voting Rights Act. Poignant proof of this can be found by studying the city of Los Angeles. Only Mexico City has a larger Spanish-speaking population than Los Angeles. There are no Chicano members of the city council. There are no Chicano members of the board of supervisors. While there are a few State legislators, only one Chicano is on the school board. Clearly the Spanish-speaking people of the city of Los Angeles are not represented within the city government in a manner consistent with their presence in the population.

Los Angeles apparently does not meet the basic requirements for coverage by the bill—I feel that the city should be covered—but the point is that the high Spanish-speaking percentage of the population contrasted with the almost complete absence of Chicano elected officials in the government points directly to lack of registration and gerrymandered district boundary lines as the cause of Chicano underrepresentation.

I ask that you support passage of H.R. 6219 without any of the weakening amendments such as those submitted by Congressman M. CALDWELL BUTLER and Congressman CHARLES WIGGINS. The Butler amendment would create a vague, weak, and amorphous set of standards for removing a jurisdiction from the special provisions of the act. The existing provisions have worked well and should be left intact. The Wiggins substitute would weaken the protection the act affords against gerrymandering to deny representation. By stressing voting statistics as evidence of conformity with the law, the Wiggins substitute would allow local jurisdictions to gerrymander along racial lines and effectively frustrate the intentions of the act. We cannot afford to take backward steps with the people's right to vote.

The Voting Rights Act of 1965 has resulted in significant gains in the level of minority voter registration. There are more black officials holding elective office than before. The huge gulf between white and black registration percentages has been reduced. More than ever before, Americans who have been denied their right to vote on the basis of the color of their skin are taking an active role in the running of their governments at local, State, and Federal levels. But as the testimony if the Department of Justice officials just over 2 months ago so clearly and starkly reveals, the protection of the Voting Rights Act must be extended. I ask your support to pass H.R. 6219 free of amendments designed to weaken the active role this act has had in the struggle of all Americans to participate in their government.

Mrs. MINK. Mr. Chairman, as a strong supporter of the right of each citizen to participate fully in the democratic process, I rise today in support of the extension of the Voting Rights Act.

The idea of protecting and encouraging the rights of an ethnic minority to exercise its franchise was first developed in the midst of the tumultuous 1960's when the Federal Government intervened on behalf of black Americans. That protection has been extended under this committee bill to members of other ethnic groups including those of Spanish heritage, Asian Americans, Alaskan Natives, and American Indians. Under the rubric "Asian Americans" the following four subgroups are expected to be covered: Japanese, Chinese, Filipino, and Korean. Members of these subgroups residing in the State of Hawaii, including the city and county of Honolulu, will potentially be affected by the committee's bill.

I question the need to cover all of the above subgroups in Hawaii. But I am hopeful that floor debate and the colloquy will clear up some of the questions I have raised. The city and county of Honolulu has been "triggered" since the inception of the Voting Rights Act of 1965 because less than 50 percent of the voting age population voted. This year's bill shows that the city and county of Honolulu will continue to be covered by title II because again under the data used 47.9 percent of its voting age population voted in the Presidential elections of 1972.

Most of the citizens of the State of Hawaii are fluent in English, both as a spoken and as a written language. As a result, English-only elections have been regarded sufficient to meet the needs of the people. This committee bill calls for a bilingual ballot under certain conditions. We need to meet the specific needs of the minority subgroups as applicable in the State of Hawaii. Most of the citizens of the four minority subgroups speak English. However since the 1965 amendments to the Immigration Act, a large number of immigrants of Filipino and Korean ancestry in particular have come to Hawaii, many of whom are now new citizens entitled to vote, but who do not. Because of their relative short stay in the country, obviously their ability to read, write, and comprehend English is not as good as those who have been here for many years.

I support coverage of these persons who could benefit by a program of bilingual education regarding voting. As for a discussion of all campaign issues in these languages to meet their needs so that we do not have just a new voting bloc but an informed one is another matter entirely. I certainly support the need to do all we can to encourage the extension of the franchise to all citizens so they can discharge their full duty as American citizens. "Equal access to the ballot" to all of our citizens is important, but providing full participation in the democratic process is a far greater challenge.

The committee states through legislative colloquy that a political subdivision may bail out specific minority subgroups covered under title II and that they intend to explicitly direct the Director of the Bureau of the Census to determine illiteracy rates for voting age citizen population by minority subgroups. This information is essential to determine whether a particular subgroup should be covered, if at all, under title III.

The committee's data indicates that the city and county of Honolulu will again fall under the requirements of title II, because less than 50 percent of its voting age population as determined by the act voted in the 1972 Presidential elections.

While the city and county of Honolulu did not under the 1965 act "suffer" any consequences; that is, no Federal registrars were sent in to monitor our elections, because it was assumed we could bail out as we had no "test or device" which discriminated against eligible voters. However, this year's new bill contains an expanded definition of having a test or device under which it will be difficult to bail out the city and county of Honolulu. It says that a test or device could be found where English-only elections were held in a political jurisdiction where 5 percent or more of the citizen population is a single language minority and where less than 50 percent of the voting age population voted.

I have serious misgivings about the wisdom or propriety of a bill which automatically invokes Federal intervention in an area such as the city and county of Honolulu, with no pervasive history of discrimination either in procedure or at the polls and with no chance to bail out of this coverage. The "trigger" is arbitrary and bears no relation to the facts as they exist in Honolulu.

The city and county of Honolulu has had English-only elections for years and is a political subdivision where more than 5 percent of its citizen population is Asian American or, according to the committee, a "language minority." The first fallacy in completely accepting a bill such as that reported by the committee is to subscribe to the term that Asian American is a language minority. There is no such language as "Asian American" or even "Asian." There are many languages which can be considered as being Asian or Asiatic in origin—but bear in mind that "Asian" does not describe one single language. The second fallacy is to subscribe to the premise that an English-only election can be and is, in and of itself, discriminatory simple when 5 percent or more of the people in the stated political jurisdiction is of a single language minority, to wit, in this case Asian American. What if this language minority, as in the State of Hawaii, is perfectly fluent in English as its first, primary, and only language? Then is it not perfectly logical to have an English-only election? Why should a 5-percent ethnic Asian minority trigger title II coverage in such an instance? Should not the minority's ability to read an English language ballot be the test?

Further, under title II, I question the basis upon which the percentage, 47.9 percent, was determined for the city and county of Honolulu. The voting age population used includes aliens, military persons and military dependents. From this base, Census determined that only 47.9 percent of the voting age voted in the 1972 election in Honolulu.

Note that if the determination for voter participation was on the statewide basis, even including aliens and military, the rate would have been 50.9 percent. Why is this percentage not used in terms of determining overall coverage for Hawaii? In addition, for Honolulu with the military and immigrant population concentrations, it is completely misleading to add aliens and the military and military dependent population to the voting age population. These persons are not eligible to vote. Use of such figures inflates the base to the detriment of our actual voter participation counting only eligible voters. Hawaii has the highest, 7.8 percent, rate of aliens of any other State in the Union and one of the highest numbers of military residents.

Most of these two categories of people live in the city of Honolulu. Omitting the military population including their dependents over the age of 18, a group which totaled 73,000 in 1972, could raise the voter participation rate in Honolulu significantly. Also Census says there were 37,677 aliens of voting age in Hawaii in 1970. If that number as well as the military population had been excluded from the voting age population of the city and county of Honolulu, the rate of voter participation for the city and county would have been 65 percent, and Honolulu obviously would not be covered under title II at all.

The entire State of Hawaii will, however, be covered under title III. It may therefore be "moot" to try to "untrigger" the city and county of Honolulu from title II. But I believe that each title should stand on its own basis.

The city and county of Honolulu has been covered under the Voting Rights Act ever since its inception in 1965. However, there has been no Federal intervention despite its inclusion because the criteria could not be met for such intervention. It seems grossly unfair that what "triggers" the city of Honolulu now is an arbitrary formula not relevant to facts of our community. The effect of this will be to impose a great burden on the city and county to go to court to try to free itself of this stigma of discrimination. This I believe is unfair.

I support the elimination of barriers which prevent citizens of racial minority groups of having a meaningful access to the polls. To help all of these individuals we need greater funds for bilingual education in all age groups and I hope that this august committee will consider support of my bill H.R. 2522 which would help areas like Honolulu with a large alien, non-English-speaking population. To merely require a bilingual ballot is not enough. A strong, bilingual, public information, issues orientation, public awareness program is needed so that voting will be a total meaningful experience.

Mr. LAGOMARSINO. Mr. Chairman, the Voting Rights Act of 1965 was a landmark piece of legislation, serving an important purpose at a unique juncture in our history. The long struggle by black people to gain freer access to the political process was aided significantly by Congress when it adopted this measure 10 years ago. The ingrained and systematic exclusion from the polls which blacks had experienced for so long, has been broken down with commendable speed and minimum disruption of constitutional procedures. And the job is not yet ended. The guarantees in the original act remain vital today and should be preserved for the future.

It is for precisely these reasons, Mr. Chairman, that the bill now before us is such a disappointment. This bill, despite its title, is not a simple extension of the original Voting Rights Act, nor of its successor enacted in 1970. In reality, this bill proposes an alarming extension of Federal controls into an area historically and constitutionally reserved to the States, with no corresponding requirement to prove that such a drastic step is necessary.

The assumption in this bill is that you automatically have a case of racial discrimination in any county with a significant minority population, whenever 50 percent of all the voters fail to turn out in an election. As we all know, voter turnout in the 1974 Federal elections was less than 40 percent nationwide. Under the assumption implicit in this bill you would have to convict the entire Nation simply because of apathy.

The sheer practical problems involved in complying with the minority language provisions of the bill are enormous, so enormous, in fact, that both counties in my district oppose the bill. Asian American, Indians, and Alaskans, to cite three of those covered, speak many languages, some of which are not even written. The requirement to administer elections in each language would be impossible to fulfill. And if they could be complied with, who would bear the cost?

There is no money provided in this bill, yet election officials in my district estimate costs of up to $20,000 a year in one county alone. To quote a leading newspaper in my district:

> This is fairly typical of the way Federal laws often work: the legislation is approved in Washington . . . and then it's up to Ventura County to find the money to finance whatever the legislators require.

Mr. Chairman, this is not a hopeless situation. We have a basically good law on the books now. Let us repair whatever defects it has and extend it. The best way to have done was to have adopted this, the substitute proposed by Mr.

WIGGINS. All areas should be subject to remedy wherever voting rights are denied, and that is what the Wiggins substitute would do. It would provide for coverage of Spanish-speaking minorities. All areas, likewise, should be released from Federal intervention when rights are restored, as the substitute provides. H.R. 6219 provides no incentive for either of these cases; it simply proposes Federal control of elections, in an arbitrarily selected manner.

Mr. Chairman, the medicine has worked well. Let us not bring in another doctor.

Mr. RANGEL. Mr. Chairman, I rise today to enthusiastically support H.R. 6219, the Voting Rights Act amendments, as reported out of the Judiciary Committee. As I said when I testified before the Subcommittee on Civil and Constitutional Rights in February, the members of the committee are to be commended for scheduling hearings on this significant piece of legislation soon after the 94th Congress began. In so doing, they insured that the full House would have enough time to act on this issue and thus continue to protect the vital civil liberties of all Americans.

The question which is before us today is whether the act should be extended in order to permit continued increases in registration and voting by the Nation's minority citizens. At a time when cynicism pervades our minority communities throughout the Nation, relative to participating in the political process, we would be remiss in our duties as legislators if we failed to responsibly deal with this issue. In order to restore confidence in our citizenry and to insure maximum participation in the election process, it is imperative that this act be extended.

What type of extension should be supported? I subscribe to the position taken by the many supporters of the proposed 10-year extension. Ten years from now sounds like a long time. I do not think it is a long period when it is viewed in the light of the voting right abuses that were allowed to grow up in the nearly 100 years that elapsed between the ratification of the 15th amendment of the Constitution in 1870 and the enactment of the Voting Rights Act in 1965.

It is true that over 1 million new black voters have been registered in the seven covered Southern States between 1964 and 1972, which has increased the percentage of eligible blacks registered from about 29 percent to over 56 percent. With this increase in black voter participation there has been a significant rise in the numbers of black candidates elected to office. There are those who say that these facts indicate that the law is no longer needed since progress is clearly being made. Thus they will be offering amendments today to dilute the effectiveness of the act. What these amendments seek to do is change the so-called trigger mechanism, to make it easier for jurisdictions to bailout from under the act.

I believe that all amendments which would weaken this important act should be defeated so that all vistiges of overt and direct disenfranchisement will be put to rest once and for all. Even a cursory glance at these figures indicates that the law still is extremely necessary to close the gap that presently separates the number of blacks in the voting population from the number of black elected officials. When the vote on final passage comes today, Americans will be watching to see what response we give to the cries of those who have not been allowed to participate fully in the political process. Let us not fail to meet this very important challenge.

Mrs. HOLT. I am not happy about voting against anything described as an extension of the Voting Rights Act, but H.R. 6219 is another example of legislation having a splendid title to cover a snakepit of dangerous language.

This legislation is an unfair and punitive weapon against several States, endorses voting by illiterates, and provides for extreme Federal intervention in State election processes.

The Voting Rights Act of 1965 required approval by the U.S. Attorney General of any changes in the voting laws or rules of States which had a literacy test and less than a 50-percent voter turnout in the 1964 Presidential election. Literacy tests were suspended.

This placed the elections of several States under Federal jurisdiction for the past 10 years, and they have eliminated discrimination against minorities in their election laws and practices.

But this 1975 act would continue Federal jurisdiction in those States for another 10 years, regardless of minority voter participation since 1965. This legislation provides no mechanism for a State to prove its innocence to recover control of its own election processes. It continues to punish States for practices in effect more than a decade ago.

Another bad feature of this bill extends coverage to language minorities, requiring States and localities to provide ballots and other election materials in the language of such a minority group.

The State of Alaska would be forced to provide ballots and voting information in 20 or more different native dialects. The situation in Hawaii could also become chaotic.

Mr. RANGEL. Mr. Chairman, I rise today to enthusiastically support H.R. 6219, the Voting Rights Act amendments, as reported out the Judiciary Committee. As I said when I testified before the Subcommittee on Civil and Constitutional Rights in February, the members of the committee are to be commended for scheduling hearings on this significant piece of legislation soon after the 94th Congress began. In so doing, they insured that the full House would have enough time to act on this issue and thus continue to protect the vital civil liberties of all Americans.

The question which is before us today is whether the act should be extended in order to permit continued increases in registration and voting by the Nation's minority citizens. At a time when cynicism pervades our minority communities throughout the Nation, relative to participating in the political process, we would be remiss in our duties as legislators if we failed to responsibly deal with this issue. In order to restore confidence in our citizenry and to insure maximum participation in the election process, it is imperative that this act be extended.

What type of extension should be supported? I subscribe to the position taken by the many supporters of the proposed 10-year extension. Ten years from now sounds like a long time. I do not think it is a long period when it is viewed in the light of the voting right abuses that were allowed to grow up in the nearly 100 years that elapsed between the ratification of the 15th amendment of the Constitution in 1870 and the enactment of the Voting Rights Act in 1965.

It is true that over 1 million new black voters have been registered in the seven covered Southern States between 1964 and 1972, which has increased the percentage of eligible blacks registered from about 29 percent to over 56 percent. With this increase in black voter participation there has been a significant rise in the number of black candidates elected to office. There are those who say that these facts indicate that the law is no longer needed since progress is clearly being made. Thus they will be offering amendments today and tomorrow to dilute the effectiveness of the act. What these amendments seek to do is change the so-called trigger mechanism, to make it easier for jurisdictions to bail out from under the act.

I believe that all amendments which would weaken this important act should be defeated so that all vestiges of overt and direct disenfranchisement will be put to rest once and for all. Even a cursory glance at these figures indicates that the law still is extremely necessary to close the gap that presently separates the number of blacks in the voting population from the number of black elected officials.

Numerous studies have been made regarding the progress which has been made under the act. The Civil Rights Commission has pointed out that there continues to be abuses of the right to vote in those jurisdictions presently covered under the act. Although I recognize that advances have been made in increasing the numbers of black elected officials, these officials do not occupy positions which involve broad policymaking for the jurisdiction or constituency represented. The best example of this is the State of Mississippi, where blacks represent 37 percent of the population, while electing only one black member of the State legislature. In order to insure that more blacks and other minorities are elected to policymaking positions, this act must be extended.

When the vote on final passage comes tomorrow, Americans will be watching to see what response we give to the cries of those who have not been allowed to participate fully in the political process. Let us not fail to meet this very important challenge.

The president of the National Bar Association, representing the Nation's black lawyers, wrote to me in my capacity as chairman of the Congressional Black Caucus, to express that organization's strong support for extension of the Voting Rights Act. The letter so eloquently expresses the sound legal and moral reasons for extending the act that I insert it in its entirety at this point in the RECORD for the benefit of my colleagues.

MAY 23, 1975.

Hon. CHARLES B. RANGEL,
Chairman, Congressional Black Caucus, Cannon House Office Building Annex, Washington, D.C.

DEAR MR. CHAIRMAN: The National Bar Association supports extension and expansion of the Voting Rights Act of 1965 (as amended) as proposed in HR 6219, the bill reported to the House of Representatives by the Judiciary Committee. As the principal organization representing the nation's black legal community, including more than 8,500 judges, lawyers, and law students, the National Bar Association believes it is a national imperative that the voting rights of American minorities continue to be protected by: (1) extension of the Voting Rights Act of 1965 for ten additional years; (2) making permanent the nationwide ban on the use of literacy tests or devices; and (3) expanding the present coverage of the Act to protect the voting rights of "language minorities" as defined in HR 6219.

The National Bar Association believes that sufficient and persuasive documentation of the continued need for the Act, and the proposed expansion to protect Asian Americans, Alaskan Natives, American Indians and persons of Spanish heritage, has been presented before both the House and Senate Subcommittees hearing testimony on the extension of the Act. *The Voting Rights Act: Ten Years Later*, a report of the Civil Rights Commission, accurately documents continued abuses of the right to vote in presently covered jurisdictions. Although many point to the increase in minority registration and the election of a substantial number of black elected officials in the six southern states as evidence of the Act's success, we believe that much of the purported success is more apparent than real. For example, even a cursory examination of the offices held by many of the southern black elected officials reveals that they hold positions which do not involve broad policy making for the jurisdiction or constituency represented. The clearest example of this is Mississippi—where a 37 percent black, statewide population has successfully elected an impressive number of local officials, while there is only one (1) black member in the entire Mississippi legislature. Another probable indication of the need for the Voting Rights Act is the constant rate of objections entered by the Attorney General to Section 5 submissions.

Additionally, the unwillingness of covered states and jurisdictions to submit to election law changes and comply with the Act's provisions, while complaining of the Act's burdensome intrusion on State prerogatives, provides further evidence for extending the present law. As you know, Justice Department figures indicate the failure of Louisiana, Mississippi, Georgia and Alabama to submit election law changes for preclearance as required by Section 5 of the Act.[1]

The Association also supports extension of the Act to protect the voting rights of other minority groups who suffer similar inhibitions in their effort to register, cast an effective ballot, and successfully pursue public office. Although language differences and lack of full facility with English unquestionably imposes a 'test or device' in places where English only elections are held, the language barrier *is not* the only problem faced by national origin and "language minority" voters candidates. Many of the tools, e.g., annexation, discriminatory districting, at-large elections, multi-member districts, numbered posts, etc., successfully used against blacks in the covered jurisdictions are also employed against other minority groups and minority group coalitions, particularly in Texas.[2]

The proposal to make the temporary ban on literacy tests and other devices permanent is both timely and, in our view, constitutional. The Subcommittee on Civil Rights and Constitutional Rights and the House Judiciary Committee rests its proposal for a permanent ban on the reasons enunciated in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), supporting Congress' ability, based on the 14th and 15th Amendments, to make the temporary ban permanent. We agree. Further, based on the U.S. Supreme Court decision in *Gaston County* v. *United States*, 395 U.S. 285 (1969), a nationwide permanent ban on literacy tests may be compelled by the failure of the States to provide equal educational opportunity to racial and national origin minority school children.[3] Because of the mobility of all persons, including those who were and are victimized by inferior education, a nationwide ban is appropriate to protect their right to vote wherever they live.

Finally, the National Bar Association wishes to take particular note of and place emphasis upon the proposed amendment which would allow for private suit under Section 3 and provides for attorneys fees and costs to successful plantiffs. This will assist the Department of Justice in enforcing the Act, facilitate the protection of the voting rights of persons in jurisdictions not now covered or proposed for coverage under H.R. 6219, and it will assist private litigants in vindicating their rights. This will be of particular benefit to poor black voters and candidates in the south and elsewhere who often cannot afford the cost of fulfilling their rights under the law.

Needless to say the National Bar Association opposes any weakening amendments which would unnecessarily expand geographic coverage of the Act or weaken public or private enforcement of the Voting Rights Act, particularly amendments aimed at Section 5.

Sincerely,

CHARLES P. HOWARD,
President.

Mr. MOORE. Mr. Chairman, I rise in support of the unencumbered right of all Americans to vote, wherever they might live in the United States. That is precisely why I cannot support this bill as it has been reported from committee.

The committee bill continues the highly discriminatory and punitive treatment of seven southern States. These provisions were put in the law fully 10 years ago. Things were different back in 1965, and this bill fails to recognize the progress my State of Louisiana and her sister States in the South have made in the last decade.

The times have changed. There is today no discrimination in Louisiana against blacks, or anyone else for that matter. To the contrary, minority groups can and do register and vote in large numbers. Yet nothing has been done under this bill to modernize the act, and it is virtually impossible for my State to earn its way out from under its restrictions.

In my humble opinion, it is unconstitutional for the Federal Government to step in and legislate "preclearance" by the U.S. Attorney General or the U.S. courts every time a State wants to change its voting laws and procedures—especially in the absence that the State has been practicing discrimination. Even assuming for the moment that such interference with State election laws is legal, the emphasis should be in rooting out present discrimination wherever it may be found, not in dredging up ancient history.

For this reason, I support the substitute which will be offered by the gentleman from California (Mr. WIGGINS) to provide equal treatment for all jurisdictions based on minority voter participation in the most recent Federal election. If a jurisdiction becomes covered by the act through insufficient minority turnout, the substitute would make it possible to regain control of its own electoral process through improved performance the next time around. This substitute gives every citizen equal protection of the laws in every State of the Union.

If the Wiggins substitute is not accepted, I could still support passage of H.R. 6219, provided that it incorporate the Butler amendment. Although not as comprehensive as the substitute, this amendment would institute strict, but achievable, standards for getting out from under the act. A covered jurisdiction would only be exempted if it had 60-percent minority voter turnout in the latest Presidential election, if it is implementing an affirmative action program to revamp its voting laws, and if it has been free of violations for the preceeding 5 years. These are stiff standards and those jurisdictions which meet them will be far ahead of the rest of the country in minority voter participation.

Mr. Chairman, if either one of these amendments are adopted, the Voting Rights Act will be sufficiently improved to merit my support, If not, I will be left with a choice between a bad bill or no bill at all. In that case I will vote to defeat the bill in the hope that the committee will bring back more equitable language before the current law expires in August. But make no mistake, I can not tolerate any illegal or onerous encumbrances of any citizens right to register, vote, and even run for office regardless of race, color, creed, education, occupation, or place of habitation.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes, pursuant to House Resolution 469, he reported the bill back to the

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[1] Assistant Attorney General J. Stanley Pottinger indicated in his March 5, 1975 testimony before the House that Alabama(161), Georgia(158) Louisiana(149), and eight other states have failed to submit laws passed by the legislature subject to Section 5 preclearance.

[2] "Survey of Preliminary Research on Problems of Participation of Spanish Speaking Voters in the Electoral Process", U.S. Commission on Civil Rights Staff Memorandum (April 23, 1975).

[3] Brown v. Board of Education of Topeka 347 U.S. 483 (1954) Brown I; Brown v. Board of Education 349 U.S. 294 (1954) Brown II; Keyes v. School District No. 1 413 U.S. 189, Lau v. Nichols, 414 U.S. 563 (1974); Natonabah v. Board of Education, 355 F. Supp. 716 (D.N. Mex. 1973).

House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McCLORY. I am opposed to the bill in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. McCLORY moves to recommit the bill H.R. 6219 to the Committee on the Judiciary with instructions to report back the bill forthwith with an amendment as follows: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Voting Rights Act Amendment of 1975".
>
> SEC. 2. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b(a)), as amended by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is further amended by striking the words "ten years" wherever they appear in the first and third paragraphs and by substituting the words "seventeen years".
>
> SEC. 3. Section 201(a) of the Voting Rights Act of 1965 (42 U.S.C. 1972aa(a)), as added by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is amended by striking "August 6, 1975" and substituting "August 6, 1982", and by striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

Mr. McCLORY (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion to recommit be dispensed with, that it be printed in the record, and I will explain the motion to recommit.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, this motion to recommit would provide for the extension of the existing Voting Rights Act for a period of 7 years.

It seems to me that any and all who are in suport of the Voting Rights Act of 1965, and as extended in 1970, who are in support of voting rights for all Americans, can support this motion to recommit.

Let me indicate why I am making this motion at this time.

It is my feeling that the Voting Rights Act has been very salutary and has been very good. We have heard a number of Members who have spoken and who have referred back to the injustices in Selma, Ala., and other incidents, and who have accounted for their own presence here in the House of Representatives because of the Voting Rights Act. Indeed, the act has protected the voting rights of all Americans, giving them the opportunity to serve in public office, and allowing some to serve in the Congress of the United States.

The committee bill which we have before us takes on a whole new concept, an entirely new concept. It is not based on the subject of race or color; it is based on language minority groups.

As a matter of fact, the basis for including language minority groups is not factual but statistical, with no reference at all to the question of whether or not there is discrimination.

Under title II of the bill the trigger for invoking the Federal jurisdiction requires 5 percent or more of a language minority group, and less than 50 percent voter turnout in the State or in the political subdivision. This arbitrary formula would bring in 14 States, or parts of States.

Title III would add the additional factor that if you had less than the national average for literacy in the State, or in the political subdivision, and had 5 percent or more of a single language minority group, then you would have to provide ballots in the language of the minority group.

We heard here today in the colloquy discussing the subject of Asian Americans as a single language minority group that in the State of Hawaii, for instance, they would be required to provide not only ballots, but all of the voting information as well in as many as five different languages.

Let me suggest to the Members, since we are all thinking about the national economy, that the legislation also provides for taking of censuses every 2 years. It is estimated that these would cost at least $100 million each. That is the Federal Government's expense. In addition to that, as the gentleman from California (Mr. KREBS) brought out, this will impose an unconscionable burden upon every State and every locality that is subjected to this legislation, with the entire expense being cast on the area itself.

But more important is the fact that there was no substantial evidence in support of this legislation, nothing that compares with the evidence we had in 1965. We had virtually not a word about Asian Americans, virtually not a word about Alaskan Natives, virtually not a word about American Indians, and virtually not a word about Mexican Americans or those of Spanish heritage, except in the State of Texas. That is a very poor basis upon which to legislate.

Let me point out one further thing: I would like to read one quote from Theodore Roosevelt, because this legislation would perpetuate multilinguism in our country, which I think is bad.

Now, I am a linguist, as some of the Members know. I have studied abroad, studied other languages, and I believe that this should be promoted by us, but for us to promote and perpetuate multilinguism in our country I believe is completely contrary to the American system.

Theodore Roosevelt said:

> We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans, and not as dwellers in a polyglot boarding house.

We should provide for language training if there is language deficiency in certain areas of our country. But with this kind of legislation these persons are never going to learn our language.

Furthermore, let me just say this, that we have in all of the States of the union provisions for assistance to voters so that if there is a language deficiency we can assist any voter to see that he has the full opportunity to vote.

This motion to recommit is entirely consistent with voting rights for all Americans, and I urge the Members' support of it so we can get rid of these unconscionable, mischievous parts of the bill that the committee has put in. I urge a favorable vote.

Mr. EDWARDS of California. Mr. Chairman, I urge a no vote on the motion to recommit. The motion to recommit would eliminate titles II, III, and IV from the bill. That is what we have been debating for the last 2 full days. We have a fine bill here. I urge the Members to support it. By all means, let us not vote to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

Mr. McCLORY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred twenty-two Members are present, a quorum.

Mr. McCLORY. Mr. Speaker, I demand tellers.

Tellers were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BUTLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 341, noes 70, answered "present" 2, not voting 20, as follows:

[Roll No. 263]

AYES—341

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan

Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Cederberg
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Diggs
Dingell
Dodd
Downey
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hyde
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kemp
Keys
Koch
Krebs
Krueger
LaFalce
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr
Snyder
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOES—70

Archer
Armstrong
Ashbrook
Bauman
Beard, Tenn.
Bevill
Bowen
Brinkley
Burgener
Burleson, Tex.
Butler
Casey
Chappell
Clancy
Clawson, Del
Cochran
Collins, Tex.
Crane
Daniel, Dan
Daniel, R. W.
Devine
Dickinson
Downing
Edwards, Ala.
English
Flynt
Ginn
Goldwater
Haley
Hansen
Hébert
Hinshaw
Holt
Hutchinson
Ichord
Jarman
Kelly
Ketchum
Kindness
Lagomarsino
Landrum
Lott
Lujan
McDonald
McEwen
Montgomery
Moore
Moorhead, Calif.
Nichols
Pettis
Poage
Quillen
Roberts
Robinson
Rousselot
Runnels
Satterfield
Shuster
Sikes
Spence
Steed
Steiger, Ariz.
Stephens
Symms
Talcott
Treen
Waggonner
Wampler
Whitehurst
Whitten

ANSWERED "PRESENT"—2

Gonzalez
McClory

NOT VOTING—20

Alexander
Clausen, Don H.
Conlan
Drinan
Goodling
Jones, Tenn.
Mathis
Moffett
Mollohan
Myers, Pa.
Passman
Patman, Tex.
Railsback
Rostenkowski
Stuckey
Teague
Ullman
Vander Jagt
Wiggins
Wilson, Tex.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Patman for, with Mr. Mathis against.

Mr. Drinan for, with Mr. Teague against.

Mr. Jones of Tennessee for, with Mr. Passman against.

Until further notice:

Mr. Alexander with Mr. Moffett.

Mr. Rostenkowski with Mr. Stuckey.

Mr. Ullman with Mr. Charles Wilson of Texas.

Mr. Mollohan with Mr. Conlan.

Mr. Goodling with Mr. Wiggins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just enacted.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. MOFFETT. Mr. Speaker, I would like the RECORD to show that I am in strong support of H.R. 6219, the Voting Rights Act Amendments of 1975. The extension and expansion of the original Voting Rights Act represented by this vote is, in my view, one of the most worthy pieces of legislation we have approved this session.

THE OIL AT ELK HILLS

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER), is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, an editorial in today's Washington Post makes an excellent case for the development of the naval petroleum reserve at Elk Hills, Calif. We in Massachusetts and New England are particularly hard hit by the high price of imported oil.

To reduce the impact of these high costs, I am actively seeking a domestic source of fuel to replace oil. To that end, the other 14 members of the Massachusetts delegation in the House of Representatives have joined me in working for State and Federal funding to explore the coal resources of the Narragansett Basin, which is largely in my 10th Congressional District.

But this coal research is a long range project in the movement for energy self sufficiency. More immediate relief for the energy problem would come from having Elk Hills fully developed. The revenue derived from the sale of the oil should be turned over to the Treasury Department because this oil is a national resource.

The planned development of these oil reserves as part of a comprehensive program will help ease our energy plight.

The Defense Production Act provides that the Armed Forces be given top priority over all American oil and production during any national emergency. This law eliminates the need for the Navy to continue to have a special oil reserve—an idea that came into being 60 years ago when the Navy was converting its ships from coal to oil.

I commend the Washington Post editorial to my colleagues and include it here in my remarks:

THE OIL AT ELK HILLS

To increase this country's oil production, one obvious and desirable step is to begin drawing on the naval petroleum reserve at Elk Hills, Calif. That will require legislation. The extreme hesitation and apprehension that Congress brings to this necessary decision reflects the burden of public suspicion that has weighted on every question about the naval reserves since the Teapot Dome scandal more than half a century ago. We still are paying a price for the corruption within the Harding administration. But the national need for the Elk Hills oil grows steadily, and there is no reason to continue to regard it as untouchable.

The main argument for keeping hands off the naval oil reserves is that, in time of war, the Navy might need them. In making up your mind on that point, you might want to recollect that the Elk Hills reserve was established in 1912. Since then the country has been in four wars, in none of which Elk Hills was used—or even usable, since it takes a couple of years to get a field of that size into full production. In any event, in wartime the needs of the armed forces come first in allocating the 8 million barrels of oil a day that this country currently produces. The naval reserve is a concept that had its origin in a time when oil was still a rather novel fuel in an economy that ran mainly on coal, and continental pipelines were unknown. The idea of these reserves is as obsolete, in terms of defense, as the battleship and the cavalry charge.

The oil from Elk Hills would hardly be the only production from federal land. The House Interior Committee estimates that, with full regard for the rules of conservation, Elk Hills could produce 300,000 barrels a day. That is a substantial volume, but 1.4 million barrels a day is currently being produced from the federal land that lies under the sea on the outer continental shelf.

The parliamentary situation in both houses of Congress is complicated by the overlap of jurisdiction between the Interior and Armed Services Committees. In the House, where the process is farthest along, the Armed Services Committee's bill is—as you might expect—much more inclined to treat the oil as the private property of the Navy. It is a cautious bill, setting a production limit of 200,000 barrels a day and earmarking sales revenue for exploring the Navy's Alaskan reserve, presumably a much larger one.

The House Interior Committee's bill sets no limit on production. It would sell the oil to the highest bidder, putting the oil on the open market and turning the money over to the Treasury on grounds that it belongs, not to the Navy, but to the nation. Because it cannot be produced quickly, the oil in the present reserve would be useless in an emergency. The Interior Committee would authorize the President to hold one-fourth of the Elk Hills production in strategic storage, available as a defense against future embargoes.

Americans are in a poor position to complain about other countries' cutbacks in oil exports, when we ourselves fail to produce from our known and readily assessible fields. To begin now to exploit Elk Hills sets no new precedent, but only follows the familiar rule of using public resources in the public interest. It is now time to get to work systematically to expand American oil production.

TIME FOR DEREGULATION OF NATURAL GAS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, the natural gas situation in Ohio has reached the critical point. Shortages have already led to a substantial curtailment in supply for industrial users. Reductions, moreover, are expected to be even greater next fall.

Additional curtailments would have a devastating impact on Ohio's economy. Some companies would be forced to cut back production or close down altogether. Tens of thousands of workers could lose their jobs.

It is essential that the Congress move now to assure increased domestic supplies of natural gas. This can only be achieved by freeing prices from Government controls.

Since 1954 the Federal Power Commission has regulated the price of natural gas at the wellhead. Regulation has kept the price of natural gas at artificially low levels—well below that of other fossil fuels. The artificially low price has encouraged consumption while discouraging exploration.

During these two decades, many industries and households converted from coal to "cheap" natural gas. At the same time, the price lid caused a decline in gas exploration as producers could not generate sufficient capital from sales to pay for the exploration necessary to maintain adequate supplies.

As a result, between 1954 and 1970 exploratory drilling for natural gas dropped more than 50 percent. The finding rate also dropped dramatically. In the past we used to find more natural gas each year than we consumed. In 1974, however, less than 9 trillion cubic feet were discovered and added to reserves while consumption has been exceeding 22 trillion cubic feet in recent years.

Yes, we are paying the price for Government regulation. The need for natural gas has far outstripped supply. And the situation is predicted to get even worse. Potential demand for natural gas is expected to double between 1970 and 1985. If the present trend continues, the National Petroleum Council anticipates that supply will fall 45 percent short of 1985 demand.

Some politicians claim that the answer to the problem is large-scale Government intervention. In fact, there are proposals circulating on Capitol Hill which include nationalization of the entire oil and gas industry.

Actually, however, just the opposite is true. Less, not more, Government involvement is needed. If the Government stopped regulating the price of natural gas, the free enterprise system would solve the shortages problem for us.

Our natural gas reserves are still abundant. Exploration and development of these reserves will not take place, however, until it is economically profitable to do so. Since most of the potential gas supplies are located in remote or difficult to reach areas—making it more expensive to find and develop—adequately high prices must be allowed if these reserves are to be tapped.

The liberals in Congresss are always talking about lowering prices. It does not do any good to have products sold at artificially low prices if you cannot get any. Natural gas is a good example. For two decades the Government has set prices which have no regard to reality. The result now is a natural gas shortage that is costing jobs.

It is time to institute policies which will assure an adequate supply of natural gas in the future. Total removal of price controls is the best way of assuring this result. Once the artificially low price levels are abandoned and there is a profit incentive to develop the resources, natural gas will again be in abundant supply.

The price of natural gas, of course, will go up. I am convinced, however, that Ohio gas users are better served by an adequate supply of natural gas at reasonable prices than by a scarcity of natural gas at low Government-regulated prices.

THE NEED FOR PREDATOR CONTROL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, pressure has been mounting in the Western States for Government intervention in the dispute over predator control. Clearly, we need to make a careful analysis of the facts. I have carefully reviewed the literature and heard arguments from both sides and wish to set forth my view.

I believe predator control is one justifiable tool or means of wildlife management. Actually, we cannot separate predator control from the other wildlife and resource management decisions and practices. This is because the principles which guide managing predators are the same whether for sport or because they cause some kind of problem. In addition, to deal effectively with either, we need to examine the same kinds of information and planning practices. Both predator control and other wildlife and resource managing decisions involve the study of population dynamics, mortality factors, stated management objectives, and other basic data before any action is taken. Control then, is one of several methods of regulated harvest and the end results are identical. Population control of predators is a tool which can be employed responsibly and effectively by all fish and wildlife managers. An example of one of the familiar tools used today to manage wildlife is the issuing of hunting permits.

I believe there are certain basic situations when the control of predators is justifiable and necessary, and therefore becomes the responsibility of publicly employed professionals. One of which is when a predator, whether a managed game species or not, requires control because it is causing economic damage or some other kind of problem. The obvious example, of course, is the coyote and its depredations upon domestic animals. Predator control under these circumstances is certainly a wildlife management function and responsibility, as the coyote has no natural predator of its own.

This situation warrants careful examination. In North America, the sheep industry has declined substantially from a peak of 55 million head in 1942 to about 18 million head in 1974. 80 percent of these existing sheep are raised in the 17 Western States. Many of the ex-sheepmen have named coyotes, the No. 1 predator of sheep, as the chief reason they left the business. This appears reasonable as coyotes, by definition, are predators. This means it is a fact that they must kill other animals for food. It is also interesting to note that field observations indicate coyote activity is largely confined to the areas occupied by sheep. Their depredation actions clearly pose a significant problem to many livestock growers and farmers—particularly in the open ranges.

The Fish and Wildlife Service is conducting research studies in the West to measure livestock losses, with and without predator management. The results to date indicate that, under generally intensive predator control programs, 20 percent of the ranchers sustain moderate to heavy losses; the remaining 80 percent have a loss range somewhere between 1 and 4 percent. Without predator control, loss data from two study areas indicate that lamb losses to predators amounted to 32.1 percent and 18.5 percent, respectively. These losses, in turn, accounted for 88.2 and 47.6 percent of the total field mortality in the respective study areas. To some, a loss range between 1 and 4 percent due to predation may appear to be rather insignificant. However, one must take into consideration the profit margin of the sheep industry. The total margin of profit reaches only about

2 to 4 percent. Theoretically then, an end to these frequent losses to coyotes would increase the rancher's profits. Relief for the ranchers, in the form of a planned management program, would result in a less risky business. We are managing other types of wildlife, both for their own protection as well as their control. Management of the coyote would therefore, encourage the growth of the sheep industry and perhaps salvage a declining business.

However, as yet, the Government has not come up with any comprehensive plan of action to alleviate this problem. Many westerners have even formally accused the Department of Interior with failing to protect their livestock from predators. I believe this troubled and declining industry is in need of assistance as they are at a severe disadvantage. I am convinced that help and support, in the form of a well-regulated management program, to sheep ranchers and other livestock growers as well would be beneficial. Turkey farmers and cattle ranchers have also been plagued by losses from the coyote. I am confident, too, that this plan can be accomplished without the threat of an overgrazed landscape devoid of all predators.

Experts have stated that the coyote is far too smart and adaptable to be in any danger of extinction from management controls. Statistics reveal that the coyote has spread to occupy three or four times as much geographic range since North America was colonized. At present, an estimated million coyotes live in the West. Despite any control efforts which have already been undertaken, the population cycles of coyotes remain stable. Previous measures have been largely unsuccessful in curbing their numbers. Those opposing predator control in any manner or form have also argued that any changes made to coyote populations will affect a change in the populations of rabbits and rodents. While the two may be related. I have seen no evidence showing that coyotes control the numbers of these animals. Actually, the reverse seems to be true: that the availability of rabbits and rodents affect the abundance of coyotes.

I believe that coyotes, left unmanaged, are an economic threat to western farmers and cattlemen, in addition to their obvious threat to the sheep rancher.

I have witnessed an increasing number of cattle ranchers who have complained of coyote predation on calves. There are various other types of farmers who are confronted with losses from coyotes as well. The coyote's destructiveness represents lost dollars in profit and potential food resources to the country as well as fiber which is going to be needed in light of the oil shortage.

Presently, there are hundreds of studies being performed in connection with wildlife management, to determine the best possible means of controlling preying coyotes. I am hopeful that research will come up with an effective, yet environmentally safe method or solution. As I see it, unless some type of control program is soon discovered and implemented, the sheep industry will continue to witness a gradual decline and farmers still plagued with unnecessary losses. The coyote will continue to go unchecked at a cost to the various western farmers and ranchers. This should not be allowed to happen, especially when the literature and the experience to date substantiate the fact that predator control is, under such circumstances as these, a necessary tool of wildlife management. Our wildlife must be managed—in ways to both protect and control their numbers. In this way, we can continue to salvage endangered species, maintain the critical balance of nature, and prevent unnecessary destruction of domestic herds from which we need both food and fiber.

AGENCY FOR CONSUMER PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Speaker, along with Mr. BROOKS and Mr. HORTON, I am today introducing legislation to create an Agency for Consumer Protection. This legislation, which is among the most carefully considered bills in recent memory, is essential to insure that the consumer interest is properly advocated and considered by Federal agencies and courts when decisions are made affecting the health, safety, and economic wellbeing of consumers.

Mr. Speaker, opponents of the Consumer Agency, having lost the argument that the consumer interest is already adequately protected at the Federal level, now rest their hopes for defeat of the bill on the poor state of the economy and the admitted limitations of Federal regulation of the marketplace. Their current position is that we do not need a new agency but rather a more fundamental reform of our entire regulatory system.

My own view is that precisely because of our economic difficulties there has never been a greater need for such an agency; and that the weaknesses of our regulatory system provide impetus for, not against creating the consumer unit.

All of us can agree on the need for a review of our regulatory system. But it is clear to me that the creation of a Consumer Protection Agency will itself be a vital component of regulatory reform and will facilitate additional reform by spotlighting regulatory programs that are inflationary or that serve narrow special interests.

Most regulation of the marketplace that is suspect is not concerned, in my view, with protecting consumer or environmental interests; but rather with the protecting of one special interest against another.

Is it any wonder that the Interstate Commerce Commission and the Civil Aeronautics Board are the two agencies most frequently cited when examples are needed of poor regulation. Both of these agencies may regulate in the name of consumers but the effect of that regulation is to protect one business interest against another: For example, the railroad industry against the trucking industry or one airline against another in terms of routes, fares, and so forth.

A basic error made by those who argue for more fundamental regulatory reform than the creation of the Consumer Agency, is that regulatory agencies—even those with the word "consumer" in the title—operate in a quasi-judicial fashion. In the same way that we do not expect a judge to descend from the bench and argue the cause of one side or another in a court proceeding, we really should not expect agencies performing quasi-judicial functions to be an advocate for the consumer or the business side. Accordingly, the job of advocacy must be left to others. Business interests can well afford to finance such advocates but consumers cannot.

The Agency's critics are fond of saying that the proposed Agency merely represents more government. Its supporters more correctly state that the Agency—which will be extremely modest in size and unlike other agencies in function—represents better government. The cause of good government will not be served by allowing the Agency's opponents to kill the bill for the fourth consecutive Congress against the wishes of a majority of the Congress and the American people.

Mr. Speaker, the Agency for Consumer Protection is long overdue and I respectfully urge that my colleagues join with me in avoiding further delay by assisting in the speedy enactment of this legislation.

BALANCED VIEW OF FIGHT AGAINST CANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, a number of citizens in the 11th District of Pennsylvania have written me critically in recent weeks about the way this country is fulfilling its commitment to the cure of cancer as a national goal, a priority, if you will.

I, too, feel that we must not lose our sense of urgency about the need for advancement in the conquest of cancer.

Because of the great and widespread interest in this subject, I have made an effort to answer in one document most of the questions raised in inquiries to my office. Possibly other Members are receiving similar inquiries and might want to compare notes.

My answer follows:

A BALANCED VIEW OF THE CONQUEST OF CANCER PROGRAM TODAY

In 1937 Congress passed a law creating the National Cancer Institute because the disease hurt and killed many people—not necessarily the most among all diseases. In addition, a solution to the cancer mystery would throw light on many body functions which scientists did not understand. That is, the path toward curing cancer would lead us, scientists said, to a great many discoveries essential to fighting other diseases.

The National Cancer Institute was the only such organization in the Federal Government. Its budget was $400,000.

The Government had operated medical laboratories earlier. But they were relatively small and limited in function.

The National Cancer Institute was the Government's first major commitment to a systematic attack on a disease which kills large numbers of the general public on a chronic basis, not just a short term epidemic, or a military health problem.

I believed then, and believe now that cancer, which I have carried in my own body and have been fortunate enough to throw off, is a big enough enemy to require all of us to get together and fight it.

"All together" means taxes and I want the Government to fight the disease. If management is bad the voter can come in and change it if the Government is the manager.

No magic cure for cancer was found. But by 1947 it was clear that this country's new approach to medical research was beginning to bear fruits.

This progress led to new health research institutes. They were set up near the Cancer Institute and we now have one for allergy, heart and lung, eye, teeth, and others.

As some concerned citizens say, "We do not have the time to spend on an average research program." The National Cancer Institute was the first, and has remained the biggest.

Then in 1971, I again joined several colleagues to convince the Congress that we needed to push harder. Some outstanding citizens were approached to join a panel to study ways to speed the work. Among them were Mr. I. W. Abel of the Steelworkers, Dr. Paul B. Cornely now with the Mine Workers retirement organization, Mr. Emil Mazey of the Auto Workers, and a number of other scientists, business people, and laymen.

We used their recommendations to pass the national cancer law of 1971. We authorized $640 million a year, to start.

Further, the method of attack was changed. All the traditional laboratory work was preserved, even expanded. Scientists still wrack their brains for their best theories, then get National Cancer Institute money to run tests.

A new strategy was designed on top of that. "Average" methods were left behind. Instead, every prominent cancer scientist in the country, and many from abroad were called to Warrenton, Va., near Washington, to look over all the world's knowledge about cancer. Over 250 of them met for several days at a time during a 4-month period.

They said: First, here is what we know; second, here is what we do not know; and third, these are the high priority next steps to wipe out our ignorance.

Just for an example: The 250 scientists insisted that a high priority research was "markers," simple blood or urine tests to all whether a person needs a cancer operation, or after an operation to tell whether he is in need of more medicine.

Markers are further important because some people do not need surgery. They need only drugs. The markers tell when it is safe to stop administering drugs.

In 3 short years we now have markers. About eight of them. They are not perfect. But they are useful now and will be perfected, I predict, within 3 to 5 years.

This priority was extremely important because, with markers, we can make running tests on every type cancer treatment that there is. We know how we are doing. We know if anything remains to be done for the individual patient.

Citizens should know that a major breakthrough has occurred in breast cancer treatment. A major National Cancer Institute announcement was carefully prepared for Monday, September 30, 1974. On September 26 the President's wife was diagnosed for breast cancer. The personal news overshadowed the scientific news, which was that a 2½-year test produced amazing results. Where 47 percent of the women usually showed cancer again in that 2½-year period only 3 percent showed it in the test. A fantastic breakthrough.

The doctors had tried something new with old drugs. Instead of performing a surgical operation and then waiting to see if, by chance, the disease came back, in the test they followed the operation immediately with preventive medicine. They gave drugs right away to kill any residual cancer cells that the operation was unable to reach.

Women now alive will enjoy far, far better chances of survival than ever before—your family and mine—women all over the world. The same techniques are showing progress in most of the solid tumors, the ones most resistant to past approaches.

"We must push with money," some people still say.

Over the years we had raised the National Cancer Institute's annual spending from the original $400,000 to $190 million in 1970 then in 1971 with the new law and conquest of cancer program we made a major step forward. We appropriated $527 million in fiscal 1974. We recaptured $60 million on top of that which the administration had illegally withheld in 1973 and we spent it. The President asked for $600 million in fiscal 1975. We ultimately appropriated $691 million.

There was great protest that cancer was getting too much. Despite opposition from some short-sighted people we pushed ahead.

I agree with those who say that the American Cancer Society cannot do all of the screening and treatment work that needs to be done. ACS knows this. They work primarily to demonstrate and to lead the way.

The Federal budget for that has gone from near $0 in 1970 to $50 million. I could not agree more with those who express a feeling of urgency with regard to cancer control. I want the cities, towns, villages, and every county in the United States to have adequate cancer care. This is a major objective for the next few years. There are patients in all of our communities. There should be community cancer centers to take care of them.

Community cancer centers should be getting the best information from the National Cancer Institute, training people locally to use the information, and providing the best possible preventive medicine practices. By that I mean environmental control, screening, detection centers, early discovery of disease, and all the measures which can cut misery and death from cancer now, long before the researchers produce entirely new answers to this disease.

I believe in the best possible community cancer center program. The program will not be good unless it reaches out to industrial plants, schools, churches, big stores, and any other places where numbers of people congregate. Unless we get to the people we can never make full use of the medical knowledge that we have. If we fail to reach the people we can never cure the disease. The breast cancer screening centers now in operation each require an inventory of equipment which must be leased at a cost upward of $100,000 a year. Whether all of this equipment can be loaded onto mobile units effectively I do not know. I do know, however, that the community cancer centers we are building must press forward with a real feeling of urgency to reach all the potential high risk cancer patients. If this requires mobile equipmentment, so be it. We must press on.

My work has resulted in a grant to create a community cancer center in our district. It is under planning and the operations are expected to be funded soon after local people complete the plans. I hope that laymen with a commitment to success of this kind of work, with a deep interest in it, will be part of the community cancer efforts in our district.

There are five nonscientists on the National Cancer Advisory Board. The Chairman of the three-man President's Cancer Panel is a layman. He puts his heart in it. He is powerful.

I totally agree that consumers should be well represented on every appropriate cancer committee. This would be inappropriate for some of the committees which have only scientific duties, such as judging whether a given piece of laboratory research is better than another proposed piece. However, in all other areas of cancer work I would push for full consumer representation. Suggestions with regard to committees and potential members of them would be appreciated now and in the future.

I am 100 percent in favor of more money for cancer control. I think this country could easily spend $100 million per year on it. That would require new authorizing legislation. I think such legislation is possible. If it passed I would do my best to see that such an amount were appropriated by the House if at all humanly possible.

With God's help we shall reduce this hellish disease to manageable proportions the way we did TB, polio, appendicitis, measles, yellow fever, mastoiditis, and many others. Research will do it. Citizen interest is vital.

DUAL REGULATORY SCHEME AFFECTING HAWAII OCEAN COMMERCE NEEDS REVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, most of the goods which the citizens of Hawaii buy, sell and use each day have been brought by ocean transport. It is therefore essential that that transportation be operated in as efficient and economical manner as possible.

That is why I have introduced legislation which would improve the mechanism by which surface commerce between Hawaii and the mainland is regulated. This is to be accomplished by eliminating the role of the Interstate Commerce Commission in setting cargo rates for goods shipped between Hawaii and port-area points in the rest of the United States.

Right now both the ICC and the Federal Maritime Commission—FMC—exercise some authority over these cargo rates. Under FMC practices, cargo shipped from points near San Francisco harbor, for example, would be subject to fully regulated rates. The ocean carrier in effect supplies the drayage, or incidental land transport, via certificated motor carriers at ICC-approved rates. The ICC, on the other hand, permits a land carrier and an ocean carrier to file a point rate, with each taking whatever share of the total has been agreed on between them.

There are two major difficulties in this system which my bill deals with.

First, if my bill was enacted, carriers providing containerized service to or from terminal area points could no longer choose whether to be regulated by the ICC or the FMC. This would provide more certainty to shippers of cargo and simplify the regulatory scheme substantially.

The second improvement is less direct. Members of the House will remember that Congress acted last year to repeal Section 6 of the Intercoastal Shipping Act. I was pleased to sponsor legislation to that effect. That repeal, in effect, required governmental shippers to pay the full costs of carrying their cargo, instead of shifting part of the fully allocated costs to nongovernmental cargo, specifically the citizens of Hawaii. Repeal of a similar provision of the Interstate Commerce Act was contained in the proposed Surface Transportation Act (H.R. 5385) of the 93d Congress, which passed the House overwhelmingly but was not acted on by the Senate. Therefore, government units may still negotiate preferential rates with ocean carriers by using carriers which file with the ICC. The dual regulatory scheme affecting Hawaii permits governmental shippers, principally the Department of Defense, to frustrate the will of Congress in repealing section 6 of the Intercoastal Shipping Act.

I should point out, Mr. Speaker, that my bill would not affect the ICC's authority over intermodal through-rates involving destinations or origins beyond port-area points, such as Denver or Chicago and Hawaii.

I am hopeful that this relatively minor bill will be given careful and speedy attention by the House Committee on Merchant Marine and Fisheries, and later the House itself.

I include at this point the text of my bill:

H.R. —

A bill to amend the Interstate Commerce Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 216(c) of the Interstate Commerce Act (49 U.S.C. 316(c)), as amended, is further amended by changing the period at the end to a colon and adding the following: "*Provided, however,* That this subsection shall not authorize routes and joint rates in interstate commerce to or from the State of Hawaii if the motor carrier segment of the transportation is confined to the commercial zones of ports, within the meaning of section 203(b)(8) of this Act (49 U.S.C. 303(b)(8), or the commercial zones of ports and contiguous commercial zones.".

COAL PRODUCTION LOSS AND H.R. 25

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I wish to address myself to the question of the need for coal production to satisfy our domestic energy requirements.

In his veto message of May 20, 1975, President Ford indicated that annual production losses resulting from passage of the Surface Mining Control and Reclamation Act of 1975, H.R. 25, would range from 40 to 162 million tons by 1977. It is useful to review this estimate in light of administration coal leasing policy.

It is clear that, in the short term, probably for the remainder of this century, it will be necessary for this Nation to rely heavily on its vast coal reserves to meet energy demands. Coal is our major energy resource, representing some 88 percent of our hydrocarbon reserves. While the overwhelming majority of our coal deposits lie too far beneath the surface to be recovered by surface coal mining methods, there are significant reserves which can be recovered by such mining methods. For various reasons, primarily having to do with economic incentive, those involved in energy production are desirous of producing coal by surface mining.

Much of surface mineable coal lies in the Western States, and there is considerable industry interest in development. Of the total western reserves, the Federal Government owns an estimated 60 percent. Moreover, much of the Federal lands are interspersed with lands under State, Indian, and private ownership in such a manner that development of one must go hand in hand with development of the other. Thus, it is clear that the manner in which the Federal lands are managed and the means through which access to public coal is granted, will have a significant effect on surface-mined coal supplies from the West.

Private industry has been afforded, over the years, liberal access to the public coal lands. At present, there are 533 outstanding Federal coal leases. These leases cover a total of 782,878 acres and contain an estimated 16.1 billion tons of coal reserves. To put this reserve figure in perspective, total U.S. coal production in 1974 from all portions of the country was 591 million tons. Thus, the coal reserves presently under lease represents some 27 years of production at current rates.

Whereas the overwhelming majority of these leases were leased sufficiently long ago to have been producing coal by 1974—89 percent of all leases are 5 years old or more—the Department of the Interior states that in 1974 only 53 leases actually produced any coal. These leases represented a total of 12.5 percent of leased acreage and about 10 percent of the total reserves. Thus, while private industry has been given ample opportunity for access to the Federal coal lands, very little actual development has taken place. Moreover, the Department of the Interior has done little to force production from these leases. In fact, the policies of that Department have encouraged speculative holding of leases.

Under the provisions of section 7 of the Mineral Lands Leasing Act, which governs access to coal on the public lands, the Secretary of the Interior may accept payment of a royalty in lieu of the requirement of continued operation of a lease. At present, 470 leases are held under such an arrangement. The royalty paid is normally $1 an acre. Thus, a lessee may, with the approval of the Secretary, maintain his rights to millions of tons of coal, whose value is constantly rising, for a few thousand dollars per year.

Moreover, although leases are subject to diligent development as well as continued operation, no lease has ever been cancelled by the Department of the Interior for lack of diligent development.

Thus, a situation exists in which provisions of the Mineral Lands Leasing Act, which were intended to give the Secretary of the Interior reasonable flexibility in requiring development of Federal coal leases, have been used to perpetuate a system of speculative holding of leases to the detriment of the public treasury as well as the Nation's coal supply.

The Department of the Interior has recognized the fact that it was engaging in little more than a massive alienation of the public coal resources with minimal return to the Treasury and no assurance of coal supply. Secretary Morton declared a moratorium on all coal leasing in February 1973. This moratorium is still in effect. The Department of the Interior has been considering issuance of new regulations aimed at stimulating production. However, these regulations will be primarily of value in their application to future leases.

The current Department of the Interior analysis of existing leases shows that, while 16.1 billion tons are under lease, some are unacceptable for mining for environmental reasons, some are committed for development and some are uneconomic. The breakdown is as follows:

	In billions of tons
Unacceptable for environmental reasons	2
Uneconomic	0.5
Committed	6.87
Uncommitted	6.67

While this analysis suggests that the alienation of developable coal reserves is not as severe as the figure for total coal under lease would indicate, there remains a total of 6.67 billion tons which are uncommitted for development. In light of the need for coal in the current energy crisis, there is no excuse for nondevelopment of these reserves.

By comparing the coal tonnage loss predictions included in President Ford's veto message of May 20, 1975, for the Surface Mining Control and Reclamation Act of 1975, H.R. 25, with the reserves of coal which are already in private hands and for which no development is planned, it is possible to see the inconsistency of the administration's policy and arguments with respect to coal production. The highest administration estimate for annual loss of production by 1977 is 162 million tons. At this rate, it would take 41 years of production loss to equal the amount which the Department of the Interior admits is already leased, but uncommitted for development on the public lands.

Mr. Speaker, it is clear that, on the one hand, the administration is playing upon fears generated by the energy crisis to attempt to justify veto of the Surface Mining Control and Reclamation Act, on the other hand it has been pursuing a policy which is directly contradictory to maximum coal development.

I do not accept the validity of the coal production loss figures contained in the President's veto message. However, even assuming their accuracy in the worst case, the question of the inconsistency of a veto of the surface mining bill for reasons of production loss, while there has been no attempt to stimulate production from existing Federal coal leases goes unanswered.

"THE CORPS OF ENGINEERS EXAGGERATES THE WATER PERMIT PROGRAM UNDER THE WATER POLLUTION CONTROL ACT OF 1972"

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, on Monday I expressed my dismay over what I view to be an overreaction by the Army Corps of Engineers to the meaning of a court decision handed down in March by the U.S. District Court for the District of Columbia. As I said on Monday, the corps, in its desire to get relief, has unnecessarily alarmed millions of Americans by stating erroneously that "permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion."

It has recently come to my attention that Environmental Protection Administrator Russell Train shares my concerns over the way in which the corps has been conducting itself in this matter and has written to Lt. Gen. William Gribble, the Chief of Engineers, to express that concern.

I am submitting Mr. Train's letter for the RECORD, along with my letter to Mr. Train commending him for his fine stand:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., May 16, 1975.

Lt. Gen. WILLIAM C. GRIBBLE, Jr.,
Chief of Engineers,
Washington, D.C.

DEAR GENERAL GRIBBLE: It is becoming increasingly apparent that the recently proposed regulations and guidelines published by the Corps of Engineers and EPA governing the implementation of section 404 of the Federal Water Pollution Control Act are being misunderstood by the public and by Congress. Most of this confusion and misunderstanding is directly attributable to the seriously inaccurate and misleading press release issued by the Corps at the time the regulations were published. Because of the extreme importance of section 404 as the primary mechanism to protect America's valuable wetland resources, I consider it imperative that the Corps of Engineers take steps to remedy these impressions.

We are particularly concerned that the false impression that farmers must obtain permits whenever they plow a field be corrected. Since this was clearly not contemplated by either the Corps or EPA and is not required by the statute, we fail to understand how such a statement could appear in this press release. As you are well aware, the primary concern of section 404 is to address situations where dredged or fill material is discharged into wetland areas. By no stretch of the imagination can the simple act of plowing be considered to fall within that category.

The Corps has also stated to the public that "millions of people may be presently violating the law." Obviously, there are some discharges of dredged or fill material presently occurring which are not regulated due to the Corps' present restrictive definition. Such discharges should and would be regulated under a broader approach. To say, however, that this number approaches millions is totally without basis.

The illustrations contained in the press release have led to EPA receiving numerous inquiries about the types of activities covered by the program. The confusion about its applicability is apparent. For example, it has been suggested that section 404 applies to any area where there is a body of water which has the potential of flooding and that a rice farmer is violating the law if he puts an acreage into cultivation without a permit. Clearly this is not true. While there may be some rice growing operations which are located in wetland areas and which may involve the discharge of fill material for the building of dikes, it is unreasonable to assume that all rice operations fall within this category. Merely because an agricultural operation involves water does not mean that it is subject to section 404. As we indicated in our preamble to our guidelines, we believe that regulations can be developed which will provide effective administration of a permit program within the broader definition of "navigable waters", without involving the extreme and unwarranted extensions of federal jurisdiction mentioned in your letter.

Both EPA and the Corps have issued policy statements recognizing the need to protect wetland areas. It would be unfortunate indeed if, on the basis of these recent misconceptions, legislative changes were made to return the statutory definition of jurisdiction to traditional concepts of navigability. Such a change would leave vast areas of valuable wetlands without the protection of this regulatory mechanism and possibly subject them to uncontrolled development.

I strongly urge the Corps of Engineers to work with us in the development of our section 404 program within the spirit of the Federal Water Pollution Control Act and to take immediate action to correct the misunderstandings which your department's public statements have created.

Sincerely yours,

RUSSELL E. TRAIN.

WASHINGTON, D.C.
May 30, 1975.

Hon. RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR RUSS: I would like to commend you and the Environmental Protection Agency for the position you have taken to date regarding the implementation of Section 404 of the Federal Water Pollution Control Act Amendments (FWPCAA) by the Corps of Engineers. Congress authorized the permit program to regulate dredge spoil disposal and fill activities in watercourses and wetlands of the United States in order to achieve the clean water goals which the nation needs.

I abhor the ruthless publicity campaign which the Corps of Engineers and the Department of Agriculture have launched to gut this permit program and undermine the clean water goals of the Act. By threatening the nation's farmers with spurious permit requirements for plowing and enlarging stock ponds and with $25,000 fines and jail terms for "violators," these Agencies have sought to wreak havoc upon one of our Nation's most important environmntal programs. Thus far, only you and your agency have had the courage to stand in opposition to their tactics.

I urge you to stand by the position you have taken on this vital issue. I share the belief you stated in your letter to Secretary Callaway "that regulations can be developed which will provide effective administration of a permit program within the broader definition of "navigable waters" without involving extreme and unwarranted extensions of federal jurisdiction."

Our economy, indeed the very health of our people, depend on the water quality which is jeopardized by unregulated development of watercourses and wetlands. Wetland areas provide vital flood loss protection and fish and wildlife habitat. According to estimates I have seen, our nation has already lost 40% of its wetlands.

As Congress directed, a responsible 404 permit program must be developed as soon as possible.

Again, I appreciate your efforts.

Best regards.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

CONGRESSIONAL ENERGY ACTION MUST NOT BE DELAYED

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, the question was raised whether it is wise to proceed with an energy bill which taxes the excessive use of energy when the country is in a recession.

The answer is "yes." This recession—unlike any other in this Nation's history, was caused by the energy crisis, precipitated by arbitrary, sudden, and unwarranted increases in the cost of imported oil. In the year between

1974–75, the cost of foreign oil rose from $7 to $25 billion. This year, the cost will rise to about $30 billion. In the year 1985, the cost of imports at the present price would rise to about $57 billion per year. If the price of foreign oil should rise, the ultimate cost to the American consumer will rise by $3 to $5 billion for every $1 of price increase in a barrel of imported oil.

The annual cost of imported oil today is more than double the average annual dollar cost of the Vietnam war between 1965 and 1975.

The fact is that the oil prices caused the recession and threatens to make it a long-term problem for this country. If we are to solve the problem of recession. If we are to permanently restore productivity and employment—we must begin by terminating our present $30 billion yearly tribute for imported oil.

ENERGY ALTERNATIVES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in listening to the Ways and Means Committee's presentation in the Democratic caucus today of its proposed energy legislation, I had feelings of deja vu. All of the provisions incorporated in the legislation have been discussed and rediscussed ad nauseam since 1973. And while I am confident that if enacted, this legislation will have some impact on the energy crisis. I am equally convinced that it will fail to resolve the problem. The legislation does not get at the heart of the problem.

There are three broad areas to which the Congress has yet to address itself: The failure to use existing technology to convert coal or oil shale into oil or gas; the noncompetitive aspects of the energy industry; and the failure to invite competitive bids for imported oil from the OPEC countries and thereby reduce its price. Let us explore these three areas further:

First. Promoting the immediate use of existing technology which would permit the conversion of coal and oil shale into oil and gas. As I understand it, that technology, while available, is not commercially used in the United States because of the fear that any time it became competitive with oil, the oil companies could immediately stifle the competition by lowering the price of oil. That valid fear could be overcome were we to guarantee the investor in such technology against loss for some reasonable time as a result of such action by the oil companies. That guarantee could take different forms, to wit: having the United States build, own, and lease the conversion facility, or a "hold harmless" provision relating to the cost of such a facility if privately built in the event oil prices were to fall and make the conversion process noncompetitive, or a floor price for the fuel produced for a fixed period of time, to list just three alternatives of which I am sure there are many more.

Second. The noncompetitive aspects that control the various forms of energy sources. The oil companies own most of the coal companies as well as nuclear facilities, indeed, almost all of the possible competing sources of energy. And in the oil business itself, companies have vertical control from raw material to ultimate retail sale. Those existing patterns of control prevent the normal competitive processes which generally have the impact of lowering prices. And so I am asking the basic question which so many ask, which is, why do we not propose legislation which would break up the domestic cartels requiring that no company can own a competing source of energy, or have vertical domination of any fuel industry?

Third. Why we have not adopted what appears to be a successful approach by France, to wit, not limiting the amount of imported oil by barrels but rather by dollars and requiring that no foreign country can provide more than 15 percent of the total oil annually imported and that all bids be secret to encourage members of OPEC to violate their cartel agreement and undersell one another.

I have talked to a great number of Members who, in all candor, are distressed with the fact that we in Congress and the President have failed the American public in grappling with the most important issues facing this country: providing adequate fuel at reasonable prices to keep our industries going and becoming reasonably self-sufficient so as to prevent foreign blackmail impacting on our foreign policy.

I am writing to four of our colleagues who are chairmen of the legislative bodies having jurisdiction over this matter. They are: Chairman Al Ullman, House Ways and Means Committee; Chairman Harley Staggers, House Interstate and Foreign Commerce Committee; Chairman Peter Rodino, House Judiciary Committee; Chairman James Haley, House Interior and Insular Affairs Committee.

I have asked them to comment on the points I have raised before the House debates the legislation next week. I will place their responses in the Congressional Record with the hope that this dialog will invite the wisdom and insight of other Members of this House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Teague (at the request of Mr. McFall), for today, on account of congressional business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Smith of Nebraska) to revise and extend their remarks and include extraneous material:)

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Goldwater, for 15 minutes, today.

Mr. Ashbrook, for 15 minutes, today.

(The following Members (at the request of Mr. Hefner) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.

Mr. McKay, for 5 minutes, today.

Mr. Rosenthal, for 5 minutes, today.

Mr. Dodd, for 5 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Ford of Michigan, for 5 minutes, today.

Mr. Matsunaga, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Broomfield in two instances and to include extraneous matter.

Mr. Cederberg, to extend his remarks and include certain tables and other extraneous matter after his previous remarks on the veto of the Emergency Employment Appropriation Act of 1975.

Mr. Danielson, to follow remarks of Mr. Rhodes on veto override, H.R. 4481.

Mr. Dickinson to revise and extend his remarks immediately following the remarks of Mr. Edwards of California.

(The following Members (at the request of Mrs. Smith of Nebraska) and to include extraneous matter:)

Mr. Anderson of Illinois in two instances.

Mr. Rousselot in two instances.

Mr. Sarasin.

Mr. Jeffords in two instances.

Mr. Symms.

Mr. Broomfield in two instances.

Mr. Crane.

Mr. Frenzel in five instances.

Mr. Hyde.

Mr. Bob Wilson.

Mr. J. William Stanton.

Mr. Grassley.

Mr. Kemp in two instances.

Mr. McKinney.

Mr. O'Brien.

Mr. Kelly.

Mr. Archer.

Mr. Bauman.

Mr. Horton.

Mr. Steiger of Wisconsin.

Mr. Pressler.

Mr. Whitehurst.

Mr. Steelman.

Mr. Ashbrook in three instances.

(The following Members (at the request of Mr. Hefner) and to include extraneous matter:)

Mr. Blanchard.

Mr. Rangel in two instances.

Mr. Long of Maryland.

Mr. O'Hara.

Mr. Harris in two instances.

Mr. Rosenthal.

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Fraser.

Mr. Evans of Indiana.

Mr. Lloyd of California.

Mr. Evins of Tennessee in five instances.

Mr. Mikva.

Mr. Roybal in two instances.

Mr. McDonald of Georgia in three instances.

Mr. Gaydos.

Mr. Moss.

Mr. Boland.

Mr. Pepper in two instances.

Mr. Zeferetti.

Mr. Johnson of California.

Mr. Moffett.

Mr. Traxler.

Mr. Bevill.

Mr. Stokes in two instances.

Mr. Rodino.

Mr. Jacobs.

Mr. Conyers.

ADJOURNMENT

Mr. HEFNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Thursday, June 5, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1166. A letter from the Mayor of the District of Columbia, transmitting the annual report for fiscal year 1974 of the D.C. Office of Civil Defense, pursuant to section 6 of Public Law 686, 81st Congress; to the Committee on the District of Columbia.

1167. A letter from the Secretary of Health, Education, and Welfare, transmitting proposed consolidated procedural rules for administration and enforcement of certain civil rights laws and authorities, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1168. A letter from the Secretary of Health, Education, and Welfare, transmitting proposed final regulations under title IX of Public Law 92–318, prohibiting discrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1169. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate James D. Theberge and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

1170. A letter from the Assistant Administrator for Energy Conservation and Environment, Federal Energy Administration, transmitting an environmental impact statement on the proposed Energy Independence Act of 1975 and related tax proposals, pursuant to section 102 of the National Environmental Policy Act of 1969; jointly, to the Committees on Armed Services, Interstate and Foreign Commerce, Ways and Means, and Banking, Currency and Housing.

Received From the Comptroller General

1171. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of testing of selected major weapon systems of the Department of Defense; to the Committee on Government Operations.

1172. A letter from the Comptroller General of the United States, transmitting a report recommending cancellation of a planned procurement of automatic data processing equipment for the Department of Agriculture; jointly, to the Committees on Government Operations, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: Committee on Banking, Currency and Housing. Supplemental report on H.R. 6676. A bill to maximize the availability of credit for national priority uses (Rept. No. 94–225, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEDZI: Committee on House Administration. H.R. 5327. A bill to reserve a site for the use of the Smithsonian Institution; with amendment (Rept. No. 94–257). Referred to the House Calendar.

Mr. NEDZI: Committee on House Administration. H.R. 5328. A bill to authorize the Smithsonian Institution to plan museum support facilities; with amendment (Rept. No. 94–258). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE: Committee of conference. Conference report on H.R. 4700 (Rept. No. 94–259). Ordered to be printed.

Mr. PRICE: Joint Committee on Atomic Energy. H.R. 7001. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 395 of the Energy Reorganization Act of 1974, and for other purposes (Rept. No. 94–260). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 511. Resolution providing for the consideration of H.R. 6676. A bill to maximize the availability of credit for national priority uses (Rept. No. 94–261). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 512. Resolution providing for the consideration of H.R. 6706. A bill to clarify existing authority for employment of personnel in the White House Office, the Executive Residence at the White House, and the Domestic Council, to clarify existing authority for employment of personnel by the President to meet unanticipated personnel needs, and for other purposes (Rept. No. 94–262). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 513. Resolution providing for the consideration of H.R. 6799. A bill to approve certain of the proposed amendments to the Federal Rules of Criminal Procedure, to amend certain of them, and to make certain additional amendments to those rules (Rept. No. 94–263). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself, Mr. Rosenthal, and Mr. Horton):

H.R. 7575. A bill to establish an Agency for Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ANDERSON of Illinois:

H.R. 7576. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 for the purposes of terminating the Federal Metal and Nonmetallic Mine Safety Board of Review; to the Committee on Education and Labor.

By Mr. BARRETT (for himself and Mr. Brown of Michigan):

H.R. 7577. A bill to amend the Internal Revenue Code of 1954 to provide that the tax rules now applicable to savings and loan associations, mutual savings banks, and certain cooperative banks, shall be applicable to the comparable mortgage programs now undertaken by national mortgage associations; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 7578. A bill to amend the Securities Exchange Act of 1934 to require notification by foreign investors of proposed acquisitions of equity securities of U.S. companies, to authorize the President to prohibit any such acquisition as appropriate for the national security, to further the foreign policy, or to protect the domestic economy of the United States, to require issuers of registered securities to maintain and file with the Securities and Exchange Commission a list of the names and nationalities of the beneficial owners of their equity securities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7579. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN (for himself, Mr. Kindness, Mr. Mann, Mr. Mollohan, Mr. Stuckey, and Mr. Whitten):

H.R. 7580. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers responsibility and authority to regulate the discharge of dredged or fill material; to the Committee on Public Works and Transportation.

By Mr. D'AMOURS:

H.R. 7581. A bill to amend title II of the Social Security Act to reduce the 5-month waiting period for disability benefits to 1 month and provide for retroactive payments; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 7582. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself and Mr. D'Amours):

H.R. 7583. A bill to provide that meetings of Government agencies shall be open to the public and for other purposes; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 7584. A bill to amend chapter 79 of title 10, United States Code, to make more feasible the personal appearance of a petitioner before a board authorized to correct discharges and dismissals from the Armed Forces by establishing regional boards of review, and to amend chapter 49 of such title to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

H.R. 7585. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 7586. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 7587. A bill to repeal the income tax exemption of DISC's, and to comply with the directives of the congressional budget resolution for fiscal 1976; to the Committee on Ways and Means.

By Mr. KARTH (for himself and Mr. Ford of Michigan):

H.R. 7588. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Public Works and Transportation.

By Mr. NEDZI:

H.R. 7589. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. PATMAN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Moorhead of Pennsylvania, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Mitchell of Maryland, Mr. Fauntroy, Mr. Neal, Mr. Blanchard, Mr. Ford of Tennessee, Mr. LaFalce, Mrs. Spellman, Mr. Tsongas, Mr. Hannaford, Mr. Evans of Indiana, Mr. Patterson of California, Mr. AuCoin, and Mr. Reuss):

H.R. 7590. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Currency and Housing.

By Mr. QUILLEN:

H.R. 7591. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; to the Committee on Ways and Means.

By Mr. RODINO (for himself and Mr. Hutchinson):

H.R. 7592. A bill to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7593. A bill to direct the Secretary of the Army to conduct a study relating to flood and related problems along the San Francisco Bay shoreline; to the Committee on Public Works and Transportation.

By Mr. SEIBERLING:

H.R. 7594. A bill to amend and improve the war powers resolution; to the Committee on International Relations.

By Mr. ARMSTRONG (for himself, Mr. Beard of Rhode Island, Mr. Burgener, Mr. Chappell, Mrs. Chisholm, Mr. Derwinski, Mr. Frey, Mr. Goldwater, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Howard, Mr. Hyde, Mr. Jenrette, Mr. Johnson of Colorado, Mr. Kemp, Mr. Ketchum, Mrs. Lloyd of Tennessee, Mr. Long of Maryland, Mr. Sarasin, Mr. Solarz, Mr. Walsh, Mr. Waxman, and Mr. Won Pat):

H.R. 7595. A bill to amend title II of the Social Security Act to repeal the earnings limitation, to provide benefits for husbands, widowers, and fathers on the same basis as wives, widows, and mothers, to eliminate the 5-month waiting period for disability benefits, to provide for the payment of benefits to an individual through the month of his or her death, to provide an optional exemption from coverage for individuals 65 years of age and over, and to provide that a beneficiary's marriage or remarriage will not affect his or her benefits; and to amend title XVIII of such act to authorize direct payments to physicians and other providers at their option under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. CONABLE (for himself and Mr. Steiger of Wisconsin):

H.R. 7596. A bill to amend section 103(c) of the Internal Revenue Code of 1954 (relating to industrial development bonds) to raise the limit to $10 million, to place this limit on a one-time per company basis, and to remove the limit based on a company's capital expenditures; to the Committee on Ways and Means.

By Mr. DENT (for himself, and Mr. Erlenborn):

H.R. 7597. A bill to amend the Employee Retirement Income Security Act of 1974; to the Committee on Education and Labor.

By Mr. DRINAN (for himself, Mr. Bingham, Mr. Brademas, Mr. Corman, Mr. Eckhardt, Mr. Edwards of California, Mr. Ford of Michigan, Mr. Fraser, Mr. Hawkins, Mr. McFall, Mr. McKinney, Mr. Matsunaga, Mr. Moss, Mr. Rooney, Mr. Roybal, Mr. Seiberling, Mr. Vander Veen, Ms. Abzug, Mr. Anderson of California, Mr. Badillo, Mrs. Chisholm, Mr. Conte, Mr. Cornell, Mr. Diggs, and Mr. Edgar):

H.R. 7598. A bill to direct the Administrator of Energy Research and Development to establish a system of research and development of energy-conserving industrial technologies with due regard for the need to operate such a system in a manner which will stimulate depressed sectors of the American economy; to the Committee on Science and Technology.

By Mr. DRINAN (for himself, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Hannaford, Mr. Harrington, Mr. Helstoski, Mr. Jenrette, Mr. Krebs, Mr. Mitchell of Maryland, Mr. Reuss, Mr. Rosenthal, Mr. Scheuer, Mr. Solarz, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Udall, Mr. Waxman, Mr. Charles H. Wilson of California, and Mr. Wirth):

H.R. 7599. A bill to direct the Administrator of Energy Research and Development to establish a system of research and development of energy-conserving industrial technologies with due regard for the need to operate such a system in a manner which will stimulate depressed sectors of the American economy; to the Committee on Science and Technology.

By Mr. EDGAR:

H.R. 7600. A bill to designate the majority and minority leaders of each House of Congress as members of the National Security Council; to the Committee on Armed Services.

By Mr. EILBERG:

H.R. 7601. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FITHIAN:

H.R. 7602. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide financial assistance for alternative educational and security plans to reduce delinquency and crime in and against the public schools of the Nation, and for other purposes; to the Committee on Education and Labor.

H.R. 7603. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide financial assistance for alternative educational and security plans to reduce delinquency and crime in and against the public schools of the Nation, and for other purposes; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mr. Fascell, Mr. Meeds, Mr. Fisher, Mr. McCloskey, Mr. Mitchell of New York, Mr. Moorhead of Pennsylvania, Mr. Long of Maryland, Mr. Mitchell of Maryland, Mr. Thompson, Mr. Edwards of California, Mr. Wirth, Mr. Downey of New York, Mr. Fauntroy, Mr. Mosher, Mr. Beard of Rhode Island, Ms. Abzug, Mr. Burgener, Mr. Harrington, Mr. Brown of California, Mr. Stark, Mr. Hechler of West Virginia, Mr. Krebs, Mr. Solarz, and Mr. Badillo):

H.R. 7604. A bill to amend the Federal employee health insurance provisions of title 5, United States Code, to require that notice and hearing be provided before the effective date of any reduction of health benefits or any exclusion of any type of provider of health services; to the Committee on Post Office and Civil Service.

By Mr. HECHLER or West Virginia (for himself, Mr. Ashley, Mr. Beard of Rhode Island, Mr. Bedell, Mr. Blanchard, Mr. Broyhill, Mr. Carr, Mr. Cohen, Mr. Conte, Mr. Downey of New York, Mr. Evins of Tennessee, Mr. Ford of Tennessee, Mr. Fascell, Mr. Fraser, Mr. Hightower, Mr. Howe, Mr. Kemp, Mr. Martin, Mr. Mazzoli, Mr. Nedzi, Mr. Ottinger, Mr. Rodino, Mr. Simon, Mr. Thompson, and Mr. Vander Veen):

H.R. 7605. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 for the purpose of terminating the Federal Metal and Nonmetallic Mine Safety Board of Review; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia (for himself, Mr. Bennett, Mr. Bonker, Mrs. Collins of Illinois, Mr. Conlan, Mr. Coughlin, Mr. Drinan, Mr. Edgar, Mr. Emery, Mr. Flowers, Mr. Fuqua, Mr. Harris, Mr. Jacobs, Mr. McHugh, Mr. McKinney, Mr. Mitchell of Maryland, Mr. Mottl, Mr. Perkins, Mr. Pritchard, Mr. Rinaldo, Mr. Studds, Mr. Whitehurst, and Mr. Wirth):

H.R. 7606. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 for the purpose of terminating the Federal Metal and Nonmetallic Mine Safety Board of Review; to the Committee on Education and Labor.

By Mr. HÉBERT:

H.R. 7607. A bill to amend title 10, United States Code, to authorize per diem and travel or transportation expenses for members of the Boards of Visitors to the Service Academies; to the Committee on Armed Services.

By Mr. HINSHAW:

H.R. 7608. A bill to permit certain cooperative and condominium associations to accrue without tax liability, a portion of dues and other income received for the purposes of maintaining and caring for its property and for other purposes; to the Committee on Ways and Means.

By Ms. HOLTZMAN (for herself, Mr. Bingham, Mr. Anderson of California, Mr. Blouin, Mr. Clay, Mr. Eckhardt, Mr. Edgar, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Howard, Mr. Meeds, Mr. Patterson of California, Mr. Perkins, Mr. Reuss, Mr. Seiberling, Mr. Wirth, Mr. Yates, Mr. Young of Georgia, and Mr. Zeferetti):

H.R. 7609. A bill to amend title XVI of the Social Security Act to insure that cost-of-living increases in supplemental security income benefits are granted to recipients of such benefits in all States, to provide a housing supplement to certain recipients of such benefits, to prevent reductions in such benefits because of social security benefits increases, to allow recipients of such benefits in cash-out States to elect to receive food stamps, to provide for emergency assistance to recipients, and for other purposes; to the Committee on Ways and Means.

By Mr. McDONALD of Georgia:

H.R. 7610. A bill to accelerate the formation of the investment capital required to expand job opportunities and productivity in the private sector of the economy; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Esch, Mr. Guyer, Mr. Cochran, Mr. Hillis, Mr. McClory, Mr. Martin, Mr. Hagedorn, Mr. Carter, Mr. Emery, Mr. Hinshaw, Mr. Young of Alaska, Mr. McKinney, Mr. Bob Wilson, Mr. Goodling, Mr. McEwen, Mrs. Heckler of Massachusetts, Mr. Devine, Mr. Gude, Mr. Broyhill, Mr. McCloskey, Mr. Kasten, Mr. Beard of Tennessee, Mr. Findley, and Mr. Latta):

H.R. 7611. A bill making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

By Mr. MICHEL (for himself, Mr. Cederberg, Mr. Skubitz, Mr. Esch, Mr. Guyer, Mr. Cleveland, Mr. Regula, Mr. Hyde, Mr. Fish, Mr. Johnson of Pennsylvania, Mr. Mitchell of New York, Mr. Lagomarsino, Mr. Gradison, Mr. Conable, Mrs. Pettis, Mr. Talcott, Mr. Walsh, Mr. Bafalis, Mr. Rinaldo, Mr. Conte, Mr. Burgener, Mr. Lent, Mr. Spence, Mr. Gilman, and Mr. O'Brien):

H.R. 7612. A bill making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

Mr. MILLER of Ohio:

H.R. 7613. A bill to amend title II of the Social Security Act to increase to $4,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. O'BRIEN:

H.R. 7614. A bill to extend and revise the State and Local Fiscal Assistance Act of 1972; to the Committee on Government Operations.

H.R. 7615. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. O'HARA (for himself, Mr. Miller of California, Mr. Mollohan, Mr. Morgan, Mr. Nedzi, Mr. Nix, Mr. Oberstar, Mr. Ottinger, Mr. Patten, Mr. Peyser, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Simon, Mr. Solarz, Mr. James V. Stanton, Mr. Vigorito, Mr. Waxman, Mr. Weaver, Mr. Charles H. Wilson of California, Mr. Yatron, and Mr. Zeferetti):

H.R. 7616. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. PRESSLER:

H.R. 7617. A bill to insure that recipients of veteran's pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. QUILLEN:

H.R. 7618. A bill to provide incentives and otherwise to encourage the utilization of home dialysis and to encourage early kidney transplantation under the renal disease program authorized under section 226 of the Social Security Act; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 7619. A bill to amend the Tariff Schedules of the United States in order to change the tariff classification of certain composition cork bound with pigmented binder; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. Beard of Rhode Island, Mr. Fithian, Ms. Holtzman, Mr. Murphy of New York, Mr. Solarz, Mr. Pattison of New York, and Ms. Spellman):

H.R. 7620. A bill to establish grants for research endeavors for the purpose of assisting in the development and utilization of new and improved methods of food and fertilizer production; to the Committee on Agriculture.

By Mr. SHIPLEY:

H.R. 7621. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. Wolff):

H.R. 7622. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. ADAMS:

H.J. Res. 481. Joint resolution to designate the 9th day of October of each year as Lief Erikson Day and to authorize the President to call for the appropriate celebration of such day; to the Committee on Post Office and Civil Service.

By Mr. BELL (for himself, Mr. Bob Wilson, Mr. Riegle, Mr. Rodino, Mr. Frey, and Mr. Stark):

H.J. Res. 482. Joint resolution to save the great whales from extinction by amending the Fishermen's Protective Act of 1967 to impose an embargo on the products of all foreign enterprises engaged in commercial whaling; jointly to the Committees on Merchant Marine and Fisheries, and Ways and Means.

By Mr. WHITEHURST (for himself, Mr. Burgener, Mr. Mazzoli, Mr. Rhodes, Mr. Sebelius, Mr. Sikes, Mr. Wampler, and Mr. Won Pat):

H.J. Res. 483. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McDADE:

H. Con. Res. 295. Concurrent resolution creating a Joint Committee on Energy; to the Committee on Rules.

By Mr. CONTE:

H. Res. 509. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. BOB WILSON:

H. Res. 510. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EILBERG:

H.R. 7623. A bill for the relief of Rashmikant Shah; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 7624. A bill for the relief of Jacinto Vazquez Camacho; to the Committee on the Judiciary.

By Mr. PATTERSON of California:

H.R. 7625. A bill for the relief of Maurice Allan Malinoff (a.k.a. Maurice Allan Malin); to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 7626. A bill for the relief of John R. Coleman; to the Committee on the Judiciary.

By Mr. TSONGAS:

H.R. 7627. A bill for the relief of Ruth Mena Faulkner; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

168. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to highway beautification; to the Committee on Public Works and Transportation.

169. Also, memorial of the assembly of the State of New York, relative to regulations increasing the authority of the Army Corps of Engineers over waters of the United States; to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII proposed amendments were submitted as follows:

H.R. 6860

By Ms. ABZUG:

On page 97, line 16, after "activity," insert the following: "Not less than 25 percent of the funds available for expenditure from the Trust Fund during any fiscal year shall be expended for projects or expenditures described in paragraph (4)."

By Mr. ARCHER:

On page 135, after line 12, add the following new part to title V:

PART IV—TAX CREDIT CHANGES RELATING TO DOMESTIC ENERGY EXPLORATION AND DEVELOPMENT

SEC. 541. TAX CREDIT CHANGE RELATING TO DOMESTIC ENERGY EXPLORATION AND DEVELOPMENT.

(a) Subpart A of part IV of chapter 1 (relating to credits against tax) is amended by redesignating section 45 as section 46 and by inserting after section 44 the following new section:

"SEC. 45. EXPENDITURES TO INCREASE DOMESTIC OIL AND GAS RESERVES.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount (subject to the limitations of subsection (b)) eqaul to 10 percent of the amount of expenditures paid or incurred by the taxpayer during the taxable year for—

"(1) intangible drilling and development costs with respect to domestic exploratory oil and gas wells (as defined in subsection (d)(1));

"(2) domestic geological and geophysical costs (as defined in subsection (d)(2)); or

"(3) secondary or tertiary processes with respect to domestic oil and gas wells.

"(b) LIMITATIONS.—

"(1) DURATION.—The credit allowed by subsection (a) shall apply only to expenditures paid or incurred within the 2-year period beginning on the date on which this section is enacted.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciation property).

"(c) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by subsection (b)(2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(A) an exploration or development credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) an exploration or development credit carryover to each of the 7 taxable years following the unused credit year.

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year ending after the first day of January of the year in which this section is enacted. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraph (A) or (B)) such credit may be carried, and then successively to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) Limitation.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not, when added to the amount of the credit under subsection (a), exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of—

"(A) the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property); and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"(d) Definitions.—For purposes of this section—

"(1) Exploratory oil and gas wells.—The term 'exploratory oil and gas well' shall mean any well drilled to the depth of a potential oil or gas bearing formation, and which—

"(A) is not a producing well,

"(B) at the time such well is completed, is more than 2 miles from any producing well; or

"(C) at the time such well is completed—

"(i) is within 2 miles of any producing well,

"(ii) is determined (under regulations prescribed by the Secretary or his delegate) to have a bottom hole pressure indicating that no substantial amount of oil or gas has been produced from one or more of the reservoirs in which the well is completed, and

"(iii) is completed more than two years after the completion of a producing well within 2 miles of such well.

A well which is completed within 2 miles of a producing well but does not meet the requirements of subparagraph (C) (ii) and (iii) shall nevertheless be deemed an exploratory well if under all of the facts and circumstances the taxpayer can demonstrate that the well is completed in one or more reservoirs from which there is no significant oil or gas production.

"(2) Geological and geophysical costs.—The term 'geological and geophysical costs' means any expenditure for—

"(i) aerial photography,

"(ii) geological mapping,

"(iii) airborne magnetometer surveys,

"(iv) gravity meter surveys,

"(v) seismograph surveys, or

"(vi) similar geological and geophysical methods,

for the purpose of ascertaining the existence, location, extent, or quality of any deposit of domestic oil or gas.

"(3) Domestic.—The term 'domestic' refers to an oil or gas well or an oil or gas deposit located in this United States or in a possession of the United States.

"(4) Producing well.—The term 'producing well' means any well capable of producing oil or gas in commercial quantities.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.".

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 45. Expenditures to increase domestic oil and gas reserves.

"Sec. 46. Overpayments of tax.".

By Mr. ASHLEY:

On page 108, in line 4, after the word "burning" insert the following: "only waste or".

On page 108, between lines 8 and 9, insert the following: "(C) used to convert waste directly into usable energy (including unloading equipment, feeding systems, furnaces, boilers and associated equipment), or".

And, on line 9, strike "(C)" and insert "(D)".

On page 108, strike line 23 and insert the following: "a liquid, gaseous or clean solid state."

By Mr. CARNEY:

Proposed amendments to title I; title II; title III; title IV; and title V of the bill, H.R. 6860 or to any amendment to any title of the bill, H.R. 6860:

Strike out the necessary number of words.
Strike out the requisite number of words.
Strike out the next to the last word.
Strike out the penultimate word.
Strike out the last word.

Proposed amendments to each section of the bill, H.R. 6860, or to any amendment to any provision of the bill, H.R. 6860:

Strike out the last word of section 111.
Strike out the last word of section 112.
Strike out the last word of section 121.
Strike out the last word of section 131.
Strike out the last word of section 132.
Strike out the last word of section 133.
Strike out the last word of section 141.
Strike out the last word of section 142.
Strike out the last word of section 143.
Strike out the last word of section 211.
Strike out the last word of section 212.
Strike out the last word of section 213.
Strike out the last word of section 221.
Strike out the last word of section 222.
Strike out the last word of section 223.
Strike out the last word of section 231.
Strike out the last word of section 311.
Strike out the last word of section 321.
Strike out the last word of section 322.
Strike out the last word of section 323.
Strike out the last word of section 331.
Strike out the last word of section 332.
Strike out the last word of section 411.
Strike out the last word of section 412.
Strike out the last word of section 413.
Strike out the last word of section 511.
Strike out the last word of section 521.
Strike out the last word of section 522.
Strike out the last word of section 523.
Strike out the last word of section 524.
Strike out the last word of section 531.
Strike out the last word of section 532.
Strike out the last word of section 533.

By Mr. COTTER:

On page 132, line 9, insert after "paper," the following: "plastics,".

By Mr. FISHER:

Page 58, strike out line 3 and all that follows down through line 20 on page 71 and insert:

Part I—Automobile Fuel Efficiency Taxes

Sec. 311. Tax on Each Automobile With Low Fuel Efficiency.

(a) General Rule.—Part I of subchapter A of chapter 32 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"Sec. 4064. Tax on Each Automobile With Low Fuel Efficiency.

"There is hereby imposed on each automobile produced in the United States, or imported into the United States, during the model year 1978, 1979, or 1980, a tax determined in accordance with the following table:

"If the fuel mileage rating (in miles per gallon) of the automobile is—	And the model year is—		
	1978	1979	1980
	Then the amount of the tax is—		
20 or more			
19 or more but less than 20		0	$100
18 or more but less than 19	0	$100	200
17 or more but less than 18	$100	200	300
16 or more but less than 17	200	300	450
15 or more but less than 16	350	450	650
14 or more but less than 15	500	650	850
13 or more but less than 14	700	900	1, 110
Less than 13	1, 000	1, 200	1, 400

The tax imposed by this section shall be paid by the manufacturer or importer, as the case may be."

(b) Disclosure of Tax and Fuel Mileage Rating on Which Tax Is Based.—

(1) General rule.—In the case of any automobile with respect to which tax was imposed by section 4064 of the Internal Revenue Code of 1954, such manufacturer, producer, or importer shall affix a label to such automobile which shall include a clear, distinct, and legible endorsement stating—

(A) that Federal excise tax was imposed with respect to such automobile based upon the fuel mileage rate of such automobile,

(B) the amount of tax which was imposed,

(C) the fuel mileage rate on which such tax was based, and

(D) the table of taxes imposed by section 4064 applicable to all automobiles produced in that model year.

(A) Failure to affix label, or false endorsement of label.—Any person required by paragraph (1) to endorse any label who willfully fails to endorse and affix such label as required by paragraph (1) or who makes a false endorsement of such label, shall be fined not more than $1,000.

(B) Removal, modification, or mutiliation of label.—Any person who removes, modifies, or mutilates any label affixed under paragraph (1) to an automobile before title or possession to such automobile is, for purposes of consumption, transferred to any person shall be fined not more than $1,000.

(C) Each violation to be considered a separate offense.—Each failure or endorsement referred to in subparagraph (A), and each removal, modification, or mutilation referred to in subparagraph (B), shall constitute a separate offense.

Sec. 312. Tax Where Manufacturer's Fleet Does Not Meet Standard

(a) General Rule.—Part I of subchapter A of chapter 32 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"Sec. 4065. Tax Where Fleet Does Not Meet Standard.

"(a) Imposition of Tax.—If the fuel mileage rating of any manufacturer or importer for the model year 1978, 1979, or 1980 is below the fuel mileage standard for that model year provided by subsection (b), a tax is hereby imposed on each automobile produced by such manufacturer (or imported by such importer) during such model year which has a fuel mileage rating below the fuel mileage standard provided by subsection (b) for that model year. The tax imposed by this section shall be paid by the manufacturer or the importer, as the case may be.

"(b) Fuel Mileage Standard.—For purposes of this section—

"For the model year—	The fuel mileage standard (in miles per gallon) is—
1978	18
1979	19
1980	20

"(c) Amount of Tax.—In the case of any

automobile subject to tax under this section, the amount of such tax shall be $20 for each full 1/10 of a mile per gallon which the fuel mileage rating of the manufacturer or importer for the model year of production of importation is below the fuel mileage standard for that year."

Sec. 313. Provisions Common to Sections 4064 and 4065.

(a) In General.—Part I of subchapter A of chapter 32 is amended by adding at the end thereof the following new section:

"Sec. 4066. Provisions Common to Sections 4064 and 4065.

"(a) Determination of Automobile Fuel Mileage Rating.—

"(1) Determination of rating.—

"(A) In general.—The fuel mileage rating of every automobile which may be subject to tax under section 4064 or 4065 shall be the fuel mileage rating, for the class of automobiles in which such automobile falls, determined by the Secretary or his delegate. The determination of such rating for any class of automobiles shall be based on a composite mileage resulting from the testing of such class of automobiles, conducted in accordance with procedures established under paragraph (4). Such determination shall be published in the Federal Register.

"(B) Review of determination.—Within 30 days after the fuel mileage rating of any class of automobiles has been published under subparagraph (A), the manufacturer or importer of such class of automobiles may file a petition in the United States Court of Appeals for the District of Columbia for judicial review of such determination. Upon the filing of such petition, the court shall have jurisdiction to review such determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(2) Interagency cooperation.—In order to avoid unnecessary expense and duplication, the Secretary or his delegate shall make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this section and the functions of any department, agency, or establishment of the United States, as he may find practicable and consistent with law. The Secretary or his delegate may have access to and utilize, on a reimbursable or other basis, information, facilities, or services of any department, agency, or establishment of the United States; and each such department, agency, or establishment shall cooperate with the Secretary or his delegate and, to the extent permitted by law, provide such information, facilities, or services as he may request.

"(3) Fuel mileage rating.—The term 'fuel mileage rating' means, with respect to any class of automobiles, the number of miles which an automobile in such class can be expected to travel for each gallon of fuel which it consumes.

"(4) Procedure for determining fuel mileage ratings.—The Secretary or his delegate shall, by regulations, establish procedures for conducting tests to determine the fuel mileage ratings of automobiles which may be subject to tax under section 4064 or 4065. Under such regulations the Secretary or his delegate shall establish separate classes of automobiles which may be based upon—

"(A) the manufacturer (or division of the manufacturer) of the automobiles;

"(B) the engine family of the automobiles (which takes into account the type of engine, fuel induction system, and emission control system);

"(C) the type of transmission of such automobiles;

"(D) whether or not the automobiles have air conditioners;

"(E) whether or not the automobiles are station wagons; and

"(F) the inertia weight of the automobiles.

For purposes of subparagraph (F), the inertia weight shall be taken into account in categories of 250-pound increments for automobiles which have inertia weights under 3,000 pounds, and in categories of 500-pound increments for automobiles which have inertia weights of 3,000 pounds or more.

"(b) Determination of Fuel Mileage Rating for Each Manufacturer or Importer.—

"(1) Manufacturer.—The fuel mileage rating of any manufacturer for purposes of section 4065 for any model year shall be based on all automobiles produced by such manufacturer in the United States or Canada during such model year.

"(2) Importer.—The fuel mileage rating of any importer for purposes of section 4065 for any model year shall be based on all new automobiles imported into the United States during such model year which were produced (outside the United States and Canada) by the manufacturer who produced the automobiles imported by such importer. If there is more than one such manufacturer, the importer shall have a separate fuel mileage rating with respect to the automobiles of each such manufacturer.

"(3) Special rules.—For purposes of this subsection—

"(A) Persons who manufacture and import.—A person who is both a manufacturer and an importer shall be treated—

"(i) as a manufacturer with respect to automobiles described in paragraph (1), and

"(ii) as an importer with respect to automobiles described in paragraph (2).

A person who manufactures automobiles in the United States shall be treated as the importer of all automobiles produced by such manufacturer which are imported into the United States.

"(B) Certain imports from Canada.—A person who is not a manufacturer with respect to automobiles described in paragraph (1) but who imports automobiles from Canada shall be treated as an importer with respect to such automobiles.

"(C) Production in United States or Canada.—An automobile is produced in the United States or Canada if at least 75 percent of the cost to the manufacturer of such automobile is attributable to value added in the United States or Canada. Any automobile not described in the preceding sentence the production of which is completed in the United States shall be treated as having been imported (at the time of such completion) into the United States.

"(D) Treatment of certain exports and imports and sales for further manufacture.—An automobile otherwise taken into account under paragraph (1) shall not be taken into account under such paragraph (1)—

"(i) if it is sold to any person before the close of the model year in which it is produced for use in further manufacture,

"(ii) if it is exported from the United States before the close of the model year in which it is produced, or

"(iii) in the case of an automobile the production of which is completed outside the United States unless it is imported into the United States before the close of the model year in which it is produced.

"(E) Persons under common control.—All persons who control, are controlled by, or are under common control with any person shall be treated as one person.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Automobile.—The term 'automobile' means—

"(A) any passenger automobile (within the meaning of such term as used in section 4061(b)(2)), or

"(B) any automobile truck or bus which has a gross vehicle weight of 6,000 pounds or less (as determined under regulations prescribed by the Secretary or his delegate), which uses gasoline or diesel fuel as a fuel for propulsion.

"(2) Model year.—The term 'model year' means, with reference to any calendar year, the manufacturer's annual production period (as determined by the Secretary or his delegate) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term 'model year' means the calendar year.

"(3) Manufacturer.—The term 'manufacturer' includes a producer.

"(4) Mathematical calculations.—In determining any fuel mileage rating under subsection (a) or (b), the total number of automobiles to be taken into account for that determination is to be divided by a sum of terms, each term of which is a fraction created by dividing—

"(A) the number of automobiles within each group to be taken into account, by

"(B) the fuel milege rating for the automobiles within such group rounded to the nearest 1/10 of a mile per gallon.

"(5) Changes in emissions standards.—If there is any change (whether by law or by administrative action) from the Federal emissions standards which apply to automobiles produced on May 1, 1975, the Secretary or his delegate shall determine by rule (in accordance with section 553 of title 5, United States Code) and publish in the Federal Register—

"(A) the extent (if any) to which such change reduces fuel mileage, and

"(B) the modifications in the fuel mileage standard set forth in section 4065(b) and in the mileage brackets of the table set forth in section 4064, which are necessary to reflect the reduction in fuel mileage resulting from such change.

Any modifications published under this paragraph shall have the force and effect of law and shall apply to all automobiles produced or imported to which the changed emissions standards apply as if such modifications were contained in section 4064 or 4065; as the case may be.

"(d) Exemptions.—Under regulations prescribed by the Secretary or his delegate, for purposes of sections 4064, 4065, and this section the term 'automobile' does not include—

"(1) an ambulance, hearse, or combination ambulance-hearse,

"(2) any bus which is to be used predominantly by the purchaser in mass transportation services in urban areas, or

"(3) any bus sold to any person for use exclusively in transporting students and employees of schools operated by State or local governments or by nonprofit educational organizations (within the meaning of section 4221(d)(5)).

For purposes of paragraph (3), incidental use of a bus in providing transportation for State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a) shall be disregarded.

"(e) Application of Certain Sections.—Sections 4221 and 4293 shall not apply to the taxes imposed by sections 4064 and 4065.

(b) Technical and Clerical Amendments.—

(1) The table of sections for part I of subchapter A of chapter 32 is amended by adding at the end thereof the following:

"Sec. 4064. Tax on each automobile with low fuel efficiency
"Sec. 4065. Tax where fleet does not meet standard
"Sec. 4066. Provisions common to section 4064 and 4065."

(2) Section 6161(b)(1) (relating to extensions of time for paying tax) is amended by inserting after "or 43," the following: "or by section 4064 or 4065,". The second sentence of such section 6161(b) is amended by inserting after "chapter 43," the following: "or by section 4064 or 4065 of chapter 32,"

(3) Section 6201(d) (cross reference) is

amended by striking out "and chapter 43 taxes" and inserting in lieu thereof the following: "chapter 43, and sections 4064 and 4065 taxes".

(4) Section 6211 (defining deficiency) is amended—

(A) by striking out so much of subsection (a) as precedes paragraph (1) and inserting in lieu thereof the following:

"(a) In General.—For purposes of this title in the case of income, estate, and gift taxes imposed by subtitles A and B and excise taxes imposed by sections 4064 and 4065 or by chapters 42 and 43, the term 'deficiency' means the amount by which the tax imposed by subtitle A or B, by section 4064 or 4065, or by chapter 42 or 43, exceeds the excess of—"; and

(B) by inserting after "or B" in subsection (b) (2) the following: ", section 4064 or 4065,".

(5) Section 6212 (relating to notice of deficiency) is amended—

(A) by inserting after "or B" in subsection (a) the following: ", section 4064 or 4065,";

(B) by inserting after "chapter 12" each place it appears in subsection (b) (1) the following: ", sections 4064 and 4065,";

(C) by striking out "TAXES IMPOSED BY CHAPTER 42" in the heading of subsection (b) (1) and inserting in lieu thereof "CERTAIN EXCISE TAXES";

(D) by striking out "or of chapter 42 tax" in subsection (c) (1) and inserting in lieu thereof "of chapter 42 tax"; and

(E) by inserting after "to which such petition relates" the following: ", or of section 4064 or 4065 tax with respect to the calendar year to which such petition relates".

(6) Section 6213 (relating to restrictions applicable to deficiencies and petition to Tax Court) is amended by inserting after "or B" in subsection (a) the following ", section 4064 or 4065.".

(7) Section 6214(d) (relating to final decisions of Tax Court) is amended by inserting after "this chapter," the following: "sections 4064 and 4065,".

(8) Section 6344(a) (1) (relating to cross references) is amended by inserting before "chapter 42" the following: "section 4064 or 4065 or".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended—

(A) by striking out "or 43" each place it appears therein and inserting in lieu thereof ", 43", and

(B) by inserting after "to which such petition relates" the following: ", or of section 4064 or 4065 tax with respect to the calendar year to which such petition relates".

(10) Section 6601(d) (relating to interest on underpayment, nonpayment, or extensions of time for payment of tax) is amended by striking out in the heading thereof "Chapter 42 or 43" and inserting in lieu thereof "Certain Excise".

(11) Section 7422(e) (relating to civil actions for refund) is amended by inserting before "chapter 42" the following: "section 4064 or 4065 or".

Sec. 314. Recommendations for Model Years After 1980.

(a) Report.—Before March 15, 1978, the Administrator of the Federal Energy Administration shall submit to the Congress a report—

(1) as to whether the taxes imposed by sections 4064 and 4065 of the Internal Revenue Code of 1954 shall be continued beyond the model year 1980, and

(2) if such taxes are continued—

(A) any modifications the Administrator believes should be made in such taxes, and

(B) what the fuel mileage standard, and the tax rate brackets and amounts, should be for model years after 1980.

By Mr. GOLDWATER:

Page 84, line 21, delete the language beginning on page 84, line 21, and ending on page 85, line 4; and insert the following new language:

"(1) 50 percent of the qualified solar energy equipment expenditures paid by the taxpayer during the taxable year with respect to any residence to the extent that such expenditures do not exceed $2,000, plus.

"(2) 30 percent of the qualified solar energy equipment expenditures by the taxpayer during the taxable year with respect to such residence to the extent that such expenditures exceed $2,000 but do not exceed $3,000."

Page 87, line 3, after the word "on", insert the phrase, ", or when connected to".

Page 125, lines 17 and 18, delete lines 17 and 18; and insert:

"(2) The amendment made by subsection (b) shall apply to property purchased after July 1, 1976."

By Mr. GONZALEZ:

Page 135, after line 12, add new section:

"No tax resulting from the enactment of this act shall be applicable to municipally owned light and gas public utilities, and public schools."

By Mr. GREEN:

Page 128, after line 17, insert the following:

"(5) Certain lease-back transactions, etc. Where a person who is a party to a binding contract described in paragraph (2) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (2), succeed to the position of the transferor with respect to such binding contract and such property. The preceding sentence shall apply, in any case in which the lessor does not make an election under section 48(d) of the Internal Revenue Code of 1954, only if a party to such contract retains a right to use the property under the long-term lease."

By Mr. HECHLER of West Virginia:

On page 102 after line 10 insert the following:

"Sec. 414. Amounts required for the purposes of this Title shall be established by annual authorization and appropriation acts."

On page 102, beginning on line 11, strike everything through the period on line 13.

On page 107, line 19, after the word "equipment" insert a ".".

On line 20 strike all through the period on line 22.

On page 108, line 11, strike all through the period on page 109, line 5.

By Mr. JEFFORDS:

Page 58, strike out line 3 and all that follows down through line 20 on page 71 and insert:

Sec. 311. Excise Tax on Passenger Automobiles Based on Fuel Consumption Rate.

(a) General rule.—Part I of subchapter A of chapter 32 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following section:

"Sec. 4064. Automobile Fuel Economy Tax.

"(a) Imposition of Tax.—There is hereby imposed on every passenger automobile sold by the manufacturer, a tax determined in accordance with the following tables:

"(1) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1976, and ending on August 30, 1977:

"If fuel efficiency rate is:	The tax is:
Over 15.5	0
Over 13.5 but not over 15.5	$200
Not over 13.5	$250

"(2) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1977, and ending on August 30, 1978:

"If fuel efficiency rate is:	The tax is:
Over 16.5	0
Over 14.5 but not over 16.5	$200
Over 13 but not over 14.5	$250
Not over 13	50 percent of the price for which so sold.

"(3) In the cast of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1978, and ending on August 30, 1979:

"If fuel efficiency rate is:	The tax is:
Over 17.5	0
Over 15.5 but not over 17.5	$400
Over 14 but not over 15.5	$500
Not over 14	50 percent of the price for which so sold.

"(4) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1979, and ending on August 30, 1980:

"If fuel efficiency rate is:	The tax is:
Over 18.5	0
Over 16.5 but not over 18.5	$400
Over 16 but not over 16.5	$500
Not over 16	50 percent of the price for which so sold.

"(5) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1980, and ending on August 30, 1981:

"If fuel efficiency rate is:	The tax is:
Over 19.5	0
Over 18 but not over 19.5	$400
Not over 18	50 percent of the price for which so sold.

"(6) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1981, and ending on August 30, 1982:

"If fuel efficiency rate is:	The tax is:
Over 21.5	0
Over 20 but not over 21.5	$500
Not over 20	50 percent of the price for which so sold.

"(7) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1982, and ending on August 30, 1983:

"If fuel efficiency rate is:	The tax is:
Not over 22	50 percent of the price for which so sold.

"(8) In the case of a passenger automobile sold by the manufacturer during the period beginning on September 1, 1983, and ending on August 30, 1984:

"If fuel efficiency rate is:	The tax is:
Not over 24	50 percent of the price for which so sold.

"(9) In the case of a passenger automobile sold by the manufacturer after August 30, 1984:

"If fuel efficiency rate is:	The tax is:
Not over 25	50 percent of the price for which so sold.

"(b) Definitions.—For purposes of this section—

"(1) Fuel efficiency rate.—The fuel efficiency rate of any passenger automobile shall be the fuel efficiency rate determined for such automobile by the Administrator of the Environmental Protection Agency under section 5(b) of the Automobile Fuel-Economy Act of 1975.

"(2) Passenger automobile.—The term 'passenger automobile' means only a passenger automobile (within the meaning of section 4061(b)(2)) which uses gasoline or diesel fuel as a fuel. Such term does not include any ambulance, hearse, or combination ambulance-hearse.

"(3) Manufacturer.—The term 'manufacturer' includes a producer or importer.

"(c) Exemption.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by subsection (a) shall not apply in the case of a passenger automobile which is to be used predominantly by a State or local government in performing law enforcement or public safety functions."

(b) Floor Stocks Taxes.—

(1) Subsection (a) of section 4226 of such Code (relating to floor stocks taxes) is amended to read as follows:

"(a) Tax on Passenger Automobiles.—

"(1) In general.—On any passenger automobile which was sold by the manufacturer, producer, or importer, and which, on a tax increase date, is held by a dealer for sale, there is hereby imposed a floor stocks tax at a rate equal to the difference between (A) the tax under section 4064 paid on the sale of such automobile by the manufacturer, producer, or importer, and (B) the tax under such section which would have been applicable to such sale if that sale had occurred on such tax increase day.

"(2) Tax increase day defined.—For purposes of paragraph (1), the term 'tax increase day' means September 1, of 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, or 1984."

(2) Subsection (d) of such section 4226 is amended to read as follows:

"(d) Due Date of Taxes.—The taxes imposed by subsection (a) shall be paid at such time after the applicable tax increase day (as defined in subsection (a)(2)) as may be prescribed by the Secretary or his delegate."

(3) Subsection (e) of such section 4226 is amended to read as follows:

"(e) Passenger Automobile.—For purposes of subsection (a), the term 'passenger automobile' has the meaning given to such term by section 4064(b)(2)."

(c) Technical and Conforming Amendments.—

(1) Subsection (a) of section 4221 of such Code (relating to certain tax free sales) is amended by adding at the end thereof the following new sentence: "Paragraphs (4) and (5) shall not apply in the case of the tax imposed by section 4064.".

(2) Subsection (c) of such section 4221 is amended by inserting before ", 4083" the following: ", 4064(c)".

(3) Section 4222(d) of such Code (relating to registration in the case of certain other exemptions) is amended by inserting before ", 4083" the following: ", 4064(c)".

(4) Paragraph (2) of section 6416(b) of such Code (relating to overpayments in case of specified uses and resales) is amended—

(A) by inserting before "sold" in subparagraphs (C) and (D) the following: "in the case of an article other than an article taxable under section 4064,"; and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of an article taxable under section 4064, sold to a State or local government to be used predominantly in performing law enforcement or public safety functions;".

(5) The table of sections for part I of subchapter A of chapter 32 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4064. Automobile fuel economy tax."

(d) Effective Date.—The amendments made by this section shall take effect on September 1, 1976.

Sec. 312. Purchases of Fuel-Efficient New Passenger Automobiles

(a) General Rule.—Subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"Sec. 6428. Purchases of Fuel-Efficient New Passenger Automobiles.

"(a) Payments.—The Secretary or his delegate shall pay to each individual who, on or before August 30, 1982, purchases a new passager automobile which is manufactured in the United States an amount determined in accordance with the following tables:

"(1) In the case of a new passanger automobile purchased during the period beginning on September 1, 1976, and ending on August 30, 1977:

"If the fuel efficiency rate is:	The payment is:
At least 17.5 but not over 19.5	$500
Over 19.5 but not over 21.5	$700
Over 21.5 but not over 23.5	$900
Over 23.5	$1,000

"(2) In the case of a new passenger automobile purchased during the period beginning on September 1, 1978, and ending on August 30, 1978:

"If the fuel efficiency rate is:	The payment is:
At least 18.5 but not over 20.5	$500
Over 20.5 but not over 22.5	$700
Over 22.5 but not over 24.5	$900
Over 24.5	$1,000

"(3) In the case of a new passenger automobile purchased during the period beginning on September 1, 1978, and ending on August 30, 1979:

"If the fuel efficiency rate is:	The payment is:
At least 19.5 but not over 21.5	$500
Over 21.5 but not over 23.5	$700
Over 23.5 but not over 25.5	$900
Over 25.5	$1,000

"(4) In the case of a new passenger automobile purchased during the period beginning on September 1, 1979, and ending on August 30, 1980:

"If the fuel efficiency rate is:	The payment is:
At least 20.5 but not over 22.5	$500
Over 22.5 but not over 24.5	$700
Over 24.5 but not over 26.5	$900
Over 26.5	$1,000

"(5) In the case of a new passenger automobile purchased during the period beginning on September 1, 1980, and ending on August 30, 1981:

"If the fuel efficiency rate is:	The payment is:
At least 21.5 but not over 23.5	$500
Over 23.5 but not over 25.5	$700
Over 25.5 but not over 27.5	$900
Over 27.5	$1,000

"(6) In the case of a new passenger automobile purchased during the period beginning on September 1, 1981, and ending on August 30, 1982:

"If the fuel efficiency rate is:	The payment is:
At least 22.5 but not over 24.5	$500
Over 24.5 but not over 26.5	$700
Over 26.5 but not over 28.5	$900
Over 28.5	$1,000

"(b) Claims.—No payment shall be made under subsection (a) to any individual unless a claim therefor has been submitted to the Secretary or his delegate within such time, and in such manner and containing such information, as the Secretary or his delegate shall prescribe by regulations.

"(c) Limitations.—In the case of any individual who received a payment under subsection (a) with respect to the purchase of any new passenger automobile, no payment may be made under subsection (a) to such individual with respect to any other new passenger automobile purchased during the 1-year period beginning on the day on which the individual purchased the passenger automobile with respect to which such payment was made.

"(d) Definitions and Special Rules.—

"(1) New passenger automobile.—The term 'new passenger automobile" means any passenger automobile which is purchased by an individual if the individual is the first person to purchase such automobile for purposes other than for resale or use as a demonstration automobile in connection with the sale of other passenger automobiles. For purposes of this paragraph, the term 'passenger automobile' has the meaning given to such term by section 4064(b)(2).

"(2) Fuel consumption rate.—The fuel consumption rate of any new passenger automobile shall be the fuel consumption rate determined for such automobile by the Administrator of the Environmental Protection Agency under section 5 of the Automobile Fuel Economy Act of 1975.

"(3) Purchase.—A new passenger automobile shall be considered as purchased by an individual on the day on which he enters into a contract to purchase such automobile if such contract, on such day and at all times thereafter, is binding on him; except that, if delivery of such automobile is not made to the individual within 30 days after he entered into such contract and such contract was entered into on or after September 1, 1976, such automobile shall be considered as purchased on the day on which it is delivered to the individual.

"(4) Manufactured in the United States.—A new passenger automobile shall be considered as manufactured in the United States if—

"(A) the manufacture or production of such automobile was completed in the United States; and

"(B) at least 50 percent of the basis of such automobile is attributable to value added in the United States.

For purposes of this paragraph, the term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

"(e) Applicable Law.—All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the taxes so imposed.

"(f) Reduction of Basis.—The basis of any new passenger automobile with respect to which a payment is made under subsection (a) shall be reduced by the amount of such payment. Such reduction shall be made before computing the amount of any depreciation deduction (or amortization in lieu of depreciation) or any credit under section 38 with respect to such property."

(b) Technical Amendments.—

(1) The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 6428. Purchase of fuel-efficient passenger automobiles."

(2) Section 1016(a) of such Code (relating to adjustments to basis) is amended by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon and by adding after paragraph (22) the following new paragraph:

"(23) to the extent provided in section 6428(f), in the case of property with respect to which a payment is made under section 6428."

(c) Effective Date.—The amendments

made by this section shall take effect on September 1, 1976.

SEC. 313. DETERMINATION OF FUEL EFFICIENCY RATES.

(a) TEST PROCEDURES.—The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") shall establish test procedures to determine the fuel efficiency rates of passenger automobiles sold within the United States. Such procedures shall provide that the fuel efficiency rate of any of such passenger automobiles—

(1) shall be determined under driving conditions which are a composite of the average driving conditions encountered by individuals in urban areas, and

(2) shall not exceed the rate that such passenger automobile can reasonably be expected to maintain during the first 3 years of its operation with proper maintenance.

(b) DETERMINATION OF FUEL EFFICIENCY RATES.—Not later than August 1, 1976, and at such times thereafter as he deems appropriate, the Administrator shall determine the fuel efficiency rate of each model of passenger automobiles sold within the United States—

(1) with each engine size available in such model, and

(2) with each combination of any accessory equipment available in such model if the Administrator determines that such combination has a significant effect on the fuel consumption rate,

in accordance with the test procedures established under subsection (a) and the Administrator shall transmit to the Secretary of the Treasury or his delegate a report of each such determination.

(c) For purposes of this section—

(1) The term "fuel consumption rate" means the average number of highway miles that any passenger automobile will travel for each gallon of fuel which it consumes.

(2) The term "passenger automobile" has the meaning given to such term by section 4064(b)(2) of the Internal Revenue Code of 1954.

SEC. 314. DISCLOSURE OF FUEL EFFICIENCY RATE AND TAXES PAID.

Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by inserting "(a)" after "Sec. 3." and by adding at the end thereof the following new subsection:

"(b) Every label required to be affixed under subsection (a) on any automobile on the sale of which by the manufacturer, producer, or importer a tax was imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel economy tax) shall include—

"(1) the fuel efficiency rate (as determined under section 5(b) of the Automobile Fuel-Economy Act of 1975) on which such tax was based, and

"(2) the amount of such tax."

SEC. 315. PROHIBITION OF ADJUSTING PASSENGER AUTOMOBILES TO LOWER FUEL EFFICIENCY RATE.

(a) GENERAL RULE.—No manufacturer, distributor, dealer, or motor vehicle repair business shall alter or adjust any passenger automobile for the purpose of increasing the horsepower or acceleration of such automobile if such alteration or adjustment will reduce the fuel efficiency rate (as defined in section 5(c)(1) of this Act) by at least 20 percent.

(b) PENALTY.—Any person who violates subsection (a) of this section shall be subject to a civil penalty of not more than $1,000 for each such violation. Such civil penalty shall be assessed by the Secretary of Transportation and may be collected in a civil action brought by the United States in a United States court under section 1335 of title 28, United States Code.

(c) DEFINITIONS.—For purposes of this section—

(1) PASSENGER AUTOMOBILES.—The term "passenger automobile" only includes a passenger automobile (as defined in section 4064(b)(2) of the Internal Revenue Code of 1954) which is sold by the manufacturer, producer, or importer on or after September 1, 1976.

(2) MANUFACTURER, DISTRIBUTOR, DEALER, MOTOR VEHICLE REPAIR BUSINESS.—The terms "manufacturer", "distributor", "dealer", and "motor vehicle repair business" have the same meaning as such terms have when used in the National Traffic and Motor Vehicle Safety Act of 1966.

SEC. 316. ESTABLISHMENT OF ENERGY RESEARCH TRUST FUND.

(a) GENERAL RULE.—Section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 is amended to read as follows:

"ENERGY RESEARCH TRUST FUND

"SEC. 16. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the 'Energy Research Trust Fund' (hereinafter in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such amounts as may be appropriated to it and deposited in it as provided in this section. Amounts in the Trust Fund shall be available to the Administrator without fiscal year limitation, for the purpose of carrying out this Act.

"(b)(1) There are hereby appropriated to the Trust Fund amounts equivalent to the excess (if any) of—

"(A) the amounts of the taxes on passenger automobiles which are imposed by section 4064 of the Internal Revenue Code of 1954 and which are received in the Treasury after September 30, 1976; over

"(B) the amounts of the payments made under section 6428 of such Code after September 30, 1976.

"(2) The amounts appropriated by paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates by the Secretary of the Treasury of the amount of the excess described in paragraph (1). Proper adjustment shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

"(c) There are authorized to be appropriated to the Trust Fund such additional sums as may be necessary to carry out the purposes of this Act. There are also authorized to be appropriated to the Trust Fund by separate Acts such sums as may be necessary for demonstration projects for which, the Federal contribution to construction costs exceeds $50,000,000.

"(d) Of the amounts in the Trust Fund—

"(1) $500,000 annually shall be made available by fund transfer to the Council on Environmental Quality for the purpose authorized by section 11; and

"(2) not to exceed $1,000,000 annually shall be made available by fund transfer to the Water Resources Council for the purposes authorized by section 13.

"(e) At the close of September 30, 1976, there shall be transferred to the Trust Fund all unexpended funds which have been appropriated on or before such date for the purpose of carrying out this Act.

"(f) If at any time the Administrator determines that the amounts in the Trust Fund exceed the amounts needed for the purpose of carrying out this Act, such excess shall be transferred to the general fund of the Treasury."

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (e) of section 8 of such Act is amended by striking out "may be appropriated for such project" and inserting in lieu thereof "in the Trust Fund established under section 16 may be used for such project".

(2) Subsection (f) of such section 8 is amended by striking out "under the authorization of appropriations pursuant to section 16" and inserting in lieu thereof, "in the Trust Fund established under section 16".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1976.

By Mr. KOCH:

Page 96, line 25, strike out "; and" and insert in lieu thereof a semicolon.

Page 97, strike out the period at the end of line 10 and insert a semicolon.

Page 97, insert after line 10 the following:

"(5) the construction of facilities (A) for the conversion of oil shale into oil or gas, or (B) for processing coal into a liquid or gaseous state if such facilities are to be owned by the Federal Government and operated by the Federal Government or by any other person under a lease with the Federal Government; and

"(6) the purchase of oil or gas produced from the conversion of oil shale or of the products derived from the liquification or gasification of coal if such purchase is pursuant to an agreement between the Federal Government and any other person under which—

"(A) such person agrees to construct and operate a facility for the conversion of oil shale into oil or gas or for processing coal into a liquid or gaseous state, and

"(B) the Federal Government agrees to purchase during the 5 year period beginning on the date the construction of such facility is completed, any production from such facility if the market price for such production is less than the price established in such agreement."

Page 97, line 23, strike out "and (4)" and insert in lieu thereof "(4), (5), and (6)".

By Mr. McCORMACK:

Page 90, after line 17, insert the following:

SEC. 333. QUALIFIED ELECTRIC MOTOR VEHICLES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44E. QUALIFIED ELECTRIC MOTOR VEHICLES.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount paid by the taxpayer during the taxable year for a qualified electric motor vehicle to the extent that the aggregate amount paid by the taxpayer during such taxable year and all prior taxable years for such vehicle does not exceed $3,000.

"(b) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to retirement income),

"(C) section 38 (relating to investment in certain depreciable property and purchases of certain recyclable waste),

"(D) section 40 (relating to expenses of work incentive programs),

"(E) section 41 (relating to contributions to candidates for public office),

"(F) section 42 (relating to credit for personal exemptions),

"(G) section 44 (relating to purchase of new principal residence),

"(H) section 44C (relating to insulation of principal residence), and

"(I) section 44D (relating to residential solar energy equipment).

"(2) VERIFICATION.—No credit shall be allowed under subsection (a) with respect to any qualified electric motor vehicle unless such expenditures are verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) QUALIFIED NEW ELECTRIC MOTOR VEHICLE DEFINED.—For purposes of this section, the term 'qualified electric motor vehicle' means any vehicle—

"(1) which is powered primarily by an electric motor drawing current from rechargeable storage batteries or other portable sources of electric current,

"(2) which is purchased by the taxpayer after June 3, 1975, and before January 1, 1979, for the personal use of the taxpayer or a member of his family, and

"(3) the original use of which begins with the taxpayer or a member of his family.

"(d) TERMINATION.—This section shall not apply to any amount paid after December 31, 1978."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such subpart A is amended by inserting immediately before the item relating to section 45 the following new item:

"Sec. 44E. Qualified electric motor vehicles."

(2) Section 56(a)(2) (relating to imposition of minimum tax) is amended by striking out "and" at the end of clause (viii), by striking out "; and" at the end of clause (ix) and inserting in lieu thereof ", and", and by inserting after clause (ix) the following new clause:

"(x) section 44E (relating to qualified electric motor vehicles); and".

(3) Section 56(c)(1) (relating to tax carryovers) is amended by striking out "and" at the end of subparagraph (H), by striking out "exceed" at the end of subparagraph (I) and inserting in lieu thereof "and", and by inserting after subparagraph (I) the following new subparagraph:

"(J) section 44E (relating to qualified electric motor vehicles), exceed".

(4) Section 6096(b) (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44D" and inserting in lieu thereof "44D, and 44E".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid after June 3, 1975, in taxable years ending after such date.

Page 107, line 21, strike out "or".

Page 107, line 22, strike out the period and insert ", or".

Page 107, after line 22, insert "(E) qualified electric vehicle equipment."

Page 109, after line 3, insert:

"(6) QUALIFIED ELECTRIC VEHICLE EQUIPMENT.—The term 'qualified electric vehicle equipment' means—

"(A) any vehicle which is powered primarily by an electric motor drawing current from rechargeable storage batteries or other portable sources of electric current,

"(B) any non-electric source of power designed to charge batteries for, or to provide auxiliary power to the wheels of, any vehicle described in subparagraph (A), and

"(C) any machinery or equipment (for a character subject to the allowance for depreciation) used to manufacture vehicles described in subparagraph (A) or sources of power described in subparagraph (B).

Page 109, line 4, strike out "(6)" and insert "(7)".

By Mr. MILFORD:

Page 71, following line 20, insert the following:

"PART II—HOME HEATING OIL CONSUMPTION TAX

"SEC. 321.—HOME HEATING OIL CONSUMPTION TAX.

"(a) GENERAL RULE.—Part III of subchapter 32 (relating to petroleum products) is amended by redesignating subpart C as subpart D, and by inserting after subpart B the following new subpart:

"Subpart B—Home Heating Oil Consumption Tax

"Sec. 4101. Imposition of Tax.

"SEC. 4101. IMPOSITION OF TAX.

"(a) GENERAL RULE.—

"(1) IMPOSITION OF 5 CENTS A BARREL TAX.—There is hereby imposed on home heating oil sold by the producer or importer thereof, or by any producer of home heating oil, a tax of 5 cents a barrel.

"(2) TAX TO BE DEPOSITED IN TRUST FUND.—For provisions for depositing amounts of the tax imposed by this section in the Energy Conservation and Conversion Trust Fund, see section 411(b) of the Energy Conservation and Conversion Act of 1975.

"(b) INCREASE IN RATE IF CONSERVATION GOALS ARE NOT REALIZED.—

"(1) DETERMINATION OF DOMESTIC CONSUMPTION.—Not later than January 31, of 1977, and of each year thereafter on January 1 of which the rate of tax imposed by this section is less than $1 a barrel, the Administrator of the Federal Energy Administration (hereinafter in this subsection referred to as the 'Administrator') shall make and publish in the Federal Register—

"(A) a determination of whether domestic consumption of home heating oil, to be determined and listed for each of the ten Standard Federal Regions, for the preceding calendar year exceeds the domestic consumption of home heating oil for each respective Standard Federal Region for 1973, and

"(B) if it does, the percentage by which such consumption for the preceding calendar year exceeds such consumption for 1973.

"(2) INCREASE IN RATE.—If a determination under paragraph (1) yields a percentage which calls for a rate of tax under paragraph (3) which is greater than the rate of tax in effect on January 1 of the calendar year in which such determination is made, then, effective on April 15 of such year, the rate of the tax imposed by this section shall be increased to the rate of tax provided by paragraph (3).

"(3) TAX TABLE.—

"If the domestic consumption of home heating oil for the calendar year preceding the year in which the determination is made exceeds the domestic consumption of home heating oil for 1973 by a percentage which is— More than—	But not more than—	The total tax imposed by this section shall be the following cents/barrel:
0	1	17
1	2	33
2	3	50
3	4	67
4	5	83
5	6	$1

"(4) DOMESTIC CONSUMPTION DEFINED.—For purposes of this subsection, the term 'domestic consumption of home heating oil' means the average daily usage of home heating oil occurring within the United States."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1976.

Technical and conforming amendment—

Page 72, line 3, strike out "SEC. 321." and insert in lieu thereof "SEC. 322.".

Page 73, line 22, strike out "SEC. 322." and insert in lieu thereof "SEC. 323.".

Page 76, line 13, strike out "SEC. 323." and insert in lieu thereof "SEC. 324.".

Renumber all succeeding "part" and "section" numbers accordingly.

Page 102, line 14, strike out the word "BUSINESS".

Page 102, line 17, strike out the word "Business".

Page 103, line 1, strike out the word "BUSINESS".

Page 103, strike out lines 8 and 9.

Page 103, line 10, renumber subparagraph "(2)" as subparagraph "(1)".

Page 104, lines 4 and 5, strike out the words "in a trade or business".

Page 104, lines 10 and 11, strike out subparagraph "(B)", and re-letter subsequent subparagraphs accordingly.

Page 105, line 19, strike out the word "includes" and insert in lieu thereof the word "excludes".

Page 105, line 22, strike out the word "Business".

By Mr. O'HARA:

Amend H.R. 6860 by striking all of title II beginning on line 1, page 29, through line 24, on page 57.

Amend H.R. 6860 by striking all of part 1 of title III beginning on line 3, page 58, down through line 20, on page 71.

Strike all of Part I of Title III, beginning on Line 3, Page 58, through Line 20 on Page 71, and insert in lieu thereof the following:

PART I. AUTOMOTIVE TAX CREDIT PLAN

SEC. 311. TAX CREDIT FOR PURCHASE OF FUEL EFFICIENT AUTOMOBILES

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of Chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44E. PURCHASE OF FUEL EFFICIENT AUTOMOBILES.

"(a) GENERAL RULE.—In the case of any taxpayer who, during the taxable year, purchases a qualified automobile which has a fuel mileage rating of 18 or more miles per gallon, there shall be allowed against the tax imposed by this chapter for the taxable year a credit of $200.

"(b) DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

"(1) NEW AUTOMOBILE.—The term 'new automobile' means any automobile—

"(A) which is manufactured or produced in the United States; and

"(B) which is purchased by the taxpayer on or after June 3, 1975, and before January 1, 1977, if the taxpayer is the first person to purchase such automobile for a purpose other than for resale or use as a demonstration vehicle in connection with the sale of other automobiles.

For purposes of this paragraph, the term 'automobile' has the same meaning as such term has when used in section 4064(g)(1).

"(2) FUEL MILEAGE RATING.—The fuel mileage rating of any new automobile shall be the fuel mileage rating determined for such automobile under section 4064(e) or, if such section does not apply with respect to such automobile, the fuel mileage rating of such automobile shall be determined under such section as if such section did apply to such automobile.

"(3) PURCHASE.—A new passenger automobile shall be considered as purchased by the taxpayer on the day on which he enters into a contract to purchase such automobile, if such contract, on such day and at all times thereafter, is binding on him."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following:

"Sec. 44E. Purchase of fuel efficient automobiles."

(c) Refund To Be Made Where Credit Exceeds Tax.—Section 6401(b) (relating to excess credits treated as overpayments) is amended—

(1) by inserting "44E (relating to purchase of fuel efficient passenger automobiles)," before "and 667(b)"; and

(2) by striking out "and 43" and inserting in lieu thereof "43, and 44E".

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after June 2, 1975.

Page 58, line 3, after "TAX" insert "AND CREDIT".

Page 90, insert after line 17 the following:

PART IV—TAX INCENTIVES FOR THE PURCHASE OF FUEL EFFICIENT AUTOMOBILES

SEC. 333. TAX CREDIT FOR PURCHASE OF FUEL EFFICIENT AUTOMOBILES.

(a) Allowance of Credit.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section;

"SEC. 44E. PURCHASE OF FUEL EFFICIENT AUTOMOBILES.

"(a) General Rule.—In the case of any taxpayer who, during the taxable year, purchases a qualified automobile which has a fuel mileage rating of 18 or more miles per gallon, there shall be allowed against the tax imposed by this chapter for the taxable year a credit of $200.

"(b) Definitions and Special Rule.—For purposes of this section—

"(1) New automobile.—The term 'new automobile' means any automobile—

"(A) which is manufactured or produced in the United States; and

"(B) which is purchased by the taxpayer on or after June 3, 1975, and before January 1, 1977, if the taxpayer is the first person to purchase such automobile for a purpose other than for resale or use as a demonstration vehicle in connection with the sale of other autmobiles.

For purposes of this paragraph, the term 'automobile' has the same meaning as such term has when used in section 4064(g)(1).

"(2) Fuel mileage rating.—The fuel mileage rating of any new automobile shall be the fuel mileage rating determined for such automobile under section 4064(e) or, if such section does not apply with respect to such automobile, the fuel mileage rating of such automobile shall be determined under such section as if such section did apply to such automobile.

"(3) Purchase.—A new passenger automobile shall be considered as purchased by the taxpayer on the day on which he enters into a contract to purchase such automobile, if such contract, on such day and at all times thereafter, is binding on him."

(b) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following:

"Sec. 44E. Purchase of fuel efficient automobiles."

(c) Refund To Be Made Where Credit Exceeds Tax.—Section 6401(b) (relating to excess credits treated as overpayments) is amended—

(1) by inserting "44E (relating to purchase of fuel efficient passenger automobiles)," before "and 667(b)"; and

(2) by striking out "and 43" and inserting in lieu thereof "43, and 44E".

(d) Effective date.—The amendments made by this section shall apply to taxable years ending after June 2, 1975.

Page 58, line 3, after "TAX" insert "AND CREDIT".

Page 90, insert after line 17 the following:

PART IV—TAX INCENTIVES FOR THE PURCHASE OF FUEL EFFICIENT AUTOMOBILES

SEC. 333. TAX CREDIT FOR PURCHASE OF FUEL EFFICIENT AUTOMOBILES.

(a) Allowance of Credit.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44E. PURCHASE OF FUEL EFFICIENT AUTOMOBILES.

"(a) General Rule.—In the case of any taxpayer who, during the taxable year, purchases a qualified automobile which has a fuel mileage rating of 18 or more miles per gallon, there shall be allowed against the tax imposed by this chapter for the taxable year a credit of $200.

"(b) Definitions and Special Rule.—For purposes of this section—

"(1) New automobile.—The term 'new automobile' means any automobile—

"(A) which is manufactured or produced in the United States or Canada; and

"(B) which is purchased by the taxpayer on or after June 3, 1975, and before January 1, 1977, if the taxpayer is the first person to purchase such automobile for a purpose other than for resale or use as a demonstration vehicle in connection with the sale of other automobiles.

For purposes of this paragraph, the term 'automobile' has the same meaning as such term has when used in section 4064(g)(1).

"(2) Fuel mileage rating.—The fuel mileage rating of any new automobile shall be the fuel mileage rating determined for such automobile under section 4064(e) or, if such section does not apply with respect to such automobile, the fuel mileage rating of such automobile shall be determined under such section as if such section did apply to such automobile.

"(3) Purchase.—A new passenger automobile shall be considered as purchased by the taxpayer on the day on which he enters into a contract to purchase such automobile, if such contract, on such day and at all times thereafter, is binding on him."

(b) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following:

"Sec. 44E. Purchase of fuel efficient automobiles."

(c) Refund To Be Made Where Credit Exceeds Tax.—Section 6401(b) (relating to excess credits treated as overpayments) is amended—

(1) by inserting "44E (relating to purchase of fuel efficient passenger automobiles)," before "and 667(b)"; and

(2) by striking out "and 43" and inserting in lieu thereof "43, and 44E".

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after June 2, 1975.

Page 58, line 3, after "TAX" insert "AND CREDIT".

By Mr. PEPPER:

Page 90, after line 17, insert the following:

SEC. 333. QUALIFIED MOTOR VEHICLES.

(a) General Rule.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44E. QUALIFIED MOTOR VEHICLES.

"(a) General Rule.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount paid by the taxpayer during the taxable year for any qualified motor vehicle.

"(b) Limitations.—

"(1) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to retirement income),

"(C) section 38 (relating to investment in certain depreciable property and purchases of certain recyclable waste),

"(D) section 40 (relating to expenses of work incentive programs),

"(E) section 41 (relating to contributions to candidates for public office),

"(F) section 42 (relating to credit for personal exemptions),

"(G) section 44 (relating to purchase of new principal residence),

"(H) section 44C (relating to insulation of principal residence), and

"(I) section 44D (relating to residential solar energy equipment).

"(2) Verification.—No credit shall be allowed under subsection (a) with respect to any qualified motor vehicle unless such expenditures are verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) Qualified Motor Vehicle Defined.—For purposes of this section, the term 'qualified motor vehicle' means any vehicle—

"(1) which is powered by the use of a fuel other than petroleum or petroleum products (including natural gas),

"(2) which is purchased by the taxpayer after June 3, 1975, and before January 1, 1981, and

"(3) the original use of which begins with the taxpayer.

"(d) Termination.—This section shall not apply to any amount paid after December 31, 1980."

(b) Technical and Conforming Amendments.—

(1) The table of sections for such subpart A is amended by inserting immediately before the item relating to section 45 the following new item:

"Sec. 44E. Qualified motor vehicles."

(2) Section 56(a)(2) (relating to imposition of minimum tax) is amended by striking out "and" at the end of clause (viii), by striking out "; and" at the end of clause (ix) and inserting in lieu thereof ", and", and by inserting after clause (ix) the following new clause:

"(x) section 44E (relating to qualified motor vehicles); and".

(3) Section 56(c)(1) (relating to tax carry-overs) is amended by striking out "and" at the end of subparagraph (H), by striking out "exceed" at the end of subparagraph (I) and inserting in lieu thereof "and", and by inserting after subparagraph (I) the following new subparagraph:

"(J) section 44E (relating to qualified motor vehicles), exceed".

(4) Section 6096(b) (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44D" and inserting in lieu thereof "44D, and 44E".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid after June 3, 1975, in taxable years ending after such date.

Page 107, line 21, strike out "or".

Page 107, line 22, strike out "pipeline." and insert in lieu thereof "pipeline, or".

Page 107, immediately after line 22, insert the following:

"(E) Qualified vehicle research or development equipment."

Page 109, insert immediately after line 3 the following:

"(6) Qualified vehicle research or development equipment.—The term 'qualified vehicle research or development equipment' means any facility or any machinery or equipment (of a character subject to the allowance for depreciation) used—

"(A) in connection with the research and development of, or

"(B) in connection with the production of, motor vehicles which are propelled by means other than the consumption of gasoline or other petroleum product."

Page 109, line 4, strike out "(6)" and insert in lieu thereof "(7)".

Page 107, strike out lines 21 and 22 and insert the following:

"(C) qualified coal processing equipment,

"(D) a qualified coal pipeline,

"(E) qualified deep mining coal equipment, or

"(F) qualified coal-burning equipment.

Page 109 insert after line 3 the following:

"(6) Qualified deep mining coal equipment.—The term 'qualified deep mining coal equipment' means any machinery or equipment or structural component of a coal mine which is of a character subject to the allowance for depreciation and which is necessary—

"(A) to reach the coal,

"(B) to extract the coal, or

"(C) to bring the coal to the mouth of the mine.

Such term does not include any property used in the surface mining of coal.

"(7) Qualified coal-burning equipment.—The term 'qualified coal-burning equipment' means any machinery or equipment (of a character subject to the allowance for depreciation) for the production of electrical power which uses coal as its principal fuel or for the conversion of an electrical power generating facility which uses petroleum or petroleum products as a fuel to the use of coal.

Page 109, line 4, strike out "(6)" and insert in lieu thereof "(8)".

Page 107, strike out lines 21 and 22 and insert the following:

"(C) qualified coal processing equipment,

"(D) a qualified coal pipeline,

"(E) qualified deep mining coal equipment, or

"(F) qualified coal-burning equipment.

Page 109, insert after line 3 the following:

"(6) Qualified deep mining coal equipment.—The term 'qualified deep mining coal equipment' means any machinery or equipment or structural component of a coal mine which is of a character subject to the allowance for depreciation and which is necessary—

"(A) to reach the coal,

"(B) to extract the coal, or

"(C) to bring the coal to the mouth of the mine.

Such term does not include any property used in the surface mining of coal.

"(7) Qualified coal-burning equipment.—The term 'qualified coal-burning equipment' means any machinery or equipment (of a character subject to the allowance for depreciation)—

"(A) which is for the production of electrical power which uses coal as its principal fuel for the conversion of an electrical power generating facility which uses petroleum or petroleum products to the use of coal; and

"(B) which is used predominantly in the trade or business of the furnishing or sale of electrical energy.

Page 109, line 4, strike out "(6)" and insert in lieu thereof "(8)".

Page 122, immediately after line 6, insert the following new section:

Sec. 524. Amendments Relating to Amortization of Pollution Control Facilities.

(a) Application to Plants and Property Placed in Operation After 1968.—Section 169(d)(1) (defining certified pollution control facility) is amended by striking out "in operation before January 1, 1969,".

(b) Extension of Period During Which Pollution Control Facilities May Qualify for 5-Year Amortization.—Section 169(d) (relating to amortization of pollution control facilities) is amended by striking out "January 1, 1976" in paragraph (4)(B) and inserting in lieu thereof "January 1, 1980".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service by the taxpayer after the date of the enactment of this Act.

Page 122, line 7, strike out "Sec. 524." and insert in lieu thereof "Sec. 525.".

By Mr. RISENHOOVER:

Page 38, strike out line 7, and insert:

"(2) the sum of—

"(A) 40, plus

"(B) the lesser of (i) the number of gallons used by the taxpayer during the month to commute between his home and his place of work, or (ii) 400.

By Mr. SHARP:

Page 58, strike out line 3 and all that follows down through line 20 on page 71 and insert in lieu thereof the following:

Part I—Automobile Fuel Mileage Definitions

Sec. 301. (a) As used in this part:

(1) The term "EPA Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "automobile" means a four-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and which is rated at ten thousand pounds gross vehicle weight or less.

(3) The term "passenger automobile" means any automobile which has as its primary intended function the transportation of not more than ten individuals.

(4) The term "light-duty truck and multipurpose passenger vehicle" means any automobile which is not a passenger automobile.

(5) The term "average fuel economy" (except for purposes of section 302(a)(4) of this Act) means (A) the total number of passenger automobiles manufactured in a given model year by a manufacturer (including all passenger automobiles manufactured by persons who control, or are controlled by or under common control with such manufacturer, but excluding any passenger automobile exported in the model year) divided by (B) a sum of terms, each term of which is a fraction created by dividing—

(i) the number of passenger automobiles of a given model type manufactured in such model year by

(ii) the fuel economy measured for such model type rounded to the nearest mile per gallon, as determined by the EPA Administrator.

(6) The term "dealer" means any person engaged in the business of selling new automobiles to purchasers who buy for purposes other than resale.

(7) The term "fuel" means any liquid or gaseous fuel.

(8) the term "fuel economy" refers to the average number of miles traveled by an automobile per gallon of fuel consumed, as determined by the EPA Administrator in accordance with test procedures established under section 302(d) of this Act.

(9) The term "manufacturer" means any person engaged in the manufacture, assembly, or importation of automobiles.

(10) The term "to manufacture" (except for purposes of section 302(a)(2) of this Act) means to manufacture in the United States or to import into the United States.

(11) The term "model type" means a particular class of automobile, as defined by the EPA Administrator.

(12) The term "model year" with reference to any specific calendar year means the manufacturer's annual production period (as determined by the EPA Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(13) The term "Secretary" means the Secretary of Transportation.

(b)(1) In calculating the average fuel economy under subsection (a)(3) the Secretary shall separate the total passenger automobiles manufactured by a manufacturer into two categories:

(A) Passenger automobiles manufactured in the United States or Canada by such manufacturer, and passenger automobiles not manufactured in the United States or Canada by such manufacturer which are subject to inclusion pursuant to paragraph (2) of this subsection.

(B) Passenger automobiles not manufactured in the United States or Canada by such manufacturer and not subject to inclusion pursuant to paragraph (2) of this subsection.

The Secretary shall calculate the average fuel economy of each such separate category and each category shall be treated as manufactured by a separate manufacturer for purposes of this part.

(2) The Secretary shall include in paragraph (1)(A) passenger automobiles not manufactured in the United States or Canada to the extent that such automobiles are within the imported automobile base volume of such manufacturer. A manufacturer's imported automobile base volume is an amount of passenger automobiles calculated by multiplying—

(A) the quotient of—

(i) the total number of passenger automobiles imported into the United States (other than from Canada) by such manufacturer during model year 1973 or model year 1974, whichever number is greater, divided by

(ii) the total number of passenger automobiles manufactured by such manufacturer during the model year used in clause (i): and

(B) the total number of passenger automobiles manufactured by such manufacturer during the model year within which such calculation is used.

(3) For purposes of this subsection, the term "automobile is manufactured in the United States or Canada" means an automobile at least 75 percent of the cost to the manufacturer of which is attributable to value added in the United States or Canada, but such term does not include any passenger automobile assembly of which is completed in Canada and which is not imported into the United States during the model year in which it is assembled.

AVERAGE FUEL ECONOMY STANDARDS APPLICABLE TO EACH MANUFACTURER

Sec. 302. (a)(1) Except as otherwise provided in paragraph (2) and in subsection (b)(3)(B), the average fuel economy for all passenger automobiles manufactured by any manufacturer in any model year after model year 1977 shall not be less than the number of miles per gallon determined under the following table:

Model year:	Average fuel economy (in miles per gallon)
1978	18.5.
1979	19.5.
1980	20.5.
1981	Determined by Secretary under subsection (b).
1982	Determined by Secretary under subsection (b).
1983	Determined by Secretary under subsection (b).
1984	Determined by Secretary under subsection (b).
1985 or thereafter	28.0.

(2) On application of a manufacturer, who manufactured (whether or not in the United States) fewer than ten thousand

automobiles in the second model year preceding the model year for which the application is made, the Secretary may by rule exempt such manufacturer from paragraph (1). Such exemption may only be granted if (A) such exemption will not significantly detract from the purposes of this part, and (B) such exemption is necessary to avoid an unreasonable burden on such manufacturer. Simultaneously with the issuance of any such exemptions, the Secretary shall establish alternative average fuel economy standards for such manufacturer which shall represent the maximum feasible level of fuel economy for such manufacturer. In determining the number of automobiles manufactured by a manufacturer for purposes of this paragraph, there shall be included all automobiles manufactured by persons who control, are controlled by, or are under common control with such manufacturer.

(3) Beginning in 1977, the Secretary shall review, not later than January 1 of each calendar year, standards promulgated pursuant to this part which will take effect in future model years and shall publish the results of such review in the Federal Register and shall send such review to the members of the Commerce Committees of the Senate and House of Representatives. The review required to be published by January 1, 1979, and sent to the Congress shall include a comprehensive analysis of the program required by this part. Such analysis shall include an assessment of the ability of the Nation to meet the average fuel economy requirements for 1985 as specified in subsection (a)(1) of this section, and any legislative recommendations the Secretary might have for improving the program required by this part.

(4)(A) The Secretary shall, by rule, prescribe average fuel economy standards for all light-duty trucks and multipurpose passenger vehicles manufactured by any manufacturer in any model year after model year 1977. Such a rule may provide for separate standards for different classes of such trucks and vehicles and shall be based upon the maximum feasible average fuel economy level which the Secretary determines manufacturers of light-duty trucks and multipurpose passenger vehicles or classes thereof are able to achieve in each model year after year 1977.

(b)(1) Not later than July 1, 1977, the Secretary shall establish, by rule, average fuel economy standards for new automobiles manufactured in model years 1981 through 1984. The standards, which shall be equally applicable to each manufacturer, shall be set for each such model year at a level which the Secretary determines is the maximum feasible level and shall be promulgated in a manner which will result in steady progress toward meeting an average fuel economy level of 28 miles per gallon for model year 1985.

(2) Any standard prescribed under paragraph (1), and any amendment prescribed under paragraph (3), shall be promulgated not later than 18 months prior to the beginning of the model years to which such standard or amendment will apply.

(3)(A) The Secretary may, from time to time, upon the basis of new information, amend any average fuel economy performance standard established under paragraph (1), except that no such amendment, modification, or revision may reduce the standard for average fuel economy below that necessary to meet the model year 1980 average fuel economy level specified in subsection (a)(1).

(B) If the course of preparing the review required to be published on January 1, 1979, pursuant to subsection (a)(4) of this section, the Secretary finds that the model year 1985 average fuel economy level specified in subsection (a)(1) should be modified because such level cannot reasonably be attained or because a higher level may reasonably be attained, the Secretary may by rule modify such level, to a level that represents the maximum feasible average fuel economy level. The Secretary shall transmit to the Congress notice of the establishment of such modified level. Such modified level shall take effect 60 days on the date or dates specified in such notice, but not sooner than the end of the first period of fifteen calendar days of continuous session of Congress (within the meaning of section 906(b) of title 5, United States Code) after the date on which such amendment is transmitted to it; except that such an amendment shall not take effect if, between the date of transmittal and the end of such fifteen-day period, either House passes a resolution of that House, the matter after the resolving clause of which is as follows: "That the   does not favor the modification of the average fuel economy standard, transmitted to the Congress by the President on   , 19 .", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

(C) Section 908 and sections 910 through 913 of title 5, United States Code, shall apply to any resolution described in paragraph (A), and for purposes of consideration of a resolution under this paragraph, the twenty calendar days specified in section 911 of title 5, United States Code, shall be shortened to five calendar days, any reference to a resolution under section 908 and sections 910 through 913 of title 5, United States Code, shall be deemed a reference to a resolution described in paragraph (A), and any reference to a reorganization plan shall be deemed a reference to an amendment to which this paragraph applies.

(4) For purposes of this subsection, in determining the maximum feasible average fuel economy, the Secretary shall consider:

(A) technological feasibility;

(B) economic practicality;

(C) relationship to other Federal motor vehicle standards (except as otherwise provided in subsection (c)(4)); and

(D) the purposes of this Act.

(c)(1) If the Secretary (after consultation with the EPA Administrator) determines under paragraph (3) that in any model year there will be an emission standards penalty, he shall adjust the fuel economy rate applicable to such year by subtracting a number of miles per gallon (rounded off to the nearest tenth of a mile per gallon) equal to the amount of such penalty.

(2) For purposes of this subsection:

(A) The term "emission standards penalty" means the number of miles per gallon which the Secretary determines is equal to (i) the average fuel economy which all passenger automobiles sold in a model year would achieve, if such automobiles were subject only to the 1975 emission standards, less (ii) the average fuel economy which all such automobiles are likely to achieve while meeting the emission standards actually applicable to such automobiles.

(B) The term "1975 emission standards" means the following standards:

(i) For hydrocarbons, 1.5 grams per mile.

(ii) For carbon monoxide, 15 grams per mile.

(iii) For oxides of nitrogen, 3.1 grams per mile.

(C) The term "fuel economy rate" means the rate under subsection (a)(1), as such rate may be modified under subsection (b).

(3) The Secretary shall commence a proceeding with respect to a determination under paragraph (1) on petition of any manufacturer. Such a petition may be filed only within the 18-month period preceding the beginning of the model year to which it relates. The Secretary shall allow interested persons an opportunity for oral as well as written presentations of data, views, and arguments. He shall render a decision in any such proceeding within 60 days after the filing of the petition.

(4) The Secretary may not make any modification of fuel economy rates to take account of any decrease in fuel economy associated with emissions standards except in accordance with this subsection.

(d)(1) Compliance by a manufacturer with subsection (a) shall be determined by the EPA Administrator (in accordance with test procedures established by the EPA Administrator by rule)—

(A) by calculating for purposes of subsection (a) (1) the average fuel economy of all passenger automobiles manufactured by such manufacturer during such model year, and

(B) by calculating for purposes of subsection (a) (4) the fuel economy of all light duty trucks and multipurpose passenger vehicles (or each class thereof, as may be appropriate) manufactured by such manufacturer in such model year.

Test procedures so established shall be the procedures utilized by the EPA Administrator for model year 1975 (weighted 55 percent urban cycle, and 45 percent highway cycle) or procedures which yield comparable results. Such procedures, to the extent practicable, shall require that fuel economy tests be conducted in conjunction with emissions test conducted under section 206 of the Clean Air Act (42 U.S.C. 1875f-5). The EPA Administrator shall report the findings of such compliance determinations to the Secretary.

(2) In determining whether a manufacturer has complied with subsection (a)—

(A) if the average fuel economy of a manufacturer is less than 0.5 miles per gallon less than the applicable standard under subsection (a), the manufacturer shall be deemed to have complied with subsection (a), and

(B) if the average fuel economy of a manufacturer exceeds the applicable standard under subsection (a) for a model year by more than 0.5 miles per gallon—

(i) he may carry back such excess to the preceding model year to the extent that his average fuel economy was more than 0.5 miles per gallon less than the applicable standard for such preceding year, and

(ii) to the extent such excess was not carried back to the preceding year, he may carry forward the excess to the year succeeding the year of the excess.

The Secretary shall prescribe rules to carry out this subsection. To the extent that a carryback under clause (ii) reduces a manufacturer's liability for a civil penalty paid under section 506, the Secretary shall refund to such manufacturer an amount equal to the amount of such reduction.

(e)(1) Any person who may be adversely affected by any rule promulgated under this section may at any time prior to 60 days after such rule is promulgated file a petition in the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his or her principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of such court to the officer who prescribed the rule. Such officer shall thereupon cause to be filed in such court the record of the proceedings upon which the rule which is under review was based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the officer who prescribed the rule, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before such officer, and be ad-

duced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. Such officer may modify any earlier finding as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file such modified or new findings, and recommendations, if any, for the modification or setting aside of the previously promulgated rule, with the return of such additional evidence.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the officer who prescribed the rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

(f) (1) The Secretary shall prescribe regulations requiring each manufacturer to submit a report to the Secretary during the 30-day period preceding the beginning of each model year, and during the 30-day period beginning on the 180th day of each model year. Each such report shall contain a statement as to whether such manufacturer will comply with applicable requirements under subsection (a); a plan which describes the steps the manufacturer intends to take in order to comply with such requirements; and such other matter as the Secretary may require.

(2) Whenever a manufacturer determines that a plan submitted under paragraph (1) which he stated was sufficient to insure compliance with applicable requirements is not sufficient to insure such compliance, he shall submit a report containing a revised plan which specifies any additional measures which he intends to take in order to comply with such requirements, and a statement as to whether such plan is sufficient to insure such compliance.

DUTIES AND POWERS OF THE SECRETARY AND ADMINISTRATOR

SEC. 303. (a) (1) For the purpose of carrying out the provisions of this part, the Secretary or the EPA Administrator, or their duly designated agents, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, EPA Administrator, or such agents deem advisable. The Secretary, EPA Administrator, or their duly designated agents, shall at all reasonable times have access to, and for the purpose of examination, the right to copy any documentary evidence of any person having materials or information relevant to any function of the Secretary or EPA Administrator under this part. The Secretary or EPA Administrator is authorized to require, by general or special orders, any person to file, in such form as the Secretary or EPA Administrator may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary or EPA Administrator under this part. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary or EPA Administrator within such reasonable period as he may prescribe.

(2) The district courts of the United States for a judicial district in the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a duly authorized subpena or order of the Secretary, the EPA Administrator, or their duly designated agents, issued under paragraph (1) of this subsection, issue an order requiring compliance with such subpena or order. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

(3) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) (1) Every manufacturer of automobiles shall establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the Secretary or EPA Administrator may reasonably require to enable the Secretary or EPA Administrator to carry out their duties under this part and under any rules or regulations promulgated pursuant to this part. Such manufacturer shall, upon request of a duly designated agent of the Secretary or EPA Administrator, permit such agent to inspect finished automobiles and appropriate books, papers, records, and documents. Such manufacturer shall make available all of such items and information in accordance with such reasonable rules as the Secretary or EPA Administrator may prescribe.

(2) The district courts of the United States for a judicial district in which an inspection is carried out or requested may, if a manufacturer of automobiles refuses to accede to any reasonable requirement or request, issued or made under paragraph (1) of this subsection, issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

(c) (1) Except as provided in paragraph (2), the Secretary or EPA Administrator shall disclose information obtained under this part to the public in accordance with section 552 of title 5, United States Code, except that information may be withheld from disclosure on the grounds specified in subsection (b) (4) of such section only if it contains a trade secret which if disclosed would result in significant competitive damage.

(2) Information contained in a report submitted under section 302(f), disclosure of which the Secretary determines may cause significant competitive damage, may not be disclosed until after the close of the model year to which such report relates; except (A) in a proceeding under section 302(b) (1), (b) (3), or (c); (B) to duly authorized officers or employees of the United States; or (C) to committees of Congress.

LABELING AND ADVERTISING

SEC. 304. (a) (1) Beginning no later than 90 days after the date of enactment of this Act, each manufacturer shall cause to be affixed and each dealer shall cause to be maintained on each new automobile, in a prominent place, a sticker indicating the fuel economy which a prospective purchaser can expect from such automobile, representative average annual fuel costs associated with the operation of such automobile, and the range of fuel economy performance of automobiles of similar size and weight (as determined by the EPA Administrator). If the fuel economy of an automobile manufactured in a model year is less than the miles per gallon level specified in the average fuel economy standard specified by rule under section 302(a) (1) of this Act, such sticker shall disclose that such automobile's fuel economy is less than the Federal standard for average fuel economy. Such sticker shall include a written statement that written information respecting the fuel economy of other automobiles manufactured in such model year is available from the dealer in a simple and readily understandable form in order to facilitate comparison among the various model types. The form and content of such sticker shall be prescribed by the EPA Administrator by rule, after consultation with the Federal Trade Commission and the Secretary.

(2) The EPA Administrator, not later than February 1, 1976, shall by rule establish procedures requiring dealers to make available to prospective purchasers information compiled by the EPA Administrator under paragraph (1).

(b) Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by striking out in the first paragraph "disclosing the following information concerning" and inserting in lieu thereof "disclosing the information required by section 304(a) of the Energy Conservation and Conversion Act of 1975, together with the following information concerning".

PROHIBITED CONDUCT

SEC. 305. The following conduct is prohibited:

(1) the failure to comply with any requirement of section 302(a) of this Act;

(2) the failure to comply with any provision of this part (other than section 302(a) of this Act) or any standard, rule, regulation, or order issued pursuant to such a provision;

(3) the failure to provide information as required in accordance with this part;

(4) the failure to permit inspection pursuant to this part; and

(5) the failure to comply with any requirement under section 304(a) (2) of this Act.

CIVIL PENALTY

SEC. 306. (a) (1) If through testing, inspection, investigation, or research carried out pursuant to this Act, or otherwise, the Secretary determines that any manufacturer has not complied with any requirement of section 302 of this Act, he shall immediately notify such manufacturer and shall publish notice of such determination in the Federal Register. The notification to the manufacturer shall include all information upon which the determination of the Secretary is based. Such notification (including such information) shall be available to any interested person. The Secretary shall afford such manufacturer an opportunity to present data, views, and arguments to establish that there is no violation of section 302 and shall afford other interested persons an opportunity to present data, views, and arguments respecting the determinations of the Secretary.

(2) If, after such presentations by the manufacturer and interested persons, the Secretary determines that such manufacturer has not complied with any requirement under section 302 of this Act, the Secretary shall assess the penalties provided for under subsection (b).

(b) (1) (A) Any manufacturer who the Secretary determines under subsection (a) to have violated a provision of section 302(a) (1) of this Act, shall be liable to the United States for a civil penalty equal to (i) $5.00 for each tenth of mile per gallon by which the average fuel economy of the automobile manufactured by such manufacturer during such model year is exceeded by the applicable average fuel economy standard established under section 302(a) (1) of this Act, multiplied by (ii) the total number of automobiles manufactured by such manufacturer during such model year. Such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General.

(B) Any fuel economy measurement for purposes of paragraph (A) shall be rounded off to the nearest one-tenth gallon (in accordance with rules of the EPA Administrator).

(2) Any person who the Secretary determines after opportunity for presentation of data, views, and arguments to have violated a provision of section 305 of this Act, other than paragraph (1) thereof, shall be liable to the United States for a civil penalty of not more than $10,000 for each violation; each day of a continuing violation constituting a separate violation.

(3) The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary shall have the discretion to compromise, modify, or remit, with or

without conditions, any civil penalty assessed against a manufacturer only to the extent (A) necessary to prevent the insolvency or bankruptcy of such manufacturer, or (B) such manufacturer shows that noncompliance resulted from an act of God, a strike, or a fire.

RELATIONSHIP TO STATE LAW

SEC. 307. After the effective date of any standard issued or effective under this part relating to fuel economy performance standards for any automobile or to fuel economy labeling or advertising of any new automobile, no State or political subdivision thereof may adopt or enforce any law or regulation relating to such matters which is applicable to such automobile, unless such law or regulation is identical to a standard under this part.

By Mr. SHUSTER:

Page 71, insert after line 20 the following:

SEC. 312. PAYMENTS FOR THE PURPOSE OF REDUCING THE COST OF FUEL-EFFICIENT AUTOMOBILES FOR CONSUMERS.

(a) Allowance of Payment.—Subchapter B of chapter 65 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"SEC. 6430. PAYMENTS FOR THE PURPOSE OF REDUCING THE COST OF FUEL-EFFICIENT AUTOMOBILES FOR CONSUMERS.

"(a) GENERAL RULE.—For the purpose of reducing the cost of fuel-efficient automobiles for consumers, the Secretary or his delegate shall pay to the manufacturer or producer of each new automobile which has a fuel mileage rating in excess of 20 miles per gallon and which is sold at retail within the United States an amount equal to 10 percent of the price for which such automobile would have been sold at retail but for the reduction in the price for which such automobile was sold for the amount of the payment under this section.

"(b) CONDITION FOR PAYMENT.—The Secretary or his delegate shall not make any payment under subsection (a) with respect to any new automobile unless the manufacturer or producer of such automobile demonstrates, in such manner as the Secretary or his delegate may by regulation prescribe, that the price for which such automobile was sold at retail was reduced by the amount of the payment made under this section with respect to such automobile.

"(c) DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

"(1) NEW AUTOMOBILE.—The term 'new automobile' means any automobile—

"(A) which is manufactured or produced in the United States; and

"(B) which is sold at retail on or after the date of the enactment of the Energy Conservation and Conversion Act of 1975, if such sale is the first sale of such automobile for a purpose other than for resale or use as a demonstration vehicle in connection with the sale of other automobiles.

For purposes of this paragraph, the term 'automobile' has the same meaning as such term has when used in section 4064(g) (1).

"(2) FUEL MILEAGE RATING.—The fuel mileage rating of any new automobile shall be the fuel mileage rating determined for such automobile under section 4064(e) or, if such section does not apply with respect to such automobile, the fuel mileage rating of such automobile shall be determined under such section as if such section did apply to such automobile.

"(3) PURCHASE.—A new automobile shall be considered as sold at retail on the day on which the purchaser enters into a contract to purchase such automobile, if such contract, on such day and at all times thereafter, is binding on him.

"(d) TERMINATION.—No payment may be made under subsection (a) with respect to any new automobile which is sold at retail after December 31, 1976."

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following new item:

"SEC. 6430. PAYMENTS FOR THE PURPOSE OF REDUCING THE COST OF FUEL EFFICIENCY AUTOMOBILES FOR CONSUMERS."

Page 58, strike out lines 3 and 4 and insert the following:

PART 1—AUTOMOBILE FUEL EFFICIENCY TAX AND PAYMENTS FOR THE PURPOSE OF REDUCING THE COST OF FUEL EFFICIENCY AUTOMOBILES FOR CONSUMERS.

By Mr. SIMON:

Page 29, line 13, strike out "3 cents" and insert in lieu thereof "5 cents".

Page 29, line 17, strike out "3 cents" and insert in lieu thereof "5 cents".

Page 30, strike out line 1 and all that follows down through line 5, page 31, and insert the following:

(b) TRANSFER TO HIGHWAY TRUST FUND.—

(1) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts determined by the Secretary of the Treasury to be equivalent to 20 percent of the taxes received in the Treasury under sections 4086 and 4051 of the Internal Revenue Code of 1954 after reduction by the amount of the credits allowable under such Code which are properly chargeable against the amount of such taxes.

(2) METHOD OF TRANSFER.—Amounts appropriated to the Highway Trust Fund under paragraph (1) shall be transferred to such Trust Fund in accordance with section 209 (c)(4) of the Highway Revenue Act of 1956.

(3) AMOUNTS TO BE USED FOR RURAL HIGHWAY PURPOSES.—Amounts appropriated to the Highway Trust Fund by paragraph (1) shall be available, as provided by Appropriation Acts, for making expenditures only for the construction or maintenance of rural highways or rural highway bridges.

Page 31, line 18, strike out "3 cents" and insert in lieu thereof "5 cents".

Page 32, line 11, strike out "3 cents" and insert in lieu thereof "5 cents".

Page 32, strike out lines 20 through 25.

Page 33, line 1, strike out "(d)" and insert in lieu thereof "(c)".

Page 33, line 9, strike out "(e)" and insert in lieu thereof "(d)".

Page 38, strike out lines 15 through 22.

Page 43, strike out line 23 and all that follows down through line 5, page 44.

Page 51, strike out lines 6 through 13.

Page 91, strike out line 14 and insert the following: "tion tax) to the extent that such taxes are imposed at a rate in excess of 1 cent a gallon,".

Page 91, strike out line 16 and insert the following: "to special motor fuels conservation taxes) to the extent that such taxes are imposed at a rate in excess of 1 cent a gallon,".

Page 96, line 25, strike out "; and" and insert in lieu thereof a semicolon.

Page 97, strike the period at the end of line 10 and insert in lieu thereof "; and".

Page 97, insert after line 10 the following:

"(5) providing financial assistance to urban mass transportation systems."

Page 97, line 16, insert after "activity." the following:

"Not less than 25 percent of the amounts appropriated to the Trust Fund during any fiscal year under clauses (i) and (ii) of section 411(b) (1) (A) shall be expended to provide financial assistance described in paragraph (4)."

Page 97, line 23, strike out "and (4)" and insert in lieu thereof "(4), and (5)".

By Mr. SOLARZ:

Page 81, insert immediately after line 9 the following:

"(3) SPECIAL RULE FOR INDIVIDUAL WHOSE INCOME IS LESS THAN $8,000 OR WHO IS OVER AGE 65.—In the case of any individual—

"(1) whose adjusted gross income for the taxable year is less than $8,000 ($4,000 in the case of a married individual filing a separate return), or

"(2) who has attained the age of 65 before the close of the taxable year,

subsection (a) shall be applied by substituting "90 percent" for "30 percent". In the case of a joint return of a husband and wife, if one spouse satisfies the age requirement of paragraph (2), then both husband and wife shall be treated as satisfying such requirement.

Page 81, line 10, strike out "(3)" and insert in lieu thereof "(4)".

Page 82, line 7, strike out "(4)" and insert in lieu thereof "(5)".

Mr. TSONGAS:

Page 71 insert after line 20 the following:

SEC. 312. PROHIBITION OF PURCHASE OF FUEL INEFFICIENT AUTOMOBILES BY THE FEDERAL GOVERNMENT.

(a) PROHIBITION OF PURCHASE OF FUEL INEFFICIENT AUTOMOBILES.—No agency of the Federal Government may purchase or lease any 1977 or later model year automobile if the fuel mileage rating of such automobile is less than the minimum fuel mileage standard application to such automobile.

(b) MINIMUM FUEL MILEAGE STANDARD.—For purposes of subsection (a)—

In the case of an automobile which is a:	The minimum fuel mileage standard is:
1977 model year automobile	17
1978 model year automobile	18
1979 model year automobile	19
1980 or later model year automobile	20

(c) DEFINITIONS.—For purposes of this section.—

(1) MODEL YEAR.—The term "model year" has the meaning given to such term by section 4064(g) of the Internal Revenue Code of 1954.

(2) AUTOMOBILE.—The term "automobile" has the meaning given such term by section 4064(g) of the Internal Revenue Code of 1954.

(3) AGENCY OF THE FEDERAL GOVERNMENT.—The term "agency of the Federal Government" means any department, agency or instrumentality of the executive, legislative, or judicial branch of the Federal Government.

(4) FUEL MILEAGE RATING.—The fuel mileage rating of any automobile shall be the fuel mileage rating determined for such automobile under section 4064(e) of the Internal Revenue Code of 1954 or, if such section does not apply with respect to such automobile, the fuel mileage rating of such automobile shall be determined under such section as if such section did apply to such automobile.

(5) Any provision hereof may be waived by the President of the United States for such cause as he shall deem necessary and proper and provided that such waiver and the cause thereof shall be reported to the Congress within thirty (30) days after the date of such waiver.

By Mr. VANDER JAGT:

Page 84, strike out line 20 and all that follows thereafter down through line 4 on page 85 and insert in lieu thereof the following: "40 percent of the qualified solar energy equipment expenditures paid by the taxpayer during the taxable year with respect to any residence to the extent that such expenditures do not exceed $5,000."

By Mr. VANDER VEEN:

At page 132 line 11, insert following the word "scrap" and before the parenthesis, the following language "and other than aluminum base scrap"

By Mr. YOUNG OF GEORGIA:

Page 41, strike out line 15 and all that follows down through line 6 on page 42, and insert in lieu thereof:

"(b) Trade or Business Allowances.—

"(1) In general.—For purposes of subsection (a), the taxpayer shall be entitled to a trade or business allowance for each month in the taxable year, and such allowance shall be equal to the sum of—

"(A) the product of—

"(i) the number of gallons of gasoline used during such month in a trade or business, multiplied by

"(ii) the rate of tax in effect under section 4086 for the month in which such gasoline was purchased by the taxpayer; plus

"(B) the amount of the tax imposed by section 4051 on the sale to such taxpayer of fuel used during such month in a trade or business.

Page 42, line 10, strike out ", used" and insert in lieu thereof "or used".

Page 42, strike out line 11 and all that follows down through line 18, and insert in lieu thereof the following: "craft (within the meaning of section 4221(d)(3))."

Page 42, line 23, strike out "equal to ½ of the product of" and insert in lieu thereof "equal to the product of".

Page 42, line 24, strike out ", in excess of 25,".

Page 43, strike out line 5 and all that follows down through line 7 and insert in lieu thereof the following:

"(B) the rate of tax in effect under sections 4086 and 4051 for such month.

Page 44, strike out line 11 and all that follows down through line 5 on page 45, and insert in lieu thereof the following:

"(h) Coordination of Deduction With Credit Allowable for Certain Energy Conservation Taxes.—The amount which, but for this paragraph, would be allowable as a deduction under this section for amounts paid or incurred for gasoline or other fuels subject to tax under section 4086 or 4051 shall be reduced by the amount of any credit allowable under section 44B with respect to such gasoline or other fuels."

Page 48, strike out line 11 and all that follows thereafter down through line 5 on page 50.

Page 50, line 24, strike out "(d) and insert in lieu thereof "(c)".

Page 51, line 10, strike out "subsections (a) and (c)" and insert in lieu thereof "subsection (a)".

Page 51, line 14, strike out "(e)" and insert in lieu thereof "(d)".

Page 51, line 18, strike out ", (b), or (c)" and insert in lieu thereof "or (b)".

Page 52, line 15, strike out "(f)" and insert in lieu thereof "(e)".

Page 53, line 6, strike out "(g)" and insert in lieu thereof "(f)".

Page 53, line 22, strike out "(h)" and insert in lieu thereof "(g)".

Page 54, line 1, strike out "(i)" and insert in lieu thereof "(h)".

Page 54, line 12, strike out "6429(g)" and insert in lieu thereof "6429(f)".

Page 54, line 17, strike out "6429(g)" and insert in lieu thereof "6429(f)".

Page 55, line 21, strike out "6429(f)(2)" and insert in lieu thereof "6429(e)(2)".

Page 55, line 24, strike out "6429(f)(2)" and insert in lieu thereof "6429(e)(2)".

Page 56, line 3, strike out "6429(f)(2)" and insert in lieu thereof "6429(e)(2)".

Page 56, beginning on line 5, strike out "6429(f)(2)" and insert in lieu thereof "6429(e)(2)".

Page 41, strike out line 15 and all that follows down through line 6 on page 42, and insert in lieu thereof:

"(b) Trade or Business Allowances.—

"(1) In general.—For purposes of subsection (a), the taxpayer shall be entitled to a trade or business allowance for each month in the taxable year, and such allowance shall be equal to the sum of—

"(A) the product of—

"(i) the number of gallons of gasoline used during such month in a trade or business, multiplied by

"(ii) the rate of tax in effect under section 4086 for the month in which such gasoline was purchased by the taxpayer; plus

"(B) the amount of the tax imposed by section 4051 on the sale to such taxpayer of fuel used during such month in a trade or business.

Page 42, strike out line 12 and all that follows down through "section 6429(c)(2)(A)," appearing on line 14.

Page 42, line 23, strike out "equal to ½ of the product of" and insert in lieu thereof "equal to the product of".

Page 42, line 24, strike out ", in excess of 25,".

Page 43, strike out line 5 and all that follows down through line 7 and insert in lieu thereof the following:

"(B) the rate of tax in effect under sections 4086 and 4051 for such month."

Page 44, strike out line 11 and all that follows down through line 5 on page 45, and insert in lieu thereof the following:

"(h) Coordination of Deduction With Credit Allowable for Certain Energy Conservation Taxes.—The amount which, but for this paragraph, would be allowable as a deduction under this section for amounts paid or incurred for gasoline or other fuels subject to tax under section 4086 or 4051 shall be reduced by the amount of any credit allowable under section 44B with respect to such gasoline or other fuels."

Page 48, strike out line 11 and all that follows thereafter down through line 5 on page 50.

Page 50, line 6, strike out "(d)" and insert in lieu thereof "(c)".

Page 50, line 24, strike out "(e)" and insert in lieu thereof "(d)".

Page 51, line 10, strike out "(a), (c), and (d)," and insert in lieu thereof "(a) and (c)".

Page 51, line 14, strike out "(f)" and insert in lieu thereof "(e)".

Page 51, line 18, strike out "(c), or (d)" and insert in lieu thereof "or (c)".

Page 52, line 15, strike out "(g)" and insert in lieu thereof "(f)".

Page 53, line 6, strike out "(h)" and insert in lieu thereof "(g)".

Page 53, line 22, strike out "(i)" and insert in lieu thereof "(h)".

Page 54, line 1, strike out "(j)" and insert in lieu thereof "(i)".

Page 54, line 12, strike out "6429(h)" and insert in lieu thereof "6429(g)".

Page 54, line 17, strike out "6420(h)" and insert in lieu thereof "6429(g)".

Page 55, line 21, strike out "6420(g)(2)" and insert in lieu thereof "6429(f)(2)".

Page 55, line 24, strike out "6429(g)(2)" and insert in lieu thereof "6429(f)(2)".

Page 56, line 3, strike out "6429(g)(2)" and insert in lieu thereof "6429(f)(2)".

Page 56, line 6, strike out "6429(g)(2)" and insert in lieu thereof "6429(f)(2)".

SENATE—*Wednesday, June 4, 1975*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we thank Thee for the sacrament of life, for its great adventure, its glorious opportunities, its zest, its triumph; for the things that point beyond themselves to the spiritual realm from which they spring; for pains and sorrows and sins that spur us to search for health and comfort and forgiveness; for death that wakens thoughts of immortality; for the beauty of common things, for intimations of the infinite amid all that is finite, for the sacrament of work and Thy blessing upon every vocation lived to Thy glory.

As we have withdrawn from all that is without make us sure of Thy presence within us, guiding us in paths of righteousness, for Thy name's sake. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 3, 1975, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 156, and that the rest of the calendar, in sequence, through Calendar No. 161, be called.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PAYMENT OF WITNESS FEES

The resolution (S. Res. 172) relating to the payment of witness fees, was considered, and agreed to, as follows:

Resolved, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $35 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination, in no case to exceed 35 cents a mile for the distance actually traveled by him for the purpose of appearing as a witness if such distance is not more than six hundred miles or 20 cents a mile if such distance is more than six hundred miles.

REPEAL OF CERTAIN PROVISIONS OF THE ACT ESTABLISHING THE ASSATEAGUE ISLAND NATIONAL SEASHORE

The Senate proceeded to consider the bill (S. 82) to repeal certain provisions of the act entitled "An act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes," approved September 21, 1965, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert the following:

That the Act of September 21, 1965 (79 Stat. 824), as amended, providing for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, is further amended—

(a) by deleting section 7 in its entirety and substituting in lieu thereof the following:

"SEC. 7. The Secretary is authorized to undertake, in consultation with other interested Federal, State, local, and private agencies and interests, the development of a comprehensive plan for the lands and waters adjacent or related to the seashore, the use of which could reasonably be expected to influence the administration, use, and environmental quality of the seashore. Such plan shall set forth the most feasible and prudent methods for providing solid waste disposal, wetlands managements, development of visitor facilities, and other land uses all in a manner compatible with the preservation of the seashore. The Secretary may revise the plan from time to time, and he shall encourage Federal, State, local, and private agencies and interests to be guided thereby. Notwithstanding any other provision of law, no Federal loan, grant license, or other form of assistance for any project which, in the opinion of the Secretary, would significantly affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without the concurrence of the Secretary unless such project is consistent with the plan developed pursuant to this section.";

(b) by deleting section 9 in its entirety and by renumbering accordingly;

(c) by deleting in the new section 10 "$21,050,000" and inserting in lieu thereof "$22,400,000".

Mr. BEALL. Mr. President, as a coauthor, along with my distinguished Maryland colleague, Senator MATHIAS, of S. 82, which amends the Assateague Island National Seashore Act, I rise in support of this legislation and urge the Senate to give its favorable consideration to the measure.

Assateague Island is a unique strip of land with great beauty, approximately 37 miles long, located immediately off the coast of Maryland and Virginia on the Atlantic Ocean. It serves not only as a recreational site for 1.7 million citizens who visit it annually, but also serves as a home for many migratory water fowl and other fragile creatures. The island acts as a barrier, sheltering Chincoteague and Sinepuxent Bays, thus providing an excellent place for the protection and breeding of many animals.

The national seashore was created by the Congress in 1965. It was the purpose of this farsighted act to preserve this resource by protecting it from development. However, in the bill, the Congress provided authorization for the construction of a north-south road on the island and for the establishment of a zone where commercial activity would occur.

In the intervening 10 years, it has become apparent that the road and commercial zone are no longer feasible. Therefore, our legislation would repeal sections 7 and 9 of the act which authorized their construction and establishment.

The Interior Committee has also added provisions to the bill which would require the Secretary of the Interior to develop a comprehensive plan for the island. I support this long-needed action, and hope that the Interior Department will move rapidly in beginning this important study. I am sure the demands on Assateague will increase in the coming years, and thus it is imperative that we have a full and complete study not only of the potential uses of this fragile island, but also of its limitations to support human activity.

Mr. President, we must preserve Assateague Island for ourselves and for future generations. I believe S. 82 is a constructive step in that direction and thus I hope the Senate will give its favorable consideration to this legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

KLONDIKE GOLD RUSH PARK

The Senate proceeded to consider the bill (S. 98) to establish the Klondike Gold Rush Park, which had been reported from the Committee on Interior and Insular Affairs with amendments as follows:

On page 4, in line 14, strike out the following:

That is compatible with the development of the Yukon Taiya power project and facilities necessary to retain the area as a major port.

(c) Notwithstanding any other provision of this Act, the Congress may authorize the construction of the Yukon-Taiya power project and the use of such lands and waters within the park as may be required for construction and operation of the project, including the transmission of power.

And insert the word "practicable.";

On page 4, in line 23, strike out "(d)" and insert "(c)";

On page 5, in line 21, strike out:

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

And insert the following:

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $2,655,000 for the acquisition of lands and interests in lands.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to preserve in public ownership for the benefit and inspiration of the people of the United States historic structures and trails associated with the Klondike Gold Rush of 1898, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Klondike Gold Rush National Historical Park (hereinafter referred to as the "park"), consisting of a Seattle unit, a Skagway unit, a Chilkoot Trail unit, and a White Pass Trail unit. The boundaries of the Skagway unit, the Chilkoot Trail unit, and the White Pass Trail unit shall be as generally depicted on a drawing consisting of two sheets entitled "Boundary Map, Klondike Gold Rush National Historical Park", numbered 20,013-B and dated May 1973, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within the Pioneer Square Historic District in Seattle as depicted on a drawing entitled "Pioneer Square Historic District", numbered 20,010-B and dated May 19, 1973, which shall also be on file and available as aforesaid, the Secretary may select a suitable site for the Seattle unit and publish a description of the site in the Federal Register. So long as the Federal Government has not acquired the fee, the Secretary may relocate the site of the Seattle unit: *Provided,* That it shall be within the Pioneer Square Historic District. The Secretary may revise the boundaries of the park from time to time, by publication of a revised map or other boundary description in the Federal Register, but the total area of the park may not exceed thirteen thousand three hundred acres.

(b) (1) The Secretary may acquire lands, waters, and interests therein within the park by donation, purchase, lease, exchange, or transfer from another Federal agency. Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of any Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purposes of the park.

(2) The Secretary is authorized to acquire by any of the above methods, not to exceed fifteen acres of land or interests therein located in, or in the vicinity of, the city of Skagway, Alaska, for an administrative site; and to acquire by any of the above methods up to ten historic structures or interests in such structures located in the city of Skagway but outside the Skagway unit for relocation within such unit as the Secretary deems essential for adequate preservation and interpretation of the national historical park.

SEC. 2. (a) The Secretary shall establish the park by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands, waters, and interests therein have been acquired for administration in accordance with the purposes of this Act. Pending such establishment and thereafter, the Secretary shall administer lands, waters, and interests therein acquired for the park in accordance with the provisions of the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666), as amended.

(b) The Secretary is authorized to cooperate and enter into agreements with other Federal agencies, State and local public bodies, and private interests, relating to planning, development, use, acquisition, or disposal (including as provided in section 5 of the Act of July 15, 1968 (82 Stat. 356; (16 U.S.C. 460 1-22)) of lands, structures, and waters in or adjacent to the park or otherwise affecting the administration, use, and enjoyment thereof, in order to contribute to the development and management of such lands in a manner compatible with the purposes of the park. Such agreements, acquisitions, dispositions, development, or use and land-use plans shall provide for the preservation of historical sites and scenic areas, recreation and visitor enjoyment to the fullest extent practicable.

(c) Notwithstanding any other provision of law, the Secretary may restore and rehabilitate property within the park pursuant to cooperative agreements without regard as to whether title thereto is in the United States.

Sec. 3. (a) The Secretary, in cooperation with the Secretary of State, is authorized to consult and cooperate with appropriate officials of the Government of Canada and provincial or territorial officials regarding planning and development of the park, and an international historical park. At such time as the Secretary shall advise the President of the United States that planning, development, and protection of the adjacent or related historic and scenic resources in Canada in a manner consistent with the purposes for which the park was established, and upon enactment of a provision similar to this section by the proper authority of the Canadian Government, the President is authorized to issue a proclamation designating and including the park as part of an international historical park to be known as Klondike Gold Rush International Historic Park.

(b) For purposes of administration, promotion, development, and support by appropriations, that part of the Klondike Gold Rush International Historic Park within the territory of the United States shall continue to be designated as the Klondike Gold Rush National Historical Park.

Sec. 4. There are authorized to be appropriated of such sums as may be necessary to carry out the provisions of this Act, but not to exceed $2,655,000 for the acquisition of lands and interests in lands.

Mr. STEVENS. Mr. President, the Senate is about to consider S. 98 which would establish the Klondike Gold Rush National Historical Park. I greatly appreciate the strong support that Senator Johnston and the members of the Subcommittee on Parks and Recreation have shown this bill.

This historical park is a most unique concept. It would establish a national park in two noncontiguous States, with a portion being in Washington State and the remainder in Alaska. Its establishment would be a first step on our part in the development of an international park with Canada. Canada has already made great strides in preserving and restoring the significant gold rush areas in her boundaries. We have a great deal of work to do on our side and passage today of S. 98 would be an important step in the right direction.

Passage of this bill will mean a great deal to both States and ultimately to British Columbia and the Yukon Territory in Canada. The Klondike has much to offer the tourist interested in this important part of the nation's past. It will provide on-the-spot education to people who are interested in the Klondike gold rush of 1898. Yet, to accommodate and attract these visitors, Skagway and the surrounding areas need the facilities and management that this park would provide.

Strong support has been expressed for this bill from all across Alaska and Washington State. The park proposal includes a relatively small amount of land. It will include and be adjacent to areas that have tremendous potential for hydroelectric development. To accommodate this, the bill contains a proviso that insures the future development of the Yukon-Taiya hydroelectric project if its construction is authorized by the Congress and the Canadian Government in the future.

Many of the original facilities that were a part of this gold rush are still remaining today. Most, however, are in a state of disrepair and each year depreciate further due to natural conditions and vandalism. Each year we delay in restoring these facilities, more of this important event in our history is lost to current and future generations. It is important that we act now to preserve this part of our history before it is gone forever.

This bill would serve to protect and preserve a period in our history rich in color and historical significance. Southeastern Alaska will benefit from this park and current and future generations who visit and use these facilities will remember the park as an educational, rewarding, and memorable experience. I strongly urge approval of this bill.

I ask unanimous consent that a summary of this legislation be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Proposed Klondike Gold Rush National Historic Park

The proposed Klondike Gold Rush National Historical Park will consist of a Seattle Unit, located in the Pioneer Square Historic District in Seattle, Washington; a Skagway Unit, located in Skagway, Alaska; a White Pass Trail Unit, located near Skagway on the upper reaches of the Skagway River; and a Chilkoot Trail Unit, located near Skagway in the Taiya River Valley. The total area of the four units combined is less than 13,300 acres.

SEATTLE UNIT

The Seattle Unit will consist of a site located in the Pioneer Square Historic District. The square is entered on the National Register of Historic Places and is specially zoned as a historic district under a municipal ordinance. The site will be selected by the Secretary of the Interior after the proposed park is authorized by Congress. The site will be in leased space within one of the historical buildings in the district. It will have approximately 3,000 square feet and will contain an exhibit room, a small theater, and administrative quarters. The exhibits will consist of photographic murals and other photographic displays, artifacts, models and other materials illustrating the effect of the gold rush on Seattle and the outside and illustrating the story of transportation to and from the North. The theater will be used for films and slide shows about the gold rush and about the historical park. It will also be used from time to time for live performances of the historic period.

The Park Service plans to enter into a lease agreement for five years, renewable for another five. Under the lease, the lessor will rehabilitate the leased space for occupancy and recover his costs over the period of the lease. In this way, no substantial Federal investment is required to initiate the project. Costs will be handled out of annual operating programs.

SKAGWAY UNIT

The Skagway Unit is located in Skagway, Alaska, and includes 55 wooden, one- and two-story houses and residences, some partially vacated, which are the remaining evidence of the goldrush town of Skagway. The unit is located along Broadway and its side streets between First and Seventh Avenues, largely coinciding with the Skagway Historical District (city ordinance adopted in October 1972). The unit is the focal point of the Skagway business district, is a major tourist attraction, and is listed in the National Register of Historic Places.

The purpose of the Skagway Unit is to preserve and, where necessary, restore historic structures and to provide interpretation and interpretive displays therein so as to provide a comprehensive living history program. To achieve this purpose, up to 22 structures would be acquired for renovation and adaptive restoration. Insofar as private capital is utilized for the same purpose, the Federal program would be reduced proportionately. Most of the refurbished structures will be sold or leased back for private businesses, which will serve resident and visitor uses. For interpretive programs, up to eight of the structures would be retained by the government. However, if cooperative agreements can be reached with private parties to achieve the same purpose, several of these structures would also be sold or leased back. At least one structure, and perhaps two, would have to be retained to provide a visitor center, museum, and theater.

Restoration work undertaken at Skagway will be accomplished by Park Service employees. It is not feasible to contract for this work. It will be done over a period of years and will not require large appropriations in any single year for acquisition and development. The construction of modest maintenance and shop facilities will probably be by contract.

CHILKOOT TRAIL UNIT

The Chilkoot Trail Unit consists of a corridor of park land approximately one mile in width and 16 miles in length paralleling the entire length of the Chilkoot Trail within the United States. It lies principally in a north-south direction, with the south boundary including the historic townsite of Dyea about three miles (eight, by road) northwest of Skagway. The park unit includes the "slide" cemetery, the Chilkoot Trail and all related historic sites and artifacts found along the trail. The north boundary of the corridor is Chilkoot Pass on the international boundary.

The National Park Service intends to restore the Chilkoot Trail to its most representative location, protect structural ruins along the trail, record and protect all artifacts in the corridor, and provide modest camping facilities for the public hiking the trail. Interpretation of this portion of the gold rush story will primarily be through graphics. A trail and two log shelters already exist in the corridor.

Almost all of the work to be undertaken in the Chilkoot Trail Unit will be accomplished by Park Service employees. Full development of modest camping and attendant facilities in the Dyea vicinity in the future will be by contract. The costs in any single year should be relatively small.

WHITE PASS TRAIL UNIT

The White Pass Trail Unit consists of a corridor of park land approximately one mile in width and five miles in length paralleling important remnants of the White Pass Trail. The Unit lies in a north-south direction, the south boundary beginning eight miles northeast of Skagway. It includes remnants of the White Pass Trail and the ruins of White Pass City. The north boundary of the unit is White Pass on the international boundary.

The National Park Service intends to restore a portion of the White Pass Trail, stabilize ruins, record and protect all artifacts within the park, and provide modest camping facilities for the public as needed. Interpretation of the White Pass Trail will be accomplished through means of signs along the trail, overlooks beside the Skagway-Carcross Highway, and interpretive talks on the White Pass and Yukon Route. The White Pass is listed in the National Register of Historic Places.

All of the work to be undertaken in the White Pass Trail Unit during the first five to ten years will be by Park Service employees. The annual costs should be modest. At some time in the future, an overnight facility in the vicinity of the White Pass could be developed if demand warrants. Such a facility would require contracting.

INTERNATIONAL HISTORIC PARK

In British Columbia and the Yukon, the National and Historic Parks Branch of Canada is planning park units based on the Klondike Gold Rush similar to the proposed American park. Preliminary arrangements have been made for the two proposed parks to be designated as the Klondike Gold Rush International Historic Park. Because the respective Chilkoot Trail Units join together and hikers will travel through both countries, preliminary arrangements have been made for integrated management of the Chilkoot Trail. Preliminary arrangements have also been made for developing an integrated interpretive program so that interpretation at the units in each country will complement that in the other.

Canadian preservation and restoration work is already underway. Substantial funds have already been invested in restoration of historic buildings in Dawson and additional work is underway and programmed at Dawson, on the Klondike, and on the Chilkoot Trail.

INTERGOVERNMENTAL COOPERATION

The National Park Service and the National and Historic Parks Branch have developed the park plans in cooperation with the State, Provincial, Territorial, and municipal governments involved. An international working committee composed of officials from the United States, Canada, Alaska, British Columbia, and the Yukon Territory oversees the planning and develops arrangements for international and intergovernmental cooperation. Additionally, the National Park Service had made preliminary arrangements for cooperative management agreements with Skagway, th State of Alaska, and the Forest Service in relation to the park units in and near Skagway.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended to read as follows:

A bill to establish the Klondike Gold Rush National Historical Park, and for other purposes.

EXCHANGE OF LANDS FOR AN ENTRANCE ROAD AT GUADALUPE MOUNTAINS NATIONAL PARK, TEX.

The bill (S. 313) to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Tex., and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act approved October 15, 1966 (80 Stat. 920), providing for the establishment of the Guadalupe Mountains National Park in the State of Texas, is amended by adding the following after the third sentence: "In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Secretary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States highway numbered 62 and 180 to the park boundary, and in exchange therefore he may convey title to and interests in lands comprising a right-of-way from said highway to the boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park.".

BIKINI ATOLL

The bill (H.R. 5158) to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands, was considered, ordered to a third reading, read the third time, and passed.

INCREASED AUTHORIZATIONS FOR CERTAIN SMALL BUSINESS LOAN AND GUARANTEE PROGRAMS

The bill (S. 1839) to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the authorization for certain small business loan and guarantee programs, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Small Business Act Amendments of 1975".

Sec. 2. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$725,000,000" and inserting in lieu thereof "$825,000,000"; and

(2) by striking out "$450,000,000" and inserting in lieu thereof "$525,000,000".

Sec. 3. Section 412 of the Small Business Investment Act of 1958 is amended by striking out "$35,000,000" and inserting in lieu thereof "$45,000,000".

Sec. 4. (a) Section 308(h)(1) of the Small Business Investment Act of 1958 is amended to read as follows:

"(h)(1) Notwithstanding any State constitution or statute, which is hereby preempted for the purposes of this subsection, a small business investment company may, in any State prescribing a lower rate than hereinafter permitted, provide financing in amounts of $25,000 or more pursuant to sections 304 and 305 of this title at a rate of interest, valid for the term of such financing, of not more than 5 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve district where the small business investment company is located.".

(b) The amendment made by subsection (a) applies to any loan made in a State after the date of enactment of this Act, but prior to the earlier of July 1, 1977, or the date (after such date of enactment) on which such State enacts a provision of law which prohibits the charging of interest at the rates provided for in such amendment.

THE PRESIDENT'S RETURN FROM AN EVENTFUL VISIT

Mr. HUGH SCOTT. Mr. President, the President of the United States has returned from an eventful visit.

I noticed one newspaper statement written about it at the time of his departure which said that it would not be expected that within a week the President could accomplish very much, but that his presence would be useful and the establishment of our continued interests in the Western World would be desirable.

Well, of course, like most broad predictions of that kind based on an absolute total lack of knowledge, it was not borne out.

The President's visit had, among other things, these effects:

It brought about a meeting of the NATO representatives with assurances that the U.S. commitment was strong and firm and would continue unabated and unreduced, that our military presence was desirable, acceptable, and would continue.

It brought about a tightening of the NATO alliance with a counseling, on the part of the President, that other nations in NATO must bear their full share and their burden and must not expect the United States to do more than its necessary part.

It brought about the meeting of the Prime Ministers of Greece and Turkey, Messrs. Karamanlis and Demirel, and they are undertaking to seek to pursue peaceful means toward the settlement of the Cyprus crisis.

It led to a fruitful discussion with the leaders of the Government of Spain in undertaking to continue, under whatever revision may be necessary, the arrangement between Spain and the United States whereby the use of certain bases is granted to us.

It led to a visit of the Foreign Minister of Portugal in which he assured the United States that it was expected that we would continue to use the Azores under certain circumstances.

It led to a very useful visit to Italy, to officials of the Italian Government and to His Holiness, the Pope.

There were numerous other exercises which took place in this very short time, particularly the interesting visit between the President of France, Giscard d'Estaing and the President of the United States.

All of these things I feel were an affirmation, if not an extension, of American foreign policy.

I think Europe feels better about us. I think the American people feel that they have a President who has taken a firm grasp on foreign policy and is developing a forward foreign policy which is at the same time an American foreign policy.

I think the spirit of bipartisanship in foreign policy is improving in the last 60 or 90 days within the Congress. The congressional support of necessary measures for the security of the United States is notable. The other body acted formally and supported the President. I believe this body will substantially do the same thing.

So it was quite a week. It was a week of action, of performance, of assurance, a week of restoration of confidence, and a week of leadership.

I think all Americans can be proud of it.

PROGRAM FOR ECONOMIC RECOVERY AND ENERGY SUFFICIENCY

Mr. MANSFIELD. Mr. President, in February, Congress recommended a far-reaching program for economic recovery and energy sufficiency. It received the unanimous endorsement of the Senate Democrats as a comprehensive and consistent plan of action. It recognized the interrelationship of energy decisions and economic consequences.

In contrast with the administration, Congress established as its first priority a return to full employment as soon as possible.

All other programs, including energy, were adapted to this first priority. Thus, steep energy price increases that would impair economic recovery were specifically rejected as a method to reduce consumption, reflecting the unanimous judgment of the Senate Democrats that energy was an essential component of American life—not a luxury item. Heating a home, feeding and clothing a family, and getting to work are fundamental. All such essential endeavors require petroleum and its byproducts.

The administration's program was quick and easy to comprehend. In terms of economic impact, however, its implementation would be disastrous. For America, the cost of all energy would be doubled and the consumer is at once energy poor—petroleum and is byproducts are placed out of reach of countless millions of our citizens. A form of conservation? Perhaps. Inequity to the American consumer? More likely. A hindrance to economic recovery? A certainty. That is the administration's energy program.

In constrast, the congressional program, passed and to be passed, directs a surgical approach to the wasteful consumption of energy. In transportation, particularly regarding the automobile, mandated efficiency—50 percent in 1980, 100 percent by 1985—alone would save almost 4 million barrels of oil per day. In the industrial and commericial sector, energy efficiency standards would produce enormous savings throughout each segment of industry and in the residential sector, improved standards for new construction with insulation incentives for existing structures would help turn the tide and pave the way to energy sufficiency. It is to these proposals—both comprehensive and mandatory—that the Nation must turn if great fuel savings is the goal. No program offered by the administration would provide similar results.

But this careful and detailed approach prepared by Congress cannot and will not be accomplished by one bill, one package, or in one fell swoop. It requires study and refinement by four major Senate committees. Of the specific bills required, almost two dozen are well underway in the Senate. Proceeding with them in this fashion reflects the essential nature of the legislative process. The ultimate result justifies the process. Enactment will assure a fair and equitable distribution of the burden of scarce energy with savings in consumption translated into a substantially reduced dependence upon imports. Frankly, it is only a reduction imposed in this fashion—via a carefully planned conservation effort—that provides the rational basis for an oil import quota and a reduced dependence upon the OPEC cartel.

What is the record to date? First of all, to meet its commitments, Congress has expedited consideration of those measures deemed most urgent in dealing with America's economic problems and to that end, the following actions—all specifically recommended in the congressional program for economic recovery—have been taken:

First. A tax rebate—far more generous than that proposed by the President—to provide a one-shot stimulus to the sagging economy has been enacted.

Second. A temporary personal tax reduction for continuing support to consumer purchasing power has been enacted.

Third. A business tax reduction to stimulate investment has been enacted.

Fourth. To offset revenue losses and provide more equity within the tax structure, Congress has repealed the oil depletion allowance for major companies.

Fifth. To prevent further economic hardship, Congress suspended the President's authority to raise the price of energy unilaterally. This measure was vetoed by the President.

Sixth. Both the House and Senate have passed an urgent housing program to create jobs, provide homeownership assistance to low- and middle-income families and stimulate the depressed homebuilding industry. This measure faces a Presidential veto. Also, Congress has rejected the President's rescissions and deferrals of funds for existing housing programs and both bodies have passed legislation to prevent mortgage foreclosures during this time of economic hardship.

Seventh. Both the House and Senate have prevented the President's proposed 5 percent ceiling on social security benefit increases and mandated full benefits including a retroactive supplementary bonus payment of $50 to help stimulate economic recovery.

Eighth. By resolution, Congress has called on the Federal Reserve to reduce long-term interest rates and maintain longrun growth in the money supply.

Ninth. Congress has appropriated increased funds for public service employment and job opportunities to help check the still increasing unemployment rate. This measure has also been vetoed with the House scheduled to attempt an override.

Tenth. Congress has rejected the President's rescissions and deferrals of funds for job intense public works and transportation programs.

As to its recommendations on energy policy, Congress has demonstrated similar initiative to meet the potential threat to national energy supplies without disrupting the efforts to achieve economic recovery. In this regard, the following actions have already been taken:

First. The Senate has passed a host of standby authorities, including allocation and rationing, to protect against sudden shortfalls in energy supply.

Second. Both bodies have passed legislation to prevent the President from imposing energy price increases against consumers, including higher tariffs on oil imports and price decontrols. As previously indicated, a veto of this legislation remains pending but the override attempt was postponed in light of the President's deferral of further oil tariff increases. With the President's renewal of his pledge to unilaterally raise energy prices, Congress must again act to block such an economically imprudent move. The congressional program remains opposed to oil price decontrol and price increases and all actions avaliable will be taken by the Congress to protect the American consumer from steep energy price increases during this time of economic crisis.

Third. A mandatory auto fuel efficiency bill is ready for consideration by the Senate. It is hoped the administration will support this stringent energy conservation proposal as it alone would provide an energy savings of almost 4 million barrels per day by 1985.

Fourth. In addition, a bill to reregulate the price of natural gas in order to stimulate more production was reported in late May by the Senate Commerce Committee for consideration in the Senate. It, too, will soon be taken up.

It should be noted finally that negotiations between the congressional leadership and the administration have produced substantial agreement between the executive and legislative branches on a number of long-range objectives dealing with energy conservation and augmented domestic supplies. The highest priority is being given to these measures by the various committees of jurisdictional interest and efforts to speed enactment will continue throughout this session of the Congress.

To date, Mr. President, the record of the Congress on these issues has been exemplary. What must be recognized are the remaining differences with the administration over the question of economic recovery and the adverse impact on that goal of imprudent and abrupt manipulations in the price of fuel in order to obtain short-term and temporary energy policy objectives. This is a time when the American consumer—particularly those in low- and middle-income groups—can least afford such added hardships. It is no time to thrust more economic pain and suffering on America. The congressional energy policy as approved in February recognizes full well the threat to America's energy supply; it provides essential protections and lays the framework for strong and effective mid- and long-term energy programs based on mandatory conservation and augmented production efforts.

As to both economic and energy objectives, the record should reflect the various achievements to date and I ask, therefore, that the congressional program for economic recovery and energy sufficiency with an indication of how initial recommendations stack up against achievements to date be printed at this point in the CONGRESSIONAL RECORD, together with an article by Mr. Hobart Rowen entitled "The Bill for Oil Import Duties, Decontrol" which appeared in last Sunday's Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Congressional Program of Economic Recovery and Energy Sufficiency

(Note.—Charts in article not printed in Record.)

THE ECONOMY

Target

The first priority must be a return to full employment as soon as possible. This can be achieved through fiscal and monetary actions designed to promote economic recovery with a substantially reduced inflation rate

Recommendations

Accept and expand the President's anti-recession tax rebate/tax cut concept. (*Congress has passed.*)

Achieve the maximum reduction of imported oil during 1975 consistent with the economic upturn and a reduced unemployment rate. (*Congress has continued its efforts to block energy policies inconsistent with economic upturn while unemployment continues to grow.*)

Reject massive energy price increases caused by import tariff, excise tax and sudden, total decontrol. (*Congress has passed Legislation to prevent the President from increasing energy prices unilaterally. The president has vetoed this legislation.*)

Add further stimulus to consumer spending and prevent the unwarranted reduction in funds to the poor and elderly. (*Congress has enacted legislation to prevent food stamp and social security benefit cut-back.*)

Increase the money supply and stimulate housing. (*By resolution Congress has called on the Federal Reserve to achieve the objectives.*)

Release impoundments to provide immediate employment in the public works and heavy construction fields. (*Congress has passed.*)

Assure adequate private and public employment in light of national needs. (*Congress has passed the legislative framework.*)

The cost of energy under the Administration's program would rise by over $40 billion during the first twelve months (closer to $50 billion by some analyses), an amount equal to the price increases caused during the Arab embargo. The Administration's program would add this new burden to an economy already well into the deepest recession since the 1930's, with inflation continuing at an unacceptably high level, and with unemployment over 8%. Low- and middle-income households will be required by the President's program to spend an even greater portion of their limited income to purchase energy.

As its goal the Administration seeks a reduction of energy consumption by one million barrels per day in 1975. To achieve it, energy prices would be greatly increased, first by taxing all crude oil and natural gas and then by removing the present controls on the market price of oil and gas.

The price of energy is not determined by free forces of supply and demand but rather by the governments of the nations that produce energy. The policy question is whether the U.S. or the OPEC governments will set energy prices in this country. The Administration wishes to decontrol old oil and new natural gas, giving the control of price to OPEC and letting U.S. energy prices follow the prices established by it.

As the chart—not printed—illustrates, if the price of all energy is decontrolled, it will move toward the price set by OPEC. The fact that new domestic oil—now decontrolled—is selling at the OPEC-determined price illustrates this point. If control is maintained and extended the price of domestic energy will be separated from the OPEC price. The Congressional program calls for the rejection of the Administration's plan to decontrol energy prices entirely; it seeks to have the price of U.S. domestic energy set by the U.S., not the OPEC nations. Prices should be high enough to encourage maximum production and discourage wasteful consumption. However, the Congressional program calls for a combination of price controls that are needed to insure an equitable sharing of the burden and to shield American consumers and businessmen from the impact of OPEC-inflated prices.

Over the long run the Administration hopes that the higher prices could be absorbed in normal economic growth; but in the short run as well as the long run, consumers would be required to adjust immediately by not being able to afford energy or by being more efficient in their use of energy. The administration's proposals attempt to achieve long-term energy goals in the short run (one million barrels per day this year, two million by 1977). In so doing, they threaten the Nation's economy by aggravating inflation, inducing a deeper recession and more unemployment.

No aspect of the President's program could be cited as addressing directly the question of national economic recovery. The tax-cut proposal is designed mostly to offset increased energy costs. The President's program would cut taxes and create a large deficit. We agree that tax cuts are justified but we believe these cuts should be designed for stimulus and to help those who have been hurt most by inflation, and the size of these cuts should be determined by what is needed to provide economic recovery and full employment as quickly as possible.

The President's proposal can be thought of in three parts: (a) a $16 billion one time tax rebate to stimulate the economy; (b) a budget moratorium of new spending programs; and (c) a $40 billion-plus cost increase for energy in all forms, offset in part with $27 billion in cash rebates to households, business and state and local government.

Taken by itself, the President's $16 billion one time tax rebate would have a very minor impact on our $1,500 billion economy. Its real growth impact is about one percentage point in 1975 and 1976; its unemployment impact is a reduction by about one-quarter percentage point in each of these same years. In other words, the President's $16 billion tax stimulus might reduce a projected 8.4 percent unemployment rate to 8.1 percent. The impact of the tax rebate on inflation is insignificant.

If one adds the President's energy tax package which costs the consumer about $40 billion, and takes approximately $10–$13 billion out of the economy, thus adding to the recession, it is likely that unemployment would get even higher and that inflation would be dramatically increased by about three percent. The President has estimated that his energy package will make 1975 another full year of double-digit inflation.

In sum, the Administration package is both inadequate and contradictory: inadequate because it does not reduce the rate of unemployment below what would happen with no policy changes, and contradictory because it accelerates the inflation rate three percent beyond what it would be with no policy changes.

The Recommendations of the Congressional Program To Achieve Economic Recovery

Recognizing the interrelated nature of Energy and the Economy, the Congressional program, while designed to reduce national dependence on imported oil, would halt the recessionary slide, begin economic recovery and provide millions of additional jobs without adding to inflation.

To achieve economic recovery numerous suggestions were considered that relate to fiscal and monetary policy and program actions. Recommended in addition to the tax rebate/tax cut concept is a combination of actions which include a rejection of the Administration's energy price increases, the release of impounded funds to create immediate employment, an increase of the money supply, stimulus for jobs in housing and elsewhere and an adequate public employment program with relief to states and locales especially burdened.

If quickly implemented these recommendations will insure an end to the economic downturn and the beginning of a vigorous recovery during the year. Comparing this program to the President's program, our economy will be producing $42 billion more goods and services in 1976, $76 billion more in 1978, and a total of $335 billion more over the 1975 to 1980 period.

This increase in goods and services will generate jobs, reducing the unemployment rate substantially from the Administration's projections. By comparison with the President's economic goals, the proposed Congressional program will produce at least 1.4 million more jobs by the end of 1976 and well over three million more by the end of 1977. In total these recommendations, if implemented, will produce 8.3 million more job-years of employment between 1975 and 1980 than the President's plan.

Under other circumstances the increase in economic activity might be inflationary. However, with the economy operating so far under its potential, the stimulus will not contribute to inflation. In fact, the increase in output is likely to increase productivity as firms spread their fixed overhead over an increased number of units.

A sensible policy of economic stimulus should provide the greatest growth in early months. In contrast, the Administration's approach has the economy moving most rapidly years away as full capacity is approached and the inflationary risks are greatest.

More immediately, the Congressional program will avoid the inflationary effect of the Administration's energy taxes, tariffs and total decontrol, producing 2% less inflation this year and a total of 3% less by 1977.

Elements of the recommendation in summary

Social Security and Supplementary Security Income. Reject President Ford's 5% ceiling on social security; accelerate payment of benefits by the full 8.7% effective January 1, 1975, and mail out retroactive benefits checks in May or June. (*Achieved.*)

Retroactive Personal Tax Reduction. Accept the concept of the Administration's rebate of 1974 taxes. Redesign the program in accordance with objectives recommended by the House Ways and Means Committee so that low- and middle-income taxpayers receive a much larger share of the benefits. Send out the payment in May or June in a single check that would provide a large boost to sagging personal income. This tax rebate would provide a one-shot stimulus to the economy. (*Achieved.*)

Temporary Personal Tax Reduction. Adopt a substantial additional tax cut for 1975, consistent with House Ways and Means action. This reduction would affect withholding schedules by July 1 of this year. This tax cut, also targeted to low- and middle-income taxpayers, would provide continuing support to consumer purchasing power throughout 1975. The Congress envisions that the stimulus would be continued into 1976 if necessary to continue the recovery. (*Achieved.*)

Business Tax Reduction. Accept the proposal to raise the investment tax credit (ITC) to 10% retroactive to January 1, 1975. Reject the Administration's reduction of ITC to the 7% rate in 1976; keep the higher rate in effect until the economy reaches the full-employment zone so that businesses can make investment plans with certainty.

(Achieved.) Set ITC at higher levels for long term capital investment in energy-efficient equipment and in equipment needed to convert from oil and gas to coal.

Tax Reform. Enact an initial tax reform package in 1975 to yield approximately $5 billion in added revenue. Such reform would include repeal of the depletion allowance for big international oil companies, strengthening the minimum income tax so that the rich pay their fair share, and eliminating foreign tax subsidies so that American capital is not encouraged to locate abroad. (Achieved part.)

Energy Taxes, Tariffs, and Decontrol. Reject the Administration's package of excise taxes on oil and natural gas, tariffs on imported oil and decontrol of old oil. (Achieved.) Add 5¢ to the tax on gasoline as a source of revenue for an Energy Trust Fund.

Public Works Employment. Assure that the Job Opportunities Program, the Economic Adjustment Assistance Program and the Public Works Impact Program (Titles X, IX and I of the Public Works and Economic Development Act) are fully funded and implemented to meet their original purpose of providing short-term employment opportunities while constructing facilities of lasting value to the community. Reject rescissions or deferrals and otherwise provide increased funding for short-term construction programs meeting urgent national needs such as water pollution control and transportation. This action would offer opportunities for increased construction and related employment, activities which have suffered real decreases in spending as a result of inflation. Provide any additional Federal assistance which may be necessary to allow state and local governments to make full use of increases in funding for public works construction programs. (Achieved.)

Housing. Stimulate the homebuilding industry through a shallow interest rate subsidy program to enable low- and middle-income families to purchase homes at interest rates they can now afford to pay. Interest subsidies will be limited to low- and middle-income families with phase-out triggered to economic recovery. Reject rescissions and deferrals of appropriations for existing housing programs. Provide temporary aid to homeowners to prevent mortgage foreclosures. (*Achieved.*)

Monetary Policy. Adopt a Congressional resolution calling upon the Federal Reserve to (1) substantially reduce the long term interest rates during 1975, (2) maintain a longrun growth in the money supply and other monetary aggregates commensurate with the economy's economic growth potential, and (3) consult with Congress at semi-annual intervals on the Board's monetary growth targets for the next six months. (*Achieved.*)

Spending Reductions. The President's budget calls for an assortment of non-essential expenditures which should be eliminated or cut in the interest of sound economic policy. Reject the Administration's $7 billion energy equalization payment (as well as its comparison energy taxes). Reduce other portions of the Administration budget—defense, foreign aid, and elsewhere—by $5 billion. From this $12 billion, restore social security levels, reject the food-stamp-cost reduction but undertake a review of the food stamp program to assure that the benefits are received by the most in need. Total spending for all programs should not exceed $355 billion in FY 1976 unless unemployment averages more than 8% during that period. (*Achieved in part.*)

Adequate Public Service Employment in Light of National Need. An expanded public service employment program could play a major role in bringing unemployment down. A public service employment program should give priority to hiring the heads of families. It should avoid displacing existing employment, treat the special concerns of state and local governments and create new jobs with increased emphasis on training and equipment to satisfy important social needs. (*Achieved in part.*)

The House of Representatives has demonstrated strong initiative in getting the economic recovery programs underway. The enactment of these programs deserves the very highest national priority. On the other hand an energy policy must be compatible with these objectives; it must not inhibit their effectiveness. It is the development of an energy policy that aids national economic recovery that the Congress recommends in this report.

ENERGY

Target

Implement a comprehensive conservation program that reduces sustantially foreign import dependence without aggravating the Nation's current economic crisis. Expand domestic supply by diversifying energy sources. Establish management procedures in the event of drastic energy shortages

Recommendations

Avoid sudden massive price increases. (*Congress has continued efforts to block.*)

Institute a combination of excise taxes and rebates on new automobile sales, deliberately geared to favor energy-efficient vehicles. (*The Senate is awaiting an appropriate House vehicle.*)

Institute a 5c tax on gasoline as the financial base for an Energy Trust Fund. (*Senate awaiting appropriate House vehicle.*)

Institute urgent program of energy conservation. (*Underway with strict auto fuel standards ready for Senate action.*)

Create a National Energy Production Board. (*Underway.*)

Improve management of current energy supply and protect independent segment of the industry by extending allocation authority. (*Passed Senate.*)

Achieve the maximum reduction of imported oil consistent with an economic upturn and a reduced unemployment rate and empower the Energy Production Board to limit imports to meet targets. (*Underway.*)

Enact emergency powers to limit imports and include standby rationing authority in the event of drastic reduction of energy supply from abroad. (*Passed Senate.*)

This Nation has previously assumed an unlimited and relatively inexpensive energy supply; these assumptions no longer apply. The Congressional program sets forth a comprehensive energy policy and identifies a series of actions designed to conserve the use of energy and expand its available supply.

First is recommended the rejection of the President's proposal for energy price increases. (*Achieved.*) The President's plan reflects a serious lack of perception of the integrated nature of our economy. The added hardships imposed by steep price increases must be avoided in favor of cutting down on waste and expanding and developing our energy production capacity. No justification can be found for impairing economic recovery by inducing immediately a steep increase in the price of imported oil. Recommended instead are a series of actions which, if implemented, will produce both national energy sufficiency and a substantial reduction in dependence upon foreign energy sources. A tax of 5¢ on gasoline at the pump would provide funds for energy production and conservation programs.

The goal of the Congressional energy program is self-sufficiency. At present the Nation imports 20% of its energy sources from abroad. The Congressional program will reduce our reliance by 1985 on imported energy supplies to less than 10% of the United States total energy consumption (and to less than 20% of our total oil use). In addition, our country will have in place a strategic reserve of oil that will provide three million barrels per day for a full year.

Under present policies the United States' energy consumption in 1975 could be equivalent to 38 million barrels of oil per day, with oil imports approaching 6.5 million barrels per day (Tables I & II). At present rates of growth by 1985 as a Nation we could be consuming an estimated 56 million barrels of oil or its equivalent (Table I).

If implemented the Congressional program will reduce this growth rate in energy consumption and by 1985, the Nation will be consuming 45 million barrels per day. To achieve this goal, therefore, this program will conserve eleven million barrels per day by 1985 (Table III). To provide that saving, a series of conservation efforts must be undertaken immediately (Table IV).

Conservation

Transportation. The transportation segment has been identified for prime attention because it accounts for about one-fourth of total energy use and more than one-half of petroleum use. Automobiles are the leading energy user, accounting for more than 50% of the total energy consumed in the transportation sector. Thus an urgent conservation effort in the transportation sector alone will reduce substantially the Nation's total energy budget and significantly reduce the Nation's dependence upon imported oil.

In the President's proposed Energy Independence Act of 1975, the only proposal for conserving energy use in the transportation sector is a requirement for motor vehicle labeling which would give consumers information permitting comparison of the energy consumption of different automobiles. The President has also proposed that the automobile industry meet a voluntary target of 40% improvement in fuel efficiency of new cars by 1980 and has asked the automobile industry to pledge in writing to try to meet the 40% improvement objective. The Administration has specifically rejected a program of mandatory fuel efficiency standards to accomplish the objective.

By contrast, Congress recommends a mandatory fuel efficiency program (*legislation is ready to be considered by the full Senate*) that will dramatically improve new car fuel efficiency—50% by 1980 and 100% by 1985 (over the base year of 1974). The mandatory program would be based upon a sales weighted fuel efficiency average of all new cars sold in a particular model year. The Secretary of Transportation would be authorized to establish in each model year average fuel economy standards which each manufacturer would have to meet or exceed. At the same time, it is recommended that Congress undertake a thorough review of all environmental standards in the light of developing an effective energy policy consistent with economic recovery and including the relation of emission standards to better mileage.

In order to meet the goals of the mandatory fuel economy standards, the manufacturers would have to make substantial improvements in automobile technology and the sales mix of large cars and small cars would have to be altered considerably.

An additional feature of this program would provide incentives for the purchase of fuel-efficient vehicles and the payment of a penalty or excise tax on the purchase of less fuel-efficient vehicles (*legislation ready for consideration by Senate.*) The amount of rebate would increase as the mileage exceeded the annual standard; the excise tax would also increase for fuel-poor cars, with a substantial built-in price spread between the two extremes. It is suggested that the break-even standard might increase by one mile per gallon annually as a continuing incentive not only for customers to shop for energy-efficient vehicles but for automobile manufacturers to build and market them. In order to insure that the American consumer derives the benefits of the incentive program, a manufacturer would have to establish that any price increase on the more fuel-efficient cars was justified on the basis of cost increases.

The Congressional Energy Program also calls for an intensive research and development effort (*legislation underway*) designed to develop within four years a production prototype of a low-polluting, energy-efficient automobile that meets required safety and emission standards.

As well as improving the efficiency of transportation vehicles themselves, the Congressional Energy Program proposes certain measures which encourage the use of more energy-efficient means of transportation, including added funding of public transportation and rail rehabilitation, (*achieved by Senate*) upgrading of road and tracks, electrification, modernization and expansion of roadways and terminals.

Unfortunately the Administration program failed to advocate any mandatory energy conseravtion measures in the transportation sector. As a result, an optimistic, long-range projection for energy savings in transportation under the Administration program would be less than adequate to meet energy-sufficiency by 1985.

In contrast, the comprehensive energy conservation program in the transportation sector proposed in the Congressional Energy Program would achieve substantial savings in the next 10 years, well over half of the fuel consumed today by the automobile and twice the savings sought by the President's program. (See Table IV.) The Congressional Energy Program offers certainty that this significant savings would be achieved because of the program to stimulate the shift to fuel-efficient vehicles and because of the mandatory fuel-efficiency standards which would be established by the Department of Transportation, not to mention the added emphasis given public transportation.

Transportation, though important, is but one sector of the economy cited by Congress for mandatory conservation.

Residential, Industrial and Commercial Use. It is the goal of the Congressional program to conserve a significant quantity of oil equivalent in residential, industrial and commercial use by 1985. In these uses, the most important saving would come from changing the present insulation requirements for future construction and making it economical for the present owner to install insulation and other energy-saving devices on existing structures.

A major Federal loan guarantee, grant and/or tax credit program is recommended for residential and commercial consumers for insulation (*achieved by Senate*) and other energy-saving modifications. A principal objective of the program would be to upgrade over 10 years some 40 million existing homes presently in need of thermal protection improvements, such as ceiling insulation, storm windows and doors, caulking and weather-stripping. (See Table IV.) Financial incentives should also be explored to encourage the installation of solar heating and cooling facilities.

With specific regard to the Industrial use of energy, including electric utilities these recommendations are made:

Special investment incentives exclusively for conservation (in addition to those required for economic recovery) applicable to any capital investment in the next two years for retrofitting investments made exclusively to save energy or to switch from oil and gas to coal (with appropriate ceilings). (*Senate awaiting appropriate House vehicle.*)

Discouragements against use of natural gas in new electric power generating plants.

A federal requirement for an energy conservation program (efficiency standards) in each industry designed to economically feasible conservation targets. (*Legislation underway.*)

A research and development program for new energy saving industrial processes designed to save 40 percent in key industries over the next decade. (*Legislation underway.*)

To facilitate conversion of electric power generating and other industrial plants from petroleum and natural gas to coal—consistent with public health, technological and economic considerations—we suggest the appropriate committees consider guaranteeing that any new plant for future conversion which faithfully meets current EPA emission standards at the time the facility is built will enjoy a sufficient period of grace against imposition of more costly standards so as to permit amortization of the required investment on an accelerated depreciation schedule. (*Consideration underway.*)

The Congressional program recommends action to facilitate and provide the necessary funding to revise building codes at Federal, state and local levels to improve energy efficiency (*passed Senate*), a Truth-in-Energy law to require labeling of energy content and cost of all appliances, homes, automobiles, etc., and performance standards for major appliances to conserve energy. (*Legislation ready for Senate action.*)

In addition financial aid would be provided to improve electrical transmission lines and to make better use of existing generating capacity. Financial aid would be afforded as well to the utilities in order to facilitate construction of transmission lines that could take advantage of diversity in demand and thus enlarge the capacity available for each utility to meet peak loads without building as many new powerplants. In return, utilities should be encouraged to redesign rate structures so as to encourage energy conservation by all consumers. (*Legislation underway.*)

At the governmental level, all Federal agencies would be required to give energy conservation the highest priority in all purchases, planning, policies and regulatory actions; specifically mandate the ICC, CAB and Maritime Administration that energy wastage be cut out in railroad, airline, truck and marine transportation; work with state regulatory agencies to establish standards for utility rate design in the pricing of electricity and natural gas to encourage energy conservation.

States would be encouraged and even required to develop mandatory conservation measures and affirmative action plans for conservation, particularly with regard to the elimination of nonessential driving. Effective enforcement of the 55 miles-per-hour law together with a host of remedies at the state level should result in substantial fuel savings. Federal funding of any such conservation program should be conditional upon effective savings (See Table IV.) (*Passed Senate.*)

Overall, under these conservation efforts—many of which are mandatory—a savings of over 11 million barrels of oil or its equivalent per day could be achieved by 1985 over what otherwise would have been consumed.

Expanded domestic energy supply

As they begin to take effect and reduce the growth of energy consumption, the conservation programs will permit the orderly but accelerated development of greater and more diversified domestic sources of supply. The increased supply and diversification aspect of the program is equally essential, therefore, to meet the Nation's long range objective of reducing imports to 10% of domestic energy consumption and will require a substantial increase in the use of coal and other more exotic energy sources. (See Tables V & VI.)

The overall objective of national energy sufficiency recognizes the enormous undertaking involved in terms of capital investment and incentives, in terms of environmental protection and national security. Switching from oil and gas to coal and other sources is just one aspect of the program—although a most critical one—and it alone will require a substantial commitment of national resources. A national program of this magnitude requires the establishment of an instrumentality at the highest level of government to make certain that the program is successful. Therefore at the core of the recommendations is the creation of a National Energy Production Board as an independent agency of the government. (*Legislation underway.*) It would mobilize unutilized and under-utilized private and public resources to increase domestic energy production on an urgent basis. The National Energy Production Board would be patterned after the War Production Board of World War II and, subject to Congressional review, would have authority and funding to break energy bottlenecks, and to take all actions necessary to accelerate the production of and conversion to domestic energy sources. Much of the cost would be funded out of an Energy Trust.

At the same time, the NEPB would oversee establishment of a national system of oil strategic reserves (*legislation soon to be before the Senate*) and storage. The program would create a stockpile that could supply three million barrels per day for six months by 1980 and for a full year by 1985. (See Table V.) Part of the oil stored would be purchased on the world market under secret bid to encourage competition. The remainder could come from Naval Petroleum Reserves, the Outer Continental Shelf and the marketplace. While the establishment of the oil bank is an essential component of energy self-sufficiency in the long term, it will be NEPB's prime responsibility to get the augmented supplies and diversification underway on an urgent basis. Leading the specific recommendations proposed by the Congressional program is coal production and conversion.

Coal conversion incentives of major proportion are recommended that are designed to implement a national policy requiring new baseload fossil fuel fired electrical plants and heavy industrial boilers to burn coal rather than oil or natural gas, and the conversion of existing plants over the next 10 years where feasible. (*Legislation underway.*) (See Table V.) In this regard the Congress supports expeditious implementation of the Energy Supply and Environmental Coordination Act of 1974 (referred to as the Coal Conversion Act).

Capital equipment incentives, manpower development and engineering technology should be encouraged. The transportation network must be greatly improved (*passed Senate*) and coal should be mined and burned in compliance with the Federal Coal Mine Health and Safety Act. Strong measures are needed to encourage the conversion to environmentally sound coal use, e.g. tax credits, loan programs, or fuel taxes to finance the cost of conversion.

At the same time a commercial demonstration of new synthetic fuels from coal should be undertaken with an ultimate production goal reaching the equivalent of 500,000 barrels of oil per day. (See Table V.) These technologies, together with oil shale, geothermal, MHD, solar and others, would be developed on a contract or joint venture basis with industry. Sufficient Federal financial support is recommended to proceed immediately. From this initial experience, a better assessment could be made of environmental and social as well as economic costs. Incentives should be provided to facilitate expansion of nuclear power. We also recommend funding accelerated efforts to resolve the safety, safeguard and waste disposal problems. (*Legislation underway.*)

As to new domestic oil and gas sources, the Outer Continental Shelf Act should be revised to accelerate exploration consistent with the public interest and in cooperation with states and public authority. This revision will assure coastal states of environmental protection, establish a public knowledge bank on availble resources, permitting production under leases so that available resources will not be kept from the Nation's supply by private speculation and require disclosure of geological and engineering data that pertain to these national resources.

To encourage increased domestic exploration for oil and gas, we recommend:

(1) Completely eliminating the depletion allowance on all foreign drilling;

(2) An excess profits tax on all big oil companies, avoidable only by plowing profits back into domestic exploration, and depositing proceeds from tax into Trust Fund; and

(3) Retaining depletion allowance only for small independent domestic explorers who do not operate retail outlets. (*Enacted.*)

For the near term the Congressional supply program recommends that the Naval Petroleum Reserves be rapidly developed and necessary transportation facilities created to make the estimated 10–40 billion barrels available as needed for storage or commercial use.

And for immediate results, current production should be maximized along with ultimate recovery from existing oil and gas reserves; and to facilitate secondary and tertiary recovery, tax incentives should be provided along with Federal authority for mandatory unitization of fields (harmonizing the production of wells into a common field) and production at maximum efficient rates with authority exercised by states where state laws and regulations meet Federal standards.

The oil price control program should be modified also to create sufficient incentives to produce all oil that can be recovered economically through secondary and tertiary recovery, substantially increasing the amount of oil ultimately produced from the average field. Perhaps the most effective plan would be to include some decontrol treatment for secondary and tertiary recovery as "new" oil.

Exploiting fully natural gas potential is equally critical and the Federal Power Commission must be mandated to provide price certainty at levels high enough to reflect future costs and to eliminate regulatory delays, reducing any incentive to withhold gas because of the uncertainty over government pricing policy.

The Congressional program therefore recommends measures to reform and simplify natural gas regulation, but continue interstate price controls on old natural gas, and establish a statutory formula ceiling that reflects cost of production. This should assure that the price is high enough to encourage maximum domestic production, but still below the OPEC cartel level. (*Legislation reported to Senate.*)

Finally, procedures to shorten needless regulatory delay in energy production should be adopted. (*Legislation underway.*) This should include expedited consideration of a natural gas delivery system from Alaska and cover speed-up of certification and regulatory procedures by FPC and State Utility Commissions with regard to both electricity and natural gas.

We reject an automatic pass-through to consumers of a fuel adjustment cost without scrutiny and justification by state and local regulatory authorities.

To be sure, there are issues related to the matter of increasing production and achieving a greater diversity in the sources of energy supply. Paramount among these are the environmental questions involved. Congress has played a chief role in developing long-range policies to protect public health and the environment and the actions recommended to increase and diversify energy supply must be designed to maximize the development of the more environmentally sound sources of energy in preference to the more environmentally controversial sources.

To undescore the concern of Congress for an energy production policy fully compatible with environmental concerns, this program recommends the adoption of three precise legislative objectives:

Enact the Surface Mining Control Act. (*Passed Congress; vetoed by President.*)

Enact legislation which recognizes the interests of states in the siting of power plants, refineries, etc.; provides planning mechanisms for regional planning in which states participate and decisions can be made in a timely fashion so that necessary facilities can be built. (*Legislation underway.*)

Establish machinery to recognize and resolve concerns of Coastal, Rocky Mountain States and other concerned with damage to the quality of life from potential exploitation of their regions and to provide adequate funding to minimize detrimental secondary effects. (Legislation underway).

While environmental preservation is a paramount concern of this program, it is just as important that increased production and expanded supply be undertaken by a strong and vigorous industry.

It is therefore recommended that the antitrust laws be strengthened to promote free enterprise and to encourage competition. It is recommended also that the bidding system for Federal leases be changed to permit greater participation by smaller companies.

Together these are the components of a policy designed to expand the domestic production of energy. With a reduced rate of growth, they chart a deliberate path to national energy sufficiency within the next ten years, eliminating this Nation's dependence on insecure sources of supply as rapidly as possible without causing economic adversity along the way.

National energy sufficiency is attainable under this Congressional program; the path is straight and deliberate, joining supply and conservation programs into an integrated rational policy.

What the energy conservation and expanded supply programs indicate, also, is substantial bipartisan agreement on the primary goals of U.S. energy policy—eliminating U.S. dependence on insecure sources of supply as rapidly as possible. In advocating creation of the NEPB, the Congressional program has chosen a separate independent instrumentality fully equipped to get the job done.

Administrative Mechanism

The NEPB and other involved agencies must be equipped equally well to meet each and every contingency that might occur between now and the time a national energy sufficient status has been achieved. To meet such contingencies a host of standby authorities are recommended by the Congressional program. They range from import quotas to centralized purchasing powers, allocations, and as the President has recommended, even to rationing.

What these standby powers reflect is that Congress recognizes the vulnerability of the Nation to energy shortages. To weather any such potential adversity, pending a status dependency and the emplacement of an oil of energy sufficiency with reduced foreign reserve, the Congress accepts the President's judgment that enactment of standby rationing legislation is needed. Also it recommends the extension of the mandatory allocation program (*passed Senate*) which could accommodate a gradual shift to reduced import dependence in the short term by managing and controlling any excessive rate of energy consumption. Allocation management procedures would be called upon immediately in the event that enacted policies did not lead to the previously stated goals. But full-scale rationing could be employed only in the event of a drastic reduction in energy supplies by an embargo of oil imports.

The standby import quota authority vested directly in the NEPB together with a centralized purchasing mechanism for imports recognizes that as a consuming Nation today we may need to become more deeply involved in oil negotiation while we endeavor to attain an energy-sufficient status. Provision for the standby authorities reflects also that in the near and mid term, energy is too important to America to be left in the hands of a cartel of foreign nations. The Congress recommends therefore that the independent NEPB itself be empowered to create an oil import administration which could require that exporters to the United States bid competitively for access to the U.S. market. In addition, the Board would be empowered to set quotas to limit imports.

Other elements of the standby authorities should include the following:

Assure that any allocation/rationing program affords equitable treatment of regions, industries, classes of consumers and independent producers during an embargo or energy curtailment from other causes.

Authorize the States to invoke more stringent mandatory conservation measures in any future curtailment.

Direct the Executive immediately to submit its recommendations for a system to ration gasoline and other forms of energy; the system to be activated on notice, subject to expedited Congressional review.

A final component of the comprehensive Congressional program recommends creation of the National Energy Trust which would include the dedication of funds needed to realize national energy goals.

As the financial base for this trust, a 5-cent tax on gasoline at the pump would be imposed 30 days after enactment. This revenue would begin to pay for the urgent program of conservation and production.

Additional revenues for the Trust would be derived from energy taxes on inefficient uses of energy and by dedication of part of the funds paid for leases covering the Outer Continental Shelf.

Conclusion

If much of this Congressional program is in accord with the long range objective of the Administration, then our disagreement is over tactics and the coordination of energy policy with economic policy.

The Administration wants to tax energy at the source; the Congress recommends taxing gasoline at the pump. The Administration wants to put the entire tax on at once; Congress recommends a 5-cent tax coupled with urgent and mandatory conservation and production programs. The Administration seeks to achieve mileage standards; Congress agrees, but would make them mandatory and supplement the standards with a large excise tax on poor mileage autos and an offsetting subsidy for efficient cars. Most importantly, the Administration relies on massive price increases to accomplish its goals while Congress would back up its recommendations with authority to manage supply and allocate—or even to impose quotas if necessary—to meet the goals.

In sum, the President's program would trade the jobs and economic well-being of Americans to achieve a short-term result of dubious merit. The Congress will not tolerate such further economic sacrifice and its comprehensive energy policies reflects a judgment that economic restoration is the Nation's foremost priority today.

TABLE I.—EFFECT OF CONGRESSIONAL PROGRAM ON ENERGY SUPPLIES

	Million barrels of oil equivalent per day			
	1973	1975	1980	1985
Energy demand:				
Consumption if no new actions (historical)	36.6	38.0	47.0	56.1
Energy conservation reductions (congressional program)		1.3	6.0	11.1
Adjusted consumption to reflect energy conservation		36.7	41.0	45.0
Domestic energy supplies:				
Petroleum	10.9	10.5	12.0	13.4
Natural gas	11.2	10.5	10.1	10.3
Coal	6.9	7.5	10.1	15.0
Other	1.5	2.5	3.4	5.2
Total domestic supplies	30.5	31.0	35.6	43.9
Imports	6.1	5.7	4.4	1.1
Total supplies	36.6	36.7	41.0	45.0

TABLE II.—EFFECTS ON OIL IMPORTS

	Million barrels of oil equivalent per day			
	1975	1977	1980	1985
Petroleum supply—Demand balance:				
Consumption if no new actions	[1]18.00	[1]18.30	[2]20.3	[1]23.90
Imports if no new actions	[1]6.50	[1]8.00	[2]9.5	[1]12.70
Savings achieved by following actions:				
Voluntary conservation	.78	.90	1.12	1.40
Mandatory conservation (difference between congressional and administration conservation programs)	[3](0.28)	[3].25	2.20	5.76
Accelerate oil supply strategy	.10	.10	.65	2.00
Substitution of coal for oil and natural gas	.17	.40	.98	1.40
Promotion of coal for use by new facilities that otherwise would use oil or natural gas	0	0	.18	1.06
Total savings	.77	1.60	5.13	11.62
Necessary imports:				
Congressional program	5.73	6.40	4.39	1.08
Administration program	5.30	5.80	5.38	4.70
Strategic reserve strategy	.20	.30	1.00	3.00
New import vulnerability (requiring standby emergency authority):				
Congressional program	5.53	6.10	3.39	(4)
Administration program	5.30	5.80	5.38	1.7

[1] The President's 1975 state of the Union message including economy and energy, Jan. 15, 1975.
[2] Estimates.
[3] Due principally to administration's price disincentives.
[4] Surplus.

TABLE III.—CONSERVATION STRATEGY—SUMMARY[1]

	Million barrels of oil equivalent per day		
	1975	1980	1985
Transportation:			
Automobile:			
Congressional program (mandatory)	0.33	2.23	3.81
Administration program (voluntary)	.45	1.38	1.95
Public:			
Congressional program	.13	.42	.58
Administration program	(2)	(2)	(2)
Industrial sector:			
Congressional program (mandatory)	.17	1.47	3.65
Administration program (voluntary)	.42	.83	1.27
Residential-commercial sector:			
Congressional program (mandatory)	.42	1.36	2.08
Administration program (voluntary)	.57	1.35	1.92
Utility sector:			
Congressional program (mandatory)	.25	.50	1.00
Administration program (voluntary)	.14	.22	.22
Totals:			
Congressional program	1.30	5.98	11.12
Administration program	1.58	3.78	5.36
Difference	(.28)	2.20	5.76

[1] For detailed program see table IV.
[2] No comparable program.

TABLE IV.—CONSERVATION STRATEGY

	Million barrels of oil equivalent per day		
	1975	1980	1985
Transportation:			
Automobile:			
1. Voluntary conservation: Car pooling and proper maintenance	[1]0.05	[2]0.32	[2]0.35
2. Enforce 55 m/hr speed limit	[1].05	[1].16	[1].16
3. Incentives for purchase of new automobiles with improved efficiency and fuel economy standards:			
Congressional program (mandatory)	.10	1.50	[2]3.00
Administration program (voluntary)	[4].05	[5].48	[5]1.00
4. Price disincentives:			
Congressional program (gasoline tax)	0.13	0.25	0.30
Administration program (excise tax)	[5].30	[5].42	[5].44
5. Research on urban car	(6)	(6)	(6)
Subtotal:			
Congressional program	.33	2.23	3.81
Administration program	.45	1.38	1.95
Public transportation: Upgrade mass transit systems followed by government programs to discourage inefficient use of automobiles:[3]			
Congressional program	.13	.42	.58
Administration program	(7)	(7)	(7)
Subtotal:			
Congressional program	.13	.42	.58
Administration program	(7)	(7)	(7)
Total, transportation sector:			
Congressional program	.86	3.39	4.58
Administration program	.90	2.82	3.39
Industrial sector:			
1. Encourage voluntary conservation and energy audits:			
Congressional program	[1].17	(8)	(8)
Administration program	[1].17	(8)	(8)
2. Investment incentives:			
Congressional program		[1].47	[1].90
Administration program		.47	.90
3. Mandatory energy conservation programs, including efficiency standards:			
Congressional program (adjusted to reflect item 2)		[2]1.00	[2]2.75
Administration program		(7)	(7)
4. Price disincentives (fuel and excise taxes):			
Congressional program	(7)	(7)	(7)
Administration program	[5].25	[5].36	[5].37
Total, industrial sector:			
Congressional program	.17	1.47	3.65
Administration program	.42	.83	1.27
Residental-commercial sector:			
1. Encourage voluntary energy conservation:			
Residential—	[1].06	[2].14	[2].19
Commercial	[1].28	[2].50	[2].70
Subtotal	.34	.64	.89
2. Insulation tax credit:			
Congressional program (commercial)	0	[1].08	[1].10
Administration program	0	[4].18	[5].30
3. Promote 10-year program to upgrade 40 million residences:			
Congressional program	0.08	0.38	[2]0.57
Administration program	(5)	(7)	(7)
4. Building code revisions		[4].17	[4].30
5. Appliance efficiency standards and labeling:			
Congressional program (mandatory)	0	[2].09	[2].22
Administration program (voluntary)	0	[4].04	[5].10
6. Price disincentives:			
Congressional program	(7)	(7)	(7)
Administration program[5]	.23	.32	.33
Total, commercial-residential sector:			
Congressional program	.42	1.36	2.08
Administration program	.57	1.35	1.92
Utility sector:			
1. Utility rate redesign:			
Congressional program[2]	[4].25	[4].50	1.00
Administration program[5]	[4].02	[4].05	.05
2. Investment tax credit	(9)	(9)	(9)
3. Price disincentives:			
Congressional program	(7)	(7)	(7)
Administration program[5]	.12	.17	.17
Total, utility sector:			
Congressional program	.25	.50	1.00
Administration program	.14	.22	.22

[1] Comprehensive energy plan, Federal Energy Administration, December 1975.
[2] Project independence report, Federal Energy Administration, November 1975.
[3] Department of Transportation.
[4] Estimated.
[5] The President's 1975 state of the Union message including economy and energy, Jan. 15, 1975.
[6] No immediate benefit.
[7] No comparable proposal.
[8] See item 3.
[9] No direct conservation.

TABLE V.—OIL STRATEGIES

	Million barrels of oil equivalent per day			
	1975	1977	1980	1985
Energy supply strategy—Oil:				
1. Accelerate Outer Continental Shelf development			[1] 0.500	[2] 1.500
2. Assure maximum efficient rate of production from existing wells and promote secondary and tertiary recovery	0.100	0.100	.050	0
3. Promote commercial production of synthetic fuels	0	0	.100	.500
Total	.100	.100	.650	2.000
trategic reserve strategy—Oil:				
1. Production of Elk Hills	[3].200	[2].300		
2. Development of Naval Petroleum Reserve No. 4	0	0	0	[2] 2.000
3. Emergency storage	0	0	[1] 1.000	[3] 3.000
Total	.200	.300	1.000	[3] 3.000

[1] Estimate.

[2] The President's 1975 state of the Union message including economy and energy, Jan. 15, 1975.

[3] Assume that production from NPR–4 (item 2) is used to build up emergency storage.

TABLE VI.—COAL STRATEGIES

	Million barrels of oil equivalent per day			
	1975	1977	1980	1985
Energy supply strategy—Coal:				
1. Promote the development of new coal supplies:				
Production goals	7.50		10.08	15.00
(Million tons per day)	(1.9)		(2.52)	(3.81)
(Million tons per year)	(685)		(920)	(1,370)
Current projections [1]		8.52	9.80	12.04
(Million tons per day)		(2.13)	(2.45)	(3.00)
(Million tons per year)		(755)	(895)	(1,100)
Increases over current projections			.28	2.96
(Million tons per day)			(.07)	(.80)
(Million tons per year)			(25)	(270)
2. Promote substitution of coal for oil and natural gas:				
Conversion of utilities with capability to use coal [2]	.100	.300	.400	.400
Conversion of existing utilities without capability to use coal and new utilities now in planning stage or under construction which plan to use natural gas or oil	0	0	[3].280	[1].500
Conversion of industrial facilities	[4].075	[3].100	[3].300	[1].500
Total	.175	.400	.980	1.400

[1] Project Independence Report, Federal Energy Administration, November 1975.

[2] The President's 1975 state of the Union message including economy and energy, Jan. 15, 1975.

[3] Estimate.

[4] Comprehensive Energy Plan, Federal Energy Administration, December 1975.

[From the Washington Post, June 1, 1975]

THE BILL FOR OIL IMPORT DUTIES, DECONTROL

(By Hobart Rowen)

President Ford is playing the confrontation role of the late Harry Truman to the hilt in his squabble with Congress over its "do-nothing" role on energy. And many Democrats have been playing cheap politics with energy, betting that any gasoline price rise next summer can be saddled onto Mr. Ford.

But if you put aside the political brinksmanship and look at what the President has done and proposed, the only conclusion is that it adds up to economic disaster.

President Ford has not only tacked on another $1 a barrel to crude oil import duties (making it $2 in all, thus boosting the average price of a barrel of imported crude oil to about $13.50) but will send a plan to Congress for the decontrol of "old" domestic oil, now $5.25 a barrel.

These steps, rationalized as a way of cutting demand and providing a stimulus for increased production, actually will have an enormous inflationary effect on the economy. They also raise serious questions about recovery from recession.

Administration assurances that price rises and decontrol will have a minimal impact on inflation are totally unrealistic. A "fact sheet" put out by the Federal Energy Administration, for example, claims that decontrol would result in no change at all in the coal and natural gas prices!

A new study by Lawrence Kumins of the Congressional Research Service of the Library of Congress shows that each $1 added as an import oil charge costs consumers and industry $6.1 billion on an annual basis. This includes the impact on that part of domestic oil production which is uncontrolled, and parallel rises in unregulated natural gas and in coal.

A similar calculation is made by former Budget Director Charles Schultze, now at the Brookings Institution.

Thus, the $2 worth of import duties so far promulgated by President Ford will cost about $12 billion. If you count the "ripple" effects as these basic higher fuel prices work their way through the economy, Kumins estimates the bill $18 to $24 billion on annual basis.

But there's more: If the President succeeds in getting $5.25 "old" oil decontrolled over a two-year period (and legislative possibilities are that he probably can accomplish that), old oil would of course rise $8.25 a barrel to the $13.50 price.

"Old" oil production has been running at about 5.5 million barrels a day. The increased cost would amount to $16.5 billion (and coal and unregulated gas would go up some more).

Adding in the ripple effects, Kumins puts the cost of decontrol at $24 billion a year, worth 2¼ to 3 points on the inflation index.

Meanwhile, each $1 of added import charges could push the index up 0.7 to 0.9 per cent, making the total inflationary impact a potential 3.75 to 4.75 per cent when all costs are fully effective at the end of a two-year decontrol program.

Rep. Toby Moffett (D-Conn.), who released Kumins' study, said that 89 per cent of the over-all cost to consumers would go to oil, coal, and gas producers as extra profits.

It should be remembered that, when President Ford originally presented his decontrol scheme, plus new import duties of $1, $2 and (ultimately) $3 a barrel, the enormous drain of purchasing power from consumers, corporations and government entities was to be offset by an elaborate, Rube Goldberg tax rebate system.

But there are no offsets to the $1 that was imposed on Feb. 1, and none proposed for the $1 that will be imposed today, along with 60 cents a barrel on refined product imports.

Moreover, the windfall profits tax that the President proposed in January, when he first put forward decontrol of "old" oil, now has been modified to include a plow-back provision, which simply means that there will be no meaningful windfall profits tax on those who reinvest in energy production—which they would be doing anyway because of the incentive of high prices.

The ultimate absurdity, of course, is that, if the Organization of Petroleum Exporting Countries makes good on a rumored $2-a-barrel price increase of its own, that will boost the price to $15.50. Such a level is so outrageous that Mr. Ford might be forced to withdraw $1 or $2 of the imported duties.

But how, then, could he complain of an OPEC $13.50 price, which merely would be at the level he himself had set?

The essential elements of a real energy program still include some direct limitation on imports so as to weaken the cartel; government action to allocate reduced supplies; a legislated efficiency requirement for gas-guzzling cars; other conservation measures in heating and air-conditioning; and a shift to other forms of energy, especially coal, while new sources of oil are being developed.

This would require a dramatic change in American life-styles that are based on brutally wasteful energy practices. Ford's program will do nothing to bring about such a change. It will only raise hell with the economy.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. MORGAN) is recognized for not to exceed 10 minutes.

COMMENDING THE ARMED FORCES AND PRESERVING THE DEFENSES OF THIS NATION

Mr. MORGAN. Mr. President, in light of the present discussions that have been going on in the Senate concerning the Defense Procurement Act, I thought it appropriate that I ask unanimous consent to have printed in the RECORD this morning a joint resolution passed about 2 weeks ago by the North Carolina General Assembly with regard to the Defense Establishment.

On the 13th of May of this year, the North Carolina General Assembly unanimously passed a measure titled, "A Joint Resolution Commending the Armed Forces and Urging Congress To Preserve the Defenses of this Nation." I ask unanimous consent that the full text of that resolution be printed in the RECORD at the conclusion of my remarks.

Mr. MORGAN. Mr. President, I feel that it is particularly appropriate for the Senate to take notice of this action by the North Carolina General Assembly at this time. As we debate S. 920, the military procurement authorziation bill, I believe it is imperative that we keep in mind the feelings and opinions of our constituents.

North Carolina, and I believe the entire Nation, is no longer willing to see America retreat from a position of leadership and strength in the world arena. The people of this country are demanding that we in the Congress provide for a strong national defense, capable of responding to hostile actions by unfriendly nations in a firm but judicious manner. North Carolinians do not want us to be military adventurers; they do want us to protect American lives, property, and interests when they are threatened. They want the United States to keep promises made to our friends, when those friends have kept their promises to us.

Above all, North Carolinians want to know that this Nation will continue to have the ability to protect the freedoms we cherish so highly. As we approach the 200th anniversary of our independence, there is no better way to commemorate the founding of this Nation than to assure the people we represent that we share these concerns.

EXHIBIT 1

SENATE JOINT RESOLUTION 596

A joint resolution commending the Armed Forces and urging Congress to preserve the defenses of this Nation

Whereas, this State and nation is now in its 200th year of freedom; and

Whereas, that freedom was secured and has since been maintained by the sacrifices of the men and women of the armed forces of this nation, both professional and civilian; and

Whereas, the potential cost of maintenance of freedom is and always will be the lives and fortunes of every citizen of this nation; and

Whereas, it is absolutely essential to the survival of these freedoms which Americans traditionally hold most dear, including but not limited to freedom of religion, freedom of speech, freedom of the press, freedom from any restraints on our liberties without due process of law, and the freedom to criticize government and dissent from the majority, and that survival depends upon the safety of this nation from governments and ideologies which would destroy us in the pursuit of their own destinies; and

Whereas, there has been a discernible trend in the Congress of the United States and in certain segments of the public to detract from the armed forces of this nation, not only the financial support which those forces must have to adequately protect this nation and insure its survival, but also from the respect and admiration which this nation has traditionally had for its armed forces; and

Whereas, such detraction is inimical to the best interests of this nation and should be deplored by every American citizen; now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina recognizes that while we continue our efforts to secure economic and social justice for all our people we must realize that such justice cannot be obtained unless we remain free, and that freedom can only be guaranteed for the foreseeable future by an armed force second to none.

Sec. 2. That the appreciation of the people of North Carolina is hereby expressed to the men and women of the armed forces, living and dead, who have devoted their lives and fortunes to the maintenance of those freedoms which all of us now enjoy.

Sec. 3. That the Congress of the United States is hereby urged to take care that the defenses of this nation remain adequate for the preservation of this nation and its ideals.

Sec. 4. That this resolution shall become effective upon ratification.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MORGAN). Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 5774. An act to amend section 1006 of title 39, United States Code, relating to the eligibility of United States Postal Service employees for transfer to other positions in the executive branch, and for other purposes; and

H.R. 6516. An act to amend title VII of the Consumer Credit Protection Act to include discrimination on the basis of race, color, religion, national origin, and age, and for other purposes.

The message also announced that the House has passed the bill (S. 441) to amend the Forest Pest Control Act of June 25, 1947, with an amendment in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the enrolled bill (S. 1236) to extend and amend the Emergency Livestock Credit Act of 1974, and for other purposes.

The enrolled bill was subsequently signed by the Vice President.

At 2:30 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the bill—H.R. 4481—making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes, having been returned by the President of the United States with his objections, on reconsideration by the House, and two-thirds of the House of Representatives not agreeing to pass same, failed of passage.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting a confidential report entitled "Problems in Slowing the Flow of Cocaine and Heroin From and Through South America (with an accompanying report); to the Committee on Government Operations.

APPROVAL OF LOAN BY THE RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, a statement in connection with the approval of a loan in the amount of $6,071,000 to Kodiak Electric Association, Inc., of Kodiak, Alaska (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to modernize the retirement structure relating to members of the Uniformed Services (with accompanying papers); to the Committee on Armed Services.

SUPPLEMENTAL SUMMARY OF THE BUDGET

A letter from the Director of the Office of Management and Budget transmitting, pursuant to law, a supplemental summary of the budget for the ensuing fiscal year (with an accompanying report); to the Committee on Government Operations, the Committee on the Budget, and the Committee on Appropriations, jointly, by unanimous consent.

PROPOSED ACT BY THE COUNCIL OF THE DISTRICT OF COLUMBIA

A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act adopted by the Council extending the moratorium on the conversion of rental unit properties into horizontal property regimes (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director of the Office of Management and Budget transmitting, pursuant to law, a report entitled "National Advisory Council on Adult Education, Annual Report" (with an accompanying report); to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

Seven letters from the Comptroller General of the United States each transmitting, pursuant to law, a report as follows: "U.S. Fishing Industry Can Be Strengthened By Developing Underutilized Fish Resources"; "Uniform Treatment of Prisoners Under the Military Correctional Facilities Act Currently Not Being Achieved"; "Federal Guidance Needed If Halfway Houses Are To Be a Viable Alternative To Prison"; Status of Selected Major Weapon Systems"; "Efforts To Develop Two Nuclear Concepts That Could Greatly Improve This Country's Future Energy Situation"; "Cost and Schedule Estimates For the Nation's First Liquid Metal Fast Breeder Reactor Demonstration Powerplant"; and "Examination of Financial Statements of the Government National Mortgage Association for Fiscal Year 1974" (with accompanying reports); to the Committee on Government Operations.

Proposed Legislation by the Veterans Administration

A letter from the Administrator of Veterans Affairs transmitting a draft of proposed legislation to authorize the payment for a 1-year period of a variable allowance to assist in the recruitment and retention of certain physicians in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes (with accompanying papers); to the Committee on Veterans' Affairs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the Office of Management and Budget relative to a supplemental summary of the budget for the ensuing fiscal year be referred jointly to the Committees on Appropriations, Budget, and Government Operations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Assembly Joint Resolution No. 3 adopted by the Legislature of the State of California to the Committee on Agriculture and Forestry:

"Assembly Joint Resolution No. 3— Relative to Timber Resources.

"Whereas, Although timber resource areas of the United States have historically been susceptible to wide fluctuations in economic activity and employment, present unemployment and decline in economic activity in the forest products industry far exceeds the rate of unemployment in urban areas and regions with more than one industrial base; and

"Whereas, Workers in the timber resource areas of the nation have little or no other opportunities for employment and many are moving to the cities where their skills are generally not in demand; and

"Whereas, The movement of timber industry workers to the city exacerbates the already difficut problem of finding work for the unemployed and will also make recovery of the timber industry that much more difficult when the recession is over and the demand for forest products returns; and

"Whereas, A report to Congress by the Comptroller General of the United States entitled "More Intensive Reforestation and Timber Stand Improvement Programs Could Help Meet Timber Demands," published in February 1974, states that, since 1968, budget requests by the President and congressional appropriations have been less than United States Forest Service estimates of funds necessary to do the work, and much reforestation and timber stand improvement work needs to be done on national forests; and

"Whereas, Timber sold from the national forests over the years has returned substantial funds to the Treasury and investment in public timberlands has provided the taxpayers with forest products needed for housing; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to support, and the Congress of the United States to enact, laws appropriating funds for, and making such changes in statutes as are necessary or desirable to provide, an expanded program for reforestation and timber stand improvement work on the national forest lands as a priority effort to halt recession-related unemployment in the depressed timber resource regions of the country, and as an investment in the public timberlands to protect and enhance the productivity of this valuable national asset; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Senate Joint Resolution No. 16 adopted by the Legislature of the State of California; to the Committee on Public Works:

"Senate Joint Resolution No. 16—Relative to the Highway Trust Fund

"Whereas, The President has recently advanced the release of $2 billion from the Highway Trust Fund for the starting of projects in the 1975–76 fiscal year to stimulate the economy by providing employment in construction and related industries; and

"Whereas, There now exists a multibillion dollar balance in the Highway Trust Fund authorized for expenditure by the Congress but never released for its intended purposes; and

"Whereas, California motorists annually provide more than 10 percent of the money going into the Highway Trust Fund; and

"Whereas, In recent years, the amount of federal aid for transportation from the Highway Trust Fund returned to California is only approximately 65 percent of that contributed; and

"Whereas, Recent federal legislation has greatly increased the number of special programs of less than national significance and eliminated the flexibility and broad latitude formerly delegated to the states in the administration and use of highway trust funds; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such steps as necessary to immediately release the existing balance of impounded funds in the Highway Trust Fund to the states for any highway transportation purposes, including, but not limited to, state and local highway systems, with emphasis on gap closing, safety improvements, bridge replacements, and transit-related facilities; and be it further

"Resolved, That the funds be usable, at the discretion of the states, without matching requirements in order to achieve the President's objectives of stimulating the economy; and be it further

"Resolved, That federal legislation be enacted so that no state's share of federal aid for highways from the Highway Trust Fund shall be less than 85 percent of the amount contributed by that state; and be it further

"Resolved, That federal aid highway programs be reduced to only those of national significance: interstate, rural, and urban; and that the administration of these programs be at the state level to reestablish a workable state-local relationship; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Senate Joint Resolution No. 1 adopted by the Legislature of the State of California; to the Committee on Public Works:

"Senate Joint Resolution No. 1—Relative to the use of ad valorem taxes as a source of revenue for operation and maintenance of waste water treatment facilities

"Whereas, Legal counsel to the U.S. Comptroller General has interpreted the user charge requirements of Section 204(b) (1) of Public Law 92–500 in such a manner as to preclude the use of ad valorem taxes as a source of revenue for operation and maintenance of waste water treatment facilities; and

"Whereas, The U.S. Environmental Protection Agency has instructed its regional offices to initiate steps to withdraw federal grant assistance from any local agency in nonconformance with this section; and

"Whereas, The elimination of ad valorem taxes as one of several possible sources of revenue will needlessly and drastically restrict the financial operations of many local agencies; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to amend Public Law 92–500 to permit the use of ad valorem taxes as one possible source of revenue for the operation and maintenance of waste water treatment facilities; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Post Office and Civil Service:

"Joint Resolution in Support of H.R. 1753 and H.R. 5035 Now Pending in the United States Congress

"We, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States as follows:

"Whereas, there are presently before the Congress two bills, H.R. 1753 and H.R. 5035, concerning the transmittal to the states of Decennial Census data which is highly desirable for use for state and local legislative apportionment and for state districting; and

"Whereas, it is vital for legislatures and other bodies to have access to prompt and usable census data if they are to accurately accomplish necessary legislative apportionment and state districting; and

"Whereas passage of H.R. 1753 and H.R. 5035 would materially aid in prompt state access to usable Decennial Census data; now, therefore, be it

"Resolved: that We, your Memorialists, do hereby respectfully request and urge that the United States Congress this year enact into law legislation, substantially the same as H.R. 1753 and H.R. 5035, to aid in the transmittal of federal census data to the states; and be it further

Resolved: that a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House of Representatives and to the President of the Senate of the United States Congress and to each member of the Maine Congressional Delegation."

Assembly Bill 81, chapter 109, adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary:

"ASSEMBLY BILL NO. 81—COMMITTEE ON GOVERNMENT AFFAIRS CHAPTER 109, STATUTES OF NEVADA 1975

"An act relating to civil defense; providing for the ratification of the Interstate Civil Defense and Disaster Compact; and providing other matters properly relating thereto

"The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

"SECTION 1. Title 36 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 and 3 of this act.

"SEC. 2. The legislature of this state hereby ratifies a compact on behalf of the State of Nevada with any other state legally joining therein in the form substantially as follows:

"Interstate Civil Defense and Disaster Compact

"ARTICLE I

"The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

"ARTICLE II

"It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

"(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

"(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

"(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

"(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

"(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

"(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

"(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

"(h) The safety of public meetings or gatherings; and

"(i) Mobile support units.

"ARTICLE III

"Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

"ARTICLE IV

"Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

"ARTICLE V

"No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"ARTICLE VI

"Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

"ARTICLE VII

"Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

"ARTICLE VIII

"Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

"ARTICLE IX

"Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

"ARTICLE X

"This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

"ARTICLE XI

"The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

"ARTICLE XII

"This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

"ARTICLE XIII

"This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the governor of the party State desiring to withdraw to the governors of all other party States.

"ARTICLE XIV

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

"ARTICLE XV

"(a) This Article shall be in effect only as among those States which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

"(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

"1. Searches for and rescue of persons who are lost, marooned, or otherwise in danger.

"2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such pact applies.

"3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

"4. The giving and receiving of aid by subdivisions of party States.

"5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compart applies.

"(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

"(d) Nothing in this Article shall be construed to exclude from the coverage of Articles I–XIV of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

"(e) Nothing in subsection (a) shall be construed to limit previous or future entry into the Interstate Civil Defense and Disaster Compact of this State with other States.

"SEC. 3. Nothing contained in this act shall be construed as a limitation of powers granted in any other act to enter into interstate compacts or other agreements relating to civil defense, or as impairing in any respect the force and effect thereof.

"SEC. 4. Duly authenticated copies of this act shall, upon its approval, be transmitted by the legislative counsel to the governor of each state, to the President of the Senate of the United States, to the Speaker of the United States House of Representatives, to the Federal Civil Defense Administration, or any successor agency, to the Secretary of State of the United States and to the Council of State Governments."

Resolution No. 25–1–1975 adopted by the Saipan Municipal Council of the Mariana Islands; to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 25–1–1975

"A resolution relative to endorsing the covenant to establish the Commonwealth Government for the Northern Mariana Islands

"Whereas, the Covenant for the establishment of the Commonwealth Government of the Northern Mariana Islands was signed by representatives of the United States Government and the people of the Mariana Islands District on February 15, 1975; and

"Whereas, the signing of this historic document will bring to the people in the Mariana Islands District a time measure of self-determination and an opportunity to exercise their God-given right to liberty and freedom; and

"Whereas, more than two years were spent by representatives of the United States and the Mariana Islands District discussing the various options that are open to the people of the Mariana Islands District; the needs of the United States of America; and other pertinent subject affecting the Marianas and the United States; and

"Whereas, we the elected representatives of the Municipality of Saipan, in the exercise of our authority and responsibility to the people do hereby officially go on record as supporting and endorsing the Covenant to establish the Commonwealth Government of the Marianas Island District, now, therefore,

"Be it resolved, by the Twenty-Fifth Saipan Municipal Council, Second Regular Session, 1975, that on behalf of the people of the Municipality of Saipan, the Covenant to establish the Commonwealth Government for the Northern Mariana Islands is hereby endorsed; and

"Be it further resolved, that certified copies of this Resolution be transmitted to the President of United States, President of the United States Senate, and Speaker House of Representatives of the United States Congress, Chairman Senate Committee on Interior and Insular Affairs, and Chairman of House Committee on Interior and Insular Affairs of the United States Congress, Secretary of the United States Department of Interior, Secretary of the United States Department of State, U.S. Ambassador Franklin Haydn Williams, President of the Trusteeship Council of the United Nations, President of the United Nations Security Council, and to the Chairman of the Marianas Political Status Commission."

A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES TO ENDEAVOR TO OBTAIN THE RETURN OF THE REMAINS OF MARINE CORPORAL CHARLES MCMAHON, JR. FROM SOUTH VIETNAM

"*Whereas*, Marine Corporal Charles McMahon, Jr. of Woburn was killed in action while guarding the interests of the United States at Tan Son Nhut Airport in Saigon, South Vietnam, on April 28, 1975; and

"*Whereas*, Marine Corporal Charles McMahon, Jr. was one of the last Americans to lose his life in defense of the interests of the United States in Southeast Asia and in the Republic of South Vietnam; and

"*Whereas*, The United States Marine Corps confirmed on May 7, 1975 that his earthly remains were not able to be evacuated from the country because of severe problems and chaos in the final evacuation of American citizens from Saigon; now, therefore, be it

"*Resolved*, That the Massachusetts Senate hereby requests that the President of the United States, the Secretary of State, the Secretary of Defense and the Commandant of the Marine Corps exert every conceivable effort, diplomatically and otherwise, to secure the safe return of the remains of Marine Corporal Charles McMahon, Jr. to the United States; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the Secretary of State, the Secretary of Defense, the Commandant of the Marine Corps, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

Assembly Joint Resolution No. 26 adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION—MEMORIALIZING THE PRESIDENT, THE SECRETARY OF STATE AND CONGRESS TO UNDERTAKE NEGOTIATIONS WITH CANADA TO STABILIZE THE PRICE OF NATURAL GAS

"Whereas, Substantial amounts of natural gas are consumed in the State of Nevada for residential, commercial and industrial purposes; and

"Whereas, Approximately 70 percent of the natural gas used in Northern Nevada is imported from Canada and since October 1, 1973, the price of natural gas imported from Canada to the United States has tripled in cost from 33 cents per thousand cubic feet to $1 per thousand cubic feet, with most of this increase attributable to increased Canadian taxes; and

"Whereas, In addition to drastic increases in price, the supply of natural gas from Canada has fallen approximately 50 percent below contract levels during some winter months since October 1973; and

"Whereas, Public utilities that use natural gas to produce power must substitute oil which is double the cost of the energy equivalent amount of natural gas, such cost increases being passed on to all electric power customers as higher rates; and

"Whereas, Commercial contracts should be honored and prices should be governed by economic considerations rather than political ones; and

"Whereas, The citizens of Nevada and many other Americans have become the victims of political economics which has threatened our supply of natural gas and artificially raised its price; and

"Whereas, The external relations of the United States under Article II, Section 2 of the Constitution of the United States are the responsibility of the President and his chief officer for foreign affairs, the Secretary of State; and

"Whereas, The Congress is the voice of the people which is responsible for making known and answering the troubles and vicissitudes of the states and their citizens; now, therefore, be it

"*Resolved by the Assembly and Senate of* *the State of Nevada, jointly,* That the legislature hereby respectfully memorializes the President, the Secretary of State and the Congress of the United States to take the steps necessary to bring about negotiations with Canada to stabilize the price of natural gas, to insure its availability and to establish the principle that the future price of natural gas will be based upon sound economic factors; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President, the Secretary of State, the Vice President as presiding officer of the Senate, the Speaker of the House of Representatives and all members of the Nevada Congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

House Resolution No. 31 adopted by the Assembly of the State of California; to the Committee on Foreign Relations:

"HOUSE RESOLUTION NO. 31 RELATIVE TO THE COST OF ASSISTING AND MAINTAINING REFUGEES FROM SOUTHEAST ASIA

"*Resolved by the Assembly of the State of California,* That the Members respectfully memorialize the President and the Congress of the United States to take immediate action to provide that the government of the United States will assume responsibility for costs incurred by the State of California in assisting and maintaining refugees from Southeast Asia; and be it further

"*Resolved,* That the Chief Clerk of the Asembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations:

"JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO AID AND ASSIST VIETNAMESE REFUGES

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the President and Congress of the United States as follows:

"Whereas, the Governor of this State, with whom We, your Memorialists concur, has offered to do all within the capacity of this State to assist in the resettlement of Vietnamese refugees; and

"Whereas, it is in the best, most noble and strongest tradition of the American people to provide succor and shelter to those who, for whatever reason, are forced to flee their homeland; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully request that the United States Government live up to its most noble traditions by providing sufficient financial aid to resettle Vietnamese refugees in peace and dignity; and be it further

"Resolved: That We, your Memorialists, request guidance as to how the State of Maine can best support the efforts of the United States Government in resettling Vietnamese refugees, knowing that our citizens will offer their time, their homes and other means, to assist these refugees in their time of need; and be it further

"Resolved: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Maine Congressional Delegation and to such organizations in this State as may be assembled to aid and assist in the resettlement of Vietnamese refugees."

A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CHANGE THE PROPOSED FEDERAL REGULATIONS FOR TITLE XX, THE SOCIAL SERVICES ACT OF 1974

"We, your Memorialists, the House of Representatives and the Senate of the State of Maine of the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the Congress of the United States, as follows:

"Whereas, the United States Congress has passed the Social Services Act of 1974 and federal regulations have now been issued for Title XX of this Act; and

"Whereas, Title XX affects many social services within this State; and

"Whereas, the Human Service Council of Maine and the Maine Committee on Aging have reviewed the proposed regulations for Title XX; and

"Whereas, many of these regulations have been found to be overly restrictive and overly bureaucratic and will increase the cost of administering these programs; and

"Whereas, these regulations tend to override the intent of Congress in passing this Act, will contribute to a slowdown in the delivery of needed human services and furthermore, run counter to efforts to simplify federal-state programs; now, therefore, be it

"Resolved: That we, your Memorialists, do petition the Congress of the United States to prevail upon the United States Department of Health, Education and Welfare to revise and simplify the complicated regulations of Title XX that will prevent proper service to Maine's elderly and poor; and be it further

"Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House and to the President of the Senate of the Congress of the United States, to each Member of the Maine Congressional Delegation and to the Secretary of the Department of Health, Education and Welfare of the United States."

Assembly Joint Resolution No. 23 adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION—MEMORIALIZING CONGRESS TO STUDY AND CLARIFY THE LAWS AND REGULATIONS PERTAINING TO ACCESS BY GOVERNING AGENCIES TO PERSONAL FINANCIAL INFORMATION IN THE POSSESSION OF FINANCIAL INSTITUTIONS

"Whereas, The Bill of Rights in the Fourth Amendment guarantees freedom from unreasonable searches and seizures and requires issuance of warrants based on probable cause showing what is to be searched; and

"Whereas, Certain accounts and other records of transactions in financial institutions, including banks, savings and loan associations and credit unions, constitute personal papers and effects falling under the protection of the Fourth Amendment; and

"Whereas, The United States Supreme Court has held in *United States v. Bisceglia,* 43 USLW 4242 (1975), that §§ 7601 and 7602 of the Internal Revenue Code of 1954 provide investigative authority that is not limited to situations in which there is probable cause to believe that a violation of the tax laws exists; and

"Whereas, In that opinion the court approved the use of "John Doe" warrants by the Internal Revenue Service to search bank records for evidence of transactions that may reflect avoidance of income taxes; and

"Whereas, Such power could be abused to search personal financial records for whatever might be found of a possibly incriminating nature; and

"Whereas, The Fourth Amendment was designed to prohibit the conduct of arbitrary and nonspecific searches; and

"Whereas, The confidential relationship between financial institutions and their customers, members or depositors is built on trust and must be preserved; and

"Whereas, Customers, members or depositors of financial institutions have the same right to be secure against unwarranted disclosure of their personal records as if the records were in their own possession; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Congress of the United States is hereby memorialized to study the Internal Revenue Code, particularly §§ 7601 and 7602, and appropriate regulations of the Internal Revenue Service and to take remedial action to clarify sections of the law that would allow abuses of Fourth Amendment protections, and to amend the law to prohibit the use of unreasonable, arbitrary and nonspecific searches of the records of financial institutions; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PREVENT SELECTIVE TAXES FROM BEING IMPOSED AS A MEANS TO REDUCE CONSUMPTION OF PETROLEUM BASED FUELS

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

"Whereas, the citizens of Maine acknowledge there is a limited amount of petroleum based fuel left in the world; and

"Whereas, the citizens of this State have been and are continuing to reduce their consumption of petroleum based fuels; and

"Whereas, the imposition of a selective excise tax on noncommercial motorboat motors, snowmobiles and noncommercial aircraft as set forth in Section 323 of House Bill 5005, now before the United States Congress, will cause an undue hardship on said citizens of this State by causing certain selected citizens to pay an extra 20% in order to enjoy their sport; and

"Whereas, this tax will cause an undue hardship on the State Government and the citizens of this State by depriving the State of revenue; now, therefore, be it

Resolved: That We, your Memorialists, do hereby respectfully request and urge the Congress of the United States to do all in its power to not impose selective taxes as proposed in House Bill 5005; and be it further

"Resolved: That the Federal Congress be directed to actively seek alternate sources of fuel and that any program involving the use of petroleum based energy be established on a fair and equal basis; and be it further

"Resolved: That a suitable copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

House Resolution No. 133 adopted by the House of Representatives of the State of Texas; to the Committee on Finance:

"House Resolution

"Whereas, The cattle raisers and feeders of this country, who have worked for years to provide vital food products for the people of this nation and the world, are currently the victims of a destructive economic crisis; and

"Whereas, It is in the best interest of all Americans that the nation's cattle industry not be allowed to collapse and perish; now, therefore, be it

"Resolved, That the House of Representatives of the 64th Legislature of the State of Texas hereby respectfully memorialize the Congress of the United States to ban the importation of foreign beef and beef products for at least a six-month period to permit the nation's industry to recover from the current economic crisis; and, be it further

"Resolved, That official copies of this resolution be prepared and forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be entered officially in the Congressional Record as a memorial to the Congress of the United States."

Assembly Joint Resolution No. 25 adopted by the Legislature of the State of Nevada; to the Committee on Commerce:

"Assembly Joint Resolution—Memorializing Congress To Enact Legislation Restricting States From Withholding Income Tax of Nonresidents

"Whereas, In 1970 Congress adopted P.L. 91–569 permitting a state to require employers to withhold income tax from employees engaged in interstate transportation if more than 50 percent of employment travel occurred in that state; and

"Whereas, Numerous Nevada residents are employed in interstate travel into California and have as much as 95 percent of their employed travel occurring in California; and

"Whereas, California is requiring Nevada-based employers to withhold income tax from the wages of such employees, according to the percentage of employed travel occurring in California, under threat of making the employer responsible for any taxes which are not withheld, with the result that many Nevada residents are paying almost as much tax as permanent California residents; and

"Whereas, These Nevada residents receive no services from the State of California in return for such taxes, nor does their presence in California during the course of their employment result in any expense to California that is not fully compensated for by their employers in the form of highway-use, corporate income and other taxes; and

"Whereas, The withholding of California income taxes from such Nevada residents imposes an unfair and discriminatory burden on them; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Congress of the United States is hereby memorialized to enact federal legislation prohibiting any state other than the state of residence to require withholding of income taxes; and be it further

"Resolved, That copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the Vice President of the United States, as presiding officer of the Senate, the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

Senate Joint Resolution 81 adopted by the Legislature of the State of New York; to the Committee on Banking, Housing and Urban Affairs:

"Senate Joint Resolution Memorializing the Congress of the United States to Enact the 'National Mass Transportation Assistance Act Amendments of 1975'

"Whereas, On February 11, 1975, Senator Harrison A. Williams, Jr. of New Jersey and six other senators introduced in the United States Senate the "National Mass Transportation Assistance Act Amendments of 1975"; and

"Whereas, This act would require that the Secretary of Transportation ensure that all funded projects are planned, designed, constructed and operated to allow effective utilization of public transportation for the handicapped and the elderly; and

"Whereas, This act would also increase the amount available to state and local bodies and non-profit corporations and associations in providing accessible public transportation for the handicapped and elderly and further provide operating assistance to certain rural and small areas for such projects; and

"Whereas, There has previously been a declaration of national policy that elderly and handicapped persons have the same right as others to utilize mass transportation facilities and services; and

"Whereas, The National Mass Transportation Assistance Act of 1974 does not authorize operating assistance for rural and small urban areas; and therefore, be it

"Resolved, That the Congress of the United States be, and it hereby is, respectfully memorialized to enact legislation entitled the "National Mass Transportation Act Amendments of 1975" (S. 662) to provide additional mass transportation assistance to more fully meet the needs of the elderly and handicapped; and authorize operating assistance for rural and small urban areas; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York."

House Concurrent Resolution No. 105 adopted by the Legislature of the State of Hawaii; to the Committee on Armed Services:

"House Concurrent Resolution Requesting the Armed Services Committee, Subcommittee No 5, To Schedule Hearings and Release 1,324 Acres of Ceded Land as Advised by the Department of the Army

"Whereas, the growing population in Wahiawa has caused inadequate park space for recreational use; and

"Whereas, Wahiawa is bordered by a gulch on the northern end and by the East Range on the east; and

"Whereas, the only expansion possible would be on the East Range; and

"Whereas, in accordance with the provisions of 10 USC 2662, the Department of the Army advised the Armed Services Committees of the Congress on June 28, 1974 of its plans to dispose of 1,324 acres of ceded land in Disposal Report No. 495; and

"Whereas, hearings were scheduled on this and other FRESH related real estate projects by Subcommittee No. 5 of the House Armed Services Committee on August 21, 1974; however, because of a lengthy agenda and the reluctance of the Chairman to consider any FRESH projects on a piecemeal basis, Disposal Report No. 495 was not taken up; and

"Whereas, the 93rd Congress adjourned without further consideration of Hawaii real estate matters; now, therefore,

"Be it resolved by the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, the Senate concurring, that the House Armed Services Committee, Subcommittee No. 5 is urged to schedule hearings and release the 1,324 acres of ceded land to the State of Hawaii; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Armed Services Committee, and all members of Hawaii's delegation to the United States Congress."

A resolution adopted by the Fayetteville (North Carolina) Presbytery welcoming the refugees from Southeast Asia; ordered to lie on the table.

A resolution adopted by the Common Council of the City of White Plains, New York, urging the funding of summer youth employment programs; to the Committee on Labor and Public Welfare.

A resolution adopted by the Winter Capital Lodge No. 595, I.B.P.O.E.W., pertaining to the vacancy on the United States District Court for the Eastern District of Louisiana; to the Committee on the Judiciary.

Three petitions seeking a redress of grievances from three citizens of Indiana, and Missouri; to the Committee on Government Operations.

A resolution adopted by the Chamber of Commerce of Saipan, Mariana Islands, relating to the establishment of certain air service to and from Saipan; to the Committee on Commerce.

A resolution adopted by the Council of the City of Watervliet, New York, relating to the proposed relocation of research and development at the Watervliet Arsenal out of New York State; to the Committee on Armed Services.

A resolution adopted by the National Executive Board of B'nai B'rith Women referring to the Arab Boycott; to the Committee on Banking, Housing and Urban Affairs.

Three resolutions adopted by the National Executive Board of B'nai B'rith Women referring to Southeast Asian Refugees, Suspension of Peace Negotiations in the Middle East, and Jews in Foreign Countries; to the Committee on Foreign Relations.

A resolution adopted by the National Executive Board of B'nai B'rith Women referring to Land Use; to the Committee on Interior and Insular Affairs.

Four resolutions adopted by the National Executive Board of B'nai B'rith Women referring to Fair Trade Laws, Voting Rights, White House Conference on Women, and Handgun Ban; to the Committee on the Judiciary.

A resolution adopted by the National Executive Board of B'nai B'rith Women referring to Registration To Vote; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 371. A bill to provide for the striking of medals commemorating the contributions by individuals of various ethnic backgrounds who contributed to the founding of the United States of America (Rept. No. 94–173).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 1716. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes (Rept. No. 94–174).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

Richard C. Holmquist, of Connecticut, to be a member of the Renegotiation Board;

William N. Walker, of Illinois, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador; and

Clayton Yeutter, of Nebraska, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

Paul Webster MacAvoy, of Massachusetts, to be a member of the Council of Economic Advisers; and

James H. Blair, of Michigan, to be an Assistant Secretary of Housing and Urban Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Glee S. Smith, Jr., of Kansas, to be a member of the Board of Directors of the Legal Services Corporation.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILLS REFERRED

The bill (H.R. 6516) to amend title VII of the Consumer Credit Protection Act to include discrimination on the basis of race, color, religion, national origin, and age, and for other purposes, was read twice by its title and referred to the Committee on Banking, Housing and Urban Affairs.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the bill (H.R. 5774) to amend section 1006 of title 39, United States Code, relating to the eligibility of United States Postal Service employees for transfer to other positions in the executive branch, and for other purposes, received from the House today, be referred jointly to the Committee on Post Office and Civil Service and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, June 4, 1975, he presented to the President of the United States the enrolled bill (S. 1236) to extend and amend the Emergency Livestock Credit Act of 1974, and for other purposes.

ORDER FOR STAR PRINT OF REPORT NO. 94–172

Mr. HASKELL. Mr. President, I have a unanimous-consent request. I filed yesterday on behalf of the Interior Committee a report on S. 268. I filed the original and uncorrected version. Therefore, I ask unanimous consent that the correct version of the report be star printed to reflect the corrections.

I send that corrected version to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CULVER:

S. 1848. A bill for the relief of Brigitte Marie Harwood. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 1849. A bill to extend the Emergency Petroleum Allocation Act. Referred to the Committee on Interior and Insular Affairs.

By Mr. EASTLAND:

S. 1850. A bill for the relief of Jin Suk Park. Referred to the Committee on the Judiciary.

By Mr. ABOUREZK:

S. 1851. A bill to establish the Smaller Communities Administration. Referred to the Committee on Government Operations.

By Mr. DOMENICI:

S. 1852. A bill for the relief of Robert Joseph Gallant. Referred to the Committee on the Judiciary.

S. 1853. A bill to provide for a study of the suitability and feasibility of designating Toltec Gorge as a unit of the National Park System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ABOUREZK (for himself and Mr. McGOVERN):

S. 1854. A bill to amend section 103 of title 23, United States Code, to require the capital cities of the States to be connected to the Interstate System. Referred to the Committee on Public Works.

By Mr. BELLMON:

S. 1855. A bill to require the Secretary of Agriculture to take an agricultural census every five years. Referred to the Committee on Post Office and Civil Service.

By Mr. TAFT (for himself, Mr. STEVENSON, Mr. PERCY, Mr. CASE, Mr. McGOVERN, and Mr. GRAVEL):

S. 1856. A bill to require that States which receive Federal payments with respect to any State welfare program consent to suit in the Federal courts in actions brought against the State by claimants for the aid for assistance provided under such program. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 1857. A bill to amend the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, to provide for the adjustment of the so-called target prices for wheat, feed grains, and cotton on the basis of the farmers' increased cost of producing such commodities. Referred to the Committee on Agriculture and Forestry.

S. 1858. A bill to require the Secretary of Agriculture to compute and publish periodically a cost of production index for certain agricultural commodities. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself and Mr. HANSEN) (by request):

S. 1859. A bill to authorize the payment for a 1-year period of a variable allowance to assist in the recruitment and retention of certain physicians in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. LONG:

S. 1860. A bill to amend the Outer Continental Shelf Lands Act to authorize certain revenues from leases on the Outer Continental Shelf to be made available to assist coastal States to defray the impact of energy resources development and production of offshore facilities; to make available revenues for other States; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. LEAHY (for himself and Mr. STAFFORD):

S. 1861. A bill to amend the Anadromous Fish Conservation Act to include fish in Lake Champlain that ascend streams to spawn. Referred to the Committee on Commerce.

By Mr. BENTSEN (for himself and Mr. JAVITS):

S. 1862. A bill to amend the Federal Financing Bank Act of 1973 to provide funds to general units of local government in financial distress. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BEALL (for himself and Mr. PELL):

S. 1863. A bill to consolidate existing authorities under the Vocational Education Act of 1963 in order to create a more efficient mechanism for Federal assistance to States for vocational education. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. JACKSON, Mr. HASKELL, and Mr. GLENN):

S. 1864. A bill to establish a National Energy Information Administration and a National Energy Information System, to authorize the Department of the Interior to undertake a survey of U.S. energy resources on the public lands and elsewhere, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1865. A bill to amend sections 5, 6, 7, and 8 of the Intercoastal Shipping Act, 1933, to make public the financial reports of common carriers by water in interstate commerce and for other purposes. Referred to the Committee on Commerce.

By Mr. HELMS:

S. 1866. A bill for the relief of Haviv Schieber. Referred to the Committee on the Judiciary.

By Mr. MONTOYA (for himself and Mr. Pastore):

S. 1867. A bill to provide that funds appropriated for newly enacted or extended programs shall remain available for an additional fiscal year if such programs are not promptly implemented by the administering department or agency. Referred to the Committee on Government Operations.

By Mr. MONTOYA:

S. 1868. A bill authorizing the Secretary of the Navy to sell certain types of aircraft no longer needed by the Navy to persons engaged in the business of controlling or extinguishing fires in national forests. Referred to the Committee on Armed Services.

By Mr. WILLIAMS:

S. 1869. A bill to amend the Defense Production Act of 1950 to provide for national stockpiles to protect the economic security of the United States. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1870. A bill for the relief of Lt. Frederick R. Marlin, Junior, U.S. Navy. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 1871. A bill to direct the Secretary of the Army, acting through the Corps of Engineers, to provide certain assistance to individuals whose lands are acquired by the Corps of Engineers in carrying out a project under its civil works program. Referred to the Committee on Public Works.

By Mr. MONTOYA (for himself and Mr. Domenici):

S. 1872. A bill to enlarge the boundary of the Cibola National Forest. Referred to the Committee on Interior and Insular Affairs.

By Mr. EAGLETON (for himself, Mr. Morgan, and Mr. Buckley):

S. 1873. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. Muskie, and Mr. Ribicoff):

S. 1874. A bill to authorize appropriations for the period July 1, 1976 through September 30, 1976. Referred to the Committee on Government Operations.

By Mr. BEALL:

S. 1875. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan include provisions for the prevention of crimes against the elderly. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. Talmadge, and Mr. Dole):

S.J. Res. 88. A joint resolution to provide emergency authority to the Secretary of Agriculture to restore confidence in the United States grain inspection system, and for other purposes. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABOUREZK:

S. 1851. A bill to establish the Smaller Communities Administration. Referred to the Committee on Government Operations.

Mr. ABOUREZK. Mr. President, S. 1851, which I introduce today, is a modest bill. It calls for the establishment of a Smaller Communities Administration to upgrade and coordinate the delivery of services to rural and nonmetropolitan areas of the Nation and to act as a spokesman for our smaller communities. This legislation has previously been introduced in the House by Congressman Wright Patman.

Mr. President, smalltown America badly needs a spokesman in the executive branch. The Secretary of Housing and Urban Development heads a department so focused on metropolitan areas that they eliminated the Office of Small Town Services that they once had, and the Secretary of Agriculture would better be called the Secretary of Agribusiness.

Even though rural and smalltown America has only a minority of the Nation's people, it has more than its share of the Nation's problems. With 31 percent of the population, according to the 1970 census, nonmetropolitan areas account for 44 percent of the Nation's poor, for 47 percent of our elderly poor, and for more than half of our occupied substandard housing. They have more than their share of people lacking education beyond the eighth grade and less than their share of doctors and hospital beds.

Despite this greater-than-average need, nonmetropolitan areas generally get less than their share of Federal assistance. When the recent National Conference on Rural America was being organized, I was asked to prepare a background paper on the impact of the Federal budget on rural areas.

In that paper we analyzed the distribution of Federal outlays between metropolitan areas and nonmetropolitan areas and concluded that—

> If there is no conscious policy of metropolitan bias on the part of the Federal government, there certainly is convincing evidence of an unconscious one.

I shall ask unanimous consent that the full text of this paper, "The Federal Budget and Rural America: Where Do All the Dollars Go?" be inserted in the Record at the close of my remarks. I want to emphasize that the statistics are estimates and their reliability may vary from program to program. But they represent the best guess of the various agencies as to what portion of their outlays benefit nonmetropolitan areas.

I would like to call your attention to several of the items in the study. While lagging badly in educational opportunities for its population, nonmetropolitan America evidently gets less than one-fifth of Federal aid to public education. That means on a per capita basis that metropolitan areas get almost twice as much assistance as nonmetropolitan areas—even though the latter would apparently need the help more. With more than half of the Nation's substandard housing, nonmetropolitan areas get only 26 percent of Federal housing payments and only 21 percent of Federal housing credit assistance.

Only one-fourth of Federal outlays to local governments for manpower assistance and for social services are estimated as going to nonmetro areas. Similarly, if aid to Appalachia is excluded, only one-fourth of the outlays in the community and regional development category go to nonmetro communities. And, if you exclude highway programs, only 6 percent of the aid in the commerce and transportation category goes to smaller communities.

The impact of this pattern of discrimination for a State like South Dakota, which is largely rural in character, can be seen from an analysis of the Federal outlay statistics for fiscal year 1974—the most recent year for which those figures are available. While South Dakota ranks 45th in terms of population, it only ranks 48th in terms of Federal outlays. While our State ranks 38th in the Nation in terms of elderly population, 39th in terms of low-income population, and 44th in terms of school-age children, it ranks 45th in terms of outlays from the Department of Health, Education, and Welfare. Our State is 21st in the Nation in miles of highways, but ranks 44th in terms of outlays by the Department of Transportation. Indeed, if funds for highway planning and construction are excluded, per capita outlays by DOT in South Dakota are only two-thirds the national average.

On a per capita basis, Small Business Administration outlays in South Dakota were only 70 percent of the national average, outlays by the Department of Housing and Urban Development were less than three-fourths the national average, and Commerce Department outlays were only 82 percent of the national average. Office of Economic Opportunity outlays per low-income person in South Dakota were only 77 percent of the national average. And, so it goes.

The Smaller Communities Administration I am proposing is certainly no substitute for giving more attention to rural areas and small towns in the design of Federal programs and in the budget priorities we adopt. But it will help. It will give smaller communities a better chance to know about and to use Federal assistance and it can reduce the disparity between the technical resources at their command and those available to the big metropolitan areas.

The Smaller Communities Administration would be staffed to give smaller communities technical assistance. My bill would require coordination of the various grant and credit programs so as to assure smaller communities that their needs are being considered. And it would require representation by the Smaller Communities Administration on policy and planning communities set up at the Federal level. In short, the intent is to increase the equity for small towns under present programs and to assure that their needs are given more consideration in future programs. I hope that this modest suggestion will get serious and sympathetic consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record, together with the paper to which I previously referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1851

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Smaller Communities Act of 1975".

DECLARATION OF POLICY

SEC. 2. The smaller communities of America are essential to the economic vitality of the Nation and a better life for all its people; therefore, the Congress declares it to be a goal of the United States Government to promote the full development of small towns and cities in order to improve the quality of life therein, to strengthen surrounding rural areas, to achieve a more favorable population balance, and to lessen the strain on metropolitan areas.

FINDINGS AND PURPOSE

SEC. 3. (a) Congress finds that—

(1) there is no coordination of Federal assistance to smaller communities;

(2) development projects in smaller communities are often delayed due to the difficulties encountered by such communities in gaining access to information concerning the Federal grant and loan assistance that is available to them;

(3) unlike certain metropolitan areas with governmental departments that direct development and planning activities, smaller communities need Federal technical assistance with respect to such activities;

(4) despite the efficiency and effectiveness which would result from locating components of certain Federal agencies in smaller communities, Federal buildings and installations are often located in major cities; and

(5) smaller communities are inadequately represented in the Federal allocation of resources and scarce materials and in Federal policy and planning efforts, and such communities lack effective participation in the administration of Federal community development programs.

(b) It is the purpose of this Act to establish the Small Community Administration in order to—

(1) develop a national program to coordinate and improve the Federal assistance available to smaller communities;

(2) provide for a single source through which small communities may seek Federal development project assistance;

(3) encourage the development of smaller communities through the coordination of certain Federal loan and grant assistance programs;

(4) provide for an equitable allocation of resources and scarce materials to smaller communities and for adequate representation of such communities in the administration of certain Federal community development programs; and

(5) assist the States in the development and implementation of programs designed to aid smaller communities.

ESTABLISHMENT

SEC. 4. There is hereby established an independent agency in the executive branch of the Federal Government to be known as the Smaller Communities Administration (hereinafter referred to as the "Administration"). The principal office of the Administration shall be located in the District of Columbia and a branch office of the Administration shall be located in each of the several States.

ADMINISTRATOR

SEC. 5. (a) There shall be at the head of the Administration an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be appointed from among persons of outstanding qualifications in private life who are familiar and sympathetic with the needs and interests of small communities.

(b) The Administrator shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level 3 of the Executive Schedule of section 5314 of title 5, United States Code.

(c) (1) The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(2) the Administrator may, from time to time and in a manner consistent with the purposes of this Act, delegate such of his functions as he deems appropriate.

FUNCTIONS

SEC. 6. (a) The Administration shall—

(1) provide technical assistance to smaller communities through—

(A) the use of engineers and planning experts employed by the Administration to work directly with officials of smaller communities regarding development and planning programs; and

(B) the dissemination of such handbooks and other information as the Administrator deems appropriate;

(2) coordinate with the Small Business Administration, Farmers Home Administration, Department of Transportation, Department of Housing and Urban Development, Department of the Interior, Department of Health, Education, and Welfare, Department of Commerce, the Environmental Protection Agency, and such other Federal agencies as the Administrator determines necessary, for the purposes of formulating Federal policy with respect to smaller communities and determining the amount of loan and grant assistance that is—

(A) necessary to meet the needs of smaller communities; and

(B) available through programs administered by such agencies;

(3) represent the interests of smaller communities in the allocation of resources and scarce materials by the Federal Government;

(4) represent the interests of smaller communities in the location and construction of buildings by the Federal Government;

(5) represent the interests of smaller communities before each Federal policy or planning organization that affects the welfare of small communities, including any such Presidential or executive branch policy or planning commission, committee, or task force;

(6) conduct studies and transmit recommendations to the President with respect to—

(A) the factors which promote and inhibit the growth and development of smaller communities;

(B) the effects of existing Federal laws, programs, and regulations on smaller communities, including any adjustments in programs and regulations that the Administrator determines to be in the interest of such communities; and

(7) assist business firms and nonprofit institutions located in smaller communities in the awarding of Federal contracts.

(b) The Administrator is authorized to provide such technical assistance and conduct such studies as required under subsection (a) of this section by making grants and loans to, or entering into contracts with, qualified profit and nonprofit entities to carry out such activities.

(c) The Administration shall not duplicate the work or activity of any other Federal agency and nothing contained in this Act shall be construed to authorize any such duplication unless such work or activity is expressly provided for in this Act.

SMALLER COMMUNITY OMBUDSMAN

SEC. 7. (a) There is established in the Administration an office to be known as the Office of the Smaller Community Ombudsman to be composed of the Ombudsman and such other staff and employees as the Administrator shall appoint pursuant to the provisions of section 8(a) of this Act.

(b) The Ombudsman shall be appointed by the Administrator and shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level 4 of the Executive Schedule of section 5315 of title 5, United States Code.

(c) The Ombudsman shall—

(1) develop and implement an information system designed to compile and disseminate to officials of smaller communities all available information with respect to Federal grant and loan assistance programs that are designed to aid small communities; and

(2) coordinate with each Federal agency that administers any such program to assure that applications submitted for assistance thereunder be properly and expeditiously processed.

STAFF AND CONSULTANTS

SEC. 8. (a) The Administrator may appoint and fix the compensation of such employees as he deems advisable who shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Administrator may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

AGENCY COOPERATION

SEC. 9. The head of each Federal agency shall, upon request, furnish to the Administrator or the Ombudsman, as the case may be, any information or other data which the Administrator or the Ombudsman determines necessary to carry out his functions under this Act.

DEFINITIONS

SEC. 10. As used in this Act—

(1) the term "Federal agency" means any agency, department, corporation, independent establishment, or other entity of the executive branch of the Government of the United States;

(2) the term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget, subject however to such modifications and extensions as the Administrator may determine to be appropriate for the purposes of this Act; and

(3) the term "smaller community" means any community with a population of less than fifty thousand located outside a metropolitan area.

RULES AND REGULATIONS

SEC. 11. The Administrator shall prescribe appropriate rules and regulations to carry out the provisions of this Act.

REPORT TO CONGRESS

SEC. 12. No later than December 31 of each year following the effective date of this Act, the Administrator shall transmit to Congress a report of the activities of the Administration during the preceding year, including therein any legislative proposals that the Administrator determines necessary.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 14. This Act shall take effect upon the expiration of the ninety-day period which begins on the date of the enactment of this Act.

THE FEDERAL BUDGET AND RURAL AMERICA: WHERE DO ALL THE FEDERAL DOLLARS GO?

(By U.S. Senator JAMES ABOUREZK and George W. Rucker, Professional Staff, Senate Budget Committee)

Beginning as a basically agrarian society, the American nation—like the rest of the world—reacted to the technology of the industrial revolution with increased urbanization. As is the way in such things, the pace of change steadily intensified through the years and we became—particularly in the years following the Second World War—a metropolitan society. More recently still, the pattern that has emerged has been that termed megalopolitan—a social landscape that is as unappealing as the term used to describe it.

This process, though rapid, has never been without its critics and resistants. Most visible in recent years have been those raising questions about the impact of megalopolis on the environment and human ecology. Preceding even that concern have been the warnings of some that the polarization and racial and economic concentration implicit in metropolitan and megalopolitan growth pose dangers for the society. Overlaying these more specific questions has been increasing evidence of general unhappiness with the pattern of population distribution. For at least a decade the public opinion polls have consistently reflected a preference for rural and small town life far exceeding the opportunity to enjoy it. A 1971 survey found the greatest dissatisfaction with the place of residence on the part of those living in large urban areas, the least on the part of those living in rural areas or small towns.[1]

As a counterpoint to this rising concern about urban concentration, there have been legislative pronouncements on the need for "more balanced development of all areas of the nation," for "promoting a sound balance between rural and urban America," and to "help reverse trends of migration and physical growth which reinforce disparities."[2] There is also, fortunately, greater recognition that the debate is not really about whether to have a policy but what the policy should be, and how it should be implemented. The 1972 report on national growth sent to Congress by the Nixon Administration argued that it would be inappropriate for the Federal government to seek "the establishment of a single national policy on growth." In fact, a decision not to seek such a policy represents a ratification of what is, an endorsement of the trends already manifested.

The more recent report of the Ford Administration at least admits that "the public sector does influence growth patterns." If not a recognition of Federal responsibility in an affirmative sense, this is at least acknowledgement of some negative responsibility. As a bare minimum, that negative responsibility requires us to ask the question: Does the Federal government bias the situation? Is the pattern of Federal impact one of equity as between metropolitan areas and rural and small town America, or is it one of discrimination against the latter? And a good place to start looking for the answer is with the Federal Budget.

TRYING TO GET A HANDLE ON THE BUDGETARY IMPACT

Obviously, the Federal Budget, now equal in size to one-fourth of the Gross National Product, has some effect on where people live, how well they live while they're there, and whether or not they want to go on living there or move some place else. Just as obviously, measuring what that effect is with any precision is a very tricky proposition. It is not only a matter of how much money is spent, but on what and where. Moreover, the expenditure side of the Budget doesn't tell the whole story. We make all too frequent use of our tax structure to attempt to influence behavior—economic and otherwise. We have now legislatively recognized that these tax preferences are the equivalent of outlays and call them "tax expenditures." Their total size is approaching $100 billion a year—which puts them at a level of one-fourth or more of the direct spending side of the Budget.

Beyond the Budget, which can at least be quantified in dollar terms, even if we disagree as to the per-dollar effect of various programs, lie other Federal policies which have geographic distributional effects and which may make up part of a de facto growth policy by discriminating against some people and places in favor of others. Their effect is indirect and even more difficult to measure, but nonetheless real. Fiscal and monetary policy affect not only the level of economic activity but the type and they can also affect its location. Regulatory activities represent another type of impact—most clearly in the field of transportation, but elsewhere as well.

All of these have their effects and probably none of them is subject to unchallengeable measurement. In attempting to determine what the impact of a particular program is, you have to make some assumptions about what would constitute neutrality: under what circumstances or with what pattern would there be no discrimination for or against a group or an area? In attempting to measure the impact of the Federal Budget one probably should 'weight' some programs more heavily than others, since some programs have more effect on where people live than others. When dealing with non-quantifiable areas, like regulatory policy, things get even more difficult.

The fact that it is difficult to measure the distributional impact of Federal activities and that the job can probably never be done to everyone's satisfaction does not mean that we shouldn't be trying to do it. It is nothing short of scandalous that we aren't trying it a lot more than we are. The Administration, after admitting in the Second Biennial Report on "National Growth and Development," that "the public sector does influence growth patterns that originate in private market decisions," goes on to list at least seven major growth-influencing Federal activities: grants and loans to State and local governments; location and employment levels of Federal installations; procurement of goods and services; direct and indirect Federal construction of public works; taxation; credit management; and regulatory activities.

Knowledge about the cumulative long-term effects of these Federal actions, especially on localities and regions, is very limited. . . .[3]

One way to change that situation may be to start pointing out what we do know or at least think we know about the pattern of Federal spending. That is what this paper, and earlier efforts by others,[4] attempts: to use the data available to document a pattern of "metropollyana" on the part of the Federal Budget. Let those who don't care for the conclusion and/or think our analysis is simplistic and based on weak data answer with their own analysis and better data. At least let the Federal government start asking itself just what the impact of its Budget is and whether there is not a great deal of room for more equity in it.

WHERE DO ALL THE FEDERAL RESOURCES GO?

There are two major official series indicating the metropolitan-nonmetropolitan distribution of Federal expenditures. One is limited to Federal aid to state and local government and is prepared in terms of national aggregates only. It appears each year as a part of the Special Analysis of the Budget, "Federal Aid to State and Local Governments." The other is a far more ambitious effort and attempts to reflect the distribution of all Federal outlays and of Federally-insured credit programs down to the county level and to towns of 10,000 or more population. The effort has been coordinated since the mid-1960's by the Office of Economic Opportunity (now the Community Services Administration), and is published in a series of reports titled "Federal Outlays."

Both sets of information use computerized data and both are really dependent on the quality of the input from the various administrative agencies and departments. There, the similarity ends. The Special Analysis series, prepared by the Office of Management and Budget, requires of the agencies simply an estimate for each program included (i.e., those making grants to public agencies), of the percentage of outlays going to metropolitan areas. The reliability of those estimates obviously varies from agency to agency and program to program. The Federal Outlays series asks each agency to report for as many of its programs as possible the allocation of outlays by state, by county, and by towns of 10,000 or more population. In many instances the actual pattern of distribution may be known. In others it has to be estimated on some basis or another. Again, the reliability of those estimates varies from program to program and agency to agency.[5] Despite these caveats, the two series must be regarded as the "best guess" available from the Federal agencies as to the geographic distribution of their expenditures.

Outlay, who gets the outlays?

Taking the more limited series first, Table I summarizes the figures for FY 1974 outlays to state and local governments in this year's Special Analysis. Covered are about $46 billion in grants, nearly one-fourth of those going for income security programs (including public housing payments). Of the total, 30% is estimated as going to nonmetropolitan areas. In some categories they do pretty well, receiving 34% of aid in the natural resources field, 37% of that in commerce and transportation, and 36% of that in health. In other categories, nonmetropolitan areas get distinctly less than their proportional share of Federal aid to public bodies: 28% of that for community and regional development, 27% of grants for income security, 22% of those for education, manpower and social services, and only 12% of money from the Law Enforcement Assistance Administration.

Even with those categories where nonmetro areas seem to do well, there are significant variations. The figure for commerce and transportation is skewed by the figures for highway aid, for example. Within the natural resources category, funds from the Environmental Protection Agency are disproportionately aimed at metropolitan areas. If one excludes from Table 1 the outlays for the highway program, Medicaid, and general revenue-sharing, then the share of the remainder shown as going to nonmetropolitan areas is only 26%, significantly below their share of the population.

As has been acted, Table 1 reflects only a limited aspect of the budget. The outlays covered in this series amounted to 17% of all outlays in FY 1974. Data from the more comprehensive "Federal Outlays" series are summarized in Table 2, which presents figures for FY '72 and FY '73 from the most recent report on "Government Services to Rural America."[6]

Footnotes at end of article.

TABLE 1.—FEDERAL AID TO STATE AND LOCAL PUBLIC AGENCIES, FISCAL YEAR 1974

Selected programs and functions	In millions: Total outlays	In millions: Nonmetro outlays	Percent Nonmetro
National defense	$64	$32	50
Natural resources:			
EPA	1,623	406	25
Other	514	322	63
Total	2,137	728	34
Agriculture	511	303	59
Commerce and transportation:			
Highways	4,512	1,923	43
Urban mass transit	518	2	(1)
Other	258	56	22
Total	5,288	1,981	37
Community and regional development:			
Urban Renewal and Model Cities	1,671	324	19
Community Services Administration	622	120	19
Appalachia	286	174	61
Other	745	296	40
Total	3,324	914	28
Education, manpower, and social services:			
Elementary and Secondary Education	1,665	309	19
Vocational education	569	68	12
Comprehensive manpower assistance	1,137	285	25
Social services	1,471	368	25
Rehabilitation services	$1,240	$372	30
Other	2,639	512	19
Total	8,721	1,914	22
Health:			
Medical assistance	5,818	2,251	39
Other	1,474	365	25
Total	7,292	2,616	36
Income security:			
Public assistance	5,423	1,404	26
Food and nutrition	4,315	1,334	31
Housing payments	1,116	279	25
Other	458	92	20
Total	11,311	3,108	27
Revenue sharing and fiscal assistance:			
Revenue sharing	6,106	1,832	30
Other	518	217	42
Total	6,624	2,049	31
Law enforcement assistance	637	77	12
Other functions	130	103	79
Total aid	46,040	13,826	30

Less than 0.5 percent.

Source: Special analyses, Budget of the U.S. Government, fiscal year 1976, "Federal Aid to State and Local Governments", tables 0-6 and 0-8, pp. 244 and 246-9.

TABLE 2.—SHARE OF FEDERAL OUTLAYS AND CREDIT PROGRAMS GOING TO NONMETROPOLITAN AREAS, BY FUNCTIONS, FISCAL YEARS 1972 AND 1973

	Fiscal year—						Per capita outlays			
	1972			1973			Metro		Nonmetro	
	Outlays (millions)		Percent nonmetro	Outlays (millions)		Percent nonmetro				
	Total	Nonmetro		Total	Nonmetro		1972	1973	1972	1973
Direct outlays (including grants):										
Commercial agriculture	$3,942	$3,035	77	$4,628	$3,648	79	$6	$7	$56	$67
Resources and conservation	1,217	791	65	1,340	837	62	3	3	14	15
Community development	3,726	663	18	4,997	876	18	23	29	14	18
Transportation	5,799	2,102	36	5,346	1,669	31	25	25	38	30
Revenue sharing				6,636	1,493	22		35		27
Housing	816	208	25	620	163	26	4	3	4	3
Education	1,832	654	36	2,058	690	34	8	9	12	12
Health and medical assistance	5,247	1,532	29	6,719	1,531	23	25	33	28	25
Welfare and poverty	10,418	2,904	28	10,473	2,835	27	48	52	50	51
Social security and retirement	57,211	16,610	29	72,377	20,914	29	275	351	301	371
Employment and manpower training	4,509	747	17	4,119	711	17	25	23	14	13
Defense and space	69,895	10,742	15	70,621	10,776	15	402	404	188	195
Total direct outlays	164,612	39,716	24	189,935	46,142	24	845	974	718	826
Loans and federally insured credit:										
Commercial agriculture	3,650	3,186	87	2,474	2,134	86	3	2	57	38
Community development	2,734	1,359	50	4,357	1,774	41	9	17	24	32
Housing	21,140	3,338	16	18,166	3,727	21	122	102	61	60
Medical facilities	215	31	14	234	35	15	1	1		1
Total credit	27,739	7,914	29	25,231	7,669	30	135	122	142	131
Grand total	192,351	47,630	25	215,165	53,812	25	980	1,097	859	956

Note: Numbers do not always add to totals because of roundings.

Source: Adapted from appendix tables 1 through 4, "Fifth Annual Report of the President to the Congress on Government Services to Rural America."

Direct outlays covered by this analysis totalled $164.6 billion in FY '72 and $189.9 billion in FY '73—roughly three-fourths of all Federal outlays in each year. The share of this accounted for by nonmetro areas was 24% in each of the two years, well below the share reflected in the OMB's series on aid to public bodies. Again, there are wide variations between program areas. Nonmetro areas account for about three-fourths of Federal outlays for agriculture and resources and conservation. The only other categories in which more than 30% of outlays went to nonmetro America were transportation (again including the highway program) and education. At the other end of the scale, nonmetro areas got less than one-fifth of the outlays from community development grants, for employment and manpower training, and on national defense and space.

Putting it another way, per capita Federal outlays were smaller in nonmetro areas than in metro areas in six categories, slightly larger in five, and the same in one. Over all, per capita outlays in nonmetro areas were about 15% lower than in metro areas.

In addition to direct outlays, Table 2 summarizes data on Federal credit programs—either direct or guaranteed. The program levels involved here totalled $27.7 billion in FY '72 and $25.2 billion in FY '73. About three-fourths of this is in housing credit—most of that accounted for by Federal Housing Administration programs. While the nonmetro share of this housing credit increased between FY '72 and FY '73 (from one-sixth of the total to one-fifth), the disparity was still substantial in the second year. On a per capita basis, Federally influenced housing credit in nonmetro areas was less than 60% that in metro areas.

The other major categories of Federal credit reflected in Table 2 are agriculture and community development. In both cases, nonmetro areas got more than their share, on a per capita basis. Given the recognized shortage of credit in most rural areas, the increased role of Federally-influenced credit is not too surprising. Note also, that the situation for community development loans is the reverse of that for community development grants. When the per capita figures for both categories are combined, then metro areas and nonmetro areas received nearly comparable amounts: $46 and $50, respectively. Given the far greater subsidy implicit in grants as compared with loans, the balance is clearly in favor of the metropolitan areas.

The pattern for the two years is rather stable. In only five of the fifteen categories is the share going to nonmetro areas different by three or more percentage points in FY '73 as compared to FY '72. As noted, the nonmetro share of housing loans increased by 5%. The nonmetro share of community development loans dropped 9%, and the nonmetro share of grants also declined for health and medical assistance (by 6%), transportation (by 5%), and resources and conservation (by 3%).

Taking a closer look

While these over-all patterns of Federal outlays tell part of the story, it is worth looking behind the simple per capita figures to the extent we can. As an earlier analysis pointed out—

Equal per capita Federal outlays among county groups does not necessarily mean that the people living in these counties received the same quality of service. Particularly in low income, low density, rural counties, per capita Federal outlays may need to be higher because of: (1) the limited ability of low income counties to raise State and local moneys to finance government services, (2) the inability of more sparsely settled counties to achieve economies of scale (lower cost per person) in providing comparable government services, and (3) the frequent need for more capital investment, on a per capita basis, to compensate for past inequities.[7]

The first of those reasons is particularly relevant, for example, to the case of community development outlays. As has been already noted, an apparent near-parity in this category between metro and nonmetro outlays can be regarded as an example of relative short shrift for nonmetro areas.

Housing

Moreover, for programs the constituency of which is not necessarily the total population, differences in outlay distribution are to be expected. The question is whether or not they are equitably related to the distribution of those the program is supposed to serve. Housing provides a particularly striking example. The 1970 Census data show that nonmetro areas account for 57% of the nation's "substandard" year-round housing, and for 54% of that which is occupied. An analysis of housing need done for the Department of Housing and Urban Development by the Harvard-MIT Joint Center for Urban Studies concluded that nonmetro areas contain 57% of the households occupying "physically inadequate" housing as they defined it, and 41% of total housing "deprivation" (including that stemming from rents that take too large a bite out of family income).[8] Compared with any of these measures, Federal housing assistance to nonmetropolitan areas has been lagging far behind. With half or more of the problem, those areas have gotten less than one-fourth of the outlays and credit.

Income Security and Welfare

Similarly, both Table 1 and Table 2 show nonmetro areas receiving about 27% of outlays for income security or welfare and poverty. But the Census data show that almost 44% of the nation's officially-designated poor reside in nonmetropolitan counties. On that basis, outlays per capita for the poverty population in nonmetro areas were less than half those in metro areas.

Jobs and Job Training

Outlays for employment and manpower training look bad enough on a straight per capita basis, with only 17% shown by Table 2 as going into nonmetro areas. Here, too, Census data indicate that things are even worse, with nonmetropolitan counties having 29% of the labor force and 31% of the unemployed.[9]

Education for Children

Looked at in this way, the figures on Federal aid for education seem decidedly less satisfactory for nonmetro America. It accounts for nearly 32% of the nation's elementary and secondary school enrollment and a slightly larger percentage of the population five to nineteen years of age. Yet the Special Analysis data indicate that only one-fifth of grants for elementary and secondary education go to nonmetro governments, and the figures on total education outlays show only 34% going outside of metropolitan areas.

Retirement and Social Security

The same sort of adjustment is necessary in the case of outlays for retirement and social security—the second-largest category in dollar terms. Nonmetropolitan areas contain almost 36% of the nation's population aged 65 and over. They account for more than 47% of the poverty population in that age bracket. Given those figures, the 29% of outlays for social security and retirement going to nonmetro people seems distinctly inadequate. Based on the more conservative definition of "target population," per capita outlays in nonmetro areas are seen to be less than three-fourths those in metro areas.

Highways

An implicit assumption in all this has been that dollars spent in an area help that area. This is presumably an assumption that is generally more or less valid. In some cases, though, it needs to be scrutinized. Highway programs furnish a prime example. As is set forth in Table 1 and implicit in Table 2, outlays for highway construction are a dominant element in the transportation category. Between 35% and 45% of those funds reportedly go to nonmetropolitan areas, which get only a miniscule share of other transportation expenditures. At least one study of the locational impact of Federal activities lists the national highway program as one of "the most powerful influences on patterns of regional development." But, it goes on to say that "the national highway program has reinforced established patterns of settlement and communication," and by "enlarging the trading areas and commuting sheds of many larger towns" has been "accelerating the demise of smaller communities and accelerating the polarization of national development patterns."[10] In short, the highway dollars going into rural and small town America have had a reverse impact, often stimulating decline rather than economic health.

Farm Programs Subsidize Concentration

Agriculture programs offer another, though more complex example. To the extent that it can be argued that Federal outlays in agriculture have been biased toward large-scale production and agri-business, it can be argued that they have contributed to metropolyana rather than countered it. Indeed, the study just cited lists as the first of the "perhaps unintentional" results of our "congeries of policies and programs" the promotion of "the industrialization of American agriculture."[11] This factor must be kept in mind when regarding those substantial nonmetro dollars in the agriculture category.

Finally, as argued earlier, some programs may be more important than others in their impact on where people live and how well. A 1970 survey of 42 Federal assistance programs, for example, concluded that only six had "moderate or heavy impact on national development."[12] Only the national highway program, previously discussed, was rated as having "heavy impact." The others were: sewer and water programs, urban renewal, housing guarantees by the Federal Housing Administration, housing interest deductions (in the tax law), and new community assistance. Estimates of the FY '73 distribution of expenditures under four of those are presented below.[13]

[Dollar amounts in millions]

	Total outlays	Nonmetro outlays	Percent nonmetro
Sewer and water programs	$2,027	$584	29
Urban renewal program	811	157	19
Housing guarantees (FHA)	18,244	3,742	21
Housing interest deductions	4,400	880	20
Total	25,482	5,363	21

Source: Interest deductions estimated; rest same as source for table 2.

It is worth noting that only funds for water and sewer programs go into nonmetropolitan areas in anything like an equal per capita basis.

Some "off-budget" items

The inclusion in the list of programs significant for national development of the tax deduction for mortgage interest underlines another previously mentioned aspect. So-called tax expenditures play a very large role in our economy. Although they are equal in size to almost one-third of direct spending by the Federal government, they don't appear in the Budget. As the recent report on housing goals notes, "The most important housing tax subsidy is the deduction by homeowners of mortgage interest payments and local real estate taxes.[14] Together, these two deductions cost the Treasury an estimated $7.9 billion in 1973. As that report also points out, the subsidy greatly favors the wealthy. Of those taking advantage of the subsidy, the one-fourth with adjusted gross incomes of $20,000 and above received more than half the benefits. (These taxpayers, it should be noted, constitute less than 15% of all taxpayers.) At the other end of the income scale, tax payers with incomes below $10,000 received less than 9% of the benefits. (More than half of all taxpayers are in this income category, but only a small portion of them—less than 15%—were in a position to take advantage of the tax subsidy.)

Because of this bias in favor of upper income homeowners and because of the preponderane of lower incomes in nometropolitan areas, the mechanism is automatically biased against nonmetropolitan areas. Based on Census data showing the distribution of homeowners by income class inside and outside of metropolitan areas, it is certain that no more than 20% of the benefits from these tax expenditures go to nonmetro households. If allowance is made for the fact that the average value of houses and the average property tax per $1,000 of value are both lower in nonmetropolitan areas, the share is likely to be closer to 15% and perhaps below.

Studies of other tax policies conclude also that they favor new construction and development. This means a further reinforcement of the pattern of outmigration from older areas, both rural and urban, toward increased suburban sprawl.[15]

Monetary policy also has regional effects, though indirect. Tight money has a substantial adverse effect on local government borrowing and small business borrowing. In both cases, nonmetro areas feel the pinch more. The result of Federal policy here as in other places is to accelerate and reinforce the direction set by the private sector—and that usually means more metropolyana.

Summing up

This look at the Federal Budget and its impact on rural areas and small towns has been necessarily abbreviated. The analysis, like the data, must be regarded as tentative and far from complete. But the general pattern is depressingly clear. Despite general rec-

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Footnotes at end of article.

ognition that nonmetropolitan areas have a disproportionate share of the nation's problems; despite equivalent recognition that this is both a cause and an effect of rural-urban migration and metropolitan compaction; and despite substantial official rhetoric in favor of "rural-urban balance," of giving priority to "the revitalization and development of rural areas," of fostering "the continued economic strength of all parts of the United States," and the like, virtually all the evidence we have points to a pattern of inequity for rural areas and small towns.

"The stone bumps the jug..."

In most categories of Federal outlays, nonmetropolitan areas get less than their fair share, and where they get more than their share, the effect is frequently to make things worse.

Conspiracy or a system—What's the difference?

If there is no conscious policy of metropolitan bias on the part of the Federal government, there certainly is convincing evidence of an unconscious one. One need not subscribe to any conspiracy theory to explain this. In listing the various aspects of this "perhaps unintentional" body of policy, David Hartley and his associates include four points which are of key importance:[16] Federal policy "Reacts to rather than shapes the economic consequences flowing from the patterns of private investment;" with few exceptions, public investment follows rather than leading private investment; the allocation and direction of geographic shifts of manpower is left to private decisions and information "with minimal public attempts to influence these flows;" and the resulting depopulated rural regions are left "to their own devices in adjusting to shifts in the patterns of national settlement and economic activity."

PEOPLE VERSUS BUSINESS

In short, public policy underwrites private sector decisions rather than offering a framework even of neutrality, much less conscious direction in the public interest. In the face of the ever-mounting evidence that the shape of the society we have is neither the healthiest possible nor the one which most people want, this reactive role is unacceptable. The market mechanism is an extremely useful in institution—particularly when it is in a position to deal with all the facts and it is not subject to manipulation by concentrations of forces. But we have long recognized that economic activity has costs that are not reflected in the market mechanism. In times of depression we are particularly conscious of some of the social costs. In recent years, we have also begun to give priority attention to ecological costs. The point is that it is the role of the political process and the duty of public policy to deal with those issues. To go on blindly underwriting the metropolitan bias of the market mechanism is to abdicate public responsibility.

We need to take a much closer look at what the Budget impact is in terms of rural urban balance, in terms of geographic equity as well as racial and economic equity. Considering our sophistication in complex econometric modeling and our passion for detailed accounting and cost-benefit analysis, the state of our real information about those impacts is pretty pathetic.

But more important than that closer look and the better data and analysis that must go into it, is the willingness to do something about it. If we really mean what we say about "rural-urban balance" and "a decent home in a suitable living environment," then we should see to it that the impact of the Budget is in support of those goals. At the very least, we must seek to end the situation in which the impact is undermining those goals.

FOOTNOTES

[1] See "National Population Distribution Policy," Report of Task Force No. 1 of the Science Advisory Panel, Committee on Public Works, U.S. House of Representatives, *A National Public Works Investment Policy,* Task Force Reports, pp. 12–14 and 25–26.

[2] See Title VII, Housing and Urban Development Act of 1970, and Title IX, Agriculture Act of 1970.

[3] *National Growth and Development,* Second Biennial Report to Congress Submitted pursuant to Section 703(a) of Title VII, Housing and Urban Development Act of 1970, December 1974, p. 3.

[4] Notably Dr. Fred Hines of the Department of Agriculture.

[5] Perhaps the most flagrant case of unreliability is that for public housing payments where the HUD staff person responsible couldn't be bothered to estimate below the state level and simply assigned all of each state's share to its largest city.

[6] *Fifth Annual Report of the President to the Congress on Government Services to Rural America,* Pursuant to Title IX, Section 901(e), of the Agricultural Act of 1970, December 1974. Analysis of the OEO-collected data has become a regular feature of this report. For an earlier analysis, see also *The Economic and Social Condition of Rural America in the 1970's,* Part 3, "The Distribution of Federal Outlays Among U.S. Counties," Committee Print, Senate Committee on Government Operations, December 1971.

[7] "The Distribution of Federal Outlays Among U.S. Counties," *op. cit.,* pp. xi–xii.

[8] *Housing Needs in the United States, 1970–1980,* December 1973. The use of rental housing as the basis for measuring "economic deprivation" biases the estimates in favor of urban areas where rental housing is more prevalent.

[9] The unemployment situation has obviously changed dramatically since the Census, but there is serious question as to the reliability of more current unemployment data for rural areas. In any event, the outlay data are for periods prior to the recent surge in unemployment.

[10] David Hartley, Janet Patton and Lucia Findley, "The Regional Impacts of Federal Policy," in *A National Public Works Investment Policy,* Background Papers prepared for the Committee on Public Works, U.S. House of Representatives, November 1974, pp. 94 and 96.

[11] *Ibid.,* pp. 92–93.

[12] *Federal Activities Affecting Location of of Economic Development,* cited by Terrie Gale, "National Growth Policy," *Toward a National Growth Policy: Federal and State Developments in 1973,* Congressional Research Service, December 1974, p. 373.

[13] Outlays for new community assistance were too small to be of any significance ($121,000 in FY '73 grants).

[14] *Sixth Annual Report on National Housing Goals,* House Document 94–18, January 1975, pp. 17–18.

[15] See Richard Slitor, *The Federal Income Tax in Relation to Housing,* 1968, cited in Hartley et al., *op. cit.,* p. 102.

[16] *Ibid.,* p. 93.

By Mr. DOMENICI:

S. 1853. A bill to provide for a study of the suitability and feasibility of designating Toltec Gorge as a unit of the National Park System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, I send to the desk for appropriate reference a bill which would authorize the Secretary of the Interior to study the desirability of including Toltec Gorge as a unit of the National Park System.

The Toltec Gorge is located along the Los Pinos River northeast of Chama, N. Mex. and it contains some of the most rugged terrain in New Mexico.

The only transportation to Toltec Gorge is on the Cumbres and Toltec scenic railroad. During the 93d Congress legisltaion which I sponsored was enacted to grant the consent of the Congress to the Cumbres and Toltec scenic railroad compact. The approval of this compact permitted the joint acquisition, ownership and control of the interstate narrow gage scenic railroad by the States of New Mexico and Colorado.

Mr. President this railroad is the only extant 19th century narrow-gage line in the West. It was built in 1880 and was originally part of the Denver-Rio Grande Western Railroad. It was the major means of transportation into and out of this section of the country for nearly half a century. The C. & T. S. Railroad was recently designated as a national historic site.

Because of the unique history of the railroad and the unparalled scenic wonder of the gorge it transverses it would make an ideal part of our National Park System.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to conduct a study of the feasibility and desirability of administering the Toltec Gorge in the States of New Mexico and Colorado as a unit of the National Park System. No later than one year from the date that funds for such study are made available to him, the Secretary shall submit to the Congress a report thereon, including his recommendations as to any further legislation as may be necessary.

Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. BELLMON:

S. 1855. A bill to require the Secretary of Agriculture to take an agricultural census every 5 years. Referred to the Committee on Post Office and Civil Service.

Mr. BELLMON. Mr. President, the purpose of this bill is to transfer the responsibility of taking the agricultural census from the Bureau of Census in the Department of Commerce to the Statistical Research Service in the Department of Agriculture. The agriculture census is taken every 5 years with the next census to begin in October, 1979.

Considering the contributions of all producers of statistics, private business, local and State governments, universities and the Federal Government, the statistical measurements related to agriculture are probably more extensive than for any other sector of the U.S. economy. The major suppliers of these statistics are the census of agriculture of the Bureau of

Census, Department of Commerce, the program of current agriculture statistics as conducted by the Statistical Reporting Service, Department of Agriculture and the program of agricultural statistics supported by a number of State governments.

All phases of the agricultural census have been carried out under cooperative wording relationships between the Department of Agriculture and the Bureau of Census. However, the data compilations have had important shortcomings. Furthermore, the long period between data collection and publication has made the results less useful than desired. The census generally was not available as a tool for revising important, current statistical series until 1 or 2 years, or longer, after the census reference date. This delay has often substantially decreased the usefulness of the agriculture census.

The census of agriculture is and should be conducted under a law that prohibits access by other than Census staff to any source data collected from persons or firms as part of the census process. This law is rigidly adhered to by the Bureau of the Census. It is essential to protect the individuals concerned. The Bureau of the Census files contain data that would be of utmost importance to SRS in the design of its sample surveys. This information can be shared without breaching confidentiality rules. Minimum information needed is the name and address of an agricultural enterprise, a measurement that denotes its relative size, and an indicator of the type of agricultural enterprise.

On the other hand, SRS has not totally prohibited the Bureau of the Census from access to selected information in SRS files. For each 5-year census, SRS has provided the Census Bureau with names and addresses, particularly of large agriculture operations. SRS has also assigned professional personnel on a reimbursable basis, to assist the Census Bureau with data collection and analysis. Nevertheless, the existence of this one-way street rather than equal exchange of important data between the two agencies has probably reduced the amount of meaningful assistance SRS might have provided for the census of agriculture and vice versa.

Mr. President, transferring the responsibility of taking the agricultural census from the Bureau of Census to the Statistical Reporting Service would remedy many inefficiencies in maintaining agriculture statistics that occur under the present system. Currently, the two departments are duplicating sampling, as well as other procedures, that would be remedied by this bill. A savings in cost and an improvement in quality of information would result.

High risks and low margins in today's modern, efficient food and fiber industry spell headaches, nightmares, and even disaster for the uninformed. This situation is creating growing demands for new and better statistical data, as well as improved data collection systems. Moving the agriculture census to the Statistical Reporting Service will be a big step in the right direction.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That (a) notwithstanding any other provision of law, the Secretary of Agriculture shall, beginning in the month of October 1979, and in the same month of every fifth year thereafter, take a census of agriculture.**

(b) The agricultural census required to be taken by subsection (a) of this section shall be in lieu of the agricultural census required to be taken under section 142 (a) of title 13, United States Code.

By Mr. TAFT (for himself, Mr. STEVENSON, Mr. PERCY, Mr. CASE, Mr. MCGOVERN, and Mr. GRAVEL):

S. 1856. A bill to require that States, which receive Federal payments with respect to any State welfare program, consent to suit in the Federal courts in actions brought against the State by claimants for the aid or assistance provided under such program. Referred to the Committee on Finance.

Mr. TAFT. Mr. President, today I am introducing legislation designed to close a legal loophole which leaves intended beneficiaries of State administered, federally funded assistance programs helpless to recover benefits denied by States in clear violation of Federal laws.

This legislation is made necessary by an unfortunate 5 to 4 Supreme Court decision rendered March 25, 1974, in which the Court ruled that the 11th amendment to the Constitution bars Federal courts from ordering State officials to pay retroactive program benefits even if they recognize that the State officials acted unlawfully in withholding these benefits. The Court said that Federal courts would have the power only to order the State officials to comply with Federal law in the future.

The case was brought as a class action by John Jordan, an elderly Chicago beneficiary of aid to the aged, who wished to protect himself and others receiving aid from delays in the provision of assistance which were held to be illegal by the district court—a ruling which was not contested by higher courts. His case was predicated on the simple concept assumed valid, in my judgment, by the vast majority of us, that a State which participates voluntarily in federally funded programs certainly must abide by Federal laws and regulations governing the administration of the program.

The 11th amendment literally prevents suits against States in Federal courts by foreign citizens or citizens of other States. Mr. Justice Brennan expressed his belief that it is not applicable to suits against a State by citizens of the same State, as in Jordan. Furthermore, the Court's decision was an express overruling of recent decisions in which it has held for other reasons that courts could order States to pay retroactive benefits withheld in violation of Federal law.

These decisions were based on the proposition that "when a State leaves a sphere that is exclusively its own and enters into activities subject to congressional regulation, it subjects itself to that regulation as fully as if it were a private person or corporation." *Parden* v. *Terminal R. Co.*, 377 U.S. 184, at 196.

Such rulings, coupled with reinforcing statutes—as noted in Mr. Justice Douglas' dissent to Jordan, which I will have printed at the end of my remarks—and the voluntary nature of State participation in these federally funded programs, led Mr. Justice Douglas, Mr. Justice Marshall, and Mr. Justice Blackmun to conclude that by agreeing to participate in the aid to the aged program, States automatically waive whatever immunity they might otherwise have from Federal court orders requiring retroactive payments of benefits.

The effects of the Supreme Court decision on the operation of the Federal assistance programs affected could, unfortunately, be extremely serious, As Mr. Justice Marshall and Mr. Justice Blackmun noted, no remedy other than the Courts' power to order retroactive payment of benefits can effectively deter States from the strong temptation to cut welfare budgets by circumventing the stringent requirements of Federal law. Unless this loophole is closed, State bureaucrats will be able to violate Federal regulations freely, without fear that effective action will be taken against their State.

The Court's argument in the Jordan case rested largely on the premise that because Congress did not specifically require the State to waive its immunity to suit in Federal court as a condition for participation in the aid for the aged program and the State did not take specific voluntary action to do so, the State retained that immunity. This bill would restore the legal rights of affected program beneficiaries, by requiring States to waive immunity to suit as a condition for future Federal financial participation in State administered assistance programs. The principal programs covered would be medicaid and aid to families with dependent children—AFDC.

In my view, this issue has nothing to do with congressional support or lack thereof for specific provisions of the assistance programs. Rather, the bill is necessary to insure that once the Congress has decided what those laws are, the citizens we have decided to assist will have appropriate recourse against States which do not comply with those laws.

After I had introduced similar legislation last year, groups as diverse as the American Hospital Association and the American Civil Liberties Union expressed interest in passage of the bill. I am hopeful that the 94th Congress will act quickly and favorably upon this measure.

I ask unanimous consent that an April 3, 1974, Washington Post editorial on this subject; as well as a letter from John D. Young, Assistant Secretary and Comptroller of HEW, to Chairman MAGNUSON of the Appropriations Committee's Labor-HEW Subcommittee, commenting on the rationale for this legislation, be printed in the RECORD at this point. Because of the importance of the Supreme Court's decision to my bill, I also ask unanimous consent that the slip opinion be printed in the RECORD. Furthermore, I ask unanimous consent that following those materials, the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 3, 1974]

WELFARE AND THE COURTS

John Jordan, an elderly Chicago indigent, made a simple assumption about equitable justice in the United States and went to court to test it. Last week Mr. Jordan learned that his assumption was wrong. What he assumed is that if a state is conducting a program that involves federal funds, and if the state violates the federal regulations under which the program was established by Congress, then those who are entitled to the benefits of the program are also entitled to sue the state officials and receive the benefits that had been withheld.

What the Supreme Court said in the case, *Edelman v. Jordan*, is that the 11th Amendment to the Constitution bars the federal courts from ordering state officials to pay retroactive benefits, even if it recognizes that the state officials acted unlawfully in withholding the benefits. The Court said it could order the state officials to behave legally in the future, but it could not order the state to pay back benefits.

Mr. Jordan was eligible for benefits under the Assistance to the Aged, Blind and Disabled program. He applied for them, only to discover that Illinois had a regulation that resulted in long delays before such benefits were paid. The federal regulations called for payment to Mr. Jordan within 30 days. Mr. Jordan was told he would have to wait much longer. And so he sued. His class action was intended to do more than recover the $195.00 he would have received if Illinois had obeyed the federal regulations. He wanted to protect the interests of others in the state who had also been victimized by the delays.

Mr. Jordan won in the federal district court and in the Seventh Circuit of the U.S. Court of Appeals. At the Circuit Court level, Illinois asserted its rights under the 11th Amendment, which has been held to bar suits in federal courts brought by residents against their states. The amendment, adopted in 1798, was originally designed to prevent the federal courts from being able to enforce the claims of foreigners against individual states. It has since become a tricky current in the law and has produced a variety of conflicting holdings.

The Supreme Court's most recent interpretation in *Jordan* is that residents of states who are eligible for aid from federally assisted programs cannot sue the state officials in federal court for violating the regulations laid down by federal agencies or by Congress. The Court held that it could enjoin the state officials from future violation of the regulations, but it could not grant the back benefits that had been denied. The Seventh Circuit held that Illinois waited too long to assert its 11th Amendment right, but the Supreme Court ruled that the 11th Amendment is such a grave bar against federal jurisdiction in such cases that it had to be entertained, no matter how late the hour at which it was invoked.

The implications of this case for the public welfare system are serious. If welfare agencies can withhold funds until the courts tell them to stop, many welfare lawyers fear that delay in the processing of applications could well become the rule rather than the exception. The reason for demanding restitution of lost benefits in the Jordan case is to prevent state bureaucrats from discouraging welfare applicants by putting them through long processes. The federal regulations requiring that applications be processed within 30 days for the elderly indigent, the blind and the disabled were intended to guard against just such bureaucratic delay. The Supreme Court has now removed the federal courts from their equity role in such matters.

The court has said that unless a state consents to such a suit in federal court, the court cannot award back benefits. The court rested its decision on the absence of any specific language in the law requiring states to give up their immunity against such suits as a condition of participation in the program. Since the courts no longer have the power to protect recipients, and since the Congress has left the bureaucrats so large a loophole, it is the Congress that must make its intent clearer.

We are here concerned with the interests of the poorest of our citizens who are elderly, disabled or blind. To leave them at the mercy of the agencies that have already demonstrated their lack of concern is unfair and cannot have been the intent of Congress. What is required now is an amendment of the Social Security Act that would take a simple step to right a wrong. Congress can require that any state that participates in a federal welfare program must waive its immunity against suit under the 11th Amendment. Otherwise, an illegally operated program can continue to be in violation until it is enjoined. And at that, its officials will feel no pressure to do anything other than to begin operating legally from the point at which an injunction has been issued.

The reason for the welfare program is to assist those who are unable to help themselves. It is designed to grant "minimal subsistence" in cases of indigence, infirmity or disability. We give to the John Jordans of this country just enough to stay alive. We require the states to do a simple thing—assist them promptly when they are in need. Since the Supreme Court in Edleman v. Jordan has removed the courts from their traditional equity function in welfare cases, the Congress should act to protect the least among us.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor and Health, Education, and Welfare, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The report of the Committee on Appropriations on H.R. 15580, a bill which was introduced in the Ninety-third Congress and later became Public Law 93-517, directs the Secretary of Health, Education, and Welfare to explore the situation created by the fact that the federal courts do not have jurisdiction to hear claims against a State for recovery of financial assistance which has been improperly denied to an individual.

The problem to which the Committee report refers arises from the Supreme Court's decision in Edelman v. Jordan. The Court held in that case that the plaintiff Jordan could not sue in the federal courts for back payments under the Illinois plan for aid to the aged, blind and disabled approved under title XVI of the Social Security Act without the consent of the State. The Court reasoned that a suit for back payments, as opposed to a suit seeking only prospective relief, was a suit against the State itself. The eleventh amendment to the Constitution and case law preclude the federal courts from hearing suits by private citizens against a State without the State's consent, and the Court concluded that Illinois had not consented to the plaintiff's suit. In our view, the decision reached by the court in Edelman is equally applicable to other state plan programs established by the Social Security Act.

In reaching its conclusion, the Court noted that it was within the power of the Federal Government to make consent to suit in the federal courts a condition of participation by a State in a federal program, but took the view that no such condition was imposed on participation in the program of aid to the aged, blind and disabled. It therefore seems clear to us that the most straightforward means of assuring that the federal courts will have jurisdiction to hear claims against a State for recovery of improperly denied assistance under one of the state plan programs of the Social Security Act is by amending the provisions of the Act establishing those programs to make consent to suits in the federal courts a condition of participation by the State.

Sincerely yours,

JOHN D. YOUNG,
Assistant Secretary, Comptroller.

EDELMAN, DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS V. JORDAN

SYLLABUS

Certiorari to the United States Court of Appeals for the Seventh Circuit; No. 72-1410. Argued December 12, 1973—Decided March 25, 1974)

Respondent brought this class action for injunctive and declaratory relief against the Illinois officials administering the federal-state programs of Aid to the Aged, Blind, and Disabled (AABD), which are funded equally by the Statae and Federal Governments, contending that they were violating federal law and denying equal protection of the laws by following state regulations that did not comply with the federal time limits within which participating States had to process and make grants with respect to AABD applications. The District Court by a permanent injunction required compliance with the federal time limits and also ordered the state officials to release and remit AABD benefits wrongfully withheld to all persons found eligible who had applied therefor between July 1, 1968, the date of the federal regulations, and April 16, 1971, the date of the Court's preliminary injunction. The Court of Appeals affirmed, rejecting the state officials' contentions that the Eleventh Amendment barred the award of the retroactive benefits and that the judgment of inconsistency between federal regulations and state provisions could be given only prospective effect. *Held:* The Eleventh Amendment of the Constitution bars that portion of the District Court's decree that ordered retroactive payment of benefits. PP 7-26.

(a) A suit by private parties seeking to impose a liability payable from public funds in the state treasury is foreclosed by the Amendment if the State does not consent to suit. P. 11.

(b) The Court of Appeals erred in holding that *Ex parte Young*, 209 U.S. 123, which awarded only prospective relief, did not preclude the retroactive monetary award here on the ground that it was an "equitable restitution," since that award, though on its face directed against the state official individually, as a practical matter could be satisfied only from the general revenues of the State and was indistinguishable from an award of damages against the State. *Ford Motor Co.* v. *Department of Treasury*, 323 U.S. 459, followed. *Shapiro* v. *Thompson*, 394 U.S. 168; *State Dept. of Health and Rehabilitation Services* v. *Zarate*, 407 U.S. 918; *Sterrett* v. *Mothers' & Children's Rights Organization*, 409 U.S. 809; *Wyman* v. *Bowens*, 397 U.S. 39, disapproved to extent that their holdings do not comport with the holding in the instant case on the Eleventh Amendment issue. Pp. 12-20.

(c) The State of Illinois did not waive its Eleventh Amendment immunity and consent to the bringing of respondent's suit by participating in the federal AABD program. *Parden* v. *Terminal R. Co.*, 377 U.S. 184, and *Petty v. Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275, distinguished. Nor does the mere fact that a State participates in a program partially funded by the Federal Government manifest consent by the State to be sued in federal courts. Pp. 20–22.

(d) The Court of Appeals properly considered the Eleventh Amendment defense, which the state officials did not assert in the District Court, since that defense partakes of the nature of a jurisdictional bar. *Ford Motor Co. v. Department of Treasury, supra,* Pp. 24–25.

472 F. 2d 985, reversed and remanded.

Rehnquist, J., delivered the opinion of the Court, in which Burger, C. J., and Stewart, White, and Powell, JJ., joined. Douglas and Brennan, JJ., filed dissenting opinions. Marshal, J., filed a dissenting opinion in which Blackmun, J., joined.

Edelman Versus Jordan

Mr. Justice Rehnquist delivered the opinion of the Court.

Respondent John Jordan filed a complaint in the United States District Court for the Northern District of Illinois, individually and as a representative of a class, seeking declaratory and injunctive relief against two former directors of the Illinois Department of Public Aid, the director of the Cook County Department of Public Aid, and the comptroller of Cook County. Respondent alleged that these state officials were administering the federal-state programs of Aid to the Aged, Blind and Disabled (AABD) in a manner inconsistent with various federal regulations and with the Fourteenth Amendment to the Constitution.

AABD is one of the categorical aid programs administered by the Illinois Department of Public Aid pursuant to the Illinois Public Aid Code, Ill. Rev. Stat. c. 23, §§ 3–1 through 3–12 (1971). Under the Social Security Act, the program is funded equally by the State and the Federal Government. 42 U.S.C. § 1381–1385 (1969 ed.).[2] The Department of Health, Education, and Welfare (HEW), which administers these payments for the Federal Government, issued regulations prescribing maximum permissible time standards within which States participating in the program must process AABD applications. Those regulations, originally issued in 1968, required, at the time of the institution of this suit, that eligibility determinations must be made by the States within 30 days of receipt of applications for aid to the aged and blind, and within 45 days of receipt of applications for aid to the disabled. For those persons found eligible, the assistance check was required to be received by them within the applicable time period. 45 CFR § 206.10 (a) (3).[3]

During the period in which the federal regulations went into effect, Illinois public aid officials were administering the benefits pursuant to their own regulations as provided in the Categorical Assistance Manual of the Illinois Department of Public Aid.[4] Respondent's complaint charged that the Illinois defendants, operating under those regulations, were improperly authorizing grants to commence only with the month in which an application was approved and not including prior eligibility months for which an applicant was entitled to aid under federal law. The complaint also alleged that the Illinois defendants were not processing the applications within the applicable time requirements of the federal regulations; specifically, respondent alleged that his own application for disability benefits was not acted on by the Illinois Department of Public Aid for almost four months. Such actions of the Illinois officials were alleged to violate federal law and deny the equal protection of the laws. Respondent's prayer requested declaratory and injunctive relief, and specifically requested "a permanent injunction enjoining the defendants to award to the entire class of plaintiffs all AABD benefits wrongfully withheld."

In its judgment of March 15, 1972, the District Court declared § 4004 of the Illinois Manual to be invalid insofar as it was inconsistent with the federal regulations found in 45 CFR § 206.10(a) (3), and granted a permanent injunction requiring compliance with the federal time limits for processing and paying AABD applicants. The District Court, in paragraph 5 of its judgment, also ordered the state officials to "release and remit AABD benefits wrongfully withheld to all applicants for AABD in the State of Illinois who applied between July 1, 1968 the [date of the federal regulations] and April 16, 197[1] [the date of the preliminary injunction issued by the District Court] and were found eligible . . . ."[5]

On appeal to the United States Court of Appeals for the Seventh Circuit, the Illinois' officials contended, *inter alia*, that the eleventh Amendment barred the award of retroactive benefits, that the judgment of inconsistency between the federal regulations and the provisions of the Illinois Categorical Assistance Manual could be given prospective effect only, and that the federal regulations in question were inconsistent with the Social Security Act itself.

The Court of Appeals rejected these contentions and affirmed the judgment of the District Court. *Jordan* v. *Weaver*, 472 F. 2d 985 (1973).[6] Because of an apparent conflict on the Eleventh Amendment issue with the decision of the Court of Appeals for the Second Circuit in *Rothstein* v. *Wyman*, 467 F. 2d. 226 (1972), we granted the petition for certiorari filed by petitioner Joel Edelman, who is the present Director of the Illinois Department of Public Aid, and successor to the former directors sued below. *Sub nom.* 412 U.S. 937 (1973). The petition for certiorari raised the same contentions urged by the petitioner in the Court of Appeals.[7] Because we believe the Court of Appeals erred in its disposition of the Eleventh Amendment claim, we reverse that portion of the Court of Appeals decision which affirmed the District Court's order that retroactive benefits be paid by the Illinois state officials.[8]

The historical basis of the Eleventh Amendment has been oft-stated, and it represents one of the more dramatic examples of this Court's effort to derive meaning from the document given to the Nation by the Framers nearly 200 years ago. A leading historian of the Court tells us:

"The right of the Federal Judiciary to summon a State as defendant and to adjudicate its rights and liabilities had been the subject of deep apprehension and of active debate at the time of the adoption of the Constitution; but the existence of any such right had been disclaimed by many of the most eminent advocates of the new Federal Government, and it was largely owing to their successful dissipation of the fear of the existence of such Federal power that the Constitution was finally adopted." 1 C. Warren, The Supreme Court in United States History 91 (Rev. ed. 1957).

Despite such disclaimers,[9] the very first suit entered in this Court at its February Term in 1791 was brought against the State of Maryland by a firm of Dutch bankers as creditors. *Ibid.; Vanstophorst* v. *Maryland.* The subsequent year brought the institution of additional suits against other States, and caused consideration alarm and consternation in the country.

The issue was squarely presented to the Court in a suit brought at the August 1792 Term by two citizens of South Carolina, executors of a British creditor, against the State of Georgia. After a year's postponement for preparation on the part of the State of Georgia, the Court, after argument, rendered in February 1793, its short-lived decision in *Chisholm* v. *Georgia*, 2 U.S. (2 Dall.) 419 (1793). The decision in that case, that a State was liable to suit by a citizen of another State or of a foreign country, literally shocked the Nation. Sentiment for passage of a constitutional amendment to override the decision rapidly gained momentum, and five years after *Chisholm* the Eleventh Amendment was ratified by the final State necessary for passage. As ratified in 1789, and unchanged since, the Amendment provides:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

While the Amendment by its terms does not bar suits against a State by its own citizens, this Court has consistently held that an unconsenting State is immune from suits brought in federal courts by her own citizens as well as by citizens of another State. *Hans* v. *Louisiana*, 134 U.S. 1 (1890); *Duhne* v. *New Jersey*, 251 U.S. 311 (1920); *Great Northern Life Insurance Co.* v. *Read,* 322 U.S. 47 (1945); *Parden* v. *Terminal R. Co.,* 377 U.S. 184 (1964); *Employees* v. *Department of Public Health and Welfare*, 411 U.S. 279 (1973). It is also well established that even though a State is not named a party to the action, the suit may nonetheless be barred by the Eleventh Amendment. In *Ford Motor Co.* v. *Department of Treasury*, 323 U.S. 459 (1945), the Court said:

"[W]hen the action is in essence one for the recovery of money from the state, the state is the real, substantial party in interest and is entitled to invoke its sovereign immunity from suit even though individual officials are nominal defendants." *Id.*, at 464.

Thus the rule has evolved that a suit by private parties seeking to impose a liability which must be paid from public funds in the state treasury is barred by the Eleventh Amendment. *Great Northern Life Insurance Co.* v. *Read, supra; Kennecottt Copper Corp.* v. *State Tax Comm'n*, 327 U.S. 573 (1946).

The Court of Appeals in this case, while recognizing that the *Hans* line of cases permitted the State to raise the Eleventh Amendment as a defense to suit by its own citizens, nevertheless concluded that the Amendment did not bar the award of retroactive payments to statutory benefits found to have been wrongfully withheld. The Court of Appeals held that the above cited cases, when read in light of the Court's landmark decision in *Ex parte Young*, 209 U.S. 123 (1908), do not preclude the grant of such a monetary award in the nature of equitable restitution.

Petitioner concedes that *Ex parte Young, supra*, is no bar to that part of the District Court's judgment that prospectively enjoined petitioner's predecessors from failing to process applications within the time limits established by the federal regulations. Petitioner argues, however, that *Ex parte Young* does not extend so far as to permit a suit which seeks the award of an accrued monetary liability which must be met from the general revenues of a State, absent consent or waiver by the State of its Eleventh Amendment immunity, and that therefore the award of retroactive benefits by the District Court was improper.

Ex parte Young was a watershed case in which this Court held that the Eleventh Amendment did not bar an action in the federal courts seeking to enjoin the Attorney General of Minnesota from enforcing a statute claimed to violate the Fourteenth Amendment of the United States Constitution. This holding has permitted the Civil War Amendments to the Constitution to serve as a sword, rather than merely as a

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shield, for those whom they were designed to protect. But the relief awarded in *Ex parte Young* was prospective only; the Attorney General of Minnesota was enjoined to conform his future conduct of that office to the requirement of the Fourteenth Amendment. Such relief is analogous to that awarded by the District Court in the prospective portion of its order under review in this case.

But the retroactive portion of the District Court's order here, which requires the payment of a very substantial amount of money which that court held should have been paid but was not, stands on quite a different footing. These funds will obviously not be paid out of the pocket of petitioner Edelman. Addressing himself to a similar situation in *Rothstein* v. *Wyman*, 467 F. 2d 226 (CA2 1972), cert. denied, 411 U.S. 921 (1973), Judge McGowan[10] observed for the court:

> "It is not pretended that these payments are to come from the personal resources of these appellants. Appellees expressly contemplate that they will, rather, involve substantial expenditures from the public funds to the state . . .
>
> "It is one thing to tell the Commissioner of Social Services that he must comply with the federal standards for the future if the state is to have the benefit of federal funds in the programs he administers. It is quite another thing to order the Commissioner to use state funds to make reparation for the past. The latter would appear to us to fall afoul of the Eleventh Amendment if that basic constitutional provision is to be conceived of as having any present force." *Id.*, at 236–237 (footnotes omitted).

We agree with Judge McGowan's observations. The funds to satisfy the award in this case must inevitably come from the general revenues of the State of Illinois, and thus the award against the State itself, *Ford Motor Co.* v. *Department of Treasury*, *supra*, than it does the prospective injunctive relief awarded in *Ex parte Young*.

The Court of Appeals, in upholding the award in this case, held that it was permissible because it was in the form of "equitable restitution" instead of damages, and therefore capable of being tailored in such a way as to minimize disruptions of the state program of categorical assistance. But we must judge the award actually made in this case, and not one which might have been differently tailored in a different case, and we must judge it in the context of the important constitutional principle embodied in the Eleventh Amendment.[11]

We do not read *Ex parte Young* or subsequent holdings of this Court to indicate that any form of relief may be awarded against the state officer, no matter how closely it may in practice resemble a memory judgment payable out of the state treasury, so long as the relief may be labeled "equitable" in nature. The Court's opinion in *Ex parte Young* hewed to no such line. Its citation of *Hagood* v. *Southern*, 117 U.S. 52 (1886), and *In re Ayers*, 123 U.S. 443 (1887), which were both actions against state officers for specific performance of a contract to which the State was a party, demonstrate that equitable relief may be barred by the Eleventh Amendment.

As in most areas of the law, the difference between the type of relief barred by the Eleventh Amendment and that permitted under *Ex parte Young* will not in many instances be that between day and night. The injunction issued in *Ex parte Young* was not totally without effect on the State's revenues, since the state law which the Attorney General was enjoined from enforcing provided substantial monetary penalties against railroads which did not conform to its provisions. Later cases from this Court have authorized equitable relief which has probably had greater impact on state treasuries than did that awarded in *Ex parte Young*. In *Graham* v. *Richardson*, 403 U.S. 365 (1971), Arizona and Pennsylvania welfare officials were prohibited from denying welfare benefits to otherwise qualified recipients who were aliens. In *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), New York City welfare officials were enjoined from following New York State procedures which authorized the termination of benefits paid to welfare recipients without prior hearing.[12] But the fiscal consequences to state treasuries in these cases were the necessary result of compliance with decrees which by their terms were prospective in nature.

State officials, in order to shape their official conduct to the mandate of the Court's decrees, would more likely have to spend money from the state treasury than if they had been left free to pursue their previous course of conduct. Such an ancillary effect on the state treasury is a permissible and often an inevitable consequence of the principle announced in *Ex parte Young*, *supra*.

But that portion of the District Court's decree which petitioners challenge on Eleventh Amendment grounds goes much further than any of the cases cited. It requires payment of state funds, not as a necessary consequence of compliance in the future with a substantive federal question determination, but as a form of compensation to those whose applications were processed on the slower time schedule at a time when petitioners were under no court-imposed obligation to conform to a different standard. While the Court of Appeals described this retroactive award of monetary relief as a form of "equitable restitution," it is in practical effect indistinguishable in many aspects from an award of damages against the State. It will to a virtual certainty be paid from state funds, and not from the pocket of the individual state official who was the defendant in the action. It is measured in terms of a monetary loss resulting from a past breach of a legal duty on the part of the defendant state officials.

Were we to uphold this portion of the District Court's decree, we would be obligated to overrule the Court's holding in *Ford Motor Co.* v. *Department of Treasury*, *supra*. There a taxpayer, who had, under protest, paid taxes to the State of Indiana, sought a refund of those taxes from the Indiana state officials who were charged with their collection. The taxpayer claimed that the tax had been imposed in violation of the United States Constitution. The term "equitable restitution" would seem even more applicable to the relief sought in that case, since the taxpayer had at one time had the money, and paid it over to the State pursuant to an allegedly unconstitutional tax exaction. Yet this Court has no hesitation in holding that the taxpayer's action was a suit against the State, and barred by the Eleventh Amendment. We reach a similar conclusion with respect to the retroactive portion of the relief awarded by the District Court in this case.

The Court of Appeals expressed the view that its conclusion on the Eleventh Amendment issue was supported by this Court's holding in *Department of Employment* v. *United States*, 385 U.S. 355 (1966). There the United States was held entitled to sue the Colorado Department of Employment in the United States District Court for refund of unemployment compensation taxes paid under protest by the American National Red Cross, an instrumentality of the United States. The discussion of the State's Eleventh Amendment claim is confined to the following sentence in the opinion:

> "With respect to appellants' contention that the State of Colorado has not consented to suit in a Federal forum even where the plaintiff is the United States, see *Monaco* v. *Mississippi*, 292 U.S. 313 (1934), and *Ex parte Young*, 209 U.S. 123 (1908)." 385 U.S., at 358.

Monaco v. *Mississippi*, *supra*, reaffirmed the principle that the Eleventh Amendment was no bar to a suit by the United States against a State. 292 U.S., at 329. In view of Mr. Chief Justice Hughes' vigorous reaffirmation in *Monaco* of the principles of the Eleventh Amendment and sovereign immunity, we think it unlikely that the Court in *Department of Employment* v. *United States*, in citing *Ex parte Young* as well as *Monaco*, intended to foreshadow a departure from the rule to which we adhere today.

Three fairly recent District Court judgments requiring state directors of public aid to make the type of retroactive payment involved here have been summarily affirmed by this Court notwithstanding the Eleventh Amendment contentions made by state officers who were appealing from the District Court judgment.[13] *Shapiro* v. *Thompson*, 394 U.S. 168 (1969), is the only instance in which the Eleventh Amendment objection to such retroactive relief was actually presented to this Court in a case which was orally argued. The three-judge District Court in that case had ordered the retroactive payment of welfare benefits found by that court to have been unlawfully withheld because of residency requirements held violative of equal protection. *Thompson* v. *Shapiro*, 270 F. Supp. 331, 338, n. 5 (Conn. 1967). This Court, while affirming the judgment, did not in its opinion refer to or substantively treat the Eleventh Amendment argument. Nor, of course, did the summary dispositions of the three District Court cases contain any substantive discussion of this or any other issues raised by the parties.

This, case, therefore, is the first opportunity the Court has taken to fully explore and treat the Eleventh Amendment aspects of such relief in a written opinion. *Shapiro* v. *Thompson* and these three summary affirmances obviously are of precedental value in support of the contention that the Eleventh Amendment does not bar the relief awarded by the District Court in this case. Equally obviously they are not of the same precedental value as would be an opinion of this Court treating the question on the merits.

Since we deal with a constitutional question, we are less constrained by the principle of *stare decisis* than we are in other areas of the law.[14] Having now had an opportunity to more fully consider the Eleventh Amendment issue after briefing and argument, we disapprove the Eleventh Amendment holdings of those cases to the extent that they are inconsistent with our holding today.

The Court of Appeals held in the alternative that even if the Eleventh Amendment be deemed a bar to the retroactive relief awarded respondent in this case, the State of Illinois had waived its Eleventh Amendment immunity and consented to the bringing of such a suit by participating in the federal AABD program. The Court of Appeals relied upon our holdings in *Parden* v. *Terminal R. Co.*, 337 U.S. 184 (1964), and *Petty* v. *Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275 (1959), and on the disenting opinion of Judge Bright in *Employees of Department of Public Health and Welfare* v. *Department of Public Health and Welfare*, 452 F. 2. 820, 827 (CA8 1971). While the holding in the latter case was ultimately affirmed by this Court in *Employees* v. *Department of Public Health and Welfare*, 411 U.S. 279 (1973), we do not think that the answer to the waiver question turns on the distinction between *Parden*, *supra*, and *Employees*, *supra*. Both *Parden* and *Employees* involved a congressional enactment which by its terms authorized suit by designated plaintiffs against a general class of defendants which literally included States or state in-

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strumentalities. Similarly, *Petty* v. *Tennessee-Missouri Bridge Comm'n, supra,* involved congressional approval, pursuant to the Compact Clause, of a compact between Tennessee and Missouri, which provided that each compacting State would have the power "to contract, to sue, and be sued in its own name." The question of waiver or consent under the Eleventh Amendment was found in those cases to turn on whether Congress had intended to abrogate the immunity in question, and whether the State by its participation in the program authorized by Congress had in effect consented to the abrogation of that immunity.

But in this case the threshold fact of congressional authorization to sue a class of defendants which literally includes States is wholly absent. Thus respondent is not only precluded from relying on this Court's holding in *Employees,* but on this Court's holdings in *Parden* and *Petty* as well.[15]

The Court of Appeals held that as a matter of federal law Illinois had "constructively consented" to this suit by participating in the federal AABD program and agreeing to administer federal and state funds in compliance with federal law. Constructive consent is not a doctrine commonly associated with the surrender of constitutional rights, and we see no place for it here. In deciding whether a State has waived its constitutional protection under the Eleventh Amendment, we will find waiver only where stated "by the most express language or by such overwhelming implications from the text as will leave no room for any other reasonable construction." *Murray* v. *Wilson Distilling Co.,* 213 U.S. 151, 171 (1909). We see no reason to retreat from the Court's statement in *Great Northern Insurance Co.* v. *Reed,* 322 U.S. 47, 54 (1945) (footnote omitted):

"[W]hen we are dealing with the sovereign exemption from judicial interference in the vital field of financial administration a clear declaration of the state's intention to submit its fiscal problems to other courts than those of its own creation must be found."

The mere fact that a State participates in a program through which the Federal Government provides assistance for the operation by the State of a system of public aid is not sufficient to establish consent on the part of the State to be sued in the federal courts. And while this Court has, in cases such *J. I. Case Co.* v. *Borak,* 377 U.S. 426 (1964), authorized suits by one private party against another in order to effectuate a statutory purpose, it has never done so in the context of the Eleventh Amendment and a state defendant. Since *Employees, supra,* where Congress had expressly authorized suits against a general class of defendants and the only thing left to implication was whether the described class of defendants included States, was decided adversely to the putative plaintiffs on the waiver question, surely this respondent must also fail on that issue. The only language in the Social Security Act which purports to provide a federal sanction against a State which does not comply with federal requirements for the distribution of federal monies is found in 42 U.S.C. § 1384, which provides for termination of future allocations of federal funds when a participating State fails to conform with federal law.[16] This provision by its terms does not authorize suit against anyone, and standing alone, falls far short of a waiver by a participating State of its Eleventh Amendment immunity.

Our Brother Marshall argues in dissent, and the Court of Appeals held, that although the Social Security Act itself does not create a private cause of action, the cause of action created by 42 U.S.C. § 1983, coupled with the enactment of the AABD program, and the issuance by HEW of regulations which require the States to make corrective payments after successful "fair hearings" and provide for federal matching funds to satisfy federal court orders of retroactive payments, indicate that Congress intended a cause of action for public aid recipients such as respondent.[17] It is of course true that *Rosado* v. *Wyman,* 397 U.S. 397 (1970), held that suits in federal court under § 1983 are proper to secure compliance with the provisions of the Social Security Act on the part of participating States.[18] But it has not heretofore been suggested that § 1983 was intended to create a waiver of a State's Eleventh Amendment immunity merely because an action could be brought under that section against state officers, rather than against the State itself. Though a § 1983 action may be instituted by public aid recipients such as respondent, a federal court's remedial power, consistent with the Eleventh Amendment, is necessarily limited to prospective injunctive relief, *Ex parte Young, supra,* and may not include a retroactive award which requires the payment of funds from the state treasury, *Ford Motor Co.* v. *Department of Treasury, supra.*

Respondent urges that since the various Illinois officials sued in the District Court failed to raise the Eleventh Amendment as a defense to the relief sought by respondents, petitioner is therefore barred[19] from raising the Eleventh Amendment defense in the Court of Appeals or in this Court. The Court of Appeals apparently felt the defense was properly presented, and dealt with it on the merits. We approve of this resolution, since it has been well-settled since the decision in *Ford Motor Co.* v. *Department of Treasury, supra,* that the Eleventh Amendment defense sufficiently partakes of the nature of a jurisdictional bar so that it need not be raised in the trial court:

"[The Attorney General of Indiana] appeared in the federal District Court and the Circuit Court of Appeals and defended the suit on the merits. The objection to petitioner's suit as a violation of the Eleventh Amendment was first made and argued by Indiana in this Court. This was in time, however. The Eleventh Amendment declares a policy and sets forth an explicit limitation on federal judicial power of such compelling force that this Court will consider the issue arising under this Amendment in this case even though urged for the first time in this Court." 323 U.S., at 466–467.

For the foregoing reasons we decide that the Court of Appeals was wrong in holding that the Eleventh Amendment did not constitute a bar to that portion of the District Court decree which ordered retroactive payments of benefits found to have been wrongfully withheld. The judgment of the Court of Appeals is therefore reversed and the cause remanded for further proceedings consistent with this opinion.

So ordered.

FOOTNOTES

[1] In his complaint in the District Court, respondent claimed that the Illinois Department of Public Aid was not complying with federal regulations in its processing of public aid applications, and also that its refusal to process and allow respondent's claim for a period of four months, while processing and allowing the claims of those similarly situated, violated the Equal Protection Clause of the Fourteenth Amendment. Respondent asserted that the District Court could exercise jurisdiction over the cause by virtue of 28 U.S.C. §§ 1331 and 1343 (3) and (4). Though not briefed by the parties before this Court, we think that under our decision in *Hagans* v. *Lavine,* No. 72–6476. —— U.S. —— (1974), the equal protection claim cannot be said to be "wholly insubstantial," and that therefore the District Court was correct in exercising pendent jurisdiction over the statutory claim.

[2] Effective January 1, 1974, the AABD program has been replaced. See 42 U.S.C. § 1381 *et seq.* (Supp. 1973).

[3] CFR § 206.10(a) (3) (1973) provides in pertinent part: "(a) *State plan requirements.* A State plan . . . must provide that. . . .

"(3) A decision will be made promptly on applications, pursuant to reasonable State-established time standards not in excess of 45 days for [aid to aged and blind] and 60 days [for aid to the disabled]. Under this requirement, the applicant is informed of the agency's time standard in acting on applications which covers the time from date of application to the date that the assistance check, or notification of denial of assistance or change of award, or the eligibility decision with respect to medical assistance, is mailed to the applicant or recipient."

When originally issued in 1968 the regulation provided that the applications for aid to the aged and blind be processed within 30 days and that aid to the disabled be processed within 45 days of receipt. They also provided that the person determined to be eligible must *receive* his assistance check within the applicable time period. The amendment to 60 days for aid to the disabled occurred in 1971, as did the change to require mailing instead of receipt of the assistance check within the applicable time period; effective Oct. 15, 1973, the time for processing aged and blind applications became 45 days.

In addition, 45 CFR § 206.10(a) (6) provides in pertinent part:

"(6) Entitlement will begin as specified in the State plan, which (i) for financial assistance must be no later than the date of authorization of payment. . . ."

[4] The Illinois regulations, found in the Illinois Categorica Assistance Manual of the Illinois Department of Public Aid, provide in pertinent parts:

"4004.1

"Except for [disability] cases which have a time standard of 45 days, the time standard for disposition of applications is 30 days from the date of application to the date the applicants are determined eligible and the effective date of their first assistance or are determined ineligible and receive a notice of denial of assistance. . . .

"8255. Initial Awards

"Initial awards may be new grants, reinstatements, or certain types of resumptions. They can be effective for the month in which Form FO–550 is signed but for no prior period except [under conditions not relevant to this case].

"8255.1 New Grants

"A new grant in the first grant authorized after an application has been accepted in a case which has not previously received assistance under the same assistance program. It may be authorized for the month in which Form FO–550 is signed but not for any prior period unless it meets [exceptions not relevant to this case]."

[5] Paragraph 5 of the District Court's judgment provided:

"That the defendant Edward T. Weaver, Director, Illinois Department of Public Aid, his agents, including all of the County Departments of Public Aid in the State of Illinois, and employees, and all persons in active concert and participation with them, are hereby enjoined to release and remit AABD benefits wrongfully withheld to all applicants for AABD in the State of Illinois who applied between July 1, 1968 and April 16, 1972 [*sic*] [should read "1971"], and were determined eligible, as follows:

"(a) For those aged and blind applicants whose first full AABD check was not mailed within thirty days from the date of application, AABD assistance for the period beginning with the thirtieth day from the date of application to the date the applicant's entitlement to AABD became effective;

"(b) (i) For those disabled applicants who applied between July 1, 1968 and December

31, 1970, whose first full AABD check was not mailed within forty-five days from the date of application, AABD assistance for the period beginning with the forty-fifth day from the date of application to the date the applicant's entitlement became effective;

"(ii) For those disabled applicants who applied between January 1, 1971 and April 16, 1971, whose first full AABD check was not mailed within sixty days from the date of application, AABD assistance for the period beginning with the sixtieth day from the date of application to the date the applicant's entitlement became effective.

"These AABD benefits shall be mailed to those persons currently receiving AABD within eight months with an explanatory letter having been first approved by plaintiff's attorney. Any AABD benefits received pursuant to this paragraph shall not be deemed income or resources under Article III of the Illinois Public Aid Code.

"For those persons not presently receiving AABD:

"(a) A certified letter (return receipt requested), said letter having been first approved by plaintiffs' attorney, shall be sent to the last known address of the person, informing him in concise and easily understandable terms that he is entitled to a specified amount of AABD benefits wrongfully withheld, and that he may claim such amount by contacting the County Department of Public Aid at a specified address, within 45 days from the receipt of said letter.

"(b) If the County Department of Public Aid does not receive a claim for the AABD benefits within 45 days from the date of actual notice to the person, the right to said AABD benefits shall be forfeited and the file shall be closed. Persons who do not receive actual notice do not forfeit their rights to AABD benefits wrongfully withheld under this provision."

Paragraph 6 of the District Court's judgment provided:

"Within 15 days from the date of this decree, defendant Edward T. Weaver, Director, Illinois Department of Public Aid, shall submit a detailed statement as to the method of effectuating the relief required by paragraph 5, *supra*, of this Decree. Any disputes between the parties as to whether the procedures and steps outlined by the defendant Weaver will fulfill the requirements of this Decree will be resolved by the Court."

On July 19, 1973, the author of this opinion stayed until further order of this Court these two paragraphs of the District Court's judgment 414 U.S. 1301 (1973).

[6] Respondent appealed from the District Court's judgment insofar as it held him not entitled to receive benefits from the date of his applications (as opposed to the date of authorization of benefits as provided by the federal regulations) and insofar as it failed to award punitive damages. The Court of Appeals upheld the District Court's decision against respondent on those points and they are not at issue here. 472 F. 2d, at 997–999.

[7] Citing *Chevron Oil Co.* v. *Huson*, 404 U.S. 97 (1971), petitioner also contends in this Court that the Court of Appeals erred in refusing to give the District Court's judgment prospective effect only. Brief for the Petitioner, at p. 37, incorporating arguments made in petitioner's petition for Certiorari, at pp. 18–22. The Court of Appeals concluded that this ground was "not presented to the district judge before entry of judgment, so that it comes too late." 472 F. 2d, at 995. The Court of Appeals went on, however, to conclude that "[e]ven if the ground had been timely presented, defendant's contention would be meritless." *Ibid.* Noting that one of three tests established by our decision in *Huson* for determining the retroactivity of court decisions was that "the decision to be applied non-retroactively *must* establish a new principle of law, either by overruling clear past precedent on which litigants may have relied . . . or [have decided] an issue of first impression whose resolution was not clearly foreshadowed . . .", *Chevron Oil Co.* v. *Huson, supra*, 404 U.S. at 106, the Court of Appeals found that the petitioner had not satisfied this test, since the "federal time requirements for processing applications and paying eligible AABD applicants were made effective July 1, 1968, and defendants were well aware of these mandatory maximum permissible time standards." 474 F. 2d, at 996.

In light of our disposition of this case on the Eleventh Amendment issue we see no reason to address this contention.

[8] 42 U.S.C. § 1382(a)(8) provides in pertinent part:

"(a) Contents.

"A State plan for aid to the aged, blind, or disabled, or for aid to the aged, blind, or disabled and medical assistance for the aged, must—

"(8) provide that all individuals wishing to make application for aid or assistance under the plan shall have opportunity to do so, and that such aid or assistance shall be furnished with reasonable promptness to all eligible individuals."

HEW, pursuant to authority granted to it by 42 U.S.C. § 1302, has promulgated regulations, see n. 3, *supra*, which require that decisions be made promptly on applications within 45 days for the aged and blind and within 60 days for the disabled, and that initiation of payments to the eligible be made within the same periods. Petitioner renews in this Court the contention made in the Court of Appeals that these time limitations in the regulations are inconsistent with the statute and therefore an unlawful abuse of the rulemaking authority. Brief for the petitioner, at p. 37, incorporating arguments made in petitioner's Petition for Certiorari, at pp. 22–28. Specifically, petitioner argues that the "establishment of arbitrary [forty-five] and sixty day maximums in the HEW regulations for determination of eligibility and initiation of payments without taking into consideration the efficient administration of the Act by the State agencies is inconsistent with the 'reasonable promptness' requirement and must therefore be declared unlawful. . . ." Petition for Certiorari, at p. 23. The Court of Appeals rejected this contention, holding that "these requirements, binding on state welfare officials, are an appropriate interpretation of the Congressional mandate of 'reasonable promptness.'" 472 F. 2d, at 996. We agree with the Court of Appeals.

[9] While the debates of the Constitutional Convention itself do not disclose a discussion of the question, the prevailing view at the time of the ratification of the Constitution was stated by various of the Framers in the writings and debates of the period. Examples of these views have been assembled by Mr. Chief Justice Hughes: ". . . Madison, in the Virginia Convention, answering objections to the ratification of the Constitution, clearly stated his view as to the purpose and effect of the provision conferring jurisdiction over controversies between States of the Union and foreign States. That purpose was suitably to provide for adjudication in such cases if consent should be given but not otherwise. Madison said: 'The next case provides for disputes between a foreign state and one of our states, should such a case ever arise; and between a citizen and a foreign citizen or subject. I do not conceive that any controversy can ever be decided, in these courts, between an American state and a foreign state, without the consent of the parties. If they consent, provision is here made.' 3 Elliot's Debates, 533.

"Marshall, in the same Convention, expressed a similar view. Replying to an objection as to the admissibility of a suit by a foreign state, Marshall said: 'He objects, in the next place, to its jurisdiction in controversies between a state and a foreign state. Suppose, says he, in such a suit, a foreign state is cast; will she be bound by the decision? If a foreign state brought a suit against the commonwealth of Virginia, would she not be barred from the claim if the federal judiciary thought it unjust? The previous consent of the parties is necessary; and, as the federal judiciary will decide, each party will acquiesce.' 3 Elliot's Debates, 557.

"Hamilton, in The Federalist, No. 81, made the following emphatic statement of the general principle of immunity: 'It is inherent in the nature of sovereignty not to be amenable to the suit of an individual *without its consent*. This is the general sense and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. Unless therefore, there is a surrender of this immunity in the plan of the convention, it will remain with the States, and the danger intimated must be merely ideal. The circumstances which are necessary to produce an alienation of State sovereignty were discussed in considering the article of taxation and need not be repeated here. A recurrence to the principles there established will satisfy us that there is no color to pretend that the State governments would by the adoption of that plan be divested of the privilege of paying their own debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts between a nation and individuals are only binding on the conscience of the sovereign, and have no pretensions to a compulsive force. They confer no right of action independent of the sovereign will. To what purposes would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the federal courts by mere implication, and in destruction of a preexisting right of the State governments, a power which would involve such a consequence would be altogether forced and unwarrantable.'" *Monaco* v. *Mississippi*, 292 U.S. 313, 323–325 (1934) (footnotes omitted).

[10] Of the Court of Appeals for the District of Columbia Circuit, sitting by designation on the Court of Appeals for the Second Circuit.

[11] It may be true, as stated by our Brother Douglas in dissent, that "[m]ost welfare decisions by the federal courts have a financial impact on the States." *Post*, at p. —. But we cannot agree that such a financial impact is the same where a federal court applies *Ex parte Young* to grant prospective declaratory and injunctive relief, as opposed to an order of retroactive payments as was made in the instant case. It is not necessarily true that "[w]hether the decree is prospective only or requires payments for the weeks or months wrongfully skipped over by state officials, the nature of the impact on the state treasury is precisely the same." Opinion of MR. JUSTICE DOUGLAS, *post*, at p. —. This argument neglects the fact that where the State has a definable allocation to be used in the payment of public aid benefits, and pursues a certain course of action such as the processing of applications within certain time periods as did Illinois here, the subsequent ordering by a federal court of retroactive payments to correct delays in such processing will invariably mean there is less money available for payments for the continuing obligations of the public aid system.

As stated by Judge McGowan in *Rothstein* v. *Wyman*, 467 F. 2d 226, 235 (CA2 1972):

"The second federal policy which might

arguably be furthered by retroactive payments is the fundamental goal of congressional welfare legislation—the satisfaction of the ascertained needs of impoverished persons. Federal standards are designed to ensure that those needs are equitably met; and there may perhaps be cases in which the *prompt* payment of funds wrongfully withheld will serve that end. As time goes by, however, retroactive payments become compensatory rather than remedial; the coincidence between previously ascertained and existing needs becomes less clear."

[12] The Court of Appeals considered the Court's decision in *Griffin* v. *School Board*, 377 U.S. 218 (1964), to be of like import. But as may be seen from *Griffin's* citation of *Lincoln County* v. *Luning*, 133 U.S. 529 (1890), a county does not occupy the same position as a State for purposes of the Eleventh Amendment. See also *Moor* v. *County of Alameda*, 411 U.S. 633 (1973). The fact that the county policies executed by the county officials in *Griffin* were subject to the commands of the Fourteenth Amendment, but the county was not able to invoke the protection of the Eleventh Amendment, is no more than a recognition of the long established rule that while county action is generally state action for purposes of the Fourteenth Amendment, a county defendant is not necessarily a state defendant for purposes of the Eleventh Amendment.

[13] Brief for the Respondent, at pp. 15–18. Decisions of this Court in which we summarily affirmed a decision of a lower federal court which ordered the payment of retroactive awards and in which the jurisdictional statement filed in this Court raised the Eleventh Amendment defense include: *State Dep't of Health and Rehabilitative Services* v. *Zarate*, 407 U.S. 918 (1972), aff'g 347 F. Supp. 1004 (SD Fla. 1971); *Sterrett* v. *Mothers and Children's Rights Organization*, 409 U.S. 809 (1972) aff'g unreported order and judgment of N.D. Ind. 1972, on remand from *Carpenter* v. *Sterrett*, 405 U.S. 971 (1971); *Gaddis* v. *Wyman*, 304 F. Supp. 717 (SDNY 1968) (order at CCH Pov. L. Rptr. Transfer Binder ¶ 10,506), aff'd *per curian sub nom. Wyman* v. *Bowens*, 397 U.S. 49 (1969).

[14] In the words of Mr. Justice Brandeis: "*Stare decisis* is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right. . . . This is commonly true even where the error is a matter of serious concern, provided correction can be had by legislation. But in cases involving the Federal Constitution, where correction through legislative action is practically impossible, this Court has often overruled its earlier decisions. The Court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function." *Burnet* v. *Colorado Oil & Gas Co.*, 285 U.S. 393, 406–408 (1932) (dissenting opinion) (footnotes omitted).

[15] Respondents urge that the traditionally broad power of a federal court sitting as a court of equity to fashion appropriate remedies as are necessary to effect congressional purposes requires that the District Court's award of retroactive benefits be upheld. Respondent places principal reliance on our prior decisions in *Porter* v. *Warner Holding Co.*, 328 U.S. 295 (1946), and *Mitchell* v. *DeMario Jewelry*, 361 U.S. 288 (1960). Both cases dealt with the power of a federal court to grant equitable relief for violations of federal law; the decision in *Mitchell* indicated that a federal court could provide equitable relief "complete . . . in light of the statutory purposes." 361 U.S., at 291–292. Since neither of these cases involved a suit against a State or a state official, they did not purport to decide the availability of equitable relief consistent with the Eleventh Amendment.

[16] HEW sought passage of a bill in the 91st Congress, H.R. 16311, 91st Cong., 2d Sess., c. 169–170 (1970), which would have given it authority to require retroactive payments to eligible persons denied such benefits. The bill failed to pass the House of Representatives.

[17] 45 CFR § 205.10(b) (2) and (3) provide:

"(b) *Federal financial participation*. Federal financial participation is available for the following items:

"(2) Payments of assistance made to carry out hearing decisions, or to take corrective action after an appeal but prior to hearing, or to extend the benefit of a hearing decision or court order to others in the same situation as those directly affected by the decision or order. Such payments may be retroactive in accordance with applicable Federal policies on corrective payments.

"(3) Payments of assistance within the scope of Federally aided public assistance programs made in accordance with a court order."

The Court of Appeals felt that § 1983, the enactment of the AABD program and the issuance by HEW of the above regulation, indicated that Congress intended to include within the Social Security Act the remedy of "effective judicial review" and "the remedy of restoration of benefits withheld in violation of federal law." 472 F. 2d. at 994–995 & n. 15. But the adoption of regulations by HEW to permit the use of federal funds in the satisfaction of judicial awards is not determinative of the constitutional issues here presented.

[18] Mr. Justice Marshall, and both the Court of Appeals and the respondent herein, refer to language in *Rosado* v. *Wyman*, 397 U.S., at 420, to the effect that Congress in legislating the Social Security Act has not "closed the avenue of effective judicial review to those individuals most directly affected by the administration of its program." The Court in *Rosado* was concerned with the compatibility of a provision of New York law which decreased benefits to some eligible public aid recipients and amendments to the federal act which required cost-of-living increases. The case did not purport to decide the Eleventh Amendment issue we resolve today. In finding the New York law inconsistent with the federal law, Mr. Justice Harlan stated:

"New York is, of course, in no way prohibited from using only *state* funds according to whatever plan it chooses, providing it violates no provision of the Constitution. It follows, however, from our conclusion that New York's program is incompatible with § 402(a) (23), that petitioners are entitled to declaratory relief and an appropriate injunction against the payment of *federal* monies according to the new schedules, should the State not develop a conforming plan within a reasonable period of time.

"We have considered and rejected the argument that a federal court is without power to review state welfare provisions or prohibit the use of federal funds by the States in view of the fact that Congress has lodged in the Department of HEW the power to cut off federal funds for noncompliance with statutory requirements. We are most reluctant to assume Congress has closed the avenue of effective judicial review to those individuals most directly affected by the administration of its program. . . . We adhere to *King* v. *Smith*, 392 U.S. 309 (1968), which implicitly rejected the argument that the statutory provisions for HEW review of plans should be read to curtail judicial relief and held Alabama's 'substitute father' regulation to be inconsistent with the federal statute. While *King* did not avert specifically to the remedial problem, the unarticulated premise was that the State had alternative choices of assuming the additional cost of paying benefits to families with substitute fathers or not using federal funds to pay welfare benefits according to a plan that was inconsistent with federal requirements." 397 U.S., at 420–421.

Respondent urges that this language is "tantamount to a finding that Congress conditioned the participation of a state in the categorical assistance program on the forfeiture of immunity from suit in a federal forum . . . irrespective of the relief sought, [since] the intent of Congress remains constant." Brief for the Respondent, at p. 42–43. Petitioner contends that this language, coupled with the fact that the Court in *Rosado* remanded the case to the District Court to "afford New York an opportunity to revise its program . . . or, should New York choose [not to revise its program], issue its order restraining the further use of federal monies pursuant to the present statute," 397 U.S., at 421–422, indicates that the Court felt that retroactive relief was not a permissible remedy. Brief for the Petitioner, at pp. 17–20. We do not regard *Rosado* as controlling either way since the Court was not faced with a district court judgment ordering retroactive payments nor with a challenge based on the Eleventh Amendment.

[19] Respondent urges that the State of Illinois has abolished its common-law sovereign immunity in its state courts, and appears to argue that suit in a federal court against the State may thus be maintained. Brief for the Respondent, at p. 23. Petitioner contends that sovereign immunity has not been abolished in Illinois as to this type of case. Brief for the Petitioner, at pp. 31–36. Whether Illinois permits such a suit to be brought against the State in its own courts is not determinative of whether Illinois has relinquished its Eleventh Amendment immunity from suit in the federal courts. *Chandler* v. *Dix*, 194 U.S. 590, 591–592 (1904).

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Mr. Justice Douglas, dissenting.

Congress provided in 42 U.S.C. § 1983 that:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

In this class action respondent sought to enforce against state aid officials of Illinois a provision of the Social Security Act, 42 U.S.C. §§ 1381–1385, known as Aid to the Aged, Blind, or Disabled (AADB).[1] The complaint alleges violations of the Equal Protection Clause of the Fourteenth Amendment and also violations of the Social Security Act. Hence § 1983 is satisfied *in haec verba*, for a deprivation of "rights" which are "secured by the Constitution and laws" is alleged. The Court of Appeals, though ruling that the alleged constitutional violations had not occurred, sustained federal jurisdiction because federal "rights" were violated. The main issue tendered us is whether that ruling of the Court of Appeals is consistent with the Eleventh Amendment.[2]

Once the federal court had jurisdiction over the case, the fact that it ruled adversely to the claimant on the constitutional claim did not deprive it of its pendent jurisdiction over the statutory claim, *United States* v. *Georgia Pub. Serv. Comm'n*, 371 U.S. 285, 287–288.

In *Ex parte Young*, 209 U.S. 123, a suit by stockholders of a railroad was brought in a federal court against state officials to enjoin the imposition of confiscatory rates on the railroad in violation of the Fourteenth

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Footnotes at end of article.

Amendment. The Eleventh Amendment was interposed as a defense. The Court rejected the defense saying that state officials with authority to enforce state laws—"who threaten and are about to commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution, may be enjoined by a Federal court of equity from such action." *Id.*, at 156.

The Court went on to say that a state official seeking to enforce in the name of a State an unconstitutional act "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequence of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." *Id.*, at 159–160.

As the complaint in the instant case alleges violations by officials of Illinois of the Equal Protection Clause of the Fourteenth Amendment, it seems that the case is governed by *Ex parte Young* so far as injunctive relief is concerned. The main thrust of the argument is that the instant case asks for relief which if granted would affect the treasury of the State.

Most welfare decisions by federal courts have a financial impact on the States. Under the existing federal-state cooperative system, a state desiring to participate, submits a "state plan" to HEW for approval; once HEW approves the plan the State is locked into the cooperative scheme until it withdraws,[3] all as described in *King* v. *Smith*, 392 U.S. 309, 316 *et seq*. The welfare cases coming here have involved ultimately the financial responsibility of the State to beneficiaries claiming they were deprived of federal rights. *King* v. *Smith* required payment to children even though their mother was cohabitating with a man who could not pass muster as a "parent." *Rosado* v. *Wyman*, 397 U.S. 397, held that under this state-federal co-operative program, a State could not reduce its standard of need in conflict with the federal standard. It is true that *Rosado* did not involve retroactive payments as are involved here. But the distinction is not relevant or material because the result in every welfare case coming here is to increase or reduce the financial responsibility of the participating State. In one case when the responsibility of the State is increased to meet the lawful demand of the beneficiary, is there any levy on state funds. Whether the decree is prospective only or requires payments for the weeks or months wrongfully skipped over by the state officials, the nature of the impact on the state treasury is precisely the same.

We have granted relief in other welfare cases which included retroactive assistance or payments. In *State Dept.* v. *Zarate*, 407 U.S. 918, the sole issue presented to us[4] was whether the Eleventh Amendment barred a judgment against state officers for retroactive welfare assistance benefits or payments. That had been ordered by the lower court and we summarily affirmed, only Mr. Justice White voting to note probable jurisdiction.

We also summarily affirmed the judgment in *Sterrett* v. *Mother's Rights Org.*, 409 U.S. 809, where one of the two questions[5] was whether payment of benefits retroactively violated the Eleventh Amendment. In *Wyman* v. *Bowens*, 397 U.S. 4A9, we affirmed a judgment where payments were awarded in spite of the argument that the order was an incursion on the Eleventh Amendment.[6] In *Shapiro* v. *Thompson*, 394 U.S. 618, we affirmed a judgment which ordered payment of benefits wrongfully withheld;[7] and while we did not specifically refer to the point, the lower court had expressly rejected the Eleventh Amendment argument.[8]

As stated in *Gaither* v. *Sterrett*, 346 F. Supp. 1095, 1099, whose judgment we affirmed,[9] 409 U.S. 809, the court said:

"[T]his court would note that if defendants' position regarding the jurisdictional bar of the Eleventh Amendment is correct, a great number of federal district court judgments are void, and the Supreme Court has affirmed many of these void judgments."

The Seventh Circuit Court of Appeals is in line with that view; the opposed view of *Rothstein* v. *Wyman*, 467 F. 2d 226, from the Second Circuit Court of Appeals is out of harmony with the established law.

What is asked by the instant case is minor compared to the relief granted in *Griffin* v. *School Board*, 377 U.S. 218. In that case we authorized entry of an order putting an end to a segregated school system. We held, *inter alia*, "the District Court may, if necessary to prevent further racial discrimination, require the Supervisors to exercise the power that is theirs to levy taxes to raise funds adequate to reopen, operate, and maintain without racial discrimination a public school system in Prince Edward County like that operated in other counties in Virginia." *Id.*, at 233. We so held against vigorous contentions of the state officials that the Eleventh Amendment protected the State; and in reply we cited *Lincoln County* v. *Luning*, 133 U.S. 529, *and Kennecott Copper Corp.* v. *State Tax Comm'n*, 327 U.S. 573, 579, to support the proposition that "actions against a county can be maintained in United States courts in order to vindicate federally guaranteed rights." *Ibid.*

Griffin is sought to be distinguished on the ground that a "county" is not the "state" for purposes of the Eleventh Amendment. But constitutionally the county in *Griffin* was exercising state policy as are the counties here, because otherwise the claim of denial of equal protection would be of no avail.

Counties are citizens of their State for purposes of diversity of citizenship. *Bullard* v. *City of Cisco*, 290 U.S. 179; *Moor* v. *County of Alameda*, 411 U.S. 693, 718–719. And they are not States for purposes of 28 U.S.C. § 1251 (a) which gives this Court original and exclusive jurisdiction of: "(1) All controversies between two or more states. . . ." *Illinois* v. *City of Milwaukee*, 406 U.S. 91, 98. But, being citizens of their State, suits against them by another State are in our original but not exclusive jurisdiction under 28 U.S.C. § 1251 (b)(3). *Ibid.* Yet, as agencies of the State whether in carrying out educational policies or otherwise, they are the State, as *Griffin* held, for purposes of the Fourteenth Amendment. And *Griffin*, like the present case, dealt only with liability to citizens for state policy and state action.

Yet petitioner asserts that money damages may not be awarded against state offenses as such a judgment will expend itself on the state treasury. But we are unable to say that Illinois on entering the federal-state welfare program waived her immunity to suit for injunctions but did not waive her immunity for compensatory awards which remedy her willful defaults of obligations undertaken when she joined the co-operative venture.

It is said however, that the Eleventh Amendment is concerned not with immunity of States from suit but with the jurisdiction of the federal courts to entertain the suit. The Eleventh Amendment does not speak of "jurisdiction"; it withholds the "judicial power" of federal courts "to any suit in law or equity . . . against one of the United States. . . ." If that "judicial power," or "jurisdiction" if one prefers that concept, may not be exercised even in "any suit in . . . equity" then *Ex parte Young* should be overruled. But there is none eager to take the step. Where a State has consented to join a federal-state co-operative project, it is realistic to conclude that the State has agreed to assume its obligations under that legislation. There is nothing in the Eleventh Amendment to suggest a difference between suits at law and suits in equity, for it treats the two without distinction. If common sense has any role to play in constitutional adjudication, once there is a waiver for immunity it must be true that it is complete so far as effective operation of the state-federal joint welfare program is concerned.

We have not always been unanimous in concluding when a State has waived its immunity. In *Parden* v. *Terminal R. Co.*, 377 U.S. 184, where Alabama was sued by some of its citizens for injuries suffered in the interstate operation of an Alabama railroad, the State defended on the grounds of the Eleventh Amendment. The Court held that Alabama was liable as a carrier under the Federal Employees Liability Act, saying,

"Our conclusion is simply that Alabama, when it began operation of an interstate railroad approximately 20 years after enactment of the FELA, necessarily consented to such suit as was authorized by that Act," *id.*, at 192.

The Court added:

"Our conclusion that this suit may be maintained is in accord with the common sense of this Nation's federalism. A State's immunity from suit by an individual without its consent has been fully recognized by the Eleventh Amendment and by subsequent decisions of this Court. But when a State leaves the sphere that is exclusively its own and enters into activities subject to congressional regulation, it subjects itself to that regulation as fully as if it were a private person or corporation."

As the Court of Appeals in the instant case concluded, Illinois by entering into the joint federal-state welfare plan just as surely "left the sphere that is exclusively its own." 37 U.S., at 196.

It is argued that participation in the program of federal financial assistance is not sufficient to establish consent on the part of the State to be sued in federal courts. But it is not merely participation which supports a finding of Eleventh Amendment waiver, but participation in light of the existing state of the law as exhibited in such decisions as *Shapiro* v. *Thompson*, 394 U.S. 618, which affirmed judgments ordering retroactive payments. Today's holding that the Eleventh Amendment forbids court-ordered retroactive payments, as the Court recognizes, necessitates an express overruling of several of our recent decisions. But it was against the background of those decisions that Illinois continued its participation in the federal program, and it can hardly be claimed that such participation was in ignorance of the possibility of court-ordered retroactive payments. The decision to participate against that background of precedent can only be viewed as a waiver of immunity from such judgments.

I would affirm this judgment.

FOOTNOTES

[1] Effective January 1, 1974, the AABD program was replaced by a similar program. See 42 U.S.C. §§ 801–805 (1973 Supp.). The program in Illinois is administered by the Department of Public Aid. Ill. Rev. Stat. c. 23, §§ 3–1 to 3–12 (1971). The program is funded 50% by the State and 50% by the Federal Government, 42 U.S.C. §§ 303–306, 1201–1206, 1351–1355, 1381–1385.

[2] Amendment XI—The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

As the Court, speaking through Mr. Justice Brennan, said in *Parden* v. *Terminal R. Co.*, 377 U.S. 184, 186: "Although the Eleventh Amendment is not in terms applicable here, since petitioners are citizens of Alabama, this Court has recognized that an unconsenting State is immune from federal-court suits brought by its own citizens as well as by citizens of another State. *Hans* v. *Louisiana*, 134, U.S. 1; *Duhne* v. *New Jersey*, 251 U.S. 311; *Great Northern Life Ins. Co.* v. *Read*, 322 U.S. 47, 51; *Fitts* v. *McGhee*, 172 U.S. 516, 524. See also *Monaco* v. *Mississippi*, 292 U.S. 313."

[3] The Social Security Act states what a "state plan" must provide. At the time this suit was brought, 42 U.S.C. § 1382(a) provided: "A state plan for aid to the aged, blind, or disabled and medical assistance for the aged, must . . . .

"(5) provide (A) such methods of administration . . . as are found by the Secretary to be necessary for the proper and efficient operation of the plan . . .;

"(8) provide that all individuals wishing to make application for aid or assistance under the plan shall have opportunity to do so, and that such aid or assistance shall be furnished with reasonable promptness to all eligible individuals;

"(13) include reasonable standards, consistent with the objectives of this subchapter for determining eligibility for and the extent of aid or assistance under the plan."

Nearly identical provisions are now found at 42 U.S.C. § 802(a) (1973 Supp.)

The Secretary of HEW issued mandatory federal time standard regulations. Handbook Public Assistance Administration, Pt. IV, §§ 2200(b)(3), 2300(b)(5); 45 CFR § 206.10 (a)(3). Illinois adopted a 30-day standard for aged and blind applicants (Ill. Categ. Assistance Manual § 4004.1) as contrasted to HEW's 60-day period, § 2200, *supra*. It is that conflict which exposes the merits of the controversy.

[4] The lower court's opinion is found in 347 F. Supp. 1004.

[5] The jurisdictional statement had as its second question the following:

"Whether a federal court is precluded by the Eleventh Amendment to the United States Constitution from ordering a state agency to pay money from the state treasury and from further ordering the state agency to perform certain specified acts which would otherwise be in the discretion of the agency."

[6] The lower court's opinion is found in 304 F. Supp. 717. Retroactive payments were challenged in question 2 of the jurisdictional statement.

[7] The lower court's opinion is found in 270 F. Supp. 331.

[8] *Id.*, at 338 n. 5. The award of money damages was alleged to be a violation of the Eleventh Amendment in Part V of the jurisdictional statement.

[9] The jurisdictional statement in the Sterrett case explicitly urged that the decree below violated the Eleventh Amendment since it would expand itself in the public treasury—the second question in the jurisdictional statement.

[10] We settled in *Rosado* v. *Wyman*, 397 U.S. 397, the question whether the grant of authority under the Social Security Act to HEW to cut off federal funds for noncompliance with statutory requirements provides the exclusive procedure and remedy for violations of the Act. We said, "We are most reluctant to assume Congress has closed the avenue of effective judicial review to those individuals most directly affected by the administration of its program." *Id.*, at 420.

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Mr. Justice Marshall, with whom Mr. Justice Blackmun joins, dissenting.

The Social Security Act's categorical assistance programs, including the Aid to the Aged, Blind, and Disabled (AABD) program involved here, are fundamentally different from most federal legislation. Unlike the Fair Labor Standards Act involved in last Term's decision in *Employees* v. *Department of Public Health & Welfare*, 411 U.S. 279 (1973), or the FELA at issue in *Parden* v. *Terminal Railway*, 377 U.S. 184 (1964), the Social Security Act does not impose federal standards and liability upon all who engage in certain regulated activities, including often-unwilling state agencies. Instead, the Act seeks to induce state participation in the federal welfare programs by offering federal matching funds in exchange for the State's voluntary assumption of the Act's requirements. I find this basic distinction crucial: It leads me to conclude that by participation in the programs, the States waive whatever immunity they might otherwise have from federal court orders requiring retroactive payment of welfare benefits.[1]

In its contacts with the Social Security Act's assistance programs in recent years, the Court has frequently described the Act as a "scheme of cooperative federalism." See, *e.g., King* v. *Smith*, 392 U.S. 309, 316 (1968); *Jefferson* v. *Hackney*, 40 U.S. 535, 542 (1972). While this phrase captures a number of the unique characteristics of these programs, for present purposes it serves to emphasize that the State's decision to participate in the programs is a voluntary one. In deciding to participate, however, the States necessarily give up their freedom to operate assistance programs for the needy as they see fit, and bind themselves to conform their programs to the requirements of the federal statute and regulations. As the Court explained in *King* v. *Smith, supra*, 392 U.S., at 316–317 (citations omitted):

"States are not required to participate in these programs, but those which desire to take advantage of the substantial federal funds available for distribution to needy children [or needy aged, blind or disabled] are required to submit an AFDC [or AABD] plan for the approval of the Secretary of Health, Education, and Welfare (HEW). The plan must conform with several requirements of the Social Security Act and with rules and regulations promulgated by HEW."

So here, Illinois has elected to participate in the AABD program, and has received and expended substantial federal funds in the years at issue. It has thereby obligated itself to comply with federal law, including the requirement of 42 U.S.C. § 1382(a)(8) (1970) that "such aid or assistance shall be furnished with reasonble promptness to all eligible individuals." In *Townsend* v. *Swank*, 404 U.S. 282, 286 (1971), we held that participating States must strictly comply with the requirement that aid be furnished "to all eligible individuals," and that the States have no power to impose additional eligibility requirements which exclude persons eligible for assistance under federal standards: Today's decision, *ante*, at 7–8 n. 8, properly emphasizes that participating States must also comply strictly with the "reasonable promptness" requirement and the more detailed regulations adding content to it.

In agreeing to comply with the requirements of the Social Security Act and HEW regulations, I believe that Illinois has also agreed to subject itself to suit in the federal courts to enforce these obligations. I recognize, of course, that the Social Security Act does not itself provide for a cause of action to enforce its obligations. As the Court points out the only sanction expressly provided in the Act for a participating State's failure to comply with federal requirements is the cutoff of federal funding by the Secretary of HEW. 42 U.S.C. § 1384 (1970).

But a cause of action is clearly provided by 42 U.S.C. § 1983 (1970), which in terms authorizes suits to redress deprivations of rights secured by the "laws" of the United States. And we have already rejected the argument that Congress intended the funding cutoff to be the sole remedy for noncompliance with federal requirements. In *Rosado* v. *Wyman*, 397, 420–423 (1970), we held that suits in federal court under § 1983 were proper to enforce the provisions of the Social Security Act against participating States. Mr. Justice Harlan, writing for the Court, examined the legislative history and found "not the slightest indication" that Congress intended to prohibit suits in federal court to enforce compliance with federal standards. *Id.*, at 422.

I believe that Congress also intended the full panoply of traditional judicial remedies to be available to the federal courts in these § 1983 suits.

There is surely no indication of any congressional intent to restrict the courts' equitable jurisdiction. Yet the Court has held that "[u]nless a statute in so many words, or by a necessary and inescapable inference, restricts the court's jurisdiction in equity, the full scope of that jurisdiction is to be recognized and applied." *Porter* v. *Warner Holding Co.*, 328 U.S. 395, (1946). "When Congress entrusts to an equity court the enforcement of prohibitions contained in a regulatory enactment, it must be taken to have acted cognizant of the historic power of equity to provide complete relief in light of the statutory purposes." *Mitchell* v. *DeMario Jewelry, Inc.*, 361 U.S. 288, 291–292 (1960).

In particular, I am firmly convinced that Congress intended the restitution of wrongfully withheld assistance payments to be a remedy available to the federal courts in these suits. Benefits under the categorical assistance programs "are a matter of statutory entitlement for persons qualified to receive them." *Goldberg* v. *Kelly*, 397 U.S. 254, 262 (1970). Retroactive payment of benefits secures for recipients this entitlement which was withheld in violation of federal law. Equally important, the courts' power to order retroactive payments is an essential remedy to insure future state compliance with federal requirements. See *Porter* v. *Wagner Holding Co., supra*, 328 U.S., at 400. No other remedy can effectively deter States from the strong temptation to cut welfare budgets by circumventing the stringent requirements of federal law. The funding cutoff is a drastic sanction, one which HEW has proven unwilling or unable to employ to compel strict compliance with the Act and regulations. See *Rosado* v. *Wyman, supra*, 397 U.S., at 426 (Douglas, J., concurring). Moreover, the cutoff operates only prospectively: It in no way deters the States from even a flagrant violation of the Act's requirements for as long as HEW does not discover the violation and threaten to take such action.

Absent any remedy which may act with retroactive effect, state welfare officials have everything to gain and nothing to lose by failing to comply with the congressional mandate that assistance be paid with reasonable promptness to all eligible individuals. This is not idle speculation without basis in practical experience. In this very case, for example, Illinois officials have knowingly violated since 1968 a federal regulation on the strength of an argument as to its invalidity which even the majority deems unworthy of discussion. *Ante*, at 7–8 n. 8. Without a retroactive payment remedy, we are indeed faced with the spectre of a state, perhaps calculatingly, defying federal law and thereby depriving welfare recipients of the financial assistance Congress thought it was giving them." *Jordan* v. *Weaver*, 472 F. 2d 985, 995 (CA7 1972). Like the Court of Appeals, I cannot believe that Congress could possibly have intended any such result.

Such indicia of congressional intent as can be gleaned from the statute confirm that Congress intended to authorize retroactive payment of assistance benefits unlawfully withheld. Availability of such payments is implicit in the "fair hearing" requirement,

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Footnotes at end of article.

42 U.S.C. § 1382(a)(4) (1970), which permits welfare recipients to challenge the denial of assistance. The regulations which *require* States to make corrective payments retroactively in the event of a successful fair hearing challenge, 45 CFR § 205.10(a)(18) (1974), merely confirm the obvious statutory intent. HEW regulations also authorize federal matching funds for retroactive assistance payments made pursuant to court order, 45 CFR § § 205.10 (b)(2), (b)(3) (1974). We should not lightly disregard this explicit recognition by the agency charged with administration of the statute that such a remedy was authorized by Congress. See *Griggs* v. *Duke Power Co.*, 401 U.S. 424, 433–434 (1971).

Illinois chose to participate in the AABD program with its eyes wide open. Drawn by the lure of federal funds, it voluntarily obligated itself to comply with the Social Security Act and HEW regulations, with full knowledge that Congress had authorized assistance recipients to go into federal court to enforce these obligations and to recover benefits wrongfully denied. Any doubts on this score must surely have been removed by our decisions in *Rosado* v. *Wyman, supra*, and *Shapiro* v. *Thompson*, 394 U.S. 618 (1969), where we affirmed a district court retroactive payment order. I cannot avoid the conclusion that, by virtue of its knowing and voluntary decision to nevertheless participate in the program, the State necessarily consented to subject itself to these suits. I have no quarrel with the Court's view that waiver of constitutional rights should not lightly be inferred. But I simply cannot believe that the State could have entered into this essentially contractual agreement with the Federal Government without recognizing that it was subjecting itself to the full scope of the § 1983 remedy provided by Congress to enforce the terms of the agreement.

Of course, § 1983 suits are nominally brought against state officers, rather than the State itself, and do not ordinarily raise Eleventh Amendment problems in view of this Court's decision in *Ex parte Young*, 209 U.S. 123 (1908). But to the extent that the relief authorized by Congress in an action under § 1983 may be open to Eleventh Amendment objections,[2] these objections are waived when the State agrees to comply with federal requirements enforceable in such an action.

I do not find persuasive the Court's reliance in this case on the fact that "congressional authorization to sue a class of defendants which literally includes States" is absent. *Ante*, at 21. While true, this fact is irrelevant here, for this is simply not a case "literally" against the State. While the Court successfully knocks down the strawman it has thus set up, it never comes to grips with the undeniable fact that Congress has "literally" authorized this suit within the terms of § 1983. Since there is every reason to believe that Congress intended the full panoply of judicial remedies to be available in § 1983 equitable actions to enforce the Social Security Act, I think the conclusion is inescapable that Congress authorized and the State consented to § 1983 actions in which the relief might otherwise be questioned on Eleventh Amendment grounds.

My conclusion that the State has waived its Eleventh Amendment objections to court ordered retroactive assistance payments is fully consistent with last Term's decision in *Employees* v. *Department of Public Health and Welfare*, 411 U.S. 279 (1973). As I emphasized in my concurring opinion, there was no voluntary action by the State in *Employees* which could reasonably be construed as evidencing its consent to suit in a federal forum.

"The State was fully engaged in the operation of the affected hospitals and schools at the time of the 1966 amendments. To suggest that the State had the choice of either ceasing operation of these vital public services or 'consenting' to federal suit suffices, I believe, to demonstrate that the State had no true choice at all and thereby that the State did not voluntarily consent to the exercise of federal jurisdiction. . . ." *Id.*, at 296.

A finding of waiver here is also consistent with the reasoning of the majority of *Employees*, which relied on a distinction between "governmental" and "proprietary" functions of state government. *Id.* at 284–285. This distinction apparently recognizes that if sovereign immunity is to be at all meaningful, the Court must be reluctant to hold a State to have waived its immunity simply by acting in its sovereign capacity—*i.e.*, by merely performing its "governmental" functions. On the other hand, in launching a profitmaking enterprise, "a State leaves the sphere that is exclusively its own," *Parden* v. *Terminal Railway, supra*, 377 U.S., at 196, and a voluntary waiver of sovereign immunity can more easily be found.

While conducting an assistance program for the needy is surely a "governmental" function, the State here has done far more than operate its own program in its sovereign capacity. It has voluntarily subordinated its sovereignty in this matter to that of the Federal Government, and agreed to comply with the conditions imposed by Congress upon the expenditure of federal funds. In entering this federal-state cooperative program, the State again "leaves the sphere that is exclusively its own," and similarly may more readily be found to have voluntarily waived its immunity.

Indeed, this is the lesson to be drawn from this Court's decision in *Petty* v. *Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275 (1959), where the Court found that the States had waived the sovereign immunity of the Commission by joining in an interstate compact subject to the approval of Congress. The Court in *Petty* emphasized that it was "called upon to interpret not unilateral state action but the terms of a consensual agreement" between the States and Congress, *id.*, at 279, and held that the States who join such a consensual agreement, "by accepting it and acting under it assume the conditions that Congress under the Constitution attached." *Id.*, at 281–282. Although the congressional intent regarding the sue-and-be-sued clause was by no means certain, the Court held that the surrounding conditions made it clear that the States accepting it waived their sovereign immunity, *id.*, at 280, especially since this interpretation was necessary to keep the compact "a living interstate agreement which performs high functions in our federalism." *Id.*, at 279.

I find the approach in *Petty* controlling here. As even the dissent in that case recognized, *id.*, at 285 (Frankfurter, J., dissenting), Congress undoubtedly has the power to insist upon a waiver of sovereign immunity as a condition of its consent to such a federal-state agreement. Since I am satisfied that Congress has in fact done so here, at least to the extent that the federal courts may do, "complete rather than truncated justice," *Porter* v. *Warner Holding Co.*, *supra*, 328 U.S., at 398, in § 1983 actions authorized by Congress against state welfare authorities, I respectfully dissent.

FOOTNOTES

[1] In view of my conclusion on this issue, I find it unnecessary to consider whether the Court correctly treats this suit as one against the State rather than as a suit against a state officer permissible under the rationale of *Ex parte Young*, 209 U.S. 123 (1908).

[2] It should be noted that there has been no determination in this case that state action is unconstitutional under the Fourteenth Amendment. Thus, the Court necessarily does not decide whether the States' Eleventh Amendment sovereign immunity may have been limited by the later enactment of the Fourteenth Amendment to the extent that such a limitation is necessary to effectuate the purposes of that Amendment, an argument advanced by an *amicus* in this case. In view of my conclusion that any sovereign immunity which may exist has been waived, I also need not reach this issue.

Edelman Versus Jordan

[March 25, 1974]

Mr. Justice Brennan, dissenting.

This suit is brought by Illinois citizens against Illinois officials. In that circumstance, Illinois may not invoke the Eleventh Amendment, since that Amendment bars only federal court suits against States by citizens of other States. Rather, the question is whether Illinois may avail itself of the nonconstitutional but ancient doctrine of sovereign immunity as a bar to respondents' claim for retroactive AABD payments. In my view Illinois may not assert sovereign immunity for the reason I expressed in dissent in *Employees* v. *Department of Public Health and Welfare*, 411 U.S. 279, 198, (1973) the States surrendered that immunity in Hamilton's words, "in the plan of the Convention," that formed the Union, at least insofar as the States granted Congress specifically enumerated powers. See *id.*, at 319 n. 7; *Parden* v. *Terminal Railway*, 377 U.S. 184 (1964). Congressional authority to enact the Social Security Act, of which AABD is a part, 42 U.S.C. §§ 1381–1385, is to be found in Art. I, § 8, cl. 1, one of the enumerated powers granted Congress by the States in the Constitution. I remain of the opinion that "because of its surrender, no immunity exists that can be the subject of a congressional declaration or a voluntary waiver," 411 U.S., at 300, and thus have no occasion to inquire whether or not Congress authorized an action for AABD retroactive benefits, or whether or not Illinois voluntarily waived the immunity by its continued participation in the program against the background of precedent which sustained judgment ordering retroactive payments.

I would affirm the judgment of the Court of Appeals.

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in addition to any other requirement imposed by law as a condition of Federal financial participation in any State welfare program (as defined in subsection (c)), there is imposed expressly the requirement that the State give its consent (thereby waiving any immunity to suit conferred upon the State or State officers by Amendment XI of the Constitution or otherwise) to the exercise of the judicial power of the United States in any suit brought against the State or State officers by or on behalf of any claimant (or class of claimants) for the aid or assistance under such program or for redress for the violation of any other requirement imposed by Federal law with respect to such program.

(b) The acceptance, on or after the effective date of this Act, by a State of any Federal payment made to the State for or with respect to any State welfare program (or with respect to any expenditures incurred under such program) shall constitute, with respect to any suits brought against the State or State officers by or on behalf of claimants for aid or assistance under such program or for redress for the violation of any other requirement imposed by Federal law with respect to such program, the consent to suit described in subsection (a).

(c) The term "State welfare program" means a program which is instituted and operated by the State for the purpose of providing to needy individuals and families aid or assistance (whether in terms of money payments, services, or other benefits), and under which individuals and families meetting the conditions for the receipt of such aid or assistance are legally entitled thereto.

(d) The provisions of this Act shall become effective on the first day of the first calendar quarter which commences more than 60 days after the date of enactment of this Act.

By Mr. BELLMON:

S. 1857. A bill to amend the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, to provide for the adjustment of the so-called target prices for wheat, feed grains, and cotton on the basis of the farmers' increased cost of producing such commodities. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, this bill amends the Agriculture Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, to provide for the adjustment of target prices for wheat, feed grains, and cotton on the basis of the farmers' increased cost of producing such commodities. It would substitute a cost of production index for wheat, cotton, and feed grains for the index of prices paid by farmers for production items, interest, taxes, and wage rates in the escalator clause of the 1973 Agriculture and Consumer Protection Act.

The index now used does not reflect the increased cost of production of these commodities as I point out in my statement on the first bill I introduced today. The new indexes will reflect the actual increases in cost of production and fairly escalate target prices.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 107(c) of the Agricultural Act of 1949, as added by paragraph (8)(D) of the first section of the Agriculture and Consumer Protection Act of 1973, is amended by—

(1) striking out "in the index of prices paid by farmers for production items, interest, taxes, and wage rates" and inserting in lieu thereof "in the production costs of farmers";

(2) striking out "in such index" and inserting in lieu thereof "in the production costs of farmers"; and

(3) striking out "change in the index of prices paid by farmers" and inserting in lieu thereof "change in the production costs of farmers".

Sec. 2. Section 105(b) of the Agricultural Act of 1949, as amended by paragraph (18)(B) of the first section of the Agriculture and Consumer Protection Act of 1973, is amended by—

(1) striking out "in the index of prices paid by farmers for production items, interest, taxes, and wage rates" and inserting in lieu thereof "in the production costs of farmers";

(2) striking out "in such index" and inserting in lieu thereof "in the production costs of farmers"; and

(3) striking out "change in the index of prices paid by farmers" and inserting in lieu thereof "change in the production costs of farmers".

Sec. 3. Section 103(e)(2) of the Agricultural Act of 1949, as amended by paragraph (20)(C) of the first section of the Agriculture and Consumer Protection Act of 1973, is amended by—

(1) striking out "in the index of prices paid by farmers for production items, interest, taxes, and wage rates" and inserting in lieu thereof "in the production costs of farmers";

(2) striking out "in such index" and inserting in lieu thereof "in the production costs of farmers"; and

(3) striking out "change in the index of prices paid by farmers" and inserting in lieu thereof "change in the production costs of farmers".

By Mr. BELLMON:

S. 1858. A bill to require the Secretary of Agriculture to compute and publish periodically a cost of production index for certain agricultural commodities. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, the purpose of this bill is to require the USDA to compute and publish annually a cost of production index for wheat, cotton, soybeans, corn, grain, sorghum, barley, oats, and rye. Presently, USDA's Statistical Research Service and Economic Research Service have not established procedures to determine on a regular basis the cost of production of these important agricultural commodities.

The Agriculture and Consumer Protection Act of 1973 contains a provision that will escalate target prices and loan levels for wheat, cotton, and feed grains based on changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates. This index gives feed and feeder livestock a weight of .2876—29 percent—in computing the cost of production. Yet, feed and feeder livestock are not in any way related to the production of wheat, cotton, and feed grains. In addition other production inputs are given the weight that was established in 1955, which means that this index assumes that farmers are using the same quantity fertilizer as in 1955. This index does not appear to even include pesticides or herbicides which have become an important input in the production of field crops since 1955.

Mr. President, the target prices and loan levels for wheat, cotton, and feed grains for 1976, 1977, and 1978 will be computed annually to reflect changes in cost of production that occurred in the preceding year by using the index of prices paid by farmers for production items, interest, taxes, and wage rates.

This index is grossly out of date and gives substantial weight to inputs that are not even used in production. This escalator does not serve the purpose that was intended by the 93d Congress and it should be replaced by a more realistic measure of actual costs of production.

The USDA has informed me that they do not have a production index that properly reflects the cost of production of wheat, cotton, and feed grains. This bill would require the Secretary of Agriculture to compute and publish annually a cost of production index that would reflect changes in production cost of wheat, cotton, corn, grain, sorghum, soybeans, barley, oats, and rye.

Under the bill the Department of Agriculture will be given 90 days to compute the most accurate index possible with the given time restraint. Currently, SRS and ERS are updating the index used to escalate target prices and loans. They started gathering information in 1970 and will have a new index in a few more years. By the time the index is published it will again be out of date.

Mr. President, the index currently used in the 1973 Agriculture and Consumer Protection Act does not properly reflect changes in production cost for wheat, cotton, and feed grains. Accordingly there is clearly a need for the Department of Agriculture to compute and publish a cost of production index that can be used to fairly escalate target prices and loan levels.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture shall compute and publish periodically, but not less often than once each year, a cost of production index for wheat, cotton, corn, grain sorghum, soybeans, barley, oats, and rye.

(b) The first cost of production index for the commodities referred to in subsection (a) shall be published by the Secretary of Agriculture within 90 days after the date of enactment of this Act.

By Mr. HARTKE (for himself and Mr. HANSEN) (by request):

S. 1859. A bill to authorize the payment for a 1-year period of a variable allowance to assist in the recruitment and retention of certain physicians in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, at the request of the Veterans' Administration, I am pleased to join my distinguished colleague from Wyoming, and ranking minority member, Senator HANSEN, in introducing a bill to allow physicians in the VA hospital system a pay bonus of up to $13,500 per year.

This administrative proposal is similar to S. 1711, a more comprehensive approach to the problem of physician recruitment and retention, which I sponsored with Senator CRANSTON, chairman of the Subcommittee on Health and Hospitals of the Senate Veterans' Affairs Committee. S. 1711 seeks to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel in the Department of Medicine and Surgery of the Veterans' Administration.

This bill which I am introducing today addresses the question of physician pay only. It authorizes the Administrator of Veterans' Affairs to enter into a written agreement with an eligible physician to pay the physician a variable allowance, not to exceed $13,500 per year for the period specified in the agreement.

The bill also calls upon the Administrator of Veterans' Affairs to submit a written report to appropriate veterans' committees of the House and Senate regarding the operation of the special pay program authorized by this bill.

The emergency situation which now exists in the VA in the form of an exodus of physicians from our veterans' hospitals has been well documented.

In testimony before committees of both the House and Senate, the story has been told of full-time physicians converting to part-time status, of growing physician vacancies unable to be filed, of foreign medical graduates rising in numbers.

The medical care in our Nation's VA hospitals is in danger of deteriorating because the VA lacks the authority to pay its doctors more than the current Federal ceiling allows.

The problem of physician recruitment and retention in our Nation's VA hospitals is clear. Several approaches to raise physicians' salaries have been proposed. But I believe that we will be able to move quickly on a solution to this most urgent problem.

Mr. President, I ask unanimous consent that the Administration's letter, the text of the bill, and analysis of the measure be inserted in the RECORD at this point.

There being no objection the material was ordered printed in the RECORD, as follows:

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., May 29, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To authorize the payment for a one-year period of a variable allowance to assist in the recruitment and retention of certain physicians in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes," with the request that it be introduced and considered for enactment.

The stated purpose of the draft bill is to assist the Department of Medicine and Surgery of the Veterans' Administration to attract and retain the services of highly qualified physicians. To accomplish that purpose, the Administrator would be authorized to pay, upon acceptance of a written agreement executed by an eligible physician employed by the Department of Medicine and Surgery, a variable allowance of up to $13,500 per annum for the period specified in the agreement. Any sum paid under this authority would be in accordance with regulations prescribed by the Administrator and approved by the President, and would be paid in such installments as prescribed in those regulations. Any amount paid to a physician would be in addition to the currently authorized basic salary, and would not be considered basic pay for purposes of Civil Service Retirement or other benefits related to basic pay.

The authority granted by this provision provides for the VA physician a pay adjustment similar to that currently available to physicians in the uniformed services. Also, the draft bill, in limiting the variable allowance to VA physicians, would be consistent with the specific limitation approved for the Department of Defense and the Department of Health, Education, and Welfare last year in Public Law 93-274, which restricted such additional pay to physicians only.

The draft bill also provides for a report by the Administrator to the Committees on Veterans' Affairs of the Senate and House of Representatives regarding the operation of the special pay program. The report would be submitted not later than April 30, 1976. Moreover, it also provides that the variable allowance authorized by section 1 would become payable July 1, 1975, and would expire on June 30, 1976. The proposed ending date for this authority is identical to the concluding date for similar benefits provided under Public Law 93-274.

It would be our intent to implement the provisions of the bill, if enacted, by granting to each eligible physician in the Department of Medicine and Surgery a basic allowance, in addition to pay otherwise authorized. In addition to the basic allowance, there would be allowances which recognize such individual factors as length of service, appointment of full-time status, appointment to positions of greater professional responsibility, and practice in selected scarce specialties. Physicians employed on a part-time or intermittent basis would be eligible to receive, on a prorated basis, most elements of the variable allowance, if an agreement is executed and accepted.

The variable allowance will be applied on a selective basis to those with responsibilities requiring the qualifications of a physician, serving both in Department of Medicine and Surgery field medical facilities and in Central Office, including the Chief Medical Director and the Deputy Chief Medical Director. This provision would exclude physicians in the director grade (hospital, center, domiciliary, and clinic directors), and would not apply to consultants and attendings, and other fee basis physicians, interns, non-career residents, and certain other categories of physicians as determined not to be appropriate by the Administrator. The variable allowance would not be granted to physicians of marginal competence or productivity.

Last year, the Chief Medical Director appointed a task force to review recruitment and retention of VA health care personnel. Such review was part of a Special Survey of Level of Quality of Patient Care at VA Hospitals and Clinics conducted by the VA at the request of the President. As the report indicated, a critical problem confronting the Department of Medicine and Surgery is the recruitment and retention of an adequate staff of well qualified personnel to provide high quality health care.

The major deterrent to successful recruitment and retention of physicians, so vital to the performance of the mission of the Department of Medicine and Surgery, rests in inadequate pay schedules which preclude competitive remuneration for their services. Better pay is readily available through the private practice of medicine, in various categories of academic medicine, and in military medicine. Increasing numbers of career VA physicians are resigning to accept other positions.

The currently imposed $36,000 per annum limitation places salary restriction on about 40 percent of the physicians now employed full-time in the Department of Medicine and Surgery. Some have been affected by this restriction for as long as five years, while, simultaneously, the cost of living has risen in excess of 33 percent. The alarming number of those under salary restriction has eroded, and will further erode, the competitive position of the Department of Medicine and Surgery in recruitment efforts and, more importantly, in retention of these key professionals.

Data regarding net income for physicians in the United States show that, in solo practice, the annual median income is about $48,000; for group practice about $66,000; strict full-time academic medicine (level comparable to VA Chief Grade 8 and above) $48,000; academic geographic full-time $56,000; and military medicine $44,000, plus fringe benefits, bringing the total to about $48,000. Comparing these income figures with the current $36,000 salary ceiling imposed on VA physicians is ample explanation for VA's difficulty in competing for their services.

The VA's non-competitive salary position is now resulting in a continuing loss of United States trained full-time physicians, and their replacement by part-time and foreign trained physicians. Over the past two years, the total number of full-time VA physicians has increased from 5,225 to 5,408, an increase of 183 (3.4 percent), while the number of foreign medical graduate, full-time physician appointments increased from 1,338 to 1,643, an increase of 305 (18.5 percent). This constitutes a decrease of 122 in the total number of U.S. graduate full-time physicians, while at the same time the total number of foreign medical graduate full-time physicians rose 305. Thirty-one percent of the total full-time physican force in the VA are foreign medical graduates, which constitutes an overall 5 percent increase in the past two years. Currently, about 33 percent of the Psychiatry, 47 percent of the Pathology, and 45 percent of the Physical Medicine Specialists in the VA are foreign medical graduates.

A recent survey shows that, for calendar year 1974, 1,209 bona fide offers of full-time employment resulted in 794 declinations (66 percent) owing to inadequate salary. The number of professional staff has increased by 34 percent (6,007 to 3,044) over the past five years. Concomitantly, the number of full-time physicians has increased only 7 percent (5,048 to 5,408), while the number of part-time physicians has increased 175 percent percent (959 to 2,632). Many career full-time physicians are reverting to part-time employment status which allows the option of outside employment. Many others, upon entry into the VA, will accept only part-time appointments so that they may earn additional income from other sources. Part-time employment often leads to management problems with split loyalties, and it also fosters conflicts for the physician where simultaneous demands for his services are made by VA needs and those of his private patients. Although part-time physicians fill a need in patient care, they cannot substitute fully for highly qualified full-time career physicians who constitute the backbone of VA medicine.

Therefore, in view of the foregoing, we request the enactment of the draft bill at the earliest possible date.

It is estimated that enactment of the draft bill would result in a cost for the one year of $63 million.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this draft bill and that enactment of the draft bill would be in accord with the program of the President.

Sincerely,

RICHARD L. ROUDEBUSH,
Administrator.

Enclosure.

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That in order to attract and retain the services of highly qualified physicians in the Department of Medicine and Surgery of the Veterans' Administration (hereinafter called the Department of Medicine and Surgery), and under**

regulations to be prescribed by the Administrator of Veterans' Affairs (hereinafter called the Administrator) and approved by the President, and notwithstanding section 5308 of title 5, section 4107 of title 38, or any other provision of law, the Administrator may, upon acceptance of a written agreement executed by an eligible physician employed by the Department of Medicine and Surgery, pay to such physician a variable allowance, not to exceed $13,500 per annum for the period specified in such agreement. Any amount payable under such agreement may be paid in such installments as the Administrator by regulation shall prescribe.

Sec. 2. Any additional amount paid pursuant to the provisions of this Act shall not be considered as basic salary for the purposes of section 4107 of title 38, or of section 5595, chapter 81, 83, or 87 of title 5, or other benefits based on basic salary.

Sec. 3. The Administrator shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives regarding the operation of the special pay program authorized by this Act. The report shall be submitted not later than April 30, 1976.

Sec. 4. The provision of this Act shall become effective on July 1, 1975, and shall expire on June 30, 1976.

Analysis of the Draft Bill

The stated purpose of the draft bill is to assist the Department of Medicine and Surgery of the Veterans' Administration to attract and retain the services of highly qualified physicians. To accomplish that purpose, Section 1 of the bill authorizes the Administrator of Veterans' Affairs to pay, upon acceptance of a written agreement executed by an eligible physician employed by the DM&S, a variable allowance of up to $13,500 per annum for the period specified in the agreement. Any sum paid under this authority would be in accordance with the regulations prescribed by the Administrator and approved by the President, and would be paid in such installments as prescribed in those regulations. Any amount paid to a physician would be in addition to the currently authorized basic salary, and would not be considered basic pay for the purposes of Civil Service retirement or other benefits related to basic pay.

The new authority would provide for the VA physician similar pay to that currently available to physicians in the uniformed services. Also, in limiting the variable allowance to VA physicians, the draft bill would be consistent with the specific limitation approved for the Department of Defense and the Department of Health, Education, and Welfare last year in Public Law 93–274, which restricted such additional pay to physicians only.

It would be our intent to implement the provisions of the bill, if enacted, by granting to each eligible physician in the Department of Medicine and Surgery a basic allowance, in addition to pay otherwise authorized. In addition to the basic allowance, there would be allowances which recognize such individual factors as length of service, appointment on full-time status, appointment to positions of greater professional responsibility, and practice in selected scarce specialities. Physicians employed on a part-time or intermittent basis would be eligible to receive, on a prorated basis, most elements of the variable allowance, if an agreement is accepted.

Section 2 of the draft bill would provide that any additional pay received pursuant to this Act would not be considered as basic pay for the purposes of Civil Service retirement or other benefits related to basic pay.

Section 3 of the bill would require the Administrator to submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives regarding the operation of the special pay program not later than April 30, 1976. This requirement would also be consistent with similar provision of Public Law 93–274.

Section 4 of the draft bill provides that the variable allowance authorized by section 1 would become payable on July 1, 1975, and would expire on June 30, 1976. The proposed ending date for this authority is identical to the concluding date for the benefits payable under Public Law 93–274, referred to above.

By Mr. LONG:

S. 1860. A bill to amend the Outer Continental Shelf Lands Act to authorize certain revenues from leases on the Outer Continental Shelf to be made available to assist coastal States to defray the impact of energy resource development and production of offshore facilities; to make available revenues for other States; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

OUTER CONTINENTAL SHELF REIMBURSEMENT ACT OF 1975

Mr. LONG. Mr. President, at the request of the Offshore Resources Committee of the National Association of Attorneys General, I am today introducing the proposed Outer Continental Shelf Reimbursement Act of 1975.

This distinguished committee of the National Association of Attorneys General is chaired by the Honorable William J. Guste, Jr., attorney general of the State of Louisiana, who along with several of his colleagues has spent a great deal of time and effort in drafting a proposal on a subject which demands early attention and action by the Congress.

Like the Association of Attorneys General, I wholeheartedly agree that there should be some significant sharing of revenues from offshore mineral production with the states whose coastal areas sustain the burdens, environmental and otherwise, of that offshore mineral production.

I wish to make it clear that I am introducing this bill as a courtesy to this distinguished organization rather than as a proposal whose detailed provisions I specifically endorse and recommend for adoption by the Congress.

Although I wholeheartedly support the bill's basic intent to share a portion of Federal revenues from the Outer Continental Shelf with the coastal States, there are a number of other bills pending in both the House and the Senate which propose to accomplish this so-called offshore revenue sharing in various ways.

My own colleague from Louisiana, Senator J. Bennett Johnston, was successful in the last Congress in obtaining Senate adoption of a provision somewhat similar to the one contained in the bill which I introduce today.

The measure of which Senator Johnston's proposal was a part was not acted on by the House and, therefore, did not become law. I presume, however, that a similar provision will be considered by the Senate at some point during this session. It may be that some aspects of the proposal being made by the National Association of Attorneys General in the bill I am now introducing will have a significant impact on what the Congress does on this issue.

Other measures containing offshore revenue sharing proposals which merit serious consideration have been introduced by various Senators. Among those are S. 181 by Senator Stevens of Alaska, S. 1186 by Senator Hathaway of Maine, and S. 1383 by Senator Bentsen of Texas.

Still another major proposal on the subject pending in the House is H.R. 4920, introduced by Majority Leader O'Neill, along with numerous cosponsors of various Atlantic Seaboard States.

One of the reasons that the National Association of Attorneys General is desirous of having this bill officially pending before the Congress is that the House of Representatives' Ad Hoc Select Committee on the Outer Continental Shelf will be holding hearings in New Orleans later this week on various issues, including offshore revenue sharing. That House committee should have the advantage of hearing testimony and considering the merits of the bill I introduced today at the association's request.

Mr. President, preceding the printing of the language of the bill itself in the Record, I ask unanimous consent that two additional documents be printed. The first is a brief description of Outer Continental Shelf Impact Reimbursement Act of 1975, and the second is a summary of Outer Continental Shelf Impact Reimbursement Act of 1975.

There being no objection, the material was ordered to be printed in the Record, as follows:

Description of Outer Continental Shelf Impact Reimbursement Act of 1975

1. The philosophy of the bill is simple: Those states which suffer an *adverse impact* as a result of oil and gas development by the Federal Government in the Outer Continental Shelf should be reimbursed for that adverse impact.

2. The bill then provides for a procedure by which the Secretary of the Interior will establish the criteria by which states can measure the dollar value of adverse impact after participation by coastal states, public hearings and review by governors.

3. And finally, the bill provides: That all rentals, royalties or sums paid to the United States in connection with leases on the Outer Continental Shelf, and not already dedicated, shall be distributed as follows:

37½ % to the Coastal States Impact Assistance Trust Fund. States suffering an *adverse impact* can apply to the Secretary and receive grants to reimburse them for the cost of adverse impact.

12½ % to be divided among all 50 states on the same basis as our "General Revenue Sharing" funds now divide; and

50% to be paid to the United States Treasury.

Summary of Outer Continental Shelf Impact Reimbursement Act of 1975

1. Bill recognizes that coastal states furnish government services to industries and people engaged in federal offshore exploration, development and production activities.

2. Bill creates a Coastal State Impact Assistance Trust Fund for distribution of monies to those states adversely affected by Outer Continental Shelf (OCS) activities; monies to be added to such states' general funds and to be used as they deem to be in their best interests; bill provides for reimbursement to coastal states which can demonstrate a net adverse budgetary impact as

a result of onshore impact of offshore activities.

3. Impact is determined through an Impact Measurement Criteria plan; plan to be developed by coastal states and Secretary of Interior with provisions for public hearings and review by Governors; plan to be submitted to Congress, and deemed approved unless, within 90 days, either House passes a resolution opposing plan; whereon plan must be revised and resubmitted to Congress; upon approval of plan, states are authorized to make application for reimbursement from the Impact Trust Fund; distributions to be made on a quarterly basis.

4. Bill provides that Impact Trust Fund would be financed from OCS derived revenues in accordance with following formula: 50 per centum of all OCS revenues would be paid into the federal treasury; 37½ per centum would be paid into a separate, interest-bearing Coastal State Impact Assistance Trust Fund; and 12½ per centum would be deposited into the State and Local Government Fiscal Assistance Trust Fund for general revenue sharing purposes.

COMMENTS

(1) Bill, unlike other proposals, provides for adequate compensation to coastal states, is not dependent upon annual appropriations from Congress, and insures predictable cash flows through quarterly distributions.

(2) The 37½ per centum of OCS revenues is based upon the Mineral Leasing Act of 1920, which provides that 27½ per centum of all revenues from mining activities on federal lands in largely interior states shall be paid to those states as reimbursement for the furnishing of governmental services in support of such mining activities.

S. 1860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Outer Continental Shelf Impact Reimbursement Act of 1975."

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SECTION 101. The Congress hereby finds and declares that:

(1) all States which contain public lands of the United States within their boundaries receive certain revenues produced from bonuses, royalties, and rentals of such lands in accordance with the Mineral Leasing Act of 1920 (30 U.S.C. § 191);

(2) such sharing of revenues is based on the equitable consideration that these states furnish governmental services to the industries and people engaged in the exploration, development and production of minerals from such lands and, accordingly these States are entitled to be reimbursed for such services;

(3) coastal States furnish identical governmental services to the industries and people engaged in the exploration, development and production of minerals from the seabed which adjoins coastal States but to which such States do not have title, yet these States now receive no share of the revenue produced;

(4) coastal States, in addition to providing governmental services, are subject to other burdens not financially measurable, such as the risk and actuality of oil spills, movement of population in low coastal areas where hurricane dangers are greatest, and modification of coastal ecology;

(5) basic justice requires that coastal States should share revenues from the aforesaid portion of the seabed at least on the same equitable grounds by which States with Federal lands within their boundaries now share such revenues with the Federal government; and

(6) the bonuses, royalties, and rentals of public lands can provide a practical way in which Federal revenue sharing with all States can be accomplished.

PURPOSE

The purpose of this Act is to provide States which are impacted by Outer Continental Shelf exploration, production and development of oil, gas and other minerals with equitable reimbursement for State and local government services and to assure adequate protection of the onshore social, economic, and environmental conditions in the coastal zone.

TITLE II—DEFINITIONS

SEC. 201. Section 2 of the Outer Continental Shelf Lands Act is amended by adding the following new subsections:

(e) "Coastal State" means a State of the United States in or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or Long Island Sound. For the purpose of this Act, the term also includes Puerto Rico, the Virgin Islands, Guam and American Samoa, and may include any other State of the United States located within 100 miles of the Outer Continental Shelf if that State otherwise meets the definition of an impacted coastal State as provided in subsection (f) below.

(f) "Impacted Coastal State" means a State of the United States which (1) is directly connected by pipeline to a drilling platform, subsea production unit, transfer facility or other similar facilities; (2) is receiving crude oil for refining or transshipment which was extracted by means of surface vessels; (3) provides direct support of offshore oil, gas and other mineral development in increased government services; (4) will be required to provide facilities as described in subsections (1), (2), and (3) above in connection with new development on the Outer Continental Shelf; or (5) can otherwise show that there is an impact on government operations, social or economic conditions, or the coastal zone, marine environment, or coastal environment resulting from the exploration, development and production of oil, gas and other minerals anywhere on the Outer Continental Shelf.

TITLE III—EQUITABLE ALLOCATION AND DISTRIBUTION OF OUTER CONTINENTAL SHELF RESOURCES AS COMPENSATION FOR NET ADVERSE BUDGETARY IMPACT OF OFF-SHORE DEVELOPMENT

NATIONAL POLICY FOR OUTER CONTINENTAL SHELF

SEC. 202. Section 3 of the Outer Continental Shelf Lands Act is revised by adding the following new subsection (c):

(c) It is hereby recognized that exploration, production and development of the oil, gas and other mineral resources of the Outer Continental Shelf will have significant impact on State coastal zone areas with concomitant costs and risks to State and local governments for the furnishing of governmental services to the industries and people engaged in the exploration, development and production of oil, gas and other minerals on the Outer Continental Shelf, for which no compensation or reimbursement is now provided.

SEC. 203. Section 9 of the Outer Continental Shelf Lands Act is hereby amended to read as follows:

"SEC. 9. DISPOSITION OF REVENUES.—(a) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under any lease on the Outer Continental Shelf, for the period beginning June 5, 1950, and ending the day preceding the date of the enactment of the Outer Continental Shelf Impact Reimbursement Act of 1975, shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

(b) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the Outer Continental Shelf for the period beginning with the date of enactment of the Outer Continental Shelf Impact Reimbursement Act of 1975, other than any amounts credited to the Land and Water Conservation Fund Act of 1965, as amended [16 U.S.C. § 460 1–5(c) (2)], shall be deposited in the Treasury of the United States and disbursed as follows:

(1) 37½ per centum shall be paid into the Coastal State Impact Assistance Trust Fund for distribution to those States affected by Outer Continental Shelf exploration, development and production activities, to be added to their general funds and to be used as they deem to be in their best interests, except that for the purposes of this clause the revenues attributed to any State be limited in any fiscal year to the net adverse budgetary impact of such exploration, development and production activities as defined and determined herein; and

(2) 12½ per centum shall be deposited in the State and Local Government Fiscal Assistance Trust Fund, established pursuant to § 105 of the State and Local Fiscal Assistance Act of 1972, and shall be allocated and paid to State and local governments for each fiscal year in the same manner and proportions as the total amount appropriated and paid for such year pursuant to such Act; to the extent applicable all provisions of the State and Local Fiscal Assistance Act of 1972 shall apply to payments made pursuant to this subsection.

(3) 50 per centum shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

(c) Any moneys paid to the Secretary or the Secretary of the Navy under, or in connection with, a lease, but held in escrow pending the determination of a controversy as to whether the lands on account of which such moneys are paid constitute part of the Outer Continental Shelf shall, to the extent that such lands are ultimately determined to constitute said part of the Outer Continental Shelf, be distributed—

(1) in accordance with subsection (a) if paid before the date of the Outer Continental Shelf Impact Reimbursement Act of 1975, and

(2) in accordance with subsection (b) if paid on or after the date of the Outer Continental Shelf Impact Reimbursement Act of 1975.

SEC. 204. The Outer Continental Shelf Lands Act is amended by adding the following new sections:

SEC. 18. COASTAL STATE IMPACT ASSISTANCE TRUST FUND.—(a) There is hereby established as a separate, interest-bearing fund the Coastal State Impact Assistance Trust Fund (hereinafter referred to as the Impact Trust Fund). The Impact Trust Fund shall remain available without fiscal year limitation and shall consist of such amounts deposited in it in accordance with section 9(b) (1) of this Act and the interest accruing thereon. The Secretary shall manage and make reimbursement allocations from the fund according to the criteria and regulations established pursuant to provisions of this Act to the coastal States impacted by anticipated or actual oil, gas and other mineral production on the Outer Continental Shelf.

SEC. 19. DEVELOPMENT OF COASTAL STATE IMPACT MEASUREMENT CRITERIA PLAN.—(a) (1) Within 180 days following the enactment of this Act, the Secretary shall transmit a Coastal State Impact Measurement Criteria Plan to Congress. The plan shall be deemed approved and the Secretary shall be authorized to proceed with distribution of moneys authorized under this Act unless, between the date of transmittal and the end of ninety days, either House passes a resolution stating in substance that the House does not favor the Coastal State Impact Measurement Criteria Plan and setting out the reasons for its disapproval, in which case, the Secretary, after review of Congressional reasons for disapproval, shall consult with the coastal States and resubmit to Congress within 30 days a revised Coastal State Impact Measurement Criteria Plan, whereupon the procedure set forth in this subsection shall again be followed.

(2) For the purpose of subsection (a) (1) of this section of the Act:

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(b) (1) The Coastal State Impact Measurement Criteria Plan required by subsection (a) of this section shall set forth the objective criteria by which probable revenues and costs to State and local governments resulting from Outer Continental Shelf exploration, development and production activities on Federal lands can be determined and moneys distributed on a net adverse budgetary impact basis as authorized in section 9 of this Act, which criteria shall include, but not be limited to, consideration of probable revenue benefits accruing to State and local governments; assessment of the need for offshore and onshore facilities and services that may be required of State and local governments to support offshore operations; exceptional, unique, or unusual conditions of offshore operations which may require special treatment or precautions to protect the environment; and the overall impact on the economic, social, and institutional structure of the affected coastal States.

(2) The process for development of the criteria for impact measurement shall, at a minimum, provide for consideration of the following factors:

(A) Present acreage leased and proposed to be leased;

(B) Volume and/or projected volume of production of oil, gas, and other minerals from the Outer Continental Shelf brought into the impacted coastal State;

(C) Existing energy facilities and proposals for future energy facility siting on the Outer Continental Shelf;

(D) Nature and extent of coast;

(E) Probability of adverse environmental effect of Outer Continental Shelf development on the coastal and estuarine areas;

(F) Probability and frequency of natural disasters;

(G) Adequacy of existing pollution clean-up and containment systems, coastal erosion, control systems, and coastal management programs and projected need to provide these services;

(H) Population projections for development and production period;

(I) Projections of change in population due to onshore support facilities and services;

(J) Adequacy of existing public facilities and services such as schools, fire protection and police protection as compared to population projections;

(K) Taxes foregone by State and local government as a result of Outer Continental Shelf activities otherwise taxable.

(L) Use of existing expertise, studies and reports indicating adverse budgetary and environmental impacts of Outer Continental Shelf development;

(M) Benefits derived by the impacted coastal states—as a result of Outer Continental Shelf development including employment opportunities for citizens, energy development, related industrial growth, and growth of other industries due to Outer Continental Shelf activities.

(c) All Federal departments or agencies are authorized and directed to provide the Secretary with any information or data that may be deemed necessary to assist the Secretary in developing the Coastal State Impact Measurement Criteria Plan. In addition, the Secretary is authorized and directed to solicit the advice and assistance of the coastal states in developing and transmitting to Congress the plan required by this Act.

(d) Within sixty days after enactment of this Act the Secretary shall make available to the public proposals for the Coastal State Impact Measurement Criteria Plan. Within ninety days, the Secretary shall commence at least eight coastal regional public hearings on the plan proposed to be submitted to Congress. Within one hundred and twenty days, the Secretary shall submit to the Governors of coastal States, for review and comment within thirty days, the plan proposed to be submitted to Congress.

(e) Within thirty days after the Coastal State Impact Measurement Criteria Plan is deemed approved as provided in subsection (a) (1) of this section, the Secretary is authorized and directed to receive State applications for reimbursement and, upon review and certification of each such application, which review period shall not exceed thirty days, shall pay to the applying State those net adverse budgetary impact sums shown by such State to be attributable to Outer Continental Shelf development activities on Federal lands.

(f) The Secretary shall make quarterly distributions to each impacted coastal State from the Impact Trust Fund on the basis of such applications as may be filed by the States.

(g) If the Impact Trust Fund amount is less than the total of the States' impact reimbursement claims, the Secretary shall authorize payment of that percentage of the impact reimbursement claims on a pro rata basis to the extent that Impact Trust Funds are available; provided that reduced payment of impact reimbursement claims shall not prejudice the rights of applying States to the full amount of such claims when moneys become available; and provided further that where reduced payments have been made the Secretary is directed to make full payment without further application by each State when sufficient moneys have been accumulated in the Impact Trust Fund.

(h) In the event that all revenues and interest in the Impact Trust Fund are not entirely distributed as a consequence of any quarterly payment made pursuant to subsection (f), the Secretary shall keep the remaining moneys in trust to provide for future claims on the fund; in no event shall the remainder be deposited in the Treasury of the United States and credited to miscellaneous receipts.

(i) The Secretary shall see to it that an annual audit of the Impact Trust Fund is made in cooperation with the General Accounting Office. He shall publish an annual report on the status of the Impact Trust Fund including interest accrued, distributions made and any other relevant facts which may assist impacted coastal States in preparing impact reimbursement applications, copies of which report shall be provided to the Congress and the Governors of such States. This report also shall be made available to State and Federal agencies, corporations and other business organizations engaged in energy resource development and production, and interested citizens and citizens' groups.

SEC. 20. RESERVATION OF CLAIMS.—(a) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify in any manner any right, claim, or interest of any state in any funds received before the date of enactment of this Act and held in escrow pending the determination of any controversy as to whether the submerged lands on account of which such funds are received constitute a part of the Outer Continental Shelf.

(b) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit or modify any claim of any state to any right, title, or interest in, or jurisdiction over, any submerged lands.

By Mr. BENTSEN (for himself and Mr. JAVITS):

S. 1862. A bill to amend the Federal Financing Bank Act of 1973 to provide funds to general units of local government in financial distress. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENTSEN. Mr. President, today I am introducing the Emergency Municipal Assistance Act of 1975, a bill which I believe will buy time for some of our hard pressed city governments to work out their financial survival. This legislation will allow the Federal Government, specifically the Federal Financing Bank, to purchase the short-term municipal notes of the most financially strained municipalities. In essence, the Federal Government, by purchasing municipal notes, will be making short-term loans to those cities that the recession has temporarily excluded from the credit markets.

It is certainly no great pleasure to stand here today and propose that the Federal Government purchase city government short-term notes. All of us would undoubtedly prefer to see these notes purchased by banks, pension funds, casualty funds, or individual investors who traditionally invest in the tax exempt market. Certainly, for most cities the tax exempt market will continue to be highly effective and will remain as their most advantageous source of funds. However, we must recognize that the institutional market has failed to meet the needs of a small number of cities that are experiencing the most severe recession-related fiscal problems. In these few cases, expenditures have soared and revenues have declined, often precipitating a devastating financial crisis in their operating budgets. Typically, this fiscal crisis is accompanied by a downgrading, or even loss, of the city's credit rating. Once this occurs, the city has lost a source of funding which is essential to the maintenance of reasonable levels of services.

New York City is, of course, the most publicized example of this problem and also the furthest advanced. But New York City is certainly not alone. Other cities, both large and small, are in serious danger of losing their credit rating, a loss which would immediately mire them in a financial crisis similar to that faced by New York City today. A recent speech by Brenton W. Harries, president of Standard and Poor's Corp., corroborated the severity and national scope of the problem when he pointed out that at least eight cities were in danger of having their credit ratings suspended. The crisis in New York City may be the first manifestation of this problem, but clearly it is not the only one.

Nevertheless, many will argue that there is no reason to involve the Federal Government in the financial problems of local or State governments. They would suggest that these crises are local problems requiring local solutions and that the crisis is a result of gross fiscal mismanagement. These arguments have a certain degree of attractiveness because they absolve the Federal Government of any responsibility and point to inaction as the logical and correct solution. In my opinion, however, these arguments are shortsighted, ignoring real and essential Federal purposes that can be accomplished through temporary Federal Government assistance. They also fail to take into account consequences of inaction which cannot be overlooked.

First, it must be pointed out that the financial problems experienced by these local governments are in part a result of a recession which has victimized city governments but is not caused by them. A recent Joint Economic Committee survey of State and local government clearly demonstrated the devastating impact of recession on the financial health of these governments. High unemployment was consistently a harbinger for a budgetary crisis, with high unemployment cities—unemployment rates above the National average—continually suffering fiscal problems five to seven times more severe—as a percentage of their respective budgets—than the jurisdictions with unemployment rates below the national average. In essence, those cities that, for one reason or another, bear a disproportionate share of the national unemployment, also are confronted with disproportionate and often devastating fiscal problems. The Federal Government's policies have precipitated high unemployment, so the Federal Government must bear some responsibility for the consequences. Clearly there must be a limit on how far the Federal Government can pass the buck of responsibility for economic stability, and that limit should be before cities are forced into bankruptcy.

Second, we should not overlook the potentially damaging impact of a major municipal bankruptcy on the finances of all city governments. While our bond markets are certainly resilient, we are kidding ourselves if we believe that they could withstand a significant bankruptcy without dilatory effects. Every city would be forced to pay a slight premium for the perceived and real increase in risk, but the more serious impact would be on those governments whose securities already have marginal ratings. A new skepticism about the finances of these cities would result, probably leading to further rating suspensions and consequently further bankruptcies.

Finally, we cannot ignore the impact that draconian budget measures will have on an already intolerable unemployment situation. I would be one of the first to agree that belt tightening is a positive development in a recession, but to force mammoth layoffs in the depths of the worst recession since World War II is a classic case of throwing the baby out with the bath water. In my opinion, we simply cannot ignore the extent to which draconian budget cuts will exacerbate both the human and economic costs of recession.

The legislation that I am introducing today provides a reasonable mechanism for averting the serious consequences that will accompany major municipal defaults or bankruptcies.

The bill authorizes the Federal Financing Bank—FFB—to purchase up to $3 billion worth of 2-year municipal securities. The interest rate that the city would pay on the note would be sufficient to cover all of the borrowing and servicing costs to the FFB. Only cities that had failed in a bona fide attempt to market their securities would be eligible for the Federal loans. In addition, each city that availed itself of the program would have to submit a comprehensive plan of fiscal and budgetary controls which would satisfy the Secretary of Housing and Urban Development that all obligations would be fully retired within 2 years. Finally, these notes could be used only for operating purposes and not for capital expenditures. The solution has, in my opinion, several attractive features.

First, it is a temporary solution to a short-term problem. It is not a substitute for normal revenue collections, nor will it put the Federal Government in the business of financing long-term capital expenditures by city governments. It will not affect existing activities in the tax-exempt market, but rather temporarily supplement the tax-exempt market in those few cases where the market cannot meet the financing needs.

Second, the program is very carefully targeted to assist only the most financially strained municipalities. It requires that the city fail in a bona fide attempt to obtain private financing, thus limiting the program essentially to those cities that have lost their credit ratings. Further, the interest cost on these notes will be above all but the most distressed bids in the tax-exempt market, screening out all cities that can obtain reasonable private financing.

Third, the requirement for a reasonable plan for retiring the notes develops a partnership in which the city and Federal Government are working together to solve the recession-induced fiscal problems. This plan prevents the Federal Government, private banks, or any other lender from essentially taking over the management of the city. Development of the plan and control over finances is left to the city. On the other hand, the plan insures that the Federal Government will not be caught holding the bag of bad debts that no one else would reasonably purchase. In other words, this mechanism preserves local autonomy in fiscal affairs, but also requires responsible and prudent management to insure repayment.

Fourth, this legislation can be quickly implemented, thus dealing with immediate crises that require immediate solutions. The mechanism—the FFB—is already in place, so no exhaustive criteria and regulations need be developed.

Finally, this legislation will have a very positive impact on other issues in the tax-exempt market. It will slightly reduce the size of the tax-exempt market, thus improving the bids for bonds and notes that remain. More important, however, it will temporarily remove from the tax-exempt market those securities which are creating the greatest uncertainties in the market and thus the greatest skepticism about tax-exempt securities.

Mr. President, the legislation that I introduce today is a reasonable and modest proposal to deal with a problem that we simply cannot afford to ignore. I urge all my colleagues to give this legislation careful consideration so that we may act before it is too late. I ask unanimous consent to include at this point in the Record the text of the Emergency Municipal Assistance Act of 1975.

S. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 3 of the Federal Financing Bank Act of 1973 is amended by adding at the end thereof the following:

"(5) The term 'unit of local government' means a county, municipality, city, town, township, or other unit of general local government."

Sec. 2. Section 6 of the Federal Financing Bank Act of 1973 is amended by adding at the end thereof the following:

"(d) In addition, the Bank shall purchase general obligation bonds which are issued by a unit of local government if—

"(1) the maturity of such obligations does not exceed two years;

"(2) the unit of local government issuing such obligations for purchase by the Bank provides such assurances as the Secretary of Housing and Urban Development deems necessary that such unit of local government has made a bona fide attempt, without success, to obtain such funds at reasonable terms from private sources, State sources, or general offerings to the public;

"(3) the unit of local government has submitted to the Secretary of Housing and Urban Development a comprehensive plan of fiscal and budgetary expenditures and controls to achieve a balanced budget and which will, to the satisfaction of the Secretary, permit the full retirement of any such obligation within 2 years; and

"(4) the proceeds of any issue of obligations purchased under this subsection will not be utilized for construction or for any purpose other than the satisfaction of liabilities already incurred.

The aggregate amount of obligations purchased under this subsection may not exceed $3,000,000,000."

By Mr. BEALL (for himself and Mr. Pell):

S. 1863. A bill to consolidate existing authorities under the Vocational Education Act of 1963 in order to create a more efficient mechanism for Federal assistance to States for vocational education. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, on behalf of Senator Pell and myself, I introduce the administration's vocational education proposal.

On March 4, 1975, I joined Senator Pell in introducing five bills, S. 939 through S. 943. These measures represent the legislative proposals of the American Association of Community and Junior Colleges, the American Personnel and Guidance Associations, the American Vocational Asssociation, and the National Association of State Universities and Land-Grant Colleges. In addition, we introduced a measure which extended the existing law, unchanged, through 1980.

I share the reservations expressed by Mr. Quie in his April 22 House floor remarks upon introducing the administration's bill, regarding the authorization levels. Certainly vocational education is a high priority subject in the education area and, indeed, is becoming more so. Aside from the authorization levels, the administration's bill contains some worthwhile suggestions. This proposal, along with previously introduced bills, will provide the Congress with the opportunity to combine the best features of the various proposals in order to strengthen and improve the quality and availability of vocational education in this Nation.

I ask unanimous consent that a summary of the administration's "Vocational Education Act of 1975" be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

[From the Congressional Record, Apr. 22, 1975]

Summary of the Vocational Education Act of 1975

TITLE I—GENERAL PROVISIONS

Section 101 of the bill would state the purpose of the Act as being to provide a variety of vocational education programs and services designed to provide that anyone, regardless of educational attainment, may prepare for employment or enhance occupational proficiencies.

Section 102 of the bill would authorize the appropriation of a total of $523,000,000 to carry out the Act for the fiscal year ending June 30, 1976, and for each of the four succeeding fiscal years.

Section 103 requires each State which desires to participate in the programs provided by this Act to designate a single State agency ("State board") responsible for the administration of such programs. The State board may delegate to any other State agency any of its functions under this Act except those of developing policy and developing and submitting required annual and long-range plans. The State board would be required to adopt appeal and hearing procedures for use in the event that local educational agencies or other institutions are dissatisfied with any action of the State board.

Section 104 would retain the current part B formula for the allotment of funds among the States. That allotment would apply to all funds appropriated for basic programs under title III and 50 percent of the funds appropriated for innovative programs under title IV. (The remaining 50 percent of title IV funds would be for the Commissioner's discretionary projects under section 404.)

Section 105 would continue in existence the Presidentially-appointed National Advisory Council for Vocational Education. The bill would specify ten interest areas which must be represented among the 21 members of the Council. The functions of the Council would include advising the Commissioner of Education with regard to the development of regulations, assisting in the assessment of national vocational education needs, evaluating the effectiveness of Federally-assisted vocational education programs, and making recommendations for the improvement of such programs.

Section 106 would require each participating State to establish a State Advisory Council for Vocational Education appointed by the Governor or an elected State school board. The section would specify 18 interest areas which would be required to be represented on the State Council. The functions of the State Council would include advising the State board on the development of annual and long-range plans and evaluating vocational education activities in the State which are assisted under the Act. The Commissioner would be authorized to pay to each State Council out of the annual appropriations for the Act, an amount not to exceed the reasonable amount expended by the Council in carrying out its functions. Such amount could not exceed one percent of the State's allotment under section 104, but no State would receive more than $150,000 or less than $50,000.

Section 107 would prohibit the use of any payments under the Act for religious worship or instruction or for support of so much of any facility as will be used for sectarian instruction or religious worship. The section would also prohibit residential vocational education schools supported under the Act from being used to incarcerate delinquent juveniles.

Section 108 would provide definitions for the numerous terms used in the bill.

Section 109 provides that the effective date of this Act would be July 1, 1975; and the Vocational Education Act of 1963, the Vocational Education Amendments of 1968, and part F of the Education Professions Development Act (relating to training programs for vocational education personnel) would be repealed as of that date. Any fiscal year 1975 funds carried over into fiscal year 1976 would be required to be expended in that year pursuant to the provisions of this Act.

TITLE II—PROGRAM PLANNING

Section 201 would require the Commissioner to conduct and publish in the Federal Register an annual assessment of the status of vocational education in the country in order to determine critical national needs and high national priorities for vocational education. The Secretary of Labor would provide information on manpower needs to the Commissioner, State officials, and advisory councils charged with responsibilities under the Act.

Section 202 would require each State to prepare a five-year forward plan for vocational education in the State. Such plan would have to (1) be prepared in consultation with the State Advisory Council and other appropriate State planning agencies, (2) provide a long-range assessment of vocational education needs in the State and establish long-range objectives to meet those needs, (3) take into consideration the requirements of persons with special needs for vocational education, and (4) provide for the involvement of other appropriate public and private agencies, organizations, and institutions in the development of the plan. The first forward plan would be required to be submitted to the Commissioner not later than June 30, 1976, and would be updated as necessary.

Section 203(a) requires each State to submit to the Commissioner an annual program plan for vocational education. Such plan would be submitted in accordance with procedures set forth in section 434(b) of the General Education Provisions Act (relating to the simplified State application for State-administered programs), if applicable. Subsection (b) would require the Commissioner to approve the annual program plan for any State if he determines that the plan—

(1) has been prepared in consultation with the State Advisory Council and other appropriate organizations;

(2) has been submitted only after it is made reasonably available to the public and opportunity has been provided for a public hearing on the plan;

(3) describes the present and projected vocational education needs of the State and sets forth a program designed to meet those needs;

(4) indicates how the annual program plan relates to the national needs determined by the Commissioner and how it will carry out the objectives set forth in the State's long-range plan;

(5) sets forth a detailed plan for use of funds provided under the Act, including a description of all innovative projects and activities to be carried out under title IV;

(6) provides an assessment of State and local resources available to meet the vocational education needs of the State and indicates how those resources will be used to carry out the annual program plan;

(7) provides an assurance that not less than 25 percent of (A) the State's allocation under title III, (B) the State's allocation under title IV, and (C) the State's required non-Federal contribution under title III will be used to provide vocational education opportunities to persons with special needs;

(8) details the policies and procedures to be followed by the State in allocating funds under the Act to local educational agencies in the State with due consideration being given to (A) current and projected manpower needs, (B) needs of various population groups in the State, particularly those with special needs, (C) the financial ability of various local educational agencies and (D) costs of vocational education activities in various areas of the State;

(9) takes into consideration the State's comprehensive manpower plan developed under the Comprehensive Employment and Training Act of 1973; and

(10) provides an aggrieved local educational agency with notice and opportunity for a hearing before disapproving its annual program plan or before terminating assistance to the States for failure to comply with its approved plan. Judicial review by the appropriate United States court of appeals would be authorized. Subsection (d) of section 203 would authorize a local education agency to obtain judicial review of any final action by the State board in the appropriate United States court of appeals.

Section 204 would authorize the use of funds made available to a State under title III for planning activities by the State.

TITLE III—VOCATIONAL EDUCATION PROGRAMS AND SERVICES

Section 301 would authorize the Commissioner to make grants to States to assist them in establishing and carrying out vocational education programs and services designed to provide individuals in all communities in the State with high quality vocational education. This Federal share of the cost of such programs and services would be 40 percent.

Section 302 would authorize the use of grants for the following programs:

(1) vocational-technical programs of instruction, including those related to homemaking and home economics occupations, designed (A) to prepare students for immediate employment, (B) to prepare students for advanced occupational, vocational, or technical programs, (C) to provide additional occupational proficiencies for those who have left school, (D) to enable those who have entered the labor market to enhance their occupational proficiencies or to improve their advancement opportunities, (E) to provide skills to the unemployed, and (F) to provide bilingual vocational education.

(2) work experience programs including cooperative instructional programs and placement and related activities;

(3) vocational education personnel development and training, including programs designed to update the competencies of vocational education personnel, in-service training programs, and curriculum development programs; and

(4) programs to implement innovative

activities developed and successfully demonstrated under title IV.

Section 303 would authorize grants to a State under title III to be used for the following vocational education services related to the programs authorized under that title:

(1) vocational guidance and counseling;

(2) the provision of vocational education opportunities for individuals in private vocational training institutions;

(3) supporting area vocational technical schools and residential facilities;

(4) administration of vocational education programs;

(5) data acquisition, analysis, and dissemination;

(6) exchange of personnel;

(7) use of diversified media and other techniques of student, parent, and citizen involvement in vocational education;

(8) operation by schools of business activities in connection with vocational education programs;

(9) placement and follow-up activities;

(10) maintenance and operation of industrial arts courses related to the purposes of the Act; and

(11) work-study programs.

TITLE IV—GRANTS FOR RESEARCH INNOVATION AND DEMONSTRATION

Section 401 sets forth the purpose of this title, which is to authorize grants to States to encourage research into problems relating to vocational education, development of innovative vocational education activities, and the demonstration of promising new vocational education activities.

Section 402 authorizes the Commissioner to make grants to States out of the amount allotted to each State for the purposes of this title. Grants under title IV could be used to pay up to 100 percent of the cost of carrying out innovative projects and activities.

Section 403(a) sets forth the types of activities to be carried out under title IV, including (1) research in vocational education; (2) experimental, developmental, and pilot programs designed to test the activities of research findings; (3) demonstration and dissemination of innovative projects; (4) development of new vocational education curricula; (5) establishment of cooperative arrangements for training and retraining vocational education personnel; and (6) evaluation of projects funded under this title.

Section 408(b) sets forth the priorities for which title IV funds must be used. Projects assisted under this title must be directed toward one or more of the long-range vocational education needs identified in the State's forward plan, and (1) one or more of the critical national needs identified by the Commissioner in his annual assessment of vocational education needs, or (2) one or more of the following legislated priorities:

(A) vocational education programs for urban centers;

(B) rural manpower development;

(C) guidance and placement centers;

(D) programs for persons with special needs;

(E) correction of sex-role stereotyping;

(F) programs directed at the needs of unemployed youth and adults;

(G) improving the correlation between labor supply and demand; and

(H) bilingual vocational education programs.

Section 403(c) would provide that title IV funds would be used only to support the initial three years of a project or activity and that the annual program plan must indicate the disposition of a project before funding can be approved for the terminal year.

Section 403(d) would prohibit the use of title IV funds for construction or administration by the State board.

Section 403(e) would require title IV projects to include an evaluation component.

Section 403(f) would authorize the use of title IV funds for short-term training necessary to implement a project.

Section 404 would provide the Commissioner authority to make special grants (without regard to State allocations) for projects of national significance which hold promise of making a substantial contribution to meeting either one of the critical national needs identified by the Commmissioner or one or more of the legislated goals set forth in section 403(b)(2). The Federal share of the cost of such projects would be established by the Commissioner in accordance with a schedule of priorities published not later than July 1 of each year. Such share could range from 75 to 100 percent of the cost of any project or activity in its first year and 50 to 100 percent of such costs in the second and third year. Any application for a grant under this section would be required to be submitted to the appropriate State board for their review and comment, but not approval.

By Mr. NELSON (for himself, Mr. Jackson, Mr. Haskell, and Mr. Glenn):

S. 1864. A bill to establish a National Energy Information Administration and a National Energy Information System, to authorize the Department of the Interior to undertake a survey of U.S. energy resources on the public lands and elsewhere, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

ENERGY INFORMATION ACT

Mr. NELSON. Mr. President, Senators Jackson, Haskell, and Glenn have joined as cosponsors of the Energy Information Act.

This bill would establish a National Energy Information System. That system will be designed—

First, to coordinate and analyze energy data now widely dispersed in public agencies and private hands;

Second, to obtain corporate energy information that is now secret and provide for a fair balancing of the public interest in disclosure and the proprietary interest in confidentiality of such data;

Third, to obtain regular and systematic surveys of all our national energy resources and forecast energy supply and demand for periods from 1 to 20 years in the future;

Fourth, to work toward standardization of our energy accounts and accounting; and

Fifth, to cut down and ultimately cut out duplicate reporting by business concerns of data on energy.

The worldwide energy crisis in which we now find ourselves has many painful aspects, but of all of them, the most painful is that it need not have occurred.

Wise decisions and bold actions by American and other world policymakers some 20 years ago could have averted last year's energy shortages, this year's energy inflation, and the probability that shortages and inflation in the energy sector will cloud the rest of this century.

But such decisions were not made and such actions were not taken. One main reason is that there was no mechanism to bring forcibly, credibly, persuasively to the attention of policymakers and the public essential facts about the national and global energy situation.

The purpose of the bill introduced today is to create a mechanism that will do that job in the future.

This measure will establish an independent National Energy Information Administration—NEIA—as a permanent agency of the Federal Government.

The NEIA's task will be to create and operate a national energy information system. That system will be designed to work toward final solution of the informational problems that are in large part responsible for our failure to recognize and act on the approaching energy crisis until it was too late.

WARNINGS IGNORED

If we had paid the kind of serious attention to energy resources that this bill proposes 15 or 20 years ago, the energy crunch would be manageable without the major disruptions of the economy we are now experiencing.

There were warnings a quarter of a century ago from conservationists and resources experts of what was coming. But the warnings were ignored.

Unfortunately, there was no system, such as the one this bill proposes, to focus public and leadership attention on our increasingly voracious appetite for oil and gas until the tank began to run dry.

For the past 20 years we have been driving blindly down the road into the present energy crunch because there was no formalized mechanism by which this issue could be forcefully thrust to the attention of the President, the Congress, the press, and the public.

Our economic and social institutions are threatened today by shortages that resource experts were predicting 20 years ago and longer.

Twenty years ago, as even today, there was no single Federal agency charged with the responsibility to collect all the information that was publicly available about our energy supply and demand, collate, compare, and analyze it; to make the data easily accessible to the public and to policymakers and to forcefully sound the alarm when the comparisons and analyses showed that there was cause for alarm.

Twenty years ago the country was not taking the trouble to make regular surveys of its own energy resources. We literally did not know our own energy strength.

Twenty years ago this country was permitting giant multinational corporations to hoard, as private monopolized intellectual property, information they possessed which, if publicly available, would have helped Congress to predict and prevent current energy shortages and inflation.

Twenty years ago that was the situation. Unfortunately, the situation is changed very little today.

Enactment of this bill would bring about the needed change.

This proposed legislation is the latest version of the Energy Information Act. Under its 93d Congress number—S. 2782—the bill was first introduced on December 6, 1973, was the subject of 4 days of public hearings in February 1974, and progressed through five revised drafts in the markup process of the Committee on Interior and Insular Affairs. The measure introduced today is substantially identical to the last of those draft revisions, the Interior Committee print of S. 2782 dated July 22, 1974.

Overdue as it is, essential as it is, a national energy information system must be recognized as responsive to only part of a larger need. Sooner or later there must be created a national resources and materials information system with the responsibility for monitoring and evaluating the status of all vital resources. Earlier this year I introduced S. 1410, the National Resources and Materials Information Act, which would serve that larger purpose. It is now pending, concurrently, in the Committee on Commerce and the Committee on Banking, Housing and Urban Affairs.

However, it may be desirable—indeed it may be necessary—to set up a pilot program of improved monitoring and analysis and forecasting in the energy sector as a prelude to improved monitoring and analysis and forecasting in other resources and materials sectors.

Mr. President, the Senator from Washington (Mr. Jackson) has prepared a more detailed statement on the Energy Information Act, which he will present at this time. I have read the Senator's statement and summary and am happy to associate myself with them.

Mr. JACKSON. Mr. President, today Senator Nelson, Senator Haskell, Senator Glenn and I are introducing the Energy Information Act. Enactment of this legislation will accomplish a long overdue goal of Federal energy organization: the establishment of an independent, reliable, and comprehensive base of energy information and expertise for the use of the executive branch and the Congress in the formulation and evaluation of energy policy. I ask unanimous consent that a summary of the bill be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. The principal purposes of this legislation are:

First. The establishment of an independent and credible permanent agency within the Federal Government to collect, analyze and disseminate basic energy-related data and information;

Second. The coordination and consolidation of Federal energy data collection to insure the comprehensiveness of the energy information base available to the public, the Congress and the executive branch and to minimize duplicative reporting by businesses in the energy industry;

Third. The establishment of standards for the handling of energy information pertaining to individual companies which strike a reasonable balance between the public's right to participate in national energy policy decisionmaking and legitimate needs of private businesses for confidentiality; and

Fourth. The authorization of a Federal program to systematically determine the location, extent and value of the domestic energy resources of the United States.

The bill introduced today is based on the Energy Information Act, S. 2782, which was considered by the Interior Committee in the 93d Congress. That bill was sponsored by Senator Nelson, Senator Haskell, myself, and 26 other Members of the Senate, and was the subject of 4 days of hearings before the Senate Committee in February 1974. The present draft of the bill is based on information and insights gathered at those hearings and on extensive consultation with representatives of the administration, Federal regulatory agencies, consumer and citizen organizations, and the energy industry. I anticipate that the Senate Interior Committee will hold further hearings on this legislation in the very near future. Testimony of selected witnesses will be heard and statements will be accepted for the record.

Mr. President, there is an obvious and well-documented need for this legislation. The effects of the energy policy decisions we have to make are enormous, yet the fundamental data and information upon which we must base these decisions is of little better quality than it was 2 years ago. Current Federal energy data practices are far too fragmented, are almost totally uncoordinated, and tilt in their implementation far too much toward the wishes of the energy industry. The credibility of currently available energy data is subject to continual question because of the biases of industry, of the administration, and of the individual agencies.

The legislation we are proposing today will require systematic, verified reporting by the large energy companies of stocks and distribution activities, financial operations, and energy reserves to an independent Federal energy data agency whose primary job is the collection of accurate, timely, and informative statistics. The time when these big, integrated companies could get away with voluntary, unaudited reporting of data and use the "proprietary" label to conceal vast amounts of information is over. This legislation will open the operations of the energy industry to the objective scrutiny which is necessary for any industry so essential to the public welfare.

The National Energy Information Agency will be an independent information agency with the power to get the right information and the objectivity to let the chips fall where they may. In the future, we may disagree over policy, but we should not have to disagree over the basic data and information which relate to these policies.

The need to have an adequate Federal energy information base available has been so clear that on numerous occasions recommendations have been made for the establishment of a Federal entity responsible for energy information. I will list only a few examples:

In March of 1973 an analysis of problem areas in Federal energy organization, prepared for the Senate Committee on Interior and Insular Affairs—The National Fuels and Energy Policy Study, serial 93-6—was published. This analysis identified as important deficiencies in Federal energy organization the inadequacy of the existing body of energy data available to support Federal policy decisions and government reliance on the energy industries both for basic information and the analysis of information.

In February of 1974, the General Accounting Office submitted a report on the energy information needs of the Federal Government, prepared at my request. This report was presented to the Senate Interior Committee—The National Fuels and Energy Policy Study, serial 93-33—at hearings on S. 2782, the predecessor of the present bill. The report concluded that legislation was needed to establish a comprehensive Federal energy information system.

> Placed in an organization within the Executive branch which has the opportunity to establish itself as a professional, objective, independent gatherer of energy information. The organization should be responsible for data collection and technical analysis without any responsibility for any involvement in energy policy analysis or formulation.

In April of 1974, the report of the Federal Energy Regulation Study Team, headed by former Atomic Energy Commissioner William O. Doub, "Federal Energy Regulation," recommended the establishment of centralized energy data organization within the Federal Government "to compile comprehensive energy-related data for all Federal energy regulatory agencies requiring them."

Finally, the Ford Foundation energy policy project's preliminary report, "Exploring Energy Choices," released on March 31, 1974, observed:

> Data on short-term energy supplies, on reserves, and on the impacts of energy development are present incomplete and fragmented. Decisions are made in a cloud of uncertainty. To dispel the cloud, it might be useful to establish a centralized energy data bank; to require industry to submit essential information for use in the data bank; and to accelerate government research and analysis and make it available to the public in understandable form.

In recent months there have been several graphic examples of problems with the basic energy data relevant to current policy decisions which illustrate the need to develop a systematic and objective approach to Federal energy information. I will offer only a few examples.

First, reliance on the oil industry for weekly statistics:

On March 17 it was reported that FEA plans to suspend its collection of basic operating data from pertoleum refineries on a weekly basis. In place of the weekly system, a monthly reporting scheme has been instituted by the FEA. According to an unidentified FEA spokesman:

> Our figures were tracking along pretty well with API, enough that we could justify any differences with API's long-standing series.

Apparently the Federal Government must now rely on the oil industry for weekly petroleum statistics. I have written the Administrator of the FEA, Mr. Zarb, expressing my concern over this situation. I ask unanimous consent that a copy of the March 17 article in the Oil Daily describing the FEA decision and my letter to Mr. Zarb be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Second, failure to measure changes in petroleum marketing structure: One of the fundamental goals of the Congress in enacting the

Emergency Petroleum Allocation Act of 1973 was the preservation of an economically sound and competitive petroleum industry.

To permit the Congress to review on a continuing basis the effectiveness of the act as implemented in attaining that goal, section 4(c)(2) was incorporated requiring that "the President shall report to the Congress monthly, beginning not later than January 1, 1974, with respect to any change after calendar year 1972 in the aggregate share of several categories of persons engaged in the marketing of petroleum."

The first of those monthly reports was transmitted March 4, 1975, over a year late. The report contained no data showing changes in marketing structure since 1972 and 1973 and no indication of service station closings over the past year and a half. Yet, the administration continually emphasized its grave reservations as to the need for, or the wisdom of, continuation of the current mandatory allocation program. According to the FEA Administrator, Frank Zarb:

> It is clearly apparent that the circumstances that led to the enactment and approval of the Allocation Act have markedly changed. Moreover, we are convinced that the comprehensive program mandated by the Act has already contributed to a number of potentially serious market distortions which, if allowed to continue indefinitely, will ultimately cause far greater problems than those with which the program is intended to deal.

Having been unable or unwilling for more than a year to collect, analyze and provide to the Congress the information essential for determination of the impact of the Allocation Act upon the marketing of petroleum, the administration nonetheless now advocates termination of the allocation program because it is "convinced," apparently intuitively, that it has contributed to market distortions. Clearly, decisions impacting upon the preservation of a competitive petroleum industry must be based on a far more complete analysis of real facts and not on intuition.

Third, failure to reconcile petroleum import statistics:

In early March the Commerce Department reported petroleum imports into the United States of 9.2 million barrels per day for January 1975. The data was based on filings with the Customs Bureau which are required by law. On the other hand, the FEA's reporting system indicated petroleum imports of 6.3 million barrels per day for January, a difference of nearly 50 percent. The American Petroleum Institute, the oil industry's lobbying arm, reported imports averaging 6.7 million barrels per day for the same period. The discrepancy has not been resolved nor have similar and persistent discrepancies noted over the past year and a half. It seems clear that until some quantitative reconciliation of figures is made it will not be possible to say with any assurance how much petroleum is imported into the United States from month to month.

Fourth, failure to reconcile natural gas statistics:

Proposals for the deregulation of "new" natural gas have generated substantial debate in the Congress over the past year. Yet there has not been, nor is there now, any agreement on the volumes of gas to be affected by the proposals or the increased costs to consumers of a deregulation policy. Even the nature of the split between regulated and unregulated natural gas is uncertain. The Federal Energy Administration claims that "about one-third" of the natural gas consumed in 1974 was sold in the unregulated intrastate market. Officials in the Federal Power Commission, however, claim that approximately 45 percent of all natural gas is sold in the intrastate market. No one seems able to say what the average price or the distribution of prices for this gas is at this time or what it was in past periods.

Finally, ignorance of basic energy consumption patterns:

The impact of energy price increases on individual consumers and families in various income groups in a central parameter in the discussion of the administration's energy tax, tariff and price decontrol proposals. Yet the only data available within the Federal Government which clearly exhibits even a portion of the energy consumption as a function of income is based on a survey conducted in 1960 and 1961 and is therefore almost 15 years old. The most recent detailed and comprehensive compilation of data describing the consumption of energy in various sectors of the economy and for various end uses is based on data taken in 1968, 7 years ago.

All of these situations exhibit some feature of the general inadequacy of our present factual knowledge of the operation of the U.S. energy supply system and of the manner in which energy is consumed in the domestic economy. All of these situations relate to important policy decisions facing the 94th Congress which are not being clarified by our current handling of energy information.

The 93d Congress enacted two laws with sections which dealt in part with energy information. The first of these, the Federal Energy Administration Act—Public Law 93-275—authorized the collection of energy information by the FEA on a mandatory basis to further the exercise of FEA functions. The second, the Energy Supply and Environmental Coordination Act—Public Law 93-319—specified quarterly energy information reporting requirements for the FEA and authorized the imposition of civil and criminal penalties for failure to provide energy information to the FEA. Taken together the provisions of these laws provide the interim authority necessary for the FEA to analyze and deal with severe short-term energy shortages.

The authority is available to assemble the data required to operate the mandatory allocation program, to control petroleum prices, and to develop forecasts of future petroleum supply and demand. The provisions of these two laws should enable the FEA to collect and analyze the energy information which it requires provided the agency is willing to use its authority. However, as the examples cited earlier show, the FEA has not been aggressive in using this authority to develop the necessary data base. The priorities of FEA's data collection effort are determined almost entirely by the political requirements of the administration policies rather than by the energy policy needs of the Nation as a whole.

In no sense does this grant of information-gathering authority to the FEA by the 93d Congress represent a satisfactory long-term solution to the problem of providing the public, the Congress, and the executive branch with adequate energy-related data and information. In particular:

First, no attempt has been made to coordinate and consolidate the energy data collection by the Federal Government. A large number of departments, agencies, bureaus, and commissions now collect energy information, and an annoying and often onerous duplicative reporting burden on business is often the result. The Energy Information Act will provide central coordination, and minimization or elimination of duplicative reporting.

Second, no attempt has been made to realize the important organizational advantages associated with centralization of energy data and information functions and the insulation of this function from policy and political pressures. The collection of energy information ought to be organized on the basis of a comprehensive view of the energy problem without the need to respond to particular agency biases. This is not happening now. The completeness of the information system in terms of description of production and consumption, research and development, and the range of forms of energy ought to be regularly reviewed and upgraded. This is not happening now.

Third, a uniform set of standards for preserving legitimate confidentiality can be applied to the energy information supplied to the Federal Government. The standards embodied in the Energy Information Act strike a balance in favor of openness in the handling of energy information. In my opinion this openness is consistent with the Federal Government's special responsibility to the American people to assure adequate and reasonably priced supplies of energy. The energy industry is deeply involved with the public welfare, and as such, must accept broad scrutiny of its operations. This has not been the case in the past and it is not the case today.

Fourth, it has been estimated that over half the energy resources of the United States are actually owned by the people of the United States—on Federal lands, in the form of mineral rights held on private lands and on the submerged lands of the Outer Continental Shelf. It is extraordinary, but nevertheless true that the Federal Government does not now have in existence an effective program to determine the real nature, extent and value of these resources. The Energy Information Act specifically authorizes the Secretary of the Interior to conduct a survey of the national energy resource base. With the results of this survey the American people will be in a far better position than now to know the extent of their resources for the purposes of leasing and development.

Finally, the coordination and organization of energy information collection, analysis and dissemination is a long-term responsibility of the Federal Government. The credibility and expertise of the agency responsible for energy information must be substantial. Both credibility, experience and independence are essential to insure that a National Energy Information System can be developed which serve the needs of all agencies of the Federal Government. The National Energy Information Administration will have both the authority and the objectivity to provide reliable analysis and basic statistics which do not reflect policy biases of any individual agency. In my opinion, this independence and credibility are best assured by the creation of an agency whose principal responsibility is clear and defensible analysis and rigorously and carefully gathered information and data. The Energy Information Act will create such an agency.

ENERGY INFORMATION ACT SUMMARY

PURPOSE

This legislation is intended to establish an independent agency in the Federal Government, the National Energy Information Administration, whose purpose is the systematic collection, analysis and disemination of the energy information and data required for the formulation and evaluation of energy policy options. This agency will be directed to create and maintain a National Energy Information System. The System will contain an up-to-date, reliable and credible energy data base covering all phases of energy supply, distribution and consumption, including independent estimates of energy reserves and financial and economic information describing the operations of major energy companies.

Title I—National Energy Information Administration

Title I of the Act establishes the National Energy Information Administration. The Administrator of this agency is authorized to collect energy information directly and to coordinate the energy information activities of other Federal agencies so as to minimize or eliminate duplicative reporting of energy information to the Federal government. The Administrator is granted carefully circumscribed authority to inspect records of individual companies, to issue subpoenas for information and documents and to administer oaths. The Administrator is specifically required to provide regular reports to the Congress of the information collected.

Title II—National Energy Information System

Title II of the Act authorizes the establishment of a National Energy Information System to contain the energy information required to define and permit analysis of all phases of energy supply and consumption. Energy information of a financial nature will be collected annually from major energy producing and consuming companies on the basis of segments of business designated by the Administrator. The Administrator may also collect information from other Federal agencies, and, if necessary to obtain the required information, go around these agencies directly to the original sources. Provisions for classification of information in Title II describe tests designed to substantially increase the amount of energy information made available to the Congress and to the public and place the burden of proof for any need of confidentiality on the companies supplying information.

Title III—Energy Resources Surveys

Title III authorizes and directs the Secretary of the Interior to conduct a survey of the energy resources on and under the public lands of the United States, including the Outer Continental Shelf. The Secretary is authorized to conduct or contract for geological testing, including drilling, to carry out the survey. At the request of the Administrator the Secretary may inspect books and records of individual companies to verify information required under this Title.

Title IV—Miscellaneous

Title IV directs the Comptroller General to monitor and evaluate the operations of the Administration. The Comptroller General has broad access to the records of the National Energy Administration and may also collect information to assist in evaluating the operations of the Administration. This Title contains a conforming amendment to the Freedom of Information Act (5 USC 552), a separability clause and an open authorization of appropriations.

[From the Oil Daily, March 17, 1975]

STATISTICIANS, REGROUP! REA DROPS WEEKLY REPORT

(By Sandra Cannon)

WASHINGTON.—The Federal Energy Administration has decided to bow out of the weekly statistics publishing business. Instead, FEA will begin a monthly report in May while sole responsibility for the weekly reports goes back to the American Petroleum Institute.

Last year, API said it might discontinue its Weekly Statistical Bulletin if FEA could do the same job in its weekly Petroleum Situation Report.

Now, the tables have turned and FEA spokesmen said they found FEA was only duplicating API's long-standing effort. "Our figures were tracking along pretty well with API," a source said, "enough that we could justify any differences with API's long standing series."

In a letter to industry, federal energy official Eric Zausner said FEA is revising its report "in an effort to reduce the federal reporting burden."

After April 7, the acting deputy administrator said, the data on the weekly forms will no longer be reported on a weekly basis on the "fourth working day of the month following the reporting month."

FEA will continue to use the same forms but the statistics will no longer be needed to three decimal places; they can be rounded off to the nearest unit.

Weekly reporting will continue through April 4. The next report—the first monthly one—will be due May 6 and should include all data for the month of April.

FEA also is requiring monthly data for March to help with the transition from weekly to monthly reporting. The March data, Zausner said, should be transmitted "via maligram between Apr. 21–25."

API was "surprised," John Hodges, its director of statistics, told Oil Daily. However, Hodges said the industry is "very glad to get rid of the duplication of reporting."

Hodges said several persons had expressed concern about FEA's new plan. "People are asking how FEA can institute a new reporting system without going through the General Accounting Office or publishing a notice in the Federal Register.

"They're also wondering if FEA can require the information just four days after the end of the month or if the weekly reporting forms will suffice with a monthly system."

Under the circumstances, Hodges said, API will continue its weekly statistical bulletin, but it also will undertake a "reevaluation of what it's doing on a weekly basis. Maybe there's no longer a need for a weekly report," he suggested. "We're going to study our position very carefully."

U.S. SENATE,
Washington, D.C., June 4, 1975.

Hon. FRANK G. ZARB,
Administrator, Federal Energy Administration, Washington, D.C.

DEAR MR. ZARB: Today I have joined with Senator Gaylord Nelson, Senator Floyd Haskell and Senator John Glenn to introduce the Energy Information Act. A summary of the bill is attached. One of my principal reasons for submitting this legislation is my continued dissatisfaction with the priorities of the current Federal energy information effort.

A prime example of mistaken data priorities is the recent significant change in the collection of energy information and data authorized by the Federal Energy Administration Act (P.L. 93–275) and the Energy Supply and Environmental Coordination Act (P.L. 93–319). Press reports indicate that FEA has discontinued the collection and publication of weekly data formerly published in the FEA Petroleum Situation Report.

According to the Oil Daily (March 17, 1975, copy enclosed), this decision is prompted in part by FEA's decision that their figures duplicate the figures published weekly by the American Petroleum Institute. Indeed, the most recent FEA publication made available to my staff describing the petroleum situation was contained in the "Monthly Energy Review" for April, 1975 which arrived in May and contained data through February only.

Now, and in the future, presumably, the Federal government, the Congress and the public will have no alternative to reliance on the API for up-to-date energy information and statistics on petroleum supply and demand.

The Federal government has been justly criticized in the past for its reliance on the energy industry for the basic data on which to develop energy policy options which in turn affect that industry's profits. This reliance takes two forms:

(1) Use of predigested information and statistics generated by a lobbying arm of the energy industry, such as the API: and

(2) collection of energy data by the Federal government from individual companies on a voluntary basis in a form which is essentially dictated by industry. Much of this data is then kept confidential and not published for fear of disturbing these voluntary arrangements.

It is well known that the substantial disagreement among data describing U.S. petroleum supply provided by API, by the Bureau of Mines, by the FEA and by the Commerce Department escalates as this data is examined in more detail. The closer you look, the greater the discrepancy. Under these conditions there is no justification at all for use of API statistics to discuss and parameterize petroleum policy options.

If government and industry statistics disagree, the reasons for the discrepancy must be understood, and reliable, timely and entirely credible data collected by the government must be available to policy-makers. To rely on the industry for this information is irresponsible.

Over a year ago I asked that the API, the Department of Interior and the Department of Commerce undertake to reconcile the divergent sets of statistics published by each institution describing U.S. imports of crude oil and refined petroleum products and to provide me with a report analyzing the differences among these statistics. The purpose of this investigation was to determine which set of import figures "should be acepted by the Congress for the purpose of formulating public policy." My staff informs me that the FEA undertook to organize this investigation. However, no report has ever appeared.

Apparently, at least in the case of weekly statistics, you have concluded that no report is necessary. We are to use the oil industry's numbers. I think that a much more detailed explanation of this action than has yet appeared is called for. Therefore, I am asking that you provide me with

(1) your analysis of the relative accuracy, reliability and usefulness of the weekly petroleum statistics published by the FEA in the weekly Petroleum Situation Report and the Petroleum Import Reporting System Weekly Situation Report and by the API in their Weekly Statistical Bulletin;

(2) the reasons you plan to discontinue collection of data on a weekly basis including your estimates of the effect this decision will have on the formulation and evaluation of Federal policy;

(3) the results of your efforts to date to reconcile the petroleum import statistics reported by various Federal sources and the API; and

(4) your recommendations for improvement of, or consolidation of, the collection of petroleum statistics by the various Federal agencies now so engaged. The goal of this improvement and/or consolidation would be to provide the executive branch, the Congress, and the American people with timely, reliable and realistic data upon which to base energy policy decisions.

I assume that the analyses requested here would have been completed prior to arriving at your decision to discontinue weekly reporting of energy data. Therefore, I expect you will be able to respond promptly to this request.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

Mr. GLENN. Mr. President, I rise in support of the bill introduced by the Senator from Wisconsin which it is my privilege to cosponsor.

Ultimately national polices are made on the basis of judgments. However, sound judgments require accurate and timely data. Presently inadequate and conflicting data exist in the energy field and are hampering national decisions. We are legislating in a fog of uncertainty. It is for this reason that I support the establishment of a National Energy Information Administration.

The proposed National Energy Information System is designed to provide credible data upon which national energy policies can be formulated. As this Body knows well, the myriad collections of material now assembled by many different agencies are not oriented to national decisionmaking, but are supportive of the individual needs of these organizations. The proposed agency, independent of any organizational bias, will coordinate, collect, analyze, and disseminate energy data to the public, State, and local governments and to Federal agencies. Only an agency of this type can end the vacillation, doubt, and confusion over energy statistics now impeding effective policy decisions.

I should also like to emphasize that the proposal will strip away the excessive duplication which now exists among Federal agencies. and is designed to minimize the multiple and cumbersome reporting requirements imposed upon business interests.

Current energy facts are not credible because we are dependent upon widely different sources lacking any uniform definitions. Further, there are areas in which no attempt is made to collect the relevant data. For example, stocks below 50,000 barrels annually held other than by refiners and major terminal operators are not included in yearly surveys. Such information would be important in the event of another embargo. In addition, this type of detailed information on State and regional matters will be increasingly necessary for coherent planning.

This bill submitted by Senator NELSON will provide for a uniform base of data which can be utilized by all sectors of our economy. Only action of this nature can curtail the indecision which exists in so many discussions of energy policy.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1865. A bill to amend sections 5, 6, 7, and 8 of the Intercoastal Shipping Act, 1933, to make public the financial reports of common carriers by water in interstate commerce and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend sections 5, 6, 7, and 8 of the Intercoastal Shipping Act, 1933, to make public the financial reports of common carriers by water in interstate commerce and for other purposes, and ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C., May 8, 1975.

Hon. NELSON ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, together with a statement of purpose and need for the draft bill, "To amend sections 5, 6, 7 and 8 of the Intercoastal Shipping Act, 1933, to make public the financial reports of common carriers by water in interstate commerce and for other purposes."

The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at the first session of the 94th Congress for the reasons set forth in the accompanying statement.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR THE BILL TO AMEND INTERCOASTAL SHIPPING ACT, 1933, TO MAKE PUBLIC THE REPORTS OF DOMESTIC OFFSHORE OPERATORS

Every common carrier by water in the domestic offshore trade of the United States which is required by the Intercoastal Shipping Act, 1933, to file tariffs with the Federal Maritime Commission is also required by the Commission's General Order 5 to file an annual report within 120 days after the close of its fiscal year; each of these carriers is also required by General Order 11 to file with the Commission within 150 days of the close of its fiscal year a statement of rate base and income account for each domestic offshore trade served by the carrier. It is believed that the Intercoastal Shipping Act, 1933, should be amended to enable the Commission to make available to the public the information contained in these reports which is presently held confidential.

Both the Interstate Commerce Commission and the Civil Aeronautics Board have specific statutory authority to make available for public inspection the financial reports submitted by carriers subject to their respective jurisdictions. The Federal Maritime Commission should be similarly situated since it is often difficult to explain this lack of comparability in responding to inquiries from members of the public.

The annual report which is filed with the Federal Maritime Commission pursuant to General Order 5 may, depending on the operations and ownership of the carrier, also be filed with the Interstate Commerce Commission and/or the Maritime Administration. In these cases the data is submitted on the same form. If the carrier does not delete the FMC information on its submission to the ICC, the Federal Martime Commission is in the position of having to deny access to information which is publicly available at the ICC.

It is also believed that this information may be meaningful to protestants of rate increases who, without this information, are forced to make uninformed protests of rate increases or endorsements of rate decreases.

This bill would make possible the conduct of rate proceedings without the awkward imposition of confidentiality invoked under Rule 10(aa) of the Commission's Rules of Practice and Procedure. In some recent cases carriers have not even invoked confidentiality. Furthermore, the invocation of Rule 10(aa) is not binding on the Examiner or the Commission.

Finally, this bill would be consistent with the current trend toward making available to the public all information that the security of the nation permits. Such disclosure is in the spirit of the Public Information Act of 1966 and would materially assist the Administrative and Judicial processes and would be consistent with the authorities of the other transportation regulatory agencies, the Interstate Commerce Commission and the Civil Aeronautics Board. It is believed that the legislation will not involve any increase or decrease in appropriations.

S. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 5, 6, 7, and 8 of the Intercoastal Shipping Act, 1933, be amended by being redesignated as sections 6, 7, 8 and 9 and adding new section 5 as follows:

"SEC. 5. The Commission is hereby authorized to require annual, periodical, or special reports from every common carrier by water in interstate commerce, as defined in section 1 of the Shipping Act, 1916 and to prescribe the manner and form in which such reports shall be made. Such annual reports shall give an account of the affairs of the carrier in such form and detail as may be described by the Commission.

The statistics, tables and figures contained in such annual or other reports, shall be preserved as public records in the custody of the Secretary of the Commission, and shall be received as *prima facie* evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said reports, made public records as aforesaid, certified by the Secretary, under the Commission's seal, shall be received in evidence with like effect as the originals."

By Mr. MONTOYA (for himself and Mr. PASTORE):

S. 1867. A bill to provide that funds appropriated for newly enacted or extended programs shall remain available for an additional fiscal year if such programs are not promptly implemented by the administering department or agency. Referred to the Committee on Government Operations.

Mr. MONTOYA. Mr. President, today, on behalf of myself and the distinguished Senator from Rhode Island (Mr. PASTORE) I am introducing legislation designed to insure that Federal agencies provide a reasonable period for the development and preparation of grant and contract proposals. Specifically, this bill would require that 60 days elapse between the announcement of a request for proposals, the publication of rules and regulations for proposals and the closing date for receipt of proposal applications.

A secondary purpose of this bill is to require Federal agencies to move with reasonable speed to fully implement new laws. Section 2 of the bill provides that final rules or regulations for a new or newly amended program are to be issued within 4 months of the date of enactment of the controlling legislation.

The need for legislation of this kind is increasingly clear to all of us. I am sure that I am not the only Member who receives reports of instances in which a Federal agency publishes regulations or requests proposals for participation in a Federal program, and simultaneously announces a deadline for receipt of applications of 30 days or less. When a librarian or a school administrator or a hospital administrator or any constituent group contacts a Member of Congress about this kind of problem it is usually too late to take any effective action. If there is time to question the decisions which have been made, it requires letters, telephone calls, and sometimes even telegrams to busy people in the Federal agency concerned. Often there is what seems to be a good explanation on the part of the agency—good and reasonable from the standpoint of their workload or their time pressures relating to a fiscal year budget.

However, such short deadlines are never reasonable from the standpoint of the applicants, and they often contravene the intent of the Congress in the original law. When the Government undertakes to grant awards or contracts for a specific program I think we can assume that the intent of the Congress is to address a problem with the best possible program at the local level. Such awards are intended to be made competitively, with all applicants having an equal opportunity for preparation of a proposal, and with all applicants having sufficient time to prepare the best possible proposal. Anything less than 60 days for the preparation of a proposal to spend Federal money would seem to me to be inefficient and would almost guarantee that applications submitted would be less than the best.

As complaints to my office increased in number last year and this, I began to feel that there had to be a way to make the bureaucracy function in a more responsible manner without placing an undue burden on the agencies involved. The legislation I am introducing today is the result.

I would like to mention, for the record, several examples of the kind of deadline problem which this bill would alleviate. The examples chosen are at random, and are not intended to point a finger at any particular branch or department or agency. Every indication I have is that this problem is across the board, in all areas of Government grants and contracts.

Last year, in one case, librarians were asked to submit applications under title II of the Higher Education Act of 1965, through amended regulations in the December 26 Federal Register. The libraries involved in this program are on university campuses—and, of course, the schools were closed in December for the holidays. The University of New Mexico, for example, did not receive the Federal Register in this case until January 10. The deadline in this case was set for January 29. It was, of course, impossible for most librarians in universities across the Nation to prepare well thought-out proposals in the length of time allowed. In addition, for those in the Western States it is not at all uncommon to have the Federal Register arrive in the mail more than a week after publication in Washington. Thus, for applicants in Western States or Midwestern States, the 30-day deadline really comes down to a 15-day deadline or less.

In the case cited above I was able to request an extension of the deadline until February 28 through the kind cooperation of Commissioner Terrel Bell of the Office of Education.

Another example of the kind of problem which my bill would help to correct came to me from West Virginia University College of Business and Economics. Their concern was over a research contract which they wished to apply for at HUD. The request for proposal was published and sent to the university on May 7, and received by the university on May 12. The deadline set was May 30. This contract was for a $200,000 to $300,000 proposal. I think it is abundantly clear that even 23 days is too short a time in which to prepare a proposal to spend that much Federal taxpayer money.

A final example of the need for this legislation can be found in the time limits and deadlines set for many of the education programs under the education amendments of last year. The President signed the education bill in August of last year. It amended many ongoing programs and made some new programs available to schools throughout the Nation. The Bilingual Education Act, title VII, of the Elementary and Secondary Education Act was substantially amended. A new part J, bilingual vocational education, was added to the Vocational Education Act.

These changes, of course, required that new regulations be developed and disseminated to interested schools. However the regulations and rules were not published until March 12 of 1975 for title VII, and the original deadline set was for April 15. The regulations for part J were published at the same time, with a deadline of April 11. It should be pointed out that the Office of Education realized the difficulty this deadline would place on school districts, and conducted four regional meetings in March for the purpose of discussing the "proposed" rules and providing technical assistance to the schools. However, until the final rules are published and the applications forms received, it is not possible for school districts to properly or correctly develop plans and programs.

The Office of Education was persuaded, in the case of title VII, to extend the deadline to May 1, and they have been helpful in accommodating school districts wherever possible. Their delay in publishing their rules was a result of a long delay in HEW's legal interpretation of the new legislation.

Whatever the reason for the delay, however, the short deadlines in the examples cited above make it impossible for applicants to plan properly for the expenditure of Government money. A library, a school, a hospital, a small business, or even a State agency, is seldom prepared to put a grant application in the return mail following receipt of the Federal Register or other RFP. Those few who are prepared with "instant applications" are those who could almost be called "professional applicants"—those who have developed a high degree of grantsmanship over the years as a method of supporting themselves or their organizations. They are seldom the applicants who represent the target group which it is the intent of the Congress to reach with Government assistance.

Last year we enacted the Budget Control Act which requires the executive branch to spend appropriated funds or to notify the Congress of its intent not to do so. Congress, of course, then has the right to compel the expenditure of the funds for the purposes intended. It is my observation during this last year that a new administrative stalling technique is the delay in providing regulations and rules for grant or contract applications. By using this kind of delay the administration is able to completely subvert the intent of the Budget Control Act. If they fail to implement a new or newly amended program in a timely fashion, it is then possible to run out the clock on appropriated funds during a specific fiscal year. If few applicants apply, or if few applicants are able to submit well developed or well planned proposals, it is possible to testify that the program is not necessary or not being well responded to by the public. This is perhaps not the cause of these delays, but it is a possible loophole which I believe the Congress should examine.

My bill, by requiring the issuance of regulations within 4 months of enactment of law, and by mandating the carryover into the new fiscal year of funds appropriated for a program which the executive does not or will not implement in a timely fashion, guards against this new form of impoundment.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD at this time.

I urge the support of my colleagues for this legislation which Senator PASTORE and I are introducing today.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever—

(1) a law is enacted which establishes or extends a program under which persons or governments are entitled, or may upon application become entitled, to participate in or receive benefits under the program, and

(2) funds are appropriated to carry out the program so established or extended for the first fiscal year of such program,

then, unless the applicable provisions of sections 2 and 3 are complied with, the funds so appropriated shall remain available for expenditure until the close of the fiscal year following such first fiscal year.

SEC. 2. Whenever a law described in paragraph (1) of the first section is enacted, if rules or regulations are to be prescribed to implement or otherwise carry out the program enacted or extended by such law, such rules or regulations shall be prescribed so as to become effective not later than 120 days after the date of the enactment of such law (or after the effective date of such law if it is effective at a date later than the date of its enactment).

SEC. 3. Whenever a law described in paragraph (1) of the first section is enacted, if applications are required in order to participate in, or receive benefits under, the program established or extended by such law, a period of not less than 60 days (beginning on the date on which applications are first accepted) shall be provided for making an application, unless such law specifically prescribes a shorter period. Announcement of the date on which applications will first be accepted shall be published in the Federal Register at least seven days before such date.

By Mr. MONTOYA:

S. 1868. A bill authorizing the Secretary of the Navy to sell certain types of aircraft no longer needed by the Navy to persons engaged in the business of controlling or extinguishing fires in national forests. Referred to the Committee on Armed Services.

Mr. MONTOYA. Mr. President, thousands of acres of valuable forest land are destroyed each year by fire, and millions of dollars are lost by the Federal, State, and local units of Government which bear the burden of putting those fires out. In these battles against the forest fires, one of the most useful tools presently available is the tanker aircraft which can penetrate the airspace directly above a burning area and drop a load of water or fire-retardant chemicals.

A number of aircraft are used in these operations—converted B–17's, DC–6's, and DC–7's for example. But two of the most useful of all aircraft for this work are the Navy P2V–5 and P2V–7. The P2V is a bomber. It is designed to endure the stress of combat—unlike the DC–6 and the DC–7, and is therefore extremely well suited for the close-to-the-ground flying and the quick maneuvering which firefighting flying requires. Pilots who specialize in this kind of work recognize the potential of the P2V as a firefighting aircraft and have been attempting to acquire those which become surplus to the Navy's needs.

Unfortunately, their efforts have been frustrated by a Navy regulation. Navy demilitarization manual DOD 4160.21–M prohibits the release of this type of aircraft to any individual or group for the reason that the airplane has an offensive capability—bomb bay doors—unless they first go through a process of demilitarization. Upon investment, I have learned that demilitarization means the scrapping of the airplane. The wings are removed and other actions taken which render it obviously unfit for any flying activity.

I understand that there exist in the country at the moment at least five surplus P2V's. Three of them are at Medford, Oreg., and two are at Chico, Calif. All are under the temporary jurisdiction of the Forest Service which is using them to conduct experiments concerning the tanking and gating of fire retardant. But all will shortly be returned to the Navy to be junked.

I think that would be an unforgiveable waste. Accordingly, I am today introducing legislation which would authorize the Secretary of the Navy to sell surplus P2V–5's and P2V–7's to persons under contract to the Forest Service who will use the planes primarily for firefighting purposes.

I appeal to the chairman of the Armed Services Committee to give this bill early consideration. With a little luck, we can prevent the destruction of these P2V's and instead put them to use fighting forest fires this summer. I ask unanimous consent that the text of my bill together with a letter I received from Arnold Kolb, president of Black Hills Aviation, Inc., a forest firefighting company be printed at this point in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

BLACK HILLS AVIATION, INC.,
Alamogordo, N. Mex., January 23, 1975.

Hon. JOSEPH MONTOYA,
U.S. Senate, Dirksen Office Building,
Washington, D.C.

DEAR SENATOR MONTOYA: As per my telephone conversations with members of your staff and our previous conversations I wish to confirm the need of Neptune P2V–5 and –7 aircraft for use in private industry for forest fire suppression. The U.S. Forest Service is attempting to phase out older World War II type aircraft and through some research and experimentation they are favoring this type of aircraft. There are three P2V–5's at Medford, Oreg., and two a Chico, California, that Forest Service has had under their jurisdiction but as soon as they finish experimenting with the tanking and gating of fire retardant tanks, I understand they will be returned to the Navy to be destroyed. I keep thinking there must be some avenue of hope for obtaining these aircraft so they can serve a need rather than let the Navy dispose of them. We have checked different ways and the Forest Service has tried to help us but with no success because of the complications involved if they are under the ownership of the U.S. Government, or the jurisdiction of the Forest Service and operated by private industry. The Forest Service is still contracting World War II aircraft because of the lack of something better to replace them. However, should they phase out the B–17's today my fleet would be reduced to less than half. I was able to obtain three P2V–7's from Canada this summer, and lost one when one of our pilots landed short of the runway at Wenatchee, Washington, causing it to crash and burn. I desperately need to buy something to replace this one at least, and hopefully can continue without reducing the operations at our Alamogordo base where we do the major part of the maintenance on these aircraft.

The Forest Service has encouraged me to write and I ask your advice and assistance in obtaining additional P2V aircraft as well as any suggestions as to what I should do to expedite a transaction.

Thanking you in advance, I remain,
Respectfully yours,
ARNOLD KOLB.

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, or any rule or regulation to the contrary, the Secretary of the Navy is authorized to sell, at fair market value, any Neptune P2V–5 or P2V–7 aircraft no longer needed by the Navy to any person who (1) is purchasing such aircraft primarily for use in fighting forest fires, and (2) is under contract to the Forest Service, Department of Agriculture, to use aircraft in controlling or extinguishing fires in national forests.

SEC. 2. The Secretary of the Navy may impose such restrictions on the resale of any aircraft sold by him under authority of the first section of this Act as he deems necessary to protect the national interests of the United States.

By Mr. WILLIAMS:

S. 1869. A bill to amend the Defense Production Act of 1950 to provide for national stockpiles to protect the economic security of the United States. Referred to the Committee on Banking and Urban Affairs.

THE MATERIALS SECURITY ACT

Mr. WILLIAMS. Mr. President, I am deeply concerned about recent reports that our stockpile level of essential raw materials is too low. This situation can result in critical shortages that do severe damage to our economy.

We depend on imports for more than half of our supply of six basic raw materials: bauxite, chromium, manganese, tin, tungsten, and zinc. However, we maintain a stockpile based on the assumption that the United States can import from all countries except Communist countries and those involved in a conflict. The OPEC cartel makes it clear that this assumption may not be valid. I believe that the changing nature of the international commodities picture requires that we carefully review our stockpiling policy. One aspect of this review should encompass the possibility of stockpiling materials for economic as well as military purposes.

HISTORY OF U.S. STOCKPILING

The Joint Committee on Defense Production was established under section 712 of the Defense Production Act of 1950. The primary function of the committee is to monitor, study, and assess all programs authorized by the act, and to review the execution and administration of such programs. In addition, the committee is authorized to aid other congressional committees affected by the act, to consult with Federal agencies administering programs being carried out under the act, and to report to the Congress the results of its various studies and activities. Annual reports have been issued continuously since 1951, and the 23d such report was issued on February 7, 1974.

Many of the powers granted by the Congress under the original 1950 act have long since been amended, extended, or terminated by various public laws passed from 1951 through 1974. Among major provisions which remain in effect are those which provide temporary power for the President to assure adequate supplies of strategic materials for defense purposes by establishing priorities for defense contracts and by allocating materials for defense purposes. The most recent legislation—Public Law 93-426—extended these provisions of the act until June 30, 1975. It also changed the method of financing the strategic materials stockpile from Treasury loans to direct congressional appropriations, and established a National Commission on Supplies and Shortages. Among the major functions of the new Commission is the responsibility for developing a comprehensive strategic and economic stockpiling and inventory policy to facilitate the availability of essential resources, and the responsibility for recommending legislative and administrative actions necessary to carry out such a policy. I believe that the most important provision in this legislation is the one relating to economic stockpiling.

PURPOSE OF STOCKPILING

Historically, the primary purpose of the national stockpile has been to assure the availability of sufficient strategic and critical materials to meet anticipated military and essential civilian needs during a time of emergency without dependence upon foreign sources of supply. This concept of stockpiling was expressed 50 years ago by U.S. military leaders as a result of experience gained in World War I. The concept gained further urgency in the 1930's because of the possible interruption of vital importants as a result of Japanese activity in Asia and the growing prospects for war in Europe. In response to these uncertainties, the Congress appropriated funds in 1937 to permit initial procurement of $3.5 million worth of strategic and critical materials, primarily tin, manganese, tungsten, optical glass, and manila fiber. The concept of strategic stockpiling was later formalized by passage of the Strategic and Critical Materials Stockpiling Act of 1946—Public Law 79-520. This act remains the Nation's basic stockpiling legislation. As subsequently modified it established the procedures for purchasing and disposal, funding, and providing assistance in developing sources of supply.

A dramatic shift in attitudes toward stockpiling took place on April 16, 1973, when President Nixon requested authority from Congress to dispose of approximately 90 percent of the strategic materials stockpile, then worth about $6.7 billion. Two basic changes were reflected in this proposal. First, the administration had determined that stockpiled supplies for a 1-year war were now sufficient, rather than for a 5-year, or even 3-year war as had been previously estimated. Second, and perhaps more important, the President maintained that disposal of excess stockpiled materials would serve a worthwhile economic purpose. It would help to check price increases which were contributing to inflation during a time of severe materials shortages. Since then, the concept of materials stockpiling for economic as well as for strategic military purposes has been increasingly raised. In particular, legislation was introduced into the last Congress by Congressman BENNETT—H.R. 13444—to permit application of the 1946 act to materials needed to prevent disruption of the national economy, specifically "when significant shortages of these materials also threaten to disrupt, or are disrupting, output and employment in domestic manufacturing or agriculture, or both." Also, the possibility of stockpiling materials for economic purposes was discussed during debate on the amendments to the Defense Production Act of 1950 last year.

RATIONALE FOR AN ECONOMIC STOCKPILE

Several reasons may be advanced for the need for incorporation of an economic rationale in a national stockpiling program. First, there are questions about whether maintaining a national stockpile solely for strategic, military purposes is still a reasonable policy. Presumed requirements for a strategic stockpile have changed greatly both because of the Nation's new economic posture and the modern nature of warfare. Originally, stockpile requirements were considered necessary to allow conduct of a 5-year war. This period was reduced to 3 years in 1958 and to 1 year in 1973. It may be argued that today, in the light of the world's increasing nuclear capacity, 12 minutes might be as realistic a time period as 12 months. The basis for this argument is, of course, that any conflict that succeeded in interrupting the flow of materials deemed vital to a nation's survival could soon escalate out of control. Stockpiling of materials for a need that may never arise, at a cumulative maintenance cost now estimated at over $600 million since the Nation's stockpiling program began, may represent a relatively poor use for the money invested. On the other hand, were such stockpiling to serve other useful purposes, the cost might appear more realistic.

Second, use of a materials stockpile could be expected, under proper circumstances, to moderate the often violent fluctuations in both cost and availability which characterize many basic industrial raw materials. Admittedly such stockpile usage is not consistent with past thinking. Indeed, safeguards have been built into past stockpile legislation to assure relative isolation of the stockpile from the domestic economy. One such safeguard forbids release of stockpiled materials except at the direction of the President during wartime, or during a declared state of national emergency due to the threat of war. The only exceptions to this provision are sales made for reasons of technical obsolescence or deterioration of stockpiled materials. Another provision requires purchases for the stockpile to be made from supplies in excess of current industrial demand.

The advisability of isolating stockpiling from the domestic economy is less justifiable in the light of possible advantages removal of such restrictions might have upon the economy. For example, many basic industrial raw materials are subject to cyclical variations of supply and demand. A shortage of copper during the spring of last year drove wirebar prices on the London Metal Exchange as high as $1.38 per pound; in contrast, the current surplus of copper has driven prices down to about 55 cents per pound. Some producers, particularly those operating marginally efficient or deep-shaft mines, have been forced to close, and some major producers have reduced output significantly. As production falls and existing surpluses are consumed, a shortage can be expected to develop, especially as the economy recovers from the current recession, thereby driving prices higher. Marginal producers will again enter the market, creating a new surplus condition, again driving prices down, and the cycle can be expected to repeat itself. Similar cycles tend to exist for many other basic industrial commodities.

Private industry appears powerless to stop this kind of market behavior without help. Indeed, even the Intergovernmental Council of Copper Exporting Countries—CIPEC—formed to help maintain stability in the international copper market, appears unable to moderate this boom-or-bust syndrome. However, an effective stockpiling policy could do much to help stabilize availability and prices of such key industrial raw materials by buying in times of surplus and selling in times of peak demand. Such activity might help assure an adequate, consistent supply of materials at reasonably stable prices, thus eliminating jolts to the economy resulting from periodic shortages, inflationary prices, and producer operating losses. Such stockpiling has been shown to be effective in the past for food commodities. And it might even be extended to include stockpiling of secondary materials for recycling.

Third, existence of an economic stockpile would help to compensate for lack of domestic reserves of stockpiled materials. Past rapid exploitation of domestic reserves has exhausted primary deposits of some key industrial raw materials, leaving the Nation dependent upon imports from foreign producers of these materials. Domestic secondary and tertiary deposits are often uneconomical to mine. Even in cases where additional domestic reserves still exist, the maintenance of a standby capacity to accommodate periods of peak demand is expensive and could be impractical. An economic stockpile of such materials would greatly obviate the need for standby capacity. It would also help to replace depleted primary reserves with material available in even more accessible form.

Fourth, existence of an economic stockpile might make the Nation less dependent upon actions of international cartels formed by foreign materials producers. The effects of last year's oil embargo by the OPEC nations demonstrated the difficulties inherent in overdependence on foreign supplies of any vital material. Although similar action by producers of other materials may appear unlikely at this time, the possibility nevertheless exists. An economic stockpile would provide a buffer to lessen the Nation's vulnerability to such possible materials boycott threats.

CONSTRAINTS ON STOCKPILING FOR ECONOMIC SECURITY

As I mentioned earlier, stockpiling for economic purposes represents a sharp departure from previous stockpiling philosophy. We must make certain that an economic stockpile does not unduly interfere with the Nation's traditional free enterprise marketplace. We must also insure that an economic stockpile does not become a "dumping ground" for production in excess of any reasonably foreseeable demand. Finally, the initial cost of establishing a stockpile must be kept as low as possible. While all of these limits can be accommodated, they do demonstrate the need for careful monitoring of all aspects of materials stockpiling, whether for military or economic purposes.

INITIATIVES FOR INTERNATIONAL COOPERATION

The accumulation of adequate stockpiles is likely to be expensive, depending on the market for the particular material. It is conceivable that attempts by the United States to insulate itself from shortages or price manipulation will generate similar programs by other consuming nations. The resulting competition could encourage tremendous pressures for increased commodity prices.

I believe that it is clearly in the interests of the consuming countries to formulate common commodity policies. Perhaps the formation of joint stockpiles would spread the costs and eliminate the threat of nationalist competition in acquiring designated commodities.

In addition, the United States and all consuming countries should seek new arrangements with the producing nations. These should have agreed price limits for essential commodities as their objective. Perhaps an established floor and ceiling for prices could protect consumers against supply curtailment, and could also protect producers against sharp reductions in foreign demand.

There are great opportunities to resolve the different interests of the consuming and producing nations. Therefore, we should seek immediate agreements which will promote the economic security and welfare of producing and consuming nations alike.

CONCLUSION

There are several constructive initiatives that this Nation should take in its materials policy to further our economic security. We should develop programs to recycle resources, reduce domestic demand, and increase supplies. We should seek new international agreements on this issue. Nevertheless, the unilateral action of stockpiling for our economic security seems to be the most realistic approach we can take over the short term.

I believe that enlargement of the scope of our present stockpiling policy to include additional functions would be a logical extention of the current legislation. At least, I propose this as the logical point of departure in our evaluation of future materials policy.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Defense Production Act of 1950 is amended by adding at the end thereof the following unnumbered paragraph:

"It is also the policy of the Congress to protect the economic security of the United States and to avoid or mitigate the effects on the economy of the United States of future embargoes imposed by foreign sources of economically important materials by establishing national stockpiles of such materials."

By Mr. BAYH:

S. 1871. A bill to direct the Secretary of the Army, acting through the Corps of Engineers, to provide certain assistance to individuals whose lands are acquired by the Corps of Engineers in carrying out a project under its civil works program. Referred to the Committee on Public Works.

Mr. BAYH. Mr. President, I am today introducing legislation to assist individuals whose property is acquired by the Army Corps of Engineers in order to proceed with construction of civil works projects. This measure is intended to strengthen existing provisions of the law which, as a practical matter, leave individual sellers at a disadvantage when their land is acquired by the corps. These inequities came to light during two meetings I held in French Lick, Ind., with constituents whose land is being or has been purchased for the construction of the Patoka Lake in Orange, Crawford, and Dubois Counties, Ind.

Before describing the specific provisions of this measure, I should emphasize that it is intended to rectify the fundamental imbalance that results when an individual citizen is forced to negotiate with the Federal Government. Time, money, and expertise are all on the side of the Government, and procedures which appear on paper to protect the interest of individual citizens may prove to be inadequate in practice.

When the corps finds it necessary to purchase land for a civil works project, it is reasonable to expect that in some instances honorable men will differ over the value of a piece of property. In such cases, I believe that sellers are entitled to a system of price appeals that is fair, speedy, and not traumatic. So far as a significant number of Patoka Lake sellers are concerned, however, the present arrangement requiring condemnation and appeal through the courts meets none of these tests. And it is fair to assume their experience has been repeated in other cases.

This is unfortunate especially since sellers usually find it necessary to employ the services of an attorney in order to pursue their claim. This practical, rather than legal, requirement discourages some individuals from exercising their right of appeal. In cases where a price is successfully appealed, the attorney's fees often wipe out the increase in sales price.

The system does not appear to be speedy, primarily because of its complexity. And perhaps most important, the system is very traumatic. To a 75-year-old Hoosier who has never been inside a courtroom, the very word "condemnation" has a horrible connotation, and the thought of "going to court" is out of the question. Consequently, a number of unhappy sellers are too scared to do anything but grudgingly accept the offering price.

The measure I am now introducing directs the Secretary of the Army, upon petition from a seller, to establish a land acquisition review panel to review disputes over compensation for property and to recommend a solution to both sides. Each panel would be required to include representation from the private sector, and the members of such panels would service without compensation, other than reimbursement for certain expenses incurred in the performance of their duties.

During my investigation of the problems in the Patoka area, I discovered that certain landowners experienced unwarranted difficuty locating suitable replacement property. In certain cases, individuals were unable to quickly use the proceeds of their sale to the Government while skyrocketing inflation was sending land prices out of sight. Further complicating the matter, the list of available properties in a rural community is often short, and by the time some sellers entered the active real estate market, the only replacement properties available were inadequate.

If the corps is going to require individuals to sell their property, then I believe the corps must bear the responsibility for encouraging sellers to make intelligent, informed decisions in selecting a replacement. I believe it is the corps' job to take all reasonable steps to insure that the seller is getting the most out of the money he receives from the Federal Government.

This measure therefore authorizes the corps to provide timely advice and other assistance to individuals required to relocate because of a corps project and specifically requires the corps to provide a compilation of properties available for purchase, lease, or rent within the vicinity of each civil works project.

A number of landowners involved in the Patoka project said they were at a disadvantage when they attempted to object to the price offered for their property because the corps refused to provide an itemized breakdown of the fair market appraisal of the parcel. For example, if an individual owns a farm with several buildings on it, he faces an obvious obstacle in seeking a higher price if he cannot find out what the corps says each component is worth.

The measure I am introducing today, therefore, requires the corps to advise each landowner in writing that he has the right to request and receive an itemized listing of the offered fair market value, including a separate listing of the amount of that offering price attributable to each dwelling, building, structure, or other improvement on the property.

This is a time when a great many Americans seem to distrust their own Government. I would agree that sometimes those of us in Government tend to overlook the enormous administrative resources automatically available to the bureaucracies who implement programs affecting the lives of our citizens. I believe the changes provided by this legislation are necessary if landowners are to be placed on an equal footing with the Corps of Engineers when the construction of a civil works project requires the purchase of land.

Mr. President, I ask unanimous consent that the bill be printed in its entirety in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as practicable following the date of the enactment of this Act, but in no event later than ninety days thereafter, the Secretary of the Army, acting through the Corps of Engineers, shall establish and carry out a program to provide, in accordance with this Act, assistance to individuals owning lands or waters or interests therein which the Corps of Engineers has determined are necessary to be acquired by it in connection with the carrying out of its civil works program.

(b) Such program authorized by subsection (a) shall provide, among other things, for the written notification to each such owner of such land or water or interest therein so required to the effect that it is necessary for the United States to acquire such land, water or interests in connection with its civil works program. Such notification shall further include—

(1) information as to the right of any such owner to request and receive from the Corps of Engineers an itemized listing of the amount offered by the Corps of Engineers as compensation for the purchase of the property of such owner to be acquired, including a separate listing as to the amount of such compensation which is attributable to each dwelling, building, structure or other improvement thereon;

(2) information as to the right of such owner to petition the Secretary of the Army to establish a land acquisition review panel for the purpose of reviewing the amount offered by the Corps of Engineers as compensation for any such property to be acquired and the amount demanded by the owner as compensation for the selling of such property; and

(3) information as to such other assistance which the Corps of Engineers is authorized to make available to such owner to assist such owner in relocating following the acquisition by the Corps of Engineers of that owner's property or interests therein.

Sec. 2. (a) Such program authorized by the first section of this Act shall further provide for the establishment by the Secretary of the Army, from time to time, of land acquisition review panels to receive and consider petitions pursuant to subsection (b) (2) of the first section of this Act to make recommendations to the Secretary of the Army and to the petitioner with respect to the fair market value of the property to be acquired by the Corps of Engineers and covered by such petition. The findings and recommendations of any such panel shall not be binding on such owner or the United States. Each such panel so established shall include representation from the private sector. Individuals appointed to such panels shall serve without compensation as such, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the panel.

(b) Such program shall further provide for timely advice and other assistance to individuals required to relocate because of the acquisition of their property by the Corps of Engineers, including a compilation of properties available for purchase, lease, or rent within the vicinity of the project under the civil works program.

Sec. 3. Notwithstanding any other provision of law, the United States shall take no action to acquire by condemnation the property of any individual within the purview of this Act required by the Corps of Engineers for its civil works program prior to the expiration of a ninety day period following the date on which such individual first received an offer of purchase of such property by the Corps of Engineers, including notification as to the specific amount to be paid as compensation in connection with such offer.

Sec. 4. The Secretary of the Army is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MONTOYA (for himself and Mr. Domenici):

S. 1872. A bill to enlarge the boundary of the Cibola National Forest. Referred to the Committee on Interior and Insular Affairs.

Mr. MONTOYA. Mr. President, I am pleased to submit on behalf of myself and Senator Domenici a bill to enlarge the boundary of the Cibola National Forest. The proposed enlargement involves four tracts of land.

Last year a bill, H.R. 7188, was passed by the House which provided for the inclusion of three of the tracts within the Cibola boundary. I ask unanimous consent that there be printed at this point in my remarks these portions of House Report 93–988 which discuss each of the three tracts.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks

H.R. 7188, as amended by the Committee, would extend the boundary of the Cibola National Forest in New Mexico to include three distinct land areas. The first area contains 4,556 acres, all of which are owned by the United States. Except for 300 acres of open grassland, the area is forested. This area had National Forest status from 1912 until 1954. It was then transferred to the Department of the Army to become a part of the Fort Wingate Army Depot. The Army Corps of Engineers has no further need for this area, and has declared it excess to its needs. It is both practical and desirable to return the area to its former status as a part of the Cibola National Forest. It is suitable for National Forest purposes and can be efficiently administered. The area is bounded on the east by National Forest lands and on the west by Indian lands.

The second area contains 14,476 acres of which 9,760 acres are public domain, 1,280 acres are owned by the State of New Mexico, and 3,436 acres are privately owned. The public lands were acquired through Taylor Grazing Act exchanges with the understanding that they would, at some time, be included in the Cibola National Forest. This legislation accomplishes that objective. During the past ten years, the Forest Service has acquired 115,000 acres within National Forests in New Mexico through land exchanges under the Taylor Grazing Act.

The third area contains 520 acres and is owned by the City of Albuquerque. The City has sought extension of the Forest boundary to include this fragile area. The Committee agrees with this request since it would extend National Forest protection to this environmentally fragile area without impinging on the Forest Service management of the Cibola National Forest.

* * * * *

With regard to Area 3, the Committee decided to retain 520 acres of the proposed 867 acres in Area 3. The area is located in the Sandia Mountains on a relatively steep mountain slope facing the City of Albuquerque. The City has acquired through purchase, 480 acres of the 520 acres and is in the process of acquiring the remaining 40 acres. It is the Committee's understanding that negotiations on these 40 acres are nearing completion. The City purchased the lands from the owners in order to prevent commercial and/or residential development. The area provides a rather spectacular scenic background for the City. This is an environmentally sensitive area and the City of Albuquerque is seeking the extension of the National Forest boundary to include the area as a further protection for them.

The Committee disagreed with the reasoning of the Forest Service that the lands were of a low priority and of too high a cost for National Forest purposes. The City of Albuquerque neither expects nor desires the Forest Service to acquire the lands by purchase or exchange, nor does the legislation call for the Federal government to purchase the land. The argument that this would create another "private" inholding within a National Forest was felt to be weak since the 14,476 acres of land in Area 2 which the Forest Service wanted, contained 1,280 acres owned by the State of New Mexico, 3,436 acres owned by private individuals, and 9,760 acres of public domain lands. Furthermore, the Committee would point out that the option to purchase or exchange the lands would always lie with the Forest Service. If the lands were felt to be of low value and priority for National Forest purposes, then there would be no reason to purchase or exchange lands, but the environmentally sensitive area would still have the protection of being within the National Forest system.

Mr. MONTOYA. The fourth tract in the bill we introduce today contains 6,870 acres and is part of the Elena Gallegos grant. An almost identical tract of land was included in H.R. 7188 as it was introduced, but the House Interior Committee struck it out for two reasons: First, because "the Forest Service described the area as low priority for purchase," and second, because "acquiring the area through land exchange on an area this large was felt no longer likely to be available."

I disagree with both reasons. With regard to the priority, I can assure the Senate that the people of Albuquerque place a very high priority on acquiring this land. It is located at the foot of the Sandias, an inspiring fault-block mountain range which rises directly to the east of the city forming a spectacular backdrop for the city. The people of Albuquerque would consider the commercial development of these foothills to be a desecration and they place a very high priority on seeing that this not happen.

With regard to the possibility of a land exchange, the fact is that an exchange is being worked out now. McDonnel Douglas wishes to acquire an abandoned Air Force base in Tulsa and is willing to buy the Elena Gallegos grant from its present owners, the trustees of the Albuquerque Academy, in order to trade it for the Tulsa land. It is my understanding that this agreement is satisfactory to all concerned and that the land description is also satisfactory.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundary of the Cibola National Forest in New Mexico be modified to include the following described lands:

1. A tract of land in townships 13 and 14 north, range 16 and 17 west, of the New Mexico principal meridian in New Mexico, beginning at a point from which the southwest corner of section 34, township 14 north, range 17 west, bears north 89 degrees 52 minutes west 1,717.32 feet; thence south 0 degrees 56 minutes east 1,307.46 feet to the southwest corner of the Fort Wingate Army Depot; thence south 89 degrees 45 minutes east 897.60 feet; thence south 89 degrees 57 minutes east 2,643.30 feet; thence north 89 degrees 48 minutes east 5,272.08 feet; thence north 89 degrees 51 minutes east 6,596.70 feet to the southeast corner of Fort Wingate Army Depot which bears north 89 degrees 51 minutes east 1,320.66 feet and south 1,328. 58 feet from the northwest corner of section 6, township 13 north, range 16 west; thence north 0 degrees 42 minutes west 12,945.12 feet; then due west 15,175.51 feet to the west boundary of the Fort Wingate Army Depot; thence south 0 degrees 35 minutes west 2,598.32 feet; thence south 0 dedegrees 23 minutes west 5,195.52 feet; thence south 0 degrees 32 minutes west 3,872.88 feet to the point of beginning, containing an area of 4,556 acres, more or less. The southwest and southeast corners of Fort Wingate Army Depot mentioned in the above description are the same as was installed as of November 19, 1971, and mentioned in the Mann survey, United States Department of the Interior, Bureau of Land Management plat dated September 9, 1957.

2. Township 14 north, range 15 west, section 3, all lying south of Interstate 40; section 4, all lying south of Interstate 40; section 5, all; section 8, all; section 9, all; section 10, all lying south of Interstate 40; section 11, all lying south of Interstate 40; section 12, all lying south of Interstate 40; section 13, all lying south of Interstate 40; section 14, all; section 15, all; section 16, all; section 17, all; section 20, all; section 21, all; section 22, all; section 23, all; section 24, all; section 25, all; section 26, all; section 27, all; section 28, all; section 29, all; section 32, east half; section 33, all; section 34, all; section 35, all; section 36, all; containing 14,476.06 acres, acres, more or less.

3. Township 10 north, range 4 east, section 2, south half northeast quarter, southeast quarter; section 11, northeast quarter, north half southeast quarter, southeast quarter; containing 520 acres, more or less.

4. That portion of the Elena Gallegos grant lying east of a line described as beginning at the closing corner between sections 35 and 36 of township 11 north, range 4 east, on the south boundary of said grant and extending north 4,541 feet, thence east 4,541 feet thence north 4,726 feet, thence east 634 feet, thence north 3,379 feet, thence west 1,875 feet, thence north 2,693 feet, thence west 2,006 feet, thence north 4,092 feet to a point on the north boundary of said grant, thence easterly along the said grant boundary 1,452 feet to the 7½-mile corner on the north boundary of said grant, containing 6,870 acres more or less.

Sec. 2. Subject to valid existing rights, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the national forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto.

Sec. 3. For the purposes of section 6 of the Act of September 3, 1964 (78 Stat. 903), the boundary of the Cibola National Forest, as modified by section 1 of this Act, shall be treated as if it were the boundary of that forest on January 1, 1965.

By Mr. EAGLETON (for himself, Mr. Morgan, and Mr. Buckley):

S. 1873. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials. Referred to the Committee on Government Operations.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. EAGLETON. Mr. President, today I am introducing, along with Senators Morgan and Buckley, a bill to give locally elected school board officials a voice on the Advisory Commission on Intergovernmental Relations.

ACIR, established in 1959 to give the President and the Congress a source of expertise on federalism, tries to promote cooperation and coordination among Federal, State, and local levels of government and to recommend improvements in such areas as Government taxation and the administration of Government services. The Commission's 26 members include representatives of the U.S. Senate and House of Representatives, the Federal executive branch, Governors, State legislatures, cities, counties, and the general public.

Although public elementary and secondary education is a primary function of State and local government, commanding more tax dollars and employing more people than any other Government activity, ACIR has no representatives having direct responsibility for education activities. Nonetheless, ACIR has made recommendations on tax and spending issues that are central to the operations of the public schools. In my judgment, ACIR, as presently constituted, cannot effectively deal with the intergovernmental relationship aspect of the financial problems which currently beset our Nation's elementary and secondary school system.

The bill I am introducing today would simply expand the number of members of the Advisory Commission from 26 to 28 and provide that 2 members be appointed by the President from a panel of at least 4 elected school board officials submitted by the National School Boards Association.

The current members of the Commission are selected in a similar fashion. The President appoints three employees of the Federal executive branch and three private citizens; the Speaker of the House appoints three Members of the House of Representatives, and the President of the Senate appoints three Senators. The remaining members of the Commission are nominated by national organizations of Government officials and are appointed by the President. The four Governors are appointed from a list of eight submitted by the National Governors' Conference. The three State legislators are appointed from a list of six submitted by the Council of State Governments. The four mayors are appointed from a list submitted by the National League of Cities/U.S. Conference of Mayors, and the three county officials are appointed from a list submitted by the National Association of County Officials.

Thus, my bill is entirely consistent with present practice. The National School Boards Association is the only national organization representing school districts of all sizes. Nearly 90,000 members of local boards of education are members of the association, and they are responsible for the education of 95 percent of the Nation's public school children.

Let me emphasize that this proposal will not increase any funding. It requires no new appropriations. It would simply extend the same privileges to elected school officials that are now enjoyed by elected officials from virtually every other level of government and make the Advisory Commission on Intergovernmental Relations a more effective advisory body. And it will give locally elected school officials a voice in formulating the national policies which will ultimately affect their local school districts.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(a) of the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations" approved September 24, 1959 (42 U.S.C. 4271 et seq), is amended—

(1) by striking out "twenty-six members" in the matter preceding paragraph (1) and inserting in lieu thereof "twenty-eight members"; and

(2) by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by inserting after paragraph (7) the following new paragraph:

"(8) Two appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association."

(b) Section 3(b) of such Act is amended by adding at the end thereof the following new sentence: "Of the members appointed under paragraph (8) of subsection (a) of this section not more than one shall be from any one political party and not more than one from any one State."

Sec. 2. (a) Section 4(c) of such Act is amended by striking out "and (7)" and inserting in lieu thereof "(7), and (8)".

(b) Section 4(e) of such Act is amended by striking out "Thirteen" and inserting in lieu thereof "Fourteen".

Sec. 3. Section 7(a) of such Act is amended by inserting "or of school boards" after "county governments".

By Mr. PERCY (for himself, Mr. Muskie, and Mr. Ribicoff):

S. 1874. A bill to authorize appropriations for the period July 1, 1976, through September 30, 1976. Referred to the Committee on Government Operations.

AUTHORIZATION OF TRANSITION QUARTER APPROPRIATIONS

Mr. PERCY. Mr. President, today I am introducing, at the request of the President, a bill to implement certain provisions of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93–344.

This bill authorizes the appropriation of funds during the transition quarter of July 1, 1976, to September 30, 1976. This authorization is necessary in order to implement the transition to the new Federal fiscal year commencing on October 1, 1976, mandated by Public Law 93–344.

As the Committee on Government Operations explained on page 61 of its report on the budget reform bill:

> Early in its deliberations on S. 1541, the Committee determined that any meaningful reform in the congressional budget process required an expansion of the present timetable in which Congress acts on the Federal budget. Members of the Committee generally agreed that the present fiscal year—July 1 to June 30—provided an unrealistic and artificial framework for any proposed new congressional budget process. The Committee concluded that the most practical way to gain additional time was to change the dates of the fiscal year. Report No. 93–579, p. 61.

Title V of the Budget Act, therefore, changed the dates of the Federal fiscal year from July 1 through June 30 to October 1 through September 30, thereby allowing the Congress an additional 3 months in which to complete its complex budget deliberations. Further, to implement this innovation, it was proviled that 1976 should serve as a transition year, the 3 months of July through September of that year to be a separate transition quarter subject to separate appropriation.

In accordance with section 502(a)(2) of the act, the President sent to the Congress a bill authorizing the appropriations necessary to carry on the functions of Government during the transition quarter. The bill was considered by the House Government Operations Committee's Subcommittee on Legislation and National Security, which reported it, H.R. 6692, on May 21. The Office of Management and Budget concurs with this bill as reported, and in order to expedite consideration of this bill, I am introducing it in similar form. I am very pleased that Senator Muskie, the distinguished chairman of the Budget Committee, is consponsoring this bill, as well as the distinguished chairman of the Government Operations Committee, Senator Ribicoff.

The bill is specifically intended to cover programs previously authorized and funded through the appropriations process. The specific appropriation amounts necessary for the transition period are contained in part 7 of the 1976 budget, and reflect a continuation of 1976 program levels unchanged for the additional 3 months.

To eliminate any possible confusion as to the reach of this legislation, the House subcommittee added a proviso exempting from coverage any other law authorizing appropriations specifically for the 3-month transition period. Again, the thrust of the proviso is to limit this authorization to continuing authorizations.

Mr. President, this legislation is necessary to fulfill our responsibility to assure that Government continue in an orderly fashion during the transition to the new fiscal year. It does not authorize programs for the 3-month period that would not already have been authorized for the full 1976 fiscal year. It merely extends for a 3-month period authorizations previously enacted.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point, and that the President's letter and message be included in the Record immediately following.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated for the period July 1, 1976, through September 30, 1976, such sums as may be necessary to conduct programs and activities for which funding was authorized on June 30, 1976:

Provided, That this Act shall not affect any other law authorizing appropriations for the period July 1, 1976, through September 30, 1976.

The White House,
Washington, D.C., February 20, 1975.

Hon. Speaker,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: I am transmitting herewith draft legislation to authorize appropriations on a Government-wide basis for the period July 1, 1976 through September 30, 1976.

This bill is designed to aid the transition to the new Federal fiscal year period of October 1–September 30 which is scheduled to begin with fiscal year 1977 under P.L. 93–344, the Congressional Budget and Impoundment Control Act of 1974. It would carry out in large measure the requirement of Section 502(a)(2) of P.L. 93–344 that the President prepare and submit to the Congress "proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations" for the three-month period of transition to the new fiscal year.

I believe the attached draft bill provides the most expeditious approach for easing the Government's transition to funding on the new fiscal year basis and enabling timely provision of funding for the transition quarter. I request that it be referred to the appropriate committee and urge its prompt enactment.

Sincerely,

Gerald R. Ford.

Explanation of Bill

The attached draft bill would, for the period July 1, 1976 through September 30, 1976, authorize appropriations of such sums as may be necessary to conduct projects and activities (not otherwise provided for in any other Act) for which funds have been requested for this period in the 1976 budget, as amended through June 30, 1976. This authorization is intended to cover previously authorized programs funded through the appropriations process, although special circumstances may warrant their inclusion in other authorization legislation in a few instances.

The specific appropriation amounts requested for the transition quarter are contained in the proposed language for each appropriation account in the 1976 budget. In general, they anticipate continuing the 1976 program levels unchanged for the additional 3 months. Summary budget data for the quarter are provided in Part 7 of the budget.

Any authorizations for new budget authority outside of appropriation acts which may be necessary for the transition quarter will be requested through other legislative proposals in a form consistent with the intent of section 401 of P.L. 93–344.

By Mr. BEALL:

S. 1875. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan include provisions for the prevention of crimes against the elderly. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, I am sending to the desk legislation that would, if enacted, encourage the development of comprehensive programs to combat crimes against the elderly. This legislation would require the States to develop a plan for combating crimes against the elderly in order to be eligible for grants from the Law Enforcement Assistance Administration.

The National Crime Panel survey report which was issued in November 1974 stated that—

> Throughout the United States during the first six months of 1973, crimes of violence and common theft, including attempts, accounted for approximately 18 million victimizations of persons age 12 and over, households, and businesses.

On April 1, 1975, the Washington Post reported that—

> Serious crime in the United States rose 17 percent in 1974, the highest annual increase since the Federal Bureau of Investigation started collecting crime statistics 45 years ago . . .

These statistics are startling to every individual in this country and indeed they may reveal inadequacies in our present criminal justice system. But these statistics are particularly disconcerting to senior citizens who are less able to resist becoming victims of crime.

In addition, elderly persons, recognizing their vulnerability to personal attack, are more cautious and security conscious than other groups, and therefore, expose themselves less frequently to risk situations. Certainly, commonsense seems to tell us that since elderly people are less able to resist a criminal assault, they would be more attractive victims to a criminal or burglar.

The current data does not reveal how many senior citizens are actually exposed to a high crime-risk situation in a given period of time. As stated by the LEAA administrator in a presentation to the U.S. Senate Special Committee on Aging's Subcommittee on Housing for the Elderly on August 2, 1972:

> A senior citizen who either locks himself in his apartment in fear of even venturing out into a once familiar and safe neighborhood or one who must take elaborate and unpleasant precautions whenever taking a short trip through an urban area does, in fact, reduce the chances of being victimized by crime.

A survey of various American cities shows a clearer picture of the crime threat confronting older persons. For example a survey by LEAA of victimization rates in Baltimore, Md., indicated that persons 50 years old and older had twice the victimization rate for robbery with injury than persons aged 20 to 24 years old.

Moreover, elderly persons were found to be victims of personal larceny at a rate of 19 per 1,000 as compared to a rate of 6 per 1,000 for 20-year-olds.

Many elderly people have the feeling that they must always remain at home in order to combat crime, or if they must go out, never to venture onto the city streets alone. The picture is a bleak one. Because they travel mostly by bus or subway, older people must wait for public transportation at designated points—and these points are well known to would-be assailants. Mailboxes in unguarded apartments and vestibules are the province of thieves who know when social security checks arrive.

Mr. President, in closing let me note that no segment of our population is more directly affected by crime or the fear of crime. Senior citizens are all too often the victims of crimes while millions of others change their lifestyles in an effort to avoid being victimized by street criminals. It is time for us to attack this problem by developing, on the State and local level, comprehensive plans to effectively combat crimes against the elderly.

Because of their greater vulnerability, I would not even rule out the possibility that some States may want to enact additional mandatory penalties for individuals convicted of attacking senior citizens. We have tried to reduce the use of handguns by similar additional penalties and the same strategy might well work as a shield to protect vulnerable senior citizens.

Mr. President, I ask unanimous consent that the text of S. 1875 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 303(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the period a comma and the following: "and the prevention of crimes against the elderly".

By Mr. HUMPHREY (for himself, Mr. TALMADGE, and Mr. DOLE):

S.J. Res. 88. A joint resolution to provide emergency authority to the Secretary of Agriculture to restore confidence in the U.S. grain inspection system, and for other purposes. Referred to the Committee on Agriculture and Forestry.

GRAIN SHIPPING SCANDAL MUST BE CLEANED UP WITHOUT DELAY

Mr. HUMPHREY. Mr. President, on May 21 I requested that the Committee on Agriculture and Forestry conduct a thorough investigation of the current scandal involving our grain exports. I have been shocked by the rash of disclosures of bribery and corruption in our grain export and inspection system.

The committee agreed to my request for full hearings and authorized the Subcommittee on Foreign Agricultural Policy, of which I am chairman, to conduct a thorough investigation and to issue subpenas wherever necessary.

Mr. President, America's credibility as the world's major grain exporter has been called into question. The scandal that has rocked our grain export inspection system comes at a very unfortunate time.

It comes at a time when farmers' production costs have soared to record highs.

It comes at a time when farmers are very uncertain as to what the market price for their product will be in the fall.

The Congress tried to give farmers some income protection by passing emergency farm legislation with higher target prices and loan levels. This bill was not a generous bill. It represented the bare minimum that the Congress felt the American grain and soybean producer needed in order to stay in business. It represented an attempt to provide farmers with a price that would almost cover their costs of production.

Unfortunately, when the Congress sent this bill to the President, he chose to listen to the totally incorrect cost estimates and the seriously misleading arguments of his Secretary of Agriculture. Because of the misinformation that the Secretary of Agriculture had circulated about the farm bill, H.R. 4296, the President vetoed the bill and the House of Representatives was unable to override this veto.

Thus, for the 1975 crop, the farmer is at the mercy of the uncertainties of weather and the certainty of spiraling production costs. He also is without any assurance of what price he will receive for his products.

Because the American grain farmer has come to rely very heavily on exports for his market price, it becomes particularly important that the world be absolutely certain of the integrity and quality of American grain and soybeans.

It is shocking, indeed, to read recent press disclosures of lack of world confidence in the quality of our grain exports. There are reports of bribery and corruption, of short weights, incorrect grades, and high percentages of foreign material in U.S. grain and soybean shipments. A pattern has developed, and it discredits American agricultural products.

Mr. President, the American farmer has a right to be fighting mad about this situation.

The corn, wheat, and soybeans that are produced on the American farms are of the finest quality in the world—when they leave the American farm. The farmer has a right to a full explanation and a full accounting of what happens to his grain from the time it leaves his farm to the time that it arrives in another country.

The American farmer has always had a rough deal in the marketplace.

He has always worked hard to produce his products, only to see the middleman reap the lion's share of the profit.

However, when the American farmer finds out that he is being taken by bribery, corruption, and adulteration of the product he worked so hard to produce, it is almost too much to bear.

When a terrible scandal like this occurs, the first question is how could such a thing happen? The second question is who is responsible?

Mr. President, we are beginning to discover how such a thing could have happened. It is sad that our system of grain inspection could have been twisted into such a situation.

However, as to who is responsible, I think we have to start squarely at the top. I have never been one for pinning the blame for widespread scandal on some lower level bureaucrat who has little authority or power to affect the situation.

I feel that we must hold accountable the one man who has both the authority and the responsibility to insure the quality of U.S. grain exports.

That man is Secretary of Agriculture Earl L. Butz.

Mr. President, the Congress made several changes in the U.S. Grain Standards Act in 1968. Perhaps the Congress did not do enough. Perhaps we should have given the Secretary more authority. However, after reviewing the act, I am satisfied that he had enough authority to have prevented the national scandal which now exists.

The U.S. Grain Standards Act provides for mandatory inspection of all graded grain that is shipped in export. Under the act, grain is defined to mean corn, wheat, rye, oats, barley, flaxseed, grain sorghum, soybeans, mixed grain, and any other food grains, feed grains and oilseeds for which standards are established under the act. It does not include rice.

In 1969, the U.S. Department of Agriculture devoted 182 man-years to the enforcement of the U.S. Grain Standards Act. In that year, we shipped 1.4 billion bushels of grains which were inspected under the act. These grains were worth $2.4 billion.

In 1974, the United States shipped 3.4 billion bushels of grain inspected under the U.S. Grain Standards Act. These shipments were worth $12.5 billion. Thus, volume of grain shipments increased by two and one-half times in this 5-year period and the value of these grain shipments increased by over five times.

However, in 1974 the Federal man-years devoted to the enforcement of the U.S. Grain Standards Act had been decreased from 182 to 154.

So, while grain exports have been multiplying, the Department of Agriculture under Secretary Butz has been cutting back personnel and deemphasizing the inspection service.

Mr. President, I find this hard to understand. I find it equally hard to understand how Secretary Butz can go around the country singing the praises of agricultural exports and taking credit for this enormous increase, and at the same time allow the only system we have for guaranteeing the quality of U.S. grain exports to fall into disrepute.

Moreover, there is ample evidence that the situation which is now in the headlines is not a new phenomenon. It has been developing for years.

I have in my possession a memorandum by John A. Browning, a member of the U.S. corn and sorghum situation team which visited the United Kingdom and Western Europe from January 7 to January 23, 1969.

This report makes it very clear that in 1969 our customers in Europe were very unhappy about the quality of grain that they were receiving.

This report of customers receiving corn with a high degree of foreign material, with excessive moisture, and corn that was out of condition.

This report indicates in blunt language that in 1969 serious charges were made by European customers about bribery and fraudulent issuance of inspection certificates. Thus, our grain inspection system was seriously questioned by responsible foreign customers in 1969.

Six years ago, Mr. President. Six years ago!

I have been unable to find any constructive action that was taken as a result of these complaints.

Although I do intend to pursue a thorough investigation of the irregularities, the corruption, the bribery, and the other wrong doings that have occurred in our grain inspection system, I do not intend to make a political issue out of this matter.

I think that the American farmer and the American public have a right to know what has gone wrong in our grain export and inspection system. However, I do not intend to sensationalize this issue any more than it has already been sensationalized, because a political and sensational treatment of this issue by the Congress can only hurt the American farmer and our entire economy. I hope that all committees of the Congress will resist the temptation for easy headlines on this issue.

I intend to face up to the fact that our grain export system has already been discredited and our international reputation seriously jeopardized.

I intend to offer a constructive solution and to work with the Secretary of Agriculture to immediately strengthen and restore confidence in our grain exports.

That is why I am introducing today emergency legislation which will give the Secretary of Agriculture all the authority that he needs to immediately strengthen our system and to provide reassurance to our foreign customers.

As chairman of the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture and Forestry, I have scheduled hearings for June 19 to discuss:

First, the scandal that has occurred and the causes and reasons for this scandal, and

Second, my legislation and any other constructive suggestion that might be offered for strengthening our grain inspection system.

I will expect no less than the Secretary of Agriculture to testify at these hearings.

I can think of nothing more important at this crucial juncture to the future of American agriculture than the need to immediately clean up our grain inspection system and restore confidence in American agricultural products.

I believe that it is crucial that we take necessary corrective steps before the 1975 crop comes to harvest. We must assure our customers that their purchases of grain and soybeans will be of the highest quality.

In 1974, the United States exported over $22 billion of agricultural products. Our net favorable trade balance, in agricultural products was almost $12 billion. As it was, we had a trade deficit of $5.8 billion in 1974. Had it not been for the huge contribution made by agricultural exports, we would have had a devastating trade deficit of almost $18 billion.

Thus, I intend to proceed with a three-step approach to the current crisis of confidence in our current agricultural export system.

First, I am having the committee staff, with assistance from the General Accounting Office, do a preliminary investigation to pull together all the evidence now available as to what is wrong with our grain export system.

Second, I will push for immediate enactment of my emergency grain standards amendments so that the Secretary of Agriculture will have the authority and guidance he needs to immediately strengthen the grain export inspection system.

This emergency legislation will require the Secretary to report to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives every 60 days on the progress he is making in strengthening the grain inspection system.

Third, I am asking the committee staff and the General Accounting Office to pursue a long-term and thorough investigation to lay the groundwork for permanent legislation that will assure that the integrity of our grain exports will never again be jeopardized in this manner.

The emergency legislation that I am introducing today takes a two-fold approach:

First. It makes certain permanent changes in the law to protect Federal grain inspectors and to make bribery of an inspector a felony;

Second. It provides 1-year, emergency authority for the Secretary of Agriculture to take certain actions to strengthen the grain inspection system of the Department of Agriculture.

Specifically, the measure would:

First, amend the Federal Criminal Code to make it a Federal crime to kill, assault, intimidate, impede, or interfere with a Department of Agriculture employee engaged in the performance of his official duties; and

Second, make it a felony for both parties to a bribe to engage in bribery of grain inspection personnel.

For 1 year only, the joint resolution would:

First, authorize the Secretary to hire additional Federal inspection personnel with Commodity Credit Corporation funds;

Second, authorize the Secretary to collect fees to cover total costs of Federal inspections;

Third, authorize the Secretary to hire additional personnel to be stationed at foreign ports to inspect U.S. grain upon entry;

Fourth, authorize the Secretary to revoke the designation of an official inspection agency when, after a hearing, the Secretary determines that the agency has failed to comply with the Grain Standards Act;

Fifth, authorize the Secretary to temporarily suspend the designation of an official inspection agency, without hearing, whenever the Secretary deems such action to be in the best interest of the official inspection system;

Sixth, authorize the Secretary to revoke the designation of an official inspection agency owned, controlled, or operated by those engaged in merchandising grain or those who own or operate grain elevators or warehouses;

Seventh, authorize the Secretary to have Federal employees perform original inspection or reinspection on an interim basis;

Eighth, authorize the Secretary to require that all grain shipped in export be graded and that no clearance be given to any vessel unless the owner or shipper has a certificate of grade for the grain in the vessel;

Ninth, authorize the Secretary to issue regulations with regard to improved sampling equipment in export elevators and with regard to installation of electronic monitoring equipment in export elevators;

Tenth, authorize the Secretary to establish standards and procedures for loading export grain; and

Eleventh, require the Secretary to report to the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture every 60 days on steps to strengthen the grain inspection system.

Mr. President, the temporary emergency authorities which my measure provides are, indeed, broad. The Secretary will probably not wish to utilize all of these authorities.

Normally, I am not in favor of giving the executive branch of the Government this much discretion. But I feel that the emergency that now confronts us demands that we give the Secretary of Agriculture all possible authority to restore confidence in our system.

In the meantime, the Congress will have an opportunity to fully examine the situation and make considered judgments on a complete revision of the U.S. Grain Standards Act.

As I have stated, we will have hearings on this emergency legislation on June 19. I am hopeful that we will have a good, thorough report from the Secretary on his position on my bill by that time. The Secretary may wish additional authorities or he may feel that it would be impractical to implement some of the authorities on a 1-year basis. I shall welcome his views.

Hopefully, the Subcommittee on Foreign Agricultural Policy and the full committee will be able to take action to report an emergency bill sometime in July.

Mr. President, I hope that I can adequately sound an alarm without appearing unduly alarmist.

But I cannot overstress the critical nature of this situation—the potential threat to every American farmer and to the overall economy.

This Nation's shaky economy simply cannot afford to lose such an important source of foreign exchange. Our farmers cannot afford to lose that important source of income. And our consumers cannot afford the potential chaos in our food production system which could result from such a loss.

We are faced with a tight deadline. We must restore world confidence in our grain exports before the 1975 crop is harvested. I hope that the Congress and the administration will join me in beating that deadline.

Mr. President, I ask unanimous consent that the text of the Senate Joint Resolution which I am introducing today be included at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Emergency Grain Standards Amendments of 1975".

Sec. 2. Section 1114 of Title 18 of the United States Code, as amended, is hereby amended by (1) deleting the phrase "any employee of the Bureau of Animal Industry of the Department of Agriculture," and (2) inserting immediately after the phrase "or of the Department of Labor" the words ", or of the Department of Agriculture".

Sec. 3. The United States Grain Standards Act (82 Stat. 761–770; 7 U.S.C. 71, 74–79, 84–87 and 87a–87h) is amended by adding immediately after section 19 the following new section:

"Sec. 20. Any person, firm or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any official inspection personnel as defined by section 3(j) of this Act or to any officer or employee of the United States authorized to perform any of the duties prescribed by this Act, or by the rules and regulations of Secretary, any money or other thing of value, with intent to influence said official inspection personnel or officer or employee of the United States in the discharge of any duty provided for in this Act, or by rules and regulations of the Secretary, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years. Any official inspection personnel as defined by section 3(j) of this Act or any officer or employee of the United States authorized to perform any of the duties prescribed by this Act, or by the rules and regulations of the Secretary, who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years."

Sec. 4. Notwithstanding any other provision of law, the Secretary of Agriculture may, for a period of one year after the date of enactment of this Act, hire such additional personnel as he may deem necessary to properly implement the provisions of this Act and the United States Grain Standards Act. Any funds needed for the purposes of this Act and the United States Grain Standards Act shall be reimbursed from funds of the Commodity Credit Corporation. The Secretary may, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated total cost to the Department of Agriculture incident to the performance of official inspection, except when the inspection is performed by employees of an official inspection agency or other licensed person. The fees authorized by this paragraph shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to the performance of official inspection services in the United States and on United States grain in Canadian ports for which the fees are collected, including supervisory and administrative costs. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into the Commodity Credit Corporation and such funds shall be available without fiscal year limitation for the expenses of the Department of Agriculture incident to providing official inspection services.

Sec. 5. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized, for a period of one year after the date of enactment of this Act, to hire additional personnel to be stationed in foreign nations which are substantial importers of grain from the United States. These personnel shall inspect United States grain upon its entry into the importing nation to determine whether such grain is of the same kind, class, quality, and condition that it was certified to be upon official inspection in the United States.

Sec. 6. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized, for a period of one year after the date of enactment of this Act, to suspend or revoke the designation of an official inspection agency, whenever, after affording the agency an opportunity for a hearing, the Secretary determines that such agency has failed to comply with any of the provisions of the United States Grain Standards Act or regulations issued pursuant to such Act: *Provided,* That the Secretary may, without first affording the agency an opportunity for hearing, suspend any designation temporarily pending final determination, whenever the Secretary deems such action to be in the best interest of the official inspection system under the Act.

Sec. 7. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized, for a period of one year after the date of enactment of this Act, to revoke the designation of an official inspection agency that is owned, controlled, or operated by a board of trade or any other business entity whose owners, stockholders, officers, employees, or committee members own or operate a grain elevator or warehouse, or whose owners, stockholders, officers, employees, or committee members are currently engaged in the merchandising of grain.

Sec. 8. Notwithstanding any other provision of law, the Secretary of Agriculture may, for a period of one year after the date of enactment of this Act, authorize any competent employee of the Department of Agriculture to perform all or specified original inspection or reinspection functions involved in official inspection of grain in the United States: *Provided,* That the use of authorized Department employees to perform original inspection and reinspection functions involved in official inspection of grain in the United States will be on an interim basis, (i) pending designation of an official inspection agency, (ii) during any period of suspension of the designation of an official inspection agency under this Act, or (iii) whenever the Secretary determines that no official inspection is available to provide needed inspection services.

Sec. 9. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized, for a period of one year after the date of enactment of this Act, under such regulations as he may prescribe, to require (i) that all grain shipped from the United States to any place outside thereof be graded under standards effective under section 4 of the United States Grain Standards Act, and (ii) that no clearance shall be given to any vessel having on board grain as defined by section 3(g) of the United States Grain Standards Act for export to a foreign country until the owner or shipper of such grain has an official certificate showing the official grade designation of such grain as prescribed by regulations of the Secretary.

Sec. 10. Notwithstanding any other provision of law, the Secretary is authorized, for a period of one year after the date of enactment of this Act, to issue such regulations as he may deem necessary in regard to improved sampling equipment in export elevators, and installation of electrical monitoring equipment in export elevators.

Sec. 11. Notwithstanding any other provision of law, the Secretary is authorized, for a period of one year after the date of enactment of this Act, to establish standards and procedures for loading export grain to control the activities of elevator employees, longshoremen, grain trimmers, and others who participate in the loading of export grain.

Sec. 12. The Secretary shall submit a written report to the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture 60 days after enactment of this Act and every 60 days thereafter for a one-year period after enactment of this Act. The Secretary shall include in these reports (i) the steps being taken by the Secretary to implement this Act and improve the grain inspection system, (ii) any legislative recommendations the Secretary may have to strengthen the grain export system, and (iii) the current status of federal investigations of the grain export scandal.

Mr. DOLE. Mr. President, the measure that Senator HUMPHREY and I introduce today is needed to provide more strict penalties and emergency authorities to the Secretary of Agriculture to protect our export markets for wheat and other grains.

Recent reports in the press have caused some of our foreign buyers of our grain to be overly cautious to book future shipments. This legislation will go a long way to enabling the Secretary of Agriculture to correct that situation and reassure our customers that the grain they buy will be the good quality that they expected to receive when they made their purchase agreement. The authorities provided in this bill will tighten up any possible loose ends that may exist in the present grain inspection system.

Meanwhile, Mr. President, I want to emphasize that the Agriculture Committee staff is investigating this matter to evaluate the present grain inspection laws and if amendments are needed to update or improve the laws, we expect to introduce legislation later this year to fulfill that need. Meanwhile, I wish to thank the chairman of the Committee on Agriculture, Senator TALMADGE, for responding so promptly in cooperating with the request of myself and Senator HUMPHREY to obtain investigatory powers for the committee and in scheduling hearings on the matter for June 19.

I hope all my colleagues will support this measure because of the emergency need for prompt passage.

The success we have enjoyed in expanded export markets for our grain can be largely attributed to our reputation of delivering the quality grain desired by our foreign customer. In my 15 years in Congress I have a longstanding record of support for market development legislation and for legislation that assures continued shipment of high-quality grain. That is the objective of this emergency measure.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 287

At the request of Mr. BURDICK, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 287, to provide for the appointment of additional district court judges, and for other purposes.

S. 961

At the request of Mr. MAGNUSON, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 961, a bill to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

S. 1183

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1183, a bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

S. 1359

At the request of Mr. MUSKIE, the Senator from Michigan (Mr. PHILIP A. HART) was added as a cosponsor of S. 1359, a bill to coordinate State and local government budget-related actions with Federal Government efforts to stimulate economic recovery by establishing a system of emergency support grants to State and local governments.

S. 1372

At the request of Mr. ROBERT C. BYRD, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1372, a bill to require that States having agreements under section 218 of the Social Security Act will continue to make social security payments and reports on a calendar-quarter basis.

S. 1496

At the request of Mr. DOMENICI, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1496, a bill to amend title XVIII of the Social Security Act to authorize expanded home health services under medicare.

S. 1406

At the request of Mr. MONTOYA, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 1406, a bill to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits.

S. 1617

At the request of Mr. BENTSEN, the Senator from Florida (Mr. CHILES) and the Senator from Florida (Mr. STONE) were added as cosponsors of S. 1617, a bill to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests.

S. 1795

At his own request, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1795, a bill to amend the Employment Act of 1946 by providing for the development and adoption of a balanced economic growth plan, and for other purposes.

S. 1843

At the request of Mr. DOLE, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1843, a bill to amend and clarify certain regulatory authorities of the Federal Government over work and activities in navigable waters.

SENATE RESOLUTION 31

At the request of Mr. SCHWEIKER, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of Senate Resolution 31, a resolution designating January 22 as Ukrainian Independence Day.

SENATE JOINT RESOLUTION 81

At the request of Mr. MAGNUSON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Joint Resolution 81, to regulate commerce by prohibiting importation into the United States of any fish or fish products by any foreign enterprise which engages in commercial whaling activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. CURTIS, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of Senate Concurrent Resolution 29, expressing the sense of Congress regarding the annexation of the Baltic nations.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF DEFENSE AUTHORIZATION ACT—S. 920

AMENDMENTS NOS. 514, 515, AND 516

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted three amendments intended to be proposed by him to the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

AMENDMENT NO. 517

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY (for himself and Mr. BROOKE) submitted an amendment intended to be proposed by them to the bill (S. 920), supra.

AMENDMENTS NOS. 518 AND 519

(Ordered to be printed and to lie on the table.)

Mr. CULVER submitted two amendments intended to be proposed by him to the bill (S. 920), supra.

AMENDMENTS NOS. 520 AND 521

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted two amendments intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 522

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT. Mr. President, for myself, and the Senator from Arizona (Mr. GOLDWATER), I submit an amendment we intend to propose to amendment No. 488 to the Department of Defense Authorization Act, and I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 522

In lieu of the matter proposed by such amendment, insert the following new sections:

SEC. . Title 10, United States Code, is amended as follows:

(A) Sections 4342, 6954 and 9342 are each amended by striking out the word "sons" wherever it appears therein and inserting in place thereof in each instance the word "children".

(B) Section 6956(d) is amended by striking out the word "men" wherever it appears therein and inserting in place thereof in each instance the word "members".

Sec. . The Congress hereby finds that the education and military training received at the Service academies is an invaluable asset to a commissioned officer of an armed force in his military career, and provides a unique training experience of the highest order in an all-military environment that cannot be duplicated at a civilian educational institution. The Congress further finds that there has been a significant increase in recent years in the numbers of women utilized in the armed forces and an expansion of their roles and responsibilities within the Services. It is the intent of the Congress that an academy experience should be made available to females, so that the outstanding military education provided only at the Service academies will be available to them.

Sec. . Notwithstanding any other law, a person shall not be ineligible for or denied admission to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy solely on account of sex. This policy shall be implemented as prescribed in the following section of this Act.

Sec. . The Secretary of Defense shall take such steps as are necessary and appropriate to insure that qualified females are appointed and admitted to the academy he designates, in such numbers as he may prescribe, no later than the class which enters such academy in July of 1976, and to the other academies described in the preceding section of this Act no later than the classes entering such academies in calendar year 1981. Any female admitted before calendar year 1981 to the academy initially designated shall be, if otherwise qualified, eligible to be commissioned in any one of the Services of her choice. The Secretary of Defense shall take steps immediately to identify the problems anticipated regarding the admission to and status of females at the academies, and to formulate and implement a plan for the orderly admission of females into all of the academies, such plan to be forwarded to the Armed Services Committees of the Senate and House of Representatives no later than December 31, 1975.

AMENDMENTS NOS. 523 AND 526

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted two amendments intended to be proposed by him to amendment No. 488, to be proposed to the bill (S. 920), supra.

AMENDMENTS NOS. 524 AND 525

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted two amendments intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 527

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON. Mr. President, I submit an amendment which I intend to proposed to the bill (S. 920), the Defense Department Authorization Act, and I ask unanimous consent that a factsheet I have prepared on my AWACS amendment, as well as an addendum answering charges made by Senator CANNON in a June 2 floor speech be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET

Eagleton amendment on the airborne warning and control system—AWACS.

1. Would the Eagleton Amendment require cancellation of the AWACS program?

No. Research and development funds would be unaffected. Procurement funds for 6 aircraft authorized in the FY–75 bill would be unaffected. The amendment would, however, hold up the expenditure of FY–76, FY–T procurement money until NATO contractual agreements are reached. If such agreements are not reached, the money authorized in the bill ($490.5 million) would revert back to the Treasury.

2. Would the amendment disrupt the AWACS production line?

The production of the 6 FY–75 aircraft would proceed until approximately November 1977. A decision on a NATO buy is now scheduled for July 1976. If NATO decides to buy, this timing would enable the line to continue (at a higher, more economical rate) without disruption.

3. Are not U.S. requirements separate from NATO's and aren't they great enough to warrant production of at least 6 more aircraft?

A program budget decision approved last December by Deputy Secretary Clements indicates that "10 aircraft would satisfy the non-NATO AWACS requirement" (this decision recommended termination of AWACS production until "U.S./NATO agreements on requirements, configuration and cost sharing are reached). A Library of Congress study of last year based on official Air Force reports, stated that the non-NATO requirement would be 5 aircraft.

Part of the confusion arises from the Air Force intention to purchase a number of AWACS for European use whether or not NATO decides to buy the system. Official DoD documents indicate that the Air Force wants to purchase at least 14 AWACS to cover NATO's central region.

The amendment would assure that NATO participates in the purchase of at least a matching numbers of AWACS. While reluctantly going along with the Air Force concept of less-than-full-NATO cost sharing, the amendment would not allow the United States to bear the full cost of the NATO AWACS fleet.

4. Does the amendment encourage NATO participation?

Yes it does, at least to the degree possible. If the amendment is not enacted, NATO, already skeptical because of the cost, would have little incentive to match U.S. participation since it already knows that the U.S. intends to purchase enough AWACS to provide coverage of the central region.

The amendment is, however, more designed to protect the American taxpayer from a faulty investment. NATO studies have raised as many questions about AWACS' vulnerability to jamming and physical attack as has the GAO. It would, therefore, not be realistic to count on a positive NATO decision under any circumstances.

5. Are the planes to be built with FY–76, FY–T funds capable of performing the European mission?

No. According to the program budget memorandum signed by Deputy Secretary Clements, 24 of the 31 AWACS to be produced over the next three years will be in the configuration appropriate for the defunct continental air defense mission.

That memo stated: "it appears inconsistent to plan to proceed under the current contract schedule for production of 24 CORE aircraft (the air defense model) in light of two specific requests by the Deputy Secretary to incorporate enhancements, and in light of congressional insistence on an AWACS that will be effective in a NATO tactical environment."

Serious questions have been raised by GAO and NATO as to whether AWACS will ever be capable of performing in Europe. Nonetheless, the Air Force now has three separate sets of recommendations for "enhancement" features to make it more capable. A conservative management approach would be to build these complex subsystems, test them, and then make a judgment as to AWACS' ultimate viability in Europe. The Eagleton Amendment would permit more time for this process while awaiting NATO decisions on requirements, configuration and cost sharing.

6. Didn't the House reject an anti-AWACS amendment?

Yes, but the House floor amendment sought to stop the program outright. More indicative of House sentiment was the move by the House Armed Services Committee to reduce the AWACS request from six to three. The Committee also stated that none of the procurement money can be spent until the Secretary of Defense certifies in writing that the Defense Department has demonstrated "the ability of the AWACS system against formidable jamming systems such as the EA–6B's in a realistic free play environment." This is hardly a strong endorsement of the AWACS program.

7. Have these recommended tests been conducted?

After a long debate over whether again to fly AWACS against the EA–6B, the Navy jamming plane which had been so successful previously, the test was reportedly conducted last week. Although the Air Force will undoubtedly claim a great success in private briefings, it should be noted that impartial GAO observers were not permitted and as of Monday (June 2) could not even obtain a copy of the test plan.

Considering the success the EA–6B had against AWACS when operating under severe Air Force-imposed constraints (described in an official Navy report), one would have to be skeptical about any claims of AWACS success this time, especially if the Navy plane is allowed to use "free play" tactics.

Nonetheless, GAO should be given an opportunity to examine the test plan and, importantly, the test results. Every test the Air Force has conducted on AWACS has been subsequently criticized by either OSD, GAO or NATO because it was designed primarily to show AWACS in the best light and did not simulate combat conditions.

An example of this test "rigging" can be seen in the plan for a test which took place on May 12. That plan, according to radar experts, had the following deficiencies: ground jammers were ideally placed to have minimal impact on AWACS. Attacking aircraft approached AWACS at the most unlikely and most exposed angles. Air jammers were intentionally weak. And ground and air jammer strobes were purposely set to enable AWACS to discriminate between them.

8. Wouldn't NATO be tempted to purchase a very small number of AWACS simply to gain the release of funds so that the USAF could pay the cost of covering the Central Region, where the greatest threat exists?

The amendment requires NATO to purchase at least 14 aircraft, which is the minimum requirement for coverage of the Central Region. The number 14 is not arbitrary; it is the Air Force's own requirement and is based on the need to provide coverage of three continuous (24-hour) orbits over the Central Region. Each orbit would require 5–6 aircraft, so the number 14 represents a minimum compromise for a 3-orbit area.

If you are confused, you have company. Nothing has been as elusive—for GAO, NATO, OSD, and probably the Air Force itself—than the quantity requirements for use of this system in Europe. This is due in part to the failure to define the NATO requirement. This failure is reflected in the following quotes taken from the minutes of a February 14, 1975 press conference on AWACS held by Dr. Malcolm Currie, DoD Director of R&D:

"Now the military people in NATO feel that it's extremely important . . . and they are looking at various levels, the preferred one being as I recall 32 aircraft."

"Q: Are we definitely going to buy 31?

"A: I'm not saying that. I'm saying the definite thing in this whole equation is the first 15.

"Q: What would be the judgment factor to go on to the 31?

"A: The judgment factor there will be how many NATO will buy. . .

"Q: Suppose NATO doesn't buy, how big a factor will that be? If NATO doesn't buy it, is it your estimate that they will stop at 15?

"A: No, that's not my estimate. I just don't want to speculate on that.

"Q: How many planes are we talking about for NATO?

"A: A force in the 30's would be a reasonable one.

"Q: 15 NATO and 15 U.S.?

"A: No. NATO is talking about—the military requirement is for more than 30. Now how much of this will be able to be afforded (sic) is another matter.

"Q: Thirty-four plus 30?

"A: I think a total NATO buy of something like 20 is realistic."

The Eagleton Amendment would assure that these important requirements are set before the tax dollar is committed. It would also set a foundation for this discussion at the lowest official quantity requirement available for the Central Region. It would not, on the other hand, prohibit NATO from purchasing the 20 to 32 aircraft mentioned by Dr. Currie.

It should be noted that the Air Force is currently planning to purchase all the aircraft necessary for the Central Region. NATO then would purchase sufficient systems for the 3 or more orbits needed on the flanks. While this procedure is hardly beneficial to the American taxpayer, the amendment would not affect this Air Force plan, it would simply assure that NATO at least matches the American buy.

It is also worth pointing out that whatever quantity NATO decides to buy, the United States, as a NATO partner, will contribute approximately 25% of the cost plus all R&D expenditures. Looking at the amendment in this context, the minimum requirement of 14 gets lower and lower. Considering NATO studies on AWACS, however, it is highly unlikely that NATO would purchase even this small number. And if NATO decides AWACS won't do the job in Europe, the American taxpayer should not have to pay for an AWACS that won't work in combat.

ADDENDUM

Following are responses to a number of charges made by Senator Cannon in a June 2 floor speech on AWACS.

Senator Cannon stated that the tactical mission for AWACS was first recognized in 1966 by the Air Force.

If this is true, it took four years before the tactical mission was accepted at the Defense Department level as the secondary mission for AWACS. Defense Concept Paper 5 officially established the tactical command and control role as AWACS' secondary mission in February, 1970. It should be noted, however, that no great attention was paid to this mission until August, 1973, when Secretary Schlesinger assigned the tactical NATO role as the new primary mission.

Senator Cannon questions the credibility of the GAO technical assessment of the AWACS radar by again stating that GAO "made errors by factors of 100 to 1,000 in calculating the resistivity of the AWACS radar to ECM."

As was stated in our "Colleague" letter, the error was attributed to the fact that GAO used official AWACS specifications. The Ad Hoc Radar Panel indicated that the prototype radar was performing more efficiently than the specifications (it was also probably fine-tuned). Senator Cannon does not mention (1) that even with the 100 to 1,000 margin of error, the sophisticated jammer calculated by GAO would still black out AWACS and (2) the panel concluded that the Soviet Union could build a much cheaper jammer which would black out AWACS and it was not, therefore, necessary to analyze the GAO jammer in depth.

Senator Cannon contended that the argument that AWACS is vulnerable to physical attack is "specious at best."

Concern about AWACS' physical vulnerability has permeated Defense Department studies about AWACS and this is one of the areas of concern expressed in the NATO study made available to GAO.

Senator Cannon states that AWACS would not be saturated by the aircraft tracks it would encounter in the NATO Central Region and would have the capacity to handle this problem.

Following is a quote from the NATO study made available to GAO:

"The enhanced CORE configuration might handle the air situation in the flanks, but the expected traffic in the Central Region would certainly be beyond its capability."

Senator Cannon charges that a press release of May 28, 1975 from Senator Eagleton was in error because a test Senator Eagleton charged was "rigged" did not in fact take place on May 5, it took place on May 12 and 19.

The Eagleton press release stated that he had in his possession a plan for a test to be conducted on May 5, 1975. He based his criticism of the test on an analysis of the plan itself. In fact, the test was delayed one week because the House Armed Services Committee staff complained that the test plan was inadequate. After considerable internal debate, the Defense Department decided to use the Navy EA-6B against AWACS in a test that was conducted last week.

Senator Cannon states that Senator Eagleton has not released the names of his "radar experts."

If the names of these radar experts were released, they would be fired by their employers within minutes. Senator Eagleton will discuss the general question of dishonesty in the Air Force test program in his floor speech.

Senator Cannon states that the decision made by Deputy Secretary Clements to terminate AWACS production until NATO agreements are reached, was not "highlighted" in the Eagleton press release of May 28.

This is true. The reason the decision was reversed was because the White House ordered that approximately $3 billion be added to the defense budget just before its submission to Congress. AWACS and other systems benefitted from the windfall.

AMENDMENT NO. 528

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 529

(Ordered to be printed and to lie on the table.)

Mr. WEICKER (for himself and Mr. CHILES) submitted an amendment intended to be proposed by them jointly to the bill (S. 920), supra.

AMENDMENT NO. 530

(Ordered to be printed and to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 531

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 532

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 533

(Ordered to be printed and to lie on the table.)

Mr. McGOVERN submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 534

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENT NO. 535

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (S. 920), supra.

AMENDMENTS NOS. 536 THROUGH 541

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted six amendments intended to be proposed by him to the bill (S. 920), supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 490

At the request of Mr. ABOUREZK, the Senators from California (Mr. CRANSTON and Mr. TUNNEY) were added as cosponsors of amendment No. 490, intended to be proposed to the bill (S. 920), the Defense Department authorization bill.

AMENDMENT NO. 506

At the request of Mr. SYMINGTON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendment No. 506, intended to be proposed to the bill (S. 929), the Department of Defense Authorization Act.

AMENDMENT NO. 511

At the request of Mr. BELLMON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendment No. 511, intended to be proposed to the bill (S. 920), the Defense Department Authorization Act.

NOTICE OF HEARING

Mr. PHILIP A. HART. Mr. President, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary and the Commerce Committee's Subcommittee for Consumers will hold joint hearings on S. 1136, the Antitrust Enforcement Authorization Act of 1975, introduced by myself and 44 cosponsors, and S. 449, the Antitrust Enforcement Act of 1975, introduced by the distinguished junior Senator from California (Mr. TUNNEY).

The hearings will be held June 10 and 11, 1975, beginning at 10 a.m. in room 2228, Dirksen Senate Office Building on June 10, and in room 4200, Dirksen Senate Office Building on June 11.

All persons who wish to testify or submit a statement for inclusion in the record should contact Pat Springer, room A517, Senate Office Building; telephone 224-7489.

NOTICE OF SUBCOMMITTEE MARKUP ON S. 598, THE ERDA AUTHORIZATION BILL

Mr. CHURCH. Mr. President, for the information of the Senate and the general public, the Subcommittee on Energy Research and Water Resources has scheduled a markup on the Energy Research and Development Administration authorization bill, S. 598, for Friday, June 6, at 10 a.m. The meeting will be held in room S-146, the Capitol.

NOTICE OF CHANGE IN TIME FOR SUBCOMMITTEE MARKUP

Mr. CHURCH. Mr. President, for the information of the Senate and the general public, the markup on the ERDA authorization bill scheduled before the Subcommittee on Energy Research and Water Resources for 2 p.m. on June 9, 1975, has been rescheduled for 1:30 p.m. on June 9, in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARING POSTPONEMENT

Mr. HUMPHREY. Mr. President, the hearings of the Foreign Agricultural Policy Subcommittee scheduled for June 5, have been postponed until early July. As soon as possible, our subcommittee will set a date to explore the activities of the Foreign Agriculture Service which we intended to review at our June 5 hearing.

ANNOUNCEMENT OF PUBLIC HEARINGS BEFORE THE PARKS AND RECREATION SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Parks and Recreation Subcommittee of the Senate Interior and Insular Affairs Committee.

The hearing is scheduled for June 20, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding two measures which are presently before the subcommittee. The measures are S. 759 and S. 1640, bills to provide for the establishment of the Santa Monica Mountains and Seashore Urban Recreation Area.

For further information regarding the hearings you may wish to contact Mr. James Beirne, counsel to the subcommittee, on extension 44971. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Parks and Recreation Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

James H. Henson, of Georgia, to be U.S. marshal for the northern district of Georgia for the term of 4 years, vice Bill C. Murray, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, June 11, 1975, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 12, 1975, at 10:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

Richard L. Thornburgh, of Pennsylvania, to be an Assistant Attorney General, vice Henry E. Petersen, resigned (Criminal Division).

Any persons desiring to offer testimony in regard to this nomination, shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

This hearing will be before the full committee.

NOTICE OF CANCELLATION OF HEARINGS ON PROPOSALS TO ESTABLISH A UNIFORM LAW ON THE SUBJECT OF BANKRUPTCY

Mr. BURDICK. Mr. President, I wish to announce that the hearings of the Subcommittee on Improvements in Judicial Machinery on S. 235 and S. 236, two proposals to revise the bankruptcy laws of the United States previously noticed for June 10 and 11, 1975, have been canceled.

Future hearings on these proposals will be noticed.

HEARINGS ON COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Mr. STEVENSON. Mr. President, on June 16 and 17 the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs will hold hearings on S. 1262, a bill to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended, and for other purposes. Among the matters which will be considered are the International Economic Report of the President, the annual report of the Council on International Economic Policy, and executive branch organization for the development and implementation of international economic policy.

The hearings will start at 10 a.m. and be held in room 5302 on June 16, and on June 17 in a room to be announced at a later date. Interested persons should contact Stanley J. Marcuss, counsel to the subcommittee, at room 5302, Dirksen Senate Office Building, Washington, D.C. 20510, telephone 202-224-8813.

ADDITIONAL STATEMENTS

THE BURDEN OF FEDERAL ESTATE TAXES ON THE FARMER

Mr. ABOUREZK. Mr. President, I have received many letters from South Dakota farmers and ranchers who are very concerned by the tremendous burden of Federal estate taxes.

The problem is that when a family farm or ranch is passed on to the next generation, the unreasonably high estate taxes literally mean the confiscation of a major part of the value of the farming unit.

It is often said that the Federal estate taxes on the average farm are equivalent to the value of a quarter of land.

Unfortunately, the burden placed on the heir of a family farm is so great that it is entirely possible the person will not be able to make a go of it.

The most common example of this is the young farmer who inherits his parents' farming operation. His parents want the farm to stay in the family and not fall into the hands of corporate speculators or other nonfarm investors. In good faith, they will their land, buildings and machinery to the next generation. But the young farmer finds himself with a tax bill that oftentimes requires him to mortgage or sell part of the land. It is a sad fact that the tax burden can force the young person to go out of business.

In short, the current high level of Federal estate taxes on family-sized farms and ranches contributes to the decline of family agriculture in our country. And it adds to the problem of bringing young people into our most basic industry—the production of food.

Last January, I joined the distinguished Senator from Indiana, BIRCH BAYH, as a cosponsor of S. 277, the Family Farm Inheritance Act.

This bill would provide a special $200,000 exemption from Federal estate taxes for the value of a family farm willed to a family member. Senator BAYH carefully drafted the bill so that the benefits would be enjoyed only by bonafide family farmers, and it provides for the payment of all the taxes if the heir abandons the farm within 5 years.

I feel strongly that the Family Farm Inheritance Act should be an important part of a major tax reform effort in the Congress, and I urge my colleagues in the Senate to support this legislation in the interests of the small farmer and, ultimately, in the interests of the American consumer.

This week, I wrote to the distinguished chairmen of the Senate Finance Committee and the House Ways and Means Committee, Senator Russell B. Long and Representative Al Ullman, urging them to include this concept in tax reform legislation in 1975.

I ask unanimous consent that the text of the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 4, 1975.

Dear Mr. Chairman: I am writing to respectfully urge you to include the Family Farm Inheritance Act, S. 227, as part of the Committee's efforts for tax reform in 1975.

As you know, one of the reasons for the continued decline of family-sized farms and ranches is the high level of federal estate taxes.

When confronted with a high estate tax bill, the heirs to a family farm often have to either remortgage the farm or sell off part of the land in order to pay that bill. Unfortunately, the increased cost of a new mortgage or the loss of the land sold to pay the estate taxes turns the farm into a non-viable economic unit. The family farm or rancher then goes out of existence.

The Family Farm Inheritance Act would help solve this problem by providing a special $200,000 exemption from estate taxes for the value of a family farm willed to a family member. This bill is carefully written to limit its benefits to bonafide family farmers, and it provides for the repayment of all the taxes if the heir abandons the farm within five years.

I have received a large volume of mail from South Dakota farmers and ranchers who feel this kind of change in the federal estate tax law is of vital importance to the future of family agriculture.

Your support for this concept would be greatly appreciated by America's food producers.

With warmest personal regards,

Sincerely,

James Abourezk,
U.S. Senate.

PRESIDENT FORD ADDRESSES THE GRADUATING CLASS AT U.S. MILITARY ACADEMY

Mr. HUGH SCOTT. Mr. President, for the information of my colleagues, I ask unanimous consent that the text of President Ford's remarks at the graduation exercises at West Point be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Text of Remarks by the President

I am deeply honored to be here. The traditions of West Point run throughout our history. The long gray line has extended from here to the ends of the world. And now you accept that inheritance—carrying with you not only the traditions of West Point but the hopes of your countrymen.

For two centuries, the United States Army has stood for freedom, since this Academy's founding in 1802, West Point has provided leaders for that army. The purpose of the army and West Point today are one and the same—as they were at their historic foundings: to be ready at the Nation's call to carry out—with dedication and honor—the duty of defending the liberty of our land and our people.

The battle for freedom will take many forms in the years ahead. The will of America will always be tested. It is our job—yours and mine—to be prepared for those tests.

In recent weeks I have come to realize, as never before, how closely the free world watches the United States of America. Nations observe our example and leadership in meeting the tremendous challenges of maintaining the peace and the momentum of economic progress.

At the same time I have seen how much depends upon the skill and superior professionalism of those who serve the United States either in uniform or as civilian representatives of our country. The tremendous productivity of America's farms and factories, the sophistication of our technology and the durability of our political institutions all arouse the envy and admiration of friend and foe abroad.

But our one really essential resource is our people—our dedication to our national interest and national purpose.

You may have read or heard that our allies and other overseas friends have questioned the continuing resolve and unity of our government and our people and that I went to Europe to give them reassurance.

Fortunately, I did not find that degree of doubt among the leaders with whom I met requiring such extensive reassurance, nor would mere words be enough to convince these practical political leaders. What has impressed them and what will impress them are demonstrations of the essential unity of America in the pursuit of our national goals at home and abroad.

One such practical demonstration will be the fate of the 1976 defense budget which I proposed to the Congress. Because the United States is today at peace, there are some who want to cut back on defense spending and put these dollars into their own pet domestic projects. The hard fact is that we have consistently done this in recent years while our potential adversaries have consistently increased their military budgets.

In real terms, our defense spending has dropped to its lowest level since before the Korean conflict. It is my firm conviction that we cannot afford further erosion of our bedrock defense budget. And I will fight hard to prevent it.

I believe the American people want a national defense posture that is second to none, one that will maintain our qualitative superiority now and in the future; one that will be sufficient to ensure peace through the mutually-honored commitments we have with reliable allies and through the dedication of the highly-motivated and professional military establishment which you are about to enter as officers.

It is instructive to recall that this Academy was founded during the Jefferson Administration. Thomas Jefferson was consistently suspicious of large standing armies; ardent in his insistence on civilian authority over the military. Nevertheless, he was a champion of quality and educational excellence. President Jefferson knew that freedom's defense could not be entrusted to amateurs in a world of expansionist powers and opportunist pirates. Whatever price our poor and youthful republic had to pay for its full independence and the protection of its lawful interests, Jefferson and the Congresses of his day were willing to pay.

I believe the Americans of 1975 are just as willing to pay that price. That is why I continue to press for a comprehensive ten-year program to develop enough domestic energy to make the United States fully independent of foreign oil at externally fixed prices that threaten both our economic health and our national security.

This would be another convincing demonstration to our allies and to our adversaries that Americans have lost neither their nerve nor their national will.

All of the encouraging declarations of commitment to mutual defense and mutual progress which I heard at the NATO Summit Conference in Brussels last week will be meaningless unless the industrial democracies have assured sources of energy to power both their economic and military efforts, once again, the United States is looked to for leadership and example.

Of course energy independence is going to cost us something. Of course an adequate level of defense is going to cost us something. But the price of sacrifice is far less than the price of failure. Freedom is never free; but without freedom, nothing else has value.

No previous graduating class in the history of West Point will be called upon to fill so many different roles and to perform so many exacting missions as the Class of 1975.

Like those who preceded you, you must know military strategy, tactics and logistics. You must master the increasingly complex machinery of warfare. You must learn the lessons of leadership.

But today as never before you will need a sense of history, a grasp of economic principles, an appreciation of science, a mastery of geopolitics and diplomatic conventions. The Commander-in-Chief can state a policy and issue an order; but only disciplined and dedicated subordinates can successfully carry it out.

You must also understand that in the complexities of today's world, we must pursue complex policies. We must be at the same time both strong and conciliatory. While we must at all times maintain a defense second to none, we must also pursue better relations with our adversaries. Detente, to be effective, must be a two-way street, producing benefits for each side based on genuine efforts of both sides.

To combine the qualities of good citizen and good soldier, the ability to lead and the ability to obey leadership; to use your own intellectual powers and judgment to the fullest within the stern demands of discipline and duty; these are personal challenges worthy of the highest callings to which man aspires.

I know that you will meet them as have all the West Pointers who pledged themselves to duty, honor, and country.

As a young Congressman, I was one who urged one of your greatest graduates to return from Europe and campaign for election as President of the United States. I remember listening to General Eisenhower speak of the importance of those three words in his own distinguished career.

He kept them in the forefront of his thoughts during his years as President; it was his devotion to duty, honor and country that brought peace to the world, respect to America and progress for all our people during his eight years in the White House.

I thought of President Eisenhower often during my visit to Europe; how he led millions of Americans and allied forces to liberate Western Europe; how he returned to uniform, to organize and command the first NATO defenses while Europe rebuilt itself; and how he led diligently for peaceful and positive relationships with the Soviet Union and Eastern Europe throughout his Presidency. To all these great responsibilities he brought the totalities of leadership and dedication to duty for which you have been trained these past four years.

Not all of us will be called upon to make the great decisions that President Eisenhower made. But each of us will be called upon to make decisions upon which the welfare of our country may depend. I congratulate you as you enter upon that challenge and opportunity for service to the Army and to America.

Your career will exact high dues: Periodic dangers, separation from loved ones, moves so frequent that you may have trouble putting down roots anywhere. But it will also offer unique opportunities. It is unlikely that any of your civilian contemporaries of the classes of 1975 will so soon face the challenges which some of you may face within weeks. You will be charged with the upkeep and operation of technology more expensive and complex than some Americans will ever handle. More important, you will be responsible for the well-being of other Americans, sometimes in situations where your decisions mean the difference between life and death. Your apprenticeship with its basic education is ending; but you may be expected to use its lessons at any time. It is an enormous human test, but testing makes men as well as nations stronger and more confident.

Having met the test of World War II, Dwight D. Eisenhower said in 1946 that "We must not look upon strength as a sin: We must look upon it as a necessity—but only one of the contributions we are making to the development of a peaceful world."

As you know, last night I returned from a trip to Europe to strenghten the peace. It was most encouraging at the summit meeting of the North Atlantic Treaty nations to find a new sense of unity and a confidence in the United States. It was most inspiring to receive from His Holiness Pope Paul VI the admonition that right and justice must guide all our efforts. I am convinced our major alliances are strong and firm; I am convinced our allies' confidence in us is not misplaced. I am convinced our cause is just and right.

In Salzburg, I met with Egypt's President Sadat, to continue our exploration of new steps toward peace in the Middle East. That is the most serious international issue of our time. The United States is in a unique position to help promote a peaceful solution—and I assure you we will make that effort.

The American commitment to freedom since World War II—the sweep of a generation—has been so vast and enduring that it serves no purpose for me to recount it here. But it does serve a purpose to remind ourselves, our friends and our potential adversaries that Americans are still prepared to pay the price of freedom—that we will honor our commitments—that we will do our duty.

This is why I am here today at West Point. This is why you are here today. Let us renew together our Founding Fathers' pledge to our country, of our lives, our fortunes and our sacred honor. And let us always remember that freedom is never free.

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I wish to discuss the argument of some opponents of the Genocide Convention that ratification of the convention will in some way diminish the right of Americans to their first amendment right to free speech. The assertion is false.

Freedom of speech means that every person is free to hold and to communicate his opinions on any matter whatsoever, to the public. Free speech does not mean, nor has it ever meant, that libel and slander are permitted, or that a person may endanger others by shouting "Fire" in a crowded theatre, that he may distribute pornography to children or make obscene phone calls, or that a person may incite others to riot, murder, or commit any other crime. The Genocide Convention does not create any new restriction on free speech. It is well within the limits I have described. It prohibits only one kind of speech: "Direct and public incitement to commit genocide." I emphasize that mere advocacy is not enough. Favoring genocide is not enough. Communicating one's opinion that genocide is good or proper is not enough. A person must actually incite others to commit genocide, and he must do so publicly, and directly, not by innuendo or veiled suggestion, before he can be found guilty of this particular crime. I challenge any opponent of ratification to demonstrate that the U.S. Supreme Court has ever said anything which would indicate that direct, public incitement to commit a crime is an activity protected by the first amendment.

The argument that the Genocide restricts the freedom of speech of Americans is false. It deserves to be rejected by every Member of this body. I urge the Senate to reject it by ratifying the convention as soon as possible.

HUMAN INVOLVEMENT

Mr. LAXALT. Mr. President, I make the following statement on behalf of myself and the Senator from Utah (Mr. GARN).

Mr. President, a few weeks ago the Capital City was rocked by outbreaks of violence during an all-day spring festival ironically labeled "Human Kindness Day." The fact that this unpleasantness took place was in itself shocking, but it was more disturbing to note, Mr. President, that bystanders witnessing many of these brutal beatings this day stood by without lifting a hand to protect the victims. This phenomena of "uninvolvement" has been commented on many times in recent years being labeled a modern malady to be excused because of the complex, difficult age we live in. To me, this is a poor apology and one I do not understand. It is difficult to accept sociological excuses for human callousness.

The bemoaning of the modern condition notwithstanding, Mr. President, Good Samaritans still do exist. This past May 26 in Las Vegas a man gave his life to help a policeman who was being assaulted. In an effort to aid a Nevada highway patrolman regain his service revolver from a motorist the patrolman had stopped for a routine check, Glenn Goss was shot to death by the officer's assailant—who was later found to be a fugitive in a kidnap case. Goss decided to become involved and here was one man who defied sociological categorization.

Mr. President, the people of Las Vegas are showing their appreciation for Goss by donating to the Lucille Goss Trust Fund begun by the Nevada Highway Patrol Association. The proceeds collected will go to Goss' widow Lucille and the five children she must now provide for alone. I am proud to note that all segments of the Las Vegas community, both business and private, as well as people from other parts of the State, have joined together to honor the memory of this exceptional man.

The sophisticated explanations of the concepts of "uninvolvement" have apparently not reached the Western States. Our values remain clear and people, like Glenn Goss, still act in the interest of their fellow men.

IOWA DATELINE: A VIEW FROM THE CORNFIELDS

Mr. CULVER. Mr. President, in the summer issue of Foreign Policy, which has just appeared, Prof. Wayne Moyer, of Grinnell College, contributes a provocative article, "Iowa Dateline: A View From the Cornfields." This is an exceedingly perceptive analysis of how our domestic and international agricultural policies have become parts of a seemless web. He points out clearly that the daily concerns of the farmer in Iowa or in any other agricultural State are a significant ingredient of our international food program. And he recounts the sharp and immediate effects on the farm of such actions as the Russian wheat deal and the sudden control on soybean exports. I warmly commend Professor Moyer's article which blends a sound professional understanding of farm issues with a personal knowledge of the Iowa farmer and farm operations. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IOWA DATELINE: A VIEW FROM THE CORNFIELDS

(By Wayne Moyer)

(The author is deeply indebted to L. Joseph Genereux for invaluable collaboration in the preparation of this article.)

GRINNELL, IOWA.—Shouldn't the food producer be included in a dialogue on food, famine, and foreign policy? My costs of production have risen almost 100 per cent in two years and I am concerned that someone, somewhere is going to make a political decision that will affect the price I receive for my products without realizing the cost of production.

Don Renaud, an Iowa dirt farmer, at a recent conference here, articulated the concerns of many other food producers throughout the state. From the vantage point of this great agricultural region it seems evident that recent foreign policy decisions on food have not taken into account the interests of the American farmer. As diplomatic and international trade considerations have come to the fore and as the locus of decision-making on food policy has shifted away from the U.S. Department of Agriculture, the farmer sees his interests lost in the shuffle and his livelihood jeopardized.[1]

The Iowa farmer is angry that he is placed at the mercy of foreign and domestic food policies. He is angrier still when these policies support narrow diplomatic and political objectives while failing to feed the needy. And with the anger go both the uncertainty about what policies the government will initiate in the coming months and a fear—stemming from a growing alienation from decision-makers in Washington—that the net effect of these policies will be to force his commodity prices down.

As planting time approached, with the winter snows rapidly melting, a grassroots movement, galvanized by anger, uncertainty, and fear, began. Its purpose was to cut back planted acreages in order to prevent overproduction and thus protect farm prices and income. There were calls to action from all parts of the state to reduce production by 10 to 20 per cent.[2] A mass "corn war" meeting was held recently at the Hilton Coliseum at Iowa State University. The mood of the farmers may be compared to that of the 1930s. And the movement, which appears to sidestep traditional farm organizations, has grown beyond the borders of Iowa, gaining support in Nebraska, Minnesota, Missouri, and Illinois.

If crops are successfully cut back, the amount of food available for export and aid will be limited, reducing the number of for-

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Footnotes at end of article.

eign policy options and contributing to unnecessary starvation in the less-developed world.

DOING WELL WHILE DOING GOOD

The Iowa farmer sees himself playing a major role in satisfying world food needs, but is concerned about his own welfare. A young grain farmer, Gorden Haworth, finds himself caught between a desire to produce and the need to maintain his prices. "I like to produce good crops," he says. "I don't like to think of cutting back my corn crop this next year 20 per cent just so I will be in short supply." Huge Louden, an older local farmer, is emphatic: "We are not inhumanitarian people. We want to help the people of the world. . . . I know there is poverty in the world." The farmers' feeling is summarized by David Garst, sales manager for a seed corn company and a member of a prominent Iowa farm family: "I think the average American farmer is saying to himself as well as to others, 'I want to do well while doing good.' "

There is strong support here for unrestricted exports of farm products and the development of foreign markets.[3] Thus the farmer can both feel that he is helping to feed the world and be assured that he will have steady customers. His frustration is easily understandable when the government, for reasons he doesn't comprehend, restricts his exports. As Haworth observes, "It alarms me when . . . I have [soy]beans out in the field and by a stroke of a pen [the government] cuts off exports." Garst is also distressed: "I think it is ill-conceived. . . . We have been working for 10 years trying to get access to foreign markets, and to restrict the export of food just because somebody doesn't do what you want them to doesn't solve anything."

Iowa farmers have not been opposed to foreign food aid, which has made use of their surpluses and kept prices up, while appealing to their altruistic feelings. But they have become increasingly aware of the narrow political and diplomatic applications of the Food for Peace program (PL–480), through the efforts of Iowa congressmen and the extensive coverage given the matter in *The Des Moines Register*, the only major newspaper in the state.[4] Lauren Soth, editorial page editor, argues that "it is deplorable when we use food aid and tangle up food development programs with military aims." Haworth has become far more skeptical than before: "I encourage and enjoy keeping our food aid programs to the extent of keeping people fed . . . but not to the point where you use them for political gain, as in Vietnam." Garst now opposes food aid not because of its political uses, but because it discourages food production in the less-developed countries. "One of the things that is wrong with thinking of using food aid to help other people," says Garst, "is that you might fail miserably by doing so, because . . . the rest of the world must learn how to feed themselves and feed themselves better."

THE FOOD RESERVES CONTROVERSY

In Iowa, the issue of food reserves is far more controversial than either unrestricted food exports or food aid. Iowa farmers, like other farmers throughout the country, have always been suspicious of federally held reserves because of the fear that these reserves might be dumped on the market whenever prices started going up. Louden is among those most concerned. "We have been burdened with surplus stocks for years. . . . We farmers are delighted, happy, thrilled to think we have gotten out of this shackle. We do not want to live under the burden of the surplus . . . the government hold on our prices." The farmers recognize, however, that food reserves can be valuable, particularly those under international auspices, if assurances can be given that there will be no dumping to depress market prices. Weather variations, which can cause yields to differ markedly from year to year and the realization that the United States must deal in a world of state traders, have led Soth to conclude that "it's a necessary aim of economic development policy and foreign aid policy to establish food aid reserves; both national reserves in this country and, to the extent we can accomplish it along the lines proposed by the Rome World Food Conference, an international system of reserves."

Garst, reflecting the desire of the cattle industry for lower feed costs, concurs: "I'm a livestock man and I'm also for a reserve program. I don't know if you realize the cost of the short feed grain crop this year to the livestock producer. All people who owned cattle this year lost money." He also favors reserves because he thinks they will obviate the need for export restrictions. Renaud has a different perspective. "I'm in favor of international storage. The reason is I have taxes due the first of March. I have a payment due on the farm. I have payments to seed corn companies. They won't take [soy]beans or corn. I have got to give them money." Reserves give him the assurance that he can sell his crops. Thus we can see the relationship between the farmers' foreign policy attitudes and their self-interest.

Today's Iowa farmer is not the hayseed character in Oshkosh B'Gosh overalls smoking a corncob pipe that he is often assumed to be. Though he is still a family farmer who works his own land, he is also a businessman with more than $160,000 invested in his farm and cash flows each year which average almost $100,000.[5] He owns twice as much land as his father and is much better educated (with an average of 12.2 years of schooling in 1970 as compared to 8.9 years in 1950).[6] He has to, and does keep a close watch on commodity prices and on domestic decisions which can significantly affect his income.

Until recently, the Iowa farmer did not pay much attention to foreign policy decisions on food—largely because he didn't see their impact on his welfare. But now he is aware that foreign policy decisions are vital, because they can significantly affect his commodity prices. The dependence on farm exports is substantial and has increased markedly in recent years. In 1974, nearly 21.5 per cent of the national corn crop was exported along with a whopping 41.8 per cent of the soybean crop (see table, p. 184).

Without a doubt, U.S. government controls on these exports can change price levels enough to make the difference between prosperity and ruin. U.S. policies in the past have had a major impact on farmers in this area. For instance, the notorious Russian grain deal in 1972 set off a spiraling commodity price increase in which the price of corn rose from $1.09 per bushel in August 1972 to $2.65 per bushel in August 1973.[7] The soybean embargo in the summer of 1973 catalyzed a plummeting decline in soybean prices from $10.10 per bushel to $6.65 per bushel in one month.[8] And the export monitoring policy announced by President Ford in October 1974 was followed by a significant decline in corn and soybean prices.[9] "I saw the potential for my crops out in the field, that I had not yet harvested, drop for soybeans a dollar per bushel conservatively and for corn anywhere from 50 cents to one dollar," Haworth lamented. His concern is underscored by the fact that his soybean harvest exceeded 10,000 bushels and his corn crop more than 50,000 bushels.

U.S. CORN, SOYBEAN, AND TOTAL AGRICULTURAL EXPORTS

	Corn		Soybeans		Total agricultural exports dollar value (millions)
	Percent production exported	Dollar value (millions)	Percent production exported	Dollar value (millions)	
1965	16.7	730.5	29.6	598.0	6,096.8
1966	11.7	933.9	28.2	734.4	6,676.4
1967	13.0	735.5	27.3	780.0	7,771.3
1968	12.0	733.7	25.9	750.7	6,383.5
1969	13.0	627.8	38.2	784.8	5,825.6
1970	12.5	828.5	38.5	1,072.5	6,717.9
1971	14.1	777.6	35.4	1,274.5	7,753.3
1972	22.6	907.5	37.8	1,391.3	8,046.5
1963[1]	23.1	1,881.8	31.4	2,288.6	17,680.0
1974	21.5	3,761.3	41.8	3,557.0	22,026.0

[1] The U.S. Department of Agriculture changed its reporting period from fiscal year to calendar year in 1973. The period between June 30, 1972 and Jan. 1, 1973 is not reported here.

Source: U.S. Department of Agriculture, Agricultural Statistics 1970 and Agricultural Statistics 1974 (Washington, D.C.: Government Printing Office). Also U.S. Department of Agriculture, Foreign Agricultural Trade of the United States, February 1975 (Washington, D.C.: Government Printing Office).

The farmers are particularly apprehensive about foreign policy decisions this year because they see themselves caught in an unusually tight squeeze between high costs and uncertain revenue. The farmer's expenses have escalated, fueled by rampant inflation. His realized net income rose strikingly in 1972 and 1973, but fell off sharply in 1974.[10] There are fears that 1975 will bring disaster. Much land has been brought into production in recent years, largely as a result of high prices and the termination of the government's land withholding programs. Despite the potential for a large crop surplus in 1974, there was none, due to a combination of spring rains, summer drought, and early frost. If the weather is good in 1975 the danger of surplus looms greater than ever. Preliminary calculations predict a record national corn crop of 6,256 million bushels in 1975.[11] This should be enough to lower the market price of corn perilously near the estimated cost of production. It is no wonder that Ford's call for 100 per cent farm output is viewed with a jaundiced eye and that pressure has built up to force Congress into raising supports.

The Iowa farmer may not reflect the concerns of all U.S. food producers, but he plays an extremely important domestic and international role. In 1973, Iowa farmers produced 1,273 million bushels of corn, which represent more than 20 per cent of the nation's crop or about 10 per cent of world production. In the same year, Iowa farmers produced 223.5 million bushels of soybeans, or 15 per cent of all the soybeans grown in the United States, and about 10 per cent of the world's harvest.[12]

THE THREAT OF REDUCED PRODUCTION

In the short run, the threat of reduced production may not be as serious as it ap-

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pears. Real apprehension exists, but most food producers will not reduce their planted acreage from last year. The Iowa farmer may be angry, but unlike his populist predecessors he will raise both "more corn and more hell." There are strong incentives for this; he has plowed a major investment into his land in recent years. To allow major fallowing would prove costly if there is even the slightest chance that a small profit per bushel will be made. Thus, while it is in the farmers' collective interest to reduce their production, it is in each farmer's individual interest to see his own land producing fully while his neighbors cut back. There appears to be a consensus among local farmers that the necessary organization for a massive cutback will not develop in time to significantly affect this year's production.

Land in production will probably not be decreased, but it will not be increased either.[13] There is much additional land in the United States which could be brought into production if sufficient incentive and confidence in the decision-makers existed—Willard Cochrane, an economist at the University of Minnesota, estimates 25–30 million acres or an 8–9 per cent increase. As things stand now, virtually none of the unused land in Iowa will be plowed and planted this year.

In the long run, the chances of maintaining production at current levels or increasing production are anything but assured. If the next couple of years prove to be financially disastrous, there is the possibility that grain farmers will organize to limit supplies. Failing this, few farmers will continue to plant marginal land that produces little or no financial return. Continued low and uncertain commodity prices may lead to a declining rate of farm investment, which means that yields will not be what they could. Bankruptcy is likely for many farmers. This would probably further decrease the total number of farms. making price fixing more possible, particularly if the farm land is bought up by the major grain corporation.[14]

If the Administration continues to use food as a diplomatic weapon with inconsistent policies which affect commodity prices but do not take the farmers into account, it is quite possible that the uncertainties and hardships thus introduced will inhibit food production. This will limit the future use of food in diplomacy, restrict export capabilities, and prevent the United States from paying its most effective role in dealing with the current world food crisis.

Can the interests of the farmer be reconciled with those of the nation in dealing with the world food crisis? It is clear that greater food production will help the nation. Not only will there be more food to export, thus alleviating the adverse U.S. balance-of-payments situation, but the United States will be better able, at home and abroad, to decrease starvation and the defects caused by protein deficiency. Soth calls food aid for certain areas (India and the Sahel) ". . . a better form of economic aid than anything else we could do. People are very hungry and can't work because of poor nutrition. I think we have the capacity to help get some of these countries off dead center." The farmer would also like to produce as much as possible. He will not do so if price and market uncertainties are reduced and he is assured of his survival. As Renaud says, "I enjoy producing food and I'm happiest when I produce a good crop of corn and [soy]beans. Just give me a little assurance that the food I produce will get to where it will do the most good . . . and some assurance I won't fall completely off the economic ladder."

The U.S. government can help ensure maximum food production by formulating and following a long-range policy on food which transcends political exigencies. Domestically, this should include higher price supports, adequate to protect the farmer from financial disaster and upon which he can count.[15] Such increased supports would not appreciably raise food prices for consumers, and would provide the farmer with incentives to increase his output by reducing the uncertainties. Internationally, a strong effort must be made to reduce trade barriers on food between the United States and other developed countries. A reduction of trade barriers will allow the American food producer's comparative advantage to operate effectively, thus helping to keep his prices up and to stimulate greater production. New national and international reserves must be created with guarantees against dumping.[16] These reserves will help fight the recurrent famines, such as that which has ravaged the Sahel region of Africa for the past several years. They also will help stabilize commodity prices by absorbing the surpluses during bumper years and making up crop deficits when harvests are lean. Food reserves may even obviate the need for future U.S. export restrictions by ensuring that adequate supplies are available to meet foreign needs without endangering domestic supply. Indeed, new reserves may become absolutely essential later this year to save the U.S. farmer from financial disaster brought on by overproduction and falling prices.

The Administration has an opportunity now—an opportunity it cannot afford to pass up. By taking into account the interests and concerns expressed by the farmer, it can help ensure that the United States will produce a major part of the annual food production increase needed each year to close the world food gap—at least until the less-developed countries can develop their own agricultural sectors—and at the same time protect the existence of the family farmer. The alternative, most likely, is U.S. food production at less than full capacity and the inability to alleviate international starvation. If the Administration cannot moderate the present uncertainty, anger, and fear of the Midwestern farmer, the prospects are not good for the solution of the long-term problems of food and foreign policy.

FOOTNOTES

[1] See Stephen S. Rosenfeld, "The Politics of Food," Foreign Policy 14, pp. 17–29, and Leslie H. Gelb and Anthony Lake, "Less Food, More Politics," Foreign Policy 17, pp. 176–189.

[2] The Des Moines Register, February 23, 1975, p. 17. See also Stephen S. Rosenfeld, "A Bumper Farm Crop: Diplomacy," The Washington Post, February 21, 1975.

[3] Some farmers who feed livestock are in favor of import quotas to curb the inflow of beef into the United States where beef prices have been low.

[4] See The Des Moines Register, January 30, February 5, and February 19, 1975.

[5] Official estimates of the U.S. Department of Agriculture, Statistical Reporting Service, Des Moines, Iowa.

[6] U.S. Department of Commerce, Census of the Population, Vol. 1, "Characteristics of the Population," part 17 (Iowa) (Washington, D.C.: Government Printing Office), 1960 and 1970.

[7] Monthly corn prices at Iowa marketing locations were as follows: $1.09 in August 1972; $1.10 in October 1972; $1.35 in December 1972; $1.26 in February 1973; $1.31 in April 1973; $1.93 in June 1973; $2.65 in August 1973. Figures from the official estimates of the U.S. Dept. of Agriculture, op. cit.

[8] The price of soybeans at Iowa marketing locations rose to $9.30 per bushel in August 1973 but fell back to $5.75 in September, $5.49 in October, and $5.10 in November, representing a sharp declining trend not normally to be expected. These figures are from the official estimates of the U.S. Department of Agriculture, op. cit.

[9] The price of corn in Iowa in October 1974 was $3.44 per bushel and fell steadily to $3.01 in January 1975. The soybean price drop was even more marked, plunging from $8.19 per bushel in October 1974 to $6.25 in January 1975. These trends do not represent normal seasonal declines. Figures from the official estimates of the U.S. Department of Agriculture, op. cit.

[10] Official estimates of the U.S. Department of Agriculture, op. cit.

[11] The Des Moines Register, February 22, 1975, p. 16.

[12] U.S. Department of Agriculture, Agricultural Statistics, 1974 (Washington, D.C.: Government Printing Office).

[13] Preliminary U.S. Department of Agriculture estimates as reported in The Des Moines Register, March 18, 1975, p. 8, indicate no significant cutback in farm production for 1975. Nationally, farmers intend to decrease corn acreage 3 per cent and increase soybean acreage 6 per cent from last year. In Iowa, the planned acreage in corn is 2 per cent less than the record planting last year. Soybean acres will be increased 1 per cent. Overall, the amount of land in production in Iowa will be insignificantly changed from 1974.

[14] Over the past 10 years there have been two trends in farm size and concentration. First is the increased incidence of farm transfers in the Corn Belt states, which result in new ownership. In 1965 there were 46.9 farm transfers per thousand farms. In 1975, in contrast, there are 60.4 farm transfers per thousand. Figures from the U.S. Department of Agriculture, Agricultural Statistics 1974 (Washington, D.C.: Government Printing Office). Second is the reduction in the number of farms over the same 10-year period and the rise in the average acreage per farm. These were 158,000 farms in Iowa in 1965 as compared to 137,000 farms in 1975, a reduction of 13.3 per cent. Meanwhile, the size of farms has increased 11.4 per cent from an average size of 219 acres per farm in 1965 to 250 acres per farm in 1975. Figures from Official Estimates: The U.S. Department of Agriculture Reporting Service for the State of Iowa.

[15] The emergency one-year farm bill, recently vetoed as too costly by President Ford, provided price supports for corn and soybeans considered inadequate by Iowa farmers. These supports, in any case, could not have been counted upon since they would only have been temporary stopgap measures which provided no assurances for the future.

[16] It is not a satisfactory solution to increase the reserves held in private hands (usually by the major grain companies). Private reserves will not be dumped as a result of political pressures, to be sure, but there is the greater danger that they contribute to the ability of the major grain companies to manipulate commodity prices for their own interests.

THE PHILADELPHIA FLYERS

Mr. HUGH SCOTT. Mr. President, last week in Philadelphia, the City of Brotherly Love, another successful season for our famed hockey team, the Philadelphia Flyers, concluded with the Stanley Cup victory.

As an editorial in the Philadelphia Inquirer said last week:

> It is no wonder that Philadelphia has gone mad over the Flyers. They are a credit to the sport as well as the city.

Indeed they are. I saw firsthand what this victory means to my hometown and I am delighted to join in the euphoria still going on in Philadelphia.

For two straight seasons the Flyers have demonstrated the techniques of playing hockey as hockey was intended to be played. Coach Fred Shero has installed the Philadelphia system masterfully in the attitudes and tactics of this enthusiastic sport. The Christian Science Monitor said of Coach Shero's system:

> From Montreal, Boston, New York and elsewhere the cry is basically the same; the Flyers must be doing something right, so if we can't beat them let's copy them.

If indeed imitation is the sincerest form of flattery, then Philadelphia can bask in the envy of all the members of the NHL.

I want to pass along my condolences to my distinguished colleagues from the Empire State. The Flyers' final contest with Buffalo for the Stanley Cup was magnificent and a thrill to all who watched with anticipation. I know my New York colleagues will join in congratulating the Philadelphia champions. The only consolation I can offer to Senator Javits and Senator Buckley is to say that there is always next year—but then again, that is exactly what I said last year.

Mr. President, I ask unanimous consent that the above-mentioned editorials from the Philadelphia Inquirer and the Christian Science Monitor be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, May 29, 1975]

How Sweet It Is—Again

The unforgettable thrill of the first time can never be recaptured. But doing it again has not diminished the delightful delirium of the Flyers and Philadelphia.

The second time around was perhaps even more ecstatic because of the long anticipation. Coach Fred Shero, remarkably cool and profoundly proficient, stated it well: "It was better this year than last. We snuck up on people last season. This year we had no element of surprise."

That's precisely the way it was. A year ago the Flyers were underdogs. This year it was different. The Flyers, from the beginning, were the team to beat. And they proved their championship caliber with a spectacularly impressive defense of the Stanley Cup against tough, determined opposition—in the regular season, in the tense semi-finals and in the finals.

The final game was a characteristic team victory. The Flyers are stars individually but it is in collective performance that they excel. Captain Bobby Clarke, an exceptional skater and playmaker in his own right, is the cohesive element in superb teamwork.

And, of course, there's Bernie. Where would the Flyers be without Bernie Parent? His goaltending in the 2-0 finale at Buffalo was one of the great performances in hockey history. He well earned the honor of becoming the first player ever to win the most valuable player award in Stanley Cup competition two years in a row.

It is no wonder that Philadelphia has gone mad over the Flyers. They are a credit to the sport as well as to the city. They are champions to be proud of. It is a joy to drink with them—again—from the cup of victory.

[From the Christian Science Monitor, June 2, 1975]

Flyers Have a System for Winning the Cup

(By Larry Eldridge)

The "Philadelphia system" is all the rage in hockey circles these days—especially now that the Flyers have just won their second straight Stanley Cup.

From Montreal, Boston, New York, and elsewhere the cry is basically the same: the Flyers must be doing something right, so if we can't beat them let's copy them.

It may not, however, be quite that simple. The Philadelphia style of tight checking and textbook position play requires a great deal of discipline on the part of the individual, who must subordinate his own dreams of glory to the good of the team.

GAME PLAN

Somehow Coach Fred Shero has been able to instill this unselfish attitude in all of his players—even such onetime individualists as Rich MacLeish and Tom Bladon. But the recent history of many other teams indicates that it's a lot easier to talk about converting a bunch of goal-happy offensive specialists to such a style than it is to actually do it.

Then too there is another key ingredient of the "Philadelphia system" which none of the other 17 National Hockey League coaches can possibly copy: putting Bernie Parnet in the nets!

Shero can write famous quotations on his office wall, draw charts and diagrams, study films of the Russians' techniques, and talk about discipline 24 hours a day, but who is to say, really, how much of the Flyers' success stems from these things and how much from their super goaltender?

All the checking and positional play in the world isn't going to stop a hard-working opponent from getting chances now and then, and it's Parent's knack of making the big saves on those occasions which seems to simultaneously lift the Flyers and demoralize their foes.

That was the story all year as Bernie won his second straight Vezina trophy for fewest goals allowed, and it was the same thing in the playoffs as he recorded a record-tying four shutouts and became the first player ever named MVP two years in a row.

"One man beat us," said Buffalo sharpshooter Rick Martin after the Flyers had blanked the Sabres 2–0 Tuesday night to close out the best-of-seven finals, 4–2. And many of his teammates echoed similar sentiments.

Even the partisan Buffalo fans, after giving a long standing ovation to their fallen heroes, cheered the Flyers in sporting fashion and paid special tribute to Parent with the chant of "Bernie, Bernie" which he usually hears only in the Spectrum.

In the Philadelphia dressing room the Flyers also praised the architect of their victory, with Shero leading the way.

"Tonight, through the playoffs and the whole season, Bernie has proved he's the best goalie in the world," said the winning coach.

Another thing which would make any team's system look good is having a player like Bobby Clarke on the ice. The always hustling center wins key faceoffs, kills penalties, check tenaciously, and still winds up every year as one of the NHL's top scorers. Many observers feel that he, rather than Parent, is the No. 1 key to Philadelphia's success—and Shero himself has called Clarke "the most valuable player I've even seen in any sport."

Even two players like Clarke and Parent can't do it all, though, and the Flyers have indeed demonstrated a system which generates substantial offensive power while protecting their own goaltender from facing too many tough shots.

"Maybe some teams have too much of one thing," Shero says. "Too many scorers and not enough checkers. Balance is the most important thing on any team."

Shero makes it clear he isn't talking about Buffalo. In fact he would like to rebut all that pre-series speculation about the finals being a clash of systems matching his defense-oriented club against the freewheeling Sabres and their glamorous French Connection line.

"Actually they play like us except for that one line, which seems to have a license to do whatever it wants, and which is overrated anyway,'" he said early in the finals.

Many other observers came to the same conclusion about the basic similarity of the two teams as the series progressed. Thus the finals were not any offense-defense confrontation, but rather a strong argument for system hockey. And the main advantages the Philadelphia "system" had over that of Buffalo were a couple of guys named Clarke and Parent.

One other thing the Flyers had going for them was a rare situation which found them possessing not only the poise, experience, and confidence of defending champions but also the hunger and desire usually associated only with challengers. For a year the players had lived with the knowledge that in many eyes their 1974 victory had been some sort of lucky mistake, and that they were not bona fide champions. All one had to do was listen to them at this year's victory celebration to see how much that knowledge had hurt them and spurred them on to repeat.

"We had to prove that last year was no fluke," said Andre Dupont. "We're here for real now. And nobody's going to say any different."

TUNISIA CELEBRATES NATIONAL DAY—JUNE 1

Mr. HARTKE. Mr. President, I would like to call my colleagues' attention to the National Day of Tunisia that transpired while the Senate was in recess.

Tunisia celebrates June 1 as the day that the Tunisian Constitution was promulgated in 1959. This constitution was drafted after the monarchy had been abolished.

The President—Chief of State and head of government—is elected to a 5-year term and can be elected to only three consecutive terms. The President has full responsibility for determining national policy. The 101-member unicameral national assembly, elected concurrently with the President meets biannually.

The Tunisian economy is divided into three sectors: state, cooperative, and private. Economic development is state-planned and given highest priority in government policy. With the development of the oil industry, the gross national product will increase at a rapid rate. Incidentally, several American oil companies are assisting Tunisia in exploring the Bay of Tunis for offshore oil deposits.

Mr. President, may I take this opportunity to congratulate Tunisia for their sincere friendship and untiring efforts to secure a lasting peace in the Middle East, and to extend America's continued good wishes.

THE VICE PRESIDENT SPEAKS AT U.S. NAVAL ACADEMY GRADUATION EXERCISES

Mr. GOLDWATER. Mr. President, today the Vice President of the United States, Nelson A. Rockefeller, delivered the graduation address to our midshipmen at the U.S. Naval Academy in Annapolis, Md. He stressed the importance of American strength and did so in a very forceful, clear manner. Coming at a time when the Senate is discussing whether or not this Nation will remain strong militarily or not, it comes at a most opportune time and I urge all of my colleagues to read this speech so that they might better understand just what our position is in this word today. I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE VICE PRESIDENT AT THE U.S. NAVAL ACADEMY GRADUATION EXERCISES

There is something that sets apart this graduation ceremony from those of your civilian classmates all across the Country. Your initial decision to come here to Annapolis, your decision to remain here through four demanding years, was a decision to link your destiny with the destiny of your Country.

You embark on your naval careers in what is, in one sense, the best of times and in another, the toughest of times. It is a good time in that the dissension and divisions that plagued the Country in the recent past can be put behind us. Our Nation can now begin anew with a revived sense of national purpose and a restored sense of national unity.

But it is a trying time for military men because of America's historic tendency to lower its guard during periods of relative stability and in the absence of visible threats to our national security. The need for your readiness, your vigilance and your sacrifice remain undiminished. Yet, under the circumstances, people are less likely to recognize that fact.

In short, we are in an era of detente which is well for the world, but which makes our understanding of the military role and our need for invincible strength infinitely more important. Detente offers great opportunities for maintaining peace in the world. I applaud the President and the Secretary of State as well as General Secretary Brezhnev and the Soviet leaders for pursuing this course which can benefit both our peoples.

I. DETENTE AND MILITARY STRENGTH

And so I would like to address my remarks today to the critical relationship between detente and our Nation's strength. An often unrecognized essential element in detente is the element of strength. This is something that the President and the Secretary of State understand full well. Detente can only be meaningful if we deal from strength, from a profound understanding of the realities of today's world and a clear sense of national purpose and determination. And we are highly fortunate, indeed, to have, at this moment in history, a President who has such deep faith and belief in America and absolute courage and determination—together with a Secretary of State who shares the President's understanding of America's role in the world today.

From the beginning of our history, we have had to learn and relearn the lesson that strength reduces the likelihood of war and that weakness is an irresistible temptation to aggressors. George Washington counseled the Country long ago that, "To be prepared for war is one of the most effectual means of preserving peace." That is even more true today. Yet, after the Revolution we did not even maintain a Navy. In the early 1790's an economy-minded Congress preferred paying ransom to building ships to protect American seamen.

We can be deeply grateful and proud that only recently when the new Communist government of Cambodia captured the United States merchant ship, the Mayaguez, we had a strong Navy; and we had a President who had the courage, when diplomatic efforts failed, to order decisive military action which resulted in the immediate release of the crew and the ship. Nevertheless, there are some today who would still return us to isolationism—to the Fortress America mentality that was fashionable right up to World War II.

Yes, we must continue to work and to hope that negotiations with the Soviet Union will eventually reduce the need for huge increases in defense spending. The Strategic Arms Limitation talks and the Mutual Balanced Force Reduction Negotiations offer such opportunities. But to disarm ourselves unilaterally, because of an impatience a frustration with the burden of bearing the cost of vigilance will not provide any incentive for our adversaries to disarm.

Disarmament must be worked out step by step, concession by concession, by all parties involved under satisfactory guarantees that all parties abide by the agreement. If anybody still believes that unpreparedness and good intentions stave off war, I urge them to reread the history leading up to World War II.

Our strength provides an incentive for potential adversaries to seek the alternative of a peaceful resolution when problems arise. And our strength leads them to think twice about the risk of pursuing global temptations.

II. DECLINING U.S. DEFENSE

Yet, the call is continually heard that we have to reorder our priorities—to spend more on urgent human needs and less on defense. I remain steadfast in my life-long commitment to government actions that seek a better life of greater opportunity for the American people. The fact is that during the past decade we have already reversed our priorities between domestic and defense expenditures. In terms of constant dollars, defense spending today is the lowest in 25 years.

In 1964, prior to the Vietnam build-up, less than one-third of Federal spending went for human resource programs—and half the budget went for national defense. During the past decade, that situation has been completely reversed. The budget submitted for Fiscal 1976 shows about one-quarter for defense and over half going for domestic social programs.

Now we find ourselves in a period of inflation and recession with a $60 billion deficit and unemployment at well over eight per cent. What is becoming increasingly clear is that our social progress, military strength and our ability to help build a more stable world all depends on rebuilding the vitality and economic strength of the United States. It is becoming increasingly clear that we must face up to the devastating vulnerability of our economy to another oil boycott and the possibility of similar action in relation to other raw materials at some later time.

III. GROWING STRENGTH OF THE SOVIETS

Yes, we recognize the peacemaking and peacekeeping potential of détente. But cold realism requires that we must not ignore the growing strength of potential adversaries in setting our own defenses both economic and military.

For example, let us examine openly and honestly where we stand with respect to the Soviets, first in terms of strategic weapons. During the 1962 Cuban missile crisis, the United States had a huge strategic advantage. By 1973, during the Middle East War, that extra margin of security had vanished. We no longer refer to American predominance in strategic weapons but, rather, to parity with the Soviets.

The Polaris submarines deployed during the Cuban crisis are no longer a uniquely American weapon. Our last missile submarine was launched nearly a decade ago. The Soviet Union is presently building a large fleet of modern ballistic missile firing submarines. And Soviet missile submarines now patrol the American coast.

The Soviet Union has more land-based missiles with larger warheads than we do and is now challenging our lead in sophisticated warheads. The Soviets are currently testing five types of missiles with a NIRV capability. U.S. bombers, built mostly in the 1950's, help make up for numerical inferiorities in other strategic categories. In short, the Soviets are now spending much more than we are in the strategic area.

Secondly, let us compare strength with the Soviet Union particularly in your area of concern—naval power. The growth of Soviet naval capability has been a most significant development during this decade. America's post World War II naval preeminence no longer goes unchallenged.

During the 1973 Middle East War, the nearly 100 Soviet ships in the Mediterranean clearly outnumbered our own. Our surface ships are down to 1939 levels. The Soviets now possess the ability to interdict the vital sealanes on which we depend to supply our allies and to obtain vital resources such as oil and other raw materials on which we are increasingly dependent.

The Soviet submarine force is three times the size of ours. Although we maintain a certain comparative advantage in submarine technology, that gap, too, is closing. Soviet submarines, surface ships, and their air force are equipped with a variety of missiles which present a real challenge.

We have maintained a clear edge in naval air power, which has proved its value repeatedly—for example, in crises in the Mediterranean in 1958, 1967 and 1973. However, the number of our carriers is decreasing, while the Soviets, on the other hand, have decided to make an investment in aircraft carriers. Let me quote how the Commander of the Soviet Navy evaluates their fleet, which he has so brilliantly developed and led for about the last 20 years. "The Soviet Navy," Admiral Gorshkov says, "has been converted in the full sense of the word into an offensive type of long-range armed force."

And finally, as for land and air forces, our Army is about half the size of the Soviet Army and ranks fourth in size in the world. While the Soviets increase the size of their forces, our Army and Air Force—which are indispensable to the defense of NATO, our allies and our own national security—are at their lowest levels since before the Korean War.

What we have lacked in in numbers in most areas of defense, we have made up for in the technological superiority of our equipment. We have allowed numerical deficiencies in strategic weapons and submarines, for example, partly because of a confidence in our ability to maintain technically superior systems. Such technological advantage, however, is not static. An increased investment in continuing research and the updating of our equipment is required.

While we are committed to pursuing the peaceful potentials of detente, we must remain aware that the Soviets are increasing their military presence throughout the world. This is a hard fact that we have to face. From Somalia to Singapore, from Guinea to Cuba there is evidence of an enlarged Soviet view of its interests. We are witnessing today a Soviet surge in every component of military power, from strategic through conventional forces and in research and development. And there is no indication at what levels they will be satisfied. The trend for Soviet forces is up. The trend for ours is static at best. At this rate, if we do not make the necessary investment, we might find ourselves on a path that could lead to unilateral disengagement from the world without compensating safeguards.

IV. RETAINING OUR STRENGTH AND LEADERSHIP

Thus, we approach our 200th Anniversary at a crossroads of critical choices relating to our own long-term national security and freedom in the world. The basic values of individual freedom, respect for human dignity and equal opportunity which our Founding Fathers achieved at such great sacrifice could well be threatened now more than ever before. If we are to continue to lead in the cause of freedom and peace, we must be willing to make the sacrifice required to sustain our own security and meet our responsibilities in the world. This means that we must not only have the necessary economic and military strength and vitality, but a strong foreign intelligence service as well. And most importantly, we must make democracy felt as a dynamic force directed to the best interest and well being of people throughout the world.

V. HUMAN VALUES STILL PARAMOUNT

I have tremendous faith in the American people—in the capacity, the will and the determination of free people to make the necessary sacrifices. As I said when I took the Oath of Office as Vice President—there is nothing wrong with America that Americans can not right. And my confidence is strengthened by the calibre of Americans who continue to be drawn to the Nation's service.

The defense of human freedom depends in no small measure on men like you. The arms with which we defend this Country are, by themselves, only cold hardware. It is the human qualities of the people behind those arms which determine the quality of this Nation's defense.

Not long from this day will you be supervising undersea nuclear power plants; running complex combat systems on surface ships; flying sophisticated aircraft off the decks of carriers at sea; and leading troops in amphibious exercises.

Here at the Academy you have received the academic foundation to meet these challenges. But you have achieved much more. You brought the best American qualities to this academy—qualities that have been developed from raw ore into fine steel; courage—the coolness and judgment under fire that inspire confidence among your men; dedication—that devotion to a higher calling than self and the willingness to make the highest sacrifice, if necessary; determination—the staying power, the refusal to be defeated that separates winners from losers in battle as in life; integrity—the quality the American people seek and rightfully demand in their leaders. As it says in that inspiring verse you have sung so often: "Faith, courage, service true and honor over all."

Looking out over this Annapolis class today, I am—along with your families and friends—filled with pride. You enter your naval careers as America moves toward its third century. And you are the officers who will lead the U.S. Navy and the Marine Corps into the 21st Century. This should be a source of great pride to all of you. And it is a source of great confidence to all of us.

Out of this coming period of change, and challenge, I am confident that a better nation and a better world will emerge. And in moving toward that world, you will be in the vanguard. Good luck. Good sailing. And God bless you all.

THE INSTABILITY OF THE WORLD'S CLIMATE

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues two informative New York Times articles by William Sullivan.

These May 21 and May 22 articles firmly delineate the changing character of our world climate and the dependence of the present global system of food production upon conditions which cannot be expected to remain as they now exist.

Having accepted as a fact the variability of weather trends, scientists are now engaged in a debate over the imminence of another spectacular ice age. The prevailing view is that the Earth's climate is already involved in a gradual cooling trend. This opinion is graphically illustrated by the reduction in the length of the growing season of Britain by 2 weeks since 1950.

Citing a National Academy of Sciences report, Sullivan points out that the weather of the first half of this century has been uncommonly warm. If, as the report indicates, "the global patterns of food production and population that have evolved are implicitly dependent upon the climate of the present century," must we not feel concern that this abnormal, albeit bounteous trend may change, ushering in a chaotic disruption of today's world food production system?

With this possibility as a backdrop, I feel that the fluctuating and fragile character of the world's climate should be recognized, and allocated a higher priority among the circles of scientific research and governmental attention.

Mr. President, I ask unanimous consent that these informative articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 21, 1975]

SCIENTISTS PONDER WHY WORLD'S CLIMATE IS CHANGING

(By Walter Sullivan)

The world's climate is changing. Of that scientists are firmly convinced. But in what direction and why are subjects of deepening debate.

There are specialists who say that a new ice age is on the way—the inevitable consequence of a natural cyclic process, or as a result of man-made pollution of the atmosphere. And there are those who say that such pollution may actually head off an ice age.

Sooner or later a major cooling of the climate is widely considered inevitable. Hints that it may already have begun are evident. The drop in mean temperatures since 1950 in the Northern Hemisphere has been sufficient, for example, to shorten Britain's growing season for crops by two weeks.

As noted in a recent report of the National Academy of Sciences, "The global patterns of food production and population that have evolved are implicitly dependent on the climate of the present century."

Vulnerability to climate change, it says, is "all the more serious when we recognize that our present climate is in fact highly abnormal, and that we may already be producing climatic changes as a result of our own activities."

The first half of this century has apparently been the warmest period since the "hot spell" between 5,000 and 7,000 years ago immediately following the last ice age. That the climate, at least in the Northern Hemisphere, has been getting cooler since about 1950, is well established—if one ignores the last two winters.

It had been forecast by some specialists that last winter would be exceptionally cold, but as all ice skaters know, it was unusually mild in the New York area. In Boston it was the warmest in 22 years and in Moscow it was the second warmest in 230 years.

A major problem in seeking to assess the trend is to distinguish year-to-year fluctuations from those spread over decades, centuries and thousands of years.

Lack of agreement as to the factors that control climate change makes it particularly difficult to assess current trends. Of major importance, therefore, is the debate as to the cause of such changes and the role of human activity in bringing them about. Among the major hypotheses are the following:

1. SOLAR ENERGY VARIATIONS

The amount of solar energy reaching the earth's surface at any one place and time of year varies because of changes in the earth's orbit and the tilt of its spin axis (The extent of that tilt determines the extent of season changes).

There are also slight variations in the amount of energy radiated by the sun. They follow the 11-year sunspot cycle and relate chiefly to solar ultraviolet radiation.

Dr. Walter Orr Roberts, former head of the National Center for Atmospheric Research in Boulder, Colo., believes he has found a correlation between this cycle and weather phenomena such as jetstream behavior and droughts in the high plains east of the Rocky Mountains.

The droughts he believes, tend to occur either in step with the 11-year cycle or with one of 20 to 22 years.

Such links are doubted by Dr. J. Murray Mitchell Jr., climatologist at the National Oceanic and Atmospheric Administration's Environmental Data Service. He sees no plausible explanation of how such slight variations in solar energy could affect the massive weather phenomena responsible for droughts and floods.

Tree-ring data from Nebraska and South Dakota, according to Dr. Mitchell, show that the pattern to which Dr. Roberts refers applies only to the last century.

Triggering of the ice ages by cyclic changes of the earth's spin axis and orbit was proposed as early as the nineteen twenties by a Yugoslav, Miutin Milankovitch. Because of tugging by the gravity of other planets, the orbit of the earth changes shape. Sometimes it is virtually circular. At other periods the earth's distance from the sun varies during each year by several million miles.

The tilt of the spin axis with respect to the earth's orbit around the sun varies from 22.0 to 24.5 degrees over a period of some 41,000 years. The aim of the axis with respect to the stars also rotates once every 26,000 years, causing precession of the equinoxes.

For many years the combined effects of these variations seemed too subtle to account for the ice ages, but recent discoveries have won converts for modernized versions of the Milankovitch thesis.

From the chemical composition of Pacific sediments, from studies of soil types in Central Europe and from fossil plankton that lived in the Caribbean it has been shown that in the last million years there have been considerably more ice ages than previously supposed.

According to the classic timetable, four great ice ages occurred. However, the new records of global climate show seven extraordinarily abrupt changes in the last million years. As noted in the academy report, they represent transition, in a few centuries, "from full glacial to full interglacial conditions."

Many scientists now consider it established that expansions of glaciers in the Southern Hemisphere coincided with the northern ice ages. Land areas, however, are meager in southern latitudes comparable to those that were heavily glaciated in the north.

Dr. George J. Kukla of Columbia University's Lamont-Doherty Geological Observatory has proposed a way in which small variations in solar energy falling on the middle lattitudes—as in the Milankovitch concept—could affect the climate.

It is the extent to which northern seas and land areas become covered with snow and ice in the fall. When such cover is extensive, as in the fall of 1971, the white surface reflects sunlight back into space and there is a reduction in heating of the atmosphere.

This prolongs the northern winter and cools the globe. In 1971, according to images from earth satellites, autumn snow and ice cover increased by 1.5 million square miles.

The following year was one of freak weather throughout much of the world.

The implication was that a change in solar input that was slight, but sufficient to increase autumn snow and ice cover substantially, could eventually lead to a major climate change.

From a reworking of the Milankovitch calculations Dr. Kukla has found that solar energy falling on the atmosphere in the autumn hit a minimum 17,000 years ago, at the height of the last ice age. It reached a maximum some 6,000 years ago, when the world became warmest since the last ice age.

While the theory is, as yet, far from being a full explanation for climate changes it suggests, he said, that a trend toward cooling will continue for the next 4,000 years even though, since 1973, autumn snow cover has diminished somewhat.

2. PENDULUM SWINGS

Some scientists believe that the ice ages are a product of cyclic phenomena affecting the flow of heat from the tropics to the polar regions through the sea and air.

Most of the solor energy that enters the oceans and drives the winds is received in the tropics and carried poleward. The polar regions radiate more energy into space than they receive from the sun, but ocean currents and winds bring in enough heat—or almost enough—to make up the deficit.

Until a few years ago some persons suspected that the presence or absence of pack ice covering the Arctic Ocean might play a key role in this delicately balanced process. An absence of pack ice, when ocean currents were carrying considerable heat into that ocean, would allow evaporation and the resulting moist winds would shed the snows of an ice age. Periodic freezing of the ocean would end the glaciation.

Recently, however, sediment samples extracted from the floor of the Arctic Ocean have shown that it was apparently never free of ice between the ice ages, even though before they began that ocean does appear to have been open.

Another proposal regarding built-in pendulum swings of climate is that of Dr. Reginald E. Newell, professor of meteorology at the Massachusetts Institute of Technology. He believes ice ages are initiated when energy losses at high latitudes exceed energy gains in the tropics—a state that may exist at present.

An ice age ends, in this concept, when enough of the ocean becomes ice covered to curtail the escape of heat being carried poleward by ocean currents. At the present stage of such a cycle, he said in a recent article, surface water in polar seas would be growing cooler, "in the slow process that will lead to the next ice age."

In a recent issue of the British journal Nature, Drs. Reid A. Bryson and E. W. Wahl of the Center for Climate Research at the University of Wisconsin cite records from nine North Atlantic weather ships indicating that from 1951 to the 1968-1972 period surface water temperaures dropped steadily.

The fall was comparable, they reported, to a return to the "Little Ice Age" that existed from 1430 to 1850. It was early in this period that pack ice apparently isolated the Norse colony in Greenland and led to its extinction. The temperature drop in the North Atlantic carried it one-sixth of the way to the level of a full-fledged ice age, according to Drs. Bryson and Wahl.

3. MAN-MADE INFLUENCE

There is general agreement that introducing large amounts of smoke particles or carbon dioxide into the atmosphere can alter climate. The same would be true of generating industrial heat comparable to a substantial fraction of solar energy falling on the earth. The debate centers on the precise roles of these effects and the levels of pollution that would cause serious changes.

Carbon dioxide in the air acts like glass in a greenhouse. It permits solar energy to reach the earth as visible light, but it impedes the escape of that energy into space in the form of heat radiation (at infrared wave lengths).

Dr. Mitchell has pointed out that a variety of factors determine the role of carbon dioxide on earth. For example, the extent to which that gas, introduced into the atmosphere by smokestacks and exhaust pipes, is absorbed by the oceans depends on the temperature of surface waters.

This, in turn, is affected by climate, leading to so-called feedback effects, more to this atmospheric dust than have volcanic eruptions.

However, it says, the present atmospheric load of man-made dust is perhaps only one fifth what was thrown into the stratosphere by the volcanic explosion of Krakatoa in 1883.

Until recently the idea that ice ages are initiated by intense volcanic activity was unpopular for lack of evidence for such activity. The hypothesis has gained more credence from the analysis of sediment cores extracted from the ocean floors by the drill ship Glomar Challenger.

According to University of Rhode Island scientists, ash was far more common in layers laid down in the last two million years than in the previous 18 million years. Plants consume carbon dioxide at rates that depend on temperature and the abundance of that gas in the air, complicating predictions of their role.

The observatory atop Mauna Loa, the great Hawaiian volcano, has recorded a steady rise in the annual mean level of carbon dioxide in the atmosphere, amounting to 4 percent between 1958 and 1972. That, however, was a period of global cooling—not the reverse, as one would expect from a greenhouse effect.

The Mauna Loa observatory has also recorded a steady rise in atmospheric turbidity—the extent to which particles overhead dim the brightness of the sun. The academy study finds that human activity over the last 120 years has contributed.

If worldwide energy consumption continues to increase at its present rates, catastrophic climate changes have been projected by M. I. Budyko, a leading Soviet specialist. He says that the critical level will probably be reached within a century.

This, he has written, will lead to "a complete destruction of polar ice covers." Not only would sea levels rise but, with the Arctic Ocean free of ice, the entire weather system of the Northern Hemisphere would be altered.

However, Dr. Mitchell has suggested, such a warming might be enough to counter a natural cycle of cooling and this might head off an ice age "quite inadvertently."

CAN THE TRUTH BE LEARNED?

More precise knowledge of the past is certain to aid in choosing between various explanations for long-term climate changes. The Greenland Ice Sheet Program, with American, Danish and Swiss participants, is drilling a series of holes into the crest of the Greenland ice in the hope, ultimately, of reconstructing a year-by-year record of climate for the last 100,000 years.

So far the ice has been penetrated 1,325 feet, extending the record back 1,420 years. The yearly layers can be counted, like tree rings, in terms of summer and winter variation in the relative abundance of two forms of oxygen (oxygen 16 and oxygen 18). Their ratio indicates temperature at the time when the snow fell to form that layer of the ice sheet.

The isotopes also reflect the long-term climate changes. A remarkable finding, reported in the May 1 issue of Nature, is that the trends in Greenland for the period 850 to 1700 A.D., closely match the British record for 1100 to 1950. California tree rings show a climate record similar to the one in Britain.

The implication is a lag of 250 years between climate variations in Greenland and those in regions east and west of the Atlantic.

If, in fact, the climatic cycles of Greenland precede those of Europe and North America by 250 years, a powerful means of prediction would be available. However, as noted in the Nature article, it is by no means certain that the effect is persistent.

The Academy of Sciences report notes that any assessment of climate trends is crippled by a lack of knowledge: "Not only are the basic scientific questions largely unanswered, but in many cases we do not yet know enough to pose the key questions."

The report, including a wide range of proposals for national and international programs of research, was prepared by the academy's Committee for the Global Atmospheric Research Program, headed by Dr. Verner E. Suomi of the University of Wisconsin.

[From the New York Times, May 22, 1975]

VAST ANTARCTIC ICE SHEET STUDIED FOR CLUES TO PERIODIC ICE AGES

(By Walter Sullivan)

The view that another ice age will probably come, sooner or later, predominates among scientists, but it is argued by some that the last ice age may not be entirely finished.

The massive ice sheet covering West Antarctica, they say, is unstable and bound to disintegrate or slip into the ocean, raising worldwide sea levels some 20 feet. This would submerge many coastal cities as well as much of the world's food-producing areas.

It has even been suggested by strategic analysts in Washington that some malevolent group might bring about such flooding through the use of nuclear explosions to dislodge the ice sheet. The sufferers would include all the major world powers.

The proposition that the West Antarctic ice sheet may disintegrate arises in part from evidence that, between former ice ages, the seas rose some 20 feet higher than their level today.

The argument rests, as well, on the present status of that ice sheet and on evidence that a similar rapid disintegration—or slippage—cleared central Canada of ice some 8,000 years ago.

CONCEPT OF SLIPPAGES

The concept of massive slippages or "surges" of Antarctic ice was set forth as early as 1964 by A. T. Wilson of Victoria University in New Zealand. He saw in them an explanation for periodic ice ages. He noted that the Antarctic ice sheet is massive, covering an area larger than Europe and reaching thicknesses of three miles or more.

When such ice flows out over the seas that surround Antarctica it spreads out over the frictionless water to a uniform thickness of about 600 feet. Thus, if a substantial part of the Antarctic ice slipped into the sea, it would spread to cover a large part of the southern oceans.

The snowy surface of this ice would reflect so much solar energy back into space that the entire atmosphere would be cooled, starting an ice age. The slippage would occur, according to the hypothesis, when the bottom layer of the ice blanketing the continent at the South Pole began to be melted by heat flowing up from within the earth, forming a lubricating slush.

A hole drilled through 7,200 feet of ice at Byrd Station has, in fact, revealed such a slushy layer. Furthermore radar probing by British scientists riding in American naval aircraft has shown numerous "lakes" beneath the ice.

That some group might use nuclear explosions to dislodge the ice sheet, or a large part of it, was discussed in the nineteen-sixties by strategic analysts, including Dr. Gordon J. F. MacDonald, then executive vice president of the Institute for Defense Analyses in Washington.

"The immediate effect of this vast quantity of ice surging into the water, if velocities of 100 meters per day are appropriate," Dr. MacDonald wrote, "would be to create massive tsunamis [tidal waves] that would completely wreck coastal regions even in the Northern Hemisphere." He is now on the faculty at Dartmouth College.

A year and a half ago, scientists at the Institute of Polar Studies of Ohio State University suggested that the ice covering West Antarctica might be unstable. West Antarctica is that part of the South Polar continent lying chiefly in the Western Hemisphere.

In contrast to East Antarctica, which is a vast continental land mass close to or above sea level, West Antarctica, without its ice, would largely be submerged with only a few islands rising above the sea.

The idea that its ice sheet may be unstable is based in part on evidence from elsewhere—including the Hudson Bay area—that an ice sheet resting on land below sea level can become dispersed into icebergs far more rapidly than previously believed.

HUDSON BAY SLIPPAGE

From age determinations of vegetable matter in glacial debris left by the last ice sheet in Canada it has been determined by Victor K. Prest and others of the Geological Survey of Canada that, in two centuries or less, some 8,200 years ago, the central Hudson Bay area was cleared of a mile-thick blanket of ice.

On a recent visit to this country Dr. Mikhail Grosswald, a prominent Soviet specialist on past glaciations, argued that once the center of Hudson Bay had been cleared, the ice sheet to its west slipped into the emptied region in a massive surge, followed by a similar slippage from the east.

Since so much of the land, under the ice of East Antarctica, is below sea level, concern has been expressed that a similar process might occur there. It is partly for this reason that an international study has been initiated into the manner in which that ice is discharging into the sea. It does so by way of an apron of floating ice—the Ross Ice Shelf—that covers the southern extremity of the Ross Sea.

It has been found that the Antarctic sheet in the past has been much thicker and has extended much farther out to sea than at present. Dr. Grosswald, in a colloquium at the American Geographical Society in this city, also cited the evidence elsewhere for higher sea levels between earlier ice ages.

From the scars left on islands surrounding the Barents Sea, north of Russia and Scandinavia, he has concluded that that sea once held a massive ice sheet that flowed out of it in all directions. Canadian scientists have recently reported evidence on the sea floor that a grounded ice sheet pushed far into the North Atlantic from Newfoundland.

Thus, it is argued by Dr. Grosswald and others, the amount of the world's water that was locked into ice sheets during the ice ages seems to have been considerably greater than previously supposed.

SENATOR HUGH SCOTT GAINS SPECIAL CONSTITUENT

Mr. HUGH SCOTT. Mr. President, I am very proud to report that I gained a special constituent during our recess. Tran Dung Kim gave birth to a daughter at the Fort Indiantown Gap Refugee Processing Center near Annville, Pa. The baby was given an American name, Jennifer.

What the future holds for Jennifer can only be speculated upon, but I am confident that our country will be richer for her presence.

In the years ahead, Jennifer will join with her fellow citizens in her school and community. She will know of her Vietnamese heritage, but she is and will continue to be an American.

Jennifer is one of the first children of our most recent immigrant group to be born here. Our country is so strong because of the many thousands of first generation Americans who have come before her and those who will come after her. From many cultures, America has forged one people, proud of each other, because each contributes to the American culture. Jennifer's generation will continue in that tradition.

The generosity of the American people enabled Jennifer to be born here. I trust that the traditional friendship of the American people will continue to embrace her and her Indochinese kinsmen in the months and years ahead.

Happy birthday, Jennifer.

YESTERDAY THE "MAYAGUEZ," TOMORROW A CANOE

Mr. HATHAWAY. Mr. President, Americans have always had the great gift of humor with which they have been able to weather all sorts of storms. Satire has long been an effective tool in criticizing the decisions and policies of the Government, the Congress, and all others whose judgments are public property.

Art Buchwald is clearly one of our contemporary masters of the art of satire. His wit, barbed as it may be at times, is pointed and direct, a result, I suspect, of his many years of experience in our Nation's Capital.

And while we chuckle with him as he shoots those barbs, he nonetheless raises important questions about the issues of the day. It is for the questions he raises, as well as for the humor of his presentation, that I ask unanimous consent that the following column: "Yesterday the *Mayaguez*, Tomorrow a Canoe," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YESTERDAY THE "MAYAGUEZ," TOMORROW A CANOE

(By Art Buchwald)

President Ford has had such a big win with the American people over the Mayaguez incident that he has become a new man—more assured, stronger and determined to show that the United States is not a paper tiger.

In fact he has gotten into the habit of calling Henry Kissinger on the telephone all the time.

"Any American ships been seized lately, Henry?"

"I told you a couple of hours ago, Mr. President, if any country grabbed one of our ships you would be the first to know about it."

"Sorry, Henry, I was chewing gum at the time. I wish the Laotians would try to board one of our vessels. I'd show them a thing or two."

"It's doubtful that any major power such as Laos is going to mess with us, Mr. President, after your strong and forthright action in the Mayaguez incident."

"They better not. If we show any weakness at all, every country in the world will think it can push us around. I sure wish Iceland would try to take one of our fishing vessels. I'd have the USS Enterprise there in no time."

"That you would, Mr. President, but it's all quiet now. Can I go back to work?"

"Henry, I was just thinking. Couldn't we have one of our ships sail close to Ecuador, maybe 10 or 15 miles out?"

"You mean in hopes that Ecuador might try to pull another Pueblo?"

"With this difference, Henry. We could have B–52s from Guam flying cover over it. One move toward that ship and we drop everything in our arsenal on Quito. I will not stand for piracy of U.S. ships on the high seas."

"Well said, Mr. President. But I believe we ought to let nature take its course. There is no sense provoking an incident. I'm sure you'll have another opportunity to dramatize the unity and strength of America under attack."

"Henry, even if someone grabs a canoe I want to hear about it."

"You will, Mr. President."

"I'd like to see Trinidad start something. We'll show them how we deal with a crisis. You don't think Trinidad would resort to piracy, do you, Henry?"

"We have no intelligence that they're thinking about it, Mr. President. But that doesn't say they wouldn't."

"Well, keep the 82d Airborne on alert just in case. And I'd like some cruisers sent to Monte Carlo. You never know when Prince Rainier thinks he can push us around."

"Consider it done, Mr. President."

"Are you sure Cuba doesn't have any Soviet missiles stationed there any more?"

"They were all pulled out in 1962, Mr. President."

"Darn."

"Look, Mr. President, I have to go back to work. I've got everyone on the lookout for any provocative act which we would have to respond to with measured force and military power. We're onto this thing."

"You know, Henry, after the Mayaguez incident I received thousands of telegrams in support of my action, including one from Ronald Reagan."

"You deserved it, Mr. President."

"I get standing ovations wherever I go."

"As well you might."

"The conservatives have stopped picking on me, and even the Democrats are looking at me with respect."

"It's a dream come true, Mr. President. But why are you so concerned to have another international incident?"

"You know how the American people are, Henry. Right now everyone is saying 'Good show, Jerry.' But if someone doesn't grab another one of our ships, they're all going to say, 'What have you done for us lately?' "

NEBRASKA OPINION ON THE "MAYAGUEZ" SEIZURE

Mr. HRUSKA. Mr. President, President Ford acted decisively and effectively when he took forceful action to save the U.S. vessel *Mayaguez* when it was taken by the Cambodian pirates.

Mr. Ford's actions were strongly backed by the people of my home State of Nebraska as evidenced by the poll recently conducted for the Omaha World-Herald. Seventy-eight percent of the Nebraskans interviewed said they approved of the President's use of force to free the *Mayaguez*. Mr. President, I ask unanimous consent that the result of the Nebraska poll be entered in the RECORD at the conclusion of my remarks.

Overwhelming support for the President also has been expressed by newspapers in Nebraska.

For example, on May 16 the World-Herald said:

> Before the voices of retreat and surrender get fully into their campaign to portray the recapture of the Mayaguez as a rash adventure in jingoistic imperialism, a point needs to be made:
>
> President Ford may have accomplished more with decisive action in the Mayaguez affair than just the rescue of the ship and its crew.
>
> He may have given the rest of the world—and our adversaries in particular—hard evidence that the United States is not the paper tiger some have made it out to be in the wake of the Vietnam defeat.

The Grand Island Independent editorialized on May 17:

> U.S. decisiveness in retaking the merchant ship Mayaguez cannot help but have a favorable impact, in the United States and elsewhere.
>
> All of which gets us back to a basic premise. That is that while only Congressional approval should be required to involve us in a war, the President as commander-in-chief, working with the military, must have the freedom to take appropriate action when such incidents arise."

Mr. President, there were many outstanding newspaper articles and editorials printed in Nebraska about the *Mayaguez* incident: from the Grand Island Independent, Hastings Tribune, McCook Daily Gazette, Norfolk Daily News and others. So that my colleagues and others who desire a sampling of Nebraska opinion on this matter can read this material, I ask unanimous consent that articles on the *Mayaguez* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald May 25, 1975]

SHIP RESCUE, TAKING REFUGEES SUPPORTED

(By David Tishendorf)

The U.S. handling of the Mayaguez incident has found strong support in the Nebraska Poll, while a majority of those interviewed also said they favor Nebraska taking in its share of Vietnam refuges.

Statewide, 78 per cent of those interviewed said they approved when asked the question:

"Do you approve or disapprove of this country's use of force to free the merchant ship Mayaguez?

Nine per cent said they disapproved and 13 per cent had no opinion.

When asked, "Do you favor or oppose seeing Nebraska accept its share of Vietnam refugees?" 54 per cent said they favor it, 36 were opposed and 10 per cent had no opinion.

The poll was taken exclusively for The World-Herald by Joe B. Williams. He interviewed 525 persons by phone in all sections of the state last Monday through Wednesday.

The handling of the Mayaguez incident found broad support among men, women and all age groups and in all areas of the state. In no case was approval less than 73 percent.

Support for Nebraska taking in Vietnam refugees also was widespread. Williams said differences in support among the various categories were not significant because of the relatively high number of persons who had no opinion.

Nebraska poll

[In percent]

Mayaguez action:	
Approve	78
Disapprove	9
No opinion	13
Viet refugees:	
Favor	54
Oppose	36
No opinion	10

Some typical comments from persons who supported the handling of the Mayaguez incident:

"I think it's the only way we could have ever gotten it back."

"It's about time they let these other countries know. They should have done the same with the Pueblo."

"The whole thing was done to show other countries we are still powerful."

"Had we sat back, other countries would think they could walk all over us."

Opposed:

"I think it could have been handled some other way, so we wouldn't have all those boys killed."

"I believe we took unnecessary risks in an attempt to assert our muscle power because of our exit from Vietnam."

Comments from persons who favor bringing Vietnam refugees to Nebraska:

"It's good to help people who can't help themselves."

"I believe people should help people regardless of race, creed or color, not just Vietnamese."

"We're a great nation and I believe we are wealthy enough to handle it, and Nebraska should do its share."

Opposed:

"I think there are too many of our people who need help to be bringing in those people."

"These darn men who went over there to fight should have fought and not messed around with the women over there and then expect us to take care of them."

Williams said the poll has a margin of error of 3 percentage points.

[From the Omaha World Herald, May 14, 1975]

INSULT TO INJURY

At this difficult point in its history one of the last things the United States needs is the humiliation and frustration of another Pueblo incident.

Such an incident may be in the making in the Gulf of Thailand, where the Communist regime in Cambodia has seized an American merchant vessel, the Mayaguez.

Under any circumstances, the seizure of an American vessel on the high seas by a foreign country would be ample cause for a firm response on the part of our government.

That the ship was taken by Cambodia made a firm response even more advisable. The United States has taken a beating at the hands of the Cambodian Communists and their allies in Vietnam. Seizing the Mayaguez added insult to injury.

Our government's initial response seemed to be an appropriate mix of firmness and restraint.

The President correctly identified the incident as an "act of piracy" and warned of "the most serious consequences" if the Cambodians didn't release the ship and its crew. Warships of the 7th Fleet were ordered to head for the Gulf of Thailand.

At the same time, the United States moved diplomatically to try to enlist Chinese help in freeing the ship. It was reported that U.S. officials believe Red China is the only major power with any degree of influence in Phnom Penh.

This blend of threat and diplomacy seems to us to be the right approach in the first hours of such a happening. But as time goes on and no results are seen, the mixture should be adjusted, with more toughness added.

If the vessel is not returned promptly, elements of the 7th Fleet could use air strikes and naval bombardment on Cambodian military targets to impress the Communists with the unwisdom of detaining the ship. Or a naval and Marine contingent could take the ship back forcibly.

These are a couple of the options that could and should be used if the Cambodians indicate they want to test U.S. resolve.

The United States has lost a great deal of credibility in Southeast Asia. A way to lose more is to fail to follow through on President Ford's warning of "most serious consequences."

[From the McCook Daily Gazette, May 14, 1975]

HRUSKA BACKS ACTION TO FREE "MAYAGUEZ"

WASHINGTON.—Sen. Roman Hruska and Rep. John Y. McCollister both suggested Tuesday that the United States should not wait long before taking military action to secure the release of a merchant ship seized Monday by the Cambodian government.

The Mayaguez was seized Monday by the Cambodians in what the U.S. said was international waters.

President Ford demanded immediate release of the ship and said "the most serious consequences" would result if it is detained.

Hruska, in his first comment on the action, said "we should pursue for a brief while diplomatic measures. But I do not see how if that ship is not turned loose, and soon, we can avoid sending our ships in there and recovering it.

"It's not only our honor that's at stake. If that little country can impose its act of piracy on us, then we are at the mercy of everybody."

McCollister, expected to seek the Senate seat of the retiring Hruska in 1976, said the seizure demonstrates that the U.S. is now in a period of world-wide testing.

"Until the people of the United States understand what their interest is and how dangerous the world has become for us," McCollister said, "it is going to be impossible to develop any kind of a coherent, consistent and unified foreign policy.

"As long as the United States sits by docile and doesn't react there is going to be an increasing number of these things."

[From the Omaha World-Herald, May 16, 1975]

WE NEEDED THAT

Before the voices of retreat and surrender get fully into their campaign to portray the recapture of the Mayaguez as a rash adventure in jingoistic imperialism, a point needs to be made:

President Ford may have accomplished more with decisive action in the Mayaguez affair than just the rescue of the ship and its crew.

He may have given the rest of the world—and our adversaries in particular—hard evidence that the United States is not the paper tiger some have made it out to be in the wake of the Vietnam defeat.

There have been signals from other countries in the past few weeks indicating that America's will to use its strength in just causes is in doubt.

Our country cannot afford this. We cannot allow our allies to doubt our commitments, uncommitted nations to lean away from the United States, or hostile regimes to be tempted to dangerous ventures.

In 1968 the United States could afford to wait out the North Koreans rather than send the Marines to bring out the Pueblo. As humiliating as the affair was to many Americans, it was a provocation that could be endured because it did not cast serious doubt on U.S. resolve.

The seizure of the Mayaguez was different. It occurred at a time when the United States badly needed an opportunity to demonstrate that this is a country not to be trifled with.

This is not to suggest that opportunism was the main motivation of the President's firm response. Ford did what any President would be obliged to do in the circumstances.

However, it is realistic to presume that the President's decision to use force quickly was rooted partly in the need to re-establish a degree of respect for American strength and courage.

It will take more than the recapture of a merchantman from a minipower like Cambodia to fully restore America's credentials as a nation to be treated respectfully—but the implications of the successful military action surely will not be missed by the rest of the world.

[From the Norfolk Daily News, May 16, 1975]

Effective Response

It is disappointing that the prompt, but not precipitate, action which proved to be successful in recapturing the freighter Mayaguez and its crewmen did not win unanimous approval among members of Congress. It was undertaken three days after the capture of the ship. A clear warning to Cambodia that the act was considered piracy calling for a firm response was provided, and the route of diplomacy was not ignored.

We believe the 40 crewmen owe their freedom, if not their lives, to the fact that an American President did not equivocate. Instead, the tactics which could result in the recapture of the ship and its crew were quickly developed and approved. A military force that has, throughout the Vietnam era, been critized for its ineffectiveness proved equal to the occasion.

Something was learned from the Pueblo incident, after all.

What is displeasing and bothersome for America's future is that it was not learned by important members of the Senate majority. Sen. Edward Kennedy's initial reaction was that "it appears the United States may have acted with undue haste." Sen. Henry Jackson: "I hope we are not going down the same road we followed in the Tonkin Gulf record of 1964. This is a time for cool heads, not a time to exercise the use of force . . ." Sen. Dick Clark of Iowa: "I think the call for more military activity is premature." And Sen. Mike Mansfield complained that he was notified only after the fact. Sen. McGovern's view of the administration's response fell just short of outright condemnation.

If history teaches anything at all, it is that seemingly minor acts of aggression must be dealt with promptly and with force sufficient to defeat them unless more and major ones are to be avoided. The seas, unlike land areas, are open to all—and that means "spy" ships, too, operating outside the territorial waters. The Mayaguez was apparently no spy ship, anyway.

Under the conditions which surrounded the ship's seizure, the President could not call on members of the Senate and House to sit as a sort of war cabinet, to be filled in on every detail and approve or disapprove the tactical decisions. The inherent power he has, and the active duty military forces at his disposal, are to be used in just such a situation.

Anyone can, and many will, claim that Cambodia would have released the ship and the crew eventually without the U.S. military action. Speculation is cheap, and such an assumption is impossible to refute. The act of seizure itself, however, suggested that the new Cambodian government is not among those subscribing to the niceties of international law.

If some of the members of the majority are to be criticized for their views on this subject, as we believe proper, others are not. Of those who supported Mr. Ford, Rep. Morris Udall, an opponent of the war in Southeast Asia, put it in best perspective: "The issue at stake is not the reckless introduction of American power into Southeast Asia, but whether the United States has the will to respond to an arrogant and blatantly illegal act of piracy." One ought to take the presidential candidacy of Mr. Udall more seriously than those who fail to perceive a need for decisiveness in such circumstances.

[From the Hastings Daily Tribue, May 21, 1975]

Ford Played by Rules When He Ordered Troops to Recover Ship

President Nixon reacted sharply when Congress in November 1973 overrode his veto of legislation limiting the chief executive's power to commit U.S. forces abroad without congressional approval. Speaking through his press secretary, Ronald L. Ziegler, Nixon said the war-powers law "seriously undermines this nation's ability to act decisively and convincingly in times of international crisis."

The successful handling of the Mayaguez incident would seem to have proved Nixon wrong. President Ford notified congressional leaders of his decision to dispatch Marines and planes to recover the merchant vessel and its crew. There is some question whether simple notification satisfies the 1973 law's provision that the President, "in every possible instance, shall consult" with Congress before committing U.S. forces to hostilities.

The law also required the President to report in writing within 48 hours to the Speaker of the House and President Pro Tempore of the Senate on any commitment or substantial enlargement of U.S. combat forces abroad. Ford delivered his report well before deadline.

What the Mayaguez incident demonstrated above all else is that the President's war powers still reign supreme in a crisis, notwithstanding any law designed to curb them. The President, not Congres, remains the initial recipient of military intelligence on which decisions are based. In this instance the President decided, and most members of Congress agreed, that swift military action was necessary.

To a certain extent the Mayaguez incident resembled the Tonkin Gulf crisis of 1964. The Defense Department reported in early August of that year that North Vietnamese PT boats had attacked two U.S. destroyers, the Maddox and the C. Turner Joy, while they were on patrol in international waters about 30 miles off the coast of North Vietnam. Within days Congress adopted a resolution expressing its approval and support of "the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

When the resolution came before the Senate, Sen. Gaylord A. Nelson (D-Wis.) suggested an amendment supporting President Johnson's earlier declaration that the "the United States, seeking no extension of the military conflict, will respond to provocation in a manner that is 'limited and fitting.'" Sen. J. W. Fulbright (D–Ark.), floor manager of the resolution, refused to accept the amendment.

As American involvement in the Vietnam war deepened, Johnson repeatedly invoked the Tonkin Gulf resolution to justify his actions. Congress finally repealed the measure in 1970. But it was not until October 1973—months after the last U.S. combat troops had left Vietnam—that it approved legislation defining and limiting the President's power to commit American forces abroad.

Had Johnson's response to the Tonkin Gulf incident been "limited and fitting," the history of the Indochina war might have been far different. Even now, some critics question whether Ford reacted in a fitting way to the Mayaguez crisis. But the crucial difference is that Ford succeeded where Johnson ultimately failed. Ford's credibility, any President's most precious asset, remains very much intact.

[From the Grand Island Independent, May 16, 1975]

Many Islanders Support the President in Crisis

(By Jeanne Adkins)

Sending in the Marines to get the U.S. Merchant ship Mayaguez was the kind of action Islanders interviewed Wednesday afternoon said they would take to retrieve it.

"Frankly, I think we should have kicked the heck out of them earlier," one man said of the action.

He was certainly not alone in his opinion on how the U.S. should handle the Cambodian seizure of the ship. The Independent made a number of random phone calls Wednesday to find out how local residents were reacting to the incident.

Everyone called approved of Pres. Gerald Ford's stand that America would not give the Cambodians anything in return for the return of the ship and the safety of its 40-member crew. They also were highly supportive of the stand later taken to go in and get the ship by force.

"I think the situation is dangerous," Walter Martens of 1609 W. Louise said. "I think there's going to be another war. We should have finished it in Korea or even World War II and if we had, this never would have happened."

"We ought to go get it," Bill Callies of 319 W. Koenig said. "If they won't give it back, we should stomp on them and make sure the rest of the world knows it. Personally, I'd probably lose my temper and level the whole joint."

Nettie Mosher of Grand Island doesn't think Cambodia should be allowed to get away with its action either. "I think they've got us in a corner now and I just don't think we should let them get away with it."

"I think it's a lousy deal," Tom Lueth of 2203 N. Huston, said. "We should take the number of troops it will take to get it back.

"We just shouldn't fool around," he continued. "We don't need another Pueblo (a ship seized by North Korea). I'm tired of feeding them and getting them strong so they can fight us. Regardless of the cost we should get the ship."

Pat Husen of 1104 W. John, thinks the Cambodian action is "kind of rotten" and thinks the U.S. should definitely go in and do something about it.

"I think we should take a strong stand right away and not give in," Karen Wetzel of Grand Island said.

Norm Jensen of Grand Island thinks the situation is "touchy" but he certainly isn't pleased about what happened. Because of the explosive nature of the situation, Jensen said he wasn't certain he would send troops but he thinks every effort should be made to get the ship returned and if necessary "we should go and get it."

Peggy Bowen of 1008 W. Eighth, is afraid the Cambodian incident "could lead to something a lot more serious." She approves of the President's stand and feels the U.S. should get the ship by force if necessary.

Bobbie Hamit of Grand Island, also feels the U.S. should go get the ship and "not let them get away with it."

"We've been too passive for too long and I think we need to take a stronger stand in foreign policy and get back the face we've lost internationally," Glen Johnson of 2117 W. Charles, said.

[From the Grand Island Independent, May 17, 1975]

ON DECISIVE ACTION

U.S. decisiveness in retaking the merchant ship Mayaguez cannot help but have a favorable impact, in the United States and elsewhere.

There seems no doubt that most American citizens have been so turned-off by indecisiveness that they were willing to take any necessary action to retake the ship. At least, that is, as long as they could stand in the background and let someone else do the necessary fighting. Nevertheless, the success of the venture cannot help but boost sagging national spirits.

There seems no doubt, either, that some others overseas—friend and foe alike—will be taking notice of the quick and emphatic reaction, and in fact, such reactions were already being expressed Thursday. It will undoubtedly encourage some friends and deter some venturesome foes, particularly smaller powers who may have been led to believe they could pick away at will at the big guy down the block after he once beat a retreat.

We are fortunate, of course, that all the crew members were freed, along with the ship. Our action might have had unhappier results. The loss of two Marines, with 14 men still missing, is unfortunate, but it could have been much worse.

Hopefully, we won't be forced to repeat the performance for some time, and hopefully, we won't be encouraged to act like the Israelis and demand an eye for an eye every time our national pride is wounded, and use the big stick before we're done speaking softly. If U.S. lives are taken or endangered, however, it would automatically fall in a different category.

All of which gets us back to a basic premise. That is that while only Congressional approval should be required to involve us in a war, the President as commander-in-chief, working with the military, must have the freedom to take appropriate action when such incidents arise.

It's one thing for the Bella Abzugs and George McGoverns to criticize what we're doing; it's quite another to turn over to them and the rest of the Congress the decision-making powers in such incidents.

Imagine having 535 commanders-in-chief, which is what that would amount to.

[From the McCook Daily Gazette May 17, 1975]

PRESIDENT FORD'S POSITIVE ACTION WAS RIGHT COURSE

Next time some foreign power wants to test the United States of America's determination to protect what is its and its willingness to face up when necessary, that potential rivalry may be just a little more cautious thanks to the positive and quick action taken by President Ford in the SS Mayaguez episode.

America's taking of this merchant marine vessel when quick diplomatic avenues failed, is the first real positive and decisive action by our President since the tragedies of Agnew and Nixon catapulted him from the House of Representatives into the world's greatest leadership role.

It was the kind of positive tone America needs to demonstrate to the world that even though we acknowledged our mistakes in the South Vietnam involvement, that we are not weakened as a great nation.

Perhaps President Ford shone better here than in some other decision areas since he did not need the approval of a hostile Congress to move to protect American property and lives. He did, however, keep Congress advised as he moved to regain the lost ship and its crew.

The loss of lives resulting from the President's action is regretable but far greater numbers would likely have been the price had America been weak in this confrontation. Once the Communist nations of the world think the American people will not defend themselves, that is the time we face real war potential. If this nation had acted more positively when the Pueblo was seized, the SS Mayaguez might never been tested.

In light of Vietnam and the ship seizure by Cambodia, this nation needs to re-evaluate its defense positions. We need to determine just what is worth defending and what is not. We need to determine our capability to defend.

Once these determinations are made, they should be announced to the world. And, the world given notice that if forced to we, as a nation united, are able and willing to go all the way to win any future confrontations.

Vietnam was an extremely expensive lesson, but surely we learned without question that half measures only encourage the enemy . . . that any future involvements will be only all out concentrations to win.

SUPPORT FOR THE FUEL STAMP CONCEPT

Mr. HARTKE. Mr. President, in the 93d Congress and again in this Congress, I introduced a fuel stamp bill designed to alleviate the increasing financial burden upon lower and fixed income families created by the burgeoning costs of fuel for space heating and other domestic uses. Similar legislation already exists in the House, and a bill quite similar to my own in concept was introduced in this Chamber by Senator Moss. As yet, however, the Labor and Public Welfare Committee, to which it was referred, has taken no action nor has it scheduled any action.

I cannot speak to the experience of other Senators and Representatives, but my office has received many expressions of support for the idea from many individuals and groups, including major utility companies. I am still hopeful that the committee will resolve to act on this most important matter before a new winter season is upon us.

In the meantime, I ask unanimous consent to have printed in the RECORD an excerpt from a letter written by Mr. Walter A. Zitlau, president of the San Diego Gas and Electric Co., to the California Utilities Commission endorsing the idea of fuel stamps.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM A LETTER BY WALTER A. ZITLAU, PRESIDENT—SAN DIEGO GAS & ELECTRIC CO.—TO VERNON L. STURGEON, PRESIDENT, CALIFORNIA PUBLIC UTILITIES COMMISSION, APRIL 18, 1975

During a discussion with you and other members of the Commission we touched on a number of mutual problems, addressing them from both the philosophical point of view, and with an aim toward finding hard solutions to many of the perplexing problems. Since returning to my office I have frequently turned my thinking to those who are suffering most because of the runaway inflation and the impact which comes upon them through rapidly increasing utility rates.

Unfortunately, while the problem may be somewhat more acute in the San Diego area, it finds itself in every city, town, and rural community across the face of our nation. The suffering for those on welfare and on limited incomes is essentially the same wherever we turn.

This week, SDG&E had to file a rate relief application and a petition for interim relief in order to preserve the financial integrity of the Company and meet its obligations. That was my responsibility as the chief executive officer. I also recognize, however, that I have some additional responsibilities as one to whom society has given a modest degree of social leadership.

Specifically, I am distressed over the plight of the poor, the handicapped, the elderly trying to survive on small fixed incomes, and those persons who are the unfortunate victims of economic conditions causing them to become unemployed through no fault of their own. In fact, many of our shareholders rely upon their dividends to help maintain modest standards of living.

This plight is not entirely unfamiliar to any of us. Other members of the PUC, this Company's officials, elected officials at the federal, state, and local levels, and the media are all aware of the problem. It has been heard from literally thousands of persons within past months. A variety of consumer pressure groups also have been organized to help deal with the situation.

San Diego Gas & Electric Company and all its customers are facing, in my opinion, the most serious situation that has confronted us since the great depression of the 1930's. All forms of energy—electric, natural gas, or the gasoline at the service pumps—will be taking a larger share of the family budget. And the problem facing all of us—customers, utilities, regulators, and government—is how to share those costs so as to minimize this impact on those least able to bear them. It seems to me, however, that most of us have been focusing on what is a long-range problem, rather than on a serious situation that needs to be remedied immediately.

There is, however, the more *immediate* problem, Too many of the poor and the elderly living on small fixed incomes, and the unemployed *cannot* wait for the promise of a future solution. Consequently, I strongly believe that the State of California and the federal government should and *must* move immediately to alleviate the effect of rising energy prices as it affects the disadvantaged.

I favor some sort of a utility stamp program. Candidly, I don't know how such a program might be organized or administered. But if we can devise rationing and food stamp programs and other means of helping the disadvantaged as we have done in the past, such as in disaster areas following floods and tornadoes, then all that is stopping us now is a lack of will to take appropriate action. It is gross inhumanity to write-off those who are presently suffering while we work out long-term solutions. The simple facts is that the disadvantaged are being forced to deprive themselves now of other basic essentials, because of the present energy price situation.

Who should pay for a utility stamp program? There are, I believe, sound arguments why the cost should be a burden of the entire national economy, in a form so that the cost is shared fairly by *all* sections of the country. As to what form this might take, I cannot say, for my area of expertise is not governmental or social welfare financing. However, the utility stamp program should strive to provide *immediate* help to the disadvantaged.

The concept of the utility stamp program undoubtedly has some faults from the standpoint of financing, administration, and creation of the necessary enabling legislation. But I do know that while those who are still gainfully employed may be able to make ends meet until policies can be developed. The poor and elderly with insufficient funds, and the unemployed *cannot* wait. They need help now!

I pledge my support for that program which will, with equity, meet the challenge at the earliest possible date.

PERSECUTION OF HUNGARIANS IN ROMANIA

Mr. THURMOND. Mr. President, between 1965 and 1968 several of my distinguished colleagues denounced on the floor of the Senate the restrictions placed on the human and civil rights of the Hungarians in Romania, who constitute about 2.5 million people, mostly in the Province of Transylvania.

A persistent pattern of denationalization continues, which was recognized by our State Department in a memorandum to Representative PATTEN and other House and Senate Members on September 19, 1967.

Since that date, I am informed that the educational opportunities for Hungarians in Romania are rapidly worsening. In grade schools, it is reported that it is still possible to attend Hungarian sections, but all entrance examinations in the high schools, vocational schools, and specialized secondary schools are given in Romanian. Except for the general high schools, there are hardly any vocational and specialized schools with Hungarian sections at all. On the higher education and university levels, except for two teachers' colleges and an academy of the performing arts, no Hungarian courses are even offered.

Furthermore, I understand that if a citizen of Hungarian ethnic background suceeds in attaining his doctor's degree or his engineering diploma, he is sent to purely Romanian areas to work. The use of the Hungarian language in public is frowned upon in the cities despite the large number of Hungarians living in them.

There is evidence that harassment of the churches of the Hungarian minority—Reformed Protestant and Catholic—continues, and lately even their sources of outside assistance from brother churches abroad have been cut off by ministerial regulations adopted in 1974.

Church records and art objects have now been confiscated to a large extent by the State, which cannot provide for their categorization due to a lack of qualified archivists familiar with Hungarian, Latin, and classical Greek. Thus, there is danger that the historical records about Hungarians in Transylvania, which, during the past millennium had belonged directly or indirectly to the Hungarian kingdom, will be essentially lost to researchers.

The President has submitted to the Senate a proclamation awarding Romania the status of a most-favored nation on import duties. The proclamation, now sponsored by a Senate resolution is at the present time before the Finance Committee. I feel this would be the ideal time for the administration to raise the issue of the apparent continued mistreatment of the Hungarian minority, and the denial of their civil rights guaranteed under articles 2, 17, 22, and 102 of the Constitution of the Socialist Republic of Romania, in order to achieve some alleviation of the present reported conditions.

FORMER SENATOR KENNETH B. KEATING

Mr. STENNIS. Mr. President, I rise to express my regret at the recent passing of former Senator Kenneth B. Keating, and to pay my respects to his memory.

Few men have served so well in so many categories of public life. He was in the House of Representatives for six terms, and served in this body for 6 years. He was a judge in the highest court of the State of New York, and he served the Nation as its Ambassador in India and in Israel. In addition, he served in World War I as a very young man, and returned to the Army in World War II to serve 3 years in the China-Burma-India Theater. He was a Brigadier General when he retired from the Army Reserve in 1948.

I remember with pleasure my service with Ken Keating in the Senate. He was easy to like, for it was his nature to be warm, friendly, and courteous. His humor was quick and contagious.

He could be very serious about serious matters. I remember well that in the summer of 1962, in a speech on this floor, he warned of the entry of Soviet missiles into Cuba, and that fall the Cuban missile crisis was announced by President Kennedy.

Kenneth Keating served his country well, in a long and varied career, and he served the people of New York with skill and dedication. May he rest in peace.

Mrs. Stennis joins with me in extending sympathy to his wife Mary and his daughter Judith.

THE PRESIDENT ADDRESSES WEST POINT GRADUATES

Mr. MATHIAS. Mr. President, today the Class of 1975 at West Point graduated and took the oath of allegiance as its members accepted commissions in the Army and other services. The corps of cadets participated in traditional ceremonies against the historic background of the Hudson Highlands.

The graduating class was particularly honored by the participation of the President of the United States in the graduation exercises. It was my privilege to attend as a member of the Board of Visitors of the Military Academy.

The President's speech to the graduates was not only an inspiration to them, but of wide general interest as it referred to the President's visit to Europe from which he returned late last night. I ask unanimous consent that the text of the President's speech at West Point be printed in the RECORD.

There being no objection, the text of the speech was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY THE PRESIDENT

I am deeply honored to be here. The traditions of West Point run throughout our history. The long gray line has extended from here to the ends of the world. And now you accept that inheritance—carrying with you not only the traditions of West Point but the hopes of your countrymen.

For two centuries, the United States Army has stood for freedom, since this Academy's founding in 1802, West Point has provided leaders for that army. The purpose of the army and West Point today are one and the same—as they were at their historic foundings: to be ready at the Nation's call to carry out—with dedication and honor—the duty of defending the liberty of our land and our people.

The battle for freedom will take many forms in the years ahead. The will of America will always be tested. It is our job—yours and mine—to be prepared for those tests.

In recent weeks I have come to realize, as never before, how closely the free world watches the United States of America. Nations observe our example and leadership in meeting the tremendous challenges of maintaining the peace and the momentum of economic progress.

At the same time I have seen how much depends upon the skill and superior professionalism of those who serve the United States either in uniform or as civilian representatives of our country. The tremendous productivity of America's farms and factories, the sophistication of our technology and the durability of our political institutions all arouse the envy and admiration of friend and foe abroad.

But our one really essential resource is our people—our dedication to our national interest and national purpose.

You may have read or heard that our allies and other overseas friends have questioned the continuing resolve and unity of our government and our people and that I went to Europe to give them reassurance.

Fortunately, I did not find that degree of doubt among the leaders with whom I met requiring such extensive reassurance, nor would mere words be enough to convince these practical political leaders. What has impressed them and what will impress them are demonstrations of the essential unity of America in the pursuit of our national goals at home and abroad.

One such practical demonstration will be the fate of the 1976 defense budget which I proposed to the Congress. Because the United States is today at peace, there are some who want to cut back on defense spending and put these dollars into their own pet domestic projects. The hard fact is that we have consistently done this in recent years while our potential adversaries have consistently increased their military budgets.

In real terms, our defense spending has dropped to its lowest level since before the Korean conflict. It is my firm conviction that we cannot afford further erosion of our bedrock defense budget. And I will fight hard to prevent it.

I believe the American people want a national defense posture that is second to none, one that will maintain our qualitative superiority now and in the future; one that will be sufficient to ensure peace through the mutually-honored commitments we have with reliable allies and through the dedication of the highly-motivated and professional military establishment which you are about to enter as officers.

It is instructive to recall that this Academy was founded during the Jefferson Administration. Thomas Jefferson was consistently suspicious of large standing armies; ardent in his insistence on civilian authority over the military. Nevertheless, he was a champion of quality and educational excellence. President Jefferson knew that freedom's defense could not be entrusted to amateurs in a world of expansionist powers and opportunist pirates. Whatever price our poor and youthful republic had to pay for its full independence and the protection of its lawful interests, Jefferson and the Congresses of his day were willing to pay.

I believe the Americans of 1975 are just as willing to pay that price. That is why I continue to press for a comprehensive ten-year program to develop enough domestic energy to make the United States fully independent of foreign oil at externally fixed prices that threaten both our economic health and our national security.

This would be another convincing demonstration to our allies and to our adversaries that Americans have lost neither their nerve nor their national will.

All of the encouraging declarations of commitment to mutual defense and mutual progress which I heard at the NATO Summit Conference in Brussels last week will be meaningless unless the industrial democracies have assured sources of energy to power both their economic and military efforts, once again, the United States is looked to for leadership and example.

Of course energy independence is going to cost us something. Of course an adequate level of defense is going to cost us something. But the price of sacrifice is far less than the price of failure. Freedom is never free; but without freedom, nothing else has value.

No previous graduating class in the history of West Point will be called upon to fill so many different roles and to perform so many exacting missions as the Class of 1975.

Like those who preceded you, you must know military strategy, tactics and logistics. You must master the increasingly complex machinery of warfare. You must learn the lessons of leadership.

But today as never before you will need a sense of history, a grasp of economic principles, an appreciation of science, a mastery of geopolitics and diplomatic conventions. The Commander-in-Chief can state a policy and issue an order; but only disciplined and dedicated subordinates can successfully carry it out.

You must also understand that in the complexities of today's world, we must pursue complex policies. We must be at the same time both strong and conciliatory. While we must at all times maintain a defense second to none, we must also pursue better relations with our adversaries. Detente, to be effective, must be a two-way street, producing benefits for each side based on genuine efforts of both sides.

To combine the qualities of good citizen and good soldier, the ability to lead and the ability to obey leadership; to use your own intellectual powers and judgment to the fullest within the stern demands of discipline and duty; these are personal challenges worthy of the highest callings to which man aspires.

I know that you will meet them as have all the West Pointers who pledged themselves to duty, honor, and country.

As a young Congressman, I was one who urged one of your greatest graduates to return from Europe and campaign for election as President of the United States. I remember listening to General Eisenhower speak of the importance of those three words in his own distinguished career.

He kept them in the forefront of his thoughts during his years as President; it was his devotion to duty, honor and country that brought peace to the world, respect to America and progress for all our people during his eight years in the White House.

I thought of President Eisenhower often during my visit to Europe; how he led millions of Americans and allied forces to liberate Western Europe; how he returned to uniform, to organize and command the first NATO defenses while Europe rebuilt itself; and how he led diligently for peaceful and positive relationships with the Soviet Union and Eastern Europe throughout his Presidency. To all these great responsibilities he brought the totalities of leadership and dedication to duty for which you have been trained these past four years.

Not all of us will be called upon to make the great decisions that President Eisenhower made. But each of us will be called upon to make decisions upon which the welfare of our country may depend. I congratulate you as you enter upon that challenge and opportunity for service to the Army and to America.

Your career will exact high dues: Periodic dangers, separation from loved ones, moves so frequent that you may have trouble putting down roots anywhere. But it will also offer unique opportunities. It is unlikely that any of your civilian contemporaries of the classes of 1975 will so soon face the challenge which some of you may face within weeks. You will be charged with the upkeep and operation of technology more expensive and complex than some Americans will ever handle. More important, you will be responsible for the well-being of other Americans, sometimes in situations where your decisions mean the difference between life and death. Your apprenticeship, with its basic education is ending; but you may be expected to use its lessons at any time. It is an enormous human test, but testing makes men as well as nations stronger and more confident.

Having met the test of World War II, Dwight D. Eisenhower said in 1946 that "We must not look upon strength as a sin: We must look upon it as a necessity—but only one of the contributions we are making to the development of a peaceful world."

As you know, last night I returned from a trip to Europe to strengthen the peace. It was most encouraging at the summit meeting of the North Atlantic Treaty Nations to find a new sense of unity and a confidence in the United States. It was most inspiring to receive from His Holiness Pope Paul VI the admonition that right and justice must guide all our efforts. I am convinced our major alliances are strong and firm; I am convinced our allies' confidence in us is not misplaced. I am convinced our cause is just and right.

In Salzburg, I met with Egypt's President Sadat, to continue our exploration of new steps toward peace in the Middle East. That is the most serious international issue of our time. The United States is in a unique position to help promote a peaceful solution—and I assure you we will make that effort.

The American commitment to freedom since World War II—the sweep of a generation—has been so vast and enduring that it serves no purpose for me to recount it here. But it does serve a purpose to remind ourselves, our friends and our potential adversaries that Americans are still prepared to pay the price of freedom—that we will honor our commitments—that we will do our duty.

This is why I am here today at West Point. This is why you are here today. Let us renew together our Founding Fathers' pledge to our country of our lives, our fortunes and our sacred honor. And let us always remember that freedom is never free.

LEWIS GOTTLIEB

Mr. LONG. Mr. President, one of Louisiana's finest citizens, Lewis Gottlieb of Baton Rouge, died last Saturday, depriving my State and the country of a dedicated civic leader and philanthropist.

It is men of the talent and intellectual caliber, such as Lewis Gottlieb, who are needed so much to move ahead this fine country of ours. Mr. Gottlieb never turned his back on the community, serving in so many ways. It is only fitting that during his lifetime that his work was recognized by others.

A native of Baton Rouge, Mr. Gottlieb received his law degree from Louisiana State University in 1916 and was continuing his education at Columbia University when our country went to war in 1917. He left to serve with distinction in the Naval Air Service.

Mr. Gottlieb returned to Baton Rouge and became active in the banking business and was one of the organizers of City National Bank in 1933. He became president in 1946, chairman of the board in 1957 and chairman emeritus in 1972. He held numerous positions with the Louisiana Bankers Association and was a director of the New Orleans branch of the Federal Reserve Bank of Atlanta for 3 years.

Mr. President, Lewis Gottlieb shared his talents with other in his outside civic and philanthropic efforts. He helped organize the United Givers Fund in Baton Rouge in 1952, received the Golden Deeds Award in 1960 for his service and that year also was one of five national recipients of the Louis D. Brandies Gold Medal Award for services to humanity. In 1963, he also won the local brotherhood award of the National Conference of Christians and Jews.

In education, Lewis Gottlieb also left his mark as a member of the LSU Board of Supervisors from 1939 until 1940 and from 1950 to 1958. His efforts to expand and improve the university earned him the distinguished Alumni Award from the LSU Alumni Federation in 1973.

However, I best remember Lewis Gottlieb from a discussion about the need many years ago to enhance the pride that Louisianians held for LSU. Along with others, I urged that LSU try to achieve renewed success in athletics so Louisianians who had not attended the university might identify more closely with it.

He understood, so Lewis Gottlieb attracted new coaching talent to LSU, including Paul Dietzel to head the football program. LSU won the national championship in 1958, creating a new legacy of athletic success and loyalty to the university and helping us broaden the scholastic base for the school as well.

Mr. President, Carolyn and I are deeply saddened by the death of a long-time friend. He was a devoted family man, a community leader and a businessman of the highest integrity. He will be missed by all of us who knew him but remembered forever for the many services he rendered.

CURRENT U.S. POPULATIOIN

Mr. PACKWOOD. Mr. President, I wish to report that, according to current U.S. Census Bureau approximations, the total population of the United States as of June 1, 1975 is 213,801,180. In spite of widely publicized reductions in our fertility levels, this represents an increase of 1,587,905 since June 1 of last year. It also represents an increase of 85,905 since May 1 of this year, that is, in just the last month.

Over the year, therefore, we have added enough additional people to fill more than two cities the size of Cleveland. And in just one short month, we have added the equivalent of Miami Beach, Fla.

THE SOVIET UNION: YESTERDAY, TODAY, TOMORROW

Mr. BUCKLEY. Mr. President, a conference was recently held under the auspices of the Center for Advanced International Studies of the University of Miami led by the center's director, Ambassador Foy D. Kohler, former U.S. Ambassador to the Soviet Union. The conference assembled a most distinguished group of diplomats and journalists who served in the Soviet Union for many years in senior capacities. This group spans the spectrum of American political ideology, and yet their professional judgment on the subject of the Soviet Union reflects a remarkable degree of unanimity.

I ask unanimous consent that the summary of the results of this conference, "The Soviet Union: Yesterday, Today, Tomorrow," be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

The Soviet Union: Yesterday, Today, Tomorrow—A Colloquy of American Long Timers in Moscow

(Edited by Foy D. Kohler and Mose L. Harvey)

(Participants: Frederick Barghoorn, Jacob Beam, Elbridge Durbrow, Mose Harvey, Loy Henderson, Robert Kelley, George Kennan, Foy Kohler, Earl Packer, John Scott, Henry Shapiro, and Thomas Whitney)

The participants in the conference covered a wide variety of issues. These ranged over such broad areas of inquiry as the ways in which the Soviet Union has and has not changed over the past fifty-eight years; considerations and factors which appear to account for Soviet behavior; the source and nature of Soviet expansionism; the nature and purposes of the Soviet military effort; the role of the Soviet concept of "the correlation of world forces"; the Soviet position on detente; the question of constraints on Soviet conduct; the prospects of the democratization of Soviet society through evolutionary processes; major problems confronting the leadership; succession possibilities, particularly with respect to the accession of a new generation of leaders; and where the Soviet Union appears to be heading over the next ten to fifteen years.

In considering these issues, a particular effort was made to see the Soviet Union within its total history, including its links with the Russian past, with the thought continually in mind of assessing what the meanings might be for the future. No specific proposition with respect to any issue was raised during the discussion for the purpose of determining group reaction. It was evident, however, that there was a considerable measure of agreement on many key points, but differences, often sharp, on others.

GROWTH IN SOVIET STRENGTH

The internal strength, the physical power and the influence on world affairs of the Soviet Union has increased tremendously over the past fifty-eight years. It has emerged as a highly industrialized superpower with full control of its territories and peoples. It maintains a very high degree of law and order. It leads all other countries in the production of coal, steel, cement and oil. It has become an urbanized society with a high level of literacy with a steady, albeit very modest, rise in standard of living. To be sure, Russia has always been a great power and would have remained one without the revolution. A projection of pre-revolutionary industrial figures suggest that a noncommunist regime would have attained a comparable measure of industrialization, and probably a far higher standard of popular well-being. But there has been a Soviet concentration on developing the industrial-technological base of national power that could hardly have been matched by any other sort of regime.

In addition to internal gains, the Soviet Union has greatly improved its external position especially since World War II. It is able to exert leadership over at least a dozen countries. It appears capable under present conditions of further steadily extending its power and influence, not only with respect to neighboring regions, but on a global scale. In all of this, Moscow has benefited greatly from changes in the outside world. When one looks at the pre-World War II situation, one is impressed by the difficulties posed to the USSR by the military strength of Germany and Japan at each end of its enormous territory. Now both have virtually disappeared as important military powers, a factor of decisive importance. In this connection, the significance of the Soviet position in Eastern Europe has been greatly underestimated. What is important is not the number of forces Moscow has there, but the fact that Soviet power is forward of the great gap Russia long faced to the West and now begins at a point only 60 miles from Hamburg.

NO CHANGE IN FUNDAMENTAL AIMS AND METHODS

While there have been modifications in domestic and foreign policy, these have not changed the oligarchic, authoritarian nature of the Soviet system, its expansionist urge, or its stated purpose of engaging in a relentless "struggle between systems" until one or the other triumphs on a world scale. These characteristics had marked the Soviet Union from the beginning of the Soviet regime. The Cold War actually dates from 1917 and continues today. The Decree on Peace, the first important document adopted by the Soviet regime, appealed not only to governments but, as is now sometimes forgotten, also to the workers of the warring powers to rise up and impose policies on their governments. In the early days of the Revolution, there was optimism about the automatic spread of revolution and a faith that it could be brought about by agitation and propaganda. But Lenin and after him Stalin realized that this would be insufficient. They sought consequently to concentrate on preserving their own rule and on building up the power of the Soviet Union as the avowed base of world revolution. The basic philosophy from early days was that the communist part of the world, because of its greater unity, purposefulness and cohesion, would have a growing advantage over the conflict-ridden capitalist part.

SOVIET EXPANSIONISM

Expansionism appears inherent in the Soviet system, as well as one of the strongest heritages from the Russian past. Basic to Soviet expansionism, as well as to its antecedents under the Czars, is the fact that Russia is a multinational state which breeds deep insecurity within the Kremlin with respect to neighboring countries, a situation which compounds itself as new acquisitions or spheres of control are obtained. Other important factors include a long-standing messianic complex which under communist rule had fed upon and utilized revolutionary doctrines; the need of the regime to justify its authoritarian minority rule by successes; a close interrelationship between totalitarianism, which was first developed and has been carried to its high point in the Soviet Union, and expansionist aspirations; a will for maximum power which is more or less common to the rulers of all great states and which must be particularly strong within any who succeed in rising to top levels in the Soviet hierarchy. Soviet expansionism cannot be expected to stop unless it is stopped by internal disintegration or outside forces.

THE ROLE OF IDEOLOGY

Whether the major impulses behind Soviet actions are nationalist or ideological elicited a variety of views and also the suggestion that this may be no more than a matter of semantics. A given action may be part of the world revolutionary movement or an expression of the nationalist ambition of the Russian state, very often a combination of both. It must be kept in mind that the Soviet Communist Party has always operated on two levels. It has responsibility for governing a modernized great state, with all the complexities that entails; it is a revolutionary party with self-assumed objectives to lead and support revolutions on a worldwide scale. Generally speaking, the Soviet state does not make sacrifices for the revolutionary movement; the movement is expected to subordinate its interests to the Soviet state. Nevertheless, the policies and conduct of the Soviet state have always been made to appear in consonance with the interests of the movement, and in actual practice the Soviet state has increasingly come to identify itself with the movement and to assume growing risks and costs in its name.

Meanwhile, concern over ideological questions and issues has considerably diminished in the Soviet Union. This "erosion of ideology" was linked by conference participants with emphasis on the growing materialism in the country, which may extend all the way to the top leaders. Those who were in the Soviet Union in the twenties and thirties contrasted the arguments about the nature of communism and the faith in the doctrine, especially on the part of youth, with current focus on mundane matters. One participant saw a contrast between Khrushchev and Brezhnev: whereas the former had decisively rejected private automobiles as a wasteful use of resources, the latter has decided to allow the Soviet people more private cars. There was no suggestion, however, that this is to come quickly. Indeed, while plans called for a steady rises in wages and standard of living, these increases are now as in the past to be modest. And, as was also pointed out, Soviet investment in heavy industry and the military continue to have top priority. Soviet leaders to some extent can also be seen as efficiency-minded technocrats. The vast majority of the present Polit-buro received training as engineers, even the "ideologist" Suslov, although one might question how thorough this engineering training was, as well as the extent to which it has shaped the thinking and outlook of the leaders who received it. The leadership is doubtless very much concerned with the modernization and strengthening of the economy. But the direction this is given does not conflict with but furthers the long-time basic goal of building Soviet power.

Ideology, whatever real feelings about it are, continues to perform a number of important functions. Ever since the New Economic Policy in 1921, it has been repeatedly argued on the outside that the Soviets are not interested in world revolution and are only giving it lip service. Still the leaders justify their policies in the name of the revolution. Ideology is, in fact, the only source of the regime's legitimacy. As one participant put it, with so much blood on its hands, unless the Soviet leadership has the ideology to justify itself, it would represent no more than common criminals. The ideology is also necessary to justify the leadership's position as a self-appointed, all-knowing ruling elite. Finally, it was suggested, the lessened focus on ideology in the everyday life of the country is because it is now taken for granted as the internal element in the Soviet system.

Ideology has also served as an essential base for Soviet global aspirations. It is a requisite for Moscow's domination over captive communist states and its pretensions to leadership over the world revolutionary movement. It is treated as a principal source of Soviet appeal in the Third World and in this connection it serves a definite foreign policy purpose of the USSR. Finally, of course, ideological issues and postures are critical in the Soviet conflict with China. Loss of its leadership of the Marxist-Leninist, anti-Western, antiimperialist part of the world would be synonymous in the regime's eyes with the end of its own reason for being.

INFERIORITY VERSUS SUPERIORITY AS A DETERMINANT OF SOVIET BEHAVIOR

Given the importance of the Russian messianic complex both under the Soviets and the Czars, the question was raised whether this and other motivating factors underlying Soviet conduct came from a sense of inferiority or a sense of superiority. There was general agreement that it is difficult to distinguish whether any given behavior of men or nations reflects a feeling of superiority or an attempt to compensate for a feeling of inferiority. In the Russian case, it may well be a combination of both. Russians seem to have an extreme sensitivity which produces a sort of compulsion to continually compare themselves with the West. On the one hand, they feel that they are stronger and better than others. The Russian does not believe that there is any field of activity in which, if he were given the proper chance, he could not match and probably excel anyone in the world. They have always had the idea that they are somehow the leading people in the world, that they have a mission to improve mankind. Marxism-Leninism has become a substitute in this regard for comparable doctrines of the Orthodox Church under the Czars.

On the other hand, Russians feel that life has dealt badly with them, that fate has been unjust. Stalin's famous speech—the Japanese beat us, the French beat us, the Germans beat us, etc.—undoubtedly found great resonance among the Russian people (though when one looks at the expansion of the Russian empire, before and after the Revolution, one might ask who beat whom). The sense of inferiority, or perhaps better, inner insecurity may stem from the rulers' lack of confidence in their own people, their inability to trust them and to rule otherwise than by force and absolute authority. The closest Russia may ever have come to overcoming its feeling of inferiority may have been in the 1900–1914 period when it was culturally perhaps the most interesting place in the world. However, the rulers of Russia, whether Czars or communists, have always treated their people like children. Until this stops, Russians will continue to feel inferior, or at least different. When questioned about the attitude of the regime toward the people, Stalin intimated that it would allow freer travel, the study of the Bible as literature, and other such things when the Soviet Union achieved a standard of living comparable to that of the West. Khrushchev made a fetish of "overtaking and surpassing" the outside world, particularly the U.S. Be all this as it may, however, the Russians are still a people of great talent and strength and must be given their due.

OTHER DETERMINANTS OF SOVIET BEHAVIOR

Soviet conduct can also be analyzed from the point of view of the dynamics of totalitarianism, the Soviet Union being the first and longest-lived of twentieth century totalitarian states. There is an almost inevitable antagonism on the part of the leadership of any totalitarian country toward democratic countries. The existence of freedom of expression in any society is going to be a threat to any totalitarian system. The rulers know that ideas are as powerful as bullets. They have always had the conviction that they could handle their own people only by a severe despotism and by shutting out all impulses of freedom. For this reason the proximity of freedom to their own borders has always been highly unsettling to them and they have always wanted to push it further and further away because they view it as an infection which could undermine their rule. Another important factor is that the Soviet Union's rise to the rank of superpower has been sudden and involved a great deal of force and coercion. Stalin justified his whole repressive system and the terrible measures he employed toward the people, and his own associates for that matter, on the necessity of propelling the Soviet Union to the forefront if it were to survive. And Stalin's successors, although more subtle, have proceeded on essentially the same basis.

THE NATURE AND GOAL OF SOVIET MILITARY EFFORTS

The Soviet rulers, like Czarist rulers before them, seek maximum military power, They certainly aspire to military superiority as against the U.S. and will continue their efforts to achieve it indefinitely, as well as their efforts to attain superiority with respect to the economic-technological base on which military capabilities rest.

To the question of when Moscow will decide it has enough military power, the answer given was that the Russians will never feel that they have enough. Russian governments at all times have maintained forces in being far greater than anyone else could see any reason for. The Russians have a strong sense of national purpose and of needing to excel in all fields. Nothing ever really satisfies them. Parity must be viewed as only the opening card in a continuing game.

The Soviets are involved in what seems like unending efforts not just to achieve military superiority, but to go on and on. One might note their naval expansion, which Grechko suggested would cover all oceans. This in itself constitutes an endless frontier. They have long since achieved superiority in conventional ground forces, but they give no indication that they intend to slow down in this area. Nuclear weaponry to be sure adds a new and different dimension to the question of attaining military superiority to the point where one side can feel secure and the other side jeopardized. Nuclear weapons do not respond to the same expectations as other weapons. The issue is whether with nuclear weapons military power is still translatable into political power. It is an issue which requires a great deal of refinement. It is complicated by the fact that the Kremlin rulers want change and we want stability, and by the fact that Moscow appears to see the political utility for their nuclear capabilities differently than does the U.S. The name of the game from their standpoint would seem to be to place the other party in a position where he has to make the decision of whether to give ground in particular situations or to resort to a possibly fatal nuclear response.

The Cuban missile crisis gave special impetus to a Soviet decision to put themselves in a military position in the future where they would not have to back down. That crisis was the last and most humiliating of a series of situations—Iran, Greece, Turkey, the Berlin blockade, the Lebanon landings, the Berlin ultimatums, etc.—in which the USSR had blustered and threatened and then had to withdraw.

It can be prognosticated that the Soviet Union in coming years will give priority to further upgrading Soviet economic and military strength with the aim of achieving a position—as Brezhnev and Gromyko have made explicit—which will make it impossible to settle any matter on the globe without the Soviet Union, as they claim already to be the case in the Near East. This will also include the ability to do what the United States has long been able to do, intervene in situations far from home borders. This basically is the purpose of the Soviet naval buildup and the new "external role" being assigned the Soviet armed forces. Up to recently, the role of the armed forces was described as defense of the fatherland and the socialist community. While this change in definition of mission is little known, it was agreed that a change of this sort of extremely important.

In short, what the Soviet Union is seeking is a perceived overall military superiority whereby in the future it will be the United States rather than the Soviet Union that backs down in situations of conflict. Apparently the Soviet rulers want eventually to be so powerful that no one will be able to question them, so that they will be able to dictate or influence actions all over the world and effectively to veto any actions of others of which they do not approve.

THE CONCENTRATION ON THE INDUSTRIAL-TECHNOLOGICAL BASE OF MILITARY POWER

The drive for military superiority continues to be reflected in Soviet resource allocation. The Soviets have always given priority attention to the growth of military-oriented segments of their economy and this can be expected to go on indefinitely. In this connection, it was stressed by one conference participant that striving for military preponderance is one thing, its attainment another. The Soviets have to make choices among competing requirements. They have the problem of at least some improvements in the standard of living. They are hampered by the inefficiency of their economy. While they squeeze as much military expenditure out of their economy as we do, the smaller size of their GNP is a source of strain. On the other hand, the comparative costs of our own military establishment, as for example the pay scale required for our volunteer army, may well have the effect of pricing us out of the competition.

As one means of improving their own competitive position, the Soviets are seeking advantageous economic deals with Western Europe and the United States, wherever possible playing off one against the other. However, they remain essentially autarchic in outlook and will never accept interdependence with, let along dependence on, the outside world. On the contrary, they will try to achieve a situation in which foreign countries are dependent on good relations with them.

IMPORTANCE OF THE SOVIET CONCEPT OF THE "CORRELATION OF WORLD FORCES"

The Soviet leaders, while perceiving a greater role for military strength than most of their rivals, consider the military factor is but one, albeit the most important one, of a number of factors that enter into "the correlation of world forces" which is the ultimate determinant of who does what to whom, the others being economic-technological progress and prospects; internal stability and cohesiveness; relations with allies and clients; external political, ideological and psychological clout; the national will to push forward, etc. This concept is continually emphasized in Soviet analyses and commentaries respecting the international situation, developments, and prospects. The Soviets insist, and apparently with increasing confidence because of the current difficulties of the U.S. and other Western states, that the correlation is acceleratingly shifting in favor of the USSR.

THE QUESTION OF CONSTRAINTS

Despite Soviet aspirations, and the substantial success Moscow has so far had in fufilling these, the Soviet Union is still subject to considerable problems and difficulties. It was emphasized that all great powers seek to maximize their power, but desire is one thing, attainment another. As is the case in other countries, the Soviet leaders cannot simply ignore immediate problems. However, they evidently do look far ahead in their planning which willy-nilly broadens their time perspective in a way not done in the West. In any case, the Soviet leaders' problems are formidable. Fifty-eight years after the Revolution, they have not been able to achieve for broad sections of their economy the technical progress needed to perform against constantly reiterated domestic commitments or to make themselves independent of Western technology. Labor productivity is particularly bothersome, Their agricultural system remains in poor shape. Twice they have had the humiliating experience of having to make large-scale imports of wheat from the West, and of course at the expense of the requirements of much needier underdeveloped countries.

Soviet leaders are particularly concerned with their youth, its apathy, cynicism and hedonism. There is also the fact that there is not a single country in Eastern Europe, except possibly Bulgaria, where they are not disliked. Along with their foreign policy successes have come a considerable number of failures. In their own sphere: China, Yugoslavia, Albania, reduced influence in North Korea, breaches of discipline among foreign communist parties. Outside: Iran, Turkey, Greece, early postwar setbacks in France and Italy, Japan. China is a problem of primary concern for Moscow. Its denigration of Soviet worthiness to lead the world revolutionary movement, its direct border threat, its rapprochment with the United States, the significant headway it has been making at Soviet expense in the Third World all greatly worry Moscow.

THE NATIONALITY PROBLEM

The nationality situation constitutes a special problem for Moscow and has a number of important ramifications. In its multinational makeup the Soviet state in effect is an anachronism. It is the only great empire of the 19th century which was not split into its constituent parts in response to the forces of nationalism. This is partly our doing since the United States, while otherwise championing self-determination during and after World War I, did not want to break up the empire of its Russian ally. The Soviet Union is going against a worldwide tide of nationalism and this is one of the reasons for the insecurity of the present group of Soviet rulers. The need to keep non-Russian nationalities under control is also a key factor limiting any diminution of central control in the Soviet Union or the development of a freer political system. Freedom for the Russians is impossible unless minority nationalities are allowed the same freedom. The problem promises to become more worrisome with time as the non-Russians increase more rapidly than the Russians. However, it is questionable that the problem will become acute unless some sort of catalyst is provided from abroad or at home, e.g., a protracted war with China might produce very dangerous repercussions among minority nationalities of the Soviet Union; the same might be true in case of steadily reduced agricultural production as a result of climatic changes.

Somewhat the same situation exists for Eastern Europe as for Moscow's domestic subjects. By means of its military power, the Soviets have succeeded in keeping Eastern Europe under control and handling German national urges. But given serious deteriorations in Soviet external or internal positions, the situation could change radically.

THE PROBLEM OF DISSENT

The role and significance of dissent were also extensively discussed. There was general agreement that overt dissent is a relatively new phenomenon in the USSR, but that it is unlikely to significantly change the nature of the regime, especially in the near future. For one thing, the dissenters are weak and badly splintered. For another, Soviet policy has become much more sophisticated about such matters. More often than not certain individuals are able to function for a long period, not because they have slipped the dragnet, but because the police are biding their time until contacts are traced. There are, however, certain similarities between current movements and those which marked later phases of the Czarist regime. On the other hand, it was pointed out that dissenters were not responsible for the fall of the Czarist state—that instead a group of exceptional circumstances were responsible, most notably the war and the ineptness of the ruling regime. It was precisely with this in mind that one Soviet dissenter, Andrei Amalrik, dismissed the potential of present-day dissenters and saw the break-up of the Soviet regime coming only in the wake of a disastrous war with China.

Various types of dissidents are discernible. One group wants to change the system from within by such measures as giving increased autonomy to factory managers. Another group might be called the democratic opposition. So many of these have now left that we now have a new democratic Russian emigration. Another type of opposition was also stressed, a very strong Great Russian nationalist opposition which works within the party. This opposition evidently favors a more assertive policy both toward the West and toward China.

PROSPECTS OF AN EVOLUTIONARY DEMOCRATIZATION PROCESS

No participant saw a significant possibility for a Western-type democratic evolution in the Soviet Union. Russian rulers have always believed that they must be despotic and the people kept rigidly in line. A democratic system in the Soviet Union, especially in view of the nationality question, would probably be chaotic and lead to turmoil, which would be resolved, most likely, by a military dictatorship. Stalin had reinforced the old predispositions to authoritarianism. Just as the Czarist regimes did, the Soviet regime sees freedom of expression as a threat and any toying with the idea of liberalization as subversive. How the current rulers feel about these matters was indicated by what they did in Czechoslovakia. But popular attitudes were also revealing: the Soviet people, except for a few intellectuals, had no sympathy for the Czechs, who were looked on as ungrateful troublemakers.

One participant suggested that it was a mistake to think in terms of popular democracy; he pointed to the much looser one-party system in Mexico as a possible model for any future Soviet evolution. He thought that any changes in the political system will come within the party rather than from what they consider the very dangerous concept of a loyal opposition. However, such changes in the party will meet strong resistance. The power of the apparatchiki can be seen in their ability to thwart the Liberman economic reform proposals which would have affected their vested interests in a much less vital way. Here again Czechoslovakia was also indicative: proposals that the Czech Communist Party permit open Central Committee discussions and elections by secret ballot of top party leaders were too much for the Soviet leadership to accept.

While all agreed that there has been no fundamental change in the nature of the Soviet system, there was a feeling that there has been a steady buildup of small changes which might ultimately be important. These changes have been gradual, almost imperceptible, hence often hard to identify, but should not be ignored. The emergence of dissent was viewed as one of these small changes. The evident increased attention to Soviet public opinion might be considered another, although this might be more a device to improve control than to be responsive. In the cultural sphere, when one compares the current scene with that of the early years of the Soviet regime, there has been retrogression. However, the question was raised about the consequence over the long run of forcing all creative cultural expression into dissidence or exile, particularly if dissenters living abroad are able to get their ideas into the country. The improvement in standards of living and the growth in literacy were other changes that might eventually be of real importance. It was argued that revolutions have been the products in the past of small but determined groups who seem out of touch. Others pointed out, however, that revolutions require even more a loss of will by the ruling elite which is certainly not visible in the Soviet Union. In any case, there may be value in the old Marxist formula about changes in quantity becoming changes in quality. Fifty to one hundred years was the perspective suggested with respect to a significant impact on the Soviet Union.

THE BASIC U.S. INTEREST IN SOVIET CHANGE

Whatever fascinations the possibilities of democracy in the Soviet Union might hold out, there was general agreement that the real issue for the U.S. is not the internal organization of the USSR, but its external behavior. Our emphasis on democratic evolution is linked to a more general U.S. concept that other societies should mold themselves in our image. The corollary of this has been to condemn others for not doing as we do; even if they pursued a foreign policy friendly to us. However, one can raise the question about whether we will get reasonable Soviet behavior unless they have a society and a political system with checks and balances, with restraints on the centralized government as it exists now in the Soviet Union.

SUSCEPTIBILITY TO OUTSIDE INFLUENCES

There was general agreement that the Soviet Union is now more susceptible to outside influences than previously, but that too much reliance should not be placed on this. External media are more important today than in the twenties when dissidents could secure publicity for their views domestically. Moreover, the predisposition needed to make external media useful does exist in the Soviet Union among scientists, economists, and other intellectuals. All intellectuals of any consequence listen to foreign broadcasting stations. The present regime pays somewhat more attention to foreign opinion than Stalin did. Thus with respect to its treatment of dissenters, it clearly gives some attention to the possible reaction of foreign communist parties and the impact on relations with other states. Experience with Soviet groups who travel in the United States indicates that few such visitors will henceforth believe their government's anti-U.S. propaganda. Accordingly, it is important to maintain broadcasting from the outside, exchange programs, and insistence in the European Security Conference context of emphasis on freedom of movement of people and of ideas. However, the extent of outside influence remains very small in scale, and it is always possible for the regime to virtually cut it off.

SUCCESSION POSSIBILITIES

This question was discussed not in terms of the specific leaders who might replace Brezhnev but in terms of the type of leaders who will replace the present generation and particularly what their attitudes toward the United States might be. It was generally agreed, however, that a "Brezhnev succession" will not produce significant repercussions or policy changes.

Attention was called to the extraordinary degree of stability of the current Soviet leadership. The current group is virtually the same that emerged after Khrushchev eliminated the so-called anti-party group in 1957. As a result, there may be considerable tension between this old group and younger leaders waiting in the wings to replace them.

It is at least a moot question whether the younger generation of leaders will be any better than its predecessors with respect to their attitudes toward the United States. The first generation of revolutionaries, with the exception of Stalin, had been well-educated men, with strong ties to Western culture. Even Stalin demonstrated some intellectual attainments. Among other things, this first generation of leaders appeared for the most part to look upon the U.S. with respect and some admiration. Stalin destroyed this generation, which has been replaced by a second and third generation of Soviet rulers who are more primitive types, but who nevertheless have continued to admire, and to envy for that matter, much about the United States. This may now be changing as a post-World War II generation takes over. The younger generation of intellectuals outside the party apparatus and at least some of the dissidents still seem to admire the United States. However, the next generation of political and military leaders may be less idealistic, more pragmatic, very nationalistic. To them, the United States may seem no different than any other great power with which the USSR has had to deal. Having moved from a position of inferiority to one of parity if not superiority, new Soviet regimes may well be more inclined toward chauvinsism and hostility as against the U.S. and be more assertive in their probes for U.S. weaknesses.

THE SOVIET VIEW OF DETENTE

A particular question explored in connection with prospective changes of leaders in the Soviet Union was whether new leaders would be inclined to continue or abandon detente. The consensus appeared to be that Moscow had done very well under the detente relationship as it has so far been practiced and that any new group would almost certainly do their best to secure its continuation (but again as so far practiced).

Here it was emphasized, as it had been in a number of other instances in the discussions, that the Soviets see detente in an entirely different light than do most Americans. Americans tend to look upon detente in terms of cooperation, if not friendship, and of common interests in the efforts toward achieving international stability. The Soviets explicitly and categorically equate detente with the Soviet doctrine of peaceful coexistence which is designed and intended for no such ends but to obtain unilateral advantages for the USSR, that is, as a means to bind the West while leaving Soviet options open. The doctrine is not new; it can be traced back to Lenin, although he used a different term (i.e., "cohabitation") and was a prominent feature in the foreign policies both of Stalin and Khrushchev. At the moment, Moscow has been able through the doctrine to secure recognition of the *status quo* in Eastern Europe (without comparable pledges on Western Europe), to get recognition of parity with the United States, and to secure some important economic benefits at bargain rates. They insist that peaceful coexistence (detente) does not apply to their own activities in the Third World, but does stand against any U.S. attempt to "export counterrevolution." Henry Kissinger was cited, from a writing earlier in his career, to the effect that coexistence is a tactic, the best means to subvert the existing structure by means other than war, to overthrow the West at minimum risk.

A number of participants emphasized that it goes without saying that the Soviets want to impose their "peaceful coexistence" meaning on detente, but that this is no reason why the United States or the West need accept Soviet definitions. However, it was considered significant that for the first time the United States had agreed at the various summit meetings that have occurred from May, 1972, to inclusion of the Soviet term "peaceful coexistence" in official agreements with the Soviet Union. Secondly, because of their position as rulers of a "superpower" the Soviet leaders are in a stronger position than before to implement in practice their views on coexistence or detente. Finally, there seems to be little inclination on the part of the United States Government to educate its public on the differences between U.S. and Soviet views on detente-coexistence. As a result there is a tendency in the United States to delude ourselves into euphoria over detente. At the least, it was suggested, detente should be defined as limited state-to-state cooperation within an overall adversary relationship.

The origins of the present detente relationship were seen as significant for the interpretation later put on it in the United States. It was seen as linked with the electoral needs of President Nixon in 1972 as well as an expression of the American mood of withdrawal in connection with Vietnam. However, it was also pointed out that the Soviets connected it with a deeper process of U.S. decline, decay, or in Gromyko's words, impending chaos, which had given the United States no choice but to accept peaceful coexistence (detente).

A NEW ROUND OF PROBES

It was widely anticipated by participants that while the Soviet Union will continue to avoid military confrontations with the United States, it will step up its probes of U.S. will and intentions. The kind of things they can be expected to do has already been indicated by their supply of missiles to Egypt and their role in the 1973 Mideast War; the extraction in connection with the Cienfuegos affair of a more formal U.S. commitment not to attack Cuba; their resistance to U.S. efforts to secure an *ad hoc* stabilization in the Middle East; their encouragement of the use of oil and other material resources against industrialized states by Third World producers. The Middle East remains a target of obvious high priority. Moscow is probably already training Iranians and Iraqi Kurds to step in as favorable situations ripen in the countries concerned. Gunboat diplomacy in countries such as Sri Lanka is a possibility. Farther out scenarios may be in the offing. The pressure of increasing population on inadequate food supplies particularly in South Asia and Africa may lead to situations that Moscow will label as national liberation movements and confront us with collision course problems within the near future. However, it is unlikely that the Soviet Union will be able to orchestrate developments in the Third World in full accord with its own wishes. In a situation of nuclear stalemate, there is considerable likelihood of unwanted future conventional wars as well as the proliferation of nuclear weapons.

The overall situation of the U.S. both domestically and in its relations with its allies is clearly being watched with care and no little anticipation by Moscow. The Kremlin must be dizzy not so much with their own successes but with what circumstances have achieved for them in the way of Western disarray and crisis. In this connection, a main Soviet objective appears to be the Finlandization of Western Europe with a dissolution of ties with the U.S. and the establishment of ever closer ties with the USSR. The weakening of the NATO alliance is already evident. Developments in Portugal, Turkey, and Greece, and the trend for Italy and Spain would seem highly favorable to the Soviets, although there were some suggestions that Moscow feels that it will need to handle these unfolding situations very carefully. What the Soviets probably want in Western Europe is for the disorganization to continue but under such control that it will not lead to fascist reactions or U.S. military intervention.

The nature and degree of Soviet interest in takeovers by foreign communist parties in connection with current Western disarray were subjects of considerable debate. It was suggested that costs of a communist victory, say, in Italy would be too great and that Moscow would be apprehensive about communist victories or excessive disintegration which would jeopardize Soviet acquisition of economic benefits from the West. Moscow's experiences with Tito and Mao has dampened its banking on communist regimes not susceptible to its direct military control. Soviet reaction to current Western economic difficulties was therefore considered by some as likely to be relatively moderate. On the other hand, others felt that the Soviets are highly pleased with developments and trends in the West, are as a matter of fact smacking their lips. It was conceded that they might not want outright communist governments in additional countries because this might prove premature and perhaps counterproductive over the long term. The lessons of Chile seemed likely to exert weight: they confirmed both the need for care not to antagonize moderate strata and the need to prepare fully for a shift to more revolutionary tactics. At this stage the Soviets probably prefer anti-American regimes rather than outright Communist takeovers. But there should be no surprise about Soviet interest in communist movements abroad. It is not a sign of new Soviet approach, simply a given characteristic of the regime.

From the standpoint of basic Soviet strategy, it was emphasized that the Soviets continue to see the world in bipolar terms, with the United States and the USSR locked in an irrepressible struggle. Within this context, their strategy is that of a zero-sum game, where a U.S. setback is a gain for them. Some doubt was expressed that they necessarily gain from U.S. losses, since in certain instances the Chinese might pick up the pieces. The world has become more unpredictable, with the USSR no more able than the U.S. to anticipate assured control of events and developments. Global changes currently underway are raising new complexities for the Soviets that can become increasingly serious. Among the principal of these changes are the rise of new centers of economic power among the industrialized states; the growing economic-political power of natural resource producing countries and regions of the Third World; the likely early further proliferation of nuclear weapons; Moscow's inability to manage client states not subject to its direct control; and, perhaps above all else, the hostility and rivalry of the Peoples' Republic of China.

THE NEXT 10 TO 15 YEARS

None of the participants saw any basic change in the domestic structure of the Soviet Union in the years ahead.

Despite differences on the likely role of ideology, it was generally agreed that, whether for traditionally nationalist or ideological reasons, current and successive Soviet leaderships will seek a continuing build-up of the military, economic and political might of the Soviet Union with the ultimate aim of making the USSR the number one power in the world.

Most participants believed the Soviet Union will attempt to take advantage of every opportunity to score at U.S. expense, to insist on parity with the U.S. while aiming for superiority over it in the military and economic-technological spheres, and generally to follow a bolder rather than a more restrained course in the international arena. Several participants argued along a different line. They believed that the Soviet Union would be inclined toward a period of quiet in its relationship with the West for at least an interim period.

Within the continued parameters of coexistence as it defines it, Moscow will seek to avoid military confrontations while pushing ahead by all means short of such confrontations. It was thought that its primary targets will for some time be the Middle East and the Finlandization of Western Europe, where self-induced developments are providing particularly exploitable opportunities. Again, however, there was strong dissent on the part of two participants who forsaw a much less activist approach by Moscow and particularly for Western Europe.

Moscow will have major problems of its own—China, its economy—but, as throughout the conference, it was emphasized that what the West, particularly the United States, does will be decisive for the future successes or failures in Soviet purposes.

The situation of the West which appears so pregnant with opportunities for Moscow is of Western, not Soviet, making. Whether these situations will be reversed or whether they will be translated into new Soviet successes will depend on what the Western nations do or do not do, and not on what the USSR wants or attempts. Above all else, U.S. strength and the will of the U.S. to use it wisely and well remain the crucial elements in gauging where the Soviet Union is headed.

APPENDIX A. BIOGRAPHIC SKETCHES OF PARTICIPANTS

Frederick C. Barghoorn (1911), served in the US Embassy Moscow, 1942-1947, with the Department of State in Germany, 1949-1951, in the Department of Political Science at Yale since 1947, Professor since 1957, consultant for various government agencies and the Ford Foundation, author of *The Soviet Image of the United States, Soviet Russian Nationalism, The Soviet Cultural Offensive, Soviet Foreign Propaganda, Politics in the USSR.*

Jacob L. Beam (1908), served in US Consulate Geneva, 1933-1934, US Embassy Berlin, 1934-1940, Headquarters US Forces in Germany, 1945-1947, Central European Division, Department of State (as Chief), 1948-1949, US Embassy Jakarta 1949-1951, US Embassy Moscow 1952-1953 (acting head), Deputy Director Policy Planning Staff, Department of State 1953-1956, Ambassador to Poland, US representative to US-PRC talks Warsaw, 1957-1961, Assistant Director, International Relations Bureau, Arms Control and Disarmament Agency, 1962-1966, US Ambassador to Czechoslovakia, 1966-1969, US Ambassador to the Soviet Union, 1969-1972.

Elbridge Durbrow (1903), served in US Embassy Warsaw, 1930, Bucharest, 1932, Moscow, 1934-1937, Consulate Naples, 1937-1938, US Embassy Rome 1940, Lisbon 1940, Rome 1941, Assistant Chief Eastern European Division, Department of State, 1942-1944, Chief, 1944-1946, Counselor of US Embassy Moscow, 1946-1948, faculty, National War College, 1948-1950, Chief, Division of Foreign Service Personnel, 1950-1952, Minister Counsellor, US Embassy Rome, 1952-1954, Deputy Chief of Mission, Consul General, Singapore, Malaya, 1955-1957, US Ambassador to Vietnam, 1957-1961, alternative US Representative North Atlantic Council, 1961-1967, Adviser to Commander, Air University, Maxwell AFB, 1967-1968, Director, Freedom Studies Center, Boston, Va. since 1971.

Mose L. Harvey (1910), research in and on USSR, 1939–1942, assistant professor, Emory University, 1933–1942, War Production Board, 1942–1946, Chief, Division of Research and Intelligence on USSR and Eastern Europe, Department of State, 1948–1955, Faculty, National War College, 1956–1957, member of Policy Planning Staff, Department of State, 1957, Deputy Chief of Mission, US Embassy Helsinki, 1957–1959, Deputy US Representative, International Atomic Energy Agency, 1959–1961, Senior Member, Policy Planning Council, Department of State, 1961–1964, Director, Center for Advanced International Studies, Professor of history, University of Miami since 1964, author of *Focus on the Soviet Challenge, East-West Trade and United States Policy* and other books.

Loy W. Henderson (1892), member of American Red Cross Commission to Western Russia and Baltic States, 1919–1920, with Division of Eastern European Affairs, Department of State, 1925–1926, 1930–1933, 1938–1941, Legation Riga, Kovno, Tallinn, 1927–1929, US Embassy Moscow, 1934–1938, Counsellor of Embassy and Charge, Moscow and Kuibyshev, 1942, Ambassador to Iraq, 1943–1945, Director, Near Eastern and African Affairs, Department of State, 1945–1948; Ambassador to India and Nepal, 1948–1951, Ambassador to Iran, 1951–1955, Deputy Undersecretary of State for Administration, 1955–1957, faculty, National War College, 1957–1960, Career Ambassador since 1956, Director, Center for Diplomacy and Foreign Policy, American University, 1961–1968.

Robert F. Kelley (1894), Assistant Military Attaché and Military Observer, Baltic States, 1920–1922, Vice Consul, Calcutta, 1923, Assistant Chief, Division of Eastern European Affairs, Department of State, 1925–1926, Chief of Division of Eastern European Affairs, 1926–1937, Counsellor, US Embassy Ankara, 1937–1945.

George F. Kennan (1904), served in Hamburg, 1927, Tallinn, 1928, Legation Riga, Kovno, Tallinn, 1929, Berlin, 1929–1930, Riga, 1931–1932, accompanied Ambassador Bullitt to Moscow, 1933–1934, in US Embassy Vienna, 1935, Moscow, 1935–1937, Prague, 1938–1939, Berlin, 1939–1951 Lisbon, 1942–1943; Counsellor, US delegation to European Advisory Commission, London, 1944–1945, Counsellor, US Embassy Moscow, 1945–1946, faculty, National War College, 1946, Director, Policy Planning Staff, Department of State, 1947–1948, Deputy Counsellor, chief long range adviser to Secretary of State, 1949–1950, US Ambassador to Soviet Union, 1952, Ambassador to Yugoslavia, 1961–1963; member of Institute for Advanced Study, Princeton since 1950, Professor since 1956, author of *American Diplomacy 1900–1950, Realities of American Foreign Policy, Russia Leaves the War, The Decision to Intervene, Russia, The Atom and the West, Russia and the West Under Lenin and Stalin, Memoirs* (2 vol.), *The Marquis de Custine and His Russia in 1839* and other books.

Foy D. Kohler (1908), served in Windsor, 1932, US Embassy Bucharest, 1933–1935, Belgrade, 1935, Athens, 1936–1941, Cairo, 1941, Department of State, 1941–1944, Division of Near Eastern Affairs, 1944–1945, with US Delegation to San Francisco Conference on UN, 1945, US Mission to Observe Greek Elections, 1945–1946, National War College, 1946, US Embassy Moscow, 1947–1948, Chief, International Broadcasting Division, Director, Voice of America Broadcasts, 1949–1952, Policy Planning Staff, Department of State, 1952, Counsellor of Embassy, Ankara, 1953–1956, detailed to ICA, 1956–1958, Deputy Assistant Secretary of State for European Affairs, 1958–1959, Assistant Secretary of State for European Affairs, 1958–1962, Ambassador to the Soviet Union, 1962–1966, Deputy Under Secretary of State for Political Affairs, 1966–1967, Professor, Center for Advanced International Studies, University of Miami since 1968, author of *Understanding the Russians: A Citizen's Primer.*

Earl L. Packer (1894), served in War Department, 1915–1917, American Embassy Petrograd, 1917, Assistant to Military Attaché in Russia, 1918–1919, Special Assistant, Department of State, 1920, Assistant Chief, Division of Russian Affairs, 1921, in Office of American Commission to Russian Provinces and Legation Riga, 1922–1924, Department of State, 1925–1927, Assistant Chief of Division of Eastern European Affairs, 1928–1936, Legation Riga, 1936–1939, Embassy Prague, 1940, Budapest, 1940, Consulate Dresden, 1941, Embassy Dublin, 1941, Ankara, 1942–1945, Consul General and Counsellor Rangoon, 1946–1947, Consul General Tunis, 1947–1950.

John Scott (1912), worked in the USSR, 1932–1937, journalist in Moscow, Paris, Balkans, Berlin, Near East and Japan, 1938–1941, correspondent and editor for *Time* and *Life* magazines, Assistant to the publisher of *Time*, 1952–1974, Vice President, Radio Liberty since 1974, author of *Behind the Urals*, and other books.

Henry Shapiro (1906), foreign correspondent for *New York Herald Tribune, London Morning Post, Reuters*, ABC for a number of years since 1933, Manager of United Press International office in Moscow, 1939–1973, visiting Professor at various universities, recipient of several journalism awards, currently at University of Wisconsin.

Thomas P. Whitney (1917), social science analyst, Office of Strategic Services, 1941–1944, Attaché, U.S. Embassy Moscow, 1944–1947, Associated Press correspondent in Moscow, 1947–1953, ZAP news analyst, 1953–1959, Chairman of the Board of Whitney Enterprises since 1966, author of *Has Russia Changed, Russia in My Life*, editor of several books including *Khrushchev Speaks*, translator of Solznenitsyn's *One Day in the Life of Ivan Denisovich, The First Circle, Gulag Archipelago* and several other books.

APPENDIX B. PRE-COLLOQUY QUESTIONS SENT TO PARTICIPANTS

1. Has the Soviet Union changed in any fundamental way in this past half century? If so, why? Have outside influences had any effect—trade, exchange programs, radio broadcasts? If not, why not? Is the underlying assumption of Western policy that democratic evolution can be promoted in the Soviet Union valid?

2. What events, in which the US was a prime actor, have been considered most significant in the USSR since World War II (e.g., Greece and Turkey, Berlin Blockade, Korea, Cuba, Vietnam, Man-on-Moon, etc.)? Why were these seen as eventful, how were they interpreted, by what Soviet groups, and what lessons (or actions) have been their consequence?

3. It is often said that Russian actions or reactions reflect a deep-seated inferiority complex vis-á-vis the West, and especially the United States. If this is so, in what areas do they feel inferior: culture, technology, economic strength, military power, strategic doctrine? Why do they have these feelings? How have they been manifested in specific cases? Can we exploit them?

4. To what extent have inferiority feelings been affected by growing Soviet military strength, world role, industrialization, urbanization, education? What kind of behavior might be expected from an increasingly self-confident USSR?

5. British Sovietologist MacIntosh says that the transition to new leadership in the next two years will be smooth. It will rest on continuation of control, will need to promise

greater benefits to elites, will need to promise continued strong support to military (as during the last 10 years) and will be able to depart from a point where "parity" with the US has been reached and the USSR has achieved the goal of becoming a dominant power in Europe. Would you argue these points? What would you expect the new leadership to do as a consequence?

6. What are the main current and near-term issues facing the US and the USSR as the world's "superpowers"? On which are the Soviet leaders likely to have different or opposing views, and how will this affect their actions? For example, with respect to: disarmament vs. arms race; oil and natural resources; "freedom of information"; law of the sea; the LDCs; the UN; China after Mao; Yugoslavia after Tito; Isreal and the Arabs; India.

7. For several years, Moscow has promoted a so-called "peace program" approved by the 24th CPSU Congress, featured by Treaties with the Federal Republic of Germany and "summitry" between the Presidents of the USA (and other Western leaders) and CPSU General Secretary Brezhnev, leading to what the Russians call "the Leninist policy of peaceful coexistence" and the West has labeled "detente," How would the Kremlin's "balance sheet" on detente look today, in terms of: the Soviet Union's global position; relations with Europe and Japan; conflict with China; situation in the Middle East? What new "peace" moves can be expected in strategic arms (SALT); forces in Europe (MBFR); political relations in Europe (CSCE); etc.?

8. Where is the Soviet Union headed? What do the Kremlin leaders want to achieve over the next 10–15 years? What are their priorities? What do they consider their major problems?

DR. WINTON—NEW AOA PRESIDENT

Mr. CHILES. Mr. President this is a time when we need responsible and dedicated leadership. It is true in government, true as well in the private sector.

I am pleased to offer congratulations to a constituent of mine on the occasion of his assuming the leadership of the American Optometric Association. Howard P. Winton, O.D., of Melbourne, Fla., is the new president of this professional group, representing some 20,000 optometrists across the Nation.

Dr. Winton is no stranger to leadership, in his profession or in his community. His career demonstrates concern and action on behalf of practicing optimum vision care. He has amassed a tremendous record of service at the local, State, and national levels.

The new American Optometric Association president has served as president and in other important capacities for the Indian River Optometric Association, Florida Optometric Society, Florida Optometric Association, Southern Council of Optometry, Southern College of Optometry, Optometric Progress Foundation, and Better Vision Institute. Attainment of the American Optometric Association presidency culminates years of work for the profession and for the Nation's vision care.

Florida optometrists have selected him as "the optometrist of the year," in recognition of all his contributions. He is also a member of the American Academy of Optometry.

On the community level, Dr. Winton has been a mainstay in the local chamber of commerce, Rotary chapter, American Legion, his church board. The Rotary chapter named him an outstanding rotarian for his work in the fundraising drive that founded the Crippled Children's Clinic in Melbourne.

Dr. Winton brings, along with his experience, a commitment to the highest-quality vision care for all citizens and to the continuing bettermen of his profession. I wish him and his association every success in the coming year.

REPUBLIC DAY IN SRI LANKA

Mr. MATHIAS. Mr. President, May 22 was celebrated as Republic Day in Sri Lanka, in commemoration of the adoption of a new constitution and attainment of independence. I am sure that all of us extend our very best wishes to the people of Sri Lanka at this time of celebration and throughout the year ahead. As one who has visited Sri Lanka and knows many of her people with affection, I particularly wanted to note this occasion and express my personal regards for the people of that historic land.

I ask unanimous consent that a statement issued by the Government of Sri Lanka outlining the development of the nation since the first Republic Day in 1972 be printed in the Record for review by my colleagues.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Sri Lanka—Republic Day, May 22, 1975

On the 22nd of May 1972, the people of Sri Lanka adopted a new Constitution and inaugurated the Republic of Sri Lanka, thus bringing to fruition the independnce the country achieved in 1948. This year Sri Lanka observes the Third Anniversary of the occasion when Sri Lanka became a free, sovereign and independent Republic, in terms of the mandate which the United Front led by the world's first woman Prime Minister, Mrs. Sirimavo Bandaranaike, received from the people of Sri Lanka at the General Elections of May 1970.

Sri Lanka has maintained an enviable record among developing countries by retaining her democractic institutions intact. The tradition of parliamentary democracy is strongly entrenched in Sri Lanka and it is significant that governments have been changed in Sri Lanka several times by the peaceful exercise of the democratic ballot, the right to which is enjoyed by all Sri Lanka nationals over the age of 18. The success of the parliamentary democratic system arises largely from the political maturity of the people who have enjoyed adult universal franchise since 1931 and who, mainly as a result of a unique system of free education in Sri Lanka from Primary level through University, have a literacy rate of approximatey 85%—one of the highest in the world.

As a developing country the economic problems now facing Sri Lanka arises from the adverse trends in the terms of her trade and the acute foreign exchange situation. With a heavy dependence on tea, rubber and coconut exports to finance consumption imports and development needs Sri Lanka has been classified by the United Nations as being one of the Most Seriously Affected countries hit by the current commodity price inflation.

The Prime Minister has embarked on a crash food production programme identifying self-sufficiency in food as a high priority item in economic development. This campaign has received an encouraging response and mitigated the hardships of reduced availability of food arising from the world shortage of food and the high levels of prices.

In 1974 Sri Lanka's economy grew at 3.4% in real terms. One of the significant features of Sri Lanka's economy which has earned encomiums from foreign observers including the President of the World Bank, Mr. Robert McNamara, is the high degree of redistribution of income. Social justice is one of the primary objectives of the development strategy adopted in Sri Lanka and a recent World Bank report revealed that Sri Lanka's lowest 40% of the population recorded the highest growth rate of 8.3%, the next 40% recorded a growth rate of 6.2% and the highest 20% achieved a growth rate of 3.3%.

Despite the many economic problems Sri Lanka is faced with there is, therefore, confidence in the future based on the economic policies of self-reliance, encouragement of foreign investment, the flourishing tourist industry and the rapid expansion of Sri Lanka's exports in fields like precious stones and industry.

The Sri Lanka Government has an impressive record in foreign relations playing an active part in the affairs of the Asian region and at international levels. The policy of non-alignment which has steadfastly been pursued since the time of the late Prime Minister, Mr. S. W. R. D. Bandaranaike, involves the pursuit of an independent foreign policy and the maintenance of friendly and mutually beneficial relations with all States that respect Sri Lanka's sovereignty and independence.

Relations between Sri Lanka and the United States have been traditionally cordial and under the Premiership of Mrs. Sirimavo Bandaranaike the friendship between the two countries has been strengthened. In testimony before the Near East and South Asia Sub-Committee of the House Foreign Affairs Committee in September 1974, the Assistant Secretary of State, Mr. Alfred Atherton, referred to the U.S. attitude to Sri Lanka in the following terms: "We feel a special affinity to Sri Lanka in its efforts to achieve economic development while maintaining a vigorous democracy. We are heartened by our continuing friendly relations." It is Sri Lanka's intention to continue these friendly relations.

Sri Lanka continues to receive a substantial amount of aid from the USA and it was on April 25, 1975, that two agreements were signed—one for the sale of 100,000 tons of wheat flour and the other for the financing of the import of chemical fertilizer and the provision of technical services to the agricultural sector of Sri Lanka's economy. Trade between Sri Lanka and the U.S.A. amounted in 1974 to $59 million. In addition, a steady interchange goes on in the educational, cultural and scientific fields, the highlights of which have been the recently concluded agreement between the University of Maryland and the University of Sri Lanka for cooperation over a wide range of scientific and educational projects, and the survey of the fauna and flora of Sri Lanka conducted by the Smithsonian Institution.

In July 1973 when Sri Lanka and the U.S.A. commemorated a quarter century of diplomatic relations, the Prime Minister of Sri Lanka, Mrs. Sirimavo Bandaranaike, issued the following message:

Our two countries have many things in common, including a devotion to the parliamentary system of government and free elections. We for our part have been perhaps unique, for, pratically in the whole Asian region we have been the one country which has changed governments several times by peaceful and orderly democratic processes. We have valued greatly the contributions made over the years not only by the Government of the United States, but also the people of the United States through various agencies, towards our general economic development and the raising of our standards of living. I am very happy to state that we still receive this goodwill and understanding and I have no doubt that this will be so in the future too. I am confident that the cordial and friendly relations that we have with the United States of America will be further strengthened in the years to come."

FREEDOM OF THE PRESS DAY—JUNE 7

Mr. CRANSTON. Mr. President, this Saturday, June 7, is Freedom of the Press Day. All Americans—not just those in the printed and broadcast media—have cause to give renewed thanks that we have a press that is not only free from government control, but that stands as a bulwark against government tyranny.

Years ago, I was a foreign correspondent in Nazi Germany and Fascist Italy.

I saw at first hand the terrible things that happen to a country when the people lose their freedom.

And one of the first freedoms that was taken away by Hitler and Mussolini was freedom of the press.

That freedom is, of course, guaranteed by the first amendment to our Constitution.

But it is almost constantly under direct and indirect attack.

And we must guard it as zealously in the future as we have in the past if we are to retain our democratic form of government.

The first amendment is not a piece of special interest legislation for the newspapers, radio, and television.

It is a governmental guarantee to a free people without which they could not remain free for long.

One of the fundamental services that a free press renders to a free people is to watchdog the various levels of government—the officials, the bureaucrats, who handle the people's money and who wield awesome powers over people's lives and freedoms.

If the press is to be worthy of its constitutional privileges, it must live up to its constitutional obligations.

The press—and that means broadcasting as well as printed media—must remain free, fearless and, yes, fearsome.

It must be the gadfly of the politician, always probing, questioning and doubting.

It should be skeptical of high office holders while others may be obsequious; critical where others are credulous.

A democratic press must be a reforming press, demanding constant improvement in the status quo and consistently high performance by its public officials.

The press must expose corruption and lawlessness in and out of government, in high places and in low.

It must shed the daylight of public exposure on every shaded or shady area of public life.

If this makes the politicians unhappy, so much the worse for the politicians—and so much the better for the public.

It is not the job of the press in a free society to say sweet things about people who wield power in government.

It is instead the basic duty of a Democratic press to direct its main criticism and comment at the people in power; the greater the power, the more urgent the issues at stake; and the more searchingly and incisively should the press do its probing.

Intelligent self-government requires this kind of vigorous, robust press.

For the people have a right to know—indeed, they have an imperative need to know—what is going on if they are to govern themselves wisely and well.

That is the basic wisdom our country's Founding Fathers bequeathed to us in the first amendment to our Constitution.

It is one of the many priceless gifts for which we should give thanks during our Bicentennial celebration.

It is ironic, therefore, that at the present moment—on the eve of our Bicentennial—the Judiciary Committee of the U.S. Senate is actively considering broadsweeping legislation that has powerful support that could boobytrap the first amendment and freedom of the press.

The proposed legislation is Senate bill No. 1, a long-overdue and generally acceptable revision of the Federal Criminal Code.

But hidden in the 753 pages and 4115 sections of this massive bill are a number of pernicious provisions.

Six of them in particular would make it more difficult—if not impossible—for the press to inform the public about what goes on in Government.

Under the guise of protecting national security, these sections of the revised code would bring down an iron curtain of executive secrecy on a host of governmental activities that should not be kept secret and that in no way threaten national security.

Information that should be made public in a free, democratic society could easily be hidden from public scrunity under this bill; any government employee who discloses such information—and any reporter who receives or prints it—is subject to felony prosecution.

This dangerous measure would shelter those who hide incompetence, cover up waste, bury corruption, or peddle improper influence.

Anyone inside or outside government who blew the whistle on them would become a criminal.

Section 1121 of this bill makes it a feloney for anyone to "communicate" national defense information to a foreign power or even to obtain such information, knowing that it may be communicated to a foreign power.

But the word communicate is broad enough to include stories about corruption or waste in government that some Federal employees leaked to the press.

And national defense information could include cost overruns on new weapons, negotiations for overseas bases, or foreign military aid—items that the press should be reporting in a free society.

Section 1112 makes it a crime for any person—who most likely would be a government employee—to communicate national defense information to an unauthorized person, and section 1123 makes it a crime for him to pass the information on to a third party.

Section 1333 makes it a Federal offense for anyone, including a reporter, to refuse to answer a question in an official proceeding after a Federal court or judge orders him to answer.

If this had been the law 3 years ago, the public probably never would have gotten the full story of Watergate.

A number of press disclosures by investigative reporters appear to have been based on interviews with people who participated in the coverup.

Thus if a reporter learned that the Army was spying on Members of Congress and told his editor about it, both would have been guilty of a crime.

Section 1124 makes it a crime for any present or former Federal employee to disclose any kind of classified information to an unauthorized person.

Section 1311 makes it a Federal offense to conceal the identity of someone who may have committed a crime.

Recent press revelations of improper CIA and FBI surveillance and other activities also seem to have been based on talks with people who themselves may have engaged in unlawful activities.

They probably never would have talked without a pledge of anonymity.

Mr. President, an editorial in the Sacramento, Calif., Bee calling attention to Freedom of the Press Day, perceptively notes that:

> The press will never be truly free so long as public officials can hide behind doors they themselves are allowed to close.
>
> It is your rights that are at stake.

The Bee editorial reminds its readers and all Americans:

> Free reporting and a free and informed citizenry are indispensable to each other.

I ask unanimous consent that the Sacramento Bee editorial of June 1, 1975, entitled "Fragile as a Butterfly," be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRAGILE AS A BUTTERFLY

The approach of Freedom of the Press Day on June 7 calls for a harsh facing of facts. The struggle to keep people informed to the best of our ability is far from won. Indeed, the press may never be home "safe."

U.S. Supreme Court Associate Justice Potter Stewart has noted that the Constitution guarantees that the press may be autonomous from government, publish what it knows and seek to learn what it can. But the Constitution establishes only the contest, not its outcome.

There is no constitutional guarantee that newspapers, broadcasters and magazines will succeed in abolishing secrecy and deception in government. There is no guarantee of right to access to material like the Pentagon Papers, for instance, or to openness from bureaucracy.

The success of gathering information depends on federal and state legislation and on judicial decree—as reporters for the Fresno Bee and Los Angeles Times found out. But even with enlightened legislators and judges, if the people do not care, freedom of the press crumbles like a butterfly under foot.

Some of the media has been accused at times of being unfair, abusive, arrogant, hypocritical, shoddy, lazy and inaccurate. But it hardly follows that a government-operated press, or a court-regulated one, or no press at all, is better than an imperfect one.

The media's scrutiny of government may be less organized than we'd like and less expert at times, but the alternative to a free press would be frightening.

Citizens here would be in the same situation as the people of Russia, South Korea and other oppressed nations where ruling powers always find a way to silence dissenters and those who would publish their remarks.

If this seems too far away, how about the New Jersey community college journalism teacher who was fired after her reporting class unearthed alleged corruption in the college administration?

She was reinstated recently, but the fact the firing ever occurred warns that intolerance to criticism lurks in the least likely places, where striving to preserve freedom should be most sacred.

Freedom of the Press Day, designated 22 years ago by the Inter-American Press Association, reminds us that the press will never be truly free so long as public officials can hide behind doors they themselves are allowed to close. It is your rights that are at stake. Free reporting and a free and informed citizenry are indispensable to each other.

THE POLITICS OF ENERGY

Mr. McCLURE. Mr. President, one of the most serious aspects of our energy crisis is that the majority of Americans do not believe it exists. It is unfortunate that the term "energy crisis" has become associated with oil embargoes and long lines at gasoline pumps. In fact, the energy crisis came into being before those two specific symptoms became evident.

The energy crisis has not disappeared. It has deepened. Our options have been reduced, and the cost of solutions has increased. The hope for painless solutions is extremely dim.

In our search for answers to the problems we face, it is necessary to understand the importance of politics. Almost all of our present energy problems—if not all—can be traced back to irrational, short-sighted, politically motivated decisions by the Congress and past administrations. In truth, the energy crisis was born during the 1960's, and came to the recognizable stage by the end of that decade. To attempt solutions without understanding the basics for our present predicament would be unproductive.

A recent speech, given by Mr. William R. Chandler before the Oil Heat Institute in Boise, Idaho, can serve as an excellent explanation for our politically inspired energy crisis. Bill Chandler's outstanding background and experience are brilliantly demonstrated by his analysis. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE POLITICS OF ENERGY

(By William R. Chandler)

Some of you may wonder why you are being exposed to the views of someone who is retired, and therefore no longer in the mainstream of the business world. If you have such a question in your minds, you are not alone. So have I! Perhaps it's because I wrote a few letters to editors attacking Jack Anderson or other journalists whom I felt were misleading the public about the energy crisis. Or it may be that Bob Nicholes was just scraping the bottom of the barrel—the 42-gallon barrel, that is. In any event, here I am, and here you are, my captive audience for the next 30 minutes or so, and those of you who are unaccustomed to daytime naps, or are too far from the exit to make an unobtrusive escape, have only Bob Nicholes to blame for your predicament.

The subject of my talk with you today—"The Politics of Energy" may seem rather mundane. I thought of a title with more sex appeal—"Snake Oil and Rock Oil", but I found out that another speaker in another city had already copyrighted that. I suspect that many of you may instinctively resent the intimate association of the words "Politics" and "Energy". You are all in the business of marketing heating oils, an important element of the energy business, and in this you have all been forced to accept a great deal of political and regulatory interference and control, which I'm sure you would rather do without. But there can be no doubt that the supply and use of energy in this country has now become irrevocably entwined with national politics, and that the amount, the cost, and the security of our energy supplies will in the future be governed far more by political than commercial considerations. Just as Congress began to design cars for Detroit five years ago, so it is now attempting, with all of its consummate wisdom and vast experience, to dictate and legislate just about every phase of the energy business. This is a fact of life which we must recognize, even if we are reluctant to accept it. So it becomes our responsibility to understand as best we can all of the complex and interrelated factors governing our energy future, and how that future might be influenced by political decisions. And it is also incumbent upon us, as citizens and businessmen concerned not only for the future of our businesses but also for the long term future welfare of our country, to consider how we might make our voices heard by those in Washington, D.C. who now have the energy bit in their teeth.

Are we faced with an energy crisis in the United States? According to the latest Harris poll, 76% of the people in this country don't think so. That's understandable. People may complain about the higher costs of fuel and utilities, but they no longer have to wait in line at the service stations. They read about full oil storage tanks, and this gives them comfort. They hear something about a balance of payments problem, but they've been hearing about that for years, and who really understands that anyhow? They may be aware that we must depend for much of our oil energy upon foreign oil producers, but then, they haven't cut off supplies to us recently, so why worry?

You and I know better. We know that our nation now faces a terrible threat to its future economic and national security, arising from our increasing dependence upon foreign sources for our energy lifeblood, and from the heavy drain upon our financial resources to pay for foreign oil, a threat unmatched in our history in its potential ugly consequences. And we know that, just as America cannot wait until it is in a war to shore up its national defenses, so we must not wait until we are prostrate for lack of energy to do something about our energy defenses. We know this, but we need to reassess why we have reached that conclusion. Let's take inventory of our energy situation, as it exists today, and where we must be 10 years from now when, according to the objectives of Project Independence, we must have achieved reasonable self-sufficiency in all of our energy needs.

Currently, the United States is consuming over 17 million barrels per day of petroleum, about 2% more than a year earlier. Of this, we now import about 6½ million barrels per day, or 38% of our needs. But in one year our domestic production of crude oil and natural gas liquids has declined by over 600,000 barrels a day, while imports of crude oil and refined products have increased by about a million barrels a day.

Last year we drilled 20% more wells than we did in 1973, and yet our proven, recoverable oil reserves declined by over a billion barrels, and our reserves now represent less than six years of our total consumption, or 11 years of our present domestic production rate.

Our crude oil production has been declining since 1970.

The world oil market is dominated by a handful of Middle East countries, which have over 70% of world reserves, and produce about 65% of world oil exports, excluding the Communist countries.

But this is only part of the story. When we speak of energy consumption in the United States, we must also take into account the contributions of natural gas, coal, nuclear power, and hydroelectric generating capacity. Our total energy consumption from all these sources, including oil, is now running at the crude oil equivalent of about 38 million barrels per day. What is happening to the alternative sources of energy to oil?

Coal production is still at the level of the 1940s.

Natural gas consumption has been exceeding new discoveries since 1968. Last year, natural gas production declined 6%, the first such decline in 16 years.

Nuclear power, a relatively recent source, has been making an increasing contribution, but still amounts to no more than 3% of our total energy supply. And in the last year the utility companies have deferred or cancelled about 110,000 megawatts of planned nuclear plant capacity, and another 90,000 megawatts of non-nuclear capacity, the equivalent of 200 Pioneer coal-red plants, largely because of inability to finance the new construction.

And as we have seen all too clearly here in Idaho, there is very little hope for further expansion of hydroelectric power, not only because there are only a limited number of suitable sites still available, but also because most of those are being blocked for environmental reasons.

And what of the future? Will our consumption of energy remain static, or will it increase, and at what rate? Historically, our consumption of energy has been growing at the rate of from 4% to 5% per year, and has paralleled the increase in our Gross National Product in constant dollars. We have a growing population, as a nation we are becoming more energy intensive in just about everything we do, and we must certainly assume that our economy is going to continue to grow. Either that, or our living standards and our position as a world power must decline.

Last year our use of energy declined by just under 2%, leading to the unrealistic conclusion in some circles that our use of energy had stabilized, and that the energy crisis really wasn't a crisis after all. But what happened to cause a small decline in energy use in 1974? Only an embargo by the Arab oil exporters during the first quarter with its attendant atmosphere of crisis, sharply higher prices for petroleum products, a relatively mild winter nationwide, lowering of thermostats by many householders, imposition of a 55 MPH national speed limit, and the most severe recession since the 1930s.

Obviously these restraints to increased energy consumption cannot be relied upon to offset growing demand in the future. We have no embargo, at least not now; people have become largely reconciled to the higher prices; you can't trust the weatherman; and we'd like to climb out of the recession. And how much more are we going to lower our thermostats, or reduce our speed limits? Our energy consumption is going to increase; the only question is at what rate. Informed estimates vary from 2.5% to 3.7%, largely depending upon such imponderables as the level of acceptance by the American public of smaller automobiles, and upon the encouragement given to various conservation measures by the government, as well as to the acceptance by the public of a true conservation ethic. My own guess is that we will be most fortunate if we can limit future growth in demand to two-thirds of our historical growth rate, or about 3%.

An average 3% annual increase in energy use, compounded, means that by 1985 we shall be consuming the crude oil equivalent of about 53 million barrels per day in energy from all sources, 40% more than at present. And if we are to reduce our dependence upon foreign oil imports, the increase in our domestic energy supplies must be well in excess of 40%. Where is this additional energy going to come from?

If we are going to be realistic, we must assume that very little new energy is going to be supplied in the next decade from solar, hydrogen fusion or other sophisticated sources, the development of which must be pursued with all possible speed, but which in any event will not reach significant proportions for two or three decades. We are going to have to expand the supply from traditional sources. Estimates vary as to the relative contribution to be made from each of these sources by 1985, but I offer one scenario which is a distillation of various estimates which I have seen:

Natural gas production will have to increase about 15% to the oil equivalent of about 12½ million barrels per day.

Coal production will have to be doubled to the oil equivalent of about 12½ million barrels per day.

Nuclear power production will have to be increased eight-fold to the oil equivalent of about 8 million barrels per day.

Hydroelectric and geothermal power production will have to be nearly doubled to the oil equivalent of over 2 million barrels per day.

Domestic oil production will have to be increased over 40% to about 15 million barrels per day, leaving some 3 to 4 million barrels per day to be imported, a more manageable level from the standpoint of our balance of payments and security of supply. And to support this great increase in production, while at the same time replacing the domestically-produced oil we will consume during the next ten years, we must discover about 60 billion barrels of new oil reserves, nearly 40% of all the oil discovered in the United States since the beginning of the industry in 1859 until now. And this under circumstances where the continental land mass of the United States, excluding Alaska, has been so thoroughly explored that it must be concluded that very little "easy" oil remains to be found, and that our future reserves must come largely from our continental shelves and from Alaska, where drilling is vastly more expensive.

And because there can be no certainty that new discoveries of oil and natural gas will meet these projections, we must proceed simultaneously with the development of manufactured oil and gas by coal liquefaction and gasification, and with the development of our vast oil shale deposits.

The development of our energy resources at so rapid a pace is an immense and unprecedented challenge, which can be met only through the total commitment of our government, the public, and the energy industries, and only if we are willing to make the right decisions, difficult though they may be, to assure that every reasonable step is taken toward maximum energy conservation, that inhibitions to resource development are removed, and that the energy industries are given the tools to do the job. Before accepting that we must embark upon a program of this magnitude, perhaps we ought to ask ourselves again—what are the alternatives? One possibility would be to impose a gradual curtailment of imports, thereby forcing a shortage of energy which would have to be allocated throughout the country. Unless our domestic energy supplies grow at a rate well in excess of such curtailment, this would be a certain guarantee of economic stagnation, a deepening recession, and greater unemployment. Who would build a new house if a supply of heat and power could not be relied upon? Or a new factory? During the Arab oil embargo, which affected about 14% of U.S. oil consumption, the economic impact was a drop of nearly $20 billion in Gross National Product and a loss of 500,000 jobs.

The only other alternative would be to throw caution to the winds and make a deliberate decision to rely upon increasingly heavy oil imports. What would be the consequences to the United States? First of all, we would be placing ourselves completely in the hands of the OPEC countries as to the cost of imported oil. They managed a five-fold increase in their revenues within the past 18 months, from $2.00 per barrel to over $10.00 per barrel, and they got away with it. They claimed this massive increase in oil revenues was necessary to offset the inflation in the cost of goods imported by their countries, blandly ignoring the fact that since 1959 world export prices of manufactured goods have risen by not quite 100% while OPEC revenues per barrel of oil have increased over 1100%. Those who forecast that the current high level of OPEC prices will break because of the present heavy oversupply of productive capacity in the OPEC countries just don't understand the nature of the OPEC cartel.

The OPEC countries have everything to gain, and nothing to lose, by retaining their unified pricing policies, and they know it. We can take very little comfort from the fact that OPEC prices appear to have stabilized in the past five months or so. If the price of oil which costs less than 25 cents on the average to produce can be raised to $10 with impunity, what's wrong with $15 oil, or $20? The inflationary threats are obvious.

A second result would be a continuing dangerous increase in adverse balance of payments. Last year we spent about $25 billion on imported oil, triple the amount of just a year earlier, and our balance of payments racked up a deficit of over $10 billion. There would be a continued weakening of the U.S. $ in the world's financial markets, and a continuing loss of our monetary reserves.

But most serious of all, we would be placing our foreign policy and our economic and national security in the hands of the foreign oil producers. The more dependent upon foreign oil we become, the less freedom of action we will have in world affairs. We could not only be rendered impotent as a world power, but could ultimately find ourselves forced to accede to energy blackmail.

It must be obvious that there are no acceptable alternatives to a program of reasonable self-sufficiency in energy for the United States, to be reached at the earliest practicable date. But I must caution that no matter what we do we are in for several years at least of increasing reliance upon imported oil, and I would not be surprised to see imports rise to 50% of our oil needs before we begin to reverse the trend. Reversing the decline in oil and gas production will be a painful and time-consuming business, and to much time has already been lost. We are and will be in a dangerously vulnerable position for many years.

Faced with the facts that I have just reviewed, and with the absolute necessity of achieving national energy self reliance at the earliest possible date, what have our elected representatives been doing to assure the success of Project Independence? Without doubt, the Congress has been busy. I understand that over 500 bills dealing with energy in some respect have been placed before the Senate or House during the current session of Congress, nearly one for every member, but this cannot be construed as action. Rather, it is evidence of continuing dissension, of failure to come to grips with the all-encompassing nature of the energy crisis, of a piecemeal approach, of punitive actions against the oil industry, and of a catering to populist, environmentalist, vote-getting appeals. Most of these bills, if they ever found their way into law, would do no more than guarantee our increasing reliance upon imported oil. But how has the Congress been responding to the realities of the energy crisis?

Given a continuing decline in natural gas production and reserves, the result of 20 years of Federal regulation of the well-head prices of natural gas in interstate trade, with prices held unreasonably low so that consumption of gas was encouraged but investment in the search for it was discouraged, a reasonable man would assume that Congress would now be taking steps to deregulate natural gas prices, thereby encouraging the search for new reserves and discouraging wasteful misuse. President Ford's Administration has proposed such deregulation, but there is great opposition to it in Congress, because in the absence of regulation gas prices would rise.

Of course, this would encourage the search for more gas, but the Congress apparently prefers to listen to the complaints of constituents who would be affected rather than to base its judgments upon the long term interests of the nation. A price of $2 per thousand cubic feet for natural gas would equal present world crude oil prices in terms of relative energy content, and some intrastate gas—gas which is consumed in the state in which it is produced—is now up to $1.90. But many in the Congress now want to freeze regulated gas prices in the 40 to 75 cent range, and a Senator of Washington is pushing legislation which would bring intrastate gas also under Federal regulation. More regulation, not less! But less gas. More politics; less energy!

Given the need for a massive increase in coal production, a reasonable man would assume that Congress would at the very least not impose restraints on such production. But a strip-mining bill now approaching passage by both Houses will, according to strip-mining operators, seriously limit large-scale coal extraction operations in the northwestern plains. Under a literal interpretation of the bill, which requires that mined lands be returned to approximate original contours and condition, it seem inevitable that environmental lawsuits or Federal regulatory agencies will prevent much of the planned strip-mining.

Given our desperate need for oil from the Alaskan north slope, a reasonable man would assume that delays would not have been tolerated in the development and transportation of north slope oil. But the Aleyska pipeline was held up for more than four years by environmental considerations and lawsuits, until Congress finally acted last year.

Given the need to conserve energy, a reasonable man would assume that Congress would by now have enacted measures designed to encourage conservation. There are many possibilities; let me list just a few:

An automobile excise tax, and possibly an annual use tax, based on horsepower, engine displacement, vehicle weight, or certified fuel consumption.

A substantial added tax on energy consumption which is largely within the control of the individual, such as gasoline.

Now before anyone gets excited about higher gasoline costs, may I point out that a price of 80 cents per gallon would merely return gasoline to its 1955 level relative to median family income.

Establishment of uniform national energy conservation standards for industrial and commercial buildings, and perhaps even for new residences, to include minimum insulation, amount of exposed window areas, sun shades, use of thermopane glass, and other energy-saving measures. Tax benefits for owners of residential or commercial buildings who make energy conservation improvements to existing properties could be a feature of such a program.

Some of these measures are under consideration in the Congress, but it is not clear just what will finally emerge in the form of legislation. With contemplated energy legislation fragmented among scores of Congressional committees and sub-committees, it seems likely that what will emerge will be a hodge podge of uncoordinated policies, and that there will be no comprehensive approach either to energy conservation or to increase of our energy supplies.

Given the urgent need to get on with the discovery and development of our offshore oil reserves, a reasonable man would assume that no impediments would be put in the way of Federal leasing of offshore areas at the maximum rate the industry can absorb. But numerous bills have been filed in the Senate and House, all proposing delays or restrictions on offshore leasing. The EPA wants a delay in leasing of outer continental shelf areas until states complete coastal-zone plans to deal with the onshore impacts of offshore developments, a process which could take two years. Or perhaps the delay is to give the EPA time to read all the environmental impact statements which have already been filed. One for the Southern California offshore area runs to 2041 pages.

And other Senators are proposing that no leasing be undertaken until offshore areas have first been evaluated by a Federal exploration and drilling agency, a body which does not presently exist but which presumably by force of law can be blessed with instant expertise in the highly complex technology involved in offshore drilling. As an API official said recently: "the very nature of bureaucracy leads one to fear that, if government rather than the private sector were conducting exploration in East Texas in the 1930s, and Alaska in the late 1960s, these fields would not have been found. This is because all initial exploration in these areas proved unsuccessful, and a 'rational' bureaucracy would have stopped drilling as soon as the public—and the Congressional budget committees—became concerned about the agency's exploration budget. After all, the bureaucracy can't be accused of wasting public funds, if it doesn't continue drilling dry holes. And it can't be criticized for not finding oil or gas if its initial dry holes show there's none to be found". Can't you just picture a Federal exploration and drilling agency official being called up before a Congressional investigating committee to explain why he was drilling dry holes? More politics; less energy!

Given the need to expedite development of our oil shales, and of coal liquefaction and gasification, a reasonable man would assume that our government would be encouraging investment in these immensely capital intensive alternatives by assuring potential investors that their investments will have an opportunity to earn a satisfactory return once they come on stream. Faced with the threat of oil price roll-backs, continued oil price controls, depressed natural gas prices, and a possible break in imported oil prices, even though the latter is quite remote, investors are reluctant to commit the huge amounts of scarce capital that would be needed to develop commercial applications in these areas.

But about all that has happened is that one of the most active developers of the Colorado oil shales, the Rio Blanco Project, owned by Gulf Oil and Standard of Indiana, reports that it is being inundated by a host of unrealistic environmental requirements—including that of monitoring on a fixed schedule the water flow in a seasonally dry stream bed, surveys of mule deer herds where there are no deer, and use of an archeological specialist to make studies on fence post holes before they are dug!

Given the need to develop all of our energy resources, a reasonable man would assume that insignificant and frivolous environmental concerns would not be allowed to interfere with energy development. Yet a $100 million dam being constructed by the TVA in Tennessee, with $55 million of your tax money already spent, is now being threatened with cancellation because someone has discovered a rare species of three-inch long snail-eating fish whose habitat would be destroyed by the dam!

And speaking of the impact of environmental concerns upon energy development, consider the case of the catalytic converters which Detroit has found necessary to install on all cars beginning with the 1975 model year in order to meet what have now been conclusively demonstrated as unreasonably rigid emission standards established by the Congress. It has now been found that the catalytic converters produce sulfate emissions which turn into a sulfuric acid mist, again a health hazard. The EPA solution: require the oil companies to desulfurize all unleaded gas. Texaco estimates that this will cost the industry $7 to $10 billion, equivalent to a 4 to 5 cent price increase over an 8 to 10 year period. And every dollar spent in this manner is a dollar which otherwise would be spent in energy development programs. And so we pile mistake on mistake. More politics; less energy!

Since the United States is the world's largest oil importer, a number of Congressmen have become fascinated with the idea of creating a Federal Oil Purchasing Agency that would be the sole buyer of all of our imported oil, and a Senator has already introduced legislation to this effect. This would replace the present situation where scores of oil companies now deal with a dozen or so major producers to purchase the quantities and types of crude oil needed for their particular markets and refining processes. What a wonderful idea!

Of course, the Federal Oil Purchasing Agency would have to be staffed with people who know nothing about the oil business; otherwise there might be a conflict of interest. And can't you just visualize the oil ministers of the OPEC countries, bid invitations in hand, sitting down together to decide that they will submit a single sealed bid, and that the only question is whether to make the price $1 or $2 a barrel more than the current world market prices? I know of no better way to assure that the OPEC countries will continue to act in concert than to face them with a single U.S. oil purchasing entity.

As a recent Oil and Gas Journal editorial commented: "Putting the Government into the oil business is pure economic and political folly and a grave disservice to the nation. It is a 'solution' for which there is no problem, except the one it would create".

And a Senator of Illinois proposes to create a National Energy Supply Corporation to explore for and produce crude oil and gas, and possibly to refine and market petroleum products. Its purpose would be to provide a "yardstick" by which the public could judge the behavior of private oil companies. Presumably this is the same sort of yardstick by which the performance of the U.S. Post Office Department is used to judge that of United Parcel!

With all the uncertainties in our energy future, one fact stands out with absolute clarity. If we are to have any chance at all of becoming reasonably self-sufficient in energy by 1985, vast amounts of capital will have to be plowed into exploration, production and new facilities by the energy industries. It is estimated that the oil and gas industries alone will have to spend at least $300 billion in the next decade to find and develop the necessary reserves, and over $100 billion more in transportation, refining and marketing facilities. Another $400 billion must be invested by the electric utility industries. To meet petroleum industry financing needs, Chase Manhattan Bank has estimated that industry profits must increase at an average annual rate of 18%, and by 1985 must be about 6 times what they were in 1974.

Given these facts, a reasonable man would assume that the Congress and the Administration would be concerned about the ability of the energy industries to generate the necessary capital, and at the very least would not take actions designed to limit capital formation. But what has happened? For well over a year the air has been filled with Congressional allegations about the enormous, gross, excess, obscene, windfall profits of the oil industry, irresponsibly ignoring the fact that the substantial profit improvements of 1973 and 1974 were being compared with the very depressed profit year of 1972, that the increased profits were to a large extent the result of illusory one-shot inventory profits, that a weakening U.S. dollar enhanced the value of foreign currency earnings converted to dollars, that the greatest part of the increased profits came from overseas operations, where a temporarily strong market permitted earnings of 70 cents or more a barrel but which has since declined to little more than 20 cents, that capital expenditures—plowback into exploration, development and new facilities—greatly exceeded total profits, that oil is the only commodity on which price controls remain, and that the oil companies are unable to pass through their increased costs except the cost of crude, and that the return on investment in the domestic petroleum industry still remains below the average of all manufacturing industries. No better evidence need be offered that the profit bulge of the past two years was a temporary phenomenon than the fact that profits of the seven largest U.S. oil companies declined by an average of 25% in the first quarter 1975 compared with the same quarter a year ago.

The only definitive action which Congress has taken with respect to energy was to incorporate in the recent tax rebate legislation provisions repealing the oil depletion allowance for all major producers, while at the same time taking the first steps toward reducing or eliminating the foreign tax credit provisions for the oil industry, provisions which have been in our tax laws since 1918. Elimination of the depletion allowance, just at the time when the need for it was never more urgent, will increase 1975 oil industry taxes about $2.2 billion, and about $15 billion in the next five years. Reduction of the foreign tax credit provision subjects the multinational companies to unfair double taxation, makes them less able to compete in world markets against foreign companies who are not so taxed, thereby reducing their ability to earn needed foreign exchange and contribute to the U.S. balance of payments, and further reduces industry profits.

All of this money captured in heavier taxes on the oil industry means just that much less money available to invest in the development of our domestic oil resources. And with price controls continuing in effect, coupled with Congressional threats for further tightening or price roll-backs, there is little chance for the industry to recover this lost capital in the marketplace. Confronted with this dilemma, the oil companies have already been forced to cut back on capital spending plans. What a way to achieve energy self-sufficiency! Failure of the Congress to recognize the relationship between investment and supply is an act of irresponsible self-destruction!

And the utility industries haven't a chance of generating their massive capital requirements, in the face of continuing depressed profits resulting from unwise over-regulation, drastically depressed stock prices, high debt to equity ratios, and inability to borrow at tolerable interest rates in capital markets already being deluged with Treasury borrowings needed to finance $70 to $100 billion annual budget deficits.

In recent months we have heard strong criticism of some of the major oil companies for proposing to make investments outside the petroleum industry, Mobil Oil for its purchase of a majority interest in Marcor, and Gulf for its efforts to purchase the Ringling Brothers circus. Perhaps Mobil might be forgiven if it doesn't see much future in the oil business. And I have it on good authority that Gulf's abortive attempt to buy a circus was simply so that it could have its own company clowns to counter those with whom it has to deal in Washington.

And so it goes. Instead of unfettering the tremendous management and technological resources of the private enterprise energy industries, instead of permitting development of the immense capital resources which are going to have to be plowed into energy development, instead of creating a favorable and stable investment climate to attract more investment capital, instead of relying on the mechanisms of our chosen economic system of competition private enterprise which has proved beyond any doubt its superiority over any other system in dealing with shortages, improving productivity and increasing living standards, instead of offering incentives to produce more energy, and incentives to save energy, our elected political representatives appear to be embarked upon a course of more Federal regulation, more interference, more red tape—more politics and less energy!

The decisions of government bureaucrats are to be substituted for those of literally thousands of competent and experienced executives in the energy industries. And you know what that means! As someone said recently, "if a Federal bureaucrat had been writing the 10 Commandments, a simple rock slab wouldn't have been nearly enough room. It would take half of Mount Rushmore just to jot down the preamble".

Lest I be misunderstood, let me hasten to add that we in Idaho are most fortunate in having as our representatives two Republican Congressmen and a Republican Senator who understand the energy facts which I have just given you, and who are doing their best to stem the tide of irresponsible legislation. But their's is a lonely role.

A few weeks ago I watched an interview of Treasury Secretary William Simon by two television commentators and a New York Times journalist on a Sunday morning "Face the Nation" program. Their questions to the Secretary, and their efforts to dispute his statements, revealed their abysmal ignorance of the fundamental forces which govern our economy—the relationship of excessive Federal spending or monetary growth to inflation, the need for greater capital formation to stimulate economic growth and greater productivity, and the necessity of using proven economic tools to achieve the goals of Project Independence—the tools of higher prices to reduce consumption and encourage development of additional energy resources. The Secretary was placed in the position of having to give the three interviewers a lesson in elementary economics in 30 minutes, obviously an impossible task.

And when we consider that the information and the basis for the forming of opinions available to the average American citizen is to a large extent that which is distilled and presented to the public by similar commentators and journalists, it is not difficult to understand why we seem to have had so much trouble and delay in getting on the right track in our efforts toward energy independence.

When our public opinion moulders in the media are for the most part economic illiterates, how can we expect that the public will have a better understanding of economic forces and our economic system? Or that they will be able to exercise discriminating judgment in their selection of those who are to represent them in government? Reflecting public attitudes, the Congress appears in no mood to take the kind of action our energy situation demands.

Congressional inaction, or counter-productive action, in the face of a grave national emergency, is inexcusable. It's a good thing that politicians are paid by the year. They'd starve to death on piecework!

I'm sure you have all heard the quotation of President Lincoln's fiscal policy. Whether Lincoln was actually the author is now being questioned by some historians, but if Lincoln was not the author, he should have been. Here it is:

You cannot prosper by discouraging thrift,

You cannot strengthen the weak by weakening the strong.

You cannot help the poor by destroying the rich.

You cannot establish sound security on borrowed money,

You cannot keep out of trouble by spending more than you earn,

You cannot build character and courage by taking away man's initiative and independence,

You cannot help men permanently by doing more for them than they can do for themselves.

And if Lincoln were alive today he might also add: "You cannot increase production by handcuffing the producers." And as he viewed the actions of our current Congress, he might ask us: "why have you allowed the debauchery of your political system so that it rewards politicians who deliver short term benefits at the expense of long term national interests?"

Recently, I encountered a quotation by James Freeman Clark, who said: "the difference between a politician and a statesman is that a politician thinks of the next election and a statesman thinks of the next generation". We desperately need more statesmen and fewer politicians in Washington. But for the most part it is politicians with whom we are going to have to work. If there is to be any hope at all of achieving the objectives of Project Independence, it is to the politicians that we must make our views heard, loudly and frequently, in the hope that we can somehow generate in them the wisdom, the courage, and the concern for the country's long term interests which are essential if we are to survive as a strong and economically healthy nation.

PROPOSED ARMS SALE

Mr. SPARKMAN. Mr. President, section 36(b) of the Foreign Military Sales Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million. Upon such notification, the Congress has 20 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the Record the notification I have just received.

There being no objection, the material was ordered to be printed in the Record, as follows:

Office of the Director,
Defense Security Assistance Agency,
Washington, D.C., June 2, 1975.

Hon. John J. Sparkman,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding herewith Transmittal No. 75-26, concerning the Department of the Air Force's proposed Letter of Offer to Iran for a military communications network estimated to cost $62.8 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. Fish.

Transmittal No. 75–26

Notice of Proposed Issuance of Letter of Offer Pursuant to section 36(b) of the Foreign Military Sales Act, as amended.

a. Prospective Purchaser: Iran.

b. Total Estimated Value: $62.8 million.

c. Description of Articles and Services Offered: This proposed sale is an amendment to an on-going project originally established in May 1974, for development of a military communications network.

d. Military Department: Air Force.

e. Date Delivered to Congress: June 2, 1975.

ROBERT C. BYRD—OUR "IMPROBABLE CHIEF"

Mr. HARTKE. Mr. President, on May 12, the Wall Street Journal published an article by Arlen J. Large about our distinguished majority whip.

I am sure many of us saw and read that article with great interest, but for those who missed it, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Improbable Chief: Long a Conservative, Senator Byrd Often Runs Liberal-Laden Senate—If Mansfield Should Retire, West Virginian Is Likely To Be Majority Leader; Change in the Issues Helps

(By Arlen J. Large)

Washington.—The Senate was about to take one of its periodic vacations. Assistant Democratic Leader Robert Byrd of West Virginia bade his colleagues goodbye with a flair that showed he had been reading the dictionary again:

"Looking ahead, may I say that the leadership wishes all Senators a felicific respite from their lucubrations here. May Senators, after a reposeful holiday, return to these difficile tasks and renewed verve and reviviscent strength."

Webster says anyone involved with "lucubrations" is engaged in "laborious study." That may not always fit the Senate as a whole, but it's Sen. Byrd all over. The man reads the dictionary, page by page, for the same reason he devours the Senate rulebook, to improve and improve and improve the cold efficiency with which he increasingly dominates the Senate.

"It isn't the use of big words so much as the precision of language that counts, and the excellence of grammar," says Mr. Byrd, puffing a cigar in his office at the end of a meandering Capitol corridor. "It seems to me that the American people ought to pride themselves on a better use of English. We're all rather slovenly, most of us are, in the use of our English. It's a beautiful language, and we ought to be more precise."

IN SENATE FOR 16 YEARS

Though he's one of the Senate's more precise speakers, Mr. Byrd still occasionally makes use of S-219, a room just off the Senate chamber. There, Senators can look over a transcript of what they've said during debate, and pretty up their remarks. But Sen. Byrd says he probably uses that room less now than when he came to the Senate 16 years ago after service in the U.S. House and the West Virginia legislature.

In his early Senate years, Robert Byrd established a record of conservatism—some even say racism—that made it seem most unlikely he'd ever become the leader of the Senate's mostly liberal Democrats. Yet as 72-year-old Mike Mansfield, the current Majority Leader, increasingly assumes the role of elder statesman, Sen. Byrd frequently finds himself as the man who runs the Senate. Mr. Mansfield hasn't given any indication of retiring to Montana at the end of his term next year, but if he does, Sen. Byrd is the clear front-runner for Majority Leader.

"I don't think Bob would have any problem," says one liberal Democratic Senator. "He'd become the Majority Leader." Some other liberals might back an opponent, but there isn't any clear rival and nobody is underestimating the West Virginian's strength.

NAACP LEADER UNHAPPY

The prospect bothers one outsider, Clarence Mitchell. As lobbyist for the National Association for the Advancement of Colored People, he has battled Sen. Byrd on many past civil rights barricades. "He'd have a tremendous number of backers, people who think he's good because he works so hard," Mr. Mitchell says. "But there is the question of whether he'd give the Democratic Party a good image or not." Mr. Mitchell says he hopes someone else runs if Sen. Mansfield should retire.

Meanwhile, Sen. Byrd is the model of respectful deference to the Majority Leader. When Mr. Mansfield chooses to take command, as he did at a critical point during the recent tax debate, Sen. Byrd loyally fades to the background.

But he stays there less and less. Even now, in his No. 2 spot, Sen. Byrd is at the center of a remarkable effort among Senate Democrats to function as a more cohesive legislative party. Senators traditionally have behaved as independent-minded prima donnas, compared with House members more accustomed to the party lash. But this year, more than in recent memory, Senate Democrats are aping their House colleagues in constant caucusing to set the party line for legislative voting. The prospect isn't promising for the Ford administration, which needs Democratic defections.

For example, when the Senate voted to scotch the President's power to raise the oil import tariff, only two Democrats balked. Southern Democrats who often team up with Republicans on questions of presidential authority—including James Eastland of Mississippi, John Sparkman of Alabama, John McClellan of Arkansas—voted with other Democrats.

MORE VOTING TOGETHER

Sen. Byrd says: "The old Southern bloc, so-called, that was so effective during the great civil rights debates really is not existent, certainly to the degree that it once was. In those years it coalesced with the Republicans in many situations, and that's no longer existent. So I think Democrats as a whole will be voting together more."

With the government divided between a Democratic Congress and a Republican executive, Mr. Byrd sees an obligation for the Senate majority "to develop programs as alternatives to those which we oppose." In this view, party functions in the Senate ought to go beyond assignment of members to committees and placement of desks in the chamber. The party, Sen. Byrd says, "does provide the mechanism by which organized thinking and organized action can be brought to bear on the problems that confront our people."

(More weeks must pass before it's known whether alternative Democratic caucus plans on energy and other matters will actually show up on any law books; except for rejecting Ford proposals, so far not much has come of all the caucusing.)

At age 57 the seldom-smiling Mr. Byrd has swept-back graying hair, a taste for somber clothes and a passion for orderly surroundings. The hubbub in the Senate chamber during close, dramatic roll-call votes used to vex him greatly, so he banished to the gallery the throngs of staff aides who habitually had rubbernecked from the floor. He regards the current Senate rules as an untidy mess, some of them unused entirely, some found in this law or that. A project he's looking forward to this year is to codify them into one orderly document.

COMFORTABLE WITH NEW ISSUES

It's the recent preoccupation of Congress with the economy and energy, rather than civil rights laws, that allows Sen. Byrd to move so comfortably in the Democratic mainstream. In the old days, he often voted with the Southern bloc he now thinks is fading, which was a faction of the party closed off from the mostly liberal national party leadership. Now he's a recognized part of that leadership, even being asked regularly by television interviewers about a possible presidential candidacy.

His answer is pure Byrd, calculating, precisely shaded to acknowledge his new status while not going overboard: "I'm not uninterested."

Nobody was asking presidential questions early in Mr. Byrd's Senate career. For a time he was chairman of the Appropriations Subcommittee handling funds for the mostly black District of Columbia. The lifestyles of welfare mothers and their supposed "paramours" grated on a work ethic acquired during the Senator's impoverished youth (he's unrelated to the famous Virginia dynasty that produced Sens. Harry Byrd Sr. and Jr.), and he regularly attacked "welfare cheats," Many Washingtonians detected a racial smack. That he was a long-ago member of the Ki Klux Klan didn't help.

Mr. Byrd voted against the 1964 Civil Rights Act, which was delayed for weeks by a Senate filibuster. He recalls being subjected to "arm-twisting torture and torment" by President Johnson, who telephoned to ask him to vote to end the filibuster. The President dangled a federal judgeship. He also offered to send him on an official trip overseas that would get "a lot of favorable publicity back home" while letting him miss the filibuster vote. Sen. Byrd stood fast.

CHANGE OF HEART

He now says he would vote for that bill if it came up again today—a change of heart shown by several of its original opponents. A similar switch is coming on the 1965 Voting Rights Act, which he opposed as unconstitutional. He voted against the act's extension in 1970 and as recently as two years ago said he still thought it unconstitutional. Now, however, he says he plans to vote for a further extension later this year.

In the early Nixon years Mr. Byrd often seemed a White House ally. He fervently denounced campus demonstrators. He helped head off a legislated pullout of U.S. troops from Cambodia in 1970. He voted for the Supreme Court nominations of Clement Haynsworth and Harrold Carswell, though most Democrats didn't. Richard Nixon's affinity with Sen. Byrd reached its peak in 1971, when the President temporarily put him on a list of possible nominees for the Supreme Court. (Mr. Byrd has a law degree from American University here, but he has never practiced.)

After the 1972 McGovern debacle, Sen. Byrd advised his party to "get rid of the pro-welfare, giveaway image, the pro-permissiveness image, the pro-busing image, the meat-ax cuts of defense funds and get back into the middle of the stream." But even then those issues were beginning to fade in Congress. Mr. Byrd found himself increasingly in tune with other Democrats in fighting Mr. Nixon's post-1972 assertion of budget powers. He led the opposition to the nomination of L. Patrick Gray as Federal Bureau of Investigation director, and as the Watergate fight sharpened, took a key role in protecting the special prosecutor's independence. The Senator has attacked President Ford harshly, citicizing his economic policies and energy plans and questioning his general ability to lead.

HE MADE IT ON HIS OWN

While outside circumstances have helped Mr. Byrd become more of a party regular in the liberal Senate, his inside climb to power had been almost wholly due to his own efforts.

Few paid attention in 1967 when Democrats elected him secretary of their caucus. It rarely met anyway, and the job was regarded as a clubby honorific. But it put Sen. Byrd in "the leadership," however tenously, and he surprised everyone by beginning to lead on the Senate floor.

Perhaps the most surprised was Sen. Edward Kennedy of Massachusetts, who then held the No. 2 job as Assistant Majority Leader, or Whip. Like Sen. Russell Long of Louisiana before him, Sen. Kennedy wore the Whip's toga instead of the Whip's working clothes. Sen. Byrd became known as the man who handled all the details of making the Senate function. He would patrol the floor, engineer agreements on the time to vote, keep bills from colliding.

In a headlined coup in 1971, Sen. Byrd defeated the world-famous Mr. Kennedy for the Whip's job. After the caucus vote the West Virginian popped with exhilaration as he described his nervy ambush to a ring of reporters. His prior vote count showed he had just enough support to win, provided he could cast the proxy of Sen. Richard Russell of Georgia, then on his deathbed at Walter Reed Hospital in Washington. If Sen. Russell had died before the meeting started, Sen. Byrd wouldn't have made the challenge at all. After the meeting began, an aide told him Sen. Russell was still alive, so he signaled a backer to nominate him for Whip. Sen. Russell died 4½ hours later.

The new Whip assured alarmed liberals that he would only be a "legislative technician," not an ideological salesman. As the months wore on, he continued his old task of managing procedural details.

ROLE IN FILIBUSTER FIGHT

Mr. Byrd still does all that, but this year especially he has taken on matters of more substance. For example, it was the majority Whip who became the tough floor captain of the recent successful drive to make it easier to end filibusters. It had started as a project of true-blue liberals, and Sen. Byrd originally thought it hopeless. But they quickly showed enough strength to force defenders of the old filibuster rule to resort to unseemly stalling to avoid a final vote.

"It was determined by the leadership that the Senate was deteriorating into a situation in which a very bad mood prevailed," Sen. Byrd recalls. "A bad image was being projected to the American people."

The original liberal managers went to the sidelines and Sen. Byrd came forward to do battle with Alabama's Democratic Sen. James Allen, the conservative master of the rulebook. Sen. Byrd moved to table everything Sen. Allen wanted to do, because that required an instant vote without any time-consuming argument. At one point he even had to move to table the Lord's Prayer, and was backed up by an embarrassed Senate.

Now Mr. Byrd hopes the new rule, under which 60 Senators can stop a filibuster instead of the former 67 when everybody's present, will head off for years to come any attempt to silence debate by a simple majority, which some liberals have advocated. The effect of the rules change on actual legislation may be made dramatically evident tomorrow, when the Senate votes on ending debate on creation of a federal consumer-advocacy agency. Last year, under the old rules, the measure was killed by a filibuster.

And he acknowledged that the new rule, though disliked by hard-core conservatives, may be useful in the current climate. It will he predicts, allow passage of "legislation that's needed to deal with the recession, inflation, energy, unemployment and so on without being straitjacketed in talkathons."

An interviewer is well into his next question, but Mr. Byrd is worrying about his English again. "By the way," he interrupts, "that should be straitjacketed 'by' talkathons, instead of 'in' talkathons."

THE BALANCED GROWTH AND ECONOMIC PLANNING ACT OF 1975

Mr. WILLIAMS. Mr. President, I am pleased to join in sponsoring the historic and farsighted Balanced Growth and Economic Planning Act, S. 1795.

The importance of this bill is emphasized daily as the Congress seeks to facilitate recovery from the worst economic decline suffered in the United States since the 1930's. The combination of severe inflation and recession have disrupted the national economy and caused hardship for millions of Americans. In my home State of New Jersey, the unemployment rate rose to 11.6 percent in April and is likely to reach 12 percent later this year. On the national level, unemployment has reached the tragic level of 8.9 percent and exhibits few signs of abatement in the near future. Equally, the advance of the price level, while considerably less than last year, has continued at a disconcerting rate. The average weekly earnings in 1967 dollars within the manufacturing industries has eroded from a 1973 peak of $124.46 to the latest April figure of $115.51.

Congress has responded to the crises with decisive action designed to effectuate economic recovery. Last year, Congress passed the Budget Reform Act which provides for the formulation of a rational and orderly short term economic policy. As a member of the Senate Rules Committee, I was fortunate to be able to play a role in the development of this act which greatly improves congressional coordination and oversight over the Federal budget and is a major step toward improved fiscal responsibility. By passing the Tax Reduction Act, the biggest tax relief bill in history, this Congress has provided landmark relief for lower and middle income citizens and new incentives for corporate capital investment.

In addition, recent proposals for increases in unemployment benefits, extensions of the Public Service Employment program and the tax credit for new homes have gone far toward alleviating the plight of the unemployed and reviving the construction industry which has been particularly hard hit.

However, while Congress has agreed on short-term policy remedies to aid in recovery, we have an added responsibility to the public to develop economic policy in a rational and orderly way for the future as well as the present. The Balanced Growth and Economic Planning Act represents landmark legislation which would provide the American people with the vehicle with which to formulate long-term national economic goals, identify available and potential labor, capital, and national resources and enable the Federal Government to determine and rationalize its own impact on the national economy. The systematic and comprehensive formulation of national goals and policies would provide assistance to State and local governments and the private sector by permitting them to act with greater knowledge of the Nation's economic direction.

The Federal Government has lagged behind the private sector in terms of coordinated management and in the setting of long-term policy targets. Modern techniques of market analysis and resources allocation are employed by corporations, universities, foundations, many local units of government and others with limited resources in order to develop long-range economic goals.

As noted in the article "A Planned Economy in the United States?" by Jack Friedman, reproduced in the Congressional Record on May 21 (pages S8835–36), many of America's most distinguished businessmen, labor leaders, and economists see the Government's role in planning as that of helping the private and public sectors to anticipate problems, and to design long term programs of coordinated monetary, fiscal, and spending policies.

Henry Ford II, chairman of the Ford Motor Co., has spoken out frequently in favor of planning and believes that the shortages of metals and other materials in 1973 and 1974 could have been anticipated if some form of planning had been in existence. George Meany, president of the American Federation of Labor and Congress of Industrial Organizations argues:

> We need long range economic planning and priorities to minimize unforeseen major developments.

He points out,

> The United States was not prepared for the urban crises of the 1960's which could have been foreseen by sensible long range economic planning in the 1950's.

Thirty years ago, as World War II was ending, a bipartisan majority adopted the Employment Act of 1946 which committed the U.S. Government to a continuing policy of promoting "maximum employment, production, and purchasing power." Congress in 1946 created the Council of Economic Advisors and the Joint Economic Committee in order to fulfill the eloquent goals set forth in the Employment Act. In the twilight period following the depression and World War II, the Congress and the President laid the groundwork for our current economic policies. Today, we are in the second worst economic crisis in the 20th century, and Congress again has the opportunity to create economic policymaking bodies for the future. Through the Balanced Growth and Economic Planning Act, which amends the Employment Act, Congress can reaffirm its responsibility to promote the goals of "maximum employment, production, and purchasing power" first proclaimed in 1946. As chairman of the Senate Committee on Labor and Public Welfare, I am convinced that the most important priority in this Nation today is to attain that objective.

HISPANIC GROUP CITES JESUIT

Mr. MONTOYA. Mr. President, friends of Father Joseph Thorning will be pleased to learn that the Padre of the Americas is the recipient of yet another award. Recently the Georgetown University chapter of the National Hispanic Honor Society conferred upon him the Order of Don Quixote.

Father Thorning has spent a lifetime in the study of the Iberian Peninsula and of Latin America, and this award is richly deserved. I ask unanimous consent to have printed in the Record a story relating to Father Thorning's award which appeared in the March 20 issue of the Catholic Standard.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hispanic Group To Cite Jesuit

Father Joseph F. Thorning, S.J., will be honored this evening by the Georgetown University chapter of the National Hispanic Honor Society, which will confer on the noted Latin-American expert the Order of Don Quixote.

The award will be presented at a reception following the induction of 11 charter members, graduate and undergraduate, into the N.H.H.S. Lambda Beta chapter. The main goal of the Society is to honor outstanding students of the Spanish language, Spanish literature and culture.

Father Thorning, who at one time was an assistant professor at Georgetown and the acting dean of the Graduate School, is known as "El Padre de las Américas." For the past 30 years his expertise in Latin American affairs has been recognized by leaders of both parties of Congress who have invited him to preside over the special prayers at the annual Pan American Day Session.

The Jesuit educator, author and lecturer has received various honorary degrees and decorations, including awards from Spain, Portugal, Ecuador, Brazil, Haiti, Cuba, Colombia, Panama, Guatemala, Nicaragua and Peru. In addition to honorary degrees, Father Thorning holds a B.A. from Holy Cross, an A.M. from St. Louis University, a Ph.D. from Catholic University and an S.T.D. from Gregorian University He also has done advanced study at Oxford University and the Sorbonne.

PASSAGE OF THE HELLS CANYON NATIONAL RECREATION AREA LEGISLATION

Mr. CHURCH. Mr. President, those of us who have supported and worked for passage of the Hells Canyon National Recreation Area proposal are pleased to note that the Senate has, once again, favorably considered this legislation. After more than two decades of uncertainty, enactment of S. 322, the Hells Canyon NRA bill, will finally resolve the question of management for the deepest gorge on the North American Continent. Hopefully, the House of Representatives will see fit to enact similar legislation. In doing so the Congress can insure that the Hells Canyon area in Idaho and Oregon will be kept intact for the benefit of the people.

Reaching final Senate approval of this legislation has not been easy. But, then again, the enactment of meaningful laws is never an easy task. This bill has weathered the rough seas of compromise among varied and diverse groups interested in the fate of Hells Canyon and it has withstood the arduous test of public hearings and congressional scrutiny. Now, after long debate over the future use of the last free-flowing stretch of the mighty Snake River, we are one step closer toward settling this issue.

Last year, in testimony before the Senate Interior Committee, the Army Corps of Engineers, the Forest Service, the Environmental Protection Agency, the Department of Interior, and the Federal Energy Administration all recommended that the Middle Snake be included in the Wild and Scenic Rivers System.

With administration support for achieving the major objective of this bill, that is to keep the Middle Snake free-flowing, and action pending in the House of Representatives, prospects for passage this year are bright indeed.

There are those who have suggested that the Congress delay final action; but, we have been in a holding pattern long enough and it is time to land a decision for or against a Hells Canyon NRA.

Since 1954, the fate of this area has been in question. Hydroelectric interests have pressed for Federal Power Commission authorization to construct a dam on this stretch of the river. As a result of determined opposition by groups of concerned citizens throughout the Pacific Northwest, the Supreme Court of the United States ruled that the Federal Power Commission should reconsider an order issued by that agency in 1964 which licensed construction of the High Mountain Sheep Dam. Subsequent to that decision, I introduced, along with former Senator Len Jordan, a 10-year Middle Snake River moratorium bill. That proposal passed the Senate on two different occasions, but was never acted on by the House of Representatives. In February 1971, an administrative judge of the Federal Power Commission rendered an initial decision on this matter and recommended that an FPC moratorium be placed on construction of any project until September 11, 1975, in order to give Congress time to work out a management plan for the Hells Canyon region.

The threat looms large that the EPC will license construction of a high dam unless Congress acts. During public hearings in Lewiston, Idaho, and LeGrande, Oreg., the Senate Interior and Insular Affairs Committee was told that licensing another dam would not solve any long-term energy needs of the area. Unfortunately, those who have attempted to capitalize upon the energy crisis as justification for one more dam neglect to inform the public that the power producing potential of such a dam adds little toward meeting the energy growth predicted for the Pacific Northwest.

The mighty Snake River, it is true, is a working river. Before entering the middle reaches, the Snake River has already worked its way across the breadth of southern Idaho. Its waters irrigate the desert lands upon which Idaho's multimillion dollar agricultural economy is built; a burgeoning recreational industry is sustained through use of the river, and nearly all of our electricity is generated by its waters, or those of its tributaries.

To be unmindful of these important uses would be a gross dereliction of duty. That is why the cosponsors of this legislation paid particular heed to the needs of the upstream water users. With the assistance of counsel for the Idaho Water Users Association, who prepared the initial draft of the language protecting the rights of upstream users, this bill extends protection to upstream water rights as fully as it can be done in statutory form.

The language of section 6 of S. 322 clearly provides protection for the present and future uses of upstream water from any limitation, restriction, or conflict. This section reads as follows:

> (a) No provisions of this Act, nor any other provision of law, nor any guidelines, rules, or regulations issued thereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreational Area created hereby for beneficial uses, whether consumptive or non-consumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power or industrial uses.
>
> (b) No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act (82 Stat. 960), of this Act, or any other guidelines, rules or regulations adopted pursuant thereto.

Will the protective language of section 6 withstand a confrontation between upstream water rights and the recreation purposes sought for the Middle Snake under provision of the Hells Canyon NRA bill? The answer must be "yes." The Forest Service which administers the national forest lands that bound both sides of the Middle Snake has already indicated that section 6 of the bill "protects the upstream water users from any claims that could arise as a result of the creation of the National Recreation Area and designation of the Snake River as a Wild and Scenic River."

In fact, I submit that the upstream water users are better off with the protective language in this bill than they are today, without the benefit of any such protective language in any other Federal law.

The questions of power potential and upstream water rights were addressed in a recent editorial of the Idaho Falls, Idaho, Post-Register. The analysis made is informative and timely, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Idaho Falls Post-Register, Apr. 20, 1975]

POWER POTENTIALS BESIDES HELLS CANYON

"What is needed is for better and fuller use to be made of the irrigation and power possibilities we already have (in Idaho), before a unique national wonder such as the remaining free-flowing stretch of our magnificent Snake River (at Hells Canyon) is forever ruined by power dams."

This was the cogent argument which a Nampa, Idaho, constituent of Cong. Steve Symms has made to his congressman and to Cong. George Hansen, both of whom are against the proposed Hells Canyon National Recreation area legislation.

The Nampa businessman, Harold C. Miles, called attention to the impressive possibilities for increasing power generation at the following existing dams by installation of additional generators:

American Falls, Anderson Ranch Dam, Arrowrock Reservoir, Little Camas Reservoir, Clover Creek Reservoir, Mackay Reservoir, Magic Reservoir, Mormon Reservoir, Roseworth Reservoir, Thorn Creek Reservoir, Blackfoot Reservoir, Island Park Reservoir, Palisades Reservoir, Twin Lakes and Ririe reservoirs. (The latter still under construction).

Minidoka Dam, he points out, can be increased for both storage and more power. Both Anderson Ranch Dam and Palisades Dam, he also notes, already have generator slots installed for such increased generation.

The Nampa businessman also calls attention to the fact that a low head dam with pump-up storage can be built in the vicinity of Coyote Butte in the Snake River between Swan Falls and Strike Dam. The Snake River plain aquifer could be utilized more, as well, because this underground water network is one of the largest on the continent.

"By increasing the storage capacity of Anderson Ranch Dam, sufficient water would be available for pump irrigation of Smith's prairie and the additional power could be supplied from the present un-used generating capacity at Anderson Ranch Dam. In addition, by raising little Camas and Mormon reservoirs, sufficient additional water would be available for pump irrigation of Camas prairie, with the power also available from Anderson Ranch Dam.

However, a feasibility report would have to be made before the final efficacy of Mr. Miles' contention on some of these projects could be completely substantiated. Raising dams can raise challenges, both geological and by humans, where storage sites are expanded. Moreover, it must be pointed out that such expansion mostly would be keyed to peaking power or season power situations. But, it also must be pointed out at the same time that the variances between regions on power use peaks—like Idaho Power Co. having a summer peak because of high pumping application as against Utah Power and Light Co.'s winter peak because of heating and industrial stress—does allow for power exchanges between systems.

The power grid undoubtedly is going to get more sophisticated in the future to allow for more efficient and wider use of seasonal energy "highs" and "lows." In fact, this is what utilities who are banging away for coal-fired plants don't like to talk about when they reject nuclear plants because of the impact of down-time with a huge nuclear plant. The grid is going to become a giant power-trading system in time, taking advantage of everything from time zone peaks to alternate daytime and seasonal lows and highs.

Furthermore, more than 8,000 megawatts of firm power is scheduled to be added on the Snake-Columbia system by 1984.

The valid point to be made is that we can do a lot more with our existing dams, whether just for peaking or firm power, before we move to pull the rug on a living, people-enjoying national wonder like Hells Canyon and its adjacent wilderness areas. Remember, once we dam it, it is gone. We can always keep the option open for a later dam if the national need makes it necessary.

The self-styled "compromise" by the Northwest Power Co., one in the consortium of utilities chafing to dam up the Mid-Snake, for the past 15 years, was no compromise at all. The company proposed that it be allowed to build two dams on the Snake above the Salmon and Imnaha River mouths, which, the company contended would preserve most of the migratory fish runs and preserve the rest of the canyon in a free-flowing state. But it actually halves the genuinely free-flow preserve sought in the Hells Canyon Recreation area legislation, would allow new networks of roads, and would seriously detract from the naturalness of that spectacular gorge, the deepest on the continent. And, it is not just the canyon at stake but the superb wilderness and national forest areas adjacent to the gorge.

The only argument which should have validity is whether it would threaten water rights. Upper Snake River valley irrigation organizations have opposed the dam on this contention. But, it would appear that the language of the bill protects water rights as much as any possible structure of language could provide. It is really not an argument to say that someday, something else might happen and someone else might pose a threat. Following is the language in the Hells Canyon National Recreation Law on water right protection:

"No provision of the Wild and Scenic Rivers Act, nor any guidelines, rules or regulations issued hereunder, shall in any way limit, restrict or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby, for beneficial uses, whether consumptive or non-consumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power or industrial uses.

"No flow requirement of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act, of this act, or any guidelines, rules, or regulations adopted pursuant thereto."

If that doesn't protect the upstream water rights, then those opposing the dam on this basis should be called upon to explain why it does not. To date, the arguments have been in the "never-never land" category. The possibility is much more real that a couple of high dams on the Snake could themselves threaten upstream water rights by the fill-and-control demands necessary for the dams themselves quite conceivably.

Congressmen Symms and Hansen oppose the Hells Canyon Dam because of a philosophy of attitude—not because of faults they can find in the legislation. These two rigidly conservative Congressmen have not been able to distinguish between public rights on public land and private industrial service-franchise rights. Symms, in fact, in his support of the Liberty amendment and the philosophical thrust of that movement, would be happy if public land were sold to the highest bidder.

The listenership of Congressmen Symms and Hansen is the drums of industry in almost any issue on our public lands. They confuse the free enterprise system in its normal base and its qualified-service, franchise-rights on public land. And neither have an appreciation for land-sustaining values. Idahoans cannot expect much from them, consequently, on vital land questions on federal lands.

As governors of Idaho, Washington and Oregon said in a joint statement this week:

"The proposal offered by Pacific Northwest Power Co. (on the Mid-Snake) is not a compromise at all, but a defeat of the major thrust of a Congressional resolution that would convert 101 miles of the river into a system of federal wilderness, recreation and scenic river areas."

The dichotomy between Idaho's U.S. senators and its U.S. congressmen will be apparent on other issues in time. Sens. McClure and Church favor the legislation and, were it not for the apparent support of the rest of Congress, the legislation would be in jeopardy. Cong. Symms' and Hansen's support of a moratorium on the Hells Canyon is a hollow a gesture as the Northwest Power Co.'s proposal. The Idaho congressmen just want to buy time for the power utilities to wait for a possible more favorable day. The Hells Canyon Dam has been studied to death . . . and there's no reason why the two Idaho congressmen don't know this.

In the meantime, how about a feasibility study, if one is not already in the Bureau of Reclamation files, on the potential for increasing electric generation in Idaho from existing dams?

Mr. CHURCH. Mr. President, our purpose has been to create a management plan for the Hells Canyon area. To be included are two wilderness areas, several study areas, and the designation of certain segments of the Snake and Rapid Rivers as recreation, scenic or wild. Except for the designation of the rivers, which the administration, itself, recommends in the case of the Snake, the management plan is similar in concept to that of the Sawtooth National Recreation Area bill, enacted in 1972.

Sponsors of this bill never intended the initial draft, which was submitted in July 1973, to be the final version. The Senate Interior and Insular Affairs Committee has made changes in which the sponsors concur. These changes were made at the behest of those who have testified and written, representing many different user groups—recreation, timber, agriculture and mining, to name a few.

I will not again review the provisions of the proposal which the Senate has passed. But I ask unanimous consent that the section-by-section analysis of S. 322, which appears in the Senate Interior and Insular Affairs Committee report on the bill, be printed in the Record at the end of my remarks.

Few portions of this country have received so much attention as the Hells Canyon area. This part of Idaho is richly endowed with a rugged grandeur unsurpassed anywhere. For this and future generations, the Hells Canyon NRA will be a magnificent place for all to visit and enjoy.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

Section 1(a) defines the purpose of the Act which is to preserve the Hells Canyon area, portions of the Snake River and Rapid River in Idaho, including certain tributaries and adjacent lands, by establishing a Hells Canyon National Recreation Area.

Section 1(b) describes the boundaries of the Hells Canyon National Recreation Area, including Hells Canyon Wilderness Areas, components to the Wild and Scenic Rivers System, and certain wilderness study areas, located in the State of Oregon.

The Committee intends by creation of a national recreation area to develop a specific form of management for the area involved. While certain portions of the Hells Canyon National Recreation Area are also included within the National Wilderness System and the Wild and Scenic Rivers System, this Act is not intended to set a precedent for inclusion of future areas into either the Wilderness System or the Wild and Scenic Rivers System. Special exceptions to the Wilderness Act and the Wild and Scenic Rivers Act have been made in this Act in order to structure a comprehensive management plan which includes wild, scenic, and recreational rivers, wilderness areas and recreation areas.

Section 2(a) establishes, by reference to an official map, the Hells Canyon Wilderness Areas which are designed as wilderness and thereby incorporated into the Wilderness System.

Section 2(b) requires that the wilderness areas, designated by this Act, shall be administered under provisions of this Act or the Wilderness Act, whichever is the more restrictive. Section 9(b) and section 11 of this Act apply to the wilderness areas designated herein and where appropriate are meant to be specific exceptions to the Wilderness Act.

The Secretary is also directed to make boundary revisions to the wilderness areas which border lands adjacent to and designated part of those segments of the Snake River incorporated into the Wild and Scenic Rivers System where such revision would be required by a boundary adjustment pursuant to subsection 3(b).

Section 3(a) amends the Wild and Scenic Rivers Act (83 Stat. 906) by adding to the Wild and Scenic Rivers System portions of the Snake River and the Rapid River.

The Rapid River, from the headwaters of the main fork to the present national forest boundary (20.3 river miles) and from the headwaters of the west fork to its confluence with the main stem of the Rapid River (10.5 river miles) is designated a wild river, The Snake River, from Hells Canyon Dam downstream to Pittsburgh Landing (32.4 river miles) is designated a wild river; from Pittsburgh Landing to Dough Creek (43.8 river miles) is designated a scenic river; and, from Dough Creek to Asotin, Washington (25.1 river miles) is designated a recreational river.

Section 3(b) provides that those segments of the Snake River and the Rapid River designated under this Act shall be administered under provisions of the Wild and Scenic Rivers Act. The Secretary is required to establish a corridor along the river segments involved.

The Committee by reiterating the corridor requirement expects that the Secretary will establish river corridors which generally do not include varying amounts of land groupings per river mile, causing irregular boundaries. This provision is necessitated due to the wilderness areas which abut the river on both sides.

The Secretary is not to undertake or permit to be undertaken any activity on public lands in the Rapid River drainage which would impair the water quality of those portions of the Rapid River designated as wild river. The Committee intends, therefore, that such activities as may take place in the drainage area shall be in consonance with the objectives sought by the Committee in maintaining the water quality of the Rapid River. The Rapid River Salmon Hatchery, located in the Rapid River drainage area, is meant to sustain the anadromous fishery in the Snake, Salmon and Clearwater drainages. The success of this hatchery is due, in large part, to the water quality of the Rapid River and associated watershed resources. The entire drainage area shall, thus, be managed to protect the water quality of this river. In developing management policies for this watershed, the Secretary should consider, as an example, the severe watershed degradation done in the adjoining Indian Creek drainage as a result of existing resource management practices. The Committee intends that such degradation should not occur in the Rapid River drainage which would thereby impair the water quality of the Rapid River itself.

The Secretary is authorized to make such minor boundary changes in the corridors of the rivers as he deems necessary to provide for such facilities and structures for public use as are permitted under the Wild and Scenic Rivers Act. By setting back the wilderness boundaries from the banks of the Snake River and establishing a corridor of land adjacent to the river which is included within the Wild and Scenic River designation, the Committee believes that the Secretary shall clearly be allowed to permit such permanent structures along the banks of the Snake River as he deems necessary to support public use.

Section 4(a) provides that the Federal Power Commission shall not license the construction of any dam or other work project within the national recreation area. However, such projects as are already constructed or under construction on the date of enactment of this Act and within the recreation area shall not be affected by provisions of this subsection.

Section 4(b) prohibits any department or agency of the United States from assisting in any way in the construction of any water resource facility within the recreation area which would have an adverse effect on the values for which the waters within the recreation area are to be protected. The Committee intends that the limitation on Federal government assistance shall apply only within the recreation area.

Section 5 deauthorizes Asotin Dam.

Section 6(a) provides that no provision of law shall limit, restrict or conflict with the present or future upstream water uses. The Committee intends, by this language, to protect and preserve the present and future rights of the water users upstream in the State of Idaho.

Section 6(b) prohibits the establishment of any minimum flow requirements through that portion of the Snake River included within the Wild and Scenic Rivers system.

Section 7(a) directs that the Secretary shall administer the recreation area for public outdoor recreation and in a manner compatible wth the following objectives:

(1) to maintain and protect the free-flowing nature of rivers within the recreation area,

(2) to conserve the scenic, wilderness, cultural, scientific and other values contributing to the public benefit.

(3) to preserve features and peculiarities believed to be biologically unique,

(4) to protect and maintain fish and wildlife habitat,

(5) to protect and interpret archeological and paleontologic sites,

(6) to preserve and restore certain historic sites associated with the economic and social history of the region,

(7) to manage, utilize and dispose of federally owned natural resources, including timber harvesting by selective cutting, mining and grazing and other such uses as are compatible with the Act. Where unusual situations exist, for example, in cases of fire, insect, disease, or wind damaged timber, clearcutting is permitted to be practiced where its use would mitigate the situation. This is intended to be the exception rather than the rule.

The provisions of this subsection shall be superseded in those areas of the recreation area otherwise provided for under sections 2 and 3 and 10 of this Act dealing with wilderness designation (section 2), wild, scenic and recreational river designation (section 3), and promulgation of regulations for certain activities within the recreation area (section 10).

Section 8(a) prescribes that within five years from the date of enactment of this Act the Secretary develop a comprehensive management plan for the recreation area.

Section 8(b) provides that in developing a comprehensive management plan as provided under subsection 8(a), the Secretary is directed to give special attention to the historic, archeological and paleontological resources of the area; to inventory such resources; and, where appropriate to recommend such areas for listing in the National Register of Historic Places. The Secretary's comprehensive plan is to include recommendations for future protection and controlled research use of all such resources.

Section 8(c) directs the Secretary, as part of his comprehensive planning process, to conduct a detailed study of the need for scenic roads and other means of transit into the recreation area. The Secretary is directed to give particular attention to the need for providing roads and other means of transit which would provide access to scenic views of and from the western rim of Hells Canyon. The Secretary is also required, in his study to consider the alternative of upgrading existing roads. The Committee intends that the Secretary, in conducting this study, shall engage advanced engineering consultation, within or without the Department of Agriculture. Furthermore, all alternative means of transit, including mass transit, and alternative locations of routes should be fully considered so that such recommendations will be in consonance with the overall purposes of the recreation area.

Section 8(d) directs the Secretary to review certain areas within the recreation area in Oregon for suitability or non-suitability as wilderness. Within five years the Secretary is to complete his review and the President is to inform the Congress of such recommendation. Further, the Secretary is required to conduct such review in accordance with section 3(d) of the Wilderness Act and shall give 60 days public notice of any hearing on such study areas. The Secretary is not precluded from recommending other areas within the recreation area for inclusion within the wilderness system.

The Committee intends that the studies called for in this subsection and the road and transportation study called for in section 8(c) shall be conducted in close coordination because much of the same terrain is involved in both studies. Direction to study roads and other access alternatives is not intended in any way to prejudice full study and consideration of wilderness along the rim of the canyon, but neither is the wilderness study requirement intended to in any way prejudice full study of roads and other access alternatives to and along the rim. Rather, it is the objective of these provisions to assure that the Secretary, the public and the Congress will be provided the fullest and most objective study of all alternatives, so that ultimate development and wilderness designation decisions may be arrived at on the basis of the most thorough and informed consideration.

Section 8(e) directs the Secretary in preparing the comprehensive management plan to provide full public participation and to consider the views of all interested public and private bodies. Such interested agencies, organizations and individuals could include, for example, the principal universities of the three states involved and the governmental and nongovernmental agencies and organizations concerned with historical ecological and land use studies. The Committee anticipates that the Secretary will fully consider the views and recommendations of these interested parties.

Section 8(f) provides that existing activities which are not incompatible with the purposes of the Act may continue during the development of the management plan which will consider allowing the use to continue. Specifically cited activities include: timber harvesting, mining, and grazing.

Section 9(a) provides that the Secretary is authorized to acquire lands or interests in land accomplish the purposes of this Act by donation, exchange or purchase from willing sellers with donated or appropriated funds.

Section 9(b) provides that the Secretary may acquire without the consent of the owner lands or interests in land only if two requirements are met. (1) The Secretary deems that all reasonable efforts to acquire such lands or interests in land by negotiation have failed; and (2) no more than 5 per centum of the total privately owned land within the recreation area shall have been acquired without the consent of the owner. Notwithstanding the 5 per centum limitation on land acquisition in the recreation area, the Secretary is authorized to acquire scenic easements in land without the consent of the owner. Furthermore, as provided in subsection 9(g) the 5 per centum limitation shall not apply to the acquisition of mineral interests. After regulations required by section 10 of this Act have been published, the Secretary may only acquire scenic easements in lands without the consent of the owner and then, only if such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations. The Committee intends by provisions of this subsection to limit the power of the Secretary to acquire lands or interests therein without the consent of the owner. The acquisition of scenic easements is intended to be a principal method by which conformance to the overall purposes of this Act is to be achieved; that is why no limitation, like that placed on the acquisition of land or other interests therein, save mineral interests, is imposed in the case of scenic easements.

Section 9(c) provides that lands or interests in land owned by the States of Oregon or Washington or a political subdivision may be acquired only by donation. Such land or interests in land owned by the State of Idaho may be acquired only by donation or exchange. Provisions of the Idaho Admissions Act prohibit the State of Idaho from donating any State school section lands. The Committee recognizes the difficulty thus created for the State of Idaho in light of the fact that the Committee has adopted a policy of requiring a State to donate lands which are utilized for the same recreation purposes as that anticipated by the Federal government. However, it is still the policy of the Committee to retain the requirement of donation of State lands under such circumstances.

Section 9(d) defines "scenic easement" to mean the right to control the use of land to protect esthetic values but not to preclude farming or pastoral uses already existing.

Section 9(e) requires the Secretary to give prompt consideration to any offer made to sell private inholdings within the recreation area and to specifically consider any undue hardship to such property owner caused by an undue delay.

Section 9(f) provides that the Secretary may accept title to any non-Federal property in the recreation area and exchange for such property any federally owned property within the same State. Where values of such exchanged properties are not equal, such value may be equalized by the payment of cash from the party required to equalize the exchange.

Section 9(g) provides that the Secretary is authorized to acquire mineral interests in lands within the recreation area. Such acquired lands or mineral interest shall be withdrawn from further mineral entry.

Section 9(h) provides that lands under the jurisdiction of another agency may be transferred to the administrative jurisdiction of the Secretary.

Section 10(a) directs the Secretary to promulgate rules and regulations for the use and development of private lands within the recreation area. While regulations may differ from parcel to parcel, they shall be in furtherance of the purposes of this Act.

Section 10(b) directs the Secretary to promulgate standards and guidelines for the protection of historic, archaeological and paleontological resources in the recreation area as further defined in subsection 8(b) of this Act.

Section 10(c) directs the Secretary to promulgate such regulations as may be necessary to control the use of motorized and mechanical equipment for transportation over Federal lands within the recreation area. The Committee intends by this subsection to draw special attention to the need to take action to regulate the use of and protect the surface values of, the Federal lands in the recreation area, and thus directs that rules and regulations necessary to carry out this subsection shall be promulgated and issued by the Secretary.

Section 10(d) directs the Secretary to promulgate rules and regulations to control the use of motorized and nonmotorized river craft. However, the Committee specifically recognizes that the use of such motorized craft as jet boats are a valid use and thereby allowed within the recreation area.

Section 10(e) directs the Secretary to formulate standards for the management, utilization and disposal of natural resources and for the continuation of such existing uses as are compatible with the purposes of this Act.

Section 11 provides that all Federal lands located within the recreation area are withdrawn from all forms of mineral location, entry and patent notwithstanding subsection 4(d)(2) of the Wilderness Act but subject to valid existing rights.

Section 12 directs the Secretary to permit hunting and fishing within the boundaries of the recreation area in accordance with applicable federal and state laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration or public use and enjoyment. Except in an emergency the Secretary must first consult with appropriate State fish and game departments regarding regulations under this section. The Committee intends by the language of this subsection to assure that the States involved will continue present jurisdiction over hunting and fishing.

Section 13 provides that ranching, grazing, farming, timber harvesting, and the associated occupation of lands and homes shall be considered valid uses of the recreation area.

Section 14 clarifies that nothing in this Act shall diminish, enlarge or modify the civil and/or criminal jurisdiction of the States involved over lands within the recreation area.

Section 15 provides that the Secretary may cooperate with other governmental bodies in the development and operation of facilities and services in the area which are in furtherance of the purposes of this Act.

Section 16(a) authorizes to be appropriated the sum of not more than $10,000,000 for the acquisition of lands or interests in land within the recreation area.

Section 16(b) authorizes to be appropriated the sum of not more than $10,000,000 for the development of certain recreation facilities.

Section 16(c) authorizes to be appropriated the sum of not more than $1,500,000 for identification, development and protection of historical and archeological sites described in section 5 of this Act.

Section 17 provides where any provision of this Act may be declared invalid, such invalidation will not affect the validity of other provisions of this Act.

ILLINOISANS LOOK TO CONGRESS FOR LEADERSHIP

Mr. PERCY. Mr. President, last week during the Memorial Day recess I made another extensive tour of Illinois that covered the length of the State and included meetings with a broad cross section of my constituents. It was a most rewarding experience. I found this exchange of views between myself and my constituents especially valuable because of the depth of public concern about the state of the Nation and the ability of elected leaders to help solve our country's problems.

My Illinois tour covered the southern, central and northeastern portions of the State, beginning in downstate Lawrenceville and ending in Chicago. I talked with urban, suburban, and rural dwellers. I conducted meetings with officials of State and local government, business and labor leaders, farmers, and veterans. I held constituent "listen-ins," which are informal sessions where people can meet with me without an appointment to discuss any matter that concerns them.

One impression stands out from this week-long visit to Illinois—people are more uneasy today about the country than I can recall them being in my more than 8 years of service in the Senate. They feel that America is drifting without a firm grasp on the direction of public policy both at home and abroad. This mood runs deep in the public's mind. Certainly, there is ample evidence to explain the origins of this feeling. Inflation and recession have bred the worst economic conditions in America since the Great Depression. We have suffered some severe setbacks abroad.

But we are a strong and resilient nation, and I believe we will emerge from these troubled times with hope and confidence.

But what troubles me most is peoples' lack of faith in their elected leaders, especially Congress, to meet the challenges we face as a nation. As Members of Congress, we have a compelling responsibility to help restore the public's faith in their leaders.

One example of the public's lack of faith in Congress centers on the energy crisis. There is no doubt in my mind about the seriousness of our energy problem in America. We simply cannot afford to consume expensive energy at present rates without eventually reaching a day of reckoning that could be catastrophic. At the root of this problem is the high price of foreign oil, and the solution to the problem is mandatory conservation to reduce consumption. I believe the people will respond to policies that force conservation. But Congress has not asked them to respond. We have refused to bite the bullet and impose policies such as a direct higher automatic gasoline tax that would yield substantial conservation gains and at the same time help reduce our mounting deficit.

Appallingly enough, I found that people are even less concerned about the energy crisis today than they were only a few months ago. Because of congressional inaction on energy, they seem to doubt that we even have a serious energy problem. They have to pay more for gasoline and heating fuel than they did a few years ago, but they chalk it up to inflation without realizing the specific nature of the energy problem. They see no evidence to prove that America is in the midst of an energy crisis.

People continue to list the economy—inflation and recession—as their No. 1 personal concern. But they question the ability of Congress to help restore the country to economic health. They are deeply concerned about the size of the Federal budget deficits. People are looking to Congress for restraint in spending, and they do not like what they see. They consider huge Federal deficits that feed inflation as threats to their economic futures and the economic futures of their children. Unemployment and sluggish business activity also are serious worries. Here, again, they are not impressed with congressional action. Most do not believe that the tax rebates are large enough to make a difference in their economic situation.

Only farmers seemed relatively optimistic about the economy. They are looking forward to record crop yields this year, and if the export market is good, they can expect reasonably good returns on their investments. But most Illinois farmers were not impressed earlier this year when Congress passed emergency legislation to increase the target prices and loan rates for certain crops. This would have signaled a return to unwise policies of the past, and most farmers agreed with President Ford's decision to veto the bill.

In foreign relations, people also are looking to Congress for leadership. I found general agreement that our policies in Southeast Asia were a mistake. Now the public is anxious to see the results of the much-talked-about reassessment of American foreign policy. They are not ready to retreat behind our shores and ignore our allies abroad. But they want assurances from their leaders that our military and economic power will be expended more wisely than in the past.

I was encouraged to find that most Illinoisans believe that the search for a just and lasting peace in the Middle East should be a top national priority. They realize that to a great extent the economic and political security of the entire world depends on a peaceful solution of the Arab-Israeli conflict. And, again, they are looking to Congress for leadership in the effort to help forge a Mid-East peace that is fair and equitable for all parties in the conflict.

Congress is not the only target of public criticism. People see the Federal Government growing by leaps and bounds, but they are increasingly skeptical about the ability of the Government to produce. They see their tax dollars funding large Government departments that do not respond to their needs. They struggle with the red tape of bureaucracy that makes communication between individuals and Government agencies difficult and often impossible.

I returned from this trip to Illinois with a sense of urgency about our responsibility as national leaders. We simply must be more responsive and accountable to our constituents. Only through decisive action on such national problems as the economy and energy can we ever hope to build public trust and confidence in Congress. The people are looking for evidence that we can act in times of national need. I do not believe we can afford to waste another month, another week or another day before we show that we are willing and able to meet the challenge.

NICHOLAS ZAPPLE

Mr. MAGNUSON. Mr. President, I wish to announce today that Nicholas Zapple, who has been assisting the Senate Commerce Committee for 25 years and has been in Government service for 32 years, has applied for retirement as of June 30.

Mr. Zapple has been an invaluable staff member and has rendered very important service to the work of the Congress and the Nation. It would be difficult to replace his unique expert knowledge of the intricate field of broadcasting and telecommunications coupled with his intimate knowledge of the legislative process and the integrity of his service to the U.S. Senate.

GIOVANNI AGNELLI

Mr. PERCY. Mr. President, it has been forecast in the press for many months now that Italy is on the verge of bankruptcy. Having first visited Italy for an intensive period of 6 weeks in 1952 with a group of four other industrialists under the auspices of the Mutual Security Agency and through subsequent visits, I have learned firsthand the resilience of the Italian economy and its ability to respond to critical conditions.

At the time of my 1952 visit, one of my hosts was Professor Valetta, president of Fiat, now one of the largest automobile manufacturers in the world. Today, Italy is experiencing a remarkable resurgence and once again a major role is being played by the president of Fiat. Its current gifted president, Giovanni Agnelli, has far eclipsed anything that his worthy predecessor has done. "Johnny" Agnelli has taken over as president of the Italian Confederation of Industry; has brought new, young, vigorous leadership into the industrial life of Italy; has brought about better understanding between management and labor; and has inspired political leaders through his brilliance, intelligent creativity, and inspired leadership.

I ask unanimous consent that an article that appeared in the Sunday, May 25, Washington Post, by Bernard Kaplan be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ITALY LANDING ON ITS FEET ONCE MORE

(By Bernard Kaplan)

Milan.—Italy, like the drunk on the high wire, invariably manages to land periously, but on its feet. It is currently performing this feat again.

Six months ago, the Italians were headed for national bankruptcy. Foreign experts saw virtually no hope of a reprieve. As usually happens with this country, the outsiders turned out to be wrong.

Since the beginning of the year, the Italian rate of inflation has been cut by 40 per cent, the balance of payments has moved from heavy deficit into surplus and the government has repaid more than a billion dollars in foreign loans, belying earlier expectations by practically everyone that Italy was sure to default. The lira is again a respectable currency. Industrialists, labor leaders and even politicians have displayed a sense of discipline and an ability to deal with hard realities that supposedly were alien to the Italian temperament.

According to observers here, a key to the economic turnabout was a trail-blazing agreement reached between Fiat, the giant auto manufacturer, and the metal workers union last November. The accord enlisted the union's cooperation in planning short-time work to meet the worldwide recession in the car market. In exchange, the union—a unified body containing the main Communist, Socialist and Catholic currents in the Italian trade union movement—got a role in determining the company's marketing policy.

Considering Fiat's traditional position as the bellwether of Italian industry, the accord had a beneficial effect on the whole industrial relations scene here. It put a brake on what had been a prospect of a series of disastrous strikes. For Premier Aldo Moro's coalition government, it provided a big psychological uplift at just the right time, helping along the efforts of Moro and his chief economics minister, Emilio Colombo, to reduce inflation—then running at 25 per cent a year—and to create a more stable economic atmosphere.

"The unions and management have acquired a certain amount of trust in one another; there is a mutual credibility that didn't exist before," Fiat's chairman, Giovanni Agnelli, said in an interview. "This was the fruit of the economic crisis. If it proves long-lasting—and I sincerely believe it will—the crisis may even have been worthwhile. Certainly, we regard the unions as much more reasonable now. Doubtless, they would say the same about us."

Agnelli, who is also president of the Italian Confederation of Industry and probably the most influential figure on the economic scene here, described the present Italian outlook as incomparably more encouraging than a year ago. "In 1974, the country was losing a billion lira a month; we were hemorrhaging to death," he said. "A year ago, the Communists had what amounted to a lien on the government. That is gone now. There is enormous economic elasticity in Italy, as we are now in the process of proving."

None of this may sound like the same nation where more than a score of kidnappings for ransom have occurred this year, where urban crime is mounting disquietingly and where political unrest has been marked by bouts of terrorism and frequent street clashes between the far Left and neofascist Right. But Italians insist there is a vast difference between the surface chaos and inner reality of their society.

"If understatement is an English characteristic, ours is overstatement," an executive of the big Montedison Chemical Co. said. "Things in Italy never are as bad as they may seem."

In some respects, things are still bad enough. In spite of some bright spots, industrial expansion here is at a standstill and the gross national product is even expected to fall by 1 or 2 per cent in 1975. The figure for totally or partially unemployed remains at more than 1.2 million, higher than at any time since the Italian miracle erupted in the mid-1950s.

To some extent, of course, the turnabout in the country's financial posture is a result of the industrial slump. Recession has made it easier for Moro to trim imports and so improve the balance of payments. It also has helped to moderate wage demands.

But the government's own tight credit policies—despite a billion lira pumped directly into the economy in February and March—are blamed by the Left and also some businessmen for prolonging the recession, especially for discouraging capital investment, which Italy clearly will need to restore prosperity.

MORE SUPPORT FOR REFUGEE RESETTLEMENT

Mr. PERCY. Mr. President, I recently received a letter from 48 nongovernmental organizations—labor groups, church groups, ethnic societies, and humanitarian organizations—which provides heartening evidence that America's traditional generosity toward refugees seeking a haven from foreign calamities remains strong and undiluted.

I would like to join these organizations, the members of the American Immigration and Citizenship Conference, in their call for upholding this humanitarian tradition. These organizations, and the Conference as a whole, deserve to be commended for their concern.

I ask unanimous consent that their letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The undersigned member agencies of the American Immigration and Citizenship Conference welcome Congressional leadership in behalf of assistance to Indochinese refugees here and urge the exercise of utmost compassion to meet the critical needs of this victimized group. We applaud President Ford's appeal that the doors be opened generously. Our nation's record to date give ample evidence that refugees who sought asylum here have enriched this country. In offering resettlement opportunities, the United States government, working in cooperation with the private sector, is meeting a moral responsibility in keeping with our humanitarian tradition. We respectfully call on you to uphold this record.

Amalgamated Clothing Workers of America, AFL–CIO.
American Baptist Home Mission Societies.
American Civil Liberties Union.
American Committee on Italian Migration.
American Council for Emigres in the Professions.
American Council for Judaism Philanthropic Fund.
American Council for Nationalities Service.
American Federation of Jews from Central Europe.
American Federation of Musicians.
American Fund for Czechoslovak Refugees.
American Jewish Committee.
American Jewish Joint Distribution Committee.
Anti-Defamation League of B'nai B'rith.
B'nai B'rith.
Board of Global Ministries of the United Methodist Church.
Catholic Relief Services, United States Catholic Conference.
Christian Church (Disciples of Christ).
Church of the Brethren World Ministries Commission.
Church World Service, National Council of Churches of Christ.
Dominican-American Civic Association.
Ethnic Heritage Affairs Institute, Inc.
General Conference of Seventh-day Adventists.
Holt Adoption Program.
Immigration Council of Southern California.
Industrial Union Department AFL–CIO.
International Institute of Rhode Island.
International Rescue Committee.
International Union of Electrical, Radio and Machine Workers, AFL–CIO.
Japanese American Citizens League.
Jewish War Veterans of the U.S.A.
Jewish United Fund of Metropolitan Chicago.
Labor Zionist Alliance.
Lutheran Immigration and Refugee Service.
National Chinese Welfare Council.
National Conference of Catholic Charities.
National Council of Jewish Women.
National Council of La Raza.
National Jewish Community Relations Advisory Council.
New York Association for New Americans.
Order of AHEPA.
Polish American Immigration and Relief Committee.
Tolstoy Foundation.
Travelers Aid-International Social Service of America.
Travelers Aid Society of Metropolitan Chicago/Immigrants' Service League.
United HIAS Service.
United Presbyterian Church in the U.S.A., Resettlement Services.
United States Catholic Conference, Migration and Refugee Services.
United Steelworkers of America.

SRI LANKA REPUBLIC DAY

Mr. PERCY. Mr. President, the people of Sri Lanka celebrated the third anniversary of their new Constitution on May 22, 1975. The event is one of symbolic importance, because Sri Lanka offers the heartening example of a developing nation that has raised the living standards of its poorest citizens and maintained its democratic institutions.

Since Sri Lanka gained its independense in 1948, there have been several changes of government through elections. An economy based on the export of tea, rubber, and coconut products has gradually been broadened by the development of other food crops and extractive and manufacturing industries. As a result of their unique system of free education—from the primary level through university—the people of Sri Lanka enjoy a literacy rate of 85 percent. They have had universal adult suffrage since 1931. And the poorest 40 percent of the population are gaining the most from the general upward trend in living standards. Mrs. Sirimavo Bandaranaike, who heads the government, was the first woman Prime Minister in the history of the world.

In spite of the adverse effects of the energy crisis on Sri Lanka's terms of trade, the economy grew by 3.4 percent in real terms in 1974. The country's current economic aims include a crash program to achieve self-sufficiency in food, encouragement of foreign investment and tourism, and the expansion of industry.

Relations between Sri Lanka and the United States have traditionally been friendly. Last month, bilateral agreements were signed for the sale of 100,000 tons of U.S. wheat flour to Sri Lanka and to provide technical aid and chemical fertilizers for the agricultural sector. Trade between Sri Lanka and the United States amounted to $59 million in 1974. Indicative of the expanding cultural ties between our two countries is the recent agreement linking the University of Maryland and the University of Sri Lanka in a wide range of educational and scientific projects.

SENATOR ROBERT C. BYRD ADDRESSES ILLINOIS GENERAL ASSEMBLY

Mr. PERCY. Mr. President, last week our distinguished colleague from West Virginia, Senator Robert C. Byrd, addressed a joint session of the Illinois General Assembly in Springfield. I had the pleasure of being present, and found his remarks to be most meaningful and thought-provoking.

Senator Byrd made a number of points in his address that were confirmed in my talks with Illinois residents during my travels throughout the State last week. People are deeply concerned about the direction of public policy. They are looking closely at their governments at all levels to examine policies that range from the expenditure of their tax dollars at home to the nature of American commitments abroad.

As Senator Byrd mentioned in his address, a major concern of Americans today is the size of government. They are wondering, he said, if all the activities of government are necessary, and they are rebelling against government intrusion into their lives and overregulation by government. They are rebelling against the redtape that makes communication between individual citizens and government agencies frustrating and discouraging. I found this to be a consistent complaint among my constituents.

Senator Byrd characterized our unique responsibility as legislators when he described the role of legislative bodies in relation to other branches of government. We must draw our strength directly from the consent of the people, Senator Byrd said, because it is our job to forge the laws and regulations that govern society. We have a deep responsibility, therefore, to assure that our actions are truly in the best interests of the people.

These are particularly challenging times for all legislators, whether they serve in municipal, State, or Federal government. The American people are looking for leadership. We have suffered some setbacks as a Nation—both at home and abroad—but we are strong and resilient. It remains only for America's leaders in all branches of government to show that they are worthy of the public's trust.

In closing his address, Senator Byrd challenged his listeners to do their part to help build confidence and hope in America:

> I have not the slightest doubt that the heart and the spirit of the people are still basically strong. You and I, as leaders as well as their servants, have the duty to do all within our power to rekindle the faith of our people in their leaders and in their government.

Senator Byrd's address carries an important message for every Member of the Senate and House. I ask unanimous consent that the text of Senator Byrd's address to the Illinois General Assembly be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by U.S. Senator Robert C. Byrd

I count it a special privilege to have been invited to address the members of the Illinois Legislature, and I would like to talk with you this morning as one legislator to another. The problems we face are in many ways, similar. The criticism we receive is probably very much the same. And the rewards of public service—the satisfaction we feel when we have done a good job—cannot be different whether in Washington or in Springfield.

Government in the United States today—in Washington, in the state capitals, and in the courthouses and the city halls—is under closer examination from the citizenry than it has ever before been in the 28 years that I have served in public life. And today, as never before, I am aware that more people know more about legislative proposals and actions than at any previous time in my experience.

I think this is true for two main reasons: What you and I do today more clearly affects the lives of more people than it has ever done before; and the instant-replay character and capability of present-day news media flashes the story of our words and actions with incredible swiftness to our friends and foes alike.

It is probable that, when that towering son of Illinois, Abraham Lincoln, was shot in a theater in the Nation's Capital, some people here in our country's heartland may not have heard the tragic news until days after the event. Contrast that with the assassination of another American President in Dallas, when the American people saw almost the whole terrible drama unfold in their own living rooms through television.

Most political news is, fortunately, not so traumatic—but today it is omni-present. The microphone and the camera, the tape recorder and the notebook, are waiting just outside the Chamber or the committee room, and by nightfall the folks back home know exactly what their elected representatives have said, and even how they looked when they said it.

I do not think this is necessarily bad; in fact, it may be all to the good. But, whatever the individual legislators' evaluation of the news coverage to which he is subjected—or which he may seek—the fact is that it has added a whole new dimension to American politics.

It may be argued that today politics is being over-reported. One may think of the vast amounts of television time given to such events as the Senate's Watergate Committee hearing, or the hearings on the nomination of Nelson Rockefeller to be Vice President, in which I participated as a member of the Senate Committee on Rules. I think, however, that it should also be said that television looks to its ratings, and newspapers and magazines to their circulation, and that the coverage would not be given if the public interest were not there.

This means to politicians that they may be more on the *spot* than they think they are in the *limelight*. Public exposure is a two-edged thing that can cut us down as quickly as it can build us up.

The public interest in the Congress of the United States, in the Legislature of the State of Illinois, and in all of our other highly-visible arms of government, stems from the fact that government at all levels is increasingly involved in almost every aspect of a citizen's daily life. We have come a long way, indeed, from Thomas Jefferson's famous dictum that *that* government is best which governs least. Rather than any contention that government is over-reported, I think it can be more persuasively argued that government is over-expanded and over-grown.

We are beginning the celebration of the 200th anniversary of the American Revolution in which our nation gained its independence. Perhaps we also ought to take note in some way of the bureaucratic revolution of recent years in which so much of America's traditional and cherished personal and business independence has been surrendered to agencies of government.

Almost one out of every five Americans now works for federal, state, or local governments. There are 14.3 million federal, state, and local employees—18.2 percent of total U.S. payrolls.

Viewed from another angle, the cost of the federal government's activities alone, if continued at the present rate, by the year 2000 could eat up 60 percent of our gross national product.

I am old enough to remember when horse-drawn wagons were still fairly common. Think for a moment of *people* instead of *horses* pulling a wagon, and let us try to visualize the situation we have created. Put the productive people in the harness, and the non-productive in the wagon to ride.

Today, the number of Americans riding in the wagon—those who receive government benefits in one form or another—is greater than those who are pulling the wagon. There are now 72.5 million riding and 71.5 million pulling. Some of those riding, of course, get off part of the time to help with the job up front. But the full-time load is getting heavier and heavier.

In the years since America's Great Depression of the 1930's it has come to be accepted government philosophy and policy that the poor, the disabled, and other unfortunate members of our society should be taken care of by society as a whole. That compassionate approach, in my view, is right and proper. Society has an obligation, I think, to help those who cannot help themselves.

But many government programs now go far beyond that humanitarian concept, and we will eventually place in jeopardy government's ability to do the necessary things if we continue to respond affirmatively to the increasing pleas that we do what in the final analysis may well be unnecessary.

So long as business and industrial growth and productivity kept well ahead of government's growth, the federal government and the states could safely embrace new programs and enter upon new areas of activity. Even if some programs proved impractical in the long run, not too much damage was done. But when the situation is as it is now, when it is no longer practical to continue raising taxes again and again to pay for more and more costly programs, then danger lies ahead.

That is one of the reasons that the people are looking more closely at government than ever before. They are questioning the use of their tax dollars. They are wondering if all of the activities that government is now engaged in are really essential to their well-being.

They are rebelling against over-regulation in their lives, and the proliferation of paper work and red tape. They are cynical about corruption, and abuse of power, and arrogance in office.

These things trouble me in Washington, and I am sure they trouble you in Springfield. Our jobs are probably not too different in this regard. We are legislators in a very difficult period in history. We are being weighed in the scales of public opinion, and we must not be found wanting.

The actions of a few in recent years have given politics an ugly image in much of public mind. It is more difficult now than ever before to get good men and women to stand for public office. All too many of our citizens are distrustful of politics and politicians. Each year, more and more citizens drop their political party affiliations to register as independents—if, indeed, they register at all. We should not forget that only 38 percent of the Americans eligible to vote bothered to go to the polls in 1974.

Politics is one of the most hazardous of all professions. Yet, there is probably no other profession in which a man can hope to be of more service to his fellowmen. It is a profession in which one can perhaps most easily lose his own reputation and even his own soul. It is a profession in which complete candor is perhaps the most difficult, if not impossible. It is a profession in which one must suffer the arrows of criticism—and often abuse—and the stones of misunderstanding. But courage and sacrifice, self-discipline and forbearance are the inseparable companions of honor. With all of the criticisms and disappointments and dangers and trials that beset it, politics is still one of the noblest professions that any man or woman can choose. And we who are politicians should keep this thought ever before us.

You and I bear a substantial and serious responsibility as politicians and as public servants with a high profile. The legislative process, whether it be here or in Washington, is ever in the public eye, as it should be. We have an opportunity to contribute in a unique way to a restoration of confidence in government through legislative restraint as well as legislative largesse.

Democratic self-government's most vital aspect is to be found in its legislative bodies. Other branches must carry out and interpret the laws and regulations that we make to govern society. We must draw our strength directly from the consent of the governed—the people.

I have not the slightest doubt that the heart and the spirit of the people are still basically strong. You and I, as their leaders as well as their servants, have the duty to do all within our power to rekindle the faith of our people in their leaders and in their governments.

Let those of us who are here today concerned with the dark and despairing problems of our times, be found always doing our duty.

PRESIDENT'S VETO OF THE EMERGENCY EMPLOYMENT APPROPRIATIONS ACT

Mr. **WILLIAMS**. Mr. President, I am deeply disturbed and disappointed by the failure of the House of Representatives to override the President's veto of H.R. 4481, the Emergency Employment Appropriations Act of 1975. That veto, Mr. President, is a cold and calculated move by the administration to impose its artificial ceiling on the Federal budget, notwithstanding the Nation's needs. Obviously, the administraiton intends to bludgeon the Congress into accepting its view of proper fiscal management, which it considers sacrosanct.

I, for one, Mr. President, do not intend to succumb to these strong-arm tactics. With such a vital issue at stake as this Nation's economic and social future, we must not allow ourselves to be misled into accepting the monetary rhetoric which has been characteristic of this administration. With the worst economic decline since the 1930's upon us, I can not allow my decisions about what is the best economic policy for the Nation to be guided by the fiscal gamesmanship of the administration.

I am hopeful, however, that we will not allow this veto to slow our need to move quickly in enacting legislation to bring us out of this recession and restore the country to full employment. In the same vein, I would hope the Appropriations Committee will reinstate these vital funds as quickly as possible.

I have a great deal of respect for the President's prerogatives in the administration of this country's policies. But I know that I speak for the welfare of the American people in this matter, and I am thankful that our constitutional system of government has provided for a means for solving differences between the executive and the legislative branches of the Government in an orderly and peaceful fashion. Were it not so, Mr. President, I would certainly fear for the future of our society. No society can long endure where the Government allows an economy to free-fall out of control and then refuses to provide the means for stimulating recovery.

I am reminded of an ancient proverb which states that "necessity speaks louder than the Gods themselves," and it certainly follows from that, that in this instance, necessity certainly speaks louder than the President.

H.R. 4481 was not born out of caprice or partistanship but the result of a deep and profound concern in the Congress for the millions of people who are presently without work because of the economic crisis which grips this Nation. And contrary to the vaguely optimistic projections af the administration's economic spokesmen, and the President himself, I do not see a quick or significant improvement in our current crisis. Even the administration's spokesmen admit that amid all of these purported signs of an economic recovery, unemployment has not yet reached the bottom. Now, I do not claim to be an economist, Mr. President. However, it does not require an economist to see that an economy which is supposedly on the road to recovery in my own Stae of New Jerment continues to rise, is not logical. I would suggest that the evidence of the "recovery" in my own State of New Jersey, where unemployment is 11.6 percent and expected to go higher, is sorely lacking.

New Jersey is not unique in its plight. There are very few locations in the country where unemployment is not exacting a heavy toll in lost wages, lost production, and individual human suffering. H.R. 4481 is designed to quickly alleviate some of the more egregious problems, and to provide the funds needed for a variety of Federal programs designed to assist local areas to meet the burden of rampant unemployment.

The funds contained in H.R. 4481 would have created an estimated 1 million jobs, either directly through new programs it would establish or through the maintenance of other existing programs and as a result of the economic stimulus which will result from these programs.

The key element here, Mr. President, is that H.R. 4481 contained funds designed directly for job-creating programs. For example, these funds would have been used for labor-intensive projects under the job opportunities program within the jurisdiction of the Department of Commerce. This would have resulted in the maintenance of approximately 50,000 jobs. Funds would have gone to the Small Business Administration to provide loans to stimulate another 188,000 jobs. Funds were also allocated to the Public Works and Economic Development Act which would have resulted in an additional 40,000 to 50,000 jobs. Money would have also been allocated under CETA to provide for 330,000 jobs. And the list goes on, Mr. President.

In addition to these jobs created primarily for adults, money was also appropriated to create 920,000 summer jobs for youth and about 250,000 part-time jobs for students attending college.

The beneficial effect of these 1 million jobs would have been immediately felt in the economy and would have reduced by approximately one-ninth the current unemployment rolls. H.R. 4481 was not, of course, designed to provide the full stimulus needed to achieve recovery, but would have eased the current burden to begin rebuilding confidence in the Government's ability to control the economy.

The President's successful veto of H.R. 4481 poses another significant factor which is bound to have an impact on our work this year. H.R. 4481 was neither designed as, nor was it intended to be, the sum total of the congressional response to the current economic crisis and unemployment problem. It was, however, the first step to establish a comprehensive economic and employment assistance program designed to stop the current recession and return the Nation to a healthy economy and full employment. These efforts will involve legislation on public service jobs, public works, unemployment insurance reform, and other needed programs.

The House of Representatives has already passed a major counter-cyclical emergency public works measure designed to stimulate the economy through a major expansion of needed construction programs. The Senate Committee on Labor and Public Welfare, of which I am fortunate to serve as chairman, is currently completing its consideration of emergency counter-cyclical manpower programs to establish an expanded public service jobs program.

These efforts began in December with our adoption of an emergency public service jobs program under the jurisdiction of the Comprehensive Employment and Training Act—CETA. This first effort was designed to establish approximately 330,000 public service jobs to alleviate the rapidly rising unemployment.

Only part of this program has been effected because the administration did not request funding for the full program. The remainder of the funds to complete the hiring under this provision were part of H.R. 4481.

The Labor Committee is continuing to pursue this concept toward the adoption of more significant initiatives in this regard. We are currently reviewing proposals to create a greatly expanded public service jobs program which would provide jobs for more than 1 million unemployed workers. I expect that these proposals, which have received the strong endorsement of the labor movement, economists, and State and local governments, will provide another key component to congressional action on reducing unemployment and rebuilding the economy.

In the same vein, in cooperation with the Finance Committee, we will shortly report a bill to extend the emergency unemployment benefits program to provide assistance during this time of prolonged and intolerably high unemployment.

All of these programs are essential. And all of these programs will cost money. If the President's veto of this measure is any indication of his intention on these other legislative proposals designed to correct current economic disfunctions, we certainly have many long battles in front of us during this summer and we must stand ready to insist upon our programs.

H.R. 4481 was neither flamboyant nor extravagant. It contained Federal programs designed to put people back to work which is our most important and immediate goal.

On April 25, when I first addressed the Senate in support of H.R. 4481, I outlined the vital nature of many of its provisions. The Appropriations Committee, under its able Chairman (Mr. McCLELLAN) presented us, at that time, with a thorough and carefully developed emergency funding program for these areas. We adopted that measure by a vote of 53 to 14, and on May 16, adopted the conference report on this measure by a voice vote strongly endorsing the need for these programs.

H.R. 4481 contained $375 million for the job opportunities program. This amount, together with the $125 million already appropriated, would have provided a total of $500 million to accelerate needed public works programs whose purpose is to provide for immediate short-term employment opportunities while at the same time constructing facilities of lasting value to the community.

These funds can be quickly put to good use. The Secretary of Commerce has on hand 18,000 public works proposals from 43 Federal agencies. The funds allocated under H.R. 4481 would have provided funding for about 15 percent of the highest priority projects. Funds would have been allocated on a priority basis taking into account the labor-intensiveness of the projects, how quickly they can be initiated, and whether they can be completed within 12 months. These projects would have provided approximately 50,000 jobs immediately.

H.R. 4481 also contained funds for general economic development assistance under the Public Works and Economic Development Act. The funds for these projects would result in the construction of numerous needed public works projects designed to stimulate local economies through construction of such projects as industrial parks, sewer and water improvements, and harbor facility improvements.

The importance of these funds, as well as those funds allocated to the job opportunities program, is to not only provide for large numbers of jobs, but also to stimulate the construction industry. This industry, Mr. President, has been particularly hard-hit during this recession and is experiencing an unemployment rate between 20 to 25 percent in most localities. I know that in my own State of New Jersey, there are more than 30,000 construction workers out of work, representing an unemployment rate of 24.4 percent. The money provided by H.R. 4481 would have put many of these persons back to work. It also would have created a large number of follow-on jobs, thereby establishing a broad base for economic recovery. If our experience of the past in the public works area is determinative, every two construction jobs in public works projects result in five additional support and supply jobs. The significance of these provisions in H.R. 4481 should have, therefore, been very apparent to all.

One of the most important parts of the bill was the $502.3 million provided for an estimated 920,000 job opportunities for needy youth this summer. The importance of these funds was further underscored, Mr. President, by the fact that they were designed to be a direct form of emergency assistance not requiring the usual provision of matching funds from the localities receiving the aid. The availability of this summer youth money is absolutely critical. I am sure that I need not emphasize strongly enough the critical nature of unemployment among this Nation's youth. The unemployment rate for youth is running double and triple that of adult workers, and in the inner cities it is over 50 percent. In two recent New York Times articles, it was graphically pointed out that many of these youth have simply given up trying to find work and have permanently dropped out of the work force. Unless we can provide our young people with some hope for employment soon, we are creating, in effect, a generation of Americans who have never had an opportunity to work at a steady job, and whose future as self-supporting and productive citizens has been severely affected.

H.R. 4481 also contained $119 million in additional funds for the college work-study program. The importance of these programs cannot be emphasized strongly enough. During these economically troubled times, it is increasingly difficult for talented young people to attend institutions of higher learning because of the financial hardship confronting them or their families. Colleges themselves are in desperate need of funds and enrollments have slipped. It makes eminently good sense to me that this program should receive additional funding at this crucial time so that we do not allow our economic woes to jeopardize the educational attainment and development of this country's future leaders.

Another major provision of H.R. 4481 was the appropriation of $1.625 billion for emergency public service jobs. As I have already noted, this appropriation is a part of the amount which we authorized in December under the Emergency Employment Assistance Act of 1974. Although we authorized $2.5 billion to fund these jobs, the administration's initial budget for this program only asked for $875 million.

The amount contained in H.R. 4481 is designed to bring the emergency public service jobs program up to that level which we considered necessary last December, pursuant to a recommendation from the Labor and Public Welfare Committee. Conditions since that time have gotten worse, Mr. President, and these funds are already long overdue.

Given the essential nature of all these programs, I have carefully reviewed the President's veto message on H.R. 4481. I feel that the President did not give us valid reasons why he refused to accept the bill. In my opinion, the President appears not to have carefully examined the substantive provisions of the legislation and based his veto strictly upon the fact that it would authorize Federal spending in excess of his budget ceiling. This kind of an approach, Mr. President, is neither responsive to this country's needs during this time of crisis nor does it reflect the kind of flexibility and careful evaluation which will be needed to pull us out of the current recession.

The President has stated categorically that he will veto all spending legislation that exceeds the $60 billion Federal deficit ceiling which he announced as the absolute outside limit. Not only do I not agree with that approach as a means for testing the validity of pending legislation, but I also do not agree that the $60 billion deficit ceiling is either immutable or inflexible. I fully appreciate that $60 billion is neither a low ceiling nor an unreasonable one. However, given the problems of the economy, I also can not assume that it is the final word on where we must draw the line.

The Congress has already indicated that it does not accept the $60 billion ceiling as absolute. Pursuant to the Congressional Budget Act in Senate Concurrent Resolution 32, the Senate Budget Committee last month recommended outlays of $365 billion for fiscal year 1976, which would involve a budget deficit of $67.2 billion. We adopted this resolution on May 1, 1975. Subsequently, on May 14, 1975, we approved the conference report on House Concurrent Resolution 218, the first concurrent resolution on the Federal budget. This resolution authorizes outlays of $367 billion for fiscal year 1976 and anticipates a budget deficit of $68.8 billion.

While I supported the adoption of both Senate Concurrent Resolution 32, and the conference report on House Concurrent Resolution 218, my personal view, Mr. President, is that given the severity of the economic crisis, the amounts provided for in these budget resolutions may not be enough. Accordingly, at that time, I joined my colleagues, Senator Mondale, and Senators Humphrey, Javits, and Schweiker to attempt to add another $9 billion in emergency funds to the fiscal year 1976 budget to provide what I feel is the needed funding for economic recovery. While we were unsuccessful in this effort at that time, the need for these funds is still with us and we may have to reexamine this question again later this year.

In the short term, it may be necessary to allow the Federal deficit to rise over $70 billion in order to provide the needed stimulus to get the economy moving. If this becomes necessary, we must respond to this need, notwithstanding the administration's position to the contrary.

In his veto message, and in public statements on the subject, the President has stated that any expenditures in excess of the $60 billion would dramatically increase Federal borrowing in private financial markets. This increased Federal borrowing would then in turn place such a heavy demand on capital that it could deprive business firms of funds needed for modernization and expansion. This is the view reflected also in the narrow and restrictive monetary policy espoused by the administration's leading economic spokesmen like Federal Reserve Board Chairman Arthur Burns and the chairman of the Council of Economic Advisors, Alan Greenspan. These are the men advising the President and he has apparently accepted their advice.

Their word is not gospel, however. Many of the Nation's leading economists do not agree that the private money market will be disastrously affected by Federal deficit spending above the $60 billion figure proposed by the President.

In a recent survey of these leading economists by my esteemed colleague, Senator Hubert Humphrey, chairman of the Joint Economic Committee, 20 out of 28 agreed that the private credit markets could handle Federal borrowing of $75 billion in fiscal year 1976 without seriously interfering with private credit demands. Of the remaining eight, three were uncertain of the possible effect and five felt that there could be an adverse effect. It is significant to note that of the five who dissented, they did so not on the basis that the credit market could not handle the level of borrowing, but rather, because of the fears of the economy that such a deficit would generate.

The economists who agreed with the viability of the $75 billion Federal deficit included some of the best economic thinkers in the Nation today—men such as Walter Heller, Otto Eckstein, and Allen H. Meltzer.

Similarly, in a statement before the Joint Economic Committee in April of this year, Mr. Andrew Brimmer, formerly a member of the Federal Reserve Board and currently on the faculty of the Harvard Graduate School of Business Administration, stated unequivocally that Federal borrowing of $75 billion would not adversely affect the private credit market. He noted that many of the decisions leading to the establishment of a $60 billion deficit ceiling were based upon the assumption that there would continue the strong demand for capital in the private sector experienced during the last few years.

This assumption is proving to be incorrect. Private demands for capital are quickly tapering off as business retrenches from its free-wheeling spending programs of the last few years. Business demand on capital markets may only amount to $72 billion this year, down $27 billion from the 1973 level. Similarly, the net increase in business loans for 1975 may come to only $12 billion this year compared to $34 billion in 1974. This represents a lessening of $22 billion in demand as business continues to work off inventories and adjust to more carefully controlled production levels.

These factors, Mr. President, mitigate against using the $60 billion deficit as the measure of the validity of Federal program outlays. We must, of course, maintain perspective and not exceed our limitations. On the other hand, the needs of the country must be measured in terms of human needs and not only their fiscal impact. Reducing unemployment, restoring consumer confidence, and returning money to the economy through increased spending and stronger demand will do more to stabilize and improve the economy than any artificial limit on the Federal budget.

Right now, the need for controlled, large-scale Federal spending is essential. Private stimulus is nonexistent. Production is down, and unemployment continues to rise and is expected to hover at close to 9 percent throughout the rest of this year. Until we can break the back of the unemployment problem, no amount of fiscal restraint will rejuvenate the economy. The major emphasis of the Federal Government's spending program should, therefore, be to provide the needed stimulus in labor-intensive areas, particularly where the ripple effect of such programs will result in increased employment in associated businesses.

The programs contained in H.R. 4481 were of such a nature. They were the first step in a series of efforts emanating from the Congress to establish meaningful programs to put people back to work, the ultimate cure for an economic slump. The President's veto of this measure does not adequately measure the effects of this stimulus and merely recites an inflexible administration stand on fiscal predetermination.

Mr. President, we cannot afford to allow these programs to die. The Congress has the ultimate responsibility to the people, and we report to them. The $60 billion deficit ceiling is "pie-in-the-sky" for the unemployed. Their need is jobs, and jobs is what we have to give them.

H.R. 4481 is now dead and we cannot dwell on past losses. But the programs it contained are still needed. The jobs these programs would have provided are still needed. And the persons who would have benefitted from the jobs are still without work and continue to look to the Congress for help. I would, therefore, urge again that we must provide the money which would have been available under H.R. 4481 and that a new bill to this effect must be readied immediately.

THE NUCLEAR POWER RACE

Mr. GLENN. Mr. President, I ask unanimous consent to have printed in the Record a column which appeared in the New York Times this morning by James Reston entitled "The Nuclear Power Race."

There being no objection, the article was ordered to be printed in the Record, as follows:

The Nuclear Power Race

(By James Reston)

Washington, June 3.—The Ford Administration is disturbed by West Germany's decision to sell nuclear power reactors to Brazil and is pressing both sides to amend their agreement; but competition in the world nuclear power field is increasing, and the Administration is divided on how to deal with it.

The United States is still by far the largest exporter of nuclear power technology in the world and Westinghouse Electric built the first two nuclear facilities in Brazil, Angra-1, and Furnas; but West Germany, France and Canada are now challenging the American lead, and Japan and the Soviet Union are entering the field.

The division within the U.S. Government is over the terms of sale of nuclear reactors. The Arms Control and Disarmament Agency is alarmed by the spread of reactors that can be used to produce not only electric power but nuclear explosions.

Accordingly, it is insisting on more rigid controls and safeguards than some other countries, and the United States is beginning to lose contracts in the process. Washington, for example, approved a Westinghouse bid on the Brazil deal, but insisted on putting conditions on the contract which Brazil regarded as an infringement of its sovereign rights, As a result, the contract went to West Germany.

Other officials here, in State and other departments, argue that the Administration's strict policies are self-defeating, that they do not halt the spread of nuclear reactors but merely divert the business to other countries and actually lead to looser rather than firmer safeguards.

For example, the Soviet Union has just made a massive arms deal and nuclear reactor contract with Libya. Gulf General was negotiating with Libya for a nuclear powerplant, but was forbidden by the U.S. Government to complete the deal.

Those who are arguing at State for a more "realistic" policy believe that the U.S. is losing out to France in competition for nuclear reactors in Iran, and even suggest that a less cooperative U.S. attitude toward India is forcing her to rely more on the Soviet Union for nuclear technology.

The spread of nuclear technology to Latin America has merely heightened the anxiety of officials here and touched off an emotional debate in the Senate. Senator John O. Pastore, Democrat of Rhode Island, for example, urged President Ford to persuade West Germany to postpone the nuclear deal with Brazil until it could be discussed "at the highest level of international diplomacy."

The trouble is that the United States has been trying to get stricter international controls and safeguards over the shipment of nuclear fuel and reactors, without success, and the trade in this field mounts every year no matter what the U.S. does about it.

Brazil, for example, is rich in uranium but poor in coal and oil. It has a great deal of hydro-electric power far from its centers of population and is determined to develop nuclear power close to its cities.

It has not signed the nuclear nonproliferation treaty, and is at that stage of development of its vast country that it is more interested in the power than the U.S. strictures on political and technical safeguards.

So Washington has a dilemma. It understands Brazil's desire to develop nuclear technology but fears that Argentina and Venezuela and Bolivia, both now rich in oil, will want to follow Brazil's policy regardless of whether the nations can agree on international safeguards.

This same problem exists elsewhere in the world. Among the other countries that have shown increasing interest in nuclear power are Pakistan, following India's example, Indonesia, Taiwan, South Korea, Egypt, Saudi Arabia and, of course, Iran and Israel.

Some officials here believe the Administration is damaging the development of its own nuclear power and even weakening the chances of getting a reliable international nuclear treaty by spreading unreasonable fears of nuclear accidents and pollution.

There are now 55 nuclear power plants in operation in the United States, and 101 under construction, but fears of contamination from these plants are slowing the financing and construction of the nuclear power the Government says it needs to make the nation self-sufficient in energy.

What is hampering the U.S. policy in this field, both at home and abroad, is that the issues have not been resolved at the top of this Government, let alone in the international field.

As in the case of negotiating price deals in essential raw materials, one agency has one view of the problem and others quite different views, and in the absence of agreement, each country is going off on its own, buying wherever it can get the best short-term deal with the least restrictions.

This is only one of many fundamental domestic and foreign policies President Ford has not had time to resolve, but in the long run it could be more important to the peace, safety and development of the world than most issues lately in the headlines.

Mr. GLENN. Mr. President, the article perceptively analyzes the problem of nuclear weapons proliferation which may result from increased export of nuclear power producing technology around the world. Most significantly, it concludes with the observation that fundamental questions are involved which could in the long run be "more important, to the peace, safety, and development of the world than most issues lately in the headlines." It is quite fortunate that Mr. Reston has recognized this and has chosen to bring to the issue some of the attention it deserves.

It is also fortunate that the chairman of the Joint Committee on Atomic Energy, Senator Pastore, and the chairman of the Senate Committee on Government Operations, Senator Ribicoff, along with other distinguished Senators, including Senator Symington and Senator Percy have focused their own personal concern on this truly awesome problem. Yesterday both of these distinguished chairmen called to the attention of this body the most worrisome recent developments in the spread of nuclear weapons potential. Chairman Ribicoff revealed that nuclear machinery with a potential for weapons production is being exported by France to Pakistan, Taiwan, South Korea, and Argentina. Chairman Pastore's remarks concentrated on the news media accounts of West Germany's exports to Brazil of large reactors, a fuel reprocessing plant and a uranium enrichment plant. It is my sincere hope that the combined force of their warnings will be felt not only by the American public but by all of those interested in peace throughout the world.

As the problem takes on new dimensions, it seems to me that we must recognize that the situation demands new approaches. The central problem with our traditional approach has been that the obligation for exporters of nuclear technology to impose, and for importers of such technology to adhere to, safeguards to protect against use of nuclear fuel for weapons purposes generally stems from the Nuclear Nonproliferation Treaty—the NPT. The number of nations which have signed the treaty is limited, and many of the exporters and importers of nuclear technology which we have been reading about recently are not signatories. Moreover those nations which are members may withdraw from the treaty on 3 months' notice whenever they consider it in their interest to do so. Finally, the safeguards associated with NPT membership, that is, safeguards imposed and monitored by the International Atomic Energy Agency, are inadequate to prevent diversion of nuclear materials for weapons purposes and to maintain physical security against terrorism.

It is of the utmost importance I believe that the Congress and the executive branch devote all possible effort to devising alternative approaches which would not be subject to these defects. Whatever we can develop along these lines certainly ought to include some of the following elements: First of all we must develop additional restrictions on "vertical proliferation," that is, an enhanced nuclear capability by the present "nuclear-have" nations. It is clear that the "have-not" nations are increasingly looking at limitations on United States and Russian atomic weaponry as a precondition for strict limitations on their own activities. Perhaps a start in the direction of complying with their demands might come from a basic alteration in the formula of the Vladivostok agreements. It seems to me it is long past time that we changed that formula to expand it from ICBM limitations to deliverable warhead limitations.

The Vladivostok agreement in my view does not significantly reduce the atomic threat to the world but merely invites technological developments to increase the number of atomic warheads that can be placed on each deployed booster. Changing the formula to provide more meaningful restrictions would certainly receive considerable support from the nonnuclear nations and no doubt would lessen the aversion of some of them to membership in the NPT.

Second, I strongly believe we need additional incentives for nations to join and remain in the NPT and to upgrade the safeguards they will accept with respect to nuclear power technology. One of the most deficient features of our existing control efforts is that they are based on prohibitions alone and fail to provide for adequate inducements to submit to such prohibitions. I can not help but think that we would be more successful if we provided for some form of "carrot approach" which would give nations an incentive to join the NPT and to accept stricter safeguards associated with NPT membership. For example, we know that new technologies to reprocess plutonium and enrich uranium will be developed in the future. If the IAEA were made a repository of such new technological information and membership in the NPT were required to obtain such information, a stronger case would exist for becoming a signatory. Additionally, nuclear powers might agree to subsidize internationalized R. & D. under the auspices of the IAEA and to make the fruits of that R. & D. available only to NPT nations. Other incentives might be found in the areas of "negative assurances" to member nations or in the providing of enrichment or reprocessing services for those needing them.

Finally, as we search for new initiatives in this area, we should think in terms of increased financial support to the International Atomic Energy Agency. Presently, the IAEA is grossly understaffed and underfunded. It has only about 50 safeguards inspectors to cover the nearly 40 nations that have research and power reactors subject to IAEA safeguards. Its total budget comes to only $30 million of which a mere $5 million goes to safeguards and inspection responsibilities. Yet U.S. contributions to the Agency have been minimal considering our multibillion dollar commitment to developing the commercial nuclear power industry. The Arms Control and Disarmament Agency has spent only $4 million since 1968 to help develop Agency safeguards. ERDA has spent only $300,000 in the current fiscal year and plans to spend no more than that in fiscal year 1976. As our appreciation of the dangers involved in this area grows, it is my sincere hope that our financial support for control measures will grow correspondingly.

These suggestions are not meant to be exhaustive but are intended to provoke the thought processes of my distinguished colleagues and others both in and out of government concerned with this problem. Nuclear hardware and technology is now available from so many sources that we must move quickly to establish meaningful control. To do otherwise and accept the obvious inadequacies of our present control system would be simply to lull ourselves and the rest of the world into a false sense of security. The dangers involved demand that we do more.

JOINT RESOLUTION OF THE MAINE LEGISLATURE IN SUPPORT OF H.R. 1753 AND H.R. 5035

Mr. MUSKIE. Mr. President, the Maine Legislature recently adopted a joint resolution in support of two bills concerning the transmittal to the States of Decennial Census data. On behalf of Senator Hathaway and myself, I ask unanimous consent that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Joint Resolution in Support of H.R. 1753 and H.R. 5035 Now Pending in the United States Congress

We, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States as follows:

Whereas, there are presently before the Congress two bills, H.R. 1753 and H.R. 5035, concerning the transmittal to the states of Decennial Census data which is highly desirable for use for state and local legislative apportionment and for state districting; and

Whereas, it is vital for legislatures and other bodies to have access to prompt and usable census data if they are to accurately accomplish necessary legislative apportionment and state districting; and

Whereas, passage of H.R. 1753 and H.R. 5035 would materially aid in prompt state access to usable Decennial Census data; now, therefore, be it

Resolved: that We, your Memorialists, do hereby respectfully request and urge that the United States Congress this year enact into law legislation, substantially the same as H.R. 1753 and H.R. 5035, to aid in the transmittal of federal census data to the states; and be it further

Resolved: that a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House of Representatives and to the President of the Senate of the United States Congress and to each member of the Maine Congressional Delegation.

JOINT RESOLUTION OF THE MAINE LEGISLATURE

Mr. MUSKIE. Mr. President, the 107th Maine Legislature recently adopted a joint resolution memorializing Congress to prevent selective taxes from being imposed as a means of cutting the use of petroleum-based fuels. On behalf of Senator Hathaway and myself, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Joint Resolution Memorializing the Congress of the United States to Prevent Selective Taxes From Being Imposed as a Means to Reduce Consumption of Petroleum Based Fuels

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

Whereas, the citizens of Maine acknowledge there is a limited amount of petroleum based fuel left in the world; and

Whereas, the citizens of this State have been and are continuing to reduce their consumption of petroleum based fuels; and

Whereas, the imposition of a selective excise tax on noncommercial motorboat motors, snowmobiles and noncommercial aircraft as set forth in Section 323 of House Bill 5005, now before the United States Congress, will cause an undue hardship on said citizens of this State by causing certain selected citizens to pay an extra 20% in order to enjoy their sport; and

Whereas, this tax will cause an undue hardship on the State Government and the citizens of this State by depriving the State of revenue; now, therefore, be it

Resolved: That We, your Memorialists, do hereby respectfully request and urge the Congress of the United States to do all in its power to not impose selective taxes as proposed in House Bill 5005; and be it further

Resolved: That the Federal Congress be directed to actively seek alternate sources of fuel and that any program involving the use of petroleum based energy be established on a fair and equal basis; and be it further

Resolved: That a suitable copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

MAINE LEGISLATURE COMMENDS PRESIDENT FORD FOR HIS HANDLING IN SECURING THE RELEASE OF THE "MAYAGUEZ"

Mr. MUSKIE. Mr. President, the Maine Legislature recently passed a joint resolution commending President Ford for his actions in securing the release of the *Mayaguez* and her crew from the Cambodians. I ask unanimous consent that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Joint Resolution to Commend the President of the United States on His Vigorous Actions to Secure the Release of the "Mayaguez" and Her Crew From the Cambodians

Whereas, on Monday, May 12, 1975, a Cambodian gunboat fired at and seized the unarmed United States Merchant Ship *Mayaguez* some sixty miles off the coast of Cambodia; and

Whereas, reflecting the mood of the nation, President Ford demanded the ship and its crew be freed, a demand which was backed by a show of force indicating that the United States would not accept harassment of ships on international sea lanes; and

Whereas, on the third day following this act of piracy and the vigorous diplomatic and military response of the United States, the vessel and crew members were successfully rescued from the Cambodians; now, therefore, be it

Resolved: That We, the Members of the Senate and House of Representatives of the One Hundred and Seventh Legislature of the State of Maine, now assembled, take this opportunity to commend the efforts of the Honorable Gerald R. Ford, President of the United States and those in the service of our Federal Government who have successfully secured the safe return of the *Mayaguez* and her crew and hopefully demonstrated to the world that the United States will vigorously resist piracy of our ships on international sea lanes; and be it further

Resolved: That a copy of this resolution duly authenticated by the Secretary of State be transmitted forthwith by the Secretary of State to the President of the United States and to the Senators and Representatives in Congress from the State of Maine.

JOINT RESOLUTION OF THE MAINE LEGISLATURE SEEKING CHANGES IN REGULATIONS FOR TITLE XX, SOCIAL SERVICES ACT OF 1974

Mr. MUSKIE. Mr. President, the 107th Maine Legislature recently adopted a joint resolution seeking congressional action to change the proposed Federal regulations for title XX, of the Social Services Act Amendments of 1974. On behalf of myself and Senator Hathaway, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Joint Resolution Memorializing the Congress of the United States to Change the Proposed Federal Regulations for Title XX, the Social Services Act of 1974

We, your Memorialists, the House of Representatives and the Senate of the State of Maine of the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the Congress of the United States, as follows:

Whereas, the United States Congress has passed the Social Services Act of 1974 and federal regulations have now been issued for Title XX of this Act; and

Whereas, Title XX affects many social services within this State; and

Whereas, the Human Service Council of Maine and the Maine Committee on Aging have reviewed the proposed regulations for Title XX; and

Whereas, many of these regulations have been found to be overly restrictive and overly bureaucratic and will increase the cost of administering these programs; and

Whereas, these regulations tends to override the intent of Congress in passing this Act, will contribute to a slowdown in the delivery of needed human services and furthermore, and run counter to efforts to simplify federal-state programs; now, therefore, be it

Resolved: That we, your Memorialists, do petition the Congress of the United States to prevail upon the United States Department of Health, Education and Welfare to revise and simplify the complicated regulations of Title XX that will prevent proper service to Maine's elderly and poor; and be it further

Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House and to the President of the Senate of the Congress of the United States, to each Member of the Maine Congressional Delegation and to the Secretary of the Department of Health, Education and Welfare of the United States.

JOINT RESOLUTION OF THE MAINE LEGISLATURE CONCERNING AID TO VIETNAMESE REFUGEES

Mr. MUSKIE. Mr. President, the 107th Maine Legislature recently adopted a joint resolution memorializing Congress to provide sufficient financial aid to Vietnamese refugees, and offering the State of Maine's assistance in the resettlement effort. On behalf of Senator Hathaway and myself, I ask unanimous consent that this Joint Resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Joint Resolution Memorializing the President and Congress of the United States To Aid and Assist Vietnamese Refugees

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the President and Congress of the United States as follows:

Whereas, the Governor of this State, with whom We, your Memorialists concur, has offered to do all within the capacity of this State to assist in the resettlement of Vietnamese refugees; and

Whereas, it is in the best, most noble and strongest tradition of the American people to provide succor and shelter to those who, for whatever reason, are forced to flee their homeland; now, therefore, be it

Resolved: That We, your Memorialists, respectfully request that the United States Government live up to its most noble traditions by providing sufficient financial aid to resettle Vietnamese refugees in peace and dignity; and be it further

Resolved: That We, your Memorialists, request guidance as to how the State of Maine can best support the efforts of the United States Government in resettling Vietnamese refugees, knowing that our citizens will offer their time, their homes and other means, to assist these refugees in their time of need; and be it further

Resolved: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Maine Congressional Delegation and to such organizations in this State as may be assembled to aid and assist in the resettlement of Vietnamese refugees.

TRIBUTE TO AMBASSADOR KENNETH KEATING

Mr. MUSKIE. Mr. President, America lost a dedicated public servant with the death of our former colleague, Kenneth Keating.

We both entered the Senate in the class of 1958, and in the 6 years we served together in this body, I grew to enjoy and appreciate his grace, his charm, and his humanity, as well as his style of speaking.

As a successful attorney in his native New York, Ken appropriately drew an assignment on the House Judiciary Committee, and in his last term was ranking Republican on the committee. In six terms in the House, he developed a reputation as a champion of civil rights and as an expert on immigration policy and a variety of other legislative areas, and this reputation grew in his 6 years in the Senate, both among his colleagues and the public at large.

Following his years in Congress, he continued to serve the people of New York as a member of that State's highest court. While nearing retirement from the bench, he was asked again to serve his country—first as Ambassador to India, and then as Ambassador to Israel.

As always, his personal style, his grace, and his friendly manner won countless friends for him and for his country.

He was a man of untiring enthusiasm, a man of vigor, and an active supporter of many causes and organizations. He served his country well, and wherever he served, he was well liked. He left many, many friends behind.

My wife Jane joins me in offering our sympathies to his widow and his daughter.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of S. 920, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

Mr. MANSFIELD. Mr. President, is there an amendment pending at this time?

The PRESIDING OFFICER. Only the committee amendment in the nature of a substitute.

Mr. MANSFIELD. The so-called ceiling amendment, then, on which there is a 2-hour limitation with a vote to occur not later than 12:30 p.m., is at present not pending?

The PRESIDING OFFICER. It has not yet been laid before the Senate.

Mr. MANSFIELD. Under the agreement, was not that amendment supposed to be the pending business at this time?

The PRESIDING OFFICER. There was a unanimous consent agreement that the Senate vote on it at 12:30.

Mr. MANSFIELD. And that there would be a 2-hour time limitation.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask the Chair, then, to keep that in mind pending the arrival of the manager and others interested in this bill, so that the matter will be given proper recognition at the appropriate time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 506

Mr. CRANSTON. Mr. President, on behalf of Senators Symington, Kennedy, Mathias, Schweiker, Hathaway, myself, and others, I call up amendment No. 506 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. Cranston) proposes an amendment numbered 506.

Mr. Cranston's amendment (No. 506) is as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. . Notwithstanding any other provision of this Act, not more than $23,800,000,000 may be appropriated to or for the Department of Defense under authority of this Act for the fiscal year ending June 30, 1976, and not more than $5,000,000,000 may be appropriated to or for such department under authority of this Act for the period beginning July 1, 1976, and ending September 30, 1976. In no event may any amount be expended for any individual program in any amount in excess of the amount authorized for such program by this Act. Within thirty days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Speaker of the House and the President of the Senate a report setting forth how the Secretary of Defense proposes to apportion the reduction required under this section among the various procurement and other programs for which authorizations are provided in this Act.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. CRANSTON. Time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I rise as a proponent of a ceiling amendment to the military procurement authorization bill, S. 920, which I understand has been submitted to the desk.

This amendment of ours would trim $1.2 billion from the $25 billion in the bill as it now stands.

Its purpose—and it has no other purpose—is to achieve substantial savings for our Government; and to lessen significantly, in this time of peace, the burden of arms.

It is a reduction which can be achieved at no damage to any vital weapons program, at no reduction in defense manpower levels, at no limitation on the strong defense posture required to insure the security of our Nation.

Let us first consider the relationship of the procurement bill before us to the administration's national defense request for the fiscal year 1976.

The administration's request, including funds for the Department of Defense, foreign military assistance, atomic energy defense activities, and other military programs, totaled $107.7 billion—a figure which constitutes an almost 20-percent increase over the current fiscal year. That means a greater annual increase in defense spending than in any period since 1965–66, following the direct American entry into the Vietnam war.

Much of the increase in this year's defense request was slated for the less than one-third of the defense budget which relates to procurement and research and development.

In this less than one-third component, the administration nevertheless asked for $29.9 billion—an increase of close to 40 percent over the current year.

In no other major category of defense spending, including the largest sector, operations and maintenance, did the administration ask for such a large increase in funding.

The Defense Department said that this increase in procurement was necessary to: First, compensate for inflation; second, cover cost growth and inflation in previously funded shipbuilding programs; and third, provide for significant real growth. It is a request the administration termed a "turnaround" budget.

In light of the administration's efforts to cut back on Federal spending in many other areas so as to improve our deteriorating economy, it is unfortunate that this same administration selected the fiscal year 1976 for increased defense spending; and this in a time of peace.

The Senate Armed Services Committee has already reduced this proposed increase by $4.8 billion, recommending passage of a $25 billion authorization as against the requested $29.9 billion.

This reduction by the committee, however, included a deletion of $1.3 billion in Vietnam funds, obviously no longer usable, as well as $902 million in cost-growth funds for Navy shipbuilding, which are not payable to the shipyards in fiscal 1976.

Nevertheless, even after these reductions, the amount approved by the Armed Services Committee would still allow a 20-percent increase over funds provided for fiscal year 1975. This increase would mean, in absolute terms as well as on a percentage basis, the largest annual increase since Congress first authorized both military procurement and research and development.

Mr. NUNN. Mr. President, will the Senator yield for a question on that point?

Mr. SYMINGTON. If the Senator will allow me to continue until I finish my statement, which is short, I will be glad to answer any questions.

Mr. NUNN. I thank the Senator.

Mr. SYMINGTON. Let us note at this point that this increase comes at the same time the administration is recommending cutbacks in such domestic programs as health research, agriculture, vocational education and impact aid, as well as ceilings on social security, food stamps and child nutrition.

Let us note further that this increase comes after the conclusion of heavy American involvement in the Vietnam war, when arms reductions—not increases—would be the normal expectation.

Now that this latest war is over, every American has the right, and we here in the Congress have the duty, to question any request for large new arms expenditures.

This 20-precent increase, provided in the committee bill, would materially reduce, if not eliminate, any savings for the end of our involvement in Vietnam should have entailed. And clearly such savings are needed to reduce our growing deficits.

In the view of most objective people, true national security requires a strong economy as well as a strong military establishment.

This proposed 20-percent increase in military procurement appears excessive at a time when, in order to maintain our solvency, substantial savings are required; at a time when our annual Federal deficit, already projected to be some $70 billion—that is the annual Federal deficit; it is apart from the Federal debt—constitutes the highest peacetime deficit in the history of our Nation.

Defense spending does create new jobs in certain industries, but studies show that the same amount of money would create far more jobs in the consumer market, with more beneficial results to the economy as a whole.

With unemployment now close to 10 percent, the highest since 1940, can we afford to ignore the fact that the dollar goes farther in the consumer economy?

The amendment now being offered would reduce the proposed 20-percent increase to a 14-percent increase, saving $1.2 billion of the taxpayers' money.

This amendment's proposed level of spending is in line with the administration's budget in other major defense sectors: example, the request in operations and maintenance is for but an increase of 16 percent over last year's basic appropriation.

During the 23 years I have been a member of the Senate Armed Services Committee, if reduced at all, the defense budget has been reduced on a program-by-program basis, and no doubt some of my colleagues will be introducing amendments on specific items in the bill.

But let us face it—we in Congress are somewhat limited in our ability to weigh the relative priority of various programs. I do not say this means we are necessarily parochial, but do believe we should recognize that the civilian and military experts in the Pentagon are more qualified to decide where any reduction should be made.

Our approach is the same any businessman would utilize when confronted with problems which affect the prosperity or/and solvency of his business. He would say to his management: "Our proposed budget for this year is x dollars; but because of the difficulties we face in this market and the present economic atmosphere, we must substantially reduce our expenditures."

Most of us have seen that policy put into effect in business many times.

Our amendment provides for a specific reduction of 4.8 percent, $1.2 billion, off the level of funding proposed by the bill.

Where the reduction would be taken would be decided by the Secretary of Defense, in conjunction with the Joint Chiefs of Staff. It would be the Pentagon's own decision as to priorities.

In effect, we would be saying to the Department: "You are the experts, so in the interest of a sound economy, also vital to any true security, take the reductions where you believe advisable."

Our amendment provides that the Secretary of Defense would submit to the Congress within 30 days of the bill's enactment a report setting forth how the reduction would be apportioned in the various programs encompassed by the act.

Again, in calling for this reduction in planned military spending, we are in no way denigrating the importance of an American military posture of adequate strength. On the contrary, the budget, even after this reduction, would maintain both the nuclear deterrent and adequate conventional forces.

Recent testimony before the Committee on Armed Services provided assurance that we have adequate strength; and also that the threat to our military security is no greater this year than last year.

The proposed reduction would not affect changes in the administration's request that have already been decided upon by the Senate Committee on Armed Services. Nor would it limit requested funding in such other military programs as operations and maintenance, and atomic energy defense activities.

It is time, however, as we see it, for the administration to begin to recognize that in the nuclear weapons age there is no excuse for maintaining unnecessarily high levels of arms and forces, sustained more by tradition and prenuclear-times thinking than by actual modern-day defense needs. The sooner our Government recognizes this, the greater the savings will be to our economy, at no sacrifice to our security.

During more than 30 years of involvement in defense activities in both the executive and legislative branches, I have come to believe that true national security embraces the following three component parts.

First, the ability to destroy any possible enemy who might attack us; and the certainty on our part that every country knows we have that ability.

In that connection, I repeat what perhaps our greatest elder statesman told me 9 years ago that the Soviets said, "There is nothing you can do to prevent us from destroying you and there is nothing we can do to prevent you from destroying us, regardless of who hits first, so why cannot we get together."

As a member of the Committee on Armed Services as well as chairman of the Military Applications Subcommittee of the Joint Committee on Atomic Energy, I say that that statement, to the best of my knowledge, is correct. Nevertheless, under various incentives and for various reasons, both countries have continued heavy arms increases to the point where, together, counting military aid, they probably have spent a trillion dollars combined.

The second of the three essential components to true national security, Mr. President, as I see it, is a sound economy with a sound dollar.

Third is the need for our people to maintain belief in our form of government—in other words, credibility.

As to the first of these three components of national security, clearly this Nation has the capacity to destroy any possible foe; and that capacity is well known by all countries. In this nuclear space age, that constitutes all the security possible; and in this component of true national security we are in excellent shape.

With respect to the second component of such security—a sound economy with a sound dollar—the news has not been good. In the first quarter of this year our gross national product declined a record of 11.3 percent. During this same quarter, business profits fell 22 percent.

The Federal deficit is reaching unprecedented heights; and never before in our history have we had record-high inflation along with record-high unemployment.

The heavy spending on various military adventures, primarily in Southeast Asia, has probably contributed more than any other single factor to this fiscal and monetary deterioration.

When contemplating these unfortunate developments, Mr. President, one cannot help recalling that the late President Eisenhower was among the first in these times to stress that economic disintegration could constitute a more immediate and fundamental threat to our security than any military attack.

President Eisenhower put much of our relative military and economic position in perspective when he observed many years ago that the leadership in other countries had calculated to use their military threat "to force upon America and the free world an unbearable security burden leading to economic disaster."

It is encouraging to note that at the recent NATO meeting in Brussels, President Ford himself took notice of the importance of such economic consideration when he spoke of a "new agenda" that focused on economic problems affecting long-term security as well as any potential military threat.

In regard to the third component of true national security, the confidence of the people in their government, no one would deny that over the past decade there has been some erosion of faith.

We in Congress should be instrumental in restoring that faith, as our treasure becomes increasingly limited, by weighing carefully the relative priorities incident to the use of that treasure.

The amendment we now propose to the military procurement bill would save the taxpayers of America $1.2 billion, at no expense to security; and therefore we would urge its approval by the Senate.

Mr. NUNN. Will the Senator yield for a question?

Mr. SYMINGTON. I am glad to yield to my friend from Georgia.

Mr. NUNN. I have just a couple of questions of my good friend from Missouri. First of all, the Senator from Georgia has a difficult time understanding why the presentation is starting off with the President's budget as a chart, because all of us know we have a new budget process and the Senate has already gone through a congressional budget resolution during which the President's figures have been totally and completely changed. As a matter of fact, in every category except defense and international affairs, the budget resolution of the Senate and the House has substantially increased the targets.

Mr. SYMINGTON. If the Senator will yield, I have not previously seen this chart. It is not part of my presentation.

Mr. NUNN. Perhaps I should direct this to the Senator from California.

Mr. SYMINGTON. I have the floor, and I would repeat, this chart does not pertain to my address.

Mr. NUNN. Then let me ask this question: The Senator alluded to the 20-percent increase between the expenditures of last year and the authorization of this year. I know the Senator has been here a long time and I know the Senator realizes that there is a marked difference between authorizations and outlays. Does the Senator realize that the 20-percent increase to which he refers is the difference between last year's outlay and this year's authorization and, therefore, the whole premise of his amendment is based on a comparison of apples and oranges rather than any accurate comparison of like items.

Mr. SYMINGTON. May I say to the Senator that it has not been my practice to compare apples and oranges. I have gone over this matter very carefully. We are reviewing the proposed authorization figure for fiscal year 1976. The acid test of authorizations, of course, lies in the Appropriations Committees of both Houses.

Mr. NUNN. The Senator has just verified my point. He is using last year's authorizations and this year's appropriations. If he does that he comes up with a distorted comparison. For example, take social security income protection—the authorization this year is going down $15 billion, but the outlays are going up tremendously.

If we follow that comparison another example of a distorted comparison could be highway transportation. Many times the authorization bill comes in with 3 or 4 years in authority, and then skips a year. If we are going to compare outlays and authorizations and still call this a great debate, we are just playing to the media. There is no valid comparison there whatsoever, and yet that is the whole premise of this ceiling amendment.

Mr. SYMINGTON. May I say to my good friend, the able Senator from Georgia, that we have taken the statistics that have been presented to the Senate by the Armed Services Committee on which he and I both serve.

And if there is any comparison of apples and oranges in our review of this bill, it is the same as contained in the Armed Services Committee report on this bill.

In particular, I would call attention to the chart next to page 2 of the committee report on authorizing appropriations for fiscal 1976 and the July to September transition period. This chart backs up our presentation.

Mr. NUNN. I do not believe the committee report referred to last year's appropriations. We referred to authorizations.

Mr. SYMINGTON. The report did refer to last year's appropriations.

I would also say that you cannot use a figure of authorization after there has been an appropriation that supersedes that figure.

It seems perfectly proper to me to compare this year's budget against last year's budget. The appropriations figure for fiscal year 1976 will of course come up later.

There has been no effort on our part, if I may say this to the Senator from Georgia, who is an excellent member, and who is interested in this debate and worked hard on this personnel matter, to be deceptive in our position. That would be below the dignity of the office, and I do not understand why he says that there is an effort, in effect, to deceive. We have not used figures that are different from the figures in the committee report.

Mr. NUNN. The Senator from Georgia never used the word "deceive." I just said we were comparing two factors that are not meaningfully comparable because the Senator knows that in an authorization bill the expenditures and outlays are spread over a considerable period of time. If we really want a comparison for debate, we have to compare authorizations to authorizations and outlays to outlays.

Mr. SYMINGTON. The official news release from our committee also used the figures that I am using, and prided itself in the percentage of its cut; so I do not see how the Senator can come onto the floor and not use the appropriations figure for fiscal year 1975, regardless of previous authorizations; because the appropriations figure is the figure that counts.

Mr. NUNN. If the Senator will just yield for 1 more minute, the national defense outlays for 1975 were $85.3 billion. In 1976, under the budget resolution which has passed the Senate and passed the House in conference committee, the Budget Committee told the Senate and the House they wanted the outlays not to exceed $90.7 billion.

There is a memorandum from the staff of the Budget Committee that says the committee authorization bill is consistent with this level of outlays. That represents a 6-percent increase over 1975, not 20 percent.

Following that same comparison, if you take all categories—other than national defense—the 1975 outlays were $228.1 billion. The 1976 outlays under the budget resolution—that we are going to hopefully abide by—are $276.3 billion. If you study this, there is an increase in every item except national defense. This represents an increase of $48.2 billion which is a 21-percent increase.

Let me summarize all that. In national defense outlays, we are seeing a 6 percent total increase if we abide by the Budget Resolution which this bill does. On the other hand, all other categories of expenditure go up 21 percent. So here we are talking about apples and apples rather than apples and oranges. I believe people ought to realize that this is the case.

I will not use any more of the Senator's time unless he is ready to respond.

Mr. SYMINGTON. I would also ask the Senator's consideration of the fact that we also used the figures provided by the Budget Committee on which I believe the Senator serves.

Mr. NUNN. Yes.

Mr. SYMINGTON. Allowing for 7.5 percent inflation, those figures showed more than $1 billion in "real" growth for the committee's procurement request.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. NUNN. I am not sure I understand the Senator's point on that. Is that defense he is talking about?

Mr. SYMINGTON. That is on military procurement, which is what I was presenting this morning.

Mr. NUNN. One final point: If you assume this ceiling amendment passes, and you consider not only Vietnam but the shipbuilding adjustment which is in this bill (which will not go to any new ships—all it will do is go back and pay for ships where there have been overruns) there would not be any real increase at all in terms of capability. There would be a net decrease of 1 percent in defense expenditures this year. That is the effect of the Senator's amendment if you take out the factors that need to be taken out to give an accurate measurement of real capability. I think all of us—and I know the Senator from Missouri certainly is one of the leaders in this—are looking for capability in defense, and that is the way we have to measure it, in capability.

Mr. SYMINGTON. Well, in due course I would discuss this question of real growth and shipbuilding in more depth.

At this time I yield to the Senator from California.

Mr. CRANSTON. I would like to try to clarify one question that the Senator from Georgia has raised. I refer the Senator from Georgia and the Senator from Missouri, and anyone else interested, to the chart opposite page 2 in the committee report. That chart shows in the first column on the left fiscal year 1975 program—current—a total of $21,587,000,000 plus. That is the current expenditure program for the area we are talking about. If you take off what we are proposing in this cut, we get down to $20.9 billion.

Now go to the fourth column, fiscal year 1976 recommended. The figure is $25,012,000,000. That represents what is proposed in the committee report to authorize to be appropriated. Of course, until we have appropriations we have to consider authorizations that recommend appropriations or make them possible. That would represent a 20-percent increase in what we would authorize to be appropriated in this bill over what was actually appropriated and is now being spent last year.

If we adopt the amendment offered by the Senator from Missouri and others we will knock off $1.3 billion down to $23.8 billion, and we would then have a 14-percent increase over what was spent last year, allowing a substantial amount for inflation and a further amount for growth. This compares to the original DOD request, and that is the reason for the chart, although it does not show it precisely, it shows a 35-percent increase requested by the President in the overall budget. That translates into 38 percent for this bill that was originally proposed for military procurement.

If you deduct Vietnam you get down to 36 percent. I congratulate the committee on getting down to 20 percent, but we still have to go further, in my opinion, if we have a sensible set of priorities.

Mr. SYMINGTON. We propose a 14-percent increase as against the 20-percent increase provided in the committee bill, despite the ending of the Vietnam war and the economic problems we have, and despite a reduction in many of our domestic programs.

Mr. CRANSTON. If the Senator's amendment is adopted we will get down to 14 percent.

Mr. SYMINGTON. That is correct.

Mr. NUNN. Does this mean, according to what the Senator says, that we are really cutting out the Appropriations Committee altogether?

Mr. CRANSTON. Of course not.

Mr. NUNN. The Senator is going from last year's appropriation to this year's authorization. This year's authorization spreads over a few years in time, so this is not but slightly over $8 billion in outlays in this bill?

Mr. SYMINGTON. Is the Senator saying that the Armed Services Committee deliberately authorizes a higher figure than they expect the Appropriations Committee to approve?

Mr. NUNN. The Senator is not saying that at all. The Senator is saying that if the Senator from Missouri will look at historical trends he will see the Appropriations Committee has jurisdiction over operations and maintenance of personnel. As the Senator well knows, having been a member of this committee for a long time, the Armed Services Committee total jurisdiction is about 70 percent of the budget, only if one projects the personnel costs times the authorized manpower level. If one does not do that, it gets down to about 30 percent of the budget.

Mr. SYMINGTON. I would also note that the bill before us, S. 920, does not include all procurement funds for the fiscal year 1976. We all know that $6.3 billion in procurement alone, not to mention R. & D. funding also in S. 920, is not subejct to the authorization of the bill before us, but is to be taken up with the Appropriations Committee.

Mr. NUNN. I agree. That is my point.

Mr. SYMINGTON. Then I think I will pass back to Senator Nunn his own apples-and-oranges analysis.

Mr. NUNN. The Senator has jurisdiction over the military construction bill, which is another category not included here. But the major point I make is that this 20-percent figure that is being handed out by the backers of this amendment, compares apples and oranges. The Senator is comparing last year's appropriation to this year's authorization. This is just simply not accurate nor the basis for any meaningful comparison.

Mr. SYMINGTON. What the Senator is saying, then, is that what has come out of the Armed Services Committee, and in the press, is not correct because we should not compare the appropriations of last year with the authorization of this year.

Mr. NUNN. The Senator will agree——

Mr. SYMINGTON. To me, that does not add up because, as far as the authorization figures of last year, they have been changed by the Appropriations Committee, and hence it could be a fictitious comparison.

Mr. NUNN. Does the Senator realize that defense is almost unique in the authorizations versus any other comparison?

If we are going to compare authorizations like this chart here does, then we are going to see in the case of income security, for instance——

Mr. SYMINGTON. I do not know about that chart. I have been on the Armed Services Committee a long time and I am an ex officio member of the Appropriations Committee, on which I have also been for a long time; so I do not quite understand what his point is about——

Mr. NUNN. I am just stating——

Mr. SYMINGTON (continuing). In criticizing the way we presented this.

Mr. NUNN. The point is that it is not a true and accurate picture for the Senate to look at.

Mr. SYMINGTON. Well, then what comes out of the committee is not true and accurate; and what comes out in the press is not true and accurate; and in the media is not true and accurate.

Mr. NUNN. The media has no analysis differing between authorizations and appropriations. If we are going to use that analogy let us take income security, for example.

We could tell the press, the media, and the people of this country that income security is going down $15 billion in authorizations.

Now, what would that mean?

Nothing. It would not mean anything unless we told them the expenditures under that will go up dramatically, but the revenue is going down.

So in every category of the national defense bill, authorization means a different thing.

I think we ought to be talking about——

Mr. SYMINGTON. Of course, if we used the authorization figure of last year, we would have to show even greater increases in the proposed bill than we are presenting today, because the Appropriations Committee reduced substantially the authorization request.

Mr. NUNN. Well, the Senator has the point opposite now because if the Appropriations Committee reduced the authorization bill last year and if the Senator is comparing this year's authorizations with last year's appropriations we have a larger gap.

Mr. SYMINGTON. It reduced the authorization request of last year, not increased it.

Mr. NUNN. That is right. That spreads the 20.

Mr. CRANSTON. Will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from California.

Mr. CRANSTON. I urge the Senator to

have the Senator from Georgia charge his time to the other side, otherwise——

Mr. SYMINGTON. I will so ask; because the Senator from Georgia is very quick on his feet in these matters and, even though he has not been here too long, has demonstrated that he is a very able debater.

Mr. CRANSTON. Right.

Mr. SYMINGTON. I would rather have him present his complete answers instead of taking a particular point, which to me is out of context, and which belies the reports of his own committee, in trying to make that the major aspect of the case.

Mr. CRANSTON. I am concerned that he is not on the time of the——

Mr. NUNN. I thank the Senator from Missouri and the Senator from California for their generosity thus far.

The PRESIDING OFFICER (Mr. GLENN). Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Missouri yield the floor?

Mr. SYMINGTON. I am glad to yield the floor to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I would propose to use only a few minutes now and get back into these figures.

But, Mr. President, in the beginning now, I think we ought to all realize fully the impact of the language of this amendment which provides that not more than $23.8 billion may be appropriated to or for the Department of Defense under the authority of this act.

Mr. President, that would be starting out with an absolute prohibition on the Appropriations Committee from appropriating anything above this $23.8 billion ceiling that the amendment would propose and put in the bill.

So assuming that it becomes part of the law, we would be authorizing considerably more than this ceiling and sending it all to the Appropriations Committee and saying, "Now, here is the bill and here is the limitation. The committee will have to act under this ceiling."

I attribute nothing but good motives to the amendment's proponents, but, Mr. President, the amendment is the equivalent, as I see it, of a legislative monstrosity—a legislative prohibition, or legislative limitation, or even an attack on our Appropriations Committee because it directs them to stay within that limit.

At the same time, it undertakes to authorize a great number of weapons here and the argument is, let the Joint Chiefs of Staff and the Secretary of Defense make the decisions as between weapons.

I hope that we never get to the point where Congress would try to limit one of its truly great and powerful committees, a committee that we hold responsible for the entire budget so far as appropriations are concerned and then turn around and abdicate totally—to a degree at least—the responsibility of choosing weapons to the Department of Defense or the Secretary of Defense and the Joint Chiefs.

Those actions just do not square with the responsibility that this Congress has. I believe if this point were fully understood this amendment would fail by a large vote.

Mr. President, this bill has been written by the committee, as I have already outlined. It is based on months and months of work and weeks and weeks and weeks of testimony, Senate testimony, and on 6 days of work around the large table writing up this bill.

I have never seen a more liberal exchange of views and registration of votes with reference to many key matters than was true this year. In the end the committee reduction was nearly $5 billion.

All this was a continuation of several years where our authorization committee has been going through the bill and making substantial reductions. Beginning with fiscal year 1969 and through fiscal year 1975, the Senate committee has recommended reductions totaling of $11.1 billion in military procurement and research and development alone.

We have been further instrumental in most of those years since we started authorizing the manpower. Manpower is not in this amendment in dollars, but it is in the bill.

We have recommended reductions in the uniformed military personnel of 335,000 men, and even though we have passed on the civilian ceilings for only 2 years, we have recommended cutting 67,000 civilians, for a total of 430,000 people in all.

So certainly the committee has been on duty going into these matters, not only from weaponry but from manpower, too. We have been making reasonable reductions, most of which have been sustained in this Chamber. The actions have been changed some in conference, but that is part of the conference process.

I want to emphasize, too, Mr. President, and I think this is the most salient fact in all of this amendment, that this committee bill comes within the figures of our own Congressional Budget Committees. That will be demonstrated here in the Chamber with facts and figures. I will yield to the Senator from Georgia on that point later.

I repeat, how could we have a better guideline? These are difficult decisions, but how could we have a better guideline than to be considering these matters along with our Congressional Budget Committee? I believe we can show where we have done just that.

I have one other point. Senators ought to understand for certain that this money is money which has to be provided now, although only 10 percent of this money will be actually spent in fiscal year 1976 for ships. Actual outlays for research and development runs higher, about 50 percent for that purpose, and the other programs are from 20 to 25 percent.

Out of this entire bill as we have it, only $8.3 billion of the $25 billion will be spent in outlays in fiscal year 1976 for procurement and R. & D. It has to be provided in advance because it takes years to build a ship or a submarine, a missile or an airplane, and many of the other things which go to make up the military hardware.

I will close now, Mr. President, by pointing out again that there will be a full chance to pass on the weaponry. Every weapon in the bill is in issue and before the Senate. To put a cap on this thing to start with is not only an undermining of what the committee has done before we get into a real debate on the bill, but it is a contradiction. This ceiling matter was not even raised in the committee. No amendment like this was offered.

All the committee members took part in writing the bill, but this matter was not offered in the form of an amendment. I do not personally criticize anyone for that, but the amendment goes to the soundness of the committee system. After a bill has been written up and presented, it seems to me, with great deference, to try to put a cap on it to start with is not only contrary to the concept of having a committee, but it is contrary to the concept of having an appropriations committee. The procedure proposed under this amendment, leaving all the rest for a decision by the Secretary of Defense and the Joint Chiefs of Staff, is unthinkable from a Congressional viewpoint.

I yield 10 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, we are going to spend a lot of time today in debate comparing the 1975 either appropriation or authorization, depending upon which side of the debate we are on, with 1976. I think what we need to do to put this matter in perspective is to go back and compare pre-1964 levels of expenditure and what actually was being purchased for that with the level of expenditures in this bill. There have been a lot of accusations that the Defense Department and really, I guess, the Armed Services Committee, too, are basing their defense priorities on the old cold war theory. I believe that allegation is totally erroneous. I believe we need to put some perspective on these priorities.

National priorities cannot be established in a vacuum. We need some perspective on where Defense has been and where we are now before we can decide on whether and where we should change. In other words, we need to start the evaluation from the correct baseline.

Historically, the United States prior to World War II did not maintain large standing forces in peacetime. We were not a world power and relied on the vast oceans to keep our borders secure. In the 1920's and 1930's, we kept about three-tenths of 1 percent of our total population under arms in peacetime—a total of 250,000 to 300,000 men.

After World War II, we entered the cold war period which lasted some 25 years. This period saw the United States as the clear leader of the free world and great tension between the United States and Russia. This tension was punctuated with actual confrontation as occurred in the Korean war, Berlin crisis, Cuban missile crisis, and the Vietnam war. The

United States had nuclear superiority for much of this period and could rely on this superiority for its protection. During the parts of this period not marked by open hostilities, the United States kept some 2.6 million men under arms—about 1.4 percent of our total population.

Now we are entering the post-Vietnam period and a reevaluation of our military posture is in order. But that reevaluation must not be only a search for reduction in defense.

I am afraid that is the attitude taken by some.

We must also make sure we retain a defense posture that meets our needs. The United States has a history of cutting Defense too much after each war. We could afford that better in the past when we could rely on the oceans to protect us, when we were not so dependent on others for essential supplies such as oil and raw materials, when we were not the leader of the free world and more recently when we had nuclear superiority.

Even though the defense budget for fiscal year 1976 is large—over $100 billion—the defense capability it will buy—as measured by the men and weapons that make up real strength—is far below the pre-Vietnam cold war levels.

That is the major point. We are not keeping up in terms of our own capabilities in 1964.

We must not assume that we still have a cold war defense capability. We have less manpower, less ships, and less aircraft than prior to the Vietnam war, and at the same time we have seen nuclear superiority change to nuclear parity. The real question is what changes are prudent in light of what has already been reduced and in light of the uncertainties we face in a world that still has real military capability that could be used against us.

In regard to manpower, our military strength is down by 585,000 from the 1964 pre-Vietnam levels. That is a reduction of 22 percent. The strengths recommended for fiscal year 1976 by the committee total 2,082,000 and represent a burden of nine-tenths of 1 percent of our total population under arms. That burden is about half way between the pre-World War II burden of three-tenths of 1 percent and the cold war burden of 1.4 percent.

The number of Army divisions dropped from 16⅓ in 1964 to 13 in 1974. Army manpower strength in that same period dropped from 972,000 to 785,000. This is the lowest personnel strength of the Army since before the Korean war. In 1976 the Army proposes to construct 16 divisions, however, with no increase in manpower strengths. That means that the total number of men in the Army for each division will drop from 59,600 in 1964 to 48,700 in 1976, its lowest number of total men in the Army per division since 1950.

The number of Navy ships has dropped from 917 in 1964 to 490 in 1976. The number of aircraft carriers has dropped from 24 in 1964 to 13 in 1976; amphibious assault ships which carry the Marines have been reduced 53 percent from 133 to 63; other Navy warships have been reduced from 370 to 185. Although it is true that today's ships are more capable and more powerful than in the past, it is also true that the number of naval ships the United States owns is the lowest it has been since 1939 before World War II.

The number of Air Force aircraft has dropped from 16,049 in 1964 to 9,422 in 1976. This is a decline of 41 percent and represents the lowest number of aircraft in the force since 1950. Frontline aircraft have declined 50 percent since 1964. The Air Force strategic bomber squadrons have come down from 78 to 26 between fiscal year 1964 and fiscal year 1976. Fighter interceptor squadrons have been reduced from 40 to 6 in the same period. Air Force, Navy and Marine Corps tactical air wings have been reduced from 39 in fiscal year 1964 to 38.

Our overseas deployments are well below pre-Vietnam levels. In 1964 we had 719,000 military personnel stationed in foreign countries. Today we have about 480,000 stationed in foreign countries. That is a reduction of 239,000, or 33 percent. In the same 11 years, our European based forces have been reduced from roughly 400,000 to 300,000, while our forces in the Western Pacific and Southeast Asia have dropped from 243,000 in 1964 to 165,000 today.

I think anyone objectively looking at the above figures should realize that the levels of forces that the United States will have in 1976 are substantially below the levels we maintained during the 25 years of the cold war, and our overseas troop deployments have been reduced by one-third. However, we are also buying fewer weapons today than in the pre-Vietnam period. For example, the 1976 budget includes 271 fighter attack aircraft, compared with 583 in fiscal year 1965. That is 50 percent fewer aircraft being bought this year than pre-Vietnam. There are two nuclear attack submarines being bought in 1976 compared with six in fiscal year 1975. That is a 66-percent reduction in new submarine procurement. There are 138 new helicopters included in the fiscal year 1976 budget compared with 1,226 in fiscal year 1965. That is almost a 90-percent reduction. There are zero transport aircraft in the 1976 budget compared with 84 in fiscal year 1965—a 100-percent reduction.

We are spending a lot of money for defense but it is buying a lot less both in forces in being and in the modernization for the future improvement for those forces.

The overall DOD budget for fiscal year 1976 is less in real terms than the fiscal year 1964 pre-Vietnam budget. We would need $112 billion of 1976 dollars to buy the programs we had in 1964. So if we were talking about 1964 levels, it would require $112 billion this year, not the amount we are discussing here. The fiscal year 1976 budget, I am sure, will total about $100 billion after all congressional actions are completed—about 12 percent less. The fiscal year 1976 defense budget totals 5.8 percent of the gross national product compared to 8.3 percent in 1964. That is a 30-percent reduction in the dollar burden the American taxpayer is carrying for defense. Total defense employment—military, civilian, and contract—represents 4.8 percent of the work force, compared with 7.9 percent in fiscal year 1965—a 40-percent reduction of the manpower burden. The defense budget represents 16 percent of net public spending in fiscal year 1976 compared with 28 percent in fiscal year 1964. This is a 43-percent reduction in the share of total Federal, State, and local spending that is used for national defense. The defense budget in fiscal year 1976 is 25.7 percent of the overall Federal budget compared with 41.8 percent in fiscal year 1964. That is a 39-percent reduction in the share of the Federal budget that goes for national defense.

All of these figures show that there has been a real and substantial decline in our defense posture since 1964. In fact, all of these indicators of the size of the defense program and budget are the lowest since before the Korean war. We should all remember that immediately after World War II there was a massive demobilization of our entire Military Establishment. The Korean war in 1950 signaled a buildup of U.S. military strength that was retained for almost 25 years of the cold war. The fact that today's forces and budgets and burdens are the lowest since before the Korean war means that they are already substantially below the levels we have maintained throughout the cold war.

In conclusion, Mr. President, a reevaluation of our military posture is in order. When we entered the Vietnam war, there was no question as to America's overall military superiority. Today, I think we must truthfully admit that there now exists a close military balance between the United States and the Soviet Union. There remains, perhaps, a slight edge in our favor largely because of technology.

The Russians are not 10 feet tall or perhaps we should say, if the Russians are 10 feet tall—the Americans are 10 to 10½ feet tall. I must add, however, that the Soviets are growing much faster than the United States and the trends are disturbing.

However, we must not delude ourselves by thinking our force structure today has the same strength and capabilities as it did 10 years ago when compared to the Soviet Union. Those who would say our defense posture today is the same as it was during the cold war and prior to détente are badly mistaken.

The baseline force structure that we are reevaluating today is already substantially below the force structure we maintained for 25 years during the cold war. There has already been substantial change in the priority of defense spending as it relates to other national priorities.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Maine.

Mr. MUSKIE. Mr. President, I ask unanimous consent that Sid Brown and Andrew Hamilton of the Budget Committee staff have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, it seems to me that at this point in the debate on the first of the amendments to reduce S. 920, I have some responsibility as chairman of the Senate Budget Committee to try to undertake to identify the budget impact of S. 920 and the pending amendment.

This is the first major annual authorization bill to be considered by the Senate since we adopted the first concurrent resolution on the budget, and so S. 920 represents a test run.

It is not our function as a budget committee to tell the authorizing committees or the Appropriations Committee how to split up the pot, but we are concerned with keeping a running record of the spending decisions taken by Congress, so that we may evaluate their impact down the road on the budget ceiling.

The targets recommended in the statement of the managers for national defense are these: for budget authority, $100.7 billion, and outlays of $90.7 billion. S. 920 clearly represents a significant portion of those amounts.

While the Budget Control Act specifies that beginning next year the concurrent resolution set target totals for each functional category, the resolution will not instruct the authorizing and appropriating committees as to the allocation among individual bills of the amounts contained in a particular functional category. Thus, for example, in the national defense function, the concurrent resolution would not instruct the Armed Services Committee with regard to the amount which should have been included in the military procurement bill or the components of that bill. Nor would it tell the Appropriations Committee how much should be contained in the military construction appropriation, compared to the regular defense appropriation bill. The resolution simply would set an overall target for the national defense function, within which all of these spending decisions should be accommodated as we dispose of individual defense authorization and appropriation bills.

The Budget Act clearly intends that other standing committees decide which bills to propose for enactment within each functional category, as long as the sum of the spending provided in all these bills does not exceed the functional targets contained in the first resolution.

The budget resolution Congress adopted last month does not itself break down the aggregate Federal spending ceiling into individual spending priority targets. The statement of managers on the budget resolution does contain the spending priority targets upon which the aggregate spending figure contained in the resolution is based. Adherence to these individual spending targets will be necessary to stay within the overall spending ceiling the resolution contains.

The role of the Budget Committee is to assist committees and the full Senate in staying within those targets. We cannot state flatly that a particular bill is "within the resolution" or "outside the resolution," but we can advise as to the effects of a particular bill in the context of the overal legislative outlook for the function of which it is part. Where the passage of a bill or resolution, compared to other legislation which must be accommodated within the appropriate target, poses a threat to the targets contained in the first resolution, the Budget Commitee may be required to recommend opposition to it.

In this connection we must take account of the fact that the House recently approved H.R. 6674, a companion bill to S. 920 which authorizes approximately $1.5 billion more in budget authority and at least $300 million more in outlays than does S. 920. Adoption of the House totals would probably result in a breach of the national defense target, since it is unlikely that in the legislation remaining to be considered in the defense sector, additional cuts can be made to accommodate the higher levels contemplated for procurement in the House bill. Even if only half the difference between S. 920 and its House counterpart is authorized and appropriated, the total for military procurement would pose a serious threat to the budget targets which we recently recommended.

With regard to the national defense function, the first concurrent resolution on the budget assumed cuts from the President's request totaling $7 billion in budget authority and $3.3 billion in outlays. S. 920, as reported to the Senate, is in line with the assumptions of the Budget Committee regarding those elements of the defense program that are covered in this bill. S. 920, as reported, assumes cuts of $5 billion in budget authority and $1.8 billion in outlays from the President's request. For comparable items, the First Concurrent Resolution assumed cuts of $5 billion in budget authority, the same as S. 920, and $2 billion in outlays, which is close to the S. 920 mark. This comparison is based on the assumptions that were made by the Senate Budget Committee and the conference committee. The Senate ought to consider those when it is voting on this and other amendments.

It must be pointed out, however, that there is a strong likelihood of additional requirements in the national defense function over and above the President's request.

For example, the House of Representatives has voted to remove the 5-percent pay cap on DOD military and civilian pay. That involves $1.2 billion in budget authority and $1.2 billion in outlay.

Removal of the 5-percent cap on military retired pay would involve $600 million of budget authority and $600 million of outlay.

Third, if, as a Congress, we should fail to enact legislation to continue the sale of commodities from the strategic stockpile—and the effect of that would be to reduce receipts that are deducted from budget authority outlays—if we were to fail to enact that legislation, which the President has requested and has assumed in his budget, then the effect would be to add $400 million in budget authority and $400 million in outlays to the President's budget estimates.

Then, the final item is this:

The President proposed legislation to authorize petroleum sales from the Elk Hills Naval Petroleum Reserve. The effect of that, if we do not get the full impact in the 1976 fiscal year, would be to reduce receipts that are deducted from budget authority and outlays, the same way as the sale of commodities from the strategic stockpile. That legislation is pending in two committees, as I understand it. The form of the legislation, as it may finally pass is unclear, so the budget impact is unclear.

We think that, responsibly, we ought to consider the possibility of $200 million being added to both budget authority and outlays this year.

All of those items—four of them in total—total $2.4 billion in budget authority and $2.4 billion in outlays.

The details are as follows:

ADDITIONAL NATIONAL DEFENSE REQUIREMENTS (FISCAL YEAR 1976)

[In billions of dollars]

	Budget authority	Outlays
Removal of 5 percent cap on DOD military and civilian pay	1.2	1.2
Removal of 5 percent cap on military retired pay	.6	.6
Failure to enact legislation to continue the sale of commodities from the strategic stockpile (reduces receipts that are deducted from budget authority and outlays)	.4	.4
Delay in enactment of legislation to authorize petroleum sales from the Elk Hills naval petroleum reserve (reduces receipts that are deducted from budget authority and outlays)	.2	.2
Total	2.4	2.4

If these additional requirements materialize, the overall reduction in the national defense function that would be required to arrive at the First Concurrent Resolution target is $9.4 billion in budget authority and $5.7 billion in outlays.

As I have already mentioned, S. 920 as reported provides cuts of $5 billion in budget authority and $1.8 billion in outlays from the President's request. If the additional requirements I have described materialize, that leaves us with a need for further cuts of $4.4 billion in budget authority and $3.9 billion in outlays elsewhere in the defense program if we are to stay within the national defense targets accompanying the first concurrent resolution on the budget. As we consider S. 920, we must also consider the possibilities for arriving at these further cuts. Mr. President, I have prepared a list of possible additional cuts that might be considered by the Senate. I am not prejudging their cuts, but will simply try to itemize the areas where we will have to look for further cuts in the national defense function in areas other than those covered by S. 920. Cutting will not be easy and the following is only illustrative of the kinds of cuts we will have to consider. I will not list items that I believe are impossible to attain—such as holding the 5-percent cap on military retired pay and accelerating the sale of petroleum from the Elk Hills

Reserve. Here are some examples of the realistic options:

POSSIBILITIES FOR FURTHER REDUCTION IN THE NATIONAL DEFENSE FUNCTION (FISCAL YEAR 1976)

[In billions of dollars]

	Possible savings	
	Budget authority	Outlays
Retain the 5 percent cap on DOD military and civilian pay, as requested by the President	1.2	1.2
Enact legislation, as requested by the President, to continue the sale of commodities from the strategic stockpile	.4	.4
Defense appropriations bill—Cut below the President's request in several areas	4.3+	2.8+
Cut the operations and maintenance funds other than pay (funds for maintenance of real property, ship repairs and overhauls, office supplies, fuel, minor construction projects and other housekeeping items)	(1.5)	(1.1)
Reduce procurement other than that authorized in S. 920 (trucks, automobiles, other noncombat equipment)	(1.0)	(.2)
Financial adjustments such as:		
Transfer unobligated balances of prior year budget authority to fiscal year 1976	(.5)	(.2)
Increase receipts from sales of excess military equipment and foreign military sales (reduces budget authority and outlays)	(.5)	(.5)
Reduce stock fund cash balances as a result of reduced war reserve procurement	(.5)	(.5)
Reductions in special pay allowances and travel funds for military personnel	(.3)	(.3)
Further cuts in personnel over and above those recommended by the President and S. 920 (fiscal year 1976 savings of $100 000 000 per 20 000 jobs)	?	?
Cut military construction authorization and appropriations (funds for new facilities at military bases)	.2	.1
Cut military assistance and foreign military sales	.7	.5
Cut out military assistance for Cambodia	(.4)	(.3)
Maintain fiscal year 1975 level for foreign military sales	(.3)	(.2)

These options add up to $6.8 billion in authority and $5 billion in outlays—plus whatever amounts might be saved from the unpriced options such as further personnel cuts.

These options, if we exercise them, give us enough latitude to cover the remaining cuts of $4.4 billion in authority and $3.9 billion in outlays if S. 920 is passed as reported.

As the Senate considers S. 920, I believe each Member must consider these or other possible cut options carefully, for we are certain to be faced with difficult choices later on if we are to stay within the first concurrent resolution target.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. Mr. President, I yield 2 extra minutes to the Senator.

Mr. MUSKIE. As I view these options, I come to this conclusion: it seems unlikely to me that the 5-percent cap on DOD military and civilian pay will be retained. I recognize that the conference report states that the totals are sufficient to permit removal of the pay cap if Congress so decides, but this means that most of the other options I have outlined have to be exercised.

So, to me, therefore, as one Senator, prudence dictates that I vote to cut S. 920 below the level reported. In addition, I intend, as an individual Senator, to vote for cuts in some of the weapons systems.

Because of the lack of specificity in the Symington amendment, I am concerned that the impact of that amendment may fall on shipbuilding, manpower, or other high priority programs.

I prefer, therefore, to focus whatever decisions I make to cut on more specific programs. So, I intend to vote against the Symington amendment for this reason, although I intend to vote for other specific cuts that are consistent with a sound defense policy.

May I say this to the distinguished Senator from Mississippi that as the Committee on the Budget considers these matters more thoroughly—and I think we will be establishing a task force on defense matters—in the coming months, we hope to be able to identify more specifically and selectively areas of low priority or waste.

Finally, Mr. President, we ought not to overlook the fact that the Committee on the Budget already has recommended and Congress approved in the first concurrent resolution substantial cuts in both budget authority and in outlays of the defense function.

Mr. STENNIS. Mr. President, if the Senator will yield for a question, as I understand the situation that exists now, this Senate bill, as presented to the Senate by the Committee on Armed Services, comes within the guidelines of the Senator's resolution of the new budget of the Committee on the Budget; is that correct?

Mr. MUSKIE. That is correct, if one puts aside the four other items that I have described.

Mr. STENNIS. These items, the Senator has mentioned, are about what Congress may do in the future. The Senator made the same assumption when he presented his figures in the committee. The Senator took facts as they were, rather than what they may be after the Congress has acted.

Mr. MUSKIE. In the committee we assumed nothing with respect to these four items. In the conference we assumed that pay caps could be lifted, but we did not consider, I do not think, the other two items.

Mr. STENNIS. The Senator took those facts as to those items as they were then.

Mr. MUSKIE. Yes, that is right.

Mr. STENNIS. That is what we are going to do here, if I may say so.

Mr. MUSKIE. The Senator is correct. There is no way for us to reach a decision, I take it, on those four items in connection with this pending bill.

Mr. STENNIS. I thank the Senator.

Mr. SYMINGTON and Mr. McCLELLAN addressed the Chair.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MUSKIE. I will yield the time if I have time.

The PRESIDING OFFICER. The time of the Senator from Maine, which consisted of 2 additional minutes, has expired.

Mr. STENNIS. Mr. President, does the Senator from Missouri wish to yield him a minute to ask questions?

Mr. SYMINGTON. I yielded some of my time to the Senator from Georgia (Mr. NUNN). If the Senator wants to yield his time he may.

Mr. KENNEDY. What is the time remaining?

Mr. STENNIS. Mr. President, I yield a couple minutes.

Mr. SYMINGTON. Mr. President, I would like a couple minutes.

Mr. STENNIS. I yield a few minutes.

The PRESIDING OFFICER. The Senator from Mississippi has 24 minutes remaining.

Mr. SYMINGTON. Did the Committee on the Budget get into the procurement questions in any detail which we are discussing today?

Mr. MUSKIE. No, we did not.

May I say to the Senator that we did not feel we ought to supersede the responsibilities of the authorizing committees in that kind of detail. So, as to S. 920 I think this is an appropriate debate that has been conducted, and the Senate now has to make those decisions.

I simply want to make sure that when the Senators vote on this they understand that down the road there appear to be four likely legislative decisions that are going to put pressure on the defense budget, and they ought to take those into account. If they do, that may well move them in the direction of the Senator's amendment. But I think those pressures ought to be understood so that we will not be asked the question down the line: "Senator, why did you not warn us that these were coming and what their budgetary effect might be?"

Mr. SYMINGTON. I thank the Senator, and I thank the Senator from Mississippi.

Mr. McCLELLAN and Mr. NUNN addressed the Chair.

Mr. NUNN. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. I will yield, and I have yielded, I believe, to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, will the Senator give me a minute?

Mr. STENNIS. I will yield 2 minutes.

Mr. McCLELLAN. I ask the author of the amendment what does he have in mind when he says here in the last paragraph:

> Within thirty days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Speaker of the House and the President of the Senate a report setting forth how the Secretary of Defense proposes to apportion the reduction required under this section among the various procurement and other programs for which authorizations are provided in this Act.

What does the Senator mean by that? What effect has that? What is the potentiality of it?

Mr. SYMINGTON. We would direct the Secretary of Defense to determine the specific items which would be subject to the $1.2 billion proposed reduction.

Mr. McCLELLAN. Are we lodging in him the power to spend this money any way he wants to?

Mr. SYMINGTON. I say to my friend, the able and distinguished Senator from Arkansas, that I would rather have the Secretary of Defense and the Joint Chiefs of Staff decide upon specific reductions, apart from what the committee has already recommended.

Mr. STENNIS. Mr. President, may we have quiet in the rear of the Chamber so we may hear the Senator from Missouri?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes.

Mr. SYMINGTON. I would rather have them say "This is where we propose to make the reduction."

Mr. McCLELLAN. What we are doing, then, is abdicating responsibilities of the Congress to make appropriations. The Senator is saying they will determine how money will be spent.

Mr. SYMINGTON. This is only on authorization, and only on $1.2 billion of the $25 billion requested.

Mr. McCLELLAN. All right, but it is authorization, and if it is authorization, we cannot appropriate except where it is authorized. They will come in and say then that "No, we want so much of this money for this purpose and that purpose, and that becomes the authorization and not what the Congress says."

We are abdicating absolute responsibility of this Congress and delegating that power to the Secretary of Defense. That is not the way to operate in my judgment.

The items in this bill are specific authorizations, and if Congress wants to cut them, it has the opportunity to do it, it has the power to do it, and that power and final responsibility is in Congress and not in the Secretary of Defense.

Therefore, I just cannot understand this kind of an operation. In the authorization the Senator is going to let him say, "I do not know what becomes of it when he makes the report, whether it is final, whether it is binding, whether it is nothing, or what it means."

Mr. SYMINGTON. I appreciate what the Senator says. Of course, the authorization decision would be one thing, and the appropriations final decision another.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, maybe the proponents will want to yield some time now. I yield 1 minute.

Mr. McCLELLAN. What will he say will be the authorization?

Mr. SYMINGTON. The administration's requests have already been decided upon by the Committee on Armed Services through authorization. The proposed reduction of the committee would not change.

I have seen many occasions on which a parochial interest has been a final determinant on a particular weapons system. Inasmuch as we are getting into serious economic trouble, I hope we would set a ceiling on the amount of money we decide we can afford for national security. After making that decision, I hope we would recognize that, notwithstanding committee decisions on specific items, the Joint Chiefs of Staff and the Secretary of Defense are better judges as to where any specific additional cuts should be made than any individual Senator.

Mr. McCLELLAN. On the same argument, we might say that they are better judges of how much we need to spend and what to buy.

Mr. SYMINGTON. No. We have to have a true ceiling for national security.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Georgia.

Mr. NUNN. Mr. President, I commend the Senator from Maine for making a forthright statement on this bill. He has one of the toughest jobs in Congress, and he is performing that job with due diligence. He is reporting not only what the facts are but also what the facts may well be, based on every contingency that could come about. That is exactly what the budget process was designed to do. It takes a great deal of courage to do that, and the Senator is to be commended.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator has no time. The Senator from Missouri has time.

Mr. SYMINGTON. Mr. President, we have 25 minutes, and I yield the Senator 4 minutes.

Mr. KENNEDY. Mr. President, I am going to support the amendment of the Senator from Missouri, of which I am a cosponsor.

The PRESIDING OFFICER. The Chair interrupts the Senator to say that the Senator from Missouri has 20 minutes remaining.

Mr. KENNEDY. I yield myself 5 minutes under the unanimous-consent agreement that gives Senator CRANSTON and me 3 hours on the bill.

The PRESIDING OFFICER. The agreement is that the amendment will be voted on at 12:30. That agreement can be extended only by unanimous consent.

Mr. KENNEDY. Is there not a unanimous-consent agreement as to the time on each amendment, and that 3 additional hours on the bill will be granted Senator CRANSTON and myself, and that we are going to vote by 6 o'clock on Friday?

The PRESIDING OFFICER. The Senator is correct, but time cannot be extended on this amendment without unanimous consent.

Mr. KENNEDY. I understand that we are going to vote at 12:30, but can I not yield myself 5 minutes with that understanding?

The PRESIDING OFFICER. The Senator's time will have to come from someone else.

Mr. KENNEDY. Mr. President, will the Senator from Missouri yield me 5 minutes?

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. A parliamentary inquiry.

The PRESIDING OFFICER. On whose time?

Mr. STENNIS. Mr. President, I yield time for a brief parliamentary inquiry.

Mr. GOLDWATER. Mr. President, it was my understanding that that unanimous-consent agreement as to increased time on yesterday applied to yesterday, and I do not recall that it carried over into this debate.

The PRESIDING OFFICER. There is an agreement allotting 3 hours to the Senator from Massachusetts for general debate, but it cannot be used until 12:30, except by unanimous consent.

Mr. SYMINGTON. Mr. President, I yield to the Senator from Massachusetts such time as he requires.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am a cosponsor of this amendment, and I hope that it will be adopted.

I know there are now voices abroad in the land that say, in the wake of what has happened in Southeast Asia, that this is no time for a cut in our military procurement policy, or for any kind of reduction below the requests that have been made by the administration. But I think it should be made abundantly clear to the American people that statements made in reference to an erosion of American will were not made by Members of the U.S. Senate. They were made by people in executive positions of our Government.

I think the real question is our will and determination in exercising our military authority to carry forward our commitments around the world. That is really the test. I, for one, am completely satisfied as to the strength of our Armed Forces in both the strategic area and the conventional area.

In spite of the fact that we are adding additional billions of dollars to the military forces of the United States, the test for us ultimately will come down to the question of national will—whether we will exercise it. That is the fundamental issue in the application of military force. So we are entirely free to review what is being requested of the American people, requested of the Senate, in this authorization bill.

I believe the amendment offered by the Senator from Missouri is entirely appropriate. It will insure the security and safety of our Nation.

I should like to ask the distinguished chairman of the committee a question, since we have been talking about various issues of authorizations and appropriations.

As I understand it, the effect of the amendment of the Senator from Missouri would still give us an authorization 14 percent higher than the appropriation of last year.

I direct the chairman's attention to the charts which have been referred to in the debate opposite page 2, which provide the total figure recommended by the committee. This is approximately 20 percent over what was appropriated last year. Does the chairman of the committee agree with that observation?

Mr. STENNIS. The way we figure this, the amendment would put it at 14 percent. But that does not take into account the shipbuilding matter that is in the bill, picking up the added costs. Also it would not take care of anything for inflation, which is a fact of life, as are the debts on the ships.

Mr. KENNEDY. It is my understanding of the Senator's answer that, with the acceptance of the amendment, and with the qualifications advanced by the chairman, there is still a 14-percent increase over last year.

Mr. NUNN. Mr. President——

Mr. KENNEDY. I am not going to yield on my time.

Mr. NUNN. We discussed this at length a few minutes ago.

Mr. KENNEDY. I listened to it. I am directing my question to the chairman.

Mr. STENNIS. As I understand it—and I will yield to the Senator from Georgia, too——

Mr. NUNN. I will be glad to answer.

Mr. STENNIS. The shipbuilding adjustment would bring it down to 9 percent, but it would still not allow anything for inflation; so if inflation is 9 percent, that takes out the 9 percent. In that way, there is no increase.

Mr. KENNEDY. I listened to the debate earlier. The fact remains that these figures were not supplied by either the Senator from Missouri or the Senator from California or myself. This chart is printed in the armed services pamphlet, and it is almost identical to the chart that was in last year, in comparison.

Perhaps there is a question of apples and oranges. If so, I must say that the Senator from Missouri, and those of us who cosponsored this amendment, are trying to relate the authorization requested by the Committee on Armed Services that to the appropriations of last year. We are looking at figures in documents for the last 2 years, supplied by the Armed Services Committee. These figures show that the effect of the Senator from Missouri's amendment would be a 14-percent increase.

We should understand that. We are talking about the percentage of increase in authorizations. Interesting as it might be to talk about what might be appropriated or expended or committed later in the year, what we are talking about now is using the age-old, traditional comparison, used here time and time again, between what was actually requested and authorized and what was appropriated.

Mr. SYMINGTON. Will the Senator yield?

Mr. KENNEDY. I just want to make sure that point is understood.

Mr. STENNIS. I repeat for emphasis that if we take out this ship item, which everyone agreed was something that had to be paid—if not, it would have to be taken out of shipbuilding for the future—that adjustment brings it down to 9 percent. Who can say what will be the rate of inflation? Certainly it is going to be something. So if it is 9 percent, that puts us even.

Mr. KENNEDY. The shipbuilding is in now.

Mr. STENNIS. Yes.

Mr. KENNEDY. It is in, so it does not make any sense to talk about taking it out.

I yield to the Senator from Missouri.

Mr. SYMINGTON. The committee reduced the requested funds in shipbuilding to pay off prior years' obligations which obviously had not been paid.

In addition, the committee deleted requested funds which are not payable in 1976; that is, payable in some future years.

If these figures are set aside from our consideration of real growth in this year's bill, we find substantial real growth of at least $1 billion in overall procurement. In other words, adding shipbuilding accounts, because of payouts for prior years and reductions for what is payable for this year, distorts the true picture in the increased procurement request this year.

Furthermore, I would say here, we spent a great many months on research and development, and on the question of tactical air we spent many weeks. But, to the best of my knowledge, on the question of shipbuilding and its costs, we spent less than a day. Yet nearly all of the discussion as to what should or should not be done here this morning is on the question of what we do with shipbuilding.

I hope we get into this problem deeper in the future, because I think the time has come when we have to decide, regardless of various people's preferences as to various weapons systems, to put a ceiling on the total amount that we spend for national security; because a sound economy and a sound dollar, in the long run, are just as important to national security as any weapons system.

Mr. KENNEDY. I thank the Senator. As I understand the committee request, no matter how one defines it, there is a 20 percent increase over the appropriation for last year. We have the responsibility to exercise judgment on authorizations, and we have an opportunity now to exercise it with the Senator's amendment.

Finally, I listened with some interest to the following question: If we accept the amendment of the Senator from Missouri, are we not really abdicating responsibility in this area, because we would then be leaving the responsibility to the Joint Chiefs and others in the Defense Department to bring about some kind of reduction? I think it is quite clear that the Joint Chiefs and others who have responsibility—following the acceptance of this amendment—would know our clear intention concerning the way those moneys should be spent.

The committee itself has gone into various items in great detail. We have seen, over the period of last year, a significant reduction in support supplies and an increase in personnel transferred to combat. I, for one, fully support the idea of the Senator from Missouri that we should provide for a reduction and say to the Joint Chiefs: "We recognize that you can exercise judgment in terms of national security interest." I know there are those who will say they exercise that judgment in the most painful way in terms of closing down bases in various States. They have closed them all down in Massachusetts, in any event, over a period of time. I think we have listened to those arguments in the past.

I personally believe that if the Pentagon had this kind of mandate, it would make judgments which are in the best interests of national security.

I welcome the opportunity to support this amendment. I think that with it, there will still be provided the cost-of-living increase plus an additional 4 percent. I think that we must balance defense against the other kinds of needs we are facing here at home—needs we have talked about during the last 3 days—where cutbacks in a great many programs have been tragic.

Quite frankly, Mr. President, I think elderly people in the innercity of Boston are more in danger from violence within that community than they are from the threats from abroad. When we see reductions in the Law Enforcement Assistance Act and many other programs, we are talking equally about national security.

I shall support the amendment. I think it is sound. It is responsible. It secures our national security interests and is also sensitive to other issues of equal importance. I reserve the remainder of my time and yield the floor.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment, which would impose a ceiling of $23.8 billion on the amounts to be authorized.

I oppose any ceiling, because I believe that the imposition of a ceiling is simply the wrong way for Congress to fulfill its responsibilities in the national security area. This particular ceiling, moreover, is far too low. It would jeopardize our security and involve significant real reductions from the fiscal year 1975 level, which in itself represents a program that is far too low—the lowest, in fact, for 25 years.

The imposition of an overall dollar ceiling on this bill would involve an abdication by Congress of its responsibilities in the most critical areas of national security policy. The items covered in this bill—research programs, weapons to be developed and produced—comprise the very backbone of our defense efforts for the years ahead. In choosing the weapons to be developed, produced, and deployed, we are making decisions of the greatest strategic importance. We are delineating our capabilities, and our role in the world, for many years to come. Decisions in this area must be made by Congress. There is no alternative if Congress is to fulfill its responsibilities in the area of national security policy. There is simply no place for arbitrary ceilings or flat reductions, or for arbitrary program levels derived by adding some percentage to the amount for the preceding year. This ceiling approach, of course, has a simple appeal. It is tempting. It avoids a lot of difficult issues. It is wrong precisely because it avoids the real issues. To impose a ceiling would be tantamount to a congressional declaration of bankruptcy, a going-out-of-business in the national security field.

Let us consider some of the practical aspects of this matter. Suppose we impose this ceiling. We would then have to go to conference with the House, which rejected a ceiling figure—a much higher one. We could anticipate an interesting conference. Then we would transfer the choice to the executive as to the specific cuts to be made. Back to Congress, then. Hearings and debate in both Chambers. Conference again. And somewhere, after all of that, Congress would then get around to appropriating and, hopefully, the executive would be able to carry out the program for fiscal year 1976—which begins next month.

In practice, there simply could not be time for the executive to develop alternative proposals, for Congress to consider them in an orderly way, to complete appropriation action, and to carry out the fiscal year 1976 program in an orderly manner. Something would have to give. And one of the things which would have to give would be any chance for orderly consideration by Congress of the executive's proposals for applying this $1.2 billion blanket cut. We would have a choice of rubberstamping these proposals, or delaying the legislative process indefinitely.

The ceiling approach, then, is simply unworkable in any way that would provide for Congress to fulfill its responsibilities in the national security field. It is wrong in principle. In addition, it would provide a cut from the fiscal year 1975 program in terms of real buying power.

Let us review the figures. The bill as reported would authorize $25 billion. Of that, though, $1.3 billion is necessary to meet funding shortages for ships approved by the Congress in fiscal year 1975 and prior years. This provides no new ships at all for fiscal year 1976. The amount in the bill for new fiscal year 1976 programs, then is $23.7 billion.

In fiscal year 1975, Congress authorized $21.9 billion. After appropriation action, we provided a program of $21.2 billion. These figures exclude Southeast Asia. Let us begin with the lowest figure, $21.2 billion appropriated for fiscal year 1975. Add $1.6 billion for inflation, at 7.5 percent. And add $900 million, necessary to fully fund the ships in the fiscal year 1975 program. The new program appropriated by the Congress for fiscal year 1975, then, is equivalent to $23.7 billion at fiscal year 1976 prices.

We provided, then, $23.7 billion for fiscal year 1975. We are proposing $23.7 billion in new programs for fiscal year 1976. If the optimistic inflation factor of 7.5 percent holds and some balances are found during the appropriations process, there could be, at the most, a $300 million growth. However, if those two factors do not prevail, there is no growth at all in this bill as it stands. If we adopt the proposed amendment, we will be imposing a reduction of $1.2 billion from the fiscal year 1975 level, side from Southeast Asia, which of course is zeroed out completely.

That fiscal year 1975 program represented the lowest defense program, in terms of real buying power, for 25 years. This amendment would impose a further cut of $1.2 billion from that level. This is completely out of line with our needs, and with the realities of the world today. The bill as reported would do no more than hold the line. This is the least we can do.

This ceiling approach is wrong in principle. It is unworkable in any way that would allow Congress to fulfill its responsibilities in the national security area. It would reduce our weapons programs to a new low, well below the levels we approved last year when inflation is taken into account. This amendment should be defeated.

There is no real growth in the fiscal year 1976 recommendation as contained in this bill. When we consider that the 1975 fiscal year shipbuilding program was underfunded, this figure, together with inflation for that year and the previous year, and together with inflation for the 1976 fiscal year, will just about take up the $4.1 billion difference which has been brought out here. The $4.1 billion is the difference between the fiscal year 1975 actual appropriation and the 1976 recommendation authorization as contained in the budget resolution. Therefore, there is $4.1 billion. But that will be absorbed, as I stated, by the shipbuilding program having been underfunded in previous years, and inflation at that time, and then the inflation of this year. So, really, there is no difference. In fact, when we consider those factors, the bill for this year probably would be as low as or lower than the appropriation was last year.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. THURMOND. I want to bring that point out, because I think it is important for the Senate to know that.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. THURMOND. I yield for just a half-minute, because my time is limited.

Mr. KENNEDY. I know this argument has been made, but why not use the same argument in terms of inflation for hospitals, schools, or any of the other kinds of services? We are not prepared to do that. The Senator is talking about inflation in terms of a particular shipbuilding program, and saying that the committee should not be charged with it. Yet we use the comparison in terms of many other programs—hospitals, schools, and all the rest—and there is no adjustment for inflation. Why do it solely in terms of this procurement?

Mr. THURMOND. Mr. President, in response to that question, I say we are now considering the defense bill. We are not considering hospital bills; we are talking about the defense bill.

While we are on that, I want to mention that under the budget resolution, the total Federal spending for 1976 is $367 billion. For 1975, it was $314 billion. So it is up $53 billion. But where is that going? Is that going to defense or nondefense? The Senator has mentioned nondefense items.

Of that $53 billion increase, only $5 billion goes to defense; 6 percent. The other $48 billion, which is 21 percent, goes to nondefense items. So it is clear that the increase in the 1976 budget is not in defense compared with nondefense. Six percent defense, 21 percent nondefense.

Now, Mr. President, in closing, I just want to say that there is no question in my mind—and I hope there is not in the minds of the Senate—that his authorization should be passed as has been requested. I think it has been clear, the figures are clear, and I think my statement on this matter explains it in detail. I will not take any more time.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield to the Senator from Arkansas 3 minutes if he needs it.

Mr. McCLELLAN. Mr. President, I had not intended to take part in this debate, but when I got over here and saw this amendment with this provision in it about appropriating the responsibilities of Congress to make appropriations for specific items, delegating that power to the Secretary of Defense, with the language here I do not know what it means.

I wonder as to the Appropriations Committee when the Secretary of Defense reports back that he is going to spread this money this way or that, does that become the law that binds the Appropriations Committee? There is no provision in here as to what he has done with it after the report is made. They just report back how they are going to spend it if it is under the authorization. Does that bind the Appropriations Committee just as if it was written into the law where he makes the cuts?

I tell you this is loose legislating. This is not the way for Congress to meet its responsibilities. You may be for reducing; and, if so, offer an amendment to reduce the item in the bill. But this way it delegates the power to the Secretary of Defense to come back and make a report of how he is going to spread it around.

That provision is absolutely, in my judgment, if that is intended to bind the Appropriations Committee, that provision is unconstitutional. If it is not intended to do that, what is the purpose of it? If it is not intended to bind us, it does not say, "You will make a report for consideration by the Appropriations Committee." It just says that he makes a report of how he is going to distribute these authorizations.

Mr. President, this is—I do not know a word that describes it from the standpoint of responsible legislating. I do not care how much you want to cut, and there is a tendency to cut, and I am not against cutting. Without any requirement, I myself have led the fight to make cuts in the defense appropriations during the past 3 years. I have not gone to the extreme that some would want to go, but I say, Mr. President, that this is an abrogation of responsibility or it is legislating so that no one can understand what the intent of Congress is. This ought to be corrected before it is voted on.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Missouri yield me 2 minutes?

The PRESIDING OFFICER. A question is being directed to the Senator from Missouri.

Mr. KENNEDY. Mr. President, will the Senator yield 2 minutes?

Mr. SYMINGTON. I yield to the able Senator from Massachusetts 2 minutes.

Before he speaks, I would say to my good friend from Arkansas that all we are discussing, is a proposed reduction of 4.8 percent of the bill's procurement budget, $1.2 million. Here the Secretary of Defense would have to report to us where he took this additional cut.

Mr. McCLELLAN. I have just one question: Does he intend that that becomes law, what he decides to do? Is it binding on anybody and, if so, on whom.

Mr. SYMINGTON. It is only binding on the 4.8 percent of the authorization.

Mr. McCLELLAN. It would be binding on those who do or those who do not; it should be equal.

Mr. SYMINGTON. It would be binding only on that amount apart from what the Senate Armed Services Committee has recommended for authorization.

Mr. KENNEDY. Mr. President, I would just like to direct this question to the chairman of the Budget Committee, because he made a statement before. I understand that the Budget Committee had recommended a 10.5-percent increase in defense expenditures. It is my understanding that, under the proposed authorization, it will be as high as 20 percent over last year.

Now, in listening to the Senator, if you do not have a cap on military pay—and, I must say, in terms of trying to look down the road it seems to me it would be extremely unlikely—would not the chances increase that we would exceed the budget recommendations?

Mr. MUSKIE. That was the purpose of my statement this morning. If the additional items which were not reflected in the budget materialize, a total of $2.4 billion in outlays and $2.4 billion in budget authority, and the indications are that they will, and the figure stated was the pay cap, both active duty pay and retired pay, if those materialize, this bill S. 920 ought to be cut, and the vote to cut ought to be cast by those who are going to support those decisions.

Mr. KENNEDY. The Senator has been here longer than I have, and he has watched the actions Congress when it comes to cutting pay increases. I ask what he thinks, as an individual Senator, of the possibility of holding the line on those items?

Mr. MUSKIE. I do not think there is any possibility. The House has voted to have the cap, and the Senate will follow suit, and we will have to find room for the $1.8 billion in the defense budget to accommodate that, and for that there must be some provision in this bill.

Mr. BUMPERS. Mr. President, would the Senator yield for just one question?

Mr. SYMINGTON. I would be glad to yield to the distinguished Senator from Arkansas.

Mr. BUMPERS. The Kennedy amendment reduces it by $203 million. Does that mean the ceiling is still $23.8 billion?

Mr. SYMINGTON. That is correct.

Mr. BUMPERS. In other words, the Pentagon actually picks up $203 million if both are adopted; is that correct?

Mr. SYMINGTON. That is correct.

Mr. President, I am glad we have had this discussion and debate, I predict it will be a forerunner of many other debates on this subject in the years to come, shedding light on how the defense structure is created, authorized, appropriated, and made into law by Congress.

Before closing for myself, I would like to read a report from the Library of Congress, just two paragraphs:

> S. 920, if enacted in its present form, would, both in absolute terms and on a percentage basis, provide the largest increase over the previous year's funding for the same purposes since the Congress began to authorize both miiltary procurement and research, development, test and evaluation (RDT&E). In its present form S. 920 contains $25.0 billion in procurement and RDT&E funding authorizations. This exceeds the total FY 1975 appropriations for the same categories ize both military procurement and research,
>
> Both in current dollar terms and on a percentage basis, the present proposed authorization increase exceeds even the increase which occurred between FY 1965 and 1966, following the direct American entry into the Vietnam War. In terms of a percentage increase over FY 1975 funding for the same purposes, the rate of increase allowed in the present bill also exceeds both the rise in consumer prices and the Department of Defense's stated inflation indexes for procurement and RDT&E during FY 1975.

That is from the Library of Congress, a relatively objective group, I am sure, and I simply wanted to make it part of the record at this point in the debate.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, what time do I have available please?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, the Armed Forces of the United States have become much more important in recent years with the advent of strategic nuclear party. Since both East and West wish to avoid a nuclear confrontation, usable military power is largely defined by conventional combat units, a fact not lost on policymakers around the world.

The Soviets, recognizing this situation, have in recent years invested staggering amounts to upgrade their conventional forces: 20 additional divisions, 400,000 more soldiers, superb new armored, electronic, and antiaircraft weapons systems. There is no question the United States has lost much of its earlier qualitative "edge" in weapons, as was quite evident in the 1973 Middle East war. During a period when our Army has been drastically reduced in size, the Soviet Army has reached formidable new heights of modernization and overall effectiveness.

This development has coincided with a marked deterioration in the general stability and order of world relationships. Under the impact of aggressive new political and economic forces, our era is marked by greater international turbulence and uncertainty than have been seen for a long time. Traditional U.S. allies are adopting a more regional and parochial view of security issues. The resolve and capability of the United States to protect its vital interests are being questioned.

Defense strategists have considered for some years that 30 Army divisions were needed to deter the Soviet threat in Europe and maintain credible flexibility elsewhere. Since plainly we cannot afford to maintain this level in peacetime, we must assume some element of risk—a risk which has grown substantially of late. The Army's move this year to reconfigure from 13 to 16 active divisions—with 8 more divisions in the National Guard—will improve our posture from one of unacceptable risk to one of prudent risk. I think all of us would agree the latter is highly preferable. In my view, it may even be too low.

Three new Active Army divisions would be added to the current 13 to create the proposed new 16 active division force. They will satisfy the requirement for additional readily available combat power, broaden the Army's recruiting base, and greatly enhance the affiliation of Army Reserve and National Guard units with the Active Army. The latter program has given a great lift already to the combat readiness and deployment capabilities of Army Reserve components.

An extremely attractive feature of this increase in Army combat power is that it is proposed within constant manpower and within roughly constant dollar levels. Through reconfiguration of existing resources and the shifting of additional responsibility to Reserve components, designated expenses are being held to a minimum. Overall, the new combat structure is one of the most cost-effective investments we could make in national security. Certainly it projects the improved "tooth-to-tail" ratio we in Congress have been asking of the Army.

Little as we may like it, external realities require that the United States improve its conventional military capability. The Army's 16 division plan is one of the best ways we can do this without incurring massive additional costs. I strongly endorse the Armed Services Committee's support of this initiative.

Mr. STENNIS. Mr. President, I thank the Senator from Louisiana.

Mr. GOLDWATER. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. Yes; I yield 1 minute.

Mr. GOLDWATER. Mr. President, we have heard a lot about $4.1 billion. I would like to put the record straight. For fiscal year 1975 the real program was equivalent to $23.4 billion. Therefore, equivalent figures are fiscal year 1975 $23.4 billion, and fiscal year 1976 $23.7 billion.

The growth, if the $7.5-percent inflation factor is correct, is only $300 million, not $4.1 billion or 20 percent, as the proponents of the amendment will say.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Will the Senator yield?

Mr. STENNIS. Mr. President, what remaining time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. STENNIS. Seven?

The PRESIDING OFFICER. Yes.

Mr. STENNIS. I yield to the Senator from Rhode Island 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, what is happening here today brings me somewhat back to 1960 when one of our great Presidents, and his name was John Fitzgerald Kennedy, campaigned the length and breadth of this great Nation of ours and was elected in the missile gap.

He told the American people that the worst thing that we can do to jeopardize the safety of this great Nation was to begin to skimp and scamp when it came to what was necessary to insure that we would remain free.

Mr. President, in the last 10 or 15 years, many things have come to pass. There has been a tremendous evolution in the world, there has been a revolution in the world. I say that we better be careful about these meat-ax cuts, these across-the-board cuts, leaving it entirely up to the Defense Department to pick and choose where it shall make the cuts.

Usually, they do it where we like it the least because that is where they like it the best.

I have my own doubts about the B–1. I am looking at that very, very carefully, and when the time comes I shall exercise my judgment and my conviction in that respect.

But I say at this moment in our history, with the West Germans selling their fuel sites in atomic energy to Brazil, and with the rest of the countries in Latin America wanting the possibility and the capability of earning themselves this prestige of being a member of the nuclear club, I think we better be pretty careful what we do because we are already being told to get out of Athens and Greece, we have already been threatened by the Turks, told to give up our base by Spain, we are already being chucked out of the Azores.

I say to this country, where will we be unless we have that backup that John Kennedy had in October 1962, when he told Khrushchev, "Bring those atomic bombs here and I will destroy your boats."

The reason he was able to do it was that he was backed up with power, with power not to engage in a conflict, but to avoid one.

I remember only too well I said that in 1964 and I cannot change my mind in 1975. I say to Senators that we better look at this very closely, we better look at this very seriously, we better listen to a man like MUSKIE who has looked at this.

Yes, listen to Mr. KENNEDY as well, listen to everyone we want, but whatever we do, Mr. President, let us make sure that we do not bite our noses to spite our faces.

Yes, I know some cuts have to be made. But as to this idea that somebody has decided it has got to be $20 billion, or $15 billion, or $30 million, I say, Mr. President, this is a funny kind of a world today. I am telling everyone that those Russians are not relaxing, and the Red Chinese are not relaxing. Not only that, if we look around the world, here is Paris selling reactors all over the world.

We told our manufacturers to exercise some restraint, and they are exercising some restraint. But these are Americans. These are Americans. Every time we turn around we have a little bit of a humiliation, a little bit of embarrassment here and there.

It happened not too long ago. When a country like Cambodia can get cockey with the United States of America, I am saying that it is about time we looked at ourselves.

I say, Mr. President, I am going to vote against this meat-ax cut, but when the proper time comes and I feel a cut should be given, I will make it.

I thank the Senator.

Mr. STENNIS. I thank the Senator.

Mr. President, I will yield some time to the Senator from Georgia. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. NUNN. I believe about 1 minute will be enough.

Mr. STENNIS. I yield 2 minutes.

Mr. NUNN. Mr. President, I am delighted that the Senator from Rhode Island made those comments because we have spent most of the morning talking about budget procedures, accounting practices, comparing appropriations to authorizations, comparing apples to oranges, and he got right down to the meat of it, and that is how much muscle and capability does this Nation want.

When he made his reference to 1964, I was not here. I still would like to have it noticed in the Senate just what has happened since 1964.

We have a 585,000 reduction in manpower. We have reduced Army divisions. We have had the Navy ships go down by 427. We have had aircraft carriers go down by 11. We have had Air Force aircraft go down by 6,627. We have had Air Force frontline aircraft go down by 5,112.

Now, those are facts. They are not emotions, and they are not dreamed up by some accountant. That is where we stand today.

We do not have a cold war defense posture; we are struggling to maintain parity with the Soviet Union.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. STENNIS. Well, Mr. President, I think that this has been a very enlightening debate. I want to thank those that have cooperated as well as those who brought in the amendment.

I close the presentation here, Mr. President, by reference again to the fact that if we set a precedent by putting ceilings on our Appropriations Committee, and turn the matter of actual selection there over to the Secretary of Defense and the Defense Department, all they have to do is make choices and make reports back within 30 days, I believe we have seen the worst possible precedent. I say that with great feeling. It would be a legislative mistake.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

The Senator from Missouri has 2 minutes remaining.

Mr. SYMINGTON. Mr. President, in closing this debate, before I yield to the Senator from California, I would recall that on February 5, 1975, Secretary Schlesinger said before the Armed Services Committee:

> There are, in short, no immediate grounds for fears about bomber or missile gaps.
>
> . . . The naval forces of the Soviet Union and its allies are not generally superior to those of the United States and its allies, and that this should be perceived by well informed observers.

General Brown, Chairman of the Joint Chiefs, said on the same day:

> (regarding strategic forces.) We currently have adequate power in this country.

I do not like to see our power denigrated.

I yield to the able Senator from California.

Mr. CRANSTON. Mr. President, I just want to make one point in reply to the questions raised by the distinguished Senator from Arkansas in his capacity as chairman of the Appropriations Committee.

I participated in the drafting of this amendment with Senator SYMINGTON and Senator KENNEDY, and the statement that would come from the Secretary of Defense as to whether or not the cut would be apportioned was in no way to be intended as binding on the Appropriations Committee.

It simply states that the Secretary of Defense will indicate where he proposes to act. It is our understanding that there would be full flexibility within the specific authorizations for the Appropriations Committee to pin this down precisely where it feels it advisable to do so.

I just want that in the RECORD as to the implications.

Mr. McCLELLAN. They were authorized to make the cuts. The bill so states.

Mr. CRANSTON. But as to where they go, it is proposing. It is not binding, as far as we understand it or intended it, on the committee.

Mr. MOSS. Mr. President, I welcome the opportunity provided by this debate on the Defense program and policies. Nothing is more fundamental to the responsibilities of the Senate than consideration of the defense of our Nation. Under our Constitution, the Government's responsibility for maintaining the Nation's security is shared by the President and the Congress. And from the beginning, Congress has exerted a strong influence in such matters.

This subject is timely and significant for several reasons. First, because of the size of the defense budget and its relationship to the total Federal budget. Second, because of the nature and importance of defense. Maintenance of national security is one of the major challenges facing America. The problems of security were relatively simple in earlier times. But today, with weapons that provide nations the capability of destroying each other, national security is a matter of concern to everyone—not just a few. It is important to have a better understanding of the defense program. The forum which is offered here will enable us to do just that. If there are to be differences among us, it is better that they be differences in judgments and not of the facts upon which the judgments are drawn.

It is the Congress who must set the fundamental priorities and validate or reject the underlying assumptions upon which defense legislation is written. However, our Nation's defense needs are not determined by what we would wish but by the international environment and threats posed by potential adversaries to our ability to defend our national and international interests. I would caution against precipitous action. Our national security is not something which has been erected heedlessly, or hastily. It is the product of years of study, experience, and the culmination of actions initiated a long time ago.

In considering this bill I could not help but reflect on the world situation and on the state of our economy at home. Accordingly, I attempted to develop some criteria which would be useful to me in analyzing this resolution. Stated in the simplest terms, I believe the Congress should provide for a national security program which would: Assure a U.S. defense posture that maintains a credible military balance consistent with the principles of deterrence and parity; retain a choice of options to respond to military threat contingencies; enable the United States to continue to play a strong role in NATO; maintain a position of strength for SALT or other negotiations; continue our technological excellence and leadership in R. & D.; lead to further improvement in the efficiency of DOD, and provide defense at a price that we can afford.

The world scene is not comforting. In the Middle East, in the absence of a settlement, we see an uneasy peace which could explode into war at any time. The situation in Portugal and the difficulties between Greece and Turkey have been cause for concern. Despite détente and the fact that we are engaged in SALT talks, the Soviet military strength remains strong and there are indications that it is gradually increasing. In Asia, our efforts in Cambodia and Vietnam have recently drawn to a close. Our activities in Laos have been rolled up hastily, and our forces in Thailand are being withdrawn. The Philippine Government has announced a review of the bilateral security arrangements which exist with the United States.

Instead of giving way to an acrimonious postmortem, we should refocus our national view toward the blunt realities facing us in the world today and on prudent measures to meet them. Since the fall of Vietnam and Cambodia, there has been much talk about what some perceive to be the demise of our position of strength in the world. Some see these reversals as adverse reflections on our own military might, as a question of our national will. Some assert that the United States is fast becoming a second-rate power in the world. I do not share that pessimistic appraisal.

However, we live in a dynamic world. Not many years ago, the United States enjoyed virtually a strategic monopoly vis-a-vis any potential adversary. That changed to a position of U.S. superiority and has evolved to the present status of relative parity which should be maintained if we do not wish to find ourselves in a position of inferiority.

There are some who say that major conflict is unthinkable today because of nuclear weapons. I agree it should be. But I submit that the causes of war are not limited to the state of military technology but are largely determined by the state of mind of human beings, the imperfect nature of mortal man. Abraham Lincoln reminds us that "human nature will not change." Despite our own previous isolationism and our desire for peace, we have been involved in 9 major wars and more than 100 campaigns and expeditions in the nearly 200 years of our existence. I am not asserting that wars are inevitable. But no one in America or in the world can be certain that our nation has seen the last of war. History teaches that former societies not attending to their own defense soon found that their neighbors did.

Some have grown tired of our responsibilities as a major world leader, and long to return to the days of yesteryear. Unfortunately, that is neither realistic nor possible. We can not take "time out," we must continue our search for peace while maintaining the armor of strength. Gen. Omar Bradley said:

> Peace can be lost by timid world leadership and by the premature abandonment of our armed strength. It can be lost when a nation's self-interest is permitted to smother its world role. . . . Above all, the easiest way to lose peace is to lose it by default, by retreating behind our walls to live in dangerous isolation.

Our national defense must be based on broad and continuing national interests in the ever-changing world environment. If we are to maintain national security, we must continue to recognize that freedom has a substantial price—the maintenance of a credible military balance with potential adversaries. If we are to give up that balance, we should do it consciously recognizing the full consequences on the type of society we enjoy here in America in association with other free states of the world.

This debate occurs on the eve of the 31st anniversary of the D-Day operation in Europe, June 6, 1944, which resulted in the liberation of millions of people that would not have been possible without the U.S. efforts. It is equally clear that the U.S. national defense posture has been a cornerstone of security in the world for the ensuing third of a century. I think the latter point is significant to our consideration today.

We should not be afraid to make necessary changes and progress should be welcomed. However, change for change sake should be avoided. Not all change is progress. This is not the time for a massive infusion of funds into defense which would be wasteful and is likely to be interpreted abroad as a kneejerk reaction of a nation that is not confident of its strength; nor is it the time for dismantling the structure or a radical change in policies which could create a great shock wave. It would be imprudent to act on national security in a way that would lend support to any illusions that we are retreating from the world. We cannot afford to signal a lack of resolve if hopes for mutual negotiated reductions in East and West arms levels are to be fulfilled.

Looking briefly at the domestic scene, there is need to arrest the economic slide, turn the economy around, and get the unemployed back to work. A few weeks ago, the Senate Budget Committee presented the first concurrent resolution which was subsequently approved by the Senate. In preparing the report, covering defense and other budget functions, the committee conducted extensive hearings and considered a multitude of requests and recommendations to develop priorities as a basis for determining target spending ceilings. In reality, all our budget needs are in competition. However, the committee concluded that the Federal budget for fiscal 1976 should provide:

> Funds for national security, education, health care, pensions, and other established programs which the people of the United States would need regardless of the state of the economy.

In other words, the committee said that national security is among these first priority needs to be fulfilled. Moreover, the budget resolution and the conference report included funds for all of these activities along with other programs designed to reduce unemployment, counter the effects of recession, and stimulate economic recovery.

We must resolve our domestic problems—for example, unemployment, inflation, and recession—and these problems are not automatically solved by an effective national security program. But without such a climate, how can we be assured of the opportunity to even work toward solution of such other problems. I do not believe we should expend resources beyond our real needs for whatever purpose. However, consistent with the Budget Committee's conclusion, I believe that the Nation can afford and must make the expenditures necessary to meet its security needs.

Now, turning to the bill before us. First, I want to express appreciation to the distinguished chairman and the members of the Armed Services Committee for the excellent report on the defense bill. It is obvious that the committee and its staff have worked long and hard in critically analyzing the subject matter and presenting the bill. Particularly welcome are the moves taken by the committee, charging the Department of Defense—DOD—to furnish several significant studies and reports to insure better availability of information for the Congress.

Considering this legislation against the criteria outlined, my reaction was favorable. Let me highlight just a few examples from the bill and accompanying report. It: First, maintains a "fundamental commitment to the principles of deterrence and to the maintenance of a United States-U.S.S.R. strategic balance based upon parity; second, retains various options by continuing the Triad of strategic forces and strengthening our conventional forces; third, maintains a "strong, steady commitment" to NATO which is enhanced by the continued conversion of support units to combat units; fourth, provides for insuring "a continuing and vigorous technology base both in Government and in industry;" fifth, recommends strategic initiatives "consistent" with and "largely a continuation and natural outgrowth of the programs authorized" previously; and, sixth, maintains a position of strength for SALT negotiations—for example, it provides for procurement of 50 Minutemen III ICBM operational test missiles and continuation of the Minuteman force modernization program which improves insilo survivability. Keeping the production line open as a SALT option is particularly attractive.

On the other hand, the committee has recognized the need for DOD to improve its management to make better use of the resources which Congress has provided. For example, the report: First, reflects the need for DOD to make greater efforts "to determine what weapons are needed, . . . be more selective in its priorities and choices, and more effective" in managing its programs; second, urges DOD to "emphasize those weapons systems and technology programs which are critical to the future survival of the Nation;** third, highlights the need for the Secretary of Defense to provide more guidance to the services regarding "the inflation/escalation problem" in contracts. fourth, reduces the military and civilian strength a total of 41,300; fifth, approves a fourth B-1 bomber but deletes production/related funding; sixth, requires DOD to consider the desirability of developing an alternative bomber to meet a 1990 IOC; and, seventh, directs DOD to study alternative basing arrangements and force levels in the Pacific.

I support the committee's declared intention to keep "the pressure on" DOD to effect further improvements.

The committee recommends a total of $25.0 billion for this bill, a reduction of $4.8 billion from the administration's request. This is a sizeable cut. However, I believe the amount recommended—$25.0 billion—provides sufficient funds to meet all of the Nation's essential defense needs in the areas covered by this bill.

The Congress approved the budget resolution conference report on May 14. I think it is essential that we stay within the overall ceiling we have approved. Although not binding this year, the functional totals provide a useful guide to what the Nation can afford this year and what it cannot. Their adoption by the Senate would greatly facilitate budget control. S. 920 as reported is consistent with the conference report on comparable portions of the defense program.

If we were the artist, each of us might paint this bill a little differently. For example, it does not precisely square with my own views in every detail. But like the other bills which come before us, it is a product of the legislative process and reflects the give and take which is characteristic. In my view, however, the bill offers a reasonable balance and provides a responsible strategy for meeting the Nation's security needs as they are foreseen at this time.

This debate offers a valuable opportunity to identify issues and problems leading to decisions for improving defense, but it is useful to remember that national security is a continuous process. It was not built in 1 week. It cannot be recreated or changed drastically in 1 week, without seriously damaging our national security, forcing tremendous waste and inefficiencies, and triggering an avalanche of reaction which could convey the wrong signal and rupture the stability of the strategic balance.

This Nation is nearing the end of 200 years of mankind's most successful experiment in democratic government and personal freedom. Adequate security has been a requisite of this experience. To assure such opportunities for our future generations, in acting on this bill, let us keep the American ship of state moving forward on a secure and steady course.

MILITARY PROCUREMENT AND A SHORTAGE ECONOMY

Mr. PROXMIRE. Mr. President, we are living today in what economists have characterized as a "shortage economy." I would like to discuss the military procurement bill before us today in terms of this relatively new phenomenon of an economy of short supply.

Last year, three of our colleagues—the distinguished Senators from Washington, Kentucky, and Illinois (JACKSON, HUDDLESTON, and PERCY)—investigated the matter of shortages. Their work led to the publication of a report which indicated very clearly the impact of this economy of scarcity on major American industrial firms.

Among 258 of the Nation's largest manufacturers, 245 reported that they had experienced a short supply in at least one of the commodities essential to their business; 108 of the firms surveyed said they could not obtain enough petrochemicals; 106 had trouble purchasing steel; 94 reported difficulty in buying non petroleum chemicals; 74 had inadequate supplies of aluminum; and 62 said sources of copper were insufficient. These are only a few of the 64 commodities reported to be in short supply.

In a recent issue of Industry Week, the vice president for materials and services of Allegheny-Ludlum Steel Industries, Inc., told a reporter that he could not find a single purchasing agent who could remember "ever being through a more hectic shortage period than the last 2 years." He went on to say that it was not even as bad during World War II and the Korean war. The purchasing agent for Inland Steel recently lamented that "There isn't anything not in short supply."

Shortages, of course, have a ripple effect throughout the economy. Every one of us, I am sure, has been unable to get some items that we require as householders or we have been unable to get it when we needed it.

Shortages also have a cost. In fact, they have several costs. First, there is the obvious cost that a manufacturer or a consumer incurs when scarcities cause a rise in prices. Then there are the less obvious costs that result from delays, from contracts lost due to insufficient supplies of materials. These are the penalties of lateness. Ultimately, they are the penalties of shortages. What the cost of these shortages may be to our economy has not—I believe—been estimated. But I daresay that it is running into the billions of dollars annually, as markets shrink, goods are delayed or nonavailable, and business opportunities are missed.

Because of the ripple or cascade effect of shortages from one production tier to another and finally to consumers, shortages have to be viewed both as symptoms and as causes of a weak economy. Their effect is circular. And it is vicious in terms of its impact on the foundation of our economy. Shortages breed shortages and engender a spiral from which it can be very difficult to escape.

The causes for this abundant supply of shortages are numerous. Some—such as increasing world demand for resources and simultaneous exhaustion of these materials—are obvious causes. But they are not necessarily the most important. In fact, there is increasing evidence to suggest that the bleaker predictions of resource depletion in a very short time are unnecessarily pessimistic. World demand for certain minerals is sagging. Prices may fall, too, though typically prices never return to preshortage levels when the scarcities end. This is still another cost of shortages.

The other causes for shortages are far more controllable than rising world demand and lagging output. Fuel shortages have fostered shortages of other materials. High interest rates, low rates of return on investment, price controls, two devaluations of the dollar and unproductive allocations of resources are among the secondary causes of shortages.

For example, dollar devaluation has made certain American products and materials very attractive to foreign buyers, with the result that manufacturers find it more profitable to export their goods than to market them domestically. This has been true in the foundry industry—to cite one example—where there have been reports of foundries returning patterns to domestic customers, because they are filling overseas orders. This is good for the foundry owners and its helps us to achieve our occasional trade surpluses, but it is harmful to the manufacturers and finishers who require foundry products for their domestic business. This is an example which could be multiplied many times; it also applies to portions of the textile industry. It is a feature of a shortage economy.

There are a number of things which we can do to alleviate—if not eliminate—the problems of scarcity and so to help our economy get back on its feet in the shortest possible time. We can stimulate energy and vital resource production. We can try to bring interest rates down to encourage plant expansion and construction.

And there is something more that we can do this week—action that we can take on the procurement bill before us. We can trim the portion of materials and products that our own Government purchases down to the essential minimum.

There are a number of reasons for doing this. First, of all the categories of Government spending, military spending is the least beneficial in terms of creating more jobs, save only for spending on the space program. Second, military goods production diverts materials and resources from the more economically stimulating production of consumer goods. Moreover, military equipment production does not have the "ripple" effect of consumer production, because so much of the equipment stagnates in inventories and is not worn out and replaced as rapidly. Third, it cuts into the disposable income of our citizens by necessitating higher taxes. And, fourth, because of the preemptive or preferential procurement practices of the Defense Department, military purchases aggravate the costly conditions of shortage which exert a real drag on our efforts to achieve economic recovery.

Now, I am not suggesting that we undermine our vital national defense in order to provide more consumer goods production. That has never been my approach.

What I am suggesting is that a large proportion of the military procurement bill involves discretionary spending. That is, purchase of many of these items could be dropped or deferred without an adverse impact on our defense posture. Many of them are what military men themselves call "nice to have" items. They are not essential. They are luxuries and frills.

In a shortage economy, we must take special care to eliminate this nonessential or wasteful spending, which may show up as "gold-plating" on weapons systems, as cost-overruns from poorly managed development programs, or merely as the continuance of luxury spending in a climate of austerity. We must take special care to prevent one class of consumption from taking unnecessary precedence over another to the detriment of the economy as a whole. We must insure that scarce goods and material resources are allocated in the most equitable and economically productive manner.

To state the converse of this proposition—we must insure that the burdens of shortages and the effects of scarcity are distributed throughout all economic sectors—within the constraints of assuring an adequate national defense—so that no single sector is the victim of another.

The procurement bill reported out of committee would authorize just over $25 billion in procurement appropriations for fiscal year 1975, an increase of some $3.5 billion or more than 10 percent over last year's procurement appropriation of $21.5 billion. The reductions made in the Department of Defense request are far more apparent than real.

But these figures do not reflect actual Defense Department procurement in a given year. For example, military procurement in fiscal year 1974 amounted to $40 billion, as a result of the spending of funds appropriated earlier, even though the fiscal year 1974 appropriation was actually only about half of this amount or in the neighborhood of $20 billion.

This difference—a difference of 100 percent between actual appropriations and actual expenditures—represents the "front-end load" of military procurement. It is a factor which is not adequately taken into account in the making of our spending plans. We should realize that the actual impact of military procurement on the economy in fiscal year 1976 will be about double what the Congress authorizes or appropriates, because of this enormous concentration of accumulated advance procurement. And we should be conscious in reviewing the bill before us that we are already heavily committed to large, future expenditures for new hardware. One day soon the enormity of our future defense spending will come back to haunt us in the form of economic nightmares.

As we should have learned over the last decade, high military budgets pour fuel on the fires of inflation. Indeed, many economists believe the high DOD budgets in the 1960's were the single biggest cause of the inflationary pressures we have been feeling so sharply in the 1970's. On top of that, the Defense Department now asks us to give them increases to compensate for the inflation caused by earlier high military budgets. This is a vicious circle, indeed. And what will it portend for future inflation if this year we pass a military budget that is bigger than ever?

Some will quibble that in constant dollars, defense spending has decreased. But I would remind them that what we are being asked to spend is current dollars, not constant dollars. Constant dollars are merely a benchmark, a theoretical tool for measuring inflation, not a reality. The reality, I regret to say, is current inflated dollars caused, in large measure, by our past inflated military spending.

One of the hidden ways in which military spending aggravates shortages is the military priorities system, whereby defense contracts and orders automatically preempt any civilian orders. This is a necessary and useful system, if selectively employed only for urgent and essential programs.

But in recent years, it has been used by the Defense Department to get in line ahead of civilian consumers for such common items as mattresses, sheet music and musical instruments, plastic hammer handles, latex paint, and toilet paper. The direct relation of these items to the national defense is difficult to detect.

Nevertheless, the operation of our civilian economy is disrupted and materials shortages are intensified—without justification—by this wholesale, preemptive purchasing. The Defense Department admits that three-quarters of its procurement—or $30 billion worth in fiscal 1974—is done on a preemptive basis.

More importantly, this kind of procurement can conflict with other urgent national economic priorities. Naval requirements for oil field tubular goods and rolled steel plate, for example, are taking precedence over and causing shortages for the oil and shipbuilding industries, though we urgently need new commercial oil production and new tankers to alleviate the energy cost push.

Where there is no compelling peacetime need for preemptive procurement, this blanket approach to preferential buying imposes unacceptable costs on manufacturers and consumers in the form of delays, missed business opportunities, aggravated shortages, and increased inflation.

If we do not accept our responsibility for curbing nonessential military spending, if we do not make the effort to be discriminating and selective in authorizing funds for new or continuing weapons programs, if we do not attempt to eliminate waste and discretionary spending, we will be telling our fellow citizens that they must continue to live in a land of scarcity, while the Defense Department dwells in the land of plenty.

There are some who will object to this characterization of the Defense Department's situation, those who have taken at face value the Defense Department "wolf crying" that precedes every military authorization or appropriations bill. But—when we are maintaining a force of nearly 6,000 military music makers, when we are funding personal servants and staff cars and executive jets for military commanders, when we are allowing the Defense Department to make three-quarters of its $40 billion in purchases on a basis that preempts civilian requirements—then I submit our military money managers have not grasped the consequences of an era of shortages, a period when austerity should be our watchword.

I do not deny that, in certain areas, the Department of Defense has experienced some real funding shortfalls. But, if the Defense Department can continue to say that it is caught short, while wasting untold procurement dollars on purchases large and small, then some new and tighter fiscal management practices are clearly in order.

And one of the most effective ways I know of to teach a profligate son the lesson of thrift is to cut his allowance so that he will confine his spending to essentials.

We are all familiar with the management efforts of the Defense Department. They have given real leadership in this field both to business and to the Government. The annual Defense Department report contains a section solely on management problems and solutions, a commendable inclusion.

But the acid test of money management is results. And to date, I do not believe we can be satisfied that the management concepts developed by the Department of Defense have been applied extensively enough and rigorously enough to show adequate results. There are still too many resources dribbling through the cracks of the Defense Department procurement process.

I do not believe it is either possible or proper for the Congress to dictate every management practice to the Defense Department. But I do think we can provide them real incentives to live up to their own management standards. And I think we can and need to reduce the share of resources that is being needlessly diverted from the strapped civilian economy to military production. The best way of doing this, of helping them to fine tune the procurement process, is to set meaningful limits on military procurement and to make the Defense Department squeeze the last penny out of every procurement dollar.

The bill before us does not do this. It increases military spending. So I call upon my colleagues to join me in supporting an amendment which will finally make the Department of Defense give us the best protection possible at an acceptable cost and wake up to the realities of a shortage economy.

Mr. BAYH. Mr. President, the amendment before us would put a ceiling of $23.8 billion on the authorization for military procurement in fiscal year 1976. This is $1.2 billion below the committee's recommendation and $4.8 billion below the budget request when Vietnam aid is not counted. I believe the amendment is wise policy and I will give it my support.

Mr. President, in considering defense authorizations, we are looking at only one aspect of national security. There are many other factors involved. The economic strength of a Nation is an essential element in true security. So too are the physical health of a country's people and, most importantly, the confidence and commitment of the people in and to the system of government. As Franklin Roosevelt pointed out:

> The core of our defense is the faith we have in the institutions we defend.

If our economy is in a shambles, Mr. President, if our people are not well, if they lose faith in our Government, our democracy will not have the moral strength necessary for true national security, regardless of how many soldiers we train or how many weapons we buy. Thus it is incumbent upon us as we examine this legislation to view it as only one of many elements of national security and to balance the resources we apportion for these military purposes against those available for the others. We must not spend foolishly in one area and jeopardize the additional human elements which are essential.

In this year's budget request, I think we do see an improper balancing of priorities. The request for defense is, in Secretary Schlesinger's words, a "turn around budget." It shows an increase of $15.7 billion for total obligational authority and will mark the beginning of a series of more expansionary defense budgets. By 1980, the Secretary projects we will be spending $148 billion on defense. Even in terms of real dollars this marks a sizeable increase over the next 5 years.

This bill is particularly important in that it establishes programs for the development and purchase of weapons systems which will continue for many years. This year's request for procurement is $28.6 billion, $7.7 billion over last year's appropriations, an increase of 36 percent.

In comparison, the administration's proposals for programs to meet our economic problems and provide for the well-being of our citizens are restrictive rather than expansionary. At a time when over 8 million people are unemployed, the President has opposed attempts by Congress to provide jobs for those who cannot find work. Only a few days ago he vetoed a bill which would have created jobs for 1½ million Americans. While allowing fully for the effects inflation has had on defense, President Ford has attempted to limit cost-of-living increases for social security recipients, who have been most victimized by inflation. He has advocated reductions in spending for food stamps, child nutrition programs, medical research, and law enforcement. In fact, the President opposed any funding for the juvenile delinquency prevention program at a time when crime rates are soaring and the bulk of serious offenders are juveniles.

Some have argued, Mr. President, that we have misinterpreted the President's defense budget and that the dramatic increase in spending will create new jobs and help ease our economic crisis. This is specious reasoning. Major studies have shown that defense spending is the least effective means of creating jobs. According to the Bureau of Labor Statistics $1 billion spent for VA health care will create 88,955 jobs. If $1 billion is spent on the National Institutes of Health or for manpower training, it will create 84,863 and 136,464 jobs respectively. That same amount spent for defense contracts will provide only 51,952 jobs. Further, a study recently published by the Public Interest Research Group in Michigan—PIGRIM—found that when spending on the military went up, spending in civilian categories decreased, with a consequent net loss of jobs. According to PIGRIM, the high level of military spending between 1968–72 cost the Nation 840,000 jobs each year. The annual loss in my own State of Indiana alone was 57,000 jobs.

On its face, Mr. President, the President's budget request clearly marks a misplacing of priorities. It appears the Ford administration has slipped into the trap of overemphasizing defense at the cost of undermining the other elements which contribute to national security. Only very urgent needs could justify such expansion of the defense sector, and I do not believe these exist.

Earlier this week we discussed at great length the foreign policy assumptions which provide the basis for defense planning. Though differing views were expressed, I think there was some consensus on several points. First, détente, while bringing some progress in arms control and providing some relaxations of tensions between the superpowers, has not marked the end of the adversary relationship between the United States and the Soviet Union. Similarly, the opening of doors to China, has not made us allies of the Chinese. There was also agreement that in view of recent setbacks it was important that we remain militarily strong and that we conduct a broad-ranging reassessment of our foreign commitments, emphasizing American resources and capabilities in the modern world.

Mr. President, I do not believe that these assumptions justify a significant increase in the size of our defense establishment. They mean, rather, that we must remain strong enough to make it perfectly clear to the Russians or Chinese that aggression against the United States or its allies will result in an appropriate response from this country which will be too heavy for our adversaries to bear.

In terms of nuclear weapons, we must have the capability to deliver nuclear destruction of such magnitude that the thought of nuclear attack against the United States is unthinkable for a potential enemy. In our triad system, of strategic bombers, ICBM's, and submarine-launched missiles, we now have that capability.

Secretary Schlesinger has argued that we must insure equivalency with the Soviet Union in strategic arms. Others support the notion of superiority. Still others argue for development of more sophisticated strategic arms to serve as bargaining chips in arms control negotiations. Mr. President, I believe these arguments are extravagant and dangerous.

While we must be always vigilant in assessing our own nuclear deterrent and maintain absolute confidence in our ability to deliver it, we need not respond to every Soviet move. When we already possess the absolute threat, very expensive and sophisticated modifications and nuances buy us nothing. Rather than pointing to Soviet advances and crying that the world will lose confidence in our strength—a self-fulfilling prophecy if there ever was one—let us strongly and publicly reaffirm the fantastic strength we do possess. And while we strive for arms control let us not encourage negotiations over new weapons systems which would never have existed had it not been for our desire to have just a few more chips at the bargaining table, and which could prove extremely dangerous if negotiations should fail.

Our conventional forces, must remain strong and capable of holding against and repelling, as we concentrate our might, Soviet or Chinese conventional aggression against this country or its allies. I would hope, Mr. President, that our reassessment of our foreign policy will begin a thoroughly discussed movement toward meaningful and mutual commitments which will make it perfectly clear to the world that the United States will live up to its responsibilities and will bear the hardships of even prolonged conventional warfare. The lessons of recent events, should make it clear however, that there will no longer be an active practice of committing American troops to solve a nation's internal conflicts, which must in the end be determined by that nation itself. Further, Mr. President, the role of U.S. conventional forces in local disputes between neighboring countries should be limited to purely international operations, preferably under the auspices of the United Nations.

Unfortunately, Mr. President, the military procurement bill introduced for the administration does not adhere to the principles I have discussed. In the strategic category, it calls for continued development of very accurate nuclear missiles, the counterforce, which will buy us little or nothing as an added deterrent and will cause increasingly large expenditures in the future and raise dangerous issues regarding first strike capabilities and nuclear proliferation. In addition the bill calls for continued funding of the B–1 bomber, a program which now bears a $20 billion price tag which can be effectively countered by improved enemy air defenses for a small fraction of its cost.

Conventional forces would be increased by the addition of three new army divisions at a probable cost of $2.5 billion per year, when the only meaningful change in our defense needs is resolve to use our conventional forces more realistically. And there is continued emphasis on highly sophisticated and very expensive weapons systems rather than on the production of less costly weapons which can be purchased in great quantities to provide our conventional forces with the effective firepower they need. As the distinguished Chairman of the Senate Armed Services noted in 1971:

> If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries—because our systems are about five times more expensive than theirs—then a future crisis may find us at sharp numerical disadvantage.
>
> Unfortunately, this is the path the procurement bill would have us follow.

The tragedy, Mr. President, is that the request for increased spending is not justified by urgent circumstances and comes at a time when our economy is in the deepest and most prolonged recession since the Great Depression. The Armed Services Committee has made significant cuts in the administration's request for funds in this bill, and I wish to compliment its chairman and members. I believe, however, that we must cut even more funds if we are adequately to meet our responsibilities.

Several of us here in the Senate have prepared a list of areas which we believe could be reduced without weakening our defense posture. These include, among others, the counterforce programs, site defenses, AWACS, the B–1 bomber, and the SAM–D missile system. If reductions were made in these areas, there would be savings far in excess of the modest $1.2 billion called for in this ceiling amendment.

Clearly, Mr. President, a further reduction of the military spending authorized by this bill is required. This ceiling amendment will provide the military with 14 percent in growth from last year's authorization an amount which allows significant real growth beyond inflation. There is much room for the Department of Defense to absorb the reduction. I hope a majority of my colleagues will join with me in supporting and, indeed, passing this important amendment.

The PRESIDING OFFICER. All time has expired.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the parliamentary question before the body?

The PRESIDING OFFICER. Amendment No. 506. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), and the Senator from Missouri (Mr. Eagleton), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. Mathias), is necessarily absent.

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—36

Abourezk
Bayh
Biden
Brooke
Burdick
Case
Church
Clark
Cranston
Culver
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Humphrey
Javits
Kennedy
Leahy
Mansfield
McGovern
McIntyre
Metcalf
Mondale
Nelson
Pell
Proxmire
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—59

Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Huddleston
Jackson
Johnston
Laxalt
Long
Magnuson
McClellan
McClure
Montoya
Morgan
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stone
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—4

Eagleton
Inouye
Mathias
McGee

So the amendment (No. 506) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1975—MESSAGE FROM THE HOUSE OF REPRESENTATIVES ON SENATE AMENDMENT 107

The PRESIDING OFFICER (Mr. Leahy). Under the previous order, the Senate will now proceed to the consideration of the message from the House of Representatives on H.R. 5899, which the clerk will state.

The legislative clerk read as follows:

> *Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 107 to the bill (H.R. 5899) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes", and concur therein with an amendment, as follows:
>
> In lieu of the matter proposed in said amendment, insert:
>
> RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT
>
> For administrative expenses and preparation of plans to provide assistance to financially distressed railroads for repairing, rehabilitating, and improving railroad roadbeds and facilities, $5,000,000 to remain available until December 31, 1976: Provided, however, That these funds shall be available only upon the enactment of authorizing legislation.

Mr. McCLELLAN. Mr. President, Members will recall that on the last day of the session prior to recess, the Senate rejected a motion to recede from its amendment to the supplemental appropriations bill to appropriate $700 million for rail transportation improvement and employment. That motion was rejected by a vote of 16 to 46. The amendment was then returned to the House and instead of accepting the Senate's amendment, the House provided $5 million for planning and administrative expenses in connection with rail improvement and employment. The $5 million was made contingent upon subsequent authorization just as the Senate had required in appropriating the $700 million.

It is my understanding that the junior Senator from Indiana (Mr. Bayh), chairman of the Appropriations Subcommittee on Transportation, and the senior Senator from New York (Mr. Javits) intend to offer an amendment to the House proposal which would increase the $5 million to $175 million of which $170 million would be available for rail improvement and employment, and $5 million would be for administrative expenses. I intend to support that amendment and urge my colleagues to do likewise.

As I noted during the earlier debate on this issue, this bill contains at least three instances wherein funds are appropriated subject to authorization. The House accepted two of these provisions and rejected a third, the one now pending before us.

It appears that the House is inconsistent and invoking a principle, that is, not appropriating without authorization, at its convenience. I do not feel bound by any such principle under the attending circumstances and, therefore, urge my colleagues to support the Bayh/Javits proposal.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I shall yield immediately to the Senator from Indiana——

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I shall yield immediately

to the Senator from Indiana, who will make the motion to which I am about to refer, but I do have the time under the unanimous-consent agreement——

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. JAVITS. I yield myself 2 minutes, if that is satisfactory.

Mr. McCLELLAN. Mr. President, is this——

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. BAYH. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will suspend until order is restored. The Senator from New York has the floor.

Mr. YOUNG. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. JAVITS. I yield for a parliamentary inquiry.

Mr. YOUNG. How is the time divided? Who controls the time?

The PRESIDING OFFICER. There is a time limitation of 30 minutes, 15 minutes to the Senator from New York (Mr. Javits) and 15 minutes to the Senator from Arkansas (Mr. McClellan), on the motion of the Senator from New York to concur in the House amendment with an amendment, and a limitation of 10 minutes on any amendment to that motion, or debatable motion or appeal in relation thereto.

Mr. YOUNG. That is an unusual situation, with both Senators controlling the time being on the same side of the issue.

Mr. JAVITS. Mr. President, I am more than willing to agree——

Mr. YOUNG. There will be no more unanimous-consent agreements in the future unless the minority has time.

Mr. JAVITS. Yes, of course, Mr. President, this has happened before. I had not the remotest notion, when the unanimous-consent agreement was entered into, that Senator McClellan would be on the same side; I wish the Senator from North Dakota would understand that. As far as I knew, Senator McClellan was going to pursue the same position he had before. I will gladly yield my 15 minutes to Senator Young right now.

Mr. McCLELLAN. Mr. President, I will yield Senator Young such time as he may require, out of the 15 minutes over here.

Mr. JAVITS. Mr. President, I think it would be more satisfactory to Senator Young that I yield to him now the time that I have, with the request to Senator McClellan to give me 2 minutes. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. So, Mr. President, will the Senator from North Dakota yield me, as long as he says he does not need more than 5 minutes, 5 minutes for myself?

The PRESIDING OFFICER. The Chair understood that the Senator from New York was going to yield to the Senator from Indiana.

Mr. JAVITS. Yes. Well, I now have 5 minutes from Senator Young, and I yield to the Senator from Indiana.

The PRESIDING OFFICER. The time is on the motion, which must be made before any time is yielded.

Mr. JAVITS. Mr. President, a parliamentary inquiry, so we get the situation clear.

The Senator from Arkansas (Mr. McClellan) has 15 minutes, and I have 15 minutes.

Mr. President, I asked unanimous consent to yield the 15 minutes to the Senator from North Dakota (Mr. Young). He, in turn, yielded me 5 minutes out of the 15 he has.

Is that the situation?

The PRESIDING OFFICER. The time will only start when the motion is actually made.

Mr. BAYH and Mr. JAVITS addressed the Chair.

Mr. JAVITS. Mr. President, I yield to the Senator from Indiana (Mr. Bayh) then for the purpose of making the motion.

Mr. BAYH. Mr. President, I think it might put us on record if I make the motion and then our colleagues will know what we are talking about here.

The PRESIDING OFFICER. It would be a lot easier to log the time.

Mr. BAYH. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate to the bill H.R. 5899 with the amendment that I send to the desk.

Mr. President, I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> The Senator from Indiana (Mr. Bayh), for himself, and the Senator from New York (Mr. Javits), proposes an amendment to the amendment of the House to Senate Amendment No. 107 in lieu of the language inserted by the House, insert the following:
>
> RAIL TRANSPORTATION AND EMPLOYMENT
>
> For payment of financial assistance to assist railroads by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities, $175,000,000 of which not to exceed $5,000,000 shall be available for administrative expenses of the Secretary to remain available until December 31, 1976: *Provided, however,* That these funds shall be available only upon enactment of authorizing legislation.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, the time has not expired yet.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I will use 2 minutes then on the issue so that the Senate may understand.

What happened was that we received nothing out of the $700 million we ordered appropriated by the bill we passed with respect to the railroad roadbed issue.

When the matter came back here, the Senator from Arkansas (Mr. McClellan), with the greatest not only sympathy but passion explained to us that he was deeply, even devastatingly disappointed, but that this was such an enormous bill, having so many difficult issues at stake, that notwithstanding the fact that the House of Representatives was unlikely to act on what we were going to do, he felt that we better take it as it was and then fight on another day when we would be in a better position. That was because the House of Representatives was going home. If we turned the conference report, or at least that particular item in disagreement down at that time, many Government departments might be in difficulty, et cetera.

I felt supported strongly by the Senator from Indiana (Mr. Bayh). The only reason I took the lead was I think he did not happen to be in the Chamber at that particular point. But it is his subcommittee of the Committee on Appropriations that dealt with this matter.

I felt at least the Senate ought to make a decision. The House of Representatives had made the decision to turn us down by a rollcall vote. I felt the Senate ought to make the decision that it would or would not run this risk that things would get bollixed up in the Federal Government during the recess.

We took the vote, and it was decisively in favor of standing fast.

I was tremendously proud of the Senate. I am sure the Senator from Indiana (Mr. Bayh) felt the same way.

No one could have sympathized with us more than the Senator from Arkansas (Mr. McClellan), but he felt bound, having filed his conference report and feeling that all of these other appropriations were heavily at stake in respect of the matter.

Mr. President, the House of Representatives has now sent us back its proposal. I do not want to be disrespectful to our colleagues in the House of Representatives, but it is really nothing as far as we are concerned. It offers us absolutely nothing. It offers $5 million in planning funds when, and if, there is an authorization.

The House of Representatives has hardly shown any great disposition to give us an authorization and it is very unlikely that the fact that $5 million is in the balance is any great inducement for the House of Representatives to act.

So, Mr. President, after consulting with the Senator from Indiana (Mr. Bayh) and the Senator from Arkansas (Mr. McClellan), the Senator from Indiana has made this motion for us both, which gives an amount of $175 million, which we feel ought to be acceptable if the House of Representatives is remotely reasonable, and I hope very much it will be, because it represents the start of money for this kind of a proposal, to at least give an opportunity to get into it and demonstrate that it really has ability and it is an appreciable enough sum of money to induce action in terms of the authorization.

I am very pleased to join with the Senator from Indiana in respect of this motion. I have asked for a rollcall because I think again that is the only way to express our strong feeling on this matter, and I am extremely hopeful that the Senator from Arkansas (Mr. McClellan) may see fit under these circumstances to join with us.

I would like to apologize to the Senator from North Dakota (Mr. Young) simply because I had no knowledge of the situation when the unanimous consent was entered into. It developed later, when I did know about it, that I would not be the proponent and the Senator from Arkansas, as he was before, the opponent. I am glad he so graciously accepted the time.

Mr. GRIFFIN. Mr. President, will the Senator yiled?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I was going to ask now, in light of the understanding and expectation that half of the time will be under the control of the opposition to the amendment, if it would be all right now to ask unanimous consent that the remainder of the 15 minutes under the time of the Senator from New York now be transferred to the Senator from North Dakota.

Mr. JAVITS. It has been transferred and we have a unanimous consent.

Mr. GRIFFIN. That has been entered into?

The PRESIDING OFFICER. It has already been entered into.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I ask the Senator to yield me 5 minutes.

Mr. McCLELLAN. Mr. President, I want to get this time situation straightened out.

How much time has the Senator from North Dakota had allotted to him now?

The PRESIDING OFFICER. The Senator from North Dakota has 10 minutes remaining; the Senator from Arkansas has 15.

Mr. McCLELLAN. How much time has the Senator from North Dakota?

The PRESIDING OFFICER. Ten minutes.

Mr. McCLELLAN. All right.

Does the Senator from North Dakota want any more time?

Mr. YOUNG. I would just as soon wait.

Mr. McCLELLAN. I have 15.

Very well. I yield 5 minutes to the distinguished Senator from Indiana.

Mr. Bayh was recognized.

Mr. BAYH. Mr. President. I say to my colleagues that I appreciate the active interest of the Senator from New York in joining in this effort, and I say as chairman of the Subcommittee on Transportation of the Committee on Appropriations how grateful I have been to our colleague from New Jersey (Mr. Case) and also to the chairman of the Committee on Appropriations (Mr. McClellan), who has been actively involved in this issue.

There is also the Senator from West Virginia, and I see others who have been actively involved in this issue, which in my judgment goes much beyond the specific amendment which is before us.

We have been trying to do something together, on both sides of the aisle, to get this economy turned around. More than 8 million people are out of work. There are differing opinions about the mix that needs to be available to really get us started on a different plane.

We have passed a bill, which was sent down to the White House, that has been vetoed. So there is a little difference of opinion between the Hill and the White House.

But one of the concerns we have had is not only finding a way to employ people and let them make a living, thus stimulating the economy, but trying to find as much as we could a way to invest these moneys so that there was something there, there was a public benefit after the job had been performed.

I can think of no area where there is going to be a greater relationship between money used to put people to work and something maintained thereafter that is in the public good than the measure before us which would put people back to work to get these railroad tracks and roadbeds in shape.

We ought to have a major program to rehabilitate our railbeds. That, of course, was previously before the committee of the distinguished Senator and my distinguished colleague from Indiana (Mr. Hartke) who has primary jurisdiction in his subcommittee. The measure, S. 1730, was introduced by the Senator from Indiana, and I was a cosponsor. It passed the Senate by a vote of 67 to 10. The House has yet to hold hearings on that measure.

But the issue before us right now is whether we are going to be able to have some money ready when the authorization legislation passes.

I must say, having sat there in conference with the Members of the House of Representatives, and then having them come back here with a $5 million planning fund, that is very close to an insult to the U.S. Senate. I do not want to get involved in bickering back and forth.

But let me suggest I hope the Senate will stand up and to a man, if possible, join in this effort to send this money back to these communities, to put these maintenance workers back to work to build these roadbeds and start taking the steps necessary to give us a decent rail system.

At the same time, incidentally, we are providing employment for between 30,000 and 50,000 maintenance workers who are now out of work. They can be immediately reemployed. This is not a makework kind of thing, because everybody knows these railbeds are in deplorable condition. That is the issue. That is the issue right now.

I hope my colleagues will join us. I cannot think of a better way to invest our money right now, stimulate the economy, provide jobs, and build these railroads than the issue that is before us right now.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. CASE. Mr. President, I express my appreciation to the chairman, to Senator McClellan, and to Senator Javits; and I ask that my name be added as a cosponsor of this amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New Jersey be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I thank the distinguished chairman for the great effort he has made in this regard.

Mr. RANDOLPH. Mr. President, if the Senator will yield, I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, does the Senator from North Dakota desire to speak?

Mr. YOUNG. I yield myself 4 minutes.

Mr. President, I dislike very much to take a position opposite to that of the distinguished chairman of our committee, Mr. McClellan. We agree on almost everything.

My view on this matter is pretty much contained in a letter I received just a few minutes ago from James T. Lynn, Director of the Office of Management and Budget, which I will read:

June 4, 1975.

Hon. Milton R. Young,
U.S. Senate,
Washington, D.C.

Dear Senator Young: Today, the Senate is scheduled to vote once again on the Second Supplemental Appropriations Bill, 1975 (H.R. 5899). It is extremely important that appropriation action not be delayed further.

Because this bill has not been passed, payments for veterans educational benefits have exhausted. The first cycle of benefit checks were due to be processed by the Treasury on June 2. Since the Treasury was unable to issue the checks, some 46,800 veterans will miss payments due them this week.

If the bill is delayed further and is not enacted by June 6, an additional 250,000 veterans will not receive payments next week.

If a longer delay occurs, vital advances to several States for unemployment compensation payments will be jeopardized.

In our view, the Senate should not insist on inclusion of funds for Federal financial assistance to railroads. The House position that the authorization procedures should be followed has considerable merit. From the standpoint of achieving rail improvements, this, piecemeal approach is not desirable. The railroads indeed have substantial problems but solutions should be proposed and considered as pieces of a coherent and comprehensive approach. We should not act now in such a way that forecloses action on proposals that will be made within the next month to deal with the Northeast/Midwest rail problem.

I ask for your assistance in this important matter.

Similar letters are being sent to Senators Hugh Scott, John McClellan, and Mike Mansfield.

Sincerely yours,

James T. Lynn,
Director.

Mr. President, the House has voted three time on this item. I can see no chance that they will change their positions. I believe they take a sound position. We should not start a multibillion dollar project without an authorization. We will just get the bill back again.

Mr. ALLEN. Mr. President, will the Senator yield me 4 minutes?

Mr. YOUNG. Can the Senator manage with 3 minutes?

Mr. ALLEN. Yes.

Mr. YOUNG. Mr. President, I yield 3 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, the situation with regard to this amendment involves a great deal more than whether we are going to agree on the $175 million, to which we now have reduced this amendment, for the repair of roadbeds. It involves more than $14 billion that already has been appropriated and agreed to by both Houses, subject to agreement on this amendment. None of these programs can have the supplementary funds until this amendment is disposed of in some fashion.

During the recess, constituents asked me what had become of the $50 that had been voted for their social security and railroad retirement benefits. I told them that it is involved in the appropriations bill that is still hanging fire in the Senate.

We need to move this bill on out, if we are going to try to do something for the economy. This is a supplemental appropriation bill. This is a program that has not been authorized yet. I thought an appropriation bill was something to be added to something that had been appropriated. Nothing has been appropriated in this area.

The House on one occasion knocked the amendment out altogether and on the next occasion gave it $5 million. Obviously, they are not going to take $175 million. This is the last go-round on the Senate amendment. The conference committee it dead. There is no conference committee.

If the House does not take the $175 million, I do not think we should chuck it up to them and hold a gun to their head and say, "Take this and go back to conference."

When the time has expired, I am going to offer an amendment to reduce the suggested $175 million to $10 million, in the hope and belief that the House will take the $10 million figure, and this whole bill then can go to the President and this money can be put into the economy.

A great deal more is involved than just this appropriation for the repair of the roadbeds. We are subsidizing these railroads enough already.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 2 minutes to the distinguished Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER (Mr. CULVER). The Senator from West Virginia is recognized for 2 minutes.

Mr. RANDOLPH. Mr. President, I listened very carefully to the able Senator from Alabama—not only on this occasion, but as I always do. I think when he speaks of this fight, it is not a matter of further subsidization of the railroads, but rather a matter of providing a program for the rebuilding of the roadbeds of those rail systems throughout the country so that the energy supplies and other goods may be moved expeditiously over the tracks. The traveling public must also have confidence that the tracks are safe and their lives not imperiled by accidents.

So this fight goes beyond the so-called aid to the railroads, it goes to meeting the rail rehabilitation need which is very real.

I am deeply disappointed that the House once again has rejected an appropriation of $700 million for the rail rehabilitation and employment program. The $2 million offered by the House for planning and administrative expensive for any authorized rehabilitation program is wholly inadequate. Many railroads are in disrepair and the latest indications are that unemployment for May will exceed 9 percent. The program of rail rehabilitation and employment created in S. 1730 which passed the Senate on May 16, 1975, will do much to alleviate some of the hardships resulting from the deteriorated conditions of our rail network. The funds authorized would be used to hire unemployed workers and repair track.

I fully support the position taken by Senators BAYH and JAVITS as they offer an amendment to increase the appropriation to $175 million for the rail program. As I understand the amendment, the funds would be available for both grants and administrative expenses.

A spirit of compromise is required if this important supplemental appropriations measure is to reach the President in timely fashion. I believe the amendment offered will provide the best opportunity for compromise.

If this Nation is to have a meaningful national rail transportation network, we must recognize this need and enact the appropriate legislation at once.

The difference between the House and the Senate is very pronounced. I believe that the House has acted wrongly. I am not going to be sharply critical of what they have done, but they have failed to act as is necessary in order to meet this national problem.

Mr. BAYH. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. BAYH. I am certain that the Senator is aware that the Senate passed this measure and sent it to the House 10 days ago and asked them to consider it then. Instead of doing that, they could not even raise a quorum, and they went home for a 10-day recess. So I think it is rather clear where the responsibility for this delay rests.

We should pursue the matter, get it done with, but not back away. We should make the House come to grips with this issue.

Mr. RANDOLPH. The vote in the Senate was 77 to 7 in favor of S. 1730 and I believe this indicates the level of responsibility of the Senate.

Frankly, I feel that the action of the House cannot be agreed to in the Senate. I fully support the amendment increasing the appropriative $175 million. As to the $5 million, I wish the House would have provided nothing, because in my opinion they do not realize the urgency of the problem. Our response must be well reasoned, realistic, and it must be now.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I appreciate the consideration of the Senator from Arkansas.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. McCLELLAN. Will 2 minutes be sufficient?

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator.

Mr. BARTLETT. Mr. President, I compliment the Senate for its stick-to-itiveness, and I hope that this will prevail again. Certainly, the Members of the Senate recognize that there is a problem here.

The Senator from Indiana talked about the economic problem, of which we are all aware. This will provide some help in this regard. Certainly, it makes sense to me that people can be employed here, in meaningful jobs that are needed, who otherwise would be employed on some kind of a make-work basis that would not nearly be as productive and not provide for the long-range situation.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Forty thousand persons would be employed at the outset if S. 1730 were enacted.

Mr. BARTLETT. Also, I think we must realize that the plight of the railroads is not going to be solved for some time, even though the administration and others have legislation, and there will be very important hearings coming up right away before the committee of the Senator from Indiana. This is going to take some time.

What worries me is how some of the near bankrupt railroads are going to survive. The Rock Island is a good case in point. It covers some 12 States and involves lots of employment. Half of its trackage goes "slow orders," which means it goes 10 miles per hour, and it is not a very meaningful form of transportation. This money will go into track, some of it, hopefully, for the Rock Island.

The Rock Island has a very interesting plan. They plan to buy some new trackage with some several million dollars—I think three as a starter—and with the employment that would be provided by this bill, they would start laying this trackage and replacing other trackage, which they would then renovate, and also use some salvage money to buy more trackage, which would eventually be laid. So there would be quite a program that would come out of this that would provide for the improvement of the trackage for the Rock Island that would enable someone, regardless of who ends up with the Rock Island road, to have improved rail trackage around this country.

I am very concerned that we have these near-bankrupt railroads survive. If this bill passes, it is going to provide a real shot in the arm to these railroads which are in dire need of a boost, an opportunity to have additional capital in small amounts that can enable us eventually to have a virile, strong, and sound rail system throughout the country.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Indiana.

Mr. HARTKE. Mr. President, I am happy to support the amendment of my distinguished colleague from Indiana (Mr. BAYH) and others. This measure does at least three things. It does provide jobs, as the Senator from Indiana has indicated, jobs for people who need them.

Second, as the Senator from West Virginia (Mr. RANDOLPH) says, it provides safety not only for those using the railroads but those who are potentially endangered because of derailments caused by the present inefficiency trackage and rundown railbeds.

Third, it provides for long term investment in a transportation industry which is on the edge of crisis.

I think it is rather remarkable, unfortunately so, that we have had, for the first time in U.S. railroad industry, an overall loss for any one quarter for the operating of the railroads themselves. What we are doing is providing, as I said in the first place, jobs, safety, long term investment. I am confident that if this measure passes the Senate, we are going to see rapid adoption on the side of the House. That information, I think, is one which I hope will move rather speedily here.

Let me point out that as chairman of the Veterans' Affairs Committee, I share with the Senator from Alabama the concern many people have concerning the failure to take any action on the supplemental appropriations, because the Veterans' Administration has already announced that they are going to have to hold up the payments due in July unless something is done rather rapidly. But seeing the situation as I do at this moment, I urge that the Senate adopt the Bayh-Javits amendment and do it overwhelmingly, send it over to the House, and we will get on with the business of Congress.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Who yields time?

Mr. YOUNG. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes time remaining.

Mr. YOUNG. I yield the remainder of my time to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to ask a few questions of someone—the chairman or Senator HARTKE or somebody. There is $175 million which I understand is appropriated in this bill to help railroads? Is that right?

Mr. BAYH. It is my amendment. If the Senator would like, I shall be glad to respond.

That is accurate.

Mr. THURMOND. Which railroads?

Mr. BAYH. That determination will be made by the Secretary of Transportation pursuant to the authorization legislation S. 1730 which was introduced by the Senator from West Virginia (Mr. RANDOLPH) and maybe a dozen of us, in the committee of my distinguished colleague from Indiana and subsequently passed the Senate by a vote of 67 to 10. That still is a matter to be ironed out in conference with the House. The final determination, at least according to the legislation now available, which I think will finally be accepted, will be made by the Secretary of Transportation.

Mr. THURMOND. In other words, the Secretary of Transportation, in his judgment, can decide, "Here's a railroad, I will give that $25 million; here's another railroad, and I will not give that any, and I will give this one $50 million." In other words, it is entirely in his discretion?

Mr. BAYH. Pursuant to the criteria established in the bill. It is easy to oversimplify a piece of legislation. There are two things designed to be accomplished—one, to determine the need of the railroad in question, and, two, determine the ability to put people to work in a relatively short period of time. It is a combination of both of those factors that we are trying to deal with.

Mr. THURMOND. What about a successful railroad? Do they get any of this money?

Mr. BAYH. A railroad that is successful and that has laid off a significant number of maintenance workers is in the process of making itself less successful next year, and they are eligible for this assistance.

Mr. THURMOND. Suppose they are so successful that they have not laid off anybody? Are we going to discriminate against them and not give them any money and give money to railroads simply because they are unsuccessful and have laid people off?

Mr. BAYH. If they have not laid any people off, they would not be included. There are no railroads that I know of in America today that are in that position, even the successful ones—and that is the tragedy and the problem. We have those that are bankrupt that we have been propping up. But we have another group that has been making money, but, in an effort to tighten their belts this last year, they have laid off maintenance workers. Thus, the track is deteriorating, thus their slowdown orders are increasing, next year they are going to be making less money, and we are going to have more bankrupt railroads. It is a kind of thing that feeds on itself. I hope this legislation will arrest that kind of deterioration of railroad track and roadbeds that are now in good shape.

Mr. THURMOND. Are we next going to take over trucking companies that are unsuccessful?

Mr. BAYH. As I recall, this legislation is not designed to do that.

Mr. THURMOND. Are we going into some other industries that are not successful? In other words, where is this going to end? These are private railroads. This is private enterprise. If they cannot succeed, why not sell out to some railroad that can succeed and not be dependent on the Government for subsidy?

The PRESIDING OFFICER. The Senator's time has expired. There are 4 additional minutes remaining.

Mr. McCLELLAN. I have only 4 minutes left?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. I will yield to each of these Senators a minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 additional minute.

Mr. THURMOND. Mr. President, I just want to say that this bill contains payments for veterans and many other important matters. Why hold up this bill on this railroad question? Why not introduce a separate bill and handle it individually on this question and not mix it in here with a lot of worthwhile things that deserve to be acted on now?

It seems to me that this is a very controversial subject. We are setting a precedent here that can haunt us in years to come. For every private enterprise that goes in the hole, are we going to come in and help them out? What is going to happen? I am very concerned about the precedents being set in matters of this kind.

Another thing, if Congress would not hamstring these railroads so, if we would take a lot of restrictions off them and stop featherbedding and other things, perhaps they could succeed.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. I thank my colleague. I think most Members of the Senate realize this is really not precedent-setting at all. We have been involved in trying to bail out or subsidize certain bankrupt railroads for too long a period of time, and this is one of the few pieces of legislation that has come along to try to keep those railroads that are now making money and are not being subsidized, in business, and the reason we are doing this is directly related to the fact that we have 8½ million people out of work.

If we are going to have CETA jobs and other jobs, let us have a certain category of jobs to put people to work so that after the money is spent there will be something to show for it.

I think the railroad business certainly needs this, and I would say to my distinguished colleague from South Carolina who, I certainly know, is very conscientious about this, I would like to point out that the money contained in this bill, pursuant to the authorization considered by my colleague from Indiana and introduced by my colleague from West Virginia, has a lien provision so that this money will be really reclaimable by the United States if, indeed, these successful roads or the unsuccessful roads have to go through the process of reorganization. If we can get rid of the recession we would not have to worry about railroads or jobs for railroads.

The PRESIDING OFFCER. The time of the Senator has expired.

The Senator from Arkansas has 2 minutes remaining.

Mr. McCLELLAN. I understand there are 5 minutes on the amendment or 10 minutes on the amendment. What is the time situation with respect to the amendment?

The PRESIDING OFFICER. There will be 10 minutes allowed on the amendment when it is offered, and it is not in order to state that the time has expired or been yielded back.

The Senator has 2 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes or whatever there is left of this.

I want to make the statement that when this matter was up before, when I presented the conference report, I stated I felt that I was under obligation not to support the amendment at that time that was offered by the distinguished Senator from New York because I had signed the conference report, and I felt that I should stand by that and not support any amendment to it because I had moved that we accept the House provisions.

Mr. President, I now feel under no obligation. I think this item is important. We have got people out of work. We are creating so-called jobs to put them to work, public service jobs. These are jobs that produce, they are productive. They do something, they leave something. Some of the others leave nothing, and we know it.

Mr. RANDOLPH. That is correct.

Mr. McCLELLAN. I feel we ought to put some of this money we are spending in this period of time somewhere where there will be something to show for it. $175 million is not much waste, in my judgment, when you put it where it will save lives and also expedite commerce.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. ALLEN. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative cleark read as follows:

> The Senator from Alabama (Mr. ALLEN) proposes an amendment to amend the pending amendment by striking $175,000,000 and inserting in lieu thereof $10,000,000".

Mr. ALLEN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Alabama has 10 minutes equally divided also.

Mr. ALLEN. To give the history of this bill and the present amendment, the House passed this bill at $11,400,000,000. The Senate added $4.5 billion to the House bill. Then the conference cut the amount down to where the conference agreement was a little over $3.5 billion more than the House bill.

Now the House has swallowed this $3 billion increase. It choked on this $700 million that the Senate added to the bill.

They dropped the Senate amendment, refused to concur in the Senate amendment, and then when the Senate insisted on its amendment it cut the $700 million requested down to $5 million.

I would move to concur in the House amendment, but that motion is not in order, and the next best thing is putting in an amendment that the House is sure to accept, raising their $5 million figure to $10 million.

Now, a whole lot more is involved. This is a good bill at the proper time and with proper authorization. This program has not even been authorized, which is always a condition precedent to the passage of an appropriation, and this is a supplemental appropriation bill. There had not been an original appropriation at all, and supplemental appropriations, as we all know, are supposed to be added to an existing appropriation that has proved inadequate.

The two Houses have approved over $14 billion in appropriations, but they cannot become effective until we agree on this.

Well, I would say the House can be just as stubborn as the Senate can. So the House has agreed to over $3 billion additional to their bill, and apparently they do not want to accept this $700 million or the amendment at $175 million.

Now, what things are being held up by the delay on this matter? This bill could have been passed 10 days ago if it had not been for this maneuver. What is involved here? Food stamp appropriation of almost $1 billion; VA payments; GI benefits; $50 that we passed here for social security and railroad retirement beneficiaries is being held up.

That was put in the tax bill in order to put something out into the economy right away.

Now, the conference committee is dead. It does not have any life, and if we send this thing back to the House with a gun at the head of the House saying, "Take this or we go back to conference," we do not know how long we are going to be delayed.

I feel that if this amendment is adopted, the House is sure to accept the amendment, and the entire $15 billion will go to the President for his signature, the money will go into the economy.

But we should not ask the House, after having accepted $3 billion that the Senate added to the bill, to choke on this additional $175 million.

I hope the amendment cutting the amount down to $10 million, which the House will accept, will be agreed to by the Senate.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. I yield one-half minute to our distinguished chairman.

Mr. McCLELLAN. I just want to observe that of the increase of a little over $4 billion that the Senate added to this bill, $3.5 billion, in round numbers, of that were additional budget requests sent to us by the President that the House had no opportunity to consider, and they readily accepted it when we got to conference.

Part of the other $1 billion, $700 million was in this now which has been in controversy here. So we did not add a lot to it that the House did not want. They took it because it was an administration budget request.

Mr. BAYH. Mr. President, I might yield myself another 30 seconds or maybe a minute, to be honest about it, to elaborate on what our distinguished chairman said.

Anybody sitting in that conference and, of course, our distinguished colleague from Alabama had no opportunity to do that so there is no reason for him to understand that, and I am sure his assessment is made with the best of conscience but, as you know, we had $1 billion $884 million additional requested for food stamps—the Senator's concern about food stamps—and those requests were made by the President that only we considered and, of course, the House went along with it.

We are all concerned about the $50 social security check. That was not considered. That is another $1.7 billion that was not considered by the House. That was a new consideration made by the Senate. There was no opposition by the House, and I think we are more than meeting the House half way. I think it is important, more important than that we have total agreement on this bill right now, for the Senate to be allowed to stand up for what is right.

I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I simply wish to answer two points. One is that we are being the arbitrary ones, we should yield to the House.

Well, that was settled by a 3-to-1 vote here the day we went out. That was the easy time to take it. This is the time to stand up, if we are going to stand up, when going on a 10-day recess.

For all the arguments which were made for us to cave in now, why do it now when we can just walk across the hall in 5 minutes and settle things with the House.

Second, precisely, the Senate vote stated it so overwhelmingly, we were going to stand up like this and not be coerced because the House was going home, or because the House would get arbitrary and not go along with us, this is where we would have dug in and stood our ground.

Mr. President, the Senator from Alabama says:

> Which is always a condition precedent to the passage of an appropriation that is an authorization.

Senator McCLELLAN pointed out three instances in this very appropriation bill which are not authorized, but which the House wanted, so they voted.

Now, there is one that we want and for that we are charged with hanging up the whole bill.

Finally, Mr. President, as Senator BAYH so properly said, $5 million was something of a bit of disrespect to this House; $10 million is double that and, on the other side, it does not do anything for those purposes, as Senator McCLELLAN so eloquently and properly pointed out.

I think the role of the Senate is clear, it has decided it is going to stand up to the situation. It should continue to do so. There is every reason for doing it now, even more than there was 10 days ago.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Indiana has 1 additional minute remaining.

Mr. BAYH. I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time and I call for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. McGEE), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 17, nays 80, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—17

Allen
Byrd, Harry F., Jr.
Curtis
Fannin
Fong
Goldwater
Hansen
Helms
Hruska
McClure
Morgan
Nunn
Proxmire
Scott, William L.
Talmadge
Thurmond
Young

NAYS—80

Abourezk
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Eastland
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Tower
Tunney
Weicker
Williams

NOT VOTING—2

Inouye
McGee

So Mr. ALLEN's amendment to the Bayh amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, I have another amendment at the desk, which I now call up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Alabama (Mr. ALLEN) proposes an amendment as follows:
>
> On line 4 of the amendment of the Senator from Indiana (Mr. BAYH) strike "$175,000,000" and insert "$50,000,000."

The PRESIDING OFFICER. Who yields time? There are 5 minutes allotted to each side.

Mr. ALLEN. Mr. President, I yield myself such time as I may require within the limits of the time allotted to me.

Mr. President, I am glad that there is a large representation of the Senate present at this time, so that we can discuss this amendment.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. ALLEN. I am sure that Senators realize that the genesis of this amendment lies in the fact that the Senate added originally an appropriation of $700 million to the House bill, which had no such sum. The House of Representatives refused to concur in the Senate amendment, and it was agreed at the conference that the Senate would recede from its amendment, and that was signed by all 17 of the conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Alabama will kindly suspend. The Senate will be in order. Senators are requested to discontinue their conversations, and the staff are advised likewise. The Senator from Alabama will suspend until order is restored.

The Senator may proceed.

Mr. ALLEN. So when the Senate refused to recede from its amendment and voted to insist on its amendments, the House of Representatives cut the $700 million down to $5 million and sent it back to the Senate.

It this were all that was involved, if we were just playing games with this particular appropriation, it might be one thing; but actually appropriations in excess of $14 billion are involved, because all of those appropriations have been agreed to by both Houses, leaving this one question remaining.

The conferees have been discharged, and if this amendment goes back at $175 million, when the House showed its position by setting the figure at $5 million instead of $700 million, and it is put together on a take-it-or-leave-it basis, and they do not take it, it might well again go to conference. All the while, these $14 billion in appropriations cannot be paid. Food stamps are involved, to the extent of almost $1 billion. GI benefits are involved; VA benefits and retirement payments are involved. Yet we are insisting here on a program that has never even been authorized by Congress; in a supplemental appropriation bill, we are seeking to force the House of Representatives to agree to our amendment.

I feel that my amendment would provide the best way to get the appropriation bill passed and get $14 billion into the economy. One thing that is being held up is this $50 payment that was provided in the tax bill to go to social security recipients and railroad retirement beneficiaries. That cannot be paid. I am sure that many Members of the Senate, during the recess, had their constituents ask them what had become of these appropriations, why they had not been paid.

Our haggling over this unauthorized program is what is causing that. The amendment the Senate just voted down was for $10 million. This amendment raises that amount to $50 million. I feel that the House of Representatives, in all likelihood, would accept the $50 million. I hope that figure will be agreed to, so that we can send the matter back to the House of Representatives, get agreement, and get this whole supplemental appropriation bill, involving $15 billion, activated.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. YOUNG. I would like to read just two paragraphs of a letter from James T. Lynn, the Director of the Office of Management and Budget, dated today:

> Because this bill has not been passed, payments for veterans educational benefits have been exhausted. The first cycle of benefit checks were due to be processed by the Treasury on June 2. Since the Treasury was unable to issue the checks, some 46,800 veterans will miss payments due them this week.
>
> If the bill is delayed further and is not enacted by June 6, an additional 250,000 veterans will not receive payments next week.

Mr. ALLEN. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from Arkansas is recognized for 5 minutes on the amendment.

Mr. McCLELLAN. Mr. President, this is an amendment to the amendment of the Senator from Indiana. He has control of the time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I do not intend to take the whole 5 minutes myself; perhaps 1 minute.

The issues involved here are exactly the ones decided a moment ago, when 80 Members of the Senate voted to support the Senate position and 17 Members voted to support the House position.

The real question as to why this meassure is not law now, why the veterans are not being paid, why those $50 checks are not going out, can be answered not by quoting the Senator from Indiana, but by quoting a distinguished Member of the House of Representatives, and ranking minority member of the House Appropriations Subcommittee on Transportation. Mr. CONTE said, when this measure was before the House 2 days ago, the following:

> I want to remind my colleagues that now a new issue has been brought up before this House saying if we do not pass the bill, the veterans are going to go without benefits, and Federal employees will go without salaries. Yet I was up here the night before we recessed and said, Let's stay here and work and let's get this done, and the Members took a 10-day recess. They could not even get a quorum here that night, if the chairman will recall.

The Senate sent that bill back. It could have been decided. This measure could have been fully funded, with payments going out to the people, but the House could not make a quorum and could not decide whether to accept an accommodating position with the Senate or not.

When you look at the original position of the Senate being $700 million on this issue, I must say I think it is a fairly good compromise for the House of Representatives. They are getting to accept the $175 million by the Senator from Indiana. I have reason to believe they are going to accept that, and I think it would be wrong for the Senate to back away from its original position on this matter, a position it has taken twice. The Senator from Arkansas, the Senator from New York, the Senator from Indiana, and others put this proposal on the emergency employment bill originally. We were persuaded to back away from that, somewhat reluctantly, but we said "Well, our time will come again."

Mr. President, I say our time is now. We should send this matter back over to the House of Representatives, and get those benefits to the retirees.

Mr. McCLELLAN. Mr. President, with this amendment the Senate is yielding 75 percent to the House of Representatives. How much more? Uusually we split things. We go down and split where there is a strong difference. With this amendment we yield 75 percent to the House of Representatives. Certainly the Senate is entitled to 25 percent of influence in legislation and in appropriations.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from New York.

Mr. JAVITS. The point is whereas the figures of $10 million and $50 million are guessing, the figure of $175 million has substance. We are setting a figure which is within $25 million of the estimate of the Department of Transportation as to the opening requirement, in order to get this program underway. We had an estimate of $150 million. That does not mean they are for what we are doing but that is the best expert opinion we could get. Therefore, we have a figure which is based upon some solid foundation. We could guess all day.

The Senator from Alabama, and it is his privilege and I will fight to the end to sustain it, can give us one of 55, 60, 65, 70, 75, and 80. But the Senate understands that kind of situation, and I think we have pretty well determined what we are going to do and we ought to go ahead and do it.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a letter I received from Mr. James T. Lynn, Director of the Office of Management and Budget, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 4, 1975.
Hon. MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Today, the Senate is scheduled to vote once again on the Second Supplemental Appropriation Bill, 1975 (H.R. 5899). It is extremely important that appropriation action not be delayed further.

Because this bill has not been passed, payments for veterans educational benefits have been exhausted. The first cycle of benefit checks were due to be processed by the Treasury on June 2. Since the Treasury was unable to issue the checks, some 46,800 veterans will miss payments due them this week.

If the bill is delayed further and is not enacted by June 6, an additional 250,000 veterans will not receive payments next week.

If a longer delay occurs, vital advances to several States for unemployment compensation payments will be jeopardized.

In our view, the Senate should not insist on inclusion of funds for Federal financial assistance to railroads. The House position that the authorization procedures should be followed has considerable merit. From the standpoint of achieving rail improvements, this piecemeal approach is not desirable. The railroads indeed have substantial problems but solutions should be proposed and considered as pieces of a coherent and comprehensive approach. We should not act now in such a way that forecloses action on proposals that will be made within the next month to deal with the Northeast/Midwest rail problem.

I ask for your assistance in this important matter.

Similar letters are being sent to Senators Hugh Scott, John McClellan and Milton Young.

Sincerely yours,
JAMES T. LYNN,
Director.

Mr. WILLIAMS. Mr. President, I rise in support of the proposed substitute amendment. It is true that the original appropriation of $700 million represents an optimum figure for a program which is designed to have an appreciable impact on our unemployment situation and at the same time engage the unemployed in meaningful short term rail rehabilitation projects.

However, it has become apparent that the House does not intend to approve this $700 million appropriation prior to its approval of authorizing legislation.

This substitute amendment affords a way in which the interests of both the Senate and the House can be recognized. It will provide enough money to employ in the neighborhood of 10,000 unemployed on approved rail rehabilitation projects for a year. And it is apparent that many more unemployed could be engaged if the projected term of employment is initially less than 1 year, to be expanded when additional appropriations are approved.

Most importantly, if the House enacts authorizing legislation soon and the measure becomes law, these projects will be initiated this summer. As has been stated any number of times, it is critical that any program of rail rehabilitation must be initiated by late summer if it is going to have any meaningful impact. Weather conditions impose serious restrictions on the amount of track maintenance that can be accomplished.

This reduced sum of money will be sufficient to get the program off the ground immediately and at the same time put in motion the machinery for handling promptly and efficiently a much larger program on the order of magnitude contemplated when we in the Senate appropriated $700 million.

The reduced figure that is being offered today represents a reasonable accession to the wishes of the House. From all that I can gather, the House objection is to the amount of money appropriated in advance of consideration of the precise form of the authorizing legislation. It is not an objection to the program itself or its objectives. The commitment of $700 million would, in the view of the House Members, constitute an unacceptable restriction on their ability to determine the best program for accomplishing the objectives of reducing unemployment and improving track and facilities.

Viewing this objection then, as a matter of degree, it seems to me that by cutting more than $500 million off the figure opposed by the House, we have taken an extraordinary and proper step toward facilitating passage of this appropriation. At the same time, the level of funds remaining still provides the wherewithal for initiating the rail rehabilitation program at a significant level before the end of the ummer.

I urge support of the amendment.

Mr. McINTYRE. Vote.

Mr. ALLEN. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this rollcall vote be limited to 10 minutes.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, I feel that each Senator should have 15 minutes to get to the Chamber because from some parts of the Hill they cannot get here in 10 minutes. Even though I am here right now, I might be in a position where I would miss a rollcall. It has happened in the past, and therefore I object.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the vote, which is to occur immediately behind this vote, that will be a back-to-back vote and will be a 10-minute rollcall.

Mr. WILLIAM L. SCOTT. Mr. President, I further reserve the right to object, and I shall not object, I think there is a difference in back-to-back and other votes.

The PRESIDING OFFICER (Mr. CULVER). The time has expired. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

At this point Mr. STAFFORD assumed the chair.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. INOUYE), and the Senator from Wyoming (Mr. McGEE) are necessarily absent.

The result was announced—yeas 14, nays 83, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—14

Allen
Byrd,
  Harry F., Jr.
Curtis
Fannin
Fong
Goldwater
Hansen
Helms
McClure
Nunn
Proxmire
Scott,
  William L.
Talmadge
Thurmond

NAYS—83

Abourezk
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Eastland
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—2

Inouye
McGee

So Mr. ALLEN's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD obtained the floor.

Mr. MANSFIELD. Mr. President, I yield to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McINTYRE. Would it be in order to request that the Sergeant at Arms and those officials in the cloakrooms of the Republican and the Democratic Parties be instructed that as soon as we conclude the vote that is now coming up on the supplemental, we will return to consideration of S. 920, the military authorization bill, and that I will be presenting the counterforce amendment?

The PRESIDING OFFICER. It can be done by unanimous consent.

Mr. McINTYRE. I ask unanimous consent to so move.

The PRESIDING OFFICER. Is there objection?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, what is the request?

Mr. McINTYRE. As an explanation, in view of the time constraints, I am going to abandon my original intention to ask for a live quorum; but I would like to get word out to the Members who are interested in S. 920 that I will present the counterforce amendment right away.

Mr. CRANSTON. In a closed session?

Mr. McINTYRE. In a closed session.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, is the Senator making a motion for a closed session at this point?

Mr. MANSFIELD. Just the preliminaries.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Indiana (Mr. BAYH) to concur in the House amendment with a Senate amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. McGEE), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—78

Abourezk
Baker
Bartlett
Bayh
Beall
Bentsen
Biden
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Eastland
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Tower
Tunney
Weicker
Williams

NAYS—18

Allen
Bellmon
Brock
Byrd,
Harry F., Jr.
Curtis
Fannin
Fong
Goldwater
Hansen
Helms
Hruska
Morgan
Nunn
Proxmire
Scott,
William L.
Talmadge
Thurmond
Young

NOT VOTING—3

Humphrey
Inouye
McGee

So Mr. BAYH's motion was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAYH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The VICE PRESIDENT. Pursuant to the previous order, the Senate will now continue with the consideration of S. 920.

AMENDMENT 494

Mr. McINTYRE. Mr. President, I intend shortly to request the Senate meet in closed session to discuss some highly classified material relevant to amendment No. 494. I have an unclassified version of the remarks in closed session. Mr. President, I want now to call up amendment 494 which the distinguished Senator from Massachusetts (Mr. BROOKE) and I are offering for consideration by the Senate. I ask unanimous consent that the Senator from Oregon (Mr. HATFIELD) and the Senator from California (Mr. TUNNEY) be added as cosponsors of the amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The VICE PRESIDENT. Without objection, the amendment will be printed.

The amendment is as follows:

On page 17, line 24, strike out "$3,368,802,000" and insert in lieu thereof "$3,361,102,000".

On page 17, line 25, strike out "$3,707,840,000" and insert in lieu thereof "$3,650,840,000".

On page 18, between lines 3 and 4, insert a new section as follows:

"SEC. 202. None of the funds authorized to be appropriated by this Act, including funds authorized to be appropriated under title VII, may be used to conduct any research, development, testing, or evaluation in connection with—

"(1) improved guidance technology for the Minuteman III missile system;

"(2) the Mark 12A Reentry Vehicle;

"(3) Maneuverable Reentry Vehicle (MARV) precision guidance technology in the Advanced Ballistic Reentry System (ABRES);

"(4) the Large Advanced Ballistic Reentry Vehicle (LABRV) in the Advanced Ballistic Reentry System (ABRES); or

"(5) improved accuracy for the Fleet Ballistic Missile System.".

On page 24, lines 7 and 8, strike out $851,363,000" and insert in lieu thereof "$849,463,000".

On page 24, line 9, strike out $946,621,000" and insert in lieu thereof "$914,821,000".

Mr. McINTYRE. Mr. President, we assume in these debates on defense that any amendment that would deny a Pentagon request must be on the side of military softness. Mr. President this is not the case with this amendment.

This amendment is not based on sweetness and light. It is based on the most prudent, the most conservative, the most tough-minded military and diplomatic realism. Our case is based not on a university arms control seminar but on extensive hearings over the last 2 years by your Military Research and Development Subcommittee which has received in executive session the most expert Department of Defense testimony.

This amendment raises the gravest of questions concerning our national security. What is at stake here is no more or less than the survival of our people—our supreme national security which depends on our deterring nuclear war.

However complex the matter of strategic theory and technology may seem at first, the heart of this matter is simple. The question here is whether we should move the weight of our national policy from our traditional and proven policy of deterring nuclear war to drastic new doctrines and technologies designed to fight limited nuclear wars.

The question, therefore, is not whether we shall meet Soviet threat with strength or weaknesses. Our national security depends on our meeting any Soviet challenge with the right kind of strength else we produce the exact opposite effect that we want and thereby make nuclear war more likely rather than less.

Let me outline the case: We contend these programs detract from our real national security in three different ways.

First they run counter to our critical military task of insuring the survivability of our deterrent. In fact, they will not help us meet projected Soviet threats of the future.

Second, they detract from our national security because they shift us from a policy of deterring nuclear war to doctrines and technologies designed to fight limited nuclear war.

Third, these programs run counter to our national security because they put a hair trigger on nuclear war and will draw Soviet fire by giving them an incentive to strike first in a period of crisis.

Let us look briefly at each of these contentions in turn.

First, these programs detract from our real national security because they run counter to our policy of mutual deterrence which has been the key to our nuclear peace over the years.

This policy means that our deterrent must survive any possible Soviet attack now or in the foreseeable future and then still be able to retaliate massively—flexibly—and certainly in this way the Soviets must know that their own national survival requires them to keep the nuclear peace. The critical task for our startegic arms research and development has been and continues to be to insure the survivability of our deterrent force.

Our technology in the past has produced superior capabilities at the heart of the survivability. Our MIRV's will overwhelm and thereby survive an ABM defense. The hardness of our missiles and their silos insure that they will survive a Soviet missile attack. The quietness of our submarines can elude and survive a Soviet attacker. Our bombers can penetrate and thereby survive dedicated air defense. These technologies together with the redundancy of our Triad and the size of each of its component forces insure, as Secretary Schlesinger has often stated, that the Soviets cannot achieve a preemptive first strike now or in the foreseeable future. Let us be proud of that, let us be secure in that knowledge.

Despite our confidence in the present and future survivability of our deterrent, your Military Research and Development Subcommittee inquired extensively this year into Soviet technology efforts that might at some future time—that might, say a decade from now, pose a threat to the survivability of our deterrent.

I am sure that today there will be displayed to the Senate some of the details of the remarkably intense and awesome activity by the Soviets in strategic research and development. Even though we are so far ahead of them in deploying MIRV's, the accuracy of our missiles, the invulnerability of our submarines, the massiveness of our bomber force, still the security of nuclear peace depends critically on there being no question in the Soviet's mind of our ability to survive and respond to any nuclear attack they may develop.

So my responsibility as chairman of the R. & D. Subcommittee leads me to believe that we must continue to show them that we will deny them any advantage. Even though the survivability of our deterrent is already secured for the practical future and even though that force will be dramatically increased in the 1980's through massive improvements in the force currently being deployed or developed, this Senator supports additional R. & D. efforts designed to insure the survivability of our force.

Although our Defense Department tells us that there is no conceivable Soviet threat that could endanger our current strategic submarines, this Senator supports the Trident which will ultimately compound the Soviet's antisubmarine warfare problems tenfold and will thereby insure the survivability of our massive sea-based retaliatory force through the rest of this century.

I also continue to support aggressive R. & D. programs such as the B–1 and air-launched cruise missile which will insure the future survivability and effectiveness of our bomber force.

A modern bomber force is—after all—a stable weapon—a weapon that will survive any attack, penetrate a dedicated air defense, and certainly retaliate in a variety of ways. Yet, it can not be construed as a first-strike threat by the Soviets because of its long flight time. I, therefore, vigorously opposed termination of the B–1 program that year and will again tomorrow.

The pending bill has a wealth of other R. & D. programs which I support and which will further enhance and insure the survivability and certain retaliation of our deterrent forces. For example, I support the Pave Pepper program which will enable us to double the number of MIRV'ed warheads on our Minuteman and thereby double the number of surviving retaliatory warheads per surviving American missile after any Soviet attack.

I support continued R. & D. on a strategic cruise missile program that we could deploy if pushed to the wall by the Soviets and which could, without doubt, insure our ability to retaliate with a whole new family of strategic weapons.

And I also have supported this year continued R. & D. on mobile missile systems, air and land mobile which would deny the Soviets any advantage even in the most extreme projected threat 10 or 20 years from now.

These programs represent the cream of our military technology. I have taken the time to list these programs and others which I support because they are designed to insure the survivability of our retaliatory forces and thereby deter a Soviet nuclear attack.

They will meet any Soviet challenge with strength—the right kind of strength which will show the Soviets that it is in their national interest to agree to a secure arms treaty. And strength which will deny them any military advantage if they do not agree to such a treaty.

And for the same reasons that I support this awesome range of efforts to protect the survivability of our deterrent for the rest of this century, I am opposing the five nuclear warfighting programs, because they will not add to that survivability but will, in fact, reduce it and thereby reduce our national security as well.

No matter how accurate or powerful our warheads may become through these programs, these new capabilities will in no way—will in no way—make them less vulnerable to a projected Soviet attack. More accurate, more powerful warheads will still be on the same missiles placed in the same silos with the same hardness, fixed in the same known place, vulnerable in the same ways to the same worst projection that you may hear detailed today.

So I ask the proponents of these programs to tell the Senate in what specific ways these new capabilities will protect our missiles from a Soviet attack.

Logically you can make a missile more survivable by defending it, which my subcommittee recommends that we prepare to do through advanced ABM technology; or we can make the silo harder which my subcommittee supports through the silo upgrade program; or we can deploy the missiles in some mobile form, land, air, or sea as my subcommittee is preparing us to do. These counterforce programs do none of these.

So, every time the Senate hears in the next few hours in this debate that the Russians are threatening our missiles we should ask ourselves how well and in what specific ways these warfighting programs will protect the missiles, how they will make them more survivable.

In fact, they will not, but the problem is worse than that. It is not only that these programs will not add to the survivability of our missiles, they actually would detract from it. In a period of crisis missiles with these new warfighting capabilities actually will draw fire from the Soviets. Precisely because the Soviets will know that our missiles can destroy their ICBM's in their silos in a half hour's flight time, they will have a motive for striking us first.

You will hear today that the Soviets are moving toward a counterforce capability of their own through deterrent combinations of yield, MIRV's, and accuracy. You will hear that the potential Soviet threat to our own ICBM's will be greater than ours to theirs in the mid-1980's, because of their advantage in missile throw weight. All of that is true. And I am as concerned as any Senator in this Chamber by these absurd and dangerous Soviet activities. But these warfighting programs proposed by the Pentagon will not meet that threat.

If we want to pursue hard-nosed diplomacy based on military strength to dissuade the Soviets from proposing these destabilizing developments of their own, we must show them that we will deny them any real military advantage. The way to do that is to show them that no matter what they may do, our R. & D. programs, designed to insure the survivability of our forces under any attack they may project, will deny them any such advantage.

In sum, the way to insure our national security, a way to preserve nuclear peace, the way to counter new Soviet threats, is through the right kind of military strength, programs designed to protect the survivability of our retaliatory forces against any Soviet effort. These counterforce programs do not.

But there is a second way in which these warfighting programs diminish our national security.

They represent a massive shift of the weight of our national strategic policy from deterring nuclear war to fighting a limited nuclear war.

My subcommittee has made a conscientious effort to understand the precise way in which these capabilities might be used. At the heart of the proponents' rationale for these programs is the assumption that somehow we can fight a limited nuclear war. This fallacy dances throughout the Department of Defense's case for these programs before my subcommittee.

For example sometimes they talk about a demonstration strike. Secretary of Air Force MacLucas talked about a hypothetical case in which the Soviets might fire a couple of nuclear weapons against a mountain in Alaska "to get our attention over something." Of course, such a strike would in no way take away from our current awesome strategic forces that would enable us to flexibly respond in a variety of ways. But the assumption is that such an attack is tolerable. He uses the term "relatively innocuous U.S. target." Well, there are no innocuous U.S. targets as far as this Senator is concerned.

Sometimes the Pentagon talks about a Soviet threat, 10 years from now to be sure, which would marry their throw weight with MIRV's and greater accuracy so that they would be able to take a minority of their force and destroy about a large portion of our missiles. The argument then goes, this small portion of our force would not be sufficient to respond "in kind" and would leave the Soviets with a net advantage, politically or diplomatically. Of course, such an attack would leave our sea-based missiles secure and most of our bombers which would have been on alert in a period of crisis also survive. But put that aside for a moment.

How many Americans would be killed in such a "limited" nuclear strike by the Soviets against our strategic forces? The Pentagon, itself, estimates 5 or 6 million, most other estimates are higher.

So what the Secretary of Defense is suggesting is that the President of the United States, having been told that 5 or 6 million Americans have been killed in a "limited attack," that he then "cool it and respond in kind." We were told the President, thereby, would save millions more of Americans by controlling the escalation of a nuclear war. We were told that the Soviets will not believe us if we tell them that in such circumstances the President would respond massively.

But I say today that if there is any doubt in the Soviet's mind that our American President would respond massively to an attack that would kill millions of Americans, let us now put that doubt asunder.

For all of us in the Senate who want to send a message of U.S. intent to be strong in the world, let us send an unambiguous message that we understand our real security interests. Let us send the Soviets a message they cannot misunderstand.

Let them now know that we will not tolerate a nuclear attack on our homeland, limited or otherwise.

Let us direct our policies to that end by denying programs that would confirm their doubts about our interests. There can be no winners of a limited nuclear war. There is no such thing as a limited nuclear war. And that is the heart of the matter.

There is an unreal air about such theories, there is a Dr. Strangelove quality about them. They smack of the rarified academic seminar. They reek of the unreality of the Rand Institute.

But in the real world in which we live and which the American people may die, I say let us bury the fallacy of limited nuclear war. Let us return to the sanity and real security of deterring war through the strongest possible survivability technology and the clearest possible military doctrine.

Finally, there is a third way in which these doctrines reduce our national security. They put a hair trigger on nuclear war. As I have already described, in a period of crisis, when an attack is most likely according to Secretary Schlesinger, the Soviets would have to consider a warfighting missile force with the capability that these programs would give them as a threat to their ICBM force. Let me point out that the Soviet's elite strategic rocket forces play a much more central and dominant role in their strategic armaments than our ICBM's do in ours. Our Triad is balanced; theirs is weighted to the land-based ICBM. A threat by our missile force against theirs is much more provocative and much more likely to draw fire out of fear that we might attack them first.

Only 4 years ago the Senate and Department of Defense agreed upon this. On this same Senate floor, overwhelming majorities led by the chairman of the Senate Armed Services Committee, supported by Department of Defense, opposed precisely these kinds of programs for precisely the kinds of reasons I outlined today. What has happened since to warrant such a drastic departure from proven policy? To be sure, the Soviets have intensified their activity in their missile development. But also we have had the ABM Treaty; we have had the Vladivostok agreement; we have rapidly deployed our own MIRV's at sea and on land; we have decided to deploy Trident; our B-1 program is maturing.

But neither the Soviet activity nor ours is to the point. We understood in 1971 here in the Senate that these programs would put a hair trigger on nuclear war. Neither the Soviet threat that these programs are supposed to counter or our own intense activity designed to insure the survivability of our forces have altered that basic strategic truth. Nevertheless, these programs would try to move us to the Wild West of the fast nuclear gun and all of the uncertainties and instabilities and risks therein.

Let me sum up. Our case is based in the most tough-minded military realism. These programs would diminish our national security by failing to meet the Soviet threat against our missiles. They would add nothing to the survivability of our retaliatory forces. They would dramatically shift the weight of our policy to limited nuclear warfighting that would tolerate millions of American deaths. And they would put a hair trigger on nuclear war.

In the name of our supreme national security, let us stop them.

Mr. BROOKE. Mr. President, our present focus on the so-called strategic initiatives is only the latest segment of a long-standing debate over the structuring of our strategic nuclear forces. Too often we lose sight of the continuity of this debate. This would not be disturbing except for the fact that present expressions of concern are too often thought of as unique in terms of time and place rather than as manifestations of deepseated apprehensions that many of us have had for years over the type of qualitative changes in our strategic forces now being advocated, indeed, implemented. And, it is the reasons for the continuity of those apprehensions rather than immediate or longer term budgetary concerns that should lead us to eschew the course of action dictated by the nature of the qualitative changes in our nuclear arsenal sought by the Defense Department.

My sensitivity to the direction that the "strategic initiatives" are taking us is particularly acute, because of the assurances I received from officials of the previous administration, including President Nixon, that the United States did not intend to seek an effective first-strike weapon system. In the words of former Secretary of Defense Melvin Laird:

> We have not developed, and are not seeking to develop a weapon system having, or which could reasonably be construed as having, a first-strike potential.

This commitment was made to me in November of 1970 and followed a similar statement of intent in 1969 by President Nixon.

Secretary Schlesinger's approach indicates a marked departure from the previous administration's position and represents an incipient movement toward achievement of an efficient "hard target" kill capability that could form the basic component of a first-strike capacity against the land-based ICBM's of the Soviet Union.

This "hard target" aspect of the Scheslinger approach is extremely disturbing. Equally alarming is the likelihood that the very nature of the "initiatives," including the likely marriage of dramatically improved accuracies with substantially increased yields on our land-based ICBM's, will set in motion processes both here and in the Soviet Union that will result in a substantial erosion of inhibitions regarding resort to nuclear weapons. I speak here both of the premium that is placed on launching first in a crisis situation if an opponent has an effective silo-killing capacity and the supposed enhanced "rationality" of using nuclear weapons that are not so horrendous in their individual effects. I am also thinking of the uncritical acceptance of the concept that nuclear firebreaks can be established of sufficient efficacy to avoid rapid escalation to spasm responses in a nuclear war.

When all the surreal jargon of deterrence is cleared away; when all the esoteric scenarios are discounted, the basic issue at stake in this debate is whether the programs proposed by the Defense Department increase the possibility that the nuclear threshold will be lowered, thus lessening our own security and that of the world in general? It is my considered judgment that there is sufficient reason to believe that should we continue to pursue the course of action advocated by Secretary Schlesinger, the answer to that question will prove affirmative. For that reason I strongly oppose funding of the five programs identified for deletion in the McIntyre-Brooke amendment; namely, improved accuracy for Trident, improved guidance for Minuteman, continued development of the MK–12A reentry vehicle, development of MARV, and research and development on the large advanced ballistic reentry vehicle.

The weapon characteristics sought in these R. & D. programs, when viewed in the aggregate, clearly indicate that the prime objective of the "strategic initiatives" is to improve dramatically the U.S. ability to destroy enemy missile silos.

The accuracy improvements sought for the Trident missile would dramatically increase the antisilo capacity of our SLBM fleet. Presently, the relative inaccuracy of our existing SLBM's limits their utility to countervalue targeting; that is, cities, large industrial, and military complexes and so forth. Improved SLBM accuracy would alter this and make Trident an effective countersilo weapon.

The guidance improvements for Minuteman would have a similar impact on the hard-target capabilities of our land-based missiles. Even more disturbing, the continued development of the MK–12A reentry vehicle for Minuteman indicates to me a strong desire on the part of the Pentagon to achieve a marriage of greatly increased Minuteman accuracy with markedly increased yields resulting from this latter program. Such a marriage would provide the United States with a highly credible hard-target weapon system.

Finally, the development of the large advanced ballistic reentry vehicle, encompassing another marriage of high accuracy technology with yields substantially in excess of our present Minuteman levels, would give us a supersilo killer.

Proponents of these "initiatives" argue for them along several lines. First, they say that these changes are needed as part of an effort, in Secretary Schlesinger's words:

> To insure now and for the future total deterrence across the entire spectrum of risk—strategic nuclear deterrence, so-called counterforce deterrence, conventional deterrence, and deterrence of undue economic/political pressures on the U.S. and our allies.

Implicit in this argument is the assumption that efforts to stabilize deterrence in one portion of the spectrum—"counterforce deterrence"—can be undertaken without having a destabilizing effect in another portion—strategic nuclear deterrence. The validity of this assumption is certainly not established. Indeed, logic points in the other direction. The ability to threaten an opponent's land-based ICBM's through an efficient hard-target kill capability will encourage that opponent, under crisis conditions, to launch those weapons he feels are in jeopardy. As a noted British strategist has written regarding the Schlesinger strategy:

> It is that choice [to produce and deploy much more accurate strategic missiles] which is to be regretted and even feared since, if put into effect by the U.S., the Soviet Union or both, it can only reduce the stability of the strategic balance in any period of acute tension.
>
> Especially at a moment of acute political anxiety, the existence of that capability, whatever the intention behind it, is bound to force a nervous adversary to consider whether he can afford not to strike first, lest he allow himself to be at least partially disarmed.

Thus, the attempt to effect a stabilization of "counterforce" deterrence through the "strategic initiatives" will have the unfortunate result of increasing pressures for resort to nuclear weapons in a major confrontation between the superpowers. This is the "hair-trigger" phenomenon referred to by the distinguished Senator from New Hampshire.

Second, proponents argue that "essential equivalence," that ambiguous criterion for determining strategic parity, requires that the United States seek a "hard-target" kill capability sufficient to offset any advantage the Soviets may achieve by exploiting their missile megatonnage superiority. There is a belief among certain U.S. analysts that Moscow could achieve some form of meaningful advantage vis-a-vis the United States, either in the form of raw military power or as a political/psychological lever to coerce the United States or its allies, by marrying a megatonnage advantage to improved accuracy capabilities. To counteract this possibility, it is argued, the United States must maintain its qualitative superiority in the "hard-target" kill area.

Proponents of this view use the "essential equivalence" argument with three general purposes in mind:

First. To indicate to the Soviet Union our resolve to do whatever is necessary to maintain equality of capability in the strategic field even though capability symmetry may not be sought;

Second. To demonstrate to allies and adversaries that we will not permit ourselves to be outpaced in any major category of nuclear weaponry;

Third. To justify the United States attaining a more efficient counterforce capability by matching the number of Soviet silos with an equal or greater number of deliverable warheads.

The first two of these purposes are openended and certainly do not indicate discriminatory measures to determine the preferability of any specific program as opposed to another in meeting the "equivalence" criterion. Indeed, the latter term is so lacking in conceptual and operational clarity as to allow one to justify almost any research and development program as necessary to achieving "essential equivalence."

Moreover, even if one accepts these first two purposes as valid, little confidence would exist that they could be attained through the "strategic initiatives" approach. Rather than dissuading the Soviets from their own strategic programs and convincing our allies of our willingness to maintain strategic parity, I believe these "initiatives" are more apt to stimulate Soviet attempts to exploit the technological advances that our own programs indicate as feasible. By our own emphasis on enhanced accuracy, we may optimize incentives for the Soviets to capitalize to the maximum extent on their megatonnage advantages by marrying that advantage to greatly improved accuracies, the course we are presently advocating as the logical one to follow. The cruel irony of this situation should be apparent to everyone.

The argument that "essential equivalence," encompassing an effective "hard-target" kill capability, is necessary to prohibit the Soviet Union from achieving nuclear superiority over the United States with a potential to convert that superiority into political leverage is a dubious one. No credible scenario has been suggested wherein some form of marginal nuclear superiority on the part of the Soviets could be used to extract political concessions either from the United States or its allies. The only conceivable situation where this might occur would be one in which the United States exhibited a complete lack of willingness to abide by alliance commitments. Such an unwillingness would not result from lack of improved accuracy and increased yield on our nuclear weapons but from a general breakdown in our national morale. No tinkering with the qualitative characteristics of our nuclear missiles could compensate for that and it is illusory to suggest otherwise. Our credibility as a counterweight to the Soviet Union is in no way dependent on the alterations in our strategic weapons sought by the Defense Department.

It is the use of the "essential equivalence" concept as a means to justify matching of Soviet missile silos with a theoretically efficient ratio of U.S. warheads to those silos that is most questionable. There is no inevitable relationship between our ability to maintain the parity in strategic capabilities necessary for strategic equilibrium and an enhanced ability to achieve efficient hard-target kill capabilities vis-a-vis Soviet land-based missile silos. Yet, such a linkage is what the proponents of the "strategic initiatives" seek to establish as a means of justifying their approach. In doing so they underplay the enormous risks inherent in seeking such a capability, using the "equivalence" cliche to deflect attention from these risks.

Third, the Schlesinger approach is justified by some as a means of escaping from the basic "immorality" of our present emphasis on mutual assured destruction—MAD—as the basis for our deterrent strategy. The "immorality" of MAD, according to the critics, rests on the assumption that should deterrence fail, the only recourse would be resort to a nuclear barrage that would kill millions of civilians unnecessarily. To avoid this predicament of holding millions of civilians hostage to the nuclear deterrent relationship, supporters of the "strategic initiatives" argue that we should have the option to make selective controlled nuclear responses to provocations, nuclear and perhaps otherwise, that will avoid endangering major portions of an enemy's or our own civilian populations.

Dislike of the "civilian hostage" aspect of the MAD concept is not limited to advocates of the "strategic initiatives." Critics of the latter are also uneasy about the implications of MAD. No individual aware of the dangers of nuclear weapons can relish a condition wherein millions of civilians are presently prime targets of the nuclear weapons of the superpowers. Yet, distasteful as the present situation may be, this "balance of terror" has so far proved effective in forestalling a nuclear exchange. Any alteration in the present deterrent relationship, therefore, must clearly offer the hope of decreasing the possibility of a nuclear conflict wherein the lives of millions of civilians would be forfeited to be acceptable as an alternative to reliance on the mutual assured destruction requirement for deterrence stability.

I do not believe that the Department of Defense has made the case that the "strategic initiatives" approach holds out the promise of meeting this criterion. There is no reason to feel sanguine about an approach that supposedly reduces the possibility of widespread civilian casualties while at the same time increasing the chances that a nuclear conflict will occur. Given the unpredictability of such a conflict, the ease with which an opponent could counteract the purpose of the "strategic initiatives" by moving missile silos close to population centers, and the impossibility of insulating the civilian populace from the deadly residual effects of nuclear war, one must be skeptical that such an approach will significantly reduce the potential danger to the civilian population. I do not believe we are justified in accepting the heightened risk of a nuclear conflict when we can have little confidence that any such conflict can be adequately limited in scope or intensity.

Moreover, in evidence presented to the Congress, the Defense Department has made a convincing case that we already possess sufficient capabilities to make a limited nuclear response to an opponent's nuclear provocation. Thus, the "initiatives" are unnecessary for the approach advocated by DOD to move away from the "immorality" of MAD.

Fourth, it is also argued that an ability to wage limited nuclear war with highly accurate strategic nuclear weapons will enhance the credibility of our nuclear guarantee to our allies. Some feel that an ability to counter any Soviet provocations in a selective controlled manner, with highly accurate nuclear weapons lessening the dangers of collateral damage, will convince allies that our nuclear shield is still credible as an extended deterrent on the one hand and as a means for active defense if necessary on the other. According to "strategic initiatives" proponents, the Europeans' historical fear that their countries would be completely devastated by a nuclear exchange in Europe will be removed by U.S. possession of the capabilities now being sought by the Defense Department.

Secretary Schlesinger has stated that our European allies endorse his approach. I fear he mistakes their relative passivity to changes over which they have little control as enthusiasm for his views. I do not believe the latter is the case. My perception of European thinking on this matter is that its chief characteristic is widespread apathy. Europeans, to the extent they evidence concern over the credibility of the U.S. linkage, are far more inclined to point out that the problems facing the alliance are political in nature, and are only slightly affected, if at all, by the Defense Department's desire to tinker with the technical characteristics of our nuclear weapons. There is no compelling reason to believe that our credibility in the eyes of our allies will be enhanced by going forward with these programs. Instead, I greatly fear that the "strategic initiatives," if pursued to their logical end in deployment, will increase the likelihood of nuclear conflict. Once our European allies fully comprehend this, our credibility as a responsible ally will be diminished, not enhanced.

Finally, the strategic initiatives are justified by some as providing additional "bargaining chips" for the United States in the SALT discussions. The basic reasoning behind this view is that the Soviet Union will be influenced to adopt more reasonable attitudes in SALT when faced with the possibility of the United States mobilizing its superior technological capacity to widen the disparities between itself and the Soviet Union in the qualitative aspects of offensive missile systems.

The "bargaining chip" argument is unconvincing when scrutinized closely. Serious doubts exist that "bargaining chips" have played any significant positive role in efforts to achieve control of the strategic arms race. Aside from the ABM, no specific weapons program can be cited as an example of a "bargaining chip" that was eliminated or even significantly cut back as a result of the SALT negotiations. Even the ABM is questionable in this regard because technological difficulties rather than negotiated agreements appear to be the prime reason why extensive deployment of the ABM was abandoned by both superpowers.

Even if "bargaining chips" do have utility, the qualitative changes proposed for our nuclear weapons are particularly inappropriate for that purpose because of their imperviousness to "national verification techniques." There is simply no way for an opponent to verify that the other side is abiding by a commitment to foreswear accuracy and yield advances of the variety sought by the Defense Department unless onsite inspections are allowed. As the latter are unacceptable under present conditions, the decision to continue research and development on the "strategic initiatives" projects can only be viewed as a decision to deploy the improvements achieved. Therefore, it is erroneous to argue that ongoing R. & D. on these programs can be used as a means of altering Soviet bargaining postures in SALT. It is inconceivable to me that a prudent Soviet security planner, noting an ongoing U.S. R. & D. effort to increase substantially the accuracy and yield of its nuclear missiles, could do anything but assume eventual deployment of those improvements. He would be unlikely to accept U.S. protestations to the contrary as a sufficient reason to make concessions in SALT.

In summary, the "strategic initiatives" should be rejected because—

First. They hold no substantial promise of enhancing deterrence and, indeed, lessen the inhibitions on the use of nuclear weapons;

Second. They increase the premium for initiating a nuclear attack under crisis conditions by increasing the threat to land-based missile silos;

Third. They do nothing substantive to meet the legitimate criticisms of the MAD concept;

Fourth. They are superfluous regarding the need for sufficient options to avoid a choice between "surrender and nuclear suicide," the United States already possessing such options in its present arsenal; and

Fifth. They are irrelevant as "bargaining chips," because no prudent security planner could assume they had not been deployed once extensive R. & D. had occurred, regardless of protestations to the contrary.

Mr. President, while I reject Secretary Schlesinger's response to the challenge presented by the dynamic Soviet strategic program, I do not ignore the need to respond to that challenge in an effective and intelligent manner. We cannot ignore the possibility that Moscow has set forth on a course of action designed to achieve a capability similar to the one I believe should be eschewed by our Government. Our response to that possibility, rather than being one which results in both sides seeking efficient countersilo capabilities, thus leading to the "hair-trigger" condition, should concentrate instead on denying the Soviet Union an effective countersilo option regardless of the types of initiatives it undertakes. In essence, I am advocating a defensive posture, one in which the United States takes whatever steps necessary to protect the survivability of its deterrent systems rather than pursues the destabilizing course of threatening its opponent's deterrent forces.

The option of pursuing a defensive reaction to the Soviet challenge is available right now. One can identify programs in the DOD budget request that conform to the defensive criterion. The M-X program emphasizing land mobility for our ICBM's is one such program. Accelerated development of standoff missile capabilities is another. The Trident program as originally conceived is a third. And, there are more.

Until SALT or similar negotiations result in effective superpower agreements not only capping the arms race but also opening the way to substantive disarmament, we will have to take the steps necessary to guarantee the survivability of our nuclear forces and their credibility as a deterrent against undue pressures and provocations by our adversaries. The defensive approach advocated here, while perhaps a more costly proposition ultimately than the "strategic initiatives," is preferable to the latter that has within it the seeds of its and our own destruction—the lessening of inhibitions against resort to nuclear war as a policy option.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from New Hampshire yield for a question?

The VICE PRESIDENT. There are 4 hours for debate on this amendment.

Who yields time?

Mr. McINTYRE. On my time.

Mr. HARRY F. BYRD, JR. May I ask the Senator from New Hampshire as I understand it, he plans to move that the Senate go into executive session, which certainly is within the right of any Senator to do.

Under the time limitation, this amendment, however, has a time limitation, and the Senator from Virginia would like to speak in regard to the amendment, but he would like to speak in opposition and for the record. Under the prevailing parliamentary situation will the Senator from Virginia have an opportunity to do that if the Senate goes into executive session?

Mr. McINTYRE. Mr. President, I would have to make a parliamentary inquiry about the question posed by the Senator from Virginia. I do not know the answer.

Mr. HARRY F. BYRD, JR. Maybe I can propose a unanimous-consent request. I ask unanimous consent that the Senator from Virginia be permitted to speak for 15 minutes immediately after the closed session and immediately before the vote is taken. I would like to present my case in the open and for the record.

The VICE PRESIDENT. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I had not had this matter mentioned to me. I would be inclined, of course, to want to accommodate either of these gentlemen, of course, but I think if they are willing to argue it within the rules before we have this session, why, it would be nice for them to have a chance to do that. But maybe it would be better for them to try to do it later.

Mr. McINTYRE. Mr. President, I object, but I will withdraw my objection if I may have 5 minutes, after the Senator has his 15 minutes, to conclude and sum up the argument for the amendment.

Mr. HARRY F. BYRD, JR. Sure.

The VICE PRESIDENT. Is there objection?

Mr. JACKSON. Mr. President, reserving the right to object, I would like to ask unanimous-consent that my unclassified remarks may be made a part of the public record later. I do not want to detain the Senate for an open session after we go into closed, but I have some unclassified remarks to make in the closed session that I think the public should have a right to know similar, I think, to the Senator from New Hampshire.

Mr. STENNIS. Mr. President, reserving the right to object further——

Mr. JACKSON. I am not going to make an objection.

Mr. STENNIS. That would suit me if these three are the only ones who want to take up time before we have the closed session, why, it seems to me like, that would settle it.

Mr. JACKSON. My request is a little different. All I am suggesting is that rather than take up the time of the Senate in the open session I will make unclassified remarks in the classified session and, I think, the public should be entitled to have that.

The VICE PRESIDENT. The Senate can go into open session any time it wants to by majority vote during the course of the closed debate.

Mr. STENNIS. Mr. President, reserving the right to object, I know the Senator from New Hampshire has good cause, but I really do not fully understand the reason for having a closed session. But I think if we are going to have it, we ought to start it as soon as we reasonably can. So I would defer to the Senator from New Hampshire and the Senator from Virginia.

Mr. McINTYRE. Mr. President, will the Senator yield to me for a question? It is my understanding that the 15 minutes utilized by the distinguished Senator from Virginia will be charged to those who oppose the amendment; is that right?

Mr. STENNIS. That is right.

Mr. BROOKE. Mr. President, reserving the right to object, it seems to me we ought to have a time limitation on the closed session. We ought to have the closed session first and then open it up for open debate and just prior to or for the remaining time leading up to the vote.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BROOKE. Yes.

Mr. MANSFIELD. Of course, a certain amount of time, I believe 4 hours, has been set aside for the McIntyre amendment, but that time does not have to be used in executive session. At the end of 1 hour or 2 hours, if the Senate so desires, we can go back into open session and still have time for debate within that period up to 4 hours altogether, divided equally, of course.

Mr. BROOKE. Mr. President, my point is that we have a number of Senators who, immediately after the closed session, want to have an open session and then have a live quorum call and then a vote. We could get that out of the way now and then open it up.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question? Would it be satisfactory for the Senator from New Hampshire and the Senator from Massachusetts for the Senate to go into closed session for 1 hour and then go into open session where those who want to speak in opposition may be heard?

Mr. GOLDWATER. Mr. President, reserving the right to object, and I will not object, I think the request made by the Senator from Massachusetts and the Senator from Virginia is a very proper request because we have been on this floor for 2 days listening to criticism of the Armed Services Committee because we cannot divulge secret material, and I think this subject matter we are going to discuss today has a great part of it that can be divulged and, I think, the American people should know about it, and that part which is secret we should treat as secret; that part that can become public information should become public information, and I would certainly support any request by the Senator from Virginia to arrange time for those of us who want to make comments in public to do so.

Mr. STENNIS. May we have quiet, Mr. President, to hear the leader?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the appropriate time, which will be shortly, the distinguished Senator from New Hampshire, to be seconded by the distinguished Senator from Massachusetts, make their motion to go into executive session, and at 3:30 the Senate return to open session.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. For the use of the remainder of the time——

Mr. MANSFIELD. And with the time equally divided.

The VICE PRESIDENT. Time to be equally divided.

Mr. JACKSON. Mr. President, I ask unanimous consent——

The VICE PRESIDENT. Who was yielding time?

Mr. STENNIS. I yield time to the Senator.

Mr. JACKSON. Mr. President, I ask unanimous consent that, in order to avoid repetitiveness, those parts of my remarks that are unclassified, which will be delivered in the closed session, I may be granted permission to have those remarks appear in the open record.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from New Hampshire.

CLOSED SESSION

Mr. McINTYRE. Mr. President, in accordance with rule XXXV, I now move that the Senate go into a closed session.

Mr. BROOKE. Mr. President, I second the motion.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me before seconding?

The VICE PRESIDENT. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the closed session, which will immediately follow the seconding of the motion, in addition to the Secretary of the Senate, the Assistant Secretary of the Senate, the Legislative Clerk, the Journal Clerk, the Sergeant at Arms, and the Deputy Sergeant at Arms, all of whom are authorized under rule 36, except that current titles have been used where they have been changed, that the following personnel be authorized to be on the floor: The Parliamentarian, the Assistant Parliamentarian, the Assistant Legislative Clerk, the Administrative Assistant to the Sergeant at Arms, the secretaries to the majority and minority, and their assistants, the General Counsel and Associate General Counsels of the Democratic Policy Committee (Messrs. Ferris, Leach and Williams), the Administrative Assistants to the Minority Leader and the assistant minority leader (Messrs. Davis and Holland), the Official Reporters of Debates (Mr. Walker, Mr. Perry, Mr. Mohr, Mr. Firshein, Mr. Reynolds, Mrs. Ross, Mrs. Garro, Mr. Smonskey, and Mr. Timberlake).

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BROOKE. I second the motion.

The VICE PRESIDENT. The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, directs the Sergeant at Arms to clear the galleries, close the doors of the Chamber, and exclude all officials of the Senate not sworn to secrecy.

(At 2:40 p.m., the doors of the Chamber were closed.)

LEGISLATIVE SESSION

At 4:18 p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.

Mr. STENNIS. Mr. President, I announce, out of the time in opposition, I yield 15 minutes to the Senator from Virginia, who has already been recognized, and then I will yield 15 minutes to the Senator from South Carolina.

The VICE PRESIDENT. The Senator from Virginia is recognized for 15 minutes.

NOMINATION OF STANLEY K. HATHAWAY—TIME LIMITATION AGREEMENT

Mr. MANSFIELD. Mr. President, if the Senator will yield me 1 minute while the doors are opening, I ask unanimous consent that when the Hathaway nomination is taken up, very likely early on Wednesday of next week, there be a time limitation of 3 hours, to be equally divided between the majority and minority leaders or their designees.

The VICE PRESIDENT. Is there objection?

Mr. WEICKER. Mr. President, reserving the right to object——

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senate will come to order. Is there objection to the request of the Senator from Montana?

Mr. WEICKER. Reserving the right to object, may I inquire of the distinguished majority leader as to how this ties in with the Wyman-Durkin matter which, as I understand it, is possibly going to be brought up in the beginning of next week.

Mr. MANSFIELD. We will come in as early as possible and try to get it out of the way. It would mix in a little bit with the New Hampshire matter, but we know of no other way to bring it to a head and perhaps fill the vacancy, which has existed for so long in the Committee on Interior and Insular Affairs.

Mr. WEICKER. Mr. President, reserving the right to object, in other words, in effect, this would produce a two-track situation, insofar as Wyman-Durkin and Hathaway at the same time.

Mr. MANSFIELD. This is the only instance that I know of, and only urgency of the situation makes it necessary, if the Senate agrees. If not, we can put it over until afterwards.

Mr. WEICKER. I wonder if the distinguished majority leader would renew his request and allow me a few minutes because I would like to consult.

Mr. MANSFIELD. Certainly.

Mr. President, I withdraw the request.

MILITARY PROCUREMENT AUTHORIZING ACT, 1976

The Senate continued with the consideration of the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

Mr. HARRY F. BYRD, JR. Mr. President, may we have order?

Mr. STENNIS. Mr. President, may we have order?

Mr. MANSFIELD. Mr. President, will the Senator yield to me 1 minute?

Mr. HARRY F. BYRD, JR. I yield.

Mr. MANSFIELD. I will make another unanimous-consent request.

Mr. PASTORE. May we have order, please?

The VICE PRESIDENT. There will be order in the Chamber.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, and I do so without having full knowledge of the facts as to how many people still want to keep on on the pending amendment, that the vote occur at 5 p.m.

Several Senators addressed the Chair.

The VICE PRESIDENT. Is there objection?

Mr. TAFT. Mr. President, I reserve the right to object.

Mr. HARRY F. BYRD, JR. Mr. President, on this bill?

Mr. TAFT. No. This amendment.

Mr. HARRY F. BYRD, JR. This amendment.

Mr. McINTYRE. The vote will be held at 5 o'clock.

Mr. STENNIS. Mr. Preident, I have promised 30 minutes' time. I will modify that.

Mr. JACKSON. Mr. President, will the Senator make it 5:30?

Mr. MANSFIELD. All right.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I am reluctant to agree to the unanimous consent on this particular point.

Mr. STENNIS. All right.

Mr. HARRY F. BYRD, JR. This is a very important amendment, one of the most important amendments this Senate has had.

Mr. MANSFIELD. Mr. President, I withdraw that unanimous-consent request also.

Mr. STENNIS. Mr. President, if I may have a point of order, it is impossible to carry on the business of the Senate with the noise and confusion that exists here now.

I just make that point of order.

The VICE PRESIDENT. Will the Senators please take their seats.

Mr. HARRY F. BYRD, JR. If the President of the Senate will get order, the Senator from Virginia will proceed.

The VICE PRESIDENT. Everybody in his seat, please.

Mr. HARRY F. BYRD, JR. Mr. President, I shall be brief.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield.

Mr. HARRY F. BYRD, JR. I yield.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Mickey Barnett of my staff be accorded the privilege of the floor during the remainder of the day.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator from Virginia.

Mr. HARRY F. BYRD, JR., was recognized.

Mr. HARRY F. BYRD, JR. Mr. President, first I compliment the able Senator from New Hampshire, chairman of the Subcommittee on Research and Development.

The Senator from Virginia had the privilege of serving side by side with the Senator from New Hampshire on that subcommittee for a number of years, and the Senator from Virginia supported the Senator from New Hampshire in almost every recommendation made by that subcommittee.

The Senator from Virginia opposed the Defense Department and supported the Senator from New Hampshire when the Defense Department sought to accelerate the Trident program in a way that appeared to be completely impractical.

Although the Senator from Virginia and the Senator from New Hampshire did not prevail, the Defense Department subsequently reversed itself. I think that vindicates the position of the Senator from New Hampshire on that matter.

When we come to the pending amendment, Mr. President, we have an entirely different proposition.

What the pending amendment would

do would be to deny to the Defense Department funds to be used for research and development on improving the accuracy of our missile systems.

It seems to me that if we are going to have missiles, and in this nuclear age we must have missiles, if we are going to have them, then certainly we want to have the technological know-how to make those missiles accurate. There is no question of increasing our missile supply. The funds in question are for research and development, for technological advancement in the field of accuracy of existing missiles.

We know, Mr. President, that the Soviet Union has superiority in megatonnage and it has superiority in numbers of missiles. Do we want to throw away the opportunity for research and development to assure that our missiles will be as accurate as reasonably possible?

It just seems to me logical and sound to try to make our weapons systems as accurate as possible, whether they be rifles, or whether they be nuclear weapons, or other weapon systems that we may need.

I want to read into the record a statement by the Secretary of Defense in his discussion of the 1976 defense budget.

He says:

> For example, the United States should seek to stay ahead in accuracy to offset the large and apparently growing Soviet advantage in throw-weight. I should stress in this latter connection that the Soviet Union has made more rapid strides in accuracy than is generally appreciated and has shown an intense interest in various applications of terminal guidance.

There is very little doubt, it seems to me, that the Soviet Union is doing what is logical for the Soviet Union to do, or for any country to do, which is to go ahead with research and development in the area of increasing the accuracy of its missiles. That is a reasonable assumption.

I cannot help but believe, Mr. President, that the philosophy behind this amendment—I do not question the motives at all—but the philosophy behind the amendment to deny improvement in accuracy technology is similar to the philosophy which prevailed in this Chamber, in the Halls of Congress, and in Washington, D.C., 10 years ago, 9 years ago, 8 years ago, 7 years ago. Namely, that the sophisticated way to fight a war in Southeast Asia was to fight a limited war in Vietnam. As a result of that sophisticated point of view the United States was bogged down in Vietnam for 10 long years and suffered 53,000 combat deaths and 303,000 Americans wounded.

Now, it is said that the sophisticated way to handle our missiles is not to make them too accurate. To increase missile accuracy, they say, would be provocative.

I do not buy that viewpoint, just as 10 years ago I did not buy the philosophy of a no-win war in Vietnam.

I think that we would be taking a very dangerous step were the Senate to adopt this amendment today and say to the world, say to our allies, say to the Soviet Union that we are not interested in increasing the accuracy of our systems. What we want to do is to deter war—and having technology to develop accurate missiles should be a deterrent provocative.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. McINTYRE. Would the Senator prefer that we say to the Soviet Union: "We are going ahead with our increased accuracies, we are going to take away from you the very deterrent that has kept a stable nuclear peace for years, we are going to be a direct threat to you."

Is that what the Senator would tell them?

Mr. HARRY F. BYRD, JR. I think what we would want to do, what certainly the Senator from Virginia would want to do, and I would think that most of the American people would want to do, is to carry on a technological program that will permit us to keep abreast in this nuclear field, and to take technological steps in the research and development stage to assure missile accuracy. It may well be required for the 1980's. We are looking ahead now to the 1980's. And we know the Russians are improving the accuracy of their weapons.

So I think the basic issue is this:

Do we or do we not want to improve the accuracy of our weapon systems?

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. SYMINGTON. Mr. President, I have listened to the Senator's remarks. The argument that was made in closed session obviously discounts the accuracy of the SLBM's—the 5,000 missile, much bigger than the Hiroshima warhead that we have on our submarines.

The argument was made in the discussion that if they attack us in a limited fashion, by only attacking our ICBM sources, we in turn should be able to attack them in a limited fashion by only attacking their ICBM sources.

The end of one of the largest ICBM installations—as large as any other—is on the outskirts of Kansas City. Why should a Senator from Missouri be willing to sacrifice Kansas City and hundreds of thousands of people in St. Louis, according to the experts, if the wind blew in normal fashion, in some kind of theoretical nuclear war? That is why I was so impressed with the remarks of the distinguished chairman of the Joint Atomic Energy Committee, when he talked about there being no such thing as a limited nuclear war.

Mr. HARRY F. BYRD, JR. I agree with the Senator from Rhode Island and the Senator from Missouri. I do not think there is any such thing as a limited nuclear war.

In fact, I do not think there is any such thing as a conventional limited war. If we have not learned that lesson yet, we have not learned anything from the 10 years in Vietnam. I do not believe in war, it seldom settles anything. But if we are to become involved in war, we should fight it to bring it to an early and successful conclusion.

And speaking of war, probably the only really justified one was the American Revolution.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. JACKSON. I ask the Senator this question: Do we have any reason to believe that the Russians have foreclosed the opportunity of going ahead and making their missiles more accurate? Is it not a fact that they have been making their missiles more accurate right along? Is that not a fact?

Mr. HARRY F. BYRD, JR. That is the best available evidence that the Defense Department has—that the Russians are making their missiles as accurate as they possibly can. It is the logical thing for them to do just as it is for the United States.

Mr. JACKSON. In the absence of a foolproof agreement with the Russians—and the pending amendment is a proposed unilateral move—does it make any sense for us to deny our Government unilaterally the opportunity to improve our own ICBM systems, which are limited both in size and numbers, in comparison with those of the Soviets?

The Senator was very active in the SALT I agreements. The Soviets get more delivery systems, delivery vehicles, under the SALT I agreement, and they have greater throw weight—we debated that at great length. Does it make any sense to turn around and say that we are going to deny ourselves even the opportunity to make more accurate the inferior number and size of our system? Is that not what this debate is all about?

Mr. HARRY F. BYRD, JR. That is what the debate is all about, as I see it. I think we would be very foolish to deny our Nation research in the field of weapon accuracy.

Mr. JACKSON. But especially to do it unilaterally.

Mr. HARRY F. BYRD, JR. And to do it without getting any concessions at all from Russia. As a matter of fact, in practically all the agreements that have been made with Russia, we have made unilateral concessions to them; we have received nothing in return.

Mr. JACKSON. During all the time I have been a Member of this body and Armed Services, I have never heard of a proposal to deny our Government the opportunity simply to use its scientific and technological talents to improve our capability for self-defense.

In this case, it is very simple—it is accuracy. We have been improving accuracy since gunpowder was discovered and the means to deliver it.

I want to see a mutual limitation. I want to see a mutual cutback in strategic forces. But should we throw away a source of leverage here? I think an agreement limiting accuracy would be very difficult to implement. We have been limiting numbers of weapons, because we can at least monitor that type of agreement. But we cannot monitor—we do not have the verification system, the inspection system—to know what is going on in the laboratories and in the minds of their top scientists and what they are thinking and what they are proposing. To deny ourselves the right vigorously to pursue research and development to counteract their quantitative advantage makes no sense.

Mr. HARRY F. BYRD, JR. I believe history shows that research on new weapons systems is vitally important if any country, whether it be the United States or any other country, is going to be in a position to defend itself.

Mr. JACKSON. Even if we get an agreement on numbers and size of launchers, what goes on inside of those devices cannot be verified properly by any known means other than onsite inspection; and the Soviets have made it clear over and over again that they will not now accept onsite inspection.

Mr. HARRY F. BYRD, JR. I believe the Senator from Washington has recommended that both the United States and the Soviet Union reduce the number of ICBM's that each country has. That is a step in the right direction, in my opinion.

Mr. JACKSON. Mutual reduction.

Mr. HARRY F. BYRD, JR. Mutual reduction.

Mr. JACKSON. On a basis of parity.

Mr. HARRY F. BYRD, JR. Reduce it to, say, 800, or whatever it might be; but both sides should reduce, not increase.

Mr. JACKSON. That is right. The Senator is correct.

I have gone a step further. I have suggested that we permit each side to identify 700 of the older delivery systems—the Soviets would have their choice—which they are not going to modernize. I think that is the direction in which we should be going. We should be reducing the threshold of violence on a mutual basis of parity.

Mr. HARRY F. BYRD, JR. But not make unilateral concessions.

Mr. JACKSON. That is right.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. BUCKLEY. Mr. President, I agree completely with the thinking of the Senator from Virginia and the Senator from Washington. Our goal must be to reach a plateau and cut back. But is it not so that in order to induce the Soviets to do that, we must be able to match them qualitatively as well as quantitatively?

Mr. HARRY F. BYRD, JR. It is essential that we match them qualitatively; we have not matched them numerically.

The PRESIDING OFFICER (Mr. GARN). The time of the Senator from Virginia has expired.

Mr. BUCKLEY. Mr. President, will the distinguished chairman yield us 5 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Virginia.

Mr. BUCKLEY. Is it not so that as the Soviets, in point of fact, are acquiring a counterforce capacity, or predictably will have that within 3 or 4 years, unless we do have a comparable capacity—at least, in terms of research—we will not be able to induce them to have this mutual cutback?

Mr. HARRY F. BYRD, JR. The Senator from New York is correct.

If the United States, speaking through Congress, wants to say to the Soviet Union, "We are going to throw away this advantage we have; we do not want any more technological knowledge, so you do not have to worry about that," what incentive is that going to be to the Soviet Union to reduce their missile operations?

While I regret to say it, the proposal of the Senator from New Hampshire is totally unsound.

Mr. McINTYRE and Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. McINTYRE. I yield myself 2 minutes.

Mr. President, the Senator from New York has just implied that it would be a matter of 3 or 4 years before the accuracy of the Soviet Union would be equal to ours. Let me set the record straight—our accuracy is 5 to 10 years ahead of anything the Soviet Union has.

I say this to my good friends here: No matter how accurate we make our missiles, it will not make them 1 ounce less vulnerable to Soviet attack. The name of the game is mobility. The name of the game is survivability.

Let's look at these scale models of the Soviet and American ICBM's.

Here is the SS–18; it is a whopper. Here is our Minuteman III—more efficient, in every sense of the word. This smaller missile has more counterforce than the SS–18 today, and even 10 years from now, we will continue to have greater counterforce capability, so long as you put the B–1 bomber in the picture.

Let us remember one thing that is very important: No matter how big the Soviets build a missile and no matter how much the Senator from Washington frightens you with that missile, the fact remains that the only way to really defend against it and not put ourselves in a nuclear crisis, in a nuclear hair-trigger situation, is to increase the missile's survivability.

And in this coming fiscal year budget, we have many programs to increase the survivability of our deterrent forces. We are on our way with the MX, the new mobile missile, which can be air-launched, or used in a land-based mobile system. We can also increase survivability by using what some call the shell game. This would entail building say three silos and moving the missile at various times so that the Soviet problem would be tripled.

The name of the game is mobility and survivability. It is not putting accuracy on our missiles that will put us into a hair trigger situation by threatening the Soviet Union.

Mr. BARTLETT. Will the Senator yield for a question?

Mr. BUCKLEY. Will the Senator yield?

The PRESIDING OFFICER. The 2 minutes of the Senator from New Hampshire have expired. Who yields time?

Mr. McINTYRE. I yield 1 more minute.

Mr. BARTLETT. There seems to be an inference in the argument not to pursue greater accuracy that, somehow, the Soviets will get a message and slow down their research and development program. Is this part of the Senator's argument?

Mr. McINTYRE. No, no. The Soviet Union today is trying to increase their accuracy, but not in quantum leaps such as these five programs advanced by the Pentagon. They are trying to change the shape of their nosecone. But we are doing these things, too. Even if we do not do anything on these counterforce programs, the software, the natural improvement that goes on year after year, will result in some increased accuracy.

I admit, as I said in my opening statement, that it is perfectly possible that the Soviet Union will try to continue to improve their accuracy. But it is no answer to improve our accuracy because then there we go, on and on and on, in a counterforce arms, race, until the bubble bursts.

Mr. BARTLETT. Is there any way in which the Soviet Union is restraining their research and development efforts, as this would be?

Mr. McINTYRE. The Soviet Union is moving ahead with research and development programs. They are making their mistakes like we make ours.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McINTYRE. One more minute.

I would not want to see the United States restrained. But we still have a technological lead that we are going to keep if we approve this 1976 budget as we brought it in here, minus some of these programs.

Mr. PASTORE. Will the Senator yield?

Mr. McINTYRE. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. I believe we are working ourselves into a misconception about this whole question of accuracy, as if our missiles were not accurate. The fact is that our missiles are more accurate than the Russian missiles. There is no question about that.

The point here is how much more money do we want to spend to become more accurate and whether or not that is important, whether or not that helps our deterrence and whether or not it is better to put our money in another basket? The trouble here is, we keep putting our money in the same old basket.

In other words, what I am being told is that we have so many scientists, so many researchers, that possibly, unless we give them this new job to do, they would not have any job to do, and for that reason, we ought to keep the organization intact. If that is the reason for spending the taxpayers' money, I am afraid that I cannot understand it.

The point here is that when we drop a megaton bomb, it does not make any difference whether we come 900 feet or 600 feet from the target, because the bomb that fell on Hiroshima was 17 kilotons and it destroyed the whole city. It did not make any difference.

If someone drops a 2-megaton bomb on this Capital Plaza, we will not find the White House. So why do we have to hit the White House? That is the question.

Here we are. We keep talking about more accurate, more accurate, more accurate. How accurate do we have to be to destroy a city?

Already, under our target system, we have about 5,000 dead cities that we can hit in Russia.

Mr. BUCKLEY. Will the Senator yield?

Mr. PASTORE. I yield.

The PRESIDING OFFICER. Who yields time? The time of the Senator from New Hampshire is up.

Mr. McINTYRE. I yield 5 minutes to the distinguished Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from New Hampshire and the Senator from Rhode Island have, I think in the last 2 minutes, hit the point.

Mr. PASTORE. We did not hit the target, but we hit the nail on the head.

Mr. LEAHY. They hit the nail on the head. When we talk about the power of the bomb we dropped on Hiroshima, we must remember that we presently possess more than 615,000 times the power we dropped on Hiroshima and that the nuclear nations of this world among them have the power to destroy every man, woman, and child on this planet—and do it 27 times. I agree with the Senators that to the person who gets destroyed by a nuclear weapon, it is not going to make an awful lot of difference whether the miss was by 600 feet or by 900 feet.

I am thoroughly convinced, Mr. President, that the Defense Department program to develop missiles to improve counterforce capability by giving them higher accuracy and much greater explosive power is a dangerous move in the wrong direction. I support the chairman of the R. & D. Subcommittee on which I have the privilege to serve in that regard.

I believe that the development of a first-strike capacity by either the Soviets or us, which could jeopardize the confidence of either nation in the survivability of its own retaliatory force following an all-out attack, would seriously undermine present nuclear stability. I think that instead of giving us greater safety, as argued here in the afternoon in closed and open session——

The PRESIDING OFFICER. Will the Senator withhold until we have order in the Senate and the galleries, please?

Mr. LEAHY. This counterforce strategy increases the likelihood that we will all be incinerated in a nuclear holocaust.

Mr. MANSFIELD. Will the Senator yield?

Mr. LEAHY. I yield to the distinguished majority leader.

Mr. MANSFIELD. Did the Senator say that the Soviet Union and the United States have enough atomic power to overwhelm each other 27 times?

Mr. LEAHY. To destroy every man, woman, and child on earth 27 times, not just in the Soviet Union and the United States.

Mr. MANSFIELD. In other words, we both want to be very sure that when we shoot off these weapons, if we ever do, that we will all be dead?

Mr. LEAHY. I think it would be very certain mutual destruction.

Mr. MANSFIELD. Why? Why?

Mr. LEAHY. I think that is the question we are asking here this afternoon. I really feel it is sheer madness to go on and on, as the Senator from New Hampshire indicated, and unnecessarily escalate by a quantum jump the nuclear arms race.

For myself, I have children who, in the normal course of events, will live the majority of their lives in the next century, and I question very much whether that next century will occur if we keep on this way. I want a strong United States. I want to maintain a strong deterrent power. We are strong. We are the strongest nation this world has ever seen, and we have an immensely strong deterrent power. We cannot continue to escalate and escalate. As the distinguished majority leader has asked, the question is "Why?"

Should the time come that we have reached that ultimate escalation, neither the majority leader nor I will be there to ask the question why, but it will not make any difference, because there is not going to be anybody there to answer either one of us, I say to the Senator.

Mr. GRAVEL. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Two more minutes to Senator LEAHY to yield to the Senator from Alaska.

Mr. LEAHY. I yield 1 minute to the Senator from Alaska, and I shall use 1 minute.

Mr. GRAVEL. With regard to the kill capacity of both nations, in 1970, the U.S.S.R. had 1,800 warheads, as opposed to the United States having 4,000. In 1971, U.S.S.R. had 2,100, we went to 4,600. In 1972, the U.S.S.R. had 2,200 to the United States's 5,700. In 1973, to the U.S.S.R.'s 2,200, the United States had 6,800. The U.S.S.R., in 1974, had 2,500 to the United States 7,650. In 1975, we have 8,500 warheads, as opposed to the Soviet Union's 2,800. When we work that out on a formula, we have the ability to destroy the Soviet Union, when we use the kill of cities, 50 cities destructive, we can destroy them 36 times, they can destroy us 11 times, and are we not happy that we are ahead?

Mr. LEAHY. Mr. President, for more than 30 years, we have lived under this threat of nuclear destruction. We are not going to change that, no matter what we vote today. We must maintain this country's nuclear posture strong enough to deter any nation from triggering a nuclear war. But we have no right, from the view of mankind, to increase the risks unless it is clear that such action is necessary for us to keep that posture. In my view, proceeding with the counterforce program would greatly and unnecessarily increase the risks.

Our development of a counterforce threat to the Soviet ICBM's can only look to them as an attempt by the United States to acquire a first-strike capability. It puts the Soviet Union in a position where it must take retaliatory measures to reduce the danger to its ICBM's from such a threat. Their best and surest response would be to put their ICBM's on hair-trigger alert so that they could be fired before our counterforce warheads would be able to reach their targets. Such a Soviet tactic would be extremely dangerous. It would increase tremendously the chance for an accidental nuclear launch. Soviet radar and their computers could make mistakes and inadvertently trigger a nuclear response. Also, any system operating on a short time fuse—ours or theirs—is much more susceptible to an accidental firing.

I, therefore, strongly support Senator McINTYRE's amendment to bring to a halt the development of these dangerous counterforce weapons which could mean the destruction of us all.

We are already far ahead of the Russians with our ability to destroy hard military targets. Going any further down this perilous path can only increase the risk of a disastrous nuclear conflict.

As Senators, we have a responsibility not only to the United States; we have a responsibility to all mankind in this matter.

I yield back to the Senator from New Hampshire.

Mr. GRAVEL. Mr. President, will the Senator from New Hampshire yield to me an additional 2 minutes if he has it available?

Mr. McINTYRE. I yield to the Chairman of the committee so that he may yield some time to this side.

Mr. STENNIS. The Senator from South Carolina has not been recognized. I yield the time to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment that would delete funds from the pending so-called ballistic missile improvement program portion of the bill with respect to certain items. This was defeated during our committee markup by a 10-to-4 vote.

BALLISTIC MISSILE IMPROVEMENTS

I would like to speak in support of our research and development efforts to enhance the capabilities of our strategic ballistic missiles through improvements in accuracy and re-entry systems.

As has been stated, the fundamental policy of our strategic forces is to deter a nuclear war. Fortunately, we have been successful in the past. The issue is: What strategic capabilities will be required now and in the future to insure our continued success?

I believe all of the ballistic improvement programs are important elements of our strategic posture.

First, our ballistic missile improvement programs are in response to Soviet actions; these are not unilateral U.S. initiatives. The Soviet Union has under way a substantial deployment of new ICBM's—each of significantly greater capability than its predecessor. This initial deployment will give the Soviets a limited capability to attack hard targets. Continued deployment of this new force, even within the terms of the Vladivostok Accord, will give the Soviets the capability to threaten the survivability of our Minuteman force. To continue to deter attacks resulting from the Soviet's initial deployments, as well as urge restraint in their continued ICBM deployments, we should plan to support the improvements in the Minuteman force and a vigorous R. & D. program in related areas.

Second, recent events have shown that unilateral U.S. actions toward restraint do not work. The administration has clearly indicated that if the Soviet Union would show restraint in their programs to deploy a substantial hard-target counterforce capability, as we have been restraining ourselves through smaller missiles and lower yield warheads, then we would likewise show continued restraint. We have explicitly avoided such actions for some years—as is evident in legislative testimony—but this has had no apparent impact upon Soviet programs.

Furthermore, the administration has attempted to negotiate limitations on each side's ability to destroy hardened targets, but the Soviets have been unresponsive to this initiative. I do not believe—as Soviet responses illustrate—that continued unilateral U.S. actions restraining such development will in any way stop Soviet developments or provide any Soviet incentive to negotiate limitations in this area.

Mr. President, may we have order?

The PRESIDING OFFICER. May we have order in the Senate so the Senator can be heard?

Mr. THURMOND. Third, these programs are useful under limited deployments to enhance the credibility and confidence of our deterrent. Our land-based Minuteman force provides us the flexibility and control necessary to respond to, and thereby deter, a wide range of attacks on U.S. military targets. Minuteman is our most reliable system for the response options. Improvements in our command and control systems and missile accuracy will enhance our cedibility and confidence in our ability to carry out nuclear strikes, a capability which is essential to deterrence.

Fourth, we are not developing a disarming first-strike capability against the Soviet Union. And that is the point that those who propose this amendment I wish would listen to. These R. & D. programs for improvements in the ballistic missile force should in no way be construed as such. An R. & D. program alone does not provide any operational capability. It is the size of the deployed force which will determine the extent of our capabilities to attack hardened targets, and this level is clearly under the direct control of Congress. The Secretary of Defense has said that he prefers to see both sides avoid major hard-target counterforce capabilities. We should not concede to the Soviets a unilateral advantage in this important aspect of the strategic nuclear balance.

In summary, I believe that reductions in funding of our ballistic missile improvement programs would have the following adverse impacts in defense capability:

First. Degrade our deterrent posture by removing the most important element of ballistic missile capability and flexibility in limited exchanges—confidence in attack success,

Second. Ultimately give the Soviets a major unilateral advantage in hard-target and nuclear warfighting capability, thus detracting from the U.S. deterrent;

Third. Would virtually remove any incentives for the Soviets to show restraint in their deployments or to negotiate limitations in hard-target counterforce capability.

Now, Mr. President, what does this amendment say? The amendment of the distinguished Senator from New Hampshire and the distinguished Senator from Massachusetts says in section 202 that "none of the funds authorized to be appropriated by this act may be used to conduct any research, development, testing, or evaluation in connection with," and then it names these five programs.

Mr. President, I say what can be the objection to doing research and testing to make these weapons more accurate, to make them more effective?

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. THURMOND. I do not care to yield until I get through, and if I have any time, I will be glad to yield. My time is limited.

In other words, if a man buys a rifle to go out here and shoot game, he wants to get the most accurate rifle possible. If our Government is building a missile to hit a target, we certainly want to get the most accurate missile possible to hit that target.

What can be the objection? Why should anybody object to making our missiles more accurate? And that is all this does. This carries on research. This does not even develop the weapons. This merely does the research, the development and the testing.

(At this point Mr. BIDEN assumed the Chair.)

Mr. THURMOND. So the President then would have options, and then if he wants to use these improved weapons that have been researched, developed, and tested he has got them available. If he does not want to use them, and he wants to use the present weapons which are not as accurate, he can use those.

But, Mr. President, why would anybody not want to make America's weapons the most accurate that can be made? I just do not see myself why any of these five weapons here, the improved guidance technology for Minuteman III missile system—here the Defense Department wants to improve the guidance technology for this missile, this Minuteman III missile system.

They want it for the maneuverable reentry vehicle, precision guidance technology. They have got this maneuverable vehicle. Now they want to improve that guidance technology so that it will be accurate while it is maneuvering.

Then the large advanced ballistic reentry vehicle in the advanced ballistic reentry system.

Then, last, improved accuracy for the fleet ballistic missile system.

Can you go out here and explain to a man on the street and tell him that you do not see any use in improving the accuracy of the fleet ballistic missile system? Why, he will think you are crazy. If you are going to have a system at all, why not make it the most accurate possible?

Why not perfect it to the highest state we can perfect it?

Now, some say that will be provocative, that will bring on war, maybe cause the Soviets to attack.

Mr. President, I say it would have just the opposite effect. Why? Because if the Soviets know that our system is not accurate, will they not be more apt to attack than they will if they know our system is accurate and if they start something we can put it right on the target? It is just that plain.

Mr. President, I sincerely hope that the Senate will not adopt this amendment.

I want to say that the Soviets, as I said a few minutes ago, are engaged in a vigorous and costly program of strategic missile development right now for the new ICBM's. They are testing their SS-X-16, light, solid fuel missile; SS-17, medium, liquid fuel missile; SS-18, heavy liquid fuel missile; SS-19, medium, liquid fuel missile.

All four have post-boost "bus" systems and these systems are now under test.

The SS-19 has been tested successfully, and probably will be deployed with six RV's.

The SS-18—a very large missile like the SS-9—is being tested both with a single warhead and with MIRV's. The single RV version is called the MOD-1, and the MIRV'ed version is called the MOD-2.

This large SS-18 can carry as many as eight—and I want to say that is in one warhead—they can carry as many as eight warheads in this missile, each in the megaton yield range, and we are dealing in the kilotons, in the thousands, they are dealing in the millions.

Are we going to stand idly by while they are doing all this testing of all the big weapons, all these new weapons, and yet we do not want to even test, much less develop? Mr. President, again I say, it does not make sense.

Mr. President, I just want to say in closing that I cannot believe that the people of America approve of this Senate, this Congress, or this Government failing to develop America's weapons to their fullest so that they will be as accurate and efficient as they can be made.

It means our very survival since the Soviets have not abandoned their goal of spreading Communist aggression throughout the world. Why are they carrying on all this defense they are doing if they do not intend to keep spreading Communist aggression?

The only way we are going to be protected, the only way the people of America are going to be protected, is to build a strong defense system so that they know if they start something we can end it.

Mr. President, I hope that this Senate will not hesitate to kill this amendment which, in my judgment, is going to hamper the security and the national defense of the United States.

Mr. MOSS. Will the Senator yield?

Mr. STENNIS. I thank the Senator for his remarks.

Again, we do not have much time at this point, I yield to the Senator from Utah 3 minutes.

Mr. MOSS. Mr. President, I ask unanimous consent that Jim Bruce and Lou

Ashley of my staff may have privilege of the floor during the remainder of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I oppose the amendment introduced by Senator McINTYRE and Senator BROOKE, but I do believe they have addressed a very serious problem.

Mr. STENNIS. Mr. President, may we have a Senate that is in order?

Otherwise, I ask the Chair not to charge the Senator with this time.

The PRESIDING OFFICER (Mr. BIDEN). Will the Senator please take their seats, so that the Senator from Utah can be heard, and carry their conversations to the cloakroom?

Mr. MOSS. In my opinion, the error in their amendment is that it proposes radical surgery to do what a little preventive medicine can better accomplish.

I sympathize with their concern that creation of a counterforce would represent a fundamental shift in our strategic planning. The deterrence of mutually assured destruction has up to now been considered sufficient to prevent nuclear war between the superpowers. However, the administration envisions a scenario in which Russia would be tempted to annihilate a large portion of our retaliatory weapons, leaving our population relatively untouched but helpless in the face of a Russian reserve force of ICBM's.

And so the administration is seeking a limited counterforce—a host of new missiles secure enough to ride out a first-strike attack and capable of then knocking out reserve forces of hardened missile sites or other hard targets with minimum collateral damage to civilian populations. Counterforce is said to offer the President a broader range of discriminating and more credible responses to a nuclear threat.

The concern of the sponsors of the amendment and my concern as well is that a shift toward counterforce resembles a shift toward acquiring a first-strike capability against the Soviet Union. ICBM's having a sufficient accuracy and yield to have a high probability of kill against a hardened missile silo can serve equally well in a counterforce or in a first-strike force.

Let me hasten to say that my concern over the Soviet Union's perception of our strategic initiative does not stem from some fear that we may appear ungentlemanly. My concern is that the Soviet Union will attempt to counteract our move by building even more and better weapons. Certainly the Soviet Union could devote even more of their budget to weapons and then we will have to spend even more on our own defense budget. The upward direction of the spiraling arms race is well known.

Where the sponsors and I part is in the solution to this problem. Senator McINTYRE and Senator BROOKE would simply have us cease all work on counterforce technology. Such gratuitous self-restraint is not likely to be matched by our adversary.

Experience in the SALT talks has shown us that research alone is not overly threatening to the other side. What really matters is testing hardware in an operationally deployed system. For instance, in the current SALT talks on MIRV we have insisted on assuming that the Russians will deploy MIRV warheads on all their SS–18 missiles, because they have successfully tested a MIRV warhead on their SS–18 missile.

I believe that we can minimize the destabilizing impact of counterforce and still pursue the technology if we are very cautious about testing these new systems.

To be more specific, many have expressed concern over one program in particular among the proposed counterforce programs. That is MARV—the maneuverable reentry vehicle which constitutes one big step beyond MIRV. The other counterforce programs represent an evolutionary improvement in missile accuracy. MARV is a revolutionary improvement in accuracy to the extent that our smallest strategic missile warheads would be very effective against hard silos, in other words, excellent counterforce weapons or even first strike weapons.

If we test the MARV warhead on the Minuteman III, on Poseidon, or on any operational missile that is deployed in large numbers, the Russians have no guarantee that we are not deploying it on all those missiles. And they know that if we put MARV on Minuteman III alone, we will nearly have a first-strike capability against the Soviet Union.

A much more prudent approach would be to go ahead and develop the technology now to have it well in hand but to avoid testing it on an actual missile. Then, if necessary, we might test MARV on an old missile such as Minuteman I or perhaps on a new missile that we will not deploy in large numbers. But in no event should we use a missile that we plan to deploy in quantity or that is already deployed in quantity.

Having the technology in hand, it would take little time to equip our missiles with MARV should a serious strategic imbalance arise. I think we want to have that option available to us as an insurance against unexpected Soviet initiatives.

This option may well afford us some leverage at the SALT talks.

I assume that we will want to achieve a SALT limitation on MARV just as we have sought it on MIRV. One conclusion stands out in the history of our MIRV negotiations: If we are to get an agreement banning or limiting MARV, we must be extremely cautious about testing this new technology.

Fortunately, the fact is that MARV will not be tested in the coming year or in the transition period.

The administration is seeking research funds, and it does not plan to test MARV in the coming year. So we can proceed with the technology now.

Let me say that I am not at all sanguine toward any administration plans to deploy in the future even a small force of missiles equipped with MARV. Just the issue of testing concerns me and I think that issue must be faced by the Congress next year; but I see no reason to cut out all research now.

I am opposing this amendment because—

First. I believe we should continue to develop our technology to improve the accuracy and yield of our missiles.

Second. Having counterforce technology in hand, gives us the option of deploying it, should a serious strategic imbalance arise.

Third. MARV will not be tested in the next year.

Fourth. Consequently, there will be time for more consideration by the Congress of whether we want to conduct flight tests of MARV at all and how we can minimize the threatening implications of counterforce.

Mr. President, I have listened and I sympathize with the point of view of the Senator from New Hampshire and the Senator from Massachusetts. It is a difficult decision to make, but I do believe that the only prudent method for us to follow is to continue on with the technology, but be careful not to test it operationally because that is where the destabilizing impact would come that might upset our talks.

Mr. BROOKE. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. I believe I have no more time.

Mr. McINTYRE. I will yield 1 minute on the matter if the Senator from Utah will respond.

Mr. BROOKE. I have the greatest respect for the Senator from Utah. Nevertheless, I am a little bit confused as to his reasoning. He said that we should go ahead with the R. & D. and yet we should do no testing.

The real nub of this issue is that the R. & D., by itself, will be provocative and destabilizing because prudent Soviet planners, once they perceive we are moving ahead with R. & D. on qualitative improvements that will give us an efficient and impressive countersilo capability, will have to assume we will deploy such a capability.

Thus, by R. & D. we will set in motion the processes that lead to an acceleration of the arms race and a lowering of the nuclear threshold.

The Soviet Union will have added incentive to improve their accuracy, yield combinations, and, more dangerously, to move toward a "launch on warning" triggering posture that will dramatically increase the risk of nuclear war. And, according to the logic I have heard here today, we should follow suit. What an unnecessary and costly error.

I hope the Senator from Utah understands my arguments because, as the Senator from New Hampshire said earlier, the name of the game is protecting the survivability of our deterrent, not threatening that of our adversary.

Mr. MOSS. Well, perhaps my difference with the Senator from Massachusetts is the arms race.

I think if we do not test them on operational systems, we do not provoke.

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. STENNIS. I am sorry I do not have more time to use.

I would like to yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. The distinguished Senator from Massachusetts brought me right to my point about this being provocative, being destabilizing.

What is destabilizing to this particular Senator is the very thought that the Senator from Massachusetts, as brilliant and capable as he is, or any Senator in this U.S. Senate, conceives the situation to be stabilized. That is what destabilizes me, individually.

I will never forget, Mr. President, when I went with the distinguished majority leader to the SALT I talks in Helsinki—and let me emphasize that I am not associating him with my remarks, because he has a totally different view from mine on this matter.

I wish I had been prepared to make comments this afternoon. I would have had my facts at hand and I would certainly have had all the names of that distinguished negotiating team. But they were pretty liberal, enlightened, and well-informed. They had Harold Brown, the president of California Tech, and former Secretary of the Air Force. They had Paul Nitze. And they had Ambassador Gerard Smith who was in charge of those talks. I remember one thing unanimously agreed on. We were talking then about bargaining chips, bargaining chips, bargaining chips. That is all I heard 4 years ago. I went nutty just listening to all the talk of bargaining chips.

The negotiators said not to ever vote on anything in the U.S. Senate by way of the defenses of our Nation and try thereby to provide a bargaining chip with the Soviets. They do not bargain. They have one aim and one goal and that is to be No. 1, to prevail. When you vote as a Senator, always vote for the best interests of your country, in this particular case, the best defenses of your Nation.

I have been trying to listen to my chairmate, the distinguished Senator from New Hampshire (Mr. McINTYRE).

They ask why make it more accurate? The scenario has been described in the light of that SALT I agreement or offensive weapons, which was a bad agreement. Now every Senator will agree it was bad. I voted against it. A schoolchild could look at the arithmetic of it and see how bad it was.

The Soviets got the advantage in not only the number of missiles but the throw weight. At that particular time, we were told that the technology, the accuracy of our missiles would help offset the disadvantages in number of missiles and throw weight.

Mr. BROOKE. Will the Senator yield?

Mr. HOLLINGS. I will not yield. I only have 5 minutes. I will yield at the end on the Senator's time.

When we get to this particular point on technology, there are some who want to take that away from us—the one advantage that we said we had when the Senate voted for that unequal, silly SALT I agreement on offensive weapons. That was the wrong thing to do. Go back home to Massachusetts, or South Carolina or anywhere else. The people know that was a dreadful agreement and a dreadful mistake.

So we got the scenario that accuracy replaces the number of throw weight and warheads. We now have the accuracy to target in on the remaining missiles. So if they do engage in a first strike and knock out our missiles on the land, with our particular missiles on the Polaris and Trident submarines, rather than have only the option of knocking out cities, we can go back to the siloed missiles. And the difference in hardened silos between 600 feet, 800 feet, and 1,000 feet is significant. It is important.

So, let us never vote in this particular body to cut back our technology and, as the Senator from Washington said, unilaterally stop thinking.

What about first-strike capability? We had the only strike capability when we had the bomb. It does not frighten me to have it. If there was such a thing we had it in Vietnam and we lost 56,000 men, to correct the figure, and suffered 303,000 casualties. So we have shown patience and forebearance. But on the other hand, let us get to that first-strike capability.

They say there is no such thing as a limited nuclear war. There is no such thing as a first-strike capability. My very heated fashion saying "What do you want to do, have a first-strike capability?"

There is no such thing. They can knock out every one of ours and we would still have the submarines. They cannot knock out all the submarines and everything at one time. In turn, we cannot knock out theirs. So we spend a 3-hour session talking about that which does not exist.

Yes, first nuclear. That is what Gen. Mike Davidson told this Senator. It has been written up in U.S. News & World Report.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield 1 more minute.

Mr. HOLLINGS. He said in Heidelburg, and I went into a second briefing a year ago, that "We are on a 72-hour situation."

Then they call for balanced force reduction. There is no such thing as a balance. The only thing that balances is the tactical nuclear weapons. The general said 72 hours. I said "If all of those divisions come over the line, what are we going to do?" He said that we have these thousands of nuclear weapons and we can use them. He said we are in a tripwire posture.

One Senator said it was news to him. He better subscribe to U.S. News & World Report.

There is no such thing as a first-strike capability. That is a fact, and we ought not run around like children saying do not develop, because we might destabilize. We are not stabilized and that, too, is fact.

The Soviets know what they are doing and we in this Senate better begin to act like we know what we are doing.

Mr. STENNIS. I yield to the Senator from Ohio.

Mr. MANSFIELD. Will the Senator yield one-half minute?

Mr. STENNIS. Yes.

Mr. MANSFIELD. Mr. President, how many more Senators wish to speak? Mr. President, I ask unanimous consent that the vote on the pending amendment occur at the hour of 5:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, we all hope that we will never have to use nuclear weapons.

May I have order in the Senate, Mr. President?

The PRESIDING OFFICER. There will be order in the Senate, please.

Mr. TAFT. That hope is best served by the deterrence effect of having all know that if we ever did have to use them, they would be accurate and effective. We should take notice that the Soviet Union is currently increasing its counterforce capability. They are doing so not so much with increased accuracy, as with increased throw-weight for bigger warheads; but the effect is approximately the same. One can make all sorts of abstract arguments about counterforce and deterrence theory, but the real question here is one of Soviet perceptions. The Soviets have a long history of respecting strength in their opponents, and of taking every advantage of opponents who show a lack of will and resolve.

What will be Moscow's perception of our strength and commitment if we refuse to match their development of a possible counterforce capability? I am sure that, had we been the first to develop such a capability, the Soviets would not have hesitated to respond.

We cannot afford to take a position which Moscow may perceive as weakness. History gives us no reason to think that the Soviets will respect such a position on our part, or that it will do anything but hinder our efforts to reach a just and equitable arrangement with them in arms control negotiations.

Let me note further that, in relation to a deterrence theory which some people advance, it ignores a very important point: specifically, that deterrence must be credible to work. If we are restricted to population center targeting, we face an increasing possibility of the Soviets striking at all or selected missile and bomber bases, and then saying to us, "we have not hit any of your population centers: do you want to be the one to start trading cities?"

Mr. BROOKE. Will the Senator yield?

Mr. TAFT. Not at this time. I only have 5 minutes.

Some argue that such a counterforce strike by the Soviet is not credible, because they could not destroy all our delivery systems. But this ignores the fact that, if the remaining systems were capable only of being population center targeted, we could not use them to retaliate without initiating a mutual destruction of population centers. The Soviets would then have destroyed enough of our strategic weapons to reduce us to a second-class power, with dire consequences to our interests throughout the world.

The addition of a counterforce and

other options would eliminate the possibility of this scenario. We would have the flexibility to respond to a Soviet counterforce strike by cutting down their strategic forces as they cut down ours, thus maintaining the overall balance of power. We would not be forced to choose between accepting the status of a second-class power, or initiating an exchange of cities.

Finally, I note that the arguments against a counterforce capability have been made only in relation to a scenario of a direct attack by the Soviets on the United States. But our defense problems extend beyond our own borders, and a counterforce capability may be necessary in situations other than a Soviet counterforce strike on the United States. For example, in the event of a Soviet attack on Europe, approximately 600 Soviet MRBM's and IRBM's, plus about 100 ICBM's, are targeted on our NATO allies. Of these, about 220—easily enough to wipe out European civilization—are in protected silos. It would greatly increase the deterrent ability of NATO if we had the ability to knock out these 220 missiles in their silos.

Another factor which we should consider in this relation, is the likely effect on nuclear proliferation. Many nations feel they are under our nuclear umbrella. Already the addition of India to the nuclear club is alarming. The failure of the United States to continue to improve its weapons would almost invite other powers to such proliferation from the point of view of defending themselves from increased Russian throw-weight and "MIRV'ing" of their weapons.

Finally, we should note that these items relate solely to advanced research and development, and not to procurement. I think it would be a great mistake for us to stop the advanced research in these areas. These programs will leave us options that will be open if the need should arise. If we refuse to do the R. & D. work, we will have closed off the options, and we would face a long delay in starting up on them again, if we suddenly required them.

Thus, our negotiating position vis-a-vis the U.S.S.R. and our security, for both the continental United States and our overseas interests, require these programs to increase the accuracy of our missiles. I hope my colleagues will agree with Secretary Schlesinger, Secretary Kissinger, and the committee that they should be authorized, and will support that position and defeat the amendment.

The Senator from Massachusetts, a few minutes ago, mentioned the matter of what the reaction of the Russians would be; what would the Russians do?

I will tell you one thing they would do which I think is very much to our advantage. One thing they would do is increase their defensive expenditures to build weapons to give them security against our weapons capability.

Mr. McINTYRE. Mr. President, I yield myself 2 minutes.

When my friend the Senator from South Carolina says there is no such thing as a first strike, I do not believe my good friend from South Carolina has done his homework, because if you take the type of accuracy the Department of Defense hopes to achieve with MARV terminal guidance, then I say, Mr. President, you have accuracy that means one RV can destroy one superhardened silo efficiently. That is a first strike, and that is what these programs will achieve.

In answer to the remarks of my good friend from Utah, the difficulty with the R. & D. argument is this: We simply cannot undertake research and development in these programs without letting the genie out of the bottle. You cannot put it back in, and any conservative war planner in the Soviet Union has got to, from that moment, assume we are going for these accuracies, that we are going for a first-strike capability.

Mr. President, I urge my colleagues to approve this amendment in the interests of national security.

I reserve the remainder of my time.

Mr. STENNIS. Mr. President, the Senator from New York wanted to be recognized. I want to save just a few minutes. How much time does the Senator from New York want?

I yield the Senator 2 minutes.

Mr. BUCKLEY. Mr. President, I just wanted the opportunity to address myself respectfully to two statements made by the Senator from New Hampshire and the Senator from Rhode Island when he spoke earlier.

When I said that within a few years' time the Soviets would have developed a counterforce capability, I did not suggest they would have achieved our current degree of accuracy. They do their weapons, they can be far less accurate and nevertheless eliminate our silos, half of our aircraft and our airfields, and our submarines in their home bases.

I would call the attention of the Senator to an article by Mr. Paul Nitze, who is certainly informed on this subject as a former negotiator of the SALT agreements, suggesting that this is precisely the capability they will have in but a very short period of time, and he has gone further in saying that if they succeed in being able to locate our submarines within 200 square miles of water, they can also eliminate our seaborne force as well.

We are talking about the fact that the Soviets are well on their way to achieving a counterforce capability. I think the amendment under debate would strip us of the capacity to achieve a comparable military capability that we need because of the small size of our warheads.

Secondly, the Senator from Rhode Island suggested, "Why do we need more and more accuracy, when we can do everything we want right now?"

The fact is that the whole argument is based on whether or not we wish to change our capability from one which can only go after cities to one that can go after protected weapons.

I thank my good friend from Mississippi for granting me the time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute at this point.

There is no doubt about the high and important ranking of this research and development program. The idea of staying in front with respect to technology and hoping for some agreement, is all wrapped up in this question, even though there is difference of opinion about it. This is highly important, and in the missile field, the stakes being what they are, the money at this stage is relatively small—$109 million for 5 of these programs. Five of them is all we are talking about, in this one amendment.

As I said before, the House has already had this same subject up week before last, and voted to keep it in the bill by a vote of 276 to 124. That is more than 2 to 1.

Last year, we voted on a similar matter and voted to keep it in the bill by a vote of 48 to 37.

I think it is really more important now than it was then. So if we mean what we say about this technology—and the necessity is for staying ahead—then we cannot afford to leave these projects out.

When I learned to shoot squirrels, I thought my rifle was out of fix, but my older brother said, "No, your aim is out of fix, and you have got to learn how to aim the rifle." I finally did, and I got to where I could hit the squirrels.

Mr. McINTYRE. I yield 1 minute to the Senator from Alaska.

Mr. GRAVEL. Mr. President, let me close off by saying I think the argument in opposition to the Senator from New Hampshire is based on the Senator's being afraid of going ahead with research. As I have stated very clearly, we are going ahead with a lot of research in a lot of areas; the B-1, the Trident—there is research on accuracy being worked on in those areas. What we are saying is that in this particular defensive weapon, it is not necessary to move forward, and it will be considered provocative if we do, so I see no reason to follow this kind of level on a force level within our Triad which is the No. 2 force level, not the No. 1 force level, because our No. 1 force level is at sea.

I think the effort to arrive at greater accuracy that is being developed here can be best characterized by saying we are taking our strategic weapons and turning them into tactical weapons.

That is really what is happening with this defense. I will venture to say that years down the road we will make the choice of using ICBM's as tactical weapons because they will be every bit as accurate as a tactical weapon.

So why station tactical weapons on line when you can turn around and use your ICBM's as tactical weapons?

That is really the provocative nature of this amendment.

Mr. JACKSON. Mr. President, I am opposed to this amendment because I believe that the United States must not relinquish its margin in strategic technology, the only means we have to compensate for the very considerable Soviet advantage in numbers of first line weapons and the throw weight of their strategic missile force. Our emerging strategic posture is based on the notion that our quantitative inferiority can be balanced by the high plane of our strategic technology—particularly by the high accuracy of our strategic missile force. A vote for this amendment would pull the rug out from under the strategic policy of the United States—and for what purpose? Is there any reason to believe that the Soviets are prepared to cut back on their rapid and unrelenting strategic buildup? Does anyone have any evidence that the Soviets will stop the deployment of strategic missiles that threaten our deterrent if we halt our own research and development?

The fact is, as the Senator from New Hampshire has himself observed, that there are disturbing indications that the Soviets are developing and deploying precisely those weapons that could be most effectively used to attack our deterrent. It would be dangerous in the extreme if we were, gratuitously and without any Soviet response, to permit a situation to develop in which the Soviets could launch a preemptive attack while we would be left with the single, and less and less credible option, of attacking Soviet cities in response.

The fact that we can develop the technology, provided we continue research and development, to impart extremely high accuracy to our strategic missiles means that we can do with fewer missiles than would otherwise be the case. If one warhead can do the work of two or three because it is more accurate, we can hold down the number of warheads necessary for our own defense. Since the SALT agreements impose severe quantitative limitations on us—and much less severe ones on the Soviets—technological improvement has become the only means by which we can maintain the strategic balance.

Mr. President, the report of the Committee on Armed Services is especially instructive on the subject of the program proposed for upgrading the quality of our strategic forces. Among the points made by the committee there is one that I wish to underline. As the committee has observed:

> Improving the accuracy of our strategic forces enables us to broaden the range of options available to the President and to minimize the collateral damage associated with a retaliatory strike in the event that deterrence fails.

Surely prudence requires that we build into our strategic forces as much capability for discrimination as possible. With improved accuracy it will be possible to avoid a situation in which needless civilian casualties would result from a limited nuclear exchange. We have an obligation to do everything we can to deter a nuclear war and to do all that is humanly possible to save innocent civilian lives in the event that deterrence should fail. One sometimes hears the argument that any increase in the capability to pinpoint military targets and avoid collateral damage will increase the likelihood that nuclear weapons will actually be used in a strategic nuclear war. I cannot agree.

A strategic nuclear war would be a catastrophe of such unimaginable dimensions that I cannot believe it would be regarded lightly because our missiles were more rather than less accurate. In my judgment the sort of miscalculation that could lead to a strategic conflict is far more likely to arise if our strategic forces cannot credibly be employed for deterrence purposes. Thus the committee concluded that:

> Given the growth and development of Soviet strategic forces, a deterrent posture based principally on the threat to retaliate against Soviet civilians, knowing that such a strike would almost certainly lead to the destruction of millions of American civilians, is less and less credible. Development of the technology required for a range of more discriminating—and more credible—responses is, in the judgment of the committee, simple prudence.

Finally, Mr. President, I would point out that what we are discussing here is research and development, not deployment. For us to terminate unilaterally research and development that we know to be underway in the Soviet Union would be most unwise. The results of an imprudent decision in the research and development area may not show up as an element in the strategic balance for many years—a decade or more in some cases. Until we are able to find ways to stabilize the strategic balance over the long term we must explore with great vigor all avenues leading to the improvement of our strategic technology.

COUNTERFORCE PROGRAMS

Mr. GOLDWATER. Mr. President, I wish to make the following observations on the counterforce programs:

FIRST POINT

These programs shift us from a policy of deterring nuclear war to one of limited nuclear war-fighting.

COUNTERPOINT

The Soviet Union has already begun what appears to be a very substantial deployment of new ICBM's—each of significantly greater capability than its predecessor. This initial deployment will give the Soviets a limited capability to attack hard targets like our Minuteman silos. Continued deployment of this new force, even within the terms of the Vladivostok accord, will give the Soviets the capability to threaten the survivability of the Minuteman force. The modest improvements we are proposing are designed to deter limited nuclear attacks and to urge Soviet restraint in their future ICBM deployments. While we prefer to see both sides avoid major counterforce capabilities, we do not propose to concede to the Soviets a unilateral advantage in this important aspect of the strategic nuclear balance. Such a concession would weaken our deterrent posture.

SECOND POINT

These programs detract from our real national security goal of increasing the survivability of our deterrent.

COUNTERPOINT

In light of the extensive new Soviet ICBM deployments, we believe it is necessary to develop and deploy modest improvements in our Minuteman force. The two improvements we are currently deploying, silo hardness upgrade and command data buffer, are designed to enhance the survivability and flexibility of this force. The silo upgrade program results in a sixfold increase in nominal silo hardness while command data buffer provides us with a rapid retargeting capability essential for optimum force flexibility. The programs we have under development, improved accuracy and higher yield RV's, are, on the other hand, intended to provide deployment options to counter Soviet initiatives in these areas. We estimate that sufficient numbers of Minuteman missiles would survive a Soviet attack on our silos to make the cost of these modest improvements worthwhile. Moreover, the accuracy and yield improvements will significantly increase the effectiveness of those missiles that do survive.

THIRD POINT

These programs put a hair-trigger on nuclear war.

COUNTERPOINT

We are seeking modest improvements in our ICBM force in order to improve our hard-target kill capability so as to have higher confidence of executing limited hard-target attacks. We are not seeking the capability to destroy the Soviet ICBM force. The ability to conduct limited nuclear strikes will enhance deterrence by providing a range of limited, preplanned response options to nuclear aggression which would bear some relation to the nature and level of less than allout attacks and which would have prospects for terminating hostilities before escalation to general war occurred. In order to deter limited Soviet attacks on hard U.S. targets, and to discourage Soviet deployment of a capability to successfully attack U.S. ICBM silos, we should continue to develop options to enhance our credibility and to improve our confidence in our ability to destroy hard targets. Without such a capability the Soviets could be tempted to attack a limited number of U.S. hard-targets, knowing that we did not have an appropriate response and that their assured destruction capability would deter any countervalue attack.

FOURTH POINT

These programs have no military justification.

COUNTERPOINT

Accuracy improvements would help reduce the collateral damage resulting from limited attacks by reducing the number of missiles required to achieve a high confidence that a given target or set of targets was destroyed. Accuracy improvements alone, however, are not sufficient to yield the high confidence we seek in our ability to carry out limited attack options. Because missile systems are never flight tested on operational trajectories, many uncertainties surround the accuracies of all inertial guidance systems. In order to compensate for these uncertainties in accuracy, we should continue to develop the option to increase the range of yields available in our nuclear warheads. These higher yield warheads would help overcome the uncertainty in accuracy and thereby increase the deterrent value of our forces.

FIFTH POINT

These programs are an unnecessary expense.

COUNTERPOINT

The Soviets could drastically improve their counterforce capability by unrestrained deployment of their new ICBM's. Such a development would be destabilizing because it would bring into question our ability to respond to limited attacks in a controlled, selective, and deliberate fashion. By keeping these counterforce options available in R. & D. we hope to deter the Soviets from exploiting their large throw-weight advantage to develop a threat to the survivability of our land-based ICBM force. This approach is far less costly than deploying new systems capable of surviving a first-strike after the Soviets have already developed a significant counterforce capability. We seek stability at current force levels and capabilities, but without a demonstration of U.S. resolve, the Soviets will have no incentive to restrain their new ICBM deployments.

Mr. President, the passing of this amendment to curtail these strategic initiatives could have a grave effect on our future options to respond to a growing Soviet threat. For this reason, I would like to clarify exactly what these technology efforts are designed to accomplish.

As the Secretary of Defense has stated on numerous occasions, these initiatives only entail the technological development of the MK-12A, Minuteman guidance improvements, the large advanced ballistic reentry vehicle, RV, and maneuvering reentry vehicle, MARV. These developmental efforts will provide the baseline for maintaining—and possibly improving—our counterforce capability against hardened targets. As we discuss these topics, it is important to note that the Soviets are increasing the hardness of many of their strategic systems, such that we must improve the quality of our own systems just to maintain our limited current capability against these targets. These development programs are critically essential for providing the baseline for required future options.

I know that all of us will recognize that no U.S. President should be without viable options, now or in the future. Recent experience in the *Mayaguez* incident has made that abundantly clear to us. In this recent incident, the President had a number of options available to him; as a result of his choosing the proper one, the United States was able to recover the ship and its crew. What would have been the fate of this American crew if the President did not have the proper options available?

In a like manner, although we do not like to ever think of a limited nuclear exchange or of the fateful confrontation that would give rise to this situation, it is critical that the President have the proper options available to him if such a confrontation should come to pass. Secretary Schlesinger has carefully pointed out to us that the Soviets may be developing the capability to confront us with a limited, surgical counterforce attack against our hardened military forces in the 1980's. As they acquire this capability, it is imperative that we be ready and have the technology in hand to deploy a proper response should that be necessary. In short, Congress must authorize these developmental efforts now in order that we can maintain our technological lead and be in the position to respond properly in the future. The failure of the United States to take these modest and prudent steps to offset and counterbalance the Soviet initiatives can only lead to a deterioration of world stability and our own national security.

With regard to the first strike issue, I would like to reiterate that the United States does not have today, nor will we have in the foreseeable future, the capability to successfully destroy the Soviet's strategic systems. Authorizing these developmental efforts does not, I repeat, does not equate to the United States attaining a first strike capability, as some would have us believe. After the development of these systems, numerous steps must be taken by the DOD and the Congress before first strike consequences can rationally be considered. For instance, the Congress will have the opportunity to decide on the deployment of such systems and to limit the number of systems deployed, if approval is given. Even then, I contend that neither side will ever be able to develop a weapons delivery capability nor achieve the attack timing that is required to pose as a realistic, high confidence, disarming threat to all elements of the adversary's strategic forces.

Therefore, in order to assure that the United States will be in a position to make the proper strategic response in the future, I stress that these developmental programs are necessary to maintain our technological lead and fulfill a critical strategic need; they must be authorized and this amendment must be defeated.

Mr. STENNIS. Mr. President, Senate amendment 494, proposed by my distinguished colleague from New Hampshire (Mr. McINTYRE), and my distinguished colleague from Massachusetts (Mr. BROOKE), raises important questions bearing upon the strategic policy of this country. We are being asked by this amendment to strike from S. 920 $109.7 million in fiscal year 1976—plus $33.7 million in 197T—to eliminate five warhead improvement programs which would increase the accuracy and yield of our strategic missiles.

In recommending authorization of these five programs, the majority of the committee felt that improved accuracy and yield in U.S. strategic missiles would provide a hedge against future Soviet strategic arms development and broaden the range of strategic options available to the President. These programs would help the United States maintain a technological margin which is essential if the United States is to negotiate from a position of strength in the complex SALT deliberations. Finally, the committee was convinced that accuracy is a desirable and irresistible characteristic for any weapon—whether a rifle or a missile.

WHAT ARE THE PROGRAMS AT ISSUE?

The Defense Department has requested authorization for five R.D.T. & E. programs designed to increase the yield and improve the accuracy of our strategic ballistic missiles. These fiscal year 1976 strategic initiatives consist of $40.6 million for Minuteman guidance, $36.3 million for increased yield for the Minuteman Mark 12-A reentry vehicle, $21.3 million for terminal guidance of the maneuverable reentry vehicle, MARV, on the Trident missile, $7.7 million for improved accuracy generally on the Trident missile, and $3.8 million for increased yield on the large advanced ballistic reentry vehicle, LABRV. Together these programs amount to a $109.7 million request, about 1 percent of the total recommended by the Committee for Defense research and development in fiscal year 1976. The amount recommended for these programs in fiscal year 197T is $33.7 million. Last year $77 million was authorized and appropriated for the first three of these programs.

I want to stress that these are research and development programs—not procurement programs. There is no question of deploying these more accurate warheads now, only a question of whether our experts are to acquire the know-how for making these improvements in accuracy, and yield.

WHAT WOULD THESE PROGRAMS DO?

These five programs would attempt to provide the capability to improve the accuracy and yield of our existing strategic ballistic missiles. If successful, these programs could give us the potential capability to destroy certain military targets which we cannot now confidently destroy. They would provide the potential capability to destroy targets more efficiently, that is with fewer missiles and hence at lower cost. Moreover, these programs would allow us to reduce the unintended or collateral damage associated with a missile strike. In short, these programs would seek to maintain the effectiveness of our existing missiles consistent with the technological state of the art.

Of course, we are free, under the present SALT agreement, to conduct this research. I have not heard—and I do not believe any Senator has heard—that the Russians are unilaterally denying themselves any research which is feasible and permissible under the agreement.

WHAT WOULD THESE PROGRAMS NOT DO?

The five programs requested for improved accuracy and yield would not contribute to the development of any new weapons. Likewise these programs would not result in the development or deployment of greater numbers of weapons. In fact, these programs would not commit the United States to production or deployment of any kind. The programs are strictly for research and development. They are designed to insure a capability for greater accuracy and yield if and when greater accuracy and yield become necessary. Hopefully they will never have to be deployed.

Finally, it must be emphasized that these programs would in no way give the United States a first-strike capability. Even if these programs could give us the ultimate in accuracy and yield—which they cannot—even if these improvements were produced and deployed—which hopefully will not happen—they could not provide a U.S. ability to wipe out with a preemptive strike the Soviet Union's retaliatory force. The Soviets will still have submarine launched-missiles which would be invulnerable to any accuracy improvements in U.S. missiles.

The United States is dedicated to a policy of no-first-strike capability. I have always endorsed this policy and continue to do so. These programs, a mere $110 million for research and development, cannot reasonably be construed as giving the United States a first-strike capability.

WHAT IS THE URGENCY OF THESE PROGRAMS NOW?

The strategic balance is fragile and dynamic. Since the SALT I agreement in 1972 there have been substantial changes in strategic arms development.

Secretary Schlesinger has reported to the committee on the relentless momentum of the Soviet strategic weapons development. According to the Secretary:

> We are now beginning to witness in the Soviet Union the largest initial deployment of improved strategic capabilities in the history of the nuclear competition.

The breadth and depth of the Soviet missile development is both surprising and disturbing. By their actions, the Soviets have made clear that research and development is in no way constrained by the SALT I accords and the preliminary agreement reached at Vladivostok.

It was this vigorous and accelerating Soviet advancement in strategic arms that generated a new impetus and urgency for the improved accuracy programs.

WHAT IS THE JUSTIFICATION FOR THE IMPROVED ACCURACY?

Mr. President, we have invested billions and billions of dollars in strategic ballistic missiles. These missiles are the foundation of our national security and the security of the free world. The Committee on Armed Services has long been dedicated to sustaining the technological excellence of these strategic missiles.

The question now arises whether we should seek to improve the accuracy of these strategic missiles. I know of no historical precedent where a nation deliberately blunted a weapon—whether it be a sword, a rifle, or a missile. Should the United States now deliberately and permanently cripple the capability of our strategic missiles? To me, Mr. President, it is only prudent to make strategic missiles as efficient as possible. It is only prudent to attempt to maximize the effectiveness of existing strategic missiles. It is only prudent to attempt to improve the accuracy of our strategic missiles.

More importantly, improving the accuracy of our strategic missiles can increase our strategic flexibility. It can provide additional options to the President in a nuclear contingency beyond the massive annihilation of Russian civilian populations.

Mr. President, no one likes to contemplate the possibility of nuclear war. We all hope it never occurs. But we must not be blind to the possibility of circumstances that could require something less than massive retaliation against Russian civilian populations. We should not deny ourselves the possibility of being efficient and selective in a nuclear strike. We should not refrain from developing the option to respond in kind against a missile attack upon our military forces.

Research and developmental for improved accuracy and yield is the most cost-effective method for providing the additional option of responding to an attack against the United States by striking the attacker's land-based strategic missiles. This additional flexibility can be obtained without resorting to building more and different weapons.

To be able to respond accurately and devastatingly to a spectrum of nuclear contingencies will not be destabilizing. On the contrary, it will enhance our fundamental policy of deterrence.

In addition to offering improved strategic flexibility, Mr. President, these programs for improved accuracy and yield represent an important hedge against existing as well as future Soviet programs. We know that the Soviet Union is moving ahead rapidly with its own programs to improve accuracy. We know that they enjoy critical advantages guaranteed by the SALT I agreement—approximately a 4-to-1 advantage in gross megatonnage and approximately a 3-to-2 advantage in numbers of missile launchers. And, although the Vladivostok agreement established the principle of essential equivalence in numbers, technology advancements are not confined by any ceiling. We do not know what other new developments the Soviets may presently be undertaking. In these circumstances, $110 million for research and development on improved accuracy is a modest cost to maintain our essential technological margin.

Finally, Mr. President, the committee was extremely sensitive to the importance of negotiating from a position of strength in SALT II. In reviewing SALT I, it was noted that favorable congressional action on the ABM program greatly strengthened the position of our negotiators. Similarly, by demonstrating our resolve never to allow the Soviet Union to gain strategic superiority, congressional approval of these programs for increased accuracy will provide a powerful incentive to the Soviet Union to reach an agreement in SALT II.

As Senators know, the strategic arms talks are continuing. We can hope that better and tighter arms control agreements—restraining both sides—will evolve from these talks. Until that time I believe our proper course is to follow those lines of research and development which appear to serve our best interests. Authorization of the five strategic programs for improved accuracy will present a real incentive to the Soviets for an arms agreement. These programs will provide an inexpensive but significant measure of bargaining leverage without increasing our nuclear arsenal. I believe that is the stabilizing course of action. From all indications, it is the course of action the Soviet Union is following.

May I make one other point?

We must remember that this technological superiority of which we are so proud, tends to evaporate very quickly. Think of the A-bomb and the H-bomb. If we are to retain a technological edge, we must keep working at it.

I think we must not, in the absence of a firm and binding agreement, tell our scientists that they cannot do what men have done for centuries—namely, improve the aim and striking power of their weapons.

In summary, Mr. President, these programs for improved accuracy are a modest proposal. They amount to only $110 million. These programs are a cautious proposal. In the face of the dramatic Soviet advancements in strategic capability, they are only for research and development. At the same time, these programs are an enlightened proposal. They will increase U.S. strategic flexibility, provide a hedge against future Soviet arms development, and create a significant inducement for an arms agreement at SALT II.

COUNTERFORCE

Mr. MONDALE. Mr. President, the administration's proposals to develop missiles capable of destroying Soviet strategic missiles—the so-called counterforce issue—reminds me of the great Senate ABM debate of 1968. The issue then was whether we should try to destroy Soviet missiles with antiballistic missiles. Ultimately the collective judgment of the Senate, as reflected in ratification of the ABM Treaty, was that destroying Soviet missiles in this way was both infeasible and would undermine the balance of terror which has insured the peace for more than two decades.

Now we have new proposals to develop capacities to kill Soviet missiles in a different way. This time, however, we are not even considering a capability that would wait until we were attacked by Soviet missiles. No, we want a capability to destroy Soviet missiles while they are still on the ground in the Soviet Union.

To develop this capability, the administration supports several different proposals:

A new Minuteman warhead, twice as powerful and far more accurate;

A new, large ballistic missile reentry vehicle;

A new precision-guided MARV or maneuvering reentry vehicle, and so forth.

In deciding whether to go ahead with these programs, it is extremely important to ask a very simple question. Why? What are they for? How will this strengthen the peace? How will this fundamental departure from three decades of American strategy increase the deterrent on which nuclear war has thus far been avoided? We must make no mistake. We are faced with fateful decisions in altering our capabilities toward a first strike posture and embracing the first strike doctrine that is used to justify these new weapons.

The Pentagon makes the argument that the Soviets are developing this capability and we must go forward with it too. Otherwise, somehow deterrence will be undermined—somehow the Soviets will believe that we would not retaliate for an attack upon the United States or upon our allies. The chain of logic that connects those two ideas frankly escapes me.

But there is another logic that is all

too clear. If we develop and deploy missiles which are capable of destroying Soviet missiles very efficiently—by that I mean where one American missile can kill two or three Soviet missiles—the real effect is to make our missiles a far more urgent target in a crisis. The Soviets will be put into a position where they will either have to use their missiles against us or potentially lose them. This use or lose pressure will only deepen any crisis with the Soviet Union.

Right now deterrence is based on the concept that our strategic deterrent forces—our bombers, our submarines, our ICBM's—are reasonably secure from attack. The same is true of the Soviet Union, though perhaps to a lesser extent. In a crisis both sides can be reasonably confident that the other side cannot destroy any major part of its deterrent.

Thus in 1973 during the Mideast war, when we put our ICBM forces on alert, the Soviets did not have to worry that we were about to attack and destroy their ICBM force. But if we go ahead with these programs, and deploy, for example, the Mark 12A warhead for Minuteman, that will no longer be the case. If, God forbid, there is a replay of 1973, the Soviets will suddenly be confronted with the possibility of losing their ICBM force. There will be powerful pressure to try to take out ours before they lose theirs. Instead of damping down a crisis, the existence of these counterforce capabilities on our side, and ultimately on the Soviet side, would only critically deepen any crisis. The premium will be on the side that shoots first.

As I understand the facts of the strategic balance at the present time, they are something like this: If we shoot all of our Minuteman force at the Soviet ICBM force, we can destroy more than half of it—not a very good trade. But once we deploy this new Minuteman warhead, the Mark 12A, and the accuracy improvements, it will be at least theoretically possible for us to use only about half of our ICBM force to destroy nearly all the present Soviet ICBM force. This is precisely the situation that will be most critical.

And of course the Soviets are not standing still. Already they are deploying weapons that can do the same to us. And these new missiles come in a new, hard silo that will, in effect, protect them from the Minuteman improvements wanted by the Pentagon. If we go ahead, the Soviets will have no choice but to go ahead with all their new missiles. And in doing so, they will erase our advantage, and worse, put our ICBM's in jeopardy. The net result of this new cycle of arms deployments is that it may be the Soviet Union that ends up with the real counterforce capability that the Pentagon thinks is so desirable.

Now this is the theory, and sometimes in the strategic weapons field it is difficult to separate theory and fantasy from reality. The real consequences of going ahead with these new warheads and accuracy improvements for Minuteman III may be more bizarre.

Secretary Schlesinger in his posture statement points out that the hard target kill capability of the Minuteman III is highly dependent upon accuracy, and even a small degradation in accuracy could greatly reduce its effectiveness in this role. But he tries to reassure us that this uncertainty about its accuracy should not negate its usefulness for our purposes, because Soviet planners would also be uncertain about the performance of the Minuteman—suggesting that they would have to assume the worst.

This is a truly peculiar argument. What I take it to mean is that we cannot be sure that our new counterforce weapons will really work, but the Soviets will not know and will have to assume they do. In other words, if we ever get into a deep crisis, we will not have the weapons we think we have. But the Soviets will have to assume we do, and, therefore, will still be tempted to shoot first. As far as I can see, that is a program for getting the worst of both worlds.

A second major purpose that's supposed to be fulfilled by these new counterforce weapons is to give the President more options; to give him greater capability for limited nuclear strikes. Now, no one is against flexibility and it is clear that we do not want to put our country in the position in which the only response to aggression is Armageddon.

But I think this concept of flexibility has been blown out of proportion. It has been elevated to a new national strategy that I think is both misleading and extremely dangerous. The concept of limited use is that in some situation we might have to use nuclear weapons, but we would only want to use a few of them. Now I am not too clear what that situation is, nor for that matter is the administration. But Secretary Schlesinger told me last year that such a limited use could not involve more than at most a half a dozen weapons without turning into a full scale attack.

The idea is that we might use a so-called small attack for some political or possibly military effect, and the Soviet Union would be deterred from retaliating—at least deterred from retaliating with the full weight of their strategic forces. That is the concept anyway.

Now the Pentagon argues that more accurate weapons, which just happen to have an increased capability to destroy Soviet ICBM's, are essential for this limited, flexible attack capability. They argue that it is imperative to reduce "collateral" or "side" damage that might be suffered in a limited attack. In other words, if we are going to attack an airfield or a dam or a steel mill, we want to keep to a minimum the unintended civilian casualties. Therefore, we want accuracy so we would not miss and because we do not want to have to use three weapons where one with sufficient accuracy would do.

This argument simply does not hold up to serious examination:

First, if you do not want to kill more people, you do not double the power of the warheads as with the Mark 12A. Second, these weapons are MIRV's—multiple warheads—so you have the problem of finding some place to put all the MIRV warheads anyway. Third, the difference in civilian casualties made by reducing the accuracy error from 1,400 feet, let us say, to 700 feet—approximately the distance between the Capitol to the New Senate Office Building—is meaningless. If you want to limit collateral damage, you do so by picking targets that do not have very many people around them. You do not try to carry out a surgical strike in a large metropolitan area. As John Kennedy found out during the Cuban missile crisis when he was urged to conduct surgical strikes on Soviet missile sites, there is no such thing.

In sum, being able to drop a weapon packing the power of millions of pounds of TNT a few hundred feet one way or the other is not going to be the determining factor in whether or not the Soviets respond to a selected nuclear attack by the United States.

And let us examine the question of the reaction of either side to such a limited strike. When I was in Moscow speaking with Premier Kosygin, we had a rather thorough discussion of this issue. He said to me:

> Imagine if one side should fire a few weapons at the other. What would the other side do? It would attack the nuclear forces of the side that fired first.

Mr. Kosygin went on to use that scenario and our limited strike strategy to justify the Soviet acquisition of counterforce capabilities.

Now as a justification, it is nonsense, because the new Soviet missiles were in the works long before we came up with this fancy new strategy of limited attacks. But it does show that even a small attack, particularly if it is aimed at missiles, will run enormous risks of a counterforce retaliation.

In my view, the concept of limited use of strategic weapons as an overall strategy is something that could only be conceived in the isolation of some think tank. The first reaction of any political leader to an attack by nuclear weapons is not going to be whether the weapons landed close to their targets or in a nearby housing complex. The first question is going to be, are they out of their minds?

And the response is unlikely to be some measured tit-for-tat reaction. I think we can extrapolate from the recent *Mayaguez* incident to show that in a much more grave crisis where the United States is actually under nuclear attack—limited or not—the Soviet Union had better not count on our being deterred from an all-out response. I cannot believe that the supporters of the administration can be arguing that we need a limited attack capability to respond to a Soviet limited attack capability. If we come under under a nuclear attack. I cannot believe the United States will react with kid gloves. And if that is our likely view, I do not see how we can pursue a strategy which counts upon the Soviet Union being deterred if we should attack them—no matter how limited the strike.

The final argument that we hear in favor of these counterforce systems is that the Soviets are going ahead with the same capabilities and we cannot unilaterally deny outselves this option. A few years ago we might have hoped that SALT could answer that question. But it is clear in light of the Vladivostok agreement, that SALT would not begin to touch this problem and may even aggravate it.

But we do not have to depend on diplomacy. We can reorient our own defense programs. The right response to increased Soviet counterforce is not more counterforce on our side. It is more survivability. I fully support the Pentagon's programs for more survivable strategic cruise missile forces. I support the MX program. I support the mobility studies. I am supporting the Trident submarine program. If we want to really avoid the dangers that come from counterforce on the Soviet side, we will invest our time and effort in making our forces able to survive a Soviet counterforce attack, through greater hardening, mobility, or greater diversification.

Preserving the option to go ahead with counterforce will add nothing to the survivability of our forces, nor to stability. In fact it will have the opposite effect of making our ICBM's an even more tempting target.

I believe these weapons systems must be opposed. They will give our military leaders a false sense of power. They will mislead the President to thinking he has options he does not really have. They will further stimulate the Soviet Union into deploying the same kinds of weapons. They will lead to a situation in which overall strategic stability will be undermined because both sides will fear an attack by the other. Yet ironically, the Soviets are likely to have this capability while we only think we have it.

With all due respect to Dr. Schlesinger, I believe it is time to plan our strategic forces on a far more sensible basis than all of this academic discussion of perceptions of parity and intentions, uncertainties, manipulating behavior, and appealing to rationality in the midst of a nuclear war. It is time that the Department of Defense stopped acting like the Department of Psychology. Psychology has never been the Pentagon's strongpoint.

No, I cannot support the argument that we must give this counterforce option to the President. I am aware of the power of the argument that the President must have his options preserved. But if there is one thing that America and this Congress should have learned over the last decade, in Vietnam, in Cambodia, even in Watergate, that is that there are some options the President should not have. A counterforce capability is one of them. I will therefore support Senator McINTYRE's amendment.

M'INTYRE-BROOKE COUNTERFORCE AMENDMENT

Mr. HUMPHREY. Mr. President, I support this amendment. I believe that through these counterforce programs, the United States would be abandoning its successful policy of mutual deterrence for a much less satisfying and stable policy of nuclear warfighting.

I would remind my colleagues that we explicitly rejected this policy in 1971 and 1972. Senator STENNIS led the fight against counterforce programs then, stating that it was our national policy to avoid technologies that could be construed as leading toward a first strike capability.

By their own admission, DOD witnesses have confirmed the judgment that these programs are not militarily necessary. We currently have sufficient hardware to execute the Secretary of Defense's doctrine of flexible response. We can hit civilian targets, we can hit soft military targets, and we can hit hardened military targets.

DOD witnesses have confirmed that the purpose for these counterforce programs is diplomatic/political—to convince others that we have the will to meet our commitments and carry out our strategy. But, there are other, less destabilizing ways to convince people that we are a strong and capable nation.

Counterforce programs are destabilizing. By assuring the other side that we can effectively and efficiently take out their deterrent—their ICBM's—we encourage the other side to adopt a hair-trigger launch-on-warning strategy in order to use its missiles before they are destroyed by our high accuracy, one-shot ICBM's and SLBM's.

By giving our SLBM's a hard-target kill capability, we undercut their deterrent capability and make them fair game for attack.

Counterforce programs will encourage a new arms race, that will be even more expensive than that which we have seen.

Counterforce programs undercut SALT and serious attempts at arms control. They belie the basis of SALT—mutual deterrence. They encourage the development of weapons systems which are extremely difficult, if not impossible, to control and limit with a high degree of confidence.

Counterforce programs offer no protection for our deterrent; they do nothing to protect them from Soviet attack. What will protect them and discourage the Soviet Union from developing counterforce programs are programs which will enhance the survivability of our deterrent. That is the direction in which we should move. As Senator McINTYRE has said:

> Our real choice is not between strength and weakness, but choosing a kind of strength that will meet the threat.

Mr. KENNEDY. Mr. President, I rise to join my colleagues in opposing the Defense Department request for funds to provide the United States with a limited counterforce capability against Soviet military targets. I believe that this effort is misguided, and potentially dangerous, for a number of reasons.

We should first recognize that these American programs would not give us a credible first-strike against the Soviet Union—that capability that both sides must foreswear if mutual assured destruction—mutual deterrence—is to be preserved. That is the cornerstone of our nuclear strategy and, hence, our security from nuclear war. It is the underpinning for détente, and for the process of strategic arms control. It is the reason that we have concluded limits on deployment of ABM systems, at both the 1972 and 1974 summits.

By the same token, new Soviet programs that could, if pursued, give the Soviet Union a high degree of confidence in destroying our land-based missiles in a first strike also would not undermine the basic elements of deterrence. Like the Soviet Union, we too have secure, second-strike forces—bombers and Poseidon missiles at sea—that would survive and still permit us to wreak unacceptable damage on the Soviet Union Neither our counterforce programs nor theirs would impair that assurance in a serious way.

However, there are still grave problems with counterforce programs on either side, for reasons that are essentially psychological. For much of deterrence rests on how each side views the intentions of the other; whatever the logic of deterrence, it is possible in a crisis to miscalculate. And in this case, a miscalculation could lead to a nuclear war that nobody wants—a nuclear war that could end life on this planet by mistake. Thus muddying the waters of deterrence, by however little, by whatever miscalculation, can itself be "destabilizing." We may not intend to achieve a first-strike capability by building these counterforce weapons. But can we be sure that the Soviet Union would see it that way? Can we account for their fears? We must also recognize the ease with which we find new fears everytime the Soviet Union embarks on a new program—like the SS-18. For purposes of preserving deterrence—preserving the climate needed for détente and arms control—we must also forbear from embarking on programs that could induce fears in the Soviet Union.

Counterforce programs, on either side, can also make it more difficult to get further agreements on arms control. These programs will make it more difficult to assess real capabilities on either side. As we have found at SALT, it is not enough for both sides to have confidence in mutual assured destruction for there to be real agreements.

Because of the nature of the bargaining process, it is also important to be sure that agreements benefit both sides, about equally. Like it or not, in practice this has led to counting of missiles, bombers, and other capabilities. Each new weapon—like MIRV's before this—complicates the process of counting, of understanding the effects of new agreements. We are already seeing difficulties in implementing the Vladivostok Agreement of November 1974, because of the problems involved in verifying MIRV deployments. How much more difficult it would be to verify arms control agreements once new imponderables were introduced on one side or the other? And we must also realize—as we have found with MIRV's—that completion of certain development programs, even without deployments, is seen by the opposite side as tantamount to deployment.

These psychological problems—these problems of assessing the true nature of the strategic balance for purposes of arms control—will exist even if it can be demonstrated that our counterforce programs are less menacing to Soviet land-based systems than the SS-18 and other Soviet programs could in time be to ours. Of course, this is a debatable point, since accuracy and maneuverability are more important in providing a "kill capability" against point targets than comparable increases in warhead yield—throw-weight.

We must understand, above all, that

our major objective is to defuse the arms race, to support those elements in both Soviet and American societies that want to put an end to the tyranny of nuclear weapons over mankind. Developing counterforce programs here merely plays into the hands of elements in the Soviet Union that want to defeat arms control, just as some Soviet programs have a like effect in this country.

It is sometimes argued that U.S. counterforce programs will help in controlling a nuclear war—and in bringing it to a halt—in the unlikely event that one should occur. Of course, minimizing damage in a nuclear war is a worthy objective, provided it does not make such a war more likely—although we have already concluded that trying to blunt a nuclear strike, by either side, would destroy deterrence itself.

Yet we already have considerable flexibility in our nuclear forces, and have had that flexibility for many years. We can strike first at military targets—especially with the massive overkill we have—before aiming primarily at civilian or industrial targets. There is no question of our having to launch a spasm attack—an all-out attack on cities and industry—in the first salvo of a nuclear war. The question is whether we should increase our capacity to strike at point targets, to the extent of having a significant capability to destroy a large part of the Soviet land-based missile force—with the dangers of misperception and miscalculation that I have listed above.

It is also important to realize that working to be able to control a nuclear war, if it increases instability by any amount, could increase tensions and actually make a nuclear war more likely. However small that risk is, I believe it is too great for us to take. We must do nothing that will erode the Soviet Union's confidence in deterrence, and we must insist that they adopt the same policy toward us.

There are also grave problems with the whole notion of fighting a limited, or controlled, nuclear war. We are told that "relatively few" people would die in such a war. But relatively few still means deaths in the millions or tens of millions. Is that a war we could contemplate with equanimity? Is that a war whose chances of happening we can risk increasing? I do not believe so.

We must realize that even attacks directed solely at missile silos would kill people living in the vicinity. This is especially true since the accuracies of missiles are expressed in probabilities—not certainties. If a large number of missiles are fired, then on average they may fall within the accuracies predicted for them. But as the number fired increases, so will the number that go astray. We are not dealing with single-weapon attacks, with the precision for each missile that characterized the Apollo space program, with its highly-control conditions for single missiles. And even then not all is predictable, as we found with Apollo-13.

Of course, statements relating to the number of casualties in a limited, counterforce nuclear war also ignore the deaths and maimings that would be caused downwind by nuclear fallout. In all, a limited nuclear war would still be a terrible thing.

Finally, it is argued by the Defense Department that the Soviet Union might try for a capability to attack our land-based missile systems with a high degree of confidence. In this circumstance, we are told, it might then launch a first-strike, then sit back and leave us with the responsibility of initiating an exchange of nuclear warheads against civilian targets.

I believe that these are fanciful worries. They ignore the tens of millions of civilian casualties even in an attack directed solely against Minuteman and Titan. They ignore the fears of nuclear war evidenced on both sides for so many years—any nuclear war—that have led both superpowers into the unprecedented process of strategic arms control. And they ignore the caution the Soviet Union must exercise, simply because it cannot calculate with any precision at all at what point the United States might respond to a Soviet nuclear attack with an all-out attack on Soviet cities.

To be sure, the Soviet Union is building some SS–18's. But we do not know how many it will deploy, and we tend to discount other possible explanations than an attempt to be able in time to destroy our land-based missiles—but not our airborne bombers and missiles based at sea. These possible explanations may include simply their ability to build large missiles, perhaps in order to offset our advantages in accuracy and numbers of warheads—where we now have a lead of nearly 8,500 to about 2,600. Or perhaps they are merely following the doctrine of "bargaining chips" so often advanced here in the United States.

In any event, there is no reason for the United States to try matching any Soviet program that could have some counterforce possibilities with similar programs of our own. That would simply confirm the Soviet Marshals in their support for the SS–18 and other programs. More important, along with Soviet programs carried far beyond where they are, today, our counterforce efforts would increase the chances of a return to a "launch on warning" doctrine on both sides. This is the doctrine that decisions to launch nuclear retaliation must be taken within minutes following the appearance of blips on a radar screen. Getting away from that "launch on warning" doctrine was one of the key objectives of building second-strike deterrent systems. And it was one of the major efforts required in order to reduce tensions, begin détente, and contemplate arms control negotiations. We must, therefore, do nothing that would carry us back toward the doctrine of "launch on warning." And we must insist that the Soviet Union exercise like forebearance. For both of us will lose if we do the opposite.

What we should be doing is going to the SALT talks and insisting that the Soviet Union join us in giving up a counterforce option against land-based missiles. And we must do this without first building—or even developing—so-called bargaining chips. Not only is there the problem that some systems, such as these, will be seen as deployable as soon as they are developed. Also we have found that bargaining chips tend not to be traded away, but rather form a new and higher level in the arms race.

Mr. President, I believe the arguments against proceeding with counterforce weapons are decisive. There is also a sense of deja vû about this debate. Many of us in the Senate will remember debates in the early 1960's, when counterforce was endlessly discussed. We and the administration concluded then that the dangers far outweigh the benefits. The decision then is still valid. It can and must be continued. Thus I call upon my colleagues to join me in voting against these counterforce programs, today.

Mr. BAYH. Mr. President, the amendment before us at this time is one of the most important we will consider during the debate on the military procurement bill. It would delete funding for a package of five research and development programs which would increase the accuracy and yield of American strategic and nuclear missiles in order to increase their capability to destroy Soviet land-based strategic missiles, a capability which has become known as counterforce.

I wish to commend my colleagues, Senator McINTYRE and Senator BROOKE, for their wisdom and leadership in bringing this very dangerous change in nuclear strategy to the attention of Congress and the public. They have performed a great service, and I will fully support their amendment.

Mr. President, the thrust of strategic policy for the last several years has been mutual deterrence. It has been agreed generally that the best way to insure against a nuclear war is to make certain that the superpowers know that each possesses the capability of delivering intolerable destruction upon the other in the event of nuclear conflict. Such deterrence was the basic premise for the SALT I accords, and was, until relatively recently, the central principle for American strategic policy. The concepts of a limited nuclear war and of a force capable of destroying an adversary's strategic deterrent were not accepted as reasonable alternatives. It is interesting to note in this regard, that in 1971, the Department of Defense gave full support to the Senate's successful effort to defeat an amendment offered by Senator BUCKLEY to begin counterforce development.

Recently, however, the Secretary of Defense, the Nixon and then Ford administrations have rejected this sound principle of mutual deterrence. The executive branch has now requested that we expend considerable resources for development of a nuclear counterforce.

The rationale which is voiced for the request is that the President should be given flexibility in his options for responding to nuclear attack. Rather than having a choice between nuclear holocaust and no action at all, it is argued, the President should have the choice of responding to a nuclear strike with extremely accurate nuclear weapons, presumably against missiles stored in hard silos, which would cause little collateral damage.

Mr. President, there are a number of things which are faulty in this reasoning, and I would like to take a moment to discuss some of the highlights.

First, there is absolutely no question that the United States with its triad of strategic bombers, ICBM's, and submarine-launched strategic missiles has the ability to destroy millions upon millions of Soviet citizens and to obliterate the Soviet industrial and economic base even after a full-scale Soviet attack. Nor is there question that American strategic missiles presently have sufficiently advanced guidance systems to destroy many point targets—radars, bridges, powerplants, and small factories, and some missile silos. The development of even more accurate nuclear weapons would serve only to reduce the marginal collateral damage created by existing missiles and increase the kill ratio in attacks against missile silos. Even then, Mr. President, it is clear that this new generation of nuclear weapons would not enable us to destroy the entire Soviet deterrent.

There is no contention that we could kill all or even most of Soviet land-based missiles, much less those launched by submarines. In reality, counterforce might enable us to reduce the Soviet strategic force to the extent that it could destroy the population in our coastal regions rather than throughout the country, but it is preposterous to argue that this in any way would lessen the effectiveness of the Soviet force as a deterrent and give our country some real advantage. The prospect of half our population being wiped out is every bit as intolerable as a threat to three-fourths of the American public.

What, then, would Mr. Schlesinger's counterforce buy us? The Secretary answers that without an American counterforce capability there will be temptation by the Soviets to launch a limited nuclear attack to test the American will to respond with massive force which most assuredly would end in the destruction of American civilization as well as that of the Soviets. The American ability to respond with limited force, he contends, would serve to dispel any such temptation.

I submit, Mr. President, that commonsense leads to exactly the opposite conclusion. Putting aside the fact that we do have reasonable flexibility in our response at present, it seems clear to me that the Soviets would be far more tempted to test Amercan will if they believed that the response would be a surgical strike, with no serious consequences, and that quick negotiation could then stop the threat of escalation. Only a madman would launch a strike to test the will of an adversary if he knew there was a probability, whether it be 90 or 30 percent, that his action would result in destruction of his nation.

Mr. President, the probability of American response exists and will continue to exist in the foreseeable future. We should not base our planning on the threat of a lunatic gaining control of Soviet nuclear weapons. If such a threat ever becomes a reality, we will see Armageddon, not limited war.

In short, Mr. President, counterforce would buy us nothing for our investment in the terms of deterrent and, at the same time, would increase the likelihood of nuclear war taking place. I discussed in the Secretary's will-testing scenario the greater temptation for Soviet leaders to launch a limited strike if they believed nuclear war was a livable alternative. There are other situations which raise even higher probabilities of nuclear exchange when one examines the relationship of the United States and Russia with lesser powers.

Let us hope that we never become involved in another Vietnam. But suppose we did. Let us also hypothesize that the President were given the option to use nuclear weapons against military targets with little or no collateral damage and with great savings in American lives. Can we be certain that he would resist the temptation to employ such force? Can we be certain the Soviets would restrain themselves under similar circumstances? The answer unfortunately is no, and the possibilities of response from a nuclear power having a stake in the outcome are not difficult to imagine.

Moreover, there are serious questions raised in regard to proliferation of nuclear weapons—in my opinion, the most critical arms issue facing today's world. Once the credibility of nuclear weapons being used against those who do not have them has increased, there will be additional impetus for such countries to acquire a nuclear capability for deterrence. We know only too well that many nations are now capable of producing such weapons, and it is a terrifying fact that as the number of countries possessing nuclear capabilities grows larger, so do the mathematical probabilities of nuclear war.

In addition to increasing the chances for nuclear war, by making such war thinkable, counterforce presents a further danger of appearing to represent a first strike capability to the Soviet Union. Though Secretary Schlesinger points out that the improved technologies we are discussing will not enable us to destroy the Soviet deterrent, we must presume that Soviet military planners engage in the same types of worst case analysis as American strategic planners. Given the fact that Soviet submarines are noisier and easier to locate than their American counterparts and given the fact that the United States is currently conducting a large, aggressive antisubmarine warfare program for tactical and strategical uses, Russian leaders might well see credible dangers to their land and sea-based strategic weapons if counterforce development is continued. In such instance, we could be certain that the Soviets would accelerate and expand their own development program, adding another leg to the wasteful arms race.

Furthermore, if the Soviets did perceive the threat of a first strike, a logical reaction would be to operate their own strategic systems on a tripwire basis to insure that the weapons were not destroyed on the land or in the water. Such a strategic posture would be extremely dangerous in the case of accident, attack by third parties, or in a crisis atmosphere.

It is ironic, Mr. President, that some supporters of counterforce have advanced the argument that the new technology would mark a humane step forward in the history of warfare. It has been seriously contended, by presumably reasonable men, that with the development of counterforce we can engage in nuclear wars without horror, that there will not be mass killing. As I said earlier, this is the type of reasoning which increases the chances of nuclear war, and I would like to add now that it represents an extremely unrealistic view.

Once we cross the nuclear threshold—no matter how accurate the weapons—we enter a world with which we have no modern experience. We will be employing systems that have not been tested and dealing with force that even when strictly limited is massive beyond imagination. What is more, we will be depending upon the rational response of men, our own as well as our adversary's.

We cannot be confident that the response of the Soviet Union to nuclear war would be predictable and proportionate. Nor can we be certain that our own actions would be reasoned. The unparalleled tensions which would be generated in such a situation and the need for split-second decisions might well lead to initiation of inappropriate measures. Even if the direction from the top remained sound, the possibilities for breakdowns in analysis of intelligence and command and control are phenomenal.

Mr. President, it has always been difficult to employ force as a scalpel to cleanly accomplish an objective. The rescue of the crew of the *Mayaguez* points this out quite clearly. Though we sympathized with the President as he determined to use force to prevent the ship and the crew from being taken to the mainland, and have nothing but the greatest respect for the brave servicemen who carried out the operation, it is clear that the tensions of the crisis produced breakdowns in intelligence and command and control which made it impossible to fine tune our moves. This was a purely conventional situation, Mr. President, and there was great confusion. As any combat veteran knows, this is not unusual. To think we could perform more precisely in a nuclear scenario is nothing more than self-delusion.

It is imperative, Mr. President, that we put an end to this counterforce program. In terms of dollars, such actions would save $142 million in the next 15 months with billions of dollars in savings in years ahead as the cost of deploying the new weapons came due. But, more importantly, by terminating counterforce we can begin to restore reason to our strategic planning. We must do all that is in our power to avoid nuclear war, Mr. President. We must restore the principle of mutual deterrence to the central position it deserves. We must not allow ourselves to become accustomed to the idea of living with nuclear conflict.

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. McINTYRE. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. STENNIS. Mr. President, what is the pending order in the Senate now?

Mr. MANSFIELD addressed the Chair.

The PRESIDING OFFICER. Amendment No. 494 of the Senator from New Hampshire is the pending business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the assistant majority leader be recognized for not to exceed 1 minute to make some unanimous-consent requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN SUPPORT OF SAM-D

Mr. ALLEN. Mr. President, in his report to the Congress for 1975, Secretary of Defense James R. Schlesinger stated flatly that the air defenses of a U.S. field Army are "considerably less" capable than those of the Soviets which feature highly mobile surface-to-air missiles and antiaircraft artillery designed to provide protection for fast-moving tank and mechanized infantry forces.

Recent battle history proves him right.

In the 1973 Middle East conflict, for example, Egypt's combat troops were protected from the air by three Russian-built surface-to-air missile systems, which extracted a heavy toll of Israeli aircraft. Particularly effective as an air defense weapon was the highly transportable SA-6 which moves in two tracked vehicles and which is designed to provide uninterrupted protection for ground forces in a fluid situation. The Soviet SA-6 is effective even during the offense and can move with tank units in the advance.

By comparison, today's principal U.S. air defense weapon, Hawk, moves in several wheeled vehicles and requires considerably more time to set up and fire. Hawk is geared more for a static defense and would thus be considerably less effective in a fast-moving offense.

The Defense Secretary has also said that improved air defenses are necessary "to limit the opponent's effectiveness in attacking our critical assets and to counter the air attack in such a way as to permit our field Army forces to maneuver as required."

Adding further support to the thesis was a statement last October by Norman R. Augustine, Assistant Secretary of the Army for R. & D. who said:

> The United Arab Republic today has more SAM's along the Suez than the U.S. possesses throughout the world.

He said it "appears unlikely that the United States will enjoy a quantitative equipment superiority on the battlefield of the future," and added that future wars may be decided more on the existence of equipment, rather than on our ability to produce it.

In short, if we have not already got it when the next war starts, it will be too late to start building it.

The message from these Defense officials seems to be clear: we have inadequate air defenses now, and once the next war starts, it will be too late to start thinking about improving them. Furthermore, without an adequate defense against tactical aircraft, an army in the field, and its supporting air forces, cannot survive.

Where air defense systems do not grow in parallel with the threat of constantly improved tactical aircraft, ground forces become highly vulnerable.

Today's potential air threat to American ground forces consists of large numbers of high performance aircraft possessed by the Russians and their satellite states. The Warsaw Pact nations, for instance, maintain a tactical air force of some 5,300 planes, about a third of which are for ground attack. An additional 5,000 or more Russian planes have been provided to Arab states, Cuba, China, North Korea, and others in the Communist camp.

Thus the need for drastic advances in U.S. air defense becomes obvious.

To meet this threat, a triad of aircraft, surface-to-air missiles and antiaircraft weapons is sorely needed. Current low-altitude Army air defense systems consist primarily of the Vulcan system and Chaparral short-range missile, plus the man-portable Redeye surface-to-air missile. But the third element, the long-range surface-to-air missile, is still under development by the Army.

This system, which the Army calls SAM-D, is an all-weather air defense system employing phased array radar and designed to counter high-performance threat aircraft of the 1980's and beyond. Completely mobile and self-contained, SAM-D can detect, identify, engage, and destroy a large number of maneuvering, high-speed aircraft simultaneously. According to testimony by Dr. Malcolm R. Currie, Director of Defense Research and Engineering, deployment of SAM-D would reduce the Army's manpower needs for air defense by about 8,000, a significant savings in itself. He added that SAM-D would also reduce the annual operating cost by $100 million if it replaces the Improved Hawk and Nike Hercules systems.

Secretary Schlesinger directed a year ago that SAM-D system tests of 16 missiles with onboard guidance be given the highest schedule priority and that other program activities be slowed until the guidance concept is proved. Two of the "Proof of Principle" flights have now been conducted with complete success.

The Army Missile Command also is examining other guidance concepts to provide the SAM-D system with alternate and perhaps less costly hardware options.

The knowhow appears to be there, but we will never know unless Congress provides the necessary funds to complete research and development of the SAM-D. What is needed is our decision to keep R. & D. funds available. To cut this program now, in my judgment would be pennywise and pound foolish.

HATHAWAY NOMINATION: A UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that at such time as the nomination of Mr. Hathaway is called up and made the pending business before the Senate there be a time limitation for debate thereon of 3 hours to be equally divided between the distinguished majority leader and the distinguished minority leader, or their designees, and it is anticipated that that nomination will be made the order of business the first thing for next Wednesday.

Mr. JAVITS. Mr. President, is it Wednesday, did the Senator say?

Mr. ROBERT C. BYRD. Next week.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until the hour of 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON TUESDAY, JUNE 10, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, June 10, the Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes, after the two leaders or their designees have been recognized under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The Senate continued with the consideration of the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the next four amendments which are listed under the consent agreement go over until tomorrow, that is, the Minuteman III, the site defense amendment, the B-1 bomber, and the AWACS.

Mr. STENNIS. Mr. President, reserving the right to object, what amendment does the Senator propose to take up, if any, this afternoon?

Mr. ROBERT C. BYRD. The next amendment, following those four, will be the SLCM amendment.

Mr. STENNIS. If that is all right with the Senator from Maine, that is agreeable to us.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

There being no obejction, the yeas and nays have been ordered on the amendment——

Mr. GOLDWATER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. May we have order in the Senate, please.

Mr. GOLDWATER. Mr. President, I understand that some Members of the Senate will be going to the White House and then will be coming back. That is perfectly all right. I have nothing against the White House. I tried it myself once. It did not work.

But I do not see why the rest of us should sit around here for 2 hours, when we have perfectly good wives at home cooking perfectly good dinners. Why can we not put off this amendment, which is only a 1-hour limit, and do it tomorrow?

Mr. MANSFIELD. Because we may have others and because if the Senator takes a look at the list, he will find that we have about 20 listed and many other unlisted items up there, and we have agreed to a final vote at 6 on Friday. So it is a matter of speeding up while we have the chance. Otherwise, we are going to be in deeper trouble than we are.

Mr. GOLDWATER. Could we debate it this evening and vote on it tomorrow?

Mr. MANSFIELD. We could.

Mr. STENNIS. But we are going to take up something else.

Mr. MANSFIELD. We are going to take up other amendments, and we hope to stay in session until somewhere between 8 and 9 tonight to clear up as many of the amendments as possible.

Mr. GOLDWATER. I am not going to be a you-know-what and object, but I do not like it.

Mr. MANSFIELD. I do not like it either, but may I say to my good friend sometimes we are forced with circumstances over which we have little or no control.

Mr. STENNIS. Mr. President, if I may, although this is not in my request, I am agreeing to it. We are ready to go.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

The yeas and nays have been ordered on the amendment of the Senator from New Hampshire (No. 494). The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from Alabama (Mr. Sparkman), and the Senator from California (Mr. Tunney) are necessarily absent.

On this vote, the Senator from California (Mr. Tunney) is paired with the Senator from Alabama (Mr. Sparkman).

If present and voting, the Senator from California would vote yea and the Senator from Alabama would vote nay.

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—42

Abourezk
Bayh
Biden
Brock
Brooke
Case
Church
Clark
Cranston
Culver
Eagleton
Ford
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Javits
Kennedy
Leahy
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Randolph
Schweiker
Stevenson
Symington
Weicker
Williams

NAYS—52

Allen
Baker
Bartlett
Beall
Bellmon
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Garn
Glenn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Jackson
Johnston
Laxalt
Long
Magnuson
McClellan
McClure
Montoya
Morgan
Moss
Nunn
Pearson
Proxmire
Ribicoff
Roth
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stone
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—5

Bentsen
Inouye
McGee
Sparkman
Tunney

So Mr. McIntyre's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate, please.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, under the consent order reached a while ago, the amendments numbered (d), (e), (f), and (g) in the whip notice and labeled as follows: Minuteman III, site defense, B–1 bomber, and AWACS, will go over until tomorrow.

The next amendment in order under the time agreement would be the SLCM amendment. That would be followed by the AABNCP amendment.

AMENDMENT NO. 505

Mr. HATHAWAY. Mr. President, I call up my amendment No. 505.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. Hathaway) proposed an amendment No. 505.

The amendment is as follows:

On page 17, line 24, strike out "$3,368,802,000" and insert in lieu thereof "$3,267,002,000".

On page 18, between lines 3 and 4, insert a new section as follows:

"Sec. 202. None of the funds authorized to be appropriated by this title may be used in connection with the Submarine Launch Cruise Missile (SLCM) program.".

On page 23, line 24, insert "(a)" immediately after "Sec. 702.".

On page 24, lines 7 and 8, strike out "$851,363,000" and insert in lieu thereof "$809,263,000".

On page 24, between lines 12 and 13, insert a new subsection as follows:

"(b) None of the funds authorized to be appropriated by subsection (a) of this section may be used in connection with the Submarine Launch Cruise Missile (SLCM) program.".

The PRESIDING OFFICER. The Senate will be in order, please.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that my staff member, Charles R. Peck, be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. I yield to the Senator from Oregon.

Mr. PACKWOOD. I ask unanimous consent that my legislative assistant, Sheila Crowley, be entitled to remain on the floor for the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that my legislative assistant, Mr. Ron Tamman, be accorded the privilege of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HATHAWAY. I yield.

Mr. ROBERT C. BYRD. Mr. President, I am advised that at least 7 of the 10 amendments that were previously listed in the time agreement will not be called up. I, therefore, ask unanimous consent that after the Senate disposes of the AABNCP amendment, which follows the amendment now pending, the Senate proceed to consideration of the overall military and civilian manpower levels amendment; that that amendment be followed by the amendment providing for an increase from 13 to 16 divisions; that that be followed by the feed and forage amendment; and that that be followed by the shipbuilding overruns amendment.

Mr. GOLDWATER. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. GOLDWATER. Does he mean those are for tonight?

Mr. ROBERT C. BYRD. Not necessarily tonight, but it is the intention of the leadership to stay in tonight and complete work on as many as possible, hopefully to between 8 and 9 o'clock. As I understand, there are 31 amendments at the desk at this time, in addition to the amendments that we have listed in the agreement.

Mr. EAGLETON. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. EAGLETON. If that unanimous-consent request is agreed to, does that mean that all the amendments the Senator has enumerated will take precedence over those that were at the top of the list this morning, meaning the Kennedy amendment, AWACS, and so forth?

Mr. ROBERT C. BYRD. It would, but I am advised by Mr. Cranston that the amendments as I have listed them, through the amendment providing for an increase from 13 to 16 divisions, are ready to be called up this evening.

Mr. EAGLETON. And they will be disposed of this evening?

Mr. ROBERT C. BYRD. Hopefully.

Mr. STENNIS. Will the Senator yield on that point?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. STENNIS. As I recall, on the amendment by the Senator from Wisconsin, which is marked "amendment (o), Shipbuilding Overruns," I understand that that amendment has not yet been written.

Mr. PROXMIRE. That amendment will not be ready tonight. It will be ready tonight, but not presented.

Mr. ROBERT C. BYRD. I listed it as No. 6 among the amendments that I enumerated.

Mr. STENNIS. After 6 o'clock, and that is a few minutes from now, all amendments have to be written, under the agreement.

Mr. PROXMIRE. It is written, but I am not prepared to present it.

Mr. STENNIS. By written amendments, that means they are to be filed at the desk. That is for the information of the Members.

Mr. PROXMIRE. That amendment was filed at noon.

Mr. ROBERT C. BYRD. Mr. President, let me amend my request. I ask unanimous consent that following action on the AABNCP amendment, the following amendments be called up in order as follows: The overall military and civilian manpower levels amendment, and if the amendment is filed at the desk by 6 o'clock today, the amendment to provide for an increase from 13 to 16 divisions will then follow.

Mr. EAGLETON. Is that the limit of the request, just those two amendments?

Mr. ROBERT C. BYRD. Yes.

Mr. PASTORE. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. PASTORE. I am not insisting on this, but I think it ought to be considered with some merit. We have been here since early this morning. It is 6 o'clock now. This is a very important bill. I realize there are amendments. Would it be possible to call up the amendments the Senator has specified with a limitation on debate and then, in the cool of the morning, tomorrow, we vote on them back to back? By that time, we will have read the RECORD, we will know more explicitly what they are all about. We will not be tired. We will not be downstairs having dinner while the debate is going on, we will be home with our families. We will come back rested and ready to go. I realize that may be making an unreasonable request at this time, but it is a convenient one.

Mr. ROBERT C. BYRD. Mr. President, we have 31 amendments at the desk, and there may be amendments to amendments offered, and there are four amendments that have been put over until tomorrow morning, the Minuteman III, the site defense, the B–1 bomber, the AWACS, and the total amount of time on those four amendments alone is 7 hours, and we have a final vote scheduled to occur at no later than 6 o'clock Friday. So I am afraid that if we are going to complete this action on this bill we had better go on tonight and work for awhile yet.

We are going to come in at 9 o'clock tomorrow morning, which has already been ordered.

Mr. STENNIS. Mr. President, if we could take up the Hathaway amendment here, say, with 30 minutes to the side and vote on that tonight and then take up another amendment for argument and not vote on it, what appeal does that have?

Mr. ROBERT C. BYRD. Of course, the Senator is the manager of the bill, and I certainly am not going to interpose any objection to his request.

Why do we not proceed with the next two which are scheduled and then, depending on the time, perhaps take up the third amendment which would be the overall military and civilian manpower level and maybe the vote on that can be put off.

Mr. STENNIS. I yield to the Senator from Maine who has a suggestion.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 30 minutes, 15 minutes to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, I wonder if the distinguished majority whip will tell us whether he intends to make any other unanimous-consent requests involving other amendments. I have a concern, not about the ones he has mentioned so far, but about having an opportunity to present one side on some of the other amendments. Is this as far as he is going tonight?

Mr. ROBERT C. BYRD. Well, at the moment that is all I have in mind, I assure the Senator.

Mr. STENNIS. Mr. President, if the Senator will yield to the Senator from Maine again he might have another suggestion.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that upon the second amendment (No. 520) the same time limitation apply; that is, 30 minutes total, 15 minutes on each side.

Mr. JAVITS. How does the Senator describe it?

Mr. STENNIS. AABNCP.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. That gives us two amendments then.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I would be willing to ask unanimous consent on amendment No. 18 to reduce the time in half, that is, to give me a half-hour—that is the manpower amendment to be offered by me. If it is agreeable to Senator STENNIS, I will cut my time to 30 minutes, and 15 minutes to Senator STENNIS, and advise him that I will probably withdraw it, but I need a colloquy with Senator NUNN who is in charge of the Manpower Subcommittee.

Mr. STENNIS. What would that mean?

The PRESIDING OFFICER (Mr. STONE). To reduce the time on No. 18.

Mr. JAVITS. So that it gives 30 minutes to the moving party, who is myself, and 15 minutes to the Senator from Mississippi instead of the present hour and a quarter, 30 minutes to the Senator from Mississippi and 45 minutes to myself.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, has the request been granted that the amendment dealing with an overall military and civilian manpower level be called up following the disposition of the AABNCP amendment?

The PRESIDING OFFICER. Is there objection to that unanimous consent request, The Chair hears none, and it is so ordered.

AMENDMENT NO. 521

Mr. HATHAWAY. Mr. President, I ask unanimous consent that unprinted amendment No. 521 be substituted for amendment No. 505, the only reason for this being that the dollar figures in the original amendment were not quite correct. This is the only change.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment is as follows:

On page 17, line 24, strike out "$3,368,802,000" and insert in lieu thereof "$3,274,002,000."

On page 18, between lines 3 and 4, insert a new section as follows:

Sec. 202. None of the funds authorized to be appropriated by this title may be used in connection with the Submarine Launch Cruise Missile (SLCM) program.

On page 23, line 24, insert "(a)" immediately after "Sec. 702.".

On page 24, lines 7 and 8, strike out "$851,363,000" and insert in lieu thereof $814,263,000".

On page 24, between lines 12 and 13, insert a new subsection as follows:

(b) None of the funds authorized to be appropriated by subsection (a) of this section may be used in connection with the Submarine Launch Cruise Missile (SLCM) program.

The PRESIDING OFFICER. Is the substitute amendment at the desk?

Mr. STENNIS. Mr. President, we will have to have order to the extent that we can hear.

The PRESIDING OFFICER. The Senate will be in order. Those Senators wishing to conduct conversations will please retire to the cloakroom. Senators will take their seats. The Senators conversing will retire.

The Senator from Maine is recognized.

Mr. HATHAWAY. Mr. President, the reason I am offering this amendment is primarily because I cannot see the value of having the submarine launch cruise missile added to our warehouse of weapons system. In particular, it is a weapons system that all too easily could be taken as a provocation instead of a deterrent. It is extremely difficult to detect. I am talking precisely about the cruise missile to be installed in submarines. This device travels over a long range, at very low altitude and it cannot readily be picked up or identified as to its properties on radar. Thus, it may represent a threat to stability.

For the same reasoning expressed by the Senator from New Hampshire with respect to his earlier amendment, I would state with respect to this amendment that I think our posture is one of, first, maintaining a deterrent force while, second, not indicating to the Soviet Union—or any other nations of the world—that we are at all inclined to take the offensive. For we are not an offensive threat to any other nation in the world, and our defense posture is just what defense always means: something we simply wish to maintain as a strong, protective, and deterrent force in the unlikely event we are attacked.

And I think that to go ahead with this missile would hurt us considerably with respect to our SALT talks and agreement.

I submit that for those two reasons—plus the desirability of cutting out $111 million from the proposed military authorization for this cruise missile—we have three very good reasons for not going ahead with this program.

I reserve the remainder of my time.

Mr. STENNIS. Mr. President, may I suggest that we have quiet, and may I suggest that the Chair suspend until we have quiet.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. McINTYRE. Mr. President, I yield myself 5 minutes.

The R. & D. Subcommittee took a long and careful look at this program, and I would be the first to admit, Mr. President, that we had some reservations. Nevertheless, I think we have to overcome these on the basis that we would like to see this program go forward further. We would like to see it continue in development.

Now, the sea-launched cruise missile offers a weapon complementary to our basic deterrent system. This weapon is sized to a submarine torpedo tube. It comes out of the tube. It is characterized by long range and a very low flight profile. I think it flies below 800 feet off the water or off the ground. Its long time of flight precludes its use as a first-strike weapon. This is not a first-strike weapon. Thus it is not destabilizing.

Its accuracy and long standoff launch range make it a suitable choice as a single weapon response. If deployed in a nuclear submarine the natural invulnerability of that platform allows a survivable strategic reserve force role.

Now, the subcommittee did delete $7 million from the original request for the tactical ship-to-ship variation. We thought that was premature. But we went along with the rest including the tactical variant missile development.

It is a highly survivable weapon. Its short range might be about 400 nautical miles, and its long range could be up to 1,300, so it takes on a tactical and a strategic role, although I would caution you, Mr. President, that the range really has nothing to do with whether it is tactical or strategic, but it would have that variation.

This weapon is not intended to replace our primary strategic deterrent system nor to create what some of us first felt was a fourth leg of the so-called triad.

It could pose a new and difficult challenge to Soviet defensive planning because of its detection resistance and platform adaptability. No funds for procurement or installation are included in this request; this is all R. & D. The requested funds are in support of the Validation Phase competitive prototyping, which will lead to the selection of airframe, engine and guidance contractors prior to the commencement of full scale development. It is important to complete promptly this Validation Phase, which proves the critical technology and demonstrates that this weapon will perform as intended.

A tactical variant of the strategic missile weapon is included in this development, mating the SLCM strategic airframe with components of existing tactical systems to provide a long-range, anti-ship weapon with good payload, suitable for employment in surface ships and submarines at standoff ranges comparable or superior to those of existing Soviet anti-ship missiles.

I would say to the distinguished Senator from Maine that he is not out of the ball park. He should watch this program pretty carefully.

As I told the Senator initially, we had some reservations at the R. & D. subcommittee level.

This program, Mr. President, is going to incur, in my opinion, a much higher burden of proof as it goes along in further development.

For a couple of things, it is going to cost a mint. I know nobody worries about that, but it is going to cost a mint.

There is some question of whether it really is going to fit into the overall pattern, but I would suggest that the Senator from Maine withdraw his amendment and bring it up next year. I think we ought to see what happens in this year.

Mr. GOLDWATER. Will the Senator yield?

Mr. McINTYRE. And I assure the Senator that we on the committee are going to be giving it a good look because we have so many ways to screen these now, it is unbelievable.

But my distinguished friend from Arizona would probably like to join me now.

Mr. GOLDWATER. Mr. President, I would join my chairman of the subcommittee in urging that this amendment be withdrawn.

We are getting a start on this weapon. It is a weapon that can be used in the SALT talks because it does replace, to some extent, some weaponry we might be forced to give up. As far as the radar capability, the lower a missile can fly, the less radar has a chance of catching it because of what we call sea clutter, and this missile flies at extremely low range, it can be very effective.

The Senator might remember the mishap off the coast of Israel when a ship was inadvertently sunk. This was not with a submersible launch cruise missile, but it was a cruise missile. A cruise missile, in my humble estimation, this family might become one of the most valuable that we have.

We are working very hard on it in the Air Force and this is a development that, as my chairman has said, is not very old and we have not gone very far with it. But we would like in our Subcommittee on Research and Development the chance of maybe another year to come up with proof, because the concept is really excellent.

I can say that it is a really defensible missile that the enemy would have a most difficult time detecting or intercepting.

I thank my chairman.

Mr. McINTYRE. I thank the Senator.

Mr. STENNIS. Will the Senator yield for a question?

As I understand it, the subcommittee now is completely unanimous on this matter?

Mr. McINTYRE. That is right.

Mr. STENNIS. For another year.

Mr. McINTYRE. As I have expressed, we had reservations, but they were overcome by the testimony of the project team. We went over on balance. We ought to let it go another year, but we intend to watch it closely because we do have some reservations.

Mr. STENNIS. This year the Senator does not commit one to anything like——

Mr. McINTYRE. Production, no.

Mr. STENNIS. Or anything near production, but just in the—I think the Senator is in the development now?

Mr. McINTYRE. Yes.

Mr. STENNIS. Well, anyway, what is the amount involved, if I may ask?

Mr. McINTYRE. My understanding is that the amount is in fiscal year 1976, $94.8 million.

The PRESIDING OFFICER (Mr. BROCK). The Senator's 5 minutes have expired.

Mr. McINTYRE. The transition period provides $37.1 million.

Mr. HUMPHREY. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. May I say——

The PRESIDING OFFICER. Who yields time?

Mr. HATHAWAY. I will yield to the Senator from Minnesota.

Mr. HUMPHREY. May I say, I think the Senator from New Hampshire has been extremely diligent in the effort to make hard decisions on the DOD's research and development request. He has made a very logical and persuasive argument for research and development on these missiles. As the Senator from Maine has indicated, there might be reason for hesitancy on this type of new development because of the potentially destabilizing effects that it might have. But I think on balance—and I am not an expert on this—that we should proceed with the R. & D. this year.

Why? Well, first, because it helps strengthen the U.S. Navy, which I happen to think is important in light of world conditions.

Second, I believe the point has been made that this is an initial effort. It should be watched very carefully. It should and can be carefully screened.

Of course, it is costly, but all research and development is costly. But, it is less costly, may I say, than failing to do what we ought to do would be.

So I would suggest to our wonderful, good friend from Maine, after all arguments have been made, that it might be well to follow the wisdom and the advice of the Senator from New Hampshire and put the amendment aside and come back next year with it, after we have had time to examine the evidence from the research and development effort and policy evaluations of this coming fiscal year.

Mr. McINTYRE. I want to add, I thank the Senator from Minnesota and the Senator from Maine, I assure everyone that we are going to take a hard look at this.

When we first saw it, we said, "What in the name of the Lord is this, another leg on the triad?"

We have the ICBM, the bomber, the Poseidon, now we have something else.

We think, although we are not sure, that this particular program has been defeated time and time again over in the halls of the Pentagon when it was in competition with other things.

So we are looking at it kind of askance.

If the Senator will allow another year, we will either be strong for it or we will be with the Senator.

Mr. HATHAWAY. Let me ask the Senator from New Hampshire a question. I have a great deal of respect for the Senator from New Hampshire as I think I have followed him in most of his recommendations with respect to the military procurement bill, both this year and in the past.

What year would be of help to the Senator in making his decision?

Or, are we talking about the technology of the system versus its concept?

Mr. McINTYRE. The concept primarily.

Mr. HATHAWAY. The concept bothers me more than the technology which may work out, or not. But the concept of having another low-flying missile which cannot be detected appears to me to be something we can do without.

Mr. McINTYRE. The Senator is absolutely right.

Mr. HATHAWAY. I do not know if after another year, having spent $137 million, I will find the mind of the subcommittee or the Senate changed with respect to the concept. That is what bothers me.

Mr. McINTYRE. It will not change the minds of the U.S. Navy, but I want the Senator to know we are no pushover on the subcommittee.

The concept bothered us.

I understand the technology, really, is almost in hand. We believe we can do it.

Mr. HATHAWAY. So how would the proposed research and development authorization help with regard to the concept?

Mr. McINTYRE. We have to look at the whole picture, at everything, including research and development.

I say to the distinguished generals, "We would be delighted to give all these helicopters, but the admiral was just in here, and he wants 32 new patrol frigates."

So we have to look at the whole package and then we can cut something down that should be cut down.

Mr. HATHAWAY. Let me ask a question with respect to the history of the projects that have undergone a commitment of $132 million for R. & D.

How many of them have been later knocked out?

Mr. McINTYRE. First of all, $132 million, in terms of research and development of a $10 billion budget, is not really that much in relative terms.

I say that with my tongue in my cheek.

I agree with my good friend from Maine, I know he has heard me say it, one can give me one brigadier general, two Congressmen, put them on an R. & D. program, and, man, we can rarely stop it. We try our best.

One can try his best. If the Senator will look at our report, if he will read the report I made—and I had a hard time making it—the Senator will see that I said to the Pentagon, "You have to take a hard look at these programs and cut them down."

I will say that we are with the Senator.

Mr. THURMOND. Mr. President, the SLCM could have significant implications on the strategic arms limitation talks in the following respects:

First. Can be readily adapted to existing, survivable platforms; provide a relatively cheap capability; suitable to provide a "surge" capability in times of crisis or hedge against unforeseen events. SLCM could contribute to the flexible response policy and to the strategic reserve.

Second. Witnesses before Congress have consistently denied allegations that the cruise missile is a SALT bargaining chip, but they have agreed that an active cruise missile program supports our position in SALT two.

Third. The record shows fundamental disagreement between the United States and the Soviets on which systems should be included in SALT. This disagreement came to a climax in the long discussions concerning U.S. forward-based tactical nuclear systems. The Soviet view has been simple and straightforward: all nuclear weapons deployed within range of the territory of the other side are "strategic" and must be taken into account in SALT.

Fourth. The United States, on the other hand, has attempted to distinguish between "central" and "noncentral" systems, but the Soviets have been unconvinced. Defined as "central strategic offensive systems"—which must be included in SALT agreements—were SLBM's, ICBM's, and heavy bombers. But this was a definition by example, unsupported by any rationale that would clearly categorize future systems.

Fifth. Although not redundant in capabilities, if SLCM's were included in SALT they would be considered along with the present TRIAD. Of particular significance if reductions are subsequently negotiated.

Sixth. Numbers of missiles and launchers are exceedingly difficult to verify as are missile characteristics—particularly range.

Seventh. A major breakthrough of Vladivostok was eliminating SLCM's from SALT two. Otherwise, might deny the United States a capability which U.S.S.R. now deploys—Soviet SSG, SSGN carry missiles which could have a strategic application.

In view of these facts, the amendment should be defeated.

Mr. HATHAWAY. Mr. President, I do not know if anyone else desires time. I yield back the remainder of my time, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. Stone). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McINTYRE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), and the Senator from Texas (Mr. Bentsen) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. Tunney), the Senator from Rhode Island (Mr. Pastore), and the Senator from Alabama (Mr. Sparkman) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), and the Senator from Texas (Mr. Tower) are necessarily absent.

The result was announced—yeas 16, nays 72, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—16

Abourezk
Bayh
Church
Clark
Cranston
Eagleton
Hart, Philip A.
Hatfield
Hathaway
Javits
Mansfield
Metcalf
Mondale
Moss
Muskie
Ribicoff

NAYS—72

Allen
Baker
Bartlett
Beall
Bellmon
Biden
Brock
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Culver
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Hartke
Haskell
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Johnston
Laxalt
Leahy
Long
Magnuson
Mathias
McClellan
McClure
McIntyre
Montoya
Morgan
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Taft
Talmadge
Thurmond
Weicker
Williams
Young

NOT VOTING—11

Bentsen
Brooke
Inouye
Kennedy
McGee
McGovern
Nelson
Pastore
Sparkman
Tower
Tunney

So Mr. Hathaway's amendment was rejected.

Mr. STENNIS. Mr. President, I move

to reconsider the vote whereby the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATHAWAY. Mr. President, I send an unprinted amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. HATHAWAY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY'S amendment is as follows:

On page 17, line 25, strike out "$3,707,840,000" and insert in lieu thereof "$3,665,640,000".

On page 18, between lines 3 and 4, insert a new section as follows:

Sec. 202. None of the funds authorized to be appropriated by this title may be used in connection with the Advanced Airborne Command Post program.

On page 23, line 24, insert "(a)" immediately after "Sec. 702.".

On page 24, line 9, strike out "$946,621,000" and insert in lieu thereof "$938,821,000".

On page 24, between lines 12 and 13, insert a new subsection as follows:

(b) None of the funds authorized to be appropriated by subsection (a) of this section may be used in connection with the Advanced Airborne Command Post program.

Mr. GRIFFIN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

The Senator from Maine may proceed.

Mr. HATHAWAY. For the information of Senators, the amendment I have just sent to the desk is the same as printed amendment No. 504, except that on page 24, line 9, the figure $946,613,200 should be $938,821,000.

The amendment, Mr. President, would cut out about $42 million proposed to be spent for continued R.D.T. & E. for airborne command posts.

I have for the authorization the same reservations which I had with the subject of the previous amendment.

I question why we are continuing an R. & D. program, when I understand we already have three such planes and plan to increase the airborne command posts which we already have to seven. I presume, too, that we are going to modernize the ones we have. Also, I am not sure if the airborne command posts are the best and safest places in which to keep our strategic people in command at the time of nuclear war.

I do not even know if it is realistic to think of having a new airborne command post, especially when we already have one. Perhaps we should be exploring other ways of protecting our leadership at a time such as that. I understand that there are other means of protection such as in the bunkers that have already been developed.

Perhaps we should be thinking instead of some third means of protection rather than spending more money simply to increase the airborne command post which we already have.

Therefore, I would like to ask the chairman of the committee what the reason was for increasing the airborne command posts.

Mr. STENNIS. If I may respond, in the Chamber we have the Senator from New Hampshire, who is familiar with this program, and we have the Senator from Nevada, who is very familiar with it from the standpoint of a pilot.

If the Senator would direct his questions to those Senators he will probably receive an answer.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I will be happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I did not see the Senator from Nevada in the Chamber. I will wait until the Senator from Nevada has concluded.

Mr. CANNON. Mr. President, the idea that this is a command post to protect the President of the United States just is not the fact. Sure, the President could be put in an underground bunker and protected to a reasonable degree, I suppose.

But the purpose of this advanced airborne command post program is to provide the President and the national command authority in the Strategic Air Command, with a modern and highly survivable command control system for our strategic bombers and Minutemen nuclear missiles and Polaris and Poseidon submarines.

We earlier considered a production plan or a plan for the production of three aircraft, which would be modified with the current state of the art, and then a follow-on of three additional aircraft.

Now we approved $101.3 million for three production aircraft, including modifications, and $124.9 million for one test aircraft and development effort on new equipment, and $19.5 million for military construction.

We went ahead with phase I of the program to get the three 747 aircraft and install them with current equipment from the DC–135 command post that had been used up to that time.

The second phase involved the procurement of the test aircraft and then development of the advanced command control and the communications equipment. This is basically the equipment development.

In this phase, the Air Force came in this year and requested $185.8 million for procurement of the three aircraft for this transition period, the second phase, Mr. President, and we denied that. There were some problems with the development program, and we denied the procurement of the three additional aircraft, but we did feel that the R.D.T. & E. funding should go ahead with $42.2 million and $6.8 million for fiscal year 1976 and for 197T.

That is the situation as it now stands.

We have already determined that the procurement of the second batch of three aircraft was premature. We have held that up. But we have approved the research and development funds for the advanced command control equipment. This is what this is related to, and this is not an airplane to fly the President around in and protect him. It is actually what it says. It is a command control post for our entire system.

I believe, Mr. President, that the program still should be approved. Certainly this research and development area should be approved on the equipment, and we will have another chance to look at the development program. That program is still under review, and the result of that program should be available in September of this year.

Mr. HATHAWAY. Let me get the record straight. How many planes are there going to be all together?

Mr. CANNON. There are three planes that have been procured now.

Mr. HATHAWAY. That is right, the 747's.

Mr. CANNON. Then there was a test airplane for a fourth one, and then a request was for three additional planes this year.

Mr. HATHAWAY. And the committee refused that.

Mr. CANNON. We held that up.

Mr. HATHAWAY. All this money is for the equipment of the present three planes?

Mr. CANNON. This would be the interim equipment and the advanced state of the art equipment for the command and control, which would eventually go into those three airplanes, that would be available if we go ahead with a further aircraft production program.

Mr. HATHAWAY. There is no money in here for further aircraft production programs, but there is money in here for future equipment; is that correct?

Mr. CANNON. There is no money in here for the aircraft production, no money at all for the aircraft production program.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CANNON. Yes, I will yield.

Mr. STENNIS. The Senator already has the floor.

Mr. CANNON. I yield to the Senator from Arizona.

Mr. STENNIS. All right.

Mr. GOLDWATER. Mr. President, before I begin my comments on this amendment, I had a colloquy the other evening with the Senator from Arkansas (Mr. BUMPERS) about the need for a 24-division army, and I finally received a very good explanation of why the Army feels that this is needed.

I ask unanimous consent that it be printed at this point in my remarks.

If the Senator would like to read it, it will be at the desk. I would like to read it in the RECORD, but we do not have time. It is a very understandable and complete explanation of why.

I apologize for having taken so much time.

Mr. BUMPERS. I thank the Senator for providing the information, and I will read it momentarily.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Secretary of the Army,
Washington, D.C., June 4, 1975.

Dear Senator Goldwater: I can appreciate the questions that have arisen concerning the defense strategies of our country, and requirements arising from them for certain Army force levels. Let me put these in context.

Between 10 and 15 years ago, U.S. planners enunciated a "2½ war" strategy as an objective that U.S. ground forces should be able to satisfy. It was drawn up at a time when the U.S. enjoyed nuclear superiority and was assuming major responsibilities for the defense of both Europe and Asia. Realistically however, actual Army forces over the last 15 years have never been able to execute this strategy. We had to form three new divisions and four separate brigades just to attain a "2 war" capability during Vietnam, and since then have been able to fight only about one major war. The "2½ war" strategy was a myth never attainable within given resources.

Recognizing this, we replaced this "2½ war" objective with a more realistic "1½ war" strategy. It is one which requires that principal Army resources be able to satisfy NATO requirements, and one minor contingency elsewhere. Let us recall that these minor contingencies occurred in World War II in such areas as Panama, Alaska, Greenland, Iran; and since then in Lebanon and the Dominican Republic. We must anticipate similar contingencies in the future as well.

What then is our capability to execute the "1½ war" strategy? In sum, it is marginal at best. General Abrams, whom I knew and respected deeply, told the Armed Services Committee before he died last year that the Army of 13 active divisions and 8 National Guard divisions was a "high risk" force. He called it a "no margin for error" force in the face of ominous Soviet force increases and increasingly unstable world conditions. The Joint Chiefs of Staff and the Secretary of Defense have concurred in that judgment.

We need a 24 division Army force to deter a NATO ground conflict and to cover a simultaneous contingency someplace else—that's it in a nutshell. The current Army force of 21 divisions simply does not have the size, flexibility or speed of deployment to accomplish our strategy

The driving requirement in all cases is the NATO/Warsaw Pact standoff, where 20 U.S. divisions is the minimum necessary to insure NATO a reasonable chance of fighting Pact forces to a standstill without recourse to nuclear weapons. There is still risk, but one judged prudent, that this would lead to a ground stalemate without losing most of NATO's land area or suffering catastrophic battle losses. Negotiators could then resolve the situation. Our strategists consider this unattractive to the Soviets. It deters them from an opportunistic land-grab, and prevents them from forcing "unequal" treaties on Western European nations.

In the event we have to meet such NATO requirement, our flexibility with the current 21 division force is virtually zero. Since the single division in Korea would not be available for rapid deployment, we would have no strategic reserve, and could not meet any of the collateral contingencies. But with the 24 division force we can reinforce as needed, can maintain a strategic reserve, and can handle a side contingency.

Finally we need the 24 Army division force to be able to get forces to Europe in time—something the current 21 Army divisions cannot do in the event of conflict. NATO forces and Warsaw Pact forces in Central Europe are not in balance, even when we consider the slightly smaller size of USSR and Pact divisions. Moreover, the Soviets can mobilize and move huge forces much more quickly against NATO than we can reinforce—throwing the balance heavily against us. After a very brief mobilization, the Soviet and its Warsaw Pact allies could deploy 86 divisions against only 46 NATO divisions, not counting 27 more Soviet divisions held in Central Reserve.

The 24 division Army can reinforce NATO in time to stall this juggernaut, because it will have increased active divisions (16 instead of 13), better forward basing (forward-based brigades of Stateside divisions), and much improved Reserve and National Guard deployment posture (through affiliation with active units). It has the muscle and responsiveness to do the job fast enough.

Let me conclude by saying that the stark realities of national security require lean, visible, and ready combat power. That is what the strategy calls for and that is what the Army is offering. The programmed force of 16 active Army and 8 Reserve Component divisions will satisfy that strategy at a level of prudent risk. An Army force of 13 active and 8 Reserve Component divisions will not.

Sincerely,

Norman R. Augustine,
Acting Secretary of the Army.

Mr. GOLDWATER. Mr. President, in order to save time I will have most of my remarks on this advanced command post printed in the Record. But I would just say to my colleagues that what this is is a modernization of a command post concept that the Strategic Air Command has had for many, many years. We have now five DC–135's, one of which is in the air 24 hours a day, and it is up there for the sole purpose of providing command over the strategic air and sea forces, particularly submersible forces, if anything should happen to the President of the United States or to the Commander of SAC.

I have flown twice on these missions and have assumed command, of course, in war gaming-type of experience. It is a very realistic experience to go through to be sitting up there and have to make up your mind whether or not, with the President having been destroyed, the Vice President not around and no Commander of SAC you would launch an attack on the enemy and if so, what kind. Now, the EC–135, which is a Boeing aircraft—and I must say one of the finest airplanes ever built—has just gotten old, it has gotten tired, and it has gotten too small for modern radar and modern equipment, and modern ECM equipment. So the 747 has been substituted. One has been sitting out at Andrews Air Force Base for quite some time, and a number of my colleagues have been out to see it; some have even flown in it. I believe in explaining this, that I can best do so by saying that a command post like this in the air is almost impossible to destroy because there is no way for the enemy to know at any precise time where that aircraft might be. They can make some guesses. They do not fly any prearranged patterns. They stay airborne 24 hours a day. Then another one goes up. There is always a very high-ranking member of the Strategic Air Command to make these decisions if the decisions become necessary.

So what we are doing here is to update the equipment that we are already using, and I have to admit that it is expensive. But the big expense is coming not from the airplane but from the electronic equipment. It seems that no matter how much we work on it, no mater how much we miniaturize it and solid state it, it gets more and more and more expensive. It is like new television sets. They never seem to come down.

So I sincerely hope that the Senate will not vote favorably on this amendment.

This is something we need. It is something that the Tactical Air Subcommittee, and the Research and Redevelopment Subcommittee are looking at constantly. I serve on two of those subcommittees, and I can assure the Senator from Maine that this will continue. I would suggest, if he has not already done so, that when the aircraft returns to Andrews, he avail himself of the opportunity either to go through it, if that is all that is available, or to take a flight.

Mr. President, the Secretary of Defense and the Chairman, Joint Chiefs of Staff have stated in their posture statements for fiscal year 1976 that deterrence is the basic national policy considered by the Department of Defense for the development and maintenance of the defensive posture of this Nation. To achieve credible deterrence, a triad of capabilities—strategic nuclear, theater nuclear, and nonnuclear forces interact to enhance deterrence over the spectrum of possible conflicts. Credible strategic nuclear deterrence depends on force effectiveness, survivable command elements, flexible operation, and secure communications. The range of these capabilities must be perceived by everyone to be equal to those of our strongest competitors in order for deterrence to be credible.

The AABNCP will provide a survivable platform for the National Command Authorities—NCA—and the SAC Commander in Chief—CINCSAC—to direct our strategic forces in the event of a nuclear conflict. The AABNCP will incorporate sophisticated command, control, and communications (C3) equipment so that the NCA can better assess an adversary's actions and intent and can, therefore, tailor a response to the level of provocation. These aircraft will give a positive image of U.S. resolve to respond to any level of nuclear attack. The first three production aircraft were funded in previous years.

The amendment to delete $42.2 million in fiscal year 1976 and $7.8 million in the transition year would deprive the Department of Defense of a vital element of its strategic nuclear deterrent force. The "central nerve system" to command and control our military forces wherever they may be deployed around the world is the advanced airborne command post.

Mr. STENNIS. Mr. President, several years ago, I was chairman of the Subcommittee on Military Construction. We had up the matter of a hole in the ground for a command post, and we turned it down, and it was abandoned. But this is something that really fills the need and is something to be proud of. I invite every Senator to go out to Andrews and go through the plane that is sitting there now.

The money in this bill is not for the plane. The 747 is just the instrument. The innards, the insides, the electronics, the technology, is what the money is for, and that is where the payoff is. When Senators see the arrangement in this large plane they will really see that the older one is outworn and not large enough and cannot accommodate the technology—all the things that go to make up this marvelous command post—in communication with every Polaris submarine, every missile base, everything we have around the world. It is an amazing situation. There is room for advisers, civilian and military, for the technicians who keep up with all these things such as intelligence that is coming in and being converted into memorandums for the men who are making the decisions.

The committee has been holding back on this. It is not running away and just giving them a lot of money. The technology is superior to anything else in the world, and it does cost money. I strongly urge that now that we are finally on the track here, let us not stop this program.

Mr. HATHAWAY. I ask the chairman this question: Is this going to be the only command post, or are we going to have alternate command posts on the ground or under the ground, if the planes are shot down?

Mr. STENNIS. There is an alternate command post that is in the West. I do not know how classified this is.

Mr. HATHAWAY. I do not care about the location.

Mr. STENNIS. I understand. SAC is directly involved. It is in that area. SAC will have these planes, too, for their special mission. It is the climax, I think, what we really need. It makes me feel a little good that we turned down the other one.

Mr. HATHAWAY. Can the Senator tell me what the total cost would be? It is $42.2 million this year for R. & D. alone.

Mr. STENNIS. I do not have in my mind the total cost, but we can get it.

Mr. CANNON. $42.2 million this year for R. & D. In the carryover budget for the 197T, it was $7.8 million, in that period. The R. & D. needs funding, and that is on the equipment. It is upgrading that equipment, the third or fourth generation.

Mr. HATHAWAY. It will be approximately $50 million all together?

Mr. CANNON. That is correct.

Mr. STENNIS. There will be more procurement than that, to fill out the full number. There was an item here for procurement that is not now in the bill, in the amount of $185 million. So I want to warn that when we get into it, it is going to cost. It is not the plane so much; it is the technology. When you have one, you have to have two, and then SAC has to have theirs. We have not decided how many we are going to let them have.

Mr. HATHAWAY. But there is no appropriation here for any additional aircraft?

Mr. STENNIS. No.

Mr. HATHAWAY. That was my understanding of the bill when it was brought to my attention, and it was for that reason that I offered the amendment.

Because of the explanation that no money will be authorized for additional aircraft but only sufficient funds to equip the present ones and plan for the future, and in view of our provision for some alternative command post underground, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. I think the Senator has made a very wise decision, and I thank him for his consideration of the problem.

AMENDMENT NO. 516

Mr. PROXMIRE. Mr. President, it is my understanding that under the unanimous-consent agreement, my amendment No. 516 will be called up next.

The PRESIDING OFFICER. The Senator is correct.

The amendment will be stated.

The legislatve clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an amendment numbered 516.

The amendment is as follows:

On page 20, between lines 10 and 11, insert the following:

(b) The end strength for civilian personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1976, shall be reduced by 17,000. Such reduction shall be apportioned among the Army, Navy, Marine Corps, Air Force, and agencies of the Department of Defense in such manner as the Secretary of Defense shall prescribe.

On page 20, line 11, strike out "(b)" and insert in lieu thereof "(c)".

On page 21, line 6, strike out "(c)" and insert in lieu thereof "(d)".

On page 21, line 9, immediately after "section," insert "minus the reduction required by subsection (b) of this section,".

On page 21, line 12, strike out the period after "section" and insert in lieu thereof a comma and the following: "minus the reduction required by subsection (b) of this section.".

On page 26, between lines 16 and 17, insert the following:

(b) The end strength for civilian personnel prescribed in subsection (a) of this section for the period beginning July 1, 1976, and ending September 30, 1976, shall be reduced by 17,000. Such reduction shall be apportioned among the Army, Navy, Marine Corps, Air Force, and agencies of the Department of Defense in such manner as the Secretary of Defense shall prescribe.

On page 26, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 27, line 12, strike out "(c)" and insert in lieu thereof "(d)".

On page 27, line 15, immediately after "section," insert "minus the reduction required by subsection (b) of this section,".

On page 27, line 18, strike out the period after "section" and insert in lieu thereof a comma and the following: "minus the reduction required by subsection (b) of this section.".

Mr. PROXMIRE. Mr. President, this amendment would reduce the authorized total number of civilians in the Department of Defense by 4 percent under the President's request and by 2 percent under the present bill.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. A ceiling would be applied which would set the civilian total at 945,000. This is 40,000 lower than the request and 17,000 under the bill.

I want to emphasize very early that this amendment can be accomplished without one civil service employee being forced out of work—not one. The reduction can be handled within the normal attrition pattern of the Department of Defense.

During calendar year 1975, the Department of Defense had a monthly attrition rate among civilian employees of 19,251. During fiscal year 1976, the plan is to hire 133,000 new civilians or 11,083 a month to replace those leaving. Thus, simply by imposing a 1,400 reduction per month of the planned monthly accessions, the cutback can be carried out without the loss of one existing job. The Pentagon could transfer people within the Department, as is provided in this bill, but considering that there are over 950,000 civilians available, the talent search should not be too difficult.

The question to be considered is why should we reduce the number of civilians in the Department of Defense? Do we not need nearly a million civilians to keep our defense firm? Do we not need nearly a million civilians for a 2 million man Army? Is it not essential that we have a ratio of just over 1 civilian for every 2 military men in uniform? What will happen to civilian control if we cut back on civilians? Would not a 4-percent cutback in civilians be unfair when military personnel are only cut back 1 percent? Why take it out on the civilians?

Each of these questions deserves an answer and I will attempt to provide one.

HOW MANY CIVILIANS NOW?

First, what are the facts agreed on by all parties? How many civilians are there?

During fiscal year 1975 there was a total of 994,000—almost a million—direct hire civilians in the Department of Defense. This year's requested authorization is 985,000. The committee recommendation is 962,000. As defense spokesmen have pointed out on many occasions, the fiscal year 1976 request for direct hire is 50,000 below the fiscal year 1964 pre-Vietnam level and 302,000 below the Vietnam high point of fiscal year 1968. The committee recommends a further reduction of 23,000.

On the face of it this appears to be a reasonable cutback. Reasonable, that is until you start looking at how much the military manpower has been cut back compared to civilian manpower.

Since 1964, we have decreased the number of civilians by 50,000. But during the same time we decreased the number of men in uniform by 585,000. In other words we cut the military 12 times harder than the civilians—12 times.

Now in the interest of complete accuracy it must be noted that during this period there has been a civilianization program. We have been converting military jobs to civilians and that somewhat camouflages the reduction in civilians. So let us look at those figures.

Since 1964 we have civilianized 120,000 jobs. Therefore, the reduction in civilians is understated by that amount.

By adding the 120,000 to the 50,000 we get 170,000 civilian jobs that have been reduced in theory since 1964. Once again compared to the reduction in military manpower over the same period it is painfully obvious that we have left the civilian bureaucracy relatively untouched. Even accounting for the civilianization program, the military men have been cut back by 415,000 more than the civilians or a rate of about 3½ times greater.

The Assistant Secretary of Defense for Manpower has testified that we have cut back the military manpower by 20 percent while the civilians have only been cut 5 percent.

This issue of civilianization must be looked at carefully. That is why I said in theory the civilians have been cut back by 170,000 instead of 50,000 due to the civilianization program. We must keep in mind that although these jobs have been transferred to the civilian sector, they represent employed manpower that bears with it a fiscal cost. It is not as if we got these positions for free.

CIVILIAN MANPOWER COSTS

So what are the costs of civilian manpower in the Department of Defense? In 1964, again the pre-Vietnam year, it cost $7.3 billion in outlays for the civil service payroll. As of this fiscal year, fiscal year 1976, that cost has mushroomed to $15.4 billion, more than twice as great. That is a jump of 111 percent which even outpaces the mandated increase in military manpower costs over the same period. And we must remember that Congress has made special provisions for military pay during this time so that there can be comparability with the civilian sector. Even under those conditions, the civil service payroll has exceeded that of the military payroll in percentage terms. Military personnel costs have gone from $13.5 to $27 billion since fiscal year 1964 while civilian payroll costs have risen from $7.3 to $15.4 billion. In fiscal year 1964 the civilian payroll was 14.4 percent of the entire defense budget. For fiscal year 1976 the percentage is 16.6 percent. Thus the real increase is 111 percent and even with a rapidly expanding defense budget, the percent devoted to civilian manpower is climbing as a proportion to the full budget.

CIVILIAN-MILITARY RATIOS

Another way of looking at the civilian costs mix is to examine the ratio of civilians and military members under pre-Vietnam conditions and the present time. The figures are quite obvious and I wish to thank the Noncommissioned Officers Association of the United States for pointing them out to me.

In fiscal year 1964, there were 2,685,000 men in uniform, not counting reserves. There were 1,035,000 civilians. Thus the military men accounted for 72.2 percent of the total manpower picture and the civilians supplied 27.8 percent. By fiscal year 1976, the military proportion had dropped to 68.1 percent and the civilian proportion rose to 31.9 percent.

The ratio of military members to civilians points out just how overloaded we are getting with the civilian side. In the President's request this year, the ratio is 1.85 military members for every civilian. The civilian figure just cited includes direct hire, indirect hire and student programs but not the 300,000 civilians employed under the nonappropriated fund category. When only using the direct hire figure, which corresponds to the ceiling in this bill, the ratio is 2.13 military per civilian.

How do these figures compare with prior years—are we getting more civilians per military or less?

The trend clearly is toward more civilians per military member. Using the statistics comparing all civilian employees, direct and indirect hire, with the active duty military personnel totals, the numbers show the Defense Department with a declining ratio. In 1964 there were 2.30 military per civilian. The situation improved through 1966 with a 2.44 ratio, dropping in 1967 to 2.37.

But then the slide began. The June 30, 1968 figure of 2.47 fell to 2.38 in 1969; 1970 brought a ratio of 2.36. The June 30, 1971 ratio of 2.22 dropped to 1.95 in 1972. And now in the fiscal year 1976 budget the ratio is 1.85. As the ratio gets lower each year, that means the number of civilians is growing as a proportion of military men. And that trend is now six years old and still getting worse.

Thus any way you look at it—prewar years, postwar years, ratios, total costs, actual numbers, including or not including the effects of civilianization, using direct hires or total civilian workforce, or any other technique—there are too many civilians in the Pentagon. It is just that simple: too many civilians.

MORE DEFENSE CIVILIANS THAN REST OF GOVERNMENT

How many civilians are enough? Well, with the exception of the Post Office, the Defense Department employs as many civilians as all the other Government agencies combined—all of them. HEW has 127,000, or less than one-seventh as many civilians as the Pentagon. The Veterans' Administration has 186,000. Treasury has 109,000. Transportation has 70,000. Justice has 50,000. The State Department has 23,000. Agriculture has 80,000. NASA has 24,000. Interior has 58,000. Commerce has 28,000 and HUD has 15,000. The Defense Department has 985,000 civilians in the fiscal year 1976 request and under the provisions of this bill they will be allowed 962,000 or even more after the conference with the House.

With the same number of civilians in the Defense Department as authorized in this bill we could completely staff the following agencies or departments of the Federal Government: Agriculture, Commerce, HEW, HUD, Interior, Justice, Labor, the State Department, Transportation, Treasury, ERDA, General Services Administration, Agency for International Development, Civil Service Commission, Federal Energy Administration, Nuclear Regulatory Commission, Panama Canal, Selective Service System, Small Business Administration, Tennessee Valley Authority, U.S. Information Agency, Veterans' Administration, and still have 60,000 left over to play with. I would have added more names, but I ran out of major Government agencies.

Mr. President, I ask unanimous consent that a page of the President's budget with these statistics be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 9.—FULL-TIME PERMANENT CIVILIAN EMPLOYMENT IN THE EXECUTIVE BRANCH

Agency	As of June 30[1]			
		1975 estimate		
	1974 actual	In 1975 budget	Current	1976 estimate
Agriculture	79,621	80,200	80,200	81,100
Commerce	28,549	29,100	28,700	28,600
Defense—military functions	973,778	995,900	960,800	953,300
Defense—civil functions	29,072	29,100	29,300	28,800
Health, Education, and Welfare	126,692	126,200	127,300	128,300
Housing and Urban Development	15,021	14,200	15,200	15,200
Interior[2]	56,558	56,100	57,900	58,800
Justice	48,188	51,000	49,900	50,800
Labor	12,788	13,000	13,600	13,700
State	22,644	23,400	23,200	23,300
Transportation	69,524	71,300	69,900	72,000
Treasury	104,391	111,400	109,000	112,500
Energy Research and Development Administration[2]	6,736	6,900	7,400	7,600
Environmental Protection Agency	9,144	9,200	9,200	9,300
General Services Administration	36,733	38,000	36,400	36,700
National Aeronautics and Space Administration	24,854	24,600	24,300	24,300
Veterans' Administration	174,515	181,800	186,200	195,700
Other:				
Agency for International Development	8,961	9,500	8,700	8,500
Civil Service Commission	6,190	6,300	6,400	6,700
Federal Energy Administration[2]	2,002	3,300	3,100	1,700
Nuclear Regulatory Commission[2]	1,538	1,900	2,100	2,300
Panama Canal	13,841	14,100	13,800	13,800
Selective Service System	2,333	2,200	2,200	1,700
Small Business Administration	3,957	4,300	4,200	4,200
Tennessee Valley Authority	14,001	14,400	14,100	15,100
U.S. Information Agency	8,829	9,100	9,000	9,000
Miscellaneous	35,844	36,600	38,600	39,600
Subtotal	1,916,304	1,963,100	1,930,700	1,942,600
Contingencies[3]		5,000		5,000
Subtotal	1,916,304	1,968,100	1,930,700	1,947,600
Postal Service	563,475	534,700	556,800	541,200
Total	2,479,779	2,502,800	2,487,500	2,488,800

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[1] Excludes developmental positions under the worker-trainee opportunity program and certain disadvantaged youth programs.

[2] Adjusted for comparability purposes to reflect the change from the Atomic Energy Commission to the Energy Research and Development Administration and the Nuclear Regulatory Commission, both of which were activated Jan. 19, 1975. Positions were transferred from the Atomic Energy Commission and the Department of the Interior to staff these new agencies.

[3] Subject to later distribution.

GRADE CREEP

Mr. PROXMIRE. Mr. President, I have frequently spoken in this body about the military grade creep problem. We are top heavy with generals and admirals and middle level officers. Within the last year here has been some progress in correcting this imbalance, but not near enough.

Unfortunately grade creep has not een confined to the military members of he Department of Defense. There is continuing serious grade creep with the civilians there.

By fiscal year 1975, the number of supervisory GS-12's to 15's had almost doubled to 20 percent and the number of super grades had more than doubled to 0.17 percent. That is grade creep with a vengeance. A virtual doubling of the highest GS levels as a percentage of total work force in a 15-year period. At that rate, by the year 1990, almost half of the Pentagon's civilians will be supervising the other half on a one-for-one basis.

Mr. President, I ask unanimous consent that the civil service tables of employment for the Department of Defense in fiscal year 1959 and fiscal year 1975 be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF DEFENSE, FEDERAL CIVILIAN EMPLOYMENT AND PERCENTAGE AT EACH GENERAL SCHEDULE (GS) LEVEL

General schedule level	Federal GS employment fiscal year [1] 1959	Percent GS	Federal GS employment fiscal year [1] 1963	Percent GS	Federal GS employment fiscal year [1] 1967	Percent GS	Federal GS employment fiscal year [1] 1971	Percent GS	Federal GS positions fiscal year [2] 1975	Percent GS
GS-1	1,085	0.22	356	0.07	2,495	0.40	1,019	0.17	1,485	0.24
GS-2	19,076	3.83	9,971	1.93	30,728	4.94	9,531	1.56	10,419	1.70
GS-3	91,357	18.35	71,116	13.76	84,160	13.54	53,016	8.70	53,902	8.80
GS-4	92,782	18.63	91,551	17.71	93,541	15.06	86,999	14.27	85,068	13.88
GS-5	60,342	12.12	68,466	13.25	79,608	12.80	79,550	13.05	85,396	13.94
GS-6	23,120	4.64	27,523	5.33	29,853	4.80	37,695	6.18	35,661	5.82
GS-7	47,510	9.54	44,513	8.61	52,940	8.51	52,469	8.61	56,021	9.14
GS-8	8,843	1.78	7,012	1.36	6,947	1.12	12,600	2.07	12,161	1.98
GS-9	49,039	9.85	57,444	11.12	69,272	11.14	71,217	11.68	70,881	11.57
GS-10	6,443	1.29	5,549	1.07	5,347	.86	6,488	1.06	6,446	1.05
GS-11	41,110	8.26	54,658	10.56	66,421	10.68	74,524	12.22	72,460	11.83
GS-12	29,826	5.99	39,174	7.58	48,986	7.88	61,336	10.06	60,583	9.89
GS-13	16,949	3.40	23,548	4.56	32,460	5.22	40,039	6.57	39,615	6.47
GS-14	7,168	1.44	10,837	2.10	12,746	2.05	15,558	2.55	15,175	2.48
GS-15	2,958	.59	4,633	.90	5,323	.86	6,582	1.08	6,341	1.04
GS-16	189	.04	292	.06	689	.11	769	.13	845	.14
GS-17	83	.02	114	.02	144	.02	155	.03	149	.02
GS-18	34	.01	58	.01	52	.01	55	.01	72	.01
Total	497,914	100.00	516,815	100.00	621,712	100.00	609,602	100.00	612,680	100.00

[1] Federal general schedule civilian employment. Source: U.S. Civil Service Commission. Data available only through fiscal year 1972.

[2] Federal general schedule permanent positions fiscal year 1975 estimate. Source: U.S. Budget Appendix fiscal year 1975.

U.S. GENERAL SCHEDULE WORLDWIDE, FEDERAL CIVILIAN EMPLOYMENT AND PERCENTAGE AT EACH GENERAL SCHEDULE (GS) LEVEL

General schedule level	Federal GS employment fiscal year [1] 1959	Percent of GS	Federal GS employment fiscal year [1] 1963	Percent of GS	Federal GS employment fiscal year [1] 1967	Percent of GS	Federal GS employment fiscal year [1] 1971	Percent of GS	Federal GS positions fiscal year [2] 1975	Percent of GS
GS-1	3,418	0.35	1,355	0.13	4,039	0.32	3,008	0.23		
GS-2	45,087	4.65	29,152	2.69	56,498	4.52	1,722,155	1.71		
GS-3	173,521	17.89	148,271	13.68	157,986	12.62	107,711	8.29		
GS-4	162,571	16.76	176,517	16.29	181,367	14.49	179,392	13.82		
GS-5	109,593	11.30	129,923	11.99	154,662	12.36	163,888	12.62		
GS-6	46,769	4.82	55,262	5.10	59,377	4.75	82,057	6.32		
GS-7	90,630	9.34	97,940	9.04	109,044	8.71	114,149	8.79		
GS-8	24,813	2.56	22,788	2.10	17,661	1.41	25,929	2.00		
GS-9	99,662	10.28	120,716	11.14	134,165	10.72	139,577	10.75		
GS-10	14,111	1.45	14,560	1.34	15,623	1.25	19,356	1.50		
GS-11	79,472	8.19	106,143	9.80	128,699	10.28	144,790	11.15		
GS-12	58,099	5.99	80,959	7.47	101,536	8.11	126,636	9.75		
GS-13	37,151	3.83	56,635	5.23	75,090	6.00	96,987	7.47		
GS-14	16,274	1.68	27,454	2.53	34,455	2.75	44,772	3.45		
GS-15	7,257	.75	13,205	1.22	17,003	1.36	23,042	1.77		
GS-16	941	.10	1,742	.16	3,129	.25	3,450	.26		
GS-17	396	.04	697	.06	903	.07	1,020	.09		
GS-18	159	.02	313	.03	366	.03	385	.03		
Total	969,924	100.00	1,083,632	100.00	1,251,603	100.00	1,298,304	100.00		

[1] Federal general schedule civilian employment. Source: U.S. Civil Service Commission. Data available only through fiscal year 1972.

[2] Federal general schedule permanent positions fiscal year 1975 estimate. Source: U.S. Budget Appendix Fiscal Year 1975.

WHERE SAVINGS CAN BE MADE

Mr. PROXMIRE. Mr. President, where can these civilian savings be made in my amendment? The amendment does not direct specific cutbacks. The Defense Department has argued that it needs maximum flexibility in its civilian manpower structure and there are special provisions in the bill before us to grant them that flexibility. Therefore, in keeping with the ceiling approach instituted last year, my amendment would simply place a ceiling of 945,000 on Department of Defense civilian manpower direct hires for fiscal year 1976 and the transition period.

Nonetheless, where might the Pentagon look for savings in the civilian manpower area?

They could look at the 2,600 civilians involved in the budget category of support of other nations.

They might check out the 48,000 civilians hired as instructors or support personnel for training where the student/teacher ratio is 1.5 to 1. Colleges have a ratio of 15 to 1. The public high schools ratio is 19 to 1. But the Pentagon has 1½ to 1.

Reductions in headquarters civilians clearly are necessary. The Armed Services Committee in its report last year identified excess civilian headquarters support that should be reduced. In this year's testimony there was no indication that this had been done. The chairman of the Manpower Committee indicated that there were 72,000 such headquarters slots that should be reviewed.

There are over 2,000 civilians working for the bloated bureaucracies in the Office of the Secretary of Defense and the Joint Chiefs of Staff. Why do we need all these civilians in those functions?

There are over 73,000 civilians working outside the four services in other defense activities—the defense agencies. This is 50,000 higher than 1962, 35,000 higher than the pre-Vietnam year of fiscal year 1964.

I also suggest that reductions be made in the civilians staffs of the service secretaries. Within the past several months there have been suggestions that the entire concept of the services secretaries is redundant and unnecessary. While I do not share that observation, I do believe they can get along with a leaner staff.

I am sure, Mr. President, that the Pentagon is well equipped to find where these reductions can be made and at the same time improve the efficiency of our Armed Forces. They have done well with the reductions in headquarters military personnel and by improving the teeth-to-tail ratio. There is no reason why they could not do the same with civilian personnel.

We have been tough on the military manpower levels—demanding more efficiency and less costs. It has paid off. It is time we turn our attention to the civilian sector and make equal demands for efficiency and reductions where possible. The 17,000 additional reduction mandated in this amendment would save the taxpayer between $170 and $255 million after the initial one-time transition expenses associated with any manpower reduction. This savings would be ongoing through every succeeding year that it is retained. It is computed on the basis of an average civilian savings of between $10,000 and $15,000 per man, which I think is a conservative estimate.

It can be accomplished without the loss of one presently employed civilian, and without stopping the current civilian recruitment program. It will allow the Pentagon maximum flexibility to transfer civilians within the Department of Defense as needed.

In view of the historical trend toward an overbloated civilian component, the declining ratio of military to civilian employees, the rising costs of the civil service payroll, the overstaffing in headquarters and support functions, and the need to economize within a defense budget of record proportions, this modest reduction in civilians, when coupled with the committee's recommendations, is prudent and farsighted.

Mr. President, I point out that we can do this without laying off one single person at the Department of Defense. The fact is that the Department of Defense is hiring 11,000 persons a month. If they cut that by 1,400 and let attrition operate, we could achieve what I am suggesting here. I think what I am suggesting is workable, practical, will save money, and I think will probably strengthen, rather than in any way weaken, our Defense Establishment.

Mr. STENNIS. Mr. President, I yield to the Senator from Georgia, who is chairman of our Manpower Committee. He and his associates and staff have been working on this very problem with the civilian and military since last fall. I yield him such time as he may need.

Mr. NUNN. Mr. President, I do not think I will need very much time, but I rise in opposition to this amendment.

The Subcommittee on Manpower has had a good many days of hearings on civilian employment. The Senator from Wisconsin has revealed some very interesting statistics and trends and actually, the Subcommittee on Manpower has been pursuing the same avenue rather vigorously. In fact, we cut 23,000 civilian personnel out of the bill this year.

In addition to those 23,000, the Department of Defense, in their budget presentation, cut over 9,000 civilian personnel from fiscal year 1975. So there has been a substantial reduction, this year, of 32,000. Last year there was another reduction by the committee of 44,000. In conference committee, that 44,000 was reduced to 32,000. If we take last year's conference committee report that went into law and if we take this year's committee cut of 23,000, and if we take the 9,000 being cut by DOD, there is a total cut of almost 64,000 civilian personnel in the last 2 years.

I think this is substantial, and I do believe if we go further than this at this time it has got to result in reductions in force and layoffs. There is a limit as to how much can be handled through attrition. We think we have reached that limit. It is not a precise thing that we can document, but we have the feeling, at least, that we have reached the limit that can be handled through attrition.

So I would say this 17,000 additional cut proposed by the Senator from Wisconsin would cause to some degree reductions and forced layoffs.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. PROXMIRE. Will the Senator tell us why we cannot handle this through attrition in view of the fact that the Pentagon is hiring, they expect to hire, 11,000 personnel a month? Why cannot this modest reduction of about 1,400 a month come out of those hires? Just cut the hires a bit.

Mr. NUNN. I agree the arithmetic works out that way. It just does not work out that way when you are talking about skills. You are laying off certain skills and hiring back other skills. For a lot of hire-backs they have now, the skills do not even exist. You can do it to a certain degree, but you cannot do it on a one-for-one basis.

Mr. PROXMIRE. I realize it is not easy, but, it seems to me, when you have 960,000 people to chose from you can find just about any skill you need.

Mr. NUNN. Well, you have got 140,000 attrition, and we are taking out 32,000 this year which we felt in our committee was about as far as you could go on attrition.

That 32,000 has got to come out of the 140,000, not the 900 and some odd thousand that the Senator is talking about.

Mr. PROXMIRE. As long as they are hiring additional civilians, however, and I presume the Senator does not dispute that——

Mr. NUNN. No, we are hiring additional civilians. We brought that out before.

Mr. PROXMIRE. If they are hiring 11,000 civilians a month it seems to me it is not a difficult management problem to reduce those hires and to find ways of shifting your personnel so that you could fill the slots you need with the appropriate skills.

Mr. GOLDWATER. Mr. President, will the Senator yield to me a few minutes?

Mr. PROXMIRE. Whenever the Senator from Georgia yields the floor then I would be happy to yield it to the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. The Senator from Georgia has the floor, if the Chair will indulge him another 20 seconds.

Mr. NUNN. The best information our subcommittee has—and we pursued this avenue and it seems like a reasonable avenue to pursue—is that out of 140,000 they are going to have to right now, without having any layoffs, shift the skills on 32,000 of those. In other words, they have 32,000 right now, with the committee report. Adding the 17,000 the Senator proposes would mean 50,000 and, according to the best information we can gather you simply cannot match the skills with that large a number. There is a certain amount you can handle through attrition, and certainly on an arithmetical basis you could handle all of them through attrition. You can handle 140,000 theoretically, but that does not work on a skill replacement basis, according to the information we have.

Now, I cannot tell the Senator truthfully where the line is. I do not know whether it is 32,100, 32,300, 35,000, but our best judgment is that when you go beyond, substantially beyond, the subcommittee recommendations, you are getting into layoffs, and I would hope that is not true.

If the Senator's amendment passes, I hope it can be worked out that way, but I do think I have an obligation to give the Senate the best information our subcommittee has.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I find myself in a rather unusual position.

Because of my great respect for the Senator from Georgia and, having worked with him on personnel problems, both civilian and military, I have to compliment him on what he and his subcommittee have done, and I am in complete agreement with what the full committee has done in eliminating the 23,000 jobs that we have done this year.

On the other hand, I find my good friend, Senator PROXMIRE, is very consistent. It is rather unusual to find consistency. As somebody once said, "Consistency is the hobgoblin of small minds." But, nevertheless, in this body it is refreshing because here is a Senator who not only talks about reducing expenses but will vote to do it.

I have been very vociferous in my discussions in the committee and elsewhere about where the Pentagon could save money, and the civilian personnel has been one of the targets of my affection particularly, I mention time and again, and it has probably changed to some extent now, when the Secretary of Defense last year admitted that he had 2,400 civilians in his office. I said, "How many did you use?" He said, "Let us start with 1,000."

But it is not that easy, as the Senator from Georgia has found out.

I get rather tired sitting here and sitting at home and listening to the man in uniform being blamed for all the trouble we have with the high rate of expenditure in this country, and I have maintained, time and time again, that it is not the man in uniform. The No. 1 problem in the Pentagon, in my opinion, is procurement, and our antiquated methods of procurement. I have discussed this with Senator PROXMIRE, and I think someday we will begin to attack that and, particularly, the number of civilians working there.

That is why I cosponsored this amendment. I think it has merit. If it does nothing else it will point up the need for further study in this field because, for the life of me, I cannot understand why this one agency of Government has such an overbalanced situation of civilians in relationship to the man in uniform, and the military man is the one who is supposed to be running that Pentagon building.

I think there are many corrections that can be made over there. I was happy when Senator Proxmire asked me if I could be consistent and cosponsor this amendment with him. I told him I did not think there was much chance of its passing, but it did give us an opportunity to point up our mutual interest in this problem, and to recognize, too, the difficulties that the Senator from Georgia has not only in making recommendations in this field but then in making recommendations as to just how it might be done, how it might be accomplished.

I remember discussing it with the Secretary of Defense. He said:

> There is no way under civil service that you can eliminate these jobs that I can see.

He said:

> Of course, I can transfer them to Point Barrow and they could refuse to go, and that would be grounds.

But that is a rather nebulous ground.

So I would hope that the Senate will take this amendment. I think it has merit, and I think the Senator from Wisconsin has done his usual remarkable job in research.

I am really amazed at his description when he describes the number of Pentagon civilians. I have not even counted them, but it must be the same as 10 other agencies and they still have 60,000 left over. I think that is something even the Senator from Georgia will be glad to have as weaponry for next year as we continue to try to bring some balance into being.

I would hope that the lesson the Senator from Wisconsin is constantly giving our colleagues would begin to wear in. I hear attacks made on the military on the floor and how much it is destroying our dollar and how much inflation is due to high military spending. And yet these same people will turn right around and vote for every billion-dollar increase that comes across the board, with the exception of my friend from Wisconsin.

So I admire his consistency, and I hope he will maintain it. I am happy to be a cosponsor of this amendment.

Mr. NUNN. I hope the Senator from Arizona will include the Senator from Georgia as one of those who votes against some of these billion-dollar increases.

Mr. GOLDWATER. I do, too. The objects of my attention are not noticeable by their attendance on the floor this evening. When I pointed this out to them before it usually wound up in some rather angry words.

Mr. NUNN. I thank the Senator from Arizona for his kind words, and I understand his position on this.

I was here yesterday when the Senator from Arizona made what I thought was a very thought-provoking statement about the necessity that U.S. policy separate Russia and China. If Russia and China ever got back together it would be a potent combination that would be very difficult to defeat. I feel a little bit like that when Goldwater and Proxmire get together here tonight, because that is a very difficult combination and a very potent force to take on.

Let me say there are a couple of things that the committee has done this year. Some of the points the Senator is making are valid points, but it is not as if we have not made a pretty big step in the direction that this amendment is aimed at.

First of all, we have a whole section on page 132 of the report, and the title is "Improvement Is Needed in Civilian Manpower Management."

One of the things we are asking for—I will not read the whole section—but we are asking the Secretary of Defense to develop overall workload indicators for each manpower category described in the manpower requirements report, which includes civilian personnel.

We are asking them to compare civilian personnel, workload indicators—and that is a synonym for productivity—with military productivity. We are asking them also to compare civilian work force with outside contractors.

I think that will be a very valid comparison when we get it.

Also we are asking the Secretary of Defense to take all reasonable steps to retain the most productive units and manpower when making personnel reductions and when going to base closings.

I believe we could provide very fundamental incentives to the whole civilian work force if they were to be put on notice that this work measurement and this productivity measurement were to be indicators when it came time to reduce forces in civilian personnel to also to close bases.

I think this would be an incentive system. I would not exempt all agencies of Government. This applies with equal force to all our civilian employees in Government.

So we are moving, I think, in a rather vigorous way in the subcommittee. We have made substantial reductions, not just across the board. We have not done it without a reason, but we have indicated, starting on page 133 of the committee report, exactly where we think the civilian work force can be reduced.

For instance, we are saying that the total civilians in command headquarters is too many. The Senator from Wisconsin (Mr. Proxmire) pointed that out a few minutes ago.

We are asking in this particular category that there be a 9,500 reduction in civilians.

In the reduction in training staffs and overhead, another category the Senator from Wisconsin referred to, have gone through this very carefully and we have asked there be a 5,500 reduction here.

In base operating support we have asked another 5,500 reduction.

Also we asked for a reduction in civilians in Thailand, based on the drawdown we anticipate there.

We have tried to establish, as a subcommittee, a pretty careful analysis of which service is doing the best job. We have taken the service that has done the best job and reduced it least, both in military and civilian manpower.

We think that we can provide incentive to the services when one service is doing a particularly good job.

The committee has moved pretty far along in this particular report, and unless particular efforts develop, I believe the 23,000 and 9,000 reduction is as much as we can prudently achieve without causing layoffs.

I do believe the Senate should take that into consideration when they vote on his amendment.

Mr. STENNIS. Mr. President, has the Senator from Georgia completed his remarks?

Mr. NUNN. For the time being.

I do not have anything else, if the Senator from Wisconsin wants to yield back his time.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Now, Members of the Senate, this all sounds good and I know the Senator has worked on this, he and his valuable staff, but our committee's recommendations, as the Senator from Georgia says, already reduced these figures by 23,000.

If we get that through conference, we will be doing mighty, mighty well. The reductions that have been made in the last few years, most all of them, have come through pounding, pounding in the conference on these very questions.

I think we are going to have our hands full, a full-time job, to get this 23,000. Based on my experience, however well it may sound, we are not going to be able to do all this with just attrition. It just does not work out that way, as the Senator from Georgia said:

> We have a systematic, planned, regular, year-round activity . . .

May we have quiet over there in that corner; I will just talk louder.

> year-round activity trying to count the men in uniform and the men out of the uniform—men and women—to see what reductions can be made in a systematic way and a sound way. Now, we are making some headway.

My opinion is that if we load the bill down now with this additional reduction, we are going to make it less likely in conference. That is the way it works. I think we would make it less likely that we get the 23,000 we are already carrying, sustained in conference.

There is another amendment to be considered involving these civilian strength levels. An amendment will be taken up soon to try to make a special category out of some of these civilians, set them up in a special category so they will not be touched by what this bill does.

Well, I am going to oppose that amendment, too. I do not have any favoritism, and I am not trying to protect anyone.

We are going to have at least one other amendment to further cut those in uniform. There is an amendment, which we may take up in a few minutes, to further cut those in military uniform.

And on and on and on, ad infinitum.

We are no better than anyone else in estimating this, but we do have a system that continues in operation. I believe that we have made recommendations, civilian and military, based on realities and on facts and that gradually, from year to year, we are making headway.

I think it is better to leave the bill as it is.

We know that we have been trying to give people jobs. Now we come along and consider an amendment to take jobs away from them.

Well, I think all of them ought to work more than they do. That is my belief—I mean most all of them—and I do not say the Defense Department could not get along with fewer people, but I think, as a practical matter, we better leave it at 23,000 and I hope the Senate sees fit to do that.

I commend the Senator from Wisconsin because he is ever on the job, but I believe it is an overdose, and I hope we keep this at 23,000.

Mr. PROXMIRE. First, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I intend to support this amendment. I think it would probably be the best way to insure that we do keep and hold in conference the 23,000 cut. I think it is really worth the effort.

This discussion and the colloquy take me back several years ago when I offered an amendment that was supported by Senator Goldwater and Senator Stennis. It served its objective to just simply cut by 25 percent the cost of rotation of military personnel to permanent duty stations.

I think the Senator from Wisconsin remembers the extended discussion that we had.

It was maintained that it would be impractical, it would not work, and that it should not be done. But I was very gratified at the confidence of the distinguished Senators from Mississippi and Arizona, and their own experience which had paralleled mine in military service, that we changed too frequently and did not stay at a duty station long enough.

I am happy to report that I have monitored that amendment now every year since then. The accumulated savings are about a half billion dollars and morale went up, servicemen stayed longer in a duty station, they learned their job better, their families liked it, it became a very, very popular thing.

So many times we look at these figures on the status of the force and manpower and we think they cannot be changed. But I think this is a commendable effort to just make a modest change, when we consider we are talking about after one-time transition expenses of a quarter billion dollars. We are not talking about firing anyone. In industry, in cutting budgets I have many times found that when you did work with normal attrition and you just kind of held the line in there, it put in a sense of discipline that was not there before.

I think this is worthy of the effort. I believe we will be strengthening and supporting the efforts of the committee to cutback in other areas they have already put into the bill. I would support the amendment.

Mr. NUNN. Will the Senator from Illinois yield for a question?

Mr. PERCY. Yes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I yield an additional 2 minutes.

Mr. NUNN. I wonder if the Senator from Illinois would be willing to expand this concept to cover civilian personnel in HEW and other agencies as well as DOD?

Mr. PERCY. Not only that, but he would extend it also to the Congress. I have been concerned about some jobs that I see around here that I think we can probably do without.

Mr. NUNN. I agree with the Senator completely, but I will be interested when the HEW bill comes up to see about this consistency. I think there are soft spots in all parts of Government. I would venture to say that we have probably done more cutting in DOD than anywhere else, even among the civilians.

Mr. PERCY. I believe if my distinguished colleague will check back into the Record, he will find that the Senator from Illinois has supported civilian cuts in other agencies that have been offered. The one area where I have insisted we should not introduce and support such cuts is in the General Accounting Office, the Internal Revenue Service, and other areas where there is a revenue gaining measure by those personnel.

Mr. NUNN. I would agree with the Senator.

Mr. PERCY. I have always excluded those areas from cutbacks of this kind.

The Senator from Illinois has supported cuts before, and I do not feel that the DOD is sacrosanct and should be excluded from a relatively minor cut of this kind. I realize the distinguished Senator from Georgia, serving on the Government Operations Committee, does his homework extraordinarily well, a marvelous job, and has done a great service to the Senate by his colloquies in the last couple of days.

But in this particular case I believe this is worth a try. The Senator from Illinois thinks it will preserve the cuts which the Senator has put forth.

Mr. NUNN. The Senator from Illinois has been one of the leaders in the field of productivity and I have worked with him closely on that. I believe he is consistent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield 3 minutes to the Senator.

Mr. NUNN. When we get into this bureaucracy, it is easy to jump on the Department of Defense more than anyone else. I want to make sure that whatever we do, we try to be consistent. Whatever message goes out by reason of this vote and what this body does on civilians in the work force I think should be pointed not just toward the Department of Defense but really toward all of the Federal Government.

Mr. PROXMIRE. I am willing to yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STENNIS. I yield back the remainder of my time.

Mr. NUNN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from North Carolina (Mr. Morgan), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), the Senator from Mississippi (Mr. Eastland), the Senator from South Dakota (Mr. McGovern), the Senator from Wisconsin (Mr. Nelson), and the Senator from Illinois (Mr. Stevenson), are necessarily absent.

On this vote, the Senator from Rhode Island (Mr. Pastore) is paired with the Senator from Alabama (Mr. Sparkman). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from North Carolina (Mr. Morgan), would vote "nay."

Mr. GRIFFIN: I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower), are necessarily absent.

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from Texas (Mr. Tower).

If present and voting, the Senator from Maryland would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 42, nays 40, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—42

Allen
Bellmon
Biden
Brock
Bumpers
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Culver
Dole
Eagleton
Fannin
Garn
Goldwater
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Haskell
Hatfield
Hathaway
Helms
Hollings
Johnston
Mansfield
McClellan
Metcalf
Muskie
Packwood
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Symington
Weicker

NAYS—40

Abourezk
Baker
Bartlett
Bayh
Beall
Buckley
Chiles
Domenici
Fong
Ford
Glenn
Hansen
Hartke
Hruska
Huddleston
Humphrey
Jackson
Javits
Laxalt
Leahy
Long
Magnuson
McClure
McIntyre
Mondale
Montoya
Moss
Nunn
Pell
Schweiker
Scott, Hugh
Scott,
 William L.
Stafford
Stennis
Stevens
Stone
Talmadge
Thurmond
Williams
Young

NOT VOTING—17

Bentsen
Brooke
Curtis
Eastland
Inouye
Kennedy
Mathias
McGee
McGovern
Morgan
Nelson
Pastore
Sparkman
Stevenson
Taft
Tower
Tunney

So Mr. PROXMIRE's amendment was agreed to.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I take the floor for the purpose of inquiring of the majority leadership as to what we might expect in the way of a program for the rest of the evening and, perhaps what we might expect tomorrow.

Mr. ROBERT C. BYRD. Mr. President, the next amendment, according to the agreement entered into, would be the amendment relating to an increase from 13 to 16 divisions. The Senator from Alaska (Mr. GRAVEL) is the author of the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield to me, does not the amendment read 14 divisions?

Mr. ROBERT C. BYRD. I am reading from the whip notice, and on the whip notice I have 13. That was perhaps an error.

So it would be an increase from 14 to 16 divisions.

The Senator from Alaska (Mr. GRAVEL) has indicated he would be willing to reduce the time on that amendment to 40 minutes, to be divided equally. That is agreeable to the Senator from Georgia (Mr. NUNN), who will oppose the amendment.

So I make that request.

The PRESIDING OFFICER. (Mr. BUMPERS). Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the request. I had, I thought, consulted with the Senators on both sides of the aisle.

The PRESIDING OFFICER. The request is agreed to.

Mr. ROBERT C. BYRD. No; I ask that the request be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, that would be the last vote today, may I say to the distinguished Republican whip. After that vote, the Senator from Nebraska (Mr. HRUSKA) is going to speak on the bill for a while, and then the Senate will come in tomorrow at 9 a.m., and continue with action on amendments.

Mr. GRIFFIN. I thank the distinguished Senator.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. I yield to the Senator.

Mr. STENNIS. Does the Senator mean to say we will start consideration of the amendments to the bill in the morning at 9 a.m.?

Mr. ROBERT C. BYRD. There are no special orders for tomorrow, and if the distinguished manager of the bill——

Mr. STENNIS. That means then that the membership is advised now that there may be votes taken even before 9:45, or something like that?

Mr. ROBERT C. BYRD. Yes.

Mr. STENNIS. I emphasize that now.

Mr. ROBERT C. BYRD. If the Senators will allow me I will try to do that.

Mr. President, I renew my request that the time on the pending amendment be limited to 40 minutes, to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, reserving the right to object, I think it is a very important amendment. I think after the prolonged debate on this subject the other day, it is going to take quite a bit of explaining, and I just do not think it can be done in 40 minutes. I wish we could put it off until tomorrow.

I have a long letter from the Army explaining this, which, I think, when I read it, the Senators will understand it, but it is not a short letter.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. GOLDWATER. I am happy to.

Mr. STENNIS. Has the Senator read the amendment that is proposed? It says just not permitted to go beyond 14 divisions.

Mr. GOLDWATER. I read it.

Mr. STENNIS. I would think it would be easily defeated on the facts.

Mr. NUNN. We want 16 divisions.

Mr. GOLDWATER. The Army wants 24.

Mr. STENNIS. That is another matter, how many they are going to get.

Mr. GOLDWATER. That is what we are talking about.

Mr. STENNIS. We defeated an amendment making it 14.

Mr. GOLDWATER. We already have 14.

Mr. LONG. Mr. President, if the Senator will yield, might I suggest that the Senator would do a lot better explaining this while we have a great number of Senators in the Chamber in 20 minutes than he will to take an hour when we do not have anyone here.

Mr. GOLDWATER. Mr. President, I withdraw my objection. I am just getting hungry.

The PRESIDING OFFICER. Without objection the unanimous-consent request is agreed to.

Mr. WEICKER. Mr. President, I make inquiry of the distinguished Senator from West Virginia.

From the comments he made relative to the program for tomorrow, am I to understand there is no morning hour?

Mr. ROBERT C. BYRD. That is correct, unless the Senator would like to have an order for 15 minutes in the morning or if he would wish to have some morning business that can be arranged.

Mr. WEICKER. I would hope that there would be at least 15 minutes for transaction of morning business.

Mr. ROBERT C. BYRD. Very well. That will be arranged.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber?

I believe this is the chance for us to get the issue quickly drawn.

Mr. GRAVEL was recognized.

Mr. GRAVEL. Mr. President, I call up my amendment No. 535, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL) proposes amendment No. 535.

The amendment is as follows:

At the appropriate place in the bill, insert a new section as follows:

SEC. —. None of the funds authorized to be appropirated by this or any other Act may be used for the purpose of carrying out any plan to increase the number of divisions for the active Army above fourteen until after September 30, 1976.

Mr. GRAVEL. Mr. President, if I may have the attention of Senators I think this will be very brief. The reading of the amendment explains the amendment.

The Army wants to increase the number of divisions above what it presently has, that is, to go to the number 16.

I do not know what has happened in the last 2 years as to why the Army wants to have more combat divisions. The way I read the newspapers, we have gotten out of Southeast Asia, and we are on a course of détente.

Mr. President, do we have order in the Chamber?

The PRESIDING OFFICER. Will the Senators please take their seats or retire in the cloakroom?

Mr. GRAVEL. Mr. President, they tell us that the reason why they want an increase in this force is that they want the possibility of beefing up Europe and beefing up Korea.

I think each Senator can make his own judgment as to whether or not we want to see a beefed-up force in Europe when we, the American taxpayers, are paying more for the defense of Europe than is the European taxpayer.

Mr. NUNN. Mr. President, will the Senator yield on that point for clarification?

Mr. GRAVEL. I will yield on the time of the Senator from Georgia. I will be happy to.

Mr. NUNN. This is on my time.

Nobody is talking about putting any more forces in Korea and Europe. Nobody is talking about that. The Army is not talking about that. The Department of Defense is not talking about that.

This is the first time I ever heard that, and I just want to clarify it. These forces would be in the United States. These forces are already in existence. These forces are being converted from inefficient assignments to combat assignments. They would remain here. They are not going to Korea or to Europe.

Mr. GRAVEL. I ask my colleague why would we want to have more combat troops in the United States of America. What has happened in this country that we now have to have more combat troops?

Mr. NUNN. I am not going to yield any more of my time at this point. If it is on the Senator's time I will answer the question.

Mr. GRAVEL. I will pose the question rhetorically, if anybody wants to answer it on their time.

Why is it heard that we have to have more combat troops in the United States of America today than we had last year—and I will yield in a moment—when we have a statement by the Secretary of Defense, Melvin Laird, on February 17, 1972, where he says:

> The Army and Marine forces are sized and structured to be able to respond in concert with our allies during wide spectrum of conflict intensity ranging from a NATO confrontation with the Warsaw Pact to minor contingencies requiring perhaps a few brigades or battalions.

That was in 1972.

In 1974, Secretary Schlesinger felt that we had enough forces.

> We have dropped one of the big contingencies for which we must be simultaneously prepared and have adopted in the jargon a one-half-year war strategy instead of two-and-a-half-year war strategy.

After we made that policy decision, we now have to have more combat troops, and we are told they are not for abroad but they are not for defending the people of the United States in the United States.

Mr. GOLDWATER. Mr. President, will the Senator from Georgia yield?

Mr. NUNN. I yield on my time to the Senator from Arizona.

Mr. GOLDWATER. Although I know the Senator from Georgia is the chairman of this subcommittee, I think this explanation I have received from the Secretary of the Army should be read at this point. It will not take very long.

Then the chairman can go on with his detailed explanation of just how this is coming about.

So, if the Senator from Alaska will yield, and it is on our time, I will be very happy to read this letter, which I think will explain to the Senators just what is going on.

Mr. GRAVEL. I will be happy to yield on the Senator's time.

Mr. GOLDWATER [reading]:

> DEAR SENATOR GOLDWATER: I can appreciate the questions that have arisen concerning the defense strategies of our country, and requirements arising from them for certain Army force levels. Let me put these in context.
>
> Between 10 and 15 years ago, U.S. planners enunciated a "2½ war" strategy as an objective that U.S. ground forces should be able to satisfy. It was drawn up at a time when the U.S. enjoyed nuclear superiority and was assuming major responsibilities for the defense of both Europe and Asia. Realistically however, actual Army forces over the last 15 years have never been able to execute this strategy. We had to form three new divisions and four separate brigades just to attain a "2 war" capability during Vietnam, and since then have been able to fight only about one major war. The "2½ war" strategy was a myth never attainable within given resources.
>
> Recognizing this, we replaced this "2½ war" objective with a more realistic "1½ war" strategy. It is one which requires that principal Army resources be able to satisfy NATO requirements, and one minor contingency elsewhere. Let us recall that these minor contingencies occurred in World War II in such areas as Panama, Alaska, Greenland, Iran; and since then in Lebanon and the Dominican Republic. We must anticipate similar contingencies in the future as well.
>
> What then is our capability to execute the "1½ war" strategy? In sum, it is marginal at best. General Abrams, whom I knew and respected deeply, told the Armed Services Committee before he died last year that the Army of 13 active divisions and 8 National Guard divisions was a "high risk" force. He called it a "no margin for error" force in the face of ominous Soviet force increases and increasingly unstable world conditions. The Joint Chiefs of Staff and the Secretary of Defense have concurred in that judgment.
>
> We need a 24 division Army force to deter a NATO ground conflict and to cover a simultaneous contingency someplace else—that's it in a nutshell. The current Army force of 21 divisions simply does not have the size, flexibility or speed of deployment to accomplish our strategy.
>
> The driving requirement in all cases is the NATO/Warsaw Pact standoff, where 20 U.S. divisions is the minimum necessary to insure NATO a reasonable chance of fighting Pact forces to a standstill without recourse to nuclear weapons. There is still risk, but one judged prudent, that this would lead to a ground stalemate without losing most of NATO's land area or suffering catastrophic battle losses. Negotiators could then resolve the situation. Our strategists consider this unattractive to the Soviets. It deters them from an opportunistic land-grab, and prevents them from forcing "unequal" treaties on Western European nations.

Mr. GRAVEL. Mr. President, will the Senator from Arizona repeat that? I did not understand it, and I think other Members of this body did not. Was he acknowledging, with respect to NATO, that these divisions would be used on the part of NATO?

Mr. GOLDWATER. I will read it:

> The driving requirement in all cases is the NATO/Warsaw Pact standoff, where 20 U.S. divisions is the minimum necessary to insure NATO a reasonable chance of fighting Pact forces to a standstill without recourse to nuclear weapons.

Mr. GRAVEL. Does that language mean that with these divisions there is going to be less to go to Europe, as opposed to the statement of the Senator from Georgia, who said that was not the case?

Mr. GOLDWATER. Not necessarily.

Mr. GRAVEL. That option is open, so much open that they would mention it in the letter.

Mr. GOLDWATER. The driving requirement in all cases is the NATO/Warsaw Pact standoff. We are not committing these forces. This is the driving requirement; just as if we were engaged in war in Korea, we would need more than the strength we have over there. We do not have the force. This does not commit. It merely states the Secretary of the Army's opinion, which I am sure reflects the opinion of the Chairman of the Joint Chiefs of Staff as the minimum we would need.

Mr. GRAVEL. That is at variance with the views of the Senator from Georgia, who holds a different view, that they will not be used in Europe.

Mr. NUNN. The statement the Senator from Alaska made was that these forces are going to be sent to Korea or Europe. The Senator from Georgia made it very clear that they are not going to be sent to Korea or Europe. They will be in the United States. But all our troops in the United States are subject to being sent to Europe, in a NATO contingency. That is the kind of reserve force we have. So the Senator is confusing the issue completely. They will be for a NATO contingency, but they will not be stationed in Europe. The Senator was alluding to balance of payments and other things which had absolutely zero to do with this issue.

Mr. GOLDWATER. I call the attention of the Senator from Alaska to the statement earlier in the letter, where the Secretary recited the 10 to 15 year requirement for a two-and-a-half war possibility, and that has now been reduced to one-and-a-half war—not that we are having one-and-a-half wars or even one war. We have to plan.

I continue reading the letter:

> In the event we have to meet such a NATO requirement, our flexibility with the current 21 division force is virtually zero. Since the single division in Korea would not be available for rapid deployment, we would have no strategic reserve, and could not meet any of the collateral contingencies. But with the 24 division force we *can* reinforce as needed, *can* maintain a strategic reserve, and *can* handle a side contingency.
>
> Finally we need the 24 Army division force to be able to get forces to Europe *in time*—something the current 21 Army divisions cannot do in the event of conflict. NATO forces and Warsaw Pact forces in Central Europe are not in balance, even when we consider the slightly smaller size of USSR and Pact divisions. Moreover, the Soviets can mobilize and move huge forces much more quickly against NATO than we can reinforce—throwing the balance heavily against us. After a very brief mobilization, the Soviets and its Warsaw Pact allies could deploy 86 divisions against only 46 NATO divisions, not counting 27 more Soviet divisions held in Central Reserve.
>
> The 24 division Army can reinforce NATO in time to stall this juggernaut, because it will have increased *active* divisions (16 instead of 13), better forward basing (forward-based brigades of Stateside divisions), and much improved Reserve and National Guard deployment posture (through affiliation with active units). It has the muscle and responsiveness to do the job *fast enough*.
>
> Let me conclude by saying that the stark realities of national security require lean, visible, and ready combat power. That is what the strategy calls for and that is what the Army is offering. The programmed force of 16 active Army and 8 Reserve Component divisions will satisfy that strategy at a level of prudent risk. An Army force of 13 active and 8 Reserve Component divisions will not.
>
> Sincerely,
>
> NORMAN R. AUGUSTINE,
> *Acting Secretary of the Army.*

The reason why I read this letter, I say to the chairman and my friend from Alaska, is that during a little debate the other night with the distinguished Senator from Arkansas and with Senator Kennedy and others during the day, the question kept popping up as to why 24 divisions. At that time, none of us on the committee felt that we should disclose what I have just read, because the Army and the Joint Chiefs have felt it to be rather highly classified—and I still think it is classified. But they have been willing to disclose it.

So this explains why the 24 divisions in the Army's and the Joint Chiefs' opinion—and why I believe the Senator from Georgia can back this up by demonstrating that we can achieve this with no new people.

Mr. NUNN. The Senator is correct.

Mr. President, at this point, I reserve the remainder of my time.

Mr. GRAVEL. Mr. President, first, with respect to the letter, it is interesting that the Joint Chiefs decide to declassify when it makes their argument. But I would be ashamed of the argument, because I think it is Maginot Line intellectual thought, and that was bankrupted in the Second World War.

When the military planners of this country talk about a 24-division force, they are talking about fighting the Second World War all over again. Believe me, there cannot be any sane human being in the world today who can understand or draw a scenario where we are going to bleed ourselves white with a Second World War type of conflict without going to nuclear capability.

It absolutely is ridiculous. So, to pay the cost of that idiocy is even more ridiculous.

I still pose the original question: Cite me one threat in the world today that warrants an increase in combat forces. That is the issue at hand. Telling me that the military people want 24 divisions or want 16 divisions, that is not logic enough. They would want 100,000 divisions if they could. That is more generals, more field grade officers, more of everything. They would love to have it. They would love to have a big juggernaut. But it does not make sense. We who are civilian planners, we who are to make the decisions here, have to differentiate between idiocy and logic.

It makes no sense at all in the face of successful détente, in the face of the end of our involvement in Southeast Asia, the fact that Thailand is telling us to get out, the fact that the Philippines tell us that they are going to reevaluate their policy and are going to be telling us to get out, the fact that in Korea, if we took a poll of the American people, they are not prepared to fight there. They have 42,000 people ready to get out there, where are we going to put those people? In the United States?

If I thought for a moment that we were going to put these people in the United States, I would vote for it, because the American people would not tolerate it for a minute. They would want to know why we have these people.

Mr. NUNN. Does the Senator understand that the Army is being reduced by 5,700 people and that there are actually less people in the U.S. Army now, or will be after we approve this bill, than there would be before? The Senator does not have to worry about finding spaces.

Mr. GRAVEL. I will not buy that one bit. They have played games with us all along. I cannot even get declassified a document that would show the idiocy of our NATO policy.

Mr. NUNN. If the Senator will read the bill, if he believes in the law—that is to say, if we are going to pass it—if they believe in the law, we have to have 5,700 less.

Mr. GRAVEL. I know we believe in the law, but I hope my colleague is not going to be persuaded or will not be disappointed when he finds out that the military does not——

Mr. NUNN. Where are they going to get the 5,700, unless it is taken out of the force structure, which this bill does? It takes 5,700 out of the Army force structure and they are talking support troops that are ready people and they are converting them to combat. They have beds, they eat, they sleep.

Mr. GRAVEL. To give an idea of how the game is played, the information that I have indicates that one of the divisions is going to be used in Europe. What they are going to do is take people from service groups, turn them over to combat, hire more civilians——

Mr. NUNN. The Senator is confusing two points completely. The European amendment was my amendment last year. It requires the Army to reduce 18,000 in support and allows a permissive add-back. They are complying with that amendment. That is separate and completely apart from their move to 16 divisions.

Mr. GRAVEL. Let me tell the Senator what the military has discovered. They have discovered manna in the Senator's amendment of last year. We were on their backs to cut all the flab. They may take a sergeant who is in a flabby support group and put him in a combat group, but believe me, he is still the same old flabby sergeant. We can take a general who has not done a tactical maneuver in 20 years and move him from the PX area and put him into the combat area, but he still knows no more about combat than he did 5 years ago. That is what we have given the military, a device to get around us.

Mr. NUNN. Is there anything in the Senator's amendment that cuts out the flab on that sergeant?

Mr. GRAVEL. The only thing we can do is not let him have any more.

Mr. CULVER. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. CULVER. It seems to me that if the Senator's objective is to reduce manpower, the amendment is deficient. What he is doing by limiting the Army to 14 divisions, is to force the Army back into its old ways. He is forcing the Army to have the same inefficient ratio of support to combat that Senator NUNN and others of us on the subcommittee have been working hard to break them out of.

In actual fact, the Army has been the one service that has been responsive to the congressional prompting to get a greater ratio of tooth to tail, and this amendment, I think, would be very counterproductive. It would set that effort back and it would contribute to greater inefficiency.

Mr. GRAVEL. Let me say I do not want to set the effort back. If we compare us to the Russians, they can field 28,000 people per area. The Chinese can do it for 16. And we have to have 60. So if we are going to cut out flab, why not just go and do it, then save us the money?

From 1946 to the Korean war in 1951, we had 1,500,000 people under arms. Why is it that we now have to bribe the military, through this device, to give them more combat troops so that they can keep the flab in there? Otherwise, if we kept pressuring them, they would have to get them out of the service. This is what I do not think the Senators see.

That is what the classic mistake is. They are going to keep their force levels right where they are by juggling people around when, in point of fact, we do not have a better fighting force. If they want to make a good fighting force, cut out the flab and at the same time, cause a greater effort to be made within the combat army.

Mr. GOLDWATER. Will the Senator yield?

Mr. GRAVEL. Has anybody answered the question I posed earlier? In today's world climate—maybe Senator CULVER can answer it or the Senator from Georgia or the Senator from Arizona. What has happened in the world that we need more combat troops?

Mr. GOLDWATER. Will the Senator yield?

Mr. GRAVEL. I shall yield if he can answer the question.

Mr. GOLDWATER. I will ask the Senator from Georgia to yield to me.

Mr. GRAVEL. I posed the question and I shall not yield unless somebody can answer the question: What has happened in the world that we need more combat troops?

Mr. GOLDWATER. Will the Senator yield for me to answer that?

Mr. GRAVEL. I am happy to yield.

Mr. GOLDWATER. I do not know what is happening here. If the Senator wants me to answer that question, I shall be glad to do it.

Two years ago, or a year ago, the Senate told the Committee on Armed Services "We want you to change the ratio of combat troops to service troops."

Let me finish.

Mr. GRAVEL. That is not answering the question I posed. I did not ask what happened in the Army. I know what happened in the Army. They want more people. I am asking what happened in the world that makes this country want more combat divisions?

Mr. GOLDWATER. That is easy. We are in more trouble than we have ever been in in our lives.

Mr. GRAVEL. What is the proof of it?

Mr. GOLDWATER. The Middle East, South Vietnam.

Mr. GRAVEL. Is the Senator prepared to send divisions into the Middle East?

Mr. GOLDWATER. We have Korea, we have them all over the world. Panama.

Mr. GRAVEL. Why talk about Korea, when South Korea has more troops than North Korea? Why do they need us there?

Mr. GOLDWATER. That is a determination that is up to the President, not up to this Senator. I am going to answer the question in a way that I think will satisfy a lot of the questions.

Mr. GRAVEL. I am sorry to say to my colleague that I refuse to yield more time unless my colleague is prepared to answer my question.

Mr. GOLDWATER. If the Senator cares to hear the answers, I know them.

Mr. GRAVEL. Let us ask the Senator from Georgia.

Mr. NUNN. When we had a drawdown at Vietnam, we went down to a level that we could not even afford to go down to. We went down to 13 divisions and we had something like 850,000 to 880,000 men. Now we have cut the personnel way down to 785,000 and they are going to 16 divisions. So the beginning point is that we went too low to begin with. We are below what we need to have to be able to fulfill the kind of combat capability, in a conventional sense, in NATO in the first 90 days. That is one example.

Mr. GRAVEL. Will my colleague explain that NATO?

Mr. NUNN. I will explain it perfectly, because the Senator is aware of the precarious position with tactical nuclear weapons, for one thing, over there. The more conventional force we have, the less chance there is that we are going to have to use tactical nuclear weapons.

Mr. GRAVEL. May I respond to that?

Mr. NUNN. On the Senator's own time. I will be glad to yield.

Mr. GRAVEL. Mr. President, how much time do I have, and how much time do my opponents have?

The PRESIDING OFFICER. There are 5 minutes remaining to the Senator from Alaska and 10 minutes to the Senator from Georgia.

Mr. GRAVEL. I will respond to it on my time.

My colleague makes the point that what we need are more troops so we will lower the threshold of nuclear capability in Europe.

Let me tell the Senator that we have no say over the nuclear threshold in Europe. Does the Senator know why? Because France has nuclear capability, and let me read to the Senator what Giscard d'Estaing said on the 24th of October 1974 about their nuclear capability:

> Well, first of all, there is our strategic nuclear force. Until now——

I am quoting from the statement of the President of France——

> it has, in fact, been presented as a deterrent force. But nobody has said in this hypothesis under what conditions this deterrent should be brought into play. As far as I am concerned, I can only speak for exercising my own mandate as President of the Republic. I believe that the French nuclear deterrent can be used only against powers which themselves are nuclear or against powers, a very unlikely hypothesis, I will admit. But all hypotheses must be taken into account which . . . threaten our own territory.

What the President of France is saying, albeit whatever the Senator wants to say, whatever the President of the United States wants to say, "that which threatens our territory." They do not even have to go to war. They will go ahead and use nuclear capability as he sees it.

So you can do all you want to on nuclear threshold, but there is going to be a nuclear war in Europe that is going to be started without our——

Mr. NUNN. Is the Senator aware of the fact that Russia would have to go across West Germany to go to France?

Mr. GRAVEL. Let me reread the language to the Senator.

Mr. NUNN. That is where you have a condition of——

Mr. CHILES. Mr. President, will the Senator yield for an explanation there? I do not speak French. Do the three dots translate into something? [Laughter.]

Mr. GRAVEL. No, it just means a separation.

I would be happy to yield to anybody else who has an intelligent question.

I still pose the question, of course, you can be voting on this, as to what is happening in the world that requires the United States of America to have more combat troops, whether they are stationed in the United States or elsewhere. What has happened domestically that requires more combat troops? What is the situation in Europe? Has it become graver than it has been? We have to take their word. We have more troops than even East Germany.

Mr. PHILIP A. HART. I ask this question because I am unsure of the premise. Am I correct that whether we adopt this amendment or not there is a limitation on the total manpower? Is that correct?

Mr. GRAVEL. Yes, there is.

Mr. PHILIP A. HART. Why does it not make more sense to make more of that manpower in the combat service and less in the support services?

Mr. GRAVEL. Well, of course, they can do that anyway, and that is where the hoax is. They can increase the amount of combat-effectiveness of our divisions.

Mr. PHILIP A. HART. Up to 14 or whatever it is.

Mr. GRAVEL. Up to 14. But those——

Mr. PHILIP A. HART. Why, if you have the manpower, does it not make sense at least to authorize them to go to a fuller allocation to combat personnel than noncombat? I thought we were always hung up over the fact that there were too many guys shining shoes and not enough carrying rifles.

Mr. GRAVEL. Well, first of all, the divisions they want are infantry divisions. It is a come-on because next year we are going to be hit with the cost of these divisions. An infantry division is used in the jungle type of warfare not in Europe. In Europe, the planners intend to use mechanized divisions. Those will cost us about $3 billion. So what they are doing there is a foot in the door. They found out, as I pointed out earlier, from the device last year when Congress was pressing them to become more efficient that they could not respond to that argument, so now they come back and say, "Oh, yes, now we buy your argument. Let us make our divisions more combat-ready."

Mr. NUNN. They started on this 4 years ago.

Mr. GRAVEL. With the price tag of making themselves more combat-ready. If they want to make themselves more efficient they can go ahead and do it. They can cut out the flab and save the taxpayers that money.

Mr. PHILIP A. HART. I still do not know how.

Mr. GRAVEL. I suspect that next year's budget will show the Senator how because they will be in to equip those people with the tanks and the wherewithal, and also the budget will show the Senator how they have gone out and hired civilians. What they do is they put these in combat form and get the support to back it up afterwards.

The PRESIDING OFFICER. All time of the Senator has expired.

The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I want to make a couple of brief points, and then I have three people to whom I want to yield.

First of all, what is happening here is these people are all nonsupport conversions. We have got a couple of other things that I think are very important; 12,500 of these new people they are putting into the new divisions are existing members of the National Guard and Reserves.

One of the pet peeves that Congress has had for a long time is that the military have not properly used the Reserves. In other words, they have been sitting there and we have been paying for them. But you can make a strong case that they have not been utilized as well as they should have been.

So the Defense Department has had a total force concept recently, but they have not implemented that as well as they should have.

For the first time the Army is coming to us and they are saying:

> We are going to have three new divisions, if you approve the total force level.

That is what we are talking about, approving the force level, and they want to go to those divisions. We do not have anything in the law about divisions, so they are saying:

> We are going to do that. We are going to form three new brigades in each division. Now, out of each one of those three we are going to have one National Guard or Army Reserve brigade to affiliate.

What this means is that for the first time we have a military service that is properly, or at least trying to properly, utilize the Reserves and the Guard. They are going to have an affiliated brigade out of every three. So this is, I think, a very good move to really change the rhetoric of the total force concept into reality.

Now, out of the other part of the 45,000, 7,000 already are in existing combat elements, so that gives you 22,500, and then in addition to that they are taking 25,500 people who are now in support functions and they are changing those into combat functions.

While we are doing that we are reducing the Army in civilian and military personnel. So what the Senator from Alaska said that they are going to go out and hire additional people, that is just not the fact, and he is confusing this situation completely with another situation in Europe that we have already corrected.

Just a couple of points about what would happen if we pass the amendment of the Senator from Alaska. First of all, he said, the Senator from Alaska has said, he has made the statement, that he wants to cut out the divisions. But what he has done is that he will have locked in these 25,500 people that the Army is now telling us they can convert into combat elements, they will have been locked into support, so he is locking in people to sit behind a desk who could be behind a rifle.

I do not think anybody would want that. That is completely contrary to what Congress has been trying to do in the last 8 to 10 years.

Another thing, the Senator from Alaska, in drafting his amendment did, did not leave any room for contingencies like we did in the War Powers Act. If you look at the amendment very carefully, you will see even if we had an all-out war in Europe and Korea and everywhere else at the same time, the President of the United States would be barred by this amendment until September 1976 from forming a new division. So we would be passing a law that would go tenfold further than the War Powers Act. So I think it would be very detrimental in affecting the efficiency of the combat forces in what the Army would like to do.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. NUNN. I have no more time to yield.

Mr. GRAVEL. What I want to know is what it will cost the taxpayers of this country in discovering what the Senator says is good for them.

Mr. NUNN. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I have listened to the debate and I will only take a moment.

I agree with the position taken by the junior Senator from Georgia and by Senator Culver and others along that line.

I really feel that a great deal of effort has been made, and especially within the Army, to follow the mandates of Congress over the past few years, and to follow the Nunn amendment of last year. We have the final say here in Congress as to the amount of manpower and the amount of materiel. Beyond that, I think the matter of the number of divisions should be left up to the Army.

I think it would be extremely detrimental to the flexibility that we are trying to build into our Army, to the tooth-to-tail nature of the Nunn amendment, to do otherwise. So I will oppose the amendment of the Senator from Alaska.

Mr. NUNN. I thank the Senator from Vermont. I yield to the Senator from South Carolina such time as he needs as I have remaining. The Senator from Arkansas would also like to make a statement, if he will save some time.

Mr. THURMOND. Mr. President, one of the most constructive programs ever proposed by the Department of Defense is the Army plan to increase available combat power by reconfiguring from a 13- to 16-division force. During this portion of the debate on conventional force planning, I would like to discuss why I believe a 16-division force is necessary.

The need for this initiative derives from fundamental events affecting our national security posture. Since it is less likely that nuclear power will be used in international confrontations during an era of nuclear parity, the balance of usable power has shifted to conventional forces. In this latter arena, the Soviets have mounted massive efforts to increase and improve their strength at a time when similar U.S. capabilities have been rapidly declining. Because of these developments, the balance of U.S. military power and the credibility of associated U.S. foreign policies and commitments are now questionable in the view of many world observers.

I need not emphasize that this trend has coincided with a remarkable rise in the level of international tensions and a deterioration of stability in recent years. We find American interests around the world challenged and in some cases threatened by an assortment of volatile new political forces, economic and resource power groupings, and military pressures. An unpleasant reality is that while U.S. interests remain global, those of our allies have become largely regional, as exemplified by events along NATO's southern flank.

Mr. President, little as we like to acknowledge it, these developments could result in military confrontations, both in and beyond the NATO context, exceeding present U.S. capabilities of effective response. We face the sobering prospect of being unable to control a major conflict without recourse to nuclear weapons or of being able to negotiate from a position of assured strength. In the fact of these more challenging realities, a level of 16 Army and 8 Guard divisions is the minimum needed to preserve fundamental U.S. interests at a degree of "prudent risk."

The Army has, therefore, embarked on an intense effort to increase combat power without an overall increase in strength. It is the view of the committee that the recommended reduction of 5,700 manpower spaces will not impact on the ability of the Army to accomplish the 16-division goal. However, creating the 16-division force without an increase in strength is made possible because headquarters and support units are being pared to the bone, marginally needed support assets are being converted to combat and great responsibilities are being given reserve components.

Mr. President, because this program stresses the redistribution of existing dollar and manpower assets, costs are minimal. The Army plans to shift about $381 million in fiscal year 1976 and a total of about $2.5 billion over 5 years from other valid requirements to reconfigure the force. This will raise the percentage of combat forces Army-wide from 45 to 53 percent and from 62 to 69 percent in U.S. Army Europe. The principal risk, a loss in the Army's combat staying power—particularly in the NATO theater—has been carefully weighed and judged acceptable. On balance, the 48 new combat battalions being formed are an extremely cost-effective investment.

I would like to stress that this program is in full consonance with recent guidance of Armed Services and Appropriations Committee reports to improve the combat posture of the Army.

Mr. President, I believe this program is one that should have our full support. It will provide a lean combat ready force with the optimum blend of strength, modernization and flexibility for immediate contingencies. It also adds significantly to our ability to protect our interests, as required, in the world. Both of these benefits can be achieved for a relatively modest cost.

Mr. President, I will take just about a minute and a half to bring out this point. I think the Army is to be commended for responding to the recommendations of the Armed Services Committee and the Senate to convert more troops from support to combat.

For instance, in the 13 divisions in 1975 support constituted 55 percent, combat constituted 45 percent.

The 16 divisions in 1976, support has gone down to 47 percent and combat has gone up to 53 percent. In other words, this 8 percent has been transferred from support to combat which we think is good.

In Europe, the combat forces there have been increased from 62 to 69 percent without any increase in manning, and we think that is good.

We think this amendment is uncalled for, that it would hurt the national security, and we hope this amendment will be defeated.

Several days ago, I placed in the Congressional Record a letter from the Chairman of the Joint Chiefs of Staff representing the sentiments of the Joint Chiefs of Staff strongly opposing an amendment of this kind and advocating the 16 divisions.

The 16 divisions will not cost any more except for some equipment just being absorbed by the Army over a 5-year period.

We think it is highly important that this amendment be defeated.

Mr. McCLELLAN. Mr. President, I just want to make one observation.

In my judgment, this is one of the most constructive actions that has been taken by the Defense Department, taken at the instance and encouragement of the Congress itself.

What we get out of this is more fighting capability, more potent military force, without increasing personnel. It is simply taking fat and converting it into muscle. That is what we are doing.

I think Secretary Calloway and Mr. Schlesinger are to be highly commended because I think this is one of the most constructive actions that has been taken. I think it ought to have the overwhelming support of this body and the Congress.

Several Senators. Vote! Vote! Vote!

The PRESIDING OFFICER (Mr. Bumpers). Who yields time?

Several Senators. Vote! Vote!

Mr. NUNN. I yield to the Senator from Mississippi.

Mr. STENNIS. The Senator does not have to give me any time. Go ahead and finish.

The PRESIDING OFFICER. Is the Senator from Georgia yielding his time back?

Mr. NUNN. I yield all my time back.

Mr. STENNIS. No, no.

The PRESIDING OFFICER. The question is on the amendment——

Mr. STENNIS. Mr. President, just a moment, please.

This is an important matter. I went out of the room, and when I got back the time had been yielded.

I yield myself 3 minutes under the unanimous-consent agreement on this amendment. That is permitted.

This is a very important, highly important matter, as I said, and this amendment by all means, with all deference to its author, ought to be defeated.

But I think we ought to say more about just what it means. It will cost some more money.

There will be additional equipment and additional cost. That is certain to go with it. But if they are going on and use the manpower we allot them under this bill and build more of a bone and muscle army—and that is what they have been doing—then they will be worth a whole lot more and I would not think 16 divisions would be too much.

This bill reduces the number to 779,300. A reduction of 5,700, I believe, as said.

I would not just make them an outright promise now to go to 16 divisions. I would say, keep working, make them earn it. They have done, as I say, this excellent job in converting over from the so-called headquarters to the active combat units.

It has taken years to get the plan started. The planning was started in the Armed Services Committee years ago. Now, let us not wreck the plan that the Army has joined in, doing such an excellent job, by just chopping the head off here at 14 divisions.

That would be a grave mistake, I think. But I would emphasize to them that all their manpower has to be approved by the Congress, the money has to be appropriated by the Congress, and we annually set those numbers and we will give such additional equipment for divisions, as in our discretion we may see fit, based on the bone and muscle units that they produce.

So I hope this amendment will be defeated.

Mr. GRAVEL. Will the Senator yield half a minute?

Mr. STENNIS. Yes, I think in fairness I should yield to the Senator from Alaska such time as I took. I yield him——

Mr. GRAVEL. Two minutes.

Mr. STENNIS. Two minutes, then.

Mr. GRAVEL. Let me just close by saying very simply, we have the military cutdown flat—just tell them to do it. I do not know why we have to bribe them with $3 billion.

Essentially, what is happening here is we have those civilians. The Secretary of Defense has no control over military. They say they will cut this flat.

It is good, I agree. Why can they not just plainly do it? Why have an increased combat capability?

Then I pose the next question. We know in our hearts in the last 3 years the threat in the world has decreased, not increased, for us and for us to go back to ask for an increase in conventional capability makes no sense at all.

The threat is not larger; it is less. Therefore, we do not need to spend this extra $3 billion or have this extra combat capability.

We should just tell the military, cut out the fat and trim it down, period.

I ask unanimous consent that a statement on this subject prepared by Edward L. King be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Analysis of Department of Defense Request to Increase the Army to 16 Divisions

GENERAL BACKGROUND

Secretary Schlesinger has indicated that it is the judgment of the Department of Defense that in FY 1976 the Army should begin to return to the 16 active and 8 reserve division force level it maintained in 1964. He proposes to do this within a projected September 30, 1975, end-strength of 793,000. This end-strength would be adjusted down to 785,000 in later years.

The principal reason given by the Secretary for why the DoD needs 16 rather than 13 active-duty Army divisions is because previously the Department "basically went too far in reducing our active-duty ground forces." Also, the Defense Department contends that their plans for initial defense should depend primarily on the active forces because Guard and Reserve divisions could not be readied for combat in time. Additionally, the Secretary indicated that DoD current plans call for the maintenance of "two major strongpoints" in Central Europe and Korea, and that this requirement combined with the need "to provide a highly combat-ready force for initial defense" dictates a 16 division Army force augmented by 3 active-duty Marine divisions.

The Secretary of Defense has stated that within a total active Army strength of 793,000 (or 785,000) it is not possible to man 16 divisions as part of the standing Army because of the requirements of command, support and training. He proposes to draw on the Army Reserve for selected combat and support units to round out the active divisions. Secretary Schlesinger is on record as believing that Congress should endorse the goal of 16 Army divisions and join DoD in:

Offering the Army the incentive to convert spaces from support to combat by allowing them to retain the benefits of increased efficiencies in the form of increased combat power.

Maintaining active Army end-strength at the minimum level of 785,000.

Considering whether active Army strength should not be increased to reduce dependence on the Guard and Reserve for initial defense forces.

Succinctly stated the increased division plan is as follows:

(1) By the end of FY 1975: (a) Add the combat elements of a fourth brigade to the 2nd Armored Division (which is now being formed out of the costly experimental TRICAP division).

(b) Add a reduced-strength infantry division to the active force bringing the total number of Army divisions to 14.

(2) In FY 1976: (a) Add two more divisions (one infantry and one mechanized) raising the total strength to 16 active divisions.

(b) Continue to also maintain 3 separate infantry brigades (3,500 men each), 3 armored cavalry regiments (2,800 men each) and 1 air cavalry combat brigade (approximately 3,000 men).

DISCUSSION

In consideration of the DoD request for the costly addition of 3 new divisions several factors should be evaluated. For the purpose of discussion, I have listed some of the more salient points:

(1) On February 17, 1972, in his FY 1973 posture statement, Secretary of Defense Laird justified the reduction to a 13 division Army force level by saying, "the Army and Marine Forces are sized and structured to be able to respond in concert with our allies to a wide spectrum of conflict intensity ranging from a NATO confrontation with the Warsaw Pact to minor contingencies requiring perhaps only a few brigades or battalions." He went on to say, "we have concluded that 13 active Army divisions and 3 active Marine divisions is the minimum peacetime 'baseline' force necessary to support national objectives . . . structured in this way, our ground forces do provide a necessary flexibility." [1]

In February 1974 Secretary Schlesinger indicated that "we have dropped one of the big contingencies for which we must be simultaneously prepared and have adopted, in the jargon, a 1½ war strategy instead of the 2½ strategy of the 1960's . . . the change in strategic concept has accompanied the reduction in the baseline general purpose forces, the principal change was the reduction in the number of active Army divisions from 16⅓ in 1964 to 13 in 1973." [2] Mr. Schlesinger now says that this reduction that he supported in testimony in February 1974, "basically went too far in reducing our active-duty ground forces." The question could be asked why Mr. Schlesinger has had such an abrupt change of mind in 12 months, unless it is because he needs a rationale which will enable him to better defend his force end-strength and establish a case for possibly gaining some future increases in active-duty manpower.

But more importantly, if 16 divisions were adjudged by the DoD and JCS as adequate to deal with 2½ wars in 1964, why does it require 16 divisions in 1975 to deal with 1½ wars. What drastic changes have occurred in the foreign threats we face which make the 3 division increase necessary? Since 1964 overall U.S. national security objectives have been reduced, major treaty commitments have remained constant and worldwide military requirements have been reduced. During this same period, U.S. foreign policy objectives (which the military forces after all are maintained to support) have undergone the drastic change of detente and a consequent lessening of the threat of early armed confrontation with the Soviet Union or the Peoples Republic of China. In fact as a result of detente, the DoD statements of threat posed by the U.S.S.R. and the P.R.C. have been revised in FY 1975 to reflect a less urgent threat level.

Analysis of the FY 1975 and FY 1976 DoD Posture Statements do not show on the record, any substantive evidence of increased threats, treaty commitments, foreign policy objectives, military requirements or service mission changes that necessitate or justify the requested increase in Army divisions.

(2) In the absence of substantive outside foreign or military policy requirements that would justify the increase there remains the statement of Secretary Schlesinger that (a) Army divisions have been cut too far and (b) the need to let the Army form more divisions as an "incentive" to improve their poor combat-to-support ratio. Secretary Schlesinger in stating the argument that the number of divisions has been cut too far stresses the need for more ground combat forces for an initial defense of Europe. He indicates that the Supreme Commander Allied Powers Europe (SHAPE) has for years advocated the need for an increased number of U.S. conventional forces for an initial defense in Europe. Yet in 1970 the commander of the U.S. Army in Europe indicated that if he were required to reduce his force level he would recommend reducing combat units rather than support units.

There have been no indications of a change of mission for U.S. Army forces in Europe that would require the addition of 3 more backup divisions in the United States. And if the 3 divisions are intended to bolster U.S. capability to respond quickly with conventional divisions for an initial defense in Europe, why are two or the three divisions being formed as standard infantry divisions. Most military experts agree that the armored or mechanized infantry divisions are most appropriate for combat service in the initial stages of a fast-moving mobile defense of Europe and how does the Army propose to resupply these forces if they were moved quickly to Europe. There is not an adequate wartime supply line (LOC) available to even effectively supply the 4⅓ divisions we currently have in Europe.

Army infantry divisions are most suitable for fighting in the rugged terrain of Asia, Africa and Latin America, yet under the Nixon doctrine there is supposedly no plan to use U.S. ground forces in such areas. Why then does the Army need to form two more standard infantry divisions in addition to the three infantry divisions it currently has on active duty?

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[1] Page 81–86 Secretary of Defense Melvin Laird's Annual Defense Department Report, FY 1973.

[2] Page III–3 DoD Military Manpower Requirements Report For FY 1975.

In addressing the argument that the Army must be offered an "incentive" to convert spaces from support to combat by allowing them to maintain costly higher end-strength levels raises the following considerations:

1. Is this not an abdication of the constitutional principle of civilian control of the military? The Secretary of Defense is in effect affirming that since he wants the Army to dedicate more of its costly manpower to combat duties he cannot direct them to do so with any reasonable expectation that they will comply, unless he offers them the bribe of not reducing the expensive end-strength. Past experience has shown that this type of civilian defense management by giving in to the parochial desires of the military services leads only to increase military demands. By his "management by incentive" Secretary Schlesinger is doing little to change this mistaken past policy of civilian defense leaders.

2. Why should the Army be rewarded by an incentive of maintaining an end-strength in which over 70% of the manpower is assigned to other than combat skill duties? The granting of this incentive to the Army is in effect rewarding it for having for years structured its Tables of Organization and Equipment (TO & E's) and consequently the Army forces, in such a professionally impractical way as to create the present situation in which over 55% of the Army is assigned to other than the major combat divisions. (See discussion of ratio of manpower to divisions below).

The Army has tacitly indicated it has around 45,000 personnel in command, administrative and logistical support assignments that are nonessential to the Army's main combat mission. Rather than assign these personnel to additional divisions, why not remove them from active duty. Annual savings of at least $144 million could be made by such an action. This would leave the Army with an end-strength of 737,000 military personnel. The full manning of 13 divisions only requires 210,000 of those military personnel, this still leaves 527,000 personnel to perform other command, administrative and logistical support jobs. This is adequate to man a leaner more combat mission oriented force—if the Army would only structure its TO & E's to form such an austere force.

3. In FY 1974 the ratio of active Army manpower to number of divisions was 61,800; in FY 1975 this ratio was 60,300. This high ratio of active duty manpower to divisions is about the same as it was after World War II and during Korea when Senator Robert Taft commented on Jan. 5, 1951, "there are certain principles which I think should be impressed on our Army officials. Is it necessary for this country to provide from 60 to 70 thousand men in uniform and half as many more civilians to put a division of 18,000 men in the field."

The only change since that time is in the size of the Army division; it is now 16,000 to 17,000 men. Yet with the smaller division the ratio of active Army manpower to division was 76,300 in FY 1970; 82,200 in FY 1971 and 65,200 in FY 1972.

The best indicator of the imbalances created by the Army's too plush Tables of Organization and Equipment, which under any division level assign such a small amount of Army manpower to divisional forces (in FY 1975 only 208,000 out of 785,000), is the fact that in FY 1976 the Soviet ratio of active ground forces manpower, to each deployed division will be about 23,900. The Chinese ratio will be 16,600.

Thus, if increased ground combat power is the Army's objective increasing the number of too fat and over-supported division on active duty is not the way to accomplish this goal. The division force equivalent (DFE) of an Army division has for many years been 48,000 men (16,000 in the combat division, 16,000 in the initial support increment (ISI), 16,000 in the sustaining support (SSI). Yet even within the combat division less than 50% of the personnel are assigned to combat duties.

If the Army needs more divisions and can make a justifiable case for them, the way to obtain them is to restructure the Army TO & E's so that such a high ratio of active Army manpower is no longer serving in other than the combat divisions. The addition of 3 divisions within the current end-strength is in effect maintaining the same out-of-balance combat productivity in the Army and removing any incentive to seriously examine and change the poor ratio of active duty manpower to divisions.

4. The Secretary of Defense has indicated that the 13-division figure was decided on by the Nixon Administration "on the assumption that our high-priority National Guard and Reserve divisions (however there are no Army Reserve combat divisions) would achieve sufficiently high standards of combat readiness so that we could deploy them almost as rapidly as our active Army divisions." But Mr. Schlesinger then says, "We have now concluded, however, that such heavy reliance on Guard and Reserve divisions for initial defense would be imprudent . . . it is worth remembering, in this connection, that it took a minimum of eleven months to ready these divisions for combat in World War II and Korea."

In contrast to these statements by the Secretary of Defense we have the testimony of the Chief of the Reserve components, Department of the Army appearing before the House Armed Services Committee on March 20, 1974, and speaking to the challenge of increased readiness for the reserve forces he said, "meeting the challenge is a matter of resolve. We fully intend to meet it, the key of course is readiness—ready for mobilization and ready to deploy to meet the Nation's needs . . . a dedicated recruiting effort coupled with appropriate enlistment incentives will do the job, training has improved and will continue in that direction . . . overall these factors spell increased readiness and capability to perform assigned missions."

Yet despite these optimistic predictions less than a year ago before the House Armed Services Committee and the funding Appropriation over $4 billion in funds for the Guard and Reserve, Mr. Schlesinger is now saying that the American people can't rely on the reserve ground forces for rapid availability for battle in time of national emergency. He proposes that they spend approximately an additional $3 billion in equipping the 3 new Army divisions, but at the same time he wants the taxpayer to pay $726 million more in FY 1976 for Guard and Reserve forces whose ground elements he contends are not sufficiently combat-ready to fight to defend the U.S. in the early days of a national emergency.

And also at the same time the Secretary is saying that the Reserve ground combat forces are not sufficiently combat-ready to be relied on, he is proposing to use Reserve combat units to round out the active divisions that he plans to use for initial emergency defense missions. It seems impossible that he can have it both ways.

5. The DoD has estimated the eventual total cost of equipping the 3 new divisions at roughly $2.5 to $3 billion. This raises the question of what has happened to the sets of division equipment that were left over at the end of the Vietnam War. At the peak of the Vietnam War in 1969, we had the equivalent of 19 Army divisions. Now 6 years later with 6 fewer divisions, we can't equip 3 divisions—and 2 of those are infantry divisions which require the least equipment of any type Army division. The 6 sets of divisional equipment has obviously been sold or given away to allies and the Guard and Reserves. But that doesn't explain why it hasn't been replaced in our war reserve stocks?

6. On page 130 of his 1976 Posture Statement, the Chairman of the Joint Chiefs of Staff indicates that "as support units [in Europe] are reduced, it will be necessary to hire local civilians to perform certain tasks previously done by military men." Thus the implementation of Section 302 of the 1975 Defense Authorization and Procurement Act will result in the Army transferring some 12,000 military personnel in Europe from support to combat duties, but then replacing most of these support personnel with Local Wage Rate (LWR) foreign national civilian employees. The result of this sleight-of-hand personnel policy in the words of General Brown will be "that Section 302 will cause an increase in the U.S. Army Europe budget." This increase for replacement local civilian employees is in addition to the increased costs inherent in transferring and equipping the support personnel transferred to the planned combat units. All of these additional and related costs should be considered before approving the formation of three new Army divisions.

SOME UNANSWERED QUESTIONS

Why does the Army need to return to 16 active Army divisions? In 1964 when the Army was at the 16 division level the Department of Defense planned on fighting 2½ wars. Now under the Nixon Doctrine the Department plans contingencies on the basis of 1½ wars. If we are now planning to fight one less war, why do we need 3 more Army divisions to do it?

What are the increased foreign military threats, changed treaty commitments, foreign policy objectives and military mission requirements that necessitate a 3 division increase in our active Army?

In recent testimony and statements the Secretary of Defense has indicated that we possibly could not count on our Guard and Reserve forces for use in reinforcing an initial conventional defense of Europe. For this reason he has stressed the need for the three division increase in the Army. Yet two of those divisions would be standard infantry divisions, which according to Army doctrine are not as suitable for combat in Europe as armored or mechanized divisions. What are the military and foreign policy requirements that have caused the requirement to form two additional infantry divisions? And is it planned later to convert these two infantry divisions to mechanized divisions at further expense to the taxpayer?

In FY 1976 the Army ratio of manpower to division will be about 60,000 to one. Why does it take such a large ratio of Army soldiers to field each of our combat divisions? And what is the ratio of Department of the Army civilians to each division?

The Department of Defense estimates that it will eventually cost nearly $3 billion to equip these 3 new Army divisions. Why should it require such a large expenditure for new equipment. What happened to the sets of divisional equipment that were left over after we deactivated the equivalent of 6 divisions at the end of our direct involvement in the Vietnam War? And, why does the Secretary of Defense indicate on page III-47 of his annual Defense Department Report for 1976 that one of the reasons we need to increase our tank production is because additional tanks are required for the 3 new divisions. It is my understanding that infantry and mechanized divisions have a relatively small number of assigned tanks.

Is the Army not in effect having to be offered the "incentive" of a constant end-strength in order to get it to improve the woefully low-combat-to-support ratio. Isn't this a form of bribery rather than appropriate civilian control of the military?

If the Army is in need of additional divisions, why were only approximately 235,000 soldiers out of an Army endstrength of 785,000 assigned to the combat division forces in 1974. And if there is a continuing need for more divisions, why will only about 250,000 soldiers out of an Army end-strength of 793,000 be assigned to the combat divisions in 1975?

The Chairman of the Joint Chiefs has indicated that the cost of U.S. Army Europe will probably increase. This increase is said to be probable because of the envisioned need to hire local German civilians to replace the military personnel being transferred from support units to jobs in the newly organized combat brigades being formed under the 3 division increase. These additional combat brigades are to beef-up the number of forces the U.S. voluntarily stations in West Germany in the absence of any specified treaty requirement. Why is it necessary to increase the number of combat forces the U.S. maintains in West Germany? What recent comparable increases in combat units have the French, British, Dutch, Belgium and Danish armed forces made to the NATO command? Why is it necessary to replace the U.S. support personnel with local civilian employees? Is it not possible to eliminate most of these support jobs being performed by military personnel being transferred to the new combat units because their support duties were previously evaluated as "nonessential"?

CONCLUSIONS AND RECOMMENDATIONS

Based on published public information, it is concluded that there has been no significant change in foreign conventional threats, treaty commitments, U.S. foreign policy objectives or Army mission requirements that would necessitate or justify a three division increase in the active Army. While it is considered desirable that the Army improve its poor combat-to-support ratio, it is considered that in view of the current disproportionate share of Army soldiers assigned to other than the combat divisions that additional Army divisions could be created from within a lower FY 1976 end-strength level.

There appears to be no valid reason to activate two additional Army infantry divisions for a NATO reinforcement role. Nor is there a justifiable need to have two additional infantry divisions for intervention in areas of Asia, Latin America or Africa where infantry divisions are most suited for modern combat operations.

It is also concluded that furnishing the Army an "incentive" to maintain an unnecessarily high FY 1976 end-strength level in relationship to active combat manpower assigned is in effect to encourage the Army to continue to structure its TO & E's in such an improper way as to continue the current out-of-balance Army combat and support forces. Furthermore, the DoD by encouraging such "incentives" is rewarding past unsatisfactory Army manpower utilization through a civilian leadership policy of management through incentive rather than directives which establish and promote civilian control of the military forces. Continuation of such weak civilian control over the military forces can only spell eventual disaster for our democratic society.

It is recommended that the Army not be authorized to form three additional divisions within the requested end-strength of 793,000. Rather it is recommended that active Army FY 1976 end-strength be reduced to 750,000 personnel by September 30, 1976. It is further recommended that no authorization be granted for the hire of additional local wage rate German civilians to replace U.S. Army Europe military personnel transferred from support to combat duty. All such support spaces should be eliminated at the time the military person is transferred to the newly formed combat units.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Mississippi (Mr. EASTLAND) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 2, nays 70, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—2

Cranston
Gravel

NAYS—70

Allen
Bartlett
Bayh
Beall
Bellmon
Biden
Brock
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Culver
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
McClellan
Metcalf
Mondale
Montoya
Moss
Nunn
Packwood
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stone
Thurmond
Weicker
Williams

NOT VOTING—27

Abourezk
Baker
Bentsen
Brooke
Church
Curtis
Eastland
Inouye
Kennedy
Mathias
McClure
McGee
McGovern
McIntyre
Morgan
Muskie
Nelson
Pastore
Pearson
Sparkman
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Young

So Mr. GRAVEL's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAVEL. Mr. President, I think it is obvious to all that on this particular subject there is a lot of room for growth on our side of the issue.

Mr. President, I suggest the absence of a quorum.

Mr. HRUSKA. Mr. President, will the Senator withhold that?

Mr. GRAVEL. I withdraw it.

Mr. HRUSKA. Mr. President, these remarks are chargeable to debate on the bill.

Mr. President, along with several other Members of the Congress, I recently had the opportunity to participate in a fact-finding mission to Europe where we engaged in briefings and discussions on the state of our North Atlantic Treaty Organization, NATO, alliance.

President Ford was then in Europe where he attended the NATO Summit Conference, after which he met and conferred with various heads of state.

As we listen and participate in this general debate on our defense and foreign policy goals and more specifically on the merits of S. 920, it might be helpful to reflect upon the importance and place of the NATO alliance to the United States and the relationship that this military procurement bill has to that alliance.

A little more than 17 years ago, in a speech sponsored by the New Hampshire Council on World Affairs, the late John Foster Dulles sought to define what America's foreign policy ought to be. Although the passage of time has brought many changes both to the United States and to the world in general, Secretary Dulles's observations in New Hampshire are still very valid.

In that speech, Secretary Dulles stated—

> There is nothing mysterious about the goals of the United States foreign policy. It seeks to defend and advance the interests of the United States.

He then went one to define those interests as follows:

> (1) The life of our people and the physical safety of our homes. These would be endangered by war.
>
> (2) The well being of our economy. This would be gravely impaired if hostile forces dictated the pattern of world trade.
>
> (3) The integrity of the principles for which our Nation was founded. Our Nation is more than population, more than real estate. Our Nation represents ideals. These

ideals are an integral part of America, to be defended and promoted by our foreign policy.

Mr. President, these words ring as true today as they did 17 years ago. Our foreign policy should be guided by self-interest. The American people have a right to expect, to demand, that the officials in Washington both elected and nonelected are guided by this basic principle.

The first interest which Secretary Dulles mentioned was that of defending our people and homeland from war. In order to maintain peace the United States relies upon collective defense treaties the most important of which is, of course, the NATO Treaty. These member countries, all acting out of self-interest, are bound together in this collective defense arrangement so that each is committed to go to the aid of the other in the event of an armed attack. The circumstances which give birth to this treaty are still in effect today. That is, the massive military power of the Soviet Union.

Although the words exchanged between our two countries are now softer and more conciliatory, although we have found areas of cooperation, the fact remains that from a military viewpoint the Soviet Union is just as great a threat to the NATO allies as she was when the treaty was first signed. Perhaps, from a military viewpoint, the only thing that has changed is the fact that the Soviet Union now represents a far greater threat to the American homeland then she did when NATO was founded.

I do not mention these things because I advocate a return to the cold war tensions that once existed between the United States and the Soviet Union but rather to point out that danger which caused the formation of NATO has not in reality diminished.

That alliance is beset by many grave problems. Greece and Turkey are embroiled in a dispute which threatens the very existence of NATO's southern flank. In Athens, we had the opportunity to meet with high officials of the Greek Government. During my discussions with these leaders, I was impressed with the grave seriousness of the Cyprus problem and how it could adversely affect NATO's ability to remain dominant in the eastern Mediterranean.

Should NATO's southern flank collapse, Italy engulfed in her great economic difficulties and with a strong Communist Party would become the first line of defense in the Mediterranean.

The problems with Portugal are well-known to the Members of this body. Only time will tell us whether that country bordering on the Atlantic Ocean remains true to her commitments or falls prey to the forces of communism. Should Portugal withdraw from NATO its loss would be a severe blow to the cause of freedom and the security of the free world.

Furthermore, Western Europe, as the United States, is struggling under various economic problems which if unresolved, could lead to social unrest and uncertain stability in the times ahead.

It is with these problems as a background that our NATO allies watched the collapse of South Vietnam. The tragic events in Southeast Asia gave rise to doubts in some quarters that the United States could be viewed as a reliable ally. To a certain degree, President Ford's firm handling of the *Mayaguez* incident has helped to allay some of these fears. There is still, however, an underlying concern that the United States may become increasingly isolationist.

This possibility is viewed with great alarm by those of us who have watched the growing military strength of the Soviet Union. For example, it is estimated that the Soviets have over 4 million men in their armed services. This is about twice the number of the United States. It is also estimated that they have a commanding lead in tanks and tank production, 4 to 1 and 5 to 1 respectively. In the artillery tubes they lead us 3 to 1 as well as 3 to 1 in heavy mortars.

In the vital field of seapower, the Soviets have made impressive gains. The Russian fleet has been transformed into a global force capable of dominating large areas of the world's seas. For a Europe, whose lifelines are the seas, this is a very ominous development. In the past, our European allies could count upon the U.S. Navy's clear superiority at sea. That superiority has now been challenged.

The Soviets also have an impressive arsenal of nuclear missiles. Some estimates indicate that their missiles which are capable of being equipped with MIRV's have three to six times the payload of our missiles. Such capability raises some doubts about our second strike capabilities. If the Soviets reach the point where they can achieve a reasonable expectation of destroying many of our nuclear weapons during a first strike, they may feel that our second strike ability or willingness to respond to such an attack can be questioned. The question being asked in light of these developments is why is the Soviet Union, with its clear superiority in land forces, seeking supremacy in nuclear strategic weapons and at sea?

In Vienna we had the opportunity to meet with Ambassador Stanley Resor, the former Secretary of the Army, and now the U.S. representative to the Mutual and Balanced Force Reduction Negotiations, and to receive an excellent briefing on the status of those negotiations. Additionally, we met the United Kingdom, Federal Republic of Germany and the Soviet Union's representatives.

In these meetings and briefings it was clearly demonstrated that the Warsaw Pack countries, of whose ground force the Soviet Union makes up 50 percent, have significant advantages in ground forces located in the proposed area of reductions.

The NATO allies have a ground force manpower of 770,000 along with 6,000 tanks in that same area.

Arrayed there against this is a Warsaw Pact ground force of 925,000 plus 15,500 tanks. Thus, despite the fact that NATO possesses substantial and well-equipped conventional forces in that territory the present Warsaw Pact advantage makes these ground forces the key to the problem of a military confrontation in Central Europe.

Again the question is asked what are the intentions of the Soviet Union and the Warsaw Pact allies.

While we may not have the answer to these questions, we certainly have the ability to respond to the challenges and concerns which they engender.

Senate passage of S. 920 without any cuts in the various authorizations would be a sure signal to both our allies and potential adversaries alike that the United States stands ready to honor its commitments and repel any attack upon our NATO allies. Many of the items contained in this bill are of prime importance if we are to remain militarily strong enough to honor those commitments. The B–1 bomber and the Trident weapon system, for example, are integral parts of the Triad system which is designed to operate worldwide. Since the potential danger points are worldwide—so must be our ability to respond. Any attempt to reduce the amount authorized by the committee for these vital programs should be rejected. On the European scene, of vital importance is airborne warning and control system, AWACS, for which the bill provides.

How tragic it would be if, at a time when Western Europe, Japan, the People's Republic of China, and other countries are recognizing this growing threat to their security, the United States were to foolishly allow the Soviet Union to become the greatest military power in the world.

In the second area of self-interest—that of the well being of our economy and the need to prevent world trade from falling under the domination of hostile forces, we see that the Soviet military might pose a potentially very serious problem. The Soviet Navy operating freely throughout the world can pose a danger to the world commerce. As their naval forces sail through the Indian Ocean, the Strait of Malacca, the eastern Mediterranean, and soon the Suez Canal, and other key bodies of water their ability to disrupt trade is immense.

If they choose to do so, and the United States was unable to respond, the damages would be long lasting for to a large extent it is our trade relations which help to keep the Free World together. Should this trading relationship be diminished or threatened by acts of the Soviet Union, many countries would undoubtedly be forced to consider a closer dependence upon the Soviet economic bloc. We have already witnessed the effect in Europe which the Arab oil embargo had upon the foreign policies of a number of our NATO allies. This lesson should not be lost.

Finally, there is the interest of maintaining the integrity of our principles. It is inconceivable that the United States could turn her back and allow the philosophy that communism represents to dominate not only Western Europe but Japan, Africa, Latin America, and other areas still free. To do so would be a betrayal of our heritage and the first step toward the loss of our own freedom.

This is not to say that the United States should try to regain her role as the world's policeman. The teachings of Vietnam are too fresh in our minds to allow that to happen. It is vital, however, that we do not overreact to Vietnam and become isolationists, because to do so would be to ignore the simple fact that the survival of our ideals and our way of life are inalterably linked to the survival of Western Europe and the free world.

Mr. President, it is with these thoughts in mind that I urge upon my colleagues Senate passage of S. 920 without any crippling cuts in our defense programs. This clear display of our intent to maintain a strong national defense would be a sure signal to our allies and to the Soviet Union that the United States stands ready to honor its commitments, and that we are aware that those commitments are in our own best interest.

Many of the items contained in S. 920 are of prime importance if we are to remain militarily strong enough to honor those commitments. The B–1 bomber and the Trident weapon system, for example, are integral parts of the Triad system which is designed to operate worldwide. As we have seen the potential danger is worldwide—so must be our ability to respond. Any attempt to reduce the amounts authorized by the committee for these and the other programs vital for our defense should be rejected.

Mr. CHILES. Mr. President, I want to first compliment my colleagues who took the time and effort to organize this 2-day debate on defense and foreign policy.

Against the backdrop of this year's military authorization bill, I believe it should be part of the Senate's role to look for a broad consensus on the issues—and to build on the long months of hard work and analysis brought to us by the distinguised chairman from Mississippi and the other members of the Armed Services Committee.

Rather than try to add my own thoughts on all the issues that have been discussed so far, I would like to make some brief comments to put floor actions like this in perspective. I want to comment on what, to me, has been a nagging problem for as many years as I have been in the Senate.

That problem, to put it simply, is what forms of control the Congress uses to participate in shaping our defense posture and defense budget.

I believe we need to move toward some different, more meaningful framework of congressional decisionmaking in defense.

Look at us this year—yesterday—debating important issues of defense strategy and foreign policy commitments.

Then take a look at where we are today—voting on B–1 bombers, AWACS aircraft, ceiling cut amendments.

Take a look at the military authorization bill and what do you see: Army, Navy, Air Force; research, development, test, and evaluation; procurement; aircraft, missiles, torpedoes, tracked vehicles.

Think about the comparison: What we talked about yesterday and Monday compared to what we are voting on today.

I am convinced—and I would like to suggest to all of you here in the Chamber now—that there's something missing.

And what is missing is a bridge between our decisions on policy and strategy and our decisions on the military budget.

How can you translate any broad conclusions on defense strategy and needed defense capabilities into budget decisions?

The answer is: Today, you try to find symbolic research or weapon system line-items. You pick out a B–1 or an AWACS.

But I am left with a kind of empty feeling. Nowhere do we have the opportunity to see the total resources going to defense missions—like strategic offense.

Whatever we conclude about détente, I think we are in a much better position, then, to vote on strategic budget totals: How much R.D.T. & E., how much procurement, how much operations and support, and how much in total.

Where are these figures? Right now they are scattered across authorizations for the military departments:

Scattered across research and procurement and manpower levels—scattered.

I do not pretend to be an expert on weapons and technology and doubt very many of us would claim to be, even though some of our staff members encourage us to be.

In general, we seem to be setting the Congress on a path of trying to confront all the separate decisions made by the whole Defense Establishment. This is one way to go, of course.

Unfortunately, such a head-on, shotgun approach further complicates congressional visibility so that the original objective—meaningful participation and intelligent controls—is further out of reach.

That is why I believe we need to start to build a functional mission framework for our defense decisions—to set weapons and activities in context.

And that is why I have been working to do just that.

When I served on the Congressional Procurement Commission, we issued a package of reforms to give Congress more meaningful controls over defense programs.

The findings were:

> "Congress and its committees have become enmeshed at a detailed level of decisionmaking and review in attempting to fulfill their responsibilities. This disrupts programs, denies flexibility to those responsible for executing programs, and obscures Congress' priorities and the allocation of national resources."

The proposed solution: A top-down decision structure to give Congress an early and cohesive view of defense missions and budget priorities.

The top-down structure of budget decisions was mandated in legislation introduced in March 1973—S. 1414, 93d Congress—and incorporated as section 601(i) of the Budget Reform Act in June 1974. By law, the new budget structure will come into effect beginning with fiscal year 1979. OMB, GAO, and the executive agencies are now working to establish this new "mission-oriented" budget.

In the meantime, my Federal spending practices subcommittee has pushed to have the new framework take root in other areas. A budget restructuring exercise for HEW is now underway under the auspices of the Senate Appropriations Committee in advance of the legal requirements.

On the specific case of defense, the Senate Budget Committee this year agreed to adopt a mission planning approach to the defense budget.

The administration, meanwhile, has been working for 18 months to reach a unified position on the precise package of reforms on major systems acquisition. Final negotiations are now underway between the Defense Department and OMB's new office of Federal procurement policy, established by law just last year with directive authority in acquisition matters. Their position should be forthcoming next month in hearings which we began last Tuesday, May 20, with a case investigation of the Air Force and Navy air combat fighter programs.

The Sunday before our last recess, the Washington Post ran an editorial puzzling over the way the House treated this military authorization bill on the floor.

The editorial said:

> Few of the decisions taken on the House floor appear to reflect either a serious weighing of the merits of these military programs as such or a particularly well thought-out conception, if any, of our overall defense requirements.
>
> The enlargement of congressional authority that has taken place over the years has been deceptive and even self-defeating. It creates an illusion of more influence than it can or does actually provide.

What we need, the editorial suggested, was, "ideas about how Congress could sharpen and improve its capacity to exert real and reasonable influence over the military budget."

I believe we have such ideas and are putting them into effect.

I thank the colleagues who have helped take these first steps and hope more will.

Mr. President, I ask unanimous consent to have printed in the RECORD the Post editorial and excerpts from the Commission report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 1975]

CONGRESS AND THE DEFENSE BUDGET

Everyone who is interested in the changing relationship of Congress and the executive branch is aware of the way in which Congress' authority has been enlarged over the last few years in the area of foreign policy. A much quieter, but equally important expansion of authority has occurred in the field of defense. Congress, which not so long ago pretty much confined itself to the use of a fairly generalized power to appropriate or withhold funds in any effort to influence Pentagon policy, has in recent years greatly enlarged and particularized its authorizing power. The result is that at least theoretically its members have much more say-so in matters ranging from appropriate military and civilian manpower levels to the advisability of going forward with specific weapons systems. This increased authority has partly caused and partly coincided with a growing interest on the part of many members in reducing the Pentagon budget and/or in asserting a new measure of congressional control over defense policy. But the thing isn't working very well.

Last week's House voting on the military procurement bill, in which the budget-cutters were roundly defeated, is an example. Our point is not that the outcome was some kind of a national disaster. On the contrary, we regard that result as a mixed bag. Some of the projects that escaped cuts did not, in our opinion, deserve to: the so-called AWACS tactical command and control aircraft, for example, and the program of testing certain missiles with a view to improving their ability to destroy an opponent's land-based missiles. Others, such as the B-1 bomber, probably deserved to go forward—but at a slower rate. And still other moves—principally the attempt to reduce overseas troops by 70,000—richly deserve to be defeated.

But the point is that few of the decisions taken on the House floor appear to reflect either a serious weighing of the merits of these military programs as such a particularly well thought-out conception, if any, of our overall defense requirements. Rather, by most accounts, what was decisive in defeating these moves to cut back various military programs was a combination of sentiments concerning both the need to send a signal of American resolve overseas in the wake of the Vietnam evacuation and the need to leave defense industry intact at a time of exceedingly high unemployment.

In fact you can make a pretty compelling case at the moment that each of these sentiments, in its way, serves the immediate national interest. But you really cannot make much of a case for them, or for the similar short-lived moods that have profoundly affected defense votes in the past, as a sound basis for taking decisions that may have serious long range effects on both the national defense and the national budget. For very often such votes represent a sort of point-of-no-return: an authorization to take steps that cannot easily be reversed and that all but guarantee that a particular weapons system—for better or for worse—will become part of our arsenal. And equally often the weapons system under consideration is particularly ill-suited for consideration on such a basis, being a system designed for a presumed defense need some 10 or 20 years hence.

There are several observations to be made about this congressional process. One is that with the exception of the anti-ABM campaign, attempts to limit or eliminate major weapons systems by means of floor fights in Congress have by and large been spectacularly unsuccessful. Another is that such pressures as are generated by these fights and the prospect of more to come have had their impact primarily on the relevant committees: it is in those committees that such trimming and redirecting of the Pentagon's requests as are likely to occur take place, and the result has been evident especially in Senator Stennis' increasingly critical approach to those requests in recent years. The third observation is that under the present system of congressional authorization for various military projects, the situation is not likely to change much in the future. For in a way, the enlargement of congressional authority that has taken place over the years has been deceptive and even self-defeating. It creates an illusion of more influence than it can or does actually provide.

The problem is that what Congress has acquired in this expansion of the authorization process is little more than a license to scrutinize certain Pentagon enterprises and not others and to do so in a piecemeal, ad hoc way. One unfortunate result has been that the debates have acquired a kind of reflexive, ritualistic character: more versus less, engage versus disengage, build versus dismantle. Some members seem to be against practically any weapons system up for consideration, and others to support whatever it may be. Few give evidence of having anything like a clear or plausible overall concept of what this country's defense needs are or what its military role abroad should be. Instead the arguments seem always to come down to a clash of generalities and of arcane technological data concerning the merits of specific programs as if they were unrelated to each other and to a larger strategy and more comprehensive program.

Rep. Les Aspin (D-Wis.), one of those who tried to cut the budget in the House last week, is among the legislators who have put forward some interesting ideas about how Congress could sharpen and improve its capacity to exert real and reasonable influence over the military budget, and we intend to return to these another day. But well before any changes of this kind occur in the format for congressional action, it seems to us that the members of Congress—especially those who would assert more control over policy—will themselves have to contrive and demonstrate an approach to this country's defense needs that is more persuasive than that which seems to amount to little more than a desire to cut back on whatever project is up for a vote. In the aftermath of Vietnam the current national rethinking of those defense and foreign policy premises we accepted for so long and with so little critical examination should offer the opportunity for those who have come to be known by the ambiguous name of "defense critics" to formulate such a positive program.

[Extract from report of the Commission on Government Procurement—Volume 2, December 1972]

PART C—ACQUISITION OF MAJOR SYSTEMS

DIRECTIONS FOR CHANGE

The Commission chose to take an integrated view of the acquisition process, covering all the basic steps from the initial statement of a need to the eventual use of a system. The report concentrates on the way the Government organizes policies and procedures to accomplish these basic steps. It also deals with the problems caused by the vested interests and motivations of the principal organizations in the roles they most often play in major system acquisition, including:

Contractors who are overoptimistic in their estimates of system cost, performance, and delivery date and who make contractual commitments according to those estimates in order to win program awards.

Agency components, like the military services, that reinforce contractor optimism to gain large-scale but premature program commitments in order to meet their obligations to provide modern operational capabilities and to preserve their stature and influence.

Agency heads who do not have effective means of control in discharging their responsibilities for coordinating components and programs in the face of severe bureaucratic pressures.

Congress and its committees which have become enmeshed at a detailed level of decisionmaking and review in attempting to fulfill their responsibilities. This disrupts programs, denies flexibility to those responsible for executing programs, and obscures Congress' view of related higher-order issues of national priorities and the allocation of national resources.

IMPROVING SYSTEM ACQUISITIONS

The need to improve major system acquisition has been made apparent by the succession of cost overruns, contract claims, contested awards, buy-ins, bail-outs, and defective systems that have drawn sharp criticism to one or more programs in recent years. The clutter of programs and problems has made it difficult to understand or grapple with the underlying causes of acquisition difficulties, some of which are subtly removed from the time and place that the symptoms appear.

This report concludes that the basic roadblock to improvements in system acquisition, is the fact that too many past attempts have symptomatic problems, such as those just enumerated, on an individual, piecemeal basis. Patchwork corrective action has become counterproductive, leading to more regulations to amend regulations, more people to check people, more procedures to correct procedures, and more organizations to correct organizational problems.

UNDERLYING PROBLEMS

Piecemeal improvements will only aggravate the underlying problem in system acquisition: *the lack of visibility over the key decisions that control the purpose and direction of system acquisition programs.* Without this visibility, these key decisions (and the information needed to make them) have been displaced from their proper organizational levels, both within Government and between Government and the private sector. The end results have been a diffusion of responsibilities that has made it difficult to control system acqusition programs.

Congress and agency heads have become so burdened with detail that they have not been effective in carrying out their respective responsibilities. Congress often cannot act as a credible and sensible check on an agency because acquisition programs provide no handles to enable Congress to interrelate the purpose of new systems and the dollars being spent on them with national policies and national needs. Instead, data is presented to Congress in "traditional" forms, inviting attention to already defined products and to annual budget increments that finance development and production. From many points of view, this information is useless as a basis for effective congressional review.

CONGRESSIONAL REVIEW OF NEEDS AND GOALS

Without a clear understanding of the needs and goals for new programs, Congress is unable to exercise effectively its responsibilities to review expenditures and the allocation of national resources. This failure is partly encouraged by the timing and format used to present system acquisition programs and by the kinds of questions in this format provokes. The wrong questions are asked early about research and development projects and, when the right ones are provoked by debate on a particular system, it is often too late for the answers to be relevant.

Current budgeting and review procedures expose the need and goals for a program to Congress at a time when a single system is proposed, with cost, schedule, and performance estimates often predicated on insufficient research and development efforts. At this stage, it is difficult to control costs because system characteristics are fixed within a narrow range. Thus, the cost to meet a mission need is largely determined by the cost of the new systems, not the worth of the new mission capability compared to other alternatives. This leaves Congress a futile choice: either pay the price for the system or let the need go essentially unsatisfied. Congressional ability to deal with agency budgets and to provide meaningful guidelines to allocate limited national resources is seriously undermined.

Congress should have an early and comprehensive opportunity to debate and understand any agency's mission needs and goals for new acquisition efforts, and the opportunity to discuss the relationship of proposed mission capabilities to current national policy and the allocation of resources in accordance with national priorities. Understanding an agency's needs and program goals before discussing the system to meet the need should help reduce the delays in authorization and appropriation caused by extended investigation of all these issues when a system surfaces later for large-scale funding approval.

This does not imply that Congress should make defense strategy, define defense missions, or interpret for the military what their needs are and the best way to meet them; these are roles of the executive branch. Congress *should* have the opportunity to review agency programs in such a way that the programs can be clearly related to national policies, priorities, and the allocation of resources in order for Congress to exercise its legislative responsibilities and controls. This is preferable to having the consideration arise after a single system is well into development, when need and goals are already obscured by the technical merits and demerits of a particular system, and there is little room to control the cost of meeting national needs.

CONGRESSIONAL REVIEW OF SYSTEM EXPLORATION

Congress has difficulty overseeing the growing expenditures for agencies' R&D budgets; its intensified demands for information and justification leaves Congress burdened with detailed reviews that obscure the overall pattern.

Congress could better understand where R&D money is spent if it reviewed, authorized, and appropriated funds for exploring candidate systems according to mission. This should be done in conjunction with its review of agency missions and the needs and goals for new acquisition programs. This approach would segregate funds for (1) maintaining the technology base, (2) activities to explore alternative solutions to mission needs, and (3) the final development of systems chosen to meet needs. The second category would group together all development projects associated with candidate systems to meet each agency mission need. Congress would then have a more meaningful and convenient basis for reviewing expenditures and earlier awareness of the evolution of new systems.

Allocations of R&D money according to mission needs would help reduce the pressures to make premature commitments to a particular system in order to gain funding approval. With defense mission needs and goals reviewed yearly, and with a fixed-level funding constraint tied to finding solutions, the executive branch would have greater flexibility to explore alternative systems and cope with uncertain system candidates. The opportunity to question and review individual projects within these mission funds would remain whenever such scrutiny is needed but, at the same time, a more meaningful level of review and control would be available.

There is a growing awareness in Congress that it must deal more effectively with executive branch programs and equip itself more fully to do so. The primary intent of our recommendations on review of program needs, goals, and related funds is to sharpen the effectiveness of whatever congressional efforts are expected to review major system acquisition programs.

Mr. SPARKMAN. Mr. President, I regret that I shall not be able to be in the Senate when the amendment to strike from the bill funds for the site defense program is brought up.

I support the site defense program for which the administration requested $140 million. The House Armed Services Committee recommended $135 million and the Senate Armed Services Committee recommended $70 million. I feel very strongly that this program serves the best interest of our Nation, both from a national security and from a foreign relations standpoint.

I know that we are all hopeful that future negotiations will result in further agreements calling for a reduction in arms. Nevertheless, we must recognize that the world balance of strategic forces is a major factor in establishing our ability to deal with other countries in the pursuit of peace and open trade throughout the world. In recent years, we have reduced our real expenditures for strategic offensive and defensive forces while the Soviet Union has consistently increased theirs. The United States must remain in a strong military position in order to negotiate for these further arms limitation agreements. Unilateral reductions serve only to harden the line taken by those with whom we must negotiate.

To terminate or to further curtail the site defense program would mean more than simply a cut in one of the programs of the Defense Department. It would be a major shift in our strategic policy and would provide the Soviet Union with a clear signal that we are abandoning ballistic missile defense. It would add at least a decade to the lead time required to deploy a ballistic missile defense system of any type.

The Congress ordered a redirection of the program for fiscal year 1975 which eliminated the prototype demonstration effort. In its report this year, the Senate Armed Services Committee emphasized that this program will not be directed toward an ultimate prototype demonstration but is to be maintained at a sustaining level pending further developments in strategic weapons limitation negotiations with the Soviet Union. The committee requested the Secretary of Defense to undertake a study of the requirements for possible deployment of a ballistic missile defense system in the late 1980's as a hedge against termination or abrogation of the antiballistic missile treaty.

Mr. President, I feel very strongly that we should maintain this program at the sustaining level recommended by our committee. It may be that further changes in the program may be desirable once the Secretary of Defense has completed his study of the program and has reported to the Congress. However, I do not feel that we can afford to eliminate the work that is being done on ballistic missile defense at this time. I strongly urge my colleagues to vote against the amendment of the distinguished Senator from Alaska (Mr. GRAVEL).

Mr. McGOVERN. Mr. President, the Pentagon's joint strategic bomber study amounts to a blatantly stacked deck for the $20.6 billion B–1.

My staff has prepared an analysis of the Pentagon bomber study which demonstrates that all of the most critical Pentagon assumptions about bomber roles and missions are completely implausible. This study is an attempt to snow the Congress with a mountain of paper that means essentially nothing.

When this study was ordered, we had a right to expect that there would be some realistic analysis of what specific missions the manned bomber is supposed to carry out. That, after all, is what the issue is all about.

But instead of beginning with an appraisal of missions and targets, the joint bomber study simply assumed that we needed exactly those functions that have been designed into the B–1, including outlandish demands for the coverage of hard targets in the Soviet Union.

And when Senator McINTYRE called them on this failing, Pentagon spokesmen came back with the incredible response that it would have required too much computation to start with missions and work back to the right systems to carry them out.

That amounts to an assertion that we should be perfectly willing to gouge the taxpayer, but at all costs we must avoid overtaxing those precious Pentagon computers.

What is the presumed bomber mission? While precise targeting assumptions are classified, Brig. Gen. John Toomay testified that the supplements to the main study involved analyzing a set of 1,000, 1,500 and 2,000 weapons on target. Also on the public record, Deputy Defense Secretary Clements said those studies included a range of capabilities, at least two of which were substantially below the one used in the main study. And the hearing record is replete with references to hitting hardened military targets.

So we are talking about a bomber designed to invest vast numbers of weapons in defense suppression—the B–1 force could carry between 6,000 and 8,000 SRAM's—and still deliver 2,000 nuclear weapons, with pinpoint accuracy, on hardened military targets.

Nowhere do we see any justification for why we need that capability. For less ambitious purposes, other options would do just as well and cost dramatically less. Yet the bomber study just assumes the need.

Considering flight time alone—15 minutes for SLMB's, 30 minutes for ICBM's, and 8 hours even for the supersonic B–1—it is obvious that the one purpose for bombers is to provide backup insurance of our nuclear deterrent against the remote risk that the Soviet Union could find a way to counter those other two systems—and to do so with such high confidence that they might be tempted to risk a first strike.

But this backup role requires no hard target capability. Considering that there are only some 160 significant cities and industrial centers in the Soviet Union, it certainly does not require the ability to strike 2,000 or more targets.

In fact, the joint strategic bomber study is based not on a deterrent role for bombers, but on a ludicrous "war fighting" role which would have bombers ranging over a devastated Soviet landscape looking for any hardened missiles or command posts that might remain 7 or more hours after both countries were wiped out. It makes no sense at all, yet this is the basis upon which Congress is supposed to buy this gold-plated system.

As the staff study demonstrates, the joint strategic bomber study also rests the case for the B–1 on assumptions about prelaunch threats to bombers and Soviet bomber defenses which would be patently absurd for the Soviet Union to build.

We have been reducing our bomber defenses because, under the SALT I agreement, we have foregone a full ABM defense and, therefore, must remain vulnerable to missiles. The Soviet Union made the same agreement. Yet the joint bomber study assumes they will invest massively in new bomber defenses, even when the Pentagon is admitting that it would be foolish for us to do that ourselves.

In sum, the joint strategic bomber study is a disingenuous attempt to dupe the Congress and the country into believing that we need what the Air Force wants. The entire approach suggests that they know, and therefore have worked mightily to avoid, the honest conclusion that under any fair and realistic assessment the B–1 is an expensive, excessive dream machine that our security does not even remotely require.

I am convinced that either this year or next, the Congress will reject the B–1. We should do it now, before we waste any more money and before we waste any more time in designing a bomber within more practical cost and mission constraints.

Mr. President, I ask unanimous consent that the analysis I have described be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE JOINT STRATEGIC BOMBER STUDY— A STACKED DECK FOR THE B–1

For more than a year the Office of the Secretary of Defense has been conducting a cost-effectiveness analysis of the B–1 bomber and other possible strategic air options. In response to an amendment by Senators McGovern and Brooke to the military procurement bill last year, Chairman Stennis of the Armed Services Committee wrote on June 10, 1974, to the Secretary of Defense and to the Comptroller General of the United States, setting forth specific alternatives to be included in the study and calling for a review by the General Accounting Office.

The original McGovern-Brooke amendment would have required that the study include an analysis not only of the various strategic bomber options, but of the underlying strategic assumptions and missions. That recommendation was not followed. As a result the Joint Strategic Bomber Study ignores completely the most critical issue Congress must address: Assuming the B–1 can do all of the things defined in the Study, the question is, do we need those capabilities? Are they worth $20.6 billion more to arm, operate and maintain an extensive bomber fleet over the first ten years?

Both the Joint Strategic Bomber Study and the GAO analysis are classified. Therefore, the following discussion is drawn entirely from unclassified descriptions which appear in the Armed Services Committee hearings and other public sources.

APPROACH OF THE JOINT STRATEGIC BOMBER STUDY

Far from analyzing roles and missions, the Study actually *begins* with the assumption that the United States wants to spend the full $20.6 billion development and procurement cost of the B–1, and that we have an unquestioned need to be able to carry out the missions and hit the targets assigned to it. It then measures equal cost forces—$20.6 billion forces—against those predetermined missions and forces.

Senator McIntyre described the grave deficiencies of this approach in a letter to Secretary Schlesinger on March 14 of this year:

"The Joint Strategic Bomber Study's most fundamental bias was its design and evaluation of alternative bomber forces on the basis of the cost of the B–1 rather than designing a precise military mission and comparing each alternative bomber force's capability to fulfill that mission.

"The Study assumed at this center that as a nation we wished to spend the cost of the B–1 force and that indeed we needed full range of its military capability. If the Study had defined the mission which our bombers should be expected to perform, and measured the efficiency of various alternatives in accomplishing that mission, such an evaluation may have led you to conclude that we may not have needed a follow-on to the present bomber force at all.

"This flawed logic is particularly apparent when the Study compares the various bomber forces in terms of the number of military targets that each can destroy. It did not demonstrate that we need such a capability. Bombers are inherently ill suited to attack well-defended, hardened missile silos, the most difficult military targets. Obviously, the long flight times of any bomber force would make it unlikely that Soviet missiles would remain in such silos. The destruction of political economic targets is the appropriate task of our bomber force and if that is defined in detail, your Study may well have been forced to conclude that the sophisticated capability of the B–1 with its high cost was a capacity that our national security did not require."—Page 5564, Part 10, Armed Services Committee hearings on S. 920

Considering that this is the central point of the entire debate, the Pentagon response—forwarded by Deputy Secretary W. P. Clements—was startling indeed. He said in part:

"This criticism addresses a real problem associated with the methodology of any detailed study of force effectiveness. . . . However, it is really only practical to enter the analysis with a postulated force and then determine its effectiveness, rather than work backwards from a desired effectiveness to a desired force level. Let me explain: To obtain a force capable of particular effectiveness requires an iterative procedure whereby a series of forces are developed and their effectiveness determined until convergence is reached on a desired effectiveness. Because of the massive computational workload required by this procedure, it was decided at the beginning of the study to compare forces on the basis of equal cost, rather than on the basis of equal effectiveness."—Page 5568, Part 10, hearings on S. 920

The statement goes on to say that the study gave them some "approximate" techniques for covering a range of effectiveness, which they then used to analyze "pure" forces (i.e., no mix of different aircraft), at various levels of target coverage, including "two substantially lower than in the basic study."

In other words, the study failed to consider at all the most critical question—how many of what kind of targets we need to be able to hit—simply because it required too much computation. On a $20.6 billion program, they didn't want to spend too much on computer time!

Comptroller General Elmer Staats wrote in his March 4 cover letter on the GAO analysis of the Joint Bomber Study that,

"Two important considerations influencing the results of analyses conducted by the OSD study team are the assumptions of the postulated threat confronting bombers and the desired level of destruction to inflict in a retaliatory strike."

In fact the Joint Bomber Study makes clear that the cost-effectiveness case for the B–1 rests entirely on three assumptions:

(1) A presumed American need, notwithstanding all other strategic systems, to kill some 2,000 Soviet hard targets with manned bombers,

(2) A very severe pre-launch threat from Russian SLBM's, which would require rapid take-off and flyout and a hardened aircraft,

(3) A very ambitious Soviet defense against bombers, including an Airborne Warning and Control System and look-down, shoot-down fighter interceptors.

The assumptions used in all three of those areas are implausible.

TARGET COVERAGE

The B–1 force would carry an extremely large payload—a total of some 38 million pounds in 244 aircraft, compared to about 21 million pounds in the 463 B–52 D, F, G, and H models and FB–111s that were in the force in mid-1974. Through 1990, since it would be an addition rather than a replacement for the later model B–52s and FB–111s, it would represent a dramatic expansion of from 21 million pounds to nearly 52 million pounds in the total payload of the U.S. strategic bomber force.

Like other strategic bombers the B–1 could carry a mix of gravity bombs and stand-off missiles. Each one could, for example, carry 24 nuclear-tipped SRAM missiles internally, plus—with fuel tradeoffs—another 8 outside. That comes to between 5,856 and 7,808 separately targetable weapons.

Some of those weapons would be used for defense suppression. But in a discussion of supplements to the Joint Bomber Study, Brigadier General John Toomay, military assistant to the Deputy Director in the Office of DOD Research and Engineering, told the Research and Development Subcommittee April 10 that—

". . . since we don't know what we will require to achieve deterrence in 1988, the time at which these exercises were projected, we did a set—1,000 weapons, 1,500 weapons, and 2,000 weapons on target." Page 5167 and 5168, Part 10, hearings on S. 920.

Deputy Secretary Clements' response to Senator McIntyre cited earlier pointed out:

"Accordingly, these techniques were incorporated into the supplemental analyses, which were then able to display for three different levels of effectiveness (*including two substantially lower than the basic study*), the relative cost effectiveness of various pure forces as a function of the postulated threat." (Emphasis added.) Page 5569, Part 10, hearings on S. 920.

It follows that the Joint Strategic Bomber Study began with a requirement to penetrate the much more hostile airspace which the Pentagon believes could prevail in the 1980's, to make massive investments of weapons in defense suppression, and to still deliver at least 2,000 weapons on target.

On what kind of targets? Major General Robert P. Lukeman, Air Force Assistant Chief of Staff for Studies and Analysis, explained to the Armed Services Committee on Research and Development that,

". . . the kind of accuracy built into the avionics system of the B–1, which gives it a CEP of about (deleted) is very important to us for the attack of these very hard targets."

As Senator McIntyre's letter of March 14 suggested, the destruction of targets assigned for deterrence—soft political and economic targets such as population and industrial centers—is the only practical role for a bomber force. Bombers serve in a back-up capacity, to cover the exceedingly remote risk that the Soviet Union might find ways to counter both ICBMs and SLBMs, and to do so with such great confidence that they would be tempted to launch a first strike.

The limited "insurance" nature of the bomber role is obvious from the fact that while SLBMs have flight times of some 15 minutes, and ICBMs take only 30 minutes, even an advanced bomber like the B–1 would take some eight hours to fly to the Soviet Union. If it were used in conjuction with those systems, the war would be over before it arrived. Any war fighting role for the B–1, as opposed to deterrence, is patently ludicrous.

But by no stretch of the imagination does back-up deterrence require an ability to strike some 2,000 targets. Most Soviet population and industry is concentrated in some 160 major towns and cities. And none of those targets are hardened, requiring a close-in highly-accurate launch of gravity bombs or SRAMs.

Target coverages and missions obviously have a decisive bearing on what kind of a manned strategic aircraft the United States should buy. Under a more realistic definition of what bombers should be expected to do, there would be no need for such high accuracy or large numbers. Such options as a stretched FB–111, a stand-off cruise missile carrier, or an updated B–52 would become far more practical. But those options have been ruled out by the Joint Strategic Bomber Study because, as Pentagon managers have admitted, it began with target coverages and mission profiles and costs designed precisely to fit the B–1.

It also requires mention that the bomber is supposed to have a role in Secretary Schlesinger's so called "flexible response" doctrine, which would involve an ability to strike selected military targets. The Secretary's thesis is that in order to make a point or get our attention, the Soviet Union might launch a small nuclear strike against some remote point in the United States, or perhaps against our ICBMs or other military targets. He argues that the United States must be able to respond in kind. And he claims that if we cannot do that, we have no credible deterrent to small scale nuclear war, for the Soviet Union cannot be expected to believe that we would respond with a society-destroying blow to such a limited provocation.

Since the Soviet Union has no significant strategic bomber force, a response "in kind" would more likely involve a very small ICBM retaliation, with appropriate communication to the Soviet Union of the limited nature of our retaliation. But in these circumstances the relatively slow flight of the manned bomber is seen as a virtue, since a bomber response would be more easily seen by the Soviet Union as a measured response.

But 2,000 weapons on hardened targets is no measured response. Existing bomber forces, including the FB–111, would be fully adequate for such purposes. In fact, no strategic bomber at all would be required. In last year's military procurement hearings, on April 25, 1974, Major General James R. Allen, Special Assistant to the Chief of Staff for B–1 matters, admitted that even tactical aircraft stationed in Europe could accomplish that purpose:

Senator MCINTYRE. General, can't our European based tactical fighter bombers, with nuclear missiles, provide the same strategic bomber capability for "high reliability" accuracy, low-yield, minimum collateral damage and a mode of attack which will allow the enemy to discern unmistakeably that he is indeed facing only a limited response from the United States?

General ALLEN. Yes, sir; in a peripheral sense against targets within range of the theater forces, that is certainly true . . .

Mr. FINE. Adequate to convey a message of intent?

General ALLEN. Depending on the message that you are attempting to convey, yes sir.

This discussion ignores, of course, the question whether Secretary Schlesinger's limited nuclear war scenarios should be regarded with any seriousness. The understanding on both sides of the overwhelming force of nuclear weapons and the deadly danger of nuclear adventurism is likely to keep the nuclear threshold high regardless of the Secretary's attempt to lower it. But even if his thesis were accepted, it would not rescue the case for the B–1.

PRELAUNCH THREAT TO BOMBERS

The Soviet Union could not attack our bombers on the ground with ICBMs because the bombers would have ample warning for escape. They would have to use submarine launched missiles, which are less accurate (too inaccurate to strike hardened Minuteman silos) but which could be launched from fairly close in to U.S. shores, so they would have shorter flight times.

Of course the Soviet Union already has SLBMs and they are not considered a serious pre-launch threat to our existing bombers. What would be required is a flat trajectory SLBM which would have a shorter flight time.

Major General Robert P. Lukeman, Assistant Chief of Staff for Studies and Analysis, discussed the problem before the Research and Development Subcommittee on April 17:

". . . Instead of the minimum energy trajectory with a higher apogee, they would use a lower apogee using the energy to drive the missile through the air, through a denser atmosphere for a lower apogee, and more rapid time to target . . ." Page 5522, Part 10, hearings on S. 920.

In his prepared statement to the Committee on March 7, Dr. Malcom D. Currie, Director of Defense Research and Engineering, described how the bomber is supposed to defeat such a threat:

"For all (bomber) forces, survivability against an SLBM patterned attack depends most upon reaction time. Dispersed basing, threat levels, air vehicle hardness and speed are substantial but secondary considerations . . .

"Warning of submarine launched ballistic missiles (SLBMs) is provided by dual satellite coverage of most of the close in threat areas and backed up by short-range coastal radars. Complete and continuous coverage of probable Soviet launch areas continues to be our goal . . .

"Present SLBM-detecting coastal radars are obsolescent and have a low availability. These radars will be replaced by two phased array radars approved in last year's budget. The phased array radars, referred to as PAVE PAWS, will increase radar coverage of advanced threats and be capable of providing better attack characteristics information." Pages 2697, 2703, Part 6, hearings on S. 920.

There are several problems with the assumption of a Soviet scheme to hit our bombers on the ground.

One is that we already have aircraft that can defeat it—the FB–111. The Air Force doesn't think the FB–111 has enough range, even with stretched versions that have been proposed, the FB–111B and the FB–111H. That issue depends on the question of what target coverage policy and missions Congress approves. But on escaping from SLBM attack, Air Force Secretary John McLucas testified on April 17,

"Well, this airplane (the FB–111G) looked very good in terms of its survival during the prelaunch phase and the launch phase. The airplane is hard. The airplane can get off the ground quickly, and is small enough so that you can get a number of them off on a given base rather quickly." Page 5529, Part 10, Armed Services Committee hearings on S. 920

Another problem that has been raised is with the tankers upon which the B–1 would have to rely in order to complete its mission. The B–1 can get off in something like four minutes. But what if the Soviet Union decided to attack the tankers, which take roughly the same amount of time as the B–52? The Air Force responds that since we have some 600 tankers, we could afford to lose some, and that they can be located at dispersed bases to minimize the risk.

A related problem is the likelihood that the Soviet Union may well not bother to build a flat trajectory SLBM. The Bomber Study assumes that they will simply because it is feasible. But it is a dubious assumption. First, it is not all that simple a technology—it would require extensive testing. High accuracy with flat-trajectories would be extremely difficult to attain. Further, if they placed any significant priority on attacking U.S. bombers on the ground, it seems likely that they would have at least begun a program of this kind by now—particularly since it is theoretically possible to strike B–52s. But on February 25, the following exchange took place between Senator McIntyre and Lt. Colonel John C. Pettyjohn, chief of the Strategic Arms Limitations/Strategic Force Branch of the Defense Intelligence Agency:

Senator MCINTYRE. Are there any tests of SLBM's in a depressed trajectory? Have you seen any signs of that?

(Colloquy deleted.)

Colonel PETTYJOHN. No, sir. Page 1742, Part 4, Armed Services Committee hearings on S. 920

In the same context, Mr. T. J. King, Director of the Strategic Forces Division, Office of the Assistant Secretary of Defense for Program Analysis and Evaluation, responded to questions about the alert status of existing bombers. None are on either airborne alert (in the air) or strip alert (ready to go at the ends of the runways):

Senator LEAHY. How long are you talking about getting the bombers off the ground, from the time they see the rockets with their present capabilities?

Mr. KING. (Deleted) minutes in an advanced alert posture. We don't stand that alert today because the threat isn't there—Page 1743, Part 4, Armed Services Committee hearings on S. 920.

Even if this advanced SLBM capability were developed by the Soviet Union, it is, of course, extremely unlikely that we would be presented with an "out of the blue" attack on bombers. It would, of course, be preposterous for them to consider such an attack if they did not also have ways to neutralize the other two legs of the U.S. TRIAD, the ICBMs and SLBMs. Beyond that, a period of high tension which could lead to attack would develop slowly enough to allow whatever bomber was in the force to be placed on airborne alert, a practice not followed on a day to day basis because of the high costs involved. And there is even some evidence that we could detect Soviet submarines positioning themselves for an attack, as suggested by the following exchange:

Senator MCINTYRE. Would not the B–52 fleet survive an SLBM attack considering that we would have ample warning if the Soviets began the relatively slow deployment of their SLBM submarines to launch sites and ranges?

Dr. CURRIE. That is an argument that has been made, and it is somewhat speculative.

Senator MCINTYRE. Do you agree or disagree with this statement: We have the ability to track Soviet submarines; they do not have the ability to track our submarines?

Dr. CURRIE. (Deleted).

Senator McIntyre. Who do we get in touch with, then?

Mr. Fine. Last year when the Navy presented their ASW (anti-submarine warfare) briefing to us they went into great detail as to their capabilities, (deleted). Now is what you have said in disagreement with that?

Dr. Currie. No, I think that is true. And everything is a matter of degree. The reason why I answered that question (deleted) is that it is not absolutely true.

* * * * *

Mr. Smith. Dr. Currie, DIA testified before this subcommittee (deleted). If they began that, would that not be another signal to us (deleted).

Dr. Currie. Yes, I think so, (deleted).—Pages 2819 and 2820, Part 6, hearings on S. 920.

Finally, and most decisively, all of the concern about a Soviet SLBM neglects the significant impact of the SALT I treaty on this question. The agreement against ABMs amounts to an agreement that the Soviet Union will remain vulnerable to ICBMs, at least after they are airborne. That had two implications for bombers. First, as discussed later, it eliminated the requirement for a third force, i.e., bombers, which would not be vulnerable to an ABM. Second, and of direct relevance here, it narrows the prelaunch survivability issue. It is obvious that, short of total madness, the Soviet Union will not contemplate a first strike against the United States unless it can neutralize all three legs of the TRIAD. Assume, for a moment that they found a way to neutralize our SLBMs, forcing us to rely on the insurance bomber and ICBM forces. But under those circumstances, to assure that at least one of the remaining forces would get through, all that would be necessary would be a bomber that could launch within the 20 to 30 minute warning time provided by Soviet ICBMs. We do not want to go to a destabilizing launch on warning policy with our missiles. But an SLBM attack on the bomber force would give ample notice that an attack was underway and that we should launch our ICBMs. And all that is required for that warning purpose is an assurance that a Soviet ICBM attack could not knock out both our bombers and our missiles—which means bombers that can take off within 20 to 30 minutes, well within the capability of B–52s or any one of a number of other options.

For these reasons the SLBM threat to bombers which the Joint Bomber Study postulates—and the corresponding requirement for a bomber like the B–1 that could launch in four minutes—is not an important consideration.

SOVIET DEFENSES

The second major assumption of the Joint Strategic Bomber Study is a very ambitious Soviet defense against penetrating bombers.

It has been clear for many years that a manned bomber must penetrate at low altitudes to escape detection if it is to have much hope of reaching its targets. Both the FB–111 and the late model B–52s—the G and H models—have that capability. The need for it is the fundamental reason why the B–70 was scrapped, since it was designed to penetrate at very high altitudes where it would have been vulnerable to surface to air missiles. It is axiomatic that, once it is detected and a missiled has locked on, no manned bomber can fly fast enough to outrun a SAM.

The Joint Bomber Study postulates a heavy Soviet defense against bombers, involving an airborne warning and control system which would detect the bombers from above instead of relying on ground-based radars. It would also include fighter-interceptors with the capability to look down and shoot down.

Dr. Malcom Currie, director of Defense Research and Engineering, described the nature of the problem and the solution in his March 7 statement:

"Bomber penetrativity against advanced fighters (having look-down shoot-down capability) depends most on ECM effectiveness. Yet, because of the low altitude supersonic SRAM which can penetrate terminal SAMs and suppress fixed barrier SAMs and because of warning receivers which permit evading mobile SAMs, bomber effectiveness is not significantly affected by SAMs . . ."—Page 2697, Part 6, hearings on S. 920.

But what this suggests is that advanced capabilities of the B–1 over those of the B–52 really have no major bearing on the question of penetration. The B–1 is not supersonic at low altitudes, so it could not outrun supersonic interceptors. It has a smaller radar cross section and infra-red signature, but it is obviously far short of disappearing in those categories so the size of the signal probably makes no real difference. As Dr. Currie points out, what is really important is the nature of the electronic countermeasures available to the bomber. And in that category the same basic tools are available to both the B–1 and the B–52. There is no significant difference in their ability to avoid detection and fool defenses.

Further, if it cannot accomplish those tasks, no manned bomber will likely be able to penetrate—a point Dr. Currie also acknowledged in his March 7 testimony:

"The ECM suites for both the B–52 and the B–1 were shown to be effective, but the extreme sensitivity of the performance of the penetrating bomber to the quality of its ECM was manifest. This sensitivity is so crucial that continuous reevaluation of the ECM interactions are required over the long term. Furthermore, we believe viable alternatives to the penetrating bomber must be pursued. Our cruise missile programs . . . constitute such an alternative, and we are searching for others . . ." Page 2697, Part 6, hearings on S. 920.

So if the full postulated threat were to develop, the B–52 would likely have serious problems penetrating with target range. But the B–1 would have precisely the same problems. Again, the elaborate performance characteristics of the B–1 make no real difference.

There are alternatives, such as an air launched cruise missile—or air mobile ballistic missiles—which could be fired from beyond Soviet defenses. In theory low-flying cruise missiles could be intercepted by surface to air missiles. But, considering their relatively low cost and small size, they could also saturate defenses. Large jets built for this purpose could carry as many as 100 missiles if necessary.

But there is also the very real possibility that this assumption of the Joint Strategic Bomber Study is wrong.

Major General Robert P. Lukeman elaborated on the status of Soviet bomber defenses in his April 17 testimony:

"They have from (deleted) of these MOSS airborne warning and control aircraft, a converted CLEAT aircraft, which we call SUAWACS, or Soviet Union airborne warning and control system. That, of course, is far less capable than the U.S. AWACS. It cannot detect low-flying aircraft over land. If the Soviets pursue this technology on a priority basis, it is the judgment of the intelligence community that they would have an advanced AWACS with (deleted) . . .

"The Soviets as you know, are currently (deleted). The introduction of an AWACS similar to ours would, of course, correct those deficiencies, and we show here illustrative orbits for those kind of AWACS which could (deleted).

The Soviet strategic defense fighter interceptor force is expected, of course, to decline in numbers. However, there is a significant trend away from austere day fighters avionics and weaponry.

Most importantly, the Soviets could develop and deploy an interceptor equipped and armed to detect and attack low-flying aircraft. This so-called look-down shoot-down capability is, of course, possessed by our F–14 and F–15 fighters." Page 5524, Part 10, hearings on S. 920.

So the Soviet Union has no air defense system that would be effective against low flying bombers, whether it is the FB–111, the B–52, or the B–1. The threat postulated in the Joint Strategic Bomber Study is based entirely on our own technology, which suggests that they could build a heavy bomber defense if they wanted to.

But it would be an exceedingly foolish investment for precisely the same reasons that it has deemed a foolish investment on the part of the United States. As then Air Force Chief of Staff General George Brown testified to the Armed Services Committee on February 7, 1974:

"The U.S. agreed in the ABM treaty not to deploy a total defense against ICBMs. Thus, as has been testified by the Secretary of Defense, it was concluded that it was not logical to maintain a vast air defense against a bomber attack when we retain vulnerable to ICBM attack."

That point is so compelling that the Pentagon U.S. bomber defenses have been steadily declining and our own proposed Airborne Warning and Control System has been shifted entirely out of the strategic context, in an attempt to find some conventional war rationale.

When we must project far into the future to design strategic systems, there is some merit in projecting the threat on the basis of presumed technical capabilities rather than on changeable intentions. But there must be some limit to that approach. Surely it can be modified when, as in the case of the Soviet bomber defense assumed in the Joint Strategic Bomber Study, it requires an assumption of illogic and a taste for expensive futility on the part of the Soviet Union.

AMENDMENT NO. 539

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Alaska (Mr. Gravel), I call up his amendment No. 539, ask that it be stated by the clerk, and ask unanimous consent that no time on the amendment be charged tonight.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. Gravel) proposes an amendment numbered 539.

Mr. Gravel's amendment (No. 539) is as follows:

On page 24, line 13, insert "(a)" immediately after "Sec. 703.".

On page 24, between lines 20 and 21 insert the following:

(b) No funds authorized to be appropriated by this or any other Act may be used for the purpose of maintaining, after September 30, 1976, more than 1,897,100 active duty military personnel; and no funds authorized to be appropriated by this or any other Act may be used for the purpose of maintaining, after September 30, 1976, more than 285,000 military personnel permanently or temporarily assigned to duty outside the United States, its territories and possessions. Any reduction required to be made in the number of military personnel assigned to duty outside the United States, its territories and possessions as a result of the preceding sentence shall be made from military personnel assigned to duty in such areas of the world as the Secretary deems appropriate

and shall be made in as orderly manner as practicable.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each, and that at the conclusion of routine morning business the Senate resume the consideration of the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair.

The motion was agreed to; and at 8:59 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 9:02 p.m., when called to order by the Presiding Officer (Mr. NUNN).

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The Senate continued with the consideration of the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments to the military procurement authorization bill on tomorrow be called up in the following order:

The pending amendment at this time, and the first amendment tomorrow to be considered, is amendment No. 539 by the Senator from Alaska (Mr. GRAVEL).

After that amendment, the following amendments will follow in sequence as stated:

The Feed and Forage Act amendment; the amendment (No. 18) of the Senator from New York (Mr. JAVITS); the amendment (No. 282) of the Senator from Pennsylvania (Mr. SCHWEIKER), the advertising and recruitment: the amendment (No. 707) of the Senator from Ohio (Mr. TAFT), advanced hydrofoil craft; the amendment (No. 703) of the Senator from Ohio (Mr. TAFT), advanced ship development; amendment (No. 507) of the Senator from Kansas (Mr. DOLE), increase in Naval Reserve; the AWACS amendment; the site defense amendment; the B-1 bomber amendment; the amendment (No. 511) of the Senator from Oklahoma (Mr. BELLMON), to restore funds for the B-1; the Minuteman III; the shipbuilding overruns amendment; the amendment (No. 489) of the Senator from Indiana (Mr. HARTKE), industrially funded civilians in the DOD manpower ceilings; the amendment (No. 492) of the Senator from Washington (Mr. JACKSON) called the Israel amendment; the amendment (No. 491) of the Senator from Washington (Mr. JACKSON), the petroleum amendment; the amendment (No. 500) of the Senator from Wisconsin (Mr. PROXMIRE), dealing with enlisted aides; and the amendment (No. 513) of the Senator from New York (Mr. BUCKLEY) to restore funds to title II R. & D.

Other amendments will be called up, Mr. President, but as to their sequence I cannot state at this time.

The PRESIDING OFFICER. (Mr. NUNN). Is there objection? Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BARTLETT. Are some of these amendments without agreed times?

Mr. ROBERT C. BYRD. No. There is time on each of the amendments. Some of them have specific time limits. Others will fall into the catchall category of amendments in connection with which there is a 1-hour time limitation on each amendment.

Mr. BARTLETT. I thank the Senator.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9 o'clock tomorrow morning.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each, at the conclusion of which the Senate will resume consideration of the military procurement authorization bill.

The first amendment to be considered will be Senator GRAVEL's amendment No. 539, dealing with overall military manpower levels.

Upon disposition of the Gravel amendment, the following amendments will be called up in the order stated: the Feed and Forage Act amendment; the Javits amendment No. 18; the Schweiker amendment No. 282, advertising and recruitment; the Taft amendment No. 502, advanced hydrofoil craft; the Taft amendment No. 503, advanced ship development; the Dole amendment No. 507, increase in naval reserve; the AWACS amendment; the site defense amendment; the B-1 amendment; the Bellmon amendment No. 511, to restore funds for the B-1; the Minuteman III amendment; the ship building overruns amendment; the Hartke amendment No. 489, industrially funded civilians in the DOD manpower ceilings; the Jackson amendment No. 492, Israel amendment; the Jackson amendment No. 491, petroleum amendment; the Proxmire amendment No. 500, enlisted aides; and the Buckley amendment No. 513, to restore funds to title II, R. & D.

Other amendments will be called up, but I cannot state at this time the order of their callup. Suffice it to say that there will be several rollcall votes tomorrow, and the Senate probably will be in late, in an effort to complete action on the bill on Friday, in accordance with the agreement entered.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 a.m. tomorrow.

The motion was agreed to; and at 9:06 p.m. the Senate adjourned until tomorrow, Thursday, June 5, 1975, at 9 a.m.

EXTENSIONS OF REMARKS

IOWA LEADS NATION IN GAS SAVINGS

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. GRASSLEY. Mr. Speaker, the question of energy conservation policy has placed the Congress and the President at loggerheads. I would like to ask my colleagues to come up from the depths of import quotas, licensing, duties, creating an Office of Petroleum Import Licensing and Purchasing, imposing a gasoline tax that could be as much as 23 cents a gallon, and other measures contained in the Energy Conservation and Conversion Act to reflect upon what Iowans have done on their own—without Federal direction or intervention—to cut petroleum consumption.

An article appearing in the May 29, 1975, edition of the Waterloo Courier, Waterloo, Iowa, speaks volumes as to what volunteerism and strict enforcement of the 55-mile-per-hour speed limit on interstate highways has accomplished. I encourage my colleagues to consider the merits of what people can do and what they have done on their own when asked:

IOWA LEADS NATION IN GAS SAVINGS

DES MOINES.—Iowans led the nation in gasoline conservation last year, according to the Federal Highway Administration (FHWA).

The agency's figures show that Iowa's 1974 gasoline consumption declined 9.5 per cent from the 1973 figure. The decline for all 50 states. Puerto Rico and the District of Columbia was 3.7 per cent.

Illinois' gasoline consumption last year dipped 4.9 per cent—also better than the U.S. average—while Wisconsin's consumption decreased 3 per cent, the FHWA said.

But highway officials say there are indications that gasoline use crept upward during the first months of 1975, although firm data won't be available for some time.

John Millhone, executive director of the Iowa Energy Policy Council, said that three factors may have been responsible for Iowa's 1974 gasoline conservation:

Fewer vehicles on roadways, particularly on Iowa's interstate highways.

Iowa's voluntary 55-mph national speed mandated by Congress.

Tight enforcement of speed laws by the Iowa Highway Patrol and other law enforcement agencies.

"I think Iowa drivers have done a good job of slowing down, at least until recently," Millhone said. He also cited the state's decrease in highway fatalities and a drastic increase in the number of speeding citations issued statewide last year.

Energy and highway safety officials use FHWA statistics as indicators, rather than firm measurements, because different agencies use different systems to measure gasoline consumption.

The Federal Energy Administration (FEA), for example, listed Iowa's gasoline use at slightly more than 1.6 billion gallons last year—11.9 per cent below 1972 and 3.3 per cent below 1973.

Some agencies count gasoline as sold once it enters a state; others count it as sold when state revenue departments collect fuel taxes on the petroleum, according to an FHWA statistician.

The statistician also said long-range comparisons involving 1974 will be difficult for all states because Sunday service station closings, tight allocation of gasoline and other effects of the Arab oil embargo lingered well into 1974.

During this period, Iowans may have begun conservation measures before residents of other states, Millhone said.

Iowa Gov. Robert Ray declared a "state of energy conservation" on Nov. 9, 1973. That declaration ordered all state vehicles to reduce maximum speeds to 50 mph, and suggested that all Iowans do the same in their vehicles.

The federally mandated speed limit of 55 mph took effect in February 1974.

DR. KENNETH B. CLARK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. RANGEL. Mr. Speaker, Dr. Kenneth B. Clark, the distinguished scholar, teacher, and civil rights leader is retiring from his position as a professor of psychology at the City University of New York. He is establishing a consulting firm dealing with problems of human relations, race relations and affirmative action programs.

Dr. Clark, founder of the Metropolitan Applied Research Center and a member of the New York State Board of Regents, has long been one of America's most respected leaders in the fight for equal educational opportunity. His new endeavor represents a reaffirmation of his lifelong concern for individuals rights.

I am please to include in the RECORD an article about Dr. Clark from the New York Times:

KENNETH CLARK RETIRING FROM C.C.N.Y.

(By Richard F. Shepard)

Dr. Kenneth B. Clark, who has helped prepare generations of City College students for their life's work, has retired from teaching after 35 years at the school and is himself starting a new career.

Dr. Clark, best known for his fight to achieve school integration, is a professor of psychology who will be turning 61 in July and is still too youthful to qualify for senior-citizen courtesies. He is giving up the classroom to go into business, with his son, as an executive consultant on human and race relations and affirmative action programs.

CIVIL RIGHTS ROLE

At the same time, Dr. Clark, whose good-humored, scholarly manner and preoccupation with the present and future forestalls any approach along the lines of "Good-by, Mr. Chips," has stepped down as president of the Metropolitan Applied Research Center (MARC) that he founded eight years ago.

He will remain a member of the New York State Board of Regents, indeed its only black member. He is staying, he observed with a chuckle, because his departure "would make too many people happy."

Dr. Clark's role as a teacher has been overshadowed, at least in public, by his activities on behalf of civil rights and school integration. His studies on segregation's harmful effects were noted in the historic 1954 Supreme Court decision ordering public-school desegregation.

Dr. Clark's early work in the field dates back to 1939, when he went to work as a research assistant for Dr. Gunnar Myrdal, the Swedish economist and author of the classic on race problems, "An American Dilemma." Dr. Clark's position has shown no signs of flagging through the years and he does not anticipate that it will be modified even in private practice.

He and the 75-year-old Dr. Myrdal conducted a joint seminar in the term just completed at City.

"I don't know about the students, but Myrdal and I had a wonderful time," Dr. Clark said. "He was at his best."

Dr. Clark, who has been teaching social psychology, is also at his best, or at any rate, his happiest when speaking about students and teaching. In an interview, he displayed an almost chilling objectivity in grading himself and his students on performance over the years, but the scholar's candor was softened by touches of humor, affection and respect for those he has taught.

He went to City College in 1940 to teach a summer session and returned as instructor in 1942 for the long run just ended. In 1960, he became one of the first blacks, perhaps the first to become a full professor at the City University.

I WASN'T CHANGING

"One of the factors in my decision to retire is that I found I wasn't changing," he said in an interview in his offices at MARC, 60 East 86th Street, where he sat behind his desk and fondled a gavel as he replied to a question about how the years had modified his classroom demeanor. "My teaching style is still the same."

"As a young teacher I perceived myself as a hard marker," he continued. "I became less severe as time went on. As I got older, I became more tolerant. Most students tend to function in accordance with the law of economy of effort. Don't do more than you have to."

"I didn't like alibi students or hustlers," he continued. "Fortunately, there weren't too many of those. But one of my most interesting learning experiences came some time ago when I went to teach at the University of California at Berkeley for a while.

"I said I was looking forward to it because there were not too many Asian-American students at C.C.N.Y. at that time. I went out with the idea that Asian-American students would be more profound and would stimulate me with Oriental ways of thinking.

"They were just like the students at City, with the same number of alibi students, too. It taught me that stereotypes, even positive ones, tend to fall. I had to travel 3,000 miles to learn that. And I'm a psychologist, too"

Although the years flow in such a way that it is difficult to plant boundary markers between student epochs, Dr. Clark clearly discerns generational differences.

"I've had some very exciting students at City," he said. "The thing that fascinated me was that my most exciting students seemed to be concentrated in the pre-McCarthy era.

"It's tantalizing, it worries me that the students who stand out, not intellectually but as total human beings, came from that time," he said. "I can see them in my mind, in the classrooms, asking questions in the nineteen-forties and fifties. There were the returned veterans, mature and probing.

"Not that they were all bright or superior to those who came later," he said. "But I didn't realize that the McCarthy period had as debilitating an effect on students as it did." If the years dominated by the late Senator Joseph R. McCarthy were pallid, the later years of student strife also do not move Dr. Clark.

"Perhaps the period of the nineteen-sixties is too early to evaluate," he went on. "To me, it didn't have that same quality of probing. The great revolution was pure fluff. But maybe I've changed. I think we're getting back to that early ferment now. I sense it.

PRAGMATIC AND PERSONAL

"The earlier City College I remember, the students were involved in demonstrations for larger social, political and economic goals. Now the students, as I understand them, are concerned about their own rights—open admissions, SEEK. They don't seem to be as broad as they were. There is minimum ideology, it's pragmatic and personal, perhaps with the exception of Vietnam."

"Even at the height of the student revolt I thought I detected more passivity," he said. "Such things as graduate record exams and other quantifying indicators—multiple choice questions and such—are relatively new.

"Before that you had different types of examinations. You had to think. Now you have to remember. This may have had an insidious effect. Perhaps there's more conformity."

Dr. Clark, who was in the middle of marking examination papers for his last classes, recently ended at City, read from a comment by a student.

"You came in and said, 'Good morning, let's get set to think,'" the student wrote, adding that this concept was a radically new one in his experience.

"I never responded to the relevance kick," Dr. Clark said. "When students questioned the books I assigned I'd tell them they didn't have to be in my class if they knew what books to read.

"I think I was pretty rigid as a teacher. I had the responsibility of determining how we go about understanding this area. It was difficult for me to learn and it would be for my students. I didn't have much tolerance for fads. I didn't believe something was good just because a student said it was good.

"On the other hand I have had some students in recent years who are going to think. Last year a student got onto a point and went to the library, studied and we had knock-down drag-out arguments. It was wonderful. He got an A."

The psychology department had about 15 teachers when Dr. Clark came to City. Today, there are 47 full-time and 50 part-time teachers and psychology, as he says, is "the fad now."

"When I first came here, I knew every member of the department as colleagues and friends," Dr. Clark said, a bit sadly. "Now I just know those I knew then."

Putting his career at City behind him does not mean retirement. "You need another word," he said. "Retirement means passivity. I don't intend to change my pace."

SERVICE TO COMPANIES

In his new business, he and his 31-year old son, Hilton, will offer their services to private companies, government agencies, law firms, civil rights groups and to educational organizations outside of New York State, to avoid conflicts of interest because of his membership on the Regents board.

The firm name is Clark, Phipps, Clark and Harris.

"We wanted to call it Clark and Clark, but that name had already been spoken for in the incorporation records," he said. "So, Phipps is my wife's maiden name and Harris is my daughter's married name. I will be able to approach the same objectives I have always gone after, although in business you can't assume the advocacy in the same way you can as head of MARC. One of the things we can offer is an independent assessment by not being within an organization.

"Most people say they work in private business first and then move on to pro bono publico," Dr. Clark said. "As usual, I will invert things."

TVA CHAIRMAN WAGNER CALLS WINDFALL PROFITS BY COAL COMPANIES MAJOR FACTOR IN ELECTRIC POWER RATE INCREASES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. EVINS of Tennessee. Mr. Speaker, Chairman A. J. Wagner of the Tennessee Valley Authority was sharply critical recently in a speech before the Tennessee Valley Public Power Association of the unconscionable windfall profits made by the big oil companies and which, Mr. Wagner says, are a major cause of escalating power rates.

In the TVA area, power rates have increased more than 120 percent in the past 8 years with rates being increased 12 times.

Wagner charged that coal producers are making $15 to $20 a ton in excess profits—and pointed out that the average cost of coal has increased 220 percent since 1970.

TVA buys 80 percent of its coal from companies owned by "Big Oil" or energy conglomerates.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith an editorial from the Tennessee Valley Public Power Association News concerning Chairman Wagner's address.

The editorial follows:

COAL COMPANIES RAKE IN WINDFALL PROFITS

TVA Chairman Red Wagner had some strong straight talk in his important speech at the TVPPA annual meeting on April 16.

TVA and the distributors have been taking "unshirted hell" for rising electric rates, "while the real culprits"—the coal suppliers —"sheltered from criticism, rake in the windfall profits," Wagner charged.

It was the strongest statement about coal prices that the TVA Chairman has made. It said, in effect, that TVA and the local distribution system have been working to keep electric rates as low as possible—but that the coal suppliers were raising prices so fast, and so exorbitantly, that electric rates were going up.

Significant, too, was Wagner's revelation of what TVA believes it really costs to mine a ton of coal. For years the public has needed a "yardstick" to measure coal production costs, in order to determine whether coal prices were reasonable or unreasonable. It appears that TVA has developed such a yardstick—based on years of experience with the operation of TVA-owned coal fields. TVA has not mined the coal with its own personnel, but it has available a vast amount of data on production costs.

$7 TO $17 A TON

Said Wagner: Coal production costs vary widely from mine to mine. But in the region which produces the coal that TVA burns, it cost from about $7 to $17 per ton—and this factors in a healthy 20% return on investment! This suggests that even under the most difficult and most expensive conditions, it costs a maximum of $17 per ton to mine coal that TVA buys, including a 20% return on investment. Wagner said the variance in cost depends upon the thickness of the seam, whether deep or surface mined, and the difficulty of the mining conditions and reclamation requirements.

While Wagner did not use an average figure, it would appear that an average cost of coal production would be no more than $12 per ton, including profit.

Yet last fall TVA paid more than $30 a ton for coal, and some private power companies paid at least $55 per ton.

As Chairman Wagner stated, this "suggests pretty clearly that when prices were at their peak in last year's coal supply squeeze, some suppliers were able to rake off excess profits of up to $15 or $20 a ton."

"Excess profits," Wagner charged. "Profits in coal production are exorbitant," he said.

"EXCESS PROFITS" AND THE CONSUMER

When the coal suppliers are making "excess profits" of $15 to $20 a ton, what does this mean to the electricity user?

Wagner called a spade a spade. If coal prices stabilize at, say, $25 a ton, that would raise TVA's coal costs by more than half a billion dollars a year—"a half billion unjustiable dollars of excess profits" that the distributors and TVA "have to collect from householders, businessmen, and industries all over the Tennessee Valley, and turn it into the hands of a relatively few coal producers."

The municipal and rural cooperative power systems in the Valley, Wagner declared, are in the middle—and are being unfairly blamed for costs that "we cannot avoid, that we cannot absorb, and over which we have no control." He said it is time to point the finger at the source of the problem, the coal suppliers.

WHAT'S THE SOLUTION?

It is important that electric consumers in the Valley learn the story that Red Wagner unfolded. It is not fair for the Valley's consumer-owned electric systems to take "unshirted hell" for costs beyond their control, and beyond TVA's control.

But what can be done about "excess profits" and "exorbitant profits" of coal suppliers? Isn't this just the law of supply and demand operating? Aren't the coal suppliers just catching up after some rather lean years?

It is time to put energy sources into perspective. Coal is not just coal. Coal is electricity. And electricity is one of the essentials of modern life—a service without which our civilization would quickly come to a stop. The sale of electricity is under public control—either through the public's ownership of utilities, as in the Valley, or through public regulation, as in the case of profit-making private companies.

Electric utilities, then, are not allowed to make "exorbitant profits." This is because electric service is essential, and because a consumer can not shop around for suppliers of this service.

Coal supply seems to be limited. In spite of sharply rising prices for coal, the supply has not expanded. So the law of supply and demand does not seem to be working in this case. Demand is up, but supply is relatively stable.

The time may come—and it may come sooner, rather than later, if the coal suppliers do not exercise restraint—when coal supply will come under some form of public control, in order to protect the user of electricity from "excess profits."

Coal is electricity. The Nation cannot afford to have "excess profits" flow into "the hands of a relatively few coal producers" from the sale of a product that is so vital to human existence. Contrast the "exorbitant profits" of a few coal suppliers with the misery and suffering of electric consumers on fixed incomes, or very low incomes, who literally are not able to pay their electic bills. It does not make sense for a Nation to permit a few to make excessive profits while the many suffer.

Coal is electricity. It is time for the coal producers to exercise restraint in pricing their product, or they may find themselves facing public control.

SOUTHWEST VIRGINIA NEWSPAPER ENDORSES STRIP MINING BILL

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. HARRIS. Mr. Speaker, in recent weeks Members of Congress have been inundated with charges, true and false, regarding H.R. 25, the Surface Mining Control and Reclamation Act of 1975. A very thoughtful editorial supporting the bill appeared in the Roanoke Times, a newspaper in southwestern Virginia, which I would like to share with my colleagues. The city of Roanoke is not in the coal mining area of the State; however, its major industry—railroading—is a key means of transporting mined coal out of the mountains. I believe this editorial carefully and accurately allays many of the fears aroused by opponents of the bill.

The article follows:

OVERRIDE VETO, PROPAGANDA

Intensive lobbying by coal companies and utilities has taken a toll in Washington. The votes to override President Ford's veto of the strip mining control bill are in doubt. The Democratic leadership has put off a showdown until June 10.

In the meantime, perhaps some counter-lobbying can be done by backers of H.R. 25 to offset the scare tactics used by opponents. The bill, which has been through an extensive amending process in committees and in conference, is nowhere near the bugaboo some claim it to be.

H.R. 25 would not ban mining of steep slopes. It would set standards for such stripping, including a prohibition against placing debris on the downslope. Nor would all stripped lands have to be restored to their approximate original contour—this could be waived if the new, flatter terrain is to be put to higher, better use.

In all cases, however, performance standards would be stricter than most strip miners are used to. H.R. 25 aims at curbing the hasty, careless, destructive kind of mining that has reduced thousands of acres in Appalachia and elsewhere to wasteland, inadequately reclaimed if at all.

Yes, it will raise the price of coal—proper reclamation (including the paperwork) will cost more. And there will be surcharges on all mined coal, 35 cents a ton on the stripped mineral. But there is no prospect that coal will be priced out of the market—demand will continue strong—or that people will be thrown out of work en masse; if anything, more labor will be needed because of the reclamation requirements. And at this time of all times, the coal operators—who have been making respectable amounts of money—can afford to pay such added costs.

In any case, whatever rise this brings in coal prices, it will be nowhere near as sharp as the increase that resulted, carom-like, from the oil cartel's machinations of several months ago. It happens that coal prices are far down now—to something like $19 a ton from the panic peak of $60 or more—so it remains quite competitive as a fuel. Especially since the cartel contemplates another oil rate hike next fall.

H.R. 25 will not stop stripping, although it may slow down somewhat. If it also encourages greater development of non-strippable coal, that would be good. Most of America's vast coal deposits lie underground, and for the long term, the nation must rely on subsurface mining for that energy—a mining method that will, in the long run, also bring the greatest and most lasting dividends to coal country.

THE FREEDOM OF KNOWLEDGE—A VALUE UNDERSTOOD BY TRUMBULL, CONN.

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. SARASIN. Mr. Speaker, as we enter our Nation's Bicentennial year, we often think of the great leaders who founded our country, of the battles that were fought, of the patriotism that we identify as being the sum and substance of America.

One major ingredient to the proud and successful development of the United States of America, however, cannot be underestimated. That is knowledge. The wisdom of centuries, the sparkling new concepts of our Founding Fathers, and the ideas of all who succeeded them have been captured for the benefit of existing and future generations. This freedom of knowledge, for individuals of all walks of life, all nationalities, all races, creeds, and educational backgrounds, is available throughout our country because of one factor—our Nation's libraries.

Since 1698, when the first library of record was established, our people have worked long and hard to develop and expand our network of libraries. Communities, States, and the Nation as a whole have banded together to raise funds, to secure, among sources of information, books, documents, microfilms, and have succeeded in amassing the most comprehensive collection of data in the world, all for the benefit of the general citizenry.

The Congress has realized the importance of libraries and has offered assistance in the accumulation of materials and the construction of facilities. Most recently, the tremendous value of these institutions was acknowledged when we in the Congress enacted legislation calling for a White House Conference on Libraries and Information Services.

New information becomes available daily as our technological society races forward, and it is thus a constant, ongoing effort for our libraries to keep pace with developments. This becomes particularly difficult when times of economic hardship are upon us, such as they are today, because individual, municipal, and State resources are often stretched to the limit.

Some, however, overcome these financial obstacles because they realize the importance of adequate materials and facilities in which to house them. Sacrifices are made and efforts are doubled, all in order to reach the desired goal of greater access to information. One such town, which has been hurt by the economic recession but has risen above this problem, is Trumbull, Conn. Several years of work, individually and in concert with town leaders, will soon be formally recognized at the dedication of the new facility on June 8.

I would like to congratulate all who have worked so hard for this new library, and to thank them for providing the citizens of Trumbull with access to an American's most treasured right—the freedom of knowledge.

MARK HARRY SCHECTER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. LONG of Maryland. Mr. Speaker, I am honored to share with my colleagues a report on the current exhibition of Mark Harry Schecter, who has brought international recognition to Baltimore County, as well as the United States. Mr. Schecter becomes the first American to have contemporary paintings exhibited in Red China in a quarter century. This international recognition of Mark Schecter's creativity follows his successful exhibition of 40 of his paintings at the first International Art Show, held at the Coliseum in New York City, where he received the "Honorable Mention" award.

A number of oil paintings by Baltimore County artist Mark Harry Schecter which in recent months have been exhibited in the American embassies in Chad, Belgium, Nepal, and Nato were chosen by American Ambassador George Bush to Red China and American Ambassador Shirley Temple Black to Ghana for exhibition in the Peking and Accra embassies during May, June, and July.

The selection of the Schecter paintings for the Peking showing marks the first presentation of contemporary American paintings in Red China in more than a quarter of a century.

"Art in American Embassies" is a U.S. State Department sponsored educational program designed to introduce the best of contemporary American painters to the people of the world. In addition to the Schecter art in the State Department project the works of Milton Avery, William James Glackens, Edward Hopper, Jack Levin, Robert Motherwell, Louis Michel Eilshemius and John Singer Sargent are included in the U.S. Art in Embassies program.

"Cafeteria," "Red Nude," "Geneva 1," "Sitting Woman," "Fran," "Lemon Yellow," "Pastel Orange," "Scene at Dawn," "Flowers of Spring," and "Ecstasy" are among the Schecter paintings being exhibited in embassies all over the world.

DÉTENTE WITH THE SOVIET UNION: ASSESSING THE BALANCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BROOMFIELD. Mr. Speaker, in my capacity as ranking minority member of the Committee on International Relations, I have recently asked the committee chairman, the Honorable THOMAS MORGAN of Pennsylvania, to hold hearings on our policy of détente with the Soviet Union.

I would like to elaborate on my reasons for requesting these hearings and make it clear from the outset that I am not calling for an abandonment of détente or a precipitous return to the cold war. I do, however, maintain that détente has been less than a total success to date. I believe that we should begin now to assess the progress and the problems in our relations with the Soviet Union and attempt to determine the prospects for the future of détente.

Three years have now passed since leaders of the United States and the Soviet Union signed a communique in Moscow setting forth the guidelines of détente, a policy intended—in the words of the communique—

> To remove the threat of war and to create conditions which promote the reduction of tensions in the world and the strengthening of universal security and international cooperation.

The objectives of détente are so inherently appealing, the rationale for the policy so convincing, and the memory of the cold war experience so menacing, that many Americans embraced the concept of improved relations with the Soviet Union despite lingering reservations about whether this policy could actually succeed. The United States has proved willing, even anxious, to give détente a chance.

With 3 years of practical experience to draw upon, I believe the time has come for the United States to assess the balance sheet of détente. Is the policy working to the mutual advantage of the Soviet Union and the United States, or have the benefits been one-sided? Has détente actually led to a reduction of international tensions, or is it merely a facade of toasts and ballet performances masking continued rivalry between the United States and the Soviet Union?

Détente, despite its intrinsic appeal as an alternative to confrontation, must be judged as any other foreign policy initiative: Does it serve our national interests and the cause of international understanding?

It would be naive to expect any abrupt departure from traditional practice, such as détente, to succeed uniformly and consistently; to assume there will be no obstacles or setbacks as the United States and the Soviet Union begin to redefine their relationships.

Yet, despite a realistic appreciation of what is and is not possible in our relations with the Soviet Union, I am uneasy about the recent history of détente. Vietnam and Cambodia have fallen to Communist forces armed and abetted by our theoretical partners in mutual understanding.

Progress to date on some of the core issues of détente, such as SALT II and European security, has not been as rapid or encouraging as we might have hoped. The Soviet Union has balked at our concern for human rights and backed away from a trade agreement with the United States. Tensions are increasing on the Korean peninsula and the situation in Portugal—menaced by a Communist takeover—is a cause for concern. Our efforts to bring a just and lasting peace to the Middle East are encountering increasingly difficult obstacles and it remains to be seen whether the Soviet Union is prepared to be helpful in this critical area.

I am pleased to see the administration has promptly realized that détente, while highly desirable in the abstract, is not a bargain at any price; that a policy of accommodation with the Soviet Union cannot be a one-sided affair. I heartily concur with Secretary Kissinger's statement last month in St. Louis that Soviet readiness to exploit strategic opportunities and its expansion of military power around the world "constitutes a heavy mortgage on détente."

The America public today is demanding a hard, rational look at our policies and tactics abroad. If these policies including the keystone policy of détente, are to succeed, they must be communicated to the public; they must be understood; and they must merit support. We must talk out the issues, face up to problems where they exist, and work together to determine achievable objectives.

In calling for an evaluation of détente—a weighing of the successes and failures to date—I am not suggesting that the United States abandon its policy of seeking out areas of common concern with the Soviet Union and return to the rhetoric and categoric ideology of the cold war. I do, however, submit that we owe it to ourselves to take a hard, dispassionate look at the record of détente and determine what we and the Soviet Union hope to achieve from this policy in the future.

In its short history, the era of détente has amassed an impressive record of achievement; the Quadripartite Agreement on Berlin has removed that brave city as a flashpoint in East-West relations; we have made significant progress—although much remains to be done—on strategic arms limitations; we are involved in negotiations on European security; there is unprecedented contact among American and Soviet leaders. The world in the seventies is indisputably freer of overt East-West tension and the threat of global warfare than at any time since World War II.

Still, it is difficult to escape the impression that most of the achievements of détente occurred in the past. The recent record has been characterized by increasing frustration and an inability to block out areas of common concern in which we and the Soviet Union could work to mutual advantage. I hope that Secretary Kissinger's recent meeting with the Soviet Foreign Minister in Vienna will reverse this trend and give new impetus to détente.

A look at the historical record strongly suggests that détente was most effective when the United States and the Soviet Union, through a common appreciation of each other's strength and resolve, opted for a policy of accommodation over one of continued confrontation. If this policy is to succeed in the future, the symmetry in United States-Soviet relations must be preserved. A situation in which the Soviet Union perceives a diminution of U.S. power or resolve can only erode the prospects for future accommodation.

A confident, secure United States, firm in its commitments to other nations and capable of carrying out its responsibilities, is a prerequisite to the success of détente. This is not the time to let down our guard and encourage Soviet adventurism. We must appreciate that our continued ability to defend ourselves and our interests, the importance of our framework of alliances, are as vital today as they were a decade ago.

If, in pursuit of détente, the United States has an obligation to maintain a position of parity with the Soviet Union, it is self-evident that the Soviet Union has a concurrent obligation to make the policy work: the Soviets must be prepared to play by the rules of the game, to join in the search for areas of accommodation and the means to reduce—rather than to exploit—international tensions. The United States, which remains the most powerful and advanced nation in the world, is not prepared to accept one-sided détente. We expect and demand an attitude of reciprocity on the part of the Soviet Union. This fact must be clearly understood if we are to proceed, and succeed, with détente.

I remain convinced that détente—if it can be made to work—is the best possible approach to our relations with the Soviet Union. But détente cannot exist as a series of laudable concepts bearing no relation to reality. Nor, given the policy's recent lack of success, can it withstand another setback such as the experience in Southeast Asia. The time for détente to succeed is now. With Vietnam behind us, we are entering a period in which the principles of détente will be tested. We should know in short order whether we have a workable policy or whether we have been deluding ourselves.

The Middle East, an area of critical concern to the United States, the Soviet Union, and the world at large, will provide an important test for détente. To the extent that we can foster a cooperative working relationship with the Soviet Union in bringing a just and lasting peace to the region, we will strengthen the prospects for cooperation. If, on the other hand, the United States and the Soviet Union are unable to find areas of agreement in this potentially explosive area, one must begin to question the value of what is reputed to be increased understanding.

Recent developments in Congress have underscored the extent to which the United States remains committed to the continued existence of Israel within secure and recognized borders. It would be a grave miscalculation for any party to assume that what has transpired in Vietnam has in any way lessened our determination to stand by Israel and provide that heroic nation with the tools to defend itself. Détente, as projected to the Middle East, does not imply a process of bargaining with Israel's vital interests. It requires, instead, the best efforts of all parties to the dispute in working for a settlement that meets the legitimate requirements of both Israel and the Arab States. The Soviet Union serves as cochairman of the Geneva Conference; it provides significant support to several Arab countries; it has important influence in the area. How this influence is exercised in the coming months will help determine whether or not détente has a future.

The Middle East is not the only laboratory in which détente will soon be tested. In the aftermath of Vietnam, we must continue to monitor closely Soviet attitudes in various disarmament and security negotiations, particularly the SALT talks and the conference on European security. To what degree will responsibility and a desire for accommodation characterize Soviet policy toward the situation in Cyprus, in Portugal, in Korea, and Indonesia, and in international efforts to deal with the problems of global economic interdependence?

On a more personal basis, to what extent will the Soviet Union moderate its restrictive internal practices to permit a freer flow of information to Soviet citizens and more open communication between their people and ours? If détente is to be meaningful and lasting, surely greater people-to-people communication and understanding should be both a goal and a result of this policy.

Our past problems in implementing the

true spirit of détente need not prejudice the prospects for future accommodation with the Soviet Union. They do, however, confront this policy with an urgent, immediate requirement for success. The "heavy mortgage" on détente, occasioned by Soviet readiness to exploit rather than reconcile regional conflicts, could promptly lead to foreclosure if the trend of the recent past is not reversed.

In calling for hearings on détente, I hope we can begin to determine whether this policy can truly serve the mutual interests of traditional adversaries. If it cannot, let us be prepared to examine alternative strategies for the future.

JOBS BILL VETO WRONG MOVE AT THE WRONG TIME

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Tennessean in a recent editorial points out that President Ford's veto of the emergency employment appropriations bill—the jobs bill—was ill-advised and ill-timed, coming as it did when the Nation is in its worst economic slump since the 1930's.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial in the RECORD herewith:

JOBS BILL VETO WRONG

President Ford has taken a political and social risk in vetoing a $5.3 billion package for job-producing projects across the country through next year.

In casting his veto, Mr. Ford wrote the Congress that the bill "is not an effective response to the unemployment problem. It would exacerbate both budgetary and economic pressures."

"Economic recovery is expected to be well underway by the end of 1975," said the President, adding that the influence of the measure would come too late to give impetus to the recovery.

But in the wake of the veto, the administration said that unemployment and the recession will be worse this year than it estimated earlier. In its mid-year review, it predicted unemployment will average 8.7% for the year. That is higher than its February prediction.

If the latter estimate is correct, it will mean that the jobless rate very probably will rise above 9% later this year. The April rate was 8.9%.

The jobs issue is going to be crucial for Mr. Ford next year and if unemployment does stay around 8.7% or 9% for this year, it means political problems for the President and social problems for the country.

The present recession is the worst since that of the 1930s. And in recessions, the income gap between the rich and the poor widens rapidly. When prolonged, recessions usually bring a rising crime rate.

Mr. Patrick V. Murphy, president of the Police Foundation, called high-unemployment slums a "modern day debtors prison" from which residents could not escape. Obviously the frustrations of the jobless are going to increase with time.

The Congress has recognized the potential problem and sought to create new jobs through increased spending for public service employment and conservation and construction projects.

But Mr. Ford's budget-first viewpoint takes this initiative away as being too costly for the nation to afford. Unless the veto is overridden, the ultimate cost may be a great deal higher than the impact of the budget.

FRANCIS CASTELLUCCI RETIRES AS PROBATE JUDGE IN MACOMB COUNTY, MICH.

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. O'HARA. Mr. Speaker, on July 1 of this year, the Honorable Francis A. Castellucci will retire as a probate judge in Macomb County, Mich., after 35 years of distinguished public service.

For the past 11 years, Judge Castellucci has headed the Juvenile Division of the Macomb County Probate Court, and prior to that he had served as a justice of the peace in Bruce Township and had presided over the justice court in the Macomb County Jail.

During his years on the bench, Judge Castellucci has been responsible for many progressive innovations in the judicial area—programs designed to build bridges between various segments of the community, to help young people who have gotten into trouble, and to help prevent young people from getting into trouble in the first place. These programs in the areas of education, substance abuse, group therapy, school truancy and therapy for parents—to name just a few—are solid accomplishments which have been recognized by the people of Macomb County.

Judge Castellucci has mobilized the resources of the county in pursuit of solutions to the problems of young people. One group, Youthscope, brings together educators, police, parents and the court; another group, the Positives, is composed of lawyers' wives and probation officers who work with young girls in the county youth home. The formation of these organizations demonstrates the depth of Judge Castellucci's compassion and his commitment to providing constructive help to young people.

It has been my personal privilege, Mr. Speaker, to count Judge Castellucci among my friends. I am sorry to see a man of his wisdom and sensitivity leave the bench, because we urgently need men of this caliber dispensing justice in our courts. I want to join with his many friends and admirers in thanking Judge Castellucci for his contribution to the cause of justice, for the help he has given countless young people, and the inspiration he has been to all who know him and who are acquainted with the work that he has done. This world needs more Judge Castellucci's, Mr. Speaker; I am proud that Macomb County has had its very own Judge Castellucci all these years.

A HUMANITARIAN EFFORT

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. HARRIS. Mr. Speaker, I would like to share with my colleagues an article that appeared in the Catholic Virginian regarding a "hunger meal" which resulted in $5,000 for Overseas Relief Services. It is a good example of a truly humanitarian effort of a group of concerned citizens.

The article follows:

ST. RITA PARISHIONERS EAT HUNGER MEAL, PLEDGE TO FAST

Rice with a few vegetables and tea without lemon or cream—or sugar, for that matter—isn't likely to be on any American nutritionists' recommended menu list, but parishioners of St. Rita's Church, Alexandria, made that their Ash Wednesday dinner so that others might not have to do with even less.

Two-year-olds to 72-year-olds gathered in the parish hall before the traditional church services marking the beginning of Lent to give witness to St. Rita's community to fast voluntarily once a week during the penitential season and give the money saved to Catholic Overseas Relief Services.

According to Father Thomas A. Casey, associate pastor, the parish received upwards of 250 commitments to the fast from pledges signed during Masses Sunday, Feb. 9, when Msgr. John Romaniello, a member of CRS and a veteran of 23 years work in China, was the homilist.

Christian Family Movement members Mary Hope Nugent, Mary Ellen Bayer, Mary Ann Murad, Liz Isacco and Connie Szostak, who prepared the "hunger banquet," made no claims that the meal was a culinary delight—just that it was inexpensive. A total of $5.30 for rice and tea and "maybe two dollars' worth of onions, celery and carrots taken from their family refrigerators made enough food for about 100 people.

"It's just a subsistence meal," they said. "It's what poor people eat."

After the pastor Father Francis L. Bradican led the blessing, "Bless us, O Lord, and this, thy rice," the people began to eat. Reactions ranged from "it wasn't too bad" to "it was a sacrifice" until they watched CRS movies on hunger in other countries and the effect of slow starvation on the minds and bodies of children.

A second survey of the diners brought comments such as "when I look at those movies, I felt I'd had too much to eat."

"I couldn't finish mine because I was watching the movie."

"I had a second helping, but when I saw those kids, I couldn't finish it."

Sister Marie Josephine SSI, minister of religious education, explained that the voluntary fasting program, which includes another "hunger banquet" on Wednesday of Holy Week, March 26, is part of an overall "Feed My Lambs" Lenten theme for the parish.

"Even though it is a resurrection message, we think it very fitting because of the bishops' appeal to Catholics to fast to provide for the hungry of the world," she said.

Money saved from the fasting program may be placed in the weekly collection basket in envelopes marked CRS or donated at the end of Lent, Father Casey stated. Grade school children are also making "Feed My Lambs" individual donation boxes for those who would find them more convenient, Sister Marie Josephine said.

UNITED STATES STEEL CORP. TESTIFIES ON IMPORTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. GAYDOS. Mr. Speaker, I am herewith inserting into the RECORD a statement by R. Heath Larry, vice chairman of United States Steel Corp., given at his appearance before the U.S. International Trade Commission. The Commission visited Pittsburgh, Pa., last month to obtain information on what impact relaxed new trade concessions with foreign competitors would have on local economies and their working force. I trust my colleagues will find Mr. Larry's remarks both interesting and informative:

SUPPLEMENTAL MEMORANDUM BY R. HEATH LARRY, VICE CHAIRMAN, U.S. STEEL CORP.

Your Commission has been assigned the task of assessing the future importance of tariff cuts on all sectors of our economy. I should like to suggest that tariffs, per se—at their current low level—have little or no impact on the ebb and flow of world trade in steel. Concentration of attention upon them amounts to keeping one's eye on the wrong ball.

I would suggest instead that time and the broad governmental policies of individual nations of the world are more important considerations than tariffs. To explain this blunt, unresponsive statement, let me characterize the steel industry and its position in the world.

At this time in the world's development, whether we like it or not, virtually all nations have decided a growing industrial economy, which seems to be a common national objective, requires its own steel industry. Therefore, nation after nation has established, nurtured, and sponsored its own steel industry. The methods are as varied as the nations. Their objective is achieved by "rationalization," protecting home markets—with tariffs as only a small factor, providing low-cost financing, or any other means required. Once established, their steel industries become an instrument of achieving social, economic and political objectives—providing employment, contributing toward a favorable balance of trade, or providing an essential industrial raw material at a low cost for further industrialization and further increases in world trade for products made of steel such as automobiles, or ships.

Time must also be recognized as a critical element in world steel development because changes do not come rapidly. It takes from five to ten years to develop raw material sources, engineer, build, and begin to operate a reasonably sized steel-producing unit. Thus, decisions made today do not impact on the world steel supply/demand situation for a number of years, and, conversely, decisions made today not to install steel capacity impact themselves in terms of restricted supply many years in the future.

It is recognized steel is a capital-intensive industry. It does not take much time for a nation of the world to decide to sponsor and finance increases in its own domestic capacity. However, in a free market economy, it does take time for an individual firm to accumulate the capital required to support growth in steel capacity—or time to indicate to the financial markets of the world a stability of operations and earning capability to obtain the necessary capital to expand steel production to meet growing requirements.

In the United States, you have read public announcements by many individual companies indicating they have almost arrived at this desired position. However, all such announcements are couched in cautious terms which stress the "almost arrived" and emphasize the need for continuity in this earning power if they are to sustain the heavy financial burden of increasing capacity.

Time plays one more role in considering world steel affairs. Steel equipment and capacity are long lived. Once installed, it continues to operate for as much as half a century. Perhaps over time, this capacity will not provide earnings adequate to sustain its replacement and renovation. Yet it will operate. Certainly for an industry working in close harmony with governmental authorities such a concern is considerably less than in an industry which must earn its own way and draw on competitive capital markets of the world to sustain its operations and growth.

At this point in time, we are reminded once again steel production is cyclical. It will move with the ebb and flow of capital spending around the world. Today we are impressed with the fact that industrial economies of the free world are moving in concert after a 1973–74 boom of historic magnitude. World economies have slid into a common trough of industrial activity.

Our problem is simply this. In a downward swing of world industrial production, do we want our market to support foreign steel industry activity? Do we want it to alleviate their unemployment problem? Do we want it to improve their earning capability so they can afford to install capacity to provide steel to support the next surge of industrial growth in their economy? Do we want the United States steel consumer, during the next surge of industrial activity in the world, to be again at the mercy of exorbitantly high steel prices and restricted availability, just as was the case in late 1973 and '74?

Are we in such a period? If we are not in it, certainly all the evidence at hand suggests we are rapidly approaching a period in which we can anticipate a surge of foreign imports into this country at any price required to get the action. Today we hear of offers of foreign steel in the Midwest at $40 a ton below domestic price levels—this is the same steel being offered to American customers at as much as $150 above domestic price levels 12 months ago. The conservative British Economist, reviewing this situation in their February 22 issue, said "Steelmakers around the world have reacted to the sharp downturn in orders with equally sharp cuts in prices. . . . Many and wonderful are the boasts of steel buyers about how large a discount they have obtained and for how long. But it is clear, whether or not these boasts have been overdone in the past, that some steel firms are now taking business at deadloss prices—and not just for spot orders."

The decline in world steel demand has impelled some major foreign steel producers to request emergency government action. In late March, Jacques Ferry, Chairman of the French Steel Federation, requested the ECSC to impose steel import quotas, describing the apparent crisis in the French steel industry as the worst since the war. Such positions are advanced by foreign producers whose capital requirements are met or underwritten by governments. In contrast, United States producers face the direct constraints of our own profit system on their capital formation and their ability to meet future steel requirements of our economy.

The problem is well recognized around the world. Much has been said about the need for international safeguards against predatory pricing and market disruptions in periods such as this. The various calls for action are directed toward the forthcoming GATT negotiations. One of the major objectives set for U.S. negotiators is achievement of adequate safeguards. I submit the element of time enters again. GATT negotiations will proceed for two to three years. The problem is now. Protracted negotiations, under the GATT agreement, can contribute to eventual stability in world trade.

However, they have no chance of successfully alleviating what appears to be the coming impact of foreign encroachment on the domestic market which, in turn, will restrict capital availability and the chance of domestic suppliers to provide the capacity needed by growing American steel consumers.

Of course, the new Trade Bill strengthens administrative enforcement of existing countervailing duty and antidumping legislation in the country. Once again, due to the level and product range of import penetration, however, the potential from such recourse is inadequate. It is too slow and too uncertain. Whatever help it provides tends to come after the fact. It does not, therefore, represent an acceptable solution to world steel sector policies which produce trade flows reflecting national steel sector investment, market and employment policies.

Major world steel producers clearly perceive the scope of the problem. This is evidenced in another quote from the same article referred to earlier in the February 22 Economist, which says, "The Americans would like to prove that the Japanese (and the Europeans, come to that) are dumping steel. But the difficulty of obtaining believable information about real selling prices in Japan, as against the very low official list prices, makes that almost impossible. In any case, by the time a dossier can be built up, the market will probably have boomed again and nobody will want to bother. It has also been suggested that the European Commission could step in and stop European steelmakers from 'aligning down' on Japanese prices. Under the complex EEC steel pricing rules, it is permissible for an EEC producer to cut its prices to compete with lower offers from a non-EEC producer. But this would be next to useless so far as steel producers are concerned, because it would not cut off the supply of Japanese steel, especially that already feverishly stockpiled in Europe."

Let there be no misunderstanding. World steel trade is not impacted to any significant extent by current tariff levels. The factors governing the ebb and flow of foreign steel into our economy are much deeper and more pervasive than this. It is time, not tariffs, which is important at this stage in assessing the true impact of world steel trade on our economy. The forthcoming months and quarters will decide whether the American steel consumer must rely for an increasing proportion of his supply on the erratic availability and a price set almost at the whim of the world steel market, or whether he can rely on a viable growing domestic steel supply.

TRIBUTE TO SUE ROSENTHAL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. EILBERG. Mr. Speaker, one of the things an elected official must learn very quickly about the people he represents is who will do the work that has to be done and who will just talk.

In my district in northeast Philadelphia, Sue Davidoff Rosenthal is known as a person who not only cares about what happens to the people who live in her community, but as one who has worked effectively on their behalf.

I have known Sue Rosenthal for many

years and have been able to work with her on many community health projects.

At the present time she is;

Chairman of the Northeast Citizens Health Committee,

A member of the board of directors of the Northeast Community Health Organization.

A member of the Citizens Board of Frankford Hospital,

A member of the Regional Comprehensive Health Planning Board; and

A cofounder and member of the board of directors of the Bridge at Fox Chase, a drug rehabilitation center.

For her work with these organizations and many other programs, the people of the community paid tribute to Sue Rosenthal at a dinner in her honor. It was not a fund raising affair; the gathering had no other purpose other than to honor her.

This type of recognition goes only to those people who truly deserve praise for their efforts and I am proud to be the Representative of a constituent such as Sue Davidoff Rosenthal.

IN RECOGNITION OF MAY AS BETTER SPEECH AND HEARING MONTH

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BLANCHARD. Mr. Speaker, I bring to the attention of my colleagues that last month was Better Speech and Hearing Month. It is important for us to recognize the valuable work performed by speech pathologists, audiologists and other specialists who have made vital contributions in this field.

It may be difficult to believe, but more than 20 million Americans—10 percent of all children and adults in the United States—have speech, language or hearing impairments which can severely damage their ability to function.

One of the major problems faced by the communicatively handicapped is the lack of knowledge of where to turn for trained medical help. It should be noted that in the Detroit area alone there are many dedicated speech pathologists and audiologists who are available to help. Some of the services include clinics located at Beaumont Hospital in Royal Oak, St. Joseph Hospital in Pontiac, Children's Hospital, Henry Ford Hospital, Sinai Hospital, Mt. Carmel Hospital, Mary Grove Hospital in Detroit, and in many nearby counties. Help is also provided by the Oakland County Public Schools, Macomb County Public Schools and many nearby universities. In addition, consulting specialists are usually available free of charge, to all of the communicatively handicapped through 25 years of age.

Both the speech pathologist and the audiologist perform valuable services in diagnosing and treating individuals with speech, hearing and language problems. Their dedicated work and strides in research and treatment deserve to be recognized. I commend these hard-working individuals. Their work is vital. It is my hope that people in the community who need help will avail themselves of the services offered.

OIL COMPANIES PRESSURE DEALERS TO SELL MORE GASOLINE AND OIL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. MIKVA. Mr. Speaker, I have just completed a survey of more than 300 retail filling station dealers in my district. The results indicate that while major oil companies are publicly preaching energy conservation, they are privately pressuring their retail dealers into increasing their sale of gas and oil-related products.

Mr. Speaker, while the rest of the country is trying to conserve energy, the oil companies are trying to lure us into consuming even more oil and gas so that they can increase their profits. Of the 130 filling station dealers who responded to by survey, 64 percent said they were being pressured to increase their sales by either oil company threats or incentives.

Of the 84 filling station dealers who reported being pressured to increase sales, the most common methods that were proposed to them by the oil companies were to expand hours—72, and lower prices—73. Many of the dealers complained that while they were being urged to lower prices and reduce profit margins, the oil companies maintained their same price per gallon, thus increasing their profits from each station which sold more gasoline.

Fifty-eight of the respondents said they were threatened with a variety of punishments if they did not implement the proposals to increase sales—such as loss of their leases—26, reduction in service from their parent oil company—15, and various other forms of noncooperation—17. Thirteen respondents said they were offered incentives to increase sales, such as cash rewards or trips or various other prizes.

I have forwarded the results of my survey to the Federal Energy Administration and have requested that it act immediately to prohibit such tactics by the oil companies. And if the FEA feels it does not have the authority to prohibit such counterproductive action by the oil companies, I will propose legislation which will give it the necessary authority.

The following questionnaire was sent to filling station dealers in my district. The total responses are indicated by the numbers in each question:

1. Have you been urged in any way to increase your sale of gasoline and/or other oil products? 84 yes. 46 no.

2. If yes, what specific means to increase sales were proposed?

72(a) extend hours.

73(b) lower price.

6(c) engage in raffles or games with prizes.

13(d) give gifts for certain purchases.

6(a) other ———.

3. If yes to number 1, what sanctions were mentioned or suggested for not increasing your sales?

26(a) loss of lease.

15(b) reduction in service from the parent company.

17(c) other ———.

4. If yes to number 1, what incentives have been offered for increased sales?

1(a) cash rewards.

6(b) non-cash gifts, specifically ———.

6(c) other ———.

Please feel free to add any additional comments you feel appropriate.

LOOK FOR THE GOOD SIGNS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BOB WILSON. Mr. Speaker, much opinionizing has been done recently about what some view as deplorable conditions in the United States. Like Chicken Little, we are being told that the sky is falling. I do not believe that that is the case at all. We need to get off the negative track and be positive, because though we do have our problems, our future is actually pretty bright.

I think this positive attitude is well-stated by Richard G. Capen, senior vice president of Copley Newspapers, who believes in our country, our economy, and our future. I include his remarks in the RECORD so that our colleagues may have the benefit of his thinking:

LOOK FOR THE GOOD SIGNS

(By Richard G. Capen, Jr.)

Never before has there been so much doom and gloom as there is today. Never before have so many complained so much and been so confident of so little. We rehash our nation's problems and failures, leaving little time and energy to overcome them. We hang our heads in shame with a self-destruct button at our sides. We shake accusing fingers at each other, frantically seeking to pin the blame on the nearest scapegoat.

To a large extent we are becoming paralyzed by our own shortcomings, while obsessed with a seemingly endless desire to dwell on past mistakes.

By magnifying our shortcomings we have discouraged ourselves and disappointed others as well. Too many have been convinced that unless we succeed in everything, we have succeeded in nothing. Since when is America unable to withstand some hard knocks and occasional setbacks?

Well, I believe it's time to knock off such negativism and look for the good signs around us. I do not belittle the problems around us. But neither do I believe we have lost the will and determination to overcome them. America has faced inflation, recession, shortages and foreign affairs crises before. You name it. Ultimately we have resolved it in the long run—and we can do it again.

The first step, however, must be the rebuilding of national self-confidence, the restoring of a will and determination to succeed. We must first believe in ourselves and we must encourage others. This is an exciting time to be alive!

One of the most important good signs centers on our own refocus on the basic values of life.

The problems of recent months have forced us to analyze ourselves. What is my goal in life? What are my values? Can we afford what often has been a disposable society? Must we expect more of everything, all the time?

Affluence has drawn us away from family and friends. If nothing else, today's economic conditions are forcing many of us to stay home more and to find family ways of enjoying ourselves at less cost. What's wrong with that?

For many the current recession has generated a refreshing rebirth of family life. There is a return to a simpler life. High spending habits are dropping. Costly frills on the products we buy are being eliminated and throw-away living habits are fading. What's wrong with that?

On balance, the American family unit is surviving and prospering as never before. Church membership is up dramatically. There is a deep recommitment to religious faith.

There is a tendency to refer to the "Good Old Days"—which, during the first half of this century, were barely endurable for millions of Americans. We suffered two world wars, conflicts in Korea and Vietnam that seriously divided our nation, a great depression and seven major recessions.

In the early years of this century the divorce rate was rising fast. Women were told that they should know "their place" in life. The majority of American blacks lived in the South with no right to vote and little opportunity for education. Lynchings were not uncommon. Racial and labor strife was a persistent problem.

In 1933, with half the work force, 12 million Americans were unemployed—fully 25 percent of the work force. And, anyone out of work then was out of luck because there were no safeguards of unemployment insurance, food stamps and other such benefits to ease the financial strain. Somehow, people managed to do the best they could with what they had. In the perspective of the 1930s, the problems of the 1970s don't look quite so bad.

Let's turn to the economy. There are good signs here too.

Each month we beat ourselves over the head with unemployment statistics—one-tenth of one percent rise at a time. I do not belittle the hardships of unemployment. But we should realize the fact that 85 million Americans are employed today.

This past month the government announced that the unemployment rate was at a 34-year high. Overlooked and understated was the fact that total employment in America reached an all-time high.

Americans today are smarter, wiser, tougher, more tolerant and more flexible to change than ever before. Despite inflation, real family income has doubled in a generation. Fringe benefits have increased three-fold since 1960 and poverty levels have been cut in half.

Americans now work fewer hours in more interesting and less back-breaking jobs with longer vacations than ever before. Public opinion polls generally state that Americans are dissatisfied when it comes to the life around them, but when asked about their own lives and thier own jobs, they are overwhelmingly satisfied and pleased with their lot.

Let's look at other economic good signs—each has been announced in recent weeks:

The consumer confidence index has jumped 20 percent.

The drop in new housing starts has slowed.

Business inventories have dropped to the lowest percentage since 1948, thus clearing the decks for new production.

Mortgage money is easing up and interest rates are dropping.

In each of the past two months there have been record trade surpluses, indicating that our products are becoming more competitive abroad.

There has been a 12 percent gain in sales of non-durable goods.

Construction costs, according to a major construction company, will drop mid-year for the first time since 1958.

The Dow-Jones Industrial Average has increased more than 200 points since December.

Certain jobs continue to go begging despite unemployment trends and in some cities unemployment rates are considerably lower than the national average.

Consumers, bogged down so long in gloom, appear to be somewhat more spending minded.

Home building appears ready for a turnaround.

Food prices are leveling off.

There are record flows of money into savings accounts.

The dramatic shifts in our economy also have created unprecedented opportunities for some industries. Today oil drilling equipment manufacturers, food processors, maintenance equipment producers and repair firms are booming.

While Americans are perhaps less than excited about the $100–200 tax rebate, it is estimated that a substantial portion of the $8 billion refund will be used to pay bills, thus offering an immediate injection into our economy.

The rate of saving is another measure of confidence. There, too, is good news. Today people are saving nine percent of their after-tax income—the highest rate of savings in 29 years. And, there still appears to be enough cash left over to spark an unexpected vacation boom in many sections of our country.

The tendency to save for the future suggests that most Americans have not lost confidence in the economy or in the value of their money. In past periods of rampant inflation, individuals spent their money like it was going out of style. This is not happening today, suggesting that individual savings can set the stage for a business rebound when Americans feel the time to buy is right. And that time may be coming soon.

With our obsession for self-criticism we ignore the fact that far greater difficulties are being experienced abroad. In the past five years consumer prices have increased 51 percent in Great Britain, 45 percent in Italy, 43 percent in Switzerland and 31 percent in West Germany. Today it costs 31 percent more to live in Tokyo than in Washington, D.C.

We complain about sixty-cent-a-gallon gas but in Greece, gas costs $2.60 a gallon. In Great Britain mortgage costs currently run 15 percent. We belittle our own economic strength and yet our total national output remains twice as great as that of the Soviet Union, three times as large as Japan and four times greater than West Germany.

Let me turn briefly to a number of other national confidence builders. First, the Presidency. We know only too well what a beating this office has taken in the past two years. In this century alone, the Presidency has survived assassination, incapacity, depression, war, scandal, and in each case the transition was accomplished without tanks rumbling through the streets, bombs on the White House or coups on the Capitol steps.

This past August the presidential transition was accomplished smoothly with the strictest adherence to our Constitution. The truly remarkable thing about that transition was that none of us thought it was particularly remarkable at all.

I believe that President Ford is restoring respect for his office and I think most Americans share that viewpoint. He constantly receives high marks for honesty and integrity. Sure he has his problems but his open approach and willingness to listen to divergent viewpoints helps immeasurably.

Let's turn to the college campus. Today the atmosphere among students has changed significantly. Fraternity and sorority life has made a big come-back. There is a resurgent interest in religion. ROTC recruiters are welcomed on the campus. College students are buried in their books, working to establish an academic record that will impress a prospective employer.

There is a sense of purpose toward education with definite career goals in mind. At the same time, there is a feeling of decency among students—a far cry from the flaming campuses of the 1960s.

What about the energy crisis? We know that our energy shortages are not going to be resolved overnight, but do we really believe that with our scientific knowledge, ingenuity and technological capability that our scientists and engineers will not eventually step forward with practical solutions to ease our dilemma?

We are constantly finding new sources of energy. We have a tremendous coal resource and we have great nuclear energy capability. We may find practical ways to harness the tides. The French already are generating energy from that source. In fact, engineers have estimated that there may be 100,000 coves, bays or channels that would lend themselves to harvesting the tremendous power of tides.

Every second the sun produces more energy than man has used in the past five thousand years. We are likely to find better ways to harness that energy too. In the meantime, we will experience shortages and resulting changes in lifestyle. But we have already learned that that may not be a completely undesirable development.

Many of us complained about the 55 mile-an-hour speed limit. However, it not only has reduced oil consumption, but it has lowered highway deaths by more than 1,000 lives per month.

Let me turn to foreign affairs. There is no doubt that the world is going through dramatic change. Nevertheless, the United States—with its economic and technological base—still remains the largest single factor in foreign affairs.

As a new world order takes place, new diplomatic opportunities are created—opportunities we certainly will lose if we sit back and wring our hands.

Like it or not, we are a great economic and military power. No other nation in the free world can assume our role of leadership, though it will require demanding creativity and national unity in the weeks and months ahead.

As we soul-search for the lessons of Vietnam, we should not forget that there has not been an abundance of diplomatic initiative and creativity on the part of the Soviet Union. They, too, have their own rough edges with their allies and a periodic feeling of helplessness in dealing with problems beyond their control. In addition, they have a real technology gap with their economic growth continuing to fall behind that of the United States.

Other nations may delight in our own shortcomings, but immigrants continue to come here by the millions, fleeing from marching armies, loss of freedom and all other types of manmade devastation. They come here because they are convinced that in America there is hope for man and his family and for the future of his children. We must never forget what motivates them and how their example should motivate us.

My love of America does not blind me to the reality of our flaws and mistakes. But I am convinced that there is hope, providing we convince ourselves of that hope.

It took Thomas Edison 586 experimental failures to find the right filament for a light bulb. Winston Churchill's rare opportunity for leadership did not come until he was 66.

Admiral Robert Peary spent 23 years and seven failures in pursuit of his goal of reaching the North Pole.

The greatest delusion of all is that only talent counts in achieving excellence. In my opinion, confidence in what you are doing and persistence in what you are doing are equally important in the successful achievement of excellence.

As we look to the future we cannot bring about constructive change by preaching only gloom and doom. More than ever we need to create a climate of positivism. That effort must start at home. It must extend to our friends, to our associates and to our fellow citizens.

If you think the world is coming to an end, there is no way you can contribute to improving it. If you believe you will fail, you likely will.

I happen to have great confidence in America. I have confidence in our ability to succeed. And, I am encouraged by what I see as good signs for our future.

CHARLOTTE R. LUTINSKI: A DEDICATION TO VETERANS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. McKINNEY. Mr. Speaker, congressional staff increases can never replace or improve upon the dedicated work done for us by volunteers. Time and effort donated by members of our home communities have proved indispensable in completing many of the complex projects undertaken to meet the diverse needs of constituents. Charlotte R. Lutinski, of Bridgeport, Conn., is an outstanding example of such a volunteer. Her aid has been invaluable to me in reaching out to the 69,000 veterans in Connecticut's Fourth District and informing them of the benefits available on both Federal and State levels.

For more than 10 years, Charlotte has spearheaded the efforts of the VFW auxiliary, Sgt. Thomas J. Nelson, Jr., Post 9427, as both district and local president. Because of her proven leadership and experience, I asked her 3 years ago to be the program director of my veterans outreach program.

As part of that effort to assist ex-servicemen in Fairfield County, we compiled lists and sent brochures to every veteran, outlining all Federal and State programs for veterans. Charlotte was tireless and effective in organizing the mailing list we used in this campaign.

She also assisted me in studying the possibility of constructing a veterans outpatient and convalescent hospital in our area. In addition, in 1974, Charlotte directed a successful program to inform World War I veterans of their eligibility for a $300 bonus from the State of Connecticut. She personally visited the homes of several elderly veterans who would otherwise have remained unaware of that beneficial program.

Clearly, Mr. Speaker, Charlotte R. Lutinski has been extraordinarily generous in service to her Government and her community. Without her dedication and that of her fellow volunteers, the task of informing and aiding the people of the Fourth District would be far more difficult. On behalf of thousands of veterans in southwestern Connecticut, I thank her for her work and add my own deep personal gratitude for all her help.

UNICEF AIDED VIETNAM FALL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. McDONALD of Georgia. Mr. Speaker, as more and more proof rolls in spelling out the dominance of the Communist nations in the U.N. and its related organizations, the membership of the United States becomes less and less relevant. Certainly, the taxpayers of the United States could and should be relieved of the burden of supporting the world's largest floating cocktail party. In support of my contentions regarding this organization, I wish to call the attention of my colleagues to a recent article by the Detroit News columnist Robert D. Heinl on this subject. The following column appeared in the Greenville News on May 16, 1975:

UNICEF AIDED VIETNAM FALL

WASHINGTON.—Last fall, when you gave the kids trick-or-treat money for UNICEF or ordered UNICEF Christmas cards, did it occur that you, and behind you, the U.S. Government, were bankrolling the Communist takeover of South Vietnam?

Well, you were.

In programs purportedly established "to help children in Indochina," the United Nations Children's Emergency Fund gave just short of two-thirds of its collections to North Vietnamese or to the "Provisional Revolutionary Government of South Vietnam," sometimes confused with the Viet Cong.

The exact numbers, conceded by a UNICEF spokesman, run as follows:

UNICEF collected and disbursed a total of $13,649,433 for its Indochina children's programs. While smidges of this came from abroad, the overwhelming amount came out of the pockets of U.S. taxpayers.

Of this eight-figure sum, $8,975,587 went to Communist recipients: $6,313,130 directly to Hanoi and $1,975,587 more—via Haiphong and Hanoi, of course—to the Viet Cong or PRG, as they are now styling themselves in "Ho Chi Minh City."

While Communists were thus getting 61 per cent of UNICEF's largesse, our ally, South Vietnam, got only $5,360,707, or 39 per cent.

Unlike the South, where UNICEF and other United Nations benefactions could be monitored, gifts to the Communists who, of course, would permit no observers went unsupervised as to distribution.

In the explanation of its spokesman, "UNICEF has no way to make sure the supplies to the Communists got to children. They were dropped off at the airports and docks, and we assume they were used as we intended."

Begging the above rather large questions as to Communist reliability and disinterested solicitude toward the helpless—which UNICEF appears to have bought at 100 per cent with no discount—it is also interesting to see the kinds of supplies and equipment UNICEF felt were needed by the kids in Vietnam.

Deliveries to Haiphong, by Third World or Communist shipping, consisted primarily of trucks, bulldozers, heavy engineer construction-equipment, and construction tools and materials—all, word of honor, earmarked solely to rebuild schools which, with hospitals, as is well known, constituted the main targets of the U.S. Air Force.

The Viet Cong, representing more of a field force, mainly got food, clothing, and lots of hospital supplies and hard-to-get drugs and medicines. Only for VC children, naturally, not battle casualties.

By contrast with their Communist opponents (whom UNICEF joined Russia in supplying precisely the materials most needed for support of continued warmaking), the good people of the U.N. saw to it that South Vietnam got only the softest possible goods, food and medicines.

In another statistical anomaly, while the Viet Cong have not since 1968 been credited with more than 15 percent, if that, of the population of South Vietnam, UNICEF gave the PRG 36 per cent of what it gave Saigon.

Besides the above direct contributions, which came from specific donors, the Communist cause received an invisible incentive from the whole body of U.S. taxpayers because UNICEF contributions are tax-deductible.

Depending on how well-off they were, those who gave to UNICEF received anywhere from 14 to 70 per cent back in tax-exemptions for charitable contributions.

Assuming that the UNICEF flame burns more brightly in elitist bosoms of well-heeled suburbia, it would be a fair assumption that the median tax bracket for contributors fell close to the 36 per cent level.

In other words, John Taxpayer, you unwittingly authorized Uncle Sam to pay out over $3 million in incentive-money to induce certain of your fellow citizens (also, to be fair, unwittingly) to put up well over $8 million to give aid and comfort to enemies of the United States in a shooting war.

A trick, you might say, on the American public; a treat for Ho Chi Minh.

ABOLISH METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing a bill which would abolish the Federal Metal and Nonmetallic Mine Safety Board of Review and transfer its functions and powers to the Secretary of the Interior.

This five-member board was created in 1966 to hear appeals from noncoal mine operators ordered to shutdown by the Mining Enforcement and Safety Administration as unsafe. Another process of appeal exists with the Office of Hearings and Appeals in the Interior Department, differing only in that the law provides for a court review only upon an appeal to the Review Board. In every other respect these two processes are identical.

Of the 1,998 closure orders last year, not one was appealed to the Federal Metal and Nonmetallic Mine Safety Board of Review. In fact, since 1972, only one mine closure has been appealed, and in this case, to the Secretary of the Interior, not the Review Board. Even more peculiar is the fact that in the 5 years of its existence, this Board has not yet heard one appeal of a mine closure.

The President has requested $60,000 in annual upkeep of the Federal Metal and Nonmetallic Mine Safety Board of Review in his budget for fiscal year 1976. In my opinion, this is another flagrant example of wasteful Government spending. Again the Congress has not exercised proper oversight of Government agencies to determine whether their continued existence is justified.

WE MUST TURN AGAIN TO WHAT AMERICA DOES BEST

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. PRESSLER. Mr. Speaker, as a Vietnam Army veteran, I have a particular interest in the direction our country will now take. What will the aftermath of Vietnam bring?

Mr. Speaker, our colleague, Congresswoman Millicent Fenwick, was one of the Members of this body who ventured to Vietnam this past spring at the request of the President. Upon her return she cooperated extensively with the press in an effort to share the impressions she gathered there with the American public. As we have all learned as a result of her tireless work on the House floor, Mrs. Fenwick has a commanding presence and speaks with a refreshing candor in these times of incessant posturing. I think we can all benefit from studying the following article which she authored and which appeared in the Washington Star on the evening of April 30, 1975. The depth of her thinking and the insightful overview of the situation she encountered in Vietnam are, to my thinking, quite edifying.

In the play Camelot, King Arthur said "We're all tiny drops in a vast ocean, but some of them sparkle." In the judgment of many of her colleagues, Millicent sparkles. Since coming to this body, she has received many social notices in the press. Overlooked frequently is the diligent committeework and floorwork she does. I am an unabashed admirer of hers—and I wish to insert this fine and thoughtful article she recently wrote. I believe it captures the essence of what our country must do in the post-Vietnam era.

The article follows:

Fenwick: "We Must Turn Again to What America Does Best"

(By Representative Millicent Fenwick)

"After Vietnam"—it is impossible to say that we are really through with Vietnam and all it meant to the country. The President's fine speech in New Orleans put one phase of it behind us—the recriminations and the hurried, undignified efforts to assign the blame to one administration or individual or section of government or another.

There is plenty of responsibility to share—none can escape its portion—neither can we, who were simply members of the general public when all the decisions were being made, who knew only what the media reported to us.

Would any of these elected officials have decided as they did, had they not felt the weight of public opinion behind them, had they not been thinking of "losing China," of "being soft on Communism," of the forlorn realization that all the sacrifices of the second World War had only landed us with a Cold War, with true peace still far away?

It is impossible to deny the pressure of public opinion on Truman, Eisenhower, and Kennedy, although the revealed deceptions of the Tonkin Gulf resolution suggest an exploitation of the public more than they do a reaction to any pressure.

The time has inevitably come for some intellectual honesty, without unworthy efforts to find a scapegoat. In a democracy, one has to take into account all the elements. No one segment of society operates apart from the whole. We are all in this together, and that's the truth. The only question that remains is what do we do now?

A few things seem clear. We need a full discussion of what the vital interests of this country really are, as far as our world position is concerned. Perhaps it is true that it is impossible—or even dangerous—for those in policy-making positions to outline the areas of the world we think are essential to our own security. Certainly, it was said that Secretary of State Dean Acheson's failure to include Korea among the nations of special concern to us precipitated the attack of North Korea against the South. But it is equally certain that these things should be discussed.

We need to know what constitutes a vital part of our defense and security—what seas and straits and canals fall in that category which areas are essential and why? Is foreign trade beneficial to the factory workers of this country? How many jobs in this country depend on foreign trade—and if the number is considerable, what do we sensibly do to facilitate and encourage it? There are the questions that need to be aired in every high school, college and university, in every Chamber of Commerce and union hall, in every men's and women's club meeting. There is no use thinking that any policy which has no roots in a public consensus can be sustained in Congress or engineered by any administration.

I don't think we can live comfortably in any world which is completely Communist, with all communication and trade turned against us whenever the authorities choose. We must hope and work for a rule of law, where principles of justice and equity prevail. The United Nations needs to be reminded of this. If it is to be the path that leads to such a world, it will have to turn away from a selective system which too often seems to apply prejudice and emotion in place of justice and reason.

America is tired of doublespeak-Orwell's "Newspeak"—by which "democracy" is used to describe an authoritarian regime, and even dignified intellectuals will approve military dictatorships and militarized 5-year-olds provided only that they support a left-leaning regime. And we are tired, too, of law-and-order advocates who are revealed as lawbreakers of the most dangerous kind, public servants who serve special interests far more readily than they do the public.

The whole experience that is called Vietnam has brought America to a realization that character and common sense are the essential ingredients of anyone who pretends to speak for the public. We used to be ready to admire a certain shrewdness, a clever operator who could manipulate people and situations in such a way as to advance personal advantage or attain the acclaim available to the successful. It's not going to be that way any more.

The present nostalgia for President Harry S. Truman is part of this new point of view—that sturdy, unmistakable and deeply patriotic character. We are beginning to admire candour and honesty and a certain humility and when we do we will get such public servants, knowing that each one will inevitably have some of the failings that are part of all human nature, including our own.

We will accept, I believe, the fact that in the world we live in now we must have an adequate capacity for defense. Only the knowledge that we have such a base will give us all the sense of security that makes generosity of spirit possible. The strong can afford setbacks and even exploitation, when generous gestures are misused and taken advantage of. This is not a pleasant prospect, but we will never make a world in which law prevails and human beings are free under law if we do not press forward with all our energy towards a true concern for all people equally.

After Vietnam, with its sordid deceptions and foolish errors, with the terrible losses and all the pain, we must turn again to what America does best—speak for freedom and compassion across every barrier of dissent and distance. Self-respecting and firm in our resolve, once we have decided on our course, we must be prepared to sacrifice for goals that we have agreed upon.

But none of this will be possible if people feel they are being fooled, if the politicians and the press and all our great institutions do not stick to their declared purposes. How can we decide on matters of official conduct if the most respected writers praise one man for actions which are roundly condemned in another? Why do we continue to allow leaks from grand jury proceedings to be published in the press, when we know that a citizen comes before the jury without counsel, counting on the honor of the State and the jurors? The answer seems to be that we have forgotten the old virtues.

We started out in this country on a high plane, speaking of "man's inalienable rights," pledging "our lives, our fortunes and our sacred honor"; those were the last and most poignant words.

That we still have an appetite for them was proven by the public's reception of the proceedings of the Judiciary Committee. There we saw the variety of America, citizens from every corner of the country, rising almost unanimously (though with varied conclusions) to the grandeur and solemnity of the matter before them. Sticking to principle, when it was convenient and when it was not. Following the Constitution they had sworn to uphold. It was in a way a magnificent spectacle, restoring one's faith in our country and its institutions, confirming our belief that free men and women can act nobly and will, when the occasion demands.

In a way, it is a sad commentary that something we should have been able to take for granted aroused such universal acclaim. The chairman of the Judiciary Committee, Rep. Peter Rodino, received thousands of letters from cities and hamlets all over the United States, expressing the most touching gratitude for the way he handled the proceedings. It is a lesson for all of us. It gives great hope because, in the last analysis, after Vietnam and all the turmoil of these past years, it shows what we still admire. And what is admired is the measure of a people, as it is of a man.

UNITED STATES MUST BE MILITARILY SUPERIOR

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. ASHBROOK. Mr. Speaker, the only sane defense policy for the United States to follow is one of military superiority. On February 1, 1972, I made a speech entitled "How the United States

Lost Military Superiority." I have not had to retract one statement that I made at that time.

As I stated then and repeat now: "The road to peace has never been through appeasement, unilateral disarmament, or negotiation from weakness. Among the great nations only the strong survive."

While we are still considered a strong nation—and may I say as an aside the actions of President Ford in the Cambodian seizure of an American ship were the right and just actions of a strong nation—the Soviet Union is quickly building up its power. The facts are plain to anyone who will look.

I have never changed my views. I am a hawk. I believe in military superiority. I do not speak of potential enemies as many do. We have real enemies in the Communist world.

Soviet strategic forces have been growing at a rapid rate for more than the past 10 years and this has continued since the SALT I agreements of May 1972. The United States has accepted numerical inferiority in ICBM's and SLBM's.

The Soviets in the last 2½ years have been developing four new missile systems and constantly have been testing new multiple warheads and MIRV's. The Soviet missiles that can be equipped with MIRV's have three to six times the payload of American missiles that can be similarly equipped.

If the Soviets replace their older missiles with the new missiles that they are developing and which is allowed under the SALT agreement, they will increase their throw weight by 100 percent. It is estimated that it would only take 300 of their new largest missile to threaten our total ICBM force of 1,054. The Soviets would have left more than 1,300 ICBMs with more than 5,000 warheads to use against other American targets.

From numerous reports, the Soviets are building new missile silos in excess of the number allowed in the SALT agreement. Also, they are testing a new radar system of a type used in ABM systems which is prohibited in the 1972 ABM Treaty. The Soviets are concealing missiles, which is also prohibited in the 1972 agreements, and are continuing the development of mobile ICBM's—the development of which the United States considers a violation of the spirit of the interim SALT agreement.

I do not know how much longer we as a Nation can afford to allow this country to slip further behind the Soviet Union. We need a stronger defense to protect our very liberty.

BROOKINGS STUDY SHOWS THE WASTEFULNESS OF GOVERNMENT REGULATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. CRANE. Mr. Speaker, it has taken some time, but Americans seem finally to be coming to the realization that the regulatory agencies which we have been busy creating in the name of "the public interest" have, in fact, been harmful to the interests of most Americans.

The Interstate Commerce Commission, for example, each year permits the trucking industry to do what no unregulated private industry is permitted by law to do—set its own prices. Interstate rates are established by 148 "rate bureaus," which are regional associations of truckers. Any trucker who attempts to charge less finds himself in real trouble. John Snow of the Department of Transportation states:

> Truckers are in a situation that almost every industry would like to be in. They can sit down and veto the rates of their competitors.

The Brookings Institution has just issued a 393-page report entitled, "Promoting Competition in Regulated Markets." Prepared by nine economists and one attorney, this study is additional evidence of the need for serious regulatory reform.

With regard to the airline industry, the study concludes that the public would get "lower fares and more appropriate levels of service" if the Civil Aeronautics Board were to "relax substantially its control over fares and entry."

Discussing the Interstate Commerce Commission, economist Thomas Gale Moore of Michigan State University states that the costs of current regulations are "not only substantial but monumental." He concedes that some regulation may be necessary to 'appease" the railroad industry, but concludes that "a substantially unregulated industry could be a major improvement over the existing situation."

It is my own view that governmental interference in the workings of the free market almost inevitably produces the kinds of results we have seen. The real answer, in the long run, may not be "less" or "better" regulation but no regulation at all. Only by permitting the free market to work will the public interest truly be served.

I wish to share with my colleagues the report concerning the Brookings study which appeared in the Christian Science Monitor of May 20, 1975, and insert it into the RECORD at this time:

REGULATORY PANELS VERSUS THE CONSUMER

(By David T. Cook)

WASHINGTON.—Consumers would get better service at lower prices if government regulation of some major U.S. industries were radically altered or eliminated, a new Brookings Institution study says.

But prospects for substantial deregulation are "romote," the study concludes, adding that "partial deregulation is a more possible achievement" in some industries.

The report, "Promoting Competition in Regulated Markets," was released as Washington waits for President Ford to hold a meeting with the commissioners of federal regulatory agencies.

When Mr. Ford told a U.S. Chamber of Commerce convention last month that he would hold the regulatory meeting, he said current federal rule-making procedures "abound in contradictions and excesses."

RESPONSIVENESS TO CONSUMER

The regulatory summit's purpose is to encourage the agencies to have "a little more responsiveness to consumers and a little less responsiveness to those they regulate," comments George C. Eads, assistant director of the Council on Wage and Price Stability and a contributor to the Brookings study.

(The first of three administration proposals aimed at easing the regulation of transportation will be sent to Congress this week, it is reported. It will deal with the Interstate Commerce Commission which regulates the railroads.

(The rail bill, according to the New York Times, would allow railroads, in the first year, to increase or decrease rates up to 7 percent without the changes being subject to suspension by the ICC.)

The railroad, trucking, and airline industries are among those regulated areas of the economy the Brookings researchers examined for "the possibility and desirability of diminishing the scope of regulation."

While the study recommends substantial lessening or elimination of regulation in the airline, surface transportation, and banking industries, it found the case less compelling for deregulation of intercity telephone communications and ocean shipping firms.

KEY FINDINGS LISTED

The 393-page report, replete with detailed economic analysis, was prepared by nine economists and one attorney. Here, organized by industry, are some key study findings.

Airline industry. The public would get "lower fares and more appropriate levels of service" if the Civil Aeronautics Board (CAB) were to "relax substantially its control over fares and entry" into certain markets, according to research by economist George Eads.

At the present time the CAB must approve both the routes an airline flies and the fares it may charge on those routes.

Mr. Eads told reporters there could be some improvement in CAB regulatory performance because the agency "reads what the Hill is thinking and reads what the administration is thinking."

Truck and railroad industries. The costs of current Interstate Commerce Commission regulations are "not only substantial but monumental," says economist Thomas Gale Moore of Michigan State University. While he concedes some regulation may be necessary to "appease" the railroad industry, "a substantially unregulated industry could be a major improvement over the existing situation."

Electric utilities. In areas where two power companies compete for consumers' business, the rates charged are lower than where one firm has a monopoly, according to research by Walter J. Primeaux, Jr., a University of Illinois economist.

In cases where a local power company has a capacity of under 222 million kilowatt hours per year it would be best for consumers if regulation allowed more than one firm to sell power, the researcher says.

For the majority of the power industry where generating capacity is higher, monopoly organization should remain and even with the most thorough reorganization of the industry, regulation would still have a role, a separate part of the Brookings report says.

Intercity telephone service. Study editor Almarin Phillips told reporters there is "so much risk in changing, it probably would not be worth making" major regulatory changes.

Banks and savings institutions. While the study does not advocate total deregulation, substantial changes are supported. These include the elimination of interest ceilings on savings deposits and allowing interest to be paid on checking-account balances.

HEW OFFICE OF CONSUMER AFFAIRS STUDY SHOWS FEDERAL AGENCIES UNRESPONSIVE TO CITIZEN COMPLAINTS

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. EVANS of Indiana. Mr. Speaker, an article appeared in the June 2, 1975, issue of Capitol Hill Forum containing information which probably comes as no surprise to anyone.

The article concerns a study commissioned by the Office of Consumer Affairs in the Department of Health, Education, and Welfare to determine whether and how various Federal agencies respond to complaints from citizens.

The study found that in many cases, consumer complaints were handled poorly, if at all. The study also discovered that a cover letter from a Member of Congress accompanying a citizen complaint speeded up the process considerably.

I will confess that I do refer complaints from constituents to the Federal agencies. Often letters I receive begin, "I wrote to * * *, but have received no reply." And I will also admit that I receive replies from the agencies, although routinely it takes a month or more for it to arrive in my office.

It is an unfortunate and inequitable state of affairs when only a Member of Congress can sufficiently prod a Federal agency to respond to a legitimate citizen complaint. The citizen who writes directly to an agency deserves a full and timely response every bit as much as the citizen who writes to his or her Representative who in turn contacts the agency.

Mr. Speaker, in light of the probability of discussion in the near future on the proposed Agency for Consumer Advocacy, I am inserting the article mentioned above in the RECORD for the information of my colleagues:

AGENCIES UNRESPONSIVE TO CITIZEN COMPLAINTS

(By Alison Freeman)

The Office of Consumer Affairs, (OCA) of the Department of Health, Education and Welfare, under the direction of the Assistant to the President for Consumer Affairs Virginia Knauer, has received an interim report from a study it commissioned on the status of consumer complaint handling in federal agencies. The overall purpose of the study, being conducted by TARP, Inc., a management consultant firm of Washington, D.C., is to investigate existing federal and non-federal government programs for resolving consumer complaints, as well as programs conducted by business and voluntary groups, to determine the adequacy of these mechanisms and, if need be, to recommend alternatives for development of more uniform, more effective, integrated consumer-complaint-handling mechanisms.

The report, while interim in nature, is important from two perspectives. First, it indicates that complaints from consumers to the Washington bureaucracy are poorly handled by a number of agencies. Secondly, the results of the report raised serious questions regarding the ability and commitment of some agencies to conduct other consumer oriented activities. This second point is significant in light of the recent legislation to establish an Agency for Consumer Advocacy.

The word consumer is used to mean an individual who purchases or uses a product or service; organized groups and consumer advocates are not included in this classification. The study concentrated on the Federal establishment's responsiveness to individuals who are dissatisfied with the product or service.

The report just filed presents the findings of the first portion of the Federal Central Office phase of the contract, and describes and evaluates the central office complaint-handling systems of fifteen federal agencies. Future phases of the study will examine the complaint-handling systems of seven more federal agencies, following which, at the option of OCA, complaint-handling systems operating in federal agency regional offices, state and local governmental agencies, and the private sector will be reviewed.

The findings of the report must be viewed as tentative. There will be considerable amounts of data added in a final report on federal central office complaint handling which will be filed in November of 1975.

The study has collected information by conducting interviews with agency personnel, by reviewing agency documentation, and by sampling consumer complaints from the files of the respective agencies. It will collect additional information by conducting two surveys this summer. These are (1) a national probability sample of consumers, and (2) a sample of consumers whose complaints have been handled by the federal agencies under study. These surveys will be especially useful in providing data concerning the degree to which consumer complaints are successfully resolved and the role played by federal agency central offices in those resolutions.

The report presents three sets of interim findings: a description of how each agency's central office handles complaints, an evaluation of the general state of complaint handling in the federal establishment, and individual evaluations of the 15 agencies which were studied in the first phase. These included:

1. Civil Aeronautics Board
2. Consumer Product Safety Commission
3. Office of Consumer Affairs (Department of Health, Education and Welfare)
4. Department of Housing and Urban Development—Office of Housing Management; Office of Housing Production and Mortgage Credit; Office of Interstate Land Sales Registration
5. National Highway Traffic Safety Administration (Department of Transportation)
6. Federal Communications Commission—Broadcast Bureau; Cable Television Bureau; Common Carrier Bureau
7. Federal Energy Administration
8. Federal Trade Commission
9. Food and Drug Administration (Department of Health, Education and Welfare)—Office of Professional and Consumer Programs; Office of Legislative Services; Precedent and Advisory Communications Staff
10. Interstate Commerce Commission—Claims Branch, Section of Insurance; Household Goods Branch, Section of Motor Carriers; Passenger Service Branch, Section of Railroads
11. US Department of Agriculture—Agricultural Marketing Service; Animal and Plant Health Inspection Service; Economic Research service; Extension Service; Food and Nutrition Service
12. US Postal Service

Federal agencies given descriptive overviews during the first portion of the Federal Central Office phase of the contract are:

1. Environmental Protection Agency
2. Federal Power Commission
3. Securities and Exchange Commission

The information gathered to date has been analyzed using a systems analysis framework which suggests a number of functions which an agency complaint-handling system must have if it is to respond adequately to consumer complaints. The framework assumes that an agency should attempt both to solve the individual's problem and to incorporate complaint data as much as possible into overall agency policy making. Moreover, the evaluation procedure assumes that any complaint which a consumer sends to the government merits some form of response, if only an acknowledgement. It was felt that the response should be made within a reasonable period of time, specifically, under three weeks.

The study uncovered a number of significant structural weaknesses in the majority of the agencies examined. A preponderance of the organizations studied had inadequate mechanisms for assuring that complaints directed to the agency by the consumer were ever answered (called "internal follow-up.") It is interesting to note that all agencies had existing followup systems to assure response to congressional inquiries. In addition, the majority of agencies had no policy or adequate procedure for dealing with complaints received over the telephone. It was found that many agencies had no system for reporting number or types of complaints received. Complaint data was inadequately analyzed and information supplied by complainants was seldom transmitted to senior agency officials. Significantly, a number of agencies had no policy at all for handling complaints. In fact, several agencies either reported that they received no complaints from consumers or stated that they were not in the complaint handling business and therefore required no policy.

The report further uncovered a number of facts which did not pertain to structural evaluation, per se, but which are of substantial significance. A great many letters are written to the White House and are addressed to the President. These are usually sorted according to the nature of the problem and, subsequently, sent to the appropriate agency for direct response. The term for this correspondence is "White House bulk" mail, and an agency might receive as many as 300 letters a week forwarded from the White House. Although some of this mail is of the crank variety, much of it is written by citizens who have been mistreated or ignored by bureaucrats and who are thus turning to the White House as a final recourse. Most agencies consider this mail low priority, and two agencies applied the terms "garbage" and "junk" to it. Needless to say, these agencies expend little effort in responding to these letters.

No agency had conducted any special analysis of complaints from disadvantaged, low-income, or minority groups. Many agencies felt that only important communications from consumers warranted a reply of any kind. At the same time, these agencies had no established policy to determine the categories of mail which might or might not "deserve" a response.

Another serious problem lies in the inability of consumer complaints to affect agency policies. The rating chart demonstrates that many agencies have no procedure for compiling statistics on the number and types of complaints they receive. Nor do they analyze the complaint data even if they have it. Finally, very few agencies have any formal mechanism for acting on information and complaint data supplied by consumers. In the context of agency policy making this means that even if a consumer's individual problem is solved, little action is taken to see that similar oversights are avoided.

The report also suggested that the lack of consumer knowledge about whom to write to further complicates complaint handling. One recommendation made to improve the situation was that agencies communicate to the public the scope of their jurisdictions.

Second was that agencies should require businesses or service providers to notify the consumer at the point of purchase or service delivery, where to address any complaint to.

Individual agencies varied widely in the adequacy of their complaint-handling systems. Few agencies were all good or all bad. For example, on the 24 criteria used for evaluation, one agency received 13 excellent ratings and only one unsatisfactory, while another received seven excellent and seven unsatisfactory evaluations. At the other end of the scale, one agency rated excellent twice and unsatisfactory on 15 criteria. The five agencies with the highest ratings for complaint handling are in the Civil Aeronautics Board, the Consumer Products Safety Commission, the Interstate Commerce Commission, the Office of Consumer Affairs, and the Post Office. Those with the least adequate systems are the Department of Housing and Urban Development, The Office of Housing Production and Mortgage Credit, the Environmental Protection Agency, the Federal Energy Administration, and the Federal Power Commission.

There is a high correlation between the existence of a policy regarding complaint handling and the adequacy of an agency's system. All five agencies which have the highest ratings for system adequacy have satisfactory ratings on accountability, i.e., they have an explicitly designated policy for dealing with consumer complaints. Those agencies with the lowest ratings have no policy for dealing with general consumer expression. The Federal Power Commission has a policy relating to the handling of a few particular cases, but none which is comprehensive enough to address general complaints.

While the variation of the adequacy of the complaint-handling systems may be attributed, in part, to the level of commitment to the consumer's cause, much of the blame rests not with the agency heads but with the very members of Congress who constantly criticize the agencies for their unresponsiveness. The response which the researchers repeatedly received to questions of accountability within an agency was that "the agency is too busy doing what Congress has mandated us to do to utilize scarce resources responding to consumer complaints." The agencies feel there has been very little direction from Congress in the area of consumer responsiveness. Almost all agencies cite regulations or guidelines as their level of authority for such responses. Further, almost all agencies report that they have no statutory mandate to deal with complaints. This becomes especially true in the case of nonjurisdictional complaints.

Another facet of the role of Congress in complaint handling is the fact that the congressional approach to complaint handling (refer to an agency with a demand for instantaneous reply) is very dysfunctional to the solution of the overall problem. In all agencies, TARP found comprehensive systems to assure high quality response to complaints referred by congressmen. Several agencies devoted more of their resources to dealing with a limited number of executive pieces of mail, including congressional referrals, than to all other consumer mail, despite indications that the volume of general consumer mail is much higher. In other words, the consumer with a serious complaint who does not write to his Congressman, or to the agency head, receives a much lower priority and poorer service than the consumer with, perhaps, a minor problem who does write his Congressman. It is understood that this situation is a "fact of life," but the contrasts are very stark when viewed in detail.

While this study has not dealt with the issues surrounding the need for a consumer advocacy agency, and this interim report does not even consider the merits of centralized vs. decentralized complaint handling, the need for certain centralized functions has become obvious. These functions include the promulgation of definitions and standards for response time and quality, collection and interpretation of complaint statistics, development and transfer of complaint-handling technology, and monitoring and evaluation of the activities of individual agencies.

The Office of Consumer Affairs has been attempting to carry out these functions, but it faces a number of serious constraints. First, Executive Order 11583 gives OCA numerous mandates and responsibilities other than rendering assistance with complaint handling. These other duties stretch OCA's resources very thinly. Secondly, OCA has almost 30,000 of its own complaints to answer and/or refer. Therefore, OCA faces common problems with the other agencies: whether to handle complaints, or to perform the other responsibilities of its mandate, or to attempt to do both. Finally, given that some agencies perceive that they have no mandate from Congress to handle complaints, they take a dim view of OCA's looking over their shoulders or distributing unwanted advice.

Congress is in a position to solve all of the above problems. While the Phase II study report (which will be available in approximately January) will contain substantially more data on still more agencies than the present report, several issues have been raised by the initial report to which Congress should address itself at this point. First, it should either specify a mandate for each agency regarding complaint handling, or it should ask each agency to publish its procedures for complaint handling. Either of these approaches would both communicate congressional interest in the subject and force the agencies to address themselves to this matter.

Secondly, Congress should provide the resources necessary to coordinate the now fragmented Federal complaint handling system. Neither of these actions preempts any future decisions on an agency which performs a consumer advocacy function.

DR. REED LOOKS BACK

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. O'BRIEN. Mr. Speaker, this summer one of the outstanding educators in my district, Dr. Harold Reed, will retire.

Dr. Reed has served as president of Olivet Nazarene College in Kankakee County for a record 26 years. Under this administration the college has grown from a small, financially troubled institution to a prosperous, forward-moving academic center. He has helped to make Olivet Nazarene one of this country's leading Christian colleges where students receive both quality education and a solid grounding in morality and ethics.

Outside of the college, Dr. Reed has played an active role in his community. He has unfailingly given his time and efforts to assist local projects with organization and fundraising.

Now he is retiring but neither Olivet nor the community at large need to fear they are losing a friend. Dr. Reed and his wife, Maybelle, are planning to remain and make their home in the Kankakee area permanently. First they are taking a well-earned year off to travel and visit friends and relatives within the United States and abroad. In the coming years, Dr. Reed hopes to see Olivet continue to expand and improve even further under his successor.

I have no doubt that it will for he has laid an excellent foundation. In honor of his distinguished service, I am inserting in the Record today an interview with Dr. Reed that was published recently in the Kankakee Daily Journal:

Dr. Reed Looks Back

(By Bill Seil)

Dr. Harold Reed's 26-year tenure as president of Olivet Nazarene College, a record among state educators, was an era of development for the Bourbonnais campus.

Dr. Reed's retirement on July 31 will mark the longest tenure of any college president in the state's history. Beyond this, his administration was a period when Olivet grew both in size and academic quality.

Sitting in his office at Burke Administration Building, Dr. Reed reflected on the events of the past quarter century at Olivet. He relaxed in an easy chair by a wall of book shelves that contained some of his favorite volumes.

"While I've been president of the college, during the summer months, I've tried to read a book a week," he said. "I can't quite keep up with it during the year. But I feel that the winds of intellectual thought have to blow through the mind of a college president or he'll go dead."

Each year Dr. Reed's reading list includes at least one significant book on each of the six major fields of study taught at Olivet. In addition, he reads biographies of individuals whose lives may contain messages that can be passed along to the student body.

He is also a student of contemporary theology and has written three books in the field.

Dr. Reed's retirement this summer will coincide with the scheduled completion of the Hugh C. Benner Library and Learning Resources Center on the Olivet campus. The center will expand the campus library's book capacity from 75,000 volumes to about 180,000 volumes.

The campus was much smaller and the college was having serious financial difficulties when Dr. Reed took the post of ONC president in 1949. Olivet was about $500,000 in debt and banks had cut off all credit.

The new president decided that several steps had to be taken to get the college moving again. In a short time he was able to borrow $30,000 from individuals against expected revenue, raise the full education budget in a limited period of time and raise sufficient funds to furnish the newly completed Williams Hall. In three years the college was operating in the black.

Before his arrival at Olivet, Dr. Reed had served as pastor of a Nazarene church in Junction City, Kan., and had gained a reputation for his ability to build a church with very little money. With only a few hundred dollars and a good deal of volunteer help, he and his congregation constructed a church during the depression. This was a major factor in his appointment as president of Bresee College at Hutchinson, Kan., a short time later.

After serving as president of Bresee for four years, Reed left to get his doctorate. He then served as vice president of Bethany Nazarene College for two years and as a clergyman for five years.

According to Reed, the first major academic accomplishment of his administration was full accreditation by the North Central Association of Colleges and Secondary Schools in the mid 1950s.

"I think the first real academic victory was to be fully accredited by the North Central Association in 1956. In order to do that I had to add personnel with doctorates to my staff, and I had to build the Memorial Library, which is now being incorporated into the new one," Reed said.

After accreditation was granted, enrollment began to grow.

In the decade that followed, the Ludwig Center student union and the Reed Hall of Science were built on campus. Reed feels that the construction of these two buildings kept the momentum of the college going during this period.

"It has seemed to me that we reach a plateau and then we have to have something that will give us a real push in order to go on from there," Reed commented. "The accreditation in 1956 was one of those big pushes and in 1966, the completion of those two buildings was another."

Dr. Reed hopes that the next "big push" for the college will be full accreditation of the Olivet master's degree program. He said this would make the college a "mature institution at the master's level" and give it the ability to add any master's program, providing staff and facilities are available.

Dr. Reed said there are several things he would like to see happen at Olivet over the next 10 years. He would like to see a new college chapel built, as well as a fine arts and religion building. He also hopes for the development of a field house with a seating capacity of 10,000.

Reed would like Olivet to become a university in the next 10 years. He hopes the college will continue to be one of the nation's leading Christian colleges with a strong spiritual thrust, a strong academic program and regular chapel services.

The student has been the center of the college's programs during his administration, according to Reed.

"Our philosophy has been to serve the student," Reed said. "The student, in my estimation, has to be the center of your entire program."

Reed's philosophy of administration also includes a policy of only borrowing to build revenue producing facilities. Non-revenue producing facilities must have financing arranged in advance.

"Another philosophy I have is nothing succeeds like success," Reed said. "If a program is rolling, help to keep it rolling."

In addition to his work at Olivet, Reed was active in the development of Riverside Hospital. He worked in organizing the project and served on fund raising drives. Reed served on the board of directors of Riverside for the first 10 years the hospital was in operation.

Reed and his wife, Maybelle, have one son, Haldor, who is active in the film industry and has appeared in the film "The Doberman Gang." Haldor is involved in acting, directing and photography.

Dr. Reed has three brothers who have achieved prominence in their fields. Edwin Reed was formerly a captain in the Pasadena, Calif., fire department. Dr. George J. Reed is vice chairman and former chairman of the United States Board of Parole in Washington, D.C. J. Wesley Reed is judge of the superior court in Los Angeles County, Calif.

Reed and his wife have traveled extensively throughout the world, including trips to Europe, the Middle East and Southeast Asia. They make regular vacation trips to Florida, where Reed enjoys going deep-sea fishing.

The Reeds will be away from the Kankakee area for one year following his retirement, although they plan to make their home in the community. During the coming months the Reeds will spend time with their son in California and visit Hot Springs, Ark. The Olivet board of trustees has also made it possible for Reed and his wife to take a lengthy trip outside the United States.

The students, staff, trustees and alumni of the college have been very kind over the past 26 years, Reed said. He added that the trustees have given him strong support during his administration.

The local community has also been of great help, particularly during fund-raising drives, according to Reed.

"In drives for financing in the community there has been genuine enthusiasm on the part of those who have assisted us and on the part of those who have given," Reed said. "And to me, this is heartwarming."

THE GOOD, THE BAD, AND THE GUN

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. FRENZEL. Mr. Speaker, a recent editorial by William Raspberry in the Washington Post does a good job of pinpointing the dilemma we face in trying to effectively control the illicit use of guns in a free society. All of the proposals I have seen that try to deal with this problem get hung up on the horns of this dilemma. Either the proposals depend on voluntary compliance in which case the bad guys are the only ones left with guns or the programs are so strong that we gain effective gun control at the expense of a free society. In either case we fail to achieve our principal objective, namely a free society free from gun-toting criminals.

When someone comes up with an effective program that does not abrogate individual rights, it will have my vigorous support.

The Raspberry article which follows is worthwhile reading for people on both sides of the gun control issue:

[From the Washington Post, May 28, 1975]

THE GOOD, THE BAD, AND THE GUN

(By William Raspberry)

There must be some logical, reasonable, socially acceptable way to move from the gun-toting country in which an estimated 70 people a day are killed by bullets to a society in which there either are no guns designed to kill people, or at least in which such guns are only in the hands of those with a legitimate need for them.

There must be a way, but I don't know what it is. And after watching Sunday's 60 Minutes show on CBS-TV, I'm not much reassured that anybody else knows, either.

The 60 Minutes segment dealt with Jamaica's effort to reduce that island's gun-spawned slaughter by confiscating all illegally held handguns and bullets—which is to say practically all handguns and ammunition not owned by law enforcement agencies.

Jamaica's effort began with a short period during which weapons could be turned in without penalty. It is being followed by an all-out campaign that includes warrantless house-to-house searches of premises and person for contraband weapons and ammunition.

Persons found in possession of such contraband are subject to immediate jailing in special facilities that include lockups, courts and "rehabilitation" centers, where arrestees without previous criminal records can be reclaimed as useful citizens.

Jamaican authorities interviewed for the show said over and over again that there's hardly any other way to do it if one is serious about removing handguns as a social menace.

The Jamaican example speaks directly to the most difficult aspect of effective gun control: How do you get to the people who would use their guns illicitly, to rob or to kill?

Nearly every American proposal for gun registration, confiscation or control is based on the assumption that people will willingly turn in most of the illicit weapons. Of the remainder, some will be taken during normal police procedures. And the rest? Presumably they will be retained by the robbers and murderers until the malefactors are caught.

One way to look at this sort of result is to say that it is ineffectual against the most frightening aspect of gun proliferation. Another is to say that it disarms only the good guys, leaving the bad ones more firmly in control than ever.

The pro-gun people say it both ways, in addition to their rather transparent talk about "sports" uses for guns. But even if the distinction can be made between sports guns and anti-people guns, it's hard to come up with a law that is both acceptable and effectual.

Some legislative proposals have called for limiting the manufacture and importation of cheap handguns, the so-called Saturday Night Specials. That seems a useful thing to do, but it is hard to see much social benefit except in the very long run.

Some jurisdictions, including nearby Baltimore, have tried taking guns out of circulation by paying a bounty for them. Predictably, Baltimore found itself buying up a lot of cheap, rusty junk, most of it worth far less than the $50 a weapon the city was paying.

What all the proposals have in common is that they would take guns from only the law-abiding citizens. They might, after a long time, make it harder for the criminal-minded to acquire guns, since presumably there would be fewer guns and fewer sources for acquiring them.

But there are an awful lot of guns already out there, and they seem to change hands readily enough without the necessity of going through any process that would expose them to police confiscation. And since guns don't wear out, none of the legislative proposals is apt to make us feel much safer from criminals.

They would however, do one useful thing: They would reduce the likelihood of ordinary lawabiding people killing themselves and each other, during family quarrels, fits of depression, or accidents, including those that result from misguided attempts to subdue criminals.

These lives are, of course, well worth saving, and the legislative proposals may be worth enacting for that reason alone.

But gun control as a means of reducing armed crime is something else again. It's hard to see how that can be accomplished through any program that is largely voluntary. You have to *take* the guns from the criminals, and to do that you have to find them.

All of which seems to add up to something close to what the Jamaicans are trying: the warrantless raids, the summary jailings and other abridgements of rights we have come to take for granted.

It would be nice to live in a society that is both free and gunless, but I'm not sure you can get there from here.

POLITICAL ASSASSINATIONS—THE PLOT AGAINST CASTRO

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. SOLARZ. Mr. Speaker, in recent weeks there has been increasing attention focused on the involvement of officials of the U.S. Government in plotting and, in some instances, actually carrying out the assassination of political leaders of various foreign governments. Reportedly instigated in most cases by the Central Intelligence Agency, these killings or plots have been directed against a number of foreign politicians—such as Trujillo, Castro, and Diem—whose regimes were considered to be inimical to the primary interests of the United States. In a television documentary broadcast last weekend, convicted Watergate burglar Frank Sturgis admitted not only to having participated in a conspiracy to murder Fidel Castro but to actually conducting a dry run of the assassination in Cuba.

The New York Times' award-winning columnist Tom Wicker has written a very timely and thought-provoking article on the whole question of political assassinations, focusing on the plot against Prime Minister Castro and citing the statements of retired Maj. Gen. Edward Lansdale which not only implicate an American Attorney General but, possibly, a President as well.

Mr. Speaker, to the extent that the allegations in Mr. Wicker's column and others elsewhere in the written and electronic media are accurate, these ill-conceived murders and schemes certainly represent one of the most shabby and unconscionable actions taken or contemplated by the United States Government. It is an outrage that such untoward actions should even be contemplated, much less carried out. I firmly believe that the prevention of these activities in the future is far more important than the reputation of those who may have perpetrated them. I urge the select committee charged with reviewing this country's foreign and domestic intelligence activities to promptly and thoroughly investigate this whole sordid affair with a view toward taking whatever action is necessary in order to prevent such pernicious plots from even being considered again.

I insert herewith, for inclusion in the RECORD, Mr. Wicker's column of yesterday and commend it to our colleagues' attention:

[From the New York Times, June 3, 1975]

MURDER BY ANY OTHER NAME

(By Tom Wicker)

In 1960, John F. Kennedy was a Senator running for President. No one would suggest that, as such, or as the scion of a powerful family, or as the exemplar of a new political generation, he had the right to have anyone killed, for whatever apparently useful purpose. After Jan. 20, 1961, he was President of the United States. By virtue of that title, can he be said under any moral, religious or ethical view of life to have had some right not previously his to order a specific human life extinguished in what he believed to be the national interest?

This is not the pacifist question whether any killing or any war can ever be justified. It is a question of simple decency—whether outside the exigencies and brutalities of warfare any political personage has the right to order the death of any other human being for the political purposes of the person who gives the order.

It certainly has not been established beyond reasonable doubt that President Kennedy, or any person colored with his authority, ever gave such an order. Yet, the evidence mounts in obscene detail that the murder—a word for which "assassination" is only a euphemism—of Fidel Castro was a subject of frequent, pointed and practical discussion in the Kennedy Administration—sometimes by the President himself.

Maj. Gen. Edward G. Lansdale says, for example, that he was ordered by Robert Kennedy, acting under John Kennedy's authority, to prepare contingency plans to depose Mr. Castro, and that in the operational planning for that purpose, Mr. Castro's murder may have been "contemplated."

According to an undisputed report by Nicholas M. Horrock in The New York Times, General Lansdale's planning operations formed only one "track" of what was a "frantic" search by the C.I.A. after the Bay of Pigs fiasco for some means of eliminating Mr. Castro's leadership in Cuba.

The indisputable fact is that any reasonable person who plans or helps to plan the deposition of a political leader by clandestine means has to take into account the likelihood that the deposed political leader will be killed—as, for instance, Ngo Dinh Diem was killed after being ousted in a military coup in South Vietnam. General Lansdale, in fact, has conceded that he knew, in planning for the deposition of Mr. Castro, that "operationally down the pike something like this could emerge." Those who ordered the contingency planning could hardly have known less.

There is moreover, evidence too rich in detail to be lightly dismissed that the C.I.A. plotted with well-known members of the so-called Mafia to murder Mr. Castro—the C.I.A. for political purposes, the other gangsters in vengeance for the loss of Havana as a source of gambling profits. Richard Helms, the former C.I.A. director, has conceded that there may have been contemplation and discussion of assassination plots although he insisted none were authorized.

The Associated Press has reported that the Rockefeller Commission, which is investigating the C.I.A., has obtained the minutes of a high-level Kennedy Administration meeting in which the assassination of Mr. Castro was discussed. Nobody has denied that report, and former Secretary of Defense Robert McNamara tended to confirm that the commission has something when he said that he had told the commissioners that he did not recall any such meeting.

None of this smoke necessarily denotes fire. Still, why has no one who was responsible in that period responded with even a show of moral outrage? Why has no one fervently denied that the highest American Government leaders could even "contemplate" such a reprehensible idea as deliberate political murder? What did McGeorge Bundy, President Kennedy's assistant for national security and now the head of the Ford Foundation, mean when he told reporters that White House officials of his time discussed "how nice it would be if this or that leader" were not around?

On March 31, 1964, for another example, George Smathers, then the Senator from Florida and a close friend of John Kennedy, recounted in an oral history interview for the Kennedy Library (as reported in "Cold War and Counterrevolution: The Foreign Policy of John F. Kennedy," by Richard J. Walton, at pps. 47–48):

"We had further conversation of assassination of Fidel Castro, what would be the reaction, how would the people react, would the people be gratified. I'm sure he [John F. Kennedy] had his own ideas about it, but he was picking my brain. . . . As I recollect, he was just throwing out a great barrage of questions—he was certain it could be accomplished. . . .

"But the question was whether or not it would accomplish that which he wanted it to, whether or not the reaction throughout South America would be good or bad. And I talked with him about it and, frankly, at this particular time I felt, and I later on learned that he did, that I wasn't so much for the idea of assassination, particularly when it could be pinned on the United States."

Murder was not wrong; it was just ineffective—and by any other name would smell as rotten.

RETAIL DRUG PRICE COMPETITION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. ROSENTHAL. Mr. Speaker, as a longtime advocate of retail price competition in the sale of prescription drugs, I welcome and applaud the proposal by the Federal Trade Commission to abolish laws and regulations in two-thirds of the States which forbid the advertising of retail prescription prices.

I am disappointed that the Congress has been so lax in this area, despite the prodding of myself, some 45 other Members who are cosponsoring legislation I have introduced to accomplish this goal, and millions of consumers who are fed up with paying excessive prices for medicine and with being denied the information they need to make purchasing decisions.

An end to State prohibitions on retail prescription drug price advertising can save consumers millions of dollars annually in overcharges that result from the lack of competition in that segment of the marketplace. Pharmacy for too long has acted as though consumers have no business knowing about price until presented with the bill. That is absurd.

Prescription drugs are the major consumer product on the market today for which there is no retail price competition. The lack of adequate price information often forces consumers to spend more than necessary for prescription drugs. This is a particular hardship for the poor, the elderly, and others on low and fixed incomes.

American consumers are forced to pay over $1 billion annually in unnecessary prescription costs because of prohibitions on retail drug price advertising as well as overprotective patent laws, exorbitant promotional expenditures by industry, and unreasonable markups.

These are among the findings of an 18-month study conducted by my staff in New York and Washington and published in 1973.

American consumers are spending some $7 billion annually in prescription drugs—about $33 for each man, woman, and child—and the evidence is strong that they are being overcharged, on the average, by at least 25 percent. One reason for this is that while there is a huge disparity in prices for identical prescriptions at different pharmacies in the same community, it is almost impossible to compare prices.

Surveys throughout the country have shown that pricing is grossly inconsistent. The latest example can be found in the FTC's investigation, which revealed that in the San Francisco area, for example, a high blood pressure remedy available only by prescription was being sold at 28 different prices ranging from $2.50 to $11.75. My own study showed pricing to be inconsistent even among stores of the chain for the same prescription. The secretive and arbitrary nature of retail prescription pricing has resulted not only in a wide disparity of charges for identical drugs from store to store, but even in some instances from customer to customer at the same store.

Price advertising of drugs, extensively used on the wholesale level, is banned on the retail level in 33 States, including New York State. This double standard allows the drug retailer to benefit from manufacturers' vigorous price competition while he denies that same advantage to consumers.

To correct some of the glaring abuses uncovered by my study, I have introduced in the 94th Congress legislation to accomplish the following:

H.R. 996. An end to all prohibitions on retail prescription drug price advertising, and the mandatory posting of prices for the 100 most commonly prescribed drugs;

H.R. 998. Labeling and advertising of prescription drug by their established—generic—name and an end to all laws prohibiting generic substitution by pharmacists;

H.R. 1001. The open dating of all perishable prescription drugs, showing clearly on the dispensed product's label the date beyond which the potency is diminished or the chemical composition altered by age;

H.R. 1003. Compulsory licensing of new prescription drugs during the 17-year patent period.

The study also calls for the following measures to be taken:

The industry and appropriate governmental agencies should take steps to curtail irresponsible and deceptive drug advertising claims, especially as they relate to nonprescription, over-the-counter drugs.

All States and the District of Columbia should name consumer advocates to their pharmacy boards.

The pharmacy profession should remove voluntarily all barriers to adequate consumer information.

One chapter of the report gives consumers tips on how to get the best prescription buys; it also advises doctors and pharmacists on how to help the consumer make his medicine dollar go farther.

Pharmacists oppose drug price advertising, claiming they are performing a professional service not appropriate for price advertising and, further, that price advertising can lead to drug abuse.

Both arguments are rejected in the report. Pharmacists today compound only about 5 percent of the prescriptions they fill. Nearly all prescription drugs today are manufactured in correct dosage forms and many are even prepackaged according to the most commonly prescribed quantity. Moreover, the physician and not the pharmacist has the responsibility for determining the medicine to be prescribed and advising the patient on the use of it.

It taxes the boundaries of rationality to imply that informing consumers of prices could lead them down the path of drug abuse.

The lack of price information often forces consumers to spend more than necessary for essential products. This can be a particular hardship for the poor, the elderly, and others on low and fixed incomes.

We found that in cities like Philadelphia and Miami, where drug price advertising is legal, consumers can pay less for their prescriptions than where such advertising is prohibited.

In a survey of 24,000 Queens families I found: More than 95 percent of the 2,000 persons responding would like to see prescription prices advertised so they could compare costs more easily; convenience and price, not services, are the overwhelming considerations in choosing a pharmacy; most persons were apparently unaware they could save money by asking their doctors to prescribe medicine generically; nearly 80 percent said they have found from experience that the cost of filling identical prescriptions varies significantly from store to store.

We learned that a significant factor in keeping drug prices high is the patent and trademark protection they receive. When the 17-year protection of a patent ends, prices tend to drop dramatically.

This can be seen in the case of tetracycline, the most commonly prescribed generic antibiotic in the United States. Upjohn was selling its brand of tetracycline—Panmycin—to druggists for $14.94 per hundred capsules before its patent ended in 1966. Today that price is $3.94, a drop of 279 percent. Incidentally, that same drug is available generically—nontrademarked—for under $2 per hundred.

Drug industry profits are nearly double the rate of other U.S. manufacturing corporations. High profits are just one reason for high prices. Another is advertising; for each dollar the industry takes in from domestic sales, it spends 25 cents on advertising, promotion, and marketing; less than a penny on basic research, and only 3 cents on quality control.

One comes away from this study convinced that the drug industry is more interested in wealth than health, and that prompt action is needed to protect the consumer's economic well-being in the drug marketplace.

I am inserting in the Record today the introduction to my 1973 report on drug price competition and the chapter outlining the problem:

Rx: Retail Drug Competition: A Consumer Study

(By Congressman Benjamin S. Rosenthal)

The economic concept that competition in the marketplace weeds out poor products and disreputable businessmen is largely a myth. Competition itself is stifled by economic concentration in many industries and the power of corporations to manipulate decision-making in the marketplace is enormous; advertising and mass media selling often rely on subtle deceptions and on imagery instead of substance, and many of today's products are too complex to be easily understood and evaluated by even the most sophisticated consumer.

Each of these forces is at work at all levels of the drug industry—one of the most powerful, influential and richest segments of the American economy. In fact, at a time of high unemployment and increasing health care costs for the American people, the drug industry is reaping astronomical profits. It is a unique industry whose products are in constant demand. It also may be the most closely controlled industry in the country. It is certainly over-protected, a situation that contributes strongly to its enormous profits.

The evidence is strong that the drug industry is more concerned with its own corporate economic health than with the American public's medical health. This is apparent in the priorities it sets for itself, spending hundreds of millions of dollars on advertising and promotion but only a fraction of that on research and quality control. Much of the research it does conduct is not aimed at finding new cures and treatments but at adapting existing drugs for competitive purposes.

Two major segments of the drug industry—the manufacturers and the retailers—may at times be on different sides of consumer issues, but neither is willing to subordinate its profit making in behalf of lower drug prices to consumers. As a general matter, they have opposed:

Permitting open price competition on retail prescription drugs,

Filling prescriptions with identical drugs that cost less than the heavily-advertised trademarked products,

Revealing to patients the shelf life of the drugs they are using, and

Halting monopoilstic practices that keep prices high.

These are some of the topics covered in this report. It is the work of a summer task force of college students led by Joel Butnick and Georganna Daher. Assisting were Robert Arbeit, Barbara Joseph and Richard Slovak, summer interns working in my Queens, New York, congressional office, and Alan Cronheim, Susan Hands, Lynda Herr, Matthew Pinkus, Peter Rosenberg and Nick TeBordo, interns assigned to the Washington, D.C. office.

Their basic assignment was to examine prescription drug prices and study the question of drug price advertising (a practice largely prohibited throughout the country) and its potential importance to and effect on consumers. Since prescription drug price advertising is considered taboo by those who dominate the pharmacy profession, it is difficult to tell exactly what its impact on consumers would be, although there is evidence that in cities such as Miami and Philadelphia, where drug advertising is permitted, prices tend to be lower than in places where it is prohibited. Researchers surveyed more than 120 drug stores in Queens, New York, and in the Washington, D.C., metropolitan area during 1971 and 1972 to compare retail prescription prices under a variety of conditions. These findings also were compared with advertised prices, where the practice is permitted. Since no discussion of prescription drug price advertising can ignore other marketing and promotional practices, this study takes a close look at other aspects of the drug industry as well.

One comes away convinced that the consumer is the victim of singleminded concern for profit involving the entire drug consortium—and with the conviction that prompt action is needed to protect the consumer's economic well-being in the drug marketplace.

CHAPTER I.—THE PROBLEM

The American consumer spends up to $7 billion on prescription drugs every year—an annual bill of over $33 for each man, woman, and child.

There are several reasons for the high cost of drugs—the lack of open retail price competition, over-protective patent laws, needless and exhorbitant promotional expenditures, arbitrary pricing practices and unreasonable markups—but they all fall under one heading: Economic Profiteering.

It has become increasingly clear in the past few years that pharmaceutical manufacturers, whose profit rate is nearly double that of other U.S. manufacturers,[1] have victimized the consumer. Fiercely competitive, the drug manufacturers spend $1 billion or more annually touting their products to those who prescribe and dispense them. Joining in the battle to maintain high profits are the pharmaceutical organizations which expend enormous amounts of time, money and effort to prevent consumers from comparing the retail prices of prescription drugs. State pharmacy boards and supportive organizations, which formulate and vigorously enforce anti-advertising and anti-substitution laws, play the most significant role in keeping price information from the consumer.

Although they wrap themselves in the same cloak of piety which surrounds the medical profession, drug manufacturers and pharmacists more closely resemble business firms whose exclusive interest is profit. Excessive prices and monopolistic practices go hand in hand with the desire of most pharmacists to avoid retail price competition. Ultimately, this combination works a hardship on the sick and afflicted—all of us at one time or another.

There are signs that the drug industry itself is becoming aware of this situation. Major pharmaceutical firms have begun to stress their "low, generic prices," and a group of New York pharmacists recently expressed public alarm over the high price of drugs. Efforts at stabilization during the period of wage and price controls did nothing more than freeze prescription drug prices at unconscionable levels. During Phase III, prices are destined to go higher.

Retail price advertising—where it exists—reveals the immense disparity between prices for the identical drug and shows conclusively that where there is open price competition, the consumer pays less for the same product. Ironically, those drug products prescribed by the doctor and dispensed by the pharmacist are sold to them through the vigorous use of price advertising by drug manufacturers—a method relied on at the wholesale level but steadfastly opposed at the retail level.

The opposition to price advertising rests on self-serving, and, at best, fallacious reasoning. The widely publicized argument that pharmacists are professionals who, like doctors and lawyers, should not be compelled to advertise their prices, is specious. Unlike pharmacists, physicians and lawyers do not deal in a product. Only if the pharmacist performed an exclusive professional service as complex and individualized as that of a doctor or lawyer, might the analogy then be valid.

A one time pharmacists were viewed as physicians' associates, compounding drugs and advising patients. Today's pharmacist is a modern merchandiser, who dispenses everything from cosmetics to cigars. A physician who characterized the relationship between the doctor and the pharmacists as "remote and getting more so" recently stated: "In urban areas of the United States and Britain, few pharmacists know personally the physicians practicing in the area. In most cases the only contact is over the telephone and that is often through receptionists in the physician's office." [2]

Despite the claims and dreams of pharmaceutical organizations, the pharmacist does not perform a service requiring medical skill so much as he sells a mass-produced, fully compounded and often pre-packaged product. The pharmacist has no real control over the drugs which the doctor prescribes, but he is responsible for following the physician's directions as to drug type, brand (if prescribed), strength and dosage. Under law, he must also be certain that the drug is fresh (the date of potency loss is on the pharmacist's own package but he is not obligated to give that information to the consumer, nor does he usually volunteer it). Finally, he must accurately label the customer's prescription.

The responsibility for patient care is the obligation of the physician. In the words of a pharmacist, "It is the physician, not the pharmacist who writes the prescription. Instructing and counseling the patient is the obligation, duty, and responsibility of the physician, not the pharmacist." [3] Philadelphia pharmacist Edward Pastor states: "Drug interactions can be controlled only by the physician. A patient filling one prescription at Store A, a second at Store B and a third in another store or through daily interstate mail-orders can only be monitored by his physician." Pastor, who was largely responsible for overturning Pennsylvania's prohibition on prescription price advertising, also states: "By law, the pharmacist must fill the prescription as written. The penalty for not doing so in most states is loss of license." In view of these facts, he concludes that there is overwhelming evidence that no decrease in health care occurs with free price competition in the drug marketplace.

The effort to undermine the free enterprise system through prohibitions on retail price information has failed in a few places, most notably Massachusetts, Pennsylvania, Florida and Oregon, where it is presently legal to advertise retail prescription drug prices. It is the aim of this report to review the wide disparity in drug prices, to examine the role of the drug industry—at all levels—in certain aspects of advertising and competition and to report the results of surveys and questionnaires in this area.

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[1] Drug manufacturers' average net profits after taxes are double the figure for all U.S. manufacturing corporations: in 1971 the return was 19.3% of net stock holders' equity compared to 9.7% for all U.S. manufacturing. *Prescription Drug Data Summary 1972*, Department of Health, Education, and Welfare, Social Security Administration, p. 24. "Despite the economic recession [of 1970] manufacturers of prescription and other professional [drug] products increased their profits by 12.1% over 1969. At the same time, taxes on this earning dropped 9.5%." Reported in *Drug Trade News*, September 20, 1971, pp. 1, 16.

[2] "Physician's Viewpoint" by Karl Neumann, M.D., *American Druggist*, July 12, 1971, p. 8.

[3] Letter from Edward Pastor, Philadelphia pharmacist.

THE FRANKFORD ARSENAL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. EILBERG. Mr. Speaker, the Department of the Army has decided to close down the Frankford Arsenal in Philadelphia. The reasons put forth are economy and the efficiency and modern operation of other facilities as compared to Frankford.

So far the Army has not been able to justify these claims and has been evasive in answering the questions put to it about the proposal to shut down Frankford.

A series of articles by Hoag Levins, a reporter for the Philadelphia Daily News, has raised serious questions about the real reasons for the Army's decision to shut down the Frankford Arsenal, one of the finest installations of its type in the Nation.

At this time I enter into the RECORD another installment of Mr. Levin's articles:

[From the Philadelphia Daily News, Jan. 30, 1975]

THE BLIZZARD KING

Among the more unusual expertise the Army will lose when it closes the Frankford Arsenal is that of Dave Askin, Blizzard King.

Inside building No. 230, Askin spends a good part of each day puffing a smelly pipe and running back and forth between snow storms and tropical floods.

A short, nervous man, Askin is a former civilian air-conditioning engineer who came to the arsenal in 1951. He spent six years developing one of the most extensive environmental labs in the country. He does not intend to move when his creation is transferred.

Visitors to his shop may find themselves sharing the place with a Sahara desert sandstorm or a thundershower—or both. His special weather rooms are large enough to hold an armored tank and can produce any weather condition on earth.

You don't find a lot of modesty in Askin's snow kingdom.

"This is the only lab like this in the country. Maybe the world. It's the best. I don't know how they could replace this equipment," he said as he prepared to whip up a high-altitude ice storm on the first floor.

SO . . . WHO'S GOING TO ROCK ISLAND?

In nearly three-dozen random interviews throughout the laboratories and workshops of the Frankford Arsenal, the People Paper couldn't find a single scientist, engineer or technician who planned to move to Rock Island with his mission.

These findings run directly counter to the claims of the Army, which have as many as 50 percent of the top scientists, engineers and technicians willingly moving with their missions when the Frankford facility is closed by July 1977.

Authorities in and outside the Army readily agreed that if substantial numbers of personnel do not move with the various projects at Frankford, then those projects will cease to exist, except on paper.

Typical of those interviewed at the arsenal, Bridge and Tacony Sts., are:

Dr. James Mikula, 48, a physicist specializing in spectroscopy, the study of the interaction of electromagnetic fields and matter.

"I have a daughter in Temple and another just graduated and looking at med school," said Mikula, who has worked at the arsenal 24 years and is an authority on lasers. "I can't move. I can't retire. I'm too young. I will have to go into teaching because there are no openings for the sort of work we do here in private industry."

Seymore Miller, 45, technical director of the Frankford Arsenal and one of the country's leading authorities in the field of small-arms munitions development and manufacture. He has been at the arsenal for 25 years.

I've touched base with 50 of our key people—the ones who are essential to their missions. Not one of them intends to move to Rock Island and neither do I. I have roots. I have children in college. Can you imagine retiring in Rock Island, Ill.? I can't.

Gordon Sigman, 38, engineer and 15-year veteran of arsenal service who is chief of the Infantry Artillery Combat Vehicle Fire Control Division.

"I have no desire to go to Rock Island. I came into this area years ago because this is the kind of area I wanted to live in. I have four children and a house and enough connections to get another position when the time comes."

Marvin Gonsberry, 49, an optical physicist.

After 25 years at the arsenal, he is one of the core members of the optical department, the only one of its type in the Department of Defense.

"I couldn't move. My roots are too deep here, no matter how attached I feel to my work, I have a house and parents here who are not going to live much longer. Three kids in school. I've spent years developing my field. I guess I'll go into retirement . . . I'm 10 percent short of full retirement. Maybe I'll work as a salesman to take up the slack. I know an awful lot of people here and they all feel the same as I do."

George Hurver, 56, with 33 years of government service, who heads the arsenal educational programs offering training in 34 technical fields. Nearly 3,000 East Coast students annually go through the arsenal school.

"When you analyze my program by numbers, needs or geographic location, a move out of this area is crazy. That's the only word for it, crazy. It will cost millions to move it as well as to start sending thousands of people from the East Coast halfway across the country to Rock Island to go to school. None of it makes one damned bit of sense."

Walter Gadomski, 39, and a 16-year veteran at the arsenal and now project director of the Automatic Cannon Technology Program.

"In just about every way you can look at it, I lose if I move to Rock Island. I lose money on my house, I lose a tremendous wealth of cultural activities for my family and I lose the heavy concentration of universities which are vital to me as an engineer. It's not that I'm totally against moving. I'd go to Miami say, but to the farmlands of Illinois? Never."

Bob Schlenner, 30, an engineer who has been eight years at the arsenal working in the field of small caliber ammunition.

"I've been to Rock Island where they want to send us. One word describes it—desolate. It doesn't have anything to offer to a person like me; not professionally or socially or culturally. There are 20 other young engineers in my branch. They all feel the same way. We'll take a pay cut, maybe, but we'll start again—in Philadelphia where we want to be."

[From the Philadelphia Daily News, Feb. 19, 1975]

Our Arsenal Critical in Tank Crisis

(By Hoag Levins)

Closing Frankford Arsenal will disrupt Army tank production carrying a rare White House priority.

The arsenal is a critical link in building 1,800 M–60 tanks needed immediately by the Army. The M–60 is the Army's primary armored weapon.

The Pentagon was suddenly caught short of tanks after sending 1,000 of its M–60s to Israel following that country's disastrous losses in the 1973 Yom Kippur War.

Now, the Army is in such a hurry to resupply its tank forces here and abroad that many National Guard and Army Reserve units have been stripped of all available tanks.

In investigating the arsenal's role in the crash M–60 program—currently the Army's highest priority project—the Daily News found:

The arsenal is the only source of production for the highly complex "fire control" systems which provide the computerized "eyes, ears and brain" of a tank.

The arsenal—scheduled to begin closing down in less than six months—is so strapped with work on the five-year M–60 tank program that it has begun to hire two dozen new engineers and technicians.

Arsenal officials admit the technicians will have little time to train for their new jobs before their positions will be terminated and Frankford's part of the M–60 project is abandoned.

The planned transfer of Frankford's fire control program to Rock Island likely will result in the unit's destruction because few, if any, of the experts needed to run the program intend to transfer to Illinois, 1,000 miles away.

A top spokesman at the Army's Tank Automotive Command in Detroit—which receives tank components from hundreds of different sources and assembles finished tanks—said his office was "unaware" that Frankford Arsenal had anything to do with making tanks.

The M–60 is the Army's main battle tank—a massive, low-slung, $500,000 steel monster which can swiftly carry its 105mm cannon up the side of a mountain or down the slope of a sand dune. The olive drab tanks are diesel-powered, and the main armor weapon used by the American Army and its allies.

Tanks of the past were little more than mobile bomb shelters. However, the M–60 is crammed with highly sophisticated computers, electronics equipment and exotic optics. With these, it can see in the dark, measure vast distances with laser beams and instantly compute the effect of any conceivable variable on the shell it is about to fire.

Despite their ponderous 52 tons (the weight of 25 station wagons), the tanks can detect and maneuver away from enemy radar, laser beams, airplanes and other tanks much like lightfooted iron cats. As such, they are indispensable to Army units around the world.

Last year, the United States gave away 1,000 of the Army's M–60 tanks to Israel to make up for its losses in the most recent war with the Arabs. The Army already was short 800 tanks. Almost overnight, the Army found itself short 1,800 tanks of 10,007 tanks it feels it needs to equip active units here and in Europe.

Chrysler in Detroit is building 43 new M–60 tanks a month. President Ford has requested money from Congress to raise that to 103 a month, meanwhile giving the project a special White House priority work rating.

Frankford Arsenal is the only center for research, development and production for fire control systems in the Defense Department. "Fire control" is the military term for the complex system of computers, range finders, optical and electromechanical equipment which allows the four-man tank crew to see out of their tank and aim and fire its guns. Fire control is the eyes, ears and brain of a tank.

"The entire situation here at Frankford is a little unbelievable," explained one high arsenal official. "The pressure on us is heavier every day. A lot of people here privately feel like a pack of lemmings running full speed toward a cliff."

Currently, 1,344 of the 3,000 arsenal workers are involved in the overall fire control program, long one of the arsenal's main functions.

That fire control program is to be closed down and moved to Rock Island Arsenal in Illinois by June 1977.

In dozens of interviews among top scientists, engineers and technicians at Frankford, the Daily News was told that virtually none of them intend to move to Rock Island—destroying the core of "brains" which have organized and operated the complex fire control program here over the last two decades.

The move to Rock Island will disrupt or destroy the Army's fire control production capability, say sources interviewed.

Ironically, in July—the month that phase out begins at the arsenal—the Army intends to boost its tank production in Detroit from 43 to 65 vehicles a month. By 1977—the year Frankford and its fire control program will cease to exist—the Army hopes to meet President Ford's production goal of 103 tanks a month.

Maj. Chester McKeen, who heads the Army's tank program in Washington, continually has been unavailable for questions about the M–60 program. His office referred calls to the Army's Detroit Tank Automotive Command (TACOM), headed by Col. Donald Babers.

Babers declined to answer any questions about tank production or potential problems with the fire control systems from Frankford. He referred his caller to the public information office in Detroit who, he said, "knew everything there was to know" about the M–60 program.

Frank Gaal, head information officer for TACOM, which oversees a national network supplying component parts for the M–60, said TACOM was "unaware" that the Frankford Arsenal had anything to do with the M–60 program.

"We have an enormous number of prime sources for the various parts and systems of the M–60," said Gaal. "It's impossible to keep track of them. As far as we know, though, the Frankford arsenal does weapons work and doesn't have anything to do with the M–60."

Gaal, asked where TACOM gets its fire control components for the M–60's it assembles, said finding that answer would "take a good deal of research."

[From the Philadelphia Daily News, Feb. 19, 1975]

Arsenal: "We're Hiring, Yet Getting Ready To Fire"

Hanging conspicuously from the "In" basket on the desk of Frankford Arsenal's Maj. Kenneth Horio is a noose.

Horio, who has been silent until now on the arsenal's closing, points out to visitors that the hand-tied rope ornament is "just a joke," but the noose symbolizes the situation in which the 12-year Army veteran finds himself.

Horio heads the arsenal's fire control program which produces the complex computerized systems for the M–60 tank.

Last month, Army Secretary Howard Callaway announced the M–60 program is the "Army's highest military priority."

Earlier this month, President Ford underscored its importance in his budget message to Congress. Ford asked for money to double tank production. At the same time, a rare "DX" priority rating was given to the M–60 projects at Frankford and other facilities across the country. Unlike most priority ratings from the Army or the Defense Department, a "DX" originates at the White House.

Sitting at his desk, Maj. Horio shakes his head, drums his fingers on the blotter and admits that Frankford's unique fire control program has a "curious status."

"We're involved in a program of the highest priority possible and at the same time we're involved in phasing ourselves out of existence," said Horio who heads the only program of its kind in the Defense Department.

We're hiring people to handle the heavy workload, yet we're getting ready to fire them," he said.

Over the past few months, as the M–60 became the Army's main focus, Horio has been host to dozens of the country's highest ranking military officers who come to see Frankford's fire control production projects—a critical link in the total M–60 program.

"No one mentions the closing," said Horio. "Everyone knows what is coming, but nobody wants to discuss it. It's like an unwritten rule—you never talk about the closing."

Al Ford, 53-year-old civilian administrator of the M–60 project and a 24-year Frankford veteran says:

"You're moving a highly complex technological operation 1,000 miles to the west. Your outside contractors with the special machines and trained people are still in Philadelphia.

"The employes who created and run your unique operation will not move to the new site at Rock Island. So you'll have no one to teach the new people. You know the area you're moving to doesn't have a pool of labor skills in the electronics, electro-mechanics or optics that you need.

"Someone is not looking at the total picture of all of this. We keep hearing that there will be 'no disruption' in the M–60 Fire Control program. That is impossible. No one with any common sense could believe that.

"The question," said Ford, "is how many years will it take to re-establish this thing in Rock Island with all the facts we know? The answer that has to be given to that question is, 'Who knows?'." —HOAG LEVINS.

I WOULD LEAVE FRANKFORD ALONE

"If I were Gerald Ford," said Ray Hartzag, who was waving a small plastic tank in the air, "and I wanted to see tanks made on time, I'd leave Frankford Arsenal alone for about five years or so."

Hartzag made a final sweeping gesture with the plastic M–60 tank and brought it in for a landing on the surface of his desk—where it sits as a daily reminder of his company's financial lifeblood.

Hartzag is part-owner and manager of Rouff & Sons, Inc. at 1030 Rose Ave. in Runnemede, N.J. Rouff is one of 10 area firms involved in making some of the 24,000 separate parts which go into the M–60 Fire Control systems produced by Frankford Arsenal.

Like Rouff, most of those firms have been doing specialized arsenal work for a dozen years or more. They have machines and experienced employes to do jobs that can't be done in conventional machine shops.

"There is more than just production or money here," said Hartzag, whose company does $3-million a year in business—40 percent of which is arsenal Fire Control work.

"Right now, for instance, when we have an engineering problem or a technical difficulty to be straightened out, I jump in my car and run across the Tacony bridge for a nickel. Arsenal engineers do the same coming this way. No problem at all.

"So you move it to Rock Island . . . all the contractors who have been doing the work for years, who have the specially trained people, and who have the contracts are back here in Philadelphia. So suddenly you have a 1,000-mile gap. I think it is obvious that when you're working on this sort of precision work 1,000 miles can create quite a problem.

"I still have to consult with them as the work goes along, or changes, or runs into problems, so now I get on a plane and fly to Rock Island for a few days. Now I can't eat that cost. I have to pass it along in the price of future work.

"So who wins . . . it will cost more in the long run and it will take longer to get the work done."

WIDF PROPAGANDA TEAMS TOUR U.S. CITIES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. McDONALD of Georgia. Mr. Speaker, using the United Nations to make their entry, members of the Women's International Democratic Federation—WIDF—an international Communist front under the control of the Soviet Union, are touring 35 U.S. cities to spread the Soviet line on disarmament.

WIDF members from some 26 countries entered the United States to attend an International Women's Year—IWY—seminar, "Women of the World United for Peace: Disarmament and Its Social Consequences," held May 7–9 at the U.N.

The Communist Party, U.S.A.'s newspaper, Daily World, reported that this was "the first meeting at the U.N. of international delegates not connected with governmental organizations." The seminar was sponsored by WIDF, the Japanese Alliance of Peace Associations, and the U.S.-based Women's International League for Peace and Freedom—WILPF.

On the last day of the seminar, WILPF held its 60th anniversary celebration at the Church Center for the U.N. which was attended by many of the WIDF delegates, including WIDF Secretary General Fanny Edelman of Argentina.

On May 9, the last day of the seminar, seminar delegates announced a program for a series of miniseminars to be held across the United States. At the press conference it was stated that the tours were to be sponsored by "International Women's Year and ad hoc coalitions, the WYCA, the League of Women Voters groups and local peace organizations."

The WIDF/WILPF seminar had three main goals: to "strengthen peace and disarmament and struggle for prohibition of the production, testing, and stockpiling of nuclear weapons; to press for a people's world disarmament conference some time in 1976, and to call to nations to cut military budgets by 10 percent as an initial gesture."

Katherine Camp, international president of WILPF said of the purpose of the U.S. miniseminars:

> We want disarmament to become a household word.

Among those present at the WIDF seminar were Frieda Brown, WIDF vice president, Australia; Fannie Edelman, WIDF secretary general, Argentina; Valentina Titova, WIDF secretary and member of the Soviet Women's Committee, U.S.S.R.; My Soon Shaath, General Union of Palestine Women, Egypt; Fatimah Ahmed of the guerrilla terrorist Popular Front for the Liberation of Oman; Ruth Lubitch, WIDF, Israel; Anna Maria Navarro, Federation of Cuban Women; Inessa Ivanova, Moscow Institute of World Economy and International Relations, U.S.S.R.; Valeria Troitskaya, U.S.S.R.; Sophia Tsimilli, Cyprus; and Mrs. Carmel Budiardjo, a British woman married to an imprisoned Indonesian who has returned to her homeland; and Le Ahn Tu, a South Vietnamese supporter of the Vietcong now working for the American Friends Service Committee.

WIDF teams have already held meetings in Bridgeport, Westport, and Stamford, Conn.

No doubt some of my colleagues are aware that the WIDF was founded in Paris in 1945 as a part of the Soviet Union's cold war apparat, ostensibly at the suggestion of the Communist-controlled French Women's League. Working intimately with the Soviet-controlled World Peace Council—WPC—which it helped organize, the WIDF has its headquarters in East Berlin.

The WIDF claims a membership of 40 million women in 100 countries, but it has a loose organizational structure which makes no definition of members and nonmembers.

WIDF's stated aims are stated in very general terms to attract a wide membership. Nevertheless, the practice of WIDF has been to support the international policies of the Soviet Union. As early as 1948, WIDF stated it intended to follow the lead of the Soviet Union, "the only country truly working for peace."

By implication then, WIDF accepts the Marxist-Leninist view that "true peace" will arrive only with the end of class warfare through the dictatorship of the proletariat.

As one analyst of WIDF wrote:

> Few people are against the "coordination of the democratic women's leagues, international cooperation for peace, equal rights for women, equal wages for women, and general welfare and health of children."
>
> Behind this facade, however, is the pursuit of the main objective—to aid communism and smooth its path. The main activity of the WIDF, therefore, is to support the policies of world communism by engaging in extensive propaganda, often in collaboration with the WPC. This is facilitated by publicizing the claim that exploitation, hunger, suppression and inferior living conditions exist only under capitalism and colonialism; therefore, women should object to the "warmongers" of the Western world.

It is also worthwhile noting that the International Women's Year—IWY—is also a creation of the Women's International Democratic Federation.

Paul F. Magnelia, in an article for the Yearbook of International Communist Affairs, 1974, noted:

> The idea of the International Women's Year emerged at the WIDF's Bureau meeting in November 1971. A WIDF proposal was then submitted to the U.N. Commission on the Status of Women, and thereafter the U.N. Assembly officially proclaimed 1975 to be International Women's Year.

He then explained:

> The WIDF anticipates that a special women's year will give it an opportunity to work closely with other organizations on the national, regional, and international level in the areas of social progress, women's right's and the defense of democracy, national independence and peace.

But in WIDF seminars and literature, peace, social progress, and the defense of democracy are to be found most especially in the Soviet Union and the Soviet bloc nations.

Despite ample documentation over the past three decades, and formal citations as an international Communist front, WIDF officials and members have been granted unrestricted visas by our State Department, in what appears to be flagrant violations of the law. One of the more recent instances has been the case of Mrs. Hortensia Allende, a WIDF vice president, who has been granted unrestricted visas to raise funds and to disseminate propaganda.

Perhaps my colleagues who have expressed their deep concern and shock at the violations of the law uncovered during the Watergate investigations will join me in requesting the Attorney General to investigate this case also.

CONSERVATION OF OIL

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. LLOYD of California. Mr. Speaker, I would like to share with my colleagues in the House of Representatives the results of the questionnaire in my newsletter of April 1975, to my constituents in the 35th District in southern California.

Long before the thousands of questionnaires started pouring into my office with the results, I anticipated a definite show of opinion from residents of the Pomona and San Gabriel Valleys. I was not disappointed. They responded with well-formed opinions on the issues of the day, and I have and will continue to use their views to guide my actions in Congress.

My first question addressed the conservation of oil. Increasing gasoline taxes to accomplish this was favored by 24 percent; opposed by 71 percent with 4.2 percent undecided.

Gasoline rationing was favored by 50 percent; opposed by 44 percent and 5.8 percent were undecided.

Increasing import taxes on oil, an action recently taken by the President, was favored by 31.8 percent; opposed by 58 percent with 9.7 percent undecided.

Other suggestions as ways to conserve oil included more economical cars, development of alternate energy sources, and construction of mass rapid transit systems.

My second question was: "Do you favor some type of Federal regulation of oil companies?" The response was 73 percent in favor of Federal control over oil companies; 22 percent against it and 4.6 percent undecided.

The third question dealt with aid to Cambodia and South Vietnam. On whether aid should be both military and humanitarian, 31.8 percent were in favor; 62 percent were opposed; and 5.9 percent were undecided.

Military aid only was favored by 4.9 percent; opposed by 91 percent; and 3.5 percent were undecided.

Humanitarian aid only was favored by 77.4 percent; opposed by 19 percent; and 3.5 percent were undecided.

A complete cutoff of aid was favored by 58 percent; opposed by 35 percent; and 6.5 percent were undecided.

The economy remains the top issue in my 35th District and throughout the Nation, and my fourth question addressed itself to this important subject.

To stimulate the economy and reduce unemployment, income tax rebates were favored by 68 percent; opposed by 24.5 percent; and 6.9 percent were undecided.

Public service jobs were favored by 72 percent; opposed by 22 percent; and 6 percent were undecided.

Business tax credits were endorsed by 53 percent; opposed by 34.7 percent; and 11.9 percent were undecided.

I asked for other suggestions to aid the economy, and the responses were to reduce Government spending, reduce interest rates, reduce welfare fraud, and increase aid to senior citizens.

That was the extent of my questionnaire, and I think that my constituents have an excellent grasp of the problems facing this country. I would like to thank all of those who returned my questionnaire, as the views of my constituents are the most important factor in my actions in the Congress:

QUESTIONNAIRE

[In percent]

	Yes	No	Undecided
1. To conserve oil, do you most favor:			
(a) Increase gasoline taxes	24.0	71.0	4.2
(b) Gasoline rationing	50.0	44.0	5.8
(c) Import taxes on oil	31.8	58.0	9.7
(d) Other smaller car engines, alternate energy sources, mass transit.			
2. Do you favor some type of Federal regulation of oil companies	73.0	22.0	4.6
3. Should aid to Cambodia and South Vietnam be:			
(a) Military and humanitarian	31.8	62.0	5.9
(b) Military only	4.9	91.0	3.8
(c) Humanitarian only	77.4	19.0	3.5
(d) Cut off	58.0	35.0	6.5
4. To stimulate the economy and reduce unemployment, do you favor:			
(a) Income tax rebates	68.0	24.5	6.9
(b) Public service jobs	72.0	22.0	6.0
(c) Business tax credits	53.0	34.7	11.9
5. Other suggestions to help the economy: Reduce Government spending, reduce interest rates, reduce welfare fraud, increase aid to senior citizens.			

Note: Clip and mail to: Congressman Jim Lloyd, 222 Cannon Building, Washington, D.C. 20515.

APPOINTMENT VERSUS ELECTION OF JUDGES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. RANGEL. Mr. Speaker, philosophically speaking, our public officials should be those who are representative of the persons that they are to preside over so as to adequately reflect their views and beliefs. If we look at our local officials—city council members, school board members, mayors—such is the case in most cities; that is, they are elected by the people. Our next level of government, the State, bears the same picture—Governors and State legislators are also elected. And, of course, on the national level, we in the Congress, and the President are chosen by the electoral process. But one major component of this government's tripartite is denied this electoral selection process in most cities and States, while the Federal judges are seated solely by appointment.

Pro and con arguments in respect to the election versus appointment of judges have been with us nearly 200 years. Some States have amended their constitutions so as to reverse their system of judicial selection or to utilize a combination of both appointment and election. An article in the April issue of Judicature magazine, authored by the Honorable George W. Crockett, Jr., who is presiding judge of the recorder's court of the city of Detroit since 1966, gives this issue some foundation as he presents us with Michigan's experience in this area in addition to providing some of the consequences as seen from a black perspective. Herewith, Judge Crockett's article:

[From Judicature magazine, April 1975]

JUDICIAL SELECTION AND THE BLACK EXPERIENCE

(By George W. Crockett, Jr.)

The subject of judicial selection has long been contentious and controversial. While each of us loudly asserts his "objectivity and fairness" in developing his arguments for or against at-large election of judges, or for or against an appointive system, the truth is that our attitudes are determined largely by our individual perspectives and social objectives. Unfortunately, latent and patent biases are also part of the debate.

Among the criteria generally (and properly) applied to judicial candidates—in addition to the hope for at least a modicum of understanding of the law, a breath of compassion, a spark of originality—is the need for judges to represent a true cross-section of the population over which they are to preside. There are few, if any, who deny the importance of this qualification.

In this regard, our system of presidential appointment of Federal judges has been a distinct failure. Federal judges, whatever their other redeeming qualities or shortcomings, have historically been selected for reasons other than as "mirrors of their constituencies."

Of the approximately 700 Federal judges now in office, only 20 are black. And, significantly, each one of these black Federal judges is from a geographic area where the black voting potential is crucial; none is from the areas where the bulk of the black people reside. After 100 years of full citizenship, no southern black (one who resides south of Washington, D.C.) has ever been found "qualified" for nomination to a Federal judgeship. Atlanta, New Orleans, Houston and St. Louis with their increasing numbers of black voters and black attorneys would surely not be without black Federal judges today if all Federal trial court judges were elected.

The proponents of the appointive method of judicial selection always refer to their various plans as "merit selection." The implication is that popular selection and election of judges is without merit, or does not produce judges of sufficient merit. Underlying the "merit" proposals is the further assumption that the people themselves—those who are to be judged—are not competent to choose those who are to sit in judgment upon them.

Members of the bar, the argument goes, have a superior appreciation of what constitutes a good judge. At most, some of the proponents of the appointive system concede, the ordinary citizen should be allowed to veto a candidate who has been appointed by the governor from a list prepared by a blue ribbon, lawyer-dominated committee. This, the "Missouri Plan", and its variations, allows the governor's appointee to serve a minimal period of time before he faces the electorate. By this time, the political cards are stacked because the appointee has no opposition. The electorate almost invariably will approve him rather than recommence the long tortuous process of selection, appointment, trial period and referendum. The so-called citizen-input becomes an empty promise impossible to fulfill.

Here in Michigan the change to an appointive system is vigorously advocated by the leadership of the Detroit Bar Association, the State Bar of Michigan, the Michigan League of Woman Voters and the major Detroit press. The change is just as determinedly opposed by the Wolverine (black) Bar Association, the leadership of the State Federation of Labor, the Michigan Judges Association, and by most judges and attorneys located outside the metropolitan areas.

Michigan has had a popularly elected judiciary ever since its first constitution in 1835. While that document provided for an appointed Supreme Court (consisting of four justices), it specified that all other judges in the state were to be "elected by the qualified electors." For 124 years—ever since the Constitution of 1850—all Michigan judges, including justices of the Supreme Court, have been "elected by the qualified electors."

The Missouri Plan and its variations have been hotly contested among Michigan lawyers since 1951 when the annual meeting of the Michigan State Bar refused even to put it to a referendum of the membership. It was debated in 1962–63 at the Michigan Constitutional Convention where the "leaders" of the bar tried to write the plan into the new state constitution. Again the proponents failed. The revival of agitation in recent years for merit selection of Michigan judges coincides with the comparatively large increase in the number of black judges in Michigan in recent years, and some see a direct connection between these two developments.

Unlike most states, Michigan has had a sizable contingent of competent black lawyers since the late 1920's. But as late as 1966 there were only eight black judges in Michigan, due to the fact that Michigan governors had the power to fill all interim judicial vacancies by appointment until the next general election. It wasn't until 1950 that a governor, G. Mennen Williams, demonstrated enough political guts to appoint our first black judge. Today the number of black judges in Michigan has increased to 21, and 16 of these are in the city of Detroit where black voters are in the majority.

Blacks in Detroit no longer depend upon gubernatorial courage to get fair judicial representation. "The shoe is on the other foot," one black political leader recently remarked, "and no one can expect to gain or retain judicial office in Detroit or in Wayne County without substantial black support."

A basic question, of course, is whether the quality of the judiciary is materially improved by making selection appointive rather than elective. The arguments pro and con are similar in many respects to those made in 1912–13 when the people adopted the 17th Amendment to the U.S. Constitution, abolished the appointment of United States senators by state legislatures and asserted their competency to select and elect their senators. It would be difficult today to support the proposition that our present popularly elected United States Senate is inferior in quality to the former legislatively appointed Senate.

The same general considerations that influence the selection of such public officers, as presidents, governors, mayors and members of legislative bodies, should also influence the selection of judges. The citizen selects and votes for candidates whom he believes more closely reflect his point of view and his personal philosophy with respect to the powers, duties and obligations associated with the particular public office. And this is true whether he is making the selection as a voter in the privacy of the polling place or secretly casting his ballot as a member of a blue ribbon screening or nominating committee or commission. In each case the choice will reflect as closely as possible the selector's own personal, social, economic and political judgment.

In like fashion, regardless of high-sounding protestations to the contrary, the person chosen is inclined to feel an affinity for those who selected him whether it be the electors at the poll or the selectors at a conference table. The simple question is whether his "instinctive" responses will lean more toward the "power structure" or toward the "man in the street."

The primary difference then between choice by electors and choice by a commission is the matter of constituency, accountability and control. A judge selected (nominated) from an open field and then elected by popular vote, has a broad constituency, is accountable directly to the voters, and control of the selection process is diffused among the thousands and tens of thousands who voted for him. He feels a sense of responsibility and gratitude to those who made him their judge. But selection by a committee or a commission concentrates that control in the hands of those interests directly represented on that committee or commission. Such commissions normally are top heavy with "status" representatives (i.e. corporation lawyers, big business executives, professional "liberals") with underrepresentation, if not complete exclusion, of blacks and other minorities. The result of their deliberations is a list of judicial nominees that mirrors a cross-section not of the community but of the economic, social, moral and political views of the commissioners.

This is what judicial selection by appointment is all about. Notwithstanding the claim that a better caliber of judge is obtained when nominees are selected by a committee or commission, the real issue is: who will the judge represent in his rulings particularly with respect to those sensitive areas where "the law" is whatever we judges decide "our community" wants the law to be? Judges have an enormous tool in the power of judicial discretion. It is this tool, after all, that allows the law to keep pace with change in society. It is this tool which, in the hands of one judge may be used to uphold an outmoded precedent but in the hands of another may be used to revise, reform and advance our law. It is this tool with which a defendant may find himself jailed or freed—depending upon which judge wields it.

Judicial discretion, after all, is what our system of common law is all about. Roscoe Pound put it, "Justice is an alloy of men and mechanism in which men count more than machinery."

The dual society—white and black—which continues after 300 years to plague American life, has conditioned black Americans to think and to react to public issues in much the same manner as persons who have inherited dual citizenship. To blacks, every public issue has its two-pronged aspect: how will it affect blacks? and how will it affect the people generally? The answer to both questions should be, but is not always, the same.

The answer to the first question will reflect the black experience; the answer to the second will reflect the white patina encrusted upon all blacks by three centuries of living in a dominant white society.

Black judges are sensitive to their dual personality and their dual reaction to the question of elective versus appointive judicial selection. Not only are we aware of this duality, but all candidates who face a sizable black voting potential must be aware of it. Blacks, like other minorities in the past, are now voting black with ever-increasing consistency in an effort to win that mirror representation for themselves in every branch and on every level of government that has been consistently denied them by the appointive method. This is why in Michigan any suggested change in our traditional practice of having all judges elected by the people themselves—and not selected by the governor upon the recommendation of some blue ribbon committee—has to take into account the reaction of the black electoral majority in populous Detroit. Every politically astute leader in Michigan knows that on any closely-contested statewide issue, this group casts the decisive vote. Black experience in Michigan argues against the appointive process and in favor of continuing the elective process for all judicial offices. The commission was reminded that blacks were not appointed to judicial vacancies in anything like representative numbers until the late 1960's when their voting potential reached the point where they could elect black judges of their own selection and were no longer dependent on appointments; and that this same voting potential spelled defeat for any proposed constitutional amendment that would deprive them now of their ability to have meaningful participation in the administration of justice on the highest levels.

The black experience in Michigan is not necessarily synonymous with the experience of blacks in other states. The increase in black participation in the judicial process has been greatest in those states and cities where judges are elected and where the black voting potential is significant. Roughly two-thirds of the nation's black judges—about 200 out of a total of 325—are located in eight jurisdictions (California, District of Columbia, Illinois, Michigan, New Jersey, New York, Ohio and Pennsylvania). All except the District of Columbia have popular election of judges, and all have a substantial black voting potential.

It is quite understandable, therefore, that while the black experience in geographic areas having large concentrations of black voters will favor the election of judges, blacks who live in predominantly white political enclaves and are dependent for their political advancement on white largesse are more likely to favor the appointive process of judicial selection.

Judicial selection, like jury selection, should endeavor to achieve and thereby reflect a true cross-section of the population over which the judges are to preside. A system like the Federal system that has not achieved this result in more than a hundred years of operation is hardly one to be emulated at either the state or local level. To those who insist on pursuing this change in our electoral tradition we ask: "Why now, when blacks have at last begun to achieve the political influence they so rightfully have earned?"

THE BLACK WOMAN IN POLITICS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. FRASER. Mr. Speaker, the number of black women in politics has increased from 131 in 1969 to 337 in 1973, an increase of 160 percent. These black women are providing an excellent and vital source of leadership in Congress and in elective and appointive offices in State and local governments.

On May 21, 1975, C. Delores Tucker, secretary of state, State of Pennsylvania, gave a speech at Radcliffe College in which she describes the black woman in politics and the obstacles she must overcome. For the information of my colleagues I ask that her remarks be inserted into the RECORD:

THE BLACK WOMAN IN POLITICS

I truly consider it an honor to have been asked to participate in this evening at the Schlesinger Library, an institution that certainly must be unique in its total dedication to the preservation of the story of the American woman and her long struggle for equality of opportunity.

This evening I hope to share with you some of my insights about the black woman's participation in politics. But to talk about the black woman in politics, we first need to discover the identity of the black woman herself and that is not a simple task for there are seven million black women of voting age in this country. We come in all shapes, sizes, all shades, all talents, all temperaments. We are welfare mothers and Congresswomen. Entertainers and educators. Rich and poor. Highly educated and barely literate.

We are the person who heads 58 per cent of this country's poor, black families.

We are the person who raises our children in crime-ridden neighborhoods. We send our children to schools so poor that at least half of them leave school so unskilled that they may never find employment during their entire adult lives.

We are the people whose death rate from cancer is 13 per cent higher than the death rate for white women.

We are the person who is at the bottom of the four major labor groups. A million of us work as domestics, without the benefits of social security, sick leave, vacation time, promotion or job security, averaging a yearly income of $2,072.

Even in my own State of Pennsylvania which has an excellent affirmative action program, eight times as many black men as women make over $11,000. Thirty times as many make over $15,000. The same situation prevails across the Nation.

The black woman is the person who faces all the barriers of bein black and all the barriers of being a woman. We must contend with the conflict of wanting and needing to achieve our own full development while being totally supportive of our men, whose suffering, exploitation and degradation we can never forget.

Yet whatever obstacles we face, whether they be racial, economic, social, or psychological, we face them with a strongly ingrained instinct to survive. For whatever our outward differences, there is at the heart of each of us a basic instinct to survive. A gritty determination to keep on keepin' on.

It is our inheritance from our mothers and our foremothers—women who earned the title of "the mules of the world" because they carried burdens that no one else, *no one else* would carry. It is our legacy from women who knew that they must build in their children a self-reliance so strong that the world could not break it. It is our gift from women who knew their sons and husbands would be beaten, perhaps not physically but then again perhaps so, and who would not pass through life without accumulating a wealth of spiritual scars.

Long before women's liberation became a household word, black woman knew that strength, not feigned delicacy, was the mark of a woman. Who can ever forget the words of Sojourner Truth, the crusader for women's rights, abolition and human justice, as she stood before a women's rights convention in 1851:

"That man over there says that a woman needs to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helped me into carriages, or over mud puddles, or gives me a best place . . . and ain't I a woman? Look at me. Look at my arm! I have plowed and planted and gathered into barns and no man could head me . . . and ain't I a woman?"

Yes, Sojourner Truth was a woman. And who was more of a woman than Harriet Tubman, the Moses of our people, who led more than 300 slaves to freedom on the underground railroad and never lost a passenger.

Sojourner Truth and Harriet Tubman—the names of both are written large in our history. Yet millions of our finest black women will never be known by name. Most of our foremothers never gained recognition outside the families which they held together, patched and threadbare, but intact in love. Their names are lost to us, but we know they were there, for we would never have survived without them.

Many of us remember our mothers and grandmothers much as Alice Walker writes about her own mother:

"She made all the towels and sheets we used. She spent the summers canning vegetables and fruits. She spent the winter evenings making quilts enough to cover all our beds.

"During the working day, she labored beside—not behind—my father in the fields. The day began before sunup, and did not end until late at nights. There was never a moment for her to sit down, undisturbed, to unravel her own private thoughts; never a time free from interruption—by work or the noisy inquiries of her many children.

"Her quick, violent temper was on view only a few times a year, when she battled with the white landlord who had the misfortune to suggest that her children did not need to go to school."

And yet in spite of all—". . . whatever rocky soil she landed on, she turned into a garden."

And today, because our foremothers planted and watered and weeded with such fierce concern, we are reaping the harvest of those gardens. Our fruits are an ever lengthening list of black woman mayors, judges, State legislators, school board presidents, doctors, lawers, educators, executives, authors, and composers.

Yet, even with this recent blossoming of black women, there are still relatively few of us who have blossomed in the political gardens. The presence of Yvonne Burke, Shirley Chisholm, Cardiss Collins, and Barbara Jordan in the United States Congress might seem to indicate power, but their great visibility stems largely from the media's recognition of their uniqueness. Among the 2,871 black elected officials in the country, black women make up the tiniest minority.

But we are making gains at a surprisingly steady rate. In 1973, 337 black women held office in this county. Like all statistics, that number can be made to seem either impressive or insignificant. Certainly, 337 elective offices is but a tiny fraction of 520 thousand elective positions available in this country. But viewed in terms of achievement within the black community, the number represents a 160 per cent increase over 1969, when only 131 black women held elective office.

And if you stop to consider that as recently as ten years ago the very act of voting was forbidden to many of us, then I think you will be able to make a more accurate appraisal of just how far we have come.

To adequately gauge the black woman's participation in politics it is necessary to look at more than her attainment of elective office.

One point to consider is that black women have a well-established tradition of being politicians in the best sense, without ever having held one elective office. There are communities all across this country in which black women are the prime community movers, organizing their friends and neighbors to bring influence to bear on those who do make policy.

Mississippi's Fannie Lou Hammer immediately comes to mind as an example of a black woman who certainly deserves the title "politician," although she holds no public office. Largely through the leadership she exerted on behalf of the Mississippi Freedom Democratic Party at the 1965 National Convention, the Democratic Party was led to take steps to broaden their delegate selection process.

Edith Barksdale-Sloan who heads the National Committee on Household Employment has probably been the single person most responsible for finally convincing Congress to include household workers under the coverage of the latest minimum wage law. Certainly, she has a wealth of political skills to her credit.

As an appointed official, I have learned that elective offices are not the only political offices worth attaining. For while it is necessary to persuade a large block of possibly unenlightened traditionalists to win an election, a woman needs only the support of one progressive thinker to be appointed to a public position. This is especially meaningful to black women who must overcome not only the obstacles of sexism, but the still prevalent possibilities of racism as well.

The duties of Pennsylvania's Secretary of State are defined by law, but I have made it my self-imposed duty to assume a high level of visibility among the women in the State to provide an example of what it is possible for women to attain, and to encourage women to build their own political careers. My position has also enabled me to ensure the implementation of a strong affirmative action program in the State and to bring about the development of the Governor's Commission on Women.

In the same respect, my positions as vice chairman of the Pennsylvania Democratic Committee and as a member of the Executive Board of Democratic National Committee have provided women with whom I come in contact a positive image of what a woman and a black can achieve in the traditionally whitemen only, back room arenas of politics.

I am optimistic about the black woman's future in politics. I believe that every year more and more black women are coming to the realization that politics influences every aspect of their lives and that they must take the responsibility to influence politics.

I don't think there'll be any stopping the black woman of the future.

I see her, rising tall and proud, in the young black women law students who turn up all over the country and who tell me that they plan to make the system responsive to the needs of their people.

I see her in the many women who are opening the doors to the political process, running for office and winning. And then going on to fulfill their obligations with distinction.

I see her in the many black women who are going back to school, so they can take their place in the work force as professionals rather than domestics. I see her in the black women who are starting their own businesses.

I see her in the black women who are raising their families with the same love and courage of their mothers, passing on to the next generation that instinct to survive against all odds.

I am confident that the black woman of the future will continue the work of her foremothers and turn her own patch of rocky soil into a beautiful, productive garden.

THE PROSPECT FOR JOBS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. HYDE. Mr. Speaker, Government regulations imposed upon business are usually designed to protect the interests of consumers, or employees, or both. But when the aggregate burden of governmental regulations is so onerous production is hampered, costs escalate, profits dwindle and the consuming public is the loser.

Many businessmen today are justifiably concerned as to whether the pyramiding burden of governmental regulations will be too great to bear.

In Illinois, this concern manifested itself on April 30 in a meeting of 1,700 persons, mostly representatives of large and small businesses throughout the State, at the Springfield Armory as a "Mayday Minus One Coalition." The assembly heard a 2-hour parade of witnesses relate and deplore the economic impact of excessive governmental regulations.

Mr. Speaker, we in the Congress would do well to heed their words. Under leave to extend my remarks in the RECORD, I include the text of the statements of Quentin M. Lambert, "Mayday Minus One Coalition" coordinator and director of Government affairs for the Illinois Manufacturers' Association; the statement of Charles Willsey, public affairs manager of General Electric in Illinois, and an open letter to the Illinois General Assembly from Orville V. Bergren, president of the Illinois Manufacturers' Association, read at the assembly. I earnestly hope my colleagues in Congress will read their important message.

The articles follow:

STATEMENT OF QUENTIN M. LAMBERT

Jobs—Yes! Handouts—No! Jobs—Yes! More Taxes—No! Welcome to Mayday Minus One. This is the first statewide assembly of a cross-section of the private sector—where the tax money comes from. We are here because we have a common purpose—to preserve the economic climate of Illinois and to promote fiscal responsibility in government.

Only twenty days ago, I stood in Senator John Graham's office and read to him a short statement that I had written at three a.m. that morning. I said to John that the only audience I might have for this statement on Mayday Minus One could well be the statue of Abraham Lincoln in front of the Capitol. But that I would give it if I had to stand alone on the Capitol lawn. He said: "You won't be alone. I'll be with you."

Twenty minutes later, we had 30 people who had joined. And, today, here you all are.

My name is Quentin M. Lambert. I was born and raised in Iroquois County. I live in Springfield. I am a lobbyist for a so-called "special interest" group—the Illinois Manufacturers' Association and its 5,500 member firms. I've been at it for the past ten years. I am proud of it. In fact, you might call me the "Saul Alinsky of the fat cats."

Well, I'd like to tell you something about the "fat cats." It is their invested capital that provides the jobs which have built Illinois into national prominence over the past 100 years. Now, fat cats are a highly select minority group. You might even say that fat cats are an endangered species. They won't like their lobbyist referring to them as fat cats.

That would not have bothered Saul Alinsky.

But the breed has certain idiosyncracies. They flock together. They nest together. And—cumulatively—they produce all the good things that today's radicals profess to scorn—like food, clothing, and shelter, and some of the luxuries of life. And they make them available to more people, at lower cost, than any other country in the world.

Fat cats are like house plants. They respond to sunny smiles and kind words—and a climate in which they can function. Beat 'em over the head, tax 'em to the point where they can't operate efficiently and at a profit and they might write a nasty letter or two to their legislators—or they might visit with them at a cocktail party and protest the present course of government.

The legislator, of course, he hears the roar of the multitude saying "We want circuses—not bread" and he must respond to this titanic clamor—even though the still small voice of his conscience and his own good sense tells him that he's violating his own principles and the code that he grew up with.

But all that is out the window now. We've rewritten the laws of economics. Newton's law of gravity has been repealed. Water—purified by EPA et al—is now running uphill. And where does this leave all the bewildered fat cats? They look aghast at the sizable staff and the astronomical man-hours of non-productive time which must be devoted to the multitudinous tasks laid on them by government edict and minority peer pressure—OSHA, EPA, corporate social conscience, and what not.

Their basic purpose in life is to function efficiently at a profit, edging out the competition. They do not believe 'profit' is a nasty word. They believe the history of the Plymouth Colony demonstrated that 'profit' is what makes the country go. Wistfully, they hope that the people would realize that a corporation is, basically, a group of people who have formed an enterprise for their common good. Not too unlike 'Common Cause.' Or the American Civil Liberties Union. Why apoligize for it?

But the harsh words, the general approbrium, the legislative disfavor, the economic drain. Like a slow poison. The fat cats study the growing situation. They consult with their computers. They confer. They seek alternatives. They explore cost-cutting methods, Eventually, an executive decision is made. Like the house plant lacking water, the factory structure withers as the maintenance program is reduced to a bare minimum. The phasing out process has begun.

Soon the paint on the structure is peeling. A non-essential operation is curtailed. The working staff is further reduced.

Eventually, the doors are closed. The structure is empty. And the local people start talking about the good old days when the Peekless Keyhole Company was operating full blast.

Where is the 'fat cat' of the Peekless Keyhole Company?

As the personification of the corporate entity, is he now operating in another state? Or in Japan? Or in Switzerland? Or in Germany? Or in Taiwan?

Or, is he, too, standing in line waiting for a benevolent and sympathetic government to dole out to him the goodies of life created by govermental edict?

Wake up, Illinois! Speak up! Before it's too late!

STATEMENT OF CHARLES WILLSEY

My name is Chuck Willsey; I'm Manager of Public Affairs for General Electric Operations in Illinois. General Electric is one of the ten largest employers in Illinois with manufacturing plants located in twelve cities in Illinois and sales and service centers located in 33 cities.

In 1973, our annual payroll in Illinois was close to $200 million. In 1974, it dropped below $180 million, and in 1975 we estimate it will decline more.

Like most multi-state corporations, our relocation and expansion plans must carefully review the business climates of the various states where we may consider expansion or contraction. The relative cost of doing business in each state is a major factor in determining our competitive success.

During the past two years, we have moved product lines and jobs out of Illinois in order to improve our competitive position. We have moved 350 jobs from our Illinois based Appliance Control Products to Carroll, Iowa; 600 Ballast Business jobs were moved to Madisonville, Kentucky; several photo lamp and photo flash product lines were moved from Illinois to Plymouth, Florida, and over all competitive and cost factors have resulted in our decision to close down our Audio Product Operations in Decatur and our TV Cabinet Plant in Rockford. These two closings represent a loss of 1800 jobs and an annual payroll of nearly $16 million. Whether or not we move other product lines into these facilities will depend upon the current trends in the Illinois business climate. Proposed legislation on Unemployment Compensation, Workmen's Compensation, Retirement Age Restrictions, Tax increases, and a host of proposed regulatory changes are not encouraging.

Some of the legislation and regulations proposed will severely challenge the continued economic viability of our Major Appliance and Hotpoint Operations in Cicero and Chicago. Over 4,000 jobs and a large payroll are at stake—and our facilities at Louisville, Kentucky, could easily absorb the entire operation. Other GE plants in Illinois have relocated several product lines in other states.

And lest anyone misunderstand me, these relocations and movements out of Illinois are reluctantly, sometimes even bitterly, taken; Illinois has much to offer industry, and plant closings are frustrating, painful, difficult and in terms of impact on human relationships, very sad experiences which we undertake only after all other alternatives are explored.

When I first arrived on this job over two years ago, I was determined not to be negative—I believed in cooperation, in positive advocacy and I believed Governor Walker when he said that business and government must end their adversary relationship. I am discouraged in my efforts, but I do not blame the Governor or the legislature for the breakdown in communication and cooperation. If we were to be honest with ourselves, we must concede that the Governor has made many overtures for cooperation, and too many of them have been rebuffed, or appeared to be rebuffed. As businessmen we do not articulate our needs in a positive way. In fact we don't speak up at all with the force and impact we could and should. This meeting is a good beginning.

Regardless of the causes of the strained relationship, it is evident that this state is now divided into two militant camps—the public sector supported by organized labor, special interest groups, and others, who benefit from the bread and circuses largesse; and the private sector supported by economic and social principles which are eroding under a constant public sector onslaught. The issue is clearly drawn and the outcome in doubt. When legislation is debated and passed on the basis of who is paying what political debt; or which party or political faction can take credit for the win or loss, the merits of the bill and its impact on our society are given a very low priority. I for one am not optimistic. Your efforts today must be repeated again and again. Those of you who claim to be too busy putting out fires in your day to day business operations ignore the political inferno about to engulf you. If you spend more time on long range planning than on short range and continouus political planning of your business, you can forget about your long range plans! Your efforts and your voice are needed here in Springfield, in your legislative districts and in Washington—now, today and continuously.

AN OPEN LETTER TO THE ILLINOIS GENERAL ASSEMBLY ON THE SUBJECT OF JOBS IN THE STATE OF ILLINOIS

This letter is about jobs in Illinois—manufacturing jobs—which provide the backbone of the state's economy, including the state and local tax base. It has been approved by the Board of Directors of the Illinois Manufacturers' Association, representing more than 5,500 manufacturing companies and plants in Illinois.

The present unemployment in Illinois caused by the National economic recession presents a serious short-term problem, particularly for those unfortunate people who are personally affected by it. But there is a longer range manufacturing employment problem in Illinois that has ominous implications for the future of the economy of this state. Your actions as legislators can and will affect it.

MANUFACTURING JOBS LEAVING ILLINOIS

Illinois is losing jobs in manufacturing at a rate almost double that of national manufacturing job loss. According to the last Census of Manufacturers conducted by the U.S. Department of Commerce as of 1972, Illinois had 1,310,000 manufacturing employees, a drop of 6.2% compared to the previous Commerce Department census of manufacturers in 1967. This compares with a national reduction in manufacturing employees of 3.5% for the same 5-year period. Although there has been no more recent complete manufacturing census than 1972, every indication is that the trend in Illinois is continuing and even increasing, judging by sentiments reflected in our recent survey, discussed later.

Where are the jobs going? They are going to states that are aggressively seeking industry and providing a number of incentives and reasons to move. These are mostly southern states, where manufacturing employment has increased in percentage rates, ranging from 10% to 25%.

OTHER STATES COURTING INDUSTRY

But southern states are not alone in courting industry and job creation. Wisconsin last year amended its tax laws in several ways, to provide an estimated $135 million annual tax saving to industry, including removal of the sales tax from manufacturing machinery and equipment, and the personal property tax on inventories. Largely as a result of the improved business climate, a recent detailed survey revealed that 607 Wisconsin companies have invested, or plan to invest, $733 million in expansion programs, providing an estimated 15,700 new jobs. Bills to provide tax and other incentives for industry are now being considered by a number of other states which realize the importance of industrial growth.

Illinois is losing manufacturing jobs at a higher relative rate than any of its neighboring states. The 6.2% loss of manufacturing jobs in Illinois since 1967 compares with the following figures for our neighboring states: Indiana down 0.5%; Iowa up 3%; Minnesota down 0.1%; Nebraska up 10.1%; Michigan down 4.4%; Wisconsin down 3.4%; Missouri down 3.5%; Ohio down 4.5%.

Southern states have prospered in gaining manufacturing jobs during the same period of time. Some examples: Arkansas up 25.3%; Oklahoma up 20.4%; Kentucky up 16.5%; Alabama up 11.2%; North Carolina up 16.6%.

Several states with reputations among industry as being union-dominated, with high tax rates, liberal statutory-decreed employee benefits, and high employer costs, lost manufacturing jobs at a substantial rate. Among them: Connecticut down 15%; New York down 12.3%; Massachusetts down 14%.

Between 1967 and 1972, Illinois had a net loss of 195 industrial firms with 20 employees or more. There was a net loss of 87,000 jobs. The trend is continuing. Why are industrial companies and plants leaving Illinois?

We recently asked our member companies for their opinions. Some of their comments are quoted in the enclosure to this letter. You will find them interesting. The consensus assessment as to the reasons for this erosion of Illinois jobs include the following.

REASONS FOR ILLINOIS JOB LOSS

Illinois is increasingly a high-cost state for manufacturers, including high wage rates and alleged low productivity from union-dominated labor forces.

The tax burden is regarded as heavy compared to other states, particularly considering local real and personal property taxes. In Chicago, soaring real property taxes and the $3 per month per employee taxes on employers have increased some employers' taxes by 35% in the past year.

Illinois state government is increasingly being considered by employers as pro-union and anti-industry. The bills to provide huge increases in unemployment and workmen's compensation benefits, to prohibit hiring strike-breakers, to provide unemployment compensation for workers not working as a result of a labor dispute, and similar types of legislation demanded by organized labor will make it more costly and difficult for a manufacturer to stay in Illinois. Proposals for a change in the state constitution so as to permit huge increases in corporate income tax rates are taken seriously by industry, and compare starkly with tax incentives in other states for industry to expand and provide jobs.

State and local laws and regulations are making it more and more difficult and costly to operate a manufacturing enterprise in Illinois, even though they are all well intentioned. Environmental protection efforts in Illinois head the list of employer complaints in the regulatory field. Most multi-state employers feel that Illinois has excessively strict environmental standards, and that it has the most cumbersome and costly enforcement system, and the least cooperative attitude of any of the states.

ILLINOIS PROBLEMS TROUBLE MANUFACTURERS

The future for industry in Illinois is troubling. The large increases in the cost of state and local government are alarming. The huge $10.8 billion state budget proposed for FY '76, with its bilions in "buy now, pay later" general obligation bond authorizations, promises greater future taxes. The number of people on welfare in Illinois is now as great as the number of people working in industry, about 1,200,000 of each. Organized labor dominates the General Assembly. And no public official ever mentions the need for providing incentives for industry to stay and expand in Illinois.

Illinois has many natural attributes that have contributed to its rise as an industrial state: proximity of raw materials and markets, skilled labor, a variety of suppliers, and good transportation of a sea outlet. Nonetheless, facts are facts, and industrial jobs are leaving Illinois.

ATTITUDES TO INDUSTRY VITAL

Decisions quietly made to expand in other states are just as serious for the future of this state as published actions to close a plant and move elsewhere. Those important decisions are highly influenced by the attitude of governmental leaders toward industry. That attitude can be demonstrated by public statements, official acts or legislative votes. As of now, that attitude, or industry's perception of it, does not seem to be good in Illinois. If not anti-industry, it seeds at best to take industry for granted, fair game for more taxes, greater regulation, and greater employee benefits. Unless it changes, it is predictable that jobs will continue to leave Illinois.

JOBS MOST IMPORTANT TO WORKERS

As members of the General Assembly, you have a great responsibility. Many of you have strong political loyalties to organized labor. Rank and file workers can be served in no better way by you than to be assured of the security of their future jobs in Illinois and the possibility of job advancement. Nor can you better serve all of your constituents than to seek to assure, by your actions and votes, that the economic and governmental environment in Illinois will be one in which industry can thrive, and jobs protected and created.

THE GREAT DEPRESSION—PART 2

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. SYMMS. Mr. Speaker, yesterday, June 5, 1975, I read into the RECORD the first part of an article by the distinguished Austrian economist Dr. Hans Sennholz that appeared in the April 1975 issue of the Freeman published by the Foundation for Economic Education. The article is a discussion of the root causes of the Great Depression of the 1930's. I would like to continue now with the final portion of the article:

THE GREAT DEPRESSION—PART 2

(By Dr. Hans Sennholz)

THE NEW DEAL OF AND AAA

One of the great attributes of the private-property market system is its inherent ability to overcome almost any obstacle. Through price and cost readjustment managerial efficiency and labor productivity, new savings and investments, the market economy tends to regain its equilibrium and resume its service to consumers. It doubtless would have recovered in short order from the Hoover interventions had there been no further tampering.

However, when President Franklin Delano Roosevelt assumed the Presidency, he, too, fought the economy all the way. In his first 100 days, he swung hard at the profit order. Instead of clearing away the prosperity barriers erected by his predecessor, he built new ones of his own. He struck in every known way at the integrity of the U.S. dollar through quantitative increases and qualitative deterioration. He seized the people's gold holdings and subsequently devalued the dollar by 40 per cent.

With some third of industrial workers unemployed, President Roosevelt embarked upon sweeping industrial reorganization. He persuaded Congress to pass the National Industrial Recovery Act (NIRA), which set up the National Recovery Administration (NRA). Its purpose was to get business to regulate itself, ignoring the antitrust laws and developing fair codes of prices, wages, hours, and working conditions. The President's Re-employment Agreement called for a minimum wage of 40¢ an hour ($12 to $15 a week in smaller communities), a 35-hour work week for industrial workers and 40 hours for white collar workers, and a ban on all youth labor.

This was a naive attempt at "increasing purchasing power" by increasing payrolls. But, the immense increase in business costs through shorter hours and higher wage rates worked naturally as an *antirevival* measure. After passage of the Act, unemployment rose to nearly 13 million. The South, especially, suffered severely from the minimum wage provisions. The Act forced 500,000 Negroes out of work.

Nor did President Roosevelt ignore the disaster that had befallen American agriculture. He attacked the problem by passage of the Farm Relief and Inflation Act, popularly known as the First Agricultural Adjustment Act. The objective was to raise farm income by cutting the acreages planted or destroying the crops in the field, paying the farmers *not* to plant anything, and organizing marketing agreements to improve distribution. The program soon covered not only cotton, but also all basic cereal and meat production as well as principal cash crops. The expenses of the program were to be covered by a new "processing tax" levied on an already depressed industry.

NRA codes and AAA processing taxes came in July and August of 1933. Again, economic production which had flurried briefly before the deadlines, sharply turned downward. The Federal Reserve index dropped from 100 in July to 72 in November of 1933.

PUMP-PRIMING MEASURES

When the economic planners saw their plans go wrong, they simply prescribed additional doses of Federal pump priming. In his January 1934 Budget Message, Mr. Roosevelt promised expenditures of $10 billion while revenues were at $3 billion. Yet, the economy failed to revive; the business index rose to 86 in May of 1934, and then turned down again to 71 by September. Furthermore, the spending program caused a panic in the bond market which cast new doubts on American money and banking.

Revenue legislation in 1933 sharply raised income tax rates in the higher brackets and imposed a 5 per cent withholding tax on corporate dividends. Tax rates were raised again in 1934. Federal estate taxes were brought to the highest levels in the world. In 1935, Federal estate and income taxes were raised once more, although the additional revenue yield was insignificant. The rates seemed clearly aimed at the redistribution of wealth.

According to Benjamin Anderson, "the impact of all these multitudinous measures—industrial, agricultural, financial, monetary and other—upon a bewildered industrial and financial community was extraordinarily heavy. We must add the effect of continuing disquieting utterances by the President. He had castigated the bankers in his inaugural speech. He had made a slurring comparison of British and American bankers in a speech in the summer of 1934. . . . That private enterprise could survive and rally in the midst of so great a disorder is an amazing demonstration of the vitality of private enterprise."

Then came relief from unexpected quarters. The "nine old men" of the Supreme Court, by unanimous decision, outlawed NRA in 1935 and AAA in 1936. The Court maintained that the Federal legislative power had been unconstitutionally delegated and states' rights violated.

These two decisions removed some fearful handicaps under which the economy was laboring. NRA, in particular, was a nightmare with continuously changing rules and regulations by a host of government bureaus. Above all, voidance of the act immediately reduced labor costs and raised productivity as it permitted labor markets to readjust. The death of AAA reduced the tax burden of agriculture and halted the shocking destruction of crops. Unemployment began to decline. In 1935 it dropped to 9.5 million, or 18.4 per cent of the labor force, and in 1936 to only 7.6 million, or 14.5 per cent.

A NEW DEAL FOR LABOR

The third phase of the Great Depression was thus drawing to a close. But there was little time to rejoice, for the scene was being set for another collapse in 1937 and a lingering depression that lasted until the day of Pearl Harbor. More than 10 million Americans were unemployed in 1938, and more than 9 million in 1939.

The relief granted by the Supreme Court was merely temporary. The Washington planners could not leave the economy alone; they had to earn the support of organized labor, which was vital for re-election.

The Wagner Act of July 5, 1935, earned the lasting gratitude of labor. This law revolutionized American labor relations. It took labor disputes out of the courts of law and brought them under a newly created Federal agency, the National Labor Relations Board, which became prosecutor, judge, and jury, all in one. Labor union sympathizers on the Board further perverted the law that already afforded legal immunities and privileges to labor unions. The U. S. thereby abandoned a great achievement of Western civilization, equality under the law.

The Wagner Act, or National Labor Relations Act, was passed in reaction to the Supreme Court's voidence of NRA and its labor codes. It aimed at crushing all employer resistance to labor unions. Anything an employer might do in self-defense became an "unfair labor practice" punishable by the Board. The law not only obliged employers to deal and bargain with the unions designated as the employees' representative; later Board decisions also made it unlawful to resist the demands of labor union leaders.

Following the election of 1936, the labor unions began to make ample use of their new powers. Through threats, boycotts, strikes, sizures of plants, and outright violence committed in legal sanctity, they forced millions of workers into membership. Consequently, labor productivity declined and wages were forced upward. Labor strife and disturbance ran wild. Ugly sitdown strikes idled hundreds of plants. In the ensuing months economic activity began to decline and unemployment again rose above the ten million mark.

But the Wagner Act was not the only source of crisis in 1937. President Roosevelt's shocking attempt at packing the Supreme Court, had it been successful, would have subordinated the Judiciary to the Executive. In the U.S. Congress the President's power was unchallenged. Heavy Democratic majorities in both houses, perplexed and frightened by the Great Depression, blindly followed their leader. But when the President strove to assume control over the Judiciary, the American nation rallied against him, and he lost his first political fight in the halls of Congress.

There was also his attempt at controlling the stock market through an ever-increasing number of regulations and investigations by the Securities and Exchange Commission. "Insider" trading was barred, high and inflexible margin requirements imposed and short selling restricted, mainly to prevent repetition of the 1929 stock market crash. Nevertheless the market fell nearly 50 per cent from August of 1937 to March of 1938. The American economy again underwent dreadful punishment.

OTHER TAXES AND CONTROLS

Yet other factors contributed to this new and fastest slump in U.S. history. The Undistributed Profits Tax of 1936 struck a heavy blow at profits retained for use in business. Not content with destroying the wealth of the rich through confiscatory income and estate taxation, the administration meant to force the distribution of corporate savings as dividends subject to the high income tax rates. Though the top rate finally imposed on undistributed profits was "only" 27 per cent, the new tax succeeded in diverting corporate savings from employment and production to dividend income.

Amidst the new stagnation and unemployment, the President and Congress adopted yet another dangerous piece of New Deal legislation: the Wages and Hours Act or Fair Labor Standards Act of 1938. The law raised minimum wages and reduced the work week in stages to 44, 42, and 40 hours. It provided for time-and-a-half pay for all work over 40 hours per week and regulated other labor conditions. Again, the Federal government thus reduced labor productivity and increased labor costs—ample grounds for further depression and unemployment.

Throughout this period, the Federal government, through its monetary arm, the Federal Reserve System, endeavored to reinflate the economy. Monetary expansion from 1934 to 1941 reached astonishing proportions. The monetary gold of Europe sought refuge from the gathering clouds of political upheaval, boosting American bank reserves to unaccustomed levels. Reserve balances rose from $2.9 billion in January of 1934, to $14.4 billion in January of 1941. And with this growth of member bank reserves, interest rates declined to fantastically low levels. Commercial paper often yielded less than 1 per cent, bankers' acceptances from ⅛ per cent to ¼ percent. Treasury bill rates fell to 1/10 of 1 per cent and Treasury bonds to some 2 per cent. Call loans were pegged at 1 per cent and prime customers' loans at 1½ per cent. The money market was flooded and interest rates could hardly go lower.

DEEP-ROOTED CAUSES

The American economy simply could not recover from these successive onslaughts by first the Republican and then the Democratic Administrations. Individual enterprise, the mainspring of unprecedented income and wealth, didn't have a chance.

The calamity of the Great Depression finally gave way to the holocaust of World War II. When more than 10 million able-bodied men had been drafted into the armed services, unemployment ceased to be an economic problem. And when the purchasing power of the dollar had been cut in half through vast budget deficits and currency inflation, American business managed to adjust to the oppressive costs of the Hoover-Roosevelt Deals. The radical inflation in fact reduced the real costs of labor and thus generated new employment in the postwar period.

Nothing would be more foolish than to single out the men who led us in those baleful years and condemn them for all the evil that befell us. The ultimate roots of the Great Depression were growing in the hearts and minds of the American people. It is true, they abhored the painful symptoms of the great dilemma. But the large majority favored and voted for the very policies that made the disaster inevitable: inflation and credit expansion, protective tariffs, labor laws that raised wages and farm laws that raised prices, ever higher taxes on the rich and distribution of their wealth. The seeds for the Great Depression were sown by scholars and teachers during the 1920's and earlier when social and economic ideologies that were hostile toward our traditional order of private property and individual enterprise conquered our colleges and universities. The professors of earlier years were as guilty as the political leaders of the 1930's.

Social and economic decline is facilitated by moral decay. Surely, the Great Depression would be inconceivable without the growth of covetousness and envy of great personal wealth and income, the mounting desire for public assistance and favors. It would be inconceivable without an ominous decline of individual independence and self-reliance, and above all, the burning desire to be free from man's bondage and to be responsible to God alone.

Can it happen again? Inexorable economic law ascertains that it must happen again whenever we repeat the dreadful errors that generated the Great Depression.

SOUTH AFRICA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. McDONALD of Georgia. Mr. Speaker, my distinguished colleague, Mr. DIGGS, of Michigan, in his remarks of May 20, 1975, 15502, has noted his exception to my brief report on a recent Washington, D.C., meeting on the situation in South Africa in which a large number of persons with public records of activity in radical causes and organizations participated, as did a number of distinguished Washington area community and political leaders who are not known for such involvements.

Among the principal participants in this meeting on South Africa were persons with extensive records of activity on behalf of African Marxist groups engaged in "wars of national liberation," a representative of a Soviet-controlled guerrilla organization, the African National Congress, and several persons formerly or presently associated with Mr. DIGGS' staff.

The notations of previous radical activity of those persons so noted were taken from the Communist Party, U.S.A. newspaper, Daily World, various hearings of the former House Internal Security Committee, and similar sources.

If the public record of those involved is distressing, we should remember that it is the fault of those who made the record, not of those who merely report it.

My colleagues are, of course, aware that local and national leaders, including former Members of Congress, are the targets of a wide variety of lobbys and pressure groups, each claiming to promote some desirable goal.

But among the legitimate citizens' interest groups are some which act knowingly in the interest of totalitarian countries such as the Soviet Union. These groups push for policies which in the protracted struggle between totalitarianism and freedom favor the Communist bloc at the expense of the free world.

In the guise of promoting peace and civil liberties, the pro-Communists have two favorite ploys—calling for drastic cutbacks in the U.S. defense budget and for moves to persuade America to isolate various anti-Communist countries on the grounds that their standards of civil liberties do not match ours.

The groups in this country who act to advance the cause of the African National Congress—ANC—and the South West Africa People's Organization—SWAPO—knowingly or unknowingly are aiding Marxist guerrilla terrorists sponsored, supported and controlled by the Soviet Union.

Dr. Ben Magubane, a representative of the African National Congress, was listed on the circular as one of the principal "witnesses" before that so-called "community hearing" which was the subject of my original report.

The former House Committee on Internal Security, in a staff study entitled "Terrorism," compiled the following facts on the African National Congress.

> ### African National Congress
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> The African National Congress (ANC), the oldest of the southern African revolutionary parties, was formed in South Africa in 1912. It was outlawed in 1960.
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> According to The African Communist for January–March 1963 (p. 8), Moses Kotane, former secretary-general of the South African Communist Party, has served as a member of the executive committee of the African National Congress. Other Communist Party functionaries including J. B. Marks and Albert Nzula have also served on the executive committee, according to The African Communist of July–September 1964 (p. 11).
>
> In 1961 the Communist Party decided to lead the African National Congress into a campaign of terrorism. An official of the African National Congress, Nelson Mandela, was placed in charge of the terrorist organization called Umkonto We Sizwe (Spear of the Nation).
>
> On July 11, 1963 the police raided a farm near Johannesburg and captured many of the leaders of the terrorist movement including some white and black communists. The finding of the judge president in the trial of the Umkonto We Sizwe terrorists was that the African National Congress was "communist dominated."
>
> Subsequently, Abram Fischer, a white Communist Party member and member of a prominent Afrikaans family, was captured. He admitted during his trial in 1966 that the leaders of the terrorist movement had given assurances to the Communist Party that no action would be taken without prior consultation with the party. As a result Mandela was allowed to choose the leadership of the terrorist movement. As Fischer said, "The Congresses and the Communist Party did not wish to have their membership held liable for every act of sabotage * * *."
>
> Despite the arrest of much of the terrorist leadership, the remnants of Umkonto We Sizwe continued to engage in terrorist activities and to coordinate with other African terrorist groups including ZAPU of Rhodesia, Frelimo of Mozambique, and the MPLA of Angola, according to The African Communist, Fourth Quarter, 1967 (pp. 5–8).
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> Sechaba, the official organ of the African National Congress of South Africa, and Zimbabwe Review, the official organ of the Zimbabwe African Peoples' Union (ZAPU) in Rhodesia, are both printed in English in East Germany.
>
> The African Communist was originally published in England and still lists a London address. However, for a number of years it has been printed in East Germany.
>
> The editor of The African Communist until his death on June 18, 1974, was Michael Harmel. A white member of the central committee of the South African Communist Party, Harmel had spent the last few years in Czechoslovakia as a member of the editorial board of World Marxist Review, the international communist theoretical organ. In order to maintain the pretense that the South African Communist Party was led by Blacks, Harmel used the pen names of Umlweli, Titshale, Terence Africanus and A. Lerumo.
>
> The African Communist, a quarterly published "as a forum for Marxist-Leninist thought throughout our continent, by the South African Communist Party," in 1963 published a statement by the central committee of the South African Communist Party stating why acts of violence were necessary in South Africa. The party declared:
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> > * * * the oppressed masses are turning to methods that are illegal and nonpeaceful. They are looking to illegal organizations like the African National Congress and the Communist Party for leadership and liberation. Violent outbreaks of one sort or another are becoming more and more common. Sometimes, as in the case of the operations of Umkonto We Sizwe, these outbreaks are purposeful, effective and carefully planned on a nation-wide level. * * *
>
> The SACP proceeded to denounce the Poqo guerrillas sponsored by the Pan-Africanist Congress for their "uncontrolled and violent" outlook of "blind revenge on Whites."
>
> The African Communist for July-September 1964 carries an account of the arrest of seven people involved with the ANC, the SACP and the Spear of the Nation in 1963. The magazine said that "The police found many confidential documents, including 'Operation Mayibuye,' the Umkonto We Sizwe draft plan for guerrilla warfare." A tenant of a farm, a member of the SACP, was arrested, the article continued. He had:
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> > * * * documents in his handwriting indicating that he had been sent abroad on a mission to find whether arms could be obtained for the Umkonto soldiers.
> >
> > * * * * *
> >
> > Among the documents discovered at Rivonia were manuscripts in the handwriting of Nelson Mandela, who had found refuge at the farm at one stage of his underground leadership. Next to Chief Lutuli, Mandela has become the best known and most popular of the Congress leaders. * * *
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> > * * * * *
> >
> > * * * The leaders in the dock * * * disdained to repudiate * * * or to deny the part that some of them had played in Umkonto. * * * "I admit immediately," said Mandela, "that I was one of the persons who helped to form Umkonto We Sizwe, and that I played a prominent role in its affairs until I was arrested in August 1962."
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> > * * * * *
> >
> > "I do not deny that I planned sabotage," said Mandela, "I did not plan it in a spirit of recklessness, nor because I have any love of violence. I planned it as a result of a calm and sober assessment of the political situation that had arisen * * *."
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> > * * * * *
> >
> > * * * Mandela vigorously defended the A.N.C. policy of cooperation with the [Communist] Party in the common struggle for national liberation. Leading Communists * * * had served on the National Executive of the A.N.C. This was not surprising, he pointed out. The Party had for very many years fought side by side with the Congress: many Africans equated Communism with Freedom. * * *
>
> Over the years the Soviets have used ANC and its leader, Oliver Tambo, to contact various emerging African revolutionary groups.

The staff study also noted:

> Despite these threats, the South African "liberation forces" have been only minimally active during 1972 and 1973. Oliver Tambo explained this in an interview in the November 1973 issue of Muhammad Speaks, publication of the Nation of Islam (Black Muslims), a violently antiwhite organization whose members have been involved in violent conflicts with local police:
>
> > * * * one simply can't place South Africa in the same category as every other country and say, "There is fighting here, why isn't fighting there?" We know historically and have decided that the answer to the situation is armed struggle. That stage of actual

> fighting must be reached as part of the process of struggle. Its timing must fit the conditions that prevail.
>
> While ANC is not yet, based on Tambo's statement, ready for armed struggle, one of their spokesmen, Tennyson Makiwane, has stated that ANC has "an operative link with the underground unions of the black workers." This remark takes on added significance when taken in context with the recent strikes in South Africa and the statement made in the July 1973 issue of the South African Communist Party magazine, Inkululeko, that "strikes are a potent force because they begin to instill fear into the capitalists; because they help to educate the workers about the true nature of the capitalist state."
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> The article stresses that the strikes must be seen in the context of the political and ideological struggles, and quotes Lenin who wrote, "Strikes are a school of war and not the war itself, strikes are only one means of struggle, one aspect of the working class movement." States the article, "The white ruling class will not surrender its control of the State without a violent struggle, therefore the continuation of the preparation for such a struggle is essential for victory. * * *"

The South-West Africa People's Organization—SWAPO—was founded in the late 1950's by Sam Nujoma. Its small guerrilla forces have operated in South-West Africa from bases in Angola and Zambia. SWAPO guerrillas have received military training and sabotage instruction in the Soviet Union, Algeria and Egypt.

While Nujoma originally claimed indifference to either capitalism or communism, SWAPO has been vigorously courted by the Soviet Union and its international front organizations. The staff study, "Terrorism," reported:

> In November 1973, Romesh Chandra,* secretary-general of the World Peace Council, reported to the United Nations that "With regard to Nambia, the Congress extended its full support to the liberation struggle carried out under the banner of SWAPO and called on all governments and international organizations to send concrete material assistance to SWAPO, to enable it to effectively intensify the armed liberation struggle." (The World Peace Council is an international communist front formed at the end of the Second World Peace Congress in Warsaw in 1950 as part of the Soviet-sponsored campaign against NATO. Chandra's report to the UN related to action at the Council's most recent World Peace Congress held in Moscow October 25–31, 1973.)

Nujoma, while visiting Moscow at the end of February, reiterated that "armed struggle" is, in the opinion of SWAPO, necessary for the eventual victory of the people's revolution in South West Africa. At the same time, the World Peace Council, the Soviet Union's "peace front," called for escalation of the economic and political campaign against the South African Government.

A Tass report broadcast over Radio Moscow in English on March 5, stated that the WPC had "called for intensified struggle * * * on ending all political, economic and cultural ties with the racialist regime of the Republic of South Africa." Tass continued:

> As a result of stepped up national liberation movement and actions of international public against the regime of racial discrimination, the racialist regime of the Republic of South Africa found itself in isolation, stressed a statement of the World Council of Peace released here.
>
> The World Council of Peace welcomes the unanimous decision on rejecting any dialogue with the racialist regime of South Africa which was taken recently in Addis Ababa by the 24th session of the Ministerial Council of the Organisation of African Unity, the statement stresses.

Equally disturbing as the Soviet Union's support for SWAPO and ANC terrorists was the announcement by SWAPO President Nujoma and Harry Stembe of the ANC in Moscow that the two groups had now forged links with the Palestine Liberation Organization terrorists. Nujoma said that—

> As far as SWAPO is concerned, the struggle in Namibia (South West Africa) against the racist regime of South Africa is the same struggle as that one being waged by the Palestinians against Zionist usurpation of their lands.

And Stembe of ANC was quoted as saying:

> The ANC has got very close relations with the PLO. In fact in the last 29th session of the United Nations assembly the delegation of the African National Congress of South Africa was working very closely with the delegation led by Yasir Arafat. We are having very close relations because we consider that we are facing the same enemy.

In light of the seriousness of the threat posed by international Marxist-Leninist terrorism—one band in Zaire even now still holding two American students and a Dutch citizen kidnapped in Tanzania—it would be an act of irresponsibility to distort a report on terrorist support activities by omitting the name or background of a participant.

The most desirable society is one in which each individual has the freedom to grow and develop to the full extent of his or her capability. South Africa should be commended for its new progressive policies of offering economic assistance to developing African nations, for opening itself to the dialog process, and for dropping many racially based restrictive regulations.

It would be more productive for Americans of conscience to encourage South Africans to continue these policies and expand them, rather than to do as the Soviet Union and its allies desire by condemning South Africa to total economic and political isolation.

Our Government's relationships with South Africa certainly are an appropriate subject for public debate. Let us, however, examine the issues with eyes unclouded by the propaganda and rhetoric of the Marxist-Leninist enemies of all peoples' freedom.

SOLZHENITSYN SPEAKS OUT—I

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. ASHBROOK. Mr. Speaker, the voice of Solzhenitsyn has been strong in its warnings to the West of the dangers of détente and in its analysis of both the tyranny of the Soviet Union and that tyranny's impact on the world. Much of his message has been antithetical to the liberal world view in general and to the liberal view of the Soviet Union in particular.

Even with this being the case, his message—because of its forcefulness, truthfulness, and timeliness—has gained a wide audience. One important press conference that Solzhenitsyn held in Sweden when he accepted his Nobel Prize has never had its full text published in the United States until very recently.

At this point I include in the RECORD part of Solzhenitsyn's press conference which appeared in the June 6, 1975 issue of National Review. I commend the following to the attention of my colleagues:

SOLZHENITSYN SPEAKS OUT

> Well, hello, gentlemen. We have not seen each other for a long, long time. Actually, we have never seen each other . . . for a long time you avoided me, and then I avoided you. But today it is natural that we should get together and talk to our hearts' content.
>
> You avoided me when I was in prison camp, when I lived in exile, when I was an unknown Ryazan schoolteacher; and yet that was when I did my main work. But as soon as *One Day in the Life of Ivan Denisovich* was published, the correspondents wanted to see me and talk to me. At that point, however, I began, resolutely and persistently, to avoid seeing correspondents. For nine years I stayed away from them completely, without giving a single interview, and I have not given many since then, either.
>
> It is not just a figure of speech when I say that you avoided me for many years. I should like to say that in the Soviet Union today there are many people who could give extremely important interviews. But these people, who are still unknown, do not interest Western correspondents. Borodin, for instance, gave an interview not long ago to some Western correspondents (from Reuters, I think it was), but the agency said: "We don't need your interview. Who is he, anyway?" So they did not print it.
>
> Then there was the case of Svetlana Shramko from Ryazan, about whom I wrote in the *New York Times*. Confined to a psychiatric hospital from combatting air pollution in Ryazan, she succeeded in deceiving her jailers by feigning humility and repentance. . . . She was released. She then went to Moscow and telephoned the *New York Times* correspondent. And he heard a cry from a throat being strangled. Since then she has dropped out of sight. We do not know where she is now being tormented or what they are doing to her, and we may not find out for a long time.
>
> I should like to say that you may be missing the best opportunities, right now, for highly interesting interviews in the Soviet Union—more interesting, perhaps, than an interview with me. Now I will also explain why I avoided correspondents, even though many people understand this without being told. No sooner was *One Day in the Life of Ivan Denisovich* published than some agency put this question to me: "What can you say about the way in which Khrushchev got out of the Cuban crisis?" How could I, a Ryazan schoolteacher whom no one had heard of until that day, be expected to answer such a question off-the-cuff? . . . Well, of course I avoided answering this question, and many others like it thereafter.
>
> I gave no interviews, although I had more than enough to say, because it would all have gone into the Western press merely to satisfy readers' curiosity. But at home, in the Soviet Union, it would have harmed me.

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*Romesh Chandra was elected to the National Council of the Communist Party of India at its 9th Congress, Oct. 3–10, 1971. [Documents of the Ninth Congress of the Communist Party of India, published by Communist Party Publication, New Delhi, 1972, p. 414.]

It would have interfered with my literary work and with the struggle which persecutions compelled me to wage.

It is strange that some Western correspondents to this day remain unaware of this situation. For instance, during the summer of the year when Nixon was in Moscow I listened to the Voice of America and heard the correspondents say: "We walked in the street and began asking ordinary Soviet citizens what they thought of Nixon's visit and of detente." I don't know what this is—naivete or cynicism? You can walk through the streets of Western cities asking ordinary people for their opinions, and they will reply. But when a Soviet person is approached in the street by a foreign correspondent and asked a question, he knows perfectly well that the KGB boys are close behind, and that, as soon as the correspondent disappears, they will grab him then and there if he did not answer properly. . . . All the correspondents want is to collect opinions, even though they realize that nobody gives them his opinions and that they are not getting the truth.

Of course, there are always people in the Soviet Union, so-called dissidents, who cross the line where they begin to speak openly. If you ask such people a question you will get a truthful reply. Just make sure that the person you are questioning has indeed crossed that forbidden line.

Q: What can you say about the fate of Raoul Wallenberg? Did you hear about him when you were in the camps?

A: No, I heard nothing of him when I was a prisoner, or for many years after that. This just shows how vast is the Gulag Archipelago, and how may hidden places it contains. There are many such secret places, where prisoners are isolated forever, where no word ever trickles out, so that no one will know about these people.

I happen to meet another Scandinavian who called himself Erik Arvid Andersen. When I tried to find out something about him here in Sweden, and to learn who his relatives are, I came across the Wallenberg story.

Yesterday I saw Wallenberg's mother. It was heartbreaking to see this old lady, who has been waiting for her son for 29 years. Please weigh and consider the full meaning of what I am saying—29 years! Wallenberg was arrested at almost the same time as I was. I served my entire sentence, both imprisonment and exile, was set free for a number of years, as you know from my published writings. . . . But this man has been in prison for 29 years and is still there today! Nor is he the only one like that in the Soviet Union. Many who were sentenced to 25 years at the end of the war are still in confinement. Some have been imprisoned since 1947 or since 1939, and their sentences are even extended.

A whole epoch has passed since that time. People whose arrest somewhere in Africa was written about by leaders of national movements have long since been freed, have become presidents of their countries, have been running their governments for decades, have left office or been overthrown. . . . Generation after generation has been written up in the press: so-and-so is in prison, so-and-so is being tormented. . . . They have all long since been liberated, but our people are still in prison.

Wallenberg's mother has information on who was in prison with her son, and when. I do not for a minute doubt the authenticity of her data. In the Gulag Archipelago, if a man said he was in prison with someone else, that is the truth. Fourteen witnesses are listed here, and it is evident that he has been kept in secret confinement, but occasionally someone or other saw him briefly and this is how the information seeped out.

But here is the difference: if a man is arrested in the West or in the Third World, it is open knowledge in what prison he is held and how he is being treated. We can even see him photographed behind the bars, this is often permitted. But Wallenberg is in a Soviet prison, so all we have is this kind of indirect testimony from people some of whom conceal their identity either because they are still in Eastern Europe or because they have relatives there. . . . And so, since they are all so well hidden in Russia, since prisoners are so well concealed and kept incommunicado, no one tries to free them; I have heard that your Prime Minister [Olof Palme] considers that there is too little information to justify spoiling relations with the Soviet Union on account of Wallenberg.

Here in Sweden I have been told of other cases—the disappearance of Swedish sailors and fishermen in the Baltic Sea during the immediate postwar period. They vanished silently, without a trace, apparently into the Soviet Union, and no one tries to defend them or to get them out.

Western governments as much as say: lock them up tight and keep them out of sight; we will liberate anyone who is not securely held, but if you have a good grip on their throats, go ahead and throttle them, we're not going to free them.

Now here is an amazing story. Wallenberg's mother is currently in correspondence with a certain Yefim Moshinsky, the former KGB captain who arrested Wallenberg. Now in Israel, he tells of what a nice man Wallenberg was, the man he was ordered to arrest. Ordered to arrest a Swedish diplomat! Well, all right. The State Security captain summoned him amicably from the Embassy, drove off with him in his car, then arrested him. Wallenberg was then sent from one Soviet secret prison to the next.

In order to avoid trouble over Wallenberg, Soviet authorities falsified the records as follows: a certificate was allegedly found at the Lubyanka prison in 1957 stating that he had died in 1947, and they tried to close the case in this fashion.

However, much of the information in the possession of Wallenberg's mother dates from later, and even very recent times . . . from fellow prisoners who said he was still alive in 1970. He is now 62 years old. We must hurry, hurry to have him released. What is needed for that is a powerful public opinion movement able to force your government and other governments to save this man. And here I think that Jewish world opinion could be very helpful. Here is why I say this: you probably know that Wallenberg, as an official of the Swedish embassy in Budapest, rescued Jews from death by getting them out to the West. According to the data, he saved over twenty thousand Jews in this manner, and I think that Jewish public opinion, which has been so effective in defending Jewish people in the Soivet Union imprisoned for one, three, or five years, could come out strongly for Wallenberg and save him.

Q: What is your attitude toward the activities of Amnesty International?

A: The organization is nobly conceived and supposedly impartial. However, precisely because of the total inequality existing between the East and the rest of the world in the number of prisoners and in the treatment accorded them, the equality which Amnesty International wishes to observe is an erroneous and illusory equality. . . . They want to offend nobody. Each group defends someone in the West, someone in the East, and someone in the Third World. But the initial conditions are so unequal that this equality is in fact an illusion. They know everything about those few Western or Third World prisoners, including their daily diet, whether or not the cells are lighted, and they have photographs taken of them behind bars. All of this is known. But of Eastern prisoners they know nothing, though they are a hundred times more numerous. What kind of equality is that, how can they be weighed in the same scales?

Yesterday I went to an Amnesty International exhibition. Many portraits of imprisoned Soviet dissenters seemed to be on display. But it turned out that these portraits were repeated, like a pattern. There were forty portraits on display, but they represented only five or six people. . . . We looked to see whose pictures they were. The majority were of people who had already served their sentences and been released: Marchenko, Ginzburg, Sinyavsky, Grigorenko. Because these names are already known, their photographs are available. But there are almost no photographs of those who are now in prison, who are now being throttled. So there is no equality here. The system of equality which Amnesty International seeks to carry out is in reality a cruel self-deception.

The world gets the impression that this is an organization which worries about everybody. But in practice it cannot do anything for our prisoners, as it knows almost nothing about them; its activities cover only a small fraction of them.

Q: In your opinion Western-style democracy is not suitable for Russia. Why not?

A: This, gentlemen, is a perfect example of how hastily and superficially the press oversimplifies people's views, including their published statements. Today, when we touch on serious questions, I would particularly like to request that, if you are not able to report accurately and fully, you should say nothing at all. In my "Letter to the Soviet Leaders," which was almost completely misunderstood in the West, I did not say that Western democracy is entirely unsuited to Russia. I made no such statement. I only said that in Russia, and I mean right now, we are not only not ready for it, but we are less ready than we were in 1917. Yet in 1917, when we were more ready, when we had had 12 years of parliamentary experience after all . . . in 1917 we were still so unprepared that this led to an exhausting civil war and to the rise of a totalitarian state.

After the upheavals our country has suffered, any evolution must be smooth, without the slaughter of tens of millions more of our people. Cyberneticist Mikhail Agursky writes that the transition, or future development in Russia in the direction of democracy, must proceed under conditions of strong authority, and he is right. If democracy is proclaimed all of a sudden; a destructive war will break out between nationality groups. This will wipe out democracy instantly, and millions will perish, but not for democracy; it would just be a war between nationalities.

I am not against democracy as such, and I am not against democracy in Russia, I am for good democracy. And I want to see us, in Russia, move toward it in a slow, smooth, and cautious manner.

Q: Do you believe in the possibility of any form of Communism at all?

A: As the West began to learn more about the true state of events in the Soviet Union, Westerners, particularly those close to Communist circles, created myths and legends to fit the picture. The first such legend took shape after the Twentieth Party Congress. Somehow, those who had acclaimed our executioners and applauded our humiliations had to save their positions. So they thought up the theory that Stalin had spoiled everything. He was said to have established false socialism. If only we had genuine socialism!

In the Soviet Union today a small group of old Bolsheviks is trying to defend this same view. Its spokesman is Roy Medvedev, a relatively young man whose father died in prison camp under that same Communism—no, under Stalin's false socialism. These people do not specify what genuine socialism should be, they only say that the other was bad and this would be good.

Roy Medvedev wrote a huge thick volume

entitled *Let History Judge*, tracing the Stalinist period—well, basically, what happened in the Party and to the Bolsheviks. The kind of things you find in this volume, what astounding assertions! The Western press, sympathetic with his conclusions, refers to this book as a scholarly work. I can find no sign of science or scholarship in it. It is a narrowly partisan piece of political journalism.

Reviewing "A Letter to the Soviet Leaders" and trying to save the day for the Soviet Marxist Medvedev thought of this way out: in the USSR they need "a new socialist party, free from responsibility for the crimes of the past." That is, one party having already slaughtered sixty million people, its hands can no longer be washed clean, so let's form another one and start all over again. Roy Medvedev's "rebirth of Marxism" is about the same thing as if a journalist in Germany were to try to prove today that Hitler's theory was correct and only its execution unsuccessful. Rather than parrot words like "social democracy," words which are a joke in the Soviet Union, or suggest, as the Soviet papers do, "enlarging the prerogatives of local agencies," he should publicly and honestly answer this question: *in the Soviet Union now*, is it or is it not necessary to destroy the system of *falsehood*, which spins its web around the lives and souls of everyone in the Soviet Union?

But the Marxists cannot admit that our dreary propaganda is a lie.

Medvedev's book claims to be a work of "purified Marxism," but in 1,400 pages it presents the theory that everything would have gone well but for the evil character of Stalin, and because of the evil character of Stalin history went wrong.

This can be said by a non-Marxist author who attributes great significance to the role of personality. But if a Marxist says such a thing, he draws a line through his work from the beginning to the end.

Out of sympathy for his views, the Western leftist press calls Roy Medvedev a scholar and a historian, no less. For this book to be a scholarly work, it would have to be structured differently: the author would have to take the initial propositions of Lenin with which the October Revolution began. Let me remind you of the propositions Lenin started out with—they are the *Lessons of the Paris Commune*. Lenin says that the Paris Commune perished because it did not destroy its enemies en masse; that to win, the proletariat must annihilate its enemies on a mass scale.

Well, Lenin has many such propositions. That, furthermore, was the concrete Russian situation in 1917. Whoever wishes to prove that the Soviet system is not socialism but rather Stalinist false socialism must prove that, proceeding from Leninist principles and from the concrete situation of Russia in 1917, it would have been possible to build socialism *without* wholesale plundering of the peasantry, *without* subjugation of the working class, *without* introducing mass slavery, and *without* terror. Then I would take off my hat and bow to such a scientific study. But neither Roy Medvedev—nor any Communist theoretician in the world—can demonstrate that.

What is more—and I am afraid I am taking too much of your time—it is clear that all of the principal measures against the people were carried out by *Lenin*, and not by Stalin. Lenin never dropped violence and terror as fundamental methods of his program: 'Dictatorship is state power supported directly by violence." It was Lenin, not Stalin, who took the land away from the peasants in 1922. Lenin deceived the workers by not letting them manage the factories. Lenin set up the concentration camps and the Cheka's hangman courts. He used military force to subdue outlying regions and to suppress peasant uprisings; he *totally* destroyed the nobility, the clergy, and the merchant class; and he harnessed the trade unions to the service of the state. The whole high-pitched, atheistic campaign which, as Agursky has shown, was the pivotal point of collectivization was created by Lenin and Trotsky. Trotsky, too, gave Stalin some ideas: compulsory labor armies (the prototype of Gulag), superindustrialization and suppression of vital needs of the population, oppression of the peasantry as the main internal enemy, the "tightening of the screws" on the unions. The only thing that Stalin did on his own was to play havoc with his Party, which is the only thing they curse him for. But Stalin took this road precisely in order to carry out Lenin's testamentary commands.

The weak point in the argument of those who claim that Stalinism was false socialism is passed over in silence. The question is: right now, today, under the present leadership, what is it: true, or false, socialism?

But in recent years, as too much was being revealed about Lenin, I noticed a new theory, a new legend in the West. First they gave up Stalin and defended Lenin. Today it is difficult to defend Lenin, so they are giving him up and retreating to the next line of trenches, where they defend Marx. But if you read Marx attentively you will there find Leninist formulations and tactics already completely outlined, with repeated calls for terror, violence, and the forceful seizure of power. Marx: "Reforms are a sign of weakness." "The movement for reforms in England was an error." "Democracy is more terrible than monarchy or aristocracy." "Political freedom is false freedom, worse than the worst form of slavery." "Given universal suffrage, revolution hasn't got a chance."

Marx writes to Engels: "Looking in the future I see something for us [i.e., for Marx and Engels] that will smell strongly of high treason." And very often they write: "After coming to power—terror. It is necessary to execute, to repeat the year 1793." After the takeover "they will begin to regard us as monsters—but we don't give a damn."

Now what does 1793 mean? We don't stop to think about it now, because it was all so long ago. I can sum up in two sentences what Marx and Engels found so thrilling about 1793: Marat and his "Draft Declaration of the Rights of Man and of the Citizen": "Man has a right to appropriate to himself everything he needs for food, for his keep, and for happiness . . . Man has the right to snatch away from others not only what is surplus, but what is necessary . . . Man has the right to slaughter his neighbor, and to devour his trembling body." It is no accident that Lenin never ceased to be delighted by Marx and Engels right up to his death, nor mere chance that Marx and Engels were thrilled by the French Revolution. The French and October Revolutions have this profound similarity: they were both *ideological;* and they did not annihilate people haphazardly but on the ground of *ideology*.

Now, to answer the question that was put to me, I had to reply at length because we have to go very far back before Stalin. The book seven of us have just compiled, *From under the Rubble*, contains an article on socialism by Igor Shafarevich (who is still a member of the Soviet Academy of Sciences although he is also a member of the Human Rights Committee). This article examines the progress of socialist ideas and socialist states from Plato to Marcuse . . . Soon his book *Socialism* will come out in the West. There it will be possible to read all this in detail.

So, when they gave up Lenin or began to give him up, they created this myth that Lenin became the victim of the Russian tradition—as much as to say, Russia being what it is, things could not have turned out differently, but we will change all that. But no! The whole trouble lies in the *roots* of this doctrine; this doctrine could not bear other fruits than those it actually bore. . . .

Now here is a little additional question: How do I evaluate Roy Medvedev's critique of *Gulag Archipelago?* Roy Medvedev comes out with a short review, immediately translated into several languages, to get in ahead of the appearance of my book . . . and thereby to neutralize it. This is in the Soviet tradition: a book into which a lifetime or decades of work have been invested is commented upon by some journalist or other, who bats out an article in a couple of days and hits you over the head with a big club. Amazing that in the West this should be called a "dialogue"! A book has been written which contains the testimony of hundreds of people, which contains the work of an artist, and the journalistic reply is: "No, not like that, he doesn't quite understand, he has not yet grown sufficiently in stature to understand great ideas . . ."

Strictly speaking, Roy Medvedev came out against *Archipelago* (although he does say some things in its favor) essentially because he has to save Lenin and the Communist idea; he has to defend those same old Bolsheviks who went on helping the machine of oppression destroy others, right up to the very day when they themselves were unexpectedly arrested and imprisoned. He now calls them victims, the standard-bearers of public justice. But the question arises: if the victim helps the executioner up to the very last minute, giving him others to slaughter and holding the axe for him, to what extent is he a victim and to what extent an executioner? To this day, Medvedev praises the executioners: Peters, Latsis, Dzerzhinsky, Menzhinsky. He calls the shooting of one boy a "legend," whereas for years in our country people from the age of 12 on were lawfully shot, in accordance with the penal code. In Chapter II of Part 3 [of *Gulag*] I undertake a comprehensive investigation of the principles guiding the behavior of these "well-intentioned persons" in the camps, and I show that they *could not* have behaved otherwise, behaved more decently, and still have preserved their Marxist ideology. Medvedev does not even try to answer these irrefutable conclusions; he simply skirts them.

The term "dissident" or "dissenter" is used in the USSR with reference to those who express themselves outside of the official press. One must be careful in using this term, one might use it more accurately. In the precise sense of the word, Roy Medvedev does not belong to the dissidents in the USSR, he is not threatened personally by anyone, because by and large he is defending the regime in the best possible way—more cleverly and flexibly than the official press would be able to do.

HOLY CROSS GREEK ORTHODOX CHURCH

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BROOMFIELD. Mr. Speaker, the members of the Holy Cross Greek Orthodox Church on Sunday afternoon, May 4, 1975, broke ground for their new church complex.

This youngest church of a venerable and ancient Christian tradition to be built in the Greater Detroit area in the last 35 years is characterized by the initiative and dedication of its members. Located in Farmington Hills, Mich., this young and dynamic parish serves in excess of 250 communicants in the Southfield-Farmington Hills area.

Holy Cross Parish was founded in August of 1969 as a mission of the Greek Orthodox Archdiocese, but growth in membership and financial stability soon warranted its emergence as a self-dependent Orthodox community. The Reverend Father S. J. Anthony assumed duties as priest August 1, 1971, following more than 20 years as a Greek Orthodox priest in parishes in Pennsylvania, Massachusetts, Florida, and California.

In announcing architects to design the new church complex for Holy Cross, Peter E. Zervos of Southfield, chairman of the Building and Site Development Committee noted that—

> The architectural challenge of this development lies in the nature of the Christian community we seek to build. Hopefully it will be a truly contemporary community in which the human dynamic is echoed by its environment. In the design of the church, we especially seek to have the long history and precious tradition of Greek Orthodoxy interpreted. Imitation of history in our day and age is no longer relevant, but its proper interpretation can signify the role which our ancient faith plays in the contemporary age.

Dr. Peter E. Georgeson of Franklin, Mich., president of the parish council, indicated that the dimensions of the proposed future development of the Holy Cross Greek Orthodox Church exceed anything undertaken by a Greek Orthodox community in the United States. "We cannot look outside the parish for the strength to grow," the dynamic young president of Holy Cross, said.

> We rely on the intense involvement and commitment of our members. A seven-day week operation is only noteworthy when such activity meets the needs and absorbs the energies of the majority of members. This is the root and source of our success thus far.

It is with great pride and honor that I call this achievement of these Greek American friends to the attention of my colleagues. I know them as hard-working and dedicated people proud to be Americans, yet also proud of their Greek heritage. They are good citizens. I am proud to claim them as my friends. I am confident they will realize their goals for Holy Cross Greek Orthodox Church.

THE NEED FOR COORDINATION IN THE FEDERAL DRUG PROGRAM

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. SCHEUER. Mr. Speaker, few if any problems in America today are as pernicious as drug abuse. And the problem is getting worse. The current economic crisis and its consequences—massive unemployment and the resulting anxiety, frustration, and alienation—only serve to feed the problem. No one doubts the need for an overall comprehensive plan of attack. Yet the administration recommends that the Special Action Office for Drug Abuse Prevention in the Executive Office of the President be terminated on June 30 of this year.

Together with our Chairman PAUL ROGERS, I and other members of the Subcommittee on Health and the Environment are introducing a bill to amend the Drug Abuse and Treatment Act of 1972 in an effort to provide for the continuing operation of the Special Action Office set up by title II. Our bill will rename the office Office of Drug Abuse Policy, and trim down its function to that of coordination and policy development. If the administration wants to cut Federal expenditures, I can think of no better way than to make this office viable and effective. To prevent duplication and wasteful effort, we should preserve this mechanism to provide continuous oversight, and review over the existing and projected budgets and programs of the numerous Federal agencies involved in drug abuse treatment and prevention.

Presently, there are 16 agencies within the Federal Government which have mandates in the field of drug abuse treatment and prevention. There are five within HEW, the largest of which is the National Institute of Drug Abuse—NIDA; three within the Department of Justice, including the Bureau of Prisons, Law Enforcement Assistance Administration—LEAA, and the Drug Enforcement Administration—DEA; and finally, there are eight agencies spread throughout the rest of the executive, notably in the Department of Defense and the Veterans' Administration. Together, these agencies have a projected budget for fiscal year 1976 of over $443 million. It would be pennywise and pound foolish to abolish this office and thereby eliminate a central coordinating body which would both encourage research and provide the communication and general program design independent of any one agency's parochial interests. In addition, the Office of Drug Policy will have coordinating responsibilities over the various State and local drug programs operating throughout the country.

Hearings have been scheduled for early next week before the Health Subcommittee of Interstate and Foreign Commerce. I hope my colleagues will join the chairman and me in facilitating the quick passage of this bill.

SUSTAIN THE STRIP MINING VETO

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BEVILL. Mr. Speaker, almost everyone agrees that this Nation should do everything possible to become self-sufficient in the production of energy, just as quickly as we can. To accomplish this, I submit that we must make greater use of our most abundant energy resource, coal.

I believe that H.R. 25 would restrict the production of coal and I feel the President acted wisely in vetoing the bill. I will vote to sustain that veto in the U.S. House of Representatives.

The May 21, 1975, edition of the Chicago Tribune carried a persuasive editorial in support of the President's position. I am placing this editorial in the CONGRESSIONAL RECORD and I respectfully urge all my colleagues to read it:

> SUSTAIN THE STRIP MINING VETO
>
> Balancing our growing need for energy against concern for the environment, President Ford has again vetoed legislation that would set federal standards for restoring strip mined coal fields. We urge that the United States House of Representatives sustain the veto.
>
> The veto is not going to win Mr. Ford many friends among the conservationists, but it is a sound decision. What we need most now is to develop existing and new energy resources. We are too dependent upon foreign oil as it is, and the strip mine bill would make it difficult, if not impossible, to make use of our most abundant energy resource—coal.
>
> Mr. Ford pointed out in Tuesday's veto message that the strip mine bill would throw about 36,000 people out of work, raise the cost of electricity to the consumer; increase our dependence on foreign oil, and reduce coal production when more output is needed. Moreover, the bill is ambiguous and contains cumbersome enforcement provisions.
>
> Twenty-one states producing 90 per cent of the nation's coal already regulate strip mining and require restoration of strip mined land. The federal measure would be overkill.
>
> Frank Zarb, federal energy administrator, estimates that the legislation would reduce coal production by between 40 million and 162 million tons a year, depending on interpretation of the ambiguous provisions. For every 50 million tons of coal not mined, the nation will have to substitute 215 million barrels of oil a year at a cost of $2.3 billion. Why should we pay foreign oil producers for energy which is available at home and at a much lower cost? Further, as the nation recovers from the recession, our energy demands will increase.
>
> Since Congress seems less and less likely to enact a comprehensive energy bill this year, it is all the more important that the veto of the strip mining bill should be sustained.

OIL TAX

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. STEIGER of Wisconsin. Mr. Speaker, considerable congressional opposition greeted President Ford's decision to impose the second $1 tariff on each barrel of imported oil. In reflecting upon this action, I think it important to keep in mind the conditions which prompted the President's decision.

It is now nearly a year and half since the Arab oil embargo brought into sharp focus the energy crisis. It is 4 months since the President's announcement of his own energy program. We sorely need a comprehensive energy policy—one that discourages waste and encourages domestic production. Yet Congress has, thus far, shown itself unwilling to make the tough decisions that must be made if we are to make serious strides toward energy self-sufficiency.

The Sheboygan Press in a thoughtful editorial has placed in proper perspective the factors which led Mr. Ford to his announcement of last week. I commend this article to my colleagues:

OIL TAX

President Ford displayed his concern for energy consumption and his impatience with the Congress when he announced that he might add another $1 per barrel oil import tax.

His concern and impatience are both justified.

Federal Energy Administrator Frank G. Zarb insists the crisis today is worse than during the Arab oil embargo of 1973–74. He notes that domestic production is down, we currently import 38 percent of our petroleum needs, and that the percentage will rise to 40 per cent. "Another embargo, which we could have at any time, would be more crippling than the first," he recently told U.S. News and World Report. Speculating on the possibility of another embargo, Mr. Zarb said the Arab nations would not hesitate if they feel it necessary to achieve their goals in the Mideast.

The President's concern is that the shortages of past years have not impressed the consuming public. His contention is that a $1 per barrel increase in the form of an import tax would have at least a slight effect on the continually increasing demand. Estimates are that the tax would add one and a quarter cents to the cost of a gallon of gasoline.

Mr. Ford's impatience with Congress was explained by a White House spokesman who noted that Congress received a White House energy package in January. There is a lack of Congressional consensus on that legislation or any other programs generated within Congress. No progress has been made and prospects for it are slim.

The $1 tax admittedly would have its effects on economic recovery, as its opponents contend. It would also have its effects in slowing inflation. Under those circumstances, whatever recovery is made would be a genuine recovery made under the structures of realistic petroleum use as dictated by the price.

There is nothing magic about the $1 per barrel tax any more than there would be for a $2 or $3 tax. Economic analysts will forever argue about the relative impact of each. The fact is that Congress has done nothing and Mr. Ford would be justified in taking his own authorized action until it does.

A SALUTE TO THE REPUBLIC OF ITALY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. RODINO. Mr. Speaker, I would like to call my colleagues' attention to the 29th anniversary of the founding of the Italian Republic which Italians all over the world celebrated on June 2, 1975.

This is a very special day to people of Italian descent, for it was on June 2, 1946, that the Italian people rid themselves of the final vestiges of a Fascist regime and established the Italian Republic.

This Republican form of government withstood the bitter struggle of the Italian people to rebuild their devastated nation at the close of the Second World War and it stands today despite constant pressure from internal extremist groups and an economy never fully recovered from the ravages of World War II.

Even with the constant turmoil which has enveloped the Republic of Italy since its foundation, the Italian people have continued their long tradition of supplying the world with leadership in the fields of art, literature and music. From Michelangelo to Vittorio De Sica, from Benedetto Croce to Enrico Caruso, from Giuseppe Verde to Giuseppe Lampedusa, the rich cultural heritage of the Italian people has served as an example of man's highest achievements.

Mr. Speaker, I am proud of my own Italian heritage and it is with extreme personal pleasure that I salute the Italian Republic.

COMMON CAUSE SUPPORT VETO OVERRIDE ON H.R. 25

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. STEELMAN. Mr. Speaker, Common Cause has done a very good job in succinctly presenting the basic arguments for H.R. 25, the Surface Mining Control and Reclamation Act of 1975, in a letter I received June 4.

As the letter states:

> The Congress did an excellent job in balancing our national interests in increased domestic coal production and reasonable environmental protection.

I commend the letter to my colleagues as just one more expression of broad public support for effective strip-mining control.

The text of the letter follows:

JUNE 4, 1975.

Hon. ALAN STEELMAN,
House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE STEELMAN: I am writing to inform you that Common Cause supports a Congressional override of President Ford's veto of the Surface Mining Control and Reclamation Act of 1975 (H.R. 25). In enacting this bill, Congress did an excellent job in balancing our national interests in increased domestic coal production and reasonable environmental protection.

The need for a comprehensive federal-state program to regulate coal strip mining is clear. The absence of such a program has allowed the coal industry to ravage over a million acres in Appalachia and other areas of the country and leave deep and permanent scars upon the national landscape.

Common Cause favors increased use of coal, our most abundant domestic energy source, as a means to limit our dependence on foreign energy sources. With tough health and environmental safeguards, coal can be mined safely and burned cleanly. The experience in Pennsylvania indicates that enactment of the strip mining control bill should increase coal production by ending industry uncertainty about the ground rules for strip mining.

Federal Energy Administrator Frank G. Zarb, in presenting the Administration case against the bill, claimed that the bill would increase consumer costs and unemployment. Common Cause does not agree.

Coal prices are not established on the basis of reclamation costs but by other factors, especially the price of foreign oil. The jobs created by the bill's reclamation requirements will result in a net gain in employment, according to former Secretary of the Interior Rogers C. B. Morton.

The Surface Mining Control and Reclamation Act of 1975 is the result of years of hard and thoughtful work by Congress. It is a moderate bill that strikes a careful balance between energy and environmental interests. Enactment of the bill will give citizens confidence that increased domestic coal production will not ravage our national landscape.

Sincerely,

DAVID COHEN,
President.

H.R. 6860

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. GREEN. Mr. Speaker, under section 532 of H.R. 6860, the proposed Energy Conservation and Conversion Act of 1975, the investment credit would be eliminated for electrical generating property fueled by petroleum or petroleum products—including natural gas. This amendment would apply to property placed in service after April 17, 1975, unless certain exceptions not pertinent here were applicable or unless the property were constructed or acquired pursuant to a contract which was, on that date and at all times thereafter, "binding on the taxpayer."

The effect of the requirement that the contract be binding on the taxpayer is to limit this exception to cases in which the user of the equipment claims the investment credit for it. However, the acquisition of electrical generating property and other capital equipment often is financed by leasing transactions in which the contract for the purchase or construction of that equipment is assigned to a financial institution or group of financial institutions and they then lease the equipment back to the contracting party. In such transactions, the investment credit frequently is taken by the financial institutions. The "binding contract" exception in section 532, as it now stands, would not allow them the credit for electrical generating property placed in service after April 17, 1975, even though there was a clear commitment to acquire the property on that date, because the contract for it technically was not in their names.

This problem has been dealt with in prior legislation restricting the scope of the investment credit by adding a special rule making the "binding contract" exception applicable to lease back transactions. Thus, section 604(b)(2) of Public Law 94–12, which limited the investment credit for drilling rigs to those used in the northern part of the Western Hemisphere, granted an exception for rigs constructed or acquired pursuant to a contract binding on the taxpayer on and after April 1, 1974. But paragraph (3) of that section provided, as follows:

> Certain lease-back transactions, etc. Where a person who is a party to a binding contract described in paragraph (2) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (2), succeed to the position of the transferor with respect to such binding contract and such property. The preceding sentence shall apply, in any case in which the lessor does not make an election under section 48(d) of the Internal Revenue Code of 1954, only if a party to such contract retains a right to use the property under a long-term lease.

This language has been used in other statutes narrowing the scope of the investment credit and a similar rule should be considered to the provisions relating to the effective date of the amendment eliminating the investment credit for electrical generating property fueled by oil and gas and other petroleum products.

Accordingly, I may offer the aforementioned language as an amendment adding a new subparagraph 4 to section 532 (b) of H.R. 6860, the Energy Conservation and Conversion Act of 1975.

I shall do so only if I am convinced that such a proposal is in the interest of the general public by benefiting the consumers affected by such arrangements. This matter is technical and has been presented to me as an oversight as business was closing this day, the last day to serve this notice.

SHRINERS HOSPITAL FOR CRIPPLED CHILDREN CELEBRATES 50 YEARS OF SERVICE IN SPRINGFIELD, MASS.

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BOLAND. Mr. Speaker, 1975 marks a great anniversary for one of the finest charitable institutions that I know. I am speaking of the 50th anniversary of the Shriners Hospital for Crippled Children in Springfield, Mass.

This remarkable hospital has been helping crippled children from New England, New York, and foreign countries learn to walk, create, and enjoy life in a way that they might have thought impossible. To date they have provided medical and therapeutic care to nearly 200,000 youngsters. Afflicted children and their parents in the Northeast have long looked to the Springfield Shriners Hospital for help and have always found an open door. This hospital, administered ably by Madeline H. Murphy, provides a much-needed facility for families unable to afford treatment. With the sponsorship of a Shriner, a child is given the care of the hospital's professional staff and receives the aid of the best equipment and techniques.

The Shriners themselves must be saluted for this half-century of unselfish service. Seventeen Shriner temples in the Northeast support the Springfield Shriners Hospital for Crippled Children. Since the hospital accepts no payment from parents or third parties and no money from the Government, these temples are to be commended for their fundraising efforts which make the work of this facility possible. Coordination of fundraising efforts provides many hours of work for the Shriners hospital board of governors and its chairman, Carl B. Martin. The famous Shriners' parades and circus provide fun for thousands of children and parents and the money goes to this worthy cause. The Shriners' effort is truly one in which everyone wins.

My hometown of Springfield is especially proud of the local Shriners Melha Temple which is closely connected with the children's hospital. The job they do of assisting a complex medical center is nothing short of amazing. Each member donates hundreds of hours a year to help these crippled children. The whole city of Springfield is very proud of its Melha Temple.

I recently had the honor of attending a celebration organized by Norman R. Vester, past potentate and general anniversary chairman, that marked the 50th anniversary of the Shriners hospital and to see some of the children they are helping. It was a moving sight to see some of the children thank the Shriners who have provided the hospital.

The hospital, the Shriners, and the children all add up to an affirmation of the best qualities in man. I congratulate the Shriners Hospital for Crippled Children on 50 fine years and wish them many more.

Mr. Speaker, at this point I would like to insert two articles into the RECORD. One is from a commendable supplement that the Springfield Republican assembled to note this anniversary and which outlines the history of this Shriners hospital. The other article, from the Spingfield Union, relates the story of the happy 50th anniversary celebration.

The articles follows:

CRIPPLED CHILDREN THANK SHRINERS FOR AID

(By Ann Doyle)

A white piece of cardboard dangled from the back of a red truck, decorated with motley-colored papier-mache flowers and toys.

In childish scrawl, 60 girls and boys who live in Springfield had signed their names.

Printed in blue ink across the top was, "thank you shriners for everything."

It was a simple way of saying thanks to the Springfield Melha Temple Shriners who celebrated their 50th year of helping crippled children Sunday.

About 2500 shriners from New England and upstate New York participated in the anniversary parade which began at Van Sickle Junior High School on Carew Street and closed at the Shriners Hospital for Crippled Children.

Seated under tents on the lawn of the Carew Street home, the children and more than 800 spectators applauded as the decorated vehicle passed by driven by Parade Marshall Robert Nothacker, a past potentate.

Applause and cheers continued as an array of happy and sad clowns, highland dancers, drummers and horsemen paraded before the crowd.

The Oriental Shriners from Troy, N.Y., waved to the crowd as they strolled along dressed in red satin Arabic costumes.

According to Norman R. Vester, chairman of the anniversary celebration, two of the original 12 patients to stay at the Shriners Hospital also attended the 2 p.m. event.

John E. Brink of Chicopee Falls and Earl Barber of Miami, Fla., were among the spectators.

"It was definitely one of our most successful events," Vester said. "Everyone came out to show their enthusiasm and support which makes us feel great."

Vester said shriners from the 17 temples in the northeast which support the Springfield unit traveled Saturday and Sunday to participate.

The Springfield hospital accepts patients from New England, New York State and foreign countries.

The anniversary celebrations culminated Sunday night at a banquet attended by more than 1,000 persons at the Springfield Civic Center.

Among the guests were Springfield Mayor William C. Sullivan, U.S. Rep. Edward P. Boland, D-Springfield, and two national imperial shriner officers, Sir Peter Val Preda and Jacob Wingerter.

Toastmaster Carl B. Martin, Jr., chairman of the hospital's Board of Governors, greeted the crowd which also included doctors, nurses and other hospital personnel.

Boland congratulated the shriners for their work done in the past 50 years.

"Their work is familiar to everyone," Boland said. "It is a labor of love for them and they are appreciated by so many people."

Imperial Chief Rabban Val Preda told the crowd, "we as shriners have a special task and that is to dedicate ourselves to children who cannot care for themselves."

SHRINERS HOSPITAL: 50 YEARS OF CARING FOR CHILDREN

(By Neal Weinberg)

Several years ago, a girl who had severe paralysis and severe curvature of the spine from polio and who was totally unable to walk, was admitted to Shriners Hospital for Crippled Children in Springfield.

After multiple surgical procedures, bracing and physiotherapy, she was seen by Dr. James D. Fisher, current chief surgeon, and Dr. Garry DeN. Hough Jr., then chief surgeon, walking slowly and with a great deal of difficulty down the corridor on her way home from the hospital.

Hough turned to Fisher and said the girl was a perfect example of the idea that "everything is relative."

"Most people would look at her and say, 'What a pity.' You and I look at her and say, 'Isn't it wonderful, she's walking.' "

Today, the Shriners Hospital celebrates its 50th year of helping crippled children to walk.

During the past half century, the hospital that accepts no payment from parents or third parties and no money from the government, has cured or materially helped more than 15,000 patients.

All 22 Shriners Hospitals in North America are owned and operated by the Ancient Arabic Order, Nobles of the Mystic Shrine.

The 900,000 Shriners annually raise more than $30 million to operate the hospitals. The money comes from an annual assessment on the individual Shriners, from wills and bequests, from events like the North-South Shrine Football game, and from donations by non-Shriners.

The annual operating budget of the Springfield unit is more than $1 million.

Shriners Hospitals accept children of any race, color or creed who can not afford to pay and who can be materially helped by treatment.

The Springfield unit accepts patients from

New England, most of New York State and from foreign countries.

To be accepted a patient must be referred by a physician and must be sponsored by a Shriner.

But if a patient comes to an out-patient clinic at the hospital and if the condition meets medical requirements, the patient is given an application.

If the patient doesn't know a Shriner, the application can be mailed in and a Shriner from Springfield will sponsor the child, Dr. Fisher said.

The hospital is situated on a 6.5 acre site on the crest of a hill on Carew Street in Springfield. The land was donated by Springfield's Melha Temple. At dedication ceremonies for the hospital, the site was named, "The Hill of Smiles."

The hospital contains 60 beds, 30 in the boys ward and 30 in the girls ward. There is currently a waiting list of more than 100 children.

Each ward is fully equipped with modern facilities including a centralized nursing station and a large television set.

The southern Colonial style brick building has two floors, the lower of which has several ramps.

There is also a nurses building, administration section, kitchen, pharmacy, schoolroom, recreation room, out-patient area, physiotherapy room, operating room, brace shop, and other medical rooms.

An enclosed porch extends the full length of both wards, allowing patients to be pushed out into the sunshine on warm days, and has a large playground and tennis court in the rear.

Built for about $300,000, the hospital has undergone several major improvements over the years.

The feature that strikes a visitor to the Shriners Hospital is the smiles on the faces of the children, the laughter heard coming from different parts of the hospital and a general mood of brightness and hope.

The hospital treats both orthopedic problems like curvature of the spine and congenital malformations, and neurological diseases like cerebral palsy and muscular dystrophy, Fisher said.

There has been a vast change in the types of cases at the hospital over the past 50 years, he said.

When the hospital first opened, the number of orthopedic surgeons in the area was relatively small. Many of the cases handled by the Springfield unit were relatively uncomplicated ones such as clubfeet, congenital dislocation of the hips, and many cases of tuberculosis of the bone and poliomyelitis.

But tuberculosis of the bone and polio have been virtually wiped out.

And uncomplicated cases of clubfoot and dislocated hip are often treated by other surgeons.

"Consequently the patients admitted at the present time consist largely of those with birth defects with a severe degree of deformity and paralysis of one type or another, in addition to extremely difficult cases of clubfoot and dislocated hip that in all probability have had surgical procedures elsewhere before being referred to our institution," Fisher said.

When the hospital accepts patients it does so on the basis of setting a goal for the patient.

Sometimes a patient is admitted for simple surgery for ease of nursing care. In other cases, if a patient can't sit, the goal is to get the patient to sit. If the patient can't walk, the goal is to get the patient to walk. It's all relative, Fisher said.

The hospital performed more than 300 operations last year, but not all patients are operated on. Many receive only physiosophy treatments, he said.

Fisher is chief surgeon at the hospital. Dr. Leon M. Kruger and Garry DeN. Hough, III, are assistant chief surgeons.

There is a staff of seven orthopedic surgeons and a large number of consultant physicians in diverse areas and all serve on a voluntary basis.

The hospital has been recognized by the National Research Council in respect to its juvenile amputee clinic which is conducted twice a month.

About 80 children a week attend outpatient clinics scheduled for Wednesday and Thursday mornings.

Once a week there is also a scoliosis clinic and a myelodysplasa or open spine clinic is scheduled once a month.

In addition, part of the staff goes to northern Maine every June and to Utica, N.Y., every October, to save families from making the long trip to Springfield.

Fisher said the hospital has been "blessed" to have a group of men and women who give time from their busy practices to help in diagnosis, clinics and treatment.

The Shriners Hospital has a special meaning for those who are associated with it.

Fisher said, "The hospital has been my life. It is the most gratifying experience any physician could ask for."

WHY A JOBS BILL VETO IN A DEPRESSION?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. CONYERS. Mr. Speaker, I am shocked by the failure of the House of Representatives this afternoon to demonstrate our resolve to act decisively in the face of the current economic depression and override President Ford's veto of the emergency jobs bill which we passed by a vote of 293 to 109 in this Chamber.

The present bill did not even scratch the surface of the unemployment crisis. It would have reached only a small proportion of the total number of people who stand in serious need of jobs, but at least it would have helped those people. Why isn't this administration, or just possibly this Congress, willing to give jobs to at least some of the people who need them? Where are the sensibilities of our leaders? If they are not concerned with people and their needs, then what are they concerned with?

What irony. Many of those who regularly extol the value of work and decry the large numbers of people receiving public assistance would now deny others their basic human right to work by defeating legislation which would give unemployed people jobs. They would apparently prefer to see people languish on welfare, starve, or steal than to have a chance for gainful employment.

The President's stated reason for vetoing the bill was that it would have created a budgetary imbalance and would have stimulated the economy too much at a time when it is expected to be showing significant improvement. Yet the United States has been experiencing an economic decline for more than the past year, with high unemployment and a real decrease in productivity. The country needs all the stimulus it can get; and given the present administration's forecast of intolerably high unemployment through the end of this decade, one must wonder what they consider an improved economy to be. Furthermore, the President did not express any concern for the budgetary imbalance when the House voted to give the Defense Department an additional $5 billion over the present authorization level for the procurement of new weapons systems, nor did he express concern over that portion of the deficit due to the large military increase.

I submit that this Congress must get its priorities straightened out. Its highest priority ought to be the people and their welfare, no abstract economic principles. The economy exists for the sake of the people, and not the people for the sake of economy. If the Congress is not willing or able to work for the people and give them what they need, then the people of this country are going to have to organize and give the Congress the direction it is so sadly lacking.

If we in the Congress are not able to pass a jobs bill in the midst of a depression, then of what use are we?

THE DEFENSE BUDGET

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. MOFFETT. Mr. Speaker, since the beginning of this session, concern has poured forth from every corner of this Chamber, from Democrat and Republican, from young and old, about the spiraling deficit, wasteful Government spending, and the legacy of inflation we are leaving to future generations.

And yet, when this body debated the recent weapons procurement authorization, very little was heard from those who fashion themselves as fiscal conservatives. They seemed unable to apply the same rigorous scrutiny to defense programs that they constantly urge for social security, health research, education, or public works programs. I am confident that such scrutiny would lead to the inescapable conclusion that a number of our defense programs are not only wasteful and unnecessary, but in fact counterproductive and crippling. The simple economic reality is that each dollar wasted on obsolete, superfluous weapons programs subtracts from the amount of money available for valid, worthwhile programs, military or otherwise.

So, aside from a reduction in our real military strength, the bloated defense budget represents a severe blow to the general economy. On purely economic terms, we must recognize the fact that defense spending is not at all a bargain in terms of economic stimulus. Studies have proven that military spending produces far less jobs than almost any other type of Federal spending. It is also much more inflationary than Government expenditure in general, since defense workers earn money for producing goods which never enter the mainstream of the economy, and thus cannot be bought.

Many of my colleagues seemed to view the weapons procurement vote as a test of whether or not we will stand firm in the world. I suggest that it was indeed a test—a test of the consistency of those who have long urged cuts in wasteful Federal spending. It is inexcusable that this Congress felt it necessary to rubber-stamp the weapons bill out of a feeling that we have to send a signal to the rest of the world.

What kind of a signal are we trying to send? And why are we not so concerned about the negative messages we are sending now? What kind of a signal do we send the rest of the world when they see that we are unable to put people to work solving our domestic problems? What kind of a message do we send forth about our national strength as we produce more and more college graduates for the unemployment lines? What kind of a signal do we send when the world learns that many of our senior citizens who have worked hard all their lives are now eating cat food to stay alive? What kind of impression do we create about our national resolve when we have citizens working 1 month out of every year just to pay their health bills? What kind of world image do we gain from our failure to develop adequate public transportation or housing?

One cannot blame the rest of the world for wondering if the only message we are capable of sending is one delivered through arms or the presence of our troops overseas. Our defense budget reflects tragically shallow and misguided assumptions about the role of America in the world. Many of the amendments aimed at trimming some of the fat out of our defense budget, all of which were defeated, were quite reasonable in terms of our national security, and vital in terms of our national economy. Had these measures passed, they would have asked the generals and admirals to tighten their belts like the rest of us. Such action would also have sent a signal to the rest of the world that our foreign policy will be based not only on the size of our defense budget but on good sense and humility as well.

GEORGE CHAMPION OF THE ECONOMIC DEVELOPMENT COUNCIL OF NEW YORK CITY SPEAKS TO THE "FORGOTTEN MAJORITY"

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. KEMP. Mr. Speaker, it is encouraging to those in the Congress who are active in the struggle to stop the erosion of economic freedom occasioned by the growth of Government intervention in the economic affairs of the people to learn of efforts being made by private citizens to attain the mutual objective of restoring that economic freedom.

I recently had an opportunity to read the timely remarks of Mr. George Champion, the chairman and chief executive officer of the Economic Development Council of New York City, on why a growing number of our Nation's largest cities, including New York City, now find themselves in severe financial straits. Increases in local tax burdens borne by both individuals and businesses for which most of those individuals work, departure from the cities of headquarters operations because of the high costs of doing business in those cities, the resulting departure of taxpaying residents and the then inevitable shift in ration between tax-generating residents and tax-consuming residents, and the unfortunate yielding of local governments to the demands of nearly every special interest group seeking to have a "greater cut of the pie" without realizing that the pie is often limited—these are among the major causes for these cities now facing virtual bankruptcy.

But, as Mr. Champion points out in his remarks of May 27 before the annual meeting of the Economic Development Council and the New York Chamber of Commerce and Industry, those specific points appear to have the same basic cause: A major change in public and governmental motivation. More specifically, we have drifted into an era of government by pressure group and special interests—well organized, mobilized, and vociferous. The only thing which has changed in recent years is the special groups to which governments are reacting. The general interest, the common good is still too often put to the side.

Mr. Champion has been at the forefront of helping people help themselves—resolving the problems of jobs, income, productivity, and economic mobility through reliance on the resources inherent in private initiative.

As a distinguished and successful man of finance, serving from 1961 to 1969 as chairman of the board of Chase Manhattan, he has taken the time to act upon—not just talk about—our real, human economic problems. For example, his efforts through the Economic Development Council of New York City have led to improved efficiency in the administration of New York City government, to innovative efforts to keep business and jobs in the New York City area, and to assist minorities with "how-to" information and opportunities for loans to sustain private and community efforts.

He has also raised vast sums for charitable purposes.

And, he is a true patriot, deeply committed to the principles which constituted the spirit of Philadelphia 200 years ago and which are as valid today as they were then.

Mr. Speaker, I think Mr. Champion's remarks are worthy of the attention of all my colleagues. We already have before us, as the National Legislature, with proposals to assist those cities bordering on bankruptcy. His remarks are, within that context, most timely:

THE FORGOTTEN MAJORITY

(By George Champion)

I am delighted by the opportunity to say a few words at this historic occasion of the Annual Meetings of the Economic Development Council and the Chamber of Commerce and Industry, which have both been dedicated to the causes of good citizenship in New York City. Each has made a very real contribution to a better New York and has developed particular skills which, in many ways, complement each other. Through the sharing of these skills, I am confident a more effective and useful contribution will be made in the years ahead by these splendid organizations.

One of the toughest jobs in America, it is widely agreed, is that of the Mayor of New York City. Particularly at this time, we must realize that Mayor Abraham D. Beame has inherited not only the usual problems but a mountainous accumulation of built-in increases in salaries, services, and programs that must somehow be brought under control.

New York's current fiscal crisis was years in the making and it will take years to resolve. But it can be resolved if we, as citizens, look closely into the causes of the crisis. It is vital, therefore, that we avoid recrimination and blame-fixing. We must understand Mayor Beame's problems and support his valiant efforts to deal with them on a practical and realistic basis.

In its fiscal manifestations, the dimensions of the crisis are clearly drawn. During the last ten fiscal years, the City's budget has tripled from $4.1 billion to $12.6 billion. Total local government labor costs have increased from $2.4 billion to $6.5 billion. And, failing to stay within its budgets, the City has increased its total indebtedness from $5.4 billion in fiscal 1969 to over $13.4 billion in 1975.

These trends have exerted a heavily adverse impact on the City's entire economy—particularly on employment in the private sector. Soaring governmental costs and taxes have discouraged business investment to such an extent that, since 1969, the City's economy has suffered a loss of more than 400,000 private sector jobs, bringing the total to less than 3 million for the first time in many years.

"Government by Pressure Group." Cutting through a number of contributing factors, we find that the root cause of the crisis can best be defined as a major change in public and governmental motivation. Somehow we have drifted into an era of "government by pressure group" in this city. Special interests—well organized, mobilized, and vociferous—make demands which government finds it hard to refuse.

These demands include everything from City government salaries, pensions, and fringe benefits to welfare, education (including higher education), health services, housing, and many other areas where public funds or subsidies give special favor to a limited number. Many programs begin at relatively modest cost, then mushroom into great and growing "built-in" budget increases. City pension costs (including Social Security) have risen from $380 million a year in fiscal 1967 to $1.2 billion in 1975. During the same period, the cost of higher education, spurred by community college expansion and "open enrollment," has increased from $181.6 million a year to $612.7 million.

In these and many other cases, the benefits have accrued to a comparatively small segment of the population but the costs have fallen upon all. In short, the concept of the "greatest good for the greatest number" is giving way to an attitude best paraphrased as: "Ask not what you can do for your city—ask what it can do for you." All in all, then, we are seeing omens which are far from favorable to the future of responsible self-government—in the cities and in the country as a whole.

Moreover, there is no longer anything "modest" about local government as a factor in the national economy. Some City departments and agencies have become "big businesses" with budgets of more than $2 billion a year. And local government itself is the nation's foremost "growth industry." Its cost rose from $13.4 billion to $127 billion between 1948 and 1973 and its total employment increased from 3 million to 8.5 million.

Reorganization and Efficiency in Government Operations. In helping the city in one vital area, the business community has already pioneered to a unique degree. EDC Task Forces, composed of managerial specialists "on loan" full-time from member companies, have demonstrated that business capabilities can be successfully applied to the reorganization and more efficient operation of major City departments and agencies.

Major gains—and budgetary savings—have been made by Task Forces in the City's huge Human Resources Administration, in the business administration of the Board of Education, and in the administration of justice in the courts of law. To help make education more effective in New York's "inner city" high schools, EDC's School Partnership Program has been carried forward from four demonstration high schools into a new School Self-Renewal Process now being tested in eight schools with a view to city-wide and eventual nation-wide application.

All told, some 104 person-years of executive time, valued at $2.6 million, have been contributed to the Task Force programs since 1969. Actual savings of $78 million a year have so far been recorded while potential additional savings are estimated at $676 million. This is a tremendous tribute to the public spirit and corporate good citizenship of the contributing companies. And it confirms my conviction that the overall efficiency of local government can be improved by at least 30 percent.

The Forgotten Majority—New Attitudes, New Ideas. It should be noted that "government by pressure group" involves a relatively small proporton of the city's population—yet, by the skillful use of pressure tactics, they exert a tremendous impact on the city's most vital decisions. This is one reason why New York so desperately needs new attitudes and new ideas, involving the great majority of its citizens in the decision-making process.

What, then, of the forgotten majority—those 3 million New Yorkers whose jobs in the private sector depend on the city's continued economic strength and stability? This has always been a great "city of opportunity"—a beacon to untold millions of people seeking only a chance to improve their lives by their own efforts. Now the foundations of opportunity and, indeed, employment are being eroded at a dismayingly rapid rate. And preliminary research indicates that about 70 percent of the 3 million live, as well as work, in New York.

Saying that "wealth comes only from production," William Graham Sumner long ago issued his unforgettable definition of "the forgotten man"—who, "delving away in patient industry, supporting his family, paying his taxes, casting his vote . . . is the only one for whom there is no provision in the great scramble and the big divide . . . He works, he votes, generally he prays—but he always pays . . . All the burdens fall on him—or on her, for the forgotten man is not seldom a woman."

Will New York's forgotten majority awaken in time to claim its own stake in the city and its future? The approaching Bicentennial reminds us that, all through our 200 years, we have seen swings of corrective action in times of crisis. And my confidence in our city, our country, and our people is such that I believe a civic reawakening—a return to the principles of citizen responsibility—may well be at hand.

It is from the private sector, after all, that the city's entire economy derives its vitality. All employment, private and public, depends in the last analysis on the taxes on which the city relies for most of its revenues. For this reason, I would expect the civic reawakening to include a good many of our city employees. Our Task Force experience has shown that the great majority of them are conscientious citizens—and they, too, have reason to be concerned for their jobs and the stability of their pension systems.

Yet there is divisive movement afoot to cast the blame for the fiscal crisis on the city's business and financial institutions. This reflects the old ideas and attitudes of certain pressure group leaders to whom the "goodness" of government and the "badness" of business are cardinal assumptions.

Let us take a good look at that question. In its lost of 400,000 private sector jobs since 1969, the city has seen a serious decline in the number of companies who make New York their headquarters. In a very real sense, such companies are being asked to pay a substantial penalty for providing jobs and opportunity for the city's people. Instead, there is a very good case for treating them as "guests" of the city—"paying guests" to be sure, but paying not more than they would be required to pay in other locations.

It is alleged that New York banks and corporations derive enormous profits from their operations in the city. This is simply not so. The ten major New York Clearing House banks operate nationally and internationally. Less than 20 percent of their business originates and a much smaller percentage of their profits are made in New York City. The top New York-based insurance companies write policies all over the country and the world—a very minor percentage of their premiums come from New York City. Our industrial "headquarters" companies must, of necessity, look for profit to their manufacturing and sales centers—outside New York.

The New York Stock Exchange generates employment for 70,000 persons directly and indirectly among its member firms, not to mention thousands more working in the trust departments of banks which are the transfer and registrar agencies. Investors outside New York provide the overwhelming proportion of its exchange business. Why should they pay a higher price for transactions in this city when stock exchanges are beckoning for their business in other cities throughout the country?

The banks have been criticized for not supporting the city through the purchase of its obligations. But it must be remembered that the total capitalization of the Clearing House banks is something under $8 billion. The total debt of the City is over $13 billion, of which about half is of a short-term nature. Were the bank to undertake purchase of any appreciable amount of this for their own account, the examining authorities would very properly be extremely critical. The size of the New York City debt has become so large and so much of it short term that it is not now within the capabilities of the banks to finance it. This can only be changed through the re-establishment of the confidence of the investing public in the financial integrity of New York City.

Will the Forgotten Majority Raise Its Voice? The forgotten majority has, until now, been a silent one. In most of the city's biggest decisions, the majority has almost no voice. Appropriations, fiscal policies, collective bargaining contracts, and other far-reaching issues are largely determined on the basis of expediency—"The wheel that squeaks the loudest gets the grease."

Certainly there has been a failure on the part of the city's leadership in all areas to see that the majority is properly informed. And we of the business community have not done our part in finding the facts, defining the issues, and bringing them to public attention. This is one of the obligations of business citizenship—especially in this time of crisis when the city's future and the very likelihood of so many of its people are in jeopardy.

In short, we must do everything we possibly can to help make the silent majority a vocal one. Since most of them live, as well as work, in New York, they may conceivably form study groups in offices, apartments and neighborhood blocks. Given the facts, they can support the Mayor in efforts to turn the fiscal tide, to set goals, and determine priorities in the use of funds for the best public purposes.

What, then, are the other ways in which the business community can put its shoulder to the wheel and help turn the city back on the road to economic and social progress? It is especially encouraging, I believe, to note the closer association of the Economic Development Council and the New York Chamber of Commerce and Industry. This lends new strength to unified business action on vital urban issues at a very critical time. Here are some of the actions which business can take.

We can, first of all, assure Mayor Beame and his associate officials that they will be strongly supported in every move they make to bring City expenditures into balance with the realities of the current fiscal crisis. However drastic some measures may seem, the Mayor, the City Council, and the Board of Estimate will take encouragement from the business community and an increasing proportion of the majority—no longer forgotten or silent.

We can offer continued and increased business Task Force assistance in the improved organization and management of the City's major departments and agencies. This principle has been taken out of the realm of theory and into the area of demonstrable fact. We should note, however, that the Task Force experience has revealed a great and urgent need for increased executive capability, experience, and leadership in the top echelons of the City's managerial structure.

We can go further and we can, if requested, find and recommend executive leaders who can do much, in a short time, to make New York a "model" of effective, responsive—and responsible—government.

Finally, we can help to bring the City and the public closer together in setting goals and determining priorities for New York's future as a revitalized "city of opportunity." This is not an "impossible dream." Every crisis contains the seeds of regeneration—and New York may well be ripe for a real turnaround in public and governmental attitudes.

Focal Point of National Policy. This is no time, to repeat, for recrimination and blame-fixing. Neither is it a time for cynicism and despair. It is, instead, a time for candid and hopeful reappraisal of the trends and policies which have made New York a focal point of national decision.

New York has, in fact, become a testing ground of opposing philosophies. The contest lies between a continuing drift toward blind dependence on government—the ultimate triumph of the pressure groups—and a resurgence of the spirit of responsible citizenship which, for 200 years, has made this country great and free.

The idea that increased expenditures, taxes, and debt will solve the problems of the cities has been tried and found wanting. Policies intended for the public good have seriously harmed the city and its people. The "spending" concept is now an old idea—and a tired one. It is time to give full rein to the really revolutionary idea that

Americans are fit to make their own choices in the management of their own affairs. New Yorkers—in meeting the basic issues of the crisis—will be making a true test of freedom in these Bicentennial times.

JIM LEBARON, A PAUL BUNYAN AMONG COLLECTORS, LEADS ACA

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. JOHNSON of California. Mr. Speaker, it is with a great deal of pleasure that I rise today to call to the attention of my colleagues that an old friend, O. J. (Jim) LeBaron of Yreka, Calif., will become the 37th president of the American Collectors Association when this global organization convenes its annual meeting at the end of this month in Sun Valley, Idaho.

The American Collectors Association is an international association, composed of more than 2,600 independent collection agencies, serving 11,000 communities throughout the United States and foreign countries. These agencies provide credit-related services for approximately 900,000 professional, retail, and wholesale credit grantors.

Jim LeBaron has been active in this industry for many years. He has received the California Association of Collectors' highest industry awards, the C. Hugh McCarty award for outstanding achievement in public service and civil responsibility, and the Richard J. Bullock award for dedicated service to the collection industry in the State of California. On the national level, he has received the highest award given by the American Collectors Association, the Paul Bunyan citation. He is one of 28 throughout the Nation who have received this honor during the entire history of the organization.

Furthermore, he has been awarded the status of "Certified Collector" by the International Fellowship of Certified Collectors. As such, he is one of a distinguished and exclusive group totaling only 94 people throughout the world.

When one considers this record of service, as well as his dedicated efforts on the American Collectors Association National Legislative Council, serving for 3 years as the council's chairman, you can appreciate the fact that not only have his colleagues in the industry honored him for his dedicated service to the industry and the association, but they also have selected a man who will contribute tremendously toward the continued success of this organization and the industry it represents.

I would also like to comment on the fact that Jim LeBaron is a community-minded citizen. He served for 8 years as councilman and mayor of his hometown of Yreka. He has been president of the Yreka Parent Teachers Association, he has headed the Lion's Club, he has chaired the Juvenile Justice Commission, and has been active in local elementary and high school sports programs. He was awarded the Citizen of the Year citation by the Yreka Chamber of Commerce.

Mr. Speaker, may I take this opportunity to extend to Jim LeBaron my heartiest congratulations and best wishes for every success in his new assignment. I am confident that he will serve the association with distinction during his tenure as the president.

COMMITMENT TO ISRAEL MUST REMAIN FIRM

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. BAUMAN. Mr. Speaker, in recent months we have seen a considerable deterioration in the international position of the United States, and a resultant questioning of the ability of the United States to fulfill our international commitments and protect our allies from aggression. The fall of Cambodia, the agony of South Vietnam, the consolidation of dictatorial control in Portugal—all these lead to an impression of U.S. impotence in the face of aggression and determination by our adversaries.

Despite these setbacks, the United States remains powerful, both militarily and politically. What we seem to lack is the will to take a firm stand and hold fast to it. Words alone are not enough. Clearly, if we are to restore our credibility in the world, we must begin to designate certain areas in the world in which our national interest is clear enough to renew a credible commitment, and begin acting in such a manner that doubts about the resolution of the United States will be dissipated.

One commitment which deserves renewal in no uncertain terms is the longstanding U.S. commitment to the continued existence and integrity of Israel. This commitment has been part of our foreign policy for many years, and it deserves to remain strong. A firm commitment to the integrity of Israel is the best hope for peace in the Middle East.

Following the collapse of Secretary Kissinger's last round of "shuttle diplomacy" in the Middle East, it became fashionable to wonder whether Israeli "intransigence" had contributed to the failure of the talks. This talk of "intransigence" is astounding in view of the fact that Israel was willing to make substantial concrete concessions, including the return of the Abu Rodeis oil fields, which supply half of Israel's energy, and considerable withdrawals in the Sinai—for which it asked only a "nonuse of force" declaration. Since then, Israel has voluntarily withdrawn its troops from some of these areas.

An unambiguous renewal of our attitude toward Israel is especially important for stability in that volatile part of the world. There can be little doubt that any impression of a weakened U.S. commitment to Israel would strengthen the hand of those elements in the Arab world which favor aggression against Israel. A clear and credible declaration that the United States will not tolerate any such aggression is the best deterrent against aggression.

Most observers agree that, with or without a U.S. commitment, the Israelis will not succumb to aggression. Any attack could lead to a fierce and bitter war, into which the United States might be drawn as an active participant. Our best insurance against such an attack is to issue a notice in advance that our commitment to Israel remains firm.

THE 1975 FINANCIAL DISCLOSURE OF TENO RONCALIO

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. RONCALIO. Mr. Speaker, it is my annual practice to publish in the CONGRESSIONAL RECORD a statement of income taxes paid for the previous year and a current financial statement.

My return for taxable year 1974 has been filed, and the following is a summary of key information for the "Individual Income Tax Return" of Teno and Cecelia Roncalio of 3024 Capitol Avenue, Cheyenne, Wyo.:

Gross income: $60,947.
Net taxable income: $22,019.
Income taxes paid: $7,147.
Percentage of gross income: 11.7.

Income:	
Wages	$42,500
Dividends	2,569
Interest	9,880
Other	5,998
Taxes paid:	
Real estate taxes paid	6,373
Home mortgage interest paid	15,600
Capital loss (maximum allowed)	1,000

My current financial statement as of June 3, 1975, is as follows:

ASSETS

Cash in banks		$123,209.41
Checking accounts		8,209.41
Certificates of deposit		115,000.00
Stocks and bonds		43,745.00
100 UP Corporation		7,800.00
400 First National Bank of Gillette		20,000.00
800 C. I. Mortgage Group		1,320.00
900 Portland General Electric		14,625.00
Life insurance, cash values		2,376.00
	face-value	
Prudential	$5,000.00	1,028.00
Prudential	5,000.00	551.00
Equitable	1,000.00	797.00
U.S. House of Representatives	45,000.00	none
Real estate		700,000.00
5 acres unimproved commercial property in McLean, Va., with home		600,000.00
Cheyenne, Wyo., home		60,000.00
Cheyenne Law Center, two commercial buildings (50-percent ownership)		40,000.00

Automobiles	$1,400.00
1965 Oldsmobile	600.00
1968 Volkswagen	800.00
Other assets:	
Two units, Jasmin Groves	00.00
5/8 interest in 23 miles gold claims, Snake River (title now in litigation)	1.00
Total assets	870,731.41
LIABILITIES	
Notes payable to banks	88,482.00
First National Bank of Gillette	75,000.00
American National Bank, Cheyenne	13,482.00
Real estate mortgages	155,974.00
Mortgage on McLean acreage and home	133,000.00
Mortgage on Cheyenne Law Center (50-percent ownership)	22,974.00
Total liabilities	244,456.00
Net worth	626,275.41

CONSERVING OUR NATURAL HERITAGE

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. ZEFERETTI. Mr. Speaker, our country possesses more than its share of spectacular natural resources. However, in the course of history, much of that heritage has been destroyed, wasted, or fully exploited for other purposes. It is because so much has been despoiled, that it is imperative that we act to preserve as much as possible of what is left.

Several important measures have been introduced in the House to continue the expansion of conservation programs dealing with unique parts of our natural heritage. One of them would make the Sequoia Natural Game Refuge part of the Sequoia National Park. The other measure would enlarge Redwood National Park to preserve many more of the remaining redwood trees.

I believe it is vital to double the size of Redwood National Park in order to protect that portion already set aside. It is obvious that the activities of logging companies are harming the existing preserve. It is also evident that the Department of Interior does not have a commitment to pursue a policy of conservation in regard to this particular part of our heritage.

I feel that the redwoods and sequoias are unique and, therefore, more than worthy of congressional consideration in order to guarantee their preservation. It is not enough to merely pay lipservice to such a concept or merely set aside small preserves. Neither one of these ideas could possibly guarantee true preservation.

Therefore, it is my opinion that both measures, regarding the enlargement of the Sequoia and Redwood National Parks, must not be considered as unnecessary appendages to already passed legislation. Rather, they are critical completions of projects already well underway and must be treated as such. Even though my congressional district is geographically distant from the two parks, I feel that they are an integral part of my heritage, and the heritage of my constituents. The loss of so much of these irreplaceable treasures would be felt everywhere in the United States.

In addition, the support of the two bills will serve as a reminder to not only the many private lumbering concerns who have threatened the existence of the sequoias and redwoods in America, but also the Department of Interior, that their activities have not gone unnoticed by Congress. The bills will serve as a reminder that their activities have been responsible for legislative reaction.

Therefore, it is with pleasure and a sense of privilege that I join in the sponsorship of the bills to enlarge the Sequoia and Redwood National Parks.

GRADUATION AND COMMISSIONING CEREMONIES AT U.S. NAVAL ACADEMY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. HORTON. Mr. Speaker, it was my privilege this morning to attend the graduation and commissioning ceremonies at the U.S. Naval Academy at Annapolis, Md.

As one who has had a deep interest in the Naval Academy over many years, I can report with pride to my colleagues that the caliber, morale, and dedication of the brigade of midshipmen, and particularly of the graduating class of 1975 remains high. The mission of providing an excellent undergraduate education and a superb program of preparation for military leadership careers is being carried out in a fashion that fully justifies the faith Congress has placed in this institution.

An impressive and inspiring moment during this morning's ceremonies was provided by NELSON A. ROCKEFELLER, Vice President of the United States, who delivered the graduation address. Mr. ROCKEFELLER's address was a straightforward, incisive account of the challenges we face in maintaining peace in the world and freedom and opportunity for our citizens at home. With your permission, Mr. Speaker, I would like to insert the full text of the Vice President's address at this point in the RECORD, as a means of sharing its depth and meaning with every Member of Congress:

VICE PRESIDENT ADDRESSES U.S. NAVAL ACADEMY

There is something that sets apart this graduation ceremony from those of your civilian classmates all across the Country. Your initial decision to come here to Annapolis, your decision to remain here through four demanding years, was a decision to link your destiny with the destiny of your Country.

You embark on your naval careers in what is, in one sense, the best of times and in another, the toughest of times. It is a good time in that the dissension and divisions that plagued the Country in the recent past can be put behind us. Our Nation can now begin anew with a revised sense of national purpose and a restored sense of national unity.

But it is a trying time for military men because of America's historic tendency to lower its guard during periods of relative stability and in the absence of visible threats to our national security. The need for your readiness, your vigilance and your sacrifice remain undiminished. Yet, under the circumstances, people are less likely to recognize that fact.

In short, we are in an era of détente which is well for the world, but which makes our understanding of the military role and our need for invincible strength infinitely more important. Détente offers great opportunities for maintaining peace in the world. I applaud the President and the Secretary of State as well as General Secretary Brezhnev and the Soviet leaders for pursuing this course which can benefit both our peoples.

I. DETENTE AND MILITARY STRENGTH

And so I would like to address my remarks today to the critical relationship between detente and our Nation's strength. An often unrecognized essential element in detente is the element of strength. This is something that the President and the Secretary of State understand full well. Detente can only be meaningful if we deal from strength, from a profound understanding of the realities of today's world and a clear sense of national purpose and determination. And we are highly fortunate, indeed, to have, at this moment in history, a President who has such deep faith and belief in America and absolute courage and determination—together with a Secretary of State who shares the President's understanding of America's role in the world today.

From the beginning of our history, we have had to learn and relearn the lesson that strength reduces the likelihood of war and that weakness is an irresistible temptation to aggressors. George Washington counseled the Country long ago that, "To be prepared for war is one of the most effectual means of preserving peace." That is even more true today. Yet, after the Revolution we did not even maintain a Navy. In the early 1790's an economy-minded Congress preferred paying ransom to building ships to protect American seamen.

We can be deeply grateful and proud that only recently when the new Communist government of Cambodia captured the United States merchant ship, the Mayaguez, we had a strong Navy; and we had a President who had the courage, when diplomatic efforts failed, to order decisive military action which resulted in the immediate release of the crew and the ship. Nevertheless, there are some today who would still return us to isolationism—to the Fortress America mentality that was fashionable right up to World War II.

Yes, we must continue to work and to hope that negotiations with the Soviet Union will eventually reduce the need for huge increases in defense spending. The Strategic Arms Limitation talks and the Mutual Balanced Force Reduction Negotiations offer such opportunities. But to disarm ourselves unilaterally, because of an impatience, a frustration with the burden of bearing the cost of vigilance will not provide any incentive for our adversaries to disarm.

Disarmament must be worked out step by step, concession by concession, by all parties involved under satisfactory guarantees that all parties abide by the agreement. If anybody still believes that unpreparedness and good intentions stave off war, I urge them to reread the history leading up to World War II.

Our strength provides an incentive for potential adversaries to seek the alternative of a peaceful resolution when problems arise. And our strength leads them to think twice about the risk of pursuing global temptations.

II. DECLINING U.S. DEFENSE

Yet, the call is continually heard that we have to reorder our priorities—to spend more on urgent human needs and less on defense. I remain steadfast in my life-long commitment to government actions that seek a better life of greater opportunity for the American people. The fact is that during the past decade we have already reversed our priorities between domestic and defense expenditures. In terms of constant dollars, defense spending today is the lowest in 25 years.

In 1964, prior to the Vietnam build-up, less than one-third of Federal spending went for human resource programs—and half the budget went for national defense. During the past decade, that situation has been completely reversed. The budget submitted for Fiscal 1976 shows about one-quarter for defense and over half going for domestic social programs.

Now we find ourselves in a period of inflation and recession with a $60 billion deficit and unemployment at well over eight per cent. What is becoming increasingly clear is that our social progress, military strength and our ability to help build a more stable world all depend on rebuilding the vitality and economic strength of the United States. It is becoming increasingly clear that we must face up to the devastating vulnerability of our economy to another oil boycott and the possibility of similar action in relation to other raw materials at some later time.

III. GROWING STRENGTH OF THE SOVIETS

Yes, we recognize the peacemaking and peacekeeping potential of detente. But cold realism requires that we must not ignore the growing strength of potential adversaries in setting our own defenses both economic and military.

For example, let us examine openly and honestly where we stand with respect to the Soviets, first in terms of strategic weapons. During the 1962 Cuban missile crisis, the United States had a huge strategic advantage By 1973, during the Middle East War, that extra margin of security had vanished. We no longer refer to American predominance in strategic weapons but, rather, to parity with the Soviets.

The Polaris submarines deployed during the Cuban crisis are no longer a uniquely American weapon. Our last missile submarine was launched nearly a decade ago. The Soviet Union is presently building a large fleet of modern ballistic missile firing submarines. And Soviet missile submarines now patrol the American coast.

The Soviet Union has more land-based missiles with larger warheads than we do and is now challenging our lead in sophisticated warheads. The Soviets are currently testing five types of missiles with a NIRV capability. U.S. bombers, built mostly in the 1950's, help make up for numerical inferiorties in other strategic categories. In short, the Soviets are now spending much more than we are in the strategic area.

Secondly, let us compare strength with the Soviet Union particularly in your area of concern—naval power. The growth of Soviet naval capability has been a most significant development during this decade. America's post World War II naval preeminence no longer goes unchallenged.

During the 1973 Middle East War, the nearly 100 Soviet ships in the Mediterranean clearly outnumbered our own. Our surface ships are down to 1939 levels. The Soviets now possess the ability to interdict the vital sea-lanes on which we depend to supply our allies and to obtain vital resources such as oil and other raw materials on which we are increasingly dependent.

The Soviet submarine force is three times the size of ours. Although we maintain a certain comparative advantage in submarine technology, that gap, too, is closing. Soviet submarines, surface ships, and their air force are equipped with a variety of missiles which present a real challenge.

We have maintained a clear edge in naval air power, which has proved its value repeatedly—for example, in crises in the Mediterranean in 1958, 1967 and 1973. However, the number of our carriers is decreasing, while the Soviets, on the other hand, have decided to make an investment in aircraft carriers. Let me quote how the Commander of the Soviet Navy evaluates their fleet, which he has so brilliantly developed and led for about the last 20 years. "The Soviet Navy," Admiral Gorshkov says, "has been converted in the full sense of the word into an offensive type of long-range armed force."

And finally, as for land and air forces, our Army is about half the size of the Soviet Army and ranks fourth in size in the world. While the Soviets increase the size of their forces, our Army and Air Force—which are indispensable to the defense of NATO, our allies and our own national security—are at their lowest levels since before the Korean War.

What we have lacked in numbers in most areas of defense, we have made up for in the technological superiority of our equipment. We have allowed numerical deficiencies in strategic weapons and submarines, for example, partly because of a confidence in our ability to maintain technically superior systems. Such technological advantage, however, is not static. An increased investment in continuing research and the updating of our equipment is required.

While we are committed to pursuing the peaceful potentials of detente, we must remain aware that the Soviets are increasing their military presence throughout the world. This is a hard fact that we have to face. From Somalia to Singapore, from Guinea to Cuba there is evidence of an enlarged Soviet view of its interests. We are witnessing today a Soviet surge in every component of military power, from strategic through conventional forces and in research and development. And there is no indication at what levels they will be satisfied. The trend for Soviet forces is up. The trend for ours is static at best. At this rate, if we do not make the necessary investment, we might find ourselves on a path that could lead to unilateral disengagement from the world without compensating safeguards.

IV. RETAINING OUR STRENGTH AND LEADERSHIP

Thus, we approach our 200th Anniversary at a crossroads of critical choices relating to our own long-term national security and freedom in the world. The basic values of individual freedom, respect for human dignity and equal opportunity which our Founding Fathers achieved at such great sacrifice could well be threatened now more than ever before. If we are to continue to lead in the cause of freedom and peace, we must be willing to make the sacrifices require to sustain our own security and meet our responsibilities in the world. This means that we must not only have the necessary economic and military strength and vitality, but a strong foreign intelligence service as well. And most importantly, we must make democracy felt as a dynamic force directed to the best interest and well being of people throughout the world.

V. HUMAN VALUES STILL PARAMOUNT

I have tremendous faith in the American people—in the capacity, the will and the determination of free people to make the necessary sacrifices. As I said when I took the Oath of Office as Vice President—there is nothing wrong with America that Americans can not right. And my confidence is strengthened by the calibre of Americans who continue to be drawn to the Nation's service.

The defense of human freedom depend in no small measure on men like you. The arms with which we defend this country are, by themselves, only cold hardware. It is the human qualities of the people behind those arms which determine the quality of this Nation's defense.

Not long from this day you will be supervising undersea nuclear power plants; running complex combat systems on surface ships; flying sophisticated aircraft off the decks of carriers at sea; and leading troops in amphibious exercises.

Here at the Academy you have received the academic foundation to meet these challenges. But you have achieved much more. You brought the best American qualities to this academy—qualities that have been developed from raw ore into fine steel; courage—the coolness and judgment under fire that inspire confidence among your men; dedication—that devotion to a higher calling than self and the willingness to make the highest sacrifice, if necessary; determination—the staying power, the refusal to be defeated that separates winners from losers in battle as in life; integrity—the quality the American people seek and rightfully demand in their leaders. As it says in that inspiring verse you have sung so often: "Faith, courage, service true and honor over honor over all."

Looking out over this Annapolis class today, I am—along with your families and friends—filled with pride. You enter your naval careers as America moves toward its third century. And you are the officers who will lead the U.S. Navy and the Marine Corps into the 21st Century. This should be a source of great pride to all of you. And it is a source of great confidence to all of us.

Out of this coming period of change, and challenge, I am confident that a better Nation and a better world will emerge. And in moving toward that world, you will be in the vanguard. Good luck. Good sailing. And God bless you all.

In my view, Mr. Speaker, the Vice President's point is clear and correct. We cannot assume that the level of peace in the world, or the level of freedom and economic opportunity at home will be perpetuated forever, regardless of our degree of vigilance. Détente must not be misunderstood to be a sleeping pill to lull us into complacence, rather it is a stimulant for us to pursue new opportunities for making peace permanent, with strength and vigilance an inseparable part of that peace.

While I had the opportunity this morning to greet many members of the Naval Academy class of 1975, I would like to take this opportunity to honor the 1975 class members of all three service academies. In particular, I would like to pay tribute to the following young men from the 34th Congressional District in the class of 1975, whom I had the privilege of appointing to service academies 4 years ago: Cleveland Cooper, U.S. Naval Academy, Howard J. Bush, U.S. Military Academy, Thomas E. Smura, U.S. Air Force Academy, and Randall R. Barrett, U.S. Air Force Academy.

These young men, and the hundreds of others who will be embarking upon careers as officers in the service of this Nation, deserve our praise, our support, and our gratitude for the dedication they have shown, and for the tasks they will undertake in our behalf.

EMERGENCY EMPLOYMENT BILL

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. JEFFORDS. Mr. Speaker, today we have heard expressed, in emotional terms, much concern about the need for jobs. I agree, in no uncertain terms, that jobs are desperately needed. At the same time, however, I feel many of my colleagues have overlooked an equally serious concern—for protection of the paychecks of working people.

H.R. 4481 contains many provisions which are, in my opinion, essential. At a time when public service employment opportunities are urgently needed, it was difficult to vote to sustain the President's veto of the emergency employment bill. It is very unfortunate that this legislation contains, in addition to new emergency employment opportunities and other vital features, a number of expensive projects which are unnecessary and which would fuel the fires of inflation.

I see the vote today as an important test of the campaign rhetoric of last fall. The themes of most congressional campaigns were accountability and fiscal responsibility. I am among the cosponsors of substitute legislation which would accomplish all of the worthy objectives of H.R. 4481, including funds for the benefit of older Americans, summer employment opportunities for young people, public service jobs, the WIN program, and a number of other important matters, such as college work-study.

Sadly, this essential bill has been used, as the Washington Star has stated, "to work the recession for all it's worth, in funding old pet projects and conceiving new ones."

The title of the bill reads: "An Act making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes." Unfortunately, the three words, "for other purposes," add up to about $3 billion in ill-conceived expenditures.

I know that Vermonters will be particularly distressed when they hear that three of the major subcommittees which created this bill did not even hold hearings. A series of phone calls around town to various Federal agencies provided the Appropriations Committee with the body of the bill.

Let me mention a few of the items in the bill which I feel are not needed. There is $100 million earmarked for Postal Service facilities which are unnecessary. Another $100 million is designated for various pet programs of the Army Corps of Engineers. There is $73 million for automobile purchases which we obviously do not need. A $500 million appropriation would go to the General Services Administration for new buildings, with no real direction for spending the money.

Some of these may possibly be good programs, but they are uncoordinated and there is no indication of how many jobs they would create. The pet projects were chosen without regard to whether they are located in areas of high unemployment.

Mr. Speaker, it seems to me that if we are to create jobs, we should make a point of creating them in the areas of the country where the jobs are most needed. This bill makes no such attempt. It is unreasonable and irresponsible for us to simply throw money into the wind and hope that it solves chronic unemployment problems.

The effect of much of this spending would be felt long after the economy begins its upswing, according to the best projections available. Coming too late to help along an economic recovery, it could lead only to further inflation later on. Let us not compound our economic problems.

The solution to our woes lies in a responsible program to combat chronic unemployment. I have joined many of my colleagues in sponsoring the substitute bill which extracts from H.R. 4481 all of the essential and well-thought-out provisions—including, as I have mentioned, summer youth employment, community service employment, public service jobs, college work study, and WIN. Our bill would fund all of these programs at the same levels recommended in H.R. 4481. All we are doing is taking away the fat and leaving the meat.

I have informed my constituents that I would vote to sustain this veto only under one condition: that the administration would provide assurances that it would support the substitute legislation, with all of the essential provisions. Even with all of my objections to the present bill, I have voted for it in the past, and would vote for it again if there were no other way to provide the public service employment which is so urgently needed.

Fortunately, we now have a viable alternative. I received personal assurances of administration support this morning, from Mr. O'Niell, the deputy director of the Office of Management and Budget.

As the New York Times said in an editorial:

> If the President's veto is sustained—as it should be—it will be the duty of Congress to move quickly to adopt a substitute bill that would provide the essential funds for public service jobs, summer jobs for youth and part-time jobs for college students under the work-study program.

Let us get on with it.

OUR NATIONAL MAMMAL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. WHITEHURST. Mr. Speaker, in recent weeks, I have heard from a number of people who are eager to see the wolf designated as our national mammal. At the suggestion of one of my correspondents, I am including some of the information which I have received at this point in the RECORD for the benefit of my colleagues:

> PROPOSAL TO DESIGNATE THE WOLF AS THE NATIONAL MAMMAL OF THE UNITED STATES
>
> (By Mark Hegedus)
>
> Shrouded in ignorance and steeped in superstition, America's earliest settlers colonized the new world carrying with them many destructive and irrational prejudices. Today we no longer burn witches at the stake or fear falling off the edge of the earth, but we continue to remain ignorant and afraid of the wolf.
>
> For hundreds of years Americans have mercilessly persecuted the wolf. With the possible exception of the mosquito, no other animal has been subjected to so many poisons, traps, hunters, bounties, and organized efforts at extermination. The wolf has been almost completely eradicated in the lower 48 states, except for a few small populations in Minnesota and Texas. Alaska remains as the last state in the union where the wolf exists in any significant numbers. However, even this sanctuary is threatened, as evidenced by the recent proposal of the Alaska Board of Fish and Game to gun down the animal from airplanes in selected game management areas. The proposal was cancelled, but will almost certainly reappear again this winter.
>
> The time has come for Americans to take action to save the wolf before it no longer exists. This can only occur if we perceive and understand the animal intelligently. As long as we persist in identifying the wolf as a man-eating foe (there are no documented cases of non-rabid wolves attacking humans in North America), we will continue to passively accept its indiscriminate persecution. If we inform ourselves of the facts concerning the wolf, instead of creating false impressions of the animal—for example, Little Red Riding Hood and werewolf stories—we will not longer fear, but respect it.
>
> A wolflike animal was probably the first creature to venture into man's earliest caves to share food and comfort him as a companion. The wolf's lifestyle is much like our own in that it is a pack animal, each member of the pack having a specific duty to perform. The wolf is a loyal parent and usually mates for life. The animal is not wanton. It preys upon sick and weak animals for food and thereby maintains a natural balance in other animal populations. The wolf is an intelligent, resourceful, and cunning creature, but it is no match for man. The animal cannot sniff out every trap man sets for it. It cannot outrun airplanes and snowmobiles bent on shooting it down.
>
> Congress now has the opportunity to exercise leadership by creating and passing legislation directly intended to improve the wolf's image and at the same time provide a legal protective umbrella for its preservation. Such legislation could take the form of a designation of the wolf as the U.S. national mammal. This kind of designation would bring the wolf into the national limelight. Americans could identify with the wolf's courage, tenacity, and social behavior. Americans would have an opportunity to reflect upon the wolf's many positive aspects and adopt a protective attitude toward it. Declaring the wolf as the national mammal would also be an act of national contrition by recognizing that we have abused and maligned it unfairly.
>
> The time has come for a new attitude toward the wolf. Congress can lead the nation into a new era of respect for this animal. If we view ourselves as civilized human beings, we ought to at once recognize the crassness of our irrational hatred and persecution of

this animal. Wolves cannot speak for themselves, only man can do that. He can insure their survival or destruction. National mammal designation for the wolf presents an opportunity for the Congress to express this nation's concern for our diminishing wildlife and at the same time impress upon Americans that other creatures' claim to existence is no less valid than our own.

[From the Washington Post, Mar. 24, 1975]

THE LAST SANCTUARY OF THE WOLF

(By Mark Hegedus)

The last sanctuary for the wolf in the United States is now in the hands of the Alaska state legislature. The lawmakers will be concerned with legislation dealing with Alaska's declining moose population. The Alaskan moose has only two significant predators, the wolf and man. Hunters, worried that they will lose the chance to gun down the moose, have exerted such pressure on state wildlife officials that they have turned on the wolf. The officials want to kill 80 per cent of Alaska's wolf population by shooting them from airplanes. (Helicopters were scratched for the proposed slaughter because the officials felt planes would be "more sporting.") The officials have no estimate of the state's wolf population. One state biologist said, "They'll just have to guess."

Concerned environmentalists have stopped the slaughter from taking place temporarily, but powerful lobbying groups, backed by the hunters, are pressing for legislation to legalize the aerial extermination.

Man has already succeeded in virtually wiping out the wolf in the lower 48 states. Now hunters want to add Alaska to the list.

The answer to the diminishing moose population in Alaska is simple. Take man, the hunter out of the delicate moose-wolf ecological relationship and let nature bring their populations back to normal. Ban the hunters from taking their bloody pleasure in killing this beautiful beast and deprive them of the added pleasure of slaughtering thousands of wolves to boot.

It will be a sad commentary on the state of man if the Alaska legislature bends to the will of the "killers" who took such pleasure in exterminating the passenger pigeon into extinction.

NORTH AMERICAN PREDATORY
ANIMAL CENTER,
Doyle, Calif., May 26, 1975.

Congressman G. WILLIAM WHITEHURST,
Cannon House Office Building,
Washington, D.C.

DEAR MR. WHITEHURST: It has come to the attention of the North American Predatory Animal Center that Mrs. Mary Trindal and other concerned citizens desire to make the wolf our national mammal. NAPAC wholeheartedly endorses this mission and hopes you will give this matter your close attention. Your concern for our endangered wildlife is well known as well as your legislative actions in the past.

It is becoming more and more apparent that immediate action must be made so that our diminishing natural resources and wildlife can be preserved from the hungry needs of Americans. The wolf is an animal of the highest order whose social structure most closely resembles that of man. It seems appropriate that the wolf become our national mammal for the aforementioned reason as well as for the hope that it will bring a new awareness to Americans who are still plagued with severe misconceptions of not only the wolf, but all predators.

I would be very interested to know your thoughts on this matter.

Sincerely,

INGRID LUSTIG,
President.

A SENSELESS VETO AND A CONGRESSIONAL MISTAKE

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. ZEFERETTI. Mr. Speaker, today the Government admits that a minimum of 8.9 percent of the American work force is jobless. In a very few days, the Government will admit that that figure has risen significantly. Millions of people in this country have not been engaged in productive labor as we passed through a quasi-depression, the worst economic downturn since the Depression of the 1930's.

Distress is growing around the country as workers exhaust their unemployment benefits. Situations are coming to light, revealing the spread of extreme economic hardship throughout the Nation's population. Furthermore, we know that the situation is far worse than the figures indicate. For example, people who have exhausted their jobless benefits are often not listed as unemployed. People who are only marginally employed, for as little as 1 or 2 days a week, are included in the figures as those at work. The many unemployed workers who have given up the job search are not listed as unemployed nor are the millions of young people who have just graduated from high school and college.

Knowing that this situation was becoming cumulatively more serious, the Congress acted swiftly to alleviate the worst effects of the current unemployment problem. By passing the Emergency Employment Appropriations Act, they attempted to provide categories of work to appeal to the broadest possible spectrum of American workers. The $5.3 billion measure would have provided for 900,000 direct public service jobs. It also aimed at making available summer youth employment, small business loans, jobs for construction workers, older citizens, and college graduates, as well as positions in the conservation and environmental protection fields.

The House and Senate overwhelmingly passed this bill, and with minimal opposition. Yet, the President unconscionably vetoed the measure. As one of the vigorous supporters of the Emergency Employment Appropriations Act, I consider the veto absolutely inexcusable and heartless. It is reminiscent of the actions taken by President Herbert Hoover when he sat in the White House during the Great Depression while the country fell apart around him. As the Nation begged him to initiate public service employment projects, President Hoover denounced them as unwarranted expansions of Federal power. This was the same man who had the U.S. Army evict the Bonus Marchers, Veterans of World War I, from the Nation's Capital because they dared to seek alleviation of their economic plight.

Now, another President, confronted with a similar economic disaster, has turned his back not only upon those already out of work, but upon those who would have obtained gainful employment as a result of the passage of the bill he proceeded to veto. The veto has guaranteed that the economic situation will worsen. Only the Federal Government could have swiftly intervened with some significant assistance, at least enough to make a difference.

In addition, I am deeply saddened that the Congress saw fit, although by the narrowest of margins, to uphold the President's inexcusable veto. Every Member who supported the President certainly has substantial numbers of jobless people in his district, those who will pay the price of his veto. I believe that the Congress has made a serious error in acting in this manner.

THE 1975 FRANKENMUTH BAVARIAN FESTIVAL

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. TRAXLER. Mr. Speaker, I would like to inform you of an event in the lovely town of Frankenmuth, Mich. All too often many Americans forget their cultural heritage. The style of American life is so good only because of the hard work and strife of early Americans who settled here after leaving their faraway homes.

I am quite pleased that certain sections of the country attempt to retain this cultural heritage and sponsor annual tributes to the "old way" of life. One such community is Frankenmuth, Mich. The citizens of this beautiful small town will be celebrating their 19th annual Bavarian festival, June 8–14. Their German heritage is evident every day of their lives in their food, in the style of their businesses and in their general "gemuetlichkeit," or congeniality.

In 1845 a Bavarian Lutheran missionary felt that the best way to show the Chippewa Indians the value of religion was an active example, so he brought a small group of settlers who developed this forest area into the lovely farm and business community which it is today.

These settlers brought with them two important factors: a deep religious conviction and a spirit of hard work. Both of these traits characterize modern citizens of Frankenmuth. Their first goal following settlement was the construction of a new church. St. Lorenz Lutheran Church still stands today as a tribute to the past and maintaining religious hope for the future.

The businesses maintain a German flavor, even in their names. Frankenmuth Cheese Haus and Rupprecht's Sausage Haus provide some of the "old country" foods. The Bavarian Inn and Zehdner's both owned by the Zehdner family, specialize in excellent chicken dinners. A dinner at either of these two fine establishments alone is worth the trip to Frankenmuth.

The beauty of the Old World custom and charm is most evident at holiday oriented shops such as Bronner's Christmas Showrooms and their Tannenbaum Shop. They maintain the country's largest display of indoor and outdoor Christmas decorations. The designs are frequently shop originals, and the ornaments are made by skilled European and oriental craftsmen. They have the words "Merry Christmas" hand-lettered in 46 languages, so it is easy to see that Mr. Bronner, the owner of the shops, recognizes the heritage of all groups. These shops were honored in an article in Ford Times in December 1972, describing the beauty of the stores and the customers.

Mr. Bronner seems to disagree that there is a problem with youth today as in the article he was quoted as saying "Kids are our best customers. They seldom touch the ornaments. It is usually Mom or Dad who give them that extra squeeze."

If anyone knows Bavaria, they know that there is one commodity that can never be ignored: beer. Original Frankenmuth Beer has been produced for over 100 years by the Geyer Brothers Brewery. Carling established a brewery in the city in the early 1900's, and it is considered to be the most modern operating facility in the State. No one leaves Frankenmuth without having had at least one stein of beer.

Such an excellent mix of the old and the new allows these Americans to recognize that they owe much to their old heritage. The festival is a small attempt at the repayment of a debt for a wealth of culture. Music will blare loudly as the festival opens with a parade of several floats and bands from the surrounding United States and Canada. Music will continue with polka bands performing in the "Spas Platz" from noon 'til night. Barbecued chicken, bratwurst, and steins of beer will be elegantly served by the beautiful Bavarian "madchens." Exhibits of arts and crafts will be on display in the "Spas Platz" throughout the festival, and the children will be able to partake in several activities and enjoy with all others the "jungviehhof"—the small animal farm.

Mr. Speaker, this community continues to expand in the traditional way of all American towns. It is growing and planning for the future. It has preferred to live a quiet revolution rather than explode into recognition. It started as an experiment and it has achieved its goals in a wonderful and beautiful fashion. It finds the time to remember that its present greatness is due to the hard work of others in the past. The festival is unique and truly a treat not to be missed.

I would cordially extend an invitation to all my colleagues who may be in the vicinity to relive a great part of American heritage and experience "gemuetlichkeit" while attending the nationally known Frankenmuth Bavarian Festival.

A sign stands along the road just outside of the town bearing a message which is not limited to the printed word: "Willkommen to Frankenmuth."

HOUSE OF REPRESENTATIVES—*Thursday, June 5, 1975*

The House met at 12 o'clock noon.

Rabbi Barnett Hasden, Hadar Hatorah Rabbinical Seminary, Brooklyn, N.Y., offered the following prayer:

Almighty G-d, bestow Thy blessings and implore Thy divine guidance upon these representatives.

Vouchsafe unto them wisdom equal to their strength, courage equal to their responsibilities so our Nation may lead the world in the advancement and fulfillment of human welfare.

May ours be a land where none shall prey upon or exploit his fellow men, where bigotry and violence shall not be tolerated, wherc poverty be abolished, and all men live together as brothers.

Gracious Sovereign, bless, guide, and guard the President and Vice President of the United States, Speaker and leaders of this House, and all associated with them, who labor zealously for the welfare of our Nation.

Grant us peace in our hearts, peace with our G-d, and peace with our fellow men. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5158. An act to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3109. An act to authorize appropriations for the saline water conversion program for fiscal year 1976.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 107 with an amendment to the bill. H.R. 5899, making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, in which concurrence of the House is requested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 82. An act to repeal certain provisions of the Act entited "An act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", approved September 21, 1965, and for other purposes;

S. 98. An act to establish the Klondike Gold Rush National Historical Park, and for other purposes;

S. 313. An act to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Tex., and for other purposes, and

S. 1839. An act to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the authorization for certain small business loan and guarantee programs, and for other purposes.

FAILURE TO OVERRIDE VETO OF EMERGENCY EMPLOYMENT APPROPRIATIONS ACT SEEN AS DISAPPOINTING

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, needless to say that the vote on the attempt to override the veto of President Ford on the Emergency Employment Appropriations Act yesterday was a deep disappointment.

Ten million people in this Nation are out of work. Our bill would have put 10 percent of that number into meaningful jobs and, at least in my view, would have provided a necessary stimulus to the private sector which would have brought employment to hundreds of thousands of other American workers.

I would hope that the leadership of the House would move promptly to return to the floor the bill as it stands or slightly revised. But while we wait for that bill to return for House action, there is an emergency measure which needs immediate attention.

The Emergency Employment Appropriations Act provided the money for summer jobs for teenagers. That program has proved its worth in many ways since its inception, and it is a vital program, particularly in large cities where without the program, teenagers find themselves with no hope of gainful employment, and too often, with nothing to do with themselves.

I would urge the leadership to swiftly get behind those who call for an immediate bill to provide summer job money. School will be out in most parts of the country in just a few weeks, and we should not delay another day in implementing this summer jobs program.

In my own city of New York, close to 100,000 youngsters are pinning their hopes on what this Congress does. For many of them, only the possibility of summer employment makes it possible for them to attend classes next September.

I would remind the House that there is no partisan political differences on summer jobs for youth. President Ford endorses the concept as do almost all Members of the House. I call for prompt action to meet this national need.

REPORT ON ASSISTANCE TO SOUTH VIETNAMESE AND CAMBODIAN REFUGEES

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, in keeping with my promise to the membership at the time the House approved $405 million to assist the South Vietnamese and Cambodian refugees, I am now ready to give the membership the first report.

As of this date, there have been 130,677 refugees interviewed for processing. Of the total number, 27,033 have now been released to sponsors; 50,740 are in the United States waiting to be released to sponsors. An additional 51,314 are still at overseas bases awaiting entry into the United States.

To date, the Government has obligated $62,350,000 out of the $405 million appropriated for this purpose.

Mr. Speaker, at an early date I shall give the membership an additional report.

FLORIDA GOVERNOR SIGNS MANDATORY SENTENCING BILL

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, in Florida, Gov. Reubin Askew signed into law on May 14 a bill setting a minimum mandatory 3-year prison sentence for major crimes if a firearm is used—the only thing, according to the bill's sponsor, "some of these maladjusts understand."

Many bills designed to achieve the same purpose have been introduced in Congress over the years. None have received more than casual consideration. It is obvious that mandatory sentences for crimes in which firearms are used will be an effective deterrent to crime and much preferable to the antigun bills designed to take weapons away from law-abiding, responsible citizens or to require registration and licensing. It is to be hoped that the example of the State of Florida will awaken new interest in national legislation of this nature.

The Florida Legislature prohibits judges from withholding adjudication of guilt if a jury finds the defendant guilty and from suspending sentence or putting the offender on probation.

The law (SB 55) takes effect July 1 and applies to persons convicted of robbery, rape, murder, assault, burglary, and other major felonies. It was the first major legislation to pass the current session of the Florida Legislature.

Governor Askew urged the legislature to set a mandatory sentence for violent crimes, but had reservations about the restrictions on judges' discretion. Nevertheless he signed the legislation.

> Criminals will now know that, if they use a firearm to commit a crime, they will be sent to prison for at least 3 years—

Askew said:

> This law is a positive step toward reducing violent crimes in Florida.

Senator Jim Gliss, Republican of Eustis, the bill's sponsor, said he believes the stiff minimum sentence will reduce violent crimes significantly.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THE VOTE AGAINST JOBS IS A VOTE AGAINST THE PEOPLE

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, President Ford is making his economic program very clear: no to the farmers—no to the unemployed—no to everybody from youth to the elderly.

The White House went all out yesterday to beat the override on the emergency jobs bill. They pulled out all the stops. But it was a clear test of the differences between the two parties in this Congress. The result was that 92 percent of the Democrats voted for jobs and 87 percent of the Republicans voted against jobs.

What the Republicans won was a vote against the people. It was a vote for recession.

What it means is more suffering for those who have already suffered most, more billions for unemployment benefits, more welfare, more incentive for crime, more of all the other ills that go along with outrageous unemployment.

President Ford can make all the rosy predictions he wants about economic recovery next year. The fact is that unemployment shot up 65 percent since he took office 10 months ago. The rate is going to top 9 percent when the new figures come out tomorrow.

Nine million people are out of work, and all the administration does is announce that things might get better sometime. Maybe that is all President Ford can offer to the people of this country, but Congress has got to do a lot better than that.

We Democrats in this Congress have got to stand up for the people.

APPOINTMENT OF CONFEREES ON H.R. 4221, TO AMEND THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, RELATIVE TO REALLOCATION OF WORK-STUDY FUNDS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4221) to amend the Higher Education Act of 1965, as amended, relative to the reallocation of work-study funds, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, O'HARA, BRADEMAS, BIAGGI, ANDREWS of North Dakota, BLOUIN, THOMPSON, MOTTL, HAWKINS, Mrs. CHISHOLM, Messrs. BENITEZ, SIMON, HALL, QUIE, ESHLEMAN, ERLENBORN, ESCH, BUCHANAN, and Mrs. SMITH of Nebraska.

A DEPRESSION, NOT A RECESSION

(Mr. HAYS of Ohio asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HAYS of Ohio. Mr. Speaker, I think the speech of the majority leader, the gentleman from Massachusetts (Mr. O'NEILL), hit right on target. I would just like to add an observation of my own. I keep reading these reports in the press from Secretary Simon, Mr. Zarb, the energy czar, and other Cabinet officers, about the recession has bottomed out, and things are going to pick up, and so on. I have to believe that they are doing a scissors and paste job from the newspapers of the era of 1929 through 1932 because in those days every time you picked up a paper some Cabinet officer was saying that things were going to get better, but the Republican administration at that time was doing things to make things worse.

The veto of the jobs bill is a good example. If we had 1 million more people working we would have 2 million more people paying taxes, because those extra million people working would create another million jobs in private industry. But, no, the vicious circle goes on, while at the same time you read the statements that these nincompoops put out about the recession has bottomed out, and in the same paper on the same page you can read a story about another industry laying off 20,000 people, another industry laying off 50,000 people, another industry closing down for 5 weeks, and so on.

If there is going to be any relief for the American people from this depression—not a recession, but a depression—it is going to have to come from the Democratic Party and from the Democrats in the Congress.

THE CORRECTNESS OF THE ADMINISTRATION'S POLICY

(Mr. RHODES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it has been with great interest that I have listened to the speech of the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL), and that of the gentleman from Ohio (Mr. HAYS).

The gentleman from Ohio mentioned 1929 through 1932 as the time when there was a depression. I hasten to remind the gentleman that the depression did not end in 1932 when the Democratic Party assumed power. In fact, it was still very much going on some 6 years later when rearmament for World War II began. In 1940, 14.6 percent of the civilian labor force was out of work. It was not until the following year—the first year of the Second World War—that unemployment dropped to 9.9 percent. So the record of the Democratic Party in curing depressions is not a very good one.

Insofar as the situation now is concerned, the Democrats have adopted a worm's-eye view in looking at our economy. They are so busy looking at that hillock up ahead that they cannot see beyond what is there. They expect us to do the same thing.

I serve notice on them that we are not going to do that. Republicans are not going to look at the economy as the Democrats think it is, or as they might wish it is. We are going to look at the economy as it is and will be.

I think that the economic policies of the administration are sound. The administration has the only program in town for getting us out of the recession and at the same time to protect the economy from the ravages of inflation.

The main trouble with the reasoning of the Members on the other side of the aisle is that they have come to the conclusion that expenditure in the public sector is the do-all and the end-all, and it is not. We Republicans still believe we need to provide jobs for people in our factories, but not just public jobs. There must be more than jobs raking leaves. That is the chief difference between these two parties.

THE NEED FOR CONGRESSIONAL REVIEW OF REGULATIONS PUBLISHED IN THE FEDERAL REGISTER

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, in a time of rightful concern about the interests of the consumer we may well give thought to the burden imposed on nearly everybody through excessive regulation of all phases of business activity by Federal agencies.

These regulations are extensive and often contradictory as between agencies. They serve to restrict competition. They add to the cost of doing business and the added cost inevitably is passed on to the ultimate consumer. Many of the regulations promote rather than slow down inflation.

Fewer hobbling regulations could not only result in lower costs to consumers but also in the creation of additional jobs as lower prices attract more business.

As my colleagues know, it is most difficult to get rid of regulations once they are promulgated by a Federal agency. But we can at least take steps to halt their proliferation and permit new regulations to be put into effect only when they have been closely examined by congressional committees.

With that as my purpose, I have introduced a bill providing that prior to publication in the Federal Register all regulations shall be submitted to the appropriate committees of Congress. This submission shall take place not less than 30 days before publication of the regulations or before their circulation for public comment, whichever comes first.

Such prior study would result, I hope, in fewer and more carefully thought out regulations. I consider that a goal eagerly to be sought, and I solicit the support of my colleagues in advancing toward it. As President Ford has pointed out, government regulations in effect constitute a hidden tax on the American people.

ASTRONOMICAL INCREASE ASKED FOR IN TEMPORARY DEBT CEILING

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, in a very short time we will be called upon to vote an increase in the temporary debt ceiling up to new astronomical heights. The figure agreed upon by the House Committee on Ways and Means, over my strong opposition, is a request that the temporary increase be up to $616 billion. This is an all-record increase, requesting an increase in the debt ceiling over $85 billion.

Yet, during the testimony by the administration spokesman, they tell us not to be concerned about the social security trust fund that faces a $15 billion deficit in 1977. They told us, do not do anything about it until after the November election of 1976; everything will be hunky-dory until then.

Mr. Speaker, I would like to read a statement by one of the great members of the opposition party, former Representative Thomas Curtis, made on the floor of the House on June 18, 1964, in relation to a request to increase the debt ceiling:

> It is perfectly logical for Republicans, of course, to resist the expenditure policies of this administration, as we tried to under the Kennedy administration. This is a basic issue for the people to decide; I wish my colleagues on the Democratic side of the aisle would face it forthrightly. Their economic philosophy is to spend and finance it through deficits. The President does not submit a balanced budget to the Congress and has no intention of submitting a balanced budget in the foreseeable future. What we Republicans are fighting for and what we regard as fiscal responsibility is balancing the budget.

Here they are, coming in here and looking for an $85 billion increase. They are going to have an alltime record deficit. We have to have some responsibility around here, not only on this side of the aisle, but on the other side of the aisle.

I label this bill, coming in here as a tweedledee, tweedledum bill.

I see my good friend, the gentleman from Arizona, the minority leader, over here. He was in the House here when he voted against raising the debt ceiling. The present occupant of the White House voted against raising the debt ceiling. In fact, there were years when there was not a vote on that side of the aisle to increase the debt ceiling. Those were the days when their party felt they were responsible. What has happened to the GOP? Why are they outspending the party of the opposition?

I say to the Members, this bill is coming in here next week, and we are going to separate the men from the boys.

DANNY McKEE'S LETTER TO THE EDITOR

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, yesterday's Washington Star carried a letter to the editor written by my page, Danny McKee. For the record, it was written on his own initiative, and on his own stationery. I did not even know it existed until the day before yesterday.

Never have I seen such a furor over a letter by an 18-year-old young man.

The letter was critical of the tax rebate legislation passed by Congress. I happen to agree with its sentiments.

But whether we agree or disagree, or whether we approve or disapprove of his discretion, Danny McKee did not give up his constitutional rights when he became a congressional page.

Since the letter was published, it is a fact that copies have been circulated by critical Members and congressional staff. It is also a fact that Danny was asked to leave his position on the House floor yesterday.

There were rumors that he was going to be dropped from the congressional payroll and might be denied graduation from Page School. I have confirmed with the gentleman from Pennsylvania (Mr. MORGAN) that these rumors are not true.

Furthermore, Danny is back on his job today.

In the heat of the furor, questions have been raised about checking Danny McKee's income tax, censoring future communications from pages, and about the very existence of the page system itself. In particular, there is concern for the future of Republican pages. I would hope that upon reflection better reason will prevail.

Danny McKee's letter was directed toward issues, not individuals. It was his constitutional right. I will vehemently oppose any actions to deny him his position or any other retaliatory actions taken against him in the future.

In words attributed to Voltaire:

> I may disapprove of what you say, but I will defend to the death your right to say it.

DEFICIT FINANCING DRAINS PRIVATE MARKET

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROUSSELOT. Mr. Speaker, I was delighted to see my colleague, the gentleman from Massachusetts, a member of the Ways and Means Committee, talk about the problem of deficit financing. Some of us tried to address that issue when we had before us the budget target resolution for 1976. There were only 94 Members who voted for a balanced budget for 1976 and against deficit financing. There is no doubt about the fact that deficit financing by this Congress has drained the marketplace and made it impossible for the private market sector to provide jobs or restimulate the economy in a positive way. I could not be more happy that our colleague from Massachusetts, who knows that the social security fund faces a massive deficit, is willing to join with us in stopping deficit financing. Congress could stop the draining of the private market which is preventing people from having jobs in the private market sector by not forcing the Federal Treasury to be in the marketplace borrowing so much.

I would like to say to my colleague, the gentleman from Ohio, one of the reasons many of us sustained that veto is because we knew many of those jobs called for in yesterday's bill would not see the light of day for 2 or 3 years and that is why we opposed that measure. The process under that bill would take so long to get to the marketplace and actually provide those 900,000 jobs.

THE TIME TO DETERMINE THE DEBT LIMIT IS DURING CONSIDERATION OF LEGISLATIVE ACTIONS

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, the performance of the gentleman from Massachusetts (Mr. Burke), for whom I have a high regard, has to be one of the most amazing statements of all time. The Democratic Party has controlled the Congress every year since 1932 except 4 years. There is not a way in the world any President or any administration can spend 5 cents that is not approved by the Congress of the United States.

The time to determine whether or not the debt limit has to be raised is during consideration of the legislative actions we take in the Congress. It is too late when the time comes to have a requirement to increase the debt limit.

I understand the matter is coming up next week. If I understand the numbers in this Congress correctly, the Democrats outnumber the Republicans by more than 2 to 1. If the Democrats want to go ahead and vote not to increase the debt limit they can go right ahead and do that, but they take the reponsibility for people not receiving their retirement checks, whether they be social security, railroad retirement, or civil service retirement. The Government cannot pay its bills when it exceeds the debt limit. It is just very basically that simple.

So the time to discuss these matters is not when we consider whether we should increase the debt limit but during consideration of the legislative actions we take. I have voted at times not to increase the debt limit. I do not like to increase the debt limit but when I have voted that way, my vote was a protest against some of the actions that are fiscally irresponsible, that have been going on around here for a long time.

APPOINTMENT OF CONFEREES ON S. 1542, MARITIME APPROPRIATION AUTHORIZATION FOR FISCAL YEAR 1976

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1542), to authorize appropriations for the fiscal year 1976 for certain maritime programs of the Department of Commerce, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri? The Chair hears none, and appoints the following conferees: Mrs. Sullivan and Messrs. Ashley, Downing of Virginia, Dingell, Rogers, Ruppe, and McCloskey.

CALL OF THE HOUSE

Mr. FREY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 264]

Abzug
Adams
Alexander
Andrews, N.C.
Ashley
Badillo
Burke, Calif.
Clausen, Don H.
Conyers
Dellums
Diggs
Drinan
Eckhardt
Edwards, Calif.
Fisher
Gude
Hawkins
Hébert
Horton
Jarman
Jenrette
Jones, Tenn.
Kemp
McCormack
McKinney
Macdonald
Mathis
Milford
Mitchell, Md.
Mollohan
Nedzi
O'Hara
Rodino
Shipley
Staggers
Steed
Steiger, Ariz.
Thompson
Traxler
Udall
Wilson, C. H.
Wilson, Tex.
Young, Ga.

The SPEAKER. On this rollcall 390 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 4485, EMERGENCY HOUSING ACT OF 1975

Mr. REUSS. Mr. Speaker, I call up the conference report on the bill (H.R. 4485) to provide for greater homeownership opportunities for middle-income families and to encourage more efficient use of land and energy resources, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I assume the chairman of the committee, the gentleman from Wisconsin, will give the membership a full explanation of the nongermane amendments that have been tacked onto this bill?

Mr. REUSS. Mr. Speaker, if the gentleman will yield, the gentleman from Maryland is exactly right. I intend to do so.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 22, 1975.)

Mr. REUSS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. Reuss) for 30 minutes.

Mr. REUSS. Mr. Speaker, I will advise the Chair that the majority desires that the minority be accorded half of the time before us, and, therefore, from time to time the minority will seek recognition, and it is the intention of the majority that that wish be deferred to.

Mr. Speaker, I now yield myself 7 minutes.

Mr. Speaker, I am pleased to present to the House the conference report on H.R. 4485, the Emergency Housing Act of 1975.

Most of the conference report contains two programs which were initiated in the House. One would increase residential construction by providing homeownership opportunities for middle-income families, now priced out of the housing market, and the other would help homeowners who lost their jobs because of the recession to continue to make their mortgage payments. Both these programs were overwhelmingly approved by the House prior to the action of the Senate in approving substantially similar programs.

The remainder of the conference report contains eight miscellaneous amendments to existing laws taken, with substantial modifications, from the Senate bill.

I am happy to report that the Senate conferees receded on 35 items, while the House receded on only 16 items. I can assure you that the items accepted by the House conferees were regarded by a majority of the conferees as good provisions.

TITLE I—MIDDLE-INCOME HOUSING

This title would provide assistance for the purchase of approximately 400,000 one- and two-family units by middle-income families. This is a 1-year program designed to stimulate the construction of new units by broadening the home buying market and by encouraging families to purchase homes in the coming year rather than postponing their purchases because of the recession, through the provision of subsidies which reduce the cost of homeownership.

Three alternative types of subsidy would be available under the program, each meeting different family needs. First, a temporary subsidy to reduce mortgage interest costs to a 6 percent level. The full subsidy would be available for the first 3 years and then phased down by quarters over the next 3 years, so that by the seventh year no subsidies would be paid. The subsidy would also be terminated if the house is sold at any time. This approach, which provides the most substantial subsidy over the first few years of homeownership, would be particularly attractive to younger, upwardly mobile families.

The second type of subsidy involves the provision of home mortgages with an interest rate of 7 percent for the life of the mortgage. These mortgages would be purchased by HUD. Another method of providing 7 percent mortgages through one-shot payments to lenders was dropped in conference. While this approach offers less subsidy to a family over the first several years of homeownership, it would be attractive to families which were relatively stable with respect to income and location. The third subsidy type was taken from the Senate bill and is designed to assist families in meeting the downpayment on a home. This subsidy would be in the form of $1,000 grants to be applied toward a downpayment and would be useful to those families. Particularly younger families, who wished to buy now but could not put together enough money to meet the downpayment.

Families eligible for assistance would have incomes not in excess of 120 percent of the median income for the area. Median incomes have already been established by HUD for every county in the country for use under an existing program. The statute provides that in areas of low median incomes, the Secretary of HUD can increase the income limits to whatever levels will make the program achieve its objectives, and we certainly expect that the Secretary will exercise this option freely. This option is available under existing housing programs and has been used when necessary.

The conference report retains the House limits on the dollar values of homes purchased under the program—$38,000 and $42,000 in high-cost areas and $48,000 in the very high-cost areas of Alaska, Hawaii, and Guam. However, the House conferees did yield somewhat to the Senate by agreeing to an increase in the percentage of mortgage funds allocated to homes costing more than the basic $38,000 from 10 to 15 percent.

At least 80 percent of the amount of the mortgages assisted would have to cover newly constructed or substantially rehabilitated homes. The remaining 20 percent could involve older existing homes and new, unsold homes. The conferees agreed to reduce this category of homes from 30 to 20 percent of the total because of the enactment of the $2,000 tax credit and its availability to the inventory of new, unsold homes. In order to mesh the tax and housing proposals more completely the conference report defines newly constructed homes as houses started after March 26, the date before which homes must be started to qualify for the $2,000 credit.

The total cost of the program will range between $400 million and $1.4 billion, depending on the mix of subsidy approaches used, and the costs could be run out over a period of up to 7 years. The program is fully included within the recently adopted congressional budget resolution which estimates outlays of $300 million during fiscal year 1976.

Actually, this program will bring in more revenue to the Government than is spent, through increased tax revenues generated by construction activity and new jobs.

TITLE II—HOMEOWNERS' RELIEF

This title is almost identical to the bill passed by the House on April 14 by a vote of 321 to 21. It would provide to homeowners who lost their jobs or had their incomes substantially reduced because of the current recession repayable loans of up to $250 a month to help them to make their mortgage payments and thus save their homes. These payments could continue for up to 12 months, with one additional extension of up to 12 months permitted. These loans would be repaid with interest and could be repaid at the time the house is resold.

The program is structured to take advantage of the willingness and ability of many lending institutions to excuse temporary nonpayments or underpayments on a mortgage where there is a good reason for the default and a prospect of an eventual resumption of payments. Assistance under the program would be provided to the greatest extent practicable when normal lender forbearance had run its course and foreclosure would otherwise occur.

While the House-passed bill was not technically in conference, the conferees used its provisions as a guide and succeeded in persuading the Senate conferees to change five provisions to read identically to the House-passed bill. The House conferees accepted three provisions in the Senate bill which were not in the House bill which they felt improved the program: First, an extension of the program to owners of mobile homes, a provision urged by the gentleman from North Carolina (Mr. NEAL); second, more explicit statutory direction to Federal regulatory agencies to encourage forbearance by lending institutions; and third, a direction to Federal regulatory agencies to request regulated lenders to notify the agencies at least 30 days prior to the institution of any foreclosure action.

The authorization for this 1-year program would be $500 million, enough funds to assist approximately 300,000 homeowners. At the present time there is not a need for this much assistance, but with unemployment levels anticipated to continue at high levels over the next year, the need may exist very shortly. This authorization is fully accounted for in the congressional budget resolution.

TITLE III—MISCELLANEOUS AMENDMENTS

Almost all of the Senate input to the conference report is contained in eight miscellaneous amendments to existing laws, many of which were substantially modified in conference.

These miscellaneous amendments are:

First. An extension of the use of the remaining funds available under the Emergency Home Purchase Assistance Act of 1974 to conventionally financed multifamily housing. There is approximately $2 billion in mortgage purchase authority still available under this program, which expires on October 18, 1975. The availability of these funds at reasonable interest rates will stimulate the production of much-needed apartments—approximately 70,000. A House bill which would have accomplished the same objective was the subject of favorable testimony received by the committee from both industry and administration witnesses. The House conferees readily accepted this Senate amendment as a very useful complement to the middle-income homeownership provisions in stimulating construction activity.

Second. An extension of the section 312 rehabilitation loan program from August 22, 1975, to August 22, 1977, but with a reduction in the Senate authorization from $150 million a year to $35 million a year. At this time, the 312 program is a necessary supplement to the community development block grant program enacted last year because of legal and constitutional problems in many States in using block grants to make rehab loans and because of the inadequate amounts of block grant funds in many communities. I am advised that this amendment is fully consistent with the congressional budget resolution.

Third. An increase in the set-side of public housing funds available for use by public housing agencies from $150 million to $300 million. One-half of this set-aside can only be used under the conventional or turnkey programs and one-half can be used under the section 8 program enacted last year. These funds are set-aside from last year's authorization of $1.25 billion. The House conferees agreed with the Senate that a transfer of funds from section 9 to traditional public housing could speed up subsidized housing production and also provide assistance for areas of the country in which section 8 might prove to be inoperative or not fully operative.

Fourth. Extension of the authority of HUD to insure mortgages under the section 235 homeownership assistance program from July 1, 1976, to July 1, 1977. Funds from this program have been impounded for 2½ years and the GAO is currently engaged in litigation to secure release of the funds pursuant to the Impoundment Control Act of 1974. These impounded funds cannot be used after August 22, 1975, without being reapproved in an appropriation act, by virtue of a provision in last year's housing law. The Senate bill removed the August 22 expiration but the House conferees prevailed on this point on the ground that the Congress ought to take another look at the 235 program through the appropriations process before the impounded funds are used, particularly since substantial amounts are involved—approximately $270 million in contract authority. If the Congress does approve the continued funding of the 235 program, the part of the Senate amendment accepted by the House conferees would provide a sufficient period of time for the use of these funds.

Fifth. Extension by 7 months of the period during which purchasers of FHA-insured defective houses could file claims for compensation. Last year's housing law authorized compensation for purchasers of certain FHA homes if claims were filed within 1 year of enactment—by August 22, 1975. However, HUD delayed the implementation of the program for 7 months and this Senate amendment would thus carry out the original intent of the legislation to give every eligible homeowner a full year to file a claim.

Sixth. Requirement that old HUD commitments to provide public housing for members of Indian tribes not be met out of the $15 million set-aside of funds for housing for the Indians contained in last year's housing law.

Seventh. Authorization for HUD to approve changes in income limits and rent payments in State-financed projects receiving assistance under section 236 where HUD finds it necessary to help maintain the financial viability of the State agency.

Eighth. Extension by 6 months, from July 1, 1975, to January 1, 1976, of the effective date of certain sanctions against persons living in flood-prone communities which do not participate in the national flood insurance program. The conference report cuts a middle position between those wanting to postpone all inducements to communities to join the program—Senate bill—and those wanting to continue the inducements now in existing law. The conferees felt that existing law is too strong in penalizing innocent homeowners who now live in flood-prone areas who want to sell their homes during this period of transition toward full implementation of the program. They agreed therefore to a 6-month extension, with respect to such homeowners, of the prohibition on the making of federally related mortgage loans to finance the resale of existing homes in nonparticipating communities.

CONCLUSION

The House conferees succeeded in persuading the Senate conferees to recede on two titles of the Senate bill which would have created major permanent programs which had not been considered in the House, namely a permanent housing assistance program designed to make mortgage money available at below market interest rates during periods of low construction activity, and a proposal to establish national standards for energy efficiency in new residential and commercial buildings. These titles were deleted without prejudice and the committee expects to consider these and related proposals in the months ahead.

Mr. BROWN of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the conference report on H.R. 4485. What we have before us is a broad version of what was originally intended to be emergency legislation to provide homeownership opportunities for middle-income families. I would remind my colleagues that this legislation passed the House of Representatives in the middle of March as emergency legislation. Once again the Senate has added a string of amendments designed to satisfy what by now must be recognized as an insatiable desire for pet programs. A number of these programs have been before us before, and I believe the House has spoken its will on them, but the Senate continues to try to resurrect a number of them, despite our past actions. What may even be worse than the resurrection of the old is the advent of the new. I am referring to the Senate's new $1,000 giveaway for new homes to be added on to the list of goodies like the $2,000 tax credit for inventory homes. Make no mistake about it, the $1,000 is as good as cash despite the so-called requirement that it be applied toward the downpayment. Even if this money is applied toward a downpayment, it is just that much less the purchaser has to take out of his own funds, since there is no requirement that the purchaser needs the money; it is just like cash in hand.

Under this conference report the middle-income home purchaser, whether or not he would have bought a house anyway, would have a choice of a 6-percent interest rate mortgage which would begin being phased out after 3 years, a 7-percent mortgage on the life of the mortgage, or $1,000 in cash.

Coming from Michigan, I cannot help but wonder why the automobile manufacturers paid their own rebates when they could have followed this procedure, and let Uncle Sam carry the burden.

I see no necessity in discussing title I of the conference report, since my views are well known, and to reiterate them would only be to re-echo the debate on the original bill. However, I would propose that title I be retitled "the Federal Handouts Act for 400,000 lucky home buyers."

As for title II, which parallels H.R. 5398, I would only say that it is most unfortunate that this essential measure must be tied to a "turkey," as this bill has been so aptly called. It should be treated as separate legislation.

Upon defeat of the conference report, or sustaining of the veto assured to follow if it passes, we will urgently work on securing from the Senate a version of the foreclosure assistance bill which received such wide support in the House.

Having summarily passed over titles I and II, I would like to take some time and outline my objections to title III which, unlike title I and title II, were never discussed by the House.

First is a 2-year extension of the 312 rehab program which authorizes outlays of $100 million—$35 million per year plus an estimated $30 million in revolving funds. Regardless of the merits of the rehab program or any other categorical community development program, we cannot justify continuing them piecemeal in addition to the $3 billion community development bloc grant program which we authorized as their replacement.

The only reason the 312 program was kept as a parallel program for 1 year was because a number of communities alleged legal impediments with implementing such programs on their own. These were State statute or constitutional impediments.

Now the justification on legal grounds is being expanded in a blatant attempt to reinstate categorical programs duplicative of the bloc grant program. Certainly rehab is important.

This is evidenced by the fact that many communities have earmarked substantial portions of their community development bloc grants for this purpose. It would be grossly unfair to communities which have set-aside CD funds for rehab to allow a certain chosen few communities to receive Federal rehab funds for no other reason than grantsmanship.

To date HUD has received 1,051 applications under the CD program with approximately $150 million designated for rehab.

Let me ask the Members to compare that $150 million from the CD program with the $90 million appropriation of 1972 which was the highest ever passed.

By the time all applications are in, it is estimated that a total of $175 million will go for rehab in fiscal year 1975 alone. I again ask the Members, at the danger of being repetitive, to compare that with the highest level of $90 million in the past.

In addition, the conference report extends the discredited 235 program until July 1, 1977. It extends the period in which assistance may be requested from HUD to repair structural defects on FHA-insured houses; delays for up to 6 months the sanctions of the Flood Disaster Protection Act against the financing of the sale of previously occupied residential dwellings by federally supervised lenders; requires that prior commitments for Indian housing not be counted against the set-aside established in the Housing and Community Development Act of 1974.

Finally, the conference report would allow the New York Urban Development Corp. and other State or local housing agencies to admit higher income people to 236 projects and at the same time lower the rent requirements, thereby requiring a deeper Federal subsidy.

As the Members may have guessed, this last provision was specifically designed for the New York Urban Development Corp.

Mr. Speaker, I have said many times that this is misguided legislation. We risk putting into motion forces which will contribute to double-digit inflation as we climb out of this recession, while doing little to stimulate housing.

And, there is a serious question about the particular needs addressed by this legislation. New building permits for April have jumped 27 percent. This indicator led the composite index, and it highlights the fact that the bottom of the recession, I suggest, has been reached. While permits are still about 30 percent below a year ago, such news comes at a critical time in our overall economic decisionmaking process.

Other signs also point upward. During the first quarter of 1975 the mortgage banking industry closed more permanent mortgages and issued more commitments to builders and borrowers for permanent financing than a year earlier.

Single-family commitments were 40 percent above the fourth quarter of 1974 and almost one-third higher than a year ago. The volume equaled the first quarter of 1972, which was the banner year for housing.

Savings flows have continued at record rates and mortgage loans closed by savings and loan associations jumped one-third in April. The same was true for commitments.

New home sales also rose fairly sharply in March, before the effect of the $2,000 credit could be felt.

In this regard I should note that a survey recently conducted by the homebuilders shows that 23 percent of the inventory of responding builders was sold in the first 3 weeks after the tax credit became law, and that they expect to sell approximately 42 percent in the following 60 days.

Interest rates on conventional home mortgage loans have continued downward in April. There has been a decline of about one-half percent since December. These and other factors paint a rosier picture for housing in the period ahead.

We must be careful not to destroy that natural impetus. Much of this can be attributed to previously enacted Federal supports; and while it is true this does not represent the whole mortgage market, it does illustrate that housing is not a sector where we pass a law today and build a house tomorrow.

The market is recovering despite the natural tendency of those who are aware of this congressional proposal to put off home purchases until the Federal largess is available. But this tendency to wait will be severely aggravated if this legislation becomes law.

I do not need to tell the Members but it is safe to say that during the necessarily lengthy time which is required to issue regulations for these new programs no one earning less than 120 percent of median income who plans to buy a home for $38,000 to $48,000, depending on his location, will do so.

Let us help the housing industry recover, not hinder it. This conference report should be voted down.

Let me address myself to the points that probably are most persuasive in the conference report, and I refer to those dealing with interest rates, because by and large in talking about help to the housing industry this conference report addresses at best interest rates and that is all.

If we want to address the problem of home ownership for median-income families, we should face up to the fact that it is not just an interest rate problem alone. Let us take a look at the whole process. The cost of the home itself is a significant obstacle to most low-income families, and not just the interest rate. We find the median price for new homes in 1970 was $23,400, and in March of 1974 the figure was $38,300, almost a $15,000 jump in 4 years. This has nothing to do with the buyer's interest rate.

There have been increases in labor costs and material and land plus overhead, including the builder's profit, which have all added significantly to this problem.

During that period, the percentage of new homes for sale under $30,000 dropped from 72 percent to 42 percent, while the percentage of those under $20,000 has gone from 35 percent to near extinction—9 percent.

During virtually that same period—October 1969 to October 1974—the average labor rates climbed 54 percent for all trades—paced by a 63-percent jump for laborers, which accounts for over 50 percent of the labor costs on single-family construction. As we all know, material costs have climbed as well. However, here at least some relief has come, albeit of possibly short duration and only in some selected products such as lumber. Be that as it may, in just the last 2 years, the wholesale price index for housing products jumped almost 31 percent, from a level of 129.4 in January 1973 to 169.3 in January 1975.

Let me remind my colleagues that at the time we had the highest level of housing starts in this Nation, in the 1971–73 period when we had housing starts averaging on an annually adjusted basis of 2.2 million to 2.3 million, the effective interest rate was above 7.5 percent, between 7.59 and 7.64 percent, as I recall.

All I am asking my colleagues to do is put in perspective the significance of interest rates on the housing problem.

I think we should do something more. I think we should do something more to continue what is happening, a gain in the housing industry. What we should do is that which I suggested when this bill was previously before the House, and that is doubling the amount of money committed to the GNMA conventional tandem plan, fix the rate of interest so it does not get above 8 percent and will not fluctuate month to month as it does presently under the amendment offered by the gentleman from Wisconsin in the other body. I think it should be fixed at the lower of the FHA rate and 7.5 percent. Since I have said to the Members that our greatest number of housing starts began when we had interest rates in excess of 7.5 percent, fixing it at that rate for GNMA should provide us with the same kind of activity to the extent interest rates are relevant to such activity. We should extend that program to multifamily rental and condominium dwellings. They are not covered now in the GNMA program. The multifamily dwelling market is hard hit.

Let us do these things and we will accomplish the providing of a strong housing stimulus with a program that is in place and can have an effect now. In my judgment if we had done this originally and the Senate had accepted it, we would have gotten action before now instead of our belated arguing over this stupid conference report.

In addition to the GNMA program if this conference report is defeated, or if it is passed as it no doubt will be, after it is vetoed and the veto is sustained, I hope I will get some bipartisan support on that side of the aisle for a homeowners relief act that does not involve a direct outlay and administration by HUD. I will propose a program which uses the regulatory agencies and causes financial institutions to advance the sums of these payments to mortgagors and the institutions in turn will be advanced funds where needed by the regulatory agencies. This approach will not require a brand new administration, a brand new program, but will basically build upon what we have. If the conference report is defeated, or vetoed and the veto is sustained, I promise that legislation will be submitted and acted upon the very next day, if the leadership on that side of the aisle will permit us to work on it.

Members of the House, we have had too many confrontations in this Congress. How many times do we have to be hit over the head, as we were yesterday, to realize that the people of this Nation expect cooperation, not confrontation.

Now, if the majority cannot get the votes it needs to enact its programs and override vetoes, for God's sake, let us recognize there is a partnership and someone else may have ideas that should be considered. Whether we are discussing the energy bill, the jobs bill or this conference report, anyone viewing this Congress, I think, would have every right to assume that this Congress is not interested in an emergency energy program; this Congress, the majority in this Congress, is not interested in an emergency jobs program; the majority in this Congress is not interested in housing legislation; rather, it could be argued that it looks like the majority wants to continue the economic recession until 1976.

Mr. Speaker, I urge defeat of the conference report.

Mr. REUSS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Speaker, I have served on the Housing Subcommittee for nearly two decades and I have had a hand in a good deal of housing legislation over this period of time, having served on many, many conferences.

This is the first conference report which I have found it impossible to sign. I cannot support the conference report, Mr. Speaker, because it is a loser. It is a loser because it will never see the light of day. If it is adopted by this body this afternoon, and by the other body, it faces a certain Presidential veto, a veto which to an equal certainty will be sustained.

I do not understand why we insist on serving up these veto pitches that come over the plate the size of a pumpkin. I do not understand the surprise, frustration, the little shrieks of anger when the President picks on these fat cripples and drives them out of the ball park. What on earth can we expect?

This conference report is a legislative cripple because it is loaded from stem to stern with extraneous nongermane provisions which give the President ample justification to veto the measure.

Something has gone wrong drastically since we passed overwhelmingly a middle-income emergency home building bill back in March. It had support on both sides of the aisle. We said that this was an emergency piece of legislation. We said that we wanted it acted upon, not in a package with other legislation, but on its own, so that we could send it to the President with some degree of confidence that it would become law.

What went wrong is that we come back from conference having adopted the Senate strategy, which as usual is to foist on the House and the President a fully decorated Christmas tree. What happened, Mr. Speaker, to our strategy? Why did the House conferees collapse? I have referred to this conference report as a turkey, and I was not trying to be unkind. I was trying to find the words to convey the certainty which I feel that this proposition will not fly.

We are, I think, good legislators when we put our minds to it. I suggest, Mr. Speaker, that we do just that. This conference report is doomed. If we have to play out the scene, let us do so, but for heaven's sake, as quickly as possible let us get to the task for which we were elected.

Mr. REUSS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I do not pose as an expert on housing legislation. I do not know all of the details on the housing programs that are contained in the bills and in the conference report now before the House. I do know that we have needed and waited a long time for housing legislation which can provide sound programs to stimulate housing construction. This important industry has been in the doldrums much too long.

I find that the whip advisory, which is available to all of us, explains the conference report quite well. It explains that the bill before us actually contains two important House-passed measures. I supported both when they were before the House. I have no reason to change my position.

I continue to have confidence in the distinguished committee leaders who have presented the conference report—the chairman of the committee, my good friend from Wisconsin (Mr. REUSS), and the chairman of the Housing Subcommittee, my good friend from Pennsylvania (Mr. BARRETT). Both are expert in this field.

I believe the conference report should be adopted. I think it is a good package for homeowners, a good package for the housing industry. We need a stimulus for both.

It is, of course, well known that in time of recession it historically has been the construction industry that has led the way back to recovery. This is a good time to begin work in the construction industry. I quote from the last paragraph in the Whip Advisory:

> The House leadership and the Banking, Currency and Housing Committee and subcommittee chairmen estimate that the conference report would stimulate construction and rehabilitation of 500,000 housing units over the next year, create 800,000 jobs, help 300,000 out of work homeowners avoid foreclosure. Certainly, these would be very laudable achievements.

Mr. Speaker, for many months, high construction costs and high interest rates have been the bane of the housing industry. Lack of starts of new construction have contributed to unemployment and to recession. People have simply been afraid to invest in housing. This bill can provide the incentives to start renewed interest in the purchase of homes. Importantly, it insures a 6-percent interest rate. Some are concerned that this is accomplished by a Federal subsidy. I know of no other way that interest rates are going to be brought within reach of the average person who wants to build a home. Some construction costs are down; building materials are down; contractors are eager for work. This is the other important consideration. I think the time is right to get legislation on the statute books which can help to insure new housing starts.

Mr. Speaker, I feel it would be a serious mistake to reject the proposal that the conferees have brought to the House. It is the one possible way to obtain helpful legislation now. I don't think we should wait longer, and I strongly recommend the adoption of the conference report.

Mr. BROWN of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, those of us who were here a few minutes ago could not help but realize the depth of feeling of my friend and colleague from Ohio (Mr. ASHLEY). I think this is rightfully true, because I believe that all of us—regardless of our sentiments, regardless of our feelings—are always subject to the question of political motivation. For me to come and tell the Members frankly, which I will in a few minutes, that we do have a veto bill here, the Members may take with a grain of salt. However, we heard the gentleman from Ohio say it. I repeat this simply because I wish to express to him publicly my admiration and respect, because I know how extremely difficult, indeed, it was for him to have to say the things that he felt needed to be said here in the well of this House this afternoon. Regrettably, he had to call this bill a turkey that will not fly. And I know he said "regrettably," and I do repeat that word because, through the ensuing 4 to 5 months since the convening of this Congress in January, the American people asked us to do our best to help the economy of this country. Specifically, the chairman of our committee rightfully came to the Subcommittee on Housing and asked for emergency homebuilding legislation. The Homebuilders Association came to Washington months and months ago. We came up with a bill that was compatible to the majority, I believe, certainly, of the House. It could have been passed into legislation months ago. But regrettably, I say to the Members of the House, we are here this afternoon on a bill that is absolutely going nowhere.

Let us put this housing situation—and for the benefit of the Members I appreciate the attention that the Members are giving to it—into its proper perspective. In reality, when you get into the question of subsidized housing and you are asking for 48 million Americans, who own their own home in this great land of ours, you are asking them to subsidize by their taxes 400,000 housing units. Some of these exist and some of them do not. Some say it will only generate 15 to 20 percent of the 400,000 units. You are asking these 48 million homeowners to give people in the 120 percent median income, people who are making $23,000 a year, to give them a choice, No. 1, of a $1,000 cash payment going in, or subsequent interest through the years down to 6 percent or permanent financing of 7 percent. As the gentleman from Michigan (Mr. BROWN) has said, the vast overwhelming housing production in this country came when interest rates were on an average of 7½ to 7¾ percent.

Mr. Speaker, I want to ask realistically, no matter how much you want to help the home industry—and there is a great dispute as to whether or not it is solely a question of interest rates, and many people think it is a degree of confidence in the general economy in the country that will make people buy homes—how many can stand up and say that they have had their constituents back home ask for 6 percent interest rates. I think that is totally unrealistic. The majority would be extremely happy to get interest rates back between 7 and 7½ percent.

As the gentleman from Michigan has said, we have here a clear question of overkill.

Through the subcommittee and through our full Committee on Banking and Currency last year, we produced a housing bill that had the full cooperation of both sides of the aisle, and we moved with momentous legislative work into a multibillion-dollar bill. The year before that we got carried away in our committee and we came up with a bill we could not even get through the Committee on Rules.

Mr. Speaker, we have come down to this point today where we are asking for these subsidies of the American people. Honestly and truthfully, if it was going to be such a bonanza, as some of us hope, for the building industry, I would have to reconsider my position today, but it is just clearly not there in the time framework this legislation provides for.

I could go into these points individually. I could go into the fact that once again in this legislation we are back to the section 235 program for another year, after all of the votes we have had on this floor on this particular subject.

So in conclusion, Mr. Speaker, before the Members vote I hope they will consider this twice. There is no doubt that this bill will be vetoed and we will be back in an embarrassing position again. This is not bipartisan politics, but this is just what we ran into yesterday. I am one of the Members of the House who firmly believes that whenever we run into these matters, whether or not it is through political action, whether or not it is a veto or the sustaining of a veto, it is the entire Congress that suffers in that regard.

So I sincerely hope that the Members will think twice in considering this legislation today. I hope the Members will allow us to go back into the committee and eliminate a few of the points necessary to overcome the stigma of this bill and let us get on with helping our constituents buy shelter at reasonable prices and with fairness to giver as well as the receiver.

Mr. REUSS. Mr. Speaker, I yield such time as he may consume to the very able and hardworking and beloved chairman of the Subcommittee on Housing and Community Development, the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 4485, the Emergency Housing Act of 1975. It is extremely important for the Congress to promptly pass this conference report if we are to assist in pulling the housings industry out of its most severe recession since the end of World War II. This bill, if enacted, will produce up to 400,000 additional new housing units for middle-income families and will provide from 800,000 to a million new jobs in the construction trades industry.

All of the Members are fully aware of the crisis that the housing sector of our economy is living through today. The middle-income families of this country have been priced out of the housing market by soaring inflation and record high interest rates charged on the extension of mortgage credit. The construction industry has a total national unemployment rate of over 20 percent and in many areas of the country, particularly in my State, the rate is over 30 percent. The failure of the Congress to quickly enact this piece of legislation and the President to approve it would evidence callous disregard for the millions of middle-income families who desire to own their own home and the hundreds of thousands of unemployed in the construction industry.

The conference on this bill was a very difficult one. The House, on March 20, passed the bill, H.R. 4485, which provided a number of subsidy mechanisms to assist middle-income families in purchasing a home. The Senate in passing its version of the bill approved not only the subsidy approach for middle-income families, but included a standby emergency housing program to be triggered into effect when housing starts fall below a certain level; a program to provide assistance to unemployed workers to keep them from losing their homes; a program to provide national thermal efficiency standards; and, a whole series of provisions which extended and amended existing laws relating to housing and community development. While a number of the provisions contained in the conference report today reflect the Senate proopsals, they have been modified.

The conference report before us today contains the basic provisions of the House-passed bill, H.R. 4485, to provide short-term 6 percent mortgage subsidy, 7 percent mortgage subsidy for the life of the mortgage, and the Senate added, $1,000 incentive to be used as a downpayment on a home purchase. The assistance would be available under this provision to families earning up to 120 percent of the area's median income. Being a temporary program, these provisions will terminate on June 30, 1976. It is a short-term emergency antirecession program whose goal is to provide homes and jobs.

Title II of the conference report provides for a loan program for homeowners who face foreclosure or loss of their homes because they cannot keep up with their mortgage payments due to involuntarily unemployment or underemployment. This title would authorize assistance of up to $250 per month for as much as 2 years at rates and terms set forth by the Secretary of HUD. The interest rate could not exceed 8 percent. While the percentage of delinquencies in mortgage payments of over 60 days has not reached a crisis proportion as yet, it is expected to go extremely high in the next few months because there is a lag in the time between the person's unemployment and when he is unable to meet his mortgage payments.

Title III of the conference report contains a number of miscellaneous amendments to existing law none of which were contained in the bill that passed the House. Of the 11 miscellaneous amendments proposed by the Senate the House conferees adopted 8 after making major modifications.

I will just touch upon a few of these provisions: There is 2-year extension of the section 312 rehabilitation loan program in order to assist those communities who were having difficulty, due to State and local constitutional problems, in using their community development block grant funds for rehabilitation loan purposes. The program is funded under this provision at a very low rate of $35 million each year for the next 2 fiscal years. This rehabilitation loan program has been extremely popular throughout the country and has done an excellent job in assisting many of our urban communities in preserving older residential structures and neighborhoods.

Another important provision contained in the miscellaneous title concerns the provision to provide additional set-aside public housing funds for conventional public housing. Since the section 8 public housing assistance program has been so slow in being implemented, the conferees felt additional funds should be made available to the conventional and turnkey public housing programs; these programs have proven themselves over the years to provide the needed housing for low-income families. To those who claim that this additional set-aside for coventional housing does not provide the administration with adequate funds for implementing the section 8 program, let us just look at the funds available in last year's Housing Act. We provided $1¼ billion in public housing authorization, the bulk of which was to be used for the section 8 housing assistance program. What we are doing in this provision is to make an additional $150 million available to local public housing agencies to use for conventional and turnkey public housing projects.

Mr. Speaker, the budgetary impact of this bill falls within the provisions of the recently passed joint budget resolution and complies with all provisions of the Budget and Impoundment Act.

Mr. Speaker, I urge my colleagues to approve this conference report by a wide margin to show the American public that Congress is earnest in its desire to stimulate the housing and related industries and to provide much-needed jobs for many of our people.

I include the following:

Housing starts: Total housing starts on an annual basis

1972	2,357,000
1973	2,045,000
1974	1,338,000
December 1974 (on an annual basis)	880,000
January 1975 (on an annual basis)	999,000
February 1975 (on an annual basis)	986,000
March 1975 (on an annual basis)	980,000

Mr. REUSS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, reluctantly I rise to oppose the conference committee report because I think it is overkill in the area of 7 percent.

In the tax bill which we passed on March 26 we provided for a $2,000 credit for those individuals who purchased a new home. This bill passed before this day, and my feeling was that we should have scaled that bill down because of Senator LONG's amendment of the $2,000 credit, but we did not. They expanded it. They could choose either the downpayment system, they could go into a tandem plan to run their mortgage down to 7 percent, or they could go into a subsidized 6-percent mortgage, sliding up for approximately 5 years.

Therefore, we came in with this huge package in what was essentially a rather simple concept of allowing people in the middle-income brackets to purchase a home, and I think that a 7-percent program is a good program, and it would not cost the taxpayers anything because it would be financed by Government borrowings. The Government rate is now below 7 percent.

There is something else, too. Every bit of information I have heard is that the administration is going to veto this bill. If the administration is going to veto the bill, is it not possible to try to work out a bill that the administration will not veto? I think it is possible, and I have no idea why we are engaging in this game of "veto chicken." We come up with a bill that we know is going to be vetoed. The bill is vetoed. Then we try to override the veto, and then we go through the whole thing all over again.

Mr. Speaker, I think basically that we could come up with a simple bill. We could subsidize mortgages through a discount window that would not cost the taxpayers anything, and we would allow a person in the middle-income brackets to have a 7-percent mortgage when now such persons are paying 9, 9½, and 9¾ percent in my district.

Mr. Speaker, I really think this bill is overkill. I think it is excessive, and I ask for a "no" vote.

Mr. REUSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding.

I wish to record my support for this conference report and point out briefly that the sorry history clearly indicates that we are in dire need of some kind of housing program. Every subsidized program has been frozen. The only one that has been triggered off is the so-called community development program, section 8; and we have just been informed that there will be no new construction under section 8 at all.

Therefore, Mr. Speaker, I think we ought to support this conference report.

Mr. REUSS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Mr. Speaker, I am for this conference report.

Housing has been in a depression for years. The people in the middle- and low-income groups have been compelled to pay for three houses in order to get title to one house. That has been going on for a long time.

As to the cause, we all know what has caused it—higher and higher interest rates. We must stop it. We must begin to have bills that are the result of efforts such as those made here with this bill under the knowledgeable supervision of the gentleman from Wisconsin (Mr. Reuss), chairman of the Committee on Banking, Currency and Housing, and of the gentleman from Pennsylvania (Mr. Barrett), who is chairman of the Subcommittee on Housing. They have worked long and hard to bring us a good bill. I congratulate them for the efforts they have made.

Mr. Speaker, I hope that in starting out to pass a number of good bills, which we expect to in the early future, that we will try to build these laws the way a farmer builds his fence.

A farmer builds his fence sufficiently high—horse-high, pig-tight, and bull-strong. That way he has no loopholes. That is what I hope we can do in our lawmaking during this session, so that we can have good laws without loopholes. I appreciate the efforts that have been put forth by the gentleman from Wisconsin (Mr. Reuss) and the gentleman from Pennsylvania (Mr. Barrett) who have demonstrated their sincerity and honesty of purpose in housing. I hope that this conference report is adopted by a tremendous vote so, if necessary, we can override a veto.

Mr. BROWN of Michigan. Mr. Speaker, at this time I yield 4 minutes to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Speaker, H.R. 4485, the Emergency Housing Act of 1975, is designed to deal with a so-called emergency in the housing industry which has already been substantially alleviated as a result of massive Federal assistance in the form of $2,000 tax credits for home purchases, the GNMA "tandem plan" for conventional mortgages, and emergency employment and unemployment programs.

This bill now proposes to heap on top of these new pump-priming programs the following additional ones:

First. Emergency middle-income housing subsidies—up to $1.5 billion through July 1, 1976;

Second. Emergency mortgage relief payments—up to $500 million for up to 2 years; and

Third. Section 312 rehabilitation loan program—up to $100 million for 2 years.

The total cost of these programs may be as much as $2.1 billion. The $100 million funding for section 312 for two years would come on top of the money already available for this program under the Housing and Community Development Act of 1974. Money available for rehabilitation under this act, which was intended as a substitute for existing categorical programs, will amount to approximately $175 million during fiscal 1975. This figure in turn is nearly double the $90 million which represents the largest sum spent for this program in any previous year.

Regarding the two "emergency" programs, it is appropriate at this time to recall the following observation which I made in March in my additional views on the House version of H.R. 4485 (H. Rept. 94–64, pp. 35–6):

> H.R. 4485 is yet another example of the growing tendency on the part of Congress to enact ill-considered "emergency" legislation which is more likely to aggravate the country's present economic problems than to solve them. Moreover, this legislation is being proposed at a time when mortgage interest rates have already fallen substantially, savings flows into thrift institutions have resumed, and there are some signs that consumer confidence can be restored before long if inflation can be controlled for a sustained period. In short, there is every reason to believe that the "emergency" in housing will ease before this bill passes. If there should be a need for substantial additional assistance to housing during the coming months, that assistance can be provided more rapidly and more efficiently by expanding the use of the GNMA conventional "tandem plan," as the Minority substitute proposes to do.

My prediction that, "The emergency" in housing will ease before this bill passes" has already been borne out. According to the June 4, 1975, edition of Economic Briefs issued by the Federal Home Loan Bank Board:

> 1. The downward trend in interest rates on conventional home mortgage loans closed continued in early April. . . .
>
> 2. Savings flow to savings and loan associations continued in record volume in April (seasonally adjusted) as short-term market interest rates remained low and consumer savings high.
>
> 3. Private housing starts increased slightly . . . in March . . . building permit activity rose sharply.
>
> 4. New home sales rose fairly sharply in March.

This, of course, occurred even before the $2,000 tax credit had had a chance to take effect.

HUD Secretary Carla Hills, in a speech delivered on May 6, 1975, at the annual meeting of the National Forest Products Association, warned that this bill could actually harm prospects for economic recovery:

> The bill has a $2 billion price tag. Such massive spending threatens our economic recovery which is now beginning.
>
> Worse than that, it carries the promise of another inflationary cycle.
>
> Forcing Treasury borrowing above a tolerable level will deplete available capital and will drive up the cost of money to the point where the economy will again plummet downward. Leading the plunge—as always—will be housing.

As I said in March, "The best action Congress can take to provide relief from the inflation and high taxes which are pinching the middle-income citizen is to refrain from enacting new Federal spending programs which in turn require new Federal borrowing. Such measures are guaranteed to result in additional upward pressure on interest rates and to aggravate the very problem which this legislation is supposedly designed to solve."

I strongly urge my colleagues to vote against this conference report.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, we have heard the term "turkey" used so many times during discussion of this conference report. Could the gentleman from California enlighten us as to some of the things that the conference committee did to make the original turkey a bad turkey?

Mr. ROUSSELOT. Yes; I would be happy to do so again. First of all, there are several nongermane portions to this bill that we did not even have a chance to consider what their impact would be in the marketplace. These nongermane amendments were tacked on by the Senate, and this House never had a chance to really debate them or understand whether these provisions would really put people back to work or produce new housing.

My colleagues, the gentleman from California (Mr. Rees) and the gentleman from Ohio (Mr. Ashley) have both discussed these bad provisions.

The gentleman from Ohio (Mr. Ashley) did come to this floor with what I considered a more reasonable bill in trying to help those who were in trouble with their mortgage payments. Yes, it is a portion of this bill. But I want to tell my colleagues, listen to two of your own colleagues on the other side of the aisle who know the housing business, understand it, and wish to see it move.

One of the things is the standard subsidization of the fixed 6-percent interest charge. By whom? By the people in the private marketplace, because the Treasury will have to go out and borrow that money which will help drive up interest rates even further. Please listen to our colleagues on that side of the aisle, the gentleman from Ohio (Mr. Ashley) and the gentleman from California (Mr. Rees). They are right when they say this is a turkey.

In addition the Senate forces a refunding of outworn, disproven housing programs which just last year this Congress phased out. There are just too many bad features tacked on by the Senate for one body to swallow or readily understand.

Mr. REUSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I rise in strong support of this legislation. I commend the chairman of the committee particularly for accepting the Senate amendments.

Mr. REUSS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I rise in support of the conference report.

The report contains three titles:

Title I: Emergency middle-income housing which passed the House by a vote of 259 to 106 and over which there is not much controversy.

Title II: Emergency mortgage relief payments which passed the House by a vote of 321 to 21 and over which there is not much controversy.

Title III: Miscellaneous—over which there is controversy.

Some opponents of the conference report claim that the House conferees "caved in" to the Senate.

Nothing could be further from the truth.

Let us look at the statement of the conference committee:

Page 15: The entire title III of the Senate bill—stricken.

Title I: On pages 11 and 12 in eight of the nine paragraphs the refrain is repeated eight times: "The conference report does not contain this Senate provision."

The issue before the House, therefore, focuses solely—solely—on title IV of the statement, p. 15—which is title III of the legislation on p. 8—entitled "Miscellaneous."

All of the items agreed to by the House conferees are merely extensions or modifications of existing programs previously passed by the House on a bipartisan basis:

Extension of home rehabilitation loan program—at a fraction of the Senate bill cost;

Transfer of existing funds to traditional public housing—at 50 percent of the Senate bill's figure;

Extension of existing Home Ownership Assistance without any new funds;

Provision that existing funds must be used for public housing for Indians;

Seven-month extension for assistance for owners of FHA owners of houses with serious structural defects;

Relaxation of income limits for certain State-financed housing projects; and

Six-month extension on flood insurance limited to existing dwellings.

It is theoretically possible that your conferees could have remained adamantly opposed to even these minor modifications and extensions of existing programs. But the Founding Fathers in our Constitution decreed that the United States should have a bicameral legislative branch.

In order to get congressional legislation passed your conferees believed, and my colleagues I think you should agree, that minor concessions were necessary, and good and advisable.

I say congressional legislation because I believe that the people's representatives in Congress, on a bipartisan basis, not Republican, not Democrat, but the Congress should tell the people what the Congress believes should be done about the need for housing and the need for employment in the construction industry.

If this congressionally enacted legislation should result in a Presidential veto I say so be it. The Congress will have expressed its intention to the American people. If we are unable to override a veto we will know from the veto message what the President himself, and not some minion purporting to speak for him, really objects to and we can act accordingly.

Therefore, Mr. Speaker, I urge the prompt adoption of the conference report.

Mr. BROWN of Michigan. Mr. Speaker, I yield myself such time as I may consume for the purpose of responding to the previous speaker. Under his philosophy apparently he would favor a return to all the categorical grant programs, although he was one of those who very strongly favored community development block grants. Of course, our objection is that this bill, this conference report, due to Senate action, not House action, does in effect renew or extend the very programs that this House overwhelmingly phased out and combined in the community development block grants. I totally concur with the gentleman that we ought to have a piece of legislation developed by the Congress. We do not develop a piece of legislation by the Congress by having a conference report developed which was never seen by the people on this side, the minority, who I trust are part of the Congress, until it was published in the RECORD.

I am sure all on that side can remember—although I am inclined to think some on that side do not even know how this conference report got to the floor of the House. We had a conference. I think we met for three sessions. We developed a conference report. The Senate prevailed, as the gentleman from Ohio (Mr. ASHLEY) said, and it was an intolerable conference report. We could not support it.

My feeling on the issue was pretty clear, but I thought that at least the conference report might have been submitted to me for signature or nonsignature. That was not done.

In any case, after this conference report was put together, the statement on the part of the managers of the House was drafted. I had a chance to see it.

It was never filed. That conference report was never filed. Then subsequently those who were proponents of that conference report finally decided maybe they ought to check with the Parliamentarian and see if some of the objections we raised were valid or not. They did that, and, lo and behold, what the gentleman from Ohio (Mr. ASHLEY) and I and others have been saying proved to be true, and so they realized they should not file that conference report. So somebody, somewhere, sometime, unbeknownst to anybody on this side of the aisle, so far as I know, got together, put their heads together and came up with a kind of ad hoc conference report. The conferees did not meet again. It was kind of sub rosa. I guess maybe now that is the way it is done on that side of the aisle, maybe they do everything in caucus. But in any case a new report was developed and that was filed.

Once again, of course, it was never submitted to this side of the aisle for signature or even for perusal before it was filed.

This may not violate the letter of the rules of the House. It may not violate the letter of the rules of the Senate. And it obviously cannot violate the rules of the conference because I guess there are none. But I suggest to the Members it violates the spirit of each.

I say to my colleagues in the House, I think it is essential, and if I am going to remain in this Congress it is absolutely necessary for me that this Congress start working as a Congress, that we recognize that the executive branch under our system of Government is entitled to a little say. It has to administer the laws. It has the constitutional right to veto legislation. I think it is absolutely essential therefore that we recognize that prerogative of the administration and that we recognize a litttle bit the participation, since we apparently do not have any prerogatives, of the minority and that we produce legislation that can be signed and that can be implemented and that can help the elements of our economy which are suffering the most today.

Mr. Speaker, I urge the Members to vote down the conference report.

I reserve the balance of my time.

Mr. REUSS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I thank the chairman for yielding me this time.

I voted for this bill originally with very little enthusiasm because frankly I did not think it did much for my city. I think we have got a better bill before us now, a bill that does something for the cities around the country in the same situation as New York City.

We have an improved bill. I am not going to go into the details of it because I do not have time, but I do want to make some comments on what I have heard this afternoon about vetoes.

I do not understand why we should legislate here in an effort to come up with a bill that is going to satisfy the White House, and I do not understand at all the suggestion of my friend, the gentleman from Ohio (Mr. STANTON), that the Congress looks bad when we cannot override a veto. We failed by four votes of overriding a veto yesterday. What does that mean? It means that by a majority of almost 2 to 1 the Congress still approves a bill that was disapproved by the President. Sure, I would like to have seen us override the veto. I am sorry we did not. But I do not consider the failure a disgrace and I do not certainly consider that it reflects adversely on the legislation.

So let us not sit here trying to figure out what will satisfy the White House. Let us consider what is right and pass the best housing bill we can come up with. If it gets vetoed we will go on from there, but let us do our best here now.

Mr. REUSS. Mr. Speaker, to conclude the debate, I yield the remaining time to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I urge all my colleagues to support this conference report. I appreciate the fact that after this legislation left this House, it was changed greatly. I also realize there is a wide division as to whether we should send singular pieces of legislation to the President or whether we should send them in package style.

In this instance, as the gentleman from New York said, he did not think the first bill was comprehensive enough as far as his city was concerned.

The people in the Senate felt the same way and they added other pieces of legislation to it, so it comes back as a package piece of legislation. I think overall it is a good piece of legislation.

The American middle-income holder needs relief more than he has ever needed it before. We have been talking about the veto of yesterday. We all know there are 9 million unemployed in America. We know that the figures coming out today or tomorrow are going to show there are over 9 percent unemployed. How do we break down that percentage of 9 million unemployed? Well, 40 percent of the 9 million are in industry, most of them related to the automobile industry. Another 40 percent are the tradesmen of America, the electrician, the plumber, the carpenter, the painter, all those connected with the building materials business of this country.

This is going to help stimulate the economy. This is going to help stimulate the economy and we should take legislation like this and put it on the desk of the President. Let the American public know that there are some people who are concerned with the plight of the Nation, with the economy the way it is and the fact that unemployment is increasing day by day.

I say to my fellow Members in this Congress, we need this legislation. Believe me, the time is going to come along here when there is going to be a change of heart on this side. The American public is not going to be satisfied with an unelected President of the United States and 141 diehard far-to-the-right individuals who want to continue to swim against the stream, as they have through the years.

Mr. BADILLO. Mr. Speaker, I am pleased to rise in support of H.R. 4485, the Emergency Housing Act of 1975.

When the House considered this legislation in March, I was concerned because the combined effect of the $38,000 ceiling on mortgages, the stipulation that only 10 percent of the funds appropriated be used for high-cost areas such as New York, and the restriction of coverage to single family dwellings or condominiums and cooperatives would have made the program meaningless for my constituents. I am pleased to note, however, that the distinguished chairman of the Committee on Banking, Currency and Housing, Mr. REUSS, has used his influence to bring about modifications which will make the program more responsive to housing needs existing in New York.

Although the $38,000 mortgage ceiling has not been raised, by extending coverage to conventional multifamily dwellings, the chances for participation in the program have been substantially increased for New York. Furthermore, by increasing the set-aside for high-cost areas to 15 percent, the funding outlook has been improved.

I am also pleased that $300 million has been reserved in the bill for conventional public housing. The termination of established programs and the long delay in the implementation of new section 8 projects has created considerable hardship for my constituents. The $300 million set-aside will permit some much-needed construction and will help alleviate the plight of my constituents.

Another favorable provision is the extension of the section 312 rehabilitation loan program. In these times of high interest rates, the low-interest loans made possible by this provision will be doubly welcome.

Mr. Speaker, I am very pleased to see these changes. They appear indicative of the committee's concern to find meaningful solutions to our housing problems. I welcome and applaud this concern.

Mr. BLANCHARD. Mr. Speaker, I cast my vote today in support of H.R. 4485, the Emergency Housing Act of 1975.

This bill is urgently needed in the 18th Congressional District of Michigan which I represent. It is a bill which will help middle-income families purchase homes, which will protect those unemployed from losing their homes through mortgage default, and which will help provide jobs in the depressed construction industry, which has an unemployment rate of 19.3 percent.

Let us hope that the painfully obvious need for the help which this bill provides will keep it from becoming another victim of the partisan politics we witnessed yesterday with H.R. 4481, the emergency employment appropriations bill.

The President's veto of H.R. 4481 was an insult and an outrage to the 9 million Americans who are out of work.

The tragic failure of Congress to override that veto yesterday only makes it clear that our Government cannot act to end the current economic depression as long as President Ford pursues a political course and ignores the wishes of the American people as expressed by their duly elected Representatives in Congress.

Mr. Speaker, we in Congress are doing our share to ease the hardships and burdens suffered by our constitutents. It is up to the President to set aside partisan politics and join with us to enact the legislation we all know is needed to revive our depressed economy.

Mrs. SULLIVAN. Mr. Speaker, I have served on the Subcommittee on Housing since it was formed in the Committee on Banking and Currency in 1955, and have actively participated in the work on every housing bill we have considered since that time. So I know how much time and effort and hard work go into such bills, and the problems faced by House conferees in bringing back a bill the House can support.

Hence, it is with great regret that I find I cannot in good conscience vote for the conference report on H.R. 4485. When the bill first came before the House on March 21, I explained why I opposed it in the form in which it came from the Committee on Banking, Currency and Housing. As it now comes to us from conference, loaded down with many additional provisions, it has not been improved. So I am going to have to vote against it again.

If this bill were to become law—and neither its proponents nor opponents seem to think there is much chance of that happening—we would be subsidizing a comparately few families in the upper levels of the so-called middle-income group, who can afford $38,000 to $42,000 homes, and we would be doing nothing for the great mass of average-income families most in need of mortgages at reasonable rates of interest on homes they can afford to buy.

What we need is a program to reach the family with an income of about $12,000 or so—the people who pay their own way and also pay the taxes to help take care of the poor. The average-income family would not benefit from H.R. 4485 but would, nevertheless, be helping through their taxes to pay the subsidies in this bill for families more affluent than they are. Fifteen percent of the homes subsidized for upper middle-income families in this bill would be built to sell at $42,000; the remainder would be built to sell at the $38,000 level.

How many average-income families could afford the monthly payments on such housing, even with a 6 percent or 7 percent mortgage? The subsidized mortgages would be for homes out of the reach of the bulk of American wage-earners.

When, as, and if he vetoes this bill—as both proponents and opponents of the legislation assume he will do—the President will be in a position to go on television and give another performance for the cameras in which Congress is again depicted as irresponsible. And, once again, Congress will not be able to override the veto. But this time, unlike the situation on the emergency jobs bill and other vetoes, Congress will not have the force of either economic justice or moral righteousness on its side.

For this bill subsidizes the wrong people.

NEED FOR A DIRECT FEDERAL MORTGAGE LOAN PROGRAM

What we need, and what I have been urging upon my colleagues in the Housing Subcommittee and the full committee for the past 6 years, is a program of direct Federal mortgage loans to creditworthy, average-income families—those now earning in the vicinity of about

$12,000 a year—and providing the loans at rates no higher than 6½ percent a year. These are the people who most need and most deserve mortgage interest help in obtaining homes.

My bill for a Home Owners Mortgage Loan Corporation direct loan program, cosponsored these past 6 years by the chairman of the Subcommittee on Housing, Mr. BARRETT, is H.R. 1081 in this Congress. It was approved by the Housing Subcommittee in the 92d Congress as part of the omnibus housing bill which died in the Rules Committee in 1972. I have tried repeatedly since then to bring it before the House and I intend to keep trying until we can take it up on its merits.

It is not a subsidy program. The Government right now is paying less than 6½ percent for the money it borrows, and over the 30-year life of the mortgages H.R. 1081 would authorize, the Government would not only get back every cent lent out on such mortgages but make a profit besides.

The homes which the Home Owners Mortgage Loan Corporation would finance would be housing intended for average-income families, not those making 120 percent of median income as proposed in the bill now before us. Originally, I set a mortage ceiling in my bill of $24,000. Inflation has pushed that figure up to $30,000. For that kind of money, the average family—at 6½ percent interest—could afford a good home, and if there is a market for such homes, the builders would build them. Interest rates are the key to getting them built.

The direct loan program would operate only during those periods when mortgage money is not available in the commercial money markets at reasonable rates of interest. It is not intended as a replacement for private lending; rather, it would come into operation only when the private lenders are not able or willing to lend mortgage money at rates the average family can afford.

I urge the Members to obtain a copy of H.R. 1081 and read its provisions. When this bill now before us, H.R. 4485, founders on the shoals of yet another Presidential veto, and we have to start all over again on emergency housing legislation to help middle-income families, I hope the program I have proposed in H.R. 1081 will receive the attention it deserves.

EMERGENCY AID FOR UNEMPLOYED HOMEOWNERS

A very unfortunate thing about H.R. 4485 is that it now incorporates—in a conference bill that is not going anywhere—a desperately needed program to enable unemployed homeowners to avoid foreclosure during the present terrible recession. The House passed such legislation, the Emergency Homeowners Relief Act, on April 14, in a separate bill, H.R. 5398. The Senate committee reported a companion measure, S. 1457, on April 17, and both the House and Senate Emergency Homeowners Relief Act bills have been pending on the Senate Calendar since April 17. But in May the provisions of this legislation were added by the Senate to H.R. 4485, and both H.R. 5398 and S. 1457 were tabled. As a result, the unemployed who are in jeopardy of losing their homes must wait until the conference bill now before us passes both Houses, is vetoed, and eventually dies, before the Emergency Homeowners Relief Act is taken up separately in the Senate and acted on.

Yet, of all of the bills we set out to pass in the housing field at the start of the 94th Congress, the Emergency Homeowners Relief Act is undoubtedly the most pressing. This was one we said in January we would enact on an urgent priority basis. The urgency has been heightened since then, but the priorities seem to have become mixed up.

Mr. REUSS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. REUSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 155, not voting 25, as follows:

[Roll No. 265]

YEAS—253

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chappell
Chisholm
Clay
Cochran
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fisher
Fithian
Flood
Florio
Flowers
Ford, Mich.
Ford, Tenn.
Fraser
Fulton
Fuqua
Gaydos
Gilman
Gonzalez
Goodling
Green
Gude
Hall
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Hicks
Hightower
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Jacobs
Jeffords
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
McCormack
McFall
McHugh
McKay
Macdonald
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Neill
Ottinger
Patman, Tex.
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Rangel
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Sikes
Simon
Sisk
Slack
Solarz
Spellman
Spence
Staggers
Stark
Steed
Stokes
Stratton
Studds
Symington
Taylor, N.C.
Thompson
Thornton
Traxler
Tsongas
Udall
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Whalen
White
Whitehurst
Wilson, C. H.
Winn
Wirth
Wolff
Wright
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NAYS—155

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
Bafalis
Bauman
Beard, Tenn.
Bell
Biester
Bowen
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Clancy
Clawson, Del
Cleveland
Cohen
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Derwinski
Devine
Dickinson
du Pont
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Fenwick
Findley
Fish
Flynt
Foley
Forsythe
Fountain
Frey
Giaimo
Gibbons
Goldwater
Gradison
Grassley
Guyer
Hagedorn
Haley
Hamilton
Hansen
Hastings
Heinz
Henderson
Hillis
Hinshaw
Holt
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Kasten
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Litton
Long, Md.
Lujan
McClory
McCloskey
McCollister
McDade
McDonald
McEwen
Madigan
Mahon
Martin
Michel
Milford
Miller, Ohio
Mills
Montgomery
Moore
Moorhead, Calif.
Mosher
Myers, Ind.
Passman
Pattison, N.Y.
Pettis
Poage
Quie
Quillen
Railsback
Randall
Rees
Regula
Rhodes
Roberts
Robinson
Roush
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shriver
Shuster
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Stanton, J. William
Stanton, James V.
Steelman
Steiger, Wis.
Stephens
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Teague
Thone
Treen
Vander Jagt
Waggonner
Wampler
Whitten
Wiggins
Wilson, Bob
Wydler
Wylie
Yates

NOT VOTING—25

Alexander
Clausen, Don H.
Conlan
Dodd
Frenzel
Ginn
Hawkins
Hébert
Jenrette
Jones, Tenn.
Landrum
McKinney
Mann
Mathis
Mollohan
O'Brien
O'Hara
Rodino
Rose
Shipley
Steiger, Ariz.
Ullman
Weaver
Wilson, Tex.
Young, Ga.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Hébert against.

Mr. Shipley for, with Mr. Mathis against.

Mr. Hawkins for, with Mr. Ginn against.

Mr. Jones of Tennessee for, with Mr. Frenzel against.

Mr. Jenrette for, with Mr. Conlon against.

Mr. Rose for, with Mr. Steiger of Arizona against.

Mr. Mann for, with Mr. Landrum against.

Until further notice:

Mr. Dodd with Mr. Alexander.

Mr. Mollohan with Mr. Charles Wilson of Texas.

Mr. Young of Georgia with Mr. O'Hara.

Mr. Weaver with Mr. Ullman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT AND INTERNATIONAL TRADE OF COMMITTEE ON SMALL BUSINESS TO MEET DURING GENERAL DEBATE

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement and International Trade of the House Committee on Small Business may be permitted to meet this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that it is the intention of the Committee on Rules to bring up three rules that are pending.

PROVIDING FOR CONSIDERATION OF H.R. 6799, FEDERAL RULES OF CRIMINAL PROCEDURE AMENDMENTS ACT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 513

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(6) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6799) to approve certain of the proposed amendments to the Federal Rules of Criminal Procedure, to amend certain of them, and to make certain additional amendments to those Rules. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. No amendment shall be in order to the bill except amendments offered by direction of the Committee on the Judiciary or germane amendments printed in the Congressional Record at least two calendar days prior to the start of consideration of said bill for amendment, but said amendments shall not be subject to amendment except those offered by direction of the Committee on the Judiciary. It shall be in order to debate pending amendments or sections of the bill under the five-minute rule by the offering of pro forma amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I now yield myself such time as I may consume.

Mr. Speaker, House Resolution 513 makes in order the consideration of H.R. 6799, the Federal Rules of Criminal Procedure Amendments Act of 1975. House Resolution 513 provides for a modified open rule with 2 hours of general debate.

House Resolution 513 provides that no amendment shall be in order to the bill except amendments offered by direction of the Committee on the Judiciary or germane amendments printed in the CONGRESSIONAL RECORD at least 2 calendar days prior to the start of consideration of the bill for amendment. Such amendments shall not be subject to amendment except those offered by direction of the Committee on the Judiciary. It shall be in order to debate pending amendments or sections of the bill under the 5-minute rule by the offering of pro forma amendments.

The purpose of H.R. 6799 is to make changes in the Federal rules of criminal procedure. H.R. 6799 provides that the proposed amendments promulgated by the Supreme Court on April 22, 1974, are approved except as otherwise provided in this legislation and shall take effect on August 1, 1975.

Mr. Speaker, I urge the adoption of House Resolution 513 in order that we may debate and discuss H.R. 6799.

All points of order are waived against the provisions of clause 2(1)(6) of rule XI—the 3-day rule—because the Committee on the Judiciary filed an amended report on cost estimate which was not available to Members until Wednesday, which means we could not bring up the rule until Monday, unless we adopt this waiver.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statements just made by the gentleman from New York (Mr. DELANEY). I want to say that I think this is the type of rule that we have to have with this type of a bill. This is a very important piece of legislation. It is a very complicated. It involves the criminal procedure in the Federal courts.

As has been indicated, this bill will come up for general debate only tomorrow, and then it will lay over for 6 days to give the membership an opportunity to examine the legislation and to have proposed amendments printed in the RECORD.

Mr. Speaker, to point out the importance of this legislation I would just like to say that, unless this House acts, the proposed changes will take effect automatically. So this House must act on this legislation if we want to have any input into the proposed changes.

There is one proposed change that I strenuously object to, and that is the change in existing rule 4, which provides that if a magistrate determines that probable cause exists, that a certain person committed a Federal crime, the magistrate shall issue a warrant for the person's arrest. Existing rule 9 provides that when a grand jury returns an indictment, or if on information supported by oath, states a certain person committed a Federal crime, the court shall issue a warrant for that person's arrest. In these cases, the U.S. attorney has the discretion to request that a summons, instead of a warrant, be issued for the defendant. The Supreme Court proposed and this bill provides that both rules be changed so that, upon a finding of probable cause or after—and I stress the word "after"—the return of an indictment or information, a summons, not a warrant, a summons for the appearance of the named defendant shall issue unless the U.S. attorney can present "good cause" for the issuance of a warrant of arrest.

Mr. Speaker, this House must act to prevent the Supreme Court's recommendations going into effect, because what this will mean is that a summons will be sent through the mail, and the criminal will have all kinds of notice when he gets that, so that if he chooses to leave the country he can do so. If he wants to flee to Mexico, if he wants to flee to Canada, he has all the time in the world to do so. Or if he wants to get rid of any evidence in the matter then he has ample opportunity to do so.

So, Mr. Speaker, during this 6-day layover that will start after the consideration of this bill under general debate I would hope that the American people would look into this matter, and ask themselves whether or not they want this kind of a change to take place.

Mr. Speaker, I support the rule, I support most of the changes, but I do not support the proposed changes to which I have alluded.

Mr. DELANEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4925, HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1975

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 484 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 484

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4925) to amend the Public Health Service Act and related laws to revise and extend programs of health revenue sharing and health services, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4925, it shall be in order in the House to take from the Speaker's table the bill S. 66 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof as one amendment in the nature of a substitute the texts of H.R. 4114 and H.R. 4115 as passed by the House on May 7, 1975, and the text of H.R. 4925 as passed by the House.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 484 provides for consideration of H.R. 4925, which, as reported by our Committee on Interstate and Foreign Commerce, would revise and extend health revenue sharing and health services programs under the Public Health Service Act and related laws. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman of the committee and the ranking minority member.

After general debate, the bill would be read for amendment under the 5-minute rule by titles instead of by sections.

At the conclusion of the consideration of H.R. 4925 for amendment, the committee will rise and report the bill to the House with such amendments as may have been adopted, and the previous question will be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

After the passage of H.R. 4925, it will be in order in the House to take from the Speaker's table the bill, S. 66, and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof as one amendment in the nature of a substitute the texts of H.R. 4114 and H.R. 4115 as passed by this body on May 7, 1975, and the text of H.R. 4925 as passed by the House.

Mr. Speaker, by way of clarification, H.R. 4114 and H.R. 4115 are companion health bills previously passed by the House: H.R. 4114 is designed to make more attractive to doctors and dentists service in present medically underserved areas; and H.R. 4115 is the Nurse Training Act of 1975. S. 66, which the Senate passed on April 10, 1975, contains provisions similar to those found in H.R. 4114, H.R. 4115, and H.R. 4925.

Returning to H.R. 4925, the main thrust of this, the third of the triad of House health bills, is to provide authorization for such ongoing programs as health revenue sharing, family planning, community mental health centers, migrant health programs, and others. The bill would also extend for fiscal year 1976 the current program for rat control. For these existing programs, H.R. 4925 provides for fiscal year 1975 funding at levels equal to the fiscal year 1974 authorizations.

H.R. 4925 also provides for the establishment of such new programs as home health service agencies, mental health for the elderly, epilepsy, Huntington's disease, hemophilia, and rape prevention and control.

Mr. Speaker, historically, H.R. 4925 incorporates in large part the provisions of the conference report on the bill, H.R. 14214, 93d Congress, which was pocket vetoed by the President on December 23, 1974, after Congress had adjourned sine die. However, there is this important difference: The authorization levels of the current bill have been reduced in an effort to meet the President's objections to the vetoed 93d Congress measure. Thus, instead of the total authorization of $1.858 billion for all programs as proposed by the 93d Congress, H.R. 4925 would authorize $1.442 billion, or $416 million less than the vetoed bill provided.

Mr. Speaker, I urge the adoption of House Resolution 484 in order that H.R. 4925 may be considered.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been previously explained by the gentleman from Hawaii, House Resolution 484, the rule presently before us, provides for the House to resolve itself into the Committee of the Whole for consideration of H.R. 4925, which revises and extends the programs of health revenue sharing and health services. Under the terms of the rule the legislation may be generally debated for 1 hour and will be read for amendment under the 5-minute rule by titles instead of by sections.

The rule further provides that after the passage of H.R. 4925, it shall be in order to take the Senate bill S. 66 from the Speaker's table and to move to strike all after the enacting clause and insert in lieu thereof the texts of H.R. 4114 and H.R. 4115 as passed by the House on May 7, 1975, and the text of H.R. 4925 as passed by the House. The purpose of this request, of course, is to facilitate one Senate/House conference on all of this similar House-passed legislation, which the Senate has combined into S. 66.

I would remind my colleagues at this point that H.R. 4114 is the Public Health Service Act Extension and that H.R. 4115 is the Nurse Training Act of 1975.

Very briefly, the bill before us today, H.R. 4925, proposes to revise and extend the programs of health revenue sharing and health services. It continues, without change, authorities for block grants to States for fiscal 1976 and 1977 in the following amounts:

Health revenue sharing, $240 million;

Family planning, $378.5 million;

Community mental health centers, $217.5 million;

Rape prevention and control, $17 million;

Migrant health, $83 million; and

Community health centers, $460 million.

The communicable disease control program would be modified to include diseases borne by rodents at an authorization of $20 million for fiscal 1976, and the home health services and hemophilia programs would be authorized a total of $26 million for that same fiscal year.

H.R. 4925 is very similar to H.R. 14214, which was pocket vetoed by the President on December 23, 1974, after the 93d Congress had adjourned sine die. While this year's bill includes new programs adding $42 million to the total cost, there is an overall cost reduction of $416 million under last year's measure. It is my understanding that this was done to comply with the President's objections to the proposal which was pocket vetoed at the close of the last Congress.

Mr. Speaker, I feel very strongly that some of the programs called for in H.R. 4925 are definitely worthwhile. However, it is difficult for me to justify spending $1,442,000,000 on efforts that may be duplicated in other Federal programs, especially at a time when restraints on Government spending is the order of the day. I would urge, therefore, the passage of this rule so that we can further proceed to debate and amend H.R. 4925.

I would, therefore, urge the adoption of this rule, so that hopefully some amendments can be offered that would reduce some of the expenditures authorized in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRESSIONAL REVIEW OF PRESIDENTIAL DECISIONS TO REMOVE EXISTING ALLOCATION AND PRICING CONTROLS OF PETROLEUM PRODUCTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4035) to provide for more effective congressional review of administrative actions which exempt petroleum products from the Emergency Petroleum Allocation Act of 1973, or which result in a major increase in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen). Pending that, I yield myself such time as I may consume.

Mr. Speaker, this rule was reported out of the Committee on Rules about 2½ months ago by a voice vote. There was no great controversy over the rule at that time.

I am aware that the bill the rule makes in order seeks to deal with a part of the energy problem, which is inevitably controversial; but I am not aware of any great opposition to the adoption of the rule. Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express by opposition to H.R. 4035, and my deep concern that the Congress, in drawing up legislation to enable the country to cope with the energy crisis, is simply missing the point.

Any text book on elementary economics defines the function of price as a sort of signal. Price is an indication of the relationship between supply and demand at any given time.

Low prices are an indication of excess supply and insufficient demand; higher prices demonstrate lack of supply and increased demand.

So, rising prices are a sure sign to the producers of any given commodity that demand is outrunning supply, and that greater production is necessary. Prices are both a source of information and a source of incentive.

The message seems to be getting through. In recent months, energy prices have risen sufficiently to signal a lack of supply.

But the other function of the free market price has been impeded by legislative attempts to hold the price of oil within limits—arbitrary limits. As a result we've sent word to the Nation's oil producers that they are not producing enough, while refusing to provide the incentive to increase our oil reserves. And from the looks of this bill we are considering today, it seems some Members of the Congress are prepared to perpetuate that condition over the long term.

This bill proposes to allow the President to implement the first two increases of his 25-month plan for decontrolling oil prices. But I ask you to consider whether this has any meaning at all. In effect, we are allowing the President to remove controls to a limited degree which will have little appreciable impact on production. In short, we are calling for the worst of both worlds: higher prices and production increases that would be marginal at best.

The best that can be said about H.R. 4035 is that it recognizes the need for an incentive to keep old oil fields operating and to use secondary and tertiary oil recovery methods. That, I suppose, is some reason for satisfaction. But while it does this, it establishes a limit of a mere 50¢ per barrel.

Now aside from being an arbitrary figure, 50¢ is also meaningless in terms of production. There just is not that much incentive in 50¢ a barrel.

So, as a practical matter, in passing this bill, we would be doing nothing more than putting the lid on prices at an insignificantly higher level—screwing a cap on existing oil wells and shutting the Nation off from new sources of oil.

In effect, we are refusing to provide any incentive to increase our own production and the world's supply of oil to put pressure on world oil prices.

I also take exception to the extension of the Emergency Petroleum Allocation Act embodied in this bill. In continuing price controls and prolonging the allocation program, we are simply notifying the oil-producing nations that we have no intention of turning away from our dependence on their oil.

There is another aspect of this bill that alarms me—a provision that is symptomatic of an unfortunate attitude on the part of the Congress. I am talking about the whole review procedure.

In effect, we are tying the President's hands in dealing with the energy crisis. We are telling him not to make a move on behalf of the Nation until Congress has reviewed it, evaluated it, and passed judgment upon it. It seems to me that we are trying to force the executive branch of the Government into the position of an errand boy for the Congress.

Do something, we are saying, but before it goes into effect we want 15 days or 30 days to think it over. Of course, that attitude simply means more procrastination, more delay as the country continues to pay for ever-increasing amounts of foreign oil—more delay as our dependence upon insecure overseas supplies continues to deepen. This is just another instance of immobilizing public policy in order to mobilize votes at home.

Couple that with the detailed, exhaustive socioeconomic analyses that must be submitted with each proposal, and you have a formula calculated to kill increased energy production, cripple energy policy, and commit this country to the good will—or bad will—of the oil-producing nations.

Personally, I would rather rely on our own resources. But we will not do that with this kind of legislation which, as I said, misses the point. The point is production.

Mr. Speaker, I have no further requests for time on the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4035) to provide for more effective congressional review of administrative actions which exempt petroleum products from the Emergency Petroleum Allocation Oct of 1973, or which result in a major increase in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4035, with Mr. Charles H. Wilson of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. Dingell) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Brown) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill has most modest—though critically important—objectives. First, it would provide a more efficient mechanism for congressional review of Presidential proposals to exempt petroleum from allocation or pricing controls. And second, the bill would extend certain expiring energy authorities on an interim basis until the end of this year to permit the Congress and the President the time necessary to work a comprehensive and thoughtful energy policy.

As my colleagues know, the President has announced to the Nation his intention to implement certain aspects of his energy program for which he claims to have administrative authority without waiting enactment of their legislative complements. The President's unilateral action to impose import fees on imported crude oil in the beginning of this session of Congress precipitated an unfortunate confrontation between the Congress and the executive and his most recent action to impose yet an additional dollar will undoubtedly generate additional confrontation, confusion, and public consternation.

But even of greater potential concern, the President now appears committed to a plan to lift domestic price ceilings on old crude oil. And this is to be done even in the absence of a windfall profits tax—an ingredient of the President's program which he identified as essential only a few months ago.

The President has informed the Nation that he will submit his decision to decontrol old crude oil to the Congress for review under the mechanism provided in the Allocation Act. The clear impression of that statement is that the

Congress and the President would share in the decisionmaking process and share coequal responsibility for the consequences of the policy. Yet that does not accurately reflect the reality of the situation.

It is true that the review mechanism under the Allocation Act provides the Congress with an opportunity to disapprove any proposed decontrol. But in order to effectively exercise this veto the Congress must act within the impossibly short period of 5 legislative days and must do so blindly without any statement or analysis of the potential impact of the Presidential decision. As my colleagues well know, existing committee and House procedural requirements would effectively bar the House from acting should it wish to disapprove a Presidential proposal within the stated period of time. For this reason, the bill before you proposes to expand the congressional review procedure from 5 to 15 days and would incorporate certain expediting procedures from the Reorganization Act to assure that the question of disapproval can be presented to the House within the 15-day period.

Moreover, the President would be required to submit a supporting analysis and justification of any proposed action to decontrol prices or to remove a product from the program. This analysis, which is not required under existing law, is believed to be essential to any reasoned review of the President's proposals. As you know, from the beginning, the President's energy program has generated considerable discussion of its economic and inflationary impacts. Great debate surrounds the various analyses which have been prepared. The importance of the controversy cannot be overstated because if the economic measure is wrong, the program will not accomplish its goals. And if the margin of error is considerable, wholely unintended effects would occur with dire consequences for our economy.

Let me illustrate the point. The President's initial proposal was to abruptly remove the price controls for old oil. Administration analyses show a $13 billion increase in direct costs of crude oil as a result. This figure assumes no secondary costs or ripple effects—which some economists estimate would be on a factor of 1.5 to 2. The Library of Congress Congressional Research Service places the price tag at a much higher figure.

The economic community has been virtually unanimous in advising against precipitious decontrol of old oil prices And indeed the President has now backed off from that approach and is speaking instead of a decontrol plan which would phase out price controls within a 2-year period. But what is the impact of this proposal?

To find out, the committee asked Chase Econometrics, Inc. to run the President's proposal through Chase's highly respected computer model of the U.S. economy.

I believe the Chase findings will be of considerable concern to every Member of this body. Let me briefly summarize. Chase finds that the proposals would add approximately 1½ percentage points to the Consumer Price Index by the fourth quarter of 1976. And by the third quarter of 1977 the proposal would have accounted for an increase of 1.7 percent in the rate of inflation. Specifically, the price of food is projected to increase during 1976 at a rate which is more than 1.2 percent faster than it would in the absence of decontrol. With respect to unemployment figures, the Chase model shows the President's decontrol proposal would result in an addition of 360,000 Americans to the unempolyment rolls by the fourth quarter of 1976. By the third quarter of 1977 this number would have reached 430,000 or approximately 1,000 additional unemployed Americans for each of the Nation's congressional districts. And lastly, Chase projects a reduced gross national product of $20 billion from that which had been projected for the third quarter of 1977. There can be little question that if these projections are correct, the President's most recent proposal bodes dire social and economic consequences.

It should be emphasized however that this legislation does not seek to pass judgment on the President's proposal at this time. I am merely making the point that it is critically important that the Congress have a firm understanding of the economic consequences of any policy to which it is being asked to accede.

Now let me comment on the proposals to extend certain expiring energy authorities. Let me emphasize that these are interim extensions—only until December 31, 1975. Our Subcommittee on Energy and Power has been working in almost continuous session to develop a comprehensive energy program. We completed our task in the week before the recess and will bring the product of our labors before the full committee for its consideration beginning tomorrow. In the interim, the House will most likely begin consideration of the Ways and Means Committee bill in the early part of next week. There exists a real prospect, therefore, that the House will complete action on both the Ways and Means Committee bill and our bill within the next few weeks. It is abundantly clear, however, that several additional weeks thereafter will be required to resolve our differences with the Senate and fashion final legislation.

Two important authorities under the Energy Supply and Environmental Coordination Act are scheduled to terminate on June 30, 1975, unless extended. The first of these is the authority to compel utilities that have the capacity to burn coal to switch off of petroleum and natural gas. The second relates to the Federal Energy Administration's authority to gather energy data. Clearly both of these are ongoing and needed programs that should not be permitted to terminate while more comprehensive legislation is being developed.

Also the Emergency Petroleum Allocation Act of 1973 is scheduled to expire on August 31, 1975. This act is the sole basis for current price controls on crude oil. A failure to extend it would result in abrupt end to the current mandatory allocation program and removal of all pricing controls. Certainly the Congress and the President can agree that this circumstance must be avoided.

It has been the administration's position that we cannot usefully consider what continuing allocation authority is necessary until we have before us the detail of the final agreed upon national energy program. The extension of the act from August 31, to December 31—an additional 4 months—is designed to provide a margin of safety to assure that the act will not terminate prematurely.

As I said at the outset, this legislation has modest objectives. It does not invite confrontation with the President althought he seems intent on having it. I for one believe the President's impatience with the Congress in its failure to produce instantaneous energy policy is ill founded. The Presidents program is itself the product of over 18 months of labor by a task force within the executive branch numbering over 150 professionals. The Congress has been at the job a much shorter time than that and its task is infinitely more complex for it must narrow and meld the diverse views and interests of 550 House and Senate Members. Accordingly, while the Congress must proceed with a sense of urgency, it is our responsibility to our constituents and to this Nation to reserve an opportunity for reasoned analysis and decisionmaking. That is the principle purpose of this bill and I respectfully urge my colleagues to stand up for the institutional integrity of this House and the Congress and affirmatively approve this legislation.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I rise to strongly oppose H.R. 4035. This bill, which makes certain extensive amendments to the Emergency Petroleum Allocation Act of 1973, is an untimely and unnecessary piece of legislation. Not only would this bill extend the Emergency Petroleum Allocation Act from August 31 to December 31 of this year, but also it would make it very difficult, if not impossible, for the President to take action to increase our domestic oil production.

The Emergency Petroleum Allocation Act became law during the period of the Arab oil embargo, and its provisions were designed to mitigate the severe impact on the U.S. economy of the oil shortage and the quadrupling of oil prices that took place in the fall and early winter of 1973. It was clearly intended to be a temporary measure.

An essential element of the Emergency Petroleum Allocation Act is price control. Another is allocation of presumably short supplies of crude oil and petroleum products. The act is predicated upon a system whereby significant administrative flexibility is granted to the executive by the Congress. For instance, the President has the authority to allocate petroleum and petroleum products among the various segments of society and to specify the prices at which such petroleum and products shall be sold. Pursuant to the mandate of the Emergency Petroleum Allocation Act, the Federal Energy Office—predecessor to the Federal Energy Administration—was delegated pricing authority which had previously reposed in the Cost of Living Council. FEO adopted the Cost of Living Council price levels which were then in effect. The price regulations, which had been issued in August of 1973 by the Cost of Living

Council, set a price ceiling of $4.25 on old oil. In November of 1973, the regulations were amended to add an additional dollar, bringing the price ceiling up to $5.25 on old oil.

Thus, the President has promulgated price regulations under which "old" oil, or oil produced in quantities less than 1972 production, is currently subject to a price ceiling of $5.25 per barrel, and "new" oil sells at the market price. Further, under the provisions of the act, the President has the authority to amend the regulations that he issues with respect to allocations and to price.

In enacting the Emergency Petroleum Allocation Act, Congress left itself a limited review authority whereby, if the President intends to remove price controls or allocation completely, he must submit a plan for decontrol to the Congress which can only take effect if neither House objects within 5 legislative days.

The President has indicated his intent to comply fully with these procedures of the Emergency Petroleum Allocation Act and to bring about a decontrol of old oil prices. Such decontrol was to have been submitted to the Congress in April, and was to have provided immediate and complete decontrol. Since that time the President has modified his plans to decontrol immediately, and on May 1, the Federal Energy Administration published in the Federal Register a proposed regulation which would decontrol gradually over 25 months. In the meantime the Energy and Power Subcommittee of the House Interstate and Foreign Commerce Committee has approved a decontrol plan which would extend over a 4-year period. This proposal is now before the full membership of the Commerce Committee for consideration.

H.R. 4035 changes the rules in the middle of the game. In addition to extending the Emergency Petroleum Allocation Act for another 4 months, the bill would impose a variety of new requirements as to findings the President has to make to accompany any submission to Congress, would extend the time for congressional review from 5 to 15 days, and would eliminate much of the present authority of the President to administratively modify allocation or price regulations. The bill is an untimely action to take away the flexibility the President has been given by Congress to deal with the questions of oil pricing, supply and allocation, and as such is a negative action at a time when strong, positive action on energy is needed. It would be ridiculous for the Members of this body, which has yet to develop major energy legislation, to vote for a bill which would significantly impair the ability of the executive to do what he can to respond to our Nation's urgent energy problems.

Gradual decontrol of crude oil prices is a critical aspect of the President's energy program. It is an essential element in the reduction of domestic energy consumption and the increase of domestic energy production. I feel it would be disastrous for us to pass H.R. 4035. In doing so Congress would be telling the President and the American people that although Congress has been unable to formulate a program of its own, it Congress—is going to do everything it can to prevent the President from implementing his.

Those who constantly asked the President to postpone his program while Congress worked its will should now be embarrassed by our actions of negativism and delay. H.R. 4035 is more of the same and an unnecessary confrontation at this time. It would be a mistake for Congress to continue to delay. We should instead be working with the President on positive legislation if we are to gain energy independence by 1985. To favor this bill is to favor indefinite continuation of the present system of controls on petroleum, the system which has caused such dislocation, administrative burdens, expenses and other problems for both producers and consumers of petroleum and petroleum products.

The economic impact of the decontrol of oil has been vastly overstated. Immediate decontrol of oil would result, at the maximum, of only 6 cents per gallon of gasoline; a 2-year plan would cut this in half so that the effect would be a 3 cent increase in the price per gallon per year; and a 4-year decontrol plan would reduce the impact to 1.5 cents per gallon per year. Additionaly, and most importantly, this country needs to develop to the maximum extent our domestic sources of petroleum so as to reduce our dependence on foreign sources. The necessary increase in domestic production is not possible under current restrictive price controls, given the increased expenses and costs of exploration and development of oil.

This bill should be rejected by the membership. The President has been preparing to submit a decontrol plan under the current requirements of the Emergency Petroleum Allocation Act. Congress should await such a submission from the President and address the decontrol issue on its merits, not attempt to stifle such submission procedurally with a bill of this nature.

THE CASE FOR DECONTROL

1. DEPENDENCY ON FOREIGN OIL

Domestic production of oil in this country reached a peak in May of 1972 when 9.6 million barrels a day were produced. It has declined steadily since that time so that in February of this year, the last month for which figures are presently available, our domestic production was 8.5 million barrels per day. At the same time, our imports of crude and refined petroleum products have been growing significantly. In May of 1972, we imported 2.16 million barrels a day of crude oil. By February of 1975, this had almost doubled and we are importing 4.06 million barrels of crude oil per day. Our imports of refined petroleum products have been more level and have generally ranged between 2.2 and 3 million barrels a day during the last 3 years. At the same time, our domestic demand which decreased down to less than 16 million barrels a day for several months in 1974 has again started to run at about 17.2 or 17.5 million barrels a day during the end of 1974 and the first months of 1975. Table I below sets out in month by month detail these various figures. The obvious conclusion from these figures is that our dependency on foreign oil is increasing month by month. Even with level demand, our domestic production is becoming less and less capable of meeting the energy needs of our Nation.

I include the following:

TABLE I.—CRUDE OIL

	In thousands of barrels per day						Stocks[1] (in thousands of barrels)	
	Crude input to refineries		Domestic production		Imports			
	BOM	FEA	BOM	FEA	BOM	FEA	BOM	FEA
1972:								
January	11,388	----	9,114	----	2,046	----	236,776	----
February	11,356	----	9,336	----	2,081	----	238,882	----
March	11,345	----	9,462	----	2,067	----	244,860	----
April	11,184	----	9,513	----	2,004	----	253,492	----
May	11,478	----	9,614	----	2,160	----	265,305	----
June	11,841	----	9,522	----	2,085	----	257,601	----
July	11,885	----	9,496	----	2,182	----	251,913	----
August	11,915	----	9,483	----	2,112	----	244,333	----
September	12,112	----	9,508	----	2,364	----	237,085	----
October	11,871	----	9,482	----	2,516	----	239,949	----
November	11,851	----	9,426	----	2,299	----	237,519	----
December	12,113	----	9,335	----	2,667	----	232,803	----
1973:								
January	12,190	----	9,179	----	2,732	----	224,056	----
February	12,187	----	[2] 9,395	----	2,873	----	221,893	----
March	12,201	----	[2] 9,272	----	3,162	----	230,696	----
April	12,208	----	[2] 9,292	----	3,049	----	235,383	----
May	12,281	----	[2] 9,262	----	3,215	----	244,777	----
June	12,862	----	[2] 9,214	----	3,220	----	235,846	----
July	12,750	----	[2] 9,217	----	3,501	----	230,750	----
August	[2] 12,635	----	[2] 9,169	----	3,593	----	235,660	----
September	12,560	----	[2] 9,065	----	3,471	----	228,280	----
October	12,758	----	[2] 9,224	----	[2] 3,739	----	233,520	----
November	12,374	----	[2] 1,161	----	3,452	----	237,001	----
December	12,150	----	[2] 9,063	----	2,891	----	229,504	----
1974:								
January	11,491	----	8,907	----	2,382	----	220,261	----
February	11,102	----	9,156	----	2,248	----	228,004	----
March	11,355	----	8,950	----	2,462	----	231,705	----
April	11,823	----	8,952	----	3,267	----	243,687	----
May	12,333	12,777	8,903	----	3,008	3,748	256,726	252,270
June	12,697	12,709	8,777	----	3,925	3,957	255,762	253,008
July	12,811	12,905	8,754	8,698	4,091	4,167	255,936	252,399
August	12,644	12,731	8,682	8,717	3,924	3,852	251,905	247,040
September	12,124	12,253	8,621	8,622	3,797	3,758	253,623	249,476
October	12,286	12,430	8,568	8,651	3,810	3,936	256,430	255,003
November	12,332	12,402	8,596	8,458	3,958	3,997	258,123	256,271
December	12,519	12,671	8,352	8,471	3,869	3,979	252,158	248,808
1975:								
January	----	12,436	----	[3] 8,644	----	3,964	----	[3] 253,836
February	----	12,144	----	[3] 8,489	----	[3] 4,061	----	[3] 264,833

[1] See definitions.

[2] Revised data.

Preliminary data.

Sources: Bureau of Mines (BOM) and Federal Energy Administration (FEA) as indicated.

TOTAL REFINED PETROLEUM PRODUCTS

[In thousands of barrels per day]

	Domestic demand		Imports [1]	
	BOM	FEA	BOM	FEA
1972:				
January	16,735	----------	2,721	----------
February	17,861	----------	2,764	----------
March	16,870	----------	2,730	----------
April	15,529	----------	2,298	----------
May	14,801	----------	2,208	----------
June	15,615		2,382	----------
July	14,821	----------	2,215	----------
August	15,936	----------	2,344	----------
September	15,489	----------	2,342	----------
October	16,455	----------	2,607	----------
November	17,610	----------	2,653	----------
December	18,738	----------	3,039	----------
1973:				
January	[2] 18,713	----------	[2] 3,125	----------
February	[2] 19,094	----------	[2] 3,635	----------
March	[2] 17,216	----------	[2] 3,448	----------
April	[2] 15,921	----------	[2] 2,545	----------
May	[2] 16,626	----------	[2] 2,626	----------
June	[2] 16,481	----------	[2] 2,670	----------
July	[2] 16,372	----------	[2] 2,678	----------
August	[2] 17,499	----------	[2] 2,999	----------
September	[2] 16,656	----------	[2] 2,941	----------
October	[2] 17,202	----------	[2] 2,894	----------
November	[2] 18,492	----------	[2] 3,470	----------
December	[2] 17,538	----------	[2] 3,164	----------
1974:				
January	17,270	----------	2,973	----------
February	17,371	----------	2,973	----------
March	16,045	----------	2,753	----------
April	15,919	----------	2,703	----------
May	15,720	15,740	2,580	2,454
June	16,176	16,191	2,493	2,218
July	16,301	15,853	2,397	2,140
August	16,546	15,803	2,434	2,281
September	15,994	16,318	2,225	2,180
October	17,025	17,121	2,340	2,361
November	17,214	17,129	2,704	2,581
December	17,997	17,588	2,781	2,638
1975:				
January		[2] 17,581	----------	2,486
February		[3] 17,295	----------	[3] 2,138

[1] See definitions.
[2] Revised data.
[3] Preliminary data.

Sources: Bureau of Mines (BOM) and Federal Energy Administration (FEA) as indicated.

2. PRICING

Under the present two-tier pricing system, domestic crude petroleum—defined as old oil or oil produced from fields at least 3 years old but at levels less than the 1972 production levels—is subject to a price ceiling of $5.25 per barrel. This oil currently represents two-thirds of our domestic production. New oil and oil produced from stripper wells sells at the market price as of January of $11.28 per barrel. The combined domestic price of these two types of oil is $7.70. Imported oil, on the other hand, has been selling at much higher prices. In January, imported oil was sold at $12.63 per barrel. The composite cost of all oil available in the United States as of January was $9.56. Table II shows the price per barrel for various types of oil in 1974. It is important to note that there has always been a substatial difference between domestic uncontrolled oil and imported oil. This difference amounted to as much as $3.11 in June of 1974 when domestic uncontrolled petroleum was selling at $9.95 per barrel and imported petroleum was selling at $13.06 per barrel. As the table shows, since February of 1974, the difference between the two prices has never been less than $1.35;

TABLE II.—CRUDE OIL, PERCENTAGE OF DOMESTIC PRODUCTION SOLD AT CONTROLLED AND UNCONTROLLED PRICES, 1974

	Controlled old oil	Uncontrolled new oil	Released	Stripper
January	60	17	10	13
February	62	15	10	13
March	60	16	11	13
April	60	16	11	13
May	62	15	10	13
June	63	15	9	13
July	64	15	9	12
August	66	14	8	12
September	67	13	8	12
October	66	14	8	12
November	67	13	8	12
December	66	14	8	12

Source: FEA.

DOMESTIC CRUDE PETROLEUM PRICES AT THE WELLHEAD

[Dollars per barrel]

	Old	New
1974:		
January	5.25	9.82
February	5.25	9.87
March	5.25	9.88
April	5.25	9.88
May	5.25	9.88
June	5.25	9.95
July	5.25	9.95
August	5.25	9.98
September	5.25	10.10
October	5.25	10.74
November	5.25	10.90
December	5.25	11.08

[1] Preliminary estimate.

Source: FEA.

REFINER ACQUISITION COST OF CRUDE PETROLEUM

[Dollars per barrel]

	Domestic	Imported	Composite
January	6.72	9.59	7.46
February	7.08	12.45	8.57
March	7.05	12.73	8.68
April	7.21	12.72	9.13
May	7 26	13.02	9.44
June	7.20	13.06	9.45
July	7.19	12.75	9.30
August	7.20	12.68	9.17
September	7.18	12.53	9.13
October	7.26	12.44	9.22
November	7.46	12.53	9.41
December	7.39	12.82	9.28
1975: January	[1] 7.70	[1] 12.63	[1] 9.56

[1] Preliminary data.

Source: FEA.

ESTIMATED LANDED COST OF IMPORTED CRUDE PETROLEUM FROM SELECTED COUNTRIES

[Dollars per barrel]

	Algeria	Canada	Indonesia	Iran	Nigeria	Saudi Arabia	United Arab Emirates	Venezuela
1973: December	(1)	6.32	6.42	6.37	8.54	5.49	(1)	6.70
1974:								
January	(1)	6.70	(1)	8.53	12.13	(1)	(1)	10.28
February	(1)	10.90	(1)	12.11	12.74	(1)	(1)	11.31
March	(1)	11.14	12.13	13.02	13.26	(1)	(1)	11.78
April	13.63	11.02	12.49	12.83	13.67	11.59	(1)	11.38
May	14.67	11.47	12.95	13.84	13.83	11.53	(1)	11.28
June	14.43	12.56	13.21	13.44	13.03	11.32	13.06	10.39
July	13.65	12.65	13.77	13.02	12.75	11.97	12.34	10.64
August	13.96	12.49	14.38	12.31	12.70	12.16	12.69	11.20
September	13.83	12.51	13.42	11.87	12.28	11.45	(1)	11.01
October	13.20	12.53	14.24	12.07	12.12	11.51	12.84	10.95
November	13.43	12.33	13.45	12.15	[2] 12.83	12.15	[2] 13.54	11.15
December	13.08	12.15	14.15	11.63	12.88	11.75	14.59	11.37

[1] Not available.
[2] Revised data.

Note: The refiner acquisition cost of imported crude petroleum is the average landed cost of imported crude petroleum to the refiner and represents the amount which may be passed on to the consumer. The estimated landed cost of imported crude petroleum from selected countries does not represent the total cost of all imported crude. Imported crude costs to the U.S. company-owned refineries in the Caribbean are not included in the landed cost, and costs of crude petroleum from countries which export only small amounts to the United States are also excluded.

Source: FEA.

3. U.S. PETROLEUM SUPPLIES ARE AVAILABLE

The most recent study by the U.S. Geological Survey shows that we still have substantial petroleum reserves that could be developed if the capital necessary for such development was available. Our cumulative production at the end of 1973 was 103 billion barrels which represented only 30 percent of the oil in existing fields. Present price structure make it impossible to recover more than 30 percent, on the average, of existing fields because of the high cost technology of enhanced recovery. Our measured reserves, according to the U.S. Geological Survey, amount to 34 billion barrels with another 30 billion in inferred reserves, that is, reserves in known fields not yet explored by drilling. Finally, the Survey indicates that our undiscovered domestic resources amount to anywhere from 50 to 127 billion barrels. Thus, it is clear that the United States has sufficient petroleum reserves to supply its immediate needs if such reserve capability could be brought into production.

Table III sets forth the results of the USGS:

TABLE III.—U.S. PETROLEUM AND NATURAL GAS RESOURCES

[Onshore and offshore to water depth of 200 meters]

	Cumulative production to Dec. 31, 1973	Reserves			Resources undiscovered[4] and recoverable 95 percent to 5 percent
		Measured[1] Dec. 31, 1974	Indicated[2] Dec. 31, 1973	Inferred[3]	
Crude oil (billions of barrels)[5]	103.76	34.25	4.92	30	50-127
Natural gas liquids (billions of barrels)	14.97	6.35		[6] 6	[6] 11-22
Natural gas (trillions of cubic feet)	456.12	237.1		180	322-655

[1] Explored deposits, recoverable under present economic conditions. Estimates are the proved reserves of the American Petroleum Institute.

[2] Explored deposits, recoverable if known fluid injection technology is applied. Estimates are from the American Petroleum Institute.

[3] Recoverable oil in known fields not yet explored by drilling.

[4] That portion of the resources base judged to be discoverable and recoverable within the limits of 95 percent (19 in 20 chance) and 5 percent (1 in 20 chance) probability. At greater extremes of probability limits the range of values would increase.⌋

[5] Past production and estimates of reserves and resources reflect measured or estimated resources of about 32½ percent of the oil in place. Some portion of the remaining oil in place is recoverable through enhanced recovery techniques.

[6] Estimates are derived from natural gas estimates by applying national NGL/gas ratios.

Source: U.S. Department of the Interior Geological Survey.

4. THE NEED FOR DECONTROL

With this combination of declining domestic production, increasing dependence on imports and price differences for old, new and imported oil, it is necessary that price controls come to an end. The only way in which our domestic production is going to increase to mitigate the movement toward greater and greater importation of foreign oil is if domestic producers obtain enough return so as to be able to find new sources of oil and apply enhanced recovery techniques to old fields. Stemming the decline of our domestic production will be expensive. The FEA has estimated that the use of chemical injection to get more oil out of old, declining fields can be as much as $4 additional cost per barrel. The cost per barrel in the Prudhoe Bay area of Alaska is estimated to be at least $8. The costs of offshore exploration and development are extremely high. A single platform in the Gulf of Alaska, where substantial amounts of oil appear to be available, is $80 million because of the unique technology required to explore and drill for oil in the adverse weather and geological conditions in that area.

Economist Robert Nathan has completed a study of oil pricing over the 1959–1974 period, a study which is believed to be the most comprehensive analysis of oil prices yet made. One of his basic conclusions is:

> The "economic cost" of new domestic crude oil—the cost of finding, developing and producing oil plus the minimum return on the operator's capital necessary to sustain exploration—was $12.73 per barrel in 1974.

Because of the substantial capital investment that will be necessary for us to find and make available additional sources of oil, it is imperative that the $5.25 ceiling on old oil production be removed.

5. THE IMPACT OF DECONTROL

Gradual decontrol, such as that contemplated by the President or as recently approved in the Interstate and Foreign Commerce Committee's Energy and Power Subcommittee, would not have a significant economic impact on the consumer. Charles Schultze, formerly Director of OMB under President Johnson, and now with the Brookings Institution, has estimated that decontrol would result in an inflationary impact of 0.1 to 0.2 percent. Federal Energy Administration computations show that a 25-month decontrol plan would result in an increase of only 5.9 cents per gallon of product or 2.45 cents per gallon of product per year. If the decontrol schedule were stretched out over a 4-year period, the increase would be only, at the maximum, 1.7 cents per gallon of product per year.

These figures are based on the following computation.

Of the United States' total oil supply for consumption, 66 percent comes from domestic sources and 34 percent is imported from foreign nations. Based upon the Federal Energy Administration's latest figures—January of 1975—the average price of all foreign imported crude is $12.63, while the average price of all domestic oil, both "old" and "new," is $7.70. The $7.70 average price of domestic oil is broken down as follows: "Old" oil, which is controlled, sells at $5.25 and represents 60 percent of the total domestic supply; "new" oil, or uncontrolled domestic oil, has an average market price of $11.28 and represents 40 percent of the total domestic supply of crude. Therefore, the average price of domestic oil equals 40 percent of $11.28 plus 60 percent of $5.25, or $7.70—40 percent of $11.28 plus 60 percent of $5.25 equals $7.70. The average price of the blend of foreign and domestic oil is $9.56—34 percent of $12.63 plus 66 percent of $7.70 equals $9.56.

With decontrol, the foreign price remains $12.63, or whatever OPEC decides it will be, while the price of previously controlled domestic oil rises to the market price level of "new" domestic oil, or to $11.28. Now, the average price of the blend of foreign and domestic oil is $11.73—34 percent of $12.63 plus 66 percent of $11.28 equals $11.73. This equals an increase of $2.17—$11.73 minus $9.56 equals $2.17— per barrel of oil. If you divide this $2.17 per barrel increase by the number of gallons in a barrel, 42, the price increase per gallon of product is 5.1 cents. Under the proposed 12-percent decontrol plan of the Energy and Power Subcommittee bill—H.R. 7014—this increase would be stretched out over 4 years and would thus represent an increase of 1.3 cents per gallon per year.

With the $1 tariff added, the total per gallon increase in price would be 6 cents, or 1.5 cents per gallon per year. With a $2 tariff added, the total per gallon increase in price would be 6.7 cents per gallon, or 1.7 cents per gallon per year.

6. OIL COMPANY PROFITS

Oil company profits have in fact declined since 1974, and for many companies were down even from 1973 levels, as shown in table IV. The addition of the repeal of the oil depletion allowance will further reduce oil company profits, making it more and more difficult to generate the extensive amounts of capital that will be needed to develop costly new sources of domestic petroleum.

The table follows:

TABLE IV.—NET INCOME OF LEADING PETROLEUM COMPANIES, 1ST QUARTER TOTALS AND CHANGE FROM PRIOR QUARTER

[Dollar amounts in millions[

	Percent change 1973–75	1975		1974		1973 total
		Percent change 1974–75	Total	Percent change 1973–74	Total	
Amerada Hess	(24.8)	(44.7)	$27.6	36.0	$49.9	$36.7
Ashland	22.6	12.7	19.5	8.8	17.3	15.9
Clark						
Diamond Shamrock	132.4	33.7	25.8	73.9	19.3	11.1
Exxon	16.1	(11.4)	590.0	31.1	666.0	508.0
Gulf	18.2	(32.8)	195.0	75.8	290.0	165.0
Marathon	(19.4)	(47.1)	16.2	103.5	30.6	20.1
Mobil	19.5	(28.0)	186.2	66.0	258.6	155.8
Skelly	70.0	(13.7)	17.0	97.0	19.7	10.0
Standard Oil (Indiana)	20.8	(33.2)	146.2	81.0	219.0	121.0
Texaco	(32.4)	(66.0)	178.4	98.7	524.5	264.0
Union	4.7	(45.1)	40.1	90.6	73.0	38.3
Total	7.1	(33.8)	1,442.0	61.8	2,178.2	1,345.9

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I am happy to yield to the gentleman from California.

Mr. BELL. Mr. Chairman, will the gentleman from Ohio tell me if a field was available say, to produce 11 barrels a day or more average and getting for their oil $5.25 a barrel average and if some of those wells were gradually decreasing, would not the operator of that field be wiser to let the production drop or decrease to 9 barrels a day, because if they were to do that then they could get $10 or more a barrel?

And if you multiply that by all the fields of all oil covered by price control, it does not make any sense to me, to continue this control program.

Mr. BROWN of Ohio. The gentleman from California is quite correct; that is the pattern.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I should like to answer the question that the gentleman just asked. What occurred between the Monday immediately preceding the recess period and this last Monday was the period for congressional veto, 5 legislative days, to reject the President's proposal on stripper wells. The President's proposal on stripper wells may be most tersely described as "once a stripper, always a stripper." That does not mean what the term might imply, but the situation is simply this: Just as the gentleman has said, at a time when one could get $11 for oil which was not subject to control, he would have been well advised to keep a stripper well under 10 barrels even if it could produce 20 because its 20-barrel production would be selling at $5.25 times 20, whereas 10 barrels of production would be $10 times 11. Obviously, it would be better to produce at the 10 barrels than at the 20.

But under the order that came out and the order which we did not reject, it is provided that if the well has produced for as much as a year at stripper level, then any amount of production above 10 barrels out of a well once a stripper will be free to go to the world price.

A 20-barrel well would have been kept below the 10-barrel level by any prudent person for something like a year because the price of $11 has existed for a considerable period of time. So I think that the question that has been raised has already been satisfied.

Mr. BELL. Would the gentleman yield further and allow me to pose this question in a little different way? Everybody knows that as a well declines its production, it is not likely to go up.

Mr. ECKHARDT. That is right.

Mr. BELL. It is more likely that it drops off, so it is very easy for a man in the oil business who has a lot of money involved and a lot of expenses at stake to allow a well to dribble down off from 15 down to 9.5 barrels per day, because he will get $10 a barrel for it rather than $5.

Let me pose a different question to the gentleman.

Mr. ECKHARDT. Let me answer that one for just one moment.

Mr. BELL. Let me pose a different question to the gentleman, and then he can answer both at the same time.

Mr. ECKHARDT. All right.

Mr. BELL. Supposing that one had production from a field before 1972, and he was producing at about 15 barrels a day per well, so that would bring him after 1972 in the area where he would be getting $5.25 a barrel for that oil; right? That well would dribble off and it would go down to 9.9 or 9.5 barrels a day of production, so he would then get in the $10 area. Supposing that he decided that the time had come to do secondary recovery, so he started to waterflood those wells to bring them up. The result would be he would go back to $5.25 a barrel for his oil. Is this correct?

Mr. ECKHARDT. No.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. ECKHARDT. No. If one is in that situation and uses ordinary recovery processes and yet the well produces below 10 barrels for as much as a year, he could raise it to any level that he was able to do by secondary recovery, and he would be still within the uncontrolled price level. That is what happened due to the order that was issued a few weeks ago.

Mr. BELL. Do I understand the gentleman clearly——

Mr. ECKHARDT. I am sorry, but I cannot yield further. I only have 3 minutes in all.

Mr. BELL. I just want the gentleman to clarify this. It is very confusing.

The CHAIRMAN. Does the gentleman from Texas yield further to the gentleman from California?

Mr. ECKHARDT. Not at this time, Mr. Chairman.

The point that I should like to make is that the gentleman from Ohio is a man of such infinite wit and such persuasive qualities that I think sometimes he leads himself into error.

The issue here is not changing the rules of the game. What we are attempting to do is to keep the rules of the game in effect until December 31, so that during that period of time the committee on which the distinguished gentleman sits and on which I sit will be able to meet the question of pricing or of decontrol, and maybe to do so without a catastrophic removal of all authority of the FEA to deal with the questions on August 31.

What we are asking for here is in the nature of maintaining the status quo until a committee of the Congress may decide on the questions here involved. If we follow one course we may regulate price. I would urge that. If we follow another course we may gradually deregulate. This bill does not go to the question of what ultimate course we take. As the distinguished chairman of the subcommittee said, this bill is neutral in that respect. It merely maintains an opportunity to continue the power of regulation of price subject to all the deregulation processes of the Emergency Petroleum Allocation Act.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I rise in strong opposition to H.R. 4035. H.R. 4035 deals with the process whereby price controls on old crude oil may be removed. The bill amends the Emergency Petroleum Allocation Act to require that any amendment made by Presidential authority under the act which raises the present price ceiling on old crude oil that has the effect of raising such price by more than $0.50 must be submitted to Congress. Under current law, only amendments that completely remove the price ceiling would have to be so submitted. The bill also extends from 5 to 15 days the period of time that Congress has to consider such an amendment and adds certain extensive findings that the President would have to make to justify a price increase.

It is disturbing that the congressional leadership has chosen to bring this bill to the floor at this time. The President long ago submitted a comprehensive energy program to the Congress which consisted of a variety of measures to deal with energy problems. He has patiently awaited congressional action on producing some sort of meaningful energy program and has on several occasions delayed action that he could take administratively such as imposition of tariff duties or a program to decontrol old oil prices. Now, when he is prepared to take definite positive action to deal with our Nation's energy problem by decontrol of old oil, the Congress is asked to enact negative legislation to make it difficult for the President to do what he can under existing authorities. I suggest to you that it is not wise for a Congress, that has not acted itself on this problem, to deny to the President the limited authority he has to deal with the question of increasing domestic oil production.

The problem we are faced with today is that we are overly dependent upon foreign sources for the oil needed to fuel our economy and support our way of life. What is needed is a program designed to increase our domestic supplies and production so that our dependence on foreign sources is eliminated. But this bill does nothing to restore energy self-sufficiency. On the contrary, by extending EPAA, this bill would do the opposite—controls would continue and the additional incentive required to encourage increased domestic supplies is absent. Price decontrol would allow prices of petroleum and petroleum products to rise, thus stimulating secondary and tertiary recoveries. I have introduced legislation that would accomplish this over a 3½ year period.

The President has made clear his intent to comply with the procedures of the Emergency Petroleum Allocation Act that provides for 5-day review, and submit a much-needed decontrol plan. Now, the Congress, which set the 5-day period initially, wants to make it more difficult for the President to act by extending the period and requiring unnecessary and burdensome analyses and reports to be submitted to back up the program proposal. Thus, this bill is an attempt to take away Presidential initiative and further postpone any positive action to deal with our Nation's severe energy problems.

To support this legislation, is to support the continuation of the present system of controls, which has proved inadequate to handle our vast energy problems, and delay action which would solve these problems. I urge my colleagues to join me in voting against this negative legislation. Let us get on with consideration of the energy bill now pending before the Interstate and Foreign Commerce Committee. This bill, which has been supported by a majority of the members of the Energy and Power Subcommittee, includes an "old oil" price decontrol feature similar to that which I have introduced. It would do this over a period of time so as to minimize the economic impact. The bill we consider today is the wrong approach.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I would just like to say I am sure every Member of this Congress wants to be fair and wants to be right. I have heard it said we are taking away something from the Executive. Every Member in this House was elected by the people to represent the people of his district. It cannot be said we are taking something away from somebody when we are trying to protect the consumers of America. This is what this bill does. All this bill does really, the essence of the bill, is say that the representatives of the people will have the right to decide as to whether we will decontrol crude oil.

In writing the Emergency Petroleum Allocation Act we had to concur in a Senate amendment because we had nothing on our side, which limited the period during which Congress may review any decontrol proposal to 5 days. Under the parliamentary procedure in the House we cannot possibly do it in 5 days. In the committee we have to give 7 days notice before we can have a meeting, and we must afford 3 days to the minority to write their views. One day must elapse before our printed committee report can go to the Rules Committee and 24 hours before the rule can come before the House. All of this takes more than 5 days.

All the bill does is call upon the representatives of the people to act and carry out their responsibilities.

Now, this is only fair and it is only right that the representatives of the people have a right to speak as to what shall be done.

But we were elected to do the job and this is the only way we can do it—to extend the congressional review period from 5 to 15 days. We cannot act in 5 days. It is impossible. We say give us the time for the Congress to act. It is the only fair way to treat Congress, because as my colleagues have said if we let decontrol take effect, it will raise prices to the consumer from $13 to $25 billion a year. If it does that, the people in the Congress ought to have a say in it.

This argument respecting stripper wells is a blind, because if it has been a stripper well for 1 year, after that if they take secondary and tertiary methods of taking oil, it does not matter how much oil they produce. The well does not lose its stripper well exemption. That is the law now and we are not trying to change it.

I say that we need to change this from 5 to 15 days. That is the main provision of the bill.

Mr. Chairman, right is right and wrong is wrong. It is not taking something from the President, but taking it from the people, because the President has to come up for election sometime. Not to pass this, not to give the Congress a chance, would be completely wrong.

As the chairman of the subcommittee said, the unemployment would result if decontrol occurred and we would not have a chance to act. I do not think there is a Member of this Congress that wants to say Congress is not responsible. If there is a Member on this side that says, "Well, we want to give the authority to the President and not to the Congress," then we do not need a Congress. All we need then is the President to say what is right or wrong.

Mr. Chairman, we need this 15 days to make this decision. I have nothing further to say, except that the ones who want this bill are the consumers of America and most of industry wants it. I know that the oil industry does not want it and the executive branch does not want it, but the consumers do.

In my district gasoline prices have been raised twice in the last month. I go home every week and they say, "Why aren't you doing something about gasoline prices?" They are blaming the President now for letting the price rise and not the Congress.

We will bring an energy bill here, but we have to have something in the interim that will work.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Heinz).

Mr. HEINZ. Mr. Chairman, I am strongly against the frequently discussed instant decontrol of old oil. Such decontrol of old oil would be costly to the consumer and disastrous to our shaky economy, and I oppose it.

Nonetheless, Mr. Chairman, I am opposed to passage of H.R. 4035 at this time. There is no need for the bill and its enactment might very well bring to a complete halt any congressional action in shaping a forward-looking energy policy.

In the first instance, the President has as yet made no formal or official proposal to decontrol old oil. Were the President to do so and propose such decontrol I would strongly oppose such an act.

However, this is not the case.

The President has made no official proposal, as required by law, to the Congress. Without such a proposal, no decontrol in any degree is possible. In present circumstances, therefore, H.R. 4035 represents just one more example of congressional confrontation, overreaction and overkill.

An even more compelling reason to oppose H.R. 4035 at this time is that in my judgment its enactment will destroy the incentive for Congress to get on with the job of enacting a comprehensive energy bill. This is because H.R. 4035 unnecessarily extends the Emergency Petroleum Allocation Act from August 31 to December 31 of this year.

Such an extension will remove the immediate need for Congress to get down to the difficult choices we face on energy. While I concede that energy solutions are neither easy nor popular with certain special interests nor politically pleasant to contemplate, I nonetheless feel that this Congress must face the energy problem squarely. Congress must make the tough choices we need to insure the future of this country.

Procrastination on tough choices is part of human nature. I think this is part of the reason why the energy bill, although reported from my Energy and Power Subcommittee on May 13, has not as yet been considered by the full Commerce Committee. Today is June 5 and no meeting of the Commerce Committee is scheduled until next week. There is no reason for a month's delay, especially on a matter of such vital national interest. It is just such additional delays that H.R. 4035 invites. Its passage in its present form or at this time is therefore irresponsible.

Mr. Chairman, although I can foresee the need to extend the Allocation Act at a future time, hopefully in conjunction with a realistic energy program, I urge my colleagues to vote against the bill we consider today. The bill offers no solutions and its enactment will make real solutions more difficult to come by. It should be rejected.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. Wirth).

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the distinguished chairman of the committee.

Mr. STAGGERS. We need the President to work with Congress in foreign affairs the way Teddy Roosevelt or Harry S Truman did. We should be saying, "You are not going to bring America down to its knees." We should be using all peaceful means at our disposal to bring down the OPEC price.

Mr. HEINZ. Mr. Chairman, since the gentleman mentioned my name, will the gentleman from Colorado yield?

Mr. WIRTH. Mr. Chairman, I do not yield at this time.

Mr. Chairman, I remind the gentleman from Pennsylvania that while I agree with him that there is nothing free, he ought to realize that we cannot have our cake and eat it, too. We cannot say that we are going to disapprove a bad regulation by the President on old oil, and then let our authority run out.

We are in a situation where, when the 31st of August comes along, if we do not pass this and have in place a piece of legislation related to old oil pricing, the President has a free hand to deregulate oil, as so well described by the distinguished chairman of the committee and by the gentleman from Michigan (Mr. Dingell).

It is also important to point out that, as suggested by the gentleman from

Ohio, we are not embarked upon a course of negativism or delay. We all know that we are in an extraordinarily difficult situation, and probably the most complicated economic and political issue today is energy.

We have had this and have known about it since the embargo, and neither the executive branch nor the Congress was able until the first of this year to come up with a program.

The President first sent word up to this body the first of the year. There are a great number of problems in his proposal, which we have all recognized. It is now our responsibility to come up with a congressional program that is comprehensive in nature and deals with the question of the price of old oil.

In the meantime, we have to continue current legislation, so we have rules to work by. At the heart of the issue are two very, very important reasons for us to pass this legislation. First and foremost, we cannot allow an energy program to have a very simple result of one solution: Raise our prices. Second, we have to assure a cooperative process, between the executive and the legislative branches, so we can arrive at an agreed upon process and program for energy.

This bill reaches to both of these reasons: It limits the President's ability to solve the energy crisis simply by raising price; and it gives us time to develop the process for arriving at the energy policy which this country needs.

Now, this committee—as the distinguished gentleman from Ohio well knows—is working very hard. We have an excellent and comprehensive bill before the full Committee on Interstate and Foreign Commerce now. It does not have the simplistic price answer proposed by the President. It does have the capacity for getting the needed coalescence between administrative and congressional views.

I urge the passage of H.R. 4035—not because I am an advocate for continued and prolonged controls, but because I do not believe that a simplistic pricing strategy will alone solve our energy problems, and because I believe that, given the appropriate time and context, we can and will come up with a strong, comprehensive, and thorough energy bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Ketchum).

Mr. KETCHUM. Mr. Chairman, being a member of the Committee on Ways and Means, and having had under consideration for almost 9 months an energy bill, and knowing at the same time the Committee on Interstate and Foreign Commerce has been dealing with the same subject, is certainly no excuse to pass this bill.

The President threw down the gauntlet in January of this year, and suggested in the strongest possible terms that the Congress deal with the energy problem. I would submit that here we stand, in June, with the Ways and Means Committee bill ready for hearing next Monday. The Ways and Means Committee bill is, I submit, a bill that creates shortages and then taxes those shortages—and from what I have heard, the Interstate and Foreign Commerce Committee bill is not much better.

In each case these bills seek to allocate a shortage, seek to create the shortages, seek to tax those shortages, but in no way encourage domestic production in any way, shape, or form.

As recently as 1973 this body, in its infinite wisdom, passed the allocation bill. In its infinite wisdom, it allowed us 5 days to negate an action of the President. In 1973, 5 days was plenty. Today, with our backs to the wall, we ask for 15. This bill has been laying, collecting dust, for 2 months. Why was it not brought up 2 months ago? It was granted a rule practically immediately. The only reason it was not brought up was that you did not think you needed it. And now the President has the party on the other side of the aisle with their backs to the wall, with no program whatsoever and none that has any real chance of passage.

Mr. Chairman, I would suggest that the Members read the article in the Star News shortly before we retired on our recent recess, when the distinguished majority leader of this House said:

> We can hardly get the Ways and Means bill out of the Rules Committee unless the Republicans vote it out to embarrass us.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Moorhead).

Mr. EMERY. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of California. I yield to the gentleman from Maine.

Mr. EMERY. I thank the gentleman for yielding.

Mr. Chairman, I would like to comment on H.R. 4035 and my decision to support this bill.

I am not in favor, at this time, of rapid decontrol of oil and natural gas. In these times of double digit inflation and record unemployment, we cannot afford to further push up the price of energy, a daily necessity to so many of our people.

In my own comprehensive energy package (H.R. 6310), introduced on April 22, 1975, I included a measure virtually identical to H.R. 4035. My feeling was, and has been since then, that the Congress ought to have the right to review oil price controls since any changes in this area could have a resounding effect on the economic well-being of our country.

May I emphasize that H.R. 4035 will not necessarily prevent the President from adjusting domestic oil prices, rather it gives our Congress a better opportunity to monitor pricing policy and reject changes that we may feel are not in the best interest of our Nation.

Mr. MOORHEAD of California. Mr. Chairman, I am strongly opposed to the enactment of H.R. 4035, a bill which would amend the Emergency Petroleum Allocation Act.

Under the provisions of this bill, the EPAA would be extended until December 31, 1975, and the 5-day congressional review period which is currently in force would be lengthened to a 15-day period.

Under the resolution, any proposed administrative action which would result in a crude oil price increase of 50 cents a barrel or more would have to be submitted to the Congress with extensive data and findings to justify such actions.

The Congress has been struggling over many years to find a solution to the energy problems of this country. In 1969 the then President of the United States asked the Congress to come up with a solid energy program. Since that time we have failed to do so, because it is a difficult decision and we have to bite some bullets. We have to make decisions that are painful to many of the people who elect us to office if we are really going to cure the problems that we have in getting enough energy to run this Nation in future years.

Mr. Chairman, there is no question but what the prices of oil and oil products are going to go up as long as there is a major shortage. We have only to read the newspapers in recent days to tell that the price of oil from the Arab countries is going to go up very dramatically in the next few months. The difference between the prices that we can charge here in this country and those prices that we are being asked to pay for the imported product is becoming greater and greater and the urgency for us to do something to develop a greater supply of oil in this country, a supply that we have control over ourselves, certainly becomes evident.

In the bills that have been proposed in Congress so far, both the proposal from the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce and the bill from the Committee on Ways and Means, there is absolutely nothing to encourage the development of more energy in this country except a proposal to gradually deregulate the price of oil, as contained in the bill from the Subcommittee on Energy and Power. This is opposed by a large number of members of that committee. It is doubtful that that bill will get through the House of Representatives.

The only positive action that is going forward and the only action that we can be assured of is the action of the President of the United States.

We are all concerned with jobs. The chairman of the committee has remarked that the rise in the price of oil could well affect our jobs, and I certainly will agree with him that it could. And I will tell the Members today that unless we allow the positive program proposed by the President to go forward, we may well find ourselves in a position where there is no oil and no products of this kind which we will need to run the factories of America.

Mr. Chairman, we cannot stand at this time to have another embargo. We cannot allow ourselves to get into a position where we need for national defense purposes greater amounts of oil than we now have. We must solve this problem ourselves. We must solve the problem of getting the necessary supplies that we need in this country under our own control, and the only way we can do it is through positive action.

I see nothing in the bills that are coming up that will give us that kind of relief, and until something further comes along I think it is the worst kind of action for us to take to tie the hands of the President of the United States, since he has at least given us a positive program, even though that program may have faults.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, the question that is really before the House and the Congress today is whether we are really serious about doing our very best to solve our energy problem by development of our own domestic resources.

We must depend upon oil and gas for the next 15 to 25 years for the major source of our energy, whether we like it or not. 1973 marked the first year in our history when nuclear power exceeded the burning of wood in the production of energy in the United States of America, evidencing the fact that it will be a long, long time before we can develop adequate alternative sources. We must remove the governmental cloud of uncertainty that exists today domestically so that we can get to work to solve our domestic energy problems.

This bill is not neutral. It is negative as long as it continues this cloud of uncertainty.

What are the results of the elimination of the depletion allowance and this continued pall that hangs over our ability to develop domestic oil and gas resources?

Since February of this year we have witnessed a 30-percent layoff of geophysical crews working in this country. This is the leading edge of the development program for new oil and gas on which we desperately depend. In the months ahead the failure of the utilization of 100 percent, preferably 200 percent, of the available geophysical crews is going to be a failure to do what is essential in order to do the job domestically. In addition, in one company alone we have seen the cancellation of $100 million worth of orders for the construction of offshore drilling rigs. In the next 2 or 3 years we are not going to have the rigs to do the job so necessary in the OCS. In the Panhandle of Texas alone over 27 drilling rigs which were operating 24 hours a day are now stacked in disuse, and in southern Louisiana one oil and gas company alone has stacked half of its 50 rigs that had been working onshore in Louisiana.

Mr. Chairman, we should work to pass a constructive deregulation bill before this legislation expires on August 31. There is enough time if the Congress is really serious. If we do not, the Congress is responsible for creating a confrontation so that the President has only one alternative, and that is to veto this bill. That, to me, is not positive action on the part of this Congress. Merely to extend the legislation which retards and dislocates our energy effort is a further delay of a positive approach. It continues the two-tier pricing system.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ARCHER) has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, to resume what I was saying, it continues the two-tier pricing system which brings about higher prices to the consumer and retards, as I said, our domestic effort to increase supply.

In my opinion, the passage of this bill will do nothing but continue the congressional treading of water in the energy area as we float deeper and deeper in over our heads.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I will be happy to yield to the gentleman from New York.

Mr. OTTINGER. Can the gentleman explain to me why the oil companies have decreased their exploration and cut down the use of their rigs when they averaged better than a 100-percent profit increase in 1974, and they are still very substantially above their 1973 earnings level?

Mr. ARCHER. I would say to the gentleman that the industrywide average profit increase in 1974 was not 100 percent, but rather 41 percent, and that was compared to a relatively low base rate in 1973. In addition there has been a 29.3 percent decrease in profits in the first quarter of this year, reducing them below the 1973 level. Moreover, the rate of return on invested capital is considerably below that of many other manufacturing industries.

Also, the so-called profit increases that the gentleman is talking about last year were mostly inventory profits, which were a one-time nonrecurring item. The economics is just not there to cover the ever-increasing costs of exploring in the Gulf of Mexico and the Atlantic, which we have already delayed entirely too long. Since the beginning of 1973, these costs have increased as much as 200 percent.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. Yes, I yield to the gentleman from New York.

Mr. Chairman, I had not intended to enter this debate, but the gentleman from California (Mr. KETCHUM) motivated me to say a few words when he kept repeating over and over again that the President of the United States had the backs of the members of the Democratic Party up against the wall.

I will tell the gentleman from California (Mr. KETCHUM) whose backs are to the wall. The American people's backs, the consumers' backs are to the wall because the only thing that Mr. Simon knows that Mr. Zarb knows, and that the rest of the industry-oriented people down there know is up, up, up with the prices.

Do the Members want to know why we have a depression? It is because people cannot buy the things that are manufactured because they are too busy paying the ripoffs in their utility bills.

Let me tell the House something about the coal industry. The 10 major coal companies in the United States are as follows: One is independent; that is the tenth in size. One is owned by Kennecott Copper, and the other eight are owned by the oil companies.

When the Arab-instigated, American-oil-company-complied-in ripoff began, the oil companies also decided to extend the ripoff to their coal companies, and they raised the price of coal in my district, which did not cost them a nickel more to mine, from $6.50 a ton to $30 a ton. The power companies, with their passthrough arrangements, did so also. One company—and I do not mind mentioning names—the Ohio Power Co. that gets a great percentage of its coal from its own coal mine, raised the price of their own coal to their own company from $6.50 a ton to $30 a ton, and passed on the price through to the consumer.

All this bill does is maintain the status quo until hopefully we can work out something that is fair to everybody.

But if the gentleman says that the profits of the oil companies were made on a low base at a one-time-only, one-shot deal, then the gentleman really has not been reading their profit sheets recently because that is not the way it is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I think we have to recognize the fact that we have in this country about 9 to 10 million barrels a day of oil production, and we have a shortfall, because our demand is really about 17 million barrels of oil a day, so we have a shortfall of roughly 7 million barrels of oil a day in production.

It seems to me that we should develop our oil production as rapidly as possible. I believe there is adequate oil in this country for us to be almost self-sufficient, so I think that we should use all of the means at our disposal to develop the production of oil. I think that is essential, and that that should be the desire of everybody because the shortage of oil is affecting our recession, is affecting the inflation, and is affecting our energy needs.

Therefore, Mr. Chairman, it seems to me to be a very logical thing that we should do everything possible to give an incentive to people to try and find and develop new oil.

Just a few minutes ago in asking the gentleman from Ohio some questions, I brought out the fact that right now oil production that is producing above stripper rates have an incentive to reduce production to the stripper rate because they can get $10 a barrel for it instead of $5.25 a barrel for it. So we need an incentive, that is the right way we want to go. I think there is another thing that is indicated to us, and that is that we are not really working toward developing our energy needs. We have to do something about this. I think we ought to employ all the incentives that we can. There is one area where we could give an incentive to where we could perhaps increase the development of secondary recovery, as an example. It has been said in the oil field lingo today, that we can develop oil through secondary recovery to close to about 10 to 20 billion barrels of recoverable oil. If that is true, then I am willing to back it, and I think we ought to try to move in that direction. I oppose H.R. 4035.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would just like to say in response to the remarks of the gentleman from California (Mr. BELL) who has talked about a shortage of gasoline, that the dealers whom I have talked to in the areas in which I have traveled say that the oil companies are trying to force them to sell oil and gasoline, and they are asking them to keep their stations open at all hours, so that they can sell more gasoline, because they do not have a place to store it.

We do not have a shortage today, but the oil companies want to keep on with this ripoff, as they are doing with their dealers, and when they start with them then surely they will do it with everybody else.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I would rather make my statement and yield at the conclusion of my statement.

Mr. Chairman, I want to start by associating myself with the excellent statement made a moment ago by my colleague, the gentleman from Ohio (Mr. HAYS).

In 1973 when the average price of all oil consumed in the United States was $3.40 a barrel, the oil companies were granted a $1 increase in the price of old oil up to $5.25. The Energy Division of the Cost of Living Council concluded in an issue paper at that time:

> As no additional costs are involved and a ceiling increase in the price of crude would be based on other factors such as world market prices and the desire to increase domestic prices of products to deter demand, this is an arbitrary decision.

Now the President would like to decontrol the price completely, which means the price would rise for a barrel of oil to $12 or $13 or more. He cites the economic distortion caused by the present two-tier domestic pricing system. Yet he is willing to let this country's already hard-pressed consumer pick up what the Library of Congress estimates as a $36.4 billion annual tab. This derives from the combined impact of decontrol, $24.3 billion, and from Mr. Ford's $2 tariff surcharge, $12.1 billion. The President would allow a cartel of foreign governments to set the price for domestic energy supplies which we produce and consume in our own country.

This money, on top of the $42 billion paid by consumers in increased energy costs last year, will be redistributed from consumers to oil and gas companies, with another 2 to 3 percentage points tacked onto our inflation rate. Of that $36.4 billion, $32 billion will go to oil, coal, and gas producers as windfall profits, with $22.4 billion accruing to 20 companies.

Mr. Ford somehow feels that this $36.4 billion annual impact on consumers is preferable to the inconvenience to the FEA of administering a two-tiered domestic pricing system. The President also feels that raising prices to consumers even farther is an ideal way to reduce demand. He is, apparently, determined to raise prices right out of the reach of millions of Americans.

I believe we must conserve energy by making our consumption more efficient, not more and more expensive. It is totally unfair to make consumers pay more for food, clothing, heat, and transportation, while doing nothing significant to promote conservation through non-price strategies. Mr. Ford couches his arguments in terms of simplistic supply and demand curves that somehow overlook the fact that he is charting and graphing the necessities of life for 200 million Americans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, while reviewing this oil situation, it is well to keep in mind that these major oil companies which have been subject to severe criticism have gone more than the extra mile in drilling oil wells. They invested 33 percent more than their total net profits during the past 10 years. In other words, they did not distribute their profits. They have borrowed money to keep drilling. They reinvested it all. They have also invested 33 percent more than they made in order to keep drilling.

What we are talking about today is to give them an opportunity to keep expanding drilling. We saw them drop from 30,000 new completed oil wells in 1956 to only drilling 9,555 wells in 1973.

The solution, basically, is it goes back to this issue. How can we recover more oil secondaries? We are not only interested in finding new production, but we are interested in recovering the tremendous secondary availability. As all of us know, when we find new oil, basically we recover about 25 percent of it. Twenty-five percent of our oil is recovered when we first had it. To get that other 75 percent, it is much, much more expensive to go after it. We either have to use water injections or gas injections or some type of chemicals to produce it. We usually need to drill additional wells, so secondary recovery is very, very expensive. It is much better in this country for us to be paying $10 a barrel for secondary oil than it is to go and pay $11 or $12 to the Arabs for foreign oil. It is better for us to go out there and take oil sands like the Sprayberry out in west Texas. This sand is now just sitting there not being recovered but it could be recovered if we were paying $10 a barrel for it. It is also better to go down and drill new wells, even if they are more expensive to drill than the original wells were back 10 years ago.

Today in finding new production, we usually have to drill about 20 percent deeper. The wells are much deeper. We also have to drill under much more adverse conditions. We are drilling through rock; we are drilling through stone. The cost of drilling is much more than it ever was in the early days of this oil business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, when the Emergency Petroleum Allocation Act was passed in 1973 by this Congress, and I was a member of the committee at that time, I filed my objections to that program, and I think the positions are as true today as when I pointed them out to this body 2 years ago. As the Members know, this law is the source of the two-tier pricing system, the price control system. It is the source of the entitlement or the allocation, the buy or sell system, and it is the source of the lock-in of producers into old purchasers which has caused confusion and frustration and brought about unfairness to the producers of oil in this country.

Instead of going ahead and renewing this act for another 4 months approximately at a time when two committees are working sincerely and diligently to come up with a program of some kind of decontrol, it would seem it would be better not to extend this act and to let the committees and the Congress work their will.

Overall what we are doing is to extend this act through 1975. We are keeping in existence the price system. We have to ask ourselves: Is that the best? Is that the way to get new production.

I know there is apprehension in the minds of many that if we remove controls the price of oil might go to an unbearable high, and it may go up some, but all of us know it will level off much like prices have leveled off overall in the economic system.

The wage-price control system did not work. I submit to the Members this program has not worked. What the old law does basically is to promote sectionalism. It really pits the North and the East against the South and the southern producers. It brings great disadvantage to the middle section of the South and I will have more to say about that a little bit later when we read the rule for amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield one-half minute to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. I thank the gentleman for yielding.

I take this time only because my name was mentioned by the gentleman from Ohio. He quoted me quite correctly when he said I said the majority party had their backs to the wall and also he made a correct statement when he said the people of America have their backs to the wall.

The two-to-one majority, I submit, have not come up with a program and now they do not want to let the President use his.

Mr. BROWN of Ohio. Mr. Chairman, I think we ought to review the bidding for just a minute.

On January 15 in his state of the Union message, the President indicated his intent to take administrative action as follows: First to have import fees imposed under authority of the Trade Expansion Act of 1962 raised by $1 on February 1 and $1 on March 1 and $1 on April 1, and second, to decontrol old oil by April 1, 1975.

On February 1 the President did impose that first dollar on import fees, and Congress threatened a veto.

On February 4 the legislative package was submitted to Congress. By the end of February, the President agreed to postpone the second $1 for 60 days to give Congress time to act.

By the end of April, the second $1 was postponed for another 30 days to give Congress time to act before the recess on May 21.

On May 2 the decontrol plan was published in the Federal Register so as to give opportunity for review and comment. It was not submitted to the Congress.

On May 15 the President indicated his intentions to add or impose a second $1 on June 1 and submit a decontrol plan to Congress.

On June 1 the second $1 was imposed.

On June 5 we have the congressional response and that is to vote to extend the Allocation Act and to make more difficult the opportunity for the President to propose the deallocation.

Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. Conte).

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Chairman, I would like to voice my support for H.R. 4035, specifically because it is an important first step in the direction of greater congressional participation and approval of a rational and equitable energy policy. I emphasize "first step" because this bill provides the additional authority to act but does not, in and of itself, respond to the pressing need for an energy pricing policy. We must be careful to enact H.R. 4035 as a vehicle for action and not as an illusion of action.

My basic objection to the President's entire energy program is its reliance on the pricing mechanism to achieve energy conservation and reduction of our reliance on foreign imports. We face an extremely complex situation. Simply removing all price controls or helping OPEC raise the price of foreign oil is to reach in a kind of "knee-jerk" manner, ignoring the lack of substantive information so sorely needed in this situation and the devastating economic impact of such actions.

Recently I inserted into the Record a copy of a Library of Congress study I commissioned on the economic impact of the President's cumulative $2 tariff and his plan to decontrol old oil. The conclusion was frightening. With the $2 tariff in effect, the cost of decontrol will be $15.7 billion annually, once all price ceilings are totally removed. This figure, plus $12.1 billion as the result of the tariff on the price of oil, plus $4.8 billion from coal prices and $3.8 billion from natural gas prices rising competitively with oil prices, totals an annual cost of $36.4 billion. The White House is functioning as a taxpayer-financed oil lobby and is about to give the major energy companies the biggest bonanza in their history. Of the $36.4 billion, $32 billion will be returned to oil, gas, and coal producers in the form of windfall profits.

As a member of the Commerce Subcommittee on Energy and Power, I have listened to many witnesses testify on the energy pricing question. Often their views conflict; many of the witnesses admitted that their positions were based more on speculation than on any hard data. FEA and other decontrol advocates have failed to demonstrate that decontrol could result in substantive conservation or increased productive capacity. They have failed to produce evidence concerning reserve estimates, cost data or other vital information on which to base their conclusions. Yet the oil companies tell us that unless we decontrol, we may not get enough oil. This amounts to saying they will hold us hostage—and with FEA approval.

To even consider a policy which sets no price ceilings on new or decontrolled old oil would constitute a most irresponsible approach. Such a decision would mean a rapid escalation in oil prices, right up to the artificially and arbitrarily high levels established by the OPEC nations. What possible reason is there for allowing a foreign cartel to dictate not only the price of their oil, but of our own?

Free market arguments are irrelevant. We all know there is no free market in the petroleum industry. We simply cannot condone the setting of a price for a basic commodity, where that price is unrelated to the costs of production.

What we are being asked to do is operate in a vacuum, devoid of the necessary data on which to make our decision. The oil conglomerates have not seen fit to supply the public with adequate information, and FEA has been either unable or unwilling to force the issue.

We must make it clear that the energy industry, with the administration as its spokesman, cannot dictate national energy policy. Formation of a rational plan can only be accomplished through the input of all sectors of the economy, with emphasis on the consumer.

A better approach would be the setting of a firm price ceiling on "new" oil, with certain congressionally approved exemptions for harder-to-recover petroleum products. Many members of our subcommittee have discussed this approach and have agreed that an average price of $7.50 per barrel, with exemptions up to $8.50 a barrel, is a more than equitable price. According to the testimony we have received, it would be a fair incentive price, one which would encourage domestic exploration and simultaneously provide for a fair rate of return for the producer.

My area of the country, New England, is particularly vulnerable to economic repercussions resulting from a decontrol policy because of our dependence on oil as a source of energy. We have made efforts to conserve. Now we find our efforts are to be rewarded with still higher costs, if the President's program is not disapproved by this body. New England's need for oil has reached the point of inelasticity—we must continue to heat our homes and run our factories regardless of how much higher the price of oil goes. It is pointless to believe that higher costs will reduce consumption in our part of the country.

The New England Economic Research Office has computed the direct cost per consumer of the administration's plan to decontrol old oil: $94 per person annually in New England, as opposed to $71 per person nationally. There is no justification for such an outrageous imposition on my constituents' already dwindling finances.

Many of us are convinced that there are alternatives to price rationing, measures which can achieve an adequate level of conservation and which spread the burden of conservation among all energy users, including the industrial and commercial sectors. Innovative and creative leadership can develop an equitable and effective energy conservation program. But the price-hike mechanism is the least innovative and least effective method conceived thus far. In fact, it is one of the most anticonsumer proposals to receive such serious consideration in recent memory.

Extending the Emergency Petroleum Allocation Act and a lengthening of the time alloted for congressional disapproval of executive actions are important as a beginning. We must follow through with a rational pricing policy and stringent conservation measures which treats all sectors equitably and can achieve the necessary cutback in consumption.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Brodhead).

Mr. BRODHEAD. Mr. Chairman, the allegation that we hear over and over again on the other side of the aisle is that we are not dancing to the President's tune, we are not doing what he says we should do and when he says we should do it. I am perfectly willing to plead guilty to that. He has had thousands and thousands of people to help him develop a program and the only thing he is preparing to do is to raise prices.

Mr. Chairman, I am willing to go to the American people on that issue and I can say that our party is willing to go to the country with that issue. The people are fed up with that program already. They want a program with imagination.

Mr. Chairman, we have been working diligently. We will have legislation passed, but we are not going to go along with the President's program to increase prices. If the other party or the President wants to run on the issue of increased prices, we will let them. I think it is our responsibility to devise a fairer and more workable program. That takes a lot of time.

We have made great progress in two or three different committees in doing that. I think this bill is much needed to give us the time and flexibility we need to continue that work. The position of the other party is merely to block the action of Congress, to keep the Congress from acting.

It was an oversight in the original legislation to only give us 5 days to act. It is not possible to act in 5 days. We need 15 days to act. That is why we must support this legislation so Congress can carry out its responsibility.

I think it is ironic, indeed, that the minority party which has spoken so often about the excesses of the White House and of the dangers of legislation by Executive fiat, is trying to permit this very thing. They want to put the President in a position of being able to ride roughshod over the will of the American people. They want to put the President in the position of being able to frustrate the desires of the American people as experienced through their elected Representatives.

Mr. Chairman, this is a good piece of legislation. I commend the chairman of the committee, the gentleman from West Virginia (Mr. Staggers), and the chairman of the subcommittee, the gentleman from Michigan (Mr. Dingell) for bringing forth this bill. I urge support for it.

Mr. BEDELL. Mr. Chairman, I rise in suppport of Mr. Jeffords' amendment to H.R. 4035.

The primary objective of national energy policy is to reduce U.S. dependence on foreign sources of oil. The gravity and urgency of this problem cannot be minimized. Prompt and decisive action is required to resolve it.

The administration's approach to this problem is to cut American energy consumption by keeping prices high. The President has thus increased the tariff on oil imports by $2 a barrel, and he has announced his intention to decontrol the price of domestic oil, allowing it to rise to the level of imported oil. In addition, administration officials are attempting to secure an agreement among the oil consuming nations to negotiate with the oil producers for a "minimum common safeguard price" for international oil. This high price policy is designed to stimulate greater domestic energy production and to encourage domestic energy conservation measures. The President has proposed to implement each of these proposals by administrative action.

Let me make it clear at this point that, while I share the President's assessment of the importance of reducing U.S. reliance on oil imports, I do not believe that his high price formula for achieving this end is either wise or necessary. It ignores the impact which these higher prices will have on the American economy. This is a dangerous and significant omission. Higher and higher oil prices will only prolong the current recession and contribute to even greater inflation while further increasing the profits of the oil companies and diminishing the purchasing power of the American people.

In my view, rather than stoically accepting artificially high oil prices, and even working to enforce them, we should be implementing a program designed to force down the excessively high price of oil. Domestically, rather than raising prices through decontrol, we should enact legislation that would stimulate greater domestic exploration and research on and development of alternative sources of energy, and encourage energy conservation measures. On the international front, rather than attempting to negotiate any long-term commitments that would serve to institutionalize the present price of oil, we should be working to devise a policy that effectively addresses the root cause of our energy and economic problems—the oligopolistic forces that currently control international oil prices and supplies. It is only by taking concerted action to restore competition in the international oil market that we can hope to resolve our short range energy problems. Such actions would be much preferable to the highly disruptive and inflationary course proposed by the President.

Nevertheless, the basic issue at stake here today is not the merits of the President's energy philosophy or program. That will be decided at some other date. What is at stake here today is the nature of the Congress role in the formulation and implementation of national energy policy. H.R. 4035 would require congressional review of any proposed administrative action to decontrol petroleum prices and would provide a mechanism for congressional disapproval of such actions.

This is an important requirement, but it does not go far enough. This legislation should be expanded to provide for congressional review of executive agreements or actions which would sanction minimum floor prices for oil, foreign or domestic. The Congress must be given the opportunity to judge the wisdom of any artificial petroleum price level negotiated or imposed by the executive.

Our energy problems are real, and they are serious. The Congress must not abdicate its responsibilities in the energy field. Nor can it allow the executive branch to usurp its prerogatives through administrative action. It is imperative that the Congress and the administration work together to fashion a responsible national energy policy that will enable our country to gain control of its energy future. The Jeffords amendment to H.R. 4035 is consistent with and essential to that goal.

Mr. PICKLE. Mr. Chairman, on May 7, I inserted remarks in the Record pertaining to the FEA entitlement program and pointed out how it has not worked. I ask permission to have these same remarks reprinted today so that all may know that these controls only cause more misery and unfairness—and works great hardship on certain States, particularly those of the South like Alabama, Tennessee, Mississippi, North Carolina, and the Southwest.

These remarks are as follows:

FEA Entitlements Program Lets the Rich Get Richer

Mr. Pickle. Mr. Speaker, without much fanfare, I want the Members to have notice of some facts about petroleum costs in the New England area compared to the rest of the Nation.

First, I want to place in the record a list of five localities having the lowest posted price for gasoline on or about April 22, 1975. The posted price is the price paid for wholesale gasoline. These prices are not retail prices, or prices paid at the gasoline pump.

Following are the five lower posted price, for regular grade gasoline, exclusive of taxes, by city, on or about April 22, to wit:

"(1) Providence, R.I. (tie) 39.9 cents. Miami, Fla. (tie) 39.9 cents.

"(2) Springfield, Mass. 40.4 cents.

"(3) New Haven, Conn. 40.9 cents.

"(4) Boston, Mass. 41.4 cents.

"(5) Wichita, Kan. 42.0 cents."

Following are the cities posting the five highest prices on or about April 22, to wit:

"(1) Omaha, Neb. 47.9 cents.

"(2) Louisville, Ken. 46.0 cents.

"(3) Chicago, Ill. (tie) 45.9 cents. Minn.-St. Paul, Minn. (tie) 45.9 cents. Montgomery, Ala. (tie) 45.9 cents.

"(4) Birmingham, Ala. (tie) 45.7 cents. Phoenix, Ariz. (tie) 45.7 cents.

"(5) Boise, Idaho (tie) 45.5 cents. Los Angeles (tie) 45.5 cents."

Next, I want to place in the Congressional Record an excerpt of a research paper done by the George Washington University's Energy Policy Research Project. The paper is authored by Messrs. William A. Johnson, Samuel Van Vactor, and Frank R. Wyant. The paper is titled "The Regional Impact of the Entitlements Program," and was released on April 23, 1975.

The following from this paper is very interesting:

"Even so, there are definite regional biases in the program. In the first place, retail gasoline prices could, in theory at least, increase for all states except one—Connecticut. There would, in other words, appear to be a slight gasoline "title implicit in the entitlements program. For the nation as a whole, gasoline prices could increase, on average, by about 0.2 cents per gallon. As a result, the entitlements program disadvantages certain sections of the country, such as the Rocky Mountain states, which have a relatively high per capita consumption of gasoline.

"One can only speculate why this tilt occurs. In the first place, despite some notable exceptions, the largest refiners tend to be net buyers of entitlements while the smaller refiners tend to be net sellers. The larger refiners also tend to produce higher gasoline fractions than the smaller refiners, primarily because they can afford the more expensive plant and equipment, such as catalytic crackers and alkylation units, which increase gasoline yields. Perhaps most important, during the first three months of the program certain product importers were allowed to sell entitlements. These benefits were restricted to importers of number two and residual fuel oil. The inclusion of these product importers would, very definitely, tilt the entitlements program against gasoline.

"There are other noticeable, even if small, regional shifts in the prices of gasoline resulting from the entitlements program. The most disadvantaged part of the country is the South. Alabama is most adversely affected, followed, in order, by Tennessee, Mississippi, and North Carolina. The Mid-West is also adversely affected by the program, while the part of the country that is least disadvantaged is, once again, the Northeast. The Northeast is also the area of the country with the lowest per capita consumption of gasoline.

"The total cost of gasoline to all American consumers could, in theory, increase by over $74 million for the first three months of the entitlements program. By far, the bulk of this increase in costs will be borne by states in the "Other Areas." Altogether, the added cost of gasoline for these states would be $68 million, or 92 percent of the total for the Nation.

"The results of the second approximation are generally consistent with the results of the first. Those areas of the country with the lowest per capita incomes are being forced to subsidize those areas with the highest per capita incomes. Alabama, Tennesee, and Mississippi, the states that will pay the highest gasoline prices under the entitlements program, are the poorest states of the country. Connecticut, the one state in which gasoline prices should fall, has the highest per capita income of any state of the Union. The entitlements program, in other words, lends credibility to the old adage that the rich get richer and the poor get poorer."

Mr. ICHORD. Mr. Chairman, after visiting in my district with my constituents during the recent recess I am irrevocably prepared to vote for a discontinuance of further FEA regulation and returning to the free enterprise system as the best means of solving the oil crisis. I would point out to the Members that the oil crisis is essentially one involving a shortage of domestic production in its short-range aspects. If the free enterprise system has one deficiency it is that it tends to overproduce. Why can we not use a system which tends to overproduce in order to overcome a shortage?

Under no circumstances can I vote to continue the mess the oil industry is now in under the present two-tier pricing system and the allocation and entitlement programs.

When I was back in Missouri visiting with oil jobbers and filling service station operators last March, everyone was complaining about one oil company having an unfair competitive advantage in that its refineries had access to more "old oil" at $5.25 a barrel than other refineries. In an effort to remove the unfair advantage the Federal Energy Administration in the interim adopted the entitlement program which essentially required a redistribution of the cheaper old oil.

During the recess, I was swamped with complaints from filling station operators who now say that this program has caused their gasoline prices to rise so high that they cannot buy gasoline from their jobbers as cheap as their competitors, who apparently benefited from the entitlement program, are selling their gasoline at their pumps. The result is, Mr. Chairman, no filling station operator knows exactly where he may be tomorrow because no one knows what regulatory changes may be placed in operation tomorrow. All were in favor of getting the Government out of the pricing business altogether.

Mr. Chairman, during the recess I was repeatedly asked whether I favored the Ullman program or the Presidential program as a means of trying to solve the oil problem. In reply, I pointed out that a more proper question would be whether I favored the Presidential program, the Ullman program, or the 534 programs favored by the other 534 Members of Congress. I do not feel there is any need for this Congress to wrestle any longer with trying to adopt a program upon which a majority of the Members can unite behind. Mr. Chairman, there is no easy answer to this most difficult and complex problem. All of the alternatives involve a difficult choice and it takes some political courage, I submit, to return to the free enterprise system. I am now prepared to make that difficult choice and therefore will vote against H.R. 4035. This is the opportunity for the Members to choose the free enterprise system over the bureaucratic mess now prevailing. I urge the defeat of H.R. 4035.

Mr. DEVINE. Mr. Chairman, I rise to speak against passage of H.R. 4035, a bill which would extend the Emergency Petroleum Allocation Act, this time to December 31, 1975, and further prevent the implementation of a positive energy program to deal with our Nation's severe energy problems. The bill would also amend the Allocation Act to require submission of any proposed exemptions of a petroleum product or any action allowing the price of crude oil to rise more than 50 cents per barrel, to Congress for a minimum of 15 days, during which time it could be disapproved by either House.

The administration has substantial objections to H.R. 4035. First and foremost, this legislation embodies a negative approach to the overall energy problem. While containing no provisions that address the declining domestic energy supply situation, this legislation would interfere with the President's ability to act decisively and positively in implementing a gradual, phased decontrol program, and would maintain the counterproductive system of controls. The bill fails to keep in perspective the long-term benefits of a decontrol program, which would, if carried out, increase incentives for increased domestic production and thus reduce our dependence on foreign oil. Second, the cutoff figure of a 50-cent increase in the price of old oil to encourage the type of domestic resource development is arbitrary and insufficient.

Finally, it is unnecessarily burdensome and unreasonable to require the executive to submit extensive analyses and findings in accompaniment of a proposed amendment resulting in a crude oil price increase of more than 50 cents per barrel.

A Congress that has continually asked the President to delay the implementation of his program, while still providing no alternative program, should not pass H.R. 4035 which would impair Presidential action and further delay the establishment of a positive energy program, that is so desperately needed. I urge you to reject this legislation.

Mr. DOMINICK V. DANIELS. Mr. Chairman, the establishment of a sound energy policy for the United States is one of the most pressing challenges facing this Congress. Because of the importance of energy to our national security and economic well-being, it is essential that the Congress fully exercise its responsibilities to the American people by taking an active and meaningful part in the development of our national energy strategy. The legislation we are considering here today, H.R. 4035, recognizes this congressional responsibility, and it is worthy of our full support. H.R. 4035 addresses a vital aspect of our energy strategy that directly affects every American consumer—the issue of decontrol of "old" oil. As my colleagues know, price controls are imposed on "old" oil, which is defined as production from a particular producing property at or below 1972 production levels. Comparisons are made with correspondingly—individual—1972 months to determine the controlled production level. Amounts produced monthly in excess of the 1972 base month are not subject to price controls. In addition, one barrel of controlled oil is released from controls for every "new" barrel produced from a given property. Controlled oil currently comprises about 66 percent of total domestic production, and averages about 5.5 million barrels per day.

During the past year, total crude oil production has declined by about 750,000 barrels per day. The Library of Congress has issued a report which indicates that only 133,000 barrels per day of this decline has been due to a fall off in old oil production. One would expect that the greater portion of the production decline would represent waning production from older wells. This is not the case; 517,000 barrels per day of the declining production has been new oil—supported by a marekt price of approximately $12 per barrel. This is, indeed, an interesting development when $12 prices cannot maintain new oil production while $5.25 controlled oil prices has managed to hold up production from old wells which was generally anticipated to drop.

The President proposes to decontrol old oil. If this crude oil rises to current market levels, the cost to fuel users will be $13.7 billion. This will be just the first increase to be anticipated by consumers, because coal and unregulated natural gas are sure to increase in price to maintain per barrel Btu equivalency. This equivalency translates into a 43 cents per thousand cubic feet for unregulated natural gas and a potential $10-plus increase for coal.

It is essential that we bear in mind the effect the decontrol of old oil will have on unregulated natural gas and coal, because it is far from trivial. With near-term intrastate natural gas sales anticipated to approach 11 trillion cubic feet, cost readjustments are sure to approach $3.3 billion. We can also anticipate the effect on prices of interstate natural gas if it, too, is deregulated. Present estimates indicate that deregulation of interstate natural gas will raise prices to approximately $1.75 per thousand cubic feet. The decontrol of old oil will drive these gas prices up to the $2.50 per thousand cubic feet range.

Like gas, coal prices will be escalated by higher fuel prices under decontrol. The Library of Congress has estimated that with 30 percent of the upward pressure on coal prices restrained by long-term contracts, the cost will still run out at close to $4.2 billion per year.

Adding the direct cost of crude decontrol and the coal and gas escalations, a total of $21.2 billion is reached. In a $1,500 billion GNP, $21.2 billion in price increases amounts to a 1.5-percent inflationary contribution. Concomitant ripple effects could raise this between 2.5 and 3 percent, which would fuel receding double-digit inflation.

It is estimated that old oil decontrol will result in 100,000 barrels per day in extra production in the first year. Given the complete decontrol figures already discussed, the incremental cost for this extra production will be approximately $600 per barrel. In 2 years, it is estimated that production gains will amount to 350,000 barrels per day. With this extra production worth $1.5 billion, the incremental costs drop to $180 per barrel. Thus, when costed on the basis of decontrol's full economic impact, the evoked incremental crude production appears extremely expensive.

Mr. Chairman, these compelling figures demand that Congress exercise its full responsibilities to the energy consumers of this Nation by reviewing the merits of any decontrol proposals advanced by the administration. We cannot have energy policy in this country set by executive fiat—especially since energy supply and energy prices affect the lives of all American citizens.

H.R. 4035 provides this Congress with the mechanism to review—and, if necessary, reject—administration decontrol programs that affect the price of oil, natural gas, and coal. This legislation deserves our full support as an indication to the American people that we do not intend to abdicate our responsibilities to them.

Mr. Chairman, I urge my colleagues to join with me in supporting this bill.

Mr. FRENZEL. Mr. Chairman, I intend to vote against H.R. 4035. It is simply another example of Congress negative attitude in energy policy. The only bill we have passed so far relating to energy is one to prevent the President from putting into effect an oil import tariff. Having failed to enact a positive policy, we are now going through the negative exercise of trying to deny the President his ability to deregulate oil prices.

I believe that deregulation has got to be a part of any national energy policy. It must be accompanied by a windfall profits tax with a "drill-out provision."

The situation has not changed since we first encountered the difficulties of the Arab embargo and the enormous price increases. We have to reduce our reliance on imports. We have to do so by mandated conservation programs, and just as importantly, we have to stimulate domestic production.

The President's program, as he himself has suggested on numerous occasions, is subject to negotiation and to responsible modification by the Congress. I think there are many ways that it can be modified and still serve our initial goals. However, the negative act of taking away an existing power of the President to help ameliorate our difficult energy problem is unworthy of this Congress, and I intend to vote against it.

Mr. BURKE of Massachusetts. Mr. Chairman, the measure which we have before us today, H.R. 4035, addresses itself to the very heart of responsible government. The purpose of this bill is quite clear. H.R. 4035 is designed to provide for more effective congressional review of Presidential decisions to remove existing allocation and pricing controls of petroleum products. We know that, under the Constitution, Congress is entrusted with the responsibility "To regulate commerce with foreign nations, and among the several States," and we clearly recognize that there is no commerce so central to the national welfare as that of our basic energy resources.

Yet, we now find ourselves in a situation whereby the Executive can institute swift and far-reaching authority to drastically alter this essential commerce, and whereby the Congress has but 5 days to respond. This is a situation which assaults our obligation to serve and represent our constituents in a responsible manner. Clearly, no agency or branch of the Federal Government could, within 5 days time, evaluate and act upon a Presidential fiat which would have the effect of more than doubling the price of 66 percent of all our domestically produced oil. It would be impossible to determine the impact which such action could have on national employment, transportation, industrial output, et cetera, in so short a time. To compound this predicament by failing to require that the President submit a full analysis of the expected impact of his actions only moves this process further into the absurd. As U.S. Representatives, we are expected to thoroughly evaluate all of the facts of any given issue and, based on the conclusions drawn from those facts, to act in the furtherance of the common welfare of our citizens. That is our sole responsibility. Sadly, our present circumstance denies us the full exercise of that obligation.

We have the opportunity today, through H.R. 4035, to correct this situation. This bill would extend to 15 days the congressional review procedure contained in the "Emergency Petroleum Allocation Act of 1973." The legislation before us now would permit either House the opportunity to disapprove any Presidential action which would cause the price of "old oil" to rise above its national average price of $5.25. Furthermore, it would specifically require the President to submit a supporting analysis in justification of any action undertaken by him to remove a product from the allocation program, or to decontrol its price. These provisions are vitally important if we are to have a coordinated national energy policy. As my colleagues in this Chamber well know, the House is actively engaged in the formulation of a comprehensive legislative package which deals with all aspects of our energy needs, and which will soon be ready for action by the whole House.

One of the basic premises of this legislation is that any deregulation of domestic oil and gas would have to be coupled with a windfall profits tax. This is essential to the protection of the American consumer. Yet, the administration proposes deregulation before any windfall profits tax can be enacted. This hardly promotes a coordinated or balanced approach toward resolving our energy problems. The legislation before us today would afford Congress the necessary time to consider this, and other aspects of the Administration's order, before taking final action.

Mr. Speaker, is the obligation of the Congress to regulate commerce in a manner responsible to our constituents. H.R. 4035 goes a long way toward enabling us to carry our that obligation, and I would hope that all of my colleagues will join me in supporting this bill.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 4035, a bill to establish more effective congressional review of the decontrol of petroleum prices.

The Emergency Petroleum Allocation Act of 1973 set the price of old oil at $5.25 per barrel. On January 15, 1975, the President, in his state of the Union message, proposed the deregulation of price controls on natural gas and old oil. Later, on April 30, he announced that he had directed the Federal Energy Administration to implement a program to phase out price controls on old oil over a 2-year period beginning on June 1, 1975. Under existing law, this action could not be taken without public hearings and the submission of a plan to Congress. Either House would then have 5 days to disapprove the plan.

The effect of the President's plan would be to add billions of dollars to oil company profits at the expense of the consumer. The decontrol of old oil would lead it to seek the price level of new oil, which is currently in excess of $11 per barrel. This increase would not only be passed on to the consumer directly, by higher prices at the gas pump, but also indirectly, through increases in the cost of electricity, food, clothing, and all other products which depend on oil either as an ingredient, or as a basis for transportation.

H.R. 4035 would extend the Emergency Petroleum Allocation Act an additional 4 months, from August 31 to December 31, 1975. Further, it would make the following changes in the act: First, expand the congressional review procedure from 5 to 15 days; second, require the President to submit a supporting analysis in justification of any proposed action to decontrol prices; and third, provide for congressional review of any Presidential attempt to permit the price of old oil to rise.

The question of the price of energy is crucial to the lifestyle that Americans will lead in the coming decade. The action of this administration indicates that it has not always been a friend of the consumer. Recently, the administration and the State Department have indicated their willingness to set a floor for foreign oil prices. Many economists feel that the floor is much too high, given the current glut of energy that now exists on the world markets. In light of this action, it is important that the Congress be consulted before the administration takes any action that will have irreparable consequences on the price structure of domestic oil. I, therefore, urge my colleagues to vote for passage of this bill.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

Mr. SYMMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call and the quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred three Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

At the time the quorum call was made, the Clerk was proceeding to read the committee amendment in the nature of a substitute.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL REVIEW OF CERTAIN ADMINISTRATIVE ACTIONS UNDER THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

SECTION 1. (a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h) (1) (A) Beginning on the date of enactment of this subsection, except as provided in subparagraph (B) of this subsection, except as provided in subparagraph (B) of this paragraph, no amendment to the regulation under subsection (a) which would have the effect of permitting an increase in the national average price of old crude oil above the January 1, 1975, base price may take effect except in accordance with the provisions of subsection (g) (2) of this section.

"(B) Subparagraph (A) of this paragraph does not apply to any amendment to the regulation under subsection (a) and such amendment may take effect without regard to the provisions of subsection (g) (2) of this section, if—

"(i) the purpose of such amendment is to take into account decline in field production or significant increases in the cost of production of crude oil resulting from the use of secondary or tertiary recovery methods, and

"(ii) such amendment would not permit increases in the price of old crude oil or any classification thereof so as to result in a national average price of old crude oil which exceeds by more than 50 cents per barrel the January 1, 1975, base price.

"(2) For purposes of subsection (g) (2) of this section, an amendment described in paragraph (1) (A) of this subsection and to which paragraph (1) (B) does not apply shall be considered on amendment described in subsection (g) (2) (A) (ii) of this section.

"(3) No amendment described in subparagraph (1) (A) which takes effect after January 1, 1975, and prior to the date of enactment of this subsection, may remain in effect for a period of longer than thirty days after such date of enactment and the President shall rescind any such amendment within such thirty-day period, unless such amendment is transmitted to the Congress within such thirty-day period for review under the provisions of subsection (g) (2) of this section, in which case such amendment may continue in effect unless disapproved under the provisions of subsection (g) (2).

"(4) For purposes of this section—

"(A) the term 'old crude oil' means old crude petroleum as defined pursuant to the regulation under subsection (a) in section 212.72 of title 10, Code of Federal Regulations (as in effect on January 1, 1975); and

"(B) the term 'January 1, 1975, base price' means the national average price of old crude oil as measured on January 1, 1975.".

(b) Section 4(g) (2) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(2) (A) Subject to the requirements of this paragraph, the President may prescribe an amendment to the regulation under subsection (a) exempting crude oil, residual fuel oil, or any refined petroleum product from the provisions of such regulation as such provisions pertain to either (i) the allocation of amounts of any such oil or product, or (ii) the specification of price or the manner for determining price of any such oil or product.

"(B) The President shall transmit (i) any amendment (bearing an identification number) to the regulation prescribed under subparagraph (A) of this paragraph, accompanied by a specific statement of the President's rationale for such amendment, and (ii) the matter described in subsection (i) of this section, to both Houses of Congress on the same day and to each House while it is in session. Such an amendment may apply only to one oil or one product with respect to either allocation or price and may provide for scheduled or phased implementation.

"(C) (i) Such an amendment shall take effect on the date or dates specified in such amendment, but not sooner than the end of the first period of fifteen calendar days of continuous session of Congress (within the meaning of section 906(b) of title 5, United States Code) after the date on which such amendment is transmitted to it; except that such an amendment shall not take effect if, between the date of transmittal and the end of such fifteen-day period, either House passes a resolution of that House, the matter after the resolving clause of which is as follows: 'That the ——— does not favor the amendment (numbered ———) to the regulation under subsection (a) of the Emergency Petroleum Allocation Act of 1973, transmitted to the Congress by the President on ———, 19—.', the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

"(ii) Section 908 and sections 910 through 913 of title 5, United States Code, shall apply resolution described in clause (i), and for purposes of the consideration of a resolution under this paragraph, the twenty calendar days specified in section 911 of title 5, United States Code, shall be shortened to five calendar days, any reference to a resolution under section 908 and sections 910 through 913 of title 5, United States Code, shall be deemed a reference to a resolution described in clause (i), and any reference to a reorganization plan shall be deemed a reference to an amendment to which this paragraph applies."

(c) Section 4 of the Emergency Petroleum Allocation Act of 1973 (as amended by subsections (a) and (b) of this section) is further amended by adding at the end thereof the following new subsection:

"(i) (1) The President shall support any proposed amendment to the regulation under subsection (a) which is transmitted to the Congress under subsection (g) (2) of this section with a finding that such amendment is consistent with the attainment of the objectives specified in subsection (b) and in the case of—

"(A) any proposed exemption of an oil or product pursuant to subsection (g) (2) (A) (i), with a finding that such oil or product is no longer in short supply and that exempting such oil or product will not have an adverse impact on the supply of any other oil or product subject to this Act, and

"(B) any proposed exemption of an oil or product pursuant to subsection (a) (2) (A) (ii), with a finding that competition and market forces are adequate to protect industrial and individual consumers from price gouging and to assure that prices of such oil or product will be just and reasonable.

"(2) In the case of an amendment described in subsection (g) (2) (A) (ii) of this subsection which would have the effect of permitting an increase in the price of old crude oil, the President shall, in addition, to the findings required under paragraph (1) of this subsection, support any such amendment with findings that—

"(A) such increase is a necessary factor in enabling producers to meet financial needs for sustained or increased domestic production of crude oil, and

"(B) such sustained or increased domestic production of crude oil would not otherwise occur but for such increase in price.

The President shall also report to the Congress at that time on the availability of materials and services necessary for domestic oil exploration and production of crude oil and give his assessment of the marginal increase in domestic production of crude oil, by year for the succeeding five-year period, which he projects as occurring as a result of such price increase.

"(3) Any amendment which the President transmits to the Congress under subsection (g) (2) of this section shall be accompanied—

"(A) by a statement of the President's views as to the potential economic impacts (if any) of such amendment, which, where practicable, shall include his views as to—

"(i) the State and regional impacts of such amendment (including effects on governmental units),

"(ii) the effects of such amendment on the availability of consumer goods and services; the gross national product; competition; small business; and the supply and availability of energy resources for use as fuel or as feedstock for industry; and

"(iii) the effects on employment and consumer prices; and

"(B) in the case of an amendment described in subsection (g) (2) (A) (ii) of this section, by an analysis of the effects of such amendment on the rate of unemployment for the United States, and the consumer price index for the United States.

"(4) In any judicial review of any provision of the regulation under subsection (a), the reviewing court may not hold unlawful or set aside any such provision solely on the basis that a grounds for holding unlawful or setting aside agency action specified in subparagraph (A), (D), or (E) of section 706(2) of title 5, United States Code, applies with respect to one or more of the findings or views required to be made by the President under this subsection and submitted to the Congress pursuant to subsection (g) (2) (B) of this section.".

INTERIM EXTENSIONS OF EXPIRING ENERGY AUTHORITIES

SEC. 2. (a) Section 4(g) (1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "August 31, 1975" whenever it appears and inserting in lieu thereof "December 31, 1975".

(b) Section 2(f) (1) of the Energy Supply and Environmental Coordination Act of 1974 is amended by striking out "June 30, 1975" and inserting in lieu thereof "December 31, 1975".

(c) Section 11(g) (2) of the Energy Supply and Environmental Coordination Act of 1974 is amended by striking out "June 30, 1975" whenever it appears and inserting in lieu thereof "December 31, 1975".

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WAGGONNER. Mr. Chairman, I

move to strike the requisite number of words.

Mr. Chairman, the debate thus far today on the proposed legislation. H.R. 4035, really reflects the dilemma that we are in in this country. We are concerning ourselves with party positions rather then our energy needs. The country and its needs must come first.

In 1973 the Congress unwisely passed the petroleum allocation legislation. A number of us during the course of consideration of that legislation said then that only two things could happen if we passed that legislation: Those would be to disrupt the supply of energy and raise its price. Nothing else ever was possible except for supply to be disrupted and price to be increased.

The Congress then, in its lack of wisdom and in an attempt to mislead the people of this country, wrote broad language into the legislative proposal, saying that the President would, in administering the legislation, provide for equity in the distribution of product and price. There is no such thing as equity. Again in its lack of wisdom, the Congress provided a ceiling on the price of crude oil, as if energy was related only to crude oil.

I said then to the distinguished gentleman from West Virginia (Mr. STAGGERS), who was chairman of the committee, that if we were going to attempt to hold down the cost of energy in this country, we could not do it by simply providing a ceiling on the price of a barrel of crude oil, and that if we were going to be consistent with our stated desire to provide for equity as far as the quantity of product distributed was concerned and for equity as far as price was concerned, we ought to consider coal as well.

We could not consider coal, however. Whereas since this period of time we have had a ceiling on the price of old oil, we have had no ceiling on the price of coal.

My friends, the gentleman from Ohio, a minute ago was quite correct when he said that the price of coal has gone up more than the price of crude oil, and coal still is not regulated. Mr. Chairman, I am not taking a position for regulation. I am taking a position against regulation because the Government does not have the ability to regulate and distribute anything except confusion in this country.

There is no consensus in America today with regard to an energy policy. There is no consensus among the people, and there is no consensus in the Congress. There will not be a consensus tomorrow for the simple reason that every Member of this U.S. House of Representatives, including me, from my point of view, has one thing in mind and that is to look after some vested interest. My vested interest is the free enterprise system and a free market economy.

I am surprised that nobody has challenged me on that, but that is the exact truth. Everybody wants all the energy he can use at yesterday's prices, and it cannot happen. There is no such thing as getting all the energy we need at yesterday's prices.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. ECKHARDT. What is yesterday's energy price, $7.50, $8.75, $12, $13.50? What is yesterday's price?

Mr. WAGGONNER. What is the gentleman going to define as "yesterday?"

Mr. ECKHARDT. I would say that yesterday's price would be the price at the end of last year.

Mr. WAGGONNER. That was $5.25 on old oil.

Mr. ECKHARDT. It was about $7 average on domestic oil. Today it is $8.75.

Mr. WAGGONNER. Is the gentleman talking about the application of the entitlement program, which averages higher?

Mr. ECKHARDT. No. I am talking about the average price for the best domestic oil. It has gone up from $3.85 at the end of 1973 to over $7 at the beginning of this year, and it is now $8.75.

If we remove the controls it will soon be $16. What price does the gentleman mean?

Mr. WAGGONNER. We need a free market price if we are going to have a supply.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 5 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, may I say to the gentleman in the well and also the gentleman from Texas that the price of crude oil in the United States, the free market price, usually runs anywhere between $1.50 to $3 below the world price. The blended price, that is, the price——

Mr. WAGGONNER. It is less than that now.

Mr. BROWN of Ohio. The latest figure I have indicated that it runs about $1.50 below the world price. The blended price, however, of the frozen priced oil is now running at $3.70, based on the latest figures, the January figures, from the FEA.

Mr. WAGGONNER. Mr. Chairman, my friends good economics tells me that one never should sell, if they mean to survive economically, any depletable resources for less than its replacement cost.

Some people say that the replacement price is just a lift price to get a barrel of oil from whatever depth it might be found to the top of the ground, but that is not the replacement price.

As you know, the U.S. Geological Survey a few weeks ago astounded the people of our country when they revealed that we did not have a 60-year supply of crude oil in reserve; we only had half that much, and then, later on, when they said we had that much in reserve, they said they were not talking about those reserves which have been discovered; they were talking about the reserves of that product which have been discovered and that which they think we have, but which we have not as yet found. That is what constitutes the reserves of this country.

The purpose of this legislation today is to do only one thing, and that is to delay the authority of the President hopefully to decontrol the price of oil and gas in this country.

I will tell the Members what I am willing to do; to those people who really are after doing something about energy prices, and who are worried about the cost of electricity, and that sort of thing, that if they want to amend the legislation to put a price control on all of the fuel which is used to generate electricity, beginning with coal, then we will talk about equity.

But as long as they are going to just single out oil and gas, then they are not talking about equity; they are talking about selfish, vested interests.

I am simply saying to the Members that they are mistreating as well Americans and the American economy when they require the sale of American crude oil which is short in reserve, at less than they are willing to pay for foreign oil.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding to me.

Is it not strange that many people who come from the coal areas are not willing to control the price of coal, but wish to control the prices of petroleum?

Maybe those people will offer an amendment to control coal because the price of coal has gone up also.

But, they do not want coal to be included in this act. The Members will find that many of the advocates of this bill are afraid to put a control on the price of coal because they know it will not work, and that it will also hurt the ability of many of our electric utilities to produce electricity at less cost. They simply want to focus on the one area in our economic system that has been successful in making a profit—and I do not see anything wrong in making a profit, because most of those profits are plowed back to increase production and become self-sufficient in our country. But aside from that, I do not think these advocates are really being consistent without controlling coal also. These advocates know that the bill would probably not pass with coal included.

Mr. BROWN of Ohio. Mr. Chairman will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Ohio .

Mr. BROWN of Ohio. I should like to read a quote from an economic study of oil pricing from 1959 to 1974, recently made, that reads as follows:

> The "economic cost" of domestic crude oil—the cost of finding, developing, and producing oil plus the minimum return on the operator's capital necessary to sustain exploration—was $12.73 per barrel in 1974.

The author of that is Robert Nathan, the former AFL–CIO economist, who goes on to testify before the Senate Committee on the Interior:

> If new oil prices were rolled back or if ceilings on new oil were set at levels below the economic cost, taking into account the cost

> effects of the changes already made in percentage depletion, we could well again experience the situation that resulted in the precipitous decline in the discovery of oil reserves over the past 20 years.
>
> If the decline in domestic discoveries is to be reversed for any extended period of time, the existence of appropriate economic incentives—absent for so many years—is a necessary prerequisite for more exploration.
>
> The above conclusions have to do only with "new oil" and "stripper oil", which together account for some 17 percent of the total supply needed by the U.S. Rolling back this 17 percent would have a minimal effect on reducing consumer prices; it would have a severe and perhaps devastating effect on the capacity of U.S. producers to find and develop more domestic oil reserves.

We dare not get below that price or we will not have any oil producing in this country.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I thank the gentleman for yielding.

I have just a word for the gentleman from California. If, in fact, the Library of Congress and others are right about the impact of coal prices on decontrol and the President's tariff, the Library of Congress estimates $4.8 billion for coal prices rising with oil prices independently. If we are really concerned about coal prices, I think we would want to stop decontrol and try to allocate.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 2 additional minutes.)

Mr. WAGGONNER. The situation, Mr. Chairman, is this. In October 1973, when we were faced with an embargo, Members of this House said to their people, "This is a contrived proposition. There is no shortage of energy in this country."

The situation now is this: they do not want to admit that they were wrong then. We do have an energy problem in the short range and over the long haul, and we cannot get our minds together. We cannot get a consensus. The only thing is it is very much the same as when the President presented his program earlier this year. He would have been criticized if he had recommended nothing, but since he recommended something, we said, "Stand aside, Mr. President, we do not like what you propose. Would you give us 90 days or a little longer to see if we can do something better?"

We still have not come up with anything better. It is time to get on and let industry with deregulation, which can do something better, go find the energy this country needs and let it sell at the going price.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

I think the gentleman in the well is making a very important statement. I agreed with the gentleman's position when this was first considered in the Congress. Of course, time and experience have proven him to be correct. I wish to associate myself with his remarks and recognize that the Government's action on the broad authority that we in the Congress gave them has only acted to the adverse interests of the consumer and certainly to the free enterprise system in the interest of producing energy.

Mr. WAGGONNER. Our attitude here is, let us give the President the authority to administer the program and then criticize the way he does it; but let us just not let him do anything that might provide any more energy.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from California.

Mr. BELL. I thank the gentleman for yielding.

I think the gentleman made an excellent point when he brought up the fact that we do not want to raise the price of oil in this country, but we are willing to pay higher prices for Arab oil. That is the crux of the situation. We are afraid. We do not want to raise the price of oil in this country for the consumer, but we are willing to raise it to the consumer for Arab oil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard very interesting words in the last few minutes, but not particularly relevant to the bill we have before us. Really all we are proposing here is an extension with a simple amendment to insure that any sudden action to decontrol would have to lie before this body or the other body for 15 days, 15 legislative days. In the meantime, we are going to be proceeding in the full Committee on Interstate and Foreign Commerce to mark up the energy bill which has been reported after very diligent work by the Energy Subcommittee.

I want to take this opportunity also to point out to those who are so quick to criticize this House, the Congress, and to state in strong terms what we are trying to duck, and how fine a job the Executive is doing, and that we are not trying to do anything; that the Executive is not doing a good job. Because 16 months ago—16, not 4 ripped off a calendar before a TV camera, but 16 months ago we directed the Federal Energy Administration to complete an independent inventory of the petroleum resources of this Nation and we have not received it and we are told that we will not receive it until September. I think everyone should bear in mind that they have a very large group of people available to undertake this task and it has been far too long delayed.

The reason we directed that the inventory be made is so that there would be available to the Congress some information regarding the reserves we depend upon from a source other than the petroleum industry itself. Let me assure every member of this committee there are no other figures available to any agency of our Government nor to this House itself than those from the industry. They are not available to the President.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, is the gentleman ignoring the monthly reports which are printed by the Federal Energy Administration and which the Interstate and Foreign Commerce Committee apparently felt were so justified that they printed them as a House document?

Mr. MOSS. The gentleman is not ignoring the report nor is the gentleman ignoring the gymnastics over at the Federal Power Commission. The gentleman from Ohio knows that the gentleman from California as chairman of the Subcommittee on Investigations and Oversight has been spending about as much time on energy matters as has the Committee on Energy, and the gentleman from California knows full well as does the gentleman from Ohio that underlying all of these figures used by all of these agencies are the basic figures of the petroleum industry. That is the only place we can go at the moment, and we are deluding ourselves if we try to reach any other conclusion because we cannot support any other conclusion. The fact that they sanctify those figures by giving them the designation as an official document of the Federal Energy Administration does not change the basic reliability of the information. As a matter of fact I would say in our subcommittee at the moment we are getting closer to developing some independent figures and doing it in a much lesser time than the Federal Energy Administration.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, in a section called basic data and definition of terms on page 8 there are figures on crude oil from two different sources, one from the industry and one from the Federal Energy Administration, and the figures from the Federal Energy Administration are different from those other ones.

Mr. MOSS. The gentleman has nicely made my point. The ones from the industry represent the direct ones from the industry and the ones from the Federal Energy Administration represent those figures as refined by the Federal Energy Administration and they do not contain any independently arrived at data.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I thank the gentleman for yielding and I associate myself with the gentleman from California.

The problem the gentleman has brought up with respect to the information is one we have coped with in the last several months. The dearth of reliable information in the energy area continues to appall most members of the subcommittee, and must be addressed by this Congress. It has caused confusion, delay, and added complexity to our already complicated task. And it is one that has helped to delay the movement of the energy bill through the Congress. Why, even the administration, with its many computers, economic and energy models, and heavily staffed officers cannot come up with reliable and timely information.

Fortunately, the committee has taken the time to attempt to assemble all the facts—or at least all of the facts that are available. This has taken time, for which we have been criticized, patience, which imbues most members of the committee, particularly our chairman, JOHN DINGELL, and analytic honesty, which appears to me, after 4 months in the Congress, is sometimes so lacking in this city. And I commend those who have worked under the constraints of such poor information.

On this issue we must do a lot better; we must develop better information about energy-reserves, prices, supply, commutation in the industry, conservation effects, costs of alternative sources, et cetera. We need better information in order to make better policy, to write better legislation, to forge better understanding—between both sides of the aisle, between Government and the private sector, and for all consumers—and most importantly, to help assure the citizens of this country about the many aspects of the energy problems which the Nation faces.

Consequently, today I submitted a new piece of legislation, proposing a National Energy Information Act. This will be printed in today's RECORD—I urge its consideration by all my colleagues and by all people concerned about energy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. Moss) be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CONTE. Mr. Chairman, I reserve the right to object.

Mr. MOSS. Mr. Chairman, on that I yield the floor and the Chair may recognize another Member.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. CONTE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. CONTE. Mr. Chairman, at the outset, I did not want to cut off the gentleman from California. I want to have a colloquy with him, about the difficulty I am having on getting the floor.

I have been sitting here since the beginning of the debate. For awhile I thought I was in the Soviet Union. When I asked the ranking minority Member permission to speak, I was asked whether I was going to speak for or against the bill and then I was given 10 seconds to speak.

Mr. DINGELL. Well, if the gentleman will yield, I had offered the gentleman 2 minutes, which was more than I was able to give our own Members.

Mr. CONTE. Thank God for good H. R. Gross, who taught us how to have equipment in our pockets to get the floor once in a while, to get time for these measures that are very important to our district.

Mr. Chairman, I rise in support of this bill, H.R. 4035, to provide closer congressional controls over the price of domestically produced oil and to extend the Emergency Petroleum Allocation Act.

As a Representative from New England, a region that is dependent on oil for 85 percent of its heat, power, and transportation, I see a special need for this legislation. No part of the country feels the impact of higher oil prices more than New England.

In our region, we use very little coal, not much natural gas, and only a small portion of our electricity is generated from atomic power. The economy of New England runs on oil. So every time the price of oil is raised, it becomes more expensive to do business in New England and our region becomes less competitive in the national marketplace.

In the past year and a half, following the sharp jump in world oil prices, the New England economy has been reeling. Prices and unemployment have increased faster than the national average. Our regional economy is in trouble; and to prevent further trouble, I urge the passage of this bill which is so important to New England.

First of all, H.R. 4035 provides Congress with a more workable procedure to control administrative attempts to lift price controls from domestically produced petroleum. I do not agree with the argument that the controls being imposed are overly burdensome upon the executive branch. They are reasonable, and compliance should not be unduly difficult. More importantly, these new procedures will insure that any proposal to decontrol oil prices will receive the fair consideration of the Congress within a reasonably short time.

Under the law presently in force, either House of Congress has only 5 days to pass a resolution of disapproval on oil price controls. Within these 5 days, the resolution must be drafted, introduced, referred to committee and subcommittee, then marked up and passed by subcommittee and full committee, referred to and approved by the Rules Committee, scheduled for floor action, and finally debated and passed by the body of Congress.

To accomplish that procedure within 5 days is an exercise in helter-skelter legislative gymnastics that does not allow sufficient time for careful analysis.

This bill now before the House would also extend the Allocation Act for another 4 months, through the end of the year. Extension of this act would mean the maintenance of Federal price controls over "old oil", which still comprises 60 percent of oil production in the United States.

The importance of extending the Allocation Act is demonstrated by a news article in Tuesday's Wall Street Journal. This story said that one of our large oil companies, American Petrofina, is once again running low on gasoline stocks and is delivering to its dealers only 80 percent of their base period volume.

This newsstory also indicates that our gasoline glut is quickly evaporating. National inventories of gasoline have dropped by more than 8 percent—down by 17.4 million barrels to 208.4 million barrels—in just 3 months.

Unfortunately, there seems to be evidence that another gasoline shortage is being manipulated by the major oil companies. American refineries are currently operating at about 80 percent of capacity. Obviously, production is being cut back to reduce the large surpluses of oil products throughout the Nation.

There is also evidence that the major oil companies will keep refinery operations curtailed until price controls are taken off. In this newsstory, a spokesman for American Petrofina is quoted as saying this: "Until prices are increased, it isn't likely that refinery—operations—will be raised significantly."

When the oil companies resort to this kind of blackmail against the American public, I see a continuing need for price controls on oil products and continuation of the Emergency Petroleum Allocation Act. I urge my colleagues to pass this bill.

I have heard several Members say that the oil companies need more money for investment.

After checking oil profits for the past 2 years, that statement amazes me.

In 1974, major oil companies made profits of $14 billion—up 40 percent from last year. Moreover, last year's—1973—profits were up 55 percent from 1972.

For the eight largest oil companies—which are being sued by the FTC on antitrust grounds—profits in 1974 were $10 billion, an increase of 115 percent in 2 years.

This figure of $10 billion represents 31 percent of the profits in 1974 of the 1,302 leading manufacturing companies in the United States.

How much more money do the oil barons need?

At this point in the RECORD I include the following article:

[From the Wall Street Journal, June 3, 1975]

AMERICAN PETROFINA IS ALLOCATING GASOLINE AT 80 PERCENT OF BASE PERIOD

In what could be a signal that gasoline supplies are beginning to get tight again, American Petrofina Inc. said it has begun allocating gasoline to its customers.

The refiner set the allocation at 80% of base-period volumes as established by the Federal Energy Administration. Even at the 80% allocation, an American Petrofina spokesman said, the company's customers will have as much or more gasoline available to them as they have bought in any month except April.

Nonetheless, the American Petrofina move is another indication of the fact that gasoline supplies have been shrinking rapidly nationwide as the summer driving surge gets under way.

National inventories of gasoline, for example, are down to 208.4 million barrels, according to the industry's latest count. That's 17.4 million barrels below the year-earlier count.

Moreover, demand for gasoline has been climbing in recent weeks above year-earlier consumption levels. Gasoline prices also have been rising. The nation's refineries, meanwhile, are operating at about 83% of capacity, on the average.

> American Petrofina said that its four refineries aren't at maximum levels although they are operating at rates in excess of the industry's average. Currently, the spokesman said, American Petrofina's refineries are operating at percentage rates "in the upper 80s."
>
> He said also that American Petrofina's refineries are scheduled to increase daily production by more than five percentage points this month. But he said that to supply the 80% gasoline allocation to American Petrofina customers the company will have to buy "a large amount" of gasoline on the open market to augment its own production.
>
> American Petrofina's gasoline inventories were depleted in the past two months because of heavier-than-anticipated sales, the spokesman said. But he added: "Until prices are increased, it isn't likely that refinery (operations) will be raised significantly" beyond the increase of five percentage points planned for June.

The CHAIRMAN. Does the gentleman from Massachusetts desire to withdraw his preferential motion?

Mr. CONTE. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I congratulate my friend from Massachusetts; I could not agree with him more. The oil companies have been making huge profit increases while decreasing domestic products.

We have grave differences in this body across party lines about what ought to be done about our energy situation, and I will address myself to some of those considerations later. But, that is not the purpose of this bill.

H.R. 4035 deals with preserving the prerogatives of Congress. That is a matter on which we ought to be able to get together. It will enable Congress to act, and act rationally with respect to our energy situation, rather than having the President dictate to Congress. We should preserve our congressional rights regardless of the political parties involved. I know that when there was a Democratic President in the White House, there were very frequent arguments made from the other side of the aisle, to curb executive excesses and the rights of Congress.

This legislation just gives Congress 15 days in which to act on a unilateral Presidential action to decontrol oil. Regardless of what we think of the President's energy actions, we should enable Congress to consider such important action.

I congratulate my subcommittee chairman, Mr. DINGELL, for having had the perspicacity to foresee the dangers in the existing allocation act, which only gave us 5 days to act, and introducing this legislation which will give us 15 days to act and extend the act until December.

On the substances of the matter, which is what has been principally debated here—as I say, I do not think it is directly relevant—but on the substance of the matter there is no question in my mind that we are not going to produce more oil by handing oil companies more money. All we are going to do is cost the consumer an outrageous increase in the price that he has to pay. We are going to bankrupt this economy. The only people who are going to benefit by it are—not the consumers through production of more oil—the people who will benefit are the oil companies which have already been enriched to the most fantastic extent conceivable.

Let us take a look at what has actually happened. We had some discussion of this during general debate when we talked about oil company profits of 1974 over 1973, and it was represented by some Members on the other side that those were just inventory profits, and that profits had gone down since then. Let me read to the Committee from the Wall Street Journal what the increases there have been in 1975 over 1973, conceding that the prices have gone down somewhat in 1975 from their huge jump of 1974.

Oil company profit increases, according to the Wall Street Journal Digest of Earnings, in 1975 over 1973 were as follows: Occidental Petroleum, 726.9 percent; Getty Oil, 83 percent; Continental Oil, 46 percent; Texaco, 32.4 percent. So it goes through all of the 10 major oil companies.

These are substantial increased prices, and yet what has happened to production? Production has gone down. The oil companies have pocketed the money and invested it in circuses. They have increased their salaries. The president of Exxon, who lives in my district, now gets $750,000 a year in salary. Trying to conceal the amount of profits they are making, the oil companies have increased every other expense, but they have not put that money into increased production. The oil companies astronomical profits have not resulted in more oil for this country. So raising the prices some more is not going to raise production either.

Let us give Congress the opportunity to act. That is the point. Let us extend the Allocation Act through December. Let the Congress work its will on the Commerce Committee bill, and that will produce the soundest results from the point of view of the balance of power between the Congress and the President and from the point of view of the country.

Mr. MAGUIRE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the President believes that the decontrol of domestic crude oil prices would stimulate domestic production, presumably through incentives for secondary and tertiary recovery from existing wells. There have been suggestions here today that decontrolled prices are required for this purpose.

The difficulty with this theory is that it does not conform with the facts. Nearly 40 percent of old oil production in this country is already the result of enhanced recovery techniques at the existing price of $5.25 per barrel. Most of this recovery is by means of waterflooding, which costs the companies less than $1 per incremental barrel. More sophisticated recovery methods have been estimated to cost under $2. The price of $5.25 a barrel is driving this oil out now, with a nice profit.

During the past year, total crude oil production has dropped by about 750,000 barrels per day. Out of that reduction of 750,000 barrels, only 17,900 barrels—let me repeat—only 17,900 barrels per day has been due to a decline in old oil production.

This represents a reduction of only 0.3 percent, as compared to an average decline rate of 12 percent for old oil fields during primary recovery. So it is apparent that $5.25 a barrel is sufficient to maintain enhanced recovery techniques of old oil production, in direct contradiction of industry predictions that old oil production would fall off for want of a sufficient profit.

The total price of a barrel of old oil is composed of three elements: The finding cost, which is what it costs to explore, lease, et cetera; second, the lift cost; and, third, pretax profit. This is what makes up the price of a barrel of old oil.

In 1970 the price of old oil in this country was approximately $3 a barrel. Of that, about $1 was finding cost, about $1 was lift cost, and about $1 was pretax profit. Today the finding cost, the historical cost, is the same because the investments were made long ago. It is still $1. The lift cost has gone up to about $1.50 because of inflation and other cost increases. The pretax profit, instead of being at a dollar per barrel is now about $2.75 per barrel at the existing $5.25 price.

President Ford and the Republican administration continue to promote emergency pricing policies that enrich the oil companies while burdening the consumer and devastating the American economy.

The OPEC price per barrel of oil is arbitrarily and artificially high now at $12 or so a barrel, and it will go higher, to a level four or five times what domestic oil cost just 2 years ago. In the fall, if current predictions hold, it will go higher to perhaps $15 or $16 as against the $3 price in 1970 and the $5.25 price of today, which already earns the oil companies $2.75 per barrel in pretax profit. An increase to $15 or $16 per barrel is what the President will give us if he gives us decontrol.

The administration's plan would allow OPEC producers to tell us what we will pay for our oil in addition to theirs. There is no hard evidence that such prices lead to either conservation or increased production. There is evidence that Mr. Ford's plan will be incredibly inflationary and recessionary, and produce unconscionable excess profits.

If we are looking for ways to insure ourselves petroleum supplies until we can bring alternative energy sources on line, let us get tough with conservation measures for everybody, not just high prices for consumers.

The American people have always demonstrated their willingness to make sacrifices in times of legitimate national need. But the oil companies and President Ford are not playing it straight. All we have to do is look at the figures to know that.

The President's policies are misguided, callous and unfair, and until this administration takes firm and farsighted steps to help make America's energy consumption more efficient, I will oppose any attempts to make energy four times more expensive than it was 4 years ago.

Mr. BROWN of Ohio. Mr. Chairman, willl the gentleman yield

Mr. MAGUIRE. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I listened to the gentleman's figures. He said the price was $3 in 1970 and then indicated how those costs have gone up. Then the gentleman indicated there was an average cost of $2 for secondary and tertiary recovery, and indicated that those average costs may exceed $5.

With the $5.25 frozen price, I think that should explain to the Members of the House why there is not much secondary and tertiary recovery. If a well is declining below its production rate of 1972 and if they cannot exceed that recovery rate and if the price is frozen at or below $5.25, they are not going to go into recovery. That is why we are not getting more secondary and tertiary oil recovery.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. MAGUIRE) has expired.

(By unanimous consent, Mr. MAGUIRE was allowed to proceed for 1 additional minute.)

Mr. MAGUIRE. I did not say that average costs may exceed $5. I said that 40 percent of our old oil is presently from enhanced recovery techniques at $5.25 per barrel. I said that pre-tax profits average $2.75 per barrel compared to $1 per barrel in 1970—and that allows for more expensive enhanced recovery techniques.

The answer is not to raise the price of every barrel of oil in this country to $14 or $15 or $16 by decontrolling the price of oil. That would mean that each additional barrel is costing something in the neighborhood of $200. That is outrageous, it is unnecessary, and we should not permit it.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, the fact that 40 percent of our present oil recovery is through enhanced recovery does not say anything about the price, because some of that can be at the frozen price of $5.25. If the cost is $4 to the producers, they can make money, but if it costs $7 in order to effect secondary and tertiary recovery and the price is frozen at $5.25, that is not at all sufficient.

Mr. MAGUIRE. That is why Mr. ECKHARDT has developed a proposal for a declining production curve formula which allows some price flexibility for enhanced recovery of old oil, but the gentleman voted against that in committee.

Mr. BROWN of Ohio. Yes, that is $7, but we have to consider whether it is from Prudhoe Bay up in Alaska or——

Mr. MAGUIRE. Mr. Chairman, I will not yield any further.

We need responsible energy pricing legislation; we do not need $15 prices.

Mr. COLLINS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard much general discussion but I have heard few definite figures here. Instead of talking in generalities, I think we should take a few minutes to talk in terms of specifics and actual figures in regard to the oil business.

Either we take this particular bill and vote it down today or we take the alternatives, which would be to put in gasoline rationing or to put a tax of 25 cents a gallon on each gallon of gasoline.

If you do not plan to put 25 cents added tax on each gallon of gasoline and if you do not plan on putting in gasoline rationing, you should vote "no" today, because that will be the answer.

We have talked a lot about profits in the oil business. I just picked up one financial statement; the Members can pick up any other statement they want, but I picked up Texaco's statement for the first quarter of 1975.

We heard the oil companies made a lot of money in 1974. They did make money on inventory profits. Let me tell the Members that Texaco in the first quarter made $178 million in 1975 compared to last year making $524 million. That means Texaco only earned one-third of what they did last year.

But we should not just take an isolated case. Let us take other actual figures.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. No, I will not. I have a time limit.

I want to get into more specifics here. Here is a specific figure, I wish to outline for my friend, the gentleman from New York. This is not a generality. This is based on the Petroleum Technology Journal of March 1975. They took the past 11 years and analyzed the petroleum industry, "What have you done with your profits?"

They added oil-company profits over 11 years, and they found they totaled $75 billion in profits. During this 11 years they had invested $102 billion in drilling and exploring and developing new oil and gas wells. I want to repeat that: They made $75 billion in profits, but they had invested $102 billion. That means they have invested 33 percent more than they made.

If the Members ask how, I will just show one example. I picked up Sun Oil Co.'s statement. Last year Sun Oil spent $834 million in capital expenditures. They had $377 million in profits. This is spending more than twice their profits.

Let us go back and talk about the number of wells completed because basically we need all kinds of figures, so let us take all U.S. oil wells completed. In 1956 there were 58,418. In 1973 there were 26,081. That means that they were drilling more oil in 1956 and they were finding more oil in 1956. If I can at this time, I want to add something about coal. I appreciate what the gentleman said a few moments ago about the fact that we have not given consideration to coal in placing coal under price control.

It is true that coal has been overlooked. It has been given a favored status, and has been getting a free ride on price.

Three years ago the metallurgical grade of coal was selling for $15. Today that coal is selling for over $100, and we have not said a thing about it. Another matter to consider in the oil business is the rig work and all costs on these old secondary gas and oil recoveries. The costs have gone up, up, up.

I took a special situation where we could actually trace a rig in Corpus Christi, Tex., from 1945. At that time the real cost of a work-over rig was $10.50 an hour. By 1956 it was $16.50 an hour. In 1974 it was $50 an hour. Now the notice is in Texas that it has gone to $55 an hour.

What I am saying is that we have taken an oil well with the service labor work on it. It has gone from $10 an hour to $55 an hour and this is the same well but it costs over five times as much.

I would like to sum up with one important thought. The oil companies operate on a business basis. They are operated for a profit, but they are primarily interested in producing more oil. Remember that we as a country, get much more out of oil companies than the stockholders do. The figures show that oil companies pay over 11 times as much in taxes as stockholders have gained by dividends. They pay income, property, severance, foreign, excise, franchise, tax per gallon, and many other taxes. Can the Members think of any other industry that has done that for America? The oil industry has produced 11 times more in taxes than they have distributed in dividends to stockholders.

Another thing to remember about oil and gas is that it is the only commodity in this country that I know of, where Americans pay more to foreigners for their goods than they do to Americans for the same product.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. Yes, I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would just like to refer to some of the statistics. First, the oil business is a high-risk business. They do not go for dividends, they go for growth.

With respect to the Texaco profits specifically, there is no question that the gentleman is right. In 1975 Texaco got less profit than it did in comparison with its huge increase in profits in 1974. The actual figures show a drop of 66 percent in 1975 from 1974, according to their own representation, but Texaco profits had gone up in 1974 over 1973 by 98.7 percent, and those 1975 profit figures over 1973 still represent a 33.4 profit increase.

Mr. Chairman, let me ask the gentleman from Texas (Mr. COLLINS) one thing: Has he ever seen a poor oil man?

Mr. COLLINS of Texas. I do not own any oil stock at all, but the figures show that every time an oil stock goes up, the statistics go up. They show a geometric increase, but when it goes down, they show less. If he went from 50 to 150, one would say there was a 200-percent increase, but if it went down from 150 to 50 one would say there was only a 66-percent decline. And oil profits are way down in 1975.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall speak for about

1 minute, largely for the purpose of getting back to the structure of this bill.

This bill does absolutely nothing of importance but provide a 15-day window for a congressional veto, not a 5-day window, and extends the time of the Allocation Act from August 31 to December 31, 1975.

We have been talking about the price of oil and whether we should regulate it or not. That is precisely what the committee wants time to be permitted to consider. If we do not get that time, and if we do not get this bill, then the President can submit a deregulation amendment under the existing bill, and we would not have time to stop it.

The only purpose of this bill is to give us an opportunity to proceed. It does not deny the President the right to submit a provision deregulating prices and, providing it is not vetoed by either House in 15 days, it goes into effect.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. WIRTH. Mr. Chairman, it is very important that we keep in mind what the gentleman from Texas has just said. This bill does not deal with the specific price of a barrel of oil. All it does is provide to the Congress a 15-day period of time in which to act upon whatever proposals the President may send up, and extend until the first of the year the authority to do that.

It also has two other provisions, one to make sure the FEA will continue to gather data in the area of energy, and the other to continue the authority of the government for incentives toward coal conversion from oil and natural gas.

Provisions relating to the price of a barrel of oil are being considered by the Committee on Interstate and Foreign Commerce that hopefully will be coming before this Congress in the next couple of weeks.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I think we also want to keep in mind what the gentleman says but, in addition, that the bill makes it much more burdensome for the President to make any kind of a change in the price of oil.

Mr. ECKHARDT. Mr. Chairman, I want to present that position myself on my own time.

It requires the President to justify a deregulation provision by showing its economic effects. That is essentially all it does. If that is more burdensome, then it should be a burden a President is able to carry if he can justify such a change.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

I will now yield briefly to my colleague, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I want to make clear that the description of the legislation previously stated did not include all that the legislation does, and I will not burden the Members with that description except to say that it makes it a great deal more burdensome on the President if he should decide to make any modifications in prices.

The present law allows for congressional review only if it is totally decontrolled.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman from Ohio for explaining the difference between this act and the original act of 1973. It is necessary to understand the differences between the bill that we passed some 16 months ago as emergency legislation, and in which the Congress gave the President certain substantial powers and this bill today. Now many of the Members are unhappy for having given up these powers, but let me say, regardless of that, they were wrong in delegating that kind of power in the first place.

I agree with the gentleman.

Mr. Chairman, I rise in opposition to this bill. I did not favor it when it came before this body in the first place as the so-called Emergency Petroleum Allocation Act. I think it was a bad bill then, and I think it is a bad bill made worse now. I think the best proof of that is to see what has happened in the real world of energy since its implementation.

If everybody will turn to page 33 of the committee report, there is a review there of all of the things that the so-called Emergency Petroleum Allocation Act was going to do for this country. If the Members will look through that list they will find that it has done very, very few of those things, if any, except to cause total confusion in the marketplace, create tremendous problems for this country, and increase prices for the consumer.

Let me just take one incident.

We were told that if we would pass this so-called Emergency Petroleum Allocation Act in 1973 by many of the same Members who are here today telling us we should extend it for 6 months, that it was going to solve the problem of not having enough supply of heating oil in New England.

Of course, it did not solve that problem. This agency then took that power and overallocated heating fuel for the East and underallocated gasoline for the rest of the Nation. So our people had to sit in gasoline lines for a long time because of what this agency did with the powers that we gave it. So it did exactly the opposite that we thought it was going to do. It created shortages in many areas for consumers.

Yes, it created an oversupply in heating oil, but it did not improve the price of heating oil. It did not lessen our dependence on foreign crude oil to produce that heating oil.

So what I am saying is, on the basis of what the advocates of the bill said it was going to do in 1973, exactly the opposite has happened in a substantial number of areas.

Mr. Chairman, I think the proof that we do not want this bill and that we should not be extending the powers of this agency is the fact that it has not worked for the benefit of people. I would be happy to terminate this act in August. I think we have kept the confusion going too long because it has done none of the things that the advocates and proponents of this bill said it was going to do. It has ruined the marketplace; it has created shortages; it has increased prices. The act has failed in its goals and objectives. It has not improved the energy supplies of this country.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I am pleased to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman for yielding.

I think this body ought to know one of the things this great bill does that we want to extend is it takes money from an oil company that produces oil domestically and requires that company to give money to a company that is importing oil. If that is not the most idiotic thing, when we want to encourage domestic production. How in the world can we expect to encourage domestic production and discourage imports if we make companies that are in the production of oil domestically pay companies that are importing oil? It does not make any sense at all.

Mr. ROUSSELOT. The gentleman is perfectly correct, and that is only one of the dumb things that this bill does.

Let me say this. My colleagues on this side of the aisle have said over and over this is a great bill for the consumer. Bunk. Pure bunk. We have had 16 months of this act and what has it done for the consumer? It has ruined the marketplace, increased prices, and created shortages for all consumers.

Mr. Chairman, I oppose this bill. It is bad legislation, and I do not think we should continue this misery.

Mr. ASHBROOK. Mr. Chairman, over a year and a half has elapsed since the Arab oil embargo and the tremendous price increases by the oil producing nations. These two events have demonstrated that the United States must achieve energy independence. We cannot rely on foreign oil without endangering our national and economic security.

The Congress, however, has failed to meet this challenge. Rather than developing positive solutions to our energy problems, the Congress seems more interested in blocking the administration's energy program.

H.R. 4035 is just another example of the majority's failure to come to grips with the energy shortage. This bill will not produce one new drop of oil. It will not generate one new kilowatt of power. Instead, it will reduce the flexibility of the President in dealing effectively with the questions of oil supply, allocation, and pricing.

Mr. Chairman, further delay and obstruction is of no benefit to our Nation. We must draw a halt to congressional inaction on our vital energy needs.

We must think in terms of providing Americans with adequate energy supplies for the future. To do this we must encourage the development of our domestic energy resources. We must allow a profit incentive to develop our petroleum reserves.

It makes little sense to permanently freeze the price of old oil at $5.25 a barrel while the costs of materials and labor soar. Artificially low prices are a disincentive to production. Extension of the price controls would be just a further disincentive to the development of our domestic reserves.

Higher prices, on the other hand, would encourage the use of secondary and tertiary recovery methods so that more energy would be available for all Americans. Higher prices would also provide the capital that is needed to explore and develop new oil and gas reserves. This is especially important to the small independents who drill about 80 percent of the wells in the United States.

It is time that the Congress gave some thought to considerations such as these. Further congressional obstructionism will not solve our energy problems. It will only make them worse.

Unfortunately, many in the Congress are willing to pay more for Arab oil but don't want to pay more for American oil. Like regulation of natural gas, liberals cling to the fiction that the Government can force the production of cheap natural gas. It just does not work that way. Liberals are impaled on their regulatory beliefs. Controls do not create supplies. Honesty compels any objective observer to say that the question is whether we will pay higher prices and have oil and gas or whether we will pay higher prices and not have oil and gas. Also in the latter situation, we will not achieve energy independence and we will achieve the undesired result of paying more to foreign suppliers of oil and gas.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock, and that the last 5 minutes be reserved for me.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. PICKLE. I object, Mr. Chairman.

Mr. DINGELL. Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock, with the last 5 minutes reserved for me.

The CHAIRMAN. The Chair will state the gentleman cannot reserve time under his motion.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

I do want to make some remarks, and I have an amendment I may offer. I hope I can have some cooperation, and I hope the gentleman does not cut off the time.

Mr. DINGELL. Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The motion is not debatable.

The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

The CHAIRMAN. Members standing at the time the motion was made will be recognized.

The Chair recognizes the gentleman from California (Mr. Moss).

(By unanimous consent, Mr. Moss yielded his time to Mr. DINGELL.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

(By unanimous consent, Mr. SYMMS, Mr. ASHBROOK, and Mr. BAUMAN yielded their time to Mr. PICKLE.)

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Chairman, I would ask a parliamentary inquiry of the Chair. At the conclusion of the time of 5:15, would it be in order to offer an amendment at that time to be debated?

The CHAIRMAN. The Chair understood that the motion closes debate on the committee amendment and all amendments thereto, all debate on the amendments, at 5:15, so the amendment could still be offered following that time, but not debated.

Mr. PICKLE. Mr. Chairman, in view of the great amount of time I do not have, let me say quickly that I am going to insert in the RECORD in the full House an article showing a study conducted at George Washington University pointing out the great inequities of the entitlement program. The study points out that the lower posted price of gasoline in such cities as Providence, R.I.; Springfield, Mass.; New Haven, Conn.; Boston, Mass., and Wichita, Kans., went all the way from 39 cents to 42 cents. The cities showing the highest posted gasoline prices were Omaha, Louisville, Chicago, Birmingham, and Boise, from 47 to 45 cents.

The study points out that the entitlement program works a great disadvantage on certain parts of the country, particularly the South. Alabama is adversely affected, followed by Tennessee, Mississippi, and North Carolina. The Midwest also is adversely affected by the program, while the part of the country the least disadvantaged is once again the Northeast.

These are the facts the study established. The study shows the inequities and the cruelties of the entitlement system and the buyer-seller system. We are kidding ourselves if we think we ought to prolong this agony.

Mr. Chairman, I have an amendment that I will offer if I do not get any more than a yeas-and-nays vote on it and I send to the desk the amendment which I offer at this time.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 14, line 8, strike out lines 8 through 11.

Page 14, line 12, strike out "(b)" and insert in lieu thereof "Sec. 2(a)".

Page 14, line 16, strike out "(c)" and insert in lieu thereof "(b)".

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I do not want to keep the gentleman from offering an amendment, but as I understood, the gentleman was not recognized for that purpose.

The CHAIRMAN. The Chair will state that it would be appropriate at this time.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. OTTINGER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded reading the amendment.

Mr. PICKLE. Mr. Chairman, this amendment keeps the bill exactly as we have before us with this one exception: Instead of extending it from August to December 31, it allows the act to expire under the present law—that is, on August 31. So, it keeps the bill before us in its present form, but it does say that the Allocation Act will terminate on August 31. Members of the committee have said that all they want is to give the House a "5-day window" to look at any proposal the President makes instead of the 5 days under the present law. This right is preserved in this amendment. It preserves the 5-day requirement but says—let it run out on August 31, 1975.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I wish to speak against the amendment.

The gentleman has tried to convince us to knock out the extension period. The extension period is absolutely necessary, because although the Committee is acting promptly, there is a possibility of a veto on any bill the Committee on Interstate and Foreign Commerce brings out. Therefore, we would be operating under the threat of a veto and with the prospect of a veto, unless we have the period of time requested.

Mr. PICKLE. Mr. Chairman, if the gentleman will yield, you yourself said a few minutes ago all you wanted was the 15-day "window," or right to review period.

Mr. ECKHARDT. We do not want to act under this kind of restraint.

Mr. Chairman, I do not yield further.

We do not want to act under this restraint when we come out with a bill from the Commerce Committee. The President could veto it and threaten us with complete control on August 31 unless we were willing to accept any provisions which he might demand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The question was taken; and on a division (demanded by Mr. PICKLE) there were—ayes 32, noes 27.

Mr. DINGELL. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will state that that point of order is not in order.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

Mr. BOLLING. Mr. Chairman, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and ten Members are present, a quorum.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 222, not voting 48, as follows:

[Roll No. 266]

AYES—163

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bevill
Boggs
Bowen
Breaux
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Byron
Carter
Casey
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Crane
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
du Pont
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Findley
Flowers
Flynt
Forsythe
Frey
Gibbons
Goldwater
Gonzalez
Goodling
Gradison
Guyer
Hagedorn
Haley
Hammerschmidt
Hansen
Hastings
Hébert
Heinz
Hightower
Hillis
Hinshaw
Holt
Horton
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Landrum
Latta
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McDonald
Madigan
Mahon
Martin
Michel
Milford
Miller, Ohio
Mills
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Passman
Pettis
Pickle
Poage
Pressler
Pritchard
Quie
Quillen
Railsback
Regula
Rhodes
Roberts
Robinson
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Wis.
Stephens
Stuckey
Symms
Talcott
Taylor, Mo.
Teague
Thone
Thornton
Treen
Vander Jagt
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Young, Alaska
Young, Fla.
Young, Tex.

NOES—222

Adams
Addabbo
Ambro
Anderson, Calif.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cleveland
Cohen
Conte
Corman
Cornell
Coughlin
D'Amours
Daniels, N.J.
Davis
Delaney
Dellums
Derrick
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Gaydos
Giaimo
Gilman
Grassley
Green
Gude
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Henderson
Hicks
Holland
Holtzman
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Johnson, Calif.
Jones, N.C.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
McCormack
McFall
McHugh
McKay
Macdonald
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Melcher
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Preyer
Price
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Roe
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Seiberling
Sharp
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Studds
Sullivan
Taylor, N.C.
Thompson
Traxler
Tsongas
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Waxman
Weaver
Whalen
Wilson, C. H.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Zablocki
Zeferetti

NOT VOTING—48

Abzug
Alexander
Anderson, Ill.
Bell
Broyhill
Burgener
Burleson, Tex.
Butler
Chappell
Clausen, Don H.
Collins, Ill.
Conlan
Conyers
Cotter
Danielson
Dent
Diggs
Duncan, Oreg.
Frenzel
Fulton
Fuqua
Ginn
Hawkins
Jenrette
Jones, Tenn.
LaFalce
Leggett
McEwen
McKinney
Mann
Mathis
Metcalfe
Mink
Mollohan
Mosher
Patman, Tex.
Risenhoover
Rodino
Roncalio
Schroeder
Steiger, Ariz.
Stokes
Stratton
Symington
Udall
Wilson, Tex.
Wylie
Young, Ga.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the motion of the gentleman from Michigan (Mr. DINGELL), all time expired at 5:15.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: On page 14, after line 19, add new sections 3 and 4 to read as follows:

SEC. 3. Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h)(1) Beginning on the date of enactment of this subsection, no amendment to the regulation under subsection (a) which would have the effect of establishing a minimum price for crude oil, residual fuel oil, or any refined petroleum product may take effect except in accordance with the provisions of subsection (g)(2).

"(2) For purposes of subsection (g)(2), an amendment described in paragraph (1) of this subsection shall be considered as amendment described in subsection (g)(2) of this section.

"(3) No amendment described in paragraph (1) which takes effect after January 1, 1975, and prior to the date of enactment of this subsection, may remain in effect for a period of longer than ninety days after such date of enactment and the President shall rescind any such amendment within such ninety-day period, unless such amendment is transmitted to the Congress within such thirty-day period for review under the provisions of subsection (g)(2) of this section, in which case such amendment may continue in effect unless disapproved under the provisions of subsection (g)(2).".

SEC. 4. Section 4(g)(2) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(2) (A) Subject to the requirements of this paragraph, the President may prescribe an amendment to the regulation under subsection (a) exempting crude oil, residual fuel oil, or any refined petroleum product from the provisions of such regulation as such provisions pertain to either (i) the allocation of amounts of any such oil or product, or (ii) the specifications of price or the manner for determining price of any such oil or product.

"(B) The President shall transmit (i) any amendment (bearing an identification number) to the regulation prescribed under subparagraph (A) of this paragraph, accompanied by a specific statement of the President's rationale for such amendment, and (ii) the matter described in subparagraph (D) of this paragraph, to both Houses of Congress on the same day and to each House while it is in session. Such an amendment may apply only to one oil or one product with respect to either allocation or price and may provide for scheduled or phased implementation.

"(C)(i) Such amendment shall take effect on the date or dates specified in such amendment, but not sooner than the end of the first period of sixty calendar days of continuous session of Congress (within the meaning of section 906(b) of title 5, United States Code) after the date on which such amendment is transmitted to it; except that such an amendment shall not take effect if, between the date of transmittal and the end of such sixty-day period, either House passes a resolution of that House, the matter after the resolving clause of which is as follows: 'That the   does not favor the amendment (numbered   ) under subsection (a) of the Emergency Petroleum Allocation Act of 1973, transmitted to the Congress by the President on   , 19 ', the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

"(ii) Section 908 and sections 910 through 913 of title 5, United States Code, shall apply to any resolution described in clause (i), and for purposes of the consideration of a resolution under this paragraph, any reference to a resolution under section 908 and sections 910 through 913 of title 5, United States Code, shall be deemed a reference to a resolution, described in clause (i), and any reference to a reorganization plan shall be deemed a reference to an amendment to which this paragraph applies.

"(D) The President shall support any proposed amendment to the regulation under subsection (a) which is transmitted to the Congress under subsection (g)(2) and which has the effect of establishing a minimum price for crude oil, residual fuel oil, or any refined petroleum product with a report, which shall contain the following findings:

"(i) the need for the proposed amendment;

"(ii) the prices of imported and domestic crude oil and other fuels and forms of energy which are in fact anticipated to result from the proposed amendment; and

"(iii) the impact of the proposed amendment upon domestic production and consumption of crude oil and other fuels and forms of energy;".

SEC. 4. (a) It is the sense of the Congress that the President should not enter into any formal international agreement having the effect of establishing a price floor on crude oil, residual fuel oil, or any refined petroleum product until such time as the Congress grants him the authority to enter into it.

(b) Nothing in section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)), or in any other provision of law, shall be deemed to grant the President any authority to adjust (whether by imposing a tariff, import fee, quota, or otherwise) imports of crude oil, residual fuel oil, or any refined product if such adjustment has the effect of establishing a minimum price floor.

Mr. JEFFORDS (during the reading). Mr. Chairman, since the amendment has been printed in the RECORD, I ask that it be considered as read except for the final section, section 4.

Mr. DINGELL. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The Clerk will report the rest of the amendment.

The Clerk concluded reading the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has reserved a point of order on the amendment offered by the gentleman from Vermont (Mr. JEFFORDS).

Mr. BROWN of Ohio. Mr. Chairman, I too also wish to reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. BROWN) also reserves a point of order on the amendment.

Mr. JEFFORDS. Mr. Chairman, we are discussing here today who is going to control policy in the area of energy, the executive branch or Congress. The bill that we are faced with today has to do with congressional control of domestic policy. But certainly we all must agree that since the bill does only concern itself with price controls on the domestic scene, and since the precipitous cause of the bill which we have before us today was caused by the international situation, by the OPEC countries, that unless we take into consideration the control of the President's authority in the very essential area of import tariffs and international price floors that we cannot control the domestic scene. To thus proceed is to put the oil tank before the truck. It is the OPEC nations that are driving the prices up.

The oil import tariffs are stimulating OPEC price increases. Price floors will guarantee exhorbitant oil producer profits at the expense of our consumers. It is essential, therefore, that in order to bring the bill into a form that will give us meaningful control to establish a meaningful policy, that we contain in this bill the power to control policy on the international scene.

Much has been said about the free market system, and how it ought to be allowed to operate here, but we do not have a free market system. Rather, we have a pricing situation which is established by a monopoly, by the OPEC countries.

I know we have all been criticized for moving slowly, but it is equally essential that because we are talking about things which will result in additional costs of billions of dollars to the consumers, that we act responsibly.

This is particularly true when the administration is negotiating a price floor agreement with our partners in the International Energy Agency. My judgment is that this Congress will not support such a floor agreement—and I have received the support of over 60 bipartisan cosponsors for my bill calling for congressional oversight authority in this area; 4035 seems appropriate to me as the proper vehicle to attach this amendment since the companion measure passed by the Senate, S. 621, contains the combination of decontrol and floor review authority.

Thus our measure, as amended, would fit in naturally with the Senate version. It seems very important to me that we speak with a firm voice on this policy—that critical agreements like the IEA be subject to some form of congressional review—particularly when we consider that for every 10-cent increase in the price of a barrel of oil, the American consumers pay $620 million a year in excess costs, and this does not include sympathetic price hikes of other energy forms, such as coal and natural gas to oil price rises.

I am not suggesting the IEA agreement be made into a treaty, but I am suggesting that we need a more effective form of congressional review over executive foreign policy action before these actions lock us into a situation which is opposed to our interests or which we would be in a position of making the executive renege on an international agreement. We have had enough problems over our so-called "commitments" in Southeast Asia without damaging American credibility in the eyes of Europe over hastily made energy commitments which do not have the sanction of Congress.

The price floor scheme which has been conceived by the administration, in any case, is a curious one. I have not been able to locate anyone who really supports it. Our European partners had to be strongly coerced into even agreeing in principle to such a scheme last March. While the United States wanted $7–$8 per barrel, Europeans, who are far more dependent than we are on imported oil, seemed to argue that a price of about $5 was enough to return a fair profit and evoke sufficient domestic supplies. Other economic analyses I have seen also support the lower figure. I have not seen any convincing analysis supporting a figure of $7 or $8.

For example, the $5 price has been supported by a number of reputable analysts, including the National Petroleum Council, and the Brookings Institution economic papers, as well as statements by reputable persons such as the president of the IEA. Even the FEA data in its Project Independence report can be interpreted to support this level.

First, the publication by the National Petroleum Council entitled "U.S. Energy Outlook" in December 1972, before the embargo, set up various supply cases—based on 15 percent return on net fixed assets in which the worst case situation, that is the highest price projected, would amount to $3.65 per barrel in 1975. If you factor the inflation we have had, you arrive at a fair price of $4.67 on January 1, 1975. Second, A study in the prestigious Brookings papers on economic activity in 1974 calculates that the zero-monopoly price for full self-sufficiency by 1980 is less than $5. Third, Etienne Davignon, Chairman of the IEA, suggested in a news conference in February a price floor of $4.50 per barrel. Fourth, the data in the FEA Project Independence Report of 1974 shows that no more supplies would be evoked by an $11 per barrel price than would be evoked by a $4 per barrel price for U.S. offshore oil.

I would also point out that, in testimony of economists and oil companies before the Joint Economic Committee, it was made clear that for various reasons American industry does not support the scheme, and it was stated that there are no knowledgeable economists who support it either.

Furthermore, the Arabs are talking about further price rises, not dumping oil at $2 or $3 per barrel, So it seems to me that the focus should be on price reduction, not price support.

Thus, in offering this amendment, we intend to provide for prior congressional review of specific levels of any floor to be negotiated, and alert our partners in the IEA that the critical agreements being negotiated in that agency will be subject to close congressional scrutiny and approval.

Mr. Chairman, we raise these problems to demonstrate very clearly that before the country goes with such a scheme, it is important that Congress hold hearings and make responsible judgments on an issue of such major impact on our people.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Vermont for yielding to me.

I would like to commend the gentleman from Vermont. I believe that he has offered a very beneficial amendment, but I must say that in H.R. 7014, which is the energy bill which has now worked itself out of the subcommittee and is now pending before the full Committee on Interstate and Foreign Commerce, that precisely the same thing will be done under that legislation that would be done under the amendment now offered by the gentleman from Vermont.

That bill will probably do as the excellent amendment the gentleman has offered would do regarding petroleum products.

I certainly commend the gentleman from Vermont. I agree with the gentleman. I believe his amendment has a great deal of merit. Nevertheless, I will have to insist on my point of order on the amendment but, even in doing so I still wish to commend the gentleman for his amendment.

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman from Michigan.

It is my understanding, Mr. Chairman, if I may ask this question, that a similar provision is also contained in the Senate bill which is very similar to my amendment; is that correct?

Mr. DINGELL. I believe the gentleman from Vermont is correct on that point, yes.

Mr. JEFFORDS. I thank the gentleman.

Mr. Chairman, it is my intention at the proper time, although I realize that the gentleman from Michigan will raise a point of order, to propose to withdraw the amendment, if the gentleman does not.

Now, Mr. Chairman, I wish to yield the balance of my time to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I rise in support of Mr. JEFFORDS' amendment to H.R. 4035.

The issue at stake here today is the nature of the Congress role in the formulation and implementation of national energy policy. H.R. 4035 would require congressional review of any proposed executive action to decontrol petroleum prices and would provide a mechanism for congressional disapproval of such actions.

This is an important requirement, but it should go further. This legislation should be expanded to provide for congressional review of executive agreements or actions which would sanction minimum floor prices for oil, foreign and domestic. The Congress must be given the opportunity to judge the wisdom of any artificial petroleum price level negotiated or imposed by the Executive.

Our energy problems are real, and they are serious. The Congress must not abdicate its responsibilities in the energy field. It is imperative that the Congress and the administration work together to fashion a responsible national energy policy that will enable our country to gain control of its energy future. The Jeffords amendment is consistent with and essential to that goal.

Mr. JEFFORDS. In view of the comments of the chairman of the subcommittee, I ask unanimous consent at this time to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4035, to provide for more effective congressional review of administrative actions which exempt petroleum products from the Emergency Petroleum Allocation Act of 1973, or which result in a major increase in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities, pursuant to House Resolution 351, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT WITH INSTRUCTIONS OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BROWN of Ohio, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BROWN of Ohio moves to recommit the bill H.R. 4035 to the Committee on Interstate and Foreign Commerce with instructions to return it forthwith with the following amendment
>
> Page 12, line 15, strike out "otherwise" and insert in lieu thereof "be likely to".

The SPEAKER. Does the gentleman desire to be heard on his motion to recommit?

Mr. BROWN of Ohio. I do, Mr. Speaker.

Mr. Speaker, the instructions in the motion to recommit are essentially to correct a very burdensome provision in the legislation, and also so that I might have 5 minutes to discuss this piece of legislation which I find totally undesirable. What we are faced with, Mr. Chairman, is a Congress that cannot bring itself to enact major energy legislation, but which can bring itself to say, "If we cannot do anything, then the President should not be allowed to do anything either." That does not serve the Nation very well in this circumstance.

The fact of the matter is that, in this piece of legislation, we are being asked to extend the Emergency Petroleum Allocation Act which accomplishes some things that I do not think we want to accomplish. Let me tell the Members what has happened under this Emergency Petroleum Allocation Act.

Under the entitlements program in the Emergency Petroleum Allocation Act, energy producing companies, large and small, in the United States are literally punished for investment in trying to find oil in America. Under this program as much as $15 million can be taken from a company which produces domestic oil and given to a company which imports foreign oil.

Is that the kind of program we want to continue? I think not, given the threat we have of oil embargoes and the need for domestic oil production to protect against such embargoes.

Under the EPAA program we have had operating a two-tier price system which has resulted in an economic distortion among refiners. Inefficient refiners are assisted and the efficient refiners are penalized.

I do not think that is the kind of thing we want to continue.

Under this program we have seen the imports of foreign oil increase in this country while production of domestic oil has gone down.

Since the enactment, domestic production in the United States has declined by a half million barrels a day. Since the enactment, imports have increased from 2.8 million barrels a day to 4 million barrels a day. Is this the result of the Emergency Petroleum Allocation Act what we want continued? I think not.

The $5.25 limitation that exists under this program on the price of old oil is insufficient to encourage secondary or tertiary recovery. That is another problem result.

As a matter of fact, there are proposals floating around this Congress to try to put a cap on the price of oil so we could even terminate or discourage production out of Prudhoe Bay area in Alaska. I do not think we want to continue a program that would make that possible.

This program we established and are trying to extend here forces the refiners to sell to certain wholesalers and the refiners do not have a choice as to whom they do business with.

I do not think we want to continue that.

The fact of the matter is, the August 31 termination of the present legislation is the force that has kept this Congress moving to try to get energy legislation through the Congress.

I personally favor decontrol over the tax program that has been proposed by the Democratic majority of the Ways and Means Committee. That tax program would add 23 cents to the cost of a gallon of gasoline in taxes that would go to the U.S. Government which produces no oil. Decontrolling the price of oil would increase the cost of a gallon of gasoline from 5 cents to 8 cents and that increase would go to the people who actually produce oil in this country.

That is the direction in which we ought to be heading.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I thank the gentleman for yielding.

The position of the administration on this is very clear. There is a clear veto signal and to me it would be really a waste of time if the House were to do this. To me this is a bad bill anyway because once more we are legislating against more energy instead of legislating for more energy.

I hope the bill will be defeated.

Mr. BROWN of Ohio. Mr. Speaker, I hope the bill will be defeated and that this Congress will try to cooperate somewhat more with the President in an effort to produce more oil.

The SPEAKER. The gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. DINGELL. Mr. Speaker, I think the issue should be clarified for us.

First of all the motion to recommit offered by the gentleman from Ohio, my good friend, is an amendment which would reduce the amount of information which the President sends the Congress with regard to the effect of deregulation of or price increases in the price of crude oil and petroleum products. What the motion to recommit would really do would be to render worthless the requirement that the President send us information with regard to new production which would be stimulated by the price increase which he would be making.

The President would practically have to send us nothing in connection with his statements, except, "Well, I happen to think it will increase production of petroleum products."

The bill before us says the President has to send us some hard information with regard to what the results in terms of new petroleum production of his price increases are going to be.

Now, we have had a great deal of discussion about lethargy and a great deal of discussion and obfuscation today. The hard facts of the matter are that this is a good bill. This is a bill that says we are going to get more information on price increases and on petroleum production. We will have a better opportunity to consider the President's request to decontrol petroleum and other petroleum products.

It is a bill which gives us an additional 4 months in which to work out a rational energy policy.

It should be known that the Subcommittee on Energy has worked night and day on the legislation which we will bring to the full committee to consider next week and then to the floor.

The President has had 18 months to work out a comprehensive energy policy. We have only had 4 months. If we fail to pass the legislation which is before us, we may very well find that on midnight of the 31st day of August, the expiration of price control authorities, and the decontrol of old oil automatically will have sterilized our opportunity to bring forward properly considered legislation which will serve the public interest and which will provide phased decontrol.

It should not be said that we have been dilatory, because legislation is pending before the Commerce Committee and the Commerce Committee is going to move forward expeditiously to bring before the House phased decontrol of old oil subject to price control and subject also to a windfall profits tax.

I do not think it is too much to say that we are going to give the Congress room to consider this in a mature and relevant and rational fashion. To allow the White House or anybody else to say we should be denied that right is completely wrong.

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Speaker, does the gentleman in the long run think we would be doing a favor to the administration to give them a little time to enact a better energy program, with a little more than 3 months experience, before he goes into the entire energy picture of the United States, with the resultant chaos that has occurred in the past?

Mr. DINGELL. I agree with the gentleman.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Michigan. The gentleman has done an excellent job in working on a difficult question.

There is one thing I intended to ask the gentleman from Ohio when he yielded to me. That is, as I understand the entitlement provision, it has no place in any act that Congress ever passed, but it is something that the Republicans have brought up.

Mr. DINGELL. Nor is it anywhere in the bill before us today; the gentleman is correct.

Mr. ECKHARDT. I also recollect the gentleman from Ohio voted against the provision when we considered it previously.

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Colorado.

Mr. WIRTH. Mr. Speaker, I also wish to associate myself with the remarks of the gentleman from Michigan, who has done a superior job with the subcommittee.

I think if we were to vote to recommit and agree with the gentleman from Ohio (Mr. BROWN), we would vote to give up our responsibility in Congress to come up with a solution to the very complicated energy problem.

Mr. DINGELL. And to have the information that the gentleman from Colorado thought we should have when the amendment was given us.

Mr. Speaker, in conclusion, may I add, Members have been confronted with a series of misstatements concerning this legislation. Do not let bald assertions obscure the essential reasonableness of this bill.

It has been argued that Members should oppose this bill because it does nothing constructive to solve the energy problems of this Nation. Surely that is not the only standard for considering legislation in the Congress. As I have stated, the House will complete action on both the Ways and Means Committee bill and the Commerce Committee bill most likely within the next 2 weeks. Those proposals offer constructive solutions to the energy difficulties which confront us. That we have yet to act on these proposals should not be an argument for self-imposed paralysis. Freezing us from taking any other action.

To those who have argued that the required findings are too burdensome, let me ask what they would substitute in their place. Is it too much to ask of the President that before acting to remove crude oil pricing controls. He at least tell the Congress that competition and market forces are adequate to protect industrial and individual consumers from price gouging and to assure that prices will be reasonable? Is it too much to ask the President to accompany his proposals with findings that any increase in price is necessary to sustain or increase domestic production of crude oil?

And to those who have argued that the supportive analyses requested in this legislation are too burdensome, let me ask them—do not you want to know what effects the proposed price increases will have on the rate of unemployment and the Consumer Price Index? Should not the President have a firm understanding and be able to inform the Congress of the potential economic impacts of proposals which promise to add many billions of dollars to the cost of basic energy supplies?

I suggest to you that this bill sets out only minimal requirements for meaningful participation by the Congress in oil pricing decisions. How can the President seriously tell the American people that he will submit his oil pricing decision to the Congress for review and at the same time object to the Congress extending the review period from 5 to 15 days? How can he fairly contest the right of the Congress to ask him to accompany any such proposal with a supporting analysis? I suggest that the President knows full well that the House and Senate can easily be frustrated and prevented from acting within the existing 5-day review period. I suggest that he recognizes that this bill would provide the Congress with a meaningful opportunity to review and to disapprove a proposal which the majority of Members found to be unwise and unjustified. This realization is the true source of opposition to this legislation.

I also suggest that the administration is less than candid in advancing arguments in opposition to the proposed interim extension of the Allocation Act. The President has himself called for a 2-year phaseout of controls. Most certainly the Allocation Act will have to be extended coterminous with that 2-year period. Yet administration spokesmen today have argued against a 4-month extension of the act. Clearly it is the President's intent to use the approaching termination of the Allocation Act as a lever for accomplishing his underlying pricing policy. It is, if you will, a gun at the head of the Congress. The President is saying "agree with me on a phased out decontrol or I will oppose any attempt to extend pricing controls beyond August 31." This is not good faith bargaining. This is not the type of cooperation and constructive partnership that the American people have the right to expect of their President and their Congress.

I implore my colleagues not to become a party to this attempt to confuse and obfiscate the real issues at hand. This legislation is designed to preserve the prerogatives of the Congress to check the hand of the executive. It thus furthers and more surely accomplishes the balance of power which is woven into the fabric of the Constitution. I ask my colleagues in the House to stand with the Congress on this matter and to put aside partisan impulse.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 151, not voting 52, as follows:

[Roll No. 267]

YEAS—230

Adams
Addabbo
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cleveland
Cohen
Conte
Corman
Cornell
D'Amours
Daniels, N.J.
Davis
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Gaydos
Giaimo
Gilman
Gonzalez
Green
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Henderson
Hicks
Holland
Holtzman
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
McCormack
McFall
McHugh
McKay
Macdonald
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Melcher
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Peyser
Pike
Preyer
Price
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Roe
Rogers
Rooney
Rose
Rosenthal
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Seiberling
Sharp
Simon
Sisk
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stephens
Stokes
Studds
Sullivan
Taylor, N.C.
Thompson
Traxler
Tsongas
Ullman
Van Deerlin
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Wirth
Wolff
Wright
Yates
Yatron
Zablocki
Zeferetti

NAYS—151

Abdnor
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Boggs
Bowen
Breaux
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Byron
Carter
Casey
Cederberg
Clancy
Cochran
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dickinson
Duncan, Tenn.
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Findley
Flowers
Forsythe
Frey
Gibbons
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hammerschmidt
Hansen
Hastings
Hébert
Heinz
Hightower
Hillis
Hinshaw
Holt
Horton
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Landrum
Latta
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McDonald
Madigan
Mahon
Martin
Michel
Milford
Miller, Ohio
Mills
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Myers, Pa.
O'Brien
Passman
Pettis
Pickle
Poage
Pressler
Pritchard
Quie
Railsback
Regula
Rhodes
Roberts
Robinson
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Wis.
Stuckey
Symms
Talcott
Taylor, Mo.
Teague
Thone
Thornton
Treen
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Wilson, Bob
Winn
Wydler
Young, Alaska
Young, Fla.
Young, Tex.

NOT VOTING—52

Abzug
Alexander
Anderson, Ill.
Bell
Broyhill
Burgener
Burleson, Tex.
Butler
Chappell
Clausen, Don H.
Clawson, Del
Collins, Ill.
Conlan
Conyers
Cotter
Danielson
Frenzel
Fulton
Fuqua
Ginn
Gude
Hawkins
Jenrette
Jones, Tenn.
LaFalce
Leggett
McEwen
McKinney
Mann
Mathis
Metcalfe
Mollohan
Mosher
Nichols
Patman, Tex.
Pepper
Quillen
Risenhoover
Rodino
Roncalio
Rostenkowski
Schroeder
Steiger, Ariz.
Stratton
Symington
Udall
Vander Veen
Whitten
Wiggins
Wilson, Tex.
Wylie
Young, Ga.

So the bill was passed.

The Clerk announced the following pairs.

On this vote:

Mr. Rodino for, with Mr. Burleson of Texas against.

Mr. Cotter for, with Mr. Chappell, against.

Ms. Abzug for, with Mr. Charles Wilson of Texas against.

Mr. Stratton for, with Mr. Del Clawson against.

Mr. Symington for, with Mr. McKinney against.

Mr. Jenrette for, with Mr. Quillen against.

Mr. Jones of Tennessee for, with Mr. Frenzel against.

Mr. Leggett for, with Mr. Broyhill against.

Mr. Risenhoover for, with Mr. McEwen against.

Mr. Hawkins for, with Mr. Conlan against.

Mr. Nichols for, with Mr. Burgener against.

Mr. Roncalio for, with Mr. Steiger of Arizona against.

Mr. Rostenkowski for, with Mr. Wiggins against.

Mr. Pepper for, with Mr. Whitten against.

Mr. Mann for, with Mr. Anderson of Illinois against.

Mr. Gude for, with Mr. Bell against.

Mr. Young of Georgia for, with Mr. Butler against.

Until further notice:

Mr. Mollohan with Mr. Fulton.

Mr. Alexander with Mr. Fuqua.

Mrs. Collins of Illinois with Mr. Mathis.

Mr. Conyers with Mr. Patman.

Mr. Danielson with Mr. Metcalfe.

Mr. Ginn with Mr. Udall.

Mr. LaFalce with Mr. Vander Veen.

Mrs. Schroeder with Mr. Wylie.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for more effective congressional review of proposals to exempt petroleum products from the Emergency Petroleum Allocation Act of 1973 and certain proposed administrative actions which permit increases in the price of domestic crude oil; and to provide for an interim extension of certain expiring energy authorities."

A motion to reconsider was laid on the table.

DR. ARTURO BOMOLAN DELA ROSA

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1842) for the relief of Dr. Arturo Bomolan Dela Rosa, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Arturo Bomolan Dela Rosa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1975

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4925) to amend the Public Health Service Act and related laws to revise and extend programs of health revenue sharing and health services, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4925, with Mr. STUDDS in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today is H.R. 4925, the Health Revenue Sharing and Health Services Act of 1975.

This is legislation which was originally written in the last Congress to extend expiring authorities for programs which provide health services. The bill was pocket vetoed by the President after adjournment in the last Congress and is, therefore, now brought again for your attention. Similar legislation, S. 66, has already passed the Senate.

H.R. 4925 would continue, without change, authorities for bloc grants to States for health services, and project grants for family planning, community mental health centers, migrant health programs, and community health centers for fiscal year 1975 at levels equal to those authorized for fiscal year 1974, extend these programs for fiscal years 1976 and 1977 with substantive modifications, and extend for fiscal year 1976, an existing program for the control of diseases borne by rodents. The reported bill would also authorize the establishment of new programs relating to home health services agencies, mental health of the elderly, epilepsy, Huntington's disease, and hemophilia. Existing programs revised and extended, by this legislation include:

Health revenue sharing: Revises and extends existing section 314(d) of the Public Health Service Act with a special authorization for establishing and maintaining programs for hypertension.

In connection with this revision I would like to explain that an annual report would be required from each State describing the services provided and their cost. Although the Secretary would be authorized to prescribe the program categories to be reported on, it is the intent of the committee that such categories be established through consultation with State officials and insofar as possible be consistent with the existing data systems of the States. Furthermore, not less than 70 percent of a State's allotment would be required to be spent in providing services at the community level. A number of States appropriate State funds to assist their subdivisions in providing public health services and where such State funds or a combination of State and Federal funds under this section are equal to at least 70 percent of the State's allotment of Federal funds, this requirement of the Federal law would be satisfied.

Family planning: Extends existing family planning programs and revises the authority by repealing the unused formula grant authority; by requiring that the family planning research authority, rather than general authorities of the PHS Act, be used for population research; by requiring annual updating of the 5-year plan for family planning services; and by including in the law additional specifications with regard to family planning projects, entities eligible to apply for grants, and the extent of Federal participation in grants awarded for family planning projects and programs.

Community mental health centers: Extends the Community Mental Health Centers Act and revises the act to provide a new definition of and requirements for community mental health centers in connection with CMHC's, I would like to note that, in their alcoholism programs, they should be encouraged to make active use of recovered alcoholics in treating current alcoholics since this has been shown to be effective where they are trained to give such treatment. The revised authority would also establish a national center for the prevention and control of rape within the National Institute of Mental Health to undertake a continuing study and investigation of rape, with authorizations of $17 million for fiscal years 1976 and 1977.

Migrant health: Amends section 310 of the PHS Act and amends the authority to define the nature, services, and operations of a migrant health center; establish a program of planning and development grants and grants for the costs of the operation of such centers; require the Secretary to establish a National Advisory Council on Migrant Health; and require the Secretary to undertake a study of migrant housing.

Community health centers: Repeals existing section 314(e) of the PHS Act under which community health centers—also called neighborhood health centers—are now supported and establishes a new section 330 which defines the nature, services, and operations of community health centers.

Rodent control: Amends section 317 of the PHS Act to expand communicable disease control programs to include diseases borne by rodents. Rodent control programs have been supported since 1969 under section 314(e) of the PHS Act, which is repealed by this legislation.

Authorizes demonstration grants for establishing and operating home health service agencies in areas in which such services are not now available and for the expansion of services provided by existing agencies. The bill would authorize demonstration grants for training professional and paraprofessional personnel in the provision of home health care.

Establish a temporary committee on mental health and illness of the elderly.

Establish a commission for the control of epilepsy.

Establish a commission for the control of Huntington's disease.

Authorize projects to establish comprehensive hemophilia diagnostic and treatment centers and to develop and expand, within existing facilities, blood-separation centers.

The total authorization of appropriations in this legislation for fiscal years 1976 and 1977 is $1.44 billion. This amount represents a substantial decrease from last year's figure, $1.82 billion, which has been done in response to the President's concern that the version which he vetoed at the end of the last Congress was excessively expensive. The total for 1976, $693 million can be compared with the amount authorized for the same program in 1973, $917 million, and 1974, $677 million. Thus, while these numbers are large, the members will recognize that they are really quite reasonable when compared to the amount of money which has already been authorized for these programs.

The programs in question are almost all in existence already and providing needed medical care to millions of our citizens. I do not think that I need to review the value of the community mental health centers program, the migrant health program, the neighborhood health centers program, or the others covered by this legislation. Each responds to specific needs within our society and each has been enthusiastically supported by all of the witnesses who have testified in front of our committee except for the administration. In the last Congress this legislation passed by a vote of 372 to 48. This indicates the extent of congressional support for these programs, and I urge that they again be overwhelmingly passed.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 4925, the Health Revenue Sharing Health Services Act of 1975.

Through this act, the Federal Government continues its support of basic health care in the Nation. This bill differs from that version passed by the 93d Congress and vetoed by the President. In an effort to compromise with the administration requests for authorization reductions, the committee has cut the total authorization figure from the $1,858,500 in H.R. 14214 to $1,442,000 in the new H.R. 4925.

Health programs of great significance are included in this measure. Among them are: the Health Revenue Sharing program which provides Federal funds to assist States in meeting the health needs of their citizens.

The continuation of the community mental health centers program is also included. The Committee has reviewed this program and has sought to reemphasize its desire to see the basic services provided through these projects supported strongly, while the growth of the administrative wing, often unchecked, should be held within reason.

Another important provision is the continuation of the Family Planning Act of 1970. Through this measure, 300 project grants supporting 3,600 clinics will be offering services to over 2 million women by the end of this fiscal year. This is an important program and certainly should be continued.

I want to take this opportunity to address myself to the question of abortion since there has been some concern expressed upon this family planning provision. There are no funds for abortion through title II of H.R. 4925. When the original act was under consideration during the 90th Congress, the distinguished gentleman from Florida and I were requested by then-Speaker McCormack to omit any reference to funds for abortion in this act. I support the migrant health program and will offer an amendment to increase funding.

I firmly believe this measure should be passed by the House. It is a good bill which continues basic assistance for health services and health care delivery. We, the committee, have attempted to bring the authorization down to accommodate the administration. The programs in this bill are essential, and I urge its adoption.

Mr. ROGERS. Mr. Chairman, I yield such time has he may consume to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in support of this legislation, and wish to indicate to the committee that at the appropriate time I will try to restore some of the funds to the neighborhood health centers.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan, Mr. Chairman, I rise in support of the legislation before us, H.R. 4925, the Health Revenue Sharing and Health Services Act of 1975.

This legislation provides the authority to extend and modify the programs for comprehensive public health services for fiscal years 1976 and 1977.

Speaking not only as one who is vitally concerned with our national health needs, but also as the chairman of the Subcommittee on Agricultural Labor, which has a very special interest in the needs of one group which will benefit significantly from this bill, the migrant and seasonal farmworkers, I urge my colleagues to support this legislation.

This legislation, a 2-year, $1.4 billion extension and modification of several major health programs, increases the national focus on the need to provide comprehensive services in health centers for migrant and seasonal farmworkers serving high impact programs by revising the legislative authority. It also substantially increases the authorization for programs to improve the healthfulness of the environment of migrant and seasonal farmworkers.

During my tenure as chairman of the Subcommittee on Agricultural Labor, I have witnessed firsthand the tragedy and suffering which results from the inadequate health care available to one of the hardest working and most underpaid segments of our labor force.

Anyone who is familiar with the plight of migrant and seasonal farmworkers is constantly aware of the drastic need for improved health services for these people, but this problem periodically becomes so severe that it receives national attention. Perhaps the most recent and dramatic example of this occurred just 2 years ago when a labor camp in Florida spawned a typhoid epidemic. Our subcommittee held extensive hearings in Florida and conducted investigations which enabled us to learn firsthand of the appalling living conditions families of migrant and seasonal farmworkers were forced to accept. I wish it were possible for each Member of this body to see what I saw there and to feel the revulsion and the shame I felt that one of the richest nations in the world would permit its citizens to live in such squalor while performing a function as basic and as necessary as planting and harvesting its crops.

This national focus on the typhoid epidemic resulted in greater emphasis on migrant camp sanitation through the migrant health program and in a program to train migrant project personnel to identify sanitation and environmental problems and to enable State agencies to assure high standards of sanitation.

But more must be done. I am pleased that this legislation reflects that need by modifying the migrant health program to make it more responsive to the profound health needs of the migrants and by authorizing more than twice the inadequate sum of $19 million requested by the administration for fiscal year 1976.

It requires that migrant health centers provide primary health services and supporting supplemental services, including preventive health services and adequate transportation to assure appropriate use of the centers.

In connection with my experience with the typhoid epidemic, I am pleased to report that this legislation requires migrant health centers to provide a broad spectrum of environmental health services relating to the detection and alleviation of unhealthful conditions associated with water supplies, sewage treatment, solid waste disposal, rodent and parasitic infestation, and sanitation in the fields and housing.

Further, this bill contains a mandate to the health centers to conduct infectious and parasitic disease screening and control and to attempt to prevent accidents including accidental pesticide exposure. The report language stresses that education of the workers in these areas is an important requirement of the centers.

This legislation recognizes the need for advice and studies at the Federal level by establishing a National Advisory Council on Migrant Health and by directing the Secretary of Health, Education, and Welfare to arrange for a comprehensive study of the quality of migrant housing available, the impact of housing deficiencies on workers' health, and the various governmental standards regulating such housing.

Again, Mr. Chairman, I urge my colleagues to support this bill which is so important for millions of Americans and especially vital for the hard-working migrant and seasonal farmworkers.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I have one question that I would like to ask of the distinguished gentleman from Florida (Mr. ROGERS) and that is: In the new language in the bill, is it clear that programs for natural family planning are eligible for funding under the provisions of this bill?

Mr. ROGERS. If the gentleman will yield, under the family planning provisions of this act that would be correct, funded programs would have to include natural family planning methods; the gentleman is entirely correct.

I might add that the gentlewoman from Louisiana (Mrs. BOGGS) was concerned about the same matter, and I assured the gentlewoman that it was covered.

Mr. NOLAN. Mr. Chairman, I thank the gentleman, and wish to compliment the gentleman from Florida (Mr. ROGERS) and the full committee for their work on this bill.

Mr. GONZALEZ. I thank the distinguished subcommittee chairman for yielding.

Mr. Chairman, I wish to say that I also support this legislation and respectfully submit to the House that we have two very distinguished gentlemen, able, competent, sensitive, and responsive, both in the person of the gentleman from Florida (Mr. ROGERS) and in the person of the gentleman from Kentucky (Mr. CARTER). We are all beholden to them, and I wish to make that very clear at this time.

At this time health care is one of the most basic and crucial issues in our country. There is a crying need just about everywhere for better delivery of health care services.

This bill cannot begin to meet the health needs that we have, but at least it extends what we have had the last few years, modifies some of the established programs, and also authorizes the establishment of new programs relating to home health services agencies, mental health of the elderly, epilepsy, Huntington's disease, and hemophilia.

One of the programs which is revised and extended by this program is the community mental health centers program.

The Bexar County Mental Health/Mental Retardation Center programs in San Antonio are doing, I feel, a commendable job—with the mentally retarded, with those with emotional and mental illnesses, and in rehabilitating alcoholics and drug addicts.

With the increasing chances of someone in everyone's family at one time or another being mentally ill and needing help, we cannot minimize the importance of such programs, and efforts within our communities.

Statistics on the chances of mental illness among the populace causes this truth to stare us in the face: community mental health centers are crucial to our society's survival.

This bill is necessary for the continuation of such programs in San Antonio, and I am sure for many other areas across the country.

An important section of the revised authority of this extension of the Community Mental Health Centers Act is the establishment of a National Center for the Prevention and Control of Rape within the National Institute of Mental Health. Rape is a crime which, unfortunately, continues to show up as a large statistic on crime reports. The problem of rape is only one aspect of all our national mental health problems, but hopefully this new center will enable us to somehow meet the challenge of what this crime is doing to our society and to its victims which are traumatized and whose lives are oftentimes wrecked by it.

Migrant health care is another important part of this bill.

During the harvest season there are literally hundreds of my constituents, who board up their homes and follow the crops from Texas to California and on up to the Northwest and over to Michigan.

Migrant health care centers are a necessary part of helping take care of those who harvest the crops in our great land.

Health revenue sharing, family planning, community health centers for health care other than mental, home health services agencies, and rodent control are also programs extended and revised by this bill.

I am glad to lend my support and assistance in the enactment of this legislation.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. GOLDWATER. I thank the gentleman for yielding.

Will the gentleman perhaps elaborate and explain a portion of the bill which requires an accumulation of data and reports to the agency? Was there consideration for the protection of personal information, medical records, personal financial records, records of a personal nature, that this information would be kept in such a manner that those unauthorized would not have access to it, and that this information would not be transferred or be made available to those other than and outside of the program? Has this been taken into consideration? It was discussed, and is there anything in the bill?

Mr. ROGERS. Yes, it is required in the bill at various points that medical records be protected with confidentiality.

Mr. GOLDWATER. Is that written into it as a part of the law or as a part of the report?

Mr. ROGERS. It is in the law.

Mr. GOLDWATER. It is in the law?

Mr. ROGERS. It is in the law.

Mr. GOLDWATER. I thank the gentleman.

Mr. ROGERS. I thank the gentleman for his concern.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

As I understand it, the bill authorizes $2,120,000,000 for 3 fiscal years; is that correct?

Mr. ROGERS. All we are doing for 1975 is extending the funding at the current level for 1974. It is all ongoing, and 1975 is practically over now, as the gentleman knows, so really the funding is for 1976 and 1977, 2 more years.

Mr. MICHEL. Two years?

Mr. ROGERS. Yes, and that amount is $1,442,000,000. We have cut the bill over $417 million, so that we have cut almost half of a billion dollars in trying to accede to the President's concern.

Mr. MICHEL. May I inquire as to how that figure squares with the budget control legislation which we passed a few weeks ago and the Congress reported? Is it all included?

Mr. ROGERS. Yes. It is included in the congressional budget figure.

Mr. MICHEL. This measure has some new programs?

Mr. ROGERS. The authorizations for new programs is very small. It is less than $40 million overall.

Mr. MICHEL. For example, mental health for the elderly, a categorized program. What is the difference between mental health for the elderly and mental health for the middle-aged?

Mr. ROGERS. There is a significant difference in the way they are treated, in mental health for the elderly and for children, for instance. Most of the added programs are studies. Many of these were added in the Senate when we went to conference, so I think the gentleman would be pleased at the way we handled these particular programs, and I think we can point that out to the gentleman.

Mr. MICHEL. But some of these programs were not the original ones that passed the House, however. They are incorporated now as a result of the conference action on the bill that was vetoed.

Mr. ROGERS. This is correct. The House has passed all of these before, but what we did was simply take the conference bill that we had agreed on and worked from that and reduced it and cut almost a half billion dollars out.

Mr. MICHEL. Is this item of rape prevention and control a project grant type of thing, or how does that program work?

Mr. ROGERS. It would create a small program consisting of a center at NIMH to study the problem.

Mr. MICHEL. Are there going to be some amendments, any committee amendments offered to this legislation?

Mr. ROGERS. There are. We have one committee amendment simply to give the family planning people a few more months to extend some time. The gentleman from Kentucky (Mr. CARTER) has an amendment, and the gentleman from New York (Mr. OTTINGER) has an amendment. I think Mr. BAUMAN has some discussion that we will cover.

Mr. MICHEL. Is it the gentleman's desire, then, that general debate be limited as much as possible and that we move on?

Mr. ROGERS. I think it would be well for us to proceed in that way.

Mr. MICHEL. If that is the proposed procedure I suggest we go ahead.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from Louisiana (Mrs. BOGGS) such time as she may consume.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to take this opportunity to ask one question of the gentleman from Florida in hopes that he could clarify for me the intentions of this legislation. Section 204 of the bill amends the Public Health Service Act by indicating that family planning projects eligible for funding under title II should include those offering "a broad range of acceptable and effective family planning methods—including natural family planning methods."

Some women can only utilize natural family planning because of medical, moral or other considerations. Am I correct that one purpose of this language is to insure that the Department of HEW continues to develop programs which would provide the education and training needed by family planning program personnel which would enable them to understand not only the methods of natural family planning but also the type of outreach and patient communication program needed to reach users of these methods?

Mr. ROGERS. The gentlewoman is absolutely correct. It is the intent and clearly set forth in the law.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman from Florida for his assistance in clarifying this matter. I cannot stress how important it is to include in family planning programs those information services on natural methods which would not compromise the moral convictions of the patients involved.

Again, I would like to urge this House to approve this vitally needed legislation.

Mr. ROGERS. I thank the gentlewoman from Louisiana.

Mr. JENRETTE. Mr. Chairman, the Health Revenue Sharing and Health Services Act is of particular importance to my district and my State. Community mental health centers and community health centers have more than proved their value Without such outpatient care, our already overloaded hospitals would be clogged and inefficient.

In the case of mental health clinics, I do not need to remind this body of the trend away from the custodial approach—particularly in those instances where there is not a severe problem.

In my largely rural district, each of the provisions of this bill represents a crucial need.

There is an urgent need for speedy action to assure that Federal funds for community mental health centers will continue for fiscal years 1975 and 1976. The crisis is occurring at the very time that such centers are experiencing an increasing demand on services as a result of the recession.

I have received numerous letters from constituents who are concerned that a lack of funding for the various health care provisions in this legislation would leave many persons in South Carolina without recourse.

I believe we have pared the fat out of this bill. Cutting it by $417 million to $1.44 billion should more than meet President Ford's objections in the pocket-vetoed bill already passed.

Family planning, another provision of this legislation, is something many rural residents of low-income families may avail themselves of in order to better fit their lifestyles and incomes to today's economic realities. Migrant health services is another feature that has been neglected, not just in South Carolina, but throughout the South.

The bill would establish a Commission for the Control of Epilepsy, a Committee on Mental Health and Illness of the Elderly, and a Commission for the Control of Huntington's Disease. It would authorize the establishment of hemophilia centers and development of blood separation centers. These are all areas of importance sadly neglected in the past.

Mr. Speaker, it is time we set priorities in our spending and concentrated on such domestic matters of real and urgent concern.

Health revenue sharing is a concept that has shown it is a pragmatic and workable approach to a long-range solution to local health care needs, administered by the people who best know local problems.

I urge my colleagues to approve this worthwhile legislation.

Ms. ABZUG. Mr. Chairman, I understand that a colloquy concerning the use of funds authorized under this act for research on abortion methods may ensue after general debate.

As we all know, there are a number of contraceptives that are thought to operate by preventing fertilized eggs from implanting in the wall of the uterus. It is important that we make clear that nothing in this act can be construed to prevent research on these methods of family planning.

A few examples of the kind of family planning methods to which I am referring are in order. Intrauterine devices, or IUD's, are steel or polyethylene devices placed inside the uterine cavity. Although it is not entirely clear how the device works, evidence suggest that it initiates a local inflammatory reaction, causing white blood cells to attack the fertilized egg. As Dr. Philip Corfman, Director of the Center for Population Research of HEW, pointed out in testimony before the Subcommittee on Constitutional Amendments in the other body:

> We cannot know with certainty how IUD's work, but many scientists believe that they prevent implantation.

According to the National Center for Health Statistics, 1.6 million married women, and probably countless others, were using the IUD in 1973. Although widely used, the IUD is far from a safe method of contraception. Undesirable and dangerous side effects, such as septic abortion and perforation of the uterus, have been associated with the use of these devices. But women will continue to use the IUD, whether safe or unsafe, as long as the range of contraceptive devices is so limited. It is crucial that research designed to perfect these devices continue.

The morning-after pill, which most commonly consists of diethylstilbestrol or DES, is another contraceptive which is thought to act by preventing the implantation of the fertilized egg. This pill is used for emergency treatment, primarily in cases of rape and incest. As Senator KENNEDY pointed out in debate in the other body, as many as 18,000 pregnancies could result from rape in a single year. The need for a morning-after pill is clear.

Recently, controversy has developed over the use of DES as a morning-after pill, for studies have linked the drug to vaginal and cervical cancer in the daughters of some women who took the drug during pregnancy to prevent against miscarriage, a fairly common use of the drug in the 1950's and early 1960's. It is not yet clear if other undesirable side effects result from the use of this particular, morning-after pill. Again, research must continue on this important method of contraception so that women who are raped can be assured of a method by which they can avoid pregnancy.

It is also possible that some of the low dose hormonal contraceptives, or birth control pills, operate not only by preventing ovulation, but also by inhibition of the implantation of a fertilized egg. It is suspected that the close to 100% effectiveness of the pill is due to this secondary mode of action. Again, it must be made clear that nothing in this act restricts research on such methods of family planning.

Finally, research on new methods of contraception is necessary if we are to develop drugs and devices which are not only effective, but safe. These new contraceptives can be developed only if we allow the researchers in this field to pursue valuable scientific inquiry free of unnecessary and harmful restrictions. Nothing in this act should be construed to limit in any way this vital research.

The Center for Population Research in the National Institutes of Health, has been the major component in the Federal Government which conducts research on contraceptive methods. According to its director, Dr. Corfman, the Center conducts research both on the development of new contraceptive drugs and devices, and evaluates the safety and effectiveness of existing methods of contraception, such as the pill and the IUD. Additionally, the Center studies such matters as medical complications resulting from abortion, and the effect of abortion on subsequent pregnancies. It is of the greatest importance that this valuable and necessary research continue, and that nothing in this act be understood to restrict it in any way.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 4925, the Health Revenue Sharing and Health Services Act of 1975. This legislation would provide needed authorization for the continued funding of major health programs designed to improve their effectiveness. In addition, the bill would establish a number of new programs to insure that health services are provided in areas which do not have adequate existing services or facilities.

I especially call attention to the committee's concern for low-income areas. This concern is reflected in the language of the committee report, which specifically states that "priority in services should be given to persons from low-income families."

An excellent example of the committee's concern for low-income people who suffer from critical shortages of health services, is its efforts to truly reach specific neighborhoods which are pockets of poverty. In the past, low-income districts in the midst of large cities have been prevented, by HEW regulation, from receiving urgently needed health services. The larger population area surrounding the inner city has always had a much higher physician-to-patient ratio than the disadvantaged area, and this had created a definitional barrier to designation of the poor neighborhood as medically underserved. This, in turn, has prevented inner-city districts such as the one I represent from benefiting from community health centers and other health services to the degree to which they are needed. It is my hope that this legislation will remedy that situation and insure that truly medically underserved will be so designated and served.

I note that under title VI, diseases borne by rodents and home health service programs are authorized only for fiscal 1976. I sincerely hope that these worthwhile programs will be continued, in light of the obvious need for aid in these areas in our cities and throughout the Nation. Studies indicating that home health care is often considerably less expensive than institutional care, and is preferred by patients, indicate that this is a method of treatment that may hold great promise for the future, particularly for home-bound elderly persons.

With respect to the authorization levels established by H.R. 4925, I would hope that the House will entertain amendments to increase them. The problems of health care that face our people daily have been compounded by the burdens of our Nation's economic situation, and I strongly urge my colleagues to fulfill the commitments made by this legislation by approving adequate funding levels for these vital health programs.

For example, it is my understanding that my distinguished colleague from New York (Mr. OTTINGER) will be offering an amendment, as a member of the committee, to increase the authorization level for Community Health Centers from $460 million for fiscal 1976 and 1977 to $520 million. This is a modest increase which would reflect the impact of inflation over last year's level. Community Health Centers have been most effective in providing health services, particularly among medically underserved populations. We know that the demands being made on Community Health Centers will increase and our recognition of those facts should be reflected in a corresponding increase in the level of authorization. I would also urge my colleagues to favorably consider any further amendments increasing authorization levels in recognition of the continuing critical health care shortage.

In these times of economic crisis, ever-increasing demands will be made for all types of public health services, whether they be mental health, family planning, or general health services. We must act now to insure that the basic health needs of our constituents do not go unnoticed.

Mrs. BURKE of California. Mr. Chairman, as a prime sponsor of the Rape Prevention and Control Act, I am pleased that the provisions of that legislation are included as title III of the Health

Revenue Sharing and Health Services Act.

The incidence of forcible sexual assault has become more and more widespread over the past several decades. Forcible rape is the fastest growing crime of violence in the United States. At the same time, it is probably one of the most under-reported and least understood crimes in the country. According to the Uniform Crime Report released by the FBI, over 51,000 females were the victims of rape in 1973. This figure represents a 10-percent increase over 1972 and a shocking 62-percent increase over a 5-year period—1968–73. The increase may stem in part from improved reporting and a growing willingness on the part of victims to press charges despite the risks. But it must also undoubtedly reflect an increase in the incidence of rape in this country.

The reasons that rape victims either fail or choose not to report such a savage crime of personal invasion are numerous; some obvious, some less so. Aside from the personal embarrassment or trauma that the victim must suffer if she carries her case into the courts, there appears to be a growing sense of futility by the victim toward winning her case. Only 51 percent of the rapes reported in 1973 were cleared by arrest; of the adults arrested, 76 percent were prosecuted for this offense; of those cases prosecuted, 36 percent resulted in conviction. This means that forcible rape has a lower conviction rate than any other crime.

The skyrocketing incidence of reported rapes, the inadequacy of our current antiquated rape laws, the indignities often experienced by rape victims, and the low rate of rape convictions all point to the need for a national rape-prevention effort.

This legislation represents an attempt at the national level to encourage consideration of the general attitudes and assumptions about rape, its victims, and its perpetrators. The objective of the legislation, included as part D of the Community Mental Health Centers Act, is to establish the National Center for the Prevention and Control of Rape, which will undertake a national effort against the crime of rape and in support of the victim. The center, to be located within the National Institute of Mental Health, would be responsible for financing and conducting research and demonstration programs into the causes, consequences, prevention, treatment, and control of rape.

The center, with its repository of research and information on rape prevention and treatment, would be of considerable benefit to States and communities in developing more effective and more humane victim-oriented procedures for dealing with rape victims. Primary activity involving rape prevention, treatment and control would still be supported by State, local, and voluntary funding sources, but the Federal Government can and should encourage and support these activities by providing technical advice and financially supporting research and demonstration projects to discover new and more effective means of carrying out State and local programs. I would expect that any studies and investigations undertaken by the center would utilize the expertise of the various citizen groups throughout the country who have been involved in running rape crisis intervention programs and similar projects.

Under this act, an advisory committee will be appointed to advise, consult, and make recommendations on the implementation of the programs of the center. The intent of the legislation as originally introduced, and as stated in the committee report, is to appoint persons to this committee who are particularly qualified and recognized leaders in the area of rape prevention, treatment, and control. It is also specified in the legislation that a majority of the members of the committee must be women.

I would hope that promising new approaches to rape prevention, treatment, and control will be developed and put into effect as a result of the center's research and demonstration program as well as the other studies and investigations it will undertake. This legislation is only a first step in moving our Nation toward a more responsible, more humane system for dealing with rape victims and a more effective law for dealing with the perpetrators of this crime. By placing a higher priority on examining the causes and consequences of rape and seeking more effective methods of rehabilitation, we can move closer to discovering methods for preventing and controlling this heinous crime. Only then will women be able to have the security and peace of mind to move about as freely as men.

Mr. DODD. Mr. Chairman, I rise in support of H.R. 4925, the Health Revenue Sharing and Health Services Act of 1975.

This act provides for the continuation and expansion of many health programs, which provide health facilities to the poor and jobless, the elderly, and the migrant worker—those groups which traditionally have been unable to obtain an adequate quality of medical care and which have been hardest hit by inflation. H.R. 4925 also provides for the expansion of the community health centers, and it is this health program which I would like to bring to the attention of my colleagues today.

Community mental health centers have proven to be one of the best ways of providing effective health care. These centers provide for individualized and convenient health care for the purpose of integrating persons with mental problems into the communities in which they live.

In 1970, it was estimated that 10 percent of the U.S. population had some form of mental illness. Only one-seventh of these people received some form of treatment—either inpatient or outpatient health care, and it is interesting to note that the rate of mental illness is increasing in proportion to the population growth of the United States.

However, we should also take note of the fact that the number of mental patients who received institutionalized care peaked in 1955 and has since declined. In 1955, approximately 560,000 people received institutionalized mental health care, while in 1974, only 215,000 individuals were institutionalized for mental health treatment.

There are many reasons for this decline. Some areas quite frankly have failed to provide the necessary support for institutional facilities due to the increased cost of providing institutionalized mental health care. This cost has increased from $14.89 per patient in 1970 to $30.86 per patient in 1974. In addition, there has actually been a growing dissatisfaction with the benefits of institutional care. For these reasons, the community health centers which provide outpatient care have come to be utilized more and more. For instance, in 1974, 1,274,000 people were treated in federally funded mental health centers, in 1975, 1,482,000 were treated, and in 1976, 1,698,000 received treatment.

While they have been used more and more there are still many areas in the country which have a great need for mental health centers. In eastern Connecticut, which I represent, although there are plans being made for the creation of mental health centers, there are large areas which are in need of a community mental health center.

The Federal Government must assume the responsibility of providing for the funding of the local health services which the States and local jurisdictions cannot afford. In Connecticut, we are faced with a situation where 85 percent of the budget for the Department of Mental Health goes toward institutionalized care and only 15 percent for outpatient care. By not providing adequate facilities for mental health patients we are forcing people to seek institutionalized care and to remain in institutions. Our goal should be to help the mentally ill to be rehabilitated into the community.

I share the concern of my colleagues who want to hold Federal spending down. Our decisions in this session of Congress will not be easy ones; yet we have a clear responsibility to the people to insure that adequate health services are available. I believe community mental health centers provide essential health services in a way that has proven to be more economical than some other forms of care. Therefore, I urge my colleagues to support this important legislation. If we do not provide the care the mentally ill need, who will?

Mrs. BOGGS. Mr. Chairman, I would like to take this opportunity to commend the gentleman from Florida and the other members of the Subcommittee on Health and the Environment for their hard work and dedication. The Health Revenue Sharing and Health Services Act is truly an important step forward in the field of health care and I urge this House to pass it overwhelmingly.

One of the most important features of this legislation is the continuation of the direct formula grant program which would provide State health services across the Nation with almost $100 million in Federal funds. My own State, Louisiana, would receive approximately $1.4 million of the authorization.

Should the direct formula grant program be discontinued, the delivery of vital public health services to the people would be severely impaired. It has been suggested that, without these funds, Louisiana would have to reduce its public health staff by 108 positions, two-thirds of which would be public health nurses and sanitarians. These would not be positions for individuals involved in new pilot or demonstration projects. I am talking about the very basic elements of public health: Nursing and sanitation programs which are essential for the control and prevention of communicable diseases.

Louisiana's public health services are delivered to the people through 64 parish centers and 42 branch offices. The minimum staff for a health unit is three persons—one nurse, one clerk, and one sanitarian. Take away the one sanitarian and you have diminished that staff and its services by one-third. But there is no way to measure or even to predict the increase in public health hazards that would result.

The safety of the food, milk, water, drugs, and cosmetics of the people of Louisiana depends upon the inspection and sampling services of the public health sanitarian. He is active in water and air pollution control. He supervises and inspects sewage disposal; controls garbage collection methods and waste disposal; inspects plumbing installations and drainage systems; investigates conditions and premises in the community; controls rodents and other pests; inspects jails; supervises industrial premises; inspects school buildings for proper heating, lighting, and ventilation, and for sanitary food handling facilities. He inspects hospitals and nursing homes and day care centers. Only last November, Assistant Surgeon General David J. Spencer commended a Louisiana sanitarian for an outstanding rabies investigation that probably saved human lives and certainly prevented the disease from spreading.

Sixty-one sanitarians, 60 of them field personnel, are salaried through formula grant funds. Louisiana cannot do without them.

Formula grant funds also pay the salaries of 15 public health nurses, many of them employed in the State's tuberculosis control program. Louisiana's eight regional chest clinics are our major case-finding and treatment centers for tuberculosis. Not only do they detect and treat tuberculosis, identify and evaluate contacts, test high-risk population groups, and provide physician-prescribed drugs to patients, but they also provide nutritional and medical social services to tuberculosis patients. Through the regional chest clinics, local clinics, and parish health units, we have reduced the rate of tuberculosis in Louisiana to the extent that one tuberculosis hospital has been closed, and two other major facilities have already reduced their patient census. To reduce the staff of the tuberculosis control program would be to invite resurgence of this disease.

Also involved are the salaries of employees in handicapped children's services, nutrition, engineering, occupational health, administration, and services to our chronically ill and aged population.

As you can readily conclude any reduction or elimination of these basic health services in the field of public health would be catastrophic for the people of Louisiana. I am sure that similar results would occur in every State of the Union.

Mr. FLORIO. Mr. Chairman, before us today we have a bill which provides us the opportunity to continue the assistance to the States for health services, including grants for community health and mental health centers, family planning, and migrant health programs.

The Health Revenue Sharing and Health Services Act of 1975 is a comprehensive, fiscally responsible piece of legislation which is essential for the continued and expanded health delivery in every State in the Nation.

Of particular interest to my State, the State of New Jersey, is the expansion of the communicable disease control programs to include diseases borne by rodents. The rodent control centers in New Jersey have made great strides in combating the rodent problem in our cities. For the benefit of my State, and of course every State, it is most necessary to continue this war on rodents, thus immensely contributing to the health and safety of our urban populations.

Of important significance also is the establishment of the National Center for the Prevention and Control of Rape. It is extremely encouraging to see the addition of this provision for it indicates that we are resolved to approach this most despicable of crimes on a unified, orderly, national basis. With the incidence of rape ever increasing, various independent organizations have contributed greatly to the knowledge of treatment of victims and preventive measures. I am most grateful to have this opportunity to organize and disseminate this knowledge on a national level so that all communities may benefit from the resources of this newly created center. Bear in mind that the number of victims alone does not nearly represent the true number of persons affected by this crime both physically and psychologically. Our response to this need for prevention and control of rape is before us today, and is desperately urgent.

I most strongly urge my colleagues to vote for successful passage of H.R. 4925 thereby assuring the citizens of this country that the Congress is truly responsive to their health needs and physical well being.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill by titles.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND EFFECTIVE DATE

SECTION 1. (a) This Act may be cited as the "Health Revenue Sharing and Health Services Act of 1975".

(b) Except as may otherwise be specifically provided, the amendments made by titles I, II, III, IV, V, and VI of this Act shall take effect July 1, 1975. The amendments made by such titles to the provisions of law amended by the titles are made to such provisions as amended by title VII of this Act.

TITLE I—HEALTH REVENUE SHARING

SEC. 101. This title may be cited as the "Special Health Revenue Sharing Act of 1975".

SEC. 102. Effective with respect to grants made under section 314(d) of the Public Health Service Act from appropriations under that section for fiscal years beginning after June 30, 1975, section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

"(d)(1) From allotments made pursuant to paragraph (4), the Secretary shall make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services.

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary may require, and shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the comprehensive public health services provided within the State will be provided in accordance with the State plan prepared in accordance with section 1524(c)(2) or the State plan approved under section 314(a), whichever is applicable;

"(B) funds received under grants under paragraph (1) and (i) be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which thet grant funds are provided, and (ii) not be used to supplant such non-Federal funds;

"(C) the State health authority, and, with respect to mental health activities, the State mental health authority will—

"(i) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds received under grants under paragraph (1);

"(ii) from time to time, but not less often than annually, report to the Secretary (through a uniform national reporting system and by such categories as the Secretary may prescribe) a description of the comprehensive public health services provided in the State in the fiscal year for which the grant applied for is made and the amount of funds obligated in such fiscal year for the provision of each such category of services; and

"(iii) make such reports (in such form and containing such information as the Secretary may prescribe) as the Secretary may reasonably require, and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness of, and to verify, such reports;

"(D) the State mental health authority will—

"(i) establish and carry out a plan which—

"(I) is designed to eliminate inappropriate placement of persons with mental health problems in institutions, to insure the availability of appropriate noninstitutional services for such persons, and to improve the quality of care for those with mental health problems for whom institutional care is appropriate; and

"(II) shall include fair and equitable arrangements, as determined by the Secretary, to protect the interests of employees affected by actions taken pursuant to such plan, including arrangements designed (to the extent feasible as determined by the Secretary) to preserve employee rights and benefits and to provide appropriate training and retraining of such employees who are employed by the State or any of its political subdivisions;

"(ii) prescribe and provide for the enforcement of minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) with the State; and

"(iii) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

"(3) The Secretary shall review annually the activities undertaken by each State with an approved application to determine if the State complied with the assurances provided with the application. The Secretary may not approve an application submitted under paragraph (2) if the Secretary determines—

"(A) that the State for which the application was submitted did not comply with assurances provided with a prior application under paragraph (2), and

"(B) that he cannot be assured that the State will comply with the assurances provided with the application under consideration.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (1) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services; and

"(B) not less than—

"(i) 70 per centum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision services in communities of the State.

"(7) (A) For payments under grants under paragraph (1) there are authorized to be appropriated $100,000,000 for fiscal year 1976, and $110,000,000 for fiscal year 1977.

"(B) For payments under grants under paragraph (1) for establishing and maintaining programs, described in applications under paragraph (2), for the screening, detection, diagnosis, prevention, and referral for treatment of hypertension there are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977".

TITLE II—FAMILY PLANNING PROGRAMS

SEC. 201. This title may be cited as the "Family Planning and Population Research Act of 1975".

SEC. 202. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $110,000,000 for fiscal year 1976; and $120,000,000 for fiscal year 1977".

(b) Section 1003(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $4,000,000 for fiscal year 1976; and $5,000,000 for fiscal year 1977".

(c) Section 1004 of such Act is amended to read as follows:

"SEARCH

"SEC. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

"(b) (1) To carry out subsection (a) there are authorized to be appropriated $55,000,000 for fiscal year 1976, and $60,000,000 for fiscal year 1977.

"(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $2,000,000 for fiscal year 1976; and $2,500,000 for fiscal year 1977".

SEC. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section:

"PLANS AND REPORTS

"SEC. 1009. (a) Not later than four months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in the previous such report;

"(2) indicate steps being taken to achieve the objectives during the fiscal years covered by the plan contained in such report and any revisions to plans in previous reports necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed.

SEC. 204. (a) Section 1001(a) of the Public Health Service Act is amended by striking out "family planning projects" and inserting in lieu thereof "family planning projects which shall offer a broad range of acceptable and effective family planning methods (including natural family planning methods)".

(b) Section 1001(b) of such Act is amended by adding at the end thereof the following new sentence: "Local and regional entities shall be assured the right to apply for, and be direct recipients of, grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right."

(c) Section 1006(a) of such Act is amended by adding at the end thereof the following new sentence: "The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its cost (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.".

(d) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

TITLE III—COMMUNITY MENTAL HEALTH CENTERS

SEC. 301. This title may be cited as the "Community Mental Health Centers Amendments of 1975".

SEC. 302. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources,

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community mental health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purposes of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

SEC. 303. The Community Mental Health Centers Act is amended to read as follows:

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"PART A—PLANNING AND OPERATIONS ASSISTANCE

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"SEC. 301 (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided—

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b), and (2) which is organized in the manner prescribed by subsections (c) and (d).

"(b) (1) The comprehensive mental health services which shall be provided through a community mental health center shall include—

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services;

"(B) a program of specialized services for the mental health of children, including a full range of diagnotic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area of the nature of mental health problems and the types of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility or would without such services require inpatient care in such a facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(i) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

"(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies (including State mental health facilities) in or serving residents of the center's catchment area to insure that persons needing or receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

"(c) (1) (A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed, where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1975 was operated by a governmental agency and received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care.

"(2) For purposes of subparagraphs (A) and (B) of paragraph (1), the term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration; or

"(B) who is an indirect provider of health care in that the individual—

"(i) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subclause (II) or (IV) of clause (ii);

"(ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

"(I) Fees or other compensation for research into or instruction in the provision of health care.

"(II) Entities engaged in the provision of health care or in such research or instruction.

"(III) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care.

"(IV) Entities engaged in producing drugs or such other articles.

"(iii) is a member of the immediate family of an individual described in subparagraph (A) or in clause (i), (ii), or (iv) of subparagraph (B); or

"(iv) is engaged in issuing any policy or contract or individual or group health insurance or hospital or medical service benefits.

"(d) A center shall have established, in accordance with regulations prescribed by the Secretary, (1) an on-going quality assurance program (including utilization and peer review systems) respecting the center's services, (2) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (3) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (4) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b) (1) (D). The Secretary may waive the requirements of clause (4) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

"SEC. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection wtih a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourge continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) for a project shall be made for its costs for the one-year period beginning on the first day of the month in which the grant is made; and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $3,750,000 for the fiscal year 1976, and $3,750,000 for the fiscal year 1977.

"GRANTS FOR INITIAL OPERATION

"SEC. 203. (a) (1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services.

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b) (1) of such section, and

"(iii) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their costs of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975), such center or other entity shall, for purposes of grants under subsection (a), be considered as having been in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it has received under this subsection.

"(b) (1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a) (1) (B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1) (B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2) (A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of a grantee providing services for persons in an area designated by the Secretary as an urban or rural poverty area, an amount equal to the following percentages of the grantee's projected costs of operation: 90 per centum of such costs for the first two years of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year.

"(d) (1) There are authorized to be appropriated for payments under initial grants under subsection (a) $50,000,000 for fiscal year 1976, and $55,000,000 for fiscal year 1977.

"(2) For fiscal year 1977, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for fiscal year 1976, or the next fiscal year and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e) (1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) from appropriations under this title for a fiscal year ending before July 1, 1975, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendments of 1975 may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in that year for such services shall be disregarded in applying subparagraph (A) and the provisions of the repealed section applicable to determining the amount of the grant the grantee may receive under this subsection for that year.

"(2) An entity which receives a grant the authority for which is provided by this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for fiscal year 1976, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"(f) Unless otherwise specifically provided, a reference in this title to a grant under section 203 includes a grant under subsection (a) of this section and a grant the authority for which is provided by subsection (e) of this section.

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 204. (a) (1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b) (1) (D) if the center—

"(A) received from appropriations for a fiscal year ending before July 1, 1975, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Centers Amendments of 1975) and may not because of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

"(B) has received or is receiving a grant under section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a) (2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b) (1) (D) during the third or fourth years of its operation without a grant under this subsection).

"(2) The Secretary may also make annual grants to a public or non-profit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1975).

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation and education services described in section 201(b) (1) (D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center, for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A) or (ii) one-fourth of the amount received by the center in such year from charges for the provision of such services; and

"(3) (A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Amendments of 1975) or section 203 of this title, as the case may be, was determined on the basis of the center providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a)(2).

"(c) There are authorized to be appropriated for payments under grants under this section $10,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977.

"CONVERSION GRANTS

"SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211, and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application.

for the entity's reasonable costs in providing mental health services which are described in section 201(b)(1) but which the entity did not provide before the date of the enactment of the Community Mental Health Centers Admendments of 1975.

"(b)(1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made. For purposes of this paragraph, the term 'projected operating deficit' means the excess of an entity's projected costs of operation (including the costs of operation related to the provision of services for which a grant may be made under subsection (a)) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to collect during that period.

"(c) there are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for fiscal year 1976, and $20,000,000 for fiscal year 1977.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

"SEC. 206. (a)(1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

"(b) No grant may be made under this part unless an application (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary.

"(c)(1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 2033, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861(z) of the Secial Security Act, and (ii) an effective procedure for developing compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclose at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that its services are responsive to the needs of the residents of the catchment area;

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations services residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs to the center of providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of an emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area, to provide services to persons in such area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b)(1)(D) and 201(b)(1)(E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(J) such community mental health center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professional who provide such services to patients through the center from providing such services to such patients except through the center.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b)(1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated sources of non-Federal funds to pay the portion of such increased costs not to be paid from Federal funds.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant:

"(ii) the application contains or is supported by satisfactory assurance that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds;

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c)(2)(B) or 204 (b)(3)(B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be used by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203 (a) for an entity described in section 203(a) (1)(B), or

"(B) for the first grant the authority for which is provided by section 203(e),

the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evalution of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under setcion 203(a), 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) An application for a grant under section 203, 204, or 205—

"(A) may not be disapproved, and

"(B) may not be approved for an amount less than that authorized by such section,

solely on the ground that the applicant has not made reasonable efforts to secure paymade under section 203(a), 204, or 205 shall assurances provided under subparagraphs (I), (J), and (K) of subsection (c)(1) unless the Secretary first informs such applicant of the respects in which he has not made such reasonable efforts and the manner in which his performance can be improved and gives the applicant a reasonable opportunity to respond. Applications disapproved, and applications approved for reduced amounts, on such grounds shall be referred to the National Advisory Mental Health Council for its review and recommendations respecting such approval or disapproval.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submits its comments or on the expiration of such forty-five-day period, whichever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1975.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203 or 204(a)(2).

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which—

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section for a fiscal year beginning after June 30, 1975; or

"(B) received a grant or grants under section 203(a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b).

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4) to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of sections 201(c) and 201(d).

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c) (1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, and amount of funds (other than funds for construction, as determined by the Secretary) from non-Federal sources which is at least as great as the average annual amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975), or

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 213. There are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977 for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

"Sec. 221. (a) From allotments made under section 227 the Secretary shall pay, in accordance with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, constructed, or expanded with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipients to acquire or remodel an existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part.

"(2) The Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to any such project; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of all the States.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary, between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of each of the States subject to such Federal percentages and of all the States subject to such percentages for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"Sec. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(6) a certification by the State agency of the Federal share for the project; and

"(7) the assurances described in section 206(c)(2).

Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application. For purposes of paragraph (3), the term 'title' means a fee simple or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of acquisition, remodeling, construction, or expansion of a facility and its operation.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan.

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975) from appropriations for a fiscal year ending before July 1, 1975, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to significantly expand its services and which demonstrates exceptional financial need for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"Sec. 223. (a) (1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a remodeling, construction, or expansion project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project.

"(2) In case an amendment to an approved application is approved or the estimated cost of a remodeling, construction, or expansion project is revised upward any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236;

"(B) any assurance required to be in an application filed under section 222 is not being carried out;

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237,

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"Sec. 224. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237 (c), such State,

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"Sec. 225. If any facility of a community mental health center acquired, remodeled, constructed, or expanded with funds provided under this part is, at any time within twenty years after the completion of such remodeling, construction, or expansion or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity

(A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the acquisition, remodeling, construction, or expansion cost of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"Sec. 226. No grant may be made under the Public Health Service Act for the remodeling, construction, or expansion of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the remodeling, construction, or expansion of such facility.

"ALLOTMENTS TO STATES

Sec. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 228 to the States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need, of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next two fiscal years (and in such years only), in addition to the sums allotted to such State for such purpose in each of such next two fiscal years.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 228. There are authorized to be appropriated $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977, for allotments under section 227.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

"Sec. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

"(b) (1) The Secretary, acting through the Center, may, directly or by grant, carry out the following:

"(A) A continuing study of rape, including a study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and the courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks, and

"(II) the motives of offenders, and

"(v) the impact of rape on the victim and the family of the victim;

"(vi) sexual assaults in correctional institutions;

"(vii) the actual incidence of forcible rape as compared to the reported incidence of forcible rape and the reasons for any difference in such incidences; and

"(viii) the effectiveness of existing private and local and State government educational, counseling, and other programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assistance to community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the prevention and control of rape, including projects (i) for the planning, developing, implementing, and evaluating of alternative methods used in the prevention and control of rape, the treatment and counseling of the victims of rape and their families, and the rehabilitation of offenders; (ii) for the application of such alternative methods; and (iii) for the promotion of community awareness of the specific locations in which, and the specific social and other conditions under which, sexual attacks are most likely to occur.

"(F) Assistance to community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes statutory and attempted rape and any other criminal sexual assault (whether homosexual or heterosexual) which involves force or the threat of force.

"(c) The Secretary shall appoint an advisory committee to advice, consult with, and make recommendations to him on the implementation of subsection (b). The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $7,000,000 for fiscal year 1976, and $10,000,000 for fiscal year 1977.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 235. For purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority responsible for the mental health service part of a State's plan under section 314(d) of the Public Health Service Act.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act.

"REGULATIONS

"SEC. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which—

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and require special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of an area designed by the Secretary as an urban or rural poverty area, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor.

The National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

"SEC. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan, which council shall include (i) representatives of non-government organizations or groups, and of State agencies, concerned with the planning, operation, or use of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services of such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

"(A) be consistent with the mental health services part of the State's plan under section 314(d) of the Public Health Service Act;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inventory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor;

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital services; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintnance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to projects under part C for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year for administration of the provisions of an approved State plan shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"SEC. 238. Each State health planning and development agency designated for a State under section 1521 of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the sizes of such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure that the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

"SEC. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

"SEC. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

"SEC. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea of subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"SEC. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research.

"REIMBURSEMENT

"SEC. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers.

"SHORT TITLE

"SEC. 245. This title may be cited as the 'Community Mental Health Centers Act'.".

REPORT

SEC. 304. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

CONFORMING AMENDMENTS

SEC. 305. (a) Section 401 of the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963 is amended—

(1) by striking out paragraph (c);

(2) by amending paragraph (d) to read as follows:

"(d) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations."; and

(3) by—

(A) striking out "or part A of title II" in paragraph (h)(1),

(B) by striking out in paragraph (h)(2) "(A)" and "; (B) for any project under **part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower", and**

(C) by striking out "or under part A of title II" in paragraph (h)(3).

(b) Section 403 of such Act is amended—

(1) by striking out ", or section 204 in the case of a community mental health center," in subsection (a),

(2) by striking out "or section 206, as the case may be," in such subsection,

(3) by striking out "or 205" in subsection (b), and

(4) by striking out the second sentence of subsection (c)(1).

(c) Section 404 is amended by striking out "or 205", "or 204(b)", and "or 206".

(d) Seciton 405 is amended—

(1) by striking out "or 205" in paragraph (1)(A),

(2) by striking out "or section 204 (in case of a community mental health center)" in such paragraph,

(3) by striking out "or community mental health center, as the case may be," in paragraph (2),

(4) by striking out "or such center as a community mental health center" in such paragraph,

(5) by striking out "or center" each place it occurs in the matter following paragraph (2), and

(6) by striking out "or community mental health center" in such matter.

(e) Section 406 is amended by striking out "or community mental health center".

TITLE IV—MIGRANT HEALTH CENTERS

MIGRANT HEALTH CENTERS

SEC. 401. (a) Section 319 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

"SEC. 319. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention programs, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services, for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural workers' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for markets and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services(including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(7) The term "supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(b)(1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and programs in such areas. The highest priorities for such assistance shall be assigned to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

"(c)(1)(A) The Secretary may, in accordance with the priorities assigned under subsections (b)(1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental mental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and which are not high impact areas—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1)(A) for the same project, and if a grant or contract is made or entered into under paragraph (1)(B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f)(2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and which are not high impact areas—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and providing training related to the managemet of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) The Secretary may enter into contracts with public and private entities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

"(f)(1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c)(1)(B), (d)(1)(C), or (e) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) The Secretary may not approve an application for a grant under subsection (d)(1)(A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a)(1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provisions of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, season agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(3) In considering applications for grants and contracts under subsection (c) or (d) (1)(C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract, all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f)(2).

"(h)(1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c)(1) $4,000,000 for fiscal year 1976, and $4,000,000 for fiscal year 1977. Of the funds appropriated under this paragraph for fiscal year 1976, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c)(1)(B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d)(1) (othed than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $30,000,000 for fiscal year 1976, and $35,000,000 for fiscal year 1977. Of the funds appropriated under the first sentence for fiscal year 1976, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount not exceeding the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs dedescribed in subsection (d)(1)(C). Of the funds appropriated under the first sentence for fiscal year 1977, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount not exceeding the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C) which received grants under this section for the fiscal year ending June 30, 1975. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d)(1) for the provision of inpatient and outpatient hospital services $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977."

(b) Section 217 of the Public Health Service Act is amended by adding after the subsection (f) added by Public Law 93–248 the following new subsection:

"(g)(1) Not later than October 1, 1975, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 319.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 319. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers and seasonal agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.".

(c)(1) The Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of—

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

In conducting or arranging for the conduct of such study, the Secretary shall consult with the Secretary of Housing and Urban Development.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of the first Act making appropriations for such study.

TITLE V—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 501. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

"SEC. 330. (a) For purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primarily health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services, for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(2) The term 'supplemental health services' means services which are not included as primary health serivces and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(c) (1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;

"(B) the design of a community health center program for such population based on such assessment;

"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(2) Not more than two grants may be made under this subsection for the same project.

"(3) The amount of any grant made under this subsection for any project shall be determined by the Secretary.

"(d) (1) (A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations.

"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e) (2).

"(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services and environmental health services, and to the management of community health center programs.

"(3) Not more than two grants may be made under paragraph (1) (B) for the same entity.

"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) (1) No grant may be made under subsection (e) or (d) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (d) (1) (B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organization arrangements, established in accordance with regulations prescribed by the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individulas, and (ii) identified an individual on its staff who is fluent in both that language and in English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members wth respect to cultural sensitivities and bridging linguistic and cultural differences.

"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeeting requirements of subsection (e) (2).

"(g) (1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $215,000,000 for fiscal year 1976, and $235,000,000 for fiscal year 1977."

(b) Section 314(e) of the Public Health Service Act is repealed.

TITLE VI—MISCELLANEOUS

DISEASES BORNE BY RODENTS

SEC. 601. (a) Section 317(h) (1) of the Public Health Service Act is amended by striking out "and RH disease" and inserting in lieu thereof ", RH diease, and diseases borne by rodents".

(b) Section 317(d)(3) of such Act is amended by adding at the end thereof the following: "There is authorized to be appropriated for fiscal year 1976 $20,000,000 for grants under this section for communicable and other disease control programs for diseases borne by rodents.".

HOME HEALTH SERVICES

SEC. 602. (a)(1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861 (m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $8,000,000 for fiscal year 1976 for payments under grants under this subsection.

(b)(1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations prescribe.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $2,000,000 for fiscal year 1976 for payments under grants under this subsection.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 603. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting—

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons,

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection.

(c)(1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, or attainments be exceptionally qualified to assist in carrying out the functions of the Committee.

(2) Members of the Committee shall receive compensation at a rate to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

SEC. 604. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c)(1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 605. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c)(1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumer of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is

authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

HEMOPHILIA PROGRAMS

SEC. 606. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from the hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

"(b) No grant or contract may be made under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for fiscal year 1976, and $4,000,000 for fiscal year 1977.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such as red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins.

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(d) Contrast may be entered into under subsection (a) without regard to section 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $4,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977."

TECHNICAL AMENDMENTS

SEC. 607. (a) Section 399c of the Public Health Service Act (added by Public Law 93-222) is redesignated as section 399A.

(b) The section 472 of the Public Health Service Act entitled "Peer Review of Grant Applications and Control Projects" is redesignated as section 475.

(c) The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

TITLE VII—EXTENSION OF CURRENT AUTHORITIES THROUGH FISCAL YEAR 1975

SEC. 701. (a) Section 314(d)(1) of the Public Health Service Act (relating to grants for comprehensive public heatlh services) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(b)(1) The first sentence of section 314(e) of such Act (relating to project grants for health services development) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(2) The next to last sentence of such section is amended (A) by striking out "1974" and inserting "1975", and (B) by striking out "title I of the Heatlh Programs Extension Act of 1973" and inserting in lieu thereof "title VII of the Health Revenue Sharing and Health Services Act of 1975".

(c) Section 319 of such Act (relating to migrant health) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(d) Section 1001(c), 1003(b), 1004(b), and 1005(b) of title X of such Act (relating to population research and family planning) are each amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof" each for the fiscal years ending June 30, 1974, and June 30, 1975".

(e)(1) Section 201 of the Community Mental Health Centers Act (relating to grants for construction) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(2) Section 207 of such Act is amended by striking out "1974" and inserting "1975".

(3) Section 221(b) of such Act is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

(4) Section 224(a) of such Act (relating to staffing grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(5)(A) Section 246 of such Act (relating to alcoholism programs) is amended by striking out "1974" and inserting in lieu thereof "1975".

(B) Section 247(d) of such Act is amended by striking out "and June 30, 1974" and inserting in lieu thereof "June 30, 1974, and June 30, 1975".

(6)(A) Section 252 of such Act (relating to drug abuse programs) is amended by striking out "1974" and inserting in lieu thereof "1975".

(B) Section 253(d) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(C) Section 256(e) of such Act is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(7) Section 261 of such Act (relating to authorizations for alcoholism and drug abuse programs) is amended (A) by striking out "for the fiscal year ending June 30, 1974" in subsection (a) and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975", and (B) by striking out "1974" in subsection (b) and inserting in lieu thereof "1975".

(8) Section 271(d) of such Act (relating to mental health of children) is amended (A) by striking out "for the fiscal year ending June 30, 1974" in paragraph (1) and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975", and (B) by striking out "1974" in paragraph (2) and inserting in lieu thereof "1975".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill in its entirety may be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read the committee amendments, as follows:

Committee amendments: Page 2, strike out line 12 and all that follows down through and including line 13 on page 10 and insert in lieu thereof the following:

"COMPREHENSIVE PUBLIC HEALTH SERVICES

"(d)(1) From allotments made pursuant to paragraph (4), the Secretary shall make grants to State health and mental authorities to assist in meeting the costs of providing comprehensive public health services.

"(2) No grant may be made under paragraph (1) to the State health or mental authority of any State unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary may require, and shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the comprehensive public health services provided within the State will provide in accordance with the State plan prepared in accordance with section 1524(c)(2) or the State plan approved under section 314 (a), whichever is applicable;

"(B) funds received under grants under paragraph (1) will (i) be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided, and (ii) not be used to supplant such non-Federal funds;

"(C) the State health authority, and, with respect to mental health activities, the State mental health authority will—

"(i) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds received under grants under paragraph (1);

"(ii) from time to time, but not less often than annually, report to the Secretary (through a uniform national reporting system and by such categories as the Secretary may prescribe) a description of the comprehensive public health services provided in the State in the fiscal year for which the grant applied for is made and the amount of funds obligated in such fiscal year for the provision of each such category of services; and

"(iii) make such reports (in such form and containing such information as the Secretary may prescribe) as the Secretary may reasonably require, and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness of, and to verify, such reports;

"(D) the State mental health authority will—

"(i) establish and carry out a plan which—

"(I) is designed to eliminate in appropriate placement of persons with mental health problems in institutions, to insure the availability of appropriate noninstitutional services for such persons, and to improve the quality of care for those with mental health problems for whom institutional care is appropriate; and

"(II) shall include fair and equitable arrangements, as determined by the Secretary, to protect the interests of employees affected by actions taken pursuant to such plan, including arrangements designed (to the extent feasible as determined by the Secretary) to preserve employee rights and benefits and to provide appropriate training and retraining of such employees who are employed by the State or any of its political subdivisions;

"(ii) prescribe and provide for the enforcement of minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) with the State; and

"(iii) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or, if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

"(3) The Secretary shall review annually the activities undertaken by each State with an approved application to determine if the State complied with the assurances provided with the application. The Secretary may not approve an application submitted under paragraph (2) if the Secretary determines—

"(A) that the State for which the application was submitted did not comply with assurances provided with a prior application under paragraph (2), and

(B) that he cannot be assured that the State will comply with the assurances provided with the application under consideration.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services; and

"(B) not less than—

"(i) 70 per centum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision of services in communities of the State.

"(7)(A) For payments under grants under paragraph (1) there are authorized to be appropriated $100,000,000 for fiscal year 1976, and $110,000,000 for fiscal year 1977.

"(B) For payments under grants under paragraph (1) for establishing and maintaining programs, described in applications under paragraph (2), for the screening, detection, diagnosis, prevention, and referral for treatment of hypertension there are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977.".

Page 11, line 3, strike out "$50,000,000" and insert in lieu thereof "$55,000,000" and on line 14 strike out "$55,000,000" and insert in lieu thereof "$60,000,000".

Page 13, line 25, strike out "such" and insert in lieu thereof "the Public Health Service".

Page 32, strike out lines 8 and 9 and insert in lieu thereof "except, in the case of an entity which has not received a grant under this section, the requirement for the pro-".

Page 33, line 6, strike out "center" and insert in lieu thereof "center's".

Page 35, line 15, insert a single quotation mark immediately following "deficit".

Page 51, line 18, strike out "accordance" and insert in lieu thereof "accordance".

Page 56, strike out lines 23 and 24 and insert in lieu thereof "center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in".

Page 64, line 21, insert quotation marks immediately before "PART".

Page 67, line 8, strike out "and" and insert before the period in line 9 the following: "; and (iii) for the promotion of community awareness of the specific locations in which, and the specific social and other conditions under which, sexual attacks are most likely to occur".

Page 70, line 19, insert a comma immediately after "plan".

Page 77, immediately following line 19, insert "REPORT".

Page 78, insert after line 16 the following:

CONFORMING AMENDMENTS

SEC. 305. (a) Section 401 of the Mental Retardation Facility and Community Mental Centers Construction Act of 1963 is amended—

(1) by striking out paragraph (c);

(2) by amending paragraph (d) to read as follows:

"(d) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations."; and

(3) by—

(A) striking out "or part A of title II" in paragraph (h)(1),

(B) by striking out in paragraph (h)(2) "(A)" and "; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower", and

(C) by striking out "or under part A of title II" in paragraph (h)(3).

(b) Section 403 of such Act is amended—

(1) by striking out ", or section 204 in the case of a community mental health center," in subsection (a),

(2) by striking out "or section 206, as the case may be," in such subsection,

(3) by striking out "or 205" in subsection (b), and

(4) by striking out the second sentence of subsection (c)(1).

(c) Section 404 is amended by striking out "or 205," "or 204(b)", and "or 206".

(d) Section 405 is amended—

(1) by striking out "or 205" in paragraph (1)(A),

(2) by striking out "or section 204 (in case of a community mental health center)" in such paragraph,

(3) by striking out "or community mental health center, as the case may be," in paragraph (2),

(4) by striking out "or such center as a community mental health center" in such paragraph,

(5) by striking out "or center" each place it occurs in the matter following paragraph (2), and

(6) by striking out "or community mental health center" in such matter.

(e) Section 406 is amended by striking out "or community mental health center".

Page 84, beginning in line 12, strike out "in which not more than six thousand migratory agricultural workers and their families reside for more than two months—" and insert in lieu thereof "which are not high impact areas—".

Page 86, beginning in line 9, strike out "in which not more than six thousand migratory agricultural workers and their families reside for more than two months—" and insert in lieu thereof "which are not high impact areas—".

Page 90, line 2, strike out the semicolon and insert in lieu thereof a comma.

Page 25, line 17, strike out "subsection (f)" and insert in lieu thereof "the subsection (f) added by Public Law 93–248".

Page 122, line 14, insert "next to" immediately after "The".

Page 122, line 17, strike out "1975" and insert in lieu thereof "1973".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, that we dispense with further reading of the committee amendments and that they be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers: Page 17, strike out "four months" in line 8 and insert in lieu thereof "seven months".

Mr. ROGERS. Mr. Chairman, all this amendment does is to change from 4 months to 7 months the time we give for the annual family planning report to be made. We think the necessary figures are unlikely to be gathered during the 4-month period. I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ottinger: Page 117, line 6, strike "$215,000,000" and insert "$235,000,000".

Page 117, line 7, strike "$235,000,000" and insert "$280,000,000".

Mr. OTTINGER. Mr. Chairman, before offering this amendment, I want to congratulate my colleagues on the Subcommittee on Public Health and Environment, who, under the able guidance of my good friend, the gentleman from Florida (Mr. Rogers), have developed a good and comprehensive piece of legislation. H.R. 4925 goes a long way toward making available medical care for millions of Americans who otherwise could not afford the prohibitive cost of such care.

The concern that I have with this bill relates to the requested funding level for community health centers under title V. While I recognize that the authorization called for represents an increase over the current funding level, the increase is less that the inflation rate. In the face of sharply increased demands on these health centers, all my amendment seeks to do is maintain the current level of funding adjusted for inflation.

Mr. Chairman, there are presently 157 neighborhood health centers in the country that provide comprehensive medical care to well over 200 million individuals, and a recent study has shown that centers in California, Texas, Tennessee, Georgia, and New York have shown as high an increase as 25 per centum in the utilization of their services. The study clearly shows that as unemployed individuals lose the ability to pay, they are turning toward these centers in increasing numbers.

To those Members of the House who have concern over the cost of the program, I would point out that in communities served by the community health centers, there has been a reduction of 34 percent in the number of hospital days per 1,000 residents. Since hospital costs are the most expensive part of medical care, a savings in hospital days results in substantial cost savings. In addition, health center care is one of the most cost-effective programs the Government has ever enacted. The average cost of health center care is $38 versus $250 for the same treatment in a hospital.

In relation to the quality of care provided by these centers I offer the following statistics: Recent studies have shown that due to health center care there has been a 28.4-percent decrease in infant mortality in Denver; there was a 50-percent reduction in hospital days for children in Rochester, N.Y., in 1973, and, in Baltimore in 1973, there was an 80-percent reduction in hospitalization for rheumatic fever.

These figures clearly state the quality of care offered by these centers, as well as substantial cost savings.

It is my firm belief that the sum requested in my amendment, $235 million in fiscal year 1976, and $280 million in fiscal year 1977, more realistically addresses the need of the Nation's 157 community health centers to operate in the face of a nationwide inflationary trend of 8.5 percent, as well as an unemployment rate of 8.9 percent.

Mr. Chairman, the community health centers program has proven to be one of the most useful and cost-effective programs the Federal Government has ever operated, and deserves our support.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am happy to yield to my friend and colleague from New York.

Mr. MURPHY of New York. Mr. Chairman, I rise in support of the amendment offered by my colleague of New York, the Honorable Richard Ottinger. This amendment would increase the appropriations level for grants to community health centers under title V of this legislation from $460 million for fiscal year 1976 and 1975 to $515 million. I supported Mr. Ottinger's amendment when he introduced it during the consideration of H.R. 4925 in the House Commerce Committee, and I urge my colleagues to support this amendment today on the floor. The appropriations recommended in this amendment are much more realistic to the needs of the community health centers, and much closer to the levels contained within H.R. 14214 which was pocket vetoed by the President in the 93d Congress and S. 66 already adopted in the Senate.

Neighborhood health centers were developed to provide ambulatory health care to medically underserved populations. The services provided by NHC's are intended to meet the general health needs of the population rather than being oriented toward specific diseases.

There are a total of 157 community health centers in the United States which offer services to a projected target population of approximately 5.2 million people. According to the Commerce Committee report on H.R. 4925, the total expenditure for these services will be $293.5 million in 1975; H.R. 4925 appropriates only $220 million to cover these needed services.

Clearly, the appropriations of H.R. 4925 do not address the needs of the community health centers. In the President's veto message accompanying H.R. 14214, the administration's concern with regard to Federal expenditures was strongly emphasized. For this reason the committee reduced the figures in the bill by $417 million while admitting that this reduction means that in some cases the increase in program funding is insufficient to even keep pace with current inflation rates. In New York it is estimated that as a result of the budgetary slashing, we would lose two to three centers, 650 jobs would be eliminated, and 100,000 persons would lose their primary means of health care.

The key to this growing problem can be traced to the rising unemployment which has beset this Nation. The 12,000 Americans who join the forces of the unemployed each month and who have lost their health benefits must turn to emergency rooms, outpatient departments and neighborhood health centers for necessary medical care. For these reasons alone the Congress must insure that a sufficient level of health care is available for every American. Health care is simply one area which we cannot cut out. I sincerely believe that we must adhere to our original beliefs and adopt the amendment now being considered which would return the appropriations in H.R. 4925 to figures which accurately reflect the growing health care needs of this Nation.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for joining me in this amendment. The gentleman has also joined me in the separate views we submitted to the committee report on this regislation. I highly value his participation.

Mr. Chairman, the Senate has passed parallel legislation providing for a good deal more—$260 million—than the committee has provided—$215 million for the fiscal year 1976—and that our amendment provides, which is $235 million for the fiscal year 1976. The Senate provides nothing for the fiscal year 1977, of course, but the committee provided $235 million. We provide $280 million.

The amounts involved are exceedingly small. In this multibillion-dollar authorization, we are talking about adding just $20 million in the next fiscal year and $45 million for the fiscal year 1977; but it will mean a great deal in terms of neighborhood health centers to operate, because they do operate on such an efficient basis.

Mr. Chairman, we have almost got our good subcommittee chairman to agree to this. It is only because of the agreement of his subcommittee and recognizing the

President's past veto that he does not agree to it.

Mr. Chairman,, I think this does a tremendous amount of good for a very small amount of money. I hope the gentleman from Florida will change his mind and support the amendment.

Mr. SCHEUER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to express my admiration to the chairman of our subcommittee, the gentleman from Florida (Mr. ROGERS), and to the other members of the committee who have worked so diligently. I respect the strong feeling of the gentleman from Florida (Mr. ROGERS) that we ought to try to come in with a bill that the two Houses of the Congress can pass and that the President can sign. The gentleman from Florida worked with enormous patience and forbearance and with extraordinary skill, knowledge, and competence to achieve this end.

I support this bill, but I must express my reservations about the reduced funding in the bill. I must support the amendment of my colleague from New York (Mr. OTTINGER) to provide very modest additional funds for community health clinics.

In two neighborhoods which I represent, in the Howard Beach area of Queens and the Canarsie area of Brooklyn, we have areas of approximately 100,000 population which are, medically speaking, virtual barren wastelands where a community health center is urgently needed to serve the needs of the neighborhood. People from our neighborhood who could well be served by a simple out-patient facility at $25 or $30 a day at the most, now go to a major New York metropolitan hospital, Brookdale Hospital in Brooklyn where in order to get served at all, they are placed in the hospital by a doctor at a cost six or seven times what it would cost them to get served in the neighborhood on an outpatient, ambulatory basis.

We are necessarily providing 24-hour a day health care and hotel service out of the neighborhood because we do not have outpatient ambulatory community health services in the neighborhood. We must do something to get a handle on the escalating and exploding costs of medical care. We must devise a national health system that places people into the health service system at the lowest level of sophisticated medical health care needed, and consequently at the lowest dollar cost. Otherwise, there is absolutely no way we are going to be able to quantify, much less pay for, the cost of a national health care program.

Mr. Chairman, I must also express my regret that the appropriations for family planning, both operations and research, are as little as they are.

Reducing Federal funds for family planning services does not save the Government money—not even in the short run. Extensive studies have shown conclusively that every Government dollar spent on family planning in 1 year saves the Government $2 in the following year, in terms of reduced medicaid and welfare payments. This 2-to-1 benefit-to-cost ratio cannot be ignored, especially considering its immediate short-term savings to Government.

There are longer range costs to Government which effective family planning can obviate, including feeding, housing, educating, and providing medical care for the children of low-income women. Fiscal responsibility alone dictates that the Federal family planning effort be expanded—not reduced.

A key part of this effort is family planning research. When President Nixon, in July of 1969, stated the terms of the Federal family planning effort, he urged the Government to "take the lead in developing an expanded research effort" on all types of birth control methods. That "expanded effort" is today on the verge of collapse, according to at least one national expert in the field.

Dr. Robert C. Stepto, the obstetrics and gynecology director at Chicago's huge public health care center known as Cook County Hospital, recently testified before Labor-HEW Appropriations Subcommittee. He told the subcommittee that—

> Year after year, the Center for Population Research has operated under a budget ceiling which has made growth impossible. First-rate scientific work . . . has remained backlogged due to lack of dollars. New knowledge, derived as a result of Congressional emphasis back in 1970, is not being applied today in clinical work because of major cutbacks. Talented researchers, who several years ago were willing and able to undertake careers in this developing area, are looking elsewhere rather than risk a shortfall of funds and concomitant lack of status.

This deteriorating situation does not merely affect a few scientists who are having trouble getting grants. It directly affects the estimated 42 million American women of child-bearing age. Recent surveys tell us that 94 percent of all American couples now say that they already have used or do plan to use some form of birth control technology—in spite of the fact that every one of our current methods has serious limitations, both in terms of safety and effectiveness.

It has become increasingly obvious that our knowledge of the workings of the human body is painfully inadequate regarding fertility control. We have yet to develop an ideal human contraceptive—one which is convenient, which is inexpensive and available to large numbers of people, which is 100 percent safe and effective, which does not require counting or repetitive actions, and has no permanent effect on its users, such as vasectomies. Until that time, millions of Americans will continue to rely on inadequate methods which occasionally result in unfortunate side effects—not the least of which is an unwanted and often dangerous pregnancy.

I want to add a word of caution here. I think all of us would agree that abortion should not be encouraged as a primary method of family planning, but must be available of course, on a voluntary basis, when all other methods fail. Clearly, the best way to reduce the need for abortion is to develop that ideal method of birth control and to insure that it is made available to every person who wants to use it. That is what the population research and voluntary family planning program is all about. It deserves greater support from Congress and the administration than that contained in this bill.

Prior to the Supreme Court decisions, literally hundreds of thousands of women in this country received illegal abortions every year. Obviously, these women felt a need for abortion, and it is safe to assume that this need arose from their being pregnant when they did not want to be. Now that is a problem we can solve, and we can solve it in two ways.

First, we can improve and perfect our current birth control technology. I find it distressing that we have been able to put men on the moon, but have yet to create a contraceptive that is safe, effective, easy to use and widely available at a reasonable cost. This can be done—but it will not be done until we adequately fund our national research effort. Even when we have found such a contraceptive, we will have won only half the battle. The other half is in making that contraceptive available to every person in this country who wants it. Then—and only then—will we be able to reduce the need for abortion. Throughout history, as long as there have been unwanted pregnancies, there have been abortions.

I hope that when the bill we are considering today comes up for renewal, those of our colleagues who hold strongly anti-abortion convictions will be asking for more funds for family planning. All the moralizing in the world would not eliminate the need and the demand for abortion. But a universally available and 100 percent effective contraceptive may well do so.

In closing, Mr. Speaker, I want to commend and personally thank my friend and distinguished colleague, PAUL ROGERS, chairman of the Subcommittee on Health and the Environment, for the patience, diligence and understanding he has displayed throughout the consideration of this bill. It continues to be a personal pleasure to work with him.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

First of all, may I say that I appreciate the very kind remarks of the gentleman from New York (Mr. SCHEUER), and I do share his concerns.

I also regretfully oppose the amendment offered by the gentleman from New York (Mr. OTTINGER) which is supported very strongly by the gentleman from New York (Mr. MURPHY). They are very sincere in trying to improve these programs.

Mr. Chairman, may I explain to the House the committee's position that in this program we have tried to continue the existing program, with some growth. As a matter of fact, we are now spending $210 million on the community health centers. In our bill, for 1976 we up that $10 million, to $220 million, and we go to $240 million for the next year. Not only do we have the actual program money of $215 million and $235 million, but we have $5 million for each year for planning in those areas.

Furthermore, I would like to point out

that the Department, HEW, has said all that is needed is $155 million and $220 million in the next year. So we are being, I think, realistic. We have not gone too far. We do want the President to sign this bill. We tried to be realistic in our cuts but not be hurtful to the programs.

Also, we had testimony, which is pretty interesting, that now we are getting some third party payments into these community health centers, which is funneling more money into them that they have not had, with medicaid, and they can recover some of those moneys.

Mr. Chairman, I do want to assure the gentleman from New York that the situation is not too bad. We will be looking at this in conference.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding and I appreciate the gentleman's concern. The problem we have is very direct in Mount Vernon, in my own district. There has been an increase in unemployment, a huge increase in unemployment, a 25-percent increase. As they lose their health insurance and as they lose their jobs they are coming to these centers where they can get the health care and attention they need. I doubt that the President will make a decision to veto or not to veto this based on this amount of money.

Mr. ROGERS. The more we up it, the more difficult it will be to get his signature. I do understand the position of the gentleman.

I do oppose the amendment, and I would urge the House to stand by the committee decision. We think it is a just figure.

As I assured the gentleman from New York, of course, we will have to go to conference to look at the Senate figures.

Mr. CARTER. Mr. Chairman, I rise in opposition, very reluctant opposition, to the amendment. I think the money is needed in these areas. I cannot deny that. The money is needed in rural areas also. I do not think we have the funds. I think we might as well face it. I really do not want to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 13, noes 33.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 87, strike out line 11 and all that follows down through and including line 9 on page 104 and insert in lieu thereof the following:

"HEALTH SERVICES FOR DOMESTIC AGRICULTURAL MIGRANTS

"SEC. 319. (a) The Secretary may (1) make grants to public and other nonprofit entities for paying part of the cost of (A) establishing and operating family health service clinics for domestic agricultural migratory workers and their families, including training persons (including allied health professions personnel) to provide services in the establishment and operation of such clinics, and (B) special projects to improve and provide a continuity in health services for, and to improve the health conditions of, domestic agricultural migratory workers and their families, including necessary hospital care, and including training persons (including allied health professions personnel) to provide health services for, or to otherwise improve the health conditions of, such migratory workers and their families, and (2) encourage and cooperate in programs for the purpose of improving health services for or otherwise improving the health conditions of domestic agricultural migratory workers and their families. The Secretary may also provide health services to persons (and their families) who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary finds that the provision of health services under this sentence will contribute to the improvement of the health conditions of such migratory workers and their families. For the purposes of assessing and meeting domestic migratory agricultural workers' health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this subsection, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs.

"(b) For the purpose of carrying out subsection (a), there are authorized to be appropriated $40,000,000 for fiscal year 1976, $30,000,000 for fiscal year 1977, and $45,000,000 for fiscal year 1978."

Mr. CARTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CARTER. Mr. Chairman, I support the migrant health program as strongly as anyone, and I certainly understand the need to provide services for these people. In fact, I am asking for an increased authorization for migrant health. I feel that present efforts to improve health conditions in this area should be continued and should be improved wherever possible.

I am concerned that present language in H.R. 4925 may limit the migrant health program by establishing a new program. I understand the intent of the language to offer coverage to nonmigratory seasonal workers. I feel there is no need to be more specific than the present provisions of the Public Health Service sections are at the present time.

Through language presently in title IV of this bill, we may be offering coverage, through migrant health centers, to individuals who already enjoy sufficient coverage. Non-migratory seasonal workers or local residents, however, live quite near the areas in which they work. They may include the high school student, the college student, the housewife, and others who choose to work part time in agriculture.

Mr. Chairman, I want to show the Members what the health program will do for them. For instance, for these seasonal workers, those people who just go out for a day, it will include hospital services, home health services, extended care facilities, rehabilitation facilities, dental health care, and other medical and health services, including pharmaceutical services, all for one special group of people.

I am for the migrant health services. In fact, my amendment increases authorization for that purpose. The total authorization under my amendment would be some $10 million more than in the present legislation for migrant health. It would do a great deal for these people, and I urge that this amendment be accepted.

Mr. Chairman, if we accept the legislation as it is today, we will be establishing a health service for a particular group or class of people. When we start to do that, when we engage in a program of national health insurance, it should apply to our country as a whole and not to only one group of people, not to just a segment of society in Florida or Louisiana, not just to a group of orange pickers or some segment of this nature; rather, it should be for all the people in our country.

Mr. Chairman, I strongly urge support for this amendment.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the subcommittee and the full committee wish to change the existing law in a number of respects. This amendment would have us return to existing law.

First of all, the committee recommendation is to clarify a distinction which is in the law now between migrant workers and seasonal workers. This distinction is a very vague one. There is an ambiguity with respect to what health services are to be available to seasonal workers. We would remove that ambiguity and allow both to be treated through the health coverage provided for migrant workers.

The bill as amended, if this amendment were successful, would wipe out a number of important steps which the committee is proposing. Our bill, without this amendment, specifies which health services migrants are to get as a minimum. We attempt to assure the quality of the services rendered. We give the migrants a role in determining the policies of the programs that have been designed to serve them, and we require the Secretary to study to make recommendations to improve migrant housing.

Further, we authorize money to the States to enforce the housing and health codes to protect migrants from pesticides.

Mr. Chairman, if this amendment were passed, we would cut the authorization in 1976–77 by $21 million, an authorization, by the way, which the committee has already cut by $72 million from last year's version of the bill.

For these reasons, Mr. Chairman, I oppose the amendment by the distinguished Representative and urge that we back the committee's recommendation.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. CARTER. Do I understand the gentleman to say that I would cut the authorization for migrant health?

Mr. WAXMAN. I have just been informed that the gentleman has changed the amount of money in his amendment, so that statement was not correct on my part.

Mr. CARTER. That is correct. In fact, I have increased the authorization. My amendment would increase it.

Mr. WAXMAN. I would like, though, to add that we would do away with those programs that are now being provided for under this new version of the bill, that are not now covered under existing law; for example, specifying minimums, allowing the migrants to participate in the development of the programs, and requiring the Secretary to study and make recommendations for improving housing and health services.

Mr. CARTER. Mr. Chairman, if the gentleman will yield further, actually this goes to class legislation. It goes to groups of people in certain areas who do seasonal work and who many times are covered by their own insurance. What it would do for them, for seasonal workers, not migrant workers—and that is the title of this bill, migrant workers—it would give complete insurance from the cradle to the grave for all seasonal workers and their families and children.

When we do this, let us do this with a national health insurance act. I have felt that this would be the better way to proceed.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WAXMAN. I thank the gentleman for his comments. I can only reiterate that we disagree on this matter.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, this bill includes an effort to improve the quality of services to migrants and seasonal workers. It provides for quality controls over the kinds and the appropriateness of medical services available to them. It provides moneys, as my colleague, the gentleman from California (Mr. Waxman) said, for study of housing conditions in which they are forced to live, a study by the Secretary of HEW of the housing conditions that impinge very directly on their health.

Furthermore, it provides dollars for States to make sure that State and local housing and health codes are adhered to with respect to housing and health conditions.

Therefore, Mr. Chairman, I urge my colleagues to defeat this amendment.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as the chairman of the Agriculture and Labor Subcommittee of the Committee on Education and Labor, and as a member of that committee now for 10 years, I have spent some time studying the special problems of the farmworkers and their families, and the conditions under which they live.

For example, 2 years ago my committee held hearings in Florida. Some of the Members may remember that for the first time that anyone can remember since World War I we actually were frightened by the prospect of a runaway typhoid epidemic commencing in the Southeastern part of the United States with a group of people who, because of their living patterns, were in danger of being carriers throughout the migrant mainstream all the way from the South, through the middle of the United States, and up across the country.

We found typhoid carriers that had started from Florida, in New Jersey and in Michigan, and in other places. We managed to track a majority of the people who were ultimately determined to be carriers. There were over 170 people who were diagnosed as typhoid victims. Most of them were found at the time we finally located them, through the communicable disease center in Atlanta, Georgia, and the Center for Migrant Workers in the city of Little Rock, Ark., to be potential bombs for the people they were with.

The problem with the approach the gentleman from Kentucky (Mr. Carter) takes, is that we have discovered that these people may or may not become identified as migrant workers. That depends a lot on, say, supposing that they have planned to be migrants this season, and the crop they were going to leave to go to for some reason is not going to be harvested because something happened to it. So people who thought they were going to be migrants were not migrants for that year.

In the State of Florida less than half of the so-called seasonal farm workers were able to find employment last year, and so we had more of them who became migrants who would have qualified under the gentleman's amendment. As I read it, what the gentleman is doing by drawing this finite kind of definition, is that he is appearing to be helping the migrants, but he is not doing anything for them that the law is not doing already, so he is not adding anything to the care that would be available to the pure migrant by his amendment, and seems to be trying to prevent some other people who might be on the same boat now with the migrants from getting the same attention.

The problem is that you cannot make that kind of a distinction because a seasonal farmworker is not a migrant, particularly in the area we saw where this typhoid outbreak took place near Homestead, Fla., where they all lived together in the same camp. Some of the migrants leave, some of them would leave, but for whatever reason decide not to this season, and next season they decide they will stay there and try to get work in Florida.

So we have all those kinds of situations that can obtain, and none of them may remain constant.

One of the things we are troubled about is that in this particular instance the local health authorities did not make the diagnosis, it was first made by the local people referring to the amount of children who were showing up who were first being diagnosed by the doctors as having abdominal pains usually associated with appendicitis, and then finally somebody was smart enough to realize that that was an awful lot of appendicitis to be appearing in one camp at one time, so it took some time before they got access to a reasonable medical diagnosis, to the point where finally they were exposed to a sufficient investigation of their health conditions, and examinations, to determine that what we had on our hands was a typhoid outbreak.

At that point the local officials in Florida became sufficiently alarmed to open the hospitals to the migrants, when in fact, as the doctor said, theoretically only a seasonal worker living in that camp, who did not intend to leave Florida as a migrant, should have qualified. Trying to draw the definition that the gentleman's amendment draws is totally unrealistic.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. Not at this point. It is totally unrealistic because it does not recognize the way and fact this labor force is made up. I think it is about time in this country for us to understand that agriculture as we know it is not going to survive if we do not preserve and protect the work force that agriculture needs to harvest its crops, and that is what this legislation is intended to do.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Johnson of Colorado, and by unanimous consent, Mr. Ford of Michigan was allowed to proceed for 3 additional minutes.)

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

I would like to ask the gentleman, because I am aware of his expertise in this particular field and I have had occasion to respect his expertise in this field, it seems to me that the difference between his approach and the gentleman from Kentucky, Mr. Carter's approach is that he is trying to take care of the people who are on the road and spend the funds for people who are on the road, and the gentleman is trying to take care of people who are both on the road and who for some reason this particular year are not on the road. Is that a correct summation?

Mr. FORD of Michigan. That is what it appears to do, except the problem is that the advantage of the committee proposal is that the committee proposal puts a strong priority on the use of resources for the true migrant, but it does not force one before he treats a child to find out whether his parents are in fact going to move or have moved.

Mr. JOHNSON of Colorado. Is the committee's version, though, going to result in a lessening of expenditures for people who are on the move?

Mr. FORD of Michigan. If I thought for one moment that it would, I would certainly not be supporting the committee, because I have spent several frustrating years trying to improve the condition of these people. I am willing to go along with the committee. I will say to the gentleman that we have every kind of organization that one can imagine monitoring and feeding the committee information about the condition of these people, and if there is that kind of abuse, we will be back here to change it.

Mr. JOHNSON of Colorado. If the gentleman will yield further, if the people who are stationary in Florida do not get on the road this year or next year, why are they not covered by medicaid or some other program rather than this migrant program?

Mr. FORD of Michigan. It is entirely possible that if they are, as the gentleman describes them, stationary, they are covered. But a migrant can get covered the same way if he will go in and lie and say, I live here in town and I do not intend to go looking for work up the road as the crops turn.

The problem is that a person today who considers himself stationary may hear tomorrow that they are picking up in Arkansas, and off he goes, and he becomes a migrant. These people are not registered migrants or something of the kind. We will find a family that, for whatever reason, decides to sit out a season and become one of these stationary families. Maybe a kid is getting ready to graduate or something of the kind, or part of the family stays there, or maybe there is an illness and one of them is in the hospital, so they leave some of the family behind to stay with that person in the hospital. But their condition and definition as a migrant versus a seasonal farmworker is not capable of the kind of finite sifting that the doctor's amendment would make necessary. What we are going to do is force these people to lie just to get medical care.

Mr. JOHNSON of Colorado. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to yield to my colleague, the good Doctor, the gentleman from Kentucky (Mr. CARTER) so he may have a chance to respond to my colleague, the gentleman from Michigan, who for some reason was not willing to relinquish time to him for a response.

Mr. CARTER. I thank the distinguished gentleman for yielding to me.

I want to remind the Chair and the House that the intent of this bill is migrant health centers for people who are migratory workers. Actually, we have the authorization for these people increased to $85 million, $40 million for one year and $45 million for the next; so we really want to help those who are migrants. But people who are in one position, for instance, high school youngsters, would be covered under this bill, or families who work just seasonally. Every one of them would be covered by this legislation.

Particularly—and I can think of it only in this way; and I do not say it disparagingly to my good friend, the gentleman from Florida—we know there are a lot of people there who pick oranges, and older people and others, and this would cover the whole group, whether they live where they are for a year—and they usually do—or for years. But it really is a complete cradle-to-the-grave health insurance program for the people of this area.

That is all well and good. But if we are going to do that, what is good for Florida is really good for Michigan, or it is good for Kentucky, or it is good for California. So my argument is if we are going to get complete coverage, let us make it for the United States and not just for one State of the Union or two States of the Union. Certainly I support the amendment and I thank my good friend for yielding.

Mr. ROUSSELOT. I thank my good friend for his comment.

Mr. ROGERS. Mr. Chairman, I rise just to conclude the debate, I hope. I think both sides have been fully explained. The committee has carefully gone into this. We do think it is appropriate the way the committee has approached it. I would urge the House to stand with the committee after the deliberation given by the committee and I would urge reluctantly, because of my good friend, the gentleman from Kentucky (Mr. CARTER), that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. CARTER).

The question was taken; and on a division (demanded by Mr. CARTER) there were—ayes 28, noes 28.

The CHAIRMAN. The Chair reluctantly votes "No."

Mr. CARTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to discuss a concern that I and a number of Members have had with a provision of this bill which appears on page 16 under "Research" in family planning, section 1004, which authorizes the Secretary of HEW to make grants for research into this area and refers on line 16 to "biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population."

An amendment which I have at the desk and which I have not offered at this point would add to this section the language:

> "provided that nothing in this Act shall authorize the conduct of research, or making of grants or contracts therefor, which research has as its purpose or principal effect the development or modification of techniques of performing abortions."

Mr. Chairman, I feel that this amendment may be necessary because the original intent of Congress, when it drafted this legislation, which is now title X of the Public Health Services Act, has been obscured by actions of HEW especially in the area of family planning research.

The legislative history will prove my point. In 1970, when Congress first passed the Family Planning Services and Population Research Act, an amendment was added by my colleague from Michigan, Mr. DINGELL. That amendment, which is now public law, reads as follows:

> SEC. 108. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

I think the intent of this is clear: the intent is to enforce a wall of separation between family planning and abortion, between contraception and the taking of life, between prevention of pregnancy and termination of pregnancy.

Mr. Chairman, I believe that the wisdom of that original intent has become clearer wtih every passing year. The issue of abortion has become a bitterly divisive one all across the country and even in this Chamber. But I think I can speak for many, when I say that it is still the intent of Congress that a program of providing family planning services to all women who want them but cannot afford them should be a program that is free and independent of the abortion argument. We do not want family planning to be entangled in the heated and emotional fight over the fundamental right to life.

Mr. Chairman, I am opposed to abortion. I know that many of my colleagues agree with me. Others disagree. But even those who disagree, even those who believe that abortion is a woman's right, hopefully can unite with me in saying that abortion is not a desirable method of family planning. I know of no one who wishes to see abortions proliferate in our society or be confused with popular methods of birth control. In this sense, I believe, we can all agree that abortion is not "the answer".

Now, in light of this congressional intent, let me return to the legislative history. A year after title X became law, the question arose of how the prohibition of abortion as a method of family planning would impact on federally funded research as provided for under section 1004 of this same title. That question, I am sorry to say, was resolved in a very ambiguous way. I cite at this point the conference report which accompanied the fiscal year 1972 HEW Appropriations Act—Public Law 92-80, 92d Congress. The conferees stated:

> The Committee of Conference is agreed that in population research, the prohibition in Title X of abortion as a method of family planning should not be construed so as to prevent scientific research into the causes of abortion and its effects. (H.R. Rep. No. 92-461, 92d Congress, 1st session 8, 1971.)

Well, on the surface, this language is not bad. There are many promising lines of research which could be followed up within those guidelines. For instance, there could be investigation of the social factors which dispose women to seek abortions; there could be investigation of possible abortifacient side effects of drugs which are already on the market, and there could certainly be research into the harmful aftereffects of abortion on both the woman herself and on her subsequent pregnancies. My amendment would not eliminate any of these important and legitimate areas of investigation. But the fact is that HEW has not limited its research grants to such areas.

Mr. Chairman, I have reviewed records of grants and grant contracts which make it abundantly clear that HEW has sponsored research whose sole purpose or principle effect was to invent new techniques of performing abortions. There can be no doubt that the Department has twisted its authority to study the "causes of abortion" into a license to subsidize the invention of new causes of abortion.

This, I submit, is plainly contrary to the intent of Congress. Hence it is the purpose of my amendment to reassert that original legislative intent.

Let me illustrate the kind of research that my amendment would terminate. I will cite just one example.

Between 1969 and 1972 the National Institutes of Health made four grants to researchers employed by the Upjohn Pharmaceutical Co. of Kalamazoo, Mich., Numbers HD-92208 and HD-12224. The purpose of these grants was to perfect a prostaglandin compound called prostin F2 alpha, whose purpose is to induce second trimester abortions. On November 26, 1973, the Food and Drug Administration approved prostin F2 alpha explicitly for "therapeutic abortion." I have in hand Upjohn Co. documents as well as articles from medical journals, both proving that the explicit purpose and principal effect of this drug is second trimester abortion.

Mr. Chairman, the second trimester is the 12th to the 24th week of pregnancy. There is no question of contraception here. There is no "gray area" here. This drug is an abortion agent pure and simple.

Now, let me repeat: this is not an isolated case. One need only look into the "Inventory of Federal Population Research"—page 66ff—under the heading, "Development of New Fertility Control Techniques," in order to find dozens of grants which are clearly intended to foster the development of abortive agents of one kind or another.

I believe that Federal funding for such research under section 1004 of title X must be terminated. I believe it must be terminated in compliance with the plain, natural sense of existing public law—section 1008. Most of all, I believe that such research must be terminated precisely in order to maintain that wall of separation between family planning and abortion which I mentioned before. I ask every Member of this House to consider in his or her own mind whether he believes in that separation. Do we not believe that abortion and family planning should be, and continue to be, two completely different things? Is it not, therefore, wrong to develop new means of abortion under the guise of developing new means of contraception? I think the answer is "yes" in both cases.

Now, I should like to ask the distinguished chairman of the Subcommittee on Public Health and Environment a question or two regarding this type of research which is to be funded under this section 1004, as I mentioned. The bill speaks of the "biomedical" and "contraceptive development" fields "related to family planning and population." Would I be correct in saying that the committee does not understand "family planning" to include abortion?

Mr. ROGERS. I am sorry, I could not hear the gentleman's question.

Mr. BAUMAN. The question pertains to section 1004 in the sense family planning is used there. Is it the committee's intention that this is to include abortion as a method of family planning?

Mr. ROGERS. No. It is specifically stated in the basic law, which is continued in this extension, that abortion is not an appropriate method of family planning. The gentleman is correct.

Mr. BAUMAN The gentleman is referring to section 1008 of the current statute, which contains a prohibition offered by the gentleman from Michigan (Mr. DINGELL) some years ago?

Mr. ROGERS. That is correct.

Mr. BAUMAN. The section reads:

> None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

Mr. ROGERS. That is correct.

Mr. BAUMAN. So I can conclude that in the kind of research we are discussing in section 1004 would not include research on abortion techniques?

Mr. ROGERS. As a method of family planning, that is correct.

Mr. BAUMAN. I would like to pursue that a little further. In 1971 the conference report which accompanied the HEW Appropriations Act made the statement:

> The Committee of Conference is agreed that in population research, the prohibition in Title I of abortion as a method of family planning should not be construed so as to prevent scientific research into the causes of abortion and its effects.

I would like to inquire about the phrase "causes of abortion". I understand that this permits research into such areas as the causes of spontaneous abortion, the possible harmful effect of certain drugs on the fetus, the social factors that may dispose women to seek abortions, and so forth.

But I would like to be clear that this language does not allow the HEW to pursue research or grant contracts for research whose purpose or principal effect would be to develop new techniques for performing abortions. Would I be correct in assuming that this language does not allow such research?

Mr. ROGERS. As a method of family planning, I think that would be the correct phrase.

Mr. BAUMAN. But I am correct in the assumption?

Mr. ROGERS. That is correct, as a method of family planning.

Mr. BAUMAN. So there is a distinction between studying the causes of abortion and inventing new causes for abortion; would that be a fair distinction?

Mr. ROGERS. That is correct, research intended to develop new causes of abortion for use for family planning purposes would be inappropriate.

Mr. BAUMAN. In that case, I can rest assured that this section 1004 does not require the offering of my amendment, since the import of my amendment is already included in the law?

Mr. ROGERS. This is correct, as a method of family planning.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. MURPHY of New York. Does the gentleman consider that family planning and birth control are synonymous expressions? If the gentleman would respond to the question whether or not there is an inclusion or an exclusion in this language in the use of abortion as a method of birth control.

Mr. BAUMAN. The gentleman from Maryland would have to respond that family planning can include birth control, but in my understanding family planning is a much broader phrase including programs other than birth control.

My major concern is that this bill would authorize grants for abortion as a method of family planning or birth control which I believe is prohibited by the present section 1008 of the law.

Mr. ROGERS. If the gentleman will yield further, we have said in that respect there has been no abortion included in family planning under this legislation.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I should like to join my colleague from Maryland (Mr. BAUMAN) in thanking the distinguished chairman of the Subcommittee on Public Health and Envrionment for his clarification of the legislative intent in this important area of family planning research. I think the chairman has made an important statement of intent which should guide HEW.

I think it is beyond question that, if Federal funds are to be expended in the area of contraceptive development, then those funds should be spent for family planning techniques that are broadly acceptable to our people. Now if anything has become obvious in the last 2 years, Mr. Chairman, it is the fact that abortion is not broadly acceptable. It is bitterly divisive. Therefore, it is clearly in the interest of sound public policy to use Federal research funds to favor only those avenues of research which seem likely to lead to safe, morally acceptable techniques of contraception in the proper sense of the word. I believe that the clarification of intent we have heard today will achieve that purpose by requiring a cutoff of Federal funds from any avenue of research which is clearly leading not to contraception but to abortion in the accepted, medical sense of that term.

Now, obviously we cannot specify in advance which chemicals, drugs, agents, devices, and so forth are in fact abortive. That is not a legislative question but a scientific question. In my understanding, it will be the responsibility of the Secretary of HEW to determine the scientific evidence and to refuse funding to a specific project if and when the evidence becomes decisive that the drug or device or technique involved is in fact abortive. This is no different from the procedure we use in any area where legislation seeks to control drugs or other potentially harmful substances.

Moreover, I think there is a perfectly straightforward way the Secretary can arrive at this determination. New avenues of research are routinely discussed in the technical journals related to reproductive biology and family planning care. I refer to such journals as Contraception, the IPPF Medical Bulletin, Child and Family Quarterly, Family Planning Perspectives, and many others. Research scientists who receive grants customarily notify their professional colleagues of what they are working on through the pages of these journals. Certainly the Secretary can refuse funding to any research whose purpose or principal effect or expected benefit is described in these sources as the modification or development of a technique of performing abortions or as the modification or development of an abortifacient drug or device. In this way, Mr. Chairman, we would not be dealing with an arbitrary bureaucratic judgment but with what the medical and scientific community itself says about the nature of its work.

I realize that there are many difficult, unresolved questions in this area of what is actually family planning and what is abortion. I realize that doctors use some medical terms in slightly differing senses, and that sometimes the mode of operation of a fertility control agent is unknown. Congress cannot solve these problems in advance. I hope the day will come soon when Congress will give us a new legal definition of the term "abortion" by passing a human life amendment that will put an end to the callous killing of innocent, unborn human beings. But today we are dealing only with the medical definition of abortion. I know that there has been some attempt to change or becloud the definition of this term even in scientific usage. Therefore, I should like to add this final comment.

Mr. Chairman, I believe that medical usage is and should be a scientific usage, fully in accord with the facts. Therefore, when I say that the Secretary of HEW is free to follow accepted medical usage in the interpretation of section 1004 of this act, that does not mean that he or anybody else is free to ignore scientific facts. I shall be watching this process very closely. If at any time, I discover evidence that Government agencies are altering medical terminology or inventing new terminology not in keeping with facts but solely to serve some deceptive, semantic purpose, to disguise abortion as contraception or vice versa, then I shall denounce such practices and seek legislative remedies against them. That is a "truth in labeling" issue, and I am sure that my colleagues will support me in that cause, especially since this kind of honesty and clarity is absolutely necessary if the fundamental distinction or wall of separation between family planning and abortion is to be preserved and the problem of abortion in our society is to be eliminated.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I want to thank the gentleman for raising this very important issue and thank the chairman of the subcommittee for his clarification.

Certainly those of us who are opposed to abortion are very much concerned about the full weight of the Federal Government coming down with a program of this kind to support abortion.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

(At the request of Mr. OBERSTAR, and by unanimous consent, Mr. BAUMAN was allowed to proceed for an additional 2 minutes.)

Mr. OBERSTAR. Mr. Chairman, I am concerned that the Federal Government might have a policy for the use of Federal funds to support abortion-related programs. I am very glad to have this clarification and assurance that these funds will not be used for abortion as a method of family planning.

Mr. DEVINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess I am swimming upstream again against the tide, but for the purposes of making a record on this legislation, because it was vetoed last year, I think we ought to point out that when it passed the House last year there were only 12 votes against it and only 14 votes against the conference committee report. Nevertheless, I think we should make a record so that we will—if I may borrow an expression—make it perfectly clear what this legislation does and does not do.

Mr. Chairman, the bill before us today has had a checkered history up to this point and is undoubtedly in for more buffeting before the air clears. This is so in spite of the fact that several of the health programs included in the package have great merit which is recognized by everyone.

In the 93d Congress, the committee brought to the House a bill which could be called an omnibus bill in that it contained five separate health programs. They were ongoing programs and in general deserved the support of the Members. They were not, however, being merely extended for additional fiscal years. There were fundamental changes included in the new provisions. At that time, several Members, including me, objected to certain of the changes being made in the established program to bring health services to migrant workers. We also objected to the same kinds of provisions included in the community health centers title. Despite some misgivings voiced by other Members about including major programs in a single bill, it was passed.

The other body came forth with a bill which included four of the five programs in the House bill. Family planning had been omitted. But hung onto the bill were seven other programs, only one of which had been the subject of any hearings by the Health Subcommittee, and that one was a short hearing held when it was apparent that the Christmas tree was about to be decorated.

There were seven other programs without hearings. I think a Member should know that was a result, duplicate service is already provided through medicare and medicaid which authorized additional activity such as rape control, home health services, epilepsy, hemophilia, and established unneeded advisory committees and commissions—rape control and rat control.

Our conferees did not succeed in eliminating the additional programs and returned with a conference report including them all and with an additional $100 million on the price tag. I must say, to the credit of our conferees that they did manage to bring the total price tag down from the high of over $4 billion to somewhat under $2 billion. This package was approved although the Members of the House had no real opportunity to make judgments on the individual pieces of the bill and certainly no chance to make judgments on the add-on pieces. The bill was vetoed. It was too late for further consideration.

Now we have before us the 1975 model. It contains all of the elements of the conference version. There has still been no serious attempt to examine those extra pieces. The notice of hearing stated that because the matters had been subject to hearings in the 93d Congress, that only HEW would be heard. That statement could not have been true about six of the seven additional programs added in conference. The price tag was trimmed considerably, by bringing the total below $1.4 billion, but it still authorized over $40 million of those trimmings which had come from the conference.

Now I recognize that the subcommittee was faced with something of a dilemma. Knowing that it would eventually be faced with the necessity of returning to a conference in which the seven programs would be at issue, it wanted some kind of bargaining base. Its best approach, however, would have been to insist upon separating rather than consolidating.

As pointed out in the minority views, the additional programs which have been added to the original House bill are categorical programs which add little to the law administrative clutter and do very little to advance the fight against the particular diseases mentioned. Their main point is to give these diseases public visibility. That is not good legislation and we should resist it.

Now we are given to understand that the other body intends to include the nurse training program to this laundry list, and try to confer on the whole thing at one time. The House should not allow it to happen. It can never result in anything but bad compromises and undoubtedly another veto upon which you will also have to make a hard decision.

My argument as you can see is mainly against the way that this is being done and not against most of the programs on their merits. It is unfair to ask a Member to vote up or down on a long list of health programs, most of which he approved and some of which he cannot conscientiously support. He is tagged as being against everything in the bill because he believes that new commissions to look at specific diseases is wrong. It puts him in an untenable position. If he agrees with family planning, he should have the chance to vote for it. If he disagrees, he should have the chance to vote against it. But he should not be called upon to analyze a long, complicated bill to explain why he voted for or against a whole mish-mash of measures.

The Members might note that the committee report on this bill is 252 pages long. My Republican colleagues might further note that the Legislative Digest took 14 pages in an attempt to simplify the bill and still tell what is in it. Anyone who reads these documents must have had some serious misgivings about something contained in it. Should he then be forced, for reasons of parliamentary convenience, to say yea or nay to all of it?

It is presently my intention to move to recommit H.R. 4925 to the committee so that it can be dismantled and returned to the floor as separate programs. Only that way can we make reasoned judgments on each. Only that way can we force conferences on individual programs. Only that way can we justify a vote to sustain or override a veto if one of the programs does come back to us for that consideration. This take-it-or-leave-it approach to health legislation needs to be halted and this is the time and the place to do it.

Mr. HEINZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the legislation.

Mr. Chairman, today we are considering H.R. 4925, the Health Revenue Sharing and Health Services Act, a hallmark legislative proposal designed to prepare the American health care system for the advent of national health insurance.

This legislation is an omnibus health services package designed to extend and improve existing health programs which includes family planning, community mental health centers, community health centers, migrant health centers, grants to States for health services, and miscellaneous programs to combat mental illness among the elderly, epilepsy, hemophilia, and Huntington's disease.

I am proud that H.R. 4925 includes the major provisions of my bill, H.R. 501, to extend and strengthen the Community Mental Health Centers Act. The approval of the Health Revenue Sharing and Health Services Act, and its community mental health centers title, will assure that mental health facilities will be available when national health insurance is established and, more importantly, will focus on preventing mental illness and treating the patient within the community when illness occurs. This extension of the community mental health centers program will bring mental health care to individual communities with a people-oriented approach, and will cut redtape and avoid building or supporting unnecessary health facilities.

The legislation before us today will provide fully comprehensive and humane care, both preventive and remedial, with built-in cost and quality controls. The continuation of community mental health centers will prove a wise investment in a sound system of mental health care—an investment which will repay us well when national health care is a reality.

Mr. Chairman, the passage of the Health Revenue Sharing and Health Services Act, including its community mental health centers provisions, represents a vital commitment to the American people to bring community based mental health care to every American requiring it. This legislation deserves the support of my colleagues.

Mr. Chairman, I also rise in support of H.R. 4925, the Health Revenue Sharing and Health Services Act, because of its provisions concerning the prevention and control of rape.

The crime of rape, and the fear of rape, affect women of all ages, of all racial and economic backgrounds, in all parts of the country. Rape is the fastest growing, and possibly the least understood, crime of violence in the Nation. Some 51,000 rapes were reported in 1973, a 10-percent increase over the previous year, and a 62-percent increase over a 5-year period. And many crime experts believe that the thousands of rapes reported each year represent only the tip of an enormous iceberg, and that only one-quarter to one-tenth of rapes are actually reported.

For this reason, because rape and the fear of rape restrict the rights of women to move about freely in our society, I have proposed, and the Public Health and Environment Subcommittee has incorporated in the Health Revenue Sharing and Health Services Act, title II, part D, rape prevention and control.

The rape prevention and control provisions would create a National Center for the Prevention and Control of Rape in the National Institute of Mental Health. The purpose of this center, which will be authorized to receive $7 million in fiscal year 1976, and $10 million in fiscal year 1977, is to study: First, the effectiveness of existing rape laws; second, the relationship between rape and our social attitudes toward sex roles; third, current methods of treating rape victims; fourth, the reasons for the low incidence of reported rapes; and fifth, the effectiveness of existing rape programs. In addition, the bill would authorize grants to community mental health centers, existing rape crisis centers, and other nonprofit or public organizations to conduct research on rape, its victims, and its perpetrators, and to establish demonstration programs into rape's causes and prevention.

Mr. Chairman, the Health Services and Health Revenue Sharing Act, and its provision on rape prevention and control, are important to our public health, and to the personal freedom of women. I urge my colleagues to join me in supporting this vital legislation.

Mr. ROSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question, if I may, to the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS).

Mr. Chairman, I would like to refer back to the colloquy that took place between the distinguished chairman of the subcommittee and the gentleman from Maryland (Mr. BAUMAN), and I refer to the research section of this bill, which begins on page 16.

I would like to clarify the fact that when the term "abortion techniques as a method of family planning" is used, it does not include such birth control methods of family planning as intrauterine devices, the morning-after pill, or some low-dose hormonal birth control pills, all of which are thought to act, at least in part, by preventing the implantation of a fertilized egg.

Mr. ROGERS. Mr. Chairman, I think we have covered that in the colloquy with the gentleman from Maryland. Birth control is not covered and research on these types of things, as long as it is not intended for support of abortion as a method of family planning is currently being conducted. The wording of section 1008 does not in any way restrict the carrying out of that type of research.

Mr. ROSE. I thank the gentleman. And I understand that research on all of these methods is currently being conducted by HEW.

Mr. ROGERS. Yes.

Mr. ROSE. And that the wording in section 1008 does not in any way restrict the carrying out of this research?

Mr. ROGERS. That is correct.

Mr. ROSE. I thank the gentleman.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of this legislation.

ods of family planning as intrauterine

Mr. Chairman, there is one minor section of this bill which deserves more attention than it has been receiving—that section which authorizes $10 million for demonstration programs for home health services. While the dollar figure amounts to only about 1.6 percent of the total amount authorized in H.R. 4925, I think this particular program has the potential to become one of the most beneficial and effective in the vast array of federally assisted projects.

There has been a tendency in the past several years away from institutionalization of the less fortunate among us, and this is healthy, both for the people being served and the economy. It does not take a financial genius to recognize that providing certain types of health care in the patients' home can cost much less than providing it to someone stretched out in a $100-a-day hospital bed.

The cost of paying for a visit to the doctor's office or a house-call pales in the light of the cost of being admitted to a hospital for tests which could be administered on an outpatient basis. Most insurance companies require that a policyholder be hospitalized overnight for the costs to be covered. Not only does this pass needless expense down to the people in the form of higher premiums, but it creates an artificial demand for hospital construction and hospital beds. It has also created a tendency for people to expect hospitalization, whether they need it or not. The hospitalization mentality must be dealt with, and dealt with promptly. Home health care is one obvious solution to skyrocketing medical costs. Let us carry the trend toward deinstitutionalization to its logical conclusion.

The medical profession will probably say it is logistically impossible to deliver health care to the home—there just are not enough hours in the day to visit the homes of all the people who require that type of attention. I submit, however, that much of this attention could be given by paramedics, nurse practitioners, and visiting nurses. There is a vast, untapped resource in this Nation of young people who would like to serve in the health care profession, but are turned away by the nigh-impossible task of getting admitted to a medical school, or paying for it once they are admitted. If we had the facilities to train all the people who want to provide this type of service, home health care could become an efficient, relatively inexpensive method of taking care of a large portion of the Nation's health problems.

When you consider the potential for this demonstration program, $10 million spent now could save billions of dollars in the future. Let us give this idea the attention it deserves.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to inquire of the chairman of the subcommittee if under the community mental health centers in this legislation, is the formula the same as we have traditionally known it under the Community Mental Health Centers Act, the 8 years of funding? Are those percentages the same as in the current law, or have those been revised?

Mr. ROGERS. If the gentleman will yield, they are essentially the same for the existing centers. We changed the program for any new centers to be built.

Mr. MICHEL. I raise a question in reference to page 33.

Let me inquire, on page 33, why, in that second paragraph, there is no provision for third-year funding. It goes from 80 percent the first year to 65 percent the second year to 35 percent the fourth year, and so on.

Mr. ROGERS. Yes. I am sorry. The gentleman is correct. It is a misprint, and I want to thank the gentleman for bringing this to our attention.

Mr. Chairman, it is a misprint, and we will offer an amendment to correct that. It should be 50 percent.

Mr. Chairman, I ask unanimous consent that the bill be amended as follows: On page 33, insert after the comma in line 8 the following: "50 per centum of such costs for the third year of its operation,".

And, Mr. Chairman, I wish to state again I am grateful to the gentleman for pointing that out to us.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROGERS: Page 33, line 8, before the figure "35": "50 per centum of such costs for the third year of its operation,".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4925) to amend the Public Health Service Act and related laws to revise and extend programs of health revenue sharing and health services, and for other purposes, pursuant to House Resolution 484, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DEVINE

Mr. DEVINE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DEVINE. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. DEVINE moves to recommit the bill H.R. 4925 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. CLANCY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 9, nays 352, not voting 72, as follows:

[Roll No. 268]

YEAS—9

Ashbrook
Collins, Tex.
Crane
Devine
Latta
McDonald
Rousselot
Schneebeli
Symms

NAYS—352

Abdnor
Adams
Addabbo
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bergland
Bevill
Biester
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Cederberg
Chisholm
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Conable
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Diggs
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frey
Gaydos
Giaimo
Gibbons
Gilman
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Hastings
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holland
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Lagomarsino
Landrum
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
Macdonald
Madden
Madigan
Maguire
Mahon
Martin
Matsunaga
Mazzoli
Meeds
Melcher
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Randall
Rangel
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Roberts
Robinson
Roe
Rogers
Rooney
Rose
Rosenthal
Roush
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Satterfield
Scheuer
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stuckey
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—72

Abzug
Alexander
Anderson, Ill.
Bell
Biaggi
Bingham
Brown, Calif.
Broyhill
Burgener

Burleson, Tex.
Butler
Casey
Chappell
Clausen,
 Don H.
Collins, Ill.
Conlan
Conte
Conyers
Cotter
Danielson
Dent
Dickinson
du Pont
Evins, Tenn.
Frenzel
Fulton
Fuqua
Ginn
Harsha
Hawkins
Hays, Ohio
Hébert
Holtzman
Jenrette
Jones, Tenn.
Krueger
LaFalce
Leggett
McEwen
McKinney
Mann
Mathis
Metcalfe
Mills
Mitchell, N.Y.
Mollohan
Mosher
Nichols
Passman
Patman, Tex.
Pepper
Quillen
Rees
Risenhoover
Rodino
Roncalio
Rostenkowski
Sarbanes
Schroeder
Sisk
Steiger, Ariz.
Stratton
Symington
Teague
Udall
Vander Veen
Walsh
Whitten
Wilson, Tex.
Wright
Wylie
Young, Ga.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Rodino with Ms. Abzug.

Mr. Cotter with Mr. Burleson of Texas.

Mr. Stratton with Mr. Chappell.

Mr. Symington with Mr. Krueger.

Mr. Jenrette with Mr. Charles H. Wilson of Texas.

Mr. Jones of Tennessee with Mr. Metcalfe.

Mr. Risenhoover with Mr. Whitten.

Mr. Hawkins with Mr. LaFalce.

Mr. Nichols, with Mr. Conlan.

Mr. Rostenkowski with Mr. McKinney.

Mr. Mann, with Mr. Burgener.

Mr. Ginn with Mr. McEwen.

Mr. Leggett with Mr. Frenzel.

Mr. Pepper with Mr. Broyhill.

Mr. Young of Georgia with Ms. Holtzman.

Mr. Hébert with Mr. du Pont.

Mr. Brademas with Mr. Teague.

Mr. Bingham with Mr. Butler.

Mr. Biaggi with Mr. Dickinson.

Mr. Alexander with Mr. Mollohan.

Mr. Casey with Mr. Bell.

Mrs. Collins of Illinois with Mr. Wright.

Mr. Conyers with Mr. Danielson.

Mr. Dent with Mr. Don H. Clausen.

Mr. Evins of Tennessee with Mr. Passman.

Mr. Sarbanes with Mr. Conte.

Mr. Anderson of Illinois with Mr. Patman.

Mr. Brown of California with Mr. Roncalio.

Mr. Hays of Ohio with Mr. Sisk.

Mr. Fulton with Mr. Harsha.

Mr. Fuqua with Mr. Udall.

Mr. Mathis with Mr. Rees.

Mr. Vander Veen with Mr. Quillen.

Mrs. Schroeder with Mr. Steiger of Arizona.

Mr. Wylie with Mr. Walsh.

Mr. Mills with Mr. Mitchell of New York.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. SYMMS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. It is too late, much too late.

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 484, I call up from the Speaker's table the Senate bill (S. 66) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROGERS moves to strike out all after the enacting clause of S. 66, and insert in lieu thereof as one amendment in the nature of a substitute the texts of H.R. 4114 and H.R. 4115 as passed by the House on May 7, 1975, and the text of H.R. 4925 as passed by the House, as follows:

Except as may otherwise be specifically provided, the amendments made by titles I, II, III, IV, V, and VI of this Act shall take effect July 1, 1975. The amendments made by such titles to the provisions of law amended by the titles are made to such provisions as amended by title VII of this Act.

TITLE I—HEALTH REVENUE SHARING

SEC. 101. This title may be cited as the "Special Health Revenue Sharing Act of 1975".

SEC. 102. Effective with respect to grants made under section 314(d) of the Public Health Service Act from appropriations under that section for fiscal years beginning after June 30, 1975, section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

"(d)(1) From allotments made pursuant to paragraph (4), the Secretary shall make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services.

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary may require, and shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the comprehensive public health services provided within the State will be provided in accordance with the State plan prepared in accordance with section 1524(c)(2) or the State plan approved under section 314(a), whichever is applicable;

"(B) funds received under grants under paragraph (1) will (i) be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided, and (ii) not be used to supplant such non-Federal funds;

"(C) the State health authority, and with respect to mental health activities, the State mental health authority will—

"(i) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds received under grants under paragraph (1);

"(ii) from time to time, but not less often than annually, report to the Secretary (through a uniform national reporting system and by such categories as the Secretary may prescribe) a description of the comprehensive public health services provided in the State in the fiscal year for which the grant applied for is made and the amount of funds obligated in such fiscal year for the provision of each such category of services; and

"(iii) make such reports (in such form and containing such information as the Secretary may prescribe) as the Secretary may reasonably require, and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness of, and to verify, such reports;

"(D) the State mental health authority will—

"(i) establish and carry out a plan which—

"(I) is designed to eliminate inappropriate placement of persons with mental health problems in institutions, to insure the availability of appropriate noninstitutional services for such persons, and to improve the quality of care for those with mental health problems for whom institutional care is appropriate; and

"(II) shall include fair and equitable arrangements, as determined by the Secretary, to protect the interests of employees affected by actions taken pursuant to such plan, including arrangements designed (to the extent feasible as determined by the Secretary) to preserve employee rights and benefits and to provide appropriate training and retraining of such employees who are employed by the State or any of its political subdivisions;

"(ii) prescribe and provide for the enforcement of minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) with the State; and

"(iii) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

"(3) The Secretary shall review annually the activities undertaken by each State with an approved application to determine if the State complied with the assurances provided with the application. The Secretary may not approve an application submitted under paragraph (2) if the Secretary determines—

"(A) that the State for which the application was submitted did not comply with assurances provided with a prior application under paragraph (2), and

"(B) that he cannot be assured that the State will comply with the assurances provided with the application under consideration.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services; and

"(B) not less than—

"(i) 70 per centum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision services in communities of the State.

"(7) (A) For payments under grants under paragraph (1) there are authorized to be appropriated $100,000,000 for fiscal year 1976, and $110,000,000 for fiscal year 1977.

"(B) For payments under grants under paragraph (1) for establishing and maintaining programs, described in applications under paragraph (2), for the screening, detection, diagnosis, prevention, and referral for treatment of hypertension there are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977.".

TITLE II—FAMILY PLANNING PROGRAMS

SEC. 201. This title may be cited as the "Family Planning and Population Research Act of 1975".

SEC. 202. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $110,000,000 for fiscal year 1976; and $120,000,000 for fiscal year 1977".

(b) Section 1003(b) of such Act is amended by striking out "and" and "1973;" and (2) by inserting after "1975" the following: "; $4,000,000 for fiscal year 1976; and $5,000,000 for fiscal year 1977".

(c) Section 1004 of such Act is amended to read as follows:

"RESEARCH

"SEC. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

"(b) (1) To carry out subsection (a) there are authorized to be appropriated $55,000,000 for fiscal year 1976, and $60,000,000 for fiscal year 1977.

"(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973:" and (2) by inserting after "1975" the following: "; $2,000,000 for fiscal year 1976; and $2,500,000 for fiscal year 1977".

SEC. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section:

"PLANS AND REPORTS

"SEC. 1009. (a) Not later than seven months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel reqirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in the previous such report;

"(2) indicate steps being taken to achieve the objectives during the fiscal years covered by the plan contained in such report and any revisions to plans in previous reports necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed.

SEC. 204. (a) Section 1001(a) of the Public Health Service Act is amended by striking out "family planning projects" and inserting in lieu thereof "family planning projects which shall offer a broad range of acceptable and effective family planning methods (including natural family planning methods)".

(b) Section 1001(b) of such Act is amended by adding at the end thereof the following new sentence: "Local and regional entities shall be assured the right to apply for, and be direct recipients of, grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.".

(c) Section 1006(a) of such Act is amended by adding at the end thereof the following new sentence: "The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its cost (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.".

(d) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

TITLE III—COMMUNITY MENTAL HEALTH CENTERS

SEC. 301. This title may be cited as the "Community Mental Health Centers Amendments of 1975".

SEC. 302. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources,

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community mental health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purposes of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

SEC. 303. The Community Mental Health Centers Act is amended to read as follows:

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"PART A—PLANNING AND OPERATIONS ASSISTANCE

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"SEC. 201. (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided—

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b), and (2) which is organized in the manner prescribed by subsections (c) and (d).

"(b) (1) The comprehensive mental health services which shall be provided through a community mental health center shall include—

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services.

"(B) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area of the nature of mental health problems and the types of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility or would without such services require inpatient care in such a facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(1) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

"(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies (including State mental health facilities) in or serving residents of the center's catchment area to insure that persons needing or receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

"(c)(1)(A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed, where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1975 was operated by a governmental agency and received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care.

"(2) For purposes of subparagraphs (A) and (B) of paragraph (1), the term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration; or

"(B) who is an indirect provider of health care in that the individual—

"(i) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subclause (II) or (IV) of clause (ii);

"(ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

"(I) Fees or other compensation for research into or instruction in the provision of health care.

"(II) Entities engaged in the provision of health care or in such research or instruction.

"(III) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care.

"(IV) Entities engaged in producing drugs or such other articles.

"(iii) is a member of the immediate family of an individual described in subparagraph (A) or in clause (i), (ii), or (iv) of subparagraph (B); or

"(iv) is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

"(d) A center shall have established, in accordance with regulations prescribed by the Secretary, (1) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (2) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (3) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (4) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b)(1)(D). The Secretary may waive the requirements of clause (4) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

"Sec. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection with a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourage continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) for a project shall be made for its costs for the one-year period beginning on the first day of the month in which the grant is made; and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $3,750,000 for the fiscal year 1976, and $3,750,000 for the fiscal year 1977.

"GRANTS FOR INITIAL OPERATION

"Sec. 203. (a)(1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services.

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b)(1) of such section, and

"(iii) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their costs of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975), such center or other entity shall, for purposes of grants under subsection (a), be considered as having been in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it has received under this subsection.

"(b)(1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a)(1)(B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1)(B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2)(A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 50 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of a grantee providing services for persons in an area designated by the Secretary as an urban or rural poverty area, an amount equal to the following percentages of the grantee's projected costs of operation: 90 per centum of such costs for the first two years of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year.

"(d)(1) There are authorized to be appropriated for payments under initial grants under subsection (a) $50,000,000 for fiscal year 1976, and $55,000,000 for fiscal year 1977.

"(2) For fiscal year 1977, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for fiscal year 1976, or the next fiscal year and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e)(1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) from appropriations under this title for a fiscal year ending before July 1, 1975, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendments of 1975 may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in that year for such services shall be disregarded in applying subparagraph (A) and the provisions of the repealed section applicable to determining the amount of the grant the grantee may receive under this subsection for that year.

"(2) An entity which receives a grant the authority for which is provided by this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for fiscal year 1976, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"(f) Unless otherwise specifically provided, a reference in this title to a grant under section 203 includes a grant under subsection (a) of this section and a grant the authority for which is provided by subsection (e) of this section.

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 204. (a)(1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b)(1)(D) if the center—

"(A) received from appropriations for a fiscal year ending before July 1, 1975, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Centers Amendments of 1975) and may not because of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

"(B) has received or is receiving a grant under section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a)(2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b)(1)(D) during the third or fourth years of its operation without a grant under this subsection).

"(2) The Secretary may also make annual grants to a public or non-profit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1975),

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation and education services described in section 201(b)(1)(D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center,

for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-fourth of the amount received by the center in such year from charges for the provision of such services; and

"(3) (A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Amendments of 1975) or section 203 of this title, as the case may be, was determined on the basis of the center providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a)(2).

"(c) There are authorized to be appropriated for payments under grants under this section $10,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977.

"CONVERSION GRANTS

"SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211; and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application,

for the entity's reasonable costs in providing mental health services which are described in section 201(b)(1) but which the entity did not provide before the date of the enactment of the Commnuity Mental Health Centers Amendments of 1975.

"(b)(1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made. For purposes of this paragraph, the term 'projected operating deficit' means the excess of an entity's projected costs of operation (including the costs of operation related to the provision of services for which a grant may be made under subsection (a)) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to collect during that period.

"(c) There are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for fiscal year 1976, and $20,000,000 for fiscal year 1977.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

"SEC. 206. (a) (1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

"(b) No grant may be made under this part unless an application (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary.

"(c) (1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 203, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861 (z) of the Social Security Act, and (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclose at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that its services are responsive to the needs of the residents of the catchment area;

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations serving residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs to the center of providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of an emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area, to provide services to persons in such area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available, to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b) (1) (D) and 201(b) (1) (E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(J) such community mental health center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b) (1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated sources of non-Federal funds to pay the portion of such increased costs not to be paid from Federal funds.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant;

"(ii) the application contains or is supported by satisfactory assurances that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds:

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c) (2) (B) or 204 (b) (3) (B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be used by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203 (a) for an entity described in section 203(a) (1) (B), or

"(B) for the first grant the authority for which is provided by section 203(e),

the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evaluation of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under section 203(a), 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) An application for a grant under section 203, 204, or 205—

"(A) may not be disapproved, and

"(B) may not be approved for an amount less than that authorized by such section, solely on the ground that the applicant has not made reasonable efforts to secure payments or reimbursements in accordance with assurances provided under subparagraphs (I), (J), and (K) of subsection (c)(1) unless the Secretary first informs such applicant of the respects in which he has not made such reasonable efforts and the manner in which his performance can be improved and gives the applicant a reasonable opportunity to repsond. Applications disapproved, and applications approved for reduced amounts, on such grounds shall be referred to the National Advisory Mental Health Council for its review and recommendations respecting such approval or disapproval.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submits its comments or on the expiration of such forty-five-day period, whichever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1975.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203 or 204(a)(2).

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which—

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section for a fiscal year beginning after June 30, 1975; or

"(B) received a grant or grants under section 203(a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b).

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4) to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of sections 201(c) and 201(d).

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c)(1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average annual amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975), or

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 213. There are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977 for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

"SEC. 221. (a) From allotments made under section 227 the Secretary shall pay, in *accordance* with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, constructed, or expanded with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipient to acquire or remodel as existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part.

"(2) The Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to any such project; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of all the States.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary, between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of each of the States subject to such Federal percentages and of all the States subject to such percentages for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"Sec. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an applicaion by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(6) a certification by the State agency of the Federal share for the project; and

"(7) the assurances described in section 206(c)(2).

Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application. For purposes of paragraph (3), the term 'title' means a fee simple or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of acquisition, remodeling, construction, or expansion of a facility and its operation.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan.

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) from appropriations for a fiscal year ending before July 1, 1975, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to signficantly expand its services and which demonstrates exceptional financial need for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"Sec. 223. (a)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a remodeling, construction, or expansion project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project.

"(2) In case an amendment to an approved application is approved or the estimated cost of a remodeling, construction, or expansion project is revised upward any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236;

"(B) any assurance required to be in an application filed under section 222 is not being carried out;

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237;

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"Sec. 224. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237(c), such State,

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"Sec. 225. If any facility of a community mental health center acquired, remodeled, constructed, or expanded with funds provided under this part is, at any time within twenty years after the completion of such remodeling, construction, or expansion or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transfer or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the acquisition, remodeling, construction, or expansion cost of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"SEC. 226. No grant may be made under the Public Health Service Act for the remodeling, construction, or expansion of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the remodeling, construction, or expansion of such facility.

"ALLOTMENTS TO STATES

"SEC. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 228 to the States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need, of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next two fiscal years (and in such years only), in addition to the sums alloted to such State for such purpose in each of such next two fiscal years.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the State whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 228. There are authorized to be appropriated $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977, for allotments under section 227.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

"SEC. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

"(b) (1) The Secretary, acting through the Center, may, directly or by grant, carryout the following:

"(A) A continuing study of rape including a study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks, and

"(II) the motives of offenders, and

"(v) the impact of rape on the victim and the family of the victim;

"(vi) sexual assaults in correctional institutions;

"(vii) the actual incidence of forcible rape as compared to the reported incidence of forcible rape and the reasons for any difference in such incidences; and

"(viii) the effectiveness of existing private and local and State government educational, counseling, and other programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assistance to community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the prevention and control of rape, including projects (i) for the planning, developing, implementing, and evaluating of alternative methods used in the prevention and control of rape, the treatment and counseling of the victims of rape and their families, and the rehabilitation of offenders; (ii) for the application of such alternative methods; and (iii) for the promotion of community awareness of the specific locations in which, and the specific social and other conditions under which, sexual attacks are most likely to occur.

"(F) Assistance to community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes statutory and attempted rape and any other criminal sexual assault (whether homosexual or heterosexual) which involves force or the threat of force.

"(c) The Secretary shall appoint an advisory committee to advise, consult with, and make recommendations to him on the implementation of subsection (b). The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $7,000,000 for fiscal year 1976, and $10,000,000 for fiscal year 1977.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 235. For purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority responsible for the mental health service part of a State's plan under section 314(d) of the Public Health Service Act.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act.

"REGULATIONS

"SEC. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which—

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and require special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of an area designated by the Secretary as an urban or rural poverty area, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor.

The National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

"SEC. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan, which council shall include (i) representatives of non-government organizations or groups, and of State agencies, concerned with the planning, operation, or use of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services of such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

"(A) be consistent with the mental health services part of the State's plan under section 314(d) of the Public Health Service Act;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inventory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor;

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital services; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to projects under part C for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount under paragraph (1) to any State for any fiscal year for administration of the provisions of an approved State plan shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"SEC. 238. Each State health planning and development agency designated for a State under section 1521 of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the sizes of such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure that the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

"SEC. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

"SEC. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

"SEC. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea of subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"SEC. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research.

"REIMBURSEMENT

"SEC. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers.

"SHORT TITLE

"SEC. 245. This title may be cited as the 'Community Mental Health Centers Act'."

REPORT

SEC. 304. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

CONFORMING AMENDMENTS

SEC. 305. (a) Section 401 of the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963 is amended—

(1) by striking out paragraph (c);

(2) by amending paragraph (d) to read as follows:

"(d) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations."; and

(3) by—

(A) striking out "or part A of title II" in paragraph (h)(1),

(B) by striking out in paragraph (h)(2) "(A)" and "; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower", and

(C) by striking out "or under part A of title II" in paragraph (h)(3).

(b) Section 403 of such Act is amended—

(1) by striking out ", or section 204 in the case of a community mental health center," in subsection (a),

(2) by striking out "or section 206, as the case may be," in such subsection,

(3) by striking out "or 205" in subsection (b), and

(4) by striking out the second sentence of subsection (c)(1).

(c) Section 404 is amended by striking out "or 205", "or 204(b)", and "or 206".

(d) Section 405 is amended—

(1) by striking out "or 205" in paragraph (1)(A),

(2) by striking out "or section 204 (in case of a community mental health center)" in such paragraph,

(3) by striking out "or community mental health center, as the case may be," in paragraph (2),

(4) by striking out "or such center as a community mental health center" in such paragraph,

(5) by striking out "or center" each place it occurs in the matter following paragraph (2), and

(6) by striking out "or community mental health center" in such matter.

(e) Section 406 is amended by striking out "or community mental health center".

TITLE IV—MIGRANT HEALTH CENTERS

MIGRANT HEALTH CENTERS

SEC. 401. (a) Section 319 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

"SEC. 319. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention programs, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services,

for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural workers' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(7) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(b)(1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and programs in such areas. The highest priorities of such assistance shall be assigned to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

"(c)(1)(A) The Secretary may, in accordance with the priorities assigned under subsection (b)(1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and which are not high impact areas—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1)(A) for the same project, and if a grant or contract is made or entered into under paragraph (1)(B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f)(2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and which are not high impact areas—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and providing training related to the management of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) The Secretary may enter into contracts with public and private entities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

"(f)(1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c)(1)(B), (d)(1)(C), or (e) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) The Secretary may not approve an application for a grant under subsection (d)(1)(A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a)(1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such account procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such echedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center.

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(3) In considering applications for grants and contracts under subsection (c) or (d)(1)(C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to section 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f)(2).

"(h)(1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c)(1) $4,000,000 for fiscal year 1976, and $4,000,000 for fiscal year 1977. Of the funds appropriated under this paragraph for fiscal year 1976, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c)(1)(B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d)(1) (other than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $30,000,000 for fiscal year 1976, and $35,000,000 for fiscal year 1977. Of the funds appropriated under the first sentence for fiscal year 1976, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount not exceeding the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C). Of the funds appropriated under the first sentence for fiscal year 1977, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount not exceeding the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C) which received grants under this section for the fiscal year ending June 30, 1975. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d)(1) for the provision of inpatient and outpatient hospital services $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977."

(b) Section 217 of the Public Health Service Act is amended by adding after the subsection (f) added by Public Law 93-248 the following new subsection:

"(g)(1) Not later than October 1, 1975, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 319.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 319. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers and seasonal agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.".

(c)(1) The Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of—

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

In conducting or arranging for the conduct of such study, the Secretary shall consult with the Secretary of Housing and Urban Development.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of the first Act making appropriations for such study.

TITLE V—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 501. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

"SEC. 330. (a) For purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primarily health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services,

for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(2) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(c)(1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;

"(B) the design of a community health center program for such population based on such assessment;

"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(2) not more than two grants may be made under this subsection for the same project.

"(3) The amount of any grant made under this subsection for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations.

"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e)(2).

"(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services and environmental health services, and to the management of community health center programs.

"(3) Not more than two grants may be

made under paragraph (1)(B) for the same entity.

"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e)(1) No grant may be made under subsection (e) or (d) unless an application therefor is submitted to, and approved by the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building.

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (d)(1)(B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations prescribed by the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approve the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and in English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeting requirements of subsection (e)(2).

"(g)(1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $215,000,000 for fiscal year 1976, and $235,000,000 for fiscal year 1977."

(b) Section 314(e) of the Public Health Service Act is repealed.

TITLE VI—MISCELLANEOUS

DISEASES BORNE BY RODENTS

SEC. 601. (a) Section 317(h)(1) of the Public Health Service Act is amended by striking out "and RH disease" and inserting in lieu thereof ", RH disease, and diseases borne by rodents".

(b) Section 317(d)(3) of such Act is amended by adding at the end thereof the following: "There is authorized to be appropriated for fiscal year 1976 $20,000,000 for grants under this section for communicable and other disease control programs for diseases borne by rodents.".

HOME HEALTH SERVICES

SEC. 602. (a)(1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861 (m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposd to be served is composed of individuals who are elderly, medically indigent, or both.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $8,000,000 for fiscal year 1976 for payments under grants under this subsection.

(b)(1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations prescribe.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $2,000,000 for fiscal year 1976 for payments under grants under this subsection.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 603. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting—

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons,

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection.

(c) (1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, or attainments be exceptionally qualified to assist in carrying out the functions of the Committee.

(2) Members of the Committee shall receive compensation at a ratio to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, for each day (including traveltime) during which they are enaged in the actual preformance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

SEC. 604. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consquences, hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 605. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumer of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

HEMOPHILIA PROGRAMS

SEC. 606. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from the hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

"(b) No grant or contract may be made under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall—

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for fiscal year 1976, and $4,000,000 for fiscal year 1977.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such as red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins.

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(d) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $4,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977."

TECHNICAL AMENDMENTS

SEC. 607. (a) Section 399c of the Public Health Service Act (added by Public Law 93–222) is redesignated as section 399A.

(b) The section 472 of the Public Health Service Act entitled "Peer Review of Grant Applications and Control Projects" is redesignated as section 475.

(c) The amendments made by subsections (a) and (b) shal take effect on the date of the enactment of this Act.

TITLE VII—EXTENSION OF CURRENT AUTHORITIES THROUGH FISCAL YEAR 1975

SEC. 701. (a) Section 314(d)(1) of the Public Health Service Act (relating to grants for comprehensive public health services) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(b) (1) The first sentence of section 314(e) of such Act (relating to project grants for health services development) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(2) The next to last sentence of such section is amended (A) by striking out "1974" and inserting "1975", and (B) by striking out "title I of the Health Programs Extension Act of 1973" and inserting in lieu thereof "title VII of the Health Revenue Sharing and Health Services Act of 1975".

(c) Section 319 of such Act (relating to migrant health) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(d) Section 1001(c), 1003(b), 1004(b), and 1005(b) of title X of such Act (relating to population research and family planning) are each amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(e) (1) Section 201 of the Community Mental Health Centers Act (relating to grants for construction) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(2) Section 207 of such Act is amended by striking out "1974" and inserting "1975".

(3) Section 221(b) of such Act is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

(4) Section 224(a) of such Act (relating to staffing grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for fiscal years ending June 30, 1974, and June 30, 1975".

(5) (A) Section 246 of such Act (relating to alcoholism programs) is amended by striking out "1974" and inserting in lieu thereof "1975".

(B) Section 247(d) of such Act is amended by striking out "and June 30, 1974" and inserting in lieu thereof "June 30, 1974, and June 30, 1975".

(6) (A) Section 252 of such Act (relating to drug abuse programs) is amended by striking out "1974" and inserting in lieu thereof "1975".

(B) Section 253(d) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30. 1975".

(C) Section 256(e) of such Act is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(7) Section 261 of such Act (relating to authorizations for alcoholism and drug abuse programs) is amended (A) by striking out "for the fiscal year ending June 30, 1974" in subsection (a) and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975", and (B) by striking out "1974" in subsection (b) and inserting in lieu thereof "1975".

(8) Section 271 (d) of such Act (relating to mental health of children) is amended (A) by striking out "for the fiscal year ending June 30, 1974" in paragraph (1) and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975", and (B) by striking out "1974" in paragraph (2) and inserting in lieu thereof "1975".

TITLE VIII—NATIONAL HEALTH SERVICE CORPS

EXTENSION OF CURRENT AUTHORITY THROUGH FISCAL YEAR 1975

SECTION 801. Section 329(h) of the Public Health Service Act is amended by striking out "and" after "1973," and by inserting before the period a comma and the following: "and $16,000,000 for the fiscal year ending June 30, 1975".

REVISION OF NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 802. (a) (1) Part C of title III of the Public Health Service Act is amended by inserting immediately below the heading for such part the following:

"Subpart I—General Provisions".

(2) Sections 331 and 332 of part D of such title are redesignated as sections 338 and 339, respectively.

(b) Part C of title III of the Public Health Service Act is amended by striking out section 329 and inserting in lieu thereof the following:

"SUBPART II—NATIONAL HEALTH SERVICE CORPS PROGRAM

"NATIONAL HEALTH SERVICE CORPS

"SEC. 329. (a) There is established, within the Service, the National Health Service Corps (hereinafter in this subpart referred to as the 'Corps') which (1) shall consist of those officers of the Regular and Reserve Corps of the Service and such other personnel as the Secretary may designate, and (2) shall be utilized by the Secretary under this subpart to improve the delivery of health services to medically underserved populations.

"(b) (1) The Secretary shall conduct at medical and nursing schools and other schools of the health professions and at entities which train allied health personnel, recruiting programs for the Corps. Such programs shall include the wide dissemination of written information on the Corps and visits to such schools and entities by personnel of the Corps.

"(2) The Secretary may reimburse applicants for positions in the Corps for actual expenses incurred in traveling to and from their places of residence to an area in which they would be assigned for the purposes of evaluating such area with regard to being assigned in such area. The Secretary shall not reimburse an applicant for more than one such trip.

"(3) Commissioned officers and other personnel of the Corps assigned under section 331 to provide health services for medically underserved populations shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare.

"(c) (1) The Secretary may, under regulations prescribed by him, adjust the monthly pay of each physician and dentist member of the Corps who is directly engaged in the delivery of health services to a medically underserved population as follows:

"(A) During the first thirty-six months in which such a member is so engaged in the delivery of health services, his monthly pay shall be increased by an amount (not to exceed $1,000) which when added to the member's monthly pay and allowance will provide a monthly income competitive with the average monthly income from a practice of an individual who is a member of the profession of the Corps member, who has equivalent training, and who has been in practice for a period equivalent to the period during which the Corps member has been in practice.

"(B) During the period beginning upon the expiration of the thirty-six months referred to in subparagraph (A) and ending with the month in which the member's monthly pay and allowances is equal to or exceeds the monthly income he received for the last of such thirty-six months, the member shall receive in addition to his monthly pay and allowances an amount which when added to such monthly pay and allowances equals the monthly income he received for such last month.

For purposes of subparagraphs (A) and (B), the term 'monthly pay' includes special pay received under chapter 5 of title 37 of the United States Code.

"(2) In the case of a member of the Corps who is directly engaged in the provision of health services to a medically underserved population in accordance with a service obligation incurred under the Public Health Service and National Health Service Corps Scholarship Training Program, the adjustment in pay authorized by paragraph (1) may be made for such a member only upon satisfactory completion of such service obligation and the first thirty-six months of his being so engaged in the delivery of health care shall, for purposes of paragraph (1)(A), be deemed to begin upon such satisfactory completion.

"DESIGNATION OF MEDICALLY UNDERSERVED POPULATIONS

"SEC. 330. (a) For purposes of this subpart—

"(1) the term 'medically underserved population' means (A) the population of an urban or rural area (which need not conform to the geographical boundaries of a political subdivision and which should be a rational area for the delivery of health services) which the Secretary determines has a critical health manpower shortage, or (B) a population group determined by the Secretary to have such a shortage; and

"(2) the term 'State' includes Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(b)(1) The Secretary shall designate the medically underserved populations in the States. In determining whether to designate a population as a medically underserved population, the Secretary shall take into account the following:

(A) The recommendations of each health systems agency designated under section 1515 for a health service area which includes all or any part of the area in which the population under consideration for designation resides.

"(B) If such area is within a health service area (or areas) for which no health systems agency has been designated, the recommendations of the State health planning and development agency designated under section 1521 for the State (or States) in which such area is located.

"(C) Ratios of available health manpower to the population under consideration for designation.

"(D) Indicators of the population's access to health services.

"(E) Indicators of the health status of the population.

"(F) Indicators of such population's need and demand for health services.

"(2) Any person may apply to the Secretary (in such manner as he may prescribe) for the designation (in accordance with the second sentence of paragraph (1) of a population as a medically underserved population.

"ASSIGNMENT OF CORPS PERSONNEL

"SEC. 331. (a)(1) The Secretary may assign personnel of the Corps to provide, under regulations prescribed by the Secretary, health services for a medically underserved population only if—

"(A) the State health agency of each State in which such population is located or the local public health agency or any other public or nonprofit private health entity serving such population makes application to the Secretary for such assignment, and

"(B)(i) the local government of the area in which such population resides certifies to the Secretary that such assignment of Corps personnel is needed for such population, and

"(ii) any State and district medical, osteopathic, or dental society for such area, or any other appropriate health society (as the case may be) for such area, makes such a certification to the Secretary.

"(2) The Secretary may not approve an application under paragraph (1)(A) for an assignment unless the applicant agrees to enter into an arrangement with the Secretary in accordance with subsection (b) and has afforded—

"(A) each health systems agency designated under section 1515 for a health service area which includes all or any part of the area in which the population for which the application is submitted resides, and

"(B) if there is a part of such area within a health service area for which no health systems agency has been designated, the State health planning and development agency of the State (designated under section 1521) in which such part is located.

an opportunity to review the application and submit its comments to the Secretary respecting the need for and proposed use of the Corps personnel requested in the application. In considering such an application, the Secretary shall take into consideration the need of the population for which the application was submitted for the health services which may be provided under this subpart; the willingness of the population and the appropriate governmental agencies or health entities serving it to assist and cooperate with the Corps in providing effective health services to the population; and recommendations from medical, osteopathic, dental, or other health societies or from medical personnel serving the population.

"(3) If with respect to any proposed assignment of Corps personnel for a medically underserved population the requirements of subparagraphs (A) and (B) of paragraph (1) are met except for the certification required by subparagraph (B)(ii) of such paragraph and if the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, the Secretary may, after consultation with appropriate medical, osteopathic, dental, or other health societies, waive the application of the certification requirement to such proposed assignment.

"(b)(1) The Secretary shall require as a condition to the approval of an application under subsection (a) that the entity which submitted the application enter into an appropriate arrangement with the Secretary under which—

"(A) the entity shall be responsible for charging in accordance with paragraph (3) for health services provided by the Corps personnel to be assigned;

"(B) the entity shall take such action as may be reasonable for the collection of payments for such health services, including if a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of such health services if it had not been provided by Corps personnel under this subpart, the collection, on a fee-for-service or other basis, from such agency or third party the portion of such cost for which it would be so responsible (and in determining the amount of such cost which such agency or third party would be responsible, the health services provided by Corps personnel shall be considered as being provided by private practitioners); and

"(C) the entity shall pay to the United States as prescribed by the Secretary for each calendar quarter (or other period as may be specified in the arrangement) during which any Corps personnel are assigned to such entity the sum of—

"(i) the pay (including amounts paid in accordance with 329(c)) and allowances of such Corps personnel for the portion of such quarter (or other period) during which assigned to the entity;

"(ii) if such entity received a grant under section 332 for the assistance period (as defined in subsection (c)) for which such personnel are assigned, an amount which bears the same ratio to the amount of such grant as the number of days in such quarter (or other period) during which any Corps personnel were assigned to the entity bears to the number of days in the assistance period after such entity received such grant; and

"(iii) if during such quarter (or other period) any member of the Corps assigned to such entity is providing obligated service pursuant to an agreement under the Public Health and National Health Service Corps Scholarship Training Program, for each such member an amount which bears the same ratio to the amount paid under such Program to or on the behalf of such member as the number of days of obligated service provided by such member during such quarter (or other period) bears to the number of days in his period of obligated service under such Program.

The Secretary may waive in whole or in part the application of the requirement of subparagraph (C) to an entity if he determines that the entity is financially unable to meet such requirement or if he determines that compliance with such requirement would unduly limit the ability of the entity to maintain the quality of the services it provides.

"(2) The excess (if any) of the amount collected by an entity in accordance with paragraph (1)(B) over the amount paid to the United States in accordance with paragraph (1)(C) shall be used by the entity to expand or improve the provision of health services to the population for which the entity submitted an application under subsection (a) or to recruit and retain health manpower to provide health services for such population.

"(3) Any person who receives health services provided by Corps personnel under this subpart shall be charged for such services on a fee-for-service or other basis at a rate approved by the Secretary, pursuant to regulations, to recover the value of such services; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary shall provide for the furnishing of such services at a reduced rate or without charge.

"(4) Funds received by the Secretary under an arrangement entered into under paragraph (1) shall be deposited in the Treasury as miscellaneous receipts and shall be disregarded in determining the amounts of appropriations to be requested under section 335 and the amounts to be made available from appropriations made under such section to carry out this subpart.

"(c) Upon approval of an application submitted under subsection (a) for the assignment of Corps personnel to provide health services for a medically underserved population, the Secretary may approve the assignment of Corps personnel for such population during a period (hereinafter in this subpart referred to as the 'assistance period') which may not exceed four years from the date of the first assignment of Corps personnel for such population after the date of the approval of the application. No assignment of individual Corps personnel may be made for a period ending after the expiration of the applicable approved assistance period.

"(d) Upon expiration of an approved assistance period for a medically underserved population, no new assignment of Corps personnel may be made for such population unless an application is submitted in accordance with subsection (a) for such new assignment. The Secretary may not approve such an application unless—

"(1) the application and certification requirements of subsection (a) are met;

"(2) the Secretary has conducted an evaluation of the continued need for health manpower of the population for which the application is submitted, of the utilization of the manpower by such population, of the growth of the health care practice of the Corps personnel assigned for such population, and of community support for the assignment; and

"(3) the Secretary has determined that such population has made continued efforts to secure its own health manpower, that there has been sound fiscal management of the health care practice of the Corps personnel assigned for such population, including efficient collection of fee-for-service, third-party, and other funds available to such population, and that there has been appropriate and efficient utilization of such Corps personnel.

"(e) Corps personnel shall be assigned to provide health services for a medically underserved population on the basis of the extent of the population's need for health services and without regard to the ability of the members of the population to pay for health services.

"(f) In making an assignment of Corps personnel the Secretary shall seek to match characteristics of the assignee (and his spouse (if any)) and of the population to which such assignee may be assigned in order to increase the likelihood of the assignee remaining to serve the population upon completion of his assignment period. The Secretary shall, before the beginning of the last nine months of the assignment period of a member of the Corps, review such member's assignment and the situation in the area to which he was assigned for the purpose of determining the advisability of extending the period of such member's assignment.

"(g)(1) The Secretary shall (A) provide assistance to persons seeking assignment of Corps personnel under this section, and (B) conduct such information programs in areas in which such populations reside as may be necessary to inform the public and private health entities serving those areas of the assistance available to such populations by virtue of their designation under section 330 as medically underserved.

"(2) The Secretary shall provide technical assistance to all medically underserved populations to which are not assigned Corps personnel to assist in the recruitment of health manpower for such populations. The Secretary shall also give such populations current information respecting public and private programs under which they may receive assistance in securing health manpower for them.

"PROVISION OF HEALTH SERVICES BY CORPS PERSONNEL

"SEC. 332. (a) In providing health services for a medically underserved population under this subpart, Corps personnel shall utilize the techniques, facilities, and organizational forms most appropriate for the area in which the population resides and shall, to the maximum extent feasible, provide such services (1) to all members of the population regardless of their ability to pay for the services, and (2) in connection with (A) direct health services programs carried out by the Service; (B) any other direct health services program carried out in whole or in part with Federal financial assistance; or (C) any other health services activity which is in furtherance of the purposes of this subpart.

"(b)(1) Notwithstanding any other provision of law, the Secretary (A) may, to the extent feasible, make such arrangements as he determines necessary to enable Corps personnel in providing health services for a medically underserved population to utilize the health facilities of the area in which the population resides and if there are no health facilities in or serving such area, the Secretary may arrange to have Corps personnel provide health services in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of health services, (B) may make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of other equipment and supplies, and (C) may secure the temporary services of physicians, nurses, and allied health professionals.

"(2) If such an area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the Service, the Secretary shall, in addition to such other arrangements as the Secretary may make under paragraph (1), arrange for the utilization of such hospital or facility by Corps personnel in providing health services for the population, but only to the extent that such utilization will not impair the delivery of health services and treatment through such hospital or facility to persons who are entitled to health services and treatment through such hospital or facility.

"(c) The Secretary may make one grant to any applicant with an approved application under section 331 to assist it in meeting the costs of establishing medical practice management systems for Corps personnel, acquiring equipment for their use in providing health services, and establishing appropriate continuing education programs and opportunities for them. No grant may be made under this subsection unless an application therefor is submitted to, and approved by, the Secretary. The amount of any grant shall be determined by the Secretary, except that no grant may exceed more than $25,000.

"(d) Upon the expiration of the assignment of Corps personnel to provide health services for a medically underserved population, the Secretary may (notwithstanding any other provision of law) sell to the entity which submitted the last application approved under section 331 for the assignment of Corps personnel for such population equipment of the United States utilized by such personnel in providing health services. Sales made under this subsection shall be made for the fair market value of the equipment sold (as determined by the Secretary).

"REPORTS

"SEC. 333. The Secretary shall report to Congress no later than May 15 of each year—

"(1) the number and identity of all medically underserved populations in each of the States in the calendar year preceding the year in which the report is made and the number of medically underserved populations which the Secretary estimates will be designated under section 330 in the calendar year in which the report is made;

"(2) the number of applications filed under section 331 in such preceding calendar year for assignment of Corps personnel and the action taken on each such application;

"(3) the number and types of Corps personnel assigned in such preceding year to provide health services for medically underserved populations, the number and types of additional Corps personnel which the Secretary estimates will be assigned to provide such services in the calendar year in which the report is submitted, and the need (if any) for additional personnel for the Corps;

"(4) the recruitment efforts engaged in for the Corps in such preceding year, including the programs carried out under section 329(b)(1), and the number of qualified persons who applied for service in the Corps in each professional category;

"(5) the total number of patients seen and patient visits recorded during such preceding year in each area where Corps personnel were assigned;

"(6) the number of health personnel electing to remain, after termination of their service in the Corps, to provide health services to medically underserved populations, the number of such personnel who do not make such election, and their reasons for not making such election;

"(7) the results of evaluations made under section 331(d)(2), and determinations made under section 331(d)(3), during such preceding year; and

"(8) the total amount (A) charged during such preceding year for health services by Corps personnel, (B) collected in such year by entities in accordance with arrangements under section 331(b), and (C) paid to the Secretary in such year under such arrangements.

"NATIONAL ADVISORY COUNCIL

"SEC. 334. (a) There is established a council to be known as the National Advisory Council on the National Health Service Corps (hereinafter in this section referred to as the 'Council'). The Council shall be composed of fifteen members appointed by the Secretary as follows:

"(1) Four members shall be appointed from the general public to represent the consumers of health care, at least two of whom shall be members of a medically underserved population for which Corps personnel are providing health services under this subpart.

"(2) Three members shall be appointed from the medical, dental, and other health professions and health teaching professions.

"(3) One member shall be appointed from a State health planning and development agency designated under section 1521, one member shall be appointed from a Statewide Health Coordinating Council under section 1524, and one member shall be appointed from a health systems agency designated under section 1515.

"(4) Three members shall be appointed from the Service, at least two of whom shall be members of the Corps directly engaged in the provision of health services for a medically underserved population.

"(5) Two members shall be appointed from the National Council on Health Planning and Development (established under section 1503).

The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in carrying out this subpart, and shall review and comment upon regulations promulgated by the Secretary under this section subpart.

"(b)(1) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(2) Members of the Council (other than members who are officers or employees of the United States), while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive for each day (including traveltime) in which they are so serving the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule; and while so serving away from their homes or regular places of business all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government Service employed intermittently.

"AUTHORIZATION OF APPROPRIATION

"SEC. 335. To carry out the purposes of this subpart, there is authorized to be appropriated $30,000,000 for fiscal year 1976.".

(c)(1) The amendments made by subsections (a) and (b) of this section shall take effect July 1, 1975.

(2)(A) Any area for which a designation under section 329(b) of the Public Health Service Act (as in effect on June 30, 1975) was in effect on such date and in which National Health Service Corps personnel were, on such date, providing, under an assignment made under such section (as so in effect), health care and services for persons residing in such area shall, effect July 1, 1975, be deemed under subpart II of part C of title III of such Act (as added by subsection

(b) of this section) to (i) be an area in which is located a medically underserved population (as defined by section 330 of such Act (as so added)), and (ii) be qualified under section 331 of such Act (as so added) for the assignment of Corps personnel unless, as determined under subparagraph (B) of this paragraph, the assistance period applicable to such area (within the meaning of such section 331) has expired.

(B) The assistance period (within the meaning of such section 331) applicable to an area described in subparagraph (A) of this paragraph shall be deemed to have begun on the date Corps personnel were first assigned to such area under section 329 of such Act (as in effect on June 30, 1975).

(C) In the case of any physician or dentist member of the Corps who was providing health care and services on June 30, 1975, under an assignment made under section 329(b) of such Act (as in effect on June 30, 1975), the number of the months during which such member provided such care and services before July 1, 1975, shall be counted in determining the application of the additional pay provisions of section 329(c) of such Act (as added by section (b) of this section) to such member.

(3) The amendment made by subsection (b) which changed the name of the Advisory Council established under section 329 of the Public Health Service Act (and placed the authority for the Advisory Council in section 334 of such Act) shall not be construed as requiring the establishment of a new Advisory Council under such section 334; and the amendment made by such subsection with respect to the composition of such Advisory Council shall apply with respect to appointments made to the Advisory Council after July 1, 1975, and the Secretary of Health, Education, and Welfare shall make appointments to the Advisory Council after such date in a manner which will bring about, at the earliest feasible time, the Advisory Council composition prescribed by the amendment.

REPORT AND STUDIES

SEC. 803. (a) The Secretary of Health, Education, and Welfare shall report to Congress (1) not later than October 1, 1975, the criteria used by him in designating medically underserved populations under section 330 of the Public Health Service Act, and (2) not later than January 1, 1976, the identity and number of medically underserved populations in each State meeting such criteria.

(b) The Secretary of Health, Education, and Welfare shall conduct or contract for studies of methods of assigning under section 331 of the Public Health Service Act (as added by section 802(b) of this title) National Health Service Corps personnel to medically underserved populations and of providing health care to such populations. Such studies shall be for the purpose of identifying (1) the characteristics of health manpower who are more likely to remain in practice in areas in which medically underserved populations are located, (2) the characteristics of areas which have been able to retain health manpower personnel, and (3) the appropriate conditions for assignment of nurse practitioners, physician's assistants, and expanded function dental auxiliaries in areas in which medically underserved populations are located.

CONFORMING AMENDMENT

SEC. 804. (a) Section 741(f)(1)(C) of the Public Health Service Act is amended by striking out all that follows after "in a State" and inserting in lieu thereof "in which is located a medically underserved population designated under section 330;".

(b) The amendment made by subsection (a) shall apply with respect to agreements entered into under section 741(f) of the Public Health Service Act after June 30, 1975.

TITLE IX—NURSE TRAINING

SHORT TITLE; REFERENCE TO ACT

SECTION 901. (a) This title may be cited as the "Nurse Training Act of 1975."

(b) Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PART A—ONE-YEAR EXTENSION

EXTENSION OF EXISTING AUTHORITIES THROUGH FISCAL YEAR 1975

SEC. 902. (a) Section 801 (relating to construction grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(b) Section 806(i) (relating to capitation grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(c) Section 808 (relating to special project grants and contracts and financial distress grants) is amended by striking out "for the fiscal year ending June 30, 1974" each place it occurs and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(d) Section 809, relating to loan guarantees and interest subsidies is amended—

(1) by striking out "1974" in subsections (a) and (b) and inserting in lieu thereof "1975", and

(2) by striking out "in the fiscal year ending June 30, 1974" in subsection (e) and inserting in lieu thereof "in the fiscal year ending June 30, 1974, or in the next fiscal year".

(e) Section 810(d) (relating to start-up grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(f) Section 860 (relating to scholarships) is amended—

(1) by striking out "next two fiscal year" in subsection (b) and inserting in lieu thereof "next three fiscal years",

(2) by striking out "1975" in that subsection and inserting in lieu thereof "1976",

(3) by striking out "1974" in that subsection and inserting in lieu thereof "1975",

(4) by striking out "the next two fiscal years" in subsection (c)(1)(A) and inserting in lieu thereof "the next three fiscal years",

(5) by striking out "1974" in subsection (c)(1)(B) and inserting in lieu thereof "1975", and

(6) by striking out "1975" in that subsection and inserting in lieu thereof "1976".

(g) Section 868(b) (relating to recruitment programs) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

PART B—REVISION AND EXTENSION OF PROGRAMS THROUGH FISCAL YEAR 1978

SUBPART 1—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 905. Except as may otherwise be specifically provided, the amendments made by this part shall take effect July 1, 1975. The amendments made by this part to provisions of title VIII of the Public Health Service Act (hereinafter in this part referred to as the "Act") are made to such provisions as amended by part A of this title.

SUBPART 2—CONSTRUCTION ASSISTANCE

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 910. (a)(1) Section 801 is amended by striking out "and" after "1973,"; and by inserting before the period a comma and the following: "$20,000,000 for fiscal year 1976, $20,000,000 for fiscal year 1977, and $20,000,000 for fiscal year 1978".

(2) Effective with respect to grants for construction projects under part A of title VIII of the Act made from appropriations under section 801 of the Act, section 802(c)(1)(A) is amended (A) by inserting "(i)" after "proposed facilities", and (B) by inserting "(i)" after "proposed facilities", and (B) by inserting before the semi-colon ", or (ii) in expanding the capacity of the school to provide graduate training".

(b)(1)(A) Subsections (a) and (b) of section 809 are each amended by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1978".

(B)(i) The last sentence of subsection (a) of section 809 is amended (I) by striking out "(1)" and (II) by striking out all after "the project" and inserting in lieu thereof a period.

(ii) The amendment made by clause (i) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Act after the date of the enactment of this Act.

(2) The second sentence of subsection (e) of such section is amended (A) by striking out "and" after "1973,", and (B) by inserting after "the next fiscal year" a comma and the following: "$1,000,000 in fiscal year 1976, $1,000,000 in fiscal year 1977, and $1,000,000 in fiscal year 1978".

(c)(1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" and "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 911. (a)(1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance"

(2) The heading for part A is amended by striking out "GRANTS" and in inserting in lieu thereof "ASSISTANCE".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

SUBPART 3—CAPITATION GRANTS

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 915. (a) Section 806(a) is amended by striking out paragraph (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $400 for each undergraduate full-time student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive (A) the product of $275 and one-half of the number of full-time students enrolled in the first year of such school in such year, and (B) $275 for each fulltime student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive $250 for each full-time student enrolled in such school in such year.".

(b) Subsections (c), (d), (e), and (f) of section 806 are repealed and the following new subsection is inserted after subsection (b):

"(c)(1) REQUIREMENTS FOR GRANTS.—The Secretary shall not make a grant under subsection (a) to any school of nursing in a fiscal year beginning after June 30, 1975, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that—

"(A) the first-year enrollment of full-time students in the school in the school year beginning after the fiscal year in which the grant applied for is to be made will not be less than the first-year enrollment of such students in the school in the preceding school year; and

"(B) that the school will expend in carrying out its function as a school of nursing during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purposes (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought.

The requirement of subparagraph (A) shall be in addition to the requirements of section 802(b)(2)(D), where applicable.

"(2) The Secretary shall not make a grant under subsection (a) to any school of nursing in a fiscal year beginning after June 30, 1975, unless one of the following requirements is met:

"(A) The application for such grant shall contain or be supported by reasonable assurances satisfactory to the Secretary that for the school year beginning after the close of the fiscal year in which such grant is to be made and for each school year thereafter beginning in a fiscal year in which such a grant is made the first year enrollment of full-time students in such school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1975—

"(i) by 10 per centum of such number if such number was not more than one hundred, or

"(ii) by 5 per centum of such number, or ten students, whichever is greater, if such number was more than one hundred.

"(B) The school has provided reasonable assurance satisfactory to the Secretary that it will carry out, in accordance with a plan submitted by the school to the Secretary and approved by him, one of the following programs in the school year beginning after the close of the fiscal year in which such grant is to be made and in each school year thereafter beginning in a fiscal year in which such a grant is made:

"(i) In the case of collegiate schools of nursing, a program for the training of nurse practitioners (as defined in section 822).

"(ii) A program under which students enrolled in a school of nursing will receive a significant portion of their clinical training in community health centers, long-term care facilities, and ambulatory care facilities geographically remote from the main site of the teaching facilities of the school.

"(iii) A program for the continuing education of nurses which meets needs identified by appropriate State, regional, or local health or educational entities (including health systems agencies).

"(iv) A program to identify, recruit, enroll, retain, and graduate individuals from disadvantaged backgrounds (as determined in accordance with criteria prescribed by the Secretary) under which program at least 10 per centum of each year's entering class (or ten students, whichever is greater) is comprised of such individuals.".

(c)(1) Section 806(i)(1) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: "$50,000,000 for fiscal year 1976, $55,000,000 for fiscal year 1977, and $60,000,000 for fiscal year 1978".

(d) For fiscal year 1976, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Act (as in effect on June 30, 1975) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of the Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1975.

TECHNICAL AMENDMENTS

SEC. 916. (a) Subsections (g), (h), and (i) of section 806 are redesignated as subsections (d), (e), and (f) respectively.

(b) Subsection (b) of such section is amended by striking out "subsection (i)" and inserting in lieu thereof "subsection (f)".

(c) Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"SUBPART II—CAPITATION GRANTS"

EFFECTIVE DATE

SEC. 917. The amendments made by this subpart shall take effect with respect to grants made under section 806 (redesignated as section 810 by part C of this title) of the Act from appropriations under such section for fiscal years beginning after June 30, 1975.

SUBPART 4—FINANCIAL DISTRESS GRANTS

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 921. Title VIII is amended by inserting after section 807 the following:

"SUBPART III—FINANCIAL DISTRESS GRANTS

"FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b)(1) No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated $5,000,000 for fiscal year 1976, $5,000,000 for fiscal year 1977, and $5,000,000 for fiscal year 1978.".

TECHNICAL AMENDMENT

SEC. 922. Sections 805 and 808 (as in effect on June 30, 1975) are repealed.

SUBPART 5—SPECIAL PROJECT ASSISTANCE

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 931. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 921 of this title) the following:

"SUBPART IV—SPECIAL PROJECTS

"SPECIAL PROJECT GRANTS AND CONTRACTS

"SEC. 820. (a) The Secretary may make grants to public and nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or,

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2)(A) plan, develop, or establish new nurse training programs or programs of research in nursing education, or

"(B) significantly improve curricula of schools of nursing (including curriculums of pediatric nursing and geriatric nursing) or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating the entry of such individuals into schools of nursing,

"(C) providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) provide continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $15,000,000 for fiscal year 1976, $15,000,000 for fiscal year 1977, and $15,000,000 for fiscal year 1978. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payment under grants and contracts to meet the costs of the special projects described in subsection (a) (3).

"ADVANCED NURSE TRAINING PROGRAMS

"SEC. 821. (a) (1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For payments under grants and contracts under this section there are authorized to be appropriated $15,000,000 for fiscal year 1975, $20,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978.

"NURSE PRACTITIONER PROGRAMS

"SEC. 822. (a) (1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners.

"(2) (A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, and other health care institutions.

"(B) After consultation with appropriate educational organizations and professional nursing and medical oragnizations, the Secretary shall prescribe guidelines for programs for the training of nurse practitioners. Such guidelines shall, as a minimum, require that such a program—

"(i) extend for at least one academic year and consist of—

"(I) supervised clinical practice, and

"(II) at least four months (in the aggregate) of classroom instruction,

directed toward preparing nurses to deliver primary health care; and

"(ii) have an enrollment of not less than eight students.

"(b) No grant may be made or contract entered into for a project to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a) (2) (B); and no grant may be made or contract entered into for a project to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a) (2) (B).

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $15,000,000 for fiscal year 1976, $20,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978.".

(b) Sections 810 and 868 are repealed.

GUIDELINES FOR NURSE PRACTITIONER TRAINING PROGRAMS

SEC. 932. The Secretary of Health, Education, and Welfare shall within ninety days of the date of the enactment of this Act prescribe the guidelines for nurse practitioner programs specified in section 822(a) of the Act (as added by section 931 of this title).

SUBPART 6—ASSISTANCE TO NURSING STUDENTS

EXTENSION OF TRAINEESHIPS

SEC. 935. (a) Subsection (a) of section 821 (as in effect on June 30, 1975) is amended to read as follows:

"(a) There are authorized to be appropriated $15,000,000 for fiscal year 1976, $20,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

"(2) to serve in administrative or supervisory capacities,

"(3) to serve as nurse practitioners, or

"(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training.".

(b) Effective with respect to grants under section 821 of the Act from appropriations under such section for fiscal years beginning after June 30, 1975, subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a) (2) (B).".

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 936. (a) Section 822(b) (4) (as in effect on June 30, 1975) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1978".

(b) Effective with respect to periods of training to be a nurse anesthetist undertaken on or after the date of the enactment of this Act, section 823(b) (2) (B) is amended by inserting "(or training to be a nurse anesthetist)" after "professional training in nursing".

(c) Section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $25,000,000 for fiscal year 1976, $30,000,000 for fiscal year 1977, and $35,000,000 for fiscal year 1978. For fiscal year 1979, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before October 1, 1978, to continue or complete their education.".

(d) Section 826 is amended (1) by striking out "June 30, 1977" each place it occurs and inserting in lieu thereof "September 30, 1980", and (2) by striking out "September 30, 1977" in subsection (b) and inserting in lieu thereof "December 31, 1980".

(e) (1) Section 827 is repealed.

(2) The nurse training fund created within the Treasury by section 827(d) (1) of the Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of the Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the funds exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

(b) Effective with respect to grants under section 821 of the Act from appropriations under such section for fiscal years beginning after June 30, 1975, subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822 (a) (2) (B)."

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 936. (a) Section 822(b) (4) (as in effect on June 30, 1975) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1978".

(b) Effective with respect to periods of training to be a nurse anesthetist undertaken on or after the date of the enactment of this Act, section 823(b) (2) (B) is amended by inserting "(or training to be nurse anesthetist)" after "professional training in nursing".

(c) Section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $25,000,000 for fiscal year 1976,

(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered into under section 827(b) of the Act before the date of the enactment of this Act.

EXTENSION OF SCHOLARSHIP PROGRAM

SEC. 937. Section 860 is amended—

(1) by striking out "1972, and for each of the next three fiscal years" in subsection (b) and in subsection (c) (1) (A) inserting in lieu thereof "1976, and for each of the next two fiscal years";

(2) by striking out "June 30, 1976" in the second sentence of subsection (b) and in subsection (c) (1) (B) and inserting in lieu thereof "September 30, 1979" and

(3) by striking out "July 1, 1975" in the second sentence of subsection (b) and in subsection (c) (1) (B) and inserting in lieu thereof "October 1, 1978".

PART C—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 941 (a) (1) Section 802 is amended—

(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

(B) by striking out "subsection 806(e) of this Act" in subsection (b)(2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurances that all laborers and mechanics employed by—contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a–5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council')" in the first, sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out the second sentence following such paragraph; and

(F) by striking out "above in paragraph (A)" in subsection (c)(1)(B) and inserting in lieu thereof "in subparagraph (A)".

(b)(1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school;

"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment,

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made.".

(2) Subsection (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

(d) Section 805 (as redesignated by section 2911(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810.

(f) Section 807 is redesignated as section 811 and is amended—

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting in lieu thereof "this subpart";

(2) by striking out "part" in subsection (b) and inserting in lieu thereof "subpart";

(3) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing;"; and

(4) by striking out "those sections" each place it occurs in paragraphs (2) and (3) of such subsection and inserting in lieu thereof "this subpart".

(g)(1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships".

(2) Section 821 (as so designated on the day before the date of the enactment of this Act) is redesignated as section 830.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Sections 822, 823, 825, 826, 828, and 830 (as so designated on the day before the date of the enactment of this Act) are amended as follows:

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(2) Sections 822(a), 823(b), 823(c), 825 (b)(2), and 826(a)(1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 822(b)(2)(A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4)(A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827," in subsection (b)(1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans."

(5) Section 830 is—

(A) transferred to section 823 and inserted after subsection (i) of such section; and

(B) is amended by striking out "Sec. 830. (a)" and inserting in lieu thereof "(j)".

(i)(1) Sections 822, 823, 824, 825, 826, 828, and 829 (as so designated on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j)(1) Part D of title VIII is inserted after subpart II of part B of such title; sections 860 and 861 are redesignated as sections 845 and 846, respectively; and the heading for such part is amended to read as follows:

"Subpart III—Scholarship Grants to Schools of Nursing".

(2) Section 845(a) (as so redesignated) is amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 869 is repealed.

(k)(1) Sections 841, 842, 843, 844, and 845 (as so designated on the day before the date of the enactment of this Act) are redesignated as sections 851, 852, 853, 854, and 855, respectively.".

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a)(2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a)(1)" and inserting in lieu thereof "(a)"; and (D) by striking out "(2)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (f) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10) respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively;

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated), as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices in the Department.".

EFFECTIVE DATE

SEC. 942. The amendments made by section 941 shall take effect July 1, 1975. Except as otherwise specifically provided, the amendments made by section 941 to provisions of title VIII of the Act are made to such provisions as in effect July 1, 1975, and as amended by part B of this title.

PART D—MISCELLANEOUS

INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF AND REQUIREMENTS FOR NURSES

SEC. 951. (a)(1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis—

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, nurse's aides, registered nurses with advanced training or graduate degrees, and nurse practitioners;

(B) the distribution, within the United States and within each State, of such nurses so as to determine (i) those areas of the United States which are oversupplied or undersupplied, or which have an adequate supply of such nurses in relation to the population of the area, and

(ii) the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1977, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a)(1) and the data gathered under subsection (a)(2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under subsection (b) before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to amend the Public Health Service Act and related health laws to revise and extend the health revenue sharing program, the family planning programs, the community mental health centers program, the program for migrant health centers and community health centers, the National Health Service Corps program, and the programs for assistance for nurse training, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4925) was laid on the table.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, JUNE 7, TO FILE REPORT ON H.R. 5546, HEALTH MANPOWER ACT OF 1975

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight, Saturday, June 7, 1975, to file its report on H.R. 5546, the Health Manpower Act of 1975.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. O'BRIEN. Mr. Speaker, at the time of the vote on the conference report on H.R. 4485, I was unavoidably detained, and did not reach the floor in time to cast my vote. If I had been here I would have voted "nay" on rollcall No. 265, and so state for the RECORD.

THE PRESIDENT'S DISASTROUS OIL POLICY

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, President Ford's decision to add still another dollar per barrel to the import duty on crude oil presents a serious danger to the American economy while at the same time offering little prospect of easing our energy problems.

The effects of the President's action demonstrate the total shortsightedness of the administration's approach to the Nation's economic problems.

According to a study just completed by the Library of Congress, and released by our able colleague, the gentleman from Connecticut (Mr. MOFFETT) the immediate cost to the American people of the President's new tariff will be $6.1 billion annually. When this amount is added to the $6.1 billion cost of the $1 previously added to the oil tariff by the President—last February—the direct increase in the burden on the economy imposed by the President's policy will amount to over $12 billion a year.

Moreover, the same Library of Congress study indicates that the "ripple effects" of the new Ford duties on oil could add still another $6 to $12 billion in indirect costs to American consumers and industry.

Mr. Speaker, the inflationary effects of this kind of huge price increase on an economy already severely burdened by soaring prices and a staggering rate of unemployment are obvious.

The American people will have to pay the bill for President Ford's oil tariffs in terms of still higher prices and still higher unemployment.

But, Mr. Speaker, if the President has his way there will be even greater burdens for the American people to bear. For the President seems determined to let the price of all petroleum products go still higher by taking all controls off the price of domestically produced oil.

Should this happen, the price of "old oil," currently $5.25 per barrel, would rise to the OPEC price of $13.50, a net increase, Mr. Speaker, of 157 percent in the price of nearly half the oil consumed in this country. This means another $16.5 billion per year in direct costs would be added to America's petroleum bill, with still another $8 billion in indirect costs resulting from the ancillary effect of decontrol on natural gas and coal prices.

The removal of controls, therefore, combined with the increase in costs resulting from the President's two raises in the oil tariff, amount to a staggering jump in our annual oil bill of $48 billion.

Moreover, Mr. Speaker, the increase in the cost of oil to the American people caused by President Ford's actions might well be magnified even further if the OPEC countries carry out their plan to raise the price of oil by another $2 per barrel next September—a possibility about which the President has been notably silent.

Mr. Speaker, the American economy cannot withstand increased costs of this magnitude without the most severe repercussions. And I think it is worth noting that this rationing by price scheme comes from the same administration which, in its previous incarnation, gave us the Russian wheat deal and phase III and which only 6 months ago was vigorously pressing for an increase in Federal income taxes.

Given this record, there is no reason to have any faith whatsoever in the President's assurances that we can somehow avoid the serious economic consequences I have suggested.

Indeed, Mr. Speaker, there is no reason to suppose that the President's plan, if put into effect, will have any constructive results at all. For if past experience is any guide, the sole immediate result of higher petroleum prices will be an increase in the price of everything derived from petroleum, including gasoline. But decreased consumption will not necessarily follow just as consumption of gasoline did not decrease during the first 7 months of 1974, when, despite the fact that the average price of gasoline at the pump rose by 9.3 cents, demand for gasoline increased by 20 percent.

Mr. Speaker, the President's oil policy—for it is not a rational "energy policy"—amounts to merely one more example of this administration's stubborn reliance on price mechanisms to solve the Nation's problems with the hard pressed consumer left to pay the bill.

The President's program does not take into account the massive adverse effects that his plan would have on both inflation and unemployment.

The President's policy is, in sum, both ill-conceived and dangerous and does not merit the approval of either the Congress or the people.

CAN THE STATES COPE WITH THE MEDICAL MALPRACTICE CRISIS?

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from New York (Mr. Hastings) is recognized for 5 minutes.

Mr. HASTINGS. Mr. Speaker, I do not think any of us need to be convinced of the seriousness of the medical malpractice problem. During the last 6 months, we have been bombarded through the media and by affected groups with information about the medical malpractice crisis. Medical malpractice insurers are refusing to write new policies in some States, insurance premiums and claims are increasing astronomically, and we are continuously made aware of the growing numbers of persons receiving medical injuries. Although information regarding the precise magnitude and character of the medical malpractice problem is sometimes spotty and incomplete, there is no question that the data is sufficient to support the fact that we do have a crisis on our hands.

Medical malpractice, as you all know, is distorting the costs and the delivery of health services. It is the fastest growing item of dollar cost in the medical care system today, and allegedly it has a strong influence on the physicians' methods of practice—often in a negative way—resulting in overdiagnosis and overtreatment. It is either the cause or the rationalization of billions of dollars of waste which we cannot afford.

We are now experiencing a strong reaction from the medical community. California doctors went on strike for a month, denying service to the public and causing widespread layoffs and reductions of workweeks of hospital staffs. New York City physicians are beginning a slowdown in protest to legislation recently enacted in that State. Also physicians in Virginia, Maryland, Texas, and other States are following suit.

In addition to the overall negative impact on the health care system, its effect on patients who are injured is of most concern. We know there are far more medical injuries than there are claims, although this gap is narrowing rapidly. Some estimates of medical injuries caused by negligence are as high as 600,000 a year. Claims take years, not months, to settle and in the end the patient gets far less than half of all premium dollars paid by providers for medical malpractice insurance.

Due primarily to the efforts of the medical profession, States have been very active in considering legislation to deal with this problem. According to the American Medical Association, over 200 bills pertaining to medical malpractice were introduced in State legislatures this year. These bills cover a wide range of issues, including the availability of medical malpractice insurance, the statutes of limitations for filing suits, limits on liability, the powers of medical licensing boards to deal with negligent physicians, the establishment of State insurance funds, and limits on contingency fees for plaintiff lawyers.

The State legislatures deserve considerable praise for their serious consideration of efforts to deal with the medical malpractice problem. A large number of States, in fact most of the States with the most serious problems, have passed legislation dealing with medical malpractice. States with an immediate crisis of availability of medical malpractice insurance, for example, authorized joint underwriting or State pools of insurers to assure the availability of insurance. Some appeared to go further than others in facing up to the problem. But despite these considerable efforts by the States, the results are not uniformly promising.

Most State legislation which was enacted, for example, did not deal with the matter of limiting contingency fees, although there is general agreement among experts that this needs to be done. This is true also of collateral benefits, structured payments as opposed to lump sum payments, and loss prevention or risk control programs. From the reports I have received from the States where crises existed and where legislation has passed, considerable doubt is expressed that the legislation will effectively reduce the number of claims, the size of awards, or the increases in their insurance premiums. Most medical societies appear to be planning to promote needed changes in future sessions of their respective State legislatures. They are calling for more fundamental reforms of the medical malpractice claims settlement process.

When I introduced the Medical Malpractice Claims Settlement Assistance Act on April 17 I spoke of the need for a strong State solution to the problems of medical malpractice. Both health care providers and medical malpractice insurers have been subject to State laws and regulations, and it appeared to many Members of Congress, the administration, and providers and insurers that State action was the most desirable course to take.

It is the relatively limited response of the States to a problem that is so enormous and growing so rapidly that forces me to the conclusion that the Federal Government must assume a more active role in solutions to medical malpractice. Congress must be mindful, too, of the impact that the medical malpractice is having on Federal programs such as medicare and medicaid, and the impact it could have on any national health insurance legislation that might be enacted.

In this case, Federal involvement will hopefully mean a solution arrived at with the participation of the States, insurers, providers, and other interested parties. Hopefully, the Federal mandate can be limited. But, if a comprehensive response is not forthcoming from the States, the Federal Government must assume ultimate responsibility for seeing to it that effective solutions, both public and private, are achieved in dealing with the medical malpractice crisis.

Mr. Speaker, I would like to emphasize to my colleagues that I make these remarks with my legislation, H.R. 6100, the Medical Malpractice Claims Settlement Assistance Act in mind. H.R. 6100 recognizes the primary role of the States in dealing with the medical malpractice situation. I believe it is a reasonable approach by which the Federal Government could act in concert with the States to deal effectively with the medical malpractice dilemma.

A summary of H.R. 6100 follows for the consideration of my colleagues:

BILL SUMMARY

The Medical Malpractice Claims Settlement Assistance Act would utilize a temporary program of voluntary reinsurance over the amount of $200,000 to assure the continued availability of coverage for those States who would qualify. The Secretary is authorized to conduct certain studies, collect certain data and information, and undertake pilot programs.

In order to qualify, States would have to establish programs of arbitration. Although all medical malpractice claims would be required to be arbitrated before seeking judicial recourse, the arbitration would be nonbinding, but the decision would be admissible as evidence in any court action.

Scheduling of attorney's contingent fees would be required that would reduce the percentage of fee as the size of the award increased.

The State would be required to limit the statute of limitation to 2 years from the time of an alleged medical malpractice occurrence for an adult. For minors less than 6 years of age, an action may be brought at any time until he reaches the age of 8.

States would be required to establish statewide patient grievance mechanisms so that consumers can register concerns relating to individual medical professionals. The statistical data on all such incidents must be reported quarterly to the Secretary of HEW.

States would be required to regulate the computation of demands, which requires that awards shall be reduced by payments for the same purpose from other sources such as insurance, or governmental employment, or service benefit programs.

They would be required to establish rules which would require that arbitration panels would, where appropriate, award periodic rather than lump-sum payments on behalf of injured patients.

All health care institutions and facilities that receive medicaid payments would be required to establish risk control programs to act as patient grievance mechanisms to directly intercede in actual or potential medical malpractice situations.

The program undertaken by individual institutions or groups of institutions, is intended to prevent medical malpractice injury incidents, alleviate patient grievances that could lead to a malpractice claim, and, where necessary, bring about equitable settlements in the early stages of such incidents.

In addition, education programs would be required for staffs and patients alike so that all will be aware of its existence and function. Statistical data on medical injury incidents must be maintained and reported quarterly to the Secretary of HEW.

LEGISLATION TO CONVEY LANDS TO VALLEY COUNTY, IDAHO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. Symms), is recognized for 5 minutes.

Mr. SYMMS. Mr. Speaker, I am introducing this afternoon legislation which directs the Secretary of the Interior to convey for fair market value certain lands to Valley County, Idaho.

Our Valley County Commissioners have been seeking to no avail for over a year now a tract of private land suitable for use as a sanitary landfill. No suitable lands are available for outright purchase. The ideal location could be obtained, but only in exchange for other lands. The purpose of my bill is to obtain land now in Federal ownership which may then be exchanged for the site desired by the county. I want to emphasize that this is not a "giveaway." The county is prepared and expecting to pay fair market value to the Government for this exchange. The impact on the local tax base is negligible.

Valley County, like many sparsely populated counties across this Nation, has been unable to comply to date with the relatively new Environmental Protection Agency regulations governing appropriate disposal of waste. Many communities in Valley County are forced to haul their waste long miles to larger surrounding townships. I am sure my colleagues can appreciate that the last thing in the world most of our Nation's towns need is more garbage from their neighbors.

I would appreciate the cooperation of my colleagues in acting quickly on what is a relatively minor matter, but of great importance to Valley County in my congressional district. These people have an opportunity here to solve their own community services problem, but they need a bit of assistance from this Congress to get things rolling.

GUN CONTROL—WE HAVE NEVER REALLY TRIED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, on March 11, I wrote to Rex D. Davis, Director of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning aspects of the administration of the Gun Control Act of 1968, as amended.

For some years, there has been interest by the administration and by some Members of Congress in repealing the recordkeeping requirements on the sale of .22-caliber ammunition. In 1968, when the Gun Control Act was passed following the assassination of Senator Robert Kennedy, it was required that ammunition sales be recorded. In 1969, Public Law 91-128 was passed modifying this recordkeeping provision by eliminating the requirement that shotgun ammunition and ammunition suitable for use only in rifles be recorded. However, the purchase of ammunition which is interchangeable between rifles and handguns, such as .22-caliber rimfire ammunition, must still be recorded.

It is felt by many that this recordkeeping of .22-caliber rimfire ammunition—the most popular caliber of sporting ammunition—is burdensome on the buyer and seller. The Treasury Department does not believe it is useful in their law enforcement efforts.

There is some evidence, however, that this recordkeeping requirement could be a useful tool—if the Department chooses to use it. For example, in early 1972, our colleague from New York, the Honorable JONATHAN BINGHAM, noted:

> So far as I have been able to discover . . . there are no cases where, on the basis of an examination of sales records required to be kept by law, a felon or other dangerous individual (as defined by the law), was discovered to have received ammunition and an arrest and prosecution was made simply on that basis *before the felon had an opportunity to use that ammunition to commit a crime of violence.* (Emphasis in original) That, of course, is what should and must be done if the intent of Congress in enacting these laws is to be carried out, and if these laws are to be fully employed to protect the public.

To determine whether felons were buying ammunition illegally, members of Congressman BINGHAM's staff visited a number of New York City area gun shops and picked 90 names from random of individuals who had purchased .22-caliber rimfire ammunition. This list was then checked by the FBI to determine which of the individuals had serious criminal records.

As our colleague reported:

> Of the 90 names on the list the FBI found 23 with records of arrest or conviction—an astonishing 26%. Of these 23, eight individuals have been convicted of crimes punishable by a year or more in prison—three of them having committed crimes while armed. Two others appear to belong in this felony category, but cannot definitely be so listed without additional information . . . Two individuals, including one of the eight convicted felons, appear to be "unlawful users" of drugs. Records of the remaining twelve individuals show arrests without convictions, or arrests and convictions for relatively minor offenses.

It appears, Mr. Speaker, that with some initiative, these records could be useful. In 1973, over 12,000 Americans were killed by firearms. Approximately 25 percent of these deaths were caused by .22-caliber bullets. A .22-caliber bullet may be small, and it may be a popular hunting bullet, but on our city streets it can be deadly.

Following is the response of Director Davis to my questions regarding the use of the .22-caliber recordkeeping requirement. As before, the Department remains adamant in its opposition to the use of this provision.

Mr. Speaker, many oppose strong gun control laws because they say that they do not work. I doubt that we as a Nation have ever really tried to make the existing laws work. The Department is right—the .22-caliber program is useless because they decided not to use it.

There are other responses to my inquiries which reveal how little effort has been made to implement effectively the gun control laws.

For example, in response to question 11, the Bureau reported that in fiscal year 1974, they performed 27,483 new application inspections and 15,751 compliance inspections. In essence, this means that the Bureau is approving the start of more new firearms sales locations than the number of old locations it is able to review each year. In the Bureau's fiscal year 1975 appropriations hearings the Bureau noted that:

> There are 150,735 licensed firearms and explosive dealers on our records. Ideally, we should be routinely reviewing their recordkeeping practices once over 3 years. Last year we made 17,269 such inspections representing less than 12 percent.
>
> I am sure that you will understand that we do not need necessarily to visit each of these establishments every year, but many dealers in alcohol, firearms, and explosives have never been inspected and there is no way this task can be accomplished with the manpower available to us.

In fiscal year 1974, however, the number of inspections actually declined from 17,269 to 15,751. In fiscal year 1975, the number of compliance inspections is estimated to be 11,000 and in fiscal year 1976, if the budget request is approved, the number of inspections will be about 10,000.

As the Director's letter to me indicates, if the Bureau were to perform one compliance inspection per gun dealer per year, an extra 672 personnel would be required at a cost of an additional $11 million. It is entirely possible that this level of inspection is unnecessary—but it is increasingly obvious to me that one reason gun control has never worked in the United States is that all we have done is put words on paper—we have never vigorously enforced the existing laws and never really attempted to control the flow of firearms and ammunition in our society.

DEPARTMENT OF THE TREASURY,
Washington, D.C., April 25, 1975.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in reply to your letter of March 11, 1975, concerning the recordkeeping requirements imposed by the Gun Control Act of 1968 on sales transactions involving .22 caliber ammunition, and the Bureau's compliance inspection program relating to licensed dealer activities. For ease of reference, your questions are restated and are followed by our comments.

1. What has the Bureau done to make this provision (recording .22 caliber ammunition) useful for reducing and controlling the illegal use of firearms and ammunition.

A. The Bureau requires no more information to be reported on sales of .22 caliber ammunition than is specified by statute. We find such requirements to be of little value in controlling the interstate flow of firearms and in the investigation and prosecution of criminal cases.

2. How often are the lists of ammunition purchases collected by the Bureau?

A. The records relating to ammunition transactions are required to be maintained on the licensed premises for a period of not less than 2 years following the date of sale. These records are the property of the licensed dealer and are not collected by the Bureau.

3. What is done with the lists?

A. The dealer records relating to .22 caliber ammunition transactions are checked during compliance inspections for accuracy, completeness, timely entries, etc. On occasion, they have been used in support of investigation of suspected criminal violations, but have never been of substantial value because of problems in identification and lack of control of such ammunition after it leaves the licensed premises.

4. If it is found that an ineligible individual was making ammunition purchases, what action would be taken?

A. If the problem relates to indiscriminate sales by a licensed dealer, the dealer would be apprised of the requirements of properly identifying purchasers. Revocation of the dealer's license and/or criminal prosecution may result for noncompliance with the provisions of the Gun Control Act of

1968. Depending on the severity of the violation, criminal charges may be brought against the ineligible purchaser.

5. Have any checks been made to determine how well ammunition sellers are complying with this law?

A. In Fiscal Year 1974, 15,751 compliance inspections were made. Records required under the Act, such as those relating to ammunition transactions, are routinely checked during these inspections.

6. What identification is required to determine whether a person purchasing ammunition is correctly identifying himself?

A. With respect to proper identification of purchasers of ammunition, we suggest to dealers that a driver's license or comparable ID be required. Identification which does not contain all the information required under the Act and which is easily obtainable, such as a social security card, is not sufficient.

7. Is any consideration being given to placing the .22 caliber ammunition registration information on computers to assist in the processing of this voluminous material?

A. No. The manpower effort and expense necessary to administer a computer storage and retrieval system for ammunition would not be justified by the results that may reasonably be expected through the use of such system.

8. Instead of abolishing the provision of law, can you make any recommendations on how it could be made more effective and to provide a tool to the Bureau to prevent illegal firearm purchases and use?

A. During the First Session of the 91st Congress, Public Law 91–128 was enacted, modifying the recordkeeping requirements on ammunition sales under the Gun Control Act of 1968. In effect, it repealed recordkeeping requirements with respect to sales of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts therefor. Purchases of ammunition interchangeable between rifles and handguns, such as .22 caliber rimfire ammunition, continued to be subject to the recordkeeping requirements.

In reporting on the ammunition records amendment to H.R. 12829 (which became Public Law 91–128), the Treasury Department expressed the view that the records required of transactions in sporting-type ammunition, i.e., shotgun, rifle and .22 caliber rimfire ammunition, were of little value in law enforcement. We continue to adhere to this position on .22 caliber rimfire ammunition.

9. What exactly is reviewed and examined in these inspections?

A. We have enclosed a copy of our instructions to field personnel on procedures to be followed in making a compliance investigation. This sets out in detail what the agent or inspector is to do and what to look for.

10. In what ways do you feel these inspections lead to tighter controls over firearms and ammunition?

A. The purpose of a compliance inspection is to determine that a licensee has been complying with applicable laws and regulations as well as to instruct a licensee as to applicable legal requirements. These inspections are instrumental in implementing the provisions of Title I of the Gun Control Act of 1968 since they enable us to monitor the effectiveness of the Federal regulations imposed on the licensed firearms industry in administering the Act. In addition to revealing areas where tighter controls are warranted, it is the basis for evaluating and, as appropriate, eliminating procedures and requirements that are not reasonably necessary to implement and effectuate the provisions of the Act.

11. How many inspections were you able to make in 1974?

A. During Fiscal Year 1974, the Bureau performed 27,483 new application inspections and 15,751 compliance inspections.

12. How many additional agents would you need to provide yearly inspections?

A. We have estimated that to perform a compliance inspection of each licensee annually, it would require an additional 543 inspectors, 36 supervisors, and 96 clerical personnel, in Fiscal Year 1976.

13. What would be the additional cost of this manpower?

A. We estimate an additional $11,000,000.

If we can be of further help in any way, please let us know.

Sincerely yours,

Rex D. Davis,
Director.

H.R. 7543—THE CAPITAL RECOVERY ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggoner) is recognized for 30 minutes.

Mr. WAGGONNER. Mr. Speaker, on June 3, I introduced H.R. 7543, the Capital Recovery Act of 1975. Joining me as an initial sponsor was my distinguished colleague on the Committee on Ways and Means, Bill Archer of Texas. This bill contains one approach to meeting the serious capital shortage problem facing our economy in the years ahead. As the Congress considers general tax reform, the capital recovery allowance system proposed by this bill should be given very serious attention as a constructive reform of our tax system.

One recently released study indicates that the steel industry alone will have to make capital investments averaging $5.5 billion a year over the next 10 years, more than three times the average annual outlays in 1968–73 to meet replacement, expansion, and environmental protection demands. This situation is not unique to the steel industry. Dramatic increases in capital expenditures will be required by industry in general over the next several years.

Discussion of capital shortage may appear inappropriate at a time when unemployment is high and many industries are operating at levels well below their normal capacity. Yet, capital shortages have played a major role in creating the current recession. Most of us recall the materials shortages in minerals, in primary metals, in paper, and in other industries in 1973 and early 1974. The resulting price escalations played a significant role in the resulting collapse of consumer buying and economic confidence. As economic recovery gets underway in the coming months, we will once again build toward the same industrial bottlenecks and shortages. These basic problems have not dissolved during recent months; they have merely been masked by the recession. The faster the pace of recovery, the sooner we will encounter these problems again.

To begin to work on these problems, we must reexamine our approach to capital formation in this economy, for it is the availability of capital which finally determines which investments can be made, how many new jobs can be created, and whether or not industrial capacity and modernization problems will be reduced.

As Treasury Secretary Simon put it recently—

> Preservation of a strong system of private enterprise depends upon the maintenance of adequate profits and much greater emphasis upon capital investment.

Our legislation will increase capital investment directly by increasing the amount of cash flow available for reinvestment in productive enterprise. As Secretary Simon emphasized:

> Increased productivity is the only way to increase our standard of living, and yet in recent years we in the United States have failed to meet the capital investment requirements that are necessary to support an expanding economy. We are rapidly expanding government payments to individuals—they have doubled in 10 years—but we are neglecting to provide adequate incentives for capital formation within the private sector.
>
> Relative to the size of our economy, the level of capital investment in the United States since 1960 has been the lowest of any major industrialized country in the Free World. From that year through 1973, private investment here averaged about 17.5 percent a year of our GNP. By contrast, capital investments averaged 35 percent a year of the GNP in Japan, 26 percent in Germany, and 25 percent in France.

Treasury data also show that not only has the United States one of the lowest rates of capital investment among the Western nations, but also one of the poorest records in productivity gains. During the period 1960 through 1973, the average increase in productivity in the United States was only one-half of that recorded in France and West Germany and less than one-third of the amount in Japan. It is clear that low rates of capital investment mean low rates of productivity growth.

One factor which is of primary importance to capital formation is the cost recovery structure within the Internal Revenue Code. Cost recovery techniques determine how rapidly business can recapture and reinvest its capital. Historically, the United States has utilized the "useful life" concept as the underlying policy for our cost recovery system in the tax law. Under this system, taxpayers may deduct from gross income a percentage of the historical cost of business or income-producing assets, based on the estimated number of years over which the asset is expected to depreciate in usefulness as an income producer.

A number of modifications, including accelerated methods, the Class Life System and ADR, have increased somewhat the speed of overall cost recovery. But these are still based on an advance determination of a "useful life" for given asset classes. In addition, ADR is a very complicated system which many small businesses simply cannot utilize.

The fundamental problem with the useful life approach is its impracticality in the real world of inflation, changing technology, and intensified foreign competition. Even single-digit inflation has a very significant negative impact on the value of the recovered historical dollars. Recent double-digit rates are truly devastating. In the manufacturing industries the effect is particularly harsh because even under the ADR system depreciable lives are generally greater than 9 years. In effect, the existing system of depreciation sanctions the erosion of our capital base.

Most other industrialized nations have moved away from the long write-off periods and toward a more rapid cost recovery system. Canada has recently instituted a 2-year write-off period for machinery and equipment which the Liberal government has now decided to make a permanent feature of their tax system. The United Kingdom allows a 100-percent write-off for machinery in the first year. Other industrialized countries employ different rapid recovery mechanisms. Even with the 10 percent investment tax credit, the United States ranks behind many of these competing countries.

One effect of our existing policy has been to force business to the credit markets to finance modernization and expansion, as well as Government mandated capital expenditures for environmental protection, health, safety, and so forth. Since 1960, the percentage of overall investments by nonfarm, nonfinancial corporations which were covered by internal funds dropped from over 80 percent to under 40 percent as more and more firms turned to external money and credit markets for funds. As evidenced by the credit crunch of 1973–74, and with the intense competition for funds from the deficit-ridden Federal Government, the sources obviously cannot be relied on for stable investment programs.

One way to ease this problem is to provide a simple, rapid cost recovery system as an alternative to depreciation. A significant increase in the rate of recovery would reduce, though not eliminate, the impact of inflation on recovered costs. In so doing, the system would increase the internal funds available for new investment in plant and equipment.

The system proposed in this bill would establish a 5-year recovery period for all productive machinery equipment and for pollution control facilities. A 10-year period would be applicable for industrial buildings. Based on these periods, the taxpayer could deduct up to the year's maximum capital recovery allowance, using accelerated methods for calculations. Unused allowances would be available in subsequent years. The taxpayer could begin to utilize such allowances as acquisition costs are incurred, and a full year's deduction would be allowed.

Detailed estimates of the estimated revenue impact and feedback effect of increased investment and employment have been made. They show that the program would be self-sustaining—that is, the revenue generated by increased economic activity would offset the direct revenue loss. However, the program could be implemented in stages to minimize the direct revenue impact if necessary. Economic analysis indicates the employment effect from implementing the system all at once in the capital goods and construction industries alone would be approximately 180,000 additional jobs in the first year rising to 290,000 new jobs in the third year.

This concept is relatively simple and would be much easier to administer compared to present depreciation practice with all its engineering evaluations, confusion over salvage value, et cetera. However, all existing methods of depreciation would still be available to business taxpayers.

In sum, the proposed capital recovery allowance system in H.R. 7543 would be a long-term reform measure to:

First. Offer an effective alternative to the "useful life" concept which is the basis for the existing depreciation system;

Second. Improve the climate for internal capital formation to finance necessary investment in capacity expansion and modernization, thereby creating new employment opportunities and tending to stabilize economic activity over the long term; and

Third. Make our cost recovery system more competitive relative to enterprise in other industrialized nations.

Inflation and unemployment are particularly pressing problems now, and the temptation to rely wholly on quick-fix economic policies is great. However, we believe we must begin to break the psychology of quick fixes and instant governmental responses to every change in national economic policy directed toward a long-term and more stable climate for productive investment.

We will urge the Committee on Ways and Means to consider this new capital recovery system as a major part of the tax reform bill to be ready for the House late this year.

I include the following:

Brief Summary of the Provisions of H.R. 7543, the Capital Recovery Act of 1975

H.R. 7543 would create a new section of the Internal Revenue Code of 1954 as an alternative to the current concept of depreciation. The alternative would be a capital recovery allowance system. The system would be included in a new section 189, as this is where it would logically be placed in the sequence of depreciation and amortiation sections presently in the Code. A brief explanation of the language contained in section 3 of the draft bill follows:

Subsection 189(a) is the general rule which would permit a capital recovery allowance deduction in lieu of the deduction for depreciation now provided under section 167. An election would be required, and the system would not be mandatory. The phrase "with respect to any section 189 property" is intended to allow the taxpayer to elect section 189 with respect to only part of its assets, if desirable. Once property is subject to the capital recovery allowance system, the taxpayer may not apply depreciation or amortiation to that property, except with IRS consent.

Subsection 189(b) defines the type of property which would be eligible for the capital cost recovery deduction. Basically, this would include: (1) section 48(a)(1) property eligible for the investment credit; (2) industrial buildings and their structural components; and (3) pollution control equipment as it is defined in section 169.

Paragraph 189(b)(1) would make all tangible personal property eligible for capital recovery allowance treatment. While this is rather broad, it is difficulty to justify a narrower definition limited to property used in production. Arguably, machinery and equipment used in non-manufacturing applications should not be denied the benefits of rapid recovery.

Paragraph 189(b)(2) would permit capital recovery allowance deductions for all other tangible property (in effect, for real property) if such property is used in manufacturing, extracting, transportation, communications or public utility services. Industrial buildings and their structural components—which are ineligible for the investment credit—would qualify under this definition. Certain warehouses would also qualify. However, because of the restriction as to qualified usage, office and apartment buildings, hotels, resorts, etc., would not qualify. (Note: the section 48(a)(1) definition of investment credit property makes specific mention of elevators and escalators. This has been omitted here since such property would be included as being structural components of buildings.)

The final sentence of subsection 189(b) is intended to emphasize that the preceding sentence (which limits section 189 to property which would otherwise be subject to depreciation or amortization) would not prohibit the use of section 189 with respect to costs incurred in years prior to what would otherwise be the first year in which property could be subject to depreciation or amortization. (See subsection 189(d) below.)

Subsection 189(c) would establish the maximum allowed percentage of the property's basis which could be deducted in any particular year. To maintain a degree of consistency with other Code terminology, property subject to an election under section 189 would be divided into section 1245 property, pollution control property and section 1250 property. The schedules set forth the maximum percentage of the acquisition cost (see subsection (d)) which could be deducted in each year, beginning with the year in which the cost was incurred. The percentages have been calculated using the most beneficial combination of the double declining balance method and the sum-of-the-years-digits method. The taxpayer could deduct any amount from 0 to the maximum applicable percentage for that year. Any unused deductions would be carried forward indefinitely and could be deducted in any succeeding year in addition to the maximum amount set forth for that year. (see subsection 189(e).)

Subsection 189(d) defines the term "acquisition costs" to which the maximum applicable percentage would be applied. Under section 189, a capital recovery allowance deduction would be available with respect to any cost incurred or paid to acquire section 189 property. Such costs would be identical to costs which determine basis under section 1012. However, since capital recovery is the key to this system, deductions could begin in any year in which costs are incurred or paid, not the year in which assets are placed in service. It would be likely that many costs would be spread over a two or three year period, in which case the costs incurred or paid in a given year would be included in a vintage account for that year, not compiled.

Subsection 189(e) would allow carryovers of unused deductions to succeeding taxable years. Such deductions would be allowed in addition to the maximum deductions set forth for that year.

Section 4 of the bill would amend section 46 to make it clear that the investment credit would be available for property with respect to which the taxpayer elects a section 189 deduction in the same manner as if conventional depreciation were used. This is intended to prevent confusion over the percentage of cost (100% versus 66.67%) to which the credit would be applied in the case of assets which currently use depreciable lives of seven years or longer but which could become subject to the five-year write-off period of section 189.

Section 5 would amend section 57 to prevent any deduction allowed under section 189 from being included as an item of tax preference under the minimum tax.

Section 6 would amend section 1016 to specifically include section 189 deductions as proper adjustments to the basis of the property.

Sections 7 through 10 would amend sections 1245 and 1250 to clarify them for purposes of their application to section 189 property.

Section 11 would make January 1, 1975, the effective date for the bill, and section 189 would apply only to costs incurred or paid on or after that date.

U.S. CANAL ZONE TERRITORY: NONVOTING DELEGATE IN THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, from my long experience in the observation and study of the problems of the Panama Canal, including appearances as a witness before committees of the Congress, it has become increasingly evident that the interests of the United States and its citizens in the Canal Zone have not been represented in the Congress as well as they could be.

At present, four other U.S. territorial possessions are represented in the Congress as follows:

Territory	Population	Land area (square miles)
Resident Commissioner (4-yr term):		
Puerto Rico	2,712,033	3,421
Delegates at large (2-yr terms):		
Washington, D.C	756,510	61
Guam	84,996	209
Virgin Islands	62,468	132

The Canal Zone, with a land area of 362 square miles and population of 44,198—39,200 U.S. citizens—is not represented in the Congress, which since the opening of the Panama Canal has served as the legislature for the Zone and has enacted an extensive Canal Zone Code. Moreover, the Zone has a strategic importance greater than either Alaska or Hawaii, which for many years before statehood had delegates in the Congress.

Under existing laws the Canal Zone government is called upon to perform many of the functions of State, city, and county governments. The executive branch of that government is headed by a Presidentially appointed Governor of the Canal Zone, the judicial branch by a U.S. district judge, but its legislative, the Congress, has no permanent representative in it from the Zone. Thus many problems that require legislative supervision find the Congress without a continuously available delegate to assist in arriving at wisely reasoned decisions.

To remedy the situation thus presented, I have introduced H.R. 7425 to authorize the election of a delegate at large from the Canal Zone. Because of the importance of having such representation from the Canal Zone in the Congress, prompt action is urged.

The indicated measure follows:

H.R. 7425

A bill to provide that the United States Canal Zone shall be represented by a Delegate to the House of Representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DELEGATE FROM THE CANAL ZONE

SECTION 1. The first section of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives", approved April 10, 1972 (48 U.S.C. 1711), hereinafter in this Act referred to as the "Act", is amended by striking out "and the territory of the Virgin Islands" and inserting in lieu thereof the following: ", the territory of the Virgin Islands, and the Canal Zone".

ELECTION

SEC. 2. Section 2(a) of the Act (48 U.S.C. 1712(a)) is amended—

(1) in the first sentence thereof, by inserting "from Guam and the Delegate from the Virgin Islands" immediately after "The Delegate";

(2) by inserting immediately after the first sentence thereof the following new sentence: "The Delegate from the Canal Zone shall be elected by the citizens of the United States residing in the Canal Zone at a general election held in November 1976, pursuant to regulations established under section 4(b), and at a general election every second year thereafter."; and

(3) in the second sentence thereof, by striking out "The Delegate" and inserting in lieu thereof "Each Delegate".

ELIGIBILITY

SEC. 3. Section 3(c) of the Act (48 U.S.C. 1713(c)) is amended by inserting "or possession" immediately after "territory".

ELECTION PROCEDURE

SEC. 4. Section 4 of the Act (48 U.S.C. 1714) is amended—

(1) by inserting "(a)" immediately after "SEC. 4."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Governor of the Canal Zone shall prescribe regulations for conducting general elections for the office of Delegate from the Canal Zone, and shall submit a copy of such regulations to each House of the Congress not later than January 1, 1976. Such regulations shall take effect on March 1, 1976, unless either House of the Congress passes a resolution before such date which specifically disapproves of all or part of such regulations.".

PRIVILEGES OF DELEGATE

SEC. 5. Section 5 of the Act (48 U.S.C. 1715) is amended—

(1) by striking out "and the Delegate from the Virgin Islands" and inserting in lieu thereof the following: ", the Delegate from the Virgin Islands, and the Delegate from the Canal Zone"; and

(2) by striking out "the Delegate from each territory" and inserting in lieu thereof the following: "each Delegate".

SPECIAL ELECTION

SEC. 6. The Governor of the Canal Zone shall conduct a special election for the office of Delegate from the Canal Zone not later than thirty days after the date of the enactment of this Act. Such Delegate shall be elected by the citizens of the United States residing in the Canal Zone on the date of such special election. The term of such delegate shall commence not later than ten days after the date of such special election, and shall end upon the commencement of the term of the person elected Delegate in the general election in 1976.

SEPARATION OF POWERS VIOLATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I should like to present for the consideration of this House serious evidence of systematic and repeated violations by the executive branch of the constitutional principle of separation of powers, specifically the power of Congress to regulate interstate and foreign commerce.

I will present today evidence of a clear pattern and practice of executive branch commitments on the British-French Concorde supersonic aircraft since 1971, including a letter from then-President Richard Nixon to the leaders of Britain and France, which has resulted in a situation today where the mandate of Congress as expressed in the National Environmental Policy Act and the Noise Control Act has been seriously undermined.

As I hope will become clear, actions by both the Nixon and Ford administrations in behalf of Concorde would appear to violate both the letter and the spirit of the Constitution, and of court cases testing the power of the executive branch to involve itself in agreements on interstate and foreign commerce.

I am not saying, of course, Mr. Speaker, that the executive branch has no role in these matters. What I am saying is that court cases and the Constitution itself clearly establish that the executive branch may not move in these areas so as to contravene procedures established by Congress.

This principle was most seriously enunciated when then-President Truman attempted to nationalize the steel mills in 1952 without first invoking the provisions of the Taft-Hartly Act. As many here will recall, the Supreme Court ruled that Mr. Truman acted unconstitutionally by moving in such a way as to ignore procedures established by Congress under its constitutional mandate to regulate interstate and foreign commerce.

In the matter before us today, the gist of the executive branch's involvement has been to formally advise, verbally and in writing, other Federal and State officials that such strong commitments have already been made on Concorde that severe diplomatic and foreign policy consequences could be expected if we now refuse to let Concorde land because of legitimate environmental fears.

Letters written this April by two key assistants of the Secretary of State to the Governors of New York and New Jersey, and to our former colleague, Ogden Reid, now commissioner of environmental conservation in Governor Carey's cabinet in Albany, would appear to be in clear violation of a 1973 court of appeals decision warning the executive branch that it cannot supersede the procedures mandated by Congress in the National Environmental Policy Act by invoking what the court called "foreign policy mystique" to justify ignoring the legal process.

These letters, the two key paragraphs of which are quoted in a news account I will present for the RECORD at the close of my statement, attempt to warn our friends in New York and New Jersey that serious foreign policy consequences could follow rejection of Concorde, as I noted a moment ago.

However, as our colleague from New York (Mr. AMBRO) discovered last week while taking a firsthand look at Concorde at the Paris Air Show, and briefings by French officials have convinced him that France clearly appreciates the environmental dangers of Concorde, specifically the threat to the ozone layer so dramatically confirmed by the National Academy of Sciences. As a result, Mr. AMBRO tells me, State Department and National Security Council talk of dire foreign policy consequences is not justified.

Even if the fears were well-founded, however, the 1973 court of appeals case stands foresquare on our side in demanding that the executive branch stop this attempt at an end-run around the expressed will of Congress.

These April letters followed the FAA's January recommendation that Concorde be allowed to begin regular commercial service in 1976 out of New York's John F. Kennedy Airport, and the FAA-controlled Dulles International. But the letters were written more than a month prior to the legally required hearings on the proposal which theoretically were held to help the administration make up its mind on Concorde.

But now we know that the fears of diplomatic pressure I expressed at the FAA hearings and my worst fears that the public hearings process was an utter sham in itself now appear to have been completely justified because of the executive branch involvement.

We now know that this year's domestic involvement on Concorde was preceded by questionable international commitments by the Nixon and Ford administrations made at key points in the British-French decisionmaking process, obviously designed to strengthen the hands of pro-Concorde forces overseas.

The Nixon administration's involvement began shortly after Congress in its wisdom defeated an American SST because of environmental and economic factors in 1971. That year then-FAA Administrator John Shaffer conveyed official assurances to Britain and France that Concorde would be allowed to land at Dulles, Kennedy, and also Boston's Logan Airport.

The same day as Shaffer's completely unjustifiable commitments in behalf of New York and Boston, where both airports are controlled by public bodies in their home States, then-American Ambassador to France Arthur Watson presented official U.S. Government assurance that Concorde would gain landing rights in New York City.

It is extraordinary, Mr. Speaker, that the Nixon administration took it upon itself to speak in behalf of the people of New York State, who administer Kennedy Airport through the Port of New York Authority, and who have established noise level limits to protect themselves and which, to date, the FAA has steadfastly refused to apply to airports under its control.

In addition to the Nixon letters of January 1973, which I have already mentioned, Mr. Speaker, the most egregious case of direct executive branch involvement overseas came in July of 1974 when then-FAA Administrator Alexander Butterfield sent a telegram to the British manufacturer of Concorde just prior to crucial talks between Prime Minister Wilson and President D'Estaing on whether or not to cancel the project.

The Butterfield telegram, officially endorsing Concorde in the name of the FAA, was followed by a decision by Britain and France to continue the project, despite negative economic projections by their own aircraft industry. As can be noted in a highly revealing excerpt from testimony by a British expert on Concorde which I will present for the RECORD at the conclusion of my remarks, the Butterfield telegram somehow found its way into publications overseas, thus enabling us to see the truth on how our Government was going behind the back of Congress in the matter of SSTs.

I am sorry to say that the picture at home is still cloudy because of the refusal of the present administration to release the text of the Nixon letters, and the refusal of the White House to reveal to Congress the content of discussions between the President and Prime Minister Wilson a few weeks ago on Concorde.

However, thanks to sources at home and abroad, we are able today to piece together quite enough of the puzzle on Concorde to see a picture of executive branch attempts to present Congress and the American people with a fait-accompli on a foreign SST.

We already have disturbing testimony before a subcommittee of this House in March by Mr. Roger Strelow, EPA's assistant administrator for air and waste management, to the effect that the State Department and the National Security Council—that's right, the National Security Council—pressured EPA prior to the controversial "waiver" granted the first 16 Concordes by EPA.

Strelow has specifically stated, as the news story presented below shows, that National Security Council personnel and State Department representatives warned EPA that then-President Nixon had committed the U.S. on Concorde, and asked that no restrictions be placed on the controversial aircraft.

My legislation dealing with the question of all supersonic aircraft is slated for hearings this July before the Aviation Subcommittee of Public Works, and, as you know, has the cosponsorship of the unified New York Democratic delegation, as well as many distinguished colleagues across the aisle, and across the Nation, who appreciate the threat to our environment and to our people, which, an operating fleet of SST's as presently designed clearly represents.

I have on many occasions in the past few months presented for the consideration of this House the facts and figures on Concorde, and would call your attention to a March 13 CONGRESSIONAL RECORD statement which presents detailed facts on Concorde's adverse characteristics. I would at this time only note that the National Academy of Sciences has confirmed the worst fears of concerned environmentalists, elected officials and private citizens on the dangers of SST's.

As a consequence, we face today not only a flouting of the Constitution and of the law, but also a flagrant disregard for the health and well-being of the people of the United States through the actions of the executive branch which I have mentioned above, and which will be detailed in my submissions for the record below.

I will close, Mr. Speaker, by noting that my distinguished colleagues, Mr. AMBRO of New York and Mr. DOWNEY of New York join with me in respectfully referring this matter to the Committees on Government Operations, and Commerce and Health, in hopes that through their oversight functions, we can clearly establish the primacy of Congress and our mandates as expressed in the National Environmental Policy and Noise Control Acts, and that a clear message will be sent to the executive branch on the necessity of their following the constitutional principle of separation of powers.

Thank you, Mr. Speaker. I now present for the RECORD a portion of the testimony of Mr. Richard Wiggs, of England, which details the involvement of executive branch officials in behalf of Concorde since 1971, and a newspaper story by Mr. Harry Pearson of Newsday, which brings us up to date on the attempts of the executive branch to pressure the EPA and the officials of New York State and New Jersey to ignore the adverse effects of the SST:

ATTITUDES OF SENIOR OFFICIALS OF THE FEDERAL AVIATION ADMINISTRATION AND OF THE CIVIL AERONAUTICS BOARD OF CONCORDE

(Statement by Mr. Richard Wiggs, Washington, D.C. April 14, 1975)

The attitudes of certain top FAA officials to Concorde over the years, and their published statements, are highly relevant both to the attitude to Concorde shown by the Draft EIS, and to the expectations of the Concorde-sponsors at the present time.

FAA enthusiasm for Concorde seems to have grown suddenly after the cancellation of the U.S. SST in March 1971. The following month Mr. John Shaffer, who had been appointed by Mr. Nixon as Administrator of the FAA, was in London, giving comprehensive assurances that Concorde would have no environmental problems in the U.S.

The Financial Times (24 April 1971) under the headline "Concorde will be allowed to operate in U.S.—air chief", reported that during his week in London Mr. Shaffer had "repeatedly expressed his confidence in Concorde operations in the U.S. . . . Mr. Shaffer's confidence comes when the British Government is clearly concerned about the U.S. attitude to the Concorde. . . ."

The Guardian (24 April 1971) under the headline "US 'unlikely to ban' the Concorde", reported:

"The Concorde supersonic airliner is not likely to be banned from the United States because of its take-off noise, the chief of the US Federal Aviation Administration, Mr. John Shaffer, said in London yesterday.

"If it was not allowed to land in New York 'it would be welcome in Washington and Boston'. But he thought that by the time the aircraft was ready to enter service, in 1974, opposition to it would have died down.

"The importance of Washington's Dulles Airport is not just its comparative convenience as a gateway to the United States. It is owned and operated by the FAA, whereas most American airports, including the J. F. Kennedy in New York, are locally owned. With Federal support, therefore, it would provide a powerful lever with which to prise other gateways open.

"Mr. Shaffer appeared quite confident yesterday that the decision by Congress to abandon the United States' own supersonic airliner, the Boeing 2707, would soon be reversed. The vote had been against spending the money, not against the SST in principle, he said. In his view, supersonic transport was 'as inevitable as tomorrow's sunrise' ". (*The Guardian* 24 April 1971.)

Mr. Shaffer's views that by the time Concorde was ready for commercial operation, "in 1974" (sic), "opposition to it would have died down", and that the abandonment of the U.S. SST "would soon be reversed" may give some indication of the quality of his judgment in these matters. In 1971 Mr. Shaffer was much less well known in Britain than he has become since the DC-10 disaster at Paris and since the publicity given to his part in the affair of the cargo door, and his appearance on television being questioned about this. Even so, his comments on Concorde received very extensive publicity, and the Air Correspondent of *The Times* wrote (24 April 1971) that "his words give an added fillip to the future of the project".

This comment is very significant. The cancellation of the U.S. SST project a few weeks earlier had been greeted by the sillier sections of the British publicity media as "leaving the field wide open for Concorde", but the more perceptive had noted that it had the much more important effect of opening the way to exclusion of Concorde from the U.S.: having cancelled its own SST, partly to protect its citizens from the SST's environmental ill-effects, the U.S. might not look too favorably upon foreign SSTs with similar undesirable qualities.

In February 1971 the visit to London of New York Assemblyman Andrey Stein, who warned that if Concorde were excessively noisy it would experience difficulties at New York, had received much publicity in Britain and had caused much alarm in the Concorde camp. Mr. Tony Benn, who had been Minister in charge of Concorde, but was then in opposition (the U.K. having a Conservative government at the time) invited himself to a hearing at New York organised by Mr. Stein after his return to New York. Mr. Stein invited me to the hearing to oppose Mr. Benn. *The Times* (London) next day (26 February) headlined its report:

"Mr. Benn fails to win Concorde tussle at New York hearing".

In April there were two restrictive Bills before Congress, and also Bills before several State legislative assemblies, which would have the effect of excluding SSTs. The Airport Operators Council International, fearing a mass of environmental law-suits had issued a policy statement which commented:

"Any noise exposure in excess of that allowed for current generation jets . . . will be unacceptable to major traffic-generating communities".

At this time the Concorde production program was for 6 aircraft only. Unable to understand or to accept the implications of events in the U.S., the plane's makers and the labor unions were pressing the governments to authorise more.

Authorisation was given on 22 April for the building of 4 more Concordes and for the ordering of materials for a further 6. This was on the Thursday of Mr Shaffer's week in London during which he had "repeatedly expressed his confidence in Concorde operations in the U.S.". (*Financial Times*, above).

To its report of the authorisation of the additional Concordes, *The Times* (23 April 1971) added:

"United States officials have assured France that the Concorde will be allowed to land at New York. The assurance was given to M. Jacques Chaban-Delmas, the French Prime Minister, by Mr Arthur Watson, the American Ambassador, in reply to an inquiry ordered by President Pompidou, reliable sources said.

"The American assurance conflicts with efforts in Congress and the New York State legislature to set noise-level limits on supersonic landings that Concorde could not meet".

On 29 April I wrote in a letter to *The Times:*

"It would be interesting to know upon what basis the Ambassador and Mr Shaffer gave their assurances. . . . At Washington recently I was privileged to address a conference (opened by Senator Proxmire) of members of the legislative assemblies of States in which the new anti-SST Bills are being considered. . . . The fact should be clearly understood by the makers of Concorde, by the governments and taxpayers who are paying for it, and by the airlines who are potential customers, that this spate of legislation is in response to very insistent public demands that aircraft noise be reduced" (The letter was not published).

Two months later, at the Paris Air Show, Mr. Shaffer announced:

"The fact that the Soviet TU 144 is on exhibit and that the Concorde 001 has flown to Paris direct from a simulated transatlantic crossing from Toulouse to Dakar should make it abundantly clear that the age of the supersonic has arrived . . . no matter how fervently certain members of the United States Congress may wish it were not so". ("The Battle for Concorde", Costello and Hughes, Compton Press, 1971).

Obviously I can only give a very few examples of the attitude of senior FAA officials to Concorde, so I will jump to June 1973, when, again at Paris, the new Administrator of the FAA, Mr. Alexander Butterfield, said:

"Concorde is a beautiful aeroplane. The whole world compliments Aerospatiale and BAC. It is, in my view, the way to the future. There is no desire on the part of the U.S. Government to hamper commercial exchange. We are opposed to discriminatory legislation. There are no noise rules applicable to SSTs and there are no Federal regulations that prohibit Concorde from flying into the USA" (*Flight International* 7 June 1973, page 862).[1]

Three months later, in September 1973, the acting Operations Director of the FAA, Mr. William Flener, joined in the praise of Concorde. After the Concorde visit to Dallas-Fort Worth and Dulles, Mr. Flener said that he had heard of no complaints against Concorde "noise or otherwise. In everything we could determine, there was no problem". (*Flight International* 4 October 1973).

Mr. Robert Timm, chairman of the U.S. Civil Aeronautics Board, flew from Dallas to Dulles on the Concorde, and commented:

"I have no doubts in my mind that supersonic air transport has come to stay. I am sure that Concorde will go into service in the United States". (*Flight International* 4 October 1973).

" 'It's like a natural step into the future', said Mr. Timm. 'I want this plane to be part of the fleet of the world and I don't want to give anyone the slightest comfort in thinking that maybe this was environmentally an incompatible airplane' ". (Agency report in British press, late September 1973).

In July 1974 Mr. Alexander Butterfield sent a long telegram to Sir George Edwards, chairman of the British Aircraft Corporation. It said:

"On behalf of the Federal Aviation Administration I want to extend hearty and sincere congratulations on the recent visit to America of the Concorde. The round trip flights between Paris and Boston and the Mach 2 runs over the ocean between Boston and Miami represent an important milestone in gaining universal acceptance of intercontinental supersonic air travel. The entire endeavour seemed to have been executed with exceptional professionalism and care. From our standpoint the operation was an unqualified success. Please pass on our compliments and best wishes to all who participated". (*Flight International* 11 July 1974).

The telegram was received by the British press with such headlines as "Super Concorde wins over U.S. air chief" (Daily Express, 3 July 1974).

The Express report commenced:

"We love you, Concorde! That was the message from across the Atlantic yesterday. The massive boost for the superjet's reputation came in a telegram from the chief of American civil aviation. It praised the 1,400-mile-an-hour jet as an unqualified success. There is now little doubt that the Prime Minister, Mr. Wilson, and President Giscard D'Estaing will agree to carry on with the Concorde project during their Paris talks on July 19".

For, quite by chance no doubt, Mr. Butterfield's telegram to Sir George happened to arrive a few days before the British Prime Minister and the French President were to decide whether or not the project was to be cancelled (there was in fact little doubt that they would decide it should not), and whether or not three more Concordes should be built to avoid the running down of the production line. (For the record, their decisions were that the 16 being built should be completed, but no more should be started).

A message very different from Mr. Butterfield's had come across the Atlantic from New York and from Boston. First the New York authorities had refused to allow a Concorde visit unless the plane's sponsors could show in advance that it could meet their noise rules. Since this was impossible, attention was transferred to Boston, where the airport manager was known to be an SST-aficionado. The visit took place against very widespread opposition, and on the understanding that it did not open the way to commercial operation.

But the Butterfield telegram provided the Concorde makers and their friends with further support for their hope that in the event, in the U.S., the citizens' groups will be defeated and Concorde will be allowed in.

I am of course not completely familiar with the way you see these things in the U.S., but to me it seems that officials of administrative and regulatory bodies such as the FAA and the CAB have a duty to preserve some measure of independence and objectivity. I am not able to understand how people can be expected to produce objective decisions, decisions that are in the best interests of all parties concerned, including the public, when they have over a period of years been vigorously expressing extreme, if ill-informed, enthusiasm, both personally and on behalf of their agencies, for the object upon which they now have to express judgment.

More than this—these people have actively encouraged the Concorde-makers and the sponsoring Governments, with these assurances that operationally, as far as the U.S. was concerned, Concorde had no problems. Since the U.S. to a large extent sets the precedents in international aviation matters, this has led to the assumption that, somehow or other, Concorde will get by, not only in the U.S. but elsewhere. (Now, as we shall see, the problems are piling up at almost all of the proposed Concorde termini).

The Butterfield telegram and Mr. Shaffer's comments in 1971 were accepted by the pro-Concorde British press as being intended to "boost" Concorde by influencing crucial Anglo-French political decisions on the project.

At the same time, the promulgation of regulations relating to SST noise has persistently been delayed, with the result—and, one suspects, with the intention—both of further encouraging the Concorde-builders and of prevaricating until such time that the excuse could be made that here is a plane which is almost due to start commercial operation, so we can't make difficulties for it now.[2]

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[1] M. Butterfield's satisfaction, in 1973, that there were "no noise rules applicable to SSTs" should be seen in the context that in 1971 it was reported that Federal legislation relating to SSTs would be introduced in 1972.

I suggest that the FAA owes some explanation for its conduct, not only to the U.S. public, but also to those in the U.S. and France who have been striving to make known the economic disabilities and the environmental unacceptability of the plane itself and the fraudulent nature of the Concorde project.

Part of the explanation is presumably that the aviation world looks after its own. Another part was hinted at by Mr. Shaffer in 1971, and has been hinted at again recently by the EPA in its *Project Report—Aircraft Noise Certification Rule for Supersonic Aircraft—24 January 1975* (Ref. 15), page 5-11. It is the lingering fantasy of one day building an American SST—and the fact, explained in the *EPA Report,* that any U.S. action to regulate foreign SST's will finish off that fantasy.[3]

State Department and Security Council Press for SST Landings in United States

(By Harry Pearson)

The State Department and the National Security Council have pressured federal and state regulatory agencies in an effort to insure regular flights of the British-French SST, the Concorde, into the U.S.

In pushing for the supersonic transport, the department and the security council have cited secret assurances from the Nixon administration to the governments of Britain and France that it would not rule out approval for the Concorde to land at American airports. The State Department has repeatedly told New York State officials that banning the Concorde from Kennedy Airport would be "contrary to the foreign-policy interests of the United States."

The pressure has been applied to those federal and state agencies now drafting regulations that would determine whether the Concorde will use American airports. The economic future of the British-French aircraft, which has cost the two governments more than a billion dollars to develop, depends on access to American airports.

If such approval is granted, by 1978 there would be 17 landings of the Concorde a day at Kennedy Airport, six at Anchorage, four at Miami, three at Los Angeles, two at Boston, and one at Dulles International in Virginia according to information submitted to federal agencies by British Aircraft, one of the plane's manufacturers. Critics of the plane say it should be banned from the United States because it is noisier than conventional aircraft and because pollution from regular flights would strip the protective layer of ozone from the atmosphere.

Pressures were applied in several areas:

Representatives of the National Security Council and the State Department met with officials of the federal Environmental Protection Agency in an effort to persuade EPA to propose noise regulations favorable to Concorde landings in the U.S. EPA's subsequent noise proposals, not yet law, were favorable to the Concorde, whose noise levels have caused considerable controversy.

Two key assistants to Secretary of State Henry Kissinger have written at least three letters to state officials in New York and New Jersey in an effort to keep the Concorde from being banned at Kennedy Airport. Interference in local affairs by the State Department is considered highly unusual, a State Department spokesman said. Similarly, EPA sources said the agency had never before had to deal with the National Security Council in considering questions of policy.

Two former administrators of the Federal Aviation Administration and the former American ambassador to France gave verbal assurances to the British and French that the plane would be allowed to land in the U.S. In fact, Richard Nixon himself wrote a letter to British and French leaders promising White House support for Concorde landings in the United States.

The reason for the promise, several high-level sources in the FAA and EPA theorize, is that the Ford administration wishes to revive development of an American SST, a project that would require federal funding. If the Concorde is allowed to land at U.S. airports, according to their theory, it would drain first-class fares from American carriers, thus forcing them to buy the $100 million British-French planes. Theoretically, that would increase pressure from airlines and the aerospace industry for an American plane to meet the foreign competition.

The FAA's now about six weeks away from its decision on whether to grant permission for daily Concorde landings at Kennedy and Dulles. The FAA's assessment of the plane's impact on the environment, which the agency was declared to be minimal, was found so difficient by the federal Council on Environmental Quality that, a source close to the council says, "it appears to us that foreign-policy considerations had an undue effect on the FAA's thinking."

Roger Strelow, the No. 3 man in the EPA (he is assistant administrator for air and waste management), testified before a House subcommittee that his agency had been influenced by foreign-policy considerations in drafting a set of SST noise proposals that would allow the Concorde to land in the United States.

Strelow said: ". . . At the time we came on the scene, there had already been a fair amount of commitment, and, as I say, some degree of government assurance, at least executive branch assurances or statements, that would not absolutely preclude U.S. operations [of the Concorde]."

". . . It would have been much better had the issue of subsonic noise levels [generated by Concorde] been addressed far earlier than it has been," he added, "and the public could have made that decision at a point that the rules would have been clear to any, one who was considering investment [In an SST]. Certainly it is the case that the manufactures . . . have assumed that they would at least have some ability to operate in the U.S. and have certainly made claims that [such flights] were really vital to the success of their [Concorde construction] program."

Strelow, in an interview last week, said, "There were discussions preceding our [noise] proposal in which the foreign-affairs community made us aware of their concern. These discussions included people from the State Department and the National Security Council. They said, in effect, 'We don't feel we ought to impose any restrictions [on Concorde flights].' They wanted us to be aware there was some history of high-level assurance that they [the British and French] would be treated fairly.

"There was mention made by the guy from the National Security Council of a specific letter from Nixon to the heads of state in England and France. It can be construed as an assurance from Nixon to them that the plane would be allowed to land in this country. I don't believe I've ever seen the actual text itself, which said, in effect, you can be assured we will treat this airplane on a fair and equitable basis."

There is evidence that some sort of assurances were given to the British and French when both governments were having second thoughts about whether to continue subsidizing construction of the controversial airplane.

John Shaffer went to London to meet with British officials in April, 1971, while he was FAA administrator, just after Congress had rejected a Nixon administration attempt to use federal funds in building a U.S. SST. Shaffer told the British that the Concorde "is not likely to be banned from the U.S. because of its take-off noise."

Shaffer, who now runs his own trucking firm in Maryland, confirmed last week that he had indeed told the British that. At first, Shaffer, an advocate of the Concorde, said he made the remarks as a private citizen. Later in the interview, he said he had spoken as FAA administrator.

Alexander Butterfield, who succeeded Shaffer as FAA administrator under Nixon, said in a speech two years later at the International air show in Paris "There is no desire on the part of the U.S. government to hamper commercial exchange. We are opposed to discriminatory legislation. There are no noise rules applicable to SSTs, and there are no federal regulations that prohibit Concorde from flying into the U.S.A." In fact, no federal regulations of the Concorde's large noise and air-pollution levels were proposed until this year.

In January, 1973, Nixon wrote a letter to former British Prime Minister Edward Heath and the late French President Georges Pompidou saying he would do all he could to insure that the Concorde would not be discriminated against in America. Several U.S. government sources who said they have seen the letter said Nixon included a disclaimer, noting that the executive branch could not set noise levels and other environmental standards. The Environmental Defense Fund, the public-interest law firm that specializes in environmental problems, requested a copy of the letter from the White House last month, citing the Freedom of Information law. The White House refused.

Two State Department officials, Roger F. Ingersoll, Kissinger's deputy administrator, and James Lowenstein, deputy assistant secretary for European affairs, have written to state officials in New York and New Jersey to keep the governor of either state from banning Concorde landings at Kennedy Airport. Lawyers for the Port Authority of New York and New Jersey, which operates the airport, say that either governor could stop the Concorde landings by vetoing any Port Authority decision to allow them.

The April 4 letter from the State Department's Lowenstein was addressed to Ogden Reid, New York's commissioner of environmental conservation and a critic of the Concorde. Lowenstein wrote:

"The Concorde project represents a very considerable investment of public funds in both sponsoring countries in a high technology undertaking that gives rise to intense interest for financial and prestige reasons. Consequently, the project is followed closely at the prime minister and presidential level in both London and Paris, and the denial of admission of the Concorde would be interpreted by the British and French governments as a blow to the aerospace industry in those countries.

"As you know, the sponsors of the Concorde are increasingly concerned that even though the aircraft may meet the current noise regulations in effect at Kennedy Airport, those regulations might be altered specifically to exclude it. Any discriminatory action against the Concorde by the operators of Kennedy Airport would adversely affect our relations with two important allies and be contrary to the foreign policy interests of the United States."

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[2] In this context the date of the Anglo-French *Application for Type Certificate* (Appendix B to the Draft EIS) should be noted: it is 1965.

[3] The pro-SST bias of the Environmental Protection Agency was commented upon by Mr. Charles R. Foster, Director of the Department of Transportation's Office of Noise abatement, in his letter (already referred to, Ref. 5 to Mr. Harvey Nozick, of the Office Abatement and Control, EPA, concerning the EPA's Draft for the *Project Report* (Ref. 15) referred to above. Mr Foster comments: "I believe . . . that your draft report is heavily biased in favor of the Concorde/TU-144, and does not present a complete picture of its noise problem. I recommend inclusion of my comments, as noted above, to offset that impression."

Governors Brendan Byrne and Hugh Carey received letters from Kissinger's deputy, Ingersoll, shortly afterward. A spokesman for Byrne would not disclose the contents, but said the letter "makes the point that a negative decision on the Concorde might have some effects on our exports of civil aircraft." Carey's office would not release the text of Ingersoll's letter.

EXPORT ADMINISTRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, I am introducing today, upon the request of the Secretary of Commerce, a bill to extend the Export Administration Act of 1969—Public Law 91-184. The current authorization expires on September 30, 1976. This bill would extend the act for an additional 3 years, until September 30, 1979.

Originally known as the Export Control Act of 1949, the statute was revised by Congress in 1969, at which time the title was changed to the Export Administration Act of 1969.

The purpose of the act is to provide the President with authority to regulate U.S. exports of goods and technology for certain specific purposes. Historically, the principal two purposes have been to further foreign policy goals and to restrict the exportation to unfriendly nations of items or knowledge which might endanger the national security. The third purpose of the act is to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand. This has become an increasingly important objective in recent years with the advent of world scarcities of key commodities and rampant inflation.

Jurisdiction over export controls historically rested with the Committee on Banking and Currency. That jurisdiction was transferred to the Committee on International Relations by the Committee Reform Amendments of 1974. The rationale for that transfer of jurisdiction was the overriding foreign policy implications of export controls. As the Committee on International Relations has not considered this statute in the past, the proposed extension will be acted upon only after the most exhaustive review of the purposes and implementation of the Export Administration Act of 1969.

The text of the executive communication follows:

THE SECRETARY OF COMMERCE,
Washington, D.C.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed are six copies of a draft bill "To extend the Export Administration Act of 1969, as amended," together with a statement of purpose and need in support thereof.

This proposed legislation has been reviewed by the Department in the light of Executive Order No. 11821 and has been determined not to be a major proposal requiring evaluation and certification as to its inflationary impact.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress and further that enactment of this legislation would be in accord with the program of the President.

Sincerely,

(Signed) JOHN K. TABOR,
Acting Secretary of Commerce.

Enclosures.

H.R. 7665

A bill to extend the Export Administration Act of 1969, as amended

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Export Administration Act of 1969 (P.L. 91-184, 50 USC App. 2401, et seq.), as amended, is further amended by striking out "September 30, 1976" in section 14, and inserting in lieu thereof "September 30, 1979."

EXTENSION OF THE EXPORT ADMINISTRATION ACT OF 1969, AS AMENDED

This legislation would extend until September 30, 1979 the authority granted by the Export Administration Act of 1969, as amended (50 U.S.C. App. § 2401 *et seq.*), which terminates by its terms on September 30, 1976.

The Export Administration Act of 1969, as amended, authorizes the President to regulate exports of U.S. goods and technology to the extent necessary (a) to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand, (b) to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States. The Department of Commerce administers the Act pursuant to a delegation of authority from the President.

THREE BILLS CURING SOCIAL SECURITY INEQUITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, I am today introducing three bills which would change the present social security system.

The first measure would prohibit HEW from billing the States monthly for social security payments and would maintain the present quarterly remittance system. Under present social security law, States and localities which withhold social security taxes from employees' wages are required to submit these contributions to the Federal Government on a quarterly basis. HEW's proposal to change these quarterly payments to a monthly basis would cost the city of New York alone some $3.5 million in interest on the moneys it withholds annually and would prove equally burdensome to other municipalities throughout the country.

Federal revenue sharing moneys allotted to the city of New York are presently received on a quarterly basis. Aside from the loss of desperately needed interest revenues, New York City, in that it only receives quarterly payments from the Federal Government's revenue sharing program, would be unable to meet the requirements of the proposed monthly social security payments. Senator RIBICOFF, in his introduction of the same legislation in the Senate, indicated the detrimental effects of HEW's proposed changes for the localities of Connecticut. The proposed change would deprive municipalities and towns throughout the country of short-term income earned either from investing or receiving interest on the withheld social security moneys which are desperately needed.

In addition, HEW's proposed change would only create more red tape. It made no sense to add to the burdens which our State and local governmental units face. The added bureaucratic and bookkeeping costs would only deepen New York City's present financial plight as well as that of other cities throughout the Nation.

This bill safeguards our States and municipalities from such consequences. The legislation simply maintains the present quarterly remittance procedure and will not result in the loss of any money to the social security system. In order to save New York City from the loss of badly needed revenues and from senseless bureaucratic waste, I hope that Congress will approve the Ribicoff-Koch bill which would require social security contributions to be made on a calendar-quarterly basis rather than a monthly basis.

The second bill I have introduced is a measure to increase from $2,520 to $8,000 the amount of outside income permitted a social security recipient and to end the law's inequities penalizing an individual for earned income—wages—and not for dividends, interest, rent, and other outside income sources.

Under the present law a person under 72 receiving social security is permitted to draw an annual earned income of only up to $2,520 before benefits decrease. However, there is no limitation on the amount a person may receive from stock dividends, interest on saving, gifts from families of rent or food, and other sources of unearned income. Thus the present regulations discriminate only against the average social security recipient—those whose monthly benefits may be his or her primary source of income and to whom a part-time job might be the difference between bare subsistence and minimal standard of living. The injustice of such a system is obvious—to penalize those who most need help, those without family, friends, or savings to help themselves.

The $8,000 figure is a minimally acceptable amount for simple maintenance of an individual with today's high cost of living. Eight thousand dollars is not an exorbitant amount, but it can make the difference between misery and a minimal standard of dignity in life for many. Certainly if one earns less than that amount, he or she should be permitted outside income.

Finally, I have introduced legislation which would permit the elderly medicaid patient in a nursing home to keep at least $2 per day from his monthly social security benefits for incidental expenses. To keep up with rising costs, the legislation also contains an automatic cost-of-living escalator.

Under the present social security system a patient in New York State entering a nursing home under the medicaid program must turn over to the State all of the proceeds of his social security check other than a meager $28 for incidentals. This $28 figure is grossly inadequate.

Even Mr. Scrooge would have blanched at requiring Bob Cratchit to have the equivalent of $1 a day for simple amenities. It is these incidentals which make life meaningful for the elderly medicaid patient confined to a nursing home. How can a patient be expected to enjoy even the smallest amentities of life of $1 a day in New York or anywhere else, when a box of stationery, a paperback, and cosmetics each costs more? Our elderly, who have already made their contribution to our society, should be able to live out their last years with some happiness. An elderly person who enters a nursing home has already, of necessity, given up his or her home and a great deal of his or her freedom. To make this confined life of the nursing home patient a little more bearable is not much to ask. The Congress has an obligation to be better than Mr. Scrooge.

SBA'S ABILITY TO MAKE DIRECT LOANS VANISHES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, as chairman of the Subcommittee on SBA and SBIC Legislation of the House Small Business Committee and as ranking member of the Appropriations Subcommittee on State, Justice, Commerce, and Judiciary, I have been closely involved in the activities of the Small Business Administration.

With the Presidential veto of the jobs bill, which included $200 million for direct small business loans as well as $10 million for loans to the handicapped, beginning on July 1, the SBA will be without sufficient funds to finance the direct small business loan program mandated by the Congress last August in Public Law 93-386 and reiterated again in the recent job bill.

A similar problem with respect to the direct small business loans as well as guaranteed loans is raised because of the figures for these programs contained in the President's budget for the Small Business Administration for 1976. No funds are requested for the direct loan program except for an item of $100 million for later transmittal depending upon the enactment of legislation which would raise the interest rates on such loans. The proposal contemplates increasing the interest rates from 6.75 to 9.75 percent, at a time when prime rates have plummeted from 12 to 7 percent. Such action appears to be unlikely. There are no funds contained in the budget for this program.

As a corollary, bank loans guaranteed by SBA is shown in the 1976 budget in the amount of $1.2 billion, but the current rate of activity appears to indicate that this is a conservative estimate. With greater liquidity on the part of the banks and the economic outlook at least promising for the near future, it appears that this figure should be substantially increased.

Congress has always lent a sympathetic ear to the plight of the small businessmen who suffer economic injury from various causes. The disaster loan program to small businesses suffering such economic injury is again in jeopardy. The President's budget for 1976, as with the direct small business loan program, includes only an item for later transmittal of $100 million, again dependent upon the enactment of legislation to increase rates on loans made to small business.

The usual continuing resolution provides temporary funding after July 1st at the budget request level or the level of the previous year, whichever is less. Since no funds are included in the budget for the direct loan program or the nonphysical disaster loan program and the rate of current guaranteed loan activity exceeds the average rate for fiscal year 1975, the usual continuing resolution will not provide satisfactory temporary funding either.

I am taking the opportunity of informing my colleagues in the House of the situation which faces this Nation's 9 million small businessmen who contribute to 55 percent of all employment in this country, almost half of our gross national product, and provide a living for 100 million Americans. It is my intention to take such steps as may be necessary to attempt to correct these problems.

AND THEY STOOD AND CHEERED

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, one thing the CONGRESSIONAL RECORD does not reflect is the sentiment and emotion expressed by Members of the House. As the Speaker announced that two-thirds had not voted in the majority and that the President's veto on the jobs bill was sustained, our Republican colleagues stood and cheered. I was sickened by the spectacle. How can one cheer the defeat of a bill which has been passed by a large majority of the people's Representatives to put 900,000 unemployed Americans back to work? With tens of thousands of young people roaming the streets in these summer months how could one possibly feel good about the rejection of legislation designed to put them to work? How could one cheer the defeat of a bill designed to take hundreds of thousands off welfare? How could one cheer the defeat of a measure which would have obviated the necessity for unemployment checks for hundreds of thousands of unemployed Americans? But they did. Our Republican colleagues stood and cheered. Mr. Speaker, the Republican party has put out a new film entitled "Republicans Are People, Too." After yesterday, I can readily understand why the film was not entitled "Republicans are Concerned People, Too."

THE STIRRING SPEECH OF CHARLES A. WHITEHEAD RECENTLY IN PANAMA CITY, FLA.

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Panama City, Fla., has a great record of support for the members of the Armed Forces of the United States and their families. The Air Force, the Navy, the Marines, and the Coast Guard are represented in installations in Panama City and Bay County and the personnel of each are looked upon as an integral part of the Panama City-Bay County community. Every effort is made to help them realize they belong and they are wanted in the local communities.

Recently, following the dedication of the ocean simulation facility, a $12.5 million deep ocean simulator, at which Dr. Malcolm R. Currie, Director of Defense Research and Engineering, was the principal speaker, a dinner was given for the visiting officials and local military leaders by the military affairs committee of the chamber of commerce. The chairman of the military affairs committee and of the dinner was Mr. Charles A. Whitehead, a prominent local businessman and an active civic leader. His short speech at the opening of the dinner was one of the most impressive that I have heard. I requested a copy so that I might submit it for printing in the RECORD. I believe my colleagues will agree that his statement deserves this recognition.

The speech follows:

SPEECH OF CHARLES A. WHITEHEAD

As you know I have tried to keep speechmaking to a bare minimum during my tenure as chairman of military affairs. I would like to take about three minutes and ask you to go back in history with me.

I'm with an American Indian walking along the beautiful plains of the West. If you look to either side you can see the beautiful countryside as the deep blue sky rolls along. As the Indian kneels to this Earth to pray for his country a tear comes to his eye. I caused this to happen. I was there.

We speed forward in time, we are in Valley Forge. The ground is cold and covered with snow. The man you see seems to have a puzzled look, as though he might be asking himself, "Why am I here?", even as cold as it is, he falls to the ground to pray for his country . . . a tear comes to his eyes. Because of me this happens. I was there.

A little over a century ago: A man in blue, a man in grey, both fighting for his country's cause. Both men think they are right. No matter what the outcome, it's still their country. As the battle rages, a tear comes to their eyes. I was there.

There's a lonely, wounded doughboy lying in a rain soaked trench far from his country. Even as he is dying tears come to his eyes. Not tears of pain, but tears of love, love of his country. I was with him too.

A Marine is raising a flag on an island in the Pacific. He's not thinking of his life. He's thinking of his flag, his country's flag, but mainly of his country. There on his cheek is a tear of patriotism. I was also there.

A prison camp now, in North Vietnam, a brave soldier lies on his bed of grass, tired, wounded, lonely and scared. He's on the opposite side of the world from his country, but still has faith in her, and still prays for her and he still cries for her. I know. I was there.

A few days ago a wounded Navy pilot, lying on the deck of an American warship in the Gulf of Siam, his comment, "All thirty-nine and their ship are safe with their countrymen." The tear you see, is a tear of pride. I was also there.

Just today the National Anthem was being played. People stood, Placed their hand over their heart, looked to the heavens and closed their eyes as a tear flowed freely. Yes, I know. I was there.

Because of me all these things happened. For you see, I am Americanism!

COLORADO-BLM REACH WILDLIFE AGREEMENT THROUGH SIKES ACT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am gratified to be advised by my good friend John S. Gottschalk, executive vice president of the International Association of Game, Fish and Conservation Commissioners, an able leader in his field, that a cooperative agreement has been signed between the Colorado Division of Wildlife and the Bureau of Land Management. This was accomplished under the provisions of the Sikes Act, which was reenacted and extended in the last Congress. My distinguished colleague, the Honorable John Dingell of Michigan, is a cosponsor of the bill.

The announcement of the agreement was carried in the Outdoor News Bulletin of the Wildlife Management Institute. It states:

Colorado-BLM Reach Wildlife Agreement

The Colorado Division of Wildlife and the Bureau of Land Management have reached an agreement to jointly plan and carry out wildlife conservation and habitat rehabilitation programs on the 8.5 million acres of national resource lands managed by BLM in Colorado, the Wildlife Management Institute reports.

In a joint statement, Jack R. Grieb, director of the Division of Wildlife and Dale R. Andrus, state director for BLM, said the agreement is the first between a state wildlife agency and the BLM since passage of the enabling legislation by Congress last year. That legislation is known as the Sikes Act.

The Act directs BLM to seek cooperative agreements with state fish and wildlife agencies to jointly manage habitat on the national resource lands. It authorizes BLM separate funding to carry out the directive. Conservationists are urging Congress to provide money for the much-needed effort this year.

Grieb and Andrus described the program as a "refreshing new opportunity for cooperative management of wildlife habitat in Colorado." "When appropriately funded by Congress, wildlife in all states stands to benefit," Grieb said.

The agreement includes management for all fish and wildlife, not just game species. Energy development areas involving oil shale and coal are included. Endangered species will receive needed attention.

"Basically," Andrus said, "the Sikes Act accentuated something we've always known, that wildlife recognized no authority, and for its benefit, state and federal agencies must work together. What the Act does accomplish is to bridge that gap by providing guidelines within which we can work together for the mutual benefit of the land, and the wildlife the land supports."

U.S. TRADE POLICY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the U.S. Trade Commission conducted public hearings in Miami on May 5 and 6 to give representatives of local interests an opportunity to give their views on our future trade policy.

I was particularly struck by the remarks of Mr. T. Willard Fair, executive director of the Urban League of Greater Miami, Inc., and would like to share them with our colleagues and all who read this Record.

I include his statement at this point:

Testimony of T. Willard Fair

Economists in this country are in total disagreement as to the proper path to follow in relieving our economic difficulties. However, there is virtually unanimous agreement about the vital role of productivity growth in the strengthening of the economy in the next decade.

Shocking statistics reveal that the United States once overwhelmingly superior to the other nations in productivity, is in danger of becoming a second rate industrial power unless economic output increases substantially. All facets of unemployment has reached pre-depression heights. In the manufacturing industry alone, unemployment is at 12.2%, of that figure 10% was cut from unskilled and semi-skilled workers. Here again the constituents of the Urban League, the poor and marginally poor are the first to feel the pains of poverty and unemployment.

Because the Trade Act of 1974 establishes the policies and procedures with respect to trading between the United States and foreign countries, the Urban League takes the position that the federal government must monitor and protect the citizen of the United States in monetary affairs before entering into trade agreements with other countries, even those just developing.

Ostensibly the Act sets its sights on achieving the maximum mutual benefits for both trading countries. In fact, the words, "mutually beneficial" appear frequently in the text of the bill. However, with the authority to enter into liberal trade agreements with foreign countries comes the added responsibility of the federal government to protect the nation's economic position both here and abroad. In our eagerness to open new avenues of trade with underdeveloped countries we must be careful as to avoid any concessions that could prove detrimental to our domestic economy.

In South Florida it is a question of protecting any further loss of jobs in such industries as the garment and electronics concerns against any flood of imports of these products that would glut the market and inevitably displace many more American workers.

In essence the Urban League believes that it is better and more beneficial for the United States to encourage developing countries to become more self sufficient and productive than continuing to appropriate millions of dollars in foreign assistance. In so doing, the United States would find ready markets for its materials and finished products that would assist these countries in attaining a level of economic stability without stifling their desire to be independently productive. It is a policy that could prove to be a healthy boost to our economy and helpful to our trading partners. But more important it would gainfully employ many American workers.

CLIFFORD J. DURR

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 12 at Wetumpka, Ala., where he has operated a farm since the mid-1960's, Clifford J. Durr, 76, former Federal Communications Commissioner passed away. Clifford Durr and I were in college together at the University of Alabama. I came then to appreciate the nobility of his character and the lofty principles which guided his life. He was a brilliant student, a kind and considerate gentleman, a campus leader, and my cherished friend. Our friendship continued after I came to the Senate in 1936 and Cliff and his lovely wife, Virginia, were living in Washington and my wife and they were closely associated. We worked together in many matters affecting the public interest in the Congress. The period of the best known service of Clifford Durr was when he was an able, courageous, farsighted member of the Federal Communications Commission where he, with singular dedication and farsightedness, held ever before the Commission and the country the public interest involved in the use by the media of the airways.

Clifford Durr left a legacy of character and competence and total devotion to the public interest. Clifford Durr was one of the finest and best men I have ever known. His friends esteemed him and loved him. All that great army—his friends—will ever cherish his friendship and honor his memory. Mr. Speaker, a distinguished American who has also made a great record in the service of the public interest and as a lawyer, a colleague on the Federal Communications Commission with Clifford Durr, and his long-time and dear friend, has prepared a tribute to Clifford Durr which tells the great story of some of the things Clifford J. Durr did and the man he was, Hon. Paul A. Porter. I include this tribute to Clifford J. Durr by Paul Porter in the body of the Record following my remarks.

Mr. Speaker, I also include an editorial in the Alabama Journal, as well as the obituary notice from that paper, published at Montgomery, Ala., on May 13 following Mr. Porter's tribute to Mr. Durr and following that in the body of the Record the obituary notice which appeared in the Washington Post of May 13. This seems fitting since when Clifford J. Durr retired from the Federal Communications Commission in 1948 I put a tribute to his great service on that Board in the Congressional Record.

The material follows:

Clifford J. Durr

Born in Montgomery, Alabama, Clifford J. Durr was a Phi Beta Kappa graduate of the University of Alabama and its law school. He received a degree in jurisprudence from Oxford University in 1922, where he was elected a Rhodes Scholar. After serving as a corporation lawyer for the Alabama Power Company in Birmingham during the 1920's and 1930's, Mr. Durr came to Washington in 1933 to enter government service as assistant general counsel for the Reconstruction Finance Corporation. Subsequently, he was general counsel, and later director, of the Defense Plant Corporation, an agency which attempted to place American industry on a wartime footing.

Mr. Durr served with the Federal Communications Commission from November, 1941 to June, 1948, when he declined reappointment by President Truman in protest against the latter's loyalty investigation program. After practicing law for a brief period in Washington, D.C., during which time he was elected president of the National Lawyers' Guild, he returned to Montgomery, where he practiced from 1952 to 1964. Although one periodical of the 1960's stated that no "big civil rights cases" came his way,[1] Durr was for a time the only lawyer in Montgomery who would take cases involving black citizens charged with civil rights violations. Durr, who was one of the attorneys representing Dr. Martin Luther King during the Montgomery bus boycott, arranged to have Rosa Parks released on bail in 1955 after she was charged with violating the city's bus segregation ordinance.

Even during his tenure at the FCC, Clifford Durr was hailed as the "leading exponent of the brand of liberalism and government control epitomized in the FCC's famed Blue Book." [2] In a speech given before the Convention of the National Lawyers' Guild in Chicago, Illinois, Durr stated:

"Radio frequencies are not private property. They are part of the public domain. They belong to the people as a whole. This is the basic premise of the Communications Act which governs the licensing and the operations of radio stations. . . . The Federal Communications Commission was created by Congress to safeguard the public's rights in its own radio frequencies and see to it that these frequencies are used in the public interest."[3]

In March of 1935, a new station-scrutiny policy of promise versus performance was initiated by the FCC and championed by Commissioner Durr: temporary renewals were issued to 77 stations, pending further study. In April of 1945, 18 stations out of 40 under review were granted regular renewals without strings. Six stations were placed on temporary licenses, and, in May of 1945, Commissioner Durr voted for further inquiry before final action would be taken on the six renewal applications in question.[4]

Broadcasting Magazine devoted two editorials to Durr's support of the new campaign to have stations deemphasize commercial operations.[5] Reaction to the campaign during this period of furor was mixed—and was often more negative than positive. When the Commission finally issued the report and sweeping critique entitled "The Public Service Responsibility of Broadcast Licensees" [6] on March 7, 1946, reaction was swift and strong. Robert K. Richards of *Broadcasting* labeled the report a "drum-beating disclosure which urges upon the public and the press its bounden duty to exercise the devil of commercialism from broadcasting . . . the issue involved did not seem to be the logic of some of the contentions, but the Commission's propriety in making them." [7]

Durr did not devote himself exclusively to support of the "Blue Book" alone. He fought consistently for freedom of the air, viewing "freedom always as the interest of the listener and insisting that radio make itself a medium for the conflict of ideas which he considered the essence of democratic process." [8] Durr was a frequent dissenter from Commission majority policies, and at times was bluntly critical of his colleagues' views. He consistently questioned what he considered excessive prices in station sales, and pushed through the adoption of the "AVCO rule"—which provided that a station owner wishing to sell his property must advertise for bids and not make private deals.

According to *Broadcasting* [9], Durr's most "notable" dissent was from the FCC's approval of the transfer of Crosley Broadcasting Company to the Aviation Corporation in 1945 (In the Matter of Powell Crosley, Jr., Transferor, and The Aviation Corporation, Transferee, 11 F.C.C. 3, 8/2/45). In his dissent Durr stated:

"Efforts on the part of corporate holding companies to control newspapers have traditionally met with widespread public concern and disapproval. Certainly there is full justification for an equal, if not greater, public concern and disapproval over the acquisition of broadcasting facilities by similar business aggregations. We do not believe that 'the larger and more effective use of radio in the public interest' will be encouraged by giving such transfers the stamp of official approval (11 F.C.C. at 34).

An issue of *New Republic* for April 19, 1948 remarked that although many of Durr's fights ended in minority opinions, his dissents were respected "for their soundness even by the broadcasters and their counsel who have profited most from the majority decisions." [10]

Commissioner Durr was one of the strongest advocates of FM. He regularly voted for hearings on application for improvement of AM facilities, where the cost exceeded the investment in an FM station which would cover greater area than an improved AM operation. He also supported reservation of at least a few FM channels for veterans who were still in service when the Commission issued a large number of new licenses immediately after V–E Day.

Durr was a prolific speechmaker, as can be seen even by a review of the *New York Times Index* for the years 1943–1950. In an address given in Chicago during the fall of 1947, Durr touched on a controversy which ended by his colleagues repudiating his views. He accused the FBI of "passing around to federal agencies 'information' which they had not asked for and which was largely 'baseless gossip.' This was carried briefly in some newspapers . . . On November 18, Marquis Childs repeated Durr's charge in his nationally syndicated column and placed it in the context of the current wave of Red hysteria and growing disregard for the normal processes of law." [11] Director Hoover took action and wrote the FCC a "huffy" letter. Durr's colleagues, shocked, wrote Hoover a reply in which they disavowed the Commissioner and begged Hoover to maintain his "valuable" service.

Even previously, Durr had been in frequent "hot water" in Congress—a foreshadowing of events to come. In 1943, he clashed with Representative Eugene E. Cox, claiming the Georgian had a personal interest in his investigation of the FCC—an investigation which demanded detailed questionnaires from all Commissioners, touching on all phases of their activities. Cox later withdrew from the investigation. Durr had also refused to answer a House investigating committee questionnaire on his financial affairs [12]; early in his tenure at the FCC, he had actively defended two former Commission employees whom Congress sought to fire. Congress was subsequently overruled by the Supreme Court.

In 1947, Durr aroused criticism by a statement to the House Appropriations Subcommittee that he doubted the FCC could turn down an applicant on the grounds of Communism, unless it could be shown that the applicant advocated overthrow of the Government by force.[13] As early as December of 1947, commentators were speculating, "doubting" that Durr would be reappointed Commissioner.[14] In April of 1948, Durr announced his retirement from the FCC, citing "personal financial reasons" as the basis for his not accepting reappointment to office. Nevertheless, President Truman offered to reappoint Durr, in spite of the latter's sharp criticism of the President's loyalty review program.[15] On the day of Durr's refusal to accept another term as Commissioner, his resignation was invited on the floor of the House of Representative John McDowell (R-Pa.):

"I think I am expressing the hope of 95% of the American people and of this House, that Commissioner Durr has left his resignation at the White House." [16]

Durr's criticism of Truman's loyalty program was far from meek. In April of 1949 he wrote a scathing article entitled "How to Measure Loyalty" for *The Nation*.[17] Even during the 1960's, commentators were still remarking on Durr's outspokenness:

"Durr's career in Washington came to an end when he boldly quoted the Constitution to Harry Truman, who was then setting up his Loyalty Review Board and creating a temper in the country that encouraged Sen. Joseph McCarthy to scramble for power across the reputations of his fellow citizens. He denounced McCarthyism even before the term was invented." [18]

Even reviews at the time of Durr's resignation recognized his crusading spirit. *Newsweek* for the week of July 19, 1948, covered a testimonial luncheon given in his honor, and stated:

"How ironic that the jubilation should follow upon the excommunication of 'the conscience.' Seldom during his term of office as a fighting Commissioner was there occasion for praise or appreciation or cooperation. . . . Few followed his leadership or stood behind him in the good fight. Few there were who appreciated his clarity of vision in safeguarding the use of radio for the public interest. Few assisted him in his courageous fight to retain the balance of power between the vast listening audience and the station operator. The lone dissenter stood virtually without adherents in his struggle to maintain a democratic radio." [19]

In 1966 Durr was publicly recognized as "the conscience" of the FCC when he received the Florence Lasker Civil Liberties Award given by the New York Civil Liberties Union.[20]

Clifford Durr, impervious to criticism, has built up a loyal following. In 1954, H. H. Wilson stated in a letter to the Nation:

"As a friend and former colleague of Clifford J. Durr, I know him to be one of the finest, most sensitive, and most courageous human beings I ever met. He was for many years a devoted, loyal, brilliant public servant of absolute integrity. He has consistently sacrificed personal gain because he believes in the United States and desires to serve the American people. He deserves, and richly deserves, the highest honors this society can award." [21]

In 1966, Durr was paid one of the highest tributes he received by Justice Hugo L. Black:

"Cliff is one of the best men I have ever known. All his life he has been the personification of gentleness, kindness and tolerance. His course in life has been marked by courage, not by expediency. He has never been afraid to advocate what he believed to be right or to oppose what he believed to be

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Footnotes at end of article.

wrong. He has never compromised with what he believed to be evil and against the best interests of his country. As a public servant he fought valiantly for the public interest and not for what he thought was the best interest of Cliff Durr." . . .[22]

Justice Black continues, stating that President Truman spoke with him in an effort to persuade Durr to accept reappointment to the FCC in 1948:

"When I told the President that Cliff felt he should not accept reappointment because he was opposed to the loyalty program, the President said that made no difference. . . . He said that whatever his views, he knew Cliff was a man of sturdy honesty and courage, and for that reason alone he wanted him to continue serving as a member of the Communications Commission . . . I came out of this experience with the belief that there was something strikingly alike in the character of these two men—that both profoundly believed in plain, simple, homey honesty, and that neither could be swerved from doing that which he thought would best serve the public interest."[23]

As stated in the Nation,[24] Durr was never "orthodox, in Washington or in Alabama."

FOOTNOTES

[1] See *The Nation*, Vol. 202, p. 199, 2/21/66.

[2] *Broadcasting Magazine*, Vol. 34, No. 17, p. 21, 4/26/48.

[3] Clifford J. Durr, "Voice in Democracy", *Vital Speeches of the Day*, Vol. 14, p. 444, 5/1/48.

[4] *Broadcasting Magazine*, Vol. 28, No. 21, p. 36, 5/14/45.

[5] *Broadcasting Magazine*, "Burr, by Durr", Vol. 28, No. 17, p. 40, 4/16/45; "Concur in Burr by Durr", Vol. 28, No. 21, p. 42, 5/14/45.

[6] *Broadcasting Magazine*, Vol. 30, No. 10, pp. 71–74, 3/11/46.

[7] *Broadcasting Magazine*, Vol. 30, No. 10, p. 70, 3/11/46.

[8] *The Washington Post*, 5/13/75, p. C6.

[9] *Broadcasting Magazine*, Vol. 34, No. 17, p. 93, 4/26/48.

[10] S. Carson, "Inside the FCC," *New Republic*, Vol. 118, p. 26, 4/19/48.

[11] Jan Hasbrouck, "J. Edgar Hoover's Gossip Mill", *New Republic*, Vol. 117, p. 20, 12/15/47.

[12] *New York Times*, 4/24/43, 11:5.

[13] *Broadcasting Magazine*, Vol. 34, No. 17, p. 93, 4/26/48.

[14] Jan Hasbrouck, *supra*, p. 21.

[15] *Broadcasting Magazine*, Vol. 34, No. 17, p. 21, 4/26/48.

[16] *Broadcasting Magazine*, Vol. 34, No. 17, p. 93, 4/26/48.

[17] Clifford J. Durr, "How to Measure Loyalty", *The Nation*, Vol. 168, pp. 470–473, 4/23/49.

[18] "Conscience of a Lawyer", *The Nation*, Vol. 202, p. 199, 2/21/66.

[19] *Newsweek*, Vol. 32, 7/19/48, p. 49.

[20] See *The Nation*, Vol. 202, p. 199, 2/21/66.

[21] H. H. Wilson, Letter to *The Nation*, Vol. 178, p. 344, 4/17/54.

[22] Justice H. L. Black, Letter to *The Nation*, Vol. 202, p. 442, 4/18/66.

[23] *Ibid.*

[24] "Conscience of a Lawyer", *supra*, p. 200.

[From the Alabama Journal, May 13, 1975]

CLIFF DURR

Ernest Hemingway had a Rolls Royce once, but he got rid of it because people kept kicking the tires and saying, "they don't make 'em like that anymore."

Well, shopworn as the old expression may be, these simple words are the only adequate description for the extraordinary Montgomery man who died yesterday. They don't make 'em like Cliff Durr anymore.

His services to his country in time of war and peace were so numerous that only books can adequately tell the story—and those are in preparation in more than one place in the country.

But essentially his life was guided by an almost religious faith in the workability of the United States Constitution and its guarantee of freedom of thought, expression, and association.

Cliff Durr was a Southerner and proud of it. He could say what was unpopular, but if the criticism of his region came from the outside, he regarded it as suspect. He said he had learned that "the degree of righteous indignation is directly proportionate to the distance from the source of the trouble."

He passed up opportunities to stay in Washington with one of the superlawyer firms to return instead to his native state. When people would ask him why he came back to the South, he would respond with a line from B'rer Rabbit in the Uncle Remus stories, "De briers, dey may scratch sometime, but it's my brierpatch."

Cliff Durr was especially popular with the British people, a mutual admiration which began during his days more than 50 years ago as a Rhodes Scholar at Oxford.

A couple of years back, one such visitor, a British student, asked what his political contribution had been. The acquaintance began to enumerate his service as a government administrator during the Depression and during World War II and as a commissioner of the Federal Communications Commission, where he almost single-handedly established the principle of educational television.

The visitor interrupted and said he was asking in more general terms.

"Well," the acquaintance replied, "he never held an elective office, if that's what you mean. But you could say that he was a man who had the courage to speak at a time when it was much safer to keep quiet. He loved the South and he kept Southern decency and integrity alive at a time when it seemed almost about to flicker out. He set a moral example for a whole generation of Southern leaders who were to follow him."

Hemingway also once wrote that the world will not tolerate the very good, the very gentle, or the very brave, but it will break them or kill them. Cliff Durr proved that Hemingway was wrong about that, because he was all three, and he never broke, but lived life with zest and good humor to the very end.

[From the Alabama Journal, May 13, 1975]

FUNERAL HELD HERE FOR CLIFFORD J. DURR

Graveside services for Clifford Judkins Durr were scheduled for 4 p.m. today in Greenwood Cemetery in Montgomery.

Durr, a former member of the Federal Communications Commission and prominent Southern lawyer, died Monday in a Wetumpka hospital following an illness of about one week. He was born in Montgomery, March 2, 1899.

His family operated a drug supply house which still bears the family name.

He attended the University of Alabama where, following a year's service in the Army at the close of World War I, he received his degree in 1919 along with a Phi Beta Kappa key.

Although Durr had planned to enter agriculture—he worked as a plowboy on the Smith-McQueen farm in Autauga County—he chose to pursue a legal career after he was elected a Rhodes Scholar to attend Oxford University. He received his degree in jurisprudence from the famed British university in 1922 and returned to his native state to practice law in Montgomery and Birmingham.

His first job in government came shortly after the election of President Roosevelt when he became assistant counsel of the Reconstruction Finance Corporation, a government agency set up to help get some 6,300 banks which had failed during the depression back into business.

With the onset of World War II, he was director of the Defense Plant Corporation, a government agency charged with converting American industry into war production. In 1941 he was appointed by President Roosevelt to a seven-year term on the Federal Communications Comission.

In that capacity, Durr fought to establish the principle of reserving broadcasting frequencies for public educational use. For this work, he later became known as "the father of educational television."

He was offered reappointment to the FCC in 1948 but declined because of disagreements with the Truman Administration over loyalty programs. After leaving government, he stayed in Washington briefly and represented controversial figures—among them the physicists Frank Oppenheimer and Dr. Edward U. Condon—in various investigations during the McCarthy period.

He saw the investigations of subversive activities in the late forties and early fifties as modern-day re-enactments of the Salem witch hunts of 300 years ago and as violations of First Amendment freedoms of expression and association.

As a guest speaker in a pulpit in Denver, he once wrote a Palm Sunday sermon in which he contended that Jesus was essentially a victim of free speech, having been put to death because his views questioned the established order of things.

"In this country," he once wrote, "we are dedicated to the principles of democracy. If the pattern of the future is to be a democratic pattern, it cannot be imposed from the top; it must be based upon the desires, beliefs and feelings of the people themselves. Democracy can function only in an atmosphere of full information and frank discussion."

He passed up opportunities to join some of Washington's prestigious law firms, and, after a back ailment which kept him a virtual invalid for two years, returned to Montgomery to practice law.

Here, controversy continued to swirl about his career because he was often the only lawyer in town who would take civil rights cases in the early days of that social resolution. It was Durr who made the arrangements to get the seamstress Rosa Parks out of jail when she was arrested for violating the city's bus segregation ordinances, thereby touching off the Montgomery bus boycott, which in turn touched off the whole civil rights legal battle.

Shortly before his death in 1972, former President Lyndon Johnson—who was a neighbor of Durr's as a young congressman in the 1940s—wrote Durr a personal letter saying, "a long, long time ago, you taught me so much, by precept and example, about the dignity and opportunity to which each is entitled regardless of color, birthplace, or ancestry, and all the other ways in which many have been ignored and disdained."

After his gradual retirement from an active law practice, he moved to a family farm near Wetumpka, where he lived in a house which he built himself and where he grew all of the family food in a garden.

He was married for 50 years to the former Virginia Foster, daughter of a prominent Alabama Presbyterian clergyman. Mrs. Durr was a sister-in-law of the Alabamian who sat on the U.S. Supreme Court for more than 30 years, Hugo L. Black. The Blacks and the Durrs were close personal friends and Durr shared the controversial jurist's absolutist views on freedom of expression and other civil liberties.

The Durrs had four daughters, Mrs. Walter A. Lyon of Harrisburg, Pa.; Mrs. F. Sheldon

Hackney of Princeton, N.J.; Mrs. Virginia D. Parker of Washington; and Mrs. Richard V. Colan of Birmingham. Mrs. Hackney's husband, who is a native of Birmingham, is scheduled to become president of Tulane University in New Orleans next month.

Durr is survived by two brothers and a sister, including James Durr, John W. Durr and Mrs. Lucy D. Dunn. James is a former president of Durr Drug Co., and both John and Mrs. Dunn are residents of Birmingham. Mrs. Dunn is the wife of a prominent contractor.

[From the Washington Post, May 13, 1975]

Clifford Durr Dies; FCC Commissioner

(By Jean R. Hailey)

Clifford J. Durr, 76, a former Federal Communications Commissioner, died yesterday of a coronary thrombosis in Wetumpka, Ala., where he had operated a farm since the mid-1960s.

Dr. Durr, who was a lawyer, served as a member of the FCC from November 1941, until June, 1948, when he declined reappointment in protest against President Truman's loyalty investigation program.

During his tenure, he was an outspoken critic not only of the program but of the activities of the FBI, the House Un-American Activities Committee and the late Sen. Joseph McCarthy.

Mr. Durr decried what he described as federal government snooping and warned repeatedly against an atmosphere of fear in government employment.

He also was one of the severest critics of the radio industry but at the same time was one of its best friends.

He encouraged broadcasters to emancipate themselves from their advertisers. He fought consistently for freedom of the air—viewing freedom always as the interest of the listener and insisting that radio make itself a medium for the conflict of ideas which he considered the essence of democratic process.

Mr. Durr was one of the commissioners who advocated the "blue book" of broadcasting, the FCC's first attempt to define the term "public interest."

Born in Montgomery, Ala., Mr. Durr was a graduate of the University of Alabama and its law school.

He spent three years at Oxford University as a Rhodes scholar and also received a law degree there. During the late 1920s and early 1930s, he was a corporation lawyer for the Alabama Power Co. in Birmingham.

Mr. Durr came to Washington in 1933 to serve in the legal division of the Reconstruction Finance Corporation. Before his appointment to the FCC, he was general counsel and director of the Defense Plant Corporation and vice president and director of the Rubber Research Corporation.

After leaving the FCC, Mr. Durr practiced law for several years in Washington, serving during that period as president of the National Lawyers Guild.

He returned to Montgomery, where he practiced law from 1952 until 1964. He handled many civil rights and civil liberties cases and was one of the attorneys for the late Dr. Martin Luther King during the Montgomery bus boycott.

Dr. Durr was a lecturer and contributed to numerous professional journals and books. He held a number of awards, including the Lasker Civil Liberties award of the Civil Liberties Union.

He was a member of Phi Beta Kappa and a life member of the Institute of Education by Radio.

He is survived by his wife, Virginia Foster Durr, of the home; four daughters, Ann Lyon, of Camp Hill, Pa.; Lucy Hackney, of Princeton, N.J.; Virginia Parker, of Washington, and Lulah Colon, of Birmingham; a brother, John, and a sister, Lucy Dunn, both of Birmingham; another brother, James of Montgomery, and nine grandchildren.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Forsythe (at the request of Mr. Michel), for June 6, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kelly) and to revise and extend their remarks and include extraneous matter:)

Mr. Mosher, for 1 hour, on June 16.

Mr. Hastings, for 5 minutes, today.

Mr. Symms, for 5 minutes, today.

Mr. Michel, for 1 hour, on June 18.

Mr. Ashbrook, for 5 minutes, today.

(The following Members (at the request of Mr. Bonker) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Waggonner, for 30 minutes, today.

Mr. Flood, for 5 minutes, today.

Mr. Ford of Michigan, for 5 minutes, today.

Mr. Dodd, for 5 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

Mr. Morgan, for 5 minutes, today.

Mr. Koch, for 10 minutes, today.

Mr. Smith of Iowa, for 10 minutes, today.

Ms. Abzug, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Brown of Ohio to revise and extend his remarks and include extraneous and tabular matter during debate on H.R. 4035 this afternoon.

Mr. Ashbrook, immediately following the remarks of Mr. Rousselot during the 5-minute rule in the Committee of the Whole today, on H.R. 4035.

(The following Members (at the request of Mr. Kelly) and to include extraneous matter:)

Mr. Sarasin in two instances.

Mr. Ashbrook.

Mr. Wydler in two instances.

Mr. Lagomarsino.

Mr. Guyer.

Mr. Heinz in three instances.

Mr. Forsythe.

Mr. Crane.

Mr. Symms.

Mrs. Holt.

Mr. du Pont.

Mr. Bob Wilson.

Mr. O'Brien.

Mr. Lott.

Mr. McClory.

Mr. Ruppe.

(The following Members (at the request of Mr. Bonker) and to include extraneous material:)

Mr. Edgar in two instances.

Mr. Rosenthal in 10 instances.

Mr. McDonald of Georgia in five instances.

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Russo.

Mr. McFall.

Mr. Ford of Michigan.

Mr. Pickle in 10 instances.

Mr. Stokes.

Mr. Moffett in two instances.

Mr. Aspin in 10 instances.

Mr. Gaydos in two instances.

Mr. Dodd.

Mrs. Spellman.

Mrs. Schroeder.

Mr. Won Pat.

Mr. Andrews of North Carolina.

Mr. Jenrette in two instances.

Mr. Dent in two instances.

Mr. Brinkley.

Mr. Miller of California in two instances.

Mr. Vanik.

Mr. Moss.

Mr. Madden.

Mr. Milford in two instances.

Mr. Early.

Mr. Teague in two instances.

Mr. Levitas.

Mr. Koch in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 82. An act to repeal certain provisions of the act entitled "An Act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", approved September 21, 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 98. An act to establish the Klondike Gold Rush National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 313. An act to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1839. An act to amend the Small Business Act and the Small Business Investment Act of 1958 to increase the authorization for certain small business loan and guarantee programs, and for other purposes; to the Committee on Small Business.

ENROLLED BILL SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5158. An act to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

ADJOURNMENT

Mr. BONKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 47 minutes p.m.), the House adjourned until Friday, June 6, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1173. A letter from the Secretary of Labor, transmitting the annual report for calendar year 1974 on his administration of the Welfare and Pension Plans Disclosure Act, pursuant to section 14(b) of the act; to the Committee on Education and Labor.

1174. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the national reading improvement program to provide more flexibility in the types of projects which can be funded, and for other purposes; to the Committee on Education and Labor.

1175. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination that it is in the security interests of the United States to authorize a supplementary contribution from security supporting assistance funds to the United Nations Force in Cyprus, pursuant to section 653(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

1176. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Daniel Patrick Moynihan and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

1177. A letter from the Administrator, Federal Energy Administration, transmitting notice that the amendment of the stripper well lease exemption regulation proposed by the Federal Energy Administration has taken effect; to the Committee on Interstate and Foreign Commerce.

1178. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, as amended, together with a list of the persons involved, pursuant to section 244(c) of the act [8 U.S.C. 1254(c)]; to the Committee on the Judiciary.

Received From the Comptroller General

1179. A letter from the Comptroller General of the United States, transmitting a report on the adult basic education program's progress in reducing illiteracy and improvements needed; jointly, to the Committees on Government Operations, and Education and Labor.

1180. A letter from the Comptroller General of the United States, transmitting a report describing savings in postal operations in rural America and suggestions for improving services (U.S. Postal Service); jointly, to the Committees on Government Operations, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS of Ohio: Committee on International Relations. H.R. 7500. A bill to authorize appropriations for the Department of State, and for other purposes; with amendment (Rept. No. 94–264). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 7628. A bill to provide for the return to the former owners of certain former tribal lands acquired in connection with the Garrison Dam and Reservoir project; to the Committee on Interior and Insular Affairs.

By Mr. BEDELL (for himself, Mr. Vigorito, Mrs. Fenwick, Mr. Quie, and Mr. English):

H.R. 7629. A bill to amend the Packers and Stockyards Act, 1921, to clarify the authority of the Secretary of Agriculture to require reasonable bonds from packers in connection with their livestock purchasing operations, and for other purposes; to the Committee on Agriculture.

By Mr. BEDELL (for himself, Mr. Solarz, Mr. Downey of New York, Mr. Pattison of New York, Mr. Gilman, Mr. Harrington, Mr. Wirth, Mr. Richmond, and Mrs. Meyner):

H.R. 7630. A bill to improve the reliability, safety, and energy efficiency of transportation by providing funds for repairing, rehabilitating, and improving railroad roadbeds and facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIP BURTON (for himself, Mr. Anderson of California, Mrs. Burke of California, Mr. Dellums, Mr. Derwinski, Mr. Dingell, Mr. Drinan, Mr. Edwards of California, Mr. Harrington, Mr. Hawkins, Ms. Holtzman, Mr. Madden, Mr. Metcalfe, Mr. Moorhead of Pennsylvania, Mr. Neal, Mr. Nix, Mr. Patterson of California, Mr. Pattison of New York, Mr. Rees, Mr. Roe, Mr. Roybal, Mr. Sarbanes, Mr. Simon, Mr. Solarz, and Mr. Stark):

H.R. 7631. A bill to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIP BURTON (for himself, Mr. Studds, Mr. Van Deerlin, Mr. Waxman, Mr. Wirth, Mr. Young of Georgia, and Mr. Zeferetti):

H.R. 7632. A bill to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COCHRAN (for himself, Mr. Kelly, and Mr. Lent):

H.R. 7633. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers responsibility and authority to regulate the discharge of dredged or fill material; to the Committee on Public Works and Transportation.

By Mr. CONABLE:

H.R. 7634. A bill to amend the Internal Revenue Code of 1954 to remove discriminatory limitations on, and thereby broaden the range of investment opportunities available to custodial accounts for employees of tax-exempt religious, charitable, educational, and so forth, organizations and public schools; to the Committee on Ways and Means.

By Mr. DODD (for himself, Mr. Beard of Rhode Island, Mr. Carr, Mr. Cotter, Mr. Fish, Mr. Giaimo, Mr. Gilman, Mr. Harrington, Mr. McHugh, Mr. McKinney, Mr. Moffett, Mr. Pattison of New York, Mr. Roe, Mr. Sarasin, Mr. Simon, Mr. Thompson, Mr. Traxler, Mr. Vander Veen, and Mr. Zeferetti):

H.R. 7635. A bill to amend the Regional Rail Reorganization Act of 1973 with respect to the percentage of Federal subsidies for rail service continuation and to require the United States Railway Association to analyze certain railroad branch lines for inclusion in the final system plan; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself and Mr. Wolff):

H.R. 7636. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. HALL:

H.R. 7637. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers responsibility and authority to regulate the discharge of dredged or fill material; to the Committee on Public Works and Transportation.

By Mr. KOCH:

H.R. 7638. A bill to amend title XIX of the Social Security Act to establish a minimum amount which a medicaid patient in a nursing home who is entitled to social security benefits has a right to keep (from such benefits) for incidental expenses, and to prohibit any requirement that such a patient turn over any part of such amount to the State as a condition of his or her medicaid coverage; to the Committee on Interstate and Foreign Commerce.

H.R. 7639. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis; to the Committee on Ways and Means.

H.R. 7640. A bill to amend title II of the Social Security Act to increase to $8,000 the amount of outside income which (subject to further increases under the automatic adjustment provisions) is permitted each year without deductions from benefits, and to provide that income of all types and from all sources shall be included in determining whether an individual's benefits are subject to such deductions; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 7641. A bill to establish a Higher Education Reconstruction Finance Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 7642. A bill to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 7643. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

H.R. 7644. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Comimttee on Ways and Means.

By Mr. RICHMOND (for himself, Mrs. Collins of Illinois, Mrs. Chisholm, and Ms. Burke of California):

H.R. 7645. A bill making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1975, to provide additional funds for youth summer employment programs pursuant to the Comprehensive Employment and Training Act of 1973; to the Committee on Appropriations.

By Mr. ROUSH (for himself and Mr. Tsongas):

H.R. 7646. A bill to amend part A of title XVIII of the Social Security Act to authorize payment for emergency inpatient hospital services furnished outside the United States, to a qualified individual whose principal residence is within the United States, without regard to where the emergency occurred; to the Committee on Ways and Means.

By Mr. SIMON:

H.R. 7647. A bill to amend title 39, United States Code, to prohibit any increase in second-class mail rates and certain fourth-class mail rates for a 5-year period; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN:

H.R. 7648. A bill to authorize the voluntary withholding of State and District of Columbia income taxes, pursuant to agreements subject to review by the Committee on House Administration of the House of Representatives, in the case of certain legislative officers and employees; to the Comimttee on House Administration.

By Mr. STARK (for himself, Mr. Edgar, Mr. Blanchard, Mrs. Meyner, Mr. Carr, Ms. Abzug, Mr. Mann, Mr. Beard of Rhode Island, Mr. Badillo, Mr. Leggett, Mr. Lagomarsino, Mr. McKay, Mr. Mineta, Mr. Martin of North Carolina, Mr. Gilman, Mr. Krebs, Mr. Solarz, Mr. Murtha, Mr. Ketchum, Mr. Sarbanes, Mr. Wirth, Mr. Sarasin, Mr. Lent, and Mr. Howe):

H.R. 7649. A bill to govern the disclosure of certain financial information by financial institutions to government agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. SYMMS:

H.R. 7650. A bill to direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE:

H.R. 7651. A bill to amend title 38, United States Code, to further define the term "eligible veteran," for the purpose of job counseling, training and placement service for veterans with the public employment services; to the Committee on Veterans' Affairs.

By Mr. ASHLEY:

H.R. 7652. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. de la Garza:

H.R. 7653. A bill to require the submission, prior to publication in the Federal Register, to the appropriate committees of the Congress, of all regulations proposed to be promulgated by Federal departments and agencies; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. Badillo, Mr. Beard of Rhode Island, Mrs. Burke of California, Mr. Carr, Mrs. Chisholm, Mr. Edgar, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Gude, Mr. Hawkins, Mr. Helstoski, Mr. Mitchell of Maryland, Mr. Roe, Mr. Rosenthal, Mr. Scheuer, Mr. Seiberling, Mr. Stark, and Mr. Studds):

H.R. 7654. A bill to prescribe certain rules for Federal, State, and local agencies regulating electric rates; to the Committee on Interstate and Foreign Commerce.

By Mr. EMERY (for himself, Mr. Cohen, Mr. Andrews of North Dakota, Mr. Mazzoli, Mr. Pritchard, and Mr. Jenrette):

H.R. 7655. A bill to amend the Internal Revenue Code of 1954 to encourage the use of methanol as an alternative fuel for motor vehicles by allowing the rapid amortization of facilities producing methanol and by providing that fuels which are at least 10 percent methanol will not be subject to the Federal excise taxes; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Poage, Mr. Wampler, Mr. Sebelius, Mr. Alexander, Mr. Bergland, Mr. Bowen, Mr. Cederberg, Mr. de la Garza, Mr. Hightower, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Litton, Mr. Mahon, Mr. Patman, Mr. Railsback, Mr. Shriver, Mr. Skubitz, Mr. Thone, Mr. Thornton, and Mr. Traxler):

H.R. 7656. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer information, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. HANNAFORD (for himself, Mr. Carter, Mr. Duncan of Tennessee, Mr. Symington, Mr. Addabbo, Mr. Ambro, Mr. Anderson of California, Mr. Baucus, Mr. Bedell, Mr. Bevill, Mr. Bingham, Mr. Brodhead, Mr. Carr, Mr. Carney, Mrs. Chisholm, Mr. Cohen, Mr. Conte, Mr. Conyers, Mr. Corman, Mr. Cornell, Mr. Davis, Mr. Derrick, Mr. Dodd, Mr. Drinan, and Mr. Edgar):

H.R. 7657. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

By Mr. HANNAFORD (for himself, Mr. Carter, Mr. Duncan of Tennessee, Mr. Symington, Mr. Badillo, Mr. Fauntroy, Mr. Florio, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Fulton, Mr. Gonzalez, Mr. Hall, Mr. Harkin, Mr. Harrington, Mr. Harris, Mr. Harsha, Mr. Hayes of Indiana, Mr. Hechler of West Virginia, Mr. Hefner, Mr. Helstoski, Mr. Hicks, Mr. Hightower, Mr. Holland, Mr. Howard, and Mr. Howe):

H.R. 7658. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

By Mr. HANNAFORD (for himself, Mr. Carter, Mr. Duncan of Tennessee, Mr. Symington, Mr. Hughes, Mr. Jones of Tennessee, Mrs. Keys, Mr. Kindness, Mr. Krebs, Mr. LaFalce, Mr. Levitas, Mr. Lloyd of Califorina, Mrs. Lloyd of Tennessee, Mr. Long of Louisiana, Mr. McHugh, Mr. McKinney, Mr. Mann, Mr. Matsunaga, Mr. Melcher, Mrs. Meyner, Mr. Miller of California, Mr. Mineta, Mr. Moakley, and Mr. Mottl):

H.R. 7659. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

By Mr. HANNAFORD (for himself, Mr. Carter, Mr. Duncan of Tennessee, Mr. Symington, Mr. Neal, Mr. Nedzi, Mr. Nix, Mr. Patterson of California, Mr. Pattison of New York, Mr. Rees, Mr. Risenhoover, Mr. Rodino, Mr. Roe, Mr. Rose, Mr. Rosenthal, Mr. Roush, Mr. Russo, Mr. Sarasin, Mr. Sharp, Mr. Shipley, Mr. Shriver, Mr. Simon, Mr. Solarz, Mrs. Spellman, and Mr. Stephens):

H.R. 7660. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

Mr. HANNAFORD (for himself, Mr. Carter, Mr. Duncan of Tennessee, Mr. Symington, Mr. Gilman, Mr. Thone, Mr. Udall, Mr. Vander Veen, Mr. Vigorito, Mr. Weaver, Mr. White, Mr. Charles Wilson of Texas, Mr. Wirth, Mr. Wolff, Mr. Young of Florida, Mr. Beard of Tennessee, Mr. Barrett, Mr. Pressler, Mr. McEwen, Mr. Rinaldo, Mr. O'Neill, Mr. Slack, Mr. Blouin, Mr. Clancy and Mr. Breaux):

H.R. 7661. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 7662. A bill to coordinate State and local government budget-related actions with Federal Government efforts to stimulate economic recovery by establishing a system of emergency support grants to State and local governments; to the Committee on Government Operations.

By Mr. LENT:

H.R. 7663. A bill to prohibit the sale of "Saturday night special" handguns in the United States; to the Committee on the Judiciary.

By Mr. McCOLLISTER:

H.R. 7664. A bill to regulate interstate commerce to protect health and the environment from hazardous chemical substances; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN (by request) (for himself and Mr. Broomfield):

H.R. 7665. A bill to extend the Export Administration Act of 1969, as amended; to the Committee on International Relations.

By Mr. PATTERSON of California:

H.R. 7666. A bill to amend title II of the Social Security Act to increase to $4,800.00 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. SANTINI:

H.R. 7667. A bill to provide that medallions struck on the reactivated Carson City Dollar Press by the Nevada American Revolution Bicentennial Commission shall be national commemorative medals; to the Committee on Banking, Currency and Housing.

By Mr. WOLFF:

H.R. 7668. A bill to provide for additional sentences for commission of a felony with use of a firearm; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 7669. A bill to amend the Federal Aviation Act of 1958 with respect to the definition of "air commerce" and "air transportation"; to the Committee on Public Works and Transportation.

By Mr. BIAGGI:

H.R. 7670. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 7671. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for additional optometrists' services and for eyeglasses; to the Committee on Ways and Means.

H.R. 7672. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Mean.

H.R. 7673. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 7674. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 7675. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 7676. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. DENT:

H.R. 7677. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deduction from benefits thereunder; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 7678. A bill to amend the Employment Act of 1946 by providing for the development and adoption of a balanced economic growth plan, and for other purposes; jointly to the Committees on Government Operations, and Rules.

By Mr. MURTHA:

H.R. 7679. A bill to amend the Federal Meat Inspection Act with respect to custom slaughtering; to the Committee on Agriculture.

By Mr. O'NEILL:

H.R. 7680. A bill to amend the Outer Continental Shelf Lands Act to authorize certain revenues from leases on the Outer Continental Shelf to be made available to assist coastal States to defray the impact of energy resource development and production of offshore facilities; to make available revenues for other states; and for other purposes; jointly to the Committees on Judiciary, Merchant Marine and Fisheries, and Government Operations.

By Mr. STAGGERS (by request):

H.R. 7681. A bill to amend the Interstate Commerce Act, as amended, to modernize and reform the regulation of railroads, to allow more flexibility in establishing rates, to provide adequate prior notice of the abandonment of rail lines, and to assist in the financing of rail transportation, to develop a rolling stock scheduling and control system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 7682. A bill relating to the disposition of certain recreational demonstration project lands by the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. WIRTH:

H.R. 7683. A bill to establish a National Energy Information Administration and a National Energy Information System, to authorize the Department of the Interior to undertake a survey of U.S. energy resources on the public lands and elsewhere, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Interior and Insular Affairs.

By Mr. BELL (for himself, Mr. Drinan, Mr. Cohen, Mr. McCormack, Mr. Burgener, and Mr. Wydler):

H.J. Res. 484. Joint resolution to save the great whales from extinction by amending the Fishermen's Protective Act of 1967 to impose an embargo on the products of all foreign enterprises engaged in commercial whaling; jointly to the Committees on Merchant Marine and Fisheries, and Ways and Means.

By Mr. ESHLEMAN:

H.J. Res. 485. Joint resolution proposing an amendment to the Constitution of the United States with respect to abortion; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. Biaggi, Mr. Duncan of Oregon, Mr. Hannaford, Mr. Long of Maryland, Mr. Richmond, Mr. Charles H. Wilson of California, and Mr. Charles Wilson of Texas):

H.J. Res. 486. Joint resolution to express the sense of Congress that the Secretary of Defense, in administering Public Law 94–11 which appropriates foreign assistance for fiscal year 1975, include in the $300 million foreign military credit sales appropriated to assist the State of Israel, F–15 fighter planes, electronic countermeasures, and other sophisticated weapons necessary to insure the continued viability of Israel; to the Committee on International Relations.

By Mr. REES:

H.J. Res. 487. Joint resolution to amend the Defense Production Act; to the Committee on Banking, Currency and Housing.

By Mr. RHODES (for himself, Mr. Ketchum, Mr. Duncan of Tennessee, Mr. Symms, Mr. Conlan, Mr. Alexander, Mr. Mitchell of New York, Mr. Kindness, Mrs. Pettis, Mr. Lent, Mr. Moore, Mr. Jeffords, Mrs. Spellman, and Mr. Mann):

H.J. Res. 488. Joint resolution to designate the week commencing with the third Monday in February of each year as National Patriotism Week; to the Committee on Post Office and Civil Service.

By Mr. WON PAT:

H.J. Res. 489. Joint resolution to establish the Commission on the Political Status of Guam, to study and recommend changes in the Guam Organic Act and the political status of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DERWINSKI (for himself, Mr. Aspin, Mr. Beard of Tennessee, Mr. Bell, and Mr. Frenzel):

H. Con. Res. 296. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 297. Concurrent resolution relative to the elimination of illegal drug traffic from Turkey; to the Committee on International Relations.

By Mr. PRICE:

H. Res. 514. Resolution providing for the printing of additional copies of the House Report No. 94–199; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

170. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to communication between Federal and State legislative branches in the budget process; to the Committee on the Budget.

171. Also, memorial of the Legislature of the State of Washington, relative to the Deep River Post Office; to the Committee on Post Office and Civil Service.

172. Also, memorial of the Legislature of the State of Montana, relative to energy; jointly, to the Committees on Interstate and Foreign Commerce, Interior and Insular Affairs, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GOLDWATER:

H.R. 7684. A bill for the relief of Leonard Diamond; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 7685. A bill for the relief of Mildred N. Crumley; to the Committee on the Judiciary.

By Mr. McDADE:

H. Res. 515. Resolution to refer the bill (H.R. 7495) for relief of Arthur Wilkinson to the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

145. The SPEAKER presented a petition of Edward J. Sumanas, Gaithersburg, Md., relative to the foreign policy of the United States regarding the annexation of the Baltic nations by the Soviet Union; to the Committee on International Relations.

SENATE—*Thursday, June 5, 1975*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, teach us again that "they that wait upon the Lord shall renew their strength." Renew us in the depths of our being that we may love and serve Thee with our whole heart and mind and strength. When days are long and work is hard, spare us from giving in too soon or giving up too easily. When nerves grow taut and emotions tense, bring to us the peace and poise of Thy presence. Thus may we persevere with wisdom and strength for that more perfect way which assures the Nation's welfare and promotes peace and justice in the world. Shepherd us through the problems and perils of this day and bring us to evening with peace and joy in our hearts.

Through Him who brought redemption and new life. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 4, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

Mr. WEICKER. Mr. President, on behalf of the leadership on this side, I am constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that committees may meet until noon today and that there be no rollcall votes until noon today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 151, 152, 164, and 165.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SALINE WATER CONVERSION PROGRAM APPROPRIATIONS AUTHORIZATION, 1976

The ACTING PRESIDENT pro tempore laid before the Senate the bill (H.R. 3109) to authorize appropriations for the saline water conversion program for fiscal year 1976.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY) I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 5, strike out "$3,850,-" and insert in lieu thereof "$4,100,-".

Mr. KENNEDY. Mr. President, this amendment of mine to the water desalinization authorization bill is to provide an additional $250,000 for completion of research on the freeze crystallization process of water purification. At a time when we are faced with increasing pressure to set aside environmental concerns in order to conserve energy, this technology offers an opportunity to maintain a clean environment with reduced energy costs.

Freeze crystallization has been developed as an advanced water desalinization process, but in recent years the process has been demonstrated as an effective and cost-saving method for industrial pollution control. The process does not require the pretreatment of feed water and freeze crystallization purifies water with less energy expenditure and greater energy recovery.

The additional funding which my amendment provides will allow the pilot facilities in North Carolina to continue their operation and allow Avco, the firm which developed the process, to further expand this technology to the solution of industrial waste problems. But more than that, it will assure the completion of this program which the Federal Government has invested almost $3 million in and gives us all new hope that the problems of industrial waste can be solved quickly, efficiently, and at a cost we can afford.

Mr. CHURCH. Mr. President, I am pleased with the interest shown by the Senator from Massachusetts (Mr. KENNEDY) in the desalination program and I would urge the acceptance by the Senate of his amendment to H.R. 3109, authorizing appropriations for the saline water conversion program for fiscal year 1976.

It is my understanding that it is the intent of the Senator that the increase in funding of $250,000 would be earmarked for continued research and development of freezing techniques for desalting sea water. I concur with his intent. This is an important area of research in desalting technology. And it is even more so in light of rising energy costs as this process promises to use less energy than other techniques.

The administration did not request funds for further examination of the freezing process for fiscal year 1976. However, the House included $150,000 in H.R. 3109, which would have allowed a minimal effort. The proposed increase of $250,000 will permit a sustained demonstration of the Wrightsville Beach, N.C., test facility thereby permitting the verification of reliability and potential energy savings. With the Senator's amendment, the total which would be authorized for the saline water conversion program for fiscal year 1976 would be $4,100,000.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1518) to amend the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) to authorize additional appropriations, to establish fuel efficiency demonstration projects, to provide additional enforcement authority for the odometer antitampering provisions, and for other purposes, which had been reported from the Committee on Commerce with amendments, as follows:

On page 2, in line 9, strike out "for" and insert "from";

On page 2, in line 20, strike out "$3,000,000" and insert "$4,000,000";

On page 3, in line 2, strike out "1976" and insert "June 30, 1976";

On page 3, in line 3, strike out "1977" and insert "September 30, 1977.";

On page 3, in line 10, strike out "as provided for in sections 301, 302, 303, and 304";

On page 4, in line 20, strike out "and";

On page 4, in line 21, following "1977" insert the following:

"and $7,500,000 for the fiscal year ending September 30, 1978, to be used for the purpose of implementing section 311;"

On page 5, beginning with line 2, insert the following:

"SEC. 5. (a) Section 402 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1982) is amended by inserting the following new paragraphs immediately after 'As used in this title—' and redesignating the succeeding paragraphs accordingly:

"(1) The term 'dealer' means any person who has sold five or more motor vehicles in the past 12 months to purchasers who in good faith purchase such vehicles for purposes other than resale.

"(2) The term 'distributor' means any person who has sold five or more motor vehicles in the past 12 months for resale.".

On page 5, in line 14, strike out "Sec. 5. (a)" and insert "(b)";

On page 5, in line 14, strike out "the Motor Vehicle Information and Cost Savings" and insert the word "such";

On page 5, at the beginning of line 16, insert the word "further";

On page 8, in line 13, strike out "Whoever" and insert "(a)(1) Any dealer or distributor of motor vehicles or other person engaged in the motor vehicle repair business who";

On page 8, in line 8, after the word "such" insert "dealer, distributor, or person";

On page 8, in line 20, following the period, insert the following:

"A violation of any section shall constitute a separate offense with respect to each motor vehicle (or device, in the case of section 403) involved and each section violated, except that the maximum civil penalty shall not exceed $200,000 for any related series of violations.".

On page 9, at the beginning of line 5, insert the following:

"(2) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

On page 9, in line 13, after "(b)" insert "(1)";

On page 9, at the beginning of line 17, insert the following:

"(2) Any individual director, officer, or agent of a corporation who knowingly authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of any section of this title shall be subject to penalties under this subsection without regard to any penalties to which that corporation may be subject under paragraph (b)(1).

On page 9, in line 25, strike out "$300,000" and insert "450,000";

On page 10, in line 1, strike out "$85,000" and insert "$100,000";

On page 10, in line 3, strike out "$360,000" and insert "$650,000";

On page 10, in line 4, strike out "June" and insert "September";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "Motor Vehicle Information and Cost Savings Act Amendments".

AMENDMENTS TO TITLE I

Sec. 2. (a) Annual Report.—Section 112 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1922) is amended by striking the words "March 31" in the first sentence and by inserting in lieu thereof the words "July 1".

(b) Authorization of Appropriations.—Section 111 of such Act (15 U.S.C. 1921) is amended to read as follows:

"There are authorized to be appropriated to carry out the provisions of this title $500,000 for the fiscal year ending June 30, 1976; $125,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; and $500,000 for the fiscal year ending September 30, 1977; such sums to remain available until expended.".

AMENDMENTS TO TITLE II

Sec. 3. (a) Authorization of Appropriations.—Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended to read as follows:

"There are hereby authorized to be appropriated to carry out the provisions of this title $2,000,000 for the fiscal year ending June 30, 1976; $650,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; and $4,000,000 for fiscal year ending September 30, 1977; such sums to remain available until expended.".

AMENDMENTS TO TITLE III

Sec. 4. (a) Extension of State Programs.—Subsection (b) of section 303 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1963(b)) is amended by deleting "June 30, 1976" in the second sentence and by inserting in lieu thereof "September 30, 1977.".

(b) Section 311 of such Act is amended to read as follows:

"FUEL EFFICIENCY

"Sec. 311. (a) The Secretary shall establish one, or more than one, new special motor vehicle diagnostic inspection demonstration project to assist in the research, rapid development, and evaluation of advanced inspection, analysis, and diagnostic equipment suitable for use by the States in high volume inspection facilities designed to assess the safety, noise, emissions, and fuel efficiency of motor vehicles. Such project shall perform the inspections of motor vehicles for the purpose of evaluating the conditions of parts, components, and repairs (1) required to comply with State and Federal safety, noise, and emissions standards and (2) in order to assist the vehicle owner in achieving the optimum fuel and maintenance economy.

"(b) The Secretary shall evaluate the existing diagnostic analysis and test equipment available for use in the small automotive repair establishments and report to the Congress within two years after enactment of this section, as to the scope of research and development required to make this equipment compatible with the most costly and complex State vehicle inspection and diagnostic equipment. The report shall assess the extent to which private industry can meet the needs of the small automotive repair shops for low-cost test equipment which can be developed to comply with the Federal safety, noise, and emissions performance standards promulgated by the Secretary, the Administrator of the Environmental Protection Agency, and by State or local regulatory agencies.

"(c) In complying with the provisions of this section the Secretary shall consult with the Administrator of the Environmental Protection Agency.".

(c) Section 321 of such Act is amended to read as follows:

"There are hereby authorized to be appropriated to carry out the provisions of this title $5,000,000 for the fiscal year ending June 30, 1976; $1,500,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; $7,500,000 for the fiscal year ending September 30, 1977; and $7,500,000 for the fiscal year ending September 30, 1978, to be used for the purpose of implementing section 311; such sums to remain available until expended.".

AMENDMENTS TO TITLE IV

Sec. 5. (a) Section 402 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1982) is amended by inserting the following new paragraphs immediately after "As used in this title—" and redesignating the succeeding paragraphs accordingly:

"(1) The term 'dealer' means any person who has sold five or more motor vehicles in the past 12 months to purchasers who in good faith purchase such vehicles for purposes other than resale.

"(2) The term 'distributor' means any person who has sold five or more motor vehicles in the past 12 months for resale.".

(b) Title IV of such Act (15 U.S.C. 1891 et seq.) is further amended by adding the following new sections:

"POWERS OF THE SECRETARY

"Sec. 414. (a)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

"(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretray under this title.

"(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports, or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

"(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance herewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) All information reported to or otherwise obtained by the Secretary or his representative under this title, which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

"(c) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a motor vehicle whenever such officer or employee has reason to believe that there has been a violation of a requirement imposed under this title. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

"STATE ENFORCEMENT

"Sec. 415. (a) If any person, partnership, or corporation violates any provision of this title, then the Attorney General of the State in which such act or practice occurred, or his delegate, may commence a civil action for appropriate relief against such person, partnership, or corporation in any court of competent jurisdiction in such State.

"(b) The court, in an action under subsection (a) may restrain such violation or grant such relief as it finds necessary to redress injury which resulted as a consequence of the violation of a provision of this title.

"SANCTIONS

"Sec. 416. (a) (a)(1) Any dealer or distributor of motor vehicles or other person engaged in the motor vehicle repair business who violates any provisions of section 403 through 408 of this title, and the Secretary determines that a reasonable man would have known under the circumstances that the act or practice was dishonest or fraudulent, such dealer, distributor, or person may be assessed a civil penalty of not to exceed $10,000 for each violation. A violation of any section shall constitute a separate offense with respect to each motor vehicle (or device, in the case of section 403) involved and each section violated, except that the maximum civil penalty shall not exceed $200,000 for any related series of violations. Such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General or by the Secretary (with the concurrence of the Attorney General) by any of the Secretary's attorneys designated by the Secretary for such purpose.

"(2) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(b)(1) Any person who knowingly violates any provisions of sections 403 through 408 of this title shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

"(2) Any individual director, officer, or agent of a corporation who knowingly authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of any section of this title shall be subject to penalties under this subsection without regard to any penalties to which that corporation may be subject under paragraph (b)(1).

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 417. There are hereby authorized to be appropriated to carry out the provisions of this title $450,000 for the fiscal year ending June 30, 1976; $100,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; and $650,000 for the fiscal year ending September 30, 1977; such sums to remain available until expended.".

The amendments were agreed to.

The bill was ordered to be engrossed

for a third reading, was read the third time, and passed.

FLAT TOPS WILDERNESS, ROUTT AND WHITE RIVER NATIONAL FORESTS, COLO.

The Senate proceeded to consider the bill (S. 267) to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado, which had been reported from the Committee on Interior and Insular Affairs with amendments, as follows:

On page 1, in line 4, strike out "of September 3, 1964";

On page 1, in line 8, strike out "October 1973" and insert "May 1975"; and

On page 2, in line 4, strike out "thirty-seven thousand five hundred" and insert "thirty-five thousand two hundred and thirty";

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Flat Tops Wilderness—Proposed", dated May 1975, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Flat Tops Wilderness" within and as part of the Routt and White River National Forests, comprising an area of approximately two hundred and thirty-five thousand two hundred and thirty acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such map and description may be made.

SEC. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLO.

The Senate proceeded to consider the bill (S. 268) to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests, in the State of Colorado, which had been reported from the Committee on Interior and Insular Affairs with amendments, as follows:

On page 1, in line 8, strike out "October 1973" and insert "May 1975";

On page 2, in line 3, strike out "Forest" and insert "Forests";

On page 2, in line 5, strike out "three hundred and seventy four" and insert "eighty-four";

On page 2, beginning on line 23, insert a new section as follows:

"SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as impairing the authority of the appropriate Secretary to permit, subject to such regulations as he deemed necessary to protect wilderness values, the construction, operation, and maintenance of a subsurface water tunnel in Federal land under the Eagles Nest Wilderness."

On page 3, in line 4, strike out "4." and insert "5.";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), the area classified as the Gore Range-Eagles Nest Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Eagles Nest Wilderness—Proposed", dated May 1975, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Eagles Nest Wilderness" within and as part of the Arapaho and White River National Forests comprising an area of approximately one hundred and twenty-eight thousand eighty-four acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Eagles Nest Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such map and description may be made.

SEC. 3. The Eagles Nest Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as impairing the authority of the appropriate Secretary to permit, subject to such regulations as he deems necessary to protect wilderness values, the construction, operation, and maintenance of a subsurface water tunnel in Federal land under the Eagles Nest Wilderness.

SEC. 5. The previous classification of the Gore Range-Eagles Nest Primitive Area is hereby abolished.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read:

A bill to designate the Eagles Nest Wilderness Arapho and White River National Forests, in the State of Colorado.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there representing the minority, desire to be heard?

Mr. DOMENICI. I do not seek recognition, Mr. President.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro temproe. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 5 minutes each.

SENATE RESOLUTION 173—SUBMISSION OF A RESOLUTION TO DISCHARGE THE COMMITTEE ON RULES AND ADMINISTRATION FROM FURTHER CONSIDERATION OF THE CREDENTIALS OF LOUIS C. WYMAN AND JOHN A. DURKIN

Mr. WEICKER. Mr. President, before submitting a resolution on the New Hampshire election, I should like to make several comments relative to it.

This is a resolution discharging the Committee on Rules and Administration from further consideration of the credentials of Louis Wyman and John Durkin. I submit it because the Senate should be apprised of the fact that the deliberations scheduled for next week in this body will not be determinative of the matter. Rather, it will be only one more step in the deliberations of determining a winner of that election. The matter then will go back to the Committee on Rules and Administration, where further time and effort will be expended.

To our disgrace—as with many other unfinished matters, I might add—this matter has been with us since the first of the year, and still has not been resolved. There is very pressing business before each one of us in this Chamber, and 99 percent of it demands the particular expertise that is lodged in this Chamber. Insofar as this matter is concerned, the expertise is lodged with the voters of New Hampshire. So the Wyman-Durkin matter should not consume our time. Rather, it should go to that forum, where it is best decided.

With that in mind, Mr. President, I now submit a resolution that will bring the Wyman-Durkin matter immediately before the Senate for its dispatch to New Hampshire, and ask unanimous consent for its immediate consideration.

Mr. MANSFIELD. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The resolution will go over, under the rule.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I might proceed for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORCED BUSING HAS BACKFIRED

Mr. ALLEN. Mr. President, for many years I have expressed my opposition to the use of forced mass busing of boys and girls for the purpose of attaining a racial balance in our schools. My argument has been that the millions of dollars spent on forced busing should be used in helping furnish all students better educational opportunities in neighborhood schools under a freedom of choice plan.

This week the National Observer, in its issue for the week ending June 7, 1975, published an article entitled "A Scholar Who Inspired It Says—Busing Backfired." A story about this article was published by the Washington Star-News in its Sunday, June 1, 1975, issue under the heading "Integration Proponent Calls Busing Failure." The Observer article is in the form of an interview with Prof. James S. Coleman whose so-called "Coleman Report" of 1966 is credited with providing much of the rationale for mass forced busing. Now Mr. Coleman, after studying the effects of integration, during the last 21 years, argues that forced busing is making schools more segregated than ever before.

Mr. President, I believe that this interview is an eye opener and a mind opener—or it should be a mind opener—and that it should be widely read and understood.

I ask unanimous consent that the two articles referred to be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, June 1, 1975]

INTEGRATION PROPONENT CALLS BUSING FAILURE

The author of an influential 1966 study on the impact of segregated schooling declared yesterday that court-ordered school integration is a failure outside the South and that public schools are becoming more segregated.

"I think the country would have been better off if the report had not led to" busing, James S. Coleman, a sociologist at the University of Chicago, commented in an interview in The National Observer for the week ending June 7.

He was the principal author of the government-sponsored Coleman Report, which indicated that blacks in integrated classrooms would perform better than those in wholly black classes, and is often cited by courts when they hand down desegregation orders.

Coleman said a new study he is preparing shows that "white flight" to the suburbs to avoid court-ordered school integration in the nation's 20 largest cities results in "a general resegregation in all regions of the country, now that desegregation activities in the South are pretty well complete."

"In the large cities, what I call induced integration, usually brought about as a result of court action, seems to be self-defeating," Coleman said.

Coleman, who surveyed 12,000 school districts, said even metropolitanwide court ordered integration would not work because whites, fearful of disorder would place their children in private schools.

Coleman blamed white racial prejudice, lack of discipline by inner city black students plus overreaching of judicial power for increasing school segregation.

"In other words, a large portion of the white flight has to do with the unresponsiveness of large school systems, with the whole question of order and discipline in the schools, and with an undifferentiated sense of fear of disorder."

[From the National Observer, June 7, 1975]

A SCHOLAR WHO INSPIRED IT SAYS, "BUSING BACKFIRED"

School busing for racial balance found its scientific rationale in the 1966 "Coleman Report," which found that black students did somewhat better in those schools that were already integrated. Its principal author was Professor James S. Coleman, who now says it was a mistake for the courts to base major social change on his Government-sponsored report. A sociologist at the University of Chicago, Coleman is now studying the effects of integration for the Urban Institute, a research organization based in Washington, D.C. In this interview with Staff Writer Mark R. Arnold, Coleman draws on his recent findings to argue that forced integration in large cities is reinforcing the racial isolation it was meant to overcome.

Mr. Coleman, I understand you have been involved in studying school racial patterns nationally. What are your findings?

Overall, there are two conflicting forces at work. First, there is a force toward school integation being provided by governmental bodies such as school boards, legislatures, and particularly the courts. Second, there is a force opposed to integration reflected in individual actions. This occurs as whites move from a district in which there is a high degree of integration to a district in which there is a low degree of integration.

What is the net effect of these two forces?

The net effect isn't entirely clear. The integrating actions generally come all at once if, for example, a court orders a district to overcome previous discimination by creating a more integated school system. It's only then that the segregating actions begin to take place. In some cities it seems to be an issue of how long before the segregating actions completely overcome the results of the integration, leading to a system that is more segregated than was the case before.

How many school districts have you examined? And how have you examined them?

Basically, what I've done is take the data collected by other people and analyze over a five year period (1968 to 1973) how the movement of whites out of a school system depends on changes in the proportion of blacks in the system. I've looked in detail at figures in the 20 largest school districts in the country, and the 50 next largest. Then, in general, I've looked at racial trends all the way down the line to the smallest districts, something like 12,000 districts in all.

Is this pattern the same for all school systems?

No. There is a distinction between large cities, by which I mean the 20 largest central-city school systems in the United States, and the others. In the large cities, what I call induced integration, usually brought about as a result of court action, seems to be self-defeating.

Because of white flight?

Because of white flight, either through whites moving to suburbs or putting their children in private schools.

What about cities other than these 20?

In cities smaller than the size of say, Indianapolis [population 1.1 million], desegregation does not seem to have the same consequences. There's some white flight from cities of all sizes, simply as a consequence of the proportion of blacks in the city. That is, the more blacks, the faster the white outmigration. But there doesn't seem to be an independent increase in white outmigration as a result of school desegregation except in the largest cities. The statistical evidence suggests that integration can work in the sense of maintaining a stable racial balance, in a small district and has a very difficult time working in a large district.

What do you think accounts for the difference between the largest and the other cities?

I'd have to speculate on that. I'd say it has to do with the degree of security that parents have about their children in the two situations. In large cities where the system often seems out of control, there's a much greater feeling of inability to have any impact on the schools, a feeling that schools cannot maintain order, and a feeling that the schools cannot protect the child. In other words, a large portion of the white flight has to do with the unresponsiveness of large school systems, with the whole question of order and discipline in the schools, and with an undifferentiated sense of fear of disorder.

Fear of disorder?

In the sense that disorder clearly comes from lower-class schools. For example, many observations of ghetto-school classrooms describe an enormous degree of disorder in those classrooms. It is very hard to blame any white parents, or any black parents for that matter, who would like to see their children out of that classroom, given the degree of disorder and the degree to which schools as they're presently constituted have failed to control lowerclass black children. So I think it's quite understandable for families not to want to send their children to schools where 90 percent of the time is spent not on instruction but on discipline.

Wait a minute. Let's step back for a minute. Isn't the argument for school integration that first it will increase black achievement and, second, it will promote racial harmony? Are you saying it's not doing either?

No, I'm not saying that. The theory is that children who themselves may be undisciplined, coming into classrooms that are highly disciplined would take on the characteristics of their classmates, and be governed by the norms of the classrooms. So that the middle-class values would come to govern the integrated classrooms. In that situation, both white and black children would learn. What sometimes happens, however, is that characteristics of the lower-class black classroom, namely a high degree of disorder, come to take over and constitute the values and characteristics of the classroom in the integrated school. It's very much a function of the proportion of lower-class pupils in the classroom.

How so?

The proportion that creates a basically antischool atmosphere differs from school to school. But you can see if 70 or 80 per cent of the children are undisciplined in their ordinary behavior pattern, then the values of the classroom are going to be undisciplined. If 70 to 80 per cent are disciplined, then you're all right, unless you have a situation in which white teachers are afraid to discipline lower-class black children, which sometimes happens too.

But when courts order desegregation—based on discriminatory pupil assignment patterns or whatever—they don't take into account what the likely effect will be in the classrooms, or the possibility that their order may cause white flight and resegregation.

Well, that's why I think that courts are the worst of all possible instruments for carrying out a very sensitive activity like integrating schools.

But that's, in effect, what we're doing in this country, isn't it?

That's in effect what we're doing, and I think it is exactly the wrong thing to do.

Is there more or less racial integration in the schools now than there was a few years ago? I think your latest studies use 1968 as a benchmark.

There's more integration now than in 1968. But that's primarily due to desegregation of schools in the South. In some regions of the country, there's slightly less racial integration than there was then, in the Middle

Atlantic states, for example: New York, Pennsylvania, New Jersey, Delaware.

And that's the result of resegregation?

Right.

What do you expect to happen in the future?

From now on, I suspect that we will see a general resegregation in all regions of the country, now that desegregation activities in the South are pretty well complete. The resegregation will take place primarily in the larger cities rather than in small towns. And a much higher proportion of black students are in school districts in large cities. School integration is just not stable where the proportion of blacks in the district is very large.

So the over-all effect, barring some dramatic turnaround in the trends, will be for increasing racial isolation in the public schools?

Yes.

Because blacks are concentrated in larger urban areas?

Right. The most important result of this research is that the desegregation actions of the courts in larger cities has been such as to speed that process by which central cities become black and whites flee to the suburbs.

If that's the trend, couldn't it be countered if the courts were to order metropolitan-wide desegregation?

I don't think so. I believe it's not entirely lower-class blacks that middle-class whites are fleeing. They are fleeing a school system that they see as too large, as unmanageable, as unresponsive, to find a smaller, more responsive system. If the system is made even larger, covering the whole metropolitan area, many parents will find ways to escape it, either by moving even farther out or by use of private schools. More generally, I would say that any solution must obtain the active co-operation of the middle-class families that are necessary to school integration. Otherwise, the higher a family's income, the more likely it is to flee from integration, as is now the case.

In light of your discouraging appraisal of the trends in integration, how do you view the situation in Boston?

Boston is a peculiar kind of metropolitan area, with a large proportion of the metropolitan area outside the central city, including most middle-class whites. The desegregation order was, of course, limited to Boston proper, which meant that it involved primarily lower-class communities with strong ethnic ties, whites and blacks. Now under those circumstances, with most of the higher-achieving middle-class schools in the suburbs, one could hardly expect integration to have beneficial effects on achievement.

But the courts acted, did they not, on a finding of official patterns of discrimination?

That's right. It found that the Boston school board had in the past acted to increase the segregation of blacks and whites. Following recent court decisions, the court said if any action of the school board increased segregation, then all segregation in the system, even that resulting from factors other than official action, must be eliminated. I think that's where the courts are wrong.

How so?

I think the courts Constitutionally should limit their actions to undoing the effects of official discrimination. But the very large proportion of school segregation by race and by social class is due to individual action, and I think courts overstep their bounds when they try to counterbalance those individual actions. They impose a system-wide remedy to correct what is legally a localized wrong. That's where I believe the mistake lies, for the same individual actions that led to the segregation initially will lead to it again. What is necessary is to remove the cause of that segregation, which I believe lies in two places: in racial prejudice on the part of many whites and in undisciplined and violent behavior on the part of some black children. Unfortunately, these two things reinforce each other.

Mr. Coleman, you were the senior author of the landmark 1966 study, undertaken for the U.S. Office of Education, which concluded among other things that achievement of disadvantaged black children would be improved by putting them in middle-class white classrooms. That study became the rationale for the massive busing programs we have had in the past decade. Do you feel a sense of remorse or guilt, some responsibility for what has happened in the past few years?

The report did imply that blacks in integrated classrooms would perform better than their counterparts in wholly black classrooms. But it was published before there was massive school desegregation so that it couldn't say what the results of massive busing would be. I think the mistake was in the functioning of the courts. I think the country would have been better off if the report had not led to that result [busing]. But again, I think the problem is not with the report but with the courts, which have used the expected benefit as a rationale for reorganizing school systems.

But the report gave them the rationale.

No, the evidence in my report is not relevant in any way to the question properly before the courts. That question is whether school systems have acted in a way that deprives students of their Constitutional rights. That's a legal question, not a question of achievement levels. I think the courts were wrong to consider the report in any way. It's appropriate for school boards to consider such evidence but not courts.

Why not?

Well, consider what would happened if the report had said that segregated classrooms improved pupil performance. Would the courts have been justified in ordering busing to create racial imbalance? Of course not. Courts are taking a very precarious path when they make research results about the achievement consequences of school integration a basis for reorganizing a school system. That's not their function, in my view.

What then do you think is the way to promote integration, assuming that you do consider it a desirable goal?

I think there has to be an incentive, either in Government money and assistance or in attractive programs. I recently learned of a school in Lawton, Okla., that is very stably balanced racially, and the reason is that it offers something the children can't get elsewhere. It's a school for the children of families where both parents work, and consequently it runs from before the work day begins, beginning with a breakfast, until after 5 in the afternoon. It provides an extra service that makes the parents overlook the fact that the student composition of the classroom is possibly what they might not consider ideal. What you need is positive inducements for families to keep their children in integrated schools. You can't create integration by court edict. In the larger cities, certainly, it's a very temporary matter. More generally, school desegregation is not the only way to promote social integration. Nor is it, I believe, the best way. For example, activities that encourage racial intermarriage could be much more effective in creating stable forces for social integration.

I'd like to sum up. Do you think it's time for a national reassessment of our policy?

I think it's time for a national reassessment of where our educational policies are leading us, yes. We have acted as if school desegregation were the first national priority. I don't think it is. If we ask ourselves what are the motives that underlie policies of school integration, I think we'll find it is to encourage social integration. If that is so, and I think it is among blacks and whites both, then we must ask ourselves whether the policies we follow are promoting it, and I think they are not. In many cases, they seem to be accelerating the very racial isolation we are trying to overcome.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Metcalf) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4485) to provide for greater homeownership opportunities for middle-income families and to encourage more efficient use of land and energy resources.

The message also announced that the House insists upon its amendment to the bill (S. 1542) to authorize appropriations for the fiscal year 1976 for certain maritime programs of the Department of Commerce, and for other purposes, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mrs. Sullivan, Mr. Ashley, Mr. Downing of Virginia, Mr. Dingell, Mr. Rogers, Mr. Ruppe, and Mr. McCloskey were appointed managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4221) to amend the Higher Education Act of 1965, as amended, relative to the reallocation of work-study funds, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Perkins, Mr. O'Hara, Mr. Brademas, Mr. Biaggi, Mr. Andrews of North Carolina, Mr. Blouin, Mr. Thompson, Mr. Mottl, Mr. Hawkins, Mrs. Chisholm, Mr. Benitez, Mr. Simon, Mr. Hall, Mr. Quie, Mr. Eshleman, Mr. Erlenborn, Mr. Esch, Mr. Buchanan, and Mrs. Smith of Nebraska were appointed managers of the conference on the part of the House.

The message also announced that the House has passed the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes, in which it requests the concurrence of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message on H.R. 6219 be laid before the Senate and be considered as having been read twice.

Mr. HUGH SCOTT. I object.

Mr. STENNIS addressed the Chair.

Mr. HUGH SCOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senate will allow me, I understand that H.R. 6219 should have been read twice before objection is made.

Mr. HUGH SCOTT. I withdraw my objection.

Mr. MANSFIELD. I ask that it be read.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice.

Mr. HUGH SCOTT. Mr. President, I object to further proceedings on the bill.

The PRESIDING OFFICER. Objection having been made to further proceedings, the bill will go to the calendar.

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, has the Chair ruled?

The PRESIDING OFFICER. The objection comes too late.

ENROLLED BILL SIGNED

At 7:15 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the Speaker has signed the enrolled bill (H.R. 5158) to provide an authorization for an ex tratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

The enrolled bill was subsequently signed by the President pro tempore.

At 7:46 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed without amendment the bill (S. 1842) for the relief of Dr. Arturo Bomolan Dela Rosa.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

Report of the National Aeronautics and Space Administration

A letter from the Administration, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed disposal of certain land at the NASA Ames Research Center, Moffet Field, California (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

Approved Loan to Basin Electric Power Cooperative, Bismarck, N. Dak.

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, approval of an insured loan in the amount of $10,624,000 to Basin Electric Power Cooperative, of Bismarck, North Dakota, to finance a portion of the increased cost of a previously financed 400 MW generating unit at Stanton, North Dakota; to the Committee on Appropriations.

Report on Loan, Guarantee, and Insurance Transactions Supported by Eximbank

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank during April 1975 to Communist countries (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended); to the Committee on Banking, Housing and Urban Affairs.

Proposed Loan to Korean Electric Co.

A letter from the President and Chairman, Export-Import Bank of the United States, reporting, pursuant to law, on proposed extension of direct credit and guarantee in connection with the export sale of goods and services for the construction of a nuclear power plant by the Korean Electric Co. (KECO); to the Committee on Banking, Housing and Urban Affairs.

Report of the Advisory Commission on Intergovernmental Relations—State and Local "Doing Business" Taxes on Out-of-State Financial Depositories

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, a report on State and local "doing business" taxes on out-of-State financial depositories, May 1975 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Amend the Endangered Species Act To Extend the Appropriation Authorization

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 15(B) of the Endangered Species Act of 1973 to extend the appropriation authorization (with accompanying papers); to the Committee on Commerce.

Report of Final Determination in the Seminole Nation Against The United States

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report of final determination under Docket No. 204, The Seminole Nation, Plaintiff, v. The United States of America, Defendant (with accompanying paper); to the Committee on Appropriations.

National Power Survey Advisory Committee Report: The Financial Outlook for the Electric Power Industry

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "National Power Survey Advisory Committee Report: The Financial Outlook for the Electric Power Industry, December 1974" (with an accompanying report); to the Committee on Commerce.

Report of the National Railroad Passenger Corporation

A letter from the Vice President, Government and Public Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on total itemized revenues and expenses; revenues and expenses of each train operated; and revenue and total expenses attributable to each railroad over which service is provided (with an accompanying report); to the Committee on Commerce.

Report on the Concepts and Principles Which Should Underlie the Formulation of an International Commodity Code

A letter from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report on the concepts and principles which should underlie the formulation of an International Commodity Code (with an accompanying report); to the Committee on Finance.

Final Report on U.S. Participation in Expo '74

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, the final report on the United States participation in Expo '74—Spokane, Washington (with an accompanying report); to the Committee on Foreign Relations.

Proposed Legislation to Authorize Certain Officers and Employees of the Department of State and the Foreign Service to Carry Firearms for the Purpose of Protecting Designated Individuals

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to authorize certain officers and employees of the Department of State and the Foreign Service to carry firearms for the purpose of protecting designated individuals (with accompanying papers); to the Committee on Foreign Relations.

Proposed Foreign Service Retirement Amendments of 1975

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend Title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Report of the National Transportation Safety Board

A letter from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, an annual report of the National Transportation Safety Board (with an accompanying report); to the Committee on the Judiciary.

Report on the Black Lung Program

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the administration of the Black Lung program (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of the National Advisory Council on Supplementary Centers and Services

A letter from the Chairman, National Advisory Council on Supplementary Centers and Services, transmitting, pursuant to law, the seventh annual report of the National Advisory Council on Supplementary Centers and Services (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation To Clarify the Status of Nonappropriated Fund Personnel at the U.S. Merchant Marine Academy

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to clarify the status of nonappropriated fund personnel at the U.S. Merchant Marine Academy (with accompanying papers); to the Committee on Post Office and Civil Service.

Proposed Legislation Relating to Agriculture Census

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 142 of title 13, United States Code, entitled "Census" (with accompanying papers); to the Committee on Post Office and Civil Service.

Proposed Legislation To Amend the Agricultural Act of 1954

A letter from the Deputy Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 602 of the Agricultural Act of 1954 (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Loan to Western Farmers Electric Cooperative

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, transmitting, pursuant to law, information relating to a $5,097,000 insured loan and a commitment of a $10,383,000 loan guarantee to Western Farmers Electric Cooperative, of Anadarko, Oklahoma (with accompanying papers); to the Committee on Appropriations.

Report of Loan to Northern Michigan Electric Cooperative, Inc.

A letter from the Acting Administrator, Rural Electrification Administration, United States Department of Agriculture, transmitting, pursuant to law, information relating to a $5,000,000 insured loan to Northern Michigan Electric Cooperative, Inc., Boyne City, Michigan (with accompanying papers); to the Committee on Appropriations.

Report of Defense Contract Awards

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a listing of contract award dates for the period May 15 to August 15, 1975 (with accompanying papers); to the Committee on Armed Services.

Proposed Construction for the Air National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, information on five construction projects proposed to be undertaken for the Air National Guard (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Make Certain Technical Amendments in the Aviation Career Incentive Act

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Aviation Career Incentive Act of 1974, P.L. 93–294, May 31, 1974, to make certain technical amendments for purposes of clarification, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation by the General Counsel of the Department of Defense

A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to extend the special pay provisions for veterinarians and optometrists (with accompanying papers); to the Committee on Armed Services.

Report of the Assistant Secretary of Defense

A letter from the Acting Assistant Secretary of Defense transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms for June 1974—March 1975 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the Penn Central Transportation Company (with an accompanying report); to the Committee on Commerce.

Report of the National Highway Traffic Safety Administration

A letter from the Administrator of the National Highway Traffic Safety Administration transmitting, pursuant to law, a report of recent activities and decisions of the National Highway Traffic Safety Administration (with an accompanying report); to the Committee on Commerce.

Report of the Secretary of the Treasury

A letter from the Secretary of the Treasury transmitting, pursuant to law, a report of a study on Treasury tax and loan accounts which the Treasury has just completed (with an accompanying report); to the Committee on Finance.

International Agreements Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into by the United States within the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

Report of the Department of the Treasury

A letter from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, a report on inventory of nonpurchased foreign currencies as of December 31, 1974 (with an accompanying report); to the Committee on Foreign Relations.

Proposed Plan of Distribution of Judgment Funds

A letter from the Acting Secretary of the Interior transmitting, pursuant to law, a copy of a proposed plan for the use and distribution of the judgment funds awarded to the Suquamish Tribe of Indians in Docket 132 before the Indian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the National Safety Council

A letter from the President of the National Safety Council transmitting, pursuant to law, a report of the audit of the financial transactions of the National Safety Council for the year 1974 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation by the Department of the Air Force

A letter from the General Counsel of the Department of the Air Force transmitting a draft of proposed legislation to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation by the Department of Agriculture

A letter from the Secretary of Agriculture transmitting a draft of proposed legislation to provide certain adjustments in the top-level policy staff of the Department of Agriculture (with accompanying papers); to the Committee on Post Office and Civil Service and the Committee on Agriculture and Forestry, jointly, by unanimous consent.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a communication from the Department of Agriculture proposing legislation to provide certain adjustments in the top-level policy staff of the Department of Agriculture be referred jointly to the Committee on Post Office and Civil Service and the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with an amendment:

H.R. 6573. An act to rescind certain budget authority recommended in the message of the President of April 18, 1975 (H. Doc. 94–109), transmitted pursuant to the Impoundment Control Act of 1974 (together with the views of the Committee on the Budget) (Rept. No. 94–175).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 6698. An act to amend section 1113 of the Social Security Act to make permanent the program of temporary assistance for U.S. citizens returned from abroad subject to specific limitations on the aggregate dollar amount of such assistance which may be provided and on the period for which such assistance may be furnished in any particular case (Rept. No. 94–176).

S. Res. 158. A resolution to clarify that the individual income tax rebate provided by the Tax Reduction Act of 1975, Public Law 94–12, is intended not to be subject to State income taxes (Rept. No. 94–177).

By Mr. LONG, from the Committee on Commerce, with amendments:

S. 1487. A bill to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes (Rept. No. 94–178).

By Mr. MAGNUSON, from the Committee on Commerce:

S. 1883. An original bill to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light-duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes (together with additional views) (Rept. No. 94–179).

By Mr. CANNON, from the Committee on Rules and Administration:

S. Res. 176. An original resolution relating to the purchase of calendars (Rept. No. 94–180).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 165. A resolution authorizing supplemental expenditures by the Select Committee To Study Governmental Operations With Respect to Intelligence Agencies for an inquiry and investigation relating to intelligence activities carried out by or on behalf of the Federal Government (Rept. No. 94–181.)

S. Res. 169. A resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes (Rept. No. 94–182).

H. Con. Res. 178. A concurrent resolution to authorize the printing of the hearing on amnesty (Rept. No. 94–183).

H. Con. Res. 177. A concurrent resolution providing for the printing as a House document a revised edition of the publication entitled "History of the United States House of Representatives" (Rept. No. 94–184).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 60. A resolution authorizing each Member of the Senate to employ additional assistants to work on matters pertaining to committees on which Senators serve (Rept. No. 94–185).

S. Res. 137. A resolution authorizing the printing as a Senate document of the compilation "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate by the Senate Parliamentarian (Rept. No. 94–186).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Stanley K. Hathaway, of Wyoming, to be Secretary of the Interior. (Exec. Rept. No. 94–5).

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

REPORT ON THE OLD CATTLE TRAILS OF THE SOUTHWEST

Mr. JACKSON. Mr. President, in accordance with section 5(b) of the National Trails System Act—and pursuant to Public Law 90-453—I ask unanimous consent that a national scenic trail study on the "Old Cattle Trails of the Southwest" be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARTKE (for himself and Mr. Pearson) (by request):

S. 1876. A bill to amend the Interstate Commerce Act, as amended, to modernize and reform the regulation of railroads, to allow more flexibility in establishing rates, to provide adequate prior notice of the abandonment of rail lines, and to assist in the financing of rail transportation, to develop a rolling stock scheduling and control system, and for other purposes. Referred to the Committee on Commerce.

By Mr. HANSEN:

S. 1877. A bill to provide for the duty-free entry of binder twine and baler twine made of manmade fibers. Referred to the Committee on Finance.

By Mr. TOWER (for himself, Mr. Bartlett, Mr. Curtis, Mr. Dole, and Mr. Fannin):

S. 1878. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers authority and responsibility to regulate the discharge of dredged or fill material. Referred to the Committee on Public Works.

By Mr. HARTKE (for himself and Mr. Magnuson):

S. 1879. A bill to regulate commerce and promote transportation by bicycle by establishing a program for the conversion of railroad rights-of-way that are sought to be abandoned, and for other purposes. Referred to the Committee on Commerce and the Committee on Interior and Insular Affairs, jointly, by unanimous consent.

By Mr. BAYH:

S. 1880. A bill to amend the Gun Control Act of 1968 and the Controlled Substances Act and other laws to strengthen existing law enforcement authority to curb violent crime. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1881. A bill to amend title 38 of the United States Code to provide for cost-of-living adjustments to disability compensation rates payable to veterans residing outside the contiguous United States. Referred to the Committee on Veterans' Affairs.

By Mr. INOUYE (for himself and Mr. Pearson) (by request):

S. 1882. A bill to establish a national policy relating to conversion to the metric system in the United States. Referred to the Committee on Commerce.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 1883. A bill to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light-duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes. Placed on the Calendar.

By Mr. BENTSEN:

S. 1884. A bill making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1975, to provide additional funds for youth summer employment programs pursuant to the Comprehensive Employment and Training Act of 1973. Referred to the Committee on Appropriations.

By Mr. MOSS:

S. 1885. A bill for the relief of Mei Ngor Tse Leo. Referred to the Committee on the Judiciary.

By Mr. FORD:

S. 1886. A bill for the relief of Hyun Sook Byun. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself, Mr. Abourezk, Mr. Bayh, Mr. Burdick, Mr. Fong, Mr. Mathias, Mr. Hugh Scott, and Mr. Thurmond):

S. 1887. A bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. Referred to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. Mansfield, Mr. Philip A. Hart, Mr. Javits, Mr. Kennedy, Mr. Nelson, and Mr. Pearson):

S. 1888. A bill to require in all cases court orders for the interception of communications by electronic and other devices, for the entering of any residence, for the opening of any mail, for the inspection or procurement of certain records, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CLARK:

S. 1889. A bill to amend and improve the Agricultural Trade Development and Assistance Act of 1954. Referred to the Committee on Agriculture and Forestry.

By Mr. MATHIAS:

S. J. Res. 89. A joint resolution designating John Philip Sousa's "The Stars and Stripes Forever" as the national march of the United States. Referred to the Committee on the Judiciary.

By Mr. DOMENICI:

S. J. Res. 90. A joint resolution to authorize the President of the United States to designate "National Ski Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE (for himself and Mr. Pearson) (by request):

S. 1876. A bill to amend the Interstate Commerce Act, as amended, to modernize and reform the regulation of railroads, to allow more flexibility in establishing rates, to provide adequate prior notice of the abandonment of rail lines, and to assist in the financing of rail transportation, to develop a rolling stock scheduling and control system, and for other purposes. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, at the request of President Ford, I am introducing the Railroad Revitalization Act. This bill would amend the ratemaking authority of the Interstate Commerce Commission and State regulatory agencies, reduce the powers of railroad rate bureaus, prohibit discriminatory State taxation of common carriers, provide $2 billion in loan guarantees for the improvement of railroad facilities and equipment, amend section 5 of the Interstate Commerce Act to facilitate railroad mergers, authorize the establishment of a national rolling stock scheduling and control system, and amend the national transportation policy.

With the exception of those provisions which would amend the restrictions upon the Interstate Commerce Act, all these provisions have been before us in various forms for several Congresses. Some have been judged by past Congresses to be likely to have little or no effect upon the quality of transportation service in the country. Others have been adopted by one of the two Houses and opposed by previous administrations. In any case, it is clear that the bill provides no magic solutions to our transportation problems.

However, I believe that this is the Congress that will dispose of many of these issues. The Commerce Committee will therefore be considering this and other bills to amend the Interstate Commerce Act in the context of its review of the Nation's transportation system and our transportation regulatory agencies. Upon completion of that review, and solicitation of written comment upon this and the other bills before the committee, we will take such legislative action as appropriate.

By Mr. HANSEN:

S. 1877. A bill to provide for the duty-free entry of binder twine and baler twine made of manmade fibers. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, the beef and dairy producers of this country are currently caught in a terrible cost/price squeeze. This unfortunate fact has forced, and continues to force, thousands of beef and dairy producers out of business.

Certainly, it is a strange and sad situation when the Nation's food producers can no longer make a living and are forced out of business at a time when retail food prices are reaching an all-time high. A reduction in the number of food producers aggravates the problem of high retail food prices by reducing the amount of available food products.

Mr. President, this unfortunate situation has arisen because in recent years production costs have far exceeded the prices beef and dairy producers have received for their products. The legislation I offer today helps remedy this situation by reducing the cost of a product which is an important link in beef and dairy production—synthetic baler and binder twine.

Mr. President, the problem that beef and dairy producers face in this regard is because of the greatly increased demand for baler and binder twine, the price of this commodity has skyrocketed. My bill will help ease this situation by eliminating the import duty on synthetic baler and binder twine, thus reducing the price and increasing the supply of this much-needed product.

In fiscal 1974, hay was the fourth most important U.S. crop, with a total production of 127 million tons valued at $5.8 billion. Hay is an important crop, not only because of its dollar value, but because it is a basic feed used in the production of dairy and beef products, products which are an important part of the American diet.

About 90 percent of the U.S. hay crop is normally baled. Of this volume, about 80 percent is baled with twine for on-farm consumption. The remaining 20 percent—mostly commercial hay—is baled with wire.

The problem the American beef and dairy producer faces is that the price of the baler and binder twine has risen over 300 percent during the past year. This has occurred because, despite the rise in demand for baler and binder twine, total world supply has remained relatively unchanged.

The United States is the leading world market for baler and binder twine with an annual demand of approximately 300 million pounds. Over 90 percent of this requirement is made from natural fibers, with the remainder made from synthetic fibers. Of the 300 million pounds needed, about 250 million pounds is imported—235 million pounds of natural fiber, 15 million pounds of synthetic fiber. Of the 50 million pounds produced domestically, 35 million pounds are produced from imported natural fiber, and 15 million pounds are produced as synthetic twine.

There is no import duty on natural fiber baler twine. The import duty on synthetic fiber twine is 12½ cents per pound plus 15 percent ad valorem on imports from countries receiving most-favored-nation tariff treatment. This duty currently amounts to about 20 percent of the port-of-entry price and is so high that it greatly discourages imports of synthetic baler and binder twine.

Mr. President, if the supply of baler and binder twine in the United States is to increase to meet this Nation's increased demand, it will occur only by eliminating the present duty on synthetic baler and binder twine.

The United States cannot rely upon increased production of natural fiber twine to meet this critical need. With the exception of one domestic producer, all natural fiber baler and binder twine is imported. The one domestic producer must rely on imported natural fiber because the United States produces no natural twine fiber. Because it takes from 3 to 6 years, from planting to harvest, before natural twine fiber is ready for twine production, current U.S. requirements cannot be met by natural fiber twine.

Mr. President, the fact is that American beef and dairy producers cannot wait for 3 to 6 years for natural fiber twine. These producers have been told, for the last several years, that if they sit patiently and wait, increased amounts of natural fiber twine will be forthcoming. Well, there hasn't been any increased production despite the fact that the price of natural fiber twine has increased substantially.

Moreover, Mr. President, the beef and dairy producers of this country cannot rely on increased domestic production of synthetic fiber twine. Domestic producers of synthetic twine have long had a significant price advantage over foreign producers because of the approximate 20 percent import duty. Despite this advantage, domestic producers are unable to supply U.S. farmers and ranchers with sufficient quantities of baler and binder twine at reasonable prices.

Mr. President, to meet the current demand, the beef and dairy producers of this Nation must look for increased foreign supplies. The bill I introduce today will promote increased supplies. My bill will remove the duty on synthetic baler and binder twine. Elimination of this duty will assure adequate supplies and reduce the production costs for beef and dairy products. This will help lessen the tide of beef and dairy producers forced out of business, and provide the consumer with larger supplies of beef and dairy products at lower prices.

A similar bill has been introduced on this subject in the House by Congressman WILLIAM STEIGER and has 34 cosponsors. I am hopeful that this measure will receive prompt attention by the Senate.

Mr. President, I ask unanimous consent that my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 2 of schedule 3 of the Tariff Schedules of the United States (19 U.S.C. 202) is amended by striking out items 316.60 and inserting in lieu thereof the following:

	Of manmade fibers:		
316.62	Binder twine and baler twine.	Free	Free.
316.64	Other	12.5¢ per lb. 15% ad val.	45¢ per lb. 65% ad val.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

By Mr. TOWER (for himself, Mr. BARTLETT, Mr. CURTIS, Mr. DOLE, and Mr. FANNIN):

S. 1878. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers authority and responsibility to regulate the discharge of dredged or fill material. Referred to the Committee on Public Works.

Mr. TOWER. Mr. President, I am today introducing an amendment to the Federal Water Pollution Control Act so that this body may consider a solution to a most difficult problem facing not only the farmers and outdoor enthusiasts of Texas, but across the Nation, a problem which is most recent in origin, but most devastating in its effect.

When this body originally considered legislation which eventually became the Federal Water Pollution Control Act, and when we enacted amending legislation to that act, emphasis was given to the traditional role which States play in planning and developing the use of their own land and water resources. Never was it envisioned that control over these resources should pass to the Federal Government, and in fact, the language of the act is quite to the contrary.

For years, the Army Corps of Engineers has contributed greatly to aid the States in that responsibility, strictly maintaining a presence in keeping with congressional intentions of what the corps role should be. That role was one of a limited nature, one which would not interfere in the rights and responsibilities of the States and of individuals to maintain, improve, protect, and plan for the use of water and land resources. There is no question but that Congress, historically, has reserved these rights and responsibilities to the States, and in cases where the States have chosen to leave open, to the individual.

But the judicial system has seen fit to change that legislative intention, to thwart that legislative will. In the recent district court decision of Natural Resources Defense Council against Callaway, the judicial branch said:

> No, Mr. Secretary of the Army, you must be mistaken in your interpretation of legislation concerning the Corps of Engineers. Congress could not have meant what it said. But we will tell you, instead, what Congress ought to have said.

That decision, Mr. President, which required the corps to adopt an interpretation of our legislation far in excess of what was intended, is judicial usurpation of the worst sort. That decision, Mr. President, if carried to conclusion, will expand the jurisdiction of the Corps of Engineers beyond anything possibly imagined by Congress.

In effect, it would give the corps authority over every lake, stream, river, wetland, and irrigation project in every State of the Union, effectively stripping the governments of the States of their ability to administer those resources which traditionally have been theirs to administer. What is more frightening, but no less threatening, is that the corps would assume control over the activities of a great portion of our Nation's farmers, who have been led to believe in individual rights and responsibilities for resource management, which would fast become a myth if the effects of this court decision are allowed to pass.

Mr. President, the impact of this decision—if we allow it to stand in its effects—goes beyond the impact on the States and the individual farmers of this country. The Corps of Engineers estimates that this decision will require more than 2,000 new employees, and an increase of $53 million in corps payroll. Now, I do not want it to appear that I am opposed to the creation of new jobs in our economy, but if we are to create new jobs, let it be as a result of our decision as legislators, not as the result of judicial fiat. And if new jobs are created, let us put those jobs in a sector of the economy where the impact will be most beneficial. crease of $53 million in corps payroll. with unneeded functionaries, performing a service no one wants.

And there is no question about who wants this change. Certainly the States do not welcome such intrusion. And the farmers who have been calling my office do not want it. The Texas Senate has passed a resolution opposing this disaster, and the principle executive officers of the Texas government have written in opposition to it. As a matter of fact, not even the Corps of Engineers wants to implement the decision of the district court.

For these reasons, I am introducing legislation which would negate the effect of that court decision. This is not a far-reaching, or terrifically complicated, piece of legislation. It does not seek to accomplish some grand design of government. My bill seeks only to return this very grave situation to its former proportions. The bill does one thing—it defines "navigable waters" in precisely the way the Corps of Engineers has defined that term for years, and under which definition the corps has carried out its work at the direction of Congress.

What this bill seeks to do is to provide legislative instructions to the district courts in the future concerning our intentions when we enacted the Federal Water Pollution Control Act. It is incredible to me that we should be forced to this much effort to make our intentions clear, when we, the corps, the Environmental Protection Agency, the States, the farmers, and everyone else except a district judge, was clear on those intentions. But since it appears that it must be done, this is the bill which will get the job done.

I am aware that other of my distinguished colleagues have introduced measures which address this and other varied problems in this general area. I have offered my cosponsorship to one of these, that of my friend, the Senator from Kansas (Mr. DOLE). Were I satisfied that action could be taken swifty to accomplish the necessary change which I propose here, it would not be necessary to introduce this bill. But I feel the situation is so urgent, that the problem is so enormous in its impact, and that the corrective action needed can be provided precisely by a more limited bill, that I propose this solution to my colleagues, and urge prompt action to remedy this regretful situation.

By Mr. HARTKE (for himself and Mr. MAGNUSON):

S. 1879. A bill to regulate commerce and promote transportation by bicycle by establishing a program for the conversion of railroad rights-of-way that are sought to be abandoned, and for other purposes. Referred to the Committee on Commerce and the Committee on Interior and Insular Affairs jointly, by unanimous consent.

CONVERSION OF ABANDONED RAILROAD RIGHTS-OF-WAY ACT

Mr. HARTKE. Mr. President, today I am introducing a small, simple measure that should go a long way toward increasing and enhancing the recreational facilities available to the people of this nation at a rather minimal cost. The bill, simply stated, increases the money available for the purchase of abandoned railroad rights-of-way for future public use as bicycle paths, hiking trails nature study facilities, and similar recreational areas.

The Federal Government has a number of programs which have in the past been used to aid in the purchase of rights-of-way, along with other kinds of land. This bill would increase the coordination among such programs and would make $25 million available specifically for the purchase and development of railroad rights-of-way. The bill would not cause the abandonment of any railroad rights-of-way, but it would make sure that, where appropriate, rights-of-way that have already been abandoned or are scheduled for abandonment could be utilized for future public use.

There are currently at least five public trails developed from railroad rights-of-way and at least one public trail that has been developed from a canal right-of-way—the C. & O. Canal towpath which begins at the edge of Washington, D.C. and runs to Cumberland, Md. Other trails are being planned now.

As anyone who has gone out and walked along the C. & O. Canal knows, public trails near cities are heavily used during all parts of the year. These trails are eminently suitable for popular activities ranging from hiking to picknicking to bicycling to jogging to, in the winter, cross-country skiing and snowshoeing. In the proper circumstances, these facilities can also be used by motorcyclists or horseback riders. Indeed, linear facilities are among the most heavily used of all public recreational areas.

Public trails are as expensive as they are popular and they go far in stretching the Nation's recreational dollar. The 32-mile Elroy Sparta trail, in Wisconsin, for example, was purchased from a railroad in 1965 at a cost of $12,000, a mere $357 per mile. The Illinois Prairie Pass, near Chicago, was acquired in 1965 at a cost of about $31,000 per mile, and a smaller right-of-way was purchased in California for around $22,000 per mile. In Seattle, Wash., a trail in the city itself along the waterfront of a large and beautiful lake, was purchased for only $120,000 per mile.

The development costs are similarly low. Experience has shown that a trail can be prepared for as little as $2,000 per mile. Sometimes, the State can utilize the cinder ballast left by the railroad and reduce the development costs even further. At the other end of the scale, a deluxe, first-class asphat trail can be developed for $60,000 or less per mile.

This proposed bill is introduced at a time when Americans are purchasing bicycles at about the rate of 10 million per year. Over half of these bicyclists are adults who use them extensively for recreation. Last year, more bicycles were sold than automobiles in the United States.

As more and more people begin using bicycles, the lack of separate bikeways is causing overcrowding and is increasing dramatically the number of accidents between cars and bicycles. A recent nationwide inventory by the Bureau of Outdoor Recreation, indicates that throughout the United States there are fewer than 3,000 miles of urban and suburban bikeways. While bikeway planning and development has increased in the past few years, the increase has not kept pace with the vast increase in the number of bicycles purchased and used.

Congress has been aware of this problem, and in section 206(c)(1)(E) of the Regional Rail Reorganization Act of 1973, the U.S. Railway Association was directed to look into the feasibility of future public use of railroad rights-of-way as public recreation facilities when such rights-of-way were abandoned. With the help of the Interior Department, 660 miles of track in the Northeast and Midwest were found to be potentially suitable for recreational purposes. At the same time, the Interstate Commerce Commission has been receptive to efforts aimed at insuring that future public use of abandoned rights-of-way is considered in a timely fashion.

The problem, as pointed out in the report called, "From Rails to Trails" put out by the Citizens Advisory Committee on Environmental Quality, is that there are not sufficient public funds available to take sufficient advantage of the opportunities offered by the increasing pace of abandonments. Since the present circumstances of many railroads raise the possibility of more abandonments in all parts of the country, it is now crucial that we have the resources for acquisition and development of rights-of-way in the appropriate cases.

The bill I am introducing would require the Secretary of Transportation to work with the Department of the Interior, the Interstate Commerce Commission, the U.S. Railway Association, other Federal groups, and State and local groups in identifying, in a coherent fashion, those railroad rights-of-way which have been or are to be abandoned and which are potentially suitable for public recreational use. That effort should help coordinate the activities of Federal and State and local groups in selecting out those facilities which would yield the greatest return.

The Secretary is further authorized to provide funds for ongoing Federal or State programs for the purpose of acquiring suitable rights-of-way. Such ongoing programs including the Land and Water Conservation Fund administered by the Bureau of Outdoor Recreation, the National Trail System, and similar public recreational programs. Many of these would, in turn, fund State programs. The Secretary would make direct grants himself only in the case that a proposed public use fell outside the boundaries of existing programs. The purpose is not to create a new bureaucracy, but to increase the funding of ongoing programs.

Finally, the bill would amend the Interstate Commerce Act to require that a carrier seeking to abandon a line provides the Interstate Commerce Commission with "satisfactory assurances" that it has cooperated with the Secretary of Transportation in studying the right-of-way for potential public recreational use.

This simple bill will yield benefits for years to come by dramatically increasing the recreational facilities available to all citizens of this country. This is not the kind of measure that will cause giant headlines or create or solve world crises. However, it is the kind of measure that can make a small, quiet improvement in the lives of millions of people by providing them with an opportunity for outdoor recreation they now do not have. For this reason, I urge your careful and prompt consideration of this measure.

Mr. President, I ask unanimous consent that the full text of the Conversion of Abandoned Railroad Right of Way Act be reprinted in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conversion of Abandoned Railroad Rights of Way Act".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) Transportation by bicycle is being increasingly utilized by Americans to reduce energy consumption and for purposes of health and recreation. In the last few years, more bicycles were purchased than automobiles by consumers, a majority of them for adult use.

(2) Transportation by bicycle is limited by the lack of bicycle paths, although the success of such routes as the Cargill Long Park Trail in Texas, the Elroy-Sparta Trail in Wisconsin, the Burke-Gilman Trail in the State of Washington, the C&O Canal Towpath in the District of Columbia and Maryland have proven the feasibility and popularity of linear recreational areas.

(3) Additional such facilities can be acquired by conditioning the abandonment of all or any portion of a line of railroad on the conversion of such property into a right-of-way for transportation by bicycle and related recreational activity such as walking, picnicking, nature study, and cross-country skiing.

(b) It is therefore declared to be the purpose of Congress in this Act to amend the Interstate Commerce Act to include consideration of such conversion in a proposed abandonment and to direct the Secretary of Transportation to establish and maintain a program to coordinate the acquisition and development of such rights-of-way for use for transportation by bicycle.

ADVISORY COUNCIL

SEC. 3. The Secretary of Transportation, in consultation with the Department of the Interior, the Rail Services Planning Office of the Interstate Commerce Commission, the United States Railway Association, and the Environmental Protection Agency, and other appropriate Federal, State and regional transportation agencies, and other state and local authorities, shall identify those railroad rights-of-ways, or segments of rights-of-way, on which rail service has been permanently terminated and which are scheduled for terminations of service or likely terminations of service and which are potentially suitable for public recreational use including, but not limited to—

(1) inclusion in the National Trails System;

(2) utilization by a State, regional, or local entity for use as a State administered bikeway, walkway, or similar facility;

(3) creation of or addition to a Federal, state, or local National Monument, Historic site, park, wildlife refuge, greenbelt area or other public open-space facility.

INFORMATION AND FUNDING

SEC. 4. To ensure an accelerated program of conversion of rights-of-way, the Secretary of Transportation shall keep interested Federal, state, and local authorities, and private groups informed on a continuing basis of the information generate about rights-of way that have been abandoned or are scheduled for abandonment. The Secretary shall encourage information sharing about utilization of railroad rights-of-way, technologies affected by such utilization, and other appropriate information between interested groups within and without the government and shall seek voluntary cooperation between states, local governments, and private groups to enhance the value of the converted rights-of-way. The Secretary shall also provide assistance in creating conversion programs and implementing specific projects, in an expeditious manner. Such assistance shall include, but is not limited to—

(1) Providing funds for the Land and Water Conservation Fund (16 U.S.C. 460L), to be administered by the Bureau of Outdoor Recreation, in consultation with the Secretary of Transportation, for making grants to States to enable a State to plan, acquire, and develop recreational facilities on abandoned rights-of-way. Payments to States from the Land and Conservation Fund for projects authorized by this Act shall cover not more than 90 percent of the cost of planning, acquisition or development in any particular projects;

(2) Providing funds to the Secretary of the Interior for planning, acquisition, and/or development of rights-of-way included in the National Trails System under the National Trails System Act (16 U.S.C. 1241), or for the planning, acquisition, and/or development of rights-of-way to be included in or to be made into National Parks, National Recreation Areas, Wildlife Refuges or other national areas available for public recreation;

(3) Making grants to States for specific demonstration projects aimed at enhancing public utilization of such rights-of-way in a manner not contemplated by existing government programs. To be eligible for such a grant, a State will show why its proposal stands outside of existing sources of federal aid and shall evaluate the likely application of the proposal in generating information or experience of potential value for future programs; and

(4) Providing technical assistance to other federal agencies, to States, local agencies, and to provide groups for the purpose of enhancing conversion projects. To increase the available information and expertise, the Secretary of Transportation is authorized to contract for special studies or projects and otherwise collect, evaluate and disseminate information dealing with utilization of such rights-of-way.

CONFORMING AMENDMENT

SEC. 5. Section 1(18) of the Interstate Commerce Act, as amended (49 U.S.C. 1(18)) is amended by inserting before the last sentence thereof the following new sentence: "The Commission shall not issue a certificate that the present or future public convenience and necessity permit of such abandonment, until the carrier by railroad which seeks such a certificate provides satisfactory assurances to the Commission that it has cooperated with the Secretary of Transportation pursuant to the Conversion of Abandoned Railroad Rights of Way Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 6. To carry out the provisions of this Act, there are authorized to be appropriated $25 million for the fiscal year ending June 30, 1976, and for the subsequent two fiscal years. Of the funds appropriated, the Secretary is to make three-fifths available for carrying out section 4(a).

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the bill introduced earlier by the Senator from Indiana (Mr. HARTKE) relating to the conversion of abandoned railway rights-of-way, be referred jointly to the Committee on Commerce and the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BAYH:

S. 1880. A bill to amend the Gun Control Act of 1968 and the Controlled Substances Act and other laws to strengthen existing law enforcement authority to curb violent crime. Referred to the Committee on the Judiciary.

VIOLENT CRIME AND REPEAT OFFENDER CONTROL ACT OF 1975

Mr. BAYH. Mr. President, today I am introducing the Violent Crime and Repeat Offender Control Act of 1975. This legislation is designed to provide new and practical weapons to facilitate the Nation's effort to curb violent crime. The bill is reflective of my judgment that the time for talk and tired rhetoric whether it be of "law and order" or "domestic tranquility" has long since passed. The time for action is now.

We are all too familiar with the litany of violence reported daily by the press and media. A frightening and ever-increasing number of our citizens have personally been victims of violent criminal acts. It's shocking, indeed, to learn that a child born last year is more likely to be murdered than a World War II American soldier was likely to die in combat.

Recent polls reveal that half of our citizens are afraid to walk alone at night in their own neighborhoods and that nearly 20 percent do not feel safe in their homes at night whether in suburban or urban areas.

In our large cities crime was cited by citizens responding to a 1973 Gallup poll as their top concern, twice the percentage—22 percent—of the next most important problem.

There is good reason for such concern. According to FBI statistics since 1960 violent crime—murder, aggravated assault, forcible rape, and robbery—have increased 204 percent, from 286,000 violent crimes in 1960 to 869,470 in 1973.

Since 1968 murders have increased 42 percent from 13,720 to 19,510 in 1973.

Since 1968 aggravated assaults have increased 47 percent from 283,720 to 416,270 in 1973.

Since 1968 forcible rape have increased 62 percent from 31,410 to 51,000 in 1973.

Since 1968 robberies have increased 46 percent from 261,780 to 382,680 in 1973.

Although there was a reported decrease in all serious crime, which in addition to violent crime includes auto thefts, larceny-theft over $50, and burglary, in 1972 violent crime continued its ever-escalating trend, in fact during that much heralded election year murder was up 5 percent, aggravated assault was up 7 percent, and forcible rape was up 10 percent.

The number of juveniles arrested for serious and violent crimes increased 1,600 percent in the 20 years between 1952 and 1972. Today, youths between the ages of 10 and 17 make up 16 percent of our population, yet these same youths account for 45 percent of all persons arrested for serious crime.

Fifty-one percent of those arrested for property crimes and 23 percent for violent crimes have not yet reached their 18th birthday. That part of our population, which is under 22 years old, account for 61 percent of the total arrests; while those 25 and under account for a staggering 75 percent of the total number of people arrested annually for serious offenses. In New York City today, boys and girls 15 years old and under are committing one-third of all violent felonies.

The seriousness of the present situation was dramatically underscored in recent testimony at our subcommittee's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over $590 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff, entitled "Our Nation's Schools—A Report Card: 'A' in School Violence and Vandalism," found that teachers and students are being murdered, assaulted, and robbed in the hallways, playgrounds, and classrooms of American schools at an ever-escalating rate. Between 1970 and 1973, for instance, 362 teachers were assaulted in Dayton, Ohio, schools. In the Kansas City school system over 250 teachers were attacked in that same period. Each year, in fact, approximately 70,000 teachers are physically assaulted in this country, ranging from the shooting death of an elementary school principal in Chicago by one of his pupils to the beating of a high school math teacher in Omaha.

These figures are indeed alarming, but what is perhaps more frightening is that the system of juvenile justice which we have devised to meet this problem has not only failed, but has, in many instances, succeeded only in making first offenders into hardened criminals. Recidivism among youthful offenders under 20 is the highest among all age groups and has been estimated, in testimony before our Juvenile Delinquency Subcommittee, at between 75 and 85 percent.

For more than 4 years as chairman of the subcommittee I have stressed these concerns, but more importantly the failure of the Federal Government to adequately respond to juvenile crime and to make the prevention of delinquency a Federal priority.

The Juvenile Justice and Delinquency Act—Public Law 93-415—is the product of these many years of work. It was developed and supported by bipartisan groups of citizens throughout the country and was sent to the President by strong bipartisan majorities in both Houses of Congress. It passed the Senate by a vote of 88 to 1 and the House of Representatives 329 to 20.

This act is designed to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system.

Each year an excessive number of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. The need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident.

Past Federal efforts to provide alternatives have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. The act is based on the age old proven conviction that an ounce of prevention is worth more than a pound of cure. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to assist State and local agencies, both public and private to deal more effectively with juvenile crime and delinquency prevention.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration should be reserved for those youths who cannot be handled by other alternatives.

I believe the Juvenile Justice and Delinquency Prevention Act of 1974 represents a constructive and workable approach in a joint Federal, State, local—public and private—effort to prevent delinquency and reverse the alarming rise in juvenile crime.

The recent General Accounting Office report "How Federal Efforts To Coordinate Programs to Mitigate Juvenile Delinquency Proved Ineffective" which was presented to the subcommittee by Comptroller General Staats in April of this year concurs with my assessment when it concludes "Since juveniles account for almost half the arrests for serious crimes in the Nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would appear to be essential in any strategy to reduce the Nation's crime."

Unfortunately, while the Ford administration professes to be shocked and concerned over the skyrocketing crime rate, it has responded with marked indifference to the Juvenile Justice and Delinquency Prevention Act. In fact our recent April hearing on the implementation of the act was in part an attempt to fathom the reasoning which underlies White House and Office of Management and Budget policy designed to stifle this major bipartisan congressional and citizens mandate tailored to address the soaring rate of juvenile crime and to prevent delinquency. What we learned was that these concerns are at best secondary in this administration.

We are obviously confronting a very serious situation and I for one am becoming increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime. We cannot begin to solve the problems of crime in our neighborhoods, schools, businesses, streets and homes by gathering statistics and wringing our hands over the sad picture they present.

It is hard to predict what it will take to awaken the administration to their responsibility to the American people. Two years ago, in 1973, a violent crime was committed every 36 seconds. The recently released FBI report on trends in crime for 1974 presents an even grimmer picture. Serious crime in the United States rose 17 percent last year, the highest annual increase since the FBI began collecting crime data 45 years ago.

Violent crime generally increased 11 percent nationally, with a 16 percent increase in suburban areas and an even greater increase in areas with populations between 10,000 and 50,000.

In 1974 murder was up 5 percent nationally and 12 percent in suburban areas.

In 1974 rape was up 9 percent nationally, 12 percent in suburban areas and 16 percent in areas with populations 25,000 to 50,000. The Washington suburbs witnessed a 27.5 percent increase.

In 1974 aggravated assaults were up 9 percent nationally, 13 percent in suburban areas, 16 percent in areas with populations 25,000 to 50,000 and 19 percent in Washington suburbs.

In 1974 robbery was up 14 percent nationally, 22 percent in suburban areas, 25 percent in rural areas and 30 percent in cities 25,000 and under in population. Washington suburbs experienced a 26 percent increase. In Indianapolis robberies rose from 1352 in 1973 to 2343 in 1974.

Additionally, recent studies sponsored by the Law Enforcement Assistance Administration reveal that even these frightening rates of reported crimes are extremely conservative. They found that for rapes and robberies, the number actually experienced was about twice the number reported and for every aggravated assault reported five were actually committed.

The Violent Crime and Repeat Offender Control Act which I am introducing today addresses directly important aspects of violent crime. It includes the following provisions:

First. Limitations on the availability of small easily concealable handguns;

Second. Mandatory penalties for the commission of crimes involving firearms;

Third. Mandatory penalties for the illegal purchase of firearms by felons;

Fourth. Mandatory penalties for dealers or others who knowingly sell firearms to known felons;

Fifth. Reporting of gun thefts by licensees under the 1968 Gun Control Act;

Sixth. Mandatory penalties for the sale of firearms for illicit interstate purposes;

Seventh. Mandatory penalties for the manufacture, distribution or sale of heroin and morphine; and

Eighth. Establishing the robbery of a pharmacy for purposes of obtaining controlled dangerous drugs as a Federal offense; and

Ninth. The denial of favorable Youth Correction Act sentencing alternatives to persons convicted of violent crimes.

The President recently spoke about this concern regarding violent crime. He said he did not want to talk of law and order but of insuring domestic tranquility. I was immediately reminded of former President Nixon's March 1973 crime message which he closed by saying:

> The American people are a law-abiding people. They have faith in the law. It is now time for Government to justify that faith by insuring that the law works, that our system of criminal justice works, and that "domestic tranquility" is preserved.

One can quibble about whether it was "law and order" or "domestic tranquility" but what the former administration did to ostensibly instill "faith that the law works" is unmistakenly clear.

The Nixon administration gave us justice wearing not a blindfold, but a patch over one eye and with a partisan thumb on the scales.

It gave us official lies about the war in Vietnam, official burglaries, and official but illegal wiretapping and surveillance.

It gave us a Vice President who cheated on his income taxes, an Attorney General who obstructed justice, and a President who chose to cover up what was wrong rather than face up to what was right.

This is the dismal legacy of Richard Nixon and John Mitchell.

It is true that if we take crime rates as an indication, we have not provided the domestic tranquillity of which the President reminded us the Constitution speaks. But tired rhetoric, hand wringing, and indifference which have marked this administration's position on crime to date serve not to alleviate our citizen's burdens but only to increase them deeper of concern.

A significant portion of the measure I introduce today is not new to the Senate. In fact many of its provisions have been approved by this body in earlier years, particularly the sections addressing the heroin trafficker and the continuing proliferation of crime handguns which are both cited by many law enforcement officials as intimately related to violent crime.

CRIME HANDGUNS

Title II of my new bill passed the Senate, as S. 2507, in August 1972, by a vote of 68 to 25. That measure was commonly referred to as the "Saturday night special" bill. It was supported by a strong bipartisan majority of 37 Democrats and 31 Republicans. I was especially gratified that the then Republican National Chairman, Senator Robert Dole, the Senate Republican leader, Senator Hugh Scott, Senators Bill Brock and Jim Buckley along with Senator Roman Hruska and other ranking Republicans on the Judiciary Committee supported my approach. The following Senators voted for the measure:

Aiken, Allott, Anderson, Bayh, Beall, Bellmon, Boggs, Brock, Brooke, Buckley, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Case, Chiles, Cook, Cooper, Cotton, Cranston, Dole, Eagleton.

Edwards, Ervin, Fong, Fulbright, Griffin, Gurney, Harris, Hart, Hartke, Hatfield, Hollings, Hruska, Hughes, Humphrey, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Kennedy, Long, Magnuson, Mathias.

McGovern, McIntyre, Miller, Muskie, Nelson, Pastore, Pearson, Percy, Proxmire, Randolph, Ribicoff, Roth, Scott, Smith, Sparkman, Spong, Stevenson, Symington, Talmadge, Thurmond, Tunney, Williams, Young.

There is no simple or easy solution for stopping the increase in crime. Our criminal laws must be more strictly enforced. Those who violate them must be swiftly apprehended and dealt with fairly but expeditiously according to the law. Our penal system must be reformed to remedy its ineffectiveness which results in more than 70 percent of those who are imprisoned continuing a life of crime when they are released. We must give more attention to preventing the "first crime" by dealing more effectively with the underlying social problems on which crime breeds.

Title II, the Handgun Crime Control Act, however, represents an important step we can take. We can limit the sale of those weapons which are used by most criminals. These are not sporting weapons but handguns only good for shooting people.

Since 1963, the Subcommittee to Investigate Juvenile Delinquency has conducted extensive investigations on a broad range of proposed firearm legislation. Hearings conducted from 1963 to 1968 established that the availability of easily concealable, typically inexpensive handguns, having no legitimate sporting purposes, constituted a serious threat to law enforcement, to the public safety and welfare, and to the integrity of State firearms control laws.

Because the hearings had demonstrated that these crime guns, known as "bellyguns," "Saturday night specials," or "man-stoppers," came primarily—up to 80 percent—from foreign shores, Congress in 1968 restricted the importation of handguns, banning all those which were not "generally recognized as particularly suitable or readily adaptable to sporting purposes."

The congressional findings explaining and justifying these legislative restrictions could not have been more clearly set forth. Congress found that the large volume of relatively inexpensive pistols and revolvers imported into the United States in recent years, had contributed greatly to lawlessness and to the Nation's law enforcement problems.

While the Gun Control Act of 1968 prohibits the import of these crime guns, the domestic manufacture or domestic assemblage from imported parts, was not restricted. Such controls were thought unnecessary in 1968, but it soon became apparent that there was a major loophole in the act.

In 1969, in testimony before the subcommittee, then Associate Deputy Attorney General Donald G. Santarelli, regarding the 1968 ban on imports of these crime guns said that—

> The problem sought to be solved has not only resisted solution but has proliferated further. By embargoing all military surplus and firearms not generally suitable for sporting purposes * * * a new protected industry has been created in the United States.
>
> It is estimated that 700,000 of these guns will be manufactured here in 1969. It is further estimated that there will be approximately 1 million such handguns manufactured domestically in 1970. Thus, it is readily apparent that the problem caused by the Saturday Night Specials has not abated, but, in fact, has exacerbated.

Thus, congressional intent was effectively circumvented by enterprising firms in the United States that flooded the market with the very crime guns whose availability Congress had clearly intended to curtail by the 1968 ban on nonsporting imports. The extent of this circumvention cannot be overemphasized. The most recent available figures show that annual domestic production of these handguns has risen by almost 1,600 percent since 1968. As a consequence, the findings of the Congress in 1968 concerning the role of small, easily concealable, nonsporting handguns in crime remain valid today. Indeed, criminal use of these weapons is increasing.

By extending the import standards of the 1968 act to the sale or delivery by Federal licensees of domestically manufactured or assembled crime handguns, title II would close this gaping loophole and insure that circumvention of the crime handgun provisions of the 1968 act would no longer be possible.

This approach is aimed at the so-called "Saturday night special" and other similar handguns which, by venture of design, body construction, weight, and other criteria are not of use to legitimate sportsmen. These easy to conceal, usually inexpensive handguns are the favorites of murderers, armed robbers, and gun-wielding assailants who terrorize our communities. Let there be no mistake about it; we are talking about tens of thousands of murders and hundreds of thousands of assaults and robberies.

In 1973, 19,510 murders were committed in the United States, more than 10,000 were the victims of handguns. There is a handgun murder every 48 minutes; double the 1967 rate.

Law enforcement officers in ever-increasing numbers have been fatally victimized by criminals wielding handguns. Not surprisingly, most of these killings involved small, easy to conceal handguns. Already in the first quarter of 1975 40 police officers have been murdered by assailants with handguns. Since 1963, 95 percent of these officers were killed with firearms and 72 percent, or more than 650, were killed with handguns. Of course, these figures in no way reflect the innumerable injuries sustained by officers and other public officials, including firemen, as the result of shooting assaults.

Guns are not peculiar to the crime of murder. In 1973 more than 100,000 Americans were seriously assaulted by gun-wielding criminals.

According to special FBI surveys 63 percent of all armed robberies are committed with a firearm. Since 1963, murder by firearm has more than doubled, aggravated assault by firearm has more than quadrupled, and armed robbery has increased threefold.

The increases in crimes of violence involving guns far outstrip increases in crimes of violence in which other weapons are used. In fact studies have found that the handgun is five times more deadly than all other typical weapons used in assaults upon persons establishing beyond a doubt that a criminal's potential victim seldom escapes the fate of a bullet.

Those concerned about broad gun control measures which include licensing and registration or confiscation often do not realize that my approach is not focused on the millions of law-abiding citizens and sportsmen who own firearms, significantly less than 1 percent of whom use firearms in crime, but only on those small belly guns with no sporting purpose.

Some of these same critics also believe that since firearms are used in less than

4 percent of all serious crimes any effort directed at controlling the availability of firearms, if successful, would leave unfettered 96 percent of the crime. What this misleading view fails to consider is that firearms, especially handguns, are usually used in violent crime not property crime. Violent crime accounts for 10 percent of all serious crime. Thus, when put in proper perspective and it is understood that closer to 40 percent—not 4 percent—of all violent crime involves firearms the relevance of my effort to restrict the availability of crime guns is apparent. Additionally, my approach is strengthened by the finding of the National Advisory Commission on Criminal Justice Standards and Goals that while handguns constitute only one-fourth of all privately owned firearms—approximately 200 million—they are used in more than three-fourths of all criminal gun violence.

Implementation of this title's provisions would stop the flood of primarily inexpensive and deadly handguns which threaten the physical safety and well-being of all Americans.

Take, for example, the weapon used in the attack on Governor Wallace. This weapon could not have been imported into the United States under the terms of the law passed in 1968, primarily because it was an easily concealable, nonsporting handgun. My bill applies the same standards to domestically manufactured or domestically assembled handguns. These—importation—criteria were established by a Treasury Department Committee composed of specialists from the firearms industry, weapons research firms and military, and law enforcement officials. These experts found it necessary to include a wide variety of handgun characteristics in determining whether any given model is unsuitable for target shooting or hunting animals. The key characteristic is overall size, and therefore no handgun failing to meet certain minimum size standards can be accepted under the criteria. Various safety features are also required before a weapon is acceptable. Other characteristics are dealt with by means of a point system, in order to allow flexibility of design consistent with the sporting purposes standard. The point system takes into account the following characteristics:

First. Size: weapon size beyond the minimum requirements is counted.

Second. Frame construction: additional points are awarded if the weapon is investment cast or forged from steel or a suitable alloy. No points are awarded for use of the die casting process or the alloys typically used in Saturday night specials.

Third. Weight.

Fourth. Caliber: a greater number of points are awarded for weapons designed to be used with high-powered cartridges. This tends to insure that an approved model will be designed to withstand high chamber pressures.

Fifth. Safety features: points are awarded for various safety devices other than those which are absolute requirements.

Sixth. Miscellaneous equipment: under this heading, points are awarded for such sporting devices as click or drift adjustable target sights, target grip, and so forth.

The application of this test is designed to determine whether a handgun has a sporting purpose. A firearm such as an Olympic type pistol or target shooter designed for sport are clearly not covered by the measure's provisions.

These criteria, known as the factoring criteria for weapons, have been used for more than 5 years to determine eligibility of handguns for importation. Their effectiveness in limiting importation of assembled nonsporting crime handguns is clear. Prior to the passage of the Gun Control Act of 1968, annual importation of such handguns had been increasing rapidly. Since congressional action in 1968, handgun importations have been substantially lower than previous levels. Handgun imports in that year had risen to 1,155,368, but have been reduced to a level of 408,485 in 1974 and even lower levels in intervening years. Thus, since their enactment millions of crime handguns have not reached our shores because of the operation of these proven criteria.

The testimony of these statistics is borne out by the testimony of those charged with administering the import provisions of the 1968 act. At the 1971 hearings on Saturday night specials, Harold Serr, Director of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service from 1964 until his retirement on July 31, 1970, testified that the factoring criteria "effectively exclude from importation the types of handguns so often found in the possession of criminals and which the Congress wanted kept off the American market."

In the fall of 1971, 22 witnesses, representing law enforcement agencies, national commissions, the administration, sportsmen's associations, and private citizens, presented testimony on this title of my bill to the subcommittee. All of these witnesses agreed that the problem of small, easy to conceal handguns required action. Most of the witnesses felt that the passage of S. 2507 would be a step forward in the fight against violence and criminal misuse of these weapons.

Witnesses representing police departments and police organizations, understandably stressed the danger to police officers created by the widespread possession and use of "Saturday night specials." As Quinn Tamm, executive director of the 11,000 member International Association of Chiefs of Police explained, the ready accessibility of handguns "constitutes a threat, both to the citizen and more specifically to the police officer." The national legislative committee chairman of the 150,000 member Fraternal Order of Police, Jack Stonebraker, Jr., who is a police officer in Muncie, Ind., echoed this point, citing the words of the late J. Edgar Hoover:

> When a law enforcement officer dies at the hands of a killer, part of our system of law dies with him.

Mr. Stonebraker also illustrated the policeman's concern for the welfare of other citizens:

> I believe the Congress must act, must act, upon this amendment without delay, before the incidence of criminal misuse of these guns reaches astronomical proportions.

Chief Clarence Kelley of the Kansas City, Mo., Police Department, now the Director of the Federal Bureau of Investigation, echoed the view that these guns "have no possible other use than to kill or injure another human being." Similar views were presented by law enforcement representatives from New York City, Los Angeles, Detroit, Washington, D.C., and Cleveland, Ohio.

Clearly this title has the support of the Nation's law enforcement professionals, the police officers who face armed criminals on the streets of our Nation's cities. These people who know first-hand the "Saturday night special" problem, urged the passage of my bill to plug the loophole in the 1968 act and thereby curb the availability of these nonsporting handguns favored by most criminals.

Of course, the measure makes it absolutely clear that there would be certain exemptions from the prohibition on the sale and delivery of those handguns, including exemptions for law enforcement officers, governments, research organizations and licensed collectors. The title exempts sales and deliveries of handgun models actually required by officers, for example, plainclothespersons, for their own use in the course of their official duties. Further technical provisions facilitate sale and delivery to Government and law enforcement officers. These provisions were necessary to allow purchase of firearms for Goverment and law enforcement use from manufacturers in other States. Such exemptions are analogous to those already in the 1968 act.

Some who later supported my approach in 1972 would have replaced the detailed standards in my bill with a safety and reliability test. It is my view that this is not an appropriate standard for use in a law enforcement and crime prevention measure. The law enforcement witnesses who testified before the subcommittee did not appear greatly concerned about the safety of the "Saturday night special" as a problem for the user of the weapon. They were, understandably, more concerned about safety at the other end of the barrel. Of course, the safety of the legitimate user is of importance, and my bill takes this into account by requiring sound construction and certain safety features for sporting handguns. Safety and reliability tests alone, however, would not get the job done. Even if the safety and reliability test were supplemented with a barrel-length criteria, it would do little to restrict the availability of the crime guns which would be effectively curtailed by title II of my Handgun Crime Control Act. What should be emphasized are those aspects of a handgun which make it uniquely appealing to the criminals. Harold Serr put it quite succinctly:

> What [criminals] want are small, compact, lightweight weapons. They want weapons with no handgrips or sights to catch in a pocket. Concealability is the prime requisite.

It is for just this reason that every State in the Union has taken some sort of action to regulate concealed weapons, rather than unreliable weapons. By definition, however, it is exceedingly difficult to enforce these important regulations dealing with the use of concealable weapons, and the continuing rise in the firearms crime rate demonstrates clearly that more has to be done. Additionally, to prevent further circumvention of congressional intent to curtail the availability of easily concelable handguns, my bill, similar to the National Firearms Act sawed-off shotgun provisions, prohibits sawing off the barrel of a handgun so as to produce a weapon which could not legally be sold.

Unfortunately, considerable misinformation has been spread, in some cases by honest misunderstanding and in others by deliberate distortion, regarding the scope of this title of my new bill. It does not propose any type of gun registration or licensing. Nor does it propose confiscation. I am aware that some are concerned that if it becomes law the next step will be confiscation of all firearms or national registration. To say that abolishing the sale of crime guns, which have no sporting purpose, will lead to the confiscation of legitimate weapons, makes about as much sense as saying that a law keeping dangerous cars off the highways will lead to the confiscation of all cars.

For a very simple reason this measure only affects handguns: most "street crimes" are committed by criminals with easily concealed handguns. This is why our target is those handguns which are worthless for the target shooter or hunter, but which are ideal for the criminal. We do not want to interfere with the rights of honest, law-abiding sportsmen, but rather to keep murderous instruments out of the hands of the criminal and insane. In addition, there is nothing in the bill which precludes law-abiding citizens from purchasing reliable handguns to protect their homes or businesses.

After my approach to fighting gun crime was accepted by the Senate, the House Judiciary Committee failed to act on this measure. There are signs this year however, which indicate that perhaps that body will be more favorably disposed to reasonable controls on crime guns in the future.

There are also signs that those with law enforcement responsibilities and expertise within the administration are supportive of new intitiatives to curb firearms crime and terrorism.

I am especially interested to learn more about the details of the Attorney General's proposals. For example, he indicated that the Department of Justice has been discussing the elimination of easily concealable handguns. I was surprised, however, that they determined no suitable definitions exist to implement this policy. This, of course, is precisely what my approach would accomplish.

I was gratified by David R. McDonald's, Assistant Secretary of Treasury for Enforcement, Operations and Tariff Affairs, testimony before the subcommittee in April this year in which he supported a modified criteria targeted at easily concealed handguns.

This is not the first time however, since 1968 that administration representatives expressed support for congressional efforts to curb the availability of nonsporting handguns. In fact, representatives of former Attorney General Mitchell in 1969 and 1971 in testimony before the subcommittee assured the Congress on both occasions that administration proposals would be forthcoming. These proposals, if indeed they ever existed, never saw the light of day. Thus, although I am encouraged by some recent remarks, I would be less than candid if I did not admit that earlier rhetoric and indifference about these important issues only confirmed the former Attorney General's enjoinder that it was more important to watch what is done than what is said. You do not stop armed assaults and armed robberies with tough talk and hollow promises.

The Attorney General has assured the subcommittee that he will be available to present their view after the soon-to-be delivered message on crime. I am looking forward to learning more precisely what position the administration supports on this vital issue.

I agree with the distinguished senior Republican on the House Judiciary Committee, Mr. Robert McClory, who appropriately noted last week that "the executive branch apparently has not recognized the critical nature and extent of the problem of handgun violence in this society." Leadership on issues of national importance must emanate from the Oval Office, but unfortunately to date on these issues, it has been tragically silent.

Handguns are increasingly available. More were manufactured and sold in the last 4 years than the entire previous decade.

It is my intention by extending to domestic sales the criteria now used to prohibit imports to strictly limit the accessibility of crime handguns without, in any way, altering present Federal, State, or local regulations concerning rifles, shotguns, and quality handguns suitable for sporting purposes.

GUN RUNNING AND PENALTIES FOR GUN CRIMES

Title III of my bill addresses itself to several major problems relative to our failure to deal more effectively with the alarming levels of violent crime confronting all of our communities, suburban and rural as well as urban: Illicit gun traffic and criminals who use guns in the commission of crimes.

The first part of this title is identical to a measure that Senator Talmadge and I sponsored which passed the Senate on April 3, 1973 by a vote of 81 to 12. It is specifically designed to make our streets safer by treating those who use firearms in the commission of crime as the serious and vicious violators they are by imposing the severe sentences such acts demand and such criminals deserve.

Under my bill felons who use firearms to rob, rape and otherwise terrorize our citizens or who unlawfully carry firearms while committing a felony which threatens life or property, are subjected in addition to the penalties already provided by law, a minimum sentence of 5 to 15 years for the first offense and 10 to 30 years for the second offense. The imposition of the additional sentence on the first offender would be left up to the trial judge; but if he failed to impose this additional sentence, he would have to state his reasons publicly. For the second offense, the judge would have no such discretion: upon conviction, a mandatory minimum sentence of 10 to 30 years would have to be imposed. These minimum sentences—which are of course, over and above the penalties which exist in present law—could not be suspended, nor could probation be granted.

The United States leads all other western countries in the use of firearms in connection with serious crimes. My earlier discussion of title II underscored the catastrophic levels to which handgun crimes in particular have risen and I believe that its provisions will make a significant contribution toward safer communities. Likewise, I also believe that penalties of the severity contained in title III are appropriate for those who use firearms in highly dangerous illegal activity.

This practical approach which focuses on the crime in which guns are used, was not considered by the House Judiciary Committee after it passed the Senate. I am hopeful that the House will follow the lead of this body on this most effective crime deterrent during the current Congress.

Title III also strengthens existing federal law to facilitate efforts to detect and prevent illicit commerce in firearms. The relationship between the illicit availability and street crime was clearly demonstrated at the subcommittee's April hearings on firearms violence.

Under the 1968 Gun Control Act persons who have been convicted of serious crimes cannot legally obtain or transport firearms. Each year, however, criminals in this country obtain thousands of firearms through illegal means and subsequently use many of these weapons to continue the commission of violent felonies.

A great number of these firearms are stolen from gun manufacturers, dealers, and collectors but the exact number or the circumstances of these thefts are not known. The Bureau of Alcohol, Tobacco, and Firearms estimates that approximately 5,000 handguns are stolen each year while being shipped between firearm manufacturers and dealers. An unknown additional number are stolen directly from manufacturers. A voluntary survey of 22,779 gun dealers in nine Midwestern States revealed that 5,919 firearms were stolen from their stores in 1974. One store owner in Illinois had over 100 firearms stolen in the survey period.

Although the Gun Control Act requires dealers, manufacturers, and collectors to maintain records of the receipt and disposition of firearms, the act does not presently contain any provision requiring them to report the theft of firearms to any Federal, State, or local law enforcement agency. Obviously this source of supply to the criminal must be closely monitored and analyzed in order that we may deprive violent criminals of the instruments of crime.

Accordingly, my bill amends the Gun Control Act to require manufacturers, dealers, and collectors to promptly and fully report to the Secretary of the Treasury all thefts of guns and the circumstances surrounding those thefts. It is only when we have the capability to precisely establish where, how, and when firearms are being stolen from manufacturers and dealers, that we can expect to be able to successfully close off this supply to criminals.

It is also apparent that some persons who purchase large amounts of firearms are subsequently selling them to felons and other individuals who are themselves prohibited from buying firearms under the Gun Control Act. One noteworthy and illustrative case found by subcommittee investigators concerned an individual in Philadelphia who purchased a total of 136 handguns from a federally licensed dealer over a 7-month period. This person would in turn resell the firearms out of his car trunk throughout the Philadelphia area. My bill would enable the Government to more easily monitor this type of gun traffic by requiring licensed firearm dealers to notify the Secretary of any multiple handgun purchase by a single individual over the course of 5 consecutive business days.

In addition to the theft of guns and the repurchase of guns through an intermediary, a significant number of felons obtain weapons directly from licensed firearm dealers. Although the Gun Control Act prohibits such transactions, Treasury Department officials testified before the subcommittee that a thorough review of 17 dealers' records in Greenville, S.C., over a 6-month period last year revealed that 73 persons who had successfully purchased firearms were in fact convicted felons. Some of the crimes committed by this group prior to the purchase of these weapons included murder, rape, assault, and armed robbery.

Except in three narrowly drawn circumstances, the Gun Control Act also specifically prohibits manufacturers and dealers from selling firearms to persons who do not reside in the same State as the manufacturers or dealers. It is evident, however, that despite this prohibition many firearms are in fact sold to persons who do not reside in the same State. For example, in a recent study it was established that out of the 840 handguns used in crimes in Detroit, Mich., and successfully traced to their source, 92 percent came from outside the State of Michigan. A similar study in New York City found that 77 percent of the traceable guns used in crimes came from outside of New York State.

An important element of the intent and purpose of the Gun Control Act is to keep firearms out of the hands of violent criminals such as these. Wholesale violations of this act cannot be taken lightly. My bill provides mandatory penalties for felons or those under indictment for a felony who receive, ship or transport firearms or ammunition in interstate commerce. It also applies the same mandatory penalties to any licensed importer, licensed manufacturer, licensed dealer or licensed collector who knowingly sells or otherwise disposes of a firearm or ammunition to a felon or a person under indictment for a felony. Moreover, any dealer who sells firearms to a person who the dealer knows or has reasonable cause to believe does not reside in the same State in which the dealer is doing business, would also be subject to mandatory penalties.

We must treat the illegal sale or purchase of these dangerous instruments of crime as serious offenses. The successful disarmament of the violent criminal is an absolute necessity for the reduction of crime and the fear of crime in America.

MANDATORY PENALTIES FOR OPIATE-NARCOTICS PUSHERS

Title IV of my bill is identical to a measure which passed the Senate in April 1973 by a vote of 81 to 12. It is aimed at another class of the most dangerous and despicable criminals: the nonaddict, adult high-level traffickers who are the backbone of illicit heroin trade and distribution in this country.

Since the passage of the Comprehensive Drug Abuse Prevention and Control Act—Public Law 91–513—in 1970, our subcommittee to investigate juvenile delinquency, which developed this measure, has monitored its implementation and sought to assure that the Federal agencies responsible for its enforcement acted appropriately to curb the illegal importation, manufacture, and distribution of controlled drugs. Among its provisions are those on the importation, manufacture, and distribution of opium for legitimate purposes and the illegal traffic and abuse of opium derivatives such as morphine, codeine and heroin.

Since 1970 we have monitored the implementation of the act and sought to assure that the Federal agencies responsible for its enforcement acted appropriately to curb the illegal importation, manufacture, distribution, possession and improper use of controlled drugs.

We have made considerable progress in the last several years. We have obtained a drastic, but necessary, 95-percent reduction in domestic amphetamine production. We have secured more appropriate control over our production and distribution of other drugs with high abuse potential, including the barbiturates and methaqualone. And to prevent illegal traffic and abuse of methadone we have obtained stricter controls over its storage and distribution. In short, these and similar important steps have effectively helped to reduce illicit traffic and clandestine manufacture of controlled drugs.

The subject of our most recent hearings on the effectiveness of the Nation's drug control laws—the opium poppy—is not of domestic origin, but its byproducts, or at least one of them—heroin—is certainly familiar to every American.

Indeed, we are all too familiar with the devastating effects of heroin on the individual addict, their families, and society at large. We know that heroin abuse has destructive physiological consequences, debilitating the health of the abuser and impairing an addict's ability to lead a normal productive life. The social consequences are equally devastating. In order to support a habit, the addict is driven to engage in criminal activities which threaten the safety and well-being of all our citizens. The costs in human and economic terms are enormous:

Billions of dollars are expended each year to protect our citizens from drug-related crime;

Billions of dollars of merchandise are stolen each year to support heroin habits;

Billions of dollars are invested annually in drug prevention, treatment, and rehabilitation programs;

Many innocent people are physically assaulted and even killed in the course of drug-related crime; and

Hundreds of thousands of otherwise productive lives are lost to the destructive and often endless cycle of heroin addiction.

We have learned—and through the course of these recent hearings are still learning—from bitter experience that there are no simple solutions to the epidemic of narcotic addiction nor to the ever-escalating levels of illegal narcotic traffic. There are no panaceas—no magic wands.

In fact, opium control presents especially difficult and complex considerations. The plant which spawns heroin to which our citizens succumb, likewise, issues drugs to ease the misery of the terminal cancer patient and ironically, provides us with the antagonist medication necessary to treat those suffering acute narcotic overdose. There is little doubt that the opium poppy is a double-edged sword life-threatening and life-saving.

We have made some progress in curbing narcotic traffic and addiction, but we must be forever vigilant that rhetoric about "the light at the end of the tunnel" or "turning the corner" on any problem not delude us into believing that we have actually accomplished our objectives.

According to June 1974 Drug Enforcement Administration—DEA—reports, drug deaths have increased substantially at the national level in the last two quarters of fiscal year 1974, with the major increases being made in the heroin/morphine and methadone categories. Geographically, heroin deaths have climbed in the Northeast, Central and Western sections of the United States.

Mexico is becoming a significant supplier of the heroin reaching United States markets for illicit distribution. DEA statistics show that in the year ending June 30, 1972, 8 percent of the heroin seized in the United States was Mexican. By June 30, 1973, the amount of seized heroin from Mexico had more than quadrupled and accounted for 37.2 percent of all heroin seized in the United States. Within the past few months DEA has informed the subcommittee that 65 percent of the heroin reaching the United States today comes from Mexican poppies.

Now, even White House officials, as they announce that all the indicators of heroin abuse are up again, are cautioning others about claiming victory in the war against the poppy and heroin. In fact, Dr. Robert DuPont, Director of the White House Special Action Office on Drug Abuse Prevention, told the subcommittee that "we can no longer talk about having turned the corner on heroin anywhere."

Last week the President's Strategy Council on Drug Abuse reported that heroin addiction and other abuse lost Americans between $10 billion and $17 billion annually and that the biggest drain on the economy from drug abuse was in crimes committed to produce income supporting heroin addiction.

A recent report from the District of Columbia coroner's office revealed a decided increase in heroin fatalities. There were 12 such deaths in the last 5 months of calendar year 1974 following a 19-month period with fewer than 10 heroin deaths.

D.C. officials claim that this upswing is related to the availability of a better grade of heroin. In January 1973 the average heroin bought on the street was 1.8 percent pure, according to police reports. By December 1974 this had increased to 4.5 percent pure. During the same period the street price of heroin dropped from a high of $6.04 a packet in July 1973 to $3.34 in December of 1974.

More persons are seeking treatment for heroin addiction. In December, for example, all but 39 of Philadelphia's 4,173 patient treatment spaces were filled. A year ago clinics were operating at only 65 percent capacity. And according to DEA the estimate of narcotic abusers in 1974 rose to 775,000, the highest year on record. Clearly much remains to be done.

Through our investigation the subcommittee intends to develop a better understanding of the ramifications of the public policy developed by the Nixon administration to curb heroin traffic and abuse and whether or not the current administration has learned from their mistakes. What led to the ban on the Turkish poppy? What consideration, if any, was given to the domestic requirements for opium to meet legitimate medical and scientific needs? What is currently being done to prevent the resurgence of a new "French Connection" and to eliminate the "Mexican Connection" which now supplies two-thirds of the illegal heroin to the United States?

I am especially concerned about the possibility that the United States may not have access to sufficient opium to meet legitimate medical and scientific needs. As you know, opiate derivatives are currently the drug of choice in the treatment of many patients with severe and moderate levels of pain and frequently prescribed by physicians for other symptoms. Unfortunately, continuing demand for these drugs coincides with a worldwide shortage of increasing dimensions.

We are assessing the nature and extent of this shortage.

We are reviewing the circumstances which have nearly exhausted, in 1 year, the opium supply released from the national strategic stockpile last year ostensibly to supplement short-term needs through 1976.

We are examining the basis for the Attorney General's recent decision to exercise emergency authority under the 1970 Drug Act to permit the importation of poppy straw extract to supplement imports of crude opium.

And we are assessing the merits of proposals for a program of rationing bulk codeine so as to meet legitimate medical demand this year.

I am likewise extremely concerned that all necessary steps be taken to prevent the diversion and traffic in Turkish opium that has formerly contributed so heavily to the destruction of so many thousands of lives and was so intimately linked to the ever-escalating levels of violent crime.

The Turkish Government claims that it will prevent the new opium crop from getting into criminal channels. The resort to the poppy straw method of processing will help to assure the desired objective, but much more is necessary. To date slightly more than 300 agents are reportedly available to monitor 50,000 acres of poppies being cultivated in small plots. The jeeps necessary to reach remote areas as I understand it have not yet arrived. To get the job done will require a dedicated and committed effort by the Turkish Government.

I urge the President to monitor the harvesting and processing of the new crop very carefully, so that if necessary he can take appropriate action under the Foreign Assistance Act to suspend economic and military aid.

When drastic action was taken to rescue American seamen seized by Cambodia, the President stressed the importance of showing that the United States intends to remain strong. If and when the lives of thousands are threatened by diverted Turkish opium, I hope that the President is at least equally committed and willing to show the strength of the United States.

Already the Turkish decision to again cultivate the poppy has made some impact on the illicit market. In Seattle, for instance, the resumption reportedly prompted many distributors to release "stockpiled" Mexican heroin which had been withheld from the market in an attempt to force the price up. This surge in supply has led to more narcotic seizures in January of this year than in all of 1974 in that area. Similar reports are being received from around the Nation.

Whether the Turkish Government fails to hold to their commitments or not, we are again confronted with a horrendous heroin trafficking problem.

Title IV is designed to deal appropriately with persons who are an integral part of the criminal conduit for heroin. I have been very much concerned that our laws try to reform and as much as possible is done to provide rehabilitation, employment and treatment options. Because of these concerns juveniles and addicts have been excluded from this title's provision. But for others who sell heroin, I have no compassion. These criminals have shown themselves by their offenses to be beyond the normal hope we hold out for rehabilitation in our society. Moreover, these offenders are the cold calculating characters who can be deterred by the specter of sure, swift and severe punishment. The only solution for those who are not deterred and who commit these crimes is to put them away and to put them away for a long time. This is what my bill does.

There is no criminal element in this country which is more dangerous and despicable than those who are the purveyors of heroin to our young people. My bill is not aimed at addicts who are already hooked and who are trying to support their habits. For such people, laws already on the books and adequate treatment—together with the capture and imprisonment of big time dealers—offer the best hope. My target is those who have hooked others and not themselves.

Under this title persons convicted of manufacturing, distributing or dispensing heroin or morphine in amounts equal to or in excess of one-tenth of an ounce of pure narcotic would receive, on the first offense, a mandatory minimum sentence of 10 to 30 years. For second convictions, these pushers would get a mandatory life sentence. In neither case would the offender be eligible for probation, suspended sentence, or parole—except after serving 30 years of a life sentence. In both cases the mandatory minimum sentence would have to be imposed in addition to the sentence provided under existing law; and in both cases the additional sentence would have to be consecutive to, not concurrent with, the existing punishment.

One-tenth of an ounce of heroin or morphine may seem to be a tiny amount, Mr. President, but it is as deadly as it is small. It can be and is turned into a large number of bags of heroin on the street, and is worth a handsome sum. As a measure of the seriousness of the criminal conduct it is preferable to a 4-ounce mixture requirement proposed by some in the past. It best assures that we reach the high-level dealers who handle very pure and very valuable heroin and who might circumvent a 4-ounce mixture standard. This test also assures that we do not bring under these very severe penalties a person with a 4-ounce mixture which contains only traces of a narcotic. Under this approach the volume of the material sold or manufactured would not matter; the only question would be whether it contained the equivalent of one-tenth of an ounce of pure heroin or morphine.

The following table, prepared by subcommittee staff, illustrates graphically the amount of heroin involved in the application of my bill:

ESTIMATES OF HEROIN DOSAGE UNITS DERIVED FROM 1/10 OUNCE OF PURE HEROIN OR MORPHINE

Total units	Unit size (milligram bags)	Percent of heroin or morphine
a. 2,835	100	1
b. 1,417.5	100	2
c. 945	100	3
d. 708.7	100	4
e. 567	100	5
f. 472.5	100	6
g. 405	100	7
h. 354.3	100	8
i. 315	100	9
j. 283.5	100	10

Note: 1. 1 ounce=28.35 grm. or 28,350 mgms. 2. 1/10 ounce=2.835 grm. or 2,835 mgms.

Any nonaddict who manufactures, distributes or dispenses one-tenth of an ounce of heroin or morphine is, we can be confident, a high-level trafficker who is rationally and for profit pushing drugs. Such a person deserves no quarter.

The provisions of this title were also not acted upon by the House Judiciary Committee in the last Congress, but I am optimistic that the members of the other body will agree to the merit of this aspect of my bill.

One thing that we have established through our hearings earlier this year is that the White House was less than candid with Congress and the American people regarding their assessment of the importance of the Turkish ban on the cultivation of opium poppies in the effort to curb heroin traffic and addiction.

Former presidential assistants with special responsibilities in the area of drug control and abuse told the subcommittee that in October 1971 shortly after the Turkish Government announced the ban, that the plan was ill-conceived.

Dr. Jerome Jaffe, former Director of the White House Special Action Office, testified that he never believed that a ban on the growth of opium poppies would be effective in stopping the spread of heroin in the United States.

Mr. Walter Minnick, former Presidential aide, told the subcommittee, quite candidly, that:

> The Congress and the American people were led to believe that the ban was an indispensable part of getting on top of heroin addiction.

Throughout 1972 the White House produced release after release, heralding the Turkish ban as a major breakthrough in the fight against heroin addiction and as clear evidence that the battle was well on its way to being won. This "hoopla" about the ban stepped up markedly during the fall of that year.

Apparently the Nixon administration was more concerned in 1972 with the reelection campaign than they were about controlling poppy production and solving the heroin problem.

The record developed to date by the subcommittee leaves little doubt that the Nixon administration not only created a misimpression about the ban and the policy of eradication, but that it had little time, if any, to heed the caution and advice of medical experts and others who warned that such policies could have long-term damaging ramifications.

Even prior to former President Nixon's message to the Congress in June 1971, which set out the dual objectives of a ban on poppies and the development of synthetic alternatives to opiates, agencies experts in a confidential memorandum had alerted the White House to likely ramifications, including a shortage of opium for legitimate purposes.

Testimony presented to the subcommittee, however, revealed that White House advisers reportedly had decided that the poppy ban was "good politics" in that it would provide a high-profile, simple, ostensible answer to the crime problem with which herein addiction and traffic are so intimately associated.

Even in late 1972 and 1973 when the prospect of an opiate shortage was rapidly becoming a reality, the White House ignored warnings by the medical community and others that White House "poppy politics" was responsible for the shortage as well as for the failure to effectively focus on heroin traffic.

In a very short period of time Mexico had become the primary supplier of heroin to the United States and although the Turkey ban did cause a shortage of heroin it was, as General Accounting Office investigators told the subcommittee, limited to major cities in the East and "a temporary thing at best."

The heroin problem now is worse than it was before the ban.

The American people are sick and tired of being sold a bill of goods.

As a Member of Congress who has, likewise, relied on less than candid representations at the highest levels of the executive branch in recent years, I know we were sold a bill of goods in this instance.

We are interested in developing a full and complete understanding of these issues so that sound national policies in the area can be substituted for past mistakes.

We are also anxious to learn more about what happened to the 1971 national initiative to develop synthetic alternatives to opium, so that our medical community would no longer have to rely on the poppy to properly treat its patients and in turn would eliminate a major legitimate reason for growing the poppy.

We are, likewise, interested in developing a fuller understanding of the feasibility of cultivating poppies, particularly those with little or no abuse potential, including bracteatum to meet our legitimate medical needs as well as the plan approved by former President Nixon in December 1973, revealed at our earlier hearings, to grow opium poppy domestically.

We want to develop long-term policies which will protect the delicate balance between the need to curb illicit availability of drugs and the need to assure amounts adequate to meet legitimate needs.

I know my colleagues agree that this title of my bill is consistent with those objectives and they will support it.

PHARMACY CRIME AND VIOLENCE

During the course of the subcommittee's ongoing assessment of the effectiveness of the Nation's drug control laws we were startled by the increasing amount of criminal acts directed at pharmacies.

It appears that as a consequence of important steps taken in recent years to reduce illicit traffic and clandestine manufacture of controlled drugs, pushers and others are concentrating their attention on legitimate sources for such drugs, particularly pharmacies.

Subcommittee hearings on this topic more fully reported in our volume "Drug Abuse: The Pharmacist" revealed that 80 percent of all the thefts of controlled drugs from registrants were from pharmacies and that 89 percent of all drugs stolen from registrants were taken from pharmacies. Almost half of the total volume of drugs stolen are amphetamines and barbiturates. During fiscal year 1974, 6,320 such thefts were reported from pharmacies as contrasted with 4,333 for fiscal year 1973.

The preferred method of theft was night break-in, but armed robbery was second. In December 1974, DEA reported that 62 percent of the thefts involved the former and 38 percent involved the latter method of theft.

I am particularly concerned about escalating levels of violent crime—assault, robbery, and even murder—committed by criminals attempting to obtain controlled drugs. Witness after witness conveyed evidence of the necessity for action as well as support for a Federal effort to meet these problems.

Senator CHURCH, with whom I have worked closely on this title of the act and who sponsored a similar measure last Congress, caught the changing environs in which even our pharmacists are found to work when he noted,

> It is not uncommon now to learn of pharmacists wearing bullet-proof vests to work or hiring armed guards to police the premises.

My bill imposes a Federal penalty for the robbery or attempted robbery of a controlled substance from a pharmacy. It provides a maximum fine of $5,000 and/or 10 years imprisonment for persons acquiring drugs covered by the Controlled Substance Act from a pharmacy by force, violence, or intimidation. In addition it provides more severe penalties for persons who physically assault and/or kill persons while engaged in a robbery of a pharmacy.

This title was developed to meet the challenge of ever-changing and increasingly complex patterns of drug traffic and related crime. Druggists and pharmacists are dedicated professionals who with their fellow-workers dispense drugs which are vitally necessary to the maintenance of our citizens' health. These provisions provide additional sanctions to attempt to guarantee that they are unfettered from the burden of criminal acts.

The Department of Justice and the administration have in the past opposed passage of similar sanctions designed to protect pharmacies, in part because of the estimated additional cost of $4,800,000 for law enforcement personnel to carry out its provisions. I urge them to reconsider and this Congress to support this vitally necessary title of my bill.

REPEAT VIOLENT OFFENDERS

Under the Federal Youth Corrections Act, convicted defendants under 22 years of age, and in some cases under 26 years of age, are not sentenced to regular terms of imprisonment, but are entrusted to the custody of the Attorney General for special rehabilitative and treatment programs. The terms of confinement for persons sentenced under the special provisions of this act are considerably shorter than those persons sentenced under usual adult statutes. Moreover, as presently constituted even offenders who repeatedly commit violent crimes may take advantage of the special sentencing and treatment programs provided by the act.

Although many young people are successfully rehabilitated through the special sentencing provisions of Youth Corrections Act treatment, it should be obvious that the serious, habitual offender must be removed from our streets so that our citizens can live in security and safety in their homes and communities. Individuals who have repeatedly committed violent criminal acts have clearly demonstrated not only their contempt for the laws and members of our communities, but also their unwillingness to take advantage of, and learn from, the opportunities afforded them under the Youth Corrections Act. When 420 out of a total of 720 young offenders released under Youth Corrections Act provisions are charged with new crimes while still on parole, as was shown in a recent study, it is abundantly clear that we must take steps to limit the number of defendants who may qualify for special treatment under this act.

We must insure that the act serves as a valid instrument of rehabilitation and not as a loophole through which habitually violent offenders quickly return to our streets to resume their criminal activity.

Title V of the measure which I am introducing today would prohibit offenders who have previously been convicted of violent crimes from being sentenced under the special provisions of the act. These amendments to the Youth Corrections Act will insure that hardened, violent offenders will be sentenced to normal criminal penalties and will not be able to use the more lenient and shorter sentencing periods of the Youth Corrections Act as a form of "turnstile" incarceration which only serves as a brief interlude between repeated criminal activities.

Additionally, I intend to review other aspects of the Youth Corrections Act concept including problems concerning the lack of more specific criteria to assist sentencing judges in determining which offenders should qualify for treatment under the act and what factors should be considered in that decision. In the course of this subcommittee investigation I will be seeking the suggestions and advice of experts such as U.S. Court of Appeals Judge David Bazelon and District of Columbia Superior Court Chief Judge Harold Greene as well as others of their judiciary colleagues who have developed unique insight and familiarity with the strengths and weaknesses of the act.

The provisions of this title and the criteria we develop for initial application of the Youth Corrections Act will serve to assure that those who are serious threats to the community do not use the act as a shield against the community.

Mr. President, the Violent Crime and Repeat Offender Control Act of 1975 is designed to make life difficult for violent criminals. This bill, coupled with my Juvenile Justice and Delinquency Prevention Act, which the Congress overwhelmingly endorsed last year, provide the tools necessary to put the Federal Government in an effective leadership position in the fight against violent crime.

As I have noted, significant portions of the bill introduced today have been strongly supported by this body in past Congresses. I have been proud of the support of my colleagues for these endeavors and hope that the House will follow our lead this year.

I urge my colleagues to study the bill's provisions and solicit your advice and recommendations for improvements.

Many of our citizens are captives in their own homes. Criminals are their jailers and fear of violent crime the deterrent to their freedom of action. I believe that this measure will help to turn this situation around so that our citizens, free from the terror of violent crime, can more readily pursue the lives of liberty and happiness we all desire.

We must not deceive ourselves, however, into believing that harsh penalties will solve our problems. Even with those who can be deterred from criminal conduct, the enforcement of the law—the certainty of capture and of punishment—is more important than the length of punishment. But by making the penalties mandatory and severe for certain persistent and destructive criminals, we will be providing a solid law enforcement tool where such tools are badly needed. By keeping murderers' weapons out of the hands of criminals we will be helping to reduce crime and protect the rights of law-abiding citizens.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill, together with the bill, be printed at this point in the RECORD.

There being no objection, the analysis and bill were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE VIOLENT CRIME AND REPEAT OFFENDER CONTROL ACT OF 1975

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Section 101. Findings: States the findings of Congress regarding small, usually inexpensive and non-sporting handguns as the favorite instrument of violent criminals and its intimate relationship to soaring rates of violent handgun crimes; finds that criminals who commit felonies with firearms and those who traffic in significant amounts of narcotics are public menaces; finds that pharmacies are not adequately protected against violent criminal acts under the Controlled Substances Act, and that repeat violent offenders require fair but firm sentencing.

Section 102. Purpose: Establishes the purpose of the Act to assist law enforcement officers to curb violent crime and facilitate the prosecution of violent offenders; to prohibit the sale of small, easily concealable, usually inexpensive, non-sporting handguns except to law enforcement officers, governments, and research organizations; to provide for the facilitation of prosecution of those involved in handgun theft or illicit handgun trafficking; to assure appropriate penalties for non-addict pushers of significant amounts of narcotics and criminals convicted of using firearms in the commission of illegal acts; to provide additional protection for pharmacies against an ever-increasing level of violence directed at obtaining controlled drugs; and, to eliminate favorable sentencing alternatives for persons previously convicted of violent crimes.

TITLE II—HANDGUN CRIME

Section 201. Title: This section contains a title cited as the "Handgun Crime Control Act".

Section 202. Amends section 921(a) of title 18, United States Code, to provide two new definitions:

Handgun: a firearm designed to be fired by the use of a single hand. Antique weapons are excluded, as they are excluded from the definition of a firearm in the Gun Control Act of 1968.

Handgun Model: refers to a handgun of a particular design, specification and designation. (e.g., "Chapter Arms .38 Special, 2-inch barrel, regular grips.")

Section 203. Sale and Delivery Ban: Amends section 922(b) of title 18, United States Code, by adding a new paragraph (6) outlawing the sale or delivery by licensed dealers, licensed importers, licensed manufacturers, and licensed collectors of any handgun model unless the Secretary of the Treasury has specifically approved the model according to standards set forth in Section 204 of this Act. The Standards in Section 204 are designed to exclude handguns which have no particular sporting purpose.

Exemptions. Sale and delivery to research organizations, governments, and law enforcement officers are exempted. Sale and delivery of curios and relics (defined as in the Gun Control Act) to licensed collectors and dealers are also exempted. Further technical provisions facilitate sale and delivery to governments and law enforcement officers. These exemptions are analogous to exemptions already in the Gun Control Act.

Section 204. Standards for Handguns. This section adds two new subsections, (n) and (o), to section 922 of title 18, United States Code.

Subsection 922(n): Requires that the Secretary not approve any handgun which fails to meet certain standards. These standards are basically identical to those which the Secretary of the Treasury established under section 925(d)(3) of the Gun Control Act of 1968, which banned the importation (but ignored the domestic production) of guns not "particularly suitable" for "sporting purposes." These criteria are precisely specified in paragraphs (1) and (2) of this subsection, providing an objective Congressional definition of the sporting purposes test for handgun sale and delivery. Foreign and domestic hadguns would be treated alike.

Subsection 922(o): Prohibits reduction of the external dimensions of a handgun already approved by the Secretary (for example, sawing off the barrel) so that the handgun could no longer be approved. This is analogous to the National Firearms Act's regulation of the making of sawed-off shotguns.

This section also establishes a review and appeal process for licensees who wish to submit a handgun for testing to determine if it qualifies for sale or distribution under the Act.

Section 205. Import Restrictions. This technical amendment to section 925(d)(3) of title 18, United States Code, substitutes the detailed criteria of section 922(n), above for the general language of the "sporting purposes" test for importation. This carries through the intent to provide an identical test to cover both foreign and domestic handguns.

Section 206. This section amends section 922(a)(3) to allow a person to receive in the state where that person resides one sporting riflle of sporting shotgun per year which has been imported into the United States. It also creates an exception to 922 (a)(3) to allow the interstate transfer and transportation of sporting rifles and shotguns between lawful owners and members of the immediate family. This section also requires a person who is not a member of the armed forces and who imports a sporting rifle or sporting shotgun to be at least 21 years old.

Section 207. This section allows the voluntary transfer of non-sporting purpose handguns to law enforcement agencies and establishes reasonable compensation to the voluntary transferor.

Section 208. This section excludes from the record keeping requirements of 922(b) (5) and 923(g) any person who purchases only .22 caliber rimfire ammunition.

Section 209. This section creates an exception to the application of the provisions of this chapter to the transportation, shipment, receipt, or importation of any lawfully acquired firearm or ammunition to be used solely for testing purposes by a professional journal or sporting magazine.

Section 210. This section provides Federal penalties for any person committing murder or manslaughter, or attempting to commit murder or manslaughter on any State law enforcement officer, fireman or prison guard while that person is performing official duties.

Section 211. Authorizes the appropriation of such funds as may be necessary.

Section 212. This Act is to take effect immediately upon enactment except that sections 203 and 205 concerning the ban on sale of non-sporting handguns becomes effective sixty days after enactment.

TITLE III—MANDATORY PENALTIES FOR FIREARM CRIME AND TRAFFIC

Section 301. This section contains a title cited as the "Gun Running Control and Mandatory Penalties Act".

Section 302. This section provides for an additional penalty of 5 to 15 years imprisonment for any person convicted of commission of a felony while armed with a firearm. It also requires the court to state in writing its reasons for not imposing such additional penalty if it should choose not to impose them.

Any person convicted of this same offense twice, in addition to penalties for the underlying felony, receives a mandatory penalty of 10 to 30 years imprisonment which cannot run concurrently with any penalty assessed for the commission of the underlying felony.

Section 303. This section establishes a defendant charged with the use of a firearm in the commission of a felony as a dangerous special offender under section 3575 of Title 18.

Section 304. This section establishes mandatory penalties for any federally licensed importer, manufacturer, dealer or collector who sells or disposes of a firearm to a person who the licensee knows or has reasonable cause to believe is under indictment for a felony, or who has been convicted of a felony. Mandatory penalties are also established for a felon or a person under indictment for a felony who ships, transports or receives a firearms in interstate commerce. This subsection also provides mandatory penalties for a licensee who sells or delivers a firearm to a person who the licensee knows, or has reasonable cause to believe, does not reside in the State in which the licensee does business. The three exemptions to this violation currently contained in section 922(b) (3) are retained.

Section 305. This section amends the record keeping requirements of licensees to require them to promptly report to the Secretary any theft of firearms and the circumstances surrounding such theft. Licensees are also required to report any multiple disposition of firearms to an unlicensed person.

Section 306. This section expedites the trial dates of crimes involving use or possession of a firearm by granting such crimes priority on the court docket.

TITLE IV—MANDATORY PENALTIES FOR NARCOTICS TRAFFICKERS

Section 401. This section defines a public menace as one who is over 18 years of age, not an addict and has been convicted of illegally manufacturing, distributing or dispensing an amount equal to, or in excess of, one-tenth of an ounce of pure heroin or morphine. One found to be a public menace shall be sentenced, in addition to the applicable penalties under the Controlled Substances Act, to a mandatory penalty of 10 to 30 years imprisonment. A second public menace conviction requires a mandatory sentence of life imprisonment. Moreover, terms of imprisonment imposed under the public menace provisions may not run concurrently with any term of imprisonment imposed under the Controlled Substances Act.

TITLE V—ROBBERY OF PHARMACIES AND RELATED SECTIONS

Section 501. This section contains a title cited as the "Pharmacy Protection Act".

Section 502. This section amends the Controlled Substances Act to establish Federal penalties for the robbery or attempted robbery of controlled substances from a pharmacy.

Section 503. This section amends the table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 to reflect the addition of the Pharmacy Protection Act.

TITLE VI—SENTENCING FOR CRIMES OF VIOLENCE

Section 601. This section contains a title cited as the "Violent Offender Act".

Section 602. This section amends the Youth Correction Act to deny special sentencing treatment to offenders who had previously been convicted of arson, rape, robbery, kidnapping, murder, assault with a dangerous weapon or assault with intent to commit any of the above.

Section 603. This section amends section 4209 of Title 18, concerning offenders between the ages of 22 and 26, to reflect the changes set out in section 602.

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Violent Crime and Repeat Offender Control Act of 1975."

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. The Congress hereby finds that—

(1) small, usually inexpensive, non-sporting handguns are the favorite of murderers, robbers and other violent criminals;

(2) the proliferation of domestically manufactured or domestically assembled small, usually inexpensive, non-sporting handguns circumvents the intent of Congress;

(3) increased illicit commerce in handguns is intimately related to soaring rates of violent handgun crime;

(4) criminals who commit felonies with firearms and those who traffic in significant amounts of narcotics are public menaces;

(5) pharmacies distributing controlled substances are not adequately protected against violent criminal acts under the Controlled Substances Act; and

(6) repeat violent offenders have demonstrated the necessity of protecting society by the application of fair but firm sentences.

PURPOSE

SEC. 102. It is the purpose of this Act—

(1) to assist law enforcement officials to more effectively curb violent crime and to facilitate the prosecution of violent offenders;

(2) to prohibit the sale of small easily concealable, usually inexpensive, non-sporting handguns except for law enforcement officers, governments, research organizations and licensed collectors;

(3) to provide additional means to facilitate the prosecution of those involved in the sale of handguns to felons and of those involved in handgun theft and illicit trafficking;

(4) to assure that convicted non-addict pushers of significant amounts of narcotics and criminals convicted of using firearms in the commission of illegal acts receive appropriate penalties;

(5) to provide additional protection for pharmacies and pharmacists against an ever-increasing level of violence directed at obtaining controlled drugs; and

(6) to eliminate favorable sentencing alternatives for those previously convicted of violent crimes.

TITLE II—HANDGUN CRIME

SEC. 201. This title may be cited as the "Handgun Crime Control Act."

SEC. 202. Section 921(a) of title 18 of the United States Code is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms.

"(22) The term 'handgun model' means a handgun of a particular design, specification, and designation."

SEC. 203. Section 922(b) of title 18 of the United States Code is amended by—

(a) striking out at the end of paragraph (4) thereof the word "and";

(b) striking out at the end of paragraph (5) thereof the period and inserting in lieu thereof a semicolon;

(c) adding after paragraph (5) thereof the following:

"(6) any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(n) of this title."; and

(d) deleting the final sentence, which begins with the words "Paragraph (4) of this", and inserting in lieu thereof the following:

"Paragraphs (4) and (6) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary. Paragraph (6) of this subsection shall not apply to the sale or delivery of any firearm to the United States or any department or agency thereof, or to any State, department, agency, or political subdivision thereof, or any duly commissioned law enforcement officer of the United States or any department or agency thereof or of any State, department, agency or political subdivisions thereof (including but not limited to members of the Armed Forces and police officers) properly authorized to carry such firearms in his official capacity. Paragraph (6) of this subsection shall not apply to the sale or delivery by a licensed importer, licensed manufacturer, or licensed dealer to a licensed dealer of any firearm intended to be sold or delivered to any government or agency thereof or person entitled pursuant to this paragraph to have such firearms sold or delivered to him. Paragraph (6) of this subsection shall not apply to the sale or delivery to a licensed collector or licensed dealer of any firearm which is a curio or relic, as the Secretary shall by regulation define. Paragraph (6) of this subsection shall not apply to occasional, sporadic sales of single handguns by a licensed collector who is not a dealer, as defined by section 921(a) of this title."

SEC. 204. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"(n) The Secretary shall not approve for sale or delivery by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector any handgun model unless he has caused to be evaluated and tested representative samples of such handgun model and has found that:

"(1) in the case of a pistol, the handgun model:

"(A) has a positive manually operated safety device; and

"(B) has a combined length and height in excess of 10 inches with the height (right angle measurements to the barrel without the magazine or extension) being at least 4 inches and the length being at least 6 inches; and

"(C) attains a total of at least 75 points under the following criteria:

"(i) Overall length: one point for each one-fourth inch over 6 inches;

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Pistol weight: one point for each ounce, with the pistol unloaded and the magazine in place;

"(iv) Caliber: (a) zero points if the pistol accepts only .22 caliber short or .25 caliber automatic ammunition, (b) three points if the pistol accepts either .22 caliber long rifle ammunition or any ammunition within the range delimited by 7.65 millimeter and .380 caliber automatic, (c) 10 points if the pistol accepts 9 millimeter parabellum ammunition or over, (d) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than ten (following the classification schedule above as nearly as is practicable) as the Secretary shall determine appropriate to the suitability for spending purposes or for personal protection of handgun models designed for such ammunition;

"(v) Safety features: (a) five points if the pistol has a locked breech mechanism, (b) five points if the pistol has a loaded chamber indicator, (c) three points if the pistol has a grip safety, (d) five points if the pistol has a magazine safety, (c) 10 points if the pistol has a firing pin block or lock; and

"(vi) Miscellaneous equipment: (a) two points if the pistol has an external hammer, (b) 10 points if the pistol has a double action firing mechanism, (c) five points if the pistol has a drift adjustable target sight, (d) 10 points if the pistol has a click adjustable target sight, (e) five points if the pistol has target grips, (f) two points if the pistol has a target trigger; and

"(2) in the case of a revolver, the handgun model:

"(A) has an overall frame length of four and one-half inches measured on a line parallel to the barrel; and

"(B) has a barrel length of at least three inches; and

"(C) has a safety device which, either (i) automatically in the case of a double action firing mechanism or (ii) by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. Once activated, such safety device must be capable of withstanding the impact of a weight, equal to the weight of the revolver, dropped a total of five times from a height of 36 inches above the rear of the hammer spur onto the rear of the hammer spur with the revolver resting in a position such that the line of the barrel is perpendicular to the plane of the horizon; and

"(D) attains a total of at least 45 points under the following criteria:

"(i) Barrel length: one-half point for each one-fourth inch that the barrel is longer than 4 inches;

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Revolver weight: one point for each ounce with the revolver unloaded;

"(iv) Caliber: (a) zero points if the revolver accepts only .22 caliber short or .25 caliber ACP, (b) three points if the revolver accepts .22 caliber long rifle or ammunition in the range between .30 caliber and .38 S&W, (c) four points if the revolver accepts .38 caliber special ammunition, (d) five points if the revolver accepts .357 magnum or over, (e) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than five (following the classification schedule above as nearly as practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes or for personal protection of handgun models designed for such ammunition; and

"(v) Miscellaneous equipment: (a) five points if the revolver has either drift or click adjustable target sights, (b) five points if the revolver has target grips, (c) five points if the revolver has a target hammer and a target trigger.

"(o) It shall be unlawful for any person to reduce the length of the barrel or the overall length of a handgun previously approved by the Secretary for sale and delivery if as a result of such modification the handgun no longer meets the standards for approval set forth in subsection (n) of this section.

"(p) The Secretary shall give written notification of the results of evaluation and testing conducted pursuant to subsection (n) of this section to the licensee submitting samples of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the Secretary's notification shall state specifically the reasons for such finding. Any such notification of approval or failure shall be published in the Federal Register. At least once each year the Secretary shall compile a list of all handgun models which are then approved for sale or delivery under subsection (n) of this section, which list shall be published in the Federal Register and furnished annually to each licensee under this chapter.

"(q) Any licensee submitting to the Secretary for testing a handgun model which is subsequently found not in compliance with relevant standards shall have ten days from receipt of notification of noncompliance within which to submit in writing specific objections to such finding and a request for retesting such model, together with justification therefor. Upon receipt of such a request the Secretary shall promptly arrange for retesting and thereafter notify the aggrieved party of the results, if he determines sufficient justification for retesting exists. Should he determine that retesting is not warranted, the Secretary shall promptly notify the aggrieved party as to such determination. In the event that upon retesting the Secretary's finding remains adverse, or that the Secretary finds retesting is not warranted, the aggrieved party may within sixty days after the date of the Secretary's notice of such finding file a petition in the United States district court in the district in which the aggrieved party has his principal place of business in order to obtain judicial review of such finding. Such review will be in accordance with the provisions of section 706 of title 5, United States Code."

Sec. 205. Section 925(d)(3) of title 18 of the United States Code is amended to read as follows:

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; and if a handgun, has been approved by the Secretary pursuant to section 922(n) of this title; or".

Sec. 206. (a) Section 921(a) of title 18, United States Code, as amended by section 202 of this title, is further amended by adding the following:

"(23) The term 'immediate family' means direct lineal descendants (including adopted children) and ascendants of the transferor.

"(24) The term 'sporting firearm' means a firearm which is generally recognized as particularly suitable for or readily adaptable to sporting purposes."

(b) Section 922(a)(3) of title 18, United States Code, is amended by redesignating clause "(C)" as clause "(E)", and by inserting after clause (B) the following new clauses: "(C) shall not apply to the importation into the United States of a sporting rifle or sporting shotgun in conformity with the provisions of section 925(d)(3): *Provided,* That not more than one sporting rifle and one sporting shotgun shall be imported by a person during any calendar year; (D) shall not apply to the transportation or receipt of a sporting rifle or sporting shotgun transferred by its lawful owner to a member of his immediate family;".

(c) Section 922(a)(5) of such title is amended by redesignating clause "(B)" as clause "(C)", and by inserting after clause (A) the following new clause: "(B) the transfer, transportation, or delivery of a sporting rifle or sporting shotgun by its lawful owner to a member of his immediate family.".

(d) Section 925(d)(3) of title 18, United States Code, as amended by section 205 of this title, is further amended by inserting immediately after "the Internal Revenue Code of 1954" a comman and the following: "and meets the definition of a sporting firearm as defined in this chapter, excluding surplus military firearms, except that in any case in which a person who is not a member of the United States Armed Forces and is not a licensed importer, manufacturer, dealer, or collector seeks to import a sporting rifle or sporting shotgun by mail order, such person must be at least twenty-one years of age;".

(e)(1) Section 926 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary shall compile and maintain an importation list containing descriptions of rifles and shotguns which he determines to be recognized as particularly suitable for or readily adaptable to sporting purposes.".

(2) The caption of such section is amended to read as follows:

"§ 925. Rules and regulations: Importation list."

(3) Item 926 of the analysis of chapter 44 of such title is amended to read as follows:

"926. Rules and regulations: Importation list.".

Sec. 207. (a) Sections 926, 927, and 928 of title 18 of the United States Code, and all references thereto, are redesignated as sections 927, 928, and 929, respectively.

(b) Title 18 of the United States Code is amended by inserting after section 925 the following new section:

"§ 926. Compensation for reasonable value of handguns voluntarily transferred to law enforcement agencies

"(a) A person may at any time transfer to any Federal, State, or local law enforcement agency designated by the Secretary any handguns owned or possessed by such person.

"(b) In the case of transfer pursuant to subsection (a) of a handgun model which the Secretary has evaluated and tested pursuant to section 922(n) of this title and not approved for sale or delivery by a licensee under this chapter, the person transferring such handgun shall, upon proof that such handgun was lawfully acquired and lawfully owned by such person prior to enactment of the Handgun Crime Control Act, be entitled to receive from the United States a payment equal to the reasonable value of such handgun, such value to be determined as of the day before enactment of the Handgun Crime Control Act."

SEC. 208. Section 4182 of title 20 of the United States Code is amended by adding the following subsection (d):

"(d) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of .22-caliber rimfire ammunition."

SEC. 209. Section 925(a) of title 18, United States Code is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting immediately after paragraph (4) the following new paragraph:

"(5) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any lawfully acquired firearm or ammunition intended to be used solely for testing of any such firearm or ammunition for a professional journal or sporting magazine, pursuant to regulations issued by the Secretary of the Treasury. It shall be unlawful to use any such firearm for any purpose other than testing and evaluation."

SEC. 210. (a) Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempts to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempt to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard while such officer, fireman, or guard is performing official duties, or because of the official position of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

SEC. 211. There are hereby authorized to be appropriated such sums as may be necessary to effect the purposes of this Act.

SEC. 212. The provisions of this Act shall take effect immediately upon enactment, except that sections 203 and 205 of this title shall take effect sixty days after the date of enactment.

TITLE III—MANDATORY PENALTIES FOR FIREARM CRIME AND TRAFFIC

SEC. 301. This title may be cited as the "Gun Running Control and Mandatory Penalties Act".

PENALTIES FOR FIREARM CRIME

SEC. 302. Subsection (c) of section 924 of title 18 of the United States Code is amended to read as follows:

"(c)(1) Whoever—

"(A) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(B) carries a firearm unlawfully during the commission of any felony which threatens life or property for which he may be prosecuted in a court of the United States, may, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years or more than fifteen years. In any case in which such additional sentence is not imposed, the court shall state in writing its reasons for so deciding. The imposition or execution of such additional sentence if imposed shall not be suspended nor probation granted.

"(2) Whoever, after having been convicted of any such felony while so using or unlawfully carrying a firearm as provided in paragraph (1) of this subsection and is again convicted of a second or subsequent offense involving the commission of a felony for which he may be prosecuted in a court of the United States while so using or unlawfully carrying a firearm as provided in paragraph (1) shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than ten or more than thirty years. The imposition or execution of such additional sentence shall not be suspended and probation shall not be granted.

"(3) In no case shall any additional term of imprisonment imposed pursuant to this subsection run concurrently with any term of imprisonment imposed for the commission of any such felony.

"(4) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (2) of this subsection."

SEC. 303. (a) Subsection (e) of section 3575 of title 18, United States Code, is amended (1) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon and the word "or", and (2) by adding immediately after paragraph (3) thereof the following new paragraph:

"(4) the defendant used a firearm (as defined in section 921(a)(3) of this title) to commit such felony, or unlawfully carried a firearm (as defined in section 921(a)(3) of this title) during the commission of such felony."

(b) Section 3575 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Nothing in this section shall be construed as amending, altering, modifying, or otherwise affecting the provisions of subsection (c) of section 924 of this title, or as affecting the applicability of such provisions to any defendant sentenced pursuant to this section."

SEC. 304. Section 924(a) of title 18 of the United States Code is amended to read as follows:

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine. Provided that in the case of any: (a) person who violates section 922(g)(1) or section 922(h)(1) by shipping, transporting or receiving any firearms or ammunition in interstate or foreign commerce while that person is under indictment for, or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; (b) licensed importer, licensed manufacturer, licensed dealer or licensed collector who violates section 922(d)(1) by selling or otherwise disposing of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment for or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; and (c) licensed importer, licensed dealer or licensed collector who violates section 922(b)(3) by selling or delivering a firearm to any person not specifically exempted under subsections (A), (B) or (C) of that section who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located; the court shall not suspend the sentence of such person or grant such person a probationary sentence.

SEC. 305. (a) Section 923(g) of title 18 of the United States Code is amended to read as follows:

"(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. Provided that each licensed importer, licensed manufacturer, licensed dealer and licensed collector shall promptly report to the Secretary any loss of firearms or ammunition when such licensee shall have reasonable cause to believe that such loss was a result of theft. Such report shall include the amount of firearms or ammunition lost and the circumstances under which such loss took place. Provided further that each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more handguns to an unlicensed person. Such report shall be forwarded to the Secretary at the close of business on the day the multiple sale or other disposition occurs. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such permises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition."

(b) For purposes of this section the term "handgun" is defined in section 202 of title II in this Act.

SEC. 306. Section 924 of title 18 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) A trial of any crime involving use or possession of a firearm shall have priority on the calendar of any court of the United States. Upon receipt of the copy of such complaint, it shall be the duty of the presiding judge to assign the case for hearing at the earliest practicable date, and to cause the case to be in every way expedited."

TITLE IV—MANDATORY PENALTIES FOR NARCOTICS TRAFFICKERS

SEC. 401. The Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242), is amended by adding immediately after section 405 thereof the following new section:

"PUBLIC MENACE

"SEC. 405A. (a) Notwithstanding any other provisions of this Act or of any other law, any person who violates section 401(a)(1) shall, if such person is a public menace, be sentenced, in addition to the punishment provided for such violation, to a term of imprisonment for not less than ten years or more than thirty years; except that if such person has previously been convicted of such a violation and sentenced as a public menace, such person shall be sentenced, in addition, to life imprisonment. The imposition or execution of any such additional sentence shall not be suspended, probation shall not be granted, and section 4202 and chapter 309 of title 18, United States Code, shall not be applicable; except that any person so sentenced to life imprisonment may be released on parole after serving not less than thirty years of his life sentence (but in no event shall any period of imprisonment served by him in connection with his punishment for such violation be included within or considered as a part of the thirty-year period which he is required to serve prior to his eligibility for consideration for parole). In no case shall any such additional term of imprisonment (including life imprisonment) imposed pursuant to this section run concurrently with any term of imprisonment imposed for such violation.

"(b) For purposes of this section, the term 'public menace' means any person, convicted on or after the effective date of this section of a violation of section 401(a)(1) of this Act by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict.

"(c) This section shall not be applicable to any person under eighteen years of age at the time the offense was committed: *Provided, however,* That the Attorney General may expressly direct, that any person over sixteen years of age and under eighteen years of age who is for the second or subsequent time convicted as an adult for violating this section by illegally manufacturing, distributing or dispensing, in an amount equal to or in excess of one-tenth (1/10) of an ounce of, or the equivalent of one-tenth (1/10) of an ounce of, pure heroin or morphine and who, at the time he committed such violation, was not an addict, be treated as if he were a first offender under the provisions of this section, and sentenced accordingly.

"(d) A conviction shown on direct or collateral review to be invalid, or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of this section."

TITLE V—ROBBERY OF PHARMACIES AND RELATED STORES

SEC. 501. his title may be cited as the "Pharmacy Protection Act".

SEC. 502. (a) The Controlled Substances Act is amended by adding immediately after section 405 (21 U.S.C. 845) the following new section:

"ROBBERY OF A CONTROLLED SUBSTANCE FROM A REGISTERED PHARMACY AND RELATED CRIMES

"SEC. 405A. (a) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or preparation containing any quantity of a controlled substance set forth in a schedule of controlled substances under the Controlled Substances Act and belonging to, or in the care, custody, control, management, or possession of any pharmacist, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

"(b) As used in this section, the term—

"(1) 'pharmacist' means any person registered in accordance with the Controlled Substances Act for the purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner;

"(2) 'dispensing' shall have the same meaning as that provided under section 102 (10) of the Controlled Substances Act;

"(3) 'practitioner' shall have the same meaning as that provided under section 102 (20) of the Controlled Substances Act;

"(4) 'controlled substance' shall have the same meaning as that provided under section 102(6) of the Controlled Substances Act.".

SEC. 503. The table of contents contained in the first section of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting immediately after the item relating to section 405 the following new item:

"SEC. 405A. Robbery of a controlled substance from a registered pharmacy and related crimes.".

TITLE VI—SENTENCING FOR CRIMES OF VIOLENCE

SEC. 601. This title may be cited as the "Violent Offender Act".

SEC. 602. Section 5010 of title 18 of the United States Code—Federal Youth Correction Act—is amended by adding a new subsection (F):

"(F) If, prior to the offense for which the youth offender is presently being sentenced, the youth offender had been convicted of any of the following offenses:

Arson;
Rape;
Robbery;
Kidnaping;
Murder;
Assault with a dangerous weapon; or
Assault with intent to commit rape, robbery, kidnaping or murder.

then the court shall not sentence the youth offender under subsections (B) or (C) but may sentence the youth offender under any other applicable penalty provision."

SEC. 603. Section 4209 of title 18 of the United States Code is amended by adding at the end thereof the following:

"Except that if, prior to the offense for which the youth offender is presently being sentenced, the youth offender had been convicted of any of the following offenses:

Arson;
Rape;
Robbery;
Kidnaping;
Murder;
Assault with a dangerous weapon; or
Assault with intent to commit rape, robbery, kidnaping or murder.

then the court shall not sentence the youth offender under the Federal Youth Corrections Act but may sentence the youth offender under any other applicable penalty provision."

By Mr. INOUYE:

S. 1881. A bill to amend title 38 of the United States Code to provide for cost-of-living adjustments to disability compensation rates payable to veterans residing outside the contiguous United States. Referred to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am introducing today legislation designed to provide more adequately for those veterans residing in the high cost areas outside the mainland United States.

Just as civil service employees are given cost-of-living allowances in those high cost living areas, I am proposing a measure which allows cost-of-living adjustments in disability compensation rates for our deserving veterans.

Presently this cost-of-living allowance ranges from 7.5 to 25 percent in parts of Alaska. In Hawaii it is 12.5 percent. This is based on Civil Service Commission examination of the actual living costs in these areas as compared to Washington, D.C. As you know our Nation's Capital is not an inexpensive area in which to live nor are veterans' pensions overly generous. It is for this reason that I introduce remedial legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Cost-of-living adjustments in disability compensation rates

"(a) The Administrator shall adjust from time to time the respective rates of disability compensation payable under subchapters II and IV of this chapter to veterans who reside in any area outside the contiguous United States in order to offset the difference between the cost of living in any such area and the cost of living in the District of Columbia, if such cost in the outside area is substantially higher. No statutory rate payable under either of such subchapters may be increased to an amount in excess of 125 per centum of such rate by reason of adjustments made under this section.

"(b) The Administrator shall by regulation prescribe the amounts of the adjustments made under subsection (a) and define the areas in which, and the conditions under which, such amounts will be paid."

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

"362. Cost-of-living adjustments in disability compensation rates."

SEC. 2. This Act shall take effect on the first day of the second calendar month which begins after the date of its enactment.

By Mr. INOUYE (for himself and Mr. PEARSON) (by request):

S. 1882. A bill to establish a national policy relating to conversion to the metric system in the United States. Referred to the Committee on Congress.

Mr. INOUYE. Mr. President, I am introducing today with the distinguished senior Senator from Kansas (Mr. PEARSON) for appropriate reference a request bill, the Metric Conversion Act of 1975.

While the United States procrastinates on this decision, nations which previously adhered to other measurement systems have moved to convert to metric. The United States is now the only industrial nation which remains nonmetric.

This year Senator CLAIBORNE PELL, who has been the Congress leading metric expert and advocate, has again introduced a conversion bill, S. 100, which I cosponsored. In introducing this bill today, it is our intention to present this administration version for debate and discussion and not necessarily to supplant legislation which has already been introduced.

In 1972 the Senate passed a metric conversion bill which died with congressional adjournment. This year the prospects for conversion appear to be bright. Many of the criticisms leveled against previous bills have been studied and incorporated in the new legislation. The House has already held 6 days of hearings on this subject, and the Science, Research and Technology Subcommittee has recently marked up a bill.

The United States has become an increasingly metric nation. Many segments of industry have adopted metric units, and the changeover in major industries occurs with increasing frequency. Metric usage is taught in schools, in large part due to Senator PELL's farsighted efforts. Conversion to metric system will have profound impact on everyone's daily life, but that impact need not have a traumatic effect if we begin planning now for an orderly transition.

Mr. President, in the weeks and months ahead, I would hope that this subject receives the attention of the public and the mass media. If the conversion is to occur, it should be done with adequate participation by the public.

I ask unanimous consent that the text of the bill and the statement of purpose and need be printed at this point in the RECORD.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SHORT TITLE

SECTION 1. This Act may be cited as the "Metric Conversion Act of 1975".

FINDINGS

SEC. 2. The Congress finds that—

(1) the use of the metric system of weights and measures in the United States was authorized by the Act of July 28, 1866 (14 Stat. 339); and

(2) the United States was one of the original signatories to the Convention of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures; and

(3) the metric measurement standards recognized and developed by the International Bureau of Weights and Measures have been adopted as the fundamental measurement standards of the United States and the customary units of weights and measures used in the United States have been since 1893 based upon such metric measurement standards; and

(4) the Governments of Australia, Canada, United Kingdom, India, Japan, New Zealand, and the Republic of South Africa have determined to convert, are converting, or have converted to the use of the metric system in their respective jurisdictions; and

(5) the United States is the only industrially developed nation which has not established a national policy committing itself to and facilitating conversion to the metric system; and

(6) as a result of the study to determine the advantages and disadvantages of increased use of the metric system in the United States authorized by Public Law 90-472 (82 Stat. 693), the Secretary of Commerce has found that increased use of the metric system in the United States is inevitable; that maximum efficiency will result and minimum costs to effect the conversion will be incurred if it is accomplished through a coordinated national program carried out, in general, without Federal subsidies; that the goal for the conversion should be a Nation predominantly, although not exclusively, metric; that a central planning and coordinating body be established and assigned to plan and coordinate metric conversion activities in cooperation with all sectors of our society; and that immediate attention be given to education of the public and to effective United States participation in measurement-related international standards activities.

STATEMENT OF POLICY

SEC. 3. It is therefore declared that the policy of the United States shall be:

(1) to plan and coordinate the voluntary substitution of metric measurement units for customary measurement units in education, trade, commerce, and all other sectors of the economy of the United States, with a view to making metric units the predominant, although not exclusive, language of measurement, on a time scale for conversion appropriate to particular sectors as approved by the Congress on recommendation of the United States Metric Board pursuant to Section 11;

(2) to encourage voluntary participation of the members of each affected sector and group in the Nation in the activities of the Metric Board;

(3) to encourage efficiency and minimize overall costs to society;

(4) to assist in the development of a broad educational program to be carried out in the Nation's elementary and secondary schools and institutions of higher learning, as well as with the public at large, designed to enable all Americans to become familiar with the meaning and applicability of metric terms and measurements in daily life, in a manner consistent with the provisions of section 403 of P.L. 93-380, "The Education Amendments of 1974" (88 Stat. 546, 20 U.S.C. 1862), relating to metric education.

DEFINITIONS

SEC. 4. For the purposes of this Act—

(a) The term "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce.

(b) The term "engineering standard" means a standard which prescribes a concise set of conditions and requirements to be satisfied by a material, product, process, procedure, convention or test method, and the physical, functional, performance and/or conformance characteristics thereof.

(c) The term "international standard or recommendation" means an engineering standard or recommendation formulated and promulgated by an international organization and recommended for adoption by individual nations as a national standard.

ESTABLISHMENT OF UNITED STATES METRIC BOARD

SEC. 5. There is hereby established a United States Metric Board (hereinafter referred to as the "Board") to implement the policy set out in this Act.

SEC. 6. The composition of the Board shall be as follows:

(a) A maximum of twenty-one persons appointed by the President, who shall serve at his pleasure and for such terms as he shall specify, who shall be broadly representative of the American society, including industry, labor, business and commerce, the consumer, education, State and local government, science and engineering. The President shall designate one of the members appointed by him to serve as Chairman and another to serve as Vice Chairman of the Board.

(b) Two members of the House of Representatives who shall not be members of the same political party, and who shall be appointed by the Speaker of the House of Representatives; and

(c) Two members of the Senate who shall not be members of the same political party, and who shall be appointed by the President of the Senate.

SEC. 7. No vacancy on the Board shall impair the right of the remaining members to exercise all the powers of the Board. A simple majority of the Board membership shall constitute a quorum for transaction of business.

SEC. 8. Unless otherwise provided by the Congress, the Board shall have no compulsory powers.

SEC. 9. The Board shall cease to exist when the Congress, by law, determines that its mission has been accomplished.

DUTIES OF THE BOARD

SEC. 10. It shall be the function of the Board to devise and carry out a broad program of planning, coordination, and public education, consistent with other national policy and interests, with the aim of implementing the policy set forth in this Act. In carrying out this program the Board shall:

(a) consult with and take into account the interests, views, and conversion costs of United States commerce and industry, including small business, science, engineering, labor, education, consumers, government agencies at the Federal, State and local level, nationally recognized standards developing and coordinating organizations, metric conversion planning and coordinating groups, and such other individuals or groups as are considered appropriate by the Board to the carrying out of the purposes of this section. The Board will take advantage of activities underway in the private sector so as not to establish, within its own organization and staff, provision for activities that would unnecessarily duplicate those being undertaken in the private sector.

(b) provide for appropriate procedures whereby various groups, under the auspices of the Board, may formulate and recommend to the Board specific programs for coordinating conversion in each industry and segment thereof and for suggesting specific metric sizes, shapes, and other measurements for general use, consistent with the needs, interests and capabilities of manufacturers, large and small, suppliers, labor, consumers, educators, and other interested groups, and further consistent with the national interest.

(c) publicize, in an appropriate manner, proposed programs and provide an opportunity for interested groups or individuals to submit comments on such programs. At the request of interested parties, the Board, in its discretion, may hold hearings with regard to such programs. Comments provided by public review and hearings will be considered by the Board in consultation, when appropriate, with the sources of a program in making such revision of any program as, in the judgment of the Board, would be warranted.

(d) encourage activities of standardization organizations to develop or revise as rapidly as practicable engineering standards to a metric measurement basis and to take advantage of opportunities to promote rationalization or simplification of relationships, improvements of design, reductions of size variations, and increases in economy, plus any opportunities to promote the efficient use of energy and the conservation of natural resources.

(e) encourage the retention, in new metric language standards, of those United States engineering designs, practices, and conventions that are internationally acceptable or embody superior technology.

(f) consult and cooperate with foreign governments, and intergovernmental organizations, in collaboration with the Department of State, and, through appropriate member bodies, with private international organizations which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such units, or both; such consultation shall include efforts, where appropriate, to gain international recognition for metric standards proposed by the United States, and, during the United States conversion, to encourage retention of equivalent customary units, usually by way of dual dimensions, in international standards or recommendations.

(g) assist the public, through information and education programs, to become familiar with the meaning and applicability of metric terms and measures in daily life. Programs hereunder shall include:

(1) public information programs conducted by the Board through the use of newspapers, magazines, radio, television and other media, and through talks before appropriate citizens' groups and public organizations.

(2) counseling and consultation by the Secretary of Health, Education and Welfare, the Secretary of Labor, and the Director, National Science Foundation, with educational associations, labor education committees, apprentice training committees and other interested groups, so as to assure that the metric system of measurement is made a part of the curricula of the Nation's educational institutions and that teachers and other appropriate personnel are properly trained to teach the metric system of measurement.

(3) consultation by the Secretary of Commerce with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately involved in metric conversion activities and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

(4) Such other public information programs by any Federal agency in support of this Act which relate to the mission of the agency.

(h) collect, analyze, and publish information about the extent of usage of metric measurements; evaluate the costs and benefits of metric usage; and make efforts to minimize any adverse effects resulting from increasing metric usage.

(i) conduct research, publish the results of this research, and recommend in the program proposals submitted in accordance with Sec. 11(b) whatever action may be appropriate to deal with any unresolved problems associated with metric usage, including but not limited to the impact on workers (such as costs of tools and training) and on different occupations and industries, possible increased costs to consumers, the impact on the United States international trade position, the appropriateness of using Federal procurement to effect conversion to the metric system, the proper conversion or transition period in particular sectors, and effects on national defense.

(j) Submit annually a report of its activities to the President and to both Houses of Congress.

Sec. 11(a) To carry out the provisions of this Act the Board shall submit conversion programs approved by the Board to the President who shall within sixty days approve or disapprove the program. Upon approval, the President shall forward immediately the conversion program to both houses of Congress on the same day and to each House while it is in session. The Board shall implement such program after sixty legislative days following the date of delivery to the Congress.

(b) If any program is disapproved by the Congress or the President, a revised program shall be submitted by the Board within sixty days of such disapproval. Such revised program shall be subject to the procedures set forth in subsection (a).

AUTHORITY OF THE BOARD

Sec. 12. In carrying out its duties the Board is authorized to:

(a) establish an Executive Committee, and such other committees as it deems desirable;

(b) establish such committees and advisory panels as it deems necessary to work with the various sectors of the American economy and governmental agencies in the development and implementation of detailed conversion plans for those sectors; and reimburse as may be authorized by law the members of such committees.

(c) conduct hearings at such times and places as it deems appropriate;

(d) enter into contracts in accordance with the Federal Property and Administrative Services Act of 1949, as amended, with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

(e) delegate to the Executive Director such authority as it deems advisable;

(f) perform such other acts as may be necessary to carry out the duties prescribed by this Act.

Sec. 13. (a) The Board is hereby authorized to accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board;

(b) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States;

(c) Upon the request of the Board, the Secretary of the Treasury may invest and reinvest in securities of the United States any moneys contained in the fund herein authorized. Income accruing from such securities, and from any other property accepted to the credit of the fund authorized herein, shall be disbursed upon the order of the Board.

(d) Funds not expended by the Board at the time of its expiration shall revert to the Treasury of the United States.

COMPENSATION OF THE BOARD

Sec. 14. Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be entitled to receive compensation at a rate not to exceed the daily rate currently being paid grade 18 of the General Schedule under section 5332 of title 5, United States Code, including travel time, and, while so serving on the business of the Board away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose. Members of the Board who are in the employ of the United States shall be entitled to travel expenses when traveling on the business of the Board.

STAFF SERVICES

Sec. 15. (a) An Executive Director of the Board shall be appointed by the President. The Executive Director shall be responsible to the Board for carrying out the metric conversion program according to the provisions of this Act and the policies established by the Board.

(b) The Executive Director of the Board shall serve full time and be subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code. The annual salary of the Executive Director shall not exceed the rate currently being paid grade 18 of the General Schedule.

Sec. 16. (a) The Board is authorized to appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this Act in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(b) The Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of the rate currently being paid grade 18 of the General Schedule under section 5332 of such title, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of said title 5 for persons in the Government service employed: *Provided*, however, that contracts for such temporary employment may be renewed annually.

Sec. 17. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other staff services as may be requested by the Board shall be provided the Board by the Secretary of Commerce, for which payment shall be made in advance, or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and the Secretary of Commerce. In performing these functions for the Board, the Secretary is authorized to obtain such information and assistance from other Federal agencies as may be necessary.

FUNDS FOR THE BOARD

Sec. 18. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

STATEMENT OF PURPOSE AND NEED

In view of the increased use of the metric system of measurement in international trade and its adoption by virtually every major nation in the world, the Congress, by Public Law 90–472 in 1968, directed the Secretary of Commerce to undertake a three-year study to determine the impact of the metric system on the United States. The Secretary's final report, submitted in July 1971, concluded that eventually the United States will join the rest of the world in the use of the metric system as the predominant common language of measurement. Since that time, both industry and education have greatly increased their use of the metric system, although their actions are occurring in an unplanned and uncoordinated manner.

Rather than continuing to drift to metric with no national guidance to help the sectors of our society coordinate their changeover moves, and harmonize our relationships abroad, a planned transition in which all sectors participate voluntarily is preferable. Such an approach would assist everyone in adjusting to the metric system more efficiently, more effectively, and more economically.

As a means of providing an effective changeover to the metric system, there is herewith proposed an Act that would establish a national policy for converting to the metric system in the United States. The bill, after describing previous United States involvement in metric system measurement activities, declares that the policy of this Nation shall be to plan and coordinate the substitution of the metric system of weights and measures in place of the current customary measurement units in education, trade, commerce, and all other sectors of the economy. It is the goal of the bill that metric units would become the predominant, although not exclusive, language of measurement, on a time scale for conversion appropriate to particular sectors. Another important part of this bill is to encourage the retention in new metric language standards of those U.S. engineering designs, practices, and conventions that are internationally accepted or embody superior technology. The bill also sets forth this country's intention to cooperate with foreign governments and private international organizations which are concerned with the encouragement and coordination of the increased use of metric measurement units or engineering standards based on such units. Finally, it would be the policy to conduct extensive information and educational programs through use of the public media so as to familiarize the public with the meaning and applicability of metric terms and measurements in their daily life. The Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Director of the National Science Foundation are authorized to counsel and consult with educational associations and groups so as to assure that the metric system of measurement is made a part of the curricula of the Nation's educational institutions and that teachers and other personnel are properly trained to teach the metric system of measurement, consistent with the provisions of section 403, P.L. 93–380, "The Education Amendments of 1974" (88 Stat. 546, 20 U.S.C. 1862). The Secretary of Commerce is authorized to consult with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately involved in metric conversion activities and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

To carry out these policies, the bill would establish a United States Metric Board composed of not more than 21 distinguished private citizens appointed by the President and 4 members of the Congress selected by the Speaker of the House of Representatives and the President of the Senate. The Board would cease to exist when the Congress finds by law that its mission is accomplished.

A main function of this Board would be to provide for procedures whereby various groups will formulate and recommend to the Board programs for coordinating metric conversion in each industry and segment thereof. The bill would give no compulsory powers to the Board and the changeover proposed by the Board in its programs would be entirely voluntary.

In developing the programs, the Board would be required to consult with representatives of United States commerce and industry, including small business, science, engineering, labor, education, consumers, nationally recognized standards developing and coordinating organizations, government agencies at the Federal, State, and local level as well as, where appropriate, with foreign governments and public international organizations. Upon the approval of a conversion program by the Board it would be submitted to the President who must within sixty (60) days approve or disapprove it. Upon approval, the President would immediately submit the program to the Congress. The Board would implement the program within sixty (60) legislative days following submission to the Congress.

The bill makes provision for an Executive Director and a staff to assist the Board. In carrying out its duties, the Board would be authorized to enter into contracts, conduct hearings, establish committees and advisory panels, and perform such other acts as may be necessary to implement the functions prescribed by the bill. An annual report of its actitivies would be submitted by the Board to the President and the Congress.

The bill would authorize the appropriation of such sums as may be necessary to carry out its provisions. The appropriations would be available for obligation and expenditure for such periods as specified in the Acts making such appropriations.

It is estimated that expenditures in the first full year of operation would approximate two million dollars.

By Mr. BENTSEN:

S. 1884. A bill making a supplemental appropriation for the Department of Labor for the fiscal year ending June 30, 1975, to provide additional funds for youth summer employment programs pursuant to the Comprehensive Employment and Training Act of 1973. Referred to the Committee on Appropriations.

Mr. BENTSEN. Mr. President, yesterday the House sustained the President's veto of H.R. 4481, the Emergency Employment Appropriations Act. I was deeply disturbed by that veto and by the President's seeming insensitivity to the plight of the more than 8 million Americans who are now unemployed.

Prolonged unemployment is gnawing at the very fabric of this society. Today, some 12 to 13 million Americans are unemployed, working at part-time labor in lieu of the full-time jobs they seek, or so frustrated that they have given up their search for a job.

That unemployment translates into unpaid mortgages, unmet car payments, and untreated medical problems. It breeds frustration, hopelessness, and anger. And it means hardship and real suffering in household after household.

I am particularly concerned with the effects of high unemployment on our teenage sons and daughters. In April, 20.4 percent of America's youth aged 16 to 19 were unemployed. For black and other minority teenagers who for so long have experienced unconscionably high rates of unemployment, the figure was an appalling 40.2 percent. Both percentages will soar with the end of school several weeks from now

Employment for America's teenagers means much more than an alternative to unrest, vandalism, and violence. It means extra dollars for families who have trouble making ends meet in the best of times. It means a chance to continue an education when school reopens next September. And it means valuable experience and mastering of skills to enhance prospects for future career employment.

As a society, we have always valued the summer work experience. In recent years, we have developed programs which have offered millions of America's teenagers summer jobs. And in the vetoed H.R. 4481, the Congress provided funding for an additional 840,000 jobs for youth this summer.

This is the first week of June. Summer is here. And hundreds of thousands of teenagers are already looking for work. We must not let their search be in vain.

I am, therefore, today introducing legislation to fund the extra 840,000 jobs provided for in the Emergency Employment Assistance Act. The $458,050,000 is the same amount agreed to in the conference on H.R. 4481. It is an outlay provided for in the first concurrent budget resolution, and it is a proper and sound investment in the Nation's youth.

My hope is that the Congress will quickly act to provide this desperately needed funding. We must resolve anew to put fathers and mothers back to work, too, and we must win the understanding and cooperation of the administration to do it. My summer youth employment legislation obviously is only one step toward putting this Nation back to work, but for the hundreds of thousands of young Americans who will have jobs, it is absolutely essential.

I urge the Appropriations Committees of both Houses to act expeditiously in reporting legislation which can quickly be enacted. I am certain that their efforts will once again receive the overwhelming support of this body.

I ask that a copy of my bill be printed at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That $458,050,000 is appropriated, out of any money in the Treasury not otherwise appropriated for the Department of Labor for the fiscal year ending June 30, 1975, and to remain available until September 30, 1975, to provide additional funds for youth summer employment programs pursuant to the Comprehensive Employment and Training Act of 1973 to enable eight hundred and forty thousand youths to obtain jobs.

By Mr. TUNNEY (for himself, Mr. Abourezk, Mr. Bayh, Mr. Burdick, Mr. Fong, Mr. Mathias, Mr. Hugh Scott, and Mr. Thurmond):

S. 1887. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. Referred to the Committee on the Judiciary.

Mr. TUNNEY. Mr. President, along with Senators Abourezk, Bayh, Burdick, Fong, Mathias, Hugh Scott, and Thurmond, I introduce a bill to protect the constitutional rights of the civilian employees of the executive branch of the Federal Government and to prevent unwarranted governmental invasions of their privacy.

This bill, known as the Federal Employees Privacy Act, was initially introduced by Senator Ervin in 1966. It has been endorsed by every major Federal employee association and union, as well as by civil liberties groups, labor unions, and bar associations. It passed the Senate by large majorities on five separate occasions only to die in the House Post Office and Civil Service Committee. However, I am hopeful and confident that this year it will meet a different and friendlier fate.

The need for the legislation has increased with the passage of time. Many of the abuses which came to light during the Watergate investigation may never have taken place if this bill had been law. One of its principal provisions prohibits "any officer of any executive department or any executive agency of the U.S. Government" from requiring or requesting or even attempting to require or request that Federal employees participate in activities unrelated to the performance of their official duties. While it is doubtful that any one measure could have prevented all the wrongdoings associated with Watergate, the enactment of this bill which Senator Ervin so strongly advocated during the last 9 years of his tenure in the Senate would have at least provided Federal employees statutory protection against orders to conduct improper and illegal investigations of citizens active in politics.

One aim of the measure is to prohibit requirements that Federal employees and applicants for Government employment disclose their race, religion, or national origin, or submit to questioning about their religion, personal relationships, or sexual attitudes, through interviews, psychological tests, or polygraphs.

It would prohibit requirements that employees attend Government sponsored meetings and lectures or participate in outside activities unrelated to their work; support political candidates, or attend political meetings. It makes it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits requirements that he disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It provides a right to have a counsel or other person present if the employee wishes, at an interview which may lead to disciplinary proceedings. It accords the right to a civil action in a Federal court for violation or threatened violation of the act. Finally, it establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

The protection of the civil liberties and constitutional rights of Americans who work for Government or who apply to work for it has been a major concern of the Constitutional Rights Subcommittee since its inception and will continue to be under my chairmanship. Practices and policies which diminish the freedoms of any of us ultimately diminish the freedoms of all of us. The special leadership role which the Federal Government plays in the field of employment practices vis-a-vis State and local governments, as well as private business and industry, increases the need for enactment of this legislation.

Mr. President, I ask unanimous consent that the text of the Federal employees privacy bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person or of his forebears, when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activate or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professonal group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing suchs tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take an polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however*, That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: Provided, however, That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however*, That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: *Provided, however*, That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however*, That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however*, That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided, further, however*, That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant on a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violaion or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged vioation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or Executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

SEC. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 11. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

By Mr. MATHIAS (for himself, Mr. MANSFIELD, Mr. PHILIP A. HART, Mr. JAVITS, Mr. KENNEDY, Mr. NELSON, and Mr. PEARSON):

S. 1888. A bill to require in all cases court orders for the interception of communications by electric and other devices, for the entering of any residence, for the opening of any mail, for the inspection or procurement of certain records, and for other purposes. Referred to the Committee on the Judiciary.

BILL OF RIGHTS PROCEDURES ACT

Mr. MATHIAS. Mr. President, recent events have demonstrated to all Americans that our Government has at times transcended constitutional processes and involved itself in a variety of excesses in the area of surveillance. These include, but are by no means limited to: military intelligence activities at the 1968 Democratic National Convention, FBI surveillance of various civil rights leaders and of participants at the 1964 Democratic Convention, wiretapping by the White House "plumbers" unit, compilation of thousands of files at the CIA related to domestic security, and the maintenance of FBI files on Members of Congress. Most startling of all is the so-called Huston plan revealed in the course of the Senate Watergate investigations.

Governmental surveillance—the Federal invasion into areas of privacy reasonably expected by all citizens—has sown the seeds of a deep-seated malaise into American life. Watergate, CIA and FBI surveillance, the maintenance of files on congressional Members all are part of this problem. They have been accompanied by an onrush of technological advancement and growing powers of bureaucratic structures, all of which has created a kind of "future shock" sense that things are just moving too fast—have gotten beyond our control.

The malaise gripping an ever-increasing number of Americans in the apprehension and fear that those who register dissent, those who voice displeasure with governmental policy, are subject to unbridled scrutiny through pervasive governmental surveillance techniques. Actual surveillance in blatant disregard of constitutional safeguards has created the apprehension that there may be intrusions at any time upon one of our most cherished ideals, the right to privacy. But perhaps of greater consequence is the chilling effect that accompanies such surveillance. The mere threat of monitoring intimidates individuals, forces withdrawal from political activity, and impinges upon first amendment freedoms. It is by no means an overstatement to claim that unchecked governmental surveillance strikes at the very vitality of this Nation.

The fourth amendment provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Justice Brandeis emphasized the importance of the fourth amendment to the right of privacy in his 1928 Olmstead dissent:

> To protect (the right to be let alone), every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.

The Supreme Court in *Katz* v. *U.S.*, 389 U.S. 347 (1967) held that the amendment's spirit now shields private speech from unreasonable surveillance. The decision implicitly recognizes that broad and unsuspected governmental incursions into conversational privacy which electronic surveillance entails necessitates the application of the fourth amendment safeguards.

While the fourth amendment speaks of "unreasonable searches and seizures," reasonableness has been determined on the basis of the commands of the warrant clause:

> It is not an inconvenience to be weighed somehow against the claims of policy efficiency. It is, or should be, an important working part of our machinery of government, operating as a matter of course to check the well-intentioned but mistakenly over-zealous executive officers who are a part of any system of law enforcement. *Coolidge* v. *New Hampshire*, 403 U.S. at 481.

More recently the High Court stated in *U.S.* v. *U.S. District Court*, 403 U.S. 297 (1972):

> The fourth amendment contemplates a prior judicial judgment, not the risk that executive discretion may be reasonably exercised. This judicial role accords with our basic constitutional doctrine that individual freedoms will best be preserved through a separation of powers and division of functions among the different branches and levels of government.

There are exceptions to the warrant requirement, but they are few and have been judicially delineated with extreme caution. The court in U.S. district court, supra., rejected the contention that there should be an exception to the warrant requirement in areas of domestic security; the inherent vagueness of the security concept, the necessarily broad and continuing nature of intelligence gathering, and the temptation to use such surveillance to oversee political dissent dictate that the requisites of the fourth amendment be adhered to even in such matters. And the court called upon the Congress to formulate the standards upon which judicial approval of national security surveillance may be rendered. That is what this legislation is designed to provide.

Mr. President, keeping in mind:

The paramount interest we all share in our rights to privacy;

The frightening revelations of the past 2 years;

The chilling effect that unchecked governmental surveillance necessarily breeds; and

Congress' constitutional responsibility to enact statutory guidelines to assure that the Bill of Rights remains secure from the assaults of arbitrary power;

I reintroduce today a bill which would strengthen the guarantees of privacy contained in the fourth amendment. I introduced an identical bill in the 93d Congress, S. 3440. The bill, entitled "The Bill of Rights Procedure Act of 1975," would require any Federal agent to obtain a court order before he or she may conduct any form of surveillance on a private citizen. Probable cause must be demonstrated before the court order could issue and the warrant must be specific in its particulars.

The term surveillance includes bugging, wiretapping, and all other forms of electronic eavesdropping, opening of mail, entering of dwellings, and the inspection or procurement of the records of telephone, bank, credit, medical, or other private transactions. A court order would be required in virtually every instance, the only exceptions being: The serving of an arrest warrant, the hot pursuit of a criminal, or when the consent of the individual has been obtained.

A penalty of up to $10,000 and/or a year imprisonment is provided for any governmental official, employee, or agent who willfully violates or causes the violation of the bill. The legislation requires that within 30 days after application for a court order, the applicant must file a report with the Administrative Office of the U.S. Courts and with the Committee on the Judiciary of the House and Senate. Followup reports on approved surveillance activities would also be required.

It is my firm belief that the discretionary authority in the area of governmental surveillance should not be lodged solely with the executive branch. Surveillance undertaken on any grounds including national security and foreign policy must conform with the requisites of constitutional processes.

The chief judge of the third circuit expressed his belief that there is no executive prerogative in the field of foreign affairs intelligence which may be beyond the reach of those checks and balances which in one way or another limits every other power of the central Government.

It is troubled times such as these that we are now facing that generates warnings and calls for action on the part of Congress. Congress has the responsibility and the power to enact the statutory guidelines necessary to assure that the Bill of Rights citadel constructed by our forefathers is not breached by the exercise of arbitrary power.

The substance of the Bill of Rights reflected the experience of the constitutional framers with governmental excesses; the legislation I introduce today reflects our recent experiences with executive excesses as well.

We have had clear and unmistakable warnings;

There must be provisions for vigorous oversight and full accountability of the activities of the U.S. Government in all areas of surveillance of American citizens; and

We must adhere to the belief upon which our form of government was founded.

Law, freedom, the pursuit of justice, and the exercise of arbitrary and unchecked power are necessary irreconcilable and in eternal conflict.

Mr. President, I am pleased to note today that a companion bill has been introduced in the House of Representatives by the Honorable CHARLES MOSHER of Ohio. That bill has 72 cosponsors and has been the subject of hearings before the Judiciary Committee of the House. This legislation has broad support and I am hopeful that it will receive prompt attention in the other body.

Mr. President, in the course of its deliberations, the House Judiciary Committee has indicated that it may make some changes in their bill. I am certainly amenable to any improvements. If, for instance, more specific standards for the issuance of subpenas were to be provided, I would think we would want to give careful consideration. My point is that I am wedded to the concept of this legislation, but not to specific language.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bill of Rights Procedures Act of 1975".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the rights of the people of the United States under the Constitution of the United States are endangered by interception of communications, other electronic surveillance, the entry of dwellings, opening mail, and the inspection of and procuring of the records of telephone, bank, credit, medical, or other business or private transactions of any individual when undertaken by officials, agents, or employees of the United States without a court order issued upon probable cause that a crime has been or is about to be committed, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

(2) the constitutional duty of the Congress to make the laws and to provide for the common defense, and the constitutional duty of the President to execute the laws and to command the Armed Forces and other security forces according to rules and regulations made by the Congress, would not be impeded by requiring court orders for any interception of communications, other electronic surveillance, the entry of dwellings, opening mail, or the inspection of and procuring of the records of telephone, bank, credit, medical, or other business or private transactions of any individual;

(3) the constitutional duty of the Congress to make laws to protect the national security of the United States and the constitutional duty of the President to execute such laws should not limit the rights of individuals under the Constitution of the United States. Any interception of communications, other than electronic surveillance, the entry of dwellings, opening mail, or the inspection of and procuring of the records of telephone, bank, credit, medical, or other business or private transactions of any individual which is undertaken on any grounds, including but not limited to, national security or foreign policy, without a court order issued upon probable cause that a crime has been or is about to be committed, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized, constitutes "an unreasonable search and seizure" within the meaning of the fourth amendment to the Constitution of the United States.

(b) It is therefore the purpose of this Act to prohibit any interception of communications, other electronic surveillance, surreptitious entry, mail opening, or the inspection of and procuring of the record of telephone, bank, credit, medical or other business or private transaction of any individual without a court order issued upon probable cause that a crime has been or is about to be committed supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

SEARCHES AND SEIZURES

SEC. 3. Section 2236 of title 18, United States Code, is amended to read as follows:

"§ 2236. Searches without warrant

"(a) Whoever, being an officer, agent, or employee of the United States or any department or agency thereof willfully—

"(1) searches any private dwelling used and occupied as a dwelling without a warrant directing such search or maliciously and without reasonable cause searches any other building or property with a search warrant;

"(2) procures or inspects the records of telephone calls bank, credit, medical or other business or private transactions of any individual without a search warrant or the consent of the individual;

"(3) opens and foreign or domestic mail not directed to him without a search warrant directing such opening or without the consent of the sender or addressee of such mail in violation of section 3623(d) of title 39; or

"(4) intercepts, endeavors to intercept, procures any other person to intercept any wire or oral communication except as authorized under chapter 119;

shall be fined not more than $10,000 or imprisoned not more than one year, or both.

"(b)(1) The provisions of section (a)(1) shall not apply to any person—

(A) serving a warrant of arrest;

(B) arresting or attempting to arrest a person comitting or atempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or

"(C) making a search at the request or invitation or with the consent of the occupant of the premises.

"(2) For purposes of subsection (a) the terms 'wire communication', 'oral comunication', and 'intercept' shall have the same meaning as given to such terms under chapter 119."

INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

SEC. 4. (a) Section 2511(1) of such title 18 is amended by striking out "Except as otherwise specifically provided in this chapter" and inserting in lieu thereof "Except as specifically provided in this chapter, and except as specifically provided in chapter 109 in the case of any officer, agent or employee of the United States,".

(b) Sections 2511(3), 2518(7), 2518(d), and the last sentence of section 2520 of such title 18 are repealed.

REPORTING OF INTERCEPTED COMMUNICATIONS

SEC. 5. (a) Section 2519 of such title 18 is amended to read as follows:

"§ 2519. Reports concerning intercepted wire, oral, and other communications.

"(a) Within thirty days after the date of an order authorizing or approving the interception of a wire or oral communication (or each extension thereof) entered under section 2518, or the denial of an order approving an interception, the person seeking such order shall report to the Administrative Office of the United States Courts and to the Committees on the Judiciary of the Senate and House of Representatives—

"(1) the fact that an order or extension was applied for;

"(2) the kind of order or extension applied for;

"(3) the fact that the order or extension was granted as applied for, was modified, or was denied;

"(4) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(5) the names of all parties to the intercepted communications;

"(6) the offense specified in the order or application, or extension of an order;

"(7) the identity of the investigative or law enforcement officer and agency making the application and the person authorizing the application to be made;

"(8) a copy of the court order authorizing, approving, or denying such interception;

"(9) the nature of the facilities from which or the place where communications were intercepted.

"(b) Within 60 days after the date of an order authorizing or approving the interception of a wire or oral communication (or extension thereof) entered under section 2518, or the denial of an order approving an interception, the judge hearing the application for such order shall transmit to the Committees on the Judiciary of the Senate and House of Representatives a complete transcript of the proceedings.

"(c) Within 90 days after the date of an order authorizing or approving the interception of a wire or oral communication (or each extension thereof) entered under section 2518, and within 60 days after the termination of any such interception, the person authorized to make such interception shall report to the Administrative Office of the United States Courts and to the Committees on the Judiciary of the Senate and House of Representatives the disposition of all records (including any logs or summaries of any such interception) of any such interception and the identity of and action taken by all individuals who had access to any such interception."

(b)(1) Any information transmitted or submitted, pursuant to section 2519(a)(5) of title 18, United States Code (as added by subsection (a) of this section), to the Congress or to any standing, special, or select committee of either House of Congress or to any joint committee of the two Houses of Congress, shall be treated as a confidential communication and kept secret.

(2) Paragraph (1) of this subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such shall be considered as a part of the rules of each House, respectively, or of that House to which it specifically applies, and such rule shall supersede other rules only to the extent that they are inconsistent therewith, and

(B) with full recognition of the constitutional right of either House to change such rule (so far as it relates to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

REPORTING AUTHORIZATIONS TO OPEN MAIL

SEC. 6. Chapter 205 of such title 18, is amended by adding at the end thereof the following new section:

"§ 3117. Reporting requirements in the case of warrants issued authorizing the opening of mail

"(a) Within 30 days after the date of issuance of a warrant to open any mail or the denial of such a warrant the person seeking such warrant shall report to the Administrative Office of the United States Courts and to the Committee on the Judiciary of the Senate and House of Representatives.

"(1) the fact that a warrant was applied for;

"(2) the fact that the warrant was issued as applied for, was modified, or was denied;

"(3) the offense specified in the warrant;

"(4) the identity of the investigative or law enforcement officer and the agency making the application and the person authorizing the application to be made;

"(5) the names of the sender and addressee of all mail opened pursuant to such warrant;

"(6) a copy of the approved warrant;

"(7) the nature of the facilities from which or the place where any such mail was opened; and

"(8) the disposition of all records (including any log, copy, or summary) of any such mail or the contents of such mail and the identity of and action taken by all individuals who had access to any such mail.

"(b) Within 60 days after the date of any warrant authorizing the opening of any mail, or the denial of any such warrant, the judge hearing the application for such warrant shall transmit to the Committee on the Judiciary of the Senate and House of Representatives a complete transcript of the proceeding."

TECHNICAL AMENDMENT

SEC. 7. The analysis of chapter 205 of such title 18 is amended by adding at the end thereof the following new item:

"3117. Reporting authorizations to open mail.".

By Mr. CLARK:

S. 1889. A bill to amend and improve the Agricultural Trade Development and Assistance Act of 1954. Referred to the Committee on Agriculture and Forestry.

A NEW APPROACH TO U.S. FOOD ASSISTANCE

Mr. CLARK. Mr. President, since the World Food Conference in Rome last November, there has been a great deal of debate about this country's commitment to the fight against world hunger. Because of the unparalleled productivity of the American farmer, the United States is one of the few nations in the world in a position to provide substantial help. But how much are we, as a nation, really willing to help? How should we go about it? These questions remain unanswered.

While many people are concerned about the U.S. role in combating hunger, there seems to be some feeling that the world's food problems have disappeared—perhaps because the famines of last summer and fall were relieved through emergency aid; much of it from the United States. But the problems and the dangers are chronic. They have not gone away. Experts say that some countries may face greater danger from starvation today than they did a year ago. About 400 million people around the world remain malnourished. Over the past year, the world's food reserves have narrowed while the world's population has grown by about 74 million.

This year's global harvest probably will be about 8 percent above last year's—essentially a return to normal. This forecast, however, is based on the assumption that the weather will be favorable for the rest of the year in all the major growing regions—an assumption made last year which turned out to be tragically wrong. With world reserves at an all-time low, bad weather that would have had little impact in past years could now cause serious food shortages. Of course, even if the weather is uniformly kind this year, most food experts agree that it will be impossible to meet the growing demand for food in succeeding years without greater commitments to agricultural development in the developing countries.

TWO PROBLEMS

In short, the two urgent problems discussed in Rome last November are still very much with us; feeding today's hungry and increasing food production in the underdeveloped countries. The legislation I am introducing today offers a new approach to these problems—in the form of a series of amendments to Public Law 480, the food for peace program, which has been the cornerstone of the U.S. food assistance program for more than 20 years.

Through two programs—title I, providing for concessional sales of agricultural commodities, and title II, providing for grants of commodities—Public Law 480 has tried to relieve hunger and promote agricultural development. Today, Public Law 480 is not doing either of these jobs well.

During fiscal 1974, approximately two-thirds of title I—or almost half of all commodities shipped under Public Law 480—went to two countries, Vietnam and Cambodia. The administration had planned to ship up to two-thirds of the entire program for this fiscal year to Southeast Asia, the Middle East, and other countries, such as Chile, with which it has a "special" relationship. The relationship was political—humanitarian considerations were secondary. Only congressional enactment of a 30-percent limitation on the political uses of food aid prevented this from happening.

Nor has Public Law 480 been effective in promoting agricultural development. In some countries, Public Law 480 commodities have even helped further local government policies which discouraged agricultural productivity. Tremendous annual fluctuations in the quantities of Public Law 480 commodities available to individual countries have hampered the long-term planning necessary for economic development. Over the last few years, food shipments have varied wildly—from a high of 18 million tons in 1966 to a low of 3.3 million tons in 1974.

In the next few months, Congress will consider a number of proposals as it reexamines and evaluates U.S. food assistance. I am offering this legislation as a contribution to that discussion.

FOOO FOR THE HUNGRY

The bill establishes a clear direction for the food for peace program: above all, food should go to hungry people.

Of course, it is not difficult to proclaim that the program should be primarily humanitarian—most people agree on that—but it is difficult to put the principle into practice. To do that, this bill establishes for the first time a minimum food assistance level—6 million tons. Four million tons are targeted for those countries designated by the U.N. as the most seriously affected by current world economic problems—the so-called "MSA countries." The other 2 million tons of the minimum are set aside for title II programs to be channeled primarily through voluntary agencies and the world food program.

The MSA nations need the 4 million tons as a minimum U.S. commitment. The international voluntary agencies and the world food program have always requested a U.S. commitment—the 2 million tons in this proposal allows for continuity of programing. Just a decade ago, the food for peace program was three times the size of this proposed 6 million ton minimum. The World Food Conference set a global target of 10 million tons of food aid, and a 6-million ton pledge would be a suitable contribution by the United States which exports about half of all grain in world trade. But in the past, the U.S. aid commitment has been relatively less than that of other major food donors.

No country receiving U.S. food assistance can plan to feed its people without some minimum assurances of food aid from year to year. The General Accounting Office recently recommended that the Public Law 480 program be amended to provide this continuity. The administration also has taken note of this fundamental problem and has suggested corrective legislation. Food assistance should be an established part of U.S. agricultural policy. Right now food aid is considered as an afterthought—a reflection of its origin 20 years ago as a way to distribute agricultural surpluses. Invariably, we have given food aid, but the uncertainty and delay from year to year have caused unnecessary hardship for recipient countries and their people. This 6 million ton guarantee would help eliminate that hardship.

The experience of the food for peace program has taught us that it is one thing to have a food aid program and quite another to insure that this food reaches those most in need. This legislation gives MSA nations priority in the distribution of any food aid above the established minimum commodity level. It also stipulates that at least 70 percent of any food assistance above the minimum commodity level must be sold or given to MSA nations, while the remaining 30 percent is available for countries without serious food problems.

Despite the priority it gives to the MSA nations, the bill is not inflexible. Some current title II, grant aid, recipients are not on the MSA list but would qualify for food aid on humanitarian grounds—Malawi, Mauritius, or Rwanda. This legislation would enable the President to ship title II food to such countries, either through voluntary agencies or the world food program or, directly, provided that the appropriate congressional committees did not disapprove such shipments.

DEVELOPMENT GRANTS

Food assistance, however enlightened or effective, cannot solve the world hunger problem. Only the development of agricultural potential in these threatened countries can do that. Title III of this legislation would establish a new kind of food aid program—agricultural development grants—designed to help the recipient nation in its efforts to feed its hungry, increase production, and improve distribution.

Title III is a grant program. It would give the United States authority to buy food on the domestic market and send it to those countries which demonstrate a special commitment to meeting the needs of their hungry and improving their own agricultural production. Some food may go directly into feeding programs established by the recipient nation. The remainder can be sold by that country but only as long as all of the proceeds go to an agricultural development fund—to be used for anything from the purchase of seed and fertilizer to providing loans to small farmers.

It is generally recognized that the self-help measures of Public Law 480's title I concessional sales program have not succeeded in this area—"self-help" terms have simply been tacked on to sales agreements. A grant program—like the one in this bill—establishes a different legal and economic relationship between donor and recipient nations. There would be no agricultural development grants unless the recipient nation is actively working, or wants to work, on its problems of food production and distribution and the needs of its hungry.

In addition to these fundamental changes, this legislation includes a number of revisions in Public Law 480 which reflect current food needs and the need for humanitarian emphasis. A declaration from the World Food Conference is incorporated, and the law's policy aims are reordered. Combating hunger and encouraging agricultural development are given first priority—with foreign policy considerations given a secondary status. U.S. foreign policy is a legitimate objective of a food assistance program—the language of the bill recognizes this—but only when it does not conflict with the primary goal of the act, humanitarian assistance.

To strengthen the humanitarian aspect of Public Law 480, the bill instructs the Secretary of Agriculture to study the terms of loans granted for title I concessional sales, putting into operation a system based on "ability to pay." Those countries better off should pay higher rates on loans for food purchases than poorer nations.

The bill authorizes and encourages the President to seek an international agreement for a system of national food reserves—with firm safeguards for farmers against market price disruptions from such a system.

An international reserve system is the key to stabilizing the world's food supply and prices. Despite the Rome conference's call for the establishment of such a system, few firm steps have yet been taken. A major reason for the lack of progress has been the reluctance of the United States to exercise leadership in negotiating an international reserve system, although Secretary Kissinger's initiatives in this area have been encouraging.

The legislation also eliminates Public Law 480's so-called soft loans to private trade entities, a subsidy to private industry justified neither by export promotion nor agricultural development. These loans—little used in any case—are granted only when the risk to the particular company is lowest and the subsidy least needed. Furthermore, they give the United States no assurance of future imports by the recipient country.

The shipment of tobacco under titles II and III grant programs is prohibited. There is no justification for supplying this type of nonfood commodity under Public Law 480 grant programs, since it does nothing to alleviate the conditions of hunger and malnutrition these programs are designed to combat.

The cold war rhetoric of Public Law 480 is deleted. The references to Cuba and North Vietnam are out of place in the era of détente. Barring Public Law 480 agreements with Communist nations, or nations trading with North Vietnam, is both unrealistic and inconsistent in the light of U.S. commercial sales to the U.S.S.R., the People's Republic of China, and other Communist-dominated nations.

Finally, the bill requires the President to submit to Congress—along with his annual budget—a global assessment of food needs, specifying expected food deficits and planned food assistance, steps to encourage increased food assistance by other donors, and steps by food-deficit nations to increase production.

The Agricultural Trade Development and Assistance Act of 1954—Public Law 480—as originally drafted and amended is at the end of its useful life. There is a sense of the inevitable now—new food aid legislation will be written by the Congress in 1975. It only remains to be seen how strong our humanitarian commitment will be.

I ask unanimous consent that the full text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Agricultural Assistance, Development, and Trade Act of 1975".

SEC. 2. Section 2 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended to read as follows:

"SEC. 2. The Congress hereby declares it to be the policy of the United States to implement to the fullest extent possible the resolutions adopted by the participants of the World Food Conference held in Rome in November 1974. Such resolutions proclaimed that 'Every man, woman, and child has the inalienable right to be free from hunger and malnutrition in order to develop fully . . .' and that '. . . . the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries . . .'. It is further declared to be the policy of the United States to use its abundant agricultural productivity to (1) combat hunger and malnutrition, (2) encourage economic development in the developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; (3) expand international trade and market development, and (4) promote U.S. foreign policy, where such promotion will not interfere with the preceding objectives."

SEC. 3. Title I of such Act is amended as follows:

(1) Section 102 is amended by striking out the colon preceding the first proviso and all that follows down to, but not including, the period at the end of such section.

(2) Section 103 is amended by—

(A) inserting in clause (c) "and of the recipient nation" immediately after "United States" and striking out "with friendly countries";

(B) striking out in clause (d) the colon preceding the proviso and all that follows down to, but not including, the period at the end of such clause;

(C) striking out clause (j);

(D) redesignating clauses (k), (l), (m), and (n) as clauses (j), (k), (l), and (m), respectively;

(E) redesignating clause (o) as clause (n) and inserting after the word "country" the following: "of those agricultural commodities which United States exporters offer at competitive prices"; and

(F) redesignating clauses (p) and (q) as clauses (o) and (p), respectively.

(3) Section 104 is amended by—

(A) striking out subsection (c);

(B) redesignating subsections (d), (e), (f), (g), (h), (i), (j), and (k) as subsections (c), (d), (e), (f), (g), (h), (i), and (j), respectively.

(4) Section 109(b) is amended by striking out "in agreements" after "Act," and all that follows down through diplomatic relations,".

SEC. 4. (a) Title III of such Act is amended by redesignating such title as title IV and by redesignating sections 301, 302, and 303 as sections 401, 402, and 403, respectively.

(b) Title IV of such Act is redesignated as title V and sections 401 through 411 are redesignated as sections 501 through 511, respectively.

SEC. 5. The Agricultural Trade Development and Assistance Act of 1954 is further amended by adding after title II a new title as follows:

"TITLE III

"SEC. 301. The President is authorized to furnish agricultural commodities on a grant basis to a food deficit country which is determined to initiate and carry out specified self-help measures planned to increase national nutritional levels, food production, and distributive capability of such country.

"SEC. 302. A grant of agricultural commodies to any country under this title is authorized when such country agrees as a condition of receipt to carry out specified self-help measures designed to get food to its hungry and to increase agricultural productivity.

"SEC. 303. (a) The proceeds from the sale of any commodities made available to any foreign country under this title (whenever such commodities are sold on the open market by such recipient country rather than distributed free) shall go directly into a fund for planning the agricultural development of the poor rural areas of such country and to enable the poor people of such country to participate actively in increasing the agricultural production of such country through small farm agriculture.

"(b) Money from the fund referred to in subsection (a) may be used to encourage efficient use of traditional techniques, assist small farmer organizations, provide adequate price incentives for agricultural production, improve marketing and storage systems, provide loan assistance on reasonable terms and conditions to small farmers, and promote any other efforts which might aid the small farmer in increasing productivity and distribution.

"(c) Money from the fund referred to in subsection (a) may be used to continue work on plans to meet the objectives outlined in subsection (b).

"SEC. 304. The President shall consult with the appropriate officials of each country receiving grants under this title at least once annually regarding the operation of the agricultural development grant program under this title to determine the progress being made by such country and to determine whether assistance under this title should continue. The President shall report to the Congress annually regarding the operation of the grant program under this title and shall include in such report a list of the countries receiving assistance under this title, and the degree of success achieved and anticipated by such assistance in terms of the objectives referred to in section 301."

SEC. 6. Section 501 of such Act, as redesignated by section 4(b) of this Act, is amended to read as follows:

"SEC. 501. (a) In order to insure that the United States will have a reasonable base of agricultural stocks available to meet famine and other emergency conditions in foreign countries in any fiscal year, and to insure that the United States will have an available base of agricultural stocks from which countries designated by the United Nations as 'Most Seriously Affected' can import in any fiscal year, the President shall take such action as may be necessary, subject to the provisions of subsection (c), to insure that the United States has, at the beginning of each fiscal year (1) a quantity of commodities not less than 4 million tons to carry out the provisions of titles I and III; and (2) a quantity of commodities not less than 2 million tons to carry out the provisions of title II.

"(b)(1) The minimum quantities of agricultural commodities prescribed in subsection (a)(1) shall be available only to countries designated by the United Nations as 'most seriously affected.'

"(2) The agricultural commodities prescribed in subsection (a)(2) for title II shall be distributed through international voluntary agencies, the world food program, and when through government to government programs, shall be made available only to countries designated by the United Nations as 'most seriously affected,' unless (A) the President notifies the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate of his proposed action to make such commodities available to specified countries not designated by the United Nations as 'most seriously affected,' (B) provides such committees with justification for such proposed action, and (C) neither committee has disapproved such proposed action within 30 days after receipt of such notification.

"(3) Notwithstanding any other provision of this Act, not to exceed 30 per centum of any quantities of agricultural commodities available in any fiscal year in excess of the quantities prescribed in subsection (a)(1) shall be available for distribution to countries other than countries designated by the United Nations as 'most seriously affected.'

"(c) No commodity shall be available for disposition under this Act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements and adequate carryover.

"(d) The President may waive the provisions of subsection (b) in the case of any foreign country not designated by the United Nations as 'most seriously affected.' country if he (1) determines that assistance should be furnished such country on the basis of humanitarian considerations, (2) notifies and provides justification for such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate, and (3) neither committee has disapproved such proposed action within 30 days after receipt of such notification; except that in instances of disaster requiring emergency relief he need not notify such committees in advance.

"(e) In determining the amount of sales made to any country not designated by the United Nations as a 'most seriously affected' country, there shall be included the quantity of all nonfood commodities as well as food commodities."

SEC. 7. Section 502 of such Act, as redesignated by section 4(b) of this Act, is amended to read as follows:

"SEC. 502. The term 'agricultural commodity' as used in this Act shall include any agricultural commodity produced in the United States or product thereof produced in the United States. Such terms shall not include alcoholic beverages, or in the case of titles II and III, tobacco or any product thereof.".

SEC. 8. Section 507 of such Act, as redesignated by section 4(b) of this Act, is amended by striking out in the third sentence of such section "the Acting Chairman of such Committee who shall preside" and inserting in lieu thereof "any member of such Committee. The Acting Chairman shall preside at all meetings of such Committee".

SEC. 9. Section 509 of such Act, as redesignated by section 4(b) of this Act, is amended to read as follows:

"SEC. 509. No programs of assistance under titles II and III and no agreements to finance sales under title I shall be entered into after December 31, 1985."

SEC. 10. Title V, as redesignated by section 4(b) of this Act, is further amended by striking out section 511 and inserting in lieu thereof the following:

"SEC. 511. The President shall report to the Congress at the time of his budget submission for each fiscal year a global assessment of food needs for that fiscal year, specifying expected food deficits and planned programing of food assistance, steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance, and steps which are being taken by food-short countries toward elimination of their food shortages.

"SEC. 512. The President is authorized and encouraged to seek an international agreement for a system of national food reserves to meet food shortage emergencies and to provide insurance against unexpected shortfalls in food production, with the costs of such reserves to be equitably shared and farmers given firm safeguards against market price disruption from such a system.

"SEC. 513. Within 30 days after the end of each fiscal year the Secretary of Agriculture shall report to the Congress in writing the amount of any funds which were available for obligation under this Act during such fiscal year and which remained unobligated at the end of such fiscal year.

"SEC. 515. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study on the desirability of a variable interest rate, initial payment rate, and maturity rate to finance purchases under the Agricultural Trade Development and Assistance Act of 1954. The Secretary shall submit the results of his study in a report to Congress not later than October 1, 1975, together with a recommended formula for the implementation of variable interest rates, initial payment rates, and maturity rates which would reflect the ability of purchasing countries to buy agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954. The Secretary shall include in such report such other comments and recommendations as he deems appropriate."

BASIC PROVISIONS OF THE INTERNATIONAL AGRICULTURAL ASSISTANCE DEVELOPMENT AND TRADE ACT

Establishes a minimum level of commodities to be shipped annually through the Food for Peace Program.

a. Sets 6 million tons as the minimum annual commitment.

A minimum level allows for continuity from year to year. The GAO, in a recent study of Title II Food for Peace programs, recommended that legislation be developed to provide continuity of programing, stating that this is essential for effective utilization and planning of supplies.

A minimum should also be set as insurance against times when grain supplies are short.

A 6-million-ton level reflects the fact that the U.S. exports most of the world's grain and should assume the greatest share of last fall's Rome World Food Conference 10-million-ton total annual world food assistance target.

A 6-million-ton U.S. level is only a third of our annual commitment a decade ago. U.S. foreign food assistance shipments for the last decade were as follows:

1965, 18 million tons.
1968–72, 9 million tons (annually).
1973, 7.5 million tons.
1974, 3.3 million tons.
1975, 5.5 million tons.

b. Requires that this minimum annual commitment should be divided as follows: (1) Four million tons should be made available—through either Title I sales or new Title III grants (see Provision 4)—directly to nations identified by the United Nations as most seriously affected by the current world economic crisis (MSAs). (2) Two million tons should be made available through Title II grants, which are distributed primarily by international voluntary agencies and the U.N. World Food Program.

Past experience with the Food for Peace Program has demonstrated that restrictions must be placed on the use of food assistance for political purposes. Congress made an initial step toward this end last December by requiring that at least 70 percent of Title I Food for Peace sales must go to needy nations, but this restriction is due to expire at the end of this fiscal year.

This legislation would create a permanent, broader restriction, which would provide needy nations with greater assurance of receiving the food supplies they require.

The United Nation's MSA list is felt to be the most reliable index available for determining which nations have the greatest need. The list includes nations with a serious balance of payments deficit, and reflects an analysis of per capita income, foreign exchange reserves, movement of reserves, exports, the relative movement of exports, and the importance of foreign trade on economic development.

2. Requires that 70 percent of any Title I and Title III program shipments made in excess of the minimum annual commitment amount must also be directed to MSA nations.

This further restriction is intended to further curb the use of Food for Peace shipments for political purposes and further strengthen the program's humanitarian emphasis.

3. Permits nations which are not included on the United Nations MSA list to be included in the minimum annual commitment and/or receive additional shipments earmarked for needy nations under exceptional circumstances.

Such waivers could be granted in cases where a serious food deficit existed in a non-MSA country not disapproved by the Agriculture Committee of the Senate and the House. Emergency disaster relief would need no approval.

4. Adds to the Food for Peace program a new title—Title III—which creates a new system of direct food grants to MSA nations. These grants would only be available to nations which "agree as a condition of receipt to carry out specified self-help measures designed to get food to (their) hungry and to increase agricultural production."

The purpose of these grants is to encourage meaningful self-help efforts to remedy long-term food deficit problems.

Food supplies made available through

these grants may go directly into feeding programs or may be sold on the open market by the recipient government in the same manner as supplies distributed under Title I of the program, but all proceeds of these grant sales must be placed in an agricultural development fund designed to aid the nation's individual farmers.

5. Authorizes the Secretary of Agriculture to restructure Food for Peace Title I loan rates so that nations with greater resources will have more stringent terms than less wealthy nations.

It is felt that these loan rates should more accurately reflect each nation's actual ability to pay.

6. Prohibits the shipment of tobacco under the Title II and Title III grant programs.

There is no justification for continuing to supply this kind of non-food commodity through Food for Peace grant programs, since it does nothing to alleviate the immediate problems these programs are designed to combat. The other major non-food commodity currently being shipped through Food for Peace programs—cotton—is felt to be a justifiable program element because it can help meet basic clothing needs.

By Mr. MATHIAS:

S.J. Res. 89. A joint resolution designating John Philip Sousa's "The Stars and Stripes Forever" as the national march of the United States. Referred to the Committee on the Judiciary.

"THE STARS AND STRIPES FOREVER" SHOULD BE OUR NATIONAL MARCH

Mr. MATHIAS. Mr. President, I send to the desk a joint resolution to designate "The Stars and Stripes Forever" by John Philip Sousa as our National March.

Throughout history, music has been an integral part of human civilization. The major events of our personal lives—weddings, funerals, commencements, religious observances, athletic events, ceremonial occasionals and so forth—are distinguished by musical accompaniment. Music sets the mood, heightens the senses, deepens the feelings, and highlights the significance of special moments, just as it helps to make a leisurely afternoon or evening more pleasant and relaxing.

With the approach of the Bicentennial commemoration, it is appropriate that we recognize the significance of music in the public ceremonies of America, not only during this year, but throughout our national history. Bicentennial events will be of an enormous variety, marking the importance of our national commitment to different individuals and groups that make up our Nation. Yet one event certain to occur in virtually every town and city throughout our country is a parade commemorating our day of national independence. It is appropriate therefore, that we, as a nation, recognize the contribution to such ceremonies which have been made by American composers of marching music.

In that spirit, Mr. President, members of the American Bandmasters Association, the Pennsylvania Bandmasters Association, and the American High School Bandmasters Association and others have suggested that we should pay tribute to all of our great composers by designating as our national march what they believe to be the most deserving work of the great composer, John Philip Sousa.

John Philip Sousa is selected for this honor for numerous reasons. Born in our Nation's capital, he remained a Washingtonian in spirt throughout his life. He was the son of immigrant parents. His musical genius was evident very early, and he enrolled in a conservatory in Washington at the age of 6. He enlisted in the U.S. Marine Band at the age of 13, and served for 5 years, until he left to pursue more formal study of music. He had sold his own musical compositions at the age of 18. In 1880, at the age of 26, he became the conductor of the U.S. Marine Band. He served as conductor for 12 years, during which he composed the official Marine March, "Semper Fidelis," as well as other famous marches, including the "Washington Post March," "The High School Cadets," 'The Gladiator," "Hands Across the Sea," "King Cotton," and the "Liberty Bell." In 1890, Sousa edited for the Department of the Navy a work entitled "National, Patriotic and Typical Airs of All Lands."

Sousa served with distinction with three branches of our Armed Forces; as musical director of the VI Army Corps during the Spanish-American War, as conductor of the U.S. Marine Band and as Lieutenant in charge of Navy bands during World War I. He served in the latter position for nominal compensation, and raised millions of dollars for the Government's efforts on liberty loan drives. Sousa's contributions were recognized by his receipt of the Royal Victorian Order of Great Britain, the Golden Palms and Rosette of the French Academy, and the Cross of Artistic Merit of the Academy of Arts, Science and Literature of Hainault, Belgium. Sousa was elected to the Hall of Fame for Great Americans.

During his life, John Philip Sousa composed more than 100 marches, as well as a number of waltzes, overtures, suites, comic operas, and other musical compositions. He became to the march what Strauss was to the waltz or Beethoven to the classical symphony. His personal library of music was bequeathed to the University of Illinois. John Philip Sousa died in 1932 and was buried in Congressional Cemetery.

Mr. President, Sousa's distinction as a musical composer, band director, public leader, and patriotic citizen make it appropriate that we honor all American composers, and all musicians throughout the Nation, by designating his great work "The Stars and Stripes Forever" as our national march.

I am therefore pleased to introduce this resolution and commend it to the attention of my colleagues. I ask unanimous consent that the text of the measure be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 89

Whereas, through his many outstanding military airs and marches, John Philip Sousa has brought world-wide musical recognition to the United States of America;

Whereas Sousa's "The Stars and Stripes Forever" is universally known and is associated with our flag and our country more than any other military air or march; and

Whereas the United States of America has no official national march to be used to salute the appearance of high Federal and State Government officials, other than the President, on public occasions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the musical composition by John Philip Sousa, known as "The Stars and Stripes Forever", is hereby designated the national march of the United States of America.

SEC. 2. For the purposes of this joint resolution, the term "The Stars and Stripes Forever" means a composition by John Philip Sousa consisting of the following words and music:

THE STARS AND STRIPES FOREVER

(Words and Music by John Philip Sousa)

1. Let martial note In triumph float, And liberty extend its mighty hand, A flag appears, 'Mid thun-d-rous cheers, The banner of the Western land. The emblem of the brave and true, Its folds protect no tyrant crew, The red and white and starry blue, Is Freedom's shield and hope.

CHORUS

Other nations may deem their flags the best And cheer them with fervid elation, But the flag of the North and South and West is the flag of flags, The flag of Freedom's nation. Hurrah for the flag of the free, May it wave as our standard forever, The gem of the land and the sea, The Banner of the Right. Let despots remember the day When our fathers with mighty endeavor, Proclaim'd as they march'd to the fray, That by their might, And by their right, It waves forever!

2. Let eagle shriek From lofty peak, The never ending watchword of our land. Let summer breeze Waft through the trees The echo of the chorus grand. Sing out for liberty, and light, Sing out for freedom and the right, Sing out for Union and its might, Oh, patriotic Sons!

CHORUS

Other nations may deem their flags the best And cheer them with fervid elation, But the flag of the North and South and West is the flag of flags, The flag of Freedom's nation. Hurrah for the flag of the free, May it wave as our standard forever, The gem of the land and the sea, The Banner of the Right. Let despots remember the day When our fathers with mighty endeavor, Proclaim'd as they march'd to the fray, That by their might, And by their right, It waves forever!

[Due to mechanical limitations, music referred to is not printed in the RECORD.]

[For the musical version referred to herein see clerk's copy on file in the Senate.]

By Mr. DOMENICI:

S.J. Res. 90. A joint resolution to authorize the President of the United States to designate "National Ski Week." Referred to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I send to the desk for appropriate reference a joint resolution which would authorize the President of the United States to designate the week beginning on the first Saturday after the first Tuesday in January of every year as "National Ski Week."

Snow skiing is fast becoming one of America's most popular sports. It not only provides millions of Americans an exhilarating physical challenge but, it affords them the opportunity to enjoy the wonder and beauty of this great land. Skiing contributes to our vitality and well-being as a nation by helping many Americans to maintain a high standard of physical development.

The Departments of Agriculture and Interior are to be commended for the important role they are playing in developing alpine and cross-country skiing opportunities. Lands managed by these Departments represent an almost unlimited resource for people to pursue this invigorating sport. Approximately 200 alpine ski areas, including Taos Ski Valley and Santa Fe Ski Basin in New Mexico, currently exist under permits issued by the U.S. Forest Service enabling Americans to experience the thrill and excitement of downhill skiing.

Mr. President, House Joint Resolution 767 was passed in the 89th Congress. This measure authorized President Johnson to proclaim January 21, 1966 as National Ski Week. However, the authority was not extended to subsequent years. I believe it appropriate for the Congress to pass legislation designating a specific date as National Ski Week on an annual basis.

I hope the Congress will give this measure favorable consideration because passage would insure that the sport of snow skiing is subject to receiving appropriate commemorative status by both the Congress and the executive branch.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S. J. Res. 90

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United Stataes is hereby authorized and requested annually to issue a proclamation designating the week beginning on the first Saturday after the first Tuesday in January of every year as "National Ski Week," in recognition of the economic, recreational and healthful aspects of the sport of skiing; and inviting the people of the United States to observe such week by participation in appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 89

At the request of Mr. Mathias, the Senator from Mississippi (Mr. Eastland), the Senator from Wyoming (Mr. McGee), the Senator from Minnesota (Mr. Humphrey), the Senator from Alaska (Mr. Stevens), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 89, a bill to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c), (3), and (5) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization.

S. 123

At the request of Mr. Inouye, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 123, a bill to amend the Social Security Act.

S. 109

At the request of Mr. Inouye, the Senator from New York (Mr. Buckley) was added as a cosponsor of S. 109, a bill to amend chapter 55 of title 10, United States Code, to require the Armed Forces to continue to provide certain special educational services to handicapped dependents.

S. 371

At the request of Mr. Williams, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 371, a bill to provide for the striking of medals commemorating the contributions of individuals of various ethnic backgrounds who contributed to the founding of the United States of America.

S. 1119

At the request of Mr. Nelson, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1119, a bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses.

S. 1149

At the request of Mr. Humphrey, the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 1149, a bill to provide for a national fuels and energy conservation policy, to establish a national energy conservation program, and for other purposes.

S. 1216

At the request of Mr. Talmadge, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 1216, a bill to amend the Federal Water Pollution Control Act.

S. 1268

At the request of Mr. Metcalf, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 1268, a bill to estabilsh congressional policy direction for the administration and management of the National Wildlife Refuge System; to establish the "National Wildlife Refuge Service"; to provide authority for study, review and establishment of additional units of the National Wildlife Refuge System, and S. 1293, a bill to establish the Charles M. Russell National Wildlife Range; the Charles Sheldon National Wildlife Range; and the Kofa National Wildlife Refuge as part of the National Wildlife Refuge System, and for other purposes.

S. 1303

At the request of Mr. Inouye, the Senators from Minnesota (Mr. Mondale and Mr. Humphrey), the Senator from Vermont (Mr. Leahy), the Senator from South Carolina (Mr. Hollings), the Senator from Maryland (Mr. Mathias), the Senator from Utah (Mr. Moss), the Senator from North Dakota (Mr. Burdick), and the Senator from Indiana (Mr. Hartke) were added as cosponsors of S. 1303, a bill to regulate the foreign commerce of the United States by providing means to assure full disclosure of significant foreign investment in the United States, and for other purposes.

S. 1465

At the request of Mr. Brock, the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act so as to clarify the meaning of the term "outpatient physical therapy services" in so far as such term includes speech pathology services provided by certain persons.

S. 1479

At the request of Mr. Williams, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1479, a bill to protect the economic rights of labor in the building and construction industry.

S. 1619

At the request of Mr. Kennedy, the Senator from Pennsylvania (Mr. Hugh Scott) and the Senator from Texas (Mr. Bentsen) were added as cosponsors of S. 1619, a bill to extend and revise programs for sickle cell anemia.

S. 1664

At the request of Mr. Kennedy, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 1664, a bill to amend the Lead-Based Paint Poisoning Prevention Act.

S. 1761

At the request of Mr. Mathias, the Senator from Pennsylvania (Mr. Hugh Scott) and the Senator from Michigan (Mr. Griffin) were added as cosponsors of S. 1761, a bill to provide foreign assistance to Cyprus.

S. 1776

At the request of Mr. Hugh Scott, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 1776, the Valley Forge National Historical Park bill.

S. 1787

At the request of Mr. Magnuson, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 1787, a bill for the relief of Maria Lisa R. Manola and Rogena R. Manola.

S. 1817

At the request of Mr. Schweiker, the Senator from Oregon (Mr. Hatfield) and the Senator from Pennsylvania (Mr. Hugh Scott) were added as cosponsors of S. 1817, a bill to prohibit the appropriation and expenditure of unvouchered funds unless specifically authorized by law, and to provide for reports on and audits of authorized expenditures of unvouchered funds.

S. 1847

At the request of Mr. Humphrey, the Senator from Kentucky (Mr. Ford) was added as a cosponsor of S. 1847, to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 4

At the request of Mr. Inouye, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of Senate Joint Resolution 4, to designate Constitution Day.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. Curtis, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of Senate Concurrent Resolution 29, expressing the sense of Congress regarding the annexation of the Baltic nations.

SENATE RESOLUTION 174—SUBMISSION OF A RESOLUTION RELATING TO THE AVAILABILITY OF LOANS FOR POWER SUPPLY BORROWERS

(Referred to the Committee on Agriculture and Forestry.)

REA'S PROPOSED LOAN POLICY SHOULD BE RESCINDED

Mr. McGOVERN. Mr. President, I submit for appropriate reference, a resolution which expresses the sense of the Senate that the Administrator of the Rural Electrification Administration should not institute a most controversial and unwise policy which would cause significant cost increases for many rural consumers.

On March 11, the Administrator published in the Federal Register a proposed supplement to REA Bulletin 20–6, which deals with loans for electric generation and transmission facilities. The supplement would, for all practical purposes, make generation and transmission facilities ineligible for insured REA loans.

The effect of taking away insured loans is contrary to the intent of the Congress and the proposed supplement to REA policy is contrary to law. Clearly, it would add another cost increase to already spiraling costs of production for many, if not most, of the more than 900 rural electric systems throughout the United States.

On April 10, 23 Members of this body participated in a colloquy which pointed out that the proposed policy was illegal and contrary to the intent of Congress, as well as unwise.

On April 30, the Subcommittee on Agricultural Credit and Rural Electrification, which I chair, of the Committee on Agriculture and Forestry, called Administrator Hamil and public witnesses to testify on the proposed new policy. The public witnesses, speaking for REA electric borrowers, were unanimously opposed to the policy.

At that hearing, I asked the Administrator to withdraw the proposed supplement.

It is my understanding that the Administrator heard several similar requests from Members of the Congress when he testified before the agricultural subcommittees of the Appropriations Committees of the Senate and the House.

Mr. President, the Administrator maintains that the proposed policy is legal, and he has submitted to my subcommittee and to the Subcommittee on Agriculture and Related Agencies, of the Senate Committee on Appropriations, a May 12 document from the USDA Office of General Counsel, which claims that the proposed policy is legal.

It is my understanding that the Subcommittee on Appropriations is no more pleased with the May 12 legal opinion than am I, and that the subcommittee will so indicate in its hearing record.

It is clear from legal analyses prepared by counsel for the REA borrowers and their organizations that the proposed REA action is contrary to law.

It is my belief that the Senate should add its clear voice to those who have urged the Administrator to withdraw this unwise and illegal proposal. My resolution would accomplish that purpose.

I ask unanimous consent, Mr. President, that the text of my resolution and an article from the May 23 "Rural Electric Newsletter," which analyzes the Senate Appropriations Subcommittee response to the REA legal position, be printed in the Record.

There being no objection, the resolution and article were ordered to be printed in the Record, as follows:

S. Res. 174

Resolution relating to the availability of insured loans from the Rural Electrification and Telephone Revolving Fund for power supply borrowers

Whereas sharp, sustained increases in the cost of electricity and other forms of energy have contributed substantially to inflationary and recessionary conditions in the United States; and

Whereas rural electric utilities, which are financed in large part by borrowing from the Rural Electrification Administration (REA), have experienced substantial cost increases and have increased rates for electric energy to consumers to meet increased costs; and

Whereas the Rural Electrification Act of 1936, as amended, established a program to make available Federal loans to utility systems to provide generation, transmission and distribution of electric energy at reasonable rates to rural consumers; and

Whereas the Congress of the United States, in enacting Public Law 93–32, provided for insured loans and loan guarantees for rural electric systems to meet their financing needs at costs which would be consistent with the objectives of the Rural Electrification Act: and

Whereas the Congress intended that loans made and guaranteed by the Administrator of REA under provisions of Public Law 93–32 be made without discrimination as to whether the borrower is engaged in generation, transmission, or distribution of electric energy; and

Whereas the Administrator of REA, in notice given in the Federal Register on March 11, 1975, proposed a supplement to REA Bulletin 20–6, entitled, "Loans for Generation and Transmission," which supplement would, in contravention of the letter and intent of Public Law 93–32, discriminate among classes of REA borrowers as to availability of insured loans, and which prevents power supply borrowers from applying for insured loans after March 11, 1975; and

Whereas the proposed supplement to REA Bulletin 20–6 contravenes the provisions of Section 307 of Public Law 93–32 which authorizes the Administrator to require qualified borrowers to seek loan guarantees but conditions such authority on "full use being made by the Administrator of the funds" available for insured loans; and

Whereas the Administrator of REA has not made full use of the funds available from the Rural Electrification and Telephone Revolving Fund for insured loans; and

Whereas the proposed supplement to REA Bulletin 20–6 would cause a significant increase in interest costs to power supply borrowers, which costs would cause an increase in retail rates for electric energy, contributing to the general inflation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the proposed supplement to REA Bulletin 20–6 is contrary to law and the public interest, that said proposed supplement is inflationary, and that the Administrator of REA should immediately withdraw said proposed supplement.

Senate Body Receives, Disagrees With USDA's Legal Opinion on REA Bulletin

Sen. Gale W. McGee's (D–Wyo.) Appropriations Subcommittee on Agriculture and Related Agencies has prepared a strong dissent to a USDA lawyer's opinion supporting a new REA policy which would deny G&T cooperatives funds under the low-interest insured loan program.

The proposed policy, announced in the *Federal Register* of March 12 by REA Administrator David Hamil, would have the effect of forcing the power supply systems to borrow under the guaranteed program on the open money market at interest rates estimated in excess of 8%. The insured loans have an interest rate of 5% except in special cases.

At several hearings held in the last few weeks before committees of both houses of Congress, USDA witnesses have been challenged on the legal basis for the proposed change in REA Bulletin 20–6 which would discriminate between distribution and generation and transmission systems.

On April 18, in an appearance before McGee's subcommittee, Hamil testified that the new policy had been considered by the Office of the General Counsel of USDA.

McGee asked Hamil to supply for the hearing record the legal opinion of the general counsel. Subsequently, it developed that the proposed supplement to Bulletin 20–6 was initialed by the general counsel's office but no opinion had been written. Such an opinion was written, dated May 12, and submitted to the subcommittee. In part, the opinion stated that it was usual practice of the Office of General Counsel to indicate legal sufficiency by simply initialing such documents prior to transmittal to congressional committees and the *Federal Register*.

The 2½-page opinion advised essentially that the REA administrator's issuance of "the proposed supplement would constitute a reasonable exercise of administrative discretion," an opinion not shared by NRECA or members of Congress expressing themselves at various hearings and on the floor during the past several weeks.

The general counsel's opinion will appear in the Senate subcommittee hearing record along with a lengthy footnote expressing the subcommittee's disagreement.

The subcommittee found the USDA legal opinion deficient in the following respects:

"It fails to recognize that, from every realistic and meaningful point of view, the proposed supplement does indeed constitute an administrative determination that REA will, after July 1, 1975, no longer approve 5% insured loans to power supply borrowers in any amount, or to distribution borrowers in any amount of $10-million. Contrary to what is stated in this legal opinion, the proposed supplement does 'preclude case by case consideration' of application for such loans.

"This prohibition on insured loans for GT purposes is virtually all-encompassing notwithstanding the exception stated for 5% GT loans 'where the administrator has determined the need for an insured loan in order to maintain loan security.' This is not the kind of loan purpose related to the promotion of rural electrification contemplated by Section 4 and Section 305 of the Rural Electrification Act. Heretofore applied criteria for generation and transmission loans, i.e., power shortage or reduced power costs, are altogether different in nature, and are of the kind contemplated by these sections as promoting rural electrification. They cannot be equated with maintenance of loan security, which this legal opinion vaguely and completely without justification attempts to do in the first part of page two. Differences between distribution loans and generation and transmission loans provide no basis for the kind of different treatment which terminates the latter except where loan security would be jeopardized.

"The subject legal opinion of May 12 states—in the third paragraph on page one—the incomprehensible and unsupportable conclusion that the Section 305 'insured loan authority would be fully implemented' by the proposed supplement. The general determination not to make insured loans to power supply borrowers cannot be regarded as an implementation of such authority. It is simply, in substantial measure, a termination and frustration of such authority.

"Whatever discretion may be lodged in the administrator to approve particular loans, such discretion cannot under any interpretation extend to a sweeping and general determination that an entire class of act purposes is wholly ineligible for insured loans except where required to preserve security on prior loans.

"The sweeping and general determination to not approve insured loans for generation and transmission embodied in this proposal is made without any reference to the amount of funds which may be made available for fiscal 1976 and thereafter by the Congress for insured loans. The proposed prohibition would apply even though the funds so made available by Congress in subsequent years may exceed all the needs for distribution facilities and for generation and transmission by distribution borrowers below $10-million. The statement in the legal opinion that the supplement 'does not rest upon unreasonable assumptions of program levels' appears to mean that it does anticipate and rest upon certain assumptions of program levels. These may not correspond to the funds which Congress may make available for insured loans.

"The opinion claims authority under Section 305 of P.L. 93–32 for the administrator to determine program levels within the limits set by Congress. Whatever merits this position might have, it canot provide the basis of a general and sweeping exclusion of power supply borrowers from insured loans. Furthermore, the opinion completely disregards Section 307, which, as discussed more fully later, conditions the supplemental private financing program on the full use being made by the administrator of the funds made available by Congress for insured loans.

"The congressional acceptance of an administration commitment to a *minimum* insured electric loan program of $618-million a year certainly cannot constitute justification for a general determination by the administrator not to make insured generation and transmission loans at 5% and to hereby exclusively limit generation and transmission loans, for all practical purposes, to open market rate guaranteed loans.

"The administrator's authority under Section 306 to guarantee loans for power supply borrowers cannot be used, as the opinion seeks to do, especially in light of legislative history, to justify the proposed general exclusion from consideration of applications from such borrowers. It is not a reasonable exercise of whatever discretion is lodged in the administrator, to terminate, for all practical purposes, the insured loan program for generation and transmission. It is, on the contrary, a flouting of clearly expressed congressional intent.

"The legislative history of P.L. 93–32 which mandates equal treatment for both distribution and generation and transmission loans cannot be brushed aside, as this legal opinion seeks to do, by characterizing it as 'generalized.' This legislative history was specifically addressed to the administration's unsuccessful attempt to do precisely what this supplement now proposes to do—exclude generation and transmission borrowers from any 5% insured loan funds and limit them to higher market rates only. The House Committee on Agriculture was quite specific on this point. It reads in part as follows:

"'. . . the administrator would continue to have the authority . . . to make loans for generation and transmission on the same terms and conditions and at the same rates of interest as are applicable to loans for other purposes authorized by the Rural Electrification Act, and it is the intent of HR 5683 to provide such authority and discretion.'

"The legal opinion completely ignores Section 307 of the Rural Electrification Act which explicitly conditions the authority of the administrator to require borrower's recourse to non-REA financing sources upon ful use being made by the administrator of the funds made available hereunder for such insured loans under this title.' . . ."

SENATE RESOLUTION 175—SUBMISSION OF A RESOLUTION TO AMEND RULE XLIV OF THE STANDING RULES OF THE SENATE

(Referred to the Committee on Rules and Administration.)

Mr. ROTH submitted the following resolution:

S. RES. 175

Resolved, That rule XLIV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. Notwithstanding the provisions of paragraph 2, whenever in any criminal case pending in any competent court in which a Member, officer, or employee of the Senate is a defendant, or in any proceeding before a grand jury of any competent court in which alleged criminal conduct of a Member, officer, or employee of the Senate is under investigation, a subpena is served upon the Comptroller General of the United States directing him to appear and produce any of the reports which were filed by that Member, officer, or employee in compliance with paragraph 1 and are in his custody, then the Comptroller General shall—

(a) unseal the envelope containing such report and have an authenticated copy made of such report, replace such report in such envelope and reseal it, and note on such envelope that it was opened pursuant to this paragraph in response to a subpena, a copy of which shall be attached to such envelope, and

(b) appear in response to such subpena and produce the authenticated copy so made. For purposes of this paragraph, the term 'competent court' means a court of the United States, a State, or the District of Columbia which has general jurisdiction to hear cases involving criminal offenses against the United States, such State, or the District of Columbia, as the case may be."

Mr. ROTH. Mr. President, 2 years ago, the Senate directed the Comptroller General not to comply with a subpena for the confidential financial statements of former Senator Gurney. This action, in my judgment, makes a mockery and a sham of the whole process of submitting financial disclosure statements. When a case involving alleged criminal wrongdoing by a Senator is before a State or Federal court, then certainly those records should be available to the court.

Today I am submitting a resolution which would require that such a subpena would be honored. My resolution would also require that the financial disclosure statements be provided to a grand jury investigating allegations of criminal misconduct by a Member of the Senate.

In my judgment, two important issues are involved—an issue of "legislative privilege" and an issue of financial privacy.

In the case of executive privilege, I shared former Senator Ervin's view that executive privilege could not be extended to cover material relating to activities of the President outside those activities he performed for a legal or constitutional purpose. For this reason, the Watergate tapes could not be protected by the so-called "Doctrine of Executive Privilege."

Similarly, there should be no legislative privilege protecting the financial statements of a Senator or Congressman from purview in connection with a case involving alleged criminal activity on the part of that Senator or Congressman. The constitutional provision permitting each House to "punish its Members for disorderly behavior" does not imply that these Members are exempt from prosecution in the courts or that their pertinent records cannot be subpenaed.

The purpose of requiring confidential financial statements from Members of Congress is to assure accountability while not invading the Members' right to financial privacy. Senate rule 44 requires from Senators far more information than other citizens must provide regarding their personal finances. In addition to their tax records, Senators must include a listing of any client fees or other compensation in excess of $1,000; business connections; interest in property of $10,000 or more; liabilities of 5,000 or more; and nonfamily gifts of $50 or more in value.

I also believe that Members of Congress, like other citizens, have a right to personal financial privacy and that this right should be preserved. Although I value very highly my right to privacy, last year I agreed to a request by a newspaper in my State to make a detailed public financial disclosure statement. I made the statement because in the atmosphere of Watergate, there was widespread disillusionment with governmental institutions and those occupying public positions. This year, in response to a similar request, I provided pertinent general information—that my income consisted only of my Senate salary and stock dividends, and that my stock holdings were sold early this year in order to buy a home in Rehoboth Beach. I have in the past supported legislation to disclose significant assets. But I have serious reservations as to whether public servants should be required to make public all financial information, including confidential tax returns.

In short, I believe that the Congress should once again carefully review its rules relating to financial disclosure. I personally believe that we should try to make the Ethics Committees genuinely effective and credible institutions rather than invade the privacy rights that

Members of Congress, like other Americans, should be able to enjoy. My resolution to require honoring certain subpenas is a means to that end. If Congress cannot discipline itself; if confidential financial disclosure statements are not effective, the Congress may have to require full public financial disclosure information. This step should be a last resort, because I think it would deter some people who set a high value on their privacy from entering public service and because it would constitute an exception to a very basic right of all law-abiding citizens—the right to financial privacy. A citizen forfeits this right only when there is good reason to believe he is involved in wrongdoing and his records are subpenaed in a duly legal manner.

SENATE RESOLUTION 176—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS

(Placed on the Calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

S. RES. 176

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $20,800 for the purchase of 52,000 calendars. The calendars shall be distributed as prescribed by the committee.

SENATE CONCURRENT RESOLUTION 46—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO NONDISCRIMINATION ON THE BASIS OF SEX

(Referred to the Committee on Labor and Public Welfare.)

Mr. HELMS. Mr. President, as my colleagues are aware, during the second session of the 92d Congress, legislation was passed relating to nondiscrimination on the basis of sex in educational institutions receiving Federal financial assistance. This legislation is frequently referred to as title IX of the Education Amendments of 1972. It is codified in the United States Code as title 20, section 1681, et seq.

The primary active clause of the legislation provides as follows:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

The second section of title IX authorizes and directs each Federal department and agency empowered to extend Federal financial assistance to "any education program or activity" to effectuate the provisions of this law by issuing rules, regulations, or orders "which shall be consistent with the achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken."

On June 20, 1974, the Department of Health, Education, and Welfare published in the Federal Register proposed regulations implementing this legislation. Comments were solicited "from interested citizens" until October 15, 1974. HEW reported that it received "nearly 10,000 public comments" on the regulations. Indeed, during that period I received hundreds of such comments indicating the great public dissatisfaction with what HEW was attempting to do. Needless to say, I provided HEW with my own comments. Other Members of Congress did the same. Nonetheless, on June 4, HEW published the final regulations in the Federal Register. As published, they contain few substantive changes when compared with the tentative regulations that appeared on June 20, 1974. To be sure, a few alterations were made, college fraternities and sororities will now be permitted to remain single-sex organizations, rather than being required to admit members of the opposite sex as originally proposed. Additionally, HEW has decided that sex education classes do not now have to be taught on a coeducational basis, and the Department will not prescribe the content of textbooks. But, with such limited exceptions, the regulations as published for public comment almost a year ago remain the same.

These regulations, if allowed to stand, will radically alter the fundamental principles upon which many of our educational institutions are based—principles which have over many years motivated interested citizens to give unselfishly of their time and resources so that these schools could exist and provide the kind of wholesome educational environment that parents want for their children.

Additionally, they represent another example of the excesses of the bureaucracy of the executive branch. In drafting the regulations, HEW has acted inconsistently with the act and the intent of Congress. HEW has unquestionably engaged in the practice of making law, not implementing it. The bureaucracy is unelected and, therefore, not answerable to the people. To permit such a bureaucratic usurpation of the prerogatives of the Congress not only will facilitate the destruction of the delicate balance of power between the three branches of Government, but also the concept of representative democracy itself.

Specifically, the legislative enactment previously cited prohibits the exclusion from participation, first, of any person in the United States; second, on the basis of sex; third, under any "education program or activity"; fourth, receiving Federal financial assistance.

The prohibition pertains only to an "education program or activity." Obviously, the word "education" is intended to modify the words "program or activity." Therefore, the prohibition applies to programs and activities that are part of the education process.

Educational institutions sponsor many programs and activities for the benefit and convenience of their students. No one would disagree that, in the broadest sense, just about everything is in some respect educational. I have no doubt that simply spending some time on a college campus talking with students would be educational. Reading a newspaper or attending a motion picture are all, in the broadest sense, educational. Indeed, driving around the city of Washington is educational.

However, the statute does not say "any program or activity." It qualifies the term by prefacing it with the word "education." The obvious intent is that the general, ordinary meaning be given the word. In fact, established concepts of legal construction require that. Webster's New World Dictionary of the American Language, second college edition (1972) states that education involves "systematic study." It is the obvious intention of Congress that title IX only apply to programs and activities directly involving courses of instruction, and those programs and activities that are an integral part of the formal systematic process of receiving an education at a school.

Nonetheless, HEW, through overbroad interpretation inconsistent with the congressional enactment, has extended the meaning of the statute beyond all reason. The regulations are inconsistent with the enactment in that they apply to programs and activities not receiving Federal funds such as athletics and extracurricular activities generally they govern living facilities at a college, including curfews at dormitories, and they require mixed classes of boys and girls in all courses of instruction—except for sex education classes and certain physical education activities involving contact sports.

Additionally, the regulations are inconsistent with the enactment in that they declare pregnancy must be treated as a temporary disability such as a broken leg. Indeed, the regulations require that no student or teacher be excluded by a school "* * * from its education program or activity including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom * * * ." Therefore, if these regulations are allowed to stand, a school will be legally required by the Federal Government to allow unwed, pregnant teachers to continue to mold the minds of young people.

Now, I have no wish to seem "holier than thou," or to deliver any sermons, but I do believe that the example of an unwed, pregnant schoolteacher is something less than what the vast majority of American parents want for their children's educational experience.

Additionally, it is required that in providing a medical, hospital, accident or life insurance benefit, service, policy or plan to any of its students, a school shall not discriminate on the basis of sex. It has been suggested that this provision requires such benefits and services to cover a student's pregnancy or abortion. The regulations specifically mention with favor a school's providing "family planning services" to students. Of course, they additionally provide that a school "shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex." Obviously, the draftsmen of the regulations envision a school providing single students with family planning services and at the taxpayers expense, no doubt.

While it was the obvious intent of the statute that it apply to those seeking an educational opportunity, the regulations cover the employees of educational institutions, whether they be maintenance personnel, administrative staff or teachers. Again, the regulations are inconsistent with the congressional enactment.

The language of the statute is clearly prospective in nature. But, the regulations require affirmative action to remedy the effects of supposed past discrimination.

Mr. President, the list goes on—page after page of arrogant bureaucratic rulemaking inconsistent with the congressional enactment. The language of the statute is clear enough. It conveys a plain meaning. The law obviously states that women shall not be excluded from an equal educational opportunity with men. It is that simple, and I do not believe that a Senator here is opposed to that. But, a great many people, including this Senator, are opposed to HEW regulating intercollegiate athletics, marital and family status, the content of classes and other excesses.

The advocates of these regulations within HEW freely admit that in preparing them they used the regulations and court decision pertaining to racial discrimination of an earlier era as their guide. And, when one inquires of them as to the legal foundation of certain regulations, they cite court decisions regarding racial discrimination. The rebuttal to their ridiculous assertion in this comparison is so plainly obvious that it pains me to state it, but it appears necessary—there simply is no correlation between the relationship of one race of people to another race of people, and the relationship between men and women. The evident folly of such a comparison would at times seem amusing if it were not another exploitation of minorities to achieve the purposes of arbitrary bureaucrats. Again, the regulations are inconsistent with the congressional enactment.

Mr. President, I will not belabor the matter further except to say that these regulations if allowed to stand will greatly disrupt the schools of my State and every other State. Once again, the Department of Health, Education, and Welfare has made a negative contribution to the well-being of the students of America. I ask unanimous consent that a letter from the Honorable James E. Holshouser, Governor of North Carolina, dated June 4, 1975, be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RALEIGH, N.C.,
June 4, 1975.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: I am advised that the President recently signed regulations promulgated by the Department of Health, Education, and Welfare implementing Title IX of the Education Amendments of 1972, pertaining to nondiscrimination on the basis of sex in educational institutions, and that they appear in the Federal Register today. Needless to say, I am aware of the deep concern that you expressed regarding these regulations months ago when they were in tentative form.

Of course, I am alarmed about the destructive effect that they will have upon quality education in North Carolina and throughout the nation. They unquestionably represent bureaucratic excess and are clearly inconsistent with the Congressional enactment which they purport to implement.

You and I, of course, both want to do everything we possibly can to provide the very best educational opportunity for the women of our State as well as the men. However, HEW's regulations go far beyond a reasonable course in furthering these objectives by embracing programs that receive no Federal or State financial assistance, such as athletic programs and the like. More importantly, however, they will greatly handicap the State of North Carolina in its ability to meet the real needs of the youth of our State.

From all information that I have received on this matter, I agree completely with your position that HEW has subverted the intent of Congress and gone beyond the scope of the legislation in developing these regulations.

I understand that you intend to immediately introduce a resolution in the Senate providing a Congressional disapproval of the regulations and requiring HEW to go back to the drawing board and rewrite them in a sensible manner. I want to extend my full support to your resolution, and I hope that all of the members of the North Carolina delegation in Washington will add their active support as well.

Please do not hesitate to call on me whenever I can be of assistance with this important matter.

Sincerely,

JAMES E. HOLSHOUSER, Jr.

Mr. HELMS. Fortunately, the law provides a swift and effectual remedy for the radical contents of these regulations. Section 431 (d) and (e) of the General Education Provisions Act—codified as 20 United States Code, section 1232, et sequitor—provides that these regulations shall become effective not less than 45 days after their transmission to Congress "unless Congress shall, by concurrent resolution, find that the standard, rule, regulation, or requirement is inconsistent with the act from which it derives its authority and disapprove such standard, rule, regulation, or requirement." That, of course, is the resolution that I am submitting today, a concurrent resolution declaring that Congress find the regulations in their entirety to be inconsistent with the act, because they represent such a wide departure from the statute, and the nature of their conception is so erroneous that it would be far simpler to prepare another set of regulations than to attempt to satisfactorily revise these.

Mr. President, because of the 45-day time limitation involved, at the appropriate time I shall ask unanimous consent that the committee to which this resolution is referred be directed to report it promptly to the Senate. I have in mind that this be done not later than 20 days following the date of the transmission of such regulations to the President of the Senate—June 3, 1975, and that the computation of the aforementioned 20-day period be made in like manner with the computation of the aforementioned 45-day period as provided by the General Education Provisions Act previously cited.

Mr. President, I ask unanimous consent that a copy of my resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 46

Resolved by the Senate (the House of Representatives concurring), That pursuant to the provisions of section 431(d) of the General Education Provisions Act, the Congress of the United States finds that the regulations of the Department of Health, Education, and Welfare relating to nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance (40 F. R. 21128) are inconsistent with the provisions of title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1686), and disapproves such regulations which were transmitted to the Congress on June 3, 1975."

AMENDMENTS SUBMITTED FOR PRINTING

MILITARY CONSTRUCTION AUTHORIZATIONS—S. 1247

AMENDMENT NO. 542

(Ordered to be printed and to lie on the table.)

Mr. NUNN. Mr. President, on Monday, June 2, 1975, I submitted amendment No. 499 to S. 1247, the Military Construction bill. Since that time I have learned that the section number of the bill should more appropriately be numbered section 611 rather than section 901. In order to correct the section number, I am today resubmitting the amendment to accomplish the transfer of surplus Army land to Augusta College.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 480

At the request of Mr. JAVITS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendment No. 480, intended to be proposed to the bill (S. 920), the Defense Department Authorization Act.

AMENDMENT NO. 516

At the request of Mr. PROXMIRE, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of amendment No. 516 to the bill (S. 920), the Military Authorization Procurement bill.

ANNOUNCEMENT OF HEARINGS ON ARMS SALES

Mr. HUMPHREY. Mr. President, I wish to announce that the Subcommittee on Foreign Assistance of the Committee on Foreign Relations will hold hearings on U.S. arms sales policy on June 17 and June 18 in room 4221, Dirksen Senate Office Building beginning at 10 a.m. each day.

Congressional witnesses and an invited panel of experts in the arms sales field will be heard on June 17. Executive branch witnesses will be heard on June 18.

ANNOUNCEMENT OF HEARINGS ON FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Mr. RIBICOFF. Mr. President, the Committee on Government Operations will hold hearings, June 11, on S. 1774, a bill which abolishes the Federal Metal and Nonmetallic Mine Safety Board of Review and transfers the functions and powers to the Secretary of the Interior.

The hearings will begin at 10 a.m. in room 224, Russell Senate Office Building.

CHANGE IN DATES FOR AFRICA SUBCOMMITTEE HEARINGS

Mr. CLARK. Mr. President, the hearings on Angola to be held by the Subcommittee on African Affairs of the Foreign Relations Committee have been rescheduled for the morning of June 16 and the afternoon of June 18, instead of the mornings of June 25 and 26.

NOTICE OF HEARING

Mr. PHILIP A. HART. Mr. President, the Subcommittee on Antitrust and Monopoly has rescheduled its June 5 and 6 hearings on S. 1284, the Antitrust Improvements Act of 1975, introduced by Senator HUGH SCOTT and myself.

The hearing will be held June 12, 1975, beginning at 9:30 a.m., in room 6202, Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

THE CONSUMER PROTECTION AGENCY

Mr. HANSEN. Mr. President, the Wall Street Journal on May 22 editorialized about the magic spell the word "consumerism" casts in politics and government.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 22, 1975]

THE CONSUMER PROTECTION AGENCY

There still appears to be political magic in word "consumerism," judging from congressional eagerness to create a Consumer Protection Agency. Although a national survey recently conducted by Opinion Research Corp. revealed that a vast majority of Americans don't want a new consumer agency, the bill recently sailed through the Senate and is expected to have little opposition in the House. Even Congressmen who are known to be skeptical reluctantly voted for the agency, perhaps on the expectation of a presidential veto but also on the belief that it isn't very popular in Washington circles to be tagged anti-consumer.

How much the Consumer Protection Agency will really help the consumer is anybody's guess, and our own guess is very little. A strong underlying premise of the legislation is grounded in antipathy toward business. It isn't accidental that the bill's strongest advocates are also the principal spokesmen in favor of hamstringing business enterprise. Nor is it accidental that, in a clear sop to organized labor, labor-management relations were exempted from the bill even as sponsors were attesting to its impartiality.

Then there is the matter of timing, the fact that the bill is considered necessary when consumer skepticism and sophistication are at perhaps an alltime high. The notion of the gullible consumer, naked in the marketplace jungle and at the mercy of unscrupulous merchants and advertisers never had much validity and has even less today. Moreover, it's a measure of the lack of candor surrounding the bill that supporters claim the new agency, whose conception and birth are steeped in partisan politics, will act as an impartial advocate for the buying public.

If there is anything the U.S. could do without, it's another layer of federal bureaucracy. No matter how well intentioned this new agency, it will inevitably entangle business in endless red tape, delays and legal snares. And it is bound to raise the cost to consumers enormously, in the same way that existing regulatory agencies have added billions of dollars to consumer costs each year with unnecessary and inflationary regulations.

President Ford is well aware of the Consumer Protection Agency's shortcomings. In fact, he made some of these same arguments in asking that Senate action on the agency be deferred and existing regulatory agencies improved. But since he did not specifically threaten a veto, there is speculation that he may ultimately go along with the bill after it passes the House, especially since its initial cost will be only a piddling $20 millon or so.

But the agency's direct operating costs are the least objectionable of the bill's features. If Mr. Ford is serious about reducing the size and power of government, he should veto the bill promptly in language that leaves no doubt where he stands. With such leadership Congress might develop a little more backbone the next time around.

THE NATIONAL PETROLEUM AND NATURAL GAS CONSERVATION AND COAL SUBSTITUTION ACT OF 1975

Mr. HUDDLESTON. Mr. President, I want to express my strong support for S. 1777, the National Petroleum and Natural Gas Conservation and Coal Substitution Act of 1975, the distinguished chairmen of the Interior, Public Works, and Commerce Committees are to be highly commended for their initiatives in taking an important first step toward energy self-sufficiency by substituting coal for oil and gas as the country's main boiler fuel.

With the benefit of hindsight, we can see that the energy shortage of the 1970's is largely a result of energy shortsightedness in the 1950's and 1960's. The United States sits on over 500 years of coal reserves—coal represents over 80 percent of our energy resources. In contrast, we have less than 50 years of oil and gas. Yet, it is oil and gas on which we have become dangerously dependent.

Coal supplied only 17 percent of our energy needs in 1972, compared to 38 percent in 1950. In the same timespan, percentage dependence on petroleum increased from 39.8 percent to 45.7 percent and dependence on natural gas jumped from 18.2 percent to 32.1 percent. Even more dramatic is the increase in dependence on oil imports—from 12.6 percent of total supply in 1950 to 36.2 percent in 1972. But, the Arab oil embargo of 1973 and our continuing balance of payments problems have made it abundantly clear that this trend cannot continue.

For the short term at least, our options are severely limited. The breeder reactor and solar power hold great promise for the future, but not the immediate future. Oil shale, geothermal energy, hydroelectric power, and tar sands likely will contribute more to our energy mix, but not enough to replace significant amounts of imported fuels and permit the energy growth necessary for a healthy economy.

So, we are back to coal. It is plentiful, available, versatile, totally domestic, and under our control. It can displace 4 barrels of oil for each ton that is mined, or 2 barrels a ton for coal that in converted into synthetics.

In his 1975 state of the Union message, President Ford called for an increase in coal production from the present 600 million tons a year to 1.1 billion tons by 1985. The comprehensive congressional economic and energy program's recommendation was even higher—1.4 billion tons by 1985, or roughly double the estimated production for 1975. I have no doubt that these goals can be met—my own State of Kentucky has almost doubled its annual coal production between 1961 and 1973 and we are still expanding. But, I am equally sure that such expansion cannot be achieved on a national scale without a solid national commitment to increased coal utilization backed by tough enforcement provisions. With declining markets and uncertainty over Government regulations and energy policies, only 13 mines of greater than 2 million tons per year production were opened in the 10 years from 1960 to 1969. In contrast, to double production by 1985, the National Coal Association estimates that, on the average, one large new deep mine and one large new surface mine must be brought into production every month for 10 years at an investment cost of over $21 billion.

Substitution of coal for oil and gas in utility and in industrial boilers is a significant step toward a national commitment to coal, and national leadership appears essential to an ongoing program. Although 24 generating units at 11 electric powerplants voluntarily converted to coal during the Arab oil embargo, reconversions began shortly after the embargo was lifted and two-thirds of these units are back on oil.

Emergency legislation already is in effect. The Energy Supply and Environmental Coordination Act—ESECA—authorizes the Federal Energy Administration to order existing powerplants and other major fuel burning installations to burn coal rather than oil or natural gas, and to require new plants to be constructed with the capability to do so. But, the authorities under the act are limited—for example, new plants cannot be required to burn coal, they simply must have the capability to do so—and, these limited authorities expire at the end of this month. S. 1777 would extend and expand those authorities; it would provide penalties for noncompliance, and it would simplify the procedures for issuing conversion orders while continuing to assure that coal substitution is not accomplished at the expense of our environment. Under ESECA, FEA estimates they will be able to save 850,000 barrels of oil a day by 1985. With the expanded authorities in S. 1777, the oil savings from coal conversions could exceed 3 million barrels a day.

Obviously, a conversion to coal of this

magnitude cannot be accomplished without resolving a multitude of related problems, and I congratulate the committee for convening hearings to examine the whole gamut of national policies affecting coal production, distribution, and end use and to review the potential availability of capital, manpower, and equipment. I would like to take this opportunity to voice briefly my opinions and concerns on a few of these matters.

Beyond the enormous capital requirements, there are numerous other restraints on production.

With 60 percent of coal resources in the Western States owned by the Federal Government, we need prompt action on legislation to amend the coal leasing program and resume production from these Federal lands.

We need to deal with shortages of two essentials—manpower and materials.

In 1973, fewer than 300 degrees were awarded in mine engineering, and one company sought to hire 70 of these graduates; 75 mining engineers had to be imported to fill industry needs, and 85 to 90 were imported in 1974. I am cosponsoring with Senator HUGH SCOTT a bill, S. 62, to help alleviate this problem by establishing coal research laboratories at five universities and provide up to 1,500 graduate fellowships a year in energy fields. I urge that it be considered and passed as soon as possible.

With regard to materials, backlogs of up to 5 or 6 years have been reported in orders for heavy mining equipment, and shortages have surfaced in roof bolts, amonium nitrate, rubber belting, bearings and mine shuttle cars. This problem can only be aggravated by increased production, and I strongly urge President Ford to use his authority under the Defense Production Act to insure sufficient supplies for scarce materials needed for energy development projects until longer term solutions can be developed.

And, we need to maintain and increase our research efforts for new mining methods—both underground and surface—and miner health and safety.

Expanded production will be useless if we cannot get the coal to market, and a doubling of production will seriously tax existing systems. Understandably, in considering coal's transportation needs, emphasis will fall heavily on the railroads: 67.1 percent of the coal produced in 1973 left the mines by rail, and the National Academy of Engineering estimates that if coal production doubles we will need some 60 new, 2-million-ton-per-year rail-barge systems in the East and an additional 70 3-million-ton-per-year systems in the West. That means 150,000 new gondola and hopper cars, each of 100 ton capacity, and 8,000 railroad locomotive units.

But, I would hasten to point out that while rail may be the primary mover of coal nationwide, there are regional exceptions and we cannot afford to neglect other transportation modes. In my own State of Kentucky, the largest coal-producing State in the country, there has been a dramatic shift away from the railroads as the primary mode of coal transport. In 1956, over 60 percent of coal produced in eastern Kentucky was transported to different markets by rail. By 1973 only about 32 percent of the region's coal was shipped by rail, and almost 68 percent was moved by truck, resulting in a rapid and substantial destruction and deterioration of much of the region's highway network. The trend is much the same in western Kentucky so that it is expected that by 1984 there will be from 5,254 to 6,268 trucks being utilized principally for coal hauling on Kentucky roads and highways compared to approximately 2,890 such trucks in 1973. In order to keep up our capacity to meet the coal industry's increasing transportation needs, the Kentucky Department of Transportation recommends a program that would fund a $938,000,000 capital investment program in the time period from 1975 to 1984, and a $26,000,000 a year maintenance program in addition to early and full funding to complete the Appalachian Development Highway System.

Clearly, the State cannot do this alone. Nor should it. As Kentucky is a major exporter of coal, and the No. 1 supplier to the Nation, I believe that the case for exceptional Federal aid to improve and maintain coal haul roads is essential from the standpoint of national energy self-sufficiency.

I would even urge the committee to consider the possibility of utilizing the Highway Trust Fund to meet urgent transportation needs as they relate to the production of new energy supplies. Energy self-sufficiency certainly is as important as a National Highway Transportation System.

There are serious restraints, too, on the utilization of coal—primarily environmental restraints. State air quality implementation plans could preclude the use of coal at the rate of nearly 200 million tons a year—almost 40 percent of 1974 usage—because of its sulfur content. The production of low sulfur coal is limited. In the East, where 87 percent of our coal is produced, only 8 percent can meet sulfur standards applicable to new plants. Sulfur dioxide removal devices are showing increasing promise. A system installed on Louisville Gas & Electric Co.'s Paddy's Run Station in 1973 has successfully been removing 90 percent of the sulfur dioxide. But, the widespread use of scrubbers is unlikely before the late 1970's or early 1980's. And, conversion of coal into gaseous or liquid fuels removes the sulfur. But, again, despite dramatic increases in Government and industry spending on research and development of gasification and liquefaction, commercial applications are unlikely before the 1980's.

While we cannot substantially abandon our hard-won environmental progress of the past and diminish our efforts for a cleaner environment in the future, neither can we abandon coal as an energy source in the pursuit of absolute environment purity. So, for the short term, we must decide whether to extend the compliance period for air quality standards which are not necessary to protect public health and safety. We must reexamine State implementation plans which establish standards more stringent than those in the Federal Clean Air Act. We must reconsider regional limitations, settle the "significant deterioration" issue, and decide whether or not to permit the use of intermittent controls—that is, tall stacks and, during periods of poor air quality, the burning of low-sulfur fuels and/or reductions in generation.

For the longer term, we must continue the Federal commitments to research and development of coal gasification and liquefaction at the level which we have been able to achieve only in the last 2 years, and encourage the States and private industry to participate in the effort.

Kentucky already has made a substantial commitment. The State legislature has authorized up to $50 million in State funds over the next 5 years for coal research; the State has entered into an agreement in principle with Texas Gas Transmission Corp. for establishment of a two-phase gasification plant in western Kentucky; we are actively pursing the possibilities of locating a commercial coal liquefaction plant in eastern Kentucky; we are also seeking a $237 million demonstration plant that will convert high sulfur coal into a clean synthetic fuel; and, the University of Kentucky has one of the most outstanding ongoing coal research programs in the country.

Large scale conversions to coal permit us to think in terms of unburdening our economy from balance of payments deficits, and ourselves from the uncertainties which accompany dependence on foreign energy sources. With a coordinated national coal policy and a solid national commitment to greater coal utilization, I feel certain that these conversions can be accomplished.

THE AGENCY FOR CONSUMER ADVOCACY

Mr. FANNIN. Mr. President, at a time when questions are being raised in many quarters concerning the wisdom and efficacy of Government regulation, the Senate has decided that what this country needs now more than ever is a new Federal regulatory body. I am referring to the recent passage of S. 200, a bill to establish a so-called consumer protection agency, or as it is euphemistically entitled, the Agency for Consumer Advocacy. In my opinion, the Senate's action was unwise, ill-advised, and badly timed.

Many observers of the Washington scene have noted that Federal agencies, rather than serving the public interest, have a way of becoming virtual servants of the industries and special interest groups they are supposed to regulate and control. In addition, the complex scheme of rules and regulations promulgated by Federal administrators has led to great inefficiency, confusion, cost and waste for the public who the rules and regulations were intended to protect.

It has become increasingly difficult for businessmen to conduct normal business operations or make routine decisions, without having to consult their attorneys, fill out and file many forms, keep extensive records, and hire additional personnel to take care of the extra paperwork—without, in fact, defending themselves for being successful or trying to make a profit just to stay in business.

As a result, the consumers find themselves paying higher prices for goods and services supplied by business. In some cases they cannot even purchase the product they need because Government regulation has made its manufacture or delivery too costly or too difficult.

It is impossible to measure accurately the effects that many arbitrary and capricious decisions of faceless bureaucrats have had on the taxpaying public. Most difficult, and most troubling of all, is the inestimable loss of personal freedom as a result of the expansion of Federal power and control in our daliy lives.

For these and other reasons, many critics have concluded that what we need most of all is less Government regulation and fewer Federal agencies.

Mr. President, I have long been a staunch advocate of regulatory reform. I believe that a comprehensive examination and review of Government regulations, agencies, and of the Federal administrative process is long overdue.

Having observed the steady growth of big government and the corresponding decline of personal freedom in our Nation during two terms in the Senate, I cry: "Enough." We do not need a consumer protection agency. The best way to protect consumers is to eliminate or reform existing regulation, to abolish or deregulate the agencies we already have.

Mr. President, we do not need an additional layer of bureaucracy on top of the already burgeoning Federal bureaucracy. We do not need another Federal agency allegedly to represent the interests of consumers as a class, at the expense of the rest of us consumers. We do not need a new agency, however noble the purpoe, when the public opinion polls show that the American people are overwhelmingly opposed to establishing still another agency. From the mail I know that the good people of Arizona do not want a consumer protection agency. They want less Government regulation, control, and interference, not more.

That is why, Mr. President, I cast my vote against S. 200 and against ACA. I was voting for consumers and for their protection.

The majority of the Senate was wrong, in my opinion, in approving an Agency for Consumer Advocacy. I hope that the Members of the House of Representatives will show greater wisdom and reject the ACA. Failing that, I pray that the President will veto this legislation. He should veto S. 200 as a matter of principle, in my opinion.

Mr. President, I call the attention of my colleagues to an editorial which appeared in the May 29 edition of the Arizona Republic which discusses the consumer protection agency proposal. This article points out that the fate of the Agency for Consumer Advocacy may soon rest with the White House and finally with the Congress.

Recently I sent a note to the President urging him to veto S. 200 should it be approved by the House. I urge my colleagues in the Senate, whatever their personal disposition toward the principle of consumer protection, to support the President in that decision and vote to sustain that veto, if such is necessary. I hope, too, that those of you who feel strongly about this matter will also drop a line to the President to urge a veto. I make this plea for the several reasons I have given and for the reasons eloquently set forth in this editorial.

As the Republic states:

> The President should veto the Consumer Protection Agency bill as a matter of principle. For the consumer's sake, business needs less regulation, not more.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

> [From the Arizona Republic, May 29, 1975]
>
> "PROTECTING" CONSUMERS
>
> Although a recent poll by Opinion Research Corp. showed that a vast majority of Americans oppose the creation of a Consumer Protection Agency, the likelihood is they'll get one anyway.
>
> They may believe they're perfectly capable of shopping wisely, but Congress knows better.
>
> Congress knows we are a nation of sheep, looking for someone to shear us. It has, therefore, decided to save us from our gullibility.
>
> The Senate already has passed a bill to establish a Consumer Protection Agency, and the House is certain to. President Ford has not yet indicated whether he will veto it, but, if the President does, the odds are that Congress will override him.
>
> As envisaged by its sponsors, the Consumer Protection Agency would be a kind of watchdog over all the other government agencies. It would have the power to intervene before them in all proceedings that it thought might affect the interests of consumers.
>
> With two exceptions:
>
> One: It would have no say in the activities of the National Labor Relations Board, even though labor-management relations obviously have a direct effect on prices.
>
> Two: It would have no say in any government actions that might affect farm prices.
>
> The AFL-CIO insisted on the first; the farm lobby on the second.
>
> With labor and the farmer beyond its purview, the Consumer Protection Agency obviously would become a business-baiting agency. What else would there be left for it?
>
> It would entangle business in endless red tape and legal actions, resulting in costly delays.
>
> In the end, the consumer would have to foot the bill. Designed to protect the consumer, the agency actually would cost him money.
>
> As the President has pointed out, regulatory agencies always cost the consumer money. He has estimated the cost in the billions.
>
> Ford has rightly been urging Congress to dismantle some of the agencies and cut some of the others down in size and scope as a means of reducing prices.
>
> Even if Congress is certain to override him, he should veto the Consumer Protection Agency bill as a matter of principle.
>
> For the consumer's sake, business needs less regulations, not more.

TITLE V REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS

Mr. MANSFIELD. Mr. President, I want to say how delighted I was yesterday to see the extraordinarily enthusiastic response in testimony before the Public Works Committee regarding S. 1189 which I submitted with the cooperation of my distinguished fellow Senator from Montana (Mr. Metcalf) and the senior Senator from Utah (Mr. Moss).

S. 1189 is designed, Mr. President, to bestow upon the seven title V Regional Development Commissions representing 31 States, generally the same authority and funding which has been so successfully enjoyed for the past 10 years by the Appalachian Regional Development Commission. It was the committee's intent, 10 years ago when Appalachia and the title V Commissions were organized, that when title V Commissions had been battle-tested and seen their plans refined, they should be recipients of authority and funding comparable to that of Appalachia.

Many of us in title V Commission States believe this is a fair and just approach to the problem of regional economic development since economic lassitude has not been the sole domain of Appalachia in recent years. We believe further that the title V Commissions have in a few years of operation, years I might add which provided them with scant financial support, have proven their effectiveness and deserve to be upgraded to a status equal to Appalachia.

This year seems to be the ideal to consider such an action, Mr. President, since renewal of Appalachia's authority has been passed by the House and is now before the Senate Public Works Committee.

I was gratified by the outpouring of support for S. 1189 as indicated by the committee's hearing yesterday. Unfortunately my duties in this Chamber prohibited me from testifying personally in behalf of S. 1189 but my statement was very ably introduced by my colleague and good friend from Montana (Mr. Metcalf). I was also pleased to see supporting testimony from the Senator from Utah (Mr. Moss) and the Senator from Arkansas (Mr. Bumpers) who testified so eloquently for himself and Senator McClellan.

The interest of our Nation's Governors in the title V Commissions apparently is evident from the correspondence I and my colleagues have received from statehouses throughout the country. The Governors of New Mexico, Wyoming, and Rhode Island felt so strongly about the need for S. 1189 that they sent emissaries to Washington to present positive and constructive statements in their behalf.

I am pleased to report that the Western Conference, a caucus of Senators and Representatives from 10 Western States intimately concerned with energy development in the context of our national shortage, also endorsed the measure unanimously. I might add that President Ford has advocated congressional action on energy matters and this bill provides such assistance.

These signs indicate to me, Mr. President, that the consensus leans quite strongly to my view that it is time to grant title V Commissions a semblance of parity with the Appalachian Commission. I know this view is supported by several members of the Public Works Committee and I most especially cite the

Senators from New Mexico (Mr. Montoya and Mr. Domenici) who participated actively in the hearing yesterday and provided much wisdom and constructive thought.

I also wish to thank the chairman, my good friend from West Virginia (Mr. Randolph) for his gracious and cooperative reception of our views. He is certainly as anxious as any of us to equal treatment accorded to all commissions in this time of widespread economic uncertainties, and I thank him for his willingness to work with us to help us achieve our economic objectives.

NEED FOR CONTINUOUS PRESENCE

Mr. HANSEN. Mr. President, the island of Diego Garcia in the middle of the Indian Ocean has the potential to become the keystone for providing a balance of naval power in that vast region of the world.

The April issue of the Marine Corps Gazette published an article by Capt. H. V. B. Kline entitled, "Diego Garcia and the Need for a Continuous American Presence in the Indian Ocean."

Mr. President, I ask unanimous consent that this excellent article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Diego Garcia: And the Need for a Continuous American Presence in the Indian Ocean

(By Capt. Hibberd V. B. Kline III)

Department of Defense proposals to expand American facilities on the British administered Indian Ocean island of Diego Garcia have assumed increased importance since the October War of 1973 returned control of the Suez Canal to Egypt and made possible the re-opening of this international waterway. Once open, the Canal will shorten Soviet distances between Russian ports and the Indian Ocean from the present 11,000 miles (European ports) or 9,000 miles (Vladivostok) to 2,200 miles (Black Sea ports).

American supply lines for units operating in the Indian Ocean will continue to be 4,000 miles long from Subic Bay in the Philippines to the area of operations, unless an alternative base is developed in the Indian Ocean itself. As Adm. Zumwalt, then Chief of Naval Operations (CNO), stated before a congressional hearing recently, the present system of deployment in the Indian Ocean stretches American capabilities "to the absolute limit" and denies the Pacific Fleet "any capability to react to a simultaneous crisis in the Western Pacific from a logistics standpoint."

While the U.S. Navy is operating at the end of this long supply line, the Soviets presently have numerous facilities agreements with littoral States on the Indian Ocean including Somalia, the Democratic Republic of Yemen (Aden), and Iraq, and are seeking access to additional ports. Russian warships currently visit India, and Moscow is carrying favor with New Delhi through supplying arms and economic aid. The Russians are also clearing the port of Chittagong in Bangladesh which will undoubtlessly be placed at their disposal. It is reported that at present the Soviets have approximately thirty vessels in the Indian Ocean and in terms of "ship days" have a presence four times greater than that of the United States, though many of these Soviet vessels are fleet auxiliaries.

In 1972 the United Nations General Assembly, with the support of over 100 member States, declared the Indian Ocean a "Zone of Peace" in which naval rivalry was to be forbidden. Despite that idealistic declaration, this body of water is of such strategic importance that the major powers cannot disregard their interests in these seas. The Indian Ocean has become the major highway for a growing portion of the world trade in raw materials indispensable to industrialized society.

At the moment, oil dominates the trade of the area. Japan relies upon the Persian Gulf for over eighty per cent of its oil, while Western Europe obtains approximately two-thirds of its oil from this area. The Soviet Union is importing natural gas from Iran at a rate equal to that of Soviet exports of natural gas to Western Europe, and Iraq is receiving Russian oil drilling technology in return for Iraqi oil. Some experts predict that the Russians will experience major oil shortages in the early 1980's and thus have a vital interest in the oil fields of the Persian Gulf. Increased mineral wealth is being discovered in East Africa. These raw materials will be shipped from Indian Ocean ports. Not only the industrialized nations of the West and Japan, but the underdeveloped nations and Communist China are becoming increasingly dependent upon the raw materials of the Indian Ocean littoral.

In addition to its importance as a crossroads of trade, the Indian Ocean has gained considerable military importance from the development of submarine launched ballistic missiles. The vastness of the area allows for dispersion of missile-equipped submarines, while keeping them within range of both China's Singkiang Province with its nuclear facilities, and the military-industrial complexes of Soviet Central Asia. There have been Polaris submarines on station in these waters for several years, and the Soviets have at least ten nuclear submarines in this area either shadowing American vessels or carrying missiles programmed for Chinese targets.

The Indian Ocean is also a political crossroads ringed by less developed countries from Delagoa Bay in southern Africa to the Northwest Cape of Australia. As Hanson W. Baldwin, military editor for the N.Y. *Times*, points out "Men-of-war cruising in these exotic seas have a psychological and political effect, often disproportionate to their actual power (as Soviet ship visits have shown) on the far from stable lands of Africa, the Middle East and the Indian subcontinent." Because of their potential or realized wealth of resources, these countries are of major importance to the United States. Yet our policies toward them are uncoordinated and contradictory, while Soviet policies in the area seem more coherent and purposeful. On the northern littoral of the Indian Ocean, the Soviets appear to be following a coordinated plan to expand their influence. Iraq has become associated with COMECON, the East European counterpart of the Common Market, and, after nationalizing its oil industry, has based the exploitation of its oil wealth upon partnership with the Soviet Union. In Afghanistan the Soviets are supporting the new radical royal government and have constructed an all-weather road through that mountain kingdom to the Pakistani border. Here they are supporting the separatist movement of the Buluchistani who threaten to further dismember Pakistan. As noted earlier, Moscow has renewed military aid to India and is reopening Chittagong Harbor in Bangladesh.

In East Africa the Soviets are sponsoring guerrilla movements against Rhodesia, and the Portuguese colonies of Mozambique and Angola in an area stretching from the Indian Ocean to the Atlantic. Recently the Russians gave the unpredictable Gen. Amin of Uganda a massive supply of military equipment including tanks, armored personnel carriers, anti-aircraft weapons, trucks, and jet aircraft. These supplies appear likely to expand Soviet influence throughout East Africa. Shortly after receiving the arms, President Amin urged the Organization of African Unity to change its support of the guerrilla movements in southern Africa from talk to action. He asked rhetorically how a guerrilla could be expected to combat a South African Mirage jet; the answer, of course, is with a Soviet SA–7 ground-to-air missile. These weapons have already appeared in the hands of Rhodesian rebels. Around the shores of the Indian Ocean, the Soviets are competing with the Communist Chinese as well as the West for revolutionary leadership throughout Africa and the Middle East in such places as Tanzania and Oman. The Soviets are not likely to relinquish the great advantage they hold over their rivals in naval power simply because the United Nations voted the Indian Ocean a "Zone of Peace." It is unthinkable that in this situation the Soviets would forego the cheap, politically safe, and disproportionately effective influence that an active Indian squadron would give them, especially since Peking is presently incapable of competng with them in naval influence.

The present Soviet investment in the Indian Ocean littoral leaves no doubt that they will increase their naval forces in these waters following the reopening of the Suez Canal. They have made massive investments in Berbera, Um Qasr, Aden, Vishakhapatnam, Chittagong, and the Andaman Islands which they are not likely to abandon short of a Sadat-style eviction by the local governments.

Hanson Baldwin has commented that the Soviets have adopted a global maritime strategy. Today the Indian Ocean offers an excellent opportunity for the ultimate in such a strategy, Gunboat Diplomacy. In hearings before a sub-committee of the House of Representatives Committee on Foreign Affairs, Adm. Zumwalt stated that a permanent American naval presence in the Indian Ocean would not be aimed at a possible conventional or nuclear war with the Soviet fleet, but rather "to prevent more aggressive foreign policy initiatives by the Soviet Union . . . It's like the policeman on the beat."

Representative Lee H. Hamilton (D-Indiana), the sub-committee chairman, replied that the "policeman analogy sends chills up my spine," for it suggested intervention. Though Adm Zumwalt was quick to deny that American intervention was intended, it is well to remember that the situation in the littoral states of the Indian Ocean presents numerous opportunities for intervention by powers other than the United States. In fact, intervention has a long and continuous tradition in this area. Iran occupied three strategic islands in the mouth of the Persian Gulf in 1971, and is assuming the British role of assisting the Sultan of Muscat in his battle with Communist supported rebels in the province of Dhofar. (See *Oman and the Dhofar rebellion*, Gazette: February 1975.) Iraq intervened in the Jordanian conflict with the Palestinian Guerrillas in 1969 and more recently nibbled off some Kuwaiti territory near Um Qasr. Col Qaddafi of Libya is notorious for intervening personally in the affairs of neighboring states throughout the Arab world and has been accused of fomenting rebellion in Egypt. President Amin of Uganda, with his new Russian hardware, is certain to prove a continuing threat to the stability of East Africa, while the situation in Mozambique, in view of changes in Portuguese policy, is totally unpredictable at the present time.

Intervention is neither unlikely nor unusual in the Indian Ocean area and the unpresents a myriad of justifications to the Soviets for actively employing their fleet, including its new naval infantry. As the Czech invasion proved, the Soviets are willing to intervene in the internal affairs of another state when they believe that such action furthers their national interest. They do not have an inflated regard for international public opinion at such times and act decisively, presenting the world with a *fait accompli* that is soon pushed from the center of international concern by the onrush of events in other areas of the world.

The Soviets would be able to refer to the precedents established by American action since World War II to justify an interventionist naval policy in the Indian Ocean. Russian naval forces could intervene in littoral states to protect their nationals or property, invoking the same justifications that the United States used in the Dominican Crisis and was prepared to use in the 1971 Indo-Pakistani War. On the precedent of Lebanon or Vietnam, Soviet forces could be landed to bolster a friendly government against rebellion, such as the Kurdish revolt in Iraq or the abortive coup in Uganda in March, 1974. A show of force off the coast of an hostile nation could affect its policies or, by simultaneously discouraging the government and encouraging local rebels, result in a change of government favorable to Soviet interests. Under color of "restoring peace" or facilitating a United Nations ceasefire, Soviet troops would be landed to bolster a sagging ally, as the Russians have threatened at least twice in the Middle East in 1956 and 1973. It is not impossible that the Soviet Navy would impose a "quarantine" on a littoral state, as the United States did in the Cuban Missile Crisis. Should a rebellion of *colons* take place in Mozambique, such Soviet action would probably be applauded by a majority of the nations represented in the General Assembly. Congressman Hamilton is correct; the thought of intervention in the Indian Ocean littoral is spine chilling.

The only viable counterweight to the increasing Soviet naval presence in the Indian Ocean is an equally potent American naval force. The Russians have already established or occupied a number of excellent ports from the Horn of Africa to the Persian Gulfland and are in process of extending their access to additional facilities as far as the Bay of Bengal. Thus the true supply lines of the Soviet Indian Ocean squadron will be far shorter than the 2,200 miles distance from the Black Sea to the area of operations that is often mentioned in the Diego Garcia debate.

There are no facilities comparable to Berbera, Aden, or Um Qasr available to the American fleet in the Indian Ocean, though American naval units do visit the French base of Djibouti and the Australian administered Cocos Islands. The Shah of Iran told an American television interviewer in March 1974, that he wished the Great Powers to stay out of the Persian Gulf and leave the peacekeeping role there to local states, in particular to Iran. Thus, it is unlikely that he would agree to the construction of a major American facility in his country.

Simonstown in South Africa is far removed from the Arabian Sea, the center of the oil trade. In any event, with the present South African social system, it would be impossible for the United States to base any units of the American fleet at Simonstown. The ANZUK Naval Base in Singapore might possibly serve as an American base through the ANZUK and SEATO treaties. Singapore's Prime Minister Lee has said publicly this year that the smaller nations of Southeast Asia must look to the big powers for defense. Yet it is unlikely that he would want to expand the relatively modest ANZUK facilities into a major American base. His island is overpopulated with a density of 9,000 people per square mile. He is striving to create a "Singaporian identity" among this two million people over seventy-five per cent of whom are Chinese and tend to look to Mao and not Lee for leadership. A large American presence would be likely to increase the present twelve per cent inflation rate and further crowd the small island, especially if home-porting were practiced, with adverse affects upon Lee's efforts at nation building. Any base east of the Straits of Malacca would not be significantly closer to the primary areas of operations in the Indian Ocean than is Subic Bay and would not warrant the political or economic costs of constructing a new facility. Thus, Diego Garcia seems the only viable site for construction of a forward base supporting a permanent American naval presence in the Indian Ocean.

As a piece of real estate, Diego Garcia hardly seems worth the furor it is causing on the national and international political scenes. Located 1,000 miles from the toe of India and due south of Bombay, it is only thirteen miles long and between four and five miles wide. Its small natural anchorage could be expanded to an area of ten miles by seven miles with an average depth of eighty feet. A small American communications station currently exists on the island. The present debate concerns plans to extend the existing runway from a length of 8,000 feet to 12,000 feet so that it could handle P-3 anti-submarine aircraft and KC-135 refuelers, but not B-52's, which would require strengthening the load carrying capacity of the airfield. In addition the anchorage would be expanded and a naval fueling facility established to replace the present American reliance upon oilers operating from Subic Bay 4,000 miles to the east. The existing American communications station on the island is authorized under the 1966 Anglo-American agreement to share the British Indian Ocean Territories for defense purposes over a period of 50 years. Because Diego Garcia is isolated and practically unpopulated, it is an ideal location for a naval base. Political considerations aside, the island constitutes a perfect site that could become the "fulcrum of the Indian Ocean" as Malta was once of the Mediterranean.

International political opposition to the proposed American expansion of the Diego Garcia facilities, though forceful, is being overestimated in this country. India has been the most outspoken critic of an American naval presence in the Indian Ocean while at the same time providing the Soviet Navy with the use of port facilities at Vishakhapatnam on her East Coast and at Port Blair in the Andaman Islands. Indian protests appear to be motivated by a desire to prevent Great Power naval rivalry in an area that she hopes to dominate herself, and by the need to invoke an external threat to counter her massive internal social disintegration resulting from the pressures of overpopulation and a weak economic and social structure. Australia and New Zealand, under Labor governments, have opposed the plan, though the Australian Liberal Party "welcomes the U.S. decision to develop a naval and air base on the British Island of Diego Garcia. . . ." Pakistan, Iran, Singapore, and the Peoples Republic of China all encourage the project. The principal opponents of the proposal are motivated more by their own internal politics than by concern for preserving the U.N. sponsored "Zone of Peace" in the areas.

The three governments most adamant in their opposition are controlled by parties whose philosophies and concepts of a desirable world order diverge from those of the United States. The supporters of the American proposal, such as Iran and Communist China, would rather not see the two naval Super Powers maintain a presence in the area, but recognize the need for an American counterweight to the inevitable Soviet build-up in these seas. Internationally the United States is in no danger of irrevocably alienating a foreign government by expanding the present facilities on Diego Garcia.

The domestic opponents of an increased American presence in the Indian Ocean consist of those wounded in spirit by the American misadventure in Indochina. Congressman Hamilton of the House Foreign Affairs Committee stated that the thought of future American intervention overseas chilled his spine. Senator Mansfield, who annually calls for a major withdrawal of American troops from Europe, "has expressed concern over plans for the island." Adm. Gene LaRoque, USN (Ret.) who now heads the Center for Defense Information and is a rather persistent Pentagon critic, doubts that the Soviets will expand their Indian Ocean squadron or interfere with tankers leaving the Persian Gulf for Western ports. He also states that he does not under-estimate Soviet capabilities for adventurism in this area, but believes that the United States has sufficient naval strength, under its present system of sending task groups from the Atlantic or Pacific fleets on periodic visits to this area, to counter any Soviet escapades on the Indian Ocean littoral. The editcrs of the Washington Post have suggested that Soviet expansion into the Indian Ocean is merely a legitimate response to the stationing of American Polaris missile submarines in these waters. They submit that in the absence of further American naval activity in this area of the globe, the Soviets will not increase their naval presence. The Post believes that the policing of these seas should be left to the littoral powers such as Iran.

The critics of the proposed expansion of American facilities on Diego Garcia have not addressed all the potentials for Soviet naval influence discussed above. They have not explained why the Peoples Republic of China, no friend of an expansive American foreign policy, supports the Pentagon's proposal for this island. The suggestion that the Russian Navy is in these waters merely as a response to the presence of American Polaris submarines does not satisfactorily explain the numerous port agreements that the Soviets have acquired until they have a ring of friendly harbors from the Horn of Africa to the approaches to the Straits of Malacca. The domestic opponents of the proposed base expansion, like the present governments of Australia and New Zealand, base their opposition not upon a detached study of the realities of the international power balance, but upon their political philosophy that intends to reduce the American presence overseas to a point where America no longer has the capability to react decisively in world trouble spots and thus cannot become involved in another Vietnam. In the case of Diego Garcia, this doctrinaire response is incompatible with the facts of the case and the national interest as expressed by the Chief of Naval Operations, the American intelligence community, numerous foreign governments, and as evidenced by the activities of the Soviet Navy. By developing a permanent naval presence in the Indian Ocean, based upon a supply facility at Diego Garcia, the United States could decisively contribute to making these seas a Zone of Peace through neutralizing the influence of the Soviet Navy. This objective would be accomplished at a comparatively small cost to the American taxpayer and with a negligible risk of this country becoming involved in another Vietnam.

The final obstacle in the path of the proposed expansion of these facilities is the review of the American proposal announced by the new Labor Government of Great Britain. It is reported that such a project would anger the Arab oil producers upon which the United Kingdom relies for her oil supplies. This seems a doubtful proposition. Iran has expressed open support for the project. Saudi Arabia is unlikely to enjoy the prospect of Soviet naval units operating unopposed from Berbera, Aden and Um Qasr.

Both these nations have purchased large quantities of British military equipment to bolster their conservative governments, and should not oppose British action to provide a base for an American counter-balance in the growing Soviet naval presence in their area. The Labor Government has given strong support to the United States in the present Atlantic dispute and is threatening to withdraw from the Common Market unless its terms of participation in that organization are substantially altered. This situation provides Washington with an opportunty to bolster London's position *vis-a-vis* Europe and request an agreement on Diego Garcia in return. Finally, given the potential for Soviet sponsored interference with the now unprotected British interests East of Suez, it is in the interest of Her Majesty's Government to encourage an increased American presence in this area.

Should the proposal survive the domestic opposition and the British reappraisal, it would be most unwise to construct and operate the facility under the auspices of either the Central Treaty Organization (CENTO) or the Southeast Asian Treaty Organization (SEATO). As Henry Kissinger has observed, "CENTO and SEATO have grown moribund as instruments of collective action . . . they have become, in effect, unilateral American guarantees." CENTO was never a truly effective alliance thanks to the divisive impact of the Suez Crisis of 1956 upon its membership, and today seems to exist more out of habit than of mutual interests and advantage on the part of its member nations. Turkey has only marginal interests in the Indian Ocean and relies upon its NATO membership for national security. Great Britain effectively withdrew from East of Suez in 1971. Pakistan, while she has received thirty million dollars in military aid from her American CENTO ally since March 1973, is receiving substantial aid from her fellow Moslems in the Middle East and from the Peoples Republic of China. A French-built, Persian Gulf-financed Mirage aircraft factory is to be built in Pakistan, and China is assisting the Pakistanis to construct a surface-to-air missile plant. Pakistan is thus becoming increasingly dependent upon Communist China and the Arab states.

It is possible that American operations in the Indian Ocean could conflict with the interests of some of Pakistan's allies and cause the Pakistanis, through CENTO, to attempt to restrict or hamper American operations from Diego Garcia, should the base be established as a CENTO facility. Should something happen to the Shah of Iran, a new Iranian government might also oppose potential American activities from this base, at a time when the loss of Iran's stabilizing influence in the Persian Gulf-Arabian Sea area would require increased Western reliance upon this facility.

For similar reasons, it would be unwise to tie Diego Garcia to SEATO. Both Australia and New Zealand have expressed opposition to the expansion of American facilities on the island and, barring a change of government in these countries, might attempt to impede or restrict the construction and extent of operations from the island through their membership in SEATO. The Philippines, another SEATO member, is experiencing a period of instability, including the intense religious war between government forces and Moslem insurgents. While the situation continues, the many Moslem countries bordering the Indian Ocean cannot be expected to look with favor upon the extension of SEATO activities to their area. Thailand has just received a new government after a period of internal disorder and its long-term policies are uncertain. Placing the expanded facility under SEATO sponsorship would not add to its acceptability by the nations in the area, but could produce further divisive pressures within SEATO and cause resentment on the part of pro-Western Moslem littoral states whose sympathies are with the Moslem insurgents in the Philippines. There are no advantages to such a course of action, but there are several substantial drawbacks to such a plan.

Because Diego Garcia is an isolated and all but uninhabited island far from either CENTO or SEATO nations, there is no need to legitimize or excuse expansion of the facility under the auspices of either organization. The island fulfills the legitimate needs of the United States and the United Kingdom, who have the right to develop its facilities in their own national interests pursuant to their agreement of 1966. Soviet naval expansion in this unstable area of the globe, an area upon which the western industrialized nations will increasingly come to depend for many of the requisites of modern society, poses a real and present danger to western interests unless it is neutralized by a balancing American naval presence. Expansion of the present communications facility upon Diego Garcia into a substantial naval facility will provide a secure and economical base for such an American squadron. Both the domestic and foreign opponents of this proposal are arguing from a philosophical position that is not borne out by the realities of the situation in this strategic area of the world. It is to be hoped that the Congress and the Administration, in conjunction with the new British government, will proceed with the proposed expansion of the Anglo-American facilities on Diego Garcia so that it may serve as a base for an American squadron when the Suez Canal is again available to the Soviet Navy.

CALIFORNIA'S SENIOR CITIZENS AND THE HIGH COST OF LIVING

Mr. TUNNEY. Mr. President, several weeks ago, I conducted 2 days of hearings on behalf of the Senate Special Committee on Aging in San Francisco and Los Angeles. The immediate topic at hand was the impact of our spiraling cost of living on elderly social security recipients. The hearings continued the committee study of "Future Directions in Social Security," and touched on the adequacy of the social security system to meet the increased needs of senior citizens in this time of inflation.

I had suggested to Chairman Frank Church that the committee turn its attention to this subject in field hearings because I believe Congress must listen at the grassroots level if it is to fully understand what is happening to people during this strange and strained period of concomitant inflation and recession.

As I said in my opening remarks:

> Too often, Committees only hear from the bureaucrats and agency heads, from the professional witnesses of special interests, and not enough from the people who are directly affected by legislation. Many of those we will hear from today could not possibly afford a trip to Washington, D.C., to share their experience with a Committee of Congress. They have no funds for airline tickets or hotels. They must budget down to nickels and pennies for food and rent and prescription medicine and bus transportation across town. But I believe that their testimony is essential if we are to understand the human dimensions of inflation and develop solutions for its control.

So, for the most part, the witnesses in each city were older persons talking from their own experience. I clearly expected to hear stories of hardship, but the magnitude was beyond all expectation. I heard from people who are paying more than one-half of their meager incomes for rent, and facing the prospect of new increases. More often than not, the apartments are little more than cold-water flats in the roughest neighborhoods, the neighborhoods in which prices seem to rise highest first. I heard from others who find that increased utility costs are taking the dollars they need for food or medicine, from others who have cut down sharply on food because they must pay their rent and utilities first, making do with what is left, and from persons who cannot get or cannot afford health care not covered by medicare or medi-Cal. For many, high transportation costs compound all other problems, locking them into their overpriced poverty-stricken neighborhoods.

All in all, the committee heard from more than 40 witnesses. In some cases, we heard from public officials who complemented the testimony of senior citizens. For example, Mr. Arnold Sternberg, director of the California Department of Housing and Community Development, provided statewide perspective on the housing crisis facing so many elderly and low-income people in cities and in less densely populated areas.

Leaders in the senior citizen community also gave eloquent testimony.

The Reverend Edward Peet, president of the California Legislative Committee for Older Californians, declared that the social security system is "a solid base of our daily bread, and we will not keep silent when voices are needed in its defense."

James Carbray, vice president of the National Council of Senior Citizens, urged enactment of a bill, which I have cosponsored, to place the Social Security Administration under an autonomous Federal commission.

Robert Forst, executive director of the National League of Senior Citizens, focused on health needs and said:

> It is the senior citizen who must pay more and more for less and less.

Mary Voeller, chairman of the Committee on Social Security for the State Legislative Council of the National Retired Teachers Association/American Association of Retired Persons, warned that the supplemental security income program is failing to serve the needs of older persons, a service mandated by Congress.

Even more moving, driving one even harder to seek ameliorative legislation, was the testimony of individual senior citizens. An elderly, wheelchair-bound woman, living in a rural area, wheeled herself 2 miles to a store, bought her groceries, and collapsed on the way home. She was forced to take this journey because adequate mass transit did not and does not exist. Another woman pleaded to find less expensive doctors, because her terminal illness, for which constant medical attention was needed, was not fully covered by either medicare or medicaid. Yet another senior citizen had not received a social security check in 4 months, and was relying on friends for sustenance. Her problem was compounded because she does not speak English. Last, we heard from an elderly woman who could not afford to feed herself and her cat. She told us that she would have her pet put to sleep. My Los Angeles office received almost 50 calls offering free cat food. It is unfortunate to think that we must reflect on whether this might be the dinner not for the cat, but for its owner.

I cannot summarize the major points made by many of the other witnesses, but suffice it to say that the anguish and indeed, anger, came through loud and clear. I am hopeful that the transcript of these hearings will provide Congress with the impetus to legislate strongly and wisely in behalf of those who still deserve to live with dignity. I, for one, have come away with a sense of duty, and intend to do my utmost to insure prompt passage of remedial Federal legislation.

To give some idea, Mr. President, of the magnitude of the issues covered at the hearings and the persons who discussed them, I ask unanimous consent to have printed in the Record the witness list for each hearing and newspaper articles which summarize key testimony.

There being no objection, the material was ordered to be printed in the Record, as follows:

WITNESS LIST

Opening statement, Senator John V. Tunney.

Panel one, the Reverend Edward Peet, President California Legislative Council for Older Americans; accompanied by: Mrs. Rose Ady, San Francisco, Mrs. Mary Moran, San Francisco.

Panel two, (Representing Electricity and Gas for People), Mrs. Laverna Canatela, San Francisco; Miss Edna Peralta, San Francisco; and Mr. Don Holler, Administrator, Bethany Center Senior Housing, San Francisco.

Panel three (Housing), Mr. Arnold Sternberg, Director, California State Department of Housing and Community Development; Mr. Morris Sharnoff, Oakland; and Mrs. Ada Ruth Rose, San Jose.

Panel four (Food), Mrs. Jean Mellor, San Francisco, President, North of Market Senior Organization; Mrs. Sofia Romero, accompanied by Graviela Cashion; Mr. Willie Sanders, Berkeley; Mr. Charles Dorr, Berkeley, President, Berkeley Senior Citizens Alliance.

Panel five (Health), Dr. Dennis L. Stone, Medical Director North of Market Senior Health Service, San Francisco; Mrs. Annie Chinn, San Francisco, accompanied by Miss Lila Kwan, Staff, Chinatown Self-Help for the Elderly; Mr. Howard Hauze, Berkeley; Mrs. Joy Lock, Colma, Member, San Francisco Council of Churches Retired Senior Volunteer Program (RSVP).

Panel six (Women and Employment), Isabel Van Frank, Berkeley, Eleanor Fait, El Dorado Hills, Tish Sommers, Berkeley, Coordinator, Task Force on Older Women National Organization for Women (NOW), Beatrice Schiffman, Regional Representative, National Council on the Aging, San Francisco.

Transportation, Mr. Adolph Hartman, Sacramento, Area Director, California Joint State Legislative Committee, National Retired Teachers Association/American Association of Retired Persons.

I. Opening statement, the Honorable John V. Tunney.

II. Welcome: Emma McFarlin, Special Assistant to Mayor Bradley; Samuel Kolb, Chairperson, Mayor's Council on Aging.

III. Panel one: James Carbray, (Whittier) Vice-President, National Council of Senior Citizens; Robet A. Forst, Executive Director, National League of Senior Citizens; Mary Voeller, (Redlands) Chairman, Social Security Committee, California State Joint Legislative Council, National Retired Teachers Association-American Association of Retired Persons.

IV. Panel Two: (Health).

The Honorable Edmund D. Edelman, Los Angeles County Supervisor; Juana Soria, (Los Angeles), Kaiser Gordon, (Los Angeles), Max Bay, M.D., (Beverly Hills).

V. Panel Three: (Housing).

Ben Wolf, President, Los Angeles City Federation of Senior Citizen Clubs, Maury Rosen, (Venice), Rose Marshall, Ph.D., (Los Angeles), Ethel Cherry, (Pasadena).

VI. Panel Four: (Food).

Anthony Lamb, (Ventura), Ruth Yenata, (Los Angeles) Chairwoman, Fight Inflation Together, Herbert Frederick, (Compton) Director, Hub City Buyers Club; State Board Member, National Caucus of Black Aged.

VII. Panel Five: (Transportation).

Nathan Maitlin, (Los Angeles) Chairman, Transportation Committee, Mayor's Council on Aging, Lily Briggs, (Lancaster), Eddie Moon, (Los Angeles), Larry Chrisco, (Lakewood) President, Allied Senior Citizens Association.

VIII. Panel Six: (Social Security Project).

Celia Roth, (Culver City), James (Matt) M. Woods, Jr., (Los Angeles) District Manager, Social Security Administration.

[From the Los Angeles Herald Examiner, May 17, 1975]

EVEN DOG FOOD NOT CHEAP, ELDERLY SAY

Senior citizens here have told Sen. John Tunney, D-Calif., that "even dog food isn't cheap any more" and said the proposed 8 per cent boost in Social Security benefits is the bare minimum needed for survival.

"One and one-half million Social Security recipients get less than $100 a month and 25 per cent live below the poverty level," said James Carbray, vice president of the National Council of Senior Citizens. The 8 per cent boost becomes effective July 1.

His remarks came during special hearings of the Senate Committee on Aging at Patriotic Hall yesterday.

Tunney told those present that remarks made Thursday by Health, Education, and Welfare Secretary Caspar Weinberger that Congress must hold benefit increases to 5 per cent were an attempt to make older citizens the scapegoat for administration policies.

Many of the 22 witnesses testified that local senior citizens were forced to live in $50-a-month shacks and eat dog food and oatmeal sandwiches because of insufficient Social Security benefits.

"Inflation is literally killing senior citizens," said executive director Robert Forst of the National League of Senior Citizens.

"Many times members of Congress pat themselves on the back for voting a Social Security increase but in most cases these increases do not put one penny more in the hands of senior citizens," Forst added.

The committee hearings, also held Thursday in San Francisco, were an attempt to move them from the "isolated and insulated hearing rooms of the nation's capitol," Tunney said.

[From the San Francisco Chronicle, May 16, 1975]

OLD FOLKS' HORROR STORIES HERE

(By Jerry Carroll)

The terrible shame and pity of being old and poor—equally helpless before the avaricious landlord and the hoodlum on the street outside—were laid out in plain language here yesterday.

More than 20 witnesses spent more than three hours at City Hall testifying before U.S. Senator John V. Tunney, who presided over a session of the Senate's special committee on aging.

Whether feeble or vigorous, bowed by life's burdens or buoyant in the way of survivors, the witnesses had in common an eloquent denunciation of the cruel state of the elderly poor in the world's richest nation.

"I love America with every fiber of my being," cried Jean Mellor, 71, "but that doesn't stop me from saying there is a helluva lot wrong in this beautiful country."

Mrs. Mellor, a widow, lives in the Tenderloin along with an estimated 16,000 other oldsters who inhabit dreary hotels and apartment buildings. As she described it, the golden years there sound more like cruel and unusual punishment.

"We are a very oppressed, sad, lonely breed of creatures," Mrs. Mellor said. Social Security payments, despite their cost-of-living raises, have never been enough for a decent life, and inflation is hitting the elderly harder than any other class, she said.

"Today, it is almost absurd and obscene that men sitting in Washington should be expecting people to live on it to the end of their days," Mrs. Mellor said.

She painted vivid pictures of old people warming their canned food in pails of hot water, toasting their bread on radiators and "hobbling home" as fast as possible at 4:30 p.m., so they won't be about when twilight falls and the muggers emerge.

"Is that any way for a human being to have to live?" Mrs. Mellor demanded.

"No, no, no," Senator Tunney replied.

Mary Moran, 68, complained about the bureaucratic shuffle many old people get when they try to get help from government agencies. "The laws are a jungle of confusion," she said.

Tunney said he endorses the concept of a lifetime rate for gas and electricity raising the price to big users and lowering it for residential users. Yet he warned the more than 100 people who attended the session not to expect "some miraculous, quick-fix legislative solutions. But he said he was glad he listened.

"You cannot begin to get the feeling of agony and outrage senior citizens feel while you sit back in Washington," he said.

VALLEY FORGE PARK

Mr. HUGH SCOTT. Mr. President, on May 20, 1975, I introduced in the Bicentennial Congress S. 1776, a bill to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania.

Valley Forge Park is our national symbol and deserves to be preserved as a national shrine.

I am pleased that Senator Mansfield shares my reverent appreciation for the spirit of Valley Forge and has joined in cosponsoring S. 1776.

Several articles on Valley Forge have appeared recently in the Washington Post. In the effort to muster support for the national designation of Valley Forge

Park, I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Valley Forge (I): The Second Crucible

(By Colman McCarthy)

Naked and starving as they are, we cannot enough admire the uncomparable patience and fidelity of the soldiers.—George Washington at Valley Forge, 1778.

Valley Forge, Pa.—During the six months of misery that George Washington camped his dispirited and ragtag Continental Army here in the winter of 1777–78, the enemy was less the British forces in nearby Philadelphia than the forces of despair, disease and desertion among his own men. If the nation's birthplace was in Indepedence Hall in 1776, the first test to the infant democracy came here. The colonial forces had just suffered defeats in the local countryside of Brandywine and Germantown; they straggled to Valley Forge to try to wait out the winter. The British had taken Philadelphia and, either because their generals believed Washington's army would fold during the winter or because the pleasures and parties of Philadelphia were more a delight than warmaking, they did not choose to fight at Valley Forge.

Some 11,000 colonial soldiers encamped at the site in huts and shanties—if that—and about 3,000 died from illness, hunger and cold. Historians such as John Reed describe that winter at Valley Forge—from which the surviving soldiers, aided by the drilling of Gen. von Steuben and by the French Alliance, went on to victories at Monmouth and Yorktown—as the crucible of victory.

Now, two centuries later, and with the nation braced to celebrate the bicentennial Valley Forge is enduring a new crucible. The threats today are not the assaults of hard times and hard weather but of the quintessentially contemporary encroachments of commercial interests, land developers, speculators and the federal government. The second crucible of Valley Forge involves a war of ideas and values; the adversaries are local, state and federal politicians, judges, bureaucrats, park commissioners, historians, developers and citizens. At stake is both the integrity of the 2,255 acres of rolling meadow and woodland in the state park and a unique history that gives the nation a link to a spirit of courage that it needs to be reminded of today. The fate of Valley Forge has not only aroused the citizens of eastern Pennsylvania. The issue is quickly becoming a national one as well, engaging members of Congress and federal bureaucracies.

For years, those who cherished the beauty and historical specialness of Valley Forge were happy that, whatever other indignities were being inflicted upon surrounding areas by urban growth, at least no one had successfully made a land-grab for the sacred acreage itself. It was true that the army of progress had been emplacing its fortresses almost completely around the park: a housing development, a high rise apartment building, an ITT-Sheraton hotel, a shopping plaza ("the newest landmark in this exciting environment," its owners say), boutiques, an office building, gas stations and 15 acres of parking lot. However much this may be leading to a situation of total encirclement, the park itself has remained inviolate.

Now, those days of guarded virginity may be ending. Last Thursday, a Commonwealth court judge in Harrisburg ruled that the U.S. Veterans Administration may dig test holes in the park to determine the land's suitability for gravesites. The VA had cast its eye on some 500 acres of the park for a national military cemetery.

When a test crew came to dig in the park in mid-May, it was stopped by the Valley Forge Park Commission chairman Annamaria Malloy. Backed by her 13-member commission that had voted against the cemetery plan, she secured a temporary injunction against the testing. "The VA says all they want to do is dig and test to see if it's feasible," says Mrs. Malloy. "I don't want to know. I know already that we have a beautiful burial ground. We have revolutionary soldiers out there. I know it's a perfect burial ground. And I'm not about to let them come in with any 500 acres, because I now that with 4½ million veterans in this district—60 per cent of whom are 62 or over—that in 50 years this will be Valley Forge national cemetery, not state park."

Mrs. Malloy made that comment before the judge ruled against her. It is still not certain that the VA will choose Valley Forge, although with the court now on its side, the way appears clear. It has run tests at three other sites in Pennsylvania, after considering 12 locations. "Valley Forge is highly favored," said a VA official in Washington. In a report by an ad hoc committee of the State Veterans Commission, Valley Forge was given an overall rating of "excellent," while other locations were appraised with "good" and "fair."

The same report, issued in March, said that "no apparent objectionable factors would impair community acceptance" of the VA's taking over part of the park.

Such a scouting report may have been premature, Although the national Veterans of Foreign Wars, a strong and vocal group, would like to see headstones adorning the landscape, many in the community prefer to leave the land as it is. The local congressman, Rep. Richard T. Schulze, a freshman Republican, favors a national cemetery for both Pennsylvania and his district—but not in the park itself. A state legislator, John Stauffer, is also opposed, arguing that "to use Valley Forge park for a national cemetery would be very much like commissioning Andrew Wyeth to do a painting and to give him a Rembrandt for a canvas." A local citizens group, the Valley Forge Committee, has made the point that the park already is a cemetery; although only one grave is marked, it is believed that the bones of hundreds of Washington's men who died that famous winter were buried at one site or another in the meadows. Asked about the possibility of coming upon the bones of patriots, a VA official said: "We would hope we wouldn't do that, but I suppose when you start digging anything might happen."

Before taps are played over Valley Forge, either for newly interred vets or for the slain inviolability of the parkland, another complexity must be resolved. Efforts are now being made to transfer the park from the control of Pennsylvania to the federal Interior Department; legislation has been offered both in Washington and Harrisburg.

Although it is unlikely that the VA and Interior will go to war over Valley Forge, a skirmish of legalisms is possible. According to a federal statute, the VA must consult with the advisory council on historic preservation before going ahead; the park is a National Register site. Such a consultation may raise the fact that the park was intended to be preserved as a historical site, with its purpose being served already: a sanctuary to remind the nation that its origins were in courage and willpower.

What is needed is a modern von Steuben, the clearheaded Prussian who came into the disheveled camp and organized the troops. He listened to no excuses, nor did he begin his sentences with "but on the other hand." An army is an army, he believed. Today he would likely be shouting into the wind of Valley Forge, "a park is a park."

Harsh Times Return to Valley Forge (II)

(By Colman McCarthy)

Valley Forge, Pa.—"Starve, dissolve or disperse . . . what then is to become of the army this winter?"

The question, dark and despairing, was asked by Gen. George Washington in the freezing months of 1777–1778 when his colonial forces camped here after suffering routs by the British. Two hundred years later, with many in America wanting to observe the Bicentennial in more meaningful ways than watching TV "specials" or walking through freedom trains, places such as Valley Forge provide historical richness that cannot be packaged or marketed. George Washington's question received an answer that is commonly known—the army persevered and went on to victory. But today another question hangs over the site: What is to become of what's left of Valley Forge?

The 2,255 acres of the state park—strikingly scenic grasslands and sloped forests that hold the original quarters of Washington, von Steuben and the nameless foot soldiers—are currently the object of a debate that involves local, state and federal politicians, as well as government agencies, citizens, historians and real estate developers.

Pennsylvania has always been plagued by the bitterness of land disputes—going back to the 1660s when William Penn had to outwit Lord Baltimore for certain tracts, and most recently in both the Charnia case and the Tocks Island dam project. But the struggles to control the Valley Forge parkland and bordering acres is not a local issue alone. It is national. The history of Valley Forge is everyone's, from the million visitors who appear annually (10 times that number are expected next year) to those who want to be reminded that this was not a battleground of bullets and warplay but a scene of spirit and courage.

The most pressing question involves ownership of the park. Pennsylvania set aside the land in 1893, with notions to expand it gradually. Not only did expansion never come, but two major roadways now go through the park, as well as the Pennsylvania turnpike next to it. Until recently, administration of the park had been left mostly to foresters, not historians, and shortsightedness and blundering were common. In January, Rep. Richard T. Schulze, the local congressman, proposed legislation that would transfer the park to the U.S. Interior Department.

In May, Sen. Hugh Scott introduced a similar bill—S. 1776—in the Senate. The advantage of the transfer, Scott said, is that "the park would have access to the expertise of numerous federal historic agencies and would be eligible for federal support and financing for restoration, historic programs and promotion." The state legislature has its own transfer bills, supported by Gov. Milton Schapp.

The political drums appear ready to roll in unison for the plan of federalizing the park. But at the local level other sounds are heard. The Valley Forge park commission has voted against the transfer. Charles H. Wolfinger, a board member, believes that "the state can do the job. We will lose local interest if the federal government comes in. I take a certain pride in what we've done. It's a popular cry—let Uncle Sam do it. But I think we have the talent. I'm not so optimistic that we'll get a lot more money. As a native of Pennsylvania, I think we can do the job."

In theory, Mr. Wolfinger may be right. But in practice something more than state pride may be needed. Past commissions (members are politically appointed) often acted as though all dangers left the area when the British marched north in 1778. A few years ago, a handsome tract of about 25 acres bordering the park was available for $10,000. The developer himself, in a gesture that also may be toasted by historians, offered to sell the property to the state to be preserved, but officials turned it down. Today, at least 20 houses have gone up, creating what the current commission chairman, Annamaria Malloy calls "peripheral intrusion." Mrs. Malloy says of past commissions:

They viewed Valley Forge in its bucolic splendor without realizing what was happening to the regional development. The old commissions had a tendency to stand on the borders and look in. They didn't stand inside and look out . . . It never occurred to them that in the social order of things, aside from the historical significance of the park, they should look at this place and realize that this was an oasis in a fast-growing megalopolis.

One example of fast growth is the $25-million hotel-office-shopping-plaza-parking-lot complex facing the park's entrance. An ITT-Sheraton hotel of 15 stories dominates the view from that area of the park. Although the commission lacks zoning authority, its recommendations are influential. Mrs. Malloy, only three years in office, said she would never have approved the plaza if it had been her decision: "It aggravates my soul that these people (developers) come in with these glorious plans. Why? To capitalize on Valley Forge park . . . You go up in that hotel in one of the bedrooms and it's magnificent. You can charge a pretty penny over there for those rooms. But the state is maintaining the view, and the view has a great deal to do with the hotel."

For those outside, Sheraton would like to make the view even more spectacular—by perching a giant rotating "S" atop its building. The builder came to a recent commission meeting seeking a blessing for the big "S." Not getting it, he announced angrily he would see about putting up not merely a single letter but a whole sign measuring 1,000 square feet.

Seeing the Sheraton battle as already lost, with or without the crowning glory of the "S," many now struggle to save the last free vista—Chesterbrook, 865 acres of virgin land adjacent to the park. On this site, a real estate firm is planning to create a new town, with homes and offices for 10,000. The plans have been tied up in the courts for three years by a citizens group. One of the worries is water runoff from the proposed development into Valley Creek, which further down runs past Washington's headquarters; even without the development, a recent flood lifted the water so high that the cellar of the headquarters was inundated.

As if corporate threats from without are not enough, many see the greatest mockery inside the park—the Keene Manufacturing Company. In operation before the park's creation and never bought out, its chimneys belch fumes and its asbestos waste is piled in a hollow a few hundred yards between the park's memorial arch and the Washington chapel; a local newspaper recently ran pictures of the festering refuse—mingled with garbage and rubbish of unknown origin—and asked: "Is the park becoming Valley Forge Dump?"

While awaiting an answer, park officials must also worry about money. The commission asked for $1.3 million for next year, but the governor's office came back with only $628,000. "This is not enough to entertain America in 1976," said Mrs. Malloy. Rather than a slice of the money pie, the park appears to be getting only crumbs from the crust. In comparison, Independence Hall in nearby Philadelphia—a three block federal property, not 2,255 acres—receives more than double the Valley Forge budget and has three times the staff.

Court suits, money fights, rubbish dumps, urban encroachments, political wrangling, the threat of a VA cemetery—this is an odd way to treat a site originally settled by William Penn's pacifists and 100 years later made sacred by the heroism of Washington's tattered troops. Is it a question of too few people caring about the fate of the park? Is this, in fact, a valid commentary on American values on the eve of our Bicentennial? Or is it that too few know what is happening? If it is the latter, then a measure of hope exists. For it is hard to believe that the American public, once aware that Valley Forge is again a scene of trials and strains, would not rally to preserve the integrity of a relatively small memorial to a great moment in this nation's history.

Preserving Valley Forge

Land disputes are all too common in the 1970s, but occasionally the value and significance of a tract is so great that much more than regional interests are involved. Valley Forge State Park in eastern Pennsylvania is such a case. Articles by Colman McCarthy on this page today and yesterday document that the preservation of this hallowed and historic 18th century treasure is threatened by economic, political and bureaucratic forces that have become all too familiar in the 20th century. It is true that the costs of progress must be paid. But the price is surely steep when what is demeaned is a site where the future of the nation was determined some 200 years ago by a small band of rugged patriots.

In the next few months, two critical choices must be made. The first involves the Veterans Administration's interest in Valley Forge as a cemetery site. No doubt exists that space is needed to solve what the VA calls "the gravesite availability problem." In 1973, when the VA took over 82 cemeteries from the Army, more than half were already closed to new burials; six of the VA's own 21 cemeteries were also filled. In coming to Pennsylvania—which will serve four additional states—the VA says it is now considering three other sites besides Valley Forge: Gouldsboro State Park near the Poconos, Ft. Necessity near Pittsburgh, and Allenwood, north of Harrisburg. The VA might have a case for taking over the 500 acres of Valley Forge that its eye is now on if that site was the only one. But it isn't.

At the moment, the VA is digging into Valley Forge for soil tests. Although it has the approval of the courts and a state agency to make the tests, the VA has already gone too far. The Valley Forge shrine is too sacred and too historically valued even to be mildly tampered with, let alone converted into a function for which it was never intended. Because suitable sites are available elsewhere in Pennsylvania, the VA should immediately select one of them and create the cemetery it needs.

The second dispute involves the possibility of transfering Valley Forge from state to federal control. The move to bring in the Interior Department's National Park Service is supported by legislation introduced recently in both the House and Senate, as well as bills in Pennsylvania. Although federal control does not guarantee an automatic end to the problems that have plagued Valley Forge in past years, the pressures of the approaching bicentennial can be eased by the additional funds and ideas that would be made available.

In addition, the presence of the Interior Department would make it easier for the park to acquire bordering land that is needed to prevent urban encroachments. The local commission now operating the park is performing well, despite the neglect it suffers from officials in Harrisburg; but an alliance with the Interior Department can give the local board a chance to be even more diligent in its efforts to preserve this shrine.

GROWING ATTACKS ON GOV. GEORGE C. WALLACE OF ALABAMA

Mr. ALLEN. Mr. President, the attacks on Gov. George C. Wallace of Alabama, growing in frequency and intensity, serve to show the respect and fear that his detractors among the media and the professional "politics as usual" politicians have for Governor Wallace's abilities and his rapidly escalating appeal to the people of the United States. They are out to get him and some party leaders even say that they would forsake their party if it chooses Governor Wallace as its standard bearer. What has become of the party loyalty heretofore demanded of officeholders who are members of that party?

Mr. President, in the Washington Post today appeared two articles bearing on this subject: A column by Evans and Novak entitled "The Drive To Get Wallace," and a column by Charles B. Teib, "Taking Wallace Out of Context." I ask unanimous consent that these articles be printed in the Record:

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Drive To Get Wallace

(By Rowland Evans and Robert Novak)

Permission from frightened Sweden for Nazi troops to cross its territory in World War II has become intertwined with a ferocious but flawed campaign by mainstream Democrats to cut Gov. George C. Wallace of Alabama down to size.

The goal is to convince American voters that Wallace is not equipped to be President of the United States, and Exhibit A is Wallace's sensational March 3 interview with foreign journalists in Montgomery, Ala. Although Wallace's uninhibited criticism of Sweden in that interview accurately stated the historical facts, he has been accused of thinking neutral Sweden was a beilligerent—of being a snopesian ignoramus.

Nor is that the only distortion. A reading of the transcript shows no Wallace departure on foreign policy from his rambling conversations with reporters over the years: blunt to the point of offensiveness, nationalistic to the point of jingoism, anti-Communist to the point of hysteria. But the analyses have painted a more sinister picture.

The reason for this is the Democratic Party's escalating Wallace dilemma. Party leaders have no airtight arguments to blunt Wallace's obvious appeal to the discontented. That led to the first contrivance: the aborted drive to repeal presidential primaries Wallace would likely win.

Wallace's interview with the foreign journalists, reported by The Washington Post of May 8, was therefore desperately needed ammunition. It fit the purposes of mainstream Democrats to foster the impression that Wallace had confused Sweden's World War II status. "Actually," The Post reported parenthetically, "Sweden steered a neutralist course during World War II while the Nazis invaded Norway and Denmark." Both liberal and conservative columnists chortled over his alleged redneck ignorance.

In fact, however, he had not erred. Unreported from the March 3 meeting was Wallace's accurate if ungrammatical statement to a Swedish journalist: "You wasn't occupied, but they (Nazi troops) marched through Sweden to get to Norway."

The distortions of Wallace's views on Germany and Japan were less flagrant. "I think we were fighting the wrong people, maybe in World War II," he said, but the transcript makes clear he was criticizing U.S. policy *before* the war that permitted the rise of Hitlerism and Japanese imperialism, not the American choice of sides after it started. It is also clear from the transcript that his remark to a Japanese journalist that "I wish we'd been on the same side in World War II" was banter.

Distorted or not, the surfacing of the interview gave heart to mainstream Democrats. Wallace, they hoped, had committed one of those senseless political gaffes that ruin presidential candidacies.

Indeed, the Wallace camp is explaining more than usual. Press secretary Billie Joe Camp quotes William Shirrer's "The Rise and Fall of the Third Reich" that Sweden provided "immense help to Germany" by permitting transit to Hitler's legions, first to Norway, later to Finland.

But Wallace himself is a stinging counterpuncher. Addressing the Louisiana legislature May 21, Wallace played to the discontented by accusing "the liberals in this country" of bringing on "the blunder of Vietnam . . . that not only cost all of these lives but $150 billion that has affected the inflationary spiral of every pensioner and every low income person."

Moreover, Wallace is mailing a letter denouncing the press for starting all the trouble: "The liberal press establishment is getting to the point where they distort anything that I have to say."

That is only the beginnoing. No longer perceiving Walace as a vulgar if fascinating curiosity, as they did in 1972, his enemies in both the Democratic Party and the press can be expected to assault his intelligence, character and competence with ever greater vehemence. But they should be correct on the facts or Wallace's response in kind will strike home in the long bitter struggle for the allegiance of the discontented American.

TAKING WALLACE OUT OF CONTEXT

(By Charles B. Seib)

Did George Wallace get a fair shake in The Post's coverage of his views on world affairs early this month? Several readers think he didn't. I agree.

In early March, Wallace was interviewed in Alabama by a group of foreign journalists. What he said received no publicity at the time, but two months later a Post reporter obtained a transcript of the interview. And on May 8 The Post published a front page story headlined: "Wallace Raps World War II. Alliance/Preferred Japan." This story became the basis for much of the coverage of the interview in other publications and on the air.

The Post story began:

"Alabama Gov. George C. Wallace told a group of foreign journalists he wishes the United States had been allied with Japan during World War II instead of with Russia and China.

" 'I think we were fighting the wrong people, maybe, in World War II,' said Wallace in one of the rare statements of any length he has made on foreign policy issues. 'In fact,' he told a Japanese journalist, 'I wish we had been on the same side in World War II.' "

The story then went on to other things Wallace said in the interview and did not return to the World War II alliance until near the end, about 25 paragraphs later.

My trouble with the story begins with that second paragraph. Any reasonable person would assume the quoted sentences were spoken consecutively. The "In fact" beginning the second sentence clearly made it a further development of the first. Together, they made a strong, declarative statement. But that is not the way it was.

The first quoted sentence came from Wallace's final comment of the interview. It appears on page 49 of the transcript. The second quoted sentence, beginning "In fact,'" came from page one of the transcript. Both sentences are out of context in The Post story.

The context of the first quoted sentence I will come to in a moment. The second is taken from an informal remark Wallace made to a Japanese correspondent before the interview began. He was talking about Alabama's coal sales to Japan and said: "We're glad to do business with you. In fact, I wish we'd been on the same side in World War II. Instead of being on the same side (words missing here) China and Russia."

Putting those widely separated sentences together, and in reverse order, was improper quote-juggling, in my opinion. Interestingly, the second quote was not put there by the reporter but by an editor who felt that something more was needed to support the statement in the first paragraph of the story. It could be argued—as that editor does—that the quote-juggling did no harm, since Wallace unquestionably made the statements and they were not contradictory. Nevertheless, he certainly didn't make them in that form.

But now let's look at the context of that first sentence—the one from the last page of the transcript. To do that it is necessary to quote the last two pages of the interview: "About foreign policy—I want to tell you something. I do not believe in Nazi-ism—just like maybe you don't believe in Wallaceism. But that was not the German people. The German people were mistreated after World War I. The Versailles Treaty that was imposed on them by France and Britain and the United States—and, mainly, France and Britain—was a treaty that brought Hitler to power. And if it hadn't been Hitler, his name would have been Jones—it would have been Schmidt—it'd have been somebody else because—ah, ah, it was only—it was only sure that nationalistic feeling of the German people would be aroused from the mistreatment they got.

"And so our foreign policy over the years made a mistake in allowing that to happen. We ought to have (words missing) after World War I like we did after World War II—magnanimous—(words missing) West German people that are friendly people, that are friendly people because they are great people. And the Japanese people in my judgment, were provoked to a certain extent by people, by interests in this country that helped to bring about Pearl Harbor. And what I'm saying is that our true foreign policy in those years ought to have been cultivating—the friendship of the Japanese and of the Germans instead of being antagonistic. So that today we have a good buffer in the East against the Soviet expansion plans, which might stabilize and be good in the final analysis for the Soviet Union and the United States in that—and Japan—in that we might come near having peace—than one country beginning to get maybe so superior in, say, nuclear strengthening.

"*I think we were fighting the wrong people, maybe, in World War II,*" and I say that with all due regard to the Soviet, ah, person here. What I'm saying is—we fought on your side, but I wish the Soviet Union, or government rather, had been contained somewhat. And I do think we helped build up enemies in Western Europe, and in Germany, and in Japan, that we ought to have been 50 years ago friendly to. And then there wouldn't have been any Hitler, and there wouldn't have been any Jewish tirade." (The words that became the first quoted sentence in The Post story are italicized.)

Now, no one would defend that rambling, almost unintelligible discourse as a sophisticated or cogent discussion of the events leading up to World War II. But it supplies Wallace's own justification for the flat statements stressed in The Post story and it deserved to be represented in the opening paragraphs of that story.

The material quoted above was covered near the end of the two-column-long story—too late, in my opinion. Also, in the last edition that day the story included two final paragraphs on a telephone interview with Wallace in which he expanded on his condemnation of the Versailles Treaty, saying it permitted Hitler, "the most despicable unjust criminal in the history of the world," to rise to power by using Jews as scapegoats for Germany's economic problems.

To sum up, I feel that The Post's story achieved impact at the expense of accuracy. I feel that the failure to present Wallace's startling statements about World War II in context gave the story a tilt—a subtle tilt, perhaps, but an important one in a report on the views of a man who aspires to the White House.

The story left the way open, in my opinion, for the less than careful reader and the reader who didn't read the story to the end to assume that Wallace wishes that when World War II began we had chosen to side with Hitler and Tojo.

The reporter who wrote the story and the editors who handled it disagree strongly with that opinion. While they concede that tying the two quotes together may have been unwise, they feel that the story conveyed in a fair and effective way what Wallace really thinks about World War II: that the United States should have been fighting the Communist nations instead of being allied with them. They do not feel that Wallace's justification for his view that we were fighting the "wrong people"—mismanagement of American foreign policy between the wars—demanded mention high up in the story.

Wallace did not protest The Post story; in fact his press aide told a Post reporter the governor was not upset by it. Wallace did, however, call a news conference the day of the story to say that the media had quoted him out of context and to again relate his remarks about the "wrong people" to the mistakes he said were made after World War I. He made similar comments in a speech here the next day. They were covered by The Post in a brief mention at the end of a story on page C-3.

Ironically, in reporting the Montgomery news conference United Press International pushed The Post's tilt into a decided lean. It said, incorrectly, that The Post quoted Wallace as saying in March: "I think we were fighting the wrong people, maybe, in World War II. Our true foreign policy in those years ought to have been cultivating the friendships of the Japanese and Germans instead of being antagonistic."

Thus by its own rearrangement of quotes, UPI has Wallace saying this country should have cultivated Germany during World War II.

Similarly, a few days later a Post columnist ridiculed Wallace for saying that Hitler was despicable but the United States was unnecessarily antagonistic to Germany, again distorting the time frame.

One doesn't have to be clairvoyant to predict that in the politics-charged months ahead Wallace is going to be quoted as saying that rather than fighting Hitler and Tojo we should have been on their side. And all the protests and corrective statements are not going to change that.

LANDON ENDORSES RAILROAD PLAN

Mr. PEARSON. Mr. President, I was interested to note that Alf M. Landon recently endorsed President Ford's rail transportation proposal. Mr. Landon describes the administration proposal as "the first comprehensive plan by a President to solve permanently the multitude of transportation problems affecting all Americans." Mr. Landon's analysis of the administration rail proposal is outlined in a recent AP wire story and I ask unanimous consent, Mr. President, that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Landon Lauds Ford's Railroad Plan

(By Lew Ferguson)

Alf M. Landon today hailed President Ford's proposal to restructure the nation's railroads as "the first comprehensive plan by a president to solve permanently the multitude of transportation problems affecting all Americans."

Landon also said Ford's plan meets the push for nationalization pending in one form or another in Congress as well as "the highly important energy factors involved."

He called it "the best alternative to nationalization and certainly better than the waste, reduced service and bureaucracy nationalization would mean."

Ford asked Congress Monday to sharply curtail government regulation of railroads to permit consolidation, and to guarantee up to $2 billion in loans to rebuild the country's deteriorating rail system.

In an interview, the 87-year-old Landon said some railroads are already in bankruptcy and others are threatened with bankruptcy, yet they are the cheapest form of transportation and "a mighty factor in conserving fuel energy."

"The only solution offered so far in Congress is nationalization," the 1936 Republican presidential nominee said. "The record the world over of nationalized railroads is one of spiraling public deficits with the taxpayers paying the bill."

Landon also called nationalization "politically ominous."

"Politically, think of the awesome increase of the power of the presidency, in the increase in bureaucracy which would be required to administer a nationalized railroad system," he said.

Landon said railroad consolidation "fits the energy problem."

"It is a well-established fact that no nationalized railroad anywhere in the world moves the large volumes of traffic at the low cost per ton that American railroads do," he said. "They can help conserve our precious fuel energy."

Landon said timing is crucial because the problem is critical, the railroads are more interested now in consolidation than ever before and the public has a vital interest.

He said the necessary adjustments in restructuring the U.S. rail system will not be easy.

"It will take a lot of time and effort on the part of both our government and the railroads before all the consolidation details can be worked out equitably in the public interest," he said.

Landon made public Thursday a letter he sent the President strongly supporting Ford's proposal.

"In a nutshell, it is a reversal of government policy for 100 years, of forcing competition by the railroads in the public interest, for a new, positive policy that their consolidation today in a few systems is in the interest of the investors, the employes and the public," Landon wrote.

RESTON, VA., COMMUTER BUS SERVICE

Mr. HARRY F. BYRD, JR. Mr. President, the call for action on the Nation's energy crisis is being heard from many sectors—the White House, the Halls of Congress, and from the people.

Citizens in the new town of Reston, Va., have been taking action in this regard for some time now.

Daily, 2,400 commuter citizens from this area travel to and from the District of Columbia in buses operated by their own voluntary community service organization, the Reston Commuter Bus, Inc.

This widespread use of bus transportation is a commendable contribution to much-needed energy savings, reduced pollution, and less pressure on northern Virginia's already overcrowded highway system.

I think, too, the fact that Reston Commuter Bus is a volunteer project should be emphasized. I have continually maintained that if the President and Congress would only provide the American public with the facts about the energy crisis, our citizens will voluntarily respond in a positive way as the Reston area residents have.

Today, however, the Reston bus service is faced with a critical problem. Since the Washington Metropolitan Area Transit Authority—Metro—took over the carrier from which Reston Commuter Bus chartered its buses, costs of operating this commuter service have risen almost 35 percent per year. These cost increases are approaching a level where Reston commuters may find it more economical to abandon bus transportation and return to using their personal automobiles.

Certainly, such a situation should not be encouraged.

The volunteer leadership of Reston Commuter Bus, in face of these crippling increases in charter costs from Metro, went into the free marketplace in search of viable alternatives. They have received a commitment from a private carrier, Colonial Transit, of Fredericksburg, Va., to provide charter buses to Reston Commuter Bus at competitive rates, which will allow continued commuter service at economically attractive fares for Reston area residents.

This week, the Washington Metropolitan Area Transit Commission is conducting public hearings on Colonial Transit's application to provide charter bus service for Reston Commuter Bus. I have submitted a statement to the Commission in behalf of this application to provide, at a reasonable cost, bus service desired by the residents of the Reston area.

Certainly government at all levels should encourage and support such citizens efforts to conserve energy and contribute to a better environment. Fairfax County, for example, has made available a temporary fare subsidy to encourage adequate Reston commuter bus rider volume while Colonial Transit's application is pending.

The Reston Home Owners Association, which represents all the property owners in the Reston community, has written the Washington Metropolitan Area Transit Commission indicating its strong support for Colonial Transit's application to serve Reston Commuter Bus.

I ask unanimous consent that the association's letter filed by its president, Francis C. Steinbauer, be printed in the RECORD, along with my letter to the Commission supporting Reston Commuter Bus' desire to contract with Colonial Transit.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RESTON HOME OWNERS ASSOCIATION,
Reston, Va., May 5, 1975.

Mr. HYMAN J. BLOND,
Executive Director, Washington Metropolitan Area Transit Commission, Washington, D.C.

DEAR MR. BLOND: The Reston community is currently facing a dilemma whose resolution will substantially affect its future.

Reston residents are and will continue to be dependent for much of their livelihoods, purchasing, and cultural activities upon transportation provided by chartered buses running to and from the District of Columbia. Increasing prices for that transportation threaten to make it economically unsound to continue chartering buses for Reston and the 2,400 commuters who now use them daily.

The Reston Commuter Bus, Incorporated, (R.C.B.), developed and operated as a volunteer community service organization, is making a major contribution to the metropolitan area by providing this transportation. The Reston Commuter Bus has received nationwide recognition as an effective citizen-sponsored transportation system. The service offered by R.C.B. helps make the continued development of the new town of Reston possible while reducing traffic congestion, conserving energy, and improving the environment.

R.C.B. is unique within the metropolitan bus system in that the buses carry consistently heavy loads and many of the normal administrative functions are handled by volunteers, such as ticket collection, handling of money, scheduling and passenger services. Fares, nevertheless, have risen at a rate of almost 35% per year since the service was taken over by the Washington Metropolitan Area Transit Authority (Metro). The charges being levied by Metro and the increase anticipated this year could result in the demise of the Reston Commuter Bus System.

The Board of Directors of the Reston Commuter Bus, Inc., after thorough research and careful consideration of many alternatives, has found it necessary to seek the services of a private carrier. The fares quoted by an experienced and qualified carrier are considerably lower than those charged by Metro. Because the private carrier would start at a lower price, any future fare increases will result in individual fares still low enough to warrant continued and expanded use of the R.C.B. system.

The Reston Home Owners Association, representing a community of 26,000 people, supports the position of R.C.B. and strongly urges you to approve the application of Colonial Transit, Inc., to take on the service now provided by Metro.

Sincerely yours,
FRANCIS C. STEINBAUER,
President, Board of Directors.

WASHINGTON, D.C.,
June 4, 1975.

Mr. HYMAN J. BLOND,
Washington Metropolitan Area Transit Commission, Washington, D.C.

MY DEAR MR. BLOND: I am writing in support of Application #861 for authority to perform charter operations between Reston, Virginia and Washington, D.C.

I have been contacted by the leadership of the Reston Home Owners Association and Reston Commuter Bus, Inc., outlining the problem and seeking support for this application.

Faced with rising operating costs (following the Washington Metropolitan Transit Authority [Metro] takeover of the carrier serving Reston commuters) which threaten to dissipate commuter ridership, Reston Commuter Bus, a volunteer organization, sought alternatives to keep their viable commuter service in operation.

The applicant, Colonial Transit, of Fredericksburg, Virginia, offers competitive rates and an established record of operating experience.

The public, in this case, Reston area commuters, through their leaders, have sought this service and desire to contract with Colonial Transit.

This certainly seems reasonable, and I hope you will act favorably on this application, as I would not want to see government discriminate against such a display of volunteer citizen initiative.

Sincerely,

HARRY F. BYRD, Jr.

SENATOR HATHAWAY'S ANNUAL QUESTIONNAIRE

Mr. HATHAWAY. Mr. President, the policy of asking constituents their positions on a variety of issues is not new, but it is an effective gage of public opinion. It has been my practice first as a Member of the House and subsequently as Senator, to give as many people as possible an opportunity to voice their opinions here in the Capitol.

I have just completed tabulating a questionnaire I sent to the residents of my home State, Maine, and there are a few questions and answers I would like to share with my colleagues.

The first is the question: "Do you feel the administration and Congress are responding adequately to today's problems?" A resounding 85.6 percent of those responding to the questionnaire said "No."

It could not be clearer, Mr. President, that that answer is adequate notice to the Congress, and to the administration, that further delay on solutions to our economic and energy problems will not be acceptable to the American people.

Another question which evoked a response that can best be termed provocative was "Do you think the oil industry should be nationalized?" to which 41.3 percent of those responding said "Yes."

Although that is not a majority, it is clear that a larger and larger segment of American citizens are no longer willing to tolerate what they believe to be outrageous profiteering on the part of the oil industry.

And finally, to the question "Should the owners of handguns be required to register them?" Fifty-nine percent of those responding said "Yes."

There were sections of the State which did answer that question in the negative, mostly rural in nature where arms are used for hunting and protection. But the overall response favored this control, which I for one intend to keep in mind when the Senate begins its deliberations on gun control legislation.

The people of Maine spoke on 12 questions, each one dealing with an issue with which this Chamber will be considering this session. I would like to share Maine's viewpoint with my colleagues, and ask unanimous consent to have printed in the RECORD the results of my annual questionnaire.

There being no objection, the questionnaire results were ordered to be printed in the RECORD, as follows:

SENATOR HATHAWAY'S QUESTIONNAIRE RESULTS

[In percent]

	Yes	No	No answer
1. Do you favor giving the President authority to impose wage and price controls?	47.3	51.0	1.7
2. Should the owners of handguns be required to register them?	59.0	39.9	1.1
3. Do you favor extending public financing of campaigns for elections to Federal offices now available to the Presidents to candidates for the Senate and House of Representatives?	49.5	48.3	2.3
4. Do you favor delay of environmental controls until 1980 on automobiles as a means to lower fuel consumption?	62.0	35.9	2.1
5. Do you favor delay of environmental controls until 1980 on industry as a means to lower fuel consumption?	56.9	40.9	2.2
6. Do you favor a mandatory petroleum conservation program?	59.2	38.9	1.9
If yes:			
(a) Higher gasoline/fuel tax?	22.9	37.0	
(b) Gasoline rationing?	50.3	22.3	
(c) Mandatory allocation with import quotas?	39.7	20.2	
(d) Odd-even gas purchase days?	23.3	26.4	
7. Do you think the oil industry should be nationalized?	41.3	56.1	2.4
8. Do you favor offshore exploration for oil along the New England coast?	76.4	21.8	1.8
9. Are you willing to pay higher prices and/or taxes to help solve the problems of air and water pollution?	50.7	48.2	1.1
10. Do you favor a comprehensive federally-financed national health insurance program for everyone?	64.4	33.6	2.0
11. Do you favor continued trade relations with:			
(a) Soviet Union	74.1	24.1	1.8
(b) People's Republic of China	71.7	26.6	1.7
12. Do you feel the administration and Congress are responding adequately to today's problems?	13.3	85.6	1.1

AMENDMENT OF THE FAIR LABOR STANDARDS ACT

Mr. PACKWOOD. Mr. President, to underscore the importance of this issue to the people of Oregon, I wish today to bring to the attention of my colleagues the House joint memorial passed by the Oregon State Legislature urging amendment of the Fair Labor Standards Act to permit limited employment of children under 12 years of age to help harvest summer crops of strawberries and vegetables. I have addressed myself to the special needs of Oregon's farmers for harvest-time help, while bearing in mind the prime importance of assuring the safety and well-being of children. Today, however, I wish to present the memorial as passed by the Oregon Legislature. At this time I ask unanimous consent that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 9

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-eighth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully submit as follows:

Whereas the 1974 amendment to the federal Fair Labor Standards Act prohibiting employment of children under 12 years of age has created a shortage in the labor force available for harvest of strawberries, cane berries and hand-harvested vegetables; and

Wheres the experiences of strawberry growers in June 1974, prior to and following the temporary injunction issued by the three-judge panel of the federal District Court on June 22, 1974, clearly indicate that employment of approximately 4,000 children 11 years of age and under following June 22 was a major factor in saving the 1974 crop; and

Whereas the harvest season for Oregon strawberries is for a relatively short period, approximately three weeks on an individual farm and less than a six-week time span for all communities depending on elevation within the state, the period of employment is not of sufficient duration to attract the large labor force (over 30,000 for the present acreage) required from outside the community or state; and

Whereas many growers report that in recent years, 30 percent of their work force has been children under 12 and that they harvest 20 percent of the crop; and

Whereas the economic competition of increasing imports of strawberries from Mexico (about 112 million pounds annually, which is 40 percent of the United States consumption) has resulted in a reduction of acreage in Oregon and has been a price-depressing factor which limits the growers' ability to increase harvest pay rates to levels that might attract additional workers; and

Whereas the strawberry industry contributes some $30 million annually to the Oregon economy of which one-third is paid to growers for the raw product and two-thirds for processing payrolls, containers, storage, transportation and other costs required in preparation of the product for consumers; and

Whereas the continuation of the prohibition of employment of children under 12 in agriculture will further reduce and may result in the discontinuation of strawberry production in Oregon; and

Whereas the loss of the strawberry industry will eliminate the major source of employment for children over as well as under 12 years of age and for many adults who wish to supplement other sources of income by utilizing this short season employment opportunity and will cause curtailment of related industry payrolls; and

Whereas Oregon laws provide authority to the state Wage and Hour Commission to regulate conditions under which children may be employed and we believe these conditions are adequate; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That congress enact an amendment to the Fair Labor Standards Act to permit children under 12 years of age to be employed in agriculture during summer months when school is not in session.

(2) Copies of this memorial shall be sent to the United States Secretary of Labor, the United States Secretary of Agriculture, members of the Senate Committee on Labor and Public Welfare, the House Committee on Education and Labor and members of the Oregon Congressional Delegation.

SUMMER JOBS FOR YOUTH IMPERILED BY PRESIDENT'S VETO

Mr. HUMPHREY. Mr. President, last Thursday, May 28, President Ford vetoed H.R. 4481, the Emergency Employment Appropriations Act. This bill included a $458 million appropriation for the summer youth jobs program which would provide 840,000, 9-week job opportunities for young men and women.

I deeply regret that this urgently required funding must continue to be delayed as a result of the failure of the House yesterday, by a narrow vote margin, to override the President's veto.

I strongly urge that Congress immediately pass a further Emergency Appropriations Act which will have the strong support of Members of both Houses. It is essential that such legislation again provide funding for the summer youth jobs program at least at the level previously agreed upon by House and Senate conferees.

In his veto message the President indicated that the congressional appropriation was excessive. However, he noted that the public sector and summer youth jobs were needed "as summer vacations are close at hand."

I find this action by the President of the United States completely inconsistent with what we all know is in the best interest of this Nation. It is obvious by this action that the administration is still giving priority attention to controlling inflation, which ignoring the truly urgent problems of reversing a major recession. Unemployment is the real issue of the day, and getting money into the economy and creating jobs is how we get out of this situation.

It is inconceivable to me to see the President last Thursday, in his veto message, blaming the Congress for causing increases in the anticipated deficit levels, and then to find in the Wall Street Journal on Monday that the administration has revised its estimated deficit upward, since its February estimates, based upon a correction of its own earlier miscalculations.

Delaying the funding of these urgently needed summer youth jobs funds can mean that nowhere near the full level of congressionally enacted assistance can be utilized this summer to meet the critical need of youth for jobs. Many young people will not be given the opportunity to have a full summer's employment and in many cases there will be no jobs at all.

The impact that the loss of these funds would have on the State of Minnesota would be tremendous. At a minimum, Minnesota would lose $4,013,550 and at least 7,391 jobs for our disadvantaged youth.

Mr. President, as an active supporter of these youth employment funds, an author of such youth programs as Job Corps, VISTA, and the Peace Corps, and from my experience during the Vice-Presidency as Chairman of the Council on Youth Opportunity, I cannot say enough about the need to get these funds out into the field as soon as possible.

This Nation is in the midst of the most serious unemployment since the Great Depression, with unemployment rates expected to reach 3.1 million among our disadvantaged youth. Present trends indicate the possibility of an unemployment rate of 50 percent or more among these youth during June to September this year.

The funds appropriated by Congress under H.R. 4481 for the summer youth employment program would have been distributed according to the formula under title I of the Comprehensive Employment and Training Act, adjusted to insure that no area receives less enrollment opportunities than were provided for the summer of 1974. Prime sponsors were not to be required to provide matching funds for any part of these supplemental summer youth employment funds. This appropriation was to provide for 9 weeks of summer employment with an average of 26 hours per week at the minimum wage of $2.10 per hour.

I urge my colleagues to send a message back to the President which clearly indicates the intention of this Congress to get our economy out of the current recession and to immediately provide urgently needed summer jobs for our young people.

One of my great concerns is the lateness with which we will be making this money available to the Department of Labor and the other administering and operating agencies who will be responsible for disbursing these funds and seeing that our young people get jobs. In a recent report published by Governor Anderson's Office on Minnesota's Summer Youth Employment Program in 1974, one of their major recommendations was that all Federal and State agencies supporting summer youth programs should announce all allocations no later than mid-April, and should make these funds available to program operators well before the program is scheduled to begin.

The recommendations of the Governor's Report on Minnesota's Summer Youth Employment are of great interest and can be most helpful. I commend the Governor's Manpower Office for its most effective work on this report.

Mr. President, I ask unanimous consent that these recommendations on the 1975 summer youth employment effort be printed in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS FOR THE 1975 SUMMER YOUTH EMPLOYMENT EFFORT

The 1974 Governor's Report on Summer Youth Employment has been prepared for the use of all those concerned with finding summer jobs for youth, or with planning, operating or funding summer youth employment programs.

This chapter draws upon the material in the preceding chapters to propose a number of recommendations for improving the 1975 summer youth effort in Minnesota. These recommendations are directed to legislators, advisory board members, planners and those who are directly responsible for the operation of individual programs.

The chapter includes recommendations on each of the following: legislation and regulations; program allocations; coordination of summer youth effort; program recruitment and application; job development and placement; enrollee's work experience; program reporting, assessment and feedback.

A. LEGISLATION AND REGULATION

1. Employment was provided for 6,056 young people in Minnesota under the Governor's Youth Employment Program. The State Legislature had funded the program only for the 1973–74 Biennium. Population and unemployment statistics suggest that the need for subsidized summer jobs for youth will be even more acute this summer than last.

It is recommended that:

The Minnesota Legislature pass legislation and appropriate funds to create summer jobs for youth in Minnesota's next two summers;

This appropriation be adequate to serve at least the same number of young people served under the 1973–74 bill; and

The bill provides for coordination with other youth programs, particularly CETA-funded programs.

2. Under the CETA Summer Program, Federal regulations specifically define "disadvantaged" and limit the programs to serving that population. CETA prime sponsors have voiced dissatisfaction with this regulation.

It is recommended that:

Federal regulations for next summer's CETA Youth Program be modified or made more flexible to allow the definition of "disadvantaged" to encompass at least the handicapped, mentally retarded, school dropouts and delinquents. These have been noted by prime sponsors as other youth populations which would benefit from employment opportunities but which would have unusual difficulty finding jobs on the open market.

B. PROGRAM ALLOCATIONS

1. During the past two program years, both state and federal allocations for summer youth programs have often been decided upon in mid-May or later and been made available only a week or two before the program was to begin operation. This has left little time for program planning, recruitment and placement of applicants and development of job sites and supervisory agreements.

It is recommended that:

All federal and state agencies supporting summer youth programs should announce all allocations no later than mid-April, and should make these funds available to program operators well before the program is scheduled to begin.

2. For a number of years the funds allocated for summer youth employment have greatly exceeded those allocated for employment programs operating during the school year. It is recognized that it is highly desirable to provide nearly full time summer work for large numbers of young people in the 14-to-19 age group. It should also be recognized, however, that many young people, particularly disadvantaged young people, are acutely in need of a source of year-round income and of a year round job experience.

It is recommended that:

Increased state, federal and private-sector funds be made available to develop, subsidize and administer more part-time youth employment programs, particularly for disadvantaged youth, during the school year.

C. COORDINATION OF SUMMER YOUTH EFFORT

During 1974, at least ten separate youth programs were operating throughout the state of Minnesota. Governor Anderson, recognizing the need for coordinating these programs, initiated a statewide effort to coordinate and development of jobs for youth. Particular effort was made to improve coordination between the Governor's Youth Program and the CETA Summer Program. Significant coordination and information-sharing was achieved through the Summer Jobs Committee in the City of Minneapolis. Otherwise, there was little coordination between the youth programs.

The attempt to find summer jobs for youth in Minnesota should be regarded as an overall cooperative effort, not a collection of programs operating in relative isolation. Planning and information-sharing done on a statewide and area level rather than at a program level is necessary to improve coordination between programs.

1. *To improve program coordination through planning it is recommended that:*

Every region or prime sponsor area in the state should use CETA Planning Councils or should establish a special committee which is representative of, and which will work closely with, youth employment program operators, schools, and other youth-serving agencies.

These planning bodies or committees assume some of the following tasks and responsibilities—

Determine needs and problems relating to youth employment in that area;

Assemble information on all youth programs operating in area, and develop and distribute this information in a form usable by young people and those responsible for helping them find jobs;

Make recommendations for developing additional employment resources if necessary;

Develop procedures and recommendations to assure coordination and information-sharing among summer youth employment programs in the area;

Make recommendations for coordinating the summer employment effort with the in-school employment effort in the area, and for increasing employment opportunities for young people during the school year;

Review the area's overall summer youth employment effort at the end of the summer and make recommendations for its improvement; and

Complete a yearly review of all youth employment programs operating in the area.

This planning effort and the work of this committee and its staff should be year-long. Planning for the summer youth effort should be begun in March or early April and should not be considered completed until after the program's review in September or October.

2. *To improve coordination through information sharing it is recommended that:*

A summer youth employment "hotline" be established in each region or prime sponsor area of the State and that these be adequately staffed to:

Assemble information on all publicly-supported youth employment programs operating in the regions and provide by-phone or by-mail information on youth employment opportunities or programs operating statewide or that specific area of the state.

A directory of summer youth employment programs should be made available to area planning committees and to counselors and other persons responsible for assisting young people to find jobs. It is suggested that this Governor's Youth Report serve as such a directory for the coming year.

A short pamphlet or listing of Minnesota's summer youth employment programs should be prepared for distribution to young people through schools and community organizations, particularly in disadvantaged areas. This would provide some information on employment opportunities available and would make young people more aware of their options when applying for summer employment.

D. PROGRAM RECRUITMENT AND APPLICATION

1. Application procedures differed greatly among the 1974 summer programs. As a result, any young person who wished to apply for more than one program, or who was turned down by one and had to apply for another, was required to go through two application processes, usually at two different locations.

It is recommended that:

Regional or prime sponsor planning councils or youth program operators, in cooperation with MDES, develop uniform application procedures and forms which will enable young people to apply for several programs—or to indicate their preferences among several programs—by completing a single application form.

2. When reviewing the 1974 programs it was difficult to estimate the demand level for these programs. Most programs kept no record of the numbers of persons who applied for but were not accepted for particular programs. Indication of demand level is important when planning for future program expansion.

It is recommended that:

All organizations responsible for recruitment for youth employment programs maintain a count of, and if possible some demographic data on, the persons applying for but not accepted for their program.

3. Young people applying for summer jobs (and those responsible for helping them do so) are often given inadequate information on local work opportunities.

It is recommended that:

In addition to making use of the regional or area-wide information-sharing mechanisms proposed in an earlier recommendation, communities should make extensive use of schools, community agencies and local media (T.V., radio, newspapers) to publicize local information on summer youth employment programs. It is particularly important to increase this outreach in communities or neighborhoods having a high proportion of disadvantaged or minority youth.

E. JOB DEVELOPMENT AND PLACEMENT

1. There were a large number of applicants relative to available slots for the Youth Conservation Corps Program and the Summer Work Experience Program in Social Work, reviewed in an earlier section. These programs were specialized, offered creative jobs related to a particular interest area, and offered an educational component. A high demand for these programs was demonstrated.

It is recommended that:

Funding and facilities should be increased so that the two programs noted above can be expanded to hire more young people and more programs should be encouraged to develop a "job cluster" focus or to place groups of young people in jobs in particular areas (i.e. recreation, hospital work, library work) of their choice. Educational or career-exploration sessions relating to these work areas could then be provided. (In the Twin Cities, the Riverfront Development Project in which CETA and Governor's Youth Program participants from Minneapolis and St. Paul were involved, is attempting to do this.)

2. Manpower data demonstrated that the individual's attitude toward his job is better if the work is suited to his interests and aptitudes. Time constraints and lack of a variety of job sites has limited the consideration of participants' interest in a number of summer programs.

It is recommended that:

Some attempt should be made to determine a young person's interests, aptitudes and vocational goals before assigning an enrollee to any summer job lasting for more than a month;

If a young person is interested in a particular work area (i.e. landscaping, child care, etc.) in which program job slots do not currently exist, an effort should be made to develop a job in this area, or to refer the young person to a program which may have job slots in this area.

3. Several programs reviewed in an earlier section (Job Squad, Mini-Offices and National Alliance of Businessmen Programs) all utilized young people as job developers, or office managers, or in other responsible positions. Some CETA prime sponsors used older enrollees to work with younger ones through recreation programs or through some supervising of work teams. All of these demonstrated that young people can perform well in highly-responsible positions.

It is recommended that:

Those responsible for job development and placement give increasing emphasis to placing increased numbers of older enrollees (under proper supervision) in responsible public contact, management, and supervisory jobs.

F. ENROLLEES' WORK EXPERIENCE

1. One of the goals of all of the work experience programs reviewed here is to make these work experiences a positive introduction to the world of work. The quality of supervision and the young person's attitudes toward work are two of the most significant factors contributing to the success of the young person's first work experiences. Orientation of both supervisors and young people should thus be built into summer programs.

It is recommended that:

Program operators should provide an orientation for all work supervisors before the program begins. Session might include discussion of time and effort to be spent in supervision; reporting to program operator for payroll and attendance; procedures for dealing with young people with special problems; and support and help to be expected from the program operator.

Program operators should provide an orientation session for all enrollees before they start their summer job under the program. These sessions might include discussion of employer expectation regarding promptness, attendance, appropriate dress; what to expect from supervisor; who to contact if have problems with job or supervisor; and getting paid and recording hours worked.

Both these orientation sessions should be provided in group sessions or in individual sessions with members of the staff of the organization operating the program. Mailed orientation materials should be used only if it is impossible to conduct inperson sessions with supervisors and young people.

2. Opportunities for career and educational exploration should be part of any work experience program involving young people.

It is recommended that:

Minimum of three days of career-educational exploration should be built into every program in which most of the placements are for a month or more. These days should be utilized for field trips to local vocational schools, colleges and industries, and for seminars or small groups sessions on such topics as applying for a job or choosing a career.

Young people in placements longer than one month should be rotated among job slots or divisions in an organization whenever possible, to enable them to learn something about a variety of jobs and to get a more complete picture of the organization for which they are working.

3. Young people, particularly disadvantaged young people, may sometimes need support services to enable them to continue

with or make the best use of a summer work experience program.

It is recommended that:

At the time of a young person's application for or referral to a job, MDES staff should be able to provide information about or referral to counseling services, health services, transportation resources or other support services which might be needed by young persons in the program. Supervisors should also be aware of potential problems and should be encouraged to identify young people who may need such referrals.

G. PROGRAM REPORTING, ASSESSMENT AND FEEDBACK

1. Reporting was one of the weakest components of many of the youth programs operating in Minnesota last summer. In at least one program no count of hires or enrollees was kept or reported. In most others, only the most basic data, such as the number of participants was kept. Collection of data on participants, their characteristics, jobs in which they were placed, and program costs provides basic data for next year's planning as well as for comparisons between programs, and between program years within a single program.

It is recommended that:

Area planning committees or appropriate state agencies should establish basic reporting procedures and guidelines and advocate their use by all summer youth programs operating in the area or within the state.

2. Program assessment and feedback was minimal or lacking in over half of last summer's youth programs. Feedback should be secured from as many sources as possible, and should serve as the basis for recommendations to improve future year's programs.

It is recommended that:

Procedures for program assessment and feedback be part of the plan or program design for every summer youth program in Minnesota;

Work-site supervisors, program participants, and community agencies, as well as program operators, should participate in providing this feedback. It could be secured through post-program evaluation sessions, questionnaires or interview sessions.

PERSONAL STATEMENT OF SENATOR PHILIP A. HART

Mr. PHILIP A. HART. Mr. President, I would like to announce that I will not seek reelection.

This announcement will surprise few people, but because there has been some speculation about my reasons for reaching the decision, let me explain briefly.

At difficult moments, politicians have a tendency to fall back on tried and true sayings, but at least on some occasions, such sayings are right on target.

At this moment in my life, that is true of these words: "Eternal vigilance is the price of liberty."

Those words imply that frustrations will be encountered, and no one should enter politics who does not expect and is not willing to accept frustrations as part of the job.

Those words make clear the continuing effort which should be made by a person who would be elected to public office, and no one should run for office unless he believes that he will have the energy and stamina to be fully vigilant for the entire term sought.

And finally, those words emphasize that no person is irreplaceable, that no one institution is all important, and that the guard should be changed with some regularity.

When I complete this term I will be 64 and will have been a U.S. Senator for 18 years. By the end of still another term, I would be 70 years old and would have served 24 years.

It has not been an easy decision to make for I enjoy being a Senator and look forward to the remaining 18 months of my term. However, for any and all of the reasons suggested, the time has come to change at least this part of the guard.

This is not a farewell statement, for I hope to remain fully active after I leave the Senate—but not under the terms of a 6-year contract.

And more important, there is still much to be done in the next year and a half—from assuring completion of Sleeping Bear National Lakeshore to helping Michigan and Detroit cope with the recession; from extension of the Voting Rights Act to continuing my poorly attended lectures on the evils of economic concentration; from attempting to convince more people that all of us will be safer when we ban handguns to convincing people that amnesty for Vietnam war resisters is in keeping with our Nation's noble traditions of tolerance and forgiveness.

That is a full agenda.

Again, while this is not farewell, I thank those whose faith and patience enabled me to come to the Senate. And I am grateful—now especially—to those who have suggested I remain.

SAVINGS IN MILITARY CIVILIAN PERSONNEL

Mr. DOLE. Mr. President, yesterday I supported an amendment to the Military Procurement Authorization Act to reduce the civilian manpower ceiling for fiscal year 1976 and the transition period, by a total of 17,000. I am pleased the amendment passed.

I note that it has been estimated that the Department of Defense can accomplish this cutback without one civil servant being forced out of work. The reduction can be handled through the normal attrition process.

To allay the fears of some who believe that such a reduction could seriously impair the mission of the Defense Department, several promising areas where savings might exist were offered. Mr. President, I would like to offer one more. Not just a wishful thought but a well thought out and supported proposal to be considered by the DOD when it has to make its choices under the ceiling.

STAFFING OF MILITARY TELECOMMUNICATIONS CENTERS

The Department of Defense operates a telecommunications network to transmit digital messages all over the world. Excluding those operated by intelligence organizations, there are some 900 of these centers.

These centers are staffed with an estimated 20,000 military and civilian employees whose salaries and related costs exceed $200 million annually.

Mr. President, while military departments and subordinate commands have established criteria to determine staffing requirements, the office of the Secretary of Defense has not issued specific guidelines or instructions for staffing these telecommunication centers.

Since most land-based, nonmobile military telecommunications centers have routine operational functions like message handling, distribution, relay and traffic analysis, there are enough similarities to permit some sort of uniform staffing standard.

When the GAO recently applied such a standard to these centers, they found that there is a net overstaffing of about 2,170. The monetary impact of this overstaffing is about $21.7 million each year. It seems obvious that such costs and personnel could be applied more wisely in other areas of the defense mission. I understand the DOD is now recognizing this problem and has formed an ad hoc committee to study appropriate actions.

This seems pertinent, Mr. President, because of our commitment to reduce support forces in Europe and civilian personnel worldwide. Certainly the Congress should also be looking for such areas where programs like these could be more effective or more prudently administered.

EFFECTIVE CONGRESSIONAL OVERSIGHT

As my colleagues will remember, Mr. President, on May 13 I offered a resolution; Senate Resolution 152, to require the standing committees in the Senate to make a special effort to conduct oversight activities to review and evaluate existing programs within their jurisdiction. This process, I believe, should help us to determine whether there are more effective, efficient or economical procedures for achieving program objectives.

The resolution requires each committee to report to the Senate no later than December 31 of this year the results of their study. The results of their study will certainly add more information to the very important budget process when we consider the next fiscal year's level of expenditures.

Mr. President, I feel it is time that we begin to decide what our national priorities are and what objectives we are trying to meet. Why should any member of the Senate cast around looking for proof of his claim that there are targets of savings in the massive Government budget? The committees should be the foundation for such efforts. It is conceivable that when we were looking for areas to cut down the size of the civilian personnel pool in defense we might have stumbled across such a fertile area for savings such as the telecommunications centers. Conceivable, that is, if there was an active oversight activity looking in to these larger program areas.

Mr. President, I urge support for efforts to strengthen the Senate's hand in considering the very important choices we must make about our Government's programs. Facing huge deficits and very real budget constraints, can we expect any less from each other and our committees?

RURAL WOMEN

Mr. CLARK. Mr. President, in the past few years women have made great gains toward achieving equality in all areas of business and government. But in discussions of the improved status of women, one area seldom receives attention—the status of the millions of women on this Nation's farms.

Throughout the country, farm wives are becoming increasingly more active participants in the day-to-day operation of farms. For them, "equality" is not only a reality, but often a necessity. The increasing complexity and mechanization of farms has provided them the opportunity to play a larger role in performing farm work, as well as in making the hard business decisions that have become more and more a necessity in this business.

JoAnn Lublin, of the Wall Street Journal, recently visited one active farm wife—Donna Keppy, of Wilton, Iowa. In her account of the changing role of women on the farms, Ms. Lublin describes the daily activities of this active and busy woman. Besides performing the traditional roles of housekeeper and mother, Donna Keppy puts in a full day of farm work and also finds time to serve as State president of the women's auxiliary of the National Pork Producers Council.

Mr. President, I ask unanimous consent that the story from the Wall Street Journal of June 2, 1975, be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

THE RURAL WIFE: WHILE KEEPING HOUSE, DONNA KEPPY RANKS AS A PARTNER ON FARM; SHE PLOWS FAMILY'S FIELDS, TAKES 36 HOGS TO MARKET AND EXPANDS HER ROLE; "SLOW DAY" EXCEEDS 12 HOURS

(By Joann S. Lublin)

WILTON, IOWA.—The tractor's roar breaks the silence of the sunny Iowa day. Ignoring the din, the driver concentrates on plowing a muddy cornfield. Suddenly, the tractor becomes stuck in a quagmire of manure and mud. The driver shifts the throttle, raises the plow and twists the steering wheel about.

But the tires grind deeper. The stench is overwhelming. Finally, after lip-biting effort, Donna Keppy frees the tractor. "I knew that as long as we kept moving, we'd make it," she says.

The statement fairly sums up 37-year-old Mrs. Keppy, too. In her busy, expanded role as a modern farmer's wife, she helps her husband Allen run a prosperous hog and grain farm here. Mrs. Keppy is much more than a field hand, however. Though the roles of America's two million farm wives vary widely, Mrs. Keppy perhaps typifies a new breed. She's her husband's business partner, involved in nearly all aspects of their complex farming operation—from planting to harvesting their 235 acres and from breeding to marketing 2,000 hogs a year.

GROWING TREND

Some agricultural experts believe the long-term outlook for family farms like the Keppys' depends on whether more food producers have partners in marriage who are also partners in farming. Mrs. Keppy represents "the type of farm wife we're going to see more of in the future," says Keith Hefferman, a friend of the Keppys and director of agricultural promotion for the Iowa Development Commission. "That's the only way the family farm is going to make it."

The role of the contemporary farm wife is a far cry from that of a generation ago. Back then, homemaking, raising children, growing and canning produce and possibly feeding chickens consumed most of the farm wife's time. Heavy farm chores were "men's work," as were business decisions such as crop plantings, marketing or equipment purchases. And a farmer's wife who "kept the books" was more likely to handle family photograph albums than farm bookkeeping.

Today, "farm wives are working more with their husbands and at a more sophisticated level," says Calvin L. Beale, who directs population studies for the U.S. Department of Agriculture's Economic Research Service. A recent poll of 12,000 Successful Farming magazine readers confirmed this view; it found, for example, that three-fourths of the wives participate in farm business decisions.

RIPPLING EFFECTS

Effects of these changes are rippling throughout argribusiness. Farm-equipment makers say that wives' greater role in field work is one reason tractors are being made easier to operate and more comfortable, with such options as power-assisted clutches and air-conditioned, carpeted cabs. Many equipment dealers are setting up ladies' waiting lounges stocked with women's magazines. And some farm wives have become political activists, promoting agriculture and pushing, before legislators and television cameras, for what they consider fair crop prices. Last November, several regional groups formed American Agri-Women, the first nationwide coalition of farm women.

The widening horizons of farm wives reflect, in part, changes in agriculture generally. More and more family farms have reduced their hired hands and mechanize, and emerged as highly specialized businesses. As the number of such operations grows, more of the total food supply is being produced by large farms; in 1973, farms with $100,000 or more in annual sales accounted for nearly half of the nation's food and fiber marketings, up from only 17% in 1960.

Growing complexity and replacement of brute force with managerial talent are contributing to farmers' greater reliance on their wives. In turn, farm women have more time to help farm because modern household conveniences and smaller families have simplified "traditional" homemaking duties.

WHAT THE LIFE IS LIKE

A day in the life of Donna Keppy illustrates these changes. The clock radio clicks on at 5:15 a.m. in the Keppy's small white ranch house, where they have lived for three years. Previously, for 10 years they rented a 143-acre farm from Mr. Keppy's father. Both Allen's and Donna's parents and grandparents lived here in eastern Iowa, near where the family presently farms with only part-time assistance from Mr. Keppy's brother. The home is full of evidence of the Kleppy's livelihood: posters of smiling hogs, piggy banks, "Pigs Are Beautiful" buttons and pig-shaped soap holders.

Mrs. Keppy dresses quickly for her chores: corduroy jeans, black rubber boots, gloves, a beat-up ski jacket and head scarf. By 6 a.m., she is working outside with her husband. She shovels manure and feeds, waters and checks the health of the animals in the farrowing house, an old barn where pigs are born and raised for six weeks.

Her duties as "sanitation supervisor," as she jokingly refers to herself, represent the most physicially demanding of her chores. "Sooey!" Mrs. Keppy yells, slapping the puppy-sized pigs out of the way so she can pitch 30-pound forkfuls of manure-laden straw out of the barn.

Future projects are the Keppy's main topic at breakfast this brisk spring morning. The four Keppy daughters, aged seven to 15, serve the meal as Mrs. Keppy and her husband discuss selling hogs to cover feed-corn purchases and to meet payment on the farm. But hog prices are rising; so they mull taking out a loan rather than selling hogs at lower prices now.

They decide to sell just a few and hold the rest in the hope that hog prices climb further. (Weeks later, they find their timing was right; hog prices increased $5 a hundred pounds. "We paid back the 30-day note to the bank and made money at it," Mrs. Keppy says.)

Breakfast at the Keppys is a simple fare of cornbread, sausages and organge juice. Mrs. Keppy says she can't take time to fuss with meals. An exception is the noontime dinner, for which she usually bakes and prepares steak or a ham. It isn't unusual for supper to consist of frozen pizza. By contrast, her mother-in-law still cooks five complete meals a day for her farmer-husband. When Viola Keppy's seven sons were growing up, "my responsibilities were centered around the home," she recalls. "(Donna's) responsibilities are spread out more."

Breakfast is also when "Donna gets her assignments for the day," Mr. Keppy says. While he regards his wife as his business partner, he gives the work orders in their traditional household. "He's the boss," Mrs. Keppy concurs.

This doesn't diminish her importance, Mr. Keppy, a strapping 200-pounder, hastens to add. "Without Donna, I'd need an additional full-time man here," he observes. "The timeliness of having a wife in the house to take phone calls, or run a tractor or help load pigs is much more valuable than her trying to add $3 an hour to the family income with a regular job." In fact, when the Keppy daughters were infants, he found it cheaper to hire a babysitter than to replace his wife with a paid field hand.

By 7:30, the farm couple is back outside, inspecting the muddy fields. Mrs. Keppy expresses doubt that they're ready for plowing and concern that if the pace of field work doesn't pick up soon, planting will be delayed. "I agree that the fields don't look quite fit," he tells her. "But I think we should go ahead anyway."

She plows nearly three hours. Her ruddy face and stocky, five-foot-eight-inch, 150-pound frame indicate that she has done her share of farm work since learning to drive a tractor at age 12. As she plows, pop tunes and the morning commodities report blare from the vehicle's radio.

The work seems monotonous and bone-wearying. Yet the dark-haired woman drives the vehicle with the careful attention of someone who loves the land. "I get satisfaction from turning over the old to start the new," she says.

It's now 10:30. Mrs. Keppy bathes and changes clothes because she must take 36 hogs to market. Mr. Keppy's brother has helped him tramp through mud to select and herd the squealing, 250-pound animals onto a hauler's truck. This messy job of "running the gate" is Mrs. Keppy's when she isn't plowing.

"You know, marketing is our bread and butter, the final end of the product," Mrs. Keppy observes as the truck pulls away. "It's good to know this group (of hogs) made it through without being sick." One year, a dysentery-like disease killed 20% of the Keppy's pigs.

She delivers the hogs to an Oscar Mayer & Co. meat packing plant close to Davenport, 25 miles away. At the plant, her friendly kidding with the weighing-office workers suddenly ceases when the hogs prove overweight. That usually means they have too much fat. Lines crease her forehead. But because Keppy animals enjoy a reputation for having a high proportion of valuable lean meat, the packer pays her the full price. She leaves happy.

Since genetics and nutrition are key factors in maintaining livestock quality, Mrs. Keppy keeps informed of latest hog-breeding developments by reading industry publications. This know-how comes in handy each fall when the Keppys shop for a boar, which can cost $5,000 or more, as well as every few weeks when they choose certain young female hogs to breed rather than market.

A no-nonsense attitude characterizes Mrs. Keppy's approach to farming. She refuses to use the phone for idle social chats, and she gets angry at equipment dealers who lack needed parts. Dealers "aren't business-minded enough around here," she complains. "Our philosophy is that time is money and money makes money."

So, as the empty truck lumbers past grazing hogs, she wonders how farmers can succeed with such old-fashioned pasture feeding (the Keppys own a $62,000 automatic feed-grinding facility). "Their end product isn't much different from ours," she muses. "It's just not as efficient a way to get the hogs to market."

Mrs. Keppy knows what she's talking about. Their farm's annual hog sales exceed $140,000, and last year Mr. Keppy was named Iowa Pork All-American—meaning that he's regarded as one of the state's best hog farmers.

Following midday dinner, Mrs. Keppy returns to plowing and then harrowing. Her work ends at 6:30, more than 12 hours after it began. "It's been a slow day," the farm wife says, wearily climbing down from the tractor. Her fatigue and an aching back make her edgy with her daughters, who are playing softball after having finished their evening chores. "Tie those shoelaces right away!" she yells at seven-year-old Colleen. Without waiting to see if her daughter obeys, she turns and walks slowly into the house.

Even though field work wears her out, Mrs. Keppy's farm heritage has instilled in her a strong sense of purpose. "Farming is hard work, but it's got its rewards, and they're not all monetary," the usually soft-spoken woman says forcefully. "There's a lot of self-satisfaction, too."

Mrs. Keppy's work frequently continues through the evening. When the weather gets warmer and the ground dries, she plows until 9:30 at night. Otherwise, she may spend her evening working on farm records, preparing animal entry forms for state fairs or typing business letters.

In view of the modern efficiency of most of their farming, the Keppys are surprisingly ill-prepared for record keeping, Mrs. Keppy believes. Her "office" consists of a desk in the master bedroom and a file cabinet in the kitchen. To get peace and quiet while discussing grain prices on the telephone, which is located in the busy main hallway, she frequently steps inside the bathroom. Thus, one of her high priorities is a full-fledged office. "We need one if we're going to run this farm like a business," she says.

Last winter found Donna Keppy involved in yet another job: state president of the Porkettes, a women's auxiliary of the National Pork Producers Council. Her leadership has helped it evolve into a group of promotion-oriented "pork pushers," as she calls them. For example, along with other Porkettes and their husbands, the Keppys traveled to supermarkets in several states earlier this year, handing out pork recipes, chatting with shoppers about farmers' problems and appearing on television talk shows.

Her hectic, broadened and more public role as a farm wife developed without any assistance from the women's liberation movement, Mrs. Keppy says. She thinks feminists don't realize how difficult equality of the sexes can be. "You know, we say that a woman's libber never lived on a farm," she observes. "I do a man's job when I'm out there scooping manure or lifting 50-pound bales of hay in the summer." But then she adds with a smile: "Maybe we're the first generation of women's libbers."

NO END OF A LESSON: 2

Mr. BROCK. Mr. President, I recently read an excellent article in the Chattanooga, Tenn., Times by Anthony Lewis. It is entitled "No End of a Lesson: 2," and perhaps it is one of those articles which at some point in time will be classified as a sad commentary on our involvement in Vietnam. I ask unanimous consent that Mr. Lewis' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO END OF A LESSON: 2

(By Anthony Lewis)

When we learned about the Thirty Years War in school, its origins seemed beyond understanding. To go on so long, to devastate the center of Europe for reasons of theology and dynasty—it was some 17th-century lunacy.

Now, toward the end of the 20th century, we are finishing a thirty years war. That is how long the Vietnamese have been fighting. And for most of that war, and most of the incredible suffering that resulted, the United States was responsible. Will school children in the future be able to understand it? Can we understand ourselves? If we hope to avoid repeating what went wrong, we have to try.

An accident of history played a part at the beginning. President Roosevelt was determined not to let the French resume their colonial role in Indochina; but he was dead when the French, with our acquiesence, marched back in the summer of 1945. Ho Chi Minh declared Vietnam independent, using Jefferson's words. The French attacked his Saigon headquarters, but Ho escaped. In November, 1946, the French bombarded Haiphong, killing 6,000 people. The war was on.

On May 8, 1950, the U.S. government decided to help the French in their Indochina war. President Truman and Secretary of State Acheson were doubtless moved to that decision, in part, by the political attack they were undergoing for "losing" China to the Communists.

By 1954, the United States was paying 78 per cent of France's war budget. On May 8 of that year the French were defeated at Dien Bien Phu. When they decided to pull out, and Ho's government was established in Hanoi, the United States moved in to create and support a separate regime in Saigon. Our chosen instrument, highly touted by American diplomats and journalists, was a politician named Ngo Dinh Diem.

How easily it could all have been avoided, how often it could have been stopped: Those are the thoughts that assail us as we look back over the years of ignorance and lies and death.

Ignorance first, because it was the foundation of our folly. We knew virtually nothing about the Vietnamese, their culture or their history. Worse yet, we did not understand the simplest fact of their politics after 1945, which was the overwhelming appeal of nationalism, of anticolonialism. Ho and the Communists understood and assumed the leadership of the movement. We took the losing side.

On top of ignorance, presumption. We presumed to tell the South Vietnamese how to order their society. We sent over advisors to build an army and an economy and a government on the American model. And when the result was not American freedom and productivity but corruption and tiger cages, we tried not to notice.

And then, obsession. Whatever did not work, we doubled. More bombs, more defoliants—the means became madly disproportionate to ends that we would not reexamine. And the same in politics. For 20 years we struggled to maintain a rightwing, anti-Communist government in Saigon, preventing coalition, preventing compromise: preventing, as we now can see, a Vietnamese solution.

The lessons of it all will require books to list and years to explore. But a few are plain enough.

First, America does not have the answers to all the world's problems. We should not really be surprised to discover that our perspective is different from that of a peasant in Southeast Asia. Why should we think that American democracy and capitalism are what he wants? We have come, finally, to realize that Chinese communism meets China's needs, however little we would like it. We ought now to accept diversity in general—and to stop treating any society's choice of a different model as a provocation.

Second, means cannot be separated from ends; countries, like individuals, must be able to justify both. For a generation, American leaders lied to the public and Congress about Vietnam, telling themselves that it would work better that way. But unprincipled means corrupted our politics as they ravaged Indochina. In the end, correction came when our democratic process was able to function.

Third, pride exacts a terrible price. For years we refused to admit the failure of our disastrous enterprise in Indochina; our politicians and diplomats and generals were afraid of losing face, afraid of being blamed for defeat. But when President Ford said in New Orleans the other night that the war was over for Americans, what a feeling of relief there was—and that feeling would have come years ago if someone else had been willing to say: enough.

The American feeling now should be one of release, not despair. For if we understand what has happened in Vietnam, we shall know that it did not represent American ideals. We went wrong because we strayed from openness, realism, humanity. We can regain our ideals and our confidence. But understanding comes first.

FOOD PERIL CONTINUES

Mr. HUMPHREY. Mr. President, I wish to bring to the attention of my colleagues two recent articles included in the New York Times entitled "Food Experts See Several Countries in Greater Peril of Hunger and Possible Starvation than Last Year," and "New Famine Takes Big Toll in Ethiopia." In addition, I would like to point out a speech which I delivered on June 3 before the World Future Society on the World Food Situation.

The two articles offer an important message: Although there has been some alleviation of the severe food shortage as was outlined last fall, the situation is still serious and for some countries, critical.

The conclusion which I would reach from these articles is that we should not be lulled into a false sense of security by glowing predictions of bumper harvests in 1975. We should remember that in 1974 there were also predictions of large harvests. A year later, we are again being optimistic, but starting the crop year with our food stocks at an even lower point than a year ago.

It is certainly clear that a number of countries face critical food shortages, and we need to continue the work and momentum begun as a part of the World Food Conference.

In my statement before the World Future Society, I outlined some of the important reasons for the present world food situation, and indicated the convergence of a number of very critical developments such as bad weather and the energy crisis. At the same time, I indicated that there is an agenda before us in terms of what was agreed upon at the World Food Conference to stimulate food production and, in particular, in the developing countries.

It is very clear to me that this issue needs to continue to receive a higher priority than has been the case in the past. As the world's major food surplus country, we need to provide leadership in making certain that interest and attention regarding this problem does not flag on the part of the United States, other nations, and the United Nations family.

Mr. President, I ask unanimous consent that these two articles and my statement before the World Future Society be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

New Famine Takes Big Toll in Ethiopia

Nairobi, Kenya, June 4.—Drought in Ethiopia and Somalia has affected 800,000 people, and reports reaching here say the famine is feared to be even worse than that suffered in Ethiopia in 1973.

The area worst hit by lack of rain over the last eight months is in the Ogaden region, where the two countries share a border. Somalia has long claimed the area from Ethiopia.

In Somalia, some 300,000 people have been affected by the drought, and a vast relief and resettlement operation is under way. In Ethiopia, officials put the figure affected at about 500,000, with 70,000 living in 14 emergency relief camps.

People arriving here from Ethiopia say conditions in the two biggest camps, at Kebri Dehar and Gode, are appalling.

They describe people like skeletons and children in the last extremes of hunger. They say that three to seven deaths are being recorded every day in one hospital, with a total in the hundreds over the last two months.

"It appears they are not even counting the deaths happening outside the hospitals or camps," one witness said today.

"I was in Wallo during the drought there and I would say what's happening in the Ogaden is much worse," he said. In Wallo, by late 1973 there were well-run camps and I did not see so many people in such a terrible condition as I have seen in Ogaden.

"At Kebri Dehar there are 14,000 people in a camp with two nurses. It is just not equipped to cope with the situation."

Thousands died in the Wallo disaster and its handling helped start the gradual erosion of the power of former Emperor Haile Selassie.

This time the relief campaign has been mounted before the death toll has become too serious. It is being carried out by the Ethiopian Government under its new military leadership, with help from international relief groups.

But the Ethiopian Commissioner for Relief and Rehabilitation, Shimelis Aduga, is quoted as saying the Ogaden situation is worse than anything previously experienced.

Across the disputed border, in Somalia, the Government has been mounting a huge relief operation for at least three months. Some 250,000 people have been placed in camps and fed.

Unofficial figures put the death toll in Somalia at 2,000 to 4,000.

The relief operation there is being run by the Government with help from international organizations. There also have been contributions from the United States, the Soviet Union, West Germany, Italy and some Arab countries.

Food Experts See Several Countries in Greater Peril of Hunger and Possible Starvation Than Last Year

(By Boyce Rensberger)

The world food crisis has not gone away.

Although the incipient famines of last summer and fall were relieved through a variety of short-term measures and public attention to the topic has faded in recent months, some agricultural experts say a number of countries may now be in greater peril of hunger, malnutrition and possible starvation than they were a year ago.

Although no major crop failures have been reported or forecast this year, the experts are fearful because the world's margin of food reserves has narrowed considerably over the last year.

They are also worried that the currently optimistic crop forecasts are fostering a sense of complacency that could lead to a slackening of long-range efforts to establish a global food reserve system and to improve agriculture in the poor countries.

The world's supply of reserve grain, which was already precariously low early last summer, is even smaller now. Much of it was used for famine relief last year and global crop shortfalls of about 66 million tons last year prevented any significant rebuilding of stocks.

POPULATION HAS RISEN

In the year since the early signs of last year's food shortages began to appear, the world's population has grown by about 74 million mouths. World Health Organization officials estimate that about 400 million people in various countries remain in a state of malnutrition.

According to a confidential evaluation of the food supply situation around the world, shortages now exist in Bangladesh, Yemen, Somalia, Tanzania, Rwanda, Burundi, Malawi and Mozambique and there is a danger of food shortage in Sri Lanka.

Earlier this year Kenya was listed as suffering a food shortage but the situation there is said to have improved.

Thus, a modest spell of bad weather that would have had little impact in past years could now precipitate a sizeable food shortage. If, as some climatogolists suspect, the world is experiencing a major shift in weather patterns, last year's disastrous weather could be repeated this summer.

So far, however, the early Food and Agriculture Organization forecasts are that this year's global harvest will be 8 per cent above last year's. Since 1974 was a poor year, most of the predicted improvement represents only a return to normal.

According to F.A.O. estimates, most of that increase will come from the United States and the Soviet Union while expectations are for declines in the crops of Western Europe, North Africa and the Near East. India's winter wheat crop, now being harvested, is expected to set a record high. The failure of this crop last year was a major factor in India's famine.

A CRUCIAL YEAR

Over all, the F.A.O. in its May 16 quarterly report, "Food Outlook," said "The food situation has improved in the last quarter, but the world still depends crucially on this year's crop outturn. Early prospects are favorable for wheat and coarse grains, but weather could still play havoc with spring-sown crops. The outlook is uncertain for rice."

The F.A.O. projections, which largely agree with those of the United States Department of Agriculture, are based on the assumption that weather for the rest of the growing season will be favorable in all major agricultural regions of the world.

That is the same assumption that was made last spring when the forecasts were also for good harvests. As it turned out, bad weather, chiefly drought, afflicted significant portions of North America, the Soviet Union and India.

Most observers credit last year's poor harvests and the World Food Conference in Rome with stimulating a new and needed interest in agricultural development.

EXPERTS ARE WORRIED

Even if this year's forecasts turn out to be accurate and harvests are good, many agricultural experts are worried because they say that one good crop year could erode the new sense of urgency about the need for long-range measures to improve food production in the food-deficit countries. They fear that a season of good crops could also sap momentum that has begun to build toward establishing an international system of grain reserves for famine prevention.

Most food experts agree that, even in the absence of outbreaks of hunger because of fluctuating weather, it will be impossible to meet the growing demand for food without strong political commitments to agriculture at the national level in the developing countries.

So long as these countries could turn to the United States and purchase cheap "surplus" food or receive it as direct aid, their domestic crop failures had little impact. Now that the United States and other major exporters are no longer able to supply much cheap food or free food, the food-deficit countries are said to be coming to recognize the need to upgrade their own farming methods.

"Despite all the nice, optimistic projections on crops, some of those crops haven't even been planted yet," said Dr. Dale Hathaway, an agricultural economist at the Ford Foundation and an advisor to the secretariat of last November's World Food Conference. We're right back where we were in '74 at about this time except that stocks are lower than ever."

Dr. Hathaway noted that the cope with last year's food shortages the Indian Government was forced to purchase about 7 million tons of grain at commercial rates. This used up a large portion of India's foreign exchange and has set back the country's development plans.

Should another major food shortage develop, Dr. Hathaway said India would be less able to cope with it than before.

Dr. Ralph Cummings Jr. of the Rockefeller Foundation, another agricultural economist, said he also is worried about growing complacency over the food situation.

"The thing that bothers me," he said, is that six months ago everyone was concerned. Now no one is and I don't see that the world is in any greatly different situation than it was."

According to a report by the Overseas Development Council, a private organization concerned with the problems of developing countries, "The world in 1975 is more vulnerable to a major new grain shortfall than at any time since World War II."

Under present circumstances, the group said, "a shift in supply of only 1 or 2 per cent below or above effective market demand can mean either soaring prices and increased malnutrition, or plummeting prices and lower farm incomes."

When food prices drop sharply, many farmers cut back on their productivity because it becomes unprofitable to grow more than they need for themselves.

James P. Grant, president of the council, agrees with many other observers that the key to stablizing food supply and prices is to establish a world food reserve system that can buy up grain in a good year (keeping the price from falling too far) and release it in a poor year (to rescue the hungry and keep prices from rising too far).

"In the absence of a system of reserves," Mr. Grant said, "the world food situation continues to be very precarious and probably will remain that way for some time."

Since the Rome food conference, few firm steps have been taken toward setting up a food reserve and many observers say that the chief stumbling block has been the reluctance of the United States, by far the world's leading producer of exportable grain, to assume a major share of the burden or to exercise any leadership toward creating such a system.

Many food experts say it would be a great tragedy if the optimistic crop forecasts were borne out with bumper crops and there were no food reserve system to acquire some of the excess production.

Last week Secretary of State Kissinger announced to the ministers meeting in Paris of the Organization for Economic Cooperation and Development that the United States was ready to discuss terms of a new world food reserve system and to hold "an important part" of the reserved grain.

That position is not regarded as significantly different from what Mr. Kissinger said in his address before the Food Conference last November. It did not address what is regarded as the critical, long standing stumbling block of whether the American share of reserved grain would be Government-held or in the hands of private grain traders.

Many food experts regard the position advocated by Secretary of Agriculture Butz—that the reserve be privately held—as lacking strong enough controls to assure the grain's availability in time of need.

Mr. Kissinger also told the Organization for Economic Cooperation and Development, a group of 24 Western countries, that the United States would contribute to a $1-billion agricultural development fund proposed by the oil exporting countries at the Rome food conference.

The fund is intended to generate funds that can be spent on long-range agricultural development in poor countries but after Mr. Kissinger's announcement, there was doubt that the American contribution, details of which were not disclosed, represented anything more than money already earmarked for similar purposes.

REMARKS BY SENATOR HUBERT H. HUMPHREY TO THE WORLD FUTURE SOCIETY, WASHINGTON, D.C., JUNE 3, 1975

No event has been more frightening to the world, nor casts a deeper shadow on prospects for the future, than "The World Food Problem." It is the more vexing in that it represents the undoing of an assurance we had come to rely on—that technology and science and economics had banished widespread hunger from the earth.

Now that sureness is being put to the test by a realization that hunger is today widespread, and that famine on a major scale is a real possibility.

And so we ask, "How could this happen? How is it that mankind, whose technology could send men to the moon, and whose advances in communications permit instant contact between people throughout the world, has not conquered this oldest of threats?

The answer is, of course, that in spite of all his advances, mankind is still a highly diverse species, and the resources of the earth, as well as the benefits of technology, are most unevenly divided.

To understand the present crisis, it might be well to go back only five or six years, to the end of the 1960s. That was a period of high optimism for those who were concerned with the balance between population and food supplies.

Grain stocks in the developed countries of the world were very high and even burdensome to American farmers.

Progress in agriculture among several of the heavily populated countries was indeed impressive. Several types of programs, including the introduction of newly-developed high yielding varieties of rice, corn and wheat (the "Green Revolution") had increased grain production in the developing countries 78 percent in the period 1948-52 to 1966-70.

The end of that period marked the highest point in per capita food production since World War II, at least. Stocks of grains were at an all-time high, and world prices had been relatively stable throughout the sixties.

Production in the developed nations—starting from a much higher base—increased 64 percent over the same period. And in spite of government programs designed to restrict production. The 1969–70 world carryover was more than 185 million tons of grains. A large proportion of those grains were held by a small number of countries, among them Canada and the United States.

There was confidence that food shortages in the developing world could be handled through a variety of food assistance programs, including the World Food Program and our Food for Peace program.

In each of the last five years of the sixties, combined food aid contributions by the developed nations averaged $1.2 billion. The United States—mostly through its Food for Peace program—accounted for more than 85 percent of those shipments.

Food for Peace, which I helped initiate, had begun in the mid-1950's, with the dual purpose of distributing large surpluses of grains accumulated through our price support programs, and of developing new export markets.

By the mid-1960's, food aid had come to be viewed as an integral part of the development process. P.L. 480 shipments were used to finance development projects, as well as to improve nutritional levels in the developing countries. The program also has continued, throughout its existence, to meet emergency assistance and refugee needs.

In spite of the optimism of the late 1960's, there was a lurking dread among close observers of the food situation. Although the promise of widespread adoption of high-yielding varieties of corn, rice and wheat fed the dream, there were some stark realities to be counted.

First, population growth in the poorest nations continued to put heavy pressure on some very impressive gains in food production. By 1970, food production in the developing countries was 26 percent more than in the early years of the sixties. Yet, a population increase of 30 percent allowed only about a 5 percent gain in per capita food supplies.

Second, there was widespread recognition by the end of the decade, that development plans in many of the neediest nations had neglected agricultural development in their zeal to move into the ranks of modern industrialized societies.

Third, improved economic situations in many countries had increased the incomes of large numbers of people in these countries, and this was quickly translated into demand for more and higher quality foods.

Overlaying all of these factors was the newfound realization, nurtured by modern communications, of what was possible in this world. And this provided the impetus for what we term "rising expectations."

All of these factors combined to temper in some observers the optimism that tended to blind others to the awful possibilities inherent in the man-food equation.

And so we moved into the decade of the seventies.

The first two years of the decade saw a continuation of increased production. Overall, world food production was 21 percent more in 1970, and 26 percent more in 1971, than it had been in the early 1960's. In the poorer, developing nations, adoption of new strains was largely responsible for an output of food that was a third more than ten years earlier.

Our present difficulty put in its first appearance in the 1972–73 crop year, when total world food production declined from the year earlier, by a modest 1.6 percent. That seemingly modest shortfall was to prove far more serious than its small size at first suggests.

What made it serious was the distribution of crop failures. It was, first of all, the first time since World War II that total world food production had declined.

But unusually poor harvests in the developing countries—particularly a 3 percent decline in South Asian countries—reduced gains in the developing world—the home of two-thirds of the world's 3.8 billion people—to zero.

One must keep in mind the fact that high birth rates in these poorer nations continue to add more than 70 million people to that number each year. Even more important, the situation was worsened by disastrous weather in Canada, Australia and the Soviet Union, which reduced production in the developed world as well.

To compensate for its short supplies, the Soviets, for the first time, made massive purchases from stocks held in the United States. Ordinarily a net grain exporter, the U.S.S.R. became the world's largest importer of grains in 1972–73, when its overseas purchases totalled 30 million tons.

Thus, the world's long-time cushion against shortages—U.S. grain stocks—were quickly drawn down to their lowest levels in 20 years. What looked like and was greeted by the Department of Agriculture as a bonanza year for agricultural trade, turned to ashes when its consequences were realized.

The result of the 1972 events was a sharp and painful rise in food prices. It disturbed and angered people in the affluent nations of the world—already beset by inflation. But in the poor and heavily populated developing countries, increased prices profoundly threatened the ability of people to obtain even a subsistence share of the smaller supply.

We went into the 1973–74 crop year in gathering gloom, as almost every month revealed new dimensions in our predicament. We knew there was little margin against the possibility of a second consecutive poor harvest. And we had become dangerously dependent on current production.

The effects of the reduced Peruvian anchovy catch continued to put pressure on supplies of feed grains, when the supply of that important protein was reduced.

The Arab boycott, in late 1973 and early 1974, triggered a price spiral for petroleum and chemical supplies. Fuel for farm equipment, chemicals for fertilizer and pesticides.

Transportation for farm commodities, all became short of supply and high-priced.

The world also came face to face with its worst fears as the calamity of the Sahel became clearer. In those countries lying south of the Sahara, a long drought affected millions of people, and the specter of famine began to take its toll. Our consciences were assaulted by reports of starving children and the dislocation and disintegration of whole societies.

We recognized a fundamental truth we had almost forgotten—that life on this planet is a fragile affair. We were brought face to face with a prophecy of doom we have been putting down since Thomas Malthus said it nearly 200 years ago in these words:

"Famine seems to be the last, the most dreadful resource of nature. The power of population is so superior to the power of the earth to provide subsistence . . . that premature death must in some shape or other visit the human race."

This set the circumstances on the condition of the balance between man and food finally brought the nations of the world together this past year in two critically important conferences.

The World Population Conference addressed probably the most intransigent problem facing mankind. It also highlighted the fact that future food supplies are not only the concern of agriculturalists.

Current population growth, like compound interest, is cumulative. At present rates of growth, world population will reach 5 billion by 1986 and 6 billion by 1995.

Worse, population growth in the developing world is two and a half times greater than in the industrialized countries. Thus, while the doubling time for world population is 35 years, in some of the heavily populated developing countries, it is only 18 years or less.

These increases will continue the precarious balance prevailing today, and a fractional change in either food production or population increase can mean starvation to millions.

While there are a few hopeful signs that family planning programs are making progress in some developing countries, the problem clearly needs a lot more effort.

More immediate to the food problem was the U.N. World Food Conference, which met in Rome in November, 1974. There, delegates from 130 countries, 47 United Nations agencies, and some 300 nongovernmental organizations met to tackle a wide range of problems. The work of the conference was organized around several agenda items to consider both national and international programs of action:

Measures for increasing food production in developing countries;

Improvement of the availability of food, and improved nutrition levels in all countries;

A "world food security" system, comprising better information systems to warn of impending shortages, more effective national and international stock policies, upgraded emergency relief and food aid programs;

Improvements in trade in agricultural products; and

Arrangements for follow-up action.

The Conference did not result in clear-cut agreement on some of the more pressing aspects of the food problem. Some of these—such as the provision of immediate food relief and the establishment of grain reserves—were left for subsequent negotiations.

But the Conference did arrive at agreement on a number of recommendations, which, if pursued, would substantially revitalize food production in the developing world.

The Conference adopted a Universal Declaration of the Eradication of Hunger and Malnutrition, which states, in general terms, the condition of world food supplies. It proclaims the right of every person to be free from hunger, the fundamental responsibility of governments to provide incentives to improve food production, and the need for international measures to assist agricultural development.

A group of resolutions dealing with agricultural development were adopted. These call on the developed nations to give increased financial and technical assistance to developing economies. Developing nations were seriously and vigorously urged to pursue programs and policies to improve food production. These included:

Improved rural conditions, including agrarian reform, promotion of cooperatives, education and production incentives;

An International Fertilizer Scheme to assist in providing additional fertilizer capacity;

Research, training, and extension services to farmers;

Improved soil protection and conservation, and an assessment of lands that can be brought into production; and,

The adoption of programs designed to stabilize production and trade in agricultural products.

In addition, the Conference recommended establishment of an International Fund for Agricultural Development to finance projects in developing countries.

A second group of resolutions relating to world food security included provisions for increased food aid, the undertaking of extensive research on food and nutrition, the establishment of a global information and early-warning system on food and agriculture, and the establishment of a global food reserve system. These were thorny problems, and the best that could be achieved at Rome was agreement to meet later to try to work out details.

With respect to food aid, both Canada and Australia—and later, the United States—agreed to increase their contributions. On the question of establishment of reserves, the matter was subsequently turned over to the International Wheat Council.

A third group of resolutions related to follow-up action including the establishment of a World Food Council ". . . to serve as a coordinating mechanism to provide over-all integrated and continuing attention for the successful coordination and follow-up of policies concerning food production, nutrition, food security, food trade and food aid, as well as other related matters, by all the agencies of the United Nations system . . ."

Other parts of the follow-up machinery include a Committee on World Food security, to monitor food supplies and demand, evaluate the world food situation, and make recommendations for action to assure adequate supplies. A Committee on Food Policies and Programs, to carry out the Conference goals with respect to food assistance, was to be reconstituted. Finally, arrangements were made to coordinate the fertilizer and investment programs.

In the U.S. Congress, a few actions and a number of proposals have already been made. Late last year, we revised our foreign aid legislation to focus more sharply on agricultural production, education, and population programs. We also directed that Food for Peace shipments be directed toward those countries where food needs are most critical.

Several other proposals, which I am supporting, would help implement the goals of the World Food Conference:

The development of an improved world agricultural reporting system;

Assistance in expanding the role of Land Grant-type institutions in developing countries;

Establishment of a domestic food reserves system;

Expansion of research in such necessary areas as improved seeds, tropical agriculture, nutrition, and weather; and

Providing for needed quantities of food for humanitarian purposes.

We have only started to address the food problem. It has only begun to receive the attention needed. Our dedication and determination will answer the question as to whether there will be enough food for millions to survive. We can and we must win that battle.

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today I would like to address myself to article 6 of the Genocide Convention. This article deals with the trial of those charged with the crime of genocide and contains a reference to an international tribunal which has been widely misunderstood by some opponents of ratification.

This article clearly states that trial for the crime of genocide shall be conducted in the place where the crime was committed. In this respect, the provision is the same as our own Constitution, which clearly provides that all criminal charges shall be tried in the State where the crime was committed. With respect to American citizens who are charged with genocide in other places, the current treaties regarding extradition will apply: there will be no change in this respect. Genocide is specifically not a political crime, according to article 7 of the treaty and before an American could be extradited to another country, he would have to go through the same procedures which protect all citizens in criminal cases.

There is an alternative method of trial mentioned in article 6: a trial by an international tribunal. Mr. President, this does not mean, and never has meant, that the World Court now has jurisdiction over American citizens, as some have charged. This provision says only that the nations may set up or designate a court, by some separate and independent treaty, to try people for genocide. The United States is in no way committed to the establishment of such a court, or to giving the World Court such jurisdiction. The United States can ratify this treaty, and decline to accept the jurisdiction of a court which some other nations may wish to set up. Article 6 clearly declares that such a court has jurisdiction only when the parties accept its jurisdiction.

I hope that this clarification allays the fears of those who thought that we would be doing more than we are by ratifying this treaty. Mr. President, I urge the Senate to reject the many false arguments against the convention, and to ratify this worthy treaty without delay.

PETROLEUM AND FOREIGN ECONOMIC POLICY

Mr. BROCK. Mr. President, among the numerous research organizations which have their headquarters in Washington, the International Economic Policy Association has a record of impressive achievements. One of its more recent studies, "The U.S. Balance of Payments From Crisis to Controversy," not only won professional acclaim but also provided useful support for me and some of my colleagues' work in the Senate. IEPA's latest analysis of "Petroleum and Foreign Economic Policy" deals with one of our most fundamental problems in a highly incisive manner, thus continuing the organization's respectable record. The paper was prepared with the active cooperation of IEPA's president, Dr. Timothy W. Stanley. Its specific policy recommendations are pertinent as well as significant and, while I do not subscribe to all of them, I believe they deserve the attention of my colleagues and their staffs.

Accordingly, I ask unanimous consent that "A Summary of Petroleum and Foreign Economic Policy" be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY: PETROLEUM AND FOREIGN ECONOMIC POLICY

This study is a follow-up to IEPA's 1974 interim report on "U.S. Natural Resource Requirements and Foreign Economic Policy." It deals with the global macroeconomic problems which followed the quadrupling of world oil prices, the Arab readiness to embargo oil in support of political objectives, and the new financial strength of OPEC. These developments have brought major changes in the world economic and political environment. They have already disrupted the domestic economies of the industrial countries and the developing world, intensifying recessions and forcing adjustments in future production and investment patterns. Moreover, the possibility of additional oil price hikes or embargoes remains a disturbing threat.

The oil-importing countries have been forced into an aggregate balance of payments deficit with the oil producers. The remedy will require successful international cooperation, for nationalistic solutions stemming from financial uncertainties would threaten further setbacks for world trade and commerce.

OPEC has emerged particularly strong: The members of that organization are expected to accumulate a financial surplus of at least $200–$300 billion by 1980, bringing with it the potential for great economic and political power. These developments and the principal sets of problems involved are analyzed in detail in the paper. The study concludes that the industrial countries should take immediate steps to adjust their economies to these radically changed world situations. In pursuit of the recommended objectives, the United States should:

Avoid hasty attempts to limit dependence on oil imports from OPEC which would delay domestic economic recovery, and encourage the orderly investment of OPEC funds to help expand the economy and improve our eventual ability to repay petrodollar debts.

Encourage domestic substitute energy sources and conservation measures by establishing a more predictable environment of petroleum prices, government programs, and ground rules for private investment activities.

Reduce dependence on imports of OPEC oil by administrative means, taking into full account the effects of oil shortages upon economic recovery and growth, as well as the possibilities of forcing down oil prices.

Strengthen the means to withstand future embargo action without domestic economic disruption.

Take the lead in international financial innovations which will aid global adjustment to protracted payments deficits with OPEC, and provide guidance for OPEC investments in the West.

Programs which would serve these purposes include:

Conservation measures aimed at specific areas of energy consumption rather than across-the-board levies and taxes which would disrupt domestic prices and production and retard recovery from the recession.

A domestic floor price for oil imports, to be maintained if necessary through a variable levy mechanism. Preferably, such a floor price would be applied on an international basis, reducing its effects on international trade competitiveness. If that arrangement is not achievable, the United States should adopt a landed duty-paid price for oil imports with compensatory border tax adjustments for manufactured goods in international trade. Creation of more predictable future price and availability patterns for OPEC oil in the United States will permit domestic investment in more costly alternative energy sources, as well as in conservation measures by energy-consuming industries.

An oil import quota system, incorporating secret bidding for oil import tickets to be granted to the lowest price source. Adjustment of quota levels would be made in accordance with the availability of domestic supplies and in conjunction with gradual domestic price decontrol for energy.

Creation of a stockpile and standby production system for petroleum, sufficient by 1980 to substitute for an import cutback of possibly 3 million barrels per day for a year. This program would make continued OPEC imports acceptable by providing an alternative to economic disruption in case of a future cutoff of supplies. It would include tapping the Naval Petroleum Reserves for the stockpile, and might permit specially arranged import purchases from major OPEC countries in exchange for U.S. Government securities.

Congressional ratification of the International Energy Agency emergency oil import allocation plan. The United States readiness to participate in future implementation of that program in case of a renewed oil embargo must be established if other signatories are to participate fully. Strong representations of this country's unwillingness to accept a future embargo without taking appropriate countermeasures should be made.

Action along the lines of the proposed IEA financial "solidarity" fund would help prevent oil-importing industrial countries from taking steps to balance their payments deficits at the expense of other trading partners. The availability of a lender of last resort would also help international financial stability.

American support for enlarged IMF and IBRD programs for petrodollar recycling, and the encouragement of OPEC loans to LDC's through the international lending institutions.

The study also suggests that the United States should consider a negotiated compromise with OPEC which would serve the long-run purposes of both the oil-producing and importing countries by providing a fixed range for oil prices. Despite the complexities, it is possible to conceive of a program which, for a prescribed period, would establish both minimum and maximum limits for OPEC revenues from oil sales, with supply and demand allowed to operate within the price and volume limits set by the floor and ceiling agreements. If an upper limit were negotiated between present OPEC prices and the landed price floor which consuming countries need to protect the development of alternative energy sources, there would be some relief for the consumers. They would, however, forgo the possibilities of a sharper drop in oil prices if the cartel cannot maintain its cohesion. For its part, OPEC would be accepting lower revenue limits in return for insurance against a major price break. Within such a trade-off, there might also be an indexation arrangement tied to future inflation in the OECD countries.

A basic element in such a bargain should be provision of special aid to the resource-poor developing countries. For example, the importing countries and OPEC could each set aside $1 for each barrel of oil sold under the plan. Half of the funds generated in this manner could be channeled to LDC's as bilateral and "tied" aid, and the other half given through international development agencies. At current levels of OPEC oil sales, aid from this source would amount to $20 billion annually, a prospect which should encourage third world support for the plan. "Recycling" of petro-dollars through the needy countries that are able to spend them currently on goods and services would also help the industrial countries. If it could be brought about, such a "détente" between the industrial countries and the developing world would ease some of the main uncertainties that are hampering world economic recovery; and it could lead to a period of renewed growth, reflecting greater confidence among investors, producers, and suppliers of basic raw materials such as petroleum.

AFRICA AND AMERICAN FOREIGN POLICY

Mr. HUMPHREY. Mr. President, we have all heard a great deal recently about "reassessments" of U.S. foreign policy. Our policy toward at least one area of the world, the continent of Africa, requires not only reassessment but substantial reform.

For years, the U.S. Government has ignored the problems of Africa, and our relations with the nations of that continent have of course suffered as a result. On too many important issues involving economic assistance, political freedom, and racial justice, our Government has refused to take a stand.

It is not too late, I believe, to build the friendship and cooperation which should characterize our relations with Africa—but we must start now. Recently, at the Northeast Regional Workshop on Trade and Investment in Africa and the Caribbean, convened in New York City by the Pan African Business Center, Senator HENRY M. JACKSON reviewed American policy toward Africa in a thoughtful and significant speech. In his remarks, Senator JACKSON called for a new relationship with Africa, based on increased understanding and cooperation.

Mr. President, I ask unanimous consent that the full text of Senator JACKSON's May 28 remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AFRICA AND AMERICAN FOREIGN POLICY

(Address by Senator HENRY M. JACKSON)

Two hundred years ago, the people of the United States declared their independence from foreign rule, and set about to build a new nation in which they would control their own destiny. As we in the United States celebrate the Bicentennial of our own independence, the struggle for independence is still being carried on in Africa. The last major colonial empire, that of Portugal, is now being dissolved—no thanks to the United States, I regret to say. But in Rhodesia and in South Africa, white minorities still deny black majorities their rights. And all over that continent, young countries struggle with the economic and social problems that greet every nation which chooses the uncertainties of independence over the restrictive patterns of colonialism.

AMERICAN POLICY IN AFRICA—TIME FOR A CHANGE

Many leaders in the African struggle for independence have noted how much they were inspired by the experience of the United States in winning its independence and then in the difficult process of nation-building. The world's oldest democracy and its youngest ones should have made common cause in the fight against tyranny, and poverty, and disease.

Sadly, this has too seldom been the case. Too often, American policy towards Africa has been not to lend a hand in assistance, or to extend the hand of friendship, instead, all too often it has been to show the back of the hand in pushing aside African affairs. No area of the world has been assigned a lower priority by the United States Government in recent years than has Africa.

The results have not been surprising. Year after year, opportunities for greater friendship and cooperation have been lost—and both the peoples of Africa and the people of the United States have lost as a result.

This conference is especially important because it demonstrates that there is still time to make a new beginning—time to restore Africa to its rightful place in American foreign policy considerations, time to expand economic cooperation between the nations of Africa and the United States, and time to restore the friendship between America and Africa that marked the early days of decolonization.

AMERICA AND AFRICA: COMMON INTERESTS

For the major concerns of the nations of Africa should be our concerns here in the United States. We must, together, seek to foster economic and social development—to continue the struggle against hunger and disease and illiteracy. We must, together, seek to avoid great power rivalry or conflict on the African continent. We must, together, seek to expand trade between our continents on an equitable and, insofar as is possible, reciprocal basis. And we must, together, seek peaceful paths to social justice and political liberty in all of Africa.

In all of these steps, the advantages to the United States are at least as great as those which accrue to the nations of Africa. The new American approaches to Africa which all of us seek are not gestures of philanthropy; they are grounded in American principles and American self-interest.

The strategic importance of Africa, resulting from its location on vital air and sea routes, is clear. The mineral wealth of the continent is staggering, with 96 percent of the world's known reserves of chromite and roughly half its cobalt, gold and platinum. In January and February of this year, Nigeria was America's second largest supplier of crude oil, and provided one-fourth of all crude oil imports. Six billion dollars of United States investments are located in Africa—two-thirds in black African countries—and development needs suggest a potential several times that high. African requirements for capital goods and technology offer American industry a challenge and a great opportunity.

And there is a very great common interest between the United States and the States of Africa on the question of world oil prices. The impact of enormous oil price rises on the United States has been severe, but for many nations of Africa it has been catastrophic. For the price and availability of oil determine the price and availability of fertilizer, and there is a very direct relationship in many nations between the supply of fertilizer, and the supply of food. For the United States, high oil prices have contributed to a major recession; in parts of Africa, high oil prices have contributed to hunger and indeed starvation. So there is an important area of common interest here which the nations of Africa and the United States should pursue.

Finally, more than 12 percent of the population of the United States is of African origin. As the political power of American Blacks grows—and sitting here with Percy Sutton and Charley Rangel, I'd be the first to report that it is growing fast—American Blacks will demand a new policy towards Africa which reflects their concern and interest in its future.

And this is as it should be: American foreign policy should not be the creation of one individual or the product of one particular point of view.

It must reflect the concerns and aspirations of all Americans, and must reflect America's deep commitment to the principles of political and social justice on which our nation was founded.

A NEW AMERICAN POLICY

We have the opportunity—and the obligation—to demonstrate this commitment in Africa today.

In Rhodesia, the United States must pledge its full support of United Nations sanctions. I have always opposed the Byrd Amendment and have sought to have U.N. sanctions respected by this country—and I will continue to do so. America must commit itself to support the international efforts now underway for a peaceful transition from minority rule to participation by all in the election of a truly representative government.

In South Africa, the United States cannot be neutral in a struggle for racial justice and political liberty. We must give full support to the efforts now underway to bring about real changes in South African racial policies. These efforts have shown a sensible and moderate attitude towards the South African problem, but Africans will not—and America must not—accept words instead of deeds.

The message on this point is clear: Black Africa demands steady and significant progress towards the elimination of apartheid, and nothing less is acceptable.

We in America must support this stand. I have been especially critical of one disastrous recent move by the United States Government. In April, it was revealed that this country has shipped weapons-grade uranium to the Union of South Africa. As soon as I learned of this, I wrote to Robert Seamans, head of the Energy Research and Development Administration, to demand an explanation. As I told him in April, "I am deeply disturbed that a U.S. atoms-for-peace program could end up aiding the acquisition of nuclear weapons by South Africa." This was a foolhardy move by the United States, and one which can only threaten peace on the African continent.

This is a prime example of what the United States should *not* be doing in Africa. It was the wrong move, at the wrong time, in the wrong place. And meanwhile, many opportunities for a positive American role in South Africa are being lost. We are in a special position to help encourage the peaceful evolution away from apartheid.

For instance, many American investors in South Africa have allowed their personnel policies to become part and parcel of the apartheid system. This cooperation with racism must end, and a policy of "equal pay for equal work" for Blacks and Whites alike must replace it. Several American companies, acting on their own initiative, are pursuing non-discriminatory personnel policies in South Africa, and they have set an example. American business practices should help break down the barriers of apartheid—not prop them up.

And America must take a principled stand in support of international law on the question of Namibia. Withdrawal of South Africa must be our goal, so that the people of Namibia may determine for themselves the future of their land.

In Angola, in Mozambique, and in Guinea-Bissau, Portuguese rule is coming to an end. We in America should welcome these new nations to the international community. In fact, in less than one month—on June 25th—Mozambique will join the ranks of independent states, under the unified and progressive leadership of Frelimo.

To all of the new states, American policy must be to deplore intervention by any great power, directly or indirectly, in their internal political developments. At the same time, we must stand ready to offer generous assistance.

The most difficult period in any struggle for freedom—and ours in the United States was no exception—is usually the first years after independence is achieved. The political structure, the economy, foreign policy, staffing of government offices—all must be developed to new levels to meet the challenges of independence.

American interference in any of this must be avoided; but American technical help should be made available whenever requested. Trained technical personnel will be in short supply when the Portuguese leave, and U.S. assistance in setting up emergency training programs is an example of American help that might be very valuable to the recipients and might establish the base for friendly relations in the future.

CONCLUSION

We cannot, tonight, touch on all aspects of U.S. policy towards Africa. I have tried to address some of those which are now most pressing, and which offer the United States the most immediate opportunities.

President Johnson, who did so very much to advance the cause of racial justice in America, once spoke with visiting leaders from the Somali Republic of an old Muslim saying. It goes: "There are four things which can never be retrieved—the spoken word, the sped arrow, times past, and the neglected opportunity."

Let us resolve—we in the United States, Black and White, in government and out, and those of you from abroad—let us resolve to make a new beginning in American relations with Africa. Let us not neglect the opportunities before us. Let us seize them, and let us assure that friendship and cooperation will mark African-American relations in the years ahead.

A PUBLIC EXAMINATION OF THE RECORD OF GEORGE WALLACE

Mr. LEAHY. Mr. President, as all of us know, from time to time in our history there have been things that needed to be said that defied the common wisdom of the day. In most instances, this required an act of political courage, and we have been fortunate that throughout our history there have always been men and women willing to speak out and say what has to be said. Our distinguished colleague from New Hampshire, Senator THOMAS J. MCINTYRE, continued that tradition in a speech last Sunday before the congregation of Temple Beth Jacob in Concord, N.H.

In his address Senator MCINTYRE subjected the qualifications of Gov. George Wallace to the same intense public scrutiny and the same probing questions that have traditionally been put to all Presidential candidates. In doing so, he not only castigated the Governor for his recent remarks questioning whether our Nation fought on the right side in World War II, but he scathingly reviewed the public record of his stewardship of the great State of Alabama.

Mr. President, we may be sure that in part because the sky did not collapse on Senator McIntyre after his talk, there will be further intense public examinations of the record of George Wallace, of his political beliefs, and of his qualifications for the Democratic nomination for the Presidency in 1976. I am proud, indeed, that one of the first was made by a fellow New Englander, and I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Thomas J. McIntyre

Mr. Chairman, Rabbi Taylor, Special Guests, and my very dear friends of Temple Beth Jacob:

I want you to know that in all my years in public life, I have never had such an encouraging response to a speech as I had in the aftermath of my appearance before the Boston Jewish Community Council early this year. This was the speech where I explained why I sought the resignation of the Chairman of the Joint Chiefs of Staff—General George Brown. As many of you know, I thought the General had slandered the Jewish community and that he had improperly intruded into foreign policy.

The General issued an apology, but he did not resign. When we met face to face at a Senate Armed Services Committee session on February 5th, I asked him why he hadn't resigned, and he said neither the President nor the Secretary of Defense had requested it.

But despite the fact that General Brown is still in office, I think the attempt was worth making. I have heard from people from coast to coast, border to border, gentile and Jew—and in that outpouring I found evidence that the heart of America is still good—that there remains in Americans an abiding appreciation of our values and traditions, and an eagerness to respond to that which appeals to the best that is in them.

I want America's heart to stay good.

And that's what I want to talk about today. Let me say at the outset that I intend to examine the subject in some detail, so I ask your forbearance if my remarks run into the period you had reserved for questions and answers. I hope you will find the message worth it.

We are beginning to celebrate our 200th year as a Nation, and surely it is none too soon to reflect upon just what it is we are celebrating. What is America? My friend, Senator Muskie, put it simply, but eloquently, the other day when he said: "We are a nation of refugees. For more than three centuries we offered a new start to people of all races and nationalities. They came to avoid conscription, to escape political, religious, or social persecution, to rebuild mortgaged lives. They came because America welcomed them. The Nation gathered strength and vitality from them. Our powerful economy and rich culture were built by them."

And so they were.

But those refugees built something else. They built a free society. They built it with the Declaration of Independence, the Constitution and the Bill of Rights. They built it as a monument to the goal of self-fulfillment, and they built it as a lasting reminder of the oppression they had fled. They built into the institutions of this free society the right to question, to dissent, to protest, because in our system no government policy was to be considered sacrosanct. And because the Founding Fathers understood human nature, they knew that the exercise of power could corrupt even good men. So they built checks and balances into the system—some explicit, some implied.

This Nation, then, is the product of those who loved freedom, feared tyranny, and who, because of their diversity, accepted and respected the concept of a pluralistic society.

Let me digress here to comment upon the Jewish contribution, for it began early on and continues to this day. The first book ever published in America, fittingly enough, was a Hebrew grammar, and William Bradford wrote part of his Thankgiving Proclamation in Hebrew. And in all the ensuing years, it is doubtful that proportionately any group has given more to the economy and to the culture of America than the Jews.

But in my mind, you have made an even more important contribution, a contribution to the very spirit of America, for no other group has been more zealous in the pursuit of freedom, nor more determined to eliminate injustice and protect human dignity. Your historic dedication to learning and your respect for knowledge has made you champions of intellectual freedom. Your long history of being oppressed and persecuted has sensitized you to inhumanity wherever it exists.

And the deprivation of a mother land for so many generations has given you the deepest appreciation of the right and prerogatives of all who make up our pluralistic society. Historically we are linked, we Catholics and Jews, a linkage noted by former Supreme Court Justice Abe Fortas in a memorable speech half a decade ago.

"In the history of this Nation," he said, "as the Jews and Catholics began to climb up the economic, political and social ladder—to emerge from their status as poor immigrants, without social status, without rights, or means of power—they encountered the lash, the oppression of haters, the bigots and the envious, and of those little people who feared the competition of a vigorous, dedicated race and of their different ways of life."

Fortas recalled the Ku Klux Klan, Father Coughlin, Gerald L. K. Smith, Joseph P. Kamp, Merwin K. Mart, Upton Close and John Rankin, and the political hate-mongering of Joseph McCarthy. And then he said: "Times have changed. The battlefront has shifted—this Nation has marked the abatement of a virulent anti-semitism and anti-catholicism. And in the last ten or fifteen years—since history gave us the Warren Court and Presidents Kennedy and Johnson—this Nation has made giant strides toward recognizing the rights and entitlements of blacks, Mexican-Americans, Indians—and the abjectly poor of all races."

But even then—in 1969—Fortas saw some danger signs, some disturbing signals that America was approaching another cross-roads where one path continued upward toward further enlightenment and the other doubled back to the dark domain of the Know-Nothings.

It has taken six more years to reach that cross-roads, my friends. Six years of one shock upon another, disillusion after disillusion, frustration after frustration, anguish after anguish. A war, misbegotten from the outset, divided us as a people and ended as it was long ordained to end. An energy crisis brought us hard up against the fact that our resources were not limitless. Our economy came apart under the unprecedented onslaught of simultaneous inflation and recession. And the ugliest political scandal in our history sapped public confidence in our very system of politics and government.

And now—when reason cries out for the most painstaking, intelligent reassessment of foreign policy, of national resources, of potential remedies for our ailing economy, of positive ways to rebuild public confidence in our institutions and our system—the voice of the political primitive is heard once more across the land.

Earlier I said the heart of America is still good, that the American people are still eager to respond to that which appeals to the best in them. I believe that. But I also know that ours is a very young Nation, as nations go, and that there is still a strong streak of Frontier impatience in us that demands immediate explanations and solutions when things go wrong.

Make no mistake, my friends. In this situation, the primitives, the demagogues, are ready, willing and eager to provide simple answers, simple remedies and a bag full of scapegoats for every issue.

What went wrong in Vietnam? We made the military fight this war with one hand tied behind them, that's what went wrong Never mind the anguish over the legality or the morality of our involvement. Never mind our growing revulsion over what we were doing to that tiny country—and what we were doing to ourselves in the process. Never mind that we were defending a regime so oppressive and corrupt it couldn't win the support of its own people, much less defend itself without our help. Never mind all that. We should have gone back in there and bombed the enemy back to the Stone Age.

Why are we in an energy crisis? Simple. The environmentalists are to blame. And how do we get out of it? Just as simple. All-out exploitation of our dwindling reserves, suspension of all environmental protection standards, stomp on home rule and force refineries on communities that don't want them, ignore the risks and the cost-ineffectiveness of nuclear power and put a generating plant on every corner.

And how did we get into such an economic mess? Obvious. We spent too much on welfare free-loaders. And how do we get out of it? Easy. Cut aid to the old, the poor, the unemployed, the disabled, the handicapped and the dependent children, and spend like hell on new weapons.

Now it's tempting to scoff at these simplistic concepts and scorn those who advance them. But that's dangerous, because it flies in the face of some pretty harsh realities. After all, the Governor of New Hampshire was re-elected. And the leading newspaper publisher in our State says blacks are genetically inferior, spells Negro with a small "N", advocates an end to detente, resumption of the arms race, and saturation bombing as the answer to every international problem, and still holds on to a considerable following.

By themselves, the primitives are usually little more than a distracting nuisance. But under certain circumstances, their potential for winning and wielding power increases in quantum leaps.

Let me postulate a theory. Many of you recall Dwight Eisenhower's warning about the growth of the military-industrial complex, his appeal to us to be ever alert and to "compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

In the 12 years I have served on the Senate Armed Services Committee, I have learned to appreciate the diligence, loyalty, ability, courage and dedication of the American military, and I am determined to keep our security forces strong and effective. But

I have also learned to appreciate what President Eisenhower said about the dangerous power of the military-industrial complex, for measured against the Pentagon lobby, my friends, the Jewish lobby—which so concerns General Brown—is an also-ran.

The misapplied power of the military-industrial complex is measured not only in gold-plating, cost overruns, and cosmetic weaponry, but in military influence upon the course of our intervention in Vietnam and Cambodia. For is there any question that it was the military that helped persuade consecutive Presidents to escalate that tragic venture, to keep the facts from the people and the Congress, to make self-deluding ends justify means of at least questionable legality?

I am not laying the blame wholly to the Pentagon. In some respects it is not the military's fault. They were brought into a dilemma that was basically political and asked for counsel which they provided in military terms. That should never have happened. The military society is *not* a political society. Indeed, necessity makes it a society not even reflective of American society. The military society is, by nature, a closed society. Almost by definition, it depends upon strict discipline, tight security, firm, if not unquestioning, support for policies and directives from higher authority in order to function as it was ordained to function.

The very nature of the military society predisposes it to resist untidy solutions, to seek conclusive results, to strip issues to their essential elements boil down options, and pursue quick resolutions. To their credit, most professional military men remain sensitive, however, to the essential character and the value of a free society, and they think and function in the mold of a General George C. Marshall or a General Eisenhower, rather than a general Patton or a General Walker. But I find a disturbing similarity between the mind-set of some other military professionals and the mind-set of the political primitives—the tendency to oversimplify, to see issues only in black and white, to react with precipitous dispatch, to condemn dissent, and to discourage any questioning of authority. And I say to you now that if the political primitives ever succeed in enlisting the open and active support of this element of the military, such an unholy alliance would make the military-industrial complex look benevolent in the comparison.

I pray that this will never happen. And it won't. If we in positions of leadership put our trust in the American people's inherently decent instincts and good sense.

In a recent Newsweek Magazine column, Meg Greenfield writes that too many Washington-based politicians look upon the people, quote—"out there" unquote—as having "the brains of a chicken, the moral sensibilities of a Visigoth point man, and, most frightening of all, the vote."

Because they feel this way, she says, they are afraid to be candid and truthful with the people for fear of offending their alleged benighted, know-nothing, self-concern . . . and losing their votes.

Ms. Greenfield then demolishes the myth about the primitivism of the people "out there" by recalling how willing the people were to accept détente with China and Russia, how perceptive they were about the deceits of Vietnam, and how offended they were by the moral shabbiness of Watergate.

For my own part, I have already told you how encouraged I was by the public response to my stand on General Brown. Yet I was virtually alone on this issue, a role I neither sought nor relished, and I was disturbed by the silence of many of the Presidential hopefuls. Frankly, I grew impatient waiting for them to speak out on the General Brown incident, and I am impatient again today. But this new impatience with their cautious silence involves a man and an issue of far greater consequence than the indiscretion of a General.

Let it be known here—now—and from this day on that Tom McIntyre finds the serious consideration of George Wallace for President of the United States incredible and appalling!

For my political party—the party of Franklin Roosevelt, Harry Truman, John F. Kennedy and Lyndon Johnson—to nominate a man whose battle cry was "Segregation Forever!" and who now publicly questions whether the United States fought on the right side in World War II would be the greatest betrayal of party principle in our political history.

And in my unsolicited opinion, any Democratic Presidential candidate who says he could live with George Wallace as his running mate will also have to live with the stain of that betrayal.

Don't misunderstand me. I do not underestimate George Wallace. He is shrewd. He is resourceful. He is determined. And he surely has physical courage.

Nor do I underestimate his appeal. Faced with so many troubles, so many frustrations, so many imponderables; disillusioned as they are with establishment politics and politicians, enough people find Wallace's maverick image attractive to put him second only to Ted Kennedy as the current choice for the Democratic nomination. But I say to you that George Wallace is a mirror trick. I say to you he is a mirage. I say to you he is shadow not substance. I say to you that the time has come to stop thinking of him as a political aberration and subject him to the same intense scrutiny and the same probing questions that we put to every Presidential candidate.

I don't think we have to psychoanalyze every menacing nuance we think we see in what Wallace says or does. I don't even think we have to belabor the racial issue, or the alleged Wallace "enemies list," or the oft-rumored state liquor and asphalt contract scandals in Alabama. All that has to be done is to turn the spotlight on the rest of George Wallace's public record.

Is he what he says he is?

If he's for the common man, why does his state have one of the most regressive tax systems in the country? Why did it take a Federal court order to get reform of an Alabama property tax system so biased in favor of the wealthy it was ruled unconstitutional?

If he's for the working man, why has he never proposed a minimum wage law to the State legislature? Why are Alabama unemployment benefits and workmen's compensation payments among the lowest in the country? Why do 24 percent of all Alabamans—double the national average—live below the poverty line? If he's the populist he says he is, why has he so neglected public education—the stepping stone for common people—that Alabama ranks fiftieth among all states in per pupil education spending?

If he's for law and order, why hasn't he been able to stop the rise in crime in his own state? Figures just compiled by the former chief of Police of Washington, D.C., show that from 1965 to 1974 the crime index for Montgomery, Alabama, increased 84 percent, while Washington's was increasing 61 percent. In 1974 alone, Montgomery crime went up 20 percent, compared with 7 percent for Washington. In 1973, violent crime was up 5 percent nationally, but it went up 13 percent in Alabama. And Alabama's overall crime increase for that year was 9 percent, three points higher than the national average.

If he's for the underprivileged and those truly in need of help, why, after seven years of his rule, did a Federal district court rule Alabama's mental health care "barbaric" and order 70 improvements to be made immediately? If he is, indeed, against government spending and budget deficits, why has Alabama's state debt gone up 180 percent since he first became Governor? If he is, indeed, fearless and frank on all issues, why in a recent interview couldn't a national reporter get him to commit himself on the pardoning of Nixon, on wage and price controls, on the oil depletion allowance, on the President's energy program, on the equal rights amendment for women, or on detente with China and Russia?

This tells me that George Wallace is a calculating politician who knows how to sidestep no-gain issues. But calculating as he is, George Wallace is still George Wallace, and the strange embers banked behind that mellow new facade sometimes flame up in spite of himself.

Not long ago, Wallace met with 25 foreign journalists. In that session, he reportedly said, "I think we were fighting the wrong people maybe, in World War II." Later he told a Japanese journalist, "I wish we had been on the same side in World War II."

He also said, "The German people were mistreated after World War I. The Versailles Treaty that was imposed on them . . . was a treaty that brought Hitler to power . . . and I do think we helped build up enemies in Western Europe and in Germany and Japan that we ought to have been 50 years ago friendly to. And then there wouldn't have been any Hitler, and there wouldn't have been any Jewish tirade."

I found those remarks bone-chilling. For however he tries to explain away what he said, he did, in fact, discredit our involvement in what may well have been the closest thing to a just war we've ever had—he implied that 405,000 Americans died in vain in that war because they fought on the wrong side—he said in effect that we should have attacked France, England and Nationalist China instead of Japan and Germany—and he excused the Nazi holocaust that exterminated six million Jews as the indirect fault of the Versailles Treaty.

My God! This man is running for the Presidency of the United States! And running with the enthusiastic support of the publisher of New Hampshire's largest newspaper. Maybe Mr. Loeb can explain those remarks to the Franco-Americans, the Jews and the old-line English Yankees in New Hampshire. Maybe he can explain them to the American Legion clubs and the Veterans of Foreign Wars. Maybe he can explain them to his old friends, the Nationalist Chinese. I would like to see him try.

Now I don't know whether George Wallace will enter the New Hampshire Presidential Primary or not. But whether he does nor doesn't, I think it is important to speak out now—in New Hampshire. And that's why I have said what I said today.

These are troubled and perilous days. This is a time for dispassionate reflection upon where we are, how we got where we are, and where we're going. This is a time for a gentling of the human spirit, a time to surface the finer instincts of the American people.

This is no time to double back to the dark domain of the Know-Nothings. This is no time to heed the primitives who address themselves to the worst of human emotions—suspicion, envy, hate, division and derision. This is no time to abandon liberty and succumb to tyranny sold under the false label of order and security. No group is more sensitive to this threat than you, for you have always stood for freedom, for civil liberties, for civil rights, for human dignity, for compassion, understanding and self-restraint by those in authority.

In my speech to the Boston Jewish Community Council I quoted a fellow Catholic, Washington Star columnist, Frank Getlein, to salute that priceless contribution. "Those Jews," Getlin wrote with respect and affection, "are out to civilize the rest of us, to refine our taste, broaden our minds, raise our thoughts from getting and spending to humane values and enduring truths." Frank Getlein is right. So I say to you today, stand proud—and stand firm. America owes you much. America needs you now, for with the voice of the primitive thundering once more across our land, your civilizing influence can help keep us on reason's path to enlightenment.

EXPORT-IMPORT BANK FINANCING NOTIFICATION

Mr. PROXMIRE. Mr. President, I call to the attention of my colleagues a communication I have received from William J. Casey, Chairman of the Export-Import Bank, notifying me of a pending Eximbank loan and guarantee to assist the construction of a nuclear powerplant in South Korea by the Korean Electric Co.—KECO—a corporation controlled by the Korean Government. This is a resubmission of an earlier notice regarding the same proposal pursuant to section 2(b) (3) of the Export-Import Bank Act. That section requires the Bank to notify both Houses of Congress of any proposed loan, financial guarantee, or combination thereof in an amount of $60 million or more at least 25 days of continuous session of the Congress prior to the date of final approval. Upon expiration of this period, the Bank may give final approval to the transaction unless the Congress dictates otherwise.

In this case, the Bank proposes to extend a $131.6 million direct loan to KECO and $117 million in financial guarantees to private lenders to assist KECO's purchase of an estimated $292.4 million in U.S. goods and services for the construction and initial operation of a 600-megawatt nuclear powerplant. Exim's participation will thus cover 85 percent of the cost of the U.S. exports involved. When first submitted in February of this year, Exim would have covered approximately 70 percent of the cost of the U.S. exports with a $78.9 million loan and $105.2 million in financial guarantees. The direct loan will bear interest at the rate of 8½ percent and mature at the end of a 15-year repayment term beginning March 20, 1981.

Mr. President, I ask unanimous consent that Chairman Casey's letter and the attached statement be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES
Washington, D.C., May 30, 1975.
Hon. WILLIAM PROXMIRE,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with section 2(b) (3) of the Export-Import Bank Act of 1945, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I respectfully furnish herewith a copy of this statement for your consideration.

Sincerely,

WILLIAM J. CASEY.

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Section 2(b) (3) of the Export-Import Bank Act of 1945, as amended, Eximbank submitted a statement on February 26, 1975, notifying the U.S. Senate that Eximbank was prepared to extend a direct credit and guarantee in connection with the export sale of goods and services for the construction of a nuclear power plant by the Korean Electric Company (KECO). On March 12, 1975, Eximbank withdrew such notification pending submission by the President to the Congress of the report on the adequacy of laws and regulations providing safeguards against nuclear proliferation which is required by Section 14 of the Export Administration Act Amendments of 1974. This report was transmitted to Congress on May 6, 1975, and, accordingly, Eximbank is hereby submitting a new statement with respect to the transaction.

A. DESCRIPTION OF TRANSACTION

1. *Purpose*

Eximbank is prepared to extend a direct credit of $131,580,000 to KECO a public company which is the sole electric utility in the Republic of Korea, and to guarantee loans by private financial institutions to KECO in the amount of $116,960,000. The purpose of the Eximbank financing is to facilitate KECO's purchase from the United States of goods and services for the construction and initial operation of KoRi II, a 600 MW nuclear power plant to be located near Pusan on the southeast coast of the Republic of Korea. The power plant when completed will be incorporated into the transmission system of KECO. In August, 1969, Eximbank authorized a credit in the amount of $47,250,000 to finance 75 percent of the United States costs of KoRi I, a sister nuclear power plant to KoRi II. KoRi I is now under construction.

The equipment and material for KoRi II which is to be financed by Eximbank and the private financial institutions participating with Eximbank will be manufactured in the United States and the related services will be performed by United States firms. The estimated total cost for KoRi II is $730,000,000 of which $292,400,000 represents purchases of United States goods and services, including the initial fuel core having an estimated cost of approximately $35.2 million.

Exports of the equipment and the fuel will be made within the framework of a cooperation agreement on atomic energy entered into in 1972, and amended in 1974, by the United States and the Republic of Korea. Contracts for purchase of fuel by KECO have been concluded with the Energy Research and Development Administration. In addition, prior to export, licenses must be obtained from the Nuclear Regulatory Commission with respect to individual sales of equipment and fuel.

2. *Identity of the parties*

(a) Korea Electric Company:

KECO was incorporated in 1961 and is Korea's sole supplier of central station electric power. The majority of KECO's stock is owned by the Government of the Republic of Korea.

(b) Korean Exchange Bank:

The Korean Exchange Bank (KEB) will guarantee repayment of principal and interest by KECO to Eximbank and to the private financial institutions which are also guaranteed by Eximbank. KEB is wholly owned by the Republic of Korea and its guarantee is backed by the full faith and credit of the Republic.

3. *Nature and use of goods and services*

The principal goods to be exported from the United States for use in the construction and initial operation of KoWiü will consist of a nuclear steam supply system and components. In addition, United States firms will perform various related technical services in connection with the design, installation, and start-up operations of the nuclear power plant.

B. EXPLANATION OF EXIMBANK FINANCING

1. *Reasons*

The proposed extension of $131,580,000 in credits by Eximbank and the guarantee of $116,960,000 of private credit will result in the export of $292,400,000 of United States goods and services. This will result not only in a favorable impact on the United States balance of payments, but also in employment for substantial numbers of United States workers at a time when business activity in the United States is slackening. Additional benefits from the transaction include sizeable follow-on export earnings from sales of future nuclear fuel loads. Furthermore, over the next 5 years Korea has a program of 6 nuclear power plants involving potential purchase of $1,500,000,000. Finally, a Canadian reactor is being offered to the Koreans supported by official financing which we understand to be on substantially the terms Eximbank proposes to offer.

In view of the magnitude of the transaction, the extent of the private financing that will be available, and the Canadian competition, Eximbank's loan and guarantee appear to be necessary to effectuate this sale for United States manufacturers.

No adverse impact upon the United States economy will be caused by the export of these goods and services. Due to current slowdowns and cancellations of previously planned power facilities by United States public utilities, United States manufacturers particularly welcome the opportunity to export such goods and services at this time and ample supplies will remain available for use in United States markets.

Accordingly, Eximbank's participation in this major export implements the Congressional mandate to aid in financing and to facilitate United States exports.

2. *The financing plan*

The total cost of United States goods and services to be purchased by KECO is $292,400,000. Since Eximbank's original submission was made, the project has been reevaluated and the cost of the estimated U.S. purchases has increased from the original estimate of $263,000.000. KECO will make a 10 percent cash payment and the balance of the United States costs will be financed by Eximbank and private financial institutions as follows:

[Dollars in millions]

	Nuclear steam supply system	Initial fuel core	Total	Percentage of U.S. costs
Cash payment	$25.72	$3.52	$29.24	10
Eximbank credit	115.74	15.84	131.58	45
Private credits with Eximbank guarantee	102.88	14.08	116.96	40
Private credits without Eximbank guarantee	12.86	1.76	14.62	5
Total	257.20	35.20	292.40	100

The foregoing financing pattern has changed from Eximbank's original submission of 10–30–40–20 because after several months of effort, KECO has found that due to the large amount and the term of repayment required, at least 85% Eximbank participation is needed to enable the project to go forward.

(a) Eximbank Charges:

The Eximbank Credit will bear interest at the rate of 8.5% per annum, payable semi-annually. A commitment fee of ½% per annum will also be charged on the undisbursed portion of the Eximbank Credit. In addition, the private financial institutions being guaranteed by Eximbank will pay a guarantee fee to Eximbank of 1% per annum on the amounts they have disbursed to KECO.

(b) Repayment Terms:

The total financing of $231,480,000 for the purchase of the nuclear steam supply system will be repaid by KECO in 30 semi-annual installments beginning March 20, 1981 (which is six months after the estimated completion of the nuclear power plant). The Eximbank Credit of $115,740,000 will be repaid by KECO from the final 15 installments. The total financing of $31,680,000 for the purchase of the initial fuel core will be repaid by KECO in 10 semiannual installments beginning March 20, 1981, with Eximbank's Credit of $15,840,000 being repaid from the final 5 installments.

A 15-year repayment term is offered for the nuclear steam supply system in order to enable KECO to generate sufficient revenues to service the indebtedness to Eximbank and the private financial institutions. It is the policy and the marketing practice of United States nuclear power manufacturers and their competitors in other countries to offer 15-year repayment terms because the economics of a nuclear plant justify and require it. If only 10 or 12-year terms were offered, it would make it substantially more difficult to buy nuclear power plants and would seriously retard programs to replace oil consumption with nuclear power and thus help moderate the world price of oil.

Sincerely,

WILLIAM J. CASEY.

BLACK CONSUMER MARKET AFFECTS BUSINESS PROFITABILITY

Mr. HUMPHREY. Mr. President, on May 22, I had the honor of participating in the awards ceremony of the National Association of Market Developers in Atlanta, Ga.

The theme of their 1975 convention was "Socially Segmented Marketing and the Bottom Line."

The concept embodied in this theme broadens the scope of marketing planning to include a much greater focus on the black consumer market as well as its financial value to an organization. The concept emphasizes the necessity for an organization to be cognizant of the needs of those special consumer groups which make the difference between profit or loss on the bottom line of its financial statements.

Enterprises applying this concept will realize a higher share of the market and achieved higher profitability.

Several timely and thoughtful articles were included in the NAMD Convention magazine Emphasis. Mr. Chuck Smith, assistant to the vice president, special markets, Greyhound Corp., Phoenix, Ariz., alerted marketers to the fact that blacks will continue to work to achieve positive and meaningful change in their socioeconomic status and to be aware of the dynamic effects they in turn will generate from their businesses.

Mr. David McCall, a past president of the New York Urban League and one of the original directors of the New York Urban Coalition, argued that American business leaders will not value the country's pressing social problems without a built-in incentive; that is, the profit motive. Of the $1 billion a year American corporations give away, most contributions go into traditional channels—United Funds, hospital drives, et cetera, and it is contributed because it is "good for the company." There is a lesson here for American business as it relates to the minority community.

Mr. McCall suggested the following way to increase the effectiveness of business in solving pressing social ills: First, provide tax benefits for companies working in the public interest. Second, the Federal Government can let contracts in the social problem areas as is now done with regard to military procurement. Third, provide cash subsidies similar to those used by the Federal Government for our farmers and airlines. Fourth, make available loans, credit guarantees, and insurance, similar to those supporting housing loans. And, fifth, extend export credits, crop loans, and small business loans.

Businessmen have a reputation for their ability to solve problems affecting their production, distribution, and market systems. When social problems are recognized as having an adverse influence on business, hopefully the business community's initiative, leadership, and resources will be directed toward the eradication of our social ills.

Mr. President, the National Association of Market Developers, under the leadership of Tom Tipton, a highly talented man and close friend, is providing an important function in the American business community.

I was very impressed with their excellent publication Emphasis, which contained the articles from which I have quoted.

At a time when recession has placed our minority businesses in a dangerous position, I think the NAMD publication is of special interest.

Therefore, Mr. President, I ask unanimous consent that three particularly insightful articles—"Socially Segmented Marketing and the Bottom Line"; "Profit: Spur for Solving Social Ills"; and "Research Offers Encouraging Evidence That the Key to Development of Minority Enterprise Lies in Motivational Training,"—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SOCIALLY, SEGMENTED MARKETING AND THE BOTTOM LINE

Socially, segmented marketing and the bottom line is a concept which broadens the scope of marketing planning to include the positioning of the black consumer market as well as its financial value to an organization. It focuses attention on building a business or reorganizing an organization centered around its major markets. Nationally speaking, 25,000,000 people is a major market. Further, the concept emphasizes the need for an organization to be ever-mindful of the needs of those consumer groups which make the difference between profit and loss on the bottom line of its financial statements.

This concept is paramount to the Black Market management group of various organizations. They have expressed concern about Corporate executives and public administrators awareness level on the important contribution that black consumers make to the profit picture and to their organization in a time when budgets are being slashed and employment rolls are being cut. Many organizations will cut into their profit picture very badly because their management teams will again underestimate the values of the black consumer market contribution to profit. As a result, these companies will fail to give many of their black managers, representatives, and agencies the necessary financial resources to maintain their companies existing share of the black market.

During these critical times in the economy, one of the more probable constraints on the profit flow into an organization is the resistance to rethinking of marketing segmentation by many executives. For many years, some executives have handled segmented marketing problems on their unchecked assumptions about the nature of black consumer motivations and behavior. Over a period of time the assumptions become facts; a distinction no longer is made between the known and the unknown. Some executives, blessed with a high degree of human sensitivity and keen perception, are excellent at handling the business artistry. But many are not. Regardless, there is no substitute for rethinking, planning and continuous marketing orientation.

In applying, "rethink" to the black consumer market, we observe a unique network of sophisticated groups who are profoundly influenced by the total forces of their environment where they pursue their personal achievements, live their lives, and satisfy their needs. Within the network of groups are subgroups where the individual has interpersonal relationships. This particular framework is the basis of the culture of some 25,000,000 plus people with a 50 billion dollar plus purchasing power.

As with most segmented markets in today's economy, the black market has been affected by unemployment and inflation. However, it is still a very viable and highly profitable market for those businesses willing to show a vested interest. On a dollar basis, which is arbitrary, because of the differences in spending power at different cost levels in various parts of the country, the black consumer purchases will make the difference between profitably surviving the country's economic crisis or business failure for many organizations today. A key for some businesses profit is maintaining their share of the Black Market. For others it is investing financial and black human resources to obtain a share of this important market segment.

In an article by R. Buzzell, B. Gale and R. Sulton it is pointed out that, under most circumstances, enterprises achieving a high share of the market are considerably more profitable than their smaller share rivals. This connection between market share and profitability has been recognized by corporate executives and consultants, and it is clearly demonstrated in the result of a project undertaken by the Marketing Science Institute on the profit impact of market strategy.

There is no doubt that market share and return on investment are strongly related. Granted, high rates of returns usually accompany high market share, but it is useful to explore the relationship further. Why is market share profitable? What are the observed differences between low and high share businesses? Does the notion vary from industry to industry? And what does the profitability market-share relationship imply for strategy planning.

Data has revealed there are four important differences between high-share business and those who have smaller shares:

1. As market share rises, turnover on investments rises only somewhat, but profit margin on sales increases.

2. The biggest single difference in cost as related to market share is in the purchase-to-sales ratio.

3. As market share increases, there is some tendency for marketing cost, as a percentage of sales, to decline.

4. Market leaders develop unique competitive strategy and have higher prices for their higher quality products than do smaller share businesses.

The cost market is so strongly related to profitability, a basic strategy issued for top management is to establish market share objectives. These objectives have much to do with the rate of return that can reasonably be budgeted in the short and long run, as well as the capital requirement in the cash flow of the business.

What market share goals are feasible or desirable, obviously depend on many things, including the strength of a competitor, the resources available to support a strategy, and the willingness of management to forego present earnings for future results. At the risk of over simplification, we can classify market share strategy into three rather broad groups:

1. Building strategy is based on active efforts to increase market share by means of new product introduction, added marketing programs, etc.

2. Holding strategies are aimed at maintaining the existence of market share.

3. Harvesting strategies are designed to high short-term-earning and cash flow by permitting market share to decline.

Building strategies imply that in many cases, even a marginally acceptable rate of return can be earned only by obtaining some minimum, its strategic choices usually boil down to two: increase or withdraw. Holding strategies, by definition, are designed to preserve the status quo for established businesses in relatively mature markets, which is to say, for the majority of businesses in advanced economic-holding, it is undoubtedly the most common strategic goal with respect to market share. A key for businesses that are pursuing holding strategy is, to determine the most profitable way to maintain market positions? The answer depends on many things, including the cost of significant technological change and the strength and alertness of competition. Harvesting strategy as opposed to a share building strategy is one of harvesting, deliberately permitting share to fall so that higher short run earning and cash flow may be secured.

Whichever strategy top management decides upon, "rethink," planning, and continuous marketing orientation will play a major part in profit formulation. Inevitably, the question will be how an organization may become more responsive to the consumer needs. Some leading companies are emphasizing growth by gearing their organization structures to their market needs instead of their product or process capability says Mack Hannan, manager of a New York management consultant firm. Marketing centering a sales force is the first way. It requires the least up-front commitment and the least alteration in the basic structure of a business. In addition, it succeeds in establishing the central relationship that earmarks all forms of market centered organization: Contact between customers with many varying needs and a sales force that can prescribe the most beneficial system for those needs.

To combat the ills and problems of our sagging economy, organizations will have to make many adjustments. Again, it is very important that organizational management understand clearly the necessary adjustments in dealing with socially, segmented marketing and the bottom line of their financial statements. It is not a Panacea, but the black market continues to offer many opportunities for profit growth providing business managements are willing to "rethink," plan and continuously become segmented marketing oriented. During these times of economic upheaval, it is necessary to change relationships in the market place to produce growth patterns.

PROFIT: SPUR FOR SOLVING SOCIAL ILLS

(Written by D. McCall, reviewed by G. Burden)

FOREWORD

David McCall, President of a New York advertising agency, contends that the American Society suffers from the grant delusion that American business leaders can solve the country's pressing social problems without a built-in incentive. With such an incentive, he argues, businessmen would work on social problems in the same manner they work on other problems. Without the profit motive for businesses, society will have to resort to alternative solutions to our pressing social ills. Because of the many years he's spent in the field as a past president of the New York Urban League and as one of the original directors of the New York Urban Coalition, Mr. McCall possesses an insight foreign to most Americans particularly our government officials, foundations, and public servants.

Not only in this hypothesis (which is found in Harvard's Business Review) informative, well-written, and interesting; but unlike many business oriented hypothesis, it is also practical. Most Americans, he states, are suffering under "a crippling delusion." It will only be after the delusion is blasted that the false sense of extensive social progress will subside and the fact that we're going backward at an increasing pace will be realized. What is this crippling delusion?

The grand delusion—this crippling delusion is simply "the belief that our dreadful societal problems—whether racial, environmental, or social are going to be solved by the energetic efforts of American businessmen."

Surveys consistently show this to be true. Beginning in the 60's and even now, this belief has been expressed by prominent men in all walks of life—including Henry Ford, Whitney Young, Presidents Kennedy, Johnson, Nixon and Ford, Roy Innis, George Meany, Members of Congress and many others from our Social Service branches of government. As Mr. McCall expounds, left, right, and center the argument and belief remains the same:

If you could just unleash the problem-solving power of American business, new cities would be built.

If you could just touch the conscience of mighty corporate executives, the evils of racism would be erased.

If you could just get U.S. Steel to understand about the environment, nature, fresh and sweet, would bloom once more in our green countryside.

If you could just get the New York City commuters who control the destinies of the great companies to get off the train at 125th Street and take a walk through the ghetto and be touched by the experience, they would rebuild the cities.

If you could just get the drug companies to understand the medical plight of the urban poor, they would set up medical service for the people.

If you could just get the food companies to work on the problems of malnutrition, they would find a way to bring minimal food standards to a starving world.

These problems have been tackled by our big businesses. Heretofore, billions of dollars and innumerable hours of hard mental and physical labor have been spent toward their solutions. The question then arises Why has virtually nothing been accomplished? What has happened in the many cooperative business coalitions? What's wrong with the Legal Aid Society?

As McCall states there have been some jobs done and done well. Some money has been raised and loaned to minority businessmen. Some money has been given to street academies. Some effort has been made to find the key to low-income construction problems. Some help has been given to finding jobs for unemployed minority people. But the fact of the matter is that even now—8 years after the Watt's riot—the same "pressing social problems" exist in equal, if not increased proportions.

Our system, never perfect, has deteriorated considerably since its original conceptualization to the point that it is embarrassing to the participating lawyers and downright frightening and frustrating to their clients. There is no criticism intended, however. In law, it appears, as in everything else, you get what you pay for. The newly graduated law school students are heading as they always did—to the law firm that offers the most money and the shiniest future. It has been reported that even some law firms, who have made commitments of free legal aid services have found it difficult to get their lawyers to fulfill these obligations? "Isn't it awful," asks McCall, "that lawyers are just like the rest of us? We had such hope for them."

Before discerning the cause for the overall failure of this business oriented solution, let's examine the roles of business. McCall, in his discussion, discusses what corporations are doing within their own organizations. Most of the $1 billion a year corporations give away as a part of their "corporate gross" contributions goes into traditional channels—United Funds, hospital drives, and so forth. Very little goes toward Urban Affairs. Of that amount, all too little is accompanied by an equal donation of time and thought to make sure the money is given to a useful program that actually touches human beings' lives. Specifically McCall found (as is oftentimes the case) that virtually all the money was used to maintain the staff of the charity and almost none of it for what was contemptuously referred to as program. But the evidence seems to be pretty conclusive that most companies give in accordance with what is good for the company. A Bethlehem Steel spokesman said "Our giving is always in response to a need that exists and is somehow related to our business interest."

Finally, McCall notes that tax benefits should be arranged to work in favor of companies that are working in the public interest. For example, the government could favor companies which at vast expenses do something about pollution and lower the boom on companies that will not move in this area.

In conclusion, McCall suggestions are not just practical, but realistic with fair considerations of all parties involved. It is true; Our social problems are grotesque and getting worse, not better. The governments at all levels, the foundations, the charities and the public servants are behaving in such a way that seems contrary to finding a successful solution to the continuous problem that face millions of American Citizens living in filth, disease, and despair. Why? Because they discourage and legislatively eliminate the possibility of any party or parties to make a profit. This seems abhorrent to me especially when I think about the fact that all involved would profit. Although the businesses would make some financial profit, the most important benefit would be made by the billions upon billions of Americans who would be helped by the services of Americans who would be helped by the services rendered. How much should it cost to help *unproductive, illiterate,* and *nonresponsive* citizens become *productive,* informed, participating, and financially contributing citizens of America? It may be that the American Society by not realizing, accepting, and encouraging the profit incentive is Biting Off Its Nose To Spite Its Face.

In conclusion, McCall says that we have 2 choices in solving our ever pressing social problems. We either change our present form of government to a socialist one as is the Russian government or we Retain the system we have and use it TRULY for the PUBLIC GOOD, not as a cover-up for inaction, delay, and non-performance. Which would you prefer? Let's all of us—who have faith in the capitalistic system begin to see the light shining as it should and begin to correct "this crippling delusion," this general misconception by effectively changing society's view on the profit-making motive as a means of solving our pressing social problems.

In this article, McCall offers a number of ways to increase the effectiveness of business in solving our pressing social ills. Some of which are already being tried on a small scale. First, the federal government could help by letting contracts in the social problem area, just as it now does in the area of military procurement. Think what kind of defense the clients of the Legal Aid Society would get if Davis, Polk, Wordwell, and other firms had a good meaty contract with the New York City government to provide expert legal counsel or lose the business.

Another method is cash subsidies which is now being used by the federal government in dealing with farmers and airlines. Loans, credit guarantees, and insurance of the kind that are now widely used in housing loans. Export credit, crop loans, and small business loans could be extended to a much broader area. Such a subsidy might very well be the difference between success and failure for a minority owned business in its formative years.

Research Offers Encouraging Evidence That the Key to Development of Minority Enterprise Lies in Motivational Training

Jeffrey T. Timmons, Assistant Professor of Management at Northeastern University, is a teacher of Organizational Behavior. He designs, develops, and conducts educational programs which involve the application of behavioral approaches to the new-venture creation process in poverty and non-poverty areas. In his article, "Black is beautiful—Is it Bountiful?", he illustrates how minority entrepreneurs may be encouraged and guided into more profitable business ventures through their participation in individually-motivating entrepreneurieal programs which integrate individual achievement goals and community consciousness.

The problem is efficient. "In our trillion dollar economy, gaps of relative poverty still remain—and therein lies much of the unrest and despair so prevalent in our urban and rural depressed areas." One of the fundamental characteristics of poverty is the lack of minority entrepreneurs; specifically, black entrepreneurs for this discussion. Consider as Mr. Timmons did in his article:

The statistic that only a few Black businesses in Manhattan employ large number of people is matched by the unfortunate fact that only an infinitesimal percentage of the national black community has developed the ability to organize capital and credit, and use them with marketing and production talent is such a way that wealth is achieved. The city of Newark, N.J., has approximately 400,000 people, of whom more than half are black. Of the 12,172 licensed businesses in the city, a little more than 10% are Black owned . . . . Of the 800,000 residents of Washington, D.C., Blacks are a majority of 63%. Yet, out of 11,755 businesses in our nation's capital, Blacks less than 13%.

Other studies are equally revealing. In 1968, there were only 45,000 Negro businesses, out of a total of some 5,000,000 businesses in the country. Even in predominately black Harlem, fewer than 20% of the businesses were owned and operated by nonwhites. Moreover, out of a total of 13,000 banks in the nation, by the end of June, 1970, there were 26 black-controlled banks. Sixteen of these banks have been organized since 1963.

Simply stated, then, blacks do not control a "piece of the action" commensurate with their numbers and their potential in our economic system. Although some imaginative and promising approaches have emerged, most current efforts emphasize the traditional approach of utilizing financial and technical assistance through loan and aid programs, or by training blacks to be better employees.

Such increased and upgraded employment is a desperate need, of course, but it may do little to meet a more fundamental long-term need: the creation of more black employers.

Moreover, insofar as present efforts delude us into believing that we can buy economic development and equality as easily as we can purchase interstate highways, they may in the long run be counterproductive.

The question discussed then is: How is it possible to encourage and facilitate Black capitalism in terms of more Black employers—not employees? The traditional concept of "profit motivation" has done little to change the dismal picture of few black entrepreneurs as is evidenced by the previous statistics. As a result of the Business Leadership Training Workshop, successfully conducted by McBer and Company for the Economic Development Administration of the U.S. Dept. of Commerce. There is New Hope for the Black entrepreneur. It's motivational training concept integrates the ideas of individual achievement attainment and community consciousness.

Specifically the Seminar was based on the following four major concepts concerning motivational and behavorial change:

1. The establishment of the relationships among motivation, behavior, and personal performance.
2. The assessment of the nature of each participant's achievement motivation and its appropriateness to his personal goals.
3. The opportunity for each participant to practice the approaches and skills characteristic of superior entrepreneurial performance.
4. The opportunity for each participant to set explicit personal goals, develop a plan for attaining those goals, and make a personal commitment to their achievement.

The approach emphasized trainee involvement and participation in case discussions, small-group work, role playing and business games; while presentations though used were not emphasized. Each participant was involved in analyzing his own motivation, discussing actual cases of new business development business expansion, participating in exercises and business simulations, and developing his own personal goals and plans of action. Subsequent to the conclusion of the course, a nine month follow up program was enacted. It was aimed at encouraging participants to review periodically their goal-oriented efforts.

The results Mr. Timmons found were these:

1. The entrepreneurial training did have a measurable impact in creating and accelerating business development and business expansion in the target communities.
2. The ET participants simulated new approaches to community development by activity and mobilizing previously dormant economic and business resources.
3. Not only were they more active in their business, but they were also more actively assuming leadership sales and taking initiative to solve community development problems.
4. In numerous instances the training affects participants by stimulating, building on or facilitating latent potential for entrepreneurial activity.

What Timmons concludes is that the catalyst for black capitalism is now available in some form of an entrepreneurial training program. For example, at the time the entrepreneurial development training seminar discussed took place in 1967 there were less than a handful of black trainers in the U.S. capable of conducting such a program.

However, since then, the basic concepts and approaches reported here have been accepted and refined to the point that today there are several dozen black trainers and numerous organizations with the capability to conduct similar programs.

More concentrated Black communities and Black entrepreneur development programs must begin, if the Black community is to survive. To date, this type of training program seems like the most feasible point answer for the entrepreneur.

MUNICIPAL CLERKS WEEK

Mr. INOUYE. Mr. President, the city council of the city of El Segundo, Calif., has recently passed a resolution in support of Senate Joint Resolution 45, which I have introduced to designate the second week in May as Municipal Clerks Week.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution No. 2623

A resolution of the City Council of the city of El Segundo, California, supporting Senate Joint Resolution No. 45 and House Joint Resolution No. 227, relative to designating the second week in May as "Municipal Clerks' Week"

Whereas, it is recognized that the City Clerk performs the highly valued functions of administering the procedures and keeping the records of the City; and

Whereas, it is further recognized that the City Clerk provides and maintains an organized source of knowledge about the community; and

Whereas, the City Clerk provides conscientious representation of the municipal government in the affairs of the community; and

Whereas, the City Clerk helps mold public opinion of local government through daily contact with the citizenry;

Now, therefore, the city council of the City of El Segundo, California, does hereby resolve, declare, find, determine and order as follows:

Section 1. That the City Council of the City of El Segundo does hereby support the national movement to recognize the importance of the position of City Clerk with the passage of joint congressional resolutions designating the second week in May as "Municipal Clerks' Week."

Section 2. That the City Council of the City of El Segundo does hereby encourage the Senate Committee on Judiciary and the House Post Office and Civil Service Committee to give Senate Joint Resolution No. 45

and House Joint Resolution No. 227 respectively, favorable hearings.

Section 3. That the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the original of same to be entered in the Book of Resolutions of said City of El Segundo, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

KENNETH BARNARD KEATING

Mr. HUMPHREY. Mr. President, I want to join those who have spoken in tribute to our late beloved colleague Kenneth Keating, who died on May 5, 1975, at the age of 74.

It was my privilege to serve with Ken Keating in this Chamber fron January of 1959 until early 1965, when I took office as Vice President. Senator Keating's election to the New York State Court of Appeals in 1965 capped an impressive career in elective office. After serving in the Armed Forces during both World Wars, Ken Keating was elected to the U.S. House of Representatives, where he served six terms. In 1958 he was elected to the Senate.

This man loved public office. He brought to his career a generous spirit, a jovial manner, and a keen mind which won the respect and friendship of his colleagues and those he served so ably in both Houses of Congress.

Politically, Ken Keating was hard to peg—his positions defied categorization in the rigid liberal/conservative vocabulary of the modern political scientists. To be sure, we were on different sides of the political fence on some occasions. But I cannot let this opportunity pass without recalling his energetic, effective leadership in the development of the landmark civil rights legislation of the mid-1960's. That was a road we trod together.

Looking back to those days, I recall many moments of plain good fellowship and warm, supportive friendship. Ken was that kind of man. His spirit somehow lightened the chores; regardless of the size of our burdens, he was able to inject a cheerfulness and a warm pat on the back which served as reminders of the human side of life—even in the Congress.

And to his role as U.S. Ambassador—both to India and to Israel—Ambassador Keating brought this same warmth and good spirit.

He will be missed, by Republicans and Democrats alike. To those who did not know him, but in whose behalf he served in Washington and in foreign capitals, Ken Keating leaves a trust of able and dedicated service. To those of us who were fortunate to know him as a friend, he leaves the memory of a warm human being who loved life and the living of it. He was my colleague in public service. But more importantly, he was my friend. For this I am grateful. I shall miss him.

KYRAN McGRATH RETIRES AS DIRECTOR OF AMERICAN ASSOCIATION OF MUSEUMS

Mr. PELL. Mr. President, on May 30, Kyran McGrath retired as director of the American Association of Museums. I would like to take this opportunity to commend him on a job well done and wish him the best of luck in the future.

A former Senate employee—legislative aide to Paul Douglas of Illinois—Kyran took what was essentially a small organization without a real Washington presence and built it to its present status as a major facet in cultural activities. The association has become most active in the accreditation field and has been a vocal and able spokesman for eleemosynary institutions in dealing with the various tax matters that have so affected cultural institutions and charitable institutions.

Personally he has been a good friend and of invaluable assistance as we have worked on cultural legislation which will bring greater strength to the museums in both this country and abroad. While I regret his leaving, I know the strong base he has created will continue.

I wish him every personal success in the future.

HIGH UNEMPLOYMENT: THE HALLMARK OF WEAK RECOVERY

Mr. HUMPHREY. Mr. President, by the administration's latest estimate we face unemployment rates of 8.7 percent in 1975, 7.9 percent in 1976, 7.2 percent in 1977 and 6.5 percent in 1978. In my opinion, and I might say in the opinion of many expert observers, present policies will not produce even this much improvement in the unemployment situation over the next 3 years.

However, even if we are fortunate and we do achieve this pattern of relatively strong recovery, we still face 3 long, hard years during which unemployment will be at an emergency level.

The administration is doing absolutely nothing to cope with this unemployment. The President has vetoed the emergency employment bill which Congress recently passed. Funds and personnel for manpower programs have been cut back. Even funds for research into employment problems have been drastically cut back.

Frankly I have yet to hear one administration official stand up and say that they care about unemployment, that they think it is an important issue, that they have one iota of normal human compassion for the 75 million persons who will experience unemployment somewhere in their immediate families this year.

I have heard plenty of concern expressed about inflation. I, too, recognize inflation as a compelling problem. I am pleased to note the progress that has already been made against inflation. I was pleased to see the administration's new forecast which shows inflation coming down even faster than had previously been expected.

However, I do not believe an important contribution to further reducing inflation is made by vetoing bills which would provide summer employment for young people and other emergency programs to deal with economic distress. The notion that we can control inflation only by imposing a long period of high unemployment on millions and millions of our citizens is ridiculous, it is tragically misguided, and I for one do not intend to stand for it.

In an article which appeared in the Washington Post this morning, Hobart Rowen questions whether the U.S. economy will survive this much heralded economic recovery with unemployment rates averaging 8.7 percent in 1975 and 7.9 percent in 1976. As Rowen says—

> If the Administration's forecast proves to be right, the jobless rate a year after "recovery" starts would be hovering around 8 percent. That's higher than the worst rate at the depth of the 1958 recession.

As bad as these unemployment forecasts appear to be, the situation is likely to be much worse if the Federal Reserve follows a restrictive monetary policy. The Rowen articles points out that—

> (Arthur) Okun reminds us that experience shows the need for facilitating recovery by not only fiscal measures, but by monetary policy. Burns, in a real sense holds the key. . . .

I could not agree more with Mr. Rowen and Professor Okun. Testimony presented recently to the Joint Economic Committee by Prof. Albert Ando of the University of Pennsylvania, an eminent and respected economist in the field of monetary policy, suggests that a money supply growth in the range preferred by Arthur Burns will mean increasing unemployment throughout 1975 and 1976.

Professor Ando, using the MIT-University of Pennsylvania model, calculated unemployment rates which would result if the money supply increases 6 percent in the next year, which is well within the Fed's expressed targets of 5 to 7.5 percent money growth. Dr. Ando foresees, under these conditions, an unemployment rate rising steadily this year to 9 percent, and a continued rise during 1976 to 10.2 percent at the end of next year. If the Fed allows the money supply to expand only 5 percent, then unemployment will reach an incredible 10.5 percent by the end of 1976, according to Dr. Ando's calculations.

This situation is absolutely intolerable as far as I am concerned. Yesterday, the Joint Economic Committee received testimony from Secretary of the Treasury William Simon who again emphasized the go-slow, inflation-control-oriented economic religion espoused by this administration.

I was particularly distressed by the news coverage given to the Secretary's appearance yesterday. In this case, and in many other instances, the administration's task of selling its own program is made infinitely easier by the great amount of media attention given to the official executive branch position. In my opinion it is a disservice to the American public when the legitimate, contrasting views of other expert witnesses, congressional committees, and the like are not given a fair hearing in the press. We all have a responsibility to do a better job of giving all points of view a better hearing in the public forum.

Mr. President, I ask unanimous consent that the excellent column written by Hobart Rowen be printed in the RECORD.

There being no objection, the column

was ordered to be printed in the RECORD, as follows:

SURVIVING THE ECONOMIC "RECOVERY"

(By Hobart Rowen)

There is ample evidence that the worst of the economic recession is nearly over. The actual bottom may have been touched a few weeks ago. This is shown by most of the statistical indicators covering sales, new orders and inventories.

At the same time, as the nation starts its upward climb, no one need become euphoric yet about the shape of the potential recovery.

It is clear, as all economists in and out of government acknowledge, that the "bottoming out" process that has gotten so much attention leaves the nation with the highest unemployment rates and the lowest factory operating rates since the end of World War II.

As a matter of fact, although the Ford administration's new economic projections last week were said to be modestly more optimistic than its first set last February, the unemployment assumptions were actually quite gloomy.

Many questions have been raised about the validity of mathematical "model" forecasting of the kind used to produce these forecasts. Chief economic adviser Alan Greenspan has gone to great pains to say that considerable guesswork is involved.

The official forecast, according to Greenspan, calls for an average jobless rate of 8.7 per cent this year and 7.9 per cent next year, with a peak "modestly" above 9 per cent some time in the next few months, and an end-1976 rate well below current levels.

Using Greenspan's clues to the official forecast, and assuming a peak not much higher than 9.2 per cent this summer, one could construct the following theoretical pattern of unemployment rates by quarters for this year and next:

	1975	1976
January-March	8.3	8.3
April-June	9.1	8.0
July-September	9.0	7.8
October-December	8.5	7.5
Yearly average	8.7	7.9

By December, 1975, such a pattern would mean an unemployment rate of 8.3 per cent, almost a full point decline from the peak. Yet it would be higher than at the start of this year. And although the 1976 "direction" would be favorable for the Ford administration, the progress during the campaign would be almost imperceptible.

In fact, if the administration's forecast proves to be right, the jobless rate a year after "recovery" starts would be hovering around 8 per cent. That's higher than the worst rate at the depth of the 1958 recession.

Are such unemployment rates tolerable? Are they even likely?

Greenspan says flatly that his private opinion is that unemployment "is going to be a good deal lower than that. When this economy gets moving, we don't know how much momentum there is."

Federal Reserve Chairman Arthur Burns tends to agree that recovery will be snappier. He suggests that there are "natural forces" that will turn the economy around. That means, of course, that Burns will resist a considerably easier monetary policy to goose the economy along.

Democratic economist Arthur M. Okun, who might not be entirely happy with Burns' monetary policy, nonetheless has become more optimistic lately. In an outlook piece written for the American Security Bank of Washington, he says:

"Like a post-operative patient, (the economy) will not be ready to go back to full time work for quite a while. Nonetheless, with the surgery behind it, it can make rapid strides in regaining its strength."

Okun sees unemployment still close to 9 per cent at the end of the year, but expects the "normal recuperative forces" to produce a solid recovery—say, 9 percent in real GNP—from third quarter of 1975 to third quarter of 1976. That would be enough to slice the jobless rate 1.5 points from the peak.

But the mystery that underlies all of this thumb-sucking exercise is monetary policy. Okun reminds us that experience shows the need for facilitating recovery by not only fiscal measures, but by monetary policy. Burns, in a real sense, holds the key. A dedicated scanning of the horizon for "natural" forces, coupled with fears of a new inflationary boom, could guarantee a weak recovery.

CHILD AND FAMILY SERVICES HEARINGS

Mr. MONDALE. Mr. President, today we held joint hearings of the Senate Subcommittee on Children and Youth, the House Select Subcommittee on Education, and the Senate Subcommittee on Employment, Poverty, and Migratory Labor on the Child and Family Services Acts of 1975, S. 626 and H.R. 2966.

We were fortunate to have a highly impressive and respected group of witnesses at this hearing including: Dr. Donald Newman, president of Los Angeles' Unified School District's Board of Education, August W. Steinhilber, assistant executive director of the National School Boards Association, James A. Harris, president of the National Education Association, Albert Shanker, president of the American Federation of Teachers, and Ray Peterson, director of Federal relations of the Council of Chief State School Officers.

Because of the large number of requests our subcommittee have already received for copies of these statements, I ask unanimous consent that a copy of each statement be printed in the RECORD.

I urge my colleagues and members of the public to review carefully the testimony we received.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF COUNCIL OF CHIEF STATE SCHOOL OFFICERS ON SENATE BILL S. 626, HOUSE BILL H.R. 2966, THE CHILD AND FAMILY SERVICES ACT OF 1975

Mr. Chairman, the Council of Chief State School Officers, representing the superintendents and commissioners of education in all the states and extra-state jurisdictions, wishes to assist the Committee in its efforts to provide assistance to the states for early childhood and family services.

The Council of Chief State School Officers' policy statement of November 1974 recognizes that the quality of early childhood experiences in both home and school is of critical importance to the development of the child. Therefore, CCSSO strongly urges that preschool programs have an educational component and that state education agencies assume leadership positions in the planning of these programs.

Given the states' intent to extend services to young children not now currently served, and given the capability of state agencies to participate in this program, the bill is particularly timely because of the severe fiscal difficulties currently being experienced in many states. As the Committee is aware, states like Connecticut and New Jersey are facing deficits close to a half billion dollars. In Washington State, the fiscal problems in the Seattle area are of such magnitude as to threaten the continued operation of the public schools. In other states like Minnesota, forecast fiscal surplus is disappearing.

The concepts and operations provided for in the bill involve many unanswered questions. Some uncertainty exists among the professions and the public as to the appropriate settings and the most effective comprehensive service programs appropriate for very young children. The necessary governmental and administrative coordinating mechanisms are yet to be proven. Given these questions, the bill provides an appropriate range of alternative settings and programs. We support the multiple agency services concepts. The bill also provides, in our opinion, a reasonable level of funding, an appropriate planning year, and reasonable matching requirements. While we support the bill's emphasis on coordination of multiple services by units of general government, we do have substantial questions concerning the federal-state-local administrative mechanism, the sponsor-client governance arrangements, and the adequacy of the bill's provisions for supporting and strengthening educational agency contributions to the programs.

PRIME SPONSORSHIP

We agree with the testimony of Mrs. Edelman of the Washington Research Project Action Council, that another look at the role of the states is needed at this time. We, of course, cannot support provisions which regulate applications submitted by states for prime sponsorship to a second priority.

While few states currently have resources to initiate prekindergarten programs, I believe the evidence is clear that the governors and chief state school officers in many states are advocates for early childhood programs and wish to support this bill. It is also clear that governors and chief state school officers have in recent years instituted with state funds childrens' programs which your committee has advocated at the federal level such as assistance for the handicapped and the non-English speaking. The Congress would find that adequate participation by the states in this bill would stimulate similar growth of state support for early childhood and family services. The states are moving rapidly to develop more progressive revenue sources, and to use state funds to equalize opportunities for children. The prime sponsorship provisions in this bill would ignore these trends, and emphasize locally-based programs which those jurisdictions cannot support in the long run.

Sections 104(b)(c) should be rewritten and merged in order that the Secretary give first review to prime sponsorship plans submitted by states, and approve those state or local plans which will provide the highest quality of services to all areas in the state, reflect the most cost-beneficial cooperative efforts between jurisdictions and agencies in the state, and otherwise meet the requirements of the bill.

In addition, in Section 104(d), other prime sponsors, our position is that a specific first priority should be provided to applications from governmental agencies such as state or local education or other service agencies, and secondarily, to the other entities listed in that section. This would not limit the competition for quality sponsorship, but would ensure governmental agencies that their applications would receive first review. We would also question whether the Committee wants to depart from the concept of prime sponsorship by general units of government to the extent of listing entities whose primary interests and activities are economic and outside the realm of delivery of services to children: community development corporations, organizations of employers, employees, labor unions or management organizations. These entities ought to be included in the listing of eligible applicants for project grants but not as possible prime sponsors.

We believe that, where a state or SEA is not an applicant, the governor's review of applications for other prime sponsorship within a state should be expanded to include a review by the state education agency of applications for prime sponsorship designation submitted by any local education agency within the state, in order that the Secretary may be assured that all educational resources in the state are available to assist LEA programs.

PROJECT APPLICATIONS

We support the bill's intent to assist a diversity of project contractors. This diversity is necessary to provide a range of services, in widely differing sites such as homes or places of employment, and flexible scheduling and staffing. However, we believe that some form of priority or preference should be assigned to project applications from state or local education agencies. No other public or private agency has equivalent facilities, staff, or management capacity in place in every community.

We would further propose that a specific first priority be granted to project applications from state or local governmental agencies proposing to utilize available space in existing public buildings or to employ licensed or certified professionals; this provision would make the best use of existing resources in a time of economic difficulties. It would also stretch the resources being provided in the bill without conflicting with any other provision of the bill.

CHILD AND FAMILY SERVICES PLANS

We are concerned that the bill not fund early childhood education programs which would be put into competition with such programs and services already offered in certain areas by state or local education agencies.

This conflict could occur particularly with reference to kindergarten programs for children at age five, but in certain areas pre-kindergarten programs offered by the public schools are also available. The intent of the bill is, we think, to expand rather than duplicate coverage. We would suggest therefore that in Section 106(c), a provision be added after subsection (1) to the effect that the Secretary shall not approve a plan to provide services which would duplicate services already being offered free to all children by state or local education agencies. This exception would not be unduly restrictive since several states do not have universal kindergartens, and very few jurisdictions provide free universal pre-kindergarten programs in the public schools at this time.

CHILD AND FAMILY SERVICE COUNCILS, AND PARENT POLICY COMMITTEES

In cases where state or local education agencies act as prime sponsors or project contractors, Child and Family Service Councils and Parent Policy Committees established by the bill pose certain problems. While we understand the Congress' desire to expand participation by consumers, especially parents, in the policy-making process, such councils and committees can become unworkable where lay policy boards are already legally constituted. We would like to see specific provisions added to the sections on councils and committees, to give sponsoring or contracting state or local education agencies with duly constituted lay boards guaranteed representation on the councils and committees.

There are pending questions that a board of education can legally delegate authority to other bodies as required in the bill. We would suggest, then, that in cases of SEA or LEA sponsorship or contracts, the councils and committees report through the education boards, with a right of appeal to the Secretary. The councils and committees are adequately protected by the Secretary's power to enforce their authority by withholding funds. The intent of this provision would not subvert the bill's intent with regard to the participation of parent and community members in policy-making for these programs; rather it is an attempt to bridge the governance gap which exists between such congressionally mandated committees and the unique lay board structure of public education in the United States.

SPECIAL GRANTS TO THE STATES, SECTION 108

We would urge that the funding for this section be increased to 10%, to adequately cover multiple agency services in the states. This section should also provide specifically for the training by the state of pre-school education program instructors (teachers of teachers), for the bill's educational programs. Emphasis on special training for school staff is critical because 1) existing training for pre-school programs is mediocre or nonexistent in education, and 2) a significant multiplier effect on numbers of trained personnel then becomes available through the inservice career development plans required in section 106(b)(ii), carried out through multiple LEA's.

This section should also include grants for pilot and demonstration curricula in Education for Parenthood in secondary schools. As a long range program to improve early childhood care, nothing can succeed as well as young parents who are better informed on child development and effective child-care techniques.

LEADERSHIP BY THE U.S. OFFICE OF EDUCATION AND THE NATIONAL INSTITUTE OF EDUCATION

The bill makes no provision for participation by USOE or NIE. The bill should make provisions for an office of Early Childhood Education in USOE, to provide technical assistance to SEAs. Also, research and development in early education should be specifically funded in NIE.

STATEMENT OF JAMES A. HARRIS, PRESIDENT OF THE NATIONAL EDUCATION ASSOCIATION, ON H.R. 2966 AND S. 626, THE CHILD AND FAMILY SERVICES ACT OF 1975, BEFORE THE SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH AND THE HOUSE SELECT SUBCOMMITTEE ON EDUCATION, JUNE 5, 1975

I am James A. Harris, President of the National Education Association of the United States. The NEA is an independent organization open to all professional educators. It has over 1,600,000 members employed in the public schools and is the largest organization of public employees in the nation. The NEA has an affiliate in every state and has over 9,000 local affiliates. When we include these organizations, the NEA speaks for a combined membership of some 2.3 million public employees.

First, we would like to commend these committees and particularly the two sponsors for their concern over the important area of early childhood development. We have carefully studied the bills and are in basic support of most provisions. We are particularly pleased with careful provisions which the sponsors have drawn regarding standards for child care programs, facilities in research, and standards for the training and retraining of personnel. With respect to such standards, we would urge that language be included which insures rigid and universal enforcement.

I want to make clear at this time that the statements I am making here and the general position of the Association are based on what are presently somewhat incomplete data. Not enough research has been or is being done in the area of child development, care, and early childhood education. What has been shown so far is that some children make substantial gains from early childhood programs, others show no progress, but no child has had a negative effect from early care. I am reflecting what we do know now, but I would hope that much more research will be conducted and disseminated, some of it under the auspices of Title III of this Act.

NEA believes that for the long range we as a nation must move toward provision of voluntary universal early childhood education and care. Given the economics and the mobility of our society, the increasing intelligence and educability of our young children, and the nature of our compulsory public school system, it makes perfectly good sense to pursue universal early childhood education, development, and care as an ultimate goal. Meanwhile, we view the model demonstration projects to be established under this legislation as an appropriate first step.

Within the context of moving toward universal early childhood programs, we advocate the provision of such programs working from kindergarten down to include younger children. At present, six states have no public kindergarten programs; of the 44 states which do have public kindergartens, none supports it to the extent that kindergarten is available full-time to all children. Thus the first priority must be to establish and fund full-time universal kindergarten and then work from there to provide full-time quality voluntary early childhood programs.

Obviously we recognize that education—from early childhood through post-graduate and adult training—is a function of the states. Yet surely in this day and age, after NDEA, ESEA, and other critical programs which have been with us for some time, no one would say that the federal government does not have a defined and proper role in education. We feel that this federal role can and should be extended into the area of early childhood. We believe that the federal government must stimulate and assist the states to provide quality early childhood education. We see this function as one of the results of the legislation now before you.

We also see the public school system as having a crucial role in providing early childhood education, especially the kinds of programs contemplated in H.R. 2966 and S. 626.

The public school system, one of the strongest, most visible, and most viable institutions in our society, currently has resources—personnel and physical plant—which are essentially universal and which can be easily converted and expanded for use in early childhood programs. In many cases both the personnel and the plant need refining to better equip them for work with younger children, but the basic structure exists and is sound. Additionally, the public school system is under the lawful and accepted control of duly elected officials.

Moreover, the public school system has demonstrated that it has the commitment and capability to bring together all the needed institutional systems—such as the health and welfare agencies and so forth—to carry out successful programs for young children within local communities. I refer, of course, to Head Start. When Head Start legislation was enacted by the Congress, it had a built-in bias against letting the schools run programs at the local level—it was possible, but difficult, for schools to be prime sponsors of Head Start programs. Yet, over the ten years of Head Start operations, schools have qualified as prime sponsors and have conducted many successful programs. At present, some 30 percent of Head Start programs are operated by the public schools. I think this fact tells us a great deal about the public school system's ability to administer good programs across local jurisdictional lines and using all appropriate local resources.

Thus, given the resources and the experiences of the public schools, there is every reason why the public schools should be designated as prime sponsors under the legislation now being considered.

It is perhaps important to make clear at this point a fact which may sometimes be overlooked. Prime sponsorship does not necessarily connote conducting programs; rather, it implies an administrative oversight function to see that the best possible program is carried out either by the public school or by a qualified governmental or private non-profit subcontractor.

We acknowledge that when the public schools are prime sponsors of early childhood development programs, certain new responsibilities and difficulties will be entailed. Child care and early childhood education programs are not a typical classroom experience. They present a different kind of challenge to the people who will be involved in carrying out their intent.

Realistically, there are some constraints which any formalized, extensive child care program will place on teachers and parents. The two groups are going to have to learn to get along and go along in seeking the best for the children. This will be difficult but not insurmountable. In making certain decisions, perhaps parents should control; in others, perhaps teachers should prevail. On balance we believe it can and must be worked out. Whatever legislation is enacted must encourage that balance.

NEA believes that the purpose of early childhood care and family services is to begin to prepare a child for life—not necessarily for education in the formal sense, but for life. Child care programs must provide an atmosphere in which the child may be exposed to experiences which he or she cannot or does not get in the home, and extend, strengthen, and augment those valuable experiences which the child may bring into the program. The programs and the experiences must begin to acclimate a child to the environment in an elemental physical sense—certainly we are not talking about teaching a 12-, 15-, or 24-month old child the three R's, but rather about those experiences that are appropriate to the developmental level of the child, social and emotional as well as intellectual.

Nor are we talking about custodial care. We agree that custodial care has a legitimate place and function. Those parents who wish custodial care for their children should be able to choose programs of this type. Unions, for example, should be able to negotiate for custodial facilities and personnel on job sites. We have absolutely no objection to this sort of care which does not pretend to have an education component. But H.R. 2966 and S. 626 do not treat custodial care, nor should they. What these bills address and what we support are early childhood education, a pretraining period, not mere babysitting.

Recent research has shown, for example, that a variety of approaches to teaching young children is both necessary and beneficial to later academic and life achievements. In fact, the works of such scholars as Burton White indicate that basic learning and coping styles may be established as early as the later months of the first year of life. Learning environments which recognize and capitalize upon the early cultural and life experiences of the child must therefore reflect the appropriate diversity. No one model of early childhood education or day care can hope to meet the endless varieties of needs which young children present. It is our hope that the models that have resulted in gains can be further developed and adapted for use at state and local levels. Basic concepts and principles of child development which acknowledge and support individual needs of learners demand the wide varieties of models that programs such as Head Start, Follow-Through, and others have exemplified. This is the kind of pretraining that NEA supports so that when a child leaves the early childhood education program and goes on to what is more formally considered to be school there is a carry-over component.

Within this context we reemphasize that we are speaking as professional educators for the best interests of the child. As public school teachers we have the training and the experience to recognize that many of the most important influences on a child and his or her formal learning ability emanate from the very early years. Also by virtue of training and experience we are probably better qualified to determine the shape of those influences than any other definable class.

I should point out here that we disagree with those who view early childhood education programs only as a vehicle for reemployment of out-of-work teachers, social workers, health professionals, and the like. We believe that only those who are qualified in early childhood education—not, for instance, an unemployed sixth grade teacher untrained in early childhood—should be entrusted with the important task of working with the very young.

In order to assure that qualified personnel are available for work in early childhood programs, we will insist that programs to train—and/or retrain—early childhood educators are established and funded. We believe that such training programs will attract into early childhood education motivated individuals, either new blood or experienced people needing training to enter a related field. We are pleased that H.R. 2966 includes Title IV to provide such training, both by the authorization of new programs and by amendment of existing legislation to permit and encourage training in early childhood education. Such training will determine the ultimate success of any early childhood education program. It is obvious that personnel who are going to lead children into a whole new learning experience must also have had their own perceptions changed to better conduct children in the educational process. This is the true purpose of training.

In order to provide quality programs for early childhood, a number of components must be present: education, health, nutrition, recreation, and special services. We feel that coordination of these comprehensive services among the various local agencies involved will result in the better development of the child's self-awareness, positive self-concept, and physical and intellectual growth and realization of full human potential. To facilitate this coordination, we support the establishment of an office of child and family services within HEW, and especially under the Office of the Assistant Secretary for Education. We recommend, however, that the authority of the Director of the office be expanded to include all relevant programs within HEW and other agencies.

At present—and almost unbelievably—there are some 75 programs of early childhood education operated at the federal level: aside from OCD, SRS, SSA, and of course OE in the Department of HEW, the Departments of Agriculture, Defense, HUD, and others all have some control over aspects of child development programs. In short, there are at least 17 Cabinet- or operating agency-level bureaucracies which have a finger in the pie of funding and operating early childhood education programs.

Surely this is ridiculous. It has been my unfortunate experience in contacts with the federal government that the various agencies do not deal realistically with each other. Programs or program components which are parceled among a number of departments or agencies either fall between the cracks altogether or are not approached as a gestalt—everybody rides some herd on a piece of the action, but nobody is in control. For this reason we feel strongly that the Assistant Secretary for Education must have statutory coordination responsibilities. Moreover, we recommend that the funds for all these programs be statutorily assigned to the Assistant Secretary for Education. It is our hope that this office will become the advocate within the federal government for child care programs, will improve the delivery systems, and will serve as an impetus for cooperation at the local level. A united voice for all children can be far more effective than fragmented echoes for some children. To achieve the goals set by this proposed legislation, the establishment of a coordinating council of all agencies at the federal level will hopefully bridge the gap between the agencies that provide child care services.

We support the provisions regulating the use of federal funds, which clearly outline the many different options a community may have in determining their child care services. We are supportive of all those mentioned, especially the emphasis given to training and retraining, preservice and inservice, for professional and other personnel including parents and volunteers.

We will continue to insist that funds committed for early childhood education programs represent the nation's commitment to our young children, and that early childhood education moneys not be used as an excuse to reduce federal funding for K–12 education programs. It must be clearly understood—by Congress, school boards, teachers, parents, and everyone else—that early childhood programs are a supplement to, not a substitute for, other education programs.

Another provision of H.R. 2966 and S. 626 which we totally support is the requirement for parent participation. The most important factor in any contemplated child care program is obviously the child. But the second most important factor is the parents' access to the control of the variety of care services that the legislation would make available. The proposed language that ensures a parent policy committee, membership on which is balanced among the various constituencies to be served, can act as a safeguard for the delivery of services as developed and planned by the people involved.

Stereotypes and barriers will have to be destroyed; new ideas and training of personnel will have to be tested and evaluated; innovation must become the watchword; and new relationships must be established among the parent, educator, and school board, a relationship not based on political view, but based rather on the ability of people to set goals for services to be carried out by vehicles of their choosing for the benefit of their children. Parents, teachers, and school boards will have to change their attitudes and operations. They must recognize that this legislation is not exclusively for the use of the system. It is for the use of the people, and it must be formed and constructed so as to have only the limits set by the degree of participation of the full community. This change will not come in an instant. It will have to be structured, planned, and executed carefully. This is why we support extensive preservice and inservice training programs for those involved in these programs, both professional and paraprofessional.

We also recognize that neither Congress nor the education community can produce, full grown out of the head of Zeus, a structured, universal, effective early childhood enducation program. This is not something which can be achieved simply in one stroke of the pen. However, we are embarked on developing, especially as reflected in H.R. 2966 and S. 626, a sequenced plan which will do a great deal towards delivering to our young children the kinds of care and service that they need and deserve.

NEA Resolution 74–16, Child Care Services

The National Education Association urges the enactment of federal legislation to assist states and local communities in providing child care services, including early child development programs, health services, public community centers for the retarded and seriously handicapped and family counseling. Such programs must provide for maximum involvement of educators and parents at the operational as well as the administrative level.

The Association should establish standards for child care facilities and certification standards for professional child care personnel and seek their adoption by state agencies.

Action of NEA Board of Directors, May 3, 1975

Resolved that the NEA activity seek and support federal legislation such as amending the Child and Family Services Act of 1975—the Mondale-Brademas Bill—to provide for universally available early childhood and day care services and parental training for high school students, offered by the public schools as the prime sponsors.

Statement on Behalf of National School Boards Association by August W. Steinhilber

Mr. Chairman, my name is August W. Steinhilber, and I am the Assistant Executive Director for Federal Relations of the National School Boards Association. I am accompanied today by Michael A. Resnick, Legislative Specialist for the Association.

The National School Boards Association is the only major education organization representing school board members—who are in some areas called school trustees. Throughout the nation, approximately 80,000 of these individuals are Association members. These people, in turn, are responsible for the education of more than 95 percent of all the nation's public school children.

Currently marking its thirty-sixth year of service, NSBA is a federation of state school boards associations, with direct local school board affiliates, constituted to strengthen local lay control of education and to work for the improvement of education. Most of these school board members are elected public officials. Accordingly, they are politically accountable to their constituents for both educational policy and fiscal management. As lay unsalaried individuals, school board members are in a rather unique position of being able to judge federal, state and local relationships, such as the "Child and Family Services Act," purely from the standpoint of public education, without consideration to their personal professional interest.

In this regard, the National School Boards Association adopted the following resolution at its annual convention last April:

"The National School Boards Association urges that Congress give increased attention to the matter of federal financial assistance to public schools for the encouragement of early childhood development programs. The NSBA further urges coordination of the educational component of all early childhood programs with the public schools. The NSBA feels that early childhood programs are basically educational in nature and, as such, grants under these programs should be made available to the school districts first."

Mr. Chairman, the National School Boards Association supports the overall objectives of the Child and Family Services bill—especially to the extent that it would provide pre-school education, not just custodial services, for the children it covers. However, there are several points with regard to the delivery of such educational services which will require some modification if the program is to fit into the existing operations of local educational agencies. Although the bill also provides a full range of services in areas outside of education, with your permission, we would like to confine our remarks to our sphere of responsibility.

A. ROLE OF LOCAL EDUCATIONAL AGENCY IN DEVELOPMENT OF PLANTS

The bill makes funds available to the field through prime sponsors, which, for the most part, consist of states and general purpose units of local government. Althought section 102(a) enables local educational agencies to also apply as prime sponsors, section 107 suggests that, generally, LEA's will receive federal funds as "project applicants"—either directly from the Secretary or indirectly from a prime sponsor. Given the responsibilities upon prime sponsors to coordinate services, we are not suggesting that the LEA role should be other than that of a project applicant in most cases. However, in light of both the importance which the education function bears to the overall purposes of the bill, and the need for the LEA to coordinate pre-school services with its established activities, it is vital that local school systems be guaranteed an opportunity to participate during the policy formation process.

In this regard, neither the child and Family Services Councils (which are established by local prime sponsors), or the local program councils (which are established by state prime sponsors), *requires* the membership of an LEA representative from the area to be served. Indeed, the only role envisioned for the LEA is provided by section 106(c)(1), which states that the educational agency shall have an opportunity to submit comments to the prime sponsor and to the Secretary. While such an opportunity to comment should be in the law, the LEA should also be involved in the dynamics of the Child and Family Services Council activities—especially since, under section 105(b)(3) such councils are responsible for approving Child and Family Service plans.

Perhaps the need for such participation could be made clearer by example. In the case of federal program administration, most of the school districts which would be involved in early childhood services are already running ESEA Title I programs and may soon be receiving programs for handicapped children under H.R. 7217. We do not believe that the full benefits of these programs will be realized unless every opportunity is given to the LEA to coordinate its grants and operations.

Finally, LEA participation on councils would seem consistent with one of the basic purposes of the bill, which is to design programs "to extend Child and Family Service gains (particularly parent participation) into kindergarten and early primary grades, *in cooperation with local educational agencies*" (section 102(b)(2)(I)).

B. PUBLIC SCHOOL PRIORITY

In designating the state and general purpose units of local governments as prime sponsors, the bill, in effect, is establishing a priority for these governmental bodies to oversee the program. Restated, H.R. 2966 correctly creates a presumption that governmental bodies are better equipped for meeting the general responsibilities of the program than are other agencies and institutions.

In contrast, the local educational agency is not given the same clear presumption over other organizations seeking to provide the educational component of the program. Given the fact that the public school systems will eventually be responsible for educating most of these children, there is a strong case of continuity creating such a presumption for the LEA. Furthermore, since the bill will definitely be serving children under six years of age, at least with respect to kindergarten and perhaps first grade children, the bill seems to be creating a non-public school voucher system—to which we are opposed. By way of compromise, if the bill gave LEA's the right of first refusal over the education component, any weakening of the kindergarten or first grade programs caused by federally funded non-public schools then would be an affirmative choice of the LEA.

Finally, in any instance in which the LEA is not operating the education program, we would urge that the bill require project plans to be approved by the local school system, either in addition to, or as a part of, the present policy committee process. To do so would service the needs of continuity and quality in the educational process and would also further the possibilities for cooperative arrangements and assistance from the public schools.

C. CHILD AND FAMILY SERVICE PLAN REQUIREMENTS

We note that one of the Child and Family Service Plan requirements is to "meet the needs of all children, to understand the history and cultural background of minority groups within the prime sponsorship area" (section 106(b)(8)(B)). In this regard we question the extent to which school systems would be able to provide—and the extent to which pre-school children would be able to comprehend—a history and cultural background of minority groups in the area. We are concerned that this provision raises unrealistic expectations. We also question the working "to meet the needs of all children." If this wording is intended to include school-age children who are not participating in the program, substantial funds would be required and serious community disquiet could arise as to school board responsibilities for curriculum development.

Perhaps the above-mentioned problems would be cured if the bill required only that plans "*address* the needs of children *participating* in the program" rather than requiring plans to "*meet* the needs of *all* children."

In addition, H.R. 2966 states that Child Development Plans must be operated so as not to deny employment to any person who fails to meet teacher certification standards and that there be a career development plan for professional training, education, and advancement on a career ladder (section 106 (b) (10) and (11)). Although local school boards encourage all qualified persons to apply for employment in the program, this provision may create problems within the context of state law and existing teacher contracts. Furthermore, if the qualifications of two applicants are otherwise equal, the language prohibiting a denial of employment solely due to the lack of teacher certification appears to create a bias against those applicants who are certified.

D. DEVELOPMENT OF PROJECT APPLICATION

Since most of the LEA involvement in the program would be in the capacity of a project applicant, a few comments as to the requirements of same should be made.

Project applicants, like prime sponsors, must establish a public committee, which in this instance is called a "parent policy committee" (section 107(b)(2)). However, unlike Family and Child Services Councils, these committees have responsibilities for *approving* such additional pre-school activities as basic procedures, personnel, budgeting, location of centers and facilities, and the overall conduct and direction of the program. While these requirements, if limited to the context of early child development are attractive, we are concerned that within the context of operating an entire school system they invite administrative problems. Perhaps the intent of the additional requirements can be met if the LEA, as a project applicant, gave the assurance that guidelines for these operative facets be developed.

E. STANDARDS AND EVALUATION

Thus far, Mr. Chairman, our remarks have addressed Title I of the bill, which deals with the delivery of Child and Family Services Programs. Since many of the operative features of the other titles are outside of our immediate area, I will only touch upon them in brief.

With respect to Title II, which relates to standards and evaluation, we would urge, as a part of HEW's guideline promulgation process, that the bill require a reasonable period during which the public would have an opportunity to comment. Moreover, because of the priority objective to provide education services to pre-school children, as well as the effect which the provision of those services would have on the operation of LEA's, we urge that the bill require school board representation on both the Special Committee on Federal Standards for Child Care and the Special Committee for Developing a Uniform Code for Facilities.

F. CONSTRUCTION, RESEARCH, AND TRAINING OF PERSONNEL

Turning to Titles III and IV, we support the notion of providing federal grants for construction, research, and the training of personnel. At the same time, in terms of priorities, we believe that Title I program funds should be delivered to the field immediately. Therefore, we also support the approach taken by the bill to fund Titles II and III as separate line items—hence avoiding the dissipation of Title I funds to these other valuable but costly needs.

G. CONCEPT OF THE BILL

By way of general comment, two obvious questions which the design of the bill raises relate to the cost of funding and to the bureaucratic mechanism established.

Although the bill is costly, to the extent that it frees-up parents to return to the work force and can be used to employ parents, reduction in the welfare roles will be somewhat of an off-setting factor. In terms of the youngsters served, since children are affected most by the educational services received in their earliest years, this bill may be able to off-set additional remedial expenditures for them in latter years, and more importantly, improve their productivity as adults.

It could be argued that the bill would expand the federal bureaucracy and would add to the red tape at the local level, whereas a simple tax rebate or negative income tax to the parents involved would do neither. However, on balance, the institutional grant approach on H.R. 2966 does have the advantage of ensuring that those agencies which are best qualified to run programs will be given the first opportunity to do so and that a full range of service will be provided.

CONCLUSION

Mr. Chairman, the National School Boards Association is generally supportive of the Child and Family Services bill. We are concerned however, that 1) local educational agencies are not given the right of first refusal over the educational component of the service plan; 2) local educational agencies are not given an opportunity to have policy input into the education component of plans operated by non-LEA's of the area served; 3) local education agencies are not explicitly a part of the policy formation process regarding the development of such plans; and 4) local education agencies are not explicitly a part of the federal process for developing the various federal standards and code requirements. It is our view that the needs of the children are too great for there to be any opportunity to by-pass the involvement of the LEA.

Mr. Chairman, on behalf of the National School Boards Association, I wish to thank you for this opportunity to testify.

TESTIMONY BY DONALD D. NEWMAN, M.D.

BACKGROUND

The Los Angeles Unified School District serves a large metropolitan area encompassing over 710 square miles and includes within its boundaries numerous smaller cities in addition to the City of Los Angeles itself. In terms of ethnic composition the student population within the District is 27.8 Spanish-American surnamed, 24.7 Black, 5.1 Asian, and 41.9 White. Educational programs offered range from early childhood through adult years.

Today, my testimony focuses upon the early childhood education and child development programs operated by the District.

ASSESSMENT OF NEED

In the Los Angeles Unified School District, over 50,000 pupils enter kindergarten each year and there are approximately 100,000 children in the pre-kindergarten age bracket. A large percentage of the children entering kindergarten are not adequately prepared by experience or training to establish patterns of success in school and wholesome development of the child is precluded by a succession of early failures.

The district's long range plans are predicated on sustaining and enhancing the advantage gained by early-childhood enrichment programs. In order to bring together the resources of parents, schools and society in a meaningful and productive combination, the Los Angeles Unified School District has taken inventory of its applicable resources and has concluded that it has the potential for making even greater innovative contributions in the field of early childhood development.

The basis for this conclusion is an assessment of present programs, availability of requisite personnel, and other relevant resources. There is a limited number of preschool classes that have been in operation for a number of years funded under Title I ESEA, and others funded by the State, a Follow Through Program, a long-established parent-education program, a program for training high school students as paraprofessionals in preschool work as part of the career-education program, and a State Early Childhood Education Program for children in grades Kindergarten through third grade levels. As a result of these programs, there is a nucleus of qualified personnel including teachers, administrators, staff development and technical specialists and consultants, and a number of trained paraprofessionals. Beyond these programs and personnel, the district has 82 facilities presently operating Children's Centers serving over 8,000 children, approximately half of them at prekindergarten age level. We have a substantial body of instructional material in use as developed by our specialists and a significant amount of such material is becoming increasingly available from commercial suppliers. We also have the staff and background to provide appropriate progress evaluation and reporting systems.

The Los Angeles City Board of Education and the Superintendent of Schools recognize that the Los Angeles City Unified School District is in a unique position because of the combination of its magnitude of need and its existing capabilities with potential for further development in early childhood education. We are confident that the research of Regional Laboratories and other agencies, coupled with our experience in the field, give us potential to expand superior models of comprehensive early-childhood development programs.

LOS ANGELES UNIFIED SCHOOL DISTRICT'S EARLY CHILDHOOD EDUCATION AND CHILD DEVELOPMENT PROGRAMS

The commitment of our district to education and development in the early years is demonstrated by major continuing programs designed to meet the individual needs of young children. I refer to the following programs each of which I will describe in some detail:

Children's Centers (often referred to as day care centers, child care centers, or child development centers).

State Pre-school Program.

Title I ESEA Pre-kindergarten Program.

Follow Through Program.

Child Observation Classes—Parent Education.

Special Education Programs.

State Early Childhood Education Program.

Let me begin with the Children's Centers. As some of you may recall, the need for day care for children of working parents became acute immediately after the outbreak of World War II, when fathers of young children were drafted into the service of our country and the mothers needed to supplement their small monthly allotments. Jobs were available because of the critical need for a large labor force in the defense industries. To make it possible for mothers to take these jobs, the Lanham Act was passed by Congress to provide federal funds available to the states for the operation of day care or extended school services for children of mothers employed in essential industries. California accepted these federal funds for child care centers and enacted legislation stipulating that the State Superintendent of Public Instruction would establish standards for the centers. The first child care centers pursuant to the Lanham Act were opened in California in 1943.

With the expiration of the Lanham Act in 1946, Congress appropriated no additional funds to continue the operation of the centers. The California Legislature, however, did appropriate funds for the child care centers and specified that the centers were to be administered and operated by the governing boards of school districts.

For clarification, it should be pointed out that California's Children's Centers are defined as day care centers or child development centers operated by school districts.

The Los Angeles Unified School District elected to operate Children's Centers over 30 years ago under the Lanham Act which I have described. What began as a temporary service has become an integral part of the Los Angeles City Schools, with the added provision of an early childhood developmental and instructional program.

Our 82 Children's Centers, under the jurisdiction of the Los Angeles City Board of Education as well as the State Department of Education provide educational, nutritional, health, and social services for 8,000 pre-school and school-age children whose parents are employed, in school, or in training. The centers operate year-round, five days per week (Monday through Friday) from 6:00 a.m. to 6:00 p.m. Our facilities are located on or near school sites and are, therefore, very convenient for parents who may have both pre-school and school age youngsters. The elementary school provides the formal instructional program for the school-age children who attend the centers before and after school and during vacation periods. For these youngsters, the centers extend and enrich school experiences, provide opportunities for tutoring younger children, and offer personalized instructional activities.

Financial support for the centers is derived from Federal through State Title IV-A Social Security Act funds, State appropriations, parent fees and a permissive child development override tax.

All children attend the centers at the request of their parents. Youngsters from families receiving public assistance or from other low income families are in the first priority for enrollment. Fees are paid on a sliding scale based on the number in the family and the income level. Current recipients of public assistance and others with very low income pay no fee.

There is no question that the welfare rolls in Los Angeles would increase by the thousands were it not for our Children's Center program which enables parents to work, attend school, or receive training. At the same time, their children are participating in an early childhood developmental program designed to assure continuity and success in school experiences.

Please take note that with our 82 Children's Centers, we have, by far, the largest number of child development centers operated by a local educational agency in the United States. Even so, with over 8,000 children enrolled in our centers we have at least as many on our waiting lists. Our projection through 1979 calls for increasing the number of centers by 19 to a total of 101 with an enrollment of 12,500. The availability and coordination of funding from federal, state, and local sources is essential.

Now let me describe the State Pre-school Program. In contrast to the Children's Center operation which is a full-day program, the State Pre-school Program is part-day operating Monday through Friday for 3 hours each day.

Forty classes of 15 children each are housed in the Children's Center buildings while school-age children enrolled in the centers are attending school. In addition to the teacher each class has an education aide, and a parent or community volunteer. This program serving 600 children is designed to provide opportunities for pre-school children, 3 years-9 months to 4 years-nine months of age, to attain physical, social, and intellectual development commensurate with their ability. The children come from economically disadvantaged families or families where a language other than English is spoken in the home.

The next program is also for pre-kindergarten children but receives funding from a federal source, Title I of the Elementary and Secondary Education Act of 1965.

ESEA, Title I Pre-kindergarten classes are operated by our district in Title I schools. There are 92 classes each with 15 pupils, a teacher, an education aide and a parent volunteer. As in the State Pre-school classes, children served are from economically disadvantaged families many of whom speak a language in the home other than English. Comprehensive educational, health, and nutritional services are provided for 1,380 children. Emphasis is placed upon parent participation and involvement.

Follow-Through is another of our early childhood education programs. It's purpose is to build upon the gains made by children who attended pre-school or Head Start classes. Federally funded by the Economic Opportunity Act and the Elementary and Secondary Education Act, it serves 3,500 children from low income families. The children are enrolled in kindergarten through the third grade in elementary schools. Follow Through is a research and development project utilizing three instructional models one of which is bi-lingual. Parent participation is a vital component of this program.

We feel there is an important linkage between early childhood education and parent education. Supporting this point of view are 4,200 adults and 6,300 pre-school children who participate in child observation and preparation for kindergarten classes respectively. Operating within our Career and Continuing Education Division these local District-funded classes provide parent and pre-school education three hours each week in 140 classes.

State and District funds provide Special Education for young children who are mentally or physically handicapped. In addition, we have begun the planning phase of a new project which will integrate handicapped children into Children's Centers. In-service training of professionals and paraprofessionals is now in progress.

California's State Early Childhood Education Program is the result of State Superintendent Wilson Riles' desire to restructure the public school system by convincing the State Legislature to make a long-range commitment of funds for the early grades—kindergarten through grade three. The Early Childhood Education Act of 1972 requires that parents, school staffs advisory councils, and communities be involved in planning, implementing, evaluating and modifying the program. Emphasis is upon continuous pupil progress through personalized instruction. In this school year, 89 of our elementary schools are participating serving nearly 30,000 children.

COORDINATION OF PROGRAMS AND SERVICES

Coordination of programs operating within the District as well as with other early childhood education programs operating under different auspices in the community is essential to avoid duplication of services and to address unmet needs.

Just a word about personnel . . . Teachers, paraprofessionals, education aides and volunteers work together in our early childhood education programs. With low child/adult ratios required to meet individual needs, the utilization of an instructional team promotes the career development concept and permits a cost effective operation. Pre-service and in-service training for all personnel must be a high priority.

FACILITIES

With the exception of our Children's Center Program, all of the early childhood education programs are located in school buildings. I will describe, therefore, the Children's Center construction program.

Since 1960 when the Legislature authorized the Children's Center Permissive Override Tax (Re-named Child Development Permissive Override Tax in 1972), the Los Angeles Unified School District, has constructed 53 new or replacement facilities. These buildings are designed specifically for the operation of child development programs.

The District is presently engaged in an extensive building program to replace present facilities which do not meet Earthquake standards and to provide new facilities to meet the needs of parents who have in excess of 8,000 children on waiting lists for the existing centers.

Completion of the current building program will provide for 19 additional facilities over the next four years. Each building, exclusive of land purchase, if any, costs approximately $350,000.

PRIME SPONSORS

In conclusion, because of the commitment, experience, investments, and capability of providing early childhood education and child development services, the Los Angeles Unified School District anticipates becoming a prime sponsor pursuant to the passage of the Child and Family Services Act of 1975. Indeed, it would seem that our district is already operating well-established model programs and delivery systems which could be demonstrated and replicated throughout the country. It is my opinion that, in addition, because of the fiscal policies and accounting procedures of school districts that those districts who so desire would be ideal prime sponsors. Accountability for expenditures of federal funds would be assured.

Thank you for the opportunity to address this important committee on a topic of great interest and concern to the citizens of our country.

STATEMENT OF ALBERT SHANKER

I am Albert Shanker, President of the American Federation of Teachers, AFL–CIO, a union of teachers, paraprofessionals and other educational personnel. The AFT has more than 450,000 members in over 2,000 local unions throughout the country. We welcome this opportunity to present our position on what programs should be enacted for the children of our country before these two Subcommittees. We have followed the course of your hearings with great interest and are pleased to have this chance to speak on the major new initiatives for children that you are considering.

Numerous arguments have already been presented here as to why this country must expand facilities for the care of children. There are many compelling reasons which were spelled out in a resolution passed by the AFL–CIO in May of this year:

"The unmet need for child care is greater today than it has ever been because large and growing numbers of women have to work. They are being forced to leave their children without the care and attention they need. Other mothers, on public assistance, want jobs but cannot find adequate child care.

"The statistics clearly show the growing nature of the problem:

"From 1948 to 1973, the percentage of working mothers grew from 18 percent to 44 percent;

"26 million children (6 million under 6 years old) have working mothers;

"12 million children live in female-headed households where the median income is $6,195 if the mother works and $3,760 if she does not;

"5 million children live in single parent families where the parent is in the labor force and out of the home;

"During this time of massive and still rising unemployment and continuing inflation, the family's real dollar shrinks. As husbands become unemployed, wives seek to replace their income. But to work, they must find decent care for their children.

"More mothers are constantly entering the labor force and many more need and want work. But lack of adequate child care poses a major problem to all of them. In addition, millions of disadvantaged children, whose mothers are home, could benefit from child care services. There are 5 million children under 6 years of age in poor and near poor families, many of whom could benefit greatly from child care services."

In addition, there is increasing recognition of the importance of the early years to the total intellectual and social development of children.

In terms of the Child and Family Services Act, these facts lead us to the central question of how to best frame a program so as to maximize its impact for working women and single parents, for the total development of the child, for the professionals who work with children and for the social needs of the nation. We believe that the best way to do this is by administering such programs through the public education system.

We are aware that our position in support of the public schools as the presumed prime sponsor for child development programs represents a major departure from the established organization and substance of existing federal programs and a departure from the direction these committees took in passing the vetoed Comprehensive Child Development Act in 1971. We believe that at that time the use of the public school system as prime sponsor was not adequately considered, probably because even in 1971 it was not yet clear that the schools were available to administer a program that would serve even more children than they were already responsible for. The whole trend of declining enrollments in education has produced a situation where the school system can now begin to provide and coordinate needed services for children in the pre-kindergarten age group.

In fact, now is a time when our social policies should be trying to combine the interests of children, parents and the professionals already working in existing programs to develop a program that will meet the common needs of all. We believe that the approach outlined in S. 626 and H.R. 2966 does not represent the best way to do the job. By providing prime sponsorships for state and local governments, with opportunities for profit-makers, private non-profit, community action agencies and others to operate programs, the bill would guarantee a fragmentation of effort, duplication of services and would act as an inhibition to the creation of a strong active constituency able to secure the funding and public support so necessary for the success of such a program. We believe that putting responsibility in the schools is the best way to create a program that can grow. This is the case I intend to make here today.

First, the schools are available throughout the country. They exist in urban, suburban, small town and rural areas. By being universally available, the school system meets the first and one of the most important criteria that the AFT has for a child development program. Child development programs should be available to all children whose parents desire to utilize this service. It should not be restricted on the basis of means tests, sliding income scales, or other criteria that prevent the majority of our citizens from utilizing a highly desirable and crucial public service. Second, over the past few years, the school systems of our country have become adept at administering large, complicated federal programs. They already possess the expertise to move immediately to the implementation stage without creation of another layer of bureaucracy.

Another major criteria the AFT has is that the program should contribute to the intellectual development of young children. Within the last twenty years, the works of educators like Benjamin Bloom, J. McVicker Hunt, Jerome Bruner and Jean Piaget have pointed to the crucial importance of the early—what are now thought of as preschool—years to the later intellectual potential of children. Their thinking tends to support the idea that the young child should be deliberately exposed to stimulating experiences rather than simply left on his own. The evidence on why the public schools would be better equipped to provide such stimulation includes the following:

1. It is well known that much of a child's development during the early years has to do with the social, emotional and physical growth that surrounds intellectual development. These areas are just as important to cognitive growth as those activities viewed more strictly as "academic." In view of this, comprehensive public school services having to do with diagnosis, guidance counseling, health (innoculation, etc.), special treatment referrals, bilingual education, handicapped education, and the services of dieticians would provide children with more services than the average nursery or day care center.

2. An Office of Child Development Report called *A Report on Longitudinal Evaluations of Preschool Projects: Is Early Intervention Effective?* which suggests that the gains of programs like Head Start are better maintained if there is a continuity of effort between such programs and supplementary, public, school-age programs like Follow Through. It would seem to make sense to administer both through public schools to gain maximum effect from a more comprehensive effort.

3. A report of the Institute for Development of Educational Activities (I/D/E/A) which catalogued all the possible kinds of activities that could take place in preschool and found that most programs which they looked at were heavily concentrated in a few of the more obvious: Blocks, naps, outdoor play, etc. (see Appendix). The I/D/E/A researchers also found significantly higher program quality in the public school kindergarten programs they observed and attributed the difference to the fact that these programs were part of the educational mainstream and not isolated as were many of the preschool programs.

There are other, less obvious, reasons why it makes sense to use the schools for these programs:

1. It would be more efficient to use existing underutilized resources than equip new ones.

2. The public schools would be more able to coordinate the diagnostic, counseling, dietetic and other services needed by young children than isolated day care centers. The schools are performing this function with respect to handicapped children and there is every reason to believe they can do it with young children as well. Some services, such as dental care, which are now provided in public schools could be provided to children earlier if early childhood programs were part of the public school system.

3. Qualified personnel: Through the licensing mechanisms already in place in every state and local education agency in the country, a program run through the schools could be sure of using the best available people for its operation. We have heard much about the lack of qualified people in early childhood education and how much lead time and training is needed to reach the fully operative stage. Part of the reason for the teacher shortage of the 1950's and 1960's was the ridiculously low pay that teachers received. With the advent of professional pay scales won through collective bargaining, more and more teachers began to look at their jobs as a lifetime profession. When teacher salaries became competitive with some of those paid in the private sector, many qualified teachers stayed with their jobs and the turnover in education became less of a problem. We wonder how many more qualified people would seek the jobs in these programs if they were available at professional salaries. It might turn out that the shortage is not as great as is currently anticipated and that a real program can be made operative. We do, however, agree that special skills are needed for very young children and we do advocate provision for training professionals both inservice and preservice.

PUBLIC CONTROL

In our view, one of the main reasons why new initiatives in child development should come under the jurisdiction of the public schools is that the schools are publicly administered and controlled. Because the schools are so often supported by separate and visible taxation, they must be accountable to parents and the public. And, because funding for the schools is so frequently dependent on voted bond issues or voted increases in property tax millage, the public education system is one of the most responsive institutions of government. Private profit-making entities in the day care business, on the other hand, are not subject to democratic policy-making, and their services are always geared to their *profit margins.* It is our position that the public schools should be the presumed prime sponsor of programs provided for under this bill except in those instances where the public school system is unwilling or unable to assume this responsibility. Our position in this issue is shared by virtually all of the education community and by the AFL–CIO. In May, a resolution adopted unanimously by the AFL–CIO Executive Council stated:

"In most communities, the school system would be the appropriate prime sponsor of the child care and early childhood development program, with the responsibility for planning programs, distributing funds and monitoring programs. Where the school system is unwilling or unable to undertake this responsibility in accordance with Federal standards, some other appropriate public or non-profit community organization should be eligible.

"Even where the public school systems are the prime sponsor, all of the services need not actually be offered in public school facilities. For instance, communities may want in-home child care, family and group day care homes for children who are too young or not ready for large school facilities as well as special services for the emotionally and physically handicapped which may be offered outside the educational system. We support the expansion of these diversified services by educational systems or by an alternative sponsor as they administer these programs.

"Only public and non-profit groups should be permitted to participate in the program. There is no legitimate role for profit-making entrepreneurs in child care programs. The sorry record of profit-making organizations in the provision of human services, especially in the nursing home, health care and education fields, has led the AFL–CIO to strongly oppose any involvement of profit-makers in human services programs. Profit-makers were excluded from providing day care under Head Start. They should continue to be excluded in any new early childhood and day care programs."

Clearly, the time has come to reverse direction. Although current efforts include many programs that meet high standards and provide quality care for the children served, they cannot take the place of a comprehensive program intended for all children. While we support continued funding for these programs, we believe it is time to examine some of the reasons for the sorry state of child development programs.

FAILURE AT IMPLEMENTATION AND FUNDING

Overlapping jurisdictions make it impossible to know exactly what is and is not being done, but a few dramatic examples should help to illustrate the problems inherent to multiple administrations:

1. The Early and Periodic Screening, Diagnosis and Treatment Program has screened only 10 percent of a possible 10 to 13 million children under 21 for possible physical defects. The purpose of the program was to provide children who are eligible for Medicaid with preventive health care. HEW has not been able to persuade the states to implement the program Congress authorized seven years ago.

2. The Supplemental Security Income Program is intended to provide monthly cash payments to disabled children. The payments vary according to a family's income and the nature of the disability. HEW now estimates that only 65,000 out of a possible 250,000 eligible children are now receiving these payments. Children receiving SSI are automatically eligible for Medicaid and would also be provided with vocational training. No effective outreach programs now exist to find these children.

3. Nine hundred million dollars appropriated for state social service programs went unspent during 1973. The 2.5 billion dollars allocated to social services through Title IV–A is the largest federal source of day care money. Only a little more than half the money was actually spent.

POOR QUALITY OF STAFF, PHYSICAL PLANT, HEALTH AND SAFETY, ETC.

The well-known study, "Windows on Day Care," published by the National Council of Jewish Women and "Early Schooling in the United States," a report of I/D/E/A are among the many studies which thoroughly document the poor conditions found in many day care establishment and the inadequate professional training received by most staffs.

Both these reports place the blame at the feet of the states which, for the most part have inadequate state licensing provisions and staff qualifications that are set very low. A state by state analysis of these provisions, which can be found in "Child Care Data and Materials," a report of the Senate Committee on Finance, shows that day care staff can range in qualification from such vague stipulations as "equipped for work required" in Idaho, Iowa and Kentucy to the prerequisite of a B.A. in Hawaii.

Although all but two states require that day care centers be licensed, many exempt federally operated or regulated centers. And, since the Federal Interagency Day Care Requirements defer to the states in the licensing of centers and staff, there is little to prevent endless buck-passing between the two levels of government when it comes to enforcement.

LACK OF ADHERENCE TO LICENSING STANDARDS INCLUDING CHILD/ADULT RATIOS

Because of fragmentation, surveys in this field are hard to come by. Yet a recent HEW audit of day care programs called The Review of Child Care Services Provided Under Title IV, Social Security Act gives enough information to indicate how wide the gap is between licensing demands and reality. Of 552 centers and private homes which provide day care in nine states, the audit found that 425 did not meet minimum health and safety requirements while over a third of the sample did not meet child/staff ratio requirements. Such figures are really quite shocking. It is surprising that they have not received more attention in the testimony before these committees.

INADEQUATE RESOURCES IN STAFF

All of the major studies I have referred to thus far support the observation that most day care and early childhood centers employ staffs at very low rates of pay. Low wage scales cannot hope to attract the best qualified people. In fact, as our members know, one of the reasons for the teacher shortage of the Fifties was the ridiculously low pay that teachers received. It took some hard battles and collective bargaining to make teaching a job anyone would view as a long-term profession. It also meant that teaching came to attract better qualified professionals. The same could come to be true in the day care field.

At this point, some would argue that all this information on poor quality care only proves that day care is bad for children and that the Federal government is wise not to involve itself.

Nothing could be further from the truth.

Women will go on working regardless of what actions are or are not taken by the Congress. The lack of access to quality child care will not eliminate the economic necessity of supporting a family. Rather, failure to provide quality child care to those who need it will simply force families to settle for custodial care or no care. And it will be the children who suffer. The problem will not go away by ignoring it. It is not a question of encouraging women to leave home. Rather, women working and leaving the home are facts which have existed. Their numbers continue to increase in spite of rising unemployment and in spite of decreases in family size.

America prides itself on being a child-loving society. In reality, we pay only lip-service to this ideal. A simple explanation of the status of children today painfully illustrates this fact:

America must bear the shame of lagging behind 14 other countries in the rate of infant mortality;

29 percent of all children in our inner cities do not see a doctor during a given year;

5 million children in the U.S. suffer from malnutrition;

Hundreds of thousands of handicapped children receive no services;

Thousands of retarded children are living in state "warehouses" under what has been rightly called "institutionalized child abuse";

Child abuse and neglect are widespread and growing problems among all social and economic groups;

Teenage alcoholism and drug abuse are growing problems;

1 out of 9 children will be in juvenile court before they reach the age of 18; and

Suicide is now the second leading cause of death for young Americans between ages 15 and 24;

And what leadership roles have Federal, state and local governments taken to help alleviate this growing crisis?

HEW is currently spending only about 14 percent of its total budget on children.

Children represent 40 percent of our population but receive only 10 percent out of every health service dollar.

Less than 1 percent of Revenue Sharing money has been spent by states and localities on children.

The costs of neglect are enormous. For the children, neglect means limited opportunities to develop, poor health and limited opportunities to lead a happy and fruitful life. For society, neglect means expensive compensatory social service and income assistance programs.

The end result of all this is that the nation goes on year after year spending excessive time, money and effort on the problems of juvenile delinquency and crime. We are looking in the wrong place for solutions to problems resulting from a generation of children growing up without proper supervision. The situation becomes a tragic absurdity when one compares the $4 billion a year cost to us taxpayers of treating juvenile delinquency to the $400 million public investment in preventive child care programs scattered about government agencies.

While this bill cannot bear the entire burden of our problems, it can begin to change the continuing record of non-accomplishment. It can encourage programs such as the one now operating in California through the public schools which offers programs for all children regardless of income. We fully realize that a program of this scope cannot be accomplished overnight, especially in times of such economic hardship and budget shortages, but we should remember that means tested programs available only to low and no income people have never evolved into universal, high quality, nondiscriminatory programs. Such programs have traditionally served poor people poorly and working people not at all. We should avoid the pitfalls of a poverty program and begin with a program open to all children that need the service. The time for these services is now and the institution to sponsor them is the schools.

We know that in a school system serving over 45 million students, there are instances of rigidity and failure, but we believe that critics have greatly distorted the state of education today. A resurgence of inservice and preservice reforms has occurred. Alternative schools, work-study and community-as-school programs, open education—all exist within the public schools. They do not exist everywhere because different children, different communities have different needs. Yet the fact is, where the public wants change and works for change, the schools have responded. Placement of comprehensive child development in the schools would necessarily increase parental involvement and contact, thus enhancing the school's position as a community center. One would think opponents of using the schools would welcome this opportunity to make the schools an even more integral part of our society. We believe that when the program does operate through the schools, they will.

HOW GOOD ARE PRESENT DAY-CARE CENTERS?

Impression of care[1]	Nonprofit centers by auspices														Proprietary centers	
	Head Start		Other public		Philanthropic		Part public part philanthropic		Hospital		Other		Total			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Superior	5	10.9	4	8.3	6	8.8	6	8.0	2	16.7	3	9.7	26	9.3	1	1.0
Good	15	32.6	15	31.2	23	33.8	21	28.0	4	33.3	1	3.2	79	28.2	15	14.5
Fair	22	47.8	26	54.2	30	44.1	44	58.7	4	33.3	17	54.8	143	51.1	36	35.0
Poor	4	8.7	3	6.3	9	13.3	4	5.3	2	16.7	10	32.3	32	11.4	51	49.5
Total	46	100.0	48	100.0	68	100.0	75	100.0	12	100.0	31	100.0	280	100.0	103	100.0
Inadequate information	1				11		4		1		7		24		24	

[1] Impression of care is based on review of such factors as adult-child ratios, size of groups, services reported to be available, salaries reported paid, information on training, parental participation, hours open, observations of council survey participants on educational program, space, equipment, and other relevant aspects of care .

Note: The previous table is taken from "Windows on Day Care," by Mary Dublin Keyserling, a report based on findings of the National Council of Jewish Women, 1972, p. 120. It shows the number and percent distribution of nonprofit and proprietary centers by impression[1] of quality of care.

TABLE 5.1—FREQUENCY OF CURRICULAR AREAS AND ACTIVITIES

Curricular area or activity	Daily				Frequently				Occasionally			
	Total Sample	College laboratory centers	Montessori centers	Parents cooperative centers	Total Sample	College laboratory centers	Montessori centers	Parents cooperative centers	Total Sample	College laboratory centers	Montessori centers	Parents cooperative centers
Informal arithmetic	[1] 50.22	76.47	76.16	30	27.57	11.76	16.67	40	12.30	5.88	0	15
Formal arithmetic	17.26	23.52	45.83	0	10.09	11.76	12.50	0	7.06	17.64	8.33	5
Art	82.50	88.23	83.33	85	11.50	0	12.50	10	2.00	0	4.17	0
Foreign languages	8.95	0	16.66	0	4.96	11.76	29.16	0	9.93	17.64	12.50	5
Informal language	68.02	88.23	75.00	55	10.65	5.88	8.33	25	4.06	0	4.17	0
Formal language	20.60	35.29	45.83	0	10.55	11.76	20.83	10	5.02	0	0	15
Informal music	77.22	94.11	62.50	60	15.84	5.88	25.00	30	2.97	0	4.17	5
Formal music	19.58	23.52	29.16	15	18.07	5.88	25.00	10	7.52	23.52	12.50	15
Music instrument instruction	5.58	11.76	12.50	5	12.69	5.88	16.66	15	21.31	17.64	25.00	30
Informal reading readiness	62.18	82.35	91.66	45	15.91	5.88	0	15	5.47	0	0	15
Formal reading readiness	21.71	35.29	50.00	5	11.11	11.76	16.67	10	7.06	11.76	4.17	5
Reading	15.81	17.64	54.16	5	3.57	17.64	8.33	0	7.65	5.88	16.67	15
Informal science	50.99	76.47	62.50	45	26.25	23.52	20.83	25	14.13	0	12.50	20
Formal science	10.04	17.64	20.83	0	13.04	17.64	25.00	10	15.05	11.76	25.00	15
Informal social studies	36.86	58.82	50.00	30	27.25	29.41	29.16	25	16.15	11.76	8.33	15
Formal social studies	6.08	11.76	8.33	0	13.16	11.76	33.33	5	10.13	11.76	20.83	15
Blocks	81.30	88.23	62.50	70	9.08	5.88	0	20	2.52	0	8.33	5
Carpentry	20.00	47.05	25.00	25	21.00	35.29	8.33	45	21.50	5.88	16.67	20
Cooking	7.06	17.64	25.00	5	23.21	64.70	4.17	25	43.93	11.76	41.66	55
Dramatization and role playing	32.82	64.70	16.67	30	35.81	23.52	29.16	30	18.69	5.88	29.16	20
Organized group games	35.64	11.76	50.00	25	29.20	41.17	12.50	30	19.30	11.76	25.00	20
Informal rest	45.95	64.70	25.00	30	4.02	5.88	4.17	5	11.10	5.88	8.33	10
Naps	43.00	23.52	25.00	5	.50	0	0	0	2.00	5.88	0	0
Nature walks	4.51	5.88	8.34	5	44.71	70.58	33.33	15	39.18	11.76	41.66	70
Outdoor play	82.82	88.23	87.50	70	11.10	5.88	8.33	20	2.52	0	0	0
Rhythms	38.69	52.94	45.83	30	47.23	35.29	45.83	45	11.05	11.76	8.33	15
Story time	85.34	82.35	79.16	85	10.10	11.76	8.33	10	2.01	5.88	4.17	0
Trips	0	0.00	0	0	33.32	41.17	16.16	25	49.98	41.17	50.00	65

[1] Percent of directors who indicated that informal arithmetic occurred daily in their program. Source: "Early Schooling in the United States," an I/D/E/A report.

TABLE 1.—RESULTS OF HEALTH AND SAFETY REVIEW

Care type	Number examined	Number not meeting requirements
Day care centers	453	363
Family day care homes (includes care in the homes of relatives or friends)	[1] 50	21
In-home care	49	41
Total	552	425

[1] Excludes 55 facilities which were examined in Virginia but for which the records available did not disclose compliance with health and safety standards.

Source: "Review of Child Care Services Provided Under Title IV, Social Security Act," HEW Audit Agency, Office of the Assistant Secretary, Comptroller, p. 20.

TABLE 2.—RESULTS OF CHILD/STAFF RATIOS REVIEW

Care type	Number examined	Number not meeting requirements
Day care centers	453	185
Family day care homes (includes care in the homes of relatives or friends)	105	17
In-home care	49	41
Total	607	243

Source: "Review of Child Care Service Provided Under Titl/ IV, Social Security Act," HEW Audit Agency, Office of the Assistant Secretary, Comptroller, p. 23.

SUMMARY OF COMPLIANCE TO DAY CARE CENTER CHILDe STAFF RATIOS REQUIREMENTS IN VIRGINIA, MISSOURI, AND WASHINGTON

State and center	Age group	Required ratio		Observed ratio
		State	Federal [1]	
Virginia				
A	2–5	10:1	7:1	19:1
B	2–6	10:1	7:1	20:1
C	2–5	10:1	7:1	12:1
D	2–6	10:1	7:1	15:1
E	2–6	10:1	7:1	11:1
Missouri:				
A	3–6	10:1	7:1	12:1
B	2–5	10:1	7:1	15:1
C	3–5	10:1	7:1	17:1
D	3–5	10:1	7:1	19:1
E	3–5	10:1	7:1	25:1
Washington:				
A	4	10:1	7:1	16:1
B	3–5	10:1	7:1	14:1
C	4–5	10:1	7:1	16:1
D	5–6	10:1	7:1	15:1

[1] As previously indicated, FIDCR provides for child/staff ratios ranging from 5:1 to 10:1 depending upon the ages of the children—5:1 for 3- to-4-year-olds; 7:1 for 4- to-6-year-olds; and 10:1 for older children up to age 14. In case of overlapping age groups, we used the more liberal 7:1 ratio.

Source: "Review of Child Care Service Provided Under Title IV, Social Security Act," HEW Audit Agency, Office of the Assistant Secretary, Comptroller, p. 24

RESULTS OF THE HEW AUDIT AGENCY'S REVIEW OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL SERVICE REQUIREMENTS

States reviewed	Number of facilities reviewed	Number not meeting child/staff ratios	Number not meeting health and safety requirements
Massachusetts	12	0	11
New Jersey	20	8	7
Virginia	75	20	[1] 17
Georgia	12	11	9
Michigan	(2)	(2)	(2)
Texas	6	3	5
Missouri	40	7	27
California	330	123	279
Washington	112	71	70
Total	607	243	425

[1] Records were not available to permit evaluation of health and safety compliance at 55 facilities.

[2] Compliance waived by SRS Regional Commissioner.

Source: "Review of Child Care Services Provided Under Title IV, Social Security Act," HEW Audit Agency, Office of the Assistant Secretary, Comptroller, p. 38.

THE MIDDLE EAST: RENEWED HOPE

Mr. McCLURE. Mr. President, when the peace negotiations that were underway earlier this year collapsed, I believe that we all shared a deep concern for the future of the Middle East. Events of the past few days, however, have renewed our hopes that a peaceful solution to this decades-old conflict may finally be nearing.

The reopening of the Suez Canal, matched by the generous and laudable Israeli pullback of tanks, artillery, and missiles, shows us that step-by-step negotiations can work, with increasingly significant responses to each new initiative for peace. President Sadat's words well express this forward progress, when he states that—

> I think by the act of Israel today the momentum has started which opens the door to peace.

President Ford has shown his willingness and ability to help this effort continue forward, and I believe that his work of the past days and weeks should be applauded by this Senate and the American people. Nothing should be allowed to interfere with the movement that has begun, nor should the good will that has been created be marred by political rhetoric.

I am concerned that one of the key elements in this peace effort not be jeopardized. This is the role of the United States as a mediator. Whether we as Americans accept this role or not, in reality we are the only nation to which the parties to this dispute can turn as a "fair broker." History has cast us in this role and it is one which we are well equipped to serve. But, the administration will need the support of the Senate in the coming month. I urge that we provide that support.

The letter which was recently sent to President Ford by 76 Senators should be carefully examined, in light of this mediation role which the United States is being called upon to fulfill. It is possible, unfortunately, that some of the nations involved directly in the Middle East conflict will construe this letter to mean that we are not truly mediators, searching for peace and justice for all the parties involved.

There is, obviously, some differing of

opinion even among the signers of the letter. One signer stated explicitly that he did not accept as either defensible or justifiable the present occupation of Arab territories held by Israel since 1967. As that Senator stated:

> It would be folly for Israel to assume that American support means approval of the existing boundaries in the Middle East. The present boundaries are not defensible; they are a virtual assurance of continued conflict. And the nonrecognition of Palestinian rights by Israel would be as dangerous to peace as Palestinian nonrecognition of Israel.

That Senator also has accurately described the necessary basis for peace:

> Israel's right to exist as a permanent independent state must be recognized by both the Arabian governments and by the PLO or whichever group ultimately speaks for the Palistinians. But in return for that agreement of recognition, Israel must agree to return the occupied territories and must accept Palestinian self-determination, including the right to a political entity of their own.

Editorial comment in the Washington, D.C., press has accurately described some of the problems which could arise from misunderstanding of the content and purpose of that letter. As Tom Braden said in the Washington Post on June 3, 1975:

> The Senatorial letter makes Kissinger nothing more than an errand boy and assures the Arab states that he is powerless to arrange a deal. It is conceivable that Israel's leaders have determined on further concessions and regarded the Senate letter only as a means to let Kissinger know who was boss. In that event the step-by-step approach may yet yield results. But unless this is so, the game is over. Kissinger might as well stay home. Under the terms the Senate has laid down, it could send one of its own pages to handle negotiations.

In addition, a Washington Post editorial of June 1, 1975, refers to the Senators' letter as "a very mischievous thing to do." The letter is further described as "a blunt one-sided letter," and refers to its sending at this time as "altogether too risky." Mr. President, I ask unanimous consent that this editorial from the Washington Post of June 1, 1975, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. Mr. President, another editorial, from the Washington Star of May 26, 1975, makes reference to the letter as "ill-timed," and states that "the senatorial gesture is no help." This article includes an accurate description of my own concern with regard to this letter and to the possible misreading by other governments—by warning that "it could do harm by damaging Washington's credentials as a fair arbiter," and "it can undermine Arab confidence in the U.S. mediatory role." In summary, the Star editorial provides us, I believe, with the basic policy which the supporters of Israel's right to existence should pursue:

> Israel's true interest is in a peaceful Middle East, and an even-handed American policy is the best tool for helping to bring this about.

Mr. President, I ask unanimous consent that this Washington Star editorial of May 26, 1975, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCLURE. In conclusion, I urge that the Senate support the President's efforts to exercise an evenhanded, fair role in the continuing peace negotiations in the Middle East. Not only will this result in the most advantageous position for both the Israelis and the Arabs, but it will satisfy our own national commitment to justice and fairplay. There will be only one loser in a Middle East peace settlement: The Soviet Union. The history of the Arab nations of the Middle East shows us that settlement of the Arab-Israeli conflict will remove the basis for Soviet influence in this region. With peace will come the opportunity to form an alliance with both Arabs and Israelis, to prevent Soviet domination of both the eastern Mediterranean and the critical gulf area. No nation welcomes Communist takeover, least of all nations with the strong religious and cultural foundations of the Arab world.

EXHIBIT 1

THE PRESIDENT'S MIDEAST "REASSESSMENT"

Just before Secretary Kissinger's last Mideast negotiating effort was broken off, an anxious President Ford sent Israeli Prime Minister Rabin a letter saying that, in the event Israel did not go along, the United States would "reassess" its policy of supporting Israel. Whether the letter provoked or merely confirmed the Israeli government's unanimous decision to stand firm is unclear. Either way, Mr. Ford was stuck with his threatened "reassessment." Created as a lever in a tight negotiating situation, it quickly took on a life of its own. Various Americans in and out of government saw it as a way to promote pressure on Israel, which was publicly taken to task for alleged inflexibility by Mr. Ford himself. Administration action on Israel's arms and aid requests conspicuously slowed. The Arabs gratefully seized on the reassessment to reinforce their own preferred strategy of weaning Washington away from support of Israel. This is presumably what Egyptian President Sadat will try to do in his meeting with Mr. Ford today.

The "reassessment" is not due to end until Mr. Ford has seen Israeli Prime Minister Rabin here on June 11–12 and has then had some time to come up with conclusions of his own. Already, however, it has had the effect on the domestic scene of eliciting a sharp and stout expression of support for Israel from 76 senators. Given Israel's continuing public appeal and political influence in this country, the letter was entirely predictable. Israel is no more prepared to abandon its "political weapon" than the Arabs are to abandon the "economic weapon" of oil and money. The letter reveals yet another instance, furthermore, where the administration was remiss in failing to give Congress a larger sense of participation in what was being billed as a fresh look at a vital aspect of American foreign policy.

Still, the senators' letter was a very mischievous thing to do. Congress will have its proper opportunity soon enough, in passing on the administration's aid and arms requests for Israel, to add its stamp to developing American policy. To jump in with a blunt one-sided letter at a moment when the administration was trying to position itself to deal with some subtlety with all of the parties is altogether too risky, particularly when the Congress has neither the constitutional responsibility nor the necessary information to practice diplomacy on its own. Dr. Kissinger has promised more than once, after all, as he did the other day, "that after we have made a decision [on how to proceed], we will discuss it at great length with the Senate and with the whole Congress."

Mr. Sadat will no doubt wish to discover for himself what effect the Senate letter has had on administration diplomacy. But the Egyptian policy of relying on the "isolation" of Israel is not faring so well, even apart from the Senate letter. The Common Market has just signed a pioneering trade agreement with Israel. France has warmed its bilateral ties. The Soviet Union is conducting semi-public pre-Geneva exchanges with Israeli diplomats. So is Yugoslavia. Some countries that earlier went along with the Arab plan to expel Israel from the U.N. system are having second thoughts. In short, Egypt has been given serious grounds to consider whether it might not serve its own interests better by renewing its search for another "step" with Israel.

We think this is the path American diplomacy should now resume. The possibilities cannot be said to have been exhausted in March when Egypt decided not to let Dr. Kissinger carry back Israel's latest position. The basic problem remains: how to convert tangible territory given back by Israel into intangible political movements offered by Egypt. The best way to get around this problem, we suspect, is to broaden the focus in several dimensions. An Egyptian agreement to extend the next interim arrangement for a longer time period might fill some part of the political gap, for instance. A bigger effort to involve Syria and Israel in future negotiations could also be useful. (Wisely, Syria has given itself a breathing spell and invited just such an initiative by renewing the U.N. peace force for six months, ending on Nov. 30.) Another possibility—and one we have advocated before in this space—is to get the parties to spell out more specifically, at least in principle, their negotiating goals, so that each government and its public would have a better idea of what the separate steps in a negotiation were proceeding toward. An example of how this might be done is set forth in an article by Henry Owen elsewhere on this page.

The Geneva conference, in which all the parties as well as the two great powers would gather to seek a comprehensive peace, is still in a preparatory stage. It may remain so indefinitely. Geneva is the safety net under the step-by-step talks suspended in March. But there is no safety net under Geneva. That is why even the Russians agree that it would be too risky to go to Geneva without a fair prospect or success—and there is no fair prospect yet. In fact, Geneva may not be reconvened at all except to ratify smaller sub-agreements reached step-by-step. On that process the common energies and hopes of all nations ought to fasten now.

EXHIBIT 2

SENATORS FOR ISRAEL

The pro-Israel letter to the President from 76 senators is important less for its specific content than for its possible effect on Middle East negotiations. With respect to the United States effort to promote a just and durable settlement between Israel and the Arab countries, the senatorial gesture is no help. On the contrary, it could do harm by damaging Washington's credentials as a fair arbiter and encouraging the more intransigent forces in Israel.

The letter's text is for the most part unexceptionable, asking that the administration "be responsive" to Israel's $2.5 billion aid request and backing, for the Jewish state, "secure and recognized boundaries that are defensible." If defensibility is not given a hard-line Israeli interpretation to require large chunks of occupied Arab territory (and Senator McGovern, a signer, says it does not endorse Israeli occupation), the letter's principal function would seem to be to convey an unstated message. This is that Israel has overwhelming support on Capitol Hill, that the administration's reassessment of Mideast policy had better not produce any tilts away from Israel and that the possibility of reduced aid can be ruled out as a lever to obtain Israeli concessions toward a settlement. Representatives of the Israeli government helped to organize the expression of senatorial concern.

The letter was unneeded to prove the congressional power that can be marshaled by Israel and leaders of the American Jewish community. It was unneeded, also, to reinforce the administration's commitment to Israel's survival—in line with government policy since the Truman years—or to insure a level of aid sufficient to maintain a military balance in the Middle East.

But the further demonstration of Israeli political clout in this country is unfortunate, right now, because it can undermine Arab confidence in the United States' mediatory role. President Ford is to meet separately next month with both Egyptian President Sadat and Israeli Premier Rabin, and it would have helped, for the furtherance of negotiations, if the pro-Israel manifesto by three-quarters of the Senate were not in the immediate background.

Israel's true interest is in a peaceful Middle East, and an even-handed American policy is the best tool for helping to bring this about. The senators' ill-timed letter does not serve this purpose.

Those besides Percy who did not sign the letter include: James Abourezk (D-S.D.), Howard H. Baker Jr. (R-Tenn.); Dewey F. Bartlett (R-Okla.); Henry L. Bellmon (R-Okla.); Quentin N. Burdick (D-N.D.); Harry F. Byrd Jr. (Ind.-Va.); Carl T. Curtis (R-Neb.); James O. Eastland (D-Miss.); Paul J. Fannin (R-Ariz.); Robert P. Griffin (R-Mich.); Clifford P. Hansen (R-Wyo.); Mark O. Hatfield (R-Ore.); Jesse A. Helms (R-N.C.); Ernest F. Hollings (D-S.C.); J. Bennett Johnston Jr. (D-La.); Russell B. Long (D-La.); John L. McClellan (D-Ark.); James A. McClure (R-Ida.); Mike Mansfield (D-Mont.); William L. Scott (R-Va.); John J. Sparkman (D-Ala.); John C. Stennis (D-Miss.), and Milton R. Young (R.-N.D.).

COOPERATIVE EDUCATION I

Mr. HARTKE. Mr. President, I invite the attention of the Senate to excerpts from the proceedings of three conferences on "Cooperative Education: The Emerging Manpower Resource."

As similar conferences that were held in the previous fiscal year, the three convened in fiscal 1975 were jointly sponsored by the Bureau of Higher Education and the National Commission for Cooperative Education. They constitute a major effort to persuade employers of all sizes to provide job opportunities for students enrolled in work-study college cooperative education programs.

The three recent conferences were held in Indianapolis on November 13, 1974, which I had the privilege of addressing; Houston on February 6, 1975, and Los Angeles on May 14, 1975. All three conferences were cosponsored by many business and industrial corporations, trade associations, colleges, and universities.

College work-study cooperative education is a social invention that has met its time. It is the kind of innovation that President Ford has championed as a way to reinvigorate the work ethic among our young people, and it has been supported by the Congress, the Office of Education, and by distinguished educators as the means of welding a closer relationship between the campus world and the real world of work. The popularity of this mode of learning is exemplified by the fact that over 900 colleges offer cooperative programs in almost every discipline and by the very substantial increase in the number of students who seek enrollment in cooperative programs. Employers must surely find the hiring of cooperative education students desirable for there are now, according to the National Commission, about 15,000 companies employing them. As an early enthusiast of the concept, and as the author of the cooperative education amendment to the Higher Education Act of 1965, I am heartened by the increasing acceptance of this creative model of higher learning. The evidence is persuasive that it is good for the student, good for the college, good for the employer, and good for the Nation. The excerpts from the proceedings of the three conferences, I am confident, will confirm this assessment.

I ask unanimous consent to have the excerpts printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks of John R. Benbow, President, the Indiana National Bank, November 13, 1974

This institute is one of a series being held around the country to acquaint employers with the benefits that can be derived from participation in a cooperative education program. As you read the names of the distinguished companies from around the State that have contributed to today's program, keep in mind that they are participating because they believe that cooperative education has something to offer to businesses of all kinds.

I must confess a two-fold interest in this program, for I view it not only from the perspective of a businessman, but also as a member of the Indiana Commission for Higher Education. For those of you who may not be familiar with the Commission for Higher Education, let me just take a moment to comment on it. Although it has been in existence since 1971, I still find some who do not know of its work.

Created by the general assembly, twelve members are appointed from all over Indiana. Working with a small professional staff, the commission is charged with developing long-range plans for post-high school education; with reviewing and making recommendations to the general assembly on the legislative request budgets of all State educational institutions; and approving (or disapproving) the establishment of any new schools, colleges, or regional campuses or the offering of any new degree programs. It can be described as a coordinating body rather than a governing body.

Throughout its work, the commission seeks not only efficiency and avoidance of unnecessary duplication in the operation of our State universities and Indiana vocational and technical college, but it also encourages innovation in the way our educational services are offered. Certainly cooperative education falls in that category and offers some definite advantages to our Indiana institutions. Here I am talking about all of our post-secondary schools—public and private. Although the commission has coordinating and planning responsibilities only with the six public institutions, we are, of course, vitally interested in maintaining a healthy private sector.

Not only is higher education a very large "business" in Indiana (about ¼ of our State budget), the products of its institutions are vital to the economic welfare of the State. At a time when our national economy is suffering severe stresses and strains (and Indiana is not altogether spared), educating and training our young people—in a relevant way—must be one of our most important objectives. As an aside, I could point out that employment of more of our college students in cooperative plans would alleviate the problems associated with the concentration of college students seeking summer jobs.

In the last decade, we have heard the increasing cry for "relevance" in higher education. The combination of on-campus study with off-campus work in a student's chosen field is a most cogent response to this cry. This is what cooperative education offers. It allows students to experience productive work in paying jobs which bring them face to face with practical, day-to-day problems—the same kinds of problems they will face when they leave college and enter the "real world."

That experience can be priceless in terms of learning about human interactions and grasping some of the complexities of the customer/business relationship and the business/government relationship. The reinforcement of classroom theory with practical experience is an extension of the wisdom of an old Chinese proverb which says: "I hear, I forget. I see, I remember. I do, I understand."

If the benefits of such experience are priceless, the same cannot be said of higher education today. There is a price, an ever-increasing one, to attend college or vocational school. Here, again, cooperative education can help. The money students earn in these jobs may well make the difference between staying in school and dropping out.

Many of you can appreciate the interest in this point by the colleges and universities. They know that enrollments are expected to be lower in the coming years, for both the public and private sectors of post-secondary education, than they are today. Spreading their costs of operation over a declining number of students will tend to force up tuitions. But that in turn will discourage enrollments, unless the student has a way to pay the higher tuition.

Indiana is not the only State facing these problems. The enrollment trends are general. New York, as reported by the State education department in the New York Times last week, is predicting that ⅔ of the State's private colleges may go out of business by 1990 because demographic studies indicate the number of full time undergraduates will decline by as much as 23% below present levels. That means that 80 of their 120 private schools could go under. The competition for students will intensify.

You may well be asking at this juncture. "What's in it for me? I can understand why students would want to participate in a cooperative program, but why should my company get involved?"

The rest of today will be devoted to answering that question. But let me give you a few hints. A study just released this year, conducted by Arthur D. Little, Inc. for Northeastern University in Boston, outlined eleven specific company benefits experienced by six participating firms. The report analyzes programs at General Electric Company, Xerox Corporation, Pioneer Cooperative Bank, Liberty Mutual Insurance Companies, The Social Security Administration, and The Wellesley, Massachusetts, Public School System. Because cooperative programs are so flexible, employers structured their programs to take advantage of the benefits they found most important.

The report concludes with a list of common problems that a cooperative program can help solve. Ask yourself these questions:

Does my company need a dependable source of intelligent and ambitious talent? A Co–Op Program provides students who already have a background in their area. Effective utilization of their talents can reap large benefits.

Does my company need to use professional employees more economically? By pairing a student with a professional, some companies have utilized students to carry out less demanding and more routine job responsibilities, freeing the professional to concentrate on effective planning and management. In addition, some companies have been able to generate more release time for professionals through effective use of Co-Op students.

Does my company need a more effective and economical recruiting program? The Co–Op program enhances relations with college faculty and counselors, acquainting them with opportunities for their students with your company. In addition, each student who works for a company takes his impressions back to his fellow students, making them personally aware of your organization.

Many co-op students go on to become permanent employees. During their initial period with the company, they can be evaluated on the basis of their work performance, rather than by the more remote means of grade averages or recommendations. They have passed a "trial run."

Some companies have also found that a co-op program increases their access to minority groups and women. Both groups tend not to have had the exposure to business and industry which is helpful to gain successful employment. The cooperative programs provide a valuable avenue for recruitment.

Does your company need an easier and more economical way to improve the performance of newly-hired college graduates? A co-op program can help. Previous experience with the company cuts down on the need for formal orientation programs. Because of their familiarity with the company, the cooperative education student tends to have a lower attrition rate. Because of their headstart, they tend to advance faster.

In short, cooperative education programs tend to turn students "on"—they become more highly motivated because they find meaning in their studies. And perhaps their professors are equally turned on. These programs provide an excellent opportunity for improving the whole curriculum because the faculty will be in closer touch with "real" business and industry situations.

The students must also mature more rapidly with these programs, because they are put into the adult world with adult responsibilities.

The programs coming up today will examine several of these points in much greater detail.

Let me share with you some interesting data.

Daniel Yankelovich (president of the social research firm of same name) writing in the Worker and the Job, edited by Jerome M. Rosow, quotes from his own research:

"The research shows a slow but constant increase in the number of young people whose main motive in going to college is the practcial one of preparing themselves for a successful career in the society. In 1967, 55% announced that this was their chief goal in attending college. In 1969, the number had crept up to 57%, in 1970 to 60%, in 1971 to 61%, and in 1973 to 66%.

If we regard the campus as the stronghold of the counter-culture, then we would expect to find little respect for the work ethic. Yet, Yankelovich found in 1973 that 84% of the students interviewed subscribe to the belief that it was 'very important to do any job (one was doing) well'.

"Thus far (in these studies) we see a strong endorsement of conventional work values—the pursuit of an education for the sake of a career, a willingness to work hard, and the desire to do a good job."

(There are other interesting findings in the study, but it is not our purpose to pursue them here).

There are 180,000 students now involved in cooperative education across the country, working at 5,000 locations. Eight hundred colleges and universities are involved. I am told that twenty-one of those are in Indiana which either have a plan or are in the process of beginning one.

Those of us who are sponsoring this seminar hope that by the end of the day you will want to talk to one or more of these institutions. A cooperative education program can do more than solve some of your problems of the present. It can prepare professionals to solve the problems of the future.

Remarks of W. George Pinnell, Executive Vice President, Indiana University

There are a great many ways to describe the program and what it means to students, employers, colleges and universities—not to mention its value to society as a whole. We all have heard phrases related to the program—"added value," which simply means a higher starting salary for those students in the program, as well as "yield per employment offer" which is short for how many young men and women are accepting job offers right now.

There is, however, one phase that perhaps sums up one important aspect of the program better than any other. It is three words you will hear when walking past a cluster of students during a class break or spoken in a conference with a counselor. It moves young men from saddle shops to clothing shops and particularly to barber shops.

The words—"the real world."

Well, there *is* a real world and it is stern and unyielding in its economic dimension. Future shock can be right now for some students when they take that long step from *inside* to *outside*—and some of the responsibility for that rests with we educators.

Consequently, I must underscore the importance of cooperative education as *a bridge* to a very real world.

Let me speak one moment about cooperative education as it operates at Indiana University. We call it the Professional Practice Program and in it we have some fifty participating employers, ranging alphabetically from Abbott Laboratories through Cummins Engine Company and Marathon Oil Company to United States Steel Corporation.

As many of you know, Indiana University is a comprehensive educational system with eight affiliated campuses located through Indiana serving the diverse needs of just over 70,000 students. Cooperative education is not new at IU but only recently have we made a systemwide commitment to our Professional Practice Program.

What our students wanted, what employers with whom we talked wanted, and what the University wanted, was an innovative and practical addition to traditional classroom teaching methods by relating academic study to actual work situations within the career interest area of the student.

The basic guidelines were established with the decision to grant students substantial academic credit toward their baccalaureate degree. What we sought was a quality of interaction between the student and the employer analogous to the classroom.

And in this I think we have succeeded.

I jotted down five areas that make cooperative education for Indiana University such a worthwhile effort—

In many instances the cooperative student graduate is a superior person who will earn 10 percent more in starting salary.

In the classroom the co-op students can provide a dimension of recent business experience. Some instructors have discovered to their surprise that the cooperative student who is having a simultaneous chance to apply theory on the job will often have hard questions about that theory when it comes before the class.

The faculty enjoys the opportunities for closer relationships with the employers. In many instances, a continuous dialogue between the employer and the teacher thrives.

A Successful program is an unexcelled showcase for the University. We are able to put into the mainstream of economic life two of our most important products—our students and our faculty.

Finally, solid work experience to compliment a liberal education has added greatly to the stature of the student when it came time for employment after graduation.

Edward N. Cole, former president of General Motors, summed it up this way—

Cooperative education accomplishes several goals. It allows teacher and student to gather and contemplate the past as well as to create the future. It provides an atmosphere where students can flourish in the real world of competition and where they can participate actively and effectively in their educational experience.

Earning while learning not only enables students to pay a substantial part of their educational expenses, but it gives them a head start on their chosen careers.

Early entry in an occupation, incidentally, has an additional fringe benefit for the employee. In many businesses, the years as a co-op student are counted at retirement time. By working while earning an academic degree, students are oriented to the world of work. They have the opportunity to learn about the range of occupations open to them and the potentials and limitations of the field which interests them.

More importantly, they have the opportunity to change academic plans and prepare for a more informed choice in the event they decide their abilities are more suitable for a different career.

This flexibility is desirable and pays dividends because the coordination of work experience with the academic program motivates students, and helps them find greater meaning in their studies as they see the connection between the jobs and the things they learn in the classroom.

Let me make just a couple of final points. If you will pardon a personal reference—I have had the great privilege in my life to observe and participate in business in many ways—from the top of a box washing dishes in my dad's restaurant to the table in the board room. And never—never have I found any organization that was better than its people. I know that sounds trite but many of us forget once in a while and put our efforts and resources into equipment, buildings, advertising and other non-people items.

Indiana University has a big share of the nation's real wealth—70,000 young men and women who are getting ready to pick up where many of us leave off. If you believe in people, the Professional Practice Program offers a truly great opportunity to insure, at least in part, the future of your firm—and at bargain prices.

Do yourself and the business community a favor by giving some young person a better shot at the future.

Remarks of Richard R. Holden, Director, Division of Training and Facilities

Cooperative education has many definitions but all stress working together by colleges, students, and employers. What, then, is a Federal bureaucrat doing at a cooperative education conference?

My own interpretation of a bureaucrat can be illustrated by an adaptation of an old story which concerns a Hindu, a Moslem, and a bureaucrat. The three started on a cross-country walking tour and sought shelter at a farm house at the end of the first day. The farmer was pleased to oblige but was forced to put one of the three in the barm. The Hindu volunteered. However, he soon returned to the other two and said he couldn't stay in the barn because there was a cow in it. Whereupon the Moslem volunteered only to return shortly as there was a pig in the barn. Realizing the religious sensitivities involved the bureaucrat graciously went out to sleep in the barn. It wasn't long before there was a considerable racket at the bedroom door. Alarmed, the Moslem and Hindu rushed to open the door and found the cow and the pig.

But back to what I believe the bureaucrat's role is this morning. It is twofold—to explain the (1) Federal interest in cooperative education, and (2) to pass on some gleanings from our experience.

Although the first co-op program was established nearly 70 years ago, as recently as 1962, only some 60 institutions had programs serving about 28,000 students. This Fall 700 to 800 institutions are expected to provide cooperative education for approximately 180,000 students. We don't know what a reasonable goal is for cooperative education but can envision another 500 institutions trying cooperative education by 1980 with a possible 500,000 student participants.

Since 1970, the Office of Education has been administering on initially small, but now substantially enlarged program of grants to support cooperative education activities in institutions of higher education. Let me summarize briefly a few of the highlights. Slightly over $1.5 million was made available in 1970 and again in 1971 and in 1972 with less than 100 institutions funded each year. Then came the breakthrough. In 1973 the Administration requested and the Congress appropriated the full authorization of $10,750,000. The same full funding was provided last year and will be this year. If our experience of 1973 and 1974 holds true, we will receive some 650 requests for about $27 million and approve about 350 of these.

Within the $10,750,000 funding we make two types of grants—(1) $10 million for the planning, establishment, expansion, or carrying out of cooperative programs at eligible public and non-profit private institutions. Grants cannot be made for more than 3 years to any one institution, cannot exceed $75,000 in a year (the average is about $30,000), are for alternating periods of study and work by full-time students, and cannot be used as compensation for students. In the main, the funds cover the salaries and expenses of the program coordinator—the man who must convince a college faculty and you that cooperative education has exceptional merits.

(2) The second Federal effort is an investment of $750,000 a year in training and research activities of importance to cooperative education. Part of the cost of this conference comes from this fund. 1975 will be the third year for training and research funding which already has proven a wise decision by the Federal Government. Coordinators are being trained to fill the rapidly expanding need and more effective and efficient methods are being researched.

These Federal programs have gained the support of both the Congress and the Administration and I would estimate that this support will continue. In a nutshell, the Federal role is to aid in the expansion and improvement of cooperative education.

The Federal blessing in itself does not, of course, make a particular cooperative education program a good venture for you. There is no fact book on co-op which lists guaranteed benefits for employers. There is mounting evidence that it can be a very good thing.

As examples:

(1) Lower hiring and training costs with co-op students vs non-co-op students.

(2) Lower turnover of cooperative-trained employees.

(3) Base for more effective relationships with colleges.

(4) On the average, co-op trained employees are more productive and can better accept increasing responsibility, and

(5) A co-op student is more apt to settle earlier in a career in which he is both happy with and qualified in.

These and other reasons that you probably will learn of today should make you interested in cooperative education. You should also know that, on the other hand, there are responsibilities.

To the extent possible jobs should be meaningful to the academic careers of the students. Hopefully students will not be looked upon as temporary employees but as trainees for potential full-time employment. In addition, it is important that you support the program and have a continued and open communication with the college and the students.

Finally, I would suggest that you not accept a proposed program on only the good reputation of cooperative education and the college but carefully analyze the proposal. Questions you may wish to ask are:

(1) Is the college really committed? We feel that the college president must back the program if it is to be a success.

(2) Is there evidence that students will participate?

(3) What support has been given by the faculty? Some teachers just don't like cooperative education and it has slim chances without academic support.

(4) Can the college afford cooperative education? While not expensive, it does cost the college money in terms of support staff and course offerings.

(5) If there is a Federal grant, how will the program be funded at the end of the grant? As it takes up to 5 years to amortize the start-up costs of a program, other than Federal support may be necessary.

If you fully assess the program and really work with colleges and students, you'll become a believer in cooperative education. We are.

THE MOVE FOR DEREGULATION OF NATURAL GAS PRICES

Mr. ABOUREZK. Mr. President, we are about to experience a round of frantic pressure by oil and gas interests hoping to push the Congress into deregulation of natural gas prices. The occasion of this effort is the debate over S. 692, the Commerce Committee's response to the natural gas curtailment situation. This bill is apparently not popular with the oil interests yet it goes a long ways toward giving them just what they want—higher prices for regulated gas, deregulation for onshore independent producers, and the promise of exceptions to the ceiling and still higher prices in 5 years.

When people are suffering from the squeeze of high oil prices supported by the administration, and we are being threatened by FEA Director Zarb with total oil price decontrol, the Congress is being asked to add the burden of equivalent pricing for another fuel. States and public gas utilities have gone to court to fight gas curtailments in order to get their supplies at the current price—they cannot pay the price of alternate fuels—oil, in particular, and coal—which will rise with decontrol and gas price equivalency to $22 per ton, instead of the current $11. Neither industry nor consumers can afford this. We cannot substantially increase the price for natural gas without irreparable harm to the economy as a whole. The bill fails to recognize that the curtailment of gas deliveries began when the Republicans took control of the FPC, and the failure of regulation consists of the fact that the head of the FPC since 1970 believes in deregulation and has constantly encouraged the gas industry to expect higher prices. The following argument from a letter I received this week sets forth the reasons we need regulation in the public interest to end the gas "shortage"—not S. 692 or deregulation:

> S. 692, if enacted, will not assure increased supplies of natural gas, but will, on the contrary, assure only increased prices. While the bill contains a great many constructive and innovative provisions—provisions which standing alone would merit serious consideration—the great vice of the proposed legislation lies in its pricing provision (§ 203 (g)), which authorizes the Federal Power Commission, free from any judicial review, to raise the price level for new gas to 75 cents per thousand cubic feet, some four times the ceiling in effect as recently as 1971; even higher prices would be allowed for much gas presently subject to regulation under the exemption and small producer provisions (§§ 203 (1) and 204). The bill thus essentially ratifies and extends the disastrous and bankrupt policy pursued these past six years by the Nassikas Commission that the way to solve a shortage is to increase the price. But that policy, whatever one may have thought of either its practicality when initially announced by the Commission or its legality under the Natural Gas Act as presently written, has been a demonstrated failure; the higher prices allowed by the Commission created a shortage where none had previously existed, and the higher prices allowed, the greater the resulting shortage.
>
> Indeed, efforts to restrict the Commission to its statutory purpose through judicial review have been frustrated by a determined and ingenious Commission; no sooner is one high-priced Commission program set aside by the Courts than the Commission devices a new, higher-priced program, with the result that the oil companies collect ever-higher revenues, the consumer pays ever-higher prices, and the shortage—so profitable for the oil industry—continues to widen and deepen.*
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> While the much maligned existing statute is, in fact, a good deal better than it is generally given credit for being, given the com-

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* Within the past year alone, the Courts have set aside at least six major pro-producer policies adopted by the Commission: *F.P.C. v. Texaco Inc.*, 417 U.S. 380 (June 10, 1974) (FPC attempt to exempt small producers from regulation set aside); *Moss* v. *F.P.C.*, 502 F. 2d 461 (Aug. 15, 1974) (FPC attempt to grant producers authority to abandon service in advance set aside); *Macdonald* v. *F.P.C.*, 505 F. 2d 355 (Sept. 19, 1974) (FPC attempt to permit rates for old gas 65% in excess of area ceilings without evidence of costs set aside); *Consumers Union* v. *F.P.C.*, 510 F. 2d 656 (Oct. 7, 1974) (FPC attempt to permit rates for new gas 73% in excess of area ceilings without evidence of costs set aside); *Public Service Commission* v. *F.P.C.*, 511 F. 2d 338 (Jan. 14, 1975) (FPC attempt to have pipelines, and through pipelines the consumers, provide venture capital to oil companies for exploration set aside); *Consumer Federation of America* v. *F.P.C.*, — F. 2d — (Mar. 13, 1975) (FPC attempt to exempt from regulation short-term sales up to 180 days set aside).

bination of a Commission that consistently and repeatedly ignores the consumer protective purpose of the present Act and the pervasive energy shortage—which has enabled some 10 or 15 multinational oil companies to enrich themselves while devastating the rest of the economy—legislation is surely appropriate. Unfortunately, S. 692 would serve only to worsen the problem rather than solve it, and by adding to inflationary pressures within our economy, work to the disadvantage of the vast majority of the American public.

A brief history of gas pricing will demonstrate why this is so. Prior to the advent of federation regulation in 1954, gas sold for slightly less than 10¢ per Mcf. During the Eisenhower era, from 1954 to 1961, both price and supply increased dramatically: the average interstate price increased from 9.5¢ per Mcf to 16.5¢ per Mcf, while the volumes sold in interstate commerce increased from 5 trillion cubic feet to 8 trillion cubic feet. During the Kennedy-Johnson era, from 1961 to 1969, prices were held relatively constant, increasing from 16.5¢ to 17.5¢ per Mcf, but again the volumes sold interstate increased dramatically, from 8 trillion cubic feet to 13.5 trillion cubic feet. The present Nixon-Ford era—during which the Federal Power Commission has been staffed by Commissioners none of whom believes in regulation—has witnessed the worst of all possible results: an unprecedented increase in price, from an average 17.5¢ per Mcf in July 1969 to a December 1974 average of 32.5¢, with the growth in interstate sales halted and indeed declining slightly after 1972. And under existing FPC policy, the average price will continue to rise sharply, since the FPC has recently raised the "new gas" price—which is, in fact, applicable to much old gas—from 20–26¢ per Mcf to 57¢ per Mcf (including all allowable adjustments).

Given this past history, it can no longer be rationally contended that higher prices will produce more gas. On the contrary, the industry has learned well that so long as the government's response to energy shortages is to allow ever higher prices, the industry's financial interest lies in maintaining the shortage. Various members of the oil industry have stated publicly that their sharply increased earnings in 1974 were the result of higher prices that more than offset *decreased* production, and that they expect continued high earnings in the future from higher prices *despite declining production* (see, e.g., Wall Street Journal, April 30, 1975, pp. 14, 25).

No one suggests that either the world energy supply or the world energy price is in any way related to operation of a free market: the price is fixed at five times its 1973 level and perhaps 100 times the cost of production by the OPEC cartel, and supply is artificially restricted by the cartel to maintain that price. Yet the Administration's policy of importing that cartel price as the standard for domestic prices has been a prime factor in both this nation's inflation and its recession, and while enormously lucrative for the international oil companies beyond their wildest dreams, it has been an unmitigated disaster for the rest of the economy. *Fortune's* latest listing of the 500 largest industrial corporations records the stark facts: of the seven most profitable industrial companies last year, *six* were oil companies, even after they revised their accounting methods to show reduced book profits, and one can only wonder to what extent these excessive profits have led directly to the creation of the multimillion dollar political slush funds now being reported by so many major oil companies.

In discharging its functions under the Natural Gas Act, the response of the FPC has been to ignore the Congressional mandate to assure consumers of reasonable prices in favor of the Administration policy of penalizing the consumer. The 57¢ new gas price promulgated last December by the FPC is virtually triple the new gas ceiling set by the Commission in 1969—an increase for a regulated commodity far exceeding the rise in the cost of living. The response of the proposed legislation would not only endorse fully, but would surpass, the FPC's unfortunate approach, in the hope that the industry can be induced by price incentives to increase production to meet the needs of the American economy. As noted, however, while the financial interest of the oil industry rests in maintaining the shortage (and thereby maintaining the OPEC prices for domestic production), the continuing viability of the rest of the American economy is seriously threatened by these inflated energy costs—the increased profits of the major oil companies have been at the expense of the auto industry and the housing industry and indeed of virtually every other industry. One of the great virtues of natural gas—two-thirds of which has historically been used by industry—has been its low cost; quadrupling its price (and the present bill would quadruple the 1970 price level) will drive many industries to the wall, particularly in the present situation where, as the auto industry's experience shows, higher product prices frequently mean lost sales.

The crux of the problem is that, at present, the decision to increase energy production rests in the hands of the 10 or 15 international oil companies, whose economic interest lies in restricting production. The Consumer Energy Bill, introduced in the last Congress, recognized this basic fact, and proposed a federal corporation to undertake oil and gas exploration, and similar bills, introduced this year, have proposed a national energy supply corporation. Whatever one may think, as a philosophical matter, about the federal government entering the oil business, the hard fact is that the present system is not working and shows no promise of working. Congress can raise the price of gas (or permit the Commission to raise it), but so long as the decision to increase energy production continues to rest with the international oil companies, the choice is simply whether we shall have a shortage at 25¢ per Mcf, or at 50¢ per Mcf, or at 75¢ per Mcf. Since higher prices will *not* solve the shortage, but *will* send another wholly avoidable inflationary and recessionary wave through the economy, S. 692 should be shelved, and serious work started on legislation to create a national energy supply corporation. In the meantime, immediate short-term relief could be obtained through Congressional investigation into withholding of supplies and stockpiling of drilling equipment by the major oil companies; similar investigations on a rather narrow scale by the Federal Power Commission have in fact produced additional supplies for the interstate market, and reports of stockpiling, which has prevented smaller producers from bringing discovered reserves to production, have become increasingly well documented, see Wall Street Journal, May 21, 1975, p. 38.

In 1969, natural gas was priced at 17.5¢ per Mcf and was in plentiful supply. Granted that there have been inflationary pressures on costs since 1969, there is no way that the American people—already deeply disturbed by sharply higher fuel and utility bills—can be reconciled to a quadrupling of gas prices by Congressional fiat in 1975 at a time when oil company profits are at an all time high.

CHILD AND FAMILY NEEDS

Mr. MONDALE. Mr. President, I call the attention of my colleagues to an article in the June 1, 1975, edition of The New York Times Magazine entitled, "The Children," by Ned O'Gorman. I believe that this poignant description of young lives too often doomed to suffering, disease, even death in our cities will be of particular interest to my distinguished colleagues. These children underscore the great need for comprehensive health care and family assistance services that can prevent their senseless tragedies and restore their rights to full, vibrant lives.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Children—Who Will Save Them From Unhinged Families, Inert Agencies, Mean Streets?

(By Ned O'Gorman)

In New York City, the children of the oppressed are under sentence of death. The very young, babies just born, are thrust from the beginning into a world learned in ways of slaughter. No time for saving them. The die is cast in the cradle. Death proceeds on its way to blight their bodies and their spirits. Hope, joy, wonder, all are mauled, wrecked and fated to end in the grave, whether that grave be the streets, jail or some well-tended cemetery.

I write of New York City, Harlem especially. I have worked there nearly 10 years in a nursery school I started in 1966. (I call it a liberation camp.)* I will write of children I know now and have known in the past. They came to us out of torments that would make stones weep. I write of what I have seen. I have added nothing. I have imagined nothing. I have seen poor white children in Kansas, Irish kids in Dublin and boys in Chile slipping as quickly as Harlem children into the abyss. The children I see each day are dying. I must ask myself what I can do to release them and their kin from the killers that have pursued and caught them. I am in Harlem, then, to save children from their guardians (blood kin or not), from the streets and the oppressors in all their masks. The law suffers from an overwhelming passivity in the face of this epidemic of child abuse and its attendant horrors. There are not enough investigators to probe into the lives of these children; and once the process is begun, the change sought in their lives takes months of tedious red tape to get underway and often simply peters out.

Families move, refuse to give the child up, suffer monetary change of heart, deposit him in the hands of respectable kin for a while and abort investigation. It is time now for agencies and individuals who hold themselves responsible for the lives of these battered, suffering children to study with vision—and science—the meaning and function of the family, to ask whether a family has the right to impose its destructive manners and style on the innocent and to find ways to bring change into these children's lives with curative intensity. The community, the state, the churches, the courts, the law, politicians, educators must say No! to those who cripple children. They must offer them a revolutionary purpose and stop the slaughter.

What we all must seek is a way to speak for the children of the oppressed, a way to become their surrogate will to live. We must seek, too, to tell the oppressed that they are oppressed and that unless they move to change their lives, the state in its work with these children will simply have to become a tyrant to be effective.

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*The nursery school is privately supported. We get no Federal, city or state aid. We employ a staff of four, all of whom are from the community. We accept any child who comes to us, feeding each breakfast and lunch.

In three rooms of an apartment above a dry cleaner, Tommy lived with his mother, her friends and roaches. He was 2. Since his birth, he had been constantly sick. Lead poisoning had landed him in the hospital for a month. His skin was ashen. He slept all day, seldom ate and staggered into my school now and then, when I could persuade his mother to let him come or when she needed us to babysit. The spirit had gone limp in him and from his eyes shone a fabrication of life.

One morning, one of our workers told me his mother had sold him to a woman she met in a clinic. I bounded up to Tommy's flat and found him there with his mother and a strange couple. The woman had Tommy in her arms. His mother sat by the stove. I asked if she had sold him. She said no: She had given him to those people. How much, I asked, did you get? She said, "I did not sell him."

I went back to my school and asked the workers for more information. She was paid $800 for him, they told me. I phoned a friend in a child-care agency and asked what I ought to do. I phoned Tommy's mother's social worker (a lady assigned to her by the welfare department to keep tabs on her life) and asked her to come up to talk to all of us. My God, I thought, you simply cannot sell a child. The social worker investigated and made calls here and there, and by the end of the day some agreement had been reached that the prospective parents in the clinic and Tommy's mother would meet the next day with the Bureau of Child Welfare. They never did. Tommy, mother and couple vanished. I saw Tommy some months afterward with his natural mother. I asked her where he lived. She said in Brooklyn. I looked in Tommy's eyes. He was dead.

Recently, just some weeks ago, I heard that she had had another child and sold it on her first day home from the hospital.

Why did I have to go through such trouble to get little Tommy out of the clutches of his mother and those buyers? My effort to become Tommy's surrogate will was a failure. I had no power. I had no proof. The social worker seemed bland, bored and so fearful of hurting people's feelings that from the beginning I knew Tommy was going to be sold and there was nothing I could do about it.

Barbara was Billy's 3-month-old daughter. Billy was a desperado, a street bandit who shot dope, beat up old ladies, yet yearned more than anyone I have known in Harlem to be a good man.

He brought Barbara to the nursery directly after she came home from the hospital. He had her in a lovely carriage and he had gussied her up in a pink wool suit and a white cap. He adored her. Then, a day later, he came to tell me she was dead. She had gotten a cold, was taken to a doctor, was brought home, put to bed, and when they came to fetch her in the morning she was cold and stiff with no life in her. I went to the funeral. She was laid out in a tiny coffin in a pink dress with a cross clutched between her hands. Billy rose up at one moment during the service and knelt to kiss her.

He asked me to try to get some information for him about the cause of her death. I wrote to the coroner's office, but heard nothing. I called Senator Jacob Javits' office and got nowhere. Gradually, she was forgotten. The child died as if she had never lived. Was it crib death that took her or inaccurate medical information, or medical directions ineptly applied? Did the child die of exposure? (One child I knew did die in such a way, sleeping through the coldest winter night of 1974, near a window in which each pane of glass was broken.) Did the child die by foul means? Did someone in an act of despair simply smother her?

I ask these questions with considerable trepidation. I know that what I have reported, even though I have seen it all happen, will be criticized as being gloomy, as casting doubt on an entire community's ability to care for its children. I think that such a criticism is in part justified. I am gloomy. I do criticize the people of the community as much as I criticize—attack, I think—the law, the church, the government on every level, in their indifference to this slaughter of the innocent.

Carita loves Lennie. I do not know many mothers who can say, as she does, with such depth of feeling. "I love my son." She would willingly give him all that is good, but she is unhinged, wrecked—and a victim. Her past was filled with troubles. She drank and seemed to have little will to fend off men. Her apartment was a ravaged horror: roaches in the icebox, urine-soaked sheets in piles on the floor, broken glass everywhere.

Lennie, 9 years old, fragile, overwhelmingly lucid, wandered around, missing nothing, watching his mother destroy herself. His brother, brain damaged, a hulking 6-year-old child, overweight, stumbling, voiceless, lurched about the rooms. Once, he nearly drowned in a tub filled with filthy water. Twice, Carita set fire to her bed, and twice Lennie called the Fire Department. Agencies came and agencies went. Men with serious intentions appeared, judged what they saw as horrendous and did nothing. One fellow gave her a month to improve her lot, get to Alcoholics Anonymous and straighten up her flat, but I told him she never would be able to do it, and indeed she didn't. I said if Carita wanted to go to hell that was her business; it was our business to save Lennie. But everything was covered with a hushed kind of good manners. ("Carita's privacy must be protected," a good lady told me.) I knew it was going to be impossible to do anything.

It was as if I stood on board a ship and deliberated with the captain if we ought to throw a life jacket to a drowning child before we got his mother's permission. Lennie went on and on in that hell, until finally his mother moved to another apartment worse than the one she left and hauled her children along. Lennie hung on. I picked him up in the mornings to take him to school. His little body and spirit were large enough at that moment to store away the nightmares in some corner of his mind. In a week, though, he began to fly into rages, run away from school, sulk, make up tales, refuse to do class work and weep when I had to return him home. By then, Carita had a new gentleman caller. (One day, Lennie saw a stranger rape his mother.) Lennie spent the hours away from school on the stoop of his apartment house in the midst of one of the worst heroin quarters of the city. Finally, after months of hassling, he was made the ward of a good woman with a house on Staten Island. It took four years to get him there. Carita once said to me, "I love him so, but, Ned, I don't know what to do. Help me, Ned." I could not. No one could.

A few days ago, I discovered that Lennie must now leave his foster home. He will be sent to a therapeutic school in the country. The past has taken its vengeance on him. He is still a vibrant child, but the fabric within him is crumbling. The foster care he received was absurd from the beginning: His father whom he sees twice a year will not free him for adoption. His surrogate will to live has not been heard. Thus, the agencies and schools responsible for him will have to share the burden of Lennie's fate.

I had stood and watched Rachel and Henry for almost two years. Both of their parents were dead. They lived with their grandfather, an ancient gentleman, crippled with arthritis, who sat the day long in his urine-soaked pajamas. Eight-year-old Rachel and 6-year-old Henry grew into the filth as if they were nourished by it. I came as often as I could to get Henry into the light of day, while Rachel went to school. Henry's speech and gait were faulty. (Often, the first faculty that has been stricken in the children we meet in our school is their ability to speak. It is usually diagnosed as a speech defect, but most often I have found it to be simply the result of hearing bad English, listening to nothing but television and being spoken to hardly at all.)

Henry is crippled by a numb resignation. He had never experienced affection, meted out wisely, consistently. He did not know what to do with feeling. He sought life and comfort, and saw nothing but a ruined television set that flashed white, jagged lines across its surface, an oven reeking with old fat, a frying pan with 2-day-old chicken covered with roaches and his grandfather rotting away in his armchair. His world was an open grave. Agencies came, agencies went and nothing ever happened, until last year when Henry and his sister were taken away to a foster home. But what of the years, six of them, when he traveled back and forth along the street chained like a mongrel to his suffering?

Stella is 3 and nearly mute. There is nothing clinically wrong with her. She merely does not know yet how to talk. Her mother stands in the doorway of her apartment like a chained totem. Stella smiles a mute smile when I see her in the morning, jumps up a little and runs toward me. She looks at nothing, recognizes nothing. She has no notion of what to do with toys, blocks, crayons, scissors.

She loves to play with Link, a boy of 3, who, like Stella, has developed over the months, since he has been coming to my liberation camp, from a screaming, weeping mess into a beautiful little boy, stricken but fighting to know his world. Stella, mute; Link, awash with nerves and chaos. Link's mother, like Stella's, is a woman of intense unhappiness. Her life, her children, her flat, all are in a state of rigor mortis. Nothing changes from day to day; her eyes grow duller and duller; she never laughs, and the children take on her morbidity.

I do not doubt that the mothers I write about love their children. Yet it is a love that lacks patience, understanding, science. I love flowers. I do not think any sight in this world delights me more than a crocus. But the intensity of my love does not qualify me to become a curator at the Brooklyn Botanic Garden: I have not one whit of knowledge of how to prevent blight, how to stem a ravaging weed. Nor do I know the difference between a rare tropical plant and poison ivy. I have a brainless love of flowers, as Stella's mother and Link's have a brainless love for their children.

Stella is a victim, as a flower might be, and her future lies in her mother's power over her. It is absolute power.

Nate rules his household with irrespressible violence. His five children are all broken figures, products of their parents' tragic battles that rage day and night. The household reverberates with barrenness; broken furniture, a refrigerator that does not work and a berserk television set. Bennie, at 5, is so dirty that when I lift him onto my shoulders dirt flakes off his wrists and neck. None of the children can yet speak one clear sentence. (Their ages are 1 to 11.) Welfare evicted them from their flat. Now they are living in a hotel downtown until they are moved into a housing project. It will be the same there, one house of torment to another. The dirt will thicken on Bennie's neck and wrists, and in some way it will penetrate his spirit. One day, he will explode, do violence to himself, or to another, and the headlong plunge toward death will be over.

Daniel, now 19, came to my school when it first opened. He was 9 then. A year ago, I saw him in a doorway on 128th Street. I had remembered him as one of the loveliest kids on the block. He had a special kind of hilarity about him, a clean, direct presence. But when I said hello he looked at me, eyes and body in an embattled, razor-sharp fury. I walked down the street and turned once toward him, and he heaved a Coke bottle at me. I ducked. He missed me by an inch. I've not seen him since.

I seek in my work the power of the surrogate will. Mute Stella, Lennie, Henry, Rachel, Link, Tommy and others I've known would have survived had some law imposed healing in time. (Am I saying these children are lost? I think I am.) The space that lies between a court's or an agency's awareness of a child's agony and the removal of that child from the locus of destruction is often the space in which the final sickness takes over with such intensity that no matter what happens later the game for that child is up.

I think often of Jeremiah, retarded from birth, but alive with that special gift of sagacity often given the stricken child. He lived with his mother for years in utter depravity. He was not fed; he observed every perversity and every form of violence. Dope, liquor, death rocked over him. Agencies came and agencies went—looked, were appalled but did nothing. One morning, he woke up and beside him, on his bed, was a dead junkie. Then, finally, he was borne off by his friends, his belly hard as a rock with malnutrition. Projectile vomiting shook him when he was given a bowl of warm cereal. In his eyes was the fixed stare of the blasted spirit. He is now in a foster home with a mother who loves him. But why did he have to suffer so long?

What can I suggest as solutions to the calamities mentioned here? Is it, first, perhaps a problem of literacy—not merely the ability to read and write but the ability to read one's own *place* in time? The ability to see what is happening around one's family, within the home, in the streets. I must find a way to teach the oppressed man and woman how to decipher the oppressing world so that they can wage war against it.

What I seek is a revolutionary literacy. Might not a massive effort by the state and city to invade the streets with 24-hour centers of healing be a beginning toward this new awareness of life? I think of storefronts where parents could get quick help in problems of nutrition, rashes, earaches, bruises, colds—all those debilitating crises that can, if never seen to, infect a child's growth; libraries and minischools where people could come to read, talk, draw, even watch television, where the oppressed could begin to come into contact with the bounty—not the debris—of the world. I think of all the space that goes to waste in Harlem: the All Saints Church on 129th Street, open for Sunday services, funerals and weddings, but shut tight most of the time; the All Saints school with two unused top floors; brownstones waiting to be rebuilt. I think of the block, how it could be such a force for change. If there were some folk on the block who could organize a kind of court where troubled parents could come and seek help, then perhaps the sense of alienation that Carita feels might burn into a sense of hope. But, in this land, such an act of communal ardor is hard to achieve. In China, where I visited in 1973, it has been achieved, but here in our community where everyone seems to know everyone's business, where not a sparrow which falls or a child who dies goes unrecorded in someone's memory, there is a vast silence, a reticence that allows things to proceed on their deadly course with hardly a sigh to note the carnage.

Would it be possible for the Rockefeller Foundation and the Ford Foundation together to build a community of healing in Harlem, with a staff of doctors, nutritionists, teachers, psychiatrists, ministers (if they were needed), lawyers, judges, scientists who would give their time to discovering ways of creating a revolutionary life? Such a place is not a romantic dream. I would like to offer Carita the choice of joining such a community with Lennie and his brother, and becoming so strong there and so filled with hope that the past and its woulds would be cured, the present would be teeming with joy and the future filled with promise. But such a community of healing must have behind it some clout so that, as I have mentioned before, if Carita refuses to go, it will be made clear to her that Lennie must—or he will be hauled off, now or later, young or old, in a cheap coffin, perfectly dressed, to a grave in an earth that nourished the evils that killed him.

TREATMENT OF HOUSE REPUBLICAN PAGE

Mr. GOLDWATER. Mr. President, well, what do you know—the world finally has learned how the Democrats treat an honest man or even the subject of honesty itself. Yesterday a Republican page in the House of Representatives had the courage to call the recently passed tax relief bill what it was and is and always will be "uncalled for and ineffective." All Daniel McKee did was speak the truth and whammo, he was fired. Mr. President, let that be a lesson to all: When dealing with the new breed Democrats never be honest, never speak your mind, never even think for yourself. It is plain dangerous if you want to continue in an employed status.

Mr. WEICKER. Amen.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the Record an article from today's Washington Star.

There being no objection, the article was ordered to be printed in the Record, as follows:

Page Banished for Criticizing Congress—Letter Called Tax Rebate a Pretense for Votes

(By Betty James)

A page who criticized Congress in a letter to the editor of The Star was banished from the floor of the House of Representatives after the letter appeared yesterday.

The page, Daniel R. McKee of Lafayette Hill, Pa., criticized Congress for passing the tax rebate even though he got $100 back himself.

Mr. McKee, Republican page overseer for the House, said the rebate was "uncalled for and ineffective" and a "very good example of congressional action which was taken solely on the pretenses of getting votes and appealing to the people, rather than acting on a proposal that would get the country out of this economic standstill."

The letter was illustrated with a picture of McKee, 18, in front of the Capitol.

According to reliable reports, the chairman of the Democratic Patronage Committee, Rep. Thomas E. Morgan of Pennsylvania, who has jurisdiction over pages of both parties, became furious when he read the letter and wanted to fire McKee until he realized McKee would be leaving next week anyway. McKee graduates on Monday from the Capitol Page School.

McKee's sponsor, Rep. Lawrence Coughlin, R-Pa., strongly protested McKee's being barred from the floor and will take the case to the House floor today if McKee is barred again or any other retaliatory action is taken.

Mitchell A. Rosenfeld, Coughlin's administrative assistant, said Morgan assured Coughlin that McKee would stay on the payroll and graduate from the page school but gave no assurances regarding his future access to the House floor.

Coughlin believes that "a page doesn't give up his constitutional rights when he comes to Washington," the aide said.

David Smith, legislative assistant to Morgan, denied that Morgan was angry about the letter to the editor and said the congressman was "surprised that anyone would think he is so petty."

Smith said Morgan wasn't the one who ordered that McKee be barred from the floor and didn't have any objection to McKee's being on the floor today.

McKee said Jack Russ, the chief Democratic page, asked him to stay off the floor yesterday. Russ replied to press inquiries with "no comment."

McKee said he was out in the morning and "came back to all these rumors that I was going to be fired and not be able to graduate."

McKee's letter reportedly angered some legislators on both sides of the aisle, but he isn't sorry he wrote it.

Why did he write a letter that was bound to ruffle congressional feathers?

"I was sort of upset that I got so much back," he said of the tax rebate.

In his letter, McKee wrote, "For the past nine months I have had the distinct honor of serving as a page in the House of Representatives. I have had the opportunity to see our Congress in action—or not in action, depending on how one looks at it. I was just wondering if our national leaders would like more than the $19 that I paid in income taxes from my earnings of last year."

McKee went on to say that he worked from Sept. 11 to the end of 1974 in the House and during that 3½-month period the federal government withheld $519 from his total earnings.

"My tax refund amounted to $400. This ordinarily would have meant that I paid $119 in federal income tax," he wrote.

"But what does the Congress do? They ram through an uncalled-for and ineffective rebate program that provided me with a $100 check.

"I would like to pose a question. How can our government, that would already have been operating at a deficit of over $40 billion, afford to have a rebate program that will up that figure by $22 billion, and allow me to pay only $19 in federal income tax?"

"This is a very good example of congressional action which was taken solely on the pretenses of getting votes and appealing to the people, rather than acting on a proposal that would get the country out of this economic standstill."

WATER POLLUTION CONTROL

Mr. MUSKIE. Mr. President, in 1972, the Congress comprehensively revised Federal water pollution control policy. The 1972 Clean Water Act established a minimum and uniform regulatory regime for the control of the discharge of effluents into the navigable waters of the United States.

Prior to the enactment of the 1972 amendments, Federal responsibility for water pollution control was limited to approval of State water quality standards and associated implementation plans for interstate streams. Interstate streams were defined administratively to include only a small portion of the Nation's surface waters. Few sources of pollution were actually subject to Federal abatement action. The result was an inadequate unsystematic water pollution program which was in no way responsive to the Nation's demand for clean water.

The only significant enforcement tool available to the Environmental Protection Agency was the little-known 1899

Refuse Act which barred the discharge of material into the Nation's navigable streams without a permit. The decision to use that statute, combined with the recognition of the inadequacy of the water quality standards approach to pollution control led the Congress to revise the basic national water pollution law.

The 1972 law prohibits any discharge into the Nations' navigable waters without a permit from the Environmental Protection Agency. The Environmental Protection Agency was given the authority to regulate all discharges into navigable waters except for the discharge of dredge or fill material which is regulated by the Secretary of the Army. Also, in 1972, the Congress broadened the traditional definition of navigable waters in recognition of the fact that pollutants migrated into the Nation's waters through water courses, swamps, creeks, and underground sources, many of which simply were not "navigable" in the traditional sense but the pollution impact was sufficient to merit regulation.

Thus, the term navigable waters was defined to mean "waters of the United States including the territorial seas." The Senate report on the 1972 act noted that—

> Water moves in hydrologic cycles . . . and therefore, reference to the control requirements must be made to the navigable waters, portions thereof, and their tributaries.

To complete the history on this issue, the 1972 act defines discharge of pollutant as "any addition of any pollutant to navigable waters to a point source"; and goes on the define point source as "any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged."

Thus, any discharge of any pollutant is subject to Federal regulation, if such discharge is from a point source into a navigable water, either by the Environmental Protection Agency—or a State—or the Corps of Engineers. The law did not authorize regulation of pollutants which migrate to the navigable waters from nonpoint sources. Pollutants which run from farmers fields, overflow from farmers stock ponds or otherwise enter the navigable waters from nonpoint sources are subject to State regulation and State regulation only.

Mr. President, I cite this extensive legislative history because of a controversy which has been provoked by a distorted and mischievous announcement of regulatory action by the U.S. Army Corps of Engineers relative to its responsibility to regulate the discharge of dredge or fill material into the navigable waters. The Corps, in what appears to be a deliberate attempt to distort Federal water pollution policy for purposes which I do not understand, publicly announced that a court decision which upheld the intent of Congress as regards the meaning of navigable waters would have the effect of placing thousands of farmers in violation of Federal law. Nothing could be further from the truth and the Corps knows it.

The Administrator of the Environmental Protection Agency, Russell Train, has castigated the Corps for what he describes as a "seriously inaccurate and misleading press release." I ask unanimous consent that Administrator Train's letter, as well as a Washington Post editorial be inserted in the RECORD at the end of my remarks. I also ask unanimous consent that a letter from me to Secretary of the Army Howard Callaway be printed in the RECORD as well.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **MUSKIE**. Mr. President, I have called on the Secretary of the Army to publicly retract the press release which has already caused so much concern and confusion regarding this important issue. I have asked that the Secretary's announcement of retraction be circulated to the media and placed in the Federal Register and I have asked the Secretary to investigate carefully to determine how and why this unfortunate event came to pass.

I only hope that this matter can now be ended and we can get on with the job of regulating the discharge of dredge or fill materials in such a manner as to protect both the Nation's wetlands and the quality of all of the Nation's waters.

EXHIBIT 1

WASHINGTON, D.C.,
May 16, 1975.

Lt. Gen. WILLIAM C. GRIBBLE, JR.,
Chief of Engineers,
Washington, D.C.

DEAR GENERAL GRIBBLE: It is becoming increasing apparent that the recently proposed regulations and guidelines published by the Corps of Engineers and EPA governing the implementation of section 404 of the Federal Water Pollution Control Act are being misunderstood by the public and by Congress. Most of this confusion and misunderstanding is directly attributable to the seriously inaccurate and misleading press release issued by the Corps at the time the regulations were published because of the extreme importance of section 404 as the primary mechanism to protect America's valuable wetland resources, I consider it imperative that the Corps of Engineers take steps to remedy these impressions.

We are particularly concerned that the false impression that farmers must obtain permits whenever they plow a field be corrected. Since this was clearly not contemplated by either the Corps or EPA and is not required by the statute, we fail to understand how such a statement could appear in this press release. As you are well aware, the primary concern of section 404 is to address situations where dredged or fill material is discharged into wetland areas. By no stretch of the imagination can the simple act of plowing be considered to fall within that category.

The Corps has also stated to the public that "millions of people may be presently violating the law." Obviously, there are some discharges of dredged or fill material presently occurring which are not regulated due to the Corps' present restrictive definition. Such discharges should and would be regulated under a broader approach. To say, however, that this number approaches millions is totally without basis.

The illustrations contained in the press release have led to EPA receiving numerous inquires about the types of activities covered by the program. The confusion about its applicability is apparent. For example, it has been suggested that section 404 applies to any area where there is a body of water which has the potential of flooding and that a rice farmer is violating the law if he puts any acreage into cultivation without a permit. Clearly this is not true. While there may be some rice growing operations which are located in wetland areas and which may involve the discharge of fill material for the building of dikes, it is unreasonable to assume that all rice operations fall within this category. Merely because an agricultural operation involves water does not mean that it is subject to section 404. As we indicated in our example to our guidelines, we believe that regulations can be developed which will provide effective administration of a permit program within the broader definition of "navigable waters", without involving the extreme and unwarranted extensions of federal jurisdiction mentioned in your letter.

Both EPA and the Corps have issued policy statements recognizing the need to protect wetland areas. It would be unfortunate indeed if, on the basis of these recent misconceptions, legislative changes were made to return the statutory definition of jurisdiction to traditional concepts of navigability. Such a change would leave vast areas of valuable wetlands without the protection of this regulatory mechanism and possibly subject them to uncontrolled development.

I strongly urge the Corps of Engineers to work with us in the development of our section 404 program within the spirit of the Federal Water Pollution Control Act and to take immediate action to correct the misunderstandings which your department's public statements have created.

Sincerely yours,

RUSSELL E. TRAIN.

WETLANDS AND THE CORPS OF ENGINEERS

Over the years, the Army Corps of Engineers has earned a reputation for its often high-handed disregard of the environment. From time to time, one citizens' group or another would try to stop the Corps when a given project was blatantly ill-conceived, but usually these groups were plowed under as easily as a tree stump by a Corps bulldozer. But then an awareness of the nation's fragile ecology began to spread, and the Corps was forced to adopt a measure of responsibility. It did so—however reluctantly. An indication of just how deep that reluctance has been is seen in a current campaign of the Corps in response to a court order for the engineers to expand their responsibilities under the Federal Water Pollution Act.

Following the March decision of a U.S. District Court judge in Washington—a decision intended to enlist the Corps to prevent developers and builders from destroying ecologically useful wetlands—the Corps responded by announcing that "federal permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against steam erosion." Such a tactic—rousing farmers and others to think they may need the government's permission to plow a field, dig a ditch or whatever—may have been useful to the Corps in rallying the support of those who think they see a federal big brother behind every tree. Others, with better vision, immediately saw what the Corps was doing. Russell E. Train, director of the Environmental Protection Agency, said in a letter to the Corps that "confusion and misunderstanding" were spreading because of the "seriously inaccurate and misleading" presentation the Corps made following the court order.

A week before Mr. Train's letter, which asked the Corps to end its misleading campaign, a number of environmental groups—including the Natural Resources Defense Council, one of the winning plaintiffs in the original suit, issued a statement alleging that "with the outrageous threat that they are going to strictly police the plowing of fields and construction of farm ponds across the nation, Corps officials are attempting to incite a uniformed backlash from citizens to help the Corps escape the environmental responsibilities Congress has given it.

It is doubtful that many farmers, ranchers or mountaineers are being persuaded by the Corps' presentation. More likely, they would prefer, that the engineers get on with the work that the courts, EPA and Congress are asking them to do, and which the Corps knows how to do well. According to the National Wildlife Federation, America has already lost 40 per cent—45 million acres—of its wetland resources. An effort is being made to hold the line at that figure. But unless the Corps of Engineers chooses to make a positive contribution, the destruction will go on. If there is any difference this time, it is that the courts, EPA and environmental groups will be watching closely to see that the Corps is held accountable.

JUNE 5, 1975.

Hon. HOWARD H. CALLAWAY,
Secretary of the Army,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am deeply concerned by the recent press release of the Corps of Engineers regarding options for the regulation of the discharge of dredge or fill materials into the nation's navigable waters. This press statement is mischievous and distorts an important issue. It demands public retraction.

I would hope you will announce such a retraction in the same manner and with the same vigor which obviously accompanied the original release. Also, I would hope you would investigate the source of the release to determine why it came about in the first place so that any necessary remedial action can be taken.

I am enclosing a copy of the statement which I made on this issue on the floor of the Senate today. I hope that you share my sense of urgency in responding to this issue.

Sincerely,

EDMUND S. MUSKIE,
Chairman, Subcommittee on Environmental Pollution.

AUTOMOBILE EMISSION STANDARDS

Mr. TUNNEY. Mr. President, in today's New York Times, an article appears on a study done by the National Academy of Sciences' National Research Council on the Environmental Protection Agency's proposal to relax automobile emission standards. I request unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESEARCHERS BACK STRICT RULES ON ACID EXHAUSTS FOR 1978 CARS

(By Harold M. Schmeck, Jr.)

WASHINGTON, June 4.—There is no need for delay beyond 1978 in applying strict standards for automobile exhaust emissions, a report from a special committee of the National Research Council said today.

The delays had been sought by the auto industry and, earlier this year, by the Environmental Protection Agency. The agency then said that newly recognized problems with sulphuric acid emissions from catalyst-equipped cars warranted a delay of several years.

The report made public today said that a strict standard for sulphuric acid emissions could and should be set for 1978 model cars and that the existing Federal statutory standards for hydrocarbons and carbon monoxide gas for 1978 should go into effect as scheduled.

Attaining the statutory levels for hydrocarbons and carbon monoxide is both feasible and worthwhile, said the report.

"These levels can be achieved while steps are taken to insure against excessive emissions of sulfuric acid and acid sulfates," it said.

FUEL ECONOMY

The council's report said that these and other recommendations it had made could be achieved while improving automobile fuel economy. The report said that there was no evidence to justify relaxing standards for the federally regulated pollutants.

The report was less emphatic concerning another class of auto emission pollutants—the oxides of nitrogen. It said the members of the committee that had drafted the report had not all agreed as to whether the benefits of achieving the 1978 standards for nitrogen oxides were worth the cost.

In its recommendations the committee said that adherence to the statutory 1978 standards would discourage the development of new and better technologies that could be available only for limited production for the 1978 model year.

If the nitrogen oxide standard is kept, the report said, a "two-car strategy" should be adopted nationally. This would require that vehicles registered and used in areas that have severe pollution problems meet stricter standards than cars used in areas where the air is cleaner.

The report also called for study of the health effects of other, currently unregulated, pollutants from motor vehicles. The document said there was a need to develop emission standards and more effective controls for pollution sources, other than light-duty autos, that emit hydrocarbons, carbon monoxide and sulphuric acid.

AREAS OF CONCERN

"Of particular concern," it said, "are exhaust emissions from heavy-duty vehicles and motorcycles, evaporative emissions from vehicles and emissions from various stationary sources."

An E.P.A. spokesman said today that the agency welcomed the new information provided by the report and was willing to take a flexible attitude toward emission standards in the light of data and analyses that are becoming available.

A spokesman for Chrysler Motors Corporation said that the company had not seen the report, but that the standards proposed "would cause a significant fuel economy penalty and would put the national goal of a 40 to 50 per cent improvement in fuel economy by 1980 far beyond our reach."

DECLINE TO COMMENT

The Ford and General Motors auto corporations declined to comment, saying they had not yet studied the new report.

Hearings have been held this spring in the Senate on auto emission standards. A House subcommittee, which has also held hearings, is marking up a bill. Its chairman, Representative Paul Rogers, Democrat of Florida, predicted that the committee would finish its work in about two weeks. He said that the research council's report was encouraging in that it said the strict standards could and should be met.

The National Research Council is the operating arm of the National Academy of Science and the National Academy of Engineering, private organizations of leading scientists and engineers chartered to advise the Federal Government.

The Federal emission standards scheduled to go into effect in 1978 would require cars of that model year to emit less than one-third the amount of hydrocarbons permitted for 1975–76 model cars. The cut in emissions would be even greater for carbon monoxide.

For nitrogen oxides the 1978 limit would be about two thirds of the current permissible level. In California, emission limits have been more strict than the Federal standards both for current models and 1978 cars.

NATIONAL REMODELERS ASSOCIATION'S EFFORTS IN WASHINGTON

Mr. TAFT. Mr. President, I was pleased to learn that the National Remodelers Association and its legislative arm, ETHIC, will have representatives on the scene in Washington to work with Congress and the governmental agencies. I believe that the remodelers have important concerns for the Government to consider, that these concerns are often in the national interest as well as the interest of the industry, and that past legislation and Government action sometimes have suffered because the remodelers' voice has not been heard sufficiently.

Since coming to the Senate, and particularly in the 3 years I was a member of the Housing and Urban Affairs Subcommittee, I have argued at length that the Government has not been devoting sufficient attention and resources to the preservation and improvement of the existing housing stock. The high cost of new housing construction, urban land scarcities in many areas, and environmental and energy concerns all mitigate against the virtually total concentration on new production which has characterized our past Government housing policies. On the other hand, the preservation of our existing housing has needed esthetic benefits for declining areas, benefits to elderly citizens and others who would like to stay in the neighborhoods they have lived in for years, and economic benefits. Those benefits include the prolonging of an investment Americans have already made and in some cases, staving off the need for more massive urban renewal-type Government expenditures.

Although some of the legislation of this type which I proposed became law in the Housing and Community Development Act of 1974, many of the proposals have not become law. For example, my proposals to beef up both the section 312 subsidized housing rehabilitation loan program and the Federal Government's home improvement loan insurance programs have been watered down considerably in some instances and deleted from final legislation in others.

I would not try to attribute these results to one particular reason. However, while a member of the subcommittee, I could not help noticing that the interests of the housing production-oriented industry groups, such as the homebuilders and to a large extent the financial institutions, were extremely well articulated, while the interests of groups interested in housing preservation and home improvements were not. This was important and detrimental to the housing preservation cause, both from a political standpoint and because Congress staff experts had no good place they could readily turn for comprehensive information concerning the problems of housing improvement approaches and the likely effects of relevant legislation. I hope that the National Remodelers Association will be able to contribute to a change in that situation.

JOBS NOT VETOES

Mr. MOSS. Mr. President, the failure to override the President's veto of the emergency employment appropriations bill will prove catastrophic for millions of Americans. There are over 8 million workers now counted as unemployed. Another million are not counted because they have stopped looking for work out of despair and disappointment. The human suffering caused by this widespread unemployment is impossible to calculate. Yet President Ford saw fit to veto an emergency jobs bill that would have put about a million people back to work.

In a serious recession the responsibility of the Government goes further than merely providing unemployment insurance. The overriding responsibility of the Government should be to adopt policies that will revitalize the economy and put people back to work. That is exactly what the emergency employment appropriation would have done. This $5.3 billion bill was a unique blend of two approaches to the unemployment problem. First, the funding of programs such as public service jobs in which funds are used directly for the creation of jobs. Second, the funding of accelerated Federal construction, building, and purchase programs where funds would have been used to create jobs indirectly through construction contracts. This bill would have provided: Summer jobs for youths, jobs for older Americans, work-study grants for college students, jobs for youth in the Youth Conservation Corps, an increase in rural water and sewer grants, the improvement and modernization of existing veterans hospitals, reforestation and timber stand improvement, expansion and upgrading of facilities in national parks, increased assistance to small businesses, accelerated construction for public service facilities, and major repairs and renovations of existing Federal buildings. This employment bill was designed to provide productive employment opportunities for the unemployed, not make-work projects.

Many people in the State of Utah will suffer because of the President's veto of this bill. Although Utah's unemployment rate is still below the national average, unemployment appears to be gaining momentum. In the last year Utah's unemployment levels in the construction industry increased by 64 percent, in the manufacturing industry it increased by 72 percent and in the mining industry the unemployment level is up 500 percent over what it was a year ago. The State unemployment rate stands at 7.9 percent, the highest rate since 1941. What this means in the way of human frustration and suffering is made clear in a recent letter from a constituent:

> I have three sons who can't get jobs and they can't draw unemployment and they can't get any help from the State so they live from one house to another to eat. How long must this go on? They can't pay their rent. Where do we buy things when we can't even get a job and our landlord is wanting rent we don't have? Please think about this and see if you can't help us find jobs. We need work. We need to eat.

Mr. President, this is the suffering that lies below the unemployment statistics, and we must respond with jobs not with vetoes.

BUSINESS-FIXED INVESTMENT REVISED DOWNWARD; WHOLESALE PRICE INDEX SLOWS

Mr. HUMPHREY. Mr. President, the outlook for business capital spending is bleaker than ever, according to the official Government figures released today. On the other hand, the Department of Labor has just reported that inflationary forces seem to be abating somewhat, as measured by the latest Wholesale Price Index.

Dollars expended on new capital projects are now expected to be only 1.6 percent higher than they were in 1974, less than half the rise expected by businessmen earlier in the year. Even that earlier estimate involved a sharp cutback of over 8 percent in real spending on fixed capital in 1975. The newest survey suggests an even greater decline—about 10 percent.

Just yesterday, in testimony before the Joint Economic Committee, Secretary of the Treasury William Simon told us that we were in the process of turning the corner on the sharpest recession of the postwar period. Apparently he was not aware of the new capital spending plans of business as reported by the Commerce Department today. This information is certainly a bad sign for those looking toward a rapid recovery triggered by business expansion.

I also note from the new Commerce Department figures that the downward revision of business capital spending plans occurs mostly in the second half of this year, just the time the Treasury Secretary told us the economic recovery is to get strongly underway. And the downward revision occurred not only in manufacturing businesses but among nonmanufacturing firms as well.

All the experts who have examined this disastrous recession agree that a return of confidence is essential to a healthy recovery of the economy. But these most recent data suggest to me that businessmen are becoming even less confident, not more so.

Once more I reiterate that a recovery of confidence will come only when this administration adopts sufficiently stimulative economic policies—not the timid, half-hearted policies of those who are now advising the President.

The "crowding out" of private capital investment—if such there be—can now be seen as the result of inadequate policies now being implemented in the executive branch and at the Federal Reserve Board, and not the consequence of too large a volume of borrowing in the money market to accommodate Federal borrowing needs.

I am encouraged that the pace of inflation has slowed down. Compared to the annual rates of increase in excess of 30 percent last fall, the roughly 5 percent annual increase in wholesale prices is a tremendous improvement. Particularly encouraging on the price front is the general stability we have seen in industrial commodity prices in the last 3 months.

All signs point to the conclusion that the country is well on its way to controlling inflation. We should now get busy ending the worst economic slump since the depression by creating jobs.

This country cannot economically, socially, or morally afford to have 9 percent of its labor force unemployed. I cannot accept the Ford administration's lack of concern and compassion for the people who have no jobs.

AMERICAN ARTS AND HANDCRAFTS

Mr. MATHIAS. Mr. President, this spring has witnessed an abundance of crafts fairs throughout the Nation, and especially in the Washington area. The Frederick County Fairgrounds will be the scene of a crafts festival tomorrow through Sunday and has drawn national participation from arts and crafts workers. Aside from the valuable economic benefits derived from these fairs for the craftspersons themselves, these fairs display the wide variety of talent America possesses in this field. The Baltimore Sun this morning talks about a prize-winning decoy maker, Art Hutchins of Glen Burnie, Md., and the history of his involvement in wood carving. The Washington Star of May 17 reported another important component of the crafts scene. It highlights the work of Mrs. Joan Farrell who seeks out, promotes, and markets the works of authentic American craftspersons.

Last year I introduced an American handcrafts bill which would make certain that the tradition of arts and crafts production continues through the establishment of an Office of American Arts and Handcrafts. Such an office would provide displays of American arts and crafts, and provide marketing guidance to the thousands of craftspersons throughout America who would like to enter the commercial markets. I shall soon reintroduce this legislation and I ask unanimous consent that the above-mentioned articles, which address this subject, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 5, 1975]

ART HUTCHINS—A CARVER OF DECOYS

(By Lefty Kreh)

It was natural for Art (Hutch) Hutchins, of Glen Burnie, to become a fine carver of waterfowl decoys.

Just a year ago, Hutch and his family visited Chincoteague and he became fascinated with the handcarved decoys he saw on display.

He came home to try his hand at it, and a year later he has won several coveted awards and is well on his way to establishing himself as a fine carver in a field already crowded with aspiring artists.

What helped Hutch make the grade in such a short time was his long track record in woodworking.

"I always wanted to be a woodworker, and I started in the business when I was 12 in Pennsylvania, sweeping floors for a year without pay, just to be near the work," Hutch explained.

"The next year I was allowed to do a little work and got 10 cents an hour for it. I moved to Maryland after I married my wife, Sophie, and went to work for the railroad in their woodworking shop.

"Later, I worked for the Baird Seating Company, which specializes in making furniture for churches. I built many a pulpit for local churches.

"The [*Sunpapers*] wrote a story in 1962 about how I restored a mahogany pulpit originally used by Francis Asbury at the Mount Vernon Methodist Church. It's still in use today," he said modestly.

Such a background made woodcarving a natural and easy thing to turn to.

For many who carve waterfowl decoys, the highlight of their career is to display at the annual Salisbury Waterfowl Show. Hutch was invited to show his work.

That his efforts are of high quality was proven when he won the second-place prize for Decorative Species, a real plum for anyone interested in the art.

He displayed five carvings at the St. Marys County Fair last year, and won four awards for his pieces. He has won other awards, too.

Hutch is a quiet, gentle man, one who does not shout about his accomplishments. His present occupation is to build Danish furniture for a contractor outfitting Chase Manhattan Bank in New York. Much of the lovely furniture in his home is self-made.

He constructs most of his decoys from pine blocks. He cuts the head and body separately with a bandsaw, occasionally using a draw knife to help shape them. From this point he employs only a single woodcarver's knife to finish the decoys, although in some cases he will use a small burning tool to get feather detail.

Formerly, his daughter, Kathy Esposito, spent hours painting his decoys, but Hutch does everything now.

There is no question that Hutch improves with each carving. His earliest models, when compared to his present work, are crude. Yet, the instincts and skills of a superb cabinetmaker show through all his efforts.

This artistic man will certainly carve decoys in the years to come that will be treasured by those fortunate enough to own them.

[From the Washington Star, May 17, 1975]

CRAFT FAIR AS A STIMULANT TO GETTING INVOLVED

(By Mary Vaughan)

What's a fantastic family fun thing to do?

It's go to a big, free crafts fair, get involved, take the kids, spend the day, peep over shoulders and ask how it's done. The pleasures of watching craftsmen and women at work, searching for a challenging hobby of your own, are countless.

"It's good for the craftsmen, it's good for the Mall, it's good for the people and the community," says Appalachiana shop owner Joan Farrell, who has joined with the Tennessee Arts Commission to present a huge crafts fair May 30–31 and June 1, at Bethesda's newest Georgetown Square shopping Mall.

From 50 to 60 craftsmen and women—mountain, rural and studio professionals—will come up from Tennessee to set up booths along the Mall's charming covered walkways and spill over into the Appalachiana and adjoining Recollections shops. Mrs. Farrell's hoping the fair will snowball into an annual event.

Skilled doers will bring their pottery, weaving, ladder back chairs, swings, cornshuck dolls and flowers, split oak baskets, leather goods, patchwork, bells, candles, and jewelry. One worker will bring his chain-saw and demonstrate carving birds with it. Another will demonstrate making hunting and carving knives. Tennessee's historic, Readyville Mills will send a vast array of stoneground products: yellow and white cornmeal; white, whole wheat, soy, rye and buckwheat flour.

The role of the mall in the community long has disturbed Mrs. Farrell both as a businesswoman and as a parent. "I'm absolutely appalled when I realize the Mall, in fact, has replaced the old-time community center as a place for people to go, a place for kids to gather and so on. There's no organized activity.

"I really feel that what we have to do is work towards stimulation of important events going on here. What I'm hoping will come out of this fair is the establishment of an annual cultural art and craft event in Bethesda," she says. "As long as the Mall already is a gathering point, then the Mall should be able to return to the community what we take out of it in business. We should have interesting things happening here while deemphasizing our involvement in it."

Mrs. Farrell has the unlimited support of the Mall's owner in her venture and the active backing of many of the other shop occupants, although some don't share her enthusiasm for the fair. The dissenters claim it will inconvenience regular customers in parking and getting through the crowds.

K & B Twin Theater's Paul Kershner backs the craft fair 100 percent. He's turning over one of his theaters for free documentary films related to Tennessee crafts and supplied by the Tennessee Arts Commission. They'll be shown continuously during the entire three days. The documentaries include a dulcimer maker, a sled maker, gandy dancers, a religious sect "They Shall Take Up Serpents," and many more selected by the Tennessee State Museum. In Kershner's other theater it will be business as usual, booking, "W W & the Dixie Dance Kings," starring Burt Reynolds and filmed in Nashville.

"We'll be open all the hours the fair goes on," says Kershner, "providing free use of our rest rooms and adding to our food concessions—cotton candy, hot dogs, and the old standbys candy, popcorn and softdrinks."

The Bethesda Chevy Chase Rescue Squad will set up on the parking lot providing a food concession while spillover parking can go to either of two high schools directly behind the Georgetown Square Mall, which is located at the corner of Old Georgetown Road and Democracy Boulevard.

Fair dates are Friday, May 30, noon to 9 p.m.; Saturday, May 31, 10 a.m. to 9 p.m., and Sunday, June 1, 10 a.m. to 6 p.m.

Crafts fair catalyst Joan Farrell started out as a producer of children's theater in New York. Traveling with her aviation lawyer husband in the South, she began to observe the many native craftsmen in regions she visited. An idea was formed and when the family moved to Washington she opened her first Appalachiana as an outlet for mountain artists patchwork from West Virginia. Now she obtains crafts from more than a dozen states from New Hampshire to Florida and west to Illinois. In five years she has expanded over and over concentrating now on general arts and crafts.

"We've doubled our size every year and recently opened a shop in Easton. I just promised my husband we won't expand any more."

THE RETIREMENT OF PROF. WARD MORTON

Mr. BUMPERS. Mr. President, it has been my good fortune for many years to be a friend of Prof. Ward M. Morton, a member of the political science department of Southern Illinois University at Carbondale, Ill., and a college professor for almost 50 years. I have greatly benefited from Professor Morton's instruction, advice, and counsel and believe that he exemplifies the best in the American academic world.

At Professor Morton's recent retirement banquet, he delivered himself of a speech containing a penetrating critique of bureaucratic puffery, a quality found in the academic world, but not, unfortunately, there alone.

Professor Morton's remarks were wise and amusing, and I, therefore, am taking the liberty of sharing them with other Senators and with the public. I ask unanimous consent that a copy of Professor Morton's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS OF PROF. WARD MORTON

It so happens that I have a few extemporaneous remarks I would like to make.

Because of a strong sense of obligation and gratitude to my many fine friends and associates, those assembled here tonight as well as those who could not attend, and particularly my colleagues in the Department of Political Science, I feel constrained to make the following generous bequest.

I do will and bequeath to said Department all the minutes, proceedings, and reports of all the committees on which I served: those wonderful bodies which keep minutes and waste hours. This includes all the numerous committee reports that I wrote or shared in writing which doubtless are to be found somewhere in the various files or wastebaskets of deans, vice presidents, coordinators and other assorted administrators too numerous to mention. These statesmanlike reports, comprising in all several large volumes, form an inexhaustible treasury of wit and wisdom touching upon all the problems of scholarly and academic life.

Also I do will and bequeath to my esteemed colleagues the various course prospectuses, course justifications, outlines, and bibliographies which I prepared for courses which the Department never secured permission to offer. To this may be added all the biennial budget projections to which I contributed, intended to justify the expenditure of money for urgent departmental needs that various administrators had already decided to spend on projects of their own. In addition I include all the five and ten year plans, demanding hours of effort to forecast and justify programs never realized nor ever put into operation.

As a bonus I include all the innumerable questionnaires, statistical reports and job analyses which require faculty members to segment themselves into fantastic and illusory percentages for reporting primary, secondary, tertiary, etc., . . . duties and functions until the distracted faculty members are disposed to regard themselves as schizophrenic sextuplets. Nor should I omit all the innumerable research and project reports obviously designed by people who never did any research. All of these reports by now must amount to several hundreds of pages—at least five pages of reports, questionnaires, and statistical forms for every page of research completed—which seem designed primarily to bolster some administrator's paper empire.

Likewise I do will and bequeath to the Department all those hundreds of pages of discarded notes about subjects no longer relevant, not to mention whole courses wiped out by wars and revolutions. In addition I do will and bequeath to my colleagues all the endless number of curricula vitae remitted on demand to various offices so that by now every office on the campus must have stored up at least a dozen copies. Here special mention must be made of the new "cradle-to-retirement" curriculum vitae prepared on a 24-hour deadline which simply repeat materials already in the administrator's files. All my numerous letters to various administrators explaining projects long since abandoned or protesting issues long since forgotten are here included. Nor should be forgotten all those materials sent up through channels—"that bourne from which no traveller e'er returns"—to which no reply was ever received.

In fact, it can now confidentially be revealed that as part of the new super-efficiency program all administrators are to be provided with paper shredders so that they can shred all faculty reports, forms, and questionnaires faster than faculty members can possibly fill them out.

By this means the reporting process can be indefinitely speeded up. Since it appears that we have now accepted the industrial "adversary model" for faculty-administration relations, I also will and bequeath to the Department my prize proposal to deal with this problem. All Deans and administrators should have weekly conferences with each other and each, to keep his files appropriately stuffed, should have six copies of these proceedings to study and report on to the next meeting of Deans and administrators. This is designed to keep administrators busy and happy and leave the faculty free for the more than full-time job of scholarship and teaching.

To my esteemed colleagues I will and bequeath all those curriculum designs and degree requirement programs, painstakingly worked out in committee and staff meetings, purporting to produce that mythical creature—even more mythical than the unicorn—a political scientist "well-grounded in every phase of the discipline." To the students I will and bequeath the irrepressible suspicion that this often means that the pet courses of particular faculty members should become required courses. Included in this part of my bequest are all those wonderful staff meetings which all too often make incomprehensible that which was clear enough at the outset. Nor should I fail to make special mention of all those lengthy and confusing speeches which always seem to begin: "I intend to make my remarks brief and clear . . ."

I do will and bequeath to all concerned the remembrance of those "bad old days" when lack of constant and inquisitorial reporting and absence of voluminous computer print-outs made university life thoroughly inefficient, pleasant, and rewarding with room for creative learning and an expanding horizon of interests; when one could aspire to become a scholar instead of another expert. My bequest also extends to the "good new efficient days" and includes all those numerous pompous, lengthy, and incomprehensible memoranda, bulletins, and statements to the press issued by various vice presidents and other administrators. These bulletins, supposedly announcing important administrative policy, seem, all too often, to be issued for the purpose of concealing the fact that the administrator has nothing to say.

At other times these bulletins seem to have some sort of meaning hidden behind a barrage of high-sounding phrases. For those aspiring young administrators who feel that optimal, organizational, operational meaninglessness has already been achieved and that there is nothing left for them to aspire to, I will and bequeath the *Time Magazine*, "Baffle-Gab Thesaurus." This is a real breakthrough in administrational, methodological, conceptualization which will enable them to go right to the top of their chosen profession.

In order that my bequest not omit any important items I include all these inspiring meetings with various administrators, called for the ostensible purpose of getting "input" from the peasants, which invariably seem to result in an administrative monologue. These meetings seem always destined to end with the demand that lengthy, confusing, and useless forms and reports be turned in immediately. As a bonus I include here all those lengthy and confusing computer print-outs purporting to condense the answers to numerous, ill-considered and unnecessary questionnaires, course profile samples, student course ratings, student preferences and the like. Nor should my bequest omit all those items of equipment—fans, air conditioners, desk lamps, typewriters, and the like—which are declared to be non-existent when needed by the faculty, but miraculously appear in ample supply when needed by administrators for their own purposes.

To my friends from the Library I will and bequeath all those stacks and stacks of discarded book-order cards which we filled out in the good old days when book money came from funds left over from other projects. With the hope that these funds would be larger than they were we always filled out at least twice as many cards as were ever needed. Also I include all those bales and bales of used-book catalogues, with desirable items carefully marked, which have had to be discarded because of lack of funds for out of print books.

To the students in the Department of Political Science I will and bequeath all those stacks and bales of corrected examinations and term papers which I struggled through during my many years at SIU. To the students likewise I will and bequeath the volumes and volumes of painstakingly corrected rough drafts of theses and dissertations. I bequeath to them also all those thousands of letters of recommendation for forgotten students for jobs they never got. To the graduating students I will and bequeath the right to go out and educate themselves once they emerge from the maze of degree requirements and other academic impediments. "Rotten with learning, frozen with science," as the great French art critic Elie Faure put it, they will emerge like pupae from a chrysalis to try their wings in a real world of ever-changing essences. As Mommsen, the great German historian, said in his inaugural address as Rector of the University of Berlin: "The historian . . . cannot be educated; he has to educate himself."

In order to understand the last and most valuable item in my bequest it is necessary to tell a story. Once upon a time a young man who was drafted into the Army found himself very unhappy with military life. He set his mind to the consideration of various plans to get out of the Army. Finally, after he had been assigned the job of company messenger boy, he hit upon a scheme which held out some hope of success. He dreamed up an imaginary motorbike on which to deliver messages and run errands. Everywhere he went he rode his imaginary motorbike, chug chugging along in a most realistic way. He would stop in front of each barracks, put down the imaginary kick-stand, turn off the imaginary engine, deliver the mail, come out, start up the imaginary engine again and go put-putting off to his next stop.

After several weeks of riding his imaginary motorbike people began to take notice and to comment on his performance. Finally, he was called before a medical board and after a hearing was separated from the service. When he left the hearing he rode his imaginary motorbike back to his quarters and parked it in front of the barracks. He went in, gathered up his things, but after bidding goodbye to his buddies he turned and walked away, a "free civilian" once more. Some of his friends called his attention to the fact that he was forgetting his imaginary motorbike. He replied he would not need it any more. "But," he said, "it's a perfectly good motorbike and if any of you guys would like to use it, you're welcome to it."

Well, it can now be revealed that I have ridden an imaginary motorbike which has kept me chugging along happily through nearly 50 years of teaching. In fact, as a Junior in college, I began teaching Freshmen in an introductory course in American Government in 1927. This motorbike, which has served me well through all these years, has written on it in large letters Aristotle's famous motto: "The mind is a fire to be lighted, not a vessel to be filled." My imaginary motorbike is in good running condition and still has a lot of mileage left in it. If any of you guys or gals would like to use it you are welcome to it.

In token of my bequest I hand the Chairman a notarized copy of this document.

HELLS CANYON NATIONAL RECREATION AREA

Mr. HATFIELD. Mr. President, earlier this week the Senate approved legislation I am cosponsoring with Senators PACKWOOD, CHURCH and McCLURE to protect the magnificent Hells Canyon area from dam construction. This is an issue which has been with us for many years now, and I hope that the House of Representatives will take similar action on legislation introduced by Congressman AL ULLMAN to save Hells Canyon.

An excellent editorial on this subject recently appeared in the Wallowa County Chieftain, of Enterprise, Oreg., which is located in the immediate vicinity of the proposed Hells Canyon National Recreation Area. I believe this editorial accurately portrays the issue, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wallowa County (Oreg.) Chieftain
May 29, 1975]

ON WITH SNAKE LEGISLATION

Literally hundreds of opinions have been expressed regarding what to do with Hells Canyon—dam the Snake say some, preserve the entire area say others, and still others advocate compromises. This newspaper has taken a more middle of the road approach, a position between the so-called environmentalists and those in favor of damming the gorge for use as a power source.

Through all the bickering, lobbying and compromises it appears as if this session of Congress may be in a position to pass a bill to create a 662,000 acre Hells Canyon recreation area and in so doing ban all hydroelectric dam construction between Hells Canyon Dam and Lewiston.

Oregon Rep. Al Ullman, the sponsor of the initial bill to ban dams and create recreational areas along the Middle Snake, has organized two-thirds of the House National Parks and Recreation subcommittee and half of the House Interior Committee as cosponsors.

Idaho Governor Cecil Andrus, speaking as a representative of the Oregon, Idaho and Washington governors, told the subcommittee, "We wish to have the Congress protect the Middle Snake River and Hells Canyon as is."

And John Sawhill, former Federal Energy administrator, compared the amount of energy generated by additional dams to "a very large coal-fired plant," not enough to warrant "destroying the beauty of one of the major wild river areas, and one of the most spectacular gorges in north America."

There are those individuals who profess that the construction of new dams would not destroy the Snake. Others insist that the area's recreational potential would be enhanced with more dams by making the area more accessible to public uses. And still others emphasize the growing need for additional energy supplies.

Whatever our individual positions are on this issue two facts will always remain. However meticulously dams are constructed, it is certain Hells Canyon Gorge would be disrupted from its natural state. Secondly, and quite simply, nature took thousands of years to create this masterpiece. There will never be another Hells Canyon or Snake River.

It seems to this citizen that we should have learned from past experiences that dams are not always the answer. Certainly as a power source, they have supplied energy, but we have alternate sources which we could exploit without disrupting a one-in-a-billion phenomenon.

It's time that the utility lobbyists ease off and let's get on with declaring Hells Canyon and the Middle Snake River "off limits" to dams forever. More than two decades of Congressional "discussion" is enough.

MORE SUPPORT FOR S. 1838

Mr. McGOVERN. Mr. President, there is growing interest in South Dakota and I believe around the country in an affirmative and far-reaching solution to the Nation's transportation problems.

Central to these considerations must be a revitalization of our rail network and a balanced approach to the transportation needs of each area that is coordinated into a workable national system. We must be able to maximize the most cost and energy-efficient transportation modes that are economically feasible. I believe that my bill, S. 1838, the National Transportation Services Board Act of 1975, charts a course that we must take if we are to achieve a workable and realistic transportation system for our country.

A respected South Dakota newspaper, the Watertown Public Opinion, agrees that S. 1838 "merits careful examination." I ask unanimous consent that their editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

McGovern Proposal Deserves Careful Consideration

Sen. George McGovern's National Transportation Board Services Act of 1975 might properly be labeled the National Railroad Survival Act. At first glance, at least, it appears to offer a coordinated plan to help get railroads back on the right financial track by lifting all track maintenance costs and to buy time for communities threatened with loss of their rail service.

The McGovern bill calls for a balanced national transportation system—one the South Dakota senator says can be second to none—by coordinating the allocation of public transportation funds among railroads, highways and airports in a manner to make certain that each state's transportation needs are fully met.

As to railroads, the proposal would federalize railbeds, tracks and signal systems and establish a system of credits for the value of property taken, reimbursing the railroads on a per ton mile traveled basis. The railroads would continue to operate their own lines.

The feature of particular interest to South Dakota is that all pending track abandonment applications would be nullified until the new system is operating under the act, then re-judge the applications in the light of the new experience and the outlook at that point.

This is a move which appears to have a lot going for it. The one major drawback will probably lie in an objection certain to be made—that federalization of track and roadbeds is a foot in the door to full federal ownership of the railroads ala Great Britain, and that if the rails succumb, why not, for example, the airlines . . . some of which now are in no better financial shape than some railroads. And if the apprehension is carried a step further, truck lines could be next, and so on.

The Farmers Union came swiftly to the cheering section for the McGovern bill, asserting among other things, "The McGovern rail bill would give us the opportunity to make abandonment decisions on the basis of the interests of society as a whole rather than on the purely economic interests of the railroad companies."

The concept of nationalization is anathema to many and rightfully so. But qualified, restricted takeover which includes remuneration and is intended only to cure a deep-seated affliction infecting an important segment of public transportation can no doubt be compellingly justified—in the case of the railroads, anyway.

Certainly, the McGovern bill merits careful examination and impartial assessment in terms of what it can do to help solve the problem. It could well be exactly what the long-suffering patient has needed.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If there is no further morning business, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 920, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 539 by the Senator from Alaska (Mr. Gravel).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken equally out of both sides.

The ACTING PRESIDENT pro tempore. Without objetcion, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 5 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. STENNIS. Mr. President, I make this overall statement about today's work, as I see it. I have cleared this time and it is agreeable with the Senator from Alaska to make a statement not on the amendment.

Now, if we may have quiet, please, on the part of those that are here.

The ACTING PRESIDENT pro tempore. Will the Senate please be in order?

The Senator from Mississippi.

Mr. STENNIS. Mr. President, we had a very full, active, complete day yesterday. It has been generally agreed here, worked out, that the order of amendments today will be, first, No. 539 by the Senator from Alaska on the overall military manpower cut; then we will have a feed and forage amendment by Senator Abourezk; the Javits personnel amendment, which may be disposed of in a discussion, a colloquy; and then there is a matter here about advertising and recruitment. We may be able to work something out there and dispose of that with a colloquy.

The next amendment will be advanced hydrofoil craft in which Senator Taft, a valuable member of our committee, wants to amend the Senate bill. He took up that amendment in committee. That will be followed by another matter the Senator from Ohio has relating to advanced ship development, wherein he wants to add an amendment. He also took up that amendment in committee.

Then, we have an amendment here to increase the number in the Naval Reserve, which would come next.

Relatively speaking, Mr. President, those could be classed as not major amendments, and I hope and believe that we can move along rather rapidly with those.

That would bring us to AWACS, on which the committee's position is challenged by the Senator from Missouri (Mr. Eagleton). That is amendment No. 527 which will require some debate, to be followed by the site defense by the Senator from Alaska (Mr. Gravel), No. 540. That also will require some time.

Then, we will follow that with the B–1, according to the present arrangement, which I think is a good one. The B–1 amendment, by the Senator from South Dakota (Mr. McGovern), would strike the funds.

Another B–1 amendment by the Senator from Oklahoma (Mr. Bellmon) to restore funds on the B–1, that the committee took out, I hope, can follow that.

That will bring us to the 50 additional Minuteman missiles, which is, of course, a major subject matter.

That will be some time well into the afternoon.

So I call these amendments to the attention now of the membership, the leadership, the press, and any others. We will have copies run off of this arrangement, and have those available for any Member that might wish.

I am not downgrading any of these amendments, they all have a certain importance, but I do think these first five are not of the overwhelming importance of some of the others.

Mr. President, how much time have I used on the floor this morning, please?

The ACTING PRESIDENT pro tempore. The Senator has used his 5 minutes on the bill.

Mr. STENNIS. Thank you very much, Mr. President.

AMENDMENT NO. 539

The ACTING PRESIDENT pro tempore. The question is on amendment No. 539, by the Senator from Alaska.

Who yields time?

Mr. GRAVEL. Mr. President, I allot myself as much time as I feel necessary.

Mr. President, I would like to call a modification on my amendment to the attention of the desk.

On page 2, line 3, I would like to have modified the number that is there, which is 1,897,100. I would like that number to be altered to 2,087,100.

The ACTING PRESIDENT pro tempore. Does the Senator from Alaska ask unanimous consent to so modify his amendment?

Mr. GRAVEL. We have not ordered the yeas and nays, to my knowledge. Have we?

The ACTING PRESIDENT pro tempore. The yeas and nays have not been ordered, but it was agreed that an amendment had to be submitted by 6 p.m. last night.

Is there objection to the request of the Senator from Alaska?

Mr. NUNN. Reserving the right to object, Mr. President, what was the request?

Mr. GRAVEL. The request is to change the size cut requested from 200,000 to 10,000. Obviously, in view of last night's vote, there is not a great disposition within the body to effect any sizable cuts. Therefore, I thought I would be reasonable and try to get closer to the will of the body.

Mr. NUNN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. STENNIS. Mr. President, if the Senator will yield, it is entirely all right for the Senator from Georgia to object. We will perhaps have these procedural points come up later on other amendments, so let us not consider this as a hard precedent.

Mr. NUNN. I will be glad to discuss it. If I understand it better, I might withdraw the objection. I am not certain what the Senator is trying to do.

Mr. GOLDWATER. Mr. President, reserving the right to object——

Mr. GRAVEL. Objection is already made.

Mr. GOLDWATER. I will make objections to any changes in any amendments.

The ACTING PRESIDENT pro tempore. Objection has been heard.

Mr. CRANSTON. Will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CRANSTON. I would like to state that it was my intention and is my intention to vote against the amendment in the form in which the objections compel the amendment to remain. I have been one of those who believes we are overextended overseas and we are spending more on military personnel than necessary. Prior to the events accompanying the collapse in Vietnam and Cambodia, I was an advocate of a cut of at least 100,000 in overseas troops and in reducing our Armed Forces level by that amount. However, in the aftermath of Vietnam, Cambodia, *Mayaguez*, and other developments and reactions to them, I reluctantly came to the conclusion that it would be unwise at this particular time to make any such reduction because it might give others the mistaken signal that we are on the run and turning inward and becoming isolationists. We are not doing that. Those of us who advocate less extensive troop deployments in country after country after country, and who are working for reductions that we believe are totally consistent with national security in the military procurement budget and in our national defense posture generally, are not isolationists.

We simply have a different understanding of what is required for national defense, and perhaps some differing views from others in this body and elsewhere as to what is required, what is the totality of the American posture, including not only military strategies and capacities but our economic strength and our social strength that are part of what is required for adequate defense of our freedoms and our democracy.

On the other hand, I feel that a token cut along the lines of what the Senator wisely decided to seek is very much in order, and I would have supported that. I think it is unfortunate that the Senator is not given permission to modify his own amendment in a way that would bring it to what he now perceives as appropriate and what the Senate would, I think, take more seriously and give more support to. I would be delighted to support the Senator's modification and, therefore, in effect I support the position that he now takes.

Mr. NUNN. Will the Senator from Alaska mind explaining not just the figures but the net result of what his proposed modification would have been if there had not been objection?

Mr. GRAVEL. The modification would have been to cut foreign troops by 10,000 rather than 200,000. As stated by the Senator from California, and in my judgment as well, that is the best we could get out of the Senate, just a token cut. I do not think there is a serious desire to cut back on the military establishment within the Senate or within the Congress. I am hopeful that to demonstrate the peaceful intentions of this Nation we might have a few tokens. But obviously, even tokens are not in vogue this year.

Mr. NUNN. The Senator might be pleased to note that in the committee we cut 3,500 troops now in Thailand from the end strength, or at least we indicated that is where they should come from. We cut 18,000 troops out of the overall force structure. In addition, we cut 23,000 civilians out. In addition to that, by a two-vote margin last night, there were another 17,000 civilians cut out. If you add the 17 and the 23, you get 40,000 civilians that have been removed from the force structure by the Senate. You would have 18,000 military that have been removed. In addition to that, the Department of Defense, when they came over with the authorization bill this year, made a rather significant cut, we felt, in the overall structure.

So the Senator is not making a new beginning here. The beginning has already been made. I think anyone looking at our force structure over the last 3 or 4 years would say that America has reduced its force structure. There is no doubt about that. As a matter of fact—and I do not want to take too much of the Senator's time—on this particular point, since 1964, and this is pre-Vietnam, we have reduced our overseas strength by one-third, over 240,000 people since 1964. In addition to that, since that same period, we have taken a little more than a half million people out of the military. In addition to that, the overall military force structure now is at the lowest point since before the Korean war.

I just would like to know what the Senator's ultimate goal is. In other words, how much do we need to demonstrate to the world, and how far would the Senator go?

Mr. GRAVEL. I would go considerably further. But let me say that the intent of my amendment was to bring them home. There is nothing the committee has done, there is nothing DOD has done, to require the forces overseas to be brought home. The nature of my amendment is that these people will be brought home. So there is a distinct difference between what the committee has done and what my amendment does.

I do not think it is terribly much to ask to bring home 10,000 troops when Thailand is asking us to get out with our 25,000 troops. I think it is no solace at all to find that the committee, and the Senator can correct me, required that 2,500 or 3,500 come out of Thailand. We have no written, legal agreement with those people, and they have told us to get out. That means we have to move 23,000 troops out of there. The committee feels they have done a lot when they require that 3,500 come out.

Mr. NUNN. The point is we are not saying that only 3,500 come out of Thailand. What we are saying is that 3,500 is the support element required to maintain and support the troops now present in Thailand. The committee does not feel we should take all 23,000 now in Thailand out of the force structure. We can go into that. I made a long speech yesterday on priorities and where we stood since 1964. What we are saying is we are going to remove 3,500 from the force structure, but we are not going to weaken our overall military strength. What the Senator from Alasaka is saying is that all the personnel we are taking out of Thailand ought to be taken right out of the force structure. The committee does not agree with that.

Mr. GOLDWATER. Will the Senator yield?

Mr. GRAVEL. I want to finish this presentation on Thailand.

I still do not believe the committee can claim any great accomplishment when the Government of Thailand has asked us to take all 23,000 out; and the best thing that the committee can come up with is a request for 3,500, saying that you are taking this away from support so you can still keep your combat arm there. The combat arm is made up of 9,000 air force personnel who have no mission. The only mission they had was to back up our involvement in Vietnam. We are no longer involved in Vietnam, so it seems ridiculous to continue keeping these people there when they do not have a mission.

Mr. NUNN. I was one of the first people to come up with that. I wrote a detailed report on the fact that we should not have troops in Thailand long before Vietnam fell. I still maintain that position.

The administration has already announced they are getting the troops out of Thailand. The Thai Government has already agreed to that. They are now negotiating how fast to get those troops out of Thailand. I do not know what the Senator is trying to do. He is apparently coming in and saying we are going to force them to do what they have already agreed upon. If the Senator is going to write a law requiring something that everyone already knows is going to happen, it is all right with me, but I do not see the point.

Mr. GRAVEL. It seems the Senator is going to exceed his own efforts in arguing against the amendment to cut 10,000, when he says the committee has already done a great deal by cutting 3,500.

Mr. NUNN. I am simply stating the facts of what we did. If the Senator wants to interpret that as saying we did a great deal, go ahead, but I did not say that.

Mr. GRAVEL. There is no mission for these troops in Thailand. Their mission was to back up our involvement in Vietnam. We are no longer involved in Vietnam; why can we not just retire those troops?

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I just pose that as a question to the Senator from Georgia. I shall be glad to yield to the Senator from Arizona.

Mr. GOLDWATER. For the Senator's information, either yesterday or today all B–52's are leaving our base at Utapao, which is near Sattahip in Thailand. That will bring home, in crews and support personnel, about 5,000. Left to clean up the base and secure the equipment will be about another 5,000. Two bases will be closed this week in Thailand, Utapao, and Udorn, leaving three. Those three are now occupied by what we would call support type people, who are putting the equipment together and getting it back to this country.

I might say that one of the bases remaining has probably the largest collection of the most sophisticated electronic equipment to be found any place on this Earth, and we cannot leave that to fall into the hands of the enemy. It has to be brought home.

I think I can tell the Senator from Alaska with a great degree of safety that within 6 months there will be no American troops left in Thailand. I have to admit that I am a little privileged on this, because every day my radio station at home talks to Thailand for 5 hours, and we get it rather straight from the horse's mouth. People are coming home very rapidly, and the 23,000 figure that we have on our sheets, after today, will be down to 17,000, and it will dwindle month after month until nothing is there.

Mr. GRAVEL. I commend the military, and I thank the Senator from Arizona for providing this body with that information. I feel that we should do it in all haste, because they have asked us to leave. We have no legal basis for being there, and at the same time there is no mission for the people to accomplish.

I might ask the Senator from Arizona, since we are bringing back these 23,000 people, and since their mission there was the support of South Vietnam, and we are no longer in South Vietnam, why can we not just retire those people from military service, and be able to cut our total force levels by 23,000?

Mr. GOLDWATER. Because the mission in Thailand was not just for the support of South Vietnam. The mission in Thailand was also to aid the Thais who were helping in Laos, who were helping to try to prevent the Red Chinese from building highways across Northern Laos and Thailand to the borders of Burma, which unfortunately they have done, leaving Burma now open to the marching troops of Red China whenever they want to move. So it is not true that the U.S. Air Forces—and with the exception of one base, they were all Air Force troops—were in Thailand for the protection of South Vietnam. They were there for the protection of Thailand and the aid of Thailand, mostly engaged, when we were doing it, in attacks on the supply routes that came down through Laos and parts of Cambodia into South Vietnam.

So that mission has long been over, but I will remind my friend from Alaska that, when a war ends, the troops do not come home that day. We were a long time getting our troops out of Japan, out of Okinawa, off of Saipan, Tinian, and all the islands we had to use for support bases. Such troop movements are not accomplished overnight.

To answer the question as to why can we not remove these B–52 crews from the inventory and in fact remove the B–52's from the inventory, they are part of the total makeup of the Strategic Air Force. They were not enlisted, they were not brought on duty, just for service in Thailand or service on Guam; they were already a part of the force structure, and they will remain a part of the force structure when they are brought back to the United States. To let them go at this time would be a mistake, in my opinion.

Mr. President, because we are talking about troop strengths, I ask unanimous consent that a paper indicating the approximate troop strength—it is not precise, but it shows the approximate troop strength—of the United States around the world be printed in the RECORD at this point.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE

U.S. military strength outside the United States as of December 31, 1974

Total outside the United States	511,000
U.S. territories and possessions	31,000
Foreign countries	480,000
Selected areas:	
Southeast Asia	23,000
Thailand	23,000
Western Pacific	142,000
Japan (including Okinawa prefecture)	52,000
Philippines	16,000
South Korea	42,000
Taiwan	5,000
Afloat	27,000
Other areas	46,000
Bermuda	1,000
Canada	2,000
Cuba	3,000
Guam	3,000
Panama Canal Zone	10,000
Puerto Rico	5,000
Afloat	7,000
Other	7,000
Western Europe and related areas	300,000
Belgium	2,000
Germany	211,000
Iceland	3,000
Italy	12,000
Greece	4,000
Morocco	1,000
Netherlands	2,000
Portugal	1,000
Spain	9,000
Turkey	7,000
United Kingdom	21,000
Afloat	26,000
Other	1,000

Less than 250:
Antarctica.
Bahamas.
Barbados.
Brazil.
Ethiopia.
Johnston Islands.
Leeward Islands.
New Zealand.
Norway.
Saudia Arabia.
South Vietnam.

Less than 1,000:
Australia.
Greenland.
Iran.
Midway Island.

All others less than 100 U.S. military personnel.

Mr. GRAVEL. Mr. President, I still am a little baffled. I understand the extra mission which our troops may have had in Thailand, which unfortunately they were not very successful in, since the Senator admits that the road to Burma was built. But be that as it may, that mission has now expired, as the Senator admits.

I am not impatient that we bring home the 23,000 troops this afternoon and discharge them tomorrow morning. I am not that impatient. I would be glad to give until the end of the year to do that. I would be happy to modify my amendment to say "Let us cut out 23,000, and let the military do it by the end of the year." Would that be accommodating to the Senator from Arizona?

Mr. GOLDWATER. No, it would not, because the committee, through the subcommittee chairman, the Senator from Georgia, has given long and careful study to this matter. This is not something that has been handed to us by someone from downtown who has thought about it through a computer. This is something we have pondered over, worried over, and argued over. We have had suggestions made in the committee that went far past anything the Senator has suggested. We have had suggestions made that went just as far in the opposite way.

I merely remind my colleagues of the disaster that overtook the United States when we could not wait to get the boys home after World War II. We got them home overnight, almost, and then we were faced with Korea, because we had no troops any place and no equipment any place. I remember when, to get rid of the P-51's on Okinawa, they used to start the engines, reach into the cockpits, shove the throttle forward, and taxi them off into the ocean. That was stupid. I do not want to see my country go through another period of sheer stupidity by saying that because we fly the B-51 crews home from Utapao, we can stockpile them.

Mr. President, this is the most dangerous period this world has ever faced, despite what the Senator from Alaska may think. The world is fraught with danger.

The more the United States gives any further indication we are going to back off or isolate our country as we isolated our country during the 1930's, we are going to have more probing efforts by smaller countries, to find out how far we will go. We are faced with one of the gravest dangers of war in our history in Korea; and while the Senator may say South Korea has more troops, North Korea has Red China. Red China has one-third of the world's people, and they are a very, very effective fighting force which we really do not know much about, because they are peasants. They are peasants who fight in families, and they are dedicated—something we are not.

Mr. GRAVEL. If my colleague will permit me, I have heard the arguments often enough about isolationists. I am not in favor of turning inward; I would like to dispel that once and for all. I would be willing to propose an amendment to turn over a sizable portion of our Military Establishment to the United Nations as an international force. So far from it. I am not at all for turning inward.

I just realize that we are spending too much, and this is not giving us the best defense we could have for the dollars in question. I do not see why we should continue to pay for the waste, particularly when our defense establishment is designed like the Maginot line during the period of the First World War and the Second World War.

Mr. STONE. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield to the Senator from Florida.

Mr. STONE. Has the Senator from Alaska noticed the votes in the General Assembly of the United Nations in the last few sessions in regard to their concern for the security of the United States or the foreign policy goals or votes or positions of the United States? Does the Senator think that it would enhance the security of the United States to turn over forces to a group that votes that way and feels that way about the United States.

Mr. GRAVEL. First, I do not know what votes the Senator is talking about. I do know of one vote, that I thought was pretty odd, with respect to security. That was the vote with respect to Diego Garcia.

Of course, we said we want to send our troops into Diego Garcia; we want to expand our Military Establishment there so we can get our forces into the Indian Ocean to show the flag to protect the allies.

Mr. STONE. Will the Senator yield?

Mr. GRAVEL. Let me finish.

It is interesting that the 92 nations that voted against our presence in Diego Garcia in the Indian Ocean are essentially all the people who live in that area. So, the people we say we are in the Indian Ocean to defend did not want us there. What other votes are there in the United Nations?

Mr. STONE. Let us take that one just a minute. Does the Senator from Alaska know of the arming of the Somalia base by the Soviet Union and the Somalia base in its worldwide naval exercise recently?

Mr. GRAVEL. I might say that I am not familiar with the details of the arming, but I am thoroughly familiar with the timing involved. That took place after we had our presence in the Indian Ocean.

Mr. STONE. Whether it was after or before——

Mr. GRAVEL. So what? Suppose they are arming Somalia. What does this mean to us?

Mr. STONE. It means that they have a presence in the Indian Ocean. It means that just as they used Cuba in that worldwide naval exercise they are using Somalia.

Mr. GRAVEL. Let them use it. What is the point of it? Let them arm Somalia to the teeth. Let them put all their S-18 missiles in Somalia. What threat is that to the Senator in Florida or to me in Alaska?

Mr. STONE. Does the Senator have a recollection of the willingness of the Soviet Union to use its great strength and its logistic position in the years since 1946? Will the Senator indulge the Senator from Florida for about 2 minutes while the Senator from Florida refreshes the recollection of the distinguished Senator from Alaska on the willingness of the Soviet Union to use its strength and its bases?

In Iran in 1946—and these are instances gathered for the Senator from Florida by the Library of Congress.

The ACTING PRESIDENT pro tempore. The time of the Senator from Alaska has expired.

Mr. GRAVEL. I was treating the time, Mr. President, just as if it were collective time. It would be up to the Senator from Georgia——

Mr. NUNN. Mr. President, has the time of the Senator from Alaska expired?

Mr. GRAVEL. Yes.

Mr. NUNN. I am glad to yield some time. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has 23 minutes remaining.

Mr. NUNN. And the time of the Senator from Alaska has expired.

Mr. GRAVEL. Completely expired.

Mr. NUNN. I yield the Senator from Alaska 10 minutes to continue the dialog and I will be glad to participate in it.

Mr. GRAVEL. I thank the Senator.

Mr. STONE. Mr. President, before taking a minute with this summary, which is a shorthand history of Soviet aggression, to further answer the question about Diego Garcia, if the people in the United Nations and particularly those from that area were averse to our being able to protect the peace in the situation in which the Soviets are continuing to arm the area, from their point of view, then that I think is a complete answer to the question and to the proposal of the Senator from Alaska to turn over all armed forces to the United Nations.

Mr. GRAVEL. No.

With respect to the Diego Garcia incident, let us recognize that we did it first. Then the Russians felt they had to show their flag after we showed the American flag, and all the people in that area of the world are saying fie on both your houses.

Mr. STONE. No, they are not saying that.

Mr. GRAVEL. They are saying who is really most aggressive. Obviously, our presence was there first.

Mr. STONE. The Senator from Alaska is not correct about that, and as far as being the most aggressive, I just want to take a minute or two.

In Iran in 1946, the Soviets intruded in connection with Azerbaijan.

In Berlin in 1947-48, there was the blockade.

In Hungary in 1956 there was the suppression of the people's revolt.

In Czechoslovakia in 1968, there was the Warsaw Pact invasion.

In Greece in 1946-48, there was aid to the civil war through Yugoslavia and Bulgaria.

In Korea in 1950 there was support of North Korean invasion, which was opposed by the United Nations and by, chiefly, the United States.

In the Mideast in 1973 there was support for the Arab war with Israel.

In 1960 through 1975 there was support for the North Vietnamese, the Viet Cong and the other forces in Vietnam.

There was also more limited finances and support for other insurrections, disputes and confrontations.

There was Soviet arms and finances on a limited level to Southern African revolts which included aid to Mozambique, FRELIMO in Mozambique, the MPLA in Angola, the ZAPU in Rhodesia, the SWAPO in Southwest Africa and the ANC in South Africa.

In 1955 there was the Arab-Israeli confrontation.

Mr. GRAVEL. I am prepared to have my colleague submit that for the RECORD, if I could pose one question.

Mr. STONE. All right.

Mr. GRAVEL. How many people did the Soviet Union lose in deaths of their own military forces, and how many deaths did they cause in all of these ventures of which the Senator speaks?

Mr. STONE. The Soviets were smart enough to use procurement, to use weapons, to use systems, to use sabotage, to use trained insurrectionists as opposed to Soviet citizens. They were smart enough to do that.

Mr. GRAVEL. How many American troops were killed in Vietnam, and how many deaths were caused in Southeast Asia by our peaceful intentions in that area?

Mr. STONE. To equate defense against aggression with aggression is a terrible mockery.

Mr. GRAVEL. No, it is not a mockery. It is a very sincere statement.

We went into that before. I could cite you a list, that I believe the Senator from Arizona got from the Library of Congress a couple years ago, a list of some 200 involvements of the United States Armed Forces around the world. At the time it was to demonstrate our flexibility and abilities.

So if the Senator wants to read a list as to what the Soviets have done and say that is the reason why we should arm ourselves to the teeth, then I think we could read a list of what we have done, and then we have the rationale for them to arm themselves to the teeth.

The problem we have in the world is not to continue the arms race; it is to find some rational device to deescalate it.

Mr. STONE. It is irregular, may I respectfully submit, to say that if the Soviets put a blockade on Berlin it is aggressive to defend those people in their freedom. That is irrational.

Mr. GRAVEL. I did not say that.

Mr. STONE. But that is the whole idea.

Mr. GRAVEL. No, that is not the whole idea. The whole idea is very simple. I do not see why we should be in the Indian Ocean, and I do not care who else is in the Indian Ocean. It does not affect my security, so I do not want to pay my tax dollars for that.

Mr. NUNN. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I am happy to yield to the Senator from Georgia.

Mr. NUNN. I think we ought to make clear that Diego Garcia, in spite of it being a very interesting subject, is not of this amendment, nor is it part of the bill we are talking about. That will be coming up on the military construction bill, and I am sure at that time the Senator from Alaska will have certainly his thoughts to present to the Senate.

But I think we all ought to put a little perspective on this whole matter.

We would think, based on some of the suggest that these gentlemen hold their the United States of America was building up its military force all over the world and that we are escalating and we are increasing our combat power, when that is just the opposite of what is taking place.

Mr. STENNIS. Mr. President, may I suggest that these gentlemen hold their conference somewhere else rather than between the membership and the Presiding Officer.

The ACTING PRESIDENT pro tempore. Will the Senate please be in order and clear the well.

The Senator from Georgia was recognized and yielded to the Senator from Alaska.

Mr. NUNN. Thank you, Mr. President.

The truth of it is since 1964 our Nation has undergone a tremendous reduction in its defense posture and pre-Vietnam war levels. We have reduced our manpower by 585,000 people since before the Vietnam war. We have reduced our overall troops abroad by something like 30 percent.

Mr. STONE. Mr. President, will the Senator yield?

What has the Soviet system done in that same period?

Mr. NUNN. The Soviet Union has gone from 3 million men to 4 million men under arms in that same period of time. They have gone in exactly the opposite direction.

We have less aircraft now than we did before 1964. We have substantially fewer ships, and our manpower level is down below the Korean war level.

Mr. STONE. What about the comparative investment compared to gross national product of the Soviet system and this investment?

Mr. NUNN. In this year, if the United States of America were going to go back and buy the same kind of defense posture we had in fiscal 1964, we would not be talking about an outlay of $94 billion. We would be talking in real terms about an outlay of $112 billion. We are substantially below the 1964 level in every category.

If we are compared to the Soviet Union, relatively speaking, we are not in nearly as good shape, vis-a-vis the Soviet Union, as we were in 1964. I am not saying that the Russians are 10 feet tall and we are 6 feet tall. I think if they are 10 feet tall, we may be 10½ feet tall, because we still have a technological advantage. But that advantage is eroding; and anyone who looks at any facts and any statistics and any analysis with objectivity will have to admit that the cutbacks the United States of America has made in its forces certainly have not been reciprocated by the Soviet Union.

They have gone in the opposite direction.

Mr. STONE. Is that not exactly the point?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. NUNN. I do not have the floor.

Mr. GOLDWATER Mr. President, will the Senator yield, so that I may add to that?

Mr. GRAVEL. Let me respond to that with a few figures.

This is from the World Military Expenditures and Arms Trade, 1963 to 1973, by the U.S. Arms Control and Disarmament Agency. The growth milex for the Soviet Union during the period 1963 to 1973 was 1. The growth milex for the United States was 2.3. This means that we have an increasing amount of effort being placed into the military establishment on this milex definition.

Mr. NUNN. Does that include personnel costs?

Mr. GRAVEL. It includes personnel costs on both sides. I am sure they suffer from inflation, as we do.

Mr. NUNN. Does the Senator realize that 92 percent of the increased expenditures since 1964 in the American military has been personnel related, and much of that has come from the volunteer force and the move to try to prevent our having to draft young Americans?

Mr. GRAVEL. I was one of those waging the filibuster to wipe out the draft, and we succeeded; and we hoped at that time that we could bring down the number in our services.

Mr. NUNN. In this budget, we are now spending 53 cents of every dollar on personnel. The Soviet Union is spending about 29 cents of every dollar on personnel. When this is put into perspective, that they are spending 20 percent more money than we are, that only about 30 cents of every dollar they are spending is going to personnel, and we are spending 53 cents of every dollar on personnel, then it puts a terrible burden on the research and development and the procurement in the out years. So we have to look at these trends very seriously.

Mr. GRAVEL. We do not know that we are spending much more than they are. According to this Government document, we have a milex GNP, which is the amount of money spent on military appropriations with respect to the GNP; and the milex for the United States is 6.06, and for the Soviet Union we have an estimate of approximately 6 to 10.

Mr. NUNN. Can the Senator explain what "milex" means?

Mr. GRAVEL. It is the ratio, on a per capita basis, between the amount of money spent with respect to GNP and with respect to the military establishment.

Mr. NUNN. What document is that?

Mr. GRAVEL. This is the World Military Expenditures and Arms Trade, 1963 to 1973, and it is put out by the U.S. Arms Control and Disarmament Agency, Washington, D.C.

The ACTING PRESIDENT pro tempore. The 10 minutes of the Senator have expired.

Mr. GOLDWATER. Mr. President, will the Senator from Georgia yield to me for at least 2 minutes?

Mr. STENNIS. Mr. President, under the situation prevailing, the Senator from Mississippi has the floor.

Mr. GOLDWATER. I apologize to the chairman. I thought the Senator from Georgia had control of the time.

Mr. STENNIS. That is all right. How much time does the Senator desire?

Mr. GOLDWATER. Two minutes.

Mr. STENNIS. I yield the Senator 4 minutes.

Mr. GOLDWATER. Mr. President, the Senator from Florida has made a great addition to this argument, and I am very happy that he got his remarks in the RECORD.

To go a step further, the Soviet Union has at least 20 full sized divisions on the Red Chinese border, plus some 6,000 tanks, plus over 2,000 tactical aircraft.

Let us look elsewhere. At one time, the

Soviets had 3,500 or more advisors in Egypt. Some of them were flying Mig aircraft.

At one time, the Soviets had over 3,000 people in Syria, and some of them were flying Mig aircraft.

The Soviets have been very cute about this whole thing since World War II. The Communist movement has taken over about one-third of the world, without many shots being fired. When our troops move, we do not move aggressively. We have given land to the people who live on it. We are not an aggressive Nation. Our troops have been used in defense of liberty and freedom, while the Soviets have used their own plus other troops, under their guidance, for the acquisition of property, the destruction of freedom, and the destruction of people's property around the world.

So for us to be arguing here today about whether we are going to reduce our forces is absolute, sheer folly. If I were the Soviets. I would be clapping my hands and clicking my heels, to think that the U.S. Senate would be talking about isolating the United States once again. I do not care how the Senator spells it out. What he is talking about is isolationism.

Mr. STONE. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I am happy to yield.

Mr. STONE. Does the Senator know of a comparable effort going on right now in the Soviet Union to reduce force in the air area or in the ground area or in the missile area or in any conventional area, as is taking place in the Senate of the United States?

Mr. GOLDWATER. To the contrary. I will say this, although I know that I might be contradicted, I believe we are behind the Soviets in every category of military except experience in the air, and you can get experience in the air mighty fast.

Mr. STONE. Does the Senator recall that there was a risk when the Soviets attempted to introduce offensive missiles into Cuba and that that risk was met, at least in part, not only by our naval screen but also by our air screen?

Mr. GOLDWATER. This Senator is aware of that. This Senator was on duty in Florida at the time.

I will say this: If we had one more airplane on Florida, it would have sunk. [Laughter.] It was the power of the United States, displayed by the Navy, displayed by the Air Force—not only the U.S. Air Force but also the naval air force—that convinced Cuba it had better not start anything. Mind you, we did not just sit on Florida, there were flights over Cuba every minute, taking pictures.

Mr. STONE. Does the Senator think that if those airplanes and those naval units had been under the command of the vote of the United Nations General Assembly, we would have gotten those missiles out of Cuba?

Mr. GOLDWATER. I have no faith at all in the United Nations as a peacekeeping body.

Mr. STONE. Mr. President, our discussion of strategic policy should not conclude without mention of the defensive efforts and capabilities of the Soviet Union. In voting on this military procurement authorization bill, it is the obligation of this body to consider the trends reflected in the defense policy of the Soviet Union. I recently received a resolution on National Defense passed unanimously by the executive council of the AFL–CIO at its meeting on May 6, 1975. The members of the council state as follows:

> The evident political weakness of American foreign policy in Southeast Asia, the Middle East, Portugal, and Western Europe is paralleled by an even more ominous trend: The vast growth in the military might of the Soviet Union and its allies and the relative decline in the defense capability of the democratic world, especially the United States.
>
> In recent years Soviet military might has surged far beyond a mere defensive capability. The Soviet arms budget is growing by 5% a year, by conservative estimates. Since the first SALT agreements were signed, the Soviets have developed four new missile systems including new multiple warheads and multiple independently targeted re-entry vehicles (MIRVS). Their new missiles are far larger than ours and, if equipped with multiple warheads, could give them a vast strategic superiority. Aviation Week has regularly reported—and the Administration has not convincingly denied—that the Soviets are violating strategic agreements by building large numbers of new missile silos, by testing new ABM technology, by perfecting new means of missile concealment, and by developing mobile ICBMS.
>
> In the conventional field, the Soviets now have 50% more men under arms than the U.S., not counting their enormous para-military forces. Together with their Warsaw Pact allies they have four times the number of tanks we have, three times the heavy artillery, and twice as many heavy mortars. The Middle East war of 1973 demonstrated that Soviet military technology—in anti-aircraft defense, in anti-tank and anti-aircraft missiles, and in other areas—is highly sophisticated. The Soviet navy now has as many surface combat ships as the U.S., and more than three times our submarine strength. Their ships are newer and faster, and have immense and sophisticated fire-power.
>
> The United States, in contrast, appears to have begun a drift toward unilateral disarmament. Current defense spending constitutes the lowest percentage of our GNP since our demobilization after World War II. In constant dollars, our defense spending has steadily declined; yet the proportion of our defense budget that goes for manpower and other personnel benefits has risen substantially. Our allies and adversaries alike must now question our capability to effectively wage war—and only that capability, clearly perceived, can effectively deter war.

I share the concern of the AFL–CIO executive council. According to figures compiled by the U.S. Arms Control and Disarmament Agency, the Soviet Union, with gross national product a little more than half that of the United States, spent $7.5 billion more for defense than the United States in 1973. This is from World Military Expenditures and Arms Trade 1963–73, January 1975.

Secretary Schlesinger stated on January 22, 1975, that the Soviets have increased their real military expenditures, in terms of constant rubles, by 3 to 5 percent annually. He went on to state further:

> Whatever the appeal of a reduced military posture stemming from detente, so frequently preached in this country, Soviet military expenditures—in detente as before—continue to rise. The Soviets continue to state quite categorically that peaceful coexistence is a consequence of the expansion of Soviet military power.
>
> Today, according to the latest CIA dollar projections, which I believe to be understated if anything, the Soviet Union is outspending the United States on defense by 20%—25% if pensions are dropped out. In every meaningful category of defense expenditures the Soviets outspend the United States. Calculated in U.S. prices the USSR now outspends us by 25% in procurement, 20% in overall research and development, 20% in general purpose forces, and 60% in strategic nuclear offensive forces. Since 1960 the Soviet Union has expanded its military manpower from 3 million men to 4 million men under arms. It has increased its deployments in the Far East and in Eastern Europe. It is now embarking on a major and costly expansion of its strategic nuclear capabilities.

Central Intelligence Agency Director William Colby stated in a hearing before the Joint Economic Committe on April 12, 1974, that the defense share of the Soviet gross national product probably lies between 6 and 10 percent. Our most recent Pentagon figures show that estimated 1975 and 1976 defense expenditures were 5.9 percent of our GNP, a drop of from 9.2 percent in 1961 and 7.6 percent in 1971. These figures also show that the defense share of the total Federal budget has fallen from 47.6 percent in 1961 to 36.3 percent in 1971 to 26.9 percent for 1976. These figures are on a "unified basis."

The International Institute for Strategic Studies—London—states in its publication "The Military Balance 1974–75" that the estimated GNP for the United States in 1973 was $1,289.1 billion and our defense budget for 1974–75 was $85.8 billion. The estimated GNP of the Soviet Union in 1973 was 441 billion rubles and the estimated Soviet defense expenditures for 1974 were 23.8 billion rubles—approximately $96 billion.

One of the foremost commentaries on strategic capabilities, "Jane's Fighting Ships," gives its views of the preponderant Soviet policy, in its 1974–75 edition:

> This thinking is sensibly in line with what appears to be the present-day Soviet policy of ensuring the security of the State by all means available. One of these is the possession of preponderant military forces, another the pursuit of detente, a necessary move to allay fears and to gain time. In such a pattern the increase in the Soviet Research and Development programme by well over half in the last five years makes logical sense—whereas in the West every penny for Defence has to be fought for, in the Soviets the battle appears to be more for allocation than provision. In this struggle the Navy has clearly won a very strong position and moved steadily to a position unknown fifteen years ago.

It further describes the Soviet naval capability in this manner:

> The last year has seen the emergence of the first "Delta" class ballistic-missile submarine, and the acknowledgement of the "Delta II," a giant amongst big submarines, possibly carrying at least the accepted sixteen missiles of other submarines with this capability. These missiles, the SS–N–8, have a range of 4,200 nautical miles giving them a capability of covering the whole of North America and the rest of NATO without the parent submarine leaving the Norwegian Sea.

The Soviet Navy leads the world in seaborne missile armament, both strategic and tactical, both ship and submarine launched. Their shore-based air force is second to none, they have large mine-warfare forces and a considerable amphibious capability. Possible weaknesses, which are certainly being most actively examined, lie in their manpower and, consequently, techncal maintenance, submarine silencing, anti-submarine operations, ship-borne aircraft and custom-built fleet supply ships, although this last is now being remedied. Thus the Soviets possess a navy with great strengths but certain important weaknesses. They have, nevertheless, proved themselves capable of continued and world-wide presence, with all the political value which comes from this.

The International Institute for Strategic Studies—London—gives a detailed analysis and comparison of military forces of both the United States and the Soviet Union in its publication "The Military Balance, 1974–75." It points out that under present Defense Department planning the United States will have at this time approximately 550 Minuteman 3 and 450 Minuteman 2 ICBM's. The Soviet Union is estimated to have 1,575 ICBM's now deployed. This is a figure 48 more than last year and 43 short of the ceiling imposed by the 1972 SALT interim agreement. Twelve new silos are likely to be operational soon bringing the Soviet ICBM total to 1,587. Four new ICBM systems are being developed, each with greater accuracy than those now deployed.

If three of the four new systems are fully deployed, the Soviet ICBM throw-weight would increase from the present 6 to 7 million pounds to 10 to 12 million pounds and would be able to deliver some 7,000 separately targeted warheads in the MT range. This compares with the present U.S. ICBM capability to deliver 2,000 separately targeted warheads with 1 to 2 million pounds throw-weight.

Our strategic submarine capability presently consists of approximately 22 Poseidon submarines and 9 submarines being converted to Poseidon by 1977. The new 24-tube Trident submarines are being built at a rate of 2 a year, with a total of 10 projected.

The Soviets, on the other hand, have 70 submarines and have increased their SLBM missiles to a total of 720, which is 92 more than a year ago. This past year they have launched two more Y-class and six more D-class boats. The D-class missiles have a range of 4,600 miles—the longest range of any operational SLBM. Only these two classes of submarines count against the SALT ceiling of 62 "modern" submarines.

At this point, I ask unanimous consent to have printed in the Record pages 3 through 10 of the International Institute for Strategic Studies—London—publication "The Military Balance, 1974–75," which gives in detail the comparative review of United States and Soviet offensive and defensive systems and general purpose forces.

Would the Soviets use their great military strength? I refer to a summary prepared for me by the Library of Congress, headed "Post-World War II Cases of U.S.S.R. Intervention or Action," and I ask unanimous consent to have it printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE MILITARY BALANCE, 1974–75

THE UNITED STATES AND THE SOVIET UNION

Strategic weapons

At the summit conference in Moscow at the end of June 1974, the United States and the Soviet Union reached no new agreement to limit offensive missiles. Each is continuing the deployment of new and improved systems within the limits agreed in 1972, and the pace of research and development is unchecked.

Offensive systems

The United States will have deployed 529 *Minuteman 3* ICBM by the end of 1974, each with 3 MIRV, and is to procure a further 21 in the first half of 1975 to complete the programme of 550 *Minuteman 3* with up to 1,650 warheads. When this conversion is complete, the remainder of the force will consist of 450 *Minuteman 2*, each with 3 MIRV. The option to deploy a larger *Minuteman 3* force is left open. A programme to strengthen substantially the 1,000 *Minuteman* silos has been started (to be completed by 1978), and a new Command Data Buffer system is being installed to allow rapid retargeting.* At sea, 352 *Poseidon* SLBM, each with 10–14 MIRV, have been, or are about to be, deployed in 22 submarines; conversion of another 9 submarines to *Poseidon* will be complete by 1977, when only 10 *Polaris A–3* submarines will remain in service. Work has started on the *Trident 1* SLBM with a 4,600 mile range, designed to carry MARV warheads, capable of being installed on *Poseidon* submarines or in the new 24-tube *Trident* submarine.† The projected production rate of the *Trident* submarine is 2 a year, and the first is to be operational at the end of 1978. There are to be 10 in all, replacing the 10 *Polaris A–3* boats mentioned above and so remaining within the total of 41 submarines permitted under SALT. (The SALT Interim Offensive Agreement runs out in 1977. If, as present plans indicate, the 10 *Polaris* submarines are replaced with *Trident*, the United States would have 736 SLBM by the early 1980s—26 more than the SALT total permits, even after using the freedom allowed by the Interim Offensive Agreement to replace 54 *Titan 2* ICBM with new SLBM.) If and when such programmes are completed, the United States would have ICBM and SLBM carrying over 9,000 separately targetable warheads.

Though unconstrained by SALT, strategic bomber aircraft have been reduced (by 2 B–52 squadrons), but the B–1 supersonic bomber (which is to replace the B–52) is scheduled to make its first flight by early 1975. A decision on whether to procure a B–1 force of 241 is to be made in 1976.

There are a number of projects in earlier stages of development, the discontinuance of some of which is said to depend on the willingness of the Soviet Union to agree on mutual restraint. The accuracy of Minuteman 3 is to be improved, largely through testing and software (electronic) changes, and a higher-yield warhead is under study, as is terminal guidance for both Minuteman 3 and Poseidon. More distant programmers include a new, large-payload ICBM launched from existing silos and a new mobile missile, either ground- or air-launched (though the development of a mobile missile has been specifically made dependent on the Soviet Union embarking on such a course first). Development is also continuing of a new low-flying, strategic cruise missile which could be launched by aircraft, submarines or surface vessels. In addition, funds have been requested for the study of a smaller and less costly SSBN which might eventually replace the Polaris/Poseidon fleet.

The Soviet Union is also undertaking important developments in strategic offensive systems. On land, 1,575 ICBM are now deployed (48 more than last year and 43 short of the ceiling imposed by the 1972 SALT Interim Agreement), and the remaining 12 new silos are likely to be operational soon, bringing the ICBM total to 1,587. Development has continued of four new ICBM: the SS–X–18, a large liquid-fuelled missile in the SS–9 class (it could fit into slightly modified SS–9 silos); the SS–X–17 and the SS–X–19, two liquid-fuelled missiles with three to five times the throw-weight of the SS–11; and the SS–X–16, a solid-fuelled missile in the SS–13 class, which may have fixed and mobile versions. The 25 large silos started in 1970 are thought likely to be operational by mid-1975 with SS–X–18 missiles, which would then bring the Soviet "heavy" ICBM total to the 313 permitted by the Interim Agreement. All four of the new ICBM have greater accuracy than those now deployed. The SS–X–18 has been tested with a single large RV and with 5–8 MIRV in the MT range. The SS–X–17 and SS–X–19 appear to be alternative replacements for the SS–11, with the latter seen as the most likely choice. The first has been tested with a single MT-range RV and with 4 MIRV, the second only with 4–6 MIRV. If three of the four new systems are fully deployed, the Soviet ICBM throw-weight would increase from the present 6–7 million pounds to 10–12 million pounds and would be able to deliver some 7,000 separately-targeted warheads in the MT range. (This compares with the present United States ICBM capability to deliver 2,000 separately-targeted warheads with 1–2 million pounds throw-weight.)

At sea, the Soviet Union has increased its SLBM to 720 (in 70 submarines), 92 more than a year ago. Two more Y-class boats have been launched, each with 16 SS–N–6 (1,500–1,750 mile range), making 33. Six more D-class have also been launched, making 9, each with 12 SS–N–8 with a range of 4,600 miles—the longest range of any operational SLBM. Only these two classes of submarine count against the SALT ceiling of 62 'modern' submarines. If the building rate is 6–8 per year, as has been estimated, the figure of 62 'modern' boats could be reached by around mid-1977. The current number of missiles in these and older nuclear-powered boats is 660, compared with the ceiling of 950 'modern' SLBM (this ceiling assumes that SLBM replace older ICBM; if not, the SLBM ceiling is 740). Since 18 or 19 D-class boats (each with at least 12 missiles) are under construction or have been launched, and there are 33 Y-class (each with 16), a combined total of at least 744 'modern' SLBM seems intended, thus exceeding the lower ceiling figure of 740. Newer D-class submarines being built may carry more than 12 missiles. A new version of the SS–N–6, with MRV, has been tested, probably to be carried by Y-class submarines. In addition, a 400-mile range submarine-launched missile, the SS–N–13, which may be ballistic, is undergoing tests and may be deployed in 1975.

The first squadron of the new Soviet bomber, *Backfire*, may enter service in 1974/1975, with a range and refueling capacity that could give it an intercontinental role.

Defensive Systems

Though the 1974 Moscow summit conference produced no new offensive missile limits, it did produce agreement to limit ABM to a single deployment area for each superpower (those which now exist) instead of two. The United States will thus not proceed

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*For a discussion of the flexible targeting doctrine, see *Strategic Surveys 1973* (London: IISS, 1974), pp. 56–60.

†MARV: manoeuvrable re-entry vehicles (i.e., which can be manoeuvred during the terminal phase of their flight).

with the deployment of ABM around Washington nor the Soviet Union with the site for ICBM defense. The *Safeguard* ABM defence for the *Minuteman* force at Grand Forks becomes operational in mid-1975, and research is continuing on improving ballistic missile interceptors and radars. The Soviet Union has not added to the 64 ABM launchers deployed in the Moscow area, but has conducted flight tests of new interceptors. As far as early warning systems are concerned, the United States is continuing work on the Over-the-Horizon Backscatter (OTH-B) radar, and funds have been requested for new SLBM warning radars. The Soviet Union is also developing an OTH radar system. While the United States has reduced numbers of interceptor aircraft and SAM units, the Soviet Union has brought the advanced interceptor aircraft MiG-25 *Foxbat* widely into service.

General-purpose Forces

The numbers in the United States armed forces have fallen by some 78,900 to 2,174,000 while those of the Soviet Union are 100,000 higher at 3,525,000.

Each is improving its conventional weapon systems. The United States has committed funds to a fourth nuclear-powered aircraft carrier; 30 new DD-963 GM destroyers are to be delivered by the end of 1978; and five nuclear-powered frigates are under construction. Twenty-seven nuclear-powered attack submarines have been funded (to add to the 61 now in service), as have new anti-ship missiles. A new main battle tank, the XM-1, is being developed, the procurement of anti-tank missiles accelerated, and new air defence missiles are planned. The F-15 air superiority fighter is to become operational in 1976, and much work is going into defense-suppression weapons, electronic countermeasures and remotely piloted vehicles, prompted in part by lessons of the Arab-Israeli war. The Soviet Union is building a second S/VTOL aircraft carrier and has deployed new *Kara*-class cruisers, with three separate missile systems, and *Krivak*-class destroyers. A new fighter-bomber is under development (*Fencer A*, designed for ground attack), and others, such as the MiG-23 and Su-20, are in service. A new tank is in production. The two super-powers are thus modernizing their general-purpose forces across the whole range, matching the development in strategic systems.

THE UNITED STATES

Population: 213,460,000.

Military service: voluntary.

Total armed forces: 2,174,000 (40,500 women).

Estimated GNP 1973: $1,289.1 billion.

Defence budget 1974–75: $85,800 million.[1]

Strategic Nuclear Forces: [2][3]

Offensive:

(A) *Navy*: 656 SLBM in 41 submarines. 22 SSBN, each with 16 *Poseidon*, 19 SSBN, each with 16 *Polaris* A3.

(B) *Strategic Air Command: ICBM:* 1054; 21 *Minuteman 1*, 450 *Minuteman 2*, 529 *Minuteman 3*, 54 *Titan 2*.

Aircraft: Bombers: 503.[4] 66 FB-111A in 4 sqns, 180 B-52G in 12 sqns, 75 B-52H in 5 sqns, 120 B-52D in 8 sqns: with SRAM.

22 B-52F in 1 sqn (training).

Tankers: 615 KC-135 in 38 sqns.

Aircraft in active storage or reserve include 40 B-52D/F/G/H and 130 KC-135.

SRAM—Short Range Attack Missile (1,140 to be operational by mid-1975).

Strategic Reconnaissance: 10 SR-71A in 1 sqn; RC/EC-135, DC-130, U-2.

Defensive: North American Air Defence Command (NORAD), HQ at Colorado Springs, is a joint American-Canadian organization. US forces under NORAD are Aerospace Defence Command (ADC).

ABM: Safeguard system with 30 *Spartan* and 70 *Sprint* ABM in 1 site to be complete by mid-1975.

Aircraft (excluding Canadian):

Interceptors: 532. (i) Regular: 7 sqns with F-106A (to be 6), (ii) Air National Guard 6 F-101B sqns: 10 F-102A sqns: 4 F-106A sqns (to be 6 sqns F-101, 2 sqns F-102, 6 sqns F-106 by mid-1975).

AEW aircraft: 3 sqns with EC-121 (being reduced).

SAM: 261, 21 *Nike-Hercules* batteries (to be withdrawn by mid-1975).

Warning Systems:

(i) *Satellite-based early warning system:* three early warning satellites, one on station over the Eastern Hemisphere, two over the Western; surveillance and warning system to detect launchings from SLBM, ICBM and Fractional Orbital Bombardment Systems (FOBS).

(ii) *Space Detection and Tracking System* (SPADATS): USAF *Spacetrack* (7 sites), USN *SPASUR* and civilian agencies: Space Defense Centre at NORAD HQ. Satellite tracking, identification and cataloguing control.

(iii) *Over-the-Horizon, Forward Scatter* (OTH): 440L radar system with 9 sites: capable of detecting, but not tracking, ICBM very early in flight.

(iv) *Ballistic Missile Early Warning System* (BMEWS): 3 stations, in Alaska, Greenland and England: detection and tracking radars with an ICBM and IRBM capability.

(v) *Distant Early Warning* (DEW) *Line:* 31 stations, roughly along the 70 N parallel.

(vi) *Pinetree Line:* 23 stations in central Canada.

(vii) *474N:* SLBM detection and warning net of 4 stations on the East, 1 on the Gulf and 3 on the West coasts of the United States.

(viii) *Back-Up Interceptor Control* (BUIC): system for air defence command and control (all stations except one now semi-active).

(ix) *Semi-Automatic Ground Environment* (SAGE) system for co-ordinating all surveillance and tracking of objects in North Amercian airspace; 6 locations; combined with BUIC.

(x) *Ground radar stations:* some 55 stations manned by Air National Guard; augmented by the Federal Aviation Administration stations. Nine joint use stations now in service.

Army: 782,000 (13,700 women).

3 armoured divisions.

1 armoured cavalry division.

4 mechanized infantry divisions.

3 infantry divisions.

1 airmobile division.

1 airborne division.

3 armoured cavalry regiments.

1 brigade in Berlin.

1 school brigade.

2 special mission brigades in Alaska and Panama.

20 *Honest John, Pershing, Sergeant* and *Lance* SSM battalions (*Lance* is being introduced to replace *Honest John* and *Sergeant*).

M-48, M-60 and M-60A1/A3 and A2 (*Shillelagh*) hed tks; M-41, M-551 *Sheridan* lt tks with *Shillelagh* ATGW; M-557, M-114, M-113 APC; M-107 175mm SP guns; M-108 105mm, M-109 155mm and M-110 203mm SP how; M-56 90mm SP ATk guns; *TOW* and some Dragon ATGW; *Chaparral/Vulcan* 20 mm AA msl/gun system; *Redeye* and *Hawk* SAM.

Army Aviation; about 10,000 hel and 1,000 flixed-wing ac.

Deployment:

Continental United States:

(i) Strategic Reserve: 1 armd cav div; 1 inf div; 1 airmobile div; 1 AB div; 1 inf bde.

(ii) To reinforce 7th Army in Europe: 1 armd div;* 1 mech div (less 1 bde);† 1 mech div;* 1 armd cav regt.

Europe:

(i) Germany: 7th Army: 2 corps, incl 2 armd divs, 2 mech inf divs, 1 mech inf bde plus 2 armd cav regts; 190,000; 2,100 medium tanks.‡

(ii) West Berlin: HQ elements and 1 inf bde of 4,400 men.

(iii) Italy: Task force of HQ elements and 1 *Sergeant* SSM bn.

Pacific

(i) South Korea: 1 inf div; 26,000.

(ii) Hawaii: 1 inf div (less 1 bde).

Reserves: Authorized strength 658,000, actual strength 610,000.

(i) Army National Guard: authorized 400,000, actual 383,000; capable some time after mobilization of manning 2 armd, 1 mech and 5 inf divs, 18 indep bdes (3 armd, 7 mech and 8 inf) and 3 armd car regts, plus reinforcements and support units to fill regular formations.

(ii) Army Reserves: authorized 258,000, actual 227,000; in 12 trg divs and 3 indep trg bdes; 48,000 a year undergo short active duty tours.

Marine Corps: 196,000 (1,100 women).

3 divs (each of 18,000 men).

2 SAM bns with *HAWK*.

M-48 and M-103A2 med tks; LVTP-7 APC; 175mm guns; 105 mm SP how; 105mm and 155mm how; M-50 SP multiple 106mm RCL; 36 *HAWK* SAM. (428 M-60A1 med tks. 100 *TOW* on order.)

3 Air Wings: 550 combat aircraft.

12 fighter sqns of F-48/J with *Sparrow* and *Sidewinder* AAM.

10 attack sqns (5 each of 60 A-4E/F/M and 60 A-6A).

3 close-support sqns with 36 AV-8A *Harrier*.

3 recce sqns with RF-4B/C and 23 EA-6A.

3 observation sqns with OV-10A and AH-1J.

3 assault tpt/tanker sqns with 46 KC-130F.

6 heavy hel sqns with CH-53D.

9 med assault hel sqns with CH-46A.

Deployment:

(i) *Continental United States:* 2 divs/air wings.

(ii) *Pacific Area:* 1 div/air wing.

Reserves: Authorized strength 45,000, actual strength 34,700.

1 div and 1 air wing: 4 fighter sqns, 1 with F-4B, 3 with F-8J; 5 attack sqns with A-4C/E/L; 1 recce sqn with RF-8; 1 observation sqn with OV-10A and AH-1G; 1 tpt sqn with KC-130; 9 hel sqns (2 hy with CH-35, 6 med with CH-46, 1 lt with UH-1E, AH-1G); 1 SAM bn with *HAWK*.

Navy: 551,000 (10,000 women); 177 major combat surface ships, 73 attack submarines.

Submarines, attack: 61 nuclear, 12 diesel.

Aircraft carriers: 15.

1 nuclear-powered (USS *Enterprise*, 76,000 tons); a second will be commissioned in 1974–75.

8 *Forrestal/Kitty Hawk*-class (60,000 tons).

3 *Midway*-class (52,000 tons).

3 *Hancock*-class (33,000 tons; 1 training).

The larger carriers have a normal complement of 80–90 aircraft, the smaller ones 70–80. These are organized as an air wing of 2 fighter sqns with F-4 (F-8 in the *Hancock*-class), 2 attack sqns with A-4 or A-7; RA-5C or RF-8 recce; 1 sqn each of S-2E and SH-3A/D/G/H hel (ASW); EKA-3B tankers.

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[1] Expected Outlay, Fiscal Year 1975. New Obligational Authority, $92,899 million; Total Obligational Authority, $92,579 million.

[2] Manpower is included in Army, Navy and Air Force totals.

[3] Missile and aircraft characteristics are given in Table 1 on pp. 73–7.

[4] Two B-52 sqn equivalents and 1 tanker sqn are rotated for duty in South-East Asia.

*These divisions have equipment stockpiled in West Germany.

† This division has two dual-based brigades with heavy equipment stored in West Germany.

‡This figure includes those stockpiled for the dual-based and Strategic Reserve divisions.

Other surface ships:

1 cruiser (nuclear) with SAM and *ASROC*.

3 cruisers with SAM and ASROC.

1 gun cruiser.

2 light cruisers with SAM (1 more in 1974).

3 frigates (nuclear with SAM and *ASROC* (1 more in 194–75).

26 frigates with SAM and *ASROC*.

29 destroyers with SAM and *ASROC*.

32 gun/ASW/radar picket destroyers, some with SAM and *ASROC*.

6 destroyer escorts with SSM, SAM and *ASROC*.

58 gun/radar picket escorts.

16 patrol gunbats, 2 with SSM.

65 amphibious warfare ships.

9 MCM ships (plus numerous small craft).

156 logistics and operations support ships.

Missiles incl *Standard SSM/SAM, Tartar, Talos, Terrier, Sea Sparrow SAM, ASROC* and *SUBROC* ASW.

Aircraft: about 1,900 combat aircraft.

28 fighter sqns with F–14A, F–4, F–8.

42 attack sqns with A–4, A–6, A–7.

10 recce sqns with RA–5C, RF–8.

24 maritime patrol sqns with 240 P–3A/B/C.

19 ASW sqns, 10 with S–2E, 9 with SH–3A/G/H hel (5 sqns with S–3 to be in service 1974–75.

5 helicopter sqns with UH–1/2, AH–1J, RH–53D.

33 other sqns with C–1, C–2, C–9B, C–54, C–130, 35 EA–6B and 48 E–2B/C.

Deployment (average strengths of major combat ships: some ships in the Mediterranean and Western Pacific are selectively based overseas, the remainder are rotated from the US):

Second Fleet (Atlantic): 4 carriers, 67 surface combatants, 1 amphibious ready group.*

Third Fleet (Eastern Pacific): 6 carriers, 56 surface combatants.

Sixth Fleet (Mediterranean): 2 carriers, 17 surface combatants, 2 amphibious ready groups.*

Seventh Fleet (Western Pacific): 3 carriers, 25 surface combatants, 2 amphibious ready groups.*

Middle East Force (Persian Gulf): 1 amphibious ship, 2 surface combatants.

Reserves: Authorized strength 129,000, actual strength 119,000; 3,000 a year undergo short active duty tours. Ships in commission with the Reserve include 37 destroyers and 26 MCM ships.

Aircraft: 2 carrier attack wings: 3 A–7, 3 A–4E/L attack sqns; 1 F–4B, 3 F–8J fighter sqns, 2 recce sqns (RF–8G); 2 KA–3 tanker sqns; 2 AEW sqns with E–1B.

2 ASW groups: 6 sqns with S–2; 4 hel sqns with SH–3; 2 A–4 fighter sqns; 2 E–1B sqns.

12 MR sqns; 4 with P–3A, 8 with SPB–2H.

4 tpt sqns with C–118.

Ships in reserve:† 11 submarines, 6 aircraft carriers, 4 battleships, 12 heavy cruisers, 4 SAM light cruisers, 70 destroyers, 2 frigates, 78 destroyer escorts (all classes), 8 rocket ships, 74 amphibious warfare ships, 82 MCM ships/craft, 75 logistics support ships.

Air Force: 645,000 (15,700 women); about 5,000 combat aircraft.

69 fighter/attack sqns with F–4, F–105, F–111 and A–7D.

13 tactical recce sqns with RF–4C, EB–66.

8 special purpose sqns with A–1E, A–37, F–105G, F–4C, O–2, OV–10, C–123, C–130, AC–130, UH–1, CH–3.

1 tactical drone sqn.

17 tactical airlift sqns with 325 C–130E.

17 hy tpt sqns, 4 with 79 C–5A, 13 with 275 C–141.

3 medical tpt, weather recce and SAR sqns with C–9, HC–130 and HH–53.

Deployment:

Continental United States (incl Alaska and Iceland):

(i) Tactical Air Command: 88,000; 37 fighter sqns. 9th and 12th Air Forces.

(ii) Military Airlift Command (MAC): 58,000. 21st and 22nd Air Forces.

Europe, US Air Force, Europe (USAFE): 47,000. 3rd Air Force (Britain), 16th Air Force (Spain), 17th Air Force (West Germany), and a logistics group in Turkey.

21 fighter sqns (plus 4 in the US on call) with 396 F–4C/D/E and 72 F–111E.

5 tactical recce sqns with 85 RF–84C.

Pacific, Pacific Air Forces (PACAF): 48,600; 11 fighter sqns.

5th Air Force (Japan, Korea, Okinawa), 7th Air Force (Thailand), 13th Air Force (Philippines, Taiwan, Thailand).

Reserves:

(i) Air National Guard: Authorized strength 92,000, actual 92,500; about 650 combat aircraft. 20 interceptor sqns (under ADC, see p. 5); 29 fighter sqns (17 with F–100C/D, 4 with F–105B/D, 1 with F–104, 1 with F–4C, 3 with A–7, 2 with A–37B, 1 with B–57); 7 recce sqns (4 with RF–101, 3 with RF–4C); 2 strategic tpt sqns with C–124C; 12 tactical tpt sqns (10 with C–130A/B/E, 1 with C–123J, 1 with C–7); 9 tanker gps with KC–97L; 1 electronic warfare gp with EC–121 (ADC); 3 special operations gps with C–119/U10 and 5 tactical air support gps with O–2A.

(ii) Air Force Reserve: Authorized strength 56,000, actual strength 46,000; about 420 combat aircraft. 3 fighter sqns with F–105D; 4 attack sqns with A–37; 22 tactical tpt sqns (16 with C–130A/B/E, 4 with C–123K, 2 with C–7); 1 electronic warfare sqn with EC–121; 1 special operations sqn with CH–53E; 4 SAR gps, 2 with HC–130, 2 with HH–1H. 18 Reserve Associate sqns (personnel only).

(iii) Civil Reserve Air Fleet: 246 commercial long-range ac, incl 153 suitable for cargo.

THE SOVIET UNION

Population: 252,530,000.

Military service: Army and Air Force, 2 years; Navy and Border Guards, 2–3 years.

Total armed forces: 3,525,000.

Estimated GNP 1973: 441 billion roubles.[1]

Estimated defence expenditure 1974: 23.8 billion roubles (approximately $96 billion).[2]

Strategic Nuclear Forces: [3]

Offensive:

(A) *Navy:* 720 SLBM in 70 submarines.

9 SSBN (D-class), each with 12 SS–N–8 missiles.

33 SSBN (Y-class), each with 16 SS–N–6 missiles.

8 SSBN (H-class) each with 3 SS–N–5 missiles.

11 diesel submarines (G-11-class), each with 3 SS-N-5 *Serb* missiles.[4]

9 diesel (G-1-class) each with 3 SS-N-4 *Sark* missiles.[4]

(B) *Strategic Rocket Forces (SRF)*; 350,000.[5]

ICBM: 1,575.

209 SS-7 *Saddler* and SS-8 *Sasin*.

288 SS-9 *Scarp*.

1,018 SS-11 (including about 100 IRBM/MRBM).

60 SS-13 *Savage*.

IRBM and *MRBM:* about 600.

100 SS-5 *Skeam* IRBM.

500 SS-4 *Scandal* MRBM.

The majority are sited near the western border of the USSR, the remainder east of the Urals.

(C) *Air Force.*

Long Range Air Force (LRAF); 840 combat aircraft.[6]

Long range bombers: 140.

100 Tu-95 *Bear* and 40 Mya-4 *Bison*.

Tankers: 50 Mya-4 *Bison*.

Medium range bombers: 700.

500 Tu-16 *Badger* and 200 Tu-22 *Blinder*.

Defensive:

Air Defence Forces (*PVO-Strany*) 500,000: early-warning and control system, fighter-interceptor squadrons and SAM units.[7]

Aircraft: about 2,650.

Interceptors: include about 650 MIG-17 and MIG-19, 750 Su-9, 1,250 Yak-28P *Firebar*.

Tu-28P *Fiddler*, Su-11, Su-15 *Flagon A* and MIG-25 *Foxbat*.

Anti-ballistic Missiles (ABM):

64 *Galosh* long-range missile launchers are deployed in four sites around Moscow, each with *Try Add* engagement radars (another radar of this type is under construction). Target acquisition and tracking is by a phased-array *Dog House* radar, and early warning is given by phased-array *Hen House* radar on the Soviet borders. The range of *Galosh* is believed to be over 200 miles, and its warheads are nuclear, presumably in the megaton range.

SAM: 9,800 launchers at about 1,650 sites.

SA–2 *Guideline:* about 4,500; *Fan Song* radar; high-explosive warhead; slant range (launcher to target) about 25 miles: effective between 1,000 and 80,000 feet.

SA–3 *Goa:* Two-stage, low-level missile; slant range about 15 miles.

SA–4 *Ganef:* Twin-mounted (on tracked carrier), air-transportable, long-range missile with solid fuel boosters and ram-jet sustainer.

SA–5 *Griffon:* Two-stage, boosted high-level missile; slant range about 50 miles, with a limited capability against missiles.

SA–6 *Gainful:* Triple-mounted (on tracked carrier), low-level missile; slant range about 17 miles.

Army: 1,800,000:* 110 mechanized divisions, 50 tank divisions, 7 airborne divisions.

SSM: (nuclear capable): about 1,000 launchers (units are organic to formations), including:

(1) *FROG*–1–7, range 10–45 miles.

(2) *Scud A,* range 50 miles.

(3) *Scud B,* range 185 miles.

(4) *Scaleboard,* range 500 miles.

SAM: SA–2, SA–4, SA–6 and SA–7 *Grail* (manportable or vehicle mounted).

Tanks:

JS 2/3, T–10, T–10M hy, T–62 and T–54/55 med, PT–76 amphibious recce lt tks (most Soviet tanks are equipped for amphibious crossing by deep wading).

AFV: BTR–50P, –60, –152; BMP APC: BRDM scout car, and BMD airborne AFV.

Artillery:

100mm, 122mm, 130mm, 152mm and

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*Amphibious ready groups are 3–5 amphibious ships with a Marine battalion embarked. Only 1 in the Mediterranean and 2 in the Pacific are regularly constituted; one is occasionally formed for the Caribbean.

† Many older vessels are to be scrapped and the Reserve Fleet reduced substantially during 1974–75.

[1] See the Readers' Notes on pp. vi–vii for the method of estimating GNP and the problems of conversion to dollars. The 1973 official exchange rate was $1=$0.72 roubles. An American study gave $1=0.59 as a suitable 1970 GNP conversion rate, compared with the then ruling official exchange rate of $1=0.9.

[2] This dollar estimate is only a valuation of the Soviet defence effort at US prices measured in dollars. The method of arriving at the figure is described in *The Military Balance 1973–1974,* pp. 8–9.

[3] Characteristics of nuclear delivery vehicles and notes on numbers and types under construction and test are given in Table I on pp. 73–7.

[4] These 60 launchers are not considered strategic missiles under the terms of the Strategic Arms Limitation (Interim) Agreement.

[5] The SRF, a separate service, have their own manpower.

[6] About 75 percent is based in the European USSR, with most of the remainder in the Far East; in addition there are staging and dispersal points in the Arctic.

[7] The Air Defence Forces are a separate service with their own manpower.

*Excluding Air Defense Forces.

203mm field and SP guns and how; 122mm multiple RL; 140mm RL; ASU–57 and ASU–85 SP and 85mm and 100mm ATk guns; *Sagger, Snapper, Swatter* ATGW.

Anti-Aircraft Artillery:

14.5mm, 23mm, 57mm towed guns and ZSU-57-2 57bb twin-barrelled and ZSU-23–4 23mm four-barrelled tracked SP guns; 85 mm, 100mm and 130mm guns.

DEPLOYMENT AND STRENGTH:

Central and Eastern Europe: 31 divs: 20 divs (10 tank) in East Germany; 2 tank divs in Poland; 4 divs (2 tanks) in Hungary; and 5 divs (2 tanks) in Czechoslavakia; 9,025 medium tanks.

European USSR: 63 divs (about 22 tank).

Central USSR: 23 divs (3 tank).

Sino-Soviet border: 45 divs, incl 2 in Mongolia (about 8 tank).

Soviet divisions have three degrees of combat readiness: Category 1, between three-quarters and full strength, with complete equipment; Category 2, between half and three-quarters strength, with complete fighting vehicles; Category 3, about one-third strength, possibly with complete fighting vehicles (though some may be obsolescent). The 31 divs in Eastern Europe are Category 1, as are a small number of those in the European USSR and the Far East and a few in the Southern USSR. The remaining divisions in European USSR, Southern USSR and the Far East are probably evenly divided between Categories 2 and 3. The divisions in Central USSR are likely to be in Category 3. At full strength, tk divs have 325 med tks; mech divs 255.

Outside the Warsaw Pact area:

Afghanistan 150, Algeria 600, Cuba 1,000 Egypt 500, Iraq 600, North Vietnam 1,000, Somali Republic 1,000, Syria 2-3,000, People's Democratic Republic of South Yemen 200.

Navy: 475,000 (incl Naval Air Force, 75,000; Naval Infantry, 17,000, and Coast Artillery and Rocket Troops, 10,000); 221 major surface combat ships, 245 attack and cruise missile submarines, 70 nuclear, 175 diesel.

Submarines:

Attack: 30 nuclear (10 N-, 15 V-, 3 E-I-, 1 U-1 A class): 140 diesel (50 F-, 10 R-, 20 Z-, 59 W-, 1 T-class).

Cruise missile: 40 nuclear (1 P-, 10 C-, 29 E-class); 25 diesel (15 J-, 10 W-class), with SS-N-3 and SS-N-7.

Coastal: 10 diesel (5 B-, 5 Q-class).

Surface ships:

2 *Moskva*-class ASW helicopter cruisers, each with 2 twin SAM and about 20 Ka-25 hel.

3. *Kara*-class ASW cruisers with SSM and SAM.

4 *Kresta*-class ASW cruisers with SSM and SAM.

6 *Kresta* II-class ASW cruisers with SSM and SAM.

4 *Kynda*-class cruisers with SSM and SAM.

13 *Sverdlov*-class cruisers (3 with SAM, 2 with hel), and 1 older cruiser.

6 *Krivak*-class destroyers with SSM and SAM.

6 *Kanin*-class ASW destroyers with SAM.

3 *Krupny*-class destroyers with SSM.

19 *Kashin*-class ASW destroyer with SAM.

8 modified *Kotlin*-class destroyers with SAM.

36 *Kotlin*- and *Skory*-class destroyers.

110 other ocean-going escorts.

8 *Nanuchka*-class coastal escorts with SSM and SAM.

150 submarine chasers.

130 *Osa* and *Komar*-class FPB with *Styx* SSM.

300 patrol and torpedo boats.

260 minesweepers (125 coastal).

100 amphibious ships.

100 landing craft.

25 hydrofoils.

(1 40,000-ton *Kuril*-class aircraft carrier, apparently designed to operate with a combined total of perhaps 25 S/VTOL ac and 36 hel, may be in service in late 1975. A second is building.)

In addition to the above there are 50 intelligence collection vessels (AGI) and a number of trawlers used for electronic intelligence.

A proportion of the destroyers and smaller vessels may not be fully manned.

Naval air force: about 715 combat aircraft.

(Most shore-based near the north-west and Black Sea coasts, organized generally into 3 regiments of 3 sqns each at each base.)

280 Tu-16 *Badger* with one *Kipper* or two *Kelt* ASM.

55 Tu-22 *Blinder* strike and reconnaissance ac.

20 Il–28 *Beagle* torpedo-equipped light bombers.

50 Tu-95 *Bear* long-range naval reconnaissance ac.

150 Tu-16 *Badger* reconnaissance and tanker ac.

100 Be-2 *Mail* ASW amphibians.

60 Il–38 *May* ASW aircraft.

270 Mi–4 and Ka–25 ASW helicopters.

200 miscellaneous transports.

Naval infantry (Marines).

Organized in brigades and assigned to fleets. Equipped with standard infantry weapons, T–54/55 med tks, PT–76 lt tks and BTR–60P/PB APC.

Coastal artillery and rocket troops:

Heavy coastal guns and SS–N–3 *Shaddock* SSM to protect approaches to naval bases and major ports. Coasts are covered by a coast watch radar and visual reporting system.

Deployment (average strengths only):

Northern Fleet: 160 submarines, about 80 of them nuclear; 56 major surface combat ships.

Baltic Fleet: 30 submarines, 50 major surface combat ships.

Black Sea Fleet: 20 submarines, 60 major surface combat ships.

Pacific Fleet: 100 submarines, about 40 of them nuclear; 55 major surface combat ships.

Air Force: 400,000; about 5,350 combat aircraft.*

Long Range Air Force (see p. 8).

Tactical Air Force: about 4,500 aircraft, incl Yak–28, Il–28, 800 MiG–17, 500 Su–7, 300 MiG–23 *Flogger*, more than 1,350 MiG–21; Su–20, improved *Fitter B, Fencer A.*

Air Transport Force: about 1,700 aircraft; 870 Il–14, An–8, An–24, some 800 An–12 and Il–18 med tpts and 30 An–22 hy tpts.

2,500 hel (about 500 Mi–1, Mi–2; Mi–4, 1,000 Mi–6, Mi–8, Mi–10; Mi–12 and Mi–24).

Deployment:

About half the Tactical Air Force is oriented towards Western Europe and a quarter towards China. Some 1,250 aircraft are actually deployed in Eastern Europe. There is a Tu-22 sqn in Iraq.

Reserves: about 3,000,000 (500,000 with recent training earmarked for divisional reinforcements).

Para-Military Forces: 310,000.

180,000 KGB border troops; 130,000 MVD security troops. The border troops are equipped with tks, AFV, ac and ships; MVD have tks and AFV. There is a part-time military training organization (DOSAAF) which takes part in such recreational activities as athletics, shooting and parachuting. It assists in pre-military training given in schools, colleges and workers' centres to those of 15 and over. The membership is perhaps 9 million but the number of effectives is likely to be much smaller.

POST-WORLD WAR II CASES OF U.S.S.R. INTERVENTION OR ACTION

Direct Uses of Soviet Troops:

Iran, 1946, Attempt to create autonomous Azerbaijan.

Berlin, 1947–48, Blockade.

Hungary, 1956, Suppress revolt.

Czechoslovakia, 1968, Warsaw Pact invasion.

Indirect Soviet support of military conflicts:

Greece, 1946–48, Aid to Greek Communist civil war through Yugoslavia and Bulgaria.

Korea, 1950, Support of North Korean invasion.

Mideast, 1973, Support for Arab war with Israel.

Viet-nam, 1960–75, Support for North Vietnam and Viet Cong.

Soviet support for national liberation wars, insurrections, other military confrontations:

Soviet arms and finances on a limited level to Southern African revolts include aid to:

FRELIMO, Mozambique.

MPLA, Angola.

ZAPU, Rhodesia.

SWAPO, Southwest Africa.

ANC, South Africa.

Arab-Israeli confrontation, 1955 on.

PLO vs Israel, 1968, Through Syria, Iraq, Algeria, and other Arab states.

Eritreans vs Ethiopia, 1970, Through Arab states.

Cyprus, 1960, Greek side supported.

Sultanate of Oman, 1970, Dhufar Liberation Movement, by U.S.S.R. and PRC, through PDR of Yemen.

Kurds vs Iraq, 1950s, Direct support, possibly through Iran, Turkey.

Iran, 1951–54, The Tudeh Party opposition.

Sudan, 1960s, Support of Govt. against south in civil war, severely curtailed after 1971 communist coup attempt.

Cuba, 1960s, Support for Castro revolution after its takeover of government.

China, 1946, Aid in communist Manchuria campaign.

Laos, 1960–75, Aid to North Viet-nam and Pathet Lao.

Malaya, 1962–65, Arms for Indonesian "confrontation," subversion and guerrilla infiltration.

East Pakistan, 1971, Arms for Indian invasion.

Congo, 1960–61, Support for P. Lumumba and followers.

Somalia, 1972, Support for Govt. irredentist claims.

Mr. STONE. Mr. President, I bring this material to the attention of the Senate for only one purpose. I believe it is imperative to recognize the military posture of the Soviet Union in relation to our own posture. We are embarking on a series of votes which will determine the extent and degree of our military strength. In deciding the direction that we pursue, we should not neglect the directions which the Soviets are pursuing. No matter what their intentions may be, we are still faced with the reality that the Soviets are moving fully ahead in their research and development and their weapons procurement programs. The percentage of the Soviet GNP being spent on arms is rising—ours is falling.

Unfortunately, we do not live in a Camelot. World history, since the end of World War II, shows that the Soviets have constantly maintained a policy of military intervention or a strong show of military force in situations throughout the world. From the situation which made necessary the Berlin airlift, to the Hungarian invasion, to the Cuban missile crisis, to the immense supplying of armaments to Arab States in the Middle East, the pattern is clear.

The Soviets respect the position of strength and react accordingly when they feel that they can succeed through a rattling of their military force. The So-

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*Excluding Air Defence Forces (*PVO-Strany*).

viets respect strong United States military capability.

While I am not about to suggest that large sums of money cannot be trimmed from the budget of the Department of Defense, I feel that this trimming of the fact should occur in areas which do not affect our research and development and weapons procurement programs.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRAVEL. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has 7 minutes remaining.

Mr. STENNIS. Mr. President, I yield to the Senator from South Carolina.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi save me 2 minutes at the end, to wrap up my statement?

Mr. STENNIS. Yes. I have only 7 minutes. I yield 5 minutes to the Senator from South Carolina and 2 minutes to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator.

Mr. THURMOND. Mr. President, setting aside the implications of the proposed ceiling on overall U.S. military manpower, amendment No. 539 would place a ceiling on deployments of U.S. military forces outside the United States of 285,000 by the end of September 1976—roughly a 200,000 man reduction from our current strength overseas. This extraordinary proposal seems to ignore that the Senate last year gave serious consideration to mandated reductions in overseas U.S. military manpower of 100,000—the Mansfield amendment—and rejected that proposal for a reduction of only half the size now being put forward. The Senate rejected the 100,000-man reduction because closer analysis revealed the devastating effect it would have on our position in Europe and Asia, and the corrosive effect on our credibility as a global power.

A reduction of 200,000 men overseas in a single fiscal year would be an act of isolationism pure and simple! The President has just returned from a trip to Europe during which he assured NATO of the U.S. intention to retain current forces in Europe. In the face of mandated reductions of 200,000 this solemn pledge would have to be abandoned unless we were prepared to return virtually all other U.S. forces and personnel from the rest of the world, including MAAGS, MILGP's and Attaches.

In Asia, the consequences could be catastrophic, particularly given the unstable situation in Korea in the aftermath of the fall of Vietnam. An act of precipitate abandonment in Korea, such as this amendment would produce, could very easily be the catalyst for another Korean war. And the implications hardly stop there. The lynchpin of our Asian strategy for 2 decades has been our security relationship with Japan and our force presence in Japan and Korea.

Under this amendment we would probably be compelled to eliminate both these deployments totally and leave the Japanese to their own devices in the Western Pacific. Their response cannot be predicted with any certainty, but a major rearmament would not be unlikely with all the destabilizing consequences that could have for relations with China, the Soviet Union, and the smaller countries of Asia. In eliminating our air and naval positions in the Philippines we would also be foregoing any possibility of protecting the vital sea lanes of communication through the Straits of Malacca and across the Indian Ocean.

In Europe the shock waves from this kind of action could destroy the very basis of mutual confidence on which the strength of the NATO Alliance has rested—irrespective of whether the preponderance of the reductions actually came out of Europe, as they surely would not. The inescapable conclusion for all thoughtful European statesmen would be that the United States had returned to an era of rigorous isolationism in which it would eschew not only its global responsibilities but also its capacity to protect its own international interests.

In the Middle East, we would surely destroy any serious possibility of a U.S.-mediated peace agreement between the Arabs and Israel. In the face of such a sweeping retreat from the world, Israeli confidence in the United States and itself would be shaken severely, and Arab incentive to take our negotiating initiatives seriously would evaporate. Our leverage in dealing with the oil-producing states on a more sensible pricing and supply system would likewise be vitiated.

Depending on whether this amendment required us to significantly reduce our naval presence overseas, we might see the emergence in short order of an international maritime situation in which we were not only at the mercy of the Soviet Union, but were also subject to the whim of a variety of medium-sized countries in the various oceans of the world.

Mr. President, I am convinced that at this time in history, it would be a great mistake to reduce further our military establishment. We have already reduced the military personnel in the Committee on Armed Services, and I believe we have gone as far as it would be safe to go.

The Defense Department feels that we should not have made any cut. They claim that they considered all these matters very carefully and only requested what they felt they had to have.

They said they knew the pressures on the budget today, and when they made their requests they made them as low as they thought was safe.

However, we did reduce those. We reduced the military manpower by 1 percent. I certainly hope it will not be reduced any further, and I hope this amendment will be defeated.

Mr. STENNIS. Mr. President, I yield myself 1 minute to say this: Nothing in this bill has been gone over more thoroughly, in my opinion, and no more sound judgment rendered than on this personnel question. It is a highly important matter. It is one on which you cannot afford to make a mistake, and I think that fine headway has been made in making some reasonable reductions.

We should be able to sustain these in conference, as a whole, because they are well thought out and planned. There are reasons for each reduction that the committee has requested and the Senate approves.

I think it would be a great mistake to adopt the Senator's amendment. I know it would be a disastrous thing in conference. I do not ordinarily say that, but I do not think there is any doubt about it that it would be a disastrous situation to go to conference with the Senator's amendment.

I am glad to yield to the Senator from Alaska if no one else wants time.

Yes, the Senator from Georgia, he may handle the rest of the time.

(At this point Mr. STONE assumed the Chair.)

The PRESIDING OFFICER. There are 4 minutes remaining to the Senator from Mississippi.

Mr. NUNN. The Senator may take 2 and I will take 2.

Mr. GRAVEL. Very well.

Just in wrapping up, let me say this: the committee has effected a reduction. The reduction I am hoping to effect is a 10,000 reduction, which is a larger reduction than the committee effected. I view my efforts as a token reduction. I had requested earlier unanimous consent to modify my amendment, and that was objected to. I am not sure by whom it was objected to, but would there now be objection from the Senator from Arizona (Mr. GOLDWATER) with respect to a modification of this amendment to cut troops back by 10,000 rather than 200,000?

Mr. GOLDWATER. There would be objection.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAVEL. In the face of that, I obviously will not make that request.

Mr. President, I think the issue that faces us right now in this body—which certainly is not of a mind to effect any troop cuts at all—is the feeling that if we do cut back it will show weakness around the world and be a destabilizing influence to ourselves and our allies.

This is a very tragic perception. I think it is not only a perception of this body, I think it may well be a perception of the American people. It is a very tragic perception, which itself was forced by a tragic misunderstanding. I think it should be understood that it was the Congress of the United States, not the President, which caused our withdrawal from Southeast Asia, from Vietnam.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. GRAVEL. May I have half a minute?

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. I yield a half minute.

Mr. GRAVEL. Just to complete my statement, Mr. President.

We did not cut and run. We made a calculated decision to get out of South Vietnam when we realized we should not be there. Obviously that should not clear our judgment with respect to the need for defense around the world.

The Senator stated the Russians were all-powerful. They are not. We can destroy them many, many times over. This gives us the ability to cut back in less efficient areas and that, essentially, is what I am trying to do. As the Senator from Georgia so ably stated, the most expensive part of the establishment is the personnel part. That is the easiest part to cut.

Mr. STENNIS. I yield the Senator from Georgia an additional minute on the bill if he wants to take an additional minute.

Mr. NUNN. I will try to summarize very briefly.

Mr. President, the Gravel amendment would cut 195,000 of our 480,000 personnel stationed in foreign countries. That is a 40-percent reduction. It would be the grand American retreat parade after the Vietnam debacle. If we brought home every last man stationed ashore west of Alaska, Guam, and Hawaii, we would still have to cut 60,000 or about 20 percent of our troops in Europe. The logistics alone of getting one-third of a million troops and their dependents home in a year's time would be enormous.

Since 1964 we have gradually cut our overseas strength by one-third—over 240,000. We no longer have a cold-war defense posture or a cold-war overseas deployment.

Withdrawal of 200,000 troops from overseas would clearly wreck NATO, demoralize Japan, and force the United States into an isolationalized and sieged posture. MBFR, SALT, as well as energy and economic negotiations would come to an end after the world viewed the United States retreating into itself.

Senator Gravel's amendment would also demobilize 200,000 military personnel—10 percent of our total strength. This would bring our military strength down to the levels just after World War II. As we know the post-World War II demobilization 1946–47 went too far and led to the Soviet pressures in Greece, Berlin, in Europe generally and finally in Korea.

It was only 3 years after the World War II demobilization that the United States had to remobilize to fight the Korean war and meet the needs of the Berlin airlift. There is no reason for us to go back to that posture today; and, it would be foolhearty. As a practical matter, a 200,000 cut in 15 months would essentially eliminate all our conventional combat capability for that period. In order to demobilize that many men in that short a time our Armed Forces could do nothing else except process people for discharge, transport them back to their hometowns and either junk their equipment or put it into mothballs. This would mean a massive laying up of ships, aircraft, tanks, trucks and so forth.

If this 200,000 cut was taken across the board, in each service, it would mean a 75,000 cut in Army reducing the Army strength to 700,000 and demobilizing four or five divisions. It would mean a 50,000 cut in the Navy and a reduction of perhaps 40 or 50 ships from the 490 planned. The number of Navy ships is already down to the levels of 1939 before World War II. It would mean a reduction of 55,000 Air Force personnel and probably 10 wings of various kinds of aircraft. Finally, it would mean a cut of 20,000 marines and the attendant loss of that ready combat capability which has been performing so well in recent months.

These massive conventional force reductions would make the United States totally reliant in the short run on its nuclear weapons.

This is something I have said probably a hundred times this week, but we must realize there is a direct correlation between our conventional posture and the nuclear threshold. If we weaken our conventional posture to the point that the President of the United States has no option, then we will have no real choice except either capitulating to the Soviet Union or using nuclear weapons, and the capitulation or the destruction of America is not a very sound choice.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi yield for a colloquy? We are going to vote at 12 o'clock, I understand.

Mr. STENNIS. I am glad to yield as much time to the Senator from Alaska, extra time, as I yielded to the Senator from Georgia. Two minutes, is that right? We have to move along to the other parts of the bill.

I will yield 2 minutes to the Senator from Alaska on his amendment.

Mr. GRAVEL. I wish to pose a question to the Senator from Georgia, who raised the question of nuclear threshold, which is a very valid and important consideration with respect to Europe.

I want to say that I find it difficult, as I pointed out yesterday, in view of how the actions of France would wipe out the possibility of a threshold. But there is another thing that concerns our own tactics, and that is very simply that we have in place nuclear devices to blow the passes if there is any type of military activity.

Now, the first thing that our people have orders to do if they start moving across the border is to push the button. So the first act of defense on the part of any American commander in Europe is going to be to use nuclear devices.

I do not understand the threshold argument when we all know that that is going to be the first action.

Mr. NUNN. I think the Senator made a good point about France. I do not come to quite the conclusion, catastrophic conclusion, that the Senator from Alaska does, but I am not comfortable with the position of France in NATO, and I have worked very diligently in the last 2 years to bring that point up.

So far as pre-positioning ADM's, that has not taken place. We have no permission from any country in Europe to pre-position ADM's.

The Senator's advice on that point is not correct. We have ADM's, but we have not pre-positioned them, and there is no immediate plan that the Senator from Georgia knows anything about to preposition ADM's.

Mr. GRAVEL. Is the Senator from Georgia telling me that in all the key strategic passes that could bring about the invasion of Western Germany that we have no pre-positioned nuclear devices?

IMPLICATIONS OF REDUCING AND DEMOBILIZING FORCES OVERSEAS BY 200,000

Mr. GOLDWATER. Mr. President, I rise to oppose the amendment to reduce our Armed Forces by the proposed action of bringing almost half of our overseas servicemen home and discharging them. Not only would be endangering the free world, but we are also bringing 200,000 American men and women home to a poor job market.

The most fundamental global challenges to our national security today and for the foreseeable future will come from the Soviet Union. For general purpose force planning, this means that we must continue to give priority to Europe since this is the area in which we both have the most at stake and to which the Soviets always give highest priority. Thus, in addressing reductions in U.S. overseas deployments, our first priority goal would have to be to absorb any such reductions with the least adverse impact on the balance in Europe.

The reductions suggested in this amendment would have significant adverse effects upon both our own security interests and those of our allies all over the world. A unilateral U.S. reduction in Europe would be highly inadvisable. But we are prepared to reduce forces in Europe in the context of a negotiated mutual reduction with the East. Unilateral U.S. reductions now would destroy the mutual and balanced force reduction—MBFR—negotiations by eliminating the East's incentive to negotiate.

We and our NATO Allies would no longer be in a position to secure reciprocal reductions from the East through MBFR. Unilateral withdrawals would also deal a severe blow to alliance unity by giving both our Allies and the Warsaw Pact reason to doubt the reality of our commitment to Western European defense.

Therefore, the reduction of 200,000 would have to be taken in Europe, in Asia, in the Western Pacific and every important area of the world. As of December 31, 1974, the primary U.S. deployments overseas, exclusive of troops afloat, were as follows:

[In thousands]

Western Pacific	138
Japan	52
South Korea	42
Philippines	16
Thailand	23
Europe	274
Germany	211
Other areas	39

To achieve a 200,000-man reduction we would have no choice but to significantly reduce our presence in Europe, Japan, Korea, and the Philippines to mention a few areas of the world which are vitally important to U.S. security and interest. This would require crippling the NATO bulwark and removing the Army's 2d Infantry Division from Korea. If this division were eliminated from the force structure, the only remaining Army division in the Pacific available for contingencies would be the 25th Division in Hawaii.

A reduction of this dramatic magnitude—could undermine the balance of power in the world. It would threaten the stability of strategically important Western Europe, the Korean peninsula and Asia would be an invitation to increasing hostility and possible conflict. Such dramatic reductions would be a flat repudiation of the assurances that President Ford has given NATO, Japan and Korea that he would maintain our current level of forces as a necessary contribution to the stability and security of our allies.

A precipitous and unplanned reduction of this kind would seriously weaken our leverage with both China and the U.S.S.R. in Asia, the U.S.S.R. in Europe, and could set in motion a severe erosion of our security with our NATO Allies and Japan which have been the linchpins of security for over 25 years. It could very well contribute to an already dangerous trend toward proliferation of nuclear weapons. Moreover, the fact that we chose to accept this dramatic force reduction would be small comfort to the free world since they would see the action as a manifestation of isolationism in the United States. In that context it would erase the incentive for the Soviet Union to negotiate seriously on arms control.

A review of the record of our past efforts is important. In calendar year 1974, we reduced U.S. personnel in foreign countries—excluding forces afloat—by 17,000 men. Further reductions in Thailand and elsewhere are planned for 1975 as a part of DOD's efforts to streamline our force structure for greater efficiency, and tailor our force deployments to meet current U.S. security requirements.

A mandated reduction of 200,000 personnel overseas would have catastrophic consequences for U.S. security interests. Such a reduction would represent 41.6 percent of our troops presence overseas as of December 31, 1974, exclusive of troops afloat. The security problems involved may be illustrated by discussing the implementation of such a withdrawal. If we withdrew 100,000 troops from Asia and the Western Pacific from our current force presence in this area it would require that we withdraw all our military personnel from Thailand, the Philippines, and Taiwan, plus some 45,000 to 50,000 from both Japan and Korea.

The Japanese would be profoundly shocked by any such cut in our presence. Moreover, the United States would have no ground force presence at all left in Northeast Asia and no airbases or naval facilities in the Philippines or Southeast Asia. It is hard to see what advantage we would reap from such a destruction of our Asian security posture or what contribution it would make to peace and stability in the world.

In addition, we would take 100,000 troops out of Western Europe. Our current strength in Western Europe and related areas, exclusive of troops afloat, is 274,000, the great majority of which are in the West Germany. Such a mandate could necessitate, for example, the elimination of our entire force presence in Western Europe outside the Federal Republic of Germany, plus reducing our contingents in Federal Republic of Germany. In so doing, we would, by our own actions, seriously destabilize the balance in Europe between the forces of NATO and the Warsaw Pact, and we would deal a severe blow to the NATO Alliance by causing both our allies and the Eastern bloc to believe that we had drastically downgraded our security commitment to Western Europe. Finally such an action would destroy any chance for mutual and balanced force reduction—MBFR.

As for demobilization of these withdrawn forces, that would compound the negative consequences of redeployment. Ordinarily, if commitments are maintained but forward deployments reduced, we would make a corresponding improvement and expansion of our reinforcement capabilities. If the forces returned to the United States are demobilized, as this amendment presupposes, improvements in reinforcement capability become impossible.

If we approve this amendment, we have forsaken the security and freedom of the United States, the free world, and the way of life we enjoy today.

The PRESIDING OFFICER. The additional time allotted has expired.

The question is on agreeing to the amendment of the Senator from Alaska.

Mr. STENNIS. Mr. President, I beg the Chair's pardon. I did not understand the Chair's remarks.

The PRESIDING OFFICER. The Chair is calling for the question on the amendment. The additional time allotted has expired.

The question is on agreeing to the amendment of the Senator from Alaska. [Putting the question.]

The amendment of the Senator from Alaska was rejected.

Mr. STENNIS. I will yield to the Senator from Kentucky, but we do have a situation with respect to the Senator from South Dakota.

Mr. FORD. I just want to make a unanimous-consent request.

Mr. STENNIS. I yield 1 minute to the Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that Jane Mathias of my staff be allowed the privileges of the floor during debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 490

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I call up amendment No. 490.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. . (a) Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by—

(1) striking out in subsection (a) the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year";

(2) striking out the subsection designation "(a)" at the beginning of such section; and

(3) striking out subsection (b) of such section.

(b) The first proviso contained in the paragraph entitled "MEDICAL AND HOSPITAL DEPARTMENT", under the heading "MEDICAL DEPARTMENT", in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seven", approved June 12, 1906 (34 Stat. 240), is amended by striking out the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year".

Mr. ABOUREZK. Mr. President, how much time is there on each amendment?

The PRESIDING OFFICER. On this amendment, there is 1 hour, 30 minutes to a side.

Mr. ABOUREZK. Mr. President, this amendment will close a 19th-cenutry back-door spending loophole. It will bridge a century and a half between two stages of congressional budget reform.

The first stage dates back to 1820, when Congress acted to limit the way in which the Executive spent public funds. The legislation prohibited the Secretaries of State, Treasury, War, or the Navy from entering into contracts "except under a law authorizing the same, or under an appropriation adequate to its fulfillment." Recognizing that Congress was a part-time institution then, and, more importantly, allowing for the delays inherent in travel and communication, Congress included language excepting "contracts for the subsistence and clothing of the Army and the Navy." The purpose of the exemption, as the Supreme Court later put it, was so that the Army and Navy could "be fed, and clothed, and cared for at all times and places, and especially when in distant service."

Three decades later, Congress was again exercising its power of the purse to proscribe Executive spending authority—this time so as to limit the transfers of funds from one appropriation account to another. Again, an exemption was made "for the subsistence of the Army, for forage, for the medical and hospital departments, and for the quartermaster's department." Another decade later, these restrictions on the power of the Executive to transfer funds from one year to another and from one account to another were being further clarified, and the traditional exemption for feed and forage was included as part of an 1861 law—Revised Statute 3732:

> No contract or purchase shall hereafter be made, unless the same be authorized by law or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

With the addition of "medical and hospital supplies" in 1906, and the provision of a reporting requirement in 1966, that language stands today as the law.

Now, more than a century later, with a Congress in session almost year round, and with instant communication, the feed and forage exemption is no longer needed. As part of the current budget reform process, we should end the exemption and close that ancient, and no-longer-needed back-door spending route.

The authority in the Feed and Forage Act is unnecessary. Not only are conditions far different than in the 19th century when it originated, but there are alternatives now available to cover contingencies that might occur. One of the original purposes of this provision was to provide for occasions when Congress was late in appropriating for the Armed Forces. But we now take care of that by use of a continuing resolution.

Furthermore, should the appropriations provided prove inadequate, the Antideficiency Act allows for the apportionment of funds on a deficiency basis—whenever that action is required in "emergencies involving the safety of human life, the protection of property." Moreover, the Defense Department is provided with specific contingency funds for "emergencies and extraordinary expenses," and it has great flexibility to reprogram funds and transfer them—more flexibility than it had in the 19th century when line-item control by Congress was far more prevalent.

If this deficiency authority is unnecessary the question arises, "Why does the Defense Department want to retain it? One can only speculate. It may be the traditional desire of an agency to hold on to whatever authority it has on the assumption that it "might turn out to be handy some time." This authority can be used to frustrate the intent of Congress. And that is one of the best reasons I can think of for repealing it.

I might say, Mr. President, that this is not idle speculation on my part. In 1972, Secretary Laird told the Appropriations Committee that if Congress did not provide funding because of its opposition to the Vietnam war, the feed and forage law would "permit us to operate." A year later, Secretary Richardson told the same committee that if Congress denied a request for funds to continue bombing in Cambodia:

> We will consider that we have the authority to do it anyway . . . We could invoke section 3732 authority. (Revised Statute 3732.)

The only period for which we have anything close to complete information (and there are some gaps in the information we do have) is for the most recent 10-year period. During this period, the feed and forage authority was utilized by the Defense Department in 4 of the 10 fiscal years. Let me summarize the record.

In fiscal year 1966, the Secretary authorized deficiencies to be incurred under the authority of Revised Statute 3732 totaling more than $352 million in some seven appropriations accounts. The actual obligations made under his authorizations totaled $277 million that year. The explanation subsequently provided for this usage of the feed and forage authority was "Southeast Asia."

In fiscal year 1968, the Secretary authorized deficiencies totaling $2.517 billion in 12 accounts. Actual obligations that year totaled $1,137 million. The explanation was the late enactment of the Supplemental Appropriations Act, not signed into law until July 9.

In fiscal year 1969, the Secretary authorized deficiencies totaling more than $1.786 billion in 13 accounts, though only $3.6 million was actually obligated. Again,the explanation was the late enactment of a supplemental appropriations bill, which became law on July 22.

I might pause to note, Mr. President, that supplemental appropriations for defense did not become law until July in fiscal year 1970 and in fiscal year 1973 as well, though no use of the feed and forage back-door authority was reported for either of those years. I might also point out that the fiscal year 1968 and fiscal year 1969 supplemental bills each included major funding for military operations in Vietnam—$3.7 billion in 1968 and $1.3 billion in 1969.

Finally, the most recent use of the feed and forage backdoor was in fiscal year 1972, when the Secretary authorized deficiencies up to $311 million in five accounts. Obligations under these totaled more than $233 million. And the explanation was once again "Southeast Asia."

In short, by its own admission, the Defense Department used the feed and forage provision to bypass the congressional appropriations process for more than a half-billion dollars worth of military operations in Southeast Asia.

This record does not support the contention that the feed and forage provision is used only in extremes. Over the total period, less than a third of the deficiencies authorized by the Secretary were actually utilized; and for fiscal year 1969, only two-tenths of 1 percent of the deficiencies okayed by the Secretary proved to be necessary.

Mr. President, this is an appropriate time to end the feed and forage backdoor spending authority. The President's budget request this year presents us with the bills still remaining from its prior use—to the tune of some $163.2 million bills. But we can prevent similar ones from being run up in the future.

It is an appropriate time in another and more significant way. Last year we enacted the Congressional Budget Act and this year we are beginning its implementation. Next year it will be in full operation. This new process puts some real limits on those of us in Congress. It says no to future backdoor funding arrangements and it requires us to face up to the implications of our budgetary actions. We should apply the same standard to the Defense Department. We should require that they operate within an adequate appropriations process and let us provide them the flexibility we believe they need by our action, but not through their action.

I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

I commend the Senator for his interest in this subject. I think it well that he has looked into it, and I feel that it should be further looked into and further considered. I would favor that we take this amendment, have a further staff study done, and see what we can do with it in conference.

Mr. GOLDWATER. Will the Senator yield?

Mr. ABOUREZK. Did I understand the Senator to say that he was going to accept the amendment?

Mr. STENNIS. Yes. I am speaking for myself. We will see what the others say.

Mr. GOLDWATER. I compliment the chairman on his observation on this amendment. I think it is a very worthwhile amendment. In fact, I think the Senator would have a rather enjoyable and interesting time going through the rather antiquated military law that we still operate under. If I recall correctly, when I first came to the Senate, my transportation was paid on the quartermaster mileage charge from Albuquerque, N. Mex., adding what was the new distance from Albuquerque to Phoenix. That has since been changed because it was only 10 cents a mile, which was not good unless you were traveling by mule. I commend the Senator for this. I had forgotten all about this provision of law. I am sure in conference we can prevail. It makes sense.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STENNIS. I would like to hear from the Sentor from South Carolina.

Mr. THURMOND. Mr. President, this amendment would repeal a significant portion of the law which provides authority to incur deficiencies for certain limited purposes, clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, needed for the current fiscal year. It does not provide authority to purchase, for example, ammunition or military equipment. It provides authority to provide essential troop support and only when funds are exhausted.

The Defense Department prefers to retain this provision for the reason that if they got into an emergency, they could fall back on this.

I believe the Senator from South Dakota has made a good case for his position. However, the Defense Department does prefer to retain this provision and they have reasons for it, which appear to be sound.

I am willing to accept the amendment and take it to conference where it can be discussed more fully and given the consideration that it deserves.

Mr. President, I ask unanimous consent for the position of the Defense Department to follow these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EFFECT OF AMENDMENT ON DEPARTMENT OF DEFENSE

The Amendment would eliminate an important but limited authority available to the DoD to incur deficiencies in the absence of funds in order to provide the necessities of the current fiscal year. This authority is available to provide the basic logistics support needed to maintain military forces as specified in R.S. 3732. The Amendment would modify R.S. 3732 by deleting that portion of it underlined below:

(a) No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the Department of the Army, Navy, and Air Force, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year.

(b) The Secretary of Defense shall immediately advise the Congress of the exercise of the authority granted in subsection (a) of this section, and shall report quarterly on the estimated obligations incurred pursuant to the authority granted in subsection (a) of this section.

DEPARTMENT OF DEFENSE POSITION

The DoD opposes enactment of the Amendment.

R.S. 3732 provides an important authority to the Department of Defense, which has been sparingly used. Although limited in its scope and availability it permits the Department of Defense to incur deficiencies when funds are not available to provide basic support to the military forces. Its retention is important in the national interests in the event of unforeseen events, such as its use in connection with the Berlin Airlift in FY 1962. It also assures the ability to provide basic support to military members whose reliance on such support, as for example subsistence and medical care, creates a unique relationship to the Federal Government. R.S. 3732 has been used in FY 1968 and FY 1969 to provide such support as the result of late enactment of supplemental appropriations. In all R.S. 3732 has been used in only five years since World War II.

R.S. 3732 is limited in a number of important respects. It is only available for the enumerated items of clothing, subsistence, forage, fuel, quarters and transportation, which are essentially items which must be provided to support the military members of the armed forces. It can only be used for the necessities of the current fiscal year. It is only available where appropriations are exhausted.

R.S. 3732 does not provide authority to pay military members. It does not provide authority to purchase, for example, ammunition or military equipment. Thus R.S. 3732 does not provide broad authority to continue the full scope of DOD activities; it provides authority to provide essential troop support and only when funds are exhausted.

To assure the authority to provide such support in the event of unforeseen circumstances or when funds may be otherwise exhausted the DOD urges retention of this authority.

Mr. MATHIAS. Mr. President, last year at this time when Senator ABOUREZK's amendment to repeal the Feed and Forage Act was on the floor, I discussed with the distinguished Senator from Arkansas (Mr. McCLELLAN) and the distinguished Senator from Mississippi (Mr. STENNIS), as well as the distinguished Senator from South Dakota (Mr. ABOUREZK), my concern for the continuation of this authority in the statutes. I said that while I would then vote for repeal, I believed that the better approach was to consider this statute in the broader context of the review of all emergency and similar legislation then being completed by the Special Committee on National Emergencies and Delegated Emergency Powers. I asked that a vote be put over until our committee concluded its work. The Senator from Mississippi also agreed to consider the matter and the amendment was put aside.

The special committee has now made its recommendations and proposed the National Emergencies Act. This act was recently favorably reported, with amendments, by the House Judiciary Committee and should be before the Senate by the end of the summer. We did not choose to include in our bill a repeal of the Feed and Forage Act or other legislation not expressly triggered by a Presidential proclamation of a state of national emergency. However, in our report we drew special attention to the Feed and Forage Act as one of the more flagrant examples of unnecessary powers being delegated by Congress to the executive branch. Our September 24, 1974, report cites examples of the kinds of extraordinary discretionary powers delegated to the President and says this about the subject of Mr. ABOUREZK's amendment:

> During the war in Southeast Asia and during the Berlin airlift on several other occasions, the Department of Defense used a little known law of more than 100 years' vintage. The Feed and Forage Act of 1861, 41 USC 11, to fund certain military activities not previously authorized by the Congress. The original intent of the Feed and Forage Act was to enable the United States cavalry posted on the Western frontier to requisition feed for its horses and other supplies when Congress was out of session and thus unable to provide the necessary funds. This law was kept on the books and was used for deficiency spending for food, medicines, clothing and other similar supplies when Congress was not in session. In recent years this law has been used to spend funds not authorized by the express will of the Congress even when in session.

The special committee believed laws of this kind should be repealed but thought that the so-called delegated powers, of which the Feed and Forage Act is one example, should be dealt with one by one. Today we have such an opportunity.

It has not been possible for the standing committees—Armed Services or Appropriations—to hold hearings on this matter as seemed promising last year but that should not be determinative. The question is clear enough: are there sufficient protections to insure that our Armed Forces will always be provided with support or do we need standby authority for the President to expend funds without congressional approval during emergency conditions?

The question would not concern me were we talking about a measure to insure the normal operation of the military; if, for example, we were talking about shoes or bales of hay as was the case a hundred years ago. But, of course, we are not. Nor would I be concerned if the Congress had foolproof means to control Executive commitments by other means. But we do not. The truth is that we are talking about the crucial question of controlling policy by controlling the purse strings. In the past this statute has been used to finance the war in Vietnam without explicit congressional permission. That authority remains today.

Former Secretary of Defense Laird made clear in an exchange with Senator PROXMIRE during the 93d Congress that the administration considered the Feed and Forage Act sufficient authority to continue the war in Vietnam without congressional authority. In fact the act was so used. And despite passage of the War Powers Act it is entirely possible that this statute could be used in another Berlin airlift-type operation contrary to the will of Congress.

The question, therefore, in my mind is, What good reason is there to continue this extraordinary power? We have taken so many important steps in the last 2 years toward a redress of the constitutional balance of powers, particularly in the area of foreign military commitments, that this next step seems fitting and timely. No claim can be made that the Congress does not provide for the welfare of its fighting men. As the *Mayaguez* incident illustrates, the President has sufficient authority to act to protect American lives in times of emergency. And as the Gulf of Tonkin resolution illustrates, regrettably, the Congress can act quickly when necessary. Moreover, the War Powers Act contains clear exceptions to the necessity for full concurrence from the Congress in cases of genuine and imminent threat to the national security.

It seems clear to me that what we are dealing with is not a necessary standby authority because none is needed. Instead, we see here an example of an ancient law, necessary in its time, which has become not obsolete but potent and dangerous. I urge adoption of the amendment as one more important step toward strengthening the role of the Senate in the execution of foreign policy.

Mr. CHURCH. Mr. President, the Senate today has another opportunity to regain from the executive branch some of the constitutional power of the purse which it has given away piecemeal fashion for far too long. The authority of the Feed and Forage Act, passed in 1861, has been expanded far beyond its original purpose of feeding men and horses on the distant frontier to the point where former Secretary of Defense Laird could claim authority to finance the war in Southeast Asia without appropriations from Congress. It is time to put an end to this kind of government by executive fiat.

I say this, Mr. President, based on more than 2 years experience investigating presidential emergency powers as cochairman of the Special Committee on National Emergencies and Delegated Emergency Powers. Our committee discovered that not only is the United States still operating under four states of national emergency, dating back as far as 1933, but that 470 separate authorities exist giving the President virtual dictatorial powers should he wish to invoke them under the emergency cloak. In addition, our committee catalogued other statutes which, while not explicitly designated as emergency in nature and not requiring a declaration of national emergency for their utilization, nonetheless were originally intended for limited emergency purposes, but never repealed. In many cases, the original legislative intent has been exceeded and ancient authorities have been used for purposes never foreseen. The Feed and Forage Act is one of these authorities.

The differences between political practices in 1861 and today have been cited frequently enough to deserve only summary mention here: Congress is no longer in short session, extensive transfer authority exists to cover emergencies which might arise and the Congress regularly passes continuing resolutions to insure that the executive branch has constant authority to spend to meet its needs. None of these conditions prevailed in 1861.

But, of course, defenders of the authority will contend that it is still necessary to allow the Secretary of Defense to spend funds for personnel, support, and transportation, because unforeseen emergencies will arise and we would not want military personnel to go without. While appealing, the argument is really a call for executive government without respect for Congress.

Do we really believe that the Congress will not support its Armed Forces in their basic needs? It has not happened in modern history. Do we really believe that the present authorities—in which the Department of Defense can "transfer" up to $750 million and "reprogram" up to $2 billion—is not sufficient to meet emergencies? Such an argument anticipates that the President could spend up to $2 billion to meet an emergency but still needs additional authority to act without congressional approval. We should have learned our lesson from Vietnam, where the President in fact used the Feed and Forage Act to spend over a half billion for personnel support and maintenance of aircraft in Vietnam without congressional approval. It was this experience which led Senator Proxmire to ask Secretary Laird if it was not true that Congress, in order to reclaim its control over military spending, would have to repeal this particular bill. The Secretary answered, "That is correct." And, of course, once a contractual obligation is outstanding, there is little the Congress can do.

One need not raise the specter of unconstitutional, Presidential war to caution against the continuation of this authority. In this day and age, there is little reason to allow even normal process of government to be conducted in so abnormal a way, by process so contrary to the checks and balances envisioned in the Constitution. Could it be argued that the President should have extraordinary authority to pay firefighters or compensate victims of floods or even to meet the normal Government payrolls in the unlikely event that appropriations were late or insufficient? What is evident here is that this authority might be used to countenance extraordinary involvements precisely in the area where it is most dangerous: In foreign lands. After working so hard to regain congressional authority through the Case-Church amendment and the War Powers Act, it is appropriate that the Congress take another step toward redressing the constitutional balance by repealing the Feed and Forage Act.

In debate on this subject last year, it was remarked that the authority was utilized only five times since World War II and thus need not be regarded as a serious departure from normal processes. That statement deserves further comment. As far as we know, the authority of section 3732 of the Revised Statutes (41 U.S.C. 11) was used in only 5 years out of the last 30. However, in those 5 years—1962, 1966, 1967, 1968, and 1972—the Secretary authorized 36 separate deficiencies totalling approximately $5 billion and actually utilized funds on 13 occasions for a total of nearly $1.7 billion. Moreover, there is some evidence that this record is incomplete, based as it is on a 1972 report by the Assistant Secretary of Defense to the Library of Congress. In addition, this report only covers the years after 1966 in the case of the Navy, 1960 in the case of the Army and 1954 in the case of the Air Force. We do not know how frequently the authority was used prior to those years.

Naturally, it has also been argued that this question should be taken up in the normal committee process rather than by amendment. Last year Senator Mathias, as cochairman of the Special Committee on National Emergencies, expressed his concern over the continuation of this authority. It was his intention, as well as my own, to consider action by our committee with regard to the Feed and Forage Act. In the end, we decided to confine our recommendations only to those statutes expressly triggered by a Presidential proclamation of emergency, not with so-called delegated authorities such as this one. Nonetheless, both Senator Mathias and I believe this authority should be repealed and have satisfied ourselves that sufficient research has been completed to understand the intent and effect of the law and allow us to recommend repeal.

While expected consideration of the act by the Armed Services Committee was the reason Senator Abourezk withdrew a similar amendment last year, it has not been possible for that committee to consider the matter. We are, in any event, faced with a basic question of political philosophy about which Senators should be competent to decide today, whether this is the hour to take another step toward reclaiming for the Congress the power of the purse strings. I would suggest that it is.

I ask unanimous consent, Mr. President, that there be entered in the Record at this point two documents which bear on the debate, first, that portion of a report of the Special Committee on Termination of the National Emergency entitled "Emergency Powers Statutes" and issued November 19, 1973, in which the Feed and Forage Act of 1861 is discussed. Second, I ask that there be entered in the Record the letter from the Director of the Legislative Reference Service requesting details of expenditures under this act and the reply, dated September 21, 1972, from Assistant Secretary of Defense Robert C. Moot.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE FEED AND FORAGE ACT OF 1861

In 1972, the then Defense Secretary, Melvin Laird, said that this statute could be used to assure the expenditure of funds in Southeast Asia, for use by U.S. forces, despite congressional prohibitions. When questioned by Senator William Proxmire during hearings on the foreign assistance appropriation act for fiscal 1973, Secretary Laird replied:

"If there is not any action by the Senate at all on even a continuing resolution, then the only legislation which would permit us to operate would be the deficiency authorization legislation—which was passed at the time of the Civil War—which gives to the Department of Defense and to the Commander in Chief, the President of the United States, the authority to obligate on a deficiency basis for the subsistence of our military personnel and for other requirements needed to support those military people."

Enacted in 1861 at the time of the Civil War, it is known as the "feed and forage" law. The provisions of the law provide that purchases by the military can be made "for clothing, subsistence, forage, fuel, quarters, transportation or medical and hospital supplies" without the approval of Congress that is customarily required.

Former Secretary of Defense Melvin Laird asserted that the statute would permit the President to ignore Congress' prohibition of funds for the war in Indochina; and to continue spending, on a deficiency basis, for the continued use of U.S. forces. Secretary Laird went on to assert that only additional positive action by Congress—in this case, the repeal of this specific deficiency authorization—would be required to halt expenditures for the involvement of U.S. forces in hostilities in Asia.

A study of the legislative history of this act affirms that use of the "feed and forage" authority as legal justification—for continuing the use of U.S. forces against the will of Congress—was unwarranted. In fact, as the legislative history of the law demonstrates, the "feed and forage" provision was part of a long congressional campaign to tighten congressional control over unauthorized executive branch expenditures. However, in 1861, one exception to strict controls over contracting authority was allowed to the War Department for this particular class of military supplies. The reason for this exception involved certain administrative shortcomings which, during the Civil War period, made legislative approval for item-by-item military purchases impractical, untimely or even impossible.

To illustrate: Congress, during this period, met in "short" sessions with lengthy periods of adjournment during which unforeseen and necessary appropriations could not be authorized. And, even when the Congress was in session, normal delays in the legislative process itself occasionally hampered the War Department in procuring necessary supplies. With troops posted throughout the West—many days ride from Washington—it was evident that delays resulting from congressional delays could have resulted in the collapse of security on the frontier. In order to protect Americans troops from supply shortages caused by unavoidable delays, Congress extended to the President discretionary "feed and forage" authority. It was clearly intended as a stop-gap funding device.

Subsequently, Congress has enacted a host of stop-gap funding devices to deal with similar military purchasing problems. An example is the use of continuing resolutions which now cover Defense Department appropriations in the event a military appropriation bill is delayed. Moreover, Congress is no longer a "part-time" legislative body, and the "short session" has disappeared. The Congress is, for all practical purposes, always available to grant necessary military funding authority. Also, there exists a transfer authority which allows the Defense Department

$600 million to supplement its programs as needed—unless specifically prohibited.

It is quite evident that the original conditions giving rise to the "feed and forage" authority have long since disappeared. But 41 U.S.C. 11 with its broad statutory language remains. Its recent history is somewhat similar to that of section 5(b) of Trading With the Enemy Act in which the original intention of the legislation has been twisted to justify purposes other than those for which they were enacted.

WASHINGTON, D.C.,
August 3, 1972.

Hon. ROBERT C. MOOT,
Assistant Secretary of Defense (Comptroller), Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. MOOT: We are presently conducting a study on the "feed and forage" law which permits the Department of Defense to make certain contracts and purchases in advance of congressional authorization or appropriation (41 USC 11).

To complete this study for a Senator, we need information regarding the use of this authority. We are familiar with the data recently placed in the Senate hearings on the 1973 foreign assistance appropriation bill. What we need is greater detail: (1) the use of the deficiency authority from 1940 to the present, (2) dollar amounts for each usage, and (3) the programs in which the deficiencies were incurred. For the latter we would want greater detail than simply the appropriation accounts.

We trust that this material can be assembled as soon as possible. When it is available, please forward it to Dr. Louis Fisher, Government and General Research Division, Congressional Research Service, The Library of Congress, Washington, D.C. 20540. If you have any questions, you may contact Dr. Fisher at 426-5821. We appreciate your cooperation in this matter.

Sincerely,

LESTER S. JAYSON,
Director.

WASHINGTON, D.C.,
September 21, 1972.

Dr. LOUIS FISHER,
Government and General Research Division, Congressional Research Service, The Library of Congress, Washington, D.C.

DEAR DR. FISHER: The enclosed report is furnished in response to your request for information concerning Department of Defense use of the authority of Section 3732, Revised Statutes (41 USC 11).

Records of these data are not available prior to the years annotated on the enclosure.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

USE OF THE AUTHORITY OF SEC. 3732, REVISED STATUTES (41 U.S.C. 11)

Fiscal year	Appropriation	Amount authorized (thousands)	Amount used (thousands)	Ultimate method of financing (thousands)	Program in which the deficiencies were incurred and reason for use
	DEPARTMENT OF THE ARMY[1]				
1962	Operation and maintenance, Army	$54,044	$54,044	DOD Appropriation Act, 1966, Public Law 89-213.	Funds were required to cover deficiencies in transportation, fuel medical and hospital supplies, clothing, and maintenance.
1966	Military personnel, Army	28,000	0		
1966	Operation and maintenance, Army	139,600	138,602	142,165 restoration authorized (Public Law 91-171).	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, and maintenance.
1967	Operation and maintenance, Army	7,433	0		
1968	Military personnel, Army	93,400	0		
1968	Operation and maintenance, Army	1,269,100	1,134,834	Transfer from emergency fund, Public Law 90-392 (2d supplement, 1968).	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance of aircraft.
1968	Operation and maintenance, Army National Guard.	1,800	1,828	Transfer from emergency fund, Public Law 90-392 (2d supplemental, 1968).	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance of aircraft.
1969	Military personnel, Army	410,000	0		
1969	National Guard personnel, Army	16,400	0		
1969	Operation and maintenance, Army	13,000	0		
1969	Operation and maintenance, Army National Guard.	181,300	0		
1972	Operation and maintenance, Army	75,800	[2] 75,800	Undetermined	To cover transportation in connection with increased activities in Southeast Asia.
	DEPARTMENT OF THE NAVY[3]				
1966	Military personnel, Navy	28,400	23,600	Recoveries of prior year obligations	Funds were required to cover deficiencies in subsistence of enlisted personnel, PCS travel costs, and clothing allowance for enlisted personnel.
1966	Military personnel, Marine Corps	19,000	1,700	do	Funds were required to cover deficiencies in subsistence, PCS travel costs, and clothing.
1966	Operation and maintenance, Navy	83,700	66,000	DOD Appropriations Act, 1970 Public Law 91-171 and U.S.C. 701-708 (transfer of $65,963,088.16 from O. & M., N "M" account to O. & M., N fiscal year 1966 account).	Funds were required to cover deficiencies in ship activities and overhaul, fuel, and transportation of things.
1966	Operation and maintenance, Marine Corps	7,900	6,800	Recovery of prior year obligations	Funds were required to cover deficiencies in depot supply maintenance, training and operation, and transportation of things.
1968	Operation and maintenance, Navy	338,700	0		
1968	Operation and maintenance, Marine Corps	46,600	0		
1968	Military personnel, Navy	142,800	0		
1968	Military personnel, Marine Corps	31,900	0		
1968	Reserve personnel, Navy	5,900	0		
1969	Military personnel, Navy	220,200	0		
1969	Military personnel, Marine Corps	61,500	0		
1969	Reserve personnel, Marine Corps	6,400	0		
1969	Operation and maintenance, Navy	20,000	0		
1969	Operation and maintenance, Marine Corps	28,900	3,600	Recovery of prior year obligations	Funds were required to cover deficiencies in the cost of transportation of things.
1972	Military personnel, Navy	2,800	0		
1972	Operation and maintenance, Navy	91,100	[2]78,300	Undetermined	
	DEPARTMENT OF THE AIR FORCE[4]				
1966	Military personnel, Air Force	45,100	40,323	Administrative cancellation	Funds were required to cover deficiency in subsistence of enlisted personnel and PCS travel costs.
1968	Military personnel, Air Force	72,700	0		
1968	Operation and maintenance, Air Force	528,100	0		
1969	Military personnel, Air Force	413,600	0		
1969	Operation and Maintenance, Air Force	398,500	0		
1969	Operation and maintenance, Air National Guard.	15,700	0		
1972	Operation and maintenance, Air Force	85,000	[2] 70,155	Undetermined	To cover minimum essential costs for increased operations in Southeast Asia for fuel, supplies, maintenance, transportation, special air missions, temporary duty travel and other personnel support.
			1,695,586		
	DEFENSE SUPPLY AGENCY				
1968	Operation and maintenance, defense agencies.	15,900	0		

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[1] Data prior to 1960 are not available.
[2] Preliminary June 30, 1972.
[3] Data prior to 1966 are not available.
[4] Data prior to 1954 are not available.

Mr. STENNIS. Mr. President, I am willing to yield back the remainder of my time.

Mr. ABOUREZK. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ABOUREZK. I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. I thank the Senator from South Dakota very much.

Mr. President, the next order of business, according to the list that I have, is the Javits personnel amendment No. 480. I have asked that the Senator be called.

The next amendment is listed as advertising in recruiting by the Senator from Pennsylvania (Mr. Schweiker), who has sent word that he will not call up that amendment. I believe we can strike it from the list with that understanding.

The next amendment after the Javits amendment will be the advanced hydrofoil craft and the advanced ship development, two amendments by the Senator from Ohio (Mr. Taft). I have notified Mr. Taft that we were almost to the point for considering his amendments. It will be necessary for the Senator from Georgia to be here with reference to the Javits amendment.

Mr. GOLDWATER. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I would hope that we could ask the Sergeant at Arms to assist us in getting these Members here. I hope we can clear up the Javits amendment, which should not take too long, and get right on to the Taft amendment, which I think is a very important amendment as it affects the Navy, and which will take some time. I do not want to see us get on the hydrofoil amendment, the B-1 amendment and the AWACS amendment with people gone from this body. I do know that our distinguished majority whip is being honored today at lunch and I wish that I could be there with him, but I think it more important to stay here.

I would hope we can get the Members here who have these smaller amendments so we can consider them.

Mr. STENNIS. I just announced that I have called them, but I have no way of bringing them. They have to come themselves. I am sure they will be here shortly and we will move forward as rapidly as we can.

Mr. President, with the time to be charged to no one for a partial quorum call, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 480

Mr. JAVITS. Mr. President, I call up my amendment No. 480 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. Javits) proposes amendment numbered 480.

The amendment is as follows:

Add a new section at the end of the bill:

Six months after the enactment of this Act, the Secretary of Defense shall submit to the Congress a report, together with requests for legislation wherever appropriate, setting forth the measures he proposes to take to increase and improve manpower utilization and to reduce, if possible, manpower costs in the Department of Defense to include recommendations on the following:

1. How significantly to improve:

(a) the ratio of enlisted men to officers in the Armed Forces; and

(b) the extent of the reduction of the number and size of headquarters and headquarters staffs serving in the Armed Forces throughout the world and thereby to increase combat strength, and interservice training, in common facilities and with common equipment, of trainees in all branches of the Armed Forces.

2. How peacetime expansion of the combat arms of any of the services could be accomplished without increasing the number of military personnel in such services, or to give adequate reasons why any exception should be made;

3. Review the experience with the performance of functions, such as facility maintenance, kitchen duties, and personal services to officers of high rank, when performed by civilian contractors hired at extra expense, instead of by members of the Armed Forces;

4. Review the experience with the payment of bonuses to enlistees selecting to serve in the combat areas of the Armed Forces or to others in the armed services;

5. Review means to increase the length of service of enlistees in the Armed Forces and the desirability of an enlistment bonus to those enlisting for an appreciably longer period of time;

6. Review the costs of advertising and other publicity for recruitment of enlistees into the Armed Forces; and

7. Reduce the number and expense of dependents of members of the Armed Forces allowed at the expense of the Department of Defense to accompany members of the Armed Forces while serving overseas.

Mr. JAVITS. Mr. President, I yield myself 15 minutes.

Mr. President, I believe that the objectives sought by my amendment do not necessarily require passage of the amendment. I have so notified Senator Stennis and Senator Nunn. Bearing in mind the very extensive study which Senator Nunn has given to this subject, I thought that he and I in a short time might develop in a colloquy the basic facts and information which I think are desirable which my amendment was intended to adduce, and also to perhaps come to some conclusions between us as to what further should be done about this particular matter.

I have a central theme, Mr. President, which I would like to lay before the Senate in this matter. That is that we went for a voluntary army. That was a considered national decision, with which I did not agree, but, nonetheless, that was our decision. I voted the other way. I believe, however, that the subject cannot and should not be closed. We should constantly review what is the result of the action which we took and the desirability of that action, realizing, of course, that we are dealing with matters of the most important national security and also the lives of our individual young men in this country, giving it an added note of seriousness.

Mr. President, the difficulties which it seems to me have arisen are aside from factors of morale. That is something which I have been concerned about and others have been concerned about as to an army which, in a sense, we pay for in this country or which introduces a different attitude toward service in the Armed Forces than has been the great, tremendously successful tradition in our country of the citizens' army.

I use the word "army" only because it is a popular term, but this covers all of the Armed Forces. So that is the first question, their composition, and the general feeling with which the country looks at that army and the way in which the men and women in that army undertake their service.

Second, and also of very great importance, is the cost, which seems to be escalating, going to extremely high figures in proportion to the aggregate expenditure on the military budget. On March 2, 1975, I received a letter from the Assistant Secretary of Defense for Manpower and Reserve Affairs, William K. Brehm, dated March 19, which analyzes the composition of our Armed Forces. It was written in response to an editorial in the New York Times which preceded that. I ask unanimous consent that the editorial, my letter to the Secretary, and the letter in reply by the Assistant Secretary of Defense be printed in the Record.

There being no objection, the letters and editorial were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 5, 1975]

Voluntary Army

Recruiting for the volunteer Army, in difficulty a year ago, has improved in recent months. But this trend, two years after the effective end of the draft, conceals more than it reveals.

Recession and high unemployment rates, not any sudden turn for the better in long-term prospects, are primarily responsible for the Army recruiters achieving 105.3 per cent of their goal last October, as against 88.7 per cent a year earlier.

Quadrupling the pay of recruits, bringing their compensation to civilian levels or better, did not succeed in attracting enough enlistees before the recession—especially for the ground combat arms, where an extraordinary bonus was needed to avoid huge shortfalls. The cost to the country is indicated by the fact that the percentage of the defense budget going into pay and other manpower costs has risen from 42 per cent in 1964 to 55 per cent today, doubling that of the Soviet Union.

What will happen when the recession recedes and full employment returns is a question the Administration and both parties in Congress would prefer to ignore right now. But it can be regarded as certain that pressure to raise pay still further and to cut more deeply into force strength will increase.

Even less discussed is the rapid drift toward a heavily black Army officered predominantly by whites. In a population 11 per cent black, the proportion of blacks in the Army as a whole has risen by almost half since 1971 to a current level of 20 per cent, and even these figures understate the real problem.

Less publicized statistics, analyzed by two Chicago sociologists, indicate that among those enlisting in the Army for the first time the percentage of blacks reached 27 per cent last year. The re-enlistment rate among first-term Army men rose to 52 per cent for blacks compared with 35 per cent for whites. And one-third of those who signed up for the $2,500 bonus for enlistment in the ground combat arms—artillery, infantry and armor—were black. The end result can be a force so largely made up of blacks as to destroy the integration aim.

Meanwhile, the myth that Army service can help by training deprived blacks for civilian jobs is little borne out by the facts. Usable civilian skills are least likely to be acquired in the ground combat forces, where most blacks are, while they are under-represented in the technical and support services, a vastly better training ground.

An early study by Congress of the financial, security and racial dangers involved in a continuing attempt to maintain a mass Army by voluntary recruiting appears essential.

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., February 12, 1975.

Hon. JAMES R. SCHLESINGER,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: For several years I have been deeply concerned about the fiscal and societal implications of the "All Volunteer Army". My concerns in this regard are twofold. First, as you know, personnel costs for the Armed Forces as submitted by the President in his budget request to the Congress for fiscal year 1976 amount to $49.2 billion, or 53% of the total Defense budget request. At a time when the Defense establishment is hard-pressed by inflation and other factors to secure adequate funding for a prudent level of procurement of weapons and when, on the other hand, there is mounting pressure in the Congress and the public to reduce Defense spending, is the "All Volunteer Army" too expensive for the Nation?

Second, I have always questioned the concept of the "All Volunteer Army" on the grounds that it tends to become, more than it should, a "mercenary" army in which the country has induced so many among the minorities and the disadvantaged to do its fighting. I am concerned by the statistics reported in a New York Times editorial of February 5 (copy enclosed): in a population that is 11% black, one-third of those who signed up last year for the $2,500 bonus for enlistment in the ground combat arms were black. My concern is that the make-up of the Armed Forces should be representative of our society at large and that the combat responsibility should be a citizens' responsibility.

In view of these considerations, I would appreciate receiving a report from the Department of Defense concerning the following:

1. Including the cost of "comparability", what is the dollar cost of the "All Volunteer Army"?

2. What measures would be required if personnel costs were to return in stages to the percentage of personnel costs (43%) of the Defense budget in 1964 (i.e., the last pre-Vietnam buildup year when the draft was in existence)?

3. Would you comment on the allegation that under the "All Volunteer Army" the number and nature of personnel in the Armed Forces is determined by the ability to pay for them, rather than the defense needs of the Nation.

4. What would be the effect of a return to the draft on the readiness and the ability of the Armed Forces to perform their assigned missions?

Thank you for your attention to this important matter.

With best regards,
Sincerely,
JACOB K. JAVITS.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 19, 1975.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The Secretary of Defense has asked me to reply to your letter of February 12 concerning the cost of and representation within the volunteer force.

It is true, as you have noted, that Defense manpower costs represent about 53% of the FY 1976 Defense Budget Request. Of course, this figure includes the pay of both civilian and military personnel, as well as military retired pay. Thus, as you study the situation it may be helpful for you to know also that:

1. Military personnel costs represent 29.1% of the FY 1976 Budget, compared to 26.6% in FY 1964.

2. Civilian personnel costs and military retired pay represent 24.0% of the FY 1976 Budget, compared to 16.8% in FY 1964.

You mentioned also that a New York Times editorial noted that "one-third of those who signed up for the $2,500 bonus for enlistment in the ground combat arms were black." This is not a correct statement. The facts are as follows:

1. In FY 1974, 22% of those who signed up for the Army combat arms bonus—which requires a 4-year enlistment—were black.

2. In FY 1974, 20% of those who enlisted in the Army combat arms for less than four years—and thus did not qualify for the bonus—were black.

3. Of all of those enlisting in the Army combat arms in FY 1974, 21% were black. (Bonus enlistees accounted for 39% of the total.) Since blacks represented about 27% of all Army enlistments in FY 1974, it appears that blacks are not heavily concentrated in the combat arms as the Times editorial suggests.

The Times editorial also notes that the reenlistment rate is far higher for blacks than for whites. This is true, but it is misleading when one is analyzing the racial composition of the Armed Services. The relevant statistic is retention rate, not reenlistment rate. The reenlistment rate is the number of reenlistees divided by the number of individuals eligible for reenlistment. Retention rate, on the other hand, is the number of reenlistees divided by the total group, not just those eligible for reenlistment; thus retention rate is the truer measure of continuation. Table I provides reenlistment rate and retention rate statistics for FY 1974 and the first half of FY 1975.

TABLE 1.—ARMY 1ST-TERM CONTINUATION INDICATORS

[In percent]

	Fiscal year 1974				Fiscal year 1975 (July–December)			
	Reenlistment rate		Retention rate		Reenlistment rate		Retention rate	
	Black	Nonblack	Black	Nonblack	Black	Nonblack	Black	Nonblack
Army 1st term continuation indicators	50.4	30.5	18.3	14.2	57.7	31.7	23.5	17.2

It should also be noted that during the first eight months of FY 1975, the percentage of new Army enlistees who were black was 24%, which compares to a figure of 27% for the same period in FY 1974. I am enclosing a report on representativeness which provides further information on this subject.

The following responds to the four questions in your letter.

1. Including the cost of "comparability", what is the dollar cost of the "All Volunteer Army"?

The incremental cost of the volunteer force is best estimated by examining the effect that a return to the draft would have on manpower program costs and payroll costs. The table below estimates the program cost changes that would occur with a return to the draft:

TABLE 2

	Amount (millions)		Amount (millions)
Program costs which would increase:		Program costs would decrease:	
Training costs to accommodate higher turnover	110	Recrutiing/advertising	305
		Bonuses/special pays	100
Selective service budget	75	pecial all-volunteer force initiatives (primarily civilianization of KP)	105
Total	185		510

Note: Net annual savings: 325.

The possible effects on payroll costs are more difficult to estimate. As I noted earlier, a large portion of our manpower costs cover civilian pay and military retirement. Neither of these would be affected materially by a return to the draft. Table 3 shows the breakout in absolute terms:

TABLE 3.—DOD MANPOWER COSTS BY MAJOR CATEGORY—FISCAL YEAR 1976

	Outlays		
	Amount (billions)	Percent of budget	Percent of manpower costs
DOD budget	92.8	100	
Manpower costs:			
Military personnel costs[1]	27.0	29.1	54.9
Civil service payroll	15.4	16.6	31.3
Military retired pay	6.9	7.4	14.0
Total personnel costs	49.2	53.0	100.0

[1] Includes family housing.

The extent to which "Military Personnel Costs" would be reduced by a return to the draft would depend on two judgments which would probably have to be made by Congress. The first is the degree to which the pay of first-termers (i.e., draftees) would be reduced; the second is whether or not the principle of pay comparability for careerists—established by the Congress in 1967 (three years before the President proposed the All-Volunteer Force)—would be turned aside.

Table 4 shows for illustration purposes the effect of reducing first-term compensation levels, using the fiscal year 1976 budget as a point of departure:

TABLE 4.—HYPOTHETICAL PERSONNEL COST ALTERNATIVES REDUCED PAY FOR JUNIOR ENLISTED PERSONNEL

[Costs in billions of dollars]

		Effect of reducing pay to junior enlisted personnel to:			
		Federal minimum wage		Federal poverty level	
	Fiscal year 1976 budget (percent)	Reduction	New budget (percent)	Reduction	New budget (percent)
Military personnel costs	27.0	1.3	25.7	2.8	24.2
Total manpower outlays	29.2	1.3	47.9	2.8	46.4
Total defense outlays	92.8	1.3	91.5	2.8	90.0
Percent manpower	53.0		52.4		51.6

As shown above, if junior enlisted personnel compensation were reduced to the Federal minimum wage, the budget reduction would be $1.3 billion. If their pay level were reduced to the poverty level ($2,520/year) the budget reduction would be $2.8 billion. Even the extreme poverty level case would not bring manpower costs below 50% of the Defense budget.

As noted earlier, the issue of whether or not the pay military careerists should be reduced would have to be resolved by the Congress.

2. What measures would be required if personnel costs were to return in stages to the percentage of personnel costs (43%) of the Defense budget in 1964 (i.e, the last pre-Vietnam buildup year when the draft was in existence)?

To reduce manpower costs to 43% of total defense outlay through reductions in Military Personnel Costs would mean cutting those costs from $27 billion to $17.7 billion, a reduction of $9.3 billion or 34%. This would require either a massive cut in military strength, which would certainly unbalance the Defense programs; or a substantial cut in military pay, which would introduce unacceptable inequities in pay between military and civilian employees in DoD.

3. Would you comment on the allegation that under the "All Volunteer Army" the number and nature of personnel in the Armed Forces is determined by the ability to pay for them, rather than the defense needs of the Nation.

Without doubt, the higher cost of Defense manpower has had some influence on the sizing of our military forces. We do not wish to reduce our active military strength below the 2.1 million level proposed for end FY 1976. At the same time, in FY 1976 our manpower costs (military and civilian) will represent about 3.1% of the Gross National Product, compared to 3.6% in FY 1964. This suggests that the nation should be able to support its Defense manpower needs. One should keep in mind also that the relationship between Defense manpower costs and the total Defense Budget compares favorably with counterpart relationship in private industry.

4. What would be the effect of a return to the draft on the readiness and the ability of the Armed Forces to perform their assigned mission?

A return to the draft would increase the number of short-termers in the military services. This would increase turnover, and hence the proportion of active duty time spent in training status. This, in turn, reduces efficiency as well as experience levels and flexibility in assignment of personnel. The net result of the increased turbulence in combat units would be reduced readiness. We recently moved to eliminate two-years enlistment terms in all Services, beginning in FY 1976. We estimate that this will reduce accession needs in FY 1978 by about 35,000 enlistments; and, further, that this, in turn, will reduce by over 100,000 the number of permanent change-of-station moves that would otherwise be required during that same time period. From this point of view, a return to the draft would be counterproductive.

I sincerely hope this reply satisfactorily answers the questions you have raised.

Respectfully,

WILLIAM K. BREHM.

Mr. JAVITS. In the editorial, the Times made the point that there was a very grave imbalance between the number of blacks and the number of nonblacks in our Armed Forces, attributable to the fact that this was now pretty much on a money basis. That gave me considerable cause for thought, and I think should give considerable cause for thought to every American, especially on the financial side, as the costs of military personnel in the Armed Forces budget run to about 54 percent of the aggregate manpower costs, and the aggregate manpower costs are about 53 percent of the aggregate budget. When we feel that our military budget is getting out of sight, it is heavily attributable to these personnel costs.

In the analysis of the department—and I am sure that that analysis, with rising expenditures, would be even greater at this particular moment, but let us take it as it is—it calculates the net annual saving if we went to a draft, selective service instead of a Volunteer Army, as in the order of magnitude of $300 million or more—not an inconsiderable figure. when you add it to all the other morale factors.

It is for that reason that my amendment—and here I would like to have the attentiton of the Senator from Georgia, who was very kind in saying that he would cooperate in elucidating these facts. I say to him, as a relatively new Member, that the Members of this body realize the great service which any of us can be to the Senate if we really equip ourselves in particular specialties, and how helpful it is, considering the enormous range of work we have, if a Senator is reliable and highly informed on a particular subject.

So I am very pleased to compliment my friend from Georgia on his well-deserved reputation for really briefing himself thoroughly on these affairs. I would like to, if I could, go over the details of my amendment with him, in order to spread upon the record the facts and figures between us, to see what, if anything, needs to be done.

I understand, I might say to my colleague, on the first item, that is, the ratio of enlisted men to officers, that there is pending and under consideration an administration bill called the Defense Officer Procurement Management Act, a very extensive and complex bill which proposes to deal with that problem, and that the Armed Services Committee is really digging into it. Is that correct?

Mr. NUNN. That is correct. Let me say to the Senator from New York that he has put his finger on one of the most important areas of the Government, that is, the personnel area of the defense budget. I certainly concur in all his statements thus far, and I also have had and continue to have severe reservations about an All-Volunteer Force. As the Senator from New York has expressed, the defense officer personnel management system bill is something that is being considered. The Department of Defense has put a great deal of pressure on Congress, on both Houses, in this area. The Defense Department submitted, late last year, a defense officer personnel management system legislative proposal. This legislative proposal includes two officer grades distribution systems. Before I became chairman of the Subcommittee on Manpower, the committee had already undertaken a thorough analysis of that DOD proposal.

This is one of the most complex areas of personnel management, and the legislative proposal itself is 156 pages long. The present status of it is that the consultants were directed to make a report, the report has been received by the committee, and we are going to have hearings on the legislative proposal either in late June or in July. I would say the hearings would take at least 7 to 10 days, so we are going to have to find a period of time during which the subcommittee members can participate.

The House has started hearings on this matter, and in addition to going into this from just the grade structure involved in this particular bill, we are going to go into the entire grade structure. I cannot promise the Senator when we will get out either this legislation or some modified form of it, but I hope it will be during this calendar year, so that the Senate can address the issue this year.

Mr. JAVITS. I thank the Senator very much. The next item was the reduction of the number and size of headquarters and headquarters staffs throughout the world. I understand the committee has recommended a 4-percent reduction in headquarters and headquarters staffs over and above what has already been done. Is that correct?

Mr. NUNN. That is correct. And I might add that there has probably been more work done by the services in this area than in any other area. They have not reached what I would call an efficient and effective point yet, although they have made tremendous progress, particularly in the Army and to a lesser extent in the other services.

Part of the 18,000 reduction in personnel in the military is coming from that source, and the same can be said as to the civilian ranks. We also are taking some civilians out of headquarters; and I think perhaps the record will show that the civilian problem now is perhaps more severe than the military problem in command headquarters.

Mr. JAVITS. The next item refers to the peacetime expansion of the combat arms. The Senate considered that issue last night, and I voted with the committee, because I think that is a uniquely military responsibility, the size of the structure we ought to have. So I will not even worry the Senator with that.

Mr. NUNN. I might say, in addition to what we were talking about last night, the Army has moved faster in this area than the other services. They are actually going from 14 to 16 divisions. The Air Force has considered this, also, and they are talking about moving from 22 to 26 wings in the future, though the committee has not approved that.

The Navy is also beginning to move, but not nearly as much as the Army or the Air Force up to this time.

Mr. JAVITS. I thank the Senator. The next item relates to base support. A great deal is being done on this issue of base support on service to high-ranking officers, KP, and so on. Would the Senator care to make any statement on that?

Mr. NUNN. There was an amendment last night that was agreed to by two votes. Senator PROXMIRE and Senator GOLDWATER offered an amendment which would reduce the civilians by 17,000, in addition to the 23,000 reduction made by the committee.

Now, that wil go a long way toward tightening further what the committee has already started in this base operating support area and what the committee has done this year. We have taken in our report each one of the services and we have reduced them in base operating support depending on efficiency and effectiveness of that particular service in trying to cut down on base operating support. In other words, we are trying to provide an incentive system here so that the services that do the best job in cutting out this fat will not be severely reduced and those who do the correspondingly poorer job will be reduced. So we have, I think, moved in this direction and in addition to that, the Defense Manpower Commission, that I am sure the Senator from New York is familiar with, is studying intensely this area and trying to develop criteria by which DOD can assess the pros and cons of really contracting services rather than having in-house personnel perform those services.

Mr. JAVITS. May I say to my colleague, I interpreted last night's further reduction in civilian personnel and I think others did as well, as rather going counter to our desire to civilianize much of the base support. I did not quite understand what he had to say about the amendment adopted last night.

Mr. NUNN. The Senator from Georgia did not support the amendment last night because I felt and said so in the Chamber that it could cause severe layoffs. The effort to civilianize is taking place. But I will have to say frankly, even though the Senator from Georgia did not support that amendment, that even if you take the civilization, in effect, that has occurred already and will occur and if you look at the civilian reductions in the last 10 years and compare that to military reductions or, if you will, at civilian reductions and compare that to the contracting reductions, the civilians have been reduced a lot less. So the Senator from Georgia did not support that amendment. I felt that in the 23,000 the committee had cut we had analyzed each category and we felt that that was the right way to proceed. We had done it very carefully. I did not support it. But it did pass. My comment was that this certainly is going to tighten up in the future all of these areas in terms of civilian personnel and their use. Whether that tightening up will go too far or not is a question that the Senator from Georgia will ask. I also have a question about whether it is going to cause layoffs in a period of already very high unemployment.

But, nevertheless, that did pass and if we are forgetting the unemployment problem for a minute and forgetting possibly going too far in that direction all at one time, there is no doubt about the fact that this amendment is going to further tighten, if it were to prevail in conference, the effectiveness in these areas.

Mr. JAVITS. I thank my colleague.

The next item relates to a matter which is very critical, as I see it, and that is bonuses to enlistees. I mean that really gets to be a mercenary army. The question I ask the Senator is twofold:

One, what are the representations, if the Senator could answer this, being made by recruiters to enlistees? We note with great interest that the only time you get a $2,500 bonus in the combat army is if you enlist for 4 years. Therefore, the youngster who comes into the recruiting office has to be very accurately informed. That is point one.

Point two—and this is not covered by the letter that I have from the Department—what does this amount to? How many is it attracting into the armed services and is that practice under careful scrutiny by the Committee on Armed Services so that it may not in itself involve us in some excess or overt mercenary which certainly is characteristic of it?

Mr. NUNN. The Senator from Georgia is not a very good spokesman for the committee on this particular point. The Senator from Georgia does not believe in these enlisted bonuses. The Senator from Georgia is dubious about the volunteer force and has the same apprehension about paying for military combat that the Senator from New York does.

I will say that the idea behind the bonuses, given all of those reservations I have personally about it, is to get a longer term of service and to get people in combat so the bonuses are designed, first, to get people to stay in for a longer period of time, and second, to get people in the combat activities.

I cannot give the Senator a detailed analysis of it now, but I have the impression that, particularly with the unemployment problem we have had for the last year and a half and the recession, they are not having to use bonuses to the extent that they did at the very outset of the Volunteer Force effort. It may be that the Senator from Arizona and the Senator from Mississippi in the Chamber would like to comment more from a committee point of view, because the Senator from Georgia, on this particular area, shares the very apprehensions the Senator from New York has expressed.

The PRESIDING OFFICER. The 15 minutes the Senator allowed himself has expired.

Mr. NUNN. I yield myself another 15 minutes. May I turn to the Senator from Mississippi?

Mr. STENNIS. I yield to the Senator from Arizona and yield to him such time as he may need.

Mr. GOLDWATER. I commend the Senator from New York for introducing this amendment, although I can assure him that by carefully studying this paper, that paper, and other papers, which takes time, most of this information can be gathered. I hope that as a result of the discussion being held on the amendment today, starting with next year the Committee on Armed Services would be able to prepare a report for all Senators and for all interested people answering the questions that had been put by the Senator fom New York.

Looking at these specifically, the Senator from Georgia has answered well these, I believe answered them in the same language as the committee chairman and other members of the committee would use.

May I wait until the discusstion is ended?

Mr. JAVITS. If the Senator will excuse me, the Senator from Arkansas (Mr. McCLELLAN) had a most urgent request.

Mr. GOLDWATER. It is perfectly all right. The Senator is used to that.

Mr. McCLELLAN. I am sorry.

Mr. GOLDWATER. That is all right.

Mr. JAVITS. I think I did hear the

Senator. That is that the committee purpose is to fully develop the particular matters which are raised here.

Mr. GOLDWATER. I went so far as to say that, and I believe that the Senator from Georgia concurs with me in this, that the committee, beginning next year, will be able to prepare a report for use by all Senators and anybody interested answering the questions that he has raised.

I have a particular interest in this because my last assignment as a reservist was as Deputy Chief of Staff of Personnel for the Air Force, and I can recognize many of the questions that the Senator from New York raises, with his experience in the Army, as questions really that have not been answered down through the years.

The bonus question is one that I never concurred in, but I do believe in the Volunteer Army, and I have great faith that it will work out.

Right now, with the economy in the situation that it is in—and this is unfortunate we have to put it this way—we are getting increased enlistment.

The Pentagon mentioned the ratio of blacks. I am not sure of the exact ratio. Maybe the Senator from Georgia is, but I believe that the ratio of blacks in our Armed Forces is above or just about the ratio of blacks to our entire population.

I can say that all of the academies have increased black attendance. The Air Force training bases have increased black attendance and increased graduates.

We are having more blacks promoted to star rank than ever before.

In my contacts with both enlisted men and officers, with rare exceptions, the blacks and the whites are getting along better than they ever have before.

I cannot answer the question as to the exact ratio, but I do want to compliment the Senator from New York, and I can assure him that from this Senator's standpoint we will work toward the presentation of such a report that would encompass the answer to all of these questions and probably some more, because I have a very great interest in the answer to some of these questions, too.

I am very glad that my friend brought it up.

Mr. JAVITS. I thank my colleague.

I ask the Senator from Mississippi, as he manages the bill, that this may be useful to us in the very terms that the Senator from Arizona (Mr. GOLDWATER) mentioned, that is, impressing the Department with what we want really looked into. If he will be good enough to adopt the answers of the Senator from Georgia (Mr. NUNN) and the Senator from Arizona (Mr. GOLDWATER) as the answers of the manager of the bill, that is the basis for its legislative history.

Mr. STENNIS. Mr. President, although I did not hear all that was said on the subject, I believe I am generally in accord with what has been said.

I heard the reference to the percentage of blacks, and I believe that in the Army particularly there is a higher percentage of blacks than in the population.

Mr. JAVITS. About twice as much, I gather.

Mr. STENNIS. Perhaps the average in all the services is the average for the Nation.

With respect to the bonus matter which the Senator mentioned, the enlistment bonus was instituted partly on an experimental basis for the volunteer forces concept, to give it impetus, to give it a start, and to provide a sustaining base. But it also was going to be under scrutiny. I hope that comment at least partly answers the concern of the Senator from New York about this matter.

Everyone is not agreed on it—as to the advisability of it in the first place, and as to the amount in the second place. But it has been helpful in sustaining our manpower and in getting talented people.

Mr. JAVITS. I am a ranking member of a committee, and I understand that the problem is to fix the attention of the Senator's committee on the matter, so that, like Frankenstein, it just does not go on and on and on. If it is under active scrutiny, that is all I ask.

Mr. STENNIS. The Senator can be assured of our attention and our future action in this field.

Mr. JAVITS. I have another matter in mind. I ask this of Senator NUNN, Senator STENNIS, or Senator GOLDWATER. With respect to costs of advertising and other publicity for recruitment, does that bear a reasonable relation to results on a performance standard? Also, I refer to the matter, again under review, of the number and the cost of dependents of members of the Armed Forces accompanying them overseas.

Can Senator NUNN give me some information on that?

Mr. NUNN. Mr. President, the Senator has identified again a fundamental item with respect to the volunteer force. The recruiting is up dramatically since the volunteer force came into effect.

Overall, I would estimate that it is about $1,000 per recruit, in advertising. The advertising, of course, has not been as intensive in recent months—again, unfortunately, because of the economy and the fact that they have not needed to advertise as much. But advertising is continuing, and I would think that in the years ahead it would be a continuing part of the cost of maintaining the volunteer force and making it work.

The Defense Manpower Commission is studying this point. Also, we have received considerable testimony on this subject in our committee. But I cannot point to any dramatic breakthroughs of any kind of reduction in recruiting costs that are likely to occur in this area. I think it is part of the ongoing cost of the volunteer force.

Mr. JAVITS. Again, may we in the Senate count on the fact that the Armed Services Committee is very alert to the problems and is giving close legislative oversight to those problems as well?

Mr. NUNN. The Senator is entirely correct in that assumption.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. Mr. President, the Senator has gotten into one area which is very interesting, one that should be followed, and that is the use of advertising by the entire Government.

My son, who serves in the House of Representatives, did a study on this matter a number of years ago. While it has not been followed through to my knowledge, he made some very amazing discoveries. I think that the Senator from New York, in his position on subcommittees and committees that could affect this matter, could bring about a thorough study.

For example, it is my understanding that in the Pentagon are nine different films on how to brush your teeth. There are films out of the Department of the Interior and the Department of Agriculture and other departments that, to me, are useless and wasteful of money.

So I can assure the Senator that we will continue to follow this. I have a grave question in my mind about the amount of money spent on advertising for the military.

As to the question that the Senator asked the Senator from Georgia, with respect to the cost of having dependents go overseas, I believe this is a cost that we must bear as long as the country is not at war.

We must keep in mind that if a man—a young man or middle aged—is asked to leave his family, to go overseas for 2, 3, or perhaps 4 years, there is also the possibility of the disruption of the family. While this, in itself, would have no direct bearing on cost to the military, it does have a direct bearing on morale and a direct bearing on cost to the family and cost to the community.

While it is an expensive item, I would hate to see us deny dependents access to their husbands, or vice versa, in the proper zones. There are some zones, of course, where we cannot allow dependents to go.

On a morale basis, and just a basis of common respect for the union of two people in a family, this is one instance in which we should overlook the expense.

Mr. JAVITS. I thoroughly agree with my colleague.

One of the advantages of asking questions is that that is an answer, too. In other words, if we undertake an expense which is legitimate and justifiable, then the people who are the beneficiaries should know that we have considered it and we are all for it. I thoroughly agree with my colleague.

Mr. NUNN. I should like to make one point on that.

The Senator from Arizona made a very telling point on the problem of trying to assign people with no dependents. I have looked into this matter; the subcommittee has looked into it; Chairman STENNIS has looked into it in past years. A couple of things are taking place on an experimental basis.

The amendment I proposed last year, which was adopted in committee, adopted by the Senate, and adopted by Congress, required an 18,000 reduction in support troops in Europe but permitted the Secretary of Defense to add back 18,000 combat troops. They have reached the halfway point in that, in terms of time.

It was spread over 2 fiscal years. All the services combined—mainly the Army—have reduced 6,000 personnel in supply areas in Europe. The Army is going to reduce it by 12,000 total in support.

The Army is going to rotate two brigades to Europe for a period of 1 year, in an experiment, without dependents. They are going to determine if, by rotating the units more often, they can have less dependents. The verdict certainly is not in on that. It is just beginning. I think we all realize that you have cost with dependents. The trade-off, if you do away with dependents, is that you have to rotate the unit more often, and that is expensive.

We are looking into it. It is really an experiment that is beginning to take place. We will probably have the best analysis, particularly in Europe, we have ever had, in about 2 years.

Mr. JAVITS. Mr. President, I am grateful to Senator GOLDWATER, Senator NUNN, and Senator STENNIS for this colloquy, which I think is very illuminating and very helpful and gives clear lines for the committee's oversight role. I shall follow up on these matters, and I am much encouraged by the alertness which the committee has shown in these matters.

If I may have the attention of the Senator from Mississippi, I have a question that particularly the distinguished Senator can answer.

Last year, we had quite an imbroglio about the nonadmissibility of certain junior officers to certain institutions of higher education because those institutions had disestablished their ROTC. It will be recalled that the Senate adopted an amendment to inhibit that practice, which was admitted by the Department, that it failed in conference, and that the strong feeling was that it failed because the then chairman of the Armed Services Committee in the House was very strongly entrenched upon this question.

In the colloquy which ensued at the time the conference report was adopted, it was clear that the Department was really in a position to determine what it would or would not do on this subject whether or not the amendment was adopted, and I just wondered whether the Senator from Mississippi could tell us what has since developed on this matter as at the time, I recall, that many junior officers themselves felt very deeply deprived in respect of being unable to attend those institutions.

Mr. STENNIS. Well, Mr. President, I cannot add anything definite that I can say has happened since then. We tried very hard to get the Senator's amendment adopted. It is a rather delicate situation, and I think it is one of those things that time has passed by. We ought to be looking at it from the individual's standpoint, that he and a service agree on where he should go. I think that ought to be told.

Mr. JAVITS. Mr. President, I will endeavor to find out where it stands.

May I then submit those findings, whatever they may be, to the chairman?

Mr. STENNIS. Yes; that would be very acceptable and very much welcomed, too. But it is a delicate matter. There is no final balance to it that could be assured. I do not think.

Mr. JAVITS. Let me see where it stands now.

I yield to the Senator from Arizona.

Mr. GOLDWATER. A year has passed, and I have to tell the Senator I was one of those who opposed the admission of any officers of any rank to any school that had done away with ROTC.

I have changed my mind. I have a feeling, although I have not checked it, that under legislation I introduced last year, which would allow each service to send 25 men to law school, that some of those schools are being attended by officers. But I think it is a good point the Senator has raised. He has won one convert.

Mr. JAVITS. A very important one, I might say.

Mr. GOLDWATER. I would not say important but, being a product of ROTC, I did not like to see it get kicked around. But I recovered from the kick.

Mr. JAVITS. The Senator will remember that I said the same thing.

Mr. GOLDWATER. That is right.

Mr. JAVITS. And that I quoted Justice Frankfurter as saying that often the people or institutions we deal with to do justice under the Constitution are very unpleasant, but that, nonetheless, we have to do it.

I thank my colleague very much for his observation, and I shall follow through on this matter.

Mr. THURMOND. Mr. President, the proposed amendment would require the Secretary of Defense to submit a report on matters which have already been covered in considerable depth during committee hearings on the subject bill. As such, the report would be largely redundant. At the same time that we are encouraging DOD to trim overhead and staff, we are asking for more and more reports which must be prepared by the very same staffs we want to see reduced.

During the course of the hearings on this bill the Defense witnesses have amply described their efforts to improve manpower utilization and to reduce manpower costs. They have described their progress and further plans to decrease the officer to enlisted ratio and particularly to reduce the numbers of senior field grade officers. They have described their ongoing program to reduce headquarters which will result in the savings of over 25,000 spaces by end of fiscal year 1976.

We are all well aware of the Army's plan to increase from 13 to 16 active divisions by end fiscal year 1976 with no increase in active strength. The Air Force has also testified on their efforts to man 26 active tactical fighter wings with no increase in active strength.

Our colleagues in the House, in their report on the fiscal year 1976 Authorization Act, have already directed DOD to undertake a study on the relative cost of contract versus in-house manpower.

We have received a great deal of testimony on the use of enlistment bonuses and the cost of recruitment advertisement. With respect to increasing enlistee service, the Department is doing away with the 2-year enlistment.

Finally in an attempt to reduce overseas dependent costs, the Army is testing the concept of deploying brigades to Europe on a rotational basis without dependents. It seems to me that all these actions show that the DOD is taking very positive steps to improve manpower utilization and reduce manpower costs. It does not seem that yet an additional study and reporting requirement is needed. In fact, it would be redundant. It should be noted that the Congress has already chartered the Defense Manpower Commission to examine many of these same areas.

In summary, Mr. President, in view of the very positive action already taken by the Department in these areas and the wealth of information provided during the course of the hearings, I see no need for an additional reporting requirement.

Mr. JAVITS. Mr. President, I withdraw my amendment and yield back the remainder of my time.

Mr. STENNIS. Mr. President, we thank the Senator from New York for his interest, his contribution and his colloquy.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. Mr. President, that brings us to the Taft amendments.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. STENNIS. Amendment No. 502.

AMENDMENT NO. 503

Mr. TAFT. Mr. President, it will be my preference——

Mr. STENNIS. Mr. President, may we have quiet so that the Senator may be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. TAFT. It would be my preference to bring up amendment No. 503 first, and I ask unanimous consent that it be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I call up my amendment 503 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 24, strike out $3,368,802,000" and insert in lieu thereof "$3,376,602,000, of which amount $7,800,000 shall be available only for the Advanced Ship Development program".

On page 24, lines 7 and 8, strike out "$851,363,000" and insert in lieu thereof "$855,963,000, of which amount $4,600,000 shall be available only for the Advanced Ship Development program".

Mr. TAFT. Mr. President, I have called up my amendment No. 503 to add $7.8 million in fiscal year 1976 and $4.6 million in fiscal year 197T to the category, "Ship development, advanced."

Mr. President, if we are to have a

modern, effective navy, one of the most important requirements is for adequate research and development. And, in turn, one of the most important areas of research and development is advanced ship designs.

If our Navy is to be modern, the designs of its ships must be modern. If we cut out funding needed to design modern ships, we condemn ourselves to reproducing outdated designs. To me, there is nothing less cost/effective than cutting out a few million dollars needed to design modern, effective ships, and then spending hundreds of millions of dollars to build ships of obsolescent design.

The reductions recommended by the committee would, unfortunately, have a negative impact on a number of design programs. The committee voted to reduce the $27,758,000 requested for fiscal year 1976 by $7,800,000, and the $10,755,000 requested for 197T by $4,600,000. My amendment would restore full, advanced ship development funding for 1976 and 197T.

The need for restoring these funds becomes apparent if we examine the specific programs which are effected.

The committee cut would, first of all, reduce funds for the CV/CVN program—that is, a program to explore new aircraft carrier designs—by $4.5 million. This would effectively force the Navy to build any future carriers to the design of the *Nimitz*-class carrier we have now. Unfortunately, I am not certain that Soviet developments, in terms of their anti-carrier capability, do not make the *Nimitz*-class a questionable choice. In any case, I do not think we want to eliminate the option of looking at new designs. Yet that is what the committee's action would do.

The committee also cut funds for advanced design work on the nuclear strike cruiser CS/CGN. This is a followon design to our current DLGN'S—one of which was cut by the committee, with my concurrence, precisely because it is an obsolescent design. Our new nuclear-powered carriers will need nuclear powered escorts; I find it hard to understand the committee's reasoning in cutting the current escort, yet also cutting the funds to design a new one. I thus have moved to restore the funds for the work on the new design.

The third item affected—in this case dramatically—by the committee's reductions is the design work for a mine countermeasure ship. The committee action zeroed the funds for this ship. Unfortunately, mine warfare is an area where the United States is very weak—weaker than many of our European allies—and the Soviet Union is very strong. The first Nation ever to use mines was Russia, in the Crimean War; today, the Soviets put great emphasis on mine warfare—all their newest ships are equipped for minelaying.

There are grave questions about the U.S. capability to undertake a major wartime minesweeping operation in shallow water; it is, however, certain that we cannot sweep mines moored in deep water. The Navy has no equipment for that purpose, and does not even claim such a capability. That is the purpose of the mine countermeasures ship, for which the committee has cut the funds: to be a ship capable of sweeping deep water mines. I for one cannot justify our permitting the Soviets to have the capability to mine critical deep water areas, and us deliberately choosing not to be able to sweep those mines. Accordingly, this amendment would restore $1.5 million for the advanced design work on the mine countermeasures ship.

Another area in which the Soviets are doing extensive work—in which they are well ahead of us—is oceanography. Oceanography is a very important science for many reasons, not least of which is that the sea is increasingly needed as a source of food and minerals. Oceanography is also important militarily. The submarine—on which much of the Soviet naval capability is based—needs to know of depths, of currents, and of thermal layers in which it can hide. The antisubmarine forces need the same knowledge. Unfortunately, today, given Soviet superiority in oceanography, the captain of a Soviet submarine is more likely to have that knowledge than is the captain of an American destroyer.

The committee's action reduces to zero the funds for advanced design work on a new type of oceanography ship. This amendment restores that funding, $900,000.

The recent incident at Tang Island showed dramatically the need for a modern amphibious capability for our marines. Despite this clear-cut need, the committee's action reduced to zero the funds for design work on a whole new family of assault amphibious hovercraft. These would have a tremendous advantage over current landing craft: they would not have to stop at the beach. They could go right up onto the beach. Current landing craft have a speed of about 10 knots; these could travel at 50 knots, thus cutting to one-fifth the time the marines in the landing craft must sit helpless absorbing enemy fire. These two capabilities would save the lives of many marines.

Let me note that our marines have always done a magnificent job. Their rescue of our ship and its crew from the Cambodians once again showed to the world the tremendous job these men do. But they absorb very little of the defense budget, about 4 percent. They do so much with so little, that we sometimes seem to ask them to do everything with nothing. When we zero the funds for this advanced ship design work, I think we are doing just that. Personally, I do not think it is fair treatment of our marines. This amendment would restore full funds—$700,000—for this work—a small amount, I think, for something that could save the lives of many marines.

The last area affected by the committee's reduction is one of the most critical, if our future Navy is not to be qualitatively inferior to the Soviet fleet. This is the category of conceptual/feasibility studies. Again here, the committee reduced the funds to zero.

It is in these conceptual/feasibility studies that the Navy explores new ideas for future ships. Sometimes these ideas are aimed at meeting Soviet threats. Sometimes they are aimed at funding less expensive ways of achieving our needs. For example, the money removed by the committee would have gone for, among other things, funding a merchant ship design which could be modified for use as a fleet tug, for a submarine rescue ship, and for a salvage ship. Do we want to cut out that project, which is designed to save the taxpayers' money? My amendment would provide a total of $3.6 million for conceptual/feasibility studies for fiscal year 1976 and 7T.

In summation, I believe these advanced ship design programs are vital for the future of our fleet. They are needed if we are to have a modern fleet. They are needed if we are to use the taxpayers' money to the best advantage. The funds for these programs are an investment, a very cost/effective investment, in the future of our Navy. I know of no better or necessary investment this country can make. I hope my colleagues will agree with me in this, and support restoring these funds.

I would like to point out that the Soviets in the building of their modern Navy have not, in any sense, really copied ours. Their new ships are ships of new concept and capabilities. We seem to continue to drag along on the same pattern.

I would far rather we cut back on some hardware we are buying today in the old pattern, if we could really restore the fullest capability the Navy could possibly have for effectively studying new concepts and studying and reexamining old concepts in this matter of ship design.

I think this amendment is—while it is not a great deal of money we are talking about—to me, very significant and really may well have a tremendous impact upon the future capabilities of our Navy.

The PRESIDING OFFICER (Mr. CLARK). The Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I yield myself 6 minutes.

Mr. President, I must oppose this amendment now being advanced by the distinguished Senator from Ohio. It is doubly difficult to oppose any amendment he offers because he serves with me on the subcommittee on R. & D. Nevertheless, the proposed amendment will now restore some $7.8 million in fiscal 1976 and $4.6 million in the transitional year for advanced ship development in the Navy R. & D. program.

Mr. President, I would like to emphasize that this requirement was debated at length during the committee deliberations on our executive markup of this bill and the committee sustained the subcommittee's recommendation to delete these funds.

The committee action should in no way be interpreted as being inconsistent with the concern that the Soviet Navy is being improved. In fact, the committee recommendation provides $20 million in fiscal year 1976 which is 20 percent above the fiscal year 1975 level and 50 percent higher than fiscal year 1974. The committee recommends $6.2 million for 197T.

These funds will provide for advanced studies, conceptual studies, trade-off studies, and preliminary design on such major ships as a strike cruiser, a large nuclear carrier, a nuclear attack submarine, and a number of support ships.

I will not go into the specific reasons for the committee action on each ship in the program, since they all fall into the same category. The requests for authorization of funds are premature. Stated simply, the Navy and the Department of Defense have not yet agreed upon the composition of our future fleet. And until they do, the committee has no basis for considering and supporting the need for these advanced ship development funds which the amendment seeks to restore.

Let me cite several specific examples to illustrate why the committee recommended that these funds should be denied.

According to the Navy, the nuclear powered aircraft carrier design, which the committee reduced from $6 million to $2.5 million, is needed to support the ship construction program for fiscal year 1980 and beyond. However, the Secretary of Defense has not approved this program for fiscal year 1980, and the committee allowed $2.5 million to continue definition of ship characteristics pending the Secretary's decision and subsequent congressional consideration of the recommendations.

The Navy proposed $2.3 million in fiscal year 1976 for a new category—a line item—called "Conceptual/Feasibility Studies of Ships in Extended Planning Annex for Early to Mid-1980's." This is clearly a contingency proposal and cannot be justified to the satisfaction of the committee, let alone the subcommittee.

The committee considers that there are more specific requirements for money than the Nation can afford without allowing the establishment of separate slush funds to cover contingencies.

In summary, Mr. President, I agree that we must maintain a modern fleet adequate to protect our sea lines of communication, and to meet the Soviet challenge on the high seas. However, until the Navy and the Department of Defense present the Congress with a long-range plan for ship development and construction, there is no basis for authorizing additional money for purposes which have not been approved and justified by the Department of Defense. To do otherwise would be irresponsible.

I urge my colleagues to join with me and the committee in defeating the proposed amendment.

Mr. TAFT. Mr. President, I yield myself 3 minutes.

Mr. President, the distinguished Senator from New Hampshire has said that the reason we should not give funds for this advanced design study work is that the Navy is not agreed as yet on what type of fleet we are moving toward, or ought to be moving toward.

To me, that is precisely the reason why we should give these funds. These funds are basically earmarked for studying new concepts and new designs.

Until we know what kind of ship we can develop, study the concepts in which that ship is going to be used, it is impossible to zero in on exactly what kind of fleet we are going to have.

It is a matter of putting the cart before the horse, it seems to me, to say that we have to decide on the type of ship we are going to have before we fund the advanced design and study work on them. It seems to me, the argument simply proves itself.

With regard to the CBNX and the position of the Navy on this, and this is an official Navy statement which I would like to read from. The fact that it is in the budget, to me, is clear indication it is approved by DOD.

Let me just read this language with regard to the CBNX:

> The CBNX program carries continuing conceptual design even with 6.3 million in funds to insure that future carrier design alternatives are adequately investigated, changes in weaponry, threats——

And let me interrupt there. The threat that currently exists—that I have already mentioned in the debate—of the cruise missile to our carriers is an immense one. The Soviets have already deployed at sea a sufficient number of cruise missiles to launch 100 cruise missiles against each of our carriers.

So, this is one of the kinds of threats we are talking about.

It is one of the reasons why I hope we will, in looking at carrier design, examine and question whether the future use of carriers in the same way we use them today is feasible. In other words, as a major fleet unit. It may well be that smaller carriers, it may well be that the development of new types of aircraft that are able to take off vertically and land vertically without the present lack of operating capability that seems to come with that in the carrier class of aircraft that we presently have, should all be studied and studied thoroughly. The purpose of these funds that we are talking about for the CVNX is to make that study and get the information and see where we are going with it.

Going on with the Navy statement:

> Changes in weaponry, threats, national objectives and basic technology are examined and accounted for in conceptual design efforts to meet future requirements. A reduction of these funds would limit conceptual design effort to merely updating systems on current design. This would preclude adequate investigation of future designs for nuclear carriers other than updated Nimitz class carriers.

In other words, we are freezing ourselves to the present concept of nuclear carriers if we do not have these funds. We will have to do it sometime. The sooner we get around to reexamining this the better off we are going to be and the more secure I think we are going to feel. I think this is basically what the issue is.

I cannot understand. As I say, I voted to cut back on some of the hardware we are currently ordering for the Navy, and I would be delighted to continue to examine whether or not the programs we already have underway are cost effective. Many of the costs have gone up tremendously. Many of the ships, it seems to me, we are currently building are not adequate to meet the kind of threat they will have to meet from the Soviet naval capacity, particularly in the area of cruise missiles. We do not have a single cruise missile at sea now. We are working on systems and hopefully we will get the systems that will be effective. But we are lagging way behind in the weaponry and way behind in the design and conceptual efforts. The purpose of this amendment is to try to correct that situation.

I think the committee, while there was a reasonably close vote on these issues, perhaps did not understand this or was mistaken in their conclusion. I feel compelled to point that out.

Mr. President, I want to ask for the yeas and nays on this amendment.

Mr. STENNIS. Will the Senator yield?

Mr. THURMOND. Will the Senator yield me 3 minutes?

Mr. TAFT. Yes. I yield to the Senator from South Carolina first.

Mr. THURMOND. Mr. President, I rise in support of the amendment of the distinguished Senator from Ohio.

Mr. President, for each ship in the Navy shipbuilding program there is a period of time prior to the award of a contract to a shipbuilder during which certain ship design work is required This design work is divided into phases called conceptual studies, preliminary, and contract design. The R. & D. program entitled advanced ship development provides funding for the advanced conceptual study and preliminary design phases of this total effort. Each year, the Navy identifies those ship programs for which conceptual studies and preliminary designs are required, estimates design costs for each and submits the total as its budget request. It is important to note that because conceptual studies and preliminary designs precede by as much as 3 to 4 years the contract award date for a particular ship, there is not necessarily a direct correlation between the ships identified in this program element and ships in the SCN request for that year.

In the fiscal year 1976 and 197T budget request, the Navy included funds for the conceptual studies and preliminary designs of a new nuclear carrier proposed for fiscal year 1980, the preliminary design work on fiscal year 1977 and fiscal year 1978 Aegis ships, design work on a fiscal year 1978 attack submarine, a derivative of the SSN 688 class, and the advanced studies and preliminary designs of several auxiliaries, amphibious and mine force ships which are intended primarily as replacements for aging ships in the fleet inventory. In addition to the funds for this routine design work, a small portion of the budget was earmarked for advanced ship studies intended to explore new approaches in ship design. It has been generally agreed in OSD and the Navy that such studies are not only necessary but mandatory if we ever hope to capitalize on the potential payoffs of such concepts as standardization, automation and reduced manning, modularity and reduced maintenance.

Mr. President, the funding request for this element has been to cut the request from approximately $28 million to $20 million. This action will preclude the accomplishment of any advanced studies in the conceptual and preliminary design work for auxiliaries and amphibious ships and will reduce the amount available for the carrier, submarine, and Aegis ship work.

Mr. President, I am convinced that we ought to strengthen our Navy and do it as soon as possible. I suggested in an address at the commissioning of a ship in Norfolk, Va., some time ago, that one of the greatest things America could do would be to expedite its ship program. Not only do we need the ships, because the Soviets are now building the greatest navy in the world—they now have more combatant ships than the United States—but this would provide work for people during this period of so-called recession in which people need work. But even if the work were not needed by people, in my judgment, with the Soviets planning a worldwide navy, a navy on every ocean in the world, in all the waters of the world, we are going to make a mistake if we do not go ahead and not only build as many as the Soviets, but more.

Our security on this continent is dependent largely upon oceans. If we have a powerful Navy, it will be of tremendous benefit to this country. I hope that the Senate will see fit to adopt this important amendment by the able and distinguished Senator from Ohio.

Mr. TAFT. I thank the Senator from South Carolina for his remarks. They are certainly welcome.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. TAFT. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Do I understand there is an agreement that no vote will take place until 12 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Mr. TAFT. Mr. President, under those circumstances, I am ready to yield back the remainder of my time on amendment No. 503 and proceed to discuss 502.

Mr. McINTYRE. Mr. President, I yield myself 3 minutes.

Mr. President, the overall request for the Navy here was for $27.8 million, and the critical analysis and study by the subcommittee indicated that a cut of $7.8 million was warranted, and that was sustained in the full committee.

I would like to point out to my good friend from Ohio that the full committee gave special recognition to supporting a strong Navy research and development program by reducing the Navy less than any other service. The Navy was cut only 2.9 percent in the R. & D. field, compared with 7.6 percent for the Army and 5 percent for the Air Force.

Regarding the attack carrier which my good friend from Ohio has mentioned, a request of $6 million was reduced to $2.5 million, and that represents nearly half of the recommended cut.

Currently, in matters of this type, such as conceptual studies and plans for the future, we find that a very short lead time is necessary, 6 to 8 months is all that is needed to bring a study to fruition, and then they can move on, after approval, to contract definitions so it can be put out to contractors for bids.

In the case of the carrier, the Navy is currently looking at three ship sizes. One of those sizes is a continuation of the present *Nimitz* class carrier. These are to follow on from the previous carrier class known as the *Forrestal* class. So if the Navy should pick—and we are now talking about replacing 12 carriers of the future—if the Navy should pick the *Nimitz* class, this $2.5 million is all that is needed to complete their studies and go to contract definition. However, the Navy could pick one of the other two carriers. There is dispute within the Navy over what a nuclear carrier should be, and many of us are really concerned over the question of whether the nuclear carrier should be kept in our fleet. In fact, even though much is made of the Soviet Navy, I think the Soviets have only one nuclear carrier at the present time, the *Moscow* class carrier, so apparently they do not seem to be as enthusiastic over carriers as we. But nevertheless, with the global commitments we have, the carrier is a very useful base.

So if the decision is made by the Navy to go to a different size of carrier for the future, then I think Congress would want to take a good look at that decision, because this would be a departure from the *Nimitz* and the *Forrestal*, and we in the committee would want to know a great deal more about the Navy's plans.

The Navy has not come down on what they want, so in the interim I see no reason for furnishing them with money for a slush fund.

Mr. TAFT. Mr. President, the Senator has just made a statement that I certainly agree with. That is that if the Navy decides to go to a different type of carrier, I think the subcommittee and the committee, and I think probably the entire Congress, would want to have another look at it. But what are we going to look at?

The Senator has agreed that with the funds we have here, all they can do is go ahead with the *Nimitz* class carrier study. We are cutting off the funds for them to provide us with a study so that we could make an intelligent decision. The Senator is cutting out the funds for that purpose.

Mr. McINTYRE. No matter what choice they make, we have left $2.5 million in the bill.

Mr. TAFT. $2.5 million, which the Senator himself has said will enable the Navy only to go ahead with studies with regard to new concepts with regard to the *Nimitz* class carrier. It does not leave open the other options which the Senator himself has said he wants to have.

As to the delay involved, the Navy has indicated that every one of these cuts will result in a 1-year delay in developing whatever we may want to develop in the way of new ship designs and contents. I do not think anyone can deny that if they do not have the money, they cannot go ahead with the studies, and next year we will be back here, 1 year later, facing up to the problem that ought to be faced up to now.

Mr. McINTYRE. What the Senator is saying is that with the new type carrier, we in Congress will want to take a good look at it?

Mr. TAFT. That we cannot without a conceptual study, and we are cutting off the money for such a study.

Mr. McINTYRE. I am informed by the staff that the Navy has enough funds to make this decision. The recommendation has already been made to the Chief of Naval Operations and the Chief has to make a decision. Then it will be given to our committee, and approved or disapproved.

Mr. TAFT. The Navy's statement that I have is directly contrary to the statement the Senator has. I do not know which Navy we are talking to; but certainly all the people in the Navy I have talked to, from the Secretary on down, concur in the statement I just made, that there will be a 1-year delay in conceptual studies as a result of the cuts here, unless there can be a transfer of funds from somewhere else. If there can be a transfer of funds from somewhere else, we should do it. We should make the transfer right here in this bill.

Mr. President, I am ready to yield back the remainder of my time.

Mr. McINTYRE. Does the Senator from Mississippi wish to make a statement?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

This is one of about 600 so-called line items in this research and development part of the bill, into which the Senator from New Hampshire and his subcommittee have delved very deeply and come up with these specific recommendations. This is not a matter of the committee opposing studies or plans, or anything of that kind, for ships for the future. It is just the judgment of the committee that this money is not necessary now, that these are matters that go over into the 1980's, and that as of now the Navy is lacking in a decision as to just what types of ships they plan to move into.

Now we are building some large ones and some small ones, and it appears there is a repetition of expenditures if this money is provided now. That is the main reason that we left it out. We are not fighting the idea, nor the Navy.

I am told that this $7.8 million is already in the House bill, which will throw the matter into conference for reexamination and weighing of the situation: In conference we really go into matters, particularly matters of this kind, and are able to reweigh them, rather than always fight to the death for a certain position, whatever it may be.

With that understanding, we will support this if it comes back from conference, reexamined and reweighed. Let the House staff and our staff as well as the conferees study on it. Under those conditions, I believe it is a matter that should be left out of our bill.

I yield the floor.

Mr. TAFT. Mr. President, I yield myself another 2 minutes.

Some question has been raised, and I have found some further information, here that might be helpful to the Senate.

For instance, with regard to the submarine model rescue ship, for which I think there is great need, this is the reaction of the Navy to the cut on that item:

> If funds are not provided, the Navy would be forced to forgo this type of longer range conceptual design work. It was intended that this design work support the planning which is directly related to the Navy's Surface Warfare Plan. In this plan, the Navy documents its longer range planning objectives, specifically the needs in the ten years beyond the Five Year Defense program for shipbuilding.

Generally, on the entire area of these funds, the Navy again says:

> Failure to provide advanced ship development funds in fiscal year 1976 will cause a slip of approximaltey one year in the delivery of the FY 80 carrier to the fleet. Failure to provide ship development engineering funds in FY 76 would delay by approximately one year introduction of the FY 78 carrier into the fleet.

Let us not make any mistake about it; if we leave out these funds, the designs will not take place this year, and the conceptual studies will not take place this year.

It will set us back 1 year in updating the Navy in a way I think we all feel it needs to be updated. I am reassured somewhat by the chairman's statement that the House bill contains these funds and it will be reexamined in conference.

I suppose that the committee probably will, as it generally has been supported here in the Chamber, when we got to the yeas and nays vote support it. While from a legislative point of view I realize perhaps we would be better not even to go to the yea-and-nay vote, but I think it is so important to point this out to the American people and to point it out to the Senators that I think we ought to stick to the yea and nay vote, and I am going to do so.

I am not going to withdraw the amendment. I am going to put it to a vote, even though the vote may go heavily the other way. I hope if that happens that the conference will not feel that it is a dead issue.

I hope that with those Senators who agree with my position—and there were quite a number on the committee, and the distinguished minority ranking member on the committee has expressed his opinions on it—we will be able to keep this item in because I think it is vital to the national security of the United States in coming years.

Mr. President, I yield back the remainder of my time.

Mr. McINTYRE. Mr. President, I yield myself 1 minute. I say to the Senator from Ohio in our subcommittee that we have never heard anything else when we make a cut for some good reason that we feel is justified. It does not matter whether it is the Army, Navy, Marine Corps, or Air Force. We always get that reply back: "Well, this is going to delay, this is going to delay the whole thing."

So that type of argument is one that should not be relied on.

The argument here is they do not know where they are going, and, we do not see why we should provide a slush fund for them to play around with until they know where they are going; then we will give them some real dough.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I do not care to belabor this matter.

I made clear we are not wanting to cripple the Navy in their planning and all, and I especially appreciate the attention here the Senator from Ohio has given to this and other naval matters.

He made a fine speech here the other day that I called to the attention of every Senator as having lasting value with reference to our naval program.

I do not feel any urgency for this money just at this time. After all, Mr. President, our committee was criticized years ago for our failure to go into these research and development matters. Now, when we really are getting it in with tooth, tongs, and nippers there is some resentment in the Pentagon about us even going into it. There is some here and there. But we are sticking to our guns, and we think it is our duty to come back here with a full report to the Senate, and this happens to be a part of that report for this year.

We are not personally denying these funds. We are not proposing to just be dead set against them. It is solely a question of timing.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. I yield back the remainder of my time.

Mr. STENNIS. Yes. We yield back the time, Mr. President.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered.

Mr. STENNIS. Mr. President, may I make a parliamentary inquiry? Is it not true there has been an agreement and understanding there will be no rollcall vote until 12:30?

The PRESIDING OFFICER. No. Until 12 o'clock.

Mr. STENNIS. I thought it was set for 12:30. It is the way I understood it.

The PRESIDING OFFICER. 12 o'clock.

Mr. STONE. Let us vote.

Mr. STENNIS. I think we ought to call a quorum at least, Mr. President. It really is not 12 yet.

AMENDMENT NO. 502

Mr. TAFT. Mr. President, if it is agreeable to the chairman, I am glad to ask unanimous consent to proceed to discuss my amendment No. 502.

Mr. STENNIS. I think that is an excellent suggestion. The Senator has another amendment. We can lay this in abeyance for the time being.

The PRESIDING OFFICER. The Chair hears no objection. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Ohio (Mr. TAFT) proposes amendment No. 502.

The amendment is as follows:

> On page 17, line 24, strike out "$3,368,802,000" and insert in lieu thereoof "$3,371,702,000 of which amount $2,900,000 shall be available only for the Advanced Hydrofoil Craft program".
>
> On page 24, lines 7 and 8, strike out "$851,363,000" and insert in lieu thereof "$852,293,000, of which amount $930,000 shall be available only for the Advanced Hydrofoil Craft program".

Mr. TAFT. Mr. President, I have called up my amendment (No. 502) to add $2.9 million in fiscal year 1976 and $930,000 in 197T to the advanced hydrofoil program.

Mr. President, if we are to meet the highly innovative and technologically advanced challenge offered us by the Soviet Navy, we must also be innovative and technologically advanced. We must develop new ships with capabilities that surpass those of Soviet ships.

One of the most important of such capabilities is speed. In almost any naval engagement, the party with the highest speed has the initiative; his is the choice of whether to fight or to run.

In turn, one of the most promising developments in ship speed is the hydrofoil. The hydrofoil—a sort of wing in the water—gives a ship very high speed—we can already talk in terms of 60 or more knots—and, at the same time, much better stability in rough water.

The purpose of the advanced hydrofoil program is to design a hydrofoil ship of about 1,200 tons—a ship large enough to be used, for example, as an antisubmarine ship. It is an R. & D. program; no procurement money has been requested. The Navy simply wants to have the capability of building such a ship—although, may I add, I think if the R. & D. program is successful, it is the sort of ship we should produce.

The DOD requested $7,075,000 in fiscal year 1976 for this program, and $2,398,000 in 197T. In terms of the benefits a ship of this type could give us, that is a very small amount of money. Nonetheless, over my objections, the committee cut that to $4,175,000 in fiscal year 1976 and $1,468,000 in 197T. The committee's action constitutes a refusal to continue the program, since last year it received funding of $6,075,000. If the committee action stands, it will set back the entire program a full year. Personnel will have to be dismissed, and the design effort for the 1,200-ton ship will be halted.

I think the $2.9 million in 1976 and $930,000 in 197T I have moved to restore, which will bring the funding up to the requested level is a small amount to pay for the continuation of a program that could pay such major dividends. A 60-knot destroyer—which is what this ship could be—would be a new and effective counter to the Soviet submarine fleet. I hope my colleagues will join me in sustaining the advanced hydrofoil program, in recognition of its importance in our attempt to answer the Soviet challenge.

The argument that will be made on the other side with regard to this is that we have a 200-ton hydrofoil ship presently in construction in connection with our NATO allies.

This ship is a patrol craft, far smaller, not related to the same needs at all from the point of view of its application in naval warfare.

There have been, admittedly, some difficulties in the production of this ship. The difficulties, however, relate not to the design, not to engineering, but rather to the fabrication of the ship.

As far as we know now, the type of ship that we are talking about in the advanced hydrofoil will not necessarily use the same material, at all, which is aluminum, which the smaller hydrofoil we are presently having trouble with uses.

The money is not, in this case, to go into the production of a ship anyway or into the problems related to its production that have created some problems with the smaller ships. It is to go ahead with the design, the engineering, the production, and the advanced studies that are necessary in order to find out the feasibility of such a ship and have it moving ahead.

If we cut back the funds again, we are going to delay the time in which we will have the capability of producing such a ship.

I think it is a mistake, and I have indicated so to the committee and tried to get the committee to change its mind upon it.

I yield the floor.

At this point Mr. ALLEN assumed the Chair.

Mr. McINTYRE. Mr. President, I rise to oppose this amendment to restore funds to the pending bill to start development of an advanced hydrofoil ship, and again I must say that I share along with the members of the committee and most of the Senate the concern over improvements in the Soviet Navy. But this is no reason, no reason at all, to waste the taxpayers' money.

The Subcommittee on R. & D. reviewed this program, reviewed the details of it and determined that the request for funds was premature. The recommendation to delete the $3.8 million requested for fiscal 1976 and the transitional year was sustained by the full Committee on Armed Services.

One basic lesson we have learned—and you learn it early in the research and development game—is that R. & D. is progressive and takes time. In many ways, it is like a baby who crawls before he or she learns to walk.

Today, the U.S. Navy is struggling to develop a 225-ton missile-carrying patrol hydrofoil for U.S. and for NATO forces. It is called the NATO PHM. This craft has encountered major technical problems which have delayed this program, and the cost of these ships is now estimated to be double what was originally estimated. They were talking about $25 million a couple of years ago, and now it looks like $50 million.

The one development prototype that has been built has been out of the water for repairs for some time. The House Appropriations Committee has put a "hold" on the money authorized and appropriated back in 1975 to build the first four production ships. The Senate Armed Services Committee deleted the funds requested in fiscal 1976 for two additional ships. That was in the procurement section of the proposed budget.

In the face of what I consider—and the members of the subcommittee and a majority of the members of the full committee consider—a chaotic situation, it is clear to the subcommittee and the committee that the Navy is in no position to start a more complex, more sophisticated, and more costly hydrofoil in the 1,100 ton class, four times the size of the one they now have, the 225-ton craft with which they are having difficulty.

Again, spending money without a clear and definite purpose is not the answer to Soviet progress. In my opinion, the blank check approach can be neither justified nor afforded.

Mr. President, we on the subcommittee take some pride in the fact that years ago a very important advance program known as SES—surface effect ship—came to the attention of the subcommittee. I mention this ship because its history parallels the story of the development of the PHM. The SES is a ship that we hope will be able to travel at speeds between 65 and 75 knots over a sea state of 6—and the sea state 6 means waves of about 15 feet in height. We hope to be able to put a 200-ton ship through the water at that speed in that kind of rough going.

The Navy started out with a 100-ton competition in this surface effect ship. Both competitors were having their problems and their troubles. The Navy came in and requested funds for design of a larger ship, 1,000 to 2,000 tons, and we have repeatedly denied these funds.

I think that today the fact that the SES R. & D. advanced study and work and operations are still underway, still with the hope of measured success, has been due to the fact that we have put the brakes on the Navy's great desire to rush forward, many times when they cannot even succeed at the lower level of 100 tons.

So, here, with the patrol hydrofoil, the 225-ton craft is in chaos, and they want all this money to start designing the larger ship. For that reason, I ask my colleagues to join me in supporting the committee recommendation by voting against the proposed amendment.

Mr. TAFT. Mr. President, I yield myself 3 minutes.

I concur with the distinguished chairman of the subcommittee with regard to the surface effect ship. I shared his feelings and the feelings of most of the committee, and I hope it will be transferred to the Navy. I do not think the surface effect ship is fast enough. They did not request enough funds to go ahead with it. The surface effect ship is not really a substitute for the hydrofoil. The sea-keeping potential of the hydrofoil is greater than that of the surface effect ship. The surface effect ship is far more adapted to operations in limited sea areas. The hydrofoil, on the other hand, is a full seagoing ship, a ship of potentially great speed.

Talking about the PHM, the 200-ton ship and the 1,200-ton ship, and comparing them is like comparing apples and oranges. We are not dealing with the same type of class or the same basic function. The PHM is like a motor torpedo boat, for fast strikes around coastal areas. The advanced 1,200-ton ship would be a full seagoing ship, with great antisubmarine warfare capabilities.

Let us talk about this. Today we are faced with a patrol frigate that is in design and building, with a maximum speed of 28 knots. The maximum speed of Russian submarines today, underwater, is over 30 knots, so they can simply run away from some of the antisubmarine ships we are relying on to take care of them in any conflict in which we might engage. The need, therefore, to develop a ship with the kind of speed we have here is a pressing one and an early one.

It is said that we should get the other one underway and make sure it is working before we try the bigger one. It is not the same thing; we are not talking about the same type of craft. Some of the principles are the same. The principles of hydrofoil are well understood. Even the Chinese have a military hydrofoil craft operating, as do many other nations, and we are far behind.

This would give us a chance to leapfrog some of the developments that have occurred in this area by having a larger, better, and faster type craft of this kind, with immense potentiality.

I think it is a great mistake, simply because we have had problems in fabrication of a smaller ship of this type, to cut back on the funds that would make it come to fruition.

Mr. President, I am ready to yield back the remainder of my time, if the Senator from New Hampshire is willing to do so and if no one else wishes to speak.

Mr. McINTYRE. Mr. President, I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

Under the unanimous-consent agreement, amendment No. 503, on which all time has been yielded back, was to be laid aside in order that amendment No. 502 might be discussed. Now that all time has been yielded back on amendment No. 502, the question would revert on agreeing to amendment No. 503, by Mr. TAFT. The yeas and nays have been ordered on the amendment. The votes will be back to back.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. The Chair may be under the misapprehension that the yeas and nays have been ordered on amendment No. 502.

The PRESIDING OFFICER. They have not been ordered on amendment No. 502. They have been ordered on amendment No. 503. That is the first vote.

The clerk will call the roll.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no rollcall votes today prior to the hour of 2:45 p.m., and all rollcall votes that are ordered in the meantime just be backed up and, at the hour of 2:45, begin running in the sequence ordered.

The PRESIDING OFFICER. Is there objection to the request that there be no rollcall votes prior to 2:45 this afternoon?

Hearing no objection, it is so ordered.

Under the previous order, the distinguished Senator from Kansas (Mr. DOLE) is to be recognized to call up amendment No. 507.

AMENDMENT NO. 507

Mr. DOLE. Mr. President, I ask that amendment No. 507 be called up.

The PRESIDING OFFICER. The clerk will please state amendment No. 507.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes amendment No. 507.

The amendment is as follows:

> On page 18, line 21, strike out "92,000" and insert in lieu thereof "112,000;".
>
> On page 25, line 4, strike out "92,000;" and insert in lieu thereof "112,000;".

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, may we have order?

Mr. President, very simply this authorizes an increase in the Naval Reserve from 92,000 to 112,000, which is, I might say, the same figure contained in the House bill.

25 PERCENT NAVY RESERVE REDUCED

In recent years, whenever there is unusual budgetary pressure, the Navy's leadership, apparently with the blessing of the Department of Defense, has consistently whacked away at the authorization and appropriations of the Navy Reserve.

If allowed to prevail the strength of the Navy Reserve will have been reduced from 129,000 in fiscal 1973 to 92,000 in 1976—a reduction of more than 25 percent in 3 years. Past budgets have eroded support for the Naval Reserve to subminimal levels of capability.

MOBILIZATION REQUIREMENTS UNCERTAIN

In the last 5 years, the Department of Navy and the Department of Defense have "reorganized" and "studied" the Naval Reserve to the point of demoralization for those most closely involved with Reserve programs throughout the country. Each succeeding "study" brought a new round of structural changes and heightened confusion among dedicated naval reservists. Mobilization requirements of the Naval Reserve, once clear and concise, became murky and uncertain.

In response to a letter I wrote to Secretary Schlesinger in February 1975, the Secretary of the Navy assured me that the Department of Defense is committed to the "total force policy which has as one of its principles maximum utilization of the potential in the Reserve Forces."

I do not view scuttling 25 percent of the Naval Reserve Forces in 3 years as "maximum utilization of the potential of Reserve Forces." the actions of the Navy Department and the Department of Defense simply do not match their fine phrases of support.

SOVIETS CHALLENGE U.S. CONTROL OF SEAS

It should not be necessary to remind either the Department of Defense or my distinguished colleagues in the Senate that the Soviet Union is mounting a deadly serious challenge to this country for control of the seas. Their ships are new; their manpower is disciplined, well trained and backed up by adequate reserves.

The Soviet challenge comes at a point when our regular Navy forces are approaching record low levels for the post-World War II period.

In consideration of the critical importance to our national security for control of the seas, I submit this amendment to stabilize Navy Reserve manpower at current authorized levels.

CONFORMS WITH HOUSE ACTION

This amendment would put the Senate in conformity with action already taken by the House to stabilize Naval Reserve manpower at its current 112,000 authorized level.

This Congress went on record several years ago to rely primarily upon the Guard and Reserve forces at a time of national emergency and we, therefore, created what was termed the zero draft environment.

The Selected Reserve of the Navy for 1975 was established by Congress at a strength of 117,000, although funds were appropriated for only 111,000.

Members of this Congress have reminded officials of the Department of the Navy they would update their mobilization requirements so as to determine the realistic minimum strength for the Selected Navy Reserve. I am pleased to hear that action along these lines has taken place.

In the meantime, this Congress should declare a moratorium on reductions in Selected Navy Reserve pending completion of the Navy Department studies to determine the realistic mobilization requirements of various contingencies in a zero draft environment. These studies should then be reviewed by the Armed Services Committee of Congress to insure against an irretrievable and unnecessary loss of trained men and women.

The leadership of this Nation, and particularly Congress, should carefully heed the lessons of history. We cannot afford to be without trained and ready Reserve components of the armed services. The failure to provide this Nation with ready callable Guard and Reserve forces could cause a disaster for this Nation.

A large part of the proposed cut in Naval Reserve manpower involves deep slashes in the Seabee Reserve.

During the Vietnamese war, part of the Seabee Reserve was called to active duty and performed admirably in Vietnam. The individual members of Seabee Reserve units provide their own tools and require very little additional hardware.

In Kansas, the Seabee Reserve has been a genuine community asset. As part of their training, they have constructed park facilities for many cities, built camp buildings for Boy Scouts, Girl Scouts, 4–H groups and recreation programs. They carry their own weight.

Mr. President, in the House report on this bill, it stated:

> In the Navy Reserve, the Administration request was 93,972 in fiscal year 1976 and 92,000 in the transition period. Last year, the Congress authorized a strength of 117,000 for this component and it is currently holding an average slightly below 110,000. The rationale for this sizable reduction was that at the time the Budget was prepared more than a year ago, mobilization requirements in the Navy Reserve were not clearly delinated thus making expendable paid drill personnel with no clear mission. Further, this reduction was to include 9 Seabees (construction) battalions, or more than half the current force of Seabees. The evidence received by the Committee indicated that an in-depth study of mobilization requirements in the Navy Reserve is near completion and establishes hard requirements for approximately 112,000 personnel, if the entire 17 Reserve construction battalions are retained. The Committee considered the 112,000 number to more appropriately represent current requirements and would avoid the precipitate loss of trained personnel by accepting the Administration request without regard to the evolving evidence, which had been unavailable at the time of Budget preparation. The Committee is also most anxious to prevent the loss of any Seebee battalions which have proven their worth most convincingly in Vietnam, as well as in invaluable assistance during domestic disasters. Any effort to reduce these forces would be intemperate and would encounter stiff resistance within this Committee.

That is the report of the House Armed Services Committee.

I would say that for the fiscal year 1976, if the Senate version is sustained, there will be a reduction in the Naval Reserve of some 21.3 percent, a reduction in Air Force Reserve of 4.7 percent, a reduction in the Army Reserve of 5.8 percent. With the adoption of my amendment the reduction of the Naval Reserve would still be in the neighborhood of 4.3 percent. Clearly, the Naval Reserve is bearing a disproportionate share of the cuts and has in past years as well.

Mr. President, I think that, in essence, indicates the need for the amendment. My proposal would provide for equitable reductions.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, the parliamentary situation here is that there has been agreement not to have any rollcall votes until 2:45. Does the Senator from Kansas desire a rollcall vote?

Mr. DOLE. Well, I would be hopeful

that the distinguished Senator from Mississippi might accept the amendment.

Mr. STENNIS. Very well. I will proceed.

Mr. President, the Senator from Georgia (Mr. NUNN) has looked at this matter for our committee. Others are interested, but he primarily looked at it, and he cannot be in the Chamber just now, but I expect him very shortly, if we could have a quorum call.

I think the Senator has made his argument here, and we ought not to go to something else, we ought to continue on this. If I may suggest the absence of a quorum, chargeable equally to each side, and if we do not find Senator NUNN, we will do something else about it.

Mr. DOLE. I might say to the distinguished Senator if we could expedite the business of this bill, I would be happy to set this amendment aside if someone else is ready for an amendment.

Mr. STENNIS. I appreciate that. Let us try to stay with it for the time being, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Mr. President, I can offer a little argument.

Mr. STENNIS. Mr. President, I withdraw my request for a quorum call and I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, the Dole amendment would increase the Naval Reserve strength to 112,000. Our bill, the Senate bill, recommends 92,000.

Naval Reserve strengths have been as follows: 1973 there were 129,000—that is the average strength; and in 1974 there were 119,231, that is average; in 1975, the average was 117,000; in 1976, 92,000, which would be the end strength in the bill.

Now, if the Dole amendment is accepted, it would mean only a 5,000 reduction rather than a 25,000 reduction.

The House for fiscal year 1976 approved an average strength of 112,000, which is the same as the Dole amendment or the Dole figure.

For an explanation of average end strength, I would suggest that my colleagues look at page 127 of our report. But reading from an extract on the fiscal year 1976 House report on the Naval Reserve, I quote:

> In the Navy Reserve, the Administration request was 93,972 in fiscal year 1976 and 92,000 in the transition period. Last year, the Congress authorized a strength of 117,000 for this component and it is currently holding an average slightly below 110,000. The rationale for this sizable reduction was that at the time the Budget was prepared more than a year ago, mobilization requirements in the Navy Reserve were not clearly delineated thus making expendable paid drill personnel with no clear mission.
>
> Further, this reduction was to include 9 Seabee (construction) battalions, or more than half the current force of Seabees. The evidence received by the Committee indicated that an in-depth study of mobilization requirements in the Navy Reserve is near completion and establishes hard requirements for approximately 112,000 personnel, if the entire 17 Reserve construction battalions are retained. The Committee considered the 112,000 number to more appropriately represent current requirements and would avoid the precipitate loss of trained personnel by accepting the Administration request without regard to the evolving evidence, which had been unavailable at the time of Budget preparation. The Committee is also most anxious to prevent the loss of any Seabee battalions which have proven their worth most convincingly in Vietnam, as well as in invaluable assistance during domestic disasters. Any effort to reduce these forces would be intemperate and would encounter stiff resistance within this Committee. The Committee does not want to frustrate necessary realinements in this or any of the Reserve components, however such realinements should reflect long range requirements rather than short-run economies.

Mr. President, that is very much the position of the committee. I can understand the interest of the Senator from Kansas to increase the strength, but I think we are faced with one fact—we are really talking about two things.

The committee does not want to diminish the strength of the Seabees, but in view of the fact that the ships of the fleet will be lower at the end of this year than they were in 1939, and with the possibility of receiving additional ships of the line in the near future being somewhat remote because of the attitude of the Congress, and although the language I read was the House committee language and it appears, in effect, to support the Dole amendment, our position has to be that there is no use for additional reservists.

We have no equipment on which they could serve. We, frankly, do not have much equipment on which they could train.

I have been one of the strong backers of the Naval Reserve because, having been a reservist off and on for 37 years of my life, I have always said the Navy did the best job with reserves of any military component. But we are faced today with no real mission other than the Seabee mission for naval reservists over and above the figure that appears in our bill, 92,000.

So to just increase it to 112,000, while it does not sound like a lot and probably is not as far as money goes, I think it could be accomplished by careful selection without hurting the Seabee, in view again of the one factor that causes me to take exception to the Dole amendment, we are running out of ships. We do not have anything to put men on.

Someday, maybe, we will get the antimilitary, the appeasement, the isolationist forces in the Congress, to recognize that the Navy is really approaching an all-time low. A low that will be very dangerous to the United States in its role as world leader.

At the same time, we are watching the Soviets do something that they have been trying to do since the early days of the Czars, namely, build a fleet that will be meaningful on the high seas. The fact that she just recently completed a worldwide ship maneuver, or you might say war games, with 220 surface ships, not to mention submarines, indicates the weakness that we approach.

I would like to support the Dole amendment, but I do not think it is fair to a reservist, really, to tell him that, yes, we are going to keep him but we cannot give him any training, we cannot give him an assignment that means anything because we really do not have any ships to put him on.

In fact, the total strength of the Navy reflects that, to some extent.

The pre-Korea strength of the Navy, exclusive of the Marines, was 382,000. It went to 824,000 as a pre-Korea peak. It dropped to 667,000 pre-Vietnam. Then it went to 765,000 in peak Vietnam. This year the actual Navy strength will be 529,000 with fewer ships in the line than the Navy has had at any time since 1939.

I would hope before it is too late that the antimilitary forces in this country, the isolationist forces in this country and in this Congress, will recognize that we no longer can be a fortress America, that these great big oceans we once could hide behind are not great big oceans any more. One was crossed the other day in 1 hour and 52 minutes, and the enemy has the same ability.

I am merely reciting my opinion of the Dole amendment. It does not reflect the completeness with which the Senator from Georgia will discuss it when he comes to the floor, but I will be very happy to answer any questions that the Senator from Kansas might have.

Mr. DOLE. Well, if the Senator will yield, I recognize there has been unusual budgetary pressure, the legislation leadership, apparently with the approval of the Department of Defense, has been whacking down authorization of the appropriation of the Navy Reserve. As the Senator indicated, it has gone from 129,000 in 1973 to a projected 92,000 in 1976.

The Senator from Kansas would state that this is only an authorization, but we understand that when the study is finally completed, the hard facts will show the 112,000 figure is about right. This, of course, the House has in their bill.

I assume when the bill goes to conference the authorization will come out about 102,000, somewhat higher than the Senate, somewhat lower than the House.

But the Senator from Arizona indicates they had a good Naval Reserve program. And I read some House testimony indicating some Members of Congress on the other side indicated it was the worst Reserve program. It just seems to me we are quite critical of the Navy for apparently caving in to budgetary pressure and Defense Department pressure in whacking away at their Reserves.

As I said earlier, they are taking a cut in fiscal 1976 of 21.3 percent as compared to the Army of 5.8 percent and the Air Force of 4.7 percent.

We do not have any Navy National Guard, but we do have an Air Force National Guard and an Army National Guard, which have actually been increased in the past 3 years. So it seems to me a smaller reduction in the Navy Reserve would be entirely appropriate.

The Seabees do not require ships, and a reduction of about 6,000 would be in the Seabee category. In addition, of course, the Naval Air Reserve, and others, where ships are not needed. So this Senator would wonder if the argument of the Senator from Arizona about a lack of ships is entirely valid.

As the Senator from Arizona knows, Kansas is not a great naval State. But I am concerned, as he is, about the manpower. We are not talking about military hardware, something that can be built in a matter of months. We are talking about manpower, which takes year after year of training to learn technical skills and to learn to function as a unit.

So it just seems to this Senator that we are talking about very little in cost, but we are talking about a great deal in potential and a great deal of capacity and capability that we are, in effect, letting go down the drain.

Mr. GOLDWATER. Well, I have nothing to do with it, of course. I think the Senator has made a good argument.

I do not like to see Reserve Forces cut. "We do not have the equipment" is the attitude. There is no equipment on which to train these men or to keep them current.

We are running out of aircraft carriers. I can argue with any Member of either House who wants to say that the Navy Reserve program has not been a good one. It has been a very fine one. I know when carriers have been available in San Diego, naval aviators from the Southwest and California have been able to stay current by being allowed to acquire time on the carriers. I do not think we are talking about that kind of Naval Reservist. I think we are talking about the Seabee type, the man who has to acquire some experience on a ship to keep himself oriented to the point that he would be valuable on M day.

The Army used to be in that fix. They never allowed reservists to use any modern equipment. That has changed. Although it has not changed as completely as I would like to see it changed, nevertheless it has changed.

The Air Force Reserve or the Air Force National Guard are a little different picture because we do have a lot of old aircraft that can be flown by the guard and the Reserve. We are also entering into a period, hopefully, when the air guard and Air Reserve Forces will take over more and more of the domestic mission of the Military Airlift Command.

The position of our committee was based entirely on the position of the Navy, and their position is based on the fact that they just do not have the equipment.

I do not think that is going to change with this present Congress. I have been deploring the fact that our Navy has been on the low side for years and years and we cannot get the action needed to build up the ships of the line.

Mr. President, that is all I have to say on the subject. I am sorry that the Senator from Georgia is not here.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Mr. President, I am advised that the Senator from Georgia is on his way to the floor. We had reached this amendment earlier than expected. He is one of our group especially well versed.

I will just say this, Mr. President: Of course, everyone is for the Reserves. We are spending well over $4 billion a year, Mr. President, for all of our Reserves. That is the Army, the Navy, the Marine Corps—Mr. President, may we have order?

That is for all of the Reserves, including the National Guard, and that includes, I believe, some of the finest military men we have in these Reserves. They are talented, they are leaders, they are trained in the military sciences. They have a love for the military. They are leaders in their community, almost all of them, and are to be greatly encouraged. But at the same time, there has to be a limit. I believe we ought to have the will to use them more in assignments and bring them into our structured forces.

For instance, yesterday we were talking about the 16 divisions—and I want the attention of the Senator from Kansas on this—we were talking about the division level of the Army and letting it go to 16 divisions. I very strongly make the point that we ought to use some of our Reserve units in those divisions as planned. That shows how I feel, that they ought to be a part of our real structured forces.

The Navy Reserve needs for now have been recommended by the Department of Defense. As I understand the facts, it is all that they really can use at this time. If they can modify that to where they can make useful missions for all, that would be another question.

Mr. President, if the Senator from Georgia is ready, I would like to yield such time to him as he desires. I thank the Senator for being here on such short notice.

Mr. NUNN. I thank the Senator from Mississippi.

Mr. President, I rise to oppose this amendment. The Subcommittee on Manpower went into this matter in considerable detail. There is a tremendous amount of interest in this particular amendment and I recognize that.

We went into this form the point of view of getting witnesses to come forward, those who oppose the Department of Defense recommendations. The authorization last year was 120,000 but they never got to full strength, so this represents coming from somewhat less than 120,000 down to 92,000.

We went into this in considerable detail. The Department of Defense feels very strongly about this particular matter. They have tried, under the urging and prodding of Congress, both the House and the Senate, to make a better utilization of their reserves. They have been working on this for some time. They submitted a considerable amount of testimony as to why they did not need this number of naval reserve people.

The Senator from Georgia happens to be of the belief that the Department of Defense and the Navy have not utilized the Naval Reserve nearly as well as they should have. But we are in this position: it would be almost incredible that we would take a Department of Defense recommendation to cut down to 92,000 and add back when they say they do not need them and they do not have a mission.

I do not know whether the Senator from Kansas has a mission in mind or not. But every bit of testimony we received before the committee, even from those who opposed the Department of Defense move, could not give us a mission. They could not tell us what in wartime these Reserve Forces would do based on any likely scenario.

Our position was not one of wanting in any way to damage the Reserve strength, particularly the Naval Reserve. We felt that if and when the Navy makes up its mind it is going to really utilize the total force concept and thereby utilize the Reserve forces in an efficient way, giving them missions, then the committee would certainly be wide open to considering an addition to the Reserve.

The Senator from Georgia is a real believer in Reserve forces. I know the Senator from Mississippi is also, and I believe the Senator from Arizona has spoken on this. But we cannot justify to this body, to the Congress, and to the taxpayers why we should add back 20,000 when nobody can give us a mission. That is the key to it. We are not saying that the units involved are not effective, efficient, good personnel and are not doing their job. But the question is: What is their job? Nobody can tell us. Under those circumstances, we just believe that this amendment is not in the best interest of national security and certainly not in the best interest of the taxpayer.

I would like to add that I do believe the Navy could do a much, much better job of managing its Reserve forces. I do not think the Navy has done a good job. I think if the Navy makes up its mind that it is going to give its Reserve forces a real mission, then this subcommittee would certainly be wide open to suggestions in this regard.

I do not say that any service has done a remarkable job in the utilization of the Reserves. I think there has been more rhetoric in the total force concept than reality. But some of the services have moved farther than others.

The Air Force, under the considerable urging of the committee, is making better use of Air National Guard and Air Reserves in the strategic airlift. They are beginning to give them missions.

The Army under this new 16-division concept which the Senate last night overwhelmingly approved, by rejecting by a vote of 70 to 2 the amendment that would have impeded that move, is moving, too, with a vigorous program of better utilization of the Reserves. They are taking a Reserve brigade and adding that to two new brigades to form a division, using one Reserve brigade from the National Guard or other Reserve forces in each new division. This is not only an innovative move, but it is probably the best example of combining the Reserve strength to active duty strength so that we have a better overall total force concept.

Therefore, I would oppose the amendment. I did not hear all the arguments the Senator from Mississippi and the Senator from Arizona made, but I think the summary is, it is opposed simply because the Department of Defense states rather vigorously there is no role for these people at this time.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I ask the distinguished Senator from Georgia, as a member of the Subcommittee on Manpower and its ranking Republican member, if somehow we could not encourage the military to make further use of the Reserves. I think that the distinguished Senator desires for this to be done.

I have had Reserve officers talk with me about this matter and express concern that there were some cuts to be made with regard to the Reserves that are located in Virginia. Just a few days ago some officers talked with me about that.

I share the thoughts expressed by the Senator that if they do not have a mission, if the military does not have something for them to do, it does not seem reasonable for us to force some numbers upon them. But yet I would think that in hearings in the future before the subcommittee we might make further encouragement of the use of Reserves. I think it would be less expensive if they actually are active and participating, and are combat-ready.

I have heard talk to the effect that on weekends the Reserve officers and Reserve personnel are not preparing for combat, that they may be wasting their time. I hope that is not true, but if it is, it seems to me that we, with our legislative oversight responsibility, ought to take the matter up, to encourage the proper use of Reserves to a greater extent, whether or not this amendment of the Senator from Kansas is agreed to by the Senate. I wonder if the distinguished Senator from Georgia might comment briefly on that.

Mr. NUNN. Yes; I would endorse all of those statements by my friend and colleague from Virginia. The Senator from Virginia has done an excellent job on the subcommittee. He has pointed out on many occasions to the witnesses his desire to make a better utilization of Reserve Forces. I would agree with that.

I would point out to the Senator from Virginia that in the full committee report, which was the proposed language from the subcommittee, we do exactly what I think the Senator from Virginia has been working toward. We are beginning to express, at least, to the military our particular feelings in this regard. I read from the committee report, on page 128, some of the language which I think is right on the Senator from Virginia's point:

> The committee feels that there is a need for increased integration of reserve units with active duty forces, particularly in the Naval Reserve. In light of this, the committee requests that the Secretary of Defense study the possibilities for increased integration of reserve with active units by assignment of specific missions to the Reserve Components within the existing reserve strengths. The study should investigate the following:
>
> (1) Missions in each Service which could be transferred to a Selected Reserve component. As a target, sufficient missions should be considered so that 20,000 active duty personnel spaces could be transferred to the Selected Reserves.

That is our target. We have asked them to look at it, not in small numbers but in rather large blocks.

> (2) Various methods—for example, hybrid units, associated units and any other alternative methods—by which Reserve Components could be better integrated with active units which could improve reserve readiness.
>
> This study should be submitted to the committee not later than January 15, 1976.

I might add one other point. As far as the Navy is concerned, the Navy has had a real constraint in terms of numbers of ships and their overall material capability, because they have been reducing inventory and now have a very low number of ships. In fairness to the Navy, I think this has probably complicated the utilization of Reserves, and yet at the same time it does not justify the committee keeping 20-odd-thousand people in the force structure and housing them at taxpayer expense, when all the testimony is that they do not have a mission.

So the Senator from Georgia hopes the services will be just as dedicated to giving the Reserves the material support they must have and the kind of missions they must have, for us to be able to justify the Reserve strength. If they do that, they will find, I am sure, the full committee, and I know the subcommittee, very receptive to increasing the strength of the Reserves. I know the Senator from Virginia would agree with that.

Mr. President, I do not have any other comments on this particular amendment, so I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I have listened carefully to the arguments of the distinguished Senator from Georgia and those of the distinguished Senator from Arizona and the distinguished Senator from Mississippi. As I have indicated, this is merely an authorization. I think the Navy Reserve strength now is in the neighborhood of 110,000 or 111,000. I have looked over the testimony on the House side. It is my understanding that the testimony has not been completed, and when it is completed it will show hard facts which would support a Reserve of somewhere between 106,000 and 112,000.

But it is my view that the arguments have been stated and restated; it is just a question of whether or not we wish to further reduce the strength of the Naval Reserve. I would again repeat and underscore that this would mean a cut in the Naval Reserve of 21.3 percent, as compared to a cut of 5.8 percent in the Army Reserve, and 4.7 percent in the Air Force Reserve, and would again call attention to the fact that both the Air Force and the Army have National Guard units, and those have only been cut very slightly, if at all, for fiscal year 1976.

So it is the strong belief of the Senator from Kansas that the Navy is getting the short end of the stick. Insofar as the mission is concerned, it depends on the study. And I understand about 6,000 of the reduction would come there, reducing the Seabee battalions from 17 to 8, which in view of both the civil and military services they can provide seems especially counterproductive.

Having stated the facts, I do not see any reason for belaboring it further, and I am ready to vote on the amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. DOLE. First, I yield the Senator from South Carolina 3 minutes.

Mr. NUNN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NUNN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. NUNN. Does the Senator from Kansas intend to request the yeas and nays?

Mr. DOLE. I am not certain at this point.

First I yield 3 minutes to the Senator from South Carolina.

Mr. EAGLETON. Mr. President, will the Senator yield for 30 seconds, so that I may ask for the yeas and nays on the next amendment?

Mr. THURMOND. I yield.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the AWACS amendment.

The PRESIDING OFFICER. Has the unanimous consent been given that yeas and nays are ordered at this time?

Mr. EAGLETON. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. I thank the Senator from South Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I believe the Senator from Kansas yielded to the Senator from South Carolina.

Mr. THURMOND was recognized.

Mr. STENNIS. May we have quiet, Mr. President?

The PRESIDING OFFICER. Let us have order.

Mr. THURMOND. Mr. President, this Congress, several years ago, went on record to require primary reliance on the Guard and Reserve forces in time of national emergency. We thereafter created what has been termed a zero draft environment.

The Selected Reserve of the Navy for fiscal year 1975, was established by Congress at a strength of 117,000 although funds were appropriated for only 111,900.

Members of this Congress have reminded officials of the Department of the Navy that they would update their mobilization requirements so as to determine the realistic minimum strength for the Selected Naval Reserve. I am pleased to hear that action along these lines is taking place.

In the meantime, this Congress should declare a moratorium on reductions in the Selected Naval Reserve pending completion of the Navy Department's studies to determine the realistic mobilization requirements for various contingencies in a zero draft environment. These studies should then be reviewed by the Armed Services Committee of the Congress to insure against an irretrievable unnecessary loss of trained men and women. The leadership of this Nation, and particularly this Congress, should carefully heed the lessons of history. We cannot afford to be without trained and ready Reserve components of the Armed Forces, including specifically the Selected Naval Reserve. Failure to provide this Nation with ready, recallable Reserve and Guard forces is to court diaster.

Mr. President, as I understand the distinguished Senator from Kansas is asking that the number of the Reserve be fixed as the same as the House of Representatives has done in its bill.

Mr. DOLE. That is correct.

Mr. THURMOND The House has already passed that. To me it sounds reasonable.

Twenty thousand would be the number added, would it not?

Mr. DOLE. Yes, the number would be 20,000; and if we accept the 92,000, we are cutting it about 21 percent in 1 fiscal year.

Mr. THURMOND. The Committee on Armed Services cut it to 92,000.

Mr. DOLE. Yes, the Senator is correct.

Mr. THURMOND. The House has passed 117,000.

Mr. DOLE. The House finally agreed on a figure of 112,000.

Mr. THURMOND. Excuse me. 112,000.

Mr. DOLE. Yes.

Mr. THURMOND. So 8 and 12 are 20, which makes an increase of 20,000 he is trying to get here.

Mr. President, the point has been made that the Navy has no duties for these people. That is the very point. We want the active Navy to find a place for these reservists. They have been putting off for years and years doing that. It has taken Congress to bring about a lot of things. We would not have a nuclear Navy today had it not been for Congress. It was Congress that went forward on this, not the Defense Department.

I could go into many other things where the Department of Defense has not gone forward. If we are going to depend on our Reserve forces, and that is the policy, then we have got to have the men and have them trained, equipped and ready. The longer we put it off, then the worse the situation is going to get.

If we pass this amendment the Navy then will have to go to work and find places for these people because they are needed. They are needed to back up the regular establishment.

Mr. President, I hope this amendment will be adopted by the Senate.

Mr. NUNN. If I may comment on the remarks of the Senator from South Carolina for a brief moment, I think the Senator is entirely correct in saying that Congress needs to push the military services to better utilize their Reserves.

As the Senator will recall, last year I proposed an amendment which would deny, and did deny, the Air Force 10,000 additional active duty personnel and required them to find a way to utilize and perform the strategic airlift crew ratio increase with Reserve personnel. There was a large hew and cry about that, and they said it never could be done.

They came back about 8 months later and did it, and it is going to save about $150 million a year on a recurring basis. Yet, the Air Force is getting the job done. They are getting the same job done, which the Senator from Georgia agreed with, that crew ratio needed increasing, but they are doing it with Reserve personnel.

We need to do this with the Navy. I think the time we should serve notice on the Navy is right now. I do not agree with the Senator on putting this amendment in. But the Navy has now come before our subcommittee and they have said that they are going to increase ships from 500 to 600 over a period of years. This is going to require a lot more personnel.

I would like the Navy to understand that the subcommittee and the committee, I believe, are going to look very carefully at this personnel to determine if the Navy is planning on utilizing their reserve or where they are going to come forth and ask for additional active duty people to fill all of these new ship roles.

So I agree with the Senator in what he is saying, but I do not agree that the way to accomplish that purpose is to put reserves back in that the Department of Defense says they cannot use.

The way to accomplish that purpose that the Senator has in mind is when the Navy comes forth next year and if they ask for increased personnel, I want to ask them very specifically: "What have you done about the recommendations in the committee report? What have you done about utilizing the 92,000 reserves that you have?"

That is the way that you get at the problem. I do not think you get at the problem by adding back people that everyone admits, including the proponents, that there is no mission for.

Mr. DOLE. Mr. President, I yield back my time.

Mr. STENNIS. Mr. President, may I yield myself just 2 minutes on this matter?

I quoted the cost of the reserve program a few minutes ago as above $4 billion per year. That $4 billion is just going to personnel and does not include procurement. So that additional point would run the bill up very close, if not above, $5 billion.

That certainly shows that Congress favors the reserve program. But it has been my experience that you do not get more reserves used by merely increasing the numbers and appropriating the money to cover it. That does not make the Navy or the Army or any of the rest of them use the reserves more because we have tried that over and over.

The Senator from Georgia uses the right word—mission. They must have a mission and we would go all out for more men once this mission comes.

Now if we put in more Naval Reserve and take the money to pay for it out of regular Navy's money, then you will hear from the Navy. They will not recommend as many Reserves as they now favor. But if you put the Reserves in and put in new money to support them, it goes on and on. That is the way I see it.

So I think in order to force them to use not too many but really use these Reserves is to bring it down to the doorstep that if you do not we are going to take the money away from them and mark it for the Reserves.

So I am glad you brought this up but I think under the circumstances the amendment ought to be defeated.

Mr. STEVENS. Mr. President, a dangerous trend is underway in the United States—a proposed cutback of our Naval Reserve Forces at a time when we are reducing our active duty personnel to the lowest level since before the Korean conflict.

We in Congress have been advised that Reservists were to be incorporated into a total force concept. They were to be used to plug the holes developed from the depletion of active duty forces in an effort to meet initial threat situations. Reservists were to be provided modern equipment and trained with active duty forces to a point where they would be capable of performing satisfactorily on short notice. Now, without the draft, and our active duty forces lowered in number, our Reservists must be able to meet the challenge of being ready in the event of crisis—they must be strong.

The strength and readiness of the Naval Reserve at the time of the Reserve Revitalization Act of 1967 was so outstanding that Congress modeled that legislation along Naval Reserve lines and established by law Selected Reserve Forces in each of the services.

Today Reserve Forces of the Air Force and Army are involved with their active duty counterparts in exercises and practice military operations. The increase involvement of Reservists in our Nation's defense is imperative as more dependence is placed on reserve components to provide direct combat arms and maintenance support in the event of a conflict. Now, therefore, is not the time to further reduce our force readiness by reducing our Naval Reserve capability.

The Naval Reservists are men and women who have served their country well. Many are veterans of the Korean and Vietnam conflicts. Correspondence I have received indicates a strong desire on the part of these individuals to continue serving their country as a part of the total force concept in the Naval Reserves. If the Naval Reserve level is not maintained at 112,000, many of these dedicated men and women will be unable to participate in Reserve programs. Many Reserve units from various States will be disbanded.

As a traditional maritime nation, the United States has lived by and fought for the freedom of the seas. If we continue to reduce our level of military strength, then we must face the fact that the readiness we require simply cannot be met.

Therefore, I urge my colleagues to retain a strong Naval Reserve Force and maintain the military protection our country needs by supporting Senator Dole's amendment to S. 920.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. All right.

The PRESIDING OFFICER. Does the Senator from Mississippi yield back the remainder of the time?

Mr. STENNIS. We yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The amendment will be temporarily laid aside.

Mr. DOLE. Mr. President, the yeas and nays have not been ordered on the amendment.

Mr. STENNIS. That is right.

Mr. DOLE. Mr. President, I am willing to accept a voice vote. I think we will be here late enough tonight without having another rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, if the yeas and nays are not requested.

Mr. STENNIS. Mr. President, so few Members are in the Chamber——

Mr. DOLE. Mr. President, I ask unanimous consent that we dispose of this amendment by a voice vote, following the two rollcall votes.

The PRESIDING OFFICER. The Senator could make that request.

Mr. DOLE. I make that request. More Members will be in the Chamber at that time.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STENNIS. I do not object to voting now. We cannot have a rollcall vote now.

Mr. DOLE. I was going to make it a voice vote immediately after the rollcall vote.

Mr. NUNN. If we get many more Members in the Chamber, the Senator from Georgia will want a rollcall vote. It depends on which Members are here.

Mr. DOLE. The Senator from Kansas just checked and decided not to have a voice vote.

The PRESIDING OFFICER. Is there objection to the request that the amendment be voted on by voice vote following the rollcall votes on the other amendments?

Mr. STENNIS. Mr. President, without wanting to object, if we are going to have to go back into it again, suppose we reserve the right to both sides as to a voice vote or a standing vote or a rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment at this time, unless unanimous consent is given in a different fashion. The question is on agreeing to the amendment.

Mr. DOLE. The Senator from Kansas asked unanimous consent that we set aside further disposition of this amendment.

The PRESIDING OFFICER. But objection has been raised.

Mr. NUNN. Mr. President, reserving the right to object, if we are going to have a voice vote, we should have a voice vote now. If we are going to have a rollcall vote, the Senator from Georgia intends to ask for the yeas and nays. I do not see that it makes much sense to wait for a voice vote until two rollcall votes take place.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The amendment will be laid aside temporarily. It will be voted on following votes on amendment No. 503 and amendment No. 502.

AMENDMENT NO. 527

At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Missouri (Mr. Eagleton) for the purpose of calling up amendment No. 527, the AWACS amendment, on which the yeas and nays have been ordered.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute, on my time?

Mr. EAGLETON. I yield to the distinguished Senator.

Mr. STENNIS. Mr. President, I make this statement for the information of the Senate.

This amendment concerns AWACS. It is an important item, and it will require some discussion. We do not know just how long. No one wants to delay. My judgment is that the discussion might be completed before 2:45 p.m., and there is an agreement not to vote until 2:45; so in case the debate is concluded before the time to vote, I ask unanimous consent that immediately preceding the rollcall vote on this matter, each side have 5 minutes to sum up as it sees fit. I have cleared this with the Senator from Missouri.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the distinguished Senator from Nevada.

Mr. CANNON. Mr. President, I ask unanimous consent that Charles Cromwell, a member of the staff, be permitted the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that Bryan Atwell have the privilege of the floor during the debate and vote on the AWACS amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of the Senator from Missouri will be stated.

Mr. EAGLETON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. —. None of the funds authorized to be appropriated by this Act may be expended for procurement in connection with the Airborne Warning and Control System unless and until the North Atlantic Treaty Organization has contracted with the United States or the manufacturer of such system, as the case may be, for the purpose of a number of Airborne Warning and Control System aircraft at least equal to the number required to provide coverage of the North Atlantic Treaty Organization central region of Europe, but in no event less than 14 such aircraft.

Mr. EAGLETON. Mr. President, it is my feeling that an individual Senator can only inadequately scrutinize the bill before us in its entirety—that the overwhelming complexity of the issues limits the contribution of any one person.

It has been my policy to concentrate my efforts on a particular system I consider to be of questionable utility. In this way I can hopefully make a credible contribution to this congressional decision-making process.

For 3 years I have followed the airborne warning and control system program. AWACS came to my attention in 1972 because it was being justified as an air defense system to be deployed in the continental United States against the possibility of a Russian bomber attack. By 1972 it seemed obvious that the Soviet Union had no interest in developing a strategic bomber force. Besides, the United States was already vulnerable to a missile attack and, with the signing of the ABM Treaty, that vulnerability became official policy. An enormous expenditure for a 60-plus force of AWACS aircraft seemed particularly wasteful.

Secretary of Defense James Schlesinger soon saw the futility of continuing expensive air defense systems and, to his considerable credit, he effectively ended this particular justification for AWACS But the Air Force by now had a vested interest in the program. A momentum had built up that apparently could not be reversed—so instead it was rechanneled. The Air Force resurrected an old secondary justification and AWACS had a new mission: tactical command and control in Europe.

But the transformation from a continental air defense system to a European tactical scenario was not an easy one to make. In defending against a bomber attack, AWACS had only to spot and track large, slow-moving aircraft. Soviet bombers had only a limited jamming capability and they posed no physical threat to AWACS.

In Europe, however, AWACS would face thousands of fast, darting fighter aircraft—the Warsaw Pact alone has over 3,000 fighters. In addition, AWACS would confront powerful ground-based jammers, especially when performing its designated primary mission—looking into enemy territory. Even operating over friendly territory, a variety of airborne jammers could black out AWACS and make it even more vulnerable to physial attacks than it would be normally.

Clearly, if AWACS were to work at all in Europe, an entirely new, more complex system was required. A GAO report of March 1974 emphasized this point and recommended a more conservative management approach to avoid costly retrofits. GAO also formally raised the jamming problem for the first time by presenting calculations showing that a certain type of ground-based jammer would completely take away AWACS' offensive mission—low-level surveillance over enemy territory.

At the recommendation of the Senate Armed Services Committee, the Defense Department appointed a panel of radar experts to examine the GAO allegation. The fiscal year 1975 money for AWACS was held up pending a certification by the Secretary of Defense that AWACS could perform its mission.

That certification was forthcoming last February. It was not exactly a dishonest or illegal decision, although it did require a considerable leap of faith. Just before it was made the Air Force managed to change AWACS' mission to conform to the radar panel's technical conclusion. No longer was the offensive mission primary, now "early warning" and "air defense" because the priority roles—and AWACS was moved back over friendly territory. The Secretary of Defense then based his certification on the following, carefully crafted panel statement:

> If the offensive mission is secondary to the defensive mission, and if our recommended programs are implemented in the near future, the panel concludes that the vulnerability of AWACS to ECM (jamming) is a secondary consideration with regard to acquisition and deployment of this system in Europe.

I emphasize once again, Mr. President, that the words in this report were very carefully chosen. I count three major qualifications in that statement. I could think of no more tentative basis for certifying the workability of a $4 billion weapons system.

So AWACS was given a new mission last winter. Understand now that this is mission No. 3 in the life experience of AWACS. And GAO brought out a new report at about the same time. The report of February 20, 1975, begins by making a rather practical point:

> If (AWACS) cannot . . . effectively perform an "offensive" mission—looking into enemy territory—the qeustion becomes one of high cost and limited untility.

Limited utility indeed, and at a cost of $118 million per plane—the most expensive airplane in the history of man, $118 million per plane.

GAO also raised serious questions about AWACS' ability to perform its new European air defense mission and observed: "AWACS capability in a high density operational environment has not yet been demonstrated."

GAO was not alone in asking questions about AWACS. The NATO technical headquarters issued two reports on the system that posed as many difficult issues as had the GAO. NATO wanted to know whether there might not be a better way to spend $4 billion. And its report recommended further studies on AWACS vulnerability and survivability.

Mr. President, with this history in mind, I would like to turn to a more disturbing aspect of this program. I will begin by acknowledging the tremendous pressures within the Air Force and industry to gain congressional approval for AWACS. These pressures, however, cannot excuse the institutional dishonesty which has characterized the effort to sell AWACS to Congress.

This dishonesty has shown up time and time again—in the presentation of technical data, in the drawing up of test plans, in efforts to cover up by using the classification system and in the actual conduct and reporting of tests. I do not make these charges lightly or without foundation.

Let me first read part of a letter from a high-ranking Air Force officer who has worked on the AWACS program. This dedicated officer had access to the original report prepared by the radar panel, also known, after its chairman, as the Smith panel. I have eliminated references to places and organizations to protect this career officer, but this is what he had to say:

> I hope the record will include the entirety of Dr. Smith's report on AWACS ECM vulnerability to which Secretary Schlesinger selectively referred in his recent posture statement. The Smith panel's assessment . . . provides, in about 30 pages, pithy remarks on the possible and likely sensitivity of AWACS to electronic warfare; the supportive tone of Schlesinger's selections could very well misrepresent the full report. In this vein, one of the briefings presented (to Dr. Smith) suggested that a form of possible jamming against AWACS would be enormously (*ergo* prohibitively) expensive to the Soviets. The TAC Commander may pursue this line, though the briefer's estimates are at variance with the Smith report and do not account for other, possibly more effective or available jamming techniques.

The officer went on to refer to projected battle scenarios the Air Force presented to the Smith panel and commented:

> It is important to note that Air Force modeling often excludes mathematically or politically inconvenient variable . . . In fact, the Smith panel rejected an Air Force scenario used for electronic environment calculations because of its unrealistic assumptions . . .

Mr. President, the Smith report was used as a basis for the Secretary of Defense's certification that AWACS can perform its combat mission. Yet, as we can see from this obviously well-acquainted Air Force observer, it was crafted to read the way the Defense Department wanted it to read.

Fortunately, the man who wrote this letter is a conscientious officer who understands that he is serving his country, not just the Air Force. Let me read his concluding remarks. They represent, in my opinion, the highest standard that can be set for our military officers. They may also reflect the disturbing reality of today's Defense Establishment:

> Sadly enough, holding military feet to the fire seems to be the most reliable way to insure critical intelligence and integrity within the defense establishment, without which the United States simply could not survive. I see this integrity as the primary object of this correspondence, particularly since the escalating costs of national defense can drain the nation's physical and psychic energies.

Mr. President, the misrepresentation which has characterized the AWACS program has permeated the involvement of private industry as well.

Last year, for example, my office received calls from a Boeing engineer who was working on AWACS. The man was disturbed because Boeing was keeping two sets of test data, one real and the other fake. The fake data was being given to the Air Force. The test in question involved the internal data rate of the tracking system. The computer was apparently operating much too slowly to meet the Air Force requirements.

I would have said nothing about his undocumented allegation had I not received the exact same complaint from an employee of the Mitre Corp. this week. According to this person, his company had manipulated tests to show that AWACS was meeting the internal data rate requirement. To use his words, Mitre was "making it easy on AWACS," so that it could pass its tests.

Last month I received a test plan which was designed to satisfy Chairman PRICE of the House Armed Services Committee, who expressed concern in a letter to the Defense Department that AWACS might be easily jammed in Europe. Officials who had reviewed the plan said that it too was rigged to assure that AWACS would pass the test. For example, ground jammers were ideally placed to have only minimal impact. Attacking aircraft approached at the most exposed angles. Air jammers were made intentionally weak. And ground and air jammer strobes were purposely set to enable AWACS to discriminate between them.

Mr. President, I realize that when a system such as AWACS comes under attack, the bureaucracy tightens its hold and seeks to project only the good side. This, I presume, must be anticipated. But to the extent that dishonesty becomes institutionalized, the whole process suffers. That is what causes Watergates. And in the case of a weapons system such as AWACS, lives could be lost in a combat situation because of it.

Tests cannot be meaningful if they are devised more to influence Congress than to simulate the conditions of the real world.

In this regard, I am not the only Member of Congress to question the Air Force's test program for AWACS. The House Armed Services Committee said in its report on this bill:

> As a result of the discussion (on AWACS) and expressed dissatisfaction of the test program to date, the Committee voted to reduce the procurement account by fifty per cent . . .

The House Committee also held the release of procurement funds until tests are devised to "demonstrate the ability of the AWACS system against formidable jamming systems."

The GAO also stated in its report of February 20 of this year that Air Force tests "did not demonstrate the survivability, resistivity to ECM—jamming—and effectiveness in an environment representative of Central Europe." The criticisms of the Air Force test program are seemingly never ending.

Mr. President, with that background, I would like to move on now to a description of the legislation I propose today. My amendment is patterned after an official "program budget decision"—and those are words of art—approved on December 4, 1974 by Deputy Secretary of Defense William Clements.

This decision, and my amendment, call for a suspension of any further AWACS production until the North Atlantic Treaty Organization contracts to purchase AWACS. In the words of the December 4 decision approved by Mr. Clements, AWACS production would be suspended until "United States/NATO agreements on requirements, configuration and cost sharing" are reached.

Unfortunately, this decision Secretary Clements made was reversed just prior to the submission of the President's budget. It apparently fell victim to Air Force and contractor pressure, as well as to a surplus of defense money to be spent to boost the economy.

My amendment will accomplish two primary objectives: First, it is an insurance policy for the American taxpayer. If NATO decides that AWACS will not work in Europe because of jamming, physical vulnerability or insufficient tracking capacity, or whatever, NATO will veto the system and $490.5 million in procurement money contained in this bill will revert back to the Treasury.

Second, if NATO agrees with the Air Force that AWACS is a viable system, then the amendment provides an incentive for NATO to share the costs of the system.

In this regard, it should be noted that the Air Force fully intends to purchase a number of AWACS aircraft for the central NATO region, whether or not the alliance buys the system. If this amendment is not enacted, NATO nations already disturbed by the cost of AWACS will simply sit back and let the United States provide coverage of the most important NATO region. Therefore, my amendment would require the other NATO nations to at least purchase a matching number of aircraft for use in the other NATO regions.

As Dr. Malcolm Currie, the Defense Department's Director of Research and Development, observed on March 12 in testimony on AWACS before the House Armed Services Committee:

> The quantitative military requirements of the United States and the remaining NATO nations are inextricably entwined.

My amendment would simply embody that principle in law.

Mr. President, I want to emphasize that my amendment would not cancel the AWACS program outright. If AWACS were to die as a result of this amendment, it would collapse of its own weight. In addition, the amendment does not touch the research money for AWACS in this bill, nor does it affect the six planes authorized last year. The production line for these planes will continue into 1977 and will not be affected if NATO makes its decision in July 1976 as planned.

Of course, if NATO decides against AWACS, and I fully believe it will, no further production will be authorized beyond the 10 aircraft already approved.

These include four prototypes and the six production models from the fiscal year 1975 bill. According to Secretary Clements' decision memorandum:

> These 10 aircraft would satisfy the non-NATO AWACS requirement.

Finally, Mr. President, this body should understand that there is not yet a tactical version of AWACS. Three sets of what the Air Force calls enhancement features have yet to be added to the old strategic air defense model. Air Force enhancements will not be ready until 1978. Dr. Smith's antijamming systems—to make the plane a little less susceptible to airborne jamming—have not yet been determined feasible nor operationally defined and NATO has criticized AWACS' lack of tracking capacity.

It is obvious that the Air Force has pushed ahead leaving even the most elemental managerial logic in the wind. As the original Clements decision on this program so strongly argued:

> It appears inconsistent to plan to proceed under the current contract schedule . . . in light of two specific requests by the Deputy Secretary to incorporate enhancements, and in light of congressional insistence on an AWACS that will be effective in a NATO tactical environment.

Mr. President, the newspapers say that this is not the year to eliminate waste in the defense budget. I hope the newspapers are wrong. I think it is time to stop thinking about phony images and start thinking about what is in the interest of the Nation. In my opinion, Mr. President, AWACS serves no useful or necessary role in our Nation's defense.

Mr. President, I ask unanimous consent that the senior Senator from California (Mr. CRANSTON) be added as a cosponsor to my amendment No. 527 to the defense authorization bill (S. 920).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the following items concerning the AWACS program appear at this point in the RECORD:

First, a sanitized version of a classified GAO report dated February 20, 1974; and

Second, a number of newspaper articles about the AWACS program.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AIRBORNE WARNING AND CONTROL SYSTEM: FACTORS IMPACTING ON A PRODUCTION DECISION

(By the Comptroller General of the United States)

ABBREVIATIONS AND ACRONYMS

AFSATCOM, Air Force Satellite Communication.

AFTEC, Air Force Test and Evaluation Center.

AIL, Airborne Instrumentation Laboratory.

AWACS, Airborne Warning and Control System.

CFE, Contractor Furnished Equipment.

CFAR, Constant False Alarm Rate.

CPIF, Cost Plus Incentive Fee.

CRC, Combat Reporting Center.

db, Decibel.

DSARC, Defense Systems Acquisition Review Council.

DT&E, Development Test and Evaluation.

ECM, Electronic Countermeasures.

ERP, Effective Radiated Power.

FEBA, Forward Edge of the Battle Area.

FOC, Full Operational Capability.

GAO, General Accounting Office.

GFE, Government Furnished Equipment.

IOC, Interim Operational Capability.

KW, Kilowatt.

MHz, Megahertz.

MW, Megawatt.

NATO, North Atlantic Treaty Organization.

OBTM&M, On-Board Test Monitor and Maintenance.

ODDR&E, Office of the Director of Defense Research and Engineering.

ODDPA&E, Office of the Director of Defense Program Analaysis and Evaluation.

POM, Program Objective Memorandum.

SAR, Selected Acquisition Report.

SDS, Self Defense System.

SHAPE, Supreme Headquarters Allied Powers Europe.

SID, System Integration Demonstration.

SIFF, Special Identification Friend or Foe.

SIGINT, Signal Intelligence.

TDMA, Time Division Multiple Access—a secure data link.

DIGEST

Why the review was made

In March 1974, the General Accounting Office (GAO) reported to Senator Eagleton and to the Armed Services and Appropriation Committees of both houses of Congress that if the Airborne Warning and Control System (AWACS) could fully perform the missions then outlined by the Air Force, it would greatly enhance the Air Force's ability to manage combat air operations. GAO, however, was of the opinion that justification for the planned near-future production of the AWACS was questionable because operational capabilities had not been demonstrated. As a result of concern expressed by Senator Eagleton and the Committees, GAO looked into the test program and studies made during 1974 to ascertain whether uncertainties and technological risk had been reduced to a point where production might be warranted.

Background

The original requirement for AWACS stated that AWACS would have strategic and tactical roles—with the priority mission being strategic defense of the United States against a bomber attack. In August 1973, the Secretary of Defense, in recognition of the limited probability of an enemy bomber attack on the United States, reduced the strategic air defense mission and transferred AWACS from the strategic to the tactical forces. GAO expressed concern about the tactical mission of AWACS, centered on the possible limited effectiveness [deleted] of AWACS in managing air operations in Europe, particularly in the presence of electronic countermeasures (ECM) that could significantly reduce AWACS' utility [deleted] GAO pointed out that little or no operational testing would be performed prior to the planned production decision.

Findings

In GAO's opinion the justification for immediate production of the AWACS is still questionable. Since it is planned that AWACS would be heavily involved in any war in Europe, and both qualitative and quantitative requirements are based on such use, its effectiveness in this role should be proven before production is started. (See P. 11 and P. 12)

In summary, GAO found that:

> Overall, the test program conducted in 1974, while achieving certain planned objectives, did not demonstrate the survivability, resistivity to ECM, and effectiveness of AWACS in an environment representative of Central Europe.

The System Integration Demonstration (SID) conducted during 1974 demonstrated a technical capability rather than AWACS' operational capability. These tests demonstrated most of the performance required by the SID program, but the demonstrations took place under closely controlled conditions required for technical testing. Additional missions were flown to generate operational data for use in evaluating operational capability.

In independent limited, initial operational tests, the Air Force Test and Evaluation Center (AFTEC) concluded that AWACS could operate in a dense ECM environment and would be practically invulnerable to the fighter threat. The tests in GAO's opinion, did not simulate ECM or survivability threats to AWACS representative of those which could be encountered in Europe. (See P. 13 and P. 15)

The results of an Air Force study of AWACS survivability and effectiveness published in April 1974 showed that [deleted] AWACS could be degraded by ground based jammers.

GAO's review of the study also indicated that initial AWACS configurations would provide only a marginal contribution to the defense of Europe and that equipment improvements were necessary to improve its effectiveness. [Deleted.] (See P. 17 & 18) On the other hand the Air Force believes that special equipment to be added at a later date will improve AWACS effectiveness.

An independent panel formed to study the susceptibility of AWACS to jamming verbally informed GAO in December 1974 that [deleted] AWACS cannot perform the greater part of its offensive mission if available ground based jammers [deleted] are used, or if postulated airborne jammers are used. [Deleted.] They suggested that equipment modifications should be considered to increase ECM resistivity. The Department of Defense has not made a copy of the written report available to GAO. (See P. 22 & P. 23)

A NATO study conducted to look into the contribution of AWACS to Air Defense in the central region of Europe concluded that, while AWACS could enhance NATO air defense by providing warning and raid definition, a number of topics require more detailed investigation. It pointed out that future studies should address a comparison of the values of investing the cost of an AWACS in alternative ways and AWACS vulnerability and survivability. (See P. 25)

The total estimated AWACS program cost (including retrofit cost of $265 million) at January 1975 is over $4.0 billion for a unit cost of about $119 million. (See P. 26)

Conclusions

GAO believes that AWACS has the potential for improving the [deleted] ability of the Air Force to manage tactical air operations. In GAO's opinion, however, its capability in a high density operational environment has not yet been demonstrated. Such demonstration is critical because of the high cost and because quantitative and qualitative program requirements are being determined based on AWACS' use in such an environment.

GAO believes that, a conservative management approach should be followed and that the viability of the AWACS system be well established before production is authorized. Although the Air Force structured its test program to concentrate on areas of high technological risk GAO still believes that it has not demonstrated operational effectiveness and suitability for each AWACS mission need.

Agency comments

Officials of the Office of the Secretary of Defense (OSD) and the Air Force have advised GAO that they do not agree with the conclusions reached in this report. In general, they believe that sufficient testing has been accomplished to demonstrate the operational potential of AWACS. (See P. 30)

Agency actions and unresolved issues

The Defense System Acquisition Review Council (DSARC) considered the AWACS program on December 20, 1974 to determine if the program should enter production. As of mid February 1975, the Secretary of Defense had not publicly announced a decision.

Matters for consideration by the Congress

We believe that the appropriate congressional committees should carefully consider the status of this program in connection with the FY 1976 budget requests.

The assessment of degree of risk involved in concurrent development and production of highly complex systems is largely subjective. This report illustrates that there are conflicting assessments of the problems and the ultimate utility of AWACS—both within and outside the Department of Defense. We believe that when there are differences of opinion, the long term benefits to both cost and performance are enhanced by further testing and development prior to production.

Another critical issue to be considered is whether the estimates of the independent consultants and the Air Force study results lead to the conclusion that AWACS is evolving into a "defensive" system—to warn of enemy aircraft over friendly territory. If it cannot also effectively perform an "offensive" mission—looking into enemy territory—the question becomes one of high cost and limited utility.

In fiscal year 1975 the Congress reduced the planned Air Force procurement from 12 to 6 aircraft. In addition, Congress stipulated that no procurement funds were to be used until the Secretary of Defense advised the Congress that AWACS would be effective in an environment representative of Central Europe. This certification was made in February 1975.

In the fiscal year 1976 budget, the Air Force requested funds for continued research and development as well as AWACS production. In evaluating this request, Congress should consider the following:

1. Whether testing to date has demonstrated the operational capabilities needed [deleted] for use in Central Europe.

2. Whether survivability without dedicated combat support systems is possible if an enemy's intent is to destroy AWACS [deleted]. Effectiveness, when survivability is threatened, is uncertain.

3. Whether the configuration of the complex European tactical AWACS has been fully defined and validated.

4. Validated design and performance of the early ("Core") configuration is three years hence, long after the planned production decision and after 34 systems are under contract.

5. Whether the resistivity of AWACS to ECM has been established.

6. Whether costs, and effectiveness, of alternatives to defend Europe have been studied.

7. Whether SHAPE Technical Center paper on AWACS Air Defense, to be distributed to NATO Nations, shows that more information is needed before an AWACS decision can be made. NATO participation in the AWACS program is uncertain until a NATO commitment to buy AWACS is obtained.

We also believe the committees should consider obtaining direct testimony from the panel of independent consultants in order to clearly establish the significance of their findings.

CHAPTER 1: INTRODUCTION

The Air Force has stated that AWACS is being designed primarily for warning, surveillance, and control, and is intended to be a key element in the field commander's integrated air control system. In this context, it can operate as a self-contained, autonomous control system. It is to be mounted in and on a version of the 707-320B jet transport built by the Boeing Company. The primary feature of this system is a radar with a look-down capability. The look-down capability has been a long sought feature but has always had the inherent problem of picking out targets from the radar reflections generated by objects on the ground—the so called ground clutter. The AWACS development program has now progressed to the point where the Air Force believes, and tests seem to have confirmed, that a workable look-down radar can be produced.

In September 1973 the Defense Systems Acquisition Review Council (DSARC) recommended approval of Air Force planning for production of the first 12 aircraft and outlined a series of studies and tests to be available before December 1974 when DOD planned to decide whether to exercise or delay the production option. However, final approval for production was withheld until December 1974.

The DSARC review of the AWACS program resulted in a conclusion that there was a high operational potential for a deployed tactical AWACS, but that in order to achieve the full capabilities for command, control and communications [deleted] the Air Force should study the need for additional equipment such as:

Special identification friend or foe.
A secure data link.
Maritime surface surveillance capability.
Signal intelligence equipment.
Air Force satellite communications.
Systems to include flares and chaff.
Increased command and control capability.

Significant Events—1974

In a March 1974 report (B-163058) to Senator Eagleton and in testimony before the Tactical Air Subcommittee, Senate Armed Services Committee, we stated that:

The AWACS configuration for Europe had yet to be defined and validated.

A tactical AWACS may be quite vulnerable to [deleted] enemy electronic countermeasures (ECM),

The extent to which tests planned for calendar year 1974 could be revised to provide data on AWACS functioning in Central Europe was uncertain, particularly as they relate to ECM and survivability,

The production decision was planned for December 1974, over 2 years before completion of development testing without an apparent urgent need to expedite production, and

There were a number of uncertainties as to the cost and effectiveness of a tactical AWACS in Europe.

As a result of the issues raised, the Senate Armed Services Committee report of May 29, 1974 recommended that the Secretary of Defense appoint a group of disinterested radar and ECM technical experts to look into the vulnerability of the system to jamming. The Committee also requested that the Secretary of Defense certify that the AWACS will be cost-effective and will meet the mission needs and requirements of the Department of Defense, particularly when operating in a NATO tactical environment.

The House Armed Services Committee report of May 10, 1974 stated its reluctance to authorize the full Air Force request until the development program was further along and the additional equipment required for the tactical role had been tested to prove its effectiveness.

In August 1974, the Office of the Secretary of Defense appointed a panel of radar and ECM experts to advise the Secretary of Defense on the vulnerability of AWACS to jamming (radar and data links). The panel's tentative conclusions are included in Chapter 6.

Coming Events

Based on the AWACS approved program the significant milestones accomplished or scheduled through 1975 are:

Completion of system integration demonstration, December 1974.

Production decision (DSARC III), December 1974.

Rollout of first development aircraft, January 1975.

Delivery of first development test radar, August 1975.

Begin initial system testing, September 1975.

Begin avionics tests, October 1975.

Other significant milestones beyond 1975 are:

First production aircraft delivered, November 1976.

Initial system testing complete, November 1977.

Development test complete, March 1978.

Interim Operational Capability (IOC), September 1977.

Full Operational Capability (FOC), November 1979.

Development of all improvement items complete, FY 1979.

CHAPTER 2: AWACS MISSIONS

Requirements for an AWACS for both Tactical Air Command (TAC) and Aerospace Defense Command (ADC) war formalized in June 1963. However, emphasis was on the strategic mission where AWACS would be used in an air defense role in the United States. In 1973 the Secretary of Defense reduced emphasis on the threat of a bomber attack on the United States and he stated in March 1974 that, "the air defense system structured primarily for peacetime surveillance would not require an AWACS force. However, a mobile air defense force which could be deployed quickly as a "package" would still be extremely useful in support of our general purpose ground and air forces overseas."

The current mission for AWACS, as stated by the Air Force, is to provide worldwide responsiveness by the employment of its capabilities for all altitude surveillance, warning and aircraft control in a variety of tactical, strategic and special mission applications. AWACS would also have a wartime CONUS defense mission in the proposed Joint Surveillance System. The operational employment concept is that AWACS will provide a command and control capability that includes early warning/surveillance, coordination, direction, supervision, monitoring, and evaluation of air operations.

The planned employment of AWACS in a high intensity NATO/WARSAW Pact conflict, as stated in an October 1974 Air Force memorandum, was to extend and augment surface based control systems. Additionally, AWACS would:

Be used for rapid replacement of surface control centers where battle losses may occur,

Provide a key link in control and management of forces operating beyond the effective capability of surface systems,

Support both defensive and offensive operations,

Provide improved low level radar coverage, deep look surveillance, enemy threat warnings and intentions, and control,

Provide instructions to defensive and offensive forces, including employment of fighters and surface-to-air missile systems operating in a defensive role.

Interface with U.S. Control and Reporting Centers and with various multi-national control elements.

NATO procurement

An Air Force memorandum of October 7, 1974, indicated that a total of 34 [deleted] AWACS are planned for deployment to Western Europe and the Iceland area in the event of war. [Deleted.] The Air Force plans to have [deleted] aircraft in Central Europe and in Iceland. The Department of Defense expects NATO to purchase the [deleted] additional AWACS for use in Northern and Southern Europe. NATO studies however, are not complete and NATO has not affirmed either a need for AWACS or a specific quantity that might be purchased.

In March 1974, the Secretary of Defense told Congress that defense planners have been convinced for some time that future demands on our surveillance, warning and control capabilities in support of tactical air operations, particularly in the context of a European conflict, will be quite severe. He also said that this conviction was reinforced by the complexities of the surveillance, warning and control function in both the Southeast Asia and the Middle East conflicts.

At the same time he said that because of the potential effectiveness of AWACS in the tactical role, as well as its inherent flexibility and mobility, DOD proposed to continue AWACS engineering development and procure the first 12 aircraft in FY 1975. The final production decision was to be made in December 1974, and was to be based on the successful completion of system integration demonstration flight tests, laboratory simulation testing, computer program development and studies of additional command, control and communications equipment needed to support the tactical mission.

As indicated in the following chapters of this report, we believe there are still many serious questions relating directly to the capability of AWACS to perform its mission. These questions are raised by the Air Forces' own study (see chapter 4) by independent consultants retained by the Department of Defense (see chapter 6) and by NATO (see chapter 7).

CHAPTER 3: AWACS TEST PROGRAM

After a review of the program in November 1973, the Deputy Secretary of Defense directed the Air Force to expand its test program to demonstrate AWACS performance prior to December 1974. The revised Air Force test program encompassed the originally scheduled system integration demonstration and limited operational testing to comply with the instructions of the Deputy Secretary of Defense. Outlined below are summaries of the test results and our evaluations.

System integration demonstration—SID—tests

Early system demonstration tests were designed to observe performance of system components under closely controlled target conditions. For example, in order to ascertain radar accuracy and calibration, target aircraft were required to maintain accurate heading, altitude, and airspeed. In tests using multiple aircraft, aircraft had to maintain a specified separation and airspeed differential. The tests were not intended to demonstrate full operational capability. However, during the initial operational test and evaluation phase of the program several penetrating aircraft were allowed to operate on occasion, in an autonomous manner.

The SID tests were divided into three phases. Phase I addressed target acquisition and tracking, identification friend or foe (IFF), navigation, and data link communications. Phase II covered radar accuracy and resolution, identification of tracks by flight plan, and Electronic Countermeasures (ECM). Phase III tests were concerned with controlling interceptors, on-board test maintenance and monitor functions, and transfer of operational data from one aircraft to another [deleted].

We are of the opinion that the systems demonstration tests were relatively successful and confirmed initial engineering estimates of capability. There were some test results, however, that qualify the performance demonstrated. These are outlined below.

(1) In 13 track continuity tests at altitudes of 13,000 to 15,000 feet the results show successes and failures. This seemingly [deleted].

(2) Airborne location of Ground based repeater jammer was not demonstrated because the SID radar did not have the necessary equipment.

(3) The height accuracy tests did not use F-4 targets as contained in the test plan. Air Force officials stated that the F-4 was not available and they used a B-52 instead. While some allowance was made for the difference in size, we believe that increasing the aircraft size did not permit a realistic measure of height accuracy of smaller targets (F-4s) at low altitude. Further, the demonstration did not include height accuracy measurements of targets that rapidly ascend or descend.

(4) Two other planned performances not successfully demonstrated include the On-Board Test Monitor and Maintenance equipment and the inertial navigation subsystem. There were false reports on unfailed equipment due to faulty test points in the equipment being monitored. The Air Force has stated that these faulty conditions have been corrected. In seven flights the inertial navigation system had 2 in-flight alignment failures and in 2 other flights in-flight alignment errors showed a 19 and 10 mile terminal error. The 19 mile error is under investigation by the Air Force to identify corrective action.

Initial operational tests

The Air Force Test and Evaluation Center (AFTEC) conducted an initial operational test and evaluation during 1974 and concluded that AWACS has the potential for enhancing combat operations of all services. However, problems deficiencies were noted, as follows:

Some tracking problems will require improvements in the final AWACS computer programs. [Deleted] affected mission performance.

Design deficiency in the self defense electronics system. [Deleted] affected mission performance.

AFTEC concluded that AWACS can survive a direct attack by enemy fighter aircraft, can operate in a dense ECM [deleted] and could enhance Army and Navy operations.

We believe that such conclusions are premature since the AFTEC tests did not simulate electronic counter measures or survivability threats that AWACS would face operating in a European environment. The tests used available off-the-shelf ECM equipment—equipment not representative of the current U.S. or Soviet [deleted] equipment capability. Nor was the AWACS tested in a realistic scenario that would approximate the wartime conditions in Europe particularly for the offensive mission where AWACS would face ground based jammers [deleted].

In Appendix IV we have outlined specific tests we believe should have been—or should be—conducted to improve the confidence in the test conclusions regarding operational suitability.

More detailed comments on our review of the electronic countermeasures threat, some ECM tests conducted and not conducted by the Air Force, interoperability and electromagnetic compatibility tests are contained in Appendix V.

Summary

In our opinion, the AWACS test program demonstrated the integration of the basic (core) AWACS design and engineering. We believe that prior to making a production decision (1) the Air Force must demonstrate that AWACS will be operationally effective and suitable for each mission need and (2) special steps be taken to insure that AWACS' operational testing is representative of the environment (e.g., large numbers of aircraft and dense ECM) that could be encountered in Central Europe.

CHAPTER 4: SABER SCAN—TACTICAL II

In response to questions raised by the Office of the Secretary of Defense, the Air Force completed a study of AWACS surveillance and control capabilities, susceptibility to electronic countermeasures, and survivability in a European air defense environment.

The study titled "Saber Scan II" issued in April 1974, concluded that (1) AWACS surveillance capability is unlikely to be "saturated", (2) AWACS can overcome both airborne and ground-based radar jammers, and (3) AWACS—through a combination of maneuver tactics, self-defense subsystems, friendly surface-to-air missile systems, and friendly interceptors—would be highly survivable in a NATO/Warsaw Pact conflict.

The study however, did not address AWACS in its postulated role of controlling airspace over enemy territory (the offensive mission).

We do not believe the Air Force's study was either comprehensive enough or sufficiently objective to answer the questions raised by the Office of the Secretary of Defense. Also, the SABER SCAN II study did not update the obsolete cost-effectiveness comparisons made in the SABER SCAN I study, so it should not be relied upon by those seeking to justify AWACS procurement. Some details of Saber Scan II and comments follow.

Saturation of tracking capability

The SABER SCAN II postulated raids easily require more than the track capability of a single AWACS aircraft to follow both friendly and enemy aircraft. Tracking capacity is the limiting factor in determining AWACS' contribution to air defense intercepts. Further, the study did not explicitly consider support aircraft, helicopters, commercial/private aircraft, and false targets that could be produced by deception jammers and decoys.

Thus, it would take more than a few AWACS aircraft to track and to control intercepts against the number of targets that would be encountered.

Jamming

The study examined two kinds of possible enemy jammers. To counter the jamming threat AWACS could withdraw or descend below the line of sight to the enemy jammers. However, AWACS could lose low altitude surveillance over enemy territory and possibly over a portion of the forward edge of the battle area. Thus, the relatively low cost jammers could [deleted].

SABAR SCAN II also examined the effects of airborne jammers which could deny AWACS the range between it and the jamming aircraft beyond about [deleted] nautical miles or could produce false targets on the AWACS radar. The Air Force discussed counter techniques, none of which has ever been demonstrated to be effective against a mass raid when many airborne jammers are operating simultaneously.

Survivability

The Saber Scan II study did not consider this situation. It assumed AWACS attackers would not jam the AWACS aircraft, but would concentrate on Air Force interceptor and anti-aircraft missiles.

AWACS contribution

We believe that the air defense contribution calculated for AWACS was marginal. The initial AWACS was determined in the study to decrease the number of bombs delivered over friendly targets. Without AWACS, existing defenses reduced bombs on target to [deleted] percent of those originally targeted and with AWACS to [deleted] percent, only a decrease of [deleted] percent of the *bombs originally targeted.* [Deleted.] The study did not address the question of whether the reduction of bombs originally targeted economically justified AWACS instead of the same expenditure for passive (e.g., hardened shelters/camouflage) or active defense.

CHAPTER 5: PHYSICAL VULNERABILITY

The survivability of AWACS in a European conflict is a critical issue which involves many factors including: (1) the mission; (2) AWACS system characteristics that can be exploited by AWACS attackers to reach their weapons release point; (3) Warsaw Pact perception of AWACS' threat, and the price they would pay to destroy AWACS.

Studies completed in 1973 (Saber Scan I) and 1974 (Saber Scan II) attempted to show that AWACS could be expected to survive in the European environment if [deleted].

In GAO's opinion, these studies did not resolve the critical AWACS issue—survivability in Europe in a high-density threat environment. Other investigations, including the OSD/SAM-D study and a May 1974 NATO study, conclude that AWACS [deleted]. We believe close control over dedicated interceptors in a jamming environment is essential to AWACS survivability in Europe. The Air Force believes that a [deleted].

We had expected that the special panel assembled by DOD to study and report on AWACS' susceptibility to electronic countermeasures would address AWACS' survivability in the presence of ECM. However, the Director, Defense Research and Engineering instructed the panel not to address that question.

Thus, the critical issue of AWACS' vulnerability has not been resolved. Listed below are the collective factors we believe threaten AWACS' survivability in Europe, and which should be considered before the issue can be resolved:

The total aircraft (friendly and enemy) tracks to be handled during hostilities,

Infra-red, anti-radiation, and radar homing missiles that could be used against AWACS by Warsaw Pact forces and,

Soviet knowledge and technology in electronic warfare (EW) and specific EW tactics and ECM techniques against AWACS.

Whether the Soviet planners would: (1) determine AWACS to be a threat to their offensive plans or at least consider it a high value target—there is no reason to believe otherwise; (2) decide to build jammers of the required capability—they have the knowledge and technology; and (3) arm AWACS attackers with the necessary weapons—they have a wide selection; is uncertain. But, if they do, it is questionable if AWACS could survive long enough to have any significant operational utility in a European environment.

CHAPTER 6—INDEPENDENT PANEL OF CONSULTANTS

In response to a suggestion by the Senate Armed Services Committee, the Deputy Director of Defense Research and Engineering appointed a panel of independent consultants to look into the susceptibility of the AWACS to enemy jamming. We were advised by the Chairman of the group that it had concluded that existing Soviet jammers could degrade the effectiveness of the AWACS radar. [Deleted.] Some details of the panel's findings follows:

Ground based jammers are in the Soviet inventory. These jammers are mobile, cheap, (i.e., 100 jammers cost $10M) and if used, could be effective against AWACS. The jamming effectiveness would be reduced if AWACS descended or retreated below the jammers horizon but when AWACS descends it is denied low altitude target information behind the jammer line. The panel also believes that currently available U.S. counter strike weapons [deleted].

The panel has also concluded that effective airborne jammers built with current technology could be placed on larger aircraft (Soviet CUB type) [deleted] if the Soviet planners believe it to be necessary. Essentially, the panel confirmed that [deleted]. Further, [deleted].

The experts concluded that (1) the AWACS radar represents a technical accomplishment in that it has inherent electronic countermeasure resistivity, (2) is susceptible to jamming both from the ground and in the air and (3) it must be upgraded for operation in Central Europe.

On January 10, 1975, the panel told DDR&E that, "if the offensive mission is secondary to the defensive mission, and if our recommended programs are implemented in the near future, the panel concludes that the vulnerability of AWACS to ECM is a secondary consideration with regard to acquisition and deployment of this system in Europe."

In our opinion, this statement by the consultants indicates serious reservations on their part regarding the capability of AWACS in the so-called offensive role—central of airspace over enemy territory [deleted].

The Air Force believes that use of electronic countermeasures by WARSAW Pact forces can be countered by available AWACS tactics, e.g., descending below radar horizon and employment of equipment and weapons for locating and destroying both ground and airborne jammers. Should the WARSAW Pact attempt to destroy the AWACS, AWACS can fall back and/or descend [deleted]. As required, AWACS could be defended by friendly SAMS and fighters. In addition to the above options, AWACS will have its self-defense system for further protection.

CHAPTER 7: NATO CONSIDERATIONS

As a result of offers by the U.S. to make AWACS available to NATO the Supreme Headquarters, Allied Powers, Europe (SHAPE) Technical Center, Operations Research Division, prepared a working paper on the "Contribution of AWACS to Air Defense in the Central Region." The preliminary draft of that study distributed to NATO Nations in May 1974 indicated that:

[Deleted.]

CHAPTER 8: AWACS COST

In the fiscal year 1975 budget, the number of AWACS planned for procurement was reduced from 42 to 34 in more complex configurations. The fiscal year 1975 budget reflected the total program cost estimate for the 34 aircraft—$2.476 billion—about $72.8 million per aircraft. However, this estimate did not include costs to reconfigure initial versions to the more sophisticated models envisioned for the future.

At January 1975 total program cost including all future improvement items was estimated to be $4,040.7 million for 34 aircraft—$118.8 million per aircraft. The anticipated funding profile is shown below.

[In millions of dollars]

	Fiscal year—								
	1974 and prior	1975	1976[1]	1977	1978	1979	1980	1981	Total
R.D.T. & E.	668.4	210.0	253.7	123.8	140.3	80.4	10	0	1,486.6
Procurement	7.6	407.5	520.5	380.1	534.0	439.4	0	0	2,289.1
Retrofit	0	0	0	0	40.0	60.0	90	75	265.0
Total	676.0	617.5	774.2	503.9	714.3	579.8	100	75	4,040.7

[1] Includes funding through September 1976 to allow for the transition to new fiscal year period.

The changes in the cost estimates through September 1974, are as follows:

[Dollar amounts in millions]

	Development estimate, June 1971	Current estimate, June 1973	Current estimate, June 1974	Current estimate, September 1974	January 1975
Funds:					
R.D.T & E.	$876.5	$1,117.0	$1,275.0	$1,396.3	$1,486.6
Procurement	1,785.1	1,268.0	1,380.4	1,642.1	2,554.1
Program cost	2,661.6	2,385.0	2,655.4	3,038.4	4,040.7

	Development estimate, June 1971	Current estimate, June 1973	Current estimate, June 1974	Current estimate, September 1974	January 1975
Quantity	42	42	34	34	34
Program unit cost	$63.4	$56.8	$78.1	$89.4	$118.8
Other costs		8.8	30.3	17.8	

Estimate changes through June 1973

In the period ended June 30, 1973, the Air Force reduced the program cost estimate by $276 million as a result of the DSARC recomendations. Details of the $276 million cost reduction through June 1973 are included in Appendix I.

Estimate changes through June 1974

In the year ended June 30, 1974, the planned quantity was reduced by 8 (from 42 to 34) and the program cost estimate was increased by $270 million. Major items relating to this increase in costs include cost of improvement items, extension of production program and test program, and escalation.

The details of cost variance for the year ended June 30, 1974, are in Appendix II.

Estimated changes subsequent to June 1974

In the September 1974 SAR, the AWACS cost estimate was increased again by $383 million as a result of the Deputy Secretary of Defense's direction of August 13, 1974 and for contract negotiations resulting from earlier direction. Details of this increase are in Appendix III.

Contract data

In July 1970, Boeing was awarded a three stage contract for the AWACS program. Part IA, on a cost plus incentive fee (CPIF) basis, for the radar demonstration was successfully completed by December 1972 at a price of $166.5 million.

Part IB, also on a CPIF basis, is for design, development, test and evaluation. The target price was $927.3 million at contract award but the Government's current completion price estimate was $1043.2 million. The increase reflects instructions by the Deputy Secretary of Defense to include additional capabilities.

The major effort continuing is the fabrication of three operationally configured aircraft to be used for operational test and evaluation. The first flights of these aircraft are scheduled for October 1975 and January 1976.

Part IC-Procurement was planned to start after December 1974. Originally, this phase included two options so structured as to permit USAF to buy a minimum of 12 to a maximum of 50 systems in each option. Congress, however appropriated funds to procure only 6 aircraft in FY 1975.

The Air Force is renegotiating the contract with Boeing for this and for the production stretchout due to the Deputy Secretary's direction to reflect the current program with deliveries of one aircraft every other month throughout the entire production program.

CHAPTER 9: CONCLUSIONS

We believe that the AWACS program has the potential for improving the capability of the Air Force to manage tactical air operations. However, in GAO's opinion its capability in a high density operational environment has not yet been demonstrated. Such demonstration is critical because of the high cost and because quantitative and qualitative requirements are being determined based on use in such an environment.

Our previous reservations concerning the advisability of production have been reinforced by subsequent events—the independent consultant's validation of the threat of enemy jammers, the fact that the SABER SCAN II study showed AWACS could make only a marginal contribution to the defense of Western Europe; and a NATO study expressing a need for additional investigations of survivability, vulnerability, and the value of investing the cost of AWACS in alternative ways.

Agency comments

Department of Defense officials believe that: (1) the AWACS test program conducted thus far has achieved the test objectives and provided a basis for judgments on survivability, resistivity to ECM, and effectiveness in a Central European environment; (2) the survivability against physical attack by "enemy fighters" at a realistic force level has been adequately demonstrated in initial operational testing and evaluation with the SID aircraft; and (3) the resistivity of AWACS to ECM has been established and examinations of the ECM threat have been made with laboratory equipment to test effectiveness against postulated threat levels.

In essence, it is the opinion of DOD management officials that the existing operational and test data provides an adequate basis for concluding that AWACS can effectively perform its mission in the most demanding environment and, therefore, that there is little risk in authorizing production at this time.

Matters for consideration

We believe that the appropriate congressional committees should carefully consider the status of this program in connection with the FY 1976 budget requests.

The assessment of degree of risk involved in concurrent development and production of highly complex systems is largely subjective. This report illustrates that there are conflicting assessments of the problems and the ultimate utility of AWACS—both within and outside the Department of Defense. We believe that when there are differences of opinion, the long term benefits to both cost and performance are enhanced by further testing and development prior to production.

Another critical issue to be considered is whether the estimates of the independent consultants and the Air Force study results lead to the conclusion that AWACS is evolving into a "defensive" system—to warn of enemy aircraft over friendly territory. If it cannot also effectively perform an "offensive" mission—looking into enemy territory—the question becomes one of high cost and limited utility.

In fiscal year 1975 the Congress appropriated $210 million for development and $405 million for procurement of 6 AWACS. The Air Force has requested $219 million for development and $550 million for procurement of 12 AWACS. In addition to decreasing the planned procurement by 6 aircraft, Congress stipulated that none of the procurement funds were to be used until the Secretary of Defense advised the Congress on AWACS usefulness in an environment representative of Central Europe. This certification was made in February 1975.

In the fiscal year 1976 budget, the Air Force requested $254 million for research and development and $520 million for production of six aircraft and long lead for the continued AWACS production. In [deleted] evaluating any request, Congress may wish to consider the points summarized related to the operation of a tactical AWACS in Europe.

Whether testing to date has demonstrated the operational capabilities needed [deleted] for use in Central Europe.

Whether survivability without dedicated combat support systems is possible if an enemy's intent is to destroy [deleted] AWACS. [Deleted.] Effectiveness, when survivability is threatened, is uncertain.

Whether the configuration of the complex European tactical AWACS has been fully defined and validated.

Validated design and performance of the early ("Core") configuration is three years hence, long after the planned production decision and after 34 systems are under contract.

Whether the resistivity of AWACS to ECM has been established.

Whether costs, and effectiveness, of alternatives to defend Europe have been studied.

Whether SHAPE Technical Center paper on AWACS Air Defense, to be distributed to NATO Nations, shows that more information is needed before an AWACS decision can be made. NATO participation in the AWACS program is uncertain until a NATO commitment to buy AWACS is obtained.

We believe the committees should also consider obtaining direct testimony from the panel of independent consultants in order to clearly establish the significance of their findings.

COST VARIANCE ANALYSIS—JUNE 1972 VERSUS JUNE 1972

[In millions of dollars]

Cost Category	Development	Procurement	Total
Engineering change:			
Delete TF-34 engines as CFE	−29.1	−145.4	−174.5
Add TF-33 engines as GFE	+.7	+57.3	+58.0
Add communication equipment as GFE	+2.7	+22.6	+25.3
Other adjustments	+14.3	−15.9	−1.6
Support change:			
Defer training and ground equipment to Production	−59.9	+64.5	+4.6
Reduce initial spares	0	−9.30	−93.0
Other adjustments	+1.0	0	+1.0
Schedule change:			
Reduce test aircraft by 2	−60.8	+65.3	+4.5
Rephase test schedule	+30.0		+30.0
Other adjustments	−7.8	+7.9	+0.1
Unpredictable change: Congressional direction to funds test aircraft with development funds	+395.1	−395.1	0
Estimate change: Reduce risk/ECO assessment	−46.1	−83.1	−127.4
Contract performance incentive: Adjust for awards to date	−1.3		−1.3
Contract cost underrun	−2.0		−2.0
Net change	+236.8	−513.1	−276.3

APPENDIX II

COST VARIANCE ANALYSIS—JUNE 1974 VERSUS JUNE 1973

[In millions of dollars]

Cost category	Development	Procurement	Total
Quantity change: Reduce quantity by 8	0	−172.3	−172.3
Engineering change:			
Add enhancement capabilities (self-defense, SIFF, TDMA, command and control, etc.)	+58.1	+98.0	+156.1
Other adjustments	+1.2		+1.2
Support change:			
Increase initial spares	0	+4.2	+4.2
Delete static test option	−13.4		−13.4
Other adjustments	+6.6	0	+6.6
Schedule change:			
Extend production program to accommodate production rate of 1 per month	0	+46.2	+46.2
Extend test program for configuration enhancements	+45.0	0	+45.0
Cost to negotiate block III		+10.0	+10.0
Estimating change: Estimate refinements	+8.0	0	+8.0
Economic change: Increase estimate for escalation	+52.5	+126.3	+178.8
Net change	158.0	112.4	270.4

APPENDIX III

COST VARIANCE ANALYSIS—SEPTEMBLR 1974 VERSUS JUNE 1974

[In millions of dollars]

Cost category	Development	Procurement	Total
Engineering change:			
Deputy Secretary's direction of Aug. 13, 1974:			
Maritime capability	+26.0	+7.0	+33.0
Maritime studies	+.4	0	+.4
European demonstration	+3.5	0	+3.5
Refinement of ECP allowance	+16.9	+36.1	+53.0
Estimating change:			
Reestimate of program enhancements	+99.9	+4.4	+104.3
Reduce core program overhead costs due to increased scope	−15.2	0	−15.2
Reestimate of total program due to extraordinary price fluctuations	0	108.3	+108.3
Reestimate of support requirements	−5.1	0	−5.1
Revise cost of GFE:			
Engines	0	19.2	+19.2
Other	0	1.5	+1.5
Schedule change: Stretchout deliveries to 1 per month	0	+69.4	+69.4
Support change:			
Initial spares	0	+14.3	+14.3
Peculiar support equipment	0	+1.5	+1.5
Unpredictable change:			
Transfer to "seek bus" program	−5.1	0	−5.1
Transfer between work breakdown structure elements			
Peculiar support equipment	0	−39.1	−39.1
Air vehicles	0	+39.1	+39.1
Net change	121.3	261.7	383.0

APPENDIX IV: OUTLINE OF RECOMMENDED TESTS

More confident information could have been gathered if these tests were on the agenda.

(1) Since SID tests showed that the [deleted]. Using at [deleted] ground jammers [deleted] determine the reductions in detection threshold for four quiet F-5 targets weaving with respect to each other through the width of the jammer strobes. The F-5 target is specified to simulate a MIG-21.

(2) Conduct the above test using airborne escort and standoff jammers at the appropriate altitude that maximizes their capability, assessing airborne jammers effectiveness when AWACS uses earth's masking to avoid the effects of ground jammers.

(3) Repeating the above conditions increase the jammer separation [deleted] and determine automatic and manual tracking capability in the presence of jamming.

(4) Stack F-5 targets separated 2,000 feet in altitude, flying the same inbound heading to AWACS, varying altitude at 5,000 ft/min., and ascending and descending within 10,000 feet (e.g. 500 to 15,000 ft.). Assess capability of AWACS to determine aircraft altitude and complete successful intercepts.

(5) Since estimates of AWACS performance cannot be based on European demonstration flights, conduct a demonstration using F-5s at low altitude (e.g. below 500 ft. above the ground) in high clutter terrain representative of Central Europe. Instruct F-5s to maneuver (e.g. simulate WARSAW Pact forces avoiding ground systems) to determine the capability of AWACS to track and conduct manual and automatic intercepts.

Prior knowledge of aircraft flight path should not be available to AWACS MPC operators.

(6) Conduct a test to demonstrate AWACS capability against a [deleted] jammer similar to the jammer postulated by the independent panel of consultants (AWACS Ad Hoc ECM Panel). Although this specific jammer does not exist today, special steps should be taken to obtain a similar type from Navy resources or modify the

(7) Since [deleted] cannot be used in the presence of multiple jammers, conduct a test to determine burnthrough range for a self screening airborne jammer.

(8) Measure operation of AWACS in Eastern United States (New York) using uncooperative targets to count the number of targets missed. This can be accomplished by a comparison with Federal Aviation Agency flight plans.

ELECTRONIC COUNTERMEASURE TESTING

ECM threat

The intelligence community prepared a document which defined the Warsaw Pact ground and airborne ECM expected threat through 1985. In our opinion, when the Air Force planned their test program they did not consider the implications of the total threat document. The AWACS threat document "Air Threat to Overseas Land Areas", dated March 11, 1974, indicates that (1) jamming power values could vary by more than a factor of from the values shown, and (2) the bandwidths are illustrative only, [deleted].

Ground based threat

The ground based threat was originally interpreted by the Air Force to be [deleted] KW across the tuning bandwidth of [deleted] for a power density of [deleted] However, the threat document indicates that the [deleted] and, therefore, a power density (ERP) of [deleted] could be representative of the threat. Such a threat would produce noise power levels [deleted] times higher than the Air Force had attempted to test. We made these observations known to the Ad Hoc panel. Subsequently, the panel requested the Air Force conduct higher power ground based jammer tests. As a result the Air Force conducted a high power ground jammer test using presently available and improvised ECM equipments.

Airborne ECM tests

During one test an EA-6B airborne noise jammer was flown parallel to AWACS and, at a distance of [deleted] nautical miles, the EA-6B essentially [deleted].

The synthetic target generator (ground simulation) showed that detections should be made at an average of [deleted] n.mi. from AWACS. Figure I shows that in the area of interest (direction of jammer) degrees [deleted].

We believe that it is possible to build a jammer approximately 100 times more powerful than the EA-6B that would produce the same effect when operating [deleted] nautical miles from AWACS. [Deleted.] A jammer of this capability was postulated by the Ad Hoc panel as being within the state-of-the-art.

Whether the Soviet planners would decide to build jammers of the above described capability is uncertain but, if they do, it is evident that [deleted].

A scenario used by the Air Force to demonstrate ECM resistivity is shown at Figure II, wherein the EA-6B aircraft are separated by nautical miles. The EA-6B jammer power output at a distance of [deleted] n.mi. only creates a [deleted].

In this case, the Air Force demonstrated what was expected of the radar in the presence of widely spaced [deleted] degrees stand-off jammers [deleted].

Another scenario used by the Air Force to demonstrate ECM resistivity against escort jamming is at Figure II which shows two and three EA-6B jammer aircraft escorting an AWACS attacker. The Air Force concluded from the demonstration that: (1) [deleted]

We believe that the Air Force demonstration is not a sufficient basis for concluding that AWACS is resistive to ECM. Particularly if the conclusion relates to AWACS' resistivity against large numbers of postulated Soviet escort and stand-off jammers.

Ground based ECM tests

The Air Force conducted the ground based noise jammer test on November 8, 1974, at Eglin Air Force Base. In that test the effective radiated power of the jammer was designed and measured to be approximately [deleted]. The Air Force reported that AWACS detection was [deleted]. The results reported by the Air Force concur with our extrapolation and discussion concerning Figure I, and show that AWACS [deleted].

Whether the Soviets would decide to build such a jammer is not certain but, if they did, AWACS' utility in the direction of the jammer would [deleted].

ECM not demonstrated

Concern over the vulnerability of AWACS in a [deleted].

From the above it is apparent that [deleted].

The Air Force demonstrated AWACS operation against a [delted].

Special AWACS (SID) demonstrations

In addition to the originally planned SID tests a variety of flight tests were conducted to investigate special issues—electromagnetic compatibility (EMC) with other systems and interoperability with Army and Navy systems.

EMC

The Navy AEGIS weapons systems includes an S-Band radar, the AN/SPY-1. A test was conducted in August 1974 to measure the extent of interference to AWACS. The Air Force reported that:

[Deleted].

The preferred mode is that in which the [deleted].

The EMC between the AWACS and NIKE radar system was demonstrated by flying the AWACS in close proximity to both a single and a 3 NIKE LOPAR radar environment. These tests demonstrated that the two systems can operate together; however, in order to minimize degradation of either system, a separation in operating frequencies must be maintained.

The Air Force reported:

[Deleted.]

Interoperability Navy NTDS and Army HAWK

Interoperability tests were designed to demonstrate that AWACS could provide surveillance and tracking data to Navy tactical data system (NTDS) and Army HAWK systems. The Air Force reported:

Interoperability between AWACS and NTDS was demonstrated and AWACS could supply information which could be effectively used by the Navy.

AWACS radar and tracking performance supplied HAWK with [deleted].

We believe the Air Force demonstrated interoperability with the Navy NTDS and the Army HAWK systems. [Deleted.] However, this is the first step in a long developmental effort for an all service secure communications system. The secure system is called Time Division Multiple Access (TDMA) which will be in development through FY 1979 at an estimated development cost of $85 million. After TDMA is developed for AWACS, compatible equipment for each ground station and each interceptor aircraft (U.S. and NATO) are required for transfer of information.

The markings on this page (the last page of this document) represent the overall security classification assigned to this document. By itself, this page is unclassified.

[From the New York Times, Jan. 7, 1975]

PENTAGON PUSHES FOR A RADAR PLANE CAPABLE OF DIRECTING AIR BATTLES

(By John W. Finney)

WASHINGTON, Jan. 6.—Defense Secretary James R. Schlesinger is seeking some way to justify to Congress the construction of a squadron of airborne radar command posts that would be the most expensive planes ever built by the Air Force.

In Pentagon circles there is little doubt that Mr. Schlesinger and the Air Force want to build the plane, which is known as Airborne Warning and Control System, or AWACS. The difficulty comes in working out a required certification to Congress, and in particular to Senator Thomas F. Eagleton, Democrat of Missouri, that technically the plane would be able to perform its mission of directing an air battle over a European front.

For the last two years, Senator Eagleton has been waging a one-man war against the AWACS program, which involves the construction of 34 aircraft at a total cost of nearly $4-billion. He has not succeeded in completely stopping the program, but he has maneuvered Mr. Schlesinger and the Air Force into a corner from which they are trying to find a way out.

Basically, the AWACS is a Boeing 707 transport loaded with computers and radar and communications equipment. The latest Pentagon estimate is that each plane, including the considerable research and development effort, would cost $109-million, making it more expensive than the C-5A transport or the B-1 supersonic bomber than the Air Force wants to build.

In a way, the AWACS has been a plane in search of a mission ever since it was conceived several years ago when the Boeing Company was in serious financial difficulty on its transport program. To some in the Pentagon, the plane was flippantly known as "B.B.O.," for "Boeing bail out."

Originally, AWACS was intended primarily to provide a defense against Soviet strategic bombers trying to attack the United States. That mission was dropped after the United States in 1972 signed the anti-ballistic missile treaty with the Soviet Union. Since under the treaty the United States abandoned defenses against strategic missiles, it was decided that it did not make much sense to continue a defense against strategic bombers.

AIR FORCE CONCEPT

The AWACS then was shifted to a tactical mission, particularly in the European theater. The Air Force concept, which grew partly out of its experiences in Vietnam, was that the plane, flying to the rear of the battlefield, could detect the movement of enemy planes deep within Soviet territory and direct allied planes to the attack.

Air Force generals talk enthusiastically about how AWACS could "revolutionize the air battle" over Europe and, less openly, about how it could be used in another Vietnam-type war. But Senator Eagleton has protested that the plane would be of limited usefulness in Europe because, he contends, its radar equipment could be easily jammed by the Soviet Union.

The Senator's contention was supported in a 1973 report by the General Accounting Office, which found that the plane's radar would be highly vulnerable to relatively inexpensive electronic countermeasures by the Soviet Union. The Air Force disputed this conclusion, contending that the plane's radar system would be most difficult to jam.

Senator Eagleton's protests have resulted in several Congressional restrictions on the program, which the Defense Department is trying to undo.

Congress last year provided $475-million to build the first six AWACS planes—instead of the 12 requested by the Air Force. And Congress, at Senator Eagleton's suggestion, added the unusual provision that none of the funds could be spent until the Secretary of Defense certified in writing to Congress that the plane would be cost-effective—that is, it could not be nullified inexepnsively by the Soviet Union—and would be able to perform its mission, particularly when operating in a tactical role in Europe.

The Senate Armed Services Committee also directed that the Pentagon establish a panel of independent experts to examine the jamming issue. The panel, headed by Dr. Harold Smith, a physicist at University of California, recently submitted its report, and the Defense Department is trying to draft the required certification to Congress that the plane will work.

PANEL BACKED EAGLETON

The Pentagon's exception was that the independent panel would support the Air Force's technical conclusions. Instead, according to military experts who have studied the report, the panel, in large measure, supported the objections of Senator Eagleton and the General Accounting Office.

The panel, according to these sources, found that the Soviet Union, with relatively inexpensive, available ground-based equipment, could jam the panel's radar when the plane was trying to carry out its priority tactical mission of directing aircraft over enemy territory.

The Air Force has now come up with another mission for the plane. Operating farther to the rear, it would provide an air defense warning against Soviet planes trying to attack European targets. The panel reportedly found that, with some technical improvements, the plane could probably perform this mission, although it would still be vulnerable to jamming by Soviet planes.

A PROBLEM OF WORDING

In view of the panel's report, the Defense Department faces considerable difficulty in wording the certification, which reportedly has gone through several drafts in Mr. Schlesinger's office.

One alternative would be to certify that the plane could operate in a NATO tactical environment in such roles as air defense. But Senator Eagleton recently wrote Mr. Schlesinger emphasizing that legislative history clearly shows that the Defense Department has to demonstrate that the plane can "perform the primary tactical mission—control of friendly aircraft over enemy territory in Europe."

Senator Eagleton does not believe that the Defense Department can show that the AWACS can perform that mission, and if it tries, he is prepared to challenge Mr. Schlesinger's thus far untarnished credibility on Capitol Hill.

[From The New York Times, Feb. 23, 1975]

G.A.O. CHALLENGES $111-MILLION PLANE—REPORT AIDS CRITICS OF AIR FORCE BATTLE SYSTEM

(By John W. Finney)

WASHINGTON, Feb. 22.—The General Accounting Office has challenged a conclusion by the Defense Department that a proposed airborne command post could function effectively in directing an air battle over Europe.

With the G.A.O. report—a summary of which was made public today by Senator Thomas F. Eagleton, Democrat of Missouri—the lines were drawn for a Congressional battle over whether the Defense Department should proceed with the construction of the most expensive plane ever proposed by the Air Force.

The plane, known as AWACS for Airborne Warning and Control System, would cost at least $111-million each, with the Air Force planning to build 34. Basically the plane is a Boeing 707 transport loaded with radar, computers and communications equipment. The concept is that the plane would be able to track the movement of enemy craft and direct Air Force planes to attack.

Congress last year authorized $617-million for the production of the first six AWACS planes, and the Defense Department this year has requested $690-million for procurement of another six planes.

As a result of a critical G.A.O. report last year, however, Congress stipulated that the Air Force could not begin construction of the planes until the Secretary of Defense certified that AWACS would be "cost effective"—in other words that it could not be inexpensively jammed by the Soviet Union—and that it would "meet the mission needs and requirements of the Department of Defense," particularly for operations in the European theater.

HEARINGS PLANNED NEXT MONTH

Secretary of Defense James R. Schlesinger provided the required certification to Congress earlier this week with the hope that it would clear the way for a production contract with Boeing. Before the contract is signed, however, both the Senate Armed Services Subcommittee on Tactical Air Power and the House Armed Services Committee are now insisting that there be further Congressional hearings.

In the hearings planned for next month, the AWACS critics, such as Senator Eagleton, will place considerable reliance upon the G.A.O. report, which was drafted by engineers and analysts who had previously worked for the Pentagon.

The Defense Department argument is that the AWACS, with its ability to maintain radar surveillance over thousands of square miles, would greatly enhance the effectiveness of the tactical air forces of the United States and its allies in Europe. The controversy has focused on whether the plane's radar could be jammed by the Soviet Union and whether the plane would be vulnerable to Soviet interceptors.

The G.A.O. report concluded that it still had not been demonstrated in Air Force tests that the plane could survive an air war over Europe and that its radars could overcome jamming by relatively inexpensive Soviet electronic devices. Without such a demonstration, the report argued that the Air Force should not commit itself to what amounts to a $4-billion program.

SWITCH IN MISSION

The report also noted that there seemed to be a significant change in the planned mission for the plane. Originally the Air Force suggested that the plane would have an "offensive" mission of directing the air battle over enemy territory. This would mean the plane would have to be relatively close to enemy territory, and thus more subject to jamming of its radars.

More recently, the Defense Department has been emphasizing a "defense" mission, directing the air defenses over friendly territory. In that role, the plane would be less vulnerable to jamming.

The G.A.O. report said that if the plane cannot also perform effectively an "offensive" mission, serious questions arise because of the plane's "high cost and limited utility." On the basis of Air Force studies, the report concluded that AWACS could make only a "marginal" contribution in the air defense role over Europe.

In a statement accompanying the report, Senator Eagleton complained that the Air Force had "abused the security classification system in order to keep certain critical portions of the G.A.O. report from the American public."

Some words and phrases in the report, he said, were classified and deleted "simply because they indicate that AWACS is not an effective system."

"The Air Force's attempts to cover up AWACS' deficiencies makes the G.A.O. report read like the transcripts of the White House tapes," the Senator said.

[From the Washington Post, Feb. 23, 1975]

SECOND REPORT SCORES U.S. RADAR PLANE PLAN

(By Michael Getler)

The General Accounting Office, for the second year in a row, has issued a critical report on the Air Force plan to build a $3.7 billion fleet of 31 radar-packed aircraft to keep watch over future battlefields.

The planes, known as the Airborne Warning and Control System (AWACS), would be the most expensive aircraft in history, and they have been a source of controversy in Congress for many years.

The development of experimental versions of the plane has moved ahead during the period.

But the appearance of the new GAO report comes at a critical time, as Congress must decide whether to approve production of the system, which the Air Force regards as vital and which critics argue is not worth the cost and can easily be countered by an enemy.

The report by GAO, the investigative agency of Congress, is classsified. But yesterday the chief AWACS critic in Congress, Sen. Thomas F. Eagleton (D-Mo.), described the new assessment as "highly critical."

He also claimed that the "GAO has arrived at conclusions which directly contradict those reached last week by the Secretary of Defense in making his certification" to Congress that the planes were needed, could not be easily countered by an enemy and should be built.

Sources on the Senate Armed Services Committee who have also seen the new GAO report confirm that "It is just as critical" as the one issued last March.

The AWACS planes basically are modified versions of Boeing 707 jetliners with a huge radar mounted on top and lots of computers and communications equipment inside.

The idea is that these planes would operate at high altitudes behind U.S. or NATO lines in Europe, for example, and use the 200-mile-plus range radar to look into enemy territory.

The radar is supposed to be able to spot incoming enemy planes and provide at least a few minutes warning of attack to Western air forces. It is also meant to guide U.S. and NATO fighter-bombers and interceptors in warding off enemy attackers and in making strikes into enemy territory.

If all 31 planes are built, they will cost an estimated $111 million each, including development and the cost of the three other experimental versions already flying. If 15 planes are built, which the Pentagon says is the minimum U.S. requirement—with NATO perhaps buying the rest—then the cost would rise to $180 million to $200 million apiece.

In defending the need for the planes last week, the Pentagon's chief scientist, Malcolm Currie, argued that the cost of AWACS was irrelevant because its existence would help safeguard billions of dollars worth of other warplanes, plus provide valuable warning time to field commanders.

Doubts about the project, however, have grown steadily.

Five years ago, the Air Force wanted the planes to defend this country against Soviet bomber attack. As that threat lessened, the primary mission changed to a tactical role over a European battlefield. More recently, the Air Force has put less emphasis on AWACS' ability to control U.S. jets over enemy territory, a mission which would require it to get close to the front lines where, critics argue, enemy electronic jamming equipment could easily black out the AWACS radar.

Instead, the Air Force is now emphasizing the planes' early warning role and their ability to control an air battle over NATO territory.

Similarly, though the missions have changed, the number of planes remains at 31, a phenomenon that has caused some skepticism even in the Pentagon.

Defense Secretary James R. Schlesinger, while supporting the project, is known to have an open mind as to whether more than 15 planes are needed.

The biggest single issue, however, revolves around AWACS' possible vulnerability to relatively cheap enemy jamming equipment.

Aside from Eagleton, Sen. Howard W. Cannon (D-Nev.), chairman of the Senate Tactical Airpower Subcommittee, and Rep. Melvin Price (D-Ill.), chairman of the House Armed Services Committee, both asked Schlesinger last week to delay awarding a production contract.

These requests came after Schlesinger, responding to a congressional demand made last year, submitted the results of an independent panel's evaluation of the jamming problem, along with his own certification that the plane was cost-effective.

The panel concluded that even an attempt to jam AWACS would constitute "early warning." But it said only if AWACS concentrated on its defensive role rather than trying to control strikes into enemy territory, and only if more protective equipment is added, will the jamming problem be a "secondary consideration."

Commenting on the independent panel's review of the situation, GAO said, "In our opinion, this statement by the consultants indicates serious reservations on their part. . . ."•

"It seems incredible to me," Eagleton charged, "that the same information available to both parties could be construed as favorable to AWACS production by the Secretary of Defense and as demonstrating that production is not warranted by the GAO."

[From the Washington Star, May 28, 1975]

Warning on AWACS Plane Ignored

(By Vernon A. Guidry Jr.)

Despite instructions from the deputy secretary of defense, the Air Force has failed to plan for early improvements in the controversial AWACS aircraft for better performance in the sophisticated electronic warfare that could be expected over Europe.

Defense Department documents also show that Deputy Secretary William Clements on Dec. 4 decided to suspend production of AWACS only to be reversed within the department 20 days later.

The documents, entitled "Program/Budget Decisions," were released yesterday by Sen. Thomas Eagleton, D-Mo., chief congressional critics of AWACS which is an acronym for airborne warning and control system.

The plane is the most expensive in the U.S. inventory, costing about $118 million. It is a sophisticated computer-loaded aircraft based on the Boeing 707. Its primary mission now is to detect the onset of an air attack on NATO and direct the response of allied warplanes.

According to the documents, Clements decided to stop production of AWACS at 10 planes this fiscal year which "would satisfy the non-NATO AWACS requirements."

No money would be requested for fiscal 1976 production. "Resumption of AWACS production would be dependent on U.S.-NATO agreements on requirements, configuration and cost-sharing," the document read.

It was that decision which was reversed. The Pentagon eventually asked Congress for money to buy six of the planes next fiscal year. The House adopted its armed services committee's recommendation that money for three planes be approved. The Senate Armed Services Committee has authorized $520 million next fiscal year for all six.

The question of improvements goes to the heart of the controversy over the airplane: its ability to survive jamming aimed at its radar.

Congressional critics maintain that the expensive AWACS can be rendered at least partially ineffective by less expensive jamming techniques.

Eagleton has also accused the Air Force of bias and misrepresentation.

"At every step along the line the Air Force has fixed its test program, not to find out whether AWACS will work in the real world but to influence Congress," he charged yesterday.

The Dec. 4 Pentagon "budget decision" says that despite two memoranda from Clements directing the Air Force to "actively pursue" a specific group of "enhancements," the service continued a program that would lead to production of 24 out of a proposed 31 AWACS planes that lacked a bloc of specific improvements.

The document went on to say that "it appears inconsistent to plan to proceed under the current contract schedule for production of 24 . . . aircraft in light of two requests by (Clements) to incorporate enhancements, and in light of a congressional insistence on an AWACS that will be effective in a NATO tactical environment.

The document estimated that to refit these first 24 planes with the enhancement item would cost more than $200 million.

Since that document was written, a special committee put together to examine AWACS effectiveness recommended further improvements.

Eagleton said yesterday that he plans to offer an amendment following Clements' decision in that it would suspend production until NATO agrees to buy the system. NATO nations currently have the AWACS program under study.

The Defense Department had no immediate response to release of the documents.

Public statements by defense officials have strongly supported AWACS earlier this year, Dr. Malcolm R. Currie, director of research and development for the department, told a news conference that his personal view is "that the existence of AWACS in the NATO environment is one of the few most important capabilities in the whole history of the alliance, not only for deterring conflict but for controlling that conflict if it should ever occur."

Currie said then that the system's capability for looking into enemy territory and supplying early warning "is priceless. I don't know how to put any cost effectiveness value on that application."

The AWACS was originally intended as a continental United States defensive system against the Russian bomber threat. As that threat dwindled, the role of the system was switched to the tactical NATO role.

[From the Washington Post, May 25, 1975]

Congress and the Defense Budget

Everyone who is interested in the changing relationship of Congress and the executive branch is aware of the way in which Congress' authority has been enlarged over the last few years in the area of foreign policy. A much quieter, but equally important expansion of authority has occurred in the field of defense. Congress, which not so long ago pretty much confined itself to the use of a fairly generalized power to appropriate or withhold funds in any effort to influence Pentagon policy, has in recent years greatly enlarged and particularized its authorizing power. The result is that at least theoretically its members have much more say-so in matters ranging from appropriate military and civilian manpower levels to the advisability of going forward with specific weapons systems. This increased authority has partly caused and partly coincided with a growing interest on the part of many members in reducing the Pentagon budget and/or in asserting a new measure of congressional control over defense policy. But the thing isn't working very well.

Last week's House voting on the military procurement bill, in which the budget-cutters were roundly defeated, is an example. Our point is not that the outcome was some kind of a national disaster. On the contrary, we regard that result as a mixed bag. Some of the projects that escaped cuts did not, in our opinion, deserve to: the so-called AWACS tactical command and control aircraft, for example, and the program of testing certain missiles with a view to improving their ability to destroy an opponent's land-based missiles. Others, such as the B–1 bomber, probably deserved to go forward—but at a slower rate. And still other moves—principally the attempt to reduce overseas troops by 70,000—richly deserve to be defeated.

But the point is that few of the decisions taken on the House floor appear to reflect either a serious weighing of the merits of these military programs as such or a particularly well thought-out conception, if any, of our overall defense requirements. Rather, by most accounts, what was decisive in defeating these moves to cut back various military programs was a combination of sentiments concerning both the need to send a signal of American resolve overseas in the wake of the Vietnam evacuation and the need to leave defense industry intact at a time of exceedingly high unemployment.

In fact you can make a pretty compelling case at the moment that each of these sentiments, in its way, serves the immediate national interest. But you really cannot make much of a case for them, or for the similar short-lived moods that have profoundly affected defense votes in the past, as a sound basis for taking decisions that may have serious long range effects on both the national defense and the national budget. For very often such votes represent a sort of point-of-no-return: an authorization to take steps that cannot easily be reversed and that all but guarantee that a particular weapons system—for better or for worse—will become part of our arsenal. And equally often the weapons system under consideration is particularly ill-suited for consideration on such a basis, being a system designed for a presumed defense need some 10 or 20 years hence.

There are several observations to be made about this congressional process. One is that with the exception of the anti-ABM campaign, attempts to limit or eliminate major weapons systems by means of floor fights in Congress have by and large been spectacularly unsuccessful. Another is that such pressures as are generated by these fights and the prospect of more to come have had their impact primarily on the relevant committees: it is in those committees that such trimming and redirecting of the Pentagon's requests as are likely to occur take place, and the result has been evident especially in Senator Stennis' increasingly critical approach to those requests in recent years. The third observation is that under the present system of congressional authorization for various military projects, the situation is not likely to change much in the future. For in a way, the enlargement of congressional authority that has taken place over the years has been deceptive and even self-defeating. It creates an illusion of more influence than it can or does actually provide.

The problem is that what Congress has acquired in this expansion of the authorization process is little more than a license to scrutinize certain Pentagon enterprises and not others and to do so in a piecemeal, ad hoc way. One unfortunate result has been that the debates have acquired a kind of reflexive, ritualistic character: more versus less, engage versus disengage, build versus dismantle. Some members seem to be against practically any weapons system up for consideration, and others to support whatever it may be. Few give evidence of having anything like a clear or plausible overall concept of what this country's defense needs are or what its military role abroad should be. Instead the arguments seem always to come down to a clash of generalities and of arcane technological data concerning the merits of specific programs as if they were unrelated to each other and to a larger strategy and more comprehensive program.

Rep. Les Aspin (D-Wis.), one of those who tried to cut the budget in the House last week, is among the legislators who have put forward some interesting ideas about how Congress could sharpen and improve its capacity to exert real and reasonable influence over the military budget, and we intend to return to these another day. But well before any changes of this kind occur in the format for congressional action, it seems to us that the members of Congress—especially those who would assert more control over policy—will themselves have to contrive and demonstrate an approach to this country's defense needs that is more persuasive than that which seems to amount to little more than a desire to cut back on whatever project is up for a vote. In the aftermath of Vietnam the current national rethinking of those defense and foreign policy premises we accepted for so long and with so little critical examination should offer the opportunity for those who have come to be known by the ambiguous name of "defense critics" to formulate such a positive program.

Mr. EAGLETON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. CANNON. Mr. President, I oppose the amendment of the junior Senator from Missouri (Mr. Eagleton) which would deny production of additional AWACS planes for the United States until NATO decides to buy the AWACS.

I believe that the amendment is poorly conceived and illogical if its intent is to persuade the NATO nations to buy their share of a NATO-wide AWACS force. The amendment would hinder, rather than help, our efforts to persuade NATO to buy the plane for use in their areas of combat.

AMENDMENT WOULD STOP AWACS PRODUCTION

The first point that has to be recognized is that the amendment, if adopted, would cause a break in the AWACS production line. Production would be stopped for some interim, an unknown period of time while the NATO countries would go through their own decisionmaking process. Let us look at the present NATO decisionmaking schedule.

NATO DECISION SCHEDULE

Mr. President, the first step was taken in April 1975, 2 months ago, at the Conference of National Armament Directors the NATO countries discussed the AWACS and other radar warning and control aircraft that could perform the mission. At that meeting, the AWACS was selected as the NATO candidate airplane over the U.S. Navy's carrier-based E–2C radar warning plane and over the British Nimrod, in its proposed radar warning version. Thus the first step was taken toward a NATO procurement decision, as the AWACS was selected as the candidate aircraft.

The next step was in May 1975, last month, at the NATO ministerials meeting, attended by Secretary Schlesinger and the other NATO Ministers of Defense. A NATO project office was established for the NATO AWACS program, and contract definitions are expected to be approved starting in July 1975 for a 10-month Boeing contract definition phase and a 5-month ground interface phase. These contracts will give the NATO countries all of the detailed cost, schedule, and configuration information that are required to support a procurement decision.

The next steps that would be expected, if the process flows smoothly, would be for a possible approval of long lead funding for NATO AWACS airplanes at the December 1975, ministerial meeting, with a June 1976 ministerial approval of the full NATO program to follow.

Thus under the most optimistic circumstances, a contract for a NATO AWACS program could not be entered into until 1 year from now. And this assumes, of course, that the NATO nations will band together without any further delays and decide to put their money where the current plans indicate they will.

Now the important, and serious, effect of this amendment would be to cause a minimum 1-year gap in the AWACS production line, and this very possibly could be a 2-year gap, if the bureaucratic processes in NATO are anywhere near as ponderous and cumbersome as our own. Here is why I make that statement:

The fiscal year 1975 procurement of six AWACS planes is on contract and these aircraft are in the initial stages of production. These airplanes have a long production lead time—it is 40 months for the airplane itself and it is about 24 months for the avionics systems. The fiscal year 1975 planes will not be delivered to the Air Force until starting at the end of 1976 and running through late in 1977, about September.

Now let us look at the production schedule for the six planes in the fiscal year 1976 budget, the ones that are the subject of this amendment. Long lead funds contained in the fiscal year 1975 budget, for the fiscal year 1976 program, were released in August of 1974. This long lead funding will carry the production of these six planes up through June 1975, the end of this month, 3 weeks from now. The continuing resolution would be used to continue long lead efforts until December 1975, when a full production contract will be signed. Then the actual deliveries will commence about November 1977 and will continue through about November 1978.

But the vital point that I have to emphasize is that all production work will stop on the fiscal year 1976 planes at the end of this month and a production line gap will start at that point in time. True, the gap will not show up until the number 6 AWACS—the last of the fiscal year 1975 buy—is delivered in October 1977, but there will be a gap from that point on until production of AWACS is started again.

AWACS has a long gestation period—40 months—but if that production line is not carried out for that whole time, there will be nothing to deliver at the end.

Referring back to the NATO decisionmaking schedule I discussed previously, it is obvious that the production line that stops at the end of June 1975 could not restart again until June 1976 at the earliest, so we will have a minimum of a 1-year gap in the production line if this amendment is accepted. If the NATO ministers do not make up their minds by next June, then obviously there will be a corresponding stretchout in the gap.

Now let us examine the really salient point, the cost to the U.S. taxpayer to shut down the AWACS production line and then restart it later, as proposed by the Senator from Missouri.

The cost of a 1-year delay is estimated by the Air Force—and these are the latest figures which I received yesterday so they are changed slightly from my earlier estimate—the cost of a 1-year delay would be $470 million, and the cost of a 2-year delay would be $705 million. The causes of this cost are a loss of Government furnished equipment assets, the requirement for the prime contractor to renegotiate all of his subcontractors, the manufacturing plant shutdown and startup costs, sustaining engineering for the AWACS airplane, learning curve loss, and then finally increased inflation costs on continuing production of the program at a later point in time.

So in round numbers, the effect of the Senator's amendment, if accepted, will be to increase the cost of the AWACS program to the U.S. Air Force and the American taxpayer by from one-half to three-fourths of a billion dollars, and I wonder if that was what the Senator really intended when he introduced his proposal.

Let us look at some other effects of shutting down the AWACS production line.

First, it would not force NATO to buy AWACS and indeed it might deter them, because there would be no ongoing production line.

Second, it would inhibit other foreign sales possibilities, such as to Iran, which I understand is very interested, because they would be looking at a closed production line.

Finally, let us consider what would happen if NATO does not buy the AWACS. The United States would have 9 planes not 10 in the Senator stated, an insufficient force level. Dr. Currie, D.D.R. & E., testified that the United States needs at least 15 AWACS for non-NATO needs, and the committee supports that position. The fiscal year 1976 buy will provide the 15-plane level. In addition our share of a NATO program should run on the order of 6 to 9 planes, which is why the committee position is that we need 21 to 24 AWACS planes total. In other words, that is including our part of the NATO program.

Therefore, production of AWACS should continue in fiscal year 1976 without gaping the line, and this will allow the year needed for NATO to make a decision while looking at an ongoing production line.

Mr. President, I outlined in detail the reasons and the capability of this airplane in answer to some of the Senator's objections to it in the remarks that I made several days ago. He has raised one point today about the PED issued by Secretary Clements. In that regard, I would like to read into the Record a letter from Secretary Clements, as his position has been grossly misstated.

This is a letter dated June 3, 1975, to the Honorable John C. Stennis, chairman of the Senate Armed Services Committee:

Washington, D.C., *June 3, 1975*.

Hon. John C. Stennis,
Chairman, Senate Armed Services Committee, Russell Senate Office Building, Washington, D.C.

Dear Mr. Chairman: I have been advised of Senator Eagleton's intentions to offer an amendment to the Defense Authorization Bill which would suspend further production of the Airborne Warning and Control System (AWACS). Senator Eagleton states that such an amendment is ". . . patterned after a DOD program budget decision calling for a termination of AWACS production with resumption to be dependent on US/NATO

> agreements or requirements, configuration, and cost sharing" which was approved by me on December 4, 1974 and was reversed prior to the submission of the President's budget to Congress.
>
> The Pentagon's Program Budget Decision (PBD) process, conducted prior to definitization of the budget, is an internal mechanism used to test the strength of the Military Departments' specific program requests against other equally important DOD programs. This iterative process is necessary where the total claims on the budget exceed the levels established for the DOD budget.
>
> The first round of the PBD—including the decision—is always considered preliminary or tentative until such time as the Service reclamas are received and reviewed. During the time period between preparation of the first PBD and the second PBD, the functional elements within the Office of the Secretary of Defense and Services present arguments for and against various alternatives suggested. The PBD process serves as a management device but is often misunderstood by outside agencies not involved in the process.

Mr. President, I might add that is clearly the case here:

> In the case of the AWACS program, the Defense Systems Acquisition Review Council (DSARC) was scheduled to convene on December 20, 1974. The DSARC is the primary forum where major program management issues, plans, and objectives are resolved. It was logical that the final PBD decision would not be made until after the recommendations of the DSARC had been reviewed. Additionally, the DSARC had not received the preliminary report of the Ad Hoc Panel on the Vulnerability of the AWACS Radar to Enemy Jamming at the time the first and preliminary PBD (December 4, 1974) had been prepared. Dr. Smith's Ad Hoc ECM report was briefed to the DSARC members before they convened on December 20, 1974. The final PBD, approved by me on December 24, 1974, took into careful consideration the Service reclama and all of the factors that were related to the NATO AWACS program.

I may interpolate, Mr. President, that included Dr. Smith's report which Senator EAGLETON has referred to, including the complete study on the so-called vulnerability of AWACS to jamming:

> I consider the PBD 183 RC of December 24, 1974 a properly coordinated decision reflecting the total U.S. and NATO interests in this important program.
>
> The DoD has advised the Senate earlier of our views on the matter during the Tactical Airpower Subcommittee (Senate Armed Services Committee) hearing on March 6, 1975. Senator Eagleton participated as a guest and upon conclusion of the meeting stated his intentions to introduce questions for record. The questions subsequently received included one about the PBD reversal issue. Our DoD reply—which appears in the official transcript of the hearing—advised Senator Eagleton that if the preliminary PBD (December 4, 1974) had prevailed, it would have deferred production of the AWACS until U.S./NATO agreements were reached, causing a complete break in the AWACS production line, and a prohibitive increase in the AWACS production costs. Such an increase in cost may have prohibited any sale of the AWACS in NATO.
>
> I would appreciate your support of our request for six AWACS aircraft in FY 76 which will permit attainment of an urgently needed, cost-effective, interim U.S. AWACS force and will permit maintenance of a production base for any follow-on U.S. and NATO procurements.

Mr. President, I submit that that is the correct position of the Department of Defense. It is the correct position of Secretary Clements on the PBD, and obviously the one that Senator EAGLETON continually refers to was simply a working paper and was never the final PBD on the matter.

I strongly urge that the amendment should be rejected, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am glad to yield 10 minutes to the Senator from Utah.

Mr. GARN. Mr. President, I appreciate the opportunity to speak in opposition to the amendment of the Senator from Missouri.

I have had the opportunity to personally fly on an AWACS airplane. I was very disappointed, on that particular flight, that although the Air Force invited many Senators and many Representatives to participate in actually seeing a demonstration of the capabilities of AWACS, I was the only Senator, as far as I know, who took advantage of that opportunity, and I think only one or two Representatives did. I suppose, since I have been here, this has been one of my criticisms of the mechanisms of the Senate, that obviously we get very involved, and certainly I can understand why many would not have the time to do that. However, I think we sometimes become too dependent upon the research of staff and on letters from various people in coming to our decisions on very important issues.

Most of what I have heard today seems to have been gathered from other people, without a great deal of first-hand experience. I do not know whether the distinguished Senator from Missouri or any member of his staff have taken it upon themselves to take advantage of those opportunities to see AWACS operate personally. If they had, it might give them some different insight into how it works.

I also speak from a background of some 18 years as a military pilot, with over 10,000 hours of flying experience, who has spent a great deal of time looking through radarscopes. I do not pretend to be an expert, but I have had some experience in this area. And I want the Senate to know that I have never been so impressed with the capabilities of a radar system as I was with that AWACS demonstration flight, after 18 years of looking at jamming in various parts of this world, flying patrol missions off China in the late 1950's, experience in jamming by Chinese radars at that time, and seeing the difficulties that ensued, after all those years of experience, to see a radar system that was able to do what this one did, to have 500 targets on the scope at one time, to be able to identify any of them as to their course and speed and their altitude, and to be at an elevation of 35,000 to 40,000 feet, so that the line of sight was not limited by the curvature of the Earth, giving them a good deal more range than any Earth-bound radar could possibly have, to have the capabilities of identifying high-flying aircraft as well as very low-level aircraft coming in below the parameters of most Earth-stationed radars, also to be able to track surface ships on the ocean at the same time they were tracking all of the other airborne targets, and to run an actual mission of having an attack on the east coast of the United States by jet fighter bombers and running an intercept problem while experiencing jamming.

Again, I am not relying on other people. With some expertise and background, I saw these things happening. I asked questions. I watched the actual radarscopes. There was no way they could give me false test data, because I was not relying on anyone to tell me anything; I was watching it myself, and seeing the results of those tests. I also saw the tapes run on these radarscopes from their missions in Europe, and I would find it very difficult to believe that anyone could falsify those tapes showing those actual missions run in Europe.

So I think this is a very fine defensive system. We hear a great deal of criticism, every time a defense appropriation bill comes up, about offensive weapons systems, but usually little criticism of a defensive system which is designed to give us the capability of identifying foreign systems, give us the ability to protect ourselves, and do the same thing for our NATO allies in Europe.

It would seem to me that those who are so antimilitary in this country would be in favor of defensive measures, allowing us to be able to identify these aircraft through this very sophisticated and accurate radar.

I am totally in support of continuing development of AWACS as a very fine system, the most sophisticated and accurate radar system that I have been involved with in my experience.

We hear a great deal about the cost, $118 million. I think that is a little deceptive, when we talk about $118 million per airplane. It is a standard 707 plane that carries a great deal of sophisticated equipment, of radars and computers, in order to allow the particular system to operate.

We have some very expensive radar systems on the Earth. We have some other sophisticated equipment, such as computers, around this building. Because we put equipment on an aircraft and relate it to other aircraft as being expensive in cost, I repeat, is unfair. It is a standard 707, modified to carry the radome and this expensive equipment. That is where the cost is, in the computers and the radar system. Because we are putting it in the aircraft, that is not a cost of the aircraft, and certainly is not fair in comparing it with others.

But I certainly am in favor of this system. I wish more Senators and Representatives would take the opportunity to view the systems themselves, rather than rely on opinions and data prepared by staff and by other people. So I certainly most vigorously oppose the amendment to slow down or stop the AWACS system.

Mr. STENNIS. Mr. President, I take 1 minute to commend the Senator for a very able presentation of a very practical problem, based on his actual experience in this plane which has become such a remarkable instrumentality in our technology. I wish more Senators could have heard him, and perhaps during the debate on this matter there will be such an opportunity.

Mr. GOLDWATER. Mr. President, will the Senator yield me 5 minutes?

Mr. STENNIS. I yield the Senator whatever time he wants.

Mr. GOLDWATER. Mr. President, I rise, first, to urge the defeat of this amendment as it has been defeated before; and I wish, in opening my remarks, to compliment our colleague from Utah, who has had many, many years experience in the air, particularly many years' experience with radar. I know the type of equipment that he has been flying, and I know that to fly it successfully, one has to literally live by the radarscope.

Mr. President, as I say, this same argument has come up before. The distinguished Senator from Missouri, who has introduced this amendment, was, I believe, the only man opposed to this authorization who came to the hearings, and I compliment him on it.

I had hoped that the hearings would convince him of the need for this aircraft, but obviously we were not that effective. So we will try again.

Mr. President, I was very impressed with what the Senator from Utah said about radar, because this seems to me to be the fundamental objective of those who say blatantly that it will not work.

I was at the hearings when questions were asked about radar. Here again I get into the General Accounting Office, one of my favorite targets. They are an accounting office. I have yet to hear them identify one person who is expert in the field of radar.

On that particular day of testimony, if my memory serves me correctly, the expert was a retired Air Force colonel.

Let us say that he had trained in the Air Force. Let us say that he had had the experience with the radar screens that we have all had. I do not say that that makes him an expert any more than it makes the Senator from Utah or the Senator from Arizona experts.

It rather pains me to keep hearing the GAO quoted as being an expert in the fields of munitions, strategy, and tactics.

We put that outfit to work to audit, to get two and two to come out four, not to tell us whether the rifling on a gun is right, or the radar on an aircraft is right, or whether uniforms we wear are right.

I keep recalling this incident a few years ago when somebody who was then opposed to the F–15 came up with a GAO study that the F–4 was faster. I wrote the GAO, facetiously, and asked the name of their test pilot. They had to admit they did not have a test pilot. They had taken a report of the Navy's, that was quite old, which said that if slats were put on the forward edge of the wings of the F–4 it might compare with the F–15 in speed in certain maneuvers.

I do not know what the devil they know about these things. Someday I think we ought to introduce a bill that will require the GAO, if they are going to be resorted to by the Senate, to hire experts so that when they are quoted in the Chamber, we can say, "Well, that comes from a learned source."

I have to say that the opposition from the GAO on radar does not say any more, or any less, than any man, who knows a little bit about radar, could observe.

Let us look at this system. Why do we need it? It will correct a serious low-level surveillance deficiency in existing ground radar systems.

For those colleagues, who do not understand radar, radar as yet is a line of sight proposition. It can see only what the eyes can see if the eyes could be extended to some extent or rather large extents. We are perfecting, slowly, over the horizon radar, curve of the Earth radar; but it is a long way off.

So to protect our ground forces and our naval forces against incoming aircraft, whether they be low or high, we rely on radar.

If the aircraft is coming in high ground radar can pick it up. If it is coming in low, which any sensible enemy will be doing, we do not pick it up until they are so close in that interception would be impossible.

We have had to move to the skies to give us better battlefield definition, better battlefield understanding, so that we can better allocate our forces and allocate our decisions.

I was glad that the Senator from Utah brought out the extreme accuracy of these radars, which as he has said pictures 500 targets at one time.

I would like the attention of my friend from Utah. Could I have the attention of my friend from Utah for just a moment?

I am sure he was impressed with the ability of this radar system not to just picture a river and what could be a bridge but to be able to count the number of pairs in the bridge, the number of arches, and, by quick surveillance, the size of the bridge.

Mr. GARN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. GARN. I will comment that I was tremendously impressed with the ability of the selectivity of the radar to distinguish certain targets, to remove others with the flip of computer buttons which we were never able to do before, as you know. With simply ground clutter you could not make these very definitive decisions on what things were.

Mr. GOLDWATER. The Senator is so correct.

Mr. GARN. At this low altitude you can cut out the clutter, you can cut out the false targets from ground, and from mountains, and you can do the things that the distinguished Senator from Arizona is talking about, that makes them very definite decisions, by distinguishing targets.

Mr. GOLDWATER. Let me emphasize that this is not a weapons system. This system does not shoot back. If you want to call it a weapons system, because it is in the military inventory, all right, we will call it that. But it is an advanced warning control center. That is all it is. It enables the battlefield surveillance officer, the sector commander, whatever his title might be, to say: "Yes, there is a bridge. We can define the bridge, and we know the tonnage it will take to destroy the bridge." We immediately direct the artillery or the tactical aircraft to take off with necessary weapons and direct them to that bridge. We cannot do that today.

But the most important thing is that with this high altitude radar we can pick up the incoming enemy aircraft without ground clutter, which is something radar has not been able to do before.

Mr. GARN. Mr. President, will the Senator yield for another question?

Mr. GOLDWATER. Yes.

Mr. GARN: I also call attention that with all of the publicity we have heard lately about the FAA and control of domestic airlines, small aircraft in this country, that we also in our domestic system do not have this kind of sophistication and, certainly, from the development of AWACS, the spin-off in this program will help us in the civilian aviation field in identifying targets and preventing midair crashes, and things of that nature.

Mr. GOLDWATER. I am glad the Senator mentioned that because I happen to have that as one of the items I was going to mention in favor of this type of surveillance.

To get on with it, it will aid in the badly needed integration of scattered command and control elements of allied air forces in central Europe.

If we had no other value to put to AWACS than this, this would be worth over $118 million a plane, by one thousand times, because the inability in most cases to coordinate the command of the different elements of different nations, has been one of the hindering efforts or was one of the hindering efforts in World War II.

This aircraft or tool could surveil the battlefields of central Europe. It might take three to go into the eastern parts of Europe.

But it would give one man or his staff the ability to integrate by making the decision up there from what he sees, not from what he thinks is out there, but from what he sees.

It will aid in identifying proper qualitative and quantitative responses to enemy aggressive initiatives, and this ties in with what I have been saying. This is something we have not had the ability to do before, unless we have had photoreconnaissance or high altitude or medium altitude reconnaissance by aircraft that could radio back or carry back the information that there is an x force at AB, and we estimate the force to be of this strength. We cannot tell you much about the surrounding terrain, the approaches or any of their defenses.

AWACS can give the answer, and the answer can be used immediately by the man on the ground who has to put the troops together and the artillery together and the air forces together to get the job done.

It will provide insurance against premature escalation.

I mentioned yesterday in the course of debate that escalation is the secret of successful warfare. It was one of the first components mentioned by Klauswitz, and it has been carried on by the Chinese experts in war—escalation. You do not throw the whole ball of wax at the first shot; you use a little bit and if you have to use more you have it.

But how many times in war have we literally shot the whole wad when a little one would have done the trick?

This is where AWACS will be very valuable. It will enable that commander on the ground with the information sent to him from up here or the commander in the air, if he is airborne, to make those decisions.

In spite of what we hear, and what I have been reading in papers in opposition to the AWACS, it is more resistant to electronic countermeasures than any existing operational radar system.

Being one who has spent many years of his life in electronics, particularly in electronic countermeasures, I know there is no way of building a radar that can completely eliminate electronic countermeasures. You can clutter up the blip on a radarscreen no matter how perfect that radarscreen is made, but this radar will work around any blip that is put on there, any ECM that is put on there. It is so wide in its scope, it is so wide in its approach, so powerful, that even if it picks up an enemy plane that is trying to make an attack—and it can be picked up a long way off, even with ECM—we know what he is and can still work around him.

So, Mr. President, I urge that this amendment be defeated, as we defeated it last year.

This system is needed. Contrary to what might be said on this floor, NATO is seriously considering these aircraft. In fact, there was an article in our finest aviation magazine "Aviation Week," a few issues ago which in effect said NATO is going to buy it. My friends in the NATO structure tell me that, while they have not definitely made up their minds, they are leaning strongly toward it. It is the only thing that has been built like it. It is the one thing we need in the European theater that will enable us to work actively and effectively against the threat over there.

Mr. President, I may have more to say later, but that is all I have at this time.

I ask unanimous consent to have printed in the Record some articles in connection with this matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Aviation Week & Space Technology, May 5, 1975]

AWACS Meet Heavy Traffic Challenge

(By Philip J. Klass)

Washington.—USAF/Boeing Airborne Warning and Control System testbed E–3A recently demonstrated its ability to detect and display approximately 600 civil and military aircraft on its consoles, including heavy airline traffic in the northeast U.S., despite two airborne jammers.

The demonstration here for congressional staff members and press followed the E–3A's recent return from similar demonstrations for several hundred officials and officers in West Europe (W&ST, Apr. 14, p. 12).

During the 2-hr. mission off the mid-Atlantic coast, the Westinghouse radar and associated IBM computers showed their ability to track a McDonnell Douglas F–4 making a simulated attack despite interference from two Martin Marietta EB–57 jamming aircraft.

During the flight, more than 200 civil and military aircraft with radar transponders were in view of the radar and their transponder codes could be called out and displayed at the option of the operators.

The AWACS also showed its ability to track an F–4 flying at 500 ft. altitude, while simultaneously displaying and tracking ships along the coast in the newly added maritime mode of operation, which uses short pulses for improved resolution.

Following the live demonstration, video tapes of some of the recent European missions were played through the AWACS display console so those on board could see some of the exercises performed during the Apr. 3–25 visit.

Beyond showing the self-contained capabilities of the E–3A to detect and track targets and to direct forces against enemy targets, the European tests demonstrated the ability of the AWACS system to tie-in directly with surface forces, ranging from ground-based and ship-board air defense networks to Hawk anti-aircraft batteries. This has been termed "interoperability."

During demonstrations in the Mediterranean area, the E–3A flew a roughly northwest-southeast track, centered around Naples. The USS Wainwright, a guided-missile frigate located west of Naples, served as the target of a simulated attack made by four Navy/LTV Aerospace A–7Es during one of the missions.

The four A–7Es, launched from the USS Forrestal, came in very low over Sicily, then separated laterally to simulate four attacks as they headed east toward the Wainwright.

During one exercise, the AWACS radar tracks of the four attackers were transmitted to the Wainwright by a new experimental time-division multiple-access data link, for display in the ship's Combat Information Center. The same information also was transmitted from the Wainwright to the Forrestal via Navy Tactical Data Information System and displayed in the carrier's CIC.

Navy officers on the Wainwright and the Forrestal thus had the same radar display available to them as if they had been flying in the E–3A, according to Brig. Gen. Lawrence Skantze, AWACS system program office director.

"On the second day we ran this exercise," Skantze said, "our data link malfunctioned for about 20 min. so the Wainwright requested that we take over and vector their two F–4J aircraft to try to intercept the four attacking aircraft."

Each of two USAF officers in the E–3A was assigned to direct one of the F–4J interceptors. Initially the two interceptors were vectored against the two attackers on the inside of the four parallel attack tracks, using intercept paths computed by the IBM-built computers.

Then the two interceptors were "swung around to hit the outside tracks," according to Gen. Skantze. "We made all four intercepts in about 5 min., over a distance of 20 mi. along the attackers' paths."

During demonstrations conducted from Ramstein AB, West Germany, similar missions were flown against important military ground targets. Flying over central Germany, the Hazeltine-built consoles displayed aircraft movements over East Germany, Poland and Czechoslovakia, including practice military intercepts.

AWACS radar displays were sent by TDMA data link to a number of NATO Air Defense Ground Environment (NADGE) control centers in West Germany, Norway and Italy, as well as to the French air defense system. Display of radar targets also was transmitted to USAF's 407–L tactical air defense system in Germany.

During several of the demonstrations in West Germany, military vehicles equipped with special radar transponders were deployed as if they represented the line of battle. The transponders were interrogated by the AWACS radar, their locations were displayed on the aircraft consoles and were then connected by lines drawn by the computer to show the battle line.

Gen. Skantze pointed out that by selection of the transponder code, each unit could transmit military status reports, such as "need ammunition" or "about to advance," which could be instantaneously relayed by data link from AWACS to command headquarters.

During another exercise in West Germany, the interoperability of AWACS with ground anti-aircraft defenses was demonstrated. Normally, an Army Raytheon Hawk surface-to-air missile battery must use a surveillance radar to detect approaching aircraft, which can alert an attacker to the presence and location of the SAM site.

The E–3A can detect such enemy aircraft, compute and display their approach path, speed and altitude, and transmit this by data link to SAM sites. This was demonstrated using low-flying F–4 "attackers" with the AWACS situation display being transmitted to the ground by data link and being retransmitted to a Hawk site near Wurzburg.

During demonstrations in the North Sea, off the east coast of Britain. USAF/General Dynamics F–111s, flying south from Scotland at an altitude of 500 ft.—except when weather forced them higher—made a simulated attack on the industrial Midlands.

Against this threat, the AWACS crew vectored a McDonnell Douglas F–15, in Europe for other purposes, to intercept the F–111s. Maj. James White, who functioned as the weapons control officer, said that the "look-down" capability of the Hughes Aircraft radar in the F–15, which enables the pilot to spot low-flying targets, "greatly simplifies the intercept problem."

"Unlike an older interceptor such as the F–4, where you have to bring him alongside the target, turn him in trail and send him down in altitude, with the F–15 you just need to designate his target and he can then proceed on his own."

During other missions, to demonstrate the new maritime capabilities of AWACS, two Royal Navy Hawker Siddeley Buccaneer aircraft were directed by the E–3A crew to make simulated attacks on a Royal Navy frigate. The directions were so precise the two aircraft "passed directly over the ship," according to Gen. Skantze.

Royal Air Force F–4Ms also were used to perform intercepts against F–111s, flying at 500 ft. above the ocean, during other demonstrations. The AWACS radar displays were transmitted by data link to the British ground radar network center and also to a NADGE site in West Germany.

During the 22 days the E–3A testbed was in Europe, it conducted more than 100 hr. of demonstration flights, averaging nearly 5 hr. per mission.

As part of the recent demonstration here, USAF disclosed that the AWACS radar and computer can be operated in five different modes simultaneously, with one mode being used in certain azimuth sectors and other modes in other sectors.

24 AZIMUTH SECTORS

There are 24 azimuth sectors, each 15-deg. in width, in which any desired mode of operation, or some combinations of modes, can be selected. For example, in one azimuth sector the radar can be operated in the pulse-Doppler mode to detect and track low-flying aircraft to the line-of-sight horizon, with conventional pulsed-radar operation beyond this range.

In another azimuth sector, the Westinghouse radar can be operated in a passive mode, to search for self-radiating targets, such as jammers. In still another azimuth sector, the radar may be set to provide short-pulse high-resolution operation against maritime targets as well as operating in pulse-Doppler mode for airborne targets.

POSITION FIX DEMONSTRATED

During the Washington demonstration, the crew showed how the E-3A can obtain a position fix on an airborne jamming aircraft, to direct an interceptor against it. The presence of an airborne jammer generates a line, called a "strobe," which initially shows only the relative bearing to the jammer.

The IBM computer, using software developed by Boeing, attempts to estimate the range to the jammer based on its signal strength as a first approximation. But this is not sufficient for the E-3A to direct defensive interceptors.

The E-3A then maneuvers into a flat turn which enables the Westinghouse radar, operating in a passive mode in the azimuth sector in which jamming is experienced, to obtain a series of bearing fixes on the jammer. After several minutes, when the computer has obtained a moderately good fix, it so indicates to the operator and computes the required intercept path for the aircraft designated to attack the jammer.

Interesting Target

Washington.—During the recent videotape replay of one of the USAF/Boeing Airborne Warning and Control System demonstration missions over central Germany, the display console showed a target in central Poland moving at a speed of 1,400 kt. at an altitude of 67,000 ft., according to an Air Force spokesman. He did not speculate as to the type of aircraft.

Production Agreement

Washington.—Boeing Aerospace Co. last week received a $247.6-million supplemental production agreement covering the first six production Airborne Warning and Control System E-3A aircraft. Delivery of the first aircraft is scheduled for November, 1976 (AW&ST Apr. 7, p. 14).

[From Aviation Week, Apr. 14, 1975]

AWACS Tested in NATO Role

(By Herbert J. Coleman)

RAF-Mildenhall, England.—Testbed Boeing E-3A airborne early warning and control system (AWACS) aircraft last week began an intensive program of demonstrations over North Atlantic Treaty Organization sea and land environments, using a McDonnell Douglas F-15 fighter in the attack mode, along with other NATO aircraft and warships.

The aircraft, based here at U.S. Third Air Force headquarters and military airlift command base for the first demonstration stage, also was tied into the United Kingdom ground environment linesman-mediator military and civil radar network, via a downlink radar and communications unit flown to Britain by a Lockheed C-130 cargo aircraft.

The downlink unit was taken to Royal Air Force's radar command center at West Drayton, near London Heathrow Airport, where it was demonstrated that AWACS radar contacts of small naval vessels in the North Sea could be linked adequately to West Drayton for inspection and evaluation by combat commanders.

The C-130 and other cargo aircraft were joined in the NATO demonstration by a Boeing 727 jet transport chartered from Lufthansa to carry relief crews and contractor personnel. About 80 tons of ground equipment, including spares, is involved in the demonstration, which will close at Brussels, Apr. 21-24.

At Brussels, the AWACS, Serial 11408, will be on static display for officials of NATO, and tape playbacks of various demonstration exercises over the North Sea, the European land mass and the Mediterranean will be shown.

In Germany, where the AWACS will operate from Ramstein AFB, headquarters of U.S. Air Forces-Europe (USAFE), the aircraft will again be tied to ground, sea and NATO air forces via time division multiple access (TDMA) data link. This also will speed communications with the U.S. Sixth Fleet and other NATO naval vessels during a series of sorties over the Mediterranean along NATO's southern flank.

AWACS also will be linked to the Hawk surface-to-air missile batteries at Wurzburg, Germany. It is the second deployment of an AWACS testbed to Europe since April, 1973, when long-range surveillance radars were demonstrated in an European environment. Since then, the testbed has been equipped with other major elements of the system, including advanced communications, data processing, navigation, display and identification friend or foe.

At Mildenhall, the aircraft made two 6 hr. flights daily, mainly to show the system to officials of the Ministry of Defense, its airborne early warning experts and rader experts from the Royal Radar Establishment at Malvern. In 30 hrs. of flying, there were no maintenance holdups, either in the aircraft or in avionics systems.

Britain is following the AWACS concept closely, in view of its present reliance on an aged fleet of Avro Shackleton and Fairey Gannet AEW aircraft. Proposals have been made to the Ministry of Defense operational requirements committee for a buy of at least six AWACS aircraft for operational use over the United Kingdom and also for integration with NATO under the new UK-NATO command structure.

No decision on AWACS procurement has been made, and none is foreseen in the near future, considering recent culbacks in British defense spending and research and development activities. Britain also is interested in evaluation of the Grumman E-2C tracker for medium altitude AEW work, but again, no decision is imminent.

All demonstration flights here were accompanied by Maj. Gen. Jesse M. Allen deputy chief of staff for operations and intelligence (USAFE), and Brig. Gen. Lawrence Skantze, project director, airborne warning control systems, Electronic Systems Div. of Air Force Systems Command.

Allen insisted that the F-15 was not a planned part of the NATO demonstration, but since at least one aircraft was in England, and later would be in Germany, apparently for demonstrations to the Royal Air Force and the German air force, it was used to demonstrate its supersonic capabilities in look-down radar and down-shoot modes at both high and low altitudes.

The F-15 made a number of attacks on AWACS, probably simulating Soviet MiG-25 tactics, both singly and in cooperation with an airborne attacking force of RAF F-4M and USAF F-4D strike aircraft, General Dynamics F-111 fighters from Upper Heyford base in England as target aircraft.

Allen also said the F-15 provided valuable data to AWACS for passing inputs on the TDMA (downlink) net to West Drayton for combat evaluation by air, ground and sea commanders. The F-15 was used in both high and low modes, and other aircraft, including Hawker Siddeley Buccaneers, operated as low as 500 ft. and were clearly painted by AWACS controllers.

Considerable AWACS flight time was spent over the North Sea to demonstrate the TDMA link with Royal Navy and other NATO ships and to show contact capability in high clutter areas. At this time of the year, North Sea wave conditions are so bad that on one day, only destroyers could put to sea, and even then were shown clearly on AWACS multipurpose consoles.

Gen. Skantze pointed out the TDMA is a new development to NATO and this was the first time an accurate realtime slot could be transmitted for ground commanders. AWACS also would use TDMA in work with the NATO air defense ground environment system (NADGE), the radar chain stretching from Norway to Turkey that has been criticized for its weakness in air defense surveillance of low-level attacks.

Skantze said AWACS could fill the NADGE low-level gap, and this would be a primary mission in the Mediterranean demonstrations.

Neither general confirmed this, but AWACS has taken on a new significance since NATO's southern flank fell into disarray with the dispute between Greece and Turkey, both of which maintain NADGE sites and currently are evaluating future relationships with the North Atlantic alliance.

Skantze told Aviation Week & Space Technology that a NATO system of AWACS orbits in war and peace situations had been worked out, to provide 200 naut. mi. over-the-horizon coverage in the difficult European terrain.

Allen said that a NATO requirement for full coverage over the horizon could be fulfilled by 30 to 36 AWACS aircraft. Skantze said the price on a purchase based on a production run of at least 3C aircraft would be $60 million each.

He also said the price would be based on a complete production AWACS, with at least nine multi-purpose consoles to monitor the Westinghouse radar system, but that plans were still to be worked out for options on future AWACS models with higher degrees of automation and self defense systems.

Allen said jamming aircraft were used on the North Sea and land mass demonstrations missions and that AWACS had no systems. NATO officials have expressed some concern about survivability of AWACS in a combat situation, but Skantze said the demonstration is designed to show that it has a high degree of survivability against missiles and supersonic aircraft, partly because it will be as much as 200 naut. mi. behind the action.

Any high-speed platform, either missile or aircraft, Skantze said, would have to cross ground and air lines protected by ground missiles and interceptors before reaching AWACS.

Skantze also said the Westinghouse brassboard system on the AWACS tested now has data processing, a long-range identification friend or foe system, advanced communications links and onboard monitoring equipment.

In the NATO context, Allen said disposition of AWACS aircraft to meet the planned orbital coverage over alliance countries in Europe has not been worked out.

This aspect of airborne electronic warfare will be discussed May 29-30 when the NATO Conference of Armament Directors meets in Brussels at the same time as NATO foreign ministers. An airborne early warning committee from Supreme Headquarters Allied Powers Europe (SHAPE) also is closely involved in evaluation of the current demonstration tour, which ends Apr. 25 when the testbed AWACS returns to the U.S.

[From Aviation Week, Apr. 28, 1975]

NATO Group to Explore AWACS Feasibility, Costs

(By Herbert J. Coleman)

Brussels.—International Project Office to explore feasibility and costs of the Boeing

E–3A airborne warning and control system (AWACS) will be established shortly by the North Atlantic Treaty Organization, headquartered in Brussels.

Decision was made by NATO alliance armament directors here last week, after an extensive briefing by an AWACS team headed by Malcolm R. Currie, director of defense research and engineering for the U.S. Dept. of Defense.

The armament directors and other NATO officials also had a close look at the AWACS itself in Brussels, where it went on display after a European demonstration that took it over sea and land areas from Norway to the Mediterranean.

All missions included location and tracking of aircraft ranging from the McDonnell Douglas F–15 at very high altitudes to small army reconnaissance aircraft at low levels.

Currie said the NATO decision followed reports by a high-level alliance group established last fall to explore the airborne early warning requirement. It also considered inputs from a special NATO sub-group, which reported on what is considered one of NATO's more serious weaknesses, low-level aircraft detection. During the AWACS tour, low-level detection inputs were fed into the NATO air defense ground environment (NADGE) system, to show how the airborne system could fill that gap in NADGE capabilities.

Currie said the final result of the evaluation was to endorse the concept of the E–3A and its capabilities in a number of internal avionic configurations on the grounds of technical superiority. He also said that the NATO Conference of Armament Directors (CNAD) reaffirmed the sense of urgency in defining the warning and control requirement.

At the session at NATO headquarters, CNAD agreed to:

Establish the AWACS International Project Office as a provisional body that will report to NATO defense ministers by next December. Aim is to receive a firm NATO decision on AWACS operational and force requirements by June, 1976.

Endorse the project office proposal without making any commitment. Funding will be based on provision of $2.5 million for airborne equipment used in feasibility studies, and another $500,000 for ground equipment. Currie emphasized that the CNAD delegates agreed to "collectively support the funded studies to define a contract for possible acquisition of a force of AWACS aircraft."

Studies will be based on a NATO buy ranging from 12 to 36 aircraft. NATO military authorities are now working on operational requirements for use of such a system over land and sea.

Project office proposal will be presented to NATO defense ministers in Brussels on May 22, and no funds will be provided pending that session. Decision on appointment of a project director has not yet been made, but the director probably will be a British defense official. He will head a work force of about 17.

Currie also said that CNAD was told that unit price of the AWACS system would range from $45 million to $65 million, depending on parameters selected by users, eventual production rate and the total buy.

The feasibility study also will be concerned with European co-production of AWACS through industrial participation in avionics, airframe and engines, and ground equipment.

Currie said he was pleased by the strong support of France in supporting the AWACS proposal and said that country will contribute both financing and manpower to the International Project Office. He added that a number of CNAD delegates, supporting AWACS concepts, had questioned the wisdom of increasing NATO firepower without knowing where to direct it.

NATO also is looking at AWACS in the context of standardization and alliance interdependence on arms in jointly managed programs in which countries could build on and often improve developments of other nations.

Currie said the European tour had been highly successful from a technical standpoint of detection and evaluation in high clutter conditions over land and sea masses, adding: "We've been talking about AWACS as an abstraction to most people, and now they can actually see what we have been getting at in watching demonstration scenarios that included vectoring NATO fighters against simulated opposing aircraft."

All missions were taped and were being shown last week to NATO officials and officers of the major military commands. Currie also briefed CNAD on AWACS' ability to withstand enemy jamming, status of the test program and evaluated the progress made to date.

He said priority is now being given to defining the NATO requirement in the light of AWACS capabilities, in line with a variety of avionics parameters that will eventually be offered. The proposal aimed at June, 1976, then will be submitted for national decisions.

The major task will be to have enough refined cost data by the end of this year to be able to present alliance members with a firm fixed price at the June, 1976, meeting. Costs will be a function of any NATO and U. S. buys.

[From Defense Space Business Daily, Apr. 25, 1975]

Soviet Military Expansion Cited by Europeans

The chairman of the NATO Military Committee, Adm. Sir Peter Hill-Norton, has warned that the Soviets "are increasing their land, sea and air forces to an extent far exceeding anything that could remotely be justified simply for defense."

His assertion was supported by British Defense Secretary Roy Mason, who warned against ignoring the "existing threat . . . posed by the growing military strength of the Warsaw Pact."

He asserted that the Soviet Union "has achieved rough parity with the United States in strategic weapons," and is spending more on defense. At the same time, he said, the Warsaw Pact "has long had a numerical superiority over NATO in manpower and weapons, together with a high degree of standardization and inter-operatability. And increasing Soviet efforts to modernize and reequip the forces of the Warsaw Pact are steadily eroding the advantages of quality which NATO previously enjoyed."

Mr. GARY W. HART. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. GARY W. HART. At the outset of his remarks, the Senator from Arizona observed that the distinguished Senator from Missouri was the only Member who attended the hearings to vote against AWACS. I should like the RECORD to show that the Senator from Colorado attended those hearings and voted against AWACS in the subcommittee and the full committee.

Mr. GOLDWATER. The Senator from Colorado is in a little different fix. The Senator from Missouri is not on our committee. The Senator from Colorado is on our committee, and he did vote against it, as did others. I think there were two or three other votes. I would expect the Senator to be there. He had an excellent attendance record, and I am not surprised that he voted against it. We are fortunate that the Senator from Missouri does not have a vote on that committee, because that would have made two against it in the committee.

Mr. EAGLETON. Mr. President, I yield such time as he may desire to the Senator from Vermont (Mr. LEAHY).

Mr. LEAHY. I thank the Senator.

Mr. President, in the Committee on Armed Services, I voted against all funds for AWACS. I do not serve on the subcommittee which handled this matter, although I read the material they presented and spent a great deal of time going over the arguments on both sides of the question. Following that, I joined several other Senators on the committee in voting against the whole system.

The distinguished Senator from Missouri (Mr. EAGLETON) has submitted an amendment which would not go as far as my vote went in the full committee. However, it goes somewhat to the point raised by the distinguished Senator from Arizona. It would hold back and suspend all funding for production until an agreement is reached within NATO for the purchase of this system. I believe that makes a great deal of sense.

We are speaking about an airplane which, as the Senator from Missouri has indicated, is the most expensive airplane ever conceived in this or any other country. Speaking from a more parochial point of view, the price of three of these planes is equal to the total of all revenues collected by State and local governments combined in my State, the State of Vermont. Three of these planes would be equal to the amount of money paid by all Vermonters—all taxpayers, all Vermont business people, all property owners in the State—to the State and local governments in 1 year's time.

I must admit that while that might be a parochial view, it does put the matter into a context that we folks from the country can understand.

If we are going to develop this program for NATO, I would like to know how much the NATO countries are going to spend on it. As the Senate knows and as the Armed Services Committee knows, I am a strong supporter of our continuing commitment to NATO. I have taken the position that, this year especially, we should reaffirm that strong commitment to NATO. At the same time, however, maintaining the commitment does not mean that we should be picking up the whole tab ourselves, or even a disproportionally large share of it. In this case, we should have some indication that they are going to pick up some of the cost of this enormously expensive aircraft.

Before we start producing it ourselves, we should know whether NATO has considered the fact that it is a highly vulnerable system. If we are talking about a $118 million plane sitting out there, we have to take into consideration the possibility that it can be shot down by a $50,000 missile or jammed by inexpensive electronics equipment.

It also raises another point in my mind. I agree completely with the Senator from Arizona that this is an extremely sophisticated piece of equipment and that we have developed some things in radar that were not even conceived of before. But I am very concerned that we often find ourselves going into production on an item simply because the item is technologically possible. A great deal of money is spent on research and development, much of it very worthwhile; but just because we show that a particular weapons system is feasible does not mean that we must go ahead and produce it. Many things are technically feasible, but can be produced only at enormous cost.

The Senator from Missouri has not suggested that we cut out research and development money on this. He has suggested that we hold back production or preproduction until we know whether we are going to be able to sell this to NATO, or whether we are going to wind up with a lot of sophisticated, vulnerable, and expensive equipment on our hands at a time when this country has severe economic problems and has many other areas where it can better spend this money.

Mr. President, I think we should have some assurances that, if we are going to go ahead with a $4 billion-plus system intended primarily for NATO command and control, the NATO countries are going to contribute a healthy share of the tab.

As I have stated time and time again on the floor of the Senate and in committee hearings, we must maintain a strong commitment to NATO, but not to the extent of supplying and producing $118 million airplanes to defend countries which may not even be willing to share the cost.

The Senator from Missouri knows that I have great reservations about the system itself. Therefore, I support his amendment which does not cut out the system, but only makes our production decision contingent on a NATO decision to share the expense.

I yield back the remainder of my time to the Senator from Missouri.

Mr. EAGLETON. I thank my distinguished colleague from Vermont. I think he has made several excellent and cogent points. I especially enjoyed and appreciated his frame of reference that three AWACS at $118 million per copy would be the equivalent of all taxes collected and paid in the State of Vermont.

Mr. GARN. Mr. President, will the Senator from Missouri yield for a question?

Mr. EAGLETON. In 1 minute, and then I will be glad to.

We can go a step further. I point out to the distinguished Senator from Vermont that if he analyzes the full buy of AWACS, they want to buy 34, that is roughly $4 billion. The full buy would be enough money to make even New York City solvent. That is the incredibly large amount of money we are talking about here.

The National City Bank cannot make New York City solvent or will not; Secretary Simon cannot make New York City solvent or will not. The President will not make New York City solvent. But if we got rid of AWACS, we would have $4 billion we could give to the tormented mayor of New York. So maybe if we put these things in proper perspective we would do better for ourselves.

I am pleased to yield to the distinguished Senator from Utah for a question.

Mr. GARN. I wanted to ask a question of the Senator from Missouri. He has made constant reference to $118 million per airplane. Maybe my friend from Vermont was not here when I made my statement. Is it not a fact that the plane is a standard 707, which is not the most expensive plane?

Mr. EAGLETON. A 707 with $118 million worth of electronic junk on it.

Mr. GARN. That is the point I want to make. We are carrying very sophisticated computer equipment. If you took a standard airplane and carried a load of dirt, it is not worth very much. But if you are carrying a load of gold, it is very expensive. There should not be the impression left here that we are buying an $118 million airplane. We are carrying on the airplane some very expensive equipment.

Mr. EAGLETON. I am willing to amend my amendment, to modify it, to achieve a common ground. I will support the purchase of 35 707's, but without the equipment that the Senator from Utah wants to put on it. That will make a good compromise. I am willing to pay for 34 707's. They cannot do us much harm, and it would be no sillier than what the Pentagon does anyway. But let us do away with the equipment.

I think the Senator from Washington wants the floor.

Mr. CANNON. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. Yes.

Mr. CANNON. The Senator pointed out that the 34 AWACS the Pentagon said they need would cost $4 billion, and he said this would make New York solvent.

I am wondering if he has figured out, if we were to use the $10 billion that is programed for the F–15 that is made in Missouri, that would make New York solvent, California solvent, and several other States. I wonder if he has considered that. The F–15 is about a $10 billion program, so that is 2½ times what the 34 AWACS aircraft would cost. I might say that the committee has turned down that 34 request and said that the maximum needed, including our share of a NATO program would be a figure of from 21 to 24.

Mr. EAGLETON. And I fully support the committee's judgment on that. I think the 34 was an extravagant figure, and I am very pleased that the distinguished chairman put the meat axe to it.

Mr. CANNON. The Senator would not suggest that we hold up the $10 billion for the F–15 in order to——

Mr. EAGLETON. No. As the chairman pointed out, he being the chairman of the subcommittee, the F–15 is one of the best fighter planes he has ever flown—and I emphasize the word fighter—I know he is an admirer of it.

What I had been trying to do with the distinguished chairman was to educate him on the F–14, which is another Air Force turkey.

Mr. CANNON. No; I am sorry, the Senator seems to be confused about a number of his facts, including the fact that the Air Force does not have the F–14.

Mr. EAGLETON. The Navy has the F–14. It is within the bosom of the Pentagon. Air Force or Navy, it is still there, and it is still a turkey.

I presume the Senator from Nevada will yield time—maybe the Senator from Washington is going to support my amendment.

Mr. CANNON. Yes; I yield 4 minutes to the Senator from Washington.

Mr. EAGLETON. I will give him 8 minutes if he will support my amendment. (Laughter)

Mr. JACKSON. Mr. President, first I want to commend the senior Senator from Nevada, the chairman of the Subcommittee on Tactical Airpower, for the extensive hearings that he has held in connection with AWACS, and on the other matters that came before the subcommittee as well. He has, as usual, gone about it in a highly professional way, and so I rise to support his recommendations.

I wish to discuss some facts and issues that pertain to the fiscal year 1976 request for funding for AWACS, the Airborne Warning and Control System, for the Air Force. At the present time, the Air Force has essentially no capability to aid their fighters and attack bombers in their support functions from an airborne platform. They must rely entirely on ground-based radars to detect aircraft over land areas.

When AWACS enters the active inventory, it will provide a significant breakthrough in radar capability. For the first time ever, a radar system will be airborne that can look down and pick out planes flying at low altitudes, all the way down to ground level. In the past, the older conventional radars would lose the low-flyers in "ground clutter"—the radar returns from hills, valleys, and natural terrain features. Due to an advance in the state of the art in radar technology, the AWACS will be able to look through this clutter that blinds ordinary radars and can spot any moving targets.

The potential of this new technology was recognized as long ago as 1963 when the Air Force issued a Specific Operational Requirement—SOR—for this type of plane, to be used by both the Tactical Air Command and the Air Defense Command. This was followed by a Required Operational Capability—ROC—the more precise definition of the capabilities to be included in the plane—in 1966. This ROC also specified a plane to be used by both TAC and ADC.

Mr. President, I have stated these historical aspects because there is some confusion over whether AWACS was intended for the tactical mission. As the documents indicate, it always has been intended for both uses, control of tactical fighters and bombers, and also warning against enemy strategic bomber raids. The reason is simple. The radar does not know whether it is looking at a bomber or a fighter. All it sees is an airplane flying. The electronics do not distinguish the mission of the plane it sees.

The great advantage that accrues from

an airborne radar is that a much better overall effectiveness is gained from the combat units that are controlled effectively by the AWACS. The ability to locate the enemy precisely has many benefits. It allows for conservation of existing forces. The fighters that would engage these hostile aircraft can be launched only when needed rather than having to maintain airborne loiter orbits while trying to search out the enemy. Another advantage is that the AWACS can pass its information down to ground sites via data links. This permits the theater commander to obtain the same bird's eye view of a tactical war that AWACS provides within the airplane. It also allows surface to air defense missile sites to remain off-the-air—lying in wait for incoming enemy aircraft—using the AWACS radar as if it was their own to tract the hostile aircraft. The SAM site can then turn on only long enough to down the attacker and can then go back to a silent posture.

These are but three examples of how AWACS will increase the effectiveness of our combat forces. But I think they serve to show how this capability will provide a synergism that enhances our combat weapon's capability.

When the Armed Services Committee examined this program this year, we received the total procurement plan as well as the technical status of the research and development. We also considered the status of a possible NATO procurement.

The committee decided that the Air Force program objective should be reduced from 34 planes to a level of 21 to 24 planes. We believe that this force should be sufficient to provide the U.S. share of the NATO force and provide a minimum additional contingency pool of planes for other areas. The cost of this program would be on the order of $3 billion to $3.2 billion—down from the originally projected $4 billion.

The committee encourages the efforts being made by the Defense Department to persuade the NATO nations to buy their share of the AWACS fleet needed in that area.

Mr. President, the AWACS program is going well, despite the counterclaims by its critics. The production is underway on the first six, authorized last year. We are considering the request for the next six of what would be a 3-to-4-year procurement plan. The Armed Services Committee has arrived at what I believe to be a reasonable, rational, and affordable AWACS program, and I fully support this second increment of production in the fiscal year 1976 budget.

Mr. EAGLETON. Mr. President, does the Senator from South Carolina wish the floor? I presume the Senator from Nevada—I will yield to the distinguished Senator from South Carolina. How much time would he like to have?

Mr. THURMOND. I appreciate the Senator's kindness.

Mr. EAGLETON. How much time would the Senator like?

Mr. THURMOND. About 8 minutes.

Mr. EAGLETON. I yield 8 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment. I wish to commend the able Senator from Nevada and also the able Senator from Utah for their fine contribution in this matter.

Mr. President, the proposal to restrict use of AWACS fiscal year 1976 procurement funds until NATO agrees to procure at least 14 AWACS will lead to a costly break in AWACS production for our own forces. Before we take such a serious step, it is time to examine this program's record of accomplishment.

First, it is a classic example of "fly before buy." It was divided into phases, and the transition between phases has been authorized only after demonstration through very thorough testing against preestablished milestones. Over 1,500 flight test hours have been flown in the flight test program already. No other aircraft developed has flown so many test hours prior to a production decision.

The first phase of our development program, called Brassboard, was completed over 4 months ahead of schedule and under cost. Brassboard was capped by a highly successful European demonstration in April 1973.

During this demonstration, AWACS demonstrated for our NATO allies its unique capability to augment existing low level coverage and its ability to tie together, through data links, the fragmented command and control elements in Central Europe. In fact, following the demonstration, NATO got down to business and began to seriously consider this program. During a second European demonstration in April 1974, over 1,000 people either flew on or attended ground demonstration of the system. This interest was no doubt one of the key factors in the recommendation of the Council of Ministers by Conference of National Armaments Directors that a NATO AWACS project office be established and that a contract definition effort commence. This effort is well underway, but a NATO agreement to procure at least 14 AWACS cannot be expected by December 1975 when the Air Force needs to start long lead funding of the fiscal year 1976 AWACS aircraft.

Second, the program has clearly demonstrated that it has no equal in the ability to withstand the effects of jamming. A group of disinterested technical experts spent 4 months examining AWACS vulnerability to jamming. They concocted jamming threats which were quite severe and which were far beyond the capability of any potential aggressor nation. The group also required tests to be conducted against extremely high-powered ground jammers. Taking all of the information from studies and the actual test data the group concluded that AWACS is highly jam resistant.

Third, numerous tests have been conducted which clearly demonstrate the capability of this system to perform in the tactical role as well as many other roles. These tests should have put to rest the claims by some that AWACS is a system without a mission. AWACS has participated in a tac exercise in North Carolina where such diverse tactical missions as air-to-air combat, control of air-to-ground strikes, air drop in simulated battle zones, in flight refueling, search and rescue, and relay of tracks to command centers. It has participated in continental air defense exercices where it demonstrated the ability to intercept high-performance aircraft. It has demonstrated a capability to interface with both Army and Navy command and control systems. It has demonstrated an ability to survive direct threats from diverse simulated hostile aircraft. A test was designed by the radar and ECM panel of experts to measure antenna patterns. Incidentally, these tests showed that GAO calculations with regard to jamming effects were off by a factor of a thousand.

These are just a few tests which demonstrate the versatility of the system. Now by some twist of logic some say this is a system without a mission, when in fact the sytem has clearly demonstrated a capability to perform many missions. But remember, these same people cried last year that the system could be easily jammed. What will the argument be next year?

Mr. President, this program has been one of the most successful programs in the Department of Defense. Production of the first six has already commenced. Now is the time to procure enough of these systems to economically provide a viable force for the United States. This will not be possible if the proposed restriction is made part of our bill. This system has been tested enough and it is time for us to proceed.

Mr. President, in closing I want to say that I have had the opportunity of viewing an AWACS, of going inside it, inspecting it, examining it, and I had a briefing on it. I was very much impressed with everything I was told on that occasion and what I saw. From the research that has been done since then, from the tests that have been made since then, I am convinced that AWACS can do the job.

Mr. President, I hope this amendment will be defeated.

Mr. JACKSON. Mr. President, I ask unanimous consent that Mr. Charles Horner of my committee staff be granted privilege of the floor in connection with the pending procurement bill.

The PRESIDING OFFICER (Mr. LAXALT). Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. STENNIS. Mr. President, may I inquire how much time the opposition to the amendment has?

The PRESIDING OFFICER. The Senator has 22 minutes.

Mr. STENNIS. I thank the Chair.

Mr. EAGLETON. Mr. President, in conformity with the previous unanimous-consent request, I put forward a further unanimous-consent request that 5 minutes of my time be reserved immediately prior to the vote on AWACS, and 5 minutes of the time of the distinguished Senator from Nevada be reserved immediately prior to the vote on AWACS.

Mr. STENNIS. Make that 8 minutes.

Mr. EAGLETON. I will amend that,

make it 8 minutes of my time, 8 minutes of the time of the distinguished Senator from Nevada, immediately prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, to wrap up, as it were, this section of debate on AWACS, I would like to respond to points raised by the opposition—the three main points mentioned by the distinguished Senator from Nevada, and the points raised by the Senator from Utah (Mr. GARN) and the Senator from Arizona (Mr. GOLDWATER).

First as to the question on the production line the Senator from Nevada discussed at some length.

With regard thereto, let me state that, according to an Air Force document labeled WA-75-2, dated March 31, 1975, the last of six planes authorized in fiscal 1975—the ones we have already authorized—will be rolled out of Boeing in April of 1977, which is almost 2 years from now, and will be delivered to the Air Force in October of 1977.

It should be noted that the last enhanced model of the 10 already authorized will not be ready for delivery to the Air Force until March 1980.

I would add, the dates used in the memorandum are really optimistic dates. As I stated earlier in the debate, some enhancement features have not yet been identified.

Finally, referring to the production line, Dr. Currie in his testimony before the Committee on Armed Services stated that NATO was expected to make a decision on AWACS "sometime after November of 1975"—this year.

Senator CANNON has indicated NATO is planning to make a decision in July 1976.

Well, even if they were to delay somewhat beyond this date, the AWACS production line would not be disrupted because, I repeat, the six planes authorized last year are not to be rolled out of the Boeing Co. until April 1977.

Mr. President, this amendment, as it is drafted, is a very strong, indeed a compelling, inducement for NATO to get off the dime. It is an inducement for NATO to make its decision earlier.

If NATO decides to buy AWACS, all well and good. They order it and then AWACS go forward, and we go forward with our AWACS. That is the way the amendment is phrased.

The distinguished Senator from Arizona (Mr. GOLDWATER) quoted the magazine Aviation Week, which said that NATO was about to buy AWACS. I say, in a somewhat sarcastic vein, hallelujah.

If they are confident that NATO is going to buy it, then this amendment of mine does not trouble them one bit. AWACS goes forward with NATO buying 14, or its fair share, and we buy our fair share.

A minor point now that was raised by the distinguished Senator from Nevada (Mr. CANNON). He said there are really only nine AWACS authorized, not 10. He refers to three of the four production models and the six we authorized last year. There is some dispute about that 10th one. It is a sister of AWACS. It is a kissing kin of AWACS, an air frame without the radar. It is part of the family. It has the same family problem.

Finally the Senator from Nevada mentioned the PBD process, and he thought that I had in some way distorted what Deputy Secretary Clements had to say on December 4, 1974.

I ask unanimous consent, Mr. President, that the full PBD memo of Deputy Secretary Clements, dated December 4, be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

PROGRAM BUDGET DECISION

Number 183.
Subject: E-3A (AWACS) Aircraft.
DOD component: Air Force.
Description: **This PBD addresses the Air Force request for R.D.T. & E. and Procurement funds for the AWACS aircraft, including associated initial spares.**

[Dollar amounts in millions]

	Total obligational authority							
	Fiscal year 1975		Fiscal year 1976		Transition		Fiscal year 1977	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amoun
Service estimate:								
R.D.T. & E.		$202.0		$185.1		$53.1		$111.6
APAF	6	407.5	12	606.7	3	158.3	10	451.7
Alternative No. 1:								
R.D.T. & E.		202.0		274.6		56.6		126.4
APAF		51.9					12	720.0
Alternative No. 2:								
R.D.T. & E.		202.0		274.6		56.6		126.4
APAF	6	365.5						
Alternative No. 3:								
R.D.T. & E.		202.0		274.6		56.6		126.4
APAF	4	407.5	6	305.0			12	540.0

Evaluation. The approved AWACS program anticipated incorporation of "enhancements" in FY 1976 and outyear aircraft to provide an effective weapon system in the more intense tactical warfare operations such as Central Europe. Review of the Air Force program plan indicates that (1) the cost of enhancements will be higher than previously estimated, and (2) production incorporation of enhancements cannot be accomplished until the 25th aircraft (out of 31) because of R&D initiatives were made in FY 1974/75. It is therefore necessary to examine alternatives to proceeding under the terms permitted by the existing contract.

Alternative No. 1 defers production until enhancements have completed R&D and can be incorporated into all aircraft (starting in FY 1977). R&D funds for FY 1976/77 are increased by $107.8M to adequately finance development of enhancements but $213.5 for retrofit is deleted. FY 1975 production funds already obligated are applied to the FY 1977 production order.

Alternative No. 2 procures 6 CORE-configured aircraft in FY 1975 and terminates production. The 4 R&D-procured aircraft would be modified to be operationally useful. These 10 aircraft would satisfy the non-NATO AWACS requirement. Resumption of AWACS production would be dependent on U.S./NATO agreements on requirements, configuration and cost sharing.

Alternative No. 3 provides a minimum FY 1975/76 quantity to preserve the industrial base for the program in anticipation of either using these aircraft in the non-NATO scenario or retrofitting them later with enhancements. FY 1977 and outyears would include only aircraft with enhancements.

Outyear Impact. Alternative No. 1 will increase FY 1978 by 12 aircraft and $605.0M and FY 1979 by 7 aircraft and $385.0M Alternative No. 3 will increase FY 1978 by 9 aircraft and $378.0M.

Alternative No. 1. Approve E-3A (AWACS) production, including enhancements, in FY 77 at $720.0M for 12 aircraft. Retain $51.9M in FY 1975 for long leadtime items. Approve RDT&E increases of $89.5M in FY 76; $3.5M in TRANSITION; $14.8M in FY 77.

Alternative No. 2. Approve 6 CORE-configured aircraft at $365.5M in FY 75. Defer further production until U.S./NATO agreements are reached. Approve RDT&E increases of $89.5 in FY 76; $3.5M in TRANSITION; $14.8M in FY 77.

Alternative No. 3. Approve $407.5M in FY 75 and $305.0M in FY 76 for 10 CORE-configuration aircraft. Approve $540.0M in FY 77 for 12 aircraft with enhancements. Approve RDT&E increases of $89.5M in FY 76; $3.5M in TRANSITION; and $14.8M in FY 77.

Decision: The Deputy Secretary approved alternative 2. December 4, 1974.

DETAIL OF EVALUATION

CURRENT AIR FORCE PLAN FOR THE AWACS PRODUCTION PROGRAM

	Fiscal year—							
	1974 and prior	1975	1976	197T	1977	1978	1979	Total
Quantity		6	12	3	10			31
Weapon system	7.6	370.7	536.8	125.5	417.0			1,457.6
Initial spares		36.8	69.9	32.8	34.7	10.3		184.5
Enhancement retrofit				3.0	39.1	121.8	49.6	213.5
Total	7.6	407.5	606.7	161.3	490.8	132.1	49.6	1,855.6
R. & D. (information only)	(668.2)	(202.0)	(185.1)	(56.6)	(126.4)	(49.7)	(10.6)	(1,298.6)

Despite two DepSecDef memorandums which directed that the Air Force actively pursue a more capable configuration than the CORE (or baseline aircraft) and plan production incorporation in FY 1976 and subsequent years of a specified group of "enhancements", the service has continued on a contractual and program path which will lead to production of 24 of the 31 aircraft with a CORE configuration. The service indicates that a significant increase (about $89 million) is required in the FY 1976 R&D funds if the enhancements are to be developed at all, and even then only the last 7 aircraft will be so equipped. Air Force estimates that retrofit costs for enhancement items in the first 24 aircraft will total over $200 million. Through November 1974, $7.6 million in FY 1974 funds and $44.3 million in FY 1975 funds have been obligated on the first group of production aircraft. These long lead funds were required in order to protect the current contract production schedule and are in advance of the production DSARC III scheduled for December 1974. The FY 1975 Senate Armed Services Committee's Report approved this funding approach while stating that "The Committee also insists on a certification from the Secretary of Defense that the AWACS will be cost-effective and will meet mission needs and requirements of the DOD particularly when operating in a NATO tactical environment. This certification is to be provided *before* the AWACS production contract is signed."

The study group which the SASC recommended to examine the AWACS issues is due to report in early December 1974 in time for the DSARC and SecDef certification. Therefore, this PBD does not have the benefit of their recommendations. While the USAF is requesting FY 1976 funding to initiate RDT&E on the "enhancements" that can be incorporated in aircraft deliveries made in FY 1978, it appears inconsistent to plan to proceed under the current contract schedule for production of 24 CORE aircraft in light of two specific requests by DepSecDef to incorporate enhancements, and in light of a Congressional insistence on an AWACS that will be effective in a NATO tactical environment. The entire discussion above is predicated upon a validated requirement for 34 aircraft in the U.S. force structure. If NATO decides to procure a dedicated force for European defense, the 34 aircraft U.S. force structure should be adjusted.

PROGRAM/BUDGET DECISION—RECLAMA

Number 183RC.
DOD component: Air Force.
Subject: E-3A (AWACS) Aircraft.
Description: This PBD addresses the service request for restoration of funds for the E-3A aircraft program.

[Dollar amounts in millions]

	Obligational authority							
	Fiscal year 1975		Fiscal year 1976		Transition		Fiscal year 1977	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Original service estimate	6	$407.5	12	$606.7	3	$158.3	10	$451.7
Tentative approval in PBD	6	365.5						
Service proposal in reclama	6	407.5	12	603.2	3	149.0	10	371.9
Reconsideration alternative	6	407.5	6	490.5		30.0	6	380.1
Change to tentative estimate approved		+42.0	+6	+490.5		+30.0	+6	+380.1

Evaluation: On the basis of the SecDef decision in the major issue review to reinstate an AWACS production program in FY 1976/TRANSITION/FY 1977, the reconsideration alternative makes the necessary adjustments in the APAF appropriation.

Outyear Impact: FY 1978: +6 aircraft at +$534.0 million; FY 1979: +7 aircraft at +$439.4 million.

Reconsideration Alternative: Approve an AWACS procurement program of $407.5 million in FY 1975, $490.5 million in FY 1976, $30.0 million in FY 197T and $380.1 million in FY 1977.

Mr. EAGLETON. I will quote one sentence of this rather long, single-spaced statement or memo. It says this in the middle of the first page:

> Alternative 2 (the approved choice) . . . terminates production. Resumption of AWACS production would be dependent on U.S.-NATO agreements on requirements, configuration and cost sharing.

What that says in very direct and understandable English is that further production of AWACS by the United States, by the Boeing Co. out in Seattle, Wash., the home State of the distinguished junior Senator from Washington (Mr. JACKSON), will not go forward unless NATO agrees to buy AWACS. That is what Clements signed on December 4, 1974, not terribly long ago. All I am doing is taking what Clements signed on that date and making it my amendment. I do not think that is misrepresenting Mr. Clements at all. This is his language. I did not invent it; he did.

With respect to Senator GARN of Utah, who has flown on AWACS, Mr. President, many people have flown on AWACS. The Air Force will take the Boy Scout troop of "Pucky Huttle," Arkansas, on AWACS.

Mr. GARN. Has the Senator from Missouri flown on it?

Mr. EAGLETON. I will get to that point.

It has a slogan, "I am AWACS, Fly me." National Airlines may use it on the New York-Miami run. It is a lovely plane. I have seen pictures of it. They flew my staff man all over the Chesapeake Bay and they gave him a box lunch. He had a nice day.

They have a lot of radars and the radars look down. It is very sophisticated. I do not deny some of the statements of the Senator from Utah, but the only trouble with it, Mr. President, is that it does not work. When it does work, it is easily jammed. That is why it has had so many missions, as pointed out earlier in this debate.

The first mission was strategic defense against oncoming Russian bombers. They did not have any bombers so that one had to go by the board. Number 2 was to have a look-down capability over the Warsaw Pact countries. Unfortunately, $118 million worth of radar and sophisticated computers could be easily jammed by cheap and inexpensive ground-based Warsaw Pact radars. So that mission had to go out the window.

There is nothing to be gained by riding on AWACS and flying around in the clouds, if it can be easily defeated, as it can be. What you see in the radars and what you see the computers do is rather meaningless.

I think the AWACS in some respects, Mr. President, is similar to the ABM. You may remember that very volatile and troublesome debate a few years ago. The ABM was a very sophisticated thing. The mockups looked lovely. The only trouble is the radars on the ABM were extremely vulnerable. They were extremely capable of being knocked out. AWACS is in the same boat. Its radars can be so easily jammed as to make the system worthless. In due course we now are disabusing ourselves of the ABM at a horrendous cost—billions that we wasted in the Dakotas and Montana—and we are traveling down the same road now with respect to AWACS.

The Senator from Utah made a reference to the people who are antimilitary and who would like to sock it to the military.

I quoted at great length from the letter of the Air Force officer who was working on the AWACS program. I dare say he is not antimilitary. He is part of it. But his conscience was such that he had to write to say what a rather atrocious program this is.

Like that officer, I am not antimilitary. But I am very antiwaste.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EAGLETON. Will the Senator from Mississippi yield me 3 minutes on the bill?

Mr. STENNIS. Yes, under the circumstances. I yield the Senator 3 minutes on the bill.

Mr. EAGLETON. I thank the Senator.

The PRESIDING OFFICER. This is on the bill?

Mr. STENNIS. On the bill.

Mr. EAGLETON. Mr. President, it just so happens I have about reached the end of my string at this particular part of the debate. I will have further blasphemous and contentious things to say about AWACS in the time allotted immediately prior to the vote. I thank the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Florida. How much time have I left?

The PRESIDING OFFICER. The Senator has 22 minutes on the amendment including the 8 minutes in reserve.

Mr. STENNIS. I yield the Senator 9 minutes.

Mr. STONE. I thank the Senator.

Mr. President, the Senator from Missouri asserts that the AWACS look-down radar is subject to jamming. He says the only thing wrong with it is that it does not work. It looks down, but it does not work and it is subject to jamming.

Mr. EAGLETON. It works when it is not jammed, but when it is jammed it does not work.

Mr. STONE. The Senator from Missouri says it works when it is not jammed, but it is jammed a lot. When the Senator says that, he is paraphrasing the early report of the GAO. The General Accounting Office made that assertion. The only problem with echoing the GAO is that after the GAO raised the question, the question was answered, the question was resolved. The analysis was made by a board which was called the ECM Panel, made up of top civilian technical experts, none of whom was connected with the Air Force or the AWACS program. These experts found that the GAO had made errors by a factor of 100 to 1,000 in their calculations on the effects of jamming on the AWACS radar; that the radar was highly resistant to jamming; that it could counter the current jamming threat, and that future improvements in enemy jamming technology could be offset by relatively minor changes to the AWACS radar system. The Secretary issued his required certification in February of 1975.

The Tactical Air Power Subcommittee reviewed this certification in March with a hearing that included Dr. Malcolm Currie plus the chairman of the ECM panel, the Commander of the Tactical Air Command and GAO witnesses. At the hearing, the GAO agreed to accept the technical conclusions of the ECM panel, although major differences in opinion remained regarding the operational aspects of the AWACS flying in a high intensity NATO war environment.

May I say that the answer to technical objections is not to desist in research. The answer to technical objections is to continue technical research. The only alternative to a good look-down radar in a high-flying AWACS is a bad look-up radar in an ostrich. The only thing we need to worry about in the NATO situation and in many other situations is that we will be slipped up on from the blind side. The ability to learn early what movements, what maneuvers, what mobilizations are taking place is a critical bit of knowledge.

Mr. EAGLETON. Will the Senator yield for a brief question?

Mr. STONE. Yes.

Mr. EAGLETON. Is the Senator aware that my amendment does not cancel AWACS or does not stop the program? It merely says that since this is being justified for a NATO mission, if NATO wants to participate in buying the system, fine, let them buy them and we will buy them, too. But we are not going to buy the whole ball park.

Mr. STONE. NATO cannot buy the AWACS if the AWACS program is so cut down that production and, therefore, the savings of continued production are not made available.

Mr. EAGLETON. This amendment does not cut down production. It says production continues if NATO wants to buy some.

Mr. STONE. That is a big "if". But the fact is that the mission requirement is asked for at the 30-some odd units, and what the committee is recommending is the 20-some odd units over a period of time. That the program for AWACS, as it is recommended by the committee, is recommended for U.S. defense missions.

For example, living in a State 90 miles away from a previously aggressive, if not currently aggressive, Castro Communist regime, living and growing up in an area which has had not one but several landings on our airfields without ever being detected by radar—in fact, at one point the President's plane landed without being detected by radar—the Senator from Florida is of the opinion that it is better to know.

With this type of vigilance equipment, we would know. We have not only the problem of NATO, I say, but the problem of the Cuban situation, which at least once in the past has been a haven for offensive missiles, and which still houses capabilities of forward base operations. That is one situation.

Let me also point out that had the AWACS capability been available, assuming we wanted to make it available in the Middle East situation, or assuming we might want to make it available in the Middle East situation, the beginnings of mobilization could be detected, and that would stop the type of hair-trigger action that has taken place when mobilization creeps up on these border towns and has the opportunity to strike first.

In short, without using up the remainder of the time allotted, I think it is far better for the U.S. Defense Establishment to have the capability of fully monitoring what is going on than to be lulled into a false sense of security without that type of equipment.

I think it would be a disaster to cut down on the ability to find out what the other side might be doing, and I urge the Senate to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the situation, as I understand it now, is that the opposition to the amendment has 13 minutes remaining. Taking 8 of that away leaves 5. Mr. President, I yield myself 2 minutes, and if there is no other request except for the 8 minutes, we can yield the remainder back.

For the information of the Senate, this will conclude the debate, for the time being, on AWACS, and we will have two rollcall votes on other amendments, one by the Senator from Ohio (Mr. Taft) on ship development, the other by the Senator from Kansas (Mr. DOLE) on increasing the Naval Reserve. Then we will have 8 minutes on each side on AWACS by way of summary, and then we will vote on that.

After that vote, we will go into the Gravel site defense amendment, for which there has been allotted an hour and a half, to be equally divided.

Mr. President, the AWACS matter has been pending a long time. AWACS started out as a proposal in connection with bomber defense, as a bomber defense weapon.

The bomber defense matter did not develop. I have never urged it on that basis. So far as my support of it is concerned, it is based solely on the value about which we have already heard from these men who have had actual experience flying in the aircraft, not once but many times, and the men are highly qualified pilots in their own right. They claim it is a defensive weapon altogether, that it is an amazing development, that over 500 targets at one time can be carried on its radar, reaching over almost the entire area, as I understand it, of Western Europe, and maybe over the eastern part of Europe and beyond.

All these years we have maintained some very expensive systems. It cost a great deal to maintain them. By comparison this AWACS is certainly not high priced at all, considering the lines that we had in former years serving in part the same purpose.

The expensive part of this AWACS, each one costing around $118 million is not the plane. The cost of the plane is more or less incidental. The cost is in this expensive but highly valuable radar instrumentation.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Again, this is an instance where the money is run up because of this modern radar technology and all that goes with it. We are confident that we have the finest in the world. And there is no way to have that without it costing some money. I am glad that we can get along on the amount that these things do cost. Everyone wants to make a contribution to economy, all Senators do, but if we wait for that we may be too late. I do not favor waiting any longer.

I am glad to yield, except for the 8 minutes to each side, unless someone else wishes to speak.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield the Senator 1 minute.

AWACS AND THE NATO

Mr. MAGNUSON. Mr. President, I suppose the basic question is, "Does NATO really need the AWAC systems and how do we go about judging this need."

Well, first of all, we have to consider what NATO thinks about the system itself. By considering, and I mean actively considering the problems of NATO defense, NATO has been holding a continual series of meetings on the subject of defense improvements since early 1972.

When NATO built the NATO air defense ground environment known as NADGE, in the late 1960's, they were aware of some of the deficiencies of such a system, but at that time the technology was not there to make up for those deficiencies. It was not until the system known as AWACS became available that the NATO nations felt that maybe they had a solution to their dilemma. So in 1972, they began a series of meetings which concluded that their air defense system was deficient with respect to the detection and tracking of low level targets in the NATO environment.

Now, gentlemen, NATO is a very independent body. Yes, the United States does belong to NATO and our opinions are listened to. However, there are 14 other nations and they do not always react to our wishes. They have the same money, employment, and inflation problems as we have, and therefore they are not inclined to spend their time and substance needlessly. They have simultaneously considered other systems besides AWACS. Indeed, there were possibilities of another type of system made by the United States, an English system, and a French system, but for various reasons, either that the capabilities of these other systems did not match the NATO mission, or that the system existed only on paper, they finally decided to concentrate on our U.S. AWACS.

The selection of the U.S. AWACS, was followed closely by the opening of a NATO Systems Program Office in Belgium during May of this year. This office is to pursue the investigation of AWACS as a NATO system and will spend over $3 million of their own money to further determine what should be the characteristics of a NATO AWACS and a price that should be paid for such a system.

In the area of technical qualications of AWACS for NATO usage, many military people from most of the NATO nations have participated in and have used the technical facilities of the SHAPE Technical Centre in The Netherlands to thoroughly investigate the technical characteristics of the system as it applies to the European environment. The technical and military people of NATO have worried, like a dog worries a bone, the problems of AWACS susceptibility to jamming, AWACS vulnerablity, et cetera. But I think it is fair to conclude that they now are convinced of its ability in these fields and, so far, they have been more than satisfied. True, they have not ordered the AWACS as yet and will not until their studies are completed. These studies are concentrating on two of their biggest concerns: First, what exact configuration is best suited for their purpose; and second, what is going to be the price?

They can see the advantages of a highly mobile all-seeing system, such as AWACS, which is not bound to a permanent location and can react quickly to any threat and many forces within NATO still remember the fallacy of the "Maginot line" whose multibillion-dollar approach to ground defense was circumvented by highly mobile Panzer Divisions during the early days of World War II.

The advantages of the AWACS to NATO have, by NATO's own admission, been proven. The results of a NATO fleet of AWACS as they affect the defense of Europe I'm afraid will have to have to be left to the historians.

Discussions about the use of the AWACS in NATO usually concludes with "we know we need the AWACS in NATO but how many do we need?"

I am not really prepared to answer that question. NATO is continuing to study the size of the force required and there is in this system, as in many others, a "critical mass." That is to say, NATO will require so many systems for so many countries of the NATO Family. As you know, certain changes in thinking in Greece and Turkey can affect this "critical mass" or number of systems required. NATO does, however—all things being equal—need enough of these AWACS to cover the whole of Europe from the Turkish border to the north of Norway.

Their present ground environment now has some 17 high-powered ground based radars and many small radars doing this job. Although AWACS, because of its surveillance range and mobility, can watch over more territory than the conventional radar, more than just a few will be needed. Several areas of patrol are required. While there is one AWACS airborne others will be required on ground alert. Preliminary indications are that 20 to 36 AWACS will be required.

There is another point, gentlemen. We have an obligation to NATO. The stronger NATO is, the less we will have to draw upon ourselves to meet our own obligation. If NATO procures AWACS, that is literally almost as good as if somebody gave us the same amount of AWACS free.

Let me approach this business of NATO buying AWACS another way. Up to a certain size of the NATO AWACS fleet—which as I have stated before, has not been determined as yet—every AWACS procured by NATO means one less than we are required to buy to protect our European flank.

A substantial buy NATO then leaves us in the position of providing our own Air Force with only the number of AWACS required to perform other defensive or strategic missions.

I have looked at the problems faced by NATO and by ourselves in this business of warning and control and find that the problems faced by the NATO countries relative to the defensive posturing of their resources is far more complicated than our own.

My belief that NATO requires the AWACS has been more than justified by the recent actions of NATO relative to this system. Therefore, I urge the Senate to reject the pending agreement.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. How much time does the Senator require?

Mr. GOLDWATER. Three minutes.

Mr. STENNIS. I yield the Senator 3 minutes, if we have that much time.

The PRESIDING OFFICER. If the Senator is going to reserve the 8 minutes, it will have to come off the time on the bill.

Mr. STENNIS. Very well. I yield the Senator 3 minutes on the bill.

Mr. GOLDWATER. Mr. President, I am opposed to the pending amendment that would suspend production of AWACS until NATO agrees to buy the system. Personally, I hope we can work out some arrangement when NATO can buy AWACS but, I consider the Air Force requirement for AWACS completely independent of any NATO decision. For that reason, the procurement of AWACS should continue but, in any case, we must not create a situation that could cause an unnecessary break in production.

I point out again that there is no relevancy between the Air Force required operational capability for AWACS and any buy of AWACS by the NATO alliance. Our committee report points out that a total of 21 to 24 AWACS aircraft should provide the Air Force with an acceptable quantity of planes to operate with U.S. forces in their potential areas of direct conflict. Whereas the Air Force stated objective is 34, the committee feels a lesser number of aircraft can meet the requirement. The final procurement objective is still open to negotiation and, in any case, does not need to be decided for some time yet. However, we do need to get on with the procurement of the second block of six aircraft.

My distinguished colleague from Missouri has been opposed to AWACS for some time now. Because of his concern the Tactical Air Power Subcommittee held a special hearing this year to examine the charges against AWACS by GAO that it was easily jammed, was too vulnerable, and that its radar could be saturated. We had the Air Force, GAO, and Dr. Smith, who headed a special ECM panel, appointed to make an independent assessment of AWACS, testify. Senator EAGLETON also attended this hearing.

The end result was the committee accepted the certification of the Secretary of Defense that AWACS could perform its mission and released its hold on the fiscal year 1975 production funds.

Let me add here that no system in this technological age can be certified as 100-percent perfect. These are value judgments we received from a number of independent experts. To be very frank, they could be overstating their case but I do not think so. Nevertheless, I invite each Senator who may oppose AWACS for technical reasons to examine the hearing testimony and then make up his own mind. I would add one final point here and that is GAO agreed to accept the technical conclusions of the ECM panel which has to be a favorable recommendation for AWACS.

In spite of all the testing and evaluation that has been conducted, and in spite of the wide range of favorable recommendations for AWACS, there is still opposition. Since an objection on technical grounds can no longer be legitimately raised, some other reason must be found. That, to me, is the real essence of this amendment.

Of course, one might ask, in a related way, whether production of the F–16 should be delayed until NATO agrees to buy 300 of these aircraft. Here again, if NATO does buy the F–16 it will lower the program unit price for the Air Force, and I would applaud that. However, if NATO does not buy the F–16, that does not affect the requirement the Air Force has for that fighter. I contend the same logic applies to AWACS and NATO. The Air Force requirement is independent of a NATO buy.

Consequently, I urge that once again we defeat the pending amendment.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I am happy to yield.

Mr. TOWER. Does it occur to the Senator from Arizona that if we adopt the amendment of the Senator from Missouri we might cause NATO to lose interest by virtue of our action in adopting the amendment of the Senator from Missouri?

In other words, we could act in a negative way on AWACS to the extent that our NATO allies would lose interest in it.

Mr. GOLDWATER. The Senator is absolutely correct.

NATO has now narrowed the field to two aircraft and, according to my information from my friends in NATO, AWACS is way out in front of any other aircraft. But as the Senator suggests——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. STENNIS. Mr. President, I yield an additional minute.

Mr. GOLDWATER. If we take the approach of the Senator from Missouri (Mr. EAGLETON), then every weapon that we make will be subjected to the approval of NATO. NATO, to me, is secondary. We need controlled ships. I do not care whether NATO wants it or not.

Mr. TOWER. I thank the Senator.

Mr. DOLE. Mr. President, there has been a great deal of controversy, largely borne of misinformation, concerning the AWACS, the program to provide an airborne warning and control system for the Air Force. I want to address myself to two major and significant inaccuracies about AWACS in these remarks.

First, is the so-called mission issue. The distinguished Senator from Missouri has stated that AWACS originally was "intended for continental U.S. air defense against a Russian bomber threat that never materialized, it then was shifted by the Air Force to an offensive tactical mission in Europe." This same charge has been made before. But the record of the hearings of the TAC Air Subcommittee last year—page 4236—shows that the original AWACS operational requirement, dating back to 1963, called for a plane for use by the Tactical Air Command for the mission of tactical aircraft control and also by the Air Defense Command for defense against enemy bombers. It should be obvious even to the layman that once you develop an airborne radar that can pick out a low-flying airplane, from the ground clutter that hides the plane from conventional radars, then it does not matter one bit to that radar whether the plane it is tracking is a tactical fighter or a strategic bomber. The Air Force recognized in 1963, and continues to do so today, that the AWACS is a flexible system, and it can perform in either role as national circumstances dictate at the moment.

In looking back over old files on the AWACS system, I came across an article from Missiles and Rockets magazine, written by Michael Getler, who now is with the Washington Post, and entitled "Air Force Optimistic About AWACS." This article is dated January 10, 1966.

Quoting from the article, in describing the AWACS system's concept, it said:

> Its primary mission will be to provide a rapid air battle management capability in support of both Tactical Air Command (TAC) and Air Defense Command (ADC) operations. The system in effect will provide early warning, command, and control functions for TAC and ADC.

So the dual mission was stated in 1963 in the Air Force operational requirement, it was publicized as such in January 1966, in that article, and it has not changed since, contrary to the impression held by the Senator from Missouri.

Mr. President, I ask unanimous consent that the full text of the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. DOLE. Mr. President, now a second major misconception about AWACS relates to the budget decision paper signed by Deputy Secretary Clements on December 4, 1974, which deleted AWACS production in fiscal year 1976—the budget which we are considering this week—and which contains funds to buy six AWACS airplanes. The misconception has nothing to do with the fact that Secretary Clements signed the document, because he did so, but with the context within which this action is placed.

Mr. President, the question of whether we should proceed with the production of AWACS should surely be decided on the merits of the case. We should not get too entrenched with the bureaucracy of the Pentagon when arriving at this decision. But inasmuch as the Senator from Missouri has raised some issues centered around the decisionmaking process in the Pentagon, I feel that some facts should be brought out for the sake of perspective.

It is true that on December 4, 1974, the Deputy Secretary of Defense approved "alternative 2"—an alternative that had been described in a program budget decision—PBD—on the AWACS program. Again, as has been stated, alternative 2 deleted the procurement of AWACS in fiscal year 1976. The program budget decision simply raised the issue; but raising the issue did not make it a "DOD decision." As a result of the issue being raised in the PBD, a directive was sent to the Secretary of the Air Force that said in part:

> The Secretary of Defense has approved an alternative in the program budget (PBD) which acknowledges a possible break in AWACS production.

Further, this directive to the Secretary of the Air Force said that the matter of AWACS production would be addressed and a decision made in the latter part of December.

While there may be some confusion about the decision process in the Pentagon, it is quite clear that the DSARC is the forum for making major decisions on such matters as productions of AWACS. The DSARC was held 2 weeks later in December after the report of the independent panel of ECM experts was received. Dr. Currie, the Director of Defense Research and Engineering, provided a statement to the Tactical Air Power Subcommittee of the Senate Armed Services Committee on AWACS in March of this year. He stated that the result of the DSARC was a decision that—

> The "CORE" AWACS was judged to be adequate for the present time-frame, but, as in any weapons system program, we deliberately examined possible changes in the configuration to stay ahead of the enemy.

He also stated that:

> After reviewing a recent study which analyzed the immediate benefits which could be derived in Europe when different configurations of the AWACS were introduced, we became equally convinced that the block I "CORE" AWACS would provide a significant improvement to the existing air defense net in NATO Europe. We also concluded that an investment in AWACS will provide a much greater impact on the outcome of a European conflict than an equal investment in other capabilities.

Further, Secretary Schlesinger certified in letter of February 14, 1975, that the "CORE" AWACS would meet the mission needs and requirements of the Department of Defense.

In summary, the program budget decision on AWACS raised the issue as to the production of AWACS in fiscal year 1976. This matter was addressed in the Defense Systems Acquistion Review Council on AWACS in the latter part of December. The decision was made to proceed with production. This was reflected in the statement by Dr. Currie and in the certification by Dr. Schlesinger. For my colleague to focus on the tentative program budget decision rather than the final recommendation greatly obscures what actually transpired.

Again, I feel that this matter should be decided on the merits of the case. Apparently, the NATO countries share this feeling as evidenced by their enthusiastic reception of the plane when it was over there this spring. We should not let this be obscured by a partial and misleading account of the inner workings of the Pentagon. There is no question but that AWACS production should continue on schedule this year. I fully support the committee position that the AWACS budget request be approved and the amendment should be defeated.

Exhibit I

Air Force Optimistic About AWACS

(By Michael Getler)

Improvements in airborne radar technology, particularly the ability to detect and track airborne targets over land, have brought about new optimism within the Air Force for successful development and operation of the Airborne Warning and Control Systems (AWACS).

Air Force project officers told Missiles and Rockets that on the basis of continuing technology studies and surveys, "we now feel we have sufficient technology in hand to meet our needs." They expect to be able to write detailed specifications for the AWACS radar, which has been the pacing item, and move the entire system into the contract definition phase (CDP) in the "later part of FY 1967."

The project to develop an airborne platform from which high-performance targets could be detected at long ranges and in the presence of severe ground clutter got started in FY '65, but was reoriented in FY '66 by the Secretary of Defense. At that point, studies indicated "that the attainment of the hoped-for performance is very unlikely."

In FY '66 the AWACS project was reduced to a $3-million effort. However, because of the basic importance of the problems of overland radar detection, that portion of the project was given an additional $8 million to proceed separately as an advanced technology program.

Air Force spokesmen stress that the program still remains a two-pronged effort, one being development of AWACS as an operating system and the other a long-term radar technology project expected to continue for more than 10 years, independent of the future of AWACS.

System's concept—As presently conceived, the AWACS equipment will be carried aboard one of the three aircraft types now under study. Its primary mission will be to provide a rapid air-battle management capability in support of both Tactical Air Command (TAC) and Air Defense Command (ADC) operations. The system, in effect, will provide early warning, command, and control functions for TAC or ADC, primarily in remote areas where there are little or no existing ground environment facilities. The system would allow airborne control of both TAC and ADC aircraft and ADC missile defense forces.

AWACS is designed to function against "the primary threat" confronting both commands, but the Air Force will not comment upon AWACSs capability vis-a-vis missile detection.

The system is not now intended to operate in support of the Strategic Air Command nor to serve in any primary reconnaissance role.

Last June, three major airframe manufacturers—Boeing, Douglas, and Lockheed—each received Air Force contracts to make "non-competitive" surveys of the technology available for use in AWACS and the adaptation of that equipment into aircraft produced by each manufacturer. The three aircraft under study include the Boeing 707/320B, the Douglas DC–8F, and the Lockheed/Air Force C–141. Results of these surveys are scheduled to be presented to the Air Force Jan. 15.

From this exercise, the Air Force hopes to gather detailed data on equipment and configuration options available, cost estimates and reliability data.

Between this date and late in FY '67, the Air Force hopes to have resolved engineering and equipment integration problems posed by aircraft installation, and to be in a position to write specifications on the radar before commencement of CDP.

Existing equipment stressed—Design of AWACS is proceeding based on use of already available equipment and technology, even in the electronics area. There is no intent to go into further advanced or exploratory development. Air Force sources say radar technology now being considered represents an improvement over both the Air Force APS–95 and Navy APS–96 systems, which have been developed and operated in the past three years.

The aircraft motion-compensation techniques and the signal processing, which is the key to clutter rejection, are both said to be outgrowths of these two earlier radars combined with inputs from other agencies (M/R, May 10, p. 35). Officers say that both rotatable and fixed-array antenna systems will be considered.

AWACS will also carry a general-purpose digital computer, of which the Air Force says several are available to meet the requirements. Analog-to-digital conversion equipment will be used for sensor-derived data.

The AWACS development effort is proceeding under the designation "49AM" and will retain this throughout the development effort. Aeronautical Systems Div. will be the "lead" division in the effort, supported by Electronic Systems Div.

Navy support lacking—While the Air Force now feels it is "in a better position this year" to support development of AWACS, the Navy, which has been wrestling with the problems of high-clutter-environment detection for an even longer period, is still not sure that the technology has advanced far enough to commit to production new versions of early warning aircraft.

Navy suspicion of the radar state of the art has been the primary factor in the past in putting off a decision to build a so-called overland version of the E2A carrier-based warning and control aircraft (M/R, March 29, p. 111).

Navy sources told M/R that in their opinion there still had been "no solid demonstration of this capability."

However, Navy project officers also report that they are encouraged by progress made to date in the APS–111 program, a unilateral, Navy follow-on effort to the APS–96. This radar operates at the same frequencies as the earlier system and uses the same type of mechanically rotatable antenna array, but has improved signal processing capabilities.

The APS–111 project involves Grumman, as B2A prime, General Electric for the electronics, and Dalmo Victor Co. for the antenna. Navy officers say a major assessment of the APS–111 project will be made this May to determine its capabilities and its readiness for engineering development.

Although the APS–111 program reportedly looks encouraging thus far, Navy officers stress that while both the Air Force and Navy have an interest in clutter-rejection techniques, the Air Force problem is more closely identified with direct, overland observation. The APS–111 is said to encompass goals for "better overwater and near-land operation," with "some overland capability."

Mr. STENNIS. Mr. President, all time, except the 8 minutes that were reserved for each side, as I understand it, is now yielded back on the AWACS amendment.

Mr. President, I yield myself 1 minute, and I call to the attention of the leadership that we now have two amendments here that have been debated, one by the Senator from Ohio (Mr. Taft), and the other by the Senator from Kansas (Mr. Dole).

I will yield 1 minute to each side to make a little summary statement on each of those before we actually start voting. Then we will have also completed the debate on AWACS, except for 8 minutes on each side which was reserved for summary of the facts, arguments, and the points pro and con, as to AWACS.

I have tried to notify the Senator from Ohio (Mr. Taft) to be here for 1 minute sum up if he wishes.

Mr. President, I suggest the absence of a quorum for the time being, with the hope it will not be expected to go all the way. We will get the Senator from Ohio here.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the quorum call be charged equally to each side.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the second amendment which will be a backup vote there be a time limitation of 10 minutes on the rollcall.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At this point, the Senate received a message from the House of Representatives on H.R. 6219, an act to amend the Voting Rights Act of 1965. The proceedings in connection therewith are printed earlier in today's Record under Messages From the House.)

Mr. STENNIS. Mr. President, as I understand, that brings us back now to amendment No. 503 by the Senator from Ohio (Mr. Taft). Debate has been had on both sides, with 1 minute reserved by each side and waived, and the time yielded back. The yeas and nays have already been ordered.

I believe that a rollcall is in order as soon as the Chair obtains order in the Senate.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. How much time remains before the first vote is going to be taken? I understood a moment ago that it was a minute.

Mr. STENNIS. A point of order, Mr. President. The time has arrived for the vote on amendment No. 503, offered by the distinguished Senator from Ohio (Mr.

Taft). The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 503, offered by the distinguished Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Kentucky (Mr. Huddleston), the Senator from Wyoming (Mr. McGee), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman), would vote "nay."

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—31

Allen
Bartlett
Beall
Brock
Buckley
Curtis
Dole
Domenici
Fannin
Fong
Goldwater
Griffin
Hruska
Humphrey
Javits
Magnuson
Mathias
McClure
Pastore
Pell
Scott, Hugh
Scott, William L.
Stevens
Stevenson
Stone
Taft
Thurmond
Tower
Weicker
Williams
Young

NAYS—64

Abourezk
Baker
Bayh
Bellmon
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Garn
Glenn
Gravel
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Inouye
Jackson
Johnston
Kennedy
Laxalt
Leahy
Long
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stafford
Stennis
Symington
Talmadge
Tunney

NOT VOTING—4

Bentsen
Huddleston
McGee
Sparkman

So Mr. Taft's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was rejected.

Mr. MOSS. I move to lay it on the table.

The motion to table was agreed to.

AMENDMENT NO. 502

Mr. STENNIS. Mr. President, there is another amendment by the Senator from Ohio, No. 502. Debate has been concluded, unless each side wants to yield 1 minute to bring it to the attention of the body. As I understand, we can vote on it with a voice vote.

Mr. TAFT. That is my understanding unless somebody wishes a rollcall vote. I do not see any point in discussing it further. We thoroughly discussed it this morning, I felt.

Mr. STENNIS. It was passed on by the committee but not approved by a majority of the committee.

Does the Senator want a voice vote?

Mr. TAFT. Yes.

Mr. STENNIS. Mr. President, the measure is ready for a vote and there are no yeas and nays requested.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 502 of the Senator from Ohio. [Putting the question.]

Amendment No. 502 was rejected.

Mr. STENNIS. Mr. President, continuing with the bill, we have next for disposition amendment No. 507 by the Senator from Kansas (Mr. Dole). The amendment calls for an increase in the Naval Reserve. That has been debated here by Mr. Dole and those who support him, and it is opposed by the committee.

The Senator from Kansas may want recognition.

Mr. DOLE. Mr. President, the yeas and nays have been ordered, and I ask unanimous consent that the order for the yeas and nays be withdrawn, be vacated.

The PRESIDING OFFICER. Is there any objection to the vacating of the yeas and nays? The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, all time has been yielded back, and I think if we could have 30 seconds apiece, all the Senator from Kansas seeks to do is to raise the Reserve figure to the House figure of 112,000 from 92,000. That is simply all it is. The committee is opposed to that, and they have made very lengthy but—I do not believe—convincing arguments about the 112,000. [Laughter.] All of you who have Naval Reserves in your State will be interested in this amendment.

Mr. STENNIS. All right. I yield to the Senator from Georgia.

Mr. NUNN. Very briefly, the committee accepted the recommendation of the Department of Defense to cut the Naval Reserve to 92,000.

The committee has held hearings. We had both proponents and opponents, and both of them, under cross examination, admit that there is no mission at this point in history for the people who have been cut out. So what the Senator from Kansas' proposal would do would be to add back 20,000 people that the Department of Defense testified they do not need and, at this point, do not want.

The Senator from Georgia believes we should strengthen the Naval Reserve in every possible way. But I do not think the way to do it is to put people in the military bill that the Department of Defense and the Navy say they do not have a mission for at this point.

Several Senators. Vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 507 of the Senator from Kansas. (Putting the question.)

Amendment No. 507 was rejected.

Mr. STENNIS. Mr. President, did the Chair rule which way the vote went?

The PRESIDING OFFICER. The Chair's ruling is that the noes have it and the amendment is rejected.

Mr. STENNIS. Mr. President, the next item now, and the debate has been completed on this item, except for 8 minutes for each side, is an amendment concerning AWACS offered by the Senator from Missouri who has 8 minutes, and the committee has 8 minutes.

Mr. EAGLETON. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. May we have order in the Chamber so the Senator from Missouri may be heard.

Mr. EAGLETON. Mr. President, this will conclude the debate on AWACS, the air warning and control system.

Mr. President, I have been following the evolution of AWACS for 3 years now dating back to 1972, and in each year AWACS has had a different mission. It has had as many as three missions, Mr. President, that it was designed to fulfill. No. 1, back a few years ago, in 1972.

Mr. NELSON. Mr. President, will the Senator use his microphone.

Mr. EAGLETON. My microphone is broken, I am sorry.

Mr. NELSON. Then use the next one.

Mr. METCALF. Use Senator Muskie's.

Mr. EAGLETON. No, I do not wish to disturb him. [Laughter.]

Back in 1972 or 1973 the mission of AWACS was a strategic one to guard against onrushing Russian bombers that were supposed to be a threat to attack the United States. The Secretary of Defense, Mr. Schlesinger, very commendably found this mission to be illusory at best, and it was canceled.

So they then had to find a new mission for AWACS. Bear in mind that with the military, you never cancel a program. The mission changes. You keep the program going, but you find a new mission for it.

So its second mission was a tactical mission to look down over Warsaw Pact terrain and to command and control an air battle with Warsaw Pact aircraft. They tried that one out for a while and, unfortunately, it did not work because ground-based jammers in the Warsaw Pact countries would very easily blind out the eyes of the radar.

So very recently they shifted to the third mission. Now the plane will fly over friendly NATO countries and provide air defense.

There are a whole series of recent tests, Mr. President, on AWACS. The question of testing has been alluded to, and I have some quotes from a recent series of tests that have been done by the Navy in "free-play exercises" against the Navy's EA-6B. These tests were made on May 22 of this year. We cannot have it more recently than that.

I ask unanimous consent that these quotes from the executive summary of these tests conducted by the Navy, using the Navy's EA-6B, be printed in the Record at this point.

There being no objection, the tests were ordered to be printed in the Record, as follows:

RECENT TESTS

In a limited free play environment each of the EA-6B aircraft were able to electronically identify the SID AWACS at ranges of 200 nautical miles or more and subsequently closed to within 3 to 8 miles of SID AWACS.

> The EA-6B's were effective in screening the aggressor aircraft and denying the AWACS/F-15 radar information on the composition of the raids.
>
> Observations. (This is from a briefing chart accompanying the Executive Summary):
>
> The EA-6B's provided effective screening of aircraft flying in their close proximity.
>
> The EA-6B's were able to detect AWACS at a range of at least 200 miles.
>
> The EA-6B's using their direction-finding capabilities, were able to close to the AWACS location.

Mr. EAGLETON. What these quotes mean, Mr. President, is that the EA-6B detected AWACS 200 miles out, was never tracked by AWACS and got to within AWACS "dead range" while never being detected. The F-106's being escorted were completely screened and would have shot AWACS down even though AWACS had F-15 protection.

Mr. President, of very recent origin I find this item most intriguing: the Hughes Aircraft Co. of Arlington, Va., has sent a letter apparently to every Member of the Senate, dated June 5, 1975. Hughes Aircraft is a company owned by Howard Hughes, and it addresses each Senator and says how terrible it would be if AWACS were discontinued, that this modest program of $490.5 million, just this year's bill, ought to go forward; that it is a wonderful aircraft.

I can think of no corporation from whom I would rather have a ringing endorsement as to the quality of an aircraft than the Hughes Aircraft Corp., because these are the people who designed the "Spruce Goose." That was back in the 1940's, in 1947, at a cost of $24 million. That was a lot of money. Those were good dollars back then.

The Hughes Aircraft Co. created the "Spruce Goose." It was made out of balsa wood or something. They flew it once and then put it in a garage where it has remained for 27 or 28 years. I think it is now being dismembered, and a hunk of it is going to the Smithsonian, a part of it is going to the St. Louis Botanical Garden, and it is being dismembered and being sent out around the country. So the Hughes Corp. that gave mankind the "Spruce Goose" now wants to give mankind the AWACS, and I think their judgment is equally faulty.

I want to make this clear, Mr. President, and then I am going to wrap this up: The amendment we have offered does not cancel AWACS. We could have gone that route. We gave consideration to it, but we thought that there was a better way of determining the efficacy of AWACS; that is, we would say that since this plane is designed now for a NATO mission, if our NATO partners were willing to buy AWACS we would, too. This is the decision made by Secretary Clements and reversed.

Our amendment says if NATO decides that all systems are "go" with respect to AWACS, we will go along with it and we will buy some also.

The Senator from Arizona (Mr. GOLDWATER) in an earlier debate says it is his information that NATO is going to buy AWACS. All well and good. If they want to buy it, we will suffer along with it. But I will make a little wager with my good friend from Arizona: that they will never buy AWACS. And why won't they, Mr. President? It costs $118 million per plane; $118 million today, I guess, is about the equivalent of $24 million for the "Spruce Goose" back in 1947. A buy of 34 planes is the total buy that is anticipated, and that is close to $4 billion for 34 aircraft.

It is incredible, Mr. President. This plane serves no useful military purpose. Its two previous missions have been canceled. It now is on its last legs trying to adapt to its final mission, and I think the best that can be said about it is that we give this a decent burial, and that we have our NATO partners as honorary pallbearers when we carry AWACS off to the grave. I hope my colleagues will support this amendment and save the taxpayers $4 billion.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Utah (Mr. GARN).

Mr. GARN. Mr. President, I rise in opposition to this amendment. I took the opportunity because of the debate on AWACS, hearing both sides of the argument, and wanting to find out for myself, therefore, I went on an AWACS ride.

Mr. STENNIS. May we have quiet, Mr. President, this is a highly important matter.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GARN. I have seen an actual mission take place.

For those Senators who do not know, I have been a military pilot for 18 years and that has given me the opportunity to work with a great deal of radar for a long, long time and I have never seen radar with this kind of capability.

I was absolutely amazed and staggered by what they were able to do with this radar system and the computer system that goes with it in the identification of aircraft.

I watched an actual mission of an attack on the east coast of the United States. I saw the clutter put into it, I saw how it was removed, how they were able to identify the speed, the course, and the altitude of these aircraft, particularly in low-level aircraft where they do not have the line-of-sight distance with conventional ground based radar as well as picking up surface ships.

It will also have application in the future. A great deal has been said about our lack of proper radar as far as the FAA and control of the conventional civilian aircraft in our system. This is far more sophisticated and accurate than anything now in our civilian aviation. So there will be a spinoff in these costs and this technology into the private sector.

I suggest the Senate keep this in the program. It is a vital necessity, in my opinion, to the defense of our country. It is a defensive system. It cannot fire a missile, it is simply a very sophisticated detailed radar system, and in my 18 years of working with radar I have seen nothing to compare it with.

I urge the Senate to defeat this amendment.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Florida (Mr. STONE).

Mr. STONE. Mr. President, the argument supporting this amendment, that this radar system is mostly jammable, is not correct, and an impartial study held it was not correct.

The radar is mobile and to call in an airplane rather than a vigilant system is to try to cloud the issue.

It seems to me, to the Senator from Florida, that if we blind ourselves, we have to take the consequences. The more eyes we have to spot what is happening in an early situation, the safer we, our allies, and the whole world will be.

There is no question but there will be a spinoff; not only will this radar operate from airplanes the day will come when it will operate from satellites, and it will have a civilian spinoff as well as military.

The Senator from Florida urges defeat of this amendment.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Nevada.

Mr. CANNON. Mr. President, I thank the Senator for yielding to me.

EFFECTS OF THE AMENDMENT

Mr. President, first let me say that the Eagleton amendment on AWACS would withhold production funds for six planes in fiscal year 1976 on the basis that no more planes should be built until NATO decides to buy AWACS.

Now, the earliest schedule for the NATO decision is July 1976. That means we would have at least a year's break in the production line if we waited until that time. If longer, it would be a year, plus whatever longer amount of time, because the authorization is only 4 weeks away now. The money we have already approved as long-lead in fiscal year 1975 is only 4 weeks away from expiration at the present time.

The production of the first 6 planes for the United States was authorized in fiscal year 1975 and we need, the committee said, from 21 to 24 planes. This is irrespective of what NATO does, these are needed for the United States.

The Senator from Missouri has used the figure of 34. That was an early figure that the Air Force requested, but the committee has acted against that. We have no intention of approving that figure, but we have made the determination that the need is somewhere between 21 and 24, which includes the planes we need for our own purposes in NATO, not for supplying our NATO allies, and that is the issue of this so-called NATO buy.

We need these 21 to 24 aircraft, whether NATO does or does not buy them.

MOCK-COMBAT EXERCISE

The Senator from Missouri made reference to a mock-combat attack on AWACS. He is dead wrong on the facts that he presented here. There were three EA-6B's and six F-106's and they made three separate raids on the AWACS. The AWACS detected each raid, and used only two F-15's—from the Senator's own State of Missouri two F-15's—to intercept the three raids.

A radar lock-on was obtained each time. Each raid could have been shot down by the very capable F-15's from the

Senator's home State which were used as the attacking—or the defending aircraft in that instance.

STATUS OF AWACS

Now, where are we cost-wise?

At the present time, if we are to complete the R. & D. and buy six planes, which is according to Senator Eagleton's proposal, we would have in this program $1.9 billion.

Now, it costs, to buy additional planes beyond that, $72 million apiece.

So, if we go to a 21-plane program, the lower of what the committee says could be needed, the total cost for a 21-plane program, if we do not have any break in the production time, would be $3.1 billion.

So, for $1.2 billion additional, over and above what we will have in this program, if we stop now, we would be able to get this 21-plane program.

On the other hand, the added cost, if we break the production line, would be from a half billion dollars to three-quarters of a billion dollars.

That is where we stand moneywise, and I say the Senator's proposal is pennywise and pound foolish.

The NATO decision does not impact on our requirements. We have that requirement irrespective of what NATO does.

I urge my colleagues to approve the production go-ahead and defeat the Eagleton amendment at this time.

PRODUCTION LEADTIME

As I explained earlier, there is a 40-month leadtime on this aircraft and the break in the production line is right now. If we approve this Eagleton amendment now, we would have a break starting 40 months from next month.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, if we have more time, we yield it back.

Mr. EAGLETON. I yield back my time.

Mr. STENNIS. The yeas and nays have been ordered, Mr. President.

The PRESIDING OFFICER. All time has been yielded back. The question is on the Eagleton amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Wyoming (Mr. McGee), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) would vote "no."

The result was announced—yeas 38, nays 58, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—38

Abourezk
Bayh
Biden
Brooke
Bumpers
Burdick
Case
Clark
Cranston
Culver
Eagleton
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Humphrey
Javits
Kennedy
Leahy
Mansfield
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pell
Percy
Proxmire
Roth
Schweiker
Stevenson
Symington
Tunney
Williams

NAYS—58

Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Inouye
Jackson
Johnston
Laxalt
Long
Magnuson
Mathias
McClellan
McClure
McIntyre
Metcalf
Montoya
Morgan
Nunn
Pastore
Pearson
Randolph
Ribicoff
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stone
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—3

Huddleston
McGee
Sparkman

So Mr. Eagleton's amendment (No. 527) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

LEGISLATIVE PROGRAM

Mr. HUGH SCOTT. Mr. President, I ask the distinguished majority leader to yield so that I may inquire what the schedule is for the rest of the day, for tomorrow, and for Saturday, and if he has any plans for violating the Sabbath.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished Republican leader mentioned the word Saturday, because there is a possibility that we will be in Saturday, if we are not able to finish with the bill before us by to-around 9 o'clock tonight, or later. We have, if my addition is correct, 31 amendments still to consider, some of them with rather long time limitations. It is anticipated that we will be in until around 9 o'clock tonight, or later. We will come in at 9 tomorrow, and I would hope in the meantime that it would be possible for those Senators who have amendments—31 of them—to consider a reduction in the time allocation, so that we could speed up the proceedings and in that way make it more possible to complete consideration of the pending business tomorrow night.

If, however, we do not finish the bill tomorrow night, we will be in Saturday, because we have some important legislation, which will likely take a good deal of time. So I hope the Senate will bear with the joint leadership in what we have just said. As far as Sunday is concerned, I plan to go to church on Sunday.

Mr. HUGH SCOTT. I thank the distinguished majority leader. If I may just finish my observation, we used to be served by the B. & O. Railroad, which is notable for its lack of terminal facilities. I hope that will not be said about ourselves or our policies.

Mr. MANSFIELD. I am sure it will not be. I would like to plead with all Senators who have amendments, where at all possible, that they make their choice for a voice vote rather than a rollcall vote, because if you multiply 31 by 15 minutes, it will take the larger part of a day.

I think up to this time we have had too many rollcall votes altogether—they number about 207 or 208 this year—and it appears to me that the Senate may be getting rollcall happy.

Mr. HUGH SCOTT. We had too many rollcall votes last year, the year before, and so on. If Senators will restrain themselves, we will record them in the Congressional Record as having a desire for a rollcall vote and having deferred; and then they will get the same publicity as before.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF S. 920

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that immediately after the two leaders are recognized tomorrow, the Senate resume consideration of the military authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATION ACT, 1976

The Senate continued with the consideration of the bill (S. 920) to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes.

The PRESIDING OFFICER (Mr. Hatfield). Under the previous order, the Senator from Alaska (Mr. Gravel) is recognized to offer an amendment.

Mr. STENNIS. Mr. President, will the Senator from Alaska yield to me for 1 minute on my time?

Mr. GRAVEL. I yield.

Mr. STENNIS. Mr. President, just an announcement.

The next amendment that we have is the site defense amendment, by the Senator from Alaska, to take that item out of the bill.

The next amendment would be by the Senator from South Dakota (Mr. McGovern), to take everything for the B-1 out of the bill. There is another amendment on the same subject to restore all the funds, by the Senator from Oklahoma, the committee having taken out some of the funds.

The next amendment would be the Minuteman. The Senator from Massachusetts (Mr. KENNEDY) has submitted that amendment.

Scheduled debate on those is what you might call a little long, but I do not believe additional amendments will take so long, unless they develop to be sticky because they are new matter, involving new material. The first amendment I mentioned, I recall, has a time limitation of an hour and a half, to be equally divided.

The McGovern amendment on the B-1, has a 2-hour limit, equally divided. The Bellmon amendment, the other one on the B-1, 1-hour equally divided.

The Minuteman, an hour and a half, to be equally divided.

I yield, if I may, for the Senator from Washington (Mr. JACKSON) for a unanimous-consent request.

Mr. JACKSON. Mr. President, I ask unanimous consent that the name of the Senator from California (Mr. TUNNEY) be added as a cosponsor of amendments 491 and 492 to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator from Alaska for yielding to me. The time I used is chargeable to me.

Mr. BARTLETT. Mr. President, will the Senator from Alaska yield for a unanimous-consent request?

Mr. GRAVEL. I yield to the Senator from Oklahoma.

Mr. BARTLETT. I ask unanimous consent that Fred Lewis and David Russell of my staff be accorded the privilege of the floor during the further consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a member of the committee staff, Mr. Peoples, be accorded the privilege of the floor during the remainder of the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 540

Mr. GRAVEL. Mr. President, I call up my amendment No. 540, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL) offers an amendment numbered 540.

Mr. GRAVEL's amendment (No. 540) is as follows:

On page 17, line 22, strike out "$2,016,593,000" and insert in lieu thereof "$1,946,593,000".

On page 24, line 6, strike out "$491,214,000" and insert in lieu there "$472,214,000".

At the appropriate place in the bill insert a new section as follows:

"SEC. . None of the funds authorized to be appropriated by this Act may be used for the purpose of carrying out any part of the Site Defense program for which funds were requested in the budget for the Department of Defense for fiscal year 1976 and the three-month period ending September 30, 1976.".

Mr. GRAVEL. Mr. President, I will take just a moment to explain the amendment. It is not a very complicated amendment; I think it is one that might enjoy some degree of support in this body.

Mr. President, the reason I am optimistic this might receive a favorable disposition is because a lot of military people themselves recognize this is a real turkey, and it should not be funded.

What it is, essentially, is a system designed to protect the Minuteman force, consisting of a state of the art, phased array radar, a third generation commercial data processor, related software, and a modified Safeguard interceptor missile called Sprint II.

The amount of money involved would be $70 million. We do not touch the moneys going for advanced R. & D., not at all. We do not touch any missile site moneys at Kwajalein. We just go right to the radar and computer systems.

Then, in addition to the $70 milllion for fiscal year 1976, we cut out the $19 million for the transition between fiscal years 1976 and 1977.

Mr. President, the ABM site that we have negotiated as part of SALT I. SALT I allowed two ABM sites; we then realized that we could gain a little bit more, and it was agreed between the Soviets and ourselves that we would only implement one ABM site.

If you recall, back in 1971 and 1972, and even in 1969, in discussions with respect to ABM, the argument was made that we needed it as a bargaining chit. That is really what we did use it for. We did not go on with its full development. We finally reduced it down to one site.

Next year the Safeguard ABM site is essentially going to be put on the shelf in order to save money, as it has accomplished all the purposes it was designed to, as a psychological bargaining chit. Even the military recognized they did not want to go on and spend any more money other than to keep it in an inactive status.

Ironically enough, site defense is really the son of ABM. The original ABM, which is obsolete a year from now, is going to be put on the shelf. We are going to spend another $89 million to add a greater sophistication for something that is going to be placed on the shelf.

The only rationale that people have for spending this kind of money is as a hedge against the abrogation of the ABM treaty.

I do not understand why anybody could think the Soviets would want to abrogate the ABM treaty, when they know they have given up something obsolete, and we know they have given up something obsolete. Yet we race ahead with the arms race feeling we placated both our populations.

Were we really sincere in abating the arms race? Of course not. Because we move forward in the arms race. But psychologically we placated the people of our country, saying, "Well, we have done something significant in putting aside the ABM's" So, now we are going to spend $89 million, because we might have the additional stupidity to resuscitate the ABM and again make it viable.

Of course, what would happen if there were an abrogation of the treaty? We would not go to this device, which would cost about $15 billion; we would go to new and more sophisticated systems of offense rather than defense.

So, I ask my colleagues to not vote for this obvious boondoggle. It is only going to be waste on top of waste.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield to my colleague.

Mr. McINTYRE. Mr. President, I am happy to join the distinguished Senator from Alaska. He is absolutely correct.

As chairman of the Subcommittee on Research and Development, I have been watching this program for quite a number of years. Last year it took everything we could do to prevent the military from going to what we would call a demonstration project. Their plan was to call it site defense, but it was really Safeguard No. 2, and they went down to Kwajalein and put it all together down there to see how it worked out.

A majority of the R. & D. Subcommittee recommended to the full committee that the program be terminated, that it was an extravagance that we no longer needed.

But in executive session $70 million was put back in, and that is where it stands. It is this $70 million that I understand the Senator from Alaska would like to delete.

Mr. President, the Senators should realize that we do have an ongoing program called advanced ballistic missile technology. We are funding this with $105 million this year.

This program is one that will tell us what the Russians are up to. We can tell from our technology here.

This is looking to the Safeguard, if we have to go to it, of the 1980's. As the Senator from Alaska has said, the site defense program is basically a Safeguard II and if we ever put it together there would be nothing we could do with it because of the ABM Treaty.

Thus, we have the $105 million in advance work on ballistic missiles and $76 million being spent down at Kwajalein Island to make sure we get a test bed there. There is other work, too—my colleagues should know that we have here a program that is looking at Sprint II, that is looking at new computer works, new software, and new phased array radar.

I believe the Senator from Alaska referred to the fact that at Grand Forks is a Safeguard I that we are studying to see if we can learn something more about these things. But it is absolutely useless, and it cost the taxpayers of America $6 billion.

We gained the ABM Treaty from that, but it was at a pretty big price.

Mr. GRAVEL. Is it not a fact that next year that Safeguard system is going to be put on the shelf?

Mr. McINTYRE. Put in mothballs.

Mr. GRAVEL. Put in mothballs.

Mr. McINTYRE. Absolutely. It will be put in mothballs and be no part of our defensive setup.

If they go on with the site defense, this is the best our R. & D. Subcommittee can do. We still detect the determination on the part of the Army, because there is an Army program to go to a demonstration program on it. If we go that far, that is $600 million. I ask my colleagues, for what? What are we going to do with it?

As the Senator from Alaska said, the argument of the Army is it is a hedge in case the ABM Treaty is abrogated.

This is a pure, unadulterated extravagance. It was the considered judgment of the majority of the R. & D. Subcommittee who looked at this and watched it, that this is a program to terminate.

I thank the Senator very much.

Mr. GRAVEL. I thank the Senator.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, will the Senator yield to me.

Mr. GRAVEL. I am happy to yield.

Mr. PASTORE. Mr. President, in the beginning I was a very strong advocate of the ABM. As a matter of fact, I engaged myself in the debate at the time. I remember only too vividly that I was invited down to the Cabinet room, and we were talked to by Mr. Packard, who at the time was an assistant to the Secretary of Defense.

The plan at that time was for 12 installations in order to give us an umbrella of protection against a surprise attack.

Everybody knows that one ABM is not going to solve any problems. As a matter of fact, when we sat down and talked with the Russians, the Senators will remember the agreement was that because they had one around Moscow—I think they had 62 missiles around Moscow—and then, of course, the serious question came up: "All right. We will need one at Moscow and you keep your one down there in the Dakotas."

So that would give us another one. "You can build one around Washington."

We never got around to that. Everybody know that we were never going to build one around Washington.

So, the result was they met only recently in Vladivostok, and agreed that they would abandon this second one. So, we just need one.

I tell the Senators very frankly, it is just there as a symbol. It is a symbol. It is really no protection at all.

If we had a surprise attack, what is that going to do for us, just that one? It is going to do nothing. It is just a practice site.

Unless we are going to carry the whole program through by having 12, I say we might as well forget it.

I say, frankly, I am the one who stood up here and said that I will not sustain or support a meat axe cut, but when it comes to a specific program that I feel that we can save the taxpayer's money, I am going to vote to eliminate that program or cut it down.

I am telling the Senators very frankly this is a beautiful place to start.

Mr. GRAVEL. I thank our colleague.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 36 minutes remaining.

Mr. STENNIS. Mr. President, I yield to the Senator from Washington such time as he may wish to use.

Mr. JACKSON. Mr. President, I shall be very brief. I hope we can arrange not to use all the time.

Mr. STENNIS. Mr. President, may we give the Senator attention?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JACKSON. Mr. President, once again, we are talking about technology and whether or not we are going to maintain technological competence in an area in which the Soviets have been extremely active—the details of which we could discuss properly only in a closed session.

I would point out that the committee has cut in half the funds requested for the site defense program, reflecting a clear desire to keep the program going while economizing to the maximum extent.

Some of us feel very strongly that there is a need to do only such research and development and—I emphasize this—some engineering development as is necessary to maintain the expertise essential to a realistic ballistic missile defense program.

Again, Mr. President, I emphasize that the important element in any defense or national security undertaking is maintaining an ongoing technological scientific and engineering base.

The danger of a pure R. & D. only program is that we end up with a lot of scientific knowledge and very little expertise on the development side. Personnel and skills are quite different, obviously.

In a sense, we support the current site defense program in order to retain the pool of human talent necessary, now and in the future, to be in a position to move from R. & D. into deployment in a timely fashion.

We all know that our lead in ABM's was crucial to the conclusion of the ABM treaty, and probably to getting an agreement on offensive weapons as well, in 1972.

The point I want to make now, as directly as I can, is that the breadth of the Soviet research and development program in the ABM area suggests that they are determined to match us in technology. This is the key point that needs to be made.

One cannot very well argue that because we have reached an agreement on one site, that ends the whole issue of the possibility of a termination of that treaty, which either country can do under stipulated conditions. It means that we must be in a position to have the ongoing technology to deal with the problem of an abrogation should it arise in the future.

Therefore, I say that this is a poor moment for us to put ourselves out of business in this area. That is the question we have to face; because without the necessary engineering work, all the accumulated scientific information, all the research that has been put together, will not have any meaning, unless there is some engineering development.

I must say that if we are going to adopt the amendment, we are going to encourage the Soviets to regard the ABM treaty as one that they could sacrifice at some point in the future. That is what is at stake.

The total amount requested was $140 million. We cut it in two—to $70 million—to maintain this ongoing technology that we need in this strategic area.

I can only say in very general terms, in an open session, that the Soviets have an extremely active and, in fact, a real in-depth program in this area. Detailed information is available to the Members of this body—of course, on a classified basis. But I want to emphasize that we have every reason to believe that, despite the treaty, they have not abandoned the exploitation of new areas of opportunity for a strategic defense system against missiles.

In light of the evidence we have before us, I think the prudent thing to do is simply to maintain our knowledge and our state of the art.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. McCLELLAN. What the Senator is saying is that we should maintain a kind of pilot program in this field?

Mr. JACKSON. Yes. That is what I am saying.

Mr. McCLELLAN. That is what it amounts to.

Mr. JACKSON. That is right.

To be specific, I say to the Senator that we know from extremely good and hard intelligence that they have a very active program, which I mentioned. We know that they are spending 2 to 3 times the amount we are spending in this area.

That indicates something—that, obviously, they are not abandoning this area, despite the treaty.

To me, it is just a matter of simple prudence that we have a bare bones program, or a pilot program, as the Senator from Arkansas has mentioned, so that we do not get caught in a technological void at the crucial moment.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. JACKSON. I yield.

Mr. McCLELLAN. Does this mean that if we do not pursue—actively, at least, even though we may do it slowly—the technology in this particular field, we could reach a situation in which we would find that the Soviet Union has made great advances, and then we would have to undertake a program to catch up?

Mr. JACKSON. A crash program.

Mr. McCLELLAN. A crash program.

Mr. JACKSON. A very wasteful program.

Mr. McCLELLAN. I agree with those who say that just having one site protected is wholly inadequate. It will not amount to anything so far as protecting or defending the country is concerned.

Mr. JACKSON. The Senator is correct.

Mr. McCLELLAN. So we are not actually doing anything here that immediately contributes to defense. As I understand it, I would resolve it as being simply a precautionary expenditure, so that we will not be caught in some future contingency situation in which we will be at a complete disadvantage and probably not have the time to catch up and get on an equal basis with our potential foe.

Mr. JACKSON. The Senator is correct. What we are doing here is maintaining a prudent option that we can exercise in the event that the Soviets should decide to abrogate—and bear in mind, the treaty can be terminated on, I believe, 6 months' notice.

Mr. McCLELLAN. As I understand the Senator, he has reason to believe that, notwithstanding the treaty, the Soviets are continuing vast experimentation and development in this field?

Mr. JACKSON. The Senator is absolutely correct. The evidence is undisputed. We have had, in closed session, extensive testimony on this particular question. The Soviets are following a course of conduct that clearly indicates that, despite a treaty which limits an antiballistic missile defense, the facts are that the Soviets have been carrying on a most active and vigorous and expanding testing program.

For example, I am referring now to ballistic missile defense interceptor flights in 1974. They had many, many more than the United States has had. Just in the year 1974 alone, they have had more interceptor flights than the United States has had in any year since 1963. Of course, the previous years were, in our case and theirs, too, before the treaty.

The whole course of conduct that we have to recognize here, realistically, is that the Soviets are carrying on a vigorous program in the R. & D. area which is just as vigorous as it would be if there were no treaty on antiballistic missiles.

Mr. McCLELLAN. Would the Senator say that the information that the Senator has on the activities of the Soviet Union indicate that they are in violation of the treaty?

Mr. JACKSON. I want to be careful in choosing my words. I cannot say that they have been in technical violation of the treaty, but I can say that some serious question has arisen regarding that particular treaty.

Mr. McCLELLAN. Would the Senator say this, then. Granting that the Soviets are not violating the treaty, they are pursuing, under the treaty, the very limit of experimentation and development that it is possible for them to do, and that it is far greater than we are doing? Is that what the Senator is saying?

Mr. JACKSON. The Senator is correct. In terms of expenditures of resources, theirs is 2 to 3 times ours and they are certainly more active in this area than the United States.

Mr. McCLELLAN. As I understand it, then, there is nothing in the treaty that precludes either our Government or the Government of the Soviet Union from spending whatever they wish to spend in the development of the technology and the efficiency and quality of one site where the system is deployed. Is that correct?

Mr. JACKSON. All the research and development and engineering work can go forward.

I want to point something out. The one area where they skirt being in violation of the treaty is with respect to a prohibition in the treaty that one cannot test a surface-to-air missile "in an ABM mode." I think there is some serious question of whether or not there may have been a violation.

These are matters of a very sensitive nature that the standing consultative commission has been looking at.

Mr. McCLELLAN. Let me ask the Senator just one more question. I consider him highly competent in this field, as far as it is possible for anyone to be competent under the handicap of not being sure of what is being done by the other power. How great a risk does the Senator think we might run if we do not pursue this and develop at least, as far as we can, the advancing of technology in the construction of or in the experimentation and development of one site? In other words, how great is the risk?

We have to take some risk. We cannot meet every risk.

Mr. JACKSON. That is correct. I think the answer that I should give to a very good question that the Senator has posed is this: I think the failure of the United States to provide for a prudent effort—and $70 million, I think, is certainly minimal—could create a situation in which the temptation on the part of the Soviets on short notice to terminate the treaty would be great. That is the danger. That would be highly destabilizing.

Mr. McCLELLAN. What the Senator is saying is that we must keep in mind that in dealing with the Soviet Union, we must recognize the probability—and the high probability—that any time she sees an advantage, she will take advantage of it? I am just talking factually. I do not care whether this is on the record or off. We are dealing with a government we have difficulty putting complete faith and credit in as to their obligations.

Mr. JACKSON. The Senator is correct. Let me cite a specific instance.

We had a nuclear test moratorium agreement with the Russians. One of the first things that President Kennedy tried to do in 1961 was to see if we could get that program extended. May I refresh the recollections of my colleagues with this observation? Without warning, in, I believe, September of 1961, the Soviets terminated the moratorium with the detonation of a 25-megaton weapon, a huge test. Without warning, on the same day they announced the ending of the moratorium, they tested this huge weapon in the Arctic.

I point that out to you because here is a specific precedent, a situation which existed when President Kennedy came to office in January of 1961. I had a number of talks with him and this was on his mind, to get an extension, to have some permanence in this, which eventually, we were able to do. I supported a nuclear test ban treaty, approved in 1963.

I think the real danger here is the instability, the temptation that would come to the Soviets if they felt that we had abdicated our competence in this area. That would be destabilizing because I think all of us want to bring about the kind of situation in which we can have a cutback—I have supported every move in this regard—of strategic systems, both defensive and offensive.

We debated yesterday the issue of technology. It is important because when we had the SALT I treaty up, the main argument—and I shall, at an appropriate time, read into the record statement made by those who disagreed with my motion, which was adopted, that SALT II should be on the basis of parity, the main argument that was made then is that we do not have to have as many strategic systems as the Soviets have because we bridge that deficit by superior technology.

Mr. McCLELLAN. Senator, one more thought: we have often heard the expression "cautious optimism." I wonder if we should not regard our relations in these fields of military power and development, and so forth—if we should not at least proceed with cautious faith in a lot of the surface agreements that exist?

Mr. JACKSON. I think prudence dictates that one must be in a position in the event of a breach of a written agreement—and you always have to assume that possibility—prudence dictates that one should be in a position to be able to protect oneself in the event of that breach.

I believe that one of the means by which we can do that is to have that ongoing technological competence to be available to us.

Mr. McCLELLAN. I thank the Senator. I am glad to have his thoughts on this. I am looking forward to where we can reduce these expenditures without incurring an unacceptable risk.

Mr. JACKSON. We have cut this in two, as the Senator knows.

Mr. McCLELLAN. I am trying to rationalize about that, and I just do not want us to make the mistake of incurring unacceptable risks, that is all. I want to save money. I would like to vote to strike this out because in some areas we are going to have to cut. We are going to have to set priorities on some of these things, as I see it, and it is really a question of whether this is of such importance that we dare not neglect it.

Mr. JACKSON. I think the end here is to try in time to get an agreement with the Soviets that can result in a substantial reduction of defense expenditures both in the Soviet Union and in the United States.

When the 1972 SALT agreement was up, I advocated a mutual reduction on both sides, Mr. President, a mutual reduction of strategic arms, and I still advocate that. Both sides have more than they need; and I have taken a second step: I suggested in connection with SALT II that both the United States and the Soviets identify 700 delivery systems that they would agree not to modernize or replace. And, in due time, by negotiation, the 700 on each side would be eliminated. So you would have a reduction of 700 of the 2,400 delivery systems permitted by the Vladivostok agreement—from 2,400 to 1,700.

I think that is what we are talking about, because if we are really and truly going to save money in the defense budget, following rules of prudence, it can only come in the end by a mutual reduction of forces in which both sides are treated with parity and with equality.

Mr. STENNIS. Mr. President, the Senator has certainly made a remarkable statement. I want to ask one additional question on the point raised by the Senator from Washington who covered the matter so well.

Should we terminate this site defense? Should we terminate it now? Would it not take 10, 12, or more years to really get back in business and get on our way should evidence show that we had to or that we should?

Mr. JACKSON. May I respond?

Mr. STENNIS. Yes, that is the question.

Mr. JACKSON. I think you lose your ability to convert technology into a system if you need it, period. I think that is the heart of it. I think the Senator from Mississippi and the Senator from Arkansas have raised the key question.

Mr. STENNIS. Once lost it would take years, would it not, at least to regain?

Mr. JACKSON. It will not only take years but the cost would be enormous. You would pay the usual price that you pay for a crash program, and I think that is not in our own interests and, in the meantime, you have created a highly destabilizing situation which we are all trying to avoid.

Mr. STENNIS. In this case is it not true that the committee, after looking into it with some division and thought—we divided this money and put this in by a vote of 10 to 4, if the Senator remembers——

Mr. JACKSON. That is correct.

Mr. STENNIS. There was agreement more or less around the table on that.

Mr. JACKSON. Yes.

May I say the proponents of the R. & D. effort suggested that $70 million cut, and we felt that we could do that. In fairness, I think four were opposed to any funding in this area, and they felt that the entire $140 million should be eliminated.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. STENNIS. May we ask with respect to the time remaining here. Mr. President, may I inquire of the time remaining? I have some promises out here in reference to speeches.

I thank the Senator very much. That was an amazing statement. The Senator covered it.

The PRESIDING OFFICER. The Senator from Mississippi has 16 minutes remaining. The Senator from Alaska has 26.

Mr. GRAVEL. Mr. President, perhaps we could discuss our side of the argument and then transfer it again.

Mr. STENNIS. Then I will yield to the Senator from New York and the Senator from Alabama who has a question.

Mr. GRAVEL. I would like to address myself to the point the Senator from Mississippi and the Senator from Washington were making concerning the delay that would occur. There is no question, I am prepared to stipulate, that we probably lose 10 years if we do not go ahead with it now. The question is, have we lost anything in that 10 years? Because if you decide that there was an abrogation of the treaty, if you did need it, it would be useless when you needed it.

If I could have the attention of my colleagues, what would we be defending with our site defense? We would be defending our ICBM's, our fixed Minuteman system. That is what we would be defending.

I want to quote from the record of the committee. On page 106—I do not understand how the members of the Armed Services Committee can come forward here and make this argument when on page 106—it shows that the committee cut out money for fixed ICBM's because they recognized they are going to be obsolete. So now why does the committee want to continue spending this money? I quote from page 106, where it says:

> The remaining reduction of $1.1 million for Advanced ICBM Technology reflects determination that studies will not be conducted for a new fixed base ICBM because of its questionable survivability.

Well, that is an admission in the committee's own document that the fixed ICBM in the 1980's is not going to be worth a darn. So why now spend some money to defend what is admitted is going to be useless?

When my colleague from Washington says we have got to stay right with the Russians on technology, I would point out this is a commercial computer. This is a third generation commercial computer. You can draft all the people you want to—they will teach you how to operate it. You do not need some new sophisticated outreach. So I would hope my colleague from Washington would refocus his thinking when he is talking about this great outreach.

The other facet of this is a phased array radar. We have got all kinds of expertise in the military on this. So the argument we have got to stand right with this because this is new stuff—this is old stuff. They have cut it back down to bare bones and they are just buying it off the commercial shelf. So if you get some IBM or ITT operator, who can do it for you, you can draft them into service. You do not have to give us an argument that this is some sophisticated new outreach program.

Now, the other argument is made that we have got to stay abreast of the Soviet Union on technology. The logic of that is difficult to comprehend because it means if they do stupid things, we have to go and reach the same threshold of stupidity; otherwise we live in fear.

Now, this question was asked in the subcommittee hearings by the Senator from New Hampshire held on March 19, and it was a staff member, Mr. Lind, who posed the question to General Marshall. General Marshall is the person in charge of the program for the Department of the Army in this area.

The question was fundamental. I think it responds adequately to the argument made by the Senator from Washington.

> Mr. LIND. In relation to continued Soviet ballistic missile defense research and development, we have noted a strong tendency in the past within the Soviet defense establishment for bureaucratic interests to force the continuation of unpromising or doctrinally meaningless R. & D. programs. Could the Soviet ballistic missile defense program be, at least partially, a case in point?
>
> General MARSHALL. I think the answer would have to be possibly yes.

He goes ahead for the balance of his answer trying to cover his tracks after he has had to make that admission.

It is very simple.

Of course, that was the trap we fell into on the ABM. We started one and cast it aside realizing it was ineffective. The Russians, realizing we did this, picked up the Moscow system. We saw that and we then had to build an ABM system.

So it was a stupid decision, canceled, picked up a stupid decision on the other side, we saw that, we went ahead, reexamined the stupid decision we made before, and finally decided we would both negotiate away both obsolete systems.

Mr. HUMPHREY. $10 billion, minimum.

Mr. GRAVEL. $10 billion.

If this program is permitted to go ahead, it is $89 million more, and we have already spent $410 million. But in point of fact, if what the Senator from Washington says is true, then we are going to have to spend $15 billion, because if they do abrogate it, the only alternative is to go out and go hog wild on this and spend $15 billion.

Why would we want to spend this kind of money to protect an ICBM fixed site when our military planners tell us it is obsolete, when they can turn around and have mobile ICBM's for about $20 billion?

I do not understand the reasoning. As the Senator from New Hampshire said, this is extravagance beyond anyone's imagination.

We have alternate systems of defense which are more cost-effective, so we will turn around under some logically convoluted reasoning and say because they are doing it we have to do it; if they are idiots we have to be idiots.

Let me just plead with the Senator from Washington that if we have an opportunity to recognize that it is a mistake, let us just cast it aside and go our own way. That is a sound defense posture. Not one tied to a supposed enemy who may be a very foolish person with respect to choosing his priorities.

Mr. JACKSON. May I ask the Senator what alternate systems of defense he has in mind?

Mr. GRAVEL. Mobile.

Mr. JACKSON. Mobile what? Defense?

Mr. GRAVEL. Mobile rockets, the MX system, mobile ground forces.

Mr. JACKSON. That is an offensive system.

Do we have a mobile ICBM program?

Mr. GRAVEL. They are telling us in the report, the Senator's committee knows full well we are going to build one. So what they want to do is build a costly alternative. They are going "huckley buck" to build what is obsolete.

Mr. JACKSON. May I say to the Senator that the Soviets have tested a mobile ICBM known as the SS-16. We are doing research in this area. We have not got any mobile ICBM's.

As the Senator knows in the SALT I agreement, we unilaterally proposed not to build a mobile ICBM, while the Soviets disregarded our position and went on to develop the SS–16.

May I just say that the Senator from Washington wants to see this program cut back in the deployment area by agreement to the maximum extent possible.

I led the fight in the Armed Services Committee to cut out the funds for an ABM around Washington, D.C., because I thought it was totally ineffective.

Now, that happens to be the record.

Mr. GRAVEL. Then why would we want to defend the one at Grand Forks with this system if the one around Washington was ineffective? Why does the Senator want to defend that one?

Mr. JACKSON. I will give a simple, straightforward answer. It is obvious on its face that if one missile gets through an ABM system defending a city, we have lost the city, but when we are defending a hard-point with many missiles, some of those missiles will survive.

That is the difference, and it is the very argument I used in opposing an ICBM around Washington.

I just wanted to point out and remind my colleagues, we have to use some prudence in this area, and I think the ABM treaty was extremely helpful because it resulted in the saving of a total program that could have cost many billions.

Mr. GRAVEL. I am glad my colleague recognizes that.

Mr. JACKSON. I said so at the time.

Mr. GRAVEL. Why did we not go ahead with the program to begin with?

All they had was the Galosh system, so we had to go and do it, too.

Mr. JACKSON. We would never have had a treaty if we had not begun to deploy an ABM.

Mr. GRAVEL. What did we get in a treaty? We agreed we would stop spending some of our money if they did, on two obsolete systems? What on God's Earth did we gain out of the treaty?

Mr. JACKSON. I think the treaty was a good treaty. I supported it vigorously in the Senate.

Mr. GRAVEL. Did it stop the arms race?

Mr. JACKSON. Well, we are not going to stop arms competition with a single stroke.

Mr. GRAVEL. Did it accelerate the arms race?

Mr. JACKSON. One simple move.

Well, SALT I agreement. Now, we are talking about two different things.

Mr. GRAVEL. No, the ABM was not SALT I.

Mr. JACKSON. The ABM treaty limited ABM deployment to very low levels.

On the other hand, as I argued on the floor of the Senate 3 years ago, the interim agreement was an invitation to an increase in strategic expenditures and I predicted at the time it would cost billions. The Soviets have expanded enormously in this field, tens of billions of dollars.

Mr. GRAVEL. Well, we have expanded more enormously than they have.

Mr. JACKSON. That is sheer nonsense.

Mr. GRAVEL. It surely is not, because in 1972 the U.S.S.R. had 2,200 warheads, the United States of America had 5,700 warheads. Today the Soviet Union has 2,800 and we have 8,500, and if that is not a greater expansion on our part than theirs, then I do not know how one reads these figures.

Mr. JACKSON. Let me ask the Senator——

Mr. GRAVEL. And these are DOD figures.

Mr. JACKSON. Let me ask the Senator a specific question. What is the——

Mr. GRAVEL. Dispute these figures?

Mr. JACKSON. Warheads do not tell the whole story.

Mr. GRAVEL. They tell all the story. That is your kill capability. If you put in a bunch of obsolete missiles—and my colleague is able to do this—then we can talk about their delivery system.

Mr. JACKSON. I want to see what the Senator from Alaska knows about their ICBM's.

Mr. GRAVEL. I am asking what the Senator from Washington knows about these figures. Are they accurate or not accurate?

Mr. JACKSON. Not entirely. Let me ask the question about what the Soviets——

Mr. GRAVEL. I will be happy to answer the question——

Mr. JACKSON. There is no question that we have more warheads.

Mr. GRAVEL. Then there is an admission from my colleague. I will answer the Senator's question. Will the Senator stipulate we are ahead in this regard?

Mr. JACKSON. I never stipulate to nonsense.

Mr. GRAVEL. Why is this nonsense? I will be happy to respond to my colleague's colloquy, if he will face up to mine. I have made a statement that we have 8,500 warheads in this country. The Soviet Union has 2,800. Can my colleague either question the figures or stipulate to their accuracy, one of the two?

Mr. JACKSON. I do not know how many warheads we have in this country. It would be classified.

Mr. GRAVEL. Is the Senator telling me I am revealing classified information?

Mr. JACKSON. If the Senator indicates the number of warheads——

Mr. GRAVEL. That is what I am doing, and the DOD figures are not classified. If the Senator is hiding under classification, tell the world, but face up to these figures one way or the other.

Mr. JACKSON. Let me ask the Senator, how many SS–11's do the Soviets have? I will ask the Senator that question.

Mr. GRAVEL. What is the point of the SS–11's? They only have 2,800 they can deliver. That is all they have. I do not care if they have SS–16's, SS–11's, SS–24's, and SS–66's. What counts is all they have is 2,800 and we have 8,500. After they get through the 2,800, they throw stones. After we get through 8,500 we throw stones. But we have a pretty good margin.

Mr. JACKSON. Are they adding warheads to their system?

Mr. GRAVEL. Of course they are. Does the Senator think we are not? According to this record, if the Senator is going to make that point, I would say from 1972 to now we have added them at an accelerated rate beyond their rate, so who is the greater violator? I have heard the logic and attitude here that they are the aggressors. Well, just look at these figures. I would say that based on these, we are the aggressors.

Mr. JACKSON. Who has the greatest potential to add warheads? The Senator understands numbers and throw weight. Who has the greatest potential?

Mr. GRAVEL. Who would have the ability?

Mr. JACKSON. No. Who has the greatest potential?

Mr. GRAVEL. I would say we are equal.

Mr. JACKSON. Will the Senator explain that?

Mr. GRAVEL. I would be happy to.

Mr. JACKSON. I would be very interested.

Mr. GRAVEL. It is for the simple reason that under the agreement there is a loophole where you can manufacture all the warheads you want and shove them back into the delivery vehicles you have. So it is unlimited. Anyone who uses the convoluted reasoning that because they have extra throw weight they can throw more at us misses the point. As long as we can fill up the bellies, we can keep throwing through the same tube. That is my response to my colleague.

Mr. JACKSON. What have the Soviets been able to do to increase the throw weight of the SS–11?

Mr. GRAVEL. I can respond to that by saying that the Soviets were peculiar——

Mr. JACKSON. Does the Senator know what the SS–11 is?

Mr. GRAVEL. Yes.

Mr. JACKSON. What is it?

Mr. GRAVEL. We are not going through an examination here.

Mr. JACKSON. We are in a debate.

Mr. GRAVEL. Right, and if the Senator will let me explain——

Mr. JACKSON. Tell me about the SS–11—how many they have, their size, and what is the follow-on system to the SS–11.

Mr. GRAVEL. First off, I will put these figures into the RECORD.

It is all in there.

Mr. JACKSON. Will the Senator tell me in his words? I do not have any notes.

Mr. GRAVEL. I will tell the Senator in my own words. With respect to the throw weight argument, the reasons why the Soviets have more throw weight than we have is because they have a greater paranoia. But we are beginning to match that paranoia, because we have more missile warheads. So when they got locked into a throw weight situation with the MIRV capability that they will develop over the next decade, technically, from that point of view, they can throw more MIRV vehicles at us because they have larger delivery vehicles. As I pointed out to my colleague, the loophole in SALT I is that we are restricted to tubes, so that you can keep running the MIRV warheads into the tubes and, of course, there is no limit as to what you have.

Mr. JACKSON. Will the Senator answer the question? How many SS–11's do they have and what is the SS–11?

Mr. GRAVEL. An SS–11 is an ICBM. I do not have the figures at the tip of my tongue. I can dig it out for the Senator.

On his time, I will take the time and dig it out for the Senator. Does the Senator want to wait?

Mr. JACKSON. Tell me what it is.

Mr. GRAVEL. No. We will just wait. I will dig it out and dig it out on the Senator's time. I will dig it out for him.

Mr. JACKSON. Is the Senator aware of what the follow-on—

Mr. GRAVEL. I have it right here. I found it.

Mr. JACKSON. I am not using notes.

Mr. GRAVEL. I need the notes because I am not on the Armed Services Committee and I am trying the best I can as a citizen to save a few bucks for the people of this country who are being put upon.

On the SS–11, they have 970. Is that an acceptable figure or am I revealing anything classified?

Mr. JACKSON. There is nothing classified about it.

Mr. GRAVEL. They have 970. They have a one megaton capacity. Is that correct?

Mr. JACKSON. No, that is not correct.

Mr. GRAVEL. What capacity do they have?

Mr. JACKSON. The follow-on system, as the Senator knows, is the SS–17 and 19, and the follow-on throw weight which they have developed under the SALT I agreement is three times what they had when they had the SS–11. That is what this debate is all about.

Mr. GRAVEL. What is the point my colleague is making?

Mr. JACKSON. My point is that the Senator said it makes no difference about the delivery systems because each side can just crank in as many warheads as they want. The number of warheads that you can deploy is related to two things: The number of delivery systems and their size or throw weights. It is that simple. Under the SALT agreement, the Soviets have an enormous advantage. As a result, since they have expanded all of their programs they have a tremendous future advantage. We have not expanded the throw weight capability of our missiles, whereas the Soviets——

Mr. GRAVEL. Where is the advantage? I do not see the advantage.

Mr. JACKSON. Under the treaty under that agreement, they are able to increase the throw weight by some threefold. That is the result when they deploy SS–17 and 19 as replacements for the SS–11.

Mr. GRAVEL. If my colleague would permit, will my colleague agree to this: If you have an airplane, which is a delivery system, you can turn around and shoot the missile from the system, land it, load it up again and shoot it again, is there a limitation on that? Is there a limitation on what I just said in the SALT agreement? Is there a limitation for the plane landing, loading it up again and taking it over, shooting it, landing, and loading up again? Or your submarines. Unload your submarines, your Poseidons or Tridents, load them up and shoot them and load them up again?

Mr. JACKSON. No, there is no prohibition on reloading, but we do not have any missiles to reload. That is the point.

Mr. GRAVEL. What is the 8,500? If we do not have any missiles to reload, what is the 8,500 that we have and the Soviets have 2,800? What are those, if they are not missiles?

Mr. JACKSON. They are warheads.

Mr. GRAVEL. What are we going to load in the Poseidon?

Mr. JACKSON. The Senator is confusing two things. I am trying to help him. I do not know if it is possible, but I will try.

Mr. GRAVEL. I do not think it is possible.

Mr. JACKSON. I agree, but I will try. Let me try. Let me point out that missiles deliver warheads. The limitation in SALT I was on missle launchers, not on warheads. The agreement that was entered into in 1972 as it now stands, provides the Soviets, first, with more delivery systems or missiles, number one, and, because those missiles or delivery systems are bigger than with ours, they can, in the future—I will get to the Senator's favorite subject—deploy more warheads. But please do not confuse warheads with missiles. It is the missile that makes possible the delivery of the warhead.

Mr. GRAVEL. Could I ask my colleague again? I tried to explain what would happen and the Senator came back with a more detailed explanation. Let me hit it again. If we have an airplane that can carry a missile and it shoots the missile, then the plane can land and load on another missile and shoot it. Is there a limitation on the amount of warheads it can pick up, or bombs?

Mr. JACKSON. Do you mean under the interim agreement?

Mr. GRAVEL. Yes.

Mr. JACKSON. The answer is no.

Mr. GRAVEL. The point I am making is we are so far ahead of the Soviet Union that we are not in the same ball park by the year 2000.

Mr. JACKSON. That is nonsense.

Mr. GRAVEL. Why is it nonsense?

Mr. JACKSON. Because we are ahead of them now. We may not be in the future.

Mr. GRAVEL. We are ahead of them now?

Mr. JACKSON. Sure.

Mr. GRAVEL. Good.

Mr. JACKSON. But we are talking about research and development.

Mr. GRAVEL. This is the first time I have ever heard my colleague say we are ahead of them now.

I think that should be noted for the record, that the Senator from Washington is saying we are ahead of the Soviet Union now.

But what is going to happen when we come out with our Trident system, which is a good defensive device, coming from the State of Washington? Tell me.

Mr. JACKSON. Senator, the Trident——

Mr. GRAVEL. Are we going to stay ahead?

Mr. JACKSON. The Trident is not built in the State of Washington. It is built in New England. Let us not confuse that.

Mr. GRAVEL. Are we going to stay ahead when we have the Trident?

Mr. JACKSON. When I say we are ahead now, let us make it very clear what we are debating is where we will be in 1980. When I say we are ahead today, it does not mean we will be ahead tomorrow, unless we take those prudent steps necessary to provide for the future. I hope and pray we can get a reduction in strategic forces. That is what we are working for.

Mr. GRAVEL. Why would my colleague, then, cut out the money for the further research on the ICBM? The Senator has acknowledged that we have until the mid-1980's, and the Senator said we are going to be dealing with mobile craft by then, whether air mobile or land mobile. Dr. Currie's testimony before the Senator's committee states it is more cost-effective to go mobile than to deal with the fixed ICBM; but yet the Senator wants to spend another $89 million to defend a dog which is obsolete. Why? To show that we fear the technological forces of the Soviet Union, when all we are talking about is commercial computers you buy right off the shelf?

Mr. JACKSON. Yesterday the Senator did not want to make our missiles accurate, even if they are mobile; and today he wants to stop defensive technology.

I hope that as a result of our efforts we are going to be able to get an agreement that will make possible a cutback in these forces. That is the key thing. It is a cutback that we want to achieve. And all we are trying to say is, we want an ongoing technology here that is prudent and sensible, and we are asking for $70 million. We cut it in half, and I leave it to the commonsense of the Senate to decide whether or not that is the sensible course to follow.

Mr. GRAVEL. Mr. President, in wrapping the matter up, I would like to just go over the points of the arguments as to why the Senate should not vote for this extravagant fixture.

One is that the present Minuteman force as now defended could not be successfully attacked before 1983. Sufficient missiles would survive to deter the Soviets from attempting a first strike without even considering the availability of the B–52 and Polaris/Poseidon fleets.

Second: A site defense system to defend a fixed base Minuteman would not be needed beyond 1983 if we develop and deploy a mobile ICBM—M–X—which would begin to replace Minuteman. M–X is under development and $40.1 million requested for fiscal year 1976 is recommended for approval.

Third: If the ABM treaty remains in effect site defense could be deployed at only a single Minuteman site and would not protect enough missiles at one site to justify a $5 billion investment.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. GRAVEL. Just let me finish.

Mr. JACKSON. Yes; the Senator has been very courteous. Go ahead.

Mr. GRAVEL. Fourth: If the ABM

treaty was broken, it would cost up to $15 billion to develop, deploy and operate site defense at the 4 to 5 Minuteman sites needed to protect sufficient missiles to be a credible deterrent. Dr. Currie has testified that the M–X could be a more cost effective choice.

Fifth: If the ABM treaty was broken the $15 billion needed for site defense could be better used to buy more offensive systems such as the B–1 or Trident or M–X.

That, to my mind, wraps up the whole argument.

Mr. JACKSON. May I ask the Senator one last question? I take it the Senator will support the development of the M–X, the mobile system, and the deployment of it?

Mr. GRAVEL. I would support it if we had some degree of prioritization with respect to the Defense budget, but, unfortunately——

Mr. JACKSON. Well, the Senator is arguing for the M–X as an argument against site defense, so I want to know whether he is supporting it.

Mr. GRAVEL. Yes. I think the people should understand that I do not wish to be typecast as against defense. I favor a good defense. I am for the military. The only problem is, I favor us not wasting money on what is not a good defense. I say that destroys a good defense, because what are we defending in this country? Our economic and social system, and in order to continue the defense systems we have been a party to for the last 30 years, we have eroded the substance of our social and economic systems. The reason we have inflation, balance-of-payments problems, and all these difficulties today is because of the military-industrial complex we have built ourselves into on the basis of fear.

I see a situation where we negotiate SALT I, and all it does is increase the arms race and institutionalize the arms race. There is no abatement to the situation. We arrive at a point that a person who sits in my position says, "What can we get?" I offered a humble amendment yesterday not to increase the number of divisions, to make this country not look too bellicose, too aggressive. We all saw what happened.

I ask my colleagues, why are we increasing the number of combat divisions, when what we are doing in the world is leading toward greater peace? As to our action in Southeast Asia, it looks as though we had good reason to have a less bellicose posture. But what happens on an amendment I offer to prohibit an increase in the number of divisions? We get two votes.

Mr. JACKSON. One vote for each division.

Mr. GRAVEL. That is right; it has got to be humorous because it is so tragic. You get to a situation where, when we try to strike out an element of the defense budget, we poor devils on the losing side have a little bitty hammer, and face a steel door. We hammer away at it, but all we do is make little notches in the steel. We walk away in frustration with our heads in our hands.

We have not won anything in this colloquy. The only thing we have won is to start again the debate in this Nation which was abated in 1969 and 1970 with Watergate and the South Vietnam situation. We have now started, with this debate on this procurement bill, the beginning of a new colloquy which will go on for years. You may have gotten us this time, but we have you on the public record making statements that will have to be adhered to.

I was visited yesterday by the military, asking me not to call up my amendment on the divisions. When I told them I had to do it in all conscience, they said, "Look out, because you will be hit on all sides." I had no idea how hard I would be hit. They not only had the hawks, but they got the doves too. We were hit by everything. We were hit with a blibbet. I will not go into the definition of a blibbet, but that is what we were hit by.

I will tell you why they did not want us to go public: because they are going to have to dot the i's hereafter. As the Senator from Georgia said, these people probably will not go to Europe; they are stuck with them. They may have the divisions, but they will have them right here in the United States. When they try to move them out, I will assure you right here that they will meet us at the pass, and we will be holding you accountable for what you have said.

Mr. JACKSON. If the Senator will yield, I want to find out exactly how he stands on the M–X, because it is his cost-effective alternative to site defense. Do I understand that he supports the M–X?

Mr. GRAVEL. Yes, though I can tell my colleague many times on this floor I have voted against them. I will tell the Senator now I am going to vote against this whole bill when we have finished.

Mr. JACKSON. Yes, I understand, but——

Mr. GRAVEL. It will include the M–X and some other things: Trident, and I am for Trident. I think it is the best defense we have. But when we cannot even get these intelligent amendments passed, we are caught in the position of striking at any target in sight, to try to make the colloquy to the American people.

If we could get some decent amendments passed, like this one, which cuts out a boondoggle, then, for heaven's sake, of course we would vote for Trident. There would be more votes than would be needed.

I would support it, because I do not want to see this country weak.

I am prepared to say that I think we are a better country than the Soviet Union; I am prepared to say that I think we are maturer than they are—and that does not say very much, unfortunately.

Mr. JACKSON. I thank the Senator. The Senator has a good sense of humor.

Mr. GRAVEL. I thank my colleague. I think in this colloquy we went not far afield from the subject. We just broadened the parameter to where it really lies—the total difficulties of the arms race, which has not abated. It gets worse and worse.

I said it earlier in one of the debates, and I will say it again. We have the ability to destroy the Soviet Union 36 times. They can destroy us 11 times.

Is there ever going to be an end?

When we talk of the things we should do, when is enough going to be enough?

We can destroy every human being on this earth—the United States of America alone, with our megatonnage—we can destroy them 15 times. We can kill every human being on Earth 15 times. The Soviet Union can probably do it twice.

Why on God's Earth do we need this kill capability? Is it not enough to be able to kill our enemy once, twice, three times?

When we begin to make this argument to the average American citizen, he is going to begin to realize that he is paying for a lot of superfluous capability, which is not necessary.

The defense criteria should be sufficiency. What it is now is unlimited. Whatever fear will buy, go use fear and buy it.

I hope someday we could get down to the point of logic and say that we should have a defense based upon sufficiency, which is rational, rather than on fear, which is irrational.

What our colleague says is what we are going to go out and buy more locks and more devices which are to lock up and protect an obsolete system.

This is irrational, and it is a tragedy.

I hope the Senate will vote against any further expenditure in this regard and support this very humble amendment to ridiculous extravagance.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, I thank the Senator from Mississippi.

I will acknowledge, Mr. President, that I do harbor some fears. I harbor some fears that we may, by relaxing on the development of our ABM technology, tempt the Soviets into an act of rashness that is the sort of act that has plunged us into two wars in this century.

We must keep in mind that our treaty may break down. We must keep in mind that the Soviet Union is pushing at least to the limits what is allowed under the SALT I accords, and there are those who believe they are going beyond the limits of what are allowed.

As I am not privy to classified material, I can only quote the literature in the intelligence community which states that they are beginning to come very close to testing their radars and configurations that could be linked up to thousands of high-altitude rockets and SA–5's that could be converted to ABM capacity.

Any number of things could happen that would result in a collapse of our high expectations in our talks to limit the arms race, to limit strategic weapons.

It seems to me that we cannot blind ourselves to these real possible risks, and it seems to me that the $70 million we are speaking of here is the most prudent insurance we can possibly pay to protect ourselves against this contingency.

What is more, we are not talking about multiplying our ability to kill, but are talking about precisely the ability to protect ourselves from weapons that could be directed at us.

Furthermore, we cannot deny ourselves. We cannot pretend that we know what the ultimate capability of the ABM system might be. We will only find out by spending that modest amount of money that has been requested here to push back the frontiers of our knowledge.

There are those who believe that in time we could achieve the capacity to protect our civilian population and our cities.

In this regard, I believe that the ultimate ban on ABM's is an immoral posture to be in. But I am not going to argue that point.

I would urge our colleagues to consider now that the Soviets have a record of breaking agreements, and they are pushing ahead in this precise technology.

We do have a history in this country, when one power perceives itself to being in a commanding position, that power will sometimes do rash things; but the trouble is we do not want to pay the price.

So, I urge our colleagues to vote against the Gravel amendment, to vote for a continued extension of American supremacy in the technology so that if the worst happens we will be in a position, without undue delay, to make use of what we have learned and quickly deploy missiles that will protect us, not missiles that will destroy others.

Mr. GRAVEL. Mr. President, will my colleague yield for a brief question?

Mr. BUCKLEY. I am glad to.

Mr. GRAVEL. This is on the computer system. It is a commercial computer that one can buy——

The PRESIDING OFFICER. The Senator's 4 minutes have expired. Who yields time?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished chairman for yielding to me at this time.

Mr. President, I strongly support an active ballistic missile defense system research and development program at being necessary for the future defense of the United States. Site Defense is a modest program, by budgetary standards, but it is of utmost importance to our national security.

It is a research and development program aimed at insuring that if a retaliatory capability were ever needed, America would be able to deploy a system to defend its presently undefended Minuteman ballistic missile force.

Security is dependent on high technology. It requires research and development at least as sophisticated as an enemy's—conducted years prior to actual deployment. Department of Defense officials have testified on many occasions that an ABM system could be developed, produced, and deployed in 4 to 6 years—provided that we continue to maintain an adequate R. & D. program. Previous reductions in site defense funding eliminate the possibility that an active defense could be deployed before the early 1980's. Further significant reductions would extend this time to a decade or more. In spite of these undisputed facts, in recent years we have reduced our strategic forces expenditures while the Soviets have increased theirs.

This bill made a cut of 50 percent in the authorization for the site defense, cutting it down from, I believe the figure of the House of Representatives was of $140 million to the Senate version of $70 million.

Mr. President, I have discussed military priorities on several occasions with Secretary of Defense Schlesinger. He told me a few days ago that he regards funding for the site defense program as a must. He also told me the National Security Council considers site defense important in our strategic arms limitation talks with the Soviets.

Simply to abdicate our lead in ABM research and development, I submit, would encourage Soviet exploitation of our weakness. The high level of Soviet ABM activity clearly demonstrates a conviction on their part that the ABM treaty does not negate ABM system development, and that there may be a future requirement for an effective ABM system.

It is the primary hope of our SALT negotiators that a new agreement with the Soviets will lead to a stabilization of the power balance—that is, blunt each side's incentive to seek strategic advantage. Site defense costs a great deal less than offensive systems do, and would be stabilizing.

Finally, it is an accepted fact that the United States' critical research and development task for strategic arms is to insure the survivability of our deterrent. In accordance with the direction of Congress last year, the site defense program was reoriented from one of prototype demonstration to one of research and development. Its purpose is to retain the ability to go into production if forced to do so by the action of any other nation. In short, it helps insure the survivability of our deterrent.

Mr. President, I submit we would be gambling with our present and future security if we fail to fund an active program of such modest size, but of such great importance.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the proponents of this amendment seem to be basing their case on three major points in recommending we kill the site defense program. I would like to address each of these points and indicate where I think each is wrong.

First, it is asserted that the Army is still pursuing a program to demonstrate a prototype system to defend our Minuteman force, contrary to congressional direction last year.

I am personally aware of the extensive efforts the Army made to explain the many changes in the program, including reducing the fiscal year 1976 funding request from over $200 to $140 million and eliminating missile tests. If the changes were not adequate or satisfactory, then those members and staff personnel that participated in those discussions are part of the problem. The Army, in extensive testimony before the committees, explained in detail how the new program met the requirements of the Congress. That testimony is available for all to read.

Mr. President, second is the assertion that by continuing the site defense program we are not keeping our agreements made in the ABM treaty. That assertion just is not valid as explained in this letter from the Department of State, which I will read:

> DEAR SENATOR THURMOND: In reply to your telegram of May 5 requesting the Secretary's view on the Site Defense research program, the Secretary has asked me to convey the following:
>
> 1. The Department of State has an interest in a strong ABM research and development program. It is an important part of the US strategic force posture and contributes to a credible US claim of strategic equivalence.
>
> 2. The United States should continue to demonstrate to the Soviet Union our *willingness and ability to work vigorously in research and development programs*. We should not leave the Soviet Union with the impression that we are unwilling or unable to exploit our technological and scientific advantages in the strategic field.
>
> 3. Finally, the Department of State believes that an active ABM R&D program enhances the viability of the ABM Treaty.
>
> Sincerely yours,
>
> ROBERT J. MCCLOSKEY,
> *Assistant Secretary for Congressional Relations.*

Mr. President, in addition, we should be aware that the White House has amplified the essentiality of site defense by a separate paper. I ask unanimous consent that this paper be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Furthermore, the recent highly classified hearing to concerned Members of Congress, which my distinguished colleague from Washington (Mr. JACKSON) chaired, verify that the Soviets have indeed increased—not decreased—their research and development of ABM systems and have already demonstrated the very rapid emplacement of an ABM radar as modern as ours. We will not have a new radar for at least another 18 months or so, even if we provided all the funds the Army has requested. With the $70 million recommended by the committee, we will seriously delay even this modestly competitive program. I do not know what the Russian objective might be, but they certainly do not believe the ABM treaty is a basis for stopping ABM R. & D. I can speculate that a rapidly deployable Soviet ABM defense might be sufficient to prevent serious damage from any retaliatory strike.

The third point with which I disagree is that our future ICBM's will be mobile and air launched. Dr. Currie, the Director of Defense Research and Engineering, who is the one individual in the country most competent to evaluate the relative merits of site defense and mobile ICBM's, has testified that site defense of fixed ICBM's "might by all odds be the most economical." Therefore, I, for one, do not believe that we should take the position that we prefer a $20 billion mobile offense system in lieu of a $10 billion defense system. For a relative low expenditure we should not preclude ourselves from the defensive option. But, let me reiterate. The primary reason to continue this program is the importance of having the latest ABM technology in hand. Mr. President, I believe we would be ill-advised to terminate the site defense program and urge that the amendment be rejected.

It should be rejected because site defense termination would:

First. Concede ABM superiority to the Soviets.

Second. Destroy incentives for Soviet adherence to the treaty.

Third. Encourage Soviet development of an effective ABM defense against retaliatory strike.

Fourth. Abandon the only potential defense against a massive Soviet missile and ABM buildup.

Fifth. Delay U.S. defense of ICBM's for 10 years.

Sixth. Result in $100 million annual BMD R. & D. only for sake of technology—not focused on a military need.

Mr. President, I hope the amendment will be defeated.

EXHIBIT 1

THE SITE DEFENSE PROGRAM

Background: The SASC R&D subcommittee has recommended that the Site Defense program be terminated, leaving the Advanced Technology Program as our sole R&D effort on ballistic missile defense.

We recommend that Congress approve the Site Defense program, which is our only ballistic missile defense R&D effort with a systems technology orientation involving the difficult process of integrating interceptors, radar, and software. (Our other R&D effort—the Advanced Technology Program—is focused solely on component technology.) The Soviets are less likely to deploy ABM systems beyond the limits of the ABM Treaty—either covertly or in abrogation of the Treaty—if the U.S. remains ahead in the ABM systems technology.

During his briefing to Congressional leaders on the SALT ONE agreements, Dr. Kissinger stated that the Administration advocated these agreements not on the basis of trusting the Soviet Union but on the basis of the enlightened self-interests of both sides. Specifically, we should maintain a posture such that it will always be in the Soviet interest to abide by the agreements rather than to abrogate them. Further, Dr. Kissinger emphasized the need to "push research and development and the production capacity to remain in a fully protected strategic posture should follow-on agreements prove unattainable." With respect to ballistic missile defense, this can only be completely accomplished in a system development program such as Site Defense.

There are basically two ways to offset rapid deployment of Soviet ABM systems beyond the Treaty limits. One way is to counter Soviet ABM capability by increasing our deployment of MIRVs and penetration aids. However, to have confidence in the ability of our MIRVs and penetration aids to defeat ABM systems, we need to be fully aware of all possible ballistic missile defense techniques. The only way to know all about ballistic missile defenses is to have an active, aggressive ballistic missile defense program which includes operational system testing.

The other way to offset expanded ABM deployments by the Soviets is to degrade Soviet offensive capability as much as they degrade ours by responding with ABM deployments of our own. The Site Defense program gives us the potential for deploying our own ABM systems in a reasonable period of time. Without the Site Defense program, it would take us about a decade to respond in kind with defenses of our own.

Thus, the Site Defense program gives us the technological base to either counter or respond to a Soviet ABM breakout; therefore, the program reduces the incentive to the Soviets to break out from the Treaty limits in the first place.

Finally, the ABM Treaty protocol signed in July 1974 should not be construed as reducing the requirement for a strong U.S. ballistic missile defense program. The protocol only limits ABM deployment; it does not restrict development and testing of the Site Defense system.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a presentation entitled "The United States-Soviet Arms Race, SALT, and Nuclear Proliferation," by Stefan H. Leader and Barry R. Schneider of the Center for Defense Information, for delivery at the Conference on Nuclear Proliferation and Near-Nuclear Countries, Clark University, Worcester, Mass., on March 13, 1975.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES-SOVIET ARMS RACE, SALT, AND NUCLEAR PROLIFERATION

(By Stefan H. Leader and Barry R. Schneider)

INTRODUCTION

There seems to be growing recognition in the United States that Americans and Russians are not the only ones who pay close attention to the pace and scope of the U.S./Soviet strategic arms race. Secretary of Defense Schlesinger has belabored the importance of third country perceptions of the current state of the U.S./Soviet strategic weapons balance. His concern is not misplaced, though we think he overestimates the importance of relatively small differences in highly esoteric measures of strategic power. Third countries do pay close attention to the U.S./Soviet arms race because the U.S./Soviet competition in strategic and conventional weapons sets the pace for the development of military technology world-wide. The U.S./Soviet weapons race is the cutting edge of advanced military technology and military thinking. Because we and the Soviets are watched closely, what we do influences military policy in many countries. But, precisely what impact do we have? How do we influence military developments in other countries?

In this paper we would like to explore these and related questions. The paper is divided into two parts. In part one, we would like to explore the state of U.S./USSR strategic balance and the impact of the SALT negotiations and agreements on that balance. We shall deal with three sets of questions:

1. What is the state of the U.S./USSR strategic arms race? Who leads? Who lags? How do you measure strategic power?

2. How does the U.S. doctrine of "Essential equivalence" affect the quest for a SALT formula for strategic parity acceptable to both the U.S. and USSR?

3. What impact has SALT had upon U.S./USSR nuclear weapons proliferation? SALT I? The July 1974 Moscow Agreements? The Vladivostok accords?

Part I is devoted to the subject of what we call "vertical nuclear proliferation" and its control (i.e., U.S. and Soviet proliferation of nuclear weapons and SALT).

In the second section we explore the impact of the U.S./Soviet competition in both numbers of weapons (vertical proliferation) and quality of weapons and delivery systems on nuclear aspirants (the impact of U.S./Soviet vertical proliferation on Nth country "horizontal" nuclear proliferation). In particular we look at three correlates of the U.S./Soviet weapons race and political competition—the diffusion of nuclear expertise and technological know-how, the spread of advanced military technology in the form of nuclear capable delivery systems, i.e., advanced aircraft and missiles, and increased opportunities for nuclear theft. We shall examine several questions here.

1. What is the relationship between the pace and scope of U.S./Soviet strategic arms race on the availability of nuclear expertise and technology world-wide?

2. What is the relationship between the superpower arms competition and the spread of nuclear capable delivery systems to possible nuclear powers?

3. What is the relationship between the dispersion of U.S. and USSR nuclear weapons and the chance of nuclear proliferation through theft and seizure?

Our objective in the pages that follow is not so much to prove causal relationships as it is to suggest some fruitful lines of inquiry for future research and to explore some troublesome policy questions.

Vertical and horizontal nuclear proliferation

Since the Non-Proliferation Treaty was signed five years ago there has been a significant increase in numbers of nuclear weapons held by the United States and the Soviet Union. Twice as many U.S. and Soviet strategic weapons exist in 1975 as existed in 1970 when the SALT talks began and NPT was about to be signed. The United States has roughly 30,000 nuclear weapons as of March, 1975. 8,000 of those are strategic nuclear weapons, 22,000 are tactical nuclear weapons. The Soviet Union has some 2,500 strategic nuclear weapons and an undetermined number of tactical nuclear weapons, perhaps as many as 6,000.[1]

PART I—VERTICAL PROLIFERATION—THE UNITED STATES-SOVIET COMPETITION

United States front-runner in the strategic weapons race

Since the U.S.-Soviet rivalry began in 1945, the Soviet Union has placed a distant second in the strategic weapons race. The U.S. was the first to produce and deploy practically every kind of modern strategic weapons including the atomic bomb, the hydrogen bomb, international strategic bombers, carrier-based nuclear capable aircraft, ballistic missile submarines, ABM missiles, solid propellent ICBMs, and MIRVed missile systems. Indeed the pace of U.S. weapons production, deployment and retirement has been so rapid compared to Soviet efforts, that the U.S. has already scrapped more post-WWII bombers and missiles than the Soviets have built since 1946. Today the U.S. possesses over three times as many strategic nuclear weapons as the Soviet Union.

Over the next five years, the U.S. lead in strategic weapons capabilities will become even more pronounced. The present 8500 U.S. strategic nuclear weapons arsenal could reach 11,800 by 1980 and 21,000 by 1985 as systems under development—Trident submarines with MIRVed missiles, the B-1 supersonic strategic bomber and the continued MIRVing of U.S. land and sea-launched missiles—are introduced.

Most of these new U.S. strategic weapons will be more accurate than present forces giving them a significantly increased hard target (e.g., missile silo) killing capability. U.S. research and development efforts will also make possible a terminally guided maneuverable re-entry vehicle (MARV) with a remarkable increase in both accuracy and penetration capabilities.

U.S. MARVs will be found on such missiles as Minuteman IV and Trident II. Equally significant is the development of the strategic cruise missile. These will fly at very low altitudes and present serious defense problems. Relatively cheap to build, they can be fired from torpedo tubes of submarines, bomb racks of bombers, and decks of Navy surface ships. This proliferation of new weapons, and the ability to hide them in a number of places, will make verification of most arms control agreements extremely difficult.

The great difference between U.S. and Soviet strategic programs is the wide spectrum of weapon systems and technologies that the U.S. can develop and deploy. The Soviets, in contrast to the U.S., tend to stay

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Footnotes at end of article.

with older systems longer unless some new technological advancement makes it worthwhile to open up production lines for a long run. The Soviets tend to find the most political prestige in its large number of land based missiles. Yet land based missiles through the late 1970's and 1980's will probably become the most vulnerable component of a country's strategic forces.

Meanwhile, the U.S. had ended deployment of fixed land based missiles and is moving toward sea based missiles, new supersonic bombers, and probably to mobile ICBMs. Stepping to its own drummer, the Soviet Union is just embarking on deployment of a new family of fixed land based missiles. The Soviet commitment to such increasingly outmoded ICBMs can, in the next decade, consign the USSR to their familiar role of the 1950's and 1960's as a distant strategic second best to the United States. Measuring Strategic Equivalence or Parity.

For each of the past few years, the release of the annual report of the Secretary of Defense and the budget of the Department of Defense has provoked debate on the Pentagon's request for funds for strategic weapons and on the comparative strategic nuclear power of the U.S. and the Soviet Union. The Secretary of Defense has argued the importance of "essential equivalence" in strategic forces of "perceived equality", pointed to new Soviet initiatives and called for corresponding American initiatives to keep pace. Critics have argued that the U.S. already has a more than ample strategic deterrent and that more weapons are simply not needed. At the heart of the debate is the issue of how best to measure equivalence given the basic dissimilarities between U.S. and Soviet strategic forces.

It is assumed that both the United States and Soviet governments want to have at least comparable strategic forces so that neither is put at a disadvantage in a dispute, crisis, or conflict. Both governments, no doubt, would like to deal from military superiority. Neither can accept marked inferiority. But how is the strategic balance to be measured?

Six measures of strategic power

At least six different measures of strategic power have been used at one time or another in the recent strategic debate and this makes comparisons difficult. Any comprehensive assessment of the current strategic balance between the U.S. and the Soviet Union requires multiple measures since no one variable by itself is sufficient to describe all dimensions of the U.S.-Soviet balance. This is also a standard approach to social science measurement problems.

1. Numbers of Launchers

This is perhaps the oldest, most well known measure of strategic power and also the one incorporated in both SALT I and Vladviostok agreements. It is also the least significant in and of itself. The Soviets have a slight edge by this measure. The count for the U.S. and the Soviet Union projected to mid-1975 is summarized in Table I.

TABLE I.—STRATEGIC WEAPON LAUNCHERS

Type	Number	Type	Number
UNITED STATES		SOVIET UNION	
ICBM:		ICBM:	
Minuteman II	450	SS–7	190
Minuteman III	550	SS–8	19
Titan II	54	SS–9/18	288
		SS–11/19	1,030
		SS–13	60
SLBM;		SLBM:	
Polaris	208	SSN–5	24
Poseidon	448	SSN–6	544
		SSN–8	132
Bombers;		Bombers:	
B–52 G. & H.	524	Bear	100
FB–111	73	Backfire B	60
Total	2,208	Total	2,447

2. Force Loadings

A second measure of strategic power is what the Pentagon euphemistically calls "force loadings". These are independently targetable warheads (MIRV's) or nuclear weapons. The significance of this measure of strategic power was given a boost by Secretary of State, Henry Kissinger's recent statement that "one is hit by warheads, not launchers".[2] Mr. Kissinger's statement seems to have prompted General George Brown, Chairman of the Joint Chief of Staff, to acknowledge in his FY 1976 Posture Statement that "the number of strategic warheads and bombs is a very significant measure of the balance".[3] John Newhouse, Counselor of the Arms Control and Disarmament Agency, pointed out in a recent speech that "It is difficult to overstate the importance of this kind of advantage; missile warheads—the actual weapons—not missile launchers—the means of delivery—represent the more critical measure of overall strategic power."[4]

TABLE II.—*Force loadings—Nuclear weapons*

(Mid 1975)

United States	8,500
Soviet Union	2,800

The U.S., as is apparent from the table, has almost a three-to-one advantage in nuclear weapons. This is a function of the fact that by mid-1975 the U.S. will have 832 launchers equipped with MIRV warheads while the Soviets are expected by the most optimistic projections to have only a few MIRV warhead missiles deployed.[5]

3. Accuracy

This is one of the most significant measures of the capability of strategic forces available. As John Newhouse put it in a recent speech, "Although we have fewer ICBM's ours are more accurate; and accuracy is a more dominant quality than yield."[6] The standard measure of accuracy is CEP or circular error probability. CEP is defined as the size of the circle in which 50% of your warheads land. The ability of a missile to destroy a hard target depends on several factors, some of which we have already discussed, such as numbers of warheads, yield, reliability, and most important of all, accuracy. "The better the accuracy, that is, the smaller the CEP, the larger will be the K (the lethality of the warhead to a hard target) and therefore the probability that the warhead can destroy the silo."[7] More precisely, hard target kill capability is proportional to the square of accuracy (doubling accuracy increases counterforce capability fourfold); directly proportional to the numbers of warheads (double the number of warheads doubles the counterforce capability); and proportional to the ⅔ power of yield (an increase in megatonnage by a factor of eight will increase counterforce capability only four times).[8]

The significance of all this is that hard target kill capability is more sensitive to the numbers of warheads in a country's arsenal and to their accuracy than to their size or yield. This has been reaffirmed many times by U.S. defense officials. Admiral Moorer pointed out in 1971 that ". . . accuracy is much more important than weapon yield."[9] In 1974 Secretary of Defense Richardson made the same point. "Although our warheads are relatively small in terms of megatonnage, with respect to target destruction numbers of warheads and accuracy are much more sensitive measures of destructive power than weight."[10] U.S. advantages in these areas give the U.S. a significant edge in counterforce capability and in strategic power.

Footnotes at end of article.

TABLE III.—ACCURACY*

Missile	Re-entry vehicle accuracy (CEP) nautical miles	Missile	Re-entry vehicle accuracy (CEP) nautical miles[1]
UNITED STATES		SOVIET UNION	
Minuteman III	0.2	SS–9	(1)
Minuteman II	.3	SS–11, SS–13	(1)
Titan	.5	SS–N–6	(1–2)
Poseidon	.3	SS–N–8	(1–2)
Polaris	.5	SS–7, SS–8	(1–5)

[1] Figures in parentheses are estimates.

4. Throw Weight

One of the more recent measures of strategic power and the most controversial is throw weight or more commonly, payload. Some have argued that it "is the most useful verifiable measure of relative missile capability. . . ."[11] We will have more to say about this below. Throw weight is defined as the weight of that part of a missile above the last boost stage and representative loadings of aircraft.[12] All things being equal, a missile with larger throw weight will be able to carry more and larger yield MIRV warheads. This is the basis for the Pentagon's argument about the danger of the U.S. being overtaken in numbers of nuclear weapons by 1979 and endangered by a Soviet counterforce attack. Generally, Soviet missiles carry larger payloads than U.S. missiles. According to JCS Chairman Brown, their missiles currently have an advantage of two to one in payload.[13] Overall, the throw weights of U.S. and Soviet strategic forces are about even. Nevertheless, Secretary of Defense Schlesinger is concerned that if the Soviets are able to marry accurate MIRV warheads to their larger missiles the Soviet force will be able to cover a larger number of targets, including military ones, improve pre-launch survivability and improve hard target kill capability.[14] The Secretary of Defense sees the danger that with this capability the Soviets would have the ability to launch limited counterforce attacks against U.S. land-based missiles. He has argued that without comparable capability, the U.S., in the event of such an attack, would be faced with a choice of surrender to Soviet blackmail or suicide by attacking Soviet cities.

Several comments on throw weight and the Pentagon's scenarios are in order. First, the notion that the Soviets would risk a surprise nuclear attack on our land-based missiles, leaving our formidable (4500 nuclear weapons) sea based nuclear forces untouched, makes little or no sense. As Jeremy Stone has recently pointed out:

"Our sea-based forces could respond against any Soviet targets they wish, issuing a counter ultimatum—that full scale attacks on U.S. cities would result in a full scale attack on Soviet cities.

"Soviet attacks on our land-based forces would inevitably cause widespread fallout and many millions of casualties. No Soviet planner could assume that we would carefully and restrainedly calculate after that. Nor could he be sure that we could distinguish his attack from an all-out attack. Nor could he be sure that we could restrain our sea based forces with suitable communications once the crisis began or our airborne bombers."

"The entire scenario", Dr. Stone goes on to say, "is bizarre enormous risks for no point."[15]

A second objection concerns the significance of the Soviet throw weight advantage. As we pointed out above, all other things being equal, a missile with a larger throw weight will be able to carry more and larger warheads. As is usually the case, all other things are not equal. We know from what has been seen of Soviet space technology that Soviet electronics are more primitive than American: that the Soviets still rely heavily on vacuum tubes, are far behind the U.S. in miniaturized solid state circuitry and in computers and mini-computers.[16] CIA director William Colby pointed out in testimony last year that the technological gap between the Soviets and the U.S. "is an across-the-board one from ICBM systems to electric razors . . ."[17] In short, the Soviets get less punch to the pound of throw weight (lower "throw weight productivity") than does the U.S.[18]

On the other hand, U.S. and Soviet yield-to-weight ratios—the ratio of explosive yield in kilotons to throw weight in pounds are roughly comparable.[19]

There is a third and final point that needs to be made with regard to throw weight. It has been acknowledged by Pentagon officials that by MIRVing their ICBM's the Soviets will reduce their yield-to-weight ratios. In testimony before the Senate Appropriations Committee in 1974, General Harold Collins, Air Force Assistant Deputy Chief of Staff for Research and Development, pointed out that MIRVed Soviet missiles can carry only a fraction of the explosive payload that they could with single warheads. This degradation of yield-to-weight ratios is due to the added propulsion, hardware, and electronics components needed to deliver separate warheads on their targets.[20] All of this raises fundamental and as yet unanswered questions about the significance of throw weight as a measure of strategic power.

Footnotes at end of article.

5. Megatonnage and equivalent metatonnage

Still another measure of the state of the U.S./USSR strategic nuclear balance is explosive power measured in megaton equivalents (i.e., millions-of-tons-of-TNT equivalents). In sheer explosive power the Soviet Union maintains an edge because the warheads on their ICBM's and the explosive yields in some of their nuclear bombs are much greater than that found in their U.S. counterparts. Note below the megatonnage of both superpowers expressed in World War II and Hiroshima equivalents.*

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*The United States from 1941 to 1945 dropped just over 2,000,000 tons of TNT on Germany and Japan—2 megatons (MT). This is therefore our measure of a World War II equivalent. The United States bomb dropped on Hiroshima in 1945 has been calibrated at 13 kilotons of explosive power. Therefore 1 Hiroshima equivalent is 0.013 MT.

UNITED STATES/U.S.S.R. NUCLEAR KILLING POWER

[Raw megatonnage]

	World War II equivalents (2 megatons each)	Hiroshima equivalents (0.013 megatons each)
United States:		
ICBMs	791	121,692
SLBMs	168	25,846
Bombers	1,445	222,231
Total	2,404	369,769
Soviet Union:		
ICBMs	3,948	607,308
SLBMs	318	48,923
Bombers	405	62,307
Total	4,671	718,538

These raw megatonnage figures are, however, somewhat misleading since beyond a certain point, larger bombs do proportionately less damage than smaller weapons. Moreover, beyond a certain yield, no more explosive yield is needed to destroy a given target. A better measure of explosive power is "Equivalent Megatonnage" (EMT). This EMT is the basic ability of a warhead to destroy a target and is estimated to be proportional to the two-thirds power of its megatonnage if the yield is less than one megaton, and the square root of the megatonnage if the yield is over one megaton.[21]

Several smaller nuclear weapons can accomplish the same destruction as one very large weapon. Five one-megaton explosives can inflict damage equivalent to one twenty-five megaton explosive; four one-megaton bombs equal one sixteen-megaton bomb, and so on. By this measure (EMT) the U.S. and USSR arsenals contain roughly the same explosive target killing power. See diagram I below.

Using 1974 strategic nuclear weapon figures, the U.S. "triad" of strategic bombers, ballistic-missile submarines, and ICBMs carried 4456 EMT whereas the Soviet Union's strategic launchers were capable of hurling an EMT of 3847. Thus in equivalent megatonnage, the U.S. maintains a slight, if insignificant advantage.* Note the breakdown of megatonnage (MT) and equivalent megatonnage (EMT) by U.S. and USSR delivery systems excluding the newly-deployed Soviet SS-16, 17, 18, or 19 series which are only now being moved beyond the testing phase.

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*Based on unpublished research at the Center for Defense Information, Washington, D.C.

Type	Number	Warheads each	Estimated raw megatonnage per warhead	Total raw megatonnage	Total equivalent megatonnage
UNITED STATES MEGATONNAGE, 1974					
Sea-based strategic missiles:					
Polaris A-2	96	1	0.8	76.8	83.8
Polaris A-3	176	3	.2	105.6	180.6
Poseidon C-3	384	10	.4	153.6	45.0
Total				336.0	308.0
Inter-continental ballistic missiles:					
Titan 2	54	1	10.0	540.0	170.0
Minuteman 1	100	1	1.0	100.0	100.0
Minuteman 2	500	1	1.5	750.0	610.0
Minuteman 3	400	3	0.16	192.0	26.0
Total				1,582.0	906.0
Long-range bombers (and ASM):					
852 A/F	146	4	1.0	584.0	584.0
852 G/H	274	4	1.0	1,096.0	1,096.0
FB 111	76	2	1.0	152.0	152.0
SRAM	1,140	1	0.2	228.0	390.0
Houndog [1]	510	1	4.0	2,040.0	1,020.0
Total				4,100.0	3,242.0
Summary:					
SLBM's				336.0	308.0
ICBM's				1,582.0	906.0
Long range bombers				4,100.0	3,242.0
Total				6,018.0	4,456.0

[1] To be phased out in fiscal year 1975.

Type	Number	Warheads each	Estimated raw megatonnage per warhead	Total raw megatonnage	Total equivalent megatonnage
SOVIET STRATEGIC MEGATONNAGE					
Sea-launched ballistic missiles:					
SS-N-6	528	1	1.0	528	528
SS-N-8	108	1	1.0	108	108
Total	636			636	636
Intercontinental ballistic missiles:					
SS-7	139	1	5.0	695	307
SS-8	70	1	5.0	350	158
SS-9	288	1	20.0	5,760	1,282
SS-11 Mod I	970	1	1.0	970	970
SS-13	60	1	1.0	60	60
SS-11 Mod 3	40	[2] 3	.5	60	76
Total				7,895	2,853
Long-range bombers:					
TU20 "Bear"	90	1	5.0	450	199
Mya 4 "Bison"	36	2	5.0	360	159
Total				810	358
Summary (total):					
SLBM's				636	636
ICBM's				7,895	2,853
Long Range bombers				810	358
Total				9,341	3,847

[2] MRV.

6. Reliability

Overall weapon reliability is a composite of several individual variables, including missiles available, communications reliability, launch reliability, boost reliability, re-entry vehicle separation reliability, penetration reliability and detonation reliability. Figures on most of these components are hard to arrive at from the public literature though some evidence is available. For example, availability of U.S. strategic forces has been estimated at about 95% compared to about 75% for the Soviets. (All of these estimates unless otherwise noted are based on unpublished research at the Center for Defense Information) Overall, however, U.S. and Soviet missile reliability are roughly the same. The overall reliability of Minuteman II and III is between 75% and 80%. This can be compared to estimated reliability of Soviet SS-9 of about 75% and for SS-11 of about 70%. These two missiles comprise the bulk of Soviet ICBM's. The Navy hope to achieve reliability of about 80% for its Poseidon missiles by 1977.[22] By comparison, Soviet sea based missiles are thought to have somewhat lower reliability—about 65% for the SS-N-6 and 70% for the SS-N-7 and 8.

Footnotes at end of article.

If one had to attempt to reach a composite judgement about relative U.S. and Soviet strategic strength from the foregoing analysis the conclusion is inescapable that the U.S. currently has a marked edge.

The U.S. maintains three times more strategic weapons than the Soviet Union. Its missiles are more accurate. The U.S. also has a better hard-target kill capability than the Soviet Union.

The Soviet Force, on the other hand, contains more delivery vehicles than the U.S. and Soviet missiles enjoy a throw weight advantage over U.S. missiles. This throw weight advantage might in several years permit the Soviets to reach approximate equality with the U.S. in numbers of warheads assuming they master MIRV technology and deploy large numbers of MIRVed missiles.

At the same time, however, it is also clear that this U.S. edge is of little significance politically. As Secretary of Defense Schlesinger pointed out recently," . . . we have a good second strike deterrent, but so does the Soviet Union. Although the two forces differ in a number of respects no one doubts they are in approximate balance."[23] The point is not that they are in precise balance in terms of every variable by which one measures strategic power but that they are in balance in terms of their political effect—each force deters the other.

Changing of U.S. military doctrine complicates SALT negotiations

The difficulty in arriving at mutually agreeable SALT formulas for equating strategic striking forces has been exacerbated by a recent U.S. shift in strategic doctrine from yesterday's "assured destruction" to today's "essential equivalence" as prescribed by Secretary of Defense, James R. Schlesinger.

In the 1960's the United States adopted a strategic deterrent doctrine which then-Secretary of Defense McNamara called "assured destruction." McNamara argued that you could deter any rational Soviet government from launching a military attack on the U.S. by maintaining a strategic force capable of (1) riding out a surprise attack and (2) then inflicting "unacceptable" damage on the aggressor. Of course, the potential aggressor would be deterred only if he knew the U.S. had this capacity and the will to use it if attacked. McNamara's operational definition of "unacceptable" damage was damage equivalent to destruction to half the rival's industry and a quarter of his population.

One of the advantages of "assured destruction" doctrine was that the strategy could be implemented by a finite, limited number of strategic nuclear weapons. Calculations done in the Department of Defense indicate that 400 one-megaton nuclear weapons delivered upon the USSR would inflict 50 to 100 million deaths and would destroy 60% of Soviet industry. Beyond 400 such nuclear weapons there is a rapid falloff in the amount of further damage that can be visited upon the USSR with additional nuclear weapons.[24] The Soviet Union had an arsenal this numerous by 1962 (although not in a second strike). The U.S. had 400 nuclear weapons as early as 1948. Weapons built beyond that number can be considered superfluous additions to U.S. and Soviet "overkill" capabilities.

Now in 1975, the Pentagon is advancing a new modification of the doctrine of assured destruction. Secretary of Defense James R. Schlesinger states that an additional essential element to deterrence is that no perceived assymetries in levels or capabilities of forces—conventional or nuclear—exist between the United States and the Soviet Union. This, he calls the doctrine of "essential equivalence". Clearly, this new doctrine can be the rationalization for thousands of new U.S. weapons. Schlesinger's new doctrine, unlike McNamara's "assured destruction doctrine", would have the U.S. match or exceed the Soviets in every strategic category (weapons, launchers, throw weights, etc.) so as not to allow any perceived gap to develop between the two forces unfavorable to the United States. The result of this U.S. doctrinal shift is likely to be a continued nuclear weapons buildup despite the fact that both the U.S. and USSR have far more weapons than they now need to destroy each other even if attacked first by the other.

To the critics who point out that both the U.S. and the Soviets have produced strategic nuclear weapons beyond any rational use, Schlesinger argues that Soviet perceptions of U.S. stregnth are perhaps as important as real U.S. strength. The Secretary of Defense argues that decision-makers base their policies on perceptions of strengths and weakness, whether they exist or not. Hence, he wants the U.S. to maintain forces that are perceived as equal or superior in every facet to Soviet forces. This implies that the U.S. will match the USSR in arms building, even when those extra weapons outnumber the available targets in the Soviet Union and have passed far beyond the point of diminishing returns in U.S. capability to destroy Soviet industry, forces, or population.

"Essential Equivalence" as stated by Schlesinger does not give the Soviet political or military leaders much credit for understanding the awesome destructive power of even a few hundred nuclear weapons. Yet the Soviet leaders for years have given speeches about the awesome capabilities of their own nuclear arsenal which until the last five years numbered no more than a few hundred warheads and bombs.

Is it reasonable that the U.S. needs more strategic nuclear warheads than it now possesses in order to convince the Soviet leaders that we can inflict unacceptable damage upon them even if they strike first? Is it not clear that they understand the incredible dimensions of such weapons? Labeling our front-running or "matching" strategy in the strategic arms race as "essential equivalence" masks the points that the only equivalence that is "essential" to U. S. (or Soviet) security is the capacity to inflict terrible and unacceptable retaliatory damage upon any aggressor country. That is a capacity that both sides possess and have possessed for over a decade. Building weapons beyond what is needed to inflict "unacceptable damage" is a wasteful expenditure of funds.

Moving from a strategic doctrine of "assured destruction" to "essential equivalence" thus is a setback for those who speak for arms restraint, and a victory for those who see more weapons as a means to greater security. Advocates of the "assured destruction" theory of deterrence argue for relatively small numbers of U.S. nuclear weapons. Apologists for "essential equivalence" can only promise us increased strategic weapons building—unless the U.S. is ahead or even in every category of strategic weapons measurement.

SALT—Arms catalyst or arms restrainer?

SALT has produced mixed arms control results. It has succeeded in both restraining some arms competition but has failed to halt the strategic arms race overall. Indeed it has acted to merely rechannel it and, in some degree, it has served as a catalyst for further arms production and deployment.

SALT I signed in May 1972 was a reasonable arms control agreement which froze ICBM launcher numbers, SLBM launch tube numbers, ballistic missile submarine numbers, and the number of ABM missiles per site as well as the number of ABM sites. The agreement had the virtue of freezing arms building at levels then current and of halting the quantitative arms race in these categories of strategic weaponry. Unfortunately, the agreement left unfrozen the permitted numbers of nuclear warheads on each side—perhaps the most important measure of strategic striking power. Also two significant loopholes were left in the agreement—strategic long range bombers and forward-based nuclear systems were left out of the agreement. Thus, a significant portion of the nuclear delivery systems were left unregulated and no pact regulated the qualitative arms race whereby new, more efficient, and modern generations of strategic weapons continue to replace older systems (e.g., ICBMs and SLBMs and MIRV).

Nevertheless, the Salt I Treaty was a useful step forward in stabilizing the arms race. The ABM Treaty and the freeze on offensive missiles lessened the chances of either the U.S. or USSR being able to launch a preemptive nuclear strike without being destroyed in return. The accords thus tended to make nuclear war less likely although it did nothing to discourage the continued "modernization" of strategic forces. SALT I was a limited victory for those who sought to slow (vertical) nuclear proliferation by the Soviet and U.S. governments.

The 1974 agreements—Arms control in reverse?

The SALT I agreements have been followed by two more summit agreements between the U.S. and USSR in the summer and winter of 1974. The Nixon-Brezhnev agreement at Moscow in July accomplished little of substance. It established a threshold of 150 kilotons, which underground test explosions were not to exceed. This was meaningless since less than a half dozen such tests had occurred in the previous five years, and fewer still were scheduled in the projected future. The July 1974 summit also reduced the number of sites where ABMs would be permitted to one instead of two.

This was a constructive arms control step although it was far from certain that it prohibited anything either government planned to do as both had completed only one ABM site at the time.

These agreements, and the later November 1974 Vladivostok accords reached between President Ford and General Secretary Brezhnev, have led some analysts to suggest that the SALT negotiations have backfired on those interested in limiting strategic weapons. In their view, SALT has recently been perverted from its initial goals of arresting the U.S./USSR strategic arms race to the point where strategic arms control negotiations have virtually become a part of the weapons acquisition process.

Bargaining chip approach accelerates arms race

SALT has spurred arms competititon in three ways. First, the armed services have gained an argument in the annual budget battles that helps convince sceptics to fund new weapons. This is the "bargaining chip" approach to SALT. The Pentagon has argued that we should continue to fund strategic weapons systems like the B–1 bomber, the Trident submarine, and should continue MIRVing U.S. strategic missiles—all in order to strengthen our bargaining position with the Soviets. It is not unreasonable to believe that similar arguments are being presented inside the Kremlin by representatives of the Soviet military services. Jack Ruina has put the problem very well:

> "Finding a suitable bargaining chip is a fundamental problem. It is hard to think of an arms program that simultaneously is good enough to worry an opponent and bad enough for the military to be willing to give it up in negotiations."[25]

Unfortunately, the previous pattern of arms control agreements offers few precedents for

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Footnotes at end of article.

cutting back weapons that have already been produced. Arms control pacts like the Outer Space Treaty, the Seabeds Treaty, and the Biological Convention of 1972 all prohibited the production of certain weapons of the future. Only in the ABM Treaty of 1972 has an existing weapon system been actually cut back once deployment had begun. In no other case have arms control agreements resulted in disarmament. "Bargaining Chip" weaponry, once in place, remains in place, and serves to induce the other side into further military expenditures to keep pace with the new development.

Acceleration to beat SALT deadlines

Second, the Strategic Arms Limitation Talks have spurred further weapons production on the part of the armed services to get coveted new weapons into production as soon as possible to avoid their prohibition via future arms control agreements. This holds true for nuclear weapons testing as well. Soon after the July, 1974 Threshold Test Ban treaty was signed, the AEC asked for $56 million more to accelerate the testing of nuclear weapons before the cutoff occurred 21 months later. Congress granted $22 million of this request. Each service is anxious to get its own new weapons under the wire before the negotiators can limit them.

SALT limits as magnets

Third, SALT agreements like the November, 1974 Vladivostok Agreement allow strategic weapons numbers higher than exist in current inventories of strategic weaponry. These high limits on MIRVs and strategic delivery vehicles may serve as "lures", rather than as limits, to further arms production. Pentagon spokesmen argue that since the Soviets will build to such limits, the U.S. must also. The Soviet military, no doubt, argue in the same manner.

Thus, "SALT has been rubbed into the wounds" of arms control advocates. It has given rise to the "bargaining chip" rationale for arms production. It has spurred the military services to press for weapons in order to get them before they are prohibited. Finally, the SALT limits, higher than existing inventories of strategic weapons, serve as goals to be fulfilled lest the Soviets gain an advantage.

THE YEARS OF SALT—UNITED STATES/SOVIET NUCLEAR WEAPONS RACE, STRATEGIC NUCLEAR WEAPONS

[DOD figures]

Years	1970	1971	1972	1973	1974	1975
U.S.S.R.	1, 800	2, 100	2, 200	2, 200	2, 500	2, 800
United States	4, 000	4, 600	5, 700	6, 800	7, 650	8, 500

The Ford-Brezhnev SALT II Agreement at Vladivostok in late November, 1974 was advertised by the parties as the long-awaited "cap on the strategic arms race". In this Vladivostok agreement both the United States and Soviet Union agreed to limit until 1985:

1. The number of their strategic bombers and missile launchers (either sea or land based) to 2400 for each country.
2. The number of multiple independently-targeted re-entry vehicles (MIRV), either sea or land based, to 1320 for each country.

Vladivostok virtues

Defenders of the Valdivostok Agreement argue that it helps maintain the atmosphere of detente in U.S.-Soviet relations and keeps the momentum of SALT going in a positive direction. Secretary of State Kissinger has argued that the new ten year pact relieved unfavorable time pressures and the now-or-never quality that the SALT negotiations had taken on in 1974. The new limits established at Valdivostok can be used as base points for further lower negotiated limits and as a basis for planning by defense analysts. A great deal of uncertainty about the future is removed for both the military planner and the arms control negotiator.

While the U.S. agreed to include strategic bombers as a concession to the USSR, it can be plausibly argued that the Soviets have given up more than the United States in this particular agreement. The omission of U.S. forward based systems, even though they constitute a substantial nuclear force in Europe, Asia, and on aircraft carriers, was a significant concession in view of the threat that these weapons pose to the Soviet Union. The Valdivostok accords, by stipulating numerical equality in MIRVed missiles and launchers, helped to channel the U.S.-Soviet strategic arms race in a direction where U.S. military advantages are pronounced. The Soviets will no longer be able to compensate for their technological inferiority by having more missiles. It is likely that the U.S. will continue to enjoy an advantage in weapons technology for some time to come and the USSR may have committed itself to a more or less permanent handicap.

However, the Soviet leadership may be realistic about the dubious political utility of nuclear weapons and the significance of nuclear "gaps". It is clear that they believe that forward momentum in overall relations with the U.S. is more important than putting military considerations above all else.

Lastly, defenders of the Vladivostok SALT accord point out that it "caps" the arms race at some finite point and acts to channel and restrict weapons production at lower future levels than might have been the case with no limits at all.

Vladivostok vices

Despite all the cited advantages for the Vladivostok Pact this "cap on the arms race" may well turn out to be a "dunce cap". The limits are so permissive of new weapons deployment that the Vladivostok Agreement may be seen more as a license to continue the strategic arms race for another ten years, than as an agreement which favors arms restraint.

It is useful to review what President Ford and General Secretary Brezhnev did not accomplish at Vladivostok in order to put their agreement into proper prospective. First, the accord imposed no direct limit on the number of nuclear weapons allowed each side. This perhaps is the most serious defect in the accord. The MIRV limit of 1320 limits no current weapon or warhead deployment plans of the U.S. Prior to the November 1974 summit, the U.S. had nearly completed 80% of its program to MIRV 550 ICBMs and 496 Poseidon SLBMs. The Vladivostok pact now permits and encourages the MIRVing of 274 additional missiles beyond the 1046 planned. The result will be a proliferation of far more nuclear weapons in the U.S. arsenal than were initially planned.

Indeed, President Ford tells us that "we do have an obligation to step up to that ceiling" (2400 strategic delivery vehicles, 1320 MIRVed missiles), and he promises us that "the budget that I recommend will keep our strategic forces either up to or aimed at that objective.[26] The MIRV limits obviously do not cut into Soviet plans as the first operational Soviet MIRVed missile had yet to be deployed at the time of the agreement. MIRVing 1320 may be the work of a decade for the Soviets.

A second failure of the Vladivostok agreement is that it cuts back no current U.S. arms program and imposes no substantial reduction in any Soviet weapons program. Indeed, it will probably increase, not reduce, military spending in both countries.

A third major flaw in SALT II was that no truly inhibiting limits were placed upon the qualitative arms race. MIRV limits were set so high as to constitute no limits at all in the next three to five years. No limits whatsoever were placed on the number of MIRVed warheads a missile may carry. No restrictions were placed on spending for improvements in accuracy; none on the creation of mobile ICBMs, or ASW technology, or on MARV—the logical extension of MIRV technology. This is a major loophole that begs for plugging in future negotiations.

Finally, there is no indication that the agreement channels the strategic competition and relationship in ways that enhance the national security of either the United States or the Soviet Union. The strategic world permitted by Vladivostok until 1985 looks as threatening as that promised in the absence of an agreement, perhaps more so. We are likely to see greater numbers of weapons, all producing no discernible gain in security.

What the Vladivostok Agreement does may be as harmful as what it does not do. First, it acts to undo the 1972 U.S.-Soviet Interim Agreement which froze ICBMs and SLBMs at 1972 levels then deployed or under construction. Vladivostok permits any number of ICBMs and SLBMs up to a combined total of 2400 strategic launchers. The U.S. was limited to a maximum of 1710 strategic missiles in 1972; the Soviet Union, 2358. Vladivostok enables the military on both sides to argue for building to the agreed high limits because the rival will be.

The Ford-Brezhnev agreement at Vladivostok, if not followed by further far more restrictive arms control agreements, permits and encourages the building and deployment of as many as three to four times as many deliverable strategic nuclear weapons in each superpower's arsenal in the next ten years. Mid-1975 figures place combined U.S./USSR strategic weapons totals at 11,300 (8500, U.S.; 2800 USSR). Under the Vladivostok Agreement, 29,000 Soviet and American strategic nuclear weapons might well be deployed by 1985 or before.* In addition, the U.S. and Soviets have currently in their arsenals an estimated total of 28,000 tactical nuclear weapons.**

PART II—THE SUPERPOWERS AND NUCLEAR SPREAD

Having examined and assessed the status, pace and direction of the superpowers nuclear arms race, the question remains: what is the impact of the superpower's arms race on the nuclear aspirants? How have U.S./USSR vertical proliferation affected horizontal Nth country proliferation?

Footnotes at end of article.

* This assumes production of the new U.S. Trident, B–1, and MIRV to the 2400 launcher and 1320 MIRV limits allowed by Vladivostok. This also assumes Soviet MIRVing and deployment of new family of ICBMs. It is conservative in that it allows for no other new strategic qualitative innovations which might well occur. The conservative projection is then that U.S. nuclear weapons will grow in number from 7650 in mid-1974 to 21,000 by 1985. Soviet weapons, conservatively estimated, will grow to just under 8000. A worst case estimate of Soviet growth assuming many new military technology innovations would place Soviet totals at 14,500.

** The U.S. is estimated to have in 1975 22,000 tactical nuclear weapons. Estimates of Soviet tactical nuclear weapons are less precise. They are estimated to have about 3500 tactical nuclear weapons in Europe and perhaps another 2500 or more elsewhere in the USSR.

We will argue that in at least three ways continued Soviet-U.S. nuclear weapons competition has increased the possibilities for membership in the nuclear club.

First, U.S./USSR nuclear weapons building sets a bad example for the rest of the world. Secondly, the same forces that help spur the nuclear arms race also help spur the diffusion of nuclear-related military technologies throughout the world through the sharing by the superpowers of "non-military" nuclear technology and by the transfer of nuclear capable delivery systems to many countries. Finally, the basing of nuclear weapons worldwide, increases the chances for theft and seizure.

The narrowing-widening gap

In terms of numbers of nuclear weapons held by the superpowers the gap between the superpowers and other members of the nuclear club, and between the superpowers and nuclear aspirants has obviously widened. On the other hand, the gap has narrowed somewhat in terms of access to nuclear technology and access to advanced nuclear capable delivery systems.

The U.S./Soviet strategic arms race is the cutting edge of world military technology. The U.S. and the Soviet Union, but especially the U.S. have almost always been first to develop new military technologies. We have set a fast pace that others have tried to follow. As we and the Soviets have pushed out the frontiers of military technology we have also helped diffuse older technologies to more and more countries. As a result, "the . . . technological potential for destructive weapons has grown and grown, and spread, country by country, throughout the world." [27]

Elementary nuclear knowledge and techniques necessary to build a simple atomic bomb—has become more and more widespread. Increasing numbers of nations have developed nuclear reactors for producing electric power and for purposes of research. In the process, many nations have begun the process of developing indigenous scientific talent and technological skills necessary to build nuclear weapons. At last count, forty-four countries were operating nuclear reactors. Many observers have expressed concern that weapons grade plutonium might be produced by these reactors and diverted to the production of nuclear weapons. At least as significant, however, is the use of these nuclear research and power facilities to develop the scientific knowledge and technological skills that are necessary to build nuclear weapons. The International Atomic Energy Agency can devise safeguards to protect against the former but it cannot protect against the latter. Indeed, the central objective of these facilities is precisely the development of just such a pool of indigenous scientific and technological talent.

Dr. Fred Iklé, Director of the Arms Control and Disarmament Agency, commented on this problem in a recent speech. He has pointed out that for the first decade of the nuclear era the U.S. tried hard to keep nuclear technology secret. "Until 1954," he says, "we followed a very strict policy of trying to prevent other nations from acquiring our nuclear know-how and materials, but in 1954 we turned around almost 180 degrees: we initiated a major program, under the name "Atoms for Peace", deliberately designed to share nuclear technology." "The trouble is," he continues, "that some of the technology for peaceful uses can, with a sufficient effort, provide the building blocks for the technology to manufacture nuclear bombs."* [28]

Current U.S. policy is to share peaceful nuclear technology. Articles IV and V of the Nonproliferation Treaty pledge the U.S. to cooperate with other countries in the sharing of technology and equipment for the development of peaceful uses of nuclear energy, and Secretary of State Kissinger recently reiterated that it is still U.S. policy to share and exchange this technology with other countries.[29]

The U.S. alone has exported research and/or power reactors to thirty-six countries. In addition, the U.S. has provided nuclear technical assistance to forty-three countries, and twenty-six countries have been given grants for the purchase of nuclear reactors. The Atomic Energy Commission has been active in exchanging technical information on nuclear science with numerous other countries. The International Atomic Energy Agency in 1973 sponsored nuclear research projects in fourteen countries and the amount of money available through the IAEA for technical assistance in nuclear science more than doubled from $3.2 million in 1969 to $7.5 million in 1974.[30] Over time these activities begin to have a significant impact. In testimony before the House Appropriations Committee it was pointed out by the Agency for International Development that "the technology involved in civilian power reactors is only marginally related to that needed in research and development to produce nuclear weapons." [31] In the same hearings, however, it was acknowledged that "There is no assurance however, that some foreign scientists who have visited or been assigned to AEC laboratories on non-military projects or who have received unclassified AEC publications have not applied basic nuclear knowledge they have gained to some aspect of a weapons program.[32] This process has been going on for several years and has disseminated nuclear expertise widely.

Not long ago, the AEC conducted a secret study to determine whether two physicists with PhD's and fresh out of graduate school could design an atomic bomb using unclassified, public literature, assuming they could obtain the necessary nuclear materials. In *six months* the physicists had succeeded in designing an atomic bomb and in predicting its yield within ten percent of what it would have been if detonated.[33] They were subsequently hired by the AEC and now work at the Los Alamos Laboratory. In 1974 the AEC put together a study group to examine the question of nuclear theft. The group concluded that "There is widespread and increasing dissemination of precise and accurate instructions on how to make a nuclear weapon in your basement . . . there is also a slow but continuing movement of personnel into and out of the areas of weapons design and manufacture . . ."

"We believe," they concluded, that, "these factors necessitate an immediate and far-reaching change in the way we conduct our safeguards program." [34]

More recently a twenty year old MIT undergraduate was given the assignment of designing a nuclear bomb in his spare time, again using only publicly available reference works. A nuclear scientist on the staff of the Swedish Ministry of Defense and several colleagues examined the resulting design and concluded that there was "a fair chance" that it would explode. The bomb, which required about 200 hours to design and would weigh between 500 and 1000 pounds, was built from parts easily available from commercial suppliers (with the exception of the plutonium) and might cost between $10,000 and $30,000.[35] A bomb this size could be carried by virtually any modern military jet. These examples demonstrate quite clearly that the technology necessary to build nuclear bombs is no longer held by a few scientists in a few countries. It has become widely disseminated and accessible to virtually anyone with a modest amount of technical information and expertise.

Supplying nth countries with delivery vehicles

A second trend is the increasing availability and diffusion of nuclear-capable delivery systems to nuclear aspirants. It has become increasingly obvious in recent years that the resources and technology necessary to develop and build reliable nuclear-capable delivery systems—primarily missiles and advanced jet aircraft—with their sophisticated electronics, are far more demanding than that necessary to develop and build nuclear weapons. The extensive trade in conventional arms in recent years has made available to nuclear aspirants in increasing numbers, the advanced missiles and aircraft necessary to carry nuclear weapons. Credible delivery systems are an essential ingredient necessary for turning a test nuclear explosion into a meaningful military threat.

Both the U.S. and the Soviets have transferred to both allies and clients large number of nuclear capable delivery systems. Literally thousands of nuclear capable aircraft, ships and guided missiles have been given or sold to foreign countries as part of the grant military assistance programs of the U.S. and the military assistance programs of the Soviet Union.

U.S. NUCLEAR CAPABLE GUIDED MISSILES, GIVEN AND SOLD TO FOREIGN GOVERNMENTS, 1950–73

Name	Assistance	Sales	Total
Surface-to-surface:			
Corporal	113		113
Jupiter	63		63
Pershing		133	133
Sergeant	38	195	233
Honest John [1]	3,566	2,688	6,254
Subsurface-to-surface: Polaris (A–3)		102	102
Air-to-surface:			
Bullpup	3,768	1,603	5,371
Walleye		104	104
Surface-to-air:			
Nike	3,460	1,766	5,226
Terrier	114	172	286
Total missiles	11,122	6,763	17,885

[1] 1950–72.

U.S. NUCLEAR CAPABLE AIRCRAFT AND SHIPS GIVEN AND SOLD TO FOREIGN GOVERNMENTS, 1950–73

	Millitary assistance	Sales	Total
Aircraft:			
Antisubmarine	160	52	212
Attack	178	581	759
Bombers	113		113
Fighters	7,767	1,509	9,276
Patrol	186	102	288
Total aircraft	8,404	2,244	10,648
Ships:			
Aircraft carriers	3	2	5
Cruisers		6	6
Cargo ships	4		4
Destroyers	38	62	100
Destroyer escorts	62	23	85
Submarines	24	33	57
Subrescue	1	1	2
Subtender	1	1	2
Total nuclear capable ships	133	128	261

Since 1950 the U.S. alone has transferred nearly 18,000 nuclear capable guided missiles of all types, ground-to-air, ground-to-ground, and air-to-ground, to foreign countries. During the same period the U.S. has transferred about 8400 nuclear capable aircraft of all types to foreign countries. U.S. supplied nuclear capable missiles are currently deployed by Spain, Taiwan and the Republic of Korea as well as NATO countries. Both Taiwan and South Korea are believed to be interested in developing nuclear weapons and have in operation, or under construction, nuclear reactors capable of producing militarily significant quantities of plutonium.[36]

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* Spch National Security Industrial Association, Jan. 15, 1975 p. 4

Footnotes at end of article.

Soviet nuclear-capable missiles are deployed by Warsaw Pact countries as well as Egypt, Syria, Iraq, North Korea, and Cuba. Massive U.S. and Soviet expenditures in recent years on highly sophisticated delivery systems have obscured the fact that nuclear weapons can be delivered with far simpler, less sophisticated weapons than the ICBMs and SLBMs in the U.S. and Soviet arsenals. The only nuclear weapons used in war were delivered by aircraft that even the most underdeveloped country would not consider worth buying today. Many nuclear aspirants could acquire a credible nuclear deterrent against one or more of the current nuclear powers with a relatively small number of F-4 Phantom fighter-bombers or comparable aircraft equipped with nuclear weapons. It is worth nothing in this connection that the U.S.'s so-called "fourth strategic force", forward based in Europe, Asia and on aircraft carriers, consists of precisely these kinds of delivery systems—fighter-bombers such as the F-4s, F-8s, F-14s, F-111s, A-4s, A-6s and A-7s as well as relatively short range surface-to-surface missiles such as the Lance, Pershing, Sergeant, and Honest John.

Superpower nuclear spread—Theft and seizure dangers

The dispersion of U.S. and USSR nuclear weapons across the world has led to the danger that either terrorist organizations or "Allies" of the superpowers might steal or seize U.S. or Soviet nuclear weapons. This might well prove easier to accomplish than the production of a nuclear weapon.

Nuclear spread to terrorists

The risk of war with the Soviet Union has long been regarded as the primary threat to the security of the United States. In hopes of averting such a catastrophe, thousands of man-years have been spent by analysts exploring how such a war is likely to erupt.

The research and contingency plans designed to control escalation of crises and limited wars, to prevent accidental war or unauthorized attacks, and to deter a surprise attack, may be ignoring a likelier danger to U.S. national security—the nuclear terrorist.

A half-dozen terrorists with a home-made or hijacked nuclear weapon could cause thousands of deaths in a city like New York. Yet thousands of nuclear weapons are deployed by the United States, Soviet, French, and British forces in many different locations, some with questionable security precautions. If a terrorist group stole and detonated one "small" 10 kiloton nuclear weapon in New York City, the explosion could cause nearly 100,000 deaths—more than all the U.S. battle deaths incurred together in the Vietnamese and Korean Wars.

One of the hundreds of U.S. tactical nuclear bombs in the one metagon range, if exploded on Manhattan Island, would inflict casualties exceeding the combined totals of the war dead from the American Revolution, the War of 1812, the Mexican War, the U.S. Civil War, the Spanish-American War, the First World War, World War II, the Korean War, and the Vietnam War. Nearly one-and-a-half million people would perish in such an event.

More than 50 major terrorist groups are reported to exist worldwide. Urban guerrilla activities, Olympic murders, airplane hijackings, terror bombings, and airport massacres are all well known.

How safe are nuclear weapons from theft by terrorist groups? Not very, according to the few indicators available in this highly classified area. U.S. Army Special Forces exercises have shown that nuclear weapons storage areas can be penetrated successfully without detection, despite guards, fences, and sensors. Their example could obviously be followed by a daring and well-organized terrorist organization.

The United States, its allies, and the Soviet Union have now deployed thousands of tactical nuclear weapons across the world, each in an effort to bolster its own national security. In doing so, these governments have made their societies more vulnerable to the nuclear terrorists, and increase the chances of nuclear proliferation in this form.

Nuclear spread to allies

More than half of all U.S. nuclear weapons are stationed abroad or on the high seas. Countries where U.S. nuclear weapons are reportedly stationed include: Federal Republic of Germany, United Kingdom, Netherlands, Belgium, Italy, Iceland, Greece, Turkey, Spain, Portugal, Philippines, and Republic of Korea.

Once the U.S. deploys nuclear weapons to an allied country, we put in jeopardy our control of those weapons if that nation ever becomes unfriendly to the United States. Allied seizures of U.S. weapons could result in the United States having to fight its way into an allied country in order to rescue its own weapons.

This scenario takes on more plausibility in the light of the recent Greek and Turkish fighting on Cyprus. Both Greece and Turkey are host countries for U.S. tactical nuclear weapons and U.S. security forces were put on maximum alert guarding the weapons compounds during the short war between these two NATO allies.

Too many of the allied host countries that permit U.S. nuclear bases are dictatorships with oppressive regimes that spark dissent. Franco of Spain and Chung Hee Park of Korea are vintage example of the genre. Some allies who permit U.S. nuclear weapons already have domestic insurrections on their hands. The Philippines and the United Kingdom are current examples. In Greece and Portugal recent coups d'etat have changed the complexion of the ruling groups. In countries plagued by civil wars and coups, U.S. tactical nuclear bases may not be safe from our "allies." During internal political disruptions in allied countries, U.S. bases might find themselves caught in the middle of a firefight. One side or the other might find it advantageous or even necessary, to seize U.S. tactical nuclear weapons to gain the upper hand in the local struggle. Nor can we discount the possibility that allies such as the Republic of Korea might seize U.S. weapons in order to defend themselves from—or possibly to attack—their antagonists.

FOOTNOTES

[1] Barry R. Schneider, (ed.) "30,000 U.S. Nuclear Weapons", *The Defense Monitor*, Vol. 4, No. 2, February 1975, p. 1.

[2] News Conference, April 26, 1974.

[3] General George Brown, *U.S. Military Posture for FY 1976*, p. 37.

[4] Speech, U.C.L.A. Westwood, Ca., January 29, 1975, p. 8.

[5] James R. Schlesinger, *Annual Defense Department Report*, FY 76 and FY 76T, p. II–12.

[6] Newhouse, op. cit., p. 8.

[7] SIPRI, *Offensive Missiles*, Stockholm Paper 5, Uppsalla, 1974, p. 16.

[8] Rep. Robert Leggett, "Two Legs Do Not a Centipede Make," *Armed Forces Journal*, February 1975, p. 30, *Offensive Missiles*, pp. 14–21. Also Hearings, *Nuclear Weapons and Foreign Policy*, Committee on Foreign Relations, U.S. Senate, 1974, p. 170.

[9] Admiral Thomas Moorer, testimony, Senate Armed Services Committee, Hearings on FY 1972 Defense Department Authorization, Part I, p. 19.

[10] Secretary of Defense Elliot Richardson, testimony, House Armed Services Committee, FY 74 Department of Defense Authorization, Part I, p. 482.

[11] Paul Nitze, *Aviation Week and Space Technology*, February 24, 1975, p. 66.

[12] General George Brown, *op. cit.*, p. 37.

[13] *Ibid.*

[14] James R. Schlesinger, *op. cit.*, p. II–14.

[15] *F.A.S. Public Interest Report*, February 1974, p. 8.

[16] See *Aviation Week and Space Technology*, October 7, 1974, pp. 12–14, January 27, 1975, p. 61, February 3, 1973, p. 19, also SIPRI, *Offensive Missiles*, Stockholm Paper 5, Uppsala 1974, pp. 24n, 25n, also Dr. Malcolm Currie, *Department of Defense Program of R.D.T. and E.*, Report for FY 1976, p. II–17.

[17] Congress, U.S., Joint Economic Committee, *Hearings on Allocation of Resources in the Soviet Union and China*, April 12, 1974, p. 18.

[18] Edgar Ulsamer, "The Soviet Drive for Aerospace Superiority", *Air Force Magazine*, March, 1975, p. 46.

[19] *Ibid.*, p. 46.

[20] Hearings on Department of Defense appropriations, FY 75, Part 4, p. 704.

[21] David Packard, Testimony, June 1, 1971, Senate Foreign Relations Committee, *Arms Control Implications of Current Defense Budget* (FY 72), June, July 1971, p. 179.

[22] Hearings, Department of Defense Authorization, House Armed Services Committee, Part IV, p. 3992.

[23] Schlesinger FY 76, *DOD Annual Report*, p. I–16.

[24] Alain Enthoven and Wayne Smith, *How Much Is Enough*, New York Harper and Row, 1974, pp. 207–210.

[25] "SALT in a MAD World", *New York Times Magazine*, June 30, 1974, p. 42.

[26] *New York Times*, December 3, 1974, p. 28.

[27] Dr. Fred Ikle, Director U.S. Arms Control and Disarmament Agency, speech before National Security Industrial Association, January 15, 1975, p. 4.

[28] *Ibid.*, p. 4.

[29] Congress, U.S., Subcommittee on Foreign Operations, Committee on Appropriations, Foreign Assistance and Related Agencies, Appropriations, FY 1975, Hearings, p. 59.

[30] International Atomic Energy Agency, *Annual Report*, Austria, July 1974, p. 9.

[31] Hearings, *Foreign Assistance and Related Agencies Appropriations* FY 1975, Subcommittee on Foreign Operations, House Appropriations Committee, p. 325.

[32] *Ibid.*, p. 691.

[33] Paul Levinthal, "Plutonium for Peace Maybe", *New York Times*, July 14, 1974; *Washington Post*, May 26, 1974, p. 1.

[34] *Washington Post*, May 26, 1974, p. 1; *Congressional Record*, Senate, April 30, 1974, p. 6622.

[35] *New York Times*, February 27, 1975.

[36] Hearings, Foreign Assistance and Related Agencies, Appropriations, FY 1975, p. 1383.

Mr. STENNIS. Mr. President, if any time remains, I am glad to yield it back.

Mr. HUMPHREY. Mr. President, will the Senator yield for the purpose of my asking a question of the distinguished Senator from New Hampshire, who is the chairman of the R. & D. Committee?

Mr. GRAVEL. I am glad to yield.

Mr. HUMPHREY. Mr. President, I have listened to this most interesting and provocative and exhilarating debate. There is a good deal of heat and occasionally some light, and I would just like to remove some of the conditions of smog and fog and smoke, if I could, to get at what the argument is all about.

I understand that the R. & D. subcommittee did not support additional funding for the so-called site defense ABM technology. Is that correct?

Mr. McINTYRE. That is correct. The request for $140 million at the subcommittee level was denied, and at the full committee, in executive session, $70 million was restored.

The amendment of the distinguished Senator from Alaska seeks to restore it to the subcommittee position of termination.

Mr. HUMPHREY. Do I correctly understand that in the defense procurement bill are substantial funds for continuing a program of advanced ABM technology that looks into the 1980's—sort of a new generation of technology. Is that correct?

Mr. McINTYRE. In the R. & D.

Mr. HUMPHREY. In the R. & D.

Mr. McINTYRE. In the R. & D. of the budget is a program that we call ABMDA, which is advanced ballistic missile defense technology. It is here that the technology is developed on advanced interceptors, advanced radars, target discrimination, picturing the course of the vehicle coming in under certain atmospheric conditions. It is here that we have the technology to know what the Soviets are up to. This is advanced technology. It looks to an ABM system that, hopefully, if we ever had to put it to work, would be able to defeat the incoming ballistic missiles.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired. The Senator from Mississippi has 1 minute remaining.

Mr. HUMPHREY. I thank the Senator for really solid information.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 540) of the Senator from Alaska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Alabama (Mr. SPARKMAN). I have already voted "aye." If he were present and voting he would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wyoming (Mr. McGEE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "yea."

The vote was announced—yeas 39, nays 54—as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—39

Abourezk
Biden
Brooke
Bumpers
Case
Church
Clark
Cranston
Culver
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Humphrey
Javits
Johnston
Kennedy
Leahy
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Williams

NAYS—54

Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Inouye
Jackson
Laxalt
Long
Magnuson
McClellan
McClure
Montoya
Morgan
Moss
Nunn
Packwood
Pearson
Percy
Roth
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stone
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Tunney, for.

NOT VOTING—5

Bayh
Eagleton
Huddleston
McGee
Sparkman

So Mr. GRAVEL's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will come to order. I am going to ask for order in the Chamber. Will everybody who is conversing kindly remove himself from the Senate floor. Would those Senators conversing kindly remove themselves from the Senate floor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for not to exceed 5 minutes without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. The next amendment to be called up is on the B-1 bomber on which there is a 2-hour limitation; and that will be followed by the Minuteman III amendment on which there is a time limitation of 1½ hours.

After those two amendments are disposed of, there are between 23 and 28 other amendments. The deadline for final passage is 6 p.m. tomorrow.

I take this time to see if we can possibly get the time reduced on each of the remaining amendments. Would it be possible to cut the time on the B-1 bomber amendment, which is 2 hours, could that be reduced to 40 minutes to be equally divided between the two sides.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. GOLDWATER. Inasmuch as I probably will have the burden of carrying the B-1 argument on this side, I have made my arguments, and I do not think we are going to change one vote. I see no reason why we cannot limit this to 40 minutes, none at all.

I would leave it to the judgment of my chairman, Senator STENNIS, however.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. PASTORE. I want to compliment the majority whip. I mean, after all, we did have several days of open debate, general debate and, as the Senator from Arizona well said, this is an old chestnut. I mean we have talked about this time and time again and minds are made up, and I do not see how it cannot be explained in 20 minutes on both sides.

I would hope there would be cooperation. After all, there are so many amendments. Mathematically, if you figure it out, I do not see how you are going to end at 6 o'clock tomorrow and, as the majority leader said, if we do not finish tomorrow we are going to come in here Saturday. You have got to make up your minds, you either want to talk yourselves to death or pass the legislation or defeat it, and that is about the size of it.

Mr. McGOVERN. Mr. President, reserving the right to object, and I will not object, I do think the case against this weapon system is so clear and so convincing that we should be able to convince the Senators in 20 minutes and if I can be assured of at least half of the time, I cannot imagine taking more than that length of time to make the case.

Mr. PASTORE. Will the Senator yield?

Mr. McGOVERN. Yes.

Mr. PASTORE. May I say to the Senator, if he cannot prove his case in 20 minutes, he cannot prove it at all.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, may I ask the Senator from Arizona with reference to the time he wants?

Mr. GOLDWATER. I can go from 0 to 10 minutes.

Mr. STENNIS. Or 5 hours?

Mr. GLENN. I need 10 or 12 minutes.

Mr. GOLDWATER. I do not even need that, I have said everything about the B-1 that I can say.

Mr. STENNIS. The Senator does not want that, is that right?

Mr. GOLDWATER. Oh, I would like a little.

[Laughter.]

Mr. STENNIS. Now, Mr. President, just a moment. There are a good number of Senators that have talked to me about wanting to speak on this. We will make it as short as we can, but we have made mighty good headway today and yesterday.

May I ask the Senator from California, he has some time he has talked to me about.

Mr. CRANSTON. Three or 4 minutes is all I need.

Mr. STENNIS. All right.

Mr. BARTLETT. Will the Senator yield?

I would like to ask the Senator from Mississippi if I could have 5 minutes.

Mr. STENNIS. All right.

Based on what I get here, I think reduce it to, say, 35 minutes a side.

These men want to speak on this matter.

Mr. McGOVERN. Thirty-five minutes a side?

Mr. STENNIS. Yes.

Mr. ROBERT C. BYRD. Mr. President, that is 70 minutes and time is fast running.

Mr. McGOVERN. Mr. President, it seems to me the Senator's request is reasonable. We are debating the most expensive weapons system ever proposed in the history of the world.

Mr. ROBERT C. BYRD. Very well. Could we make it an hour equally divided? May I ask the chairman and the Senator from South Dakota, could we make it an hour equally divided?

Mr. STENNIS. I suppose so.

Mr. GOLDWATER. If the Senator will yield, in order to expedite I will put my material in the Record.

Mr. STENNIS. Thirty minutes each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on the Minuteman III amendment, there is a 1½-hour time limitation, could we reduce that one?

Mr. CRANSTON. Yes, if the Senator would yield, 40 minutes would be adequate; 20 minutes to a side.

Mr. ROBERT C. BYRD. Fourty minutes, equally divided?

Mr. TUNNEY. Are we asking for a unanimous-consent request of 40 minutes to a side?

Mr. ROBERT C. BYRD. On the Minuteman III, we have 1½ hours, now we are seeking to cut the time down.

Mr. TUNNEY. I thought we were talking about the B-1.

Mr. STENNIS. Mr. President, reserving the right to object, we have made a lot of headway here today. There have been some of these other amendments that have been settled here and have not been announced yet because they are not in final form. I think there is plenty of chance for us to finish tomorrow, a splendid chance, if we dispose of these two larger items tonight and come in early tomorrow. I do not know, we cannot tell, but——

Mr. ROBERT C. BYRD. Mr. President, my concern—may we have order?

My concern is not so much that——

The PRESIDING OFFICER. Will the Senator suspend until I get order in the Chamber?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Those Senators conversing kindly remove themselves from the Senate Chamber. The Senator may proceed.

Mr. ROBERT C. BYRD. My concern is not that we finish tomorrow so much. I think we can do that. We are making good progress, and I compliment the chairman of the committee. But Senators would like to be able to get out of here at a reasonable hour tonight and also at a reasonable hour tomorrow, and it is my hope that instead of having it at 6 o'clock tomorrow, we could finish this bill by 3 o'clock tomorrow.

If the votes are here, it seems to me there is nothing to be gained by prolonging the debate.

I am simply trying to come at this time and get a reasonable time for debate.

Mr. STENNIS. I understand the Senator's position. The trouble is, he has not been promising these men time and I have, and that is the difference between us.

Mr. ROBERT C. BYRD. I know that I have not promised them anything. I have been to the Senator a number of times and tried to privately discuss this matter with him and I am now trying to discuss it with all Senators.

Mr. STENNIS. Well, we have made splendid progress here.

Mr. ROBERT C. BYRD. I ask the Senator from Mississippi, how about 1 hour here on the Minuteman III? Senator Cranston said 40 minutes would be sufficient, equally divided.

Mr. STENNIS. Cut it down to 1 hour, that is all right, we will yield back what we do not use.

Mr. ROBERT C. BYRD. One hour, equally divided, the Minuteman III.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there is 1 hour on each of the remaining amendments. I wonder if we could reduce that time. I would ask there be a time limitation of 20 minutes on the amendment by Mr. Glenn to be equally divided. I understand from Senator Glenn that is sufficient time for him, would that be agreeable?

Mr. STENNIS. My recollection is that we agreed on that point.

Mr. GLENN. Yes.

Mr. STENNIS. On the Glenn amendment.

Mr. GLENN. Will the Senator yield? I just gave that time to the distinguished Senator from West Virginia for lack of any better time. If it has been agreed to, we can make that a voice vote. I do not care.

Mr. ROBERT C. BYRD. Ten minutes equally divided on the amendment by Senator Glenn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. And a voice vote.

Mr. HUGH SCOTT. Will the Senator yield?

Would this not be a seemly moment to inquire whether other Senators with amendments among these 20 or more would consider either withdrawal of their amendments or a voice vote on them? Do we have such a mood in the Senate at the present time?

Mr. NUNN. Mr. President, on I believe four amendments that Senator Bartlett—is Senator Bartlett in the Chamber?

Mr. BARTLETT. Yes.

Mr. NUNN. I do not know the numbers, and on the amendment regarding women in academies that Mr. Hathaway proposed, those five amendments we believe we have made some progress on and worked out. I think we could take all five of those and have a 10-minute time limitation provided it be done tomorrow morning.

Mr. STENNIS. Mr. President, reserving the right to object, I have not even seen that amendment. I certainly think I ought to look it over to agree on it. It has been conferred on, but I would like to see it.

Mr. ROBERT C. BYRD. Mr. President, if I have the floor, I yield to the Senator from California who may be able to enlighten us on whether or not certain Senators would be willing not to call up their amendments.

Mr. CRANSTON. Well——

The PRESIDING OFFICER. The Chair would remind the Senator from West Virginia he asked for 5 minutes; it will be necessary to ask for more time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. If the Senator would ask for the following unanimous-consent agreement, so it can be clear—15 and 16 by Senator Jackson, 30 minutes equally divided on each.

Mr. ROBERT C. BYRD. All right.

Mr. CRANSTON. Fourteen by Senator Hartke, 40 minutes equally divided, No. 489.

Mr. ROBERT C. BYRD. How much?

Mr. CRANSTON. Forty minutes, equally divided.

Mr. ROBERT C. BYRD. All right.

Mr. CRANSTON. On Senator Proxmire's amendment No. 500, 10 minutes, in which he is simply going to make a statement.

Mr. ROBERT C. BYRD. Ten minutes equally divided?

Mr. CRANSTON. Yes; and then a voice vote.

On No. 514——

Mr. STENNIS. Mr. President, may we wait, just hold that?

The PRESIDING OFFICER. Did the Senator make that a unanimous-consent request?

Mr. ROBERT C. BYRD. No; not yet.

Mr. CRANSTON. The Senator from West Virginia will do so after I talk with everyone.

On the Proxmire amendment No. 514, 10 minutes.

Senator Culver's 518, 15 minutes.

Mr. THURMOND. Total?

Mr. CRANSTON. Total?

Senator Culver's 519, 15 minutes.

Perhaps I should not speak for Senator Weicker, Senator Domenici, and Senator Tower—yes, Senator Weicker's 529, 20 minutes, equally divided; Senator Domenici's 531, 20 minutes equally divided; and Senator Tower's 534, 20 minutes equally divided.

Mr. PROXMIRE. Will the Senator yield? On 514 I would appreciate it if I could have 10 minutes. I do not expect to press it to a vote, so the opposition should not take any time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the following amendments——

Mr. STEVENS. If the Senator will yield, I have 528. May I have 5 minutes and a voice vote?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent with respect to the following amendments that the time for debate thereon be limited as follows, with the time to be equally divided and controlled in accordance with the usual form: On each of the two amendments by Mr. Culver, there be a time limitation of 15 minutes to be equally divided.

Mr. STENNIS. Just hold it a minute. Understand, these amendments were all filed by 6 o'clock last night. I was here until after 9 o'clock. I was back here this morning before 9 a.m. and I have been here all the time, except for about 10 minutes to eat lunch. I have not even seen many of these amendments. I do not think it is very courteous to be in such an all-fired rush here of trying to force agreements. There is one here who wants to put $1 billion in the bill for research.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request on both of those amendments.

I ask unanimous consent that with respect to the amendment by Mr. Weicker there be a 20-minute time limitation to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that on the amendment by Mr. Domenici there be a 20-minute time limitation to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Just a moment. What is the number?

Mr. ROBERT C. BYRD. It is No. 531.

Mr. STENNIS. I have not looked at it and I have not had a chance to consult staff about it.

Mr. ROBERT C. BYRD. I withdraw that request.

Mr. President, I ask unanimous consent that on the amendment by Mr. Tower, No. 534, there be a time limitation of 20 minutes to be equally divided and controlled in accordance with the usual form.

Mr. STENNIS. Reserving the right to object, if I understand that one correctly, that proposes a revision of pay for all military men on retirement, some kind of a revision. There is an automatic increase based on the cost of living and if they retire they get that. If they do not retire, they do not get it. I have told the Secretary of the Army that I could not support the amendment. Other agencies of Government are involved.

Mr. FONG. Will the Senator yield? There will be 2,800,000 civilians involved in this. If we give it to the military, we will have to give it to the civilians. I think this is a very, very bad amendment. We would have to take this together with the pay of Members of Congress and with the $36,000 ceiling that we have imposed upon GS–18, 17, and 16. This is a very big amendment and will cost a lot of money.

Mr. TOWER. If the Senator will yield, it will actually cost $10 million. Lord knows how much it might save in terms of retention rates. The fact of the matter is you are encouraging early retirement by paying people more who retire early than people who spend time in the service.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for another 3 minutes. We are making some headway.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, can we pass that amendment? There is no way to agree now in the small time for debates on such a far-reaching matter.

Mr. ROBERT C. BYRD. May I say to the distinguished chairman he has control of the time for debate on this bill and he can yield additional time on any of the amendments from his time on the bill, if he wishes to.

Mr. STENNIS. That is very good to remember, but I think it misleads others to say 10 minutes to the side and then take 40 to 50 minutes on a side.

Mr. ROBERT C. BYRD. As the Senator knows, I would not want to mislead anyone. I withdraw that request.

Mr. CRANSTON. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. CRANSTON. Two more shortenings are possible. On Senator Gravel's No. 537, 30 minutes equally divided would be acceptable to the Senator, and on No. 438, 1 hour equally divided.

Mr. ROBERT C. BYRD. We already have an hour on that.

Mr. GRAVEL. Make that 536 rather than 538; 537 would be 15 minutes per side.

Mr. GOLDWATER. Will the Senator yield on that?

Mr. ROBERT C. BYRD. Yes.

Mr. GOLDWATER. Again, I do not believe this is an amendment. This is a request for reports. It is not an amendment to the bill. It is merely a request for reports.

Mr. ROBERT C. BYRD. Could the Senator do with less time?

Mr. GRAVEL. I would be happy to.

Mr. STENNIS. It is a rather involved matter, gentlemen. It concerns nuclear weapons. Maybe with a chance to look at it we could reach an agreement, but it is not just an ordinary matter at all.

Mr. ROBERT C. BYRD. Mr. President, I will make four more requests and then I will not impose on the time of the Senator further. I ask unanimous consent that on the Hartke amendment No. 489 there be a 40-minute time limitation to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Reserving the right to object, Mr. President, on that amendment it sets up a special category of civilian employees and provides that that group will not be subject to the general law that requires this committee to set the ceiling on the civilian employees. Certainly, that will require some study by the staff, by me and by others who are interested in it, who have a responsibility. We had a whole debate on civilian employees the other day and now this amendment proposes to lift out a special class and not let this limitation apply, to leave it all up to the Department of Defense.

If we are going to do that, we ought to repeal the whole thing. That amendment would require some debate just to understand it.

Mr. ROBERT C. BYRD. Can we agree to a 40-minute time limitation?

Mr. STENNIS. No, I respectfully decline to agree to such a short time on that this evening. I might be able to by morning.

Mr. ROBERT C. BYRD. All right.

On the Jackson amendment, No. 492, I ask unanimous consent that there be a 30-minute time limitation.

Mr. STENNIS. What is the subject matter of that one?

Mr. ROBERT C. BYRD. That is the Israel amendment.

Mr. GOLDWATER. What does it do?

Mr. STENNIS. That is a matter for aid to Israel. That is clearly a matter of foreign military sales. It is clearly with the Foreign Relations Committee. I do not know what would be the disposition of the Senate or the members of the Foreign Relations Committee about it. I am not in favor of putting it on this bill, but I imagine it will bring forth some debate.

Mr. ROBERT C. BYRD. The amendment will be called up, I understand.

Does the Senator object to the time limitation?

Mr. STENNIS. Yes, I object. I will put it this way: I have not had time to prepare on that amendment. Therefore, I cannot agree to the limitation.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 30-minute time limitation on the Jackson amendment No. 491.

Mr. STENNIS. I will agree to 20 minutes for each side on that. It is a very far-reaching amendment. It is clearly within the jurisdiction of the Committee on the Judiciary, I am advised.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 40 minutes time limitation on that agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. On the amendment (No. 500) by Mr. Proxmire, it is indicated, I believe by Mr. Proxmire, that he would be willing to make that 20 minutes, equally divided.

Mr. PROXMIRE. No. 500 is the military service amendment, and I think we have worked out an agreement acceptable to both sides that we can do that with 10 minutes.

Mr. ROBERT C. BYRD. Ten minutes equally divided? Is that all right, may I ask?

Mr. PROXMIRE. It should be.

Mr. STENNIS. All right; I agree to it. It has been worked out on that basis.

Mr. ROBERT C. BYRD. Ten minutes

equally divided. All right, Mr. President, I thank the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CRANSTON. There is one more, KENNEDY's amendment No. 532. It would be acceptable to him to make that 30 minutes, equally divided.

Mr. STENNIS. 532?

Mr. THURMOND. Which number is that?

Mr. CRANSTON. No. 532, restructuring the Armed Forces student-instructor ratio.

Mr. ROBERT C. BYRD. Is that all right?

Mr. GOLDWATER. Mr. President, reserving the right to object, this is a subject we have gotten into in the Armed Services Committee, and I do not think we can agree to that. It touches a very little known field. I know the ratio between instructor and students in the armed services seems out of balance when you consider the relationship in the normal school, but we are not talking about normal instruction. I do not feel that the amendment should even be before the Senate.

Mr. STENNIS. I beg the Senator's pardon; my attention was diverted by another Senator. What amendment were the Senators referring to?

Mr. THURMOND. Kennedy 532.

Mr. STENNIS. Yes. That might become a very involved subject matter. I would ask the Senator from Georgia to handle that, and he is out temporarily. I would like to pass that, to see what his idea is.

Mr. ROBERT C. BYRD. Very well.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BARTLETT. I referred to the wrong number before. I would be glad, on amendment 524, which has to do with ram-jet propulsion, to accept 10 minutes on a side.

Mr. GOLDWATER. No, No. 524 is women in the academies.

Mr. BARTLETT. No, it is the R. & D. fund.

Mr. STENNIS. R. & D. fund for what?

Mr. BARTLETT. Ram-jet propulsion.

Mr. STENNIS. I have not heard of it. I would have to ask the Senator from New Hampshire to look at it.

Mr. ROBERT C. BYRD. Very well. Mr. President, I have no further requests at this time, and I thank all the Senators.

Mr. DOMENICI. Mr. President, I think on the Domenici amendment we have reached an accord to accept 10 minutes to a side.

Mr. ROBERT C. BYRD. Very well. Would the chairman of the committee be agreeable to that?

Mr. STENNIS. Yes, that is agreeable.

Mr. ROBERT C. BYRD. Twenty minutes on the Domenici amendment, to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Are there further unanimous consent requests? If not, who yields time?

Mr. STENNIS. Mr. President, lest any impression go out from this colloquy that any of us have been neglecting all these amendments or doing anything except move the bill along, I want to repeat, for those who have just come in, that these amendments all piled in here yesterday afternoon. We have not stopped for a minute here all day, and we worked late last night, so that frankly I cannot understand the incessant pressure here to force agreement for a few minutes' time without even a chance to look at the amendments. But we will cooperate, and we certainly want to move this thing along.

AMENDMENT NO. 533

Mr. McGOVERN. Mr. President, I call up my amendment, No. 533 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. MCGOVERN) proposes an amendment numbered 533.

Mr. MCGOVERN's amendment (No. 533) is as follows:

On page 17 line 25, strike out "$3,707,840,000" and insert in lieu thereof "$3,110,640,000".

On page 24, line 9, strike out "$946,621,000" and insert in lieu thereof "$817,621,000".

On page 18, between lines 3 and 4, insert the following:

"SEC. 202. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing any research, development, test, evaluation, or procurement in connection with the B-1 bomber aircraft program.

"(b) There are authorized to be appropriated such sums as may be necessary to terminate, at the earliest practicable date, all contractual obligations of the United States in connection with such program.

"(c) The Secretary of the Air Force is authorized to conduct a study of reasonable and effective national defense alternatives to the B-1 bomber aircraft program and to submit the results of such study to the Congress together with such recommendations as he deems appropriate.".

Mr. McGOVERN. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I yield myself such time as I may consume.

This amendment would halt any further expenditures on the B-1 bomber. The B-1 is the most expensive weapons system that is contained in the bill now before us, and indeed it is the most expensive weapons system ever proposed by the Pentagon or by any other defense department anywhere in the world, in all history.

The Air Force is proposing, under this project, to build 244 B-1 bombers at a cost of somewhere between $84 million and $100 million apiece; and that brings the procurement cost to something over $20 billion, which is a staggering figure. But that is actually a minor part of the eventual cost of this project, when one figures in the maintenance, the arming, the refueling vehicles, and other equipment and backup support that will be needed during the operational life of this plane.

That total cost has been estimated at somewhere from $70 billion up to as high as $92 billion; but what is more to the point, Mr. President, is that this incredibly costly new bomber will add little or nothing to the nuclear deterrence of the United States.

Our deterrence system is based on the so-called triad system. There was a time when the bomber was the first line of our deterrence, some 20 years ago. That is no longer the case. The first line of deterrence is the submarine-launched missiles, which now include some 656 submarine-launched ballistic missiles. I think all Senators would agree that from all the evidence we now have, that system is virtually invulnerable to attack.

But just on the possibility that there is a technological breakthrough on the other side, we have a second line of nuclear deterrence. Suppose something were to happen that we cannot now foresee, and a potential enemy develops the capability of neutralizing our submarine missile fleet. We then come to the second most important aspect of our nuclear deterrence, which are the land-based missiles, some 1,054 intercontinental ballistic missiles, and half of that number, Mr. President, have multiple warheads that can be targeted on independent targets.

The third line of our deterrence is the bomber. In the almost impossible development of a situation where both our submarines and our more than 1,000 intercontinental ballistic missiles were to be knocked out, then the theory is that the bomber would still be there to destroy a potential enemy.

I think we need, Mr. President, at the very outset of this discussion, to consider the kind of striking power that we are talking about. In the projected inventory of nuclear weapons of over 12,000 that we expect to achieve by 1980, a few years hence, the difference between the mission load of our present B-52's and the proposed B-1 becomes insignificant.

Let me point out, Mr. President, that our existing bombers, even if we did not put another bomber into production, are capable of dropping on enemy targets some 220,000 Hiroshima equivalents.

In other words, the bomb that incinerated the city of Hiroshima some 30 years ago we can now multiply some 220,000 times with our existing bomber fleet and remember this is the third line of our nuclear deterrence.

When we add in the submarine-launched missiles and the land-based missiles, which are capable of reaching their targets within 15 to 30 minutes' time, we now have the equivalent of 369,000 Hiroshima equivalents. Even if we did not build another warhead, Mr. President, with the existing triad system of submarine-launched missiles, intercontinental missiles and missiles that have warheads that we can deliver with our existing bombers, we have some 8,500 warheads right now as of the middle of last year which is enough to drop 42 city-destroying nuclear warheads on each city in the Soviet Union of over 100,000.

Mr. President, that is overkill with a vengeance.

In view of the limited time that we have agreed on, Mr. President, I want to touch just very quickly on the highlights of the argument for knocking out this incredibly costly new bomber. The manned bomber with flight times of 8 hours, and that cuts about 3 hours off the B-52, it still plays only a marginal back-up strategic role that would come into play in the event of a massive failure of all of the rest of our missile systems, in which we have invested such enormous amounts of money. In the exceedingly remote event that those other missile systems were destroyed, much less elaborate aircraft could accomplish the essential deterrent missions, in other words, the ability to destroy major population and industrial centers in the Soviet Union.

The B-1's ability to penetrate Soviet defenses does not really differ significantly from that of the late model B-52's and the FB-111's that we already have in operation. It is sometimes argued, Mr. President, that those airplanes are obsolete. That is simply untrue. Those airplanes have been updated, they have been equipped with new capabilities, that has led the Air Force to admit that our late model B-52's and F-111's, some 300 strong, will be operational until at least 1990. In other words, we have a bomber threat that is clearly superior to anything the Soviet Union or any combination of nations could put in the air, even if we do not build another bomber.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. Yes. I yield to the Senator.

Mr. PROXMIRE. As I understand it, what the Senator is telling the Senate is for $20.6 billion, that is the present estimate of the cost of this new program, we would have a new supersonic bomber, that would be the least effective part of our triad deterrent, inasmuch as the submarine missiles can be delivered in 15 minutes, the land-based missiles within 30 minutes, and it would take eight hours for the new B-1 bomber, even though it is a supersonic plane to deliver its missiles; is that correct?

Mr. McGOVERN. The Senator is correct. I have not stressed this point yet, but in view of the Senator's interrogation and remembering that he was the Senator that led the fight against the SST, on the grounds partly of the environmental damage that it would do, the destruction of the ozone, that is so important to the health and well-being of humans all around the world, the same environmental factors that concerned the Senator about the SST would be operating with the B-1. But that argument we can set aside for the moment.

Mr. PROXMIRE. Yes. I would not put as much stress on that, by any means, as I would on the fact, as the Senator has pointed out so well, we now have bombers the FB-111s and B-52s that will do the job almost as well, that is, instead of taking 8 hours they will take about 12 hours, is that right?

Mr. McGOVERN. About 11 hours.

Mr. PROXMIRE. 11 or 12 hours. What this has done, $21 billion, the most expensive system we have, would provide that kind of relatively very minor back-up when, if there is one area where this country has the capability of destroying the Soviet Union over and over and over and over and over again, it is in this strategic area. So that what we would provide, at a colossal cost, a great burden to the taxpayer, very inflationary over the years, would be a system that would give us just a little marginal advantage in an area where we have what seems to be, to most of us, if anything, a surfeit of power.

Mr. McGOVERN. The Senator is quite right. I think to get some appreciation of the superiority that we enjoy, even in bombers over the Soviet Union, we need to take a look at what they have and what is projected; whereas, we would have 300 late model B-52's and F-111's, all of them jet bombers, all of them equipped with the latest devices.

Mr. PROXMIRE. We have that without this amendment.

Mr. McGOVERN. We have that without this amendment.

When you look at what the Soviets have, they have a bomber——

Mr. PROXMIRE. I should say—beg pardon—we have this without the provision in the bill. If the amendment passes, we will still have this advantage.

Mr. McGOVERN. If this amendment passes, stopping any further work on the B-1 bomber we will have operational into 1990, 15 years hence, some 300 latest model B-52's which the Air Force readily says will be operational. We used to refer to the B-1 as a follow-on bomber. It is not a follow-on bomber. It is an add-on. It is 244 new bombers to be added on to the 300 we already have.

By comparison, let us look at the Soviet bomber levels. They currently have 100 propeller-driven heavy bombers. We went out of propellers, as the Senator knows, 20 years ago. But they have 100 propeller-driven bombers and then 60 jet bombers. The small Soviet bomber threat is reflected in the fact that we just about dismantled our antibomber defenses in this country, and I do not understand really at a time when we have arguments about keeping parity with the Soviet Union or making sure we are number one, at a time when we already have them outnumbered several to one on existing bomber levels, why we would even be debating an expenditure of over 20 billions of dollars for our third level of deterrence. We do not need it.

Mr. President, the B-1's ability to penetrate Soviet defenses does not differ in any fundamental way from that of the late model B-52's and the FB-111. Beyond this, existing B-52's and FB-111's, as I have said, can operate at least through 1990, another 15 years.

So, Mr. President, one of the points that Senators ought to keep in mind is that we have a 15-year margin of existing bomber strength. We do not have to make this production decision now on the proposed B-1, and we ought to use that cushion of time to see what happens in the strategic arms limitation talks. Before we invest another three-quarters of a billion dollars in development on this bomber, which the bill before us proposes, and perhaps twice that amount next year, let us see what progress we make on the strategic limitation of arms. It may very well be that in subsequent discussions with the Soviets we will get some agreement on the limitation of nuclear weapons that would include bombers.

Given that fluid situation, and at a time when we claim that our official policy toward the Soviet Union is not war, but détente, why do we not give that process a chance to operate and see if some arrangement can be worked out that will make it unnecessary to go into these enormous expenditures?

Beyond that, we ought to look at the possibility of alternative ways of reaching Soviet targets. For example, a much less expensive system would be a standoff bomber, the cruise missile which does not expose our crews to the enemy fire.

I have looked at the Defense Department study of available alternatives to the B-1 bomber, which I believe was made at the request of Senator BROOKE and myself last year. Mr. President, very frankly, this study is a fraud, because it begins with the wrong question. It begins with the assumption that we are going to spend $20 billion on a bomber that can penetrate Soviet airspace and that has practically all the characteristics of a B-1; and then, surprisingly enough, it concludes that the B-1 is the best way to carry out that mission.

The question is, do we need that mission? Do we need a bomber capable of penetrating Soviet airspace at supersonic speeds, disrupting the environment, to say nothing of disrupting the economy of the United States?

Because of the cost and risk, manned strategic bombers can have a sustained role in conventional war except against targets such as those in Vietnam. What I mean by that, Mr. President, is that from any kind of cost-effective standpoint, it just makes no sense to send a $100 million bomber out to be shot down by a $50,000 missile; and that is what happened to us during the Christmas bombing of North Vietnam.

We lost 15 B-52's in 11 days. In other words, at the same loss rate, 15 B-1's would have been a loss of $1.25 billion worth of airplanes destroyed by missiles costing about $50,000 apiece. There is no guarantee that the B-1 is any less vulnerable to missile fire of that kind.

So about the only place where it would be feasible to use these bombers would be against a country that had no missile defense. Mr. President, I suggest that that is morally incomprehensible—that we would build a bomber of this devastating power to drop bombs against a country so primitive that it had no missile defense; yet, we could not afford to use these bombers against a country sophisticated enough to fight back with surface-to-air missiles.

Mr. President, I think a case could be made almost on that ground alone: That this country, rich as it is, simply cannot afford to send a $100 million bomber out to take on a $50,000 missile. We could win the war and go broke in that kind of process, particularly since we already have bombers that the Air Force, itself, admits are perfectly capable of carrying out that mission until at least 1990, some 15 years hence.

Finally, if the B–1 is not going to be built—and I do not think this bomber ever will be built, I say to my friend from Arizona, in spite of his eloquent arguments for it; I believe that by the time we get to the production decision late in 1976, at a point when we will have spent then approximately $4.5 billion, the decision will then be made to put those four prototypes in a museum some place, just as we did the RS–70, and it will be the most expensive museum piece ever devised.

There are no technological breakthroughs associated with the B–1. There is nothing we are going to get out of building these four prototypes except to demonstrate further what I am trying to demonstrate here tonight, that we are wasting money in investing in such an enormously complicated system.

I have enough faith in the Pentagon—although their record of expenditures is not that good—to believe that when they are actually confronted with a decision whereby they have to decide yes or no on going ahead on a bomber system at a cost of $100 million apiece, they are going to look around for some alternative to beef up our deterrent capability.

So for all those reasons, Mr. President, I am very hopeful, that the Senate will go on record tonight and save $750 million on this unnecessary new bomber in the coming fiscal year. That will set the stage eventually for us to save something over $20 billion on procurement costs and eventual backup costs that will carry this system to some $70 billion, at the very least.

We simply cannot afford this system. It adds nothing to our security, at a time when we already have a clear overkill capability. I hope this common sense amendment will be adopted.

Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I will be as brief as I can.

We have been through this argument year after year after year. Nothing new has been injected into it.

I am reminded of the bomber debates of the late 1930's, which are almost precisely the same: We are spending too much money. It took us years to get the B–17 and the B–24, which my very good friend from South Dakota flew in World War II. He has made comments about the kiloton bombing of Japan. I can say to him that the Strategic Air Command can prove that fire bombing which had been planned of Japan with conventional fire bombs would have resulted in three or four times the deaths that resulted from the kiloton bomb.

I merely remind my colleagues that when we start talking about expense, back in 1939 or 1940, when we were talking about the B–24 and the B–17, we had a national debt of about $3 billion; employable people were about 40 million, and today we have almost 90 million. You could buy a good steak dinner for $1.25. If you wanted to cook it yourself, you could get a T-bone steak for 45 cents. Coffee was 10 cents a cup. Our salaries were $10,000 a year, and now they are $42,500, and I would not swear that we are doing four and a half times as much good for the country.

I remind the Senator from South Dakota that the bombs he dropped in World War II cost from $200 to $400 apiece, and our modern "smart" bombs cost over $8,000 apiece. So when we are talking about increased costs, everything has gone up.

Mr. President, yesterday, the distinguished Senator from South Dakota placed in the RECORD an analysis of the Department of Defense Joint Strategic Bomber Study—or JSBS—which purported to support his opposition to the continued development of the B–1 strategic bomber. I thought there was a major omission from the Senator's remarks on the Joint Strategic Bomber Study. On June 10, 1974, the chairman of the Committee on Armed Services asked the General Accounting Office to assess the validity of the Joint Strategic Bomber Study. The final results of that assessment were provided to the chairman in a letter from Mr. Staats, the Comptroller General, on March 4, 1975. In GAO's assessment, after referring to their earlier reservations reported to the Secretary of Defense on September 4, 1974, and noting that additional analyses had been performed by the Office of the Secretary of Defense to satisfy those reservations, Mr. Staats stated:

> We are of the opinion that the study results now provide the bases for more informed consideration of the strategic bomber question by the Congress.

Now, why did the GAO believe that the Joint Strategic Bomber Study was enlightening, while the staff study done for the Senator from South Dakota refers to it as a "stacked deck"?

I believe that careful examination of the analyses will show how badly the critique missed the mark.

First of all, the critique fails to understand the purpose of the study. Its purpose was to examine alternatives to the B–1—indeed, some of those alternatives were specified by the Committee on Armed Services. Those alternatives included a stretched FB–111, a reengined B–52, and a large wide-bodied commercial transport derivative armed with a large number of stand-off air launched cruise missiles—ALCM's. The study did precisely that. And the results were clear. The B–1 force was found to be the most cost-effective of the seven alternative forces examined in the study.

The critique alleges that the mission of the strategic bomber force was not considered.

Yet all of us here know that the mission of the bomber force is to contribute to strategic deterrence as a member of the triad. The bomber force is a hedge against failure of the missile legs of the triad. We are confident in the current capabilities of our missile forces. But there are uncertainties which affect overconfidence about future missile performance—prelaunch survival, missile reliability, and the reliability of missile command and control in a future crisis. The bomber force hedges against those uncertainties.

Second, the bomber force complicates enemy attack planning—virtually to the point of impossibility. They cannot attack it without attacking our sovereign soil—and there is no attack scheme under which they could destroy both bombers and ICBM's before they are launched.

Third, bombers add to the stability of our strategic deterrent posture. They do not pose a disarming first strike potential, due to their increased warning and longer times of flight.

Fourth, bombers provide a means for visible show of resolve. The alert rate can be adjusted up or down—or they can be placed on airborne alert. Unlike the silo-based or hidden ballistic missile, bombers can visibly signify our resolve—or intent—without being committed to combat.

Fifth, the bomber force is a flexible, multipurpose system. It can be used across a wide spectrum of combat situations—nuclear or conventional, strategic, or tactical, due to its unique manned character. Such flexibility is essential as an element of the total triad.

Last, the bomber is cost-effective due to its large and highly effective payload. Moreover, it gives us highly advantageous cost leverage. It costs the Soviets much more to defend against bombers than it costs us to procure and operate them.

Now—how do we express the mission and tasks of the bomber force, so that we can measure its effectiveness? We do this by assessing it in three dimensions: First, its ability to survive during the launch phase when under attack; second, its ability to penetrate through defenses to its targets; third, its ability to extract target value from the hostile target system which it is designed to hold at risk.

That—once again—was precisely what the joint strategic bomber study did. The task of the bomber force was represented by the targets programed for attack. Given the concurrent targeting responsibilities of our ICBM and submarine missile forces, only about 25 percent of the total political, industrial, and military target system in the strategic data base was used. The critique suggests that the B–1 was required to—as he puts it—range against thousands of hardened targets—including large numbers of empty hard missile silos. That is not correct. Over two-thirds of the targets used in the study were not in the hard or super-hard category. They did not include vast numbers of missile silos—only that relatively small number which are expected to be reloadable. The targets included a broad range of political and industrial targets as well as military installations—both offensive and defensive.

The critique referred to a bomber force which could carry 6,000 to 8,000 SRAM's, and still deliver 2,000 other weapons on hardened targets. I do not know what bomber force or targets were being referred to. The joint strategic bomber study examined bomber alert forces—those in their normal peacetime deterrent posture. As distinct from 6,000 to 8,000 SRAM's, the baseline force was loaded with about 1,000 SRAM's (126 B-1's with 8 SRAM's each, average). The 2,000 targets referred to were not those over and above the ones hit by SRAM's. The entire force of B-1's and B-52's placed a total of 2,000 weapons on targets—including SRAM's, air-launched cruise missiles, and gravity bombs. And—as the study report makes clear—only about a third of those were against hard or superhard targets. Far from being an excessive weight of effort, that attack destroyed something less than 50 percent of the military value of the bomber target system.

The critque also referred to the Soviet offensive and defensive threat used in the study as unrealistic. Yet, that threat was not "invented" by the study group. It was furnished by the Office of the Assistant Secretary of Defense for Intelligence, based on data from the Central Intelligence Agency and the Defense Intelligence Agency. The number of submarines threatening bomber bases was consistent with what the Soviets are allowed under the SALT I and Vladivostok agreements.

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator's 10 minutes have expired.

Mr. STENNIS. I yield the Senator another minute.

Mr. GOLDWATER. I do not want to take another Senator's time.

Mr. STENNIS. I yield him 2 more minutes.

Mr. McGOVERN. Will the Senator yield for a moment on the point he was making on the bomber study? I can give him part of my 10 minutes, if necessary.

Mr. GOLDWATER. On the Senator's own time, yes.

Mr. McGOVERN. As I understand it, testifying for the Defense Department, Brigadier General Toomay said that the study that they had made of the B-1 mission was based on the assumption that they needed to lay 2,000 weapons on enemy targets. In commenting on that, the General Accounting Office did say what the Senator read here a while ago, that "We are of the opinion that the study results now provide the basis for more informed consideration." What the Senator left out were these observations. With his understanding, I wish to read these lines into the RECORD and then ask him to comment on them. This is from the GAO report:

> Should a lesser number of targets be chosen, something less than 2,000, a lower level of destruction be accepted, or, if it is felt that a lesser threat will confront the bomber, then other bomber forces may be viable options.

Then the GAO had this to say:

> The real questions which then must be addressed by Congress are, first, how much risk can the Nation afford in planning the structure of our strategic forces; and second, do we need a manned bomber?

"The latter point," said the GAO, "was not addressed in any way by the OSD study team, nor did they assess the deterrent value of the alternatives."

In other words, they simply took a certain level of destruction, some 2,000 warheads, and assumed that they had to be made by a configuration roughly along the lines of the B-1 and assumed the B-1 was the best way to do it. It seems to me that begs the study and begs the answer. That is the point I was trying to make to the Senator.

Beyond that, if he could enlighten us, I would like to know what is the justification for a bomber that is capable of laying some 2,000 weapons to the Soviet Union? When we consider that they have 160 cities and industrial targets that we consider strategic, what is the reason for a capability of some 2,000 warheads on enemy targets?

Mr. GOLDWATER. Well, first, let me say that I have absolutely no faith in the GAO's ability to assess strategic and tactical problems. I think they are completely out of their field, just as the Joint Chiefs of Staff would be out of their field if they attempted to assess accounting problems, which the GAO was set up to solve or help.

To answer the Senator's questions, if they use 21,000 weapons on targets, if they use the 2,000 targets, they will only hit 50 percent of the military targets that are now programed. If the Senator wants to get into that field of the programing of targets, then that is something that we cannot discuss here because I do not know anything about it. That comes out of the Department of Defense. I do not believe that GAO has any access to that material. It is probably the most highly classified material that we possess in this country.

To finish the answer, and it is on the Senator's time, because I have a little more time to go on my own—if the situation changes and as GAO, if we can believe them, says that we need a lesser bomber force, then I suggest that we might use the FB-111's that are based in Europe. But the FB-111 would never be an intercontinental bomber, even with refueling capabilities. It is not designed for that purpose.

Mr. McGOVERN. The Senator would readily agree that the late-model B-52's would be capable of carrying on this misssion at least until 1990, would be not?

Mr. GOLDWATER. No, I will not agree to that. Frankly, I do not think anyone in his right mind would even get into a B-52 in 1990. Talk about museum pieces; that is where that should be. It is 22 years old now. It is beginning to have skin, or metal, fatigue. To reengine these bombers would be an impossibility. The type engines that I have heard discussed by GAO would make this weapon the greatest vacuum cleaner that ever rolled down a runway.

We have the biggest engines now on it that we can provide and they are out of production and we are busy rebuilding them as fast as we can. I do not believe there will be any B-52's left flyable after the next 8 to 10 years.

Mr. McGOVERN. I do not believe the Senator can have it both ways. He cannot say he does not take the judgment of the GAO and then refer to the Air Force and then, when I cite Air Force testimony indicating that the late model B-52's will be operational until 1990, say he does not accept that, either.

Mr. GOLDWATER. I do not accept that. I will tell you the truth; most of the Air Force does not. If we do not have another war, if we never fly another B-52, I might agree they might be flying in 1985 or even 1990. But this will be an airplane which, by the time the Senator is speaking, will be 35 years old. And there is not a flyable B-24 left in the world. The Senator flew them in World War II, and that is about 30, 35 years ago. Airplanes do not last forever.

Mr. McGOVERN. Some of the late model B-52's, as the Senator knows, were built as recently as 1962. They have got low airtime on them. They have been constantly modernized and updated, and I am sure the Senator will agree they are clearly superior to anything the Soviets have in the air, both in quantity and in quality even if we do not build another bomber.

I thank the Senator for yielding.

Mr. GOLDWATER. I might agree they are superior at this time, but I will not agree that the Bison is not a comparable bomber. I will not agree that the Badger, a medium-range bomber they were supposed to have destroyed when we mothballed our B-47 fleet, will not enter the United States and drop bombs.

So when the Senator offers the suggestion that we have a bomber fleet twice the size of theirs, I do not buy it. They have a bomber fleet equal to ours.

I would like to finish this because we have other people anxious to get on with it.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

Mr. GOLDWATER. I have 1½ pages left, and I will read fast.

The depressed trajectories used are feasible—we have tested such trajectories ourselves. The Soviet defenses used are those projected in existing intelligence documents.

The critique dismisses as unreasonable the intelligence projections for Soviet upgrading of their homeland defenses against bombers—simply because we have not made major increases in U.S. air defenses in the past 5 years or so. But in our case, the choice has resulted from our belief that the Soviet bomber threat is not primary. On the other hand, the Soviets perceive our bomber force as a primary threat to their security. They have traditionally outspent us for bomber defense. They have more people in their air defense forces—about 600,000—than we have in our entire Air Force. This bill recommends 582,000. They have a limited capability AWACS flying now, and operate over 4,000 ground radars, 2,600 interceptors, and 9,600 SAMS. During the past 20 years, they have spent three times more than the United States on air defenses. They will probably continue to do so.

There are other errors in the critique. For example, it refers to the alleged "large growth" in payload represented by the B–1 force. To do so, 34 more B–1's than will be in our operational—UE or unit equippage—force with theoretical maximum weight carriage capability are loaded. The answer is 38 million pounds. That—due probably to bad arithmetic—is 10 million pounds more than physically possible. More important, that is not the way one can feasibly load the force. For example, the B–1's in the joint strategic bomber study carried only about 5½ million pounds of payload, versus the 38 million referred to.

In summary, the B–1 is probably the most carefully thought-out—and beyond doubt the most extensively studied—system in the history of military weaponry. In his letter to us of June 4, 1975, the Senator from South Dakota agrees that there is a plausible case for a follow-on strategic aircraft. There can be no reasonable doubt that the B–1 is that aircraft. It will provide those essential characteristics vital to the continued maintenance of the bomber leg of the Triad—with its flexibility, cost-effectiveness, and proven deterrent potential.

I might say, because I have read the critique carefully, and I hope my remarks will indicate that, but I would really like to know who are the critics who are mentioned, their names and their backgrounds. I would like someday to find out who is engineering this opposition to this military bill on which experts—not including myself—have spent hour after hour after hour. I would like to someday understand who is backing that opposition.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOLDWATER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 7 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes.

Mr. TUNNEY. Mr. President, a few days ago I returned from a meeting in Belgium of Parliamentarians and government representatives from all of the North Atlantic Treaty Organization countries, and I was strongly impressed at our meetings by the serious concern that the allies have about the strength of our commitments to the defense of the alliance.

These European statesmen repeatedly approached me and asked me what the mood of Congress was with respect to defense spending, with respect to the defense of the alliance, and I made it very clear that I thought the United States considered the NATO Alliance a prerequisite to our national defense, and that we would come to the assistance of our NATO allies in the event of an attack.

They, the European Parliamentarians, cited the fact that since 1971 the percentage of the American gross national product devoted to defense has declined. Actually it has declined from 7.7 to 6.6 percent, while American defense expenditures as a total of Federal outlays have dropped from more than 40 percent 10 years ago to less than 26 percent today.

Mr. President, I have been a supporter of many of these cuts, and I have consistently voted to trim fat from the defense budget and eliminate programs that could not be justified by any rational balancing of national priorities. But I have become convinced that there is a point of diminishing returns, a point where indiscriminate cuts begin to seriously damage our credibility vis-a-vis our friends and our foes.

I share the concern of many Americans about the world's mounting stockpile of military weapons, and I would prefer that our tax dollars be spent for domestic purposes on social and economic needs.

But I cannot help but feel that we need a strong defense, and I think that the B–1 bomber is a very important element in our national defense.

If you just take a look at Soviet expenditures, particularly for strategic forces, they have grown dramatically in the past decade, and this growth has continued unabated since the SALT agreements of May 1972. In the 2½ years since SALT I, the Soviets have begun development on four new missile systems, and have tested new multiple warheads and MIRV's. As a result, they now threaten to overcome the American technological lead and reentry vehicle advantage. Moreover, the Soviets have started production of a new bomber, the Backfire, with a refueling capability and other characteristics that give it a potential for offsetting our current advantage in manned bombers.

In times of international tension in the Middle East, Southeast Asia, and elsewhere around the world, I do not feel that the United States can afford complacence. It is more important than ever before in the face of the events of recent months that the United States demonstrate its willingness to support its commitments around the world, especially NATO, and bolstering its defenses at home.

I firmly believe that the B–1 manned strategic bomber is a system that warrants our support. The B–1 is designed to serve as a replacement for our aging fleet of B–52's into the last decade of the 20th century, and would complement the other two elements of our strategic triad, the land-based Minuteman missile and the submarine-launched missiles Polaris and Poseidon.

The B–1 is a vital element in our deterrence for several reasons: First, I believe the Triad concept remains valid. Its purpose is to preserve peace by insuring the survivability of our deterrence. The Triad concept holds that the possibility of a successful first-strike effectively eliminating all three elements of our retaliatory capability at the same time—bomber, missiles, and submarines—is highly unlikely, thus deterring a first-strike strategy.

While the survivability of land- and sea-based missiles seems assured for the present, recent Soviet advances in counterforce capability and in antisubmarine warfare bring their survivability 10 or 20 years in the future into question. The Soviets' antiwarfare capability is being continually updated, both, qualitatively and quantitatively. At the same time, the Soviets have introduced several new generations of ICBM's, many with a counterforce capability which, combined with Soviet MIRV technology, pose a clear threat to our landbased Minuteman.

The B–1, on the other hand, presents a unique potential for first-strike deterrence. It can be alerted and airborne at the first sign of an attack and can be kept aloft on alert for up to 24 hours. Because of its quick and short takeoff capability, the B–1 can be dispersed on warning, making counterforce targeting extremely difficult. Thus, the B–1 is virtually immune to a first strike designed to knock out our retaliatory capability.

Second, beyond the viability of the Triad concept, bombers are an important and versatile weapons system in their own right. In crisis situations they can be alerted, dispersed to various bases and even flown on the periphery of a potential enemy country to demonstrate American determination.

I just cannot help but remember during the Cuban missile crisis, I was on the base as a member of SAC at March Air Force Base in California. I remember driving to the base in the morning and seeing the bombers taking off. None of us who were approaching the base at the time had any idea of the reason.

They left and they rendezvoused over the North Pole and it became very clear when the President addressed the Nation a few hours later what the reason was—there was a serious threat to our country as a result of the introduction of Soviet missiles into Cuba.

I cannot help but have the feeling that the fact that our strategic bombers with their nuclear weapons were flying on the periphery of the Soviet Union made a tremendous psychological impact upon Nikita Khrushchev and other leaders in the Kremlin—far greater than could have been obtained if the President, on the hotline, had said that he had his finger approaching the button of a missile.

I think we kid ourselves if we believe the same psychological advantages between nations would have obtained if we had not had manned strategic bombers. I think that this is a very important factor when we consider what our deterrent capability should be.

The very fact that the bomber can take off, can move over the North Pole, can be on the periphery of the Soviet Union, can be refueled in that mode, it has the capability of a quick strike if there should be any attempt to make a strike against the United States is very important.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the Senator an additional minute.

Mr. TUNNEY. I will wind up in a minute.

I feel this is the important point, that the bombers are capable of being recalled after they are aloft and our ballistic missiles once committed cannot be recalled and the effect of a mistake would be disastrous.

They need not be expanded to be effective, which gives them a tremendous advantage over both sea and land-launched ballistic missiles.

In addition, bombers are recallable and retargetable after launch. Once ballistic missiles have been committed, there is no recall. The effects of a mistake could be disastrous. The B–1 could, however, be recalled or retargeted in such a situation. In an age where split-second decisions may be called for, such versatility is invaluable. In the event of a mistake, versatility may well make the difference between survival and total destruction.

Finally, the B–1 represents the most cost-effective alternative to other strategic options. The B–1 is not a Dr. Strangelove Doomsday machine. It is the product of almost 18 years of experience in manned jet bombers. It is the result of thousands of hours of exhausting tests. It is the end result of billions of dollars of research into metallurgical composition, aerodynamics, electronic countermeasures, defense needs, and strategic planning. The B–1 is not an exaggerated B–52, it is a significant breakthrough in large supersonic aircraft technology, designed to provide the best penetrability possible taking into consideration advances in Soviet antiaircraft technology.

Exhaustive cost-benefit studies of the B–1 and alternative systems have been carried out by industry, the Department of Defense, and the General Accounting Office. No study has pointed to more viable alternatives—strategically or from a cost standpoint. In contrast, studies have shown that modified B–52's cannot perform the roles and missions assigned to B–1. Modification of the B–52 fleet would cost more than half the price of procuring new B–1's—as much as $40 million per plane. Furthermore, the B–52 would suffer in its ability to penetrate Soviet air defenses because of its large radar cross section—20 times larger than the B–1. The B–52 was designed in the 1940's and first came into service in 1955. It simply cannot meet the strategic requirements of the next 40 years. The FB–111, on the other hand—even if structured—has neither the range nor the payload of the B–1. More importantly, size limitations would severely restrict the electronic countermeasures which could be employed by the FB–111. Anyone familiar with Soviet air defense today and potential breakthroughs in the coming decades realizes the importance of electronic countermeasures.

The advantages of the B–1 are obvious. It is the first large aircraft designed specifically to operate with high survivability in a nuclear environment—evidenced by its quick reaction, rapid acceleration, and structural hardness. It carries twice the payload of the B–52 over the same intercontinental distances, yet is only two-thirds the size and has one-twentieth the radar cross section. It has both a high-altitude supersonic and low-altitude near supersonic capability. It requires less runway than the B–52, and considerably less fuel.

Finally, the B–1 will cost one-third less than the current fleet of B–52's when figured in constant dollars. It is true that B–1 costs have escalated over the life of the program and that it will indeed be an expensive weapons system. But in relative terms, it is one of the most cost-effective and well-managed large development programs to date. Of the current estimated total cost of $20.6 billion, inflationary price increases account for over $9.6 billion. When these costs are isolated, the total cost increase has been only 11 percent over the life of the contract. That is less than 2.5 percent per year.

In short, Mr. President, we have often heard that the B–1 is cost-ineffective, that it is unnecessary, that it is obsolete, that its development has been mismanaged. But there is no study undertaken by any official organization which bears out these claims. Let us put the debate on this issue in perspective. The real question is whether the B–1 bomber, which has proven its effectiveness, is vital to the preservation of our deterrent credibility and our national security. I believe it is. I also believe that both America's allies and her potential adversaries will be watching the outcome of this debate closely.

If the U.S. Senate fails to demonstrate today that our commitments abroad will continue to be founded upon a modern, efficient retaliatory capability, I am certain that the doubts of both allies and adversaries will increase.

This bill would not lock us into a production decision on this program. The procurement elements in both fiscal year 1976 and fiscal year 1977 were, in fact, eliminated in order that procurement should be more closely alined to the production decision which will come in November of 1976. The total request for this program has already been reduced from $948.5 to $726.2 million. I think this was a mistake, and I have cosponsored an amendment with Senator Bellmon to restore these funds. But even if the Senate should decide to accept those reductions, we must not completely close out our options on the B–1 by eliminating all money for the program. The B–1 is the first aircraft authorized under the fly-before-you-buy concept. I think we should give it a chance to demonstrate its effectiveness as a weapons system under that policy. Therefore, I strongly urge my colleagues to support full funding for this essential addition to our Nation's deterrent capability.

Therefore, I very much oppose the amendment that is offered by my distinguished friend from South Dakota, a man for whom I have great respect, but I just cannot help but feel in this particular weapons system he is dead wrong.

Mr. McINTYRE. Mr. President, it is my pleasure to join with my very good friend and committee chairman, the distinguished junior Senator from Mississippi, in opposing the pending amendment designed to terminate the B–1 program.

This is one of the several major weapon system developments that the R. & D. subcommittee and the full committee have spent an inordinate amount of time every year studying.

As my good friend, Senator McGovern, knows, this committee has worked closely with him to insure that this program is closely monitored on a continuing basis. In fact, as we had agreed last year, the committee requested the Secretary of Defense, with General Accounting Office participation, to conduct a detailed study of the need for the B–1, including various other alternative programs. The results of these studies by DOD and the report by GAO were not completely satisfactory and the committee has recognized this in its report on the pending bill.

The committee has deferred the decision to authorize the start of production of the B–1 and has deleted $222.3 million of the $948.5 million requested. I consider that this action is a major step toward satisfying the concern of my good friend from South Dakota. I also consider it to be a sound and responsible expression of the responsibility that the Senate has for overseeing all defense programs.

The committee has expressed its reservations with a qualified approval of only the development program. The report language covering this is important and I would like to read it at this time, quoting from page 15 of the committee report:

> Because the B–1 is at the beginning of its flight test program and is yet to demonstrate that it is technically sound and will not encounter additional major problems and significant cost increases, the committee considers it prudent to proceed with the program in the following manner.
>
> (a) Approval of the fourth prototype.
>
> (b) Delay production funding until fiscal year 1977 to coincide with the planned production decision in November 1976.
>
> (c) Deletion of production and production related funding from both the Procurement and R.D.T. & E. requests for fiscal years 1976 and 197T. The committee intends that none of the funds recommended to be authorized for the B–1 aircraft will be used for production of the B–1 aircraft, but will be fourth prototype and continue support of the three prototype program.
>
> (d) Accomplishment of a full year of flight testing and further development, which would provide the confidence needed to consider authorizing funds for procurement in fiscal year 1977.
>
> (e) Resolution of any remaining major issues relating to the need for the B–1 vs. other alternatives.
>
> (f) Consideration by the Department of Defense of the desirability of developing an alternative bomber to meet a 1990 IOC date, incorporating the lessons learned from the B–1, from the latest technology, and from an updated forecast of the future threat. Despite the large investment already made in the B–1, this could be a more cost effective solution.

I share Senator McGovern's concern about the need for the B–1, Mr. President. But I am convinced that we do not yet have enough information to decide this issue one way or the other. Under these circumstances prudence dictates that we should hedge our bets for another year before we make the final decision.

I believe in the basic concept of the Triad of deterrence. Whether it is the B–1 or another manned aircraft, this part of the Triad is the most stabilizing insofar as the delicate balance between ourselves and the Soviets is concerned. A manned strategic aircraft is not a first-strike weapon.

I want to assure my colleagues from South Dakota that the R. & D. subcommittee will dedicate itself this year to investigating all aspects of the program with the objective of providing the Senate next year with a complete report to support its recommendations for the future of the B-1 program.

Mr. President, I ask my colleague to join with me and Senator STENNIS in defeating the proposed amendment.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment that would terminate the B-1 program.

What is involved here is our national security for a period stretching 30 years into an uncertain and possibly dangerous future.

We have been advised repeatedly by our finest military leaders and strategists that the future survival of the United States and its allies is critically dependent upon a mixed force bombers and missiles—land based and sea based. Each element of that mixed force must contribute to the deterrence of conflict.

During the past 15 years, we have concentrated on upgrading the missile elements of that force. We have come a long way since the early Atlas, the heavy-duty Titan, to the Minuteman I, II, and III. And at sea, Poseidon is a quantum jump in capability over the Polaris. But what about the bomber force? Though they carry over 50 percent of our retaliatory strike capability, B-52 bombers are the oldest element of mixed strategic forces. The average B-52 will be 20 years old before we can deploy the first operation wing of B-1's.

Those individuals who want to move to a "missile only" deterrent force by rejecting a replacement for the B-52 appear oblivious to the deterrent role of the bomber and especially its versatility during times of extreme crisis and tension.

I believe our leaders need not only the force represented by the Triad but, the flexibility of the Triad. The manned bomber is the only Triad system that can provide that kind of flexibility.

An ICBM or SLBM, though alert ready, remains unseen and, therefore, unable to demonstrate national resolve as can the appearance of a strategic bomber on the periphery of an enemy's radar scope. The missile gives the President only one choice; he can either order a launch or capitulate. That is not a very attractive option and especially in today's environment of ever-increasing nuclear proliferation.

The B-1 development must be continued and moved to production in order to complement and eventually replace the aging B-52 force. With each passing year the B-52 becomes less and less capable of meeting its assigned mission. We must not allow the Triad to deteriorate to the point it would include an obsolescent and ineffective bomber.

Mr. President, the B-1 will assure that our strategic Triad remains a viable Triad and I urge the amendment be defeated.

Mr. STENNIS. Mr. President, I yield to the Senator from Ohio.

Mr. GLENN. I thank the chairman.

Mr. President, I rise to speak to an area of the B-1 that I believe has not been given adequate attention.

When we look into it, when we hear most about the B-1, it is in the nuclear delivery capability with emphasis on the Triad as a means of the possibilities even to deliver nuclear weapons.

I think in that particular emphasis on the Triad, perhaps we lose sight of one of the major benefits of this particular aircraft. I would not care if we had just a "dyad," if there is such a thing, because I think in that area we already have a rather fantastic overkill capability with our ICBM's with our submarine capabilities, which adds to that, and the ability to have somewhere between 20 and 25 nuclear weapons on every visible target in Russia that really means anything, the prime targets, that is.

So in that area of nuclear weaponry that the addition of the B-1 gives us, to me that is not of as much concern as another capacity the airplane has.

I think we still need a conventional bomber and regardless of the time periods mentioned today, I think most of the people that assess the life capability of our current B-52's and their lifetime expectancy would agree that it would probably be considerably less than the 1990's to the year 2000, or in that area.

Assuming we need a conventional delivery system for conventional weapons, we come back to considering the B-1 in that area and what it can do.

I see it as a most valuable weapon that can fill a very, very vital role in the conventional warfare I think will be the probability, if we ever get back into a real war situation again.

Our standoff nuclear capability we have is not going downhill. Neither is the Russians. I do not think we are liable to get into that type nuclear exchange where we need an aircraft to deliver that type weapon system.

I do think if we get into a warfare situation in the future, it will more likely be a conventional warfare with conventional bombs and the B-1 does carry something double the payload of the B-52.

I was very concerned that in trying to get information on the payloads for the B-1 we seemed to be able to get very little information. In discussing this with Senator STENNIS, chairman of the Armed Services Committee, he finally talked to the Secretary of Defense.

I would like to read Mr. Schlesinger's letter and will submit this for the RECORD, also.

It states:

DEAR MR. CHAIRMAN: This letter is in response to your request for information on the conventional weapons capability of the B-1. As we discussed this morning, the aircraft has the inherent capability for carriage of very large conventional payloads, and in the long run it is our intent to take advantage of this significant combat capability. The B-1 will have the structural capacity and hard points for conventional weapons and we have, as a part of our current test program, a demonstration of the release of the Mark 82 conventional bomb from the weapons bay. However, in view of the very rapid advances being made in conventional weapons technology, we believe that it would be premature to design and procure racks, pylons, and electronics for today's weapons. Also, we see no urgency for doing so at this time, in view of the B-1 not becoming operational until the early 80's and the very substantial B-52 capability that currently exists.

Sincerely,

JAMES R. SCHLESINGER.

We have another paper here which I will submit for the RECORD, entitled "B-1 Conventional Weapons Capability" and it goes into a few more details, but what it summarizes is that we are providing very much increased conventional weapon capability with this B-1 than we would otherwise have in the time period it is designed to be employed.

So what we have here, to my way of thinking, is a very valuable weapon for conventional warfare that I think is the more likely type warfare of the future.

We get sort of a free item on the side of having an additional nuclear delivery capability that I think is good to have, but is not, to my way of thinking, the prime reason for this aircraft.

I think the Senator from South Dakota in speaking of the 15 B-52's lost during the Christmas period in Vietnam, perhaps himself described the best reason why we need the B-1 in any future conflict, because with its speed, altitude, range, lower radar profile, it becomes a much more viable weapons system in the future than the B-52's or FB-111's, or any other aircraft we have now.

So I think this can be a very valuable additional item in our arsenal for the future for conventional warfare. I think it could be bought just on that basis alone with its tremendously increased capability and crew survivability probability, which I find a very important item.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Secretary of Defense and the additional information sheet.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., June 3, 1975.

Hon. JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, U.S. Senate.

DEAR MR. CHAIRMAN: This letter is in response to your request for information on the conventional weapons capability of the B-1. As we discussed this morning, the aircraft has the inherent capability for carriage of very large conventional payloads, and in the long run it is our intent to take advantage of this significant combat capability. The B-1 will have the structural capacity and hard points for conventional weapons and we have, as a part of our current test program, a demonstration of the release of the Mark 82 conventional bomb from the weapons bay. However, in view of the very rapid advances being made in conventional weapons technology, we believe that it would be premature to design and procure racks,

pylons, and electronics for today's weapons. Also, we see no urgency for doing so at this time, in view of the B–1 not becoming operational until the early 80's and the very substantial B–52 capability that currently exists.

Sincerely,

JAMES R. SCHLESINGER.

B–1 CONVENTIONAL WEAPONS CAPABILITY

The B–1 was designed with the inherent capability for carriage of very large conventional payloads and it is clearly our intent to take advantage of this significant combat capability. Structurally, the aircraft can carry 75,000 pounds of conventional weapons in its three internal weapons bays and some 40,000 pounds externally on hard points. In terms of MK–82 bombs, the B–1 can carry ⅓ more weapons than the B–52D.

In addition to the structural capacity, including external hard points, for carriage of conventional weapons, the B–1 design will have the necessary electrical power, controls, displays, and environmental control system. Basic aircraft design incorporates an electronic multiplex system which is highly adaptable to the addition of this and other capabilities with a minimum of added wiring. We also have designed and fabricated a bomb rack for the MK–82 weapon to be used in the internal weapons bays and intend to make 28 weapons drops from various positions within the weapons bays to demonstrate our delivery capability.

The Air Force intends to develop a new, high density munition for use in the 1980's. In view of this, and the B–1 Initial Operational Capability date of late 1981, it was felt that design and test of a complete conventional capability using current inventory weapons would be premature. The Air Force has therefore deferred development of racks, pylons, and individual electronic control units which are dependent on the type of weapon until such time as this new weapon is further defined.

We have included funds in our program cost estimate to complete the drop tests of the MK–82 bomb. The cost of developing a capability to employ this weapon from the internal bays is about $5–$6 million. Each set of equipment for the employment of conventional weapons is estimated to cost about $200,000. While not specifically identified in our budget, adequate margin (unclaimed savings) exist within the program cost estimate for this purpose.

To summarize, the structure, space, power, controls and displays to employ conventional munitions from the B–1 are being developed now; however, some additional development work will be required for the racks, pylons and electronic control units, which are dependent on the type of weapon.

Mr. SYMINGTON. Will the Senator yield?

Mr. GLENN. Yes.

Mr. JACKSON. Would the Senator yield for a unanimous-consent request?

Mr. SYMINGTON. Yes, indeed.

Mr. JACKSON. Mr. President, I ask unanimous consent that Dorothy Fosdick and Richard Perle of my staff be granted the privilege of the floor on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. SYMINGTON. May I ask the able Senator, what is the total program cost of the B–1?

Mr. GLENN. I do not have figures available here on that. The Senator from South Dakota gave those figures awhile ago. I believe he has up-to-date figures.

Mr. McGOVERN. The total cost, as I understand it, for 244 B–1's would be in excess of $20 billion.

Mr. SYMINGTON. The figure I got from the Secretary of Defense was $84 million apiece.

Mr. McGOVERN. That is correct.

Mr. SYMINGTON. And Brookings Institution came out with some kind of a study, I understand, which is considerably higher. What I would ask would be the total program cost, which would involve dividing into the number of planes the research and development cost. Is that included, does the Senator know?

Mr. McGOVERN. It is included.

Mr. SYMINGTON. What is the total research and development cost to date?

Mr. McGOVERN. We have already expended $2.1 billion in research and development.

Mr. SYMINGTON. And what is estimated to be the total research and development cost?

Mr. McGOVERN. $3.9 billion.

Mr. SYMINGTON. That would be $4 billion that would have to be cut into the number of planes, built; am I correct?

Mr. McGOVERN. That is correct. And then above and beyond that there is something in excess of $16 billion for procurement cost even at the lowest estimate. As the Senator has said, some people who have studied this project very carefully point out that when you are simply dealing with research and development procurement, you leave out the major cost, which is the backup support for this bomber—the maintenance, the supply vehicles, the armament. Over a 10-year operating period you are talking about a figure of some $70 billion.

Mr. SYMINGTON. If the Senator will yield further——

Mr. GLENN. I do not know whose time we are operating on now. I believe my 10 minutes have probably expired.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I will yield a couple of minutes on the bill to the Senator from Missouri.

Mr. SYMINGTON. I thank the Chairman.

What is the total estimated program cost, eliminating operation and maintenance but including R. & D., the total program cost to the planes?

Mr. McGOVERN. $26 billion for a fleet of 244 planes. As the Senator said, that comes out to roughly $84 million per airplane. It is that enormous cost which makes me question the argument by the Senator from Ohio.

Mr. SYMINGTON. If I could just ask my questions, does that figure of $84 million, which has gone from 24 to 50 to 65 to 83 to 84, include research and development?

Mr. McGOVERN. Yes, it does.

Mr. SYMINGTON. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Dakota has 2 minutes remaining on the amendment.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Oklahoma on the bill.

Mr. BARTLETT. Mr. President, this amendment, if it would be adopted, would be saying that we do not want a manned new generation strategic bomber. I think we ought to look at the fact that we will be outnumbered in any war we would anticipate with the Russians. In NATO, from the figures I have been given, it has generally been 3 to 1 with us on the short side.

This bill that we are passing, as reported out by the committee, has a force limitation total of 2,081,000 for June 1976. This compares with 1,801,000 troop strength for June of 1941, 6 months before Pearl Harbor. So we are getting down to a very low troop strength. I do not think we can ignore the fact that numbers in warfare are very important. The Russians have over 4 million—I believe it is 4.2 million—the Chinese have over 3 million, and we have approximately 2 million in our services. So we must emphasize the need for new generation equipment, new generation airplanes.

The committee, in reporting out this bill, is already letting slide the XM–1 tank, and the B–1 is letting slide part of the equipment for the fourth prototype as far as preproduction is concerned. I believe we can see that we are gambling with whether or not we are going to have available to our Air Force a new generation strategic bomber.

I think it is rather impressive that in 1945, in the largest bombing attack on Berlin, there were 1,841 planes involved—691 fighters, 826 B–17's and B–24's numbering 324, with 3,148 tons of bombs, with 12,191 crew members.

The B–1, with a load of 37.5 tons of ordnance, could deliver more destructive power if this were nuclear weapons than the 1,150 bombers did in World War II. It can do it at high subsonic speeds, low to the ground, or it can drop its bombs at very high altitudes at supersonic speeds rather than 160 knots.

So we are dealing with a new generation weapon.

The Senator from Missouri was just talking about cost. I believe he is comparing apples and oranges. I have here from Colonel Strong, of the Air Force, a statement that shows that the flyaway costs for 1970 were $30 million for the B–1; for 1975, $42.5 million; and in 1981, $57.8 million. But when the Senator was giving a lot of figures to show increases, he was talking first about flyaway costs—I think he used the figure of 24 or 28—but according to the Air Force in 1970, the flyaway cost of one B–1 was $30 million, and for 1981 the flyaway cost is $57.8 million.

If we want to compare apples and apples on the unit program, which has cranked into it the mistakes, the delays, the costs and inflation, then we compare $45.2 million for 1970, $63.6 million for 1975, and $84.1 million for 1981.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BARTLETT. Will the Senator yield 1 more minute?

Mr. STENNIS. I yield 1 minute on the bill.

Mr. BARTLETT. Mr. President, I ask unanimous consent that this letter from Colonel Armstrong be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 12, 1975.

MR. GEORGE H. FOSTER,
Professional Staff Member,
Committee on Armed Services,
U.S. Senate.

DEAR MR. FOSTER: Reference your inquiry concerning B-1 unit costs. The figures which you passed to us are as follows:

	1970	1975	1981
Flyaway	29.5	42.0	59.0
Unit procurement	34.3	49.6	69.6
Unit program	42.5	65.4	84.3

The above figures are quite similar to our current estimates which follow:

	1970	1975	1981
Flyaway	30.0	42.5	57.8
Unit procurement	34.3	49.6	69.6
Unit program	45.2	63.6	84.1

With regard to your request for numbers of B-52, B-58, and F-111 aircraft involved in initial testing, this information will be prepared by the Air Staff.

Sincerely,

DONALD C. ARMSTRONG, Jr.,
Colonel, USAF, Chief, Congressional Investigations Division.

Mr. BARTLETT. I would like to point out that in real growth, in other words, the mistakes, the change orders, the increase in cost amounts to only 12 percent, whereas on the other hand the $84.1 million represents a figure that I think is reasonable in view of the fact that we are dealing with an up-to-date modern weapon.

There have been comparisons made that the F-111 and the B-1 are somewhat identical. I believe this is a rather farfetched comparison. In so very many of the necessary attributes the B-1 is far superior. It is important that we have a very superior strategic bomber that can deliver the bomb load required and do it at great distances without refueling.

We should not ask our fighting men to fight a 1980's war with 1950's weapons.

The PRESIDING OFFICER. The Senator from South Dakota has 2 minutes remaining.

Mr. STENNIS. Mr. President, I yield to the Senator from California.

Mr. CRANSTON. Mr. President, there will no doubt be those within and without the Chamber who think that I oppose this particular amendment because it relates in part to jobs in California and to contracts in California. I would like to point out that I have not supported all amendments that have been proposed to reduce the defense budget during this debate nor at other times on this floor. Specifically, during the consideration of this bill, I have opposed the sea-launched cruise missile program which relates to some jobs in California and in that respect I have heard from Californians.

I am about to offer, with Senator KENNEDY, the Minuteman III amendment to prevent adding 50 Minuteman missiles which we do not need, although some parts of them would be built in California. Perhaps more significantly, and more related to defense matters, I played a key role and cast a key vote against the SST, when there were many Californians who felt that their jobs depended on that program.

I believe very deeply in the triad triple deterrent approach to the survival of the United States in this time of nuclear terror and anarchy in which we live in this world, when our survivability depends upon convincing any foe that we retain a second-strike capacity in the event that we suffer a first strike. That second-strike capacity depends upon three different ways of coming back with the second strike: The ICBM's in their silos, the SLBM's in the submarines, and the manned bomber—to simply insure survival in an incredibly dangerous time in the history of the human race.

Of these three parts of the Triad, only the manned bomber provides an immediately visible signal of our intention to a potential aggressor in a time of tension, before we actually strike at that aggressor. ICBM's and SLBM's would have to be fired to be visible, and then they go on to their targets, with no opportunity to abort their destructive mission, even though we may learn after they have been fired that a mistake or miscalculation has caused us to fire without good reason for doing so.

Bombers, of course, being manned, provide alternatives even after they have taken off toward their target. The manned bomber provides very great flexibility. Alert levels can be raised and lowered. Additional planes can be put on ground alert. Portions of the bomber force can be airborne, and even started off toward the heart of an enemy. After that, options are open to manned bombers other than the final, fatal nuclear strike.

All this allows time for adversaries to reassess positions and to replace irrational behavior with reason. Not so with ICBM's and SLBM's. This flexibility might well enable us to avoid nuclear war.

I have grave concerns about the degree of force used in the *Mayaguez* incident; but without the flexibility our diverse systems gave us, we might well have used even more destructive force.

Let me read from a column Joseph Kraft wrote shortly following the *Mayaguez* incident:

> (The) first (lesson to be learned from *Mayaguez*) is the utility of having a wide range of military options available to a President. When initial word came of the seizure of the *Mayaguez*, there was a push inside the National Security Council to punish Cambodia by B-52 bombing.
>
> Defense Secretary James Schlesinger and the uniformed military in the Pentagon wanted nothing to do with such undiscriminating punishment. They were against tit-for-tat and other diplomatic games. They drove hard for the more limited and sharply targeted operation that was, in fact, ordered.
>
> They thus gave the lie to the argument that all military forces ought to be cut because the Pentagon will inevitably use whatever is available. On the contrary, it seems clear that if the limited amphibious operation had not been available, President Ford would have felt obliged to go for the brutal, and probably useless, bombing.

The same flexibility is given to us in far more desperate potential circumstances with the manned bomber.

Mr. STENNIS. Mr. President, I think the Senator from South Dakota wishes to be recognized.

Mr. McGOVERN. Mr. President, I yield 1 minute to the Senator from Arkansas. I do not have more time, or I would yield him more.

Mr. BUMPERS. Mr. President, I have listened intently to the debate here, and find it very enlightening and helpful. Not being a member of the Armed Services Committee, of course, some of us are at a distinct disadvantage in understanding the technical aspects of the argument.

I want to make certain that the United States remains the most powerful Nation on Earth, and I am trying to vote on all amendments as objectively as I know how.

I am confident there are alternatives to the prodigious cost of the B-1. Second, I am convinced that the whole concept of strategic bombing, as a result of Vietnam, is in question.

Finally, there are two threats to the Nation. One is military and one is economic; and the cost of this program, if the President's energy program does not do it first, could be the very tilt that caused the disintegration of this Nation and all the cherished institutions in it.

I thank the Senator for yielding me 1 minute.

The PRESIDING OFFICER. The Senator from South Dakota has 1 minute remaining.

Mr. STENNIS. Mr. President, I would like to yield the Senator 2 minutes on the bill, so as to make it 3 minutes in all.

Mr. McGOVERN. I thank the Senator.

Mr. President, just to summarize the case against proceeding on the B-1 bomber.

First, from testimony by top people in the Air Force and the Department of Defense, we know we have a bomber fleet that is clearly superior to anything the Soviet Union has at the present time. In intercontinental bombers, we have them outnumbered 498 to 160. That is without building one additional bomber.

We have the testimony of the Air Force that the late model B-52's and F-111's are operational until 1990, 15 years hence. There is no reason for haste on this matter. There is no reason to invest another three-quarters of a billion dollars this year.

I am as confident as one can be of anything in this uncertain era that we are never going to build this bomber. If we proceed as we are now, we are going to invest another $1.5 or $2 billion in it, and 2 years hence end up deciding we cannot afford the kind of expenditures involved.

We are talking about a bomber system that, on procurement and research alone, will cost us in excess of $20 billion. We are talking about airplanes that, as far as their mission is concerned, are little better than the bombers we already have—bombers that will cost nearly $100 million apiece, but which can be knocked out of the sky by missiles costing some $50,000.

I have listened to the arguments of my two distinguished colleagues from California, for whom I have great admiration and who usually make sense on these matters, telling us that the bomber is more of a deterrent because the Soviets can see it, that they cannot see those missiles we have on the ground, but they can see the bombers when they are flying.

Mr. President, that assumes a naiveté on the part of the Soviets that I cannot extend to anyone. Surely even the most ignorant Soviet planner knows that a missile on a submarine or a missile on the American continent that is capable of hitting targets in the Soviet Union within 15 or 30 minutes is a deterrent. They do not have to be able to examine the missile to know that it is there. As a matter of fact, their capacity to see the bomber and to demonstrate a capacity to shoot it down, which they were able to do with their allies in North Vietnam, demonstrates why our land-based and sea-based missiles are the first line of deterrence.

Mr. MONDALE. Mr. President, I intend today to vote against the amendment to completely eliminate the B-1 bomber program and I would like to state my reasons—particularly in the light of our discussion yesterday of counterforce and the need to maintain a secure American strategic posture.

I am voting for the B-1 because I believe that the thrust of our strategic programs should be in the direction of survivability and flexibility. Despite many of its drawbacks in performance and cost, the B-1 at least moves in the right direction.

Manned aircraft such as the B-1 are far more survivable than any fixed, land-based ICBM can be. They can be launched on warning and recalled. A missile cannot. They can be dispersed and moved about. Our current ICBM's cannot. Considering that we are planning forces for the year 2000, manned strategic bombers offer a far more survivable mode for basing our strategic deterrent.

Manned bombers are also more flexible. The ICBM programs currently proposed by the administration, when all the malarkey is washed away, have only one mission, attacking Soviet ICBM's. Manned bombers, on the other hand, are capable of a wide variety of strategic missions—including even counterforce. But they can carry out those missions without the risk of looking like we are going for a first strike. If you want accuracy and the capability for a limited attack, the manned bomber is the right weapon for the job.

It may be that yesterday many in this Chamber felt that they had to vote for counterforce to show the Soviets that we intend to remain strong. There is nothing wrong with that motivation, and in fact, that is one reason I am supporting the B-1 and opposing this amendment. In addition to the other reasons I have just cited, I do not believe we should cancel a major strategic program at this time.

But I hope my colleagues who voted for counterforce yesterday will come to appreciate that there is a critical difference between supporting a strong, survivable defense posture and going forward with reckless programs based on some far out and provocative theories of limited nuclear war.

In my view, the new manned bomber is in the first category and the counterforce programs fall in the latter.

Having said this, I want to register my concern over the poor performance of the B-1 program so far—in particular its cost. My vote at this stage is not because I favor procuring the B-1, and even less procuring 240 of them at the cost of $20 billion. It is my fervent hope that the Pentagon and the Air Force will continue to search for lower cost alternatives to the B-1. We should make an extremely careful assessment of the cost of this weapons system before any decision is made to buy it.

My vote is for continued development of a new manned bomber and it is made for the purpose of emphasizing the importance of a survivable, not a provocative, strategic posture. I would only wish that the Air Force and the Pentagon showed as much imagination and determination in developing a new, economical strategic manned bomber to strengthen our deterrent as they have in pursuing counterforce programs which will inevitably undermine our overall security.

Mr. HRUSKA. Mr. President, one of the most important defense-related questions which this body has considered in quite a long time is the question of whether we should go ahead with the full production of the B-1 bomber.

Recent Air Force estimates indicate that the total cost for the 244 bombers scheduled for production will exceed $20 billion with each plane costing about $84 million. Given the huge projected cost of this program, it is understandable that some might initially question the wisdom of the program. A close examination of the B-1 issue, however, will show that despite the considerable expense involved the B-1 bomber is an absolute necessity if the security of this country and that of our allies is to be safeguarded.

Our country's defenses are based upon the so-called Triad system. This is a three-pronged defense system consisting of intercontinental ballistic missiles, submarine launched ballistic missiles, and the manned bomber. Under the Triad system, should our country come under a first-strike nuclear attack at least one of these three components would be able to inflict a massive nuclear retaliation upon the aggressor.

Of course, any potential aggressor is well aware of this fact. Thus Triad with its independent and yet complimentary components serve to deter such potential aggression as the guarantee of a swift and terrible U.S. response makes nuclear aggression self-destructive and, therefore, an unacceptable course of action.

It is essential to remember, however, that Triad is a carefully conceived system which is based upon three and not two nuclear delivery systems. Should Triad be reduced to two systems the temptation to attempt to knock out those systems with a first-strike may increase to the point where a potential aggressor feels that the odds have shifted significantly enough in his favor. Therefore, a first-strike against the United States occurs with the belief that we will not have enough of a response left after such an attack to assure the destruction of the aggressor's homeland.

Even if, after such attack, the United States had sufficient capability left to destroy our attacker, that would be a small consolation to the millions of Americans who died because that attacker succumbed to the temptation of aggression.

Thus Triad is seen as an offense system of last resort but also it is primarily a defense system designed to prevent a nuclear attack. It is important that we do not lose sight of this key fact.

The B-1 bomber is designed to be one-third of the Triad system. As such, it is to replace the B-52. There can be little doubt that the B-52 needs replacement. Although a fine aircraft, the models currently in use by the Air Force date from 1958 and 1960. Their average age is 15 years and the extensive use during the Vietnam war has required many modifications.

When we enter the decade of the 1980's these bombers will be 20 years old. The technology which produced them would be 20 to 30 years old. The defense technology which they would face would be much newer. Their ability to successfully carry out whatever missions assigned would have to be seriously questioned.

Therefore, the issue to be addressed is, does the United States need a manned bomber and if so is there an alternative to the B-1?

The first part of this question has already been addressed. To my earlier remarks I would add the observation that a manned bomber is totally unlike a missile. A manned bomber can be launched, directed, redirected, used or recalled. It is thus capable of signaling a national intent whereas a missile can only be fired or not fired. These added options give U.S. Presidents alternative courses of action in wars where the greatest danger to man's collective existence may come from a superpower lacking in such alternatives. As I have said before, this is a point which some Senators in this Chamber ought to consider very carefully.

The second part of the issue is whether there is an acceptable alternative to the B-1 as this country's manned bomber. In order to answer this question one must consider three phases of operations. The launch, the flight to the target area, and the penetration to the actual target.

The Department of Defense recently completed a "joint strategic bomber study." That study examined not only the B-1 bomber but also these alternatives: a stretched FB-111—fighter-bomber; a re-engined B-52; and a standoff cruise missile launching aircraft which would be similar to the Boeing 747.

The study found that the FB-111 "stretched" alternative would not have the space in which to carry sufficient fuel or weapons to give it adequate target coverage. Furthermore, its small airframe means it cannot carry the necessary equipment to successfully penetrate enemy air defenses expected to be in operation in the 1980's. Moreover, the study found this alternative to be the least cost-effective alternative.

A re-engined B–52 would perform well in the range-payload phase of operations. Serious problems arise, however, in the launch and penetration phases. Even with improvements, which by the way it is estimated would cost over 50 percent of the amount needed to procure new B–1's, this aircraft would not be as effective as the B–1 in essential areas. It would be slower. It would have a larger radar cross section. It would not have the aircraft hardness to nuclear effects. All of these factors, and there are more, make this a poor alternative to the B–1.

The air-launched cruise missiles concept was also found to be less effective than the B–1 in both the launch and penetration to the target. These aircraft would be slower and more vulnerable to nuclear effects. Since there would be fewer of these aircraft than B–1's, the chance of this system being eliminated by long-range interceptors is far greater. Also another point to consider is that the air-launched cruise missiles, ALCM, would probably incur heavy losses by targets protected by low-altitude surface-to-air missiles. Unlike a bomber, the ALCM's cannot attack the surface-to-air missile, SAM, with short-range attack missiles. Nor can they use warning receivers to evade mobile SAM's as can a bomber.

The study found that a force of primarily B–1's will place about two times as many weapons on target as will an equal cost, all stand-off cruise missile force. Additionally, it is easier to defense against the ALCM's.

None of this is to say that FB–111 or the ALCM's system would not be good systems if used to compliment the B–1. The point is, however, that the B–1 is the only system which can be integrated into Triad and perform its mission with a high probability of success.

Certainly the cost will be high, but in our troubled world the cost of freedom is high.

Mr. GOLDWATER. Mr. President, there is no question that we have a segment of our media and press who are antimilitary and who would like to isolate America once again. This, of course, is their right as it is the right of any member of this body or any other American, but all that I ask is that this whole procedure go forward on a basis of honesty.

Recently at a meeting of the General Electric Board of Directors in Boston, 75 protestors picketed the session with various signs which again is their right, but when those people have produced a slide show which dishonestly, and I repeat dishonestly represents the B–1 and the company which makes his weapon, then I must protest. We all remember the CBS spectacular, "The Selling of the Pentagon," and we have in mind the current prize winning movie, "Hearts and Minds," both filled with half truths, outright errors, distortions, and misrepresentations.

Mr. Claude Witze, senior editor of Air Force magazine has put this into proper perspective and it reflects the view of this Senator completely, so I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

AIRPOWER IN THE NEWS

(By Claude Witze)

STOP THE B–1, DISHONESTLY

Washington, D.C., May 7.—"G.E. Defends Its Weapons Business," says a headline on the financial page of the New York *Times* of April 24. The defense, according to the *Times* report from the company's annual meeting at a Boston hotel, was necessitated by seventy-five protestors who picketed the four-hour session of about 700 shareholders. They carried signs: "Power Over Millions, Decisions by a Few," and "Jobs for Peace, Not for War."

One of the leaders, according to the *Times*, was David Gagne of the Unitarian-Universalist Association. He demanded that GE Chairman Reginald H. Jones tell when the company would "draw the line" on weapons production. The answer was that GE will stop when Congress decides weapons are not necessary for national security.

Mr. Gagne, who appears to be a stockholder, nominated Natalie Shiras, a first-year student at the Harvard Divinity School, for a seat on the board of directors. She received 11,241 votes out of more than 150,000,000 that were cast. Most of them, the *Times* says, were cast by proxy before Miss Shiras' nomination.

The newspaper says many of the demonstrators represented the American Friends Service Committee (AFSC) and Clergy and Laity Concerned. These two organizations are the moving powers behind NARMIC, which is an acronym for National Action/Research on the Military Industrial Complex. Their current activist campaign is called "The Super-Sonic (sic) Swing-Wing Swindle," subtitled, "The Story of the B–1 Bomber." This is a slide show, provided with documentation and a script. There are 140 slides, and the presentation runs about a half hour. AFSC says you can order a copy of your own for $50 from: Stop the B–1 Bomber, National Peace Conversion Campaign, 160 North 15th St., Philadelphia, Pa. 19102.

So far, there has been no report that this effort is the product of a lobby, financed, in the main, by tax-exempt contributions. We do have at hand a letter from Clergy and Laity Concerned, denouncing the B–1 project and appealing for contributions for a fight against it in Congress. The letter is signed by Don Luce, Director of CALC and he says he needs $100,000 for the campaign. He adds this postcript:

"Your contribution to CALC will help us STOP THE B–1 BOMBER. CALC is working with the National Council of Churches on this program. If tax-deductibility enables you to make a larger gift, your check may be made payable to the NCC."

AIR FORCE Magazine has found that CALC is not registered with the Clerk of the House of Representatives as a lobby. Nor is it listed as a tax-exempt organization. The NCC is tax-exempt and, as such, is proscribed from carrying on propaganda or influencing legislation as a "substantial part" of its activity. On Capitol Hill, the CALC appeal has raised a few eyebrows, which is easy to do so soon after Watergate and its disclosures of how money can be "laundered."

The $50 slide show of AFSC and CALC had its premiere on April 15, income tax day. The sponsors say it was exhibited in nearly a hundred cities across the country. In Washington, the show was sponsored by our busiest spokesman for unilateral disarmament, the Center for Defense Information, whose director is Rear Adm. Gene LaRocque, USN (Ret.). The Admiral's financing is reported to come from the Fund for Peace, the Field Foundation, and individuals, including Stewart Mott, the automotive heir sometimes called an "activist philanthropist."

It was in quarters owned by Mr. Mott at 122 Maryland Ave., across the street from the Supreme Court, that Admiral LaRocque gathered an audience of about twenty-five for the unveiling of "The Super-Sonic Swing-Wing Swindle," as produced by NARMIC. The script gives credits, incidentally, to Debby Frazer for the words, Leon Carlin and another cartoonist whose name is not revealed, for the illustrations and graphs, and to Phil Stanford, once on the staff of Rep. Les Aspin of Wisconsin, for "timely information." One Jamie Lewenton of CALC also contributed some of the research, writing, and documentation. There is no evidence of any input from recognized authorities on airpower or bombers.

The technique used in this show is one familiar to fans of Peter Davis, producer of the CBS 1971 spectacular, "The Selling of the Pentagon," and the current prize-winning movie, "Hearts and Minds." The text is replete with half-truths, outright errors, distortions, and misinterpretation. Wide use is made of the Davis approach of placing text and slides in juxtaposition when there is no relation between them. Examples are easy to find.

The opening picture is of an F–111 assembly line, followed by a shot of the B–1 bomber. The script says America continues to arm, despite peace, and the B–1 is "one of many lavish new weapons being developed." This is followed by two slides of a slum in Philadelphia, and the author says it is "plagued with problems . . . poor housing . . . old and dilapidated schools, few places for recreation." Then there is a photo of the unemployed. After a pause, the script says, "This slide show is a production of 'Stop the B–1 Bomber; National Peace Conversion Campaign.' The campaign questions why our government spends vast sums of our tax money on the military, while the needs of communities like Kensington [the slum pictured] are ignored." There is no mention, anywhere in the show, of the weaponry programs of any other nation or of the vast increase in US budgeting for social programs during the past few years.

The show's major effort is spent in attacks on Rockwell International, General Electric, and Boeing—the major contractors in the B–1 program. One slide, for example, shows these firms on a chart. The script says, "They are among the largest corporations in the country" and goes on to report that "the average profit on a sample of large military contracts was fifty-six percent." According to the 1974 report of the Rockwell firm, their after-tax profit, as a percentage of sales, for aircraft operations was 1.4 percent. The corporate total profit was 2.95 percent after taxes.

Another slide purports to show the Rockwell company's bomber history. The script tries to prove that the firm, formerly North American, always has bombers on the line. It says Rockwell "has been in the bomber business since World War II. As they finish one plane, they begin another—what's known as the follow-on system. They built the B–25 (slide) . . . followed by the B–45 (slide) . . . the B–70 (slide)." Well, the B–25 is a real oldie, the plane used by Jimmy Doolittle in his 1942 Tokyo raid. North American built only 143 B–45s between 1948 and 1951. They have not had a bomber in production since. As all airmen know, there have been six postwar strategic bombers—three built by the Convair Division of General Dynamics and three by the Boeing Co. Rockwell's role as a bomber-builder has been minor.

There is a portrayal of a sad executive on one slide. The text says: "Many companies depend on huge military profits to stay alive. In 1970, Rockwell Chairman Willard Rockwell said, 'We knew that as a company we had just one more chance—the B–1.'" Rockwell's reference here was to the future of military aircraft contracts only. Last year the B–1 represented, to Rockwell International, a sale of $250 million out of corporate sales of $4.4 billion. The corporation would stay alive without the B–1.

At another point, showing a picture of the B–1, the text accuses the industry, specifically Rockwell, of ensuring profits by constantly promoting "new and more costly weapons." The implication is that the B–1 is a Rockwell invention. This ignores the formative years of the concept, which go back to 1961, when the Air Force conducted a study called SLAB (for Subsonic Low Altitude Bomber). This was followed by ERSA (Extended Range Strategic Aircraft) and LAMP (Low Altitude Manned Penetrator). Then there was AMP (Advanced Manned Penetrator) and AMPSS (Advanced Manned Penetrating Strategic Systems). Only then were Rockwell and others invited to take part in a newer AMSA (Advanced Manned Strategic Aircraft) study that led to the B–1. Industry was not asked to bid on the bomber itself until December 1969. It is a long chapter in history not known to experts of NARMIC.

One of the more disgraceful intervals in the slide show is devoted to a vicious attack on David Packard, former Deputy Secretary of Defense. He is pictured, and the script tells us he knows the game of musical chairs in business and government. This is illustrated with a cartoon of a man shedding his civilian clothes for a uniform. Then: "David Packard . . . knows this game. He made a personal fortune as a founder of Hewlett-Packard, a military electronics firm. He was also a director of General Dynamics, the nation's largest military company. In 1969, he was made Deputy Secretary of Defense . . . From inside the Pentagon, Packard fought hard for the B–1. . . ."

There were more words to distort the rôle played by David Packard, but no suggestion that he made a contribution to his country and did it at huge personal financial sacrifice.

This subject was discussed at length with Admiral LaRocque, a week after the performance at his office. The Admiral told AIR FORCE Magazine that he personally is in favor of the military-industrial complex and believes it is essential to our defense. He believes it must work under stern government controls, as it does. On the subject of David Packard, the Admiral agreed that his administration had been good for the Pentagon, that he made genuine contributions to management there, and that the personal sacrifice was immense.

Then, how did he justify his sponsorship of the NARMIC slide show that portrays David Packard as an industrial scoundrel, bleeding the taxpayer? Admiral LaRocque's answer was that he agreed to sponsor the performance without ever having seen the presentation. "I saw it for the first time when you did, here on April 15," he said. He indicated he was surprised with much of the content and, specifically, did not agree at all with the evaluation of David Packard as portrayed by the Admiral's young friends from Philadelphia.

At the showing, Admiral LaRocque argued that he is in favor of a strong defense for the US, but considers the present establishment far too expensive. He calls the B–1 bomber the No. 1 target for elimination from this year's budget proposals. His Center for Defense Information is circulating literature, and campaigning, to this end.

In an interview, the Admiral contended that information given out by the military services is sometimes incorrect, more frequently misinterpreted. He is frankly in favor of unilateral disarmament and is associated in his work with others who favor it, including, in addition to Stewart Mott, Dr. Jeremy Stone, Dr. Jerome Wiesner, Richard A. Falk, former Sen. Joseph Clark, Richard Barnet, and Seymour Melman. Some are listed as consultants to the Center. The Admiral says the United States should step out and disarm first, and in that way show its "leadership."

The activities of the antidefense lobby are more evident this year than they have been in the past, but there are few signs they have important impact. Much of the energy previously devoted to opposing US war policy in Vietnam now is looking for new outlets, and finding them.

An excellent example of this is the previously mentioned motion picture called "Hearts and Minds," put together by Peter Davis. In early April, the movie empire gave the film an Academy Award as the year's best feature-length documentary. Like the CBS show, "The Selling of the Pentagon," "Hearts and Minds" is a skillful running together of unrelated film clips, designed to portray our country as silly, racist, brutal, and childish.

One of the worst examples in the film involves Gen. William Westmoreland now retired Army Chief of Staff, who once commanded our land forces in Vietnam. In "Hearts and Minds," there is a sequence of a multiple funeral. The families of the deceased display something close to hysteria at the graveside; one old lady, almost crazed by grief, tries to climb into a grave. For the next shot, Davis uses a clip of General Westmoreland, on a hillside in South Carolina, saying "The Oriental doesn't put the same high price on life as does the Westerner. Life is cheap in the Orient. As the philosophy of the Orient expresses it, life is not important."

The juxtaposition, of course, makes the General sound heartless. In the Washington theater where this reporter saw the film, a woman in the audience screamed "Murderer!" as the General faded from the screen.

In a telephone interview with Air Force Magazine, General Westmoreland said he was interviewed by the movie crew, and Mr. Davis, for two hours. "Hearts and Minds" includes less than two minutes of the footage that resulted. General Westmoreland says that much of what he put on the film was about his experiences in combat in that part of the world. He had talked about the callousness of commanders in the East, their practice of cruelty, the 1968 massacre in Hué, and such deviations as the practice of immolation and the Japanese resort to the kamikaze.

It was in this sense that he made his remarks about the value of life in the Orient. Peter Davis used the clip next to a picture of a family funeral.

At the Academy Awards festival in Hollywood on April 8, the prize was accepted by an associate of Davis, a man named Bert Schneider. He read to the audience a wire of congratulations he had received from representatives of the Communist regime in Hanoi. "Please transmit to all our friends in America our recognition of all that they have done on behalf of peace," it said.

The form of intellectual and factual dishonesty perfected by Peter Davis, first for TV and now the movies, is moving on. You can expect to see more of it, even in slide shows about bombers, and, who knows, maybe at the GE annual meeting.

Mr. DOMENICI. Mr. President, I have listened to several colloquies on the issue of the B–1 bomber. The issue as I see it is to either continue use of the B–52 or whether or not the B–1 is the type of manned bomber we need. The B–52's are some 30 years old and no one really knows how long into the 1980's they will remain viable.

The B–1 program began in 1970 after many years of research. Even with the program already 5 years old, we will not have the first B–1 into the inventory until around 1980 and a few more years before there are enough to make an impact. I believe this Nation needs a strategic supersonic bomber, like the B–1, designed to assist in providing nuclear deterrence through the maintenance of the capacity to deliver heavy nuclear attacks on enemy targets over long ranges through a hostile environment.

The Senate Armed Services Committee has done an admirable job of weighing the future need for preparedness of the United States versus the current financial restraints. It is my inclination to support the committee's recommendation on this matter. They determined that the Nation could afford to cut $152 million in budget authority from the administration's request and still provide for our future security needs. I am persuaded that it is imperative that our Nation develop a new long-range bomber as a deterrent to any possible enemies.

Mr. TAFT. Mr. President, there are few issues before us which appear more complex than that of the B–1 bomber. I would like to suggest, however, that the issue boils down to two basic questions: Do we need a manned bomber? And, if we do, is the B–1 the right plane for the job?

As to the first question, do we need a manned bomber, we must remember that a manned bomber is one of the three basic components of our Triad of deterrence forces. In my view, we must be extremely cautious about tampering with the heretofore successful structure of our deterrence force. It would be a rash man who would suggest experimenting in this area, who would abandon the structure which has proven successful, simply because it has worked. There are areas where we, as Senators, have a responsibility to see that there are no resources committed beyond the bare minimum needed to do the job, but this is not such an area. Strategic deterrence is not the place to cut to the bone, to make fine calculations of just how much is enough. Far better that we should have some surplus capability, even at a high dollar price, than that we should cut too finely and pay the infinite cost of a failure of deterrence. In this area, the wise man walks carefully and with reverence for that which has succeeded.

If we are to be properly cautious in the deterrence area, we must continue to maintain our proven Triad structure. One of the three basic elements of the Triad is a manned bomber. Without an effective, modern, strategic bomber, you do not have a Triad—you have abandoned our successful deterrence force structure, and have decided to experiment with deterrence.

Thus, to me, there is only one prudent answer to the question, do we need a manned bomber? Yes.

We then must address the second question: Is the B–1 the best plane for the job? We can best answer that question by examining the alternatives.

Four basic alternatives to the B–1

have been suggested: Retaining the B-52 indefinitely, the FB-111, a cruise missile carrier, and a new advanced strategic bomber with a 1990 IOC. Each alternative should be examined carefully.

The B-52 is, quite simply, an old airplane. It is old in design: It is slow, and it is easy to see on a radar screen. It is slow to get off the ground in the face of an incoming attack. It is slow in its run over hostile territory. Its design simply is not suited to the 1980's and 1990's—it is, after all, an airplane from the 1950's.

The B-52 is also physically old. It was built in the 1950's and that means by 1990 it will be between 30 and 40 years old. It will, before then, simply be worn out.

In short, the B-52 is no more suitable for the 1990 timeframe of the B-1 than a B-17 would be suitable today.

What about the FB-111? We have examined a possible new, enlarged version of this airplane for the strategic bomber role of the future. Unfortunately, even an enlarged version is just too small to do the job. It was designed as a fighter-bomber, and it is sized for that. It cannot carry the fuel or the weapons needed to be effective in a strategic role. Most importantly, it is too small to carry the electronic equipment necessary to penetrate Soviet air defenses.

Because of this inherent and unavoidable restriction on the FB-111—its size—both DOD and the GAO have concluded that it simply is not competitive, in cost/effectiveness, with the B-1.

The third alternative, a cruise missile carrier, also has one fundamental, unavoidable problem: It is not a bomber at all. It is simply a different type of missile launcher. It has no capability—being merely a converted transport or civilian airliner—to penetrate a hostile state's airspace. Because it is just a missile-launching platform, it can have only one tactic: fly near a hostile state and launch its missiles. This tactical inflexibility makes it very easy to counter: Long-range interceptors, such as the MIG-25 the Soviets already have in service, could deal with it relatively easily.

The fourth alternative, a new design of strategic bomber designed to enter service around 1990, is not an alternative bomber: It is merely putting off the question of a manned bomber. It is, in simple terms, a copout on the part of Congress, a desire to put off the decision for a future Congress to deal with. I do not see how we could responsibly decide that we are unable to decide, which is what this proposal really amounts to.

Thus, it is clear that none of the alternatives are really alternatives: None offer a different strategic bomber. If we are going to have a bomber, it must be the B-1. There is, in fact, no alternative.

I thus support the B-1 program. The decision on the B-1 is really a decision of whether or not to maintain our deterrence Triad. As I said before, the Triad has worked; and it is a bold man who wishes to experiment with the deterrence on which our lives depend, by abandoning our successful Triad structure.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McINTYRE (when his name was called). Mr. President on this vote, I have a pair with the Senator from Kentucky (Mr. Huddleston). If I were permitted to vote I would vote "nay." If he were present and voting, he would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Delaware (Mr. Biden), the Senator from Kentucky (Mr. Huddleston), the Senator from Wyoming (Mr. McGee), the Senator from Alabama (Mr. Sparkman), the Senator from Alabama (Mr. Allen), the Senator from Missouri (Mr. Eagleton), and the Senator from Maine (Mr. Muskie) are necessarily absent.

On this vote, the Senator from Delaware (Mr. Biden) is paired with the Senator from Alabama (Mr. Sparkman). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Alabama would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Pennsylvania (Mr. Schweiker) is necessarily absent.

The result was announced—yeas 32, nays 57, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—32

Abourezk
Brooke
Bumpers
Burdick
Case
Church
Clark
Culver
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Humphrey
Javits
Kennedy
Leahy
Mansfield
Mathias
McGovern
Metcalf
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Williams

NAYS—57

Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cranston
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Inouye
Jackson
Johnston
Laxalt
Long
Magnuson
McClellan
McClure
Mondale
Montoya
Morgan
Moss
Nunn
Pearson
Percy
Roth
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stone
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

McIntyre, against.

NOT VOTING—9

Allen
Bayh
Biden
Eagleton
Huddleston
McGee
Muskie
Schweiker
Sparkman

So Mr. McGovern's amendment (No. 533) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY obtained the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, having cleared this request with the distinguished author of the amendment and the distinguished chairman, I ask unanimous consent that time on this amendment be limited 40 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 496

Mr. KENNEDY. Mr. President, I call up amendment No. 496, which I offer on behalf of myself and the Senator from California (Mr. Cranston).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts (Mr. Kennedy, for himself and Mr. Cranston, proposes amendment No. 496.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 17, line 1, strike out "$1,718,100,000" and all that follows down through the period in line 2, and insert in lieu thereof "$1,515,000,000.".

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. PASTORE. Mr. President, the Senators have not taken their seats.

The PRESIDING OFFICER. Senators will please take their seats.

Mr. KENNEDY. Mr. President, this is an amendment to delete from the military procurement bill the $203.1 million requested for the purchase of an additional 50 Minuteman III missiles.

These missiles, according to defense witnesses before the Senate Armed Services Committee, would be used to provide test vehicles between 1984 and 1988.

We already have 550 Minuteman III missiles being deployed and expected to be in place by next month. We have purchased another 154 Minuteman III missiles. We have tested 52. Another 17 remain as spares, and 85 remain available for testing between now and 1984.

In this year of budget restrictions, it seems totally unnecessary to expend $203.1 million for the procurement of missiles which are not needed for our actual deterrent forces, which are not needed as backup missiles and which are not needed even for testing until after 1984.

It should be emphasized that following the Vladivostok accords, we restated our intent not to deploy more than the 550 MIRV'ed Minuteman III's.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement of the Secretary of Defense, Mr. Schlesinger, on that point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Our current program calls for the termination of Minuteman deployment at the level of 450 Minuteman II and 550 Minuteman II missiles.

Mr. KENNEDY. Mr. President, now we are apparently seeing the first stage of an unnecessary preparation to build up to the levels permitted by Vladivostok—even while they are excess to our security needs.

The Department of Defense argues that they want to maintain an open production line and that these additional 50 Minuteman missiles will permit that to occur. They view this as a hedge against the breakdown of SALT II negotiations. But it is a $203 million hedge that is unnecessary and of little actual use in a bargaining context.

Clearly, the Soviet Union understands that a breakdown of talks will give further strength to those advocating a massive first strike force for the United States. Whether this particular production line is halted, we still have an additional 102 Minuteman missiles which could be deployed in the event of an emergency, and during the time that a production line could be restarted, if that were determined desirable. This might well be the wrong production line to restart, in any case. That is, if the talks break down, we still would have that number which could be deployed immediately, while we were reopening a production line.

However, under the Defense Department's argument, there is no end to the continual purchase of new Minuteman III's.

There always will be arms control negotiations underway. They would always argue that the line should be kept open and more tax dollars poured in and more missiles pumped out, and held in a warehouse.

But a decision to keep buying more missiles without regard to the assured and invulnerable deterrent which we now possess makes little sense.

It clearly makes little sense to increase the level of spending on the single most vulnerable component of our deterrent—our land based forces.

I want to mention that point. That is the part which is the most vulnerable and we are going to be adding to it under this program. This vulnerability has been acknowledged by the committee itself. On page 18 of the committee report, the Secretary is directed to conduct a study concerning site defense—the highly questionable "son of ABM" that is still being pushed by Pentagon planners.

However, the committee goes on to say:

> Basic to this study is the need to examine the future usefulness of the fixed base Minuteman force, and whether now is the time to consider seriously the phasing out of this force beginning in the mid-1980's.

The Committee on Armed Services is doing a study to consider phasing out the program by the mid-1980's. Even under the existing program, they will have sufficient missiles to test until 1984. Still they are talking about an additional 50 Minutemen in this procurement legislation. That is the target of our amendment.

Surely if the committee is concerned about the utility and vulnerability of the system, it makes little sense to spend an additional $203 million for 50 Minuteman III missiles which are not needed until late in the 1980's for testing purposes. Let us not continue spending money on a system that is highly vulnerable, for a purpose that is highly questionable.

It is interesting to note that each year, we are told that the 550 missiles are all that will be deployed and that the last buy would be fiscal year 1974. Each year, they say they want an option to continue producing for 1 more year. And each year, hundreds of millions of dollars continue being spent.

Secretary Richardson, testifying in 1973 said the option only was for fiscal year 1974 because "the cost of maintaining the option through fiscal year 1975 would be very high."

But those funds were requested again last year and they were approved. Now they are here again, asking for another $200 million. It is a never-ending process.

If we look at our strategic forces, we see a survivable force and a sufficient force. It makes no sense to continually buy more because the Air Force wants to stockpile more missiles.

We have nearly 8,500 U.S. strategic nuclear weapons on our land-based ICBM force, our 41 U.S. ballistic missile submarines and our nearly 500 SAC bombers. In addition we have some 22,000 additional tactical nuclear weapons around the world stockpiled in the United States, in Asia, Europe and aboard our U.S. Navy combat ships.

The Secretary of Defense has acknowledged that our deterrent is currently invulnerable and that it provides us with the capacity to assuredly destroy the Soviet Union under virtually any conditions.

With this level of forces, it seems apparent there is little justification for expending $203.1 million to buy 50 extra Minuteman missiles which cannot be deployed, and which are not needed until beyond 1984.

The testimony during the Senate Armed Services Committee hearings on this matter is particularly clear.

The Air Force Deputy Chief of Research and Development, Lt. Gen. William J. Evans, was asked whether, in addition to the 550 Minuteman III missiles scheduled to be deployed by July of this year, there were additional missiles sufficient for testing purposes through 1984—without purchasing 50 additional missiles.

The question was:

> You stated that the current number that you have approved would provide you test assets through 1984?
>
> General EVANS. That is correct.

With the budget restrictions that propose cutbacks in health research, in education for the handicapped, in nutrition for the elderly and impose caps on social security costs of living increases, surely these $203.1 million can be better expended in other areas.

Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield myself 2 minutes at this time.

Members of the Senate, I do not think anyone ever knows when we have exactly enough of these different types of weapons. It is not an exactitude proposition. I think we all know that. So far as the production line is concerned and the technology and the continuity of the operations and techniques, we had better not just stop all we have—in production.

The production line that would be involved here is the only one, the only land-based missile production line that we have in operation now that could produce this MIRV'ed missile.

That is a very significant point, because we all know that at this stage, the MIRV question is right up front and the MIRV'ed missile is a front runner.

I do not think there is any doubt, either, about the situation as to the forthcoming SALT talks. I know that the President does not have any doubt about the situation—that there should be an activity, a continuing one.

I am glad now to yield 5 minutes for the time being to the Senator from Utah. If he wants or needs more time, I shall yield it to him.

Mr. MOSS. I thank the Senator from Mississippi for yielding to me. I do want to make a statement about this particular amendment and about the 50 Minutemen missiles that are involved.

Of course, we all hope that the SALT talks will go on in the second phase to a point where we can finally get a ceiling on MIRV-type missiles. Until that time, we must proceed keeping ourselves in readiness. Otherwise, we have no chance of succeeding in the SALT talks.

As the Senator from Mississippi pointed out, the Minuteman is our basic long-range strategic missile to defend the United States. We are talking about keeping that force in being

Now, the 50 missiles here involved are not to be deployed beyond our limit of 1,054, but these would be to replace missiles that are fired periodically for testing purposes and some of them would be tested themselves.

The Soviet Union, at this time, has three production lines where they are producing MIRV-type missiles. If we should close down our line, we would not have any at all. If we build these 50 missiles, we will keep our one line in service.

As the Senator from Massachusetts pointed out, the amount here involved is $200 million. That is what we are talking about. But the thing that I would like to call to the attention of the Senate is that if we shut down our line and then we want to reactivate it, it is going to cost us $250 million to $300 million just to do that. Consequently, it does not make good sense to close it down now before we have any assurance of the final outcome of the current SALT talks—while the Soviets still have three MIRV missile production lines open. We may be thrust into a situation later where we would want to open up the production line.

Again let me point out that closing and reopening costs alone are a total of $250 million to $300 million.

We certainly hope to rely on Minuteman III through the end of the 1980's. It makes sense to me to go ahead and produce all the extra replacement and test missiles we will need through the life of the system while the assembly line is still going. That way we would not have to pay to close down and reopen the assembly line later and then pay again to shut it down.

It is conceivable that if a SALT agreement on MIRV's is reached in the near future, and depending on the ceiling it sets, we may not have to build all 50 of these missiles; we may not have to spend all of these funds. But until we reach that point where we know, I think it would be folly to shut down the line.

Mr. President, we should provide whatever leverage that can be made available to our negotiators to show that the United States is not going to unilaterally close out its options to further deploy MIRV'ed missiles if the Soviet Union stalls these negotiations long enough. Keeping our assembly line intact should provide some incentive to the Soviet Union to reach a final agreement on this new SALT accord as soon as possible.

So, Mr. President, I oppose the amendment, first because I do not think we should terminate the assembly line while our current SALT negotiators are striving for an agreement on MIRV. We ought to keep our options open.

Second, we will need most of these missiles for replacement, anyway. We can buy them now while the assembly line is still rolling, or we can pay an additional $250 to $300 million later for the luxury of opening and closing the assembly line to procure what we need later.

One thing I would like to add is, if the assembly line is closed down and the skilled technicians and personnel that operate it are dispersed, it is not a thing that can be put back together with a snap of the fingers in a week or even a month. It would take as much as 12 to 42 months, depending on the timing of the closedown, to get the line going again once it has been closed and the technicians dispersed. Once that happens we would have to reassemble and retrain the technicians we need.

Therefore, while I would like as much as anyone to save $200 million in this budget if we could, I think this is the wrong place to look for it, and I think it would be folly to close the line at this time. Therefore, I think we should defeat the amendment that is before us and I hope that my colleagues would agree with me.

Mr. GOLDWATER. Will the Senator yield me 2 minutes?

Mr. STENNIS. Yes, I yield now 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise in opposition to this amendment and make a few points against the Kennedy amendment.

Minuteman III is the only U.S. strategic weapon in production. It is vital to the SALT negotiations. There is no follow-on system immediately available. The M-X will not be available until the mid-1980's. Meanwhile, the Soviets are building new ICBM's.

Missiles are needed for testing, which is a second point. The Air Force needs to test during the life of the system. Minuteman III will be with us a long time, but we already have a shortage of Minuteman II test missiles.

I shall add to what my friend from Utah said that once production is stopped, it will never start again. So I urge my colleagues to reject the Kennedy amendment. I do not like to see us unilaterally stop producing our only ICBM while our potential enemy is not only building one but several and MIRV'ing his missiles and increasing their yield.

In spite of the figures that we have heard bandied about on the floor, I believe that we are at a missile disadvantage with the Soviets, and Minuteman III is the only counter we have to the growing Soviet force. So I urge the defeat of this amendment.

Mr. PERCY. Mr. President, will the distinguished Senator yield for a question?

Mr. STENNIS. I yield 2 additional minutes, if the Senator wishes, for that.

Mr. PERCY. The distinguished Senator from Arizona mentioned that continuation of production of Minuteman III is essential for our SALT talks, and I think we all certainly agree that those are extraordinarily important talks. We do not in any way want to cut our negotiating position, and I happen to know firsthand that Secretary Kissinger feels very strongly about this.

I wonder if either the distinguished Senator from Arizona or the manager of the bill or someone else who is on the floor could expand on what sort of a signal it would provide to the Soviet Union if we unilaterally took this action and stopped production, and what effect it would have, adverse effect, in his judgment it would have, on the SALT negotiations; how would it be to the detriment of the U.S. position if we took this action?

Mr. GOLDWATER. Well, the Senator from Illinois has asked his usual perceptive question, and I will do my best to answer it.

The Minuteman system is the only viable system we have. We do have some Saturns in the ground, but they have been in the ground so long that there is some doubt about their launchability, and I would feel that the Soviets would not regard the Saturns as any threat at all. So we are left with Minuteman, the Minuteman missile, as the only missile we have, except the Poseidon and the coming Trident.

If we discontinued the manufacture of the only missile we have that is land-launched, I think the Soviets would undoubtedly take this to mean that we have given up, that we recognize their superiority, and that they would feel fine, no more need of SALT talks.

So we have to—it is like a poker player, he does not bluff unless he has got something to bluff with, and we are playing poker with some pretty sharp poker players and we had better have something to back up what we are calling, and I happen to know Secretary Kissinger and the President feel very strongly about the retention of this missile.

Mr. STENNIS. Mr. President, I would just take 1 minute. I yield myself 1 minute.

Mr. President, we are right up to the nub of the thing. This, perhaps, due to the SALT talks is the most sensitive thing in the bill.

The House has already approved these missiles, and if the Senate should vote here tonight to take these missiles out of the bill I do not have any doubt but what that would be exploited by the Soviets to the very limit against us, against our negotiators, our representatives, the President of the United States, and everyone else. I do not have a bit of doubt about that.

We are hoping for something that can come out of those talks this year. But this would be a unilateral action, very expensive to our position, and it would be exploited to the very limit.

Now, we have put strings around this matter. I wrote Mr. Schlesinger as late as May—we finished marking this bill up May 10, I think—and here is a letter of May 8 saying that, "We are renewing our request for this matter," and that it was urgent, and he considered it highly important. We put it in, but we put strings on it. It could not be used or transferred or handled in any way for any other purpose. There is some chance that this money will not have to be used, all of it, if something favorable comes out of SALT.

So the money is tied down in that way. I trust now that in a moment of forgetfulness we will not take the step here that has such bad possibilities.

I yield the floor, Mr. President.

Mr. CRANSTON. Mr. President, will the Senator yield a few minutes?

Mr. KENNEDY. Yes, I yield.

Mr. CRANSTON. I would just like to point out, as Senator KENNEDY has pointed out, that the Pentagon each year says that it is the last time they intend to ask for money for more of the Minuteman. These are simply to give us 50 additional missiles, not for deployment. The Soviet Union will not be concerned about them, presumably. They are for testing, which is not intended to happen until somewhere between 1984 and 1988.

Why we have to burden this budget with this additional sum, when that is the purpose, escapes my understanding.

Let me also point out that the Soviet Union will, perhaps, feel that we are rather unwise in investing this large a sum in what is increasingly recognized as the most vulnerable of the three parts of the Triad. The submarines are, I presume, deemed the least vulnerable; the manned bomber is next and, finally, you come to the missiles in their silos which are increasingly vulnerable. Now that we have embarked on counterforce by action taken last year and reaffirmed by the action of yesterday, the expectations, I am sure, are that the Soviet Union will be moving to counterforce and, therefore, we will be abandoning our missiles in their silos, moving them out, making them mobile, moving them around the country so they will not be as vulnerable as if they were in their silos. So we are now investing, if we proceed with this, in some missiles which will serve no purpose by 1984.

Mr. KENNEDY. Mr. President, I think the only additional point that I would add to the very excellent arguments that were presented by my colleague from California are two. First, the vulnerability of the Minuteman missiles is a matter which is of rather deep concern as well to the members of the Armed Services Committee in terms of the development of our strategic force.

As I mentioned in my opening comments they, in their report, indicate that they are going to do a study of whether now is the time to consider seriously phasing out this force beginning in the mid-1980's.

So, on the one hand, they are doing a study which could bring a phaseout of the whole program by the mid-1980's.

Under the existing procurement bill they have enough testing devices to go to 1984, and the additional 50 would only add test capacity from 1984 to 1988. So the Armed Services Committee shares many of the concerns that a number of the rest of us have.

Finally, Mr. President, in talking about the SALT agreements, that figure of 550 has been put forward by the Secretary of Defense as our intention under the Vladivostok agreement in terms of the mix between land missiles, and our MIRV'ed SLBM Force.

So that is relatively fixed. It was reaffirmed, as recently as only a few months ago by the Secretary of Defense, so it would take a rather dramatic change in the whole strategic situation for this to be supplemented. Some 112 additional missiles are already available at the present time to be deployed, prior to 1984 if they were deemed necessary.

But the fact remains, Mr. President: Look at what we are giving to our SALT negotiators to deal with after Geneva. We now have counterforce. Listening to the debate over the past few days, we are told we have to have counterforce because we need that for our SALT negotiators.

We now have also funds for MX. In questioning the statements of the Senator from Arizona, there is money in here for MX which the Air Force views as its follow-up program, to Minuteman.

We also have the submarine launch cruise missiles research money in this particular bill. We also have the funds for MARV's in this bill.

It seems to me we are sending our negotiators there with about as big a trunk of bargaining chips as we could possibly talk about in strategic weaponry.

We have already voted on most of those and I do not know of additional amendments that would reach those particular weapon systems.

So our negotiators are going to have all the bargaining chips one could possibly imagine.

It seems to me that this amendment makes sense from a strategic point of view in that this is the wrong system to expand. It makes sense in that we are going to still have the ability to test into 1984.

As I mentioned here in the questioning of General Evans, in response at page 3935:

And here is Mr. Lynch:

> You state that the current number you have approved would provide your tests through 1984?

General Evans:

> That is correct.

Through 1984, and we do not, obviously, touch any of the existing weapons. It is only beyond 1984, 9 years from now that we are talking about.

This is a $200 million program.

We think for all of these reasons that it ought to be accepted.

Mr. BENTSEN. Will the Senator from Massachusetts yield for a question?

Would these missiles be constructed in the year 1976 or 1977, how much lead time are we talking about here?

Mr. KENNEDY. Constructed in fiscal year 1976. It is five a month, a level of five a month in 1976.

Mr. BENTSEN. That means, in effect, they would be stored for about 7 years, anticipate——

Mr. KENNEDY. Nine years. They would not be used until the last ones.

Mr. BENTSEN. I thank the Senator very much.

Mr. KENNEDY. Mr. President, I am prepared, if the Senator wants to yield back the time.

Mr. STENNIS. Well, Mr. President, I want to yield 5 minutes to the Senator from Washington.

Mr. JACKSON. Three minutes.

Mr. President, I think the main issue here is whether we keep open or close the only production line we have for strategic missiles.

I think the second point that needs to be made——

Mr. TOWER. Will the Senator yield for a moment?

Mr. JACKSON. Yes.

Mr. TOWER. On the matter of the F-111, the committee voted to close the production line, or in effect, to close the production line with the F-111, because we voted to follow on with the B-1. There was no follow-on to the B-52 in the event that we failed to approve the B-1.

Mr. JACKSON. Well, I voted——

Mr. TOWER. We took that step.

I think what the Senator is suggesting is that there is no follow-on to the Minuteman III, therefore, the production line should not be closed.

Mr. JACKSON. That is right, and I voted to keep the F-111B line open, as the Senator, I am sure, is aware.

Mr. TOWER. Yes, I am aware. I was trying to underscore the Senator's point.

Mr. JACKSON. Right.

Mr. TOWER. We should have a follow-on system before we close the production line.

Mr. JACKSON. I appreciate the Senator's comment.

The second point I want to make is that——

Mr. KENNEDY. Will the Senator yield on my time just on the question of the follow-on?

Mr. JACKSON. Surely.

Mr. KENNEDY. Did I understand the exchange between the Senator from Texas and the Senator from Washington that there was not a follow-on to this Minuteman III?

Mr. JACKSON. That is basically correct. They are looking at, of course, an enlarged ICBM, but as far as a whole new system is concerned, Minuteman III represents the only basic operational system that is available.

Now, there are obviously futuristic plans for follow-ons in the strategic missile area, but we have no, prototype models available as is the case in connection with the B-1 bomber.

Mr. KENNEDY. In the terms of the hearings, on page 3956, when the question was asked about the possibilities of follow-on, I am just reading a narrow section on this, the latter part of the paragraph; and I will put the whole thing in the Record, Senator Thurmond's prepared question, this was the Air Force response:

> ". . . Based on these three factors and others, plus the long lead time to develop and deploy a new ICBM, present planning calls for a new ICBM, the MX, to enter Full Scale Development in 1978.

Mr. JACKSON. Excuse me. The point I think that should be made is that in connection with the F-111B we had the prototypes of the follow-on for the F-111B, namely, the B-1, which was voted on and which was discussed earlier.

This is not the case in connection with the follow-on to Minuteman missile. It is only in the R. & D. phase. But in connection with the B-1, they are turning out—I think it is four—four prototypes, and I think that is the basic difference.

But, Mr. President, the central issue here is SALT. SALT has encountered considerable difficulty. The Soviets are taking an intransigent position on verification of MIRV missiles. They have refused to agree to the verification formula that Secretary Kissinger has said is absolutely essential to the conclusion of an agreement, namely, that all missiles tested with MIRV'ed warheads will be counted against the 1320 ceiling reached at Vladivostok.

In this connection, I think it is premature, in my judgment, in light of this difficulty, to assume that we will, in fact, have a SALT agreement by this fall. Thus we must keep the production line open as a crucial hedge, Mr. President, against continuing Soviet intransigence on the verification issue and on the other issues where they have been equally compromising.

Moreover, the leverage obtained, I think is crucial to getting an agreement. If the Soviets know we cannot increase our force even if there is no agreement, they can press us to make further compromises on vital issues.

Finally, if we close the line and then reopen it, the reopening would cost $300 million, more than the cost of procuring the 50 missiles under discussion.

Moreover, it would take some 42 months, and that is a long time, some 42 months, hardly the way to impress SALT negotiating partners at a time when we are at a crucial stage.

For those reasons that I have indicated here, I think, again, prudence calls for the retention of the funds for the 50 Minuteman missiles.

Mr. KENNEDY. Mr. President, the point remains if the SALT agreements are not successful, we still have 112 Minuteman missiles that will be available to be deployed immediately. We will still have those which can be deployed virtually overnight. They are in the warehouse at the present time.

Going back to 1972, Mr. President, when Senator Allen Ellender was questioning General Glasser, Chairman Ellender said,

> The request for $11 billion for advance procurement to support the plan to buy the missile for fiscal 1974, as I read the data sheet, will complete the missile production program. Am I correct about this?
>
> General Glasser. Yes, that is correct.

That happened to be on February 18, 1972. They were planning to end in fiscal year 1974. Then when the first SALT agreements, did not correct MIRV's we kept it open but we still stayed steady in 550 to be deployed.

Then Elliot Richardson as Secretary of Defense, testified in 1973 they were going to close it down in fiscal year 1974. Then we were having another negotiation with the Soviet Union so they kept it open again. Now we are giving our negotiators who are going to Geneva all of these other weapons: bargaining chips which I have just mentioned here in terms of the counterforce, the MARV, the submarine launched cruise missile and the research on the MX.

It just seems to me that to trot out the same argument that the Russians are going to be formidable adversaries across the bargaining table and, therefore, we have to add one more chip to it makes no gain at all. At the very time when the Armed Services Committee is doing a study because of their own concerns about the vulnerability of this element of our strategic arsenal, it seems to me to be a highly questionable proposal.

Mr. HUMPHREY. Is there a current inventory of 550 deployed Minuteman III?

Mr. KENNEDY. The Senator is correct.

Mr. HUMPHREY. And 153 stockpiled?

Mr. KENNEDY. There are 112 in warehouses. The Senator is quite correct. There were 154 Minuteman III purchased in procurement funds beyond the 550 and we have used 52 of those tested, with 17 considered spares and 85 that remain available for testing. Another 10 also remain which were purchased with R. & D. funds.

Mr. HUMPHREY. And 200-and-some million dollars is involved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 2 minutes on the bill.

The Senator is correct. What we have, effectively, is sufficient testing systems to bring us to 1984. That is 9 years from now. What we are talking about is beyond that.

Mr. TOWER. How does the Senator from Massachusetts yield himself time on the bill. Mr. President?

MINUTEMAN MISSILES IN 1976?

Mr. THURMOND. Mr. President, the proposal that we delete procurement of 50 Minuteman III missiles in fiscal year 1976 is unwise. The Minuteman III is the only U.S. strategic weapon system in production today and to close the production line while SALT negotiations are underway may well prove to be fatal to those very negotiations. It is essential that the Minuteman III production continue as long as negotiations are in process.

In the past, we have always had a follow-on system ready to go before phasing out production of any strategic missile. Today, such is not the case. Our next generation missile, known as M-X, is not even scheduled for engineering development in fiscal year 1976 or 1977 and could not possibly be deployed in any numbers until the mid-1980's. Meanwhile, the Soviets are developing, and will probably deploy, four totally new ICBM's. Do we respond to that threat by unilaterally closing down our Minuteman III production line? I suggest that would be an imprudent course of action to follow.

But there are other reasons, besides the international political implications to continue Minuteman III production.

The Air Force has testified that these missiles are needed for testing throughout most of the 1980's. While that may seem like a long time to some of us, who is to say how long Minuteman III will be in the inventory? Part of the Minuteman force could still be with us well into the 1990's and without continued test flights to verify the system, we are unable to tell how reliable—or unreliable—the Minuteman force is. Air Force advises it is now experiencing a shortage of test missiles for Minuteman II—the last missile phased out of production. I suggest we not make the same mistake with Minuteman III. Once the production line is shut down it is unlikely any more Minuteman III's would ever be built.

Mr. President, I urge the pending amendment be rejected. Now is not the time to unilaterally stop production of our most capable ICBM. Minuteman III is the only effective counter the United States has at the moment to a highly capable, rapidly improving Soviet strategic missile force.

The PRESIDING OFFICER. Under the agreement, the Senator from Massachusetts has time on the bill.

Mr. KENNEDY. Mr. President, I am prepared to vote.

Mr. President, may we have the yeas and nays?

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate will be in order so that the roll may be called. The clerk will suspend. The Senate will be in order so that we can complete this roll.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. Will the Senators who have voted take their seats so that those Senators wishing to record their vote may do so? The Senate will be in order.

The legislative clerk resumed and concluded the call of the roll.

Mr. HATFIELD (when his name was called). Mr. President, on this vote, I have a pair with the Senator from Ohio (Mr. Taft). If he were present and voting, he would vote "nay." If I were voting, I would vote "yea." Therefore, I withhold my vote.

Mr. METCALF (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Alabama (Mr. Allen). If he were present and voting, he would vote "nay." Having already voted "yea," I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Delaware (Mr. Biden), the Senator from Missouri (Mr. Eagleton), the Senator from Kentucky (Mr. Huddleston), the Senator from New York (Mr. McGee), the Senator from Alabama (Mr. Sparkman), the Senator from Alabama (Mr. Allen), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie) and the Senator from Missouri (Mr. Symington) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Pennsylvania (Mr. Schweicker), the Senator from Ohio (Mr. Taft) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The result was announced—yeas 27, nays 56, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—27

Abourezk
Bentsen
Brooke
Burdick
Case
Church
Clark
Cranston
Culver
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hathaway
Humphrey
Javits
Kennedy
Leahy
Mansfield
Mathias
Mondale
Nelson
Pell
Proxmire
Stevenson
Williams

NAYS—56

Baker
Bartlett
Beall
Bellmon
Brock
Buckley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici

Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Inouye
Jackson
Johnston
Laxalt
Magnuson
McClellan
McClure
McIntyre
Montoya
Morgan
Moss
Nunn
Packwood
Pastore
Pearson
Percy
Randolph
Ribicoff
Roth
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stone
Talmadge
Thurmond
Tower
Tunney
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Hatfield, for.
Metcalf, for.

NOT VOTING—14

Allen
Bayh
Biden
Eagleton
Huddleston
Long
McGee
McGovern
Muskie
Schweiker
Sparkman
Symington
Taft
Weicker

So Mr. Kennedy's amendment (No. 496) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment by the Senator from New York (Mr. Buckley) next be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 513

Mr. BUCKLEY. Mr. President, I call up my amendment No. 513 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. Buckley) for himself and the Senator from Idaho (Mr. McClure) proposed amendment numbered 513.

The amendment is as follows:

On page 17, line 22, strike out "$2,016,593,000" and insert in lieu thereof "$2,399,770,000".

On page 17, line 24, strike out "$3,368,188,000" and insert in lieu thereof "$3,817,206,800".

On page 17, line 25, strike out "$3,903,200,000" and insert in lieu thereof "$4,293,520,000".

On page 18, line 1, strike out "$597,800,000" and insert in lieu thereof "$656,580,000".

On page 18, line 2, strike out "$28,500,000" and insert in lieu thereof "$31,350,000".

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, will the Senate be in order, please?

The PRESIDING OFFICER. Will the Senators take their seats?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senators will take their seats. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I have talked with several Senators who have amendments which they intend to call up, and I have also talked to the distinguished Chairman of the committee (Mr. Stennis).

I rise at this time to inquire as to how many Senators have amendments that they would be willing to call up and dispose of on a voice vote? Could we have a show of hands?

Mr. STENNIS. Mr. President, reserving the right to object, I am not familiar with all these amendments. So, I reserve the right to ask for a rollcall after the amendment is called up and at least the title read.

Mr. ROBERT C. BYRD. Mr. President, the following Senators have indicated, as the authors of the amendments, they would be willing to call up the amendments, dispose of the amendments on a voice vote:

The Senators from Oklahoma (Mr. Bartlett), from New Mexico (Mr. Domenici), from Wisconsin (Mr. Proxmire), from Ohio (Mr. Glenn), and from Alaska (Mr. Stevens).

The Senator from New York (Mr. Buckley) has indicated that he would be willing to dispose of his amendment on a voice vote provided Senators will stay in the Chamber for 5 minutes and listen to his argument. Otherwise, he will ask for a rollcall vote.

Mr. President, I ask unanimous consent that, after the Buckley amendment is disposed of, amendment No. 500 by the Senator from Wisconsin (Mr. Proxmire) be the next amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the disposition of the Proxmire amendment, the next amendment be the amendment No. 530 by the Senator from Ohio (Mr. Glenn).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that then the amendment No. 531 by the Senator from New Mexico (Mr. Domenici) be the amendment called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That the amendment to be then called up be the amendment No. 528 of the Senator from Alaska (Mr. Stevens).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That the next amendment to be called up be the amendment No. 529 of the Senator from Connecticut (Mr. Weicker).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. As I understand it, the authors of these amendments have indicated a willingness to dispose of the amendments by voice vote. Of course, any Senator has the right to ask for a yea and nay vote, and the chairman may or may not want to ask for a yea and nay vote, but we will assure the chairman of this: if the yea and nay vote is desired by him on any of these amendments, we would attempt to put that rollcall vote over until tomorrow.

Mr. PASTORE. Good. I was going to ask that question.

Mr. STENNIS. All right. That is a good suggestion.

Mr. JACKSON. What if the mover of the amendment asks for it?

Mr. MANSFIELD. They indicated they would not.

Mr. PASTORE. Mr. President, if the Senator will yield, I think it is clear what the majority whip suggested. In other words, we are going to have voice votes, and if there is any rollcall vote it will go over until tomorrow under any circumstances?

Is that correct?

Mr. ROBERT C. BYRD. That is exactly correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I thank my colleagues for the courtesy. The 5 minutes start running as of this minute.

I have introduced this amendment which would increase the funds for research and development by 10 percent above the administration request. I have done so because I was so struck by the unanimity of the testimony of the various witnesses we had before the Committee on the Budget as to the absolute necessity for this country to stop the attrition on research and development in the military field and begin to increase it at a stated rate.

These witnesses include people such as Dr. Sidney Brill of Stanford and Rear Adm. Gene LaRoque, who was there testifying for very substantial cuts in the budgetary request by DOD, and I am talking in the realm of $5 billion to $10 billion. But these gentlemen agreed that the heart and soul of our military effort, the basis of American military security and superiority depends on our ability to maintain the high degree of sophistication that we have thus far relied upon to keep us ahead of the Soviets despite dramatically greater expenditures on military matters.

Over the past few years we have had a net decrease to the point where in our inconstant dollars we are now spending less than we have at any time in 10 years' time. By the same token, as of today the Soviet Union is spending approximately $3 billion to $4 billion more in military research and development than we are in the United States.

One of the things that we have to understand is that there is no way of anticipating especially in the far-out fields where research will suddenly create a breakthrough that will enable us to get greater efficiency, greater effectiveness or equally important, if not more important, anticipate what it is the Soviets might come up with.

We have already, in the October war of 1973, seen the fact the Soviets are beginning to be able to deploy and provide their client states with a number of battlefield electronic weapons, artillery, and others of a sophistication, that we simply cannot match.

Given the fact that we command far fewer numbers of manpower, given the fact that we must be able to transport our arms and our forces over oceans, it is totally important that this country maintain unquestioned superiority.

I was advised, on asking questions of the various witnesses before the Committee on the Budget, that we should set as our goal for the next several years a real increase of 10 percent per annum. Anything more than that could not be digested, but anything less than that would provide us with significantly less than we need for our security.

I suggest that the $900 million or $1 billion that is represented by my amendment probably represents the best spent money we could possibly spend if we are looking toward the ability of the United States to defend its interest and security in the years 1980, 1982, 1985, and 1990.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. GOLDWATER. Mr. President, I remind my colleagues that what applies in the case of my good friend, who I call "High Noon," Mr. Buckley, will not apply in my case. Any Senators who want to get up and go, can.

I commend the Senator from New York for saying what he has said. The whole future of our country, not just militarily, but the whole future of our country, in economics, in the way we live, in acquiring the money to provide for the increasing benefits we are tending to give, must come from technology. We are entering the age of technology, just as we entered the industrial age back in the 1870's and 1880's.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BUCKLEY. I yield the Senator the remainder of my time.

Mr. GOLDWATER. When we sit here and realize that this is the only subcommittee in this body that dedicates itself to research and development—it is chaired by that splendid man, Senator McIntyre, and it has as good a staff as anyone will find on this Hill—and when we realize that what we have been talking about here for 1 week in research and development represents about 15 percent of the total research and development money that is expended by the Pentagon, I think the Senate should take a long, hard look at what we need. I do not think that one subcommittee, with all the ability and genius it has, can do this job. I believe that the leadership of the Senate should consider seriously either the establishment of a science committee or the establishment of a committee which does nothing but research and development and provides incentive for a continuation of research and development in the private sector.

I thank the Senator from New York for his thoughts and his expression.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. McINTYRE. I thank the distinguished Senator from Mississippi.

Mr. President, I am opposed to this amendment, and I have a few random thoughts in opposition to the thrust of this amendment.

First, I point out that the Department of Defense request for research and development, across the board, is $10,181,388,000. The amendment suggested by the junior Senator from New York would increase it over that request, by some $1,017,039,000.

Congress has the responsibility for determining the needs and the specific use of the various requests made in the military R. & D. accounts. Our committee, to the extent possible, looks out for such things as slippages in scheduling, for duplication, for what we consider unrealistic scheduling, for oversophistication or gold-plating.

This year, we spent more than 100 hours in cross-examination and testimony, with some 30 sessions, beginning in late January and concluding recently, in the month of May. We had before us all the top level witnesses and program experts in the research and development field.

It is true, as the Senator from Arizona suggests, that we have about 3,000 different projects and about 500 line items, so it is quite a task.

When we had the Director of Defense Research and Engineering, Dr. Currie, before us, he testified that the requests that were made were adequate.

What basis does the Senator from New York have to add $1 billion to the request of the top man in military R. & D., Dr. Currie?

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. McINTYRE. I am sure the Senator from New York rejected the across-the-board reduction amendment that was offered by the Senator from Missouri (Mr. Symington). The same logic applies in the case of an amendment of a meat-ax cut, one might say, as with the logic of an add-on. In both cases, the thrust of the logic, at least, is arbitrary.

Every reduction recommended by the committee was based on solid evidence; and in committee—not only at the subcommittee level but also at the full committee level—we thought they were completely justified. Based on facts, there is no good reason to restore even a nickel.

Let me illustrate for the Senate that today there have been two attempts to restore funds, without success. If the amendment of the Senator from New York is adopted, we have no specific direction or identification as to how the $1.5 billion that he wants to add would be applied. That is the amount by which it exceeds the recommendations of the committee. Where? What items?

So I ask the Senator from New York by what logic or formula he arrived at this neat 10-percent add-on so precisely. What was the logic?

Mr. BUCKLEY. I will be delighted to do so, Mr. President.

I invite the attention of the distinguished Senator from New Hampshire to the 1976 1st Concurrent Resolution, the budget hearings, page 885, in which I posed the following question to Dr. Currie, who was just cited by the distinguished Senator from New Hampshire. We were referring to the need for greater exploratory basic research. The question follows:

> If you did take this 3 to 4 to 5 year perspective you are speaking of, Dr. Currie, what kind of an increase do you think we need in order to be able to devote sufficient resources to basic research and to exploring new concepts so that we can have sufficient intermediary and long-term options available to us? And we are referring to an increase over the budgetary request by the administration.

I would like to take the roughly half, 40 to 50 percent, of the R. & D. that is devoted to creation of options and increase it deliberately and in a planned way in 5 years. My guess would be that a 10-percent increase in research per year above inflation would provide that capability, and the rest of the R.D.T. & E. is then devoted to those programs that one selects out from those options for full-scale development and possible deployment.

In other words, the 10 percent is not a figure that I grabbed out of the air but, rather, a figure volunteered by Dr. Currie.

I then proceeded to ask Admiral L'Rocque and the others who were present among the series of witnesses—many of them critical of the high levels of spending requested by the Department of Defense—and each concurred in this judgment of the value of long-term research.

With respect to where this extra $1 billion would be funneled, I suggest that that is up to the Appropriations Committee.

Mr. McINTYRE. I suggest to the distinguished Senator from New York that if he asked the same question of the Secretary of Defense, we probably would have a budget double the request that is before us today.

In 7 years of reviewing the R. & D. requests, we find that DOD is not short of funds but many times makes the wrong judgments—for example, the Cheyenne helicopter, the Main battle tank, Project Mallard, the heavy lift helicopter. This aggregate represents billions of dollars of our constituent's money down the drain.

I will read from the committee report, in conclusion, so that the Senator will understand that we on the R. & D. Subcommittee recognize the 6.1, the 6.2, the research and exploratory development, as these areas of vital importance:

> The committee recognizes the vital importance of maintaining a strong and responsive military technology base. The reductions recommended are consistent with this principle since they primarily affect specific weapon systems and major programs while having relatively minor impact on the critical areas of research, exploratory development, and other technology areas.

Mr. President, I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I yield 1 minute to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I just want to point out—I know that I am detaining the Senate—that the fact that many of our research projects have been failures, such as the Cheyenne and many others, does not mean that we should abandon research altogether. I am sure that the Soviets have had some failures in the research they have done—perhaps more failures than we. They have spent more money than we, and that is why we are behind them in terms of some research. We have to research and experiment before we find out whether a system will work or a concept can be implemented.

I regard that as an insidious argument.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the arguments in support of my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSIDERATION ON BUCKLEY-MCCLURE AMENDMENT TO S. 920 (AMENDMENT NO. 513)

1. The Buckley Amendment increases by 10 percent, the amount of funds for military research, development, test, and evaluation requested by the President.

	Administration request	Committee recommendation	Buckley amendmen
Army	$2,181,700,000	$2,016,593,000	$2,399,770,000
Navy	3,470,188,000	3,368,802,000	3,817,206,800
Air Force	3,903,200,000	3,707,840,000	4,293,520,000
Defense agencies	597,800,000	565,700,000	656,580,000
Test and evaluation	28,500,000	28,500,000	31,350,000

2. An increase in military R&D is supported by both critics and supporters of the DoD. In testimony before the Senate Budget Committee, Dr. Sidney Drell of Stanford University and Rear Admiral Gene L'Rocque, both of whom were advocating deep cuts in overall DoD expenditures, supported the proposition that DoD research should be increased substantially over the next few years to "reverse the trend" in underinvestment in military R&D. Dr. Malcolm Currie, Director of Defense Research and Engineering, recommended that such expenditure be increased ten percent annually above inflation for the next five years.

3. The U.S. is making less of an effort in military research and development now than it made a decade ago. This is particularly evident in the field of exploratory development, now approximately 1.75 billion dollars, which is 40 percent lower in terms of constant dollars than was devoted to the subject ten years ago.

4. Moreover, limited funding such as we have experienced in the past several years in military R&D has contributed to a reduction in the ability of the U.S. to put modern military equipment in the hands of the troops on a timely basis. The lead-times for the deployment of modern weapons is increasing because the pace of development cannot be accelerated within current budgets.

5. The Soviet Union is spending approximately $3–4 billion more in military R&D than is the United States. This means that it is able to investigate a far larger number of "risky" projects than is the United States, enhancing the possibility that the Soviet Union may achieve important technological break-throughs in such areas as high powered lasers, missile propulsion, electronic warfare, and other areas of military R&D.

6. One of the hard lessons of the 1973 Middle East War is the fact that if we begin to fall behind in military R&D, we can expect technological surprises on the battlefield. The ability of the Soviet Union to narrow or erase the lead in such fields as conventional artillery, field anti-aircraft defenses, and electronic warfare, almost turned the balance against Israel in that conflict, a nation almost entirely dependent on U.S. equipment. A similar fate could await U.S. forces in some future conflict if we permit our R&D effort to continue to erode.

7. Adequate investment in military research and development provides a valuable hedge against major events such as a technological breakthrough by an opponent or abrogation of an arms control agreement by the Soviets on short notice.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STENNIS. This amendment, if defeated, would add a billion dollars to this bill with 5 minutes' debate on each side. I think we would certainly have to have a rollcall vote to settle a matter of this kind.

Mr. MANSFIELD. Why not put it to a voice vote first? That was the agreement reached.

Mr. STENNIS. I understand that if we put it to a vote and lose, we are out.

Mr. MANSFIELD. Then there could still be a rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

AMENDMENT NO. 500

Mr. PROXMIRE. Mr. President, I call up amendment 500, dealing with the subject of military servants.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an amendment No. 500.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

"SEC. . Notwithstanding any other provision of law, no enlisted member of the Armed Forces of the United States may be assigned to duty or otherwise detailed to duty as an enlisted aide, public quarters steward, airman aide, cook specialist, or food service technician on the personal staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy)."

The PRESIDING OFFICER. There is a limitation of 10 minutes on this amendment.

Mr. PROXMIRE. I think 10 minutes is ample, because this matter has been discussed in this body for 3 consecutive years and I think most Members are familiar with the subject matter.

The amendment would prohibit the use of full-time personal servants by our highest ranking generals and admirals. At the present time there are 500 servants authorized under the terms of the fiscal year 1975 defense appropriations bill. The cost is well over $5 million a year.

On three separate occasions this body has voted to drastically reduce the military servant program. In 1973 we instituted a 218 ceiling by a vote of 78 to 4. In 1974 during the debate on the fiscal year 1975 military authorization procurement bill, again we voted a ceiling of 218, this time by a 74 to 4 margin. And finally on the fiscal year 1975 defense appropriations bill we again accepted the 218 ceiling principle.

Why were three votes necessary? Because in the conference each time, the Members from the other body and representatives of the Department of Defense fought long and hard for their military servants and a higher compromise was struck. That compromise now stands at 500. This is considerably lower than the 1,722 we started out with in 1972 but far higher than the Senate has voted on three occasions.

Now I have again discussed this matter with the very able chairman of the Manpower Committee (Mr. NUNN). I have also discussed it with the chairman of the committee (Mr. STENNIS). It was my original intent to have a vote on ending the program entirely. In recognition of the lateness of the hour and since this is a relatively small item dollarwise, I am submitting a substitute to my amendment which is essentially the same as those voted on the past 2 years. This is something which I understand is agreeable to the manager of the bill. It puts a ceiling on the number of servants by allowing not more than two per full general, or admiral, one per lieutenant general or vice admiral and one additional per member of the Joint Chiefs. This totals about 204, I believe. Of course this would only apply to those officers living in public quarters, as the military regulations now stipulate.

I believe the chairman of the committee has expressed an interest in accepting this substitute amendment and I will gladly give back my time if this is the case.

The Defense Department has been told clearly that this program is onerous and should be cut back drastically. We have given them 3 years to do it on their own. We have been more than generous with our warnings and patience. They have declined to respond in any appropriate way, so there is no other choice but to legislate the end of this racial discriminating, wasteful program of servitude.

A few points should be kept in mind.

First, these 500 soldiers are servants. They are assigned full time to one man, one general or admiral. They clean his house, answer his phone, cut his grass, wash his dishes, chauffeur his car, do his laundry, polish his shoes, run his errands, bartend at his private parties, cook food for his guests and family, and clean his clothes. In short, they provide the services of a chauffeur, butler, and maid. Every one of these activities is documented in great detail. They are called enlisted aides but they are servants.

Second, the GAO found that 17 percent of the men working in these positions were assigned rather than volunteers.

Third, the Navy and Marine Corps servant programs are horrible examples of racial prejudice. A full 100 percent of the Navy's servants are Filipinos; 77 percent of the Marine Corps servants are black; 40 percent of the Air Force servants are black. Three years ago the Navy told me they would do better and not a servant program based on race. But during the same period, their reliance on Filipinos has increased from 98 percent to 100 percent.

Fourth, the Joint Chiefs now have five servants each. Five servants—over $50,000 in manpower tied up by each Chief of Staff for his personal needs. How many servants does the Secretary of Defense have? None. How many servants do the civilian service Secretaries have? None. Do generals and admirals have more responsibilities than the Secretary of Defense? Why do they need servants when the civilians do not?

Fifth, the Pentagon says they need servants to help keep up the old houses the generals and admirals live in. Take a drive down admirals or generals row in any of the local bases around Washington such as Fort McNair or Fort Myer. Those are the homes our unfortunate generals and admirals have to live in. Probably worth over $100,000 each, by any standards. What do they pay for these houses? Nothing. If they live in public quarters, they pay no rent. If they live off base, they get a housing allotment. Either way, housing is provided for them. The civilians in the Pentagon have to go out and rent their own homes at considerable cost here in Washington. They get no free public quarters. They get no housing allowance. And they get no military servants.

Sixth, those generals and admirals who have lost servants in the last few years are being compensated for that loss through a special fund placed in this year's budget totaling $1.1 million to reprovide the luxuries they once had. I call this the Pentagon pamper fund. Since this is a manpower matter, I will not offer an amendment to strike this fund on this bill. But I will do so on the defense appropriations bill.

I regret having to bring this subject up year after year. But the Pentagon would like nothing more than to wait us out—to wait until we have lost interest so they can continue using servants without public attention. We cannot let this happen.

Mr. President, I ask unanimous consent that a list of all generals and admirals with military servants and their place of residence be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ALABAMA

Ellis, Vincent A., Commanding General, US Army, Missile Command, Redstone Arsenal, Ala. (1).

Maddox, William J., Jr., Commanding General, US Army, Aviation Center, Ft. Rucker, Ala. (1).

Rogers, Felix M., Comdr., Air University, Maxwell AFB (2).

ALASKA

Hill, James E., Comdr. in Chief, Alaskan Comd., Elmendorf AFB (1).

Gamble, Jack K., Comdr., Alaskan Air Comd., Elmendorf AFB (1).

Latham, Willard, Commanding General, US Army, Infantry Brigade, Alaska (1).

ARIZONA

Albright, Jack A., Commanding General, US Army Communications Command, Fort Huachuca, Ariz. (1).

CALIFORNIA

Adams, Ronald T., Jr., Comdr., AF Inspection & Safety Center, Norton AFB (1).

Baldwin, Robert B., Comdr., Naval AF, US Pacific Fleet, San Diego (2).

Bradley, Omar N., General of the Army, Beverly Hills, Cal. (4).

Carmody, Martin D., Commandant 12th Naval District, San Francisco (1).

Fegan, Joseph C., Commanding General, USMC Recruit Depot, San Diego, Calif (1).

Gilkeson, Fillmore B., Commandant 11th Naval District, San Diego (1).

Gonge, John F., Comdr., 22 AF, Military Airlift Comd., Travis AFB (1).

McLaughlin, George W., Comdr., Sacramento ALC, AF Logistics Comd., McClellan AFB (1).

Pitts, William F., Comdr., 15 AF, SAC, March AFB (2).

Salzer, Robert S., Comdr., Naval Surface Force, US Pac. Fleet, San Diego (2).

Schoning, William M., Comdr., 1 Strategic Aerosp. Div., SAC, Vandenberg AFB (1).

Roberts, Elvy B., Commanding General, 6th USA, Presidio of San Francisco (2).

Ross, Marion C., Commanding General, USA Training Center, Fort Ord (1).

COLORADO

Baker, Royal N., Vice Comdr, Aerospace Defense Comd, Ent AFB (1).

Allen, James R., Supt. USAF Academy (2).

Clay, Lucius D., Jr., C-in-Chief, NORAD/CONAD, Ent AFB (2).

Pattillo, Charles C., Comdr., Lowry TTC, Lowry AFB (1).

Vessey, John W., Jr., Commanding General, 4th Infantry, Fort Carson (1).

Wier, James A., Commanding General, Fitzsimons AMC, Denver (1).

DISTRICT OF COLUMBIA

Cushman, Robert E., Commandant USMC (5).

Anderson, Earl E., Assistant Commandant, USMC (3).

Robinson, Wallace H., Jr., Director, Defense Supply Agency (2).

Beckington, Herbert L., Deputy Chief for Plans & Operations, HQ, USMC (2).

McLaughlin, John N., Chief of Staff, HQ, USMC.

Holloway, James L., III, Chief of Naval Operations (5).

Kidd, Isaac C., Jr., Chief of Naval Material (3).

Begley, Worth H., Chief of Naval Personnel (2).

Talley, George C., Jr., Deputy Chief of Naval Operations (2).

Long, Robert L. J., Deputy Chief of Naval Operations (2).

Houser, William D., Deputy Chief of Naval Operations (2).

Price, Arthur H., Jr., Deputy Chief of Naval Operations (2).

Moran, William J., Office of Chief of Naval Operations (2).

Finneran, John G., Deputy Ass't Secretary of Defense (2).

Bayne, Marmaduke G., Commandant, Nat'l War College (2).

Custis, Donald L., Surgeon General of the Navy (2).

Hayward, Thomas B., Director, Navy Program Planning (2).

Murphy, Daniel J., Director, Antisub Warfare and Ocean Surveillance Programs (2).

Weschler, Thomas R., Director, Logistics J–4, Joint Chiefs (2).

Perry, Oliver H., Jr., Chairman, Inter-American Defense Board (2).

Tidd, Emmitt H., Commander, Naval Recruiting Command (2).

Rectanus, Earl F., Dep. Ass't Secretary of Defense (2).

Flanagan, William R., Chief of Legislative Affairs (1).

Carnahan, Ralph H., Commandant, Naval District of Wash. (1).

Inman, Bobby R., Director of Naval Intelligence (1).

Kerwin, Walter T., Jr., Vice Chief of Staff, USA (3).

Weyand, Frederick C., Chief of Staff, USA (5).

Cowles, Donald H., Dep. Chief of Staff/Operations, USA (2).

Deane, John R., Jr., Chief, R&D and Acquisition, USA (2).

Elder, John H., Jr., Director, Plans and Policy, Joint Chiefs (2).

Foster, Ralph L., Director of the Army Staff (2).

Graham, Daniel O., Director, DIA (2).

Gribble, William C., Jr., Chief of Engineers, USA (2).

Kornet, Fred, Jr., Dep. Chief of Staff/Logistics (2).

Kjellstrom, John A., Comptroller of the Army (2).

Maples, Herron N., Inspector General, USA (2).

Moore, Harold G., Dep. Chief of Staff/Personnel, USA (2).

Rowny, Edward L., Representative for SALT, Joint Chiefs (2).

Taylor, Richard R., Surgeon General, USA (2).

Walter, Vernon A., Dep. Director, CIA (2),

Wilson, Samuel V., Dep. to Director, CIA (2).

Woolwine, Walter J., Commandant, Industrial College of the Armed Forces, Fort McNair (2).

Aaron, Harold R., Ass't. Chief of Staff for Intelligence, USA (1).

Beatty, George S., Jr., Director, Inter-American Defense College, Fort McNair (1).

Bernstein, Robert, Commanding General, Walter Reed Hospital (1).

Delmar, Henry R., Comdr., Military Traffic Management (1).

Lee, James M., Legislative Liaison, Office of the Secretary, USA (1).

Brown, George S., Chairman, Joint Chiefs (5).

Jones, David C., Chief of Staff, USAF (r).

Ellis, Richard H., Vice Chief of Staff, USAF (3).

Boswell, Marion L., Asst. Vice Chief of Staff, USAF (1).

DeLuca, Joseph R., Comptroller of the Air Force (2) .

Evans, William J., DCS/R & D, USAF (2).

Fish, Howard M., Dir., Defense Security Assistance Agency (2).

Hill, James A., DCS/Programs & Resources, USAF (2).

Johnson, Warren D., Dir., Defense Nuclear Agency (2).

Nunn, Donald G., The Inspector General, USAF (2).

Patterson, Robert A., Surgeon General of the Air Force (2).

Pauly, John W., Ass't. to Chairman, JCS, (2).

Roberts, John W., DCS/Personnel, USAF (2).

Sitton, Ray B., Director of Operations, JCS (2).

Snavely, William W., DCS/ Systems Logistics, USAF (1).

Tighe, Eugene F., Jr., Dep. Director, DIA (2).

Chapman, Kenneth R., Asst. DCS/R & D, USAF (1).

Cole, Ray M., Ass't. DCS/Personnel, USAF (1).

Lewis, Homer I., Chief of AF Reserve, USAF (1).

Loving, George G., Jr., JCS representative for MBFR (1).

McGough, Edward A., III, Dep. Cmdt., Industrial College of the Armed Forces, Fort McNair (1).

Moore, Otis C., Dir./Operations, DCS, USAF (1).

Reilly, Maurice R., Comdr., HQ Comd., USAF (1).

Slay, Alton D., DCS/R & D, USAF (1).

Steel, Maxwell W., Jr., Dep. Surgeon General, USAF (1).

Tallman, Kenneth L., Dir./Personnel Plans, DCS, USAF (1).

FLORIDA

Ernest C. Hardin, Jr., Dep. Comdr. in Chief, US Readiness Comd., MacDill AFB (2).

Henry B. Kucheman, Jr., Comdr. Armament Development and Test Center, AF Systems Comd., Eglin AFB (1).

John J. Hennessey, Comdr. in Chief, US Readiness Comd., MacDill AFB (3).

James B. Wilson, Chief of Naval Education & Training Research (2).

GEORGIA

Bernard W. Rogers, Commanding General, US Army Forces Command, Ft. McPherson (3).

Donn R. Pepke, Deputy Commanding General, US Army Forces Command, Ft. McPherson (2).

Charles Myer, Commanding General, US Army Signal Center & Ft. Gordon, US Army Signal School, Ft. Gordon (1).

Thomas M. Tarpley, Commanding General, US Army Infantry Center & Commandant, Infantry School, Ft. Benning (1).

Thomas M. Tarpley, Commanding General, US Army Infantry Ctr. & Commandant, Infantry School, Ft. Benning (1).

Ralph T. Holland, Comd, Warner Robins Air Logistics Ctr., AF Logistics Comd, Robins AFB (1).

HAWAII

Louis L. Wilson, Jr., Comdr in Chief, Pacific Air Forces, Hickam AFB (3).

Marshall, Winton W., Vice Comdr in Chief, Pacific Air Forces, Hickam AFB (2).

William G. Moore, Jr., Chief of Staff, Pacific Comd, Pearl Harbor (2).

Donnelly P. Bolton, Commanding Gen., US Army, Support Command, Hawaii (1).

William A. Boyson, Comd. Gen., Tripler Army Med Center, Hawaii (1).

Harry Brooks, Jr., Comd. Gen., 25th Infantry Div., Hawaii (1).

Harry W. Brooks, Jr., Commd. Gen., 25th Infantry Div. (1).

John R. Guthrie, Dep. Chief of Staff, Pacific Commd (1).

Gayler Noel, A. M., Commd in Chief, Pacific Pearl Harbor.

Maurice F. Weisner, Commdr in Chief, US Pacific Fleet, Pearl Harbor (3).

William St. George, Dep. & Chief of Staff to Commander, US Pacific Fleet, Pearl Harbor (2).

James H. Doyle, Jr., Commander, Third Fleet, Pearl Harbor (2).

Richard A. Paddock, Commandant, 14th Naval District, Pearl Harbor (1).

ILLINOIS

Warren H. O'Neil, Commandant 9th Naval Dist., Great Lakes (1).

William B. Fulton, Commanding Gen. U.S. Army Armaments Command, Rock Island, ILL (1).

Paul K. Carlton, Comdr. Military Airlift Comd., Scott AFB (3).

James Daniel Jr., Vice Cmdr. Military Airlift Comd., Scott AFB (2).

Leavitt Lloyd R., Jr., Comdr. Chanute Technical Training, Air Training Comd., Chanute AFT (1).

INDIANA

Eugene P. Forrester, Commanding Gen., U.S. Army Admin. Ctr., Ft. Benjamin Harrison IN (1).

KANSAS

John H. Cushman, Comd. Gen., U.S. Army, Combined Arms Ctr., Commandant U.S. Ar.

Marvin D. Fuller, Commanding Gen. 1st Inf. Div., Ft. Riley (1).

KENTUCKY

John W. Mecnery, Commd. Gen. 101st Airborne Div., Ft. Campbell, Ft. Campbell.

Donn A. Starry, Commd. Gen. U.S. Army Armor Ctr. & Commandant, U.S. Army Armor, Ft. Knox (1).

LOUISIANA

Pierre N. Charbonnet, Cf. of Naval Res. New Orleans (2).

George L. Cassell, Commandant 8th Naval Dist., New Orleans (1).

Richard Hoban, Comdr 8 AF Strategic Air Comd., Barksdale, AFB (2).

Robert Haldane, Comd. Gen. U.S. Army Training Ctr., Ft. Polk (1).

MARYLAND

James Kalergis, Commanding Gen. 1st US Army, Ft. George Meade, Md (2).

Charles P. Brown, Commd. Gen US Army Test & Eval Commd, Aberdeen Proving Grounds (1).

Samuel C. Phillips, Comdr AF Systems Comd., Andrews AFB (3).

Lew Allen, Jr., Dir. Nat'l Security Agcy., Ft. Meade (2).

John Allen, Jr., Dir. Nat'l Security Agcy., Ft. Meade (2).

John B. Hudson, Vice Comdr AF systems Comd., Andrews AFB (2).

William P. Mack, Superintendent US Naval Academy, Annapolis (3).

MASSACHUSETTS

Roy D. Snyder, Jr., Commandant 1st Naval Dist. Boston (1).

Wilbur L. Creech, Comdr. Electronic Systems Div. AF., Systems Cond., Hansom Field (1).

MICHIGAN

Joseph E. Pieklik, Commanding Gen. US Army, Tank Automotive Command, Warren (1).

MISSOURI

Donald Werbeck, Comdr AF Communications Serv., Richards Gebaur AFB (1).

MISSISSIPPI

Bryan M. Shotts, Comdr Keesler Technical Training Ctr., Air Training Comd., Keesler AFB (1).

NEBRASKA

Dougherty, Russell E., Comdr. in Chief, Strategic Air Comd., Offutt AFB (3).

Keck, James M., Vice Comdr. in Chief, Strategic Air Comd., Offutt AFB (2).

Kaufman, Robert Y., Deputy Director, Joint Strategic Target Planning Staff, Offutt AFB (2).

NEVADA

Blood, Gordon F., Comdr., USAF Tactical Fighter, Weapons Center, Tactical Air Comd., Nellis AFB (1).

NEW JERSEY

Kearney, Lester T., Jr., Comdr., 21 AF Military Airlift Comd., McGuire AFB (1).

Foster, Hugh F., Jr., Commanding Gen., U.S. Army Electronics Comd., Ft. Monmouth, N.J. (1).

Greer, Thomas U., Commanding Gen., U.S. Army Training Center and Ft. Dix, Ft. Dix, N.J. (1)

NEW MEXICO

Dreisesyern, Abraham J., Comdr, AF Contract Mgt. Div., AF Systems Comd., Kirtland AFB (1).

Morgan, Thomas W., Comdr., AF Special Weapons Center, Kirtland AFB (1).

NEW YORK

Berry, Sidney B., Superintendent, U.S. Military Academy, West Point, N.Y. (3).

Robinson, Ray A., Jr., Comdr., 21 NORAD/CONAD Rgn., Hancock Field (1).

Moorer, Joseph P., Vice Chairman, U.S. Delegation, UN Military Staff Committee, New York (3).

NORTH CAROLINA

Seitz, Richard J., Commanding Gen., XVIII Airborne Corps and Ft. Bragg, Ft. Bragg, N.C. (2).

Tackaberry, Thomas H., Commanding Gen., 82nd Airborne Div., Ft. Bragg, Ft. Bragg, N.C. (1)

Spanjer, Ralph, Commanding Gen., 2d Marine Air Wing, Cherry Pt., N.C. (1).

Haynes, Fred E., Jr., Commanding Gen., Marine Corps Base, Camp Lejeune, N.C. (1).

Brown, Leslie E., Commanding Gen., Marine Corps, Air Station, Cherry Pt., N.C. (1).

Joslyn, William G., Commanding Gen., 2nd Marine Div., Camp Lejeune, N.C. (1).

OHIO

McBride, William V., Comdr., AF Logistics Comd., Wright-Patterson AFB (3).

O'Connor, Edmund F., Vice Comdr, AF Logistic Comd., Wright-Patterson AFB (2).

Stewart, James T., Comdr., Aeronautical Systems Div., AF Systems Comd., Wright-Patterson AFB (2).

OKLAHOMA

Ott, David E., Commanding Gen., US Army Field Artillery Center and Commandant, US Army Field Artillery School, Ft. Sill, Oklahoma (1).

Randolph, James G., Comdr, Oklahoma City Air Logistics Center, Tinker AFB (1).

PENNSYLVANIA

Smith, DeWitt C., Jr., Commandant, US Army War College, Carlisle Barracks, Pa. (2).

Jones, James R., Commanding Gen., Marine Corps Supply Activity, Phila, Pa. (1).

Coleman, Joseph L., Commandant Fourth Naval District, Phila. Pa. (1).

RHODE ISLAND

LeBourgeois, Julian J., President, Naval War College, Newport, R.I. (3).

SOUTH CAROLINA

Burke, Julian T., Jr., Commandant, Sixth Naval District, Charleston, S.C. (1).

Hughes, James D., Comdr. 9 AF, Tactical Air Comd., Bergstrom AFB (2).

Caldwell, William B., III, Commanding Gen., US Army Training Center, and Ft. Jackson, Ft. Jackson, S.C. (1).

Barrow, Robert H., Commanding Gen., Marine Corps Recruit Depot, Parris Island, S.C. (1).

TEXAS

Rattan, Donald V., Acting Commanding Gen., 5th US Army, Fort Sam Houston, Tex. (2).

Burdett, Allen M., Jr., Commanding Gen., III Corps & Ft. Hood, Ft. Hood, Tex. (2).

Fair, Robert L., Commanding Gen., 2d Armored Div., Ft. Hood, Tex. (1).

Levan, C. J., Commanding Gen., U.S. Army Air Defense Center and Commandant, US Army Air Defense School, Ft. Bliss, Tex. (1).

Neel, Spurgeon H., Jr., Commanding Gen., US Army Health Services Command, Ft. Sam Houston, Tex. (1).

Shoemaker, Robert M., Commanding Gen., 1st Cavalry Div., Ft. Hood, Tex. (1).

Carson, Charles W., Jr., Comdr, 12 AF, Tactical Air Comd, Bergstrom AFB (1).

McKee, George H., Comdr, Air Training Comd, Randolph AFB (2).

Flynn, John P., Comdr, AF Military Training Center, Lackland AFB (1).

Kelly, John R., Jr., Comdr, San Antonio Air Logistics Center, Kelly AFB (1).

Maloy, Robert W., Vice Comdr, Air Training Com, Randolph AFB (1).

Petit, Robert L., Comdr, Sheppard Technical Training Center, Sheppard AFB (1).

Smith, Howard P., Jr., Comdr, USAF Security Service, Kelly AFB (1).

VIRGINIA

Dixon, Robert J., Comdr., Tactoca; Aor Comd., Langley AFB (3).

Halls, Robert I., Vice Comdr., Tactical Air Comd., Langley AFB (2).

Murphy, James S., Comdr., 20 NORAD/CONAD, Ft. Lee AFB (1).

Cousins, Ralph W., C-in-C, Atlantic Fleet, Norfolk (3).

Michaelis, Frederick H., Comdr., Naval Air Force, US Atlantic Fleet, Norfolk (2).

Adamson, Robert E., Jr., Comdr., Naval Surface Force, Norfolk (2).

Turner, Stansfield, C-in-C, US Atlantic Fleet, Norfolk (2).

Downey, Denis-James J., Chief of Staff, Supreme Allied Comdr., Atlantic Fleet, Norfolk (2).

Williams, Joe., Jr., Comdr. Sub. Force, US Atlantic Fleet (2).

Rumble, Richard E., Comdt., 5th Naval District, Norfolk (1).

Depuy, William E., Com. Gen., USA Training & Doctrine, Fort Monroe, (2).

Miley, Henry A., Jr., Com. Gen., USA Materiel Command, Alexandria (3).

Talbott, Orwin C., USA Training & Doctrine, Fort Monroe (1).

Vaughan, Woodrow W., USA Materiel Comd., Alexandria (2).

Fuson, Jack C., USA Transport Center, Ft. Eustis (1).

Godding, George A., USA Security Agency, Arlington Hall Station, Arlington (1).

Parfitt, Harold R., Comdt., USA Engineer School (1).

Fris, Edward S., USMC Development & Educ. Comd. (2).

Nichols, Robt. L., Fleet Marine Forces/Atlantic, Norfolk (2).

WASHINGTON

Henion, John Q., Com. Gen. 9th Infantry, Ft. Lewis, Wash. (1).

Zech, L. W., Jr., Comdt. 13th Naval Dist., Seattle (1).

Young, James A., Comdr. 25 NORAD/CONAD, McChord AFB (1).

BAHREIN

Hanks, Robert J., Commander, Middle East, Force, State of Bahrein (1).

BELGIUM

Weinel, John P., U.S. Representative, Military Committee, North, Atlantic Treaty, Organization, Brussels (3).

Haig, Alexander M., Jr., Supreme Allied Commander, Europe & Commander in Chief, US European Command (4).

Kissinger, Harold A., Deputy Director General, North Atlantic Treaty, Organization Integrated, Communications System Management, Agency, Belgium (2).

Cantlay, George G., Deputy US Military, Representative, North Atlantic, Treaty Organization Military, Committee, Belgium (1).

Seith, Louis T., Chief of Staff, SHAPE, Shape, Belgium (3).

Shaefer, Richard F., Dep Chairman, NATO, Military Committee, Brussels (2).

BRAZIL

Hanson, Carl T., Chief, Navy Section, U.S. Military Group, Brazil, Rio De Janeiro (1).

Kendall, Maurice W., Chairman Army Member, US Delegation, Joint Brazil-US Military Commission Commander, US Military Group, Brazil (1).

CANAL ZONE

Breedlove, James M., Comdr, USAF Southern Comd, Albrook AFB (1).

Blount, Robert H., Commander, U.S. Naval Forces, Southern Command; Commandant FIFTEENTH Naval District, Fort Amador (1).

Rosson, William B., Commander in Chief, US Southern Command, Quarry Heights, Canal Zone (2).

Richardson, William R., Commanding General, 193d Infantry Brigade, Fort Amador, Canal Zone (1).

GERMANY

Eade, George J., Dep Comdr in Chief, US European Comd, Vaihingen (3).

Vogt, John W., Jr., Comdr in Chief, USAFE and Comdr, Allied Air Forces, Central Europe, Ramstein AB (3).

Poe, Bryce II, Vice Comdr in Chief USAFE Ramstein AB (2).

Bellis, Benjamin N., Comdr, 17 AF, USAFE, Sembach AB (1).

Davison, Michael S., Commander in Chief, US Army Europe Seventh Army (3).

Almquist, Elmer H., Jr., Deputy Commander in Chief, US Army Europe/Seventh Army (2).

Blanchard, George S., Commanding General, VII Corps, U.S. Army Europe (2).

Desobry, William R., Commanding General, V Corps, US Army Europe (2).

Knowlton, William A., Chief of Staff, US European Command (2).

Burton, Jonathan R., Commanding General, 3d Armored Division, U.S. Army Europe (1).

Fitzpatrick, Thomas E., Jr., Commanding General, 32d Army, Air Defense Command, US Army Europe (1).

Heiser, Rolland V., Commanding General, 1st, Armored Division, US Army Europe (1).

Kraft, William R., Jr., Chief of Staff, US Army Europe and Seventh Army (1).

McDonough, Joseph C., Commanding General, 8th Infantry Division, US Army Europe (1).

Meyer, Edward C., Commanding General, 3d Infantry Division, U.S. Army Europe (1).

Sweeney, Arthur H., Jr., Commanding General, U.S. Army Materiel Management Agency, Europe (1).

Wagstaff, Jack G., Chief, Military Assistance, Advisory Group, Germany (1).

Nutting, Wallace H., Commanding General, 1st Infantry Division (Forward), US Army Europe (1).

Nance, James W., Deputy Chief of Staff, Commander in Chief, U.S. European Command, Vaihingen (1).

Templeman, James M., Commanding General, 1st Support Brigade, U.S. Army Europe (1).

Timmerberg, Paul M., Commanding General, 15th Military Police Brigade and Provost Marshal, U.S. Army Europe and Seventh Army (1).

GREECE

Burke, William A., Chief, Joint U.S. Military Advisory Group, Greece (1).

ICELAND

Rich, Harold G., Commander, Iceland Defense Force, Keflavik (1).

IRAN

Brett, Devol, Chf, Military Assistance Advisory Group, Iran, Teheran (1).

ITALY

Wilson, Joseph G., Comdr, Allied AF Southern Europe, Naples, (2).

Cragg, Ernest T., Chief of Staff, Allied AF Southern Europe, Naples (1).

Johnson, George M., Jr., Chief, Military Assistance Advisory Group, Italy, Rome (1).

Norton, John, Chief of Staff, Allied Forces Southern Europe, Italy (2).

Vinson, Wilbur H., Jr., Commanding General, U.S. Army Southern European Task Force, Italy (1).

Johnston, Means, Jr., Commander in Chief, Allied Forces Southern Europe, Naples (3).

Turner, Frederick C., Commander, Sixth Fleet, Gaeta (2).

JAPAN

Galligan, Walter T., Comdr, U.S. Forces, Japan and Comdr 5 AF, Pacific Air Forces, Yokota AB (1).

Dolvin, Welborn G., Commanding General, IX Corps/U.S. Army, Japan (1).

Steele, George P., II, Commander, Seventh Fleet, Yokosuka (2).

Spreer, Paul H., Commander, U.S. Naval Forces, Japan, Yokosuka (1).

KOREA

Murphy, John R., Chief of Staff US Forces, Korea and Chief of Staff UN Comd Korea, Yongsan (0).

Morgan, Henry S., Commander, U.S. Naval Forces, Korea, Seoul (1).

Stilwell, Richard G., Commanding General, Eighth US Army, Korea/Commander in Chief, United Nations Command/Commander, US Forces Korea (1).

Flanagan, Edward M., Jr., Deputy Commanding General, Eighth US Army, Korea (1).

MARIANAS ISLANDS

Morrison, George S., Commander, U.S. Naval Forces, Marianas, Guam (1).

NETHERLANDS

Pattillo, Cuthbert A., DCS/Ops and Intel, Allied Forces Central Europe, Brunssum (1).

NORWAY

Young, Kendall S., Air Deputy, AF North, Oslo (1).

OKINAWA

David, Bert A., Commanding General, US Army, Garrison, Okinawa (1).

PHILIPPINES

Shelton, Doniphan B., Commander, Naval Base, Subic, Subic Bay (1).

PORTUGAL

Corley, Frank W., Jr., Chief, Military Assistance Advisory Group, Portugal, and Commander Iberian, Atlantic Commander Lisbon (1).

PUERTO RICO

Ramage, James D., Commander, Caribbean, Sea Frontier/Commandant, Tenth Naval District, Roosevelt Roads (1).

SPAIN

Lemos, William E., Chief, Joint U.S. Military, Group/Assistance Advisory Group, Spain, Madrid (1).

Robertson, Edwin W. II, Vice Comdr, 16 AF, USAFE, Torrejon AB (1).

TAIWAN

Nash, Slade, Chf, Military Assistance Advisory Group, Republic of China, Taipei (1).

Snyder, Edwin K., Commander, U.S. Taiwan Defense Command, Taipei (2).

THAILAND

Hixon, Robert C., Commander, US Military, Assistance Command Thailand & Chief, Joint US Military (1).

Burns, John J., Comdr, 7 AF, Pacific Air Forces, Nakhon Phanom Aprt (1).

TURKEY

Moats, Sanford K., Comdr 6 Allied Tactical Air, Force, Izmir (2).

Elliot, Frank W., Jr., Comdr, The US Logistics Group, USAFE, Ankara (1).

Zais, Melvin, Commanding General, Allied Land Forces Southeastern Europe, Turkey (3).

Hollis, Harris W., US Representative, Permanent Military Deputies Group, Central Treaty Organization, Turkey (2).

Hamilton, Colin C., Jr., Chief of Staff, Combined Mil Planning Staff, Central Treaty Organization, Ankara (1).

Galloway, James V., Chief, Joint US Military Mission for Aid to Turkey (1).

UNITED KINGDOM

Rosencrans, Evan W., Comdr, 3 AF, USAF Europe, Mildenhall, England (1).

Shear, Harold E., Commander in Chief, U.S. Naval Forces, Europe, London, (3).

Longino, James C., Jr., US Defense Attache, US Naval Attache and US Naval Attache for Air, U.K., London (1).

Mr. PROXMIRE. I think this modification is acceptable and I send the modification to the desk. I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment will be so modified.

The clerk will state the modification.

The assistant legislative clerk proceeded to read the modification.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . Notwithstanding any other provision of law, no enlisted member of the Armed Forces of the United States may be assigned to duty or otherwise detailed to duty as an enlisted aide, public quarters steward, airman, aide, cook specialist, or food service technician on the staff of any officer of the Army, Navy, Marine Corps, Air Force, or Coast Guard (when operating as a service of the Navy) except as follows:

General, not more than 2.
Admiral, not more than 2.
Lieutenant General, not more than 1.
Vice Admiral, not more than 1.

In addition to the number authorized above, the Chairman of the Joint Chiefs of Staff, each of the chiefs of staff of the Armed Forces, and the Commandant of the Marine Corps are authorized 1 additional such aide, steward, specialist, or technician each.

This section shall not apply to Generals of the Army or Admirals of the Fleet.

Mr. STENNIS. Mr. President, I yield to the Senator from Georgia such time as he may wish.

Mr. NUNN. Mr. President, I have discussed this amendment with the distinguished Senator from Wisconsin. I would like to ask the Senator one question. We have discussed this, but I think it ought to be clear for the RECORD.

Does this amendment exclude General of the Army or Fleet Admiral?

Mr. PROXMIRE. Yes; it does. That is the intent.

Mr. NUNN. So General of the Army or Fleet Admiral are not included under the provisions of this amendment?

Mr. PROXMIRE. They would not be included under the provisions of this amendment.

Mr. NUNN. Mr. President, I have talked to the Senator on this. The Senate has expressed its will on this amendment on at least three occasions. This is the same amendment that was accepted by the committee last year and taken to conference. I, therefore, would agree with the Senator on the amendment. I believe he has discussed it also with the chairman of the committee.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STENNIS. Mr. President, I am willing to take this to the conference and do the very best with it that I can. But I want everyone to remember that often it is a very formidable situation we make there. They have a rule of the House conferees that amendments that are not germane under these rules would not be germane for the conference. I think this would be clearly germane, but these are matters where we have to do the best we can. For my part, that is what I promise to do.

I think the Senator from Wisconsin knows that in this field, it is a very difficult situation.

Mr. PROXMIRE. May I say just one more word, Mr. President? I am confident that the chairman of the Committee on Armed Services will do what he has always done—his very, very best to try to prevail for the Senate position. I am delighted that he has been willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 530

Mr. GLENN. Mr. President, I ask unanimous consent that a minor clarifying modification and some changes worked out in cooperation with the chairman be permitted to be made in amendment 530 as it was originally printed. I will send that to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an amendment No. 530, as modified.

The amendment, as modified, is as follows:

On page 34, line 15, strike "Within" and substitute in lieu thereof "Subject to the limitations of subsection (c) of this section, and within".

On page 35, line 7, strike the quotation marks and the final period.

On page 35, between lines 7 and 8, insert the following new subsection:

(c) In any case in which funds are expended under the authority of subsections (a) and (b) of this section, the Secretary of Defense shall, within 60 days after the expenditure of such funds, and in the case of continuing expenditures, every 60 days thereafter, submit a report to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives specifying the amounts, purposes, and relevant details of such expenditures.

Mr. GLENN. Mr. President, in the back of the bill on page 34, if the Senators present would turn to that page, please, there is a section there, paragraph 140, that deals with emergencies and extraordinary expenses. When I inquired into the amounts that were involved in this, instead of being minor amounts, which I thought might be the case in the original reading of that section, it turns out that there are some $18 million involved in the funds in that section.

That section provides that the Secretary of Defense may use those funds any way he sees fit for emergency or extraordinary expenses which are defined, when we got into it in more detail, as official representation funds as one classification; as confidential military purposes funds. Then another category of "other expenses."

This covers a host of things, including the necessity for official hosting at bases in the first category of official representation funds. In the second category, confidential military purposes funds, these could be used for intelligence operations and things such as that.

In the "other expenses" category, which is the third category, there are covered such things as military worldwide drug programs, and so on.

I am not trying to cut out these funds in any way, shape, or form, but the way the bill is written now, there is no accounting for how these funds are used whatsoever, in any way. My amendment proposes that the Secretary of Defense, after having expended these funds, be required to report in 60 days to the appropriate committees in Congress what the funds are used for. In other words, a report will be made so we will have some idea of where this $18 million was spent.

I think it is only reasonable that we do this. We are all concerned about moneys being used, unauthorized and unreported, and getting us into trouble in some way, shape, or form in intelligence activities. This would mean that these are reported back, fund use is reported back to this body and our counterpart at the other end of the Capitol so we can keep tab on what is going on. That is all this will provide, recording of these funds, and it has been agreed to by the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, this is an attempt by the Senator from Ohio to add a provision that would call for this report. It sounds very reasonable.

Under the same conditions as I mentioned before, we will just do the best we can in conference on matters of this kind and bring back all or as much as we can of this amendment. I am making that clear because sometimes we have a great number of amendments.

So I would be glad to recommend that we accept the Senator's amendment.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. GLENN. Certainly.

Mr. THURMOND. As I understand, the distinguished Senator from Ohio is not attempting to change the amount at all but is simply asking that the Secretary report on how he spent the funds.

Mr. GLENN. That is absolutely correct. There are no changes.

Mr. THURMOND. Merely accounting as to how the money was spent.

Mr. GLENN. And no change in amount, no change in purpose in any way, just reporting back how the money was spent so that we have some knowledge of it.

Mr. THURMOND. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio. (Putting the question.)

The amendment (No. 530) was agreed to.

AMENDMENT NO. 531

Mr. DOMENICI. Mr. President, I believe my amendment is next under the unanimous-consent request.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I have a printed amendment No. 531 at the desk.

The PRESIDING OFFICER. The clerk will report. On this there is a time limit of 10 minutes to each side.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page , line , insert the following:

"SEC. . (a) The Secretary of Defense is authorized and directed to carry out a comprehensive study and investigation to determine the desirability and feasibility of excluding all military and civilian personnel whose claims are reimbursed by non-Department of Defense sources from statutory manpower end strength ceilings. In carrying out such study and investigation the Secretary shall consider all the advantages and disadvantages of such an exclusion and shall give special consideration to (1) the increased efficiency in manpower management to be expected from such an exclusion, and (2) the economies that might be expected to result from such an exclusion.

(b) The Secretary of Defense shall submit to the President and Congress a detailed report of such study and investigation not later than December 31, 1975. The Secretary shall include in such report a detailed explanation of the facts and information which serves as the basis for any conclusions stated therein, and shall also include in such report such recommendations for legislative action as he deems appropriate.

Mr. DOMENICI. Mr. President, I ran into a rather peculiar problem where the ceilings, the personnel ceilings, on the Air Force in particular are causing a rather strange kind of problem, and I really did not know how to solve it, and I am not sure my amendment does, but I would like to share the concern I have with the distinguished chairman of the committee and, particularly, the chairman of the Subcommittee on Personnel.

Basically we found in my State that we would have a specialized Air Force unit that might have some very scientific-type airplanes they were doing some high-altitude testing with that had a direct application to the Air Force's work. But, at the same time, they could be used with the same personnel by one of our scientific laboratories. In this instance the laboratory might be the Los Alamos Scientific Laboratory.

That laboratory is not part of the Air Force, but the Air Force over the years increased the capacity to do work, and then would contract with the laboratory to have to use their military airplanes and military personnel and civilians who were part of the military to do some very significant scientific work for a nonmilitary agency.

I ran into another one where even the new agency ERDA, which will soon be doing the Joint Committee's work, was doing some balloon-testing work of a very significant scientific nature, and they were doing it through a military unit that had the equipment and personnel and were using the basic facility and manpower partially for the military and then would contract out with ERDA.

I know of only these two examples but, as I have inquired about it, I am quite sure that EPA will soon have some of those kinds of joint ventures. I am sure that other agencies have that kind of contract approach.

The problem is this: the military will come along and say, "Since you put a ceiling on us, we really do not want that extra 50 military and 100 civilians as part of our ceiling. We can do our job with a reduced force."

In one instance they will even move the airplanes somewhere else to do just their own, and it will leave another governmental agency that has the money, that is going to do the work, and it would charge them with going out and doing one of two things: Hiring an independent contractor who will build up this new capacity or they will develop the capacity to do it themselves.

I see a very significant chance of a waste, of the development of duplicative capacity where the military already have it, maybe with 10 percent additional they could do it for the other Federal agency. It just seems to me we ought to have some way to exempt some proportionate amount of those kinds of either civilians or military over the ceiling so that they might have an incentive to continue those kinds of contracts where, in fact, it was economically sound and in the best interests of the Government to let this other agency contract with them so as to increase the military capacity and not necessarily cause a new kind of competency to be developed either in the private sector or by the governmental agency.

I have no knowledge of whether this is 2,000 men, 5,000 men, 200, nor do I really know whether my amendment, which asks that this be studied in depth for potential exemption and that the Secretary report as to the economics and the feasibility of this, I do not know whether that will solve the problem. But it appeared to me that we ought to bring it out, we ought to discuss it, and find some way to get the Secretary to analyze at least those very sophisticated scientific kinds of endeavors where it has been a joint venture and where it is all for the Government anyway, and the military are doing it, but are going to cut back because they are reducing personnel, thus leaving the nonmilitary agency to find another way to do it.

I discussed this not only with the chairman of the full committee but the distinguished Senator from Georgia. I am concerned about it because I think eventually it is going to cost more money doing it the way the military are doing it.

I also think there is great opportunity for duplication of effort, for duplication of acquisition of vehicles, perhaps airplanes and equipment. I would really like the Secretary of Defense to give us some analysis of how we might solve the problem within the ceiling approach.

I think the ceiling approach on personnel is inherently vested with this kind of problem, but I would like to see us make some serious effort to get it analyzed and to try to solve it, at least in some very sophisticated and technical areas.

Mr. NUNN. Mr. President, will the chairman yield?

Mr. STENNIS. Yes; I yield the time over to the Senator.

Mr. NUNN. I would like to thank my colleague from New Mexico for bringing this point up. I think it is an important point. I think it is one of the inherent probable disadvantages of a ceiling approach.

On the other hand, the committee and Congress must have some overall feel for the total civilian and military personnel. They have a way of getting—military personnel have a way of getting—involved in a lot of other things other than military functions. Some of them are very good, some of them are very questionable, so we feel we ought to retain overall control by setting a ceiling for each year.

One of the things about fully reimbursable military people, certainly their salary is reimbursed in these cases, but you have other costs associated with military people like training, like base support, like PX's, like medical and fringe benefits, and also retirement benefits, so this reimbursable sometimes really does not cover what it costs the taxpayer to keep one person in the military by the time you include all that.

There are also a lot of different categories. In fact, I simply do not think I can give the Senator all the categories, such as foreign military sales, which is one; the FAA and others have military people who are on loan there on a reimbursable basis.

What I would suggest to the Senator, if the Senator would agree to this, is rather than having a detailed, sweeping study of the whole problem, let us point out to the Secretary of Defense in a letter, which I will be glad to sign with the Senator, giving the particular problems involved, and asking his attention to it. Then we may also have hearings at some point and get into this overall problem.

We have asked for so many studies of the Secretary of Defense in our own subcommittee, and we have asked for so many studies in this bill—and I am sure the House has others—that what I would prefer to do is to handle it this way, and I believe that we can get probably a more complete reply and a more prompt reply to the Senator's particular problem than we would by writing it into law.

Mr. DOMENICI. I thank my distinguished friend from Georgia. And, as I indicated, quite frankly, I do not want a sweeping, involved study, but I saw no other way to present the issue.

I would hope that the chairman of the full committee and the Senator, as chairman of the Subcommittee on Personnel, would help in this area because I believe they could zero it down to some very sophisticated kinds of endeavors and perhaps give us some approach to where we would end up really saving the Government money and end up without the problems I have discussed in my remarks about my amendment.

With the assurance of the Senator from Georgia, I believe the chairman of the full committee has concurred in this approach, and I thank him for it. I will withdraw my amendment and we will proceed along the lines of trying to get the same information from the secretary without directing this kind of study which may be extensive and comprehensive and extremely broad-based.

Mr. THURMOND. Will the Senator yield?

Mr. DOMENICI. I am delighted to yield to the Senator.

Mr. THURMOND. I want to commend the Senator for offering this amendment and it appears to have merit in it. The Defense Department does not oppose it.

However, I see that the Senator from Georgia has offered an alternative course which would seem to be preferable under the circumstances and I think in the end it might be more beneficial. I am glad the Senator decided to accept it and withdraw it.

Mr. NUNN. I thank the Senator from South Carolina for his comment, also thank the Senator from New Mexico for his understanding and approach to the problem in this particular fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is withdrawn.

AMENDMENT NO. 528

The PRESIDING OFFICER. The Senator from Alaska is recognized under the previous order to offer his amendment.

Mr. STEVENS. Mr. President, I would like to call up my amendment and ask it be modified so as to be a new section at the end of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment will be so modified.

The clerk will state the amendment.

Mr. STEVENS. It is a very simple amendment and I will put my statement in the Record.

The PRESIDING OFFICER. The Senator will suspend. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. Stevens) proposes an amendment No. 528, as modified.

The amendment is as follows:

At the appropriate place in the bill insert the following: "That, notwithstanding any provision of section 2004 of title 10, United States Code, an officer in any pay grade who was in a missing status (as defined in section 551(2) of title 37, United States Code) after August 4, 1964, and before May 8, 1975, may be selected for detail for legal training under that section 2004 on other than a competitive basis and, if selected for that training, is not counted in computing, for the purpose of subsection (a) of that section 2004, the number of officers who may commence that training in any single fiscal year. The period of time during which an officer was in that missing status may be disregarded in computing, for the purpose of determining eligibility under that section 2004, the period he has served on active duty.".

Mr. STEVENS. Mr. President, on June 4, I submitted an amendment which would afford military officers who were POW's during the Vietnam conflict the opportunity to participate in the federally funded law school program.

I support the concept of Senator Allen's previous proposal; however, I would like to broaden its application to cover any officer in any pay grade who was a POW after August 1964 and prior to May 8, 1975. My substitute amendment waives not only the years of service limitation, but also the grade limitation, and places these officers outside of the competition for the 25 spaces per service authorized under present law.

What I am proposing is neither a major exception nor a long-term exception. I am informed that only about 10 former POW's have expressed an interest in joining this program. Regrettably, they have all been denied participation due to the restrictions of the current law. This exception will apply only over the next few years. The cost to the Government will be nominal, approximately $2,000 per year per student, or a total cost of only $6,000 per student for the 3-year law school program.

The sum is small indeed when compared to the years many of these men spent in the POW camps in the hands of the Vietcong. Many were pilots who now because of the injuries they sustained cannot physically qualify for flight status. They can no longer participate in the work for which they were trained.

I respectfully urge the Senate to approve this effort to try and provide another profession for these deserving men.

The concept of this amendment, Mr. President, is to permit those military officers who were POW's during the Vietnam conflict to participate in the federally funded law school program. Under existing law, there is a limitation of 25 spaces per service. The effect of this amendment would be to permit these former POW's to participate in the program without regard to the limitation of 25 spaces per service.

I am informed that there are only about 10 former POW's who expressed an interest in joining this program. Regrettably they have been denied due to the construction in the current law to provide only 25 spaces per service.

I discussed this amendment with the Senator from Alabama (Mr. Allen) who has a prior bill that passed in a similar vein. This is slightly broader than his and I suggested also to Senator Goldwater, author of the original bill, these officers' participation in the program. They found it acceptable.

They can no longer qualify because of their injuries for flight status and we seek an exception to permit them to participate in the law school program without regard to the limitation under existing law.

I hope the Senator from Mississippi will accept this very simple amendment.

Mr. STENNIS. Mr. President, did the Senator from Alaska mention this to Senator Thurmond?

Mr. STEVENS. Yes, I did mention it to the Senator.

Mr. THURMOND. Mr. President, the Senator from South Carolina has no objection to the amendment and I think it is fair and just and would approve it.

Mr. STENNIS. All right, Mr. President, I feel the same way.

The PRESIDING OFFICER (Mr. Ford). Do the Senators yield back their time?

Mr. STENNIS. Yes.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Proxmire be recognized to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 501

Mr. PROXMIRE. Mr. President, I call up my amendment No. 501.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. Proxmire) proposes an amendment No. 501.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

Sec. . (a)(1) Whoever, having been an officer or employee of the Department of Defense or of the Armed Forces (as defined in section 2101 of title 5, United States Code) including a special Government employee of such department or of the Armed Forces, after his employment has ceased, knowingly receives or agrees to receive compensation, directly or indirectly, for any services rendered or to be rendered by himself or another, in connection with any activity or employment caused, created, or substantially supported or subsidized by any contract, grant, or procurement authorization, the granting, awarding, or administering of which he participated in personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

(2) Whoever, having been so employed, and having so participated in any contract, grant, or procurement authorization, the total value of which exceeds $10,000, knowingly receives or agrees to receive compensation directly or indirectly, at any time prior to two years after the termination of such participation, for any service rendered or to be rendered within two years after the termination of such participation either by himself or another, from any person other than such department or the Armed Forces who has a substantial interest in the contract, grant, or procurement authorization shall be fined not more than $10,000 or imprisoned not more than two years, or both.

(b) For purposes of this section the term "special Government employee" means an officer or employee of the Department of Defense or of the Armed Forces (as defined in section 2101 of title 5, United States Code), who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis. Notwithstanding sections 502, 2105, and 5534 of title 5, United States Code, a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of this section. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving on active duty involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used in this section shall not include enlisted members of the Armed Forces.

(c) The provisions of this section shall become effective ninety days after the date of enactment.

Mr. PROXMIRE. Mr. President, I rise to offer an amendment to this year's military procurement bill that would set limits on military and civilian employees of the Department of Defense seeking or accepting certain employment after their tenure in the Government.

I offer the amendment for the purpose

of significantly strengthening existing statutes designed to prevent conflict of interest situations between employes of the Department of Defense and the defense industry. I believe that these statutes are too weak and too ambiguous to adequately protect the best interests of the taxpayers.

Conflict of interest, Mr. President, is a situation, not a crime. And the introduction of this amendment is not meant to question the integrity of DOD personnel. However, conflict of interest is a situation that provides at least the potential for bad management, inefficiency and influence peddling—all at the expense of the taxpayer. And, while this potential exists throughout the Government, it exists nowhere more than within the Department of Defense.

A most recent and most creditable study by the Council on Economic Priorities documents a pattern of personnel flow from the DOD to the defense industry that strongly suggests existing limitations to prevent conflict of interest are unworkable, inoperable, or both.

The study, entitled "Military Maneuvers," claims that fully 27 percent of DOD employees who have left Government to work in the defense industry currently are working in conflict situations.

In its survey of department personnel who transferred to industry, the council found, for example:

A former DOD contract auditor or contract adjustment official working for a company formerly in his jurisdiction. These Government officials determine whether private contractors will get more money for cost increases or less money for failure to meet Government contract specifications.

A former official responsible for evaluating contractor performance, such as a plant representative or a contract administrator, was working for a company he formerly evaluated.

A former DOD systems project director was working for the producer of that system.

A former high official with management responsibility for planning systems development or for making decisions about procurement needs was working for a company producing those same systems.

A retired military officer appeared to be violating criminal laws prohibiting selling to the DOD.

Specific examples include the case of Air Force General Otto J. Glasser, deputy chief of staff for research and development. In May, 1973, Glasser told the House Defense Appropriations Committee that an Air Force decision to ease test standards for the new F–100 jet engine would result in the payment of "a few tens of millions of dollars" more to upgrade the engine. However, he assured the committee that the engine was fine, and added, "technically I have no concern whatever with this engine." Six months later, Glasser had retired from the Air Force and was named president of the international division of General Dynamics, which would use that same engine for its then most promising project, the F–16 lightweight fighter.

The Council on Economic Priorities, while noting that the problem is not individuals but a structure that allows for potential abuse, provided in its study the names of several persons involved in DOD-military industry employment interchanges from July, 1968, to June, 1973.

Without accusing any of these individuals of wrongdoing, and solely for the purpose of providing specific examples in order to make clear the potential for abuse, this is what the council found:

Lieutenant Colonel Richard Auger, the former commander of the Burlington Army Ammunition Plant, responsible for maintaining surveillance of contractor performance, accepted employment a week after his retirement in January 1970 with Chamberlain Manufacturing Company, the operator of that arsenal.

Nearly every major systems contractor has hired former DOD plant representatives who immediately before their retirement had been in the position of evaluating the performance of their present employers. At least two Air Force Boeing plant representatives, Major Roy Boyd and Colonel Albert Lehner, accepted employment with that company. Major James Drumgool, former Air Force G.E. plant representative and Lieutenant Colonel John Rigling, former Syracuse Defense Contract Administration Service director, were hired by G.E. Lockheed hired Edward Currie and Commander Richard Allen, two former Navy Lockheed plant representatives. McDonnell Douglas hired two Navy McDonnell Douglas plant representatives, Captain John Kane and Lieutenant Commander Harold Simpson, and also hired Major John Bennet, a former Air Force officer who had served as chief of the Defense Contract Administration Service office at its St. Louis plant. Grumman hired one former Navy Grumman plant representative, Commander William Burgess. Rockwell International hired Captain Donald Walton, a Navy plant representative from the Columbus, Ohio, plant. Hughes Aircraft hired Robert Lucas, who had served as chief of the Air Force plant representative's office at a Hughes plant. Westinghouse hired Lieutenant Commander Edgar Lewis, a Navy plant representative who had served as project manager for Westinghouse's controversial and costly Mk48 torpedo project. Philco Ford hired Major Ronald Wright, a Marine Corps officer who had served as technical representative from the Naval Electronics Laboratory on a Philco project.

General Howell Estes, the former commander of the Military Airlift Command, upon his retirement was appointed Executive Vice President of World Airways, a major military charter flier.

Colonel Rob Greenley, a former Air Force program director for Remotely Piloted Vehicles (RVPs), a major new development effort, accepted employment upon retirement with Lear Siegler and Northrop, two of the companies most active in RPV development.

Rockwell International, prime contractor for the B–1 Bomber, hired Lieutenant Colonel Henry Gaynor, chief of the Air Force B–1 Configuration Identification Division upon his retirement. It also hired two former officials of the Air Force Contract Management Division. One, Colonel Thomas McGuire, had been Comptroller—prime financial overseer—of the Los Angeles office, and the other, Colonel Robert Mitchell, had been Special Assistant to the Division Commander for Minuteman management. His special duties had involved administration of Minuteman guidance and control system development. Rockwell's Autonetics Division, post-retirement employer of Colonel Mitchell, is the producer of Minuteman guidance and control systems.

Colonel Joseph Smith, who served as chief of the Production Requirements Division of the Defense Communications Planning Group, development agency for the controversial "automated battlefield," was hired upon his retirement by Honeywell, a major automated battlefield contractor.

Air Force Colonel Robert Gruetzmacher, who commanded the Aerospace Defense Command DEW Line Office, directed operation of the DHEW Line, and monitored performance of the operating contractor, ITT Arctic Services, was hired by ITT upon his retirement from the Air Force.

Air Force Brigadier General McLean Elliott, who had served as Assistant Director of Defense Research and Engineering with responsibility for budget planning and programming for DOD test ranges, was hired several weeks before his retirement by Kenton Hawaii (a subsidiary of LTV), operator of one of the major missile test ranges.

Boeing, prime contractor for the Airborne Warning and Control System (AWACS), hired Colonel William Jones, former AWACS project director of engineering, upon his retirement from the Air Force.

Rockwell International hired Brigadier General Robert Meyer, who had held two positions in which he could affect Rockwell operations. The first was the position of Air Force Director of Procurement Policy. Subsequently, he served as Director of Aircraft Missiles in the Office of the Assistant Secretary of Defense for Installation and Logistics. His duties in this job included monitoring the production status of Army, Navy and Air Force aircraft and missile programs and recommending action where appropriate. The B–1, a Rockwell project, is potentially the largest aircraft procurement project ever.

Raytheon, prime contractor for the Hawk anti-aircraft missile, hired Colonel Harry Buzzett, Hawk program manager, upon his retirement from the Air Force. It also hired Lieutenant Colonel Eugene Naegele, former research and development coordinator in the Air Defense and Missiles Division of the Army Chief of Research and Development.

Gould, ultimate winner of a competition with Westinghouse to build the Mk48 torpedo, hired Navy Captain Charles Almy, who had served as Director of the Naval Ordnance Systems Command Torpedo Division and Mk48 Torpedo project officer.

General Electric, a producer of antisubmarine warfare (ASW) systems, hired two Navy captains on the same day who had worked in management positions in the Navy's antisubmarine warfare development structure. One, Thomas Auger, had been Director of the Submarine Systems Engineering Group and Director of the Advanced Submarine Systems Division in the ASW Systems Project Office, procurement agency for ASW systems. The other, Charles Helme, had served as Director of Technical Appraisals and Requirements in the Office of ASW Programs.

The TACFIRE artillery fire direction system, a complex computer system, has been one of the most widely criticized defense systems in the past few years because of the apparent inability of Litton, its contractor, to control costs or build a system that works. Litton hired Lieutenant Colonel John Harte, former Deputy Director of the TACFIRE system and Major Francis O'Leary, a former TACFIRE deputy who had been responsible for translating Army requirements into technical language.

These situations, and no doubt many others like them, exist today. Any while there may not be wrongdoing involved in any of them, the potential is clear and the opportunity is apparently growing.

Since 1969, when I submitted an amendment requiring high-ranking DOD personnel transferring from Government to the defense industry to file employment records, about 2,000 individuals have done so. But all of those who make the jump to industry do not register despite criminal penalties for failure to register. The Council on Economic Priorities estimates that as many as half of all transferees simply ignore the registration requirement. There is no agency charged with enforcing the requirement, and there has never been a prosecution for failure to comply with it.

In addition, an original section of the amendment that would have required a job analysis in order to make potential conflicts visible was dropped. The result is that we have no accurate totals of transferees nor a meaningful picture of possible conflict situations.

I do not suggest that all DOD personnel who make the move to the defense industry—whether they register or not—are working in conflict-of-interest situations. But I do suggest that the DOD has a high and growing rate of transfer to industry and, because of the advanced technology and large sums of money involved in defense operations, is more susceptible to conflict situations than any other department in the Government.

In the 3-year period from 1971 to 1974 alone, military contract expenditures have increased by nearly $5 billion. These expenditures continue to escalate at alarming rates, with many single projects showing substantial cost overruns and new systems costing as much as 10 times systems they were intended to replace.

Contracts, projects, and systems that cost the taxpayer billions of dollars each year must be watched closely and completely if we are to insure that those sums are not being wasted or mismanaged. Likewise, the individuals most responsible for these projects and for directing the flow of tax dollars to pay for them must also be watched to insure that temptations to further a current career or find a new one through favoritism and at the taxpayers' expense are reduced to a minimum.

At present, and particularly in light of the current economic recession, these temptations are real and obvious. This is especially true for those military and civilian personnel of the DOD who are placed by procurement procedures in the positions of awarding or administrating giant Government contracts to industry.

Again, I wish to stress that the integrity of these employees is not the issue Rather, the issue is a documented employment pattern that shows that the possibility for misuse of tax dollars in defense procurement not only exists, but grows each year as transfers increase.

In the procurement area, department officials quite obviously can affect decisions beneficial to private contractors without violating any law. They can favor certain contractors over others, write terms agreeable to certain contractors, overlook production delays, accept cost overruns and generally misuse public moneys.

After retirement from the department—which in the case of military officers occurs at a relatively early age, the average being 47—these same officials can cash in their past favors for plush jobs in industry. Once in industry, they can use their knowledge of department procedures as well as their relationships with active duty personnel for the purpose of benefiting their new employer. When situations like this occur, tax dollars are misused to subsidize an individual's second career and the national security itself is undermined while that individual allows mismanagement and costly delays for his own sake.

Conflict of interest is an area in which we have had no hard solutions for too long. It seems that conflict potentials continue to grow while we continue to grasp for a handle on the problem. The laws we have now are not to the point. They are insufficient and generally unenforced.

For example, existing statutes designed to regulate conflict prohibit all Federal employees, including those of the DOD, for a period of 1 year after leaving the Government, from acting as attorney or agent for an industry in matters within that person's "official responsibility" while with the Government. If the employee was "personally and substantially" involved with such matters, the ban is lifelong against acting as attorney or agent. But there are no current restrictions for persons who go into industry, taking jobs related to their work for the Government, in a capacity other than that of a lawyer, a lobbyist, a salesman, or a company representative. Clearly, individuals could work in conflict situations without necessarily being an attorney or an agent.

There are two other laws that prohibit retired military officers from selling materials to the DOD. Neither of these laws apply to civilian personnel. The first is a lifetime ban forbidding sales to the branch of service from which the officer retired. But it carries no express criminal penalties, and the only case ever to reach a courtroom, in 1961, was dismissed. This is the same law that the Fitzhugh Commission—presidentially appointed to study DOD procedures—called "incongruous and useless." The other law, a civil one, provides for a 3-year cooling off period during which retired military officers may not sell material to any agency of the DOD. Violation can lead to forfeiture of retirement pay. But again, one need not be a salesman to be working in a conflict situation.

If existing statutes were stronger laws, better written and more vigorously enforced, there would be less need for concern about conflict of interest. But, regretably, they are not enforced. And, more importantly, as I mentioned, they miss the point.

In all cases, the statutes seeking to regulate conflict of interest possiblities deal with prohibitions and restrictions that apply after retirement or resignation from the Government. There is nothing that deals with the possibility of a conflict occurring while the retiree was still on active duty. The possibility of a self-serving Government employee seeking and/or securing post-Government work directly related to, if not caused by, his procurement or contract responsibilities in Government is overlooked.

There is nothing to prevent a procurement official from influencing the successful negotiation of a military contract then leaving the Government to direct the program established by that contract. There is nothing to prevent contracting officials who are nearing retirement from passing out favors, whether they were solicited or not, to prospective new employers. As the law is now written, only jobs as attorneys or agents are suspect. But, in fact, any position a procurement official takes with a contractor could be viewed as a payoff in that the conflict could have occured or existed prior to leaving the Department.

My amendment seeks to limit the possibility of conflicts and payoffs by setting more precise restrictions on military and civilian post-Government employment. The proposed statute would provide needed insurance against blatant conflicts and yet, at the same time, not interfere with the necessary flow of personnel between Government and industry.

The first part of the amendment prohibits any DOD employee from taking an industry job created by the successful acquisition of a DOD contract with which he was involved. To put it simply, a department official cannot create his own job in industry then leave the Government to take it. This section of the amendment is aimed at stopping the most obvious and costly example of conflict of interest. But, it also is broad enough to allow normal interplay between the DOD and the defense industry in that it is specific to jobs funded by the contract.

The second part of the amendment puts a 2-year period between the time a DOD employee leaves Government and the time when he may take a job with the beneficiary of a DOD contract that he was involved with. The involvement must be personal and substantial, and it must be a contract of more than $10,000. The intent of this section is to discourage favor bargaining before it starts, and to temper its effects if it already has taken place.

I believe this amendment to be a reasonable approach to a dangerous and growing problem. It, of course, would not cure all the ills that conflict of interest cause. But, it is a step in the direction of more efficient and more honest government, and maybe a beginning to an end of military waste created by conflict situations.

Mr. President, as long as DOD officials have the opportunity to capitalize on relationships with industry officials, national interests will take a back seat to personal ambitions.

As long as Department employees can be rewarded for favored treament to Government contractors, public moneys will be misspent to buy personal gains.

And as long as industry is forgiven its delays in executing military contracts and forgiven production shortcomings so that DOD employes will have jobs to run to, efficiency will be subverted and our national defense posture endangered.

The Council on Economic Priorities' report, which outlines possible conflict situations, is alarming. To allow these situations to continue unchecked would amount to a betrayal of our responsibility as lawmakers to insure that tax dollars are being used for national defense rather than future jobs for public servants.

Mr. President, my amendment is aimed at meeting that responsibility.

Now, this is a complicated situation and it would involve criminal penalties for violators and after discussing this with the chairman of the committee and with Senator THURMOND, the ranking member, I have concluded that under the circumstances, while they recognize the merits in the amendment, if the chairman of the committee would be willing to hold hearings on this matter, I would be willing to withdraw the amendment with that understanding because it is the kind of thing I think should be pursued.

We have statistics to indicate this has become a much more serious problem in recent years and if I had more time I would go into them in detail.

Mr. STENNIS. Mr. President, I think the Senator from Wisconsin has correctly described the problem. It impresses me that it is a difficult matter. It could hardly be adjusted on the floor of the Senate. We would have to have hearings and staff work. It touches on a very difficult area and I think perhaps we should and can bring forth the remedy.

I would like to see that we would have hearings on the problem and questions raised at this time.

Mr. THURMOND. Mr. President, I would concur with the statement made by the distinguished chairman of the committee. I do feel it is a matter that is important and should be looked into.

Mr. STENNIS. I commend the distinguished Senator from Wisconsin for bringing up this amendment, but I think it is much better to handle it in the way he has agreed it would be.

Mr. TOWER. Will the Senator yield?

Mr. PROXMIRE. Yes.

Mr. TOWER. Another thing occurs to me, and that is, what about staff members of the Senate committees, let us say the Banking Committee on which the distinguished Senator from Wisconsin is chairman? What about staff of the Banking Committee going to work for a financial institution? Certainly it leaves the staff of the Banking Committee—would that not be a similar situation?

Mr. PROXMIRE. It very well might be.

Mr. THURMOND. It might be.

Mr. PROXMIRE. I think it is an interesting suggestion.

Mr. TOWER. A pretty big can of worms.

Mr. PROXMIRE. There is another reason why I think we should have hearings. I think in all fairness, no question about it, it could be a very serious conflict of interest. Nevertheless, there are so many billions and billions of dollars involved in this defense procurement operation, and, as I say, I do have documentation here of a conflict of interest in some detail.

Mr. TOWER. But there are billions of dollars involved in various financial institutions of this country where Banking, Housing, and Urban Affairs Committee members leave to go to a financial institution, or the securities industry, or even into the housing industry, in some way it would occur to me when you think of the vast amount of money represented by those institutions——

Mr. PROXMIRE. Well, the Senator, of course, is right.

May I say to the Senator that this, as originally drafted as a bill, would have covered all agencies of the Government and the legislative as well as the executive branch, but because this is a military procurement bill, we limited the particular amendment to this area.

But I think the Senator is right.

Mr. TOWER. Looking into other people's houses, we better look into our own as well.

Mr. PROXMIRE. I thank the Senator.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from West Virginia.

AMENDMENT NO. 489

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. HARTKE, I call up his amendment No. 489, and ask that it be stated and made the pending amendment for tomorrow.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. HARTKE) for himself and Mr. BAYH, proposes an amendment to Title 5.

The amendment is as follows:

Title V is amended as follows:

(a) Section 501(a) is amended—

(1) by striking on page 20, line 5, "329,000" and inserting in lieu thereof "254,105";

(2) by striking on page 20, line 7, "310,300" and inserting in lieu thereof "144,562";

(3) by striking on page 20, line 8, "251,300" and inserting in lieu thereof "208,610"; and

(4) by striking on page 20, line 10, "71,400" and inserting in lieu thereof "69,595".

(b) Section 501(b) is amended by inserting immediately after "excluding" on page 20, line 17, the following: "civilian personnel engaged in industrially funded activities, and excluding".

Mr. GOLDWATER. Mr. President, the Department of Defense and the Air Force plan to enhance Air Force tactical fighter/attack combat capability by bringing the current 26 organizationally structured wings up to full combat strength. This 26 tactical fighter wing structure and the associated command and control mechanism provides an immediately ready force to respond to crises anywhere in the world. Nominally each of these fighter wings would be equipped with 72 UE aircraft. However, the current force is underequipped and the Air Force plans to gradually increase the unit strength within the 26 wings to bring them to full combat capability by 1981.

I am told there is no direct correlation between the planned increases in Army combat divisions and the Air Force tactical air forces. As we all know, Army divisions and tactical fighter/attack wings comprise the prime combat elements of our land-based combat general purpose forces for nonnuclear deterrence and defense. As Secretary Schlesinger pointed out in his report to the Congress, determining the requirements for nonnuclear deterrence is even more complex than for strategic nuclear forces.

However, the defense objectives that are defined in national security policy are then translated into defense policy and planning guidance by the Secretary of Defense with advice from the Joint Chiefs of Staff. In that guidance, the defense of Europe is given first priority, after defense of the United States. The guidance requires that our forces be able to mount a strong initial and sustained conventional defense in Europe—the most demanding as well as single most important planning contingency. Moreover, our forces must be prepared to cope with a simultaneous minor contingency elsewhere. This is sometimes referred to as the "one and one-half strategy." It is the best judgment of the JCS that the minimum number of tactical wings required for these contingencies is 26. Let me stress here that there is no way the 26-wing minimum requirement can be "proved." It is a military judgment that I am willing to accept.

However, as I implied, even this 26 active fighter wing level is below the desired level recommended by the Joint Chiefs of Staff to meet the national strategy at a prudent level of risk. However, considering current fiscal realities, the 26-wing level represents the best balance between combat capability and resource availability that the Air Force, the JCS, and the Department of Defense can achieve.

The Air Force fighter force is designed and structured to achieve specified objectives in the face of the current and projected threat. However, we must remember that potential adversaries are improving both the quality and quantity of their forces. They are currently numerically superior to the combined NATO tactical air forces.

Additionally, their force posture is becoming more offensively oriented. They are developing and deploying improved aircraft and munitions more closely attuned to that posture. The Soviets now routinely deploy their latest and most sophisticated weaponry as evidenced by the 1973 Mideast conflict. Aircraft such as the variable geometry wing Flogger, the long-range Fencer and Fitter attack fighters, the mach 3 Foxbat, and the newer models of the Fishbed—Mig 21J, K, and L—are characteristic of the qualitative improvements in their forces. Many of these Soviet forces are forward deployed in Warsaw Pact countries. Thus the United States is required to maintain a sizable portion of its forces deployed and immediately available to the needs of the theater commander.

Warsaw Pact ground forces, which already possess perhaps the most modern and formidable armor capability in the world, are also increasing in numbers and improving in capabilities, thus presenting an even greater challenge to our ground attack capability.

In essence, tactical air power complements ground forces. In the mix of ground forces and tactical air elements comprising general purpose forces for combined arms combat, we emphasize tactical air more heavily than do our potential adversaries.

With the increasing emphasis on conventional forces I am glad the Department of Defense has finally decided to reverse the reductions of the past few years in the Air Force combat strengths and permit some growth in order to signify our intent to maintain a credible capability to meet our many commitments.

In the active component, the Air Force plans to gradually achieve a fully equipped 26-wing posture by the early 1980's and while remaining within a 590,000 Air Force manpower level. This "more fire power for the same manpower" is not unlike Army's plan to expand to 16 divisions.

The increased numbers of A–10, F–15, and F–16 fighter aircraft from fiscal year 1976 to fiscal year 1981 will require approximately 22,000 additional personnel. Reductions in Active Force F–4 aircraft, transfer of A–7's to the Reserve forces, phaseout of F–105 aircraft, and minor adjustments in F–111's between fiscal year 1976 and fiscal year 1981 will result in the freeing up of about 17,000 military spaces that can be applied against the 22,000 requirement. Also, the F–15 and F–16 require less maintenance manhours per flying hour and less manpower will be required here. Thus, the Air Force can then add combat aircraft and fully equip the 26-wing force with a net increase of only about 5,000 people. However, some adjustment will obviously be required as this program progresses if the 7,600 manpower reduction recommended by the committee is sustained.

The planned mix of USAF tactical fighters in the 26 wing force will emphasize aircraft specifically designed to perform best in a certain role or mission. This also results in significant cost savings compared to costs required to procure, operate, and maintain a force composed entirely of multipurpose aircraft. For example, the F–15 and F–16 need not be equipped to perform all-weather or night ground attack to the degree of the F–111, and the A–10 need not have the attack radar of the F–15, F–16, F–4, or F–111. The savings in initial investment and life cycle costs can then be devoted to increasing the total number of aircraft and enhancing force modernization, flexibility, and combat capability.

The addition of the A–10 will offer a significant improvement in antiarmor capability. Because of rising manpower costs and the difficulty of going beyond programed DOD manpower levels, the A–10's contribution to tactical airpower becomes a potentially efficient way of providing additional firepower.

The mix of forward deployed F–15's and F–16's, will insure the retention of the U.S. qualitative advantage and partially offset the Soviet/Warsaw Pact quantitative advantage regarding air superiority capabilities. These two advanced fighters with their inherent capability to perform in the air-to-ground attack role, if required, will provide a highly effective air superiority capability as well as a significant degree of flexibility to the theater commanders.

In summary, the Air Force plans to fully equip 26 active and 10 reserve wings in the early 1980's, while remaining within the projected manpower and fiscal levels. Specifically, the Air Force intends to increase the quality, quantity, and readiness of active fighter forces complemented by improved Reserve component forces, remain within the 590,000 Active Air Force manpower level and meet the fiscal guidance levels projected for the Air Force by OSD.

Still, the combat capability of these general purpose forces will remain short of what the JCS says is required but, nonetheless, they will signficantly enhance our capabilities in the tactical arena.

It is a program that should be supported.

Mr. President, during the course of the debate on military procurement authorization this week we have heard a lot about technology and how important that has become, not only to the American military, but the entire American way of life.

Mr. Edgar Ulsamer, senior editor of Air Force magazine has written a very interesting paper on "Technological Initiative," and because there are many Members of this body who do not have the occasion that we of the Armed Services Committee do to be exposed to this subject, I think it will make interesting reading, so I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Technological Initiative: A Priceless Asset

(By Edgar Ulsamer)

The Defense Department's $104.7 billion FY '76 budget request includes about $10.2 billion to "maintain for our nation, now and for the future, one of its priceless assets—technological initiative."

The latter figure is the aggregate of what the Defense Department and the individual services propose to spend on the full-scale development of new weapon systems as well as on what Dr. Malcolm R. Currie, Director of Defense Research and Engineering, calls the "creation of new technology options."

The latter category, he points out, represents the cutting edge of military technology and is essential to permit "those who follow us to shape their own destinies based on conditions that will exist in their own times."

About forty percent of DoD's proposed research, development, test, and evaluation (RDT&E) budget is earmarked for the creation of such options. Dr. Currie told Air Force Magazine that under DoD's five-year budget forecast, funds requested for new technology are to go up by about ten percent annually—in real as opposed to inflated dollars—over the next five years in order to "revitalize that crucial part of our technological effort."

He has found strong congressional interest in reversing the decline of defense-related basic and exploratory research that "has decreased forty percent over the last decade." Because of the significantly greater Soviet level of effort in defense-related technology that "seeks to wrest the initiative from us," there is increasing awareness that "national survival" is at stake, he added.

Compounding the gravity of a shrinking U.S. technology base, in the view of DoD leaders, is that "in today's environment we must look to technological advantage to compensate for the limitations on the number of modern weapons that we can afford to buy and operate or that we are allowed by treaty agreement."

UNITED STATES VERSUS SOVIET APPROACH

The U.S. approach to defense R&D, in Dr. Currie's view, is essentially a search for "quantum jumps. We seek to push back frontiers of technology, attain substantially higher plateaus of capability, and find revolutionary solutions. We foster a competitive environment that stresses innovation and is receptive to new technology and keyed for rapid change.

"By contrast, the Soviet approach could be broadly characterized as 'constructive incrementalism.' Soviet R&D institutions and the requirements-generation process that underlies them have in the past been committed essentially to step improvements of existing systems and components. When incrementalism is the dominant deployment strategy, risks are fewer and the personal cost of failure less."

Even though the Soviets seem to prefer a policy of low-risk evolution, they have "learned that a reactive policy in military technology is not enough to give them military superiority. We now see them working hard to change the technology balance by trying to gain the initiative in man areas of military R&D."

Many aspects of the USSR's military R&D program are obscure, but "we know its management is highly centralized, its priorities are the highest in the Soviet economy, and its guidance and control come directly from the Politburo—about half of whose members have technical backgrounds," according to Dr. Currie.

The Politburo's strong support of the Soviet science and technology effort is backed by a strong resolution of the Communist Party's Central Committee, which states that "the development of Soviet science has specific significance [at this time] when the scientific-technological revolution has become the most important area in the competition of the two opposed world systems."

The execution of R&D policy is assigned to the Council of Ministers, seventy-five percent of whom have technical backgrounds, according to DoD intelligence, Military R&D, Dr. Currie explained, is carried out by a large system of research institutes and design bureaus managed by at least eight ministries of defense industry.

"The innocuous names of some of the ministries—such as General Machine Building, Medium Machine Building, or Shipbuilding—belie their actual management roles. More than eighty-five percent of their research institutes deal with the natural sciences and engineering," Dr. Currie said.

In narrow areas of technology, DoD believes, the Soviets can "mount sizable efforts and accelerate their rates of technical advance. In several areas they are ahead of us. Overall, however, the Soviet system seems to discourage real innovation and, despite what we perceive as large-scale development efforts, they frequently fall short of what we accomplish with far less direct effort."

On balance, "I believe that the American 'new technical plateau' approach to defense R&D is superior to an approach dominated by conservative incrementalism. Our approach is an expression of our national character. We should understand it and not denigrate it. It has provided us—so far—with the broad technological initiative," Dr. Currie said.

SOVIET STRATEGIC TECHNOLOGY

During the past decade, the United States developed and deployed five strategic missile systems, counting the SRAM air-to-ground missile. During the same period, the Soviets produced fourteen new offensive strategic missile systems. According to DoD reckoning, the pace of Soviet research and development of strategic systems during the past three years "is more than double" the rate of the preceding seven years. "The Soviet Union shows every sign of continuing to concentrate a major portion of its military RDT&E on strategic weapons, both offensive and defensive," according to Dr. Currie.

Emphasizing that there are gaps and unknowns in this country's understanding of Soviet technological programs and intent, he added that "our concern for these enigmas is profound. Can the Soviets develop some exotic technology for application to actual weapon systems, and, if so, will our own technological resources be adequate to counter or offset them?

"These enigmas in toto may represent a significant percentage of the Soviet military RDT&E budget. Furthermore, many of them have an apparent or possible relationship to vital mission areas of our forces. Some enigmas appear to be related to strategic missiles; others may be oriented toward new approaches to ballistic-missile defense; and some may be directed against our fleet of ballistic-missile submarines."

The strong and accelerating Soviet technology efforts in ASW make it "impossible to predict when a significant threat to the survivability of our SSBNs will arise. There are simply no reliable indicators we can use," in Dr. Currie's view.

The US Navy's new Trident submarines, with their long-range missiles and reduced detectability, are one answer to the ASW challenge. The other is continued reliance on the strategic Triad.

There is increased recognition among US defense planners that while the vulnerability of silo-based ICBMs may increase as Soviet missile throw weight and accuracy improve, it will never be total. The central reason is that the long flight time of attacking ICBMs and the timing constraints associated with massive nuclear attacks make complete surprise impossible.

Also, since Soviet gains in throw weight and accuracy can be reasonably well measured, the degree of vulnerability can be calculated and counterbalancing measures taken. Conversely, while the US SLBM force is considered highly survivable, a technological breakthrough by the Soviets—perhaps unknown to the US—could categorically jeopardize the US sea-based deterrent.

The potential for advances in ASW, of course, is not confined to the Soviet Union. As Dr. Currie pointed out, the Defense Advanced Research Projects Agency (ARPA, an element of DDR&E), in conjunction with the US Navy, demonstrated recently that present capabilities can be improved "greatly" and that "further significant gains" can be made.

ARPA's Director, Dr. George H. Heilmeier, told a congressional subcommittee that "we are initiating a major new thrust to explore the limits of detection and localization of submarines. This work is an outgrowth of ARPA efforts on acoustic array signal processing technology. This program, called Seaguard, will explore the physical limits of acoustic propagation of submarine-generated noise in the ocean . . . using the giant ILLIAC IV computer previously developed by ARPA. Our goals in this initiative are to dramatically improve the technology of detection and localization of submarines." Sorting out the noise signature of submarines from the ocean's natural noise clutter requires enormous computer capabilities.

A pivotal question arising from the strategic arms limits arrived at by the 1974 Vladivostok understanding is how to best allocate the 1,320-MIRV ceiling to ICBMs and SLBMs. Within that limit, "should we develop improved capability for Trident where survivability is better than ICBMs, but equivalent accuracy is more difficult to attain? Or should we develop an improved ICBM with greater throw weight for fixed silo and/or mobile applications, and reduce MIRVs in other systems? The Secretary [of Defense] and everybody else is looking at these questions right now. We have a study going on to find out what represents the optimal mix and what will give us the best return on our investment," Dr. Currie told Air Force Magazine.

IMPROVING TRIAD

Whatever the outcome of the current analyses, there is the pervasive requirement for "flexible strategic deterrence in the years ahead. As a result, we are going ahead with initiatives for options to improve the accuracy and yield of our strategic systems," Dr. Currie said.

So far as SLBMs are concerned, he said, DoD has slowed efforts to improve accuracy "in recognition of the very difficult problem of choosing the most appropriate solutions." The Trident I missile, also referred to as the C–4, according to Dr. Currie, "hopefully will have the same accuracy as the Poseidon missile. Going from a large of about 2,000 miles to about 4,000 degrades accuracy but we expect to offset this by improved guidance. We have made no provisions for radical guidance improvements—such as terminal guidance—so far as Trident I is concerned."

Trident I is to be deployed on a new class of SSBNs bearing the same name, as well as retrofitted into thirty-one currently operational Poseidon submarines. The new missile's increased range is expected to extend the SSBNs' operating range fourfold and it's possible to base the boats in US ports without reducing time on patrol. In fact, shorter intervals in port will increase alert rates.

For the moment, DoD does not plan on providing Trident I with maneuvering reentry vehicles (MARV), but is keeping open that technological option if "we see the extensive Soviet R&D effort on ABM technology being transformed into operational hardware."

(The Defense Department explores MARV technology for two reasons. They can follow an erratic flight path to evade interceptor missiles. Or they can use their manuevering capability to increase accuracy. In part, this can be achieved by flying steep reentry angles to minimize the so-called displacement error—as opposed to shallow angles which magnify it.)

The follow-on to the C–4 SLBM, called Triden II, Dr. Currie told Air Force Magazine, "at present is not yet clearly defined. An intensive study on this subject has recently been initiated." Both the MK 12A and the LABRV, or large ballistic reentry vehicle, are among the warheads under consideration for Trident II, he said. MK 12A is a high-yield warhead for Minuteman III currently in engineering development.

LABRV has yet greater yield with "enough desirable attributes to make it a candidate RV for Trident II or MX," according to Dr. Currie. The Air Force, as the executive agency of the triservice ABRES (advanced ballistic reentry systems) program, expects to demonstrate that the warhead, designed by the Energy Research and Development Administration, can be packaged into a reentry vehicle of acceptable size and performance.

THE MX QUESTION

Of the options open to the United States under the SALT I Interim accord and last year's Vladivostok agreement, "accuracy seems the most broadly applicable, and is receiving the most attention" as a means for offsetting the widening Soviet lead in ballistic missile throw weight, according to Dr. Currie.

"Accuracy is the crucial tool needed for executing limited options; it allows high probability of kill while minimizing collateral damage . . . and has an exponential effect on the destructiveness of a weapon against a hard target. But high accuracy is much more difficult to attain with SLBMs than with ICBMs. One should not oversimplify and assume that the accuracy levels of Minuteman apply to Trident," Dr. Currie said.

This factor and the "lower yield available for existing and near-term SLBMs make it advisable to proceed at a more deliberate pace in examining the spectrum of possible technological options to improve SLBM accuracy," he pointed out.

Conversely, the "initial counter" to gains in Soviet offensive strategic capability must be the continued improvement of Minuteman's accuracy, yield, and silo hardening initiated last year. Better ICBM accuracy is also important, Dr. Currie told this reporter, because accuracy levels assumed in the past may have been too high.

Work in this regard includes modification of RV designs to allow for the effects of environmental conditions in the target area based on newly acquired knowledge, and research on geodetic and gravitational factors that "contribute significantly to the total CEP of ballistic missiles," he said. New instruments and techniques are being used—including sophisticated satellite radar altimetry and satellite-to-satellite tracking—to "refine our knowledge of the shape of the earth and the local anomalies of the gravitational field."

Two events in 1974 affect USAF's MX advanced ICBM program, Dr. Currie told this reporter: "The fact that the Vladivostok agreement put an upper cap on the number of central launch systems and MIRV weapons, coupled with DoD's goal to seek mutual restraints on strategic nuclear forces. If the Soviets show restraint in SALT II [currently in progress] and in the tempo of their development and deployment efforts, we will reciprocate within the framework of perceived equivalence."

The pace of the MX program has also been "significantly reduced as a result of our judgment concerning the time-scale of the threat to land-based ICBMs and the overall constraint in fiscal resources." The Minuteman force, as presently constituted, is now believed to remain survivable beyond the mid-1980s rather than the early 1980s as though earlier.

Concurrent with slowing down MX development, the Defense Department also shifted the program's focus more toward increased throw weight and away from an initial capability for mobile basing.

"While existing silos may become vulnerable in the future, the attractive features of least cost, good accuracy, excellent command and control, and least operation and maintenance cost may make it advisable to plan for initial basing in these silos with subsequent rebasing to a mobile mode if required by threat evolution. This more lengthy time-scale will also allow us to address the more difficult problems associated with mobile basing," Dr. Currie said.

MX is in a "very fluid state." It is reasonably certain that, if implemented, MX "would be somewhat larger than Minuteman to lessen the throw weight imbalance. But, as currently envisioned, MX would give us far less throw weight than needed to fully offset what would be available to the Soviets if they opt for massive deployment of the SS–19s and SS–18s."

While it is technically possible to build an advanced ICBM weighing more than 150,000 pounds and suitable for existing silos as well as air launch, there is "also the chance that we might build something smaller, depending on propellant efficiencies, staging, expected deployment dates, and the risks we are willing to run," he said. The synergistic effect of advanced technology in nozzle technology, materials, staging, propellants, and other elements makes it possible to design MX "with several times the throw weight of Minuteman," according to Dr. Currie.

Sophisticated guidance options for MX as well as Trident II are being explored by the USAF-managed ABRES program. These techniques include terminal-guidance approaches used for precision-guided tactical weapons.

"We are carefully sorting out—initially by analysis, later by component development and test, and finally by flight-test demonstrations—which technical approaches are most promising. At the moment, the ones that appear competitive are TERCOM, an altimeter-profile matching scheme that has already been flight-tested; MICRAD, a microwave radiometer approach; RADAG, a radar cross-section correlation technique; and several laser and optical approaches," as well as tie-ins with the future Satellite Global Positioning System, according to Dr. Currie.

THE AIR-LAUNCHED CRUISE MISSILE

Terminal guidance, especially TERCOM, is being pioneered and refined as a central part of the Navy and USAF cruise-missile programs. An "all-up" flight-test of the prototype cruise missile (ALCM, for "air launched" in case of USAF, and SLCM, for "sea launched" in the Navy version) is scheduled for late 1976, Dr. Currie told this reporter. The two advanced development programs share such common components as engines, guidance, and warhead. The Air Force plans to delay engineering development of ALCM until after successful completion of next year's flight-test.

"If it turns out that TERCOM won't work—we are quite confident that it will—then we would have to develop one of the other guidance options. This would stretch out the program and delay the missile's operational availability considerably," Dr. Currie said.

In the view of the Defense Department and the Air Force, an air-launched cruise missile "may be required to complement the pure penetrating bomber in advanced-threat environments, particularly SAMs, but the extent of the need depends on how the threat evolves."

The first generation of ALCM, Dr. Currie said, most likely "will be subsonic because the present state of technology makes this more cost-effective. For the generation after that we probably will have to consider the addition of at least a supersonic dash capability. We are exploring technologies that show promise for supersonic low- as well as high-altitude flight in connection with cruise missiles."

The Defense Department's range of technology work in the strategic area, in Dr. Currie's view, is designed to do double duty: to preserve essential equivalence with the impressive Soviet momentum, and "to encourage the Soviets to negotiate future arms limitations by convincing them of the futility of attempting to surpass us." Neither of these objectives seems attainable unless the U.S. succeeds in safeguarding what Dr. Currie calls this nation's priceless, albeit, "ephemeral asset, the technological initiative."

REMARKS OF SENATOR MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement I made this morning before the Senate Democratic conference be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA) BEFORE THE SENATE DEMOCRATIC CONFERENCE

This meeting has been called to consider several matters pertaining to the internal operations of the Senate. The leadership would appreciate, for its guidance, a general discussion of these questions by the conference.

First, I turn to the handling of energy legislation. Let me say, at the outset, that I disagree with the President on his substantive approach to this problem. Raising taxes on imported oil as the administration has done can only act to hasten the dwindling of our remaining domestic petroleum resources and add to the price of gasoline, fuel oil for home heating, and countless other petroleum products. It does little, if anything, in the way of conservation of this essential resource. The administration's approach, moreover, amounts to rationing by price increases—particularly with regard to essentials such as gasoline and home heating oil—and the burdens fall heaviest on those least able financially to sustain them. There are other ways to deal with petroleum shortages and international petroleum blackmail, as the ad hoc committee of this conference headed by Senator PASTORE has made clear in its report. There are ways in which the burdens would be borne more equitably by all Americans and the higher premiums would be paid by those who waste this critical raw material.

Much as I disagree with the administration's substantive approach, however, I must say in all candor that the President has cooperated with the Congress. He has not been arrogant or high-handed in his handling of the problem. He was willing to and he did postpone putting into effect the second increase in the import duty on petroleum in order to give Congress an opportunity to legislate alternatives. But, what has been forthcoming from the Congress? Plenty of words but where is the legislative action? Where are the alternatives to the President's approach?

I want to say that the Senator from Rhode Island and his ad hoc committee of the conference have sought by every means available to break the congressional log jam on this issue. That is what the leadership asked and they tried—they tried very hard to do so. They devised reasonable alternatives to the administration's approach of price increases on petroleum products. Their approach was based largely on enforced conservation. Yet, their efforts to convert these alternatives into legislation are still wandering in the thickets of the congressional committee structure and along the pathways which connect the two Houses. The House has its own problems in that connection. Insofar as the Senate is concerned, much as I am reluctant to say it, the problem is in good part the result of the scattering of jurisdiction among many committees and subcommittees and their staffs with regard to this central economic issue. In this connection, I am advised that some claim of jurisdiction on the new Energy Research and Development Administration is made by 33 congressional committees and 65 subcommittees. In the scant half-year that ERTA has been in existence, its representatives have already had to appear before six full committees and 27 subcommittees of 13 different committees. To be sure, many of these committees and subcommittees are on the House side. To be sure, too, there are probably dozens upon dozens of executive agencies and subagencies—far more than in the Congress—which have a hand in the energy pot. Our concern in the first instance, however, must be with the Senate's situation. We can and must answer for the Senate's approach. At least here in this body we can attempt to set our own jurisdictional and procedural house in order.

It is the leadership's thought that the energy problem will be with us for a long time. It is not solely a matter of dwindling petroleum resources or even of petroleum blackmail. The problem is a multisided and interrelated problem. It has as much to do with rising demand and the development and use of all potential energy resources as it has to do with current availabilities of petroleum. However, it is approached, the way in which the energy issue is confronted and resolved is likely to remain the key to maintaining a healthy and productive economy in this Nation for the foreseeable future.

In the circumstances, the leadership would like to have the conference address its attention to the desirability of creating a new committee, with legislative powers, to handle all energy-related matters. I should note that the Senate minority leader has already indicated an interest in this approach and the Senator from Kentucky (Mr. FORD) and many others have done the same.

To be sure, it will be difficult to delineate a new jurisdiction of this kind. But it should also be recognized, as the conference will recognize, I am sure, that the people of the Nation have the right to be served by the Senate as a whole in this critical matter and that it is the responsibility of this conference and the Senate as a whole to determine the internal organizational structure which will best fulfill that purpose.

This, then, is one question on which the leadership would appreciate the views of the Members. We would like, in particular, to determine if the conference wishes this matter pursued further with the minority leadership and the Rules Committee.

On a second matter, just before the Memorial Day recess, the leadership met for luncheon with a group of new Democratic Senators of the last two classes. Their views were solicited on the range of difficulties and ambiguities which they have perceived in the conduct of Senate business and in the operations of their offices.

The meeting was, as the leadership and the Members present wished it to be, vigorously outspoken. These Members and, I am sure, others of the two classes had many criticisms of the primitive and essentially, haphazard consideration which is given to their basic operational needs in such matters as staffing, office space, pay, and allowances and so forth.

These Members have found it, for various reasons of procedure and inadequate administrative support, at times, virtually impossible to function in the capacity for which they were elected. While they were speaking of personal experiences, they were in a sense, addressing themselves to a larger question. That question involves the quaint way—to describe it most sympathetically—in which the Senate as a whole treats its overall administrative needs in the light of the immense and everincreasing demands which are being made on this body.

We skimp on stationery and supplies, and office equipment without noting how this false economy may compel the employment of more office help and prevent reasonable communication with large constituencies. We are operating, it would seem, in the last quarter of the 20th century with office space, facilities, equipment, techniques, and personnel rosters which are more in line with the circumstances of the first quarter. We shortchange the office of Senator in many ways and, hence, shortchange the constituencies which have sent Senators here to do their business and to maintain the Senate as an institution able to sustain the people's confidence and trust. Why? For purposes of economy or for fear of criticism, sometimes thoughtless and sometimes well taken?

In the discussion with the newer Members various questions arose having to do with support, personnel, quarters, excessive committee and subcommittee meetings, pay and allowances of Members, equipment, automation, management-techniques and practices and so forth.

It was recognized that any effort by the Senate itself to deal with these problems is subject to a high degree of subjectivity and public misunderstanding. For that reason, a proposal initially advanced by Senator CULVER and concurred in by other Members present seemed to the leadership to warrant the full consideration of the conference. The suggestion was that a blue ribbon commission be appointed by the leadership which would consist of persons of unimpeachable reputation, presently outside of Government, to examine fully, objectively, and on a comparative basis with other Government offices and private organizations into the range of perquisites, services, and support on which the effective functioning of the Senate is dependent.

The commission would make such recommendations on office facilities, staffing, and what not as it believed necessary to the effective contemporary operations of this body. The leadership was most impressed by this proposal and would like to pursue it with the minority leadership but, first, would like whatever comments may be forthcoming from the conference.

Finally, I would like to read to the conference a letter signed by several Members of both parties. It deals with the manner in which the Senate schedules its business and votes on issues.

[Letter omitted.]

The meeting is now open and the leadership would appreciate it if the discussion would proceed in the following order:

First, on the question of a single Committee on Energy.

Second, on the proposal for a blue ribbon commission on internal Senate procedures and support services.

Third, on the proposal for changes in the method of scheduling business and voting.

ORDER FOR CONSIDERATION OF H.R. 6698 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees are recognized in their standing order tomorrow, the Senate proceed to the consideration of H.R. 6698, relating to public assistance programs.

This has been cleared, I understand, on both sides of the aisle. Mr. LONG will be on the floor tomorrow to handle this measure. I would ask that the measure not be passed until Mr. LONG has had an opportunity to offer an amendment to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR LONG TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. LONG be recognized for not to exceed 15 minutes after the two leaders or their designees have been recognized under the standing order tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 920 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of H.R. 6698 tomorrow morning, or within not to exceed 30 minutes after the two leaders or their designees have been recognized under the standing order, the Senate resume consideration of the military authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HELMS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow morning, and prior to the recognition of Mr. LONG, Mr. HELMS be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Is that prior to the bill H.R. 6698 being called up?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the Hartke amendment (No. 489) there be a time limitation of 40 minutes, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Hartke amendment, the following amendments be called up in the order stated and that a time limitation on each be as indicated:

Amendment No. 488 by Mr. HATHAWAY, 20 minutes.

Amendment No. 518 by Mr. CULVER, 15 minutes.

Amendment No. 532 by Mr. KENNEDY, 30 minutes.

Amendment No. 534, by Mr. TOWER, 1 hour.

Amendment No. 491 by Mr. JACKSON, 40 minutes.

Amendment No. 492 by Mr. JACKSON, 1 hour.

Amendment No. 517 by Mr. HUMPHREY, 1 hour.

Amendment No. 514 by Mr. PROXMIRE, 20 minutes.

Amendment No. 515 by Mr. PROXMIRE, 40 minutes.

Amendment No. 537 by Mr. GRAVEL, 20 minutes.

Amendment No. 536 by Mr. GRAVEL, 1 hour.

Amendment No. 529 by Mr. WEICKER, 20 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object, I wish to inquire of the distinguished majority whip if these several agreements relating to time limitations do not supersede or change the previous agreement that the vote on passage will occur at 6 o'clock p.m. tomorrow?

Mr. ROBERT C. BYRD. The distinguished Senator has raised a good question. I ask unanimous consent that the vote on passage of the bill tomorrow occur no later than 6 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I believe that time has been fixed already.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. And would remain, unless changed, and that would require unanimous consent, I believe.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. The Senator is correct, but I thought it well, for the RECORD, just to nail it down again.

ORDER FOR NO ROLLCALL VOTES PRIOR TO 12 NOON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, in order that committees may meet tomorrow until noon, I ask unanimous consent that no rollcall votes occur prior to the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BACKED-UP ROLLCALL VOTES TO BE LIMITED TO 10 MINUTES IN LENGTH

Mr. ROBERT C. BYRD. Mr. President, I have not cleared this request, but I ask unanimous consent that all backed-up votes tomorrow be limited to 10 minutes on each rollcall.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING SEQUENCE OF ROLLCALL VOTES TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that all rollcall votes ordered tomorrow prior to the hour of 12 noon occur beginning at the hour of 12 noon in the sequence ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GARY W. HART ON MONDAY, JUNE 9

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Colorado (Mr. GARY W. HART) be recognized for not to exceed 15 minutes on Monday, June 9, after the two leaders or their designees have been recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CLARK ON TUESDAY, JUNE 10

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, June 10, the Senator from Iowa (Mr. CLARK) be recognized for not to exceed 15 minutes, after the order which I believe has already been entered for the recognition of Senator TALMADGE on that date.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GLENN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the Senator from Louisiana (Mr. LONG) has been recognized for the purpose of calling up H.R. 6698, and that measure has been disposed of, the Senator from Ohio (Mr. GLENN) be recognized for not to exceed 10 minutes, just prior to the resumption of the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I shall now state the program for tomorrow.

The Senate will convene at 9 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senator from North Carolina (Mr. HELMS) will be recognized for not to exceed 10 minutes, after which the Senator from Louisiana (Mr. LONG) will be recognized for not to exceed 15 minutes for the purpose of calling up H.R. 6698, and upon the disposition of that measure and following the conclusion of Mr. LONG's remarks, the Senator from Ohio (Mr. GLENN) will be recognized for not to exceed 10 minutes, after which the Senate will resume the consideration of the unfinished business, the military procurement authorization bill.

The pending question at that time will be on agreeing to the amendment (No. 489) by Mr. HARTKE, on which there is a time limitation of 40 minutes. On the disposition of that amendment, if a rollcall vote is requested, that rollcall vote will not occur until the hour of 12 noon.

After the Hartke amendment, the Senate will proceed to the consideration of amendment No. 488 by Mr. HATHAWAY. That amendment has a 20-minute time limitation.

The Senate will then take up amendment No. 518 by Mr. CULVER, with a 15-minute time limitation thereon.

Amendment No. 532 by Mr. KENNEDY will then be called up, and there is a time limitation of 30 minutes on that amendment.

Mr. TOWER will then call up his amendment No. 534. There is a time limitation of 1 hour thereon.

Mr. JACKSON's amendment No. 491, on petroleum, will then be called up, and there is a time limitation of 40 minutes on that amendment.

Mr. JACKSON's amendment No. 492, the Israel amendment, will then be called up, and there is a time limitation of 1 hour on that amendment.

Mr. HUMPHREY's amendment No. 517 will then be called up, with a time limitation on that amendment of 1 hour.

Mr. PROXMIRE's amendment No. 514 will then be taken up, with a time limitation of 20 minutes, to be followed by Mr. PROXMIRE's amendment No. 515, with a time limitation of 40 minutes.

Subsequent thereto, Mr. GRAVEL will call up his amendment No. 537, with a time limitation thereon of 20 minutes, after which Mr. GRAVEL will call up his amendment No. 536, with a time limitation of 1 hour.

Mr. WEICKER will then call up his amendment No. 529, with a time limitation thereon of 20 minutes.

Mr. President, that completes the list of such amendments as I am aware of. Under the agreement previously entered, the final vote will occur on the passage of the bill no later than 6 o'clock p.m.; and it would certainly be my hope that the Senate could complete action earlier than 6 o'clock p.m. I believe that if Senators will attempt, tomorrow, to restrain themselves in calling for rollcall votes, thus allowing the Senate to act by voice votes, which are just as effective as rollcall votes, we can save a considerable amount of time.

Perhaps the Senators can yield back some of the time on some of the amendments tomorrow and save additional time.

According to my count, there were 13 amendments listed. If there were a rollcall on each of those amendments, that would be 130 minutes. That is 10 minutes per rollcall, which is better than we usually do. That would require 2 hours and 10 minutes just for rollcall votes, if a rollcall vote is requested on each of the amendments.

So, with a little luck and a good bit of restraint, the Senate ought to be able to finish its work before 6 p.m. tomorrow, but I would keep my fingers crossed.

Mr. President, I want to be sure that the agreement with respect to H.R. 6698 is clearly understood. After the Senator from North Carolina (Mr. HELMS) is recognized tomorrow, the Senator from Louisiana (Mr. LONG) is to be recognized for not to exceed 15 minutes, and under the order previously entered that measure will come up, and it would be anticipated that the Senator from Louisiana (Mr. LONG) would be in the Chamber by that time; but in any event the bill is not to pass until the Senator from Louisiana has had an opportunity to call up an amendment to that measure.

The PRESIDING OFFICER. That statement is correct.

Mr. ROBERT C. BYRD. Yes.

I also want to be sure that I am correct in stating that the time limitation on that measure is 30 minutes.

The PRESIDING OFFICER. It is 30 minutes after the two leaders, and with the 10 minutes that will make it close.

Mr. ROBERT C. BYRD. The Chair is correct, and I thank the Chair.

Mr. President, the time on H.R. 6698 I think will take less than 5 minutes, but I ask unanimous consent that there be no more than 30 minutes on that bill, including the time on the amendment thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the time on that measure be equally divided between the Senator from Louisiana (Mr. LONG) and the distinguished minority leader, or his designee—I do not anticipate any problem—and that the time on the amendment come out of the 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the Senator from Ohio (Mr. GLENN) will be recognized, and then upon the completion of his order the Senate will resume consideration of the unfinished business. Is that not correct?

The PRESIDING OFFICER. That is correct.

As to the order of the Senator from Ohio and with the time schedule of the Senator from West Virginia, the Chair is not a mathematician, but it comes to exactly 8 hours with 2 hours plus for rollcalls. That puts it an hour and 10 minutes over the 6 p.m. time schedule. So I hope the restraint is here tomorrow that the Senator desires.

Mr. ROBERT C. BYRD. I thank the Chair for his supporting statement.

Mr. President, let me think for a second, if the Chair will indulge me.

The PRESIDING OFFICER. The Chair will be delighted to indulge the Senator from West Virginia. His night has been spoiled anyhow.

Mr. ROBERT C. BYRD. Mr. President, was there a period for the transaction of routine morning business today?

The PRESIDING OFFICER. There was not.

Mr. ROBERT C. BYRD. There was not?

The PRESIDING OFFICER. Today there was, yes.

Mr. ROBERT C. BYRD. There was. Very well.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 a.m. tomorrow.

The motion was agreed to; and at 9:55 p.m., the Senate adjourned until tomorrow, Friday, June 6, 1975, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1975:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William J. Kendrick, of Maryland, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1979, vice Luther Holcomb, term expired.

IN THE AIR FORCE

The following officer to be placed on the Retired List in the grade indicated under the provisions of Section 8962, Title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Edmund F. O'Connor, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer for reappointment to the active list of the Regular Army and Army of the United States with grade as indicated, from the Temporary Disability Retired List, under the provisions of title 10, United States Code, section 1211:

To be major general, Regular Army and Major general, Army of the United States

Frederick William Boye, Jr., [redacted]

IN THE MARINE CORPS

In accordance with the provisions of title 10, U.S. Code, Section 5232, Maj. Gens. Robert H. Barrow and Leslie E. Brown, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

EXTENSIONS OF REMARKS

CORETTA SCOTT KING KEYNOTE SPEAKER AT PHILLIS WHEATLEY ASSOCIATION SPRING LUNCHEON IN CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. STOKES. Mr. Speaker, on June 7, 1975, Mrs. Coretta Scott King, the widow of the late Reverend Doctor Martin Luther King, Jr., will be the keynote speaker at the Phillis Wheatley Association's spring luncheon at the Cleveland Plaza Hotel. Our city is honored to receive this most distinguished guest, and I take this occasion to express the gratitude of the entire community that this remarkable woman has chosen to grace us with her presence.

I am proud of my personal association with Mrs. King, and pleased to pay tribute to her many outstanding accomplishments. As a member of the board of trustees of the Martin Luther King, Jr. Center for Social Change, I have had the privilege of joining Mrs. King, the president of that organization, in various activities and projects across the Nation in furtherance of the great goals to which her late revered husband aspired. It was my privilege to enjoy the personal friendship of Dr. Martin Luther King, Jr., a man who I consider a great leader as well as one of the finest human beings I have ever known. His dream of brotherhood and equality lives on in the dedicated efforts of his courageous wife, who has won the admiration of the international community for her own commitment to humanity.

Mrs. King's appearance in Cleveland will be the highlight of the year for the Phillis Wheatley Association, an organization which enjoys a well-deserved reputation in our town for projects like this one which benefit the entire community.

I call on my colleagues to join me in paying tribute to Mrs. Coretta Scott King and wishing her a very pleasant visit to Cleveland. In order that my colleagues will be familiar with her accomplishments I call their attention to her remarkable VITA:

VITA: CORETTA SCOTT KING (MRS. MARTIN LUTHER KING, JR.)

President—The Martin Luther King, Jr. Center for Social Change.

Office address—671 Beckwith Street SW., Atlanta, Georgia 30314.

Office telephone number—404/524-1956.

Place of birth—Marion, Alabama.

Marital and family status—Mrs. King was married to the Reverend Doctor Martin Luther King, Jr., on June 18, 1953. Dr. King was assassinated April 4, 1968, in Memphis, Tennessee. There are four children by the marriage: Yolanda Denise (b. November 17, 1955); Martin Luther III (b. October 23, 1957); Dexter Scott (b. January 30, 1961); and Bernice Albertine (b. March 28, 1963).

Education—Lincoln High School, Marion, Alabama; B.A., Antioch College, Yellow Springs, Ohio—combined major in music and education; Mus. B. New England Conservatory of Music, Boston, Massachusetts—major in voice.

Profession—Organization president; concert singer; freedom concert singer; lecturer; author.

During the summer of 1967, Mrs. King called together a few of her husband's associates to discuss a library project for housing Dr. King's papers. After the assassination of Dr. King in 1968, this group was augmented with members of Dr. King's family and other associates to establish The Martin Luther King, Jr. Memorial Center. Mrs. King was elected president of The Center and continues to serve in that office. In 1972, The Center was officially renamed The Martin Luther King, Jr. Center for Social Change. The Boards of Directors and Trustees of The Center are charged with the responsibilities of planning and implementing ongoing programs, fund-raising, and building an appropriate site from which The Center's programs will be constructed. Since 1968, The Center has operated from a temporary location which has archives, a reading room, exhibition area and administrative offices. However, land has been acquired on which The Center will be constructed (ground was broken on January 15, 1975 for the first phase of construction), Dr. King's Birth Home has been restored and opened to the public; and Information Facility has been opened.

Music background.—Mrs. King began the study of voice and music at Lincoln High School in Marion, Alabama, and continued it at Antioch College, where she also added the study of violin. She sang with the choruses of both institutions and in their musical productions. While attending the New England Conservatory of Music, she was a member of the Conservatory Chorus which performed annually with the famed Boston Symphony; she sang regularly with the Old South Church Choir, and premiered the song cycle, "Motivos de Son," by Cuban composer, the late Amadeo Roldan at the New England Conservatory.

Lecturer—During Dr. King's lifetime, Mrs. King occasionally substituted for him as speaker and at the same time frequently appeared in her own right before church, civic, college, fraternal and peace groups, throughout the United States, both as a speaker and as a concert artist. Since Dr. King's assassination in 1968, Mrs. King has lectured from major platforms in America and abroad including: Parliament House, New Delhi, India; Women's University, Bombay, India; Boston, Brandeis, Harvard and Yale Universities; also St. Paul's Cathedral and Central Hall (Westminster Abbey) London, England; Bethune-Cookman, and Morehouse Colleges.

Freedom concerts.—Mrs. King developed and performs the Freedom Concert as her own contribution to the Civil Rights Movement. The Freedom Concert combines prose and poetry narration with music in order to present the history of the Movement. In December of 1956, in a concert at Manhattan Center celebrating the first anniversary of the Montgomery Bus Protest, Mrs. King put some material about Montgomery, Alagama into the last section of her concert combining narration with song. This was so well received that Mrs. King began experimenting with the combination, and the first official Freedom Concert was performed at Town Hall (New York City) in November, 1964. This was a benefit for the Southern Christian Leadership Conference and the

Chaney-Goodman-Schwerner Foundation in memory of the three slain civil rights workers killed in Mississippi during 1964. Since the assassination of Dr. King. Mrs. King has revised the Freedom Concert which she premiered in Amsterdam, Holland, during a 1970 European tour. Proceeds from the Concert have been donated to the Southern Christian Leadership Conference and The Martin Luther King, Jr. Center for Social Change. Subsequent performances of the revised concert have been given in Cincinnati, Ohio and Newark, New Jersey.

Author—Mrs. King has written articles for Good Housekeeping, 1964 and 1968; New Lady; the National Catholic Reporter; McCall's; Roto; The Church Woman; The Upper Room; Theology Today. She contributed the chapter, "Can Atlanta Become a Mentally Healthy Community?" to the book Exploring Mental Health Perameters; she also contributed a chapter to a book about Sen. Robert F. Kennedy and she wrote liner notes for the Robert F. Kennedy Memorial Album, as well as the forewords to two books by Martin Luther King, Jr., Trumpet of Conscience, published posthumously, and the memorial edition of Where Do We Go From Here: Choas or Community?

Mrs. King's book, My Life With Martin Luther King, Jr. (Holt, Rinehart and Winston, 1969) was a major publishing event. It was serialized in Life Magazine and the major newspapers of this country; selected by the Book-of-the-Month Club; and included in the 1969 Fall edition of Reader's Digest. Condensed Books. The book has been published in 12 foreign languages. It has been best seller in Germany, Holland, Sweden and Finland, and was number-one on the British best seller list for a number of weeks. In October, 1970, it was also issued in a paperback edition (Avon Books). Excerpts from My Life With Martin Luther King, Jr. read by Mrs. King were released on a three album recording (Caedmon Records) March, 1972.

Recognitions and Awards (Selected).

1957—National Council of Negro Women—Annual Brotherhood Award.

1962—National Association of Colored Women's Clubs—Distinguished Achievement Award; similar award was presented by the same organization in 1973.

1962—Delegate, Seventeen Nation Disarmament Conference, Women Strike For Peace, Geneva, Switzerland.

1968—Society for the Family of May—Award for Excellence in the Field of Human Relations.

1968—Premio San Valentine Committee, Verona, Italy—Universal Love Award; first non-Italian to receive it.

1968—Wateler Peace Prize.

1969—International Overseas Service Foundation—The Pacem in Terris Award—"For Outstanding contribution to world peace and free thought.

1969—World Organization of Diplomatic Press—Academie Diplomatique de la Paix."

1971—The Martin Luther King Memorial Medal—City College of New York.

1971—International Viareggio Award, "Il Premio Viareggio" for the work, My Life With Martin Luther King, Jr.

Honorary degrees: (Partial listing):

Doctor of Humane Letters, Boston University, 1969.

Doctor of Human Letters (Honoris Causa) Marymount-Manhattan College, 1969.

Doctor of Humanities, Brandeis University, 1969.

Doctor of Humanities, Wilberforce University, 1970.

Doctor of Humanities (Honoris Causa) Bethune-Cookman College, 1970.

Doctor of Humane Letters, Morehouse College, 1970.

Doctor of Humanities (Honoris Causa) Princeton University, 1970.

Doctor of Music, New England Conservatory of Music, 1971.

Doctor of Laws, Bates College, 1971.

Memberships and Offices (partial listing):

The Martin Luther King, Jr. Foundation, President.

The Martin Luther King, Jr. Center for Social Change, President.

National Committee for Full Employment, Co-Chairperson.

National Union of Hospital and Health Care Employees District 1199 (formerly local 1199).

National Health Insurance Committee, Executive Board Member.

Southern Rural Action, Inc.

Southern Christian Leadership Conference—Member, Board of Directors.

Robert F. Kennedy Memorial Center, Member, Board of Trustees.

Alpha Kappa Alpha Sorority, Inc., Honorary Member.

Links, Inc.

National Council of Negro Women.

Women's International League for Peace and Freedom.

Board of Trustees, Ebenezer Baptist Church.

National Association for the Advancement of Colored People.

Biographical and Features (Partial Listing):

Who's Who in America; Who's Who Among American Women; The Author's and Writer's Who's Who; Two Thousand Women of Achievement; subject of cover stories in Jet 91958, 1964, 1970; New Lady 1966; Life 1968, 1969; Ebony 1959, 1970; countless newspaper interviews—both in the United States and abroad; countless television and radio interviews and guest appearances in both the United States and abroad. Among these have been "Today", "Face the Nation," "Mike Douglas Show, "David Frost Show," "Dick Cavett Show," "60 Minutes," "The Ed Sullivan Show," "Tonight Show," NBC's "Monitor," "AM America," "CBS Morning News." Ebony: "The 100 Most Influential Black Americans," 1971 (year of its inception), 1972, "Ladies Home Journal:" America's 75 Most Important Women, January 1971.

Special Note—Mrs. King had a key role in working with Ely Landau on the production of the documentary film, "King: A Filmed Record—Montgomery to Memphis." She also worked with The Martin Luther King, Jr. Foundation on its productions of: "Legacy of a Dream" a film and "King: The Man and His Meaning," a filmstrip.

Travel—Mrs. King's travels have been extensive in America, Europe, Asia, South America, Africa, Mexico, The Carribbeans, and the Holy Land. In 1957, she accompanied her husband to Ghana as guest of the Government for the Independence Celebration. In December of 1964, she accompanied her husband to Oslo where he was presented the Nobel Peace Prize. In 1968, at the invitation of the Jamaican Government, she accepted the Marcus Garvey Award of International Understanding, presented posthumously to her husband. In 1969, she accepted, in New Delhi, India, the Nehru Award for International Understanding presented posthumously to her husband; and in 1970, she made an extensive European tour in connection with the foreign publications of her book, My Life With Martin Luther King, Jr.

Precedents:

1968—June 12, first woman to deliver Class Day Address at Harvard University in Cambridge, Massachusetts.

1969—March 16, first woman to preach at a Statutory Service, St. Paul's Cathedral, London, England.

EXCERPT FROM PAUL HARVEY NEWS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1975

Mr. JACOBS. Mr. Speaker, Paul Harvey was right:

EXCERPT FROM PAUL HARVEY NEWS, FEBRUARY 17, 1968

Americans, we are going to get out of Vietnam.

About that—there is no question.

To that—we all agree.

We Americans are going to get out of Vietnam—eventually.

So the only questions we must consider today are how and when—And how many die first.

You and I have recently been led to believe that wars should be fought gently, without even the hope of victory.

I never could subscribe to that kind of a pulled-punches war and now—because others can't or won't—object to it—I am compelled to. Recent months I have cared less and less whether we drive it or park it in Vietnam. I have insisted that we should do one or the other. And because it is now obvious neither this Administration nor the next one will do the one—

Today we are going to consider the case for "the other"—The case for parking it—for disengaging ourselves—for getting out—for coming home.

This is an election year. In a Republic, we are supposed to be deciding crucial, controversial issues.

But not candidate from either major political party is offering an alternative to our present no-win policy in Vietnam.

Some of us with an opportunity to counsel and an obligation to counsel wisely have been wrestling with an agonizing reappraisal of Uncle Sam's unbecoming posture in Asia.

Every wishy-washy Washington utterance is predicated on fear. Fear of world opinion, fear of Russian intervention, fear of Red China—fear that if we take the stopper out of the bottle—Laos, Cambodia, Thailand, Philippines, Australia will somehow be overwhelmed by communism.

Let's be realistic. Communism has not been able even to "overwhelm" Africa. In one after another of the African nations, communism is being booted out.

There is much fierce nationalism in the emerging nations which will resist communism altogether as vigorously as it has resisted western colonialism.

The communists will not be able to hold that humpty-dumpty hemisphere in their grasp any more than the British could or the French did . . . or the United States.

Understand we could have and perhaps should have klobbered North Vietnam when the line were clearly defined. Then, as General LeMay recommended we might have "bombed them back to the stone age" in a matter of hours.

Now, however, that the enemy is in and around and among us to such an extent that we are presently having to bomb our own cities. . . .

A nuclear holocaust could only—no pun intended—make ashes of us all. Now we are forced to consider alternatives.

Americans, ours is the only nation in the world which has ever purposely fought a no-win war.

When Hungary rebelled—Russia waded in and wiped out the rebels in nine bloody days.

We called them "barbarians", but their war cost 3,000 lives. The war in Vietnam has already cost 300,000 lives.

The French were beaten and thrown out of Africa and Indo-China.

The British gave up and got out of Asia and the Far East.

But we, neither beaten nor victorious, are presently engaged in our second pulled-punches war—where the announced objective is a stalemate on the fifty yard line.

Our state department's strange willingness to commit more and more of our sons and our guns and our funds all over the world—but not fight all-out to win—

There could not be a better design for the gradual destruction of the United States if the Peking Communists were themselves blueprinting our destruction.

Our professional military men in Korea and since have been thrust situations which are unbecoming, embarrassing, degrading. The idea that we can bomb secondary targets—but must spare primary targets—is inexcusable, indefensible and un-American.

Yet, absurd as this posture is, in a Presidential election year I hear nobody offering the voters a real, honest-to-Uncle Sam alternative.

The alternatives to our present pussy-footing are all out—or get out. And nobody seems to want to recommend either.

I know something of the fear which the politicians face. I've faced some of it myself recent weeks.

When I began to document the case for withdrawal I received white feathers in the mail.

Further, it is uncomfortable and embarrassing to find myself in bed with some peace-at-any-price people whom I do not respect.

But most personally hurtful is the fact that there are many sincere American patriots left over from an earlier era who still pledge their allegiance, "My Country, may she always be right, but—right or wrong—my country!"

They would blindly follow a blind leader if he carried our flag. And I love those people. I amire and respect them. I'm proud for a lifetime to have been one of them.

But after an agonizing reappraisal I am convinced that being either hawk or dove is preferable to the chicken-policy which presently sends American sons into worthless jungles to fight today's war with lesser weapons than the last one.

No, My Country is right in so many ways that she is worth fighting for. But in this no-win war my country is wrong—and it's time somebody says so.

The question is not "whether" we will get out of Vietnam; of course we will, eventually.

Either we will bomb our way out and have to rebuild the nation. . . . Or we will force a compromise cease-fire and have to continue to occupy the country as in Korea. . . .

Or we will, like the British and French, become totally exhausted and get thrown out. . . .

Or there is one other alternative: We can quit this war and come home now.

Let's consider the increasingly convincing case for coming home now.

The government we left behind in Korea is a military dictatorship.

How is this better than a communist military dictatorship? Is it really worth the lives of American sons and further devaluation of the American dollar in order to provide the Vietnamese with a military dictatorship? Nations, aborning, cannot be spared the pain of labor. We outsiders can pace the waiting room floor and bite our nails and pray—but democracy must "deliver" itself, when the time is right. When the time is right!

Maybe the time is not yet right.

Realistically, we must consider the mathematics of this kind of intervention. America's six percent of the world's mothers cannot possibly produce enough boy babies to police the planet. Presently, remember, we have commitments with forty other nations almost identical to the agreement which got us involved in this untenable situation in Vietnam.

Russia and Red China could prefer nothing more than for the United States to continue to debilitate and bankrupt itself in a multiplicity of stalemate wars.

And the effect of these winless wars is devastating on our own people. The hypocrisy of opposing communism in Vietnam and tolerating it 90 miles from Florida is diluting traditional American allegiance, demoralizing our young.

We're told, "We have to fight them over there or we'll have to fight them over here."

They are over here—and we are not fighting them . . . over here! And other nations see comparable hypocrisy in our eagerness to tame the world's jungles when we can't even make our own streets safe. The idea of pulling out is not without precedent. We "pulled out" of the Bay of Pigs. The French "pulled out" after DienBienPhu. And both they and we survived.

And those who fear Moscow rule of all Asia might note that neither Moscow nor Peking has been able to "rule" even little Castro.

I am aware that American politicians are unanimously unwilling to recommend withdrawal. They are fearful President Johnson might pull a rabbit out of the hat between now and November.

Yet without some alternative to present policy on this most vital issue, there is no point in another election.

To those who fear a strategic retreat would cost us "face", let's remember that the United States has had no "face" in Asia in twenty years. And the places where we have meddled most we have the least "face."

On the contrary, think about this—for us to withdraw now could be sold to the world as a magnanimously noble, humanitarian gesture. Here this great and powerful United States—having the awesome weapons which could cremate all our adversaries—declines to do so. Instead we will allow Asiatics to choose their own form of government. Some say the result would be a bloodbath. The Vietnamese are now getting a bloodbath.

Meanwhile we would continue to keep any powers which menace us at arms length with our weapons of decision.

Some protest that to leave Vietnam would mean thirty thousand American sons have died for nothing.

On the contrary, if their sacrifice has been the finger-down-the-throat which has triggered the final regurgitation in our nation. Then it will be they who, at long last, taught us to mind our own business. And so saved countless lives.

John Quincy Adams said it: "America does not go abroad in search of monsters to destroy. She is the champion and vindicator only of her own people."

Again, remember, eventually we will withdraw from trying to feed, finance, fortify, protect and police the whole planet. Eventually we will have no choice.

Every nation in history which has overextended itself has eventually gone broke and been forced to pull back, just to survive.

Why wait for that? Why not now revert to leading the world—by example—as we once did.

Instead of waiting until we are bankrupt, let us revert to self-concern . . . on purpose. Before we are drained of our blood and our sweat and our tears and our gold.

Why not, instead, husband our resources—make ourselves what we once were—strong and solvent—an oasis of arts and sciences and physical well-being.

So honorable, so admirable, so desirable . . . that the world will then, again, have something better than a red star to steer by.

REMARKS BY THE HONORABLE JOHN W. WYDLER ON THE REENACTMENT OF REVENUE SHARING

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. WYDLER. Mr. Speaker, H.R. 6558, the State and Local Fiscal Assistance Act of 1975, known as general revenue sharing, was introduced in April of this year and referred to the Government Operations Committee. Later this month, my distinguished colleague from New York, Mr. HORTON, and I will be reintroducing the same bill with cosponsors.

Because of the great interest in revenue sharing, I would like to provide a section-by-section analysis of the bill for the RECORD so that our colleagues and other interested parties may develop a better understanding of the proposal.

The analysis is attached:

STATE AND LOCAL FISCAL ASSISTANCE ACT AMENDMENTS OF 1975

SECTION 1

The amount of a recipient government's revenue sharing allocation is determined by the data factors of that government relative to the data factors of all other competing governments. In the process of improving the data, it is sometimes necessary to make data corrections after the final allocation of funds, and after the period during which the vast majority of data corrections have been processed. Each data correction of this type, absent a special procedure, would result in retroactive changes to the allocations and payments of many governments which had expended the funds or had come to rely on those allocations and payments for budgetary purposes.

To mitigate the inequity arising from this unfortunate but inevitable circumstance, 31 CFR 51.25(a) has been promulgated. It establishes an Obligated Adjustment Reserve that is funded by administratively holding in reserve a small percentage (.005) of the revenue sharing funds appropriated for each entitlement period from which adjustments can be made to alleviate hardships caused by prior misallocations. The amount of revenue sharing funds held in reserve and the decision to make adjustment payments is determined at the discretion of the Secretary, as the equity of the situation requires.

The creation of the Reserve Fund has proved necessary for the orderly administration of the General Revenue Sharing program due to the complexity of the allocation process. The proposed amendment to section 102 of the Act is recommended in the first section of the bill to clarify the authority of the Secretary to make adjustments in this manner.

SECTION 2

Section 105(b) (1) of the present Act provides for the periodic appropriation of funds from the general fund of the Treasury to the State and Local Government Fiscal Assistance Trust Fund. Funding under this section is provided through December 31, 1976, with an increase of $150 million each full fiscal year with the exception of early periods and the last period of six months. That six-month period also provides for a step increase of $150 million.

Clause (1) of section 2 of the bill provides for a continuation of the General Revenue Sharing program for 5¾ additional years, concluding with the fiscal year beginning October 1, 1981. This recommendation strikes a reasonable balance between the need of recipient governments for fiscal stability and the legitimate desire of the Federal Executive and the Congress to review the law in the light of future national economic concerns. Thus, the total amount to be distributed under the 5¾-year renewal program is $39.85 billion, which includes $75 million moved forward from the final six months of the current program. The original Act provided for a $150 million increase for the six-month entitlement period which was to end the GRS program. Since the program is to be extended, the legislation seeks to continue linear $150 million annual stairstep increases in funding level.

The amendment also creates a three-month appropriation period beginning July 1, 1976, and ending September 30, 1976, to provide for the transition to the new October 1 Federal fiscal year. The entitlement period beginning July 1, 1976, combines this quarter with the following fiscal year so that the entitlement period would end on September 30, 1977.

When the revenue sharing allocation of Alaska or Hawaii is determined by the three-factor allocation formula, it becomes eligible for the noncontiguous State adjustment. Pursuant to section 106(c) of the Act, an adjustment may be made to the basic allocation of these States in which civilian employees of the U.S. Government receive an allowance under 5 U.S.C. section 5941. Section 105(b)(2) appropriates the funds used to make this adjustment.

Clause (2) of section 2 of the bill would amend section 105(b)(2) by extending this appropriation at the existing rate of $4,780,000 per year. Further, this amendment, like that of clause (1) of section 2 above, would result in two appropriation periods being combined under the new fifteen-month entitlement period proposed for section 141(b). This will allow for the transition to the new Federal fiscal year and at the same time identify all the appropriations being proposed for this section, including the transition quarter.

Clause (3) of section 2 of the bill would amend section 105 of the Act to add subsections (d) and (e). The new subsection (d) provides that the funds appropriated for the extension of the General Revenue Sharing program are exempt from the appropriation procedures of section 401(a) and (b) of the Congressional Budget Act of 1974 (P.L. 93-344). This Act specifically provides that any extension of the General Revenue Sharing program is eligible for this exemption. The appropriation of funds at the outset for the extension of the General Revenue Sharing program is vitally important to recipient governments to assist them in planning for their service programs, capital improvement programs, and financial policies without being subject to the inherent delays and uncertainties of the annual appropriation process.

The new subsection (e) provides that the Secretary of the Treasury shall submit a report, with recommendations concerning the extension of the Act, to the Congress two years before the expiration of funding under this bill. A requirement to review the renewal of the General Revenue Sharing program two years in advance of its expiration would remove much of the uncertainty for State and local governments regarding availability of future funds and would provide the Congress adequate time to review the program.

SECTION 3

Section 107(b)(5) of the Act provides a special rule to measure State assistance to local governments during the six-month-long entitlement period (July 1, 1976-December 31, 1976). This provision is no longer needed in view of the fact that this legislation would replace the six-month entitlement period with a new longer entitlement period. Accordingly, it is proposed that section 107(b) be amended to delete paragraph (5). In situations in which either the recipient government's fiscal years does not coincide with an entitlement period or where an entitlment period is greater than or less than a full year, the Office of Revenue Sharing has provided by regulation (31 CFR 51.26) that the point of reference for measuring a State's assistance to local governments will be that State's fiscal year.

SECTION 4

Section 4(a) amends section 108(b)(4) of the Act to treat an entitlement waiver by an Indian tribe or Alaskan native village in the same was as waivers by other eligible governments.

Section 108(b)(4) of the present Act provides that if the governing body of an Indian tribe or Alaskan native village waives its entitlement, then the amount of the entitlement shall be distributed according to the rules relating to distribution within county areas. The waiver by an Indian tribe or Alaskan native village is therefore handled differently than a waiver by a unit of local government pursuant to section 108(b)(6)(D). In the case of a waiver by a unit of local government, the entitlement waived becomes a part of the entitlement of the county government of the county area in which the waiving unit is located. In the case of Indian tribes and Alaskan native villages, section 108(b)(4) requires the amount of the entitlement waived by those units to pass to all the other local units of government in the applicable county area.

The required treatment of waived entitlements by Indian tribes causes a significant burden of recomputation, the net effect of which is to increase the entitlement of numerous units of local government by relatively insignificant amounts. In many instances, the cost to the Office of Revenue Sharing of making the required adjustment to entitlements initiated by waiver by an Indian tribe exceeds the amount of the entitlement waived. We believe that entitlements waived by an Indian tribe or Alaskan native village should be treated the same as a waiver by any other unit of local government, and the amount waived should be added to the county government entitlement. Section 4(a) of the bill would accomplish that purpose.

Section 4(b) of the bill provides that begining with the entitlement period that begins on July 1, 1976, the present maximum limitation on the amount of revenue sharing entitlements be raised. In order to insure that some communities would not receive extremely high or low allocations, the maximum and minimum limitations on the revenue sharing allocations to county areas and units of local government were imposed upon the revenue sharing formula. Under the current law, the maximum limitation for any county area or local government in a State is 145 percent of the per capita allocation to all local governments in the State.

The effect of this 145 percent maximum is as follows: after the entitlements of local governments within a State are computed according to the formula, any jurisdiction which is entitled to receive more than 145 percent of the average per capita allocation to all local governments in that State has its allocation reduced to the 145 percent level. The funds taken from these jurisdictions, which are generally characterized by low-income population and high levels of tax effort, are then redistributed according to the formula to the remaining jurisdictions within the State which are not so constrained and which would otherwise receive smaller amounts.

To reduce the impact on local governments which have been receiving additional funds that are redistributed because of the operation of the 145 percent constraint upon other jurisdictions within their State, the maximum allocation constraint would be raised gradually, in five steps, by an increase of 6 percentage points per entitlement period until a new maximum constraint level of 175 percent is reached. The purpose of raising the maximum per capita allocation constraint to 175 percent is to allow low personal income and high tax effort to be more fully reflected in the operation of the basic formula.

Due to the responsiveness of the revenue sharing formulas to changes in data—the allocation of revenue sharing funds is based on annually changing data elements such as adjusted taxes, and on periodically updated data elements such as per capital income and population—the effect of this proposed change will vary in any entitlement period and from State to State. As a result of the gradual phase-in, and as a result of the stairstep increases in the total amount being distributed each entitlement period, however, the potential losses to almost all jurisdictions in any given year should be fully offset so that they will not suffer an actual decrease in their revenue sharing payments as a consequence of this change.

Increasing the maximum constraint as proposed will, as a general rule, cause increased revenue sharing funds to be received by the 4,000 places that have been constrained in the past. These places include both major cities and smaller jurisdictions. Approximately 23,000 places would no longer receive additional redistributed funds from the constrained places, but the amount involved for any given place is relatively small. Had the 175 percent constraint limitation been *fully* implemented in FY 1974, these 23,000 places would have received an average of $3,000 less than they were actually paid in FY 1974, which is an average 2.2 percent less than they actually received.

Section 108(c) of the Act enables State governments, by enactment of a State law, to adopt an alternative formula for the distribution of revenue sharing allocations among the county areas and among the municipalities located therein. Section 4(c) of the bill amends section 108(c)(1)(C) for the sole purpose of reflecting the extension of the General Revenue Sharing appropriations until September 30, 1982.

SECTION 5

Section 109(a)(5) of the present Act states that, except as provided in the regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the first day of the third month immediately preceding the beginning of each period. Further, section 109(a)(7) provides for uniformity of data and states the general rule that the data shall be the most recently available data. These provisions are effective and permit the orderly computation of entitlements before the beginning of each period so that States and local governments may be advised, for planning purposes and for purposes of informing their citizens, well before payments are made. In section 109(c)(2)(B) the definition of the general tax effort for States defines the most recent reporting year as the one taken into account by the Bureau of the Census prior to the *close* of that entitlement period. This definition appears to conflict with the definition for all other data items and appears to conflict with the earlier section providing for uniformity of data and for computation of entitlements three months before the beginning of an entitlement period.

Were this non-conforming definition to be given precedence, it would necessitate substitution of these data during an entitlement period while payments were being made, and would result in changing the entitlements for all 38,000 recipient governments during the middle of the payment year.

Section 5 of the bill would eliminate this non-confroming language by amending section 109(c)(2)(B) by deleting the word "close" in the phrase "made before the close of each period", and inserting in lieu thereof the word "beginning". Thus, the phrase would read, "made before the beginning of such period". In this way, data from which the general tax effort factor is computed, and which is published by the Department of Commerce by October of each year, would be used for the computation of the entitlement period beginning in the following year, and no tax effort adjustments to the general universe of recipients would be necessary.

SECTION 6

Section 121(a) of the Act requires States and units of local government to submit a report to the Secretary of the Treasury at the close of each entitlement period setting forth the amounts and purposes for which funds received during such period have been spent or obligated. The purpose of this section is to keep the Secretary and the public abreast of how recipient governments are spending their General Revenue Sharing funds.

Attempts to measure the various effects General Revenue Sharing funds have had on recipient governments from the Actual Use Reports submitted to date have met with only limited success. Section 6(a) of the bill is intended to give the Secretary more discretion to determine the form and content of the reports submitted under section 121(a) of the Act. This additional authority to regulate the substantive content of the Actual Use Reports will be used to require recipient governments to report financial and use information in a fashion that is more meaningful to the general public, to the Congress, and to the Executive Branch.

Section 121(b) of the Act requires States and units of local government expecting to receive revenue sharing funds for any entitlement period to submit a report to the Secretary of the Treasury setting forth the amounts and purposes for which they plan to spend or obligate the funds during such period. The so-called Planned Use Report is intended to be used to inform the Secretary and the public as to how recipient governments plan to expend their General Revenue Sharing funds.

Section 6(b) of the bill is intended to serve the same function for the Planned Use Reports as section 6(a) serves for the Actual Use Reports. In each case, we believe the effectiveness of the reports could be significantly enhanced if the Secretary were allowed more administrative discretion to determine their content. The present requirement that the Planned Use Report set forth the amounts and purposes for which the recipient government plans to spend or obligate the funds does provide beneficial information. However, section 6(b) would make it possible for the reports to provide data that is more useful to local citizens and the Federal Government.

Section 121(c) of the Act requires each recipient government to publish a copy of each report which it submits to the Office of Revenue Sharing in a newspaper which is published within the State and has general circulation within the geographical area of that government. Based on our administrative experience, this section should be modified. The Office of Revenue Sharing has received a large number of complaints, particularly from small units of government, regarding the relatively high cost of publication. Some small governments receiving less than $1,000 have had to spend $100 or more for publication due to a variety of local circumstances. In other instances, the unavailability of a newspaper circulating generally within the geographical area of a county has been called to our attention. In still other cases, we have been advised that there are more effective ways to get the information contained in the report to the citizens of the community.

Section 6(c) of the bill would amend section 121(c) to authorize the Secretary to establish alternative procedures where it is determined that the requirement of publication in a newspaper is unreasonably expensive in relation to the amount of revenue sharing funds involved, or, where the Secretary finds that in terms of public understanding, there are better methods to get the information before the residents of the community.

SECTION 2

Section 122(a) of the Act provides that no person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with revenue sharing funds. The statutory authority of the Secretary of the Treasury to enforce the above nondiscrimination provision is set forth in section 122(b) of the Act. It presently states that upon a determination by the Secretary that a recipient has failed to comply with subsection 122(a), and after notification to the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit is located) and after failure to secure voluntary compliance within a reasonable period of time, the Secretary may either: refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or take such other action as may be provided by law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination in the use of Federal financial assistance by way of grant, loan, or contract (42 U.S.C. 2000d–1). In order to receive such assistance, generally the State or local government must file an application satisfying the requirements of the particular program. Revenue sharing payments are based on a statutory entitlement for which States and units of local government are automatically eligible pursuant to section 102 of the Act. The Secretary has no discretion to approve or disapprove in advance payments to any participating recipient government after certain minimal statutory requirements are met.

Recognizing the unique aspects of revenue sharing entitlements, section 7 of the bill is intended to express clearly in the Act certain authority of the Secretary in applying the nondiscrimination provisions of section 122. This is accomplished by stating explicitly that the Secretary has authority to withhold all or a portion of entitlement funds due a State or unit of local government, to terminate one or more payments of entitlement funds, and to require repayment of entitlement funds previously expended in a program or activity found to have been in violation of subsection (a). The changes in section 122 will further enhance the Secretary's ability to ensure that entitlement funds are not utilized in a discriminatory manner.

SECTION 8

Broad public participation in State and local decision making as to how revenue sharing funds are to be expended is an essential ingredient of General Revenue Sharing. For this reason, section 121(c) requires that the news media be notified when the Planned Use and Actual Use Reports are published in a local newspaper. By regulation, receipient governments must also make those reports available to the general public. Additionally, to encourage citizen involvement, section 123(a)(4) of the Act requires recipient governments to provide for the expenditure of revenue sharing funds only in accordance with the laws and appropriation procedures which are applicable to the expenditure of their own revenues.

Clause (1) of section 8 of the bill would further strengthen the general public's role in the General Revenue Sharing process. It amends section 123(a)(5) of the Act to the extent that in order to qualify for revenue sharing funds, a State or unit of local government must establish to the satisfaction of the Secretary of the Treasury that it will provide the residents under its jurisdiction with an opportunity to give their recommendations and views on how the revenue sharing funds should be spent. This opportunity for public involvement may be provided either in a public hearing or, where appropriate, by other means prescribed in regulations to be issued by the Secretary of the Treasury. This amendment would serve to ensure that all recipient governments, regardless of whether they have State or local public participation requirements, will include the public in the decision-making process on the expenditure of revenue sharing funds.

Section 123(a)(8) of the Act provides that Indian tribes and Alaskan native villages must spend their revenue sharing funds for the benefit of members of the tribe or village residing in the county area from which its revenue sharing entitlement originates. This provision affects Indian reservations which are located in more than one county, thus resulting in the tribe receiving separate revenue sharing allocations from each county area.

Clause (2) of section 8 proposes to eliminate this provision for two reasons. First, it is very difficult for the Indian government to administer since it demands that an analysis be made of each proposed revenue sharing expenditure to ensure that the proper percentage of residents in the applicable counties will benefit in proportion to the percentage of revenue sharing funds generated from each county. Second, this requirement frustrates reservation-wide planning by limiting the capacity of the tribal government to concentrate its revenue sharing expenditures in areas which have the highest priority.

SECTION 9

Section 141 of the Act defines the entitlement periods which govern the distribution of funds to recipient governments. Section 9 of the bill would revise the last entitlement period (July 1, 1976, to December 31, 1976) by extending it to September 30, 1977. This fifteen-month entitlement period would provide for the transition to the new Federal fiscal year and would combine the appropriations of subparagraph (G) and proposed subparagraph (H) of section 105(b)(1). Also, section 141 would be amended to extend the General Revenue Sharing program until September 30, 1982.

EQUAL CREDIT OPPORTUNITY

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. DODD. Mr. Speaker, I am pleased the House took action earlier this week on H.R. 6516 to amend the Equal Credit Opportunity Act by prohibiting discrimination by creditors on the basis of race, color, religion, national origin or age. This legislation was originally passed in the closing hours of the 93d Congress to prohibit discrimination in credit opportunities on the basis of sex and marital status. By expanding this coverage today to include race, color, religion, national origin or age we do much to curtail discrimination within the credit industry. However, once again we are forgetting a sizable minority of Americans—the mentally and physically disabled.

I recently introduced H.R. 7061, legislation that would prohibit discrimination against the disabled in housing and employment by amending the Civil Rights Acts of 1964 and 1968. No longer could a mentally or physically disabled individual be denied employment solely on the basis of his or her disability, nor would a disabled individual who could afford housing be restricted from where he or she wishes to live solely on the basis of a disability. To prohibit discrimination in housing yet to allow discrimination to continue in credit, which provides funds for purchasing a house, would defeat the purpose of the legislation.

Therefore, I feel very strongly that this same type of protection should be expanded to protect the mentally and physically disabled from discrimination in credit or finance. If a disabled individual can meet the requirements set forth by the creditor or lender he should not be denied a loan. This is a new area of legislation and I would urge the committee to investigate the problem.

The mentally and physically disabled do not ask that special qualifications or quotas be established for them to obtain loans. Instead there is simply the need to insure that no person will be denied credit on the basis of a mental or physical disability.

Mr. Speaker, H.R. 6516 was considered by the House under the suspension of the rules, and therefore an amendment to prevent discrimination in granting credit to a person with a mental or physical disability is not in order. Congress could not, therefore, deal with discrimination against the disabled in this legislation, but I again urge the Committee on Banking and Currency to take action in this area.

REDEMPTION OF MUTUAL FUND SHARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. MOSS. Mr. Speaker, the Investment Company Act of 1940 allows mutual funds to redeem their shares in kind, that is, by distributing assets rather than paying cash for shares being redeemed. This procedure, however, poses certain problems. If a fund shareholder seeks to redeem his shares and the mutual fund tenders portfolio securities in response to this redemption request, possible inequities may occur. If the securities tendered by the mutual fund are given too high a value, the redeeming shareholder is likely to be hurt, and if they are valued too low, the existing shareholders of the fund are likely to be hurt.

On the other hand, mutual funds need to have the right to redeem in kind in appropriate circumstances. If they were required to redeem only in cash, and were confronted with a large volume of requests for redemption, not only might they be compelled to sell securities under unfavorable market conditions, but also they might respond by selling all of their liquid and easily valued securities to meet redemptions, leaving their remaining stockholders with a portfolio of illiquid securities of questionable value. This could well be unfair to shareholders who do not promptly request redemption.

To deal with this situation I introduced, on May 22, 1975, a bill amending section 22 of the Investment Company Act of 1940 to give to the Securities and Exchange Commission authority to promulgate rules to insure that "in kind" redemptions are made in a manner or on a basis which does not unfairly discriminate against the holder of the mutual fund shares to be redeemed or the other shareholders of the fund.

FEDERAL GRANTS TO LOCAL GOVERNMENTS SHOULD STOP

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. TEAGUE. Mr. Speaker, I would like to call to the attention of this distinguished body a resolution drafted by the Commissioner's Court of Dallas County, Tex., that urges the Congress to suspend appropriations for Federal grants or aids to local governments until the Nation's budget is balanced.

This resolution is a magnificent statesman like approach to our present economic problems. I want to commend the Dallas County Commissioners Court and I feel that many of my colleagues will join with me in this commendation.

The resolution follows:

RESOLUTION—STATE OF TEXAS, COUNTY OF DALLAS

Be it remembered at a regular meeting of Commissioners' Court of Dallas County, Texas, held on the 27th day of May, 1975, on motion made by Jim Jackson, Commissioner of District No. 1, and seconded by Roy Orr, Commissioner of District No. 4, the following order was adopted:

Whereas, the Commissioners' Court of Dallas County is cognizant of the fact that the Government of the United States of America will operate with a deficit for the 1975 fiscal year in excess of 68 billion dollars, and

Whereas, we believe all government entities should operate on a balanced budget

Now, therefore be it resolved that the Commissioners' Court of Dallas County, Texas, formally takes the position of urging the United States Congress not to support legislation or appropriations for continuing federal grants and aids for local governments until such time as the United States has a projected balanced budget.

Done in open court this the 27th day of May, 1975.

OBJECTION TO THE PRESIDENT'S ENERGY PROGRAM

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. MOFFETT. Mr. Speaker, my basic objection to the President's energy program is its reliance on the pricing mechanism to achieve conservation and reduction of our reliance on foreign imports. Simply removing all price controls or helping OPEC raise the price of foreign oil is to react in a "knee-jerk" manner, ignoring the devastating economic impact of such actions.

Recently I inserted into the RECORD a copy of a Library of Congress study I commissioned on the impact of the President's cumulative $2 tariff and his plan to decontrol "old" oil. The conclusion was frightening. Once all price ceilings are removed, the cost of decontrol will be $15.7 billion annually. This figure, plus $12.1 billion resulting from the $2 tariff on foreign oil, plus $4.8 billion from coal and $3.8 billion from natural gas as their prices rise competetively with oil prices, totals an annual cost of $36.4 billion. The White House is functioning as a taxpayer financed oil lobby and is about to give the oil companies the biggest bonanza in their history. Of the $36.4 billion, $32 billion will be returned to oil, gas, and coal producers in the form of windfall profits.

As a member of the Commerce Subcommittee on Energy and Power, I have listened to many witnesses testify on the energy pricing question. Ofter their views conflict; many witnesses admitted that their positions were based more on speculation than on hard data. FEA and other decontrol advocates have simply failed to show that decontrol will increase either conservation or production. Yet the oil companies tell us that unless we decontrol, we may not get enough oil. This amounts to saying they will hold us hostage—and with FEA approval.

To even consider a policy which sets no ceilings on "new" or decontrolled "old" oil prices constitutes a most irresponsible approach. Such a policy means a rapid escalation of oil prices, right up to the artificially and arbitrarily high levels established by the OPEC nations. What possible reason is there for allowing a foreign cartel to dictate not only the price of their oil, but of our own?

My area of the country, New England, is particularly vulnerable to the economic repercussions of a decontrol policy because of its dependence on oil as an energy source. It is also particularly vulnerable to the economic repercussions of a high tariff policy because of its dependence on foreign countries for much of that oil. We have made efforts to conserve, but the President's program will reward these efforts with still higher costs. New England's need for oil is now inelastic—higher costs will not reduce consumption there. We must continue to heat our homes and run our factories regardless of how much higher the price of oil goes.

The New England Economic Research Office has computed the direct cost per consumer of the administration's plan to decontrol old oil: $94 per person annually in New England, as opposed to $71 per person nationally. There is no justification for such an outrageous imposition on my constituents' already dwindling finances.

We must make it clear that the energy industry, with the administration as its spokesman, cannot dictate national energy policy. Formation of a rational plan can only be accomplished through the input of all sectors of the economy, with emphasis on the consumer.

A better approach would be the setting of a firm price ceiling on "new" oil, with certain congressionally approved exemptions for harder-to-recover petroleum products. Many members of our subcommittee have discussed this approach and have agreed that an average price of $7.50 per barrel, with exceptions up to $8.50 per barrel, is a more than equitable price. According to testimony we have received, this price would encourage domestic exploration and provide a fair rate of return for the producer.

Many of us are convinced that there are alternatives to price rationing, measures which can achieve an adequate level of conservation and which can spread the burden of conservation among all energy users, including industry and commerce. Innovative and creative leadership can develop an equitable and effective energy conservation program. But the price-hike mechanism is the least effective and the least innovative method conceived thus far. In fact, it is one of the most anticonsumer proposals to receive serious consideration in recent memory.

TWENTY-FIVE YEARS OF SERVICE TO GOD AND MAN

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. SARASIN. Mr. Speaker, I recently had the privilege of participating in a silver jubilee dinner honoring Rev. John P. Blanchfield of Waterbury, Conn., one of the most exemplary and dedicated men in his community.

Reverend Blanchfield, a Connecticut native who received his higher education at Catholic University right here in Washington, was ordained to the priesthood 25 years ago, on May 25, 1950, in Hartford, Conn.

He served as assistant pastor of St. Rita's Parish, Hamden, Conn., from 1950 to 1955, and of St. Mary's Parish, Newington, from 1955 to 1956. He studied at Fairfield University, where he was awarded a master's degree in education in 1957, followed by 2 years as assistant pastor at St. James' Parish in Manchester, Conn., from 1957 to 1959.

In August 1959, he was named to serve as principal of Sacred Heart High School in Waterbury, a post he has held with distinction ever since. During this period he has won the respect, admiration, and affection of his students, his colleagues and the community as a whole.

As a group, there are probably no more important people in the country than those to whom we entrust the education of our children, for in their hands is the real future of the Nation. If all were as dedicated, inspiring, competent, and compassionate as Reverend Blanchfield, we could all rest assured that the future was in good hands.

BILL TO AMEND EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. DENT. Mr. Speaker, I wish to advise my colleagues that the distinguished ranking minority member of the Subcommittee on Labor Standards, John N. Erlenborn has joined with me in sponsoring H.R. 7597, a bill to amend the Employee Retirement Income Security Act of 1974. This bill addresses the most pressing problems presented to our subcommittee in the course of our recent oversight hearings. Both of us intend to push for early consideration of this measure in our committee, to further strengthen and clarify the provisions of ERISA.

The provisions of this amendment are in the main technical in nature, but certain of them—principally those in sections 3 and 4—are designed to further refine the intent of ERISA. Section 3 contains a series of changes to the peripheral fiduciary requirements of ERISA. There are no changes contemplated to the fundamental fiduciary standards contained in section 404 of ERISA—the requirements of prudence and undivided loyalty to the plan and its participants. The change proposed in section 405 of ERISA makes it clear that liability will be imposed on any fiduciary only to the extent he has undertaken to perform an act or function and failed to perform in a prudent fashion. This change will eliminate those provisions that could be construed to impute to a fiduciary liability for the misdeeds of another solely on account of their fiduciary status. Of course participation in the misconduct of another will continue to subject a fiduciary to possible liability under the appropriate provisions of section 404 of ERISA.

Similarly the absolute bar on all transactions or relationships between a plan and a party in interest contained in section 406 of ERISA are removed by these amendments. In the course of our hearings it became apparent that the relative advantages of prohibiting these transactions and relationships were more than outweighed by the dislocation and disruption they create. All of these transactions will have to be reported annually and will continue to be subject to the prudence requirements of section 404. Because of the broad definition of party in interest contained in the act, the numbers of innocent normal transactions falling within the scope of the prohibition are astronomical. Serious questions as to the administrative feasibility of these prohibitions and the necessity for this sort of "overkill" were presented to the subcommittee. It is our position that the prudence requirement of section 404 coupled with expanded disclosure will be more than adequate to protect plans from any possible abuse.

Finally our amendment addresses the serious problems being encountered by employers sponsoring pension plans subject to the termination insurance program of ERISA. Under that program such employers now have become liable, to a limit of 30 percent of their net worth, for the unfunded insured past service liabilities of their pension plans on termination. We propose to require the Pension Benefit Guaranty Corporation to immediately offer a reinsurance program to such employers to allow them an opportunity to avoid undue impairment of their asset position.

I would urge a careful reading of the provisions of H.R. 7597 that follow:

H.R. 7597

A bill to amend the Employee Retirement Income Security Act of 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Part 1 of Title I of the Employee Retirement Income Security Act of 1974 is amended by;

(a) Striking section 103(d) (6) and inserting in lieu thereof the following:

"(6) The present value of all the plan's liabilities for nonforfeitable pension benefits, and the actuarial assumptions used in these computations."

(b) Striking the first sentence of section 104(a) (2) (A) and inserting in lieu thereof the following: "With respect to reports required to be filed with the Secretary under this part, he shall by regulation prescribe simplified reports for any pension plan which covers less than 100 participants."

(c) Striking section 109 in its entirety, and inserting in lieu thereof the following:

"Sec. 109. The Secretary of Labor is directed to obtain copies of the documents described in section 6104(a) (1) (B) and 6103 (g) of the Internal Revenue Code of 1954."

Sec. 2. Part 3 of Title I of the Employee Retirement Income Security Act of 1974 is amended by:

(a) Striking section 302(b) (2) (B) (v) and inserting in lieu thereof the following:

"(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions (including actuarial methods) used under the plan, over a period of 30 plan years,"

(b) Striking section 302(b) (2) (D) and inserting in lieu thereof the following:

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 30 plan years any amount credited to the funding standard account under paragraph (3) (D)."

(c) Striking section 302(b) (3) (B) (iii) and inserting in lieu thereof the following:

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions (including actuarial methods) used under the plan, over a period of 30 plan years."

Sec. 3. Part 4 of Title I of the Employee

Retirement Income Security Act of 1974 is amended by:

(a) Adding at the end of 403(b) the following new paragraph:

"(6) to a plan which the Secretary exempts and which he determines is a plan which has no assets at the end of any plan year and which plan does not accumulate assets from year to year."

(b) Striking section 405 and inserting in lieu thereof the following:

"LIABILITY FOR BREACH BY CO-FIDUCIARY

"SEC. 405. (a) except as otherwise provided in subsection (c) and in section 403 (a) (1) and (2), if the assets of a plan are held by two or more trustees—

"(1) each shall use reasonable care to prevent a co-trustee from committing a breach; and

"(2) they shall jointly manage and control the assets of the plan, except that nothing in this subsection shall preclude any agreement, authorized by the trust instrument, allocating specific responsibilities, obligations, or duties among trustees, in which event a trustee to whom certain responsibilities, obligations, or duties have not been allocated shall not be liable by reason of this paragraph (2) either individually or as a trustee for any loss resulting to the plan arising from the acts or omissions on the part of another trustee to whom such responsibilities, obligations, or duties have been allocated.

"(b)(1) The instrument under which a plan is maintained may expressly provide for procedures (A) for allocating fiduciary responsibilities (other than trustee responsibilities) among named fiduciaries and (B) for named fiduciaries to designate persons other than named fiduciaries to carry out fiduciary responsibilities (other than trustee responsibilities) under the plan.

"(2) If a plan expressly provides for a procedure described in paragraph (1), and pursuant to such procedure any fiduciary responsibility of a named fiduciary is allocated to any person, or a person is designated to carry out any such responsibility, then such named fiduciary shall not be liable for an act or omission of such person in carrying out such responsibility except to the extent that—

"(A) the named fiduciary violated section 404(a)(1)—

"(i) with respect to such allocation or designation,

"(ii) with respect to the establishment or implementation of the procedure under paragraph (1), or

"(iii) in continuing the allocation or designation.

"(3) For purposes of this subsection, the term 'trustee responsibility' means any responsibility provided in the plan's trust instrument (if any) to manage or control the assets of the plan, other than a power under the trust instrument of a named fiduciary to appoint an investment manager in accordance with section 402(c)(3).

"(c) If an investment manager or managers have been appointed under section 402(c)(3), no trustee shall be liable for the acts or omissions of such investment manager or managers, or be under an obligation to invest or otherwise manage any asset of the plan which is subject to the management of such investment manager."

(c) striking section 406 and inserting in lieu thereof the following:

"PROHIBITED TRANSACTIONS

"SEC. 406. (a) No fiduciary who has authority or discretion to control or manage the assets of a plan shall permit the plan to acquire or hold any employer security or employer real property if he knows or should know that acquiring or holding such security or real property violates section 407(a).

"(b) A fiduciary in exercising his authority, control or discretion with respect to a plan shall not—

"(1) deal with assets of the plan in his own interest or for his own account,

"(2) act in any transaction involving the plan on behalf of a party whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries, or

"(3) recieve any consideration for his own personal account from any party dealing with such plan in connection with a transaction involving the assets of the plan."

(d) striking the reference to section 406 (a) where it appears in section 408(a) and inserting in lieu thereof the following: "section 406"

(e) striking from section 408(a) the following sentence: "Action under this subsection may be taken only after consultation and coordination with the Secretary of the Treasury."

(f) striking the last two sentences of section 408(a) and inserting in lieu thereof the following: "Before granting an exemption under this subsection from section 406 or 407(a), the Secretary shall publish notice in the Federal Register of the pendency of the exemption, shall require that adequate notice be given to interested persons, shall afford interested persons an opportunity for a hearing and shall make a determination on the record with respect to the findings required by paragraphs (1), (2), and (3) of this subsection."

(g) striking section 408(c)(2) and inserting in lieu thereof the following:

"(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the plan; or"

(h) striking section 411(a)(1) and (2) and inserting in lieu thereof the following: "as a fiduciary with any employee benefit plan."

SEC. 4. Title IV of the Employee Retirement Income Security Act of 1974 is amended by;

(a) striking the world "shall" in the third sentence of section 4023(a) and inserting in lieu thereof "may".

(b) adding at the end of section 4023 the following:

"(g) In carrying out its duty under this section to insure any employer as required under subsection (a), the Corporation shall make such insurance available for such employers on or before September 1, 1975."

(c) adding the following new section:

"VOLUNTARY CURTAILMENT OF PLAN

"SEC. 4049. Notwithstanding any other provision of this title, a pension plan insured under this part may be amended so that accrued benefits do not accumulate after the date of the amendment. Such amendment shall not by itself by sufficient to cause a termination of such plan or to invoke employer liability except where the plan has not complied with section 302 in the plan year in which the amendment is made or in any subsequent year.

QUESTIONNAIRE RESULTS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. WYDLER. Mr. Speaker, my constituents in the fabulous Fifth Congressional District have spoken, just as they have during my past 13 years in the House of Representatives.

From the district's South Shore communities to the inland areas, a key insight has been provided because thousands upon thousands of residents, all with varying political affiliations, have again responded to my annual questionnaire.

This form of communications dates to my first year in the House and is in addition to periodic activity reports I provide to district residents. In the case of the questionnaire, I ask for my constituents views on important national and international issues and when the results are in, I have a true test of the prevailing opinions on these great issues.

The results are now tabulated and the process has again proven that the people want very much to be represented and do care about Government. The views they share on each questionnaire form emphasize this fact and I am currently answering the many special comments and requests that have been received with many of the returns.

Every resident of the fabulous Fifth Congressional District will receive a copy of the questionnaire results in their homes. As for myself, I consider the results a true feeling of my district and one that will be used in the development of my stands on key issues.

MY REACTIONS

The questionnaire contained a total of 12 questions on key issues, with 3 answer choices available—yes, no, or undecided. A section for overall comments was also provided. The most positive response was to a question concerning the President's proposal for a windfall profits tax on oil producers. Just over 83 percent of those responding said they favored the proposal. The second highest response came when almost 75 percent of those responding said they felt strong Presidential direction in foreign affairs is essential, while over 72 percent voted strongly in favor of a defense budget which would keep the Nation the strongest in the world. More than 70 percent want the revenue-sharing program continued. As ranking Republican on the House committee in charge of this legislation, I intend to follow my district's advice and work hard to extend this program.

Several of the questions related directly to the energy crisis and the economy, which are of great concern to district residents. While over 75 percent said they were against an additional excise tax on gasoline as an energy crisis measure, over 68 percent said they favored oil drilling off the Atlantic coast and 67 percent supported a reduction of auto pollution standards as a temporary energy crisis measure. The closest results were obtained from a question relating to wage and price controls, when 46.53 percent of those responding said they favored a resumption of the measure and 43.53 percent, or a difference of just 3 percent, were opposed and 9.94 percent were undecided.

The tax debates which are being provided to Americans met with favor from the residents of my district. In response to my question, "Do you intend to spend the proposed income tax rebate at once?" 46.9 percent of those responding said they would, while 35.31 percent provided a negative response.

The complete results of my 1975 questionnaire are as follows:

RESULTS OF THE ANNUAL "FABULOUS 5TH" QUESTIONNAIRE OF THE 5TH CONGRESSIONAL DISTRICT, NASSAU COUNTY, N.Y.

[In percent]

	Yes	No	Undecided
1. Tax rebate: Do you intend to spend the proposed income tax rebate at once?	46.91	35.31	17.78
2. Off-shore oil drilling: Do you favor oil drilling off the Atlantic coast?	68.37	23.02	8.61
3. Revenue sharing: Do you favor a continuation of the revenue sharing program?	70.25	11.54	18.21
4. Defense spending: Do you favor a defense budget which will keep us the strongest Nation in the world?	72.35	17.24	10.41
5. Auto pollution standards: Would you support reduction of auto pollution standards as a temporary measure during the energy crisis?	67.21	27.31	5.48
6. Wage and price controls: Do you favor resumption of a wage and price control?	46.53	43.53	9.94
7. Consumer Protection Agency: Do you favor the creation of an independent Federal Consumer Protection Agency?	65.13	26.91	7.96
8. Food for the world: Do you favor increased U.S. food contributions to starving nations if it meant each American would have to consume less food?	45.73	42.19	12.08
9. Gas tax: Do you favor an additional excise tax on gasoline as an energy crisis measure?	18.58	75.92	5.50
10. Windfall profits tax: Do you favor President Ford's proposal for a windfall profits tax on oil producers to prevent them from profiting unduly?	83.18	11.24	5.58
11. Military allied aid: Do you think we should send military aid to nations fighting Communist aggression without our becoming directly involved?	50.39	35.77	13.84
12. Foreign affairs: Do you feel that strong Presidential direction in foreign affairs is essential?	74.71	15.64	9.65

H.R. 3000—AN AMENDMENT TO THE HATCH ACT

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mrs. SPELLMAN. Mr. Speaker, recently the Subcommittee on Employee Political Rights and Intergovernmental Programs held public hearings on H.R. 3000, an amendment to the Hatch Act, in my own Fifth Congressional District of Maryland. I would like to share with my colleagues the remarks of Mr. Charles J. White, of 7100 Nimitz Drive, North Forestville, Md. Mr. White is a systems analyst with over 27 years' service with the Federal Government, and his interesting testimony was most helpful and informative to the members of the subcommittee.

His statement follows:

TO SPEAK AS AN INDIVIDUAL CITIZEN IN SUPPORT OF H.R. 3000

Name: Charles J. White.

Residence: 7100 Nimitz Drive, North Forestville, Prince George's County, Maryland 20028, 5th Congressional District.

Purpose: To speak, as an individual (a citizen), in support of HR 3000 and especially that portion dealing with participation in partisan political campaigns. I wish to present my supporting statement by relating personal experiences.

Experiences:

1. A few years ago my brother-in-law campaigned, as a democrat, for and was successful in being elected to the Indiana state legislature. I sure would have liked to have been a part of his campaign. I enjoy campaigning; however, the Hatch Act precludes much of the activity I enjoy because I am a government employee. During non-partisan type elections in my community, I work for the issues and the people that I believe in. I get active in the campaign, the planning sessions, the distribution of literature, the personal contacts, the rallies and working outside the voting place on election day. I am allowed to do these things under the partial exemption provisions of the Hatch Act. However, the same Hatch Act precluded any such activity on behalf of my brother-in-law during his democratic campaign in Indiana.

2. Also, a few years ago my brother campaigned for, as a democrat, a county office in the state of Indiana and lost by just a few votes. I sure would have liked to have taken 2 weeks annual leave and participated in his campaign. I believe that my help could have turned the election to his favor. However, the Hatch Act precluded my participation.

3. The past year, 1974, a democratic candidate for Congress in my district was successful by a small margin. I would have liked to have been a part of that campaign because I believed that person to be the better person to represent my district and help was needed. I was not looking for favors as a payoff for my participation; just better representation. However, the Hatch Act precluded my active participation.

4. Also, this past year (1974) my wife campaigned, as a democrat, for and was elected to a high county office. I would have loved to have been a part of that campaign. I would have loved to have shared the experiences and the success. Her campaign could have been a family affair. However, the Hatch Act precluded my active participation. As a government employee, I was not allowed to put signs up in my neighbors yards on behalf of my wife. I was not allowed to hand out brochures on her behalf at the shopping centers. I was not allowed to knock on doors on behalf of my wife. In fact, it became extremely difficult at my place of employment and at civic meetings, when someone questioned me about the forthcoming election, to remain silent on behalf of my wife as a candidate.

Summary:

What I've just related are personal experiences wherein the Hatch Act has been unkind to my situations. The alternative, of course, is to leave Federal employment if I'm so hung-up on campaigning during partisan elections. However, I'm not in a position to throw away 27 years. Some will say that my experiences are unique and the exception. I don't know; however, I do know that many of my friends and neighbors who are government employees have indicated their personal desire to be allowed to do many of the things listed in Section 7324c of this bill. I'm certain that their desires, like mine, are governed by civic responsibility rather than desires for personal gains or special treatment. Therefore, I strongly support H.R. 3935 because it removes barriers for those who want the barriers removed, that is; it legally provides the individual an option to participate or to not participate and accordingly allows Federal civilian employees the same opportunity as non-government citizens to fully participate in our system of government.

SURFACE MINING CONTROL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. UDALL. Mr. Speaker, part of the administration's justification for vetoing the Surface Mining Control and Reclamation Act of 1975—H.R. 25—is there will be a deleterious impact on coal production and employment if strengthened and uniform environmental standards are imposed on surface mining. In supporting this claim, the variation in coal production both before and after legislation at the State level for several States is cited. What the administration has not stated though, is that the decreases of coal production in the various States were concomitant with decreases in coal production in most States and at the national level. Thus State production trends followed national patterns thus reflecting the national market for coal and fluctuations are not due to changes in State law. The experience in Pennsylvania is one of the States cited by the administration as the basis for their veto support.

However, the experience in Pennsylvania with respect to coal production and employment subsequent to enactment and implementation of strengthened State laws flatly contradicts the administration's contention. Pennsylvania's experience is summarized in the following letter from State Representative Laudadio and State Senator Dwyer who are the cochairmen of the Joint Legislative Air and Water Pollution Control and Conservation Committee, Pennsylvania State Legislature.

The letter follows:

JOINT LEGISLATIVE AIR AND WATER
POLLUTION CONTROL AND CONSERVATION COMMITTEE,
Harrisburg, May 28, 1975.

Hon. MORRIS K. UDALL,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN UDALL: There are several points which we think should be brought to your attention before the over-ride vote on the Federal Strip Mining Bill now pending before Congress.

Grave reports abound regarding the impact this bill will have on production of coal, employment and the price of electricity. Pennsylvania's experience with a tough surface mining law (strict law passed in 1963 and strengthened further in 1971) does not lend support to these arguments. In fact, the reverse is true.

For the ten preceding years prior to the passage of Pennsylvania's 1963 Surface Mining Act, average yearly coal production using surface mining methods was 20.7 million tons. For the ten-year period after passage of the Act, average production was 24.2 million tons. That represents an increase of 17% during a period when coal was less than economically competitive with other basic fuels. During this same period (the entire 20-year span), employment gradually declined; however this was due, by the industry's own admission, primarily to general economic conditions, newly applied technology, and modernization of equipment by the coal industry.

After passage of the 1971 amendments to Pennsylvania's All Surface Mining Act, which placed additional requirements on the coal industry, employment in the bituminous industry increased by almost 20%, from 5,192 (1973) to 6,416 (1974). Furthermore, production increased from 29.3 million to 36 million tons during the same period.

In sum, Pennsylvania's experience graphically illustrates that increased coal production and employment have occurred simultaneously with stringent reclamation requirements imposed by our law and regulations.

The net effect of not requiring similar practices in other States, may well be to impose an economic disadvantage on the production of Pennsylvania coal.

Thank you in advance for your kind consideration.

Respectfully,

JOHN F. LAUDADIO, Sr.,
Chairman.
R. BUDD DWYER,
Vice Chairman.

PHARMACIES AND PHARMACISTS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. ROSENTHAL. Mr. Speaker, the pharmacy profession is effectively dominated by the owners of independent drug stores and the pharmacists who work there. They are a potent lobbying power in the Nation's statehouses and in the Congress.

It is that power that is responsible for keeping consumers of at least two-thirds of the States in the dark about prescription drug prices. This is because they have succeeded in enacting and enforcing laws and regulations forbidding retail drug price advertising in those States. In the remaining States, where such advertising is ostensibly permitted, the industry has brought sufficient pressure to make it virtually nonexistant.

This problem is discussed in depth in my report on Retail Prescription Drug Price Competition. I am inserting in the RECORD at this point the section of that report dealing with pharmacies and pharmacists:

PHARMACIES AND PHARMACISTS

The final link in the prescription drug supply chain to the public is the retail pharmacy and the pharmacist. The most common is the independent, neighborhood drug store, which outnumbers chain stores nationally by better than seven to one.[1] Sizes and types of pharmacies vary widely. It is rare to find one that is solely in the business of dispensing drugs. Most more closely resemble a general store, selling a broad variety of products unrelated to health and medicine. The pharmacy today without a lunch counter, garden supply display, auto parts center and clothing department is more the exception than the rule, especially in the case of chain pharmacies, where prescription drugs constitute about 11% of the sales volume.[2]

The role of the prescription counter in the drug store's overall profit picture depends on a number of different factors. Drugs are traditionally high markup items and are counted on to supply a significant portion of a retailer's profits. The type of store (independent, chain, discount), the location (inner city, suburbs, medical arts building), proximity to competition, type of operation (discount, drugs only) and services offered (home delivery, 24-hour operation, credit) are all variable factors in the determination of the prices of the store's products. Since most non-prescription drug products are advertised, the consumer has a chance to stop comparatively; but in the case of prescription drug products, the pharmacist has a relatively free hand in charging whatever fee he wishes.

It has been stated that drug products are a rather unique commodity because they are usually purchased with some degree of urgency. However, consumers should not be blind to the fact that they can get a better buy with a little comparison shopping. Most druggists will quote prices for a prescription before it is filled (they are required to do so in New York); a very few will even quote prices on the phone.

Consumers in 1971 had 2.2 billion prescriptions filled. Just over 31% were for hospital inpatients. The remainder were accounted for as follows: independent commercial pharmacy 42.7%, chain pharmacy 6.9%, other retail outlets (department stores, supermarkets, etc.) 6.8%, hospitals (outpatient pharmacies) 7.7% and dispensing physicians 4.8%.[3]

HEW estimated the number of resident pharmacists in the country in 1971 at 129,287. The vast majority worked in community pharmacies (45,889 owner/partners and 60,505 employees for a total of 106,394), 11,840 were in hospital pharmacies, 6,307 in teaching and government and 4,745 in manufacturing and wholesaling.[4]

DRUG SUBSTITUTION

In nearly every state, the pharmacist is forbidden to fill a prescription with anything other than the exact branded item specified by the physician. The HEW Task Force reports:

"Substitution of a drug or brand of drug different from that prescribed by the physician is specifically prohibited in the pharmacy laws or rules and regulations of 47 states, but there are no written rules against it in the District of Columbia, Alaska, Missouri or Vermont. In the District and Vermont, however, the license of a pharmacist may be revoked for substitution, on the grounds that it is unethical conduct."[5]

Maryland enacted a law in 1972 that permits the pharmacist to susbstitute a generic equivalent for the brand stated on the prescription unless the prescribing physician specifically prohibits it. The law, which took effect in early 1973, requires the pharmacist to notify the practitioner in writing within 48 hours of the product substituted. The pharmacist is required also to pass on any savings to the consumer.

Substitution already exists widely in practice, if not in law. It is not uncommon for a pharmacist, when presented with a prescription for a drug he does not have in stock, to call the prescribing doctor and ask for a substitution or suggest to the doctor that he be allowed to use a drug already on hand.

Substitution is presently prohibited where the doctor prescribes a specific brand; however, when he writes the prescription generically, the pharmacist is free to use (i.e. substitute) any manufacturer's generic equivalent. This situation offers a mixed blessing. On the one hand, there is an opportunity to save the consumer some money. However, there also is potential for abuse because the pharmacist with a generic prescription is in a position to dispense the item on his shelf with the largest profit margin, usually a brand-name equivalent.

Generic prescribing, on the other hand, permits the druggist to carry a smaller inventory, thus reducing his expenditures and, theoretically, permitting him to pass some savings on to the consumer. However, it has been shown that a pharmacy usually purchases those products with the highest turnover. These tend to be the higher priced brand name drugs more frequently prescribed by physicians than lower cost products of equal quality but less well-known because not as much money and effort has been spent promoting them.

Another factor in the issue of substitution is the method a pharmacist uses to set his retail prices. A few are beginning to use a flat dispensing fee in place of the usual percentage markup. The two systems differ primarily in terms of philosophy. The flat fee is meant to level off the costs between higher and lower priced drugs.

The pharmacist will add the fee, based on what he considers his expenses in filling the prescription, to his cost for the drugs he dispenses instead of pricing them by percentage markup from the wholesale cost. The HEW Task Force reports:

"There is some fear that the use of dispensing fee will greatly increase the total costs to long-term users of low-cost medications, who under the markup system would normally receive prescriptions below actual dispensing costs. . . . These patients may be properly served in appropriately selected cases if physicians can be induced to prescribe in larger quantities; thus the patient would pay one dispensing fee for a medication which would last several months, instead of several fees for smaller quantities of the medication prescribed a number of times."[6]

The use of the dispensing fee is not without pitfalls for the consumer when the pharmacist has the option of substituting drugs. If his markup is based on a percentage of the product's wholesale cost, he could be inclined to use the higher cost, and therefore, higher profit item. But if he charges a fixed fee, regardless of the wholesale price, he might be more likely to stock lower-cost items since he would be making the same profit but have less capital tied up in stock.

Repeal of anti-substitution restrictions, a movement gaining popularity among some pharmacists and the public, would necessarily have to be tied to some method of protecting consumers against abuses in order to be fully effective. For example, a pharmacist may fill a generally written prescription with a brand name drug for several reasons:

1. He does not have the drug in its generic form. (One Washington, D.C. chain store druggist reported that when he is out of the generic but does have the brand version, he will ask the patient if he approves, and then charge the generic price.)
2. He prefers to dispense the drug of a manufacturer in whom he has confidence.
3. He is seeking a greater profit.

Pharmacists and physicians are sharply divided on the issue of substitution, as they are on the issue of drug price advertising. Most druggists would prefer that the prohibitions be lifted, giving them discretion over the manufacturer of a drug product when the prescription calls for a multi-source item. Doctors, on the other hand, vigorously oppose this as a usurpation of their role in specifying the exact medication they want for a patient. As in the case of price advertising, lines are drawn between pharmaceutical companies and organizations, such as the National Pharmaceutical Council (NPC), and independent retailers and laymen. The NPC, composed of the 25 largest pharmaceutical manufacturers, actively opposes drug substitutions as "destructive to pharmacy" and 'deceitful to physicians."[7]

Footnotes at end of article.

The group is further dedicated to the use of brand name products only, claiming that they are the safest and most effective drugs.

Although NPC's concern for the medical care of the American public is their stated goal, their alignment with that segment of the pharmaceutical and medical profession which constantly opposes consumer-oriented programs casts serious doubt on their motives.

BRAND VERSUS GENERIC PRESCRIBING AND ADVERTISING

Closely related to the issue of substitution and an integral factor in the price of prescriptions is the question of brand vs. generic superiority. The development of a brand name occurs when the larger drug houses register a trademark name for the new drugs they develop. The same practice is followed when they begin to market a drug developed by another company but for which the original 17-year patent has expired. Smaller manufacturers will, most often, market their products by the generic name.[8]

Since these small companies do not undertake the expensive tasks of researching, developing and advertising new drugs, the prices at which they sell their products are generally lower.

Most of the uncertainties about generic drugs center around their equivalency in both quality and therapeutic effect. Brand name advocates contend that their drugs are of higher quality and are subject to more quality tests and controls. There is no convincing evidence to show that they do the job any better.

It is often difficult to tell who made a drug, despite the name of the manufacturer on the product. This is because one producer frequently provides a large number of firms with the same drug, which is then marketed under a variety of brand and generic names.

Doctors today often find it difficult to assess the quality of drugs available because experience with a given drug is usually limited.

Evidence of this problem, according to Dr. Henry E. Simmons, director of FDA's Bureau of Drugs, "is the fact that some professionals will prescribe the highest-price product when the same product is being offered at a substantial savings by equally large or experienced firms." Further evidence, he added, is that doctors often are unaware that their patients are "paying a higher price for a brand name drug when the same drug manufacturer offers the same drug at a lower price generically.

"Some seem to mistakenly think that 'big manufacturer' or 'brand name' is good, while 'smaller manufacturer' or 'generic name' is of necessity bad. *This impression is just not borne out by the facts today.*" [Emphasis added][9]

From a pharmacological perspective, the inert ingredients which go into the finished product may or may not effect the performance of the drug (although they are not supposed to). According to the brand name advocates, the inactive ingredients in a drug compound do make a difference. Dr. Alfred Gilman, a pharmacologist, remarked in 1967 in a letter to Senator Russell B. Long, chairman of the Senate Finance Committee, that he was "appalled by statements which implied that cheaper marketed generic drugs are equivalent merely because of chemical analysis."

This argument may be shown to be tenuous in the face of contradictory testimony from experts who believe that the factors of dissolution and release of medication are of little consequence in the performance of a drug.

William Apple, executive director of the American Pharmaceutical Association, stated in testimony before the Senate Finance Committee in 1967: "Authorities in the medical and pharmaceutical sciences seem generally agreed that the likelihood is remote that a drug product meeting established standards under federal drug laws will not perform clinically as expected."

It is not the purpose of this report to make scientific judgments regarding the question of generic vs. brand superiority. Suffice it to say that the Food and Drug Administration does recognize as safe and effective generic drugs which comply with its minimum standards, and the Defense Department and Veterans' Administration purchase their drugs by generic name.

Usually a physician will prescribe a drug with which he is most familiar and in which he has confidence. It is generally true, however, that the typical clinician has very little first-hand knowledge of the performance weaknesses and strengths of generic versus brand name formulations. What second-hand knowledge he has is probably derived from information furnished through "detail men" from large drug houses. "Prescribing physicians are still exposed far too often to drug promotional ads designed primarily to promote sales rather than to provide the physician with the full facts necessary for the rational selection and use of drugs," reported the Committee on Government Operations' Intergovernmental Relations Subcommittee.[10] It further stated: "While blatant misrepresentations and omissions have become less frequent, they have often been replaced by more subtle attempts to convey misleading messages."

"Prescription drugs occupy an unusual position in the marketplace because such drugs are ordinarily selected by the physician who prescribes them rather than the person who purchases or uses them" the report concluded. "Consequently, the prescription drug promotion effort is directed to the physician rather than the consumer."[11]

As a general rule, very few doctors prescribe generically, even though patients could often save a considerable amount of money if prescriptions were written that way. According to a spokesman for the National Association of Chain Drug Stores, "The first place where the consumer should receive prescription price information is in the physician's office. The physician should be responsible for informing his patient of the general price range and generic names of the drugs he has prescribed."

Through their concentrated advertising to physicians and pharmacists, pharmaceutical manufacturers have successfully implanted the notion that brand name means quality. Although the trend in recent years has been toward an increasing number of generically-written prescriptions, an estimated 90% of prescriptions written today specify a trademarked drug product.

With a growing number of major drug manufacturers marketing their own so-called generic lines, it is interesting to note the position of the Pharmaceutical Manufacturers Asssociation, as stated by its President, C. Joseph Stetler: "We do not claim that the existence of a trademarked name gives assurance of superior quality, nor do we contend that a drug product which happens to be sold under the official name of its active ingredient is automatically suspected of poor quality. Since the majority of such generically labeled products are made by PMA firms, it is obvious that we would not take such a position." In response to a question concerning the rising competition between generic drug houses and brand manufacturers, he answered, "We do not contend that there is a considerable difference among manufacturers in the degree of skill and devotion to consistent built-in quality, and we do contend that prescribers and dispensers should have knowledge of and confidence in the sources of the drugs they choose. As for the new kind of competition involved in the emergence of branded generics, if the question means an intensification of price competition, this would be a change only of degree, because we have had price competition all along."[12]

Pharmacists express mixed feelings about the generic drug controversy. None appear opposed to dispensing generic drugs, although most are more familiar with the brand name products. This is largely due to the fact that small drug manufacturers do not indulge in large advertising and promotion campaigns.

Advocates of generic prescribing contend it could save hundreds of millions of dollars annualy in prescription costs for the elderly alone and millions more for the rest of the population. Critics counter that only 20–25% of all the prescription drugs on the market would be affected because the rest are under patents and not available generically. This is borne out to some extent by the HEW Task Force on Prescription Drugs, which discovered that of the 409 drugs dispensed most often to the elderly in 1969, lower-priced generic equivalents were available for only 67.[13]

DRUG COSTS

The burden of high prescription drug costs falls most heavily on the elderly and others on fixed incomes. Although only about 10% of the population is 65 or older, this group accounts for 25% of all retail prescription drug expenditures.[14] In 1971 these expenditures totaled $1.2 billion. The average per capita expenditure on drugs by the elderly was $52.49, nearly triple the cost for persons under 65 ($18.12 per capita).[15]

The HEW Task Force on Prescription Drugs found that generic prescribing for 67 of the drugs most frequently dispensed for the elderly could have reduced the acquisition cost—the wholesale cost to the retailer—from nearly $74.9 million to $33.4 million, representing a potential savings of $41.5 million or 55.3% at the wholesale level. The savings to consumers would depend on the markup established by the pharmacist.[16]

If the retail markup were set so that the pharmacist would receive the same gross profit on generic prescriptions, the total retail price for those drugs would drop from $150 million to $108 million, a savings to elderly consumers of $41.5 million or 27.7% on the 63 drug products most frequently dispensed and available generically.[17] (See Appendix 12 for a generic vs. brand price comparison of 63 of those drugs.)

The American population as a whole spent $4.4 billion on prescription drugs ($20.89 per capita) at retail outlets, according to HEW; *Product Management* magazine put the figure at $5 billion for 1971. Just a decade earlier, Americans spent only $2.2 billion ($12.05 per capita) on prescription drugs and in 1950 the figure was $1 billion ($6.74 each).[18]

In an attempt to facilitate generic prescribing and dispensing, Massachusetts adopted a Formulary Act in 1970 which requires that all prescriptions written for brand name drugs include the generic name as well, if available.[19] If the prescription fails to list the generic equivalent, it becomes an illegal prescription, one which technically should not be filled by a pharmacist. Under this act, physicians may prescribe formulary drugs by generic name only or by brand name and generic name. If a doctor insists on a particular brand name drug, he can include on the prescription the phrase, "no substitutes" or "brand only" or add the name of the manufacturer.

Dr. Richard Burach, chairman of the Massachusetts Drug Formulary Commission stated, "The Formulary Commission urges physicians not to use this alternate mechanism indiscriminately. . . . It is the responsibility of the physician to be certain that a clinical impression that he may have of the superiority of any brand name drug over its

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Footnotes at end of article.

generic counterpart is substantiated by factual, clinical evidence that is current and authoritative."[20]

Some physicians, especially those in group practices, are beginning to use prescription blanks that call for generic filling unless specified otherwise. Group Health Association (GHA) of Washington, D.C., uses prescription blanks which permit the physician to check a box specifying: "Dispense any manufacturer's product of same established name" or "Dispense specified brand only."

The action taken in Massachusetts and by GHA is exemplary and is a move in a positive direction to help consumers know more about their drug costs. Although drug substitution by itself is no panacea it can result in significant dollar savings for consumers.

FOOTNOTES

[1] *Prescription Drug Data Summary, 1971,* U.S. Department of Health, Education and Welfare, Washington, D.C., 1971, pp. 29–30.

[2] *American Druggist,* May 29, 1972, p. 17.

[3] *Prescription Drug Data Summary, 1972,* Department of HEW, Washington, D.C., Table IV–2, p. 27.

[4] *Ibid.,* Table IV–1, p. 26.

[5] *The Drug Makers and the Drug Distributors,* HEW, December 1968, p. 80.

[6] *Ibid.,* p. 67.

[7] *This is NPC,* pamphlet published by National Pharmaceutical Council, Inc., Washington, D.C.

[8] Also known as the United States Adopted Name (USAN) because it is officially adopted by the Secretary of Health, Education and Welfare on the advice of the USAN Council, a coordinating group composed of representatives from the American Medical Association, the U.S. Pharmacopeia, the American Pharmaceutical Association, as publisher of the National Formulary, and the Food and Drug Administration.

[9] *American Druggist,* November 27, 1972, pp. 24–25.

[10] Report of Committee on Government Operations, Intergovernmental Relations Subcommittee. "Regulation of Rx Drug Advertising," December 10, 1970, p. 16.

[11] *Ibid.,* p. 2.

[12] *Drug Trade News,* Vol. 47, No. 15, July 24, 1972. Medical Econ. Co., Oradell, New Jersey.

[13] *The Drug Users,* Task Force on Prescription Drugs, Background Papers, Health, Education, and Welfare, October 1, 1968, pp. 81–82.

[14] *Final Report,* HEW Task Force on Prescription Drugs, p. 1.

[15] *Prescription Drug Data Summary 1972,* Department of HEW, Social Security Administration Office of Research and Statistics, pp. 6–7.

[16] *The Drug Users, op. cit.,* p. 36.

[17] *Ibid.,* p. 83.

[18] *Prescription Drug Data Summary 1971, op. cit.,* pp. 4–5.

[19] Massachusetts General Laws Annotated, Chapter 17, Section 13, and Chapter 112 Section 12D; Chapter 717 Massachusetts Statutes 1970.

[20] "Drug Substitution Approved by AMA," Article in *Drug Trade News,* July 12, 1971, p. 2.

BOEING-VERTOL PREPARED FOR THE CHALLENGES OF PEACE

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. EDGAR. Mr. Speaker, the Boeing-Vertol Co. in my congressional district has been among the Nation's leaders in producing helicopters. These helicopters have performed admirably under combat conditions and have met the challenges asked of them. At this time, Boeing is proposing to use the same brains that engineered these helicopters for solving our mass transportation problems.

Specifically, Boeing has invested heavily in building streetcars, a commodity which has not been produced in this country since 1952. I see this management decision by Boeing as an important indication of a trend toward more sensitivity to our problems here at home. It is encouraging to me that Boeing has taken the lead in this area, and I hope other companies in similar circumstances will be motivated to invest in peace instead of war. For too many years we have stressed external defense such as bombs and bullets. It is time we stop neglecting our "internal defense" of housing, education, medical care, and transportation.

Mr. Speaker, at this point, I wish to insert in the Record an editorial of the Philadelphia Inquirer on the efforts of the Boeing Co.:

[From the Philadelphia Inquirer, May 31, 1975]

Boeing Could Set the Pace To Revive Transit Industry

With national unemployment at its highest level since the Great Depression of the 1930s, and with soaring energy costs focusing new attention on the need to expand mass transit, it might be assumed that the Delaware River Port Authority would have no trouble acquiring 44 new cars for the Lindenwold High Speed Line with delivery to begin in 1977.

But it is having trouble, and therein lies a story of mixed-up transportation priorities in America. A nation that can produce 10 million automobiles a year has permitted its transit manufacturing industry to dwindle during prolonged disuse.

The General Electric Company's rail car division in Erie has notified the Port Authority that it couldn't start delivery before late 1978 at the earliest. It is working on a big stack of orders—including two from SEPTA totaling 214 railroad commuter cars.

Indeed, the outlook for the Port Authority is so bleak that it is even considering going abroad to fill transit car needs. That should not be necessary. Relying on foreign transit companies for cars and parts surely can be avoided—considering this country's underutilized industrial capacity and large pool of job-seekers.

In the heyday of street cars the Brill Company in Philadelphia was a leader in the field, but ceased production decades ago. So did the American Car and Foundry Company, another major producer of transit vehicles for many years. The St. Louis Car Company, which built some of the early silverliners still operating on Philadelphia area commuter rail lines, dropped out of the field for lack of orders. The Budd Company in Philadelphia, another major producer of silverliners for this area, still makes railroad cars pulled by locomotives—but not self-propelled cars.

Companies still in the transit business are much sought after. Pullman Standard in Illinois is producing subway cars for New York. The Rohr Company, with plants in California and Georgia, is supplying cars for Bay Area Rapid Transit in San Francisco and for the Washington subway system now under construction.

All of which may spell opportunity for the Boeing Company in suburban Delaware County. At the height of the Vietnam War Boeing was Delaware County's largest employes, building helicopters in two plants with a total of 13,000 workers. Now one plant is closed and employment at the other is down to about 5,000.

But Boeing has made the switch from swords to plowshares—or, more accurately, from helicopters to transit vehicles. The remaining plant has assembly lines for both. Hundreds of additional workers are to be hired in months ahead for transit car assembly.

Two Boeing prototypes of new transit cars adaptable for both subway and surface use, developed with a federal subsidy, were tested in the Broad Street Subway recently and are being given similar demonstration runs in other cities. Boeing has just turned out the first trolley car built in the United States in 23 years. It is gearing up a versatile production capacity for trolley, subway and high-speed line cars. It has transit car orders totaling 175 from Boston and 100 from San Francisco, and is negotiating to build 200 for Chicago.

The City of Philadelphia, which owns the SEPTA-operated Broad Street Subway, is planning to buy 100 new subway cars. SEPTA is in the market for new trolley cars. Potential advantages of a joint order with the Port Authority should not be overlooked.

Engineering and tooling expenses to set up an assembly line for only 44 transit cars would make the unit cost quite high. It could be lowered with a larger order.

It is remarkable that auto manufacturers have not led the way with innovative shifts in production capacity to mass transit, but Boeing has made a successful transition and we wish it well in what should be a growth industry.

SOLZHENITSYN SPEAKS OUT—II

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. ASHBROOK. Mr. Speaker, Alexandr Solzhenitsyn has spoken some of the harsh truths about the Soviet Union and socialism that need to be heard in what remains of the free world.

In a press conference that has received little attention in the United States, Solzhenitsyn has stated—

> There can be no moral form of socialism . . . ethical principles not only are not inherent in socialism, but are opposed to it.

On the Soviet Union, he states—

> The Soviet regime is part of the order of totalitarian ideological systems . . . These systems annihilate people in vast numbers, and they destroy our souls as well. They aim at the subjugation of the soul as well as of the body.

Due to the importance of Solzhenitsyn's comments and the lack of exposure that these particular comments have received in the West, I include in the Record the second half of Solzhenitsyn's press conference in Stockholm:

[From the National Review, June 6, 1975]

Solzhenitsyn Press Conference—Second Half

Q: What role can Western radio broadcasts in Russian play in aiding dissenters? How, in word and deed, can one help victims of Soviet persecution? What opposition forces exist in the USSR and what are their chances of changing the system in the near future?

A: In the Soviet Union we find great support in every word that is broadcast from the West in Russian, and in every item that appears in the Western press. The problem is the need for more information, for, I repeat, we cannot even find out about the majority of the victims of oppression. Sometimes their names are known, but the correspondents get tired of them and begin to forget. Ogurtsov, for example, was thrown into a psychiatric hospital after eight years' imprisonment, but everyone got tired of talking about him, and the whole world knows that he is being destroyed. Some of the Ukrainians—Karavansky, Shukhevych, Sverstyuk, and many others—have been imprisoned for close to 25 years. Now Osipov has been arrested for trying to publish a legal magazine that does not oppose the government. His friend Borodin immediately gave an interview on the subject of these persecutions but the news agency was not interested.

There is a dangerous tendency to cover up problems of life and death inside the Soviet Union by overplaying the emigration issue. Emigration will go on; the Soviets will even expel people by force. As a consequence of this, Russian culture is in the process of emigrating. My friend Shafarevich spoke about this at his press conference in Moscow last November. This was done in an attempt to stop the Russian cultural exodus, since genuine Russian cultural development can only take place at home, on Russian soil. Those who leave may try to participate in it, may make their contribution, but the true fate of Russian culture will nonetheless be decided in our homeland.

I think that the Soviet authorities will not rid themselves of dissidents by means of compulsory emigration, and they will not solve this problem in a way that is to their advantage. And as to how the social situation in the Soviet Union can be changed, there are, of course, various opinions. I consider the most promising possibility to be a moral revolution, which I have spoken about.

Here a correspondent has an objection: "This method is not understood in the West." In my opinion, the age of violent revolutions has come to an end throughout the world. Physically violent revolutions have never solved any problems; they only confused the situation and made it worse. Therefore I regard a moral revolution as a solution, not only for the East, but for the West as well. I cannot say anything concrete as to just how to apply this concept to the West, but in "Not to Live a Lie" I have applied it to my own country. And I think that if this method is propagated it will kill ideology in the Soviet Union and thereby change the whole situation.

Some Italian journalists have asked about the book by my first wife, Reshetovskaya, which was published in Italy. I have read the book in Russian, and I can say that it is simply not about me. It is about some person whom the KGB has dreamed up in my stead. This book is part of the campaign against me that was begun after the publication of the *Archipelago*, somehow to belittle it, to lessen the significance of the *Archipelago*. But it is surprising how little the KGB has achieved toward this end. They got a school friend to testify against me, and I know that they are working others over to do the same thing. But they have been unsuccessful. For two years they have been pressuring Razhas Janos to make statements against me, but without any luck. I mention his name so that it will be known, just in case. He is a very nice and kind young Hungarian (not so young any more) who was a fellow prisoner in the Special Camp; I write about him in the third volume of the *Archipelago*. He lives in the depths of the Hungarian provinces, where they are trying to pressure him into providing some kind of evidence against me. They first sent my former wife to him, then a representative of APN (the Agit-Prop Administration) and the KGB, and finally the local customs people were put to work on him. Well, he has still not made any statement.

We can imagine the tough spot in which such solitary fools find themselves, when they could ease their situation by giving the necessary evidence to the KGB—and yet they don't.

Q: Do you plan to live in the West permantly?

A: No, I do not. I live in constant awareness of my desire to return to Russia, and I know that I will go back. Here we have a constant feeling of nostalgia, of not belonging, and we are conscious of the violence that has been done to us. Even my little boys are beginning to understand this in their young minds.

Q: What do you consider to be your greatest accomplishment since you came to the West?

A: I consider my main accomplishment to have been my success in working and writing despite interference from all the people who wanted to see me or correspond with me. When I was in the Soviet Union I was in great danger, and only my close friends came to see me. Here they come out of plain curiosity, not writing or dropping in, but just hanging around out in the street. In practice, this is how things are in my family: we have no time to open all the correspondence and sort it out, to see who is writing and about what. Even if I stopped all other work. I couldn't handle all the mail.

Not to speak of books! At first they sent me books by the hundreds, then by the dozens. And a letter along with each book. Books in all sorts of foreign languages. I only read in two languages. If I began to read all those books I would drown—there's a huge, huge mountain of them in my house, spread all over the place.

Q: Why do you isolate yourself in Zurich? Why do you keep the door shut, why don't you answer the bell or the telephone?

A: . . . Self-defense. If I want to remain a writer I can not devote my life to socializing and correspondence. When I first came here I was even approached by agents provocateurs from the KGB. But the majority were honest people. on their way through town or coming especially to see me, to chat for an hour with me. Whoever felt like it came barging in—all except the people of Zurich, who respect my privacy. I work 14 hours a day, which leaves me no time for conversation or letter-writing. In the evening I prepare what I will need in the morning. I read what I have to read. And there is not time, physically, for anything else.

Q: You have uttered severe criticism of the Soviet system. What do you find in it that is positive?

A: Really, in the situation I was in, and for anyone in his own situation, one first notices and is troubled by the shortcomings of the social system. I would make a distinction between the system and the society. Look, I would liken this to a fraction, with the system on top, pressing down on the society. It is hard for me to say anything positive about the system. If the system gives anything to its citizens, then that is only because it would be ashamed not to. We have so-called free public education and free public health service, but all that is so very bureaucratic, so cramped and of such poor quality, because the people who work in these systems are so poorly paid. Yes, public health is free, but it is set up so that from the Kremlin on down every organization, every one, all the petty Party chiefs . . . all try to separate their medicine, to be treated in special fashion. And every person who has a chance to be treated privately will try to get private treatment, since the help he gets from the public health service is of the worst quality. Not because the doctors are bad, but because they lack facilities. They must take nine patients an hour, sometimes for minor operations or serious examinations. But that is how it has to be under that system, as the system is directed against the individual. It is directed at cutting down all that is finest and highest in humanity, in the human being. But here, since I came to the West, it is interesting what I have noticed . . . I have observed this: in our society the relationships between people—this may surprise you—are warmer, more sincere, more unselfish than here . . . I think this is partly because everyone in the West is free to arrange his own life. And, with the decline of religious principles on which Western society was founded, this leads to intensified activity by each person on his own behalf. Western man is placed in a troubling environment. . . . In their tense struggle and competition people sometimes busy themselves too much with material matters, think too much about their narrow interests rather than about everybody, about society. . . .

There exists a general superficial politeness, a high courtesy, but underneath that courtesy there is often, though not always, a marked dryness. But in our society the situation is like this. You can't strike. You can't get a pay raise, even if you smash your head against the wall. Man's role in his own life is small. There are fewer opportunities by far, and there is not this apprehension that if you are less active you will miss out on something. Somehow life goes on over your head, and you can even shut yourself off from it halfway. And this creates a space of time and soul for other kinds of nonmaterial concerns.

Q: How do you feel about translators?

A: That is one of my main concerns in the West. Some of the translations of my books are terrible; sometimes no good translators are available, or the translator is underpaid. . . . In the USSR, creative freedom is crushed to the point where all of the better writers have gone into translating. This translation work, furthermore, is well paid. That is why there are no better translations in the world than those made from Western languages into the languages of the Soviet Union. Here, however, the publisher looks for the cheapest translator. And who works for less money? He who is less good. Even a good translator is paid so little that he must work fast in order to live. For this reason books written in a poor or average style lose almost nothing in translation. But books that are written in an original and difficult style lose everything. I am now trying to protect the interests of the translators, by seeing to it that those who translate my works are better remunerated.

Q: To judge by statements in your writings, you adhere to a socialist world view?

A: That is wrong. If you analyze carefully what I have written you will see that I have no socialist philosophy. It stands to reason that in the Soviet Union I had to be careful and express myself as indirectly as possible. But as the years passed and my books appeared here, the Western press and Western critics were eager to see me as a socialist, to save the socialist idea. . . . There can be no moral form of socialism. As Academecian Shafarevich clearly shows in his studies, ethical principles not only are not inherent in socialism, but are opposed to it.

Q: On occasion you have defended Czarist Russia. Do you consider that regime to have been superior to the Soviet system?

A: In *The Gulag Archipelago* I made several comparisons between those two regimes, those two state systems, and in the third volume this comparison will be continued. The two systems are not comparable, as they represent two different orders. The Czarist regime belonged to the order of authoritarian systems which existed in all countries for many centuries. But the Soviet regime is part of the order of totalitarian ideological systems which have risen in the twentieth century, bringing unheard-of pressure and fear to bear on the individual. These systems annihilate people in vast numbers, and they destroy our souls as well. They aim at the subjugation of the soul as well as of the body.

Q: What are your ideas on a religious renewal of the contemporary world, East and West?

A: I insist that the problems of the West are not political. They are psychological and moral. When dissatisfaction with government is expressed, it should be understood not in terms of political failure but in terms of weakened religious and ethical foundations of modern society. Such economic problems as inflation—not as it existed after the civil war in Russia or after the First World War in Germany, when hunger was the issue, but inflation in the midst of plenty—are not economic problems but rather psychological and moral. I am convinced that the only salvation for the East, and also for the West, which is also in a dangerous situation, lies in a moral and religious rebirth.

I should mention that I disagree with my good friend Heinrich Böll on many specific questions having to do with the contemporary situation. And on this point our views differ completely.

Q: In his letter on the occasion of the 26th anniversary of the Declaration of the Rights of Man, Andrei Sakharov mentions the ethical aspects of your struggle. May this be regarded as indicating a rapprochement between his views and yours?

A: Andrei Dmitriyevich Sakharov and I have much in common. I did not reply to his objections to my arguments, as I was waiting for *From Under the Rubble* to appear with the basic questions set forth on a much higher level than was possible for me to do in my "Letter to the Soviet Leaders." In *Kontinent* (No. 2) I have answered Sakharov's critique. In fact, I have expressed the hope that our views will gradually come closer together.

Q: Mr. Solzhenitsyn, are you a Christian?

A: Well, I think that question is even clearer from my books than the one asked here about a socialist world view.

THE NEED FOR A RATIONAL FOREIGN POLICY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mrs. SCHROEDER. Mr. Speaker, I would like to insert a recent editorial from the Denver Rocky Mountain Journal which examines our irrational foreign policy.

The editorial follows:

THE NEED FOR A RATIONAL FOREIGN POLICY

(By Daniel F. Lynch)

There is a serious possibility that the United States of America has gone raving mad.

Consider the following:

Since shortly after the Castro revolution of 1959, we have imposed a boycott on Cuban products. We did not simply boycott Cuba ourselves, but through the Organization of American States, we attempted a general assault on Cuban exports with the avowed aim of destroying the Cuban economy and with it, hopefully, the Castro government. That policy is certainly economic handball.

Last Sunday, James Schlesinger, the Secretary of Defense, repeated earlier Kissinger and Ford warnings that if the Arabs initiate a new embargo on oil shipments to the United States and Europe, we may fashion a military solution. In other words, we can embargo when we will, boycott when we feel it is in our interest to punish any regime we choose, but if we are the victim of similar tactics, we will fight.

Consider also:

We destroyed the delicate internal balance of Cambodian neutralism when we invaded the North Vietnamese supply depots inside the Cambodian border. We helped dump the neutralist premier and bring an American puppet, Lon Nol, to power. In so doing, we started a real civil war in Cambodia—a war which resulted in the eventual capture of Cambodia by the Communists and in which, published reports indicate, ten per cent of the entire Cambodian population—men, women, and children—died. That is what we did to Cambodia.

The Cambodian Communists seized an American merchant vessel off Cambodian islands which was said to be in international waters. We reacted with a raid on Cambodian islands, the destruction of sundry gun boats and bombing attacks on the Cambodian mainland. We did this not only to rescue the crew and the ship, but mainly to demonstrate to the world that we are tough and resolute characters who will stop at nothing to redress an insult. To save the crew of 39 we lost 16 American fighting men and may have left as many as 13 behind. This adventure is hailed as the greatest victory since World War II and earns the President the sustained applause of the student body of the University of Pennsylvania and the virtually unanimous admiration of the pundits.

If sanity is balance, there is no balance here.

Our total defeat in Viet Nam seems to have unhinged our minds.

The President tells us we must forgo recriminations and that this is no time for a foreign policy debate. Yet our policy is in shambles, our troops lie exposed in Korea in an increasingly tense time defending an indefensible government of repression in the South and facing a fanatical, repressive and adventurous clique of Red hawks in the North.

Without a foreign policy debate, the defense secretary promises war to the Arabs, massive retaliation for the North Koreans and smugly celebrates our "victory" over the Cambodians.

If we are permitted a simple observation on the Viet Nam folly, it might be well to note this salient fact: a political leadership, even a legitimate and resoundingly elected leadership, cannot commit a people to wars they do not understand against their will.

We urgently need a foreign policy debate.

We also urgently need to conduct that debate in an atmosphere of reason, reflection and calm.

Otherwise, some nut with transient power will stain us before history as the greatest butchers of the twentieth century, a distinction for which there are already too many crazy contenders.

WILL ENGLAND REMAIN FREE?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. CRANE. Mr. Speaker, the current situation in England is more perilous than many in our own country are aware. The British economy, after many years of the implementation of a welfare state philosophy, is bankrupt. Its production is low, the all-powerful and far left-wing labor unions are in virtual control, and within the ruling Labour Party itself is a faction which fully intends to take England out of the Western alliance.

The Intelligence Digest, published in England, declares in its June 1, 1975, edition that—

> Moscow is confident that political life in Britain has already moved a long distance in that direction and that a "progressive coalition" will soon be "consolidated" . . . Moscow is talking of the growing need and perhaps early inevitability of a socio-political transformation as the only means out of the mess. The speculation and prediction therefore is of a coalition in Britain of the "Socialists" within the Labour Party and avowed Communists—the long awaited unity of true left-wing forces and the final ejection of pseudo-left wingers together with all "reactionary forces."

Great Britain has permitted Communist-led labor unions to exert powerful control over large sectors of the economy. Its welfare-state philosophy has caused it to adopt the policy of taxing business and industry and redistributing wealth across the population spectrum of the country. One result is that the capital necessary for industrial expansion has been eliminated. Stagnation has rapidly ensued. Unfortunately, many in our own country view the virtual collapse of England not as a warning of what welfare-statism will produce here, but as a prophecy and a vision of what they desire.

In a recent commentary on CBS, Eric Sevareid discusses the British situation:

> Their emphasis is on sharing wealth over producing wealth, on equality over liberty. The end of this is almost certainly the loss of the wealth and, less certainly, the loss of the liberties. It is no small matter that the regime is trying to force all British journalists, editors included, into one monopoly union, sure to be dominated by what we call the radical chic and what they call the trendy left.

Mr. Sevareid concludes that—

> The powerful Communist influence in trade union leadership is no longer disputed. What do they want? Not a Communist Britain in the foreseeable future, much more likely a chronically weak, dispirited Britain, able to play no effective role in the world of the alliance. That would suit very nicely the long-range strategies of the Soviet Union.

Whatever else the Department of State may think about détente, it is to be hoped that it is under no illusions that détente involves a lessening of the Soviet effort to destroy the Western World from within. It is being very successful in this undertaking. Portugal provides one example. England, unfortunately, is on its way to providing another.

I wish to share with my colleagues the commentary of Eric Sevareid which was heard on CBS on May 6, 1975, and insert the text in the RECORD at this time:

[From CBS Evening News with Roger Mudd]

COMMENTARY

ROGER MUDD. Rapid and drastic political change is now most noticeable in Southeast Asia, but it's also occurring in western Europe and in Britain, which is the subject of Eric Sevareid's commentary.

ERIC SEVAREID. The President will go to Brussels this month to tell the Atlantic allies that America's word is still its bond. He will also touch down in Spain, scene of a coming political transition. He will not visit Portugal, trying to find a new footing after a generation of authoritarian rule. And he will not visit Britain, our closest ally, always regarded as the strongest and most reliable. But it's a serious question whether it can be so regarded any longer.

It is not merely that her military strength is ebbing and her economic strength weakening but that Britain is drifting slowly toward a condition of ungovernability. It is now a debatable question whether Parliament or the great trade unions are calling the political tune. The country, as one English writer puts it, is sleep-walking into a social revolution, one its majority clearly does not want but does not know how to stop. As a rough analogy, Wilson's government is at the stage of Allende's Chilean government when a minority tried to force a profound transformation of society upon the majority—not that the backlash in Britain need be militaristic, but some kind of backlash is building up, with no certain policy and no certain leader.

In the last year, the cost of living rose some twenty-one-percent but average wages by thirty-two-percent, and worker productivity steadily falls, as does business investment. The city of London is financially broke. Property taxes rose by seventy-five-percent in two years. Thousands of middle-class people move out of the city every year, like New York. Unemployment, Britain's special nightmare, rises steadily, and great corporations are insolvent, one after another.

Behind all this are the doctrinaire socialists, the true believers, for whom the picture in their heads is more real than the reality around them. One of the troubles with Marx was that he lived before Freud; human psychology was not his strong suit. The socialists persist in thinking that a worker in a nationalized factory will feel he owns it and will joyously work the harder. The opposite happens, for everybody's property is nobody's property and is so treated.

Their emphasis is on sharing wealth over producing wealth, on equality over liberty. The end of this is almost certainly the loss of the wealth and, less certainly, the loss of the liberties. It is no small matter that the regime is trying to force all British journalists, editors included, into one monopoly union, sure to be dominated by what we call the radical chic and what they call the trendy left.

The powerful Communist influence in trade union leadership is no longer disputed. What do they want? Not a Communist Britain in the foreseeable future, much more likely a chronically weak, dispirited Britain, able to play no effective role in the world or the alliance. That would suit very nicely the long-range strategies of the Soviet Union.

BICENTENNIAL PARADE OF AMERICAN MUSIC—IV

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. BRINKLEY. Mr. Speaker, last evening a truly memorable program of music was presented in the Concert Hall of the John F. Kennedy Center for the Performing Arts. This was the great State of Georgia's—the fourth State to ratify the Constitution on January 2, 1788—evening for the Bicentennial Parade of American Music. This outstanding program was coordinated by my good friend and fellow Columbusite, Dr. Katherine H. Mahan, musicologist, professor of American music at Columbus College and southeastern regional vice chairman for American music of National Federation of Music Clubs. The performers, who made this a most successful evening, included the Fife and Drum Corps of the Georgia State University ROTC Department; Georgia String Academy Cello Choir; Columbus College Faculty Trio; and the Georgia State University Brass Ensemble.

I wish to share with my colleagues the program that was presented as well as a few details concerning some of these most talented Georgians.

[Program]

THE BICENTENNIAL PARADE OF AMERICAN MUSIC

Commemorating States' Days in the Nation's Capital; endorsed by the National Music Council; administered by the National Federation of Music Clubs.

IV. GEORGIA

Georgia: The Fourth State to Ratify the Constitution, January 2, 1788.

Wednesday afternoon, June 4, 1975 at 5:30

(The Kennedy Center Concert Hall is made available through a grant from Exxon.)

Traditional: Georgia Grenadiers, the World Turned Upside Down, Roslyn Castle, God Save Great Washington.—Fife and Drum Corps, Georgia State University ROTC Department, Dennis Walters, *Drum Major*.

Edwin Gerschefski: 200 Years: (1) Minuet for Loyalists; (2) Lullaby for Orphans.

Wallingford Riegger: Introduction and Fugue.—Georgia String Academy Cello Choir, Martha Gerschefski, Peggy Neuen, *Directors*.

Wallingford Riegger: Piano Trio No. 1 in B minor; Allegro moderato; Larghetto misterioso; Allegro.—Columbus College Faculty Trio: Dr. Andrew Galos, *Violin*; Rexford Whiddon, *Piano*; Marcia Riley, *Cello*.

Charles Knox: Music for Brass Quintet; Allegro; Moderato; Allegro.—Christopher Horton, *Trumpet*; Wallace Hamburg, *Trumpet*; Hal Louvorn, *Horn*; Robert Scarr, *Trombone*; Jerome Koeltz, *Tuba*; The Georgia State University Brass Ensemble, William H. Hill, *Conductor*.

Coordinator for Georgia Bicentennial Program: Dr. Katherine H. Mahan, musicologist, professor of American Music at Columbus College, Southeastern regional vice-chairman for American Music of National Federation of Music Clubs.

EDWIN GERSCHEFSKI, who headed the Department of Music at the University of Georgia from 1960–1972, became a professor with research in musical composition in 1972 and has been very active in Georgia's musical life. His long and distinguished career has included numerous offices in educational organizations, as well as with composition and recording institutions, the latest being Regional Chairman of the National Association of Schools of Music and a member of the Board of Directors. He has taught in New York City, Spartanburg, S.C., in North Carolina and New Mexico, conducted symposia on contemporary composition, and written or been the subject of numerous articles, radio and television programs. More than two dozen awards, grants, scholarships and other honors include several from England: recipient of the Gold Medal of the Arnold Bax Society, 1963, Video tape recording of his *Border Raid* accepted by Her Royal Majesty, Queen Elizabeth, 1966. He received a citation for "distinguished service to the art and profession of music" from the Alumni Association of the School of Music, Yale University, in 1968, and was cited by Governor Carter in 1973 for his career as noted composer and performer. Mr. Gerschefski's compositions, in most instrumental forms and for voice and chorus, have been published by eight firms. He has also written film scores and made many recordings for various companies, among them several *Evenings with Gerschefski* for Mark recordings of Atlanta or Rite Record Productions of Cincinnati. The piece for cellos was written for the Bicentennial and for his daughter.

WALLINGFORD RIEGGER, one of America's most original and pioneering composers, was born in Albany, Georgia, April 29, 1885, and died in 1961. After study at home, he moved to New York, studying at the Academy of Musical Art with Percy Goetschius (theory) and Alwin Schroeder (cello); then lived in Berlin, studying and conducting. After his return to America, he taught in several noted institutions and composed extensively. For many years he was not recognized as the advanced exponent of electronic music and of original styles, using many pseudonymns for certain works. He began to receive recognition in 1948, when his Third Symphony was the choice of the New York Music Critics Circle, and from then on occupied a highly respected place in American composition, and as Georgia's outstanding composer. His conducting, teaching, and performance as cellist rested on a thorough foundation in music theory, evident from his earliest days, when the *Piano Trio* played today won the Paderewski Prize (1922). Written before his involvement with atonal music, the Trio is replete with lush harmonies. Riegger composed extensively for chamber music combinations and for the dance, scored for various instrumental ensembles.

Dr. CHARLES KNOX was born in Atlanta, Georgia and has been Head of Theory and Composition at Georgia State University in Atlanta since 1964. His graduate and undergraduate studies were at Indiana University in Bloomington. He has written numerous works, primarily for chorus and for winds. This will be the first Washington, D.C. performance of his Quintet for Brass Quintet.

The CELLO CHOIR from the Georgia String Academy in Atlanta consists of 18 cellos, a segment of the student body which also includes personnel for a full symphony orchestra. Peggy Neuen, conductor, and Martha Gerschefski, cellist, are co-directors, Ms. Neuen is proficient both in viola and voice, and has conducted and taught at several noted institutions, including the Atlanta School system. She now conducts the Academy Orchestra. Ms. Gerschefski is one of five children of Edwin Gerschefski, and has studied and performed since early childhood. She was the first woman selected by Leopold Stokowski for his American Symphony Orchestra, where she played assistant principal cellist for two years. She then studied in Paris and on full scholarship at the Accademia Musicale Chigiana in Siena. She has been the recipient of a Martha Baird Rockefeller grant and the Brevard Music Center Distinguished Alumni Award, and has concertized in this country as well as Europe.

The COLUMBUS COLLEGE FACULTY TRIO has worked as an ensemble for four years and toured extensively in the South. All the members are graduates of New York schools: Dr. Andrew Galos, violin, of Columbia University; Rexford Whiddon, piano, of Eastman School of Music; Marcia Riley, cello, of the Juilliard School.

The GEORGIA STATE UNIVERSITY BRASS ENSEMBLE was organized in 1958 by William Hill and has provided the leading stimulus in the Southeastern United States for the performance and composition of music for brass instruments. The Ensemble is well known to music educators and composers throughout the country. Activities of the Ensemble include a State Department tour of Asia; performances at several national music conventions; guest performances at the first annual Brass Symposium at Yale University; and the Annual Symposium of Contemporary Music for Brass at Georgia State University, now in its twelfth year. (Almost 400 new works for brass have been presented at the Symposia; a substantial portion of these works has been composed specifically for this event.)

INTRODUCTION OF GUAM CONSTITUTION LEGISLATION

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1975

Mr. WON PAT. Mr. Speaker, today I have the great privilege of introducing legislation whose goal is the establishment of a new political order for the people of Guam and for related purposes.

The joint resolution I herewith present to the Congress for consideration calls for the creation of a Commission on the Political Status of Guam to review the relationship between the Federal Government and the people of Guam with the view toward recommending to the Congress the most appropriate status for the territory. This Commission, to be comprised of elected officials of both the Federal and Guam government, would be vested with the responsibility of making recommendations for changes in the Guam Organic Act and of reviewing alternative statuses for the territory.

The people of Guam have repeatedly demonstrated their pride and devotion to the United States. In turn, the United States has expressed its faith and confidence in the people of Guam by the enactment of the Guam Organic Act and the subsequent passage of a Guam-elected Governor bill and legislation providing for an elected delegate from Guam to the House of Representatives.

Now, on the 25th anniversary of the Guam Organic Act, which provided for the establishment of a territorial civil government and conferred American citizenship on the people of Guam, it is proper that Guam's progress and experience in home rule be strengthened by the granting of additional local autonomy.

A seven-member panel envisioned under this resolution is to be composed of the chairman of the House Subcommittee on Territories and one member appointed by each of the following: the Speaker of the House, the President of the Senate, and the chairman of the Senate Interior Committee. Additional representatives shall each be appointed by the President of the United States, the Governor of Guam, and the Speaker of the Guam Legislature.

Since the enactment of the Guam Organic Act 25 years ago in 1960, it has been amended from time to time and while these changes authorized by the Congress have often proved to be of enormous consequence to the territory, there remain a number of unresolved problems. Many provisions of the original act were designed to provide Federal oversight, but these are now irrelevant and cumbersome. In light of our demonstrated capabilities for self-government, I believe that congressional approval of legislation to rectify this situation is long overdue, and the resolution I have introduced today provides the appropriate mechanism whereby Congress may formally recognize Guam's political maturity and thus grant the people of Guam the local self-determination which is so much a part of our American tradition. Guamanians, like their fellow Americans on the mainland, are realistic enough to aspire for a status which they can realistically support. And the enactment of this resolution, Mr. Speaker, will in no way be construed as a desire on the part of the people of Guam for a status other than local home rule.

Guam's political status with the United States is a matter of great concern to my constituents and me. At present, Guam is an organized but unincorporated American territory. Thus, we are united by virtue of treaty, friendship, common interests, and citizenship, but denied membership in the American body politic. That the people of Guam desire even closer ties with this great country can never be questioned. Our loyalty, sacrifices, and steadfast support of U.S. interests in the Pacific speak for themselves.

Immense vagaries exist, however, in official U.S. attitudes toward its territories. The inconsistencies and often a lack of well-defined policy about territorial matters have led to numerous complications on the legal front and frustration on the local level. What we clearly need in 1975 is an end to these practices and the establishment of a clear-cut status for Guam.

In this regard, I called in 1972 for Guam to give its consideration to a commonwealth status with the United States. I continue to believe that commonwealth status is the most acceptable alternative for Guam. It is one that will also improve and strengthen our ties with the Federal Government.

Finally, I anticipate that a Federal Territorial Relations Act for Guam will also resolve a number of longstanding inequities in existing laws which now exclude the territory. As Guam's congressional delegate and in my previous role as the island's Washington representative, the amendment of existing or proposed legislation so as to provide for inclusion of the territory has been my principal duty. The job remains far from complete, however. All too often, Guam and its sister territories are simply left out of measures because no sound policy on such matters exists.

The American people are preparing to celebrate the 200th anniversary of their founding charter. It is only fitting that a new chapter in our great democratic tradition be written to include the residents of Guam. During my years of service in Washington, I have come to respect and cherish the dedication of the Congress to our democratic principles of government. We on Guam ask only that we be provided the opportunity to share equally in these principles. It is a right we have earned. And it is a right which we as Americans deserve. I trust that my colleagues in the Congress will concur and act with reasonable speed to grant the people of Guam their inherent political rights as Americans and to resolve the longstanding problem of Federal-territorial relationships.

The resolution follows:

H.J. Res. 489

Joint resolution to establish the Commission on the Political Status of Guam, to study and recommend changes in the Guam Organic Act and the political status of Guam, and for other purposes

Whereas August 1, 1975, will mark the 25th anniversary of the Organic Act of Guam (Public Law 81–630), which conferred United States citizenship on the people of Guam; and

Whereas the people of Guam have repeatedly demonstrated their pride and devotion to the United States, during World War II, and more recently in Vietnam, where Guamanians suffered more casualties on a per capita basis than any other community in the United States; and

Whereas Guam became an American Territory when it was ceded to the United States pursuant to the terms of the Treaty of Paris of December 19, 1898, which provided in Article IX that the political status of Guam shall be determined by the Congress of the United States; and

Whereas during the last 25 years since the enactment of the Organic Act the people of Guam and their elected officials have gained a high degree of sophistication and maturity regarding the American system of Government, as evidenced by the establishment by the U.S. Congress of an elected Governorship and the elected position of Delegate to the House of Representatives; and

Whereas it is now timely and fitting that Congress, in commemoration of the 25th anniversary of the Organic Act, recognize the achievements, loyalty, and aspirations of the Americans of Guam, by according them the right to draft their own political charter, such charter to be consistent with the provisions of the U.S. Constitution.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled; That there is hereby created a Commission on the Political Status of Guam, which is directed to conduct a complete evaluation of the Organic Act of Guam (P.L. 81–630), study and report on any possible changes in that Act which should be made in order to achieve a more relevant Federal Territorial Relations Act for Guam, and report to Congress what political status would be most appropriate for Guam.

Sec. 2. The Commission shall be composed of seven members, one of whom shall be elected Chairman by the Commission membership. The Commission membership shall consist of the Chairman of the Subcommittee on Territories of the House of Representatives and one member appointed by each of the following: the Speaker of the House of Representatives, the President of the Senate, the Chairman of the Senate Interior and Insular Affairs Committee, the President of the United States, the Governor of Guam, and the Speaker of the Guam Legislature.

Sec. 3. The Commission may hold hearings anywhere in the United States or the Territory of Guam it deems appropriate. By subpoena, under written signature of the Chairman, it may require the attendance and testimony of witnesses, and the production of any papers, documents, letters, memoranda, books, or other written materials it deems necessary.

Sec. 4. The Commission may spend any funds it deems necessary to accomplish the purposes of this Act.